Liberal vanguards and the sustainability of the solidarist international society typified by the Responsibility to Protect

The P3 states and the United Nations Security Council in Côte d'Ivoire, Libya and Syria (2010 – 2012)

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Statement of academic integrity

The candidate confirms that the work submitted is his own and that appropriate credit has been given where reference has been made to the work of others

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"If you are the smartest person in the room then you are in the wrong room"

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Abstract

Liberal vanguards and the sustainability of the solidarist international society typified by the Responsibility to Protect: *The P3 states and the United Nations Security Council in Côte d'Ivoire, Libya and Syria (2010 – 2012)*

This thesis examines how the P3 states (France, the UK and USA) practically resolve tensions between their liberal preferences, practices of intervention, and the humanitarian solidarism of contemporary international society typified by R2P. It argues that where they behave as *liberal vanguards,* their practice threatens the sustainability of the solidarist international society typified by R2P. Using the cases of Côte d'Ivoire, Libya and Syria (2010-2012), it is argued that the P3 states either discursively advocated or attempted in practice *liberal intervention* which sought a change of regime or brought about actual regime change, contrary to the R2P normative framework which legitimates *humanitarian intervention* on a case-by-case basis, subject to existing understandings of sovereignty, non-intervention, non-interference, limits on the use of force and multilateralism. In doing so, the P3 states' approach to international legitimacy and attitude to international consensus was such that they behaved in practice as *liberal vanguards*: denying the gap between their practices and international norms; being unwilling to compromise over their goals; fostering and referencing alternative constituencies of legitimation other than the UN Security Council. These practices threaten *the sustainability of the form* of solidarist international society typified by R2P because they: confuse and potentially erode in practice the consensus understandings of the R2P normative framework; foster international discord among the great powers and between them and international society; mean that the Great Powers claim or even confer international legitimacy for themselves rather than having it conferred by the authoritative constituency of the UNSC; suggest that these powerful states do not believe themselves bound by the consensus principles that institute and constitute the society.

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Glossary

Annan Plan or Six-Point Proposal of the Joint Special Envoy of the United Nations and the League of Arab States: A peace plan to resolve the crisis in Syria, first submitted to the United Nations Security Council by Kofi Annan, the then UN-Arab League Joint Special Representative for Syria on March 16th 2012. It was subsequently successfully included on April 14th 2012 as an annex to S/RES 2042 (2012).

Coercive democratisation: The process whereby a (more) democratic form of governance than existed before is imposed on a country from without by coercive means. Drawing on the distinction made below between *regime change* and *change of regime* it should be noted that this can be attempted either by the use of force or coercive sanctions.

Deliberation: The process by which a state (or states) – and in the case of this thesis, members of the UNSC – consider their position on and response to an issue or crisis by following existing decision making procedures.

Discourse & Practice: Discourse is understood as text or communication used by actors to create meaning/knowledge or interpret the social world. Therefore, discourse is not just descriptive of reality but as a practice plays a role in constituting social reality through norms, rules, institutions and principles of legitimacy. Crucially, discourses can be read or interpreted differently than intended. States-people use discourses to make and respond to justifications and legitimacy claims, engaging the normative framework of international society as they do so. Practices are not just what states do in terms of actions, activity or behaviour (Adler and Pouliot, 2011: 5), but rather are collectively invested with meaning. Examples including specifically (but not limited to): drafting, sponsoring and voting on texts at the UNSC, seeking consensus and making legitimacy claims; diplomacy and the conduct of foreign policies such as intervention or the imposition of sanctions. The thesis examines the practice of diplomats and their discourses - as revealed in public statements and elite interviews - as empirical evidence of state conduct within international society, suggesting that certain international practices sustain the solidarist international society typified by R2P whilst those of *liberal vanguardism* threaten it.

Friends of Libya: Established as the *Libya Contact Group or International Contact Group for Libya* at the March 29th 2011 London Conference, the group existed in this form until the Paris Conference, September 1st 2011, at which point it was

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reconstituted as a new international meeting group known as the *Friends of Libya*. It was an informal grouping whose participants (as of April 13th 2011) included 21 countries and representatives from the United Nations, the Arab League, NATO, the European Union, the Organisation of Islamic Conference and the Cooperation Council for the Arab Gulf States to discuss the situation in Libya. The African Union attended as an invitee.

Geneva Communique or Action Group for Syria Final Communique: On June 30th 2012, the Secretaries-General of the United Nations and the League of Arab States, the Foreign Ministers of China, France, Russia, United Kingdom, United States, Turkey, Iraq (Chair of the Summit of the League of Arab States), Kuwait (Chair of the Council of Foreign Ministers of the League of Arab States) and Qatar (Chair of the Arab Follow-up Committee on Syria of the League of Arab States), and the European Union High Representative for Foreign and Security Policy met at the United Nations Office at Geneva as the Action Group for Syria, chaired by the Joint Special Envoy of the United Nations and the League of Arab States for Syria. They agreed and released a 12 point communique detailing a proposed Syrian peace plan. It was subsequently successfully included on September 27th 2013 as an annex to (S/RES/2118, (2013)).

Friends of Syria Group: Also known as the *Group of Friends of the Syrian People* or the *Friends of Syria Group, Friends of the Syrian People Group* or *Friends of Democratic Syria* is an informal diplomatic collective whose first meeting was held in Tunis on 24 February 2012, with the participation of more than 60 countries and representatives from the United Nations, the League of Arab States, the European Union, the Organisation of Islamic Cooperation, the Arab Maghreb Union and the Cooperation Council for the Arab Gulf States to discuss the worsening situation in Syria and deadlock on the UNSC.

Humanitarian intervention: Defined according to Adam Roberts as *"coercive action by one or more states involving the use of armed force in another state without the consent of its authorities, and with the purpose of preventing widespread suffering or death among the inhabitants"* quoted in (Weiss, 2016b: 7)

Institution: Defined by the English School as either primary or secondary, where the latter exist as administrative organisations such as the UN, and the former are fundamental clusters of related norms through which the rules of international

society are administered under conditions of anarchy. They give form to the society of states.

International consensus: Specifically, the consensus view of the UNSC as measured according to Article 27 of the UN Charter, more generally, the consensus belief among states that they are bound by principles of legitimacy. For the purposes of the thesis this is conceptualised as two axes using Clark (2009b: 467-477); Clark (2009c: 213,214, 220-224); Morris (2013a: 513-516) *horizontally* among the Permanent Five members of the UNSC – the great powers - and *vertically* between the P5 and the rest of international society as represented on the UNSC by the elected ten members. The thesis argues that international society is sustained by a consensus among states - both axes simultaneously - about the principles of legitimacy with regard to rightful conduct.

International society: Defined in accordance with (Bull, 1977: 13) and the English School as a society in which sovereign states rather than individual human beings are the members. As (Onuf, 1994: 1) observes it is *"a thing and a process",* which is to say it exists independent of external observation and is evident through state belief, discourse and practice.

Justification: The public discourse by which actors explain their practices or policy positions and why they believe these to be legitimate with reference to extant norms, rules, institutions and principles of legitimacy of international society. Such a justification can form the basis of a legitimacy claim, by which the actor's request legitimacy be conferred on their practices or policy positions by the authoritative constituency of legitimation. Alternatively, it can only reference their own values and so be issued in defiance of international society or as a rebuttal to a denial/withdrawal of legitimacy by the international constituency of legitimation.

Legitimacy: *"a political space, but not an unbounded or normatively autonomous one. While the collateral values of legality, morality, and constitutionality do shift over time, at any one point they take on the appearance of semi-permanent structures. The practice of legitimacy describes the process of negotiation amongst the members of international society as they seek out an accommodation between those seemingly absolute values, and attempt to reconcile them in a working consensus to which all feel bound"* (Clark, 2005: 29-30). It is conferred on an actor's practices by a *"social constituency of legitimation"* (Reus-Smit, 2007: 164) i.e. the

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international society generally and for the purposes of this thesis the UNSC specifically.

Legitimacy crisis: *"as that critical turning point when decline in an actor's or institution's legitimacy forces adaptation (through re-legitimation or material inducement) or disempowerment"* (Reus-Smit, 2007: 167)

Liberal intervention: Defined for the purposes of this thesis as the practice of military intervention undertaken within or against a state without its consent, by another state or group of states, which combines mass atrocity prevention with coercive democratisation and the promotion of human rights.

Liberal vanguardism: An original concept developed by this thesis to examine how a powerful liberal state, or group of such states, approach international legitimacy and consensus when seeking to reconcile/resolve the tensions between their liberal values, goals, practices, and the norms, rules, institutions and principles of legitimacy of international society, which exist given the uneven nature of that society. In this thesis it is applied to the problem of intervention in international society and in particular the tension between discourses and practices of liberal intervention by the P3 states and the humanitarian solidarism typified by the R2P normative framework.

Norm: Either a *"collective understandings of the proper behaviour of actors"* (Legro, 1997: 33) or a pattern of regularised behaviour evident in actual practice. The thesis focuses on the former, English School conceptualisation of a norm as an intersubjective shared understanding which forms the basis of international rules, institutions or principles of legitimacy.

Norm adaptation: The process by which an existing shared understanding is revised and given with new content, as encapsulated in the phrase *"to put new wine in old bottles"* (Stahn, 2007: 102). Adaptation is often justified on the grounds that the norm as presently understood is outmoded or is not having the intended effect and so needs to be adapted to reflect normative change or material challenge.

Norm entrepreneur: A social constructivist theory defined originally by Finnemore and Sikkink (1998: 894-906) and referred to as Norm Innovator by (Morris, 2005: 265-281). The entrepreneur or innovator is part of the *"norm life cycle"* by which *collective understandings of proper behaviour* are established in society and it is by their efforts that norms emerge, cascade and are eventually internalised or institutionalised.

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Norm interpretation & application: The process by which actors in a society make sense of what a norm means in practice by applying it to a specific situation. Actors can be expected to contest whether and how a norm applies or is indeed relevant to a situation. If relevant they can be expected to claim or contest claims as to whether practice advocated or attempted is in accordance with the norm and therefore legitimate. In so doing there is often debate as to what the true intent and essence of the norm means and how narrowly or broadly this should be interpreted and applied in practice.

Pluralism: The English School perspective that states are diverse and that the society of states should welcome and respect the diversity of member states on a variety of principled, pragmatic and sceptical grounds. Pluralism recognises the limited nature of common interests and values, restricting the goals and purpose of the society to practical coexistence and international order rather than justice.

Regime change: Military intervention for the purpose of removing a government. More specifically, the practice by which a state or group of states use military force against a state without its consent to interfere in their domestic affairs and change its government. Where this is done to promote democracy, it is associated with liberal rather than humanitarian intervention. This thesis distinguishes *regime change* so defined, from a state or group of states attempting a *change of regime* in another state through the application of coercive measures falling short of the use of force or intervention, namely through the imposition of sanctions to compel the change.

Responsibility to Protect: The unanimous 2005 international commitment that: each state has a responsibility to prevent mass atrocities and protect their populations from these; international society has a responsibility to assist states in this regard or even take *"timely & decisive"* action on a *"case by case basis"*, *"acting through the UNSC"* to protect populations should states *"manifestly fail"* to do so themselves. This thesis conceives of R2P as five interrelated international understandings of *sovereignty, non-intervention, non-interference, limits on the use of force, and multilateralism*. Together these are labelled the R2P normative framework, typifying the humanitarian solidarism of contemporary international society.

Solidarism: The English School perspective that such are the common interests and values of states the society of states can and should cooperate to practically pursue

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international justice as a component of order even where that means taking action collectively to enforce international law against sovereign states who have broken the law or who are not party to the international consensus. Although typically conceived by the ES as liberal or progressive in form, solidarism can theoretically take any form depending on the norms and values around which states coalesce. As part of the pluralist solidarist spectrum its thickness can vary depending on the depth of the solidarist commitments entered into and whether they transcend state based forms of political community, thus it can be state centric or cosmopolitan in terms of the actors which it prioritises.

Sustainability: As developed and originally applied by this thesis to the society of states, this is the process by which international society adapts to remain effective and legitimate and therefore endure. The society of states is sustained by everyday iterative state practice with regard to its principles of legitimacy and their commitment to consensus both horizontally (among the great powers) and vertically (between them and the rest of the society). This is not to say that states always apply the rules of the society faithfully, but rather that they collectively agree what the rules should be and that states should be collectively bound by them.

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Acronyms

A/RES	*Resolution of the UN General Assembly*
AU	*African Union*
BRICS	*Brazil, Russia, India, China and South Africa*
GCR2P	*Global Center for the Responsibility to Protect*
ECOWAS	*Economic Community of West African States*
ES	*English School of international relations theory*
EU	*European Union*
E10	*Elected 10 - non-permanent members of the UN Security Council*
FDSCI	*Defence and Security Forces of Côte d'Ivoire*
HRC	*Human Rights Council of the United Nations*
ICC	*International Criminal Court*
ICISS	*International Commission on Intervention & State Sovereignty*
ICR2P	*International Coalition for the Responsibility to Protect*
IICK	*Independent International Commission on Kosovo*
LAS	*League of Arab States or Arab League*
MENA	*Middle East and North Africa*
NATO	*North Atlantic Treaty Organisation*
NTC	*National Transitional Council of Libya interim government*
OHCHR	*Office of the UN High Commissioner for Human Rights*
OSAPG	*UN Office of the Special Adviser for the Prevention of Genocide & R2P*
P2	UNSC *Permanent 2 members - China and Russia*
P3	UNSC *Permanent 3 members - France, UK and USA*
P5	UNSC *Permanent 5 members- China, France, Russia, UK and USA*
PoC	*Protection of Civilians mandate*
R2P	*Responsibility to Protect (2005 unless otherwise specified)*
R2NV	*Responsibility Not to Veto – 2001/2013 French proposal for P5 veto restraint in mass atrocity situations*
RFCI	*Republican Forces of Côte d'Ivoire*
RwP	*Responsibility While Protecting – 2011 Brazilian concept note regarding R2P*
SCR	*Security Council Report*
S/PRST	*Presidential Statement of the Security Council*
S/PV	*Meeting record of the Security Council*
S/RES	*Security Council Resolution*
SRSG	*Special Representative of the Secretary General*
UK	*United Kingdom of Great Britain and Northern Ireland*
UN	*United Nations*
UNGA	*United Nations General Assembly*
UNHCR	*United Nations High Commissioner for Refugees*
UNSC	*United Nations Security Council*
UNSG	*United Nations Secretary General*
UNIFIL	*United Nations Interim Force in Lebanon*
UNIMIL	*United Nations Mission in Liberia*
UNOCI	*United Nations Operation in Côte d'Ivoire*
UNSMIS	*United Nations Supervision Mission in Syria*
UNSMIL	*United Nations Support Mission in Libya*
USA	*United States of America*

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Tables & Figures

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Chapter 1 – Introduction

<u>Robert Burns – *"To a louse, on seeing one on a lady's bonnet at Church"* (1786)</u>

"O wad some Power the giftie gie us

To see oursels as ithers see us!

It wad frae mony a blunder free us,

An' foolish notion:

What airs in dress an' gait wad lea'e us,

An' ev'n devotion!"

(Watson, 1995: 375)

"Oh, that God would give us the very smallest of gifts

To be able to see ourselves as others see us

It would save us from many mistakes

And foolish thoughts

We would change the way we look and gesture

And to how and what we apply our time and attention."

Modern English translation (Sibbald)

<u>Giuseppe Tomasi di Lampedusa - *The Leopard* (1958)</u>

"If we want things to stay as they are, things will have to change"

(Lampedusa, 1992: 21)

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Empirical problem

International society's most obvious expression is its parts. That is, administrative organisations, diplomatic discourse and state practice. However the society of states is greater than the sum of its parts because they all depend on the norms, rules, institutions or principles of legitimacy, summarised by the English School (ES) theorist Hedley Bull as, *"a group of states, conscious of certain common interests and common values, form a society in the sense that they conceive themselves to be bound by a common set of rules in their relations with one another, and share in the working of common institutions"* (Bull, 1977: 13). This thesis examines how the practices of France, the UK and the USA (the P3 states) individually and/or collectively affect the sustainability of the contemporary solidarist international society typified by the *Responsibility to Protect* (A/RES/60/1)[1].

Burns' verse encapsulates the primary concern animating the thesis, which is that states, particularly powerful ones, should be aware of and pay due regard to how they are perceived by others in society. More than being a mere matter of perception, such regard should influence their conduct. Whilst states always justify their practices as legitimate, to *claim legitimacy* is not the same as to *command legitimacy* (Reus-Smit, 2007: 159-160) by having claims recognised and thus international legitimacy conferred upon them. It is the society of states that confers international legitimacy upon a state's practices and as Clark has written, it is the principles and practices of legitimacy which are the essence and expression of the existence of international society (2005: 1-32).

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[1] A Web of Science search for *"Responsibility to Protect"* reveals 621 results for 1990-2016, 480 of these are were published 2010-2016. The salience of R2P in the academic literature is further evident in a series of recent research volumes including: *'Major powers and the contested evolution of a responsibility to protect'*, special issue of Conflict, Security and Development Vol. 14 No.4 June 2014; *'The Responsibility to Protect and Prosecute'*, special issue of Criminal Law Forum Vol.26 No.1 March 2015; *'The Responsibility to Protect at 10'* double special issue of Global Responsibility to Protect Volume 7, Issue 3-4 2015; *'The Responsibility to Protect after the Arab Spring'* Cooperation and Conflict Vol.51 No.2 June 2016; *'Contesting and Shaping the Norms of Protection: The Evolution of a Responsibility to Protect'* special issue of Global Society Vol.30 No.1 2016; *'The Oxford Handbook on the Responsibility to Protect'* (Oxford University Press, 2016); '*Critical Perspectives on the Responsibility to Protect: BRICS and Beyond*', special issue of International Relations (forthcoming). In addition there is an active British International Studies Association Working Group -*Intervention and the Responsibility to Protect*- established January 2013 and there have been an increasing number of panels and roundtable discussions at British International Studies Association, International Studies Association and European International Studies Association annual conferences.

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In any society, the principles of legitimacy as expressed in norms, rules and institutions are not static but rather shift according to changes in legality, expectations of behaviour and understandings of morality (Clark, 2005). The society of states therefore is best regarded as a *"thing and a process"* (Onuf, 1994: 1) that is *a thing* which exists independently of observation and *a process* which is reproduced by the iterative practices of its state members. Subsequently, states' disregard for international legitimacy does not only come at a cost, but poses a challenge for international society. The uneven nature of international society is such that states have differing perspectives on legitimacy. But in coming together to reach a consensus regarding *international legitimacy*, they constitute international society. It is by their belief that this consensus is binding and through their discourse and practice in accordance with it, that this thesis argues that the society is sustained, since as Robert Jackson argues, the society is *"an activity and not merely a framework"* (2000: 113)

Lampedusa's remark, although not intended as such, speaks to the iteration of these practices. The practices of international society are the creation, adaptation, interpretation, application and contestation by states of norms and concomitant shifts in principles of international legitimacy over time. In short, for international society to endure it has to be sustained by states, and to be sustained it has to adapt or change. Such change can be in response to material circumstances such as the balance of power, advent of new technology or recognition of new challenges or threats, but it can also be in response to normative changes in the expectations or ambitions of states. These expectations can in turn be expressed through the creation of new norms or their adaptation. But they can also be reflected in how states interpret and apply existing norms in practice.

Legitimacy has come to be regarded by the English School (ES) as the central concept of international society (Gallagher, 2013: 51). Ultimately, it is through practices of legitimacy that norms, rules or institutions are either newly created through entrepreneurship, abrogated or adapted to keep them acceptable and legitimate to states. The history of contemporary international society is replete with such developments (Finnemore, 2003: 228- 270; Buzan, 2004; Buzan, 2006; Reinold, 2013) and the one addressed in this thesis is the *Responsibility to Protect (R2P).*

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International society and the Responsibility to Protect

The R2P and its associated normative understandings of *sovereignty, non-intervention, non-interference, limits on the use of force and multilateralism* - hereafter referred to as the R2P normative framework - was first internationally codified at the 2005 United Nations World Summit. There is already an extensive literature detailing and critiquing the development of R2P and so that is not the focus of this thesis. Nor is the author analysing purely the prospects for R2P's success or endurance in light of its tenth anniversary[2] and the recent crises in Libya[3] and Syria[4]. In the course of researching this thesis, the author began by assessing whether the P3 states were publicly probing the rules of international society which permit *intervention* under specific circumstances but never *interference* in the affairs of other states. Why?

In the post-Cold War era, a solidarist consensus has developed among the states of international society that, in principle, collective action could be taken, including by coercive means, to protect populations' from mass atrocities. This developed first through the broadening of the understanding of *"threats to international peace and security"* enabling action on the part of the United Nations Security Council (Weiss, 2016a: 220) and latterly through the development and subsequent codification of R2P. Both such developments are examples of normative change, and whilst this thesis adopts the perspective that when states agreed to R2P at the 2005 UN World Summit they did not create any radical new norms, the codification of the reinterpretation of existing norms and expectations marked a change in what (Clark, 2005: 28-29) conceptualised as the standard of legitimacy with regards to rightful conduct by states in international society. This reading of the R2P framework – as consolidating norm change that had occurred prior to 2005 and not

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[2] E.g. *'The Responsibility to Protect: Ten Years on From the World Summit'* Global Responsibility to Protect Vol. 7 (3-4) 2015 with contributions from Adrian Gallagher, Jason Ralph, Gregor Peter Hofmann, Andrew Garwood-Gowers, Kai Michael Kenkel & Felippe De Rosa, Malte Brosig & Natalie Zähringer, Volkan Şeyşane & Çiğdem Çelik and Justin Morris
[3] E.g. *'Roundtable on Libya, R2P and Humanitarian Intervention'* Ethics & International Affairs Vol. 25 (3) Fall 2011 with contributions from James Pattison. Jennifer Welsh, Alex J. Bellamy, Simon Chesterman and Thomas G. Weiss
[4] E.g. Morris, Justin *'Libya and Syria: R2P and the spectre of the swinging pendulum'* International Affairs Vol.89 (5) 2013 pg.1265-1283 Stuenkel, Oliver *'The BRICS and the Future of R2P: Was Syria or Libya the Exception?'* Global Responsibility to Protect Vol.6 (1) 2014 pg.3-28; Gallagher, Adrian *'Syria and the indicators of a 'manifest failing''* The International Journal of Human Rights Vol. 18(1) 2014 pg.1-19

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amounting to international law – is evident in the following excerpts from the author's interview participants:

"Clearly throughout the 1990s there was a broadening of our accepted understanding of threats to international peace and security to reinterpret the charter without legislating to shift the charter which was created to deal with interstate war and mass atrocities committed in a different set of violence from that which we see now... Sovereignty has been rethought not just here at the UN or in the West but right around the world.... The most significant reinterpretation that comes to mind is the revision of Westphalian sovereignty to conditional sovereignty" (UN Office of Special Adviser for the Prevention of Genocide Interview, 18th November 2014)

"R2P is a moral responsibility that has weight as a political statement too because of the unanimous agreement of the 2005 World Summit Outcomes document. It sits within the existing framework of international law rather than creating a new rule as such." (France Interview, 17th November 2014)

R2P sought to answer questions plaguing post-Cold War international society – notably the Rwandan and Kosovan dilemmas highlighted by then UN Secretary General Kofi Annan in his 1999 address to the UN General Assembly; whereby international society either failed to respond, or states took it upon themselves to respond (Annan, 1999a). But the pursuit of a unanimous international consensus and the inherent controversy of intervention were such that questions remained. Most notable in the view of this thesis is the question of *how to intervene* to protect populations from mass atrocities *without interfering in the domestic affairs of a state*. States are charged by R2P with the primary responsibility to protect their populations. Significantly however, international society has vowed it will support individual states in this effort and commits to *"timely and decisive"* collective international action through the UNSC on *"a case by case basis"*– including the use of coercive means - should a state *"manifestly fail"* in its responsibilities (A/RES/60/1). Such *"manifest failure"* can be conceived of as a sin of omission or of deliberate practice, *i.e. the state may lack the capacity to act to ensure the prevention of mass atrocities, or it may itself be the guilty party responsible for the commission of mass atrocities*.

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The P3 states and the Responsibility to Protect

In the latter case, liberal states such as the P3 often - but not always[5] - hold the state responsible and denounce it as undemocratic and illiberal. Therefore, liberal states occasionally -but not always - take the position that a purely *humanitarian intervention* – i.e. one predicated on *non-interference* - will not succeed in addressing the crisis. Instead, on occasion, they advocate coercive democratisation and promotion of human rights along with humanitarian protection. But in the author's understanding, R2P (nor indeed the UN Charter) permits regime change or any form of coercive democratisation in mass atrocity situations.

The distinction stressed by this thesis is that they allow for *intervention* (subject to limits) but not practices that would be considered *interference*. The counter argument to this position is that whilst R2P does not explicitly specify that a form of regime change in such scenarios, would be permissible, nor does it explicitly rule it out. The professional reflections of the interviewees below reflect both the author's sense that because R2P (2005) does not specify regime change then it is not permitted, but that the problem then remains of how to respond when the state/regime is the perpetrator of mass atrocities:

"Regime change is not normatively part of R2P as you can see in the 2005 document…As a broad policy statement the link between regime change and R2P is not accepted and is not made. It is not a normative principle and therefore is not a norm…R2P navigates these problems [sovereignty, non-intervention, non-interference] and clearly shows where international society has drawn the lines and that does not include regime change…Sovereignty has been fundamentally reinterpreted but a core remains and that can be seen according to Article 2(4) of the charter. The reinterpretation has carved out and provides a little space for action/intervention so long as you follow the re interpreted law to guide your 'interference' as it were" (UN Office of Special Adviser for the Prevention of Genocide Interview, 18th November 2014)

"When we have a genocide being committed then the government in place in that situation is not the best one. So when you intervene to tackle genocide, that [regime

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[5] As will be explained, at no point does this thesis argue or claim that liberal states, the P3 states specifically or indeed *liberal vanguards*, always and everywhere practice military intervention – be it humanitarian or liberal - in response to mass atrocities.

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change] is not the goal although one may be triggered sooner or later. Indeed the very phrase 'regime change', the abuse of humanitarian intervention is polemical and politicised and so not a helpful discourse, a better one is required. You can have an open discourse on R2P but 'regime change' is an impossible topic to address directly, even in closed discussions." (Luxembourg Interview, 24th November 2014)

The point being made here is not simply that intervention is a controversial topic about which states often disagree, but rather that there is a dissonance between the *humanitarian limits* of contemporary international society's solidarism as represented by R2P and the occasionally *liberal purposes* of the P3 states. These liberal purposes are evident in their support for *liberal* not simply *humanitarian intervention* and the *changing of regimes* as well as active *regime change*. What tends to happen in such cases is that the more the liberal state tries to do – *interfering not just intervening, pursuing political change as part of protection* – the less of an international consensus there is and so the less prospect for international legitimacy.

During the author's research it became clear that liberal states' response to this dilemma has not been open norm entrepreneurship (Finnemore and Sikkink, 1998: 894-906). The P3 states neither publicly sought the abrogation of the norm of *non-interference* nor the creation of a norm of regime change in mass atrocity situations. They have also steered clear of any revision of the 2005 terms of R2P:

"The rules are not the problem, the difficulty is whether there is will…The difficulty is not in the rules. Indeed a fight about the rules might complicate things…The rules are not perfect but the problem does not lie in the rules. If we want to act/respond, we have enough tools… No, the P3 are not trying to change the rules [sovereignty, non-intervention, non-interference, limits on the use of force, multilateralism] but rather make them work." (France Interview, 17th November 2014)

Thus what did become clear though was that there were grounds to argue that the P3 states were probing the existing limits of R2P and its associated normative framework in practice. That is, conceivably they were looking to change how relevant norms were interpreted in practice, a phenomenon referred to as akin to *"placing new wine in old bottles"* (Stahn, 2007: 102) or within the ES as *"institutional dynamism"* (Buzan, 2014: 104-105). As the French interviewee remarked above,

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whilst they are not trying to change the rules they are trying to make them work, before further reflecting:

"We understand that the rules will never be equally accepted and applied and that we will have to navigate this constantly. We are trying to negotiate to get the rules accepted by everyone but even then there is leeway in the rules in that words are ambiguous and R2P is one such instance here [of deliberate ambiguity]…In my view, the broader the rule the easier it is to apply it to new realities…broad rules can be broadly interpreted and have broad applicability. The more general the better. I personally am not in favour of precision as there are too many different situations which we have to deal with" (France Interview, 17th November 2014)

A position echoed by the UK, albeit in the context of a Security Council debate on its working methods:

"In today's Council, our rules, practice and precedent provide valuable guides to our work, yet even as we respect the rules set out in the Charter, we must avoid becoming hidebound by past practice and we must be ready to innovate and adapt our procedures to the modern world." (UK, S/PV 6870, pg.9)

Research question

It must again be emphasised that this thesis is not examining whether the P3 states were openly attempting to replace or abrogate extant international norms, or generate hitherto unseen ones. Rather the thesis examines whether they probed the limits of legitimacy - the existing solidarist R2P framework of international society – and acted on their interpretations in practice, regardless of any ensuing international discord. Simply put, *have the P3 states pursued liberal practices, sought to legitimate them and approached international consensus in such a way as to threaten the solidarism of contemporary international society typified by R2P?*

As Burns' verse alluded to earlier at the outset, it is the author's view that liberal states often assume the benevolent nature of their practices to be irrefutable and therefore not open to question. This sense came across clearly in the contrasting comments of the French and Brazilian interview participants:

"Only the P3 present peacekeeping mission mandate resolutions. That tells us a lot about international society. True the P2 don't block them but they don't do it or draft them or offer them up themselves. There is a real difference of opinion or

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outlook here among the P5. We the P3 take the view that in such [peace keeping] situations we should help and live up to our responsibilities as members of the UN with the capability to act and stop things falling apart...What we are doing is fulfilling our responsibility to the UN since we have the means. Ok we're not solving everything but we are preventing it from falling into complete chaos. The P2 however seem to stand back and say "we're not directly involved, let's let this develop and maybe collapse and then see what happens next" Far from living up to their responsibilities they get out of them" (France Interview, 17th November 2014)

"We are often regarded as sovereigntists who stand opposed to any progressive change to sovereignty to protect civilians. Instead we say that we respect the qualification of sovereignty but uphold principles of international law and the higher moral, Christian principle of do unto others as you would have them do unto you...So when we speak of a certain respect for sovereignty and non-intervention it is not from the perspective of those who feel threatened by human rights, but by raising questions about the motives of the self-righteous." (Brazil (New York) Interview, 19th November 2014)

"Where others are very fast to propose intervention we don't mind being the boring one with our hand up at the back of the room asking questions. I'd like to emphasise that slowing down is not the same as being obstructionist. When we asked questions of Libya and abstained, Britain and France took it personally, if you read the speeches before the Council there were almost aggressive remarks made by Lyall Grant" (Brazil (London) Interview, 03rd November 2014)

Here we see France of the P3 expressing dissatisfaction with the attitude of the P2 states, whilst Brazil explains the concerns animating their own questions and the manner in which they feel caricatured for doing so. It follows from this that critical international questioning, especially when accompanied with outright disagreement, is often met with incomprehension by liberal states. Reflecting on the Brazilian RwP initiative, the French interview participant remarked: *"We didn't have a problem with RwP per se, but we know for a fact what was behind it – 'stop intervening'. It was a checklist for failure"* (France Interview, 17th November 2014). In short it seems there is often a failure by liberal states *to see themselves as others see them* thus blaming others in international society for the discord rather than

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reconsidering their own approach to international legitimacy and attitude to international consensus.

