Hacettepe University Graduate School of Social Sciences
Department of International Relations

THE IMPLICATIONS OF THE "RESPONSIBILITY TO PROTECT" ON THE REFORMATION OF THE UNITED NATIONS

Orsolya NÉMETH

Master's Thesis

Ankara, 2015

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ÖZET

Németh, Orsolya, *"Koruma Sorumluluğu"nun Birleşmiş Milletler'in Yeniden Yapılandırılmasına Etkileri*, Yüksek Lisans Tezi, Ankara, 2015

Haziran 2015'te 193 üyesi ile birlikte 70. yaş gününü kutlayacak olan Birleşmiş Milletler (BM) geçen bu yetmiş yıl içinde büyük değişikliklere uğramıştır. Bu süreçte değişen sadece dünyanın jeopolitik görünümü olmamış, BM'nin uğraşmak zorunda olduğu durumlar çesitlendiği gibi dünya düzenini sağlayan kurallar da gelişmiştir. Bununla birlikte, Birleşmiş Milletler'in siyasi ve hukuki yapısı, özellikle de Güvenlik Konseyi'nin değişmeyip çağdışı kalması, Konsey'i temel görevlerini yerine getirmek konusunda yetersiz kılmıştır. Soğuk Savaş sonrasında uluslararası barışa tehdit oluşturan faaliyetlerin kapsamı da değişmiştir. Bu nedenle, günümüzde Güvenlik Konseyi barış karşıtı olarak nitelendirilen, aralarında insani krizlerin de bulunduğu çeşitli ve çok sayıda zorlukla baş etmek zorundadır. Günümüzde, insan hakları ihlalleri durumlarında harekete geçip geçmeme konusunda hukuki bağlayıcılığı olan kararlar verme gücüne sahip yegane otorite Güvenlik Konseyi'dir. Güvenlik Konseyi'nin bu yetkisi BM Tüzüğü'nün 7'nci bölümünde tanımlanan güçlerinden doğmaktayken, Konsey'in insani krizler çerçevesindeki yetkileri Dünya Zirvesi Sonuç Belgesi'nin 138'inci ve 139'uncu paragraflarında sunulan Koruma Sorumluluğu (R2P) ilkesi ile düzenlenmiştir. İlk olarak 2001 yılında bağımsız bir komisyon tarafından tanıtılan ve BM çatısı altında kurumsallaştırılan R2P, BM mekanizmasının bir parçası ve vahşet suçlarına yanıt veren önemli bir araç haline gelmiştir. Bu bağlamda, bu tez R2P'nin pratikteki uygulaması çerçevesinde BM sisteminin temel sıkıntılarını göstermektedir. Bunların ışığında, çalışmada BM reformu konusu ele alınmakta ve R2P bakış açısıyla alternatif senaryolar önerilmektedir.

Anahtar Sözcükler

Birleşmiş Milletler, Güvenlik Konseyi, BM Reformu, Koruma Sorumluluğu, İnsani Müdahale.

ABSTRACT

Németh, Orsolya, *The Implications of the "Responsibility to Protect" on the Reformation of the United Nations*, Master's Thesis, Ankara, 2015

In June 2015, the United Nations (UN) will celebrate its 70th birthday with its 193 members. In these 70 years the world has undergone tremendous changes. It is not only the geopolitical landscape of the world that has changed, but also the rules governing the world have evolved, as did the challenges the UN has to deal with. Nevertheless, the political and legal structure of the United Nations especially that of the Security Council has remained unvarying and anachronistic, rendering it inefficient in accomplishing its main tasks. As the scope of what constitutes a threat to international peace has also changed in the aftermath of the Cold War, currently the Security Council has to deal with a larger variety of challenges against peace, among which come humanitarian crises. Currently, the Council is the sole authority with the legal power to decide whether or not to take action in cases of grave violations of human rights. While such authority arises from the Council's powers defined under Chapter VII of the UN Charter, the framework for the inclusion of humanitarian crises under the authority of the Security Council is organized by paragraphs 138 and 139 of the World Summit Outcome, which define the principle of the Responsibility to Protect (R2P). First introduced by an independent commission in 2001, and then institutionalized under the roof of the UN, R2P has become a part of the machinery of the UN and an important tool in responding to atrocity crimes. In this context, this thesis addresses the main "illnesses" of the UN system through the case of R2P's implementation. Building on such basis, this thesis considers the issue of the UN reform, and proposes alternative scenarios from an R2P perspective.

Key Words

United Nations, Security Council, UN Reformation, Responsibility to Protect (R2P), humanitarian intervention.

TABLE OF CONTENTS

ABBREVIATIONS

ACT – Accountability, Coherence and Transparency Group

Art. - Article

AU – African Union

CARICOM - Caribbean Community and Common Market

ECOSOC - Economic and Social Council

FAO - Food and Agriculture Organization

G4 – Group of Four

HRC – Human Rights Council

IAEA - International Atomic Energy Agency

ICAO - International Civil Aviation Organization

ICC – International Criminal Court

ICISS - International Commission on Intervention and State Sovereignty

ICG – International Crisis Group

ICJ – International Court of Justice

ILO - International Labour Organization

ICRP – International Coalition for the Responsibility to Protect

ITU - International Telecommunication Union

NATO – North Atlantic Treaty Organization

NGO – Non-governmental Organization

OSAPG – Office of the Special Adviser on the Prevention of Genocide

p. – page number

para. - paragraph

PBC – Peacebuilding Commission

P5 – permanent (five) members of the Security Council

R2P – Responsibility to Protect

RN2P – Responsibility Not to Veto

S5 – Small Five Group

UN – United Nations

UNESCO - United Nations Educational, Scientific and Cultural Organization

UNICEF - United Nations Children's Fund

UFC – Uniting for Consensus Group

UNGA – United Nations General Assembly

UNSC – United Nations Security Council

UNDP - United Nations Development Programme

UNHCR - United Nations High Commissioner for Refugees

WHO - World Health Organization

WMO - World Meteorological Organization

TAB - Technical Assistance Board

INTRODUCTION

In June 2015, the United Nations will celebrate its 70th birthday with its 193 members. In these 70 years the world has undergone tremendous changes. It is not only the geopolitical landscape of the world that has changed, but also the rules governing the world have evolved, as did the challenges the UN has to deal with. Nevertheless, the political and legal structure of the United Nations, especially that of the Security Council, has remained unvarying and anachronistic, rendering it inefficient in accomplishing its main tasks.

While the United Nations Security Council (UNSC) holds the "primary responsibility for the maintenance of international peace and security", it is not always able to carry out its task due to the exclusive veto right of the five permanent members (P5), namely China, France, Russia, the United Kingdom (UK) and the United States (US). As the various examples of the Cold War era demonstrate, the Security Council is likely to come to a deadlock in hard security issues when the P5 have clashing relative interests in a specific case. The prevalence of "power politics" and its negative impact on the accomplishment of the fundamental tasks in the most powerful organ of the world's largest organization is arguably one of the 'main weaknesses' of the UN system.

The end of the Cold War brought with it new challenges and threats, which led to the revision of the perception of what constitutes a threat to international peace. In this vein, humanitarian crises started to be considered from an international security perspective. In the 1990s, the increasing number of situations of gross violations of human rights on a large scale ignited the age-old debate on humanitarian interventions and paved the way for the construction of a new principle called the responsibility to protect (R2P). First introduced by an independent commission in 2001, and then institutionalized under the roof of the UN, R2P has rapidly become a part of the machinery of the UN and an important tool in responding to atrocity crimes. Currently, the Council is the sole authority with the legal power to decide in R2P cases whether or not to impose measures up to and including the use of force. While such authority traditionally arises from the Council's powers defined under

Chapter VII of the UN Charter, the framework for the inclusion of humanitarian crises under the authority of the Security Council is organized by paragraphs 138 and 139 of the World Summit Outcome, which define the principle of the Responsibility to Protect (R2P) and were adopted unanimously by the General Assembly. In this vein, due to the way R2P has been institutionalized within the UN system, its implementation heavily relies on the effective functioning of the Council.

In this context, this thesis addresses the main "illnesses" of the UN system through the case of R2P's implementation. By doing so, this thesis reconsiders the past attempts for the reformation of the UN, and specifically the Security Council, with the aim to propose alternative scenarios for reform from an R2P perspective. For the purposes of this study, reform is taken as any change ranging from the most modest to the most radical one, which has or might have impact on the existing UN system.

To achieve its goals, this thesis builds on the mounting literatures on UN reformation and the Responsibility to Protect. An overview of the literature reveals that UN reform continues to be a hot topic in the International Relations (IR) literature that is studied from legal, political and historical aspects. The existing literature mainly focuses on the Security Council reformation (see, Bills, 1996; Ariyoruk, 2005; Luck, 2005; Cox, 2009; Craswell, 2013; Freiesleben, 2013), and specifically on the issue of the veto, alongside the questions of representativeness, accountability, transparency and working methods of the UN Security Council.

Although this Security Council focused research is understandable due to the exceptional status of the Council within the UN, other reforms from alternative focus points are less common in the literature (see, Daws and Bailey 1998; Niemetz, 2013; Weiss, 2012). On the one hand, the need for reform is presented as a fact rather than a question for consideration in the literature. On the other hand, there is a large variety of reform models and initiatives for the Security Council. While some argue that the membership system and the representativeness should be changed, others focus on the veto right and the working methods of the Council members. The analyses of the UN reform from specific perspectives (see, Brunnée and Troope, 2006) are rare in the

literature, though they might lead to the consideration of more achievable reform solutions.

Given the long history of the question of the reformation of the UN, the literature on the Responsibility to Protect is relatively new. After the concept was introduced in December 2001, the literature on R2P flourished building on different aspects of the issue. In the earlier years, R2P was discussed on the basis of the suspicions towards it (see, Chandler, 2004; Bellamy, 2005) as well as ongoing cases such as Darfur. After the adoption of the World Summit Outcome Document, the debates on R2P's evolution flourished. While some authors argue that R2P is an attempt to legalize humanitarian intervention and use these terms interchangeably (see, Newman, 2009; Kuperman, 2008), other scholars agree that R2P is an international norm (see, Bellamy, 2010), though disagree on what sort of norm it is. For instance, on the one hand, Gareth Evans (2006, p. 160) emphasizes that R2P has emerged as an international norm and it "may ultimately become a new rule of customary international law". On the other hand, Gözen Ercan (2014) suggests that R2P has evolved into an international moral norm rather than a legal one. There are also more cynical voices in the literature, such as Aidan Hehir (2010), who questions the novelty as well as the contribution of R2P to the existing system. Last but not least, whether with arguments for or against it, a popular aspect of R2P has been its implementation through coercive measures under the pillar 3 responsibilities of the international community (see, Bellamy, 2011; Chesterman, 2011).

In light of the brief overview of the literature, this thesis aims to make a contribution by merging the issues of UN reform and the implementation of R2P in an attempt to introduce a fresh perspective to the existing scholarly works. Such analysis also enables to evaluate the impact of emerging norms on the established systems as well as how these norms become restrained by the environment that they are born into. In this regard, in shaping its main argument, this thesis adopts a constructivist approach as its general framework for analysis.

As Karns and Mingst (2004, p. 51) note, "Constructivists place a great deal of importance on institutions as embodied in norms, practices and formal

organizations". One of the main institutions of global governance is the United Nations, which brings together the world's nations around common concerns and shared goals. In order to achieve shared aims, the members of the Organization need to comply with certain common norms. In this context, Finnemore argues that "States are socialized to accept new norms, values, and perceptions of interest by international organizations" (as cited in Karns and Mingst, 2004, p. 51). As a result, "norms may become so widely accepted that they are internalized by actors and achieve a "taken-for-granted" quality that makes conformance with the norm almost automatic" (Finnemore and Sikkink, 1998)..

Furthermore, Finnemore and Sikkink (1998, p.891) highlight that "norm language can help to steer scholars toward looking inside social institutions and considering the components of social institutions as well as the way these elements are renegotiated into new arrangements over time to create new patterns of politics". Therefore, the responsibility to protect and its influence as an international norm can be examined with a special focus on the UN reformation in line with the "norm life-cycle" defined by Finnemore and Sikkink (1998). In their work, the authors examine the three-stage process of norm development. These are the norm emergence; the norm acceptance, in which norms influence state and non-state behavior; and the norm internalization, that is the conditions under what norms will matter.

The responsibility to protect, emerging from an environment concerned by human security, has become influential in world politics. In this vein, R2P as an ethical norm can constitute the grounds for shaping the world organization. Furthermore, the "sovereignty as responsibility" understanding as introduced by R2P, which seems to shift the classical understanding of state sovereignty, might induce new working methods for the United Nations Security Council. Therefore, R2P as an international norm that has been institutionalized by the UN provides a basis for examining the process of reform within the UN.

To accomplish its goals, the thesis is organized in the following way: Chapter 1 provides an overview of the history of the UN as well as the main bodies of the Organization. This chapter mainly focuses on identifying the basic problems of the

UN prior to dwelling into a deeper analysis of the issue of UN reform. Chapter 2 provides an overview of past reformation attempts of the UN in order to reveal the existing possibilities. After building the necessary background for understanding the question of the UN reform, Chapter 3 moves on to the analysis of the responsibility to protect. Accordingly, starting with the original propositions on R2P, the analysis continues with the consideration of the institutionalization of the norm within the framework of the UN. Considering the conceptual development of R2P, by itself, is not enough for the assessment of its implications on the UN reform. Therefore, Chapter 4 aims to draw a general picture of the shortcomings of the UN on the basis of the examples of R2P's implementation. In this vein, the chapter provides an overview of responses to R2P cases first by the agents of the UN, with the exception of the ICC, and then by the Security Council itself. Building on this basis, Chapter 5 introduces the original propositions of the thesis and discusses its alternative reform models, which are devised for effective implementation of the responsibility to protect by the international community.

CHAPTER 1

A TROUBLED ORGANIZATION: THE STRUCTURE OF THE UNITED NATIONS

This chapter aims to build the necessary background for understanding the need and efforts for the reformation of the United Nations. To this end, it starts off with a brief historical overview of the Organization and describes the exceptional historical environment for the birth of the UN as well as its very existence and main aims. Secondly, the reasons as why to there is need for a reform are discussed on the basis of fundamental problems of today's United Nations.

1.1. HISTORICAL OVERVIEW OF THE UNITED NATIONS

Following the end of World War II, specifically in 1945, the United Nations was established by 51 nations with the aim to settle future conflicts between states through talks and peaceful means instead of resorting to the use of force. The primary idea behind the UN was inherited from its predecessor, the League of Nations, which was the first international attempt to create an international organization that would be able to prevent (large-scale) wars, and preserve international peace and security in the long-term.

The first steps toward the establishment of such an international organization were taken in the late years of the Second World War. In June 1941, the representatives of France, Great Britain, Canada, Australia, New Zealand, the Union of South Africa,, Czechoslovakia, Greece, Luxembourg, the Netherlands, Norway, Poland, Yugoslavia as well as the exiled government of Belgium, met at the ancient St. James's Palace and signed a declaration named the London Declaration, which sought universal peace. The next step was an affirmation of the Declaration also by the US President Roosevelt and the British Prime Minister Churchill who convened in the U.S.S. Augusta. Later, on 14 August 1941, under the document called the Atlantic Charter, the two leaders declared certain common principles in their national policies of their respective countries on which they based their hopes for a better future for the world.

Two points of the Atlantic Charter concerned the world organization that was to be established.

In 1942, President Roosevelt, Prime Minister Churchill, Maxim Litvinov, of the USSR, and T.V. Soong, of China signed the so-called United Nations Declaration. The next day, twenty-two other nations decided to sign this important document in which they committed themselves to peace (Savage, 1969). The first notion of peace-loving states appeared in the Moscow Declaration of 1943, signed by Vyacheslav Molotov (Minister of Foreign Affairs, USSR), Anthony Eden (Secretary of State for Foreign Affairs, UK), Cordell Hull (United States Secretary of State) and Foo Ping Shen (the Chinese Ambassador to the Soviet Union). The fourth clause of the Declaration seeking for further joint action declared that the Foreign Ministers "recognize the necessity of establishing at the earliest practicable date a general international organization, based on the principle of the sovereign equality of all peace-loving states, and open to membership by all such states, large and small, for the maintenance of international peace and security". In the same year at a meeting at Tehran, Roosevelt, Stalin and Churchill while working on the final victory plan declared:

> We are sure that our concord will win an enduring peace. We recognize fully the supreme responsibility resting upon us and all the United Nations to make a peace which will command the goodwill of the overwhelming mass of the peoples of the world and banish the scourge and terror of war for many generations ("History of the United Nations", n.d.).

The first actual works on the establishment of this international organization started in 1944. The representatives of Britain, China, Russia and the US convened for peace talks at Dumbarton Oaks in Washington D.C. to prepare the principles and purposes of such an organization. Finally, the proposal for the structure of the world organization was submitted by all of the four victorious powers, but in the absence of France. The new world organization, which came to be known as the United Nations, was decided to comprise of four main bodies: the General Assembly, the Security Council, the International Court of Justice (ICJ) and a Secretariat. The primary responsibility of preventing future wars and maintenance of international peace and

security was assigned to the Security Council, which was designed to be composed of eleven members including the five permanent members. During the negotiations, the voting procedures within the Security Council were left open for further discussions ("History of the United Nations", n.d.).

Taking lessons from the past failures of its predecessor, that is the League of Nations, the members agreed to make their armed forces available upon the request of the Security Council for enabling the Council to prevent potential wars and/or to suppress acts of aggression. The open question regarding the voting procedures was taken up during the Yalta Conference, which took place in Crimea, in February 1945. At the same event Churchill, Roosevelt and Stalin announced a world meeting in San Francisco scheduled for 25 April 1945. The invitations sent out to participants also contained the details about the voting procedures, including the exclusive veto right of the P5 ("History of the United Nations", n.d.).

In April 1945, the "Big Five", namely the US, the UK, China and the USSR with the inclusion of France in the club, and forty-six invited nations held a meeting in the Opera House of San Francisco for the establishment of a new international organization aiming to prevent wars and maintain international peace (Savage, 1969). The goal of the conference was to produce the Charter for this world organization. The acceptance of each chapter was based on the achievement of a two-thirds majority of the participants. Some issues such as the jurisdiction of the International Court of Justice, future amendments to the Charter and the veto right of the Security Council's permanent members were issues that created much debate among the nations. Finally, based on the common understanding of the participants, the UN Charter was created and signed. Later, in October 1945, it came into force with the ratifications of the five permanent members. It was as a result of the San Francisco Conference that the "Family of the United Nations" was born (Savage, 1969; "History of the United Nations" n.d.).

