

Closing the Gap Between International Law and Morality: Strengthening the
Responsibility to Protect

by
Rebecca L. Salk

A thesis submitted in partial fulfillment of the requirements for the degree of
Bachelor of Arts with Honors
Department of Philosophy
The University of Michigan
May 2012

Advisor: Professor Elizabeth Anderson

Second Reader: Professor Matthew Evans

Acknowledgements

First, I want to express my sincere gratitude for my advisor, Professor Elizabeth Anderson. Your direction and insights have helped me to transform what began as incomplete thoughts into a fully developed project I have come to be proud of. Thank you also to Professor Matthew Evans, for reading this thesis, and going out of your way for me. Additionally, thank you to my friends and family for listening to my philosophical ramblings over the past four years. They know more than anyone that I am forever indebted to the Philosophy Department for changing the way that I look at the world for the better. Lastly, a special thanks to my parents, who have always encouraged me to pursue my interests, stand up for what's right, and never fear a challenge.

This thesis is a culmination of much of my learning as an undergraduate, but particularly draws from my work in Philosophy 430: Ethics of War, and was greatly influenced by the public international law and human rights classes that I took while studying abroad in Rome at John Cabot University.

1: Introduction

In 1933, before the horrors of the Holocaust ever unfolded, a young Polish Jewish lawyer named Raphael Lemkin came before the League of Nations in Madrid to urge them to consider outlawing what he termed “crimes of barbarity.” His plan called for a ban of intentional group destruction, but the Nazi Party representing Germany at the convention ridiculed his ideas. He failed to get the members to vote in favor of his proposal, but he left determined that the world should recognize that such crimes ought to be prevented and punished under international law. He devoted the rest of his life to the cause, and ultimately coined the term “genocide” (from “geno” meaning race, and “cide” meaning killing) to describe what occurred during the Holocaust.¹

Following World War II and the devastation of the Holocaust, the world vowed to “never again” sit back while genocide took place. Three years after the founding of the United Nations in 1945, Lemkin’s work came to fruition with the adoption of the Convention on the Prevention and Punishment of the Crime of Genocide. The UN defined genocide as any act committed “with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.”² After the adoption of the Genocide Convention, the United Nations continued their effort to promote and protect human rights by creating numerous universal human rights standards, which all together are referred to as the “International Bill of Human Rights”.³ Nevertheless, the international

¹ Elder, Tanya. "What You See before Your Eyes: Documenting Raphael Lemkin’s Life by Exploring His Archival Papers, 1900–1959." *Journal of Genocide Research* 7.4 (2005): 469-99.

² United Nations. "Convention on the Prevention and Punishment of the Crime of Genocide." *Prevent Genocide International*. Web. 12 Mar. 2012. <<http://www.preventgenocide.org/law/convention/text.htm>>.

³ "International Law." *Office of the United Nations High Commissioner for Human Rights*. Web. 10 Mar. 2012. <<http://www2.ohchr.org/english/law/>>.

community has continually struggled to respond to legitimate crises in an effective and timely manner, if they respond at all. From the end of World War II to the year 2000, over 16 million people were killed in internal conflict, while 3.5 million died in international wars.⁴ As Thomas Weiss has noted, there has been “a dramatic disconnect between political reality and pious rhetoric.”⁵

This disconnect has led the public to question the both the United Nations and the potential of international law itself. Through an exploration of the Responsibility to Protect Doctrine (RtoP), I aim to demonstrate that with reform, the United Nations can and ought to be relied upon to effectively respond to cases of genocide and mass atrocity, despite its past failures.

1.1: The emergence of the Responsibility to Protect Doctrine

Among the many failures of the international community to act, the case of Rwanda in 1994 is widely regarded as one of the worst. The Force Commander of the United Nations Assistance Mission for Rwanda, Roméo Dallaire, was informed that there were plans by extremists to “exterminate” the Tutsi majority. Upon hearing this, Dallaire requested permission from the UN to take preventative action. However, the UN denied his request, and claimed that his plans to prevent the genocide were not within the bounds of the mission’s mandate. Dallaire proceeded as a mediator and was able to save thousands of lives, but the situation continued to worsen. It wasn’t until the genocide had raged on for weeks that the UN issued a mandate that would allow soldiers to intervene. Still, no nation other than Canada was willing to send troops

⁴ Welling, J. J. "Non-governmental Organizations, Prevention, and Intervention in Internal Conflict: Though the Lens of Darfur." *Indiana Journal of Global Legal Studies* 14.1 (2007): 152.

⁵ Weiss, Thomas G. "Halting Genocide: Rhetoric versus Reality." *Genocide Studies and Prevention* 2.1 (2007): 7.

to implement the mandate.⁶ By the time troops arrived, it was much too late. Over 800,000 people were killed, which is estimated to be about three quarters of the Tutsi population, and all the while leaders around the world were aware of the situation that was taking place.⁷

Ten years later, UN Secretary General Kofi Annan reaffirmed the significance of the UN's commitment to prevent genocide, stating, "There can be no more important issue, and no more binding obligation, than the prevention of genocide. Indeed this may be considered one of the original purposes of the United Nations."⁸ Then, in the spring of 2004, reports of violence in the region of Darfur spread across America and Western Europe. Despite calls for action within the international community, much of the world looked on again as over 300,000 people were killed and more than 2.7 million were displaced from their homes.⁹ It was in the midst of this violence that the United Nations agreed upon the Responsibility to Protect Doctrine at the 2005 World Summit. The doctrine described the international community's responsibility to act in the limited circumstances of "genocide, war crimes, ethnic cleansing and crimes against humanity".¹⁰ It was hoped that the Responsibility to Protect doctrine would be the impetus that would put pressure on the rest of the world to act in situations where intervention was legitimately needed.

⁶ Dorn, Walter. "A Review of *Shake Hands with the Devil: The Failure of Humanity in Rwanda*." Review. *Canadian Foreign Policy* 2004: 119-23. Web. 30 Jan. 2012. <<http://www.walterdorn.org/pub/9>>.

⁷ "Genocide in Rwanda." *The United Human Rights Council*. Web. 30 Jan. 2012. <http://www.unitedhumanrights.org/genocide/genocide_in_rwanda.htm>.

⁸ Mayersen, Deborah. "Current and Potential Capacity for the Prevention of Genocide and Mass Atrocities within the United Nations System." *Global Responsibility to Protect* 3 (2011): 198.

⁹ "Q&A: Sudan's Darfur Conflict." *BBC News*. 23 Feb. 2010. Web. 15 Feb. 2012. <<http://news.bbc.co.uk/2/hi/africa/3496731.stm>>.

¹⁰ Bellamy, Alex J. *Responsibility to Protect: the Global Effort to End Mass Atrocities*. Cambridge: Polity, 2009. 2.

1.2: From Humanitarian Intervention to the Responsibility to Protect

Humanitarian intervention stems from the idea that certain crimes are so horrifying that they require government action to put a stop to them. It is distinct from humanitarian aid, diplomatic intervention, and economic intervention in that it is military and forcible. Additionally, a humanitarian intervention occurs where there is serious suffering or loss of life, and it conducted by an outside third party with the purpose of tackling a humanitarian crisis, but this need not be the only objective, however.¹¹

In 2001, the International Commission on Intervention and State Sovereignty (ICISS) argued that the term “humanitarian intervention” should no longer be used due to its negative connotations within the international community. The ICISS suggested it be replaced by the phrase “responsibility to protect”.¹² However, the responsibility to protect should be distinguished from humanitarian intervention, as they are not exactly the same concept. RtoP extends beyond humanitarian intervention in that it involves three responsibilities: the responsibility to prevent, the responsibility to react, and the responsibility to rebuild.¹³

Furthermore, prior to RtoP, the international community’s commitment to protect was not as clearly spelled out. As UN Secretary-General Annan stated, maintaining international peace and security is the primary purpose of the United Nations. The very first article of the United Nation’s charter holds that the United Nations ought to take collective measures to prevent

¹¹ Pattison, James. *Humanitarian Intervention and the Responsibility to Protect Who Should Intervene?* Oxford UP, 2010. 25-28.

¹² Pattison, 25.

¹³ Pattison, 13.

threats to peace, as well as settle disputes that might lead to a breach of peace.¹⁴ However, Article 2 of the charter specifies that nothing within the charter authorizes the UN to intervene “in matters which are essentially within the domestic jurisdiction of any state.”¹⁵ This articulates the traditional view of state sovereignty; that all nations have a right to self-determination, as well as non-intervention in their domestic affairs.¹⁶

However, the language used in the key paragraphs of the Responsibility to Protect Doctrine seems to overturn the older notion of traditional sovereignty, and replace it with “sovereignty as a responsibility”. In the 1990s, the Special Representative on Internally Displaced Persons, Francis Deng, articulated this notion and argued that sovereigns were to be held accountable for the treatment of their populations. He explained:

To the extent that the international community is the ultimate guarantor of the universal standards that safeguard the rights of all human beings, it has a corresponding responsibility to provide innocent victims of internal conflicts and gross violations of human rights with essential protection and assistance.¹⁷

This idea was also expressed by Annan during the 1999 Kosovo crisis. He insisted that states were “instruments at the service of their peoples, and not vice-versa.”¹⁸ Consequently, sovereignty as a responsibility entails that human rights are inalienable, and that governments

¹⁴ Charter of the United Nations, Article 1." *The United Nations: It's Your World*. Web. 14 Feb. 2012. <<http://www.un.org/en/documents/charter/index.shtml>>.

¹⁵ "Charter of the United Nations, Article 2." *The United Nations: It's Your World*. Web. 14 Feb, 2012. <<http://www.un.org/en/documents/charter/index.shtml>>.

¹⁶ Bellamy, 15.

¹⁷ Glanville, Luke. "The International Community's Responsibility to Protect." *Global Responsibility to Protect* 2.3 (2010): 291.

¹⁸ Bellamy, Alex J. *Global Politics and the Responsibility to Protect: From Words to Deeds*. London: Routledge, 2011. 9.

have the primary responsibility for protecting the rights of their populations.¹⁹ When a state fails to do so, the international community has a responsibility to step in.

While this seems to contradict the elements of international law that protect domestic jurisdiction, it is important to note that the document that contains RtoP is only a resolution. Thus, it is a recommendation and not binding within international law. For this reason, some still claim that the Responsibility to Protect infringes on state sovereignty. However, the traditional notion of state sovereignty seems increasingly ancient. Beyond RtoP, other international institutions and policies are eroding the notion of traditional sovereignty. The International Criminal Court, which has universal jurisdiction, is one such example. Moreover, sovereignty as responsibility is not just a Western idea. The development of regional peace and security institutions in Africa through the African Union indicates that support for sovereignty as a responsibility is also emerging outside of the West.²⁰

Therefore, RtoP clarifies a state's obligation to protect human rights both inside and outside of their borders. The doctrine also attempts to specify when action is required. As mentioned previously, the scope of permissible action is limited to cases of "genocide, war crimes, ethnic cleaning and crimes against humanity".²¹ It was also decided that responding to one of the above-mentioned crises should not be a "fall-back responsibility" of the international community; states should only be prepared to act "on a case-by-case basis".²² Thus, the United Nations agreed upon the adoption of five basic criteria of legitimacy in order to determine the

¹⁹ Bellamy, 10.