Broadly speaking, this thesis' develops the original concepts of *liberal vanguardism* and *sustainability* so as to argue that the solidarist international society typified by R2P is threatened if powerful liberal states behave in practice as *liberal vanguards.* This entails practices whereby they liberally interpret the society's second order principles of legitimacy with regard to rightful state conduct (Clark, 2005: 28-29) in preventing mass atrocities for *what they consider to be the better*. The problem being that such is the uneven nature of contemporary international society, what *the P3 states consider to be the better - according to their substantive liberal values – is not shared by the rest of the society of states.* This is because the society's solidarism, typified by R2P, is humanitarian rather than liberal.

No state in international society acts without giving justification or *claiming* legitimacy. But have the P3 states been prepared to *confer this on themselves* and override international discord, rather than having it *conferred upon them* by the society of states? Were they to do so, this thesis argues that they would be behaving as *liberal vanguards*, and such a practice, without international legitimacy or consensus in accordance with the R2P normative framework, would threaten the *sustainability* of contemporary solidarist international society. This theoretical claim begs the question as to whether the P3 states have behaved in practice as *liberal vanguards,* and so this is the primary research question animating this thesis and it is argued that in the cases of Côte d'Ivoire, Libya and Syria over the period 2010-2012 the P3 states did exhibit *liberal vanguard* practices. For the avoidance of doubt, the thesis does not assume that the P3 states are *liberal vanguards*, nor is it investigating whether *liberal vanguardism* threatens the *sustainability* of the solidarist international society typified by R2P. Rather, using ES literature and theory, it argues that the practices of *liberal vanguardism* do indeed pose such a threat before arguing that on the basis of the empirical evidence examined, the P3 states behaved in such a way in the three cases selected.

Author's normative stance

The normative position adopted by the author is firstly that the solidarist international society typified by R2P is worth sustaining as a means to combine international order with the pursuit of civilian protection and mass atrocity

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prevention. As will be discussed, the thesis is not that the *sustainability* of international society writ large is threatened, existentially, either by a failure to respond to mass atrocities or by practices of *liberal vanguardism*. Rather what is argued is that *liberal vanguard* practice threatens the consensus about the principles of legitimacy by which the solidarist international society typified by R2P is sustained. The threat is thus to the *sustainability of a particular form of society* rather than directly to the society writ large.

Secondly, the author accepts that the dynamics on the Security Council – especially between the P5 members (China, France, Russia, UK and USA) – are such that it must be tempting for states to rely on creative ambiguities or liberal – as in broad - interpretations of norms, rules and institutions to claim legitimacy. However, the thesis argues that such creative, and on occasion *static,*[6] approaches to legitimacy, actually threaten the normative framework of solidarist international society with consequences beyond simply the reduced salience of explicit references to R2P in UNSC debates. Of specific concern here is whether the P3 states have a broad interpretation of R2P, which they interpret liberally. Here *liberally* is not just a synonym for *broadly*, that is taking a broader view than others of what R2P allows and how it applies, *liberally* also means a liberally informed interpretation of what the author argues is actually a humanitarian normative framework. Whilst such contestation over the interpretation and application in practice of norms, rules or international law is both normal, and part of how norms evolve[7], this thesis

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[6] In the case of Libya (2011) the P3 states claimed that the international consensus in favour of adopting S/RES/1973 extended to consensus support for the conduct of their intervention. They did not therefore address the shifts in that consensus by which states that had supported the mandate as authorised (South Africa) or who had cautiously abstained (Brazil, Russia, India and China), voiced concern about the mandate as practiced. The P3 attitude to consensus was therefore in a sense *static* in that it did not address these changes.

[7] *"Bull argues it is not uncommon for a rule to emerge first as an operational rule, hen to become established practice, then to attain the status of moral principle and finally to be incorporated in a legal convention"* Suganami, Hidemi '*The Structure of Institutionalism: an Anatomy of British Mainstream International Relations'* International Relations Vol.7(5) 1983 pg.2376. A point echoed by his contemporary Adam Watson: *"What is first simply conduct can become a code of conduct; interpretation of rules, and new uses for institutions, can modify the original purpose; and these revisions gradually become accepted as part of a new conventional legitimacy"* Watson 'The Practice outruns the Theory' pg. 145 in Roberson eds. *International Society and the Development of International Relations Theory* (London, Continuum, 2002)

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examines how when such contestation takes the form of *liberal vanguardism*, the sustainability of normative frameworks are threatened.

The author also recognises that the practice of international relations is akin to a competitive *"game of states"* (Manning, 1975: 215). Therefore any criticism offered here of the practice of the P3 states should not be read as either an apologia for the practice of the P2 states or the author claiming that the P2 states were virtuous in stark contrast to P3 state *liberal vanguardism*. The author is duly aware that the reality of the anarchical society is that, when it comes to state practice, there are *"no Gods and precious few heroes"*[8].

Thirdly, there are myriad norms, rules, institutions and principles of legitimacy of international society but this thesis is focused upon those which the literature and contemporary state practice indicate are vital to solidarist international society as typified by R2P: *sovereignty, non-intervention, non-interference, limits on the use of force and multilateralism*[9]. Although this will be explained in greater detail in Chapter 4, this thesis treats R2P as a norm in the English School rather than the realist sense (Gallagher, 2013: 3). Rather than being a *regularised, recognisable pattern of practice*, R2P is a *collective standard of what states feel ought to be done*. R2P is not included as a norm alongside this list of the selected five in its own right because it is not sufficiently observed in practice – bluntly, society of states fail to act on it all the time, without this threatening solidarism in the way that disputes involving the norms specified above do.

That aside, the specific selection of the five norms is guided by the internationally agreed R2P normative framework. The thesis adopts the position that since the 2005 World Summit codified a series of developing understandings under the aegis of R2P, subsequently reaffirmed in 2009, it is possible to use R2P as a framework to assess international society's discussion of questions of intervention even where the states themselves did not rely on specific references to the text of R2P (2005)

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[8] This apposite quotation is from Hamish Henderson's poem "First Elegy: End of a campaign" from his book "Elegies for the dead of Cyrenaica*"* (1948) and referenced in this thesis from *The Poetry of Scotland* Watson, R. 1995. *The Poetry of Scotland: Gaelic, Scots and English 1380-1980.* Edinburgh: Edinburgh University Press. The quotation first came to the author's attention through the work of the historian Christopher Harvie, who coincidentally also cites as instructive the 1958 Lampedusa quotation regarding change.
[9] As will be explained in Chapter 4 subsection - *Norms of the R2P normative framework and the problem of intervention-* this selection was informed by *Reus-Smit, C. 2005. Liberal hierarchy and the licence to use force. Review of International Studies. 31, pp.71-92.*

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itself. In this regard the thesis *"adopts an expansive view of what constitutes an R2P-based justification, and so in assessing UNSC debates eschews too literal an interpretation of what constitutes an invocation of the concept"* (Morris, 2013b: 1267). Finally, the author agrees with Ian Clark's position that legitimacy in international society – i.e. international legitimacy – is a matter for states to decide amongst themselves and is not an external yardstick which external observers can or should apply to their practices because *"in short, legitimacy is not to be understood as a statement about the 'fairness' or 'justice' of a particular order (which might be regarded as a solidarist benchmark), but only about the degree of consensus with which it is regarded by the principal states (Jackson's preferred pluralist paradigm). It is a matter of the pertinent 'beliefs' of the major powers concerned, and that is all there is to it)"* (Clark, 2003: 84)

Irrespective of personal status in life, academics, activists and concerned citizens, all have opinions on international law, morality and our own expectations of states and international society – particularly in mass atrocity situations. But whilst we may come to our own judgements here, international legitimacy is a matter for international society to decide. Accordingly, it should be noted that at no point will the author specify a model or typology for the *form* that a sustainable solidarist international society should take. Again, to be blunt, what the author deems preferable or sustainable is of no consequence to the states of international society. All that matters is the international consensus they reach amongst themselves and bind themselves by as to the principles of legitimacy governing their interactions.

Thesis structure

The research question animating this thesis is: have the P3 states behaved in practice as *liberal vanguards*? It is important to address this question because were they to do so, the sustainability of the solidarist international society typified by R2P would be threatened. The thesis proceeds over the course of nine chapters, the first of which is this brief introduction. Having established the motivation for the thesis; the empirical problem being examined; the chosen research question and the author's own normative stance; the introduction now concludes by outlining the thesis structure and the original contribution being offered. .

Chapter 2 explains the thesis' use of the English School and the methodological approach underpinning the research. It does so by way of a brief ES literature

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review; exposition of ontological and epistemological approaches; description of the craft approach undertaken and explanation of the chosen focus on the UNSC, P3 states and selected case studies.

Chapter 3 applies extant ES literature to conceptualise how the society of states is sustained and why this matters in the first place. Exploring the conceptual definition of international society, the chapter explains that the society endures because it is sustained by states' practices of legitimacy and consensus, arguing that it is the principles of legitimacy which typify its form.

Having thus distinguished between the essence and forms of international society, Chapter 4 specifies the solidarist society of states typified by R2P, which is this thesis' focus. The R2P normative framework is defined, the practices that typify the humanitarian solidarist society are identified, and the tension with liberal intervention outlined.

Chapter 5 develops the original concept of *liberal vanguardism*, specifying its practices, the threat these pose and why. In part, Chapters 3 and 4 set out implicitly why *liberal vanguardism* matters, whereas Chapter 5 sets out how we know it when we see it, which is vital to establish before we proceed to the empirical analysis. Specifically, Chapter 5 explains why this original concept is required by establishing the gap in the literature and empirical problem it addresses. Chapter 5 also proposes the case for examining why this concept applies to the P3 states and how it is relevant to the selected case studies.

Chapter 6, the first case study, examines the crisis in Côte d'Ivoire (2010-2011). In brief, the situation confronting international society through the UNSC was how to respond to a post-electoral crisis which witnessed escalating violence against civilians, including mass atrocities. The key issues in play here were whether and how international society could intervene to protect civilians and prevent mass atrocities without interfering in what was essentially a domestic political crisis. United Nations Operation in Côte d'Ivoire (UNOCI) was already present on the ground, supported by well-equipped French troops (Opération Licorne), and was tasked with certifying the contested Presidential election result.

As the crisis deteriorated into a civil war, the Security Council considered the limits between *humanitarian intervention* for the purposes of civilian protection, and

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liberal intervention with the effect of regime change. S/RES/1975 (2011) underscored the UN mission's civilian protection mandate, particularly with regard to the threat posed by heavy weapons, and in the course of operationalising this, the isolated incumbent President Laurent Gbagbo was arrested and deposed in favour of the internationally recognised President Elect Alassane Ouattara. In the course of these events, international society had to choose between the *de jure* and *de facto* governments of Côte d'Ivoire, drawing a line between intervention for legitimate (civilian protection) and illegitimate (political interference) purposes.

Chapter 7, the second case study, examines the crisis in Libya (2011). The situation confronting international society here was how to address the political turmoil caused by the Arab Spring. In Libya, the UNSC soon faced calls to respond to the actual and threatened violence against civilians being committed in the course of a popular uprising against the sovereign Gaddafi government. However, as a civil conflict, the civilian population was in truth at risk from violence from all sides of the conflict, and concerns were expressed as to whether military action would contribute to the necessary political solution.

S/RES/1973 (2011) authorised an unprecedented Chapter VII civilian protection mandate (Bellamy, 2014: 9-10) which was implemented by a Western-led coalition (Operations Odyssey Dawn and Unified Protector). However, whilst the Council mandate did not specify which actors' civilians were to be protected from, it became clear that the coalition practice was to target the government in favour of the opposition rebels. These practices culminated in the fall of the Gaddafi government and international allegations of regime change where a *humanitarian intervention* informed by R2P had become a *liberal intervention* intent on interference.

Chapter 8, the third case study, examines the crisis in Syria (2011-2012). Whilst it is true that all questions of intervention, civilian population protection, and mass atrocity prevention are *"hard cases"* beset by Bull's *"terrible choices"* (Alderson and Hurrell, 2000: 227; Wheeler and Dunne, 2002: 43)*,* the case of Syria is especially complex. Several tracks to this crisis have been identified[10], namely: political, humanitarian, chemical weapons, accountability and ISIL. Given this thesis' focus

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[10] Briefings and forecasts provided by *Security Council Report* and *What's in Blue* outlined four of the tracks, to which the author appended the fifth Islamic state track.

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on the R2P normative framework and the tensions between *non-intervention* and *non-interference*, *humanitarian* versus *liberal intervention*, this chapter examines only the political track. The problem facing international society was that whilst all Council members agreed that there needed to be a political solution in response to the uprising in Syria against the Assad government, there was substantial disagreement over how that should be implemented and whether it should be coercive.

Unlike the first two cases, international society did not seriously consider deploying military forces to Syria to protect civilian populations and prevent mass atrocities[11]. The issue confronting the Council was not whether to authorise civilian protection by force, but rather how to achieve the political change necessary within Syria to address the escalating civil war and thus realise their responsibility to protect. The P3 states sought – coercively – a *change of regime* albeit not by *regime change*, but the P2 states and others deemed this to effectively be regime change and so a *liberal intervention* too far, falling foul of *non-interference*.

The thesis concludes in Chapter 9 which summarises the thesis argument and contributions, emphasising why it matters that the solidarist society of states typified by R2P be sustained, and therefore that *liberal vanguard* practice threatens it.

Conclusion: An original contribution

The demonstrable original contributions of this thesis are as follows. Theoretically, the concept of *sustainability*, long associated with ecology and the environment, is specifically applied and developed with regard to the ES and international society. Although, as will be argued, the ES has long considered how international society *endures*, it has never before applied the concept of *sustainability* to this problem and there is insight to be gained here.

The new concept of *liberal vanguardism* has been proposed, which although developed from extant ES research, provides new and additional insight into a series of important problems of state practice within international society. Namely,

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[11] As will be discussed, the P3 states did come to the point of using military force in September 2013 against the Syrian government in response to the Ghouta weapons attack. But this attempt (a) relates to the chemical weapons rather than political track (b) occurred out with the research time period and (c) regime change was publicly disavowed.

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how does the liberal state reconcile the tensions between its *liberal* values/goals, practices and the *humanitarian solidarist* normative framework of international society as typified by R2P? More specifically, what is the source of its legitimacy and how does it respond to a lack of international consensus?

The *sustainability* of solidarist international society matters because it is more than an academic concept, it is an external reality. So too, the concept of *liberal vanguardism* matters because of the insight it furnishes into the very real problems that states encounter when interpreting and implementing the solidarist R2P normative framework in practice. The thesis' emphasis on state practice means that rather than simply observing the normal disagreements or tensions that exist between powerful states when it comes to crises, the thesis examines how they actually work these through and what they do about them.

The author proposes that this thesis is about more than just the fate of the R2P norm. As noted already[12], much has been written on the consequences of action (in Libya) and inaction (in Syria) for the norm of R2P in the future, this thesis uses R2P as a vehicle to examine the consequences of state practice for solidarist international society itself *rather than any one norm*. In doing so, it contributes more broadly than conventional R2P debates by assessing the nuanced distinctions between *non-intervention* and *non-interference*, *humanitarian* versus *liberal intervention*.

Again, this thesis is not simply assessing whether R2P was abused or manipulated, or proposing how it can be made better or more effective. It is not claimed that the failure to respond similarly to differing cases of mass atrocities threatens international society – a point made by diplomats when asked what threat was greater, the failure to respond or a response out with the rules:

"I am torn between two answers, the one I want to give and the more accurate one. I want to say that the moral failure to respond is the more serious threat to international society. But the cynical diplomat says that should one see repeated violations of the Charter, then that would threaten the sustainability of international society." (UN Office of Special Adviser for the Prevention of Genocide Interview, 18th November 2014)

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[12] See footnotes 4 and 5

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"Action taken outside of the rules threatens international peace and security whereas mass atrocities can be committed without jeopardising international peace and security" (UK Interview, 17th November 2014)

Thus, the thesis is not proposing that this so called *"permanence of inconsistency"* (Hehir, 2013) threatens the solidarism of international society as typified by R2P. Rather than examining the failure to respond, or why the P3 states selectively respond in some cases but not others, this thesis examines what happened in practice when the P3 states did try to respond and how the tensions between their liberalism and international society's humanitarian solidarism played out in practice.

It is not claimed that, when it comes to civilian population protection, mass atrocity prevention or R2P, discord among states is new, or that the existence of these tensions threatens the sustainability of international society, solidarist or otherwise. There has always been and always will be such discord and tension and there is no such thing as an uncontested norm[13]. The differences and positions of the Council members – especially the P5 states – are well known, as are the connections between at least two of the three selected case studies[14]. Of interest to this thesis is how these tensions are reconciled or resolved upon in practice. That is, how states – especially Great Powers – navigate in practice the boundaries of legitimacy and consensus in difficult cases of mass atrocity prevention, particularly with regard to the five vital norms identified.

These theoretical innovations are complemented by the following empirical contributions. First is the detailed analysis of an extensive selection of 112 meeting records of the UN Security Council. Whilst these records do not amount to new empirical material, in the sense that they were pre-existing and publicly available, it remains the case that they have not been examined through the conceptual lens

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[13] I am grateful to Kai Kenkels for our useful discussion on this point at the August 14th 2014 ESRC funded Workshop on *"Rising Powers and the Responsibility to Protect: Brazil, Liberal Norms, and the Responsibility while Protecting Concept"*. See also Welsh, Jennifer *'Norm Contestation and the Responsibility to Protect'* in Global Responsibility to Protect Vol.5(4) pg.365-396

[14] Much has been written about the relationship between the consequences of Western practice when implementing S/RES/1973 (2011) and the Security Council's later voting on the adoption of Chapter VII resolutions in Syria E.g. Morris, Justin *'Libya and Syria: R2P and the spectre of the swinging pendulum'* in International Affairs Vol.89 (5) 2013 pg.1265-1283 Comparatively less has been written about the links between the Libyan and simultaneously occurring case of Côte d'Ivoire

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of *sustainability* or *liberal vanguardism*. Thus, an existing body of evidence has been analysed in a new way and in the light of the theoretical contributions specified above. The series of eleven semi-structured elite interviews carried out by the author in London and New York during November 2014 and June 2015, generating 33,583 words of material, is an undoubtedly original contribution to research in this area.

The ultimate empirical contribution is the answer provided to the research question – have the P3 states behaved in practice as *liberal vanguards?* The thesis argues that in the three cases examined, the P3 states did indeed behave in practice as *liberal vanguards.* It is argued that the P3 states either discursively advocated or attempted in practice *liberal intervention* which sought a change of regime or brought about actual regime change, contrary to the R2P normative framework which legitimates *humanitarian intervention* on a case-by-case basis, subject to existing understandings of sovereignty, non-intervention, non-interference, limits on the use of force and multilateralism. In doing so, the P3 states' approach to international legitimacy and attitude to international consensus was such that they behaved in practice as *liberal vanguards*: denying the gap between their practices and international norms; being unwilling to compromise over their goals; fostering and referencing alternative constituencies of legitimation other than the UN Security Council. These practices threaten *the sustainability of the form* of solidarist international society typified by R2P because they: confuse and potentially erode in practice the consensus understandings of the R2P normative framework; foster international discord among the great powers and between them and international society; mean that the Great Powers claim or even confer international legitimacy for themselves rather than having it conferred by the authoritative constituency of the UNSC; suggest that these powerful states do not believe themselves bound by the consensus principles that institute and constitute the society.

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Chapter 2 - Methodology

How has this research been conducted? This chapter surveys the traditions and literature of the English School before locating its own ontological and epistemological position. Having established what the society of states is in nature the chapter then outlines the author's ES approach to the question of how we can know it when we see it, and thus where evidence of it can be found and how this can be assessed and analysed.

The case for utilising the United Nations Security Council as an authoritative, accessible and ultimately credible source by which to examine international social consensus is interrogated. Turning from methodology, the methods by which empirical source material – in the form of UN meeting records and elite interviews - was selected and analysed are described so as to provide transparency and demonstrate the author's attention to rigor.

With a sense of what was read, why and how this is used as evidence, the chapter then addresses two specific methodological questions to explain the thesis' focus on the P3 states and the cases of Côte d'Ivoire, Libya and Syria 2010-2012.

The English School: traditions

Tim Dunne deems the English School to be the principal alternative to the North American mainstream of international relations theory and its primary theoretical contribution is its approach understanding rather than positivism (Dunne, 2007:127). In his authoritative history of the ES, he summarised its three tenets as being (1) a given tradition of enquiry, (2) a broadly interpretive approach, and (3) an explicit concern with normative dimension (Buzan, 2001; 474). Elsewhere he states that *"the English School purports to offer an account of international relations which combines theory and history, morality and power, agency and structure"* (Dunne, 2007, 128) reflecting Andrew Linklater's view that according to the ES *"there is more to international relations than the realist suggests but less than the cosmopolitan desires"* (Linklater, 2009; 87) . It is because of its recognition of the social nature of contemporary international relations, its commitment to asking normative questions and its avoidance of purely social scientific methods, that the ES has been adopted for this research.

The ES is most associated with its *three traditions* approach to international relations and a particular focus on the international society of states, as defined by

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Hedley Bull above. Although there is a *methodological and theoretical pluralism* (Little, 2002: 74-78; Buzan, 2004: 10-25; Little, 2009) with respect to each tradition, the ontological position associated with the *rationalist*, international society tradition is that this socially constructed reality is not just an idea or concept but rather exists independently of researchers, having been brought into being and sustained through iterative state practice. On the basis that a researcher's ontology is *"a skin not a sweater"* (Marsh and Furlong, 2002) and that one's epistemology and methodology flow from one's ontological assumption, this thesis uses *reflective* or *interpretive* epistemology which seeks *understanding* of the social realm. The methodology or approach most associated with such ES research is the *"classical"* (Bull, 1966b) or *"craft"* (Jackson, 2009) approach, and that is what has been applied in this thesis[15].

International System	**International Society**	**International Community**
Realism	Rationalism	Revolutionism
Machiavellian Tradition Whether driven by human nature (realism) or international anarchy (neo-realism) states seek power, security, and survival as a pre-determined national interest	Grotian Tradition States engage in communicative dialogue to establish common norms, values, principles, and institutions, thereby creating an international society	Kantian Tradition International relations progress to the point that a community of humankind is established thereby fundamentally altering the present Westphallian-centric view of international relations

How much progress can be made at the international level?

Pessimistic View   *Optimistic View*

Figure 1: ES overview juxtaposition between Andrew Linklater's "Progress and its limits: System, society and community in World Politics" / Martin Wight's "Three Traditions" taken from (Gallagher, 2013: 43)

The three traditions of the ES as depicted in Figure 1, purport to offer a holistic view of what it accepts to be a complex reality (Wight, 1991: 7-24; Little, 2000; Buzan, 2001, 476; Little, 2002, 61; Linklater and Suganami, 2006: 12-42; Little, 2009; Navari, 2013, 16). First conceived by Martin Wight in his post-war series of lectures, he noted that *realism, rationalism and revolution* were evident throughout the theory, practice and history of international relations, and stressing in particular

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[15] Cornelia Navari who has written extensively on ES theory and methodology rates Robert Jackson as *"the preeminent ES scholar of practice"* in Navari, C. *'The concept of practice in the English School'* in European Journal of International Relations Vol. 17 (4) pg.623

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rationalism as a *"via media perspective"* (Bull, 1991: xiv-xviii). Wight was reacting to Edward Hallett Carr's earlier proposed dichotomy between realism and idealism, *"utopia and reality"* in his classic text *The Twenty Years Crisis* (2001: 12-24, 62-83).

At heart therefore, the ES stresses that a fuller understanding of international relations can only be achieved by considering these three traditions as *"streams with eddies and cross currents, sometimes interlacing and never for long confined to their own river bed…they both influence and cross fertilise one another, and they change"* as opposed to separate *"railroad tracks running parallel to infinity"* (Wight, 1991: 260). More recently Buzan has written of the English School's *"great conversation"* which engages these traditions and their questions and is ongoing or unending rather than in search of resolution (Buzan, 2014: 83).

Wight's three traditions have been applied to three analytical foci – international system, society and world community – by Hedley Bull (1977) and are depicted using Gallagher's schema in Figure 1 above (2013: 43). Given this essential triad of differing yet related perspectives on international relations, the School's aforementioned *theoretical pluralism* means there are differing assumptions and methods for each tradition. Cumulatively therefore, the ES takes account of state and non-state actors, both social and material power, the realities of anarchy and cooperation, and the possibilities for progress and limits upon these in international relations.

The English School: literature

The establishment of the *British Committee on the Theory of International Politics* in 1959 and its founding work – *Diplomatic investigations: Essays in the theory of international politics* (Butterfield and Wight, 1966) – marked the convening of the ES which continued unabated up to 1992 and the publication of that year's *Millennium Journal of International Studies* (21) Special (Waever, 2002, 85). The School was officially reconvened at the 1999 *British International Studies Association* Manchester Conference, which was followed by the publication of special editions of *Review of International Studies* 2001 (27), *International Relations* 2003 (17.3) and *Millennium* 2005 (34).

Further edited volumes include *International society and the Development of International Relations Theory* (Roberson, 2002), *International society and its Critics* (Bellamy, 2005a), *The Anarchical Society in a Globalized World* (Little and Williams,

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2006), *Theorising International Society: English School Methods* (Navari, 2009a), *Guide to the English School in International Studies* (Navari and Green, 2014) and *System, Society and the World; exploring the English School of International Relations* (Murray, 2013). Linklater and Suganami (2006) published a *Contemporary Reassessment* and Buzan (2014) authored *An Introduction to the International society Approach.* Meanwhile, Hedley Bull's seminal *The Anarchical Society: A Study of Order in World Politics* is now on its fourth edition[16], with new editions' of both Bull's text and *Diplomatic Investigations* planned for 2017[17]. Other recent examples of works directly applying the ES include *Diplomatic Theory of International Relations* (Sharp, 2009) and *Spheres of Influence in International Relations: History, Theory and Politics* (Hast, 2014).

The rejuvenation of the School has been attributed to the sociological, historical and normative turns in international relations theory as the certainties of realism were challenged in the post-Cold War era (Bellamy, 2005a, 2; Dunne, 2007: 130). Surveying the School's research output for a bibliography, Buzan classified the main strands of work as: self-referential reflections; theory; war and the balance of power in international society; the history of international society; ethics, international law and intervention in international society; the state (Buzan et al., 2010, 3-4)[18]. Despite this range of scholarship, it is clear that a number of gaps remain in the ES literature, some of which this thesis engages. (Buzan, 2006: 95; Evans and Wilson, 1992: 351) characterised the School as too focused on the universal, global level with theoretical weaknesses in the concept of World Society, economics and regions. Buzan's call to consider the sub-global, his (2004: 219) exposition of competing legitimacies stemming from sub-global boundaries/norms and account of vanguards and conceptualisation of "*vanguard homogenisation*"

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[16] For more on the School see Dunne, T. 1998. *Inventing International Society : A History of The English School.* Houndmills: Macmillan in association with St. Antony's College, Oxford.
[17] The author was fortunate to attend two panels about these projects at the 2016 International Studies Association Conference in Atlanta: *"Diplomatic Investigations, Fifty Years On"* and "*The Anarchical Society at 40: Contemporary Challenges and Prospects"* convened by Madeline Carr and Ian Hall respectively.
[18] As of August 2015, a revised bibliography by Buzan, Shunji Cui, Tim Dunne, Ana Gonzalez-Pelaez, Tonny Brems Knudsen, Richard Little, Ikeda Josuke, Debin Liu, Ole Wæver, Jiangli Wang, Nick Wheeler and Yongjin Zhang runs to 121 pages http://www.polis.leeds.ac.uk/assets/files/research/english-school/Buzan-English-School-Bibliography-August-2015.pdf (last accessed September 3rd 2016)

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(Buzan, 2010: 4-10, 21-25) were integral in this thesis' development of the *liberal vanguard* concept.

The adoption of *sustainability* as a concept responds to what Finnemore (2001; 513); Attina (2002; 210); Buzan (2004: 240-271) identified as the need for more understanding of change within international society, specifically with regard to its evolution, institutions, practices and norms. Navari (2009a) and Buzan (2006) have sought to bring rigour to the ES method and clarity to key concepts and as will be explained, this thesis contributes by focusing on practices of legitimacy, consensus and change *within* not just *of* norms, rules, institutions and principles of legitimacy. Clark (2005: 22-23); Almeida (2006); Bain (2007; 559-562); Weinert (2011) have all sought to move the ES on from the impasse of the ES debate. The thesis embraces this by adopting the legitimist turn of Dunne (2001); Clark (2005: 23) recognising that international society contains both pluralist and solidarist elements (O'Hagan, 2005). Lastly, by focusing on state discourse and practice (through empirical research including eleven elite interviews, as opposed to critical reflection alone), the thesis intends to make good on Little (2003:444) and Copeland's (2003; 431-432) call for more empirical research exploring how practitioners and decision makers view the world. What is the nature of that world and how are we to research it?

Thesis ontology

The ES adopts the position that contemporary international relations cannot be fully understood without awareness of the three traditions and their associated analytical perspectives. Wight (1991: 260) averred that the three traditions mingled as streams and Bull attested that at varying times on different issues, the system, society or community may each dominate but the other elements would never totally disappear (1977: 41,51). This thesis focuses on international society but remains mindful of the remaining elements, all three traditions and the respective influences and tensions between them, particularly with regards to how a threat to one form of international society may play out.

The author takes the position that the choice of focus and tradition is based on an ontological assumption about the nature of the world (what is there to know?) being best understood through the concept of an international society. It is from this that its *reflectivist* epistemological (how can we know it?) and *qualitative*

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methodological (how can we research it?) positions are derived (Marsh and Furlong, 2002). With regard to the question of what international society actually "is", not so much in its contemporary specific *form* but in *nature or essence* (ontologically), ES authors have variously conceived of international society as being;

1. *A set of ideas to be found in the minds of state leaders;*
2. *A set of ideas to be found in the minds of political theorists;*
3. *A set of externally imposed concepts that define the material and social structures of the international system.*

(Buzan, 2004: 12)

Charles Manning exemplified the first position when he doubted the society's empirical manifestation because it was *"not composed of phenomenal objects but rather of notional entities"*, believing it was extant only in the understandings of state leaders (Evans and Wilson, 1992, 348)*.* Meanwhile, the conception of the ES as a *"great conversation"* (Buzan, 2014: 83) among academics and theorists about the nature and possibilities of international politics fits with the second position. The ability of researchers to empirically verify international society's existence beyond the perceptions of leaders and diplomats chimes with the third position. However, all three positions can be read together in Martin Wight's remark that international society was *"prima facie, a political and social fact, attested to by the diplomatic system, diplomatic society, the acceptance of international law and the writings of international lawyers"* (Wight, 1991, 30). As Wight's observation indicates, international society can be observed through indicators such as norms, discourses and practices and these exist irrespective of academia's perception of them, because they are the product of state practice. As Jones writes below, international society is real both because we believe it to be and because it is consequential;

 "The states, systems and societies that are constructed by human agents have a reality of considerable force and durability. Socially and politically constructed 'realities' are no less real for the nature for their origins"

(Jones, 2002, 242)

International society is therefore real in the sense that it is a durable albeit socially constructed, complex reality. It is complex because it contains different state actors

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whose identities and interests are not given but, which through *structuration*, construct and yet are constrained by society (Giddens, 1984). It is real because it exists independently of this author's belief in it, and will continue to do so as long as states continue to engage and interact with one another. It is because of this assumption that international society is both *"a thing and a process"* (Onuf, 1994: 1) that a social constructivist ontological position has been adopted. This position recognises that whilst material realities (geography, population, natural resources and military capability) impose limits on the actions of states, the way that states understand and act upon such realities is socially constructed. Paraphrasing Wendt (1992), Linklater (2009: 108) noted that international society is largely what states, especially the great powers, make of it. The *sustainability* of international society therefore merits our attention precisely because it is a social reality, rather than being just a theoretical concept used to make sense of reality. Thus, it is reasoned that the waxing or waning of the society of states will affect state behaviour and ultimately all of as individuals. It is on the basis of this ontological position that an epistemology capable of understanding norms, discourses and practices of states within international society is required.