1.2. MAIN BODIES OF THE UN AND THEIR FUNCTIONING

The United Nations Charter established the six main bodies of the organization as the General Assembly, the Security Council, the Economic and Social Council (ECOSOC), the Trusteeship Council, the International Court of Justice (ICJ) and the Secretariat (with the Secretary-General as its head). In order to address the problematic aspects in the structure of the United Nations, first we need to examine the provisions of the Charter establishing these bodies.

Starting with the two main forums of the United Nations, in the cases of the General Assembly and the Security Council, the political and representative inequalities are the most conspicuous. While the UN membership is open to all peace-loving states, it does not include the automatic membership in both the General Assembly and the Security Council. Article 9(1) of Chapter IV establishes that "the General Assembly shall consist of all the Members of the United Nations" and each of them might have no more than five representatives and one vote. In contrast, the "Security Council shall consist of fifteen Members (eleven at the beginning) of the United Nations" (Article 23(1)), five of which are permanent members. The ten non-permanent members of the Security Council are elected by the General Assembly for a term of two years.

Secondly, the political and decision-making powers of the main bodies highly differ. According to Article 11, "the General Assembly may consider the general principles of co-operation in the maintenance of international peace and security […] and may make recommendations with regard to such principles". Alternatively, the Security Council can make binding decisions, as its main task is the maintenance of international peace and security. Decisions of the Security Council on all matters, except for procedural ones, require the affirmative vote of nine members including the P5.

The General Assembly also elects the fifty-four members of the Economic and Social Council (ECOSOC), which as an organ of the UN "may make or initiate studies and reports with respect to international economic, social, cultural, educational, health

and related matters". Paragraph 2 and 3 of Article 62 further express that the ECOSOC "may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all" and "may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence".

The next body, which lost its significance in time but had a very important role in the early decades of the United Nations, is the Trusteeship Council. The international trusteeship system was established for the administration and supervision of territories under mandate, detached from enemy states as a result of the Second World War or placed voluntarily under this system by the state responsible for their administration. Chapter XII was created in the context of a colonized world, to look after territories that have been ruled as colonies. Thus, by the end of the decolonization process the Trusteeship Council had fulfilled its task.

One of the most important bodies and the sole judicial organ of the United Nations is the International Court of Justice, which is seated in the Hague. Article 93 clearly states that "all Members of the United Nations are *ipso facto* parties to the Statute of the International Court of Justice". The Court deals with the legal disputes between the members of the United Nations. It consists of 15 judges from different countries who are elected by the Security Council and General Assembly for a period of nine years.

Last but not least, the Secretariat, is arguably the principal organ that keeps the whole UN running. It is represented by the Secretary-General appointed by the General Assembly on the recommendation of the Security Council. The Secretary-General is the highest diplomatic actor and the chief administrative officer, simply the face of the United Nations, who "may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security" (Article 99).

1.3. FUNDAMENTAL PROBLEMS WITHIN THE UN SYSTEM

After the failed attempt of creating a global organization with the League of the Nations, the UN was constructed with much care. Nevertheless, problems regarding the structure of the UN started to surface as the Organization became functional following the entry into force of its Charter. In this regard, it is possible to identify four major problems, which are duly analyzed in the forthcoming sections.

1.3.1. The Veto Right

As history reveals, however the United Nations' aims are exalted, in practice there are numerous political barriers that prevent the well-functioning of the United Nations. The aftermath of the Second World War known as the Cold War period divided the world into the two groups of communist and non-communist countries. The ideological differences and political tensions between the two superpowers, namely the USSR and the US led to the deadlock of the Security Council numerous times. During the Cold War, a total of 193 resolutions were vetoed in the Security Council. Since 1990 this number has reduced to 21. As Evans (2008, p. 22) notes, "the superpowers were largely indifferent, rhetoric aside, to what happened inside the other bloc and were incapable anyway of doing much about atrocity crimes that might be perpetrated there because of the inevitable application of the Security Council veto". The actual use of veto today is rare rather the threat to use veto and the international inaction shows the insufficient political will to act in a timely and decisive manner ("UN Security Council and the responsibility to protect", 2013). In this context one of the main problems of the UN came to fore, namely the "veto" right and it's mal-using by the permanent members. Seemingly, the P5 used or threatened to use veto power to defend or reach their national interests. While the Security Council prevented war among the great powers, there were numerous bloody conflicts in the other parts of the world. The famous sentence from the Preamble of the Charter seemed to be still a dream for the majority of nations:

> We the Peoples of the United Nations, determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental

> human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom.

Although, after the end of the Cold War there was a period of support for humanitarian interventions by the new co-operation among the great powers in the Security Council, the recent years demonstrate that the main drive of the P5 is still their national interests. The veto power continues to be a tool of reaching the aim of the permanent members. As Sen (2006) argues, that "it is often forgotten that veto power was given with the express directive that it should not be used unless international peace and security is at risk; the P5 weren't intended to use the requirement of P5 consensus to promote their national political stances". In spite of the increasing criticism of the "veto culture" in the Security Council, the permanent members insist on keeping this exceptional right and prevent every initiative aiming to change the current rules in the Council. The question is whether the current composition and working methods are sustainable seventy years after the establishment of the United Nations or there is a need for reformation in order to guarantee international peace and security. While the majority of the Members lobbying for a change, the possibility of such a highly politically sensitive issue seems to be almost impossible. As Weiss (2003) argues: "The veto has been and remains an obstacle to reform both because of the P5's vested interests in preserving power and because no provision in the charter requires them to relinquish this right."

1.3.2. The Problem of Representativeness

Another well-marked problem is the question of representativeness in the Security Council. The number of the 51 original members to the UN has currently increased to 193. One of the most significant events was the process of decolonization that led to the birth of newly independent countries in the world. These states seeking support for guaranteeing their independence and development, applied for admission to the United Nations. The only criteria to become a member of the UN is defined in Chapter II which states that "all peace-loving states which accept the obligations

contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations" are welcomed to become a member. Despite the fact that the term "peace-loving" is not defined in the Charter, the membership is subject to the decision of the General Assembly upon the recommendation of the Security Council. The example of Palestine is one of the best examples showing that the UN membership is not always the sole question of fulfilling the being peace-loving criteria.

As mentioned previously, every UN member is also a member of the General Assembly, though it is not true for the Security Council. The structure of the latter has remained unchanged over the years, leading to the questioning of the representativeness of this world organization. More than half of the World is underrepresented in this forum given its current composition, not even mentioning the "private club" of the P5. More than 60 of the member states have never served as the Members of the Security Council. Nevertheless, a non-member State may participate without vote in the Security Council discussions in case its interests are affected ("The Security Council", n.d.).

While Western Europe is overrepresented with two permanent members (the United Kingdom and France), there are continents like Latin America, Africa or Asia without any powerful representation in the Security Council. Other regional powers such as Japan, Germany and Brazil that referring to their strong positions are seeking an "equitable" permanent membership in this exclusive club. Arguably, the main barrier of a reform is the Charter's provision which requires the two-thirds of the Members including the P5, which are unlikely to agree any change to their privileged status. In this context, numerous questions come up for instance: Is this "unjust" forum able to fulfill its main task? What will be the consequences of an unchanged composition in the future? What is the best model for a new Security Council?

1.3.3. Problem with the United Nations Charter

Along the lines of the previous examples the same kind of problems can be examined by analyzing the United Nations Charter. Since it was signed on 26 June 1945, the

Charter of the United Nations has been subject to amendment only once in these seventy years in 1965 when the number of members of the Security Council has increased from eleven to fifteen with ten non-permanent members instead of six. Apart from this change, the Charter remains the imprint of the 1945's World.

The following paragraphs can be read to point some of the main problems related to the UN Charter. While Article 2 says that "the Organization is based on the principle of the sovereign equality of all its Members", some countries having the right to veto or "just" a permanent membership in the Security Council seem to be more equal than others. The question of sovereignty is discussed in detail in the second part of this work. Furthermore, Article 6 draws attention to the rule of expelling a member from the UN. It defines that in case of violating the Principles of the Charter, a Member may be expelled by the General Assembly upon the recommendation of the Security Council. Despite of the fact that no member has ever been expelled from the UN, it is questionable whether or not this rule would be applicable to a permanent member. Even in theory this case is unlikely to happen, but what can guarantee that even those nations comply with the main principles of the Organization?

The same question is relevant when we look at the "specific powers granted to the Security Council". Chapter VI, VII, VIII and XII deal with these exclusive rights for instance the Security Council may recommend appropriate procedures or methods of adjustment at any stage of a dispute or make recommendations, decide what measures shall be taken. Especially Article 39, which reads as follows, leads to certain questions:

> The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendation, or decide what measures shall be taken […] to maintain or restore international peace and security.

Last but not least Chapter XI: Declaration Regarding Non-Self-Governing Territories, XII: International Trusteeship System and XIII: The Trusteeship Council became irrelevant over years. These specific Chapters were created to deal with the aftermath of the Second World War and the colonial system but since they have

become obsolete, no changes have been made to revisit the Chapter to make fit the conditions of the contemporary international system.

1.3.4. The Problem of Delivering "One UN"

Weiss (2012) determined the main problem of the United Nations in the lack of truly delivering peace as "One UN". Under this notion he explains the main "illnesses" of the Organization as, for instance, the lack of coordination and leadership, the understanding of the sovereignty principle, as well as the absence of political will.

In this vein, Weiss (2012) first makes a difference between the "first United Nations" (the stage for state decision making), the "second United Nations" (the secretariats who work for member states but who have a certain margin for maneuver) and the "third United Nations (NGOs, independent experts, consultants, citizens pressing for action) which together make the so-called contemporary international community. The lack of co-ordination and co-operation among them causes serious problems to the Organization in the implementation of its main tasks. For instance, Assistant Secretary-General Robert Orr argues that, "as an actor, there's so little we can do, and often the people accusing us are the same ones who prevent us from being able to act" (as cited in Weiss, 2012, p. 8)

The 1960s are considered to be the "Decade of Development" due to the new sort of problems arising from the end of decolonization, which created the basis of several newly established organizations within the UN. The United Nations Family has expanded with the following sub-agencies: United Nations Development Programme (UNDP), United Nations High Commissioner for Refugees (UNHCR), International Labour Organization (ILO), Food and Agriculture Organization (FAO), United Nations Educational, Scientific and Cultural Organization (UNESCO), International Civil Aviation Organization (ICAO), World Health Organization (WHO), International Telecommunication Union (ITU), World Meteorological Organization (WMO), International Atomic Energy Agency (IAEA), United Nations Children's Fund (UNICEF) coordinated by the Technical Assistance Board (TAB). The efforts and activities invested to promote peace and development has made the United

Nations the symbol of peace (Savage, 1969). However, the "UN institutions that might not have counted as humanitarian in the 1980s are partially so today" (Weiss, 2012, p. 183). Over the years these agencies have expanded their scope of function and nowadays in this "cluster approach" there are numerous overlapping fields without particular co-ordination. Weiss (2012, p. 93) summarizes the situation in the following words: "with no central power, no wherewithal to compel compliance effective collective action in this atomized system is the exception rather than the rule".

1.3.5. Problems from a Human Rights Perspective

As the main focus of this thesis is the reformation of the UN based on proposal in view of R2P implementation, it is important to see what the existing handicaps within the UN are from a human rights perspective. Despite the fact that the Preamble of the UN Charter expresses the primacy of human rights, the world organization has been obviously unsuccessful in protecting fundamental rights in cases such as those in Rwanda, Kosovo, Darfur and Syria where gross violations of human rights took place but the international community could not take action through the Security Council due to the lack of political will.

First of all, the UN Charter does not define what it means with the notion of "human rights", but it simply emphasizes its importance:

> We the Peoples of the United Nations determined […] to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small. ("Preamble of the United Nations Charter", 1945)

Secondly, in Article 1 of the UN Charter defining the purposes of the United Nations, the Charter reaffirms the aim of the promotion and encouragement of the respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.

Given the references, it can be concluded that the scope of the UN Charter in terms of its elaboration on the issue is very limited. Such limitation has led to the preparation

of detailed documents under the leadership of the General Assembly in the later years. The very first of these is the Universal Declaration of Human Rights, which was adopted by the General Assembly in 1948, enlisting fundamental human rights. Together with the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights comprise the International Bill of Human Rights. The parties of these treaties have the obligation to respect and protect human rights by a compatible domestic legislation and measures ("The Universal Declaration of Human Rights," 1948).

Albeit the number of human rights treaties has increased and there is a wide promotion of human rights protection, there are still millions of people suffering from armed conflicts and civil wars who are deprived from their very basic human rights. In order to guarantee these basic human rights first of all the source of problems, namely the intra-state conflicts must be handled. The problem is that the UN Security Council mainly due to the lack of political will is unable or unwilling to fulfill its primary task and the peoples needing help are left alone without any preventive action. Tharoor (2011) draws attention to the fact that the UN as a universal organization holding together the world under the rules of international law might be rejected as illegitimate in the future due to its unrepresentative body and the world nations may look for an alternative to solve their problems. Therefore, the continuous unsuccessful working of the UN Security Council may endanger the credibility of the whole "United Nations' Family".

All in all, the only reasonable solution is to reform the United Nations in a way that it may successfully maintain international peace, security and provide protection for suffering populations. In this vein, the next chapter provides an overview of the past reform attempts of the world organization.

CHAPTER 2

PAST REFORM ATTEMPTS

The fact that the United Nations Security Council has many times been unable or unwilling to fulfill its main tasks has led to the idea of reforming the UN. The possibility to change the legal framework of the United Nations through amendments depends on the willingness of the P5. The best argument for reform according to Tharoor (2011) is that the absence of it could discredit the United Nations itself. As Simon Harper highlights, "We cannot continue to run the world based on countries that won a war 60 years ago. It's either destructive competition or cooperation. We live in an interdependent world and the only way to move forward is to cooperate" (as cited in Cox, 2009, p. 89).

In this vein, this chapter provides an overview of the existing UN reform attempts by dividing them according to their legal impact. To this end, first the models that require amendments to the UN Charter, and thus the unanimous vote of the P5 plus two-thirds of the General Assembly are examined. For the purposes of this thesis, this first group of reforms is labeled as the "radical" reform models. The second group is called the "moderate" reform models based on less radical initiatives. The main reason for making a grouping among reform models is the fact that some of the reform initiatives require radical changes in the United Nations system or the amendments to the Charter, while the others just propose changes in the working methods of the UN or the Security Council. While the majority of the UN literature deals with the former group, the latter is rather an area that awaits flourishing in the literature.

2.1. Radical Reform Models

While there is a general agreement that the Security Council needs to be reformed, there is an extensive disagreement on the model(s) to be adopted, making the issue both extremely divisive and contentious (Freiesleben, 2013). The reform of the Security Council as mentioned previously requires the agreement of at least two-

thirds of the UN member states and the unanimity of the permanent members of the Security Council, enjoying veto rights. The biggest challenge is to obtain the agreement of all permanent members of the Security Council, as they are unlikely to change the legal and political status quo in the Security Council. In spite of "the mission impossible" there are many lobbies and interest groups, independent states and regional powers trying to achieve the desired change. Despite of the strong emphasize on remodeling the Security Council, the reform initiatives did not bring members states together, rather the opposite (Luck, 2005).

While there have been numerous attempts to reform the Security Council during these 70 years, in the course of debate over the Security Council's reform, the UN member states often face a dilemma of maintaining a balance between representation, legitimacy and efficiency (Lee, 2011). Therefore there are different models of a new Security Council, such as changing the veto system (limiting or abolishing it) or changing the political structure of the Security Council itself. In addition, changing the (legal) power relationship between the Security Council and the General Assembly is among the alternatives to be considered.

2.1.1. Reform Attempts and Models by Individuals

A prominent figure who first highlighted the need for a UN Security Council reform was the former Secretary-General, Boutros Buotros Ghali. The UN Reform became a key issue after Boutros Ghali assumed office as the 6th UN Secretary-General for the period between 1992 and 1996 (Morsy, 2009). Understanding the changes in the power balance of the world, he claimed that the UN as the main international organization needs to be reformed. He published inter alia "An Agenda for Peace" concluding his main ideas related to peace making issues ("An Agenda for Peace", 1992). In his work, Ghali summarized the main proposals and ideas of states regarding reform attempts. In his words in Mexico:

> Member States are calling for change in the composition of the Council and in the way it will carry out its responsibilities. Security Council reform is essential in order to sustain the Council's authority, legitimacy and effectiveness. It is imperative if the United Nations is to deliver on its potential to apply an integrated approach –covering political, security,

> economic and social dimensions– to the complex challenges of this new era. (Secretary-General's Speech in Mexico, 1996)

The succeeding Secretary-General of the United Nations, Kofi Annan had more radical steps towards reform attempts and issued his report, "In Larger Freedom" with his main reform ideas. In December 2004, he proposed changes to the Security Council as part of the High Level Panel's Report on Threats, Challenges and Change. In March 2005, Annan reiterated the two suggested plans, known as "Model A" and "Model B". According to "Model A" there should be 24 seats in the Security Council by six new permanent (two for Africa, two for Asia and the Pacific, one for Europe, and one for the Americas) members without veto right and three new non-permanent members. On the other hand, in "Model B" there would again be 24 seats with the difference that there is no new permanent member. Instead, this model creates a new category of seats and puts their 8 members elected on a regional basis for 4 years each and available for immediate re-election. For the voting system, he proposed an "indicative voting" meaning that there is a first round voting with no effect or veto and a second "formal voting". This system is believed to increase accountability of the veto use among the permanent members. ("In Larger Freedom", 2005)

2.1.2. Group Reform Attempts

The current permanent members of the Security Council have earned the status of permanent membership at the birth of the United Nations. There were no conditions imposed upon them as they were victors of the Second World War. Since the Security Council's reform is on the agenda, one question remains: What should be the criteria for admission to permanent membership? If we look at the permanent members of the Security Council we can declare that regionally it is not highly representative, although among the non-permanent members there is a kind of rotation based on regional grounds. Other parts of the world, such as the Middle East, Latin America or Africa are not equally (or at all) represented in this forum. In this vein, under the group initiatives, a brief overview of Security Council reform attempts that were elaborated by group of states or civil organizations is provided.