²⁰ Bellamy, 15.

²¹ Pattison, 14.

²² Pattison, 14.

validity of a case being made for the use of force. These include: seriousness of harm, primary purpose of military action, whether there are peaceful alternatives, proportionality of response and whether overall more good than harm will be done.²³ Finally, it is significant to note that any action taken is required to be collective and authorized by the UN Security Council.

1.3: Implementation of RtoP

There have been numerous endorsements of the doctrine in national strategic policy papers. The United States, the United Kingdom, France, Germany and Norway have all referenced the norm in such a way. Additionally, twelve countries have appointed focal points who will serve as national coordinators of RtoP by monitoring emerging crises.²⁴ There has also been an “overwhelming commitment” to the principles of the doctrine during debates in the UN General Assembly. Still, RtoP remains a moral rather than legal obligation that has been inconsistently carried out. As it is a relatively new doctrine, it is difficult to say if it has been successful. At best, the doctrine may be considered the beginning of a promising, emerging commitment to international genocide prevention. In September of 2011, Secretary General Ban Ki-moon explained, “Our debates are now about how, not whether, to implement the responsibility to protect.”²⁵

²³ Mehtra, Vijay. "The UN Doctrine on the Responsibility to Protect: Can It Be Enforced to Prevent Wars, Genocides and Crimes against Humanity?" Lecture. 9 Mar. 2009. *www.unitingforpeace.com*. South Lakeland & Lancaster City United Nations Association. Web. 12 Feb. 2012.

²⁴ *National Endorsements of Responsibility to Protect: Policy Papers, Strategy Documents and Focal Points*. Rep. The International Coalition for the Responsibility to Protect, Dec. 2011. Web. 10 Jan. 2012. <<http://www.responsibilitytoprotect.org/index.php/about-coalition/our-work>>.

²⁵ Evans, Gareth. "End of the Argument." *Foreign Policy*. Dec. 2011. Web. 22 Apr. 2012. <http://www.foreignpolicy.com/articles/2011/11/28/gareth_evans_end_of_the_argument>.

Darfur provided the international community with its first opportunity to put RtoP into action. U.S. Secretary of State Condoleezza Rice spoke in favor of doing so, maintaining, “It is our responsibility to protect those who cannot protect themselves. If the idea of an international community means anything, it is this.”²⁶ However, most assessments by non-governmental organizations and scholars today maintain that the international response to Darfur was a failure. Human Rights Watch specifically blamed the worlds’ leaders for failing to abide by their promises to act.²⁷ Over 300,000 people were killed in Darfur between 2003 and 2008, but only some scholars and policy makers would refer to the situation as genocide, while others categorized it as crimes against humanity.²⁸ The public, many Western governments, and even the UN Office of the High Commissioner for Human Rights in Geneva made the Security Council well aware of what was taking place. In response, the Security Council sought to pressure Sudan by bringing two indictments to the International Criminal Court in 2005 and 2006, but the Sudanese government took neither seriously. In 2009, the Security Council urged Sudan to cooperate with the indictments. However, the conflict and atrocities continued. Given the timeframe of the conflict, the UN had more than sufficient time to take effective measures. Nevertheless, the actions of the UN remained limited. Despite the potential benefits, there was no declaration of a no-fly zone, and UNAMID forces (United Nations-African Union Mission in Darfur) were not fully deployed to protect the internally displaced.²⁹

²⁶ Glanville, 293-294.

²⁷ Lanz, David. “Why Darfur? The Responsibility to Protect as a Rallying Cry for Transnational Advocacy Groups.” *Global Responsibility to Protect* 3 (2011): 224.

²⁸ Grünfeld, Fred, and Wessel Vermeulen. "Failures to Prevent Genocide in Rwanda (1994), Srebrenica (1995), and Darfur (since 2003)." *Genocide Studies and Prevention* 4.2 (2009): 223.

²⁹ Grünfeld and Vermeulen, 232.

In contrast to the case of Darfur, the UN moved quickly to take action in Libya in March of 2011. First, the UN passed Security Council Resolution 1970, which referred the case to the criminal court, banned travel, froze assets and instituted an arms embargo. At the same time, the Human Rights Council referred to RtoP in Resolution S-15/1, which ultimately led the General Assembly to pass a resolution that suspended Libya from the council.³⁰ Just a month later, Security Council Resolution 1973 authorized the use of military force to protect Libya's people from the atrocities inflicted upon them by their own government.³¹ This was the first time that substantial multinational effort was taken since agreement upon the Responsibility to Protect Doctrine. The Resolution authorized "all necessary measures" against Libya to enforce a no-fly zone.

Many have viewed this prompt response as effective and a sign of RtoP's potential. Within 10 days of passing Resolution 1973, NATO began its military operations. 14 NATO members and 4 partner countries came together to contribute to the military forces. Additionally, action was only taken once it was clear that there was regional support. The United Arab Emirates, Qatar, Jordan, Morocco and the Arab League all contributed to the effort.³² President Barack Obama defended the decision to pass Resolution 1973 and the further action taken, explaining, "One can be in favor of peace but still authorize force to halt the butchering of

³⁰ Weiss, Thomas G. "RtoP Alive and Well after Libya." *Ethics & International Affairs* 25.03 (2011): 289.

³¹ Weiss, 287.

³² Daalder, Ivo H., and James G. Stavridis. "NATO's Success in Libya." *Nytimes.com*. International Herald Tribune, 30 Oct. 2011. Web. 18 Mar. 2012. <<http://www.nytimes.com/2011/10/31/opinion/31iht-eddaalder31.html>>.

civilians.”³³ While the Libya operation was not perfect, it seemed to be an indication that RtoP was more than just a rallying cry, and indeed an emerging international norm.

Nonetheless, the international community’s failure to respond to the mass atrocities committed in Syria shortly afterwards led to further questioning of the doctrine. While NATO troops were deployed in Libya in August of 2011, the Presidency of the Security Council delivered a statement that acknowledged the existence of “widespread violations of human rights” in Syria.³⁴ In January, the UN Office of the High Commissioner for Human Rights declared that the violations were systematic and widespread, and thus met the criteria for crimes against humanity.³⁵ The crisis has continued to develop since that point, and as of mid March, the UN has reported the death toll to be well over 8,000.³⁶

It should be noted that some have pointed out that Syria is a much different situation than Libya was. According to journalist William Wheeler, the case for intervention in Libya was relatively simple, as the Libyan autocratic leader Moammar Gaddafi was politically isolated, NATO was supported by the Arab League, the rebel shadow government was a “coherent, nonsectarian alternative”, and Benghazi provided a location that could be defended by NATO air power without a large numbers of foreign troops on the ground.³⁷ In contrast, journalist Rania

³³ Weiss, 291.

³⁴ Peral, Luis. "R2P in Syria - How to Surmount the Inaction of the UN Security Council?" *International Coalition for the Responsibility to Protect (ICRtoP)*. 16 Nov. 2011. Web. 13 Feb. 2012. <<http://www.responsibilitytoprotect.org/index.php/crises/191-the-crisis-in-syria/3745-euiss-r2p-in-syria-how-to-surmount-the-inaction-of-the-un-security-council>>.

³⁵ Global Centre for the Responsibility to Protect. "Syria." *R2P Monitor* 1 (10 Jan. 2012): 1-12.

³⁶ "UN: Syrian Uprising Death Toll Passes 8,000." *CBSNews*. CBS Interactive, 15 Mar. 2012. Web. 18 Mar. 2012. <http://www.cbsnews.com/8301-202_162-57398243/un-syrian-uprising-death-toll-passes-8000/>.

³⁷ Wheeler, William. "Why the World's 'Responsibility to Protect' Extends to Libya But Not Syria." *Good.com*. 12 Apr. 2012. Web. 12 Apr. 2012. <<http://www.good.is/post/why-the-world-s-responsibility-to-protect-extends-to-libya-but-not-syria/>>.

Abouzeid has described Syria as a, ““multi-sectarian, multiethnic cauldron bordering similar tinderbox Arab states, as well as Israel.””³⁸ Because of this, it is argued civil war could spread across borders and further aggravate sectarian tensions that led to Lebanon’s violent civil war between 1975 and 1990.³⁹ Therefore, intervention in Syria is likely to have further reaching damages, and it is unclear how to intervene given the complexities of the situation.

Still, as Simon Adams, director of the Global Center for the Responsibility to Protect at New York University, argues, “Complexity shouldn’t be an excuse for inaction.”⁴⁰ The Security Council has failed to reach a consensus, and little has been done to protect the Syrian people from the repression of their own government. For this reason, it continues to be unclear whether the Responsibility to Protect Doctrine is a reliable and effective doctrine. Additionally, it remains to be seen whether the United Nations itself is the best institution to prevent genocide and mass atrocities given its past failures and current weaknesses.

2: The Arguments for RtoP

2.1: Moral Cosmopolitanism

In order to better understand why one ought to continue to support and strengthen RtoP, it will be helpful to examine the ethical arguments behind the doctrine, beginning with moral cosmopolitanism. In its simplest form, moral cosmopolitanism is the view that individuals are what matter, and that all individuals have rights to fundamental freedoms no matter where they are. As Michael Doyle explains, strong cosmopolitans argue that “the rights of cosmopolitan

³⁸ Wheeler, 2.

³⁹ Wheeler, 2.

⁴⁰ Wheeler, 2.

freedom are valuable for all people. Any violation of them should be resisted wherever it occurs, provided that we can do so without causing more harm than we seek to avoid.”⁴¹ Furthermore, cosmopolitanism is the view that we ought to think of ourselves as:

Citizens of the world, rather than citizens of any locality, and that we ought to take ourselves to have obligations to others in virtue of our shared humanity, rather than our shared national citizenship.⁴²

In other words, cosmopolitans are those who are willing to prioritize equally the needs of those who are near and far. Additionally, it is important to point out that there is a difference between ethical and institutional cosmopolitanism. An ethical cosmopolitan affirms a set a universal ethical claims, while an institutional cosmopolitan affirms a world state.⁴³ As such, you can be a moral cosmopolitan without needing to believe in the necessity of a world state.

Cosmopolitans reject the moral status of boundaries, and argue that the duty to others in itself should be motivating enough to carry out our responsibilities. Martha Nussbaum has argued that state boundaries are “morally arbitrary”, since those who live beyond one’s own borders are just as deserving of assistance as those who live within them.⁴⁴ Similarly, Kok-Chor Tan argues that because cosmopolitans hold individuals as the ultimate unit of moral concern, “distributive principles are not to be constrained or limited by state or national boundaries.”⁴⁵

⁴¹ Doyle, Michael W. "International Ethics and the Responsibility to Protect." *International Studies Review* 13.1 (2011): 77.

