

**Security/Development in the Neoliberal Age:  
Responsibility to Protect (R2P) in the United Nation's  
Security/Development Dispositif**

by

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## Ethics Statement



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## Abstract

The concept of ‘responsibility to protect’ (R2P) as a response to situations of violent conflict and insecurity, was first formally articulated by the International Commission on Intervention and State Sovereignty (ICISS) in 2001, and subsequently endorsed by the United Nations (UN) General Assembly through the Summit Outcome Document (SOD) in 2005. Since then, various UN agencies appear to have accepted R2P by incorporating aspects of the concept into their institutional and operational mandates. Literature on the subject places R2P in the security realm where it is either heralded as a ‘paradigm shift’ towards progressive humanitarianism or denounced as a mask for imperial militarism. My research expands this conversation by locating R2P in the historical context of the liberal/neoliberal ‘security/development dispositif’ which has informed the UN system’s policies and programs since its inception. Using Foucauldian genealogy, I analyze how/where R2P ‘fits’ within the UN’s historically evolving security/development discourses and practices with two related objectives. First, ‘map’ empirically R2P’s institutional and operational manifestations in the UN to gauge the degrees/forms of its incorporation. Second, assess critically whether R2P’s institutional manifestations represent a significant change in the way the UN has approached the relationship between security and development since 1945. To achieve this second objective, I use Foucauldian concepts of ‘dispositif’, ‘governmentality’ and ‘biopolitics’ to ‘make sense’ of the map by unpacking the meanings (ideational and normative) of R2P. A genealogical analysis of the evidence supplemented by interviews, supports my hypotheses to reveal not only R2P’s uneven and contested incorporation across UN agencies, but also how the liberal/neoliberal security/development dispositif as a discursive structure of knowledge and power privileges particular interpretations and applications of R2P’s ‘three pillars’ (responsibility to react, prevent and rebuild). R2P, then, is a *discursive rearticulation*; a more limited kind of change than a *discursive shift*, with the emphasis on ‘protection’ and ‘responsibility’ signifying both continuity and change in the evolving liberal/neoliberal security/development dispositif.

**Keywords:** Responsibility to protect; security/development; dispositif; governmentality; genealogical discourse analysis; United Nations

*To my parents*

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A doctoral project is a privilege entitling you residence in the ivory tower to engage in a life of the mind. Lest this advantage turn into a luxury of incubating lazy whimsical ideas, the admonishing ethical gaze reveals this privilege as being made possible by the social burden shouldered by some of our fellow human beings. Randhir Singh's exhortation—the task of social sciences is *change* and this involves figuring out what are the right questions and if need be changing the terms of debate—was always at the back of my mind in the entirety of this research quest. I am fortunate that my supervisor, James Busumtwi-Sam, ensured that this pursuit be punctuated by critical interrogations of the social, political, economic and cultural realities of the global and local. His mentorship involved patient erasures of my frequent self-doubts and allowing me the freedom to unboundedly explore. He encouraged me to stretch the boundaries of my research question. Thus un-caged, the question's answer(s) could rightfully transgress the borders of the subfields in the International Relations/Political Science discipline(s). It is only in retrospect that I can appreciate the dexterity with which he guided me to lose myself without getting lost.

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## List of Acronyms

AP R2P	Asia Pacific Centre on Responsibility to Protect
AU	African Union
CGG	Commission on Global Governance
CHS	Commission on Human Security
CSS	Critical Security Studies
DAD	Development Assistance Committee
DCD	Development Co-Operation Directorate
ECOWAS	Economic Community of West African States
FOA	Framework of Analysis
FFF	Freedom from Fear
FFW	Freedom from Want
GCR2P	Global Centre for Responsibility to Protect
HDR	Human Development Report
HS	Human Security
HSU	Human Security Unit
ICC	International Criminal Court
ICDSI	Independent Commission on Disarmament and Security Issues
ICIDI	The Independent Commission on International Development
ICISS	International Commission on Intervention and State Sovereignty
ICRtoP	International Coalition for Responsibility to Protect
IDP	Internally Displaced People

IFI	International Financial Institutions
ILC	International Law Commission
ILO	International Labour Organization
IMF	International Monetary Fund
IR	International Relations
ISIS	Islamic State of Iraq and Syria
MINURCAT	United Nations Mission in the Central African Republic and Chad
MINUSCA	United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic
MINUSMA	United Nations Multidimensional Integrated Stabilization Mission in Mali
MINUSTAH	United Nations Stabilization Mission in Haiti
MONUC	United Nations Organization Mission in the Democratic Republic of the Congo
MONUSCA	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
NIEO	New International Order
OHCHR	Office of the United Nations High Commissioner for Human Rights
ONUB	United Nations Operation in Burundi
OSAPG	Office of the Special Adviser on Prevention of Genocide
P5	Permanent Five (at the UN Security Council)
R2P or RtoP	Responsibility to Protect
RwP	Responsibility While Protecting
SAPG	Special Adviser on Prevention of Genocide

SAR2P	Special Adviser on Responsibility to Protect
UN	United Nations
UNAOC	United Nations Alliance of Civilizations
UNAMID	African Union-United Nations Hybrid Operation in Darfur
UNCTAD	United Nations Conference on Trade and Development
UNDESA	Department of Economic and Social Affairs
UNDOCO	United Nations Department Operations Coordination Office
UNDP	United Nations Development Programme
UNDPA or DPA	United Nations Department of Political Affairs
UNDPKO or DPKO	United Nations Department of Peacekeeping Operations
UNEP	United Nations Environment Programme
UNESCO	United Nations Economic and Social Council
UNFPA	United Nations Population Fund <sup>a</sup>
UNGA or GA	United Nations General Assembly
UNGC	United Nations Global Compact
UNHCR	United Nations High Commissioner for Refugees
UNHRC or HRC	United Nations Human Rights Council
UNICEF	United Nations Children's Fund <sup>b</sup>
UNIFIL	United Nations Interim Force in Lebanon
UNISFA	United Nations Organization Interim Security Force for Abyei

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<sup>a</sup> The acronym UNFPA originally denoted United Nation's Fund for Population Activities.

<sup>b</sup> The acronym UNICEF originall denoted United Nation's International Children's Fund.

UNITAR	United Nations Institute for Training and Research
UNMIL	United Nations Mission in Liberia
UNMIS	United Nations Mission in the Sudan
UNMISSET	United Nations Mission of Support in East Timor
UNMISS	United Nations Mission in the Republic of South Sudan
UNMIT	United Nations Integrated Mission in Timor-Leste
UNOCC or OCC	United Nations Operations and Crisis Centre
UNOCHA or OCHA	United Nations Office for the Co-ordination of Humanitarian Affairs
UNOCI	United Nations Operation in Cote D'Ivoire
UNODC	United Nations Office on Drugs and Crime
UNOGPR2P	United Nations Office on Genocide Prevention and the Responsibility to Protect
UNOMSIL	United Nations Observer Mission in Sierra Leone
UNPBC	United Nations Peacebuilding Commission
UNPBSO	United Nations Peacebuilding Support Office
UNPKO	United Nations Peacekeeping Operations
UNSC or SC	United Nations Security Council
UNSG or SG	United Nations Secretary-General
UNSMIS	United Nations Supervision Mission in Syria
UNTAET	United Nations Transitional Administration in East Timor
USG	Under-Secretary- General
WCED	The World Commission on Environment and Development

WFM-IGP

World Federalist Movement - Institute for Global Policy

WWII

World War II

**Part 1. Introduction:**  
**Establishing the Context and Framing the Problem**

# 1. Introduction

The concept of ‘responsibility to protect’ (R2P) as a response to situations of violent conflict and insecurity, first formally articulated by the International Commission on Intervention and State Sovereignty (ICISS Report) (2001), and subsequently endorsed by the United Nations General Assembly (UNGA) through the Summit Outcome Document (SOD) 2005, appears to have been incorporated in some quarters of the United Nations (UN). As most of the literature on R2P views it as an issue of security, my research expands this conversation by locating R2P in the historical context of changes in the liberal/neoliberal<sup>1</sup> security/development dispositif, which have informed the UN system’s policies and programs since its inception. I analyze whether R2P has received strong advocacy within and by the UN and how it fits into the latter’s evolving security and development discourse. I do this by identifying the institutional and operational manifestations (within the UN) of R2P as a security *and* development response and compare this with that of other recent commissions (on security and development issues) sponsored or supported by the UN. The Foucauldian lenses of governmentality (the ‘rationalities’ of government) (Foucault: 1991) and biopolitics (policies and practices that shape a target population’s behaviour by acting on and changing the economic, social, cultural, and physical environments in which it is embedded) (2008) bring to the fore the circularity of the relationship between security and development, dynamics more adequately captured by the term security/development rather than security-development nexus.<sup>2</sup> In addition, governmentality and biopolitics also identify liberal/neoliberal underpinnings of protection and responsibility— key components of R2P— as important themes of the UN’s security/development dispositif (a heterogeneous ensemble of institutions, practices, regulations, laws, scientific statements, philosophical, and moral propositions, etc.). This study analyzes and locates R2P in the UN’s liberal/neoliberal

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<sup>1</sup> In addition to Michel Foucault’s *Birth of Biopolitics*, the term neoliberal (and neoliberalism) in this study draws from the international political economy literature (see Cox 1987, Craig & Porter 2006, Gill 1995, Harvey 2007, Peck 2010, Plehwe, Walpen, & Neunhoffer 2006).

<sup>2</sup>We may note here that this relationship between security and development is not peculiar to the neoliberal age, it can be traced to the era of colonialism (see Duffield 2006).

security/development dispositif. Marking this dispositif as liberal/neoliberal is done to highlight the fact that the imperatives of the global economy, operating on the principle of the free market, determine the role of the UN in the international arena (and in the respective domestic sphere of its member-states). That is, the liberal and neoliberal modes of the UN are best understood as points on a liberal continuum that differ only in terms of their recommendations regarding the *degree* and types of intervention by international institutions and the state.<sup>3</sup> In addition, I argue that despite its premise of a restrictive role for non-market entities in the market, neoliberal economic policy has necessitated a greater role for international institutions (such as the UN) and the state. The ‘responsibility’ in R2P is an example of the same imperative. Indeed the Secretary-General’s 2015 annual report on R2P announces the existence of a global consensus on the issue that recognizes as national and global, the responsibility to protect population from mass atrocity crimes (A/69/981-S/2015/500). Clearly, R2P’s exhortation to the international community to exercise its collective responsibility to protect gains traction from its simultaneous exertion of the individual nation-state’s ‘sovereignty as responsibility.’

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<sup>3</sup> Therefore, liberalism is prefixed with *neo* and not *new* as the former denotes continuity and/or reinvigoration of an idea. A novel or fresh idea, on the other hand, is best described as new. Manuel B. Aalberts views neoliberalism as ‘more than traditional liberalism and it is not capitalism by another name. It is a specific movement within capitalism that relies on some but not all of the old principles of economic liberalism’ (2013: 1053). Rich literature on the subject reveals the self-contradiction of neoliberalism. While neoliberal ideology decries state regulation, the reality of neoliberal practice sees the state intervening to facilitate giant corporations in market transactions (1054). We must also note that neoliberalism is in a state of constant evolution and diversification. The streams within neoliberalism exist with ‘critical differences’ between them: ‘for example, between American, British and European “social market” versions; South East Asian state-supported growth and Chinese “state capitalism”; Russia’s oligarchic/kleptomantic state and monetarist “experiments” in Latin America’ (Hall 2015: 16).

## 1.1. Context

The UN, since 2001, is the context of several activities related to ‘responsibility to protect’ (R2P).<sup>4</sup> This development along with the proliferating literature on it is indicative of R2P’s growing significance in the fields of International Relations (IR) and security studies.<sup>5</sup> R2P’s endorsement by the UN General Assembly (UNGA)—that serves as a source of international legitimacy (see Claude 1984; Weiss & Daws 2007)—in the 2005 SOD signaled R2P’s entry into the UN. Six years later the UN Security Council sanctioned military operation in Libya in the name of R2P (S/RES/1973/2011). The resolution is regarded as a landmark in R2P’s journey as besides mandating the first coercive operation under R2P, it also signaled the maturation of a norm in a short span of time (2001-2011) (Evans 2012; Lotze 2014; Thakur 2011).

Thus the UN played a major role in promoting R2P beginning with the creation of the ICISS (2001) (when Kofi Annan, UN Secretary-General gave his blessings to this commission) and its endorsement at the UN World Summit 2005. Since then a number of institutional and operational initiatives appear to indicate R2P’s incorporation into the UN. These include the appointment of Edward Luck as the Special Adviser to the Secretary-General on R2P and the addition of the R2P portfolio into the Office of the Special Adviser for the Prevention of Genocide (OSAPG). Operationally, this ‘Joint Office’ adopted a mandate for early warning, assessment, and a ‘convening mechanism’ to enable the Special Advisers on R2P and genocide prevention to bring key Under Secretaries-General in the UN together to provide policy options and recommendations to the Secretary-General’s Policy Committee in situations of imminent risk of atrocity

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<sup>4</sup>See A/RES/63/308; A/RES/60/1; A/63/677; S/2007/721; A/63/677; A/64/864; A/63/677; A/63/677; A/64/864.

<sup>5</sup>See Banda 2007; Bellamy 2009, 2008; Breau 2006; Bruennee & Toope 2006; Cooper & Kohler 2009; Etzioni 2006; Herro 2015; Hoffmann & Nollkaemper 2012; Luck 2008; Reinold 2013; Thakur 2004, 2005, 2006; Thakur & Maley 2015; Warner 2003; Weiss & Hubert 2001; Wheeler 2005; World Federalist Movement-International Policy Group 2003. Routledge has a book series, edited by Alex Bellamy, Sara E. Davies, and Monica Serrano, on Global Politics and the Responsibility to Protect. Under this seven titles have already been published and six are forthcoming (See <http://www.routledge.com/books/series/GPRP/>).

crimes. The OSAPG has developed a framework of analysis (FOA) to guide situational assessment, also a UN system ‘contact group’ on R2P has been convened. To further incorporate R2P, in January 2012 the Secretary-General called on his Special Adviser to ‘lead a system-wide assessment of how the UN can best employ the tools given to us under the Charter and specifically Chapters VI, VIII and VIII’ (Ban 2012). The UN response to the events in Kenya (2008 elections) and Cote D’Ivoire (2011 violence after disputed state elections) are cited as R2P success stories, the intervention in Libya (UN Security Council authorized military intervention 2011) was hailed in some quarters as an R2P response (Thakur & Maley 2015: 3).<sup>6</sup> Regarding the recent crisis in Syria, advocates of R2P have been in the forefront amongst those condemning the civilian killings and asking for the international community to respond. The continuation of atrocity crimes in ‘Central African Republic, the Democratic Republic of the Congo, the Democratic People’s Republic of Korea, Iraq, Libya, Nigeria, South Sudan, the Sudan, the Syrian Arab Republic and Yemen’ underline the need and therefore, relevance of R2P (A/69/981-S/2015/500/para1).

R2P, however, is not without its detractors. The criticism of R2P as an imperial military intervention gained credence with the 2011 military intervention in Libya that brought about a regime change in the country (Campbell 2013; Findlay 2011; Kuperman 2013; Thakur 2013; Ralph & Gallagher 2015; Wouters, De Man, & Vincent 2012). Noam Chomsky (2009) had made a similar criticism by placing R2P in the lineage of imperial responses of intervention. There is also a view that in the context of the unchanged reality of the politics of the Permanent Five (P5) at the UN Security Council and the persistence of national interest considerations, R2P is structurally disabled to auger a ‘new era’ (Hehir 2013b: 158; also see Bellamy 2009; Weiss 2011).

This dissertation is an examination of how R2P has captured the imagination of the policy, political and academic worlds. Does the ‘noise’ inside and outside the UN

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<sup>6</sup>R2P success stories also include international engagement in Guinea and Kyrgyzstan that prevented the recurrence of atrocity crimes (A/69/981-S/2015/500/para8).

signal the adoption of an R2P framework that is a radical break from the past? What does it mean to have an R2P framework? Does it displace old modes of thinking and ways of responding to mass killings? How did genocide, crimes against humanity, ethnic cleansing and war crimes come to be considered grave enough to legitimately question a nation-state's claim to sovereignty, a normative principle of international law that provides a basis for the organization of the international political domain? All these queries further lead to an intriguing puzzle as to how the UN, a microcosm of the international system, came to promote an idea that challenges a principle (i.e. sovereignty) which it is mandated to protect and is also the basis of its establishment. While literature on R2P discusses these issues, there is one question that escapes its close scrutiny: What does the fulfillment, in *full measure*,<sup>7</sup> of the responsibilities of prevention and rebuilding which inform R2P's three pillars<sup>8</sup> entail? The varying degrees of prevention and rebuilding responsibilities of different actors (states, regional and international organizations including non-governmental organizations) if executed wholly and not partially pose a radical challenge to the international *economic* order; there is an implied requirement of the recasting of the international political economy. Thus R2P, if interpreted critically, is a challenge to the very ordering principle of the international political and economic system.

## 1.2. Research Question

The key question that informs this dissertation is the following:

In what ways has R2P been incorporated into the UN, and does this incorporation represent a significant change in the way the UN has approached the relationship between security and development?

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<sup>7</sup>I am contrasting 'full measure' with partial and ad hoc measures.

<sup>8</sup>The Secretary-General in his 2009 annual report on R2P identified the three pillars as: Pillar one describes the protection responsibilities of the State, Pillar two refers to the international assistance and capacity building responsibility of international community while pillar three is the timely and decisive response of the UN Member States (A/63/677/2009). See Chapter 5 for more details.

### **1.3. Research Objectives and Justification**

My research question is designed to fill a gap in knowledge of the evolution and impact of R2P in the UN system by situating R2P in the broader historical context of a set of approaches to the relationship between security and development (informed by particular versions of liberalism) that has characterized the UN since its inception. I analyze how and where R2P fits within the UN's historically evolving security/development discourses and practices with two interrelated objectives that follow from my research question:

1. Identify and 'map' empirically R2P's incorporation in the UN. This mapping will include both the institutional and operational manifestations (form), as well as the ideational and normative meanings of R2P (content). (Ontological)

2. Understand how the observed institutional/operational and ideational/normative incorporation of R2P came to be, and assess critically whether it represents a significant change in the way the UN has approached the relationship between security and development since 1945. (Epistemological)

My objectives, therefore, are both ontological and epistemological. Before I can 'make sense of' and assess R2P's significance, I must first provide a substantive and empirical account of its evolution within the UN system.

The dominant literature on R2P locates its origin in the 'official birth certificate' i.e. the ICISS Report (2001) and the Summit Outcome Document (SOD) 2005; my research shows that the genesis of R2P is far more complicated and must be sought in the underpinnings and ethos of the neoliberal global political economy. My contention is that any discussion that accepts the putative origins of R2P in the ICISS is limiting on two counts. First, it reduces R2P to an idea and attributes it to the genius of a few individuals (the ICISS Commissioners). Second, it ignores the materiality of the idea. My research historicizes ICISS, the SOD, and subsequent UN documents that endorsed R2P.

The ICISS was set up to resolve the ‘international community’s’ dilemma of how to respond to situations of egregious violation of human rights in a sovereign state. The memory of the UN’s (and the international community’s) inaction to the genocide in Rwanda (1994) and NATO’s unilateral humanitarian intervention in Kosovo (1999) provided the backdrop to the ICISS. In addition, this literature on R2P traces the *intellectual roots* of the ICISS to Francis M. Deng’s (1996) conceptualization of ‘sovereignty as responsibility’ and Kofi Annan’s (1999) articulation of ‘two concepts of sovereignty’ whereby he argued that the imperative of human rights transcends the narrow conception of sovereignty (see Bellamy 2008: 617; Weiss 2007:89). The UN’s ‘politics of peace’ today is premised on the belief that peace within states is a prerequisite for interstate peace (Barnett 2010: 46). Thus the debate on R2P’s goals is between those who believe that R2P is a humanitarian-militaristic intervention and others who perceive it as encompassing a range of measures (military and non-military) aimed at prevention and protection (Bellamy 2008: 618; 2009: 33.) The latter would include measures such as capacity building of the host state, and diplomatic and humanitarian measures to protect the population from atrocity crimes. R2P is credited with being one of the ‘UN ideas that changed the world’ (Jolly, Emmerij, & Weiss 2009: 18) and changing the moral optic of the traditional humanitarian-intervention debate by replacing the argument of ‘right to intervene’ with that of ‘responsibility to protect.’ This projection of R2P, as a novel way of *thinking*, is also in consonance with the constructivist view that celebrates the discipline of IR’s ‘ideational turn.’

My research takes this discussion of R2P, as an ideational and normatively driven response to situations of violent conflict and insecurity, further by historicizing R2P in the liberal/neoliberal discourse and practices on security/development that emerged at the conclusion of World War II (WW II). Methodologically, I employ a Foucauldian genealogical approach resting on critical constructivist ontology. The main value of the Foucauldian perspective, and one of the main reasons why I chose this approach, is that it focuses attention on how power structures knowledge. IR constructivism, in contrast, has not paid sufficient attention to the role of power.

Thus, while the literature describes the liberal/neoliberal linking of security and development as a ‘security-development *nexus*,’<sup>9</sup> — I employ Foucauldian genealogy to frame it as a ‘security/development *dispositif*’. The term, *nexus*, denotes the coming together of two or more discrete fields while *dispositif* draws attention to the seamlessness of the ostensibly (or once) separate fields. A *dispositif* is both generative and framing; it brings together both the discursive and material (i.e., discourse as practice). The notion of *dispositif* allows me to view R2P as part of a larger discursive power/knowledge structure, trace its genealogy, and thereby see its connections to broader historical and contemporary aspects of the global political economy, which at first glance may seem unconnected. Within the framework of the security/development *dispositif*, I employ Foucauldian notions of *governmentality* and *biopolitics* to ‘make sense’ of the observed patterns of R2P’s incorporation into the UN.

I analyze and interpret R2P as a biopolitical technique of governmentality with material and practice foundations in the current neoliberal security/development *dispositif* that informs the UN system’s policies and programs. I draw attention to the question of *materiality* of the ‘idea’ of R2P and thereby fill a major gap in the R2P literature, which puts emphasis on R2P primarily as an idea or norm. I contend that the concepts of responsibility and protection are not only key themes in the emerging R2P doctrine, but also undergird the neoliberal philosophy that dominates the ethos of our times. Using the lenses of governmentality and biopolitics, I problematize the concepts of responsibility and protection in R2P to identify its liberal/neoliberal power and material underpinnings. By unpacking the meanings of responsibility and protection in R2P, I argue that such a formulation of R2P gives it the conceptual flexibility to nest itself in the UN’s dominant security/development discourses concerning— collective and human security. This makes possible the privileging in the UN of the ICISS report over previous security (and development) commissions’ reports.

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<sup>9</sup>For literature on the security-development nexus, see DCD/DAD 2004; Duffield 2001a, 2001b, 2006, 2007, 2010; Duffield, Macrae & Curtis 2001; Spear & Williams 2012; Stern & Ojendal 2010.

## 1.4. Central Argument

I argue that to date, *R2P's incorporation into the UN has been uneven*. This unevenness arises because not only is knowledge (the construction of meaning) a form of power but power is always implicated in questions of what kind of knowledge, when it is applied, and to whom it applies. A key insight from Foucauldian constructivism is that 'new' ideas/norms such as R2P do not emerge and operate in a vacuum; they operate within the discursive spaces (and limits) of a broader *dispositif*. Inevitably, therefore, these 'new' ideas/norms will encounter both *acceptance* and *resistance*.

My research indicates that support for R2P is not uniform across all the major UN departments— while some support it, others are resistant to or dismissive of it. There are apprehensions that R2P is essentially a 'Trojan horse' of the powerful states used to legitimize intervention in the affairs of the weak (Bellamy 2006: 32). The fact is that R2P's premise of 'sovereignty as responsibility' is pregnant with *conceptual* challenges to certain key established norms of international law and principles of the UN Charter, namely, sovereignty and territorial integrity of states. Thus in the eyes of the critics it is this possible conceptual 'turning over its head' of the very premise of the Westphalian system that makes the R2P terrain a slippery slope. Such an argument is amenable to the contention that resistance to the *new* R2P idea is symptomatic of the UN's inertia as a historical institution trapped by the logic of path-dependency.

The resistance could also be a result of the inevitable turf battles and power struggles that accompany the introduction of what appear to be new ideas/initiatives and creation of new offices and roles. These new offices and officers (e.g. the Secretary-General's Special Adviser on Responsibility to Protect) would clearly have a stake in promotion of R2P. This advocacy of R2P and the resistance to it is best understood through Foucault's (1980) concepts of power/knowledge and the related concepts of 'objectification and 'subjugation.' The power/knowledge relationship is characterized by circularity and 'non-subject-centered dynamics according to which the development of new mechanisms of power generates new objects and forms of knowledge; but

conversely, this knowledge allows for the refinement and expansion of power relationships in ways that are neither intentional nor fully predictable.’ Therefore, the relationship between discourse and power is neither ‘instrumental’ nor ‘unilaterally determined’ (Han 2004: 227). That is, if the ‘R2P knowledge’ gains legitimacy as a security paradigm then it has power consequences for the construction of the categories of the protectors, the protected and the enemies. This *potential* power of defining identities, interests, and agenda setting and prioritizing of goals of the UN makes the existing security and development departments of the UN wary of R2P. Similarly, this potential of R2P is likely to have stakeholders. My research identifies the R2P advocates and opponents (in terms of departments, member states, epistemic community, and norm entrepreneurs) but instead of focusing on individual agencies, I contextualize their dialectics in the broader liberal/neoliberal security/development dispositif. I then analyze whether these dialectics have consequences that alter the landscape of this dispositif.

As part of my central thesis I further argue that the uneven incorporation of R2P represents a ‘discursive re-articulation’ rather than a ‘discursive shift.’ Foucault spoke about *discursive formation*— whenever discursive events (texts, institutions, practices) refer to the same object, same style, strategies and a common institutional and political pattern (1972: 73) supported by a *regime of truth* i.e. the liberal/neoliberal governmentality. Thus my contention is that it is analytically limiting to view R2P as a discrete document and practice, R2P must be contextualized in the broader liberal/neoliberal security/development dispositif of which the UN itself is a part. Besides the UN this dispositif includes political and economic international and regional organizations such as UN agencies (World Bank, International Monetary Fund, and the International Labour Organization), World Trade Organization, World Intellectual Property Organization, Regional Development Banks, International Criminal Court, OXFAM, European Union, Association of Southeast Asian Nations (ASEAN), think tanks, academia and non-governmental organizations, and domestic security/development

agencies of both the developed and developing states.<sup>10</sup> The liberal/neoliberal security/development dispositif has a global sweep. The competition or the power play (and resistance) between these organizations is framed by the exigencies of this dispositif. In this study I limit my research focus to the primary UN organs and departments, but underline the premise that the existing UN security/development dispositif is itself a part of the existing broader liberal/neoliberal security/development dispositif. This helps us understand how the OSAPG has come to include as its outreach partners other international/regional and civil society organizations. Therefore, in this study, I use the terms— liberal/neoliberal security/development dispositif, UN security/development dispositif, and the UN liberal/neoliberal security/development dispositif— interchangeably. We must note that the UN as an international organization is of course uniquely placed vis-à-vis the others due to its near universal membership of nation-states.

Based on this central thesis I advance three core propositions:

#### **1.4.1. Proposition 1**

R2P is in consonance with the security/development discourse within the UN. I concur with the view that, although R2P is a new coinage in the lexicon of international relations, its underlying philosophy is neither transformational nor a major departure from the course of existing international laws and conventions (Welsh 2013: 373). R2P's affinity with the principles of the UN Charter and its related paraphernalia of international organizations and international law facilitate R2P's incorporation within the

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<sup>10</sup>The developed and the developing states do not enjoy parity in terms of their respective roles and benefits in the dispositif. The former clearly are dominant and the primary beneficiaries, but significantly the latter's resistance is mainly aimed at either dislodging the developed states dominant position or squeezing into that space of dominance. There are instances where the premise of this liberal/neoliberal dispositif was questioned by the latter e.g., Non-Aligned Movement and the demand for a New International Economic Order.

UN.<sup>11</sup> R2P advocates point to its association with the human security discourse within the UN (Murray 2013). The ICISS Report regards human security as one of the ‘fundamental objectives of modern international institutions’ (2001: 1.28). R2P’s goals to prevent, protect, and rebuild<sup>12</sup> echo the twin human security goals of ‘freedom from fear’ and ‘freedom from want.’ The broad concept of human security aims to meet both goals while the narrower version focuses only on freedom from fear. I contend that while the collective security doctrine sufficed as a framework to solve the problems of the post WWII era of embedded liberalism, it is not equipped to single handedly deal with the demands of the neoliberal era. Collective security, therefore, has to be supplemented with human security.

In order to understand these strategic and political imperatives of human security, we must briefly refer to the economic crises of the 1970s and 1980s. In the ‘neoliberal narrative’ embedded liberalism’s and its domestic counterpart, the welfare state’s policies of economic intervention to create employment and address issues of social injustice enfeebled the country’s ‘moral fibre’, ‘eroded personal responsibility and the over-riding duty of the poor to work’ and ignored Friedrich Hayek’s dictum that ‘“common good” either did not exist or could not be calculated.’ The solution for the economic crisis of the 1970s-1980s was seen in the panacea of neoliberal policies of structural adjustment programmes (SAP). In the wake of the 1982 Global South debt crisis, under SAP, the UN Specialized Agencies — the World Bank and the IMF— did not just reinforce the rationale for free market forces and free trade but made the offer of aid and foreign investment in the Global South contingent on policies of good governance, e.g., elections, ‘multi-party politics’ and ‘rule of law’ (Hall 2015: 15-16). The recession of the state from the economy and social sectors and the harsh conditionalities of SAP resulted in economic hardships for the population of countries in the Global South even as

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<sup>11</sup>For example, the list of the four crimes under R2P is similar to the list of crimes identified in both the 1998 Rome Statute and the 2001 Constitutive Act of the African Union (Welsh 2013: 374).

<sup>12</sup>These ICISS Report goals are reflected in 2005 SOD’s paragraph 139, whereby the international community commits itself to help states build capacity to protect populations from atrocity crimes. This aspect was further elaborated in the subsequent Secretary-General annual reports on R2P.

multinational corporations made ‘profit over people’ (see Chomsky 1999; Rapley 2004; Touraine 2001). The situation was further complicated with the political uncertainty and problems of the Post-Cold War order e.g. the Western states’ redefinition of strategic interests<sup>13</sup> prompted the identification of new threats (Busumtwi-Sam 2002), it heightened the economic unrest resulting from the neoliberal policies in the global and national arenas. The developed states were not immune from this as they were also experiencing a crisis of consensus and legitimacy in the domestic sphere (Chandler 2003; Ignatieff 1997; McCormack 2010b). Adoption of an ‘interventionist ethical foreign policy’ gives a state ‘a powerful mechanism for generating a sense of political purpose and mission’ (Chandler 2003: 299) whereby protection of human rights and ‘saving strangers’ (Wheeler 2000) becomes imperative.<sup>14</sup> Thus neoliberalism is not just an economic theory but also a complex of cultural and political values and practices (see Giroux 2004). I argue that measures such as R2P serve to maintain order; R2P can be added as an example of, what David Held and Anthony McGrew (2003) identified as, the international organizations’ measures of the global riot control police in the era of globalization.

This research questions the positing of collective security and human security as opposite ends of the security paradigm. Human security does not displace/erase collective security as the UN security paradigm, indeed human security requires collective security responses to meet its goal of freedom from fear. Collective security requires human security in the neoliberal economy to take charge/responsibility of overseeing and collecting the debris of responsibilities left by the retreat of embedded liberalism. Collective security and human security are complementary. Human security<sup>15</sup> is embedded along with collective security in the UN security/development paradigm; R2P nests in both human security and collective security. This explains why there is both

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<sup>13</sup>NATO’s intervention in the post-cold war period is an important example in this regard.

<sup>14</sup>The post-cold war search for new ideals and common bonds in an era of failed ideologies appears to have contributed to a rowing appreciation of human rights as a set of values’ (Francesca Klug in Chandler 2003: 229).

<sup>15</sup>The concept of human security is discussed at length in Chapters 2 and 4.

skepticism over and support for R2P within the UN. Those wary of R2P view it as military intervention, an instance of a robust application of collective security, which is hostage to the Permanent Five's strategic interests. The advocates of R2P see it as a bid to promote human rights and issues of human security.

Therefore, R2P's incorporation, though uneven, is possible because it is very much within the framework of the UN Charter (and related documents like the Rome Statute 1998 and Constitutive Act of the African Union 2001) (see Heiher 2013a, 2013b; Welsh 2013). The UN Secretary-General underscored the point that R2P is a continuation of principles of conventional and customary international humanitarian law, international human rights law and international criminal law (A/63/677/2009). Even the ostensibly radical recasting of one of the key features of international relations, sovereignty, as responsibility— which serves as a major premise of R2P— does not disrupt the international order. R2P remains within the framework of sovereignty albeit one reconstituted by powerful states through their 'hegemonic law making activities' (Reinhold 2013: i).

Although, the purpose of this research is to understand how R2P is a discursive rearticulation of the liberal/neoliberal security/development dispositif, my analysis briefly roves the realm of speculation (in chapter 7) to explore whether R2P can be a discursive shift. I contend that R2P would be a discursive shift if the responsibilities of prevention and rebuilding were to be taken seriously and pillars 1 and 2 were accordingly strengthened. In such a case R2P with its three pillars would recast some of the key normative/ideational themes of R2P i.e. responsibility, sovereignty, morality and protection. This discursive shift would entail key institutional/operational changes at the UN, including, the creation of an Economic Security Council that could address the structural root causes of atrocity crimes.

### 1.4.2. Proposition 2

R2P is also nested in the broader biopolitical ‘environment shaping’ risk management and disciplinary technologies characteristic of neoliberal globalization within which the UN functions; the UN does not challenge this globalization. Foucault’s concepts of governmentality and biopolitics<sup>16</sup> are insightful exegesis on the phenomenon of neoliberalism wherein security is not understood as *surete* i.e. national security or security of the state but as *securite* —‘future-oriented management of risks.’ Indeed long before, the concept of human security gained currency, Foucault in his lectures on *Security, Territory, Population* observed how by the eighteenth century the population had emerged as a problem, and its health and welfare became the primary concerns of the sovereign. Foucault explains this through the projects proposed ‘by someone called Vigne de Vigny’ for town development that ensures ‘hygiene, ventilation,’ and ‘trade within the town.’ An important component of this project was ‘surveillance’ that was deemed necessary to deal with the ‘insecurity of the towns’ caused by the ‘floating population of beggars, vagrants, delinquents, criminals, thieves, murderers, and so on, who might come as everyone knows from the country’ (Foucault 2007: 18).

I identify the following features, which qualify R2P as a technique of governmentality as it involves: 1. The identification of conflict-ridden, civil war striven, ‘failed states,’ politically unstable, poor third world states as Objects of Knowledge; 2. The construction of vulnerable individuals/groups, communities, states i.e. victims (the protected), and the states, regional organizations, international organizations i.e. security providers (the protectors) as Subjects of Power; 3. Using the responsibility to prevent, react, and rebuild as Technologies of Power (governance). Some situations, individuals/people are constructed as risks, which therefore, require ‘management’: ‘The concept of governmentality demonstrates Foucault’s working hypothesis on the reciprocal constitution of power techniques and forms of knowledge’ (Lemke, 2001:

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<sup>16</sup>Governmentality and biopolitics are inter-related concepts although some treat the two terms as synonyms (Kelly 2010: 3).

191). Power, thus underpins the R2P articulation as it has implications for how and why certain international situations are labeled as crisis and categories of protector and the protected are constructed. The UN as an international organization, on account of the universal membership of nation states, enjoys a *unique* authority to speak on behalf of the global community of states. UN *specialized* agencies also possess the authority to speak as experts. The ICISS report emphasized this view and catalogued the UN's comparative advantages vis-à-vis other international organizations as including: 'universal membership, political legitimacy, administrative impartiality, technical expertise, convening and mobilizing power, and dedication of its staff' (2001: 6.26).

For these reasons the UN's *acts* of governmentality, the conduct of conduct, enjoys legitimacy. These acts or practices include diagnoses, identification and classification of populations/states as ill (failed) or at risk of being so ('failed' or 'failing' states) who are in need of cure/aid. The suggested remedy is development and security measures including the *bitter pill* of Security Council certified aerial attacks or ground troops.

Biopolitics is a technology of power that enables the control of populations and 'involves techniques like censuses, ballots, hydrography and insurance policies, encompassing governmentality' (Kelly 2010: 4). It involves the measures taken by governments as well as other actors to identify and control the trends, tendencies, and processes that unfold within a target population (e.g. 'poor women'), and which influence that population's productivity, vitality, social structures, and overall behaviour (Foucault, 1990: 140). Development as conceptualized by the World Bank (a UN agency) aims to change the activities and even the way of thinking of people, therefore receipt of development aid by a country is made contingent on the conduct and behavior of its population (Duffield 2001a: 312); thus 'good governance' is an alias of 'good conduct.' Neoliberal governmentality employs biopolitical measures as one of its principal governance technologies (policies, practices, strategies, etc.), informed by particular governance rationalities (theories, ideologies, etc.). Another important aspect of biopolitics that makes it particularly relevant for the subject of genocide (and other

atrocities crimes) is thanatopolitics i.e. politics of death.<sup>17</sup> Foucault drew attention to one of the ‘puzzling antinomies of our political reason’ that is, ‘the coexistence in political structures of large destructive mechanisms and institutions oriented toward the care of individual life’ (2000: 405). Under biopolitics there is the ‘simultaneous possibility of protecting life and of the *holocaust*’ (Foucault in Milchman & Rosenberg 1996: 102). So the significance of the lenses of biopolitics and governmentality is that they enable me to view and understand the singular R2P as part of the liberal/neoliberal security/development apparatus i.e. *dispositif*. Foucault defines *dispositif* as a

heterogeneous ensemble consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral and philanthropic propositions—in short, the said as much as the unsaid. Such are the elements of the apparatus. The apparatus itself is a system of relations that can be established between these elements (1980: 194).

This insight helped me understand the role of the veritable cottage industry of research centres and civil society organizations dedicated to the promotion of R2P (Hehir 2013a: 6). I was compelled to expand my research site beyond the UN Headquarters (and UN offices and field operations across the world) and include as examples three entities *outside* the UN as part of its security/development *dispositif*. The concept of *dispositif* makes visible the connecting threads between the UN and the *outside* entities—the *Global Centre for Responsibility to Protect* (GCR2P), the *International Coalition for the Responsibility to Protect* (ICRtoP) (both located in New York, USA), and the *Asia Pacific Centre for the Responsibility to Protect* (AP R2P) (located in Brisbane, Australia). The mission of these three international non-governmental organizations/centres is the promotion of R2P and they provide significant intellectual input (expertise and knowledge creation) in the conceptual development of R2P. The advocacy work of GCR2P and ICRtoP involves regular lobbying with UN officials and state missions on the issue of R2P. The Secretary-General, too, underlined the role of the

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<sup>17</sup>In the writings of Giorgio Agamben (1998) and Michael Hardt and Antonio Negri (2000) biopolitics is mainly about thanatopolitics.

private sector and civil society in making possible the operationalization of the third pillar of R2P (see A/63/677/2009/Paragraph 59). Analysis of this knowledge generation is essential because the SOD (2005) reduced R2P to three paragraphs and, these three INGOs are important sites for R2P's exposition. Important questions in this regard are whether the ICISS report is being retrieved? Or are new meanings being inserted and therefore, the 'old' meaning is being subverted? Or, is only a part of the meaning of R2P is being accented? The ascendancy of R2P within the UN also gains traction from the work being done on the issue outside the UN.

We may note here that the understanding of knowledge generation offered through the concept of epistemic communities/policy communities/discursive coalitions (Keck & Sikkink 1998; Krause Hansen, Salskov-Iversen, & Bislev 2002; Mbabazi, Maclean, & Shaw 2005; Stone & Maxwell 2005; Thakur, Cooper, & English 2005) is limited as it views these *experts* as discrete entities and pressure groups. The concept of *dispositif* moves this discussion further by drawing attention to two points—a). the embeddedness of an epistemic community within a broader *dispositif* and the linkages between these knowledge experts and other elements of the apparatus (*dispositif*); b). the creation of 'forms of subjectification' (Deleuze 1992: 164). The latter insight is helpful in understanding how the R2P discourse constructs categories of (and practices for) (responsible) protectors and protected (or those who must be protected).

### **1.4.3. Proposition 3**

My *third* proposition is that R2P<sup>18</sup> privileges a certain meaning of responsibility echoing the neoliberal governmentality's technology of responsibilisation. The neoliberal era insists on the rationality of the free market. The market is regarded as a site of truth and is 'the essential site of the veridiction of governmental practice' (Foucault in Oksala 2013: 330). Both neoliberal governmentality and R2P recast the traditional or

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<sup>18</sup>I do not suggest that the idea of responsibility is new since this concept has a long history not only in liberal thought but also animates different religions and cultures across time and space. What is significant for me is the accent on particular meaning(s) of responsibility that has come to the fore today.

Westphalian notion of state sovereignty. Both introduce *new* but *similarly* accented notions of responsibility: in governmentality, the state's new acts of commission (responsibility for the optimization of the prosperity of the population i.e. biopolitics) are accompanied by acts of omission (i.e. the carving of the economy as a sphere independent of state interference). This redefinition of sovereignty entails the individual citizen assuming greater responsibility for 'social risks such as illness, unemployment, poverty etc.' (Lemke 2002: 59). Similarly R2P's redefinition of state sovereignty introduces a new concept of responsibility for both the state and its citizens while recasting the responsibility and accountability of the global governmentality institutions i.e. the UN, World Bank and, IMF (see Larner & Walters 2004). The end of embedded liberalism (Ruggie 1982) sees a recession and secession of the international institutions from their former responsibilities and a corresponding expectation of the assumption of greater responsibility by the individual state(s) for its own welfare and development. By virtue of the logic of the neoliberal era the individualization of responsibility of the state in the international arena translates into the state passing on its responsibility to the citizens. I unpack these meaning(s) of responsibility to understand the purposes of protection and examine the ontological categories of the protected and the protector.

I argue that the neoliberal age<sup>19</sup> privileges a certain notion of responsibility that frames the current UN security/development dispositif. I use governmentality and biopolitics to understand R2P's conceptualization of responsibility (and protection). In the process, I also identify the interest and power dimensions of the R2P discourse.

#### **1.4.4. The Concept of Responsibility: The ICISS Report and the SOD**

The continuum of responsibility, as defined in the ICISS report, consists of responsibility to: prevent, protect, and rebuild. A further taxonomy in the report identifies a hierarchy of actors— host state, regional organization, and international organization—

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<sup>19</sup>The current historical period, described as a neoliberal era, is understood to have begun in the late 1970s with the demise of the welfare state at the domestic level and embedded liberalism in the international arena (see Abdelal & Ruggie 2009; Harvey 2007; Ruggie 1982, 2008; Saad-Filho & Johnston 2004).

who must share the burden of these responsibilities. Paragraphs 138-139 of the SOD reiterate the responsibilities of the state and the international community to protect populations from atrocity crimes (A/RES/601/2005). Subsequently, the concept of responsibility of these pithy paragraphs was elaborated as ‘the three pillars of responsibility’ by the Secretary-General in his 2009 Report on Implementing the Responsibility to Protect (A/63/677/2009). We may note that the *content* of these pillars is similar to the ICISS’s report’s three responsibilities (prevention, protection and rebuilding), which encompassed the broad human security agenda of freedom from fear and want. As stated earlier most of the literature on R2P examines the issue of responsibility primarily in the context of the terms of reference set by the ICISS report: responsibility of the host state and responsibility of the international community. In other words the discussion ends up focusing on questions of role allocation of actors (states, international organizations), and logistics and feasibility of the operation to protect. This focus on the *present moment i.e. the current condition* has the effect of dehistoricizing the crisis that created the need for protection, thereby foreclosing any discussion of structural causation; but ‘responsibility is essentially a historical question...differing historical situations admit differing capacities of subjects to respond’ (Lavin 2008: 136). This omission exposes as cosmetic the recommended measure of ‘responsibility to prevent’ and it also has consequences for the way in which ‘responsibility to rebuild’ i.e. post-conflict peacebuilding efforts are conceptualized and operationalized. This clearly leads to the dilution of the transformative potential of human security as the focus remains on the *reactive* purpose to realize the lost ‘freedom from fear’ instead of mainstreaming the *preventive* and *rebuilding* goals of ‘freedom from want’ (Black 2006; Schittecatte 2006). Thus questions on international economic inequality, unfair trade regimes, and lack of autonomy of poor states under the World Bank and IMF programs are not discussed (McCormack 2011: 105).

The above flaws invite suspicion that R2P is a pretext to smuggle in old ideas of just war whereby the west can impose unilateral moral judgments onto weaker states (Franceschet 2006). R2P then is labeled as a realist response that reinforces, rather than

challenges, existing policy frameworks. The first two pillars and the non-coercive measures of pillar three are seen as window dressing aimed at setting the stage for the ‘timely and decisive action’ of military intervention. In this light R2P appears as exaggerating new post-cold war security threats and locating them in the developing world, so as to enable the exercise of biopower by the west (Chandler 2008). Thus the argument that human security prioritizes people rather than states is more accurately understood in terms of effective states prioritizing populations living within ineffective ones (Duffield 2006). The concern for the ‘population at risk’ (ICISS 2001) renders the individual body accessible to—and thus a subject of—state security. This is a repeat of the national security’s structuring logic (Berman 2007), thus making possible the co-option of human security by political elites. Also the responsibility for the international community, in effect (despite the responsibility to prevent) starts only from the ‘present moment’ i.e. the onset of the crisis. This dehistoricizing of a conflict situation only reconfirms the 1960s modernization theory’s thesis of *political backwardness* of the third world regimes.

#### **1.4.5. Responsibility: Two Meanings**

The conceptualization of responsibilities in terms of the actors in R2P can be understood as a conflation of two meanings— responsibility as duty/obligation and responsibility as accountability i.e. bearing the consequences of one’s actions.<sup>20</sup> Different conceptualizations of responsibility reside on different ontological planes. As they differ on the questions of— responsibility of what or of whom? Whose responsibility? How is the responsibility to be operationalized? The responsibility discourse normalizes a particular reality and identifies and isolates some phenomena and actors as problems that must be rectified; most often the solution to the problem emerges from the very process and discourse that has created the problem. The deployment of the word to focus on certain kinds of events/problems/crisis/people/regions resonates with the political,

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<sup>20</sup>The meaning of responsibility in international law is liability. Lorealea Michaelis and Genevieve Fuji Johnson make a distinction between responsibility and political obligation and argue that there is the presumption of a degree of agency in the former and not in political obligation (2013: 4).

cultural and economic imperatives and values of the North. R2P's articulation of 'responsibility as duty' makes it incumbent on the members of the international community to fulfill their obligation to protect the vulnerable people. The second meaning is derived from the principles of individuation that undergird the free market whereby the buyer and seller, by virtue of their autonomy to make choices must bear consequences of their decisions; note that political liberalism rests on 'everyday conceptions of persons as the basic units of thought, deliberation, and responsibility' (Rawls in Lavin 2008: x). Like the liberals, the neoliberals' conceptualization of responsibility is rooted in the notion of individual autonomy.<sup>21</sup> Under neoliberalism one has to accept or submit to that bundle of rights necessary for capital accumulation. These rights include individual responsibility and liability (Harvey 2007: 181). This second meaning is particularly relevant in the context of the neoliberal ethos that permeates notions of economic development in the UN system. Responsibility as accountability is demanded of states (which so far are from the developing world) where there are egregious violations of human rights.

#### **1.4.6. Responsibility: Governmentality's Insights**

Despite the proliferating literature on the subject (Arneson 2011, 2008; Auhagen & Bierhoff 2001; Darling-Smith 2007; Fleurbaey 2008; Raffoul 2010; Scheffler 1992) there is an absence of a critical engagement with the concept of responsibility. Most studies tend to focus on 'particular types of situations (discrete events) at the cost of others (impersonal and enduring conditions of deprivation)' whereby they are not equipped to assign responsibility to recalcitrant social conditions like poverty (Lavin 2008: vii). However, the concept of responsibility receives critical treatment in the hands of Foucault (1980), Butler (2004), Young (2004; 2003), and Lavin (2008). Each one offers a different insight in her respective critique of the neoliberal conceptualization of

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<sup>21</sup>William Connolly has termed as "ontopolitical" Rawls' conceptualization of responsibility. 'Connolly's cast reveals the circularity at work in Rawlsian liberalism: though Rawls roots liberal autonomy in a political commitment to individual responsibility, this responsibility is itself rooted in an unstated commitment to individual autonomy' (Lavin 2008: x).

responsibility. Young (2004; 2003) argues that the liberal ‘blame model’ of responsibility is inadequate to deal with complicated issues of social injustice. Young’s social connection model of political responsibility underlines our responsibility for ‘redressing harms’ that result from our ‘participation in social processes that systematically produce these harms’ (Michaelis & Johnson 2013: 9). Writing in the context of 9/11, Judith Butler criticizes the limitations of an ontopolitical sensibility that favors individual causality and immediate criminal punishment (Lavin 2008: xiii).<sup>22</sup> Linking the arguments of Marxism and postmodernism, Lavin dubs the theory of individual autonomy as politically and ontologically dubious and sets out to expose the ‘porosity of the boundaries between subject and object, structure and agent, private and public (2008: ix-xi).

I argue that the conceptualization of responsibility is a political act that can influence political agendas and also has implications for the relationship between citizens and the state. This point is most clearly stated in Foucault’s theory of governmentality. Governmentality is a particular modern form of power, which relies on pastoral care and techniques of normalization and consensus, as opposed to more overtly coercive forms of power. Here power works through systems of knowledge and discursive practices to provide the meanings, norms, values and identities that not only constrain actors but also constitute them (Foucault cited in Abrahamsen 2004). Governmentality, thus, is a technology of governance with two components: First, the ‘responsibilisation’ or ‘empowerment’ of self-disciplined subjects whereby they can make free decisions in circumscribed fields of action (see Foucault 1988); the second is direct intervention by means of empowered and specialized agencies and apparatuses. The theory of governmentality problematizes the concept of responsibility by demonstrating that in addition to the state the individual citizen assumes responsibility of surveillance of self. In this ethos of responsibilisation, civil society emerges as a necessary correlate of the

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<sup>22</sup>Butler criticizes the reductive discourse of individual responsibility that paradoxically translates the postliberal *explanation* (of 9/11 causes as being varied and going back to Middle East politics) as ‘*exonerations*.’ She, therefore, says that ‘responsibility must be rethought without the dubious narratives of heroes and villains conjuring events out of thin air. This rethinking distributes rather than disperses responsibility, emphasizing not individual martyrs and their causal action but rather the ability to respond that is afforded to socially constituted agents’ (Lavin 2008: xiii).

state. Though the state undertakes responsibility for the population— including that of development of new practices and types of intervention, for example, social medicine and public hygiene which involve problems of demography— it must regard freedom as a condition of governing well and therefore must respect certain forms of freedom. It means that it is necessary to *laissez faire* i.e. manage and no longer control through rules and regulations (Foucault 2007: 350-354).

However, this casting of responsibility as individual freedom, though a fundamental premise of the liberal and neoliberal ideology, is not a panacea for the problems endemic to neoliberal policies. Liberal ideology and institutions (e.g., representative government, competitive markets, and belief in individual efficacy) provide particular possibilities for agency, however, as markets and states become less responsible to the demands of consumers and citizens, the limits of liberal responsibility become increasingly difficult to deny (Lavin 2008: 136). This critical lens of responsibility brings forth both the neoliberal ethos underpinning R2P and the limits of R2P as a response to situations of humanitarian crisis. The liberal/neoliberal governmentality's imperative to 'make live and let die' (Foucault 1997: 237) helps us understand the UN's authorization of military action to protect 'population at risk' in Libya and its refrain in a similar situation in Syria. I argue that this concern to protect the 'population at risk' builds on the argument of the risk consequences associated with the 'failed states' discourse<sup>23</sup> (Chauvet & Collier 2008; Ghani & Lockhart 2008; Krasner 2004) that has emerged as an important element of the liberal/neoliberal security/development dispositif.<sup>24</sup> During the 1990s, the proposition that poor countries have a higher risk of falling into conflict than rich ones (because the resulting social exclusion can be exploited by *violent* and *criminal* leaders in the former) coalesced into a

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<sup>23</sup>This is discussed briefly in Chapter 2.

<sup>24</sup>Note that the concept of risk has long been associated with the entrepreneurial spirit, and therefore, celebrated as a free market principle (Keynes 2004; Bernstein 1996) and today contemporary security practices are also being increasingly described through the category of risk (Aradau, Guerrero, & Munster 2008; O'Malley 2004; Kessler 2010; Tsoukala 2010). In both the fields of market and security, the aim is not the avoidance of threats or deterrence but the management of risks (Daase and Kessler in Kessler 2010: 17).

consensus. If sustainable development brought the issue of collective self-reproduction centre-stage, the rediscovery of internal war during the 1990s problematized the nature of the state in the developing world: weak and failing states existing in zones of crisis can be captured by unsuitable rulers. The perception of these rulers as the illegitimate enemies of development, together with concerns that disaffected people are liable to be drawn to them, establishes an interventionist dynamic (Duffield 2005: 8). This is the premise of R2P's notion of sovereignty as responsibility whereby risk is a technology for governing harms. Security, in liberal government, has both a positive sense of facilitating the creative and productive liberty of the population and a negative sense of preserving the population's safety from violence and depredation (O'Malley 2004).

By noting R2P's foregrounding of the notion of 'sovereignty as responsibility' one can understand some aspects of the current international scenario: the developed North 'permits' and 'encourages' 'freedom' (read sovereignty) of the third world states, the latter are to use this freedom to self-discipline (Duffield 2005; Abrahamson 2004). They are given the learning tools by international experts (from international organizations such as the UN and its specialized agencies, the World Bank and the IMF) that teach them the rules of how to behave (good governance) so as to allow for the smooth functioning of the global free market. When they do not behave properly (efficiently govern), that is, fail in their responsibility, the North forced by the moral optic of R2P assumes that abdicated responsibility and intervenes. R2P feeds into a discourse that pathologizes the weak or less developed states 'rendering intervention by powerful states and international institutions less clear and accountable' (McCormack 2011: 9); thus R2P remains embedded in the discourse of humanitarian intervention (Watson 2011: 4).

I also think that Foucault's older avatar of governmentality based on the principle of *raison d'état* (at the end of 16th-17th century)<sup>25</sup> can be used to make a further observation about the current state of global political economy. Neoliberal policies being pushed by international institutions force the third world states to bypass the various 'stages of development' (Rostow 1960) and adopt a market economy. This fast forwarding entails, contra the liberal/neoliberal governmentality, 'over-regulation' by the states in the South and adoption of repressive policies towards their own population. However, the recent events of the Arab Spring demonstrated that in this *age of democracy* the denial of political rights and freedom does not find acquiescence among the citizens of the states in the Global South. The kind of development resulting from the contradictions of neoliberal market and the consequent political instability in the states of the South makes them conflict prone, whereby, it is difficult for them to 'behave.' Therefore the situation in these countries is more often than not primed for an 'R2P' intervention. Intervention in emergency situations is a convenient response of the North. Delivery of emergency assistance assuages the conscience of advantaged groups in the North as they address 'symptoms of vast global inequality without addressing underlying structural causes, or in some cases by extending the very economic practices that contribute to poverty and human vulnerability' (Watson 2011: 16). The human security agenda is thus revealed as the unrivalled moment of liberal expansionism, which proceeds on the basis of alleviating suffering in zones of political instability and crisis (Evans 2010: 419). Human security enables the North to continue its dictation of the South, indeed 'the rules of the game' of human security are made by the 'state centric, Northern, masculinized liberal system' (Christie 2010: 187).

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<sup>25</sup>Foucault distinguishes the form of governmentality (*raison d'état*) of the 16<sup>th</sup>-17<sup>th</sup> centuries from one that develops in the 18<sup>th</sup> century (liberal governmentality). The first is marked by two great assemblages of political knowledge and technology: a). a military-diplomatic technology that secures and develops the state's forces through a system of alliances and the organization of armed apparatus; b). 'police' i.e. the set of means for bringing about the internal growth of the state's forces. In the second instance of governmentality (i.e. in the 18<sup>th</sup> century), the emphasis shifts from the 'police' to economic reason and civil society (Foucault 2007: 365-366).

## 1.5. Analytical Framework

The epistemological foundation of my research is Foucauldian genealogy through which I problematize R2P and take it beyond its putative ethos of the humaneness discourse on which most R2P advocacy tends to rely (See Golder 2013). More specifically, I apply the concepts of biopolitics and governmentality, that Foucault developed in his genealogical phase, to study the specificity/singularity of R2P in order to say something about the general i.e. the security/development dispositif of the UN in the neoliberal era.

Genealogy, with its emphasis on change and the contingent, and the dispositif of governmentality made me see: a). the continuity and disruptions (including the apparent disruptions) in the UN's security/development doctrines; b). how the recession of old policy/principle leave behind a debris (of ideas and responsibilities) that are picked up (and not necessarily jettisoned) by the new policy/principle to either transform it or give it a simple makeover.

My investigation of R2P's incorporation (within the overall framework of human security) into the UN system translated into two tasks based on my research questions and objectives:

1. The what question (ontological)— mapping out empirically the nature and dimensions of R2P's manifestation (ideationally, normatively, and operationally) in the UN's institutional structure.

2. The how question (epistemological)— understand the 'mapping' i.e. how the incorporation occurred in this particular manner, and how significant is it in terms of continuity and change?

In pursuance of these tasks, I deployed an analytical framework comprising two inter-related sets of Foucauldian analyses: a). the concept of dispositif to identify/map the institutional manifestations of R2P; b). genealogical discourse analysis (a way of

studying historical change/continuity) utilizing the concepts of governmentality and biopolitics to understand “a”. Foucauldian genealogical approach eschews functionalism (of sociological institutionalism) and evolutionism (of the historical approaches) and focusses on governing practices wherein the institutions ‘are regarded as “coagulations” of practices’ (Valverde 2007: 161-162).

## **1.6. Chapter Outline**

My assertion throughout this thesis is that R2P is a liberal/neoliberal security/development measure in consonance with the UN’s security/development dispositif. This helps us understand how R2P came to be a part of the UN’s security/development dispositif. This argument is made through eight chapters that are distributed across four parts. Part one sets the context of the research question and objectives. Chapter 2, ‘Understanding R2P as a Security/Development Measure: Security and Development in the Discipline of International Relations and in the UN Security/Development Dispositif’ is a genealogical review of the discourse on security/development in the discipline of IR and its trajectory in the UN. It argues that the UN’s security/development paradigm, since its inception, has been informed by liberal approaches: a). embedded liberalism (Ruggie 1982) from 1945 to the late 1970s; b). dis-embedded liberalism (Polanyi 1957) or neoliberalism from the late 1970s and early 1980s to the present. In Chapter 3, ‘Analytical Framework,’ I propose a Foucauldian conceptual structure that brings to the fore the circularity of the relationship between security and development so as to establish R2P as a liberal/neoliberal security/development measure.

Part two is the empirical section of the thesis that identifies the UN’s security/development dispositif on the basis of the relevant UN documents and reports of international commissions. Chapter 4, ‘Empirical Mapping of the Field (I): Historical Context of R2P’ traces the genealogy of R2P to the UN Charter and reports of key international commissions on issues of security/development and brings forth the continuity between the UN’s security/development doctrines from collective security to

human security. It discusses the key features of the 2001 ICISS Report and the R2P related paragraphs of the 2005 Summit Outcome Document. Chapter 5, ‘Empirical Mapping of the Field (II): Locating R2P within (and outside) the UN’s Security/Development Dispositif,’ illustrates the nature and dimensions of R2P’s status within and *outside* the UN institutional structure. The category of the *outside*, that is the non-UN entity includes three INGOs and think tanks— International Coalition for Responsibility to Protect (ICRtoP), Global Centre for Responsibility to Protect (GCR2P), and Asia Pacific Centre on Responsibility to Protect (AP R2P) which work closely with UN officials to promote R2P at the UN and other international, regional, and national fora.