2.1.2.1. The Razali Plan (1992)

The Security Council reform has been formally placed on the UN agenda in 1992 supported by a newly formed "Open-Ended Working Group" to help the matter progress forward. Its Chairman, Razali issued his first reform paper on 20 March 1997, therefore the report was named after him. In 2001 the Open-Ended Working Group on the "Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council' issued a report in which it has collected the main suggestions related to the veto system and the structure of the Security Council. Some parts of this collection about representativeness can be summarized as follows:

(1) The size of the reformed Security Council should enable the inclusion of both new permanent and new non-permanent members, both from developed and developing countries. (Oral proposal at May 2000 session of the Open-ended Working Group; amended at July 2000 session).

(2) The size of the reformed Security Council should only include new nonpermanent members based on the principle of sovereign equality of States and equitable geographical distribution (Oral proposal at July 2000 session of the Open-ended Working Group).

(3) In case of expansion of the Council under any formula, the current ratio of permanent and non-permanent seats should not be altered to the detriment of the non-permanent seats ("Report of the Open-ended Working Group", 2001).

In addition, the plan proposed to add five permanent (one from each "developing" state and two from "industrialized" states) and four non-permanent seats (each from Africa, Asia, Eastern Europe, and Latin America and the Caribbean) in the Security Council. Furthermore, Razali argued that the veto power makes the Council anachronistic and undemocratic, therefore it should not be extended to new members and the existing ones have to refrain from using their vetoes (Cox, 2009).

2.1.2.2. The Group of Four (2005)

Besides individual and UN Working Group reform attempts there are numerous lobby groups and group of states willing to reform the Security Council. One of them is the so-called Group of Four (G4) composed of Japan, Germany, Brazil and India,

which works for the purpose of getting permanent membership in the Security Council. India has the second biggest population in the world after China; Japan's UN budget contribution is the second while Germany's is the third biggest. Although Germany has a generous contribution to the common UN budget, its permanent membership is challenged by the risk of overrepresentation of Western Europe in the Council as France and the United Kingdom are already permanent members in it. The G4 proposal creates new permanent seats to two African, two Asian, one Latin American and Caribbean State and one from the Western European and Other Group, plus new non-permanent seats for one African, Asian, Eastern European and Latin American state. As Cox (2009) argues, the G4 plan "marries Model A's (from High-level Panel Report) focus on enhancing "effectiveness, credibility and legitimacy" of the Security Council by improving its 'representative character" with the Razali concern for developing nations" (p. 106).

The so-called "G4 proposal" did not succeed in 2005 because it did not achieve the required two-thirds majority support in the General Assembly. The group renewed their calls for an enlarged Council once again but it did not succeed. The G4 countries are strongly opposed by their regional rivals such as, Korea, Italy, Argentina and Pakistan (Lee, 2011).

2.1.2.3. The Uniting for Consensus Group (2005)

Simultaneously, other nations in the lobby group known as the 'Coffee Club', which later was named as the Uniting for Consensus (UFC) is working on the enlargement of the non-permanent member seats (Ariyoruk, 2005). The Uniting for Consensus is composed about 40 countries under the leadership of Italy, Pakistan, the Republic of Korea and Colombia, the regional rivals of the G4 states. This group mainly focuses on the enlargement of the non-permanent seats from 10 to 20 in the Security Council and do not plan new permanent seats. These non-permanent seats would be given to six African, five Asian, four Latin American and the Caribbean, three Western European and other states and two Eastern European states. It further suggests a majority of 15 affirmative votes out of 25 members to pass a Security Council resolution and the possibility of non-permanent members' immediate reelection.

(Cox, 2009) In 2009 Columbia and Italy, as representatives of UFC Group presented a new model of reform, which included creation of a new category of seats with non-permanency for an extended duration, possible from three to five years without the possibility of immediate reelections. One year later in 2010 there has been another UFC proposal which required long-term seats for regional groups on a rotational basis but it did not succeed (Lee, 2011).

2.1.2.4. The Ezulwini Consensus (2005)

The African countries agreed to a common position on the UN Security Council reforms called the "Ezulwini Consensus" (Beri, 2012). Africa's aim is to be fully represented in all decision making bodies of the UN which means "not less than two permanent seats with all the prerogatives and privileges of permanent membership including the right of veto" plus five non-permanent seats. Furthermore it should be the African Union (AU) responsible for the selection of its representatives ("The Ezulwini Consensus," 2005). Their plan expands the Council to 26 members among which two permanent and two non-permanent seats are for Africa; two permanent and one non-permanent are for Asia; one non-permanent for Eastern Europe; one permanent and one non-permanent for Lain America and the Caribbean; and one permanent seat for Western Europe and other states. In addition, the Ezulwini Consensus plans to give full veto rights to all new permanent members. (Cox, 2009) The main critique of this group is that "the Ezulwini consensus was based on the idea of regional representation, while the current UN system focused on representation of countries on the basis of their individual merit" (Beri, 2012).

2.1.2.5. The L69 Group (2012)

"L69 Group" is also a group of states having their own UN reform model. According to their ideas there should be six additional permanent seats with veto power for Brazil, Germany, India, Japan and two African countries and four non-permanent seats (including always a small developing state as well). The African Group should be responsible for nomination of the two permanent and two non-permanent seats. Besides it describes one non-permanent seat for Eastern European states, one

permanent seat and one non-permanent seat for Latin American and Caribbean states, one permanent seat for Western European and other states and one non-permanent seat for small island developing states. (“L69 and CARICOM”, 2013) According to this the membership of the Security Council would increase from fifteen to twenty-seven, so this change requires UN Charter amendment. The goal of this group is first of all to create a more diverse and representative Security Council. With its unique and diverse model, the L69 Group enjoys the support of G4 group and also that of the African Union. The main critique of this model is that it insists on new members veto right which is not in favor of the P5 owners of this exclusive right.

2.1.2.6. CARICOM (2013)

CARICOM is the group of the Heads of State and Government of the Caribbean Community which has 15 members. The CARICOM draft proposal on the UN Security Council reformation suggest to increase the Council membership from 15 to 27 and to improve the working methods of the Council and also to increase the involvement of the non-member states of the Security Council in its work in order to increase transparency and accountability. Their proposal divides the seats on the same way as the L69 group proposal (“L69 and CARICOM”, 2013).

2.2. Moderate Reform Models

While the radical reform models deal with the problems of representation in the Security Council and the veto right of the permanent members, the moderate reform attempts propose less radical changes from a human rights and humanitarian affairs perspective. These reform initiatives highlight the humanitarian side of the necessity for reform rather than addressing power politics, and primarily emphasize the international protection of human rights. Therefore, their first aim is to achieve a more effective work in the Security Council and in the UN family in general.

Despite of the efforts to improve UN leadership and coordination, these are still the main critical weaknesses which endanger timely and effective help for those whose lives are at stake in disaster. The following proposals aim to provide a better

framework for the United Nations and the Security Council dealing with human rights and humanitarian issues.

2.2.1. Uniting for Peace (1950)

As it was mentioned before “unlike the Security Council, the General Assembly does not benefit from the provisions of Article 24 or chapter VII of the UN Charter”, and the effect of its resolutions are non-binding (Carswell, 2013). A modified power relation between the Security Council and the General Assembly is also a possible basis to make the UN system more just and democratic. This change would require a comprehensive reform of the UN Charter. Although the General Assembly is globally more representative than the Security Council, it does not have the power to make important decision, it can “just” recommend.

The “Uniting for Peace” resolution (also known as the ‘Acheson Plan’) is the Resolution 377 (V) of the United Nations General Assembly adopted in 3 November 1950. The resolution:

> Resolves that if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security. Interpreted in a manner that recognizes the prima facie constitutionality of the veto’s use, the relevant segment of the resolution—‘because of lack of unanimity of the permanent members, [the Security Council] fails to exercise its primary responsibility’—premises General Assembly action upon two conditions: the veto, and, as a possible consequence, a failure of the Council to exercise its primary responsibility (Resolution 377 (V) “Uniting for Peace”, 1950).

Under the Resolution 377 A (V), "Uniting for Peace" an “emergency special session” can be convened within 24 hours (General Assembly, Emergency Sessions). Although the resolution was adopted during the Cold War era, Uniting for Peace has been implemented only 11 (or 12 times depending on how one characterizes the first case). The Security Council has referred a majority of the cases, but has not done so

since 1982, while the General Assembly has done so most recently albeit not since 1997 ("Uniting for Peace", n.d.). The accepted view among scholars is that "the Uniting for Peace resolution did not create a new constitutional function for the Assembly, but drew upon latent Charter powers" (Carswell, 2013), it is for this reason that this model is included among moderate models.

Carswell (2013) criticizes the resolution in the following words:

> The Western powers initially benefited from this imbalance, but quickly realized that it was a double-edged sword. […] Accordingly, once the General Assembly had evolved to the point where it no longer generated routine majorities in favour of the West, the resolution disappeared from the main stream of UN practice. […] After all, in the words of John Foster Dulles, the resolution is 'a programme which only aggressors need fear'.

2.2.3. The Small Five Group (2005)

The Small Five Group (S5) consisted of Switzerland, Costa Rica, Jordan, Liechtenstein and Singapore, but the group disbanded in 2012. The S5, unlike the other state groups, mainly recommends in its draft resolutions changes in the working methods of the Security Council as they do not see the benefit in an increased Security Council by larger regional powers. As Cox (2009, p. 109) notes, "the S5 plan is a modest attempt at reforming the Council's working methods". They prioritize the transparency of the Security Council's working style and emphasize the questioning of the veto power system and the power relationship between the Security Council and the General Assembly. In addition, the S5 recommends that permanent members refrain from using their veto in cases of genocide, crimes against humanity, and grave breaches of international humanitarian law ("Small Five Group", n.d.), and if they cast a veto, they are required to explain their reason(s).

2.2.4. The Accountability, Coherence and Transparency Group (2013)

The Accountability, Coherence and Transparency (ACT) Group has been formally established on 2 May 2013, almost exactly one year after the Small Five Group disbanded. The ACT currently has 22 member states. This group, just like the S5, is

focusing on a more comprehensive Security Council reform emphasizing the need of more transparent, efficient, accountable and coherent working methods in the Security Council. They demand explanation from the P5 in case they use their veto right ("Reforming the Working Methods of the UN Security Council", 2013).

2.2.5. The French "Code of Conduct" (2013)

In October 2013, France proposed a "Code of Conduct" for the use of veto in the Security Council in cases of mass atrocities (genocide, war crimes, crimes against humanity and ethnic cleansing) as it is the Security Council which has the power to implement and reinforce the international responsibility to protect. Despite this fact, the five permanent members often prevent resolutions referring to their national interests. The French proposal suggests that the P5 should have a mutual commitment to suspend the right of veto in cases of mass atrocities. At least 50 member states should request the UN Secretary-General to determine the nature of the crime and once it is confirmed the code of conduct would apply immediately. The only exceptions are the cases where the vital national interests of a permanent member of the Council are at stake ("UN Security Council and the responsibility to protect", 2013). Nevertheless, the definition of vital national interests is not defined in the proposal.

2.2.6. "Rights Up Front" (2013)

"Rights Up Front" is an initiative of the Secretary-General Ban Ki-moon to improve UN actions to safeguard human rights around the world. "Action 1" of this plan highlights the importance of "integrating human rights into the lifeblood of the UN so all staff understand their own and the Organization's human rights obligations". Furthermore, it emphasizes that the UN's human rights capacity must be strengthened, particularly through better coordination of its human rights entities. The proposal reaffirms that the core purpose of the UN and ensures its aim to protect human rights and prevent conflict ("'Human Rights Up Front' Initiative", 2013).

2.2.7. Responsibility Not to Veto (2014)

"The Responsibility Not to Veto: A Way Forward" is a work of Citizens for Global Solutions that was published in 2014. They propose that the permanent members of the UN Security Council should agree not to use their veto power to block action in response to genocide and mass atrocities, which would otherwise pass by a majority. They also add that an informal agreement by the P5 is achievable and would send an important political message ("The Responsibility Not to Veto: A Way Forward", 2014).

2.2.8. The Proposal of "The Elders" (2015)

The Elders founded by Nelson Mandela and chaired by Kofi Annan is an independent group of global leaders who work together for peace and human rights. In February 2015, they have published a statement called "Strengthening the United Nations". In their work they propose four vital changes to the United Nations. The first one is a "new category of members", which requires the creation of a new category of membership with longer term and the possibility of immediate re-election. This new category could increase the legitimacy of the *de facto* permanent members of the Council and make it more effective. However, as this proposal requires the amendment of the Charter, the Elders highlight that this can be done just like in the three previous amendments. The second is "a pledge by the existing permanent members", which means the "states will undertake not to use, or threaten to use, their veto in such crises without explaining, clearly and in public, what alternative course of action they propose, as a credible and efficient way to protect the population in question". They also add that "any state casting a veto simply to protect its national interests is abusing the privilege of permanent membership." The next proposal, "a voice for those affected" would give greater opportunity to groups representing people in zones of conflict to inform and influence the Council's decisions. The name of the last proposed change is "a new process for choosing the Secretary-General", which emphasizes that the Secretary-General should be appointed by the General Assembly, and only upon the recommendation of the Security Council according to the UN Charter. In practice the Secretary-General has been chosen by the five

permanent members of the Security Council in almost total secrecy ("A UN fit for purpose", 2015).

2.3. A CRIPPLED UN

These proposals demonstrate that the UN has put more effort or more importance on the global protection of human rights in the recent years. The slogan of the year 2015 is "Human Rights 365", which emphasizes the main human rights principle, "common standard of achievement for all peoples and all nations".

Tharoor (2011) notes: "The United Nations is the one universal body we all have, the one organization to which every country in the world belongs; if it is discredited, the world as a whole will lose an institution that is truly irreplaceable." The need of reform is not a question anymore, though the way and form (as it was demonstrated above) of it challenge the community of academicians as well as decision-makers. Despite of the necessity for reform, Luck (2005) highlights that "if one of the purposes of reform is to bring member states together in support of a common platform for strengthening the world body, the emphasis on remodeling the Security Council so far has had the opposite effect". In addition, David Bills (1996, p. 127) argues that, this projection is not to suggest that human rights initiatives will not be considered by the Security Council in the future, but that such initiatives will reflect a resurgence of, and will therefore be limited by, state sovereignty concerns.

In order to maintain international peace and security, both the General Assembly and the Security Council must be more representative, democratic and equitable bodies. The existing radical reform models are very similar as they all aim to change the power politics in the Security Council. In contrast, the modest models bring an important perspective in the UN reformation process by highlighting the human lives at risk in case of failure. Weiss (2012, p. 88) notes that "the issue of human rights illustrates more clearly than any other the extent to which orthodox interpretations of state sovereignty remain a chronic ailment for the United Nations". In the twenty first century the United Nations system is seemingly in crisis and the classical understanding of state sovereignty seems to be one of the main barriers to reform

attempts. A new perspective in field of human security and humanitarian intervention, namely the "Responsibility to Protect (R2P)" has brought a new understanding of state sovereignty on the United Nations's agenda. Francis M. Deng used the term "sovereignty as responsibility" first in the 1990s while referring to states' responsibility to provide protection and assistance for their people (Weiss, 2012, p. 135). The "Responsibility to Protect" has emerged as a mainstream principle and quickly became an international norm. The modicum of respect for human rights embodied in R2P defined in 2001 by the ICISS and unanimously accepted with the 2005 World Summit Document highlights the need for changing the content of state sovereignty. However, the state sovereignty will remain the central principle of the United Nations, its content will have to change in order to achieve better protection of human rights. As the main topic of this thesis is structured around R2P and UN reform, the implications of the responsibility to protect on UN reformation are further analyzed in the forthcoming chapters.

All in all, one of the emerging international norms, the responsibility to protect might be a good basis for discussing the issue of the reformation of the UN with regard to the enhancement of its ability to save human lives. The question is, whether or not such an international norm can bring member states together for strengthening the world organization?

CHAPTER 3

THE INSTITUTIONALIZATION OF R2P: FROM ICISS TO THE UN

This chapter aims to provide a conceptual background on the notion of the "responsibility to protect" (R2P). To this end, it starts off with an overview of the report of the ICISS with a special focus on the changing understanding of state sovereignty. This is followed by, a two-fold analysis of R2P within the framework of the UN. To this end, R2P is studied on the basis of the reports by the former and current Secretary-Generals of the UN. Such analysis allows us to assess the current status of the norm within the international system.

3.1. THE REPORT OF THE ICISS ON THE RESPONSIBILITY TO PROTECT

3.1.1. Humanitarian Intervention vs. Responsibility to Protect

Especially since the end of the Cold War, humanitarian intervention has been highly debated in academic and political forums as a result of the increasing focus on and importance of the international protection of human rights and a relevant expectation for saving lives by effective collective actions. The cases that were witnessed in the 1990s brought to the fore different aspects of the issue, such as that of the consequences of inaction as experienced in Rwanda in 1994, or action without Security Council authorization as in the case of NATO intervention Kosovo in 1999. While such instances led to the questioning of the credibility of the UN and re-ignited the debates on the legality, legitimacy and/or lawfulness of humanitarian interventions. An outcome of such discussion was the introduction of the notion of the "responsibility to protect" (Gözen Ercan, 2013).

In 1999, the then UN Secretary-General Kofi Annan called for collective action in the name of humanity at the 54th session of the General Assembly. In response his call, in 2000 the Government of Canada established an independent international forum

entitled the International Commission on Intervention and State Sovereignty (ICISS) to tackle with the question of "humanitarian intervention" and to develop a global consensus among world's nations that can assure action through the United Nations. In December 2001, the ICISS published a report entitled "The Responsibility to Protect".

