

Veronika Bílková:

Responsibility to Protect: New hope or old hypocrisy?

Charles University in Prague, Faculty of Law, Prague, 2010, 178 p.

As the title of this publication indicates, it is meant to present and analyze the current stage of the concept – Responsibility to Protect (R2P). The idea of *shared responsibility* to protect civilians from massive and extreme human rights violations has been introduced at the beginning of the 21st Century to harmonize the existing principles of sovereignty/non-intervention with increasing emphasis put on human rights or human security.

In introduction to this publication, there are declared three main aims, which correspond with main sections of the book. First aim is to describe the development of the concept since its first formulation by the International Commission on Intervention and State Sovereignty (ICISS) in 2001, and to map the gradual transformation of the original ideas until recent form of the R2P (p. 20). Second objective is to analyze the concept itself, to specify and delimitate its content including areas of implementation, but also to refer to potential addressees (*ibid.*). The third goal, shifting the analysis even closer to the actual practice, is to evaluate the implementation and application of the R2P concept (p. 21).

Recently, there have been written several works related to R2P¹, but this volume brings a lot of new and very actual information on its development, analyzes the content of the concept and finally also evaluates the potential and real usage in practice. The main added value of the publication is not only its complexity, but at the same time a high level of expertise and specialization, based on careful and detailed work with data. Moreover, on the Czech market there is available only very limited amount of literature discussing the R2P, usually written in English, and therefore the book may be especially for domestic readers very innovative.

In the first and also main part of this review, I will try to introduce the adopted theoretical perspective, and briefly summarize the structure of the book including the content of particular sections. Then there will be critically evaluated the main findings and conclusions that were presented by the author, concluded by recommendations addressed to potential readers.

¹ G. J. Evans, *Responsibility to Protect: Ending mass atrocities once and for all*, Brookings Institution Press, Washington, 2008; A. J. Bellamy, *Responsibility to Protect. The Global Effort to End Mass Atrocities*, Polity Press, Cambridge, 2009; T. G. Weiss, *Military-Civilian Interactions: Humanitarian Crises and the Responsibility to Protect*, Rowman and Littlefield Publishers, Oxford, 2005; R. H. Cooper and J. V. Kohler, *Responsibility to Protect: The Global Moral Compact for the 21st Century*, Palgrave Macmillan, London, 2009.

Content, theoretical perspective and structure

The book is composed of a foreword, an introductory part and three main sections followed by a conclusion. In introduction, there is first specified the concept of R2P and its authoritative interpretation from the *2005 World Summit Outcome*, concretely the paragraphs 138-140 of the outcome document. Further, there are presented the above mentioned goals of the book, and the corresponding structure, with brief introduction of each section. Finally, the introduction includes the theoretical base of the study, methodology and data, which will be presented within following paragraphs.

The author of the book, Veronika Bílková, is an expert in international law, whereas in this volume she adopts an inter-disciplinary approach, combining legal analysis with international relations theories. In result, her work is based on the premises of the so called *constucto-positivism*, which integrates the elements of classical positivism and social constructivism (p. 21). According to the following specification of positivism, which “*separates what is (Kant’s Sein) from what should be (Kant’s Sollen); separates law and morality*”; and is based on the assumption that “*law is a social construct based on authority towards the subordinated, or on the mutual consent among the equals*” (p. 21) the author probably meant legal positivism.

The optics of social constructivism has been used for better understanding of social norms and especially their development. Concretely, the author applied the model of *norm life cycle* that divided a process of norms evolution into three phases: norm emergence (a concept is promoted by norms entrepreneurs), norm cascade (spread of the norm among other actors), internalization (norm is taken for granted). This model is meant to map the development of R2P and to identify to what level it has been adopted at the international scene.

The selected method corresponds with the combination of legal positivism and constructivist approach, since the analysis is provided by an *intrinsic case study* based on “*interpretation (understanding) that is using the internal view, which efforts recognizing and understanding of explored phenomenon by its internal mechanisms, and pays primary attention to actors*” (p. 25).

Finally, to fulfill the declared aims of the study, there has been used various data, including primary sources (reports, documents, UN resolutions, charters and declarations), or secondary literature (recent books and articles on R2P, reports from conferences or internet sources). In addition, the author could use personal experiences from her visits in New York and Geneva, especially interviews with representatives of the Permanent Mission of the Czech Republic by the UN, special advisor of the Secretary General on the responsibility to protect Edward Luck, and observing of the session of the UN Commission on International Law (July 2009).

The first part of the study illustrates the development of the R2P concept since the end of the Cold war, and the process is sectioned into three time-periods. In the first period, since the 90’s, there are discussed several aspects that significantly

influenced the birth of the concept, and the author further identified several trigger causes of R2P promotion: “*series of serious humanitarian crises, where the international society – whether due to inaction (Rwanda, Srebrenica), or due to unapproved military action (Kosovo) – significantly failed*” (p. 32). Within the second time-period between 2001 and 2005 the concept has been formed by the ICISS in form of the report Responsibility to Protect (2001) and only four years later adopted by the 2005 World Summit. Not only there are presented various changes and shifts in the concept itself, but also various positions towards R2P that were maintained (and also changed) by states within that period. Finally, the third time-period 2005-2009 was characteristic for tendencies to make the concept clearer, concrete and foremost effective in practice.

