



UiT The Arctic University of Norway

Department of Social Sciences

R2P

The controversial Implementation of the Responsibility to Protect within State Sovereignty

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Cover-article

**for five academic articles about the
Responsibility to Protect (R2P), published
2016, 2017, 2019 (2) and 2021.**

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The cover-article consists of, in addition to a list of contents and a foreword, two main parts. Both parts have four chapters. Part 1 starts with an introduction of R2P and proceeds thereafter to a discussion about language. Then follows a presentation of my published R2P articles, and finally, an exposition of my methodological approach.

Part 2 first draws a context which is a springboard for the main discussion where I have chosen to lift a topic which is relevant as foundation for all my five articles, how to understand the imagination of state sovereignty as responsibility. Before the discussion, I present the theoretical framework I prefer to use, which is the approach to international relations (IR) known as the English School. The cover-article completes with some final remarks.

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Foreword:

I started working with R2P, as part of my job as senior lecturer in political science at UiT the Arctic University of Norway (Tromsø), in late autumn 2012. Well, it is not completely true. It is more correct to say that I started my systematic work with R2P in autumn 2012, because, I had already, for some time, been looking for a research topic, to some extent new, not too broad, but also a relevant succession of my quite long occupation with human rights and human security. R2P, the national and international responsibility to protect all populations from mass atrocities, that is genocide, crimes against humanity, war crimes and ethnic cleansing, is indeed about both human rights and human security. Where mass atrocities take place, respect for human rights is absent, as is everything connected with human security. Neither is there much worth to call security for human beings living with a threat that mass atrocities may occur.

R2P rests upon an understanding where state sovereignty closely connects to responsibility. This is an imagination, and as my discussion in part 2 will show, it is possible to challenge. In short, the imagination means that sovereigns, whoever they might be, are responsible for the protection of their subjects. This pertains to much more than protection against mass atrocities, but mass atrocities are what R2P addresses. R2P also implies an additional step, the engaging of the international community when sovereigns fail to provide the required protection.

This document is a so-called cover-article. Its 'feet' are my five R2P articles, published in 2016, 2017, 2019 (two articles) and 2021. In the cover-article I refer to them as article 1, 2, 3, 4 and 5. The cover-article is a framework. The purpose is both to connect the articles closer to each other, and to embed them in a broader relevant context. I explain this further in the introductory chapter. My articles all begin with an introduction of R2P. There certainly are scholars who read most of what books, academic journals, and diverse documents can offer about this topic. Yet, I do not presuppose that a reader somewhere in the world of for instance my third article has also read the former ones. It is of course thinkable, but probably rather an exception than a rule. My articles, as well as the cover-article, addresses mainly an academic audience, as contributions to ongoing academic debates. Yet, I do not foresee readers limited to one single academic discipline only, although scholars within disciplines like international relations (IR), political philosophy, and peace and conflict studies, will probably be those most familiar with the vocabulary. However, I have tried not to make broad knowledge of the topic a prerequisite for understanding the content of my arguments, with the ambition of appeal even to readers outside academia, for instance politicians, journalists, NGO¹-employees etc. Therefore, the cover-article also contains a starting section where I introduce R2P. It is possible to read the cover-article independent of

¹ Non-governmental organization

the ordinary articles. Yet, it is my hope that readers of the cover-article who do not know my published articles might find inspiration to take a closer look at one or more of them.

My work with R2P is a continuation of my earlier work with related topics. My first published article, as far back as in 1997, used theories from the academic discipline international relations (IR) to discuss the relationship between state sovereignty and universal human rights, starting with the observation that the two, apparently, did not enjoy each other's company². In 2006, I participated, together with a group of Norwegian and French colleagues, in a human security workshop at the Science Po University in Paris where I presented a paper questioning to what extent human security as a new concept adds new dimensions to human rights discussions. An internal Sciences Po journal printed a first version of an article based on this paper in 2007³. After further development, it finally became my 2008 article about human security and central human rights debates, my only published article at level 2 in the Norwegian Christin⁴ system of evaluating academic journals⁵. This article as well as the one published in 1997 are in Norwegian language.

During the years R2P has been my research focus, working with this has brought me to four international conferences, and a national one: Roehampton / London (2013), Ljubljana /Slovenia (2015), Leeds / England (2018), Copenhagen / Denmark (2019) and Tromsø / Norway (2020). Participation from my office in two virtual conferences in June 2021 supplies this list. How conference participations have contributed to my work, I will discuss in detail in the methodology chapter.

R2P represents a vision of a world where mass atrocities no longer exist. This alone is a good reason for doing research on the topic, but it was not the only reason behind my choice. I was, and I still am, fascinated about what kind of responsibility this is, for who, how far it reaches etc. I am also particularly interested in why the implementation of R2P policy objectives often generate complications and political controversy, even when broad agreement exists around the content of these objectives. Engagement from the international community brings the current international order based on state sovereignty into the discussion, with focus on possibilities as well as limitations. The years 2011 and 2012 sparked intensive debates on many arenas in the aftermath of the military intervention in Libya, debates that have continued up until today. How to improve efforts for R2P implementation has become a central question. This is about to identify and to understand the challenges. It is also very much about the UN Security Council which anchors R2P's

² Dahl-Eriksen, Tor. 1997. Statssuverenitet og internasjonale menneskerettigheter. *Mennesker og rettigheter* 15(1), pp. 56-69.

³ Dahl-Eriksen, Tor. 2007. Human security: A New Concept which adds New Dimensions to Human Rights Discussions? *Human Security Journal* 5 (Winter 2007), pp. 16-27.

⁴ Christin is the name of the current research information system in Norway.

⁵ Dahl-Eriksen, Tor. 2008. Menneskelig sikkerhet og sentrale menneskerettighetsdebatter. *Nordisk Tidsskrift for Menneskerettigheter (Nordic Journal of Human Rights)* 26(1), pp. 64-76.

international dimension, how this body is composed and how it works. To create conditions allowing for learning from failures is equally important, but no matter of course. My R2P articles discuss these and related questions from various angles. One ambition with the cover-article is to try to unite some of these ends.

I would like to thank colleagues at the Department for Social Sciences and members of my research-group Warped⁶ at UiT the Arctic University of Norway, who has been willing to read selected parts of my work in progress, providing me with useful comments. I would also like to thank the department for having offered me one year with status as guest researcher after my formal retirement from my position as senior lecturer in political science in February 2021, an offer I accepted. It has helped me much to complete the cover-article.

Tromsø, Norway
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Tor Dahl-Eriksen

⁶ Warped = War and Peace Dynamics. The research group is located partly at the Center for Peace Studies, partly at the Department for Social Sciences, at UiT the Arctic University of Norway. The group is composed of researchers from peace and conflict studies, political science, education, and social anthropology. The members work with a broad specter of topics relevant for the respective academic disciplines, but there are sufficient overlap enabling the members to comment each other's work and to stimulate interesting discussions. However, I am the only member with R2P as explicit research focus.

Part 1

This part of the cover-article has four chapters: an introduction (Chapter 1), a chapter reflecting on categories and language used about R2P (Chapter 2), a presentation of my published R2P articles (Chapter 3), and a chapter where I present my choice of methodology and discuss methodological challenges connected to my work (Chapter 4).

Chapter 1 Introducing R2P

R2P is the established acronym⁷ for *Responsibility to Protect*. The principle⁸ demands protection for all populations against mass atrocities. Four categories of mass atrocities are addressed: genocide, crimes against humanity, war crimes, and ethnic cleansing. The responsibility to protect is primarily a national responsibility, but it internationalizes when governments manifestly fail to provide the required protection.

The ICISS-report introduced R2P to an international audience in December 2001. The International Commission on Intervention and State Sovereignty (ICISS) was a Canadian government initiative responding to repeated calls from then UN Secretary General Kofi Annan for world leaders to take responsibility on behalf of humanity. The background was UN failures to halt mass atrocities in the 1990s, particularly in Rwanda and The Balkans. When ICISS launched R2P, most of the world had its main attention directed at combating terrorism, in the aftermath of the September 2001 attacks. Yet, at the UN World Summit in September 2005, the time had come for world leaders to collectively address R2P.

The World Summit was a follow-up summit meeting to the UN's 2000 Millennium Summit and the Declaration of the Millennium Development Goals. The three days General Assembly meeting in 2005 at the UN headquarter in New York, from 14-16 September, brought together more than 170 heads of states and governments, the largest gathering of state leaders that has ever taken place. On their web-sides, the UN describes this event as a once-in-a-generation opportunity to take bold decisions in the areas of development, security, human rights, and reform of the organization itself⁹. The World Summit Outcome Document, the negotiated document brought before the UN General Assembly for adoption at the end of the summit, is further in this text referred to as the Outcome Document. The Assembly adopted it by acclamation¹⁰. The consensus obtained signaled a unified stance by the international community on a range of crucial issues, like steps towards combating poverty, promoting development, and condemnation of all forms of terrorism, but also acceptance of a collective responsibility to protect populations against mass atrocities. However, the R2P adopted in 2005, described in §§ 138-139 in the Outcome Document, was, compared to what ICISS suggested, a more restricted version anchoring R2P's international component solely to the UN Security Council. The Council declared its support for R2P in 2006¹¹, and the General Assembly confirmed its support in 2009¹².

⁷ Acronyms are shortened forms of words or phrases that may speed up communications when they become parts of everyday language. www.examples.yourdictionary.com.

⁸ In chapter 2 I explain why I prefer to speak about R2P as a 'principle'.

⁹ www.un.org/en/events/pastevents/worldsummit_2005.shtml.

¹⁰ UN General Assembly Resolution 60/1, adopted 16 September, 2005.

¹¹ UN Security Council Resolution 1674, adopted 28 June, 2006.

¹² UN General Assembly Resolution 63/308, adopted 15 September, 2009.

The R2P paragraphs is on page 30 in the Outcome Document. I add § 140 because it is also relevant for protection against mass atrocities:

Responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity

§ 138

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

§ 138

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

§ 140

We fully support the mission of the Special Advisor of the Secretary General on the Prevention of Genocide.

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It is common in the R2P literature to talk about R2P’s three pillars. The first one is the national responsibility governments have, to protect their populations from mass atrocities. The second pillar refers to the promise between state leaders to help each other to fulfil this responsibility. According to this pillar, the international community has an assisting role. The first and the second pillar is embedded in §138 of the Outcome Document. Yet, as described in §139, the Security Council shall be prepared to act when states manifestly fail to provide protection. This is the third pillar.

Particularly after the Libya intervention in 2011, the use of vetoes has several times prevented effective Security Council action. Syria is the most heavily referred example. This is a reality extensively discussed in my articles. However, R2P represents a broad approach to deal with humanitarian crisis. This is due also to pillar three, the Security Council anchored component. The use of military force shall be the last resort, for activation only when other measures did not bring success, or if a conflict has escalated to a level where other options are no longer relevant. To use military force is always a controversial choice. The risk to

create more problems than it solves is highly relevant, in addition to the risks that such operations always involve for those directly engaged in them. I discuss these challenges in the articles. Prevention therefore often communicates to be the most important aspect connected to R2P. To prevent a conflict from escalating to a manmade catastrophe is always the less costly and the less political controversial alternative, but it must of course exist as a realistic option. Both The ICISS-report and several of the yearly R2P-reports from the UN Secretary General to the General Assembly are rich on suggested measures to use at different stages of conflicts, addressing root-causes as well as more immediate concerns. My articles describe some of these measures, most detailed in article 2 (pp. 50-51).

R2P is about protection from mass atrocities, not from any violations of human rights. The categories genocide, crimes against humanity, and war crimes, embed within international human rights law, as parts of general international law. The Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the UN General Assembly on 9 December 1948¹³, defines genocide in article 2. The first international treaty addressing the protection of civilians in war times was the fourth Geneva Convention from 1949, today ratified by all UN member states. The Rome Statute of the International Criminal Court (ICC), into force from 1 July 2001 (adopted 1998), defines genocide, crimes against humanity and war crimes in the articles 6-8. This document contains comprehensive lists of relevant human rights violations for each category. While war crimes only take place in wars, this need not be the case for crimes against humanity. The term 'ethnic cleansing' came into use during the Balkan wars in the 1990s. A commission of experts analyzing information about violations of humanitarian international law, a request from the Secretary General based on a Security Council resolution on former Yugoslavia dated 6 October 1992¹⁴, specified ethnic cleansing to mean rendering an area ethnically homogenous by using force of intimidation to remove given groups¹⁵.¹⁶

¹³ UN General Assembly Resolution 260 (III)

¹⁴ UN Security Council Resolution 780

¹⁵ S/1994/674

¹⁶ There will be more about the content of the crime categories in the discussion in chapter 7.

Chapter 2 Reflections on categories and language used about R2P

This chapter has three sections:

- 2.1 Concept, principle, doctrine, or norm?
- 2.2 What norms are and how they function
- 2.3 Rhetoric

2.1 Concept, principle, doctrine, or norm?

The reason that I chose to dedicate a chapter of the cover-article to reflect upon categories and language used about R2P, is based on a certain experienced confusion. The choice of words describing what R2P is varies both among scholars and others, but many authors, also within academia, do not explain why they prefer a particular label. Therefore, the purpose with this chapter is partly to clarify my own position related to this, but also to bring some more clarity into R2P debates more generally.

The categorization of R2P is not indifferent. Language matters for many reasons. We, as human beings, can describe and discuss various phenomena because of a sophisticated language, but our words are value-laden, not neutral, not context-free. Stefan Groth (2012, p. 13) explains the relevance of context in more detail: “Terms, and words, exist in contextual relationships that determine their meaning, their connotations and denotations. Context is not limited to the composition of words in sentences and texts. It also includes social and cultural factors”. A broad range of factors, external to the immediate occurrence, may influence the meaning of a term. Analysis of the relationship between language and language use exist within different academic disciplines who share this premise, to scrutinize both potential and actual use and implications (2012, p. 14). As pointed to by different scholars, language also matters because it influences status. The term ‘status’ says something about relative standing, rank or position (Brown, 1997, p. 1443). Language is not static. It evolves as shared understandings change. Yet, it may also be repetitive. Jeff Gifkins (2016, pp. 150-151) mentions some reasons why the language used in Security Council resolutions is important to the process of decision-making. The wording of resolutions reflects the current social environment. Language also informs future resolutions. It shapes them by giving preference to ‘previously agreed language’, and repetition of language is a form of reaffirmation.

Some call R2P just a ‘concept’. Alex Bellamy (2009, p. 5) points to this being the preferred category among most governments. However, he wrote this in 2009. It might have changed since then. A concept is not much more than a proposal requiring further development before turning into shared expectations of appropriate behavior. Because invocation of R2P can produce very divergent policy outcomes, Tim Dunne (2015a, pp. 96-

97) finds it most logical to regard R2P as “a particular issue-specific framework within which deliberations and actions take place”. The borders between alternative categories are often rather diffuse, making it problematic to specify each exclusive category precisely.

I prefer the label ‘principle’. According to the Cambridge Academic Content Dictionary¹⁷, a principle is a moral rule or standard of good behavior. It is more than a proposal. A principle includes sufficient shared understandings to allow it to function as a foundation for action (Bellamy, 2009, p. 6). Yet, it can be difficult to separate the meaning of a principle from that of a doctrine, a term derived from Latin ‘doctrina’, used about R2P by some authors. A possible translation is ‘what is taught’ (Brown, 1997, p. 423). ICISS saw R2P as an ‘emerging principle’, indicating continually development, although it is complicated to specify with great degree of precision how the embedded version will look. The border between a principle and a norm may also be diffuse.

Described by themselves as a leading authority on R2P localized in New York and Geneva, The Global Centre for the Responsibility to Protect uses both a ‘global principle’ and an ‘international norm’. This is possible because the border between a principle and a norm is difficult to draw exactly. Academics quite often describe R2P as a ‘norm’, and for me, although I prefer to use ‘principle’, norm is the alternative category. Yet, a main reason for why I prefer to call R2P a principle is that principles usually come with weaker expectations than norms in specifying consequences for perpetrators. Although a norm may have a higher ranked status than a principle, it is my view that the choice of category should be the one that best matches the current R2P position in the real world, not the category one might mostly wish from a status point of view. However, I find norm to be a relevant category. Therefore, I will elaborate further on what norms are and how they work. Former UN High Commissioner for Human Rights, Navi Pillay (2009, p. 11), talked about a ‘norm creation process’, but in an early stage with an unrealized potential. With the adoption in 2005, with collective responses accepted solely through the Security Council, it cannot be or have ambitions to become a legal norm (Schack, 2016, p. 76). Yet, Gareth Evans (2015, p. 28) does not completely exclude the possibility that legal obligations may evolve over time.

2.2 What norms are and how they function

There are two classic meanings of the term ‘norm.’ The first one sees norms simply as whatever standards, models or patterns who create expectations and regulate behavior among actors. A standard statistically determined or derived from numerous cases becomes the normal simply because it occurs most frequently (Reeve, 1996, p. 344). The other understanding of norms embodies judgements about what should be the case. Norms then

¹⁷ www.dictionary.cambridge.org, Cambridge University Press

become standards guiding actors about what they ought to do to obtain preferable outcomes (Brown, 1997, p. 989; Hurrell, 2005, p. 143; Reeve, 1996, p. 344). While competing norms might be of both kinds, it is rather obvious that the second meaning is the most relevant one for discussions involving R2P.

According to the sociologist Anthony Giddens (1997, p. 174), sanctions that promote conformity and protect against non-conformity accompany all norms in social settings. Sanctions are formal or informal reactions to the behavior of an actor from other actors, either positive by offering rewards for conformity, or negative by punishing behavior that do not confirm. The term 'sanction' here covers all sorts of reactions, but it is also possible to use it in a more limited way connected to R2P, for instance economic sanctions as a particular implementation tool. Norms can exist despite violations, but hardly in the rhetorical sphere alone decoupled from their influence on behavior. However, it is difficult to find a definition of norms in the literature pointing directly on actual behavior, or on sanctions as tools to discipline behavior. For instance, Jeffrey L. Legro (1997, p. 33) defines norms as "collective understandings of the proper behavior of actors". This definition is in line with the second understanding discussed above, but I do not find it very helpful if the purpose is to separate it clearly from the meaning of the term 'principle'. Norms do not either exist or not exist, but they come with varying strengths where the degree of collective understanding is important, although this is difficult to measure.

All populations are entitled to protection against mass atrocities, without exceptions. Former UN Secretary General Ban Ki-Moon (Ban, 2016, p. 5) expressed the global scope very clear in his 2016 report on R2P to the General Assembly: "The responsibility to protect encompasses all populations in all circumstances and at all times". His words indicate a norm without limits in scope and time, a global norm. However, both scholars and others who prefer to describe R2P as a global norm tend to run into problems when they try to specify exactly what they mean. To establish such specifications is obviously difficult. Yet, a meaningful discussion must lean on certain criteria. Knowledge about the norm among relevant actors globally is a reasonable place to start. The UN adoption of R2P by consensus in 2005, the following resolutions, declarations, UN debates, the yearly R2P reports from the UN Secretary General, and numerous references to R2P in Security Council resolutions, leave no doubt that R2P satisfies this criterion. Recognition of the norm is the next step. The 2005 adoption also indicates that this criterion is satisfied. One usually does not expect actors to express their support for a moral standard just because they are aware that it exists. Recognition of its validity is also a requirement. Yet, it is a fact that some states do not provide protection in accordance with R2P objectives. One may even suspect that there are states who barely try. On the other hand, one will not find any state leader who, in front of a domestic or an international audience, declares that his or her government does not recognize any responsibility to protect the population within their borders from mass

atrocities. At least on the rhetorical level, a global recognition exists for the national component of R2P.

The most robust norms are the most influential ones, and the more widely endorsed, the greater will be the impact (Legro, 1997, pp. 33-35). The international component of R2P, anchored in the UN Security Council, activates when states manifestly fail to fulfil their national responsibilities. The 2005 R2P adoption endorsed this too globally. World leaders accepted the existence of an international dimension connected to R2P that can mobilize through the Security Council, to help vulnerable states (R2P pillar 2), and to act with coercive measures (R2P pillar 3) when help is not sufficient¹. However, and particularly after the debates that followed the 2011 intervention in Libya, deep disagreements have unveiled in the international community around the implementation of R2P pillar 3. The disagreements occur with the entrance of possible sanctions. Most controversial are situations where the Council consider the use of military force.

As we have observed recently, not least in relation to the civil war in Syria, competing norms too often disturb the perspectives for successful implementation of R2P objectives. A particularly influential competitor is a strict interpretation of state sovereignty as non-intervention. Yet, each protection-case has its unique features. Experiences from other cases can be useful only to some extent. To specify generally the use of available means, how, when and by who, is very difficult. Because they work in atmospheres dominated by poor guidance and lack of strategic thinking, policy makers and military planners must often develop ad hoc operational concepts (Williams and Bellamy, 2012, p. 274). Lack of sufficient expertise to analyze events and to understand how to influence them, may enhance the possibility for mismatch between expectations and outcomes. A magnitude of factors may have influence, as for instance the capacity of available tools, and not least the local context. The 2005 World Summit pushed such complicated questions into an undefined future. This was favorable to obtain consensus because general texts often reflect what is possible to agree about at a particular moment in time. Yet, ambiguity around the basis for concrete decisions is not the receipt for smooth implementation. I discuss this dilemma most detailed in articles 3 and 4. Before the UN Security Council adopted the 2006 supportive resolution, there were intensive negotiations revealing deep-rooted disagreement over when and how to employ R2P (Turner, 2013, p. 140). Gerrit Kurz and Philip Rotmann (2016, p. 8) writes: “Lacking a recognized authority to settle its meaning after its adoption, the legal, practical and moral implications of R2P in specific situations remain deeply contested”. Sebastian von Einsiedel and Louise Bosetti (2016, p. 372) is quite specific: “Consensus around its sharp end, the hard cases where tough measures have to be considered, has always been frail”. Yet, Bellamy chooses to see this in another light with an important observation:

¹ R2P pillar 2 resides with the international community, but the pillar does not necessarily involve the UN Security Council.

“Mass atrocities are thankfully too rare to allow us to develop sufficiently robust models telling us how they occur, how to stop them, and how to protect populations in each and every case. We simply have insufficient case evidence to draw general patterns or laws”.

(Bellamy, 2015, p. 186)

Described by David Leitch (2017, p. 525) who refers to Bellamy, mistranslations of a principle into policy need not undermine the principle itself. I notice that Leitch prefers to use the term ‘principle’, but the same is possible to say about a ‘norm’. Definitions of norms do not presuppose successful implementation. Generally, moral standards may exist independent of adherence. Yet, one may argue that if a norm is difficult to implement successfully, it will be a weak one, an indication that other norms, as noted above, dominate the relevant sphere. However, the broad approach to humanitarian crisis as R2P represents is probably far less controversial, compared to the concrete tools applied to specific situations. In his 2017-report to the UN General Assembly, Secretary General António Guterres (2017, p. 3) wrote that there is a consensus on the purposes of R2P that span every continent, as a national and international responsibility, which is universal and enduring.

Norms in international spheres have two types of effects on state behavior. As explained by Luke Glanville (2016, p. 185), regulative effects constrain or encourage states to act in certain ways. Yet, norms may also influence the formation of state identity and generate possible re-interpretation of interests. This is constitutive effects, when norms get actors to comply, not only for instrumental reasons, but because they define both identities and interests to suit the norm. Scholars have suggested that while norms first merely regulate behavior, constitutive effects come later, gradually developing (2016, pp. 187-189). The position of a particular norm strengthens with the number of central actors identifying with it. The relevance of this for R2P is to what extent the ‘principle’ or ‘norm’ generates constitutive effects on the broader scale involving the most important decision-makers. If such effects are possible to find, it strengthens an argument for using ‘norm’ as the most suitable R2P category.

For Glanville, the answer is positive, both in domestic settings and at the international level. He uses the March 2011 Libya mandate as an illustrating example:

“The impact of the R2P norm on the decision to intervene can be clearly seen both at the domestic level, in the deliberations of the Obama administration, and also at the international level, in the deliberations of the Security Council”.

(Glanville, 2016, P. 192).

For instance, he argues that the United States had no strategic interests calling for intervention in Libya. Combined with the emergence of a 'habit of protection' within the Council, this indicates constitutive effects at both levels (2016, p. 187).

Well, this habit is more difficult to observe after 2011. Terry Gill (2013, p. 103) describes the role of the Council in relation to Libya, and the influence R2P had in shaping that role, as a stark contrast to the inaction of the Council in the face of comparable violations in Syria. In his 2016 R2P-report to the UN General Assembly, Secretary General Ban Ki-Moon (2016, p. 5) asked for collective will to protect our shared humanity. He also reminded the permanent Security Council members about their specific responsibility to demonstrate leadership, repeating the bid to exercise restraint in the use of veto when atrocity crimes are involved (2016, p. 14). If a habit of protection was as rooted in the Council as Glanville indicates, such reminders ought to be superfluous. Constitutive norm effects derived from R2P's international component is difficult to argue for if the veto-powers regularly prioritize their own national interests, making timely action likely to occur only when these interests and humanitarian needs occasionally coincide. Ban Ki-Moon (2016, pp. 7-8) was worried about undermining consequences: "Unless the gap between member states commitment and the reality confronted by vulnerable populations is addressed, people lose faith in the institutions and the values we seek to uphold".

To search for constitutive effects implies to move into a 'landscape' rife with methodological challenges. It is not possible to observe such effects directly. What is possible to observe is behavior, actual as well as changes over time. Behavior needs interpretation. To interpret behavior or changes in behavior is an indirect approach to the phenomenon, and a particular interpretation is possible to challenge by another one. Since R2P embeds a favored moral standard, overestimation of favorable signs is a risk, at the domestic and at the global level. National responsibility to protect populations from mass atrocities existed long before R2P entered the arena, as a web of interwoven protection norms (Kurz and Rotmann, 2016, p. 7). I discuss this more detailed connected to state sovereignty in chapter 7. The shared understanding was a premise for the 2005 consensus. R2P's entrance may have actualized the responsibility, making violations less tolerant, more visible, and politically more costly. It is a more open question to what extent R2P has increased willingness to extend the responsibility to protect beyond territorial borders. Yet, although hardly possible to document, at least some state leaders may have become more conscious about the need to decide whether narrow national goals or broad universal values should guide their foreign policy (Amstutz, 2005, p. 97).

Each year the UN General Assembly debates the R2P-reports from the Secretary General. Particularly the first debate in 2009 reports as one of the liveliest ever among member states (Sharma, 2010, pp. 132-133). One year later, Philip Cunliffe (2010, p. 35) wrote: "R2P has become the framework through which the international community's

commitment to, and involvement in, crisis and conflict is mediated and understood". According to him, R2P had by then reached a position of heavily use in conversations, among diplomats in the UN, and among states-people in general. In his defense of R2P, the title of his book from 2015, Bellamy (2015, p. 11) used the term 'principle' about R2P: "There is now no serious disagreement among the world's governments about what the principle says and whether they have committed themselves to it". Bellamy's words indicate accept not only for the national component of R2P, but also that a supplementary international dimension exists. A positive interpretation of this is possible from the perspective of constitutive norm effects. Yet, certain facts may call for some restraint. The general degree of internalization is not a measurable entity, but the number of states participating in the General Assembly's R2P debates may be an indicator. This number has fallen substantially after 2009 (Hoffmann, 2015, p. 10). Additionally, Emily Paddon Rhoads and Jennifer Welsh (2019, p. 612) point to a trend particularly visible after 2014, that the Assembly discussions feature an increase in statements insisting that R2P is primarily a national responsibility, always with the role of the international community as secondary. The increase is possible to interpret as growing skepticism around particularly R2P's third pillar. However, this interpretation need not capture the whole reality. Since the introduction of R2P, there has never been any doubt that the national responsibility is priority number one. The international dimension activates only if the national responsibility fails. It is, and has always been, irrelevant when governments provide sufficient protection.

2.3 Rhetoric

There is also another aspect connected to language being worth some R2P based reflections. It is about the R2P rhetoric used in different contexts, not only intended meanings, but also what is not articulated. The term 'intervention' may cover quite much. Some authors include any application of pressure to a state, others confine it to the use of military force. ICISS (2001, p. 9) recognized the long history and the wide and popular usage of the phrase 'humanitarian intervention', including its descriptive usefulness in clearly focusing attention on a particular category of interventions, those undertaken for human protection purposes. However, there is a strong opposition among many humanitarian organizations and humanitarian workers to any militarization of the word 'humanitarian'. Therefore, the Commission made a deliberate decision not to adopt the traditional intervention terminology. Their hope was that a change of language might encourage people to look with fresh eyes at the real issues involved in the sovereignty-intervention debate. ICISS launched the responsibility to protect as a new approach. They did not say that changing the language of the debate changes the substantive issues at stake, but they hoped that looking at the issues from a new perspective might prevent that the choice of words becomes a barrier to deal with the issues, making it easier to find acceptable answers. By conceptualizing the intervention issue in terms of a responsibility to protect, they based

their arguments partly on the principles inherent in the concept of sovereignty, partly in the impact of emerging principles of human rights and human security, and in addition changing state and intergovernmental practices. They abandoned talk about a 'right to intervene'. This term is unhelpful because it focuses attention on the prerogatives of the intervening actors much more than on the potential beneficiaries of the action, and it turns attention away from what should happen before intervention becomes the alternative, as well as on the responsibilities in the aftermath of having used this tool (2001, p. 16). Instead, ICISS argued for some basic objectives¹⁸ that a new attitude to intervention on human protection grounds must meet. They also argued for a necessary re-characterization of state sovereignty, from sovereignty as control to sovereignty as responsibility, highlighting that sovereignty and responsibility is closely connected to each other (2001, pp. 11-13). This I will discuss more detailed in chapter 7.

For moral reasons, it is impossible to argue against a right for all human beings anywhere in the world not becoming victims of mass atrocities, or to live under the threat of such abuses. Yet, the existence of responsibilities to protect populations from mass atrocities is a more complex matter. It includes obligations to act when the right is threatened, but it is not obvious who are obliged to do what, in which situations, how far the responsibility reaches etc. However, using a language with focus on the need for protection, and on the responsibility to provide for it, seems to have a potential to bring discussions about interventions above the circular and rather non-productive debates of interventions contrasting state sovereignty.

Among the basic objectives ICISS (2001, p. 11) described for renewing the approach to intervention on human protection grounds, were to ensure the use of military force only for the proposed purposes. A plausible question then is to what extent one may expect a changed language to have this effect. It is probably not possible to measure in any reliable way. Yet, the debate in the aftermath of the Libyan intervention in 2011, based on UN Security Council Resolution 1973, may call for skepticism. In the discussions that lead up the adoption of the resolution, various actors heavily referred to R2P. In the aftermath, the implementing actors received substantial criticism for having stretched the mandate beyond the pure protection of Libyan civilians, to forward regime change. Particularly if this might have been a motive for one or more of these actors from the beginning, an unpleasant question arises. One can perhaps not exclude the possibility that one or more actors got an easier way to realize a hidden agenda, if new language made a military intervention more probable, compared to if language of the 'old kind' still had dominated.

¹⁸ These basic objectives, described on page 11 in the ICISS-report, include the establishment of clearer criteria for rules and procedures. To establish the legitimacy of military intervention, when necessary, includes ensuring, that when it occurs, it is only for the purposes proposed, minimizing the human costs involved. The objectives also include to help eliminating the causes of conflict, enhancing the prospects for durable peace.

Chapter 3 My articles

In this chapter, I briefly present my published R2P articles. Article 4 is in Norwegian language, but my presentation here is in English. This article has both a Norwegian and an English abstract published together with the article in the journal. The articles in full text, all in journals on level 1 in the Christin system for classifying publications, follow as attachments to the cover-article.

My five published R2P articles are:

Article 1

Dahl-Eriksen, Tor. 2016. R2P and the “Thin Cosmopolitan Imagination”. *The Fletcher Forum of World Affairs* 40(2), pp. 123-138.

The article asks how selected theoretical perspectives on international relations (IR) might explain and reduce the gap between the application of R2P in the real world and the requirements of a “thin cosmopolitan” imagination. Thin cosmopolitanism views humanity as a single moral community. It represents an ideal. The article gives an overview of the cosmopolitan tradition, and it explains the difference between thin and thick variants. The theoretical perspectives selected as analytical tools are the English School, constructivism, and critical theory. The discussion has three sections, relating R2P and thin cosmopolitanism to human rights, open inclusive debates, and state sovereignty. The conclusion summarizes how to explain, and suggests how to possibly reduce, the gap viewed through the lenses of the selected theoretical perspectives.

Article 2

Dahl-Eriksen, Tor. 2017. International Anarchy, Cooperation and Joint action. *The Fletcher Forum of World Affairs* 41(2), pp. 45-58.

The question discussed in this article is to what extent R2P objectives can be successfully implemented through cooperation and joint action. The discussion is framed by four selected theoretical perspectives on international relations (IR): neorealism, neoliberalism, the English School, and constructivism, briefly presented in a separate section. These tools enlighten the discussion of real-world challenges to successful implementation, focusing on prevention, collective action, and international order. The article concludes that the neorealist perspective offers little room for cooperation and joint action. Neoliberals see possibilities when national and common interests unite. The English

School's anarchical society adds moral grounds to the picture, while constructivists see possibilities in challenging dominant interpretations.

Article 3

Dahl-Eriksen, Tor. 2019. R2P and the UN Security Council: An "Unreliable Alliance". *International Journal on World Peace* 36(1), pp. 33-60.

When a state fails to provide protection, the responsibility to protect transfers to the international community represented by the UN Security Council. This article asks why R2P objectives are difficult to realize through the Council. The analytical tools are a classic study of implementation by Jeffrey L. Pressman and Aaron Wildavsky, two pioneers within implementation studies, combined with insights about how complex organizations perform from the Swedish organizational theorist Nils Brunsson. A separate section presents the analytical tools with arguments for their relevance. A main ambition behind the choice of these tools was to demonstrate relevance exceeding time and space. The discussion has four sections: the policy of R2P, the composition of the UN Security Council and the role of the veto powers, organized hypocrisy, and implementing actors, the latter focusing on the relationship between these actors and decision makers. The article concludes with various examples that the selected tools can enrich ongoing R2P debates, despite lack of original connection to the international sphere.

Article 4

Dahl-Eriksen, Tor. 2019. R2P i Sikkerhetsrådets klype – nødvendig, men problematisk. *Norsk statsvitenskapelig tidsskrift* 35(2), pp. 77-91. DOI: 10.18261/issn.1504-2936-2019-02-02

A main ambition with this article was to deliver a contribution to academic R2P debates in the Norwegian language. The topic discussed is the same as in article 3. So are the selected analytical tools and the main conclusions, but compared to article 3, article 4 has a more comprehensive use of Brunsson. The introductions differ, being more directed at current events in this article. The examples used to underpin the arguments are partly different. Many references are common to both articles, but the articles also draw on different sources. Article 4 is perhaps the best article when it comes to clearly drawing the difference between the version of R2P launched by ICISS in 2001, and the adopted version at the 2005 World Summit.

Article 5

Dahl-Eriksen, Tor. 2021. R2P and rising Asian Powers. *Millennial Asia (Sage Publications)*, pp. 1-18, published online 10 March 2021. DOI: 10.1177/0976399621989464

This article discusses prospects for the implementation of R2P objectives in a world where Asian powers rise. It is possible to see the article as a contribution to a broader debate about global governance, a concept used to understand global change. The discussion focuses on R2P's three pillars; the national responsibility (pillar 1), international assistance (pillar 2), and international decisive action (pillar 3), the latter being the most controversial component of R2P, tied to the UN Security Council where China resides as a permanent member with a veto. India's R2P position is also discussed, supplemented with some comments on selected East-Asian states. The article concludes that the rise of Asian powers does not threaten the national responsibility to protect. Neither is voluntary international assistance threatened, but assistance with coercive elements might be. However, without more clear criteria for the possible use of military force, mandates from the Security Council which allows this will probably be very rare. One must expect China to veto propositions that may forward regime change in targeted states.

In the cover-article, I refer to my own articles as articles 1-5, and, when relevant, to the page(s) in the journals where they are published.

Chapter 4 Methodology

These sections compose the chapter:

- 4.1 Before I formulated concrete research questions
- 4.2 My research questions
- 4.3 Collecting data from texts
- 4.4 Validity, relevance, and reliability
- 4.5 Conference participations
- 4.6 Some final methodological reflections

My methodological approach is entirely qualitative. With focus on how human beings understand and interpret different situations, this was for me the only relevant choice. Within the qualitative repertoire of possible methods, I found, in addition to participating in relevant conferences, that collecting data from written texts was the best option for my purpose, which has been to contribute to R2P debates by writing my own articles. This chapter has six sections describing my choice of methods. Section 4.1 is about my work with R2P before I started to formulate concrete questions to be discussed in articles. In section 4.2 I proceed to the research questions, and section 4.3 is about how I have collected data from texts. Then follows a section, 4.4, reflecting on validity and reliability. In section 4.5 I elaborate on how I consider that my participation on conferences have contributed to my work with R2P. The chapter ends with a section, 4.6, which contains some final methodological reflections.

4.1 Before I formulated concrete research questions

After having chosen R2P as my research topic, I began reading academic literature and various documents, about the principle and the context it embeds in. Yet, to read everything that might be relevant, is not possible. This actualizes the question of my criteria for the choice of sources. I registered with interest former UN Secretary General Kofi Annan's repeated pleads in the late 1990s for world leaders to take common responsibility to prevent new incidents like Rwanda and Srebrenica, and I read parts of the ICISS-report quite soon after it was published in December 2001. However, my research-focus then and in some following years was towards human rights and human security more broadly. The most important result of that work was my 2008 article about human security and central human rights debates in the *Nordic Journal of Human Rights*, as mentioned in the foreword of this cover-article¹⁹. I began my systematical work with R2P as my chosen research topic during my first research term in autumn 2012²⁰.

¹⁹ This article is in Norwegian language.

²⁰ I qualified to apply for research terms after 2008 when my position at the university (UiT the Arctic University of Norway) changed from university lecturer to senior lecturer. I had a second research term in spring 2019.

The first whole book I read specifically about R2P was Alex J. Bellamy's *Responsibility to Protect*, published in 2009, but read by me some time later. In the aftermath I consider this book as the most important one inspiring my choice. In the following, I started searching for academic articles about R2P, and I soon discovered a substantial flora to draw on. Reading books or articles almost always leads to discovering new sources using the author's reference lists. This method has similarities with what Alan Bryman (2012, p. 202) calls 'snowball sampling'. It is a method where a researcher establishes initial contact with a small group of people who are relevant to the topic in question, and then uses these to establish contacts with others. In my case, the initial as well as the generated contacts were not with the persons themselves, but with their work. I also found interesting contributions to ongoing vibrant debates about the principle, through google search with relevant search words. Rather broad reading characterized this first period after I had chosen to focus my research on R2P, but as my general knowledge gradually built up, my dedication to contribute myself to the debates gradually materialized. Extension of my general knowledge of the topic also made it possible for me to see where contributions from me could be interesting for others. This influenced my continued search for relevant texts, narrowing the scope, with the ambition to formulate my own research questions.

4.2 My research questions

This section is about my research questions. To formulate research questions means to reduce the richness of the topic to certain precise statements, to determine what to focus on within the broad area of possibilities (Holliday, 2008, p. 28). As noted above, I first needed to acquire quite much knowledge about the topic broadly. Therefore, ontologically the research questions were influenced by a certain pre-understanding of the connection between my topic, R2P, and the real world. In addition, I can add my curiosity to find out more about some aspects of this connection, combined with a certain acquired ability through the broader reading to see where there might be a gap to fill, a general ambition with writing articles.

Dag Ingvar Jacobsen (2018, pp. 14-15) mentions three main purposes connected to academic work, description, explanation, and prediction. To describe a phenomenon is to tell the reader what it looks like. To explain it is a step further, from how something looks to why. It includes elaborations about causality. To predict is an even more ambitious purpose directed at what may happen in the future. However, compared to the natural sciences, the social sciences are generally more careful when it comes to prediction. The three purposes are not mutually exclusive. To some extent they are all present in most investigations, although one of them often dominates in a particular piece of work.

None of my published R2P articles are mainly descriptive, although all of them contain descriptions about how things are. The descriptions function as springboards for the questions discussed in the articles. Article 1 asks how selected theoretical perspectives on international relations might explain and reduce the gap between the application of R2P in the real world and the requirements of a 'thin cosmopolitan' imagination. The primary purpose here was to explain, using relevant theoretical lenses as analytical tools. Yet, since the article also suggests ways to reduce the gap, it includes an element of prediction, but it is limited to unveil some possibilities. It does not predict any probability for these to realize.

Article 2 uses another selection of theoretical perspectives, but here too the main ambition is to explain. The research question is to what extent R2P objectives can be successfully implemented through cooperation and joint action. The explanations vary through the specter of lenses. The purpose of using different lenses is to portrait this variation and to discuss it. There is also an element of prediction embedded in the discussion, but it is limited to what might happen if reality matches the theoretical postulates. Article 3 and 4 both discuss why R2P objectives are difficult to realize through the UN Security Council, focusing on R2P's international dimension. The articles' approaches are somewhat different, but both discussions draw on insights from a classical study of implementation and insights about how complex organizations perform. The current situation is described, and the examples, which partly overlap, partly not, function as basis for the descriptions. However, the main ambition with the articles is to explain the observable patterns, and insights originally developed for other purposes are the analytical tools used for explanation. The predictive element is limited to an underlying assumption that the problems will continue unless substantial reforms are implemented for how the Security Council works. The articles mention a couple of suggestions for change, but a discussion about the possibilities for these to manifest lies beyond their scopes.

The only among the five articles that focuses mainly on prediction, is article 5. This article discusses the prospects for the implementation of R2P objectives in a world with rising Asian powers. There are elements of description and explanation included. For being able to predict, it is necessary to describe how the situation is, here the current R2P positions of China and India, and to explain how their positions have formed. Based on this, the article tries to draw the lines into the near future where both China and India are rising powers demanding more influence on global issues, but with different prerequisites since only China is among the permanent members of the UN Security Council.

The main discussion in the cover-article, located in Chapter 7, is about sovereignty as responsibility. The research question encompass what sovereignty as responsibility is, how this imagination has been understood historically, and how it is understood in current debates, including critical voices and my comments to these. The discussion both describes

and explains, but is not very predictive, although there might be certain predictive elements included in my comments to the critical voices.

It is a requirement to research questions that they should be exciting. One may argue that it is a subjective matter what an exciting question is. However, used in this context, what is exciting is not primarily about the topic as such, but about openness. This means to formulate questions where it is not obvious what the answers are (2018, p. 54). I will argue that the research questions in my published articles as well as those I discuss in chapter 7 in the cover-article, all satisfy this criterium. None of them excludes the possibility that the discussion may lead to other results than expected. However, my research questions are not neutral or value-free. Completely neutral and value-free research is impossible. To choose one question implies not to choose other possibilities, and no research questions are totally independent of the researcher's own values (2018, p. 55). For instance, when I in the articles 3 and 4 ask why R2P objectives are difficult to realize through the UN Security Council, there is an underlying assumption that this is problematic, because these objectives represent a valued moral standard.

The methodology literature also mentions a couple of other requirements. Research questions should preferably be formulated as simple as possible because simple formulations are best suited to establish the 'red thread' and thereby to guide more precise what the following discussions shall focus on. This has the effect of sharpening the search for relevant supporting literature. Good research questions are also fruitful in the sense of making it possible for the researcher to contribute to the academic community by adding new knowledge (Holme and Krohn Solvang, 1991, pp. 38-39).

To formulate precise research questions with few words is a challenge. When it comes to my articles, I have at least tried not to use more words than what I found as a necessary minimum to express what I had in mind to discuss. The question of fruitfulness touches directly upon my ambition to contribute to the academic community, and I will enlighten it with some examples. Before I formulated the research question for the paper which I later developed to article 1, I had decided to participate in the conference 'The Cosmopolitan Ideal: Challenges and Opportunities' at Roehampton University in summer 2013²¹. The challenge for me was to find an open interesting question with R2P put into the context of cosmopolitanism. I decided to discuss how to explain and to reduce the gap between the application of R2P in the real world and a 'thin cosmopolitan' imagination, looked through the lenses of selected theoretical perspectives on IR. The answers are not given. They depend much on how I interpret the potential embedded in the perspectives, which I express through my arguments. I had acquired sufficient knowledge about current R2P-debates to see that my ambition could add something new to them. However, to write

²¹ I had some knowledge about this university already through an earlier visit to its library during my work with human rights issues.

the article, I also had to expand my knowledge about the set of ideas that compose the cosmopolitan vision. One book was particularly helpful for me, *The Cosmopolitan Imagination* by Gerard Delanty, published in 2009²².

I will argue that the articles 3 and 4 generated new knowledge about why the implementation of R2P objectives through the UN Security Council is problematic, or at least deepened existing knowledge. Yet, to the extent I managed to show that a classical theoretical framework can generate insight in other settings than the original one, I see this as my most important contribution with these two articles. I also see article 2, where I discuss R2P in relation to the possibilities for cooperation and joint action under the shadow of international anarchy, as adding some new knowledge to the debates, or at least did so when published in 2017. It has not the same originality as the later articles 3 and 4 since it uses mainstream IR perspectives, but in doing so it draws on quite much theoretical literature. That is not the trend among the majority of R2P scholars. Article 5 does perhaps not supply any lack of literature about the R2P positions of China, India, and other Asian states. I refer to some of the existing literature in my text. However, although my article has a bias in the balance, favoring China, I have not found any other article with a main ambition to compare the Chinese and the Indian positions.