In its report, the ICISS highlights that in the 21st century there are new realities and challenges to international peace that require new actions and new standards of conduct in national and international affairs. One of these challenges is the increasing number of intra-state conflicts causing the death of innocents, which leads the question of the applicability of intervention for human protection purposes. Under the framework of established rules and norms of international law, there are no clear grounds or guide for undertaking action on humanitarian grounds whereas fundamental principles of the "non-use of force" and "non-intervention" are not only part of the UN Charter (as set out in Article 2 paragraphs 4 and 7) but also part of *jus cogens* norms in inter-state relations (Gözen Ercan, 2013). Additionally, Article 2.3 of the UN Charter emphasizes that "all Members shall settle their international disputes by peaceful means". While these fundamental principles regulate interstate conflicts/relations, a large majority of the clashes that we are facing today are intra-state conflicts (such as civil wars, insurgencies, state repression and state collapse). The grave consequences of intra-state conflicts (such as mass loss of human lives, refugee influxes, poverty, etc.) prove that internal conflicts can be endangering international peace and security aside from putting into risk the lives of innocents whose states are unable or unwilling to protect them. In this vein, the alternative normative perspective proposed by the ICISS aimed to find a common answer for such challenges. Accordingly, the ICISS proposes two basic principles:

> A. State sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself.
>
> B. Where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect (Synopsis, p. XI).

On the basis of such understanding, with notion of the "responsibility to protect" the ICISS shifts the emphasis towards a duty to protect populations instead of a "right to intervene". In basic terms, Oxford Dictionary (2010) defines responsibility as "a duty to deal with or take care of somebody/something, so that you may be blamed if something goes wrong" (p. 1258), and to protect as "to make sure that somebody or something is not harmed, injured, damaged" (p. 1179). The "right to intervene" consists of a choice, not an obligation. Thus, it provides a leeway for states such as the superpowers of the Security Council to decide whether to take action or not based on their individual considerations. In contrast, responsibility to protect leads to the assumption of some kind of obligation to act, to do something, and not to remain silent in the face of mass atrocities. Accordingly, the ICISS determines three elements for the responsibility to protect, which may work in cooperation with or independent from each other. These are:

> A. **The responsibility to prevent**: to address both the root causes and direct causes of internal conflict and other man-made crises putting populations at risk.
>
> B. **The responsibility to react**: to respond to situations of compelling human need with appropriate measures, which may include coercive measures like sanctions and international prosecution, and in extreme cases military intervention.
>
> C. **The responsibility to rebuild**: to provide, particularly after a military intervention, full assistance with recovery, reconstruction and reconciliation, addressing the causes of the harm the intervention was designed to halt or avert (Synopsis, p. XI)

All these elements considered together, R2P covers more than a simple regulation of the act of humanitarian intervention. Furthermore, it establishes that the resort to the use of force should be a last resort, while it places the emphasis on prevention rather than military intervention. Due to its new perspectives, the Responsibility to Protect has soon become a topic of discussion among academicians. Evans (2012) argues that "there were, and remain, crucial differences between R2P and the "right of humanitarian intervention", and it is a fundamental mistake to maintain, as some still do, that R2P is no more than "old humanitarian intervention wine in a new bottle"". Pro-R2P scholars such as Gareth Evans claim that R2P "has made major contributions that seems likely to have a lasting impact"; whereas more cynical ones

like Aidan Hehir (2010: 218, 223) argue that "R2P is part of this liberal peace thesis and thus a means by which the tenets of international law can be manipulated to facilitate the national interest of Western states". Before proceeding to a detailed analysis of the three elements of R2P, it helps to study in more detail the changing understanding of sovereignty, which establishes the basis of the understanding of the responsibility to protect.

3.1.2. Sovereignty as Responsibility vs. Westphalian Notion of State Sovereignty

The notion of "sovereignty as responsibility" was first used by Francis M. Deng, Special Representative on Internally Displaced People in the UN, who has explained it as a responsibility of states to provide protection and assistance for its people. Albeit R2P has humanitarian intentions, the critics of the notion argue that the reconstruction of sovereignty as a responsibility might constitute a threat to the "classical understanding of state sovereignty" that is rooted in the Westphalian understanding, as well as weakening the principle of non-intervention. The Westphalian notion of sovereignty accepts the legal identity of each state in international law regardless of its size, political power or economic wealth, and prioritizes the principle that no one should interfere in the internal affairs of states.

Deriving its origins from such conceptualization, the UN Charter states that 'the Organization is based on the principle of the sovereign equality of all its Members' (Article 2.1). It further guarantees states' external sovereignty in Article 2.7 which notes that the UN shall intervene in matters falling under the domestic jurisdiction of a state, while noting that this principle "shall not prejudice the application of enforcement measures". The ICISS acknowledges that each state has sovereignty in the international arena. Nevertheless, this sovereignty is not regarded as absolute. As the ICISS highlights in its report "it is constrained and regulated internally by constitutional power sharing arrangements" (p. 12) therefore the internal sovereignty of a state involves a responsibility towards the people living on territory. While such responsibility is not defined in the UN Charter the ICISS: "Sovereignty as responsibility has become the minimum content of good international citizenship." As Gareth Evans (2008, p. 11) reminds, "sovereignty is not license to kill", in this

vein, R2P brings into the picture the notion of sovereignty as responsibility. This "re-characterization" of the sovereignty has a central role in the work of the ICISS as it implies that national authorities are responsible for the protection, safety and lives of their citizens and that they are accountable for their acts.

While this alternative approach to state sovereignty affirms the increasing focus on human rights norms at the international platform, critics of R2P argue that the acceptance of such approach weakens the "external" responsibility by creating the possibility for fake humanitarian interventions on the basis of the responsibility of the international community that arises in the case of states' individual failure to protect their populations. In this vein, it is important to consider what the three elements of R2P entail of and their limitations.

3.1.3. The Responsibility to Prevent

Prevention is the primary element of the responsibility to protect. As mentioned before, R2P emphasizes the responsibility to prevent and highlights the need for more effective preventive actions before considering the option of military intervention when necessary. The ICISS notes:

> Prevention of deadly conflict and other forms of man-made catastrophe is, as with all other aspects of the responsibility to protect, first and foremost the responsibility of sovereign states, and the communities and institutions within them (3.2, p. 19)

In this regard, the fundamental responsibility to prevent mass atrocities rests primarily on sovereign states. States' failure to fulfill their responsibility to prevent might have large-scale international consequences, and therefore the assistance of the international community in fulfilling this responsibility becomes indispensable.

The Commission differentiates between levels of effective conflict prevention. The first phase is "early warning", which contains the recognition of the situation's fragility and the risks associated with it. The next step is to decide on the "preventive toolbox" which requires a good understanding of policy measures. The last step is to acquire the "political will" needed to apply these tools.

Another element of prevention focused on the report is the differentiation between "root" and "direct" causes of armed conflict. Within the former group poverty, political repression and uneven distribution of resources are generally understood and accepted as symptoms rather than the causes of conflicts. In addressing the symptoms of the root causes, the adopted prevention tools might be of political, economic, legal or military kind. Just like the "root causes" toolbox, direct prevention measures have the same divisions, though with different instruments to make coercive measures - against the state- unnecessary. For instance, a legal tool used against root causes can be strengthening the rule of law or enhancing protections for vulnerable groups, while mediation or legal tools such as arbitration or adjudication can be used to address direct causes. In its report, the ICISS highlights that the main problem with the prevention strategy is that "some states are reluctant to accept any internationally endorsed preventive measures at all" due to their fear that it will result in further external interference amounting to a military intervention. Therefore, the main challenges in effective prevention are the persuasion of these states regarding the effectiveness of preventive measures and gaining their trust.

As suggested in the ICISS report, the United Nations, as the primary organization responsible for the maintenance of international peace, has adopted resolutions related to the vital role of conflict prevention in 2000. Albeit, there have been many efforts made to enhance the effectiveness of the UN conflict prevention system, for instance, the Report of the Panel on the United Nations Peace Operations and the report of the Secretary-General on Prevention of Armed Conflict in 2001 made successful recommendations in order to minimize interventions. Furthermore, recently a new NGO has emerged focusing exclusively on early warning mechanism and effective conflict prevention, such as the International Crisis Group (ICG).

3.1.4. The Responsibility to React

The issue of "trust" gains even further prominence when it comes to international action to undertaken in order to protect lives. In case the preventive measures fail to reduce or eliminate the source(s) of danger, there might be a need for international

action which ranges from peaceful to coercive measures including the use of armed forces.

International reaction raises questions about authority, legality and morality -just like it has been argued for many years about humanitarian interventions. In tackling with such complex picture, the ICISS first of all highlights that their R2P does not relate actions taken against a state or its leaders; instead the focus is on humanitarian and/or protective measures to be implemented in the case of states' failure to protect their populations. As mentioned previously, the emphasis on the "responsibility to protect" lives rather than arguing for the existence of a "right to intervene" in other states internal affairs. The report argues that the change in terminology aims to change the approach as well. In this vein, first, it places the focus on those who need protection rather than the rights of the interveners. Second, the responsibility to protect is the primary responsibility of individual states, and only if the state is unable or unwilling to fulfill it, or if the state itself is the perpetrator, the responsibility becomes that of the international community. Last, R2P provides not just normative but also conceptual and operational linkages between assistance, intervention and reconstruction; therefore it is more than a change in terminology (p. 17)

The measures and actions in the name of "protection" undertaken by the broader international community might be non-coercive or coercive. The coercive action involves the use of force, and it is to be applied only as a last resort, that is only in extreme cases where non-coercive measures (of political, economic or legal sorts) prove ineffective. The question that follows is whether or not there can be commonly accepted criteria to determine the application of the use of force. The ICISS highlights that one of the "exceptional circumstances in which the very interest that all states have in maintaining a stable international order requires them to react when all order within a state has broken down or when civil conflict and repression are so violent that civilians are threatened with massacre, genocide or ethnic cleansing on a large scale" (p. 31). For responding to such emergency cases and determining whether or not use of force should be employed, the ICISS proposes the consideration of six criteria. These are right authority, just cause, right intention, last resort, proportional means and reasonable prospects (ICISS Report, p. 32). These criteria

help us to understand the general approach of R2P towards military intervention. For this reason, a brief analysis is due.

The first criterion of right authority addresses the difficult question of which authority is to determine whether or not a military intervention for human protection purposes shall take place in a particular case. The ICISS proposes the Security Council as the first and foremost appropriate authority, as it is from a traditional point of view an uncontested one due to its powers arising from the UN Charter. The primary responsibility of the Security Council is defined as the maintenance and preservation of international peace and security. In this vein, under Chapter VII of the Charter, which concerns "Actions with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression", the Security Council "shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security." (Article 39). Furthermore, the Security Council may call for the resolution of disputes through measures enlisted under Chapter VI of the Charter dealing with peaceful settlement of disputes. Last but not least, under Chapter VIII, which describes the role of regional and sub-regional organizations, yet again the Security Council is vested with the power to authorize the enforcement action of such organization.

Yet, another question remains: what happens if the Security Council fails to act? The ICISS asserts that "the Security Council has the "primary" but not the sole or exclusive responsibility under the Charter for peace and security matters" (ICISS Report, p. 48). Likewise, the General Assembly has a general responsibility with regard to any matters that are within the scope of the functioning and purposes of the UN, though its authority is limited to making recommendations rather than taking legally binding decisions. As mentioned in Chapter 1, the "Uniting for Peace" resolution was aimed to initiate an Emergency Special Session procedure in the General Assembly in cases when the Security Council failed to act due to the casting of the veto by one or more of the P5. The experiences of the Cold War, for instance, in exemplary cases of Egypt in 1956 and the Congo in 1960 proved that a "two-thirds

vote in the General Assembly would clearly have powerful moral and political support" (ICISS Report, p. 48).

In this regard, the Commission suggests that it "is in absolutely no doubt that there is no better or more appropriate body than the Security Council to deal with military intervention issues for human protection purposes". However, the General Assembly with a powerful political and moral support might be the alternative of the Security Council in case the former fails to fulfill its responsibility.

The second criterion is the "just cause threshold", which aims to limit the purpose of intervention by justifying two sets of circumstances for military intervention:

> large scale loss of life, actual or apprehended, with genocidal intent or not, which is the product either of deliberate state action, or state neglect or inability to act, or a failed state situation; or
>
> large scale "ethnic cleansing," actual or apprehended, whether carried out by killing, forced expulsion, acts of terror or rape (ICISS report, 4.19, p.32)

The report makes it clear what these conditions include and exclude (ICISS Report, p. 33). For instance, it includes actions defined by the 1948 Genocide Convention that involve large scale threatened or actual loss of life; different manifestations of "ethnic cleansing"; crimes against humanity and violations of the laws of war; mass starvation and/or civil war and overwhelming natural or environmental catastrophes where the state is either unable or unwilling to protect its citizens and significant loss of life is occurring or threatened. The emphasis is always on the "large scale" condition. Although, *large scale* is not defined in the report, it is stated that any military action can be legitimate if it is an anticipatory measure in response to clear evidence of likely large scale killing. The report does not specify whether the actors that endanger the lives of others are state or non-state actors (ICISS Report, p. 33). In this context, the critics claim that the ambiguities of the report of the ICISS leave room for abuses of the understanding and may lead to unnecessary military interventions.

"Right intention" is the third criterion proposed by the ICISS report. In this regard, although the tools utilized can vary case by case, the purpose of military intervention

“must be to halt or avert human suffering” (ICISS Report, p. 35). For instance, aims such as regime change, alteration of borders and supporting one of the combatant group and everything cannot be justified as legitimate objectives of an R2P intervention. In order to satisfy the “right intention” criterion, military interventions should always “take place on a collective or multilateral rather than a single-country basis” (ICISS Report, p. 36). While the Report notes that a pure humanitarian motive is ideal, it recognizes that in reality there can be mixed motives of the interveners which also comprises of considerations of self-interest and vice versa.

Given that mixed motivations may complicate the picture, as its fourth criterion, the ICISS (p. 36) proposes military intervention only as an ultimate solution in responding to an R2P situation. Thus, the basic idea is to exhaust peaceful measures, and unless it is ultimately necessary not to resort to the use of force. Yet, sometimes there are no alternatives left, or if the immediacy of the situation requires so, military means have to be adopted in fulfilling the responsibility to react.

Considering such cases, the Commission introduces the criterion of “proportional means”, which suggests: “The means have to be commensurate with the ends, and in line with the magnitude of the original provocation” (ICISS Report, p. 37). Proportional means places the focus on the military planning of an intervention. For instance, the “scale, duration and intensity” of the intervention in question should be reduced to “the minimum necessary level to secure humanitarian objectives”, and above all, the political system of the country targeted should be affected by the intervention at the possible minimum level.

Last, but not least, if a military intervention is to be undertaken as part of the responsibility to protect, it must have “reasonable prospects”. If military intervention has proven necessary, as a last criterion states need to consider the “chance of success” of the intervention and its possible post-conflict impact. That is to say, the military intervention should be expected to succeed in the protection of the population, and should not be likely to worsen the situation. Undertaking action for the sake of reacting without considering potential negative impacts of the use of force cannot be justified on the basis of humanitarian purposes. This means that “some

human beings simply cannot be rescued except at unacceptable cost" (ICISS Report, p. 37).

With these criteria, the ICISS aims to regulate the conduct of what can classically be considered as humanitarian military intervention. As mentioned previously, R2P is beyond a simple regulation of the conduct of humanitarian interventions, in this regard, the ICISS adds the element of the responsibility to rebuild to the equation, and defines an additional responsibility for the post-intervention period under the heading of the responsibility to rebuild.

3.1.5. The Responsibility to Rebuild

The report emphasizes that there is a need for "sustainable reconstruction and rehabilitation" after military intervention to build a durable peace, good governance and sustainable development in the intervened country. It has been realized that humanitarian crisis resolution does not end with military intervention, but require a well-structured post-conflict rehabilitation. The peace building actions should be performed in close cooperation with local people. The most important is to eliminate the re-emergence of the conflict. As there is not a single model for post-intervention strategy, for every case there must be a unique re-building plan (ICISS Report, p. 39)

The report highlights that the three most problematic issues for policy makers, are security, justice and economic development. These areas are essential for successful rehabilitation of a country; though require immense resources and work. As the report argues "it is essential to provide effective security for all populations, regardless of origin". In other words, in a post-intervention phase there cannot be divisions among "good and guilty minorities". "Everyone is entitled to basic protection for their lives and property." (ICISS report, p. 4) From a security perspective, the biggest challenges are disarmament, demobilization and the reintegration of local security forces, as the report notes. The third issue is the economic development including economic growth and wealth.

> Intervening authorities have a particular responsibility to manage as swiftly and smoothly as possible the transfer of development

> responsibility and project implementation to local leadership, and local actors working with the assistance of national and international development agencies (ICISS Report, 5.20, p. 43)

It is worth to mention that "the suspension of the exercise of sovereignty is only de facto for the period of the intervention and follow-up and not de jure" (ICISS Report, p. 44). In other words, undermining or abolishing a state's sovereignty is not the aim of an R2P based military intervention neither of the rebuilding actions.

3.1.6. The R2P of the ICISS

In its report, the ICISS introduced the responsibility to protect as a principle with multiple layers that may complement or work independently from each other. The comprehensive propositions of the ICISS received mixed responses from the international community. In this regard, it is not possible to say that R2P received immediate and vast recognition by states. Nevertheless, the watershed came in 2005 with the World Summit Outcome Document, when the member states of the General Assembly unanimously accepted the notion. Therefore, it is important to analyze the evolution of R2P, and its institutionalization within the UN framework. To this end, in the forthcoming section, the development of the responsibility to protect into an international norm is studied on the basis of different documents adopted under the roof of the UN.

3.2. R2P IN THE AGENDA OF THE UN GENERAL ASSEMBLY

R2P was incorporated in the agenda of the General Assembly for the first time in the Report of the Secretary-General's High-level Panel on Threats, Challenges and Change entitled "A more secure world: *Our shared responsibility*". The panel's main task was to examine the contemporary global threats and challenges to international peace and security and to recommend the changes necessary to ensure collective action (Brunnée and Toope, 2006). In the report, R2P was introduced in the following words:

> The Panel endorses the emerging norm that there is a collective international responsibility to protect, exercisable by the Security Council authorizing military intervention as a last resort, in the event of genocide

> and other large-scale killing, ethnic cleansing or serious violations of humanitarian law which sovereign Governments have proved powerless or unwilling to prevent. ("A more secure world", High-level Panel Report, 2004, A/59/565, paragraph 55.)