Part three of the thesis analyzes this empirical mapping through two chapters. Chapter 6, ‘Understanding the Map: Locating R2P in the UN’s Security/Development Dispositif,’ explores the institutional, normative and ideational dimensions of R2P that have emerged from its *official* conceptual refinement as articulated in UNGA and UNSC resolutions and the Secretary-General’s annual reports on R2P. It also discusses how the *uneven* incorporation of R2P at the UN is a result of the coexistence of R2P’s critics and supporters at the UN. Chapter 7, ‘Understanding the Map: R2P as Discursive Rearticulation within the Liberal/Neoliberal Security/Development Dispositif,’ takes the discussion further by suggesting that this unevenness is a result of the nature of the UN’s security/development dispositif. The nature of incorporation of R2P at the UN demonstrates that R2P is not a *discursive shift* but a *discursive re-articulation* within the UN’s security/development dispositif. Using the lenses of governmentality and biopolitics I argue that R2P is embedded in the UN’s liberal/neoliberal security/development dispositif.

Part four’s—Conclusion— singular chapter 8, ‘R2P: The Journey So Far,’ summarizes the thesis and points out the limitations of the study and suggests possible future directions for research. Through this I foray into exploring the possibilities of R2P overcoming the constraints of its embeddedness so that its responsibility/protection

mandate is realized in critical and just measures. I suggest that this requires addressing structural causes of the four atrocity crimes.

## **2. Understanding R2P as a Security/Development Measure: Security and Development in the Discipline of International Relations and in the UN Security/Development Dispositif**

### **2.1. Introduction**

This chapter argues that the UN security/development<sup>26</sup> dispositif is informed by liberalism since its inception. Liberalism at the UN has assumed two avatars: a). embedded liberalism (Ruggie 1982) from 1945 to the late 1970s; b). dis-embedded liberalism (Polanyi 1957) or neoliberalism from the late 1970s and early 1980s to the present.<sup>27</sup> The difference between embedded liberalism and neoliberalism is only one of nuance since they both accord a normative status to the free market. This emphasis on the free market ensures continuity between embedded liberalism and neoliberalism. These versions of liberalism do not just frame the economy (and therefore, development) but are also accompanied by their respective versions of security; security and development are intimately related to each other. The continuity between embedded liberalism and neoliberalism helps one detect the similarity (and therefore, continuity) in their respective conceptualizations of security. Responsibility to Protect (R2P), as conceptualized by the ICISS (2001) and subsequently developed in the Secretary-General's annual reports on R2P is a measure of both security and development. The logic of neoliberal security/development policies necessitates endorsement of human security articulations whereby some select debris of security/development responsibilities left behind by the receded embedded liberalism are collected and redistributed between the state, private sector, and civil society; therefore, the burgeoning of public-private partnerships in the

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<sup>26</sup>In this chapter the relationship between security and development is described using two terms- security/development and security-development. Security/development is my preferred term as it is in consonance with my analytical argument. However, the use of the term, security-development, in this chapter is made whenever paraphrasing others who have employed the term.

<sup>27</sup>For a discussion on Foucault's understanding of neoliberalism, see Chapter 3— Analytical Framework. Foucault (2008) in his discussion on liberalism (while developing the concepts of biopolitics and governmentality) refers primarily to the Chicago School and the German Ordoliberalists.

neoliberal era (Hodge, Greve, & Boardman 2010; Hodge & Greve 2005; Jooste & Scott 2012; Loxley 2010, 2012).

R2P discourse began (as in the ICISS Report 2001) by invoking the two human security goals— freedom from want and freedom from fear. Accusations of R2P as a mask for imperial designs of military intervention are made primarily in the context of R2P's pursuit of the second human security goal. However, the Secretary-General's annual reports on R2P underline several development-related measures of the UN as R2P's instruments (under R2P pillars one and two). This research suggests that R2P is a security/development measure that is best understood through the Foucauldian lenses of biopolitics and governmentality, which also help identify its liberal/neoliberal underpinnings. This chapter is a genealogical review of the discourse on security/development in the discipline of IR and its trajectory in the UN.

R2P is celebrated as a new idea in the context of the 'ideational' turn (that began in the 1980s) in International Relations (IR) scholarship and the policy world (see Thakur, Cooper & English 2005; Gofas & Hay 2010).<sup>28</sup> I locate R2P in the UN's liberal/neoliberal security/development dispositif. Though the UN's mandate since its inception accorded importance to both security and development, the *link* between the two was not always *clearly* articulated and acknowledged until 1994 when the concept of human security (HS) and its twin goals of freedom from fear (FFF) and freedom from want (FFW) were put forward.<sup>29</sup>

R2P is a prominent manifestation of HS (see Murray 2013). The ICISS Report (2001) advocated the simultaneous pursuit of the goals of FFF and FFW, but the Summit Outcome Document (2005) limited R2P's agenda to FFF only. This dilution of the R2P goal to FFF, a narrow conception of HS, which can be read as a security goal,

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<sup>28</sup>The ideational turn brought attention to theoretical approaches (particularly that of constructivism) other than those of realism and liberalism (and their respective neo avatars) in the discipline of IR.

<sup>29</sup>Note that this UN *supported* ICISS report seeks to embed R2P in the UN's human security discourse which itself is a part of the broader security/development dispositif of the UN (also see Duffield 2006: 23).

*unadulterated* by development concerns was viewed as a pragmatic move that would facilitate the operationalization of R2P (Bellamy 2009; Evans & Sahnoun 2002; Weiss 2001). This attenuated R2P agenda put aside the broad conception of HS (FFF and FFW), which can be read as a combination of both security and development concerns. However, R2P, through the prevention and rebuilding agenda (that inform the three R2P pillars) outlined by the Secretary-General's annual reports on R2P, made a *return* to the broad agenda of human security.

This division of opinions on the proper goals of R2P is symptomatic of the division that exists in the discipline of IR, where security and development are traditionally regarded as separate issues (Buzan 2000). The worlds of scholarship and policy/practice influence but do not mirror each other, the diversity in the domain of scholarship would make an exact mirroring in the policy world too chaotic if not impossible. But dissident voices in scholarship often find a place in the dominant strand's adaptive or co-optative mode. Liberalism has been particularly adept in this act (Foucault 2008), not surprisingly, those who endorse the security/development relationship, term it as a liberal peacebuilding project (Paris 2010) while the critics see the liberal underpinnings of this nexus as the primary hurdle to emancipation. Security/development is not so much a relationship of mimesis but one that is characterized by the circularity of dynamics similar to those of the power/knowledge relationship (Foucault 1980).

The dialectics between the practice/policy<sup>30</sup> world and academia are a testimony to the Foucauldian power/knowledge axiom. IR scholarship has both informed and reflected the policy world of international politics including that of the UN. The list of academics involved in the formulation and operationalization of R2P include Thomas

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<sup>30</sup>Hereafter, practice/policy world is referred to as the policy world as the UN is both the policy maker and practioner.

Weiss, Ramesh Thakur, Edward Luck, and Jennifer Welsh.<sup>31</sup> Economists, Mahbub ul Haq and Amartya Sen, made prominent contributions towards the articulation of the concepts of human development and human security at the UN; John Ruggie as UN Assistant Secretary-General for Strategic Planning developed the UN Global Compact and as the UN Secretary-General's Special Representative for Business and Human Rights wrote the UN Guiding Principles on Business and Human Rights (both reports put forward a concept of social responsibility (a la embedded liberalism) and seek to cushion the harsh consequences of the neoliberal market. Indeed, the UN's Outreach Division of the Department of Public Information conducts the United Nations Academic Programme aimed at building association between the United Nations and 'institutions of higher learning throughout the world.'<sup>32</sup> There is a proliferation of research literature in think tanks and universities on the issue of the 'security-development nexus' (Stern & Ojendal 2010: 6), such research in Europe, Canada, and the United States is mostly state funded (Williams 2012: 22). The policy/practice world is a site of praxis that has helped in the conceptual advancement of security/development.<sup>33</sup> Academic writing on security/development has mostly articulated the changes on the ground i.e. it has played catch up with the policy world (Williams 2012). The veritable growth of the 'official "report industry"' (Stern & Ojendal 2010: 6) is a result of the work of international organizations (UN, World Bank, International Monetary Fund (IMF), European Union,<sup>34</sup>

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<sup>31</sup>Thomas Weiss is Presidential Professor of Political Science, City University of New York. He served as Research Director at the ICISS. Ramesh Thakur is Professor, Australian National University College of Asia and Pacific. He was a member of the ICISS. Edward Luck, Professor of International Relations is currently Dean, Joan B. Kroc School of Peace Studies, University of San Diego. He served as the UN Secretary-General's Special Adviser on Responsibility to Protect (February 2008-July 2013). Jennifer Welsh is Professor and Chair of International Relations, European University Institute, Florence. In July 2013 she was appointed as the UN Secretary-General's Special Adviser on Responsibility to Protect.

<sup>32</sup>See <https://academicimpact.un.org/content/about-unai>

<sup>33</sup>The writings of Mark Duffield, former Oxfam Country Representative in Sudan and adviser to several government departments and international NGOs, are an example of the same. See <http://dbms.ilrt.bris.ac.uk/spais/people/person/mark-r-duffield/>

<sup>34</sup>Example, *The European Security Strategy* adopted by the European Council in 2004, reviewed and confirmed in 2008.

OECD,<sup>35</sup> African Union),<sup>36</sup> international NGOs (OXFAM, Save the Children) and national governments (e.g. *The National Security Strategy of the United States of America* (2006, 2010), *The National Security Strategy of the United Kingdom: Security in an Interdependent World* (2008)). The UN (and its relevant departments and agencies) as a field of policy/practice is the focus of this study, though references wherever relevant are also made to other organizations.

Taking into account the ideological congruity of liberal/neoliberal ideas between the dominant strands of scholarship and the policy world on this subject, this research proposes that the ICISS Report (2001) and the Summit Outcome Document (2005) are not singular events but proposals or articulations that conform to the UN's existing security/development ideas and practices. This is shown by tracing R2P's genealogy to the UN Charter's philosophy and the UN supported commissions (since the late 1970s) on the issues of security/development. Through the concepts of biopolitics and governmentality, *upscaled*<sup>37</sup> to the international level, R2P becomes visible as a measure of the UN's liberal/neoliberal security/development dispositif.

The above genealogical assignment is supplemented by a similar exploration of the concepts of security and development in the discipline of International Relations (IR) in order to establish the latter's correspondence to the UN's evolving security/development paradigm. Two clarifications must be made before proceeding further. First, this study concentrates on the *discipline* of IR as R2P and the UN are considered part of the international (as an international initiative and international organization respectively). Though concentration on one discipline is a convenient parsimonious tool of research, this exercise does not limit or constrain my research

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<sup>35</sup>DCD/DAC (2004) 'The Security and Development: Challenges for Aid', (*OECD*), *Development Assistance Committee High Level Meeting*, April 15–16 (DCD/DAC(2004)9/REV2), available at <http://www.peacepalacelibrary.nl/ebooks/files/31785359.pdf>. Accessed on 24 October 2014.

<sup>36</sup>Example, African Union (2004). *Solemn Declaration on a Common African Defence and Security Policy*.

<sup>37</sup>The application of the concepts (biopolitics and governmentality) to developing countries is also criticized on the grounds that these ideas were developed by Foucault to understand the domestic society of the 'developed' world (Duffield 2006:13).

insights as I go beyond the dominant IR approaches (of realism/neorealism and liberalism/neoliberalism). Also, with the entry of the post-positivist approaches in IR, the domain of the discipline has expanded and it takes into account more seriously the social, economic and cultural dimensions of international politics. Second though this research questions the discreteness of security and development as distinct domains, it acknowledges that individually, security and development are essentially contested concepts and that in some discussions they are based on different ontologies and therefore, refer to different realities (Uvin 2008, Chandler 2007, International Peace Academy 2006 in Stern & Ojendal 2010: 6). Concepts are descriptive and *prescriptive* in nature, as discursive constructions they create reality that they seem to mirror, and thus serve certain interests (Stern & Ojendal 2010: 7); we may recall here a similar but more famed observation ‘Theory is always *for* someone and *for* some purpose’ (Cox 1996: 87). The concepts of security and development have undergone individual stretching and broadening,<sup>38</sup> and this includes accusations of poaching on each other’s territories. This perceived transgression of boundaries also leads to security/development being viewed as a nexus that is characterized by either securitization of development or developmentalization of security. However, the predominant concern of the discipline continues to be security even as development issues have made inroads via the sub-discipline of political economy. Despite this recognition development continues to have a secondary status in IR and realist/neorealist writings refer to it only as a dimension or issue that can be a possible challenge/problem/threat to national or international security. Also, development concerns (i.e. questions of equity and social justice) are made secondary to the interests of the free market and this is justified via the liberal/neoliberal ‘trickle down theory’ which argues that benefits of economic growth under the free market ultimately reach the marginalized.<sup>39</sup> Such claims have come under scrutiny,

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<sup>38</sup>This broadening gives security/development an interdisciplinary character; scholars writing on the subject borrow from economics, psychology, and biosciences.

<sup>39</sup>Samir Amin (1974, 1976, 1977) describes such phenomena as ‘growth without development’ : while economic growth measures economic success in terms of numbers and statistics, development is a holistic approach that takes into account the social and political indicators of economic development.

particularly in the critical security studies literature that problematizes the concepts of security and development, and critiques this linkage as a liberal peacebuilding project. Michel Foucault's concepts of biopolitics and governmentality underscore this enduring link as the fundamental premise of the neoliberal economy.<sup>40</sup> Following Foucault, I treat the two concepts as part of a singular complex i.e. the liberal/neoliberal governmentality, and therefore, the validity of the term— security/development.

The trajectory of the security/development dispositif within the United Nations has not entailed a radical shift, but only a shift in emphasis. While the UN Charter recognizes the relationship between the two goals i.e. of security and development, security is seen as a hard issue that demands immediate response compared to the soft issue of development— which requires a longer period of gestation— that can be achieved only gradually and incrementally. The organization's concept of security as collective security (UN Charter, Chapter VII) was accompanied by a development agenda of embedded liberalism (Ruggie 1982) that had to be pursued within the framework of the Bretton Woods system. With the collapse of the Bretton Woods system in the 1970s, the development paradigm shifted to neoliberalism. The development agenda of the World Bank and the IMF for the third world countries was now informed by structural adjustment policies (SAP), the so called 'Washington Consensus' (Williamson 1990) initiated in the wake of the 1982 developing country debt crisis. SAP failed to stem the economic crisis in the third world: 'If the original objective was "adjustment with growth", there is not much evidence that structural adjustment lending generated either adjustment or growth' (Easterly 2005: 20; also see Abbott, Anderson, & Tarp 2010; Dreher 2006; Herbst 1990; Rodrik 2007; Serra & Stiglitz 2008). The 1990s violent intrastate conflict took place against this historical backdrop, that is, it was the economic crisis and not some congenital ethnic hatred that fueled these conflicts. The new concept i.e. of human security was put forward in 1994 as a remedy for these 'new ills' and 'new wars' (see Kaldor 2012).

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<sup>40</sup>See Chapters 6 and 7.

Though a connection is evident between human security and neoliberalism, I wish to make clear that the trajectory of security/development within the UN should not be read as Part 1 (Collective Security and Embedded Liberalism) and Part 2 (Human Security and Neoliberalism). My assertion is made on the basis of three points: a). Human security is about both security and development; b). Collective security persists within the UN, challenges and criticisms to it notwithstanding; c). The difference between embedded liberalism and neoliberalism is only one of nuance or degree since both see the free market as a panacea. The discarded responsibilities of embedded liberalism in the era of neoliberalism have been redistributed via human security to not just states and international organizations like the UN but also to a wide array of civil society actors. Therefore, a key concern of my research is the examination of R2P's concept of responsibility to see whether it conforms to the meanings that undergird the liberal/neoliberal notion of responsibility. Though the concept of human security is widely regarded as the brainchild of the 1994 United Nations Development Programme (UNDP) report, we must note the World Bank's euphemistic acknowledgement of the same through its endorsement of *human development* in the 1980 WDR. Also, significant in this regard is the 2011 WDR that highlights the inter-linkages between conflict, security, and development, and amongst other things recommends initiatives such as the *Ibrahim Prize for Leadership* whereby the North recognizes and encourages *responsible* leadership in conflict-ridden states (WDR 2011: 37).

This chapter is divided into five sections. In section 1, I locate the issues of security and development at the UN in embedded liberalism and assert that the UN has from its inception regarded the two as inter-related. Although the discipline of IR did not ignore issues of development (and economy), it *prioritized* security as the primary concern of states in international anarchy. In section 2, I study the crisis and retreat of embedded liberalism following the collapse of the original Bretton Woods Compromise (Ruggie 1982) and the critique of the welfare state by New Right in the developed world, which led to the formulation of neoliberal economic policies. Neoliberal IR scholars responded to the new reality by rationalizing the neoliberal avatars of the UN and its

specialized agencies— World Bank and the IMF— and emphasizing institutionalism as a guarantor of international co-operation. While approaches that expanded the concept of security to take into account development concerns were *accommodated*, the neo avatars of realism and liberalism occupied the mantle of dominant approaches in IR. In section 3 I discuss how in the 1990s the catalogue of international problems came to include the *new problems* of intrastate conflicts, failed states and human insecurity. The UN responded to these challenges through the policies of human security, which was announced as a new security paradigm. Section 4 is a brief summation of the critical literature in IR and analyzes human security and similar liberal peacebuilding measures (like R2P) as efforts to stem this disorder and crisis, which is of neoliberal making. More recently, these scholars have employed the Foucauldian lenses of biopolitics and governmentality to make this point. In my conclusion in section 5, I reiterate the significance of examining the UN security/development dispositif in the context of parallel developments in the academic world. I point out the essential continuity in the UN security/development dispositif that is contrary to the hype of paradigm shift labels that were thrust on the concept of human security in which R2P was sought to be embedded.

## **Section I**

### **2.2. The UN Security/Development Dispositif and Embedded Liberalism**

The goals of security and development have been on the UN's agenda ever since its inception (UN Charter, Article 1). The UN's aims of security and development were to be achieved within the framework of embedded liberalism and collective security. The inextricable link between security and development is implied in the *Preamble* of the UN Charter that aims to achieve 'international peace and security' and avoid 'the scourge of war', requires the UN to 'promote respect for international law,' 'reaffirm faith in fundamental human rights', and achieve 'social progress and better standards of life.'

‘Armed force’ is to be used in the ‘common interest’ and ‘international machinery’ is to be employed for the ‘promotion of the economic and social advancement of all peoples.’<sup>41</sup> In addition to demonstrating the links between security and development, what is also visible is the transposition of ends and means— i.e. security and development are not just the goals but also the vehicles or instruments to achieve the same. These means and ends were defined within the framework of a postwar international economic order of embedded liberalism (Ruggie 1982: 382-383) and collective security, which were institutionalized in the UN, World Bank and IMF.

Embedded liberalism was the result of the ‘grand social bargain’ which brokered the agreement of different social groups to open markets on the promise that the social adjustment costs of this market would be controlled and distributed within society (Ruggie 2008: 231). The era of laissez faire liberalism, ‘the self-regulating market’, of the 19<sup>th</sup> and early 20<sup>th</sup> centuries that dis-embedded the market from social relations had, as Karl Polanyi (1957) observed, come to an end necessitating the re-embedding of the market (Levian & Paret 2012: 726). The post-war era saw the welfare state model become the *ideal type* for most countries in the first and third worlds, Keynesian economics ensured that the markets were reined in by the state.<sup>42</sup> Marshall Plan (1948) (within the context of the Truman Doctrine) for the reconstruction of Western Europe best exemplified embedded liberalism’s multilateralism endorsed and operationalized by the UN, the IMF, and the World Bank. This Keynesian recipe entailed ‘interventionist policy on the allocations of resources, price stability, the level of savings, the choice of investments, and a policy of full employment’ (Foucault 2008: 80). ‘Controlling the pernicious effects of a market-controlled economy’ (Polanyi in Levian & Paret 2012: 726) was a political imperative for the liberal states led by US and UK to prevent the emergence of the communist model in war ravaged economies of Western Europe and the soon to be independent colonies in Africa and Asia. Foucault views liberal

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<sup>41</sup>See <http://www.un.org/en/documents/charter/preamble.shtml>

<sup>42</sup>Foucault points out that Germany followed the neoliberal path (2008). A welfare state variant was also adopted in the so-called socialist economies of some third world countries e.g. India’s mixed economy (see Frankel 1978; Vanaik 1990).

governmentality in the post second world war period as being tasked with the three objectives— to reconstruct the war economy into a peace economy, ‘planned economy model of the Marshall Plan’, and the ‘social objectives that were considered politically indispensable in order to avoid renewal of fascism and Nazism in Europe’ (2008: 80). Development was thus a form of social engineering whereby it became a conduct (by the World Bank, IMF and the UN) of conduct (of the war ravaged economies and the soon to emerge post-colonial societies). A mention must be made here of the ‘prophetic liberal utopianism of modernization theory’ (Gilman 2003:77, fn 38) that gave the academic stamp of legitimacy to these plans of social engineering. The modernization thesis (Rostow 1960, 1963, 1971) proposed a linear model of five stages of economic modernization as rites of passage for traditional societies to develop. The local modernized elite and international experts were expected to provide leadership to pilot the country towards development.

### **2.2.1. IR— The Privileging of Security and the Relative Neglect of Economy**

Modernization theory resonated with the views of key political scientists of the time (see Pye 1966, Lipset 1960) but was not embraced by IR scholars for whom the issue of security, not development was the primary concern. This was in keeping with the discipline’s according a near axiomatic status to the realist/neorealist concepts of human nature as rational and selfish (Morgenthau 1967) and the casting of the international domain as anarchy (Waltz 1959, 1979; Milner 1993). The dominance of realist/neorealist approaches in IR ensured that the discipline’s focus remained on strategic military concerns of the sovereign state. The immediate post 1945 era witnessed events and situations that were unsettling to say the least— the cold war (that included the proxy wars and arms race between the superpowers) and continuation of struggles for independence in colonies in Africa (e.g. Algeria, Rwanda, Somalia, Egypt, Libya), Asia (e.g. India, Burma, Ceylon, Cambodia, Singapore, Timor-Leste) and South America (Grenada, Bahamas, Jamaica, Guyana); this ensured that IR and its sub-field of security studies would be ‘preoccupied with statism, strategizing, and stability’ (Booth 2005: 12).

Though early prominent IR works— *Politics Among Nations: The Struggle for Power and Peace*, (Morgenthau 1967) and *Twenty Years' Crisis: An Introduction to the Study of International Relations* (Carr 1962)— discuss the economic dimension of national power under the 'taxonomies of power,' economic issues remained peripheral to IR (Ozkan 2012: 199). Marxist/neo-Marxist scholarship that critiqued the relationship between economics and politics remained for the most part in IR's history on the margins of the discipline.

Clearly, IR theory did not banish economics from within its folds but gave it a status, secondary to that of security. IR's engagement on economic issues took place mostly via liberalism. Liberal institutionalism— functionalists (Mitrany 1975) and neofunctionalists (Haas 1958, 1964)— were preoccupied with how socio-economic and technical cooperation among states could produce peace, 'integration' and 'cooperation among states'— the UN functional/specialized agencies and the formation of what became the European Union are the practical manifestations of this liberal functionalist concerns. In the late 1970s, this liberal concern turned to 'interdependence' (Keohane & Nye 1976, 1977; Baldwin 1980), and in the 1980s, to 'regimes' (Oye 1986). In this *limited* sense, liberalism in IR did engage with the issue of the relationship between economics and politics within and among developed nations, but the fate of developing nations were not part of this concern. Also, liberalism's notion of economic dependency (asymmetric interdependence) differed from the notion of 'dependency' developed by the dependency/world system theories to describe the relationship between developed and developing countries (Carpentras 1992). Subsequently, realist scholarship began to also explicitly address development issues in the 1980s (Krasner 1983).

## Section 2

### 2.3. Embedded Liberalism Challenged

A trenchant critique of this privileging of security and the neglect of development concerns (i.e. a hierarchized relationship of security and development) came via a critique of the modernization theory by the dependency school (Frank 1966, 1967; Amin 1976; Chilcote 1982) and the world systems approach (Wallerstein, 1974, 1979, 1980). These scholars posited an ontological challenge to the dominant IR scholarship's *wisdom* that security interests trump economic ones in international anarchy. By arguing that underdevelopment in the periphery (third world/postcolonial states) was a result of its colonial/neocolonial relationship with the center (the first world), these approaches revealed the capitalist underpinnings of the world economy as being inherently exploitative of the third world countries. They also exposed how relations of economic dependency undermined the political sovereignty of these countries.<sup>43</sup> Without freeing themselves from this economic bondage with the first world, the postcolonial states could be neither secure nor developed. The 1970s, not coincidentally, was the decade in which some third world countries demanded the revision of the Bretton Woods System and agitated for a *New International Economic Order* (NIEO) (A/RES/S-6/3201). The collapse of the Bretton Woods system in the early 1970s provided the catalyst for the emergence of the sub-discipline of International Political Economy (IPE) within IR (Caporaso 1981; Cox 1987, 1996, 2002; Gilpin 1987, 2001; Helleiner 1994; Rodrik 1999; Strange 1984, 1986, 1998). Driven by scholarship<sup>44</sup> and political agitation this moment was pregnant with possibilities to reframe: a). the primary concern of IR as not security but political economy; b). economy as being informed by the development concerns of and from the third world. The crisis in the Bretton Woods system that embodied

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<sup>43</sup>The title of feminist scholar, Cynthia Enloe's book *Bananas, Beaches, and Bases: Making Feminist Sense of International Politics* is a dramatic encapsulation of this thesis.

<sup>44</sup>'Development and underdevelopment are two sides of the same coin' (Frank 1967), 'the phenomenon of growth without development' (Amin 1976) became popular maxims for the critics of liberal political economy.

embedded liberalism policies led in the 1970s to the emergence of neoliberalism (or a return to classical economics) in the 1980s.

Embedded liberalism was challenged by the developing countries and also criticized by some states in the developed world albeit on very different grounds. The latter viewed embedded liberalism as the international counterpart of the welfare state that encouraged the citizens' parasitic dependence on the state's resources that created a 'crisis of overload and ungovernability' (Hay 2007: 53; also see Heilbroner 1985). This critique was popularly personified in the philosophy and politics of the New Right in the 1980s whose most illustrious luminaries included US President Ronald Reagan and UK Prime Minister Margaret Thatcher (Auerbach 2007: 33-34). They proffered the free market as a solution whereby the liberated entrepreneurial spirit of individuals would benefit both the individual and society. These mantras of privatization and liberalization of the economy were adopted by the World Bank and the IMF in response to the 1980s global economic crisis. Indeed this crisis provided the context for the shift in the 'sites of North-South program production from the UN, UNCTAD, and the Non-Aligned Movement to the more conservative international financial institutions' i.e. the World Bank and the IMF (Livingstone 1992: 323).

### **2.3.1. IR—The Expansion of Security as a Presage to Security/Development**

The UN General Assembly resolution on the NIEO turned out to be a mere symbolic victory against the Bretton Woods system as the latter soon morphed from embedded liberalism to neoliberalism. The IR discipline co-opted the scholarly dissent by relegating these challenges to the sub-discipline of international political economy (the junior partner in the enterprise of IR).<sup>45</sup> Besides the Gramscian scholarship, world systems approach, and dependency schools the literature in IPE also includes writings

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<sup>45</sup>Also, the intra-paradigm debate between neorealists and neoliberals (christened the 'third great debate' of IR) hijacked some of the attention from the new approaches and by implication marked them as interlopers or outliers to the discipline.

from neorealist (Krasner 1983, Gilpin 1987, 2001) and neoliberal (Keohane 1984, 2002; Keohane & Nye 1976, 1977, 2002, Russett & O'Neal 2001) scholars. However, as discussed above these neorealist/neoliberal writings put forward a first or a developed world's perspective on economic issues and ignored the interests (and perspectives on development) of the developing world; also, though the link between economy and security is acknowledged, security is prioritized.<sup>46</sup> The neoliberals' primary question—'how is co-operation possible in anarchy?'—is very much within the neorealist framework and driven by the concern for security/stability/order in international anarchy. Therefore, despite the neorealist and neoliberal writings in IPE, security studies and IPE remain 'antagonistic enterprises' in IR (Buzan 2000:15). Thus security studies, dominated by neorealist/neoliberal approaches, as a sub-discipline within IR, continues to enjoy the status of the 'first amongst equals.'

A context to bring development concerns to the fore was subsequently provided by post-positivist scholarship's<sup>47</sup> ontological and epistemological challenge to neorealism's/neoliberalism's premise of IR as a discrete area of action and discourse. This led to the 'most profound, ethically promising, move in the redefinition of security' (Burke 2010: 93). A congenial environment for the *broadening* and *deepening* of the security agenda was created whereby development concerns found both a normative and critical link with those of security. But note that this was done via security i.e. by recasting or re-envisioning security.<sup>48</sup>

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<sup>46</sup>The IR scholarship is dominated by neorealism and neoliberalism writings by primarily American scholars. This 'American IR' hegemony is gradually being challenged from European and Asian perspectives (Wæver 1998: 688).

<sup>47</sup>Post-positivists include postmodernists (Walker 1993, 2010), feminists (Enloe 1989; Peterson & Runyan 2010; Tickner 1992, 2001; Tickner & Sjöberg 2011; Elshtain 2003); poststructuralists (Ashley 1984); critical theorists (Linklater 1990, 2007) and neo-Gramscians (Gill 1993; Cox 1987, 1996, 2002). They critiqued positivist epistemology subscribed by neorealism (Gilpin 1987, 2001; Krasner 1983; Waltz 1959, 1979;) and neoliberalism (Keohane 1984, 2002; Keohane & Nye 1976, 1977; Russett and O'Neal 2001) and in the process breached the boundary between the domestic and the international.

<sup>48</sup>Indeed, re-envisioning became an important term in academia and policymaking, and was used to discuss a host of concepts— sovereignty, environment, education, etc.

The *solid, material, and unchanging* nature of security as put forward by the neorealists/neoliberals was challenged by the constructivists' emphasis on the role of ideas and culture, a point pithily encapsulated in the title of the 1992 Alexander Wendt's article *Anarchy is What the States Make of It: The Social Construction of Power Politics*. By stressing the role of ideas and values in determining state interests and identities (Phillips 2000:5), constructivism drew attention to the contingency and mutability of the so-called facts of international politics— anarchy, war, enemy states and allies.<sup>49</sup> The revelation of security as a constructed concept is the premise of the Copenhagen School's securitization theory. This formulation was a major conceptual breakthrough in the field of security studies (Williams 2012: 14). Securitization examined:

The social processes by which issues get securitized (i.e. socially accepted definitions of threat) and also desecuritized (as in the ending of the Cold War, when many Soviet political initiatives unraveled the previous construction of threat even though military conditions changed little) (Buzan 2000: 3).

The School was credited with *broadening* the security agenda by identifying five sectors— military, environment, economy, society, and politics— as targets of securitization. However, it was criticized for not making a 'decisive break from traditional security thinking' as the securitization theory remained vulnerable to 'colonization by neorealist analysis and policy recommendation' (Sheehan 2005: 4). In terms of the security/development relationship, at best its contribution can be summed up as securitization of development.

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<sup>49</sup>Writings that made important contributions in privileging culture along with the domestic to understand the terrain of the international include Checkel (1997, 1998), Gourevitch (1978,1996), Katzenstein (1996), Keohane & Milner (1996), Lapid & Kratochwil (1996), and Risse-Kappen (1995).

This flaw is addressed by critical security studies<sup>50</sup> (CSS) by *deepening* the broadened concept of security. Deepening involves: a). an ontology that embraces referents beyond the state, to include individuals and humanity; b). an epistemology that engages ‘with the real in world politics’ and ‘rejects naturalist approaches to knowledge’; c). an orientation toward ‘praxis’...that is ‘explicitly emancipatory’ (Booth 2005: 14). CSS overturns the traditional hierarchy between security and development. By introducing emancipation as a goal for security, it makes security contingent on the realization of a deepened (and multifaceted) concept of development. This line of argument also resonates with another view of security that gained currency in the 1990s, i.e. human security. Human security became the significant other of the state/militaristic security and was welcomed as a paradigm shift that would create possibilities for setting up of a new political agenda (Tadjbakhsh & Chenoy 2007; Glasius 2008; Kaldor 2007). The traditional concept of state security appeared to be in decline in this era of ‘extended security’ whereby security was being stretched ‘vertically’ and ‘horizontally’ (Rothschild 1995). While vertical extension was seen in the increase in the *entities*— ‘nations’, ‘groups,’ ‘individuals,’ ‘international system’, ‘biosphere’— that need to be protected or secured, horizontal extension was evident in the range of issues that were now ‘securitized’— military, political, economic, social, environmental, and human rights. Thus the ‘political responsibility’ for invigilating these concepts of security was diffused in all directions so as to include international institutions, regional governments, NGOs, public opinion and the press, and the ‘abstract forces of nature or of the market’ (Rothschild 1995: 55). New issues and actors (Booth 2005; Burgess 2010a; Buzan 1991a, 1991b; Buzan, Waever & Wilde 1998; Dillon 1996; Duffield 2001b; Duffield & Waddel 2006; Kaldor 2000) mapped the post-cold war security landscape. Issues of identity and culture became crucial to security studies, which also came to be linked to nationalism

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<sup>50</sup>The ‘label’ CSS was first employed by Keith Krause and Michael C. Williams in their edited book *Critical Security Studies: Concepts and Cases* which emerged out of a conference *Strategies in Conflict: Critical Approaches to Security Studies* held at York University Toronto in 1994. They include the Copenhagen School, Aberystwyth or the Welsh School, constructivism, and poststructuralism as part of CSS. Ken Booth (Welsh School) makes exclusive claims to the theory of CSS and seeks to gatekeep the entry of the ‘four pretenders: feminism, Copenhagen School, constructivism, and poststructuralism’ (Mutimer 2010: 94).

studies, political philosophy and conflict studies (Burgess 2010b: 2). But amongst all these new articulations of ‘extended security’ it was human security that caught the imagination of the policy world and academia (see Tarnogorski 2013: 1). It was also this embrace by the policy world that led to human security’s quick domestication and loss of critical potential and radical promise (see Christie 2010).

### Section 3

#### **2.4. The UN Security/Development Dispositif as an Exigent Response to Human Insecurity and ‘Failed States’ in the Era of Neoliberalism**

The adoption of the human security agenda by the UN was a response to certain problems and crises that came to inform the world particularly in the Global South. Indeed, the iteration of the links between security and some aspect of development had been frequently made earlier by the various UN sponsored commissions that punctuated the decade of the 1980s.<sup>51</sup> This iteration picked up momentum in the 1990s with *An Agenda for Peace* 1992 (Boutros-Ghali 1995)<sup>52</sup> and the *Human Development Report* 1994.

Human security was acclaimed as a paradigm shift that displaced traditional notions of state security, and gave the UN new lens to see beyond the concept of collective security. Though the simultaneity of the goals of security and development has informed the UN agenda since its inception, their framing by the concept of human security gave this linkage a certain urgency and *potency* to meet the challenges of violence and insecurity occurring in various parts of the world in the late 20<sup>th</sup> century.

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<sup>51</sup>See Chapter 4.

<sup>52</sup><http://www.un-documents.net/a47r120a.htm>

For example the decade of the 1990s witnessed an unprecedented rise in the numbers of refugees and internally displaced people (IDP).<sup>53</sup>

Much of the burgeoning security/development literature<sup>54</sup> around this time analyzed these phenomena as a result of ‘failed states.’<sup>55</sup> A new category i.e. of ‘failed states’ was identified as a major source of insecurity. A failed state endangered not only its own people but also those of ‘the region around them and the world at large’ (Feltman 2013) since its problems could spill over its national borders into other states (see Carment, Stewart, & Samy 2010; Ghani & Lockhart 2008; Helman and Ratner 1993; Howard 2014; Tschirgi, Lund, & Mancini 2010). The failed state is seen as administratively crippled and mired in political and economic chaos as its problems of poverty, food scarcity, and hunger get compounded by those of law and order (see Lockhart 2005).

Clearly, in this neoliberal era the United Nations system has a complex task at hand— old problems persist even as new ones emerge. Having said this, it would be misleading to simply catalogue the security/development problems of the neoliberal era as old and new. I contend that the *old* problems of poverty and underdevelopment persist but have become more challenging for two broad reasons. First, new techniques<sup>56</sup> and non-income criteria— like gender, education, health, environment, functional capabilities, social inclusion— of poverty measurement change the *form* and meaning of

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<sup>53</sup>Sudanese diplomat, Francis Deng, was appointed as the Representative of the UN Secretary- General on Internally Displaced People (IDP) in 1992. He put forward the concept of sovereignty as responsibility to design a response to the problem of IDP; subsequently, sovereignty as responsibility became the premise of responsibility to protect.

<sup>54</sup>See Stern & Ojendal (2010) and Spear & Williams (2012).

<sup>55</sup>Failed state, a Weberian term, is employed by Helman and Ratner in their article *Saving Failed States* (1992-1993).

<sup>56</sup>Currently, the World Bank uses three measures of poverty— incidence of poverty (headcount index), depth of poverty (poverty gap), and poverty severity (squared poverty gap) (<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTPOVERTY/EXTPA/0,,contentMDK:20242881~menuPK:435055~pagePK:148956~piPK:216618~theSitePK:430367,00.html>).

poverty (see Meyer & Sullivan 2012: 112-113).<sup>57</sup> This multi-dimensional conceptualization of poverty raises expectations from and expands the development agenda of the UN.<sup>58</sup> And, of course UN delivery system gets overburdened in the case of failed states. Second, the problems of poverty, development and insecurity acquire urgency for the UN, as their very existence is a statement on the UN's non-compliance with its Charter's promise made nearly seventy years ago. The problem of poverty is exacerbated by the exclusionary prosperity of the neoliberal age wherein the income inequality between and within states has increased (Harvey 2006a; Picketty 2014; Stiglitz 2002). The possibility of global political instability resulting from this gap has led countries in the Global North to recognize poverty as a political problem (see Stein 2008: 9).

The spate of counter-movements<sup>59</sup> in the closing decades of the twentieth century are articulations that cast poverty and economic inequality as 'politically illegitimate' conditions and not the inevitable inconveniences (consequences) that must be borne by the poor (people and countries). These movements are seen as responses to 'neoliberalism's dynamic of accumulation by dispossession' (Carroll 2010: 173)<sup>60</sup> and also as examples of Karl Polanyi's 'double movement' wherein the market forces are opposed by social forces aiming at 'social protection' (Warner & Clifton 2014: 45). The

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<sup>57</sup>Also see

<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTPOVERTY/EXTPA/0,,contentMDK:20202198~menuPK:435055~pagePK:148956~piPK:216618~theSitePK:430367,00.html>

<sup>58</sup>This expanded development agenda also originates in the fact that human rights were gradually stretched by the UN from the first generation to the second and third generation of rights. See *International Covenant on Economic, Social, and Cultural Rights (1976)*, *Rio Declaration on Environment and Development (1992)*, *Draft Declaration of Indigenous People's Rights (1994)*.

<sup>59</sup>Examples- the ecological resistance movements (Taylor 1995), the 1999 Battle of Seattle, and World Social Forums (since 2001). We must also note that counter-movements may themselves be vulnerable to neoliberal co-option (see Munck 2006).

<sup>60</sup>David Harvey proposed the term 'accumulation by dispossession' to describe neoliberal economic policies that rob people of their rights to control and dispose off their own resources, particularly the natural resources (global commons) as in the Global South. 'New mechanisms of accumulation by dispossession' include speculative raiding by hedge funds, intellectual property rights (that enables biopiracy and pillaging of the world's genetic resources by multinational corporations), and commodification of cultural forms' (2004: 75; also see Harvey 2006b).

*right to not be poor* and the promise of prosperity for all can no longer be *easily* postponed by national governments or the leading international organizations— the UN, World Bank, and the IMF. Political protests on economic issues acquire political traction in an age where citizens, according to Pierre Rosanvallon, use the mechanisms of ‘oversight’ (to monitor political rulers) and ‘prevention’ (to mobilize resistance to specific policies) to deepen democracy.<sup>61</sup> This demonstration of the ‘surveillance power of society’ is in a sense the inversion of the panopticon gaze (Rosanvallon 2008: 32). It is this possibility and mode of resistance that Foucault applauded in his support for the initiatives of Amnesty International, Terre des Hommes, and Medecins du Monde ‘that have created this new right— that of private individuals to effectively intervene in the sphere of international policy and strategy’ (2003: 65). Impatient citizens as individuals and as members of organizations from various parts of the world hold both national governments and international organizations like the UN to scrutiny.

UN advocacy of human security and related articulations must be viewed in this context. Human security cushions the harshness of the global market— it is the surrogate welfare state, although in a limited way compared to its erstwhile domestic counterpart. In *An Agenda for Peace* 1992, the UN Secretary-General made post-conflict peace-building the priority of the UN. Security experts saw underdevelopment as a potential cause for conflict, and the development experts recognized a secure stable state as a prerequisite for development (Williams 2012: 16-19). The problem of failed states also served as a major impetus for the convergence of the security and development specialists. In the UNDP’s Human Development Report *New Dimensions of Human Security* (1994) the link between security and development was declared immanent. Human security’s advocacy of the twin goals of ‘freedom from fear’ (FFF) and ‘freedom from want’ (FFW) was seen as a comprehensive ‘doctrine’ to not just achieve the goals of security and freedom but also to underline the inseparability of the two. Indeed as far back as 1941 President Franklin D Roosevelt in his State of the Union Address had

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<sup>61</sup>Pierre Rosanvallon lists a third mechanism- ‘judgment’ where the judicial process is brought to bear on errant political leaders (2008: 227).

underlined the importance of FFF and FFW as two of the ‘four freedoms.’ These became the foundational principles for the United Nations Declaration of January 1, 1942 and the Universal Declaration of Human Rights (1948).<sup>62</sup> Therefore, 1994 was not the sudden awakening of the UN to the link between security and development as the movement towards this acknowledgement can be seen in the various UN and World Bank sponsored commissions that punctuated the decade of the 1980s (see Thakur, Cooper & English 2005; Bajpai 2000). These commissions tasked with re-envisioning security include the 1980 Report of the Independent Commission on International Development Issues (Brandt Commission); 1982 Report of the Independent Commission on Disarmament and Security Issues (Palme Commission); 1987 Report of the World Commission on Environment and Development (Brundtland Commission); 1990 Report of the South Commission; 1992 Report of the UN Secretary General (*An Agenda for Peace*); and the 1995 Report of the Commission on Global Governance.

The more recent measures like High-Level Panel on Threats, Challenges, and Change (2004) *A More Secure World*, ICISS (2001), SOD (2005), and Peacebuilding Commission (2005) are in this lineage: “peace-building is being rethought so as to reflect the interdependency between security, rights, and development” (Alt 2013: 87). Francis Fukuyama’s *End of History* thesis resonates amongst the advocates of R2P as a moral norm (Hehir 2013a: 9) and amongst the proponents of liberal peacebuilding who refute the possibility of any other alternative to save people from ‘lawlessness, predation, disease and fear’ (Paris 2010: 338). Indeed, postconflict peacebuilding missions ‘developed into something of a growth industry in the 1990s’ (Paris 2004: 3). Though belonging to different eras, parallels can be drawn between the Marshall Plan (and the Truman Doctrine) of the post-second World War period and the peacebuilding missions inaugurated in the late twentieth century. Both are *postconflict* responses of powerful nations to *socially engineer* afflicted countries to become political democracies and

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<sup>62</sup>The other two freedoms were freedom of speech and freedom of worship. See <http://www.fdrlibrary.marist.edu/fourfreedoms>

liberalized economies so that peace may prevail (see Paris 2004: 5-6). These moral imperatives in the post 1990s era to secure, save, and protect have also been described as characteristic of the age of ‘liberal humanitarianism’ (Michael Barnett 2011).<sup>63</sup> Importantly, the ownership claims of the concept of protection have come to be shared amongst a range of national and international actors— ‘the host state, mandated UN protection agencies, non-governmental organizations and the International Committee of the Red Cross’ (Holt, Taylor, & Kelly 2009: 3). The UNSC itself has put an accent on the protection agenda ever since its landmark ‘protection of civilian’ resolutions 1265 (1999) and 1296 (2000), following which several peacekeeping missions were mandated to protect civilians (Roy & Holmes 2009: iii).

#### **Section 4**

### **2.5. 2The Critical Security Studies Critique of the UN Security/Development Dispositif as a Liberal Peacebuilding Project**

Critical Security Studies highlight the security/development nexus as the ‘hubris of liberal internationalism’ whereby the World Bank-IMF policies have set into motion externally driven ‘processes of state-building, dispossession and subjugation’ (Selby 2013: 65; also see Chandler 2006; Jahn 2007; Richmond & Franks 2007). Liberal peacebuilding projects use a policy of carrots and sticks to create ‘liberal market democracies’ (Selby 2013: 63-64). The promotion of ‘neoliberal policies of open markets, privatization and fiscal restraint’ is often made at the cost of ‘democracy and human rights components of the liberal peace’ (Cooper, Turner, & Pugh 2011: 1995). The argument for re-embedded liberalism is thus an admission that it is not the ‘failed state’ per se but neoliberal policies that are perilous to the political and economic health

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<sup>63</sup>Michael Barnett (2011) periodizes the history of humanitarianism into three ages: a). ‘Imperial humanitarianism’ (late 18<sup>th</sup> century to the end of the Second World War; b). ‘neo humanitarianism’ (Post- Second World War to the end of the Cold War); c). ‘liberal humanitarianism’ (Post-Cold War to the present).

of the global order (Abdelal & Ruggie 2009; Levian & Paret 2012). R2P, therefore, serves as a short-term international substitution for a failed state until a local substitute can take over (Warner 2003). I argue that R2P is a *truncated* or *abbreviated* version of the states' and international organizations' embedded liberalism responsibilities in the neoliberal era. The 're-appearance' of these responsibilities softens neoliberalism by making it take on a relatively more compassionate avatar of re-embedded liberalism, thus 'regulatory regimes' and 'discourse of governance' are accompanied by 'the moral compass of a basic normative vision' (Beardsworth 2011: 162). The process of re-embedded liberalism, a la embedded liberalism seeks to balance 'economic openness' with 'social protection' (Burgoon 2013: 5).

Within this critical literature there is a growing stream of scholars who employ the Foucauldian lenses of biopolitics and governmentality to critique the security/development complex as a liberal peacebuilding project (Alt 2013; Dillon 2010; Duffield 2006, 2007, 2010; Grayson 2010).<sup>64</sup> Though concepts of biopolitics and governmentality are inter-related some scholars use them as distinct concepts while others employ them as twins and use them interchangeably. These interrogations do not just see insecurity and violent conflict as a hurdle to development but also a context to talk about change from the 'perspective of end-users' of the security/development package (Luckham & Kirk 2012: 9). HS thus serves as a technology of governance (Duffield & Waddel 2006: 13). Foucauldian scholars analyze how the biopolitical imperative to 'make live' (in addition to that of 'let die') necessitate the protection mandate of the liberal peacebuilding project (including human security) that also hierarchizes lives. Some lives, for example, those of particular groups (national, religious, or ethnic) are identified as precious while others are deemed expendable on the grounds that their existence threatens the former: 'Liberal peace is a necropolitics of security

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<sup>64</sup>Also see Brockling, Krasmann, Lemke (2011); De Larrinaga & Doucet (2008); Dillon (2015); Dillon & Reid (2009); Duffield, Macrae, & Curtis (2001); Hynek (2010); Lessenich (2011); Mitchell (2010); Rosen (2011).

which makes permanent war against life on behalf of life' (Dillon 2015: 160).<sup>65</sup> The concept of governmentality is seen as giving novel insights into liberalism and neoliberalism not just as 'an ideology or philosophy, nor as the most recent political form of the capitalist agenda, but in terms of certain arts, tactics and practices of governing' (Larner & Walters 2004: 4). However, there are also voices of caution against the 'scaling up' of Foucauldian concepts to the international realm (Selby 2007). The concepts of biopolitics and governmentality are discussed in detail in Chapter 3.

Most of the literature on humanitarian intervention and R2P cites lack of political will of nation-states and political leaders, bureaucratic inertia of international organizations (Barnett 2002), or geoeconomics and geostrategic compulsions as reasons for the non-recourse to military intervention under R2P (see Chandler 2009; Wheeler & Egerton 2009). These arguments are not without merit, but the dominance of these views in the R2P discourse silences other concerns and questions which are the focus of my research (see Chapters 1 and 3). In this regard critical theory's critique of the liberal peacebuilding project is important. R2P discourse echoes the agenda of the liberal peacebuilding project as like in the latter the burden of responsibility (and guilt) for the crimes is narrowly directed to an individual (e.g. leader/dictator) or a group (e.g. religious, ethnic) and as a consequence the structural linkages/causes that make the crime possible are ignored. For example, one of the components of the liberal peacebuilding project is the growing academic field of conflict resolution/transformation<sup>66</sup> that promotes mechanisms like Truth and Reconciliation Commissions (TRC) to deal with issues of historical wrongs and injustices (including that of genocide). However, as Brownyn Anne Leebaw (2003) observes, the TRC in South Africa omits and thereby absolves the role of Western states and multi-national corporations that supported the Apartheid regime.

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<sup>65</sup>'This necropoliticised peace machine— which runs the gamut from peace-keeping and peace-making to "operations other than war" and imperial conquest— is the liberal way of war' (Dillon and Reid 2009 paraphrased in Dillon 2015: 161).

<sup>66</sup>The US State Department gives Fulbright Fellowships to students from South Asia and the Middle East for a Masters Programme in Conflict Transformation. Several Universities in the US run dedicated centres on the subject (e.g. George Mason, Eastern Mennonite University). Similar programmes have been introduced in Indian universities.

Mahmud Mamdani (2001) similarly points to the erasure of the historical role and legacy of colonial policies/politics in constructing certain tribal identities as antagonistic as was the case of Hutus and Tutsis in Rwanda. Any measure to operationalize R2P pillars cannot be a success if it ignores or perpetuates the dehistoricization and depoliticization of crimes such as genocide. The Foucauldian lens helps us historicize both the crime and the purported response to arrest or prevent the recurrence of the crime.

## **Section 5**

### **2.6. Conclusion**

To summarize, dominant strands of IR scholarship have over a period come to acknowledge the link between security and development, move beyond the military as a singular aspect of security, and recognize the link between the international and the domestic. This is a result of meditations that range from the normative to the critical. Studies on the security/development relationship range from the descriptive to the prescriptive and the critical so the term is accordingly imbued with different meanings. The UN articulation of human security puts the security/development relationship in an urgent and favourable light.

Both theorists and practitioners are concerned with the question whether security and development are equal partners, or has one encroached upon the other perhaps at its own peril or made the entire project futile or inefficient. These discordant reservations are often voiced in discussions on HS and R2P goals of FFF and FFW. For example soldiers doing development work in conflict zones like Afghanistan and Iran are seen as the military moving away from its core expertise and duty, and therefore, in danger of losing its touch (e.g. with firepower, surveillance etc.) (Williams 2012: 16). Then there are others who see development being instrumentalized to serve military purposes and thereby, endangering the lives of development workers. Thus the phenomena of securitization of development and developmentalization of security have both their

respective supporters and naysayers. International organizations despite the subscription to the nexus belief have separate departments to deal with issues of security and development (Stern & Ojendal 2010: 5-7). This observation was confirmed in my interviews with the personnel and officials of UN agencies and departments who demarcate their respective domain of action as either/or and not as a nexus: each viewed her work as either unadulterated security or unadulterated development work, often there was suspicion or derision for the other's agenda. Agreeing with Bjorne Hettne's view that the security/development relationship is not static, Williams proposes that this be seen as 'selectively co-constitutive' whereby the situation on the ground dictates whether policies be informed by security and/or development (2012: 21-22).

The worlds of academics and policy have seen a parallel growth on the subject of security/development. The policy world (UN, OECD, Government Departments and think tanks) since the late 1980s has been the major voice in acknowledging the security/development relationship as benign and also been a major driver of the burgeoning literature on the subject. In the dialectics between academia and the UN it is difficult to discern whether academic theorizing gives conceptual rigour to the UN ideas/policies, or the latter learns from and is inspired by the academia's criticisms and suggestions.<sup>67</sup>

I have argued that the coinage and wider acknowledgement in the 1990s of the term security-development nexus by the policy/practice and academic worlds does not mean that the nexus did not exist or inform the earlier UN policies and practice. It is the visible though *unspoken* link in the *UN Charter's Preamble and Purposes*, development is thus the foundation of the collective security system. That is the collective security system in the Charter is not limited to military security: The founders of the UN affirmed the indivisibility of security, economic development and human freedom long before the idea of human security gained currency (United Nations 2004: 11). Thus my contention

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<sup>67</sup>See David Chandler's (2015) critique of Roland Paris's writings on R2P, in this context.

that there is not a radical shift but only a shift in emphasis in the UN security/development dispositif.

Collective security (as a military and coercive measure) is an indispensable component of human security measures to meet the goal of FFF. Embedded liberalism and neoliberalism are both frameworks of the free market, they differ only in nuance about the proper role of the state vis-à-vis the economy. However, with the crisis in neoliberalism and the chorus for a return to embedded liberalism even that nuanced difference has shrunk. Concepts and policies like that of human security, corporate social responsibility, peacebuilding, and conflict transformation are necessary to maintain order and stability that is threatened by the vacuum created by the recession of embedded liberalism, and by the inherent logic of neoliberal policies. Not surprisingly there is a kind of segue of common membership in the various UN supported commissions including that of the ICISS (Thakur, Cooper & English 2005: 11). This epistemic community (Adler & Haas 1992) ensures continuity of ideas, thus the self-answering question: how much out of the box thinking is possible amongst like-minded people in like-minded discourse(s)? But this is not to say that there is no movement in security/development concepts and practices. There is movement, but the movement is within the confines of a liberal framework and it aims to solve the problems generated by the solution to the preceding problem. Biopolitics and governmentality reveal R2P, too as a measure that conforms to this intellection.

### 3. Analytical Framework

#### 3.1. Introduction

The theoretical and philosophical commitments of my research are in critical social/(international) theory, which includes the ‘canonical figures’ of ‘Anthony Giddens, Jurgen Habermas and Michel Foucault, and their predecessors such as Marx and Nietzsche’ (Price & Reus Smit 1998: 260).<sup>68</sup> More specifically in my research I use the Foucauldian lens to problematize ‘responsibility to protect’ (R2P) within the UN’s neoliberal security/development dispositif.

At the very outset of this research project I learnt that the Michel Foucault oeuvre itself maybe a site of problematization as a Foucauldian neophyte is often asked *which* phase of Foucault’s work is she quarrying— the archaeological, genealogical or that of aesthetics/care.<sup>69</sup> This question is not surprising as in addition to the volume of Foucault’s work (books, lectures/seminars and interviews) there is a veritable industry of Foucauldian scholars with each offering her respective interpretation. I view archaeology, genealogy, and aesthetics not as discrete but interdependent phases albeit with different accents. Indeed, each ‘new’ phase in Foucault’s writings introduced ‘a new axis of analysis that resulted in a more comprehensive view’ (Oksala 2012: 2). The Foucauldian approach guided me in my quest to get a comprehensive view of the R2P problematic.

First, the Foucauldian approach allows me to problematize and thus go beyond the formal functions of the Office of the Special Representative on the Prevention of

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<sup>68</sup>Critical constructivism is described as the coming together of constructivist views with the Frankfurt School’s critical epistemology (Campos 2009: 217).

<sup>69</sup>The phase of archeology is associated with the books *History of Madness*, *The Birth of the Clinic*, *The Order of Things* and *The Archaeology of Knowledge*. Genealogical phase includes *Discipline and Punish* and *The History of Sexuality* (volume 1). The ethical phase includes *The History of Sexuality: The Use of Pleasure* and *The History of Sexuality: The Care of the Self* (Oksala 2012: 2).

Genocide (OSAPG) (where the office of the Special Representative on R2P is located) and other related UN organs, agencies and departments.

Second, my primary research objective—the study of R2P’s incorporation in the UN, an international organization—required me to move beyond the mainstream state-centric international relations theories. Foucauldian concepts of governmentality and biopolitics helped me ‘to decentre the state as an actor in international politics’ and focus ‘on governmental practices, norms, and forms of liberal behaviour across and between the states’ (Iver B. Neumann & Ole Jacob Sending in Legg 2012: 652). Governmentality also helps me establish the link between security and development in the domains of both theory and practice.

Third, the above explorations require the historicizing of R2P for which the Foucauldian methodological tool—genealogical discourse analysis (GDA)—is appropriate; GDA helped me not just see the elements of the conditions that make the R2P principle possible but also drew attention to its power/knowledge dispositif. Foucault points out how power can colonize even the most noble of discourses and therefore, the need to take responsibility for the support we lend to a particular discourse (Bernauer 1992: 271). In this light international law—conventions, norms and principles—does not appear as merely a ‘normative or technical’ space but a ‘terrain for political and economic struggle’ (Kennedy 2013: 7).

Fourth, since protection of populations from genocide, war crimes, crimes against humanity, and ethnic cleansing is the main goal of R2P (in its 2005 Summit Outcome Document version), Foucault’s *Society Must be Defended* and *Birth of Biopolitics* offer significant insights. They reveal genocides of our times as thanatopolitics that accompanies biopolitics of the liberal/neoliberal governmentality. This is a crucial revelation as any strategy to counter or prevent genocide is likely to be ill-fated if it views such crimes as anachronisms or a return to an ancient barbaric practice:

If genocide is indeed the dream of modern powers, this is not because of a recent return of the ancient right to kill; it is because power is situated and

exercised at the level of life, the species, the race, and the large scale phenomena of population (Foucault in Rabinow & Rose 2003: xxix).

Thus these crimes in the modern and contemporary times derive their rationality from biopolitics. It would be simplistic to look at contemporary (twentieth century) mass killings including ‘The Jewish holocaust’, the ‘Great Purge’ and ‘genocide’ under Stalin, ‘Khmer Rouge’ and ‘Cambodia’s holocaust,’ the ‘genocide and genocide in Bosnia,’ and the genocide in Rwanda (see Jones 2011) simply as arbitrary and ruthless crimes. These examples of thanatopolitics derive their rationality from biopolitics of our times, which necessitates and makes possible such acts whereby some lives are allowed to die and on occasions to be killed, so that the others can be made to live.

And finally, a critique in the Foucauldian spirit is not one of limitation but of transgression (as Foucault viewed limits as enabling), and is therefore not an endorsement of nihilism (Bernauer 1992: 271). This orientation is politically crucial and ethically important for me as my research is part description<sup>70</sup> (ontological) and part critique that contributes to better understanding (epistemological). I have not set for this research the task to recommend specific solutions or to answer the question, Vladimir Lenin (1963) posed in another context, ‘what is to be done?’ However, I do believe that understanding the problem is a prerequisite for exploring solutions. My critique is not intended as an *implied* endorsement of non-action on our part as members of a community (local, national, or international). Even as I interrogate R2P, I acknowledge and applaud the passion, sincerity and commitment of those advocates—academics, bureaucrats, political leaders, and workers on the ground (UN and other international aid agencies)—who pursue the task of resistance to the atrocity crimes and to those practices that inhibit human freedom. Also, for Foucault freedom is not an opposite but an aspect

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<sup>70</sup>I borrow this term from Anne Orford’s (2012) article on the subject of R2P.

of power relations (Simons 2013: 302).<sup>71</sup> Not surprisingly, Foucault himself often stepped out of the ivory tower into the street to battle for rights of those in vicinity and far away.<sup>72</sup>

### **3.1.1. Research Question**

In what ways has R2P been incorporated into the UN, and does this incorporation represent a significant change in the way the UN has approached the relationship between security and development?