Thesis epistemology

Norms can be understood in the realist sense as *"reoccurring pattern[s] of behaviour"* or by the English School using social constructivism as representing a sense of *"what ought to be done"* i.e. valorised or idealised standards of behaviour (Gallagher, 2013; 3). Thus, if a norm in a realist sense is *what is actually done*, then in a social constructivist sense it is *what ought to be done*. Crucially in the case of the latter, such standards have to be collectively rather than individually held in order to be classed as a norm in a social constructivist sense. Therefore Legro's definition is adopted by this thesis, namely that norms are *"collective understandings of the proper behaviour of actors"* (1997: 33) i.e. intersubjective shared standards of behaviour. Whilst some norms are highly internalised or *"taken for granted"* (Finnemore and Sikkink, 1998: 892) and, as such, rarely explicitly spoken of, norms can generally be discerned through international state practice and discourse.

Throughout this thesis the author refers to *states practices*, whether: on the UN Security Council in the form of drafting, sponsoring, voting on texts, seeking consensus or making legitimacy claims; or more generally in the form of

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intervention, the imposition of sanctions or the conduct of diplomacy and foreign policy. Indeed the thesis argues that whilst international society is instituted by a belief that states are bound by a consensus about shared principles of legitimacy, it is constituted and sustained by their practice with regard to these. Clarity is required therefore as to: what is meant by *practice*; how it relates to discourse; how this thesis researches it; and whether it engages the Practice Turn in IR Theory, dating from the turn of the millennium.

Neumann observed that *"practices are discursive, both in the sense that some practices involve speech acts (acts which in themselves gesture outside of narrative), and in the sense that practice cannot be thought 'outside of' discourse"* before outlining his concern of *"how best to analyse social life given that social life can only play itself out in discourse"* (Neumann, 2002: 628). In terms of the relationship between discourse and practice, he wrote:

"Discourse here may then be understood as a system for the formation of statements. Practices are 'socially recognized forms of activity, done on the basis of what members learn from others, and capable of being done well or badly, correctly or incorrectly'. The latter aspect pinpoints that practice is something more than habit…discourse refers to preconditions for action and practice to socialised patterns of action" (Neumann, 2002: 630-631).

This is the basic definition of discourse and practice applied by the author. The key tenets to note here throughout the course of this thesis being: that we cannot entirely separate what states do (practice) from what they say (discourse); to recognise the distinction between activity, behaviour, action and practice (Adler and Pouliot, 2011: 5), the latter being collectively invested with meaning and thus only intelligible within the social context (Navari, 2010: 615); and to recall that discourse is not just text based nor is it purely descriptive alone. In sum, states practices are revealed and empirically accessible largely through discourse, and researchers should pay attention to such practices of varying types and hues as well as discourses.

It was with this in mind that Neumann contended that "*especially in IR we have to remind ourselves that the linguistic turn and the turn to discourse analysis involved from the beginning a turn to practices*" (2002: 627). Rather, the linguistic turn had in his view privileged discourse analysis over attention to material practice and

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risked *"text-based analyses of global politics that are not complemented by different kinds of contextual data from the field"* (2002: 628) which was being corrected by the *Practice Turn* and latterly *Practice Theory*.

According to Adler-Nissen & Pouliot *"the practice perspective explores world politics, including organizations, communities, professions, policy making, and state interaction, from the perspective of everyday performances that embody shared knowledge. The everyday performance of international politics is not a mere epiphenomenon of deeper structural forces; it is also a generative force in and of itself"* (2014: 890-891). They specifically choose to define practice as "*socially meaningful patterns of action, which, in being performed more or less competently, simultaneously embody, act out, and possibly reify background knowledge and discourse in and on the material world"* (2011: 4). The similarities here with Neumann and this thesis's conceptualisation of discourse and practice are clearly evident.

The development of the practice turn has coincided with the rejuvenation of the English School and efforts in rigor in its approach to concepts, methodology and methods. Buzan has observed the potential for fruitful synergy to be harvested in respect of improving ES theorising of primary institutions (2014: 38), Adler has referenced Buzan's conceptualisation of vanguard theory (2008: 195-196) and both Adler-Nissen and Pouliot (2014) and Ralph and Gifkins (2016) have applied the turn to the UNSC practice regarding Libya and Syria. Like Practice Theorists the author adopts an interpretivist approach to the textual analysis discourses and elite interviews (Bueger and Gadinger, 2015: 457; Ralph and Gifkins, 2016: 6). But *"not everyone who studies practices is a practice theorist"* (Bueger and Gadinger, 2015: 452) and thus whilst the author does examine discourses and state practices, this thesis does not specifically adopt, embrace or apply the practice turn/practice theory. Why?

Bueger & Gadinger disagreed with the big tent approach to practice offered by Adler and Pouliot (2011) delimiting it by suggesting instead six core commitments in terms of ontology, epistemology and methodology shared by those engaging practice theory (2015: 453) and noting that *"although they discuss practice, many IR scholars do not share the epistemological and ontological commitments that practice theories imply"* (2015 450). Applying Andreas Reckwitz they then claimed

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that *"practice theory not only opposes rationalism and norm-oriented theories, but also distinguishes itself from common culturalist approaches"* (Bueger and Gadinger, 2015: 459). By applying the ES this thesis is located firmly within what they class to be a norm orientated approach focused upon *"the social in-rules that establish conditions of possibility for action"* and *"assume that actors consent to normative rules"* that *"enables them to distinguish between allowed, prohibited, worthwhile, and worthless behaviour"* with the consequence that *"normative consensus guarantees social order"* and *"normative expectations and roles prevent a potential endless confrontation of disparate interests"* (Bueger and Gadinger, 2015).

In sum, as opposed to the practice turn/theory the author's ES approach to the research and understanding of practices: (1) examines diplomats' practices for what this tells us about states and international society rather than the minutiae and practices of the diplomats themselves; (2) conceives of practice as iterative but not simply habitual; (3) assumes states believe themselves bound rather than investigating what practices causes and indeed; (4) regards practice as more *telic* rather than *causal* (Navari, 2010), which is to say practice guides rather than causes state behaviour and (5) engages explicitly in normative questions of what practices are best for the sustainability of society rather than just competent (Adler-Nissen and Pouliot, 2014; Ralph and Gifkins, 2016).

Rather than separate discourse (what states say) from practice (what states do) this thesis adopts the position that it is by state communication through discourse, and in their iterative practices that we can observe norms. Furthermore, it is the position of this thesis that intersubjective shared understandings form the basis of the "*principles of legitimacy*" (Clark, 2005), *"primary institutions"* (Buzan, 2004: 161-204; Buzan, 2006) or *"constitutional/fundamental institutions"* (Reus-Smit, 1997: 557-570, 576-585) which make up international society. It is states' regard for and interpretation of these – *specifically the R2P normative framework encompassing understandings of sovereignty, non-intervention, non-interference, limits on the use of force and multilateralism* - which are the focus of this thesis.

In order to understand state discourse and practice, a *reflective* or *interpretive* rather than *positivist* approach to epistemology is required. Such a position is based on the ontology of a social reality which the author is part of and not external to -

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as a subject would be to an object. Whilst it is true that the author is not a practitioner of international politics, in observing and seeking to understand diplomatic discourse and practices, he is engaged in reflecting upon the reflections of practitioners and is subject to his own biases. As Dunne wrote:

"if we want to understand the social order that states inhabit, we need to penetrate the web of meanings within which they are constituted…international society is not intelligible without incorporating the hermeneutic and the critical conceptions…in constructing conceptual designs we are seeking to make sense of that reality...but to confuse our conceptual designs, or narratives, for reality, is to commit the error of reification."

(Dunne, 2005; 163-164)

It follows that whilst we can reflect upon social reality so as to interpret or understand it, we must always remember that we are a part of it. Whilst international society can be empirically observed, it does not lend itself to exact measurement or quantification (Bull, 1966b: 372-375). Since social actors' – states and diplomats - identities and interests are not predetermined but are in fact malleable, their actions cannot always be predicted or uniformly explained. Accordingly this thesis aims to reflect upon, understand and interpret states' practices by using their publicly available discourses and practices of legitimacy and justification as evidence of international society, *liberal vanguardism* and *sustainability*. The latter are concepts proposed by the author rather than terms found in actual international discourse. What source material is examined to find this evidence of the discourse and practices, and what approach is taken to examining it?

Evidence of international society – The UN Security Council

"The ultimate test of such a society is evidence that the agents feel that they are members of such a society and in particular that they feel they are obligated by social rules."

(Navari, 2009b; 46)

State membership of, attendance at and reference to international entities such as the organs of the United Nations provide evidence of the role of *"secondary/administrative"* or organisational institutions (Buzan, 2004: xviii, 167,

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187; Buzan, 2014: 16-17) as does their founding documents, headquarters and permanent staff. The rules of international society, its constitutional, fundamental or primary non administrative institutions, its principles of legitimacy, are evidenced not just in codified and customary international law, but in general state discourse and practice. States will often appeal to these explicitly such as when reaffirming them in texts of the UNSC. Their significance and role can be read in state discourse, such as denials that certain types of practice go against recognised norms.

Applying Bull's (1977: 13) definition of international society, this thesis argues that the society of states can be observed when states: publicly acknowledge the goals of the society; profess their common interests and values; affirm the working of common rules and institutions and thus exhibit their belief in being bound. But as Navari observes above, it is not enough therefore to simply point to the existence of norms, they have to be shown to matter to states, by being referenced and observed in their actual discourse and practice. It is this which demonstrates not only that norms do exist but that states *believe themselves bound*. However, observance of common rules and institutions need not mean constant obedience to them in practice, and can also take the form of states *believing themselves bound* by them and so making legitimacy claims for their practices as being in line with them or having some regard for them (Hurrell, 2007: 90).

Thus, when states in their discourse and practice reference common interests and values, rules and institutions, or when they seek, confer or deny legitimacy, when they attempt to persuade others or justify their practices so as to realise a consensus in their favour, then we see evidence of international society. As Clark observes, *"where principles of legitimacy are to be found, the theoretical case for an international society is made; where there are practices of legitimacy, we can see the reality of international society on a day-to-day basis"* (Clark, 2005: 245). Where can we find such evidence and what is the English School's approach to analysing it?

This thesis has adopted the United Nations Security Council as its empirical focus. Public meetings, resolutions, statements and general diplomacy on and surrounding the Council by its member states have been the documentary source for the research conducted. The Council is uniquely positioned in international society on matters of international peace and security and the use of force in

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addition to application of R2P. According to Article 39 of the UN Charter (1945) it is the Security Council that has primary responsibility for determining and addressing threats to international peace and security. As such, it is the Council alone which may agree decisions binding on the entire UN membership (Article 25), and authorise sanctions (Article 41) or even the use of force (Article 42).

With specific regard to R2P, the General Assembly was tasked in 2005 with giving further consideration to the concept, a point emphasised by one interviewee when they expressed concerns this had not been honoured sufficiently in practice: *"The Secretary General has created offices, mandates have been given as have responsibilities without recourse to a General Assembly debate as the 2005 Summit Outcomes document said"* (Venezuela Interview). It was however the Security Council that was charged *"on a case by case basis"* with taking collective action in a "*timely and decisive*" manner to address atrocities when peaceful means prove inadequate and states *"manifestly fail"* in their own responsibilities. In other words, the Security Council has the sole role in exercising, authorising and therefore *legitimating* R2P humanitarian interventions in practice. This thesis agrees that the Council is international society's premier *"constituency of legitimation"* (Reus-Smit, 2007: 164) and can *"credibly be interpreted as indicating the temper of international society as a whole, and as indicative of the presence or absence of international consensus on any particular issue"* (Clark, 2005: 194).

However, it is acknowledged that both the authority and legitimacy of the Council have been called into question for reasons of its representativeness and efficacy (Bertrand, 2000; Hannay, 2005: 25-28; Luck, 2005: 143-152; Luck, 2008; Fraser, 2015: 118-150; Jones, 2016; Mahbubani, 2016; Wenaweser, 2016). As statements such as those below made during the Council's regular open thematic debates regarding its working methods (e.g. Implementation of the note by the President of the Security Council (S/2010/507)) demonstrate, many states criticise the Council's allocation of permanent seats, averring that this is out of step with the contemporary balance of power. Regions under-represented in the disposition of elected seats also call for reform.

"The debate on the matter [working methods] revolves mainly around   a number of shortcomings that are seen to undermine the work of the Council. Indeed, there

have been repeated arguments about the deficit of democracy, legitimacy, legality, accountability and representativeness in the Council" (Turkey, S/PV 6300, pg.2)

"The Security Council's composition — rooted in the situation obtaining in 1945 — and its working methods are both divorced from the contemporary reality of international relations." (India, S/PV 6672, pg.12)

Furthermore, the impact on the Council's legitimacy caused by inaction in responding to mass atrocities has been assessed both in literature (Gallagher, 2013: 89-121, 167-174) but also by practitioners. As the Rwandan interviewee below speculates, should the Council fail to respond then alternative constituencies of legitimation could be called upon by states:

"The UN is the custodian of international peace and security but there is always a nuance here. When the Council is gridlocked as it has been on Syria I don't think the source of legitimacy resides there anymore. The many people suffering there feel betrayed by the international community and let down by the UN. Thus legitimacy does not always reside with the UN - look also at regional actors such as the AU and EU – because the UN is seen to be paralysed on so many issues." (Rwanda Interview, 24th November 2014)

As will be discussed, the conduct of the Council when it authorised Libyan intervention provoked calls to make the Council more accountable in the form of the Brazilian government's *Responsibility While Protecting* concept letter (Viotti, A/66/551-S/2011/701). Latterly, perceived inaction in Syria was publicly cited in Saudi Arabia's unprecedented decision not to take up its elected Council seat in 2013 (MFA, 2013). In light of these contemporary criticisms, why not instead rely for the purposes of the thesis on the General Assembly to speak for international society since it is here that all 193 member states have an equal voice, and it is here that there have been annual informal dialogues on R2P since 2009?

An authoritative and accessible source

The first point to make here in defence of this thesis' focus on the Security Council is that its authority does not just exist on paper but rather is demonstrable through actual state practice. Member states of the United Nations defer to and pay attention to the Council in practice, in a way that they simply do not with regard to the General Assembly:

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"When you consider where states look for legitimacy themselves, then the power of the Council is clear. Most states point to Security Council resolutions and texts as opposed to General Assembly resolutions although these are normative. Yet it has been a long time since a General Assembly resolution had particular impact." (UK Interview, 17th November 2014)

The wider UN membership also recognises the importance of and cares about the Council's agenda, decisions and membership:

"The Security Council is mandated by the United Nations Charter with the primary responsibility for the maintenance of international peace and security. What the Council does and how it acts to discharge its responsibility is thus of interest to the entire international community, not only to Council members, let alone the permanent members." (India, S/PV 6870, pg.20)

Secondly, whilst a virtue of the Assembly is its universal membership, from a practical research perspective, 193 states are more difficult to observe and research in detail than fifteen. Just as this thesis focuses its attention on the Council – because that's what the states of international society do – so too it pays attention to its comparatively few members, because it is these whom the society of states has authorised and elected to make decisions on their behalf. The thesis takes the position that the views of a Council member matter more than those of a state that is not on the Council, because of the authority Council Members exercise and the mandate they have received from international society.

Likewise, the status of the P5 Great Powers is a matter of social recognition and not just a measure of material might (Bull, 1977: 200-232; Clark, 2005; Clark, 2009b; Clark, 2009c; Bukovansky et al., 2012; Morris, 2013a). Therefore rather than imposing independent criteria regarding which states matter for examination, the thesis uses the states of international society themselves as a guide. Thirdly, whilst the Assembly does indeed hold annual informal dialogues, the Council holds both its own thematic and, crucially, specific debates on the topics of relevance to this thesis, and it has increasingly done so in public.

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The often public-facing nature of the Council is a fourth factor in its selection as a source[19]. It is readily accepted that there is much diplomatic manoeuvring behind the scenes in private. It is also accepted that some of the public-facing practice of Council members is exaggerated for effect and that the public justifications, legitimacy claims and positions offered by diplomats before the Council will not always accord fully with states motives or reasoning. However, this thesis is not a foreign policy analysis, and it does not look to analyse why states' engage in the practices that they do, *but rather how they legitimate them, how they seek consensus for them and ultimately how they reconcile their practices in mass atrocity situations with the normative framework of contemporary solidarist international society typified by R2P*. This thesis does not accept that norms are purely *"window dressing"* (Jackson, 2000: 67-70) or that legitimacy is a *"veil"* for power (Reus-Smit, 2007: 158-161), but whilst they may not tell the whole story of a state's foreign policy, they are integral to the story of international society and whether states claim to *believe themselves bound* by it.

Assessing international consensus

Finally, given the premium that this thesis – and indeed the ES – places upon consensus in international society, the procedures of the UN Security Council provide a means for determining whether consensus exists. Significantly, this is a means that has a basis in state practice rather than abstract theorising alone. Here again it is worth noting the significance of the presence of both *permanent* and *elected* Council members and therefore the manner in which the Council constitutes *a dual axis of consensus:* there is the *horizontal axis* between the P5 states, the acknowledged Great Powers, and the *vertical axis* between the P5 states and the rest of international society as represented by the elected membership, the so called E10 (Clark, 2009b: 467-477; Clark, 2009c: 213,214, 220-224; Morris, 2013a: 513-516). According to Article 27 of the UN Charter (1945), nine affirmative votes including the concurring votes of the five permanent members are required for a non-procedural resolution to be adopted. This is the minimum threshold required for a consensus within international society and its strength can be

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[19] The General Assembly also holds public meetings, so this reason is less about why not to use the Assembly and instead about the strengths and weaknesses of the public record.

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discerned by noting the tally of votes in favour as opposed to abstentions or vetoes. The importance of this will be discussed later in more detail.

Thus it is evident that the strongest possible consensus is a unanimous vote of the Council to adopt a resolution. Indeed, *"abstentions in the Security Council are uncommon and a strong statement of dissent, given that between 2000 and 2010 more than 91 percent of Security Council resolutions were passed with the affirmative votes of all 15 members."* (Dunne and Gifkins, 2011: 523). This regular reality of unanimity testifies to the ES' abiding wisdom in examining *"cooperation among sovereign states in a society without government"* (Bull, 1966c: 38), and the creation of order rather than just disorder, conflict or a shift to world government. The next strongest consensus is a vote in which all five permanent members agree but some elected members abstain, although crucially not enough to fall beneath the nine vote threshold. Here, the affirmative agreement of the P5 states is the most significant, given their influence. Following on from this would be a vote where most/all elected members agree but some permanent members abstain, thus the resolution is adopted but without the affirmative support of all the influential P5 states.

There have been situations where a resolution has failed to be adopted through abstentions denying it the minimum nine affirmative votes required and fewer still situations in which negative votes of elected members – the so called *"sixth veto"* - outweigh the affirmative votes of the P5 to prevent the adoption of a resolution (Keating, 2016: 145; Wallensteen and Johansson, 2016: 44; von Einsiedel et al., 2016a: 835). However, this thesis regards the *relatively infrequent*[20] exercise of a veto by one of the P5 as the greatest indicator of discord because it means they actively stop the Council from acting in practice. This is because it is one thing for a

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[20] A search of http://research.un.org/en/docs/sc/quick (last accessed August 5th 2016) reveals that between 1990 and 2015 the veto was exercised on 31 separate occasions whilst in this same period, the UNSC adopted 1612 resolutions. This should be set against the only 646 resolutions in the period 1946-1989 and 163 vetoes in this time. For more on the exercise of the veto see: Wallensteen, P. and Johansson, P. 2016. The UN Security Council: Decisions and Actions. In: von Einsiedel, S., et al. eds. *The United Nations Security Council in the Twenty First Century.* London: Reinner, pp.27-56. ; Dr Jess Gifkins, *'Veto Restraint' and the UN Security Council* https://leedspage.wordpress.com/2015/12/08/veto-restraint-and-the-un-security-council/ (last accessed September 3rd 2016)

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P5 state not to support an action, but it is a more serious matter should they prevent it.

Finally, the author would like to signal his awareness of the *"closet veto"* (Keating, 2016: 143) or *"informal veto"* (Mahbubani, 2016: 158) by which states – most often the P5 – control the agenda of the Council. An issue raised by interviewees as well:

"The P5 also exercise a pre veto at times in the exploratory talks that are held when drafting resolutions or discussing an idea before it even becomes a resolution. They are very careful here because they do not want to be seen to veto so rather than let it get to a vote stage and be forced to do this, they try at times to kill it off earlier before it gets to a vote." (Lithuania Interview, 17th November 2014)

The thesis acknowledges such hidden reality behind closed doors, the fact remains that this is more difficult to discern and assess. A combination of this difficulty, and the focus on public discourse and practice, legitimacy claims and justifications, means the approach specified above has been adopted for the purposes of this thesis. In summary, therefore, the Security Council is unrivalled as an empirical source because of: its authority under the Charter; states' deference towards and expectations of it; its discrete, deliberate membership; the nature of its agenda; its public accessibility and its recognised procedures of deliberation, consensus and legitimisation.

Over the course of 2010 – 2012, which is the period examined in this thesis, the Security Council held 643 meetings[21] from which the author had to select those relevant for closer examination (see Table 1 below). This three year period has been selected as covering the context and aftermath of intervention phase of the three case studies being examined – Côte d'Ivoire (2010-2011), Libya (2011) and Syria (2011-2012). It was with these three case studies in mind, as well as the R2P normative framework discussed above, that the following 112 specific documentary Council meeting records and sources were selected for examination in this thesis.

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[21] As officially recorded online at http://www.un.org/en/sc/meetings/ (last accessed July 14th 2016)

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Meeting type	Meeting topic	Date range examined
Thematic (41 records)	*Protection of civilians in armed conflict* *Post-conflict peace building* *Maintenance of international peace and security* *Threats to international peace and security* *UN Peace keeping operations* *Implementation of the note by the President of the Security Council (S/2006/507)*	February 12th 2010 through to December 20th 2012 i.e. the very first through to very last meeting 2010 to 2012.
Côte d'Ivoire case study (22 records)	*The situation in Côte d'Ivoire* *Peace and security in Africa* *Peace consolidation in West Africa* *Meeting in private with the troop- and police-contributing countries to UNOCI*	November 3rd 2010 through to December 5th 2011 i.e. meeting immediately prior to second round of presidential elections through to final meeting of 2011
Libya case study (23 records)	*Peace and security in Africa* *The situation in Libya*	February 22nd 2011 through to December 22nd 2011 i.e. first Council meeting convened in response to crisis through to final meeting of 2011
Syria case study (26 records)	*The situation in the Middle East including the Palestinian question* *The situation in the Middle East* *Closed meeting with UNSMIS troop contributing countries*	April 21st 2011 through to December 19th 2012 i.e. first meeting at which crisis was discussed through to final meeting of 2012

Table 1: Meeting records of the United Nations Security Council

The 'craft' approach: Source selection and analysis

The methodological approach adopted for analysing this source material is the *craft approach* outlined by Jackson, and the author proceeded broadly in accordance

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with the five steps he specified (Jackson, 2009: 33-36) which were: (1) read the classical foundation works of ES; (2) pay close attention to the practitioners of international relations; (3) interrogate their justifications against international society's normative framework; (4) set these against our major normative preoccupations as scholars; and (5) steer clear of jargon in writing. Having conducted a literature review thoroughly grounded in the works of relevant scholars such as (but not limited too): Bellamy, Bull, Buzan, Clark, Dunne, Linklater, Reus Smit and Wheeler, the author's attention turned to the practice of states before the Security Council. In accordance with Jackson's recommended approach, this was discerned through the records of the UNSC which were read for evidence of states' engagement with the R2P normative framework.

The first meeting records to be selected were those situation-specific meetings convened to address the case study crises that are the focus of this thesis. These were *The Situation in Côte d'Ivoire and The Situation in Libya.* Second were the geographically regional meetings, often a standing item on the agenda long predating the specific case studies, in which states referred to and discussed the case studies in their regional context. These were, *Peace Consolidation in West Africa, Peace & Security in Africa, The Situation in the Middle East – including the Palestine Question.* Notable here was the fact that the only way for the Council to discuss the crisis in Syria was under the prior catchall agenda item of *The Situation in the Middle East* (Shaikh and Roberts, 2016: 720).

Third to be selected were the thematic meetings held on topics relevant to this thesis given its focus on R2P and the associated norms of *sovereignty, non-intervention, non-interference, limits on the use of force, and multilateralism*. Where the specific and regional meetings were read for discrete time periods beginning with the eruption of each crisis through to its aftermath, these thematic meetings were read for the three full calendar years 2010, 2011, 2012 so as to provide broader context to the Council's discussions. The meetings examined were *The Protection of Civilians in Armed Conflict, Post Conflict Peacebuilding, Maintenance of International Peace & Security, UN Peacekeeping Operations and Working Methods S/2012/507.*

These were selected for their relevance to the five selected norms of the R2P normative framework. It is also important to appreciate that not all Council

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members welcome the increasing scope of these thematic meetings (Keating, 2016: 150) some criticising the encroachment of the Council into other issues that are best left to other UN organs (Wenaweser, 2016: 178). In the course of these Council meetings, several resolution texts were voted on, adopted and vetoed with the most significant upon which the case studies turned being indicated in Table 2 below.

Case	Resolution	Meeting	Significance
Côte d'Ivoire	S/RES 1962	Dec 20th 2010	Extends UNOCI mandate, deploys reinforcements in spite of Gbagbo government ordering mission to leave the country.
	S/RES 1967	Jan 19th 2011	Further reinforces UNOCI
	S/RES 1968	Feb 16th 2011	Extends UNOCI reinforcement deployment
	S/RES 1975	March 30th 2011	Imposes sanctions on Gbagbo, reiterates UNOCI PoC mandate with specific regard to threats from heavy weaponry
Libya	S/RES 1970	Feb 26th 2011	Imposes embargo, refers situation in Libya to ICC
	S/RES/1973	March 17th 2011	Authorises measures for protection of civilians
	S/RES 2009	Sept 16th 2011	Establishes UNSMIL
	S/RES 2016	Oct 27th 2011	Ends No Fly Zone imposed by S/RES 1973
Syria	S/2011/612	Oct 4th 2011	European draft resolution
	S/2012/77	Feb 4th 2012	Arab League draft resolution
	S/RES 2042	Apr 14th 2012	Authorises advance UN observer team
	S/RES 2043	Apr 21st 2012	Authorises full deployment of UNMIS
	S/2012/538	July 19th 2012	P3 draft resolution
	S/RES 2059	July 20th 2012	Suspends UNSMIS

Table 2: Significant resolutions proposed or adopted by United Nations Security Council in each case study

Additionally, during the course of these meetings, Presidential Statements of the Council were adopted – by consensus – and, less formally, Press Statements were issued. Although carrying far less authority than resolutions - which under Article 25 are binding on the UN membership - these are still Council outcomes and were sometimes the only form of outcome deemed possible. The final set of official Security Council documents examined were the annual official round ups issued by

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the Secretariat. How were all these sources examined in the course of the author's research?

The initial phase of documentary research focused upon meetings held to discuss *The Protection of Civilians in Armed Conflict* and those regarding Syria and Libya. The former provided the broader normative context – what the Council members said should be done in principle, and the latter marked the most recent of the case study examples of how the Council attempted this in practice. These two cases, Libya and Syria, were the ones the author was most immediately familiar with from conducting the initial literature review. It was thus decided to work backwards and examine Syria, Libya and Côte d'Ivoire in that order.

At this early initial stage, the independent commentary of *What's In Blue*[22] provided by *Security Council Report*[23] was used to chart the course of events for the Syria and Libya case studies. These sources were used in particular so as to develop a timeline of how each crisis was addressed and responded to through the Security Council. It was through this initial phase that the concepts and theory deduced from ES literature were applied and the author's craft approach to the empirical material developed. This was how the author became better able to decide what was relevant to the thesis and how to organise, read and interpret the documents to make sense of their meanings.

Following this initial phase, a detailed examination was made of the thematic, regional and specific meeting records relevant to Syria and Libya. The records were read in sequence beginning with the first mention of the crisis through to a selected conclusion. Whereas initially all states' contributions to the debates were examined, in this secondary phase of research only the contributions of the fifteen Council members and selected others were considered[24]. This is significant because, under Rule 37 of the Council's Provisional Rules of Procedure (S/96/Rev.7), thematic and regional debates are open to the wider UN membership and so there are dozens of contributions beyond the usual fifteen.

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[22] See http://www.whatsinblue.org/ (last accessed October 1st 2016)
[23] See http://www.securitycouncilreport.org/ (last accessed October 1st 2016)
[24] Essentially these were the representatives of the state concerned, international organisations such as the African Union, Economic Community of West African States, Arab League, as well as special envoys.

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The selected state contributions were then read for references to the crises, the R2P framework and its associated norms, *sovereignty, non-intervention, non-interference, limits on the use of force, and multilateralism.* By this stage, the author was deeply immersed in the empirical material and thus the issues and incidents on which events turned. Knowledge of the academic literature (with regards to the ES and R2P) combined with a sense of how to read the empirical material, meant it was now possible to specifically identify the discourses and practices of most interest and relevance to the thesis. In addition to references to the cases and the R2P normative framework identified above on the part of all Council members, these included the following.

The P3 states' assessment of each crisis' cause, their preferred and proposed resolution and whether they made reference to *liberal* values and goals. Key here was identifying whether there was a tension between P3 state *liberalism* and the *humanitarian solidarism of R2P,* by assessing their interpretation of and practice regarding the five norms identified above. Next were the justifications offered by the P3 states for their practices both on the Council and on the ground in the situations concerned and the substantive values or processes of deliberation they referenced. Then were the claims of legitimacy made by the P3 states. These were specifically read to assess whether the P3 states' referenced substantive values, consensus on the Council or elsewhere from another constituency of legitimation. Altogether these encompassed how the P3 states defined and approached the politics of consensus and legitimacy and how they positioned themselves with regard to the rest of international society – especially the rest of the Council. Essentially, what was being sought out here was whether the P3 states had a *liberal* goal in each crisis, how they justified this, where they sought legitimacy for it, and how they responded to any international criticism and opposition.