Neither is my choice of theoretical perspectives random. For my discussions of the research questions in the articles 1 and 2, I selected the perspectives from the academic discipline international relations (IR) I found best suited, based on my general knowledge of theories within this discipline. I selected the analytical framework for discussing the research questions in the articles 3 and 4 because I saw a potential with a rather original choice. I am aware of that my choices of analytical frameworks at least to some extent influence my search for empirical data. However, I consider my approach to be pragmatic. Jacobsen (2018, p. 35) uses the term 'abduction' for research projects where the search for descriptions and explanations takes place as a continuing interchange between theory and empirical data. Abduction, or abductive reasoning, is about forming conclusions from the information that is known. The conclusions will have a remnant of uncertainty or doubt, often expressed with terms like 'best available' or 'most likely'²³.

In the aftermath, writing of the articles might look like an overall plan. Yet, saying that is to overstate. For instance, when I wrote article 1 which connects R2P to cosmopolitanism, published in 2016, I did not know that I would come to publish an article about R2P and rising Asian powers five years later. Yet, this does not mean that the choice of topics has popped up by coincidence. There is an element of coincidence present, but there

²² Delanty, Gerard. 2009. *The Cosmopolitan Imagination. The Renewal of Critical Social Theory*. Cambridge: Cambridge University Press.

²³ Merriam-Webster Dictionary, www.merriam-webster.com/words-at-play/deduction-vs-induction-vs-abduction. www.en.wikipedia.org/wiki/Abductive_reasoning.

is also a progression which reflects what I found it interesting to continue with after having completed one piece. My participation on relevant conferences had influence on my way forward. This I will discuss more detailed in section 4.5. The progression is probably best visible if one looks backwards from article 5. One may then discover that article 5 has important connections to the articles 3 and 4. The latter discuss implementation of R2P objectives through the UN Security Council. Article 5 draws also on knowledge about the functioning of the Council, but it connects this knowledge specifically to the R2P positions of rising Asian powers.

4.3 Collecting data from texts

My next step, after having formulated the research question for article 1, was to collect data from written texts, data suited to enlighten this question. The same procedure pertains to the other articles. With data in my context, I mean statements from authors and various kinds of information about R2P and connected topics. All my work with R2P relies on this, and additional data acquired through participation in conferences. The texts I have used to support my own arguments include a substantial number of books, book-chapters in edited volumes, articles published in academic journals, and one doctoral thesis²⁴. The ICISS report (2001) is particularly important. In addition to these come selected UN Security Council and UN General Assembly resolutions, various other UN documents, among them the World Summit Outcome Document (2005)²⁵ and the yearly R2P-reports from the UN Secretary General to the General Assembly (since 2009), publications from the Global and the European Centers for the Responsibility to Protect, encyclopedias, handbooks and dictionaries, and, but to a lesser extent, articles in newspapers and news magazines, and various web-documents. Literature is also the basis for my use of selected theoretical perspectives as analytical tools, in the published articles and in the cover article.

My approach is hermeneutic. As I understand Jacobsen (2018, p. 28), this approach captures reality best when a particular phenomenon can draw on broad support from many sources. The term 'hermeneutics' is derived from the Greek word *her-meneutice*, which means to explain, to interpret or to translate. It is the 'art of interpretation', the techniques involved in understanding written texts. Yet, a text is a cultural product, developed within a context. The central idea behind hermeneutics is therefore to search for the meaning of a text from the perspective of the author, but at the same time being sensitive to the social and historical context it was produced within (Kuckartz, 2013, p. 18; Bryman, 2010, p. 560). In this cover-article the latter is particularly visible in part 2 where I discuss how selected philosophers have viewed the connection between sovereign power and responsibilities. Both in the articles and in the cover article it is me who interpret the variety of written

²⁴ Schack, 2016.

²⁵ This document is a UN General Assembly Resolution.

sources I draw on, and my interpretations lay the foundations for my discussions and conclusions. To the extent that my discussions produce new knowledge, it stems from a continuous process of interpretations where data from various sources become parts of a larger framework of understanding.

Data I collect from texts are for me secondary data, originally collected by others for other purposes than mine. The use of secondary data is common in all the social sciences (Jacobsen, 2018, p. 140). Yet, since statements from authors and other sorts of information I can draw from the texts are not there meant to serve my research questions, my challenge is to find out to what extent these data are useful in relation to my work. This also requires a certain carefulness about not to use citations to underpin arguments in a way the cited person obviously would not have been comfortable with. Statements can sometimes change meaning when moved from one context to another (2018, pp. 51-52).

The discussions in the articles 3 and 4 draw on academic literature about the Security Council, specific UN resolutions, and other UN documents. However, to establish the theoretical framework, I had to find and read its basic literature, Pressman and Wildavsky about implementation, and Brunsson about how complex organizations perform²⁶. In addition to the general literature about, and documents connected to, the Security Council, my work with article 5 demanded me to search for another selection of R2P articles, those with an Asian focus. This introduced me to several Asian scholars I had not been familiar with before. The work with this cover-article has further turned my attention to other kinds of specific literature, particularly about how the connection between sovereignty and responsibility has been viewed, in earlier days as well as more recently.

When I refer to an author's statement in a particular book, sometimes I have read the whole book, but not always. It might have been a particular chapter that attracted my attention because of its relevance for one of my research questions. Edited volumes with contributions from many authors often contain some chapters I find very relevant and others less relevant, or perhaps not relevant at all, dependent on what I search for.

Here in the cover-article, I have chosen the APA-style²⁷ of reference, with a couple of modifications. I prefer this style when I can choose, because it is, after my opinion, a reference system offering good overview without being too complex to use. APA requires page numbers only for direct quotations, but when available, I use numbers systematically throughout the text for all references. It is my ambition to give authors credit when I build on their arguments in my own texts. This may be possible to obtain even without using page-numbers. However, I also wish that my readers shall be able easy to find and to control the

²⁶ This literature was available in my local university library in Tromsø.

²⁷ APA = American Psychological Association. The APA-style is used by authors within many academic disciplines.

arguments in the cited sources. For a book of perhaps 300 pages, this can be quite difficult without any indication of where in the book the argument is situated. In the reference list, I do not use parenthesis for the year of publishing. The list shows DOI²⁸ for articles where this is available. The reference-styles in my articles vary. This does not mirror my preferences. Each journal has its separate requirements to which authors must adhere. DOI is available for my articles 4 and 5, but not for the articles 1, 2 and 3 (see Chapter 3 in the cover-article).

4.4 Validity, relevance, and reliability

Validity concerns the integrity of the conclusions generated from a piece of research. There are different aspects of validity, but when used on its own, validity usually refers to ‘measurement validity’, the degree to which a measure of a concept truly reflects that concept (Bryman, 2012, pp. 713 and 717). Chava and David Nachmias (1990, p. 138) explain: “The problem of validity arises because measurement in the social sciences is, with very few exceptions, indirect. Under such circumstances, researchers are never completely certain that they are measuring the precise property they intend to measure”.

Data origin from sources. Therefore, the validity of research based on these sources strongly depends on the quality of them, but we cannot measure this directly. What is possible is to reflect upon to what extent preferred sources were available, to discuss the informative ability of the sources used, and to reflect upon possible biases in cases where certain wished sources were not available. The integrity of a conclusion increases with the number of sources it is based upon, particularly when these sources are independent of each other. In addition, the best sources are often those who are close to the phenomenon in question (Jacobsen, 2018, pp, 239-241).

The validity of my own conclusions depends partly on to what extent I have succeeded to find relevant sources, partly on that the sources I have collected data from are reliable. I begin with the question of relevance. In the initial phase of my work, almost everything written about R2P had at least some relevance. After having formulated specific research questions, the scope of relevance narrows substantially to a search for data that matches my focus. I normally start this search with finding titles I think cover a relevant content. Some books have a content list of chapter-headings only, others more detailed lists specifying sections. For the most part, this is sufficient for me to decide if the source is worth to read for the current purpose. Before taking a decision, it might also be useful to read selected sequences of the text. In finding relevant articles I normally also start by searching for titles. The next step is to read abstracts. These are usually, although not always, sufficiently informative to give me an impression of their relevance. My starting point may

²⁸ Digital Object Identifier System

also be a search for authors, particularly when I am curious about what they may have written in addition to publications I am already familiar with. An author of an article I have found relevant will often have references to other authors who are occupied with similar questions. The 'snowball' described earlier in the chapter is operative here, and perhaps more important the more dedicated the search for relevant data is. To search for relevant sources is perhaps not a very difficult task to perform, but it is time consuming.

The question of reliability can be more challenging. The basic question is to what extent it is possible to trust the chosen sources. Information in written texts is not very spontaneous. Dependent on what sort of text we talk about, this can be both positive and negative. The positive aspect is that authors have had time to reflect upon their statements before writing them down. This has a potential to make the statements more precise and then to increase the quality of the information. However, less spontaneity may also give more space for manipulation of the reader (2018, p. 172).

An essential part of the sources I refer to in my R2P articles and in this cover-article are academic books and articles, written by scholars who in most cases have done substantial research on the topics they discuss. To rely heavily on this sort of literature has been a conscious choice for me. The reference lists accompanying the articles reflect this. To choose articles from journals credited by points in the Norwegian Christin-system, guarantees that they have gone through a process with blind review before publishing. Although this is a quite rough measure of academic quality, such processes enhance the reliability of sources. Fellow scholars have tested the arguments, and in many cases made the authors to reformulate and sharpen their statements.

Books and articles are personal sources. On the other hand, documents produced by a collective unity are of another kind. These are institutional sources (2018, p. 188). UN resolutions and other UN documents belong to this group. These documents have been of utter importance to supply me with data for my discussions, but resolutions from the UN Security Council and the UN General Assembly are not academic texts. To collect data from them implies certain other challenges. They reflect what the member states have been able to agree upon at a particular time, often related to an event. Agreement is often more important than clarity, particularly when opinions differ and the alternative to a text reflecting compromises most likely is no agreement. I discuss this in more detail in the articles 3 and 4, focusing on the implications for the implementation of R2P objectives through the Security Council. When a situation calls for urgent action, producing the texts may take place under time-pressure with poor control of the language. When I study these texts, I look for statements reflecting agreements, but I also try to obtain an impression of the scope for interpretations inherent in the texts, which can sometimes be quite large.

An example may illustrate this. UN Security Council Resolution 1973 gave the mandate that authorized military operations against Libya in 2011. The text authorizes, amongst a variety of efforts, to take all necessary measures to protect civilians and civilian protected areas in Libya²⁹. Nine Security Council members voted for the resolution, six abstained from voting, among them the veto-powers Russia and China. None voted against it. In the aftermath, the implementing actors have received much criticism for having stretched the mandate too far by forwarding regime change. In the following years, the Council was unable to deal effectively with the humanitarian crisis in Syria, due to frequent uses of vetoes from Russia and China on proposed resolutions. In article 5 (p. 16), I conclude that also in the future, China is very unlikely to accept the use of military force for protection purposes if it includes possible regime changes.

The text in Resolution 1973 required implementing actors to report their choice of measures to the Council. An interesting point is if the formulation 'all necessary measures' can be interpreted to include regime change. The critics will surely answer no. It is rather a standard phrase for allowing the use of military force. Yet, this remains a question of interpretation. Nothing is explicitly said about regime change. Language, or in this case perhaps lack of language, obviously matters.

Internet represents an expanding source of information with much to offer researchers, but with many challenges connected to reliability. One of them is to determine what kind of source one deals with. Some sources may try to give the impression of being more reliable than what they are. There exist certain techniques one may use to evaluate this. My articles do not rely heavily on internet sources, but when I have used such sources, I have tried to establish a picture of why this source exists. The quality of the language is also an indicator of its reliability.

My published R2P articles have no references to Wikipedia, but the cover-article has some few. Scholars as well as others have for several years discussed to what extent this source, a free online encyclopedia created and edited by volunteers around the world, is acceptable to cite. Those who are negative have probably become fewer as Wikipedia has developed. According to Jacobsen (2018, p. 192), Wikipedia is now on its way to become a source with considerable credibility. The challenge is to use it with the caution academic writing requires. We are talking about the without comparison largest collection of data in the world, encompassing almost every thinkable topic. There is much content of excellent quality, but it is sometimes a challenge to separate information of high quality from more dubious texts. When texts are open for edit, everyone can write. Wikipedia has a policy that contributions should be verifiable against published reliable sources. The texts often contain references to many other sources, but it is not possible to find out who the original authors

²⁹ Security Council Resolution 1973 (2011), p. 3 section 4.

are. If citing from Wikipedia, it should therefore preferably not be the only source supporting an argument.

A particular reliability challenge arose connected to my discussion in this document about the historical roots of sovereignty as responsibility. The sources I used to find the views of prominent political philosophers were not the original works of Hobbes, Kant etc. I relied on how other authors have understood them, authors who, to a varying degree, base their arguments on the original texts. For me, this is a weakness, but I have found it to be an acceptable one for my purpose, which has been to paint an overall picture, not to go deep into the thinking of each single philosopher. I try to balance this weakness by using data from three or more sources for each selected philosopher.

4.5 Conference participations

In this section I will discuss how conference participations have contributed methodologically to my work with R2P. The conferences I will argue have done that are:

- a) Roehampton July 2013: The Cosmopolitan Ideal: Challenges and Opportunities
- b) Ljubljana April 2015: Responsibility to Protect in Theory and Practice
- c) Leeds September 2018: Alternatives to Military Intervention under R2P
- d) Copenhagen June 2019: The Asian Dynamics Initiative Conference
- e) Tromsø January 2020: The Norwegian National Political Science Conference

I will also comment two conferences I participated on virtually from my own office in June 2021, one of them with a paper presentation.

As I see it, participation in conferences has been useful for my work in different ways. Most important has been to receive comments on presented papers. Yet, to give comments to the presentations from other participants is also useful. I will soon explain how. All these conferences were events with a combination of keynote-lectures held in plenum, and panels dedicated to specific topics, where I as a participant could choose which panel to join, guided by relevance for own my work. In addition, conferences are social arenas³⁰. The academic discussions continue beyond the formal settings, with possibilities for dialogues without strict time schemes, and to establish contacts with fellow researchers from different academic institutions around the world. All these conferences had a size which I was comfortable with, ranging from 40-50 up to around 150 participants. The virtual ADI conference had approximately 600 participants spread around the world, but I had direct contact only with those about 30 who participated in the same panel as I did.

³⁰ This cannot be said about virtual conferences.

A paper is a work in progress. The purpose of presenting papers on conferences is, at least for me and I suppose for most other participants, to receive comments that are helpful in developing the text further into an article. Such comments may pertain to the content of the paper as well as to the structure of it. All my published R2P-articles, except article 2, have a history as conference papers³¹. Article 1 connects to paper presentations on two conferences, Roehampton July 2013, and Ljubljana April 2015. The Roehampton conference³² took place in an early phase of my R2P work. The conference addressed cosmopolitanism broadly. My paper discussed how to understand the confirmation of R2P in the international sphere from a cosmopolitan perspective. Based on feedback both immediately after my presentation and more informally at the social events, I developed it further to what might be called a first version of an article. It was accepted for presentation at the Ljubljana conference³³, an international conference purely dedicated to R2P³⁴. Comments from fellow participants helped me to further improve the text, and then to get it published in the American journal *The Fletcher Forum of World Affairs* in the summer 2016 edition. This was my first published R2P-article.

The articles 3 and 4 both owe credit to a paper-presentation in Leeds in September 2018. The conference was a special R2P event organized by the European Centre for the Responsibility to Protect, located at the University of Leeds (England), in cooperation with BISA / IR2PWG³⁵. I got the idea to use insights from Pressman and Wildavsky's classic study of implementation from the 1960's, combined with Brunsson's somewhat later studies connected to the performance of complex organizations, through discussions with colleagues at home about possible ways to proceed with my R2P 'project'³⁶. The paper presented was already quite developed in the direction of becoming an article. Yet, the feedback I got in Leeds about my choice of theoretical framework, convinced me that this represented something new, interesting, and original. Despite the differences described in chapter 3, the articles 3 and 4 discuss the same main question. The journals are for article 3 the March 2019 edition of the *International Journal on World Peace* (American), and for article 4 the September 2019 edition of *Norsk Statsvitenskapelig tidsskrift* (Norwegian).

³¹ I wrote article 2 as a response to a call from *The Fletcher Forum of World Affairs* for contributions with focus on possibilities and limitations of joint action among international actors.

³² The conference was arranged by the Global Studies Association.

³³ All accepted papers for this conference were distributed to the participants as chapters in a conference book shortly before the conference started. The title of this book, edited by Dr. Vasilka Sancin, was 'Responsibility to Protect: Where Do We Stand Ten Years After'.

³⁴ The Faculty of Law at the University of Ljubljana (Slovenia) arranges this conference each second year.

³⁵ BISA = The British International Studies Association, a society that promotes the study of international relations. IR2PWG is the BISA Working Group on Intervention and the Responsibility to Protect.

³⁶ I like to call it a project, although it is designed by me alone, with only one participant, me. However, it was not very project-like from the beginning. Rather, it has gradually developed to become a sort of a project.

The Asian Dynamics Initiative Conference (ADI) in Copenhagen is a yearly event focusing on Asian politics broadly. At the June 2019 conference I participated in a panel about international order making in the age of US-Chinese relations. My paper discussed the perspectives for implementation of R2P objectives in a more Asia-dominated world order. Based on comments from other panel participants, and later from members of my research group at home, Warped, I developed the paper to an article entitled 'R2P and rising Asian Powers'. This is my article 5, published online in the journal *Millennial Asia* (SAGE) 10 Mars, 2021.

Panels are arenas for giving as well as receiving. I participate because I wish to receive relevant comments as help to drive my work forward. However, I am of course aware of that the other participants are there for mostly the same reason. It is my responsibility to contribute to their work by reading their texts before attending, and by giving my comments in the discussions following the presentations. To comment the work of other participants requires reading it consciously with a special focus on the potential for improvement, to discover strengths and weaknesses, to evaluate how the author underpins the arguments, and to obtain an impression about to what extent the text is coherent, favorably composed etc. At the 2020 Tromsø conference, a Norwegian national political science conference addressing political issues broadly, my main role was to comment papers presented by others, in a panel dedicated to peace and conflict research. I did not present a paper myself on this conference, but I delivered a presentation covering my whole work with R2P. It generated some comments. Although hardly possible to measure, I am convinced that I have learned from the exercises of commenting the work of fellow academics, and that there are positive spillover effects to my own 'project'. This effect is not fully dependent on the topic I comment, but it is probably most to gain when I comment on discussions that overlaps mine. Some conferences, like ADI, point out dedicated commentators for each paper before the panel meets. In Copenhagen in 2019 I had the pleasure to comment a paper discussing cooperation in a context of animosity, focusing on peacekeeping, humanitarian assistance, and disaster relief in East Asia³⁷.

The first virtual conference I followed from home in June 2021 were the 'Responsibility to Protect in Theory and Practice' conference normally arranged in Ljubljana each second year, but this year hosted by Edge Hill University³⁸ in collaboration with the University of Ljubljana, the European Center for the Responsibility to Protect (ECR2P), and the British International Studies Association's Working Group on Intervention and the Responsibility to Protect (IR2PWG). I had the pleasure to listen to interesting keynotes and panel presentations. All topics addressed were about R2P, and as such definitively relevant

³⁷ Rikard Jalkebro and Catherine Jones from the School of International Relations at University of St. Andrews, Scotland, presented this paper.

³⁸ Edge Hill University is situated in Ormskirk, England.

for my work, but I did not present my own paper or comment anyone's paper on this conference.

I did present, virtually, a new paper on the 2021 Asian Dynamics Initiative (ADI) conference arranged by the University of Copenhagen, in addition to commenting a paper from another participant. The title of the panel was 'China goes global'. My new paper builds to some extent on my fifth R2P article, but my ambition now is to look closer on the Chinese R2P position particularly, and to include a discussion about to what extent, eventually for who, the Chinese position is problematic³⁹.

Although I cannot cite from lectures⁴⁰, unless the text in the aftermath also comes in a printed and publicly available version, I am cautious to take good notes when listening to keynotes, particularly those directly addressing R2P. In this respect I will accentuate the introductory address at the 2015 Ljubljana conference by Jennifer Welsh, then Special Advisor to the UN Secretary General on R2P, addressing the overall conference topic about where R2P stood 10 years after the adoption, a speech at the 2018 Leeds conference with a gender perspective on R2P, delivered by Joanne Neenan⁴¹ from the British Foreign and Commonwealth Office, and the keynote by Dr. Simon Adams, Executive Director at the Global Center for R2P, who, at the virtual 2021 R2P conference hosted by Edge Hill University, addressed many of the current most urgent challenges to the implementation of R2P objectives.

Most conferences offer exhibitions of relevant literature. These exhibitions are useful for discovering the newest titles available, often combined with the possibility to do a favorable purchase. At the Leeds conference a new book was released with a dedicated presentation by the author, James Pattison⁴². I mention this one particularly because it directly addressed the broad approach R2P is meant to be in dealing with humanitarian crisis, which was also the main topic for the conference. The book title is *Alternatives to War*. In the introduction, Pattison (2018, p. 1) writes:

"Indeed, one of the central premises of the responsibility to protect (R2P) doctrine is that standing in face of mass atrocities is reprehensible. According to the R2P, the international community has a responsibility to protect threatened populations. Even if war and military intervention is not appropriate, doing nothing is not an option".

³⁹ China supports R2P pillar 1 (national responsibility) and expresses limited support for pillar 2 (international assistance). China is uncomfortable with pillar 3 (international action through the UN Security Council), without rejecting the pillar totally.

⁴⁰ I make one exception to this rule in the final remarks in chapter 8, but with a thorough explanation.

⁴¹ Joanne Neenan is an international lawyer and diplomat, and the former head of the Peacekeeping, Human Rights and Conflict Prevention team at the UK Mission to the UN.

⁴² James Pattison is professor in political science at the University of Manchester.

4.6 Some final methodological reflections

During my work with R2P from late 2012 until today, I have successively accumulated more and more knowledge about the principle, generally and about specific aspects of it. The amount of relevant literature I have read has grown substantially and continues to do so, stimulated by a stream of new contributions from researchers in the field. There is more literature of relevance available for me to support my own arguments now, compared to some years ago. The accumulation of knowledge over time, and this is not only about reading more literature and diverse documents, but also knowledge gathered subsequently through my conference participations as described above, has made it possible for me to widen the scope of R2P-aspects where I feel I am able to participate with my arguments in academic debates. This is not to say that my later articles are necessarily of better academic quality than the first ones. After having completed article 1, I did not continue to work with cosmopolitanism. My focus changed, and I saw more choices because my repertoire of knowledge had broadened. However, for certain aspects of importance for all the articles, I have developed more clarity over time. Articles 4 and 5 are for instance more precise than my first two articles about the differences between the R2P presented in the ICISS-report in 2001, and the more restricted version adopted by the UN General Assembly in 2005, including the implications of these differences.

Part 2

The cover-article's second main part addresses the connection between state sovereignty and responsibility. The discussions in all my five published R2P articles build on the assumption that this connection exists. A better understanding is therefore expected to help efforts realizing R2P objectives under various circumstances.

The research question is:

How is it possible to understand the imagination of sovereignty as responsibility, by unveiling its historical roots, and through current debates?

Part 2 of the cover-article has four chapters, 5-8. Chapter 5 describes the context that frames the discussion. In Chapter 6 I present my chosen analytical tool, the theory-tradition called the English School of international relations. Chapter 7 is dedicated to the discussion. Part 2 ends with some final remarks in Chapter 8.

Chapter 5 Context

This chapter has the following sections:

- 5.1 Introduction
- 5.2 International order
- 5.3 State sovereignty: concept and history
- 5.4 Responsibility
- 5.5 Legitimacy

5.1 Introduction

This chapter is a portrait of the broader context that encompasses R2P. The principle has entered a world order dominated by sovereign states. The principle itself demands that the exercise of sovereign authority is responsible, to protect populations from mass atrocities. Sovereigns that do not act responsibly in this respect, risk losing legitimacy, at home as well as in their relations to other sovereigns. I therefore choose to describe the context starting with a section about international order more generally. This establishes a framework. In connection with order, it is relevant to include some words about international law and international justice. Thereafter I proceed to give a deeper presentation of three concepts central to my discussion in chapter 7, first the concept that more than anything characterizes the current international order, state sovereignty, then the related concepts of responsibility and legitimacy.

5.2 International order

The concept international order refers to the pattern of activities or the set of arrangements that characterizes the mutual behavior of states. This pattern provides regularity to international relations. Different orders have existed through history, all since political units began to interact regularly. The basis for the current international order is the European state system established by the Peace of Westphalia (1648). This order gradually became global. Particularly during the last two centuries, several regional international orders have merged into a modern global order where it makes sense to talk about the state system as global, a global economy, and global circulation of ideas. In this order, a multiplicity of sovereign states coexist in a condition of anarchy, but some common standards for behavior and interaction are accepted. It is an order rejecting world government in favor of state sovereignty. It is fragmented, but this does not stop political units from interacting with each other. Interaction takes place within a framework that recognizes regulating elements, as for instance international law, diplomacy, and balances of power. The main purpose of regulatory arrangements is to provide peace and security through protection for the states and for the order. Stability is a key value for any order.

Change and developments mostly take place as processes of adaptation. One example is the emergence of new states (Lawson, 2017, pp. 38-41; Evans and Newnham, 1998, pp. 269-270).

An important regulating element for the current international order is 'international law', or public international law, which is the branch of international law dealt with in my texts⁴³. Its concern is the relations between states, with states as the legal entities. It consists of the rules, principles, customs, and agreements that states accept having the force of law in their relations. International law specifies, within different policy areas, what a state may legally do when interacting with other states or other relevant actors, as well as the behavior it may expect others to undertake (Evans and Newnham, 1998, pp. 261-262; Grieco et. al., 2019, pp. 150-151).

The historical root of international law is possible to trace back to the Roman Empire, but it is common to consider Hugo Grotius (1583-1645) and Emerich de Vattel (1714-67) as 'fathers' of modern international law, and the treaties of Augsburg (1555)⁴⁴, Westphalia (1648), and Utrecht (1713-15)⁴⁵ as important landmarks (Baylis et.al. 2017, p. 303). However, most of what we call international law today established during the last century, especially after WW2. Most common are 'treaties', accepted by signatories through national ratification. Treaties may address all states (universal), like for instance the Geneva Accords regulating the conduct of war, or only states in a particular region (non-universal). The North Atlantic Treaty exemplifies the latter. In addition to written (statutory) laws, international law also includes unwritten norms and rules called customary law. This refers to behaviors that has developed over time to become established practices. Many former unwritten practices have now become parts of written documents (Grieco et. al., 2019, pp. 151-152).

There are important differences between national law systems and international law. Within states, citizens cannot pick and choose which laws they wish to obey. At the international level, states are only bound to the treaties they sign. Most states have a system for the enforcement of national laws. The lack of a centralized authority internationally makes international law mainly a self-help system. The hierarchy between laws we usually find in national political systems is absent in the international sphere. International law is fragmented. Grieco et. al. (2019, p. 155) writes: "Instead of a single, relatively coherent

⁴³ There exists also a branch called private international law dealing with rules and agreements between individuals and associations in different states. The globalization of the world economy, particularly the increased number of transactions between multinational organizations, has made private international law a growing institution (Bealey, 1999, p. 168).

⁴⁴ The Augsburg Settlement officially ended religious struggle within the Holy Roman Empire by allowing rulers to choose between Lutheranism and Roman Catholicism as the official confession of their states.

(www.en.wikipedia.org/wiki/Peace_of_Augsburg).

⁴⁵ The Peace of Utrecht is a series of peace treaties signed between 1713 and 1715 in the Dutch city Utrecht. The treaties ended the war about the vacant throne of Spain that had involved much of Europe for over a decade (www.en.wikipedia.org/wiki/Peace_of_Utrecht).

system of civil and criminal law there are islands of international law, such as the law regarding commerce and, quite separately, the laws regarding human rights". Compared to national law systems, the connections between current and past cases are weaker within international law, and states must give permissions before a case their involved in can be treated by an international court (Grieco et. al., 2019, pp. 154-155).

The UN Charter and various UN Security Council and General Assembly resolutions are central documents to all R2P discussions. The UN Charter is an international treaty. Member-states are bound by it. Article 103 contains a supremacy clause stating that the UN Charter shall prevail in events of conflict with other international agreements. As such, the UN Charter is the highest authority of international law⁴⁶. The relationship between Security Council resolutions and international law is somewhat more complicated. The Council is a powerful political organ making political decisions. Its activities are defined in Chapter VII of the UN Charter. It produces resolutions which may have legal consequences, but the Council itself is normally not conceived as a law-making body. Security Council resolutions generally bind only the addressees, which may be the whole specter from one single member-state to all of them⁴⁷. General Assembly resolutions are recommendations, not laws. Yet, the Assembly is involved with international law at many levels. Different subsidiary bodies consider specific areas of international law and deliver reports to the plenary⁴⁸.

The bulk of international law concerned with human rights have expanded substantially after WW2. The Universal Declaration of Human Rights, adopted by the UN General Assembly on December 10, 1948, is not legally binding, but it is the most important normative UN document. It is possible to argue with Jacob Weinrib (2019, p. 21), that the adoption of the declaration represented a significant change for the order of sovereign states. While the treaties of Westphalia⁴⁹ primarily focused on the right to exercise authority, the declaration recognized the sovereign's duties to the ruled. The declaration also generated the development of several treaties that are binding for states who, with their signatures, formally accept the obligations contained. The Universal Declaration forms, together with the 1966 adopted international covenants⁵⁰ on Civil and Political Rights, and on Economic, Social and Cultural Rights, the so-called International Bill of Human Rights⁵¹. Other human rights treaties have followed, shaping the international order R2P has entered. In addition, Article 1 in the UN Charter defines promoting and encouraging respect for human rights as one of the objectives of the organization. There are references to human rights in several other charter articles, including obligations for member states to act separately and jointly and in cooperation with the UN to achieve the objectives.

⁴⁶ www.law.jrank.org/pages/7739/International-Law-UN-Charter-United-Nations.html

⁴⁷ www.ukessays.com/essays/law/status-of-un-security-council-public-international-law.php

⁴⁸ www.research.un.org/en/docs/law/ga ; www.en.wikipedia.org/wiki/United_Nations_resolution

⁴⁹ The importance of these treaties is further explained in the following section.

⁵⁰ Legally there is no difference between a treaty, a convention, and a covenant.

⁵¹ www.un.org/en/sections/what-we-do/protect-human-rights/

Order and justice need not coincide. Yet, justice is a subjective term. No widespread agreement exists about its general applicability, neither on the meaning of justice in the international context (Evans and Newnham, 1998, p. 288). A traditional term which is closely related to international order is 'international morality', implying that international relations are, or at least ought to be, conducted based on certain shared ethical values, extending those embodied in international law (1998, p. 266).

5.3 State sovereignty: concept and history

State sovereignty is the broadest recognized constitutive institution defining the basic norms and rules for international behavior, by dividing most of the earth's land-territory into sovereign states, hierarchically organized internally, and with mutual respect for the territorial integrity of each other. The constitutional independence of sovereign states is enshrined in the UN Charter as the principles of sovereign equality and non-intervention⁵².

In the Middle Ages, sovereign authority took different forms. Empire, the Catholic Church, and a variety of other units, competed to fill a political vacuum. In this vacuum, the modern state appeared, developed, and conquered the world (Zucca, 2015, pp. 399-400). The 1648 Peace of Westphalia did not create a coherent system of sovereign states. Some states relevant to call sovereign had already for a long time existed in Europe, and together with numerous new sovereign states, they continued to co-exist alongside other political units for a couple of centuries to come. States superseded feudal organization, but the shift to sovereign territorial states first gave rise to multiple institutional arrangements before a system of states emerged. The institutional evolution of the international system was no linear process, but the alternatives gradually weeded out, like for instance the Italian city-states (Spruyt, 1994, p. 16)⁵³. Yet, 1648 represents an important watershed. The conferences in the German cities Münster and Osnabrück from May to October ended the Thirty Years War⁵⁴. These conferences represented the first international arenas where the negotiating delegations all represented states, not religious authorities or for instance the once mighty Hansa-League of cities which still formally existed, but it was not allowed to join as an equal participant (1994, p. 16).

The origins of the notion of sovereignty go back to ancient Rome, but the shaping of the concept to how we understand it today took place in the 17th and the 18th Century Europe (Morris, 2019, p. 87). The modern concept of sovereignty arose

⁵² The UN Charter, Chapter 1, articles 2.1, 2.4 and 2.7

⁵³ It is problematic to call these city-states small sovereign states, because sovereign power was often domestically contested.

⁵⁴ The Thirty Years War describes numerous wars from 1616 to 1648 fought mainly in Central Europe.

together with the territorial state and the idea to concentrate power in the hands of the monarch. It was an idea sharply at stake with the political organization of feudal Europe structured through the Holy Roman Empire, with its crossing lines of authority dependent on the questions concerned. The centralized power gradually became impossible to challenge as kings and princes declared themselves as sovereigns.

At the Congress of Vienna in 1814-1815, state representatives, for the first time, signed treaties at a continental level. The implementation of numerous territorial changes reorganized the European political map after Napoleon's wars. The overall result was a Europe with sovereign states as the dominant political unities. However, we must move forward to the dissolutions of the colonial empires in the 20th Century before we can talk about state sovereignty as a concept of universal extension. Today, with the exemption of the Antarctic and some disputed areas, all significant land territory belongs to a sovereign state. The system has become global in reach, and, according to Aaron James (2019, p. 256), it now ranks among the most consequential institutions in world history, setting basic territorial limits on political aspiration for people the world over. Yet, one ought to keep in mind that a world order with state sovereignty as its fundamental cornerstone is a more recent phenomenon than what we today may tend to imagine.

The term 'state' derives from *status*, a Latin word with different meanings, among which are condition or position. In this context, one may talk about the position held by a ruler. The two words 'right' and 'reign', from which 'sovereignty' derives, came from the common Indo-European root 'reg' (Gencer, 2010, p. 329). The English word 'reign' is both a verb and a noun. It means to rule as king or queen, but it is also possible to use about the period of a particular sovereign's rule. 'Sovereign' is a title applied to the supreme leader. In earlier days it was the monarch. The sovereign ruled a territory. The word is a loan from Old French *soverain*, which in turn originates from the Latin *super*, meaning 'over'⁵⁵. In his book *Six livres de la république* from 1567, the French political philosopher Jean Bodin argued for absolute and heritable power to the monarch, freed from all external authority. This work, together with Thomas Hobbes *Leviathan* from 1651, frequently mentioned as the classic texts about how the concept of state sovereignty originated. The idea of the people as the source of impersonal state power, popular sovereignty, originated about a century later, very much through the writings of the French philosopher Jean Jacques Rousseau, and actualized with the American and the French revolutions.

When a ruler or a government is not itself legally constrained, we have what Morris (2019, pp. 87-89) calls 'classical sovereignty'. If absolute sovereignty is attributed to states, their authority cannot be constrained by for instance international law. Sovereignty is a kind of authority that differs from other authorities within its domain by being ultimate, the highest authority within a hierarchy. However, the classical understanding contrasts with the

⁵⁵ www.en.wikipedia.org/wiki/Sovereignty#Concepts

kinds of sovereignty that tend to have appeal today, limited versions where the sovereign does not claim to be legally unconstrained. The German scholar Carl Schmidt defined the sovereign as the one who decides in exceptional circumstances. A sovereign then acts by intervening occasionally, but this view is problematic. It is not obvious which circumstances are exceptional, or who shall decide this (2019, pp. 93-94)⁵⁶.

Together with the rise of the modern state system, a duality developed because the sovereigns sought simultaneously to establish domestic authority, and to fortify their positions towards other sovereigns. Yet, 'internal' (vertical) and 'external' (horizontal) sovereignty refer to different sorts of relations. One cannot easily derive the one directly from the other. Internal sovereignty is the exclusive right state authorities claim to give and to enforce laws within the defined territory. External sovereignty concerns the relations to other sovereign states, to recognition as a legitimate member of the international order. Recognition releases numerous rights, to control territories, to establish diplomatic ties with other states, and to become members of international organizations. Only sovereign states can obtain full UN membership. Formally, the principle of non-intervention enshrined in the UN Charter is the guarantor of their territorial integrity.

5.4 Responsibility

The term responsibility is much used, but the precise meaning is often obscure. The concept implies a value judgement, but the values it embodies can differ according to the context, the discourse, and the views of the speaker. It is possible to be responsible in a variety of ways, which signify various usages of the concept (Bovens, 2011, p. 2299). In its general moral and legal sense, to be responsible is to be liable for one's actions, which may cause reward or punishment. Problems connected to responsibility may arise when duties and obligations have not been clearly specified. This is a well-known phenomenon in complex organizations (Bealey, 1999, p. 286).

The Oxford English Dictionary⁵⁷ offers a comprehensive list of what responsibility can mean in different contexts. The whole list is not relevant for the discussions in my articles and in the cover-article, but some of the points are, like understanding responsibility as the capability of fulfilling an obligation or duty, the quality of being reliable and trustworthy. Responsibility might also simply be the fact of having a duty to do something, an assignment, a task, or a burden, for which one is responsible. Another use of the term is of being the cause or the originator of an event or series of events, for which one might be credited or blamed. Mark Bovens (2011, p. 2999) explains this more detailed. When used to indicate

⁵⁶ Morris refers to the book *Politische Theologie: Vier Kapitel zur Lehre von der Souveränität* by Carl Schmidt, first published in 1922.

⁵⁷ The Oxford English Dictionary, 2021. Oxford: Oxford University Press. www.oed.com

that someone or something has had the power to cause a particular event, responsibility coincides with causality. Not only humans, but also things, situations or circumstances can be responsible in this sense of agency, for example a virus for the outbreak of a pandemic. However, in a moral sense, responsibility pertains only to human agents. These must have the capacity to act responsibly, have had the possibility to act otherwise, and have developed a certain capacity to understand the consequences of their actions.

Understood as a normative concept, responsibility is a virtue, indicating a set of standards for the behavior of actors, or a desirable condition. We can talk about responsible actors as actors with a positive moral attitude, a desirable character trait, or praiseworthy conduct. Active responsibility differs from passive. Active responsibility focuses on the prevention of undesirable situations and events. Passive responsibility activates after these events have taken place, about holding someone accountable (2011, pp. 2299-2300).

Accountability, as a dimension of responsibility, establishes a relationship between an accuser and the accused, based on non-compliance with shared rules or regulations. This relationship focuses on monitoring, sanctioning, and correcting behavior. Relationship between an actor, being individual or collective, and other social units, is central to understand responsibility. Yet, responsibility is more than accountability, because it also includes a proactive component, related to tasks that lie in the future. As such, responsibility norms are guiding principles that leave space for debate, also about conditions for having the capability to take on responsibility (Vetterlain and Hansen-Magnusson, 2020, p. 9).

As a noun, the word 'responsibility' is relatively modern, dating back to the end of the 19th Century⁵⁸. For instance, Edmund Burke used it with reference to both obligation and capacity. However, the adjective 'responsible' is much older, used in the works of both Thomas Hobbes and John Locke. It can probably be traced back to the latin word *responsabilis* in the late Middle Ages (Bovens, 2011, p. 2300).

More recently, responsibility has become a focal point in international politics, materialized in specific policy norms. These consist of shared expectations for relevant actors within a community about what constitutes appropriate behavior related to specific tasks. R2P is one example. Yet, policy norms are usually informed by broader and more fundamental norms, as for instance human rights norms when we talk about R2P (Vetterlein and Hansen-Magnusson, 2020, pp. 3 and 11).

However, responsibility is a quite flexible term, as these words from Vetterlein and Hansen-Magnusson illustrate (2020, p. 8): "There is no straightforward answer to what responsibility is, as it contains moral as well as legal dimensions, while arguments can be made about who to assign responsibility to and on what basis".

⁵⁸ Badie et. al. here refers to the Oxford English Dictionary.

5.5 Legitimacy

To talk about sovereignty as legitimate or not presupposes a clarification of how to understand the term. Something is 'legitimate' when it is in accordance with established rules, principles, or standards. Legitimacy is the state or quality of being legitimate⁵⁹. In international relations, legitimacy connects to notions of recognition. It is more often a political matter rather than a strictly legal one (Evans and Newnham, 1998, p. 302). David Beetham writes:

“The legitimacy of any system of power, including that of its individual power holders, lies in the degree to which it is acknowledged as rightful, both by those involved with and subject to it and by third parties whose support and recognition it may depend on”.

(Beetham, 2011, p. 1414)

The term closely connects to the German sociologist Max Weber, for whom the core meaning of legitimacy was morally valid and rightful rule (Gilley, 2009, p. 3). Any power needs to justify itself. Those occupying positions of political power, have throughout human history sought to ground their authority in legitimacy. Legitimacy then refers to the property that the state's procedures for making and enforcing laws are acceptable to the subjects (Beetham, 2011, pp. 1414-1415; Grant, 1996, p. 281). Acceptance means that subjects see the authorities as right and proper. Obedience alone is not sufficient because subjects may also obey the orders from a government that terrorizes them (Bealey, 1999, p. 189).

Legitimacy is an old word. In ancient languages like Latin and Chinese, it implied only a narrow conception of following laws. Later it expanded to imply following shared moral standards (Gilley, 2009, introduction xi). Studies of legitimacy within political philosophy existed in ancient Greece. Yet, it is a rather recent subject for political science, dating from the early 20th century (Beetham, 2011 p. 1415). According to Gilley (2009, introduction xii-xiii), legitimacy has never been popular in the study of politics. There has rather been a tendency to dismiss the concept. Legitimacy can be tricky to measure and apply, but this is a property shared with many other important concepts. Yet, to eliminate legitimacy from the analysis in favor of what is easier to measure, is putting methodological precision ahead of substantive findings. Christopher Morris (2008, p. 15) points to much confusion about legitimacy in contemporary discussions, which indicates widespread lack of clarity and understanding. It is not, according to Beetham (2011, p. 1415), the definition of legitimacy being contested, rather questions like how legitimacy creates and maintains, what it is exactly that makes power rightful, and how significant legitimacy is for the effectiveness and maintenance of power relations. More clarity would be very helpful because the concept of

⁵⁹ [dictionary.com/browse/legitimacy](https://www.dictionary.com/browse/legitimacy)

legitimacy is essential to making sense of our world of sovereign states. If the legitimacy of states is wrongly estimated, it may set in motion disastrous politics. Claims of illegitimacy may justify different forms of interventions (Gilley, 2009, p. 2). The term 'illegitimacy' refers to manifest breach of the conditions connected to legitimacy, as when governments are unable or unwilling to provide for basic security for their subjects (Beetham, 2011, p. 1418). The relevance for R2P debates is easy to recognize.

Without legitimacy, states cannot efficiently perform the tasks assigned to them. Because lack of legitimacy may be debilitating, states always claim to be legitimate (Morris, 2008, p. 15-16). Sovereign states need to legitimate themselves in relation to their subjects, and they need recognition from other states as legitimate members of the international community. A long tradition in political thought argues that only states with legitimate institutions and ideologies qualify as states. Gilley (2009, p. 8) refers to the famous antique Christian theologian and philosopher Augustine of Hippo (345 – 430)⁶⁰ who called kingdoms without legitimacy 'great bands of robbers'.

Another question is to what extent legitimacy is either present or absent. According to Gilley (2009, p. 9), everyday usage of the concept often treats it as a dichotomous variable. State leaders seldom claim a particular state for being 'fairly legitimate'. On the other hand, there are reasons for allowing degrees, treating legitimacy as a continuous variable. This avoids limiting subjects' actions to either complete obedience or complete disobedience, and it allows for a dynamic process of generating legitimacy (2009, p. 59). With reference to Lynn White⁶¹, Gilley (2009, p. 11) points to real world politics where nothing is purely legitimate or illegitimate. Yet, it may be irrelevant to speak about legitimacy for so-called 'failed states', if they are no longer recognized as states (2009, p. 26). Christopher Morris (2008, pp. 30-31) deals with related questions. If full legitimacy means the genuine support of all subjects, no state has ever obtained that. As such, the fundamental form of political organization cannot measure up to its self-image. He solves this dilemma by allowing legitimacy to come with different strengths, from a strong variant where all subjects obey all valid laws that apply to them, unrealistic in the real world, to a weaker variant where subjects are obliged not to undermine state rule, and to support it in various ways (2008, pp. 22-25). On the other hand, focusing on the legitimacy of state constitutions, Jörg Kuhnelt (2008, p. 2) writes: "The justification of a state would be more than questionable if only the leaders or a minority of its citizens actually agree to it".

To believe that a state is legitimate is to dedicate a certain status to it. However, it is not sufficient to examine people's beliefs. Morris (2008, pp. 17-20) treats legitimacy as a

⁶⁰ The book referred to by Gilley is Augustine of Hippo. *Concerning the City of God Against the Pagans*, translated by J.W.C. Wand 1963. Oxford: Oxford University Press.