The following section is more analytical and focused on the content, parameters and characteristics of the R2P concept. The analysis is based on the *Outcome Document* of the 2005 World Summit, because “*it represents the only consensually negotiated material related to R2P*” (p. 67). First, the author analyzes standards for activation of the concept, and discusses the controversial nature of the of the third pillar, which can be applied only in cases when state “*manifestly fails*” (p. 73). Further, there are identified primary and secondary addressees, and the content of the R2P concept, including various instruments relevant for three main areas: prevention, reaction, and reconstruction. The part focused on reaction is especially interesting, since the concept as such is very often viewed as an option for military intervention, but in reality, the *Outcome Document* put much more emphasis on prevention and non-coercive instruments. Therefore, the options for the use of force are discussed separately and in more detail.

The second part is accomplished by a legal analysis of the concept focused on its internal characteristics and position within the system of international law. According to the author: “*R2P concept, as it was defined in the Outcome Document of the 2005 World Summit, is a complex collection of three norms, which together express an old-new paradigm*” (p. 98). Therefore it represents a concept, which has origins and characteristics based on international law, practical politics and morality. The main added value is not the content of the concept itself, but the way how the content is declared, and who is willing to listen (p. 102).

The very final section is focused on implementation and application of R2P in practice. There are analyzed and evaluated several case-studies, which either represented realization of R2P (Kenya), or situations that were classified by some actors as cases for R2P activation (Sudan, Burma/Myanmar, North Korea, Israel, DRC, Zimbabwe, Somalia, Uzbekistan, Sri Lanka). Moreover, there are discussed two cases of obvious misuse of the concept to legitimize the use of force (Iraq, Georgia).

In conclusion, all three main sections related to R2P (development, characteristics, implementation) are briefly summarized and evaluated with regard to the main goals of the publication. Last but not least, the summary is followed by general evaluation of the R2P concept and some estimation for future development. According to the author the concept is not completely innovative; nonetheless it tries to envisage

common aspects, and to combine them, in an original way (p. 148). On the other hand, there are identified some serious challenges like clarity and restrictions on manipulation of the concept, and the author also warns that the concept could become too flexible instrument for resolution of any problems at the international scene (ibid.). Another risk may be failure to operationalize and transfer the concept into practice, or contrary misuse of the concept by self-interested actors. The very final recommendations are reflected in the title of this publication: *“the R2P concept mustn't lead to an old hypocrisy and become another weapon in the hands of those, who disguise by humanitarian motives other, far less altruistic interests”* (p. 149).

Critical evaluation

Let's start the critical review with formal aspects of the publication. In her book, Veronika Bílková is using very clear and intelligible style, which makes the study graspable even for readers, who are not very familiar with international relations or law. Every term is properly explained and often illustrated by practical examples. Moreover, the whole text is divided into many sections and sub-sections (all numbered), so that the amount of information and data is clearly sorted, what helps to avert confusions.

The structure is also logical, starting from historical development, across the characteristics of the concept and finished by a section on practical implementation. This gives readers very complex information on the R2P concept, but also many interesting and innovative insights related to the concept and its theoretical and practical delimitations. Compared to other publications on this issue, which usually present the concept with certain aim to legitimize or delegitimize it, the great added value of this volume is objective approach to the problems without excessive emotions and any tendencies to convince or contrary to discourage readers from the R2P concept as such. Instead, it offers sufficient information on the subject, so that anyone may take own position based on some level of knowledge.

There are discussed various aspects related to R2P, which are compared to other publications quite innovative. First, very interesting is the shift in the understanding of the concept since the first formal draft by ICISS in 2001 until the Outcome Document in 2005. Second, the emphasis put on actors brings new insights into the political debate within the international society and helps to understand various positions adopted by states or regional groups of states. Third, the differentiation of various R2P pillars – responsibility of state, responsibility of other states to assist, responsibility of international society to act in cases of manifested failure – is analyzed and discussed in great detail, including relations of each component to the existing system of international norms. Fourth, the three pillars of responsibility are distinguished from three areas of protection – prevention, reaction, reconstruction. These three phases are also discussed not only with regard to their relative importance, but also in terms of their practical implementation and variety of potential instruments.

Finally, the book helps to resolve the dilemma between R2P and existing concepts, foremost humanitarian intervention, which is very often perceived as precursor or the same instrument. Taking in account especially the first part of the book, which clearly demonstrates how the reaction-component and its extreme military version are shifted to the margin of the whole concept, this is quite paradoxical. Even the political debates show unwillingness of states to approach R2P as an instrument for realizing unilateral military intervention, and it seems that the R2P concept is rather maintaining the exceptionality and extreme nature of the use of force in current international society.

This is not meant to controvert the adopted perspective, but the way how the constructo-positivist approach was applied is the only subject of my criticism. In the study itself it seems that the author is using two different approaches rather than combining them into one coherent perspective, whereas to understand the birth and rise of R2P she uses constructivism, but the characteristics of the concept (or relevant norms) is based on legal positivism. Even the model of norms life cycle is not applied as a general framework, but added as an alternative interpretation behind particular parts of analysis (foremost in the first and final sections). Such approach is not problematic or even illegitimate, but for more clarity it would be useful to explain, how the theoretical base was used and applied.

In the end, obviously both perspectives were beneficial for fulfilling the purposes of the study. On one hand, social constructivism lead the author to focus on actors and their intersubjective perceptions of the R2P concept, including careful attention paid to the social context, which constructed the perspectives. On the other hand, legal positivism revealed very important aspects of international law, which play fundamental role in understanding the concept within a larger system of norms and concepts. In short, the inter-disciplinary approach was beneficial with regard to the balance between legal and political aspects, which were successfully combined in this study.

I would profoundly recommend this publication not only to readers, who are oriented particularly on the R2P concept, but to anyone interested in international politics or law, and especially to those, who are attracted to challenging puzzles in international relations. Additionally, the book may be very useful for students with specialization on conflict resolution and human rights atrocities.

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