⁴² Lawford-Smith, Holly. "Feasibility Constraints and the Cosmopolitan Vision: Empirical Reasons for Choosing Justice Over Humanity." Comp. Stan Van Hooft and Wim Vandekerckhove. *Questioning Cosmopolitanism*. Dordrecht: Springer, 2010: 138.

⁴³ Dower, Nigel. "Questioning the Questioning of Cosmopolitanism." *Studies in Global Justice* 6 (2010). 3.

⁴⁴ Glanville, 297.

⁴⁵ Tan, Kok-Chor. *Justice without Borders: Cosmopolitanism, Nationalism, and Patriotism*. New York: Cambridge UP, 2004. 19.

In direct opposition to moral cosmopolitans are nationalists, who argue that the relationship “co-nationals” have with one another is special in that they are motivated by “bonds that generate special obligations among them.”⁴⁶ These bonds exist due to a shared national identity composed of common interests, values, culture and history. According to David Miller, because national identity is important, there is something morally significant about borders.⁴⁷ Thus, it follows that individuals do have reason to care more about their fellow citizens than those they don’t know across the world. If this is the case, states do not have a responsibility to intervene to help others outside of their borders, as international law dictates.

The nationalist argument, however, is weak. First, one could deny the significance of national identity in today’s world and its link to special obligations. Consider the differences between a resident of the state of Wyoming and a resident of the state of New York living in New York City. Their opinions, interests and cultures are likely to be very different. Beyond the label of American, and paying taxes to the same government, the resident of Wyoming is not likely to share much at all with the resident of New York City. This kind of disunity is increasing and Americans are acknowledging it, according to a report by the Bradley Project on America’s National Identity. The study reports that American national identity is eroding due to a growing number of divisions, and a lack of unification. Moreover, in their survey, 45% of 18-34 year-old Americans said "international law should trump the U.S. Constitution in instances where there is a conflict."⁴⁸ Thus, it is not clear that the two people in the example have any special obligations to

⁴⁶ Lenard, Patti Tamara. "Motivating Cosmopolitanism? A Skeptical View." *Journal of Moral Philosophy* 7.3 (2010): 348.

⁴⁷ Glanville, 297.

⁴⁸ Manzo, Kathleen K. "National Identity; "E Pluribus Unum"" *Education Week*. 11 June 2008. *ProQuest*. Web. 19 Apr. 2012.

each other, or that if they did, that their obligations would be of greater significance than to that of a person outside of the United States. Due to technology, these two Americans have almost the same likelihood of interacting with one another as they would with a person on another continent. What the two people share is a common humanity, and this is shared with people all over the world, despite borders.

In response, one might argue that paying taxes to the same government is enough to maintain that those within the same borders have special duties to one other, as this constitutes a national identity. While this response is not very strong, we can grant the significance of national identity, and still insist that our common humanity with those across the globe, along with the necessity of fulfilling basic needs everywhere, requires actors to have a separate responsibility to protect those outside of their own state.⁴⁹ Because of this, it follows that the Responsibility to Protect can be supported by cosmopolitan theories.

2.2: The Utilitarian Approach

In addition to moral cosmopolitanism, utilitarian thinkers have a separate, but related argument in favor of duties for the distant. Peter Singer's well-known article, "Famine, Affluence and Morality" applies specifically to humanitarian aid, but the argument can also be applied to thinking about other global duties. Singer argues that it is morally indefensible that some people are living extravagantly while others starve. More specifically, he claims that if it is in our power to prevent something bad from happening, without sacrificing anything of

<<http://proquest.umi.com.proxy.lib.umich.edu/pqdweb?did=1499074841&Fmt=7&clientId=17822&RQT=309&VName=PQD>>.

⁴⁹ Glanville, 297.

comparable moral importance, we ought, morally, to do it.⁵⁰ Because it is obvious that suffering from lack of food and shelter are bad, it follows that we ought to prevent such suffering if we can do so. Singer believes that we all can.

One of Singer's main underlying ideas is similar to that of moral cosmopolitanism, in that there isn't really a morally significant difference between a case of suffering you can't see across the world, and a case occurring right in front of you. This is because you are equally responsible for doing something about both cases. Thus, applied in support of the Responsibility to Protect Doctrine, it follows from Singer's argument that if it is in our capacity to prevent the suffering from genocide and mass atrocities, then we ought to do so.

An immediate objection to the above utilitarian argument is that in humanitarian intervention cases, it is likely that something of comparable moral importance will be sacrificed. The costs of intervention are high, and the benefits of intervention are very difficult to calculate since innocent lives will almost inevitably be lost. Intervention, even when it is necessary, poses a set of human rights concerns. One problem is the intervening agent. Those that intervene are not always trained to best protect the civilian. For example, the American military's handbook for intervention, the *Mass Atrocity Response Operations (MARO)* Report, provides very little advice on "how to limit 'enemy' civilian casualties", for example.⁵¹ Instead, it focuses on how to reduce American casualties. Even if those intervening are trained and aiming to best protect civilians, it is never a simple situation. Given that the military operation is a peacekeeping mission, the conduct of the soldiers ought to be less aggressive than in regular warfare. This

⁵⁰ Singer, Peter. "Famine, Affluence, and Morality." *Philosophy and Public Affairs* 1.1 (1972): 229-43.

⁵¹ Feierstein, Daniel. "The Good, the Bad, and the Invisible: A Critical Look at the MARO Report." *Genocide Studies and Prevention* 6.1 (2011): 41.

means that targeting civilians or civilian infrastructure is prohibited. Yet, mass atrocities are not always one-sided; identifying the perpetrators and victims is not often a clear-cut endeavor. Because of this, perpetrators or victims who don't fit the model of what is expected are often ignored. One such example are the Hutu moderates who were killed in the Rwandan genocide, in which the Hutus mainly targeted Tutsis.⁵²

Furthermore, even if troops and peacekeepers could keep the innocent lives lost at a minimum, intervention still almost unavoidably entails destruction. Homes and villages may be ruined, and people may be displaced. Governments may fall, and this can create high levels of instability. Additionally, the impact of military force is difficult to predict; in some cases it can make matters worse rather than improve the situation. One such example is Somalia in the early 1990s, when the already strong local militia leaders were further empowered by the outside powers involved.⁵³ Because of this, it will almost always be the case that a utilitarian argument such as Singer's is limited due to the costs involved.

2.3: Additional Self-Interested Arguments for Promoting RtoP

The previous arguments suggest that we ought to support the Responsibility to Protect Doctrine simply because it is our duty to do so, and that it would be morally reprehensible not to do so since we are capable. However, there have also been some arguments in favor of RtoP due to the increasingly interconnected nature of today's world.

⁵² Feierstein, 42.

⁵³ Woods, Emira. "Foreign Policy In Focus." *FPIF*. The Institute for Policy Studies, 1 Jan. 1996. Web. 19 Apr. 2012. <<http://www.fpif.org/reports/somalia>>.

Samuel Scheffler suggests that due to globalization, we have entered an era that requires a change in the way we think about human relations. Scheffler acknowledges that the limits that individuals place on morality may seem natural, but that in today's modern world, these limits don't fit as they once did. He argues that the developments of the modern world such as technological advancements in science, travel, communication, and information processing, as well as the increase in economic and political interdependence, have led to increasing interconnectedness. As such, he believes it is becoming increasingly difficult to think of "human social relations as consisting primarily in small scale interactions among single individuals."⁵⁴ We must therefore begin to consider the ways in which we are all connected, since our daily behavior can have international consequences that play a role in global dynamics.⁵⁵

"World Systems Theory" can further explain the ways in which we affect those we don't know across the world. According to the theory, the world system is composed of all human interaction networks, from households to global trade networks.⁵⁶ Moreover, all of the human interaction networks are constrained and affected by their interactions with one another. No country is an island; consequently, it is in the self-interest of countries to care about others beyond their own borders.⁵⁷ The ripple effects of inaction in extreme cases of violent conflict can have significant negative implications for the entire international community. A state that is unable or unwilling to put an end to atrocities within its own territory is likely to be the kind of

⁵⁴ Scheffler, Samuel. "Individual Responsibility in a Global Age." *Contemporary Political and Social Philosophy*. Ed. Ellen Frankel. Paul, Fred Dycus Miller, and Jeffrey Paul. Cambridge: Cambridge UP, 1995. 228.

⁵⁵ Scheffler, 233.

⁵⁶ Alexander, Rudolph. *Human Behavior in the Social Environment: A Macro, National, and International Perspective*. Los Angeles: Sage, 2010. 18.

⁵⁷ Alexander, 63.

state that is also unable or unwilling to put a stop to terrorism, weapons proliferation, drug and people trafficking, the spread of health pandemics and other global risks.⁵⁸

In addition, it is becoming progressively difficult to escape the effects of globalization. Whether we like it or not, relations beyond national borders are only continuing to expand. As technology develops, so does our dependency on others who aren't necessarily within our own country's borders. For this reason, we are increasingly bound to those we don't know across the world in a "single global fate."⁵⁹ Allowing internal conflicts to continue demonstrates that the international community will accept a "culture of impunity", where governance "through murder and ethnic hatred" are tolerated.⁶⁰ For these reasons, it is beneficial to every state within the international community to support the Responsibility to Protect Doctrine.

Nevertheless, there are some compelling reasons to oppose these arguments. According to the "Obligatory Exclusivity Thesis", foreign policy decisions should always be exclusively determined by the national interest.⁶¹ Similarly, the "Fiduciary Realist Justification" suggests that leaders have an overriding moral obligation to maximize the national interest by virtue of their role as a "fiduciary". In the United States, for example, there are more than a handful of national problems that remain unsolved. Unemployment, healthcare, and immigration are just a few. According to this line of reasoning, it would be wrong to support the Responsibility to

⁵⁸ Evans, Gareth. "The Responsibility to Protect: From an Idea to an International Norm." *Responsibility to Protect: the Global Moral Compact for the 21st Century*. New York: Palgrave Macmillan, 2009. 15.

⁵⁹ Lachapelle, Erick. "Morality, Ethics, and Globalization : Lessons from Kant, Hegel, Rawls, and Habermas." Ed. Richard B. Day and Joseph Masciulli. *Globalization and Political Ethics*. Leiden: Brill, 2007. 433

⁶⁰ Welling, 154.

⁶¹ Buchanan, Allen. "In the National Interest." *The Political Philosophy of Cosmopolitanism*. Ed. Gillian Brock. Cambridge [u.a.: Cambridge Univ., 2005. 110.

Protect Doctrine, as the national interest trumps the issues that are within the jurisdiction of other states.