⁶¹ White, Lynn. 2005. Introduction: Dimensions of Legitimacy. In White (ed.) *Legitimacy: Ambiguities of Political Success or Failure in East and Southeast Asia*, pp. 1-28. Singapore: World Scientific.

property of states. Legitimate states have the 'right to exist'. Others have no right to destroy them. To the state attaches a 'territory'. The correlating duty on others is non-interference. Legitimate states have a 'right to act'. Domestically this includes rights to make, to adjudicate, and to enforce laws. The state does not necessarily create all laws itself, but it determines the laws within its territory, expressed through Weber's monopoly on the legitimate use of force. Internationally the right to act implies to enter into agreements, treaties, and alliances, with other states, or within the framework of international organizations.

Rightful rule means rule in accordance with shared moral standards of a political community. Therefore, states seeking legitimacy must perform well (Gilley, 2009, p. 5). What this precisely means, varies across space and time. As such, the sources of legitimacy are not universal (2009, p. 32). To have an obligation is to be the subject of a normative requirement. Sources of obligations may be moral or legal. Sharp distinctions between these are not always easy to draw (Morris, 2008, p. 21). For Thomas Bierstecker (2005, pp. 162-163), the legitimate state fulfils its international commitments and obligations. These have changed over time, often in connection with challenges. The criteria for recognition as sovereign states are therefore not static. He suggests thinking of sovereignty in terms of a continual contestation of practices. Some agents push the boundaries of legitimate practice, while others resist the changes. Yet, there is some evidence that the international community has become increasingly more intrusive into earlier assumed domains of domestic affairs⁶². This matches the following words by Gilley:

“States are increasingly linked through shared standards of legitimacy that widen their responsibilities in global society. What drives states, and what pull them together in the future, is the question of how political power can be used in a legitimate manner, domestically and internationally”.

(Gilley, 2009, introduction xiv – xv)

⁶² Biersteker refers to the ambiguity contained in the UN Charter on the issue of sovereignty.

Chapter 6 Theory: The English School of international relations

The theory chapter is composed of the following sections:

- 6.1 Why this approach?
- 6.2 Brief history
- 6.3 System and society
- 6.4 Pluralism, solidarism, and world society
- 6.5 International order and justice
- 6.6 The legacy of R.J. Vincent
- 6.7 IR as a human world
- 6.8 The English School and other IR theories

6.1 Why this approach?

I used the English School as one among other theoretical approaches in my R2P articles 1 and 2. In the cover-article I have chosen this as my single selection. There are several reasons for why I find the English School particularly well suited as analytical tool for discussions connected to state sovereignty and to R2P. The most important ones are:

1. The English School occupies a middle ground within IR, which realizes that we live in an imperfect world where signs of optimism coexist with signs of pessimism. I expect this to be a suited tool to analyze possibilities as well as limitations connected to state sovereignty understood as responsibility, and to the destiny of R2P objectives.
2. The 'international society' is the most important English School concept. It is a society composed of sovereign states. Yet, the societal aspects of the international sphere, heavily influences the location and the character of responsibilities, with consequences for perspectives related to R2P.
3. The English school offers comprehensive insights into international order, the relationship between order and justice included.
4. R2P is about a valued normative standard, and the English School views IR as a fundamentally normative enterprise.
5. History is important for English School scholars. The arrangements we observe today are only possible to understand through knowledge about their development.
6. The English School makes human beings visible. Human beings operate in contexts, but the main international actors are the states-people; politicians, diplomats etc. acting on behalf of their states. In dealing with mass atrocities, it is important to understand the space for action. This implies to identify responsible human beings.
7. The English School addresses questions connected to human rights and to humanitarian-based interventions, with obvious relevance for discussions about the meaning of state sovereignty, and for the implementation of R2P objectives.

This chapter draws on many sources. Yet, among all books and articles written within the framework of the English School, one book stands out as the most important one, Hedley Bull's famous masterpiece *The Anarchical Society*, first published in 1977. The following sections in this chapter, and the discussion in chapter 7, has several references to it. For more recent discussions about what the English School can offer in the 21.st Century, it is worth to mention Andrew Hurrell's book *On Global Order* from 2007, and Barry Buzan's *An Introduction to the English School of International Relations* published in 2014.

6.2 Brief history

The English School is named so, because the original scholars worked in England, although not all of them were English born⁶³. The central institution was, and is, LSE⁶⁴ in London, accompanied by the universities in Oxford, Cambridge, and Aberystwyth (Wales). The English School's influence on scholarly work has been greatest in Britain, but today there is significant interest in the insight the school has delivered in many parts of the world. In the 21st Century, it has consolidated itself as one of the most important approaches to IR, and as the principal alternative to mainstream American theorizing in the field, with succession of scholars across generations. (Knudsen, 2008, pp. 224-225; Brown, 2019, p. 47; Buzan, 2014, pp. 10-11; Dunne, 2021, p. 108; Linklater, 2009, p. 86).

As an instinctive and original perspective on international relations with the international society as the primary object of analysis, the English School took shape during the 1950s, 60s and 70s. An important year is 1959 with the establishment of the British Committee on the Theory of International politics. The committee, chaired by Herbert Butterfield⁶⁵, gathered scholars from different academic disciplines to discuss problems and aspects of IR theory, developing particularly the study of international society⁶⁶. The other most influential members of the first generation of English School scholars were Hedley Bull, Martin Wight, Adam Watson, R. J. Vincent, and James Mayall. Apart from the individual works, the Committee produced two important edited volumes, in 1966 *Diplomatic Investigations* edited by Butterfield and Wight, and in 1984 *The Expansion of International Society* edited by Bull and Watson (Buzan, 2014, p. 7). More recently, the school has further developed through the works of Robert Jackson, Andrew Hurrell, Tim Dunne, Barry Buzan, Ian Clark, Nicholas Wheeler and Richard Little. English School scholars agree about the central questions to ask, and that the approach represents a theoretical framework suited to

⁶³ Hedley Bull was born in Sydney and worked as a professor at the Australian National University in Canberra before he moved to England in 1953 where he continued his academic career as professor at LSE and at the university of Oxford.

⁶⁴ London School of Economics and Political Science

⁶⁵ Herbert Butterfield was professor of history at the University of Cambridge.

⁶⁶ www.en.wikipedia.org/wiki/British_committee_on_the_theory_of_international_politics.

find answers. They also agree to focus mainly on IR at the global level. Yet, the tradition is broad enough to embody substantial variation. Barry Buzan explains:

“The English School is a ‘great conversation comprised of anyone who wants to talk about the concepts of international and world society and who relates in some substantive way to the foundational literature on those topics. It is not a school in the narrow sense of representing a specific line of thought on which all adherents are agreed”.

(Buzan, 2014, p. 8)

The English School has intellectual roots to the European international law tradition with philosophers like Hugo Grotius and Emmerich de Vattel, but also to European political theory more generally. More contemporary sources of inspiration include the early liberal internationalists (idealists) of the 1920s, and the generation of classical realists that entered the scene thereafter, although, to use Tony Brems Knudsen’s words (2008, pp. 224-225), English School scholars had quarrels with both. The English School was from the beginning at odds with both the realist preoccupation with international anarchy and power politics, and the idealist quest for radical transformation.

6.3 System and society

The English School rests on an important observation, that international relations display a remarkably high level of order, and surprisingly little inter-state violence, despite the absence of a world-wide monopoly of power. The foundational claim of the English School is that sovereign states form a society, but it is an anarchic society since states do not have to submit to a higher power (Linklater, 2009, p. 86). Yet, the idea of an ‘international society’, the flagship concept of the English School, has older roots. Barry Buzan (2014, p. 5) points to connections with international law at least back to the nineteenth century. He mentions the German historian Heeren’s discussion of state-systems from 1834 as influential on early English School thinking⁶⁷.

There are, according to English School logics, three distinct spheres in international relations operating simultaneously. These are the international system, the international society, and the world society. Martin Wight saw this as a debate between three groups of thinkers representing three traditions of IR-theory, realists (Hobbes and Machiavelli), rationalists (Grotius), and revolutionists (Kant) (Bull, 1977, p. xi; Buzan, 2014, p. 12; Murray, 2015, pp. 1-2). The three traditions frame, with Buzan’s (2014, p. 19) words, the English

⁶⁷ The source is Heeren, A.H.L. 1834. *A Manual of the History of the Political System of Europe and its Colonies, from its Formation at the Close of the Fifteenth Century, to its Re-establishment upon the fall of Napoleon*. Translated by D.A. Talboys. Oxford.

School's 'great conversation', setting out the primary positions that are always in some sense in play in discussions about foreign policy and international relations. Rationalists believe that human beings are not only sinful and bloodthirsty, but also rational. The epistemological significance of rationalism is that reason is itself a source of knowledge, superior to, and independent of, sense perceptions (Wight, 1991, p. 13).

This is how Hedley Bull described an international system and an international society in his book *Anarchical Society*:

"A system of states (or international system) is formed when two or more states have sufficient contact between them, and have sufficient impact on one another's decisions, to cause them to behave – at least in some measures – as parts of a whole".

(Bull, 1977, p. 9)

"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 institutions".

(Bull, 1977, p. 13)

The international system is about power politics among states, centered on the structure and process of international anarchy. Within IR theory, this position is closely connected to realism. International systems emerge whenever states start to interact. State leaders need not be aware that the states they represent are part of a system. Yet, as members of an international society, they must recognize some common ground (Little, 2000, p. 408).

Bull (1977, p. 8) started with the existence of states understood as independent political communities, each of which possesses a government and asserts sovereignty in relation to a particular portion of the earth's surface, and a particular segment of the human population. The international society, originally European, has expanded to become worldwide in scope, reflected through the institution of state sovereignty and UN membership, as a society of states. This society is a distinct form not analogous to domestic societies. It emphasizes the creation and maintenance of shared norms, rules, and institutions. How states perceive each other is a major determinant to explain their interaction. States exist in a society they shape, but the society also shapes the states. The logic of anarchy needs a supplying social element to obtain a meaningful picture of state behavior. The vocabulary of the English School includes a dichotomy between first and second order societies. First order societies are composed of individual human beings. The

society of states is a second order society with durable collectivities as members (Buzan, 2014, p. 15).

6.4 Pluralism, solidarism, and world society

The state-centered version where non-state actors play a secondary role, is a pluralist international society. As a minimum it is an institutional arrangement restricted to the maintenance of order. Rules are complied with because fidelity to them are relatively cost-free, but the collective benefits are enormous. A good example is the elaborate rules connected to diplomatic privileges⁶⁸. Great powers, limited war, and balance of power are practices that evolved over many centuries and that helped to sustain order (Dunne, 2021, p. 117). John Williams explains pluralism with these words:

“The pluralist position within the English School is typically associated with an account of international society that stresses three principal features: the centrality to inter-state consensus to international order, the significance of ethical diversity (or pluralism) among states, and the fragility of normative progress”.

(Williams, 2015, p. 105)

The solidarist international society is an extension of the pluralist version. Like pluralism, it is defined by shared values and institutions, and held together by binding rules. The difference is the content of the values and the character of the rules and institutions. In a solidarist international society individuals are entitled to basic rights, but still the immediate members of the international society are states rather than individual human beings (Bull, 1977, p. 25).

English School scholars debate how ‘social’ the international society is and has the potential to become. Some emphasize that the dynamics of power and competition still have a central place. Others argue that shared norms and rules progressively weakens and delegitimizes the role of power and coercion (Grieco et. al., 2019, p. 86). The first position is pluralist, expecting states able only to agree on minimum requirements such as mutual respect for sovereignty, non-intervention, and the codes of diplomacy. From this perspective, rules and institutions mainly function to prevent war and to handle conflicts between states. The second position relies on an assumption of a higher degree of solidarity among states, with implications for the conduct of international relations, including that the enforcement of common rules may under certain circumstances be a legitimate concern for the international society in common. Dunne writes:

⁶⁸ Acceptance that representatives of states are not subject to the laws of their host country is a principle that has received widespread compliance for many centuries (Dunne, 2021, p. 117).

“In a solidarist order, individuals are entitled to basic human rights such as the right not to be indiscriminately killed or harmed. If harm is being undertaken on a large scale, and the sovereign state is either the perpetrator of the crime – or is unable to prevent it – then solidarists believe that the members of international society have a duty to intervene to protect peoples at risk”.

(Dunne, 2015b, p. 62)

Traditionally, the English School has been inclined to regard developments connected to solidarity with caution (Knudsen, 2008, p. 227). Debates about to what extent it is possible to observe a development from a pluralist international society to a more solidarist one draw on historical insights about earlier developments regionally as well as globally. Buzan expresses a positive view, but with reservations:

“In its historical understanding it shows convincingly how what was initially a mainly pluralist society of states has become increasingly solidarist in its practices and institutions, including even on the tough issues of human rights, albeit still being very far away from any sort of solidarist utopia”.

(Buzan, 2014, p. 132)

Andrew Hurrell (2007, pp. 4-5) supports this view. He points to a dramatic and sustained move towards more and more far-reaching international institutions and a similar increase in the scope, range, and intrusiveness of international rules and norms. This is hard to make sense of within the framework of pluralism, which he considers too pessimistic about the constraints of power politics, and too sceptic about the international value consensus ever likely to establish. Solidarism, on the other hand, appeals to an international community capable of fulfilling a broader range of political and moral purposes.

The third element in the English School triad is world society. This is a broad concept that attempts to link together all parts of the human community, including entities whose moral concerns traditionally lay outside international society. By focusing on non-state actors, different global arrangements, and the whole global population, world society transcends the state system. The idea is cosmopolitan. The English School is not generally a cosmopolitan perspective, but it includes an element of cosmopolitanism⁶⁹. Yet, world society is the least developed among the three concepts (Buzan, 2014, pp. 12-13; Dunne, 2021, p. 122; Murray, 2015, p. 2). Buzan (2014, pp. 14-15) describes the relationship between the three perspectives as a fluid framework of elements in continuous coexistence and interplay. In the real world their strength in relation to each other will vary with time and place. Dunne (2021, p. 122) points to the emergence of international humanitarian law

⁶⁹ In my R2P article 1 (2016, p. 126) I underline this point with reference to the English School as a normative perspective, but not a cosmopolitan one.

as one indicator of an evolving world society, with the UN Charter representing a particularly important stage in this evolution.

6.5 International order and justice

The concept international order is of great importance to the English School generally, and it was a main concern for Hedley Bull. In *The Anarchical Society* he discusses order from a variety of angles. This is how he defined the term: “By international order I mean a pattern of activity that sustains the elementary of the society of states, or international society” (Bull, 1977, p. 8). Certain contingent facts can make for order even without any conception among states of common interests. For example, a balance of power may arise in an international system without any consciously design, with the absence of any belief that it serves common interests, and without any attempt to regulate or institutionalize it. It still may help to limit violence (1977, pp. 62-63). However, this is not the order Bull talked about. He wrote:

“Within international society, as in other societies, order is the consequence not merely of contingent facts like this, but of a sense of common interests in the elementary goals of social life; rules describing behavior that sustains these goals; and institutions that makes these rules effective”.

(Bull, 1977, p. 63)

Drawing on a range of scholars⁷⁰, Andrew Hurrell (2007, p. 2) differs between social order as fact and order as value, although these categories are often hard to disentangle. Order as fact can be understood as regular patterns of human behavior, in contrast to chaos, instability and lack of predictability. Order as value requires in addition a particular kind of pattern infused with meaning by human beings. This involves a particular set of goals, objectives, and values, generating outcomes.

For rules to play a role in social life, they must be effective. They must be obeyed, at least to some degree. Bull (1977, p. 54) presents a list of functions connected to the effectiveness of rules, but all of them need not be essential in each specific case. First, rules need to be ‘made’. Someone must formulate them. Then there is a need to ‘communicate’ the content to those to whom the rules apply. Rules may need to be ‘administered’, which implies certain acts to be carried out. Questions may arise around the meaning of specific rules. This calls for ‘interpretation’. To be effective, rules must be possible to ‘enforce’, for instance by one or another sort of sanctions on non-compliance. Rules also need acceptance as ‘legitimate’ by members of the society to whom they apply. Changing circumstances may

⁷⁰ Among them are Hedley Bull and Jon Elster.

demand rules to be 'adaptive', sometimes to the extent of being replaced by new ones, but they must also be 'protected' against developments likely to undermine them.

Bull argued that all societies have arrangements for protecting three primary goals. These are placing constraints on violence, upholding property rights, and ensuring that actors keep agreements. The international society includes states with radically different cultures, religions, and philosophies of government, but it is a shared interest to protect these goals because political communities generally wish to constrain the use of force and bring civility to their external relations. However, conventions and institutions that preserve order between states will be stronger among those who share the same general way of life (Linklater, 2009, pp. 91-93). The western invention of the nation-state has, despite multiculturalism, proved remarkably attractive around the world (Brown, 2019, p. 48). Territorial political units seem to be unavoidable because they meet a genuine need. States cannot escape anarchy, but an international system's regulatory rules and institutions usually develop to the point where the members become conscious of common values. This transforms the system to an international society, allowing states to manage anarchy more effectively. International institutions become more than places where states compete for influence and power, but this does not imply that more radical developments are achievable. English School scholars try to understand the most important obstacles to improvement. They see great powers as posing the most serious threats. Great powers may rewrite rules to suit their own interests, but they can also be responsible actors that do not always prioritize self-interests (Grieco et.al, 2019, p. 85; Linklater, 2009, pp. 89-90).

The relationship between order and justice has occupied several English School scholars. Bull offers a comprehensive discussion in *The Anarchical Society*:

"Order is not merely an actual or possible condition or state of affairs in world politics, it is also very generally regarded as a value. But it is not the only value in relation to which international conduct can be shaped, nor is it necessarily an overriding one".

(Bull, 1977, p. 74)

Justice is the human value most often contrasted with order. Ideas about justice are moral ideas, treating human actions as rights in themselves, not merely as means to achieve ends. Considerations of justice must therefore separate from those of law, interest, prudence, or necessity (1977, p. 75). Ideas of international justice allow states to claim certain rights, but also put some duties on them. These rights and duties are not merely legal in character, but also moral. For example, states can refer to equality and fairness of treatment and therefore claim a moral right to sovereignty applied equally to themselves and to other states (1977, p. 79).

For Bull, the only way to realize more international justice was through the mechanisms of sovereign states and the international organizations they dominate. He recognized the existence of a category called world justice or cosmopolitan justice, but he was deeply skeptical, seeing a world society with a common good not to exist except as an idea or a myth. Bull admitted that in the real world there were no lack of self-appointed spokesmen of the common good. Yet, private individuals have no authority to speak for anyone else than themselves. Their views provide an even less authoritative guide to the common good than what leaders of sovereign states do, who at least can claim that they speak for a part of mankind larger than themselves. Agreements reached among states are notoriously the product of bargaining and compromise rather than considerations of which interests the whole of mankind may have (1977, pp. 80-82).

The pluralist position within the English School is to prioritize order when order and justice is not possible to unite. As explained by Bull (1977, p. 83), justice, in any of its forms, is only possible to realize in the context of order. Yet, the international society's influence is limited. The UN and its specialized agencies are formally committed to much more than the preservation of minimum order. It also espouses ideas of justice, international justice as well as justice for individual human beings. However, the UN Charter prioritizes the preservation of international peace and security. The current international order is rather inhospitable to the realization of ideas connected to world justice.

Bull (1977, p. 85) writes: "When questions of human justice achieve a prominent place on the agenda of world political discussion, it is because it is the policy of particular states to raise them". However, human rights abuses will often not activate international reactions, because it is not the policy of any state or group of states to get involved. One cannot expect the international order to provide general protection, only selective, but Bull does not argue for the preference of order to justice in any given case. He concludes: "The question about order *versus* justice will always be considered by the parties concerned in relation to the merits of a particular case (1977, p. 93).

Recent English School scholars who position themselves as solidarists are not comfortable with this prioritization. They tend to see basic human rights as a floor beneath states, not a ceiling above them. This is the position of scholars like Tim Dunne, Nicholas Wheeler and Alex J. Bellamy. The foundation for this position honors R. J. Vincent and his book *Human Rights in International Relations*⁷¹ from 1986 (Gallagher, 2015, p. 51). The next section is about his legacy.

⁷¹ Vincent, R. J. 1986. *Human Rights and International Relations*. Cambridge: Cambridge University Press.

6.6 The legacy of R. J. Vincent

Raymond John Vincent (1943-1990), probably better known as R. J. Vincent, is among the most important scholars within the English School, despite that he only reached 47 years of age. His work, much inspired by Martin Wight and Hedley Bull, concentrated particularly on two issues, human rights in world politics, and intervention. He paid attention to the consistence of human rights, the possibility to measure eventual progress, and the difficulties connected to the promotion of human rights in international diplomacy (Griffiths et. al., 2009, p. 231). Through Vincent's academic career, it is possible to see a development from a strict support for a pluralist interpretation of international society, to a more solidarist one in his later works.

In his book *Nonintervention and International order*, published in the context of the Cold War in 1974, Vincent segregated 'intervention' from 'interference'. While interference is a normal activity in international relations, intervention is the use of coercive means to alter the behavior, or perhaps even change the government, of a target state. The rule of non-intervention prohibits this. Vincent admitted that rules for legitimate intervention has normative appeal. Yet, in the early phases of his academic career, he endorsed a rigorous adherence to non-intervention (2009, pp. 235-237).

However, he discussed possible exceptions to the principle of non-intervention in his 1974 book, based on an alternative doctrine of internationally sanctioned minimum standards of human conduct, where states failing to meet these standards has no recourse to the principle. Much of his skepticism had its roots in the lack of guarantee for the impartiality of intervening states. They might very well intervene for some interest of their own, making the target state the object of its will, rather than the arena for the realization of some moral good. About the consequences of accepting the alternative, he wrote:

"If a right of humanitarian intervention is to be allowed despite the partiality of the intervening state, and notwithstanding its mixture of motives, the less worthy consequences of that doctrine have to be tolerated along with any good effect that it might achieve".

(Vincent, 1974, p. 348)

Vincent was not happy with this conclusion. He devoted much effort in his later academic career to explore possible changes in the conditions underpinning his arguments. The result was another important contribution to the development of English School thinking. Like Hedley Bull, he argued that international justice was not achievable without order. Neither did he see international law as an agent for transforming the society of states. Yet, in his later works, he saw the survival of the existing international society being

dependent on progress. Otherwise, it would degenerate to great power dominance (Griffiths et. al., 2009, pp. 237-239).

6.7 IR as a human world

The English School is a theoretical approach to IR where human beings are visible. Buzan (2014, p. 18) refers to Manning⁷² as the classical exponent for understanding international society as a set of ideas to be found in the minds and language of those who talk and act on behalf of states, states-people like politicians, diplomats etc. Ideas incorporate into the official thinking of states about their mutual intercourse, but states are not thinking entities. Those who think are human beings. Therefore, to understand world politics, analysts need to understand the thoughts that underlie the actions of states-people. This implies to analyze a variety of factors, like interests, intentions, wishes, hopes and fear. States do not have any existence apart from the human beings, the citizens, and the governments, that compose them and act on their behalf. As explained by Jackson and Sørensen (2003, p. 141), the English School views international relations as a special branch of human relations that occur in historical time, involving rules, norms, and values. Their scholars study this historical human world. Jackson and Sørensen also refer to a concept developed by Bull, the exercise of judgement. About what Bull meant with this, they write:

“IR scholars fully understand that foreign policy sometimes presents difficult moral choices to the states-people involved – i.e. choices about conflicting political values and goals. IR scholars should be able to evaluate those choices in terms of the situation in which they are made and the values at stake. A difficult foreign-policy choice in this regard would be the decision to go to war or the decision to engage in humanitarian intervention”.

(Jackson and Sørensen, 2003, p. 140)

The institution of diplomacy plays a vital role to promote understanding and discover common ground to prevent misunderstanding of aspirations and intentions. Bull (1977, pp. 163-164) presents a list of functions diplomacy has fulfilled in relation to international order. Diplomacy facilitates communication between political leaders of states and other entities on the international arena. Diplomats are messengers with international recognized immunity. They negotiate agreements, particularly by determining areas of overlapping interests. States base their foreign politics on information gathered by diplomats. Within international affairs, friction is a constant source of tensions, included between states with close relations to each other. An important function for diplomacy is therefore to minimize the effects of such friction. The role of diplomats as symbols shall neither be

⁷² Manning, C. A. W. 1962. *The Nature of International Society*. London: Macmillan

underestimated. They symbolize the society of states as visible expressions of the existence of rules, to which states, and other international actors, pay at least some allegiance. Hurrell (2007, p. 37) mentions many of the same points. He highlights the importance of diplomacy in providing for an institutional framework to allow for political negotiation to take place in strained and often very difficult circumstances.

Modern international society exists both at the ideational and the concrete level. It exists as an idea inside the minds of state leaders, diplomats, representatives of different governmental and non-governmental organizations, scholars, journalists, and ordinary citizens. More concrete is the existence in shared rules, codes of conduct, and institutions, physically expressed through documents of international law, embassies etc. The imperatives of reason, morality and law require the maintenance of orderly and meaningful coexistence, but not a world government or a universal society of humankind (Knudsen, 2008, pp. 225-225).

To focus on states-people acting on behalf of states implies to consider a substantial number of variables. Methodologically, the English School offers a holistic approach. Bull opposed the positivist methods that in the 1950s and 60s dominated American theoretical approaches to IR, insisting that material causality was appropriate only to the study of systems. Societies could only be understood through the consciousness and moral character of the actors within them (Buzan, 2014, p. 22).

6.8 The English School and other IR theories

The other theoretical approaches it is most common to compare the English School with are realism, liberalism, and constructivism. It has become part of conventional wisdom that the English School sees itself as providing a *via media* between the two more polarized positions of realism and liberalism (Little, 2000, p. 396). The English School accepts the realist view that states operate within anarchy, form balances of power, and quite frequently resort to war. However, states are more social than what realists admit. They have also organized themselves into a society where they have developed norms, rules, and institutions, to manage the state system and soften the consequences of its anarchical character. Yet, one cannot expect to find the same extent of cooperation internationally as inside stable national societies. Since violence among states probably is ineradicable, the English School is at odds with utopian idealists and cosmopolitans who believe in the possibility to establish perpetual peace. Progress in international relations is possible to a limited extent, but it will not take place through radical reforms. Such projects are from the English School approach either impossible, undesirable, or both. Therefore, there are more to world politics than what realists suggest, but there will always be less than the desires expressed by many liberalists. States pursue their national interests on the international

arena, but not at all costs. If they do, the international society will be in danger. Yet, although states are self-interested, they share an interest in a predictable and rule-based environment. Therefore, they have incentives to build relations with each other to establish mutual expectations about the terms of their interactions (Brown, 2019, p. 47; Buzan, 2014, p. 30; Grieco et. al, 2019, p. 85; Linklater, 2009, pp. 87-88).

Some scholars have pointed to interesting similarities between the English School and Morgenthau's classical realism, but at the same time finding few similarities with the mechanistic world view that dominates the more recent neorealist approaches⁷³. The English School highlights the interplay between the three traditions international system, international society, and world society. It also offers an account of IR which combines theory with history, morality with power, and agency with structure. As a fundamentally normative enterprise, the school is the principal alternative to mainstream North American theorizations of IR (Dunne, 2021, pp. 108-112). However, the relationship between the English School and the traditions of realism and liberalism is not only a *via media* position. By introducing the international society of states, the English School also creates a keystone to an independent set of concepts, as described in this chapter. Further, because international societies may come in a variety of forms, the school can offer various visions of the future (Buzan, 2014, pp. 25-29).

The relationship between the English School and liberalism may be illustrated through different views on primary and secondary institutions. The primary institutions are durable routinized practices such as state sovereignty, international law, and diplomacy. Secondary institutions are international organizations. While primary institutions give birth to and make secondary institutions possible, once established secondary institutions may shape and modify primary ones (Costa Buranelli, 2015, p. 12). Liberalists focus mainly on the secondary institutions as instruments of reforms. The English School's main occupation is with the primary ones, which they see as difficult to manipulate. Secondary institutions are for English School scholars reflective and supportive of primary ones, but they are constrained by the framing of these institutions. The English School's historical perspective on the fundamental practices underlying specific institutions also differ from liberal regime theory who mostly deal with contemporary events (Buzan, 2014, pp. 30-31). The school does not postulate any mechanical relationship between the past and the present. Yet, by studying how international societies have evolved gives us a tool to understand their embedded potentials, possibilities as well as obstacles. In contrast, realists tend to see history as repetitions, while liberalists often limit their search for change and progress to modernity only (Buzan, 2014, pp. 43-44, Jackson and Sørensen, 2003, p. 145).

⁷³ Richard Little is among them. Buzan refers to his 2003 article 'The English School vs. American Realism: A Meeting of Minds or Divided by Common Language?', pp. 443-460 in *Review of International Studies* 29(3).

In an 'anarchical society' states act within a system of norms that they regularly regard as constraining. Yet, states themselves create these norms (Brown, 2019, p. 57). This is related to the constructivist view of agents and structures as mutually constituting each other in a dynamic process. Constructivists and English School scholars both engage themselves with how to understand the social basis of international relations. However, constructivism emerged from epistemological and methodical debates and does not have the roots connected to history as characterizes English School research. Constructivists are normally more positive to the possibilities for social change than pluralist English School scholars, but the two approaches have come closer to each other on this question through the solidarist branch of the English School.

Chapter 7 Discussion

This chapter discusses the following main research question:

How is it possible to understand the imagination of sovereignty as responsibility, by unveiling its historical roots, and through current debates?

To answer this, the discussion focuses on the following specific questions:

1. What is sovereignty as responsibility?
2. Which historical roots can this imagination draw on?
3. How is sovereignty as responsibility criticized within current debates?
4. What are my responses to a selection of critical voices?

The discussion in section 7.2 tries to answer the first specific question. Historical roots are traced in section 7.3. Then follows the critical voices and my comments in section 7.4.

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Chapter 7 contains the following sections and sub-sections:

- 7.1 Introduction
- 7.2 Sovereignty as responsibility
- 7.3 Historical roots of sovereignty as responsibility
 - 7.3.1 Some general considerations
 - 7.3.2 Bodin,
 - 7.3.3 Grotius
 - 7.3.4 Hobbes
 - 7.3.5 Locke
 - 7.3.6 Kant
 - 7.3.7 Other voices before the 20th Century
 - 7.3.8 The early 20th Century
 - 7.3.9 After WW2
 - 7.3.10 Conclusion so far
- 7.4 Critical voices and my comments
 - 7.4.1 Over-view
 - 7.4.2 Main argument a)
 - 7.4.3 Main argument b)
 - 7.4.4 Main argument c)
 - 7.4.5 Main argument d)
 - 7.4.5 My comments to the arguments presented
 - 7.4.6 My comments related to the English School theoretical approach to IR

7.1 Introduction

My R2P articles all understand responsibility as an aspect of state sovereignty. To some extent, the articles explain what this means, but the connection between responsibility and state sovereignty is not the focus for any of them. The articles treat this connection more as a basic assumption, or a platform for developing arguments related to their research questions. This chapter is an attempt to discuss the meaning of this assumption more detailed, to clarify the concepts involved, to trace the historical roots of thinking, to discover the main supportive arguments, but also to find and to comment critical voices. I use the English School approach to international relations, generally described in chapter 6, as my analytical tool. In chapter 6, section 6.1, I explain why I find this approach particularly relevant.

The basic modern source for the connection between state sovereignty and responsibility is the ICISS-report. Other important sources are several UN resolutions and various statements from all UN secretary-generals in this millennium. ICISS suggested an understanding of state sovereignty where state leaders who claim sovereign authority must demonstrate responsibility if the claim shall be a legitimate one, not just in relation to their subjects, but also to the outside world. The following citation from the report explains this more precise:

“Thinking of sovereignty as responsibility, in a way that is being increasingly recognized in state practice, has a threefold significance. First, it implies that state authorities are responsible for the functions of protecting the safety and lives of citizens and promotion of their welfare. Secondly, it suggests that the national political authorities are responsible to the citizens internally and to the international community through the UN. Thirdly it means that the agents of state are responsible for their actions; that is to say, they are accountable for their acts of commission and omission”.

(ICISS, 2001, p. 13)

7.2 Sovereignty as responsibility

The above cited text points to a domestic responsibility that state authorities have, to protect their citizens. However, it also points to an extended responsibility, to the international community through the UN, and the international community can make state agents accountable. R2P is based on these responsibilities, the national which is primary, but which becomes international if the national one fails.

The national responsibility connected to state sovereignty is not principally controversial, although there are states, members of the UN, where governments do not live

up to the expected standards. The traditional understanding of the principle of non-intervention, anchored in the UN Charter, does not say that governments can do what they wish to the population residing on their territories. What it does say is that what happens inside state borders is domestic affairs, and the responsible authorities are the national ones. In this understanding, these affairs do not concern the international community. The traditional understanding is therefore possible to unify with a pure national responsibility, but in principle not with an international one since governments, from this perspective, are not accountable to any outside power. In its most extreme version, even mass atrocities become domestic affairs, dedicated to internal treatment without external interference. This understanding is in some of the literature called Westphalian, with reference to the 1648 Peace-treaty. Yet, as pointed to by Luke Glanville (2011, p. 243), it is possible to argue that the reference to Westphalia is mistaken. An alternative is to see the traditional understanding primarily as a child born by the creation of the United Nations. Sovereignty as self-governance and freedom from outside interference firmly establishes in international law in 1945. The traditional understanding was popular among scholars as well as politicians through the Cold War. Interventions for humanitarian purposes were seldom on the international agenda in this period when numerous former colonies gained independence and became UN members.

Within academia, the dominance of the traditional understanding was particularly strong during the 1950s and 60s, coinciding with the golden years of realism in the academic discipline of international relations (IR). The traditional position is closest, although not exclusively, connected to scholars who define themselves as realists. These scholars see the sovereign state as the only important international actor, and they tend to downplay the role of international organizations to become battlegrounds for struggle between states much more than arenas for cooperation.

The pluralist and the solidarist positions within the English School also take the states for being the most important international actors. However, the view that domestic affairs do not concern the world beyond state borders, is possible to uphold only if we consider the international realm as nothing more than a system. States in a system have contacts between themselves. They do interact, but it is power politics that dominates according to the logic of international anarchy. From the English School perspective, this alone is an unsatisfactory description of the real world. What is missing is the social element that visualizes when states recognize some common ground (Little, 2008, p. 408). As Bull (1977, p. 9) explains, states form a society by developing consciousness of certain common interests and values, and that they conceive themselves to be bound by rules generated from this. However, what English School scholars call a pluralist international society needs not be more than an institutional arrangement restricted to the maintenance of order. If this is the case, a responsibility towards the international community in line with ICISS' suggestions, will have a rather weak foundation, especially if it includes the possibility to

held state leaders accountable. As pointed to by Williams (2015, p. 105), from an English School pluralist position normative progress is fragile. Yet, from the solidarist position, the picture looks different. According to Dunne (2015b, p. 62), for solidarists it may under certain circumstances be legitimate for the international society to enforce common rules. Solidarists even see the protection of peoples at risk as a duty for members of the society of states. Therefore, English School scholars who take this position will probably have few problems embracing the recommendations from ICISS.

The fundament for the UN is the principle that all states are equally sovereign under international law⁷⁴. The UN Charter, Chapter 1, article 2.4, explains what this means for each member state: “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state”. The purpose with article 2.4 is to protect national freedom and different identities, an affirmation of states’ right to shape and to determine their own destiny. ICISS too recognized state sovereignty as the best line of defense for many states in a world where power and resources are unequally distributed. However, the UN Charter as a whole, does not express any unlimited power of a state to do what it wants to its people. At least in our era, sovereigns as lawmakers and law enforcers do not stand above the scrutiny of morality. Former UN Special Advisor on the Prevention of Genocide, Francis M. Deng (2010a, p. 356), explains why: “The Nuremberg trials and the mounting humanitarian and human rights movement following the end of the Second World War represented a watershed: the sovereign power of a state was never again to enjoy such unfettered authority”. Neither did ICISS, during their worldwide consultations before the launch of the report, hear any of those consulted express such a claim. None of them denied responsibility to respect the dignity and the basic rights of not just citizens, but of all people within their borders⁷⁵.

State authorities still holding that the responsibility to deal with mass atrocities belongs solely to domestic affairs and cannot be transferred to the international level, may lean themselves on the UN Charter Chapter 1, article 2.7, saying: “Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of a state”. Since the UN Charter does not explicitly clarify which matters are, and which are not, inside domestic spheres, to interpret the text widely in favor of the national responsibility is possible. To what extent it is a reasonable interpretation is another question. Article 2.7 also states that its content shall not prejudice the application of enforcement measures under the UN Charter Chapter VII. In accordance with article 42 of the chapter, the UN Security Council can mandate military

⁷⁴ The UN Charter, Chapter 1, article 2.1.

⁷⁵ ICISS describes the consultations on page 83 in the report. For hearing the broadest possible range of views, they held 11 regional roundtables and national consultations around the world during the mandate period from July 2000 to July 2001. Participants were a variety of national and regional officials, representatives from civil societies, NGOs, academic institutions, and think tanks.

operations against a member state, but the prerequisite is that Council members see this as necessary to maintain or to restore international peace and security. It is not obvious that all situations where mass atrocities are involved qualify for being a threat in this respect. An isolated reading of the text in article 2.7 can be that mass atrocities only call for international response if the situation represents a threat of causing severe harm beyond the borders of the state in question. The alternative will be to define that mass atrocities always represent a threat to international peace and security because of the potential to cause harm. This seems for me as a definition matching the following statement by Francis M. Deng (2010b, p. 83), given in an interview conducted by Aidan Hehir for the *Journal of Intervention and Statebuilding*: “I don’t see sovereignty as a negative concept enabling you to barricade yourself against the world”. I refer to this statement in three of my R2P articles (article 1, p. 133; article 2, p. 54; article 5, p. 10).

This discussion goes, as I see it, right into debates within the English School about how normatively developed the international society is. Pluralists see severe limitations. They regard developments connected to solidarity with caution (Knudsen, 2008, p. 227). On the other hand, solidarists tend to mean that the content of values, and the character of rules and institutions, have already developed beyond the view of pluralism, although not so far as the notion of a world society indicates. In a solidarist international society, individuals are entitled to basic human rights (Dunne, 2021, p. 118). As described in chapter 6, section 6.4, English School scholar R. J. Vincent strived with the position of human rights within world politics throughout his whole academic career. He started with a strict support for the pluralist position, including a rigorous adherence to non-intervention. His later works are more sympathetic to solidarism, although he remained sceptic to the motives among states for intervening under a humanitarian ‘umbrella’ (Griffiths et. al., 2009, pp. 231-237).

The ICISS-report (2001, foreword, p. xi) presents a summary of R2P’s core principles in a synopsis. There are two basic principles. The first one confirms that state sovereignty implies responsibility. Obligations to protect the population against mass atrocities are an integral part of the sovereignty concept. The second one says that the principle of non-intervention yields to the international responsibility to protect where a population suffers serious harm. R2P further embraces three specific responsibilities, to prevent, to react and to rebuild, with prevention as the single most important dimension. Prevention options always are the preferred choice. I explain why this is so in all my R2P articles, but most detailed in article 2 where a separate section is dedicated to prevention (article 1, p. 131; article 2, pp. 50-51; article 3, p. 45; article 4, p. 79; article 5, pp. 7-8). The responsibility to react means to respond to situations of compelling human need with appropriate measures. This may include different coercive measures, with military intervention reserved for the extreme cases. The responsibility to rebuild is particularly relevant after a military intervention. By addressing the causes of the harm, it means the providing of assistance with recovery, reconstruction, and reconciliation.

The imagination is that responsibility and legitimate sovereignty is inseparable. To talk about illegitimate sovereignty is meaningless because no such variant of sovereignty exists. It is either sovereignty with responsibilities, or no sovereignty at all. State leaders must demonstrate that they take their protection responsibilities seriously, domestically for acceptance by the population, and internationally to gain recognition as sovereign entities by other sovereigns, as legitimate members of the international community understood as the community of UN member states. The ICISS-report ascertains that UN membership is the final symbol of sovereign statehood and thus the seal of acceptance into the community of states. Full UN membership is only for sovereign states, with the rights and duties this membership releases. To sign an international treaty like the UN Charter is a sovereign act. It means to adhere voluntarily to the requirements of the treaty, and UN membership comes with requirements:

“The Charter of the UN is in itself an example of an international obligation voluntarily accepted by member states. On the one hand, in granting membership of the UN, the international community welcomes the signatory state as a responsible member of the community of nations⁷⁶. On the other hand, the state itself, in signing the Charter, accepts the responsibilities of membership flowing from that signature”.

(ICISS, 2001, p. 13).

The ICISS-report understood the international realm as a community. This community is a society of states in accordance with English School thinking, and as such it contains more obligations for member states than the minimum required from a pluralist position, but perhaps less than what would be desirable according to solidarism. Bull considered constraints of violence, upholding of property rights, and assuring that states keep agreements, as the ultimate foundation of international society. These goals are possible to achieve even within an international society composed of states that differ radically on indicators like government, culture, and religion (Linklater, 2009, pp. 91-93). As an international organization encompassing almost all states in the world, this is exactly what characterizes the UN.

A substantial part of the ICISS-report discusses R2P's international dimension. ICISS (2001, p. 1) acknowledges that so-called 'humanitarian interventions' has been controversial, when they have happened, and when they have failed to happen. Parts of the controversy derives from the potential of activities this term may cover. However, because reaction by military means is the most controversial alternative, the report argues that the language used in traditional sovereignty-intervention debates needs a new focus. R2P puts the needs of the potential beneficiaries of the action in the center of the debate, not the rights and prerogatives of the intervening actors (2001, pp. 16-17). The foundation for this

⁷⁶ The UN often uses the term 'nation' as substitute for 'state', mirrored also in the name of the organization.

argument is the new standards of conduct for states in the protection and advancement of international human rights gradually achieved after World War 2, creating a parallel transition from a culture of sovereign impunity to a culture of national and international accountability (2001, p. 14.). Roberta Cohen and Francis M. Deng also see this as fundamental for the notion of sovereignty as responsibility. They write:

“In response to the magnitude of the Holocaust and the atrocities of the Second World War, the United Nations developed international human rights standards to spell out the civil, political, economic, social and cultural rights inherent to all individuals and with which every state was expected to comply. The standards marked an evolution in thinking from a strictly state-centered system in which sovereignty was absolute to one in which the behavior of states towards their own citizens became a matter of international concern and scrutiny”.

(Cohen and Deng, 2016, pp. 2-3).

I suppose the grip suggested by ICISS to change focus through use of language, will please scholars within the English School who adhere to a solidarist or a world society position. However, I doubt that an alternative language will change much for adherents of pluralism. We do of course not know how Bull and others from the first generation of English School scholars would have viewed this question if they had lived today. Bull wrote all his publications during the Cold War. Yet, his skeptical attitude towards interventions is not possible to understand mainly from a rhetorical point of view. It goes deeper because it concerns the sustainment of the whole international order, where the principle of non-intervention is a keystone. Bull was hesitant to enforce rights claims. He believed doing so could undermine the order (Dunne, 2021, p. 118). Vincent (1974, p. 348) recognized the normative appeal of rules for legitimate interventions, but even in his later works he was only willing to accept it under the condition of tolerance for the less worthy results it might produce in addition to possible good effects, without any guarantee the latter would materialize. On the other hand, Hurrell (2007, pp. 2007) points to solidarism as appealing to an international community which fulfils a broader range of political and moral purposes. He means to observe this in the real world, as a move which has developed more far-reaching international institutions and a substantial increase in scope, range and intrusiveness of international norms and rules. Yet, for pluralists it is problematic to allow this development to enter their framework.

A reminder is here on its place. The R2P version adopted by the World Summit in 2005 is more limited compared to the version launched by ICISS in 2001. The adopted version is very clear that implementation of R2P objectives is to take place within the framework of existing international law. I most clearly emphasize this in my last two R2P articles with references to Marc Schack and Alex Bellamy (article 4, p. 79; article 5, p. 3). To challenge international law was not an option for a consensus-based decision among the UN

member states. The preparedness to take collective action in a timely and decisive manner, is in the adopted version anchored solely in the UN Security Council. In cases where the members of the Council cannot agree, no collective action will manifest. ICISS was aware of this challenge. The report includes a discussion about what to do when the Security Council fails to act (ICISS, 2001, pp. 53-55). The Commission were clear that the Security Council should be the first port of call on any matter relating to military intervention for human protection purposes, but the commission-members kept an open mind to whether it should be the last. Among their suggested alternatives were the General Assembly's 'Uniting for Peace' procedures developed in 1950. I cite from the report:

“Although the General Assembly lacks the power to direct that action be taken, a decision by the General Assembly in favor of action, if supported by an overwhelming majority of member states, would provide a high degree of legitimacy for an intervention which subsequently took place, and encourage the Security Council to rethink its position”.

(ICISS, 2001, p. 53, article 6.30).