Albeit the report covers a wide range of topics, Chapter 3 of Part 3,entitled: "Chapter VII of the Charter of the United Nations, internal threats and the responsibility to protect"', deals with R2P related issues. First of all, the report highlights that the UN Charter is not enough clear about saving the lives within a country in situations of mass atrocity. In addition, it makes it clear that the principle of non-intervention cannot be used as an excuse to cover genocidal acts or other large-scale violations of international humanitarian law such as ethnic cleansing which are considered as threat to international peace ("A more secure world", High-level Panel Report, 2004 p. 65). Similar to the report of the ICISS, it emphasizes that the primary responsibility to protect their citizens rest with governments, but when they are unable or unwilling to do so, the responsibility is transferred to the wider international community. The use of force, as suggested by the ICISS, can only be applied as a last resort, upon the failure of preventive tools to cease the violence or if such measures cannot be exhausted due to the imminence of the situation. Regarding right authority, the High-level Report suggests that the norm can be exercised by the Security Council. Compared to the 2001 Report, the Panel refers to "genocide and other large-scale killing, ethnic cleansing or serious violations of humanitarian law", and shifts the "emphasis from a list of grave human rights violations, to the concept of international crime as the trigger for action" (Brunnée and Toope, 2006). The Panel also adopts ICISS's criteria for military intervention with some nuances, under the headings of seriousness of threat, proper purpose, last resort, proportional means and balance of consequences. While the majority of the criterions in the two reports are the same in essence, as Gözen Ercan (2016) notes, the High-level Panel Report "suggests a more limited scope as it excludes cases of natural and environmental disasters and confines the perception of threat to acts of genocide and other large-scale killing, ethnic cleansing or serious violations of international humanitarian law".

Though with certain limitations on the norm, the High-level Panel Report has introduced R2P within the framework if the UN and led to its further discussions in

later cornerstone reports. One of these was Kofi Annan's 2005 Report on UN Reform: "In larger freedom: towards development, security and human rights for all". In this preparatory document for the Millennium Declaration of the UN, Annan (2005, 34) states that the "protection and promotion of the universal values of the rule of law, human rights and democracy are ends in themselves". On this basis, he suggests:

> We must also move towards embracing and acting on the "responsibility to protect" potential or actual victims of massive atrocities. The time has come for Governments to be held to account, both to their citizens and to each other, for respect of the dignity of the individual, to which they too often pay only lip service. We must move from an era of legislation to an era of implementation. ("In larger freedom", 2005, A/59/2005/Add.3, paragraph 132.)

In endorsing the norm, he describes R2P as a "basis for collective action against genocide, ethnic cleansing and crimes against humanity" (p. 59). In comparison to the 2004 High-Level Panel Report and the 2001 Report of the ICISS, it is possible to observe that the scope of R2P is getting narrower with each new report within the framework of the UN. Furthermore, while the Secretary-General defines the right authority for R2P decisions as the Security Council, it can be seen that the criteria of intervention is left out of the scope of the report, and the emphasis is fully placed on prevention (Gözen Ercan, 2016).

3.3. 2005 WORLD SUMMIT OUTCOME DOCUMENT AND THE BIRTH OF "R2P-LITE"

The turning-point for R2P came on 15 September 2005 at the UN World Summit when the Member States of the General Assembly unanimously accepted the norm. The responsibility to protect is enshrined in paragraphs 138 and 139 of the Outcome Document supplemented with a statement of support in paragraph 140. The paragraphs read as follows:

> 138. Each individual State has the responsibility to protect its populations from **genocide, war crimes, ethnic cleansing and crimes against humanity**. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. *The*

> *international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.*
>
> 139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take *collective action, in a timely and decisive manner, through the Security Council*, in accordance with the Charter, including Chapter VII, on a *case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities* manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress *the need for the General Assembly to continue consideration of the responsibility to protect* populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.
>
> 140. We fully support the mission of the Special Adviser of the Secretary-General on the Prevention of Genocide (emphasis added).

A close look at the paragraphs reveals the narrowed scope of R2P to four cases, namely those of genocide, war crimes, ethnic cleansing and crimes against humanity. With such limitations, as Brunnée and Toope (2006) note "the link to international crime is solidified". The term "genocide" is defined in the legal documents of the 1948 Genocide Convention and the 1998 Rome Statute of the International Criminal Court (Evans, 2010, p. 12). The terms "war crimes" and "crimes against humanity" are defined also in the Rome Statute. While "ethnic cleansing" does not have a formal legal definition, as Evans (2010, 12-3) highlights, "the scope of each overlaps not only with that of genocide and ethnic cleansing but also with each other". On the one hand, having clearer the definitions of mass atrocities may make it easier to apply the norm. For instance, Gözen Ercan (2016) suggests, "this restriction can be seen as an attempt to make the terms of the concept less ambiguous and less flexible". On the other hand, the restricted version of R2P limits its potential to fulfill the original aims of the ICISS report. Albeit, the Report refers to the responsibility to prevent and the responsibility to react but does not even mention the responsibility to rebuild.

Furthermore, while collective action is put in the "hands of the Security Council" to be evaluated on a case-by-case basis, in line with the previous 2005 report of the Secretary-General, the emphasis is primarily placed on the prevention of such crimes. Therefore, it can be argued that the widely accepted version of R2P was not necessarily a product that followed from the detailed recommendations of the ICISS or even the High-level Panel Report. Thomas Weiss (2008) refers to this restricted final version of the responsibility to protect as "R2P-lite" due to its shortcomings, which were mentioned in the previous paragraph. Whether as "R2P-lite" or as the responsibility to protect that is unanimously accepted by the members of a world organization, R2P was officially placed in the agenda of the UN with the World Summit Outcome Document, leading to its further consideration by the General Assembly.

3.4. R2P'S EVOLUTION WITHIN THE FRAMEWORK OF THE UN

3.4.1. From 2009 to 2015

Arguably, "persistent persuasion efforts of norm leaders, such as the then Secretary-General Kofi Annan, paved the way for R2P's institutionalization through the machinery of the UN" (Gözen Ercan 2014, p. 40). The process began with the consideration of the proposals of the ICISS with the 2004 High-level Panel Report, and the Outcome Document finalized the boundaries of the norm. In this vein, faced with numerous humanitarian challenges in different parts of the world, the task awaiting was the implementation of R2P.

3.4.1.1. 2009 Report: Implementing the Responsibility to Protect

As the new Secretary-General, Ban Ki-Moon published the first special report on R2P on 12 January 2009 with the title: Implementing the responsibility to protect. Without challenging the scope established by the Outcome Document, in his report Ban aimed to develop a three-pillar strategy for the implementation of the responsibility to protect. As highlighted at the beginning of the report, the aim is neither to reinterpret or renegotiate the paragraphs of the World Summit but rather to

look for ways for practicing R2P in a fully faithful and consistent manner. Accordingly, Ban's strategy includes "the protection responsibilities of the State" (pillar one), "international assistance and capacity-building" (pillar two), and "timely and decisive response" (pillar three).

As the name suggests, the first pillar focuses on the individual responsibility of the State to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This is the first leg of prevention, which as Ban notes, is based on an understanding of sovereignty as responsibility where the individual responsibility of states arise from pre-existing legal obligations.

Pillar two also focuses on prevention, but from the point of the international community's responsibility to assist States in meeting their individual obligation to protect their populations. To this end, a special emphasis is placed on the role of the cooperation among member states, regional and sub-regional arrangements, civil society and the private sector.

The third pillar is about the responsibility of Member States to respond collectively in a timely and decisive manner, which corresponds to the understanding of the responsibility to react of the ICISS. This last pillar exclusively deals with "the responsibility of Member States to respond collectively in a timely and decisive manner when a State is manifestly failing to provide such protection". As the Secretary-General notes, the third pillar is "generally understood too narrowly" ("Implementing the responsibility to protect", 2009, A/63/677, p. 9) as if the choice should be between doing nothing or using force. According to him, the emphasis is on the timely response because there is a broad range of tools available including pacific measures under Chapter VI and coercive ones under Chapter VII, as well as the option of cooperation with other regional and sub-regional organizations under Chapter VIII. It is highlighted that any action taken under Chapter VII requires the Security Council authorization, while measures under Chapters VI and VIII can be carried out by intergovernmental organizations or by the Secretary-General.

In this regard, coercive measures are seen only as a small piece of the puzzle. Ban suggests that:

> If the three supporting pillars were of unequal length, the edifice of the responsibility to protect could become unstable, leaning precariously in one direction or another. Similarly, unless all three pillars are strong the edifice could implode and collapse. All three elements of R2P 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. ("Implementing the responsibility to protect", 2009, A/63/677, paragraph 12.)

In this vein, he places the emphasis on early response, which is also in line with the understanding that prevention is the primary goal. Last but not least, with this, the Secretary-General sets the agenda for his next specialized report on R2P.

3.4.1.2. 2010 Report: Early Warning, Assessment, and R2P

As planned in the 2009 report, the Secretary-General released his next report on 14 July 2010 with the title: "Early warning, assessment and the responsibility to protect". The Report examines the gaps and capacities in the early warning and assessment system of the UN on the basis of the realization of the responsibilities established by the Outcome Document. For instance, Paragraph 138 explicitly notes that "the international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability". Paragraph 139 refers to the importance of early warning and assessment as it mentions the need to "assist those which are under stress before crises and conflicts break out".

The Report highlights that the main gap lies in the information management and analysis within the United Nations. The genocide in Rwanda and the fall of Srebrenica are the best examples of the failed analytical capacity of the UN. As the Secretary-General suggests, gaps in the flow and sharing of information among Member States, between the UN and its Member States and among UN agencies prevent the possibility of a successful (early) response in case of conflict ("Early Warning, Assessment, and R2P", 2010, A/64/864, p. 3).

In 2004 the Office of the Special Adviser on the Prevention of Genocide (OSAPG) was established as a focal agency in the UN for information sharing whether confidential or public. As a step further, Ban Ki-moon proposes the idea of 'joint office' between the Special Adviser on the Prevention of Genocide, Francis M. Deng and the Special Adviser responsible for the conceptual, political and institutional development of the responsibility to protect, Edward C. Luck. A joint office serves to "preserve and enhance existing arrangements, including for capacity-building and for the gathering and analysis of information from the field, while adding value on its own in terms of new arrangements for advocacy, cross-sectoral assessment, common policy, and cumulative learning on how to anticipate, prevent and respond to crises relating to the responsibility to protect" ("Early Warning, Assessment, and R2P", 2010, A/64/864, paragraph 17).

At the end of the report, the Secretary-General expresses the need for further development of R2P and calls for interactive debates in the General Assembly, while setting the theme of the next report as the role of regional and sub-regional organizations.

3.4.1.3. 2011 Report: Regional and Sub-regional Arrangements

Secretary-General's report on 'The role of regional and sub-regional arrangements in implementing the responsibility to protect' was released on 27 June 2011. The report highlights that any action under Chapter VII shall be considered "on a case-by-case basis and in cooperation with relevant regional organizations as appropriate". Besides, Chapter VIII of the UN Charter defines the framework of co-operation between the UN and other regional organizations. For instance, Article 52 states that "Member States shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council". The Secretary-General notes that "timely and decisive response is most likely when inter-governmental bodies both at the global and regional levels favor similar course of action". Furthermore, in these cases the political legitimacy is reinforced by the decision-making at each level.

Ban Ki-moon reminds that R2P is a universal principle however, its implementation "should respect institutional and cultural differences from region to region" ("Regional and sub-Regional Arrangements", 2011, A/65/877-S/2011/393, p. 3). Nevertheless, this does not mean that the reinterpretation of R2P at the regional, sub-regional or national levels is possible. Likewise, regional and sub-regional arrangements have the possibility to encourage governments to fulfill their obligations coming from R2P and "to identify and resolve sources of friction within their societies before they lead to violence or atrocity crimes" ("Regional and sub-Regional Arrangements", 2011, A/65/877-S/2011/393, p. 5). On the other hand, the report suggests that States should investigate, indict and prosecute those who commit the grave crimes, which would also show their commitment to accountability. The role of regional and sub-regional organizations in the implementation of the second pillar is to "help to assure the accurate and timely flow of information and analysis from the country level to global decision-makers" ("Regional and sub-Regional Arrangements", 2011, A/65/877-S/2011/393, p. 7). Finally, the Secretary-General notes that declaration of a principle is different from its implementation though the best way for advancing is going through global-regional-sub-regional partnership.

3.4.1.4. 2012 Report: Timely and Decisive Response

The next report on R2P was published on 25 July 2012 with the title: "Responsibility to protect: timely and decisive response". The notion of "timely and decisive response" is based on the paragraph 139 of the Outcome Document. As it is noticed in the report, there is a need to "better understand the measures available under Chapters VI and VIII of the Charter" in order to use them in an efficient manner. As Gözen Ercan (2014) notes, the "report was published in the aftermath of the interventions in Libya and Côte d'Ivoire, therefore, the Secretary-General's assertion has been quite optimistic about the implementation of R2P as he argues that there has been a "significant progress"."

Based on the experiences of the 1990s, which raised the importance of timely and decisive response, Ban Ki-moon notices that prevention and response are not sharply different things and the dividing lines might not be so clear in practice. Besides,

sometimes the "demonstrated readiness" might be enough to encourage States to provide adequate protection to their citizens.

> In some cases, the will of national authorities to avoid crimes and violations relating to RtoP may be reinforced by the demonstrated readiness of the international community to take collective action, in a timely and decisive manner, when peaceful means are inadequate and national authorities are manifestly failing to meet their responsibilities ("Timely and Decisive Response", 2012, A/66/874-S/2012/578, paragraph 17).

In terms of strategy, the Secretary-General counts five lessons of experience to date ("Timely and Decisive Response", 2012, A/66/874-S/2012/578, paragraph 20.). The first one is that "each situation is distinct", therefore R2P should be "applied as consistently and uniformly as possible". Furthermore, each situation requires different mix of methods and tools employed. The second lesson is that "perceptions matter", so there should not be double standards and selectivity. The next one emphasizes that experience proves that the three pillars of R2P are unlikely to be effective alone. The fourth lesson highlights that "an effective and integrated strategy is likely to involve elements of both prevention and response". The last one reminds that "prevention and response are more effective when the United Nations works in tandem with its regional partners". Therefore, it is extremely important to maximize the cooperation with such regional and sub-regional arrangements.

3.4.1.5. 2013 Report: State Responsibility and Prevention

The fifth report of the Secretary-General entitled "State Responsibility and Prevention" was published on 9 July 2013. This report was based on a conducted consultation process with Member States and other key partners. The participants had to submit their views and ideas on how "to increase national prevention capacity to prevent atrocities" ("State Responsibility and Prevention", 2013, A/67/929-S/2013/399, p. 6).

While it was noticed that "risk factors for armed conflict and atrocities overlap", it is important to clarify that "not all armed conflicts lead to atrocities, and not all R2P crimes occur during a state of armed conflict". Accordingly, the Secretary-General

identifies six risk factors: 1. History of discrimination or other human rights violations; 2. Underlying motivation of actors; 3. Presence of armed groups and/or militias; 4. Circumstances or actions undertaken by actors to facilitate the perpetration of atrocities; 5. Government's lack of preventive capacity; 6. Commission of acts that could constitute elements of the R2P crimes as defined in international law ("Overview of the United Nations Secretary-General Ban Ki-moon's Report on the Responsibility to Protect: State Responsibility and Prevention", 2013). These risk factors are likely to drive for the rapid escalation of a crisis therefore they are considered to be the "triggers". Despite the fact that there is an ongoing armed conflict or civil war in a country, it does not diminish a State's responsibility, nor does it provide excuse for inaction in case of mass atrocity crimes.

The next part of the report provides an overview of the wide range of prevention measures available to decision-makers. Furthermore, it "recognizes that R2P crimes affect men and women, and girls and boys differently" ("State Responsibility and Prevention", 2013, A/67/929-S/2013/399, p. 8). The policy options in turn are divided into the larger groups of "building national resilience", "promot[ing] and protect[ing] human rights", "adopting targeted measures to prevent atrocity crimes" and "building partnership for prevention". Each of these contains proposals for effective elimination of risk factors. Finally, the Secretary-General reminds of the past and current failures, particularly the case of Syria which "serves as tragic reminder of the consequences of the failure of the State and international community to prevent atrocities" ("State Responsibility and Prevention", 2013, A/67/929-S/2013/399, p. 16).

3.4.1.6. 2014 Report: International Assistance and R2P

Secretary-General's most recent report on R2P was published on 11 July 2014 with the title "Fulfilling our collective responsibility: international assistance and the responsibility to protect". The aim of the report is to outline the "ways in which national, regional and international actors can assist States in fulfilling their responsibility to protect populations" ("International Assistance and R2P", 2014, A/68/947-S/2014/449, p. 1). The core of the report is structured around the "Spirit of pillar II" which deals with collective assistance responsibilities if the international

community. Secretary-General defines the common set of principles as follows: ensuring national ownership, building mutual commitment, doing no harm, prioritizing prevention, and retaining flexibility. Furthermore, he highlights the exclusive legitimacy and global character of the United Nations as central element for assisting States under pillar II. In this vein, "the Security Council authorizes assistance to States through peacekeeping operations and special political missions, but also addresses related thematic agendas, such as sexual and gender-related violence in armed conflict" ("International Assistance and R2P", 2014, A/68/947-S/2014/449, p. 6).

By examining the forms of collective assistance in the context of the responsibility to protect, Ban defines three main categories: "encouragement", "capacity building", and "assisting states to protect their populations" ("International Assistance and R2P", 2014, A/68/947-S/2014/449, paragraph 28). These categories include economic, political, humanitarian, and sometimes, military tools. "Encouragement" can involve two ways. First, through "awareness-raising and dissemination" international actors can encourage States to fulfill their obligations under pillar one. On the other hand, by using "confidential or public dialogue" international actors can remind States and underline the importance of "meeting their responsibility to protect". Under "capacity-building", the prevention of atrocity crimes at the national level is emphasized. As it is highlighted, "international assistance can have a substantial impact by helping to build" an effective prevention structure and to foster resilience. Therefore, the two specific elements of capacity-building are, on the one hand the effective, legitimate as well as inclusive governance, and addressing specific inhibitors of atrocity crimes on the other. The last category is, "assisting States to protect their populations in situations of emerging or ongoing crisis through the provision of additional capacity or expertise".

The recommendations of the Secretary-General highlights once again that the "key precondition for coordination is a shared understanding of the core priorities" ("International Assistance and R2P", 2014, A/68/947-S/2014/449, p. 19), namely those efforts which encourage the States to fulfill their obligations coming with the responsibility to protect. Lastly, Ban calls on States "to seize this opportunity to craft

an ambitious vision for the next decade of the responsibility to protect: a principle that has become a core part of the world's armour for protecting vulnerable populations from the most serious international crimes and violations" ("International Assistance and R2P", 2014, A/68/947-S/2014/449, p. 19).