### **3.1.2. Indicators of Incorporation**

I use two broad ‘indicators’ to gauge the degree or form of R2P’s incorporation. The first is institutional/operational, and entails identifying via an examination of reports, resolutions, declarations, etc., the UN entities (General Assembly, Security Council, Secretary-General, and the different departments and agencies under them) that have adopted (in whole or in part) the normative/ideational components of R2P articulated in the 2001 ICISS report. The second (and more important) ‘indicator’ is ideational/normative, which entails discovering the ideational and normative aspects/dimensions of R2P contained in the resolutions, declarations, reports and practices of these UN bodies, as well as in the views of key UN officials, and academics and NGOs associated with R2P. R2P’s ‘conceptual development’ by its advocates (including the SG and the OSAPG) has involved tweaking R2P in response to questions and concerns raised by its critics (which include the General Assembly). The modification includes frequent assertions such as— a). R2P does not undermine sovereignty, it only makes sovereignty stronger; b). Pillar three (timely and decisive action) is the last resort; c). The last resort contains the military option along with a range

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<sup>71</sup>“There exists an international citizenship that has its rights and its duties, and that obliges one to speak out against every abuse of power, whoever its author, whoever, its victims. After all, we all as members of the community of the governed, and thereby, obliged to show mutual solidarity’ (Foucault 2003b: 64).

<sup>72</sup>Examples- In 1971 along with other activists Foucault protested against the inhumane conditions of prisoners in France; Foucault wrote in support of the Iranian revolution 1978-1979 for which he received strong criticism, particularly when the aftermath of the revolution soon began to show strands of authoritarianism and intolerance.

of non-military measures. Interviewees critical of R2P echoed the UNGA's criticism of R2P. My interview questions were not constructed to elicit the subjective meaning of R2P held by the officials i.e. my aim was not a narrative analysis. These individuals did not speak about individual preferences but as representatives of their respective departments. My aim through the interviews was to learn about the degrees of incorporation of R2P in the individual UN departments and offices.

The second indicator is important because of the inherent intersubjective ambiguity and contestability of new normative-ideational constructs, which make them susceptible to different interpretations. The diversity of interpretations notwithstanding, the meaning of R2P is constantly being revised or refined so that it is in consonance with the UN Charter. This thread of sameness that runs through these differences is analyzed by moving R2P beyond the realm of constructivism via Foucauldian concepts of genealogy, governmentality, biopolitics and *dispositif*. These related concepts bring forth the materiality of ideas and also acknowledge the circularity of the power/knowledge relationship.

### **3.1.3. Unpacking the Meaning of Incorporation**

An examination of these indicators brings forth, what I term as, the *uneven* incorporation of R2P at the UN. This unevenness needs to be unpacked. *First* though post the 2005 SOD no UN body officially opposes R2P, these bodies are not equal in their promotion and advocacy of R2P, and some UN officials continue to have reservations about R2P.<sup>73</sup> *Second*, the content of R2P's official incorporation by the individual UN bodies is marked by a difference primarily in the emphasis or focus on only a *particular* aspect of R2P, which by implication is accorded a normative status. Such normative segregation of R2P leaves the meaning of R2P open to interpretations. *Third*, in addition to all this the exercise of meaning making of R2P at the UN is still a work in progress as

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<sup>73</sup>I say this on the basis of the interviews that I conducted with UN officials where they voiced their criticism and skepticism about R2P.

individual UN bodies negotiate this contestation in accordance with their respective UN mandates. *Fourth*, the unevenness ensures not the *mutilation* but the *wholeness* of R2P as the different aspects of R2P manage to find support in some UN body. Thus R2P at the UN remains a package deal of three pillars: a). state responsibility to protect its populations; b). international community's responsibility to assist the state, and; c). the international community's responsibility to take timely and decisive action if the state fails in its responsibility.

This wholeness of R2P is in a sense a throwback to the 2001 ICISS Report as it incorporates the latter's formulation of the three responsibilities— prevention, reaction and rebuilding. This takes us to the related *fifth* point that the uneven incorporation of this security/development measure indicates not *stagnancy* but *activity* within the UN's liberal/neoliberal security/development dispositif, which I identify as an example of liberal/neoliberal governmentality. The concept of governmentality reveals that the success of the liberal/neoliberal security/development dispositif lies in its alertness to new challenges. Even though its individual policy measures/responses may fail, the dispositif prevails because it is in a constant mode of improvisation as it 'learns' from its mistakes/failures. These lessons may not result in panaceas or even better solutions but are an opportunity to work for a better response. All these responses are improvisations *within* the framework of liberal governmentality. Thus the debate about R2P's three pillars is not a mere re-ignition of the old (relatively speaking) human security debate about its broad (freedom from fear and freedom from want) and narrow (freedom from fear) scopes. The R2P debate concretizes some conceptual innovations or twists e.g. the issue of 'sovereignty as responsibility' (Annan, 1999; Deng et al., 1996; Deng 2010) that were made soon after the initial articulation of human security by the 1994 UNDP Report.

### **3.1.4. The Ontological and Epistemological Premises of the Research**

My investigation of how R2P (within the overall framework of human security) has been incorporated as a new security/development measure within the UN system was

undertaken through a genealogical discourse analysis using the concepts of *dispositif*, governmentality, and biopolitics. This translated into two tasks based on my research questions and objectives (See Diagram 1):

1. The what question (ontological) is answered through the concept of *dispositif*. I identified the *dispositif* of security/development at the UN by mapping out empirically the nature and dimensions of R2P's manifestation in the UN's institutional structure and discourse including reports/resolutions/statements.

2. The how question (epistemological) of understanding the above empirical mapping is answered through the genealogical approach. I applied the genealogical discourse lens to understand the security/development *dispositif* at the UN by using the inter-related concepts of governmentality and biopolitics. To elaborate further, I focused on the liberal/neoliberal rationality of governmentality, which deploys the technology of biopolitics. The aim was also to examine whether the UN's security/development *dispositif* had changed since 1945.

In the following part of the chapter I detail the above arguments to justify the relevance of the Foucauldian lens for this study of R2P. The chapter is divided into three sections. I begin section 1 with a brief explanation of key Foucauldian terms—governmentality, biopolitics, and *dispositif*. I then discuss how I apply these inter-related concepts to answer my research question. In section 2 on research methodology I discuss genealogical discourse analysis. Genealogy helped me historicize R2P and also enriched my primary research question by drawing attention to what became crucial supplementary questions. Section 3 lays out the data collection and analysis methods. I also discuss my experience of the field research.

## Section 1

### 3.2. Governmentality, Biopolitics and Dispositif

#### 3.2.1. The Concepts

The inter-related concepts of governmentality, biopolitics, and dispositif provide the ontological and epistemological basis of my claim to locate R2P as a measure of the liberal/neoliberal security/development dispositif of the UN. I rely primarily on Foucault's account of governmentality—the art or rationality of government—to identify the current economic age as that of neoliberalism. The concept is 'a way or system of thinking about' the governed, the governors and the 'practice of government' (Gordon 1991: 3). Using governmentality to understand R2P as a UN practice allows me to take the discussion 'beyond the juridical epistemologies of international relations and international law' (Legg 2012: 647).

As Foucault undertook a genealogy of governmentality, we have a rich account of the concept that he applied to different 'historical domains': pastoral power during Greek antiquity and early Christianity, *raison d'état* and the police state in 16th century Europe, liberal governmentality beginning in the 18<sup>th</sup> century and neoliberal governmentality in the 20<sup>th</sup> century inspired by the 'post-war forms of neoliberal thought in Germany, the USA and France' (Gordon 1991: 3). For the purpose of this research the most relevant sections of this genealogy are the 18<sup>th</sup> century liberal governmentality (including *laissez faire* and the welfare state) and the versions of neoliberal governmentality. Foucault's analysis is thus alert to liberalism in all its nuances and this helps me further problematize the terms, embedded liberalism and neoliberalism, which inform the policies of post-war international organizations such as the UN system. The polymorphism of liberalism is possible because liberalism is in a constant mode of critique in which 'market as reality and political economy as theory' play an important role. As a result of the critique mode, liberal governmentality is both about regulation and radical opposition to the existing

rationality, that is, existing liberal rationality. Therefore, liberal governmentality through engagement with self-criticism is in a constant state of improvisation and reinvention of itself. Liberal governmentality does not privilege the state or take it as a given, on the other hand it makes society ‘both the condition and final end’ of the state (Foucault 2008: 319, 320-321). This ontological priority of society to the state is significant, as it draws attention to three key aspects of liberal governmentality — sovereignty, population, and economy— and its link to biopolitics. To understand this linkage I will briefly refer to *raison d'état*, the basis of the 16<sup>th</sup> century art of government that introduced ‘economy into political practice’ (Foucault, 1991: 92). We may note that the meaning of economy then was ‘the government of the family’ and the problem in this Mercantilist era was to ensure ‘this meticulous attention of the father towards his family into the management of the state.’ Under *raison d'état* or ‘reason of state,’ sovereignty was the ‘basic political’ institution where all power resided. Sovereignty thus prevented the art of government from growing ‘in a specific and autonomous manner’ (1991: 97). Both these notions—the family based model of economy and the rigid framing of sovereignty as *raison d'état* restricted the further growth and development of mercantilism. ‘The art of government’ overcame these obstacles because of certain 18<sup>th</sup> century processes that were circularly linked— ‘demographic expansion,’ ‘increasing abundance of money,’ and ‘expansion of agricultural production’ (1991: 98). Therefore, in the 18<sup>th</sup> century the term economy came to acquire its ‘modern meaning,’ (1991: 92) i.e. the economic, the market. This development along with ‘the emergence of the problem of population’ (1991: 99) made possible a new art of government i.e. liberal governmentality.

The scale of demographic expansion and the phenomena of ‘epidemics, endemic levels of mortality, ascending spirals of labour and wealth’ make the population a new problem that is irreducible to the family (1991: 99). Welfare of the population not the ‘power of the sovereign’ is the new end of the government i.e. the liberal government (1991: 100). This *savoir or* knowledge of government is accompanied by ‘a knowledge of all processes related to the population in its larger sense: that is to say, what we now call the economy’ (1991: 100). Hence, the ‘birth of political economy’ (1991: 101).

Political economy as knowledge and the market as reality provide the liberal critique of excessive government. The market emerges as a site of truth veridiction and the domains of the social and the political must correspond to this. Since the market is the site of truth, it knows the best, it must be left alone, therefore, the principle of laissez faire proposes minimal government. Political economy is ‘the intellectual instrument, the type of calculation or form of rationality that made possible the self limitation of governmental reason’ (Foucault 2008: 13). Foucault, therefore, defines governmentality as:

The ensemble formed by the institutions, procedures, analyses and reflections, the calculations and tactics that allow the exercise of this very specific albeit complex form of power, which has as its target population, as its principal form of knowledge political economy, and as its essential technical means apparatuses of security (1991: 102).

Thus liberal governmentality that emerges in the 18<sup>th</sup> century continues in the current era by ‘programming itself.’ Neoliberalism is this liberal programming in the 20<sup>th</sup> (and 21<sup>st</sup>) century. Thus Foucault does not see liberalism and neoliberalism as fundamentally different. Foucault discusses at length the latter’s two main forms—German Ordo-liberalism and American neoliberalism of the Chicago School. They are both critical of Keynesian doctrine and ‘state controlled economy, planning, and state intervention.’ Also, Austrian neomarginal theories of Ludwig von-Mises and Friedrich Hayek are contexts of agreement and inspiration for the two schools. This agreement on the fundamental premises of free market principles pales the disagreement between Ordo-liberalism and American neoliberalism into one of nuance (Foucault 2008: 78-79).

Before proceeding to discuss how biopolitics and dispositif are related to governmentality, I must make a clarification. Taking my cue from the above argument that Foucault made in *The Birth of Biopolitics* I use the terms liberal governmentality, neoliberal governmentality, and liberal/neoliberal governmentality interchangeably, unless otherwise specified. A related note is that the neoliberal security/development

policies and programmes are identified or critiqued under the generic rubric of liberal peacebuilding project in the existing literature on security and development issues.

Liberal governmentality employs biopolitical measures as one of its principal governance *technologies* (policies, practices, strategies, etc.), informed by particular governance *rationalities* (theories, ideologies, etc.). ‘Liberalism constitutes the intelligibility of biopolitics’ (Senellart 2008: 327). Biopolitics consists of policies and practices that aim to shape a target population’s behaviour by acting on and changing the economic, social, cultural, and physical environments in which it is embedded. Foucault defines biopolitics as:

(T)he attempt, starting from the eighteenth century, to rationalize the problems posed to governmental practice by phenomena characteristic of a set of living beings forming a population: health, hygiene, birthrate, life expectancy, race’ and these problems continue to impact current ‘political and economic issues (2008: 317).

Foucault first introduced the concept of biopower in *History of Sexuality Volume I* as a distinct regime of power. Foucault contrasts this rationality (and its associated practices) to the one it superseded, that is sovereign power: ‘On top of the older right of the sovereign to *take* life or to *let* live, was substituted the power to *foster* life or to *disallow* it to the point of death’ (Foucault in Rabinow & Rose 2003: xxix). The ‘technology of security’ that targets ‘the concrete processes of life in a population’ includes instruments of ‘regulation and control, rather than discipline and supervision’ (Lemke 2011: 37).

Dispositif is not just a functionalist disciplinarian apparatus but also an assemblage with a ‘generative and framing perspective’ (Polger 2008: 54). In Foucault’s definition of dispositif<sup>74</sup>— there are elements (discourses, architectural forms, laws, administrative measures) of the dispositif and the dispositif is a ‘system of relations that can be established between these elements,’ which encompasses ‘both discursive

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<sup>74</sup>See Chapter 1.

practices, relations of discursive ensembles, and the institutionalization of discourses’ (Polger 2008: 55). Though a *dispositif* is formed as a response to a specific historical problem ‘it can gradually have a more general rationality extracted from it, and hence be turned into a technology of power applicable to other situations’ (Rabinow & Rose 2003: xvi). Foucault’s notion of *dispositif* is indicative of a ‘theoretical perspective’ that sees discourse as practice and not merely as text and language (Olssen 1999: 45). So the *dispositif* lens does not see ‘strategic assemblages’ as static, it points out movement, change, and resistance that may emerge from within or outside. In addition to this insight of change, the concept of *dispositif* also made me mindful of the theme of continuity. Therefore, in my research and analysis, one question always remained at the fore— does the underlying rationality of the UN security/development *dispositif* change as it transits from the era of embedded liberalism to neoliberalism?

### **3.2.2. Applying the Concepts to R2P**

The three inter-related concepts i.e. *dispositif*, governmentality, and biopolitics, help me understand the workings of liberalism/neoliberalism as practice. Since the practice of liberal governmentality has political economy as its knowledge, population as its target, and security as its apparatus, the link between economy (development) and security, and the problem of the population is established. Note that this category of the population is specific to the liberal age because human lives/beings existed differently prior to liberalism.<sup>75</sup> The problems intrinsic to the very nature of the population that create a field of intervention include ‘reproduction, the birth rate, and the problem of the mortality rate’... ‘accidents, infirmities’ (Foucault 2003a: 244). The protection of life, an ethic of biopolitics leads to the following response to deal with the problem of population:

And it is to deal with these phenomena that this biopolitics will establish not only charitable institutions (which had been in existence for a very

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<sup>75</sup>For example, human beings prior to liberalism existed as subjects whom the sovereign had a right to ‘kill or let live.’ Now the prosperity of the population is important. Therefore, the sovereign must ‘make live and let die.’

long time), but also much more subtle mechanisms that were much more economically rational than an indiscriminate charity which was at once widespread and patchy, and which was essentially under church control. We see the introduction of more subtle, more rational mechanisms: insurance, individual and collective savings, safety measures, and so on (Foucault 2003a: 244).

The concept of *dispositif* is crucial in understanding how these measures of social insurance are undertaken. I argue that the security/development *dispositif* of the UN system (including the World Bank and the International Monetary Fund) has engaged with this task of ‘insurance, individual and collective savings, safety measures’ since its inception in the era of embedded liberalism; the Marshall Plan and the subsequent development programmes of these institutions are examples of the same. Mark Duffield views measures of development— poverty reduction, invigoration of economies, fostering respect for human rights and building civil institutions— as biopolitics since they aim to effect a change in the populations’ set of behaviours (2001a: 310). In the version of (embedded) liberal governmentality the measures to secure life against danger and risk are the functions of the welfare state (and international institutions of the embedded liberalism), but who takes over these functions as these institutions assume the neoliberal avatar? These tasks are too important to be abandoned as these ‘dangers’ and ‘risks’ threaten the disruption of order, pose a problem of security and threaten freedom, an important value of liberalism. Political expediency dictates that the neoliberal state retain some welfare functions (even if in a diluted form)<sup>76</sup> and at the international level neoliberal governmentality manifests in the project(s) of human security.

However, this is only half the story, Foucault’s account brings to light the underbelly of liberal/neoliberal governmentality and biopolitics. Note that liberal and neoliberal governmentality hyperventilate individualism, whereby, the expectation is that the individual (person/nation-state) will avert danger through the entrepreneurial device. This ethic of individual responsibility is important in order to retain control of one’s own

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<sup>76</sup>See examples: USA (Obamacare), India (Government schemes for the poor continue), European states like UK still have national healthcare.

realm of freedom (individual person) and sovereignty (individual nation-state). So in the event of the failure of individual (person/state) entrepreneurship, the state/international institution (read the UN) will step in to save, but this is a measure of last resort, even an undesirable one since it transgresses the stated ethos of *laissez faire* i.e. the state should govern minimally. The responsibility to save is partial and truncated, since *laissez faire* institutions have limited resources corresponding to their limited responsibilities. The non-truncated or full responsibility rests with the individual who must now bear the consequences of her entrepreneurial failure and the inadequacy of the state response. The concepts of governmentality and biopolitics lay bare the link between the sovereign's (liberal/neoliberal avatar) ethic 'to make live and let die' and the market's truth '*laissez faire*.' Liberalism/neoliberalism is a practice to which *thanatos* 'is internal to and constitutive of' (Campbell & Sitze 2013: 22).

Thus governmentality and biopolitics explain how this discourse of individualism and entrepreneurial responsibility justifies the loss of life/lives and how it creates within the population, a category of the abnormal— the superfluous, the expendables; the corresponding abnormal at the international level is the fragile/failed/failing state. Governmentality and biopolitics make us see the four crimes (under R2P) as part of the thanatopolitics<sup>77</sup> that is inherent in neoliberalism. By problematizing the notions of life and protection, governmentality and biopolitics draw attention to other forms of thanatopolitics that escape the scrutiny of R2P. We are in an age where killings are undertaken for protection of life, example the US drone attacks in its 'war against terror' where innocent civilians become victims. Thus collateral damage is not merely *a* term to describe the inevitability of innocent lives lost but *the* term of the military strategic discourse of a war that legalizes and legitimizes such killings.<sup>78</sup>

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<sup>77</sup>Agamben (1998) views biopolitics as thanatopolitics.

<sup>78</sup>Though all wars could be said to have some collateral damage, what is different in this context is the frequent deployment of drone attacks— as the primary means of warfare in the countries of the South— that erases of the boundaries between the civilians and combatants. For civilians, then, the entire land of the country becomes a war zone, which earlier conventionally was restricted to the state borders.

So is R2P a measure to protect life or does it create a context, a ruse to save only some lives from only some attacks? Does this act of omission make R2P a mute spectator if not an active measure of thanatopolitics? One of the components of R2P's third pillar to protect life is military intervention (in the last resort), which involves killing, and this killing (without 'boots on the ground') will have collateral damage on a larger scale as it happened in Libya and is happening in Syria (see Africa Research Bulletin 2012: 19290B). This appears to be the reason why several UN officials in my interviews balked at the suggestion of associating their work with R2P. The irony is that the examples of counter-conducts and resistance in some cases to such measures where R2P is invoked includes the ISIS (Islamic State of Iraq and Syria) which itself is conducting its own version of thanatopolitics so that the life of some, i.e. their own, i.e. the pure believers, can prosper: 'The ISIS war against the minorities and women is becoming... genocidal... and more than 200,000 people have been killed in the past four years' (Rashid 2015: x).

So one of the puzzles for me was to explain the simultaneity of two phenomena within the UN—one, the active endorsement of R2P by the Secretary General's office, the Office of the Special Adviser on Genocide Prevention and the Special Adviser on Responsibility to Protect, and the General Assembly (as evident from its debates and resolutions) and the other of criticism of R2P by officials/personnel in other UN agencies and departments. I found that looking at R2P in isolation or as a discrete measure does not answer the puzzle. At best it can either a la realism/neorealism explain R2P as an example of hypocrisy, lip service and empty homily espoused by leaders/nations in international politics or dismiss the *genuine* commitment and sincerity of R2P advocates as ill-fated naiveté and idealism. Though tempting, the answers do not explain the veritable industry—academic and policymaking—that has emerged around R2P. For example, regional organizations—African Union and European Union—and several civil society and private sector organizations/actors ranging 'from counterinsurgency specialists to human rights activists, refugee organizations, and Christian aid workers, have now begun enthusiastically to redescribe and reconceptualize their missions in terms of protection' (Orford 2012: 610).

The power/knowledge underpinnings of the R2P discourse are evidently compelling. A genealogy of the R2P governmentality as part of the UN security/development dispositif helps answer the puzzle. Discourse and power are the two tools of genealogy (Price 1995: 87). Also, genealogy's focus on multiple sites of power makes for greater analytical rigour compared with realism's/neorealism's focus on material power (and power of the state) (James Der Derian in Price 1995: 88).

## Section 2

### 3.3. Genealogical Discourse Analysis

I employ the lens of Foucauldian genealogical discourse analysis to understand R2P. Foucault did not write a “How to” guide to genealogy’ but all genealogical analysis have in common a discussion about the ‘concepts of discourse/power/knowledge’ (Carabine 2001: 268). Foucault’s earlier works are a discourse analysis within the framework of archaeology. Discourse analysis through archaeology is a photographic snapshot of a particular historical point in time; genealogy, on the other hand, by studying discourse as a ‘process’ and practice emphasizes the ‘power-knowledge’ complex. Genealogy draws attention to the enabling and exclusionary powers of discourse to authoritatively declare what should count as truth (Keller 2013: 50-51). With liberalism/neoliberalism the market becomes the site of truth veridiction to which all other domains– social and political– must conform (Foucault 2008). Another merit of the genealogical method is the possible ‘insurrection of subjugated knowledges’ and when employed in the context of international issues genealogy can expose the disavowed political deployments of colonialism, empire, great power politics in the production of international law (Aalberts & Golder 2012: 604). A genealogical discourse analysis by factoring in the power/knowledge relationship moves discourse beyond the realm of mere speech or ideas. Discourse as practice prevents the fetishization of barefoot ideas. Some scholars such as C.G. Prado, Rudi Visker and Patricia O’Brien *reduce* Foucault to a discourse theorist and ignore his simultaneous emphasis on institutions and practices that

are involved in the creation of the subject. Foucault, the social historian's approach of problematization and his concept of *dispositif* are critical in this regard (Peltonen 2004: 207-218).

I used the genealogical discourse analysis (GDA) to empirically map and critically understand the incorporation or lack thereof of R2P in the UN's security/development *dispositif* by studying key R2P related documents including the relevant UNSC and UNGA resolutions and Secretary-General's annual reports.<sup>79</sup> GDA enabled me to ask whether R2P indicates a discursive shift or continuity in the UN security/development *dispositif*. Does the reduction of the long ICISS Report 2001 to three paragraphs (138-140) in the Summit Outcome Document retain the crux of the conceptualization of R2P by the former or does it dilute it? What notions of protection and responsibility emerge from the R2P discourse? How are 'objects' (protection) and 'subjects' (protector and the protected), and responsible agent created? GDA makes possible the asking of these questions because 'in the writings of Foucault, *discourse* as institutionally produced 'knowledge' is a social rather than a *linguistic* category' (Kress 2012: 35). One of my key concerns was to see whether R2P is the naming of already existing practices or whether it is a new idea promoting new or reinventing old practices. I must reiterate that my primary reason for the adoption of the GDA as a method is that it allows me to historicize and unpack R2P not merely as an idea but practice that is founded in a material context (of liberal/neoliberal security/development *dispositif*). I underline here that genealogy as developed by Foucault 'is a historical causal explanation that is material, multiple, and corporeal' (Gutting 2005: 47).

As discussed in my central argument, I analyzed the text (i.e. the relevant UN resolutions and reports) and practice (i.e. relevant institutions and operations) of R2P in the context of both the discursive and non-discursive elements of the UN liberal/neoliberal security/development *dispositif* and drew connections between R2P, human security, biopolitics and neoliberal governmentality techniques. Discourses

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<sup>79</sup>The data or texts are identified further in this chapter's section 3.4.

produce the *objects of knowledge*— nothing meaningful exists outside a discourse (Foucault 1972). ‘Discourses frame and constrain given courses of action’ and impute them with a moral and legitimate authority (Burnham et al 2008: 250). Objects are constructed through rationalities, concepts, theories, and articulations developed by knowledgeable experts; discourse analysis entails examining how a particular knowledge acquires authority and claims of embodying truth. Objectification creates particular categories of agents i.e. the ‘subjects of power’ who ‘personify’ the discourse. The object of knowledge and subject of power are managed through discursive practice/technology which occur within specific institutional apparatuses and are supported by particular types of knowledge and practice; thus a governance technology is an instrument to implement ‘solutions’ to what have been identified as ‘problems’ (Foucault 1980: 194-196).<sup>80</sup> Through GDA I identified what counts as knowledge in the context of R2P— how the international community identifies a crisis situation as warranting action, how categories of the protector and the protected are constructed.

Historicity is important for discourse theory since it assumes that objects and actions are meaningful in, and their objectives are a product of, historically specific conditions. Discourse analysis, therefore, enquires into the emergence of social practices and institutions and the corresponding discourses that accord them legitimacy and meaning (Howarth 2000).<sup>81</sup> Notions of ideology, power, and hierarchy are crucial in discourse analysis (Wodak and Meyer 2001). My research notes that ‘security,’ ‘responsibility,’ and ‘development’ are not objective conditions/facts whose meaning remained the same over different historical periods. Rather it is only within a particular discursive context that these objects appeared as meaningful and intelligible constructs— they are constituted by the way they are defined, measured, explained and evaluated (see Foucault 1972: 32). I analyzed the empirical mapping of R2P i.e. the historicization of

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<sup>80</sup>Therefore, for Foucault the ‘regimes of power and truth’ are significant as they draw attention to not what is true but what counts as true.

<sup>81</sup>Though the aim of discourse analysis is to contribute to human emancipation (Fairclough 2000), it also helps us see who wins or loses from a particular discourse. The discourse of power is crucial in consolidating the neoliberal order (Bourdieu in Fairclough 2001: 130).

R2P (chapter 4) and its institutional manifestations in the UN (chapter 5), via the themes of legality, morality, sovereignty, responsibility, and protection that punctuate the R2P articulations at the UN security/development dispositif (chapters 6 and 7). Thus GDA in my research entailed historicization and identification of the institutional and normative/ideational dimensions of R2P at the UN. Through GDA I viewed a text e.g. UN document, international commission report, as located in a ‘practice within the network of practices’ that constitute the international system (governments and international organizations) (Fairclough 2001: 129-30). Thus GDA helped me understand R2P as a neoliberal power discourse i.e. it identified the R2P discourse as part of the neoliberal security/development dispositif.

The R2P discourse about responsibility is also about power locating responsibility in the international community even though it is projected not as a right but as a duty. However, the reaction of the Permanent Five (P5) in the Security Council to situations where the ‘international community’ demands the implementation of R2P definitely shows the power games of the P5. Discourse analysis helped me see how the employment of the word *responsibility* enables the management of perception (‘spin’). Therefore, I looked at discourse not just as textual analysis but discourse as practice so as to avoid being trapped by the ‘spin.’ This is an obstacle I had to be conscious of.

I used the above analytical framework to identify and understand the neoliberal underpinnings of the normative/ideational themes of R2P— legality, morality, sovereignty, responsibility, and protection— that emerge from the empirical mapping. I also analyzed how these key themes of R2P are also themes of the UN’s liberal/neoliberal security/development dispositif. This analysis also involved understanding a). the notions of society, economy and politics that are conveyed by the ICISS Report (2001), the SOD (2005) and other UN documents related to R2P; b). the concept of security that emerges thereof.

In sum, I conducted a discourse analysis of R2P (of ‘objects’, ‘subjects’ and ‘technologies’ of governance) in relation to a series of ‘layers’ or ordering: a). At the

highest or most general level is the ‘dispositif’ of the ‘liberal/neoliberal’ security/development (global political economy); b). At the next level (subsumed within the larger dispositif of liberal/neoliberal global political economy) are particular and smaller dispositifs, for example, security, prison, etc. My research is concerned with the UN’s security/development dispositif.

I then, analyzed R2P to gauge the extent to which the ‘empirical map’ represented a ‘discursive shift’ or essentially a ‘discursive re-articulation’ of the liberal/neoliberal security/development dispositif. A discursive shift would be radical or fundamental change, akin to a paradigm shift. To borrow an example from Foucault, *raison d’état* was the basis of the sixteenth century art of government while the principle of ‘veridiction by the market’ became the rationale of eighteenth century art of government i.e. liberal governmentality. As, I explained in Chapter 2, the *differences* between embedded liberalism and neoliberalism (e.g. emphasis on demand and supply and respectively) are not significant compared to their *profound qualitative similarity*, that is, of being entrenched within the framework of the free market. Therefore, the move from embedded liberalism to neoliberalism is not a discursive shift but only a discursive re-articulation. Using this insight I argue that the change in the security/development dispositif from the era of embedded liberalism to that of neoliberalism is not one of discursive shift but discursive re-articulation. I argue that R2P, as a measure of security/development remains very much within *this* discursive articulation. Two points must be reiterated in this context, first that the dispositif contains both discursive and non-discursive elements. Second that in the genealogical phase of his writing Foucault himself had come to regard discourse as practice, that is the ‘discursive’ plus the ‘non-discursive.’ Thus Foucault described a discursive formation as a set of discursive events texts, institutions, practices that refer to the same object, same style, strategies and common institutional and political patterns supported by a regime of truth. This description echoes his definition of dispositif.<sup>82</sup> In my research I prefer the term dispositif to that of discursive formation

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<sup>82</sup>See Chapter 1 (the section on ‘Central Argument’).

since the latter has conceptual limitations as it belongs to Foucault's archaeological phase wherein discourse was analyzed sans power. The concept of *dispositif*, on the other hand, captures the dynamics of the circular relationship of power and knowledge.

*Dispositif*'s emphasis on the 'connections between elements' helped me contextualize the responses in my interviews. Most of the UN officials interviewed spoke about their respective works and departments as discrete units separated and different from the others, and emphasized that the degree of interaction between departments was determined by the demands of co-ordination of UN activities. This implied casting of the UN as a structure of silos, I argue, is not the best way to read the division of labour within the UN. The working in silos may be a fact at the UN and could be responsible for problems of dysfunctionality (e.g. inefficiency, duplication of work, and delays) that often attend large organizations. However, this does not mean that these different departments operate on different rationalities. The very aim of co-ordination implies if not guarantees that all are working in tandem and are similarly inclined. The point is that departments must have the same underlying rationality that makes possible the task of co-ordination even though active collaboration between departments is absent. This also helped me put in perspective those criticisms of R2P that I dissected as emerging from turf issues. *Dispositif* made visible the power dimension of these turf battles—the contestations over ownership and meaning-making of the concept of R2P.

The concept of *dispositif* alerted me to the misplaced and exaggerated highlighting of differences, for example, the criticism of R2P as a radical departure from the existing international norms on sovereignty. Simultaneously, however, the resistance thesis of genealogy, governmentality, and biopolitics prevented me from glossing over all differences and plays of opposition within the UN. For example, the UNCTAD, has since its formation in 1964 by the G77, attempted to move in relative if not radical opposition to the liberal/neoliberal policies of the IMF and the World Bank. Although these attempts have not been entirely successful, it cannot be denied that this resistance was a matter of fact and can be seen as an attempt to question the neoliberal governmentality. Departments, offices, and units are shepherded back into the fold before they go astray

too far. It is with this perspective that I analyzed the interviews to see if the interviewees' views were in conjunction or in opposition to the official position of the UN on R2P and how it impacted on discourse as practice.

### **Section 3**

#### **3.4. Data Collection and Analysis Methods**

My research is qualitative and the primary sources of my data are documents from the UN archives<sup>83</sup> and the reports of key international commissions on security and development. I conducted interviews as a supplementary source of information. These interviews served as rich contexts of brainstorming the research subject with academics and practitioners.

I was awarded a Social Sciences and Humanities Research Council grant and the Michael Smith Foreign Study Supplement (MSFSS) grant which facilitated my field research at the United Nations (UN) headquarters, New York and interviews of World Bank officials in Washington DC. It helped in no small measure that the host institution, the UN, was my primary research site. My host supervisor had via emails introduced me to several of his associates the year before. Also, help came in the form of former Fulbright colleagues working at the UN who facilitated the process of introduction. This helped me in scheduling interviews prior to my arrival in New York. Since the UN is such a vast organization, it is easy to get lost in the maze of departments. This was particularly so as my research area—security/development—is an issue to which most UN departments lay claim. Many of the respondents were of the view that concerns arising out of situations of violent conflict and human insecurity cannot just be viewed

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<sup>83</sup>Other international organizations like African Union have incorporated R2P but UNGA because of its 'universal' membership of international states enjoys an 'unmatched' legitimacy (World Bank, IMF—weighted voting—continue to be dominated by US and Western Europe, while the UN despite the special powers of the P5 at the Security Council has a General Assembly where all states enjoy equal status).

through the R2P lens. A prior extensive literature review on R2P helped me stay focused while retaining sight of the larger picture.

I carried out twenty-five semi-structured interviews with middle and high-level functionaries at the UN— United Nations Development Programme (UNDP), United Nations Office for the Co-ordination of Humanitarian Affairs (UNOCHA), OSAPG, United Nations Department of Political Affairs (UNDPA), United Nations Department of Peacekeeping Operations (UNDPKO), and United Nations Operations and Crisis Centre (UNOCC). I also interviewed three World Bank officials, of which two who were involved in the drafting of the 2011 World Development Report on *Conflict, Security and Development*. In addition, I interviewed personnel of International Non-Governmental Organizations (INGOs)/think tanks— Global Centre for the Responsibility to Protect (GCR2P) and International Coalition for the Responsibility to Protect (ICRToP), and academics, who have either in the past been associated with R2P through the ICISS Report or have current research interest on the subject. While the former gave me the practitioner’s insight (including the ‘turf battles’ within the UN where some of the departments consider R2P as duplication of work or appropriation of their mandate), the latter provided me with a critique which focused on both the limitations of R2P as it exists and the potential of a ‘tweaked’ R2P to make a constructive difference.

Twenty four of these interviews were conducted over a period of two years (2012-2013) during two field trips that I made to both New York and Washington DC. One interview was conducted at Vancouver in July 2015. The interviewees include two ICISS commissioners, twelve UN officials (including three from OSAPG, one serving Under-Secretary-General, one former Under-Secretary-General and one UN ambassador), three R2P related INGO’s officials, five academics and practioners from the field of conflict transformation and peacebuilding and three World Bank officials. The interviewees were selected primarily on the criterion of their association with R2P either as

practioners/advocates (in the field of conflict resolution and peacebuilding) and/or academic experts.<sup>84</sup>

The first field trip (June-August 2012) to New York and Washington DC resulted in six interviews and also provided me with new contacts whom I could touch base with in the following year (June-August 2013). Therefore, for the second trip I could schedule my interviews weeks in advance (of my arrival in New York and Washington DC). In addition, I also organized new ones as the respondents referred me to their colleagues and other experts. The ‘conference calendars’ of New York and Washington DC, (both cities being hubs of political and intellectual activities) are punctuated with events related to seminars, conferences, talks, and exhibitions. Taking advantage of this, I participated in R2P related events such as the release of the USIP’s (US Institute of Peace) report on R2P (‘United States and R2P: From Words to Action’) prepared by former US Secretary of State, Madeline K. Albright and US Ambassador Richard S. Williamson, at the Holocaust Museum, Washington DC. Events like these provided me with the opportunity to meet R2P experts/policymakers and be abreast of the cutting edge research on the subject.

However, the entire (second) trip was not as serendipitous since it took place in the backdrop of the ‘developing’ Syrian Crisis. This led to a few cancellations that led to a juggling around of scheduled interviews. On certain days the ratio of time and result was disproportionate since much time was spent in pursuing and organizing interviews. But as a research scholar I learned to treat these ‘anticipated unanticipated’ developments as unavoidable occurrences. I realized that when the research topic is a contentious contemporary issue and the interviewees are policymakers, such instances are likely to take place. Also, I would have liked to speak to some of the respondents the second time but their busy schedule made them unavailable.

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<sup>84</sup>Following Foucault’s injunction (1998: 371) I did not focus on the individual interviewees’ ‘feelings’ about R2P.

### **3.4.1. Documents**

The documents that I analyzed include reports of the relevant international commissions on issues of security and development, UNGA and UNSC resolutions on R2P, Secretary-General's annual reports on R2P, the OSAPG literature (including reports and statements) on R2P and statements on R2P from various UN bodies. Documents are recognized as an important source of data that help analyze the 'relationships and structural interconnections' among the categories (Love 2003: 95).

(i). Reports, resolutions (dealing specifically with R2P) of the following: Office of the Special Adviser on Prevention of Genocide (the office address of R2P); United Nations General Assembly (UNGA) (forum of discussion for R2P); United Nations Security Council (UNSC) (final permission to operationalize R2P's third pillar); United Nations Secretary-General (UNSG) (norm entrepreneur of R2P); UNDP- (agency to implement 'responsibility to prevent'); United Nations Peacekeeping Operations (UNPKO) (agency to react); United Nations Peacebuilding Commission (UNPBC) and International Criminal Court (ICC) (agencies to implement 'responsibility to rebuild').

(ii). Reports of the following commissions: Brandt Commission, Palme Commission, World Commission on Environment and Development, The Commission on Global Governance, Canberra Commission, World Commission on Dams, The Independent International Commission on Kosovo, ICISS, World Summit (2005) (iii). UN Charter.

### **3.4.2. Interviews**

I interviewed the office holders of the above departments and offices. This included norm entrepreneurs/idea initiators, the ICISS Commissioners, academics, policymakers, policy-implementers (field workers) and three officials from OSAPG. My literature review on R2P helped me identify the interviewees (during my first field trip) pertinent to my study. I also took cues from R2P's *operational ambitions* (prevention, reaction and rebuilding) articulated in the ICISS Report, SOD, UN resolutions and reports to identify the relevant UN departments. I then used the resource of my former

Fulbright batch-mates and my host at the UN to connect with officials of these departments, some of them directed me to their colleagues in other UN departments. This snowballing technique was particularly helpful in accessing interviewees during my second field trip.

The semi-structured interviews mainly revolved around the following questions:

1. What is the philosophical justification of R2P?
2. Is it possible to delink both strategically or ideationally R2P from the baggage of humanitarian intervention and militaristic idiom?
3. Is R2P incorporated within the UN? If so (i.e. yes) does the incorporation proceed smoothly or are there hurdles in the implementation of R2P?<sup>85</sup> If not, why?
4. Does the incorporation of R2P entail embedding it in various UN departments like UNDP, OCHA, UNHCR, and the UN Peacebuilding Commission as there are limitations even in terms of logistics and infrastructure of the Office of the Special Adviser on the Responsibility to Protect?
5. How do the ICISS Report 2001 and the World Summit Outcome Document 2005 compare?
6. How useful is the role of surveillance technologies in ‘early warning’ and ‘risk assessment’?

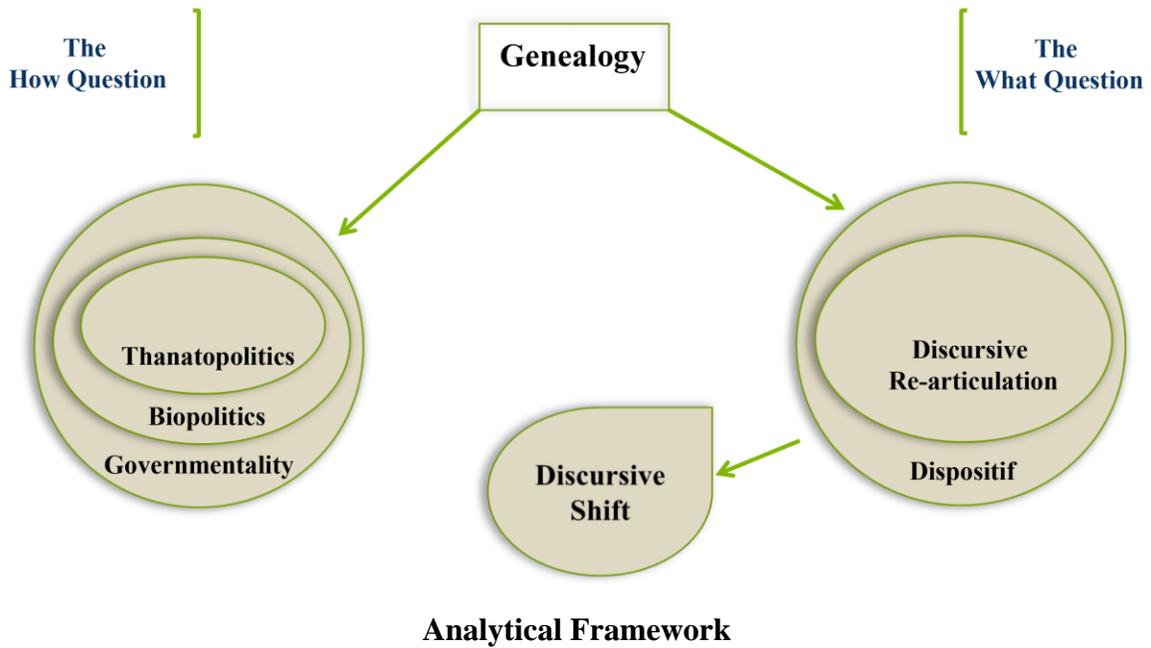
The answers and discussions to the above questions enabled me to further explore and think about the following issues/questions these issues are dealt with in the findings and conclusion: 1. Are there any tensions between the goals to prevent, react, and rebuild and does it lead to a turf war between the agencies charged with fulfilling these

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<sup>85</sup>Michael Barnett (2002) explains the UN inaction in the Rwandan crisis by his observation that the UN officials approached the issue not as individuals but members of a bureaucracy.

respective goals? 2. How is the UN propagating the idea of R2P? 3. Do organizations outside the UN play a collaborative role with the UN in the sedimentation of the idea of R2P?

### 3.5. Diagram 1



## **Part 2. Empirical Mapping of the Field**

## 4. Empirical Mapping of the Field (I): Historical Context of R2P

### 4.1. Introduction

Responsibility to protect, as argued earlier, is embedded in the UN's security/development dispositif. In this chapter I point out the relevant provisions on security and development in the UN Charter and their echo in the concerns and recommendations of key international commissions (initiated and/or supported by the UN) on the subject that preceded the ICISS. The purpose of this chapter (along with chapter 5) is to provide the empirical context for the analysis of R2P's incorporation at the UN in chapters 6 and 7.

I note that although the Charter's Preamble lists security and development as discrete goals, it emphasizes the urgency of their simultaneous pursuit. The Preamble reaffirms faith in human rights, 'to promote social progress and better standards of life in larger freedom' which require maintenance of amongst other things 'international peace and security' and 'promotion of the economic and social advancement of all peoples' (i.e. development). The subsequent (relevant) resolutions and reports of key UN bodies (General Assembly, Security Council, and the Secretariat) have not departed from these goals but only explicated them further. While these exegeses in the last seven decades are a testimony to the UN's continuing fidelity to the goals of peace, security, and development, they also confirm that the UN has stayed on course and not departed from the liberal framework. The UN and the international commissions have contributed towards acknowledging what was in the UN Charter only an implied or understated linkage between security and development. The concept of human security, in which R2P is embedded, is the most pronounced articulation and affirmation of the link between security and development concerns. What is also significant in this linkage is how peace gradually loses its *speech status* and is subsumed by development: 'The new name for peace (is) development' (Pope Paul VI in Therien 2005: 29).

The UN's acknowledgement of human security also serves to reconcile the tensions between key UN principles: a). sovereignty and human rights; b). sovereignty and collective security. The administrative decentralization and delegation of duties within various UN bodies helped avoid a frequent confrontation between these principles. However, the normative status of the concept of human security has mellowed this confrontation between the principles and forced a revision of their respective meanings; albeit in all this movement the principle of sovereignty has remained relatively moored. Human security and later R2P are eloquent attempts at unmooring of the principle of sovereignty.

R2P is embedded within the UN's security/development dispositif that is informed by a liberal/neoliberal framework that remains substantially unchanged from the time of the UN's inception. The UN membership and structure have expanded since 1945, UN archives have grown as resolutions and reports have interpreted, expanded and extended the principles of the UN Charter. Several international commissions, initiated by the UN system on issues of security and development played an important role in this regard, for this reason these commissions are referred to as the third UN (Jolly, Emmerij, and Weiss 2009). These commissions, including the ICISS, are in tandem with the UN principles even when they appear to make a paradigm shift, for example, the UN Human Development Report's (1994) articulation of human security and the ICISS's reiteration of Francis Deng's casting of sovereignty as responsibility.

This chapter establishes the historical context of R2P by discussing the relevant principles of the UN Charter, the UN reports, and the UN supported or endorsed international commissions on security and development. One of the aims is to see whether the Charter's conceptualization of security and development was changed or reinforced by these blue ribbon commissions' different monikers for security and development. The division of the chapter into five sections is dictated by the chronology of commissions and UN reports on security and development. The first section discusses the Preamble, Chapter VI and VII of the UN Charter. The second section focuses on the key recommendations made by some of the UN sponsored or supported commissions on

aspects of security and development in the decade of the 1980s—Brandt Commission 1980, Palme Commission 1982, and Brundtland Commission 1987. Section 3 examines important initiatives on the issues of security and development in the 1990s—*An Agenda for Peace* (1992), UNDP’s *Human Development Report* (1994), and Commission on Global Governance (1995). Section 4 is devoted exclusively to the 2001 ICISS Report, as R2P is the focus of this research inquiry. Section 5 notes some of the key initiatives on security and development— Human Security Commission Report 2003, Report of the Secretary-General’s High Level Panel on Threats, Challenges and Change 2004— *A More Secure World: Our Shared Responsibility*, Secretary-General’s Report (2005)—*In Larger Freedom: Towards Development, Security and Human Rights for All*<sup>86</sup>—that were made between the presentation of the ICISS Report and the adoption of R2P by the UN General Assembly through the 2005 Summit Outcome Document. In section 6, I summarize the various articulations of security—common security, cooperative security, comprehensive security, human security, and collective security—that have partly emerged from these initiatives. Section 7 is a brief conclusion that reiterates the philosophical continuity in the Charter, Commissions, Panels and the ICISS Report 2001 and the SOD 2005.

## **Section 1**

### **4.2. The UN Charter**

Written against the backdrop of World War II the Preamble regards security (e.g. ‘to save succeeding generations from the scourge of war’) and development (e.g. ‘to promote social progress and better standards of life in larger freedom’) as the primary ends to be pursued by the UN. Security, however, is also seen both as an end in itself and as an instrument (e.g. ‘to unite our strength to maintain international peace and security’) to secure development (e.g. ‘to employ international machinery for the promotion of the

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<sup>86</sup>See A/59/2005.

economic and social advancement of all peoples’). The Preamble underlines the need for the simultaneous pursuit of the *distinct* goals of security and development.<sup>87</sup> However, in this simultaneity is an implied recognition of the linkages between security and development. This framework made possible the subsequent articulation of the doctrine of human security where the boundaries between security and development get blurred, without causing any disruption with the philosophical premises of the UN.

If ink consumed is a criterion then the goal of security in comparison to development, clearly receives priority in the UN Charter. While development concerns are the specific context of Chapter IX, *International Economic and Social Co-operation*, security is the subject matter of Chapter I, *Purposes and Principles*, Chapter VI, *Pacific Settlement of Disputes*, Chapter VII, *Action with Respect to the Peace, Breaches of the Peace, and Acts of Aggression* and Chapter VIII *Regional Arrangements*.

Chapter 1 affirms the UN’s commitment to maintenance of ‘international peace and security’ (Article 1) and peaceful settlement of disputes (Article 2 (3); also Articles 33-38) but makes them contingent on two principles, sovereignty and collective security, that share an uneasy relationship. Article 2 (1) upholds the ‘principle of sovereign equality of all its Members’ and restricts the UN from intervening in domestic jurisdiction, yet adds a qualification or exception – ‘this principle shall not prejudice the application of enforcement measures under Chapter VII’ (Article 2(7)). Article 1(2) that upholds ‘the principle of equal rights and self-determination of peoples’ along with Article 2(4) that iterates the norm against aggression (Members will not threaten or use force ‘against the territorial integrity or political independence of any state’) are central to the vision of the UN’s vision of security. In order to meet ‘any threat to peace, breach of peace, or act of aggression’ the Security Council (Article 39) can take the decision for ‘partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication and the severance of diplomatic relations’ (Article 41). If these non-military measures fail, then the Security Council is empowered to take

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<sup>87</sup>This is also reflected in the Charter’s Chapter 1 (Article 1).

the military option including ‘action by air, sea, or land forces as may be seen necessary to maintain or restore peace and security’ (Article 42). Articles 43-49 specify a range of measures (e.g. establishment of a military staff committee) that are taken once military force under Article 42 is invoked. The Chapter concludes by upholding the right of states for ‘individual and collective self-defence if an armed attack occurs against a Member’ (Article 51 and Chapter 8). The role of the Security Council as the final sanctioning authoritative body on the decision to resort to the military option is reiterated in Chapter VIII. Regional organizations are encouraged to resolve local disputes but are not allowed to use ‘enforcement action’ ‘without the authorization of the Security Council’ (Article 53).<sup>88</sup>

The option of military collective security was used by the UN only once (Korean War) during the Cold War. This gave credence to the view that collective security was designed only for action against aggression by relatively minor powers, in cases where the great powers were in unison about the decision. Therefore, in the virtual ‘absence of a universal system for collective security,’ UN members have more often resorted to the alternative of collective defense or ‘regional arrangements’ (Article 51 and Chapter 8). Thus it seems that in the Cold War era collective defense arrangements premised on a ‘system of competitive alliances’ trumped the UN system of collective security (Busumtwi-Sam and Cohn 2010: 1).

The concern for security is repeated and provides the rationale for development goals in Chapter IX *International Economic and Social Co-operation*. This seems to suggest that development is valued for its instrumentality/utility in providing security-maintenance of international peace and security.

With a view to the creation of conditions of stability and well-being that are necessary for peaceful and friendly relations among nations based on respect for the

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<sup>88</sup>The exception to this rule is that the regional organization can take such action against an ‘enemy state’ (Article 53 (1)) i.e. a ‘state which during the Second World War has been an enemy of any signatory of the present Charter’ (Article 53(2)).

principle of equal rights and self-determination of peoples, the United Nations shall promote:

a) higher standards of living, full employment, and conditions of economic and social progress and development;

b) solutions of international economic, social, health, and related problems; and international cultural and educational co-operation; and

c) universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion (Article 55).

These provisions were later expanded as human security- freedom from want and freedom from fear in the 1994 UNDP Report.

## **Section 2**

### **4.3. The International Commissions**

It is noteworthy that the international commissions— ‘Brandt, Palme, and Brundtland Commissions’<sup>89</sup>—with the mindset of social democrats (Falk 1995; Cooper & English 2005: 13)— belong to the era of neoliberalism (mid-1970s onwards). The commissions’ philosophical leanings towards social democracy seek to extend the ‘concept of the welfare state from the domestic to the international arena’ (Cooper & English 2005: 15).

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<sup>89</sup>Willy Brandt was German Chancellor (1969-1974). He belonged to the Social Democratic Party; Olaf Palme was Swedish Prime Minister (1969-1976 and 1982-1986) and belonged to the Swedish Social Democratic party; and Gro Harlem Brundtland is a former Norwegian Prime Minister (1981, 1986-1989 and 1990-1996). She belonged to the Norwegian Labour Party.

There is overlapping membership between these commissions and significantly, the Chair of each Commission was a member of prior commission(s).<sup>90</sup> Before chairing the *Commission on Environment and Development*, Gro Harlem Brundtland had served on the *International Commission on International Development* (Brandt Commission) and *The Independent Commission on Disarmament and Security Issues* (Palme Commission). Olaf Palme had been a member in the Brandt Commission. Sridath Ramphal had served on Brandt, Palme, Brundtland Commissions before serving on the Global Governance Commission. Prior to chairing the Human Security Commission, Sadako Ogata was a member of the Global Governance Commission. Mohamed Sahnoun, who co-chaired the ICISS was a member of the Brundtland Commission.

The commissions had similar concerns and each individually acknowledged its intellectual debt to the preceding one(s): Olaf Palme in his introduction to the report acknowledged his commission's affinity with Brandt Commission's view that both the 'North and the South have a mutual interest in the recovery of the world economy' (1982: xvi); Gro Harlem Brundtland spoke of her commission's work as the formulation of a 'third and compelling call for political action: After Brandt's *Programme for Survival and Common Crisis*, and after Palme's *and Common Security* would come *Common Future*.' (1987: x); Shridath Ramphal justified putting together a common glossary and index for the three commissions- Brandt, Palme, and Brundtland as there was 'substantial common ground' in their work and they all 'proceeded from the same premise, that of One World' (Ramphal 1990: 7).

#### **4.3.1. The Brandt Commission**

The Independent Commission on International Development (ICIDI), or the Brandt Commission as it was popularly known, headed by Wily Brandt, the German Chancellor, set up in 1977 had 18 members including three former heads of

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<sup>90</sup>In both academic literature and in popular parlance the surname of the chairpersons became the shorthand title of their respective commissions.

government—Eduardo Frei (Chile), Edward Heath (UK) and Olaf Palme (Sweden). The representatives from the North and South were 8 and 10 respectively (Heath 1981: 298).<sup>91</sup> The Commission submitted its report *North-South: A Program for Survival* in 1980.<sup>92</sup> The Commission's terms of reference were to study the impact of 'economic and social disparities of the world' and provide solution to the problem of poverty and development (ICIDI 1980: 296). The purpose for the examination of development in the 'Third World' and the 'trends in the world economy' was to suggest how a 'new international economic order' could be created (ICIDI 1980: 296-297).

It recognized the urgency of world monetary order reforms whereby the international community could participate in improving the 'exchange rate regime, the reserve system, the balance of payment adjustment process' (ICIDI 1983: 289). It emphasized a new approach to development finance to make possible a 'substantial increase in the transfer of resources to developing countries' that would fund their programmes for poverty alleviation and development of energy resources (ICIDI 1980: 290). This 'rearrangement of international relations' requires a 'comprehensive approach to the problem of development' that acknowledges a). 'the interlocked welfare of nations' (Brandt 1980:18) b). the inter-linkages between issues of development, environment (sustainable prosperity based on equitably shared resources (ICIDI 1980: 124)) , population (there must be a 'balance between population and resources,' therefore, the need for family planning programmes) (ICIDI 1980: 283), and disarmament (Brandt 1980: 15).

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<sup>91</sup>Members of the Commission: Abdlati Y. Al-Hamid (Kuwait), Rodrigo Botero Montoya (Colombia), Willy Brandt (Federal Republic of Germany), Antoine Kipsa Dakoure (Upper Volta), Eduardo Frei Montalva (Chile), Katherine Graham, Edward Heath (UK), Amir H. Jamal (Tanzania), Lakshmi Kant Jha (India), Ahmad Khatijah (Malaysia), Adam Malik (Indonesia), Haruki Mori (Japan), Joe Morris (Canada), Olof Palme (Sweden), Peter G. Peterson (USA), Edgard Pisani (France), Shridath Ramphal (Guyana), and Layachi Yaker (Algeria). Ex-officio Members were Jan P. Pronk (Netherlands), Goran Ohlin (Sweden), and Dragoslav Avramovic (Yugoslavia) (Commonwealth Secretariat 1990: Index 64).

<sup>92</sup>Lack of political response to the report, compelled some members to write a memorandum *Common Crisis. North-South: Co-operation for World Recovery* (Therian 2005: 29).

It thus also put forward a ‘comprehensive understanding of security’ that moved beyond the traditional or military threats to peace (ICIDI 1980: 124-125). Willy Brandt underscored how the arms race adversely impacted the third world states’ economies, therefore, ‘to ban war’ it was necessary to follow policies and programmes that ‘ban mass poverty’ (Brandt 1980: 15-16).

The pursuit of disarmament to ensure development requires ‘continuing the process of *détente* through agreements on confidence-building measures,’ a strong UN with a revitalized peacekeeping force that would protect the integrity of the states. This would ‘free resources for development through a sharing of military expenditure, a reduction in areas of conflict and of the arms race which they imply’ (ICIDI 1980:125).

#### **4.3.2. Palme Commission**

The Independent Commission on Disarmament and Security Issues (ICDSI)<sup>93</sup> headed by Olaf Palme was set up in 1980 and submitted its report in 1982. The international context of the ‘Second Cold War,’ renewed the ‘hostilities between East and West,’ and prompted the need for an international commission on security. However, like the Brandt Commission before it, this commission too viewed the military as one but not the only dimension of security: ‘The doctrine of nuclear deterrence offers very fragile protection indeed against the horrors of nuclear weapons.’ Therefore, the ‘doctrine of mutual deterrence’ needed to be replaced by that of ‘common security’ (Palme 1982: xiii). Common security was described “as the organizing principle for efforts to reduce the risk of war, limit arms, and move towards disarmament’ (ICDSI 1982: 7-8). The Commission highlighted the economic causes and consequences of conflict that have particularly devastating consequences (including famines) for the security of the third

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<sup>93</sup>Members of the Commission were: Giorgi Arabatov (USSR), Egon Bahr (Federal Republic of Germany), Gro Harlem Brundtland (Norway), Jozef Cyrankiewicz (Poland), Jean-Marie Daillet (France), Robert A.D. Ford (Canada), Alfonso Garcia-Robles (Mexico), Haruki Mori (Japan), C.B. Muthamma (India), Olusegun Obsanjo (Nigeria), David Owen (UK), Olaf Palme (Sweden), Shridath S. Ramphal (Guyana), Salim Salim (Tanzania), Soedjatmoko (Indonesia), Joon den Uyi (Netherlands), and Cyrus Vance (USA) (Commonwealth Secretariat 1990: 65).

world countries. Therefore, ‘poverty and deprivation’ and ‘economic inequality’ are threats to security (Palme 1982: xv) as ‘hunger, malnutrition, poverty and ill-health’ can lead to violence (ICDSI 1982: 11). Anticipating the decade later 1994 UNDP Report stressing the freedoms from fear and want, it underlined that ‘security requires economic progress as well as freedom from military fear’ (Palme 1982: xvi).

The Report agreed with the Brandt Commission’s assertion of the link between disarmament and development and therefore underlined the negative impact of the arms race in diversion of resources: ‘The economic and social costs of military competition constitute strong reasons for countries to seek disarmament’ (ICDSI 1982:139). Like the preceding commission, it recommended the improvement of ‘peacekeeping machinery’ to help the UN in ‘anticipating and preventing conflicts’ (Palme 1982: xv).