However, this one, as well as other suggestions in the report like collective interventions pursued by regional or sub-regional organizations without a Security Council mandate, did not find the way to the adopted version. The broad consensus became possible when these suggestions were abandoned. Neither does the adopted version offer any clear understanding of 'state sovereignty' as the foundation for R2P. §138 and 139 do not mention the word 'sovereignty' at all. The paragraphs talk about national responsibilities, but do not explicitly say that these responsibilities are aspects of the respective government's sovereign power. One may of course interpret that this is the meaning of the text, but the reason for not making it too precise is probably once again that doing so could have threatened the consensus. General texts often simply reflect the limits of possible agreement, with implications in the move from policy formulation to implementation. I discuss this in detail in my articles 3 and 4, highlighted by insights from the classical study of implementation by Jeffrey L. Pressman and Aaron Wildavsky.

The text in §139 talks about an international responsibility which activates when states do not fulfil their national obligations. Although the paragraphs do not repeat ICISS' formulations, timely and decisive action from the Security Council against the will of a government is hardly possible to unite with a strict traditional understanding of the non-intervention principle. On the other hand, it suits very well together with ICISS' second basic principle described above, saying that non-intervention yields to the international responsibility to protect where a population suffers serious harm. The international community has through §139 accepted that when states manifestly fail to provide protection, the responsibility to protect, for the same population, transfers to the UN Security Council. This is a confirmation by the international community that mass atrocities

are not a domestic concern solely. Yet, this transfer of responsibility comes with a reservation. To be prepared to act is not the same as being obliged. An explicit obligation would have challenged existing international law, and therefore not possible to agree about. Still, after the adoption of R2P, the Security Council has the prerogative to choose to stay inactive when the members do not find the common ground needed for timely action. The adoption of R2P in 2005 did not solve this dilemma. In the aftermath of Libya 2011, civilians in several conflict torn areas suffer from the consequences. Viewed from the perspective of the English School approach to international relations, this fragility becomes more difficult to explain the more solidarism one predicts as existing in the international realm. From a world society position it seems mostly to remind us that the real world is far from the cosmopolitan ideal. Yet, as Buzan writes (2014, pp. 14-15), the relationship between the perspectives of international system, international society, and world society, is best understood as a fluid framework of elements in continuous interplay and coexistence. Their strengths in relation to each other will in the real world vary with time and place.

There is nothing in the relevant documents indicating that a transfer of responsibility from a state to the international level implies a corresponding transfer of sovereignty itself. The ICISS-report (2001, pp. 7-8) discusses what sovereignty as responsibility means, but does not suggest any such transfer. The authors say the opposite. Their suggestions do not imply any transfer of sovereignty (2001, p. 13)⁷⁷. The 2005 Outcome Document does not address this question. Yet, if the responsibility component is an inseparable part of legitimate sovereignty, a transfer of this component to another actor is easiest to understand as a move within a sort of vacuum where sovereignty for the state in question is suspended temporarily, practically, but probably not formally. To imagine the new actor as a new formal sovereign raises severe principal problems for the relationship between a sovereign and the subjects. It also challenges the current international order as an order of sovereign states, based on an assumption of sovereignty located to domestic spheres. States may, as voluntary sovereign acts, transfer sovereign authority on specific issue areas to international organizations. EU's member-states have done that to a substantial degree. However, forced transfer belongs to another and much more problematic category.

7.3 The historical roots of sovereignty as responsibility

The English School approach to international relations takes history seriously. The current international society is only possible to understand through knowledge about how it has developed, about how it has replaced other international societies with other

⁷⁷ I return to this question in section 7.4.6.

characteristics and become global in scope⁷⁸. This includes to understand the most important concepts involved, and relations between these concepts, for instance how state sovereignty is connected to responsibility. In this section I will take a closer look at how sovereignty as responsibility has been understood historically. A substantial part of the discussion will focus on a selection of prominent philosophers who have occupied themselves with this topic.

7.3.1 Some general considerations

My R2P articles mention the deep historical roots of the idea that sovereignty comes with responsibilities, but do not elaborate further on it. I choose to trace these roots in the cover-article because my arguments in the published articles all rests on this foundation. Sovereignty as responsibility is not a new idea formed in our era. According to Luke Glanville (2011, pp. 233-234), sovereign authority has involved varied and evolving responsibilities since its first articulation in the 16th and 17th centuries, as opposed to a simplified story where sovereignty was established with ahistorical rights of sovereigns. Sovereign responsibilities are not a late arriving morally abstract challenge.

The discussion will show that the connection between sovereignty and responsibility is as old as sovereignty itself. The concept of state sovereignty closely parallels the rise of territorial states in Europe. Therefore, I find it most relevant to begin my discussion in late renaissance, although political philosophers have dealt with questions about how rulers can legitimate their positions, and which obligations they have towards their subjects, at least since antique Greece. The concept of 'natural law', on which many renaissance thinkers based their arguments, has tracks back to Aristoteles in the third century before Christ. Natural law is an imagination of a system of rights and duties derived from nature, and therefore universally valid independent of society and manmade (positive) law. Human beings have the capacity to discover and to understand the content of natural law through reason. The Romans used the Greek conception of natural law as an instrument for legal development, referred to by the Roman politician, lawyer, and author Markus T. Cicero (106 b. Chr. – 43 b. Chr.). The Laws of ancient Rome, in the Middle Ages further developed by the Catholic philosopher Thomas Aquinas (1225-1274), has inspired lawmaking in most of the western civilization. Originally, the law of the state applied only to its citizens. Foreigners had rights only if protected by some treaty between Rome and their state, but such treaties existed from early times guaranteeing mutual protection⁷⁹.

⁷⁸ The English School literature on comparative international societies in a world historical context is relatively small. It consists mainly of two classical works, Martin Wights *Systems of States* from 1977, and Adam Watsons *The Evolution of International Society* from 1992 (Buzan, 2014, p. 47).

⁷⁹ Encyclopedia Britannica Online: [www.britannica.com/topic/Roman Law](http://www.britannica.com/topic/Roman-Law)

Among the philosophers most often referred in the literature about sovereignty, I have chosen to give particular attention to Hugo Grotius, Thomas Hobbes, and Immanuel Kant. This is not a random selection. As described in my theory chapter, according to English School logic three distinct spheres operate simultaneously in international relations, the international system, the international society, and world society. Martin Wight talked about these as a triad of three traditions within IR-theory, realism, rationalism, and revolutionism, and within the English School discourse these concepts are often codified as Hobbesian, Grotian, and Kantian (Buzan, 2014, pp. 12-13; Murray, 2015, pp. 1-2). Yet, as pointed to by Murray (2015, p. 2), world society is the least developed of the three spheres. It was even less developed when Wight suggested his triad. English School scholars of today will probably see Kant as much as an inspirator for the solidarist position within the school as for the world society point of view.

Grotius lived until 1645. He did not have the events of 1648 as background for his writings. Hobbes and Kant both published their works after the 1648 Peace of Westphalia, Hobbes quite close to this important year, Kant more than a century later. Yet, the connections to English School thinking are not the only reasons for paying particular attention to these philosophers. They were genuinely occupied with the connection between sovereignty and responsibility in their works. I also add Jean Bodin and John Locke to the list, and I start with Bodin. It is widely agreed that his *Six Livres de la Republique* from 1576, published well before the Peace of Westphalia, represents the first systematic discussion about the nature of sovereignty. My argument for including Locke is his extensive analysis of the relationship between sovereigns and subjects.

Support for the idea that sovereignty comes with responsibilities is not difficult to find. None of the philosophers presented here, argue for the opposite. To limit sovereign authority may not have been their original intentions, but, obviously, their occupation with how to justify supreme rule made it difficult to avoid the connection to responsibilities (Glanville, 2011, p. 239). There are variations in the answers to what subjects have the right to do when sovereigns become tyrants. Further, those who argue for a right to domestic rebellion against despotic rule, do not necessarily support the idea that responsibilities can move to another actor when not taken care of at state level. 'My' philosophers do not consider the non-intervention principle to be absolute. Some acceptance for interventions exists, but with different justifications. Kant is a possible exception. This question was controversial for earlier thinkers, as it is today when R2P's third pillar is on the table.

My discussion is not based on the original works of the selected philosophers. This is of course a weakness. It makes me dependent on interpretations made by the authors of the books and articles I have used to find the philosophers' views. I have chosen, for each philosopher, three or more sources to amend for some of this weakness. Yet, some single arguments still mainly rest on one source. For instance, this is the case with Hobbes' view on

a space of action for external actors in cases where governments fail to protect. I rely on Peter Berkowitz for this interpretation. He refers to Chapter XXI in *Leviathan* where Hobbes clarifies the extreme conditions that absolve subjects of their duty to obey the sovereign. This chapter includes a statement that foreign war is an option for removing sovereigns having positioned themselves so badly (Berkowitz, 2008, pp. 18-19). If my intention had been to dive deep into the philosophers' respective arguments, it would not have been sufficient not to use the original texts. Yet, this is not my purpose. My ambition is limited to paint an overall picture of how the imagination of sovereignty as responsibility has developed through history. In doing so, I will try to find the philosophers' general views on to what extent sovereigns have responsibilities towards their subjects, which possibilities subjects have freeing themselves from non-protective sovereigns, and to what extent, in cases where sovereignty erodes due to lack of protection, other actors may legitimately enter the scene.

7.3.2 Bodin

Jean Bodin (1529-96), a French philosopher and legal theorist, is most famous for his *Six Livres de la Republique* published in 1576. It is a study of political power with the concept of sovereignty in the center. His backdrop was the religious wars in France. To overcome the disorder connected to these wars, he suggested that any properly constituted political society must have a sovereign which can make and break the law for the good of the society. Bodin gave the sovereign king this central role, bringing new thoughts into the philosophy of state building⁸⁰. His ideas were based on Christianity. He saw the authority to make law by command as the distinguishing mark of the sovereign who had the right to do anything, but only with the purpose to realize the divine plan. This made sovereign authority limited, involving defense and maintenance of established rights and liberties for individuals and groups. He did not defend tyranny. Absolute authority was for Bodin not arbitrary, but bounded, entailing both rights and responsibilities. Yet, in his view, the sovereign did not require any consent from others. Neither was the sovereign subject to any higher authority (Glanville, 2011, pp. 237-238; Skinner, 1996, p. 39-40).

Bodin did not deliver any extensive discussion about if and to what extent subjects have a right to rebel against their sovereigns. He rejected any general right of active revolution, but he admitted that subjects may legitimately refuse to obey an unjust order from the sovereign. Yet, Bodin's position on this question is not lucidly worked out. His main occupation was with legal conditions for effective government. He was much less concerned with the moral grounds for obligations (Franklin, 1972, p. 111).

⁸⁰ Store norske leksikon, [http://snl.no/Jean Bodin](http://snl.no/Jean_Bodin)

One should perhaps expect Bodin, by many considered the most extreme apostle of sovereignty, to oppose all sorts of interventions for humanitarian reasons. However, according to Mortimer Sellers (2006, p. 130), this is not the case. Neither this question was analyzed to any depth by Bodin, but he conceded that one sovereign may intervene to punish another who governs without regard to common good of the subjects, or at least that some level of interference by governments or individuals to prevent the abuses of others must be tolerated, simply because it cannot be totally avoided.

7.3.3 Grotius

The Dutch jurist and philosopher Huig de Groot, better known as Hugo Grotius (1583-1645), has inspired much thinking within the English School, especially for the pluralists. For the first generation of English School scholars, he was a key reference point. International law represents one of the primary institutions constituting a pluralist international society, and the English School has retained a stronger connection to international law than most other theoretical approaches to IR. Grotius is particularly known for his pioneer works within this field. Drawing heavily on concepts from Roman Law, Grotius argued for human nature as the source for moral and legal obligations. International law was based on natural law, which embraced both civil and divine dimensions. Different societies choose different forms of government, but for Grotius, all nations were subject to the same basic or natural law, and he saw natural law as founded in divine wisdom. His main work is *On the Law of War and Peace* published in 1625 (Barrett, 1996, p. 212, Buzan, 2014, pp. 102-103).

Grotius saw sovereign power as the highest authority within a state, based upon a contractual agreement between the sovereign and the subjects (*pactum*), as a promise to the subjects from the sovereign who undertakes certain obligations. Internationally, the sovereign power encounters other sovereigns, among where none are superior. Grotius had a flexible approach to how different societies may organize the powers of sovereignty, but he also held it for unlikely that most civil societies were founded on utter subjection. One had to assume that rational people had preserved their most basic rights against arbitrary treatment. Civil authority is a human institution, and one had to credit the founders with intentions that would advance, not undermine, the aims of civil association. This has implications for where Grotius places the threshold for acceptable resistance towards sovereigns who misuse their powers. Grotius credited the people for being the ultimate source of sovereignty, but he did not contend that the people exercised it. That was normally entrusted to a government, or a 'king' in Grotius' terminology. The people had no general right to recover from a ruler who acted oppressively. It could not be permissible to restrain and punish sovereigns whenever they misused their power. He only allowed this in situations of extreme necessity, for instance when a government turns its sword against innocent subjects, and even then, resistance had to be carried out without creating an even worse conflict. However, in such situations, Grotius assigned a role to third-party humanitarian intervention. Grotius believed that it was lawful to use force to stop innocent foreigners from being injured and harmed. A third-party would even remain free from the special obligations that constrain subjects from resisting and could therefore

intervene on their behalf (Dunne, 2021, p. 125; Neff, 2012, introduction xxix and p. 51; Straumann, 2015, pp. 431-436)⁸¹.

Grotius is often mentioned as a ‘founding father’ for the English School. Bull has several references to him in *The Anarchical Society*. The middle range of international society in the English School triad is often called Grotian. However, to locate the English School fully within the Grotian tradition is problematic, most so from a pluralist point of view. Grotius envisaged an international society where violence between Catholic and Protestant states would end up with a condition of peaceful coexistence. Particularly the pluralists within the school question the possibility to obtain the degree of international solidarity Grotius foresaw would develop among states (Knudsen, 2008, p. 225; Linklater, 2009, p. 95). Neither are they willing to embrace his views on possible humanitarian interventions without reservations. Tim Dunne explains why:

“This enduring element of sympathy for the plight of people beyond borders is constantly held in check by other norms, institutions and practice. This is where the systemic element in English School thinking vies with the shared rules established by sovereign states (international society) and the aspirations of common humanity (world society).

(Dunne, 2021, p. 125)

7.3.4 Hobbes

The 1648 Westphalian peace sparked off a new period of international relations, in need of new moral and legal principles. As English refugee in France who had escaped from Cromwell⁸² and the English Civil War⁸³, Thomas Hobbes (1588-1679) was himself definitively not in a position of power. Yet, he answered the challenge with his famous masterpiece *Leviathan*, published in 1651. Mark W. Janis writes:

“So successful was the political settlements of Westphalia, so useful Hobbes’ concept of Leviathan and the sovereign state, that they became deeply embedded in the public consciousness. It is difficult now even to conceive that a world of sovereign states is an intellectual abstraction, a humanly-devised creation, albeit one of tremendous force and utility over more than three centuries”.

(Janis, 1994, p. 394).

⁸¹ In this sequence I have also used some data from the *Internet Encyclopedia of Philosophy*, according to their own description a peer-reviewed Academic Resource. The article about Grotius names no specific author. <https://iep.utm.edu/grotius/#H3>

⁸² Oliver Cromwell (1599-1658) was an English general and politician leading the Parliament of England’s armies against King Charles I during the English Civil War.

⁸³ The English Civil War between 1642 and 1651 was a series of civil wars between parliamentarians and royalists about how to govern England.

Hobbes delivered a secular defense of absolute and indivisible rule⁸⁴ where human beings themselves create and fashion moral and political standards. Individuals escape the brutal and insecure misery that characterizes the ‘state of nature’ through the ‘social contract’. In the state of nature, individuals are in principle free, but it is a freedom of small value since its companion is an enduring fear of being the victim of violence from other individuals. By submitting to a sovereign as a self-imposed constraint, they solve the problem. Peter Berkowitz writes:

“This transfer requires individuals to give up the use of their private judgement in public matters and empowers the sovereign to enforce contracts, make and implement laws, settle disputes, and generally defend subjects from each other and from external threats”.

(Berkowitz, 2008, p. 12).

The transfer is an imagination. It might stem from an initial decision to join with others, or perhaps a tacit recognition of a common authority (2008, p. 17), but it is not a description of a concrete event at a particular time in history. Yet, a contract is a reciprocal arrangement. None enters one voluntarily in return for nothing. Hobbes’ *Leviathan* recognized that sovereign power had an obligation to protect the people under its rule, as a two-way street through, loyalty in return for order and protection (Luck, 2009, pp. 13-14).

Human beings interact within a normative space. Only humans represent their actions among themselves as conforming or failing to conform to normative standards (Gauthier, 2019, p. 3). The right to punish is an essential attribute of sovereignty, but the end of punishment must be beneficial to the members of society (2019, p. 9 and p. 14). Yet, to interpret Hobbes’ absolutism as a right for sovereigns to act as they prefer towards their people, is a severe misunderstanding. Sovereignty is absolute only within its proper domain, the domain where the sovereign protects the subjects from each other and from foreign threats. With reference to Chapter XXI in *Leviathan*, Berkowitz states that the obligation of subjects to the sovereign is limited. Sovereigns can lose, squander, or destroy the domain, if they do not deliver protection (Berkowitz, 2008, pp. 18-19). Glanville (2011, pp. 238-239) underlines the same point. Since the end of the obedience to the sovereign is protection, to fail to provide protection implies losing the authority.

Like all masterpieces of political philosophy, even *Leviathan* is rife with ambiguities and tensions (Berkowitz, 2008, p. 20). In an article from 1956, Morton A. Kaplan discussed these tensions. In my understanding, these words underpin the arguments outlined above:

⁸⁴ Hobbes was not a democrat, but he was open for the possibility that the sovereign need not be one person. He preferred a monarch, but he could accept an assembly.

“Man is enjoined by reason to act for his good, except that he is not to act for his detriment. He authorizes the sovereign to do good, except that he does not authorize the sovereign to injure him. Clearly, the sovereign cannot do injury in his capacity of representative of all because he only acts in his representative capacity when he does good”.

(Kaplan, 1956, p. 398).

The will of the sovereign can only be a will to implement the good, which implies to make good laws (1956, p. 404). Yet, as pointed to by Berkowitz (2008, pp. 17-19), disputes over policy issues can, in Hobbes’ world, not justify disobedience, but direct threats to life can. Governments that commit mass atrocities can no longer claim sovereign power. Berkowitz discusses the implications this have for current debates about the responsibility to protect, with these interesting words:

“From Hobbes’ perspective, there is nothing in principle to bar one nation from coming to the aide of another people who have been so grossly brutalized by their government, or brutalized by a natural disaster⁸⁵, that they find themselves thrown into the natural condition of mankind, without a sovereign to protect them. In these circumstances, a nation that came to their rescue would not violate sovereignty but operate in a vacuum created by sovereignty’s dissolution”.

(Berkowitz, 2008, p. 18).

The imagination of a vacuum is interesting. Hobbes claimed that sovereignty can be destroyed, but not alienated (Morris, 2019, p. 92). Other states become free to intervene when rulers surrender their right to govern, but not under a shield of sovereignty. According to Berkowitz (2008, pp. 19-20), other states may from Hobbes’s perspective have self-interests in intervening, but they do not have a responsibility to protect populations outside their own territories. Sovereigns’ responsibilities do not stretch beyond their subjects who have authorized them. Transformation of sovereignty to someone who has not authorized it, is not an option. Yet, sovereigns cannot treat non-subjects as they please. For providing protection and security for subjects, they are obliged to seek peace with non-subjects. As I understand my sources, here particularly Gauthier (2019, pp. 17-19), Hobbes saw this as a prerequisite for escaping the natural condition of war between states.

From Hobbes’ perspective, the civilization that takes place domestically when sovereign power establishes, has no counterpart among states in the international sphere. The anarchic condition remains there. International anarchy represents the first of the three competing traditions in the English School triad. According to Hedley Bull (1977, pp. 23-24), this tradition, often named Hobbesian, describes international relations as a struggle where

⁸⁵ Although not directly relevant for R2P, Hobbes included natural disasters into what might bring subjects back to a state of nature where sovereignty is non-existent.

each state is pitted against every other, and free to pursue its goals without legal or moral restrictions. From the Hobbesian point of view, law and morality is valid only in the context of a society, and international life is conceived to be beyond the bounds of any society.

7.3.5 Locke

Some authors question if the British philosopher John Locke (1632-1704) had a theory of sovereignty. His most important work, *The Second Treatise of Government*, published in 1690, has no frequent use of the word 'sovereignty' (Uzzell, 2010, pp. 96-97). Yet, Locke discusses in detail questions about why governments exist. He derived his arguments from the principle that all human beings are born free. Legitimate government was for Locke based on the consent of free people who renounce some natural rights to secure other more fundamental ones (Hammond, 2009, pp. 195-196). Locke understood power to be complemented by right, and commands had to be based upon a contract that determines what is due, as 'receivables' and 'payables' to use the words of Bedri Gencer (2010, p. 326). From Locke's perspective, the only purpose by creating government is to guarantee the security of those rights already possessed by all human beings simply by virtue of their humanity (natural rights). Political authority must therefore always be limited and dedicated to this task (Hammond, 2009, p. 197).

Locke draw an important distinction between a king⁸⁶ and a tyrant, where the first bounds his power to the laws, with the good of the public as the end of government. Tyranny, on the other hand, is the exercise of power beyond right, which is not legitimate. Sovereign power cannot justify killing, enslaving, or plundering of the citizens⁸⁷. Locke admitted subjects the right to rebel against tyrannical rule, and eventually to establish a new government among themselves.

Locke understood sovereign power being externally independent (Sing, 1959, p. 328). However, it is not directly easy to find out what he meant about humanitarian interventions. Locke presented a vision for moral standards as basis for international agreement, but he did not deal systematically with normative content of international morality. Lee Ward (2006, p. 702) writes: "In order to develop a Lockean reading of the ethics of intervention, we must piece together various aspects of his argument about international society". Locke conceived of international society as a society without government. The constituent units' have the right to exist, but no central authority can interpret and enforce laws. Justice is uncertain. He did not foresee any important role for international institutions. The overarching moral

⁸⁶ Locke was open for the possibility of sovereign power located as popular sovereignty, but he preferred the sovereign to be a monarch.

⁸⁷ Tuckness, Alex. 2020. Lockes' political Philosophy. In *The Stanford Encyclopedia of Philosophy*, ed. Edvard N. Zalta. www.plato.stanford.edu/entries/locke-political

purpose of each society is security and welfare for its own people. A moral duty to intervene can only be imperfect and involves danger. Yet, as I read Ward (2006, p. 703), it seems that Locke could endorse a temporary suspension of the non-intervention principle confronted with rare and severe humanitarian crisis.

Seen from an English School perspective, a rudimentary form of social life is better than none, as an analogy to modern international society. In relation to English School thinking, Ward (2006, p. 702) places Locke somewhere between a pluralist and a solidarist position. Bull (1977, pp. 46-47) found Locke's conception of international relations more promising compared to the Hobbesian view. He also argued that because states are very unlike human beings, anarchy among states are possible to accept to a degree not tolerable among individuals.

7.3.6 Kant

My presentation of Kant draws on three main sources, Franceshet (2002), Flikschuh (2010), and Weinrib (2019). Particularly Weinrib refers heavily to Kant's original works.

The Prussian philosopher Immanuel Kant (1724-1804) insisted that freedom, understood as independence from being constrained by other's choice, was the only original right, belonging to every individual, simply by being human. According to Jacob Weinrib (2019, p. 25), this forms the backbone of Kant's political philosophy. In the state of nature, individuals cannot interact on terms of equal freedom. Only a state can provide for a common set of norms that differentiate between prohibited, permitted, and required conduct. Anarchy stood for Kant as the antithesis of freedom, and he saw sovereignty as a necessity to escape from it. The sovereign became the answer to how one person's freedom can coexist with the similar freedom of others, by subjection to a will that speaks for all (Franceshet, 2002, p. 50, O'Brian jr., 2019, p. 48).

Sovereignty plays a problematic and possibly contradictory role in the thinking of Kant. His concern for justice, both domestically and internationally, made him to view sovereignty on the one side as a necessary cause of justice, but on the other side also as a major cause of injustice (Franceshet, 2002, pp. 43-44). Sovereignty divides human beings into those who rule, and those ruled. It is from Kant's perspective the necessity of a sovereign that justifies its right to rule. Even absolute and unlimited sovereignty was for him better than no sovereignty at all. Interaction on terms of equal freedom needs the presence of a legislative institution to establish the common standards, and an executive institution to enforce them. Since controversies around how to interpret the standards may arise, an impartial juridical institution with the authority to judge is also required. Together these

authorities form for Kant the sovereign to whom individuals must submit themselves (Weinrib, 2019, pp. 26-28).

The sovereign state established the condition where human beings could enjoy their rights in relation to one another. Without sovereignty, individuals unavoidably raise legitimate claims against one another, but they simultaneously lack legitimate authority over one another. Therefore, non-sovereign individuals require the state as a sovereign enforcer of everyone's rights (Flikschuh, 2010, p. 478). Individuals have in Kant's understanding no right to oppose an existing sovereign, because that would be to oppose the condition that made the enjoyment of rights possible. Resistance to public laws is therefore not permitted, neither against unjust laws (Weinrib, 2019, p. 29). Here, Kant seems to be more restrictive than Hobbes, and particularly more restrictive than Locke, about what subjects might do or not if sovereigns misuse their power. Yet, this is only one side of the coin. Kant considered sovereigns having a duty to reconcile their authority with the freedom of the subjects. With reference to one of Kant's most famous books, *Towards Perpetual Peace* from 1795, Weinrib (2019, p. 34) writes:

“An exercise of public authority adheres to the terms of its justification to the extent that it is directed at bringing the existing legal order into the deepest possible conformity with its own internal moral standard. Insofar as the right to rule presupposes the right of each person subject to it to freedom, government cannot deny the right of persons to freedom without thereby undermining the justificatory basis of its own authority”.

Reforms were for Kant the receipt for the realization of justice. Sovereigns are obliged to reform unjust arrangements. Unless this happens, sovereignty itself may cease to exist, because an arrangement incompatible with the enjoyment of individual rights cannot be authoritative. To deny the right to freedom undermines its own justificatory basis. Kant called such arrangements barbarian (2019, p. 29). I do not know to what extent the authors of the ICISS-report more than 200 years later were inspired by Kant on this point, but Kant's view seems to me to have much in common with the view that state leaders who do not protect their subjects from mass atrocities, have lost the right to claim sovereignty.

For Kant, the conditions for justice at the domestic and at the international level were closely interrelated. The existence of unmitigated anarchy⁸⁸ among states had negative consequences for domestic security. International anarchy needed transformation. The best instrument for Kant in reconciling the domestic dimension with the state's exercise of external relations, was the republican constitution⁸⁹. Reforming all sovereign states everywhere would improve their internal conditions and change the effects of the anarchic

⁸⁸ International anarchy is the imagination of an international sphere where no authority exists above state level.

⁸⁹ Kant's republics had representative institutions, but they were not democracies in our understanding.

condition among them. The establishment of republican constitutions made sovereigns responsive to the ends of the citizens at home, but also cautious about their external conduct, gradually breaking up anarchy by creating a lawful civil union of states (Francis Hutcheson, 2002, pp. 45-50).

Kant considered sovereign states as bearers of international obligations. He talked about juridical sovereignty based on an underlying normative justification, demarcating the difference between legitimate and illegitimate exercise of state power. Law-governed human agency makes the production of a moral order possible, but Kant was interested in the general conceivability of global justice, much less about how to solve actual global problems. He had relatively little to say about specific policy recommendations, but he understood both individuals and states as moral agents, with wills that give them moral status. Yet, individuals and states are not the same kind of agents. Individual's wills are non-sovereign, whereas state's wills are sovereign, with juridical immunity making it impermissible to compel them. They must compel themselves (Flikschuh, 2010, pp. 471-474 and 492).

Kant argued that relations between states must be non-coercive, but as moral equals they can create associations. To claim sovereignty is to oblige to use the sovereign power in accordance with principles of right, but it follows from Kant's argumentation that if a state fails to do so, no other state, community of states, or other international authority can lawfully compel it. To abuse sovereign authority is morally wrong, but coercive interference is no less wrongful. However, Kant did not expect that states in the real world would always act in accordance with his principles. As Flikschuh (2010, p. 489) formulates it: "This injunction against intervention can become extremely demanding especially in the context of state's abuse of their powers in relation to their own populations".

The relevance for R2P's third pillar is not difficult to see. Yet, when we read the classical thinkers, we must keep in mind how the world around them appeared. Kant did not live to see the 1815 Congress of Vienna form a treaty-based framework for European international relations after the Napoleon Wars. Anything like the UN Security Council did of course not exist in Kant's era. We do not know if Kant would have concluded differently had it existed, but his arguments are, as far as I understand him through my sources, at odds with action or preparedness for action by any external authorities in situations where state governments fail to protect their subjects.

While Hobbes represents for Bull an extreme position about the essential nature of international relations, so does Kant, but in the other end of the scale. Instead of focusing on conflicts among states, the Kantian tradition, the third one in the English School triad, highlights the transnational social bonds that link individual human beings who are the subjects or citizens of states. Potentially these bonds exist across the whole community of

mankind, although they may not do so actually. Kant recognized moral imperatives in the field of international relations limiting actions of states. Yet, more than paving way for inter-state cooperation, Kant saw these imperatives pointing towards the replacement of the states-system by a cosmopolitan society, a view the pluralist tradition within the English School opposes. However, according to Stanley Hoffmann (1986, p. 189), Kant was not as cosmopolitan and universalist as Bull suggested. For instance, he never advocated something like a world state or a global government.

7.3.7 Other voices before the 20th Century

Political philosophers had no monopoly on thinking about the connection between sovereign authority and responsibility. The French monarch Louis XIV (1638-1715), the longest ruling monarch ever in the history of Europe (72 years on the throne), is by many considered the absolute sovereign *pr. se.* He acknowledged his responsibilities to God and for his subjects. With reference to Rowen and to Lossky⁹⁰, Glanville (2011, p. 239) writes that Louis XIV accepted sovereigns being responsible for the people, but they were not accountable to them. The reason for giving laws, and the only acceptable use of sovereign power, was the people's advantage and happiness. The sovereign himself stood above the law. European monarchs draw on Louis' famous words *L'Etat, c'est moi*, to assert their authority over, and control of, feudal princes, in the construction of modern territorial states (Deng, 2010a, p. 356).

While sovereignty in early modern Europe was generally located in the person or the office of a hereditary ruler, the 18th Century showed an increasing acceptance for sovereignty located more broadly in the state (Glanville, 2011, p. 240). By the end of the century, protection of individual human rights became central aspects of the American and the French revolutions. Sovereignty took the form of popular sovereignty. In the American version, a legitimate government derived power from the consent of the people and stayed legitimate only so long it secured the rights of the individuals. The thinking of John Locke was an important source of inspiration. The 1789 French Revolution also began from an individualist perspective, as reflected in the National Assembly's approval of the Declaration of the Rights of Man and Citizen. Yet gradually, another philosopher influenced the French, Jean Jacques Rousseau (1712-1778) and his notion of the 'general will', an idea of a unity of collective interests. The main attention shifted, from the individual to the nation, inviting sovereigns to prioritize the recognition of the whole nation before the individual members who composed it. This view of sovereignty ended dynastic rule all over Europe, but it also

⁹⁰ Rowen, H.H. 1980. *The King's State: Proprietary Dynasticism in Early Modern France*. Piscataway, NJ: Rutgers University Press.

Lossky, A. 1968. The nature of political power according to Louis XIV. In *The Responsibility of Power: Historical Essays in Honor of Hajo Holborn*, eds. L. Krieger and F. Stern. London: Macmillan.

paved way for a variety of struggles for self-determination, including violent nationalism. Luke Glanville writes:

“The American and French Revolutionaries had placed the liberty and equality of individuals at the heart of their justifications for popular sovereignty. However, it was the right of nations to govern themselves, not the rights of the individuals within these nations, that came to dominate the understanding of the sovereignty of the people in the 19th and 20th Century Europe”.

(Glanville, 2011, p. 242)

7.3.8 The early 20th Century

The 1919 Versailles conference confirmed national self-determination as the accepted determinant for membership in the international society, although granted only to a selection of new states, particularly former European members of the Habsburg and Ottoman Empires. The League of Nations, established 10 January 1920, built on this principle. The contract parties accepted obligations not to resort to war, and the member states had some formal protection under the Covenant article 10:

“The Members of the League undertake to respect and preserve as against external aggression and the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression the council shall advise upon the means by which this obligation shall be fulfilled”⁹¹.

The mandate system, another ‘product’ of World War 1, also reflects sovereignty as responsibility. Much is possible to say about colonialism, but the European imperial powers understood that colonization entailed some form of responsibility for the protection of people under their authority. The earlier General Act of the Berlin Conference (1884-1885) also describes this responsibility (article VI). Yet, the mandate system did more. It confirmed the responsibility of states to protect people under trust. It also established the idea that if these states failed to protect, the burden of responsibility shifted to the international community. With reference to Bain⁹², Glanville mentions that the General Act established that treatment of natives was a legitimate matter of international concern. He exemplifies this with the international condemnation and diplomatic demands directed at Belgium under King Leopold II for mass atrocities in Congo. Glanville (2011, p. 245) understands this

⁹¹ The Covenant of the League of Nations. The Avalon Project: Documents in Law, History and Diplomacy. Yale Law School: Lillian Goldman Law Library.

⁹² Bain, William. 2003. *Between Anarchy and Society: Trusteeship and the Obligations of Power*. Oxford: Oxford University Press.

as antecedents of contemporary R2P. The establishment of the principle of self-determination at Versailles after World War 1 was complemented by a regime for the protection of minority rights. Expectations to new sovereign states to respect the rights of first religious, later national minorities, had however existed in some form since the 17th Century (2011, p. 248).

Although it might be only one among many possible examples, I have chosen to describe a particular case I find interesting because it belongs to another era, but still addresses questions of relevance today, including relevance for R2P debates. The case in question is the dispute over the Island of Palmas in 1928, between USA and the Netherlands. The case, heard by the Permanent Court of Arbitration in the Haag, declared the island being part of the Netherlands East Indies. Today it belongs to Indonesia. Arbitrator was the Swiss scholar, Max Huber. I cite from the Court's report signed by him:

“Territorial sovereignty involves the exclusive right to display the activities of a state. This right has as corollary a duty: the obligation to protect within the territory the rights of other states, in particular their right to integrity and inviolability on peace and war, together with the rights that each state must claim for its nationals in foreign territory. Without manifesting its territorial sovereignty in a manner corresponding to circumstances, the state cannot fulfil this duty. Territorial sovereignty cannot limit itself to its negative side, i.e. to excluding the activities of other states; for it serves to divide between nations the space upon which human activities are employed, in order to assure them at all points the minimum of protection of which international law is the guardian”.

(Huber, 1928, p. 839)

I see more than one reason for the relevance of this text related to my discussions in the cover-article. The text is not about mass atrocities, but it quite clearly states that sovereignty entails obligations connected to protection, in this case for civilians residing on foreign territory. Although not said directly in the text, one must assume that this obligation towards other states adds to the obligation to protect the state's own citizens. Something else would be rather strange. The guardian is international law. Although international law was poorer developed in 1928 compared with today, even then it was possible to decide upon a dispute by a recognized judiciary body, based on consensus about that issues concerned with protection belonged above state level. It is a recognition that international law gives premises for acceptable state behavior. As a following sequence in the same document explains, international law cannot be presumed to reduce a right such as territorial sovereignty to the category of an abstract right, without concrete manifestations (1928, p. 839).

7.3.9 After World War 2

The bipolar world order during the Cold War did not allow broad focus on the tensions between human rights issues and the principle of non-intervention. A non-interventionist conception of sovereignty dominated, although not totally. An exception was the willingness of the UN Security Council to impose sanctions on the racist regimes in South Africa and Rhodesia (now Zimbabwe) (Glanville, 2011, pp. 249-251). Yet, it was not before the Cold War ended that a space opened making it possible for the international community to deal with the inherent contradictions embedded in the concept of state sovereignty. Alternative perspectives entered the arenas, generated broader debates, and stimulated new ones. Among those who particularly inspired ICISS to adopt the vision of sovereignty as responsibility was the Sudanese scholar and diplomat Francis Deng⁹³. For his work with people internally displaced he probably is the single person most to honor for getting the concept of sovereignty as responsibility accepted by the international community. The founder of ICISS, Lloyd Axworthy, former Canadian minister of foreign affairs, recognized the connection between sovereignty and responsibility as a fundamental building block for R2P. According to Cohen and Deng (2016, p. 14), it was conversations with Francis Deng that persuaded him.

7.3.10 My conclusion so far

My conclusion so far is that the connection between sovereignty and responsibility stands on solid historical ground. The political philosophers I have taken a closer look at is of course a selection among those who have engaged themselves with the question, but it includes some of the most prominent thinkers within western philosophy. All of them argues that sovereigns are responsible for the protection of their subjects. The described cases further underpin the argument. R2P's first pillar can draw on this broad support, but there are different views about to what extent subjects can legitimately rebel against sovereigns that do not provide for protection, and if they can, against which threshold. Kant does not grant any right for subjects to resist a sovereign. Still, from his perspective, sovereignty may cease to exist. It seems to me rather unclear how Kant foresaw this could happen without any active opposition from the subjects.

It is more problematic to find historical support to underpin R2P's second pillar, the responsibility that the sovereigns have helping each other to fulfil their responsibilities. None of the philosophers I have consulted seems to have engaged themselves with this question. They simply do not address it. Yet, both asking for and offering help belongs to the repertoire of sovereign acts. However, if sovereigns have a responsibility to help other

⁹³ Francis Deng served as the UN Secretary General's Special Advisor for the Prevention of Genocide from 2007 to 2012.

sovereigns with this task, to refuse to provide help when asked is not an option. The transfer of responsibility from the national to the international level when the national level fails, in accordance with R2P's third pillar, is controversial today, and has been so through history. Anyhow, some support for this idea is possible to find, with reservations. Within the R2P framework, this pillar is in the hands of the UN Security Council, but international organizations like the UN did not exist when my selected philosophers worked. Neither was it possible to foresee them coming into existence.

I will also argue that the examples I have used from the 20th Century, although it is a limited selection, show that sovereignty were never disconnected from responsibility. It was possible to call for responsible behavior through international law in the 1920s. Perhaps the Cold War represented a backlash, but even then, there were limits for what the international community were willing to tolerate from sovereign authorities' treatment of their subjects.

7.4 Critical voices

Some authors are critical to understand state sovereignty in terms of responsibility because it may have unpreferable implications. My discussion now proceeds to focus on how some selected critical voices in current debates argue. Thereafter, I will give my responses to these arguments, generally, and informed by the English School theoretical approach to international relations.

7.4.1 Overview

Amitai Etzioni writes: "A concept of sovereignty as responsibility that includes both the duty to protect and the duty to prevent has broad appeal across the political spectrum" (Etzioni, 2006, p. 76). The idea of filling sovereignty not only with rights, but also with obligations, held up against an alternative of sovereignty decoupled from responsibilities, is attractive. However, and despite the historical connections discussed in the former section, there is not unison embracement of the idea among scholars, at least not without reservations. I have chosen five articles, from five different authors, representing critical voices. I will now present the content of their critics in accordance with my understanding of their texts. The last part of the chapter (sub-sections 7.4.6 and 7.4.7) is dedicated to my comments.

I found the articles through google-search, but the choice is not random. I have tried to find scholars who criticizes the imagination of sovereignty as responsibility from different angles. Together these authors represent a time span from shortly before the 2005 UN General Assembly adoption of R2P, until recently. The chosen articles are Nolte

(2005), Etzioni (2006), Moses (2013), Pandiaraj (2016) and Getachew (2019). The reference list gives further details.

To structure the presentation, I have chosen to separate the main arguments presented in the articles into four groups. To do so is somewhat complicated. The groups are not isolated categories, rather interlinked in several ways. I considered instead a presentation of each author separately. However, since some of them engage in more than one debate, I decided not to do that to avoid unnecessary repetitions. The main arguments, based on how I read the chosen articles, are the following:

- a) There are many ambiguities connected both to the imagination of sovereignty as responsibility and to R2P. The imagination renders sovereignty conditional, making it difficult to know precisely what sovereignty as responsibility means in an R2P context. It may also trigger not preferred practices.
- b) To divide sovereignty between the national and the international level is problematic, particularly so from a realist point of view.
- c) There are severe democratic challenges when the responsibility to protect internationalizes.
- d) To understand sovereignty as responsibility erodes the moral and political significance of sovereignty.

7.4.2 Main argument a)

This category contains several specific arguments connected to ambiguities. Since the arguments partly overlap, I have chosen to put them into the same category. The authors are Nolte, Etzioni and Pandiaraj.

Georg Nolte⁹⁴ (2005, p. 391) accepts that sovereignty entails not only rights, but also obligations. Yet, he finds the concept of sovereignty as responsibility being ‘highly ambiguous’. The problem for him is that this understanding invites states not to recognize the sovereignty of a particular state if that state, in the opinion of other states, has not properly exercised its responsibilities derived from sovereignty. He considers this as particularly problematic when it leads to enforcement mechanisms beyond what international law provides. Sovereignty then risks serving antihuman purposes. Nolte mentions the 1999 NATO intervention in Kosovo, and the 2003 US intervention in Iraq, as examples deemed illegal under international law⁹⁵. Therefore, he states very clear that

⁹⁴ Georg Nolte is professor of public international law at Humbolt University, Berlin, and member of the UN’s Law Commission.

⁹⁵ The Kosovo intervention quite often justifies on moral grounds despite its problematic relation to international law.

interventions for humanitarian purposes need proper legal authorization by the competent international body, which is the UN Security Council. He adds that this will only remain the rule if “here is no legal passepartout (or carte blanche) enabling any state to justify its intervention if its government thinks that another state is not fulfilling the responsibilities under its sovereignty” (Nolte, 2005, pp. 391-392).

Nolte (2005, p. 391) refers to the Island of Palmas case described in section 7.3.8, but he sees the outcome of that case as a contrast to the concept launched by ICISS. While Huber wanted to explain the existence of a comparatively precise set of rules and remedies for a limited area, a general concept of sovereignty as responsibility risks, from Nolte’s perspective, to break down distinctions, not least the one between rules and remedies.

Amitai Etzioni⁹⁶ (2006, p. 72) argues that to formulate sovereignty as responsibility in effect renders sovereignty conditional. When expected to adhere to evolving norms about what the international community considers legitimate, states are no longer free agents. Sovereignty as responsibility becomes, from this perspective, an attempt to legitimize a fundamental shift in the international community’s role related to states’ internal affairs. He understands this shift as a challenge to the Westphalian notion of independent, sovereign states. The UN Security Council did authorize interventions in the past, Etzioni mentions Somalia and Haiti, but this was ad hoc decisions of a rare kind, not based on a general degrading of national sovereignty. From his point of view, the concept of sovereignty as responsibility lowers the legitimacy of independence and increases that of intervention. With sovereignty as an internationally shared responsibility, national sovereignty becomes a privilege dependent on the fulfillment of responsibilities (2006, p. 74).

For S. Pandiaraj⁹⁷ (2016, pp. 807-808) it becomes difficult to understand exactly what sovereignty as responsibility means when connected to R2P, because of ongoing uncertainty related to R2P’s actual scope and implications. His article is much about the legal status of R2P, but he also focuses on what he sees as serious ambiguities because the 2005 Outcome Document did not fully develop R2P.

His first point is the lack of agreement about how to apply R2P. Most urgent is the question about what will happen when the Security Council is unable or unwilling to act in given situations. So far, no good answer exists. His second point relates to the words ‘timely and decisive manner’ occurring in §139 of the Outcome Document, a formulation he means creates serious ambiguity. He writes:

“If the collective action is to be timely, decisive, and meaningful, it stands to reason that it includes actions to prevent the commission of these crimes. This understanding

⁹⁶ Amitai Etzioni is professor of international relations at George Washington University in Washington D.C.

⁹⁷ S. Pandiaraj is Senior Legal Officer at the Asian-African Consultative Organization (AALCO) in New Delhi, India.

clearly goes against the requirement of the manifest failure of national authorities embodied in the very same paragraph”.

(Pandiaraj, 2016, p. 807).

Thirdly, §139 refers to different chapters in the UN Charter, but does not address in specific ways the employment of the measures embodied in the chapters. Pandiaraj’s fourth point is that the Outcome Document is silent on the types of assistance offered to national authorities to help them to prevent mass atrocities.

Etzioni (2006, pp. 79-80) also pays attention to a particular ambiguity, the question of thresholds. Both a too low and a too high threshold is problematic. A too low one may lead to further lowering, expanding the scope of grounds used to legitimate interventions. The risk is a rising number of armed international conflicts. This may in turn challenge the requirements of interventions, that their basis is humanitarian intentions solely, as the last resort only, with no more use of force than what is strictly necessary, and with reasonable prospects for success. However, if the threshold is set too high, it will function as a barrier making it very difficult for the international community to stop mass atrocities. The rebuild component of R2P may also function as a threshold too high because this component may involve costly and complex nation-building efforts where the perspectives of failure are substantial. As an example, Etzioni refers to a 2001 Washington Post article by Henry Kissinger where the former US Secretary of State strongly warned against involving US military troops in a nation-building project in Afghanistan⁹⁸.