All in all, the annual reports by the former and current Secretary-Generals are the evidence of the efforts to make R2P a core part of the United Nations system. Right after the unanimous adoption of the World Summit Outcome Document, Gareth Evans (2006) argued that R2P is an international norm and that it may become "a new rule of customary international law". While some evaluate that R2P has nothing to add to the existing system (see Hehir 2010), Gözen Ercan (2014, p. 49) alternatively suggests that "R2P has evolved into an international ethical norm, which lacks legal powers but establishes a standard of appropriate behaviour for states and the international community". Accordingly, the process of R2P's institutionalization within the UN has not led to the development of an "original binding mechanism […which could] coerce adherence to the norm, the implementation of R2P is mainly dependent on the ethical understanding and the political will of states" (Gözen Ercan 2014, p. 45).

On the one hand, the efforts made by the former and present Secretary-Generals and the reports on the norm have enabled R2P to become a part of the UN system. On the other hand, there is still much to achieve compliance to the norm at the national and international levels. R2P's lack of a binding force, independent from the powers of the Security Council, is arguably one of the main weaknesses of the norm.

CHAPTER 4

IMPLEMENTATION OF R2P THROUGH THE UN

As it was examined in the previous Chapter, R2P has been institutionalized and become the part of the UN Framework. This Chapter therefore provides an analysis on the implementation of the responsibility to protect. It will examine the UN Agents invoking R2P and reveal the "breakpoints" of its implementation. Finally, this Chapter will examine the role of the Security Council in R2P implementation, as the only body authorized to take coercive measures based on R2P.

4.1. R2P AND THE INTERNATIONAL CRIMINAL COURT

The International Criminal Court (ICC) was created as an independent international organization in 1998. As the establishing document for the ICC, the Rome Statute is the very first treaty that created a framework to end "impunity for the perpetrators of the most serious crimes" ("Rome Statute", 1998). Accordingly, the Court has jurisdiction over four specific crimes: genocide, crimes against humanity, war crimes and crime of aggression. With the exception of ethnic cleansing, the first three crimes enlisted also define the scope of the R2P. Since the crimes of genocide, crimes against humanity and war crimes constitute a common ground between the ICC and R2P, it is possible to identify a special relationship among them. Prior to dwelling on this issue, it also helps to look at the relationship between the ICC and the UN.

Unlike the International Court of Justice, which is the judicial organ of the UN, the ICC is not directly connected with the UN, although the two can cooperate with each other. On 4 October 2004, in accordance with Article 2 of the Rome Statute, the then Secretary General of the United Nations, Kofi Annan and the President of the International Criminal Court signed an agreement establishing the framework of the relationship between the two institutions. The document called the UN-ICC Relationship Agreement "deals with both institutional issues and matters pertaining to judicial assistance and cooperation" ("Cooperation with the United Nations", n.d.). On the basis of the UN-ICC Agreement, the Security Council enjoys the privilege of

referring cases to the ICC. Such power also enables the Court to deal with cases that concern states that are not party to the Rome Statute. Accordingly, Article 17, which concerns the "Cooperation between the Security Council of the United Nations and the Court", establishes the following procedure:

> When the Security Council, acting under Chapter VII of the Charter of the United Nations, decides to refer to the Prosecutor pursuant to article 13, paragraph (b), of the Statute, a situation in which one or more of the crimes referred to in article 5 of the Statute appears to have been committed, the Secretary-General shall immediately transmit the written decision of the Security Council to the Prosecutor together with documents and other materials that may be pertinent to the decision of the Council. The Court undertakes to keep the Security Council informed in this regard in accordance with the Statute and the Rules of Procedure and Evidence. Such information shall be transmitted through the Secretary-General ("Negotiated Relationship ICC-UN", 2004, Article 17 (1)).

Considering the overlaps between the ICC and R2P regarding the crimes within their scope, the cases referred to the ICC by the Council may also be R2P cases. If the Security Council decides to refer the case to the Prosecutor, the Court automatically processing the case, and in the meanwhile it keeps the Security Council informed. So far, using its power, the Security Council has referred two cases, namely the situations in Darfur, Sudan and Libya, to the Court. Upon the request of the Security Council, the Office of the Prosecutor decided to investigate these cases ("Situation and cases", n.d.). On the other hand, if the Security Council adopts a resolution under Chapter VII and requests the Court not to commence or proceed with an investigation or prosecution, it shall immediately inform the President of the Court and the Prosecutor (Article 17(2)). The Security Council's right of deferral of investigation or prosecution for a period of 12 months is defined also in Article 16 of the Rome Statute. While the referral power of the Security Council does not negatively impact the functioning of the ICC, its power to defer cases can block the so-called independent prosecutions of the ICC.

The situations in the Democratic Republic of Congo, Central African Republic, Uganda, Darfur, Kenya, Cote D'Ivoire and Libya are among the examples of the cases that are currently being prosecuted by the ICC, which are also of concern as "R2P cases" in the literature. In this vein, it is important to understand the

relationship between the norm of R2P and the prosecution activities of the ICC. As Mark Kersten (2011) notes, "the precise relationship between the ICC and R2P has rarely been made explicit or clear". Based on Benjamin Schiff's evaluation (as cited in Kersten, 2011) of the relationship between ICC and R2P, he reminds that, both R2P and the ICC are the "products of the 1990s", and that they "address similar governmental failures" while "speaking about the responsibilities that governments have to their citizens".

Kristen Ainley (2015) draws attention to the current crisis in international governance, which prevents the functioning of both the ICC and the R2P. Particularly, she considers the main cause of this crisis as the exclusive power at the hands of the Security Council. Ainley argues that "the ICC and R2P should focus on "positive complementarity"", which means that the ICC should help states to build their legal capacity and the capacity defined in R2P to protect populations in order to prevent future conflicts.

The positive supplementary role of the ICC appears in the 2014's report of the Secretary General, Ban Ki-moon:

> The International Criminal Court and the principle of positive complementarity established by the Rome Statute and other international criminal accountability mechanisms also aim to assist States in protecting their populations by sharing information, training national prosecutors and investigators and combating the impunity that facilitates atrocity crimes ("Fulfilling our collective responsibility: international assistance and the responsibility to protect", 2014, A/68/974-S/2014/449, paragraph 22.).

Despite basic overlaps, while ICC is an international organization, R2P is an (emerging) international norm that is limited with the execution of the Security Council. Furthermore, Ainley (2015) argues that R2P is "clearly political" while the ICC is claimed to be apolitical and legal, though theoretically both are "the progeny of the same liberal political and ethical projects, namely liberal cosmopolitanism".

On the other hand, Mills (2014) argues that "R2P and the ICC are both possible responses to mass atrocity situations", therefore "they can be invoked individually or used together". As R2P aims to prevent or stop mass atrocities, and the ICC is

working on the punishment of the perpetrators of such atrocities, the ties between them is undeniable.

It can be argued that with a coordinated work and a clarified framework for implementation based on the UN-ICC Agreement, the cooperation between the two institutions might lead to fruitful results. To this end, Mills (2014) recommends that the Security Council should "make it clear that all parties to a conflict are potentially subject to investigation". As Weiss reminds (2012), so far "some 114 states, including most North Atlantic Treaty Organization (NATO) members, may have accepted the Rome Statute and the ICC's jurisdiction and authority; yet other crucial states such as Russia, China, India and Israel (also the USA) have thus far rejected the court". In this regard, a key actor in achieving successful implementation(s) of R2P as well as the invocation of ICC prosecutions remains to be the Security Council since not all of the P5 have accepted the jurisdiction of the ICC. Nevertheless, prior to examining the powers and the impact of the Security Council on the implementation of the R2P norm, the practices of R2P related bodies within the UN are examined.

4.2. R2P'S INVOCATION BY THE AGENTS OF THE UN

Before analyzing the role of the Security Council in the implementation of R2P, other UN agents that can invoke and/or refer to R2P such as the Human Rights Council, the Peacebuilding Commission and the Joint Office of the Special Advisers on Genocide Prevention and on the Responsibility to Protect are briefly examined.

4.2.1. Human Rights Council

Both the establishment of the Human Rights Council (HRC) and the Peacebuilding Commission (PC) were the ideas of the former Secretary-General Kofi Annan. In the High-Level Panel report, Annan proposed the idea of the establishment of a "Human Rights Council" to replace the Commission on Human Rights, which would be a subsidiary organ to the Security Council rather than the ECOSOC. This request was realized by the 2005 World Summit Outcome Document, and the Human Rights Council with various changes to the working methods of its precedent was

established. Some of these changes are the establishment of HRC as a subsidiary organ of the General Assembly (not the Security Council as it was planned by the former Secretary General); the possibility of the suspension of the HRC membership of a state by a two-thirds majority vote at the General Assembly; and the recognition of the right of NGOs to speak before the member states. Regarding these new arrangements, Weiss (2012) suggests: "all member states would be subjected to "universal review" was a potentially powerful symbolic indication that universal standards were, well, universal". Currently, the Universal Periodic Review under the auspices of the Human Rights Council is an exclusive process to review the human rights situation in each of the UN Member States.

While examining the relationship between the Human Rights Council and R2P, Akihiro Ueda (2011) highlights: "according to paragraph 3 of the UN General Assembly resolution 60/251, the Human Rights Council should address situations of violations of human rights, including gross and systematic violations, and make recommendations thereon" and also "contribute through dialogue and cooperation, towards the prevention of human rights violations and respond promptly to human rights emergencies'" Therefore, Ueda argues that the Human Rights Council should have also "major role where R2P matters". Ueda's article also clarifies the role of HRC in each pillar of R2P. Under the first pillar (state's responsibility to protect), "the Human Rights Council can sharpen its focus as a forum for considering ways to encourage States to meet their obligations relating to the responsibility to protect and to monitor, on a universal and apolitical basis, their performance in this regard". Likewise, Ban Ki-moon argues in his recent report:

> The Human Rights Council, human rights treaty bodies and special procedures mandate-holders encourage and make recommendations to States to meet their pillar I responsibility to protect, and help to identify potential risks of atrocity crimes through their ongoing monitoring role ("Fulfilling our collective responsibility: international assistance and the responsibility to protect", 2014, A/68/974-S/2014/449, paragraph 21.).

Within the framework of pillar two, the Human Rights Council may serve to "encourage States through dialogue, education and training on human rights and humanitarian standards and norms". Finally, under the third pillar, the Office of the

United Nations High Commissioner for Human Rights can be expected to conduct a "fact-finding or on-site mission, appoint a special rapporteur to advise on the situation or refer the situation to existing special procedures[1]" (Ueda, 2011).

In this vein the Human Rights Council has been referring to R2P many times since its institutionalization by the 2005 World Outcome Document. For instance, in his Report issued about the human rights abuses in Libya on 25 February 2011, the Council "strongly called upon the Government of Libya to meet its responsibility to protect its population, to immediately put an end to all human rights violations, to stop attacks against civilians, and to fully respect all human rights and fundamental freedoms, including freedom of expression and freedom of assembly" (A/HRC/S-15/1). While the case of Libya is generally considered to be a "shining period" of R2P as the international community acted very swiftly, the dubious military operation that resulted with a forced regime change revealed the differences between the ideal and actual implementations of the norm.

In a rather similar R2P case, namely Syria, there has been no authorization of the use of force by the Security Council for the purpose of the protection of civilians. The Human Rights Council adopted a similar approach, and called on the Syrian government and the international community to protect civilians in Syria many times since the very beginning of the civil war in the country. Regarding the 2015 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, the HCR explicitly states:

> In the light of the manifest failure of the Government to protect its population from gross human rights abuses, the international community, through the United Nations, bears *the responsibility of protecting* the Syrian population from such crimes. The Commission looks forward to specific action by the United Nations to urgently adopt and implement a common "human rights up front" strategy to ensure that all engagement with the Syrian Arab Republic effectively takes into account and addresses the grave human rights situation ("Report of the Independent International Commission of Inquiry on the Syrian Arab Republic", 2015, A/HRC/28/69, paragraph 133. emphasis added).

[1] "Special procedures" is the general name given to the mechanism established by the Commission on Human Rights and assumed by the Human Rights Council to address either specific country situations or thematic issues in all parts of the world („Making Human Rights a Reality: the Human Rights Mechanisms", n.d.).

As seen in the above examples, the Human Rights Council continuously invokes the norm of R2P, and therefore, it plays an important role in the promotion as well as the effective implementation of the norm. All in all, the HRC has a capacity to encourage or even to enforce intergovernmental cooperation and dialogue on R2P issues.

4.2.2. Peacebuilding Commission

Another body established upon the recommendation of Kofi Annan is the Peacebuilding Commission. As suggested in the High-level Panel Report, some of the "core functions of the Peacebuilding Commission (PBC) should be to identify countries that are under stress and risk sliding towards State collapse; to organize, in partnership with the national Government, proactive assistance in preventing that process from developing further; to assist in the planning for transitions between conflict and post-conflict peacebuilding". In short, the mandate of the Peacebuilding Commission is to create complex strategies for post-conflict peacebuilding. Although, the third element of the ICISS report, the "responsibility to rebuild" was left out of the scope of the 2005 World Summit Outcome Document, it is a generally accepted view that the Peacebuilding Commission was established to deal with post-conflict peace building measures. For instance, the very first cases that it dealt with, were Burundi and Sierra Leone. Both were considered as "R2P cases" by the Peacebuilding Commission, in which it assisted these countries to emerge from the conflict.

Unlike the HRC, PBC is a subsidiary body of both the General Assembly and the Security Council, but as Weiss (2010) reminds "it is an advisory, rather than a decision-making body and lacks of enforcement mechanisms". Regarding its role in the implementation of R2P, Ban Ki-moon notes in his 2014 report:

> The Peacebuilding Commission has a mandate to provide sustained support for peace efforts in countries emerging from conflict, including, in some cases, those that have suffered from atrocity crimes. Particular United Nations programmes, funds, specialized agencies, country teams and independent human rights mechanisms also have essential roles to play under pillar II, by facilitating access to expertise and ensuring that capacity-building efforts enhance national resilience to atrocity crimes

> (“Fulfilling our collective responsibility: International Assistance and R2P”, 2014, A/68/947-S/2014/449, paragraph 21**).**

While the Peacebuilding Commission does not directly invoke R2P, it has a very important role in the “responsibility to rebuild” after conflict. It is an important tool as part of Pillar Two (international assistance and capacity-building), and as the International Coalition for the Responsibility to Protect (“RtoP and rebuilding: the role of the Peacebuilding Commission”, n.d.) summarizes not only in post-conflict reconciliation and rebuilding efforts, but also as a tool of prevention.

4.2.3. The Joint Office of the Special Advisers

The last UN organ to be examined is the joint Office of the Special Adviser on Genocide Prevention and the Special Adviser on the Responsibility to Protect. The first Special Adviser on the Prevention of Genocide, Juan Mendez was appointed in 2004 by the Secretary-General. He was succeeded by Francis Deng in 2007, who was the first person to use the term ‘sovereignty as responsibility’ in the 1990s. In 2008 Edward Luck was appointed as the Secretary-General’s Special Adviser on the Responsibility to Protect, and succeeded in 2013 by Jennifer Welsh. As it is highlighted on their official UN webpage, the two Special Advisers have “distinct but closely related responsibilities to promote a culture of prevention”. Therefore, they share a common “methodology for early warning, assessment, convening, learning and advocacy, common office and staff” to the extent possible. While the Special Adviser on the Prevention of Genocide primarily “acts as a catalyst to raise awareness of the causes and dynamics of genocide” by alerting the appropriate actors and mobilizing them for action; the Special Adviser on the Responsibility to Protect “leads the conceptual, political, institutional and operational development of the R2P’ (”The mandate and role of the office”, n.d.).

In this vein, the joint Office of the Special Advisers on the Prevention of Genocide and on the Responsibility to Protect has to collect information about situations of conflict to assess whether or not there might be a risk of genocide, war crimes, ethnic cleansing and crimes against humanity with reference to the risk factors enumerated in the Framework of Analysis for Atrocity Crimes. One of the main tasks of the

Office is to raise public awareness about the humanitarian crisis and to issue public statements to the Security Council.

The Joint Office of the Special Advisers has issued several press releases and reports in order to raise public awareness. For instance, in the case of Syria, the Office called on the international community in its Press Release on 14 June 2012, "to take immediate, decisive action to meet its responsibility to protect populations at risk of further atrocity crimes in Syria, taking into consideration the full range of tools available under the United Nations Charter" (Press Release of the Special Advisers of the Secretary-General on the Prevention of Genocide and on the Responsibility to Protect on the situation in Syria", 14 June 2012). Likewise, on 22 January 2014, Special Adviser Adama Dieng released a statement about the human crisis in the Central African Republic in which he highlights that "the primary responsibility for the protection of its population lies with the Central African authorities". Furthermore, he reminds: "we need to uphold our responsibility to protect Central Africans from the risk of genocide, war crimes and crimes against humanity" ("The statement of Under Secretary-General/Special Adviser on the Prevention of Genocide Mr. Adama Dieng on the human rights and humanitarian dimensions of the crisis in the Central African Republic" , 22 January 2014).

As it can be observed in the above examples, which in fact represent many others, the Special Advisers directly refer to and invoke the elements of the responsibility to protect in their documents. By doing so, they raise international public awareness in each case and at the same time raise the attention of the Security Council. In this vein, the Special Advisers have indispensable role in monitoring, promoting and referring cases to the Security Council.

The analysis presented above demonstrates that specialized organs of the UN have a crucial role in facilitating the implementation of R2P through the UN framework. Each of these organs has different tasks in the field of R2P/humanitarian crises. While the Human Rights Council monitors human rights abuses in each country, the Special Advisers focus directly on "R2P cases", and the Peacebuilding Commission is responsible for post-conflict issues. However, as Evans (2008, p. 31) reminds:

"euphoria would be premature: on any assessment of the progress […] in consolidating and implementing the new international norm, it is clear that much unfinished business remains".

Whatever active role is played by the agents of the UN, the main UN organ that has the effective control of R2P's implementation, especially when coercive measures are concerned, remains to be the Security Council.