#### **4.3.3. Brundtland Commission**

The World Commission on Environment and Development (WCED)<sup>94</sup> or the Brundtland Commission headed by Gro Harlem Brundtland was set up in 1983 and submitted its report in 1987. The mandate of the Commission was to ‘consider ways and means by which the international community can deal more effectively with environmental concerns.’ This involved an examination ‘of the interrelationships between people, resources, environment, and development’ (Brundtland 1987: ix). By the 1980s environment had become an important issue at the UN. In 1972 UN Conference on the Human Environment was organized to ‘delineate the “rights” of the human family to a healthy and productive environment.’ In 1983 the General Assembly called for ‘a global

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<sup>94</sup>Members of the commission were Susanna Agnelli (Italy), Saleh Abdulrahman Al-Athel (Saudi Arabia), Gro Harlem Brundtland (Norway), Pablo Gonzalez Casanova (Mexico), Bernard T.G. Chidzero (Tanzania), Lamine Mohamed Fadika (Cote d’Ivoire), Volker Hauff (Federal Republic of Germany), Mansour Khalid (Sudan), Istvan Lang (Hungary), Ma Shijun (Republic of China), Margarita Marino de Botero (Colombia), Paulo Neto-Nogueira (Brazil), Saburo Okita (Japan), Shridath S. Ramphal (Guyana), William Doyle Ruckelshaus, Mohamed Sahnoun (Algeria), Emil Salim (Indonesia), Bukar Shaib (Nigeria), Nagendra Singh (India), Vladimir Sokolov (USSR), Janez Stanovnik (Yugoslavia), and Maurice Strong (Canada). Ex-officio Member—Jim MacNeil (Canada) (Commonwealth Secretariat 1990: 65).

agenda for change’ so that ‘environmental strategies’ could be devised to have ‘sustainable development by the year 2000 and beyond’ (Brundtland 1987: xi).

The events during its tenure made the subject of the commission even more topical- famines in Africa, Bhopal Gas tragedy<sup>95</sup> and the Chernobyl nuclear disaster.<sup>96</sup> The commission was also alert to other forms of ‘chronic widespread disasters: the debt crisis, stagnating aid to and investment in developing countries, falling commodity prices and falling personal incomes’ (Brundtland: 1987: xiii).

The Commission’s main theme of analysis and recommendations was in establishing ‘links between poverty, inequality, and environmental degradation’ that were further contextualized with the questions of population and human rights (Brundtland 1987: xiii). ‘Poverty’ was identified as a ‘major cause and effect of global environmental problems’ (WCED1987: 3). Despite this catalogue of ecological, economic, social and political problems the Commission was optimistic about ‘the possibility for a new era of economic growth’, based on policies of sustainable development that would enhance the environmental resource base. ‘Such growth’ was necessary to ‘relieve the great poverty that is deepening in much of the developing world’ (WCED1987: 1).

Referring to the grave danger of nuclear war it pointed out that ‘there are no military solutions to “environmental insecurity”’ and this fact needed to be factored in ‘the concept of sustainable development. The whole notion of security as traditionally understood – in terms of political and military threats to national sovereignty- must be expanded to include the growing impacts of environmental stress- locally, nationally, regionally, and globally’ (WCED1987: 19). The plea for sustainable development was thus an argument for expansive notions of security and development and acknowledgement of the underlying link between them.

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<sup>95</sup>This was a gas leak at a Union Carbide pesticide factory in the Indian city of Bhopal (1984).

<sup>96</sup>This was a nuclear accident that occurred in the Soviet city of Pripyat (1986).

### Section 3

#### **4.4. Key Security/Development Initiatives in the Decade of the 1990s**

##### **4.4.1. An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peacekeeping 1992**

The UN Secretary-General, Boutros Boutros Ghali, wrote this report in response to the invitation by the Security Council in 1992 to make recommendations as to how to strengthen preventive diplomacy, peacemaking and peacekeeping. The invitation was made in the international context of the end of the Cold War, and the First Gulf War (invasion of Kuwait by Iraq and the UN endorsed, US led military intervention). One of the key contributions of the report was the emergence of ‘peacebuilding as a distinct concept and strategy applied in the context of intra-state war (as distinct from inter-state war)’ in the 1990s (Busumtwi-Sam 2004: 315).

The Report identifies the UN’s ‘security arm’ as ‘a central instrument for the prevention and resolution of conflicts and the preservation for peace’ (A/47/277 - S/241111/para 15). It points out the multidimensional nature and causes of conflicts—‘poverty, disease, famine, oppression’, problems of refugees and displaced people, and environmental damage (A/47/277 - S/241111/para 13). The premise of this broadened understanding of security allowed Boutros Boutros Ghali to argue that the sequence of preventive diplomacy, peacemaking, peacekeeping must be followed by ‘post-conflict *peace-building*—action to identify and support structures which will strengthen and solidify peace in order to avoid a relapse into conflict’ (A/47/277 - S/241111/para 20-21).

Preventive diplomacy would include measures to build confidence (A/47/277 - S/241111/para 24), fact finding (A/47/277 - S/241111/para 25), and early warning. Early warning systems that alert against possible environmental, nuclear or natural disasters, epidemics, mass population movement should ‘be synthesized with political indicators to

assess whether a threat to peace exists’ (A/47/277 - S/241111/para 26). The Report recommended the formation of UN’s own forces under Article 43 of the UN Charter (A/47/277 - S/241111/para 43) which foresaw a greater interventionary role of the UN requiring a peace enforcement force that could ‘respond to outright aggression, imminent or actual’ (A/47/277 - S/241111/para 44). Such a force would enhance the ‘credibility of the United Nations as a guarantor of international security’ (A/47/277 - S/241111/para 42). As the number of peacekeeping operations had risen and their tasks increased and broadened (A/47/277 - S/241111/para 46-49), the report underlined the need to improve the ‘logistics, equipment, personnel and finance’ of the peacekeepers (A/47/277 - S/241111/para 50).

Though the UNDP Human Development Report 1994 is credited with drawing attention to the concept of human security, the *Agenda for Peace* uses the term as a matter of fact and without fanfare. The ‘integrated approach to human security’ requires that the ‘responsibility for the maintenance of international peace and security be shared by the Security Council with the General Assembly and ‘all the functional elements of the world organization’ (A/47/277 - S/241111/para 16).

#### **4.4.2. The UNDP Human Development Report (1994)<sup>97</sup>**

The 1994 UNDP *Human Development Report* (HDR) continues to be one of the most discussed reports and is credited with making a compelling case for the urgent need of the international community to attend to the issue of human security. HDR asserted that the issue of human security is relevant across nations because when human security is threatened ‘in any corner of the world’ its impact reverberates globally (UNDP 1994: 4). Therefore, in an ‘interdependent’ world human security concerns like ‘unemployment, drugs, crime, pollution, human rights violations’ are of a ‘universal’ nature and prudence

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<sup>97</sup>Mahbub ul Haq served as the Special Adviser to the UNDP Team. The Director was Inge Kaul, members were—Saraswathi Menon and Selim Jahan. The panel of consultants included Sudhir Anand, Meghnad Desai, Keith Griffin, Stephany Griffith-Jones, Edward Laurance, Amartya Sen, Hans Singer, Paul Streeten and Herbert Wulf. There were also special contributions made by Nobel Prize winners-Rigoberta Menchu, Oscar Arias, James Tobin, Abdus Salam, and Jan Tinbergen.

dictates that these concerns be addressed and prevented in the early stages' (UNDP1994: 22).

The HDR does not just denounce the separation of security and development as separate arenas but seeks to redefine development amongst other things by placing people at the 'centre of development' so that their 'human capabilities' could be enhanced in the 'economic, social, cultural, and political' fields (UNDP 1994: 4). Thus realization of human security goals requires a new development paradigm of 'sustainable human development' that is marked by 'intragenerational and intergenerational equity' (UNDP 1994: 4). Like the Commission on Global Governance (CGG) subsequently, HDR made a recommendation for a UN Economic Security Council to decide on 'global issues of human security' (UNDP 1994: 6). Clearly the issue of human security was seen as being beyond the competence of the Security Council. This was possible because the emphasis on development put the accent on 'freedom from want' rather than on 'freedom from fear.'

In fact the HDR does not equate human security with human development: 'Human development is a broader concept...a process of widening the range of people's choices. Human security means that people can exercise these choices safely and freely' (UNDP 1994: 23). Though the UN from its inception recognized the human security's two components— 'freedom from fear' and 'freedom from want,'— the balance gradually came to be eschewed in favour of the former whereby 'national security' was privileged over the 'all-encompassing concept of human security' that includes economic security, food security, health security, environmental security, personal security, community security, and political security (UNDP 1994: 24-25). The HDR report does not aim to securitize development as much as it tries to developmentalize security, however critics argue that 'freedom from fear' continues to be the focus in dominant articulations of human security in policy and practice.

#### 4.4.3. Commission on Global Governance

The Commission on Global Governance<sup>98</sup> (CGG) was set up in 1992 and was co-chaired by Shridath Ramphal (Secretary-General of the Commonwealth) and Ingvar Carlsson (Prime Minister of Sweden). An initiative of Willy Brandt, it was endorsed by the UN Secretary-General Boutros Boutros Ghali.<sup>99</sup> The Commission funded by ‘UNDP, nine national governments, and private foundations’ (Knight 2005: 101-102) was premised on the hope ‘that international developments had created a unique opportunity for strengthening global co-operation to meet the challenge of securing peace, achieving sustainable development, and universalizing democracy’ (CGG 1995: 359). Its terms of reference were the challenges of globalization where an increasingly interdependent world was faced with contradictory ‘forces of both integration and division.’ Global governance required the seizing of opportunities that were provided by the decline of east-west tensions (CGG 1995: 366). Echoing the spirit of the earlier commissions, CGG proposed that the concept of global security necessitated broadening ‘from the traditional focus on the security of states to include the security of people and the security of the planet’ (CGG 1995: 338).

Recognizing the growing gap between the rich and poor countries as a problem, it observed that in a globalized economy, national responses were inadequate. However, the ‘structures of global governance’ were ill equipped to pursue effective ‘international public policy’ to meet these challenges. Therefore, it recommends creation of ‘a global

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<sup>98</sup>Members of the Commission were Ingvar Carlsson (Sweden), Shridath Ramphal (Guyana), Ali Alatas (Indonesia), Abdlatif Al-Hamad (Kuwait), Oscar Arias (Costa Rica), Anna Balletbo (Spain), Kurt Biedenkopf (Germany), Allan Boesak (South Africa), manuel Camacho Solis (Mexico), Bernard Chidzero (Zimbabwe), Barber Conable (United States), Jacques Delors (France), Jiri Dienstbier (Czech Republic), Enrique Iglesias (Uruguay), Frank judd (United Kingdom), Hongkoo Lee (Republic of Korea), Wangari Maathai (Kenya), Sadako Ogata, (Japan), Olara Otunnu (Uganda), I.G. Patel (India), Celina do Amaral Peixoto (Brazil), Jan Pronk (Netherlands), Qian Jiadong (China), Marie Angelique Savane (Senegal), Adele Simmons (United States), Maurice Strong (Canada), Brian Urquhart (United Kingdom), Yuli Voronstov (Russia), and Hans Dahlgren (Sweden).

<sup>99</sup>In 1990 on the invitation of West German Chancellor Willy Brandt, members of the Brandt, Palme, Brundtland, and South Commission recommended that ‘Ingvar Carlsson (PM Sweden), Shridath Ramphal (Commonwealth Secretary) and Jan Pronk (Minister for Development Co-operation, Netherlands) prepare a report on the opportunities for global co-operation on issues requiring multilateral action.’ Subsequent to the report the Commission was set up (CGG 1995: 359).

forum that can provide leadership in economic, social, and environmental fields. This should be more representative than the Group of Seven or the Bretton Woods institutions, and more effective than the present UN system'. It proposed the establishment of an Economic Security Council (ESC) within the UN, 'structured like the Security Council, though not with identical membership and independent of it' (CGG 1995: 341-342).

Reform was also recommended for UN peacekeeping forces. Like the preceding commissions the CGG foresaw the need for a more frequent and robust deployment of peacekeeping forces. While upholding 'the principle of non-intervention in domestic affairs' the CGG argued that the principle should not restrict a UN response on humanitarian grounds' where the 'security of people is endangered.' It proposed a 'UN Charter amendment to permit such intervention' and the final decision in this regard was to be taken by a 'reformed Security Council' (CGG 1995: 339).

## **Section 4**

### **4.5. International Commission on Intervention and State Sovereignty (2001)**

The International Commission on Intervention and State Sovereignty (ICISS), co-chaired by Gareth Evans and Mohamed Sahnoun was set up in 2000 and submitted its report in 2001.<sup>100</sup> The report, *The Responsibility to Protect*, claimed to have taken into account the views of both the developed and developing countries (ICISS 1.7) and one evidence of this are its members— Gisele Cote-Harper, Lee Hamilton, Michael Ignatieff, Vladimir Lukin, Klaus Naumann, Cyril Ramaphosa, Fidel Ramos, Cornelio Sommaruga, Eduardo Stein, and Ramesh Thakur. It was against the background of Somalia, Bosnia,

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<sup>100</sup>Gareth Evans had been the Australian Foreign Minister (1988-1996) and was an advocate of 'cooperative security' (see Evans 1994). Mohamed Sahnoun, an Algerian diplomat, had served on several prominent assignments including that of Deputy Secretary-General of the Organization of the African Unity (OAU) (1964-1973) and Ambassador to Germany (1975-1979), France (1979-1982) and USA (1984-1989) and United Nations/Organizations of African Unity (OAU) and Special representative for the Great Lakes region of Africa (1997).

Rwanda and the controversy about NATO's intervention in Kosovo, that in September 2000 the 'Government of Canada, together with a group of major foundations,' announced the establishment of ICISS. The commission cautions against the use of responsibility to protect (R2P) to frame the international response to the 9/11 attacks (Evans & Sahnoun 2001: viii) since recourse for such situations is available under Art 51 of the UN Charter.

The report about the 'right of humanitarian intervention' (Evans & Sahnoun 2001: vii) puts forward two basic principles: first, 'state sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself.' Second, if a state is unable or unwilling to protect its population from 'suffering serious harm, as a result of internal war, insurgency, or repression or state failure' then 'the principle of non-intervention yields to the international responsibility to protect' (Evans & Sahnoun 2001: xi).

The commission rejects the term (*not the idea or concept*) of humanitarian intervention on the grounds that it has acquired negative connotations in the context of the sovereignty-intervention debate. It argues that the term, humanitarian intervention, discounts the needs and concerns of the local people and privileges the claims of the intervening state and thus at the very outset puts aside the issue of sovereignty (ICISS 2001: 2.27). It suggests that the term, "the responsibility to protect" (R2P), is more appropriate than that of humanitarian intervention (ICISS 2001: 2.29). We may note that the commission abandons the term 'humanitarian intervention' but endorses its idea and spirit, albeit with some alterations. Thus the justification for the concept of R2P is made on a set of arguments that seek to emphasize both historical continuity and contingency. Legitimacy for R2P is sought in the 'old' i.e. UN Charter's human rights provisions and Chapter VII, 'fundamental natural law principles,' 'the Universal Declaration of Human Rights; the Genocide Convention; the Geneva Conventions and Additional Protocols on international humanitarian law; the statute of the International Criminal Court; and a number of other international human rights and human protection agreements and covenants' (ICISS 2001: 2.26). Indeed a state's subscription to the UN Charter itself is

seen as a tacit agreement to the ‘re-characterization’ if not ‘dilution’ of the concept of sovereignty. As a signatory to the Charter, a state promises to behave as a ‘responsible member of the community of nations’ which entails a move from ‘*sovereignty as control* to *sovereignty as responsibility* in both internal functions and external duties’ (ICISS 2001: 2.14) (italics in the original).<sup>101</sup> The report contends that ‘sovereignty as responsibility’ must be a minimum qualification of ‘good international citizenship’ (ICISS 2001: 1.35).

The newness of R2P is found in the international context of the Post-Cold War situation whereby new security issues of intra-state violence emerged (ICISS 2001: 1.16). This era saw increasing incidents of ‘crimes against humanity’ for example, in the Balkans and Rwanda. In some of these cases example— Rwanda (1994), the UN was not more than a talking shop (see Barnett, 2002) and in others, example— the UN guaranteed ‘Safe Haven’ of Srebrenica (1995), the UN peacekeeping forces were unable to prevent the massacre of Muslims by the Serbs. The ICISS recommendations aimed at addressing certain lacuna in international law and structure so as to ensure that any future international crisis received an adequate and appropriate response. It does so by placing on the international community two additional responsibilities – to prevent and to rebuild, in addition to the responsibility to react i.e. military intervention (ICISS 2001: 2.29). Also, noteworthy is that the report argues that the international responses demonstrate that although not yet a ‘new principle of customary international law’, there is ‘an emerging guiding principle’ which can be named ‘the responsibility to protect’ (ICISS 2001: 2.24). The Commission is thus not claiming the invention of a new radical idea or norm, but merely a prescient sighting of an already emerging principle, which they are christening and fleshing out.

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<sup>101</sup>It is acknowledged that sovereignty implies a dual responsibility: externally— to respect the sovereignty of other states, and internally, to respect the dignity and basic rights of all people within the state. In international human rights covenants, in UN practice, and in state practice itself, sovereignty is now understood as embracing this dual responsibility’ (ICISS 2001: 1.35).

The commission trumps the issue of intervention over that of sovereignty by drawing attention to the concept of human security which legitimates ‘the security of *people* against threats to life, health, livelihood, personal safety and human dignity’ over that of the ‘too narrow a concept of “national security.”’ Human security can be endangered not just by external aggression ‘but also by factors within a country, including “security” forces’ (ICISS 2001: 2.22). The report outlines its concerns as emerging from the ‘compelling human need, about populations at risk of slaughter, ethnic cleansing and starvation’ (ICISS 2001: 8.1). This embedding of R2P within human security, gave R2P a further conceptual traction whereby violation of human security by the state could become a reason for the international community to intervene. Each of the three responsibilities of R2P can be understood to specifically service one of the two human security goals ‘freedom from want’ and ‘freedom from fear,’ while responsibility to prevent and responsibility to rebuild mainly engage with the former, responsibility to react is primarily concerned with the latter.

#### **4.5.1. Responsibility to React**

The report lists six reasons that justify military intervention: ‘right authority, just cause, right intention, last resort, proportional means and reasonable prospects’ (ICISS 2001: 4.16). Certain precautionary principles must be observed to ensure that the sole purpose of intervention is to protect the people. Therefore, it recommends that all operations of intervention be multilateral. The military operation must be of a minimum ‘scale, duration and intensity’ and have ‘reasonable prospects’ for success so as not to exacerbate the suffering of the people (Evans & Sahnoun 2001: xii). Before taking the military option, ‘coercive measures short of military intervention ought first to be examined including in particular various types of political, economic and military sanctions’ (ICISS 2001: 4.3).

All authorization for military action must be from the Security Council. A request for such authority should be made to the Security Council or the latter can raise the issue on its own. Also under Article 99 of the UN Charter, the Secretary-General can draw

attention to this issue. The commission urges that the Security Council must respond promptly to the request and verify facts on the ground. It advises the permanent five to not apply ‘their veto power, in matters where their vital state interests are not involved.’ In the event of the Security Council rejecting the proposal, the General Assembly in Emergency Session can consider the matter under the “Uniting for Peace” procedure, or regional organizations can take such action under Chap VIII of the UN Charter and subsequently seek authorization from the Security Council. The commission also warned the Security Council that its non-action in such situations would lower the ‘stature and credibility of the United Nations’ (Evans & Sahnoun 2001: xiii).

The just cause according to the Commission would apply in the following circumstances:

*large scale loss of life, actual or apprehended, with genocidal intent or not, which is the product either of deliberate state action, or state neglect or inability to act, or a failed state situation; or*

*large scale “ethnic cleansing,” actual or apprehended, whether carried out by killing, forced expulsion, acts of terror or rape. If either or both of these conditions are satisfied, it is our view that the “just cause” component of the decision to intervene is amply satisfied (ICISS 2001: 4.19).*

It further clarifies that the just cause ambit includes ‘crimes against humanity and violations of the laws of war, as defined by the Geneva Conventions and Additional Protocols and elsewhere’, and instances where a collapsed state is unable to protect the population from ‘mass starvation and/or civil war’ and natural disasters (ICISS 2001: 4.20). The commission stated that it did not want R2P to be invoked in situations of human rights violations that fall ‘short of outright killing’ (ICISS 2001: 4.25). To deal with these and other similar legitimate demands that necessitate humanitarian intervention, the international community could take recourse in the appropriate ‘international law, and in particular Article 51 of the UN Charter’ (ICISS 2001: 4.27). R2P, it was made clear, was not intended to replace or substitute existing coercive measures for human protection purposes.

#### **4.5.2. Responsibility to Prevent**

Responsibility to prevent and like all aspects of R2P is ‘first and foremost the responsibility of the sovereign states’ which they can transact through institutions of good governance that ‘protect human rights, promote social and economic development and ensure a fair distribution of resources’ (ICISS 2001: 3.2). Conflict prevention requires the international community’s support, which can take the ‘form of inducements’ or ‘punitive measures’ (ICISS 2001: 3.3). The UN has recognized its ‘vital role’ in conflict prevention as is evident from several General Assembly and Security Council resolutions and reports from the Secretary-General’s office such as the *Report of the Panel on United Nations Peace Operations* (2000) and *Prevention of Armed Conflict* (2001) (ICISS 2001: 3.5).

A prerequisite for conflict prevention is a good system of early warning and analysis and the UN must make efforts to improve the same (ICISS 2001: 3.15). The UN must take action at the levels of both root cause prevention efforts and direct prevention efforts (ICISS 2001: 3.25). The report legitimates these recommendations by pointing out that the UN Charter mandates itself to do so as is evident from its Article 55, which acknowledges that:

Solutions to international economic, social, health and related problems; international, cultural and educational cooperation; and universal respect for human rights are all essential for “the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations” (ICISS 2001: 3.18).

The developed countries must assist their developing counterparts in addressing the political, economic, and institutional (including legal and military) dimensions of conflict prevention. The developed countries must also examine if their policies have destructive consequences in the developing world (ICISS 2001: 3.20-3.24). The commission recognizes that causes of conflict are not just local, since conflicts are also ‘fuelled by arms and monetary transfers that originate in the developed world’ (ICISS 2001: 1.20).

The direct prevention efforts include measures like diplomacy including economic sanctions (ICISS 2001: 3.27), “second track” dialogues’ (ICISS 2001: 3.26), ‘mediation’, ‘arbitration’ and ‘adjudication’ (ICISS 2001: 3.28), ‘specialist tribunals’ on war crimes (ICISS 2001: 3.29), International Criminal Court (ICISS 2001: 3.30), and standoff reconnaissance (ICISS 2001: 3.32). The commission urges that the mentality of a ‘culture of reaction’ be replaced by a “culture of prevention” (ICISS 2001: 3.42) in which a range of actors – ‘UN and its specialized agencies, the international financial institutions, regional organizations, NGOs, religious groups, the business community, the media, and scientific, professional and educational communities all have a role to play’ (ICISS 2001: 3.36).

#### **4.5.3. Responsibility to Rebuild**

The task of rebuilding a country post military intervention is to be undertaken by ‘international agents acting in partnership with the local authorities’ (ICISS 2001: 5.1). The instruments of responsibility to prevent— institutions of good governance and sustainable economic development— reappear as implements of the third component of R2P i.e. responsibility to rebuild. In fact the rationale of responsibility to rebuild is similar if not the same as that of responsibility to prevent, while the former seeks to ensure that a country does not relapse into violent conflict or a civil war, the latter aims to nip in the bud the possibility of a violent conflict. There is an increasing recognition among academics and policymakers that peace agreements rarely sustain peace, therefore, war torn societies must focus on conflict prevention (responsibility to prevent) and conflict transformation (responsibility to rebuild) to end the vicious conflict cycle (see Busumtwi-Sam 2002, 2004; Lederarch 1997, 2003, 2005; Lederarch & Lederarch 2010; Mason & Meernik (eds.) 2006; Ramsbotham, Woodhouse & Miall 2011). The Commission quotes extensively from the Secretary-General’s 1998 report *The Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa* to underline the imperative of ‘post-conflict peacebuilding’ so that ‘countries emerging

from crisis' can move towards 'reconciliation, reconstruction and recovery' (ICISS 2001: 5.5).

Rebuilding must concentrate on 'three crucial areas of security, justice, and economic development' (ICISS 2001: 5.7). The security agenda should ensure amongst other things that the lives and property of the local population are protected (ICISS 2001: 5.8), 'the local security forces' are disarmed, demobilized and reintegrated (ICISS 2001: 5.9), and the building anew of the 'national armed forces and police' (ICISS 2001: 5.10). Issues of justice are particularly problematic in post-conflict societies as the very institutions of judiciary 'may have deteriorated or disappeared' (ICISS 2001: 5.13), thus, temporary 'justice packages' should be used till the local judicial institutions are established (ICISS 2001: 5.14), '*legal rights of returnees* from ethnic and other minorities' (ICISS 2001: 5.15) and those of refugees and internally displaced people (IDPs) should be protected (ICISS 2001: 5.16). This issue of 'return sustainability' requires that congenial 'social and economic conditions' be created for 'the returnees' (ICISS 2001: 5.18). The commission, therefore, underlines the crucial role of development in revitalizing a post-conflict society and its return to law and order. The components of development are identified as 'economic growth, the recreation of markets and sustainable development' (ICISS 2001: 5.19). The commission recommends a 'constructive adaptation' of the UN Chapter XII, International Trusteeship System, as a guideline for the intervening authority (ICISS 2001: 5.22), and makes a cautionary note that R2P should not be used for regime change:

Responsibility to protect is fundamentally a principle designed to respond to threats to human life, and not a tool for achieving political goals such as greater political autonomy, self-determination, or independence for particular groups within the country (ICISS 2001: 5.23).

Moving on a similar premise, the commission advises that the intervening authorities must never lose focus of the goal that they are there to facilitate local ownership of the post-conflict process of political and economic development. The assumption of sovereignty by the interveners is only temporary and de facto for purposes

of logistics of good governance. Therefore, even in the duration of the intervention the local country retains de jure sovereignty, as was the case in Cambodia (1991) (ICISS 2001: 5.26).

The commission concludes that the view of sovereignty and intervention as being ‘inherently contradictory and irreconcilable concepts’ no longer holds. (ICISS 2001: 8.2). ‘Military intervention’ under R2P should not be a ‘unilateral action’ but one that reaffirms ‘the collective responsibility of the international community’ (ICISS 2001: 8.4). The accent must be on prevention and post-conflict rebuilding (ICISS 2001: 8.5). The mobilization of ‘international support’ for R2P requires the mobilization of ‘domestic support’ so that human, military and financial resources can be allocated to bear the costs of intervention (ICISS 2001: 8.8). The commission suggests that apathy regarding suffering in remote distant lands can be overcome by making a ‘*moral* appeal’ that also underlines the urgency of the situation (ICISS 2001: 8.13). Also, it should be underlined that early action is less costly than later action (ICISS 2001: 8.14). Early action is in a country’s national interest as it may stop ‘regional security destabilization’ and thereby avoid problems such as ‘refugee outflows’ and disruption of trade and markets (ICISS 2001: 8.15). The UN Secretary-General (ICISS 2001: 8.19), regional organizations, media, and international non-governmental organizations (ICISS 2001: 8.20) must play a role in raising awareness about the issue and mobilizing international support for intervention.

The report concludes by saying that it did not aim to weaken sovereignty. On the other hand it has tried and is optimistic about the possibility of reconciliation between ‘two objectives: to strengthen...the sovereignty of states, and to improve the capacity of the international community to react decisively when states are either unable or unwilling to protect their own people (ICISS 2001: 8.31).

## Section 5

### 4.6. Key Security/Development Initiatives between 2001-2005

#### 4.6.1. Commission on Human Security

The Commission on Human Security,<sup>102</sup> co-chaired by Sadako Ogata and Amartya Sen,<sup>103</sup> was set up in 2001 ‘through the initiative of the Government of Japan and in response to the UN Secretary-General’s call at the 2000 Millennium Summit for a world “free of want” and “free of fear.”’<sup>104</sup> The report *Human Security Now*, presented to the UN Secretary-General in 2003, observes that in the era of globalization ‘security of all people’ is interlinked. This era has spawned both ‘new opportunities for people’ and ‘new fault lines.’ The ensuing conflicts from ‘political and economic instabilities’ have created conditions of increasing insecurity for people in both the developing and developed states. These new security challenges require a paradigm shift from state security to human security (CHS 2003: 1). Having said this, the report then adds that the two are not antagonistic as ‘human security complements “state security”’ (CHS 2003: 4). Human security is also complementary to both human development and human rights (CHS 2003: 10). Thus the scope of human security is wide and envelops the social, economic and political domains:

Human security means protecting vital freedoms. It means protecting people from critical and pervasive threats and situations, building on their strengths and aspirations. It also means creating systems that give people the building blocks of survival, dignity and livelihood. Human security connects different types of freedoms— freedom from want, freedom from

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<sup>102</sup>Members of the commission were Sadako Ogata (Japan), Amartya Sen (India), Lakhdar Brahimi (Algeria), Lincoln C. Chen (USA), Bronislaw Geremek (Poland), Frene Frenny Noshir Ginwala (South Africa), Sonia Picado S. (Costa Rica), Surin Pitsuwan (Thailand), Donna E. Shalala (USA), Peter Sutherland (Ireland), Albert Tevoedjre (Benin), and Carl Tham (Sweden).

<sup>103</sup>The work of the Commission received financial support from the Ministry of Foreign Affairs of Japan, the Government of Sweden, the World Bank, the Rockefeller Foundation, and the Japan Center for International Exchange. The United Nations Office for Project Services lent its administrative support (Ogata & Sen 2003: v).

<sup>104</sup>See <http://www.unocha.org/humansecurity/chs/>

fear and freedom to take action on one's own behalf. To do this, it offers two general strategies: *protection* and *empowerment*. Protection shields people from dangers. It requires concerted effort to develop norms, processes and institutions that systematically address insecurities. Empowerment enables people to develop their potential and become full participants in decision making. Protection and empowerment are mutually reinforcing, and both are required in most situations (Outline of the Report of the Commission on Human Security, 2003: 1).

Human security concerns raise a range of issues that have been addressed by previous international commissions and UN reports on the issues of security and development for example protection of civilians in violent conflict (Chapter 2), protection of migrants (Chapter 3), the need for effective governance, development, and reconciliation as a means to provide protection of people in post-conflict societies (Chapter 4), economic security (Chapter 5), health services (Chapter 6), and education (Chapter 7). Human Security requires an integrated approach in which 'public, private and civil actors' must work together (CHS 2003: 142). These 'disparate human security actors' must build 'a strong global alliance around the United Nations and the Bretton Woods organizations' (CHS 2003: 143).

#### **4.6.2. Report of the Secretary-General's High Level Panel on Threats, Challenges and Change (2004).**

The Secretary-General set up the High Level Panel on Threats, Challenges and Change to 'assess current threats to international peace and security,' to examine how effectively those threats had been addressed by the UN and to suggest how the UN could best 'provide collective security' (Annan 2004: vii). The panel was chaired by, Anand Panyarachun, the former Prime Minister of Thailand.<sup>105</sup>

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<sup>105</sup>Other members included Robert Badinter (France), João Baena Soares (Brazil), Gro Harlem Brundtland (Norway), Mary Chinery Hesse (Ghana), Gareth Evans (Australia), David Hannay (United Kingdom of Great Britain and Northern Ireland), Enrique Iglesias (Uruguay), Amre Moussa (Egypt), Satish Nambiar (India), Sadako Ogata (Japan), Yevgeny Primakov (Russian Federation), Qian Qiqian (China), Salim Salim (United Republic of Tanzania), Nafis Sadik (Pakistan) and Brent Scowcroft (United States of America).

The Panel's report *A More Secure World: Our Shared Responsibility* argued for 'a broader, more comprehensive concept of collective security: one that tackles new and old threats and addresses the security concerns of all States- rich and poor, weak and strong.' The link between security and development was emphasized— problems of poverty, terrorism or civil war could not be dealt with in isolation (A/59/565/para 5). Development was viewed as 'the *indispensable foundation* of a new collective security' therefore, the urgency to focus on meeting the Millennium Development Goals (A/59/565/para 7). Drawing attention to the late and weak response to the HIV/AIDS pandemic, the report highlighted the challenges to the global health system's 'vulnerability to new infectious diseases and the promise and peril of advances in biotechnology.' Kofi Annan welcomed the focus on issues of *biological security* (A/59/565/para 8). This broad aspect of security was the subject of the report's chapter III, while other aspects of security— interstate and intrastate conflicts, nuclear, radiological, chemical and biological weapons, terrorism, transnational organized crime and the role of sanctions are the focus of chapters IV to VIII. Suggestions for measures to fortify the nuclear non-proliferation regime included 'voluntary time-bound moratorium on the construction of uranium enrichment and processing facilities' and negotiation of a fissile material cut-off treaty (A/59/565/para 12). While urging Governments to strengthen the tools of sanctions and mediation to meet these challenges, the panel also underscored the need for Governments to arrive at criteria regarding the use of force (A/59/565/para 9 & 10). It also proposed that states work towards enhancing the UN's peace enforcement and peacekeeping capability (see the report's Chapter X).

The report returns to the development aspect of security in chapter XI on post-conflict peacebuilding. Peace enforcement and peacekeeping forces play an important role 'in terminating conflicts but are not sufficient for long term recovery,' therefore the need for peacebuilding activities to reconstruct and rebuild postconflict societies so that they do not 'relapse into conflict' (A/59/565/para224). The report identifies 'a key institutional gap' in the UN system that ill-equips it to help countries transit 'from war to peace.' It recommends establishment of a Peacebuilding Commission that could partner

with the national government and ‘martial and sustain the efforts of the international community in post-conflict peacebuilding over whatever period may be necessary’ (A/59/565/para 264 & 265).<sup>106</sup>

Recognizing protection of human rights as an important component of security, the report pushed for changes in the Human Rights Commission so that the human rights mechanisms could be made more effective and credible (A/59/565/para 15). In the pursuit of this goal it proposed that the Human Rights Commission be upgraded ‘to become a Human Rights Council that is no longer subsidiary to the Economic and Social Council but a Charter body standing alongside it and the Security Council’ (A/59/565/para 291).<sup>107</sup>

Section 3 of Chapter IX, *Using Force: Rules and Guidelines*, frames the issue of internal threats in the UN Charter’s Chapter VII, in the context of responsibility to protect. Citing the humanitarian disasters in Somalia, Bosnia, Rwanda and Darfur it draws attention to the increasing ‘recognition that the issue is not the “right to intervene” of any State. But the “responsibility to protect” of every State when it comes to people suffering from avoidable catastrophe— mass murder and rape, ethnic cleansing by forcible expulsion and terror, and deliberate starvation and exposure to disease’ (A/59/565/para 201). In fact it went further than the preceding ICISS Report 2001 and the subsequent World Summit Outcome Document 2005 in delineating the criteria for international response, by adding development or the freedom from want as a criterion. It also identified and endorsed ‘the emerging norm’ of ‘collective international responsibility to protect, exercisable by the Security Council authorizing military intervention’ (A/59/565/para 203).

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<sup>106</sup>The Peacebuilding Commission was established on December 20, 2005 by the UN General Assembly.

<sup>107</sup>The Human Rights Council was established on March 15, 2006 by the UN General Assembly. It is not at par with the UNSC or ECOSOC.

#### **4.6.3. Secretary-General's Report, In Larger Freedom: Towards Development, Security and Human Rights for All (2005)**

UN Secretary-General, Kofi Annan, prepared the report, *In Larger Freedom: Towards Development, Security and Human Rights for All*, on the request of the General Assembly to draft a comprehensive account on the 'implementation of the Millennium Declaration' (A/59/2005/para3). The report identified the challenges that face the international community— extreme poverty, migration, climate change, and HIV/AIDS (A/59/2005/9). Evoking the UN Charter's 'notion of larger freedom,' he emphasized that 'development, security and human rights go hand in hand.' (A/59/2005/14). Though poverty and human rights denial may not "cause" civil war, terrorism or organized crime, they all greatly increase the risk of instability and violence' (A/59/2005/16). The interconnectedness of the threats and challenges requires collective action of nation-states (A/59/2005/19), regional and global intergovernmental institutions (A/59/2005/21), civil society and private sector (A/59/2005/20).

Freedom from want is imperative as poverty today is 'intellectually and morally indefensible' (A/59/2005/27). In addition other aspects of development like gender equality, health, education, and environment must also be worked on (A/59/2005/28). The Secretary-General's articulation of the concept of freedom from fear embraced a 'broad vision,' a 'comprehensive concept of collective security' that was cognizant of both old threats –war and conflict and new challenges in the form of 'civil violence, organized crime, terrorism and weapons of mass destruction.' Significantly, he also included in this list the threats to freedom from want- 'poverty, disease, and environmental degradation since these have equally catastrophic consequences' and can lead to death (A/59/2005/78). The report also recalled that the Millennium Declaration's list of promises includes the guarantee of the right to live in dignity, freedom from want and freedom from fear. Promotion of rule of law, human rights, and democracy are important instruments in realizing these promises.

#### 4.6.4. World Summit Outcome Document (2005)

At the World Summit 2005 the UN General Assembly adopted the principle of responsibility to protect via resolution A/RES/60/1. The Heads of States and Governments resolved ‘to provide multilateral solutions to problems in the four following areas: Development; Peace and collective security; Human rights and the rule of law; Strengthening of the United Nations’ (A/RES/60/1/para 16). R2P is included in the section, *Human rights and the rule of law* as ‘Responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity’ (Paragraphs 138-140).

The Summit Outcome Document (SOD) states that it is the responsibility of the state to protect its people from four crimes: ‘genocide, war crimes, ethnic cleansing and crimes against humanity’ (A/RES/60/1/para 138). In the event of the ‘national authorities’ failing to do so the ‘international community, through the United Nations’ must assume the responsibility and use ‘appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VII of the Charter.’ This includes the option of collective action, under Chapter VII; the Security Council should work in close ‘co-operation with relevant regional organizations.’ The SOD underlines the commitment of the international community to help build and strengthen individual state capacity to deal with such crimes (A/RES/60/1/para 139). Support was extended for ‘the mission of the Special Adviser of the Secretary-General on the Prevention of Genocide’ (A/RES/60/1/para 140).<sup>108</sup>

Even though the promise to help build state capacity to protect its populations is reminiscent of responsibility to prevent, it is evident that the SOD trimmed R2P essentially meant responsibility to react. The pithy articulation of a truncated R2P in SOD focuses on the horror of crimes such as genocide and the need for a proactive national and international response to stop the same. Though responsibilities to prevent and

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<sup>108</sup>In 2004 the UN Secretary-General, Kofi Annan, had appointed Juan Mendez as Special Adviser to look into the problem of genocide violence.

rebuild find no mention in these paragraphs, they are present as pseudonyms in other sections of the SOD. For example, the section ‘Human rights and the rule of law’ in addition to R2P talks about human rights (A/RES/60/1/para 121-131), internally displaced people (A/RES/60/1/para 132), refugee protection and assistance (A/RES/60/1/para 133), and human security (A/RES/60/1/para 143) while the section ‘Peace and collective security’ discusses peacekeeping (A/RES/60/1para 92-96) and peacebuilding (A/RES/60/1para 97-105), also issues like ‘debt problem of developing countries’ (A/RES/60/1para 26), ‘employment’ (A/RES/60/1para 47), and ‘sustainable development’ (A/RES/60/1para 48-56) are the subject matter of the section ‘Development.’

## **Section 6**

### **4.7. Collective Security to Human Security: A Security Continuum?**

The Post World War Two era to the present has seen various articulations of security— collective, common, co-operative, comprehensive, and human. And as argued earlier in this chapter each of these expressions was also accompanied by a certain notion of development. In this section I summarize these concepts and propose that they all reside in a security continuum, which includes the apparent ‘outlier’ collective security. Collective security’s pariah status is evident from the argument that the search for alternative concepts of security was an admission of the failure of collective security (see Busumtwi-Sam and Cohn 2010: 3). Therefore, I discuss collective security towards the end.

#### **4.7.1. Common Security**

The concept of common security put forward by the Palme Commission emerged in Europe as a reaction to the arms race and deteriorating East-West relations (Dewitt 1994: 4). While affirming the right of all nations to security irrespective of ‘ideological or

political convictions,' it underlines that 'security cannot be attained through military superiority.' However, it upholds the right of 'collective defence of victims of aggression' as guaranteed by the UN Charter. It recommends restraint in national policy expressions, reduction of armaments, and declares that the use of military to resolve disputes is not legitimate (ICDSI 1982: 8-10). Common security advocates underline the indivisibility of security in the age of interdependence that requires states to work with rather than against each other. Though the concept acknowledges development concerns and therefore, the 'multi-dimensional nature of security, most discussions of common security in the European Cold War context focused on military changes, and the promotion of non-provocative defense and military confidence building measures' (Busumtwi-Sam & Cohn 2010: 4). In its espousal of military issues, common security echoes the principles of collective security (Dewitt 1994: 5).<sup>109</sup>

#### **4.7.2. Cooperative Security**

Though the term cooperative security is not used explicitly by any of the commissions discussed in this chapter, I refer to it as the concept acquired currency in the immediate post-Cold War security discourse. Though not 'Euro-centered', cooperative security like common security seeks to move beyond deterrence to promotion of interdependence and confidence-building measures among adversaries. However, whereas 'common' security assumes a degree of similarity among participating states and their security policies, 'cooperative' security is open to the idea that cooperation can exist among a wider group of states with divergent policies, and is therefore, more inclusive. 'Cooperative security advocates include possibilities for collective security as a residual guarantee to member states in response to aggression, but they assume that collective security sanctions would be unnecessary because major aggression would become a remote possibility' (Busumtwi-Sam & Cohn 2010: 4-5). Cooperative security does not privilege the hegemon's right to set the agenda or treat the 'military as a repository' of all

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<sup>109</sup>The success of the Conference on Security and Cooperation in Europe (CSCE), formed in 1973, in narrowing the gap between East-West relations gave fillip to the common security concept: 'The CSCE represented the operationalization of the core principles of common security' (Dewitt 1994: 5).

security wisdom and recognizes non-military challenges to security. It regards both the state and non-state entities as critical security actors, therefore, not surprisingly ‘track two’ diplomacy is one of its key operative features in the security domain. It is a more imaginative concept of security as the accent is not on ‘common’ but ‘cooperative’ that allows for a more comprehensive way of thinking about ‘state and trans-boundary interests’ which include issues of environmental degradation, demography, human and other threats (Dewitt 1994: 8-9). Cooperative security is thus relatively bolder than common security in breaching the military security bastion.

#### **4.7.3. Comprehensive Security**

The Japanese coined the term, comprehensive security, employed by the Brandt Commission and the Brundtland Commission, in the 1970s to propose an alternative to the national security concept. The term was also an instrument that helped Japan charter a more active role in international politics (later Japan moved beyond comprehensive security to become along with Canada a foremost promoter of human security). The comprehensive security concept takes cognizance of ‘different functional areas of security— economic and political as well as military; and different levels of security— ranging from national to bilateral, regional, and global’ (Busumtwi-Sam & Cohn 2010: 5). The Association of Southeast Asian Nations (ASEAN) version of comprehensive security is ‘generally more inward looking than the Japanese notion,’ as is evident from their inclusion of domestic stability and regime survival as security concerns (Dewitt 1994: 3). Environmental and health concerns are also a part of comprehensive security doctrines.

The Brundtland Commission like the Brandt and the Palme Commissions before it have made their own respective contributions in fleshing out the comprehensive security concept by expanding the notions of both security and development. All three commissions were critical of the negative economic consequences of the ‘arms race’ as it ‘pre-empts resources that might be used more productively to diminish the security

threats created by environmental conflict and the resentments that are fuelled by widespread poverty' (WCED 1987: 7).

#### **4.7.4. Human Security**

Amongst all the non-traditional or alternative or non-military<sup>110</sup> articulations of security, it is human security that is credited with having created a paradigm shift in the security discourse by shifting the focus from the state to the needs of the people. Human security is viewed as creating a possibility for setting up of a new political agenda (Glasius 2008, Maclean, Black & Shaw 2006; Tadjbakhsh & Chenoy 2007). In the post-Cold War security terrain where wars are 'increasingly within states rather than between states' (Boutros-Ghali in Duffield 2005), human security has moved from the shadows of domestic affairs onto the international political agenda. Though human security has become 'an umbrella norm for various treaties and conventions that aim to protect vulnerable people from persecuting actors' (Kerr 2007: 93), there is a tension between human security as a critical tool and as policy paradigm (Owens 2008: 450). Scholarship on human security is identified under two schools of thought: the narrow school which promotes 'freedom from fear' and the broad school(s) that advocate 'freedom from want' (Kerr 2007: 95). However, UNDP's (1994: 23) formulation of human security combines notions of 'freedom from want' and 'freedom from fear.' Dominant articulations of human security at national and international forums evoke notions of protection of individuals/communities.

Not all scholars accord the paradigmatic status to human security. Human security is also contextualized in the 1990s 'liberal internationalism,' which jettisoned the idea of 'national self determination' (Stanley Hoffmann in Rothschild 1995: 56). In this reading the ideas of liberal internationalism and human security are further dated back to the 'preoccupations of late Enlightenment liberalism' whereby the human became the center

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<sup>110</sup> The alternative approaches do include the military component in the conceptualization of security but do not privilege it.

of political concerns. Therefore, ‘the new political rhetoric of human security in the 1990s is also the old rhetoric of natural or international rights’ (Rothschild 1995: 67). However, notwithstanding the lineage of human security, it cannot be denied that human security is the most inclusive of all *latest* security concepts.

#### **4.7.5. Collective Security**

Collective security theory contends that in the context of international anarchy stability is better ensured not by the self-help imperative but a ‘regulated, institutionalized balancing’ (Kupchan & Kupchan 1995: 52). Chapter VII of the Charter aims at such institutionalization of collective security in the UN’s Security Council so that international peace and security are maintained. The collective security premise rests on ‘a). disavowal of use of force to change the status quo by all states; b). states band together irrespective of national interest against the state violating the norm; c). trust among states that other states will come to their aid, in case they are victim of military aggression’ (Mearsheimer 1995: 14).

The new articulations of security have not led to the erasure of collective security and the UN has not denounced the idea and as the international commissions’ recommendations reveal the push is for reforming the concept and its office (Security Council) and not its abandonment. This is because the concept of collective security in the UN Charter’s chapter VII appears as a mechanism, an instrument aimed at confronting military aggression that threatens international peace and security. That is it is concerned with only one form of security— military security. The Charter’s framers did not make it available for their own proposed expansive notions of security i.e. ‘larger freedom.’ The expansive or broad articulations of security since the decade of the 1980s are a push for an interventionary UN role in the case for non-military threats. To overcome the limitation of politics of great powers in the Security Council that make action difficult, the aforementioned Commissions have proposed UN reforms including that of Security Council, creation of an Economic and Social Security Council at par with the Security Council. Therefore, the debate about the restrictive and non-restrictive

definition of collective security is about the form and structure of collective security and not about the content of security. However, it is not to deny that the advocates of expansive notions of security do seek to bring about some changes in the structures or instruments of security to make its decision-making more democratic and reflective of the reality of a post decolonized international order.<sup>111</sup> Therefore, there is no principled opposition or fundamental incompatibility between collective security and human security at the UN.

## **Section 7**

### **4.8. Conclusion**

The above discussion shows that the fundamental/core ideas of R2P are in consonance with the security/development mandate of the UN Charter. The blue ribbon international commissions are also similarly placed vis-à-vis the Charter. There are some themes that are common to the commissions and UN reports post 1980s: a). the issue of questioning the notion of absolute sovereignty; b). the relative devaluing of the state and the promotion of civil society actors as more reliable agents of good governance in the domains of politics, security and development. I discuss the implication of these themes for R2P in subsequent chapters.

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<sup>111</sup>For a discussion on Security Council reforms see Alvarez 1996; Kuziemko & Werker 2006; Luck 2006; Weiss 2003; UN 2004.

## 5. Empirical Mapping of the Field (Ii): Locating R2P Within (and Outside) the UN's Security/Development Dispositif

### 5.1. Introduction

The empirical mapping of the field has been done in two parts. Chapter 4 located R2P *within* the *historical* trajectory of the UN's security/development dispositif. This chapter maps out the nature and dimensions of R2P's status *within* and *outside* the UN institutional structure (See Diagram 2). The primary sources of reference for this chapter are the UN resolutions, reports, and also the documents made available by the Office of the Special Adviser on the Prevention of Genocide under whose guidance the Special Adviser on the Responsibility to Protect works. I supplement the references with the interviews that I conducted with UN officials.

This chapter describes how the expansion of Summit Outcome Document's (SOD) three pithy paragraphs (138-140) into the ideational and practice realms of the UN was made possible. Therefore, a related goal is to point out the role of the UN's key organs and their respective subsidiaries in a). fleshing out the conceptual details of the skeletal R2P of the 2005 SOD; and b). incorporating the principles of R2P as a basis of their respective practices. Through this I map R2P at the UN's security/development dispositif that includes the UN and institutions *outside* the UN.<sup>112</sup> My task to do so is made easier as the 2014 Secretary-General's (SG) annual report on R2P (A/68/947-S/2014/449) identifies the institutions that must observe the R2P mandate of protection. The R2P job belongs to various UN bodies including the General Assembly, Security Council, Human Rights Council, Peacebuilding Commission, particular UN programmes, funds, specialized agencies, country teams (A/68/947-S/2014/449/para 21), World Bank, International Criminal Court and (A/68/947-S/2014/449/para 22). The SG also referred

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<sup>112</sup>This is not to suggest that this study covers all institutions and organizations outside the UN, which deal with R2P.

to entities outside the UN that have a similar responsibility: states especially the ‘neighbouring states’ (A/68/947-S/2014/449/para 23), regional, sub-regional organizations, and civil society (A/68/947-S/2014/449/para 24).

This mapping is done to accomplish two aims. First the delineation of the conceptual form of R2P and second its location within and outside the UN. In the next chapter I analyze this mapping to see if R2P has been incorporated within the UN.

The first section is a brief outline of the concept of R2P that has resulted from its conceptual development by the Secretary-General and the Office of the Special Adviser on Prevention of Genocide (OSAPG). The second section describes the work of the Special Adviser on the Responsibility to Protect and the OSAPG under whose guidance the former transacts her duty. The third section locates the OSAPG in the UN organizational chart and points out how the key UN organs— General Assembly, Security Council, Economic and Social Council, and the Secretariat— interface with R2P. The concluding part of this section notes the significant role that the Human Rights Council, a subsidiary body of the General Assembly, exercises in the promotion of R2P. The purpose of these sections is to demonstrate how the OSAPG seeks to move the principle of R2P beyond the confines of its office into other departments and agencies of the UN organs. The fourth section builds on the fact of the crucial advocacy role played by the civil society partners of OSAPG and discusses this through the examples of three such institutions- the Global Centre for the Responsibility to Protect (GCR2P), the International Coalition for the Responsibility (ICRtoP) and the Asia Pacific Centre for Responsibility to Protect (AP R2P). The first two organizations, in particular have a symbiotic relationship with OSAPG. They also serve to establish that an understanding of the dispositif of R2P at the UN must include an appreciation of its extension outside the UN. Section five concludes with a brief observation about the strategies employed by R2P advocates to ensure its incorporation at the UN.

## Section 1

### 5.2. The Official Conceptual ‘State of Being’ of R2P at the UN

The Secretary-General’s annual reports<sup>113</sup> on R2P along with the ‘Framework of Analysis’ (FOA)<sup>114</sup> developed in 2014 by the United Nations Office on Genocide Prevention and the Responsibility to Protect (UNOGPR2P) can be regarded as the UN’s authoritative expansive explanation of R2P. The Secretary-General, Ban Ki-moon, a keen advocate of R2P, through his annual reports since 2009 has made a major contribution to the conceptual fleshing of the skeletal R2P principle as proposed in the three paragraphs of the 2005 Summit Outcome Document’s (SOD) (paragraphs 138-140). These reports on R2P are indicative of the ‘commitment to move the principle from the realm of rhetoric into concrete action’ (A/68/947-S/2014/449/para5). The reports self admittedly draw from the ideas put forward and work done by other Secretary-Generals, particularly Boutros Boutros-Ghali and Kofi Annan, and other UN organs/agencies/departments on R2P related issues.

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<sup>113</sup>The first report (2009) developed the three pillars of R2P and mentioned the significance of early warning and assessment (A/63/677/2009). The second report (2010) ‘focused on early warning, assessment and the responsibility to protect (A/64/864/2010). The third report (2011) discussed the role of regional and subregional arrangements in implementing the responsibility to protect (A/65/877-S/2011/393). The fourth report (2012) focused on timely and decisive response (A/66/874-S/2012/578), and ‘took stock of the Charter-based tools available to respond to situations of concern and the partnerships that could be utilized, as well as ways of protecting responsibly’ (A/67/929-S/2013/399/para 3). The fifth report (2013) was on the responsibility of the state to protect and prevent. It focused on the causal dimensions of atrocity crimes and suggested preventive measures that a state can take in this regard (A/67/929-S/2013/399). The sixth report (2014) was on the second pillar and identified the ‘actors, approaches and principles to guide efforts to assist States through encouragement, capacity building and protection assistance’ (<http://www.un.org/en/preventgenocide/adviser/responsibility.shtml>) (A/68/947-S/2014/449). The seventh report, *A Vital and Enduring Commitment: Implementing the Responsibility to Protect*, assesses the work done in the last ten years to implement R2P (A/69/981-S/2015/500).

<sup>114</sup>United Nations Office on Genocide Prevention and the Responsibility to Protect. 2014. *Framework of Analysis for Atrocity Crimes: A Tool for Prevention*. New York: United Nations.

### **5.2.1. Foundation of R2P**

R2P is founded on the ‘well-established legal obligations’ that emerge from the Convention on the Prevention and Punishment of the Crime of Genocide, Geneva Conventions, and ‘legal obligations and interpretations’ of the International Court of Justice 2007, February 27 judgment in the *Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide* (Bosnia and Herzegovina v. Serbia and Montenegro) (UNOGPR2P 2014: 2-3).

### **5.2.2. The Four Atrocity Crimes**

R2P aims to protect populations from four atrocity crimes— genocide, crimes against humanity, war crimes, and ethnic cleansing, the first three are clearly recognized as crimes under international law. The Secretary-General has argued against R2P’s application to other calamities like ‘HIV/AIDS, climate change’ as it would undermine the 2005 consensus and stretch the concept beyond recognition or operational utility (A/63/677).

a). The norm against genocide draws from the Convention on the Prevention and Punishment of the Crime of Genocide (Article 2), Rome Statute of the International Criminal Court (Article 6), Statute of the International Criminal Tribunal for the former Yugoslavia (Article 4(2)), Statute of the International Criminal Tribunal for Rwanda (Article 2(2)) (UNOGPR2P 2014: 26).

b). Crimes against humanity have come to be defined ‘under customary law through the jurisdiction of international courts,’ the Rome Statute of the International Criminal Court (Article 7(1)), Statute of the International Criminal Tribunal for the former Yugoslavia (Article 5), and Statute of the International Criminal Tribunal for Rwanda (Article 3). We may note that the statutes do not exactly replicate each other’s definition of crimes against humanity (UNOGPR2P 2014: 27).

c). War Crimes are those ‘violations of international humanitarian law that place individual criminal responsibility’ on perpetrators under international humanitarian law and international criminal law treaties, as well as international customary law (Geneva Conventions (1949) and Additional Protocol (1977), Rome Statute of the International Criminal Court (Article 8), Statute of the International Criminal Tribunal for the former Yugoslavia (Article 2 & 3) and the Statute of the International Criminal Tribunal for Rwanda (Article 4). Again, we may note that these conventions and statutes differ in their respective cataloguing of war crimes (UNOGPR2P 2014: 28).

d). Ethnic cleansing, although not deemed ‘an independent crime under international law’ came to be defined by a United Nations Commission of Experts, established in the ‘context of the war in former Yugoslavia’ (UNOGPR2P 2014: 32).<sup>115</sup> ‘It includes acts that are serious violations of international human rights and humanitarian law that may themselves amount to one of the recognized atrocity crimes, in particular crimes against humanity’ (UNOGPR2P 2014: 1).

Prevention of these atrocity crimes is important because of the ‘imperative to preserve human life’, to maintain ‘national’, ‘regional and international peace and stability’. Prevention is ‘much less costly’ than post conflict intervention. It also reinforces a state’s sovereignty since it averts the resort to ‘more intrusive forms of response from other States or international actors’ (UNOGPR2P 2014: 2).

### **5.2.3. The Three Pillars**

The Secretary-General in his 2009 annual report on R2P proposed a ‘three-pillar strategy’ for implementing R2P in accordance with the mandate of the paragraphs 138

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<sup>115</sup>See Interim Report of the Commission of Experts Established Pursuant to Security Council Resolution 780 (1992), *U.N. SCOR, U.N. Doc. S/25274 (26 January 1993)*. Ethnic cleansing includes making a region ‘ethnically homogeneous’ through coercive acts like murder, rape, ghettoization of civilian population, torture, and extrajudicial executions. Importantly, the Commission also observed that these acts ‘... constitute crimes against humanity and can be assimilated to specific war crimes. Furthermore, such acts could also fall within the meaning of the Genocide Convention’ (UNOGPR2P 2014: 32).

and 139 of the 2005 SOD. These pillars were detailed at length in subsequent reports. Pillar one describes the protection responsibilities of the State, Pillar two refers to the international assistance and capacity building responsibility of international community while pillar three is the timely and decisive response of the UN Member States. The report values strategies of prevention but acknowledges that when prevention fails ‘early and flexible response’ must be made to address the situation. All three pillars are projected as being of equal importance in upholding the ‘edifice’ of R2P. The report underlines their simultaneity and treats them as non-sequential. This is deemed as necessary for two reasons, first it allows for a tailored or a more appropriate response to a situation that may demand the deployment of tools from more than one of the three pillars. Second this also helps the SG stress the point that R2P’s prevention strategy requires a continuous, permanent, always active responsibility of the State, regional organizations and the international community (A/63/677/2009).

For example in order to ensure that a State fulfills its responsibility under pillar one, it may need to be educated, trained, or be persuaded (publicly or confidentially) by other States or international<sup>116</sup> and regional organizations. This latter action requires activation of pillar two (A/63/677/para 30). Pillar two is also needed when a State is too weak to stop its commission by an armed opposition. In addition to the persuasive measures and positive incentives, pillar two could also encompass military assistance to the ‘beleaguered State.’ In such an instance measures of pillar two ‘supplement the policy tools under pillar one and complement those under pillar three because none of the pillars is designed to work in isolation from the others’ (A/63/677/para 30).

However, if a State is determined to commit the crime then the international community must organize its ‘capacity and will for a “timely and decisive” response’ under pillar three (A/63/677/para 29). The tools to implement R2P under pillar three

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<sup>116</sup>This would include the services of the ‘United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees, the Emergency Relief Coordinator, the Special Adviser on the Prevention of Genocide, other special advisers, special representatives and envoys of the Secretary-General, and ranking officials of the United Nations, its development agencies and the Bretton Woods institutions’ (A/63/677/para 30, also see para 33).

include the range of non-coercive measures available under Chapter VI of the UN Charter—‘negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies’ (A/66/874-S/2012/578/para 22). And if these non-coercive measures fail, then the Security Council must authorize action under the UN Charter’s Chapter VII (A/66/874-S/2012/578/para 21). Most importantly, actions under pillar three must enable the ‘future achievement of pillar one goals’ (A/66/874-S/2012/578/para 15). For this reason it is essential to observe ‘responsibility while protecting’<sup>117</sup> so that R2P is operationalized ‘in a manner that is responsible, sustainable and effective’ (A/66/874-S/2012/578/para 49).