However, it is no longer the case in today's world that the national interest is independent of what occurs in other countries. First, as discussed, globalization has led to increased interconnectedness, where people are affected by decisions and actions at a distance. National issues are impacted by what takes place around the world. Allowing a violent conflict to develop in one country can have negative consequences for both the region and the international community as a whole. For example, when no action was taken in Rwanda, the Democratic Republic of Congo was politically destabilized, and civil war there expanded into five neighboring countries.⁶² Additionally, the world community, and primarily the developed countries, pay monetarily for the humanitarian disasters that result from internal conflicts. The United Nations estimated the humanitarian costs of the Darfur conflict as of 2005 to be 7.8 billion dollars and growing.⁶³ Moreover, relief may be more expensive than response. For example, the United States spent \$237 million on humanitarian relief to repair Rwanda following the genocide, but the estimated cost of placing a U.S. peacekeeping force in Rwanda during the genocide was \$30 million.⁶⁴ Thus, it is possible for it to be in the national interest of a country to intervene in another country's violent conflict, although it may not seem to be at first glance

Without denying the effects of inaction, some might respond that the ripple effects of action are actually much worse. For this reason, it might be more likely that it is in the national

⁶² Welling, 154.

⁶³ Welling, 155.

⁶⁴ Welling, 168.

interest of a state not to act. A country's foreign policy decisions are likely to have consequences far beyond those intended, and these can often be negative. As noted earlier, in cases of mass atrocity, or genocide, a country's act of intervention could have unanticipated implications that end up causing problems for the country that means to help. Additionally, the costs and risks of military intervention are very high for the intervening country. Thus, it is actually in the interest of the external parties to stay out of the violent conflict.

Moreover, it is often debated if interventions are worthwhile due to the potential negative consequences for the local population. If this is the case, the costs may outweigh the benefits of intervention, and it is not worthwhile for the intervening country to take the risk. Some scholars have argued that in some cases RtoP reinforces and leads to further violence. This idea, known as "Moral Hazard Theory", holds that "individuals or groups are induced to engage in riskier behavior than they otherwise would by the provision of protection by third parties."⁶⁵ As such, proponents of the theory have claimed that the Responsibility to Protect Doctrine causes genocidal violence that would not otherwise occur. According to the theory, because RtoP raises the expectation of intervention, vulnerable populations are more likely to rebel, which is likely to produce a genocidal response they are unable to defend themselves against, and the likelihood of an actual international response is low.⁶⁶

While there may be some truth to this theory, research has proven that since the rise of Responsibility to Protect, there has been a decline in armed rebellions and genocidal violence.⁶⁷ As a result, it is not definitely the case that RtoP causes additional genocidal violence in this

⁶⁵ Bellamy, 70.

⁶⁶ Bellamy, 72.

⁶⁷ Bellamy, 80.

respect. Nevertheless, it is important to emphasize again that intervention in violent conflict is an unpredictable risk for the intervening agent, and the promise of success is low, especially given that success itself is difficult to define. Taylor Seybolt has suggested that a humanitarian intervention can be considered a success simply when it saves lives. Specifically, he argues that when some people would have died without assistance, but survived due to the intervention, it ought to be considered a success.⁶⁸ However, as Seybolt acknowledges, calculating this is extremely difficult. A calculation assumes that those who survive were saved by military intervention, and there is no sure way of making such a claim.

Moreover, most argue that the standard for success ought to be more demanding. The intervention must not only put a stop to the violence that is taking place and save lives, but there must be a subsequent effort to aid in rebuilding. The doctrine itself requires prevention, reaction, and rebuilding. The post-conflict commitment is extremely important, since almost 50% of peace agreements collapse within the first five years, and the likelihood of further war can increase by as much as 40% when a country has a recent history of war.⁶⁹ Thus, intervening in a violent conflict and leaving without doing the cleanup can be extremely dangerous. For example, some claim that NATO's intervention in Kosovo was not truly a humanitarian success: "ruptured lives, the burnt villages, the civilian casualties, the revenge killings, the complete and absolute polarization of Albanian and Serbian communities"⁷⁰ – these were all after effects that some consider to have negated any success. Yet, at the same time, had there not been an intervention

⁶⁸ Seybolt, Taylor B. *Humanitarian Military Intervention: The Conditions for Success and Failure*. Oxford, England: Oxford UP, 2007. 30.

⁶⁹ Bellamy, 2009, 169.

⁷⁰ Mertus, Julie A. "Legitimizing the Use of Force in Kosovo." *Ethics & International Affairs* 15.1 (2001): 148. *Carnegie Council: the Voice for Ethics in International Affairs*. The Carnegie Council, 6 Dec. 2002. Web. 05 Feb. 2011. <http://www.carnegiecouncil.org/resources/articles_papers_reports/657.html>.

there might have been even more bloodshed. As a result, it's difficult for anyone to say if the intervention was effective.

Despite the problems that RtoP poses, it should be remembered that it is a relatively new concept. It is still developing and evolving. While burdening the local population is almost inevitable, some of the other problems just discussed are remediable. Better-trained troops, and more timely action would increase the likelihood of success, for example. Additionally, the intervening state's costs can be reduced through coalition building and multilateral interventions. RtoP has the potential to be implemented in a way that best promotes human rights, and effectively resolves conflict while causing minimal damage. Because of this potential, supporting the Responsibility to Protect is worthwhile, even though at this point in time it is not generally in a state's overwhelming self-interest to intervene, as the objections have demonstrated. Rather, it is the case that interventions can help to achieve global stability, which is closely related to each individual state's interests in today's interconnected world. Thus, while a strictly self-interested argument may not fully support RtoP, and the utilitarian argument is limited, the moral cosmopolitan argument combined with ideas about globalization provides a strong rationale for supporting the doctrine.

3: The Gap Between International Law and Morality

3.1: Diagnosing the problem

Now that I have demonstrated why states have reason to continue to support and strengthen RtoP, I will consider how they ought to do so by first examining one of the biggest issues when it comes to implementing the doctrine on a consistent basis: the requirement of UN Security Council authorization. While the requirement makes it difficult for a unilateral force to

abuse RtoP for its own purposes, the Security Council also seems to be one of the major obstacles in effectively implementing the doctrine. Because RtoP continually fails to be implemented in morally justified cases, it is not clear that international law is always geared to do what it needs to.

The Security Council is composed of five permanent members (China, France, Russia, the UK, and the US), and ten non-permanent members. The five permanent members frequently determine the council's course of action due to the fact that they are vested with a veto power. Referred to as the rule of "great power unanimity", the veto power allows any permanent member to block a council decision if it so chooses.⁷¹ On many occasions this has contributed to the Security Council's lack of authorization in necessary cases. Consequently, we are led to question: when a sound moral argument for intervention exists, along with the power to intervene effectively, but there is a lack of authorization from the Security Council, is it legitimate to break international law to intervene?

Before attempting to answer this question, I want to first clarify the significance of effectiveness. Considering how to be most effective is crucial since there are so many risks involved in intervention. Additionally, the likelihood of effectiveness is closely tied to the Security Council's authorization. Their authorization aims to determine both who can intervene, and whether intervention is necessary at all. In doing so, the likelihood for success is theoretically higher, than if no oversight of the situation took place. Thus, for the purposes of strengthening the Responsibility to Protect Doctrine and international law, it is crucial to make effectiveness a priority.

⁷¹ "Membership of the Security Council." *Welcome to the United Nations: It's Your World*. Web. 27 Mar. 2011. <<http://www.un.org/sc/members.asp>>.

That being said, it will be useful to try to define effectiveness for the purposes of this paper, as I only touched on it briefly in the prior section. According to James Pattison, there are three types of effectiveness that an intervener must be concerned with. The first is “local external effectiveness”, which means that the intervener must be successful at handling the humanitarian crisis, and furthermore preventing its reoccurrence.⁷² Suffering that occurs in humanitarian crises, such as “torture, killing, rape, physical injury, death, starvation, and so on”, are the worst moral wrongs that can happen to an individual, and they occur on a massive scale.⁷³ Thus, it seems clear that an intervener be concerned with achieving this type of effectiveness.

The other two types of effectiveness are significant, but Pattison notes that they are not as important for an intervener’s legitimacy as local external effectiveness.⁷⁴ The second type of effectiveness is “global external effectiveness”, which is whether the intervener promotes the “enjoyment of human rights in the world at large”.⁷⁵ In other words, the intervener must not harm the enjoyment of human rights in the world. For example, the intervener’s actions should not destabilize neighboring states, or create power struggles that ultimately lead to further conflict.⁷⁶ Lastly, the third type of effectiveness is “internal effectiveness”. Since humanitarian intervention is likely to be a costly endeavor for the intervener’s citizens as discussed previously, an intervener’s internal effectiveness is dependent on the consequences for its own citizens. Still,

⁷² Pattison, 182.

⁷³ Pattison, 75.

⁷⁴ Pattison, 77.

⁷⁵ Pattison, 76.

⁷⁶ Pattison, 76.

Pattison maintains that “internal costs do not justify the intervener causing more human suffering than it prevents, if it benefits its citizens.”⁷⁷

3.1: In favor of acting without UN Security Council authorization

Given what it means to be effective, I will now examine whether or not the UN Security Council authorization ought to be a requirement mandated by international law. I will begin by looking at the arguments that claim it is justified for a state to act in legitimate cases without Security Council authorization.

Perhaps the best reason for not requiring Security Council authorization is that it is problematic to insist upon it. Former UN Secretary-General Kofi Annan illustrated this point when describing the Rwandan genocide:

Imagine for one moment that, in those dark days and hours leading up to the genocide, there had been a coalition of states ready and willing to act in defense of the Tutsi population, but the council had refused or delayed giving the green light. Should such a coalition then have stood idly by while the horror unfolded?⁷⁸

If the capacity exists, it is morally troubling to think that the international community should refrain from acting simply because a council composed of a very small proportion of the world’s nations has not authorized action. As international human rights law professor George Critchlow has explained, “There is a powerful moral and juristic compulsion to justify humanitarian

⁷⁷ Pattison , 78.

⁷⁸ Annan, Kofi. "Two Concepts of Sovereignty." *The Economist* 18 Sept. 1999. *The United Nations News*. Web. 10 Apr. 2012. <<http://www.un.org/news/oss/sg/stories/kaecon.html>>.

intervention when the UN is unwilling to act”, regardless of the legality.⁷⁹ In other words, if you can do something, you should.

However, as wrong as it may seem to stand by when action is justified but unauthorized, objectors are quick to suggest that taking unauthorized action is likely to prove to be problematic. First, the “doing something is better than nothing” mentality is dangerous, as it is not always the case that intervening will be successful, or do more good than harm. Second, Security Council authorization ensures that interventions are necessary, and supported by a group of states, rather than a single one. Thus, authorization plays a large role in contributing to the perceived legitimacy of an intervener, since multiple parties with diverse interests and opinions will have considered the intervention. The more legitimate an intervener is perceived to be, the greater the chances are that they will be supported by the international community, as well as those subjected to the intervention.⁸⁰ Support from the international community is likely to increase the effectiveness of the intervention because the intervener may receive financial backing, or other resources from them, for example. Moreover, the intervener is less likely to face resistance from those in the state where the intervention is taking place.⁸¹ As such, authorization helps to ensure both local external effectiveness and global external effectiveness.