7.4.3 Main argument b)

Scholars within the realist theoretical tradition of international relations do not accept sovereignty to locate more than one place. Jeremy Moses⁹⁹ presents a realist critique of R2P. Drawing on philosophers / scholars like Thomas Hobbes, Carl Schmidt, and Hans Joachim Morgenthau, he distinguishes between two strands of theorizing about sovereignty, using the Latin terms *de jure* and *de facto*. *De jure* (by law) describes legally recognized practices, regardless of whether these exist or not in the real world. *De facto* (in fact) is practices that exist in the real world, without having been officially recognized by laws. Moses (2013, p. 114) further describes a key distinction between those who view sovereignty as an ‘empty signifier’ redefined through processes of social interaction and discourse, and the realists who see a timeless feature of social and political organization, defining sovereignty primarily in terms of coercive power”.

⁹⁸ The article entitled ‘Where Do We Go From Here?’ was published in Washington Post 6 November, 2001.

⁹⁹ Jeremy Moses is senior lecturer in political science at University of Canterbury, New Zealand.

The distinction relates to two parallel, but different discourses of sovereignty. Moses underlines that to understand sovereignty and its implications, one must consider them both. The first view, theoretically connected to internationalism or cosmopolitanism, see sovereignty as a contingent, rule-based concept possible to judge, grant and withdraw, in accordance with certain criteria. These may vary from one historical context to another, and so will the behavioral implications. On the other hand, realists understand sovereignty as *de facto* power, as a quality exhibited by certain institutions at certain times. According to Moses, realists accept that maintenance of sovereignty includes responsibilities as a premise. The difference connects to the domain of these responsibilities: “What is at issue is not whether sovereigns should responsibly manage their own domains, but whether these responsibilities are enforceable by outside powers” (Moses, 2013, p. 115).

R2P leans on a normative understanding of sovereignty. Realists offer an empirical definition with little focus on rules, but much on material power (2013, p. 119). From this perspective, the rights of states derive from their capacities to enforce, not from a set of rules established among other states. The establishment of sovereign power comes first, followed by law and rules, but not the other way around. The sovereign power is, as the supreme authority, defined unrestrained. If abuses of human rights take place orchestrated by a sovereign, this is an illustration of *de facto* power. Moses refers to Morgenthau¹⁰⁰ as the scholar defining sovereignty strictly as the ability to exercise decisive force when required for making the final decision (2013, p. 134). A view of sovereignty as responsibility on two levels is not unifiable with this position. For realists, sovereignty is indivisible. A state cannot allow imposed legal restraints to affect its lawgiving and law enforcement authority. Binding to restraints must be voluntary. The outside world may respond to atrocities by intervening, but if they do, they establish themselves as the new sovereign of the territory (2013, pp. 123-125). The *de facto* essence of sovereignty does not change. An important implication is that power to decide on issues of interventions remains in the hands of powerful states. For weak states, sovereignty represents their last line of defense. R2P therefore removes the ‘sovereign immunity’ of weaker states, but not of the powerful.

Prevention often communicates as R2P’s most important action component, for reasons explained earlier in the cover-article as well as in my R2P articles. Moses (2013, p. 132) sees preventive efforts as both possible and regularly occurring in a world of sovereign states. To grant entrance to humanitarian aid and peacekeepers is an exercise of state sovereignty, but if forced to accept aid or the presence of peacekeepers, the state becomes subject to exercise of sovereign power by another authority. Sovereignty as responsibility therefore obscures fundamental relations of power. Since understanding who holds the power sufficient to resolve extreme crisis is vital to understand how political and social units held together, R2P does not solve the problem by changing language from ‘right to

¹⁰⁰ Hans Joachim Morgenthau (1904-1980) is the most famous among the classical IR theory realists from the 1940s and 50s. His most important work is ‘Politics among Nations’ first published in 1948.

intervene' to 'responsibility to protect'. However, Moses also clearly states that although his article emphasizes the importance realist IR scholars lay on power, he does not deny that norms and laws generate important constraints on the exercise of that same power. He sees a stark contrast between those who view sovereignty as normative and those who view it as *de facto* power. He concludes that the evils of genocide or ethnic cleansing are not caused by sovereignty. Sovereign power may be used to both good and evil ends (2013, p. 135).

7.4.4. Main argument c)

Sovereignty as responsibility related to democracy is another issue that occupies Etzioni. He sees a democratic deficit one cannot ignore. When a state acts irresponsibly, an international body may call for corrective intervention. Yet, by moving policymaking in critical matters from the national government to an international forum, the affected population lose the opportunity to influence this forum's judgement (Etzioni, 2006, p. 82).

The international forum was limited to the UN Security Council through the 2005 R2P adoption, where the state in question, in most cases, is without representation¹⁰¹. Council members other than the concerned state will make the judgements. This casts doubt about the legitimacy of their rulings, even more so since any of the five permanent members can veto all judgements they dislike. Although reforms to make the Council more representative exist as suggestions, they are far from anything which may resemble implementation (2006, pp. 82-83).

Pandiaraj (2016 pp. 803-805) addresses the same challenge. He clearly states that R2P needs to develop within the understanding that use of force without Security Council authorization is illegal under international law. The Council alone has the mandate and authority to use force on behalf of the international community, in accordance with Article 42 of the UN Charter. The promotion of human rights is one of the purposes of the UN, but this does not give any single state the right unilaterally to use force to remedy a situation in another state. However, he also underlines that:

“If the international community is to take human suffering seriously and address it with timely and effective collective action, democratization of the Security Council should take place as a matter of urgent priority”.

(Pandiaraj, 2016, p. 795).

According to Pandiaraj (2016, p. 815), it is the provision of veto the five permanent members enjoy, combined with the lack of transparency in the working of the Council, that

¹⁰¹ If the state in question serves a two-year period as non-permanent member, it will be present at the table with a certain influence.

seriously undermines its general legitimacy and the legitimacy of its decisions. He emphasizes especially that the veto-powers must waive their veto rights in situations of mass atrocities. Yet, the Council has so far ignored such a 'code of conduct' for the permanent members.

Related questions concern Moses too. Realists start to ask about power, about who has sufficient power to be capable of taking responsibility. We may recognize the UN Security Council as the sovereign power to decide upon when the use of force for human protection purposes is legitimate. Yet, we do not escape the problem of 'irresponsible power', because there will not exist any higher power to hold the Security Council to account. As states can abuse its power, we cannot exclude the possibility that so will the Security Council, even when considered as the 'right authority' (Moses, 2013, p. 129). The composition, and the behavior dominated by great power vetoes, does not guarantee good behavior. Since no higher power can interfere, the veto powers simply avoid being subject to enforcement of their own sovereign responsibilities. Realists tend to explain a growing amount of humanitarian interventions after the Cold War primarily as an expression of imbalanced power. Moses describes the sovereignty of the 'international community' as lacking form and clarity.

7.4.5. Main argument d)

For Adom Getachew the 2011 Libya intervention was a testing ground for R2P, because the ways the intervention soon turned into regime change raised critical questions about the scope of the principle. When focus is on reforms, like strengthening the preventive R2P dimension and clarifying criterions for military interventions, the limits of R2P emerges from translation of theory into practice. The problem of misuse and misapplication invites not to connect overreach to sovereignty as responsibility, but to consider other and better means of R2P implementation. According to Getachew (2019, p. 228), the relationship between principles and practices is misunderstood.

Getachew (2019, p. 226) offers an alternative understanding of what the problem is. According to her, the limits of R2P embed in the very redefinition of sovereignty as responsibility. This understanding of sovereignty erodes and undermines its moral and political significance. She argues that, if one first elaborates and agrees upon norms and implement them in practice afterwards, the underlying idea of sovereignty as responsibility escapes scrutiny. Treating principles as if they were formulas easily detached from their context, is misleading because they emerge from political questions and practices rather than from antecedent normative commitments, for later application to political problems. Principles are themselves what she calls 'forms of political action' when they, among other things, provide legal authorization and confer agency (2019, pp. 227-228). This created the

conditions of possibility in which the Libya intervention unfolded. One needs to ask which actors this redefinition of sovereignty empowers and disempowers, and what kinds of authority and action it legitimizes. Her main argument, as I understand her, is that if state sovereignty defines as responsibility, it renders sovereignty instrumental, paternalist, and conditional, or more precise, sovereignty for some becomes conditional. This paves the ground for new forms of international hierarchy. It becomes possible for non-state actors and international organizations to perform sovereign functions. Particularly, it empowers the UN Security Council, dominated by the permanent veto-powers (2019, pp. 226-229).

From Getachew's perspective, a severe problem with sovereignty as responsibility is its contribution to the reproduction and the legitimization of these changes. The pitfall of the Libyan intervention is therefore not the misapplication of a principle, but the entailments of the diminution of sovereignty (2019, p. 231). Particularly states with a colonial past have no reason for welcoming this development. It represents a contrast to how anti-colonial nationalists understood sovereignty as claims for domestic democratic self-government, and non-domination internationally. Getachew (2019, pp. 231-232) refers to the Ghanaian political leader Kwame Nkrumah for whom independence and self-government were prerequisites of human rights, because they created the conditions for the realization of these rights. However, she admits that Nkrumah's optimism of the 1960's is difficult to share today. She writes:

"Indeed, the principle of the responsibility to protect and other contemporary efforts to rethink sovereignty are responses to the humanitarian crisis that have arisen from the ways in which the politics of citizenship and the statehood has failed to coincide with the protection of individual human rights".

(Getachew, 2019, p. 232).

Yet, she insists that sovereignty as responsibility, implying that a state's claim to sovereignty depends on its willingness and capacity to fulfil its responsibilities to the subjects and to the international community, contrasts with the requirement of self-governance in a context of international non-domination. By locating the primary responsibility at the state level, one risks that particularly weak states must carry the burden of responsibility for political, economic, and humanitarian crisis that are not fully of their own making, but at least partly rooted in the inequitable international distribution of power. The way forward, as Getachew (2019, pp. 234-236) sees it, is undoing the hierarchical political and economic relations that structure an international order that fuels domination. The rise of international institutions and international human rights law since 1945 has limited and constrained the exercise of sovereignty. However, by turning focus towards international structures, Getachew envisages the opening of a critical space to deal with sovereign inequality and international hierarchy.

7.4.6 My general comments

Nolte's article dates from March / April 2005. He obviously bases his arguments on the suggestions presented in the ICISS report launched in December 2001. The UN General Assembly's World Summit took place in September 2005. Therefore, Nolte cannot have been familiar with the R2P version adopted by the international community. It is true that ICISS left open the question if the Security Council should always be the only authority on measures connected to R2P's international dimension. However, the World Summit narrowed the scope. I have pointed to this earlier in the cover-article, and I describe the content of this in my third and fourth R2P articles (article 3, pp. 39-42; article 4, p. 79). The requirement of Security Council approval for international action against the will of a government, made consensus possible in 2005. The references to this in my articles are particularly Alex J. Bellamy and Mark Schack.

Nolte focused on possible consequences when sovereignty as responsibility applies to real-world cases. The ambiguity he talks about seems for me most urgent when rules about who shall decide what and when are unclear and in flux. In early 2005, before the R2P adoption and with the ICISS report as the basic document, there was more confusion around the question of legitimate authority. Nolte may absolutely be correct that such circumstances can stimulate not preferred practices. The World Summit answered to this dilemma by anchoring R2P's international dimension to the Security Council, deciding this being the only legitimate decision-making body.

However, other ambiguities continued to exist, and still do, with the challenges this represent. The lack of clarity around the criterions for when action is relevant and when to use which of the available measures, discussed from different angles by both Nolte, Etzioni, and Pandiaraj, was pushed into the future by summit participants. As I describe quite detailed in my articles 3 and 4, such loose ties between policy and implementation were exactly what Jeffrey Pressman and Aaron Wildavsky warned about, based on their observations connected to the late 1960s job-creation program in Oakland, California. To repeat a citation from them I use in R2P article 3: "There is no point in having good ideas if they cannot be carried out" (article 3, p. 41)¹⁰².

Pandiaraj wrote his article in 2016. He therefore had a decade of more experience to draw on for the development of his four points of ambiguities, compared to Nolte and Etzioni. As I have discussed both earlier in the cover-article and in my R2P articles 3 and 4, and in accordance with the loose ties described above, it is always easier to obtain consensus across political and other dividing lines when one allows for concretization around the most controversial issues to wait. One adopts a text addressing them only in general and

¹⁰² Pressman, Jeffrey and Wildavsky, Aaron. 1973/1984. *Implementation*. Berkeley: University of California Press, p. 143.

rather vague terms (article 3, pp. 39-41; article 4, pp. 81-82). As I understand the authors, the most fruitful way to deal with the challenges expected in the aftermath, is to work continually to develop better clarifications, to improve the practical application of R2P, and thereby reducing the risk that other enforcement mechanisms pop up as practical realities.

Improved clarifications were one of the ambitions with the Brazilian initiative from November 2011, called Responsibility while protecting (RwP), an attempt to bring more control to decision makers on behalf of implementing actors. The background was dissatisfaction with how the military operations against Libya had developed the same year. I discuss this initiative in article 3, 4 and 5 (article 3, pp. 52-53; article 4, p. 88; article 5, p. 5). Yet, to eliminate ambiguities is not an easy task. It is not surprising that none of the articles I scrutinize here contain specified details about how to obtain the demanding clarifications, or what the concrete content of them ought to be. Etzioni's concern for thresholds illustrates some of the complexity. I will return to Getachew's suggestion of another way forward.

The selected article by Etziane dates to early 2006. I assume that he too wrote the article before the 2005 R2P adoption by the UN General Assembly. I am not able to verify that, but as I have experienced with my own published articles, there is usually a time-lag, often several months, between the writing of an article and its eventual publishing. I find no references in the article to the adoption process in the UN or to the R2P paragraphs in the Outcome Document. This strengthens my assumption. On the other hand, there are several references to the ICISS report. His discussion also draws heavily on ICISS' deliberations about sovereignty, but not to the more restricted adopted version which lacks direct references to the term 'sovereignty'.

I agree with Etzioni that the question of thresholds represents challenges calling for serious treatment. The Security Council can in principle decide thresholds on behalf of the international community. The main reason I see that this will probably not happen, is the complexity of the task, even if the discussion is held at the general level without connections to situations where member states' national interests may prevent enlightened discussions. I may illustrate this complexity with an example from a related context. War is difficult to define. War involves organized military violence, but it is not clear how much violence there has to be before the term 'war' is justified (Garnett, 2005, p. 83). The difficulties connected to choosing a meaningful threshold makes the choice arbitrary. The influential definition by Singer and Small, referred to by Michael Sheehan (2011, p. 218), requires a war to involve at least 1000 battle deaths per year. Yet, it is not easy to argue for why the relevant number is 1000, but not for instance 900, 1500, or something else.

The atrocity categories addressed by R2P is probably more complex to handle in connection with thresholds. War crimes take place in all wars, but it is not always easy to determine if the scale is massive. Neither relevant conventions nor the R2P paragraphs in

the Outcome Document are very helpful to clarify this. In addition, the list of which acts that count as war crimes, codified in the 1899 and 1907 Hague Conventions, the 1945 Nuremberg principles, and the 1949 Geneva Conventions, is long¹⁰³. To define thresholds connected to the category 'crimes against humanity' is perhaps, but I underline perhaps, somewhat easier. Unlike war crimes, this category does not describe isolated acts committed by individuals. Crimes against humanity are acts purportedly committed as part of a governments' policy, or part of a practice of atrocities tolerated by the same. Such acts directed at civilians might take place both in war and peace¹⁰⁴.

The category 'genocide' is more complicated than what a first look might indicate, because it includes not only killing. In accordance with Article 2 in the present Convention on the Prevention and Punishment of the Crime of Genocide, genocide also means any of four additional acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group. These are causing serious bodily or mental harm to group-members, deliberately inflicting on life conditions to bring about physical destruction in whole or in part, imposing measures with the intent to prevent births within the group, and forcibly transferring children of the group to another group¹⁰⁵.

The US Secretary of State Anthony Blinken pointed to efforts of trying to destroy the identity and the culture of the Uighur minority when he in March 2021 accused the Chinese government of committing genocide as well as crimes against humanity. There are about 12 million Uighurs, mostly Muslims, living in the northwestern region of Xinjian. About 1 million Uighurs are detained at camps. Allegations exist of forced labor, torture, and sexual abuse. The Canadian minister of Foreign Affairs, Marc Garneau, called the treatment systematic, state-led human rights violations, and the UK Foreign Secretary Dominic Raab spoke about appalling violations of the most basic human rights, calling for the international community to hold those responsible accountable¹⁰⁶. Not very surprisingly, China denied and continues to deny the allegations. The Chinese government does not deny that the camps exist, but their version is that these are 're-education-facilities' directed at combatting separatism and militant Islamist activity in the region.

Sanctions on Chinese officials were imposed by several western states. These included travel bands and the freezing of assets upon senior officials in the Xinjiang province. The sanctions were a coordinated effort by the EU, UK, US, and Canada¹⁰⁷. Yet, although these are powerful actors in world politics, they represent themselves, not the whole international community. Only the UN does, but UN Security Council sanctions on China is

¹⁰³ <https://en.wikipedia.org/wiki/War-crime>

¹⁰⁴ https://en.wikipedia.org/wiki/Crimes_against_humanity

¹⁰⁵ UN Office of Genocide Prevention and the Responsibility to Protect www.un.org/en/genocideprevention/

¹⁰⁶ BBC News 26 March 2021 www.bbc.com/news/world-asia-china-22278037

¹⁰⁷ BBC News 22 March 2021 www.bbc.com/nes/world-europe-56487162, Dagbladet 27 March 2021, Aftenposten 30 March 2021 (Norwegian newspapers).

hardly possible to foresee, given that China is one of the permanent members with a veto. Neither can one expect any resolution addressing this case at all. In the Security Council there exist no agreement that the Chinese treatment of the Uighurs is an atrocity case. To get a better understanding of such challenges, I recommend my R2P articles 3 and 4. They both deal with implementation of R2P objectives through the Council. Yet, before it gives any meaning to talk about thresholds, a common understanding must establish that the situation under scrutiny is a possible atrocity situation. If governments in the respective states are to define themselves, whether they have or have not a protection problem, one risks the thresholds, in so far as they are possible to define, being set too high. This may, as pointed to by Etzioni (2006, p. 79), function as a barrier to prevent international interference, because the many requirements placed on intervening parties of finding out to what extent the situation meets the test, will make them reluctant to act.

The democratic deficit discussed by both Etzioni and Pandiaraj is relevant and interesting. To a large extent independent of which definition of democracy one chooses to lean on, the UN Security Council does not appear as a striking democratic body. Etzioni is also right that transferring responsibility to this body when the state fails to provide protection, implies that the affected population lose the possibility to influence the judgements. I find this aspect under-communicated in current R2P debates. However, one also must ask how important this influence is for the affected population in situations where help from the international community might be their only way to escape mass atrocities. All members of the UN are states. When signing for UN membership, state leaders accept that promotion of human rights is one of the purposes of the organization (UN Charter, Chapter 1 article 1), and they accept that the UN Security Council, with its current composition and way of functioning, can use force on behalf of the international community (UN Charter, Chapter 7 article 42). I do not see this as a removal of the fact that the democratic deficit is problematic, but it makes it more acceptable to live with the problem, because when states sign the UN Charter, the sovereigns perform a sovereign act, on behalf of their subjects.

The Security Council is a powerful body, but it is not a world government. As pointed to by Moses (2013, p. 129), we cannot exclude the possibility of power abuse, and if this happens, the Council will not be accountable to any higher authority. This was a main reason for why Kant did not suggest a government for the whole world, as it is for adherents of ‘thin cosmopolitanism’ which I discuss in my first R2P article (article 1, p. 125)¹⁰⁸. The questions of Security Council reforms and ‘codes of conduct’ pointed to by Pandiaraj (2016, p. 795), I will take a closer look at in the next section.

¹⁰⁸ As described in article 1 (p. 125), only a marginal branch of cosmopolitanism argues for the replacement of all states by a single global government, in a radical version tracing back to the 18th Century Prussian political thinker Baron de Cloots.

Moses presents the contradiction between two alternative understandings of sovereignty, *de jure* and *de facto*. R2P leans on the first one, where sovereignty can be redefined through social interaction and discourse. Scholars who call themselves realists understand sovereignty as *de facto* power, performed primarily by coercion.

The term 'primarily' as Moses (2013, p. 114) uses when defining sovereignty in terms of coercive power, is not the same as 'only'. Primarily leaves a room, although a limited one, to other concerns. According to Moses, realists accept responsibilities as a premise. Although they have little focus on rules, and much more on material power, they accept voluntary binding to restraints. Restraints imposed by outside powers is not possible to accept because it crosses the domain of sovereignty. If responsibilities are accepted, the next question is where these come from. Since they hardly develop in a vacuum, the sovereign powers must either develop them themselves, or more likely, as a contract between themselves and the subjects. Import from the outside world is also a possibility insofar as it takes place voluntarily, not by imposition. Yet, one still must ask if it is possible for a sovereign, from a realist perspective, to abstain totally from binding to any kind of responsibility. I cannot see that Moses offer any clear answer to this question, but I suppose the answer will be yes if sovereign rights derive from the capacity to enforce only. Yet, if this is what realists mean, it seems somewhat strange to build the arguments with reference to Hobbes. At best it seems like a rather selective reading of him. Hobbes' notion of absolute sovereignty attracts realists, but Hobbes also clearly stated that absolutism came with limits. Sovereignty in Hobbes' version, as discussed in section 7.3.4 in the cover-article, was absolute only when the sovereigns protected the subjects from each other and from foreign threats. Sovereignty from the Hobbesian perspective may even be lost, not because sovereigns lose the ability to enforce, but because they fail to provide the expected protection (Berkowitz, 2008, pp. 18-19; Glanville, 2011, pp. 238-239).

The question of interventions for humanitarian reasons is the most controversial aspect of the R2P principle. As Sebastian von Einsiedel and Louise Bosetti (2016, p. 372) formulated it, consensus around the sharp end, those cases where one must consider tough measures, has always been frail. I use this statement in my R2P article 3 (p. 39). Realists' reluctance to accept any outside interference beyond the voluntary into states' internal affairs, is logical from the point of view that sovereignty can only locate one place. Since realism represents a state-centric approach to international relations, the location must be at state level. An intervention from outside for protection purposes against the will of the government in question, means from this position either to take over sovereign power, or to operate within a sphere where no sovereignty exists. None of this is acceptable for realists since it undermines the whole vision of a state-centric world order. Realists can find support beyond their own 'founding fathers'. To some extent, they can also draw on Kant who argued against outside interference even when the sovereigns abuse their power, although based on a different set of arguments connected to what is morally right and wrong. Yet,

apart from this special view on interventions, realists do not have much in common with Kant.

There is a limited discussion of how to understand state sovereignty and the non-intervention norm in the ICISS-report (2001, pp. 12-13). The authors admit that the UN deals with a dilemma in the conceptual language of two notions of sovereignty, one vesting in the state, the other one in the people and in individuals. As I understand the arguments in the report, the two notions unify when a state voluntarily signs the Charter of the UN. When they do, they accept the responsibilities that follow from the signatures. By granting membership of the UN, the international community welcomes the signatory state, not just as a member of the community of nations, but in addition as a responsible member. This thinking of sovereignty in responsibility terms does, from ICISS' perspective, not imply any transfer or dilution of state sovereignty (2001, p.13). The report also has a quite comprehensive discussion about the reaction component of R2P, the responsibility put on the international community to react to situations of compelling need for human protection (2001, pp. 29-39). However, the report gives no clear answer to where sovereignty locates, if anywhere, when it is no longer present at state level.

Getachew's article goes, as I read it, right into the so-called agent-structure debate. The relationship between agents and structures is a fundamental philosophical issue within the social sciences. According to Alexander Wendt (1987, pp. 337-338), the issue originates from two truisms about social life. The first one is that human beings and their organizations are purposeful actors whose actions help reproducing and transforming society. Yet, society also consists of relationships, which structure the interactions between the actors, or, as Colin Wight (2005, p. 24) notes, the problem is about the relationship between active and self-reflecting agents and the structural context in which their activities take place. Brown (2019, p. 62) describes the debate to be centered on whether agency, the actions of actors or their capacity to act, or structure, such as international anarchy or international society, is the key determinant of the social world. Structures are abstract formulations whose effects are possible to perceive. They function as enablers and constraints, but the structures themselves are not observable entities. About the room for agency within the constraints of structure, Brown (2019, p. 65) explains: "Structure create the possibility of agency, but does not dictate it, in the same way as language create the possibility of speech, but cannot cause any particular conversation".

Getachew (2019, pp. 228-229) understands principles to emerge from political questions and practices. They are themselves forms of political action. They provide legal authorization, confer authority and agency, and allocate and redistribute power among differently positioned actors. They engender certain kinds of practice while foreclosing and displacing others. This in turn produces new institutionalized contexts and conditions in a continuing process. The speed may increase or slow down, but the process never ends.

If sovereignty as responsibility is collectively recognized as a structural feature of the international order, this will generate consequences for how actors, in this context the states and more precisely the state leaders acting on behalf of them, understand the limits of acceptable behavior, and which strategies are acceptable to achieve objectives. Getachew's main problem with this seems to be its reproduction and legitimization of an unjust international order, a structure where sovereignty, particularly for the weaker states, is contingent. She argues for incorporating problematical features of this order into the analysis, which may challenge established views of where responsibility ought to be located and influence our thinking about sovereignty more broadly. I recognize that these arguments have relevance. She may also be right that unfortunate and unjust structures stimulate the creation of domestic elites, increasing the possibilities that discontent by those not privileged will lead to domestic conflicts.

However, my understanding of Getachew's article is that she views sovereignty as responsibility to permit the existence of an unjust international order, characterized by legal, economic, and political hierarchies between states. I find it more problematic to accept this. Yet, she offers a quite comprehensive discussion where she addresses how to overcome the problem she defines. As described above, among her suggestions is to look at how anticolonial nationalists in the early phases of decolonization understood sovereignty. They claimed democratic self-government domestically and non-domination internationally. A society of free citizens with equal rights to participate in the making of decisions was expected to be a society that protects human rights in general. R2P locates sovereignty at state level. Getachew finds this problematic from the perspective of domestic self-governance and international non-dominance. Her alternative is to think bottom up, emphasizing popular sovereignty, to articulate demands through collective politics. Yet, she recognizes that the real world is rife with obstacles for the realization of the preferred conditions (2019, pp. 232-234).

Getachew suggests building down the hierarchical economic and political relations that structure the current international order. She foresees that an anticolonial account of sovereignty can reorient contemporary debates by drawing attention to sovereign inequality. Yet, she admits that focusing on structures does not provide us with any straightforward answer to what we should do when a crisis calls for immediate response (2019, p. 236). Delivering such answers was not the ambition with her article. Neither does she suggest that structures should be our only focus in dealing with atrocity crimes.

My problem with the recommendation to build down unjust structures, especially at the international level, is a fear that if this becomes the dominant focus, it may confuse who the responsible actors are when mass atrocity crimes occur, a possible receipt for passivity. Structures are, by definition, conditions that are relatively stable over time. To build down

structures can be extremely difficult. There are huge challenges connected to defining the problems, agreeing about the necessity to deal with them, finding out how to do so in a proper way, to decide who shall be responsible for doing what at which levels etc. In a short time-perspective, when an emerging situation calls for immediate action, a focus on structures is hardly a relevant option. I will argue that bringing structures into the picture is most relevant for R2Ps preventive dimension, especially when the address is root-causes of conflicts and their connections to various contexts. Both the ICISS report and several of the yearly R2P reports of the UN Secretary-General to the General Assembly describes such efforts, although these documents mainly focus on root-causes embedded in domestic environments, less so in international structures. To work for structural changes at the local and the national level may include efforts to strengthen local and national capacity to deal with conflicts that have a potential to escalate, for instance by building up inclusive institutions. This is a task for the longer perspective, but in many conflict-torn areas often not an easy one. Getachew also points to such efforts in her article, although she mainly focuses on the international and the global level.

Keeping focus on structures seems to me much less relevant when a crisis involving mass atrocities calls for immediate and rapid response. Unjust structures, at different levels, may have contributed to create a context favorable for the evolvement of the crisis. The long-term response will be to address these weaknesses, but the immediate task is to save human lives here and now. In doing that, I cannot see how focusing on structural features can be fruitful. I am more prone to agree with Gilley (2009, p. 73) who argues that although states are not in entire control of their performances, they are mainly in control, and states are responsible for what happens inside their borders. The time to change unjust structures is not the moment when mass atrocities occur or is imminent in an immediate threat. In such situations it is important to avoid structures perceived unjust to produce frustration that can become an excuse for doing little or nothing.

Proponents of structuralism¹⁰⁹ will probably argue that the structure of a system is more important than the behavior of individual members (Burnham and Jones, 1996, p. 480). I do not share this view when we deal with mass atrocities. Neither do I argue for methodological individualism¹¹⁰. I recognize that actors operate within contexts that influence them. However, I do not accept that mass atrocities ever occur as unintended products of structures. Human agency is always not just present, but the decisive element. Genocide, crimes against humanity, war crimes, and ethnic cleansing, are consciously initiated acts, designed and operated by human agents, although unfavorable contexts may inspire them. Mass atrocities always involve decisions by human beings, individually or on

¹⁰⁹ Structural inquiry has deep roots in Western thought and traces back to the work of Plato and Aristotle. Modern structuralism as a distinct epistemology began with the Swiss linguist Ferdinand de Saussure (1857-1913) (Burnham and Jones, 1996, pp. 480-481).

¹¹⁰ Methodological individualism is the view that social phenomena is possible to explain entirely by reference to motives and actions of individuals.

behalf of states, decisions that could have been otherwise. The commitment of mass atrocities is not possible without the actions of human perpetrators who could have chosen not to perform those cruel acts¹¹¹. Therefore, the correct address for rapid response must from my perspective necessarily be those who commit the crimes on the ground.

To change international structures intentionally is probably only possible if numerous influential actors in the international sphere join their forces towards this task. However, even international structures do change. These changes are not always the result of human intentions, but sometimes they are. The United Nations did not pop up by itself. It was established through conscious design by politicians with the ambition to create a better world. The UN Security Council was equipped with its prerogative to uphold international peace and security, not as a coincidence, but because powerful actors agreed to create this arrangement, based on former experiences with the League of Nations lacking a similar body. Yet, to deal with the change of structures from an analytical perspective will demand that connected categories, for instance a term such as 'hierarchy of states', is possible to operationalize in a meaningful way. Getachew's text is not rife with answers, but her article may inspire to more research around such challenges.

The real world is far from ideal. It is not controversial to say that injustices exist on all levels, from the local to the global, although opinions vary about the content as well as the influence on outcomes in different settings. The struggle between order and justice is permanently prevalent. Selective responses from the international community to humanitarian crisis is one result of this struggle. I have discussed that dilemma quite detailed in my R2P articles 3 (pp. 43-45) and 4 (p. 83). There may be a call for international R2P response to a crisis in Darfur, but due to the composition and the functioning of the UN Security Council, China does not risk sanctions from the Council for its treatment of the Uighur minority. Yet, one may ask, as I also do in article 3 (p. 44) with reference to Alex Bellamy, if selective response still might be a better alternative than no response at all in a non-perfect world.

7.4.7 My comments enlightened by the English School theoretical approach to IR

It was not an alternative I considered, but when I read Moses' article, I received several supportive arguments for not having chosen realism as the cover-article's preferred theoretical approach. Realism is a broad tradition of thought with historical connections to

¹¹¹ To deny obeying an order can under certain circumstances have fatal consequences for the individual in question. Yet, I insist that even such situations include an element of choice.

thinkers like Thukydides¹¹², Sun Tzu¹¹³, Machiavelli¹¹⁴, and Hobbes. It is not one single theory, rather a 'house' for several theories with differences, although they share some basic assumptions. Realism is good to explain different issues connected to international security and power politics, but a discussion about sovereignty as responsibility needs an analytical tool that encompasses more than unitary states pursuing their national interests in an anarchic atmosphere. To discuss R2P without including the UN as an important international actor, is rather meaningless. Yet, realists in general do not recognize international organizations as much more than arenas where states continue their struggle for power. In article 2 (p. 52) I refer to Jack Donnelly's statement where he portraits the realist view on international organizations¹¹⁵ as being at best intervening variables that can be expected to have independent effects only in minor issue areas far removed from the struggle for power¹¹⁶. Realists understand sovereignty primarily as an attribute of the state. However, to talk about sovereignty in terms of legitimacy becomes more relevant if we consider sovereignty not as an attribute, but as attributed to the state by other states or by the international community. Yet, this opens a space for ambiguities and contingency, as pointed to by Nolte, Etzioni and Pandiaraj. As explained by Janice Thomson (1995, p. 228), external recognition as a sovereign state is contingent on some set of criteria. The question is how those who do the recognizing define the criteria, and their definitions may change.

International anarchy is present in English School thinking, as one of the elements in Wights' triad. States pursue national interests, but they are not occupied doing this all the time. International anarchy coexists with societal elements. Bull's 'anarchical society' does not have any global government, but it is, to use his words, a world where states conceive themselves to be bound by a common set of rules in their relations with one another. They also work together within the frameworks of common institutions (Bull, 1997, p. 13). Yet, like realism, the pluralist position within the English School that Bull represented is clearly state-centric¹¹⁷. Bull was particularly occupied with the maintenance of international order. He did not place primary emphasis upon international law or international organizations. Order can exist and has existed independently of both. However, order depends on the existence of rules. Rules can, but do not need to, have the status of international law. Bull recognized that the UN and its specialized agencies played an important role for the maintenance of order in contemporary world politics, but in his view this role was best understood not in terms of official objectives and aspirations, but in terms of the

¹¹² The Greek general and author Thukydides (460-400 BC) is most known for 'The Pelopponesian War', considered as one of the great works in world literature.

¹¹³ Sun Tzu (about 500 BC), a Chinese general and author of 'The Art of War', about military strategy.

¹¹⁴ Niccolò Machiavelli (1469-1527) was an Italian diplomat, philosopher, and author. His most famous book, about advices to state leaders, 'The Prince', was published in 1532 five years after his death.

¹¹⁵ Donnelly uses the word 'institutions'.

¹¹⁶ Donnelly, Jack. 2005. Realism. In *Theories of International Relations*, eds. Burchill et.al, p. 47. New York: Palgrave Macmillan.

¹¹⁷ The solidarist position is less state-centric, but even this one sees states as the most important international actors.

contribution they make to the work of the more basic institutions. Bull even has a comment where he indicates that the UN, because of the great mass of documentation it engenders, has been overstudied, and that this has drawn scholarly attention away from more fundamental sources of international order, like the role of great powers, the balance of power, international law, and diplomacy (Bull, 1977, Introduction pp. xxxiv-xxxv).

Skepticism to humanitarian interventions is not a realist prerogative. In Bull's international society, general protection cannot be expected, only protection which is selective in character. Often human rights abuses will not activate international reactions (1977, p. 85), but sometimes they will. In chapter 6, the theory chapter, I described how R. J. Vincent strived with this issue. As the English School scholar who most detailed has addressed issues of interventions, he saw the sovereign equality of states as fundamental, and he was concerned about possible non-humanitarian motives among intervening actors. Many states are reluctant to weaken the principle of non-intervention by making it contingent on the fulfillment of responsibilities, because they fear misuse by mightier states. I have included this point in all my five R2P articles (article 1, p. 132; article 2, p. 54; article 3, p. 46; article 4, pp. 84-85; article 5, p. 10). Jarat Chopra¹¹⁸ is my main reference in the articles, but many other scholars have dealt with the same puzzle. Focusing on developing countries and with reference to Gareth Evans, Camilla Puppato writes:

“The non-intervention international law principle has enjoyed much adherence and support, especially from developing countries, due to the fact that after de-colonization, the new - and therefore weaker - states, saw it as their only defense against more powerful international actors they felt threatened by”.

(Puppato, 2015, pp. 2-3)

If interventions for humanitarian reasons are to be accepted, one must accept to live with uncertainty connected to motives. However, during his academic career Vincent moved from a position of rigorous adherence to non-intervention to a more flexible one, arguing that the survival of the international society of states is possible only when nurtured by progress. Without progress it will degenerate to great power dominance (Griffiths et al., 2009, pp. 237-239).

The English School can play on a larger register than many other theoretical approaches to IR in explaining the motives behind state action. Their scholars see the international sphere as a genuine human one. Just human beings have motives. A state's motives must have a connection to human thinking. Human beings are not equally visible internationally within realism in general, but as a broad tradition of thinking there are room for some variety. Moses does not address this variety in his article, but it is relevant if we

¹¹⁸ Chopra, Jarat. 1994. The Obsolence of Intervention under International Law. In Marianne Heiberg *Subduing Sovereignty*, pp. 33-62. London: Pinter Publishers.

extend the discussion of *de facto* sovereignty to include motives behind the practice of power, not primarily towards domestic subjects, but in the international realm among other sovereigns. Kenneth Waltz' neorealism omits leader's motivations for international outcomes except for the minimal assumptions that states seek to survive (Elmer, 2008, p. 709). However, the most prominent scholar within classical realism, Hans Joachim Morgenthau¹¹⁹, rejected the equation of political realism with immorality. He leaved a room for statecraft. According to him, state leaders had a strong moral dignity to the national interest demanding great caution in the exercise of power (Bew, 2016, p. 212). Neoclassical realism, a more recent version, although keeping capabilities and the distribution of power as starting points in accordance with neorealism, insists that leader's views of how power should be used intervene between structural constraints and behavior (Elmer, 2008, pp. 711-712). Vincent defined humanitarian intervention as an act of power, which included taking sides. Yet, as demonstrated by the conflicts in the Middle East, it is not always easy to find the right actor to support. I have used this argument in my R2P-article 1 with reference to Chris Brown¹²⁰ (article 1, p. 129).

The English School view of IR as a genuine human world is highly relevant also for the discussion of human agency in relation to Getachew's article. International relations are, from the English School perspective, a special branch of human relations which involves rules, norms, and values (Jackson and Sørensen, 2003, p. 141). Even when mass atrocities take place, those thinking, and acting, are human beings. States cannot act without human beings acting on behalf of them. Structures can neither act, although they form a context that influences human thinking and acting. Structures also affect what human actors see as the realm of possibilities. To understand modern international society both at the ideational and at the concrete level, as the English School invites us to do, implies, as Buzan (2014, p. 22) explains, to incorporate the consciousness and the moral character of the actors. I take it for granted that this pertains even to societies where mass atrocities occur, and under circumstances where structures, at the local, the regional, or the global level, contribute to produce outcomes that are widely considered being unjust.

It is also possible to see shared ideas, beliefs, and values, as themselves having structural characteristics, and as such exerting powerful influence on social and political action. The existence of structures then becomes dependent on practicing actors. This, however, is more a constructivist view than a position of the English School, although it is a view that probably will appeal to scholars connected to the world society position. Constructivism¹²¹ as a theoretical perspective on IR see the world as a project under

¹¹⁹ Morgenthau's classical realism has some similarities with the pluralist position within the English School.

¹²⁰ Brown, Chris. 2002. *Sovereignty, Rights and Justice – International Political Theory Today*. Cambridge / Oxford: Polity Press, p. 152.

¹²¹ There exist different variants of constructivism. Here I refer to so-called conventional constructivism. This perspective recognizes some foundations for knowledge. The constructed reality is limited to the social world

construction, as becoming rather than being (Adler, 2002, p. 95). To some extent, this is unifiable with a solidarist English School position who see a development where shared norms and rules progressively weakens and delegitimizes the role of power and coercion (Grieco et.al., 2019, p. 86). Pluralist oriented scholars are more occupied with the limitations connected to what is possible to construct. They do not believe that construction is the answer to the dynamics of power and competition, which will not disappear. Within IR theory, Kenneth Waltz' neorealism is probably the approach that most heavily lean on structures to explain outcomes, leaving little or no room for agency. I use this as one of the selected theories in R2P article 2 where I discuss conditions for cooperation and joint action under international anarchy (article 2, p. 47, pp. 51-52, p. 54 and p. 56).

Getachev suggested to build down unjust structures that dominates the current international order, particularly existing hierarchical economic and political relations. From a pluralist English School position this is a project connected to high risk, for mainly the same reasons as I discussed in section 7.3.6. Changing unjust structures to more just ones is very often a complex task at the local level, although there exist many suggestions connected to the preventive dimension of R2P, especially efforts addressed at root-causes. To change global structures is probably required from an English School world society position, but the scholars are much better to tell what they wish to achieve compared with how to achieve it. Neither does Getachew offer any receipt in her article. Apart from at the ideational level, Bull considered a world society based on a common good as non-existing.

A just order is of course to prefer compared to an unjust one. Yet, even an unjust order is an order, and as such better than no order or chaos. Justice was for Bull (1977, p. 83) only possible to realize in the context of order. Therefore, Bull's general advice was to prioritize order over justice, but he did not postulate this as a rule without any exceptions. He was open for considerations related to the cases in question (1977, p. 93). From an English School solidarist position, this is not sufficient. For solidarists human rights are, as described in chapter 6, a floor beneath, not a ceiling above states. Among the scholars who adhere to this view is Alex J. Bellamy, one of the most prominent R2P researchers.

My third and fourth R2P articles discuss challenges connected to the implementation of R2P objectives through the UN Security Council. The articles point to some measures which is supposed to improve implementation, like more clear criterions for what to do and how to do it in different situations. However, the articles do not discuss reforms of the Council. This itself is a large debate, and a deeper engagement with it lies outside the scope of my cover-article. Yet, in my discussion in article 5 about India's position on R2P (article 5, pp. 13-14), I mention one possible reform which could, if implemented, at least to some extent meet the requirements for democratization pointed to by Etzioni, Pandiaraj,

and the concepts we use to describe it, in contrast to postmodern variants who understand the whole world as imaginations and talk.

and Moses. India's political leadership frequently argue for a permanent Security Council seat, using arguments about democracy and size. India is often called the world's largest democracy encompassing about 16% of the world's population. They are not alone in their effort. Brazil, Germany, and Japan also seek permanent seats, and this group of four (G4) back each other. A reform of the Council by extending the number of permanent members would mirror today's world better than what the current composition of the Council does, a system Joseph Swartzberg (2013, p. 65) calls anachronistic, of decreasing representativeness and legitimacy with the passage of time. One would also have to decide if or not new permanent members should be equipped with a veto like the current ones. Even an extension with permanent members without veto would need approval from the existing veto powers. So far, the G4 has not been able to gain sufficient support. That China opposes the Indian claim, is hardly a surprise, given the tense relationship that exists between these two rising Asian powers.

Another suggestion, I mention it in article 5 (p. 14), does not imply any organizational reform. It is the plea from former UN Secretary-General Ban Ki-Moon not to use veto-power in situations of manifest failure to meet obligations related to R2P (Ban, 2009, pp. 26-27). R2P is a normative standard and a moral imperative of the international community. Therefore, how the permanent council members use their vetoes is a concern for the same community (Stojkovski, 2017, p. 88). Yet, it is hard to see any mutual understanding around this among these members. I mention in article 5 the frequent vetoes by Russia and China on drafted resolutions related to the Syrian civil war to underpin the argument, although it also belongs to the picture that UK and France have expressed some support for the Secretary-General's plea.

The resistance against reforming the Security Council and the unwillingness to restrict the use of vetoes, suits very well into how pluralists within the English School view international relations. The normative aspect of Bull's anarchical society is visible, but so is indeed also power politics. If these suggestions could function as a test for the degree of solidarism that may exist in the international sphere, I suppose the answers do not please solidarist oriented English School scholars. On the other hand, if we extend the timeline back to the end of the Second World War, things look more optimistic from a solidarist position. Buzan (2014, pp. 158-159) points to the norm of human equality embedded in the UN Charter, the 1948 Universal Declaration of Human Rights, the later UN human rights conventions, and the Human Rights Council, as examples of how solidarism has advanced in a state-centric international order. The rhetorical aspect shall not be ignored, but even rhetorical adherence to a norm is a signal that it is not indifferent, as indicated by Mervin Frost' argument that states nearly always communicate their actions to the wider world in ethical terms because engagement with ethics is a precondition for legitimate

participation¹²². I refer to Frost in four of my five R2P articles (article 1, p. 129; article 2, p. 53; article 3, p. 41; article 5, p. 12).

It is possible to describe the period after World War 2 as a development where human rights have acquired legitimacy as basis for policy and appeal for international action. I find it plausible to add the paragraphs on R2P in the 2005 World Summit Outcome Document to the list. The principle was adopted with consensus by the UN General Assembly, although the negotiated text represented a more restricted R2P version than the original one suggested by ICISS. I will also argue that including R2P not just expands the list of documents quantitatively. It is also a qualitative improvement. Other human rights documents also set standards for legitimate behavior, but most of them do not involve the international community in following up these standards to the degree R2P does through pillar two and three. From the perspective of English School scholars, it seems to me possible to interpret this as a step towards more solidarity in the international sphere, not a large step perhaps, given the frustration that often accompany the follow up in real world situations, but at least a step in the preferred direction.

¹²² Frost, Mervin. 2009. *Global Ethics: Anarchy, freedom and international relations*, p. 19. London and New York: Routledge.