In contrast to the ICISS Report that segregated and sequenced the responsibilities of prevention, reaction, and rebuilding, the mandate of the three pillars is not so neatly categorized. Prevention of atrocity crimes is clearly a responsibility of all three pillars. For example, both the state (pillar one) and the international community (pillar two) are expected to promote economic development and prosperity of the population so as to address the root causes of atrocity crimes. Pillar three though associated primarily with responsibility to react, also has the prevention component in the range of its initiatives. Diplomatic negotiations and economic sanctions are pillar three’s tools that aim to stop atrocity crimes so that recourse to military intervention can be avoided. Pillar two’s option of military assistance by the regional organization/international community to a ‘beleaguered state’ is comparable to pillar three’s responsibility to react, though unlike the latter it is taken with the consent of the state. The responsibility to rebuild belongs to both the state (pillar one) and the international community (pillar two).<sup>118</sup>

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<sup>117</sup>The Brazilian President introduced the ‘initiative on responsibility while protecting’ in the UN General Assembly debate in 2011 (A/66/874-S/2012/578/para 50).

<sup>118</sup>For further analysis of the responsibilities under the three pillars see this dissertation’s Chapter 7, Section 3 ‘R2P Through the Lenses of Governmentality and Biopolitics.’

#### 5.2.4. Early Warning Assessment

The UN has an elaborate set up for early warning assessment for the prevention of atrocity crimes. The United Nations Interagency Framework for Coordination on Preventive Action (“Framework team”) is an informal forum where ‘21 United Nations agencies, departments, funds and programmes share information and analysis on selected situations that display early signs of growing tension’ (A/64/864/para 9).<sup>119</sup> In order to ensure that the system implements R2P effectively the Secretary-General recommends that information be efficiently shared and processed through an R2P lens, and also that better assessment tools and capacity be developed so as to ensure ‘both efficiency and system-wide coherence’ (A/64/864/para 10).<sup>120</sup> The FOA aims to improve the mechanisms of ‘early warning by different actors’ (Ban 2014: iii). The FOA is ‘a working tool for the assessment of the risk of atrocity crimes in all parts of the world and in identifying those countries most at risk’ (UNOGPR2P 2014: 5).

The FOA identifies fourteen risk factors that ‘include behaviors, circumstances or elements that create an environment conducive to the commission of atrocity crimes, or indicate the potential, probability or risk of their occurrence.’ Risk factors include both structural and ‘dynamic circumstances or events’ that serve as triggers to convert a ‘general risk into an increased likelihood’ of the commission of crimes. In addition the

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<sup>119</sup>The Framework team is housed ‘in the Bureau of Crisis Prevention and Recovery of the United Nations Development Programme, whose Conflict Prevention Unit works with the Department of Political Affairs (DPA) to formulate conflict prevention strategies and implement programmes with United Nations country teams in the field. Both the Department of Peacekeeping Operations (DPKO) and the United Nations Children’s Fund (UNICEF) maintain round-the-clock situation centres in New York to receive information from their extensive field operations. The Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Office of the United Nations High Commissioner for Refugees (UNHCR) continuously monitor and assess developments related to their mandates, both of which have important implications for implementing the responsibility to protect. The work of the special rapporteurs established by the United Nations Human Rights Council (UNHCR) and of the human rights treaty bodies can also be of assistance in particular cases’ (A/64/864/para 9).

<sup>120</sup>Poor information management and analysis is identified as one of the factors that led to the failure of prevention of ‘Rwandan genocide’ and the ‘fall of Srebrenica’ (A/64/864/para 7).

indicators (i.e. manifestations) of each risk factor are also identified. While eight<sup>121</sup> of these fourteen risk factors are ‘common to all crimes,’ there are two specific risks for each of the ‘three international crimes- namely genocide,<sup>122</sup> crimes against humanity<sup>123</sup> and war crimes’<sup>124</sup> (UNOGPR2P 2014: 5-6).

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<sup>121</sup>The eight risk factors (along with an example of its indicator) are: Situations of armed conflict or other forms of instability (indicator— ‘Security crisis’ resulting from violations of ‘peace agreements, armed conflict in neighboring countries, threats of external interventions or acts of terrorism’ (UNOGPR2P 2014: 10); Record of serious violations of international human rights and humanitarian law (indicator— ‘past acts of genocide, crimes against humanity, war crimes or their incitement’) (UNOGPR2P 2014: 11); Weakness of State structures (indicator- ‘National institutions, particularly judicial, law enforcement and human rights institutions that lack sufficient resources, adequate representation or training’) (UNOGPR2P 2014: 12); Motives or incentives (Indicator – ‘Economic interests, including those based on the safeguard and well-being of elites or identity groups, or control over the distribution of resources’ (UNOGPR2P 2014: 13); Capacity to commit atrocity crimes(Indicator- Strong culture of obedience to authority and group conformity’)( UNOGPR2P 2014: 14); Absence of mitigating factors(Indicator- ‘Lack of a strong, organized and representative national civil society and of a free, diverse and independent national media.’) (UNOGPR2P 2014: 15); Enabling circumstances or preparatory action (Indicator- ‘Acquisition of large quantities of arms and ammunition or of other objects that could be used to inflict harm.’) (UNOGPR2P 2014: 16); Triggering factors (Indicator – ‘Sudden changes that affect the economy or the workforce, including as a result of financial crises, natural disasters or epidemics.’) (UNOGPR2P 2014: 17);

<sup>122</sup>The two specific risk factors (along with an example of its indicator) for genocide are: Intergroup tensions or patterns of discrimination against protected groups (Indicator- ‘Past or present serious discriminatory, segregational, restrictive or exclusionary practices, policies or legislation against protected groups.’) (UNOGPR2P 2014: 18); Signs of an intent to destroy in whole or in part a protected group (Indicator- ‘Official documents, political manifests, media records, or any other documentation through which a direct intent, or incitement, to target a protected group is revealed, or can be inferred’) (UNOGPR2P 2014: 19).

<sup>123</sup>The two specific risk factors (along with an example of its indicator) for crimes against humanity are: Signs of a widespread or systematic attack against any civilian population (Indicator- ‘Signs of development or increased use of means or methods of violence that are incapable of distinguishing between civilian and military targets or that are capable of mass destruction, persecution or weakening of communities’) (UNOGPR2P 2014: 20); Signs of a plan or policy to attack any civilian population (Indicator- ‘Adoption of discriminatory security procedures against different groups of the civilian population.’) (UNOGPR2P 2014: 21).

<sup>124</sup>The two specific risk factors (along with an example of its indicator) for war crimes are: Serious threats to those protected under international humanitarian law (Indicator— ‘Promotion of ethnicity or religion as a determinant of national allegiance or allegiance to a party of the conflict.’) (UNOGPR2P 2014: 22); Serious threats to humanitarian or peacekeeping operations (Indicator— ‘Interference, limitation or prohibition of access or movement of humanitarian or peacekeeping operations or their personnel.’) (UNOGPR2P 2014: 23).

## Section 2

### 5.3. The Special Adviser on the Responsibility to Protect at the Office of the Special Adviser on the Prevention of Genocide

The Special Adviser on the Responsibility to Protect (SAR2P) works “under the overall guidance” of the Office of the Special Adviser on the Prevention of Genocide (OSAPG). The Special Adviser on Prevention of Genocide’s (SAPG) task is to ‘raise awareness of the causes and dynamics of genocide, to alert relevant actors where there is a risk of genocide, and to advocate and mobilize appropriate action.’<sup>125</sup> The task of SAR2P is to develop the ‘conceptual, political, and operational aspects’ of R2P. The two Special Advisers are supported by a joint office, that is, the OSAPG, therefore, all staff work with both Advisers. In this chapter the word, *Office*, refers to OSAPG. The organizational chart of the UN lists this office under the UN Secretariat.

In 2004 the post of Special Advisor to the Secretary-General on the Prevention of Genocide (SAPG) was created by a Security Council Resolution (S/RES/1366) to fill critical gaps in the international system that allowed the genocides in Rwanda and the Balkans go unchecked; Juan Mendez was appointed as the Special Adviser. In 2007, Secretary-General Ban Ki-moon appointed Francis M. Deng on a full-time basis at the level of Under-Secretary-General. In 2008 Edward Luck was appointed as the Special Adviser on the Responsibility to Protect, on a part-time basis at the level of Assistant Secretary-General. The term of both Francis Deng and Edward Luck ended in July 2012, following which the Secretary-General Ban Ki-moon appointed Adama Dieng as Special Adviser on the Prevention of Genocide. Jennifer Welsh was appointed in July 2013 as the Special Adviser on the Responsibility to Protect. Like her predecessor, Welsh too holds this office at the Assistant Secretary-General level. This part time nature of the SAR2P’s job profile slows down the regularization of R2P in the UN work and therefore some suggest that the post of the Special Adviser on R2P be made a ‘regular budget post’

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<sup>125</sup><http://www.un.org/en/preventgenocide/adviser/index.shtml>

(Luck 2011: 391). Since the mandates of the SAPG and SAR2P ‘are distinct but complementary,’ the SAR2P works with the former to ensure efficient synergy between their respective tasks.

Under the UN’s Regular Budget, there is one full time Under-Secretary-General USG (Special Advisor on Prevention of Genocide), one part-time Assistant Secretary-General (Special Advisor on Responsibility to Protect), six professional positions (P5 Senior Political Affairs Officer, Head of Office), three P4s (two Political Affairs Officers, one Human Rights Officer), two P3s (Political Affairs Officers) and two support staff. One of the P4s supervises one of the P3s.<sup>126</sup> Other temporary staff (varying in number) are supported by voluntary contributions and work under the supervision of the regular staff.<sup>127</sup>

The core functions of the Office are listed as the following: a). Monitoring and risk assessment of situations in countries that are at risk of the four atrocity crimes. This involves information collection/assessment from the UN and other sources and the maintenance of ‘internal database’ on the subject. The Office uses its *Framework of Analysis* to assess such situations and identify factors that could lead to atrocity crimes; b). Advising the Secretary-General and through him, the Security Council, about situations at risk of atrocity crime and consequently ‘mobilizing’ the UN system, individual states, regional and sub-regional organizations for the same. In pursuit of this goal the Office ‘issues(s) public statements and engages(s) in quiet diplomacy’ and may on the instructions of the Secretary-General ‘convene key Under-Secretaries-General in crisis situations’ in order ‘to discuss policy and strategy options’; c). Enhancing capacity of the UN, individual states, civil society, regional and sub-regional organizations through its various training programmes;<sup>128</sup> d). Advancing R2P through its ‘conceptual,

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<sup>126</sup>In the UN staff category parlance P5 denotes a professional with minimum 10 years of work experience, P4 indicates a professional with minimum 7 years of work experience, and P3 indicates a professional with minimum 5 years of work experience.

<sup>127</sup>This information was given to me by an OSAPG Official via email.

<sup>128</sup>This is discussed in further detail below.

political and institutional/operational development’ and working towards its implementation by the UN, individual states, civil society, regional and sub-regional organizations. The ‘associated activities’ in this regard include (i). Engagement and consultations with the above actors to develop a ‘political and institutional consensus on the implementation of the responsibility to protect’; Assist the SG in the drafting of reports and statements on R2P; (iii). ‘Encourage other inter-governmental organizations’ to integrate R2P ‘in their work’; (iv). Assist the other UN bodies including the General Assembly and the Security Council in ‘considering the Responsibility to Protect and organize ‘high-level events’ on the same; (v). ‘Identify ways to integrate the Responsibility to Protect into the work of the UN system’; e). Raising awareness about the ‘causes and dynamics’ of atrocity crimes and the ‘responsibility of the States and the international community’ in this context (OSAPG *Brief Overview*). In pursuit of these functions the Office<sup>129</sup> undertakes key missions and outreach, organizes training workshops, conferences/seminars/lectures, and initiates projects.

### **5.3.1. Key Missions**

Since 2010 the Special Adviser on the Prevention of Genocide<sup>130</sup> has undertaken high level missions to several countries which has involved meetings with heads of state, ministers, government officials, representatives from civil society and regional organizations representatives. The subject matter discussed includes a wide range of R2P related issues aimed at atrocity prevention which includes the role of: memory and reconciliation, early warning mechanisms (Addis Ababa, Ethiopia 2014) civil society (Brussels, Belgium 2013; Southeast Asia 2010), regional organizations (Abuja, Nigeria 2012; Dakar, West Africa 2012; The Hague, Netherlands 2012; Southeast Asia 2011),

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<sup>129</sup>The information about the work of the Office is taken from the official website of the Office. See <http://www.un.org/en/preventgenocide/adviser/responsibility.shtml>

<sup>130</sup>Edward Luck as Special Adviser on the Responsibility to Protect (SAR2P) has also undertaken such missions: Berlin, Germany 2011, Hanoi Vietnam 2011, UK 2011, Washington, USA 2011, 2012 (SAPG also attended the same). The SAPG compared to the SAR2P has headed most of the missions probably because unlike the latter the post of SAPG is full time.

human rights (Paris, France 2012; Kampala, Uganda 2012; Brussels, Belgium 2011), and good governance (Berlin, West Germany 2013; Kigali, Rwanda 2012).<sup>131</sup> Often the missions' agenda include lectures by the SAPG that are aimed at raising awareness about how R2P aims at atrocity crimes prevention.<sup>132</sup>

### **5.3.2. Training Programmes**

The Office organizes workshops/seminars for 'UN staff, government officials and civil society' aimed at training them to dissect and analyze information on atrocity crimes 'within the United Nations system' and identify 'effective and practical means' of atrocity prevention. The seminars claim to bring forth not just the various dimensions of the R2P principle, but also undertake a historical analysis of genocide as an 'identity-related conflict.' Solutions identified include ensuring respect for human rights and 'constructive management of diversity.' These workshops that are also organized in collaboration with other training institutes (e.g. Auschwitz Institute for Peace and Reconciliation (USA), Clingendael Institute (The Netherlands), Nonviolent Peaceforce, (Belgium), International Institute for Humanitarian Law (Italy), OXFAM (Australia) have been held at the UN Headquarters, New York, USA and in other countries.<sup>133</sup>

### **5.3.3. Projects**

The Office has so far initiated three projects on R2P related issues. The project on *The Responsibility to Protect and Non-state Armed Groups* started with Dr. William Reno in 2011 aims to provide 'policy guidelines and operational methodologies' that would enable the state and the international community to prevent atrocity crimes by non-state groups. The project *Dangerous Speech in the Road to Genocide* initiated by Dr.

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<sup>131</sup>Missions were also undertaken by the SAPG to West Africa (Guinea and Ghana 2010), Washington, USA (2011), Rome, Italy 2011, Addis Ababa, Ethiopia 2012; Ottawa, Canada 2012; Nairobi, Kenya 2013; Washington, USA 2013; Ljubljana, Slovenia 2013; London, UK 2013.

<sup>132</sup>[http://www.un.org/en/preventgenocide/adviser/key\\_missions.shtml](http://www.un.org/en/preventgenocide/adviser/key_missions.shtml)

<sup>133</sup>For more details see <http://www.un.org/en/preventgenocide/adviser/training.shtml>

Susan Bensch and the Office in February 2010 seeks to arrive at a ‘methodology to identify, monitor and limit the catastrophic effects of dangerous speech.’ The Office organized events and seminars to deliberate on this specific issue where one of the key concerns of these discussions was how to preserve freedom of speech while countering dangerous speech that could lead to genocide and other forms of violence. The third project *Case Studies on Constructive Management of Diversity* is based on the premise that ‘genocide is an extreme form of identity-related conflict’ that can be prevented by a ‘constructive management of diversity.’ The first of the case studies focusing on Nigeria and South Africa was prepared ‘on behalf of the Office in 2010 by the NGO Fund for Peace.

#### **5.3.4. Outreach**

The Office undertakes extensive outreach activities such as conferences, lectures, brown bag lunches, and meetings with both UN and non-UN bodies. The non-UN partners include:

a). regional/sub-regional organizations— the Organization of American States (OAS), the European Union (EU), the African Union (AU), the Intergovernmental Authority on Development (IGAD), the Economic Community of West African States (ECOWAS), International Committee on the Great Lakes Region (ICGLR) and the Association of South-East Asian Nations (ASEAN). The Office is working to establish links with the Southern African Development Community (SADC), and the League of Arab States;

b). civil society organizations- Amnesty International, Asia Pacific Centre for the Responsibility to Protect, Auschwitz Institute for Peace and Reconciliation, Genocide Watch, Global Action to Prevent War, Global Center for the R2P, Human Rights Watch, ICC Coalition, International Association of Genocide Scholars (IAGS), International Center for Transitional Justice, International Coalition on RtoP, International Crisis

Group, Minority Rights Group International, Stanley Foundation, and WFM-IGP (The World Federalist Movement).

The work of the Office involves close interaction with other UN departments, programs, agencies, and independent experts.<sup>134</sup> The Office performs the important task of co-ordination aimed at avoiding ‘duplication’ and ensuring that the actions of these individual UN units are in tandem so as to best address a given situation. In addition to ad hoc relationships, the Office engages on a regular basis with some UN entities which come under the four principal UN organs- the General Assembly, the Security Council, Economic and Social Council, and the Secretariat. This is discussed in the next section. In addition, this section also discusses the Human Rights Council (HRC),<sup>135</sup> an intergovernmental body of 47 UN Member States that has grown in significance since its creation in 2006.

### **Section 3**

## **5.4. The Office and its Interface with the Rest of the UN**

### **5.4.1. General Assembly**

R2P officially entered the UN via the 2005 Summit Outcome Document (paragraphs 138-140) adopted by the General Assembly (GA). In 2009 the GA adopted a resolution (A/RES/63/308) to continue consideration of the R2P, therefore, since 2009 the GA has had one formal debate and seven annual informal interactive dialogues on

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<sup>134</sup>[http://www.un.org/en/preventgenocide/adviser/engagement\\_partners.shtml](http://www.un.org/en/preventgenocide/adviser/engagement_partners.shtml)

<sup>135</sup>The Human Rights Council has replaced the former United Nations Commission on Human Rights.

R2P following the presentation of the Secretary-General's annual reports on R2P.<sup>136</sup> These GA dialogues, albeit informal, are significant since unlike in the Security Council, all Member-States 'are represented with equal votes' at the General Assembly. The deliberations of the Assembly legitimize 'norms, rules, and actions,' and therefore, the GA also serves as an influential advocacy forum for policy issues (Peterson, 2007: 97; also see Claude 1967; Barnett & Finnemore 2007: 41). The debates are seen as serving to 'forge a shared understanding and consolidate global consensus on R2P' (Thakur 2012: xiii). In addition the GA also provides 'broad supervision' over other UN organs including the ECOSOC and the Secretariat (Peterson 2007: 98-99). The General Assembly serves as a forum to 'elaborate international norms and principles that facilitate the protection of populations, and galvanize resources to support States to fulfill their commitment (A/68/947-S/2014/449/para 21).

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<sup>136</sup>The participants in these dialogues include Member States, regional organizations, and civil society representatives: a). The UNGA Debate on the Secretary Generals' Report on Responsibility to Protect: *Implementing the Responsibility to Protect*, 2009 was held on 23, 24 and 28 July, 2009. On 23 July an informal interactive dialogue took place, followed by a plenary debate. 94 states and two observer missions took the floor and 86 chose to be represented by some of those speaking. Only 12 of the 192 UN member states were not part of the debate' (<http://www.globalr2p.org/publications/39>); b). The Informal Interactive Dialogue on the Secretary Generals' Report Responsibility to Protect: *Early Warning, Assessment and the Responsibility to Protect*, in 2010 was attended by 42 Member States, 2 regional organizations and 2 civil society organizations (<http://www.responsibilitytoprotect.org/index.php/component/content/article/35-r2pcs-topics/2914-general-assembly-debate-on-early-warning-assessment-and-the-responsibility-to-protect->); c). The Informal Interactive Dialogue on Secretary Generals' Report Responsibility to Protect: *The role of Regional and Sub-regional Organizations in Implementing the Responsibility to Protect* in 2011 saw the participation of 43 member states, 3 regional organizations (African Union, Barbodas, on behalf of CARICOM (Caribbean Community and Common Markets), and European Union) and 4 civil society organizations; d). The Informal Interactive Dialogue on Secretary Generals' Report Responsibility to Protect: *Timely and Decisive Action* in 2012 was attended by 58 member-states, 1 regional organization (European Union) and 2 civil society organizations participated; e). The Informal Interactive Dialogue on Secretary Generals' Report Responsibility to Protect: *State Responsibility and Prevention* in 2013 had presentations by a panel of UN, Member State and civil society experts. 68 Member States, 1 regional organization, and 2 civil society organizations attended it (<http://www.globalr2p.org/resources/471>); f). The Informal Interactive Dialogue on the Secretary Generals' Report Responsibility to Protect: *Fulfilling our Collective Responsibility- International Assistance and the Responsibility to Protect*. Statement was made by Rwanda on behalf of the 45 member Group of Friends of R2P. Interventions were also made by individual states and four civil society organizations (<http://www.globalr2p.org/media/files/general-assembly-holds-sixth-dialogue-on-r2p-1.pdf>).

Therefore, I also rely on the informal interactive dialogues on R2P as one of the sources to delineate the ideational/normative dimensions of R2P.<sup>137</sup> Post 2009 each of these dialogues built upon the previous discussion(s), while further debating an aspect of R2P. Despite their differences the participating Member States have reached a consensus on the prevention mandate of R2P (i.e. pillars one and two).<sup>138</sup> Another consequence of these regular annual dialogues is the emergence of a broad consensus that acknowledges the respective responsibilities of the State(s) and the international community in atrocity prevention. The debate is about which instruments can best operationalize R2P. Along with the Secretary-General's reports, these discussions essay the UN's understanding of the ideational and normative aspects of R2P. While acknowledging the significant contribution of these dialogues, the Secretary-General in his 2014 report urged the GA to have a formal session on R2P in 2015, which would mark a decade for R2P's UN debut.

#### **5.4.2. Security Council**

The 'rites of passage' of incorporation of R2P in the UN's dispositif must include its endorsement at the Security Council which is the 'UN's most powerful (and mediagenic) forum' makes decisions that are 'binding on all member states' (Malone 2007: 117). Also, in cases where the fulfillment of the international community's responsibility to protect requires coercive action, then, it needs to be sanctioned by the Security Council that is tasked by the Charter as the main UN organ to maintain international peace and security:

When a State does not respond to diplomatic and other peaceful means, paragraph 139 of the Summit Outcome calls for "timely and decisive" collective action, in accordance with the Charter. Such collective measures may be authorized by the Security Council, under Articles 41 and 42 of the Charter...

Only the Security Council can authorize the use of force, under Chapter VII, Article 42, of the Charter. Coercive military force can be utilized in

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<sup>137</sup>See Chapter 5.

<sup>138</sup>Pillars one and two are discussed in detail in Chapter 5.

various forms, through the deployment of United Nations-sanctioned multinational forces for establishing security zones, the imposition of no-fly zones, the establishment of a military presence on land and at sea for protection or deterrence purposes, or any other means, as determined by the Security Council (A/66/874-S/2012/578/paras 31 & 32).

The ICISS report pointed out the flaws in the Security Council's structure and its working that immobilize its response to the commission of atrocity crimes. Yet it underlined the Security Council as being crucial in the move from 'analysis to action' and did not propose any alternative 'source of authority' (2001: 8.4). In view of this important role of the UN Security Council in sanctioning the various forms of coercive measures to operationalize R2P, I rely on the Security Council resolutions as another source to map out the ideational/normative dimensions of R2P at the UN. There have been 30 occasions (between 27 January 2006 to 26 March 2015) when the Security Council resolutions and 6 occasions (between 22 September 2011 to 19 January 2015) when the Presidential statements have referenced R2P (A/69/981-S/2015/500/para 5). The Security Council reaffirmed R2P in its 'resolutions 1674 (2006), 1894 (2009), 2117 (2013 and 2150 (2014)' (A/68/947-S/2014/449/ para3). In my examination of these resolutions, I draw attention to two aspects. *First* I point out that while the specific term R2P in these resolutions is mainly used to denote and remind the particular state of its responsibility to protect, we must note the other terms (and therefore forms of practice) in which R2P is visible. That is, the R2P link of these resolutions and statements be seen not just in the sentences and paragraphs which specifically use the term 'responsibility to protect' but also in those parts of the text that refer to tasks of conflict prevention and peacebuilding. These tasks are in conformity with the agenda of R2P's pillars one and two, that is, the resolutions are punctuated with terms from the field of security/development: for example role of regional and subregional organizations,<sup>139</sup> International Criminal

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<sup>139</sup>See (S/RES/2150), (S/RES/1973/2011/para 9), (S/RES/1653/2006/para17), (S/RES/1674/2006/para 24), (S/RES/1975/2011/para 1 & 2), (S/RES/1996/2011), (S/RES/2014/2011), (S/RES/2085/2012), (S/RES/2095/2013/para 14(b)), (S/RES/2100/2013), (S/RES/2109/2013), (S/RES/2117/2013), (S/RES/2127/2013), (S/RES/2149/2014), (S/RES/2171/2014/para 25).

Court,<sup>140</sup> civil society and NGO's,<sup>141</sup> Peacebuilding Commission/peacebuilding,<sup>142</sup> peacekeeping,<sup>143</sup> justice and reconciliation measures, illicit arms/arms embargo,<sup>144</sup> disarmament/demobilization,<sup>145</sup> internally displaced people/refugees,<sup>146</sup> education,<sup>147</sup> and media incitement.<sup>148</sup>

The second aspect of these Security Council resolutions is the twinning of R2P and protection of civilians (POC) concerns. This parallel emergence of POC and the R2P principle (Francis & Sampford 2012: 3) is not a coincidence and echoes the protection component that has since the 1990s informed the humanitarian agenda (Barnett 2010). While the R2P principle was formally articulated only in 2001 by the ICISS Report and formally endorsed by the UNGA in 2005, the late 1990s had seen the UNSC make 'explicit reference to the protection of civilians' (Ferris, 2011: xiv). UNSC S/RES/1265/1999 is credited with first specifically formally noting the concern for protection of civilians who have to bear various forms of violence and hardships during armed conflict. However, what is significant is that the resolution also affirms 'the

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<sup>140</sup>See S/RES/2211) (S/RES/1894/2009), (S/RES/2011/para 4 & 5), (S/RES/1973/2011), (S/RES/1975/2011), (S/RES/2040/2012), (S/RES/2085/2012/para 19), (S/RES/2095/2013), (S/RES/2100/2013), (S/RES/2100/2013/ para 16(g)), (S/RES/2127/2013), (S/RES/2134/2014), (S/RES/2150/2014), (S/RES/2171/2014).

<sup>141</sup>See (S/RES/1653/2006/para 12).

<sup>142</sup>See (S/RES/1653/2006/para 18), (S/RES/1996/2011), (S/RES/1996/2011/para18 & 20), (S/RES/2171/2014/para 7 & 23), (S/RES/2185/2014).

<sup>143</sup>See (S/RES/1894/2009), (S/RES/2185/2014), (S/RES/2187/2014).

<sup>144</sup>See (S/RES/1674/2006), ((S/RES/1894/2009/para 29), (S/RES/2011/para 9 & 10), (S/RES/1973/2011), (S/RES/2040/2012 para 8), (S/RES/2095/2013), (S/RES/2095/2013/para 9-12), (S/RES/2127/2013/para54-55), (S/RES/2134/2014), (S/RES/2149/2014), (S/RES/2187/2014).

<sup>145</sup>See (S/RES/1996/2011/para 15), (S/RES/2085/2012), (S/RES/2100/2013/para 11 and 16(v)), (S/RES/2109/2013/para24), (S/RES/2121/2013para 8, 17, 18), (S/RES/2127/2013/para11-13) (S/RES/2134/2014/para2(d)), (S/RES/2149/2014/para 30(g)), (S/RES/2171/2014), (S/RES/2185/2014).

<sup>146</sup>See (S/RES/1674/2006/para 14), (S/RES/1894/2009), (S/RES/1975/2011, para 10), (S/RES/2016/2011), (S/RES/2014/2011), (S/RES/2085/2012/para 9 (e)), (S/RES/2155/2014), (S/RES/2165/2014), (S/RES/2187/2014/para 4(vi)).

<sup>147</sup>See (S/RES/1674/2006).

<sup>148</sup>See (S/RES/1975/2011/para 9), (S/RES/2155/2014/para 12, 16, 17).

primary responsibility of states<sup>149</sup> to ensure the protection of refugees and internally displaced persons ‘in particular by maintaining’ their ‘security and civilian character.’ It also emphasized ‘the responsibility of States to end impunity and to prosecute those responsible for genocide, crimes against humanity and serious violations of international law’ (S/RES/1265/1999/6). POC became an integral part of the UN’s agenda through S/Res/1296/2000) (Ferris, 2011: xiv).

Post SOD (2005) most of these resolutions that refer to R2P also draw attention to the issue of protection of civilians (POC).<sup>150</sup> This adjacent placing of R2P and POC concerns has possible implications for the practice of R2P, particularly in the light of

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<sup>149</sup>In Chapters 6 and 7 I discuss the implications of the phrase ‘responsibility to protect’ when it is used in both generic and specific senses.

<sup>150</sup>The POC references include phrases protection of civilians or condemnation of attacks against civilians:

a). Security Council resolutions that mention both R2P and POC are S/ Res/1674/2006;S/RES/1894/2009 on POC; S/RES/1970/2011 (Libya); S/RES/1973/2011 (Libya); S/RES/1975/2011 (Cote d’Ivoire); S/RES/1996/2011 (South Sudan); S/RES/2014/2011(Yemen); S/RES/2040/2012(Libya); S/RES/2085/2012 (Mali); S/RES/2085/2012 (Mali); S/RES/2093/2013 (Somalia); S/RES/2095/2013 (Libya); S/RES/2100/2013 (Mali); S/RES/2109/2013 (South Sudan); S/RES/2117/2013 (Small Arms and Light Weapons); S/RES/2121/2013 (Central African Republic); S/RES/2127/2013 (Central African Republic); S/RES/2134/2014 (Central African Republic); S/RES/2139/2014 (Syria); S/RES/2149/2014 (Central African Republic); S/RES/2155/2014 (South Sudan); S/RES/2165/2014 (Syria); S/RES/2170/2014 (Threats to International Peace and Security Caused by Terrorist Acts); S/RES/2171/2014 (Maintenance of International Peace and Security- Conflict Prevention); S/RES/2185/2014 (Maintenance of International Peace and Security- Policing in UN ); S/RES/2187/2014 (South Sudan); S/RES/2196/2015 (Central African Republic); S/RES/2206/2015 (South Sudan); S/RES/2211/2015 (Democratic Republic of Congo).

b). Security Council resolutions on POC that do not mention R2P are: SC/RES/1738 2006 condemning attacks against journalists and media in conflict situations.

c). Security Council resolutions that mention R2P but not POC are: S/RES/1653/2006 (conflict prevention and peaceful resolution of disputes in the Great lakes region 27, Jan 2006); S/RES/2150/2014 (Threats to International Peace and Security- Prevention of Genocide).

several recent peacekeeping operations with POC missions. The POC has led to the mandate of several missions.<sup>151</sup>

The operationalization of pillar three's responsibilities are contingent on the Security Council's power to sanction coercive measures. Therefore, advocates of R2P have urged the Council to exercise voluntary restraint on the use of veto so that a decisive action can be taken in situations of atrocity crimes. At the 68<sup>th</sup> Session of the UNGA (2013), the President of France, Francois Hollande exhorted the P5 to 'collectively renounce their veto powers' in such contexts.<sup>152</sup>

### **5.4.3. Economic and Social Council**

The Economic and Social Council (ECOSOC) as one of the principal organs of the UN is responsible for the 'coordination, policy review, policy dialogue and recommendations on economic, social and environmental issues.' Its mandate includes the co-ordination of the activities of the 'subsidiary and expert bodies' in the above fields.<sup>153</sup> In addition to economic and social issues ECOSOC works towards promotion 'respect for, and observance of human rights and fundamental freedoms for all' (UN

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<sup>151</sup>The POC missions are: UNOMSIL (United Nations Observer Mission in Sierra Leone 1999); it was given a revised mandate that included protection of civilians via S/RES/1289/2000; UNTAET (East Timor, 1999); it was succeeded by the United Nations Mission of Support in East Timor (UNMISSET) in 2002; MONUSCA (United Nations Organization Stabilization Mission in the Democratic Republic of the Congo 2010); MONUSCA took over from the earlier peacekeeping mission- MONUC (United Nations Organization Mission in the Democratic Republic of the Congo 1999 via C/RES/1925/2010; it was given the mandate to protect civilians; UNIFIL (United Nations Interim Force in Lebanon 1978); it was given an additional mandate that included protection of civilians via S/RES/1701/2006; UNMIL (United Nations Mission in Liberia 2003); UNOCI (United Nations Operation in Cote D'Ivoire 2004); MINUSTAH United Nations Stabilization Mission in Haiti (2004); ONUB (United Nations Operation in Burundi, 2004); UNMIS (United Nations Mission in the Sudan (2005); UNAMID (African Union-United Nations Hybrid Operation in Darfur 2007); MINURCAT (United Nations Mission in the Central African Republic and Chad, 2007), UNISFA (United Nations Organization Interim Security Force for Abyei 2011), UNMISS (United Nations Mission in the Republic of South Sudan (2011); UNSMIS (United Nations Supervision Mission in Syria 2012); MINUSMA (United Nations Multidimensional Integrated Stabilization Mission in Mali, 2013); MINUSCA (United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, 2014); and UNMIT (United Nations Integrated Mission in Timor-Leste, 2006) (See S/RES/1912/2010; S/RES/1969/2011).

<sup>152</sup>[http://www.globalr2p.org/our\\_work/un\\_security\\_council\\_veto\\_restraint](http://www.globalr2p.org/our_work/un_security_council_veto_restraint)

<sup>153</sup><http://www.un.org/en/ecosoc/about/index.shtml>.

Charter Article 62(2)). ECOSOC is also the ‘main “portal of entry” to the United Nations’ for nongovernmental organizations (Rosenthal 2007: 136). This UN organ is important in the context of the work of R2P’s pillars one and two. More specifically, the Office works closely with the following programs and specialized agencies of the Economic and Social Council: United Nations Children’s Fund (UNICEF), United Nations Development Programme (UNDP), United Nations Entity for Gender Equality and Women’s Empowerment (UN Women), and the World Food Programme (WFP).

#### **5.4.4. Secretariat**

The UN Secretary Generals have played a major role in the promotion of R2P. The ICISS Report (2001) received the previous Secretary-General Kofi Annan’s strong support. The current Secretary-General Ban Ki-moon’s annual reports on R2P contribute significantly in the explication of the concept. The ICISS Report acknowledged the role of the Secretariat’s reports and recommendations to the Security Council in shaping the latter’s deliberations including those on the range of options’ (2001: 8.19).

Cold War politics, particularly post the tenure Dag Hammarskjold (1953-1961), witnessed the marginalization of the Secretary-General. However, the Post-Cold War period rescued the office from ‘irrelevance’ and the Secretary-General has come to ‘represent an organ of authority and facilitation in the roles of creative mediation and conflict resolution’ (Newman 2007: 182). In fact it is through the Secretariat that the UN has come to exercise ‘international executive action.’ Hammarskjold argued that such a mandate exists in the UN Charter’s Article 99—‘The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.’ Boutros Boutros-Ghali too has argued that through Article 99 ‘preventive diplomacy is a particular responsibility of the Secretary-General. Early Warning, fact finding, confidence-building measures, personal contacts, and good offices, all are instruments of this’ (Newman 2007: 178). Developing her argument on similar lines Anne Orford views R2P as providing a ‘normative’ basis to such ‘practices of international executive action’ (2011: 10). In this light the advocacy of

R2P by Ban Ki-moon is a significant input into transforming R2P from ‘principle to practice’ (Hoffmann & Nollkaemper 2012a).

OSAPG works closely with the following departments, programs and offices of the Secretariat: Department of Political Affairs (DPA), Office of the High Commissioner for Human Rights (OHCHR), Department of Peacekeeping Operations (DPKO), Office for the Coordination of Humanitarian Affairs (OCHA), Office of Legal Affairs (OLA), United Nations High Commissioner for Refugees (UNHCR), and the United Nations Network on Racial Discrimination and Protection of Minorities.<sup>154</sup>

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<sup>154</sup>The United Nations Secretary-General endorsed the establishment of a United Nations Network on racial discrimination and the protection of minorities in Policy Committee decision No.2012/4 of 6 March 2012. The Network was established to enhance dialogue and cooperation between relevant UN Departments, Agencies, Programmes and Funds. Coordinated by OHCHR, the Network brings together over 20 UN Departments, Agencies, Programmes and Funds, all of which have identified focal points for this purpose (current members include United Nations Department of Economic and Social Affairs (UNDESA), United Nations Department Operations Coordination Office (UNDOCO), United Nations Department of Political Affairs (UNDP), United Nations Department of Public Information (UNDPI), United Nations Department of Peacekeeping Operations (DPKO), International Labour Organization (ILO), United Nations Office for the Co-ordination of Humanitarian Affairs (UNOCHA), Office of the United Nations High Commissioner for Human Rights (OHCHR), Office of the Special Adviser on Prevention of Genocide (OSAPG), United Nations Peacebuilding Support Office (UNPBSO), UNAIDS, United Nations Alliance of Civilizations (UNAOC), United Nations Development Programme (UNDP), United Nations Environment Programme (UNEP), United Nations High Commissioner for Refugees (UNHCR), United Nations Economic and Social Council (UNESCO), United Nations Children’s Fund (UNICEF), United Nations Population Fund (UNFPA), United Nations Institute for Training and Research (UNITAR), United Nations Office on Drugs and Crime (UNODC), UN Women and World Federalist Movement (WFP). Other UN entities are welcome to join. Created in the year marking the 20th anniversary of the UN Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities, the Network should enhance dialogue and cooperation between relevant UN Departments, Agencies, Programmes and Funds and, within 12 months, develop a guidance note for the UN system on how to address racial discrimination and protection of minorities in line with the Universal Declaration of Human Rights and other key standards, drawing from effective practices. <http://www.ohchr.org/EN/Issues/Minorities/Pages/UNNetworkRacialDiscriminationProtectionMinorities.aspx>

In addition the Office works on a regular basis with the Secretariat's inter-departmental bodies: The Secretary-General's Policy Committee;<sup>155</sup> The Executive Committee on Peace and Security;<sup>156</sup> The Meeting of the Secretary-General Senior Management Team and senior advisers; The Inter-Agency Framework for Coordination on Preventive Action (Framework Team), including: a). Inter-Departmental working groups on countries under Framework Team review and b). The Expert Reference Group, to enhance Framework Team follow-up; Country-specific working inter-agency groups and task forces and crisis teams.

#### **5.4.5. Human Rights Council**

The Human Rights Council (HRC), a subsidiary body under the UN General Assembly, was established in 2006 to replace the Commission on Human Rights. Some speculate that the HRC may become a principal organ of the UN (Ramcharan, 2007: 450; also see Ramcharan, 2011). This inter-governmental body comprises 47 states and is 'responsible for the promotion and protection of all human rights around the globe.'<sup>157</sup> HRC by virtue of this role itself becomes a significant platform for the prevention of the four atrocity crimes identified under R2P; that is, there is a clear overlap between the R2P and HRC concerns. Also, as Kofi Annan reiterated at the 2005 World Summit, 'human

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<sup>155</sup>In May 2005 the Secretary-General (SG) formed a Policy Committee to reinforce the capacity at the highest levels of the Organization to provide the necessary level of strategic direction on the important challenges facing the UN Secretariat. The Policy Committee is chaired by the Secretary-General.' Members are The Secretary-General, The Deputy-Secretary-General, Chef de Cabinet, Chair of the Executive Committee on Peace and Security (ECPS), Under Secretary-General (USG)/Department of Peacekeeping Operations (alternate ECPS chair), Chair of the United Nations Development Group (UNDG), Chair of the Executive Committee on Economic and Social Affairs (EC-ESA), Chair of the Executive Committee on Humanitarian Affairs (ECHA), High Commissioner for Human Rights, Legal Counsel, USG/Department of Public Information, Special Adviser on Africa, High Representative for Disarmament Affairs (since July 2007). (Policy Committee of the Secretary-General Manual (2008) ST/SGB/2005/16/page 3).

<sup>156</sup>ECPS, also set up in 1997, is a high-level body for inter-agency and inter-departmental coordination, chaired by the Under-Secretary-General for Political Affairs, where complex crises require contributions from a range of UN entities. ECPS briefs about, or formulates advice for the Secretary-General on, overall political frameworks within which political, developmental and humanitarian dimensions must be reflected. (Inter-Agency Standing Committee IASC Working Group Retreat (17-19 September 2007) *ECHA and other Executive Committees* pp.1-3. WO/0709/2371/7)

<sup>157</sup><http://www.ohchr.org/EN/HRBodies/HRC/Pages/HRCIndex.aspx>

rights constitute one of the three pillars— along with peace and security and economic and social development— that form the base of all the UN’s work (Terlingen 2007: 167). Ban Ki-moon observes that the Human Rights Council along with ‘human rights treaty bodies and special procedures mandate-holders encourage and make recommendations to States to meet their pillar 1 responsibility to protect, and help to identify potential risks of atrocity crimes through their ongoing monitoring role’ (A/68/947-S/2014/449/para 21).

Since 2011 R2P has been a point of discussion every year at the HRC. In 2011, in a joint statement the Australian Permanent Mission to the United Nations and 55 Member States emphasized the HRC’s role in ensuring that states fulfill their responsibility to protect. In 2012, once again the Australian Permanent Mission took the initiative (on behalf of Australia, Hungary, Nigeria, Thailand and Uruguay) and urged the HRC to take measures to operationalize R2P.<sup>158</sup> HRC has referred to States responsibility to protect their populations in their resolutions on Libya (A/HRC/S-15/1) and Syria (A/HRC/RES/S-16/1; A/HRC/RES/S-18/1; A/HRC/RES/S-19/1).

Endorsement for R2P has also come from Ms. Navanetham ‘Navi’ Pillay, UN High Commissioner for Human Rights, who has underscored the linkage between R2P and contemporary crises as in Syria (2013).<sup>159</sup> The Report of the HRC on its 23<sup>rd</sup> session called upon the ‘Syrian authorities to meet their responsibility to protect the Syrian population’ (A/HRC/23/2/para 3, also see para 16). In 2013 the HRC commemorated the 65<sup>th</sup> anniversary of the adoption of the Convention on the Prevention and Punishment of the Crime of Genocide (A/HRC/22). At the 25<sup>th</sup> regular session of the Human Rights Council (2014) Special Adviser on the Prevention of Genocide, Adama Dieng, stressed on the need to detect ‘early warning signs...so as to prevent the escalation of conflict into serious widespread human rights abuses like those outlined within the scope of RtoP’

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<sup>158</sup>The statement was made at the General Debate in the Council on Technical Assistance and Capacity Building.

<sup>159</sup>Opening Statement by the UN High Commissioner for Human Rights Navi Pillay at the 23<sup>rd</sup> Session of the Human Rights Council, Geneva, 27 May 2013.  
<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13358&LangID=E>

(ICRtoP 2014: 4-7). So far the Council has adopted 13 resolutions that feature R2P, including three on the prevention of genocide and nine relating to country-specific situations (A/69/981-S/2015/500/para 5).

## Section 4

### 5.5. R2P Outside the UN

Civil society organizations or international non-governmental organizations (INGO)<sup>160</sup> the ‘outside’ of the UN have played an important role in making possible the remarkable swiftness with which R2P has moved from just an idea of yet another international commission (2001 ICISS) to a principle that was endorsed by the UNGA (2005) and invoked in Security Council resolutions. I must clarify that I use the word ‘outside’ *only* to connote the non-UN status of the civil society and INGOs. I acknowledge that there cannot be a strict boundary between the inside and outside of the UN since there is no ontological space where a hermetically sealed UN resides.<sup>161</sup> Also we must note that the crucial role civil society organizations can play in the promotion of R2P was also recognized by the ICISS, which, therefore, ‘built a large civil society component within the ongoing structure of its activities’ (Cooper & English 2005:19). In the subsequent chapters, using the Foucauldian concept of *dispositif*, I argue that gatekeeping rules of international organizations/institutions do not apply equally to all.

I discuss GCR2P, ICRtoP and AP R2P as illustrations of INGO advocacy of R2P, they serve as an important ‘R2P lobby’ (Pingeot & Obenland 2014: 27). The examples also demonstrate that these proliferating ‘presences’ of R2P outside the UN are intimately

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<sup>160</sup>In this study the terms civil society and international non-governmental organizations (INGOs) are used interchangeably since the documents do so. There is literature that treats the two as different though related entities. Civil society is seen to include all non-market and non-state organizations while INGOs are regarded as a subset of civil society that deals with development related issues (see 2007-2008 Advisory Group on CSOs and Aid Effectiveness in <http://www.cn.undp.org/content/dam/china/docs/Publications/UNDP-CH03%20Annexes.pdf>

<sup>161</sup>Also note that the UN has a tradition of hearing representations from NGOs on various issues.

connected with the UN and with each other as is evident from the common membership of their patrons or advisory boards. From the list of INGO's listed by OSAPG as its outreach partners, I did not randomly choose GCR2P, ICRtoP and AP R2P as examples to showcase the above argument. The choice is deliberate because unlike the other INGOs that have on their agenda issues other than (albeit related) R2P, the *raison d'être* of these three organizations is only R2P.<sup>162</sup> However, while the mission of AP R2P is primarily to 'deepen knowledge' and policy advancement of R2P, the GCR2P and ICRtoP, aided in no small measure by their geographical and physical proximity to the UN Headquarters in New York<sup>163</sup> are able to take on additionally and more robustly a more conventional expansive advocacy mandate.

These three organizations are linked together not just by the theme of R2P but also by some common membership<sup>164</sup> that also partly overlaps with the ICISS Commission: Mohamed Sahnoun and Gareth Evans, the co-chairs of the ICISS are the co-chairs of GCR2P's International Advisory Board; Gareth Evans along with Ramesh Thakur, an ICISS member is a Patron at AP R2P; Simon Adams, Director GCR2P is on the International Advisory Board of AP R2P; Lloyd Axworthy, President of WFM-IGP is a patron of both GCR2P and AP R2P. The ICR2P's Steering Committee members include the AP R2P as an organization.<sup>165</sup> Overlapping membership suggests the existence of an epistemic community which itself connotes links between seemingly

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<sup>162</sup>These three organizations along with the World Federalist Movement are the only four civil society organizations that participated in the 2014 Informal Interactive Dialogue of the UN General Assembly on the Responsibility to Protect. GCRtoP and ICRtoP have participated in all General Assembly's interactive dialogues on R2P between 2010-2014. In 2010 and 2012 GCR2P and ICRtoP were the only two civil society organizations to participate while in 2011 they were among the only four civil society organizations to participate.

<sup>163</sup>GCR2P is located at the Ralph Bunche Institute for International Studies, The Graduate Center, City University of New York, 365 Fifth Avenue, Suite 5203, New York. ICRtoP is located at the World federalist Movement-Institute for Global Policy, 708 Third Avenue, Suite 1715, New York.

<sup>164</sup>Chapter 4 highlighted the fact of overlap in membership of the international commissions.

<sup>165</sup>Other members are: Coordinadora Regional de Investigaciones Economicas y Sociales (CRIES, Argentina), East Africa Law Society (Tanzania), Human Rights Watch, Initiatives for International Dialogue (The Philippines), International Refugee Rights Initiative (USA & Uganda), Pan African Lawyers Union (Tanzania), The Stanley Foundation (USA), The West Africa Civil Society Institute (Ghana), and World Federalist Movement-Institute for Global Policy (USA, The Netherlands). See <http://www.wfm-igp.org/content/icrtop-steering-committee>

discrete ideas. Also, a noteworthy observation in this context is that some of the individuals associated with these three organizations are also members of the other INGOS that partner with OSAPG. Examples: Former Special Advisers at the OSAPG, Francis Deng, Edward Luck, and Juan Mendez are on the Board of Directors, Auschwitz Institute for Peace and Reconciliation; the Board of Advisors Genocide Watch include SAPG, Adama Dieng; Advisory Board of the ICC Coalition includes Juan Mendez, Lloyd Axworthy, and Kofi Annan; and President Emeritus, International Center for Transitional Justice, is Juan E. Mendez.

‘Lobbying’ for R2P by some INGOS preceded R2P’s 2005 entry into the UN. Following the ICISS Report (2001), the World Federalist Movement-Institute for Global Policy (WFM-IGP)<sup>166</sup> created ‘the first civil society project on RtoP called R2P-Engaging Civil Society (R2PCS).<sup>167</sup> This loose network of NGOs strongly advocated R2P as ‘an emerging norm’ in its engagement with civil society and governments. This network claims to have played a crucial role in the ‘inclusion of R2P in the 2005 World Summit Outcome Document.’<sup>168</sup> This led to the creation of two parallel initiatives: (1) the Global Centre for the Responsibility to Protect was launched in February 2008 and, (2) in 2009 the International Coalition of Responsibility to Protect (ICRtoP) was launched, as an international NGO coalition for the Responsibility to Protect, similar to earlier successful NGO human security campaigns. The purpose was to not lose the momentum for R2P that had been created by the 2005 SOD, and ensure the prevention of ‘backsliding among governments at the international level.’ The aim was also to advance the cause of R2P by

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<sup>166</sup>The WFM-IGP itself is listed as an Outreach Partner of the OSAPG. WFM-IGP, the World Federalist Movement-Institute for Global Policy, a non-governmental organization, founded in 1947, works in partnership with the UN, national governments, international organizations, and individuals for ‘peace, prosperity, and security.’ It regards the role of democratic institutions and international law crucial in this regard. Its programmes include the goal to protect civilians from the threat of genocide, war crimes, and crimes against humanity. See <http://wfm-igp.org/about/overview>

<sup>167</sup>The R2PCS project received support of the Governments of Sweden and the United Kingdom, the John D. and Catherine T. MacArthur Foundation, the Oak Foundation, the Arsenault Family Foundation and individual donations. See <http://www.responsibilitytoprotect.org/index.php/former-r2pcs-project>

<sup>168</sup>See <http://www.wfm-igp.org/content/international-coalition-responsibility-protect>

increasing ‘basic knowledge of RtoP’ amongst not just governments but also international and regional organizations.<sup>169</sup>

### **5.5.1. The International Coalition for the Responsibility to Protect (ICRtoP)**

The International Coalition for the Responsibility to Protect (ICRtoP) founded on 28 January 2009 is hosted by WFM-IGP which integrated its Responsibility to Protect-Engaging Civil Society (R2PCS) project into the Coalition initiative.<sup>170</sup>

ICRtoP serves to connect NGOs from all parts of the world to build up the normative consensus for RtoP and increase ‘the understanding of the norm.’ It aims to mobilize NGOs and strengthen their capacity for atrocity crimes prevention and ‘push for action to save lives in RtoP country specific situations’.<sup>171</sup>

ICRtoP publishes educational tools on various aspects of R2P that are aimed at clarifying the meaning and enhancing the understanding of R2P. This ‘understanding’ of R2P is in consonance with that of the OSAPG. For example, in its latest educational tool (2015)<sup>172</sup> ICRtoP suggests ‘advocacy points’ for NGOs to advance R2P at the national,<sup>173</sup> regional<sup>174</sup> and international<sup>175</sup> levels in accordance with the FOA. ICRtoP advocacy

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<sup>169</sup>See <http://responsibilitytoprotect.org/index.php/former-r2pcs-project/2008-roundtables>

<sup>170</sup>See [www.responsibilitytoprotect.org](http://www.responsibilitytoprotect.org)

<sup>171</sup>See <http://www.responsibilitytoprotect.org/index.php/about-coalition>

<sup>172</sup>See ICRtoP. 2014. *RtoP at the United Nations: An Educational Tool by the International Coalition for the Responsibility to Protect*. Accessed on September 25, 2015. Available at <http://responsibilitytoprotect.org/Sept%202014%20UN%20and%20RtoP.pdf>

<sup>173</sup>For example NGOs must urge governments for— the incorporation of FOA into the national early warning mechanisms, ratification of ‘international instruments pertinent to RtoP, including international human rights and humanitarian law treaties/instruments and the Rome Statute of the International Criminal court.’

<sup>174</sup>For example NGOs must call upon regional organizations to strengthen the early warning mechanisms in accordance with the FOA.

<sup>175</sup>For example NGOs must ‘encourage the next Secretary-General to enhance implementation of RtoP and support the mainstreaming of the norms into all UN departments.’ They must also urge for the incorporation of the FOA ‘into the monitoring and early warning actions conducted by the UN departments’ like UNDP and DPKO (Department of Peacekeeping Operations).

efforts include mapping global action on R2P and compiling information on crisis situations where R2P could be applicable. Its blog is a forum for discussion on R2P where representatives of NGOs and academic experts write on the subject.

### **5.5.2. Global Centre for the Responsibility to Protect (GCR2P)**

Established in 2008 the Global Centre for the Responsibility to Protect<sup>176</sup> aims for an effective operationalization of R2P by transforming ‘the principle of the Responsibility to Protect into a practical guide for action in the face of mass atrocities’ for governments and international/regional organizations. An impressive array of influential international figures that includes political leaders, diplomats, activists and academics are associated with the Centre in various capacities. The International Advisory Board is jointly chaired by Gareth Evans and Mohamed Sahnoun, and has as its members— Francis M. Deng, Edward C. Luck, Frank Majoor, Juan Mendez, Edward Mortimer, Gert Rosenthal, Darian Sweig, and Thomas G. Weiss. Its patrons are— Kofi Annan, Lloyd Axworthy, Romeo Dallaire, Jan Eliasson, Lee Hamilton, David Hamburg, Prince El Hassan bin Talal, Sadako Ogata, Fidel V. Ramos, Mary Robinson, and Desmond Tutu.<sup>177</sup>

The Centre engages with a range of advocacy measures to promote R2P. It holds annual<sup>178</sup> meetings of the R2P Focal Points initiative, a global network of the national R2P Focal Points (represented by senior level officials of the respective countries) that

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<sup>176</sup>Countries which support it- Australia, Belgium, Canada, Denmark, France, Germany, Luxembourg, Mexico, The Netherlands, Norway, Rwanda, Slovenia, Sweden, Switzerland, and United Kingdom. It is supported by the following foundations: Arsenault Family Foundation, Carnegie Corporation of New York, Humanity United, Open Society Foundations, The David and Anita Keller Foundation, The John D. and Catherine T. MacArthur Foundation, The Stanley Foundation.

<sup>177</sup>[http://www.globalr2p.org/about\\_us](http://www.globalr2p.org/about_us)

<sup>178</sup>The first meeting (May 2011) was attended by thirty-one countries; the second meeting (September 2012) saw the participation of thirty-six countries; in attendance at the third meeting (June 2013) were thirty-five countries and three regional organizations; thirty-one countries and the UN Special Adviser on the responsibility to protect attended the fourth meeting (June 2014). See [http://www.globalr2p.org/our\\_work/r2p\\_focal\\_points](http://www.globalr2p.org/our_work/r2p_focal_points)

was launched in 2010.<sup>179</sup> The network serves as a support system for states committed to R2P objectives.<sup>180</sup> The Centre supports the work of the OSAPG by engaging with the UN Member States at various fora. It engages with the UN through State Missions in New York, Geneva and national capitals and also with the rest of the UN system: holds ‘bilateral meetings, workshops and events for member state representatives’; publishes ‘policy briefs on relevant thematic issues’; facilitates ‘the participation of a diverse group of supportive member states in the UNGA’s annual R2P dialogue’; and ‘encourages them to’ affirm their support for R2P during the opening session of the General Assembly, in the Security Council and in the Human Rights Council.’<sup>181</sup>

One of the major events of the Centre is the Annual Ministerial Meeting on R2P during the opening of the General Assembly session that serves as a context for a dialogue on R2P amongst ‘cross-regional group of states.’<sup>182</sup> These meetings are co-hosted by the Centre along with a different Member-State each year.<sup>183</sup> A key part of the Centre’s strategy is to advance and institutionalize R2P in its effort to seek a more proactive involvement of the ‘emerging powers and regional bodies’ on this issue. With this in mind it organizes regional policy forums.<sup>184</sup> It also has a range of publications that describe and analyze situations from an R2P lens and also monitor international response

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<sup>179</sup>At present forty-three countries are members of the Global Network of R2P Focal Points: Albania, Argentina, Australia, Austria, Belgium, Bosnia-Herzegovina, Botswana, Bulgaria, Chile, Costa Rica, Cote d'Ivoire, Croatia, Czech Republic, Democratic Republic of the Congo, Denmark, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, Ireland, Italy, Liberia, Liechtenstein, Lithuania, Luxembourg, Montenegro, Mozambique, Netherlands, New Zealand, Paraguay, Poland, Republic of Korea, Slovenia, Spain, Sweden, Switzerland, Uruguay, United Kingdom and United States.

<sup>180</sup>See [http://www.globalr2p.org/our\\_work/r2p\\_focal\\_points](http://www.globalr2p.org/our_work/r2p_focal_points).

<sup>181</sup>[http://www.globalr2p.org/our\\_work/united\\_nations\\_engagement](http://www.globalr2p.org/our_work/united_nations_engagement)

<sup>182</sup>[http://www.globalr2p.org/our\\_work/annual\\_r2p\\_ministerial\\_meeting](http://www.globalr2p.org/our_work/annual_r2p_ministerial_meeting)

<sup>183</sup>Past co-hosts have been ‘foreign ministers of Australia, Botswana, Brazil, Denmark, Ghana, Guatemala, the Netherlands, Nigeria, Rwanda and Timor-Leste.’

<sup>184</sup>Three regional policy forums have been organized so far: Conversation on the “Responsibility While Protecting” in Brazil (2012), ECOWAS Regional Policy Forum on R2P (2012) in Abuja, Nigeria, Regional Forum for Latin America and the Caribbean on Responsibility to Protect in Mexico city in 2009. [http://www.globalr2p.org/our\\_work/policy\\_forums](http://www.globalr2p.org/our_work/policy_forums)

to such crisis. The publications include R2P Monitor, media releases, open letters, statements, background briefings, policy briefs, occasional paper series, and reports.<sup>185</sup>

### **5.5.3. The Asia Pacific Centre for the Responsibility to Protect (AP R2P)**

The Asia Pacific Centre for the Responsibility to Protect (AP R2P) at the University of Queensland, Australia was established in February 2008 by former Foreign Minister of Canada, Lloyd Axworthy and former SAR2P, Edward Luck. The Director of this Centre, Alex Bellamy is a prominent academic voice on R2P. Other such influential R2P voices include Director of GCR2P, Simon Adams as member International Advisory Board.<sup>186</sup> Its patrons are Lloyd Axworthy, Gareth Evans, Ramesh Thakur and SAR2P—Jennifer Welsh.

An associate of GCR2P and a member of ICRtoP, the Centre's primary goal is to advance the R2P principle 'through research and public dialogue.' For example, a). In 2009 it funded fourteen two year projects to advance the understanding of R2P; b). It publishes a journal *GCR2P Global Responsibility to Protect* (four issues annually). Promotion of R2P in Southeast Asia is a key focus of the Centre and through its country specific programmes it seeks to create a 'domestic constituency around this norm.' The Centre's strategies include:

Translation of RtoP documents...into major Southeast Asian languages; inclusion of RtoP in university curricula; and workshop and training seminars for teachers and educators, civil society groups, local government officials, law enforcement personnel and government/state bureaucrats (Morada 2012: 242).

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<sup>185</sup><http://www.globalr2p.org/publications/>

<sup>186</sup>Other members are: Alister Gee, Executive Director of Act for Peace NCCA, a humanitarian protection agency; Amina Rasul-Bernardo, President, Phillipine Centre for Islam and Democracy; Amitav Acharya, Professor of International relations, University of Bristol, UK; Jacqui True, Professor of Politics and International Relations, Monash University, Australia; Liu Tiewa, Research Fellow at the Centre; Mely Caballero-Anthony Associate Professor, S. Rajaratnam School of International Studies (RSIS); Pranee Thiparat, Assistant professor, International Relations, Chulalongkorn Unniversity, Thailand; Rizal Sukma, Deputy Executive, Centre for Strategic Studies, Jakarta, Indonesia.