Some might respond that while Security Council authorization in a perfect world might be a decision that reflects the varying interests and opinions of the council’s members, in reality this is often not the case due to the veto power. For this reason, some argue that requiring

⁷⁹ Critchlow, George. "Stopping Genocide Through International Agreement When the Security Council Fails to Act." *Georgetown Journal of International Law* 40.2 (2009): 314.

⁸⁰ Pattison, 55.

⁸¹ Bellamy, 149.

authorization from an unreliable Security Council seems to undermine the mission of the Responsibility to Protect Doctrine. The doctrine maintains that states have both a right and obligation to act. Moreover, it claims that it would be wrong not to act in specific situations. Yet, according to international law, it is also wrong to act without the authorization of the Security Council. Given that there have been so many cases in which the council has failed to give authorization when it was justified (see table 1 in appendix), it is clear that the council's reliability ought to be questioned. Because the permanent members easily overpower the ten non-permanent rotating members, decisions often lack the balance that they are ideally supposed to have.⁸² Furthermore, the veto can prevent the opinions of the majority on the council from being implemented. Since the primary goal of RtoP is to effectively protect those who are in need, but relying upon Security Council authorization hinders this goal, states ought to be able to act in legitimate cases without authorization.

In response, some argue that while it may be the case that the council isn't as balanced and representative as it ought to be, authorization still contributes to perceived legitimacy. Since we have established that perceived legitimacy is important for effectiveness, it follows that authorization ought to be necessary. This point is weak, however. Although perceived legitimacy of the intervener can potentially influence the success of an intervention, there is not conclusive evidence that authorized interventions have been more effective than non-authorized interventions.⁸³ Security Council authorization can increase the likelihood of effectiveness, but it does not ensure effectiveness. Moreover, there is no denying that support and backing from the international community is important. There can be international consensus to intervene,

⁸² Pattison, 54-57.

⁸³ Pattison, 164.

however, without the oversight and authorization from the Security Council. This has occurred as recently as in the case of Syria in February of this year. Thirteen of the council members voted in favor of the resolution to stop violence in Syria, while just China and Russia vetoed the resolution.⁸⁴

Finally, it is significant to point out that the window of opportunity for action is not open ended. For this reason, waiting for authorization can itself lower the chances of an effective intervention. First, if there is international consensus that action is necessary, this commitment can waiver if there is no authorization. This is sometimes due to the media's choice to stop highlighting certain news stories after prolonged periods of inaction, and this can lead to a decrease in awareness and activism surrounding the situation. Over long periods of time other news and world events can overshadow legitimate cases of genocide, and mass atrocities, while the council makes no decisions. Additionally, by the time the council authorizes action, it may be too late, and it is likely that forces that are late to arrive on the scene will have a diminished impact. Consequently, the reasoning for acting without authorization is persuasive.

3.2: The necessity of Security Council authorization

Yet, despite the fact that the Security Council is unreliable and has continually failed to act, I will now show that the reasons in favor of requiring authorization override the previous arguments for acting without authorization. While requiring authorization may seem unintuitive, there are some powerful reasons to insist upon it. Two of the strongest reasons are the following:

⁸⁴ Harris, Paul, Martin Chulov, David Batty, and Damien Pearse. "Syria Resolution Vetoed by Russia and China at United Nations." *The Guardian*. Guardian News and Media, 024 Feb. 2012. Web. 02 Apr. 2012. <<http://www.guardian.co.uk/world/2012/feb/04/assad-obama-resign-un-resolution>>.

first, acting without authorization greatly damages the legitimacy of the United Nations as a whole, and second, Security Council authorization ensures multilateral operations, which have a much higher likelihood of effectiveness than those undertaken by a unilateral force.

David Bosco explains that those with a neoconservative worldview aren't concerned with "global architecture"; rather they are set on achieving liberal, democratic governance whenever possible, with or without the international institutions that often facilitate it. In contrast, liberal interventionists, "share the desire to spread freedom and the conviction that outsiders can help do so, but they also care deeply about building international architecture (almost always) and respecting international rules (usually.)"⁸⁵ I argue that the neoconservative worldview as described by Bosco is problematic, since it is extremely important to build and preserve "international architecture." Therefore, allowing intervention without authorization from the Security Council undermines the authority of the United Nations as a whole, as well as international law, and this is dangerous.

As explained by the United Nations High-level Panel on Threats, Challenges and Change (HLP), "The maintenance of world peace and security depends importantly on there being a common global understanding, and acceptance, of when the application of force is both legal and legitimate."⁸⁶ Under the United Nations Charter, the only legitimate use of force is in self-defense, or as authorized by the Security Council as a collective security measure. Thus, merely ignoring international law and the United Nations' Charter when the council fails to reach a

⁸⁵ Bosco, David. "Foreign Policy Magazine." *What Divides Neocons and Liberal Interventionists*. 9 Apr. 2012. Web. 10 Apr. 2012. <http://bosco.foreignpolicy.com/posts/2012/04/09/what_divides_neocons_and_liberal_interventionists>.

⁸⁶ Thakur, Ramesh. "Freedom from Fear: Effective, Efficient and Equitable Security." *Irrelevant or Indispensable?: The United Nations in the Twenty-first Century*. Ed. Paul Heinbecker and Patricia M. Goff. Waterloo, Ont.: Wilfrid Laurier UP, 2005. 115.

consensus will ultimately lead to further difficulties in world peace and security. If it is okay to override international law in one case, it becomes more acceptable to disregard it in other cases, and this diminishes the legitimacy of international law in general.

An immediate objection to the previous point is that it is not necessarily the case that international law will always be diminished by the few times states disregard it. Kosovo provides one such example. In March of 1999, the United States, the United Kingdom and several other European states agreed that action in Kosovo was necessary, even though they had not received Security Council authorization. NATO justified its use of force by arguing that the violence in Kosovo “posed a threat to the peace and security of the region and that it needed to be halted to avert a humanitarian catastrophe.”⁸⁷ NATO’s actions were defended by multiple states within the Security Council. It was stated that it was clear all diplomatic attempts had failed, and as such military intervention had been necessary. Following the conflict in Kosovo, all of international law was not undermined. Rather, it continued to develop and ultimately the United Nations agreed upon RtoP. Additionally, international law is a continually developing system. It is frequently breached, even by some of its biggest supporters such as the United States. Yet, international law still continues to exist and play a role in world affairs.

While it may be true that international law still exists after it is breached, the previous case does not prove that the legitimacy of the laws, and the institution of the United Nations as a whole would not be continually diminished if exceptions were permitted. First, the case of Kosovo itself is problematic because as mentioned previously, the way NATO carried out its

⁸⁷ Janakiram, Kamala. *Is Humanitarian Intervention, without Explicit Security Council Authorization, Lawful? The Case of Kosovo*. *Lawanddevelopment.org*. Apr. 2004. 9. Web. 30 Mar. 2011. <<http://www.lawanddevelopment.org/articles/humanitarianintervention.html>>.

mission was criticized heavily. This puts action that is unauthorized into question, and further demonstrates the need for authorization. Still, even if we grant that NATO's acts were effective overall, repeated exceptions such as the case described are likely to successively diminish the legitimacy of the United Nations. Thus, acting with authorization preserves and strengthens international law, while acting without it can lead to its irrelevance.

Moreover, many view the UN as the “custodian of world conscience” and the Security Council as the “guardian of world peace.”⁸⁸ In today's world, “all states face mutual vulnerabilities, all share interdependence, and all need to benefit from...public goods.”⁸⁹ Moreover, security, environmental safety, and economic prosperity can't be achieved in isolation. The UN works to coordinate the actions of states so that these things can be achieved. The UN has peacefully negotiated over 172 peace settlements and participated in the creation of over 300 international treaties. Additionally, more than 30 million refugees fleeing war, persecution, or famine have received aid from the UN, and over three million children a year are saved from life threatening diseases through the assistance of UN organizations, like the United Nations Children Fund (UNICEF) and the World Health Organization (WHO).⁹⁰ Therefore, to act without the authorization of the UN is to undermine a world organization that has faults, but also does much good.

Now that I have demonstrated the importance of maintaining the requirement for Security Authorization due to its implications for the United Nations and international law, I will move on

⁸⁸ Thakur, 122.

⁸⁹ Newman, Edward. *A Crisis of Global Institutions?: Multilateralism and International Security*. London: Routledge, 2007. 10.

⁹⁰ “Student Handout: Background on United Nations.” Rep. PBS. Web. 20 Apr. 2012. <www.pbs.org/newshour/extra/teachers/.../un_sh_background.pdf>.

to show that Security Council authorization has a second significance: ensuring effective action through the use of a multilateral force. I will take a multilateral force to consist of “collective, cooperative action by states – when necessary, in cooperation with non state actors – to deal with common challenges and problems when these are best managed collectively at the international level.”⁹¹ In contrast, I take unilateral force to mean a single force (usually a state) acting on its own.

One of the main reasons the Responsibility to Protect Doctrine is opposed is that there is a fear that the doctrine is “simply a more sophisticated way of conceptualizing and hence legitimizing humanitarian intervention.”⁹² Consequently, the stronger world powers could use it to intervene in the affairs of weaker countries, change regimes they disagree with, and continue to grow in power. Many argue that the 2003 invasion of Iraq is one such example of this. The United States and the United Kingdom initially justified the war in Iraq as a “humanitarian” undertaking. When they found no weapons of mass destruction or links to Al-Qaeda, Tony Blair invoked the “responsibility to protect”, claiming it was necessary to overthrow Saddam Hussein and protect the Iraqi population from his brutality.⁹³ The Security Council did not authorize the attack on Iraq in March of 2003. Rather, it had passed Resolution 1441 in November of 2002, calling for new inspections intended to find and eliminate Iraq's weapons of mass destruction.⁹⁴

⁹¹ Newman, Ramesh, Thakur and Tirman, 532.

⁹² Collins, Robin. *Thinking About Libya, the Responsibility to Protect and Regime Change: A "Lessons Learned" Discussion Paper*. The World Federalist Movement - Canada, Oct. 2011. Web. 10 Feb. 2012. <www.worldfederalistscanada.org>. 7.

⁹³ Badescu, Cristina G. *Humanitarian Intervention and the Responsibility to Protect: Security and Human Rights*. Milton Park, Abingdon, Oxon, England: Routledge, 2011. 137.