Having examined the P3 states, attention then turned to the P2 states. Here, the material was read to determine firstly their approach to each crisis and whether/how this contrasted with the P3 states. That is, whether the P2 states agreed it should be on the Council's agenda, whether they felt it required an international response and what sort of support they claimed international society should render. The second main aspect of interest was the P2 states' reaction to the practice of the P3 states, whether they supported or criticised this and on what grounds. In both instances, the key questions being asked of the material were

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firstly how did the P2 states publicly justify their position and practices and secondly, were they willing to confer legitimacy upon the practice of the P3 states?

Given the thesis' focus on the P3 states and whether they were *liberal vanguards*, less attention was paid to the values referenced by the P2 states. However it was important to assess whether the P2 states felt the P3 states were relying on *liberal values* or advocating *liberal goals*, whether this was deemed by the P2 states to be at odds with the *humanitarian solidarism of R2P* and whether this affected it in future*.* Essentially therefore, the P2 state material was read to assess how they characterised the P3 states' practice both on the Council and on the ground, and what their public assessment of the P3 states' approach to the politics of consensus and legitimacy was.

Just as significant were the discourse, practice and position of the E10 Council members. It is worthwhile noting that these three categorisations – P3, P2 and E10 – are of varying degrees of looseness. Whilst respectively the P3 and P2 (Trenin, 2016: 117) states often act quite tightly together, the E10 is evidently a larger more amorphous group, and it is at no point being suggested that they always act together in lock step. Echoing (Dunne, 2005: 163-164) above, these groupings are partly useful hermeneutics rather than cast iron categories, although they are given more force by the extent to which they are embraced by the states themselves, that is, existing as ideas in the minds of states leaders rather than just political theorists (Buzan, 2004: 12). The key assessment made when reading the contributions of the E10 states was to see how/whether members individually cleaved to the P3 or the P2 in their responses to the crises: whose assessment of the crisis, necessary response and P3 state practice did they share? What justifications did they offer for this and did they seek to confer legitimacy upon the practices of the P3 states, or to deny or withdraw it?

As with the P2 states, less attention was paid to the motives or values of the E10 than to their assessment of those of the P3 states and their reaction to the often competing discourses and practices of the P5 states. Did E10 states echo or criticise the justifications and legitimacy claims of the P3 states? Did the E10 states share the concerns of the P2 states and were they prepared to act on these in practice? When it came to the politics of consensus and legitimacy, whose side did they come

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down on? What lessons if any did they draw from the crises, the competing practices, discourses, justifications, claims and concerns of the P5 states?

After this detailed second phase of examination, focused on *The Protection of Civilians in Armed Conflict* along with the Syrian and Libyan cases, two further areas remained. These were the thesis' third case study – Côte d'Ivoire – and additional thematic agenda items, the relevance of which emerged as material was read/re-read and after further reflection upon the norms being examined and the literature. As with Syria and Libya, the Côte d'Ivoire case study material – be it specific, regional or thematic - was read in sequence, with a focus largely on the fifteen Council members as laid out above.

Attention now turned again to the thematic agenda items. The initial phase of research had begun with material from *The Protection of Civilians in Armed Conflict*, and these meetings had been examined only for the time periods of the three case studies, albeit with some overlap. Given that it had become necessary to examine additional thematic debates, it was decided to read all the thematic topics in sequence from 2010 – 2012 inclusive. This was to ensure that no meeting records were missed, and to provide a different perspective on the discussions, which had so far been examined only through the lens of each of three case studies.

The thematic debates were read with a view to establish the following. Firstly, what were the Security Council members' own contemporary understandings of the norms associated with the R2P framework, and were these seemingly taken for granted or regarded as problematic or under threat? Secondly, what form did their norm contestation, interpretation and application take, and were there any signs of norm entrepreneurship? Thirdly, what reflections did Council members have on recent P3 state practice – both before the Council and on the ground in the situations concerned - with regards to the three case studies and what did this say about the politics of consensus and legitimacy? Essentially: in the course of the thematic meetings, were the practices of the P3 states perceived as probing the limits of legitimacy established by solidarist international society? Which is to say, were the P3 states behaving as *liberal vanguards*?

Altogether these official documentary sources of the Council, its meeting records, resolutions, statements and briefing notes were the focus of the thesis research effort. They were complemented by selected contemporary documentary sources

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related to but not originating from the Council. First among these was, as already referenced, the independent expert commentary provided by *Security Council Report* and *What's In Blue.* Second were public statements and remarks from the individual members of the Council, either as press releases/statements or as reported in the international press. Third were the statements and coverage of selected high-level diplomatic groupings relevant to the crisis case studies, examination of which focused on how they were engaged and regarded compared to the Security Council. Such statements outside the Council and before these other groupings were read to see how they referred to the Council, its deliberations and dynamics with regard to the crises. Essentially: were P3 states trying to sidestep the Council and claim a consensus or legitimacy from elsewhere, why and with what effect?

Elite interviews with diplomat practitioners

The author has always recalled a comment by Professor Nicola Phillips that as academics *"we need to talk to the people we are talking about"* (Philips, 2013). With this in mind, the final aspect of the thesis' research effort was the organisation of a series of semi structured elite interviews with serving diplomats in London and at the United Nations in New York during November 2014 and June 2015. The timing and location of these research trips were carefully chosen. First of all, having worked on the project for nearly two years, the author was sufficiently comfortable with the relevant literature and empirical material so as to plan and conduct the interviews. Secondly, it was recommended that I focus my efforts on meeting with and speaking with diplomats at the UN rather than those serving in London embassies, since those based in New York at the UN were not only more qualified to speak on the matters I was interested in but crucially had more direct practical experience of them. Thirdly, November 2014 was Australia's Presidency of the Security Council and they have shown leadership on both civilian protection and R2P as noted latterly by the UK:

"There has been a real drive [on humanitarian issues] from Australia and Luxembourg in their term. Normally elected members don't hold the pen and the P5 hold all the country pens. Australia and Luxembourg's role here has actually been pretty incredible." (UK interview)

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Therefore when the research trip was planned during June 2014, it seemed possible that Australia would use their influence during their Presidency to hold a second PoC thematic debate[25].

Whilst the annual General Assembly informal dialogue on R2P - an opportune occasion for a trip - was due to be held in late 2014, it seemed this would be held in September[26] and so clash with the opening summit of the GA itself – September 16th to October 1st 2014. I was advised to avoid this busy period, and the advice from informal discussions with diplomats and colleagues[27] was to attend and interview diplomats when the issues I was interested in were on the Council agenda and so at the front of their minds. Therefore, in June 2014 the prospect of an open thematic PoC debate under the Australian Presidency in November was a good opportunity around which to base a trip. As it transpired, that year's other PoC debates were held under the UK Presidency in August[28] and the open thematic debate held during the author's November research trip was on the topic of *"Threats to International Peace & Security caused by Terrorist Acts"[29]*. However the trip went ahead as otherwise planned and a series of 9 interviews were conducted and other informal meetings held.

The interviews undertaken were sought so as to check *internal understandings[30]* of my research by speaking with some of the diplomat practitioners whose day-to-day activities are the very iterative processes that make and sustain international society. Given the research focus on Security Council members, states that had been or were to be on the Council between the years 2010-2015[31] were contacted. Within their Permanent Missions/embassies, interviews were sought with the

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[25] Since S/RES/1266 (1999) the general practice of the UNSC has been to hold two thematic debates a year on civilian protection, February 12th 2014 S/PV 7019 was the first in 2014.

[26] Eventually being held September 8th 2014 http://www.globalr2p.org/resources/643 (last accessed August 5th 2016)

[27] As noted in acknowledgements

[28] August 19th 2014 S/PV 7244 and August 29th 2014 S/PV 7256

[29] November 19th 2014 S/PV 7316

[30] I am grateful here to Professor Andrew Hindmoor for his Advanced Qualitative Methods Training Elite Interviewing Workshop held at Sheffield University, March 19th 2014

[31] As will be explained below, the broad research time period for primary source documents and case studies was 2009-2013 (from the UNSG report on implementing R2P till the first year of this research project). This period was subsequently narrowed to 2010-2012, but to increase the author's chances of securing interviews with states with recent first-hand experience of Council membership, the 2010-2015 period was adopted for canvassing interviewees.

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diplomats responsible for civilian protection or for R2P. The questions to be asked/discussion guide was derived from both the literature and the empirical research conducted thus far. In recognition of the reality of staff turnover in Permanent Missions, it was decided not to ask detailed questions about what was said by states in specific Council debates.

Instead, participants (see Table 3) were asked to reflect on the various related topics, such as the following.

- Their own and their state's understanding of the R2P normative framework in principle.
- How they thought this had been applied in practice in recent years – referencing explicitly the three cases but leaving it up to them which they chose to reply to.
- What their impressions were of the practice of the P3 states when it came to R2P and mass atrocity prevention.
- What their assessment was of the dynamics on the Security Council and the politics of consensus and legitimacy.
- Whether they had concerns for the sustainability of international society.
- Whether they thought states were contesting what the rules of the society should be rather than how to interpret them.

In total, eleven interviews were conducted with diplomats of differing rank from the countries below in Table 3. Whilst the material generated was less extensive than that sourced from the electronic online UN archives[32], it was invaluable and extremely worthwhile. The author remains very grateful for the insights provided by the participants' candid and nuanced reflections.

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[32] The eleven transcripts totalled 33,583 words in comparison to approximately 118,000 words of material sourced from the Security Council meeting records.

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Participant state	Date conducted	Location of interview
Brazil	03rd November 2014	London
France	17th November 2014	New York
Lithuania	17th November 2014	New York
UK	17th November 2014	New York
OSAPG	18th November 2014	New York
Venezuela	18th November 2014	New York
Brazil	19th November 2014	New York
Luxembourg	24th November 2014	New York
Rwanda	24th November 2014	New York
Angola	25th November 2014	New York
Canada	16th June 2015	London

Table 3: Elite interview participants

P3 states' focus

This chapter makes clear that the English School was adopted as the theoretical basis of this thesis and that the United Nations Security Council was selected as the source of empirical evidence. The traditions, literature and concepts of the ES as well as the approach taken by the author to interpreting and understanding specific source material have been explained. Building on this, and with reference to the empirical problem and research question, it is now necessary to briefly justify the thesis' focus on the P3 states – France, UK and USA – before setting out the criteria driving the selection of the three chosen case studies - Côte d'Ivoire, Libya and Syria.

The research question animating this thesis is: have the P3 states behaved in practice as *liberal vanguards,* with it being argued that across the three cases examined, they did in various ways. This question is proposed on the grounds that, were they to do so, it would threaten the sustainability of the solidarist international society typified by R2P. To answer the question, the conduct of the P3 states on the UNSC during the crises in Côte d'Ivoire, Libya and Syria over the period 2010-2012 will be examined. But of all the 193 members of international society, why the focus on the so called *Great Powers* generally and the P3 states in particular?

To paraphrase George Orwell's Animal Farm, it is clearly the case in international society that whilst *all states are equal, but some states are more equal than others* (1987: 90). By and large, all United Nations member states are sovereign juridical

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equals, which is to say they accept to be bound by the Charter, and by the same norms of *sovereignty, non-intervention, non-interference, limits on the use of force and multilateralism*. All members of international society are afforded the normative protections of membership of that society regardless of their material capabilities. However, the obvious fact of the inequality of material capabilities combined with the anarchical reality of that society in which there is an absence of a centralised authority, provides for some states to exercise greater influence and power than others.

Structural Realist International Relations theory tends to see the Great Powers as a function of the polarity of the international system, and therefore a consequence of material power and grand strategy (Waltz, 1979: 129-210). The ES sees Great Powers as the managers of international society who give its affairs direction (Morris, 2005: 268) by managing their own direct relations and those of their allies and associates (Bull, 1977: 200-232; Bull, 1980). Crucially for the ES, being a Great Power is a matter of social recognition or legitimacy rather than just material might. Rather than just bowing to the hard power of the P5 states and letting them *"lay down the law"* (in Vattel's famous phrase (Bull, 1977:103)) the society of states has expectations of them, endows them with responsibilities (maintaining international peace & security) and affords them certain rights (permanent membership of the UNSC with a veto on substantive matters). It is this institutionalisation of their rights, responsibilities and expectations, coupled with the as already established unique role of the UNSC as an authoritative *constituency of legitimation,* which means the P5 are treated as the primary Great Powers of international society rather than other such groupings as the G7, G20 or BRICS*.*

The ES literature is clear that these P5 Great Powers, by their individual and collective practice, play a vital role within the society of states. But why the further focus on the P3 states – France, UK and the USA? This thesis' specific focus on the practices of the P3 states is born of the empirical record, relevant literature and contemporary international observations. At the outset, it is important to clarify here that the thesis does not argue that the P3 are a unitary actor but rather sees them as a collective of states united around similar liberal values and goals, with the influence and capabilities to attempt to realise these within international society, and a track record of doing so at various times.

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Furthermore they exhibit they collectively meet the criteria proposed by Suganami for forming a tight knit community of states (1982: 69-70). That said, there are differences between them which are expressed on occasion in their policies and practices. In respect of the thesis' argument that the P3 states have behaved in practice to different extents as *liberal vanguards in each of the three case studies*, some assessment is offered of each state's practice and the degree of overlap between them. But the author argues that it will have significant consequences for international society should any one of the P3 states act as *liberal vanguards* in practice, and so it is not incumbent upon the thesis to demonstrate that all three states have behaved this way as a collective in all the cases considered, although the more each state does so, the more threatening this becomes.

Generally, the empirical record[33] supports the claim that the P3 states have a track record of humanitarian and/or liberal interventionism, if admittedly an inconsistent one. The P3 states are some of the very few members of international society who combine this public inclination to act in practice with the material capability to do so. These capabilities extend beyond hard military or coercive power alone, and their prominence is further attested to by their active role on the UNSC, both as they and other states see it. The P3 states dominate the process of *Pen holding* (Tardy and Zaum, 2016: 128; Whitfield, 2016: 498; von Einsiedel et al., 2016a: 833; Ralph and Gifkins, 2016: 11) by which Security Council members take responsibility for monitoring specific topics and initiating drafts of relevant Council resolutions. Not unrelated to this, the P3 states therefore dominate the drafting process in terms of the number of resolution texts they author and sponsor. This track record has been noted not just in relevant literatures but by contemporary diplomats:

"In our experience, elected members of the Council are confronted by numerous constraints that result from the current configuration, which affords dominance and permanence to the non-elected members…It further permeates the daily work of the Council as three permanent members are penholders on almost every country-specific issue on the Council's agenda. In addition, we remain concerned that resolutions and decisions of the Council are often drafted in small groups and

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[33] This has been historically evident in the post-Cold War era prior to 2010-2012 in Northern Iraq, Haiti, Somalia, Bosnia, Sierra Leone and Kosovo. They have also shown a broad willingness to use force in the pursuit of their national security, liberal and humanitarian goals in Afghanistan, Iraq and Mali.

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presented as faits accomplis to elected members. While we support broad consultation by the Council, its decisions should be open to debate among all members of the Council." (South Africa, S/PV 6870, pg. 17)

In practice, diplomats themselves note the nuanced similarities of their international positions and practices, again with the P3 themselves drawing a positive contrast with the P2:

"The UK are a bit more assertive than the US I think in that they are very risk averse and don't want to be too radical. The French lead things but then change their priorities and thus the focus of their efforts a lot, whereas the UK cover a lot of things and try to lead or at least be second lead on a range of topics. Russia and China by contrast never want to lead or initiate. They want to make sure it [the Council] doesn't get too far ahead of itself" (UK Interview, 17th November 2014)

"Nuance is needed here. All three have a similar view and tend to act in concert on mass atrocities and have certainly been driving these issues on the Council with some of the E10 such as through R2P language and the protection of civilians' agenda. They have on occasion matched their normative commitments with their capacity for action. How much they are self-aware norm entrepreneurs is interesting. I would say all are supporters of R2P but not leaders." (UN Office of Special Adviser for the Prevention of Genocide Interview, 18th November 2014)

As the UN diplomat avers, it is important to recognise P3 intra-state differences, not least in terms of their capabilities, domestic political situations, degree of regional involvement in the selected cases and thus the significance of these to their national interests. Indeed, as the Brazilian interviewee participant observed: *"It is also important to consider each of the P3 in turn and not just as a collective. In the USA, it is important to differentiate as they are primus inter pares as it were among the P3"* (Brazil (New York) Interview, 19th November 2014). Notwithstanding these points, this thesis adopts the position that there is more that unites the P3 states than divides them, especially within the P5 and with regard to the selected case studies. This is evident when one considers their publicly professed values, goals, practices and approaches to legitimacy and consensus.

Lastly, whilst a case has been made for examining the practice of the Great Powers, and assessing the P3 states collectively/individually as actors, it is worth briefly

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mentioning the P2 states, China and Russia. Though these two countries are not the ultimate analytical focus of this thesis, they are examined with regard to how they have reacted to the P3 states, as has been made clear above. The focus on the P3 states stems firstly as noted from the outset in Burns' verse about the power *"to see oursels as ithers see us"* (Watson, 1995: 375). Here, the author as a Scot *and currently a UK national* is looking to critique the view – indicated earlier in the contrasting views of the French and Brazilian diplomat interviewees - that when it comes to civilian population protection and mass atrocity prevention, the P3 states are unreasonably obstructed from responding in practice by the P2, as well as possibly other states. Another concern emerges from Lampedusa's observation *"If we want things to stay as they are, things will have to change"* (1992: 21)*.* This got the author to wonder what would happen if in the attempt to change things for the better – by stretching, that is, broadly interpreting the *humanitarian solidarism of R2P* towards *liberal ends* – the P3 states actually made things worse by threatening the very type of international society that R2P typifies.

Case study selection

There exists an impressive and extensive literature on instances of intervention – humanitarian, liberal or R2P – in international society (Vincent, 1974; Wheeler, 2000; Wheeler and Dunne, 2000; Schnabel and Thakur, 2000; Welsh, 2004; Bellamy, 2005b; Chandler, 2010; Hehir et al., 2013; Weiss, 2016b) . As explained above, what was sought for particular examination in this thesis were a series of cases in which there was a tension between *intervention* and *interference,* between *humanitarian intervention* under the auspices of R2P and *liberal intervention* combining civilian protection/mass atrocity prevention with democracy promotion. What were sought therefore were cases where the solidarism of contemporary international society typified by R2P was put to the test in practice. However the 2010 – 2012 research time period was another key factor in deciding which cases to examine and why. How was this period arrived at?

It was decided that the cases to be examined needed to have occurred after the 2005 UN World Summit but also after the 2009 UN Secretary General's Report on Implementing R2P. This was on the grounds that, by this point, R2P had been both codified in the relevant summit outcome document paragraphs and operationalised into its three-pillar structure. Since the R2P normative framework

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is what is being used to typify the humanitarian solidarism of contemporary international society, it was necessary to be clear what the society of states means by R2P, and this therefore meant examining cases after 2009. Second, with regards to timing, the thesis was started in September 2012, with empirical research beginning in early 2014. Accordingly, it was decided to adopt an appropriate cut-off point in order to ensure a discrete period and thus reduce any risk of getting distracted by ongoing situations. Cases falling in and around this time period were assessed as below.

R2P threshold

Firstly, what was required were cases that touched upon the *five norms* identified in this thesis as relating to the R2P normative framework: sovereignty as a responsibility contingent on preventing mass atrocities; exceptions to non-intervention in the case of mass atrocities; the practical limits of non-interference in a state's domestic affairs governing any intervention; limits to the use of force and multilateralism, specifying both the legitimate purposes for which force could be used and the processes by which practice must be authorised through the UNSC. Given this analysis of and reliance upon the R2P normative framework, the cases had to be those which were recognised by international society to be of sufficient gravity to meet the R2P mass atrocity crime threshold rather than *just* human rights abuses.

The significance of this was highlighted by UN Secretary General Ban Ki Moon when he conceived of R2P as *"narrow but deep".* Ban warned: *"Extending the principle to cover other calamities, such as HIV/AIDS, climate change or response to natural disasters, would undermine the 2005 consensus and stretch the concept beyond recognition or operational utility."* He went on to say that the response to the set of mass atrocities specified in 2005 should be deep in that it should utilise *"the whole prevention and protection tool kit available to the United Nations system, to its regional, sub-regional and civil society partners and, not least, to the Member States themselves"* (Moon, 2008)*.*

Just as Ban Ki Moon chastened that R2P only applied to the narrow set of mass atrocities agreed by international society, this thesis takes its lead from states when identifying case studies. Rather than choosing cases which the author himself deemed to meet the R2P threshold – for example Israel/Palestine or Bahrain that

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have been so-deemed by some – the thesis case study selection was guided by UNSC members' determinations as to whether the gravity of the situation merited consideration under R2P. Therefore the cases sought had to be those which both reflected the theory and international practice of the R2P normative framework which typifies the solidarism of contemporary international society.

UNSC agenda

Secondly, flowing from the previous point, for both theoretical and empirical reasons, the cases examined in the thesis had to have come before the United Nations Security Council and been subject to its public discussions. With regards to the theory, this criterion links back to the five norms identified in the R2P framework – especially multilateralism and limits on the use of force. In examining whether the P3 states behaved in practice as *liberal vanguards*, this thesis assesses the politics of legitimacy and consensus and how these affect the sustainability of solidarist international society.

As noted above, the Security Council's authoritative role as a "*constituency of legitimation*" (Reus-Smit, 2007: 164) is established by the UN Charter, the R2P normative framework and is evident in the practice of states. They defer to the Council and actively seek its legitimacy. This is the theoretical case for basing the case study selection on situations that came before the Council in the time period adopted. The empirical case has been outlined: that the discussion of a case before the Council attests not just to its importance in the eyes of the society of states, but crucially provides for readily accessible empirical evidence of state practice, and international legitimacy, consensus or discord.

P3 states' role

Thirdly, in addition to falling within the adopted time period, engaging the R2P normative framework and being considered by the UNSC, cases were sought which saw P3 state activism on the UNSC and on the ground. With regard to this third point, it is worth noting that the author is alive to the concern of case study selection bias. That is, the concern that deliberately choosing cases of intervention in which the P3 states were active participants ensures the answer to the thesis research question will be, *yes the P3 states' behaved in practice as liberal vanguards*.

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The defence offered here is to emphasise again that the point being made by this thesis is *not* that the P3 states are always set on coercive humanitarian intervention. It is *not* being claimed that they always and everywhere seek regime change. *Nor* is it claimed that they, more than any in international society, are leading the implementation of or are set on manipulating R2P. This thesis *does not* claim that the P3 states always interpret R2P as meaning humanitarian or liberal intervention. All of which clearly shows that there has been no cherry picking of only intervention case studies.

On the contrary, the thesis assesses how the P3 states responded to intervention case studies to examine how they approached the politics of legitimacy and consensus, and thus whether they behaved in practice as *liberal vanguards*. Thus, similar cases are not being used to make a universal/general claim about P3 state practice in international society, but rather cases with certain similarities have been selected to see how the P3 states behaved in practice and whether this amounted to *liberal vanguardism*, given the threat this poses. The overriding similarity was essentially that in each of the cases to be examined, there were tensions between P3 state practice and the R2P normative framework with particular regard to non-intervention and non-interference. These tensions begged the question of how the P3 states legitimated their practices, whether they sought international consensus through the UNSC, and how they responded to any international discord.

Liberal vs humanitarian intervention

Fourthly, the final criteria which has already been alluded to was that cases were sought which combined international concerns about civilian protection and mass atrocity prevention with international concerns about the domestic political leadership of the states concerned. That means, cases in which the international discussions were about intervening to protect populations from their own governments and the consequences of using any such coercive means against the authority of sovereign UN member states without their consent.

International relations is as Bull recognised in his 1983 Hagey lectures, the domain of *"terrible choices"* (Alderson and Hurrell, 2000: 227; Wheeler and Dunne, 2002: 43) in which states must reconcile at times competing national, international and humanitarian responsibilities (Linklater, 1992; Jackson, 1995: 115-118; Jackson,

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2000: 130-155, 169-182; Linklater, 2000). This was a theme of interviewee reflections as well:

"Collective responsibility, collective security and order, these are competing priorities and you cannot lightly put one above the other. Indeed if we are to act and use force animated by responsibility concerns in only extreme circumstances then because the need is greater the risks get even bigger [there are] no easy calls as it were." (Brazil (London) Interview, 03rd November 2014)

"We have to deal with the realities of politics, interests, risk and consequences – the Machiavellian stuff as it were. There often are not good guys. Who are the good guys in Syria? Today's victims would happily be tomorrow's oppressors. The world I was working in, of norms, the ICC etc didn't appreciate the question of just who are the good guys? Well it turns out there's bad guys and worse guys…The unintended consequences of well-meaning interventions are very much on people's minds now in a way that it just was not then [in reference to Kosovo and Libya]" (Canada Interview, 16th June 2015)

The point of the thesis here is not purely to draw attention to such dilemmas or expose the obvious tensions. Rather, in answering the research question as to whether the P3 states behaved in practice as *liberal vanguards*, what is provided is an examination of how the P3 states approached and responded to the dilemmas and in particular whether/how they reconciled the dissonance between their *liberal* values, goals, statements, discourses, claims, justifications and practices, and the *humanitarian* R2P normative framework that presently typifies solidarist international society.

Essentially, the contemporary society of states will legitimate intervention to prevent mass atrocities subject to the R2P normative framework, including by coercive means, for humanitarian purposes only. Anything more is deemed as interference. Yet, as will be seen in each of the three cases selected, the P3 states (amongst others in international society) took the view that the governments of the states in these cases were responsible for the violence being committed and therefore that mass atrocity prevention would not be complete without political change including *change of regime,* if not *regime change*. The distinction drawn here by this thesis being that: *regime change* involves the use of force to intervene with the explicit goal of removing a government, whilst *change of regime* is

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coercive, but does not include using force to replace a government through a political process.

Côte d'Ivoire (2010-2011), Libya (2011) and Syria (2011-2012) have been selected as the three case studies examined in this thesis[34]. Each of these cases meets the set criteria outlined. They occurred within the broad time period of 2009-2013 which was subsequently revised to 2010-2012 (inclusive). They all touch upon the five norms identified as vital to the solidarist international society typified by R2P. Each situation was discussed repeatedly before the UNSC and witnessed P3 state activism both at the Council and on the ground. Each crisis was discussed as a question of intervention in which there was a tension between *non-intervention* and *non-interference*, that is, between a *humanitarian intervention* typified by the solidarism of R2P and what the P3 states seemed to advocate which was a *liberal intervention* combining civilian protection and prevention of mass atrocities with political change.

Conclusion

This chapter has explored the three traditions and succeeding generations of ES literature. It is because of its recognition of the social nature of contemporary international relations, its commitment to asking normative questions and its avoidance of purely social scientific methods, that the ES with its' *"craft"* approach has been adopted as the means of research.

In common with the School, the author's ontological positon is that international society is real in the sense that it is a durable albeit socially constructed, complex reality. It is complex because it contains different state actors whose identities and interests are not given but, which through structuration, construct and yet are constrained by society (Giddens, 1984).

It is real because it exists independently of this author's belief in it, and will continue to do so as long as states continue to engage and interact with one another. Simply put, international society is both *"a thing and a process"* (Onuf, 1994: 1) and a social

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[34] All three cases are referenced as *"country situations"* on the website of the UN Office of the Special Adviser for the Prevention of Genocide and Responsibility to Protect http://www.un.org/en/preventgenocide/adviser/country_situations.shtml (Accessed July 14th 2016) and all three are case studies in Von Einsiedel, S. et al. 2016b. *The United Nations Security Council in the 21st Century.* London: Reinner. which further attests to their significance and relevance

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constructivist ontological position recognises that whilst material realities (geography, population, natural resources and military capability) impose limits on the actions of states, the way that states understand and act upon such realities is socially constructed.

Accordingly this thesis aims to reflect upon, understand and interpret the meaning of states' practices by using their publicly available discourses and practices of legitimacy and justification as evidence of international society, *liberal vanguardism* and *sustainability.* Evidence of such international discourses and practices was located within the context of a selection of 112 relevant thematic and crisis specific meetings of the United Nations Security Council (2010-2012). This material was complemented with a series of 11 semi structured elite interviews with serving diplomats whose activity encompassed the UNSC and R2P or civilian protection issues.

The focus on the P3 states was justified by way of their empirical record of activism on the UNSC and contrasting international assessments of their track record of intervention. At heart though, the author sought to examine what would happen if in the attempt by the P3 states to change things for the better – by stretching, that is, broadly interpreting the *humanitarian solidarism of R2P* towards *liberal ends* – they states actually made things worse by threatening the very type of international society that R2P typifies.

The criteria for the selection of the three case studies – Côte d'Ivoire, Libya and Syria -was explained, and the details of each case were summarised in Chapter 1 and will be discussed in their separate chapters. However, what can be noted here is the increasing controversy that developed in each case, with Côte d'Ivoire proving relatively uncontroversial, Libya becoming almost immediately controversial and Syria provoking discord on the UNSC from the very outset. Again, the point to stress here is not that the interventions were controversial or that they exposed tensions/discord within international society, but that how states resolve these tensions in practice through their approach to the politics of legitimacy and consensus, is what matters to the sustainability of the solidarist form of international society typified by R2P and therefore this thesis.

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Chapter 3 – The sustainability of solidarist international society

This thesis argues that the P3 states have behaved in practice as *liberal vanguards* during the crises in Côte d'Ivoire, Libya and Syria. It matters whether the P3 states behaved as *liberal vanguards* because it is argued that such practice poses a threat to the sustainability of solidarist international society as typified by R2P. In order to address the ultimate research question, this chapter explains how international society is sustained, and Chapter 4 how R2P typifies its solidarism which is humanitarian.

What is international society? This chapter first explores pluralism and solidarism before adopting the legitimist turn to detail international society's contemporary form. The ES conceptualisation of norms, rules, institutions and principles of legitimacy in international society is discussed and the understanding of these concepts in this thesis is clarified and defined.

Secondly, how is international society sustained? The chapter introduces the concept of sustainability as applied to international society, arguing that the society is sustained by practices of international legitimacy and international consensus. Which is to say, by states believing they are bound by a consensus as to principles of legitimacy of rightful conduct and so should either act in practice in accordance with these, or at the very least with regard to them. It is especially important that this consensus be sustained along dual axes horizontally – among the great powers – and vertically – between the great powers and rest of the society.

Thirdly, why does the sustainability of international society matter? Once we have established the nature of the concept and its associated practices, the chapter argues that the sustainability of international society matters because of its contribution to international order. Existing ES literature is explored to demonstrate that whilst the School has assessed the endurance of the society of states, the application of sustainability is both original and offers a number of contributions. The thesis' focus on the sustainability of *a form* of international society, the solidarism typified by the R2P normative framework, rather the wider society writ large, is then justified.

What is international society?