## Section 5

### 5.6. Conclusion

The OSAPG reaches out to various UN bodies in ways and processes that aim to introduce and embed R2P in the latter's work. The process is undertaken in four ways by: a). embedding R2P within the existing premise, philosophy of the department; b). emphasizing R2P's compatibility with and potential to enrich the existing premise, philosophy of the department; c). ensuring that the existing tasks of the department are informed by the R2P ethos/agenda; d). adding R2P tasks to the existing tasks of the department.

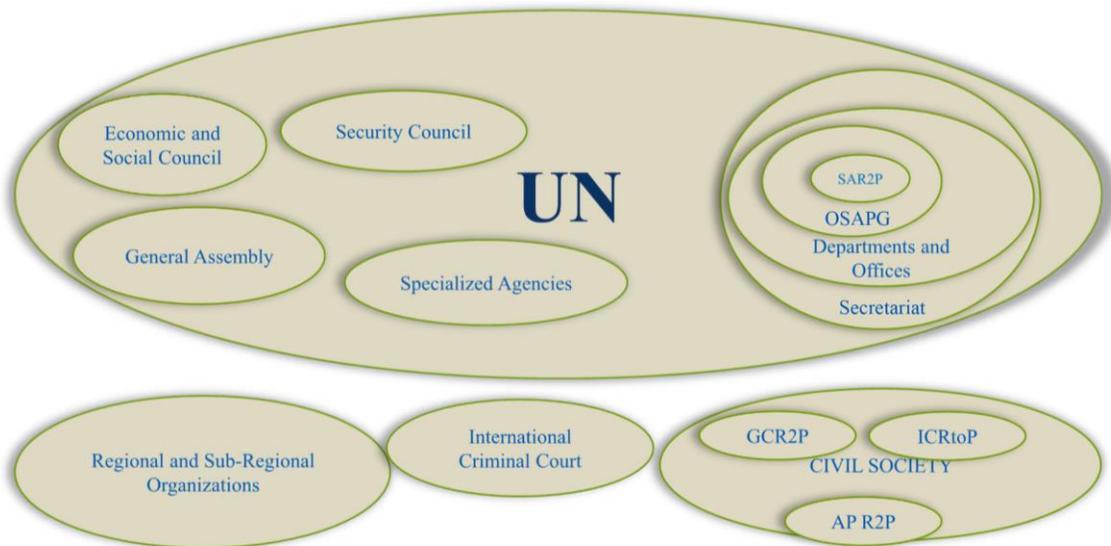
Advocates of R2P present the term as both new and old. The newness is evident from the fact that it has to be nurtured by the Special Advisor whose mandate is to ensure the 'conceptual, political and institutional development and further refinement of the responsibility to protect concept as well as consensus-building to assist the General Assembly to continue consideration of this issue'. On the other hand R2P is also presented as an idea that is in consonance with the existing UN Charter (see Welsh 2013). In this trope the newness is restricted to emphasizing R2P as only a new instrument to ensure the fulfillment of an old promise, that is, the Charter's promise. R2P thus becomes an instrument that seeks to access other (mostly existing) UN instruments (sanctions, development assistance, military intervention etc.) to ensure their robust use in the appropriate situations.

I analyze this empirical mapping of R2P in chapters 6 and 7. Chapter 6 begins with a discussion of how different parts of the UN have responded to R2P post the 2005 SOD and whether this indicates an even or uneven incorporation of R2P in the UN's security/development dispositif. I also analyze whether these individual responses create different *form(s)* and *meaning(s)* of R2P. I then discuss the ideational/normative and

institutional dimensions of R2P that emerge from this incorporation and the conceptual development of R2P at the UN.

In Chapter 7 I reference the empirical mapping done in Chapters 4 and 5 to discuss R2P as a measure of the liberal/neoliberal security/development dispositif using the concepts of governmentality and biopolitics. The identification of this dispositif serves as a heuristic device that brings forth the power/knowledge relations that link the dispositif's various elements; it also helps to identify/establish the genealogy of R2P.

### 5.7. Diagram 2



#### Mapping R2P at the UN

Note: The size of the oval circle does not indicate the size of the UN organ, department, agency or that of regional/sub-regional organizations and civil society organizations.

## **Part 3. Analysis of the Mapping**

## 6. Understanding the Map: Locating R2P in the UN Security/Development Dispositif

### 6.1. Introduction

In this chapter I analyze the empirical mapping of R2P in the UN's dispositif to answer the first part of my research question, which is—whether R2P has indeed been incorporated at the UN. I do this by analyzing the *form* (institutional and operational manifestations) and *content* (ideational and normative dimensions) of R2P practices at the UN that emerge from the map. My identification of the indicators of incorporation recognizes that there are varying degrees/forms of incorporation that range from a cold or distant acknowledgement of R2P presence in a UN space(s) to a welcome embrace by a UN body(s). The reports/resolutions of the three key UN organs—GA, SC, and the Secretariat accent their respective endorsements differently. The smaller UN departments and offices too relate to R2P differently, for example while the Department of Political Affairs (DPA) has come around to welcoming it, the Office for the Co-ordination of Humanitarian Affairs (OCHA) seeks to maintain a distance from R2P lest it be ‘polluted’ by the latter. But for me the noteworthy aspect of the OCHA reaction to R2P is that it indicates not just a presence but also a significant enough presence, albeit a notorious one from the OCHA perspective (Anonymous OCHA official Interview August 2013) that compels this office to denounce any association with R2P. And then there are some who dismiss R2P as a passing fad with a catchy acronym (Anonymous UNDPKO official Interview August 2013) or as a small office with no significance (Anonymous UNOCC official interview August 2013). A similar range of stances is visible in the UN's official documents—there is unequivocal incorporation, cautious and qualified incorporation, and incorporation that underlines not only R2P's distinctiveness from other principles (e.g. sovereignty) but also the ‘lexical priority’<sup>187</sup> of the latter over R2P.

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<sup>187</sup>I am applying John Rawls' argument about the lexical priority of liberty over equality in the ‘difference principle’ (Rawls 1999a) to the relationship between sovereignty and R2P.

As stated earlier<sup>188</sup> I identify the institutional/operational indicators of incorporation as the Office of the Special Adviser on Responsibility to Protect, and documents (resolutions, reports) emerging from the Office of the Special Adviser on Genocide Prevention. The presence of R2P cannot be gauged only through its Office, its institutional manifestations must also be sought in how the three key organs of the UN (General Assembly, Security Council, and the Secretariat) view it and react to it. Interviews that I conducted with UN officials and R2P related experts in INGOs and academia not only shed light on the empirical mapping of R2P in chapter 5, but also help me understand *how* R2P came to be incorporated at the UN, that is, the *nature* of R2P's incorporation.

I argue that R2P has been *unevenly* incorporated at the UN.<sup>189</sup> Importantly, the individual ranges of the supports and criticisms of R2P vary from full to partial, i.e. R2P as a broad spectrum of three pillars of responsibility or R2P as narrowly confined to one or two pillars of responsibilities which essentially echo the human security agenda. I take this unevenness into account while outlining the normative and ideational aspects of R2P.

The chapter is divided into five sections. It begins with a brief analysis of the key features of R2P that emerge from the empirical mapping in Chapter 5. Section 2 is a discussion of the institutional manifestations of R2P in three key UN organs—the Secretariat (where OSAPG is located), General Assembly, and the Security Council. The discussion is punctuated with interviews of officials from different UN agencies, offices, and departments and academics (that includes supporters and detractors of R2P) to bring forth the nature of R2P's uneven incorporation in this organization. The additional purpose is to also to demonstrate that different UN bodies highlight and promote different aspects (or even truncated versions) of R2P. Section 3 delineates the normative/ideational dimensions of R2P by identifying the key themes/issues/concepts—legality, morality, sovereignty, responsibility, and protection—that emerge from the mapping, which also

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<sup>188</sup>See Chapter 3— Analytical Framework.

<sup>189</sup>In Chapter 7 I analyze whether this unevenness is of any significance and whether it diminishes or dilutes the incorporation of R2P at the UN. That is what are the implications of this unevenness.

provide the context where the contestation over R2P is played out. That is the themes serve as the terrain on which grounds of R2P's incorporation are played out. These themes are inter-related and therefore not rigid categories. Each has a dialectical relationship with the other and aspects of one theme inform the other. For example, the idea of sovereignty as complete independence of a state in its domestic jurisdiction (also upheld by the UN Charter Article 2(7)) has to be *tweaked* in response to issues of morality, responsibility and protection that are raised by R2P. Similarly, sovereignty too impacts the meanings of the other themes. The significance of responsibility and protection is evident from the moniker of R2P itself. Though responsibility and protection are two distinct concepts, in different R2P advocacies the two take cues from one another and are thus framed in synchronicity. The discussion of these dimensions is carried forward via an interrogation of the conceptual challenges to R2P. Section 4 serves as a preface to Chapter 7 as it examines whether R2P is a radical departure from or is embedded in the UN Charter and existing international law. It also briefly re-introduces (from Chapter 3) two claims about the consequences of and the peculiar nature of this 'unevenness' (explored at length in Chapter 7): a). This 'unevenness' makes possible the wholeness of R2P; b). This 'unevenness' does not just demonstrate the flexibility, malleability, and resilience of the R2P concept but also reveals insights into the nature of the UN's liberal/neoliberal security/development dispositif.

## Section 1

### 6.2. Key Features of R2P

#### 6.2.1. The purpose of R2P

The purpose of R2P is to protect people from the four atrocity crimes—‘genocide, war crimes, ethnic cleansing and crimes against humanity’ (A/RES/60/1/ para 138). While the ICISS Report spoke about protection of population in the context of ‘serious harm’ suffered ‘as a result of internal war, insurgency, or repression or state failure’ (Evans & Sahnoun 2001: xi), the purpose of R2P was made more specific by the 2005 Summit Outcome Document (see A/RES/60/1/para 138-140). Theoretically the targets of protection are clearly identified as potential and current victims of the atrocity crimes, but the complex reality on the ground during times of conflict makes such clarity elusive.

#### 6.2.2. The agents of protection

The agents of protection are the state, regional organizations, and international community (UN and the individual states). The first and primary responsibility is of the state and the responsibility of the international community is to be activated only if the state fails. However, in view of the already existing ‘weak, failed, failing, fragile states’ the international community is expected to assume the responsibility to help in capacity building e.g. preventive measures. Within the UN, the General Assembly has been the forum of most R2P discussions. There are two views in this regard— one says that the Security Council should be brought back into the conversation, the other view is that the General Assembly should wrest control of decision-making on such issues, which so far often are hostage to the politics of the Permanent Five (P5). The Security Council has invoked R2P via pillar one to remind the *errant* state of its responsibility to protect its population. The Security Council’s role in R2P is nowhere more significant than in the sanctioning of coercive action including that of military intervention (pillar three). The

OSAPG works closely with other UN departments and offices in operationalizing preventive and rebuilding measures of R2P.

The inclusion of regional organizations as R2P's agents of protection is no surprise since these organizations in recent times have been in prominence as conflict resolution mechanisms (Chigas et al., 1996; Pinder 1996; Peck 2001). The ICISS Report and the subsequent annual Secretary-General Reports on R2P recognize their significance in lending legitimacy to R2P actions. For example, the Arab League's request for a 'no-fly zone to protect civilians in Libya' made possible the Security Council Resolution 1973 (Welsh 2012: 189).<sup>190</sup>

### **6.2.3. The mandates and instruments of the agents**

The mandates and instruments of the agents are delineated under the three pillars, which are not sequential despite the numbering. As pointed out in Chapter 5 that unlike the ICISS Report that segregated and sequenced the responsibilities of prevention, reaction, and rebuilding, the mandates of the three pillars overlap. Prevention of atrocity crimes is clearly a responsibility of all three pillars and therefore of the state (under pillar one 'the protection responsibilities of the state') and international community (under pillar two 'international assistance and capacity building' and pillar three 'timely and decisive response'). Prevention involves political (rule of law, independent judiciary, free press, minority rights, 'gender-responsive justice and security sector reforms' (A/63/677/2009/paras14-27)) and economic measures (that ensure employment 'equity in the distribution of resources, assets, income and opportunities' to all groups in a country (A/67/929-S/2013/399/para45)) that a state must undertake. Similarly, in the fulfillment of its responsibility to prevent the international community is expected to promote

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<sup>190</sup>In addition the above actors, the Secretary-General has emphasized the role of civil society organizations and individuals as R2P agents even though no specific formal role has been given to them. The OSAPG regularly partners with civil society organizations in R2P advocacy. Individual citizens are encouraged to play a proactive role by not being mute spectators to atrocity crimes: 'The premise of responsibility is that personal or individual responsibility segues into state responsibility' (Anonymous OSAPG Official 1 Interview, June 2012).

economic development and prosperity of the population so that root causes of atrocity crimes are addressed (A/63/677/2009/para43). Pillar three's 'timely and decisive action' mandate is popularly understood as UN Security Council sanctioned military intervention. However, this responsibility to react also has preventive components in the range of its initiatives e.g. diplomatic negotiations and economic sanctions: The three pillars of sovereignty as responsibility have been 'expanded.' People assume R2P is 'largely about the third pillar' 'the third pillar, although it has variations, has military intervention as a component of last resort' (Deng 2010: 85).

Also, note that military assistance by the regional organization/international community offered to a 'beleaguered state' under pillar two is comparable to pillar three's military intervention, though the latter option is exercised without the consent of the state. The responsibility to rebuild a country post the military intervention belongs to both the state (pillar one) and the international community (pillar two) and this involves political and economic initiatives similar to preventive measures.

Thus the instruments and techniques of the agents encompass the entire paraphernalia of conflict prevention and peacebuilding measures<sup>191</sup> and early warning assessment and mechanisms which must be undertaken by all agents in different degrees and at different times. Therefore, these measures belong to all three pillars. It is misleading to view the three pillars as exact individual replicas of the ICISS's report's 'three part structure' of responsibilities- of prevention, reaction, and rebuilding. The 2005 SOD and the 2009 Secretary-General's Report on R2P cast the ICISS's sequential and 'temporal model' as a 'continuum of tasks' whereby all responsibilities particularly of prevention and rebuilding were to be undertaken simultaneously by the concerned actors (Luck 2012: 41).

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<sup>191</sup>Anne Orford sees R2P as 'consolidating and streamlining the existing practices of protection that have developed and been institutionalized since the late 1950s, such as administration, surveillance, fact-finding, quiet diplomacy, management, capacity-building and policing' (2011: 103).

## Section 2

### 6.3. The Institutional Manifestations

The institutional manifestations of R2P are evident in the creation of the post of the Secretary-General's Special Adviser on Responsibility to Protect (SAR2P), reports/resolutions of the three key organs of the UN even though they emphasize different aspects of R2P and do not endorse it in its entirety of the three pillars. The creation of the post of the Secretary-General's Special Adviser on Responsibility to Protect (SAR2P) at the UN, in 2008, is in a sense the *formalization* of R2P's official *presence* at the UN. However, the idea or the *phrase* R2P had been raised and discussed in various UN documents prior to 2008, for example the 2005 SOD. Indeed, the creation of the post of SAR2P within three years of 2005 SOD, and within eight years of its articulation by the 2001 ICISS, is suggestive of R2P's fast track course at the UN. Promoters of R2P see this telescoped span of time as recognition of an idea whose time has come, and has come with urgency. Others see the SAR2P along with the SAPG as being of no significance or consequence at the UN. These positions are viewed as mere honorifics created to 'accommodate people' (Anonymous Interview Academic 1). A DPKO official described specialized offices such as the OSAPG as 'little boutiques with no leverage.' In his view a specialized office is a problem because it has unintended side effects:

When the OSAPG was created I was opposed to it. My view on genocide prevention and to some extent R2P is that making it the job of one person has the side effect that no one else feels responsibility for it and especially when it comes to genocide prevention, if this is not the job of every senior UN official then what is? (Anonymous DPKO Official Interview August 2013).

However, using the same premise Simon Adams, Executive Director, GCR2P makes a case for the post of special advisers as a way to avert the apathy of 'everybody's job becoming nobody's job.' But he adds that this should not mean the confinement of

R2P to the OSAPG, on the other hand R2P must be mainstreamed in other departments (Interview August 2013). The defence for a specialized office is also made on the ground that the UN itself is a work in progress:

The UN is an idea always in the making, whereby new offices are possible. The UN did not start with a UN Commission on Human Rights but as human rights became important, you have human rights commission. Just like you need a doctor that is generic and specialist, you need a generic UN in the sense of political processes that will lead to resolution of conflicts, genocide prevention, good governance. At the same time you need a specialist UN with special knowledge to understand and engage with certain kind of threats (Andrea Bartoli interview August 2013).<sup>192</sup>

A frequent refrain among those who support the post of the SAR2P is that its relevance gets undermined because it is not a full time ‘regular budget post’ (Luck 2011: 391; also Thomas Weiss interview August 2013). The current SAR2P, Jennifer Welsh, operating from Florence, Italy and not from the UN Headquarters in New York is viewed as a handicap, for example it does not allow for a regular and continuing engagement with state diplomats at the UN: The post of the Special Adviser on R2P should be ‘a full-time, regular-budget post with the incumbent in residence in New York. You have to be around when things happen, it cannot be a part-time engagement by a consultant who schedules “quality-time” with delegates.’ (Thomas Weiss interview August 2013). Therefore, though the post of the SAR2P is a significant step forward for the institutionalization of R2P at the UN, its *delivery potential* and influence is almost entirely contingent on the personality of the special adviser. Most interviewees from academia, INGOs and the UN observed that Edward Luck’s personal commitment and astute understanding of UN politics was a valuable contribution to the Secretary-General’s efforts to put R2P on the agenda of the Security Council and the General Assembly.

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<sup>192</sup>Andrea Bartoli, representing a civil society perspective, participated in the 2011 and 2010 Informal Interactive Dialogue of the UN General Assembly on the Responsibility to Protect. An international conflict resolution expert, he is currently Dean of the School of Diplomacy and International Relations, Seton Hall University, New Jersey, USA.

Advocacy for R2P, especially in the initial years, was not without challenges. One complex task was reaching out and addressing the concerns of three different constituencies: a). Member states who needed to be assured that R2P is not an intrusive but collaborative mandate to help them transact their responsibilities; b). UN colleagues who see the very title, ‘genocide prevention,’ as making their work with governments difficult. These UN officials were the ‘first line of resistance’; c). The NGO community, that wants a more ‘assertive role’ to ‘name and shame’ (Deng 2010: 85). The package of three pillars (of R2P) definitely helps advocates in presenting R2P as a benign measure.

The Secretary-General’s seven consecutive annual reports on R2P (2009-2015) enjoy an encyclopedic stature of sorts where through conceptual expansion of the three SOD paragraphs, the *official* meaning of R2P has been established. The Secretary-General and the Secretariat are credited with bringing the UN’s (particularly, the Security Council’s) focus onto R2P (Bellamy & Williams 2011b: 826). The reports emphasize the non-military prevention (and peacebuilding) aspects of R2P and underline that military intervention option is the last resort to stop atrocity crimes. The accent on pillar one (the protection responsibilities of the state’) and pillar two (‘international assistance and capacity building’) seeks to de-stigmatize R2P from the charge of being a tool of modern day imperialism in the hands of the powerful states. The reports’ template’s contextualization of R2P in the UN Charter is an adroit maneuver to claim (and bestow) legitimacy for R2P while retaining the military intervention option. Critics of R2P while acknowledging the Secretary-General’s interest and entrepreneurial zeal in R2P promotion downplay the significance of these reports:

A better indicator for the institutionalization of R2P at the UN would be if, in addition to these reports, the Secretary-General’s reports on Mali, Congo, DRC where atrocity crimes have been committed make a reference to R2P. But the fact is that the vast majority of these reports do not make a reference to R2P (Anonymous DPKO official interview 2013).

A similar observation can be made regarding the General Assembly (GA) resolutions, exceptions to which are the 2005 SOD (paragraphs 138-140) and the 2009

resolution (A/RES/63/308) whereby the Assembly decided to continue consideration of R2P through informal debates. Although GA resolutions do not enjoy the status of binding international law, they often presage future progress in that realm ‘and they are in themselves evidence of the potential emergence of *opino juris* on a matter’ (Breakey, Francis, Vesselin, Sampford, Smith, & Thakur 2012: 39). While R2P detractors caution against overestimating the significance of these debates/dialogues on account of their informal status, R2P proponents view the interactive dialogues as ‘productive’ (Luck 2012: 41) in the creation of a ‘shared understanding’ on R2P as different from humanitarian intervention (Thakur 2012: 3). These deliberations have seen espousal of strong criticism of R2P including the famous 2009 Noam Chomsky speech in which he referred to R2P as a cousin of humanitarian intervention. Ngugi wa Thiong’o<sup>193</sup> and Jean Bricmont<sup>194</sup> were the other two prominent R2P critics at the event and they echoed concerns about the misuse of R2P by the powerful states.<sup>195</sup> The President of the General Assembly while summing up the debate iterated that the Member States favoured a crisis prevention approach that included both crisis management and dealing with root causes: ‘We should thereby avoid any impression of a continuum from diplomatic means, through coercion, to the ultimate use of force’ (A/63/PV.101/2009/page 20). Significantly such criticisms (which were made even in subsequent debates) raise questions about the intentions of powerful countries in the North, without denying that prevention of atrocity crimes is imperative. The GA concern is to preserve the principle of sovereignty and therefore, its annual informal dialogues repeatedly iterate significance of the first two pillars as ‘prevention is at the heart of R2P.’ Issues like early warning, early engagement, good governance and rule of law are emphasized in these dialogues because these are seen as preventative actions (see ICRtoP 2010, 2011). The GA, clearly, has been

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<sup>193</sup>Ngugi wa Thiong’o is a Kenyan novelist and postcolonial theorist.

<sup>194</sup>Jean Bricmont is a Belgian physicist and activist.

<sup>195</sup>The UN webcast of this event (July 23, 2009) is available at the following link:

<http://www.un.org/webcast/2009.html>

The text of these speeches is available at the following link:

<http://www.responsibilitytoprotect.org/index.php/component/content/article/35-r2pcs-topics/2493-general-assembly-debate-on-the-responsibility-to-protect-and-informal-interactive-dialogue->

influential in making the Secretary-General focus on prevention aspects of R2P. The GA's acceptance of pillar three as a last resort comes with caveats that lay stress on a). The range of pillar three measures that include pacific and coercive means (Chapters VI and VII of the UN Charter respectively); b). That intervention must be accompanied by a responsibility while protecting (RWP) so that the international response can be monitored and be made accountable.<sup>196</sup> This de-emphasizing of military intervention is the GA's *domestication* of R2P as decisions under Chapter VII are in the Security Council's domain. Not surprisingly, the thrust of these dialogues has also been on the need for reform of the Security Council's veto powers so that there is a consistency in the application of R2P and concerns about double standards can be dispelled (see ICRtoP 2011).<sup>197</sup>

The Security Council has invoked R2P in its resolutions not just to condemn atrocity crimes but also to sanction operational mandates under Chapter VII of the UN Charter. On two occasions the Security Council authorized the use of force i.e. in Libya

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<sup>196</sup>See <http://www.responsibilitytoprotect.org/index.php/component/content/article/35-r2pcs-topics/5004-united-nations-general-assembly-holds-fifth-informal-interactive-dialogue-on-the-responsibility-to-protect>

<sup>197</sup>I must clarify that my reference to the views of the General Assembly does not suggest homogeneity of opinion among the Member-States. There are different reservations about R2P expressed by different members for example Cuba and Venezuela do not support it, countries like India support it with reservation, Brazil has raised the issue of the need to observe responsibility while protecting. Also note that not all Member-States participate in these informal dialogues.

(S/RES/1973/2011)<sup>198</sup> and in Cote d'Ivoire (S/RES/1975/2011).<sup>199</sup> UNSG Ban Ki-moon termed this 'NATO-led, UN mandated intervention in Libya' as the "coming of age" of the "R2P" concept' (Morris 2013: 1265). However, the ensuing regime change in Libya as a result of the intervention reignited suspicions that R2P was a ruse to pursue foreign policy goals of the powerful countries. This Libyan experience became the primary reason for the Security Council's non-use of Chapter VII in the case of Syria. UN officials in UNDP and in DPKO whom I interviewed in 2013 cited this as a proof of the faded currency of R2P that would soon go out of circulation even in terms of discourse. Such criticisms miss three points, first that Security Council has not ceased to reference R2P in its subsequent resolutions (see footnote 39 in Chapter 5). Second R2P's pillar three is not only about military intervention; it includes a range of non-coercive measures. Third, R2P is also constituted by pillars one and two. Indeed all three pillars contain the entire spectrum of measures of conflict prevention/resolution/transformation and peacebuilding, which are stressed upon in these resolutions.<sup>200</sup> Some of these

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<sup>198</sup>The resolution reiterates 'the responsibility of the Libyan authorities to protect the Libyan population and reaffirming that parties to armed conflicts bear the primary responsibility to take all feasible steps to ensure the protection of civilians.' The Security Council's acting under Chapter VII of the UN Charter authorized Member States to act 'nationally or through regional organizations or arrangements' to take measures to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya' (paragraph 4), declared a no fly zone (S/RES/1973/2011 paragraphs 6-12), enforced an arms embargo (paragraphs 13-16), banned flights (S/RES/1973/2011 paragraphs 17-18) and froze assets of the Libyan authorities (S/RES/1973/2011 paragraphs 19-21). There are some who argue that Resolution 1970 is the first example of the Security Council's authorization for a coercive intervention (Zifcak 2012: 61). However, it must be clarified that Resolution 1970 did not authorize military intervention. Acting under Chapter VII (S/RES/1970/2011/Article 41) of the UN Charter the Security Council referred the Libyan situation to the ICC (S/RES/1970/2011 paragraphs 4-8), imposed an arms embargo on Libyan Arab Jamahiriya (9-14), a travel ban on certain listed individuals (S/RES/1970/2011 paragraphs 15-16), froze assets of certain listed individuals and entities (S/RES/1970/2011 paragraphs 17-21).

<sup>199</sup>It must be noted that prior to Resolution 1975 the Security Council, acting under Chapter VII of the UN Charter, in its Resolution 1528 had authorized UNOCI to protect Civilians and had also authorized the French forces to use 'all necessary means' to support UNOCI (S/RES/1528/2004). Resolution 1975 recalls this prior authorization to the a). UNOCI to use all necessary means to protect civilians' (S/RES/1975/2011/paragraph para6); b). French forces to support UNOCI fulfill its mandate (S/RES/1975/2011/paragraph para7). Therefore UK argued that Resolution 1975 was merely reaffirming the earlier resolution.

<sup>200</sup>See Chapter 5.

measures are authorized under the UN Charter's Chapter VII;<sup>201</sup> clearly, besides Resolutions 1973 and 1975 there are other Security Council resolutions that are R2P operational mandates, albeit non-coercive ones. It is, therefore, not useful to derive the Security Council's stance on R2P only in the context of its power to authorize military action. The Security Council's engagement with R2P is not limited to pillar three, Security Council's *non-military* resolutions on R2P are an endorsement of pillars one and two. Thus the three main UN organs end up supporting similar R2P *practices*. This is not surprising as all three are part of the UN's liberal/neoliberal security/development dispositif, which ensures an alignment of views 'in the ultimate analysis.'<sup>202</sup> Chapter 5 of this dissertation also drew attention to the twinning of R2P and POC in these resolutions, a development that is not welcomed by the UN Humanitarian Agencies: 'We at OCHA with our POC mandate cannot be part of a discussion on military intervention' (Anonymous Interview OCHA Official 1 in August 2013).

The empirical mapping shows the institutional manifestations of R2P in the agencies, offices and departments under the key UN organs. The OSAPG through its engagement with them, particularly on the issues under pillars one and two, aims to

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<sup>201</sup>Some examples of the Security Council resolutions paragraphs that invoke the UN Charter's Chapter VII include: establishment of UNMISS (S/RES/1996/2011/ para1); restraining Libyan authorities to refrain from reprisals (S/RES/2016/2011/para4); calling upon Libyan authorities to promote human rights (S/RES/2040/2012/para3); encouraging Libya and its neighbours to work towards regional co-operation and ensure stability in Libya (S/RES/2040/2012/para5); extension of the UNSMIL mandate (S/RES/2040/2012/para6); imposition of arms embargo (S/RES/2040/2012/para8); imposition of asset freeze (S/RES/2040/2012/para9); demanding that rebel groups in Mali cut off all ties to terrorist organizations (S/RES/2085/para2); urging member states, regional and international organizations to provide coordinated assistance, expertise and training to the Malian Defence and security forces (S/RES/2085/para9); authorizing member states of the African Union to maintain the deployment of AMISOM (S/RES/2093/para1); requesting the African Union to keep the Security Council informed on the implementation of AMISOM's mandate through written reports to the SG (S/RES/2093/para8); asking the Libyan government to co-operate with the International Criminal Court (S/RES/2095/para4) ICC; requesting the Secretary-General, African Union, and the ECOWAS to support the transitional road map in Mali including the work of the Dialogue and Reconciliation Commission (S/RES/2100/para2); urging the Transitional Authority in the Central African Republic to develop and implement disarmament, demobilization and reintegration (SC/RES/2127/2013/para11); urging security sector reforms (SC/RES/2127/2013/para12); authorizing the deployment of MISCA (SC/RES/2127/2013/paragraphs 28-33); mandating the European Union operation in the Central African Republic (S/RES/2134/paragraphs 43-50).

<sup>202</sup>I analyze this point in detail in Chapter 7.

mainstream R2P in the UN. For example, the officials from these agencies participate in the workshops conducted by OSAPG to raise awareness about R2P and train participants on how to use the R2P lens in atrocity crime prevention as laid down in the 2014 *Framework of Analysis*. The Human Rights Council has been relatively proactive in referencing R2P: ‘The High Commissioner for Human Rights has referred to RtoP on a number of occasions, while the Human Rights Council employed it in the Libyan and Syrian situations, pre-empting the Security Council both times’ (Luck 2011: 392).

The mapping also reveals an interesting fact about civil society organizations’ engagement with the UN on the R2P issue. Their role performance goes beyond that of interest group/lobbying for a particular policy i.e. an R2P policy. In fact the common membership (including that of former UN officials, ICISS commissioners, and State Heads) and work profile make these organizations an *extension* of the UN. Though technically not so, these organizations are individual entities like other UN agencies. Therefore, ICRtoP and GCR2P are not, what Slaughter, Tullumello, & Wood described in another context, mere ‘international analogues of U.S. public interest groups’ (1998: 371). Indeed, these two organizations help in UN’s interface with civil society on R2P as is evident from their respective mission statements. A pressure/interest group approach (Keck & Sikkink 1998; Risse-Kappen 1995, 2002) is inadequate in understanding the relationship between these specific INGO’s and the UN. That is, it is analytically limiting to view these individual groups as discrete entities aiming to merely claim a share in the pie. The concept of *dispositif* moves beyond the intentions of the actors and shows how they are located in the same discursive space and are therefore driven towards a discursive congeniality.

### Section 3

#### 6.4. The Normative and Ideational Dimensions of R2P

R2P advocates emphasize that the ideational origins of R2P lie in a non-western context. This is an important argument to counter the accusations of R2P being a Trojan horse for western imperialism. The 2009 Report of the Secretary-General on implementing R2P traces the intellectual heritage of the SOD's conceptualization of R2P to a). Francis Deng's notion of 'sovereignty as responsibility' that emerged from his work on internally displaced persons b). African Union's 'thought and practice' of 'non-indifference' instead of non-intervention in case of the commission of atrocity crimes in any member-state c). the 2001 ICISS Report; d). the 2004 Secretary-General's High-level Panel on Threats, Challenges and Change that included several of the ICISS report's recommendations; e). Secretary-General's Report *In Larger Freedom: Towards Development, Security and Human Rights for All* (A/63/677/2009/para7-9). Kofi Annan's "two concepts of sovereignty" speech in 1999 must also be included in this R2P lineage (see Weiss 2007:89; Bellamy 2008: 617). Edward Luck sees R2P as emerging from the history that also includes the movement towards human security which privileged people's security over that of the state, protection of civilian and prevention of gender related violence, mass rape. R2P was made possible by so many different things coming together.<sup>203</sup> Embedding R2P in this history gives it a normative basis and builds the context for a legal claim that would give the concept further legitimacy, that is, the legal as an instrument of legitimization. In order to appreciate this we must acknowledge that while legality and legitimacy are conceptually distinct, in politics they may not only coexist but get conflated. This was Max Weber's question—"how political legitimacy can result from legality" (Benhabib 1997: 725). I am suggesting that R2P advocates seek legitimation for R2P not only by constructing it as a moral imperative, but also by imputing *some form* of legality to R2P. The latter task is difficult because for R2P to have

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<sup>203</sup>See [http://www.un.org/en/preventgenocide/adviser/videos/video\\_5.shtml](http://www.un.org/en/preventgenocide/adviser/videos/video_5.shtml)

a legal status of its own, it must either be expressed in treaty law or customary law. Since this is not the case R2P's *likeness* to the existing international laws (including the UN Charter) is emphasized. It is keeping this insight in mind that I approach the following paragraphs on R2P's legality.

#### **6.4.1. Legal Dimension of R2P**

The resolutions/reports of the GA, SC, and the SG demonstrate how R2P seeks legitimacy by embedding itself in the UN Charter provisions and the existing international laws. By virtue of this embeddedness, R2P advocates claim a legal status for R2P. Also, the ostracism of atrocity crimes and the advocacy of R2P are made on both legal and moral grounds. The SOD by equating the R2P scope with atrocity crimes made possible a 'distinct legalization of the principle' (Hoffmann & Nollkaemper 2012b: 359) since genocide, crimes against humanity, and war crimes are designated as crimes under international law.<sup>204</sup> Although the fourth atrocity crime, ethnic cleansing, is not an 'independent crime under international law,' the OSAPG imputes it with that status by referencing the condemnation of ethnic cleansing by the United Nations Commissions of Experts (1992) appointed in the context of the war in Yugoslavia (UNOGPR2P 2014: 32).<sup>205</sup> Not all see this legalization as fast tracking of R2P's legitimacy and point out that creating 'endless chains of legal obligations' would be inimical to the interests of 'endangered populations.' Instead the R2P goal of protection is more likely to be realized if, as suggested by the 2006 proposal of S5 (Costa Rica, Jordan, Lichenstein, Singapore, and Switzerland), there is an imposition of '*procedural* obligations' on 'Security Council members to justify their vote' (or veto) (Peters 2012: 207-208).<sup>206</sup>

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<sup>204</sup>See Chapter 5, pages 3-4.

<sup>205</sup>Ferrara views the terms genocide and ethnic cleansing as emerging from the twentieth century European experience: Raphael Lemkin introduced the term 'genocide' to refer to Nazi policies, while the expression 'ethnic cleansing' gained wide currency after the Yugoslav wars of the 1990s' (Ferrara 2015: 1). Also see Pegorier (2013) for a detailed exploration of the international legal dimensions of the crime of ethnic cleansing.

<sup>206</sup>Also see Peters 2012: 210 footnote 44.

The concern of most countries of the Global South, as underlined in the GA informal dialogues on R2P, is that these attempts to give R2P a legal status are aimed at the dilution of the legal principle of non-intervention in the ‘domestic jurisdiction of any state’ (UN Charter Article 2(7)). This fear gets credence in the thesis that ‘hegemonic law-making’ ensures that the ‘power of norms and the norms of the powerful are two sides of the same coin’ (Reinhold 2013: 4).<sup>207</sup> Julia Hoffmann and Andre Nollkaemper argue that the change R2P has brought about is ‘more political than legal; from a legal perspective, an attempt to induce a state to stop killing its population has never been qualified as intervention, as long as it was not pursued by coercion’ (2012b: 363).

#### **6.4.2. Sovereignty and R2P**

This relative privileging of the political over the legal not only reinforces the role of power (and possibly its arbitrariness) but also magnifies the element of contingency in international politics or what Kenneth Waltz (1959) described as ‘international anarchy.’ Concurring with this view an OCHA official criticized R2P’s dilution of sovereignty because it erases the *certainty* built by international law over a long period of time:

The concept of R2P undermines the basic foundations of international law— the concept of sovereignty. The whole system of the UN is built on that. It is good to have predictability and certainty in international relations. If you put together a concept that undermines this principle of sovereignty, you need to make sure that it brings in as much certainty and predictability than you remove. And this is not the case with R2P. It is seen as a tool used by the more powerful countries to undermine the sovereignty of the less powerful ones. Whether it is the right or wrong perception can be discussed. But this is the way that it is perceived. So I think that OSAPG needs to work on this aspect i.e. how to bring certainty and predictability. At the moment the concept of R2P is vague in its application i.e. why should we apply it only in certain contexts. I don’t think there are concepts of justice, fairness and predictability in R2P. Those are missing (Anonymous OCHA Official 1 Interview 2013).

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<sup>207</sup>Her thesis is similar to Samuel Barkin’s approach of ‘realist constructivism’ (Reinhold 2013: 4). Barkin contends that it is useful to see realism and constructivism not as opposing paradigms but as concepts that are interrelated ‘parts of a matrix’ (2010: 3).

Having clearly anticipated this criticism (i.e. violation of the principle of non-intervention and therefore a violation of the international architecture's key premise of sovereignty) R2P advocates have strongly endorsed Francis Deng's casting of 'sovereignty as responsibility' and made it the very premise of R2P. In such conceptualization, R2P strictly speaking is not a violation of the UN Charter as Article 2(7) itself contains the qualification that the principle of non-intervention 'shall not prejudice the application of the enforcement measures under Chapter VII.' It is in a similar light that the DPA extended support to R2P after its initial opposition. A DPA official shared that the concept of 'unbridled sovereignty' is most often a problem that his colleagues encounters in their work. R2P provides DPA an *entry point* to discuss democratic issues:

It is important for us at the UN to have the concept because it provides an entry point. When the UN was established the primary focus was on international peace and security. And then you have this concept of sovereignty— big wall that the UN is not allowed to penetrate. R2P language that the international community has a responsibility to react provides us with some legitimacy to at least ask some questions, to voice our opinions on things that are happening inside (Anonymous DPA Official Interview 2013).

However, the regime change in Libya resulting from the NATO led military intervention weakens the case for the dilution of sovereignty. This makes future mobilization of a political consensus to operationalize R2P difficult: 'Sovereignty is also an equalizer, and it is seen by the weak as a protection against the powerful' (Jean-Marie Guehenno Interview August 2013).<sup>208</sup> Since both the defence and criticism of intervention and dilution of sovereignty have moral underpinnings, not surprisingly the issue of morality is a key component in the conceptualization of R2P. The quest for legitimacy for

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<sup>208</sup>Jean-Marie Guehenno served as the United Nations' Under-Secretary-General for Peacekeeping Operations (2000-2008). He was also Director, Center for International Conflict Resolution, School of International and Public Affairs, Columbia University. Currently he is President and Chief Executive Officer, International Crisis Group.

R2P is made on political, legal *and* moral grounds. Indeed in the cases of sovereignty and R2P the legal and the moral coalesce as legal denotes non-arbitrariness.

### **6.4.3. Morality and R2P**

The basis to justify R2P is that atrocity crimes are cause enough for UN action as it is ‘imperative to save human life’ (UNOGPR2P 2014: 2). The moral dimension manifests in the form of imputing responsibilities to actors to do their bit to stop atrocity crimes that is such responsibilities require action not passive observation. The ICISS suggested that making a ‘*moral appeal*’ is useful to end apathy regarding the suffering of those in remote distant lands (ICISS 2001: 8.13). This positive framing creates a ‘normative context’ that demands ‘saving strangers’ who are subjected to ‘appalling cruelty by their governments’ (Wheeler 2000: 1). It is this moral obligation that Kofi Annan invoked in his exhortation to the UN Member-States that they must ensure that the UN lives up to the expectation of being the ‘collective conscience of humanity’ (Orford 2011:102).

Through this morality play there is a construction of categories and meanings that are then identified as legitimate. The moral lens of R2P, as a DPA official observed, has brought about ‘a *psychological shift*, and therefore, the action in Cote d’Ivoire, DRC, Libya and now Syria even though it is a messy example. There is an expectation that it is not okay watching people being killed’ (Anonymous DPA official Interview August 2013). Simon Adams, Executive Director, GCR2P, contrasts the international community’s reactions to the killings under ‘Assad Senior’ with those under ‘Assad Junior’, ‘while in the former there was not even a murmur, in Bashar al’ Assad’s case there is widespread condemnation’ (Interview August 2013). Edward Luck credits R2P with saving lives in Kenya, Kyrgyzstan, Guinea, Cote d’Ivoire, and Libya by discouraging ‘further violence against populations’ (2011: 393). In the aforementioned DPA official’s views, although ‘R2P is not a generator that you can pick up and put in each office and say now you have R2P’ as a moral discourse R2P facilitates the DPA agenda and empowers local people and prevents their victimization.

However, there is a flip side of raising the moral pitch to a level of naming and shaming a particular leader or group in conflict situations. Such contexts handicap the SAR2P's intervention to address the issue. Such 'moral' construction of categories could possibly turn out to be alienating as this adds hurdles to the political resolution of the problem:

Societies are not like human beings, human beings if they have cancer would go to a doctor for checkup. But a society has a different outlook. If a country is fragile and you say that it needs to cut and break away a part most leaders will not like it. If a country is shown as sick, then the person with the UN hat, with a special mandate to deal with the greatest disease is not going to be welcomed in most states. It complicates his work. It immediately elevates things, elevating an issue may be good from an advocacy standpoint – oh now he has gone to this country therefore now the international community is seized with the issue- good. But if we agree that in R2P there are less intrusive measures like political, developmental, and diplomatic that can be used to stabilize and prevent deterioration of a situation that could lead to mass killings and human suffering, then those instruments/actions are difficult to develop when linked to a high profile issue. It could go terribly wrong. Therefore, for practical considerations I am not too keen on having a Mr. or Ms. R2P (Jean-Marie Guehenno Interview August 2013).

Thus there are limits to the advantages that can accrue to R2P's operationalization when R2P is *broadcast* in a moral tone. There is another dimension to the limits of moral discourse on its own spurring R2P action, which stems from the logic of realpolitik whereby national interest may trump the moral voice. This is the paradoxical state of being for R2P: 'Though its political clout stems from moral angst, channeling moral rectitude into effective policy remedies is a formidable challenge' (Luck 2011: 395).

The moral pitch by R2P advocates does not impress OCHA, a persistent skeptic if not detractor of R2P at the UN. The R2P morality narrative, according to an OCHA official, is destined to be problematic 'as moral values are subjective, difficult to define and are therefore not shared by everybody.' Even though OCHA's work of humanitarian assistance is based on the moral idea, it has strong 'legal foundations, legal acceptability. We adhere to these legislations very seriously as we need state consent, without which

we cannot manage humanitarian assistance’ (Anonymous OCHA Interview August 2013).

#### **6.4.4. Responsibility and R2P**

Though in recent times R2P has been the context to raise the issue of state (and international) responsibility, the International Law Commission (ILC) undertook the work on the codification of state responsibility as early as 1948. The international community has been grappling with the issue of responsibility since the end of the Second World War. Coincidentally, it was in 2001, the year of the ICISS Report submission that the ILC’s codification effort culminated in the adoption of the *Articles on Responsibility of States* (International Law Commission (2001)). And the ILC is now working on Draft Articles on the Responsibility of International Organizations, whereby international organizations are recognized ‘as subjects of international law and as possible perpetrators of particularly serious wrongful acts’ (Jorgensen 2012: 126). A pertinent observation in this regard is that the millennium appears to have begun for the UN on several notes of responsibility, that is, in addition to the above the United Nations Global Compact (UNGC)<sup>209</sup> was founded in 2000 to promote corporate social responsibility (Rasche 2009; Rasche, & Waddock 2014; Voegtlin & Pless 2014; Williams 2014a, 2014 b). So in international relations/politics not only was state responsibility being underlined but other entities were being identified as the new agents of responsibility in different arenas of the international system. Not surprisingly, the onuses of responsibility to protect that emerges from the concept of R2P range from the specific institutions of the state, regional and international organizations to the general entities of civil societies/NGOs/INGOs and (all) individuals. An OSAPG Official 2 (Interview June 2012) remarked that R2P draws its justification from the premise that individual responsibility segues into state responsibility. We may recall here that the post Second World War order was inaugurated by a *slightly* different view about the responsibilities

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<sup>209</sup>The UN Global Compact is the ‘largest voluntary global governance initiative that addresses the social and ecological responsibilities of multinational corporations (Voegtlin & Pless 2014: 181).

of the entities of the individual (soldier/bureaucrat) and the state. The Nuremberg trials judgment segued state responsibility into individual responsibility. In these trials Nazi officers could not absolve themselves of the responsibility for acts of genocide by taking refuge in the argument that they were merely following state orders. The International Military Tribunal at Nuremberg ruled that the individual must transgress state laws if these come into conflict with international rules that protect basic humanitarian values (Antonio Cassese in Held 1989: 234). The word responsibility is also the legitimizing trope of powerful nation-states' foreign policy initiatives that regards intervention in domestic affairs of states as necessary to build them as responsible members of the international system: The US and its partners who are 'on the right side of freedom's divide have a responsibility to help all people who find themselves on the wrong side of the divide' (Condoleezza Rice in Reinhold 2013: 5).

A UN Under-Secretary-General made a similar assertion by arguing that R2P is a reminder to 'third world states' about their membership in the international community:

These states need to get out of their trade union mentality and take responsibility to put their own house in order, admit the indigenous, inherent flaws of their societies and not just blame their colonial past. R2P can be about prevention if there is self-scrutiny or self-monitoring by the third world states. This will ensure R2P does not become an instrument of imperialism's backdoor entry (Anonymous USG Interview June 2012).

The accenting argument to legitimize R2P is based on the view that our responsibility to fellow human beings results from our membership in the universal category of the human race. The premise is that our inherent humanity transcends national, race, ethnic, and such ascriptive identities. The expectation is that this understanding of responsibility will be a successful exception to *realpolitik* (of the domestic and international levels). The moral basis of the responsibility in R2P is thus also tied to a particular idea of the community. Notably, the concept of the community here is not embedded in communitarianism (Etzioni 2004; MacIntyre 1984; Sandel

1982), but in the liberal/neoliberal ethos that remains rooted in individualism.<sup>210</sup> But synchronizing the logics of these two concepts is not easy or without dilemmas since idea(s) of community, germane to the concept of R2P, create a slippery slope for the concept of responsibility resulting in the moral hazard dilemma:

I would say that there is often a moral hazard in intervening in the lives of others, because you cannot fully anticipate all the consequences of your actions. Therefore, one should always act with caution, and make sure intervention will do no harm (Jean-Marie Guehenno Interview 29 August 2013).

#### **6.4.5. Protection Mandate**

This question of moral hazard is also made in the context of the protection mandate of R2P (Belloni 2006; Crawford 2005; Crawford & Kuperman 2005; Kuperman 2008a, 2008b, 2009). Though the 2005 SOD marks the official entry of R2P into the UN, R2P can be said to have made an earlier *entry of sorts* in 1999 through the Security Council's Protection of Civilians (POC) resolution (S/RES/1265/1999). Although, both OCHA<sup>211</sup> and OSAPG officials underline the differences between R2P and POC—mainly that R2P is activated when atrocity crimes are (or are likely to be) committed, POC on the other hand is concerned with protection of civilians in situations of armed conflict. The OCHA officials distance themselves from any conversation about military intervention, as they perceive it as undermining or delegitimizing their humanitarian work of protection:

We at OCHA work in the protection of civilians which is a concept derived from International humanitarian law. It is a legal norm- protection

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<sup>210</sup>See Chapter 7 for the individualization of responsibility under liberal/neoliberal governmentality.

<sup>211</sup>OCHA— The Office for the Co-ordination of Humanitarian Affairs— describes its protection mandate as the full range of activities that seek to obtain 'full respect for the rights of all individuals in accordance with international law'. In general, protection refers to: protection of civilians in armed conflict (POC), whereby all parties to the conflict are responsible for ensuring that the civilian population is respected and protected; protection in contexts of natural disasters or civil unrest, whereby national authorities have the primary responsibility for the well-being of those affected. (<http://www.unocha.org/what-we-do/policy/thematic-areas/protection>)

of civilians in armed conflict while R2P is a political norm (Anonymous OCHA Official 2 Interview August 2013).

Not surprisingly unlike R2P, POC does not make an explicit (or implicit) connection between a state's responsibility to protect and its sovereignty. Also, conceptually speaking, failure of the state triggers off the international community's responsibility to protect in R2P but not so in the case of POC. But the twinning of R2P and POC mandates in the Security Council resolutions belies these differences. Both R2P and POC underline protection as the responsibility of the government and echo the protection component of the humanitarian agenda of the 1990s. By the 1990s, the UN's understanding had moved away from its earlier 'austere ethics of the "humanitarian imperative"' and towards a commitment to prosecuting evil' (Orford 2011: 102). This necessitated 'political decisions "about rightness and just causes"' (Nicholas Leader in Orford 2011: 102).

Despite the moral underpinnings of the imperative to protect fellow human beings in distress, the protection mandate raises some ethical concerns. It involves identification and classification of fragile/sick/rogue states that is reminiscent of the colonial discourse of infantilizing the native/colonized. The protection agenda of R2P is not merely non-empowering but can lead to the disempowerment of local agency. R2P is in a very bad shape because the concept has not been thought through. A UNDPKO official pointed out that the conceptual problem with R2P is that it posits the people as a sort of disempowered group in need of protection rather than as a group that needs to be organized, that is empowered and capable of protecting itself: 'The best form of protection for people is to make people responsible for their destiny and to empower them rather than protect them' (Anonymous DPKO Official August 2012). It is argued that R2P's focus on the international community's role in protection ignores history where atrocities have been averted because of the resistance and struggle of the victims. International intervention driven by R2P's 'salvation paradigm' can potentially demobilize or radicalize local resistance (Megret 2009: 576, 588). The promise or possibility of international intervention may embolden rebellion but not 'prevent the

state's genocidal retaliation' (Kuperman 2011: 128). R2P advocates do not give credence to the moral hazard argument as it is premised on a 'reductionist' 'deterrence theory' that does not understand the complex historical factors that make genocide possible (Bellamy & Williams 2011a: 557).

In addition to conceptual pitfalls, R2P's protection mandate lacks clarity in terms of its operationalization on the ground. Julia Hoffmann and Andre Nollkaemper ask whether in a situation of conflict the objective of protection is achieved with a 'semi-permanent ceasefire' or does it require a regime change? But since conflicts are often cyclical can the duty of protection ever end? (2012: 362). The answer to these questions requires reminder that in view of the R2P pillars, the meaning of protection cannot be restricted to just a part of pillar three mandate of 'timely and decisive action.' Through pillars one and two, R2P has taken over the broad human security agenda of protecting the 'freedom from want,' 'freedom from fear' and 'freedom to live in dignity.' So the protection agenda, in the *true*, i.e. the latest official, R2P rendition, cannot be an event, it is likely to be about the *longue duree*. The consequences of compressing R2P's protection agenda to swift surgical like air strikes as in Libya, not surprisingly, embarrass the R2P advocates.

R2P's re-invention post 2005 as a prevention measure with emphasis on the non-military aspects of its protection mandate have allowed it a non-forced entry in to other departments. After all it is difficult to dispute that the UN's work is about protection, proactive protection in myriad forms where several entities including public-private partners, and individuals have the onus of protection. There are no passive roles in this protection game— though power equations could be different, therefore the decision-making about the form and content of protection rests with some and not all protectors— neither the protector nor the protected can be passive. The latter must allow themselves to be guided into certain ways so that they are protected.

## Section 4

### 6.5. Conclusion

This chapter shows that the ‘presence’ of R2P at the UN is seen not just in its *office*—OSAPG, but in other UN bodies too. However, R2P’s presence, even an officially certified one, does not automatically or immediately translate into its unequivocal incorporation at the UN. R2P has its detractors who oppose it on grounds that it pollutes or comes into conflict, or marginalizes the principles of their respective domains (i.e. departments).<sup>212</sup> Importantly, R2P’s uneven incorporation indicates that it is not a political untouchable in all UN quarters. Indeed resistance to R2P is seen as evidence of its success:

This opposition to R2P is a counterintuitive attestation to its success as it is the growing traction of R2P that is compelling its critics to raise their voices louder. The fact that they are so on the defensive would be one of the things for me to measure whether the R2P discourse is making a difference because they must have a rationalization as to why it is important for them to dissociate themselves from R2P. For me this is an indication that there is traction in the norm. In this regard one of the interesting ways to measure whether R2P matters is to see whether it is abused (Thomas Weiss Interview August 2013).

In the following chapter I discuss how this has become possible. The Secretary-General’s annual reports on R2P play a key role here, whereby R2P emerges as too ambitious or big an idea to be confined to a specialized office OSAPG. The three pillars discourse has appropriated, encroached or laid claim to ownership, or to put it politely embed itself in the *entirety* of the UN security/development dispositif. R2P advocates see R2P as a catalyst for UN bodies to do their respective work (Anonymous OSAPG Official 2 Interview August 2012). Such a discourse casts R2P as the UN’s overseer,

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<sup>212</sup>The role of conflicts or synergies amongst the three UN organs, General Assembly, Security Council and the Secretariat, in the promotion of R2P is not the subject of a detailed analysis in my research. For an exploration of the same in the context of human security, see Busumtwi-Sam & Kashyap (2015).

monitor, and conscience keeper that will propel the UN to action so as to realize the Charter's promise and goals of security and development, which I have identified as those of the liberal/neoliberal security/development dispositif.<sup>213</sup>

In Chapter 7, I take this analysis of the nature of incorporation of R2P at the UN further and argue that R2P is not a *discursive shift* but a *discursive re-articulation* within the UN's security/development dispositif. I base my understanding of this discursive terrain of R2P on the historical context of R2P (Chapter 4) and the empirical mapping and analysis of R2P at the UN (Chapter 5 and 6).

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<sup>213</sup>I discuss the liberal/neoliberal aspects of the dispositif in Chapter 7.

## **7. Understanding the Map: R2P as Discursive Rearticulation Within the Liberal/Neoliberal Security/Development Dispositif**

### **7.1. Introduction**

This chapter analyzes the patterns of R2P's incorporation into the UN in order to answer the second part of my research question—whether R2P represents a significant change in the way the UN has approached the relationship between security and development. I hypothesize that R2P represents not a *discursive shift* but a *discursive rearticulation* of the UN's liberal/neoliberal security/development dispositif. Using the lenses of governmentality and biopolitics I analyze R2P not only as an element of the liberal/neoliberal security/development dispositif, but point out that as a *package deal* of three pillars, R2P lays claim to the entirety of this dispositif. This is so because the measures to prevent (pillars one, two, and three), react (pillar three), and rebuild (pillars one and two) encompass the range of responses, means and procedures available in this security/development dispositif. I base my understanding of this discursive terrain of R2P on the historical context of R2P (Chapter 4) and the empirical mapping and analysis of R2P at the UN (in Chapter 5 and 6 respectively).

This chapter is divided into six sections. Section 1 summarizes the analysis of the earlier chapters. This is done with three purposes in mind. The first is to bring to the fore the reality of the interweaving of the ostensibly discrete domains of security and development. The second aim is to show that this interweaving is best understood not simply as a security-development nexus (Stern & Ojendal 2010: 6; DAC 2004) or as a phenomenon of securitization of development (Copenhagen School) but as a security/development dispositif. This is necessary so as to make visible the liberal/neoliberal underpinnings of the UN's security/development dispositif that have manifested as embedded liberalism (1945- to the late 1970s) and neoliberalism (post

1980s).<sup>214</sup> The third purpose is to highlight how despite the addition of *new* offices (e.g. OSAPG) and *different* and *new* articulations of security/development (e.g. collective security, comprehensive security and human security) at the UN, there is a fundamental continuity within the UN's security/development dispositif.

Section 2 discusses the embeddedness of R2P in the UN's liberal/neoliberal security/development dispositif. Using the lenses of governmentality and biopolitics I argue that the key themes (legality, sovereignty, protection, morality, and responsibility) of R2P identified in Chapter 6 are also the themes of the UN's liberal/neoliberal security/development dispositif. Section 3 is a brief summary that distils certain aspects of R2P from the discussion so far through concepts of governmentality and biopolitics. Section 4 analyzes how R2P and neoliberalism represent a discursive rearticulation within the liberal/neoliberal security/development dispositif. Building on the conclusion of chapter 2, that the UN through new articulations of security/development such as human security is collecting the debris of responsibilities left behind by the receded embedded liberalism—I suggest that R2P is one of the mechanisms to collect this debris. I also point out that the singularity of the R2P discursive lies in it being a context to ‘put into words’<sup>215</sup> the reality of the practices through which a fundamental tension/contradiction/problem of the security/development dispositif's putative premise is often controversially played out (e.g. the NATO interventions in Bosnia and Kosovo (1990s) and Libya (2011)). The source of that tension is the clash between the UN Charter's two principles— sovereignty (which is also regarded as a foundational principle of the international system since the Treaty of Westphalia 1648) and collective security (which makes possible military intervention in a state). In section 5 I venture into the speculative realm of visualizing what R2P as a discursive shift *may* look like by suggesting that pillars 1 and 2 be further strengthened so that prevention and rebuilding responsibilities are realized in practice and not in mere rhetoric. I underline the

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<sup>214</sup>Liberalism has come full circle as the crisis in the neoliberal economy necessitates a return to embedded liberalism (i.e. re-embedded liberalism) (see Abdelal & Ruggie 2009).

<sup>215</sup>Orford (2011) argues that R2P puts into words the UN deeds of executive action.

speculative nature of this enterprise and acknowledge that my suggestion is not necessarily the fated destination of R2P's discursive shift. Discursive shift could be a result of movement in *any* or more than one direction, it could be regressive or progressive. Section 6 is the conclusion.

## Section 1

### 7.2. Security/Development Dispositif

The fact that the UN system includes not just the General Assembly, Security Council, and the Secretariat but also the World Bank and the IMF, is evidence of the UN's *dispositif* as being constituted by security and development concerns. It is misleading and simplistic to view security and development as discrete domains and functions of the UN<sup>216</sup> and the Bretton Woods system respectively. It would be more accurate to say that the framers of the post-war international institutions regarded the security component of the security/development assemblage as the *primary* responsibility of the UN's three key organs while the UN's two specialized agencies, the International Monetary Fund (IMF) and the World Bank, also known as the Bretton Woods institutions, would be *chiefly* responsible for the development component. Having a primary or chief function does not preclude an institution's other or supplementary responsibilities. The point I wish to make is that the architects of these institutions acknowledged the link between security and development. Therefore, the creation of the International Bank for Reconstruction and Development (IBRD)<sup>217</sup> in 1945 was 'part of a strategy to build and sustain peace in the aftermath of World War Two. The intention at the Bretton Woods conference in 1944 was to integrate the IBRD and IMF into a global

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<sup>216</sup>From here onwards, the term United Nations (UN) would be used to denote the six UN organs and not include the IMF and the World Bank.

<sup>217</sup>The World Bank is comprised of four institutions: the International Bank for Reconstruction and Development (IBRD, 1944), the International Finance Corporation (IFC, 1956), the International Development Association (IDA, 1960), and the Multilateral Investment Guarantee Agency (MIGA, 1986).

economic system that would help prevent another hegemonic war by promoting economic growth and stability' (Busumtwi-Sam 2004: 335-336).