⁹⁴"The War on Iraq: Legal Issues." *Human & Constitutional Rights*. The Arthur W. Diamond Law Library at Columbia Law School, 29 Jan. 2003. Web. 18 Apr. 2012. <<http://www.hrcr.org/hottopics/Iraq.html>>.

In 2003, the human rights violations in Iraq were not at the level of mass atrocities that would require the invocation of RtoP.⁹⁵ While there is some disagreement about whether or not the war on Iraq was legal under international law, it is clear that it was a misapplication of RtoP. Thus, Security Council authorization works to ensure that a force will not manipulate the doctrine for its own ambitions. While, it may not be the case that the Security Council always acts when it ought to, it does help to ensure that illegitimate action is not taken, and in a way this is just as important.

Furthermore, the Security Council can coordinate the actions of the international community such that reaction to genocide and mass atrocities is multilateral, and multilateral forces are likely to be more effective in the ways Pattison outlines than a unilateral force. Before looking at the specific benefits of multilateral intervention, I want to make a note about the overall potential for success of a multilateral force versus a unilateral force. According to a study on interventions from 1948-2003 conducted by Robert Nalbandov, interventions by a multilateral force had an 84% rate of success, while only 25% of unilateral interventions were deemed successful. Success in the study was partially defined as whether or not the interveners managed to reach their initially planned goals. Nalbandov concluded that multilateral interventions increase the odds of success by approximately 60%.⁹⁶ With these statistics in mind, I will move on to explore how it is that multilateral forces are likely to be more successful.

First, multilateral forces can be more locally externally effective. In humanitarian interventions, the military becomes in charge of law enforcement, food distribution, health care,

⁹⁵ Badescu, 137.

⁹⁶ Nalbandov, Robert. *Foreign Interventions in Ethnic Conflicts*. Farnham, England: Ashgate, 2009. 39.

and a variety of other tasks that a unilateral force is often not prepared, or trained, to do.⁹⁷ The internal conflicts that interveners are faced with are usually prolonged; on average they last four and a half years, can shut down a country's government, and require billions of dollars in aid.⁹⁸ Reconstruction following internal conflicts involves housing and caring for displaced refugees, massive unemployment issues, and destroyed infrastructure.⁹⁹ Unilateral interveners often only have experience in reacting, and thus are likely to be less effective than multilateral forces.¹⁰⁰ Furthermore, multilateral interveners tend to be more successful in sustaining peace for longer periods than single third parties. For example, almost 70% of the agreements concluded with the mediation of international organizations have been longer lived than those concluded with unilateral force.¹⁰¹

Of course, multilateral forces are not perfect. The lengthy period of time between decision-making, coalition forging, and actual troop deployment can undermine effectiveness.¹⁰² Some argue that by the time a multilateral force acts, it may be too late, and often too difficult to repair the damage. Additionally, multilateral forces can face complex inter-operability

⁹⁷ Cook, Martin L. *The Moral Warrior: Ethics and Service in the U.S. Military*. Albany, NY: State University of New York, 2004. 105.

⁹⁸ Welling, 152.

⁹⁹ Welling, 155.

¹⁰⁰ Cooper, Richard H., and Kohler Juliette. Voïnov. *Responsibility to Protect: the Global Moral Compact for the 21st Century*. New York: Palgrave Macmillan, 2009. 204.

¹⁰¹ Nalbandov, 16.

¹⁰² Newman, Ramesh, Thakur and Tirman, 35.

challenges.¹⁰³ When more actors are involved in an operation, it becomes more difficult, and the likelihood of free riders increases as well. Donald Rumsfeld captured these difficulties in 2005:

It's kind of like having a basketball team, and they practice and practice for six months. When it comes to game time, one or two say, 'We're not going to play.' Well, that's fair enough. Everyone has a free choice. But you don't have a free choice if you've practiced for all those months. So we're going to have to find a way to manage our way through that.¹⁰⁴

In addition to commitment and free riding problems, multilateral forces may be less likely to practice secrecy. The more forces that are involved, the more likely it is that military plans will become shared and open, which can undermine the success of a mission. Given these concerns, it seems unlikely that a multilateral force can be relied upon in the same way as that a unilateral force can. If this is the case, it doesn't follow that we need the Security Council to ensure multilateral action.

While those concerns may be valid, it is still possible for a multilateral force to address those issues. Existing forces can be reformed to address free rider problems and other challenges, or new forces can be created to remedy specific issues. Furthermore, multilateral forces are likely to have some military advantages that unilateral forces do not. For instance, multilateral forces tend to have better access to the battlefield. Effectiveness is likely to increase due since humanitarian interventions often necessitate use "of foreign bases, navigating through territorial waters of other countries, or overflying [other's] territory."¹⁰⁵ Because they acted as a unilateral

¹⁰³ Hamilton, Rebecca J. "The Responsibility to Protect: from Document to Doctrine - But What of Implementation?" *Harvard Human Rights Journal* 19 (2006): 296.

¹⁰⁴ Brown, Seyom. *Multilateral Constraints on the Use of Force: a Reassessment*. (Carlisle Barracks, PA, Strategic Studies Institute, U.S. Army War College, 2006),1.

¹⁰⁵ Brown, 11.

force, the United States was unable to invade Iraq through Turkey during operation IRAQI FREEDOM, and this decreased the effectiveness of the operation, for example.¹⁰⁶ Therefore, the combination of allies and regional locations encompassed in a multilateral force gives them an advantage over a unilateral force, which is likely to be removed from the location of the country where the intervention is taking place and far from resources.

Multilateral forces can also better achieve global external effectiveness. Unilateral forces tend to favor one side over another in the conflict, while multilateral forces are likely to foster a “solution that meets the interest of the disputants as well as the international community.”¹⁰⁷ States participating in multilateral coalitions may have their own self-interests at stake, but these interests are “neutralized” due to the existence of the other states. As Robert Nalbandov explains, “functional impartiality of multinational interventions balances the interest of the different actors which they are composed of.”¹⁰⁸ Additionally, multilateral forces tend to have more transparency. While is not always the case, multilateral forces are less likely than a unilateral force to harm the enjoyment of human rights in the world as a whole because they are forced to think of others.

Lastly, multilateral forces are also likely to better achieve internal effectiveness than a unilateral force. The main reason for this is that multilateral forces spread the burdens of intervention among multiple agents. In contrast to unilateral forces, multilateral forces can

¹⁰⁶ Brown, 11.

¹⁰⁷ Nalbandov, 17.

¹⁰⁸ Nalbandov, 19.

receive financial and material resources from more than once place. Most importantly, they share the risk of human life, whereas unilateral forces incur losses on their own.¹⁰⁹

Still, while it is clear that a multilateral force is likely to prove more successful than a unilateral force, some might object that multilateral interventions are possible without the authorization of the United Nations. Consequently, it does not seem to be the case that authorization is necessary. Rather, other regional organizations, for example, could put together a multilateral force, given that the Security Council has continually failed to reliably do so. This occurred during the case of Kosovo, as previously discussed.

Nevertheless, as noted before, preserving and reinforcing the international architecture in place must be a priority. It is possible that a multilateral force could come together without the Security Council. However, requiring authorization from the Security Council will work to both ensure the force is multilateral, and strengthen the developing world structure. Conversely, without authorization there is no real guarantee that the force will be multilateral, and the legitimacy of the United Nations will deteriorate. For these reasons, it follows that it is necessary to insist upon Security Council authorization when it comes to cases of intervention.

4: Closing the gap between law and morality

Because authorization for action ought to be necessary in justified cases of mass atrocity and genocide, but the Security Council has failed to act when it should, it is clear that reform is necessary. There are two main types of error when it comes to intervention. The first is intervening when it isn't really called for. The second type is failing to intervene when it is called

¹⁰⁹ Brown, 11.

for.¹¹⁰ While reducing the probability of both types of error is important, I argue that reducing the second type of error is more significant. As such, the end goal of the reforms is to determine how to best structure an agency that will be in the best position to provide legal authorization when it is morally justified.

Some suggest that more is needed than a restructuring of the Security Council. As Roderic Alley has written, the “state-based international order...is inadequately equipped to deal with the moral, political, and diplomatic dilemmas generated by the violation of rights during internal conflict.”¹¹¹ While a possible reconfiguration of the global political order outside of the United Nations might be one way to so address the issue, I will not consider this alternative, since I find modifying the existing institutions in place is likely to be more successful than completely starting over. Thus, I will discuss what I think to be the most direct and effective route: reforms within the council itself.

Before examining the possible reforms within the Security Council, it will be useful to expand on the details of its current makeup. As mentioned previously, it is composed of five permanent members (China, France, Russia, the UK, and the US), and ten rotating members. The non-permanent members are elected for two-year terms. The Presidency of the Security Council is a rotating position held by one of the five permanent members for one calendar month.¹¹² The council meets almost daily to debate issues, and has nearly 100,000 peacekeepers at its

¹¹⁰ Anderson, Elizabeth. Personal. 3 April 2012.

¹¹¹ Alley, Roderic M. *Internal Conflict and the International Community: Wars without End?* Aldershot: Ashgate, 2004. 96.

¹¹² "Membership of the Security Council."

service.¹¹³ Decisions are made by an affirmative vote of at least nine of the 15 members. These meetings are public, unless otherwise decided. The Secretary-General is responsible for issuing a summary statement of matters to which the council members must take into consideration on a weekly basis. If a representative raises a point of order, the Presidency must immediately state his ruling. If the ruling is challenged, it is put to vote, and stands unless it is overruled. When an issue involves a state without council membership, they may be invited to participate in the discussion, but will not get a vote on the matter.¹¹⁴ This arrangement was created in 1945 after World War II, and reflects the great powers of the time. Due to this, many see the council as an outdated representation of world order.

Still, the permanent members account for nearly 30% of the world's population and more than 40% of global economic output. They control 99% of all nuclear warheads in existence. Additionally, they have a combined 5.5 million men and women in the military. While most of the UN structure maintains the equality of member states, the council grants the most powerful countries additional special rights and responsibilities.¹¹⁵ The council's overall task is to "maintain international peace and security", but as David Bosco explains, the council is expected to govern in a sense, as their responsibility involves:

¹¹³ Bosco, David L. *Five to Rule Them All: The UN Security Council and the Making of the Modern World*. Oxford: Oxford UP, 2009. 250.

¹¹⁴ United Nations. Security Council. *Provisional Rules of Procedure of the Security Council*. Web. 22 Apr. 2012. <<http://www.un.org/Docs/sc/scrules.htm>>.

¹¹⁵ Bosco, 3.

Actively suppress[ing] the insecurity that besets much of the globe by resisting aggression, defusing local conflicts, stabilizing unstable states, preventing the proliferation of dangerous weapons, punishing war criminals, and enforcing international sanctions.¹¹⁶

At the same time, the council also serves to prevent conflict between the strongest powers, and encourage cooperation. Secretary General Dag Hammarskjold captured this function well when he said the organization was designed “not to bring humanity to heaven, but to save it from hell.”¹¹⁷ From 1990 to 2009, U.S. secretaries of state traveled to a combined 80 bilateral meetings with the four other permanent members. This was almost twice as many times as with four other major powers without permanent seats (Japan, Germany, Brazil, and India.)¹¹⁸ In assessing Security Council reform it will be necessary to remember its dual function.