"In Manning's view, an international society exists because those who speak and act in the name of states assume that it does. This interpretive approach is also evident, though less strongly, in the writings of Wight and Bull...in contrast Alan James takes a much more positivistic approach"

(Evans and Wilson, 1992: 332-333)

The existence of an international society, that is, a secondary society in which states as durable collectives are the members as opposed to individual human beings (Buzan, 2004: xviii) is a foundational claim of the ES of international relations theory. As explained in Chapter 1, this thesis, in common with most ES scholarship, derives its definition of this society from Hedley Bull's landmark 1977 text, *The Anarchical Society: A Study of Order in World Politics*, in which he wrote that "*a group of states, conscious of certain common interests and common values, form a society in the sense that they conceive themselves to be bound by a common set of rules in their relations with one another, and share in the working of common institutions*" (Bull, 1977, 13)*.*

Writing later in 1984 alongside Adam Watson in *The Expansion of International Society*, Bull elaborated that "*by an international society we mean a group of states…which not merely form a system, in the sense that the behaviour of each is a necessary factor in the calculation of others, but also have established by dialogue and consent common rules and institutions for the conduct of their relations, and recognize their common interest in maintaining these arrangements*." (Bull, 1984b: 1). With an eye to Wight's three traditions of *realism, rationalism and revolution* (1991), the ES proposes the existence of *an international system, society* and *world community*[35]. As will be addressed below, contemporary ES scholarship has moved beyond Bull's juxtaposition of a *system* and *society*. However it is important to briefly acknowledge the differences between *society* and *community*.

First, the term *international community* appears more readily in international discourse and media than the term *international society*. In such discourse,

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[35] The significance of this conceptual formulation is testified to by the reference to it in *"System, Society and the World"* the title of a collection of essays exploring the ES published by E-International Relations, 2013 (revised 2015) and edited by Robert W. Murray.

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international community refers variously to either a specific and self-selective group or community of states, or to the global universal totality of all 193 UN member states, the *wider society* as it were. The implicit reasoning behind this popular distinction has been explored by Hidemi Suganami and Barry Buzan. Suganami identified six criteria which mark out a community of states noting that *"a constellation of states that does not satisfy these criteria fully may still be regarded as forming a community, but the further it departs from them, the less 'community like' it becomes"* (Suganami, 1982: 69-70). Buzan, applied the work of German sociologist Tönnies to distinguish between a rational-contractually based society and an emotive, organically developed community (2004: 22, 39, 44, 63, 74, 110-111). The thesis will return to this differentiation between the global level of international society and sub-global communities of states holding in common distinct values not shared at the global universal level in Chapter 5 on *liberal vanguardism*.

Secondly, with regard to *system, society and community*, it is also worth noting – although not especially germane to this thesis - the differences between *international, world* and *global.* As referenced earlier, both *international* and *global* are concepts within international relations operating at the same level of relations between the states, the difference being that *global* means the universal totality of actors (state or otherwise) whilst *international* can apply to any number of state actors. The difference being therefore one of the quantity of actors or the extent of interaction. However, (Bull, 1977: 233-317) and the ES make a qualitative distinction between an *international society of states* and forms of *world society or community* in which the sovereign state has been transcended as the dominant actor in world politics.

This thesis focuses upon *international society* for the simple reason that the author – in common with the ES - identifies sovereign states as the most powerful and influential actors in international relations in questions of intervention. Although concepts of *world society, community* and cosmopolitanism are relevant to research on R2P, they are not this thesis' focus, but although the author is aware of them and their place within the traditions of the ES. As explained in Chapter 2, the thesis begins from the ontological position that international society exists independently of whether researchers believe in it. The society is instituted by states coming together and believing themselves bound by a consensus (Bull, 1977:

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13) as to principles of legitimacy governing their conduct, principles that are revealed through their everyday iterative practice (Clark, 2005). If this is the *nature* of international society then what *form* does it take, what does it look like in practice and on what grounds does this thesis adopt the position that R2P typifies the solidarism of the contemporary society of states?

According to Bull, the primary goals of the society of states are to;

"Preserve the system and society of states…maintain the independence or external sovereignty of individual states…maintenance of peace in the sense of the absence of war among states of international society as the normal condition of their relationship to be breached only in special circumstances and according to principles that are generally accepted"

(Bull, 1977: 16-19)

Writing in 2007, Hurrell proposed similarly that the three challenges of the society of states were: the need to capture shared and common interests; the need to manage unequal power; and the need to mediate cultural diversity and value conflict (2007: 1). But how are these goals to be realised, what *form* does the society take, what does it look like in practice? The ES answer to that question has variously been to describe/explain the society of states as *pluralist, solidarist or legitimist*. These positions will be explained in turn below so as to demonstrate the *form* of contemporary international society. However, this thesis acknowledges the wisdom on the *legitimist* position, which is that the society of states contains both *pluralist* and *solidarist* elements, whilst arguing that R2P typifies its *solidarism,* which is humanitarian rather than liberal.

Pluralism

Theoretically, the pluralist position is most notably evident in the work of Bull (1966c); (1966a; 1977), Bain (2007), Hurrell (2007), Jackson (1993); (2000), Mayall (2000) and Welsh (2011). The hallmarks of pluralism are that the maintenance of state sovereignty should take precedence over the promotion of individual human rights, a view reflected in the Articles of the Charter of the United Nations (1945) outlining state sovereignty 2(1) and non-intervention 2(4)(7). Generally, the pluralist position reflects a mixture of principle, pragmatism and scepticism. The principle is that, rather than being a problem to be transcended, plural diversity among states is the ideal form of organising international life. Through their states,

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peoples can live in communities of their own devising according to their own values, and this plural arrangement is to be respected and maintained as a goal, rather than being merely tolerated for lack of something better. There is therefore a principled recognition of the *"ethic of difference"* (Jackson, 2000: 400 - 426) and advocacy of self-determination.

Pluralist pragmatism is simply that any other international political arrangement will be difficult to achieve and would quite possibly be destabilising, therefore there are limits to international progress (Mayall, 2000). Indeed, international order, defined as *"a pattern of activity that sustains the elementary or primary goals of the society of states"* (Bull, 1977: 8)[36] is preferred by plural pragmatists ahead of international justice for three reasons. Firstly, order is deemed an a priori requirement for any measure of justice. Secondly, given the plurality of international values and inequality of capabilities among states, international justice - both between states or more controversially involving the citizens of different states - will be difficult to pursue. Thirdly, international disorder is so extremely harmful that international order, with limited international justice, is deemed better than a disorder which would provoke grave injustice. Pluralists therefore argue that international society should exist to facilitate international order and thus sustain its state members. It is for these individual members to decide the balance between order and justice, international coexistence and, such as it is possible, limited international cooperation.

Finally, pluralists are not just pragmatists when it comes to the feasibility of alternative arrangements to the status quo, but they are sceptical of those who would create and lead them. Who would decide the common interest or common values which may over ride those of individual sovereign states in a new arrangement? Essentially, in the pluralist perspective, *"state sovereignty provide a container for pluralism and a framework for the protection of diversity"* (Hurrell, 2007: 28) Which of these states should or would be allowed or empowered to speak for all the society and how would we know the common interests were not just

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[36] The subtitle of Bull's 1977 study was *"A Study of Order"* although he made clear in the text (xii-xiii, 77-98) that he did not disavow the study or value of justice and hoped to write a companion volume on this topic later in his career, something his untimely death at the age of 52 in 1985 prevented. However his Hagey Lectures on Justice in International Relations (1983) attest to his *"solidarist turn"* motivated in part by growing concerns about justice in international society- see here Kai Alderson and Andrew Hurrell *'Hedley Bull on International Society'* (Basingstoke, Macmillan: 2000) pg.206-245

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their own? Plural pragmatism and scepticism is such that they warn against *"premature global solidarism"* (Bull referenced in (Hurrell, 2007; 55)) based either on the false assumption of an extant solidarist consensus or the feasibility of one, reflecting both their empirical judgement and normative preferences. Accordingly, the best that can reasonably be expected is international coexistence and, where possible, limited international cooperation on a voluntary or consensual rather than coercive basis.

Solidarism

The pluralist solidarist spectrum runs from thin (pluralist) to thick (solidarist) norms and forms of society, which means not just that solidarism is generally thicker than pluralism, but that there are different degrees and types of solidarism as well. Before discussing in detail the nature – *state centric* – and forms – *humanitarian & liberal* – of solidarism with which this thesis is concerned, it is important to consider this bigger picture. In his initial treatment of the three traditions, Bull associated *realism* with Thomas Hobbes, *rationalism* with Hugo Grotius and *revolution* with Immanuel Kant, ascribing to the latter a cosmopolitan vision (1977: 3-52). Buzan (2004: 93) has subsequently deemed this erroneous on the grounds that Kant's vision was of a homogenous, peaceful confederation of states rather than the transcendence of the society/system of states for an altogether new form of post international community of humankind or world society. However, even if the Kantian project sits more comfortably in the rationalist tradition, as Figures 5 & 7 indicates given that the boundaries between traditions shade into one another and are akin to a spectrum, solidarism can have a thicker cosmopolitan form and nature.

Thus where broadly speaking the pluralist solidarist conversation debates the prioritisation between states' rights and human rights, cosmopolitan solidarism stands counter to communitarian pluralism, *but is also distinct from state centric solidarism*. The latter – which is the nature of solidarism focused on by this thesis – is defined by Buzan as:

"about the possibility that states can collectively reach beyond a logic of coexistence to construct international societies with a relatively high degree of shared norms, rules and institutions among them…the focus is not only on ordering coexistence and competition but also on cooperation over a wider range of issues…in its stronger forms, state centric solidarism can also include convergence…" (2014: 116)

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This is the nature of the solidarist international society typified by R2P, in which UN member states have unanimously agreed in principle to the R2P normative framework which codified authoritative international understandings of sovereignty, non-intervention, non-interference, limits on the use of force and multilateralism in mass atrocity situations. As alluded in Chapter 1 and as will be elaborated in Chapter 4, this thesis conceives of this state centric solidarism as humanitarian rather than liberal in nature, which is to say it represents a consensus on mass atrocity prevention and civilian protection but excludes coercive democratisation, regime change or measures aimed at inducing a change of regime or the promotion of human rights. Cosmopolitanism is clearly germane to R2P in that a belief in the moral worth and universal community of humankind explains in large part why states should *save strangers* rather than dismissing them as *living in far-away countries of which we know and care little* (Gilmore, 2014a: 696). Thus Buzan defines cosmopolitan solidarism as:

"a disposition to give moral primacy to 'the great society of humankind' and to hold universal, natural law, moral values as equal to or higher than the positive international law made by states…to establish foundations for a moral critique of the state and the logic of an interstate society" (2014: 118)

As will be explained in Chapter 4, R2P by respecting the sovereignty of states and by its reliance on the existing collective security architecture of the UNSC to which it accords discretion, owes much to but does not give primacy to morality. Echoing Buzan, Gilmore distinguishes:

"between 'thick' cosmopolitans, focused on the emergence of authentically new post-state political arrangements or global civil society as a radically new medium of political exchange…and 'thin' variants, concerned more with promoting dialogue between human societies to reconcile universal values with locally rooted moral frameworks" (2014a: 696)

The ontological position of this thesis is focused upon the international society of states rather than global civil society, and the humanitarian consensus regarding civilian protection and mass atrocity prevention embodied in the R2P, which meets Gilmore's *"thin"* conceptualisation. Here perhaps, it is instructive to recall Wight's contention that the three traditions need to be read together in order to understand the lived reality of international (1991: 260), Bull's, that the system,

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society and community elements are in flux (Bull, 1977: 41,51), and more recently the rejoinder of Weinert (2011) - among others - that the pluralist solidarist debate is not a zero sum game. Cosmopolitan solidarist conceptions therefore rightfully have a place in academic research of contemporary international society and are on occasion referenced by states people, even without proclaiming themselves to be cosmopolitans (Gilmore, 2014a: 696). However this thesis observes the difference between an actual empirical cosmopolitan community and the idea of one as a moral referent (Buzan, 2014: 118).

Woolly though discursive appeals to the international community of states can be at times (Annan et al., 2002; Ellis, 2009), as will be empirically demonstrated, the society of states exists in a way in which the community of humankind does not. To be clear, whereas this thesis recognises cosmopolitan solidarism to be an influential idea in the minds of leaders and theorists, given that international society is an empirical reality, it is state centric solidarism which is this thesis' focus. R2P 2005 contains cosmopolitan commitments but ultimately is state centric in nature, therefore state centric solidarism is the focus of this thesis, and it is to the form this takes that we now turn.

Theoretically, the solidarist position is associated with the work of Bull 1983 (Alderson and Hurrell, 2000: 206-245), Gallagher (2013), Ralph (2007), Wheeler (2000), Wheeler and Dunne (1998) and Vincent (1986). In contrast to pluralism, solidarism emphasises the actual and potential solidarity of states cooperating internationally. Its most obvious expression is the system of collective security, embodied in spirit by Chapter VII of the UN Charter (1945) or, as this thesis examines, the collective responsibility to prevent mass atrocities embodied by R2P 2005. Variously, cooperation, collective action or concern for justice at the international level and international consensus outweighing (on occasion) sovereign state consent are the hall marks of state centric solidarism. As with pluralism, solidarism also exhibits empirical and normative perspectives which in turn argue that these hallmarks are already evident in practice, therefore feasible, and should be furthered in future.

Contemporary international society, according to Bull as noted above, delivers certain primary goals, one of which is to ensure that war is not the normal condition of relations among states (1977: 16-19). Whilst wars will on occasion happen, and

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competition/conflict remain apparent, a solidarist society of states is one in which states actively cooperate rather than just coexist on the basis of toleration, strategy or *"calculation"* as Bull observed in (1984b: 1). With regards to collective security, this means international cooperation to limit but not entirely eliminate the use of force from international relations. The elimination of the use of force is deemed utopian, and in any case, collective force must be used on occasion to defend against those who would themselves breach international law with force.

With respect to R2P, solidarism means a commitment by the society of states to international cooperation in order to protect populations from what are universally held to be unacceptable mass atrocity crimes. However the *narrow but deep* focus of R2P on genocide, war crimes, crimes against humanity and ethnic cleansing represents an *impressive* but *modest* ambition. *Impressive* in the unanimous support offered to the landmark universal commitment, but *modest* in that it aims only to protect populations from the very worst crimes, rather than a systemic attempt to defend or promote civil, political, social or human rights more generally or respond to abuses of these.

In both the collective security and R2P examples, international cooperation is informed by what has variously been described as a deeper, thicker or more extensive set of shared interests and values among the states concerned (Buzan, 2004: 139, 140, 154-157) giving states more to go on than their national interests or limited foreign policies alone. Such cooperation can be a means to an issue specific-end (be that collective security or the prevention of mass atrocities) but also a more general end, namely that cooperation will beget further cooperation as a self-fulfilling prophecy.

According to Adam Watson, whilst realist state practice is motivated by *"raison d'etat"* – the primacy of the national interest however conceived - the rationalist reasoning behind international society is *"raison de système"* – the belief that it pays to make the system work (Watson, 1992: 14). This applies of course to both pluralists and solidarists, who both recognise and support states deliberately instituting and then binding themselves in a society that it is up to them to make work. But solidarists part company with pluralists when it comes to what they think that society of states can and should come together to achieve.

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Beyond cooperating for their own benefit, states committed to solidarism will pursue collective action not just to realise joint gains but to address collective problems. Crucial here is that collective action is about states' acting in practice for beyond their own narrow national interests which is to say with concern for international justice or the common good. This thesis, in common with (Wheeler, 2000: 1-54, 285-289), defines collective international efforts to prevent mass atrocities and protect civilian populations from violence as solidarist in nature. Such practice speaks directly to Buzan's observation that solidarism generally seeks to combine order with a modicum of justice as this is both normatively desirable and more sustainable (2014). Beyond cooperation, collective action and concern for justice, how else therefore how would we know solidarism when we see it?

Bull classically conceived of the central Grotian assumption as "*the solidarity or potential solidarity, of the states comprising international society with respect to the enforcement of the [international] law*" (1966a: 52). Similarly others have referred to this as states giving *"more effective teeth to the norms of this more ambitious society"* (Hurrell, 2007: 63). When they do so, states are in practice bridging the gap between norms in a social constructivist sense as something that *ought to be done*, and in the realist or classical sense as that which *is actually done*. More crucial still, when they do so, the states of international society are setting international consensus ahead of sovereign state consent in two ways. Firstly, international society is judging that there exists a sufficient consensus on an issue or norm, to the extent that all states should be bound by it whether they voluntarily consented to it or not. Secondly, beyond agreeing that a norm is to be respected, the society of states is prepared to take action in practice to enforce it, and even punish those that breach it, thus ensuring (on occasion) that the writ of international society trumps that of individual sovereign states'. Enforcing a consensus on states which have either broken with it or failed to subscribe to it in the first place, has been classed as *coercive solidarism*. The alternative view that according to sovereignty, states should have the right to opt in and opt out of a consensus has been classed as *consensual solidarism* (Hurrell, 2002; Toope, 2005). These concepts will inform Chapter 5's development of *liberal vanguardism*.

Beyond these general hallmarks about the nature of solidarism, it is worth noting that which affects its *specific* form. Often it seems that ES literature assumes the *"good"* essentially *"liberal"* form of solidarism, contrasting it favourably with

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pluralism. The latter is often portrayed as stunted or regressive by comparison with *"progressive"* solidarism. However, as Buzan (2004: 148-149, 226-227) and Hurrell (2007: 59)chastens, solidarism only specifies that values are shared and form the basis of cooperation, it does not specify what those values are or should be. This is redolent of Buzan's observation that an international society is in a sense no different from any other in that it need not be a *good* or *nice* place, but does in fact play host to competition, conflict (2004:15) and as Donnelly observes, inequality (2006: 144). It is worth stressing the ES view paraphrasing Wendt (1992), that just as international society is what states and especially great powers make of it, this goes for solidarism as well. Solidarism's form can vary depending on the interests and values of the states involved, which flows from the type and number of states involved and can vary depending on the issues they are addressing. This is to say, there are variations between solidarism at the global and sub-global level of international society as will be discussed in Chapters 4 and 5.

Legitimacy

"It is crucial to understand that the pluralist and solidarist positions are not just objective descriptive categories framing how things are, or might be, or have to be. Nor are they simply opposed positions. In some ways they are opposed, but the key is to see them as constituting the normative framing principles for a debate within the English School about the limits and possibilities of international society"

(Buzan, 2014: 84)

What form does the society of states take, what does it look like, is it pluralist or solidarist? The answer, revealed in Buzan's quote and in part by the empirical references above to sovereignty, non-intervention, collective security and R2P, is that contemporary international society combines elements of both pluralism and solidarism and that R2P typifies its humanitarian solidarism. The living interrelationship between once supposed opposites is such that ES scholars have more recently sought to move beyond the *"impasse"* of what was once characterised as the pluralist solidarist debate (Almeida, 2006; Buzan, 2004: 139-160; Buzan, 2014:81-188; Wheeler, 1992; Weinert, 2011) to treat it instead as a spectrum of positions or *"great conversation"* (Buzan, 2014: 83) between views, rather than a rigid dichotomy. It was with a view to addressing the *form* that the

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society of states takes empirically in practice, rather than prescribing what that ought to be, that Dunne and then Clark first elaborated the legitimist turn.

Legitimacy is a term used often in international discourse by practitioners (Clark, 2005: 2) certainly more so than pluralism or solidarism, therefore, paying attention to the discourses of practitioners and the attempt to get beyond the pluralist solidarist debate, inspired the ES's legitimist turn (Dunne, 2001). Reus Smit affirms that the language of legitimacy should not be used interchangeably – as it often is – with the language of rationality, justice, legality and morality, arguing that *"while legitimacy claims may draw on such values in the politics of legitimation, legitimacy is not their synonym"* (2007: 160). Clark critiqued the notion that legitimacy is an *external yardstick,* " with which we can assess state practice within international society, as was most famously the case when an independent international commission proposed that the 1999 NATO intervention in Kosovo – done without UNSC authorisation for humanitarian purposes – was *"illegal but legitimate"* (IICK, 2000: 1). Instead he argued that *"the abiding error is to treat legitimacy as a property of individual actions, and to imagine that we can set up criteria for assessing them in accordance with an independent legitimacy scale"* (Clark, 2005: 254)

Clark argued that legitimacy as well as instituting international society is also constituted by it. Legitimacy is therefore essential to both the nature and form of that society. In effect, where states agree principles of legitimacy they institute a society, and it is these first order and second order principles which constitute that society. Thus rather than offering a typology for international society by cataloguing its primary institutions, Clark sought to answer the prior question of where these institutions came from. According to Clark, legitimacy is best conceived as a politically mediated space where notions of legality, constitutionality and morality interact, and this interaction is affected by power (2005). This reality of power in constituting, probing and attempting to revise legitimacy is crucial to this thesis' original conceptualisation of *liberal vanguardism* in Chapter 5.

"Values, rules and regulations, or, for that matter, interests, as part of agreements, are not engraved in stone. They are not necessarily enduring or changeless" (Roberson, 2002: 4). Similarly this thesis observes that the norms rules and institutions of international society are not *"engraved in stone"* either.

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International legitimacy can be fluid and this influences the everyday iterative state practices that are instituted by international society, constitute it and sustain it as will be explained below. To hark back to the Lampedusa quote in Chapter 1 - *"if we want things to stay as they are, things will have to change" (1992: 21)*- it is argued here that *if states want international society to be sustained, they have to be prepared to respect and adapt its legitimacy*. Respect means always acting with regard to legitimacy, offering justifications, making legitimacy claims for practice and *preferably only acting in practice with international legitimacy where this has been conferred by the society of states through for example the UNSC*.

Adaptation can be generally conceived as using power to shift the balance between legality, constitutionality and morality so as to conceive a new consensus about the principles of legitimacy underpinning the norms, rules and institutions of the society of states, which give it its particular form. The nature of such a consensus will be elaborated below when the chapter outlines the practices by which international society is sustained. Generally however, adaptation can take the form of *"norm entrepreneurship"* (Finnemore and Sikkink, 1998) creating entirely new norms, rules, institutions or principles where there were none before, or norm adaptation which revises those already extant by changing the practices associated with them in a process of "*institutional dynamism"* (Buzan, 2014: 104-105).

Just as Finnemore (2003); Reinold (2013) have written about such changes in and of the norms or institutions of international society – respectively with regard to the use of force and sovereignty – Clark's conceptualisation of legitimacy argues that such norm or institutional change is a consequence of changes in international society's *underlying* principles of legitimacy. In particular, he sets out two orders of principles of legitimacy. The first order principles address the question of who may be the members of the society, and as such are afforded its rights, protections and responsibilities. Contemporary international society's first order principle of legitimacy is that only sovereign states may be members[37] .

The second order principles of legitimacy pertain more broadly to the rightful conduct of the society's members. That is, what states may do and expect of the society, what their obligations to one another and the society are, the boundaries

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[37] Although it is increasingly the case that human beings as individuals have rights within international society

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of legitimate behaviour and practice. This thesis examines in particular how states navigate these, the principles of legitimacy with regards to rightful conduct pertaining to the R2P normative framework, and their accompanying attitude to the politics of consensus. Whilst the first order principles of legitimacy can be surmised essentially as sovereignty, the second order principles of interest to this thesis are more myriad and take the form of the various norms, rules and institutions which constitute international society. What do we mean by these concepts?

Norms, rules, institutions and principles of legitimacy in international society

Wight	Bull	Mayall[a]	Holsti[b]	James	Jackson
Religious sites and festivals					
Dynastic principles					
Trade			Trade (P)		
Diplomacy	Diplomacy	Diplomacy (I)	Diplomacy (P)	Diplomacy	Diplomacy
Alliances					
Guarantees					
War	War		War (P)		War
Neutrality					
Arbitration					
Balance of Power	Balance of Power, Great power management	Balance of Power (I)			
International Law	International Law The State	International Law (I)	International Law (F) The State (F)	International Law	International Law
Sovereignty		Sovereignty (P) Territorial Integrity (P) Nonintervention (P) Self-Determination (P) Non-Discrimination (P) Human Rights (P)	Sovereignty (F) Territoriality (F)	Sovereignty Political boundaries	Sovereignty
			Colonialism (P)		Colonialism

Notes: [a] for Mayall (I) = institution and (P) = principle
[b] for Holsti (F) = foundational institution and (P) = procedural institution
[c] words underlined are where the author identifies an institution as 'principal', or 'master' or 'bedrock'

Table 4: Buzan's catalogue of institutions of international society (2004: 174)

Bull originally observed five institutions in international society: the balance of power, international law, diplomacy, war and great power management (Bull, 1977: 74, 101-229). Subsequent ES theorists have appraised his as a *classical selection* marked by *Eurocentricism*, with Buzan (2004: 161-204); (2006) cataloguing those identified by various authors (Table 4) as well as providing his own updated specification (Table 5). Jackson offered an account of the procedural and prudential norms of his global covenant vision of the contemporary international society, sourcing the former from the Organisation for Security and Cooperation in Europe Helsinki Decalogue (as derived from the UN Charter (1945)) in which the signatories committed themselves to the ten norms indicated below in Figure 2.

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1.	Sovereign equality, respect for the rights inherent in sovereignty
2.	Refraining from the threat of use of force
3.	Inviolability of frontiers
4.	Territorial integrity of states
5.	Peaceful settlement of disputes
6.	Non-intervention in internal affairs
7.	Respect for human rights
8.	Equal rights and self-determination of peoples
9.	Cooperation among states
10.	Fulfilment in good faith of obligations under international law

Figure 2: Norms of the Global Covenant (Jackson, 2000: 16-17)

Primary Institutions	
Master	Derivatives
Sovereignty	Non-intervention
	International Law
Territoriality	Boundaries
Diplomacy	Messengers / Diplomats
	Conferences / Congresses
	Multilateralism
	Diplomatic language
	Arbitration
Balance of power	Anti-hegemonism
	Alliances
	Guarantees
	Neutrality
	War
	Great Power management
Equality of people	Human Rights
	Humanitarian intervention
Inequality of people	Colonialism
	Dynasticim
Trade	Market
	Protectionism
	Hegemonic stability
Nationalism	Self-determination
	Popular sovereignty
	Democracy

Table 5: Buzan's typology of institutions of contemporary international society (2004: 184)

An earlier problem of the ES was a lack of precision, rigour or specificity in its terminology (Finnemore, 2001; Navari, 2009a). Whilst the School avoids the social scientific approach and abhors jargon (Bull, 1966b; Jackson, 2009) specificity and clarity are to be welcomed. What then does this thesis mean by *norms, rules, institutions - primary, secondary, constitutive, fundamental or regime specific - and*

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principles of legitimacy? Which does it use and how can it be said that there is an R2P normative framework?

A *"norm"* is conceived differently in the realist and English School or social constructivist perspectives (Gallagher, 2013: 3). According to realists a norm is simply a reoccurring pattern of practice, yet for the ES a norm is a *collective standard of oughtness*, that is, a view about what forms practice ought to take, forming what social constructivists deem to be is an *intersubjective understanding* shared between two or more actors. This thesis assesses patterns of state practice to examine how states interact with the R2P normative framework which exists in the classical or social constructivist sense, since as explained in Chapters 1 and 2, the author takes the view that R2P exists as a norm *in principle* rather than *practice*. In other words, that states act on occasion with reference to, or making use of the normative framework R2P represents. But not often enough for this to be a norm of comparable force or influence to sovereignty and the other four norms which this thesis focuses upon, and the selection of which will be explained below. Rather than marking the creation of an entirely new norm which sits alongside these five norms, R2P will be shown to amount to a collation or codification of extant reinterpretations of existing norms in mass atrocity situations.

According to Bull, a *"rule"* was a standard to be enforced which specified certain prescribed and prohibited forms of state practice within the society of states. He identified three complexes of rules: fundamental/constitutional, coexistence, cooperation, all of which needed to be made, communicated, administered, interpreted, enforced, legitimised, adapted and protected in order to be made effective (Bull, 1977: 67-71, 56-57). Rules thus clarify what states can and cannot, should and should not do, specifying the consequences for breach. It is this *determinacy* which differentiates rules from norms more generally as shared understandings. The R2P normative framework is labelled as such precisely because in its purest form it exists as a series of general understandings or principles of what *ought to be done*, although it also specifies rules for what can and cannot, should and should not be done.

The use of the word *specifies* rather than *determines* is a deliberate choice here because whilst R2P *specifies* what states can and cannot, should and should not do, it does not *determine* any of this consistently across different situations and

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different actors. Furthermore, whilst the Summit Outcome Document paragraphs only run to 287 words, R2P is more complex than a set of *simple* rules and so the terminology of *"rule"* will not suffice and is rarely/not used elsewhere in relevant literatures[38]. So if R2P is not conceived of as a set of rules then is it perhaps an *institution,* since according to ES literature, rules cannot be effective on their own but rather are made so by institutions. What then, is an institution within the context of international society?

Within the ES, institutions are conceived of as either "*primary*" or "*secondary*" (Buzan, 2004: xviii). As established in Chapter 2, this thesis uses the UN, especially the Security Council – classed as secondary, administrative, or organisational institutions - as its source and empirical focus. The UN is a secondary institution because it did not create international society but was instead created by it, based on other norms, rules, and as will be shown, *primary* institutions. Therefore, the UN is best conceived as an administrative organisation, that is, an entity with a headquarters, permanent staff, written Charter, flag and other such tangible characteristics. Such *secondary* institutions or administrative organisations populate international society as its most obvious expression or its parts.

Yet as noted from the outset of Chapter 1, the society of states is greater than the sum of these parts because of the importance of the comparatively intangible *primary* non-administrative institutions. Various primary institutions have been identified as listed above in Tables 4 and 5. Such institutions are *primary* in the sense that *secondary* organisational institutions emerge from them and depend upon them. *Primary* institutions are non-administrative because their role is more fundamental than administering rules (they create them) or addressing specific issues – their remit is far broader. They are intangible since they do not take the form of organisations, specific regimes or legal treaties. Instead they are regarded by the ES as: *"cluster[s] of social rules, conventions, usages, and practices…not a mere outwardly observable behaviour-pattern, but a set of conventional assumptions held prevalently among the society-members to provide a framework for identifying what is the done thing and what is not in appropriate circumstances"* (Suganami, 1983: 2365) or; "relatively fundamental and *durable practices that are*

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[38] Indeed most R2P literature in this vein revolves around discussion of whether R2P has become a norm - Shawki, N. 2011. Responsibility to Protect: The Evolution of an International Norm. *Global Responsibility to Protect.* **3**(2), pp.172-196.

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evolved more than designed; and that are constitutive of actors and their patterns of legitimate activity in relation to each other" (Buzan, 2004: 167)

Given the thesis' argument that R2P is a normative framework, can it be said that R2P is a *primary* institution? This thesis argues that R2P exists as a norm in principle more than practice, therefore as a normative framework of principles rather than regular practices, R2P cannot be said to be a *primary* institution of international society. Nor is it a s*econdary* administrative organisation although as noted below, since 2008 there has been an organisational focal point for it within the UN and more recently, since 2010 selected sovereign states[39]. Similar to the ES distinction between *primary* and *secondary* institutions, Reus-Smit (1997) conceived of three types of institutions: constitutional, fundamental and issue specific. Similarly, as explained, through the legitimist turn, Clark proposed two orders of principles of legitimacy. Earlier, Bull himself originally proffered three complexes of rules, arguing always that *an anarchical society such as the society of states was one without a centralised authority to enforce rules, as opposed to a society without rules* (Bull, 1977: 3-100). How then do these conceptions relate theoretically to one another and why does this thesis adopt the terminology of the R2P normative framework of five selected norms rather than one of these aforementioned conceptualisations?