However, between the two sets of institutions, it is the UN that has asserted ownership of both components of the security/development assemblage. The UN expansion into the domain of development began with the formation of United Nations Conference on Trade and Development (UNCTAD) in 1964 and United Nations Development Programme (UNDP) in 1965. In fact the 1960s, christened as *UN Development Decade*, witnessed the changing profile of UN membership as newly decolonized 'third world' countries acquired a numerical majority in the General Assembly. The radical/socialist/left of centre leaders, that included Jawaharlal Nehru, Kwame Nkrumah, and Julius Kambarage Nyerere, sought to engage international politics on terms that would be equitable to these newly independent countries. Forums like the Non-Aligned Movement drew attention to the skewed notions of security resulting from bipolar militarization and the neglect of the third world's development needs by the Bretton Woods System. Note that in the immediate aftermath of World War Two the prime beneficiaries of the 'IBRD loans and the Marshall Plan' were not the developing countries but West European states and Japan (Busumtwi-Sam 2004: 336). Also, the Bretton Woods idea of development was exposed as being a shrunken concept of development, focused on rebuilding infrastructure and economic growth sans any social assessment and indicators. The creation of the UNDP and UNCTAD was followed by the demand for a New International Order (NIEO) in 1974. The oil crises of 1973 and 1979 only heightened the tensions about the international economic order within and between the developed and the developing worlds; the 1970s also saw a rise in third world debt, which culminated in the 1982 debt crisis. Beginning in the 1980s the IMF and the World Bank responded to these problems through neoliberal policies in the form of the structural adjustment programme(s) that would also end the 'rent-seeking'<sup>218</sup> politics of

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<sup>218</sup>Anne O. Krueger coined the term, rent-seeking, and she argued that in some contexts of third world economies, rent-seeking took the form of 'bribery, corruption, smuggling, and black markets' (1974: 291).

the third world countries; thus neoliberal policies were directed at changing both the economic and political behavior and policies of a state and its population. The UN on the other hand supported the creation of commissions on the subjects of security and development from a social-democratic perspective (or embedded liberalism).

It is not to suggest that the World Bank/IMF and the UN are working at cross-purposes by subscribing to the policies of neoliberalism and (re)-embedded-liberalism respectively. I, therefore, re-state briefly the argument made in the earlier chapters regarding embedded liberalism and neoliberalism as being part of the liberal continuum. It is misleading to view the turf battles resulting from the division of labour between these three institutions of the UN system (i.e. the key UN organs, IMF, and World Bank) as reflective of radically antagonistic philosophies. In fact the turf fights between the IMF and the World Bank are legendary (Woods 2006: 6). The two sets of institutions—World Bank/IMF and the UN viewed the problem from the vantage point of liberalism, only the spectacles change from embedded liberalism to neoliberalism. Indeed, embedded liberalism informed the creation of the IMF and the World Bank (Ruggie 1982). Here I would like to point out the limitation or flaw of the popular social science usage of the metaphor of *lenses*. Changing lenses may help bring the obscure into light and lead to greater scrutiny of and clarity about an object or a view. However, the vision remains uni-dimensional as the vantage point, the angle of view remains unchanged making the whole picture or multidimensionality elusive. For example, it is because there is no polarity between liberalism (UN) and neoliberalism (World Bank/IMF) that the Brandt Commission initiated by Robert McNamara (World Bank President) could submit its report to the UN Secretary-General (Cooper and English 2005: 13). As I have argued in chapters 2 and 3 that in order to maintain order, stability and security, the debris of responsibilities left behind by the receded embedded liberalism had to be picked up by the expansive notions of security and development— ‘comprehensive understanding of security’ (Brandt Commission), ‘common security’ (Palme Commission) and ‘human security’ (Human Security Now) in the era of neoliberalism:

The wider view of security advocated in the late 1970s by the *development*-oriented Brandt Commission, was taken up explicitly by the *security*-oriented Palme Commission in the early 1980s, and further developed by the *environment*-and *development*- oriented Brundtland Commission in the late 1980s. Taken together, the Brandt, Palme, and Brundtland Commissions consolidated acceptance of a broader approach to security and contributed to the emergence of the 1990s human security movement (Wiseman 2005: 62).

Note that a discussion of NIEO had already been initiated in the UNGA (in 1972) and had gathered momentum. The Brandt Commission could also be a way whereby the first world could intervene to reframe the terms of debate about the international economic order. Not only is there seamlessness between the ostensibly discrete domains of security and development but also this security/development dispositif has liberal/neoliberal underpinnings. This is evident in the increasing role of non-state actors like the civil society organizations which are tasked with ‘reporting’ ‘implementing’ and transacting the job of the liberal/neoliberal goals. The template for civil society’s expanding role is determined by the liberal/neoliberal agenda, premised on the belief that the best form of state is that which governs the least. In this scenario a range of private actors step in to perform functions that were once regarded as the exclusive domain of the state, for example, the emergence of private military security companies (O’Hanlon & Singer 2004; Pattison 2010; Singer 2003).

Understanding how the incorporation of R2P, albeit uneven, occurred at the UN requires contextualizing R2P in the UN’s liberal/neoliberal security/development dispositif. Viewing the UN as a dispositif, as an assembly of knowledge/power, made it possible for me to see how it enables and constrains agency. The support or resistance to R2P by different UN agencies and departments takes place *within* the framework of the UN Charter. This framework formulated in 1945 continues to provide the template for *new* ideas of security/development. The novelty of the new idea is limited by the liberal horizon of the UN Charter, therefore, all attempts at change have to conform to some version of liberalism- e.g. embedded liberalism, neoliberalism or re-embedded liberalism. For example, the 2001 ICISS report embedded R2P in the UN’s human security discourse

which itself is embedded in the UN Charter. Similarly, the recommendations of the international commissions on security/development sponsored by the UN and World Bank did not deviate from the UN Charter. The concept of *dispositif* helps us understand how this is possible. The R2P discourse as Chapter 4 shows must be seen in the context of the *evolving*<sup>219</sup> security/development discourse that establishes which situations of conflict and which categories of actors in those conflicts are legitimate.

This section has argued that security and development are not discrete but related domains. This relationship is best understood as security/development on the lines of Foucault's conceptualization of power/knowledge that denotes the circularity of the theory and practice of the two concepts. This aspect is neither captured by the security-development nexus argument nor by the Copenhagen School's theory of securitization. While the nexus argument refers to *some* overlap between the security and development concerns, the securitization theory views the boundaries of the field of security expanding and encroaching upon the non-security fields—including that of development—and securitizing them. Foucault's concepts of governmentality, biopolitics, and thanatopolitics reveal as congenital the twinning of security and development in the liberal *dispositif*. In this regard, the purpose of security is to defend a particular form of development of the economy, the rationality of which then informs the social domain.

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<sup>219</sup>I have put the word, *evolving*, in italics to underline that the resulting changes are not fundamental or a radical break from the past.

## Section 2

### 7.3. Embedding R2P in the UN's Liberal/Neoliberal Security/Development Dispositif

This section discusses R2P as a rearticulation of the rationality of the existing liberal/neoliberal security/development dispositif. In other words, R2P is a measure of the liberal/neoliberal governmentality. This is evident from an analysis of how the key themes— *legality, sovereignty, morality, protection, and responsibility*— emerging from R2P resonate with the themes of the liberal/neoliberal security/development dispositif such as conflict prevention/resolution/transformation, peacekeeping and peacebuilding, and negotiation, arbitration, adjudication, and reconciliation.<sup>220</sup> Indeed, R2P is not just similar to these measures but subscribes to all of them through its three pillars: R2P consolidates and streamlines ‘the existing practices of protection that have developed and been institutionalized since the late 1950s’ (Orford 2011: 103).

R2P as liberal governmentality reinforces as legitimate certain liberal/neoliberal notions of responsibility and protection. This process (as argued in Chapter 1) involves: 1). The identification of the conflict-ridden, civil war striven, ‘failed states,’ politically unstable, poor third world states as Objects of Knowledge; 2. The construction of vulnerable individuals/groups, communities, and states i.e. victims (the protected), and states, regional organizations, international organizations i.e. security providers (the protectors) as Subjects of Power; 3). The use of responsibilities of prevention and rebuilding (that are common to three R2P pillars) and the responsibility to react (though primarily a pillar three concern can also be a duty of pillar two) as Technologies of Power (governance). Classification is a political act, that is, subjectivization entails both inclusion and exclusion. The identification of some groups/entities as legitimate protectors and the (deserving to be) protected disqualifies others from these categories by

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<sup>220</sup>See Chapter 5 for the Secretary-General's Annual Reports on R2P and the Security Council Resolutions that reference R2P.

default. Under liberal/neoliberal governmentality the construction of these categories is in consonance with the needs and consequences of the free market. Through biopolitics liberal/neoliberal governmentality ensures that the prosperity of free market strives to ‘make live,’ that is, efforts are made to ensure the health and prosperity of the population. There are limits to the free market’s capacity to deliver prosperity to all so it cannot *make all live*. Therefore, the liberal/neoliberal governmentality’s imperative to ‘make live’ is accompanied by that of ‘let die’ (*thanatos*). Those on the margins of society, bracketed as the dispensable (e.g. the poor, the lazy, and the ‘impure race’), have to be either left to die (through acts of omission) or to be killed (via acts of commission); biopolitics and thanatopolitics are two sides of the liberal/neoliberal governmentality. R2P is a bid to save those on the margins, but the limits of liberal/neoliberal governmentality are such that R2P cannot be a panacea and ‘save all’, in fact on occasions or in its operations R2P itself becomes a measure in which the act of saving (or making live) simultaneously ‘kills some’ (or lets die). Thus nobleness and dishonourableness are two sides of the R2P coin. Both defence and criticism of R2P are made on moral grounds; this liminal preoccupation of R2P captures a central dilemma of liberal/neoliberal governmentality.

### **7.3.1. R2P as the Moral Imperative in the Humanitarian Age**

The characterization of R2P as a moral measure is unmistakable in the R2P discourse. Indeed today ‘humanitarian militarism’ is not oxymoronic but only tautological as humanitarianism is used to legitimize ‘the politics of international condemnation, sanctions, and bombings’ (Chandler, 2001: 698, 700). The context of the challenge for the ICISS was that despite the rich positive connotations of the word humanitarian, humanitarian intervention, particularly in the wake of Rwanda and Kosovo, *had received bad press* and was largely viewed as a military measure aimed at realizing not humanitarian goals but the interests of the powerful Western states (Le Houérou 2014: v). Clearly while the idea of humanitarianism was still regarded as legitimate, military intervention in the name of humanitarianism was suspect. Since the 1990s the West has been engaged with an unsuccessful bid to impose new global norms

‘around questions of intervention,’ R2P represents that failure (McCormack 2010a: 69). So the ICISS had to retrieve the lost legitimacy of humanitarian intervention which was done by adding the responsibilities to prevent and rebuild to reaction i.e. military intervention aimed at protection and saving human beings including ‘strangers’ (Wheeler 2000). R2P used the trope of human security’s broad agenda (freedom from fear and want) by adding to the responsibility to protect, the responsibilities to prevent and rebuild.

The casting of R2P as ‘rectitude’ (Luck 2011: 9) also fits in with a trend in both the policy and academic world which had since the 1990s begun to emphasize ethical approaches to international affairs and foreign policy (Bulley 2010; McCormack 2010b: 70; Powers 2002). Humanitarian issues had assumed centre-stage in the international arena (Barnett 2010; Scott 2011; Weiss 1999, 2000; Yamashita 2015), and humanitarianism was being increasingly used ‘to legitimize emergency measures’ (Scott 2011: 3) and soon covered the domains of ‘military action, governance and development’:

Humanitarianism is now conceived as a movement that offers justifications for military interventions in order to halt human rights abuses and humanitarian crises in intrastate and regional conflicts (humanitarian intervention); demands improvements in the quality and capabilities of governance because bad governance constitutes one of the ‘root causes’ of such crises; and works with and contributes to development assistance in an integrated effort to remove the socio-economic root causes (Yamashita 2015: 413. Also see Barnett 2010; Gibbons & Heintze (2015); Hoffman & Weiss 2006; Macrae 2002; Pattison 2014).

In this moral trope of saving lives, wherein ‘neutrality, impartiality, and consent are second order principles’ (Weiss 1999:12), Francis Deng’s proposition of ‘sovereignty as responsibility’ (1996) became morally persuasive. Though questions of moral hazard remained (Bulley 2010; Anderson 1999; Kuperman 2009), these were sidelined for the imperative of protecting lives and the international community was exhorted to assume responsibility and not look the other way. The environment of international politics in

terms of policy and discourse were thus congenial for the 2001 ICISS Report on R2P. Given the scale of the humanitarian crises in Africa in the 1990s (Rwanda, Sudan, Somalia, DRC, Sierra Leone, Liberia, etc.) it is not surprising that the lineage of the R2P idea is traced to Africa.<sup>221</sup> R2P received its earliest official endorsements through the 2002 African Union's Constitutive Act's embrace of 'a spirit of non-indifference towards war crimes and crimes against humanity' (Murithi 2009: 95).<sup>222</sup>

### **7.3.2. R2P as the Imperative of Responsible Protection in the Humanitarian Age**

Protection mandate is a chief characteristic of the liberal/neoliberal security/development dispositif and R2P is among a host of measures that aim at protection. I argue that this protection takes place across a spectrum of security/development activities in which the act of saving lives is just one component. Human lives are saved so that they can live a *particular* way which liberal/neoliberal governmentality initiates them into. States and their populations are educated about the art of 'good governance,' which includes reform of political (democratization, freedom of press, human rights, and civil society actors) and economic institutions (free market principles and reform of labour laws). The protection mandate entails teaching and building the capacity of the *disabled* state to assume responsibility while simultaneously assisting the state in inculcating a similar ethos of responsibility in its population.

Education about good governance (and statebuilding) takes place through multiple modes—World Bank/IMF diktats (e.g. Structural Adjustment Programmes), lectures/power points by international experts and 'organized mentoring' (Rosén 2011:151). In addition to the World Bank and the IMF various other UN agencies and departments are involved in the propagation of the good governance model in the

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<sup>221</sup>Francis Deng, a Sudanese diplomat, developed the notion of 'sovereignty as responsibility' through his work on the problem of internally displaced people in Africa.

<sup>222</sup>Indeed the decade of 2000 saw a high profile endorsement for an activist international community that included Romeo Dallaire (2004), Samantha Powers (2002), George Clooney, and Bono who drew attention to dimensions problem of human insecurity in Africa.

developing countries. For example, the UNDP is involved in assisting the drafting of national constitutions, setting up of parliament buildings, and initiating the local leadership into the ethos of the parliament:

Our work on governance in Afghanistan involves strengthening the parliament—we set up the parliament that includes making the building, putting the chairs and mikes, helping formulate rules and training the parliamentarians on the legislative processes. We ensure national ownership, therefore all this was done in consultation with the Afghans, and it came through from the Bonn Conference. The UN is supporting the drafting of the constitution in Nepal, which is an extremely sensitive thing because there cannot be anything more sovereign than the drafting of the constitution so it has to be done by the concerned country. Our role, well we bring together the good, the bad, and the ugly, it is a delicate balance. We have been involved in the constitution making process in parts of Africa, Latin America. We have access to experts, we know what worked what did not. Our job is to put it out on the table (Anonymous UNDP Official's Interview 1 July 2012).

Although, other UN officials expressed similar efforts in ensuring local involvement and ownership in security/development projects, there is no denying that there is a normative assumption about the goodness of the liberal/neoliberal governance model. With the involvement of international organizations like the UN, the recommended governance framework is that of liberalism/neoliberalism. Governmentality, we must note, is 'ontologically prior to the individuals who may enact it' as they rely on and draw from 'existing practices, strategies and institutions' (Joseph 2010: 232). The UN is a practitioner of, what Larner and Walters (2004), have described as 'global governmentality.'

Liberal/neoliberal governmentality's notions of protection and responsibility further construct categories of the protector, protected, and also of those who are outside the purview of protection, i.e. the biopolitics of ensuring the prosperity of some lives is accompanied by the thanatopolitics of death of the others. *Legitimate* death in this context can occur by the *non-action* of 'letting die' and by the action of killing. My argument is that the 'let die' ethic of biopolitics is applied to those who, according to the

liberal/neoliberal ‘regime of truth’ do not qualify for protection i.e. they are responsible for themselves and are not the responsibility of an external agent—the state. The poor individuals within the domestic society and the poor states in the international system are *not entitled* to protection but can be recipients of charity which is contingent on a). the benevolence of the giver or b). the pragmatism of the giver if the death of the poor (individuals and states) is or may become a source of disorder. The givers—the state and international organizations in such a case subscribe to principles of embedded liberalism, thus the adoption of welfare measures by the liberal state and also by its neoliberal avatar (though in lesser degrees). It comes as no surprise that in the wake of mounting criticisms of structural adjustment programs as leading to increasing poverty in Africa and elsewhere, the IMF and World Bank began emphasizing ‘poverty alleviation’ and initiated the Poverty Reduction Growth Facility (PRGF) in 1999, designed to accommodate higher pro-poor public expenditure (Craig and Porter 2006; Busumtwi-Sam 2008). Until they become a political problem, the poor can be treated by the policy of ‘do the least harm’ (Astri Suhrke and Kathleen Newland in Weiss 1999: 15) or by the ‘governing of indifference’ (Basaran 2015: 205). The cultivation of indifference is a technique whereby citizens in liberal societies are made ‘indifferent to the lives and sufferings of particular populations.’ This is often justified on grounds of security and entails measures like sanctions and letting people die at borders (Basaran 2015: 205). I would add that the attitude of indifference, to look the other way has to be actively produced through a discourse that casts the victims as the undeserving population, not entitled to being saved as they would be a drain on state and society’s resources, in addition to being a security risk.<sup>223</sup> Thus the rationale for the attitude of indifference to the plight of victims lies not just in security but security/development concerns.

The ethic of thanatopolitics is also visible in how the security dispositif is expanding to include as legitimate the killings that were hitherto not justified. Sussane Krasmann discusses the transmutation of illegal political assassinations into legal and

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<sup>223</sup>For example, the Paris attacks (November 2015) have given considerable fillip to the view within the European states that they should close their borders to the Syrian refugees.

legitimate ‘targeted killings’ of leaders of terrorist organizations (2012: 682, 678). We may recall and underline that such killings are done in the name of the defence of the life of a threatened population. The biopolitical imperative ‘to make live’ is also evident in the R2P regime’s segmentation of nation states as ‘sovereign states whose citizens have political rights, and de facto trusteeship territories whose populations are seen as wards in need of external protection.’ This regime legalizes ‘certain types of violence (such as Western counterinsurgency efforts), while arbitrarily criminalizing the violence of other states as “genocide”’ (Mamdani 2010: 53). R2P in such a context becomes a replay of the old story of colonialism’s civilizing mission.

The liberal/neoliberal underpinnings of these notions of responsibility and protection are also seen in the privatization of some sectors of defence and security that had until now been deemed as the exclusive domain of the state. The Private Military & Security Companies (PMSC) are regarded as an example of the free market ingenuity that found employment for the ‘6 million’ soldiers forced into retirement by the ‘global military downsizing’ following the end of the cold war. Great powers use PMSCs ‘in violent, but less strategically significant, conflicts around the world’ (Singer 2003). The argument for the relevance of PMSC finds takers even amongst the UN peacekeeping supporters like the former UN Under-Secretary-General for Special Political Affairs, Brian Urquhart, as the PMSC present ‘twenty-first century business solution to the world’s twenty-first century human security problems’ (O’Hanlon & Singer 2004: 91). Since PMSCs are already being hired to provide ‘training and logistical support’ and ‘armed guarding of personnel and infrastructure,’<sup>224</sup> James Pattison proposes that it would be ‘morally justifiable’ to outsource R2P ‘to the private sector’ (2010: 3, 27).

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<sup>224</sup>The use of PMSCs ‘has been most documented in Iraq, where the UK and US governments have employed companies such as Aegis, Blackwater...Control Risks Group, Erinys, KBR and Vinnell...PMSCs have been hired throughout the world by a multitude of actors, including states, multinational companies, NGOs, and the UN’ (Pattison 2010: 3).

The recession of state functions in the economy is also encouraged by the donor funding of civil society organizations, thus weakening the state capacity in countries like Somalia (Jayne S. Docherty<sup>225</sup> interview August 2013). Though bypassing the ‘corrupt’ and ‘fragile’ state and using the non-governmental organizations to reach the local people may appear as the only viable option to donors, there is no denying that such an act is a double edged sword which may further *entrench* the fragile state phenomenon; in such a situation the relative capacity of the state to fulfill its responsibility is further debilitated. The liberal/neoliberal dispositif accords a privileged position to civil society vis-à-vis the state in the Global South. Civil society organizations are a significant part of the R2P paraphernalia to help it realize the goals of the pillars, especially one and two. Besides operationalization, civil society is seen as the fountain of R2P since the latter is ‘a bottom-up, not top-down, enterprise’ created in no small measure by ‘movements for human rights, humanitarian affairs and human security’ and efforts of ‘norm entrepreneurs—Bernard Kouchner, Francis Deng, Gareth Evans and Kofi Annan’ (Luck 2012: 39-40). The foregrounding of civil society is inevitable in the R2P regime as the state’s sovereignty is under scrutiny, some *sort of* responsibilities of governance need to be temporarily transferred to non-state surrogates. Thus in addition to civil society actors other non-state entities like regional organizations (e.g. the Economic Community of West African States (ECOWAS) and the African Union (AU)) are expected to be proactive in the promotion and operationalization of R2P.

### **7.3.3. R2P as the Imperative to Refine/Redefine Sovereignty for Responsible Protection in the Humanitarian Age**

The ICISS’s casting of the R2P premise as ‘sovereignty as responsibility,’ is easily the most discussed aspect of R2P. Though this principle may have begun (and in some quarters still serves) as a reprimand to an errant state that can then be legitimately stripped of its sovereign robes, R2P advocates propagate the argument that R2P is an

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affirmation and strengthening of the principle of sovereignty. This latter reassurance is key in the increasing of R2P's support base amongst nation-states. This reassurance has had to be constantly reiterated by the Secretary-General in his annual reports on R2P. Despite this the likelihood of R2P being misused by the powerful states for their own ends continues to be a concern of many countries of the Global South. As a result the General Assembly's endorsement of R2P, during its annual debates on R2P, is accompanied with the insistence of the inviolability of the principle of sovereignty.<sup>226</sup>

The fear of R2P being a Trojan horse of twenty-first century imperialism gained credence after the 2011 intervention in Libya when some Security Council members expressed a 'buyer's remorse' at the way R2P was used (Luck 2011: 392). Advocates of R2P do not dismiss these concerns but point out that today certain humanitarian crises make intervention inevitable. In this scenario R2P is an invite for the international community to prepare itself 'normatively, organizationally, and operationally' and choose whether intervention is 'ad hoc or rules-based, unilateral or multilateral, and divisive or consensual' (Thakur 2013: 62). R2P as a 'multilateral' response can circumvent its misuse by the powerful countries (Luck 2011: 396). What is, therefore, being suggested is that instead of withdrawing, the Global South states should take ownership of the concept through the multilateral forum of the UN. It is perhaps for this reason that the OSAPG, ICRtoP, and GCR2P put equal emphasis on working to mobilize member-states both at the UN headquarters and at the national capitals. Working through the capitals is necessary, as R2P must be integrated 'into notions of national interests and hierarchies of national security priorities' (Luck 2011: 395). Indeed it is argued that mainstreaming R2P at the UN itself requires mobilization of national governments who have the capacity 'to take on the concept and run with it. Therefore, a network of states

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<sup>226</sup>This paradox of the simultaneous affirmation and undermining of the concept of sovereignty is an acknowledgement of the power of the *sovereignty discourse*. R.B.J. Walker's writings are a helpful guide in this context: The story of transcendence of sovereignty 'is itself produced by sovereignty, largely by rescripting a number of other stories through which sovereignty is itself constituted' (2002: 10; also see Walker 1993, 2010, 2015).

like the ‘Group of Friends of R2P’<sup>227</sup> championing R2P will help the Secretariat to be more forceful in that area’ (Andrea Bartoli in interview August 2013). Acknowledging the limitations of the bureaucratic progress with which he has been so closely involved, Edward Luck says that reports and resolutions are only instruments for the end of ‘changed behavior.’ Therefore, the final test for the success of R2P lies in the ‘capitals and in fields, not in the UN conference halls’ (2012: 39). Since the UN is a ‘membership club’ (Andrea Bartoli in Interview August 2013; Weiss in Interview August 2013), the OSAPG work gives special attention to working (i.e. advocacy and lobbying) at the national capitals. Clearly these national capitals are not just some geographical points but multiple nodes in the international power network. The UN’s ‘executive action’(s) such as R2P (Orford 2011) have to take this strategic power field into account.

Sovereignty’s continuing significance is evident from the fact that even the theoretical dilution or re-definition of sovereignty cannot take place without the consent of the states. If the overwhelming number of states wants to hold on to the Westphalian notion of sovereignty, then a question needs to be answered: How did R2P, premised on a conceptualization of sovereignty that does not *strictly* conform to the Westphalian definition, emerge and receive support from a large number of *sovereign* states at the 2005 World Summit? This issue must be discussed from various dimensions. The Westphalian notion of sovereignty is only a Weberian ‘ideal type,’ the reality of sovereignty has not always or strictly conformed to this model. An understanding of sovereignty must note its two forms: sovereignty as authority/legitimacy/recognition (i.e., the Westphalian notion), and sovereignty as capability/power. Great powers have often transgressed the sovereign boundaries of weak states as is evident from the phenomena of colonialism and neocolonialism. Colonial and neocolonial interventions are not

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<sup>227</sup>The Group of Friends of R2P is an informal cross regional group of UN member-states that seek to advance R2P within the UN system. It is co-chaired by the Netherlands and the Republic of Rwanda. Its members include: Argentina, Australia, Bangladesh, Belgium, Botswana, Canada, Chile, Costa Rica, Côte d’Ivoire, Czech Republic, Denmark, European Union, Finland, France, Germany, Ghana, Guatemala, Hungary, Italy, Liberia, Liechtenstein, Luxembourg, Mali, Mexico, Morocco, Mozambique, New Zealand, Nigeria, Norway, Panama, Republic of Korea, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Sudan, Sweden, Switzerland, Tanzania, United Kingdom, United States and Uruguay (see GCR2P 2014).

understood as being motivated by personal ambition or greed of individual leaders but as the structural logic of an economic system that has an inherent need to expand (in terms of markets and raw materials) (Enloe 1989; Frank 1966, 1967; Lenin 1966; Marx 1919) in order to survive and prosper. Decolonization, democracy, and human rights movements in the twentieth century delegitimized colonial style interventions (military, economic, and cultural), which were then replaced by the relatively subtle form of neocolonialism (economic and cultural). Others point out that irrespective of this practice, ‘the western powers did not challenge the norm per se of intervention’ as the ‘organizing principle of international relations.’ This changed with the intervention in Kosovo whereby the Western states promoted the ‘emerging norm of “humanitarian intervention”’ (Thakur 2015: 8-9).

We may recall here that from the beginning the Westphalian notion of sovereignty has always been the reciprocal norm of non-intervention. The earliest example of this was when states agreed to tolerate foreign ‘islands’ of sovereignty within their territories (i.e., diplomatic representation and immunity). Some of the oldest customary rules of international law recognize legitimate intervention (e.g., the principle of State Responsibility). The fact is that in the Westphalian notion of sovereignty, ‘domestic jurisdiction’ is a malleable concept and the scope of states’ domestic jurisdiction (and right to non-intervention) has progressively shrunk, while the scope for external intervention has widened.

R2P advocates emphasize that the international situation today makes intervention imperative and therefore the more useful discussion is how to ensure that military intervention is a multilateral and not unilateral act (Luck 2011; Thakur 2015; Weiss 2011). The urgency of intervention finds endorsement even in the critical voice of Jurgen Habermas who defended US action in the Gulf War since it had the support of the UN (1991: 10). Military intervention’s legitimacy is contingent on the ‘intended moral and political goals’ and its adherence to ‘procedural legal rationality’ that is it must be in accordance with international law (Hohendahl 1994: xviii). Notably Habermas was critical of US action in Iraq (2003) as it was without the support of the UN Security

Council (McCormack 2010b: 16). The reason why I am bringing in Habermas's view into the discussion is because this putative *critical voice* echoes the liberal argument. This distinction 'between power that is based on relations of domination and force, and power that is legitimate because it is predicated on shared norms' (Wheeler 2000: 2.) is similar to the liberal rationale that seeks to give legitimacy to the principle of R2P by making its operationalization a multilateral act.

It is in this lineage we must place the first conceptual utterance of 'sovereignty as responsibility' that was made by Francis Deng. Further we must contextualize this proposal of the larger discursive frame of the liberal/neoliberal security/development dispositif since 'sovereignty as responsibility' was seen as useful template to resolve problems of conflict management in Africa that was, particularly since the 1990s, seen as being plagued with innumerable political and economic conflicts (see Deng, Kimaro, Lyons, Rothchild & Zartman 1996). Thus we see that morality, protection, responsibility, and sovereignty are key themes of R2P and of the larger liberal/neoliberal security/development dispositif. The commonality, it must be underlined, is not just in the themes, but also in their meanings. I elaborate on this subject in section 4. The next section, a brief summary that distils certain aspects of R2P from the discussion so far through concepts of governmentality and biopolitics, serves as a useful segue.

### **Section 3**

## **7.4. R2P Through the Lenses of Governmentality and Biopolitics**

Using the concepts of governmentality and biopolitics, this section delineates aspects of R2P that emerge from the discussion so far. *First*, it follows that R2P is not just a measure to be employed in the future but also a normative condition that must always be present in sovereign states because the states and the international community are fulfilling their respective responsibilities (to protect). Sovereignty as responsibility requires that state actions and policies (long term and short term) lead to and ensure

protection of the population from atrocity crimes (pillar one). The international community through organizations like the UN must aid in building the capacity of the state to do so (pillar two). The normative expectation in the notion of R2P is that its pillars one and two are always in the operational mode, they are in a perpetual state of being as they prevent atrocity crimes. R2P and its premise, sovereignty as responsibility, expect the *normative normal* national condition to be a robust and continuous exercise of pillars one and two measures. The invocation of R2P's pillar three is necessitated by an *abnormal* national condition that is a consequence of the failure of pillars one and two; pillar three is an exceptional measure. To summarize, in the R2P postulation pillars one and two must be eternally present in the *normal* national condition, indeed these two pillars make the normal possible; their absence results in an *abnormal* national condition which in order to be *normalized* must be re-infused with R2P (pillars one and two) through pillar three: The three pillars 'must be ready to be utilized at any point, as there is no set sequence for moving from one to another, especially in a strategy of early and flexible response' (A/63/677/2009/para12).

*Second* the UN's early warning and surveillance mechanisms are important components in the operationalization of R2P (UNOGPR2P 2014). The ontological premise of surveillance mechanisms, including assessment of *risk* situations undertaken by the UN, is that the threat (of atrocity crimes) is ever present in the conditions that prevail in certain countries. Though not named, it is obvious that the reference is primarily to countries of the Global South. The assumption is that efficient surveillance and risk assessment can lead to the termination of plans of atrocity crimes. The significance and need of surveillance mechanisms is an admission that other preventive measures of pillars one and two have not yet been able to expunge structural causes of atrocity crimes: 'Effective action under pillars one and two may make action under pillar three unnecessary. Pillar three action should also contribute to the future achievement of pillar one goals' (A/66/874-S/2012/578/para15). It can be argued in defence of these other measures that since prevention and rebuilding are projects of long periods of gestation, surveillance and risk assessment exercises are important in the short-term. The

*Framework of Analysis for Atrocity Crimes* and the OSAPG organized training workshops<sup>228</sup> based on it, serve as the discursive panopticon of R2P. Timely preventive action is made contingent on the routinization of surveillance (see A/67/929/2013/para13).

*Third*, the notion of responsibility under R2P is almost all encompassing of the international, national, and local domains,<sup>229</sup> the entities of which are expected and exhorted to not be mute spectators but active stoppers of atrocity crimes. R2P's *responsible* actors include macro entities of state (pillar one), regional organizations (pillars two and three), and international organizations (pillars two and three) and the micro entities of individuals including both the leader and the ordinary citizen.<sup>230</sup> In addition to the multiple actors, the expansive nature of R2P's concept of responsibility manifests in wide-ranging forms and content of responsibilities expected of these actors. Despite the segregation of responsibilities, there is an overlap in both the content and temporality of the transaction of these responsibilities; there is no 'rigidly sequenced strategy' of the three pillars (A/63/677/2009/para50).

Regarding the content of the three pillars' respective responsibilities, each contains slices of both prevention and rebuilding. The responsibility of the state under pillar one requires preventive measures that include the establishment and strengthening of political institutions (good governance), addressing the root causes of atrocity crimes that exist in economic and social structures. Responsibilities of regional and international organizations involve similar preventive measures so as to assist the state in building its capacity in the aforementioned tasks. These preventive measures involve what the

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<sup>228</sup>See <http://www.un.org/en/preventgenocide/adviser/training.shtml>

<sup>229</sup>Pillar one is the protection responsibilities of the state. Pillar two is international assistance and capacity building responsibility of international community. Pillar three is the timely and decisive response of the UN Member States (A/63/677/2009).

<sup>230</sup>Individual responsibility must be fostered as 'even in the worst genocide, there are ordinary people who refuse to be complicit in the collective evil, who display the values, the independence and the will to say no to those who would plunge their societies into cauldrons of cruelty, injustice, hatred and violence. We need to do more to recognize their courage and to learn from their actions' (A/63/677/2009/para27). The responsibilities of individual leaders and citizens by implication are present under all three pillars.

peacebuilding literature (including that of the UN) calls rebuilding or peacebuilding tasks undertaken in *post*-conflict situations (Lederach 2003, 2005a, 2005b; *Agenda for Peace* 1992; A/RES/60/2005; S/RES/1645/2005; also see 2001 ICISS Report). The application of *post*-conflict measures as preventive devices should not surprise us since the *normal* conditions (of fragile economies and unstable political regimes) in some countries of the Global South is understood as being equivalent to that of situations of violent conflict. If such is the normal condition of a country then it is close to defaulting on its responsibility to protect. Preventive measures of rebuilding—lively and robust civil society, independent press, independent judiciary, strengthening national institutions that make possible good governance (A/67/929/2013/para47; A/63/677/2009/para17), promotion of economic development and prosperity, reduction of corruption (A/67/929/2013/para45) must be undertaken to avoid the state renegading on its sovereign promise of R2P.

Under the pillar two stipulation regional organizations and the international community must expand development assistance to the ‘bottom billion’ that ‘enhances equality and social justice’ thereby contributing in the prevention of atrocity crimes (A/63/677/2009/para43). The third pillar of ‘timely and decisive response’ from the international community is comprised of not just the Security Council sanctioned military action but also ‘a wide range of non-coercive and non-violent responses under Chapters VI and VIII of the Charter’ (A/63/677/2009/para51). Preventive deployment option is also available under pillar two (A/63/677/2009/para41). Thus ‘the three pillars relate to and reinforce each other’ (A/66/874-S/2012/578/para20).

*Fourth*, R2P is also about educating, guiding and disciplining errant states and their populations so as to generate good governance for good behavior. This education cannot always be conducted in a deliberative mode because a pathologized entity (the errant state) is not easily persuaded through reason alone; therefore, a promise or fear of punishment is required. To explain this further, for example in order to ensure that a State fulfills its responsibility under pillar one, it may need to be educated, trained, or be

persuaded (publicly or confidentially) by other States or international<sup>231</sup> and regional organizations (see A/63/677/2009/para24). This latter action requires activation of pillar two (A/63/677/2009/para30). When a State is too weak to stop the commission of atrocity crimes by an armed opposition, the international community could provide military assistance to the ‘beleaguered State.’ Pillar two’s military assistance, persuasive measures and positive incentives ‘supplement the policy tools under pillar one and complement those under pillar three because none of the pillars is designed to work in isolation from the others’ (A/63/677/2009/para30). *Therefore*, these three pillars are not just evidence of R2P’s embeddedness in the UN’s security/development dispositif but its imbrication in the entirety of the dispositif.

*Fifth* a liberal/neoliberal argument of ‘veridiction by the market’ (Foucault 2008: 32) informs the articulations and practices of R2P. The good governance discourse that prevails in pillars one (state responsibility) and two (international assistance and capacity building) is a liberal/neoliberal one. Pillar three (timely and decisive action) includes the mechanism of coercive intervention not just to save lives but also to bring order in a polity and society that is unable to bear the costs of neoliberal economic policies. That is the harsh economic consequences of these policies lead to the play of zero sum politics in an economy of scarcity in which refuge in ascriptive identities ensures relatively greater chances of accessing a slice of natural resources.<sup>232</sup> R2P advocates’ defence of R2P is often within the liberal/neoliberal trope. For example, as a UN official remarked that developing states should abandon the colonialism bogey and look inside and reflect on their own flaws and take ownership of their faults. R2P is a reminder and an opportunity to self-monitor. Developing states should get out of the ‘trade union’ mentality of banding against legitimate questions and concerns raised by other members of the

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<sup>231</sup>This would include the services of the ‘United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees, the Emergency Relief Coordinator, the Special Adviser on the Prevention of Genocide, other special advisers, special representatives and envoys of the Secretary-General, and ranking officials of the United Nations, its development agencies and the Bretton Woods institutions’ (A/63/677/2009/para 30, also see para 33).

<sup>232</sup>Atul Kohli makes this argument as an explanation of populist politics and democracy in developing countries (1994).

international community (Anonymous Under-Secretary-General 2 Interview, August 2012). Clearly what is being privileged here is the liberal/neoliberal ethos of individualism that decries the collective. Self-monitoring and individual responsibility are technologies of liberal/neoliberal governmentality.

## Section 4

### 7.5. R2P's Act of Debris Collector: A Discursive Rearticulation of the Liberal/Neoliberal Security/Development Dispositif

In this section I argue that R2P is a measure to collect the debris of responsibilities left by the receded embedded liberalism in the neoliberal era. Indeed the criticisms of the neoliberal economic consequences have compelled its advocates to inject some degree of (re)-embedded liberalism so as to mitigate the harsh effects of neoliberalism (see Abdelal & Ruggie 2009; Craig & Porter 2006). The UN, World Bank, IMF and other international bodies along with national actors are aware that the context of globalization has made national borders more porous whereby the domino effects are fast tracked. The 'global governmentality' (Larner & Walters 2004) of these international institutions aims to quarantine the *dangerous* condition of the *local* through measures such as R2P. We must note this instrumentality of R2P like responses goes beyond the altruistic impulses of an international people who come together ephemerally to voice ethical and moral concerns about famine and genocides in different parts of the world. R2P clearly is not a form of charity but governments often tap into their citizens' emotional impulses and bleeding hearts for the faraway unfortunate innocent fellow human beings to legitimize coercive intervention under R2P (see Chandler 2003). R2P wrapped in this moral discourse gets reduced to a constricted view of pillar three as military intervention. R2P operationalized as such provides to the affected population only temporary relief of freedom from fear while its freedom from want remains a distant dream. 'Barefoot morality'<sup>233</sup> does not see the problem as a manifestation of a systemic

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<sup>233</sup>This is an improvisation of the Sidney Verba's (1967) term, 'barefoot empiricism.'

flaw and therefore does not provide a long-term solution that requires preventive and rebuilding measures promised by pillars one and two. Upscaling governmentality to the global level reveals how the Bretton Woods regime projects the neoliberal global economy not as the cause of but a panacea for global economic problems. Questioning this benign *disposition* of neoliberalism are critics who point out the deleterious effects of neoliberalism—‘emergence of a ‘debt economy’<sup>234</sup> (Balibar 2013; Lazzarato 2012), the increasing economic inequalities within and between states (Harvey 2004, 2006; ICISS 2001: 3.8;<sup>235</sup> Mazur 2000; Picketty 2014; Stiglitz 2002), emergence of the ‘precariat as the new dangerous class’<sup>236</sup> (Standing 2011; also see Munck 2013); the political and economic instability, ‘new wars’ and violent conflict (Bond 2004; Demmers 2005; Duffield 2001b; Saad-Filho 2004). Understanding neoliberalism, imperialism and globalization as part of a continuum (Saad-Filho & Johnston 2004: 2) reveals measures like R2P as liberal/neoliberal technologies.

To explain this further, the simultaneity of the timing of the neoliberal discourse and good governance discourse is not a coincidence; indeed they can be termed tautological in content and intent. The World Bank and the IMF’s good governance

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<sup>234</sup>Maurizio Lazzarato discusses how in the late 1970s neoliberalism changed the structure of the creditor-debtor relationship that can be traced to the history of Christianity. Neoliberalism’s debt economy creates the subject – the ‘*homo debitor*’– who has the moral responsibility to repay debt and carry guilt (Charbonneau & Hansen, 2014: 1040).

<sup>235</sup>Indeed the ICISS Report points out the necessity for robust development assistance so that the international community fulfills the prevention responsibility beyond mere espousal of rhetoric. It criticizes the trade policies of rich industrialized states that impose unfair restrictions on the developing countries making it difficult for the latter to repay debts or ‘meet the social and economic needs of their populations’ (2001: 3.8). There is in this a hint about global structural inequalities.

<sup>236</sup>Precariat, a neologism, combining the words precarious and proletariat denotes a new class, which according to Guy Standing (2011) is a result of the second phase of proletarianization. This class lacks traditional labour security (i.e. ‘adequate income-earning opportunities’ and secure social income and work-based *identity*) (12). It is dangerous as it often uses its feelings of ‘anger, anomie, anxiety and alienation’ (19) to demonize vulnerable social groups e.g. immigrants who are then blamed for poaching jobs and resources over which the precariat claims rightful entitlement. They fail to see ‘that the social and economic structure is producing their common set of vulnerabilities. Many will be attracted by populist politicians and neo-fascist messages, a development already clearly visible across Europe, the United States and elsewhere’ (25). This view is criticized for seeking to universalize an argument that ignores the experience of the South. Also, though Standing distances the precariat from Marx’s concept of the lumpen proletariat, it is considered as essentially being in the same genealogy (Munck 2013: 758-759.).

prescription recommends the adoption of free market, democratic and transparent governance, and human rights as instruments to help the South achieve economic prosperity, reduction of poverty, rule of law, and make the public sector accountable and corruption free (Demmers, Jilberto, & Hogenboom 2005: vii-viii). The good governance discourse introduces and enables operationalization of the neoliberal agenda, plus by default lends further legitimacy to neoliberal principles. This legitimacy is made possible by the very nomenclature of good governance, the adoption of good governance measures by a state implies an acknowledgement of its past practices as manifestation of bad governance. Having made this implied admission, the local (state and its population) must dutifully take ownership of the ‘failures’ that plague their economy and polity. If post the adoption of good governance, the old problems persist or new ones emerge, then they can be blamed on the congenital traits of bad governance that have not yet been fully exorcised from the country. The aphorisms— Old habits die hard; Rome was not built in a day—could serve as pithy neoliberal explanations! The good governance template also informs conflict resolution/transformation/peacebuilding discourse of the liberal/neoliberal security/development dispositif sans the military option (which is however always present, albeit, in the background as a last resort) (see Carothers 2006; Chandler 2009; Cousens & Kumar 2001; Duffield 2001b; Paris 2004; Suhrke & Buckmaster 2006; Woodward 2002). It is also present, as the above sections have shown, in R2P’s pillars one and two that encompass a range of measures to fulfill the responsibilities of prevention and rebuilding: ‘Democratization and marketization’ are key elements in post-conflict peacebuilding missions (Paris 2004: ix).

R2P’s accent on the primacy of responsibility of the state is in consonance with the neoliberal and good governance discourse that engineers states and their populations to be good neoliberal cadets. The good governance approach is an attempt to depoliticize governance but such sanitized notions of politics cannot empower people (Demmers, Jilberto, & Hogenboom 2005: viii). The creation of neoliberal subjectivities of the responsible *and* guilty state (and most often its population or a section of it) has implications for the principle of sovereignty. Foucault observes that neoliberals no longer

conceive *homo economicus* as the subject of exchange and the market but as an entrepreneur (of the self). Étienne Balibar (2013) and Lazzarato (2012) make similar observations in the context of the neoliberal ‘debt economy.’<sup>237</sup>

These workings of the international economy reveal the disjunction between the theory and practice or reality of sovereignty, that is, the principle is not sacrosanct and is diluted of its Westphalian normative omnipotence. R2P’s advocacy of sovereignty as responsibility merely echoes the practice of sovereignty in the liberal/neoliberal security/development dispositif. One of the most prevalent manifestations of neoliberal economic crisis is in the form of debt which ‘constitutes the most deterritorialized and the most general power relations’ of the neoliberal power bloc. Through this latest form of neocolonialism, neoliberal institutions act ‘at the global level, affecting entire populations, calling for and contributing to the ethical construction of the indebted man’ (Lazzarato 2012: 89). The state’s ‘regal prerogative’ of monetary sovereignty is neutralized by the neoliberal international financial institutions (IFI) (Lazzarato 2012: 99). The conditionalities imposed by the IFIs necessitate the withdrawal of social spending (Lazzarato 2012: 103) by the states in the Global South, example, food subsidies. Privatization of public sector institutions, particularly those of education and health, has an immediate effect of increasing the economic burden of the least well off in society.<sup>238</sup> The IFI conditionalities create conditions for resistance to it forcing

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<sup>237</sup>Since the 1980s ‘Third World’ debt crisis which saw the imposition of punitive measures of the IMF’s structural adjustment programs, the political question of ‘legitimate and illegitimate indebtedness’ was raised. Subsequently, the World Social Forum campaigned for cancellation of debts that are a form of neocolonialism. The debts from result the uneven relationship between the North and the South: ‘The Global South (already exploited as a source of mining and agricultural raw materials) is really trading promises of development against an accumulation of obligations. Underdeveloped ex-colonial countries are serving a continuous flow of interest to the North, whose sum total largely overcomes whatever they have received: so that in fact they repay their debts not once or twice, but indefinitely’ (Balibar 2013).

<sup>238</sup>‘The transformation of social rights into debts and beneficiaries into debtors is part of a program of “patrimonial individualism”...whose basis is the assertion of individual rights, but according to a completely financial conception of these rights, rights understood as “securities”...the beneficiary as “debtor” is not expected to reimburse in actual money but rather in conduct, attitudes, ways of behaving, plans, subjective commitments, the time devoted to finding a job, the time used for conforming oneself to the criteria dictated by the market and business itself...in other words, debt reconfigures biopolitical power by demanding a production of subjectivity specific to the indebted man’ (Lazzarato 2012: 104).

neoliberalism to develop a 'human face' (Arestis & Sawyer 2001: 275; Cornia, Jolly, & Stewart 1987).

The improvisation of neoliberal economic policies was also driven by the domestic compulsions of states in the North. The introduction of 'Third Way'<sup>239</sup> politics and economics in the US, UK, and Germany in the 1990s represented a new or rather revised version of Keynesianism. The 'Third Way' admits the necessity of the free market but tempers it with state interventions to ensure that the economy 'remains cohesive, inclusive, and egalitarian' (Anthony Giddens in Arestis & Sawyer 2004: 181). At the international level the 'third way' arguments were found in the proposal for a post-Washington Consensus where policies would be "sustainable", "egalitarian", and "democratic" and the state was no longer regarded antagonistic to the market but as an entity that could learn to be 'market friendly.' Despite these evocative terms of social justice the post-Washington Consensus is not a radical departure from its predecessor in terms of 'methodology and policy recommendations' which remain loyal to the principles of 'free trade and economic openness' (Lesay 2012: 185-190). The terms 'embedded liberalism,' 're-embedded liberalism,' 'third way,' 'new Keynesianism' and 'post-Washington consensus' may be regarded as synonyms as they all play notes in a strain not very different from another collection of synonyms- neoliberalism, free market, and Washington Consensus.

The humanizing of neoliberalism is aimed at retaining/recovering the legitimacy of the free market economy, it is not aimed at regaining the nation-state's omnipotent sovereignty. Contrary to this *march of history* the political discourse in the nation-states regards sovereignty as an inviolable feature. R2P advocates reassure that recognition of sovereignty as responsibility, strengthens the principle of sovereignty since external military intervention is only the very last resort and is undertaken only under exceptional circumstances. Most countries of the Global South view the threat to sovereignty

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<sup>239</sup>The 'Third Way' approach is associated with UK Prime Minister, Tony Blair, US President, Bill Clinton, and German Chancellor, and Gerhard Fritz Kurt Schroeder.

emerging mainly from great power military intervention, in the process non-military sites like monetary and finance are viewed from the point of view of domestic economic stability and not as a compromise on principles of sovereignty. Thus states have become active participants along with global forces to ‘partially’ disassemble their respective national structures (Saskia Sassen in Abrahamson & Williams 2009: 5).<sup>240</sup> Therefore, R2P’s pillars one and two find endorsement in the General Assembly even though they merely re-state principles of good governance which as discussed above is an accompaniment of neoliberal economic policies that create neoliberal subjectivities of states and their populations. These paradoxes help us understand that while states of the Global South continue to be skeptical about R2P as humanitarian intervention in disguise, the philosophical roots<sup>241</sup> of R2P are traced to Africa i.e. the Sudanese Diplomat, Francis Deng’s conceptualization of sovereignty as responsibility and the African Union’s (AU) Constitutive Act’s adoption of the principle of non-indifference replacing the Organization of African Union’s Charter’s principle of non-intervention.<sup>242</sup>

Regional organizations along with civil society organizations are important actors in the neoliberal regime as the state’s functions are trimmed because of the logic of free market principles that want minimal interference by the state in the economy. There is another reason why the non-state entities are more important in some parts of the Global

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<sup>240</sup>“We generally use terms such as deregulation, financial and trade liberalization, and privatization to describe the changed authority of the state when it comes to the economy. The problem with such terms is that they only capture the withdrawal of the state from regulating its economy. They neither register all the ways in which the state participates in setting up the new frameworks through which globalization is furthered, nor do they capture the associated transformations inside the state...” (Saskia Sassen in Abrahamson & Williams 2009: 5).

<sup>241</sup>Edward Luck points out two distinct intellectual traditions from which R2P originates: ‘The humanitarian intervention track, associated with Bernard Kouchner’s advocacy of the right to interfere (intervene) in the 1980s, led to a series of speeches by Secretary-General Kofi Annan and in the late 1990s, culminating in his well-crafted but ill-fated speech to the GA in Sept 1999. On a less heralded track, Francis Deng and others developed the notion of sovereignty as responsibility in the mid-1990s. It was embraced first by ECOWAS and then the AU in Article 4(h) of its 2000 Constitutive Act.’ The OAU’s ‘credo of non-interference was replaced by the AU’s emphasis on non-indifference. All of this...preceded the coining of the phrase “responsibility to protect” by the farsighted’ ICISS (2012: 40).

<sup>242</sup>Article 4(h) of the AU Constitutive Act states ‘the right of the Union to intervene in a member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity.’

South. As discussed earlier in the chapter, donor agencies tend to bypass most states in the Global South and reach directly to civil society organizations as the states are deemed as *failed/failing/fragile* and corrupt and lacking administrative capacity. Keeping this faith in the virtue of civil society organizations are the Secretary-General's<sup>243</sup> assertions of their role in operationalizing R2P's pillars one and two.

To summarize the arguments of this section: The post-Second World War order was marked by a philosophy of expansive political and economic responsibilities. The UN, World Bank, and the IMF's assumption of these responsibilities was described as embedded liberalism (Ruggie 1982) while at the domestic level the welfare state model pledged a similar promise. Though the era of neoliberalism began by truncating the responsibilities of the international organizations and the states, economic and political crisis (e.g. debt, intra-state wars and mass killings as in Bosnia, Srebrenica and Rwanda) forced these entities to (re)pick up the discarded responsibilities (although, in smaller measures). At the international level, this assumption of responsibilities took the form of measures such as human security, protection of civilians, Peacebuilding Commission, and R2P. At the domestic level the discarded responsibilities were resumed partly by states but mainly by civil society organizations. Sophie Harman and David Williams in their study of international development detect a 'shift in thinking' among the development actors (donor and recipient countries, international organizations like the World Bank) that questions 'the utility of market-based policy prescriptions and re-emphasizes the role of the state in the development process' (2014: 926). Understanding the complexity of the neoliberal economy requires taking into account its constant improvisations, since neoliberalism is 'as much a journey of mistakes and unintended consequences as one of intentional domination over the developing world' (Beardsworth 2011: 159). Liberal governmentality is always a work in progress, constantly evolving and adapting (Foucault 2008). It is this ability to improvise in response to challenges that even in its moment of

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<sup>243</sup>See Secretary-General's annual reports on R2P.

crisis of legitimacy liberalism springs up in a new avatar. Avatars<sup>244</sup> are not exact replicas and therefore may *appear* different but they embody the same spirit. Re-embedded liberalism is not simply a return to embedded liberalism. The liberal *mentality* is now improvising on neoliberal policies so that it can incorporate what Brian Burgoon terms as the ‘causal harmony between’ the two components of embedded liberalism—‘economic openness and social protection’ (2013: 5).

### 7.5.1. R2P Enterprise as Reinventing the Wheel

The analysis of R2P so far has shown that even though it has been projected as a new way of thinking about an old problem (i.e. of humanitarian intervention), advocates of R2P emphasize its embeddedness in the UN Charter and the existing international law:

The RtoP is an important innovation not a radical departure. It is based on the existing body of law, not on novel theories. To the extent possible, the Secretary-General’s implementation strategy seeks to use the existing tools, procedures and institutions, rather than invent new ones. By combining established elements in fresh combinations, the whole has the potential to be much more than the sum of its parts....adapt current machinery to higher purposes (Luck 2012: 39).

R2P is seen as: a catalyst for the other UN agencies to do their job (Anonymous OSAPG Officer 3 Interview 2012), an indicator of the poor or non-implementation of the existing duties in this field (Hoffmann & Nollkaemper 2012b: 359), ‘a facilitating norm for harnessing political will and buttressing the legitimacy and credibility of contemporary peace operations’ (Hunt & Bellamy 2010: 5). For Simon Adams, Executive Director of GCR2P, R2P’s relevance lies in being a corpus or framework that includes conceptualization of sovereignty as responsibility, global responsibility to protect populations from mass atrocity, and the three pillars: ‘If R2P is about prevention, it is about development, peacekeeping, rule of law, tolerant and stable societies. This

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<sup>244</sup>I derive the meaning of the word, avatar, from the Hindu scriptures. God at different times assumes different avatars (including in the form of half human and half animal as in the case of Lord Vishnu’s avatar of Narsimha) to right the wrongs of the corresponding ages.

requires a whole and not part-system wide approach' (Interview August 2013). This template of R2P thus lays claim to the entire UN security/development dispositif. But if R2P is omnipresent in the UN does it not make redundant or superfluous the office of the SAR2P? Francis Deng admits that although R2P has not added anything new in the UN's tools to respond to conflict and crisis, it has sharpened 'our consciousness of the problem' whereby mobilization of the relevant tools and actors can be undertaken (2010: 86). Andrea Bartoli using the metaphor of the doctor explains the relevance of SAR2P:

We need a doctor who is a generalist and a specialist. Likewise we need a generic UN in the sense of political processes that will lead to resolution of conflicts and good governance. At the same time you need a specialist UN that knows about certain kind of threats. UN is always an idea in the making, so new offices become possible (Interview August 2013).

R2P's claim to the generic goals and tools of the UN security/development dispositif do not go uncontested. For example, the General Assembly noted that the notion of human security is distinct from the responsibility to protect and its implementation (A/RES/66/290/2012/para3d). The irony is that the General Assembly's endorsement of R2P emphasizes the prevention and capacity building goals of pillars one and two that echo the human security agenda. It is the foregrounding of these two pillars and the relative recession of the third pillar that *speeded up* the incorporation of R2P at the General Assembly. The General Assembly can be flawed for the contradictions in its avowals or it can be pardoned for being tempted by the protection mandate of R2P. Perhaps the observation of a UN official would help understand the General Assembly's dilemma: 'Having pointed out what is wrong with R2P, I must admit that it has some good points...As you can see I am quite schizophrenic about the concept' (Anonymous DPKO Official Interview August 2013). This dilemma informed the thinking of most UN officials and academics that I interviewed. They admitted that it is difficult on most, if not all, times to decide whether R2P is the virtuous elixir or the forbidden fruit.

This difficulty can be understood by noting that the UN Charter aspired to be a panacea for social, political and economic ills that plagued the world (See the UN

Charter's Preamble). Its conceptualization of security (as collective security) aims to not just maintain international peace and security but also to realize the normative promise of human rights, dignity of human beings, 'equal rights of men and women,' 'social progress and better standards of life in larger freedom.'<sup>245</sup> The Charter recognizes the relationship between security and development and its promise is premised on expansive notions of security and development.<sup>246</sup> These understated and implied understandings, though were formally institutionalized only in 2004 with the establishment of the Human Security Unit (HSU) that was tasked to mainstream human security in UN activities (HSU 2014: 7). The interlude (1945-2004) particularly the 1980s<sup>247</sup> saw the UN sponsored international commissions make articulations of security and development on similar lines. These *new* articulations have not led to the erasure of collective security, they push for reform not the dismantlement of collective security's operator, the Security Council. This is because the concept of collective security in the UN Charter's chapter VII appears as a mechanism, an instrument aimed at confronting military aggression that threatens international peace and security. The expansive or broad articulations of security since the decade of the 1980s are a push for an interventionary UN role in the case for non-military threats. To overcome the limitation of great power politics and agenda that tends to determine Security Council decisions, the Commissions proposed the reform of Security Council and the, creation of an Economic and Social Security Council at par with the Security Council. The debate is about the form and structure of collective security and not about the content of security. However, it is not to deny that the advocates of broad notions of security do seek to bring about some changes in the structure and instruments of collective security to make its decision-making more democratic and reflective of the reality of a post decolonized international order.<sup>248</sup> There

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<sup>245</sup>See Preamble of the UN Charter.

<sup>246</sup>More recently, the Security Council, has used its powers to identify not just military but also non-military issues as threats to international peace and security, examples- HIV/AIDS (S/Res1308 (2000), root causes of armed conflict and political and social crisis (S/Res/1625 (2005), climate change (Security Council debate April 17, 2007), and Ebola virus (Resolution S/Res/ 2177 (2014).

<sup>247</sup>See Chapters 3 and 4.

<sup>248</sup>For example, Security Council reforms.

is no principled opposition or fundamental incompatibility between collective security and human security at the UN. R2P's pillar three relies on the mechanism of collective security to realize a *sub-category* of human security the goal of freedom from fear, that is, of protecting populations from the four atrocity crimes. R2P's pillars one and two aim to achieve the broad human security agenda so as to prevent atrocity crimes.

The above discussion shows that the fundamental or core ideas of R2P are in consonance with the security/development mandate of the UN Charter. The blue ribbon international commissions are also similarly placed vis-à-vis the Charter. There are some themes that are common to the commissions and UN reports post 1980s: a). the issue of questioning the notion of absolute sovereignty; b). the relative devaluing of the state and the promotion of civil society actors as more reliable agents of good governance in the domains of politics, security and development.

The institutional manifestations<sup>249</sup> of R2P at the UN and its emerging legal, normative, and ideational dimensions shows that R2P has been incorporated into the UN, and different departments (elements of the *dispositif*) adopt different aspects of R2P and interpret R2P in accordance with their respective agenda or mandate. This at first glance could lead to the conclusion that various versions of R2P exist within the UN itself. However, on closer scrutiny R2P comes across as a package deal whereby the so-called versions appear only as disputants in regards to its *pillar accent* (i.e. the question about which amongst the three pillars must be emphasized). This insight allows me to appreciate the various facets of R2P as well as the mutations they undergo. This has further helped me in locating R2P beyond the confines of its small office (OSAPG) in other parts of the UN and outside the UN. The INGOs—ICRtoP, GCR2P, and the AP R2P have played a crucial role in R2P's incorporation at the UN and its growing awareness outside the UN.

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<sup>249</sup>See Chapter 6.