I will focus on possible reforms within the council, rather than reforms that would alter the hierarchy of the Security Council within the United Nations. Altering the council requires determining to what extent the council should reflect world power. I argue that Security Council reform ought to address balancing three central issues: effectiveness, legitimacy, and capacity for morally sound decision making.¹¹⁹ The council must be able to make timely decisions that reflect the interests of the international community, but it must also take action when it is morally justified.

First, the Security Council must be more broadly representative, since one of the council’s biggest problems is the dominance of the permanent members. A council that “better

¹¹⁶ Bosco, 4.

¹¹⁷ Bosco, 9.

¹¹⁸ Bosco, 251.

¹¹⁹ Anderson, Elizabeth. Personal. 11 April 2012.

reflects the geopolitical realities of today, would be more authoritative, and therefore more effective.”¹²⁰ Some have suggested adding more non-permanent seats to the council. However, this is not likely to make much of a change, as adding seats does not equate with it being any more representative of the rest of UN membership. As Edward Luck notes, “simply adding seats to a flawed enterprise does nothing to improve the way it relates to other organs or reaches out to the larger UN membership.”¹²¹ Moreover, the veto power of the permanent members would still outweigh the increased number of non-permanent members, and decision-making would be even more prolonged.

Rather than add non-permanent members, some suggest adding permanent members to the council in order to solve problems of legitimacy, and moral soundness. While the permanent members do hold a significant amount of world power, there are emerging powers whom some claim deserve seats on the table. Japan, for example, trails only to the United States in its financial contributions to the organization.¹²² Brazil, India and possibly South Africa are other emerging powers whom some suggest deserve permanent membership if the makeup of the council is to accurately reflect world power. David Bosco has also suggested that the British and French seats eventually be consolidated into one seat for the European Union, as this would allow Germany to have a voice.¹²³

¹²⁰ Frechette, Louise. "Adapting to the Twenty-First Century." *Irrelevant or Indispensable?: The United Nations in the Twenty-first Century*. Ed. Paul Heinbecker and Patricia M. Goff. Waterloo, Ont.: Wilfrid Laurier UP, 2005. 13.

¹²¹ Luck, Edward C. "The UN Security Council." *Irrelevant or Indispensable?: The United Nations in the Twenty-first Century*. Ed. Paul Heinbecker and Patricia M. Goff. Waterloo, Ont.: Wilfrid Laurier UP, 2005. 148.

¹²² Bosco, 255.

¹²³ Bosco, 255.

Of course, the current permanent members are likely to oppose the above changes since it would diminish their own power. Moreover, in order to enable effectiveness on the council, the number of non-permanent members would have to be decreased. If the number of permanent members increases to ten, for example, the total number of council members reaches twenty, and efficient decision-making becomes less likely. Decreasing the number of non-permanent members, however, leaves the council in the hands of the strongest powers, and further decreases the overall representativeness of the council. Another issue with adding permanent members is that because power is constantly changing, it is not clear that adding any new permanent members would accurately reflect the distribution of world power for very long. Consequently, at this point in time, expanding membership by adding either permanent, or non-permanent members does not seem to be the best solution.

Instead of expanding membership and the composition of the council, making changes to the current system of decision-making is likely to prove beneficial. The use of the veto by the five permanent members is one of the main reasons cases are not authorized when they ought to be. Citizens for Global Solutions has suggested that the permanent members should agree not to use their veto to block action in justified cases which would otherwise pass by a majority. In other words, the council should adopt a “responsibility not to veto” principle.¹²⁴ While this idea is appealing, it is not clear that it could ever realistically be enforced. Rather than merely agreeing upon a “responsibility not to veto” principle, a better option might be to enforce the ability of the council to override the veto. It is usually the case that two permanent members use the veto together, thus it might make most sense that if the majority of the council and at least

¹²⁴ Blätter, Ariela. *The Responsibility Not To Veto: A Way Forward*. Rep. Citizens for Global Solutions, 2010. Web. 2 Feb. 2012. <<http://globalsolutions.org/prevent-war/genocide-prevention>>.

three of the permanent members vote in favor of intervention, it could override a veto by the other two permanent members.

A redistribution of voting powers could help to balance the power on the council as well. For example, permanent members could each get two votes, and non-permanent members could each have one. This would remove the problem of the veto, and require more than two permanent member states to band together to outweigh the rest of the council. It would also encourage more cooperation between permanent and non-permanent member states.

The prior reforms would no doubt take much time to implement, but other less major changes ought to be undertaken in the meantime. This past March, the “Small 5”, which consists of Switzerland, Costa Rica, Jordan, Liechtenstein, and Singapore, submitted a draft resolution with proposals for minor changes to the Security Council. The aim of their proposal was to make the council more “open, transparent and efficient.”¹²⁵ As such, their first suggestion is that the Security Council makes more of its meetings public, therefore allowing non-members, and particularly those affected by certain conflicts, to have more involvement in the decision-making process. Second, they suggest that the permanent members renounce their veto power in cases of genocide, war crimes, and crimes against humanity. These suggestions would allow the council to be more representative, and also help to ensure that necessary action is taken in justified cases. While removing the power to veto does seem like the only way to increase effectiveness, legitimacy and the ability of the council to act when it ought to, the reality of this occurring seems unlikely in the near future. It should be something that continues to be discussed, but at

¹²⁵ Emch, Rita. "Swiss Want to "democratise" UN Security Council." *Swissinfo.ch*. 29 Mar. 2012. Web. 9 Apr. 2012. <<http://www.swissinfo.ch/eng/i.html?cid=32381282>>.

least some immediate reforms, such as those just noted, needs to occur in the near future if the Security Council is going to continued to be relied upon.

5: Conclusion

Raphael Lemkin was once quoted as saying, “Only man has law. Law must be built, do you understand me? You must build the law.”¹²⁶ It is this spirit that I have aimed to demonstrate ought to be preserved. The Responsibility to Protect Doctrine is not perfect. Nor is the United Nations, or the Security Council. However, rather than giving up on the beginnings of what has been built, the international community must work together to strengthen international law. As I have argued, acting without Security Council authorization not only makes multilateral intervention less likely, which decreases effectiveness, but also undermines the current world order. As history has proven, preventing genocide is nearly impossible without the support of international law and a global system. Despite the many challenges involved, Security Council reforms must be taken seriously, and the world’s most powerful countries must begin to play a more integrated role in world affairs, rather than a dominant one. The future of the world’s security depends upon it.

¹²⁶ Ignatieff, Michael. "Preventing Genocide." *Speaker Series*. United States Holocaust Memorial Museum, 15 Dec. 2005. Web. 24 Apr. 2012. <<http://www.ushmm.org/genocide/analysis/details.php?content=2005-12-15>>.

Appendix

Table 1

Record of Security Council authorizations in humanitarian conflict cases 1994-2012

	“Successful” intervention	Crises ongoing or deemed failure and RtoP necessary	Misapplication of RtoP
SC authorization	Libya	Darfur (authorized late)	
No SC authorization	*Kosovo	*Rwanda, *Bosnia, Burma, Sri Lanka, Syria (as of 4/2012), Democratic People’s Republic of Korea,	Iraq, Russia-Georgia conflict

*Occurred before agreement on RtoP

Bibliography

- Alexander, Rudolph. *Human Behavior in the Social Environment: A Macro, National, and International Perspective*. Los Angeles: Sage, 2010.
- Alley, Roderic M. *Internal Conflict and the International Community: Wars without End?* Aldershot: Ashgate, 2004.
- Annan, Kofi. "Two Concepts of Sovereignty." *The Economist* 18 Sept. 1999. *The United Nations News*. Web. 10 Apr. 2012. <<http://www.un.org/news/oss/sg/stories/kaecon.html>>.
- Badescu, Cristina G. *Humanitarian Intervention and the Responsibility to Protect: Security and Human Rights*. Milton Park, Abingdon, Oxon, England: Routledge, 2011.
- Bellamy, Alex J. *Global Politics and the Responsibility to Protect: From Words to Deeds*. London: Routledge, 2011.
- Bellamy, Alex J. *Responsibility to Protect: the Global Effort to End Mass Atrocities*. Cambridge: Polity, 2009.
- Blätter, Ariela. *The Responsibility Not To Veto: A Way Forward*. Rep. Citizens for Global Solutions, 2010. Web. 2 Feb. 2012. <<http://globalsolutions.org/prevent-war/genocide-prevention>>.
- Bosco, David L. *Five to Rule Them All: The UN Security Council and the Making of the Modern World*. Oxford: Oxford UP, 2009.
- Bosco, David. "Foreign Policy Magazine." *What Divides Neocons and Liberal Interventionists*. 9 Apr. 2012. Web. 10 Apr. 2012. <http://bosco.foreignpolicy.com/posts/2012/04/09/what_divides_neocons_and_liberal_interventionists>.
- Brown, Seyom. *Multilateral Constraints on the Use of Force: a Reassessment*. Carlisle Barracks, PA, Strategic Studies Institute, U.S. Army War College, 2006.
- Buchanan, Allen. "In the National Interest." *The Political Philosophy of Cosmopolitanism*. Ed. Gillian Brock. Cambridge [u.a.: Cambridge Univ., 2005.
- Charter of the United Nations, Article 1." *The United Nations: It's Your World*. Web. 14 Feb. 2012. <<http://www.un.org/en/documents/charter/index.shtml>>.
- "Charter of the United Nations, Article 2." *The United Nations: It's Your World*. Web. 14 Feb, 2012. <<http://www.un.org/en/documents/charter/index.shtml>>.
- Collins, Robin. *Thinking About Libya, the Responsibility to Protect and Regime Change: A "Lessons Learned" Discussion Paper*. The World Federalist Movement - Canada, Oct. 2011. Web. 10 Feb. 2012. <www.worldfederalistscanada.org>.
- Cook, Martin L. *The Moral Warrior: Ethics and Service in the U.S. Military*. Albany, NY: State University of New York, 2004.
- Cooper, Richard H., and Kohler Juliette. Voïnov. *Responsibility to Protect: the Global Moral Compact for the 21st Century*. New York: Palgrave Macmillan, 2009.
- Critchlow, George. "Stopping Genocide Through International Agreement When the Security Council Fails to Act." *Georgetown Journal of International Law* 40.2 (2009): 311-43.
- Daalder, Ivo H., and James G. Stavridis. "NATO's Success in Libya." *Nytimes.com*. International Herald Tribune, 30 Oct. 2011. Web. 18 Mar. 2012. <<http://www.nytimes.com/2011/10/31/opinion/31iht-eddaalder31.html>>.