Chapter 8 Final remarks

The cover-article is, as the name says, a cover, for five R2P articles I have published between 2016 and 2021. It consists of two main parts. Part 1 introduces R2P for the reader, which I also do in all my articles. After this introduction follows a discussion of the language used about R2P. I have chosen to include this discussion in the cover-article because it signals how we understand R2P, and this understanding has important consequences. Thereafter I give a brief presentation of the articles, before I discuss the methodological approach and methodological challenges connected to my work with the articles and with the cover-article. The methodology chapter ends part 1.

Part 2 first outlines a context for the main discussion through explaining some central concepts. My selected analytical tool, the English School approach to international relations (IR), is then presented. The main discussion, informed by this approach, is about sovereignty as responsibility. I chose to forward this topic because it is an underlying assumption in all my articles that sovereignty entails responsibilities. The articles do not discuss in detail what this means. The cover-article discusses the imagination through both history and current debates, including a presentation of some critical voices followed by my comments.

The cover-article encompasses many issues. It is hardly meaningful to unite them all within one single conclusion. Working with R2P through many years has given me a better understanding of how complex the international sphere is. Catherine Renshaw (June 2, 2021)¹²³ calls R2P an idea whose time never comes. R2P was meant to stop atrocities, but has, according to her, become an empty mantra that will sit on the annual agenda of the UN General Assembly as a recurrent sign of the noble reach, but limited grasp of the United Nations. Yes, there are many obstacles challenging successful implementation of R2P objectives. I have discussed these challenges in all my R2P articles, with focus particularly on the Security Council in articles 3 and 4. However, I prefer to look for the positive signs. Possibilities exist, some of which are not yet explored, perhaps not even discovered. In article 2 (p. 56) I refer to a statement by former UN High Commissioner for Human Rights, Navanethem Pillay (2009, p. 4), where she says: “The full potential of the protection norm is far from being realized”. She expressed this in 2009, but as I see it, the relevance has not diminished as time has passed. I therefore would like to end the cover-article by adopting some words from Dr. Simon Adams, Executive Director of the Global Center for R2P. In a

¹²³ The Interpreter, published daily by the Lowy Institute, an international policy think tank in Sydney, Australia.

keynote-speech on June 1, at the 2021 virtual R2P in Theory and Practice Conference¹²⁴, he dedicated these optimistic words, as I remember them¹²⁵, to students around the world:

Ideas, norms, and principles matter. All the places where there are conflicts, there are also people working to end them.

¹²⁴ This international conference was arranged virtually due to the covid pandemic. The International Justice and Human Rights Unit at Edge Hill University, Liverpool, hosted the conference in collaboration with the University of Ljubljana, the European Center for the Responsibility to Protect (ECR2P) in Leeds, and the British International Studies Association's Working Group on Intervention and the Responsibility to Protect.

¹²⁵ I am of course aware of that this is not a source possible to control since it is not published in any public document. I therefore take the full responsibility if there should be something with the statement that I have missed out or not understood.

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R2P and the “Thin Cosmopolitan” Imagination

TOR DAHL-ERIKSEN

INTRODUCTION

Focus

In 2005, the UN World Summit adopted the principle known as “Responsibility to Protect” (R2P). This article asks how selected theoretical perspectives on international relations might explain and reduce the gap between the application of R2P in the real world and the requirements of a “thin cosmopolitan” imagination. Thin cosmopolitanism, which views humanity as a singular moral community, represents an imagination of a world free from mass atrocities, in which R2P seems well suited; humanity would benefit from a reduction in the gap between this imagination and reality. Although thin cosmopolitanism represents ideal theory, it prescribes standards that can serve as goals of political change in a non-ideal world.¹

R2P

The 2005 United Nations General Assembly World Summit in New York hosted the largest gathering of state leaders ever up to that point. On September 16, 2005, R2P was included in the General Assembly’s

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Outcome Document, which obliges each individual state to provide protection from mass atrocities, defined as “genocide, war crimes, ethnic cleansing, and crimes against humanity.”² Within this framework, the international community assists states in the exercise of their R2P obligation, and failures call for “appropriate diplomatic, humanitarian, and other peaceful means in accordance with Chapters VI and VIII” of the UN Charter. Should peaceful measures be inadequate, the UN Security Council is prepared to take collective action, citing Chapter VII of the UN Charter, on a case-by-case basis and in cooperation with relevant regional organizations. The Security Council adopted R2P in 2006.³ In 2009, the General Assembly reaffirmed its support with a new resolution,⁴ and R2P has since been endorsed in following reports of the UN Secretary-General.

R2P entered international vocabulary in the 2001 report from The International Commission on Intervention and State Sovereignty (ICISS).⁵ The ICISS, initiated by the government of Canada, was a response to challenges raised by UN Secretary-General Kofi Annan. Citing the principles of the UN Charter, Annan asked world leaders to oblige themselves on behalf of humanity, referring to the recent UN failures: Rwanda (1994), Srebrenica in Bosnia (1995), and Kosovo (1999). The mandate for the UN mission in Sudan (2006) was the first invocation of R2P for a particular conflict.⁶ When the Security Council adopted Resolution 1973 on Libya in March of 2011, it was the first time the UN authorized the use of military force for human protection purposes against a functioning government.⁷ More recent UN resolutions also refer to R2P, and remind state leaders of their responsibilities. Yet, it has been very difficult to achieve Security Council agreement for collective action since 2011, despite massive human suffering in ongoing conflicts.

R2P is a comprehensive approach. Military response as a component of R2P is the last resort, for use only when other alternatives have proved insufficient or are no longer relevant. Of the responsibilities ICISS discusses as critical to R2P, this article focuses on prevention and reaction.

COSMOPOLITANISM

The Tradition

In the 4th century B.C.E., when the Greek philosopher Diogenes of Sinope was asked where he came from, he answered *kosmopolitès*. He considered himself a “citizen of the world.”⁸ This was a strange answer then, and even today probably not the answer one expects if posing the

same question. Cosmopolitanism encompasses a variation of thoughts, in which the human being is the ultimate unit of moral concern. The central cosmopolitan idea is to treat humanity as a single moral community with priority over national and subnational communities.⁹ This requires justice to be applied on a global scope. While cosmopolitan philosophy is occupied with the theoretical justification of cosmopolitan principles, cosmopolitanism is also a political project committed to establishing supportive political institutions.

That said, there is no general agreement about the exact character of suitable global governance.¹⁰ A marginal branch of cosmopolitanism argues for the replacement of all states by a single global government, in a radical version tracing back to the 18th century Prussian political thinker, Baron de Cloots.¹¹ However, most cosmopolitans today are more familiar with the thinking of another Prussian, the great Enlightenment philosopher Immanuel Kant. Kant stands as the greatest source of inspiration for a number of modern cosmopolitan approaches. He feared that a global state, if possible to create, would lead to tyranny, instead proposing the federation of republican states that did not include coercive global institutions. Yet, both in the Enlightenment and today, human beings are inextricably connected and cannot live independent of one another. Violations are felt everywhere.¹²

Ancient Greek philosophy argues that human beings are able to identify with political community beyond the closed *polis*, or city-state.¹³ This line of thinking developed further throughout the rise of the Roman Empire. However, as described by Gerard Delanty, cosmopolitanism is not a genuine western project.¹⁴ The origins of universalistic principles with an inclusive vision of human community come from the emergence of many different civilizations and traditions, such as Greek, Chinese, Hindu, Islamic, and Christian; for example, the Roman Empire itself embraced a great variety of Mediterranean cultures.

However, cosmopolitanism should not be confused with globalization. While the latter is not a recent phenomenon, cosmopolitanism is still much older. In fact, cosmopolitan solutions

can perhaps answer some of the challenges caused by globalization processes in an interconnected world. Delanty sees cosmopolitanism as one of the

.....
*Cosmopolitanism extends
 the unit of analysis beyond
 national frameworks and
 borders, raising debate
 on how best to approach
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key dynamics of modernity. It represents ongoing, dynamic, and creative processes opening normative questions, not stable conditions or concrete identities.¹⁵ Cosmopolitanism extends the unit of analysis beyond national frameworks and borders, raising debate on how best to approach the effects of globalization methodologically.¹⁶

Thin Cosmopolitanism

All cosmopolitans envision attachment to and responsibilities at the global level in one form or another, but “thick” and “thin” cosmopolitanism differ in their interpretation of these. “Thick” cosmopolitanism insists that any attention to others must include all of humanity. No room exists for special attention to any particular person or group. However, thin cosmopolitanism, the framework for this article, accepts different spheres of moral responsibility, allowing for greater degrees of attachment to close others.

Three interlinked concepts compose thin cosmopolitanism. The first is the human being as the ultimate entity entitled to universal human rights: rights are inherent simply in being a member of humanity. This forms a basic premise for this discussion. As Richard Shapcott expresses, “If there is one issue in international relations today which most directly speaks to the concern of a thin cosmopolitanism, it is the idea of universal human rights.”¹⁷ States and other associations are valued only insofar as they respect these human rights. The second concept is that of open, inclusive debates across cultures and civilizations. Dialogue and consent are central for the thin cosmopolitan project.¹⁸ Thirdly, as stated by Andrew Linklater, no loyalties are absolute in a cosmopolitan political community,¹⁹ which in turn has implications for our understanding of state sovereignty.

Selected Theoretical Perspectives

Relevant theoretical perspectives to R2P in a cosmopolitan context are the English School, constructivism, and critical theory. Although the English School is a normative, not a cosmopolitan perspective, its focus on the extent that values and norms guide international action is relevant in a discussion of the gap between R2P in the real world and R2P within a thin cosmopolitan framework. Constructivism does not rely on any particular philosophy, but frames the concepts we use to describe the social world as interpreted constructions, which gives us an alternate lens to understand certain norms and structures. Constructivism’s ontological position

of mutual constitution between actors and structures challenges identities, and may change practice. Finally, critical theory embraces a cosmopolitan vision of the world and questions borders from a moral perspective. As a normative approach, critical theory attempts to identify how the international order can better develop.

R2P, THIN COSMOPOLITANISM, AND HUMAN RIGHTS

While human rights praxis around the globe is hardly impressive, the formal recognition of human rights as an international issue of utter importance is difficult to deny. The 1948 Universal Declaration of Human Rights²⁰ is the most important normative document in UN history. The UN Charter lists respect for human rights among its main purposes.²¹ The largest international conference ever to discuss human rights issues, the 1993 UN World Conference on Human Rights in Vienna, treated the universal nature of all human rights as beyond any question.²² Because mass atrocities are human rights violations on a large scale, the principle of R2P is very much about human rights. R2P offers preventive and halting tools for atrocities, and it is consistent with the expectations of a thin cosmopolitan community for an applied moral universalism beyond the morality of states.

R2P offers preventive and halting tools for atrocities, and it is consistent with the expectations of a thin cosmopolitan community for an applied moral universalism beyond the morality of states.

On the other hand, the English School²³—as most prominently represented by Hedley Bull writing during the Cold War—offers a “society of states” as the alternative to an international anarchy dominated by calculative behavior,²⁴ rather than a cosmopolitan community. Bull explains this framework thus:

A society of states (or international society) exists when a group of states, conscious of certain interests and common values, form a society in the sense that they conceive themselves bound by a common set of rules in their relations with one another, and in share in the working of common institutions.²⁵

From the English School perspective, the conditions for R2P in the real world do not match the requirements of thin cosmopolitanism because the above society of states is realized only to some degree, despite a huge body

of signed human rights documents and relevant international organizations at all geographical levels. Bull called the international order he observed an “anarchical society,” where anarchy coexists with values, norms, mutual trust, and hope. Although this order is vulnerable, it is possible to cultivate its societal features, with a normative understanding of international relations as a landscape of human experience. However, while individuals acting on behalf of their states grapple with difficult moral choices, international organizations are limited in their autonomy and ability to act by their member states.

Similarly, although a “society of states” implies that states are bound together by mutually accepted laws in a form of order, order is not enough for dedicated cosmopolitans. While Bull considered order the condition for the realization of other values—because “not only is order in world politics valuable, there is also a sense in which it is prior to other goals, such as justice”²⁶—this does not imply a preference for order over other norms. Shapcott states that “the commitment to human rights suggests that states, as well as individuals, have obligations and duties to humankind that are superior to the obligations they have to maintain order.”²⁷

From both the English School perspective and a dedicated cosmopolitan point of view, it would be desirable to call R2P an established international norm. However, the literature is not always precise: R2P has been called a concept, principle, and norm, with different implications for each term. A “concept” implies an idea that may not be concretely applied, and requires further elaboration on R2P’s role. “An emerging principle,” the formulation used by ICISS,²⁸ indicates a certain common understanding of R2P’s meaning and validity. A “norm” further specifies expected and acceptable actions: it is prescriptive in nature. Thus, the choice of term matters, as the language used may influence the status of R2P.²⁹

From a constructivist perspective, which studies whether and how norms matter,³⁰ the development of international human rights standards illustrates the relationship between actors and structure as mutually constituted and continually changing. State representatives formulate principles, norms, rules, and procedures. Debates and modifications entail temporal agreement. It is possible to understand the adoption of R2P as structural improvement, which indicates an appropriate response from the international community to certain circumstances. While norms regulate behavior, constructivists also posit that they challenge the way states define their interests—and if common norms become the model for international behavior, this closes the gap between imagination and reality mentioned above. Michael Barnett, however, reminds us that this transformation is

not a given: "Although many international norms have a taken-for-granted quality, they have to come from somewhere and their path to acceptance is almost always rough and rocky."³¹ The constructivist perspective shows relevant processes, but cannot predict concrete outcomes.

Mervyn Frost argues that states nearly always communicate their actions to the wider world in ethical terms because engagement with ethics is a precondition for participation.³² When Resolution 1973 on Libya passed the Security Council, five members abstained from voting. Most interesting was the lack of no-votes. Confronted with a probable massacre in Benghazi, responsible international actors would have found it difficult to defend voting no. In contrast, the current disagreement around Syria reaches beyond the most appropriate way forward. There is no consensus about the nature of the problem.³³ Meaningful discussion about measures, among them the possible intervention by military force, presupposes Security Council agreement of R2P relevance. The English School theorist Raymond J. Vincent defined "intervention" as an "activity undertaken by a state, a group within a state, a group of states, or an international organization which interferes coercively in the domestic affairs of another state."³⁴ Effective humanitarian intervention is an act of power. It includes taking sides,³⁵ but as demonstrated by the conflicts in the Middle East, choosing which actor to support is not always easy.

Critical international relations theorists argue that traditional theory fails to question the morally arbitrary significance of geographical borders.³⁶ By establishing boundaries between "us" and "them," states promote exclusion. However, to treat the internal and external domains as two separate spheres of moral obligations is unjust because it undermines the idea of human fellowship. Universal human rights give human beings equal worth independent of nationality, race, gender, religion, or other differences. No variant of cosmopolitanism questions that. The move from rights to obligations, however, severely increases complexity, bringing in a discussion of positive and negative duties in cosmopolitan obligations. Negative duties imply that the person on whom they are imposed must refrain from an action. Positive duties are duties to act, which include general duties to create a just social order and to aid those in need and who suffer unnecessarily. These moral duties are not charity provisions: to refrain from acting would be morally wrong. Yet, while the scope of cosmopolitan obligation is in principle universal, there is no single answer among contemporary cosmopolitans about what positive duties require from different international actors. This idea of a positive duty, although difficult to define clearly, underlies the concept of R2P.³⁷

Membership in a common humanity is a thin type of bond.³⁸ According to David Held, the literature on cosmopolitan obligations distinguishes between two broad positions. “Thick” cosmopolitanism insists that all moral principles must be directly universal. Special relationships, for instance, to family, friends, kin, nation, or religious group, can only be justified insofar as they nurture or honor the cosmopolitan interest. “Thin” cosmopolitanism, however, accepts two different sets of obligations. One treats all human beings as equal regardless of relationship, while another is restricted to those closest.³⁹ International obligations are compatible with this division, since states can extend their web of social relations and induce a variety of international practices.⁴⁰ However, bringing those who suffer close enough to generate action in the cosmopolitan framework is a severe challenge for R2P in the real world, just as it is a challenge for critical theorists to suggest realizable solutions from a thin cosmopolitan perspective.

Neither set of obligations allows for selective responses to humanitarian crises. While states holding veto power can block any Security Council proposition they dislike, a world where the need for help is trumped by other considerations is not cosmopolitan. This dilemma represents a serious challenge for any attempt to infuse the real world with the requirements of a cosmopolitan ethos. Selective response may be better than no response at all—but if this is the best case scenario, R2P becomes a soft international norm vulnerable to manipulation, where some perpetrators are targeted and others are not. The result is a subordination of law to the dictates of power.⁴¹

R2P, THIN COSMOPOLITANISM, AND OPEN INCLUSIVE DEBATES

The second theme characterizing thin cosmopolitanism is the call for open, inclusive debates, but there is a gap in execution between these and real-world debates.

English School theorists emphasize “diplomatic dialogue,” where states and people discuss how to restrain force, promote mutual understanding between cultures, and explore the prospects of cooperation.⁴² These dialogues include the conduct of foreign policy as well as claims about rights and obligations. Because the anarchical society is a society of states, participants will be state representatives.

On the other hand, a state-centric position does not satisfy cosmopolitan theorists. Open, inclusive debates must involve a much broader scope of international actors that in turn must account for their beliefs in terms intelligible to others.⁴³ Mutual understanding evolves through open, non-

exclusionary dialogues that include all individuals and groups affected by the principle, norm, or institution under deliberation.⁴⁴ As Thomas Pogge explains, "Persons have a right to an institutional order under which those significantly and legitimately affected by a political decision have a roughly equal opportunity to influence the making of this decision."⁴⁵ Similarly, Richard Shapcott calls thin cosmopolitanism a "dialogical universal moral community."⁴⁶ Yet, cosmopolitans do not value dialogue primarily for its own sake. Dialogues should produce just outcomes in which the strong cannot impose principles and norms over the weak.

To illustrate this, the work of ICISS included regional round-table conferences and other consultations with broad participation from government agencies, representatives of academia, and various relevant organizations.⁴⁷ The 2009 General Assembly debate about R2P reportedly was one of the liveliest among member-states ever,⁴⁸ but not all those affected had a voice. United Nations members include only states, and the crucial decision-making body for R2P, the Security Council, is an even less inclusive arena, and its decisions often only reflect the imperatives of the permanent members.⁴⁹

The UN Protection Force in Bosnia (1992-95) marked the full application of the right to intervene on humanitarian grounds, but was nonetheless restricted by its mandate of self-defense and protection of humanitarian workers—a mandate that did not include any actions to stop the fighting.⁵⁰ As ICISS was fully aware, such a mandate could have been risky; humanitarian-based interventions have the potential to make matters worse because of unexpected consequences.⁵¹ However, it is easy to criticize humanitarian interventions in hindsight: for example, when we criticize the UN for having done too little too late in Rwanda, we do this with knowledge we did not possess before the genocide, despite many signs of an evolving catastrophe.

Successful use of peaceful means leaves hypotheticals around what might have happened, but effective prevention will generate fewer situations where state leaders must choose to mobilize military force or do nothing.⁵² Within R2P, then, there are compelling reasons for prioritizing the preventive dimension, since it is "better than cure, almost always easier, and morally more defensible."⁵³ Armed conflict generally is linked to root causes in poverty, political repression, and uneven distribution of resources, and early warning is essential to understand the fragility of the situation. In an ideal situation, early warning allows us to account for the associated risks of intervention, judge which policy measures can make a difference, and mobilize political willingness to apply those measures.

In the real world, however, ICISS describes the early warning praxis they observed as ad hoc and unstructured,⁵⁴ and UN Secretary-General Ban Ki-Moon admits the need to strengthen UN prevention capacities.⁵⁵ For cosmopolitans, understanding and responding to early warning signals requires good dialogue accompanied by institutionalized communication-channels. Neville Dastoor proposes that the Security Council to establish a special committee dedicated to identifying trouble spots and to suggest measures.⁵⁶ Committee members should represent the collective international consciousness, not the national interests of their respective states. While this reflects the spirit of cosmopolitanism, it proves challenging to execute in a world with dominant state interests.

R2P, THIN COSMOPOLITANISM, AND STATE SOVEREIGNTY

Loyalties, understood as never absolute, compose the third and final theme of thin cosmopolitanism for this discussion. State sovereignty, as discussed here, is a fundamental institution of loyalty in world politics, but is connected to responsibility. This suits a thin cosmopolitan imagination, but competes with the traditional alternative. The mutual recognition that each state possesses the exclusive right to give and to enforce laws within its defined borders has traditionally been understood as a right with few, if any, limits to deal with domestic affairs. The keyword—non-intervention—is enshrined into the United Nations Charter.⁵⁷

Traditionally associated with realism, the traditional position of sovereignty still has staunch defenders among many in the international realm. Some try to hide a doubtful human rights practice by invoking sovereignty. Still, many small states consider non-intervention as the ultimate protection against the ambitions of more powerful states, which might be cloaked in a humanitarian umbrella. As Jarat Chopra explains, “sovereignty provides finality and determinacy in the international system. In other words, it creates order.”⁵⁸ This presents a dilemma—how to prevent powerful states from covering less ideal motives using humanitarian arguments—that is not new, and requires trust to solve. Without trust among players in the international system, a claim to use force for humanitarian reasons is difficult to separate from national interests in disguise. Interventions not mandated by the Security Council are most problematic: any state with the power to intervene independent of the UN may be suspected of self-interest.⁵⁹ Kofi Annan connects this dilemma to R2P thus: “The emerging global convention of a ‘Responsibility to Protect’ was conceived as a universal principle of protecting fundamental human

rights—not a license to make war in the name of peace.”⁶⁰

Nowadays, non-intervention is the starting point, and military action is reserved for the extreme and exceptional circumstances.⁶¹ Yet, resistance against internationalizing responsibility for internal problems may be grounded in the fear that this threshold of non-intervention is susceptible to interpretation and change; the rise in humanitarian action may signal that the threshold is even lower than before. Within a country, rebel groups may even try to extend a war because outside help is most likely when human suffering continues. Some critics argue that advocacy for R2P alone implies that war is more acceptable, and that R2P must adopt a more direct focus on peaceful alternatives, with the “Responsibility to Peace” accompanying the imperative protection⁶²

Although R2P is not opposed to state sovereignty, some have invoked the obligation to protect civilians as superseding sovereignty regardless. ICISS, however, approaches the question differently: responsibility is an aspect of sovereignty itself.⁶³ Where legitimate sovereignty does not exist, neither can it be violated. The norm of R2P shifts focus from control to responsibility.⁶⁴ State responsibility accompanies an external responsibility to the international community.

The norm of R2P shifts focus from control to responsibility. State responsibility accompanies an external responsibility to the international community.

Re-interpretation is always possible. State sovereignty interpreted as non-interference is for constructivists only meaningful when this is the dominant collective understanding, and thin cosmopolitanism derives sovereignty from universal human rights and responsibilities. When Kofi Annan reminds the present day UN Charter reader of its purpose to protect human beings, not the abusers,⁶⁵ the Charter has not received a new text; this is an attempt to reinterpret the old one. An international reaction when a state fails to fulfill its responsibility to protect its own citizens does not suspend, but rather protects and promotes sovereignty. Dr. Francis Deng, former UN Special Advisor on the Prevention on Genocide, clearly agrees, framing sovereignty as a positive obligation rather than “a negative concept enabling [states] to barricade [themselves] against the world.”⁶⁶

Sovereignty as responsibility is not solely a cosmopolitan idea, and responsibility needs an additional international anchor. By signing the World Summit Outcome Document, world leaders formally accepted an expanded scope of justice beyond the border of each individual state.

Cosmopolitans demand this scope in one way or another to be global. Legitimate sovereignty in a cosmopolitan framework promotes individual human rights. Although written in 1982, almost 20 years before the introduction of R2P, critical IR scholar Andrew Linklater touched the core of the recent debate: “By adopting an external concept of obligation, the state accepts that its rights are negotiated, and must ultimately be subject to renegotiation if necessary, by the whole society of states.”⁶⁷ Linklater recognizes that the existence of states should not obstruct justice across their borders. He anticipates a thin cosmopolitan framework of sovereign states embedded in structures of global governance, with shared and institutionalized political and moral norms.

CONCLUSION

This article has discussed how selected theoretical perspectives on international relations can explain, and suggest ways to reduce, the gap between R2P in the real world and the requirements of a “thin cosmopolitan” imagination.

We can expect the English School to explain the gap through the existence of an international sphere with a society of states realized only to a limited extent. Greater integration of state society, which means more

The practice of R2P must also expand the scope of participants involved in international debates and decisions, and locate sovereignty on different levels in a revised global structure, where boundaries no longer decide who can expect protection and who cannot.

adherence by states to shared moral norms and principles, does not fully satisfy the requirements of thin cosmopolitanism. Still, it will bring the two closer, even though real-world norms and principles compete with self-interests and calculations, because state and individual actors in international affairs still possess the capability to let moral considerations guide their decisions.

Constructivism does not favor any particular political order, but constructivists show us possibilities for change through processes where actors and structures mutually constitute each

other. Challenged identities and dominant interpretations may undergo changes and pave way for a possible new praxis where state sovereignty, connected to responsibility, no longer impedes R2P.

Finally, critical international relations theorists have a cosmopolitan vision for the world. For R2P in the international sphere, the general agreement around the principle must materialize to better protect human rights in all settings and enable the international community to take action when necessary. The practice of R2P must also expand the scope of participants involved in international debates and decisions, and locate sovereignty on different levels in a revised global structure, where boundaries no longer decide who can expect protection and who cannot. *f*

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International Anarchy, Cooperation, and Joint Action

*A discussion on R2P framed by
selected theoretical perspectives on
international relations*

TOR DAHL-ERIKSEN

INTRODUCTION

To what extent can Responsibility to Protect (R2P) objectives be successfully implemented through cooperation and joint action?

The framework comprises four selected theoretical perspectives on International Relations (IR): neorealism, neoliberalism, the English School, and constructivism. Neorealism represents the most pessimistic view. Neoliberalism is somewhat more optimistic. The English school is positive with reservations, while constructivism opens up new and often ignored possibilities. The sections are an R2P introduction with an explanation of key concepts, a presentation of the selected perspectives, and a discussion connecting general insights to real-world R2P implementation challenges.

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R2P AND THE INTERNATIONAL SPHERE

Responsibility to Protect (R2P) refers to the political doctrine that states are obligated to prevent mass atrocities defined as genocide, crimes against humanity, war crimes, and ethnic cleansing. The UN General Assembly endorsed R2P by consensus in September 2005, in what was then the largest gathering of state leaders at the New York World Summit. §138 and 139 of the Outcome Document¹ places the responsibility to protect first upon individual member states. UN member states agree to help each other, but if a state manifestly fails to fulfill its responsibilities, the international community will act collectively through the UN Security Council and in cooperation with relevant regional organizations. The General Assembly reaffirmed its support with a new resolution in 2009.² The Security Council expressed its support for R2P with a declaratory resolution in 2006.³

R2P represents a broad approach to human crisis, with three ‘pillars’ or action components: preventing, reacting, and rebuilding. Military force is among the measures the Security Council can decide to use as a last resort. The International Commission on Intervention and State Sovereignty (ICISS) report⁴ introduced the term R2P in 2001. ICISS was originally a Canadian government initiative responding to a plea to world leaders toward humanitarian obligation from then UN Secretary General Kofi Annan, spurred by recent UN failures to prevent mass atrocities in Rwanda, Srebrenica, and Kosovo. ICISS inspired the adoption of the more restricted 2005 Outcome Document text. R2P was first invoked for a particular conflict in Sudan (2006).⁵ However, the Security Council remained passive to “credible allegations” of mass atrocities in Sri Lanka in 2008 and 2009.⁶ On Libya in 2011, the Council, for the first time ever, authorized the use of military force against a functioning government for the primary purpose of protecting a civilian population.⁷ Since 2011, a lack of agreement has too often rendered the Council unable to deal with the most severe atrocities. Yet, R2P informs many of its resolutions, and certain noticeable successes in the ‘prevention’ pillar were listed in the UN Secretary-General’s implementation report in 2015.⁸ Most UN peace operations incorporate R2P directly in the mandates as calls for protection of civilians.⁹

In everyday conversation, ‘anarchy’ often connotes violence, turbulence, chaos, and lawlessness, but the concept of *international anarchy* merely denotes a system without a central authority above the state level. Yet, substantial order may exist despite ‘anarchy’. Most scholars today regard *international institutions* as sets of rules meant to govern international behavior.¹⁰ An *international organization* is an institution, but the concept also includes

institutionalized international cooperation without specific designed organizations. *National interests* refer to the basic determinants that guide state policy in relation to the external environment.¹¹ The concept is difficult to define with conceptual clarity suited for scholarly analysis. However, political use is common, because, to cite Martin Griffiths and Terry O’Callaghan: “To claim that a particular foreign policy is in the national interest imparts a degree of authority and legitimacy to that policy.”¹²

SELECTED THEORETICAL PERSPECTIVES

Neorealism

Neorealism, developed mainly in the 1970s and, embedded in the broad realist tradition, emphasizes the importance of national security concerns where power generates security and sovereign states are the only important international actors. Unlike the realism of the former decades, neorealism does not explain state behavior with references to human nature. Neorealists, sometimes referred to as structural realists, offer a purely systemic account of world politics. The international system consists of relationships between individual units (states) with unequal power. This power balance can change, but the basic character of the system cannot, rendering the international sphere permanently anarchical. In the words of Shannon Brincat: “Under the dominance of the realist mantra, IR theory has become preoccupied with system reproduction rather than the possibilities of social transformation”.¹³ There is always a possibility that some will use force to advance interests. Yet, to cite the most profiled neorealist scholar, Kenneth Waltz: “States strive to secure their survival.”¹⁴ System adaptation is the measure best suited for this aim. Since there is always a possibility that some will use force to advance interests, adaptation to the system is the only choice states have. The neorealist world is a system without mutual trust. Calculations guide actions, and the coercive priority of national interests makes cooperative arrangements limited and fragile.

Neoliberalism

Neoliberalism (neoliberal institutionalism) in IR theory is a variant of liberalism addressing the many issues in our era transcending political boundaries. States are not the only international actors, but still the most important ones. However, their ability to affect outcomes by themselves has declined with a general increase in linkages and channels of interac-

tion.¹⁵ Security involves more than pure military issues, encapsulating a broader perspective on international cooperation.¹⁶ Neoliberalism accepts the basic condition of international anarchy, but posits that anarchy stimulates the establishment of institutions, which help states to realize common advantages. Cooperation and joint action under anarchy becomes possible because certain state interests are most effectively realized through cooperation. Mutual beneficial institutions receive loyalty and resources.

Moral considerations are not crucial in the neoliberal world. According to the American academics and founders of the neoliberal school of IR, Robert Keohane and Joseph S. Nye, neoliberals see institutions as the mediator and the means to achieve the unification of national and common international interests. Institutions help to set the international agenda, act as catalysts for coalition formation, and serve as arenas for political initiatives.¹⁷ State leaders discuss motives and intentions and reduce misunderstandings, making cooperation and joint action easier. Institutions also perform the surveillance necessary to ensure that states behave according to agreements, making it less attractive to satisfy immediate needs that might be counterproductive to national interests in a longer term perspective. By offering both information and stability, institutions promote cooperation by ameliorating states' fears that they will be taken advantage of when trying to solve international problems.

The English School

The English School adds values and norms to the discussion. Citizens acting on behalf of their states rely on a broader repertoire of arguments for possible cooperation and joint action. They can evaluate alternatives before making decisions, and they can choose to let moral concerns prevail. The English School is a normative approach, which understands international relations as a realm of human experiences. Often seen as a bridge-builder between realism and liberalism, it has roots in the tradition from the Dutch philosopher Hugo Grotius, a pioneer in analyzing international order systematically as an international sphere based on laws, rules, and agreements, where self-interest is not the only basis for states' actions and relations.¹⁸

The most prominent English School scholar is Hedley Bull. Writing during the Cold War, he discussed whether the features of a society of states were internationally recognizable. A 'society of states' is an alternative to a 'system of states,' where consciousness of certain common interests and values exist, and where rules guide relations between states.¹⁹ A society of states is an analytical category. Bull used the term 'anarchical society' to

denote what he observed in the real world, an unsafe and vulnerable order. Anarchy constitutes one of the basic premises, but interests, ambitions, and fear coexist with values, norms, mutual trust, and hope. Dialogue promotes mutual understanding, restrains the use of force, and may pave way for cooperation and joint action.

Constructivism

With Nicholas Onuf's 1989 book *The World of Our Making* and the 1992 article *Anarchy is What States Make of It* by German political scientist and prominent social constructivist Alexander Wendt, IR entered a socially constructed world, where all concepts need interpretation. Since dominant interpretations are always possible to challenge and eventually be replaced by alternatives, we will never end up with permanent agreements. Constructivists may interpret international anarchy as a self-help system, or state sovereignty as prohibiting interference into a state's domestic affairs, but only as long as these concepts coincide with the collective understanding. This article relies on what Antje Wiener labels conventional or modern constructivism²⁰, the one most IR analysis uses.

Constructivism does not necessarily predict favorable conditions for international cooperation and joint action. This will depend on how actors understand themselves and the respective contexts. Identity is a central concern for constructivists, and as with everything else, it is possible to develop and change. The ontological position of the relationship between actors and structure as mutually constituted and continually changing illustrates the dynamics of the perspective, a contrast to the methodological individualism represented by neorealism and neoliberalism. According to constructivists, we cannot understand how institutions function by focusing exclusively on decisions made by individual actors.

DISCUSSION

Theoretical perspectives are abstractions. Through the sections 'prevention,' 'collective action,' and 'international order,' the selected analytical lenses will enlighten real-world challenges for successful implementation of R2P objectives. However, it is important not to confuse the term 'implementation' with effects or results. Successful implementation of R2P means realization of policy objectives, but implementation may instead produce unintended or unwanted results.

Prevention

Prevention is a cornerstone of R2P, because to prevent a conflict from developing into a manmade catastrophe is normally less politically controversial and less costly compared to the use of measures under the reactive pillar. Successful prevention generates fewer cases where state leaders must choose between mobilizing military forces or doing nothing.²¹ In fragile situations, it is important to understand which policy measures are capable of making a difference and to have the political willingness to apply them. Early warning is essential, but ICISS describes the process in past cases as ad hoc and unstructured.²² According to the Secretary General, the capacity of various actors to

To prevent a conflict from developing into a manmade catastrophe is normally less politically controversial and less costly compared to the use of measures under the reactive pillar.

..... identify risk factors and develop preventive strategies has improved considerably over recent years,²³ although this trend has still not sufficiently translated into concrete support.²⁴

..... The ICISS report and the annual R2P reports from the Secretary General suggest many possible preventive efforts. Some address root causes meant to make future occurrence of violent conflicts less probable, like building stable and inclusive institutions, eradicating corruption, and creating good education and job opportunities. The space for dialogue is normally widest in the early stages of a crisis, which calls for united messages from the international community.²⁵ Efforts directed at intercommunal dialogue should include local voices, like community leaders, religious leaders, and representatives from women's organizations.²⁶ There is also a need for more immediate efforts. Atrocity crimes require military, financial, and technical means. Expanded cooperation to restrict access to small arms and illicit financing is therefore important, and armed conflicts should be under constant monitoring. Changes in dynamics might lead protagonists on either side to engage in atrocity crimes.²⁷

Each state is responsible for protecting its population against mass atrocities. In addition to mutual assistance among states, governments can cooperate with non-state actors, regional organizations, and relevant UN bodies. As they are present on the ground almost everywhere, and often observe the early signals of a crisis, NGOs²⁸ can play a significant role. Some, like the International Crisis Group (ICG),²⁹ have an explicit focus on early warning.³⁰ They inform governments and media about urgent need for preventive action. Although most NGOs lack the resources for comprehensive crisis engagement, their contributions can mobilize more influential actors.

Neorealism treats states as unitary actors; a state secure against foreign threats means a secure population. Yet, the real world shows that a government may be the persecutor of its own population. For neoliberals, too, states pursue national interests, but mass atrocities have effects beyond state borders, such as unwanted influxes of refugees and the spread of weapons to criminal or other violent actors. Mutual assistance to prevent atrocities serves both national and collective interests. Contrary to the English School perspective, however, neoliberals cannot explain cooperation primarily guided by ethical values. States will cooperate only when there is something to gain for themselves—or at a minimum—nothing to lose.

For neorealists and neoliberals alike, state interests are exogenously determined. Theorists do not question where preferences come from, only how states pursue them strategically. Yet, for constructivists it is important to understand how interests form and develop. According to Wendt, identities are the basis of interests,³¹ and Australian scholar and fellow constructivist Christian Reus-Smit explains that “constructivists are not opposed to the idea that actors might be ‘self-interested,’ but they argue that this tells us nothing unless we understand how they define their ‘selves’ and how this informs their ‘interests.’”³² The willingness of state leaders to seek assistance might be a question of identity. Viewed from a constructivist position, both identity itself and derived interests are social constructions, always open for possible new interpretations.

Collective Action

The UN Security Council represents a real-world modification of international anarchy. The Security Council can make decisions binding UN members, although practical enforcement often relies on the goodwill of those states. The World Summit was very clear: collective international action when states manifestly fail to protect their populations legitimately takes place only through a Security Council mandate. R2P calls for collective action to protect populations through existing laws and institutions, not through the alternative procedures discussed in the ICISS report.³³ This clarification made consensus on R2P possible among UN member states.³⁴

In accordance with the themes of R2P, the Security Council authorized the use of military force to protect civilians in Libya with Resolution 1973.³⁵ This contrasts how the Council has approached the civil war in Syria, with vetoes by Russia and China against proposed resolutions despite continuing reports about crimes qualifying as mass atrocities. Former Secretary General Ban Ki-moon has underlined the permanent members’

particular responsibility to demonstrate leadership, where one concrete step is to exercise restraint in the use of veto when atrocity crimes are involved.³⁶ In his 2016 report on R2P to the General Assembly, he asked for the collective will to protect our shared humanity. The alternative world is one where discord, paralysis, and narrow self-interest prevails.³⁷ However, the Security Council veto powers often prioritize their national interests, reflecting their domestic and global imperatives, making timely action likely only when interests and humanitarian needs occasionally coincide.

For neorealists, this is how anarchy shapes world politics. A word like ‘international community’ hardly exists in their terminology. National interests guide expectations and actions, and international institutions most often merely express the interests of the powerful and their struggle for more power. The title of a 1994 article by noted realist scholar John Mearsheimer, *“The False Promise of International Institutions,”* is quite telling, or, to cite Jack Donnelly about the realist view on institutions: “they are at best intervening variables that can be expected to have independent effects only in minor issue areas far removed from the struggle for power.”³⁸ Most cases calling for collective action to protect populations will probably not fall into this minor issue category, making the Security Council’s inability to mobilize joint efforts more the rule than the exception. R2P will be what Mahmood Mamdani calls a “soft and vulnerable international norm.”³⁹ Some perpetrators will be met by joint action, but most will not.

National interests guide expectations and actions, and international institutions most often merely express the interests of the powerful and their struggle for more power.

On the other hand, it is possible to argue that in an imperfect world selective response must be preferable if the alternative is no response. Complaints about double standards do not eliminate political realities, and R2P pushes the Security Council into new territory.⁴⁰ One may further add, as argued

by Princeton professor Charles Beitz, that an ideal does not undermine simply because it is not achievable at present. In a longer term perspective, it depends on to what extent impediments to change are capable of modification over time.⁴¹ R2P is not without value even if it is never fully realized, because it gives an aspirational goal of political change in a non-ideal world.

Although not treating international institutions as fully independent, the English School sees state leaders as actors who can prioritize beyond national interests. In certain cases, moral considerations can triumph over ‘pure’ interests. Security Council Resolution 1973 gained ten yes-votes.

Five members abstained, among them two veto powers. From a neorealist perspective, probably no direct national interests were at stake. Neoliberals mostly agree, but argue that institutional frameworks facilitated the search for common ground where interests and humanitarian needs can coincide. In addition, although the ethical aspects are not their main concern, it would hardly serve national interests to stand in the aftermath as the one who blocked mobilization to halt mass atrocities. However, when the UN Secretary General urges world leaders to act on behalf of humanity, one normally hears this request as deeming inaction morally unacceptable.

The English School normative approach is able to incorporate this. From their perspective, the international sphere is capable of developing into a society or community with references to common norms, or at least to social relations beyond the concerns and interests of each unit. Scholars have different opinions about the definition of a 'community',⁴² but it is hardly a fruitful discussion unless there are references to common norms. Neoliberals are probably more confident with an alternative explanation. Security Council members would avoid standing afterwards as the one who blocked mobilization to halt mass atrocities, when it still was possible. Yet, according to Mervyn Frost, Head of the Department of War at King's College, London, state leaders frequently use ethical terms to explain their states' behavior to an international audience, but the ethical aspects need not be their main concern. Rather, it might simply be an expectation, more or less a prerequisite for legitimate participation.⁴³

Constructivists try to elaborate more on these questions. In explanations of state behavior, they hold that ideational and normative structures are just as important as material ones. Systems of shared ideas, beliefs, and values form structures that shape the identities of political actors and influence political action.⁴⁴ The international development of human rights standards illustrates the constructivist ontology well. Representatives of states formulate and agree on principles, norms, rules, and procedures. The adoption of R2P built on this structure, indicating appropriate behavior from national and international actors under defined circumstances. A focus on the structuring power of norms and their influence helps to understand how different processes are stimulated, such as how state identities integrating responsibilities beyond borders develop.

International Order

Today's global order based on state sovereignty is a 20th century phenomenon, based on the principle that states have the exclusive right to make and enforce laws within their territory. Neorealists treat sovereignty

from the traditional position when they describe the international system. Today, constitutional independence is enshrined in UN Charter Chapter 1, articles 2.1, 2.4, and 2.7, as the principles of sovereign equality of all UN members and of non-intervention.

States can voluntarily agree to abide by rules, but the traditional understanding of sovereignty has been as a limitless right to deal exclusively with domestic affairs.⁴⁵ Many players and policy makers operating in the international realm are staunch defenders of state sovereignty as traditionally understood, not just those trying to justify their lack of

States can voluntarily agree to abide by rules, but the traditional understanding of sovereignty has been as a limitless right to deal exclusively with domestic affairs.

..... respect for human rights. Small states with defensive security agendas often consider non-intervention the ultimate protection against ambitions of the powerful, perhaps under a humanitarian pretext.⁴⁶

The risk that humanitarian arguments will be used to justify interventions with ulterior motives is not new and perhaps impossible to eliminate.

..... Most problematic are interventions without a Security Council mandate, because it is easy to suspect any state with the power to intervene independently of the UN of having interests extending beyond the liberation of the oppressed.⁴⁷ Former Secretary General Kofi Annan addressed this dilemma directly with these words: "The emergence of a global convention of a 'Responsibility to Protect' was conceived as a universal principle of protecting fundamental human rights—not as a license to make war in the name of peace."⁴⁸

Former UN Special Adviser on the Prevention of Genocide, Dr. Francis Deng, used these words: "I don't see sovereignty as a negative concept enabling you to barricade yourself against the world."⁴⁹ In line with this, ICISS promoted an understanding where responsibility becomes an aspect of state sovereignty, unifying protection at the national and the international level. Only governments who provide protection for their populations can legitimately claim the protection of sovereignty. This idea draws on deep historical roots about what constitutes legitimate rule. If accepted, the controlling aspects of sovereignty subordinates to the norm of protection.⁵⁰

Neorealism embraces the traditional view, with no exception for populations at risk, as best suited for states striving to survive in the anarchical international sphere. On the other hand, responsibility as an aspect of sovereignty increases the possibility that states will join their efforts for

protective purposes. Order, and the relationship between order and justice, is central for English School thinking. The society of states rests on certain pillars where interactions can occur beyond pure interest-based calculation, based on social features of the order, such as when state leaders enter into dialogue with each other about values, ideas, and beliefs. Hedley Bull underlines the importance of international order viewed from the English School perspective with these words: "Not only is order in world politics valuable, there is also a sense in which it is prior to other goals."⁵¹ This is a general statement about order as an underlying premise, making the realization of goals like justice possible.

To react against a government failing in its responsibilities is not to suspend sovereignty, but to promote it, because, according to Kofi Annan, the present-day reader of the UN Charter will understand its purpose: to protect human beings, not abusers.⁵² Constructivists will see an old text re-interpreted to be meaningful in a civilized world. To what extent ICISS' suggestion has gained support in the UN and among the member states is an open question. Carsten Stahn, Professor of International Criminal Law & Global Justice at Leiden University⁵³ and Alex Bellamy, Professor of Peace and Conflict Studies at the University of Queensland,⁵⁴ both talk about a growing acceptance of sovereignty as including responsibility, but the agreed scope is unclear. However, if sovereignty-as-responsibility is the UN-endorsed interpretation, while premises for cooperation and joint action continue to be based upon the traditional view of sovereignty, the situation resembles what Nils Brunsson⁵⁵ calls "organizational hypocrisy."⁵⁶ Broad agreement is easier to achieve when concrete discussions about how to implement the principle can wait. Responses to demands for politics at certain periods and action at others might explain the 2005 R2P consensus, but the collective ability in the aftermath to produce joint action will suffer. The relationship between the Security Council and the civil war in Syria illustrates this quite well. Former UN Secretary General Ban Ki-moon voiced his concern about the possible undermining effect this may have. He writes: "Unless the gap between member states' commitment and the reality confronted by vulnerable populations is addressed, people will lose faith in the institutions and the values we seek to uphold."⁵⁷

CONCLUSION

R2P represents an attempt to free humanity from mass atrocities. One must at least assume that world leaders who adopted R2P by consensus in

September 2005 carried this ambition. However, ambitions are one thing, what is possible to manifest as political realities is yet another. In 2009, former UN High Commissioner for Human Rights, Navanethem Pillay, wrote about R2P: “The full potential of the protection norm is far from being realized.”⁵⁸ Unfortunately, those words still ring true today. More than a decade after the adoption of R2P, millions of civilians still face the ugly threat of mass atrocities.