The R2P advocacy discourse is so constructed that it retains enough fluidity to not be a conversation stopper. This characteristic of flexibility in R2P as a concept allows its advocates to negotiate its meaning(s) and agenda in the context of new questions and challenges. Therefore, some of its former detractors like the UN Department of Political Affairs are its current supporters. This apparent<sup>250</sup> malleability of R2P has allowed different meanings to be imputed to it. The preventive aspects promoted by the Secretary-General's annual reports made possible its acceptance by the GA. Pillar three is where the Security Council has a near exclusive hold of the R2P agenda but since it wants to retain the freedom or option to take or not take military action, it finds it useful to also endorse R2P's prevention aspects (of pillars one and two and non-military actions under pillar three).

The legal, ideational and normative dimensions of R2P reveal that in addition to the specificities like 'sovereignty as responsibility,' R2P also lays claim to generalities of the security/development dispositif including the idea of protection and the accompanying notion of responsibility. The dominant themes of the liberal/neoliberal security/development dispositif are the responsibility and protection mandates. R2P is in consonance with this protection mandate and this is what gives it a *staying power*. Critics of R2P who term it as an imperial design put a mistaken weight behind the *intentions* of the ICISS. The ICISS report was candid in its admission that it was seized with the problem of humanitarian intervention and it had found a solution by reinventing it as a responsibility—a duty, an obligation and not as a right. The extant literature mostly overlooks the fact that the ICISS bowed down to the logic of the security/development dispositif as it was compelled to include the responsibilities of prevention and rebuilding in addition to that of reaction. The additional responsibilities, if we go by the intention argument, may have been a tactical window dressing. However, this has been the selling point and most actively endorsed and legitimizing aspect of R2P. Responsibilities of prevention and rebuilding (ICISS) and pillars one and two (Secretary-General reports)

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<sup>250</sup>I use the word, apparent, deliberately as I am arguing that R2P is a package deal and this is what gives it the strength to withstand conceptual challenges.

have been criticized on count of being ill conceived or too vague and broad to be implemented. Supporters like Gareth Evans, Thomas Weiss, Alex Bellamy, Madeline K. Albright and Richard S. Williamson consider the third pillar's feature—military intervention—to be most important, and advocate its robust application in atrocity crime situations. These criticisms have not led to the erasure of these responsibilities. R2P, thus, despite criticism and attempted dilution of the concept continues to be a package deal. The point I want to make is that it is this embeddedness of R2P in the themes of the existing security/development dispositif enables the incorporation of R2P in the UN even by those actors in the UN who do not like the package, but are compelled to do so by the structural logic of the liberal/neoliberal security/development dispositif.

## **Section 5**

### **7.6. R2P: A Discursive Shift?**

Having analyzed how R2P is a discursive rearticulation, this section reviews the arguments and aspects of R2P that are put forth as evidence of R2P breaking the earlier mold of security(/development) measures. I discuss these and then give reasons as to why these *changes* do not qualify as discursive shift. I, then propose how R2P can be a discursive shift.

My understanding of discursive shift draws from Foucault's genealogy of governmentality. Foucault spoke of the shift or the transformation of the 'state of justice of the Middle Ages' into the 'administrative state during the fifteenth and sixteenth centuries' followed by the 'governmentalization of the state in the eighteenth century.' While the state of justice is a feudal territorial regime of customary or written law, the administrative state is one of regulation and discipline, and the governmental state focuses on the population in its territory by relying upon the 'instrumentation of economic *savoir*' or knowledge (1991: 103-104). Since a discursive field is constituted by relationships between language, institutions, subjectivity and power, discursive

rearticulation can be understood as taking place *within* the existing discursive regime, while a discursive shift indicates a *moving out* of one discursive regime to another. From a Foucauldian lens R2P as discursive shift would require fundamental changes that ultimately result into a liberation *from* the governmentality of the existing liberal/neoliberal security/development dispositif. The *official* discourse of R2P highlights its embeddedness in the *existing* regime of international law (including the UN Charter). Also, R2P's ideational/normative and institutional/operational incorporation into the UN conforms to the *existing* practices of the liberal/neoliberal security/development dispositif. Thus R2P is only rearticulating the rationality of the existing security/development dispositif.

Ideationally/normatively within the circumscribed field of humanitarian intervention—that until recently was hostage to Cold War dynamics of unilateral military action—R2P can be credited with offering an alternative and compelling narrative of the moral imperative to save people. R2P's three pillars strategy employs a 'wider spectrum of responses' and veers the decision-making regarding the action to a multilateral forum i.e. the UNSC (Ramsbotham, Miall, & Woodhouse 2011: 327; also see Thakur 2015). As evident from the above discussion this does not qualify as discursive shift because R2P does not propose or employ any *new* instrument; it only seeks to reactivate the existing panoply of instruments of collective security available under the UN Charter's Chapter VI and VII.

R2P in the ICISS version may be commended for endorsing Francis Deng's envisioning of 'sovereignty as responsibility' (see Deng et.al 1996). This support for a radical *conceptualization* of one of the founding principles of international law could be classified as a discursive shift. The concept of 'sovereignty as responsibility' entails a sovereign state's submission to normative and legal constraints—on the commission of atrocity crimes in its domestic jurisdiction—imposed by an external (if not higher) authority i.e. the international community of states. However, subsequently there was a *conceptual* retreat from this ICISS's exhortation and the Secretary-General's annual

reports<sup>251</sup> underlined how pillar 2 reinforces not undermines sovereignty. So the ICISS's attempt to recast the principle of sovereignty in the context of R2P stands abandoned (see Chandler 2015; Paris 2014).

Institutionally and operationally, the principle of 'sovereignty as responsibility' could be tested primarily in the context of responsibility to react i.e. pillar 3.<sup>252</sup> To qualify as a discursive shift, this pillar of 'timely and decisive action' would have to be on autopilot so that those who intend to commit atrocity crime are stopped at the threshold. This was the ICISS attempt or goal as proposed in the report's chapter 4, 'The Responsibility to React'—how to ensure humanitarian military intervention, how to actualize the 'never again' refrain of the international community post the genocides in Rwanda and Srebrenica (A/63/677/2009/para5). From the ICISS's perspective R2P would be a discursive shift if the international community's<sup>253</sup> *reaction* (including military) were to be certain and immediate; this would also assure R2P's effectiveness as a deterrent. Ironically R2P itself is being deterred not just by *realpolitik* but also by the principle of sovereignty—the very principle it was expecting to revamp.

R2P could be a discursive shift if pillars 1 and 2 *prevent* the very *commission* of atrocity crimes. R2P's pillars 1 and 2 seek to reactivate the ICISS Report's

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<sup>251</sup>The principle was not designed to create a hierarchical structure in which the international community imposes demands or solutions on States. Rather, it reaffirms the fundamental principle of sovereign equality, expressed in Article 2 of the Charter of the United Nations. As sovereign equals, States have both reciprocal rights and responsibilities and participate, as peers, in the creation and maintenance of international rules, norms and institutions' (A/68/947-S/2014/449/para12).

<sup>252</sup>This is not to deny that intervention takes place not just under pillar 3, but also occurs under the other two pillars in military and non-military forms.

<sup>253</sup>Though like during the Cold War, unilateral military action continues, e.g., the French intensifying their military attack on the ISIS in Syria following the Paris attacks in November 2015.

responsibilities to prevent (and rebuild).<sup>254</sup> These two pillars are important as their premise dictates that R2P is not merely geared for action to stop atrocity crimes in the future but must be in constant operation so that even the initial stages of occurrence of such crimes is prevented.<sup>255</sup> An effective art of governance, would then involve the quotidian employment of the techniques of prevention. Prevention can manifest in various ways:

a). A permanent coercive machinery/police/military force<sup>256</sup> that deters violent perpetrators (of atrocity crimes). At the domestic level this role of the protector is performed by the state that could also seek assistance in capacity building from other sovereign states, regional organizations, and the international community (see A/67/929-S/2013/399; A/69/981-S/2015/500). But if the state itself is a perpetrator and not merely a weak incapacitated failing/failed state then the international community's promise of military force must be credible enough to act as a deterrent. From the perspective of governmentality and biopolitics what is significant in this scenario is the prevalence of conflict and the division of population into enemy camps, and the task of R2P is to constrain or keep in check the genocidal tendencies;

b). Prevention could mean forestalling the division of the population into enemy camps which would require addressing the root causes of the enmity. The identification of enemies on the basis of religion, caste, race, ethnicity, nation etc., is not merely a psychological or cultural assertion of identity but an exercise in power relations to access

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<sup>254</sup>The 2013 Secretary-General's Annual Report on R2P underlines R2P's preventive action to address structural and operational factors that would build state capacity to prevent atrocity crimes (A/67/929-S/2013/399/para31), build national resilience (A/67/929-S/2013/399/para35); establish transitional justice mechanisms (A/67/929-S/2013/399/para42); implementation of security sector reform (A/67/929-S/2013/399/para44).

While promotion of economic equality receives mention in paragraphs (A/67/929-S/2013/399/paras45-46), the structural issue gets diluted as corruption and favouritism are pointed out as the major problems. This puts the emphasis back on the need for political institutions reforms i.e. statebuilding.

<sup>255</sup>See the agenda of pillars 1 (A/67/929-S/2013/399) and 2 (A/68/947-S/2014/449).

<sup>256</sup>Therefore the significance of security sector reforms (see A/67/929-S/2013/399/para44; ICISS 2001: 3.24).

or restrict claims to political and economic resources. The concept of biopolitics uncovers modern racism as the bid by those in power to deal with the problem of surplus population created by the free market (Foucault 2008; also see Duffield 2007). Addressing root causes would require equitable distribution of resources so that grievances do not remain. Recommendations of this nature were made in the ICISS Report (2001: 3.22) and the subsequent annual Secretary-General's reports (A/68/947-S/2014/449).<sup>257</sup> *If* an equitable distribution of resources at the global and local levels were to take place, a conceptual wrinkle still remains un-ironed in this hypothetical solution: what is the guarantee that some will not try to avert this situation of equality on grounds of justice (and liberty). This is the classic problem of liberty upsetting patterned principles of justice (Nozick 1999: 160-164).<sup>258</sup> In the context of R2P this problem (i.e. the possibility that the act of distributive justice—a prevention measure to address economic inequality, the structural root cause of atrocity crime—would be undone in the name of liberty; the premise here is that the yearning for liberty is paramount amongst people and they are bound to feel stifled by acts of distributive justice). This problem can be possibly dealt in two ways:

(i). By establishing a smart coercive apparatus (panoptican) that is vigilant and acts as an effective deterrent for any attempt to overturn the act of distribution of economic resources. This would include the range of measures under the third pillar including early warning mechanisms. However, such an apparatus would lack legitimacy because of its compromise or attack on liberty. Also the subtext of the adoption of the panoptican as a solution is an implicit admission that the *will to genocide* amongst the

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<sup>257</sup>There is a need to address 'horizontal inequality in society, which frequently results from the systematic exclusion of particular groups from civil, political, economic, social and cultural rights' (A/68/947-S/2014/449para41).

<sup>258</sup>Robert Nozick argues that the 'entitlement conception of justice' cannot be successfully rivaled by 'alternative conceptions of distributive justice.' This is so because a desired distribution (which he calls D1) in accordance with any of the latter conceptions is likely to be overturned by the play of free will of individuals. Individuals for reasons such as pleasure or services may voluntarily transfer their respective share of property to another. This act of transfer(s) consequently creates a new distribution of resources in society (which he labels D2) that is clearly an unequal allocation of resources. The only way D2 can be prevented is if individuals' liberty is interfered with and they are forbidden from exercising their free will regarding their resources (private property) (1999: 160-162).

population cannot be exterminated, it can only be kept in check through effective surveillance and credible threats of punishment; genocidal tendencies remain, albeit below the surface. From this perspective, the panopticon is a crucial element in the solution to the problem of atrocity crime, but it comes with a high cost i.e. the death of liberty; or

(ii). Have a diluted version of equal distribution of resources that accommodates the principle of liberty so that the distribution is not challenged as unjust. This could be achieved through operationalizing the distribution on the basis of John Rawls' (1999a) 'difference principle' whereby inequalities benefit the least advantaged and they have no stake in changing the national/international unequal order. Versions of this principle already exist—as the welfare state at the domestic level and embedded liberalism/re-embedded liberalism at the international level. Aid and development assistance to the developing world is an example of the same. Since these measures are part of the UN's security/development the Rawlsian solution too is not a discursive shift. Also such economic measures do not always<sup>259</sup> yield the desired end of violence aversion, necessitating the reliance on the coercive element as a preventive mechanism—either as a deterrent or as a punisher that may put the atrocity crime perpetrator away to death or seek to rehabilitate the perpetrator. The International Criminal Court and the UN-assisted tribunals are essential R2P tools for the purpose of punishment (A/63/677/2009/para18). The perpetrator's rehabilitation (particularly in the case of child soldiers), an example of responsibility to rebuild, involves measures like demobilization, education, truth commissions, and other transitional justice mechanisms (A/63/677/2009/para25 and 33; A/67/929-S/2013/399/2013/para42 and 43; A/69/981-S/2015/500/para35). Thus currently prevention under pillars 1 and 2 becomes a matter of avoidance or minimizing of killings and does not focus on the root causes.

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<sup>259</sup>The experience of welfare state policies has not been homogeneous across countries; historical context, institutional structures, and political culture play an important role in determining the success of these policies. For example, Francine Frankel (1978) credits the success of the odd antipoverty programme of India's mixed economy for *postponing* a violent revolution.

This discursive rearticulation is so persistent because of a key trait of liberal/neoliberal governmentality. Liberal/neoliberal governmentality's ability to improvise ensures that it appropriates the language of its own criticism. The quality of this self-critique is such that its core principle (i.e. market as a site of truth veridiction) is retained even as it conceptually expands to address new tasks (e.g. poverty, distribution of resources) pointed out by critics. An equitable distribution of resources is a goal contradictory to the principles of the free market—that has been declared, albeit under the pseudonym of liberal democracy, as the untrammelled victor post the 'fall of communism' (Fukuyama 1992). Issues of equity in this context take the 'trickle down' route whereby a weak degree of nominal equality is achieved with the promise of greater equality in the distant future. Reaching that destination is made the primary responsibility of the concerned sovereign state, while the international community is seen as having fulfilled its bit of responsibility by directing the former to the path of good governance—the putative route that had been taken by the developed states of the North *yesterday*.

Reforming R2P is possible and laudable and probably the only pragmatic possibility to save if not the entire, at least some of the population from atrocity crimes. Efforts on these lines are being made by the UN (e.g. Secretary-General annual reports on R2P) and the UN's civil society accompaniments (e.g. AP R2P's Policy Briefs on R2P<sup>260</sup> and Research Programs<sup>261</sup>). However, they all remain susceptible to charges of being mechanisms of liberal/neoliberal governmentality and biopolitics. Foucault himself said that so far he had not seen any alternative to liberal governmentality (2008: 92), therefore, to perfect R2P is to admit to the continuity of circumstances that necessitate governmentality measures like R2P.

Two observations serve to clarify the meaning and context of discursive rearticulation. *First* my contention—borne by my research analysis—that R2P is a discursive rearticulation should be read as a description of the R2P *condition*. This

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<sup>260</sup>See <http://www.r2pasiapacific.org/r2p-ideas-in-brief>

<sup>261</sup>See <http://www.r2pasiapacific.org/research-programs>

description, *in itself*, is not a criticism of R2P. That is, it does not automatically follow from this description that a). R2P *should or should not* be a discursive rearticulation; or b). R2P *should or should not* be a discursive shift. *Second* the characteristic of discursive rearticulation does not in itself suffice as a reason for success or failure of R2P. This research aims to understand the phenomenon of R2P and its finding is that R2P's incorporation since 2001 has been such that it has conformed to the principles and agenda of the UN's liberal/neoliberal security/development dispositif. How should one read the fact that despite R2P there is continuation of violence and atrocity crimes—e.g., the agenda of organizations such as the ISIS, Boko Haram, and the current Syrian crisis? One reading could be that R2P's prevention responsibilities (pillars 1 and 2) have not been fulfilled and there is also a similar retraction from the promise of the responsibility to rebuild (pillars 1 and 2) e.g., Libya,<sup>262</sup> therefore pillars 1 and 2 must be operationalized more efficiently and robustly. A second reading, a biopolitical one, could be that the task of prevention (in this dispositif) is not to create order but to manage disorder (Agamben 2001) given the fact that civil wars—a background for most atrocity crimes—have been on the rise since 1945 (Fearon 2004: 275). It could be argued that R2P is a success, not just on counterfactual basis,<sup>263</sup> but because it fulfills its dispositif's security/development agenda.

My proposal of R2P as a discursive shift aims to end atrocity crime and not to merely create order or manage disorder. In the latter task there is an implicit recognition of the inevitability of the occurrence of atrocity crimes, the issue is only of the number of victims and the duration of the crime, and importantly the geographical circumscription

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<sup>262</sup>The March 2011 UNSC authorized military intervention in Libya is an example of the Western powers 'fight from flight' (only aerial strikes and 'no boots on the ground') followed by 'flight' (i.e. exit) from responsibility to rebuild the Libyan conflict zone.

<sup>263</sup>Pillars one and two's prevention agenda is a slippery terrain to as it easily lends itself to counterfactual claims. It can be argued that a number of potential commission of atrocity crimes in various parts have been averted because of R2P's preventive measures of diplomacy, negotiations as in Kenyan elections, advocacy, training, Two interviewees (one each from ICRtoP and GCR2P) contended that R2P is a success as its discourse has further stigmatized atrocity crimes and deterred potential perpetrators. The package of three pillars leads to an 'elastic' interpretation of R2P that allows its advocates to arbitrarily 'associate it with successes and dissociate it from failures' (Pingeot & Obenland 2014: 33).

of the crime. This venturing to propose what a R2P discursive shift would look like must be preceded by two qualifications. *First*, Foucauldian framework aims at a critique that *follows* description, Foucault did not set up the analysis to make policy recommendations. Critique can alert the policymakers to the problematique of R2P, but it does not easily translate into a policy blueprint. Theoretically a discursive shift could move in any direction—e.g. progressive or regressive. *Second*, the question of R2P’s discursive shift is different from those such as: Is R2P a success? How can R2P be an effective strategy to end atrocity crimes? To say that R2P is a discursive rearticulation is not to mean that it has failed, or is much ado about nothing. The R2P discourse has certainly been a useful peg for drawing attention to atrocity crimes, and the perils of the international community’s action and inaction (Libya and Syria respectively).<sup>264</sup>

My visualization of R2P as a discursive shift is made with the acknowledgement that there are possibly other forms that a discursive shift could take. My philosophical bias would conceptualize that change as not a *more* (as in relative terms) egalitarian and just international order but as an egalitarian and just international order that would make R2P redundant or, to borrow Friedrich Engels phrase, make it ‘wither away.’ The direction of my proposed discursive shift requires further strengthening and robust application of pillars 1 and 2.

That is, the first two pillars must *walk the talk* and the content of the talk has to change. These two pillars should cease to be window dressing for pillar three (timely and decisive response). If the measures under (pillars 1 and 2) responsibility to prevent were able to prevent the commission of crimes it would be a discursive shift. If measures under pillars 1 and 2 could rebuild post-conflict societies it would be a discursive shift. If pillars 1 and 2 could make pillar 3 redundant it would be a discursive shift. But post SOD 2005 commission of atrocity crimes has not stopped. Notably the content of rebuilding and prevention responsibilities stands diluted from even the ICISS Report’s version which put

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<sup>264</sup>In Libya, there was both action and inaction, that is, the inaction (on the responsibility to rebuild) following the military action (responsibility to react).

a relative accent on its recommendation of a ‘fair distribution of resources’ as a necessary preventive measure (2001: 3.2).

Root cause prevention may also mean tackling *economic* deprivation and the lack of economic opportunities. This might involve development assistance and cooperation to address inequities in the distribution of resources or opportunities; promotion of economic growth and opportunity; better terms of trade and permitting greater access to external markets for developing economies; encouraging necessary economic and structural reform; and technical assistance for strengthening regulatory instruments and institutions (ICISS 2001: 3.22).

For the states, regional/ international organizations to effectively fulfill their responsibilities of prevention and rebuilding under pillars one and two changes need to move beyond the realm of state and politics to the economy at both the local and global levels. For example if tasks of education, employment, and poverty elimination are to move beyond mere rhetoric then the issue of redistributive justice becomes important and involves thinking about how global resources can be shared in a more egalitarian way by states. The institutional/operational manifestation of this discursive shift would be the creation within the UN of an ‘Economic Security Council’ (CGG 1995: 341-342; UNDP 1994: 6). This Council would be as powerful as or more powerful than the Security Council and its members would not be the same as the latter’s. The seats in the Economic Security Council (ESC) would have a fixed term of five years. The General Assembly could through consensus choose the member-states for the ESC seats. This Council would work towards the creation of a global economic order where social and economic rights of individuals, communities and nation-states are respected. The focus of the context of atrocity crimes would shift from ‘international humanitarian law to international economic law’ so that the hitherto vulnerable states could reject the ‘imposition of draconian international economic agreements (on trade, patents, finances, loans, and so on)—agreements which often have devastating effects upon the most vulnerable populations within weak states’ (Lafont 2015: 7). The IMF and the World Bank have been the implementers of such policies that have transformed ‘social rights into debts and beneficiaries into debtors’ (Lazzarato 2012: 104). It has been suggested

that the UN's Post 2015 Development Agenda must ensure that the global trade and finance must be in consonance with the ecosystem and equitable social development so as to break the 'donor-beneficiary or partners dynamic' (Pingeot & Obenland 2014: 49-50). The ESC's interventions would be of a different nature as not the market but social and economic rights (concerns and needs) of the population(s) will be the site for *truth veridiction*. ESC's policies would go beyond the cosmetic homage paid to social justice by the UN in its *UN Global Compact* and the *UN Guiding Principles on Business and Human Rights*. These documents have so far ended up endorsing a version of corporate social responsibility.

Casting R2P as such would be a discursive shift as it would bring about changes in the normative/ideational dimensions of R2P. The moral imperative in this conceptualization of the international community's responsibility to protect would privilege the removal of the very conditions that create the need for protection and create the responsibility to do so. Robust pillars 1 and 2 would make pillar three redundant in the long run. Even in the short run where pillar 3's 'timely and decisive action' may be necessary, it is R2P's promise of prevention and rebuilding that will act as a restraint: 'Without the R2P acting as a shackle the military intervention is much less accountable and tactically flexible' (Chandler 2015: 3). Thus the radicalness of R2P lies in its guarantee for the Global North's responsibility for outcomes (see Chandler 2015). If the international community were to honour its pledge to prevent atrocity crimes, it indicates a normative discursive shift in the conceptualization of sovereignty. R2P then becomes a recognition of a new aspect of sovereignty which is that the 'international community has a "backup" responsibility to protect human rights whenever states are unwilling to do so' (Lafont 2015: 1). So implemented, R2P as discursive shift introduces a new actor as the *additional* holder of responsibility but continues to respect and expect the sovereign state to fulfill its primary responsibility of protection. In this conceptualization the military powers of the Global North cannot get away with a 'fly by night operator's' attitude. The moral expectation will be to ensure prevention (including capacity building of a weak

state) and if unable to do so, then make certain the rebuilding of society, economy and polity of the state so that its sovereign capacity is revitalized.

Unless this approach is adopted R2P's three pillars will continue to be practices defined by liberal/neoliberal governmentality that create subjectivities to manage the disorder. In their current form the pillars are restricted by the good governance discourse (or liberal/neoliberal governmentality). The aim instead should be to end the subjectivization created by the neoliberal governmentality of biopolitics, a point eloquently made by Giorgio Agamben:

Nothing is therefore more important than a revision of the concept of security as the basic principle of state politics. European and American politicians finally have to consider the catastrophic consequences of uncritical use of this figure of thought. It is not that democracies should cease to defend themselves, but the defense of democracy demands today a change of political paradigms and not a world civil war which is just the institutionalization of terror. Maybe the time has come to work towards the prevention of disorder and catastrophe, and not merely towards their control. Today, there are plans for all kinds of emergencies (ecological, medical, military), but there is no politics to prevent them. On the contrary, we can say that politics secretly works towards the production of emergencies. It is the task of democratic politics to prevent the development of conditions which lead to hatred, terror, and destruction -- and not to reduce itself to attempts to control them once they occur (Agamben 2001: para 5).

Through the serious operationalization of the first two pillars R2P would cease to be an ad hoc or knee jerk reaction to crisis. AS of now R2P in *practice* or action is essentially a response to an ongoing conflict where acts of violence have reached the level of atrocity crimes. R2P as discursive rearticulation focuses 'on people once they begin to starve or kill each other. It is less concerned with what happens to these people when their land is taken away from them, their environment is destroyed, or they lose their means of subsistence' (Pingeot & Obenland 2014:55).

## Section 6

### 7.7. Conclusion

At the moment pillars one and two are mere palliatives, an ensemble of ad hoc responses. If in the process of making these pillars strong, atrocity crimes are about to take place then ‘decisive and timely action’ under pillar three should be undertaken irrespective of the strategic interests of the P5. So far the wisdom (knowledge) of even pillars one and two is hostage to the power of the liberal/neoliberal governmentality. In this research the understanding of the power dimension of R2P moves beyond the realist perspective of ‘great powers’ (i.e. powerful nation-states) and instead focuses on a power that emerges from liberal/neoliberal governmentality.

The doctrine of the “responsibility to protect” (R2P) has suffused the language and institutions of international diplomacy’...R2P has become the framework through which the international community’s commitment to, and involvement in, crisis and conflict is mediated and understood (Cunliffe 2010: 35).

The UN security/development dispositif is informed by a liberal/neoliberal governmentality that employs biopolitical measures. Since liberal development concerns arise or are rooted in the free market, biopolitics aims to ensure the flourishing of a prosperous life so that *healthy* labour and consumers are possible. Those who are neither lose claim to protection, and in addition this ‘unprotected status’ identifies them as the potential challengers to the prosperous (who enjoy the first right, and therefore, the *legitimate* claim to protection). Each perceives the other as a threat to its survival; thus these battle lines— the congenital and quotidian features of liberal/neoliberal governmentality— confirm this *scenario* of politics as a pursuit of war by other means. R2P as a measure of this responds to and strengthens this governmentality’s creation of these subjectivities. The Foucauldian lenses problematize these categories and reveal their construction in power/knowledge that has both material and discursive basis.

The journey of R2P since the 2001 ICISS Report is described variously as: ‘from principle to practice,’ (Hoffmann & Nollkaemper 2012a), ‘from words to deeds’ (Ban 2008) ‘from deeds to words’ (Orford 2012). I note that this travel of R2P is also one of conceptual mutations although not in a linear sense. Depending upon the context the R2P meaning changes since it ranges from the very ‘narrow’ scope of military intervention to the ‘broad’ expectation of prevention and rebuilding. The latter requires a host of operational measures of social, economic and political nature. R2P’s conceptual development has cast it simultaneously as a specific act and as a continuous and continuing process.

Neoliberalism ‘blurs the boundaries between state and civil society’. Neoliberalism is also a rationality and a certain way of seeing things. It is more than just the dominant ideology of a particular set of agents, more than just the imposition of the power of the dominant states on the world stage, more than just a leading group’s conception of the world, but is a framework, a set of practices, a way of seeing and doing things that transcends such boundaries (Joseph 2010: 232).

R2P is not a radical break with the past, it merely gives additional weightage to the existing security/development measures. R2P has not invented any new measures nor discovered new ‘causes,’ cause celebre or new crimes. Then what is R2P’s value? Well, it has added alacrity and urgency to the need to use the existing measures and called for a more frequent deployment of the same. R2P is a reminder and exhortation to the elements of the security/development dispositif to do their respective duties. R2P is also an attempt to fine-tune the measures, co-ordinate them better, shepherd them in synchronous acts so that they are not individually wasted; R2P is a guide, a technique to transact the liberal/neoliberal security/development agenda more efficiently. This is in consonance with Foucault’s insight about liberal governmentality being in a perpetual mode of change and adaptation. The resilience of the system lies in its dynamism that results from its congenital trait to improvise and evolve. R2P embodies this spirit, its mandate of protection can be read as an effort to plug the loopholes in the liberal/neoliberal security/development dispositif and improve it.

Thus efforts to transform R2P into a discursive shift are fraught with challenges and problems if not impossibilities. Clearly, R2P is a ‘product’ (or proposal) of the ICISS which itself is a part of the liberal/neoliberal security development dispositif. Detectable in its very composition and mandate<sup>265</sup> is the scent of continuity, however irrespective of these *intentions* the ICISS planted seeds of possibilities of the ‘otherwise’ by leaning in on Francis Deng’s idea of ‘sovereignty as responsibility’ which deceptively at first glance appears to be only an admonishment to failed states of the Global South. Yet as the R2P details were fleshed out by the ICISS and subsequently, by the Secretary-General’s reports, the sword of admonishment has come to cut both ways. That is along with the *failed* (or perpetrator) state the international community emerged as a defaulter from its responsibilities. R2P provides an opportunity for those who believe in addressing structural root causes to seize this moment of ‘logic of unintended consequences’ before it is completely appropriated by liberal/neoliberal governmentality.

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<sup>265</sup>See Chapter 4.

## **Part 4. Conclusion**

## 8. R2P: The Journey So Far

### 8.1. Introduction: The Relevance of R2P

Researching an emerging field is simultaneously a terrain of both possibilities and challenges. While the researcher hopes that by virtue of being one of the early engagers of the field, her work will be pioneering, there is also a fear of the false promise of emergence, that is, the possibility of the promise being a mirage. Although the object of my study, R2P, had obtained a *concrete form* through the creation of the post of SAR2P in 2007, it continues to be an emerging field fourteen years after it was first officially proposed by the ICISS in 2001. In the last three years I engaged with two works in progress— writing my dissertation and observing the object of my research. While my dissertation is close to moving in the realm of finality (of sorts), R2P continues to be a work in progress (see Luck 2011).

Since it was adopted by the UN General Assembly in 2005, R2P has been conceptually *refined*, militarily operationalized in Libya (2011) and credited with preventing the of escalation of violence, thereby saving and protecting lives in Cote d'Ivoire and Kenya (Serrano 2011: 11; Thakur 2015: 7). The academic and policy worlds' interest in the subject continues to increase (Aneja 2014; Basaran 2014; Bellamy 2014; Cairns 2014; Dunne & Wheeler 2012; Falk 2015; Hunt & Bellamy 2010; Thakur 2015; Weiss & Serrano 2014). Representatives of national governments, the UN and civil society (national and international non-governmental organizations, think tanks, and academia) are involved with R2P from the vantage points of their respective mandates— national interest, goals of international peace and security, moral considerations and the humanitarian imperative. R2P advocates or more specifically R2P norm entrepreneurs e.g., UN Secretary-Generals (Kofi Annan and Ban Ki-moon), ICISS Commissioners (Lloyd Axworthy, Gareth Evans, Thomas Weiss, and Ramesh Thakur), SAR2Ps (Edward Luck and Jennifer Welsh) seek to underline the compatibility of these different interests. The proliferating manifestations of R2P have not been without controversy and

contestation, which include charges of imperial designs (Chomsky 2009) and regime change (Breakey 2012). Lest these controversies consume R2P or seal its fate, these advocates remain proactive in its defence, responding to criticisms by further improvising R2P. Individual support for R2P from the various UN quarters (i.e. different departments/offices), as shown in Chapter 6, is partial and not necessarily in full measure (i.e. inclusive of all three pillars). R2P by necessity continues to be a work in progress.

In view of this unfolding story and my research into its genesis and evolution I present the following conclusions that are organized into three sections. Section 1 is a summary of my research findings. Section 2 outlines certain specific aspects of this study to point out my research contributions. I discuss how I employed the Foucauldian concepts to understand R2P. In section 3 I briefly discuss the limitations of my research agenda. I conclude in section 4 with suggestions about possible directions for future research on R2P.

## **Section 1**

### **8.2. Summarizing the Research**

The analysis of R2P's incorporation in the UN's security/development dispositif was done by using the Foucauldian template of genealogical discourse, dispositif, governmentality, and biopolitics. My decision to conduct this research through a genealogical discourse analysis (GDA) was necessitated by the nature of the object of my study—I had to keep track of a moving target, that is, R2P (see Chapter 3). Genealogy being a history of the present was an apt choice. Through GDA I understood the R2P discourse in the realms of both ideas and practice. Foucault's characterization of discourse as practice can be understood through his concept of power/knowledge which reveals the epistemological underpinnings of a discourse and its historical, political and institutional conditions of emergence. GDA led me identify R2P as a practice of liberal/neoliberal governmentality. Locating R2P in the liberal/neoliberal

security/development dispositif gave me a framework to make sense of the movement and noise on R2P. Thus located R2P loses the sheen of singularity as its profile is reflected in other measures of this dispositif. I realized that the dynamism of R2P resulting from its constant makeover is only apparently so since it is bounded within the framework of the liberal/neoliberal security/development dispositif. My research concluded that R2P is not a discrete phenomenon and it belongs not to the domain of security but to that of security/development.

I arrived at this conclusion by tracing the genealogy of R2P in the UN's liberal/neoliberal security/development dispositif. Chapter 2 established the seamlessness between the putatively discrete domains of security and development. It proposed instead the concept of security/development to underline the circularity of this relationship.<sup>266</sup> Having established the similarity between the respective premises of embedded liberalism and disembedded liberalism it proposed the term liberal/neoliberal to describe the UN's security/development dispositif. That is, it demonstrated that the UN's security/development paradigm is informed by a liberal/neoliberal philosophy.

Chapter 4 traced the genealogy of R2P by historicizing it in the mandate of the UN Charter and subsequent UN resolutions/reports and reports of prominent international commissions on the issue of security/development. R2P ideationally coincides with the foundational ideas of the UN and is not a radical departure from the same. My sketch of R2P's lineage to the UN Charter itself underlines this argument and thus points out the limitations in the dominant literature that regards R2P simply as an imperative emerging in the context of intra-state violence, genocide and ethnic cleansing of the 1990s.

Next, using the concept of dispositif, I did a detailed empirical mapping of R2P in the UN in Chapter 5 based on the 'indicators of incorporation' of R2P that I outlined in Chapter 3. The mapping noted the crucial role played by civil society organizations in R2P's promotion. It also showed how the package deal of R2P's three pillars makes

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<sup>266</sup>This argument is inspired by Foucault's concept of power/knowledge (1980).

possible its integration in the UN security/development policies even though some officials from individual departments/agencies are disinclined towards R2P's third pillar. The first two pillars are crucial to the legitimization of R2P and make opposition to it a difficult normative proposition. Expression of disagreement over the goals of prevention and rebuilding, embodied in these two pillars, is a *morally* weak argument to sustain. The empirical chapters pertained to the 'what' question of my research and identified R2P's manifestations in the UN's institutional structure and discourse.

I analyzed the empirical mapping in chapters 6 and 7 to understand 'how' R2P came to be incorporated in the UN's security/development dispositif. Using the concepts of governmentality and biopolitics, I identified protection, responsibility, morality, legality, and sovereignty as themes that resonate with the mandates/agenda of both R2P and the UN's liberal/neoliberal security/development dispositif. These themes are reflected in the UN Charter and have informed the security/development policies of the UN in its phases of embedded liberalism and neoliberalism. Thus one of my key research findings is that R2P is only a discursive rearticulation of and not a discursive shift of the UN's liberal/neoliberal security/development dispositif. I also proposed a course whereby R2P could be a discursive shift.

## **Section 2**

### **8.3. Research Contribution**

I would like to clarify that my primary contribution is theoretical and critical. The accent of critical theory is not on 'problem solving' (as in positivism) but on 'problem-revealing.' Though I suggest a possible way in which R2P could be a discursive shift my focus was on uncovering the 'facts' about R2P's institutionalization in the UN, to understand how it came about, and to reveal the implications thereof. Thus one important contribution is the empirical map itself, which to the best of my knowledge is the first (and only) detailed map of R2P's manifestation in the UN.

Though the ‘veil of ignorance’<sup>267</sup> for a researcher is rarely possible in her work, I made a conscious effort to do so while detailing the empirical mapping of the field. This Foucauldian epistemologically guided mapping brought forth an ontological location of R2P (and the UN) that is ignored in most of the literature on the subject. The mapping of R2P at the UN was done keeping in mind that the UN’s security/development dispositif itself is located in the broader liberal/neoliberal security/development (political economy’s) dispositif. This is how I came to include the three INGOs/think tanks (GCR2P, ICRtoP, and AP R2P) as part of the UN’s dispositif. This dissertation recognizes the significance of the UN as an influential international organization but unlike the IR constructivist perspective I do not regard the UN as an international organization that is an ‘ontologically independent actor’ (Barnett & Finnemore 2004: vii). Through the concepts of governmentality, biopolitics, and dispositif I acknowledge the ontological *primacy* of the liberal/neoliberal security/development dispositif and thereby not regard the UN as a discrete institution ‘squatting outside the world.’<sup>268</sup> On the basis of this insight I underlined that R2P is part of the panoply of similar measures of the UN’s security/development dispositif.

The notion of dispositif allowed me to see the connections between concepts, policies, and frameworks in the global political economy that at first glance appear discrete and unrelated. For example, most writings on R2P do not see linkages between R2P and the notions of ‘good governance’ and ‘ownership’ in the discourses on international development aid. Second, it also allowed me to problematize the notion of change. The literature has had a tendency to associate ‘discursive shift’ with virtually any type of policy or institutional change. Using the concept of a dispositif I contextualized and historicized the emergence and incorporation of R2P at the UN wherein continuity survives surreptitiously in the name of change. The UN’s incorporation of R2P is a discursive rearticulation rather than a discursive shift.

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<sup>267</sup>I borrow this phrase from John Rawls (1999a) *Theory of Justice*.

<sup>268</sup>I borrow the phrase from Karl Marx’s (1843) *A Contribution to the Critique of Hegel’s Philosophy of Right* See <https://www.marxists.org/archive/marx/works/1843/critique-hpr/intro.htm>

The concept of *dispositif* enabled me to simultaneously contextualize the UN in the liberal/neoliberal political economy and identify the UN's liberal/neoliberal security/development *dispositif* as inclusive of civil society organizations. The ICISS's incorporation of a 'large civil society component within the ongoing structure of its activities' (Cooper & English 2005:19) is reflective of a trend in neoliberal political economy wherein the state's recession from the economy and welfare activities necessitates and privileges the role of non-state actors. The latter become even more significant when they deliver surrogate governance in the 'fragile/failed/failing' states of the Global South. The advocacy role of organizations like GCR2P, ICRtoP, and AP R2P in R2P's promotion assumes significance in this light. *Dispositif* drew my attention to how the UN, other international organizations and states are essentially in pursuit of likeminded ideas and how they engage in practices characterized by the same rationality i.e. liberal/neoliberal governmentality. *Dispositif* also reveals how even in a Leviathan like structure of the UN, power is best understood as a network with multiple points of manifestations that are also sites of resistance (Foucault 1980), therefore, the significance of studying the UN departments in addition to the three key organs- General Assembly, Security Council, and the Secretariat.

These proliferating points of power do not bring chaos to the UN as the liberal/neoliberal *dispositif* provides the template that designs limits and creates possibilities of action, and identifies the criteria of truth and falsehood. The circularity of power/knowledge determines whether a proposed idea can be recognized as embodying truth that can be deemed as a 'statement' in a discursive formation: A proposition in order to be deemed a 'statement' must obey the requirements of a discursive formation i.e. 'statements can be identified only through their belonging to a specific discursive formation that in turn is clarified by the analysis of the statements that it governs' (Foucault in Han 2004: 225). Thus for R2P to embody the 'truth' of our times, it must reflect the knowledge of the liberal/neoliberal security/development *dispositif*. R2P advocates are obeying the rules of *this* discursive formation as they relentlessly pursue the conceptual refinement and development of R2P.

The UN is an example of a ‘material and informational resource’ rich international organization, a gigantic bureaucracy whose pursuit of ‘socially valued goals’ of peace and human rights’ gives it legitimacy (Barnett & Finnemore: 2004: 5), but studying the UN *only* as a bureaucracy has analytical limitations. It does not help us understand how despite the resistance of some UN officials and departments, R2P was incorporated in the UN. My study notes that the subjective opinions of individual UN officials, whether supportive or critical of R2P, were all made from within the framework of the UN’s liberal/neoliberal security/development dispositif. R2P advocates underscore its conformity to the UN Charter, and they take this into account in the further conceptual refinement of R2P. I argued that this refinement is in consonance with the liberal/neoliberal governmentality’s rationality that is in a constant mode of *being* and *emergence*. All acts of improvisation and improvement are pursued within the same dispositif i.e. within the *existing* framework. The rearticulations are a sign of dynamism of a system that is being perfected from within without losing its essential character that hinges on the free market principle. The liberal/neoliberal dispositif responds to challenges of a possible discursive shift by appropriating and domesticating radical ideas; a discursive rearticulation entails claiming new ideas but processing them in a manner that rids them of any critical potential.

The concept of liberal/neoliberal governmentality reveals how the seemingly disparate domains of security and development are twinned in its dispositif. Using this insight, contrary to the dominant view about R2P in the existing literature that locates R2P in the domain of security, I place R2P in the security/development domain. The duties of prevention and rebuilding (2001 ICISS Report; A/63/677/2009) involve non-military activities that are best classified as development practices. The consequences of the ostensibly discrete sphere of development, in this case liberal/neoliberal development, necessitate measures of the ostensibly discrete sphere of security to secure development. The lines between security and development are blurred as they cohabit in a relationship of circularity (a la power/knowledge). Liberal/neoliberal governmentality’s accompaniment, biopolitics, discloses the non-military aspects of security that include

measures to ensure responsible self-conduct by the population. The premise of this conduct of conduct under liberal/neoliberal governmentality is derived from the market principles since biopolitics is economic in character and is itself a dispositif of security (Dillon 2015: 46). This also extends to the global discourse on the environment and sustainable development where, for example, the notion of social and ecological ‘resilience’ (the capacity to absorb shocks and bounce back) has become central in discussions of climate change adaptation.

Viewing security and development as discrete domains eclipses the fact of how the two are intimately related. For example, in peacebuilding projects in post-conflict situations, development has emerged as a ‘civilian technology of counterinsurgency’ (Duffield 2007: 215). Segmentation justifies the status quo and helps in evasion of responsibility for the consequences that result from the security/development measures. This is particularly problematic since these consequences entail the loss of human lives (e.g. genocide and ethnic cleansing that are classified as security issues), deprivation of a humane and dignified life (e.g. famine, internal displacement, and refugees that are classified as development concerns) and an accompanying cultivation of an ethos that encourages and justifies indifference to the loss of lives *and* loss of dignified lives.<sup>269</sup> The root cause issue must be taken seriously and not be reduced to radical rhetoric and symbolic acts. The warning that climate change would be the context of the ‘next genocide’ (Snyder 2015) should have us all worried. The premise of this forecast is the likelihood of the conflict(s) that will ensue food and water scarcity making climate refugees the new entrants into the categories of ‘internally displaced people’ and (unwanted and burdensome) migrants.

The biopolitical underpinnings of this liberal/neoliberal art of government reveal how the security/development discourse is engaged in the simultaneous pursuit of two seemingly contradictory goals of preservation of life and the destruction of life. The

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<sup>269</sup>‘Freedom to live in dignity’ has been added to the initial human security goals of ‘freedom from fear’ and ‘freedom from want’ (HSU 2014: 4-6).

contradiction is resolved by adding qualifiers to the categories of those who deserve to live and those who deserve to die. Indeed the preservation of life of some—the deserving—requires the destruction of life of the *others* who are cast as dispensable, and even as evil. The others, i.e. the undeserving, could be the poor, or a religious, ethnic, or national group. This modern form of *racism*, Foucault observed, is an inversion of Clausewitzian wisdom<sup>270</sup> since politics has now become a pursuit of war by other means (1997: 48). The value of this Foucauldian insight is that it draws attention to two types of killings: a). those that result from the use of guns, machetes, and bombs; b). those that are a consequence of liberal/neoliberal governmentality's imperative to 'let die' (1997: 237). For example in the neoliberal milieu poverty, loss of employment can be blamed on an individual's inefficiency or laziness for which society or state cannot be held responsible even if these conditions (poverty and unemployment) lead to deaths of those who are denied food and healthcare, this is evident from a spate of examples of the countries that have experienced financial crisis in recent times. Neoliberal policies are selective in the promotion of individualism the neoliberal state and the World Bank/IMF introduce policies that ensure individualization of profit and 'socialization of losses' (Evans 2015: 754; Engelen et al. 2011: 30). An ethos that reifies individual responsibility and views such consequences as just desert is vulgar (Ramsay 1997; Young 2011). Foucauldian way of seeing allows us to see the war that is carried out in everyday politics; the liberal/neoliberal security/development discourse views it not as war but merely as a condition that is *just* and inevitable. The liberal/neoliberal security/development discourse appropriates the *noble* purpose of humanism and makes possible killings and counter killings. Thus the R2P discourse through the lenses of governmentality and biopolitics draws attention to the paradox of the simultaneity of two seemingly contrary responses to killings- one of concern and the other of indifference:

When I say killing, I obviously do not mean simply murder as such, but also every form of indirect murder: the fact of exposing someone to death,

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<sup>270</sup>But after all war is no more than the continuation of politics' (Carl Von Clausewitz in Foucault 1997: 48).

increasing the risk of death for some people, or, quite simply, political death, expulsion, rejection and so on (Foucault in Fishel 2013: 212).

The liberal/neoliberal security/development dispositif's concurrent pursuit of biopolitics and thanatopolitics aims to secure the surplus population through development that is the 'liberal alternative to extermination or eugenics.' This explains how 'development constitutes a liberal problematic of security' (Duffield 2007: 216). The role of security is to manage the economic crisis—a congenital feature of capitalism— so that the 'self-valorisation' of capital is not interrupted (Aradau and Blanke 2008: 11).

Criticism of R2P does not imply that one is making a case for indifference to atrocity crimes. On the contrary, one is arguing for the extension of the concern for the lives lost due to 'structural violence' (Galtung 1969) that is the victims of the 'let die' liberal/neoliberal rationality. The limitation of the R2P lens so far is that it is exhorting the state and international community to action only in response to certain acts of commission not omission. R2P is indifferent to killings that are not on a massive scale (numbers), killings that are not a result of direct violence i.e. those that involve the use of guns, machetes, gas chambers etc. The advocates of R2P recognize as important these other contexts (and causes) of deaths but do not view them as R2P concerns. Similarly the argument of 'operational utility' is made to restrict the scope of R2P to the four atrocity crimes and not extend it to 'calamities, such as HIV/AIDS, climate change or the response to natural disasters' (A/63/677/2009/para10b). My analysis contests this excuse of a limited R2P mandate and instead proposes that *this* form of thanatopolitics should be an R2P concern. It is my contention that privileging of or reserving concern and moral outrage for only certain killings is a result of an exclusive focus on the symptoms and overt manifestations of the act. As a consequence *panacean* solutions are sought in the removal or incarceration of evil-minded leaders, ideologues or incompetent and poor leadership but the conditions that facilitated their success are ignored. Those conditions are structural and provide the context that makes the killings possible. Understanding the R2P discourse as practice that is informed by liberal/neoliberal rationality draws attention to the structural aspect of international relations. The workings and consequences of the

liberal/neoliberal economy create conditions of *disorder* that necessitate R2P like measures to maintain the order or put limits on the disorder that is a result of resistance to power.<sup>271</sup>

My research identified and problematized R2P's key (interrelated) themes— protection, responsibility, sovereignty, and morality and legality to understand how R2P creates liberal/neoliberal subjects (responsible protectors, protected, and those who fall outside the domain of protection). This subjectivization is compatible with and entails the internalization of good governance alias liberal/neoliberal norms alias free market principles. One of the problems with the good governance discourse is that it expects adherence to practices and institutions imported from a different political, economic and cultural context. The good governance thesis is in the lineage of the modernization theory<sup>272</sup> (Rostow 1960, 1963, 1971; Huntington 1968) that hoped to serve as a policy guide to help make or transform the developing countries in the political, economic, and social image of the West. This externally guided path is different from the homespun attempts at telescoping of various stages of development by some of the socialist governments in the developing world e.g. India (Myrdal 1968). While these indigenously designed national projects have had varying degrees of success and failure, the flaws in the projects have not brought further ruin or caused irreparable damage to these countries. The problem with engineering development under the current good governance discourse is that it takes as given the Global South's acquiescence to the harsh neoliberal economic demands of austerity. In the good governance discourse the populations of the Global South are expected to appreciate and realize the cure for all problems in the neoliberal economy that is simultaneously both a means and an end in itself. R2P's first two pillars refer to several measures that echo the good governance techniques, which are presumed to create the rational individual who will not take recourse to killings (such as genocide and ethnic cleansing) as he sees the irrationality of it.

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<sup>271</sup>'Where there is power there is resistance' (Foucault 1990: 95).

<sup>272</sup>The lineage of the modernization theory itself can be traced to the colonial claim of the civilizing mission.

### Section 3

#### **8.4. Conclusion: Limitations of this Dissertation and Possible Directions for Future Research on R2P**

This research is not aimed at policy-making. My aim is to understand how R2P came to be incorporated by the UN in its security/development policies. I did not study the policy positions of individual member-states of the UN or the individual cases of R2P's application—Kenya (2013), Cote d'Ivoire (2011), and Libya (2011). I had to keep in mind that the foremost aim of the concepts of governmentality and biopolitics is description while critique is only implied: Foucault's 'analytic devices and interpretations' provide us 'questions and problems, not answers' (Keeley 1990: 85).

The second limitation is that I could not study the World Bank and the IMF in greater detail in terms of their policies. I was able to get interviews with only three World Bank officials and none with the IMF personnel. While the two World Bank officials (an economist and a lawyer) in separate interviews stressed that R2P was 'too political' and therefore 'too hot' for the Bank's agenda, the third official (a social development specialist) saw no connection between her organization's work and R2P. Contrary to this view the fact is that the World Bank has begun to factor violent conflicts (causes and impact) in their policies and projects (World Bank 2011; also see Collier et al 2003). The themes of protection and responsibility in the World Development Reports would further support the argument that R2P is part of the liberal/neoliberal security dispositif. These financial institutions are not unaware of the political challenges to their work but they deal with it through the *apolitical* mechanisms of the good governance; also note that even when they recognize an economic condition e.g. poverty, as a cause of conflict, lack of good governance is seen as the cause of poverty. However, this reading—which regards as benign the linkages between domestic and global economic structures and views the Global North as creating new opportunities of economic and technological

growth for the Global South—is flawed as it ignores the ground reality that shows otherwise (see Mazur 2000; Milanovic 2003; Stiglitz 2002).

The limitations outlined above suggest possible directions for future research. The first avenue of research would be a different level of analysis whereby R2P is studied through the lens of foreign policy. Individual countries' specific responses could be compared in detail and these positions could be contextualized with their respective geostrategic and economic interests. This is important since the UN is a 'membership club of nation-states' (Andrea Bartoli and Thomas Weiss in separate interviews August 2013), successful R2P advocacy requires an articulation that identifies common ground between R2P and national interest of states. This line of inquiry no doubt touches the paradoxical aspect of the R2P discourse that exhorts nation-states to dilute the traditional/Westphalian notion of sovereignty. Though there is some work on R2P from a country and region specific perspective (Aneja 2014; Kassim 2014; Kingsbury 2012), there is need for a rigorous comparative study of individual state policies. The GCR2P's work of developing R2P focal points in national capitals would be a useful input into this inquiry. Foreign policy level of analysis can reveal not just how R2P is used to justify 'imperial designs' (e.g. Russia's justification for intervention in South Ossetia in 2008) but also how states in the Global North claim the moral halo of an 'ethical foreign policy' via the protection of the vulnerable in situations of violent conflict in countries where they have no geoeconomic or strategic interests:

Ethical foreign policy is ideally suited to buttressing the moral authority of governments, often under question in the domestic context, because policy-makers are less accountable for matching ambitious policy aims with final policy outcomes in the international sphere. The gap between rhetoric and responsibility lies in the fact that policy can be declared a success with little regard for policy outcomes, as there is no formal accountability to non-citizens abroad, while problems can be blamed on the actions of other people or their governments (Chandler 2003: 295).

Exposing such subterfuge is important if R2P's promise of prevention and rebuilding has to move beyond the realm of mere words. Such exposure may risk non

action by the states in the North which is contrary to the efforts of the advocates of R2P and of ‘sovereignty as responsibility,’ who exhort states to overcome domestic ‘budgetary constraints’ and ‘pursue activist policies outside their national borders’ (Deng et al 1996: xix). Though research that reveals such truth may discourage states to intervene, it would be an important step in ensuring the 2011 Brazil’s cautionary approach of ‘responsibility while protecting’ (McDougall 2014).

The second research site would be the UN’s two influential specialized agencies, the World Bank and the IMF. Officials of UN departments and the World Bank and the IMF, even more so, describe their work as apolitical, a claim that political scientists would disagree with since *politics is everywhere* (Leftwich 2004: 1-22). Research in this area would contextualize R2P’s first two pillars with an analysis of the World Bank and the IMF’s approach towards issues of security/development. Recent reports of these agencies express concerns about violent conflicts as major hurdles to development projects in countries of the Global South (IMF 2008; World Bank 2011). Relatedly keeping track of the evolving good governance discourse would be useful in order to see how it impacts the tweaking or further conceptual refinement of R2P’s first two pillars.

Since R2P is a work in progress a detailed analysis of the three pillars (as they evolve) in the context of the structures of the global political economy would be the third area of research. Though my research acknowledges this context and premises primary arguments in it via the concept of liberal/neoliberal governmentality, I am keen to undertake further investigation from this perspective. This is especially so as my research analysis confirm the role of the neoliberal economy in making possible the modern forms of genocide that necessitate a governmentality of R2P like measures to maintain order. Since my purpose is not to recommend non-action when atrocity crimes are committed, I would like to explore how R2P can be made to jettison control and oppressive subjectivization so that it clears the way for enhancing freedom. The argument about structures focuses on causes and solutions that remedy the problem and prevent its future occurrence.

Analysis of the three pillars is crucial to both critique and *save* R2P. R2P must be viewed as a package of three pillars since R2P by its own *official* account is not merely about humanitarian military intervention (Secretary-General's annual reports on R2P 2009-2014). Intellectual jujitsu to refine the third pillar of 'timely and decisive action' should continue and the recent writings of the ICISS commissioners—Gareth Evans, Thomas Weiss, and Ramesh Thakur focus on this aspect of R2P. The research projects and literature coming out of the GCR2P, ICRtoP and the AP R2P is also concerned about the same. Recommendations made in this regard include—emphasis on diplomatic negotiations and economic sanctions to pressurize the perpetrator state to assume its responsibility to protect; Security Council reforms so as to ensure that the process of decision making is democratic and the intervention to protect is a multilateral effort and not an individual state's initiative; creation of the UN's own standby military force; accountability of the interveners. The problem or the limitation of these efforts is the premise that intervention today is inevitable (see Bellamy 2014; Fiott & Koops 2015; Thakur 2015; Weiss 2001) and in this worldview the condition that necessitates intervention is taken as a stubborn reality and is therefore not questioned. These R2P advocates concentrate in exploring and strengthening the third pillar so as to control the violent and inhumane manifestation arising out of these intractable conditions. Although these advocates do not deny that atrocity crimes are a result of structural causes, they consider the solution beyond the scope and mandate of R2P.

This argument is clearly disingenuous in light of R2P's three pillars promise of responsibilities of prevention and rebuilding. Activities of prevention and rebuilding were absent in the 2011 Libyan intervention. The intervention in Libya is problematic from the R2P lens not because there were no grounds for intervention but because it was *not enough intervention*, (Stewart 2011; Pape 2015), it was flawed as it did not fulfill the *spectrum of responsibilities*. The R2P promise requires that having fulfilled its third pillar responsibility to take 'timely and decisive action' i.e. military intervention, the international community needs to follow it up with the responsibility to rebuild:

Libya ‘was stable for several years following the intervention, and its recent turmoil is not a result of too much intervention, but too little. The international community did not do enough to encourage the growth of local political and economic development, resulting in the burgeoning civil war we see in the summer and fall of 2014 (Pape 2015: 10).

While adherence to the first two pillars to fulfill the responsibilities to prevent and rebuild will be an important step, I suggest that like the third pillar, the other two pillars also require additional intellectual rumination. R2P’s first two pillars involve activities that are undertaken by several liberal/neoliberal peacebuilding projects of the UN (see Chapters 2, 4-7). Closely allied to the peacebuilding discourse is that of statebuilding, indeed both are significant components of the good governance agenda (particularly for weak or failing states) that is aimed at ‘facilitating sustainable development, social peace and the development of democracy and the rule of law’ (Chandler 2010: 1).<sup>273</sup> These projects, as in Afghanistan (see Piotukh 2015), do not address issues of structural injustices. Such projects are congenitally flawed as their conceptualization, based on the principles of good governance, assumes that the local population can be mentored into imbibing liberal/neoliberal norms and learn to behave responsibly. But atrocity crimes are not sudden eruptions, plotted by the ‘devil’<sup>274</sup>; there is a historical context in which a group (ethnic, religious, or national) becomes vulnerable and is targeted and victimized, a point bluntly made in the very title of Mahmud Mamdani’s book *When Victims Become Killers*.

Conflict over resources as a cause for violence (and atrocity crimes) between local groups is not because of the ‘barbaric’ and non-modern traits of a not yet fully ‘civilized’ people. The non-local actors (e.g. multinational corporations and foreign states) are also parties in the conflict, but their role in generating these violent conflicts is rarely discussed in the R2P or good governance discourse. In this regard the ‘best practices’ including that of corporate social responsibility are merely cosmetic measures as the

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<sup>273</sup>Statebuilding has become ‘one of the critical all-consuming strategic and moral imperatives of our terrorized time’ (Robert I Rotberg in Chandler 2010: 5).

<sup>274</sup>I borrow the term from Romeo Dallaire’s book title *Shaking Hands with the Devil*.

problem is not just the nexus of these corporations with local corrupt and criminal elements of the state (politicians and bureaucracy). Treating the symptom without addressing the cause can at best provide short-term relief from the problem. We need the courage to acknowledge what appears to be a counter-intuitive argument in neoliberal times that the problem lies in the very nature of the neoliberal mode of extraction and (non?) distribution of resources (see Galtung 1969, 1971; Kaldor 2012, 2013; Taussig 1984; Watts & Kashi 2008). If the structures and processes that make atrocity crimes possible are not questioned then the promotion of R2P as a panacea for such problems is duplicitous or politely put, naïve. The array of liberal/neoliberal security/development practices that aim at conflict transformation are characterized by the same limitation. After all how can conflict transformation take place when causal structures and processes remain untransformed?

Addressing these causal concerns takes us to the realm of global justice. This is an issue that Michel Foucault's work does not explicitly attend to, but there is a rich corpus of writings on the subject from liberal and critical perspectives. Frantz Fanon (1965) had famously described European aid to former colonies as just aid and a form of belated reparation. The upscaling of progressive liberal theories of justice to the global level (Beitz 1999; Held 2004; Rawls 1999a, 1999b; Sen 1999, 2009) is indicative of the normative recognition that interconnectedness between countries must breed an expansive notion of responsibility for both the individuals and states/societies towards their counterparts. From this perspective the idea of justice ceases to be narrow, it moves beyond the International Criminal Court's punishment to the killers for the act of killing, to address the causes that may possibly have led to the killings and may lead to such acts in the future. Work in this direction needs to be taken seriously. After all in the art of government as liberal/neoliberal rationality, security is about securing a particular form of development and 'freedom is nothing but the correlative development of apparatuses of security' (Foucault 2007: 48). Foucault by drawing attention to the historical a priori (1972: 126-131) does not dismiss humanism, freedom, and human rights but only questions their being 'limited to certain frontiers' (Foucault in interview with Rux Martin

1988: 15). Asking the *right* questions including the difficult ones must be, at the least, the responsibility of an intellectual enterprise. Raising the issue of root causes of atrocity crimes may be ambitious but certainly not naïve, I recall here a popular slogan from the 1960s French students movement: ‘Be practical! Do the impossible’ (Singh 2006: 962). We need to change the terms of debate of R2P.

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