- Dorn, Walter. "A Review of *Shake Hands with the Devil: The Failure of Humanity in Rwanda*." Review. *Canadian Foreign Policy* 2004: 119-23. Web. 30 Jan. 2012. <<http://www.walterdorn.org/pub/9>>.
- Dower, Nigel. "Questioning the Questioning of Cosmopolitanism." *Studies in Global Justice* 6 (2010). 1-20.
- Doyle, Michael W. "International Ethics and the Responsibility to Protect." *International Studies Review* 13.1 (2011): 72-84.
- Elder, Tanya. "What You See before Your Eyes: Documenting Raphael Lemkin's Life by Exploring His Archival Papers, 1900–1959." *Journal of Genocide Research* 7.4 (2005): 469-99.
- Emch, Rita. "Swiss Want to "democratise" UN Security Council." *Swissinfo.ch*. 29 Mar. 2012. Web. 9 Apr. 2012. <<http://www.swissinfo.ch/eng/i.html?cid=32381282>>.
- Evans, Gareth. "End of the Argument." *Foreign Policy*. Dec. 2011. Web. 22 Apr. 2012. <http://www.foreignpolicy.com/articles/2011/11/28/gareth_evans_end_of_the_argument>.
- Evans, Gareth. "The Responsibility to Protect: From an Idea to an International Norm." *Responsibility to Protect: the Global Moral Compact for the 21st Century*. New York: Palgrave Macmillan, 2009.
- Feierstein, Daniel. "The Good, the Bad, and the Invisible: A Critical Look at the MARO Report." *Genocide Studies and Prevention* 6.1 (2011): 39-44.
- Frechette, Louise. "Adapting to the Twenty-First Century." *Irrelevant or Indispensable?: The United Nations in the Twenty-first Century*. Ed. Paul Heinbecker and Patricia M. Goff. Waterloo, Ont.: Wilfrid Laurier UP, 2005.
- "Genocide in Rwanda." *The United Human Rights Council*. Web. 30 Jan. 2012. <http://www.unitedhumanrights.org/genocide/genocide_in_rwanda.htm>.
- Glanville, Luke. "The International Community's Responsibility to Protect." *Global Responsibility to Protect* 2.3 (2010): 287-306.
- Global Centre for the Responsibility to Protect. "Syria." *R2P Monitor* 1 (10 Jan. 2012): 1-12.
- Grünfeld, Fred, and Wessel Vermeulen. "Failures to Prevent Genocide in Rwanda (1994), Srebrenica (1995), and Darfur (since 2003)." *Genocide Studies and Prevention* 4.2 (2009): 221-237.
- Hamilton, Rebecca J. "The Responsibility to Protect: from Document to Doctrine - But What of Implementation?" *Harvard Human Rights Journal* 19 (2006): 289-297.
- Harris, Paul, Martin Chulov, David Batty, and Damien Pearse. "Syria Resolution Vetoed by Russia and China at United Nations." *The Guardian*. Guardian News and Media, 024 Feb. 2012. Web. 02 Apr. 2012. <<http://www.guardian.co.uk/world/2012/feb/04/assad-obama-resign-un-resolution>>.
- Ignatieff, Michael. "Preventing Genocide." *Speaker Series*. United States Holocaust Memorial Museum, 15 Dec. 2005. Web. 24 Apr. 2012. <<http://www.ushmm.org/genocide/analysis/details.php?content=2005-12-15>>.
- "International Law." *Office of the United Nations High Commissioner for Human Rights*. Web. 10 Mar. 2012. <<http://www2.ohchr.org/english/law/>>.
- Janakiram, Kamala. *Is Humanitarian Intervention, without Explicit Security Council Authorization, Lawful? The Case of Kosovo*. *Lawanddevelopment.org*. Apr. 2004. 9. Web. 30 Mar. 2011. <<http://www.lawanddevelopment.org/articles/humanitarianintervention.html>>.
- Lachapelle, Erick. "Morality, Ethics, and Globalization : Lessons from Kant, Hegel, Rawls, and Habermas." Ed. Richard B. Day and Joseph Masciulli. *Globalization and Political Ethics*. Leiden: Brill, 2007.

- Lanz, David. "Why Darfur? The Responsibility to Protect as a Rallying Cry for Transnational Advocacy Groups." *Global Responsibility to Protect* 3 (2011): 223-247.
- Lawford-Smith, Holly. "Feasibility Constraints and the Cosmopolitan Vision: Empirical Reasons for Choosing Justice Over Humanity." Comp. Stan Van Hooft and Wim Vandekerckhove. *Questioning Cosmopolitanism*. Dordrecht: Springer, 2010.
- Lenard, Patti Tamara. "Motivating Cosmopolitanism? A Skeptical View." *Journal of Moral Philosophy* 7.3 (2010): 346-371.
- Luck, Edward C. "The UN Security Council." *Irrelevant or Indispensable?: The United Nations in the Twenty-first Century*. Ed. Paul Heinbecker and Patricia M. Goff. Waterloo, Ont.: Wilfrid Laurier UP, 2005.
- Manzo, Kathleen K. "National Identity; 'E Pluribus Unum'" *Education Week*. 11 June 2008. *ProQuest*. Web. 19 Apr. 2012.
<<http://proquest.umi.com.proxy.lib.umich.edu/pqdweb?did=1499074841&Fmt=7&clientId=17822&RQT=309&VName=PQD>>.
- Mayersen, Deborah. "Current and Potential Capacity for the Prevention of Genocide and Mass Atrocities within the United Nations System." *Global Responsibility to Protect* 3 (2011): 197-222.
- Mehtra, Vijay. "The UN Doctrine on the Responsibility to Protect: Can It Be Enforced to Prevent Wars, Genocides and Crimes against Humanity?" *Lecture*. 9 Mar. 2009. www.unitingforpeace.com. South Lakeland & Lancaster City United Nations Association. Web. 12 Feb. 2012.
- Mertus, Julie A. "Legitimizing the Use of Force in Kosovo." *Ethics & International Affairs* 15.1 (2001): 133-150. *Carnegie Council: the Voice for Ethics in International Affairs*. The Carnegie Council, 6 Dec. 2002. Web. 05 Feb. 2011. <http://www.carnegiecouncil.org/resources/articles_papers_reports/657.html>.
- "Membership of the Security Council." *Welcome to the United Nations: It's Your World*. Web. 27 Mar. 2011. <<http://www.un.org/sc/members.asp>>.
- Nalbandov, Robert. *Foreign Interventions in Ethnic Conflicts*. Farnham, England: Ashgate, 2009.
- National Endorsements of Responsibility to Protect: Policy Papers, Strategy Documents and Focal Points*. Rep. The International Coalition for the Responsibility to Protect, Dec. 2011. Web. 10 Jan. 2012. <<http://www.responsibilitytoprotect.org/index.php/about-coalition/our-work>>.
- Newman, Edward. *A Crisis of Global Institutions?: Multilateralism and International Security*. London: Routledge, 2007.
- Pattison, James. *Humanitarian Intervention and the Responsibility to Protect Who Should Intervene?* Oxford UP, 2010.
- Peral, Luis. "R2P in Syria - How to Surmount the Inaction of the UN Security Council?" *International Coalition for the Responsibility to Protect (ICRtoP)*. 16 Nov. 2011. Web. 13 Feb. 2012. <<http://www.responsibilitytoprotect.org/index.php/crises/191-the-crisis-in-syria/3745-euiss-r2p-in-syria-how-to-surmount-the-inaction-of-the-un-security-council>>.
- "Q&A: Sudan's Darfur Conflict." *BBC News*. 23 Feb. 2010. Web. 15 Feb. 2012. <<http://news.bbc.co.uk/2/hi/africa/3496731.stm>>.
- Scheffler, Samuel. "Individual Responsibility in a Global Age." *Contemporary Political and Social Philosophy*. Ed. Ellen Frankel. Paul, Fred Dycus Miller, and Jeffrey Paul. Cambridge: Cambridge UP, 1995.
- Seybolt, Taylor B. *Humanitarian Military Intervention: The Conditions for Success and Failure*. Oxford, England: Oxford UP, 2007.

- Singer, Peter. "Famine, Affluence, and Morality." *Philosophy and Public Affairs* 1.1 (1972): 229-43.
- "Student Handout: Background on United Nations." Rep. PBS. Web. 20 Apr. 2012. <www.pbs.org/newshour/extra/teachers/.../un_sh_background.pdf>.
- Tan, Kok-Chor. *Justice without Borders: Cosmopolitanism, Nationalism, and Patriotism*. New York: Cambridge UP, 2004.
- Thakur, Ramesh. "Freedom from Fear: Effective, Efficient and Equitable Security." *Irrelevant or Indispensable?: The United Nations in the Twenty-first Century*. Ed. Paul Heinbecker and Patricia M. Goff. Waterloo, Ont.: Wilfrid Laurier UP, 2005.
- "The War on Iraq: Legal Issues." *Human & Constitutional Rights*. The Arthur W. Diamond Law Library at Columbia Law School, 29 Jan. 2003. Web. 18 Apr. 2012. <<http://www.hrcr.org/hottopics/Iraq.html>>.
- Welling, J. J. "Non-governmental Organizations, Prevention, and Intervention in Internal Conflict: Though the Lens of Darfur." *Indiana Journal of Global Legal Studies* 14.1 (2007): 147-179.
- Woods, Emira. "Foreign Policy In Focus." *FPIF*. The Institute for Policy Studies, 1 Jan. 1996. Web. 19 Apr. 2012. <<http://www.fpif.org/reports/somalia>>.
- "UN: Syrian Uprising Death Toll Passes 8,000." *CBSNews*. CBS Interactive, 15 Mar. 2012. Web. 18 Mar. 2012. <http://www.cbsnews.com/8301-202_162-57398243/un-syrian-uprising-death-toll-passes-8000/>.
- United Nations. "Convention on the Prevention and Punishment of the Crime of Genocide." *Prevent Genocide International*. Web. 12 Mar. 2012. <<http://www.preventgenocide.org/law/convention/text.htm>>.
- United Nations. Security Council. *Provisional Rules of Procedure of the Security Council*. Web. 22 Apr. 2012. <<http://www.un.org/Docs/sc/scrules.htm>>.
- Weiss, Thomas G. "Halting Genocide: Rhetoric versus Reality." *Genocide Studies and Prevention* 2.1 (2007): 7-30.
- Weiss, Thomas G. "RtoP Alive and Well after Libya." *Ethics & International Affairs* 25.03 (2011): 287-292.
- Wheeler, William. "Why the World's 'Responsibility to Protect' Extends to Libya But Not Syria." *Good.com*. 12 Apr. 2012. Web. 12 Apr. 2012. <<http://www.good.is/post/why-the-world-s-responsibility-to-protect-extends-to-libya-but-not-syria/>>.