ICISS feared that their work would end up merely as “food” for academic discussions. Although they surely wished to stimulate international debates, their main ambition was to generate action.⁵⁹ This article asked to what extent R2P objectives can be realized through cooperation and joint action. Four theoretical perspectives on IR were selected as analytical lenses. The perspectives paint different pictures on how international anarchy influences outcomes by shaping conditions for cooperative arrangements.

The neorealist description of the world has very little room for cooperation and joint action. The entrance of R2P will not make much difference. Neoliberals share with neorealists the basic assumptions of an anarchical sphere where states pursue their national interests. However, in their view, this stimulates the creation of common institutions followed by common work through these institutions. To cooperate and to join efforts in order to realize R2P objectives becomes possible in situations where national and common interests can unite. Initiatives to cooperate and to join efforts in favor of R2P implementation on moral grounds is possible if we understand the international sphere as an anarchical society, in line with English

To cooperate and to join efforts in order to realize R2P objectives becomes possible in situations where national and common interests can unite.

School thinking. Human beings make decisions on behalf of their units. Confronted with mass atrocities they can choose to let pure interests play a secondary role. Constructivism does not have any particular answer to the question this article discusses, but the perspective shows us what may happen when R2P enters a socially constructed world. Impediments to the realization

of R2P objectives continue to be impediments as long as dominant interpretations say they are. Such dominance is often hard to change in the real world. It is, however, possible, to redefine state sovereignty to a concept which includes responsibility. By developing alternative interpretations, and by showing relevant processes for responsible actors to engage in, we can discover new ways forward for the realization of R2P objectives. *f*

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R2P i Sikkerhetsrådets klype – nødvendig, men problematisk

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Sammendrag

Artikkelen handler om den internasjonale dimensjonen ved ansvaret for å beskytte befolkninger mot forbrytelser av massivt omfang: folkemord, forbrytelser mot menneskeheten, krigsforbrytelser og fordrivelse på etnisk grunnlag. Denne dimensjonen forvaltes av FNs sikkerhetsråd og aktiveres når det nasjonale ansvaret, som er det primære, ikke fungerer. Beskyttelsesansvaret (R2P) ble vedtatt ved konsensus som del av slutterklæringen fra FNs verdensstoppmøte i 2005. Forankringen av den internasjonale dimensjonen i Sikkerhetsrådet var nødvendig for å gjøre konsensus mulig. Det var imidlertid ikke oppskriften på enkel iverksettelse. Artikkelen drøfter årsaker til iverksettelsesproblemer gjennom fokus på politikkinnholdet, på Sikkerhetsrådets sammensetning og karaktertrekk, samt på de iverksettende aktørene og deres relasjon til beslutningstakerne. Analytisk drar den veksler på en klassisk iverksettelsesstudie og teoretisk innsikt om hvordan komplekse organisasjoner opptrer.

Nøkkelord

R2P, internasjonalt beskyttelsesansvar, FNs Sikkerhetsråd, iverksettelse, selektiv respons, organisert hykleri

Abstract

The article discusses the international dimension of the responsibility to protect (R2P) populations from mass-atrocities: genocide, crimes against humanity, war crimes and ethnic cleansing. It activates when states, the primary protectors, manifestly fail to provide protection. The UN World Summit adopted R2P in 2005, with the international dimension anchored in the UN Security Council, a prerequisite to obtain consensus. Yet, it was not a receipt for smooth implementation. The article discusses why implementation through the Security Council is problematic, by focusing on the content of the policy, how the Security Council is composed and how it functions, and on the implementing actors and their relations to the decision makers. Analytically, the article draws upon a classic study of implementation and theoretical insights about how complex organizations operate.

Key words

R2P, international responsibility, UN Security Council, implementation, selective response, organized hypocrisy

Innledning

Bruk av militær makt for å beskytte sivile i konfliktområder er ingen enkel affære, heller ikke når det i utgangspunktet skjer med verdenssamfunnets velsignelse. Det vises tydelig gjennom den tidvis bitre debatten i etterkant av den militære intervensjonen i Libya i 2011. De massive overgrepene mot sivile som verden har vært vitne til i den syriske borgerkrigen, begått av det syriske regimet, av diverse motstandsgrupper, og med særlig grusomhet av terrororganisasjonen IS, forteller også hvor fryktelig galt det kan gå når det internasjonale

samfunnet ikke makter å sette i verk tilstrekkelige tiltak tidsnok. Artikkelen plasserer seg i denne konteksten, en virkelighet der noen konflikter møtes med handlingslammelse fra det beslutningsorgan verdens ledere har bemyndiget til å ta nødvendige grep.

Beskyttelse av sivile mot forbrytelser av massivt omfang, spesifisert som folkemord, forbrytelser mot menneskeheten, krigsforbrytelser og fordrivelse på etnisk grunnlag (R2P)¹ er både et nasjonalt og et internasjonalt ansvar. Artikkelen retter søkelyset mot den internasjonale dimensjonen som forvaltes gjennom mandater fra FNs sikkerhetsråd, hvor bruk av militær makt er et mulig virkemiddel. Spørsmålet som stilles er: *Hvorfor er iverksettelse av det internasjonale beskyttelsesansvaret gjennom Sikkerhetsrådet problematisk?*

Det ligger implisitt i spørsmålet at iverksettelsen faktisk er problematisk. Gyldigheten av denne forutsetningen fremtrer imidlertid rimelig klar ved et blikk på hva Sikkerhetsrådet har foretatt seg de senere år for å beskytte sivile i konfliktene i Syria, i Yemen og flere steder i det sentrale Afrika. En finner noe positivt, men dessverre alt for lite i forhold til omfanget av de menneskelige lidelsene. For den internasjonale komponenten av R2P har Sikkerhetsrådet vist seg å være en upålitelig 'alliert', spesielt overfor tilfeller der skarpe virkemidler vurderes.

Artikkelen tar sikte på å være et norsk-språklig bidrag til de akademiske diskusjonene rundt R2P innenfor fagdisipliner som internasjonal politikk, internasjonal sikkerhet, og freds- og konfliktstudier. Først gis en kort beskrivelse av hvordan R2P ble del av det internasjonale vokabularet. Deretter presenteres det analytiske rammeverket som består av innsikt fra en berømt klassisk iverksettingsstudie og av teori om hvordan komplekse organisasjoner fungerer. Valget av analyseverktøy er ikke tilfeldig. En av ambisjonene med artikkelen er å vise at teoretisk innsikt utviklet i en annen tid og for andre formål enn det herværende, kan være både relevant og nyttig for bedre å forstå viktige utfordringer knyttet til vår egen tid.

Diskusjonen faller i tre hoveddeler. Først diskuteres politikkinnholdet med fokus mot tydelighet. Deretter vurderes iverksettelse av R2P i lys av Sikkerhetsrådet som beslutningsarena gjennom to adskilte avsnitt, et med hovedvekt på rådets sammensetning, og et som er viet organisert hykleri, et vel kjent fenomen knyttet til komplekse organisasjoner. Diskusjonen avrundes med fokus mot aktørene som iverksetter Sikkerhetsrådets beslutninger. Konklusjon knytter sammen trådene fra diskusjonen relatert til spørsmålet artikkelen stiller.

R2P

R2P ble lansert gjennom ICISS-rapporten i 2001. ICISS² var en flernasjonalt kommisjon initiert av Canadas regjering, som svar på gjentatte sterke oppfordringer fra FNs daværende generalsekretær Kofi Annan til verdens statsledere om å ta et kollektivt og forpliktende beskyttelsesansvar. Bakgrunnen var verdenssamfunnets svikt under de menneskeskapte humanitære katastrofene i Rwanda og på Balkan på 1990-tallet, men i 2001 og de nærmeste årene etter fikk terrorangrepene og oppmerksomheten rundt terrorbekjempelse det meste av oppmerksomheten. R2P ble løftet opp på den internasjonale dagsorden under FNs generalforsamlings såkalte Verdenstoppmøte høsten 2005. Mer enn 160 medlemsstater var representert ved sine statsoverhoder eller regjeringssjefer (Hehir & Pattison 2016: 141). Det skal være den største samling av statsledere noensinne.

Etter omfattende diskusjoner ble statslederne enige om å ta R2P inn i sluttdokumentet fra Verdenstoppmøtet, godkjent ved konsensus 16. september 2005³. FNs sikkerhetsråd vedtok

1. Akronymet R2P brukes som forkortelse for 'Responsibility to protect'.

2. ICISS = International Commission on Intervention and State Sovereignty.

3. Generalforsamlingsresolusjon 60/1, §138 og 139

en støtteresolusjon 28.juni 2006⁴ og Generalforsamlingen gjentok sin støtte til R2P med en ny resolusjon 15.september 2009⁵. Generalsekretæren gir årlige R2P-rapporter til Generalforsamlingen. Artikkelen har flere referanser til disse.

Med utgangspunkt i det ICISS lanserte, var det en nedstrippet versjon av R2P Verdenstoppmøtet vedtok. R2P er først og fremst et nasjonalt beskyttelsesansvar. Det er når en stats myndigheter åpenbart feiler med å gi nødvendig beskyttelse at det internasjonale ansvaret aktiveres. Slik teksten i sluttdokumentet er utformet, skal verdenssamfunnet da være forberedt på kollektiv handling gjennom Sikkerhetsrådet. Det står ikke at rådet forplikter seg til å handle i hvert enkelt tilfelle. Det er fullt mulig å uttrykke at man er forberedt på noe uten at det omsettes i handling. Det er imidlertid den klare forankringen i Sikkerhetsrådet som representerer den største forskjellen i forhold til ICISS-versjonen av R2P. ICISS var åpen for muligheten av å benytte alternative prosedyrer gjennom Generalforsamlingen dersom Sikkerhetsrådet viser seg handlingslammet, men slike tanker var det ikke mulig å oppnå enighet om på Verdenstoppmøtet. Det forklarer relevansen av ordet 'nødvendig' i artikkelens tittel, og det har implikasjoner for iverksettelsen.

21.august 2006 vedtok FNs sikkerhetsråd en resolusjon om situasjonen i Darfur⁶. Der refererer rådet for første gang til R2P forbundet med en bestemt stat. Forut for resolusjonen som åpnet for bruk av militærmakt i Libya i 2011⁷ ble det referert hyppig til R2P. Mandatteksten nevner rett nok ikke R2P ved navn, men åpner for å beskytte sivile og sivilt befolkede områder med alle nødvendige midler unntatt okkupasjon av landet. Det var første gang Sikkerhetsrådet autoriserte å bruke militær makt av humanitære grunner uten samtykke fra eksisterende statlige myndigheter⁸ (Williams og Bellamy 2012: 273). En rekke senere resolusjoner refererer til R2P, de fleste ved å minne statene om eget beskyttelsesansvar, men det har etter 2011 vist seg svært vanskelig å oppnå enighet i Sikkerhetsrådet rundt mulig bruk av militær makt som virkemiddel⁹.

R2P representerer forsøk på å håndtere humanitære kriser ut fra en bred tilnærming bestående av tre handlingskomponenter; forebygging, reaksjon og gjenoppbygging. Å forebygge kommuniseres ofte som den viktigste fordi preventive tiltak normalt betyr lavere kostnader og mindre politisk kontrovers sammenliknet med tiltak i senere stadier av en konflikt. Det rapporteres om en viss suksess knyttet til denne komponenten¹⁰, selv om en aldri vil kunne vite hva som ville skjedd om en hadde handlet annerledes. Artikkelen fokuserer imidlertid på den reaktive komponenten, hvor det internasjonale samfunnet enten står overfor situasjoner som påkaller umiddelbar handling for å stanse forbrytelser, eller hindre det fra å bli neste scenario. Bruk av militær makt er ment som siste utvei, når alternativene har vist seg utilstrekkelige, eller når en konflikt har eskalert til et nivå der andre virkemidler ikke lenger er relevante. Det skal sitte langt inne å ty til dette midlet, for, som FNs generalsekretær António Guterres påpeker i sin rapport om R2P til Generalforsamlingen i 2017, så er både de menneskelige og de finansielle kostnadene knyttet til militær maktbruk ekstremt høye. Konsekvensene er dessuten alltid usikre (Guterres 2017: 3).

4. Sikkerhetsrådsresolusjon 1674

5. Generalforsamlingsresolusjon 63/308

6. Sikkerhetsrådsresolusjon 1706

7. Sikkerhetsrådsresolusjon 1973, vedtatt 17.mars 2011

8. Ved sammenliknbare tilfeller har enten myndighetene gitt samtykke eller vært ikke-eksisterende.

9. Det var NATO som påtok seg ansvaret med iverksettelsen av Sikkerhetsrådsresolusjon 1973. Senere er varetten aktivt brukt av Kina og Russland som mener NATO strakk Libya- mandatet for langt ved å fremtvinge regime-skifte. De er ikke alene om den oppfatningen.

10. I 2015-rapporten om R2P til Generalforsamlingen nevner daværende generalsekretær Ban Ki-Moon suksesser på den preventive komponenten i Kenya, Guinea, Elfenbenskysten og Kirgisistan.

Analytisk ramme

De amerikanske forskerne Jeffrey L. Pressman og Aaron Wildavsky, pionører innen teoriutvikling knyttet til iverksettelse, studerte på 1960-tallet et statlig program i USA som i regi av organisasjonen EDA¹¹ lanserte hjelpepakker for økonomisk stimulans og jobbskapning rettet mot urbane strøk med høy arbeidsledighet, spesielt blant minoriteter. Første mottaker av hjelp var byen Oakland i California, men etter fire år med diverse målrettede tiltak var konklusjonen åpenbar mangel på samsvar mellom intensjoner og resultater. Pressman og Wildavsky studerte dette prosjektet i detalj. Artikkelen benytter viktig innsikt fra denne studien som analyseverktøy. Den klassiske teksten er fra 1973, men artikkelen legger til grunn den utvidede bokutgaven fra 1984 som i tillegg inneholder en ny innledning og noen supplerende kapitler signert Angela Browne og Aaron Wildavsky¹².

Alle moderne organisasjoner er i større eller mindre grad komplekse. FNs spesielle rolle som verdensorganisasjon med ansvar for internasjonal fred og sikkerhet minsker ikke relevansen av generell teoretisk innsikt. Tilsvarende kan sies om Sikkerhetsrådet som en kompleks organisasjon i organisasjonen. Analytisk drar artikkelen veksler på den svenske organisasjonsforskeren Nils Brunssons studier av hvordan komplekse organisasjoner opptrer. De to utvalgte bøkene er begge analytiske verk basert på omfattende empiriske studier¹³. Få, om overhodet noen, har studert fenomenet 'organisert hykleri', et kjent trekk ved komplekse organisasjoner, mere inngående enn Brunsson.

R2P Politisk innhold

Språk har betydning, for status og for forståelse. Det er derfor ikke likegyldig hva R2P betegnes som, men både i offisielle dokumenter og i den akademiske litteraturen varierer ordvalget betydelig, ofte uten eksplisitt forklaring. 'Doktrine' brukes en del i betydningen kollektivt fastlagte retningslinjer¹⁴ (NAOB 2017). Det ligger nokså tett opp til hva vi forstår med et 'prinsipp' som er den foretrukne betegnelsen i denne artikkelen. Et prinsipp er mer enn en idé ettersom det inkluderer høyere grad av forståelse rundt meningsinnhold og gyldighet, men det er svakere enn en norm med hensyn til å spesifisere konsekvenser for aktører som bryter prinsippet. Det Globale Senter for R2P, lokalisert i Genève og New York¹⁵, snakker imidlertid både om et globalt prinsipp og om en internasjonal norm. ICISS brukte betegnelsen 'en norm i utvikling', men det er ikke lett å redegjøre presist for hva R2P skal utvikles til. Som Marc Schack påpeker i sin doktorgradsavhandling fra 2016 kan det dog ikke være tale om en ny rettslig norm. Statslederne som i 2005 ble enige om å ta R2P inn i slutt-erklæringen fra Verdenstoppmøtet, hadde ikke intensjoner om å skape nye bindende rettsregler (Schack 2016: 76). §139 i sluttdokumentet er da også tydelig på at kollektiv handling gjennom Sikkerhetsrådet skal skje i henhold til FN-pakten, altså innenfor rammen av eksisterende internasjonal rett. Det var dette som, ifølge Alex Bellamy, gjorde konsensus mulig, at man verken endret, eller endog forsøkte å endre grunnleggende internasjonale regler for bruk av makt (Bellamy 2015: 14).

11. 'The Economic Development Administration' (EDA) ble opprettet på initiativ fra Kongressen i 1965.

12. Bokens tittel er 'Implementation'.

13. Bøkenes titler er 'The Organization of Hypocrisy' og 'Mechanisms of Hope' fra henholdsvis 1989/2006 og 2006.

14. Det latinske ordet er 'doctrina' som kan oversettes med læresetning.

15. Det Globale Senter ble etablert i 2008 og er ment både som et verdensledende forskningssenter og som et ressurs-senter for statlige myndigheter, internasjonale organisasjoner og NGOer. Formålet er å fremme universell aksept for og effektiv iverksettelse av R2P.

I en artikkel 16.mars 1969 ble resultatene av EDA-prosjektet omtalt som katastrofalt dårlige av avisen Los Angeles Times¹⁶. Antallet nyetablerte arbeidsplasser lå langt unna ambisjonene. Gjennom sin studie av prosjektet avdekket Pressman og Wildavsky en rekke problematiske forhold som på ulike vis bidro til den svake måloppnåelsen. Før iverksettelse kan finne sted må det nødvendigvis eksistere et politisk innhold som er ment iverksatt. Normalt vil det være tale om noen spesifiserte mål og en beskrivelse av virkemidler som anses egnet for måloppnåelse. Ifølge Pressman og Wildavsky kan det nok for visse formål være nyttig å skille politikkinnhold fra iverksettelse, men her var ambisjonen det motsatte, å få til tettere kobling mellom det å utforme mål og å iverksette dem i form av en gjensidig interaksjonsprosess (Pressman og Wildavsky 1973/1984: innledning). Planleggerne i Oakland oppdaget imidlertid at konteksten de opererte innenfor viste seg å være adskil- lig mere kompleks enn forventet. Selv det som i utgangspunktet kunne fortone seg nokså enkelt, ble mere komplisert enn antatt. Forventede aktiviteter ble enten ikke gjennomført eller det oppstod betydelige forsinkelser. Pressman og Wildavsky advarte derfor sterkt mot å betrakte iverksettelse som noe som skal skje etter politikkkutformingen, mer eller mindre uavhengig av denne (Ibid: 143). Uten tette bånd fra begynnelsen mellom innhold og iverksettelse blir resultatet lett en prosess fylt med hindre. Politikken bør derfor utformes slik at den tar høyde for disse vanskelighetene. Poenget er å redusere behovet for klargjøring i ettertid så mye som mulig, for å hindre at iverksettelsen stopper opp eller forsinkes. Uklare mål og vage prioriteringer bidrar ikke til smidig iverksettelse. Når politikkinnhold allikevel ofte får et slikt preg er årsaken at det øker muligheten for bred oppslutning (Browne og Wildavsky 1983b: 213), men som Pressman og Wildavsky sier så forsvinner poenget med gode idéer dersom de ikke kan gjennomføres (Pressman og Wildavsky 1973/1984: 143). For eksempel kritiserte de en formulering som 'maksimal mulig sysselsetting' for å være altfor uklar i forhold til å spesifisere forpliktelser (Ibid: 30). Manglende samsvar mellom mål og resultater kan også bringe politikkinnholdet som sådan under lupen (Ibid: innledning). Pressman og Wildavsky tok høyde for at ambisjonene i EDA-prosjektet kunne ha vært satt for høyt. De skriver at mislykket iverksettelse kan bli resultatet dersom man overvurderer hva som er mulig å gjennomføre (Ibid: 136).

Flyttes blikket mot den internasjonale arena og iverksettelse av R2P, ser en at mye av innsikten generert gjennom EDA-studien er gjenkjennbar. Verdenstoppmøtets adopterte versjon av R2P er som nevnt innledningsvis adskillig mere diffus enn ICISS-versjonen, ikke spesielt med hensyn til hva en vil oppnå, men særlig når en spør hvordan det konkret skal skje. ICISS foreslo en rekke midler for beskyttelse av sivile til anvendelse på ulike stadier av konflikter, men bortsett fra å understreke Sikkerhetsrådets sentrale rolle er det lite å hente fra de aktuelle paragrafene i sluttdokumentet (138 og 139) hva iverksettelse angår. Sluttdokumentet har heller ingen direkte referanser til ICISS-rapporten. §138 nevner rett nok passende og nødvendige midler, men uten nærmere spesifisering. §139 er litt mere spesifikk. Der omtales diplomatiske, humanitære og andre fredelige midler, samt besluttsom kollektiv handling gjennom Sikkerhetsrådet overfor tilfeller der stater ikke gir beskyttelse og hvor fredelige midler anses inadequate, men formuleringene er runde og dermed åpne for ulike og ikke nødvendigvis forenlige fortolkninger. Paragrafene indikerer ikke en tydelig vei fremover. Ifølge Noelle Crosley fører det til at nye spørsmål reises og at nye kontroverser sparkes i gang (Crosley 2018: 419). Dette erkjennes av FNs tidligere generalsekretær Ban Ki-Moon som i sin 2016-rapport om R2P til Generalforsamlingen forsøkte å reise en diskusjon om

16. Ordene avisen brukte var 'a pretty big disaster'.

hva grunnlaget for kollektiv handling og mulig bruk av militær makt skal være (Ban 2016: 7). Det skal naturligvis legges til at spesifikasjon av virkemidler utover det generelle er svært vanskelig å lage ettersom ethvert tilfelle vil ha sine unike særtrekk. Kanskje er det umulig, skjønt det kan være mulig å definere noen grenser for bruk av bestemte virkemidler (Schack 2016: 91). Størst synes vanskelighetene å være når situasjonen påkaller mulig bruk av militær makt (von Einsiedel og Bosetti 2016: 372). Verdenstoppmøtet måtte komme til enighet om en tekst dersom R2P overhodet skulle få en plass i sluttokumentet. Det var åpenbart lettest å få til om de vanskeligste spørsmålene kunne skyves ut i fremtiden. Generelle tekster reflekterer derfor ofte grensene for mulig enighet, men de samme grensene tenderer dermed også til å bli grenser for vellykket iverksettelse.

Det bør her bemerkes at begrepet 'iverksettelse' i seg selv ikke sier noe om effekter. Å iverksette innebærer å utføre handlinger som har til hensikt å realisere et bestemt politikkinnhold (Van Meter og Van Horn 1974: 447). Når det lykkes har iverksettelsen vært en suksess. Iverksettelse garanterer imidlertid intet bestemt utfall, men kan meget vel resultere i noe annet enn forventet, noe uønsket, uønsket eller begge deler.

Ifølge generalsekretær António Guterres er det universell og varig enighet om hensikten med R2P-prinsippet, inkludert at beskyttelsesansvaret er både nasjonalt og internasjonalt (Guterres 2017: 3). Det er heller ingen uenighet om at R2P retter seg mot forbrytelser som skjer i massiv skala, ikke mot enhver krenkelse av menneskerettigheter, men tersklene for hva som skal regnes som massivt for de typer forbrytelser R2P omhandler, er ikke tydelig spesifisert. Det finns heller ingen spesifikasjon av når en stat har sviktet sitt beskyttelsesansvar i en slik grad at tiden er inne for verdenssamfunnet til å ta over. Hvor stort rommet for tolkninger er kan sikkert diskuteres, men sett i lys av Sikkerhetsrådets handlingslammelse i forhold til den humanitære situasjonen i Syria kan man vanskelig si at generalsekretærens optimistiske situasjonsbeskrivelse hva politikkinnholdet angår har sitt motsvar på handlingssiden. Når det sentrale beslutningsorganet ikke leverer må en forvente at det stilles spørsmål om politikkinnholdet er for ambisiøst. At retorisk enighet ikke alltid er tilstrekkelig til å utløse handling fikk også daværende generalsekretær Kofi Annan smertelig erfare. I sitt siste år som generalsekretær forsøkte han gjentatte ganger å få Sikkerhetsrådet til å gripe inn i situasjonen i Darfur. Responsen var lunken (Turner 2013: 141) selv om man etter hvert (2006-07) fikk opprettet en fredsbevarende styrke i samarbeid med Den Afrikanske Union. Av flere grunner ble den lite effektiv (Holmes 2014: 128).

Sikkerhetsrådet

Sammensetningen

Det tilhører Sikkerhetsrådets doméne å avgjøre når og hvordan det internasjonale beskyttelsesansvaret skal aktiveres. Jennifer Welsh, generalsekretærens spesialrådgiver for R2P i perioden 2013-16, argumenterer for at Sikkerhetsrådet ikke bare har rett til å handle, men at det også dreier seg om en forpliktelse (Welsh 2009). Dette synspunktet har imidlertid liten støtte i den akademiske litteraturen. Internasjonale forpliktelser er mere kontroversielle enn tilsvarende rettigheter (Glanville 2012). Før den endelige teksten i slutterklæringen fra Verdenstoppmøtet ble lagt frem, ble det jobbet i kulissene med å svekke formuleringer om forpliktelser (Shack 2016: 89).

FNs sikkerhetsråd består av fem permanente og ti roterende medlemsstater. Sistnevnte velges for to år. De permanente medlemmene kan legge ned veto mot ethvert forslag de misliker, hvilket hyppig forekommer. De mange som har studert denne beslutningsarenaen, konkluderer med at vi ikke kan forvente debatter der det bedre argumentet blir avgjørende.

Vetomaktene prioriterer ofte egne interesser foran beskyttelsesansvaret (Ban 2016: 5). I konflikter hvor disse støtter ulike fraksjoner er det derfor stor fare for handlingslammelse. Sikkerhetsrådet er bare handlingskompetent når medlemsstatene er kollektivt enige (Nadin 2014). Det innebærer et flertall som enten inkluderer vetomaktens stemmer, eller at de som ikke stemmer for er avholdende, men lar være å bruke vetoen. Denne enighet har vi sett lite til i tilfellet Syria, til tross for Ban Ki-Moons sterke påminnelse om at R2P omfatter alle befolkninger, i alle situasjoner og til alle tider (Ban 2015: 8). Han støttes fra faglig hold. For eksempel konkluderer Jacinta O'Hagan¹⁷ med at R2P er et universelt prinsipp både av opphav og i innhold. Det er iverksettelsen det er uenighet om (O'Hagan 2015: 303), og denne uenigheten er tidvis betydelig. Melinda Rankin¹⁸ omtaler Sikkerhetsrådets handlingslammelse i Syria som et nederlag for statene som adopterte R2P, som testen FN ikke besto. Det truer legitimiteten til prinsippet (Rankin 2017: 396).

Dilemmaet selektiv respons har vært en gjenganger over tid i diskusjoner om humanitært begrunnede intervensjoner, fra lenge før R2P-prinsippet entret arenaen. Martin Binder understreker imidlertid at Sikkerhetsrådets respons ikke er tilfeldig, men heller ikke kan forklares ut fra noen bestemt enkeltfaktor (Binder 2015: 712-726). Når intervensjon på humanitært grunnlag vurderes, og Binder opererer med humanitære intervensjoner som en vid kategori som omfatter både militære og ikke-militære midler¹⁹, er båndene den aktuelle staten har til en eller flere av vetomaktene en tungtveiende faktor, men ikke den eneste som kan påvirke utfallet. Det kan også blant annet omfanget av menneskelig lidelse, hvordan konflikten berører nabostatene, om og hvordan FN tidligere har vært involvert i konflikten, den motmakt en eventuell intervensjon kan forventes å bli møtt med, samt medieoppmerksomheten rundt krisen, men å forutsi hva som kommer til å bli avgjørende stilt overfor et bestemt scenario, er ingen enkel oppgave. R2Ps ugjenkallelige forankring i Sikkerhetsrådet gjør prinsippet svært sårbart ettersom det bare vil utløse reell beskyttelse når nevnte faktorer i tilstrekkelig grad går i dets favør. Bellamy beskriver hvordan debattene i Sikkerhetsrådet i forkant av Resolusjon 1674 i 2006, hvor rådet ga sin støtte til R2P, avdekket betydelig uenighet rundt kriteriene for når prinsippet skal aktiveres, en diskusjon som fortsatte da Sikkerhetsrådet debatterte beskyttelse av sivile i bredere forstand i juni 2007. Mens noen medlemsstater ønsket mere konkrete kriterier, argumenterte andre for at prinsippet heller burde snevres inn begrunnet med fare for misbruk (Bellamy 2009a: 138-139).

Det kan argumenteres for at selektiv respons er bedre enn ingen respons overhodet, men for Mahmood Mamdani betyr selektiv respons at R2P-prinsippet svekkes og legges åpent for manipulasjon. Han kaller det å la retten underordnes maktens diktat (Mamdani 2010: 62). Susan Harris Rimmer tar det ytterligere et steg og spør om R2P kan ha noen verdi når bare svake stater kan bli gjenstand for intervensjon (Rimmer 2015: 269). Bellamy ser imidlertid noe annerledes på saken. R2P har entret en verden som mangler mye på å være perfekt, men å ønske seg vekk fra politiske realiteter er lite fruktbart. Å akseptere prinsippet som sådan løser ikke vanskelige spørsmål knyttet til iverksettelsen, men R2P skyver Sikkerhetsrådet fremover. Å forstå hvordan politiske prinsipper fungerer i den virkelige verden gjør det mulig å beregne både potensialet og begrensningene. Det blir lettere å etablere realistiske forventninger om hva som er mulig å oppnå, og en vil lettere kunne avdekke hvor innsatsen må skjerpes (Bellamy 2015: 16-18). Viktigheten av å etablere edruelige forventninger til R2P

17. O'Hagan diskuterer hvorvidt R2P kan sies å være en vestlig idé, hvilket hun bestemt avviser.

18. Rankin refererer til Stuart M. Patrick.

19. Ikke-militære midler kan for eksempel være økonomiske sanksjoner eller fredsbevarende styrker.

understrekes også av Luke Glanville. Han argumenterer dessuten for at R2P har hatt reell og observerbar innflytelse på staters adferd, en innflytelse som kan spores selv der Sikkerhetsrådet ikke har vist handlekraft (Glanville 2016: 184). Prinsippet har dessuten satt dype spor når det gjelder den internasjonale samtalen rundt beskyttelse og intervensjon på humanitært grunnlag. Disse spørsmålene er ikke lenger mulig å diskutere uten å bruke terminologi som assosieres med R2P (Crossley 2018: 415-416).

Gjennom studien av EDA-prosjektet oppdaget Pressman og Wildavsky at utskifting av sentrale beslutningstakere skapte problemer for iverksettelsen (Pressman og Wildavsky: innledning og 107-110). En kunne ikke ta for gitt at det en opprinnelig var blitt enige om, fortsatt stod ved lag. Avtaler ble gjort til gjenstand for modifisering, og utvidede nettverk gjorde gjennomføringen av diverse tiltak mere komplisert. Om regelmessig skifte av ikke-permanente medlemmer i Sikkerhetsrådet byr på tilsvarende problemer for iverksettelsen av R2P, er imidlertid et mere åpent spørsmål. Den generelle innsikten er at når noen aktører forlater arenaen og nye kommer til, så økes kompleksiteten og iverksettingen blir vanskeligere å gjennomføre (Van Meter og Van Horn 1975: 489), men at nye beslutningstakere bringer med seg nye premisser til debattene i Sikkerhetsrådet er jo ikke nødvendigvis negativt. Det beror på hvem disse nye deltakerne er og hvem de erstatter, hvordan de ser på de aktuelle utfordringene, og spesielt i denne sammenheng hvor forpliktet statslederne føler seg i forhold til vedtaket de var med på å fatte i 2005. Risikoen er selvfølgelig til stede for at tidligere enighet undermineres, med en mere trøblete iverksettelsesprosess som følge. Stater som hevder å være genuint opptatt av å beskytte sivile, kan dessuten ha interesser som går ut over det rent humanitære. Som medlemsstat i Sikkerhetsrådet må en også regne med at verdenssamfunnet legger merke til ens standpunkter i ulike saker. Det kan gi både gunstige og ugunstige ringvirkninger. For eksempel, selv om det ofte ikke kommuniseres klart og tydelig, så kan det å vise overfor verden utenfor at man tar beskyttelsesansvaret på alvor, tenkes å inngi respekt fra andre, samt kanskje i tillegg gi økt selvrespekt.

Organisert hykleri

Fenomenet 'organisert hykleri' innebærer at organisasjonen møter noen krav med ord, andre med beslutninger, og atter andre med handlinger. Dermed blir det, spesielt i konfliktsituasjoner, vanskelig å opptre konsistent. Som følge av at organisasjonsmessige strukturer, prosesser og ideologier favner om inkonsistente krav, risikerer en manglende samsvar mellom hva som kommuniseres at skal gjøres, hva som blir besluttet gjort, og hva som deretter gjøres (Brunsson 1989/2006: introduksjon). Fenomenet er vanskelig, ja kanskje umulig, å unngå. Fester vi lit til Stephen Krasner, så er organisert hykleri dessuten mest utbredt nettopp blant organisasjoner som opererer i den internasjonale sfære, blant annet grunnet mangel på overstatlige myndighetsorganer som kan løse konflikter autoritativt (Krasner 2009: 213). Brunsson mener ikke at fenomenet er etterstrebellesverdigg, men ensidig fordømmelse er heller ikke spesielt fruktbart fordi organisert hykleri faktisk gir organisasjoner noen ikke helt uvesentlige fordeler. Han fremhever spesielt at det bidrar til å sikre legitimitet i konfliktfylte omgivelser. Formelt fattede beslutninger tiltrekker seg oppmerksomhet fra omgivelsene også i situasjoner hvor de ikke følges opp med handling (Brunsson 2006: 32).

Prinsippet om statlig suverenitet er nedfelt i FN's charter, kapittel 1, artiklene 2.1, 2.4 og 2.7. Tradisjonelt har prinsippet vært forstått som ikke-innblanding i staters interne anliggender. Til forsvarerne av denne forståelsen finner vi stater hvor myndighetene ikke ønsker omverdenens innsyn i hvordan befolkningen behandles, men som påpekt av Jarat Chopra, er det også et syn mange små stater slår vakt om, av frykt for hva de mektigere kan finne

på å foreta seg. Den tradisjonelle forståelsen av suverenitet skaper orden og forutsigbarhet internasjonalt ved å gjøre det vanskeligere å skjule mindre ideelle motiver under dekke av humanitære paraplyer (Chopra 1994: 40). Det finns situasjoner hvor bruk av militær makt er eneste mulighet for å stanse forbrytelser av massivt omfang. Ifølge Justin Morris er imidlertid støtten til R2P fra en betydelig del av det internasjonale samfunnet omvendt proporsjonal med sannsynligheten for at dette virkemiddelet kommer til anvendelse (Morris 2016: 206).

ICISS valgte å utfordre den tradisjonelle forståelsen for å dreie debatten rundt intervensjoner på humanitært grunnlag vekk fra det 'evige' spørsmålet om statlig suverenitet kan tilsidesettes eller ikke. Grepet var å gjøre ansvar for å beskytte befolkningen til et aspekt ved suvereniteten, slik at kun myndigheter som ivaretar sitt beskyttelsesansvar legitimt, kan gjøre krav på suverenitet. Uten legitimitet vil der ikke være noen suverenitet å tilsidesette. Dette var i og for seg ikke nye tanker. Diskusjoner rundt hva som konstituerer legitimt styre, har dype historiske røtter. Den alternative suverenitetsforståelsen ble imidlertid ikke adoptert av verdens ledere sammen med R2P, skjønt heller ikke eksplisitt avvist. Paragrafene 138 og 139 i sluttokumentet fra Verdenstoppmøtet sier intet om statssuverenitet og refererer heller ikke til ICISS' diskusjon.

Både Bellamy (Bellamy 2009b: 170) og Carstehn Stahn (Stahn 2007: 101) taler om økende aksept innenfor FN for en kobling mellom suverenitet og beskyttelsesansvar, men omfanget av aksepten er uklar. Muligens er fotfestet sterkest hos FNs toppledelse. Ved flere anledninger minnet generalsekretær Kofi Annan om at hensikten med FNs charter er å beskytte menneskers rettigheter, ikke de som forbryter seg mot dem (Annan og Mouzavizadeh 2012: 132), og hans etterfølger Ban Ki-Moon så ikke R2P og suverenitet som motsetninger, men som allierte (Ban 2015: 6). Men hvis suverenitet koblet til ansvar ender opp som snakkeversjonen samtidig som den tradisjonelle forståelsen legger premissene for handling, likner situasjonen nettopp på hva Brunsson sier kjennetegner organisert hykleri. Fenomenet legger dessuten til rette for å skille utformingen av et politisk program fra iverksettelsen tidsmessig. Det var fordelaktig med hensyn til å oppnå nødvendig konsensus rundt R2P i 2005, men det svekker den etterfølgende evnen til å handle i tråd med programmet.

Sentralt med hensyn til å forbedre iverksettelsen står evnen til, gjennom evaluering, å lære av fortidens feil. Det forutsetter det Browne og Wildavsky kaller en lærende kultur (Browne & Wildavsky 1983a: 191), men komplekse organisasjoner preget av organisert hykleri byr ofte ikke på gode vilkår verken for tilstrekkelig evaluering eller læring. Ifølge Pressman og Wildavsky er iverksettelse og evaluering to sider av samme sak ettersom noe må være iverksatt før det kan evalueres, mens det er gjennom den etterfølgende evalueringen at forståelsen av hendelsesforløpet formes (Pressman og Wildavsky 1973/1984: introduksjon). Det beste er om evaluering kan gjennomføres, ikke som en enkelthendelse, men som en kontinuerlig prosess, fordi det vanligvis gir bedre utsikter til rask respons selv om det å identifisere de mest relevante variable og effektene av dem fortsatt kan by på betydelige utfordringer (Browne og Wildavsky 1983a: 191). Organisasjonsmessig læring innebærer etablering av nye regler, forbedrede rutiner etc. Det er en mere kompleks form sammenliknet med læring på individnivå. Selv om grensen i praksis neppe er sylskarp, så kan vi ifølge Mary Jo Hatch og Ann L. Cunliffe snakke om to kategorier organisasjonsmessig læring. Den første og enkleste har et utnyttende preg der formålet er å anvende det man allerede har ervervet av kunnskap og ressurser med sikte på å gjøre det samme som før, bare mere effektivt. Alternativet er den utforskende varianten som aktivt søker etter nye muligheter, gjennom eksperimenter og forskning, og som kan resultere i betydelige organisasjonsmessige endringer (Hatch

og Cunliffe 2006: 313)²⁰. Denne stiller store krav til en lærende kultur preget av fleksibilitet, men ulike individer i organisasjonen tolker ikke nødvendigvis de samme hendelser på samme måte. Jo mere kompleks organisasjonen er, jo mere sannsynlig er det at den aggregerte læringen i ulike enheter og avdelinger ikke nødvendigvis kan sammenfattes til noe som er felles for hele organisasjonen. Stort sprik med hensyn til tolkning av erfaringer gjør det da vanskelig å stake ut en felles kurs fremover. Gjennom studien av EDA-prosjektet observerte Pressman og Wildavsky at en rekke problemer oppstod av slike grunner. De gikk så langt som til å hevde at programmet hadde stengt seg ute fra mulighetene for å lære (Pressman og Wildavsky 1973/1984: 125). Hva R2P angår så har vi i tiden etter 2011 sett hvilken betydelig utfordring tilsvarende forhold representerer for iverksettelsen av R2Ps internasjonale handlingsdimensjon gjennom Sikkerhetsrådet.

Jared Genser understreker at en omfattende evaluering av hvordan Sikkerhetsrådet har håndtert beskyttelsesansvaret, både av det som har vært vellykket og det som ikke har vært det, er helt essensiell med sikte på å forbedre iverksettelsen av intensjonene R2P-prinsippet rommer i årene fremover, men, skrivende vinteren 2018, konstaterer han at ingen uavhengig analyse har funnet sted så langt (Genser 2018: 424-425). Behovet til tross, det er ikke gitt at noen slik evaluering overhodet kommer. En kan heller ikke uten videre forvente sterk vilje blant medlemsstatene til å evaluere egne R2P-relaterte erfaringer. En ting er at det vil legge beslag på tid og oppmerksomhet, knappe goder i konkurranse med annet som oppleves mere påtrengende og kanskje mere attraktivt. Brunsson peker imidlertid på en annen grunn som ikke skal undervurderes. Det er ubehagelig å bli konfrontert med at iverksatte tiltak kanskje fikk uønskede konsekvenser. Sensitiv informasjon om hva som ble gjort feil, kan således skade både organisasjoner og andre aktører. Beslutningstakere kan derfor rett og slett vegre seg for å søke etter slik informasjon (Brunsson 2006: 151-152). Læring er jo bare mulig når det finnes feil å lære av, men samtidig som lite feil hemmer læring, så er mange feil en indikasjon på inkompetanse som det ikke er spesielt trivelig å bli forbundet med (Browne og Wildavsky 1983b: 227). Den norske evalueringen av krigsinnsatsen i Libya i 2011 kan til en viss grad tjene som eksempel ettersom den i utgangspunktet var omsluttet av en lunken holdning blant mange politikere. Rapporten²¹ kom i september 2018, ble presentert for Stortinget av utenriksministeren i januar 2019, og deretter debattert i Stortinget i månedsskiftet mars-april. Debatten ble mye sentrert rundt konstitusjonelle spørsmål knyttet til grunnlaget for beslutningen om at Norge skulle delta i de militære operasjonene. Ikke at det på noen måte er uvesentlig, men viljen var påfallende mindre til å diskutere spørsmål som forholdet mellom mandatet og iverksettelsen, hvorvidt den militære innsatsen faktisk ga beskyttelse til befolkningen, umiddelbart og senere, samt eventuelle motiver Norge kunne tenkes å ha hatt for sin deltakelse utover de rent humanitære. En rapport som er såpass mild i kritikken av de aktuelle beslutningstakerne som denne kan neppe forventes å generere omfattende selvransakelse. Kontrasten er stor til kritikken som ble det britiske politiske lederskapet til del i den såkalte Chilcot-rapporten fra juli 2016. Denne evaluerte Storbritannias deltakelse i Irak-krigen i 2003²² og konkluderte blant annet med at Storbritannia og USA hadde underminert autoriteten til FNs Sikkerhetsråd.

20. Kategoriene, omtalt som 'exploitation' og 'exploration', er utviklet av den amerikanske sosiologen og organisasjonsforskeren James March.

21. Rapporten fra Libya-utvalget har tittelen 'Evaluering av norsk deltakelse i Libya-operasjonene i 2011'. Den er signert Utenriksdepartementet og Forsvarsdepartementet og datert 13. september 2018.

22. Evalueringen, som tok 7 år, var ledet av Sir John Chilcot, tidligere blant annet minister for Nord-Irland.

Iverksettende aktører

Aktører som iverksetter beslutninger er ofte ikke identiske med beslutningstakerne. Pressman og Wildavsky advarte imidlertid sterkt mot å gjøre seg avhengig av andre hva iverksettelse angår. I EDA-prosjektet så de hvordan nettopp det medførte stadige behov for nye avklaringer hvor et stort antall deltakere var involvert, omsluttet av mye kontrovers og gjensidig mistenksomhet som i betydelig grad svekket mulighetene for å få tiltak gjennomført (Pressman og Wildavsky 1973/1984: 107). Aktørene i Oakland var selvfølgelig helt andre enn dem vi møter på den internasjonale arena²³, men relevansen av innsikten de ervervet er ikke begrenset til en bestemt kontekst. For eksempel merket de seg at enkelte aktører kan være enige i et forslag på et tidspunkt, for på et senere tidspunkt å enten motarbeide det eller unnlate å følge det opp med nødvendige midler. Jo flere aktører som er involvert i den iverksettende fasen, jo flere oppfatninger vil det være som må tas hensyn til, og de er ikke nødvendigvis sammenfallende. De registrerte også betydelig variasjon med hensyn til hvor mye tid og innsats ulike aktører var villige til å bruke på prosjektet, i konkurranse med andre og kanskje mere foretrukne forpliktelser. Dessuten, å være avhengig av aktører som ikke har det hastverk beslutningstakerne forventer, er ugunstig, men det gjelder også avhengighet av aktører som nok er entusiastiske hva politikkinnhold angår, men som mangler ressurser til å kunne bidra nevneverdig i iverksettingsfasen (Pressman og Wildavsky 1973/1984: 101-102).