4.3. POWERS OF THE SECURITY COUNCIL AND THE IMPLEMENTATION OF R2P

According to the original framework of the UN, which was established after the Second World War, the maintenance of international peace and security is the primary task of the United Nations Security Council as defined by Article 24(1) of the UN Charter. On the basis of Article 24(2) the "specific powers granted to the Security Council" arises from Chapter VI (concerning peaceful settlement of disputes), Chapter VII (concerning actions in cases of threats to the peace, breaches of the peace, or acts of aggression), Chapter VIII (concerning regional arrangements), and finally Chapter XII (concerning the international trusteeship system).

While the Security Council followed a more traditional understanding in attaining its primary task of the maintenance and/or preservation of international peace during the Cold War period, in its aftermath, a "new era of collective action for human protection purposes" began (Weiss, 2010). In the 1990s, the Security Council started interpreting mass humanitarian violations as a threat to international peace, and under Chapter VII authorized the use of force against sovereign member states in order to halt atrocities. At the latest stage, as established by paragraphs 138 and 139 of the World Summit Outcome Document, the Security Council is empowered with the authority to evaluate and take action in R2P cases.

4.3.1. Implementation of R2P with Security Council Authorization

The role the Security Council plays in the implementation of R2P lies at the core of the analyses of this thesis, since it demonstrates the problematic aspects that can

pinpoint the reasons as to why there is need to reform the UN. Putting the basics of the Security Council in a nutshell, Sen (2006) notes:

> Currently, the UNSC functions as follows: the P5 discuss an issue behind closed doors, when they have made their decision they invite the nonpermanent members to read the resolution and in certain cases make a comment, then, the entire Council signs the resolution in the large conference hall open to the press.

If the UN Security Council functions as Sen briefly summarizes, why is it important to examine the role of the Council regarding the implementation of R2P? As Gözen Ercan (2013, p. 28) notes, "at the current state of affairs the only unchallenged authority for deciding on a lawful humanitarian military intervention remains to be the UN Security Council, and the international community seems determined to keep it as such".

Currently, the Security Council is the only body having the power to authorize the use of force in R2P cases. According to Paragraph 139 of the Outcome Document, the Security Council is expected to evaluate situations on a case-by-case basis. In considering an R2P case, as Gallagher (2014, p. 431) notes, if "the state in question was judged to be 'unable or unwilling' to protect its population, then, and only then, could the UN Security Council act without the state's consent". In sum, it means that the Security Council should decide whether the state in question is "unable or unwilling" to meet its responsibility to protect its population. As the Security Council is determined as the right authority for the fulfillment of international community's collective responsibility to protect, the Council is expected to take action "in a timely and decisive manner". The Security Council since its adoption by the Outcome Document in 2005 has many times invoked and referred to R2P in its resolutions. While in some cases this invocation of R2P and the actions taken in the resolution were satisfactory to successfully solve the conflict, in numerous cases the "R2P" package provided by the Security Council was insufficient to take action in a timely and decisive manner.

Therefore, looking briefly into three R2P cases –Darfur, Libya and Syria– helps to define the weaknesses of R2P implementation by the Security Council in order to

reveal the shortcomings and lessons for the future application of the norm and the possible impacts of R2P on UNSC reformation. The case of Darfur is meaningful in terms that it was an ongoing crisis when the responsibility to protect was accepted by the UN General Assembly in the World Summit Outcome Document and it is said to be the first case for which R2P was invoked. On the other hand, the case of Libya is known as the "golden example" of R2P implementation, though the way the military operation was carried out led to debates regarding the intervention's legitimacy, and its "success" was subject to criticism. The third case of Syria is the a prominent example to show the main weaknesses in the implementation of R2P, reflecting the "Realpolitik" in play in the Security Council, which has led to deadlock and inaction on the part of the international community.

At the time of the escalation of the crisis, R2P had newly emerged and was not yet introduced within the UN framework. Darfur, has been in actual conflict since 2003, though its root causes go back much further. As Alex de Waal (cited in Reeves, 2008, p. 57) describes:

> This is not the genocidal campaign of a government at the height of its ideological hubris, as the 1992 jihad against the Nuba Mountains was, or coldly determined to secure natural resources, as when it sought to clear the oilfields of southern Sudan of their troublesome inhabitants. This is the routine cruelty of a security cabal, its humanity withered by years in power: it is *genocide by force of habit* (emphasis added).

Upon the growing violence, the UNSC Resolution 1556 (2004) was the first international response endorsing an African Union (AU) led mission to Darfur. This mission with the consent of the Sudanese President Al-Bashir was allowed to monitor the ceasefire agreement. In April 2006 the UN Security Council unanimously adopted Resolution 1674. This was the very first time that a UNSC resolution explicitly "reaffirm[ed] the provisions of paragraphs 138 and 139 of the 2005 World Summit Outcome Document regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity" (UNSC Resolution 1674). Nevertheless, even when the European Union called upon the UN to fulfill its responsibility to protect civilians in Darfur and to authorize a mission under UN Resolution 1706 in April 2006 ("The crisis of Darfur', n.d.), there were no

references to R2P. In this vein, Eric Reeves asks the question "why is it apparently irrelevant to Darfur that in April 2006 the UN Security Council unanimously adopted Resolution 1674?" The answer is summarized by Gözen Ercan (2014, p. 47):

> Darfur has been a prominent example of adherence to the principle of state sovereignty (in its classical sense), where, despite the severity of the atrocities being committed, the UN insisted on obtaining Sudan's consent to deploy the peacekeeping forces that would replace the AU mission.

Therefore, the case of Darfur demonstrates one of the main weaknesses of the United Nations as a whole, namely the classical adherence to state sovereignty. In the case of Darfur, first there was the lack of political will in the Security Council to implement the international community's responsibility to protect by effective action. Second, the notion of state sovereignty served as an excuse of governments for their unwillingness to act. The very first test case of R2P, in this regard, proved to be a failure on the part of the international community despite the explicit recognition of R2P in a UNSC resolution that was passed in the meanwhile.

It was in 2011 that the "shining period" of R2P came with the international reaction to the rapidly escalating crisis in Libya. Nevertheless, the rather questionable military actions and the aftermath of the intervention revealed the differences between the norm and its implementation. This case was also an example demonstrating that the questions are "no longer primarily about whether to act, but about how to act" (Bellamy, 2011, p.265).

The crisis in Libya attracted the attention of the international community in February 2011, when civilian protests started against the Libyan leader, Muammar Gaddafi's reign. The protestors suddenly found themselves as "the target of mass atrocities at the hands of government armed forces" ("The crisis in Libya", n.d.). Gaddafi in his speech urged his followers to go out and attack the "cockroaches" – a connotation with Rwanda- protesting against him ("Libya protests: Defiant Gaddafi refuses to quit", 22 February 2011). The protests beginning in the capital of Tripoli quickly spread across the whole country, and Benghazi became the city of opposition which made it subject to "shocking brutality" by the national army ("The crisis in Libya", n.d.).

Unlike in any other previous R2P case, this time the Security Council was quick to respond to the situation. Upon the initiative of the Arab League, the Security Council first unanimously adopted Resolution 1970. Then, given the fact that the non-military measures failed to achieve the protection of the civilian population, the Security Council adopted Resolution 1973, in which it considered the situation a threat to international peace and security and authorized a no-fly zone under UN Chapter VII. Compared to Resolution 1970, this time five states, among which came Russia, China and Germany, abstained from vote. On the bases of this Resolution NATO had authorization to carry out the military operation (Gözen Ercan, 2014, p. 48). As Bellamy (2011, p. 263) highlights, "it is the first time that the Security Council has authorized the use of military force for human protection purposes against the wishes of a functioning state". On the other hand, Bellamy (2011, p. 265) argues that Libya is the "exception rather than the rule" due to the "clarity of mass atrocities"; besides "the time frame was extremely short" and "the role played by regional organizations was exceptional".

The case of Libya has demonstrated that the Security Council is able to accept timely decisions when their individual interests agree. It means that the political will in the case of Libya, unlike in Darfur, among the permanent members was consonant. Therefore, the case of Libya might be considered as a timely and decisive response in the face of mass atrocity crimes. On the other hand, the consequences of the military actions which led to regime change in Libya have raised other questions about the limits and right implementation of R2P. "The situation in Libya revealed the need to distinguish the normative aspirations of RtoP from the way in which it is implemented by any state or group of states acting within the mandate of a Security Council Resolution" ("The crisis in Libya", n.d.).

While the international community was quick to respond to the Libyan crisis, it has rather been reluctant to take any decisive action in the case of Syria. Despite the fact that the circumstances are very similar in the cases of Libya and Syria, the responses in terms of R2P and the Security Council's actions have been highly different. Just a month after the uprising began in Libya, the crisis in Syria escalated in March 2011 when protestors were calling for the release of political prisoners. As the International

Coalition for the Responsibility to Protect highlights, "the national forces responded to initially peaceful demonstrations with brutal violence" which the Syrian President, Bashar al-Assad consistently denied the responsibility for ("The Crisis in Syria", n.d.). According to human rights agencies' reports the Government besides large-scale killings, used cluster bombs and chemical agents causing the death of civilians. The international community called several times for immediate investigation for the possible use of chemical weapons on civilians. The UN inspectors reported that there was "clear and convincing evidence that Sarin gas had been used in Ghouta" ("The Crisis in Syria", n.d.).

The United Nations Security Council, unlike in case of Libya was unable to agree on a common decision and between October 2011 and July 2012 Russia and China vetoed three resolutions which were drafted to make the Syrian government accountable for mass atrocity crimes ("Populations at risk, Syria", n.d.). Although, the media and public pressure was immense on the Security Council to act; the political sensibility of the Syrian crisis prevented to save people and led again to the Council's failure to implement R2P.

Nonetheless, since September 2013 the Security Council has passed Resolution 2118 ordering the destruction of chemical weapons; and Resolution 2139 and 2165 to demand increased humanitarian access. While resolutions 2139 and 2165 reaffirm the Government's responsibility to protect its population, it does not authorize measures under Chapter VII of the UN Charter. As the Global Center for the Responsibility to Protect notes, in May 2014 "Russia and China vetoed a fourth resolution that would have referred the situation in Syria to the ICC for investigation".

Graham Cronogue argues (2012, p. 124) that, "the strategic and pragmatic concerns that prevent the use of force in Syria do not make the doctrine ipso facto illegitimate". As R2P implementation works on a "case-by-case" basis, it might be concluded that different cases requires different actions. The problem is that the case of Syria leads us to the very beginning, namely that the UN has accepted a responsibility to protect populations in a "timely and decisive" manner and it has failed yet again due to the conflicting interests within the Security Council.

In the light of this, the three R2P cases exemplify the need for changes in the UN system due to the structural problems in the Security Council like that of the veto right of the P5, which handicap the processes of R2P's implementation as well as the preservation of regional/international peace and security. In this vein, the responsibility to protect and its implementation helps us to identify the main issues concerning the reformation of the Security Council.

CHAPTER 5

MAKING A CASE FOR UN REFORM: THE EXAMPLE OF R2P

This last chapter is examines the implications of R2P on the UN reformation. As it was examined in the first chapter, occasionally due to the lack of political will, the United Nations, especially the Security Council has been unable or unwilling to take decisions on humanitarian issues leaving suffering peoples helpless. Therefore, the UN reformation researches specifically focus on the Security Council reformation, the veto power of the permanent members or how to raise the transparency and the representativeness of the Council. Albeit, the permanent members are unlikely to agree on a common reform proposal that would change their current status, in a radical way, international norms such as the 'responsibility to protect' might have positive effects on the decision-making process of the UNSC.

R2P implies that every state –as a condition of their sovereignty– is responsible to protect its population from atrocity crimes as established by the World Summit Outcome Document. If they are unable or unwilling to do so, the responsibility becomes that of the international community. Under the third pillar of R2P, the Security Council, as "the voice of the international community" has the authority to take coercive actions, meaning for instance the use of force. As Simon Adams (2015) summarizes, "the discussion now is about implementation of the most appropriate measures and means, not whether a responsibility exists; this is an enormous and historic change from just ten years ago". If both the individual state in question and the Security Council -due to the lack of political will- are unable or unwilling to fulfill their responsibility to protect, this means that they are leaving people without appropriate protection. In sum, they both become part of the failure. As Gözen Ercan reminds (2014, pp. 36-7) R2P simply "defines appropriate behavior for states as well as the international community and naturally creates an expectation of conformity, [but] it can neither assure conformity nor legally sanction inconformity", especially when it is the failure of the international community that is in question. So, if one cannot compel the Security Council to uphold its responsibility due to power politics,

how can we save the lives of suffering people through the timely and decisive implementation of R2P?

5.1. SECURITY COUNCIL AS THE CORE OF THE PROBLEM: REASONS FOR REFORM

Kofi Annan summarizes the problem with the Security Council in the following words:

> One of the reasons why States may want to bypass the Security Council is a *lack of confidence in the quality and objectivity of its decision-making*. The Council's decisions have often been less than consistent, less than persuasive and less than fully responsive to very real State and human security needs. But the solution is not to reduce the Council to impotence and irrelevance: it is to work from within to reform it, including in the ways we propose in the present report ("A more secure world", para. 197, emphasis added).

The report raises our attention to two important issues. One of them is the fact that States might decide in the future to choose an alternative for the Security Council to solve their problems due to the loss of confidence in the Council. Therefore, the second important issue, as the report emphasizes, is to work on the UNSC reform in order to avoid the former scenario.

As Kofi Annan suggests in the High-level Panel Report, "the five permanent members were given veto rights but were also expected to shoulder an extra burden in promoting global security". He further notes that although the world and the challenges to security have changed since the establishment of the UN, the Security Council has been unable to follow up with such change. While the Council is the most capable organ of the UN in terms of quickly responding to new threats, "it has not always been equitable in its actions, nor has it acted consistently or effectively in the face of genocide or other atrocities" (High-level Panel Report, 2004). The former Secretary-General further emphasizes that if the Security Council follows the five criteria for intervention (as listed in the High Level Panel Report) while deciding on the use of force in a specific case, it could achieve more transparency and "make its decisions more likely to be respected by both Governments and world public opinion".

In terms of the second element of R2P, under "the question of legitimacy" the High-level Panel (2004) report highlights that:

> *If the Security Council is to win the respect* it must have as the primary body in the collective security system, it is critical that its most important and influential decisions, those with large-scale life-and-death impact, be better made, better substantiated and better communicated. In particular, in deciding whether or not to authorize the use of force, *the Council should adopt and systematically address a set of agreed guidelines, going directly not to whether force can legally be used but whether, as a matter of good conscience and good sense, it should be* (emphasis added).

From such wording it can be understood that the Security Council is currently not capable of deciding on important issues. Therefore, the UNSC needs to adopt guidelines that it can systematically use in the decision-making processes. The question as it is emphasized, should not be whether the use of force can be legal or not but whether it should be used or not.

Likewise, the annual reports of the current Secretary-General, Ban Ki-moon reinforce the role of the Security Council in the implementation of R2P. For instance, in his report entitled "Timely and Decisive Response", Ban Ki-moon highlights that "the toughest and most consequential decisions are of course made by the Security Council" though "the overall trend has been towards a greater Council engagement in responding to situations of human rights violations". All in all, it is obvious that the international community insists on the preservation of the Security Council as the exclusive international body with the power of authorizing the use of force. In this vein, problems specific to the Security Council need to be addressed first.

5.1.1. The Veto Power of the P5 and its Impact on R2P's Implementation

As it was examined in the first chapter, without the concurrent votes of the P5 important decisions, for instance resolutions based on Chapter VII, cannot be adopted. The UN Charter provisions include the hidden "veto right" of the superpowers under Article 27(3). The main problem is the casting of the veto by any member of the P5 in order to prevent any decision that falls contrary to their national interest. As it was examined previously, the veto right is an important "weapon" in the hands of the permanent members, which empowers them to "rule the world" in

accordance with their own interests. Among prominent examples of lack of political will and clashing interest of superpowers in the Security Council leading to inaction come the cases of Rwanda and Syria.

The ICISS report highlights in relation to the veto issue that there are numerous questions about the authority and credibility of the Security Council. For instance, "its legal capacity to authorize military intervention operations, its political will to do so, and generally its unrepresentative membership and its inherent institutional double standards with the *P5 veto power*" (p. 49). Therefore, there is a general dissatisfaction with the work done by the Security Council. The Commission recalls "if the Council –and the five permanent members in particular– fail to make the Council relevant to the critical issues of the day, then they can only expect that the Council will diminish in significance, stature and authority".

The case of Libya and Syria demonstrate the main problems with the veto right. In case the P5 have a common interest to take a powerful decision (see Libya), it is doing so, but in case a solution would "endanger" their national interest (like in case of Syria) they quickly use their "veto card". In this vein, the institutionalization of R2P within the UN Framework in a way to limit its functioning with the authority of Security Council has "just" reinforced and raised attention to the mal-functioning of the Council.

5.2. ALTERNATIVE UN REFORM MODELS FROM AN R2P PERSPECTIVE

There have been many reform models designed to change the structure or the working methods of the Security Council –as it is represented in the second Chapter- though none of them were realized. The reason of failure of the reform attempts is mainly the fact that such reforms require the consent of the permanent members (based on Chapter XVIII of the UN Charter), which are generally unwilling to lose their exclusive status in the Council.

Therefore, assuming that in its current form R2P will remain under the mandate of the Security Council, there is need to consider alternative reformation proposals. This

thesis argues that some of the emerging international norms, such as the responsibility to protect might provide such basis for reformation. As Casey L. Coombs (2012) notes, the doctrine of the Responsibility to Protect and the question of the UN Security Council Reform are becoming more and more intertwined. The question concerns how to achieve this?

As Brunnée and Toope (2006, p.121) highlight: "Reform is an ambiguous term. In the mouths of diverse proponents it can mean radically different things. The only common denominator is a call for change, and by definition not a revolutionary change". In this vein, the term "reform" in this chapter will indicate every little step which might have an impact and lead to a change in the Security Council and its machinery. As Adams (2015) highlights "the United Nations Security Council, at the apex of a creaking and weary UN system, is a twentieth century organization trying to solve twenty-first century problems". Realizing this problem, the Member States of the United Nations have expressed their will to support the UNSC reform in the 2005 World Summit Outcome Document:

> We support early reform of the Security Council — an essential element of our overall effort to reform the United Nations — in order to make it more broadly representative, efficient and transparent and thus to further enhance its effectiveness and the legitimacy and implementation of its decisions. (paragraph 153 of the Otucome Document)

Despite the commitment made by the Member States in this Document, there has not yet been any change in regard to the Security Council. The problem is that the Outcome Document, just like the former reform models, concentrates on the "representativeness, efficiency, transparency, effectiveness and legitimacy" leaving out any alternative basis for reform. While these elements are crucially important issues that need to be addressed, their "political sensitivity" prevents the realization of reform attempts.