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[39] Between 2010 and 2015 GCR2P estimates some 55 countries from every region of the world have appointed a national R2P focal point.
http://www.globalr2p.org/our_work/global_network_of_r2p_focal_points (accessed July 21st 2016)

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<table>
<tr><td>

Institute society

Fundamental/constitutional rules (Bull)

Constitutional institutions (Reus Smit)

First order principles of legitimacy (Clark)

Constitute society

Rules of coexistence/cooperation and institutions (Bull)

Fundamental institutions (Reus Smit)

Primary institutions (Buzan)

Second order principles of legitimacy (Clark)

Populate society

Regime specific institutions (Reus Smit)

Secondary institutions (Buzan)

</td></tr>
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Figure 3: Categorisation of concepts of institutions of international society

As indicated in Figure 3, this thesis treats Bull's fundamental/constitutional rules as akin to Reus Smit's constitutional institutions and Clark's first order principles of legitimacy. It is these which determine the membership and goals of *any* international society[40]. Following on from this, the thesis regards Bull's rules of coexistence and cooperation as comparable to Reus Smit's fundamental institutions, Buzan's primary institutions and Clark's second order principles of legitimacy, given that these all pertain essentially to rightful conduct and specify the form the society of states takes in practice. Although the thesis uses what Buzan defined to be secondary institutions as its focus as empirical sources of authoritative constituencies of legitimation, these are not the focus of theoretical enquiry, the society being greater than the sum of these, its most obvious parts. Lastly, given the thesis' location within the ES tradition, it does not consider what Reus Smit deemed issue specific regimes, which, as the term suggests, are the purview of neoliberal regime theory rather than the ES.

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[40] It is worth recalling again from Chapter 2 (pg.43) the three senses of international society; an idea in the minds of leaders, theorists, and an externally imposed concepts. The latter exists whenever any group of states come together in pursuit of any set of common interests and values etc. The difference between the general theoretical definition offered by Bull (perspective 2) and the ideas of leaders or externally imposed concepts will depend on the extant norms, rules, institutions and principles of legitimacy. It follows from this that different forms of international society are possible but this thesis focuses on the soldarist international society typified by R2P.

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Having clarified the theoretical terminology of norms, rules, institutions and principles of legitimacy, there are three points to bear in mind. Firstly, as stated above, this thesis adopts the perspective that R2P is a norm *in principle more than practice* in that it codifies how states *ought to respond* to mass atrocities, and, whilst they do so on occasion – such as the three case studies in this thesis – they do not do so consistently enough in practice to regard R2P as a norm in the realist sense. Indeed, in addition to literature debates as to whether R2P is a norm, there is discussion of what type of norm R2P is, with the author sharing the perspective that R2P is a norm in the social constructivist rather than realist sense, and that in addition it represents a *"complex norm"* (Welsh, 2013: 386-389), which *"contains more than one prescription [pillar] and involves both consensual and coercive means"* (Welsh, 2012: 295)[41].

Secondly, this complexity, coupled with the lack of consistency/determinacy in practice, means that in accordance with contemporary scholarship, this thesis does not treat R2P as rule or set of rules. Yet whilst a complex of norms could be regarded as an institution of international society – specifically a primary non-administrative institution – this thesis does not regard R2P as such. This is firstly because R2P exists more as a set of principles than ready practices, and secondly because these principles reinterpret existing norms rather than establishing wholesale new ones – distinction best conceived as akin to "*putting old wine in new bottles"* (Stahn, 2007: 102).

As will be shown in Chapter 4, R2P represents the codification of revised understandings of sovereignty, non-intervention, non-interference, limits on the use of force and multilateralism, and it is these five which are reflected not just in principle but regularly in practice. Essentially, at present the states of international society themselves do not treat R2P with the significance they do other institutions or norms such as these five which this thesis focuses upon. This sense that R2P amounts to a reinterpreting or revising of existing norms/institutions will be

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[41] Similarly, Phil Orchard conceptualises R2P as a *"regime"* Orchard, P. 2016. R2P and the Protection of IDPs: Parallel Regimes. In: *POLIS School Seminar Series, July 18th 2016, POLIS, University of Leeds*. However given the associations of this concept with neoliberal regime theory, this thesis's identification within the ES and its focus more broadly on the sustainability of solidarist international society, his conceptualisation is not adopted.

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elaborated on below, as such iterative processes of adaptation, interpretation and application are at the heart of the sustainability question animating this thesis.

Thirdly, whilst not deeming R2P significant enough in practice to be regarded as an institution in the primary, constitutive or fundamental sense of the concept, this thesis does however adopt Clark's conceptualisation of principles of legitimacy (2005: 24). To be clear, in the author's view, whilst one would struggle to make the case for R2P constituting *in practice* who may be a member of international society[42], or sitting alongside practical and principled long-established institutions such as the balance of power, international law, diplomacy, war and great power management (Bull, 1977), it is apparent that R2P is a complex of principled normative understandings – *in other words a normative framework* - about how to legitimately respond to and prevent mass atrocities in international society. R2P (2005) is not a form of international law but rather a political agreement. Nonetheless it can be conceived, as a principle of legitimacy (Clark 2005) with regard to rightful state conduct in mass atrocity situations that is grounded in an understanding of *international law*, a series of e*xpectations* of states and international society and in a sense of *morality*, all of which are tempered by the contemporary realities of *power* and *politics* as attested by the following interviewee's statement that:

"Whilst it is always a political choice to act or respond, and to use any of these, R2P provides a predictable path with set outcomes and goals although it remains a matter of political will or sovereignty whether to act or not" (Luxembourg Interview, 24th November 2014)

International society in sum

Following Dunne, Clark and the legitimist turn, this thesis adopts the position that international society is instituted by the politics of legitimacy and consensus. It is then constituted by, that is to say populated by, norms, rules and institutions which emerge from the agreed principles of legitimacy. The thesis goes on to argue that it is sustained by practices of international legitimacy and international consensus.

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[42] Although it is recognised that the understanding of *sovereignty as responsibility* and therefore *conditional*, does touch upon sovereignty and that this is *constitutional, the first order principle of legitimacy* specifying who may be a member of international society and as such afforded its rights. But R2P does this mostly in principle, and as has been argued, quite rarely in practice.

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As already noted, the five key norms of contemporary solidarist international society examined in this thesis are sovereignty, non-intervention, non-interference, limits on the use of force and multilateralism. This selection is guided by the R2P normative framework, whose detail and humanitarian solidarism will be elaborated in Chapter 4.

Several ES theorists stake out pluralist or solidarist preferences for how they think international society *should be organised* or what they consider practically feasible (Mayall, 2000). But the empirical reality is that contemporary international society in practice contains both pluralist and solidarist elements, the balance of which is up to its state members. That balance can be conceived of according to Clark's conceptualisation of legitimacy explained above. Namely that legitimacy in international society is what the states regard as *legal, constitutionally expected and moral*, and that the balance between these three can be fluid and *is mediated by power* (Clark, 2005).

Therefore, although the pluralist solidarist academic debate is a useful hermeneutic, the empirical reality is that the society of states judges both elements of pluralism and solidarism to be legitimate. This thesis does not argue that *only* a pluralist *or* a solidarist international society is sustainable but instead adopts the position that legitimacy is the *"central concept"* (Gallagher, 2013: 51) with which to discern the form of international society. Accordingly, as will be explained in Chapters 3 and 4, this thesis is specifically focused on the solidarist form of international society typified by R2P. Thus, this thesis treats R2P as a normative framework identifying second order principles of international legitimacy with regards to rightful conduct in responding to and preventing mass atrocities.

It will be argued that R2P qualifies as humanitarian solidarism through its explicit commitment to international cooperation, collective action, and concern for justice at the international level with international consensus outweighing (on occasion) sovereign state consent. Having explained the theory of pluralism, solidarism and the legitimist turn, noting international society's combination of pluralist and solidarist elements, it is now necessary to explain how the society of states is sustained.

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How is international society sustained?

This thesis argues that members of international society – that is, states – sustain it by their belief that they are bound by a consensus as to principles of legitimacy with regard to rightful conduct, and by their discourse and practice with regard to these principles. A consensus as to principles of legitimacy is what institutes international society and constitutes the norms, rules and institutions which populate it and give it form. Since these principles of legitimacy, although durable, are not necessarily fixed then the society must adapt to reflect any changes. Otherwise, an illegitimate form of international society will prove ineffective and unsustainable, likely failing to fulfil its primary goals and provoking international disorder. Crucially, what matters here is what the states of the society rather than academics or activists regard as legitimate.

There are 193 UN member states and Article 4(1) of the UN Charter (1945) specifies that each state agrees to abide by the principles of the Charter which therefore represents a universal form of international consensus. However, specificity is required when defining the consensus by which international society is sustained. As Morris observes, *"international society does not, anymore [sic] than does domestic society, require unanimous acceptance of its underpinning values and goals, but it does necessitate a sufficiently broad consensus among its membership to ensure that its existence can be preserved"* (2005: 266)Jones concurs that universal unanimity is not necessary, arguing that "*the socially constructed reality within any society is robust and enduring to the extent that the underlying set of values, understandings and expectations is widely shared and accepted throughout any society"* (Jones, 2002: 235).

But what does *"sufficiently broad"* or *"widely shared"* mean in practice and how would we know it when we see it? As explained in Chapter 2, the United Nations Security Council has been chosen as the focus of empirical analysis for this thesis in part because of its unique position as international society's premier constituency of legitimation and therefore the location of authoritative consensus. A Security Council consensus – which can be assessed using the procedures of the Council as stipulated in Article 27 of the Charter (1945)- is authoritative not just because of the unique standing, role and powers of the Council, but also because of the dual axes – *vertical and horizontal* Clark (2009b: 467-477); Clark (2009c: 213,214, 220-224); Morris (2013a: 513-516)– it embodies. In other words, a Security Council

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consensus is authoritative not just because the Charter says so, and because states believe so, but because it represents (albeit imperfectly) a combination of the Great Powers (the P5 states) and the rest of international society (the E10 states). The authority of the Security Council is informed by the fact that it provides an expression both of consensus horizontally amongst the Great Powers, but also vertically between the Great Powers and the rest of international society.

Therefore, when this thesis argues that international society is sustained by a consensus among states as to its principles of legitimacy, it means that generally all 193 states subscribe to the UN Charter but that specifically there exist two, dual axes of consensus, a formulation developed from (Bull, 1977) by Clark (2009b: 467-477); Clark (2009c: 213,214, 220-224); Morris (2013a: 513-516) [43]. First is the *horizontal axis* of consensus among the Great Powers of the society and second, *a vertical axis* between the Great Powers who occupy a privileged if not exactly hierarchical position in the society, and the rest of the society's members. As Bull wrote, the Great Powers are so-called because they are acknowledged and regarded as such by the rest of international society and not just their most powerful peers (1977: 202; Hurrell, 2006a: 4). Such acknowledgement of, regard for and recognition of the legitimacy of their status and the affording to them of certain rights, and special responsibilities (Bukovansky et al., 2012) - see their permanent role on the UNSC - *are all inherently social practices*.

The Great Powers' role in managing international society was deemed of such importance as to be an institution of the society according to Bull (1977: 200-232). He thought it vital that they maintained a broad consensus among themselves about the rules of international society such was their influence on international order and capacity for international harm and disorder. It was with wider international society's acknowledgement of this material fact *as a social reality* in mind that Clark reasoned that hegemony is compatible with international society, fulfilling a role as an institution, *provided it receives social sanction and is consented to or legitimated by the rest of international society* (Clark 2009). Developing Bull's articulation of the institution of Great Power Management, Clark proposed that *the*

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[43] I am grateful here to Justin Morris for the discussions we had about Clark's interpretation of Bull and the axes of consensus, following his contribution to the 2015 British International Studies Association conference roundtable "Power Politics: Relevance and Return?"

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horizontal consensus among the most powerful in international society must be matched by *a vertical consensus* by which the rest of the society included and express their consent. The absence of one or the other axis of consensus would threaten international society because it would mean one of the following; the Great Powers had fallen out with each other risking world war; the Great Powers were disregarding the rest of the society and imposing their will upon them; the overwhelming majority of states had fallen out with the Great Powers and sought to disregard them and not cooperate with them.

Without the simultaneous dual axes of consensus, instead of an international society, there would be a situation which set the P5 against the other 188 members of the UN or alternatively a situation in which a split among the P5 saw the other 188 members cleave to their Great Power allies, as was the case during the twentieth century Cold War. With this in mind it is worth recalling that although as Louis Henkin observed, "*almost all nations observe almost all principles of international law and almost all of their obligations almost all the time* (Henkin, 1979: 47), it is true that states will not always agree how to interpret or apply the principles of legitimacy in practice, especially in *hard cases* such as questions of intervention. But the essence of these axes of consensus is that (1) the states agree that there should be principles, (2) they agree broadly speaking what these should be and that all states are bound by them, (3) their discourse and practice reflect this belief in being bound by these principles, (4) as Morris (2005: 266) observed, the consensus is sufficiently broad rather than universal, meaning that it is shared amongst great powers and the rest of the society.

It follows therefore that international society does not endure on its own but rather must be actively sustained by its members' belief, discourse and practices. Their belief is that they are bound by the consensus and so should either act in accordance with this or at the very least with regard to it. Which is to say that they must provide explanations and justifications to one another through discourse, using the society's agreed normative framework, for their practices (Hurrell, 2007: 90). From these established ES insights – *that international legitimacy, which is fluid, underpins international society; that states must believe themselves bound by a consensus and behave as such in their discourse and practices* – this thesis argues the following.

States institute and actively sustain international society. They create, adapt, interpret and apply the norms, rules and institutions which populate the society and constitute its form. It cannot endure without their efforts expressed in belief, discourse and practice. The norms, rules, institutions or principles of legitimacy alone cannot sustain international society, it is the belief, discourse and practices by states in line with these that are the sustaining acts. In addition to creating entirely new norms through entrepreneurship or "*norm innovation"* (Morris, 2005: 265-281) this thesis notes that states revise extant norms or principles of legitimacy through what can be understood as "*adaptation*". Such adaptation can be considered "*placing new wine in old bottles*" (Stahn, 2007: 102) by those who reason that an existing norm needs revised content in order fulfil its original purpose, or should be revised to apply to new problems or issues. The expansion during the 1990s of understandings of what constituted a threat to international peace and security – a concept with *"protean flexibility"* (Reus-Smit, 2005: 71) is one such example of such publicly acknowledged international norm change by adaptation.

More subtle but no less significant than publicly creating new norms or adapting existing ones are the iterative practices by which states interpret and apply norms. When doing so on a daily basis and in specific cases, all states probe the meaning of norms and some may interpret them liberally, as in broadly, as the French interviewee noted in Chapter 1. Thus claiming their values, goals or practices are in accordance with the norm without it having to be changed. Accordingly, where entrepreneurship, adaptation sees actors try and close the gap between their values, goals, practices and internationally accepted norms, states, through broad interpretation can seek to deny there is a gap at all and so claim their practices are legitimate.

Social constructivism has focused upon *norm entrepreneurship, the norm lifecycle* (Finnemore and Sikkink, 1998) and the *spiral model* (Risse and Sikkink, 1999)essentially theorising the creation, cascade, institutionalisation and internalisation of norms. The ES has considered what form international society takes on the basis of its institutions (Buzan 2004: 161-204) and principles of legitimacy (Clark 2005). Latterly Buzan has elaborated on *"institutional dynamism"* (2014: 104-105) or change within rather than of the institutions of international society. Rather than determined public attempts at norm entrepreneurship or

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exceptional turning points of international history where the principles of legitimacy are publicly redefined this thesis further considers such *"institutional dynamism"* which is the process by which the meaning in practice of extant institutions changes either by entrepreneurship, adaptation or reinterpretation. Recalling both Onuf's claim that international society is *"a thing and a process"* (1994: 1) and Roberson's that values, rules, regulations and interests are *"not engraved in stone"* (2002: 4), the thesis examines the iterative practices of interpretation and application of the five identified norms of the R2P framework by P3 states in the three case studies. It assesses whether they have offered broad interpretations of these in practice, rather than publicly creating new norms, and such broad interpretation is then examined for the impact on the sustainability of the solidarist international society typified by R2P.

Actors in any social setting will engage in practices of norm entrepreneurship, adaptation, practical interpretation and application. However, just because these practices occur within the context of international society, this is not to say they are the specific practices by which the society is sustained. To be clear, this thesis argues international society is sustained by states believing they are bound by a consensus of first order (membership) and second order (rightful conduct) principles of legitimacy, since it is these from which the norms, rules and institutions of the society are constituted. The consensus must be sufficiently broad as to encompass both the horizontal and vertical axes identified by Clark (2009b: 467-477); Clark (2009c: 213,214, 220-224); Morris (2013a: 513-516)). The belief in being bound by a consensus must be demonstrated in discourse and practice, namely by states:

1. Sharing in the working of common rules and institutions which are constituted by these principles of legitimacy.
2. Interpretation and application in practice of these in accordance with the boundaries set by the principles of legitimacy.
3. Discourse with regard to these principles of legitimacy such that even where they breach the principles they offer normative justifications and claim international legitimacy.
4. Norm entrepreneurship, adaptation and interpretation by consensus with regard to both the horizontal and vertical axes of consensus.

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All of these apply generally to the sustainability of an international society. Which is to say that the points above specify how an international society is sustained, but not the form of that society or what it looks like in practice. The form of the society, likely to be a mixture of pluralism and solidarism will emerge from the agreed principles of legitimacy. It is these which inform the common rules and institutions which populate the society and make up its normative framework. This thesis argues that the solidarist society of states typified by R2P is sustained specifically by states' belief they are bound by the terms of the R2P consensus (2005) regarding *sovereignty, non-intervention, non-interference, limits on the use of force and multilateralism*, as expressed by states:

1. Sharing in the working of the relevant common rules and their institutions
2. Practice, interpretation and application of these principles in accordance with the boundaries of legitimacy agreed in 2005
3. Discourse with regard to these principles
4. Norm entrepreneurship, adaptation and interpretation by consensus with regard to both the horizontal and vertical axes of consensus.

Collectively, this thesis subsumes (1-4) above into the practices of international legitimacy and consensus. These are observed using the UNSC for the reasons explained in Chapter 2 and defined as: states claiming legitimacy for their practices by engaging the normative framework of international society and seeking an authoritative international consensus to confer legitimacy upon their practices. It is by claiming international legitimacy, rather than self-legitimising, and only acting in practice once this has been conferred in accordance with extant norms, otherwise respecting the international consensus decision, that international society is sustained by states.

In sum therefore, just as international society itself is *"a thing and a process"* (Onuf, 1994: 1)*,* sustainability is conceived of as a quality and a process. It is a quality in the sense that a sustainable society will be marked by the four practices specified above and it is a process, the outcome of which is a dual axes international political consensus which is durable. These dual axes exist simultaneously horizontally between the Great Powers, and vertically between them and the rest of the society. The consensus institutes the principles of legitimacy with regards to rightful

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conduct that states believe they are bound by, respect in their discourse and practice, and which is capable of adaptation to remain legitimate and thus endure.

Having explained how international society is sustained, the question remains as to why it matters that it is sustained. This can be answered by considering how this original conceptualisation engages extant ES literature and by explaining why this thesis focuses specifically on the sustainability *of a form of international society – solidarist as typified by R2P – rather than the society writ large*. Having established sustainability's general theoretical grounding and contribution, the following chapter will then explain in detail the development of the R2P normative framework and how this typifies the solidarist society of states which is this thesis' focus.

Why the sustainability of international society matters

"A future enquiry might well go beyond the limits of theory to examine how the present tentative structure of international society can be made both more effective and more legitimate."

(Watson, 2001: 470)

Conceptualising *sustainability* and its practices and applying this to the solidarist society of states typified by R2P is one of this thesis' contributions to originality. But why does the *sustainability* of the society matter? Firstly, it is argued that the *sustainability* of international society matters because it is a living reality, a means to international order and the product of deliberate iterative contrivance rather than an unintentional by-product of state interaction. Secondly, it is shown that ES scholarship has assessed threats and challenges to the society of states, discussing its endurance but never its *sustainability*. Thirdly the original contribution of the concept, what it adds to our understanding is specified, namely that this concept embraces the iterative nature of the practices of politics of legitimacy and consensus at the heart of international society. Lastly the concept is applied in this thesis to the solidarism typified by R2P using the UNSC as the authoritative constituency of legitimation and measure of consensus, consensus itself defined with dual vertical and horizontal axes.

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International society and international order

As noted in Chapter 2, Buzan (2004: 12) outlined the three meanings that are often attached to the society of states; *a set of ideas to be found in the minds of state leaders; a set of ideas to be found in the minds of political theorists; a set of externally imposed concepts that define the material and social structures of the international system*. Pluralism and solidarism, system, society and community are predominantly ideas in the minds of theorists, useful hermeneutics created and used to facilitate our understanding of social reality. By contrast, *whether* as a set of ideas existing in the minds of state leaders *or* as a set of externally imposed concepts defining the structures of the international system, international society matters as a living reality rather than just as a concept for understanding that reality. As Jones explained *"the states, systems and 'societies' that are constructed by human agents have a reality of considerable force and durability. Socially and politically constructed 'realities' are no less real for the nature of their origins"* (Jones, 2002; 242). Therefore, should the society not be sustained the consequence will not just be that theorists and academics can no longer use it as a concept, but that the nature and form of international state interaction will be substantially different with negative consequences. Why?

According to the ES, the society of states is the best means of instituting international order, that is, stable, regularised if not entirely predictable patterns of international behaviour. The moral value of international order is that it provides for the pursuit of the primary goals of social life at all levels be they global, international, domestic or individual (Bull, 1977: 3- 100). Order, defined generally rather than ideologically[44] is not just preferable to disorder (i.e. better than the alternative) but is rather valued as worthwhile in its own right. With reference to Lampedusa's statement - *"if we want things to stay as they are, things will have to change"* (1992: 21)– it is the view of this thesis that if *we want a stable international order, we will have to sustain international society which means being open to change.* As such, this thesis treats stable international order as the outcome of international society, and the society as *"a thing and a process"* (Onuf, 1994: 1).

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[44] *"International Order"* (upper case) is often used to specify the status quo or a preference for a certain type of ideologically informed international order such as the Liberal International Order, by contrast, *"international order"* (lower case) refers instead to the existence generally of order between states.

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E.H. Carr examined the problems of peaceful change in international relations, marking as he did so, the need for the prevailing international order to reflect the material balance of power and preferences of states, especially the Great Powers (2001: 191-220). Further arguing that a failure to so was the cause of the international crisis of the interwar era, and aggressive challenge by dissatisfied powers who would either have to be deterred, accommodated or defeated (2001: 25-158). Therefore, both international society and the international order it creates, need to be perceived legitimate and effective by their members and as such need to adapt in response to material and normative change in order to endure.

Bearing this point in mind, this thesis does not cast international order as static compared to international society. Rather, the thesis locates the iterative practice of the politics of legitimacy and consensus – by which a stable international order is deliberately contrived and sustained – within international society. It does so because it adopts the position that states come together in a society to institute order and thus order emerges from the society. Therefore, it is to the society of states that we must first look if we are interested in international order, and should we value international order and seek to sustain it, then foremost we must sustain the international society from which it emerges.

The foundational claim of the ES is that a society of states exists (Linklater, 2009: 86) and   it is created by states coming together deliberately to institute it and constitute it with norms, rules, institutions and principles of legitimacy. *Contemporary international society was deliberately contrived by states rather than emerging unintentionally as a by-product of international interaction*. Whilst, as will be discussed below, Bull's prior juxtaposition between system and society is too hard and fast a dichotomy, given that no international interaction between states is likely to be purely asocial (Buzan, 2004: 98-108), it does remain the case that the principles of legitimacy by which the contemporary society of states believe themselves bound were deliberately contrived by states in two key ways.

Firstly, these principles did not emerge from the ether as a form of natural law, but rather, in a similar fashion to positive law, were actively derived by the states themselves. Secondly, more than just existing as an abstraction, albeit a state-fostered one, the principles of legitimacy are held to matter only in so far as states

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bind themselves by them, which means acting in practice with regard to them. Given that international society is deliberately contrived by states both generally and specifically in its contemporary form, it has to be actively sustained by those same states and cannot be left to sustain itself in a mechanical manner as realism once thought of the balance of power.

Existing ES literature

"For the English School, sovereignty and non-intervention are constitutive of the society of states, in other words, it is sustained by the reproduction of these practices"

(Dunne, 1998: 195)

Having established why the sustainability of international society matters, how has existing ES scholarship engaged this topic? Apart from the brief reference by Dunne noted above, so far as the author is aware, this thesis is the only explicit ES development and application of the concept of *sustainability* to international society[45]. This is not to say that prior ES scholarship has not been interested in the problems, threats and challenges facing international society. Indeed, when first conceptualising the society of states, Bull put paid to both the domestic analogy (Bull, 1966c; Bull, 1977: 46-51) and cultural requirement (O'Hagan, 2005: 210-212). The former represented the view that society was not possible in the absence of hierarchical government to agree and enforce rules, whilst the latter view held that an international society without a common cultural or civilizational foundation or shared ideology could not succeed (Wight, 1991: 41-42; Linklater, 2009: 91). Echoing Bull's rejoinder that common interest in international order overcomes value diversity Shaw later noted:

"Society, among human beings, can be defined by the existence of relationships involving mutual expectations and understandings, with the possibility of mutually orientated actions…the concept of society does not, except in the systems of thought constructed by some functionalists, require consensus around coherent value systems."

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[45] Andrew Hurrell for instance explicitly consider the *"sustainability of hegemony"* (2007: 273-283)

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(Shaw, 1992: 428)

Such obstacles cleared, Bull devoted the third and final section of his opus – *The Anarchical Society* - to a discussion of "*alternative paths to world order*", exploring the possible decline or obsolescence of the states' system and therefore possible threats (Bull, 1977: 233-320). The first threat, *"premature global solidarism"* (Bull referenced in (Hurrell, 2007; 55)) amounted to states acting on the basis of an assumed or self-proclaimed solidarist consensus when there was not one, and thus engaging in practices of intervention which challenged or threatened the shared pluralist rules and institutions on which the society of states was based.

A second threat came from the Cold War Super Powers who were charged with responsibility for great power management and providing direction to international society. Instead, they stood accused by Bull of being *"great irresponsibles"* (1980) for allowing their détente to break down and risk not just their relations with one another but, by extension international society and order itself. Finally, when reflecting on the expansion of international society through decolonisation, and the rapid expansion of UN membership beyond its original 51 member states, Bull raised the prospective threat of a *"revolt against the west"* (1984a). This took the form of a challenge by the new states to the common interests and values, rules and institutions underpinning the organisation of a society whose authors had been almost exclusively Western.

The second generation of ES scholarship (and those loosely associated) identified additional challenges to international society's endurance. The seemingly untrammelled power of the West and in particular the USA in the post-Cold War era became a key concern for scholars, with Dunne suggesting the *"centripetal momentum"* around US power and attempt to re fashion world order away from pluralism in their own image was arguably the greater threat to international society rather than the decolonisation that had earlier vexed the British Committee (Dunne, 2007: 145). The 2003 unilateral invasion of Iraq by the USA and a small coalition of the willing without explicit UN Security Council authorisation marked a culmination of such trends (Buzan and Gonzalez-Pelaez, 2005) which Reus-Smit (2005; 72) subsequently labelled the self-proclaimed "*liberal hierarchy and its licence to use force",* arguing that it was starkly incompatible with the *"equalitarian regime"* of contemporary international society.

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Jones (2006) echoed this concern that American hegemony and its approach in practice to the institution of war was threatening pluralist international society. More broadly, in the same volume, organised around the theme of *"the anarchical society in a globalised world",* Hurrell judged the society to be constrained and minimalist, thin and fragile (2006b; 193). His subsequent (2007) analysis of power, values and the constitution of international society proposed that the threefold challenge facing contemporary international society was, *"the need to capture shared and common interests, to manage unequal power, and to mediate cultural diversity and value conflict".*(2007; 2). Yet whilst accepting the development of solidarism, Hurrell warned that *"the aspirations of this normatively ambitious international society remain deeply contaminated by the preferences and interests of powerful states…where solidarist cooperation is weak or breaks down, the older imperatives of pluralist international society continue to flourish; that even when genuinely consensual, the promotion of solidarist values both depends on, and reinforces, the power and privileges of the dominant state or groups of states "* (Hurrell, 2007: 305).

These concerns about the imbalance of power threatening international society are echoed by the analysis offered by the legitimist turn(Dunne, 2001; Clark, 2005: 23). Clark and Reus-Smit (2007) edited a special edition collection of essays dedicated entirely too international crises of legitimacy within international society, adopting the position that whilst states always claim legitimacy for their practices, it can only be conferred by a constituency of legitimation i.e. international society. International state practice without legitimacy risked a *"legitimacy crisis"* defined as *"as that critical turning point when decline in an actor's or institution's legitimacy forces adaptation (through re-legitimation or material inducement) or disempowerment"* (Reus-Smit, 2007: 167)

Clark (2007) concluded that *"legitimacy crises"* were far easier to identify than resolve, and arose not just from the erosion of existing norms but from the attempt to create new ones (2007; 334), an observation this thesis draws upon in its conceptualisation of the practices of *sustainability* and *liberal vanguardism*. Gallagher (2013: 89-121) addressed the threat posed to international order by the failure of the UNSC to respond effectively to genocide, in line with the legitimate expectations of international society. Having explored legitimacy in international society (2005), Clark proposed an ES theory of hegemony (2009c), so as to reconcile

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the hierarchical dominance of the P5, or simply just the USA – *"the Permanent 1"* (Bosco, 2016) - with an anarchical society. This developed Bull's aforementioned analysis that Great Powers have to be recognised as such and therefore can only exist in a social setting.

Therefore, across both generations of ES scholarship, there have been concerns expressed for the endurance for international society given the changing material balance of power, contrary/raised normative expectations of its sovereign state members and the inequality in capabilities of those self-same member states. However, does it follow from these concerns that the ES has entertained the notion of a collapse of international society or an acute existential threat? The original juxtaposition between international system, society and world community was mapped onto Wight's three traditions. Could it be argued that an existential threat to the sustainability of international society could see it regress to an international system where realist logic trumped rationalism? This thesis argues below that no, so long as states interact, this will take a social form, and it is not possible for interaction to occur without some form of associated understandings and their contestation between actors. Therefore, whilst international society would not regress into an asocial system, its *form* could be affected.

What does the concept of sustainability add?

It is now clear how the conceptualisation of *sustainability* is an original one that goes beyond prior ES literature on the endurance of, threats to, and challenges facing international society. It is clear how it is applied in this thesis – to the solidarist society typified by the R2P normative framework rather than the society writ large. However, it remains to be specified just what the concept of sustainability adds to our understanding of contemporary international society. In other words, whilst the originality of the concept is clear, what is its contribution?

The first contribution is to shift our focus from *how international society endures and towards how states sustain the society*. It is argued that the concept of sustainability recognises that the society cannot endure unless it is actively sustained in practice by its members. This means that the membership must continue to believe themselves bound by a consensus as to principles of legitimacy and act with regard to these in practice. That is not to say that for the society to be sustained, states must always obey these principles. .

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On the contrary what matters is that states, through their discourse and practice, act with regard to the norms, rules, institutions and principles of legitimacy of the society. This means the states engaging in the practice of international legitimacy by offering justifications for their practices, and the practice of international consensus by seeking legitimacy for them, rather than just conferring it on themselves. International society is threatened less by rule breaking or norm contestation – when states contest how or whether a norm applies - than it would be should states not care about the rules, not care about rule breaking and show only disregard for norms.