Sikkerhetsrådet befinner seg i den situasjon Pressman og Wildavsky advarte mot. Rådet fatter autoritative beslutninger, men har ingen egen iverksettende kapasitet og heller ingen mulighet til å bygge opp dette. En vellykket iverksettelse av en R2P-basert beslutning er følgende avhengig av tilstrekkelig dedikerte iverksettende aktører som forstår mandatets rekkevidde og begrensninger, er i stand til å mobilisere ressurser, og også villige til å bruke disse i tråd med mandatteksten. Det er ikke gitt at slike aktører står klare til å bidra. Er det bruk av militær makt vi snakker om, så vil iverksettende aktører måtte forvente å bli involvert i operasjoner som medfører betydelig risiko. Politikere kan som regel anføre gode grunner for ikke å sende soldater og offiserer på slike oppdrag langt fra egne grenser, spesielt ikke når støtten i den hjemlige opinion er mangelfull og neste valg kanskje nærmer seg. I §139 i slutterklæringen fra Verdenstoppmøtet er samarbeid med relevante regionale organisasjoner spesifikt nevnt for tilfeller der Sikkerhetsrådet skal være forberedt på å handle kollektivt, men enten iverksettelse skjer gjennom å mobilisere medlemsstater, regionale organisasjoner, eller begge deler, så er Sikkerhetsrådets operasjonelle kontroll over de iverksettende aktørene sterkt begrenset (Dunne 2015: 100). Disse kan meget vel ha sine egne agendaer, eller motivene for å bidra kan være flere enn de rent humanitære. Ulike iverksettende aktører har dessuten ikke alltid sammenfallende oppfatninger av oppgavens karakter. I EDA-prosjektet observerte Pressman og Wildavsky hvordan det kan forplante seg til divergerende syn på hva som er å betrakte som suksess (Ibid: 98). Ifølge Browne og Wildavsky skyldes den manglende kontrollen at vi har å gjøre med to separate prosesser. I beslutningsfasen formuleres forventninger og det defineres tiltak som er ment å realisere disse, men under iverksettingen skjer det svært mye uforutsett som beslutningstakerne ofte ikke har kontroll over (Browne og Wildavsky 1983b: 217). Det er ikke mulig å forutse alt som kan skje, men når lite iverksettelse er inkludert i selve politikkinnholdet, så overlates tolkningene knyttet til gjennomføringen til de iverksettende aktørene. Håndteringen av mandatet gitt ved Sikkerhetsrådsresolusjon 1973 (Libya 2011) indikerer hva det kan føre til. Mandattekster fra Sikkerhetsrådet gir ofte

23. Eksempelvis representanter for regionale og lokale myndigheter, programansatte og grupper med spesialkompetanse knyttet til programmet, offentlige og private arbeidsgivere, sponsororganisasjoner mm.

betydelig tolkningsrom. Det kan være bevisst utformet, som en avspeiling av det politiske kompromiss som hadde medlemmenes støtte på et bestemt tidspunkt (Gifkins 2016: 150), men det kan også være en uintentert følge av at tekstene utformes både under politisk press og tidspres (Schack 2016: 27). Det er normalt ikke det beste utgangspunktet for en grundig gjennomgang som kan stramme opp språklig tvetydighet.

Williams og Bellamy har påpekt hvordan både politikk-utformere og militære planleggere må ty til ad-hoc-løsninger grunnet manglende ekspertise til å analysere og å forstå hvordan hendelsesforløp kan påvirkes, i en atmosfære der strategisk tenkning har heller dårlige vilkår (Williams og Bellamy 2012: 274). Det er, ifølge David Chandler, bred enighet om behovet for både mere diskusjon rundt og forskning på hva som virker når vi snakker om intervensjoner, herunder hvordan den internasjonale koordineringen kan forbedres (Chandler 2009: 3)²⁴. I november 2011 kom det imidlertid et initiativ fra Brasil som den gang var medlem av Sikkerhetsrådet (Brockmeier, Tourinho og Stuenkel 2016: 136)²⁵. Ut fra misnøye med hvordan iverksetterne hadde tolket innholdet i resolusjon 1973, foreslå Brasil tiltak for å sikre tettere bånd mellom beslutningstakere og iverksettere. Større grad av kontroll i iverksettelsesfasen skulle Sikkerhetsrådet kunne oppnå blant annet ved å innføre kortere mandatperioder og kontinuerlig debatt når iverksettelse av et mandat pågår. Det skulle også øke mulighetene for enighet blant medlemmene om de veivalgene som fortløpende gjøres (Evans 2015: 36). Forslaget genererte en viss oppmerksomhet, men de praktiske konsekvensene var lite avklart (Holmes 2014: 126). Det ser ut til at det forsvant fra radaren sammen med at Brasil forlot Sikkerhetsrådet ved utgangen av år 2011.

Konklusjon

Spørsmålet artikkelen stilte var: *Hvorfor er iverksettelse av det internasjonale beskyttelsesansvaret gjennom FNs sikkerhetsråd problematisk?* Det er drøftet tredelt, først med fokus mot det politiske innholdet i R2P-prinsippet, deretter ved å se nærmere på hvordan Sikkerhetsrådets sammensetning og fenomenet organisert hykleri påvirker iverksettelsen, for avslutningsvis å rette blikket mot de iverksettende aktørene som Sikkerhetsrådet er avhengig av å mobilisere for at beslutninger skal bli til handling. Innsikt fra en klassisk studie av iverksettelse (Pressman og Wildavsky) og teori om hvordan komplekse organisasjoner opptrer (Brunsson) har utgjort den analytiske rammen for drøftingen.

Forankringen av R2P i Sikkerhetsrådet, trygt innenfor rammen av eksisterende internasjonal rett, var nødvendig for enigheten som inkluderte prinsippet i slutterklæringen fra Verdenstoppmøtet i 2005, men resultatet er avstand mellom ord og handling. Problemet er ikke politikkinnholdet i bred forstand, skjønt det lider under tynt spesifiserte terskler. Kollingen mellom politikkinnhold og iverksettelse fremstår dessuten som uklar. Det lettet enigheten, men etterlot et betydelig tolkningsrom som synliggjøres når en står overfor konkrete tilfeller der mobilisering av det internasjonale ansvaret er aktuelt.

Faste medlemmer av Sikkerhetsrådet benytter ofte vetoretten, også når forbrytelser av massivt omfang kan dokumenteres å finne sted hinsides enhver rimelig tvil. Russland og Kina har flere ganger etter 2011 lagt ned veto for å stanse resolusjoner de har oppfattet som ubalansert kritiske i forhold til det sittende regimet i Syria. Artikkelen har drøftet dilemmaet knyttet til selektiv respons. Det er Sikkerhetsrådets prerogativ å avgjøre når det skal handles

24. Chandler diskuterer intervensjoner i en statsbyggende kontekst.

25. Initiativet gikk under betegnelsen 'Responsibility while Protecting (RwP)'.

og med hvilke virkemidler. Tidvis respons er sikkert bedre enn at handling aldri iverksettes. Kanskje er det også det beste en kan forvente slik verden er skrudd sammen, men når handlingslammelse fra Sikkerhetsrådet, og herunder får en regne tiltak som er åpenbart utilstrekkelige i forhold til problemenes karakter, tegner seg som et mønster over tid, da er ikke den internasjonale dimensjonen ved beskyttelsesansvaret godt ivaretatt. Iverksettelse fremmes heller ikke av et organisert hykleri som blant annet vises gjennom divergerende oppfatninger av hvordan en skal forstå statlig suverenitet, eller ved at evalueringer verken igangsettes eller gjennomføres, med den følge at effektiv læring på organisasjonsnivå hindres i stedet for å danne grunnlag for forbedret iverksettelsespraksis.

Å være et besluttende organ, men samtidig være avhengig av aktører utenfor seg selv for iverksettelse av beslutningene, byr på kontrollproblemer. Vanskelighetene dette genererte i EDA-prosjektet som Pressman og Wildavsky studerte, er langt på vei gjenkjennbare med henblikk på realisering av R2P-prinsippets internasjonale dimensjon. Det er ikke gitt at iverksettende aktører står klare til å handle når Sikkerhetsrådet kaller til innsats. Rådet kan heller ikke kontrollere at de som melder seg til tjeneste, kun styres av humanitære motiver. Kun i begrenset grad har en kontroll over hvordan iverksetterne tolker mandatteksten. Men tekster kan utformes mere presist og således minske tolkningsrommet, både med hensyn til hvilke virkemidler det åpnes for å bruke, men også en tydeligere avgrensning av hva mandatet ikke omfatter. Gevinsten vil kunne bli mindre opprivende strid i etterkant av iverksettingen.

Artikkelen har tatt for seg Sikkerhetsrådets håndtering av det internasjonale beskyttelsesansvaret hvor bruk av militær makt tilhører repertoaret av virkemidler, men R2P-prinsippet favner betydelig videre. Det skal derfor avslutningsvis presiseres at konklusjonene fra denne diskusjonen ikke uten videre er overførbare til andre aspekter ved R2P.

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Responsibility to Protect and Rising Asian Powers

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Abstract

Responsibility to Protect (R2P) is the national and international responsibility to protect populations against mass atrocities. This article discusses prospects for the implementation of R2P objectives in a world where Asian powers rise. It focuses not only on prevention and assistance but also decisive action, the most controversial aspect of R2P, tied to the UN Security Council where China resides as a permanent member with a veto. The Indian R2P position also highlights, supplemented with some comments, on selected East Asian states. It concludes that the rise of Asian powers does not threaten the national responsibility to protect. Voluntary international assistance is not threatened, but assistance with coercive elements might be. Unless more clear criteria are established for the possible use of military force, mandates from the Security Council which allows this will probably be rare. Particularly, China will oppose interventions that may forward regime change in targeted states.

Keywords

Responsibility to Protect (R2P), mass atrocities, the UN Security Council, veto, sovereignty, responsibility

I. Introduction

The world order develops in a multipolar direction. In Asia, China and India in particular are rising powers, with China as the most likely challenger to US influence globally. The expected implications for several international issue areas are substantial. This article discusses one such issue, that is, the expectations connected to the national and international communities' responsibility to protect

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populations from mass atrocities (Responsibility to Protect [R2P]). The article poses the following question:

What are the prospects for the implementation of R2P objectives in a world with rising Asian powers?

The article has the following structure: the Section II, after the introduction, explains what R2P is, its worldwide adoption in 2005, the background and some relevant events in the aftermath of its adoption. Section III focuses on how China and India understand R2P, including possible changes since 2005. A few selected East Asian state's relations with R2P underpin the Chinese and Indian positions. The discussion is carried out in Section IV, while in Section V, the main arguments are summarized.

The article connects to ongoing debates about the potential embedded in the R2P principle and to debates about the obstacles that often spoil effective implementation. It is also possible to see the article as a contribution to a broader debate about 'global governance', a concept primarily used as a tool to understand global change, sources as well as implications (Hewson & Sinclair, 1995). Governance comprises the systems of authoritative norms, rules, institutions and practices, by means of which any collectivity, from the local to the global, manages its common affairs. Governance has been equated with 'governing' and understood as the process aspect of government. However, there is no government at the global level. Global governance is therefore considered as an instance of governance in the absence of government, or as coordination of actions without hierarchical control (Mayntz, 2003; Ruggie, 2014).

Global governance highlights relocations of authority across multiple levels and areas. It is a comprehensive change-oriented concept concerned with many issues, but of special relevance for discussion in this article is the capacity of world organizations to address world problems. This includes a number of expectations to the UN, for instance, about how to deal with challenges calling for possible humanitarian-based interventions (Hewson & Sinclair, 1995), a question highly relevant when focus is on implementation of R2P objectives with rising Asian powers as the background. According to Ruggie (2014), the global governance concept has this capacity to capture how power is exercised across the globe, including how actors relate to each other on specific issues.

II. Responsibility to Protect

The Adoption and the Pillars

In autumn 2005, the United Nations General Assembly housed the World Summit, the largest gathering of state leaders ever to take place. In the Outcome Document, unanimously endorsed (GA Resolution 60/1 of 16 September 2005), the leaders collectively recognized (§138 and 139) that all populations are entitled to protection from mass atrocities, defined as genocide, crimes against humanity,

war crimes and ethnic cleansing. This is the objectives of the Responsibility to Protect, or R2P, the commonly used acronym. The UN Security Council adopted a supportive declaration on 28 June 2006 (SC Resolution 1674), and the General Assembly confirmed its support on 15 September 2009 (GA Resolution 63/308). Several later reports of the UN Secretary General endorse R2P.

R2P represents a comprehensive approach to deal with humanitarian crisis. This article focuses on prevention and action, comprised of three pillars. First comes the pure national dimension of R2P, that is, prevention at state level. The second pillar is prevention through international assistance to vulnerable states. The third one activates when states, despite help, manifestly fail to protect. The international community are then prepared to act, on a case-by-case basis, through the Security Council, which has a repertoire of both peaceful and coercive measures at its disposal. To use peaceful measures is the first choice. Use of military force is the last resort, when other measures were without success, or when a conflict has escalated to a level where other options are not relevant.

The definitions provided vary, often without clarification, even in the academic literature. This can be confusing. The most commonly used labels to define R2P are concept, principle, doctrine or norm. The preferred choice for this article is 'principle'. R2P is more than a proposal. It includes sufficient shared understanding as a foundation for action, but in specifying consequences for perpetrators, it is weaker than a norm.

The article discusses prospects for the implementation of R2P objectives. However, it is important not to confuse the term 'implementation' with results or effects. Implementation comes with intentions connected to desirable outcomes. It does not guarantee success, but may instead produce something unintended, unwanted or both.

Background

A Canadian government initiative established the Commission on Intervention and State Sovereignty (ICISS) whose December 2001 report introduced R2P to the international audience. UN failure to respond to mass atrocities in the 1990s (Rwanda, Srebrenica and Kosovo), made, on several occasions, the then Secretary-General Kofi Annan to plead world leaders to oblige themselves on behalf of humanity. The ICISS report inspired the adoption of R2P at the 2005 World Summit, but the adopted version is weaker in content (Shack, 2016). It recognizes that R2P has both national and international dimensions. Yet, to be prepared to act is not equal to an obligation. It contains a right, but not a duty. Anchored to the Security Council, R2P embeds inside existing international law. The ICISS Commission discussed alternative procedures when the Council is unable to decide (ICISS, 2001, chaps. 6.28–6.40), but the Outcome Document very clearly stated that a Security Council mandate, in accordance with international law, must be in place before member states and relevant regional organizations can act. This was not a receipt for smooth implementation, but it made the 2005 consensus possible. Bellamy catches the point: 'Consensus on R2P was possible precisely

because it did not change – or even seek to change – the basic rules governing the use of force’ (Bellamy, 2015, p. 14). The ICISS report suggested a variety of tools connected to each R2P pillar. The Outcome Document has only few general references to them.

R2P first invoked for a particular conflict in Sudan in 2006 (Darfur). Yet, the Security Council remained passive towards alleged mass atrocities in Sri Lanka in 2008–2009. With respect to Libya, in 2011, the Council for the first time ever authorized the use of force for human protection purposes against a functioning government (SC Resolution 1973 of 11 March 2011). Other comparable missions have been with government consent, or there has not been any government to hold accountable. R2P language informs many Security Council resolutions, and certain noticeable successes report on prevention (Ban, 2015). Most UN peace missions incorporate R2P directly in the mandate texts as calls for protection of civilians (Ban, 2016). Despite this, after 2011, the Security Council has been almost unable to deal effectively with the most severe atrocity crimes.

Since 2009, the UN Secretary-General has delivered yearly reports on R2P to the General Assembly, followed by debates. The 2009 and 2015 reports are particularly concerned with implementation of R2P objectives. In his R2P report from 2017, Secretary-General António Guterres writes: ‘The consensus on the purposes of the responsibility to protect spans every continent. There is no longer any question that the protection of populations from atrocity crimes is both a national and an international responsibility, which is universal and enduring’ (Guterres, 2017, p. 3). Yet, too often, these purposes do not match reality on the ground. The Secretary-General expresses severe concern about fails to take necessary steps, with significantly increased number of civilians subjected to atrocity crimes over the past few years, and refugee crisis on a scale not seen since the end of World War II (WW2). He does not accept this: ‘It is imperative that we put an end to these negative trends, indeed, we have a responsibility to do so’ (Guterres, 2017, p. 3). Although he does not point directly to any Asian state or case, it is relevant to connect at least some of his indignation to Russia and Chinas’ frequent uses of vetoes in the Security Council in the shadow of the Syrian civil war.

III. China and India

Responsibility to Protect and China

As a rising power, China has both the appetite and the capacity to influence global affairs (Barelli, 2018). China is the only pure Asian state among the five permanent Security Council members, having used the veto several times to halt suggested resolutions on Syria. Beyond any reasonable doubt, mass atrocities have been committed in this conflict. The vetoes therefore may look like a general opposition to R2P. However, that conclusion is too hasty. It is partly true for R2P pillar three, but not for pillars one and two. China initially opposed many of the suggestions launched by ICISS. At the World Summit, during the discussions before adoption of the principle, China argued in favour of a narrowing (Fung, 2016), and, it was

not alone. The newly appointed US ambassador to the UN, John Bolton, made it very clear that the USA would not support a text obligating the Security Council. The USA had no intention to establish a new kind of legal responsibility for the international community (Shack, 2016). China shared this view by endorsing the Outcome Document's restricted R2P version. Since then, the Chinese position has moved somewhat in general favour of R2P. Today, China appears as a supporter of R2P pillars one and two, but rather than a short-term reactive response at the outbreak of a conflict, they support a long-term strategy for the lasting protection of vulnerable populations (Fung, 2016). According to Barelli (2018), Chinese officials embrace the idea that more power and global influence generate more responsibility. A more proactive approach involves China more directly in addressing complex international questions, adding Chinese perspectives to their solutions. Barelli refers particularly to a speech about this by Foreign Minister Wang Yi at the China Development Forum on 25 March 2015.

China has voted in favour of several Security Council resolutions reminding governments about their national responsibility, in accordance with R2P's first pillar. They have also accepted the assistance to build state preventive capacities described in pillar two, including assistance with a certain coercive character. Towards Syria, China has abstained from some suggested resolutions vetoed by Russia and sided with Russia in others. Yet, they have also voted in favour of resolutions aimed at easing the humanitarian situation, including one demanding the destruction of Syria's chemical weapons (SC Resolution 2118 of 27 September 2013) and one authorizing humanitarian agencies to access rebel-held areas without government consent (SC Resolution 2165 of 14 July 2014) (Barelli, 2018). The third pillar is more problematic for China, due to their traditional reluctance to interventions. Fung (2016) describes two conditions for China to accept the use of force, to invoke R2P strictly within the confines of the Outcome Document language, and that applying R2P must not lead to significant changes in the target state's political infrastructure. With respect to Libya, China abstained from voting, allowing the mandate to pass, due to the presence of a regional consensus for intervention, cautious not to appear at odds with the Arab League and The African Union (Chen, 2016). Yet, in the aftermath, they have criticized how NATO implemented the mandate, illustrated by these words from Garwood-Gowers: 'The Libyan experience with R2P seemed to trigger renewed Chinese determination to resist efforts to impose non-consensual civilian protection measures under R2P's third pillar' (Garwood-Gowers, 2016, p. 92).

In 2012, Chinese scholars launched a concept called 'Responsible Protection (RP)', an attempt to develop the third pillar under the commitment to operate within the current international order. It became rather short-lived and was never formally adopted as official Chinese policy. Instead, China has shown support for an initiative with many similarities, the Brazilian Responsibility while Protecting (RwP) (Fung, 2016). A proposal from Brazilian diplomats addressed to the UN Secretary-General emphasized the need to demonstrate high level of responsibility when implementing R2P. The proposal included more debate in order to specify criteria before authorizing coercive interventions, shorter mandate periods, and closer ties during implementation between the Council and implementing actors

(Brochmeier et al., 2016). The main purpose was to ensure as far as possible that consensus is maintained throughout the course of an operation (Evans, 2015).

Responsibility to Protect and India

India has been more reluctant to back R2P than has China. Ganguly (2016) explains this with reference to India as a post-colonial state extremely zealous about safeguarding its sovereignty. Yet, for a very long time, India has also been discontent with the UN regarding its long-lasting conflict with Pakistan. Therefore, bilateral resolutions of disputes have become a cardinal principle guiding India's foreign policy. India was hostile to the deliberations of ICISS, and others had to persuade it to support UN endorsement of R2P.

The General Assembly debate on R2P in 2009, following the first R2P report from the Secretary-General, moderated the Indian position somewhat. India expressed general support for the need to protect civilians from mass atrocities, but still categorically opposed R2P as basis for humanitarian interventions. According to the Indian view, this would make the principle an instrument for the pursuit of parochial national interests and the toppling of anti-Western regimes (Ganguly, 2016). Today, India does not resist R2P pillars one and two, but it still sees pillar three as a threat to state sovereignty (Makhija, 2019). This explains why, according to Bommakanti (2017), India, in most R2P debates, has been concerned more with the motives of the intervening state or states than with the outcome of the interventions.

India served as a non-permanent member of the Security Council in 2011–2012. The period included the 2011 crisis in the Ivory Coast where India voted for sanctions and in favour of a UN peacekeeping mission, the 2011 Libyan crisis and the beginning of the Syrian civil war. Similar to China, but without the possibility to use the veto, India abstained from voting upon Resolution 1973 (Libya). Ganguly (2016) mentions pressure from particularly the US in a period of improving US-Indian relations as decisive for the Indian choice, but also the wish to avoid standing alone with the only no-vote. India very much disliked the regime of Ghadaffi, but it continued to insist for external armed interventions to be the last resort, not the first. Towards the end of its term, India voted in favour of non-military sanctions against the Assad regime, but Russia and China used their vetoes to block the proposed resolutions (Makhija, 2019).

India has demonstrated preference for broad multilateral engagement in peaceful solutions to conflicts. She is the world's largest contributor to UN peacekeeping missions. During 70 years, more than 200,000 Indian military and police officers, both men and women, have served. It includes the most challenging missions worldwide and all UN missions in Africa, with the largest number of troops in DR Congo (DPO, 2018).

Some Selected East Asian States

If the Chinese and the Indian R2P positions, with similarities and differences, are recognizable among other East Asian states, this may indicate the degree of

support the rising powers can expect from their geographical neighbourhood on this issue. The scope of the article allows only brief comments on a limited number of states, but the selection is not random. It concentrates on some quite dominant East Asian actors, including Indonesia with the world's largest Muslim population. These states can influence R2P-based decisions in the Security Council directly only when they serve a term there, a condition they share with India. They can also present their arguments in the yearly UN General Assembly R2P debates or clarify positions if asked to participate in implementing efforts under pillar two or three. Views are also expressed through government statements and via other available channels.

According to the Asia-Pacific Centre for the R2P, housed by the University of Queensland in Australia, both Japan and South Korea acknowledge that the UN Security Council occasionally needs to authorize coercive measures, but they prioritize prevention and international assistance. They do not oppose R2P pillar three as India in particular does, but both are concerned about potential use as justification for coercion. This seems to match the Chinese position quite well. The need for further deliberations to strengthen consensus has been part of Japan and South Korea's policy preferences on R2P since 2005. In a statement delivered by Japan at the General Assembly's informal dialogue on R2P in September 2017, stressing the prioritization of prevention, Japan also signalled support for initiatives to suspend the veto in cases of mass atrocities.

Vietnam has experienced mass atrocities combat. In 1978, they toppled the genocidal Pol Pot regime in Cambodia with a unilateral invasion. Vietnam communicated primarily border violations with Cambodian troops opening fire against Vietnamese ones, not humanitarian reasons. Reluctant international response followed, despite the known character of the toppled regime. The new Vietnamese supported government strived many years for access to the Cambodian UN seat.

Vietnam delivered a statement at the General Assembly Plenary Meeting on R2P in July 2009 highlighting the state's responsibility and the international community's critical role in helping the states concerned. By doing so, it signalized a general acceptance for R2P pillar one and two. It did not directly oppose pillar 3, but it requires, according to the Vietnamese view, clarification to avoid possible confinement to coercive military force as the only alternative. This is a recognizable position compared to both the Chinese and the Indian ones. On the other hand, due to internal security problems with separatists in the southern part of the country, Thailand has taken a more quiet position in relation to R2P. It has not excluded taking part in collective international actions, but Thai politicians are inclined not to define any of its own domestic affairs as R2P type situations (Kraisoraphong, 2012).

The government of Indonesia also embraces R2P pillar one, but support for pillar two comes with a reservation. Assistance can be potentially problematic if it takes the character of interference into domestic affairs. Pillar three is hardly mentioned, but in a statement to the General Assembly in September 2015, Indonesia highlighted cooperation particularly between the UN and ASEAN (Association of Southeast Asian Nations) and expressed support for building community resilience. According to Alexandra (2012), robust development of civil society in Indonesia is among the positive implications of the democracy

process. Local NGOs (non-governmental organizations) have demonstrated their ability to put pressure on the government to exercise its responsibility, as reflected in R2P pillars one and two.

Although with some variations, the selected states seem more to support than to diverge from how China and India understand the principle. The rising powers can find resonance for their respective R2P positions among states situated in the East Asian region.

IV. Discussion

This article's discussion about prospects for implementation of R2P objectives assumes redistribution of influence. The rising powers strengthen their relative positions. This is not limited to material issues, but it affects the normative sphere as well. Harig and Kenkel (2017) address this question. They argue that rising powers are not satisfied with subordinate roles as norm takers. They may not yet be able to make new norms, but they definitely seek to shape existing ones, with ambitions to influence the normative foundations of the international order.

Responsibility to Protect Pillars one and two

Prevention often communicates as particularly important because it is always less costly and less politically controversial to prevent a crisis from developing into a manmade catastrophe, compared to any kind of action when the catastrophe visualizes. Successful prevention generates fewer cases where state leaders have only two choices, that is, to mobilize military forces or to do nothing (Bellamy, 2009a). Fragile situations highlight the importance of understanding the capacity of available policy measures in combination with political willingness to apply them. Early warning is essential. ICISS described the past cases as ad hoc and unstructured (ICISS, 2001, chaps. 3.9 and 3.12), but according to former UN Secretary-General Ban Ki-Moon (2015), there has been a considerable improvement in the capacity of various actors to identify risk factors and to develop preventive strategies. Both the ICISS report and the annual reports from the Secretary-General to the UN General Assembly contain many suggestions of efforts designed at prevention. Some address root causes in order to make future occurrence of violent conflict less probable, others are of the immediate kind.

Prevention is primarily a national responsibility, with relevant efforts like building of stable and inclusive political institutions, creating good education and job opportunities for the population, fighting corruption, etc. However, prevention often includes an additional international component, that is, mutual assistance among states or government cooperation with regional organizations and relevant UN bodies. The space for dialogue is normally widest in early stages of a crisis, but national authorities may need international help to spark such dialogues and to assist as mediators during the following process. NGOs normally lack the

resources for comprehensive crisis engagement, but their presence on the ground, more or less everywhere, makes them particularly suited to observe the early signals of a crisis and to inform authorities who can mobilize the more influential actors. The International Crisis Group (ICG) exemplifies an NGO with an explicit focus on early warning (ICISS, 2001, chap. 3.13). Atrocity crimes require military, financial and technical means. Restricted access to small arms and illicit financing is therefore of utter importance, but difficult to obtain solely at the national level. The UN Security Council regularly addresses these questions. In Resolution 2482 about threats to international peace and security, adopted on 19 July 2019, the Council urges member states to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects, and to assist each other in preventing terrorists from acquiring such weapons, in particular in conflict and post-conflict areas.

The first R2P pillar, the national responsibility to protect, is not controversial. There are states who do not fulfil their responsibility, but no government officially denies that they are responsible for protection against mass atrocities. The imagination that with political authority follows responsibilities towards citizens seems to span worldwide. It is not a particular Western idea, but it is possible to trace it back in time through different cultures. The obligations that underpin the pillar today are firmly embedded in pre-existing, treaty-based and customary international law (Ban, 2009, p. 12). There is hardly any reason fearing that this will change with rising Asian powers. With reference to Yeophantong, O'Hagan describes practice in imperial China, embedded in the Chinese Confucian tradition: 'The ruler, who was mandated from heaven, was charged with the maintenance of order through rightful conduct and government by example. This took the form of the ruler assuming the responsibility for the protection of both the spiritual and material welfare of his or her subjects' (O'Hagan, 2015, p. 289).

The second R2P pillar activates the international component. The real world might come up with cases where it is difficult to draw a sharp border between when the voluntary ends and coercion in some form begins. Yet, assistance from abroad to help states fulfil their responsibility to protect is in principle not controversial when based on voluntarily mutual help. Again, we find cultural support. With reference to the works by Ephraim Isaac and Paul Gordon Lauren, O'Hagan (2015) concludes that all of the world's major religious traditions deal with human responsibilities to others, and that these others are not limited to the domestic political community. She adds: 'What remains controversial in relation to R2P, however, is the extent of these responsibilities and the degree to which it is viewed as legitimate to use force in pursuit them' (O'Hagan, 2015, pp. 290–291). According to Ban Ki-Moon (2009), measures under pillar two can play a critical role in the international implementation of the responsibility to protect, particularly when national political leadership is weak or divided and lacks the capacity to deal with a threatening armed opposition committing atrocity crimes.

The second pillar may include cases where support comes with a certain degree of coercion, for instance, as pressure from abroad to accept suggested efforts. Recipients might consider it as unwanted interference into internal affairs. India and Indonesia have expressed this kind of worry. China, on the other hand, has not

officially fronted scepticism to the second pillar. It was not problematic for it to support Security Council Resolution 2482's call for states to assist each other in the combat against illicit arms trade, but this resolution came with a general text directed to all UN member states, not a specified selection of them. Gaining consensus around general texts is always easier, compared to texts criticizing particular actors. The need to balance the text against national interests appears limited.

On the other hand, the Chinese attitude to the Myanmar Rohingya case is possible to interpret in a sceptical perspective. Myanmar security forces had deliberately targeted civilians and carried out mass atrocities against the Rohingya and other minorities, with evidence of ethnic cleansing in the Rakhine province (Human Rights Council, 2018). From August 2017 to August 2018, more than 750 000 Rohingya Muslims escaped to neighbouring Bangladesh (Kirby, 2018). Since Myanmar denied UN investigators' access, the report relies on interviews with victims. No Security Council resolution addresses the case. China has refused to negotiate on a potential resolution, including a UK drafted one that aimed to oblige Myanmar to work closer with the UN. However, China supported a so-called presidential statement, dated 6 November 2017, (S/PRST/2017/22) which is weaker in its criticism of Myanmar authorities (Yhome, 2019). The statement not only condemns the attacks against Myanmar security forces, but it also expresses concern over human right violations committed by these forces. It reminds the Myanmar government of its primary responsibility to protect and is supportive of efforts to solve the crisis initiated by Bangladesh authorities.

Yhome (2019) describes how China, when the Rohingya crisis evolved in 2017, offered to mediate. The Myanmar government refused the offer. Despite this, China continued to defend Myanmar's sovereignty and territorial integrity in the Security Council. It has supported dialogue with Bangladesh, but wished minimum involvement by the UN, arguing that pressure from abroad was not helpful to resolve the problem.

China's position related to the Myanmar case is easier to understand when national interests supply the picture. National interests refer to the basic determinants that guide state policy in relation to the external environment (Evans & Newnham, 2008). The concept is difficult to define with clarity suited for scholarly analysis. National interests may change over time if perceptions of the environment change. Yet, political use is common, in order to obtain legitimacy for a particular policy (Griffiths & O'Callaghan, 2002).

The scope of what Chinese leaders see as national interests expands with rising power. China supports free trade, but it opposes the liberal democracy and many of the values connected to a liberal world order. To keep other powers, particularly the USA, away from its 'doorsteps', has high priority. The magnificent growth of the Chinese economy in the last two decades has not only made it possible for China to build up its military strength and to expand its strategic space, but it has also developed dependency on import of natural resources. The so-called Belt and Road Initiative (BRI), primarily focused on creating trade routes through investment in infrastructure, has both defensive and offensive strategic elements. China has signed treaties under this initiative with a large number of states and

invested huge amounts in many of them. It is in China's national interest to secure investments and loans. Political unrest is a threat. Stability in recipient states is therefore highly prioritized. Myanmar is for China a bridge to the Indian Ocean. A pipeline through Myanmar is important for China's oil supply. The potential of conflicts spilling over the mutual border is a critical concern for Chinese authorities. The ethnic groups on both sides share cultural affinities (Yhome, 2019).

Responsibility to Protect Pillar Three

Barelli writes: 'It is widely accepted, today, that the international community should contribute to prevent, and if prevention fails, to respond to atrocity crimes. What is less clear is under what circumstances, and how, it should do so' (Barelli, 2018, p. 185). The UN has a long tradition of preference for dialogue and peaceful persuasion. The toolbox contains a wide range of non-coercive and non-violent responses (Ban, 2009). Yet, the most controversial of the R2P pillars is the third one, because the international community, through the Security Council, may give a mandate allowing for the use of military force, as they did with Libya in March 2011. After the Libya intervention, several states around the globe fear misuse of this pillar, by Western powers in particular. The view is widespread that the implementing actors stretched the mandate far beyond the intentions, forwarding a regime change. The Syrian people have paid the price. The Security Council never found common ground to halt mass atrocities there.

The outcome of third pillar's discussions depends heavily on how one understands the most important of the constitutive institutions that underpins current world order, state sovereignty. The constitutional independence of sovereign states, described in the UN Charter chapter 1, articles 2.1, 2.4 and 2.7, is traditionally understood as states never being subject to external interference into domestic affairs without their consent. They can voluntarily abide rules, but no external power can force them. Among the defenders of this position, we find states with a doubtful human rights reputation, but also many small states that simply consider non-intervention as the ultimate protection against the ambitions of the powerful. Sovereignty, as traditionally understood, provides determinacy and order in the international system (Chopra, 1994). Yet, ICISS embraced an understanding alternative to the traditional one, where responsibility is an aspect of sovereignty, a prerequisite for a legitimate claim. Without legitimacy, there is no sovereignty to violate, connected to an idea with deep historical roots of legitimate rule based on moral standards. The language changes, from 'right to intervene' to 'responsibility to protect' (Evans, 2015).

Former UN Secretary-General Kofi Annan reminded several times the present-day reader of the UN Charter about its purpose, which is to protect human beings, not abusers. In an interview, Dr Francis Deng, former UN Special Advisor on the Prevention of Genocide used these words: 'I don't see sovereignty as a negative concept enabling you to barricade yourself against the world' (Hehir, 2010, p. 83). However, the traditional understanding of state sovereignty, at least in its most restricted version, seems at best compatible with a domestic responsibility to

protect only, with no outside interference in cases of failure. Yet, Stahn (2007), as do Bellamy (2009b), talks about a growing acceptance of sovereignty as responsibility, but the extent seems to be rather diffuse. It might perhaps be estimated, but probably difficult to measure.

China has traditionally been protective of sovereignty, understood as non-intervention. According to the Chinese view, to challenge sovereignty has no role in the UN Charter. If R2P represents such a challenge, it would be easily abused by states for self-interests (Fung, 2016). China sees sovereignty as the cornerstone of the whole system of international law (Barelli, 2018). Regime stability is paramount. With negative implications for domestic stability, Chinese support for R2P intervention under pillar three is unlikely (Chen, 2016). This is partly rooted not only in its own struggle for sovereignty, to protect itself from external interference, but also in resistance towards Western liberal society (Barelli, 2018).

China and Russia often rely on each other in the Security Council, with a view to strengthen their respective positions within a body otherwise dominated by Western powers (Barelli, 2018). Yet, this is not the whole story. At the general level, China opposes restrictions to sovereignty that are non-reciprocal and non-voluntary, but the real approach is more pragmatic. An image as responsible is preferable because it gains trust abroad for rising influence and enhanced legitimacy for the government at home (Chen, 2016). Well, few outside observers look to China in search for a country with a good human rights reputation. When China chooses friends for investments, a satisfactory degree of domestic order and stability is more important than human rights issues. However, a reminder here is plausible. R2P is about mass atrocities, not any violations of human rights. According to Frost (2009), state leaders frequently use ethical terms to explain their state's behaviour to an international audience, but the ethical aspects need not be their main concern. Rather, it might simply be an expectation, more or less a prerequisite for legitimate participation. Both China and India have signalled that they intend to be responsible rising powers. The exact meaning of this is difficult to define, and many political issues call for responsible leadership. Yet, it is hardly possible to avoid protection of civilians situated close to the top of that list. To communicate responsibility through a general willingness to protect may therefore have an effect in itself, even when not or poorly followed up versus concrete cases.

China prefers to solve conflicts peacefully. Its increased involvement in UN Peacekeeping efforts after the Cold War reflects this. Beginning with Cambodia in 1992, later involvements include East Timor, Mali, South Sudan, Darfur, DR Congo and Liberia. With about 2600 personnel deployed, in 2016, China was the largest contributor among the Security Council veto powers, as well as the second largest contributor to the UN Peacekeeping budget among all UN member states (ISDP, 2018).

China does not claim an absolute version of sovereignty where state leaders can do what they want to their people. Although China is significantly uncomfortable with the third pillar of R2P, it quietly accepts that, under authorization of the Security Council as an absolute prerequisite, coercive means including military force may be employed to halt mass atrocity crimes (Barelli,

2018). In relation to pillar three, we can talk about a move from initial reservation of R2P in general, towards a cautious endorsement of a conservative interpretation of the principle, this pillar included (Chen, 2016). With the particular influence given by the status as a veto power, it is in China's interest to preserve the prerogatives held by the Security Council. Among these prerogatives is the option to authorize the use of military force in extreme situations. China has never suggested any change of international law on this point.

As one of the permanent Council members, China can veto any proposed decision it dislikes. Many scholars have studied this arena for decisions and concluded that we cannot expect debates there to be real deliberations with careful weighting of arguments. Decisions will often reflect domestic and global imperatives of the veto powers, and vetoes frequently block proposed resolutions. Sometimes when atrocity crimes have been committed, or are at risk, veto powers support opposing factions and put these allegiances ahead of their protection responsibilities (Ban, 2016), despite calls not to use this powerful instrument when mass atrocities are on the agenda.

The basis for the Councils work is cooperation. The ability to act depends on collective agreement (Nadin, 2014). The dilemma of selective response has accompanied all discussions about humanitarian-based interventions, from long before R2P entered the international sphere. According to Mamdani (2011), this is the subordination of law to the dictates of power. Rimmer (2015) questions whether R2P can be of worth when only weaker states are the recipients of interventions. Yet, Bellamy (2015) sees this as somewhat different. R2P has entered an imperfect world, but the principle pushes the Security Council into a new territory. Acceptance of R2P does not in itself resolve difficult questions about realization of objectives in complex cases. However, it does not help to wish away political realities.

The Security Council will never adopt a resolution criticizing, for instance, the Chinese treatment of the Uighur minority, despite indications that basic human rights were systematically violated. On the other hand, one cannot exclude the possibility that the Council will address the treatment of minorities in India, if a relevant situation develops. India has no veto for disposal. Based on a number of case studies through two decades up to 2004, before the adoption of R2P, Martin Binder (2015) explained the UN's selective response to humanitarian crisis. Responses were neither random nor explainable by one single determinant. The extent of human suffering, negative spill over to neighbours, media attention, previous UN involvement, the military strength a target state might mobilize and its ties to one or more of the veto powers were relevant explanations. As expected, the territories of the veto powers themselves fell outside the radar.

As a rising Asian power, although India possesses both diplomatic and other resources usable to influence international issues on a broader scale than what small and middle sized states are able to, its capacity to influence issues on the global level does not match the position of China. India has served seven 2-year terms in the Security Council, but the Indian political leaders frequently argue that India deserves a permanent seat, as the world's largest democracy with about 16% of world

population. Brazil, Germany and Japan (G4) back each other in seeking permanent seats and advocating Security Council reforms, so far without sufficient support. China seems to be the permanent member most opposing the Indian claim.

Japan's support for the call not to use veto when mass atrocities are on the agenda is interesting in the light of Japan seeking a permanent seat, but for the moment, the Japanese influence on this issue is minor. Yet, the issue itself is highly relevant, as Stojkovski explains: 'Bearing in mind that R2P is considered to be a normative standard and a moral imperative of the international community, the question of how the five permanent states use their veto in cases of mass atrocities logically focuses' (Stojkovski, 2017, p. 88). The ICISS report addressed the question (ICISS, 2001, chaps. 6.20–6.21), and so did former Secretary General Ban Ki-Moon. In his first R2P report to the UN General Assembly, he pointed particularly to the privileges of tenure and the veto power granted to the permanent five under the UN Charter. He wrote: 'I would urge them to refrain from employing or threatening to employ the veto in situations of manifest failure to meet obligations relating to the responsibility to protect, as defined on §139 of the Summit Outcome, and to reach a mutual understanding to that effect' (Ban, 2009, pp. 26–27). France and UK have expressed support (Stojkovskij, 2017), but the multiple uses of vetoes by Russia and China in the Syrian war do not indicate any broader mutual understanding among the permanent members, even 10 years after Ban Ki-Moon's urgent call.

China has accepted that there might be situations where the international community needs to use military force for protection purposes, a position India seems to oppose under all circumstances. Yet, after 2011, China has been very clear that all interventions forwarding regime change are unacceptable. Yet, in line with a more confident and responsible China on the international arena, we can perhaps expect initiatives to establish concrete criteria connected to R2P pillar three. Before such criteria are established, if they ever will, military interventions sanctioned by the Council will probably be very rare, perhaps even more selective than before. This is hardly good news for those who experience mass atrocities today, although it might also prevent interventions that create more problems than they solve. It is an established knowledge, demonstrated through a number of implementation studies, that leaving up to others to implement decisions often creates problems. Implementing actors may interpret mandates different from decision-makers. Actors may also have other, perhaps not communicated, reasons for their participation than the pure humanitarian ones. The Security Council cannot implement decisions themselves. They depend on member state resources and their political will. Yet, this loosens the Council's control over the implementation process. According to Dunne (2015), the operational control the Security Council is able to exercise upon implementing actors is very limited.

The Chinese view, supported by Russia and many Asian states, is not that sovereignty comes without responsibilities, rather that undermining sovereignty through interventions leads to state collapses and civil wars, creating environments where massive human rights abuses are likely to occur (Averre & Davis, 2015). Yet, this is hardly good news for proponents of a new understanding where legitimate state sovereignty depends on responsibility. It is more a position

defending sovereignty even when the responsible component is weak or absent, based on an imagination that available alternatives are worse. It might be plausible to follow Webb (2014) who points to another way of seeing the veto, as an instrument of slowing down calls for military action. This seems particularly relevant in cases where there are qualified reasons to doubt that the last resort stadium is now. However, states do not always stand by their flagged positions confronted with a concrete challenge. During heavy fighting in 2008–2009, the Sri Lankan government forces defeated the Tamil rebels. There were accusations on both parties for having committed atrocity crimes. India provided humanitarian assistance to Sri Lanka's Tamil population despite protests from the Sri Lankan government about violation of sovereignty (Ganguly, 2016). Sri Lankan sovereignty was obviously not that important for India, with around 60 million Tamils living in its own southern regions.

The 2005 Outcome Document recommended implementation of R2P objectives through relevant regional organizations. In Africa, cooperation between the African Union and the UN has been fruitful. To what extent Asian UN members will support such cooperation in the years to come probably depends on how it relates to the sovereignty of the target states, particularly if we have a pillar three situation where implementation through a regional organization implies weak Security Council control once the mandate is given. In Asia itself, regional arrangements are rather poorly developed. ASEAN probably has a potential, in cooperation with the UN, to play a more extensive role in providing assistance and support for capacity building, but this intergovernmental organization is a rather loose cooperation arrangement where trust between member states is highly questionable, and where the traditional understanding of state sovereignty prevails.

V. Conclusion

The article questioned what the prospects are for implementation of R2P objectives in a world with rising Asian powers. Events surely may take other directions than expected. Yet, based on behaviour and statements from actors, statements from actors with increased influence in shaping the evolving global architecture, its normative foundations included, and we can say something about probable scenarios, at least for the nearest 2–3 decades to come.

It is not possible to see the developing world order as a threat to R2P pillar one. Actually, no serious international actor anywhere in the world opposes that domestic authority implies responsibility to protect the population from mass atrocities. The keyword is prevention. The second R2P pillar mobilizes international assistance. Such assistance may come in various forms. As long as we talk about mutual agreed efforts, this pillar too is unproblematic and expected to remain so. However, assistance from abroad can have a coercive dimension. The widespread adherence to a traditional understanding of state sovereignty among Asian states, the two rising powers included, might give reasons to expect more pressure on the pillar confronted with such cases. Here, the Chinese official

support can perhaps become a moderating factor, at least for cases where national interests are not at stake.

R2P pillar three, involving the possible use of military force, is more controversial. China is the most important Asian actor in this respect, due to their position in the Security Council. China has not completely excluded the possibility that military force is relevant in certain, but seldom occurring, circumstances. However, one must expect that a more powerful and confident China will use its increased influence to shape the conditions for when such circumstances occur, in a restrictive direction. The use of force as the last choice will probably come more into focus. In this, China will find broad support in its Asian neighbourhood. India expects to back this position. Unless a broad agreement about more clear criteria for the activation of R2P pillar three establishes, China will probably continue to veto suggested Security Council resolutions that may embed a potential for regime change in the targeted states.

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