In our case, R2P –as it was proved in the previous Chapters- has achieved the third stage of norm cycle. In this level, the responsibility to protect is no longer a matter of broad public debate (Finnemore and Sikkink, 1998) rather an internationally accepted (moral) norm. The General Assembly's adoption of the norm in 2005 by World

Summit Outcome Document has proved that it has also international legitimation. Therefore, the main hypothesis of this thesis is that the United Nations, especially the Security Council in order to maintain its legitimacy, will have to follow a (R2P) norm-based behavior. The question is: How?

5.3. ALTERNATIVE UN REFORM MODELS FROM R2P PERSPECTIVE

Brunnée and Toope (2006, p. 136) argue that, "norms may actually help institutional decision making" as they also "provide a framework for argument, and a hook on which to place demands for accountability". As Pinar Gözen Ercan highlights "R2P lacks legally binding powers of its own but provides states and the international community with a standard for appropriate behaviour that is based on the prioritisation of ethical considerations, where the main objective is to prevent mass atrocities from occurring" (2014, p. 46). In this vein, R2P as a standard for appropriate behavior should be the main subject of consideration while negotiating whether and how to prevent people from mass atrocity crimes.

Therefore, the answer for the question "How?" is that the working system of the United Nations has to be changed in a manner that the implementation of the R2P norm as a prioritized ethical consideration provides a framework for the UN reformation. In this vein, this thesis argues that the following models based on different R2P implementation systems might positively impact the United Nations reform process.

5.3.1. R2P Cases Directly Referred to the General Assembly

The first model describes a situation when every R2P case is directly referred to the General Assembly, which has full authority to investigate and decide on the required measures. In this model the Security Council does not have a role in the decision-making. The General Assembly with a two-thirds majority has the right to decide on a case-by-case basis about the concerned humanitarian crisis. This model would require a formal amendment within the UN system as the General Assembly currently lacks binding powers.

Possible reasons to support this argument are that, the General Assembly is a more representative forum, so that it can have a higher legitimacy by a two-thirds majority vote. Furthermore, none of the member states have the veto power that may prevent the adoption of a resolution. Nevertheless, the likelihood of the adoption of such proposal would be challenged by the unwillingness of the members of the Security Council as they would lose their power in exerting direct control over humanitarian situations. Secondly, the decision-making process might be longer due to the large number of Member States.

5.3.2. R2P Cases Directly Referred to the Security Council

As in the current system as well, in this model the Security Council has the primary authority to take decision about R2P cases. The difference is that the permanent members of the Security Council have responsibility not to veto in this model, meaning that they cannot prevent decisions due to their political interests. The existing reform proposals mentioned in Chapter 2, such as the "Responsibility not to Veto" or the French "Code of Conduct" about abolishing or limiting the use of veto are similar to this model.

5.3.3. R2P Cases Referred First to the General Assembly and then to the Security Council (Without Veto)

The next model provides a scenario where an R2P case is first discussed by the General Assembly, which either takes non-coercive measures or recommends coercive measures and sends it to the Security Council for the authorization of the decision adopted by the Assembly. In this model too, the permanent members are not allowed to use their veto right, at most they can abstain from the vote.

In this vein, firstly, this model gives more legitimacy to any UN decision due to the involvement of the General Assembly and the representation of the whole Organization. Secondly, the fact that the permanent members cannot use their veto to prevent decisions means that political negotiations around the case get lesser importance. As the power to authorize coercive measures, for instance the use of

force, remains in the hands of the Security Council, this model is less radical than the first model.

5.3.4. R2P Cases Referred First to the General Assembly and then to the Security Council (With veto)

The next model is similar to the previous one with the only difference that the veto rights of the P5 remain. In this context, though there is a higher legitimacy due to the involvement of the General Assembly, the Security Council might still prevent an action. This means that we return to the very first source of the problem: the power politics in play that may lead the Council to a deadlock.

The difference between the current working method of the SC and this model is lies in the presence of the General Assembly in the process since its recommendations may put moral pressure on the Security Council and persuade it to a more sensible decision about the action.

5.3.5. The General Assembly – Security Council – General Assembly Decision Triangle

The fifth model is a working mechanism based on a General Assembly-Security Council-General Assembly triangle. In this scenario the R2P crisis is first referred to the General Assembly. The Assembly takes a decision about the crisis by a two-thirds majority vote, and then it forwards the decision to the Security Council for discussion and voting. In this model the permanent members of the SC cannot use their veto rights. The decision taken by the Council is put into practice with a joint resolution. Yet, if the Security Council votes not to take action, the case is sent back to the General Assembly for further investigation.

There are two scenarios for following the investigation. The first one supposes that after the investigation the General Assembly has the right to take decision about the R2P crises by qualified majority voting. On the other hand, in the second version the results of the investigation are sent to the Security Council which has the authority to take the final decision.

5.3.6. The Security Council - General Assembly - Security Council Decision Triangle

The sixth model is similar to the previous one but with an opposite path. An R2P case is first discussed by the Security Council, and put to a preliminary vote (with the P5 having the right to veto). The result is sent to the General Assembly which might agree or disagree with it. In case it affirms it, the Assembly sends the case back to the Council which releases a final resolution on the issue. In case it does not affirm it, the General Assembly sends the case back to the SC for another discussion and vote (without the P5 having veto). The final decision of the Security Council becomes binding.

5.3.7. The R2P Case Discussed by the Human Rights Council and Sent to the Security Council

The next model is based on the cooperative work of the Human Rights Council and the Security Council. The scenario is the following: the Human Rights Council which is monitoring a humanitarian crisis can refer R2P cases to the Security Council with recommendations. The SC taking into consideration the recommendations of the HRC has the authority to take decision. Such process can be applied in two versions: that is without the power of the veto, or alternatively with the power of the veto but only if the vital interests of the P5 are endangered.

5.3.8. The R2P Case Discussed by the Human Rights Council is Sent to the General Assembly and then to the Security Council

The last model proposed in this thesis envisages a model in which the Human Rights Council refers R2P cases first to the General Assembly for it either to make recommendation on it for the consideration of the Security Council; or to take a decision by a two-thirds majority (on the basis of the emergency of the situation). In the second version, the General Assembly sends its decision to the Security Council for consideration.

In case the Council decides to take a different decision than the General Assembly, or does not take into consideration the recommendations of the HRC, it has to give full explanation of its decision and make it public. The involvement of the Human Rights Council in the last to model provides a more transparent working mechanism. Furthermore, the recommendations of the Council might be considered as more 'professional' than simply 'political' owing to the Universal Periodic Review process.

5.3.9. The Role of Mass Media and NGOs in the Reformation Process

Besides the necessity of a new decision-making mechanism, it can be argued that the role of mass media and NGOs will have rising importance in the future. The moral pressure they can put on the Member States can be very high and a scandal, for instance caused by an inappropriate veto, may have high political costs for decision-makers in domestic politics. First, because media "can attract and direct attention to problems, [as well as] solutions" and second, because it can "confer status and confirm legitimacy" (McQuail, 1979 p. 21) For instance, the group of well-known diplomats, known as "the Elders" has started a campaign on social networks in order to raise public awareness for the problems surrounding the United Nations. By involving ordinary people in these topics and asking their ideas might lead to induce a new phase in UN reformation discussions. Therefore, the decision-making models examined in this chapter supported by strong media and NGO pressure might end the current "closed door" negotiations and force the permanent members to follow a more transparent decision-making mechanism.

All in all, while the models examined in this chapter have numerous variations, the main of the chapter has been to prove that an R2P based decision making mechanism might enhance "representativeness, efficiency, transparency, effectiveness and legitimacy" for the United Nations (Security Council). The argument, therefore is that the responsibility to protect is a potentially appropriate basis for considering alternative models for the UN(SC) reformation.

CONCLUSION

THE POSSIBILITY OF THE IMPOSSIBLE

By building a background on the United Nations reformation processes, the emerging norm of the Responsibility to Protect and the intertwined relationship between the two, this thesis aimed to reveal the implications of the responsibility to protect on the UN reformation. The first two chapters of the thesis examined the historical background of the world's main international organization entitled to maintain global peace and security. To this end, the problematic aspects of the United Nations, and specifically the Security Council, were analyzed. In this vein, two aspects that come to the forefront are the defective decision making mechanism of the Security Council and the veto power of the permanent members. The fact that these barriers prevent the well-functioning of the UN implicates, that the Organization might lose its worldwide legitimacy, and force the international players to seek for an alternative decision-making body.

Following this diagnosis, the existing reform attempts have been regrouped and examined by their possible legal and procedural effects. Following from this, it has been concluded that the UN reform models designed by groups of states or lobby groups are not potentially able to achieve a change in the UN due to their politically sensible impacts. In this regard, due to their more moderate and achievable prospects, a potentially fruitful start can be sought in the most recent models such as the "Responsibility not to Veto", the French "Code of Conduct" or the proposal of the Elders based on veto limitation.

The second component of the thesis has been the emerging international norm of the "Responsibility to Protect" and its place within the United Nations framework. R2P has provided a new understanding of state sovereignty, and by describing the appropriate behavior for Member States, it has the potential to become an indispensable part of the twenty-first century's international community.

The symbiotic relationship between R2P and the Security Council has been revealed by the overview of cases. In this vein, the power politics based negotiations among the P5 taking place behind closed doors, and the veto right preventing desirable implementation of R2P have been identified as the core problems of the Security Council's decision making mechanism.

Finally, the last chapter has revealed the potential of the responsibility to protect to provide an alternative basis for UN Security Council reform. From a social constructivist point of view, norms and ideas might be powerful tools of change in the international system. Therefore, as an international moral norm prescribing appropriate behavior for all Member States of the UN, including the Big Five, R2P might induce unique ideas for alternative UN reform models. By presupposing the potential effects of international norms on institutional reformation process –in this case, of the responsibility to protect on UN reformation– this thesis has aspired to conduct further research in this topic.

Given the fact that the troubled structure of the United Nations might lead it to lose its legitimacy, the issue of UN's reformation will remain as a sustainable subject of research in the following years. In this vein, alternative methods and ideas provided for in this thesis draw attention to finding a solution to the "possibility of the impossible".

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APPENDIX 1 – UN REFORM MODELS

	NAME OF THE GROUP	MEMBERS AND CATEGORIES IN THE SECURITY COUNCIL	VETO ISSUES	OTHER PROPOSALS
Radical Models	**Uniting for Peace/Acheson Plan**	no change in members	no change	If the SC fails to act, the General Assembly shall consider the matter.
	Kofi Annan's Model A	24 seats in the SC: 6 new permanent members without veto and 3 new non permanent members	6 new permanent with veto	
	Kofi Annan's Model B	24 seats: no new permanent members instead creates a new category of seats	no veto for new members	
	The Group of Four (G4): Japan, Germany, Brazil, India	G4 countries want permanent membership in the SC		opposed by regional rivals: Korea, Italy, Argentina, Pakistan
	The Uniting for Consensus (UFC) / Coffee Club	UFC want the enlargement of the non-permanent seats from 10 to 20 and a new category of seats		
	The African Union's Proposal (AU) / Ezulwini Consensus	AU want no less than two permanent member seats with veto plus five non-permanent seats		
	The L69 (L69) Group	L69 want six additional permanent seats with veto and four non-permanent seats		
	The Accountability, Coherence and Transparency (ACT) Group	no direct proposals	explanation from the P5 using their veto right	more transparent, efficient, accountable and coherent working methods

	NAME OF THE GROUP	MEMBERS AND CATEGORIES IN THE SECURITY COUNCIL	VETO ISSUES	OTHER PROPOSALS
Moderate Models	**The Small Five Group (S5): Switzerland, Costa Rica, Jordan, Liechtenstein, Singapore**	no proposal	questioning the veto power system and recommends to refrain using it in case of genocide, crimes against humanity and grave breaches	disbanded in 2012
	The French Code of Conduct	no change in members	P5 should have responsibility not to veto just in case their vital interests are challenged	
	The proposal of the Elders	new category of members	P5 should have responsibility not to veto, if they use or threaten to use it they have to explain it	voice for those affected; new mechanism to choose the Secretary-General
	Rights Up Front	no direct proposal for UN reformation		

APPENDIX 2 – ORIGINALITY REPORT

HACETTEPE ÜNİVERSİTESİ
SOSYAL BİLİMLER ENSTİTÜSÜ
YÜKSEK LİSANS/DOKTORA TEZ ÇALIŞMASI ORJİNALLİK RAPORU

HACETTEPE ÜNİVERSİTESİ
SOSYAL BİLİMLER ENSTİTÜSÜ
ULUSLARARASI İLİŞKİLER **ANABİLİM DALI BAŞKANLIĞI'NA**

Tarih: 13/07/2015

Tez Başlığı / Konusu: "KORUMA SORUMLULUĞU"NUN BİRLEŞMİŞ MİLLETLER'İN YENİDEN YAPILANDIRILMASINA ETKİLERİ

Yukarıda başlığı/konusu gösterilen tez çalışmamın a) Kapak sayfası, b) Giriş, c) Ana bölümler ve d) Sonuç kısımlarından oluşan toplam ...84... sayfalık kısmına ilişkin, 13/07/2015 tarihinde şahsım/tez danışmanım tarafından Turnitin adlı intihal tespit programından aşağıda belirtilen filtrelemeler uygulanarak alınmış olan orijinallik raporuna göre, tezimin benzerlik oranı %13'tür.

Uygulanan filtrelemeler:

1- Kabul/Onay ve Bildirim sayfaları hariç,
2- Kaynakça hariç
3- Alıntılar hariç/~~dâhil~~
4- 5 kelimeden daha az örtüşme içeren metin kısımları hariç

Hacettepe Üniversitesi Sosyal Bilimler Enstitüsü Tez Çalışması Orjinallik Raporu Alınması ve Kullanılması Uygulama Esasları'nı inceledim ve bu Uygulama Esasları'nda belirtilen azami benzerlik oranlarına göre tez çalışmamın herhangi bir intihal içermediğini; aksinin tespit edileceği muhtemel durumda doğabilecek her türlü hukuki sorumluluğu kabul ettiğimi ve yukarıda vermiş olduğum bilgilerin doğru olduğunu beyan ederim.

Gereğini saygılarımla arz ederim.

Orsolya Nemeth
13/07/2015
Tarih ve İmza

Adı Soyadı: ORSOLYA NEMETH
Öğrenci No: N 1222 0448
Anabilim Dalı: ULUSLARARASI İLİŞKİLER
Programı: ULUSLARARASI İLİŞKİLER
Statüsü: ☒ Y.Lisans ☐ Doktora ☐ Bütünleşik Dr.

DANIŞMAN ONAYI

UYGUNDUR.

Yrd.Doç.Dr. Mine Pınar GÖZEN ERCAN
(Unvan, Ad Soyad, İmza)

HACETTEPE UNIVERSITY
GRADUATE SCHOOL OF SOCIAL SCIENCES
THESIS/DISSERTATION ORIGINALITY REPORT

HACETTEPE UNIVERSITY
GRADUATE SCHOOL OF SOCIAL SCIENCES
TO THE DEPARTMENT OF INTERNATIONAL RELATIONS

Date: 13/07/2015

Thesis Title / Topic: THE IMPLICATIONS OF THE "RESPONSIBILITY TO PROTECT" ON THE REFORMATION OF THE UNITED NATIONS

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Date and Signature

Name Surname: ORSOLYA NEMETH
Student No: N12220448
Department: INTERNATIONAL RELATIONS
Program: INTERNATIONAL RELATIONS
Status: ☒ Masters ☐ Ph.D. ☐ Integrated Ph.D.

ADVISOR APPROVAL

APPROVED.

Asst. Prof. Dr. Nina Pınar GÜZEL ERCAN
(Title, Name Surname, Signature)

APPENDIX 3 – ETHICS BOARD WAIVER FORM

HACETTEPE ÜNİVERSİTESİ
SOSYAL BİLİMLER ENSTİTÜSÜ
TEZ ÇALIŞMASI ETİK KURUL İZİN MUAFİYETİ FORMU

HACETTEPE ÜNİVERSİTESİ
SOSYAL BİLİMLER ENSTİTÜSÜ
ULUSLARARASI İLİŞKİLER **ANABİLİM DALI BAŞKANLIĞI'NA**

Tarih: 13/07/2015

Tez Başlığı / Konusu: "KORUMA SORUMLULUĞU"NUN BİRLEŞMİŞ MİLLETLER'İN YENİDEN YAPILANDIRILMASINA ETKİLERİ

Yukarıda başlığı/konusu gösterilen tez çalışmam:

1. İnsan ve hayvan üzerinde deney niteliği taşımamaktadır,
2. Biyolojik materyal (kan, idrar vb. biyolojik sıvılar ve numuneler) kullanılmasını gerektirmemektedir.
3. Beden bütünlüğüne müdahale içermemektedir.
4. Gözlemsel ve betimsel araştırma (anket, ölçek/skala çalışmaları, dosya taramaları, veri kaynakları taraması, sistem-model geliştirme çalışmaları) niteliğinde değildir.

Hacettepe Üniversitesi Etik Kurullar ve Komisyonlarının Yönergelerini inceledim ve bunlara göre tez çalışmamın yürütülebilmesi için herhangi bir Etik Kuruldan izin alınmasına gerek olmadığını; aksi durumda doğabilecek her türlü hukuki sorumluluğu kabul ettiğimi ve yukarıda vermiş olduğum bilgilerin doğru olduğunu beyan ederim.

Gereğini saygılarımla arz ederim.

Orsolya Németh
13/07/2015
Tarih ve İmza

Adı Soyadı: ORSOLYA NEMETH
Öğrenci No: N 12220448
Anabilim Dalı: ULUSLARARASI İLİŞKİLER
Programı: ULUSLARARASI İLİŞKİLER
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Date: 13/07/2015

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1. Does not perform experimentation on animals or people.
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I respectfully submit this for approval.

Orsolya Németh
13/07/2015
Date and Signature

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