As R.J Vincent wrote, *"international law locates international society like a miner's lamp locates gas"* (Dunne, 1998: 121)*.* Equally, with regard to norms and not just law, rather than indicating the weakness or irrelevance of a rule or norm, the often vociferous international reaction to such breaches – Vincent's explosion if you will - and associated justifications or legitimacy claims by the perpetrator of an alleged breach actually reveals the importance of the norm. The more of a negative international reaction there is to the breach of a norm, or the more the accused state protests or issues denials, the stronger the norm. Also, the ensuing attempts by states to claim legitimacy will of course rely on other norms and so indicate continued engagement in the international normative social framework. Sustainability therefore contributes to our understanding by drawing our attention to how states deliberately institute and sustain international society through their discourse and practices.

The second contribution of sustainability is to shift our focus from what the norms, rules, institutions and principles of legitimacy of the society are or should be, whether pluralist or solidarist, and instead to examine how *states interpret and apply these in practice*. As noted in Chapter 1, following Clark's reasoning, this author does not propose a model for a specific form of sustainable international society. Rather, this thesis argues that the society's sustainability will depend on states' iterative practice of the politics of legitimacy and consensus. The contribution here is to consider sustainability as both a quality and a process rather than predetermined property or external political prescription.

A third and related contribution is that sustainability can be applied to both big changes in principles of legitimacy as brought about by norm entrepreneurship,

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adaptation, but also the nuanced, iterative processes by which states practically interpret and apply norms. Clark's studies have analysed changes in the principles of legitimacy underpinning international society through historical turning points such as Westphalia 1648, Utrecht 1713, Vienna 1815, Versailles 1919 and 1945 (Clark, 2005: 33 -154). These underlying principles of legitimacy may change for a variety of reasons, be it in response to shifts in the material balance of power, the development of new threats, issues or technology, or changes in the normative ambition or expectations of the membership.

No matter the cause or the issue, the society of states must adapt in response to such changes so as to remain effective and legitimate in the eyes of its members and so retain their collective commitment to being bound by it. Recalling Lampedusa, a sustainable international society adapts its form so as to remain legitimate. This thesis' contribution is to examine the routine iterative *practices of international legitimacy and consensus* by which the society of states is sustained on a daily basis through everyday events or crises. *Therefore, where others have examined the development and creation of R2P, this thesis examines how states interpret and apply it in specific cases to see whether their practices of legitimacy and consensus sustain or threaten the solidarist society that R2P typifies.*

A fourth contribution stems from noting and developing the ES distinction between *international society* and *international order*. A stable *international order* is essentially one of the primary goals and purposes of *international society.* Yet paradoxically, this stability requires that the order itself be able to adapt in response to material and normative changes. Where Lampedusa generally observed that "*if we want things to stay as they are, things will have to change*" (1992: 21) this thesis argues that *if we want things to stay as they are – i.e. an enduring international order – things will have to change.* Yet change sits uneasily conceptually with stability since change can easily become challenge or threat, begetting disorder rather than order, even if that is not intended. Carr devoted a whole chapter to this problem of *"peaceful change"* (2001: 191-208) whilst Bull noted, *"the international order is notoriously lacking in mechanisms of peaceful change, notoriously dependent on war as the agent of just change"* (1977: 189).

The contribution offered here specifies that a stable, enduring international order is the outcome of a sustainable international society. Conceptually, change sits

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easier with sustainability, which embraces this need for adaptability rather than seeing it as destabilising. Whilst this thesis recognises that iterative practices are crucial to the sustainability of international society, it also recognises that some such state practices pose a threat to the form that society takes and whether it will be sustained, which is examined through *liberal vanguardism* in Chapter 5. The fourth contribution of sustainability as a concept is therefore the recognition that not all change is threatening. This is because the practices by which norms are created, adapted, interpreted and applied, and instances where norms are contested or rules on occasion broken, are normal in a sustainable international society.

Having explained why sustainability matters, how it differs from extant ES literature, and what it adds to our understanding of international society, it is necessary to explain why the thesis applies it specifically to the solidarist form of society typified by R2P. Once this has been done, Chapter 4 will then contextualise R2P, discussing its development, defining and explaining the normative framework and how it typifies the solidarism of the society of states which is humanitarian.

Conclusion: Sustainability of solidarist international society typified by R2P

The specific threat posed by the practices of *liberal vanguardism* will be explored in Chapter 5. The general hallmarks of solidarism have been explored above, and it is now necessary to conclude and explain - using theory and history - why this thesis focuses on the sustainability of this *form* of international society typified by R2P, rather than the wider society writ large. Theoretically, this focus *on form* has been influenced first by the interrelation of Wight's three traditions, second by the substitution of the system/society juxtaposition as well as pluralist solidarist dichotomy for a spectrum and thirdly by the legitimist turn. Empirically it is borne out by the historical record, by recent cases and by the interview material. *Accordingly, this thesis does not argue that the sustainability of international society writ large is existentially threatened by practices of liberal vanguardism* but rather that such practice threatens *the sustainability of the solidarist society as typified by the R2P normative framework.*

Martin Wight, when detailing the three ES traditions of international relations practice and theory – *realism, rationalism, revolution* – averred that they were all interrelated. Rather than *"railroad tracks running parallel into infinity"* (Wight,

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1991; 260) he chided that we need heed all three so as to fully understand the theory and practice of international relations. Just as the legitimist turn elucidates how international society combines pluralism and solidarism, so to it should be recalled that international society is at times torn between *realism* and *revolution* rather than exhibiting *rationalism* alone. Hence, Hedley Bull's remark that the order provided by international society – which he and Wight located with the *rational* tradition – was *"precarious and imperfect",* given the tension with the other traditions and the elements he mapped them onto (Bull, 1977; 52). *Could it therefore be suggested that international society could collapse into an international system where realist logic trumped rationalism?*

Bull's system/society juxtaposition, upon which such a total collapse would depend, has been criticised as unrealistic. Bull himself perhaps conceded as much when he observed that at different times' different elements and ES traditions dominated international relations *although the social element never entirely disappeared* (Bull, 1977: 41; Linklater and Suganami, 2006: 118). More substantively, James (1993); Jackson (2000; 113-116); Little (2002; 61-68); Buzan (2004: 98-108) have variously argued that, so long as any two sovereign states interact with one another, they will do so on the basis of norms, rules, institutions and principles of legitimacy, which, no matter how basic or sparse, amount *essentially to a form of social rather than asocial systemic interaction.* As Hurrell writes: *"the term society describes a continuum from the barest recognition of common interests on the one hand to the conscious creation of clearly defined rules and institutions through which those common interests can be promoted on the other"* (Hurrell, 2002: 24).
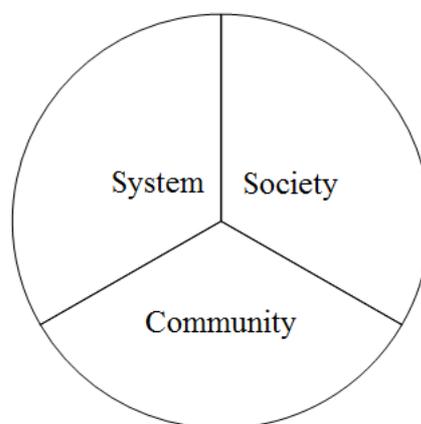
Figure 4: English School conceptualisation, note the separation between System and Society

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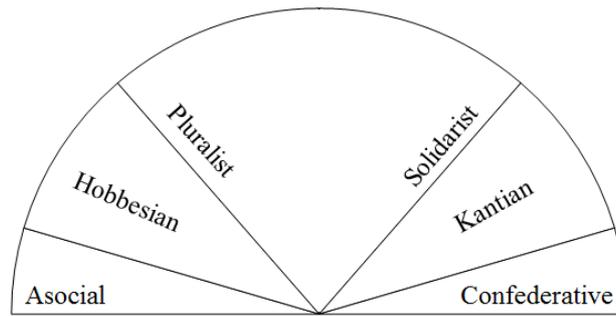
Figure 5: Buzan's conceptualisation of a spectrum of international social interaction (2004: 133)

Accordingly, Buzan substituted Bull's system/society juxtaposition for a spectrum of international social interaction varied by type (see Figures 4 and 5 above), whilst Dunne and Clark's *"legitimacy turn"* sees changes in the organising principles of legitimacy changing the form the society of states will take at any given time. Thus, the contemporary ES view adopted by this thesis is that *whenever and wherever states have engaged in practices of legitimacy and consensus, i.e. making and claiming to be bound by legitimacy claims, then there exists in essence a society of states.* This stems from Clark's observation: *"where principles of legitimacy are to be found, the theoretical case for an international society is made; where there are practices of legitimacy, we can see the reality of international society on a day to day basis"* (Clark, 2005; 245).

Therefore although the type or *form* of international society being sustained can shift along a spectrum of positions, this thesis does not deem it likely that international society will completely collapse since any given interaction between state actors will be based on some set of principles of legitimacy or norms, no matter how thin or sparse. Theoretically however, it is possible to conceive of existential threats to international society which, rather than threatening the *form* of the society of states – and prompting a regression along the spectrum – would threaten its very *essence or nature*. Such an existential threat would have to stop or prevent states from interacting with one another on the basis of a belief they were bound by a consensus about principles of legitimacy as expressed in a series of norms, rules and institutions.

An existential threat to the society of states would therefore have to do one of the following: (1) destroy the state members, (2) interdict their interaction, or (3) prohibit their *meaningful* interaction, that is to say, cause *them cease to believe they were bound* and so *stop acting with regard to one another and the principles*

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of legitimacy[46]. The sort of scenarios which could prompt such developments could be: a world war of the Great Powers; the breakdown of international interstate interaction through a technological, economic or environmental shock without precedent in modern human history; the emergence of a world empire overthrowing individual sovereign states; or the realisation of a cosmopolitan community which transcended the society of individual sovereign states.

Neither relevant literatures, nor contemporary international discourse and practice regards the practical tensions regarding R2P as posing such an *existential threat* to the sustainability of international society and so neither does this thesis. At no point in any of the UNSC records examined did any state actor make such a claim or threat. Indeed as already noted[47], at least two diplomats when asked whether the failure by international society to respond to mass atrocities threatened the *sustainability* of international society itself, writ large, regretfully responded that no, the commission of, or failure to prevent mass atrocities did not to their mind threaten the society of states writ large (UN Office of Special Adviser for the Prevention of Genocide Interview (18th November 2014), UK Interview, 17th November 2014).

If it remains the case that international society is as *"vulnerable as it is impressive"* (Reus-Smit, 2005: 88), and has been met over time with threats and challenges such as those analysed in the literatures above[48], these have tended to threaten the *form* the society takes rather than *the essential nature or existence of the society writ large*. The likelier threat therefore is to the *form* of international society or an element of it, rather than its *essence* or the wider society writ large. As such, it is the sustainability of *a form* of society – solidarist as typified by R2P - which this thesis examines. The thesis will not speculate as to what could succeed the solidarism of international society typified by R2P , rather it focuses on the research question of whether the P3 states have in practice behaved as *liberal vanguards*. Demonstrating theoretically why this would pose a threat to the *sustainability* of

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[46] I am grateful to Benjamin Zala for discussions we had on this point of imagining the collapse of international society at the 2015 British International Studies Association Conference especially following his roundtable on The Future of Great Power Management.

[47] See pg.35-36

[48] Perhaps the greatest example of such a threat was the twentieth century Cold War, with other more recent controversial episodes being the 1999 NATO intervention in Kosovo, or the 2003 Iraq War, both of which took place without UNSC authorisation.

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the solidarist society of states typified by R2P before arguing based on the evidence presented that the P3 states behaved as such in the case studies examined

To sum up, this combination of theoretical literature, supported by the historical record cited above suggests three points. Firstly, given the social nature of state interaction, threats to the sustainability of the society of states writ large are rare to the point of impossible. Secondly, in any case, tensions over intervention and R2P do not amount to such an existential threat. However, thirdly, threats to specific *forms* of international society such as the *humanitarian solidarism typified by the R2P normative framework* are conceivable. It should be stressed that this is not to say that states would give up on humanitarianism as a principle but rather that the legitimacy of the practices made possible by the solidarism of the R2P normative framework would be jeopardised. Chapter 4 explains the nature of this framework and how it qualifies as solidarism.

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Chapter 4 -The solidarist international society typified by R2P

Having explained that international society endures because it is sustained by states' practices, Chapter 3 demonstrated the contemporary ES argument that so long as states interact, they institute an international society. However, the nature or form of the society depends on the principles of legitimacy agreed by the states since these inform the norms, rules and institutions which populate the society. This thesis argues that the solidarist society of states typified by R2P is sustained specifically by states' belief that they are bound by the terms of the R2P consensus (2005) regarding *sovereignty, non-intervention, non-interference, limits on the use of force, and multilateralism*, as witnessed by states:

1. Sharing in the working of the relevant common rules and their institutions
2. Practice, interpretation and application of these principles in accordance with the boundaries of legitimacy set by 2005 & 2009
3. International discourse with regard to these principles
4. Norm entrepreneurship, adaptation, interpretation through consensus with regard to both the horizontal and vertical axes of consensus.

Collectively, this thesis subsumes (1-4) above *into the practices of international legitimacy and consensus*. These are observed using the UNSC for the reasons explained in Chapter 2 and defined as states: claiming international legitimacy for their practices by engaging the normative framework of international society; seeking an authoritative international consensus to confer international legitimacy upon their practices; taking international action in practice only where they have had international legitimacy conferred upon them. The practices of international legitimacy and consensus therefore amount to *states acting with regard for the international consensus about principles of legitimacy and respecting the international consensus decision about whether their advocated or attempted practice is legitimate*.

In the solidarist society of states typified by R2P, the content of the R2P normative framework specifies the international consensus about principles of legitimacy of rightful conduct for mass atrocity prevention*.* It is the sustainability of this particular form of society, rather than of the society writ large, which is examined by this thesis. In order to explain and justify its focus on the solidarist international society typified by R2P, this chapter first defines and explores the origins,

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development and detail of the R2P normative framework as understood by the society of states.

Chapter 4 is in three parts, as follows. Firstly, the conceptual development and international agreement of R2P is explored so as to clarify what this thesis means by R2P. To do so, the post-Cold war normative humanitarian developments within international society are outlined with attention paid to the 2001 report of the International Commission on Intervention & State Sovereignty, the 2005 UN World Summit and the 2009 Report of the UN Secretary General on Implementing R2P. Secondly, having established what R2P is, the thesis' identification of the R2P normative framework is specified. The meaning and selection of the five norms of *sovereignty, non-intervention, non-interference, limits on the use of force and multilateralism* are explained. Just as international society makes sense of the question of intervention and mass atrocity prevention through R2P, this thesis uses these five norms to make sense of R2P. Finally, the chapter draws all this together to argue that the R2P normative framework typifies a solidarism which is humanitarian in nature. The detail of R2P and its norms is set against the hallmarks of solidarism that were identified earlier in Chapter 3. The humanitarian solidarism of R2P is then contrasted with the practice of liberal intervention and the tension between the two is elaborated on.

The origins and development of international society's responsibility to protect

This thesis does not claim that contemporary international society is entirely solidarist, but rather that there is a humanitarian solidarist element of the society and that this is typified by R2P. Nor is this thesis assessing the sustainability of international society writ large or suggesting that it faces existential threat from *liberal vanguardism.* Rather, it is the threat to the humanitarian solidarism typified by R2P which is being examined. The hallmarks of solidarism variously are international cooperation, collective action, and concern for justice at the international level with international consensus outweighing (on occasion) sovereign consent. Before applying R2P to these to explain how it typifies the humanitarian solidarism of the society of states, it is necessary to specify in detail exactly what R2P is.

R2P is a solidarist normative framework based on the understanding of state *sovereignty* as conditional upon a state's responsibility to prevent mass atrocities

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and protect civilian populations. International society has agreed exceptions in principle to the norm of *non-intervention* where selected mass atrocities are occurring, provided these exceptions are authorised *multilaterally* and are subject to agreed *limits on the use of force.* However, as argued in Chapter 1 with reference to interview evidence, this thesis adopts the perspective that at no point does R2P specify or permit exceptions to the principle o*f non-interference* in the domestic affairs of a sovereign state. As such, R2P typifies the solidarism of contemporary international society which is at most *humanitarian* rather than *liberal* in the values it espouses. Although this thesis focuses on R2P as agreed by international society at the UN World Summit in 2005 it is important to acknowledge its precursors.

International society's humanitarian normative developments

The post-Cold War era witnessed international society support a slew of humanitarian interventions, provided that they were authorised by the UNSC. That the Council was willing to consider situations in Northern Iraq and Somalia and address them as threats to international peace and security marked somewhat of a departure from Cold War practice, during which time Chesterman observes that "*in humanitarian non-intervention"* (Chesterman, 2003: 54) was the norm regardless of the provisions of the *Convention on the Prevention and Punishment of the Crime of Genocide* (1948). Such as they occurred, interventions in Bangladesh, Cambodia and Uganda were unilateral – that is to say, not supported at the UN - and they were on occasion subject to international condemnation (Wheeler, 2000: 55-138).

The 1990s witnessed a series of developments in the normative framework of international society, culminating, for the purposes of this thesis, in the codification and reaffirmation of R2P in 2005 and 2009, respectively. Firstly, the notion of "*sovereignty as responsibility"* and therefore conditional on state's fulfilling this responsibility was developed by Francis Deng in his ground breaking capacity as UN Special Rapporteur for the Human Rights of Internally Displaced People 1992-2004 (Deng, 2010). At the same time, also in Africa[49], the principle of non-indifference was institutionalised by Article 4(h) of the Constitutive Act of the African Union.

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[49] See here also, *'Special Issue of GR2P: Africa's Responsibility to Protect'* Global Responsibility to Protect Vol.2 (4) 2010 with contributions by Jeremy Sarkin, Mark Paterson, Francis M. Deng, Musifiky Mwanasali, Adekeye Adebajo, Chris Landsberg and Webster Zambara

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This, permitted the AU *"to intervene in a Member State pursuant to a decision of the [AU] Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity"* thus over riding the principle of non-interference enshrined in Article 4(g) (2000: 7). The Act marked the first legal agreement in principle of the legitimacy of humanitarian intervention, albeit at a regional level. However, at the international level, following the experience of *ad hoc* international tribunals for Rwanda, Former Yugoslavia and Cambodia, the Rome Statute on the International Criminal Court (ICC) opened for signature in 1998. The ICC was specifically established as a permanent Court to try cases of war crimes, crimes against humanity or genocide which either its signatories failed to address or in the case of non-signatories, that were referred to it by the UNSC.

It was with an eye to these developments and especially the episodes of genocide in Rwanda (1994) and ethnic cleansing in Kosovo (1998-1999), that then UN Secretary General Kofi Annan, addressed the annual summit of the UN General Assembly in 1999. He outlined the stark dilemmas facing international society in both instances: the failure to respond in Rwanda (1994), and the decision by a coalition of states to act without the authority of the UNSC in Kosovo (1999), both with their own consequences and risks. Annan speculated that it was necessary for international society to engage in new thinking on sovereignty offering two conceptualisations of his own (Annan, 1999b).

The International Commission on Intervention & State Sovereignty

Heeding Annan's call, and following in the footsteps of the Independent International Commission on Kosovo (2000), the Canadian government sponsored the convening of the International Commission on Intervention and State Sovereignty (ICISS). Their (2001) report represented the first concerted international effort to address Annan's questions. This thesis examines in particular R2P as agreed in 2005 rather than that first proposed in 2001. Therefore it is not necessary to discuss ICISS's recommendations at length. Instead, the author will briefly focus here on how they related to Annan's questions, what international reaction to the report there was, how they related to the empirical problem motivating this thesis, and the five norms which would go on to make up the R2P normative framework.

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Firstly, with regard to inaction such as in the case of Rwanda (1994), ICISS posited the existence of a collective responsibility on the part of international society to respond to mass atrocities, arguing that the understanding of sovereignty as a responsibility rather than being absolute or unqualified, provided legitimacy for such interventions. Then, with regard to proposed action being met with deadlock in the UNSC as in the case of Kosovo 1999, ICISS called on the P5 members to refrain from using their veto in mass atrocity situations and suggested the General Assembly or regional or sub-regional organisations could step into action *"if the Security Council rejects a proposal or fails to deal with it in a reasonable time"* (ICISS 2001 xiii).

Secondly, international reaction to the report was variously, distracted, as well as in parts negative or cautious. Publication in December 2001 meant that international society's attention was on the aftermath of the September 11th 2001 attacks and the unfolding war on terror. The cautious welcome was reserved for the deliberate *"shifting the terms of the debate"* (2001: 16-17) away from the rights of interveners and instead towards the rights of victims.

Additionally, there was a cautious recognition of the fact that most of the ICISS's conclusions represented the drawing together of newly developing normative understandings rather than the proposing of radical hitherto unconsidered new ones. Indeed, although *state sovereignty* was in the title of the Commission and their report, in some respects this was a red herring as *international authority* was the disputed issue. No state stood opposed to qualifying state sovereignty in instances of mass atrocities. Rather their concerns lay on where the authority for such decisions would lie within international society and how it would be implemented in practice – the so called *sovereignty – authority – intervention dilemma* (Gallagher, 2013: 108, 110, 117, 122, 129). The dilemma here, being not whether it was ever legitimate to intervene in a sovereign state, but rather how international society should agree and authorise such a decision. This remains a contemporary concern according to a Venezuelan interview participant:

"Really who has the military capacity to readily deploy forces to do R2P? Only the big powers who have a poor record of decades of interventions. Why will they change their modus operandi to suit R2P? We are not absolutely opposed to the

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idea of R2P rather our concerns are by who and how it will be implemented as there are great risks here" (Venezuela Interview, 18th November 2014)

Thirdly, with regards to the trigger or threshold for intervention ICISS adopted a broad focus, not just on what would later be classified as specific mass atrocities, but more broadly on "*large scale loss of life"* and *"large scale ethnic cleansing"* (2001: xxi). The report recommended intervention by intervention in response to a wider range of state failings or humanitarian crises, albeit multilaterally. Elsewhere the report was clear that intervention could not include interference or regime change. Therefore whilst ICISS envisaged a wider set of circumstances in which intervention could be called for, authorised and legitimated, *it did not broaden the goals of intervention to include political interference, regime change or change of regime, even in cases where the state itself was committing the atrocities* (2001: 35-36).

Fifth, and related to this prior point, what then were ICISS's conclusions with regard to the five norms focused upon in this thesis? Sovereignty was reframed as responsibility with the rights of non-intervention contingent upon states fulfilling their responsibility to protect their populations. Where they demonstrably failed to do so, ICISS saw grounds for an exception to non-intervention, including the use of force. A proviso was that intervention be decided multilaterally, preferably by way of the existing collective security architecture of international society, namely by the UNSC, although not exclusively. Regardless of who took the action or how, it had to abide by the norm of non-interference, although the range of circumstances which could prompt an intervention, were comparatively broad as will be seen below.

The 2005 UN World Summit Outcomes Document

The 2001 ICISS report set a benchmark against which the R2P version that was internationally agreed by states at the 2005 UN World Summit would be compared. This summit was informed by the work of ICISS with specific regard to R2P but more generally by UNSG Annan's own *High Level Panel on Threats, Challenges and Change* and its 2004 report, *A More Secure World, Our Shared Responsibility*. The summit itself was convened with an eye to the UN's 60th anniversary, the new millennium and the fallout of the 2003 Iraq War. The Summit Outcomes Document took the form of a unanimously-agreed Resolution of the UN General Assembly

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running to 38 pages and 178 articles and those pertaining to R2P are reproduced below in full.

<u>Responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity – *[emphasis added in italics by author]*</u>

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 to 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 are manifestly failing* 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. (A/RES/60/1)

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It is important to address what these paragraphs mean in practice to the society of states in so far as it is relevant to this thesis. Regarding Paragraph 138, the first point to note is that R2P as constituted here is resolutely statist, locating the primary responsibility for protecting populations with the states of the society themselves. They are the ones who *"accept this responsibility and will act in accordance with it"*. However, it is also worth noting the reference to *"populations"* rather than *"citizens"* or *"civilians",* echoing ICISS this is careful to afford protection broadly to all those who fall within a state's borders. Secondly, the text is clear that R2P should only apply to cases of genocide, war crimes, crimes against humanity and ethnic cleansing. These had already been established as mass atrocity crimes by international society, and with the exception of ethnic cleansing already fell under the jurisdiction of the Rome Statute of the International Criminal Court (1998: 3-10).

Going back further, war crimes and crimes against humanity were first codified at the post-war Nuremberg tribunals and through the Geneva Conventions. Genocide, the so-called *"crime of crimes"* (International Criminal Tribunal for Rwanda 1998 quoted in (Gallagher, 2013: 81)), was as already noted the subject of its own Convention from 1948. Therefore, R2P broke no new ground in prohibiting these practices. What was significant was the unanimous international consensus recognising that these amounted to a minimum standard or floor through which state behaviour should not fall (Linklater, 2011). i.e. R2P does not attempt to tell states *how they should treat their populations* – by promoting particular conceptions of civil, political, social or economic rights – but rather *how they should not treat their populations.* This is a vital point to emphasise since it means that the R2P normative framework, although soldarist, is humanitarian in form rather than specifying any particular set or conception of civil, political, social or economic rights. Similarly whilst Summit Outcome Document Paragraph 135 on Democracy *"reaffirm[ed] that democracy is a universal value"* it was careful to:

"Also reaffirm that while democracies share common features, there is no single model of democracy, that it does not belong to any country or region, and reaffirm the necessity of due respect for sovereignty and the right of self-determination"

(A/RES/60/1)

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Third and finally, Paragraph 138 emphasises the importance of prevention, not just response. In so doing, the role of international society in assisting as requested, subject to state consent rather than intervention without consent, is outlined. This assistance is rendered to *"encourage and help"* states fulfil their responsibilities as well as develop the UN's early warning capability. A development echoed in Paragraph 140 with its support for the Office of Genocide Prevention, which was subsequently expanded in 2008 with the appointment of a Special Adviser for R2P. In summary, Paragraph 138 emphasises the role of international society in assisting its members rather than transcending them to discharge their state level responsibilities as the society's own. Whilst the specification of the prohibited crimes is not landmark, the unanimous acknowledgment by states of their universal responsibility certainly was.

There are four observations to be made in regard to Paragraph 139. Firstly, the text begins by shifting from the role of states themselves in the prior paragraph, to the role of the international community. As noted earlier, "*international community*" is the term that is used in practitioner discourse instead of "*international society*". Notwithstanding that there are often differences between its' use to define a likeminded, self-selecting community of states or the global international society of all 193 UN member states, in the context of the document, and given the unanimous agreement of the society of states, international community is held here to mean global international society. Paragraph 139 anchors international society within the UN, in so far as it gives it the responsibility to protect populations from the relevant crimes, but specifies that this should be through the existing architecture of the United Nations.

Secondly, in doing so, it emphasises *"diplomatic, humanitarian and other peaceful means",* referencing Chapters VI and VIII of the UN Charter (1945) - namely the *Pacific Settlement of Disputes* and *Regional Arrangements,* respectively. This is important to stress because it means, as with the prior paragraph's reference to prevention, that R2P is about more than just coercive humanitarian intervention a pointed stressed by a French interview participant:

"R2P is much broader than those who do not like it give it credit for. In our [France's] opinion it is not about regime change. There are three pillars and only the last part of the last pillar is about military force. The international collective responsibility

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[i.e. Pillar Three] is about more than military means" (France Interview, 17th November 2014)

Thirdly, having provided for peaceful non-coercive measures, Paragraph 139 moves on to enumerate coercive measures under Chapter VII of the Charter (1945) – namely *Action with Respect to Threats to the Peace, Breaches of the Peace and Acts of Aggression.* This declaration to the effect that international society is *"prepared to take collective action in a timely and decisive manner…should peaceful means be inadequate and national authorities are manifestly failing to protect their populations"* is another of the most significant developments in both paragraphs.

Paragraph 139 signals that, where the states themselves are *"manifestly failing"* in their responsibilities – presumably either by omission or more likely by deliberate commission - then international society itself, identified as the UNSC, will take "*timely and decisive*" action to address the protection failure. Thus the prior expansion of the understanding of threats to international peace and security so as to permit the Council to adopt Chapter VII measures is consolidated, the reference to *"timely and decisive"* is suggestive of a rapid response intervention to save lives and the commitment to *"collective action"* is indicative of solidarism.

It is also important to stress the inclusion of two deliberate and significant caveats within Paragraph 139. First is the reference to *"through the Security Council, in accordance with the Charter, including Chapter VII".* For, even if there is also reference to *"cooperation with relevant regional organizations",* it is clear that Paragraph 139 recognises only the UNSC as the authoritative constituency of legitimacy for multilateral action. In doing so, there is no mention of veto restraint, action in the event of Council deadlock, or any other international actor being permitted to act without the Council, all of which had been considered by ICISS (2001: 53-55).

Second, is the determination that the *"collective action"* envisioned will occur *"on a case-by-case basis…should peaceful means be inadequate and national authorities are manifestly failing".* Essentially, this formulation provides for the Council to respond differently and indeed selectively to instances of (any of) the four crimes being committed. Reference to the failure of *"peaceful means"* would seem to reflect of Just War theory's principle of last resort and has been taken by some states, most notably Brazil to mean there is a sequence of practice to be

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followed, and thus that intervention cannot be the first response, a view sympathised with here:

"Lithuania is in favour of Pillar Three of R2P but only after having applied and attempted Pillars One and Two. We must do this before we consider Pillar Three and especially the use of force. However we are not sure who and how to measure whether Pillars One and Two have been sufficiently attempted before Pillar Three truly becomes necessary as a last resort" (Lithuania Interview, 17th November 2014)

The view that a sequence must be followed before the last resort of intervention as a response is adopted is one that is disputed (Bellamy, 2013:12) including by states such as the P3:

"Some states are trying to create checklist criteria [for intervention]. This is quite problematic as we cannot have a set of criteria which leads to procrastination whilst the conflict occurs and there is then no one left to save by the time the criteria are finally recognised. We didn't have a problem with RwP per se, but we know for a fact what was behind it – 'stop intervening'. It was a checklist for failure." (France Interview, 17th November 2014)

The proviso of "*manifest failure*" is deliberately ambiguous. It leaves it to the Council to determine not only whether the crimes are occurring but whether the state(s) concerned are in breach of their responsibilities. This is unsurprising, since as one diplomat was quick to remark when asked about the Syrian crisis, *"the Security Council is a very political institution"* (Lithuania Interview, 17th November 2014). It also follows in the footsteps of Article 39 of the Charter (1945) which leaves it to the Council alone to *"determine the existence of any threat to the peace, breach of the peace, of act of aggression"* rather than defining such objectively, permanently, and in advance. Another way to consider this is to ask, how many casualties or fatalities make an atrocity? According to R2P, the answer is a matter for the politics of international legitimacy of consensus.

