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主 論 文 の 要 旨

論文題目

The Evolution of the "Responsibility to Protect"
as an International Norm

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論 文 内 容 の 要 旨

The last decades have witnessed an increasing number of grave and massive violations of human rights. In particular, crises in the 1990s such as Somalia, Rwanda, Bosnia and Kosovo and the way the international community reacted to them have shown that a doctrine was needed to deal with such issues. Indeed, the Rwandan and the Bosnian cases have shown the cost in human lives when the international community refused to intervene, while the Somalia and Kosovo cases have illustrated the dangers of such military interventions to stop massive violations of human rights. It is in this context of questioning whether there was an ethical duty on the part of the international community to react to mass atrocities and how that would be compatible with the principle of non-intervention and state sovereignty that the doctrine of "Responsibility to Protect" (or R2P for short) was formulated. Since then, the concept, often described as an "emerging norm", has become an integral part of discussions of international politics both in academia and in policy circles.

However, few studies considering what the implications of calling R2P a norm have been conducted, despite the fact that there was a body of literature dealing with what norms are, how they appear and develop and how they come to matter in the international scene. This study tries to fill that void by studying the evolution of R2P as an international norm. To do so, we use the

body of literature on norms to find an adequate framework that describes the evolution of international norms. We use that framework against R2P, first to check whether R2P follows the steps outlined by the framework, and second to see how far it has gone to in the evolution of international norms. Indeed, a norm at the start of its evolution will not be widely used and will not overly influence the course of actions taken, while a norm that has already been established is expected to have a strong influence over the behaviour of the actors. To verify that, we also examine crises in Darfur, Kenya, Côte d'Ivoire and Libya and try to see what role, if any, R2P played in shaping the response of the international community. We do so by looking at the various statements of representatives of member states of the UN Security Council, with the assumption that we could find clues and references to R2P in their explanations as to why they chose to support or to abstain from voting various resolutions dealing with those crises. Indeed, a norm by definition advocates for a certain standard behaviour and pushes actors towards particular courses of action, and it is not a stretch to expect to find references to a norm in the explanations of actors for why they chose a certain set of actions. By doing so, we could have a clear idea about the current status of R2P as an international norm, and explain why R2P did or didn't play an important role in dealing with the above mentioned crises. Furthermore, it allows us to project ourselves in the future and anticipate the potential challenges to R2P and evaluate its usefulness as a norm.

We analyse the evolution of R2P as an international norm using the "norm life cycle" model developed by Finnemore and Sikkink. We find that the evolution of R2P followed the trajectory outlined by the framework: three different phases "norm emergence", "norm cascade" and "internalization" with the first two separated by a "tipping point". In the case of R2P, its evolution could be divided in two main periods: the first between 2001 and 2005, and the second from 2005 until now. These periods correspond to the "norm emergence" phase and the "norm cascade" phases respectively and are separated by the 2005 World Summit, which serves as the "tipping

point” of the norm life cycle model. While some characteristics of the “internalization” phase were present, they served more in assisting the promotion and socialization mechanisms of the “norm cascade phase” while instilling the normative biases of R2P into professionals. Because of that, we conclude that R2P is in the “norm cascade” phase of the norm life cycle model.

The case studies analysed also seem to agree with the evolution of R2P. Indeed, in the oldest case study of Darfur, we find that R2P was not a strong influence over the decisions of the Security Council, with the exception of the Philippines who explicitly referred to the doctrine to explain why it voted for the resolution. This is in accordance with the current state of R2P at the time, which was progressing from the “norm emergence” phase to the “tipping point”.

It is more difficult to evaluate the role of R2P in the Kenyan case because the resolution of the crisis came largely through informal meetings between the opponents and leaders of the African Union. However, the UN Secretary-General’s statement about the resolution of the crisis shows that he saw the actions taken by the informal panel as an application of the norm. In the same vein, Desmond Tutu, who is a member of The Elders, an independent group of global leaders who work for peace and human rights and supporters of R2P founded by Mandela, also interpreted the actions of the informal panel as R2P in action. This case illustrates both the drive for building reputation for the norm consistent with a norm in the “norm cascade” phase of the norm life cycle model, but it also shows the strength of the consensus of the international community concerning its involvement for the peaceful settlement of crises.

The Côte d’Ivoire crisis and the position of the international community are also consistent with the stage of evolution of R2P at the time. Indeed, that period was characterized by intense socialization and discussion of the concept by member states following the successful resolution of the Kenyan crisis. As such, we could see a stronger emphasis on the protection of civilians in the declarations of member states. Although the crisis was of a political nature and member states encouraged its peaceful resolution in a political manner, they also were wary of the on-going

violence against civilians and the potential for escalation. While there was no explicit mention of R2P, declarations of member states seemed to refer to the principles of R2P. The stronger role of R2P in the resolution of this crisis is thus consistent with the evolution of the norm.

Finally, the Libyan crisis was the biggest test to the commitment of the international community to uphold the R2P doctrine and the crisis itself was “almost a textbook illustration justifying R2P principles”. In this case again, the actions of the international community seem to have been in accordance with the stage of the evolution of R2P at the time. But because Resolution 1973 authorized the use of force against a functioning government for the explicit goal of civilian protection, this case could also be seen as a transition from the “norm cascade” phase to the “internalization” phase, where norms are strictly adhered to. However, the stretch of the mandate by NATO and its subsequent active participation in the civil war that ensued seem to have put a stop to the evolution of R2P towards the next stage.

Furthermore, we find that the evolution of R2P as an international norm was closely followed in its application to solving a number of international crises. We could see a shift from the traditional non-interference towards a less indifferent or even more assertiveness in defending, in words at least, the rights of populations from mass atrocities, as the norm was getting more accepted and debated at the UN.

We also discuss the potential future of the norm. We find mixed results. On the one hand, the basic principles of the norm are relatively well accepted by states and civil society in general, having intrinsic characteristics and strong adjacency claims with notions of human rights and human security. It has managed to become the *de facto* framework for talking and dealing with mass atrocities. On the other hand, the norm remains divisive concerning the possibility of the use of force, with strong opposition from China and Russia and a cautious attitude from India and South Africa. Furthermore, the dual responsibility system of the norm, which seeks to force the link between well-established rules of international law and a new concept of sovereignty, can

possibly become a handicap for its systematic application. Also, the very structure of the United Nations, with the Security Council holding the absolute power to authorize the use of force or not and the veto powers of the permanent members, is potentially the largest obstacle to R2P truly becoming an international norm and becoming internalized. The RwP proposal of Brazil, while inconclusive in the end, could provide a model for emerging powers to contribute to the further evolution of R2P if they so wished. For R2P to stay relevant, it needs to keep the possibility of coercive action and deal with the issue of its codification into international law. The main actors, namely the states and the United Nations, should take the issues and engage in further discussion about the challenges R2P faces when implementing its reactive part and notably its authorization of the use of force.

Although it may not reach the internalization stage of the norm life cycle model because of the politics of great powers, it would still contribute to improve on the large and important issues on which there is consensus and solidify those basic principles, but that would no longer be R2P.