Therefore Paragraph 139 does not obligate the Council[50] to respond consistently, always in each instance, although it has been argued that it does establish a

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[50] Indeed, according to one interview participant: *"'Responsibility' is a good, smart word to have used here. People understand what a 'responsibility' is. It conveys the sense of an obligation without such legal language."* (France Interview, 17th November 2014)

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responsibility for the Council to examine and respond to a crisis – *"a responsibility to consider"* – rather than always intervene (Welsh, 2013). Nor does Paragraph 139 establish a process by which action can be taken out with a deadlocked Council. This last point is of particular significance to this thesis, given its attention on how the P3 states react to discord or the failure to secure consensus on the Council, because R2P seemingly leaves them with nowhere else to go. As referenced earlier, and as will be examined in the case studies, although R2P situates the authority for deciding and legitimating multilateral intervention in the UNSC, international society remains challenged by what to do when the Council fails due to deadlock, reigniting the *sovereignty-authority-intervention dilemma* (Gallagher, 2013), as acknowledged by the Rwandan (as demonstrated earlier) but also the French interviewee participant:

"The Council is the main source of legitimacy in international society, but the only one? I couldn't tell. We were always going to pursue Council authorisation [with regard to Syria] and I think that is one way in which we [France] differ from our American colleagues in that for them it is important but not a prerequisite in the way that it is for us. France is more attached to the UN Security Council than the USA. If we see deadlock on the Council and yet something must be done? I could not address this question in theoretical terms. You are never going to hear a French official create or voice a rule for unauthorised action outside the Council" (France Interview, 17th November 2014).

Fourthly, with regards to the remainder of the text of Paragraph 139, this specifies the role of the General Assembly in taking the concept forward, noting that it must bear in mind the existing principles of the Charter and International Law. In other words, the UNGA is not a law unto itself and these paragraphs – totalling only 287 words[51] - mark the beginning rather than the completion of international society's establishment of the R2P normative framework. A point stressed by states with concerns about where the R2P consensus was heading in practice:

"The protection of civilians in armed conflict involves the development and evolution of the norms of international humanitarian law, which should be discussed in depth by the wider membership of the United Nations in order to reach consensus...Various parties still hold divergent views on the responsibility to protect,

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[51] The ICISS Report (2001) by comparison was 91 pages

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and the General Assembly should continue its discussion on this matter." (China, S/PV 6531, pg.21)

Finally, Paragraph 139 notes the need for international capacity-building as well as assistance to states *"under stress"* prior to crises and conflicts which risk atrocities breaking out. Once again this recalls both the desire and need to ensure that there was more to R2P than just a policy of legitimating intervention. Indeed desires and concerns about this, already extant in the aftermath of the unilateral Kosovo intervention (1999) were dramatically exacerbated by the Iraq War (2003).

Given these controversies, and in addition to the somewhat contrasting agendas of the signatories to the 2005 World Summit, both scholars and practitioners judged it significant when R2P was reaffirmed post 2005. This progress has taken various forms. S/RES/1674 (2006) marked the first time the Council officially referenced R2P as expressed in the 2005 Summit Outcomes Document as detailed above, which was significant given the authority of the Council as opposed to the General Assembly, where the paragraphs originated. Then in 2008 came appointment by the new UNSG Ban Ki Moon of a Special Adviser for R2P. Their efforts turned to issuing the first in a series of reports of the Secretary General[52], beginning in January 2009 with *"Implementing the Responsibility to Protect".* This document, debated informally by the UNGA in July 2009[53] was most notable for establishing the pillar structure of R2P as below in Figure 6;

Pillar one: The protection responsibilities of the State

Pillar two: International assistance and capacity-building

Pillar three: Timely and decisive response

Figure 6: Implementing the Responsibility to Protect – report of the Secretary General (2009: 1)

These are the details of R2P as agreed unanimously by the society of states in 2005, reaffirmed in 2009 and judged by the author as relevant to this thesis. With regard to Annan's 1999 questions, or the *sovereignty – intervention – authority dilemma* (Gallagher, 2013), R2P firstly codified the revision of sovereignty as responsibility

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[52] These reports have in turn formed the basis in a series of annual informal dialogues of the General Assembly on R2P, organised around the theme of each report. As of August 2016 there have been 8 such reports and 9 such dialogues http://www.globalr2p.org/resources/897 (Accessed August 23rd 2016)

[53] Subsequently the General Assembly consensus adopted by consensus A/RES/63/308 which noted both the UNSG's report, the UNGA's informal dialogue and decided to continue the UNGA's consideration of R2P.

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or conditional, which had been developing over the post-Cold War era. Absolute sovereignty in the face of mass atrocities was rejected, although it is important to note this had become less of an objection of late and was not the obstacle to action in the case of the 1994 Rwandan genocide (Hehir, 2012: 185). Secondly, by charging international society to act through the UNSC in accordance with the provisions of the Charter, and adopting *the narrow but deep* focus on four atrocity crimes, R2P delimited the reasons for intervening and specified the authoritative constituency of legitimation to make the multilateral decision. *It is important to note that just as R2P 2005 was narrower in scope for intervention than that recommended by ICISS, it did not address the problem of where authority lay should the Council be deadlocked, nor did it obligate international society to act in practice.*

R2P is often viewed through the lens of the last crisis and whether it performed as hoped or expected. The five and ten year anniversaries of the World Summit, together with cases in this thesis, as well as several not treated as such by international society, have also provided for competing reflections as to the general state of R2P. By some measures, the international consensus on R2P has strengthened over time:

"The Office [of the Special Adviser] is trying to drive the development of R2P in state practice now. The Office view is that the conceptual arguments on R2P have been won and the classic criticisms are fading. When you look at the annual informal dialogues the group of usual suspects is smaller and their criticisms more moderate. So I would say in short that R2P is alive and well and taking the turn to practical development." (UN Office of Special Adviser for the Prevention of Genocide Interview, 18th November 2014)

Similarly, although Lithuanian, UK, Brazilian and Venezuelan interview participants all agreed that the state of the international debate of R2P revolved around how to implement it and especially its third pillar in practice, whilst the focus was here, so too were some very real problems:

"The main problem with R2P is how to implement pillar three and the lack of a common view among all states here. Because of differences among Council members on the interpretation and implementation of pillar three, we [Lithuania] cannot act here as we would like. There is simply no consensus about pillar three." (Lithuania Interview, 17th November 2014)

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"R2P definitely took a hit after Libya and there is now a level of distrust here in both the Secretary General who has really pushed R2P and the P3 given our actions. The conversation has shifted back to prevention measures within R2P as no one wants it [a mass atrocity situation] to reach the Pillar Three stage. Syria is a Pillar Three scenario but… We should be working on Pillar Two in order to keep abreast of issues before they reach the Pillar Three stage which at the moment it is not politically possible to do." (UK Interview, 17th November 2014)

"This [Rwanda/Srebrenica 1990s debates] then culminated in R2P and the 2005 Word Summit Outcome document paragraphs which is itself a sign of how international law, norms and concepts are constantly evolving. However, ten years later we see that this concept is now more fragile that it might have been in 2005, why? The 2011 NATO intervention in Libya in which R2P was invoked for the purpose of the protection of civilians through the use of force under S/RES 1973. This was then stretched to regime change." (Brazil (New York) Interview, 19th November 2014)

"It seems to us and lots of states that pillars one and two are just 'common sense' and fairly obvious. It is hard to argue against national responsibility and international assistance which respects the rules/principles you mentioned earlier around state consent. If we can do anything to prevent mass atrocities here then why not? Come Pillar Three we have more serious doubts." (Venezuela Interview, 18th November 2014)

Otherwise, in addition to these concerns about debating how to put principles into practice, are methodological concerns as to what such seemingly widespread principled support of R2P means in practice and whether it was *"sound and fury signifying nothing"* (Hehir, 2010). This thesis, as articulated above, adopts the perspective that R2P is a normative framework in principle which provided for the collation/codification of a series revised understandings of pre-existing norms pertaining to mass atrocity situations. Why have the aforementioned five norms been selected as the R2P normative framework, and how does R2P relate to the empirical problem animating this thesis?

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Norms of the R2P normative framework and the problem of intervention

As explained in Chapter 1, this thesis does not examine why states intervene in some cases but not others, nor does it suggest that tensions around intervention are new or threaten the sustainability of international society writ large. Instead, it examines state practice in response to intervention questions – in particular their approach to legitimacy and attitude to consensus – and it uses the R2P normative framework to do so. Just as Welsh (2013: 386-389) sees it as complex norm, and Glanville (2016: 186) as at least two distinct norms, this thesis, using the ES, approaches R2P as a framework of five pre-existing but revised and inter related norms. Why then, the interest in intervention and what precisely is the R2P normative framework?

The problem of intervention in international society is examined for three reasons. First of all, it is a hard case beset by Bull's *"terrible choices"* (Alderson and Hurrell, 2000: 227; Wheeler and Dunne, 2002: 43)   whichever practice states pursue. Secondly, the gravity of mass atrocity crises and the consequences of action or inaction mean that such situations touch upon important principles of legitimacy of international society. This is to say that state practice, international legitimacy claims (or crises), and the existence of international consensus or discord in such cases are especially important to international society in a way which other issues are perhaps not. In the view of the author, of the many norms of international society (see Tables (4) and (5)) the five norms of the R2P framework are of particular importance because of their significance to the constitution, and purpose of international society setting out as they do, the principles not just of cooperation but of basic coexistence.

Third is the tension to be explored in Chapter 5 between *liberal* state values, goals and practices and the limited *humanitarian* solidarism of contemporary international society. How does the liberal state resolve this dissonance in practice? One way could be by behaving in practice as *liberal vanguards*, which as explained in Chapter 5, would threaten the sustainability of the solidarist international society typified by R2P. It will be specified below how R2P typifies this solidarism, but here is it necessary to briefly explain and justify the selection of the five norms which, according to this thesis embody, the R2P normative framework. *Essentially, just as*

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R2P is how states make sense of mass atrocity situations and questions of intervention, these five selected norms are how states make sense of R2P.

The selection of sovereignty, non-intervention, non-interference, limits on the use of force, and multilateralism was made on the basis of international discourse and practice around R2P and with reference to relevant literature[54]. The statements below from interviews and Security Council thematic debates evince generally their significance to international society:

"They [the five specified norms] are the basis of the system and the only reason states buy into it is because of these rules. None of us is contesting these rules. Indeed it is because these rules are so basic and so important that we [France] are attached to the Security Council as the only place with the proper authority/legitimacy to reconsider a state's sovereignty or consider whether there are exceptions…" (France Interview, 17th November 2014)

"These [five specified norms] certainly work for me and are treated as rules at the UN and in all intergovernmental organisations in my experience. Indeed if they were to matter anywhere it would certainly be at the UN although their strength and relevance does vary…Yes, altogether these [norms] are the principles that animate debate." (UN Office of Special Adviser for the Prevention of Genocide Interview, 18th November 2014)

"The Charter of the United Nations, its principles and international law are at the heart of a rule-based international system. Upholding the principles of justice and the rule of law, sovereign equality, the settlement of disputes by peaceful means, the conduct of international relations without the threat or use of force, and non-interference in the domestic jurisdiction of any State is essential to the maintenance of international order" (Pakistan, S/PV 6705, pg.17)

The choices of sovereignty and non-intervention were obvious starting points given the literature on R2P and prior humanitarian interventions, which revolve in no small part around contemporary international understandings of these norms. Sovereignty is simply the principle that states hold no higher supreme legal authority above themselves when it comes to the conduct of their domestic and,

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[54] One especially notable literature was Reus-Smit, C. 2005. Liberal hierarchy and the licence to use force. *Review of International Studies.* **31**, pp.71-92.

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to a large extent their foreign policies. Crucially here, although states are bound by certain legal treaties, these are treaties they have freely entered into and have the right to annul should they so wish. It follows that sovereignty should foster independence, autonomy, self-government and often self-determination.

A corollary of such sovereign autonomy and independence is non-intervention, which simply means that states refrain from intervening in one another's affairs, thus leaving them autonomous and independent when it comes to the organisation, structure and nature of their societies, politics, economies and cultures. More specifically, the intervention prohibited by non-intervention is that which is deemed to be coercive and, crucially, non-consensual. It should also be noted that there are forms of coercion up to but not including the use of force in international society, namely sanctions.

Whilst sovereignty and non-intervention were an obvious starting point, perhaps less obvious was the separation of these two and the selection of non-interference as a third separate norm. State practice would seem to bundle these together given their interrelation and close association, with one interviewee when pressed responding: *"There is overlap here but not a lot of thought here about this [among states and diplomats at the UN] by those that write the texts and actually use those words."* (UN Office of Special Adviser for the Prevention of Genocide Interview, 18th November 2014). States often therefore conflate these principles in tandem. Elsewhere, academics have treated non-intervention or non-interference as nested within sovereignty as its derivatives, thus implicitly including it in their understanding of sovereignty and non-intervention (Buzan, 2004: 184).

Sovereignty itself has been treated as a fundamental/constitutive rule (Bull, 1977: 67-71), constitutive institution (Reus-Smit, 1997), master institution (Buzan, 2006), or a first order principle of legitimacy (Clark, 2005). Given the particular understandings that have been developed around these three, and in particular the tensions between when *legitimate intervention* becomes *illegitimate interference*, this thesis has opted to separate the three for examination in turn. The crux of the matter being, as the interviewee below observes, that sovereignty has been reframed in such a way as to legitimate exceptions to the norm of non-intervention but going beyond these – either in terms of the purposes for which intervention is conducted, or the manner in which it is practiced – is deeply problematic:

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"Sovereignty has been fundamentally reinterpreted but a core remains and that can be seen according to Article 2(4) of the charter. The reinterpretation has carved out and provides a little space for action/intervention so long as you follow the re interpreted law to guide your 'interference' as it were. Stepping outside this repeatedly would have significant consequences for international cooperation" (UN Office of Special Adviser for the Prevention of Genocide Interview, 18th November 2014)

Therefore although international society will permit on occasion derogation from non-intervention, it still publicly abhors action that it considers interference in the domestic affairs of a sovereign state. *Thus this thesis argues that R2P permits humanitarian intervention but both the purpose and practice of any such intervention must not amount to interference such as liberal intervention would.*

Limits on the use of force and multilateralism are just as interrelated with the prior three norms as they are with one another. For instance, as Finnemore (2003) has explored, where once state sovereignty extended the right to make war for multiple reasons, post 1945 international society has bound sovereign states by limits on the use of force – UN Charter Articles 2(4), 42 and 51 (1945) – thus limiting the legitimate purposes of intervention (Finnemore, 2003). The relation between these limits on the use of force and multilateralism is evident in Article 42, which empowers the UNSC as the sole multilateral body able to decide, authorise and legitimate the use of force with respect to threats to international peace and security. Thus, one of the limits imposed on the use of force is that it can only be authorised multilaterally, if not in self-defence, whilst one of the principles of multilateralism is that it should be peaceful and exclude the use of force. Both norms are substantive and procedural, specifying substantively that the use of international force should be limited and that states should resolve disputes through the multilateralism of the UN, elucidating the procedures to be followed when doing so.

The significance, selection and separate distinction of these last two norms stem directly again from R2P itself, as well as R2P and ES literatures. The text agreed at the world summit codified the developing principle that it was legitimate for the society of states to use force to prevent mass atrocities but only where this was authorised multilaterally, a development foreshadowed by Wheeler (2000: 16).

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When reading R2P (2005) against ICISS (2001), it is readily apparent that the activists and scholars of ICISS differed from the diplomat practitioners in their assessment of what sort of solidarism was feasible and desirable.

Meanwhile, Orchard (2016) argues that these two normative commitments – the willingness of the society of states to use force to prevent mass atrocities but only where this was authorised multilaterally - were the making of R2P and what marks it out from earlier normative developments within international society, going so far as to identify these as entirely new norms. With regards to ES literature, these last two norms – limits on the use of force and multilateralism - could be classed as part of separate primary institutions, albeit interrelated as all such institutions are. For example in Bull's classical selection, *limits on the use of force* could sit within *war* and multilateralism within *diplomacy.*

To summarise, sovereignty, non-intervention, non-interference, limits on the use of force and multilateralism are the five norms which this thesis identifies as the R2P normative framework. Other norms could be considered for inclusion (prohibition of the four mass atrocity crimes, civilian immunity in armed conflict) but it is the selected five which are deemed relevant to the problem of how international society seeks in practice to prevent mass atrocities. They are relevant because it is these which both practice and literature shows are interpreted and applied in practice by states to navigate through the politics of legitimacy and consensus on the UNSC when discussing instances of mass atrocities. Just as these norms are relevant to how states address mass atrocities, so the author judges R2P to be relevant since it specifies the principles of how international society has agreed it ought to respond, and these matter even if (1) there is disagreement about how to implement them and (2) they are not always implemented in practice - as some states, academics and activists would hope. *Essentially therefore, R2P is how states make sense of mass atrocity situations and questions of intervention, and the five selected norms are how states make sense of R2P.*

Conclusion: International society's humanitarian solidarism – typified by R2P

Having defined and explained R2P, and having specified and defined the five selected norms of R2P normative framework, we can now briefly set it against the hallmarks of solidarism. These are variously: international cooperation, collective

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action, and concern for justice at the international level and international consensus outweighing (on occasion) sovereign consent.

International cooperation is evident in R2P because the society of states has come together to agree three broad responsibilities. Two of these pertain to the international level where the society of states has firstly committed to assist one another in protecting their populations from mass atrocities. Secondly, it has committed itself to consider multilaterally preventing mass atrocities by coercive means where states manifestly fail to discharge their own responsibilities. The cooperation evident in agreeing these responsibilities in principle and then acting to implement them on a case-by-case basis in practice, are evidence of solidarism.

Instances of the latter, where international society itself through the UNSC assumes a direct role, means collective action being taken in pursuit of a common interest and common values. However, whilst this action does equate to states pursuing purposes beyond themselves, notably in the concern for justice and not just order, there are limits to what is sought. Whilst sovereignty, non-intervention limits on the use of force and multilateralism have been somewhat revised in the R2P normative framework, non-interference it is argued, remains unchanged. Indeed the norm of non-interference and its prohibition on interfering in the domestic affairs of a sovereign state Article 2(7) (1945) makes all the difference between the *humanitarian* solidarism of R2P explored here, and *liberal vanguardism*, where, (see Chapter 5), states probe the difference between *legitimate intervention* and *illegitimate interference*.

R2P's *narrow but deep* approach, the focus on four mass atrocity crimes only, and respect for non-interference all combine to prohibit the promotion through intervention of any set of political, civil, social or economic human rights. Thus where *liberal* solidarism would be informed by liberal common interests and values, and typified by states cooperating to defend and promote liberal values such as democracy and human rights, R2P typifies only humanitarian solidarism, committed as it is solely to the impressive but modest and humanitarian goal of protecting populations from mass atrocities.

Liberal and humanitarian solidarism both represent visions of the empirical nature and normative possibility of international society. Both have progressed to varying, contested degrees through respectively, the spread of democracy and the

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agreement of R2P, and as demonstrated, both were referenced in the 2005 Summit Outcomes Document[55]. But whereas liberal solidarism represents a vision of what international society can become, the humanitarian solidarism typified by R2P represents a vision of what international society should prevent on the basis that, even if the society of states cannot easily come to a consensus on what amounts to justice, they have all agreed that mass atrocities are an egregious injustice to be prevented.

According to Buzan, solidarism generally seeks to combine order with a modicum of justice as this is both normatively desirable and generally more sustainable (2014: 16). How does this apply to R2P and why? From the humanitarian solidarist perspective, R2P is desirable because it reflects the internationally held value that populations ought to be protected from mass atrocities. The contribution to sustainability stems from the link between mass atrocities and threats to international peace and security, as well as the legitimacy of vital international organisations such as the UN. Mass atrocity violence and its consequences have been deemed by states to be destabilising threats to international peace and security with consequences and victims beyond borders.

As such, states have identified a common interest in preventing them in order to secure and therefore sustain international peace and security, a primary goal of the society (Bull, 1977: 16-19). In addition to preventing this material threat, the international attempt to prevent mass atrocities is also about meeting the normative expectations within the society. Gallagher argues that because states increasingly expect international society through the UN and especially the Security Council to prevent such acts, then repeated, blatant failures to do so will negatively affect the legitimacy of the UNSC and therefore affect international order (Gallagher, 2013: 89-121).

Occasions where the international consensus on preventing mass atrocities is matched by intervention without sovereign state consent are the most significant examples of where R2P typifies solidarism. Here it should be noted that the three selected case study countries (Côte d'Ivoire, Libya and Syria) were all signatories to the World Summit Outcomes Document and therefore R2P in 2005. However, it is also true that in these three crises, international society practiced and considered

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[55] See pg.125-126

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coercive measures within the territory of those countries, against their governments and without their consent. Thus, international cooperation, collective action and concern for justice as well as order, combined to ensure or attempt to ensure that the writ of international society over-ruled the absence of explicit sovereign consent on the part of the three states concerned (Côte d'Ivoire, Libya, Syria).

The use of the word *typifies* in the above paragraphs and throughout the thesis – for example, solidarist international society *typified* by R2P - is deliberate. As this is not a foreign policy analysis thesis, the author does not claim or investigate causal connections between the R2P and state practice. At no point does the thesis claim either that, because of the R2P framework, the P3 states sought to intervene in the cases specified, nor that R2P itself changed international society by creating humanitarian solidarism, and therefore intervention is now more likely. Instead, it should be emphasised that this thesis adopts the perspective that R2P marked the codification/collation of a series of revisions to the five identified norms that had been developing as part of the fluidity of international legitimacy, especially through shifts in expectations but also moral and legal thinking among states. R2P did not change norms so much as changes in second order principles of legitimacy with regard to rightful conduct saw norms revised which then became the R2P normative framework. *Indeed this goes to the heart of the thesis because its focus is the sustainability of the solidarist international society typified by R2P rather than just R2P itself. What is being assessed is not just the endurance of R2P but rather the principles of legitimacy and practices which make R2P possible.*

To summarise, rather than examining whether/how R2P causes states to act in practice, or the prospects for the norm of R2P, this thesis examines (1) how P3 state practice in mass atrocity situations relates to this normative framework, (2) how P3 states engage this normative framework in order to justify their practices, seek legitimacy for them and secure a consensus in support of them on the UNSC as R2P instructs and, (3) how P3 states respond to dissonance between their liberal goals and the substance and procedures of this humanitarian normative framework, i.e. what happens when they cannot successfully navigate the politics of international legitimacy and consensus by which the solidarist society of states typified by R2P is sustained.

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This thesis argues that in the three cases examined, the P3 states have behaved in practice as *liberal vanguards*, the consequences of which threaten the sustainability of the solidarist international society typified by R2P. Whilst not directly addressing this specific question, this chapter has provided the following grounding by demonstrating the form of contemporary international society, how it is sustained and why this matters. The focus on the solidarist form of society typified by the R2P normative framework has been justified and R2P itself has been explained. On the basis of this understanding of the nature of international society, its humanitarian solidarism as typified by R2P and how this is sustained by the practice and politics of legitimacy and consensus, this thesis can now turn to the practices of *liberal vanguardism.*

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Chapter 5 - *Liberal vanguardism*

The basic research question animating this thesis is whether the P3 states have behaved in practice as *liberal vanguards*, with the argument advanced that in the cases examined they have done so. The concept has been developed in response to a series of empirical problems which all states in international society face, but has been tailored to the problems powerful liberal states face when they advocate or attempt liberal intervention in response to mass atrocities. These problems have been identified through a combination of theoretical and empirical observation with regards to how international society is sustained as well as the recent and historical record of P3 state practice.

To be clear, the reasoning adopted by this thesis is not that *because the P3 states are liberal vanguards they will engage in specific practices*, but rather the opposite. The thesis examines whether P3 states have engaged in certain specific practices, *arguing that were they to do so then they have been acting as liberal vanguards.* As will be specified in this chapter, these practices amount to *liberal vanguardism* and threaten the sustainability of the solidarist international society typified by R2P. In developing this concept and assessing whether it can be applied to the P3 states, the thesis examines *whether their discourses and practices in specific cases* can be characterised or described as *liberal vanguard,* rather than identifying the P3 states as in fact *liberal vanguards* which would always engage in the specified practices.

The point to emphasise here is that, just because a state or great power is liberal, this does not mean that it is a *liberal vanguard*, nor indeed does its practice of liberal intervention. In any case, the question being asked in this thesis is not whether the P3 states are *liberal vanguards* but rather, *have the P3 states behaved as liberal vanguards in practice?* The implication being that *liberal vanguardism* is not a matter of what a state is but rather *what the state actually does and says in practice.* Having liberal values and goals does not make a state a *liberal vanguard*, but how it acts on them in practice might.

The role of this chapter is not to prove the P3 states are intrinsically *liberal vanguards.* Rather, this chapter defines what *liberal vanguardism* is, explains what this original concept has to offer, how and why it has been developed, and why it is justified to examine whether, of all the states in international society, the P3 either individually or collectively have behaved this way in practice. The three case

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studies which follow then demonstrate the argument that the P3 states have, by way of their practices, behaved as *liberal vanguards* in practice, assessing the threat posed in each case to the sustainability of the solidarist society typified by R2P.

This chapter also explains what *liberal vanguardism* is and why theoretically its discourse and practices are a threat to the sustainability of the solidarist international society typified by R2P. Firstly, the concept of *liberal vanguardism* is defined, its associated practices specified, and how they pose a threat is explained. Secondly, why these practices pose a threat is justified. Thirdly, the empirical problem in response to which *liberal vanguardism* has been developed is interrogated in order to justify why this concept is needed. Finally, having explained the originality of the concept, its contribution to our understanding of the theory and practice of international relations is demonstrated by way of the gap in the existing ES literatures which it addresses.

What is liberal vanguardism?

No state or group of states labels themselves or others as *liberal vanguards*, therefore the term does not appear in international discourse. To explain this thesis' original conceptualisation of *liberal vanguardism,* this section will first unpack the term, provide a definition and establish the *liberal vanguard's* goal, purpose and the practices which flow from this. Next, the *liberal vanguard* approach to legitimacy and its attitude to consensus are explained, noting how these pose a threat to the sustainability of the soldarist society typified by R2P. The potential comparisons to liberal imperialism and neo-conservatism are noted but countered to mark *liberal vanguardism* out as distinct concept and set of practices within international society. Finally, having broadly conceived of the concept, purpose and practices of *liberal vanguardism*, its specific form and threat as examined in this thesis is detailed, so that it can be recognised in the case studies which follow.

Liberal vanguardism defined

The first point to address when defining this original concept are its composite terms. The *"liberal"* in *liberal vanguardism* stems from the liberal *value rationality* (Hurrell, 2007: 45; Clark, 2009a: 566, 573, 580, 581; Ralph, 2014: 8) and goals animating the states concerned, which marks them out from other states and great

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powers[56], and their own designs on international society. Next, the *"vanguard"* in *liberal vanguardism* stems from Leninist political theory. Here the vanguard plays a leading role in how a social movement unfolds, is willing to use coercion in the service of its goal (Buzan, 2004: 222-223), and possesses the self-confidence that the goal is true and will ultimately succeed. Combining these two terms, *liberal vanguards* essentially play a leading and coercive role in the advocacy and attempt to pursue in practice liberal goals within international society. They want to see society reformed in order to better reflect liberal values and so legitimate liberal goals, but they are prepared where prudent on occasion to act in practice rather than waiting for these reforms to take hold. *Yet the problem remains that, by being ahead of international society, there is a gap between their discourse practices, goals and the normative framework of the present society of states.*

Liberal vanguards are prepared where prudent to use coercion to achieve their goals because their faith in substantive liberal values makes them self-confident to the point of being self-legitimating. They believe themselves to be on the right side of history as seen through the lens of liberalism. It is to be expected therefore that *liberal vanguards* engage in some or all of the following practices: discursively advocating or attempting norm entrepreneurship, adaptation to reform international society so it will legitimate their practices; offering broad interpretations of extant norms in order to claim that international society should legitimate their practices; not just claiming legitimacy but conferring it upon themselves by reference to their own values or to a preferred constituency of legitimation other than the UNSC. *Crucially, where liberal vanguards engage in the latter such practices then they are not bound by international society. They are acting on those occasions where it is prudent to do so, without a UNSC consensus authorising their practice as internationally legitimate.*

As conceived by this thesis, *liberal vanguardism* therefore denotes an exclusive group of powerful liberal states who discursively advocate and attempt to pursue liberal goals within international society. Given their belief in their values and their sense that they are on the right side of history, and such is their confidence in these goals, *liberal vanguards* can be self-legitimating. On such occasions, they do not just

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[56] A variety of vanguards – other than liberal - are hypothetically possible, just as a variety of solidarisms are possible other than liberal cosmopolitan (Buzan: 2004 148-9, 226-7)

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make legitimacy claims, address these to international society through the UNSC and act in accordance with its consensus decision as the R2P normative framework specifies. *Liberal vanguards* are also prepared to confer legitimacy upon themselves rather than depend on the UNSC, and so they adopt an instrumental attitude to international consensus. *Liberal vanguards do not need the society of states to tell them what the right thing to do is, because their value rationality does this for them*. Therefore, *liberal vanguards* are prepared, where they consider it prudent not just to act coercively in pursuit of their liberal goals, but also to confer legitimacy upon themselves, rather than see it conferred by the consensus decision of an international society that they believe themselves to be ahead of and therefore not always bound by. Therefore, the ultimate goal of *liberal vanguardism* is a reformed international society but until that occurs they must practically engage the one in which they are presently situated. What are their goals and purposes here?

Liberal vanguard goals & purposes

To what ends are *liberal vanguards* prepared to claim international legitimacy or confer it upon themselves, defying international consensus? The concept has been developed partly in response to the general problem of how liberal states engage the normative framework of an international society that does not share the nature and extent of their substantive liberal values. Thus, a range of international problems, liberal values and goals could be assessed to examine whether, in specific cases, powerful liberal states reconciled/resolved the tension between their values, goals and the norms, rules, institutions and principles of legitimacy of the society of states through practices of *liberal vanguardism*.

The international problem which this thesis addresses is intervention in international society as understood through the R2P normative framework. R2P only addresses only mass atrocity prevention, it is argued that it only legitimates in principle *humanitarian* but not *liberal intervention*. Yet it is liberal forms of intervention which *liberal vanguards* seek to advocate discursively and attempt in practice, where preferable and possible. Their view of what is preferable stems from their liberal values rather the agreed understandings of the relevant R2P norms. Their view of what is possible is limited only by prudence rather than what the UNSC will authorise as legitimate. *Liberal vanguards* discursively advocate and attempt liberal intervention in practice *if they themselves* think it legitimate and

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prudent, even if international society, through the UNSC does not authorise it as legitimate.

Accordingly, the goal or form of *liberal vanguardism,* which is the focus of this thesis, is the pursuit of liberal outcomes or liberal intervention, defined as combining coercive democracy and human rights promotion with mass atrocity prevention. The latter is a humanitarian goal and is legitimated through the R2P normative framework; the former, however, is liberal and is not subject to the same international solidarist consensus. The concept of *liberal vanguardism* is therefore applied specifically by this thesis to the following problem. *How do liberal states legitimate the goals and practice of liberal intervention given the tension between this and the society of states' more limited, humanitarian solidarist normative framework as typified by R2P*?

It is important at this point to clarify that there is more to the practice of *liberal vanguardism* than the practice of liberal intervention alone. Firstly, as noted above, when broadly conceived, *liberal vanguardism* could be applied to a myriad of problems and issues in international society where there is tension between liberal values and the society's normative framework. It is not specific to or confined to the topic of intervention and therefore does not depend on it. Furthermore, it is possible to imagine other variants of vanguardism where the values, goals and practices involved are not liberal, just as is the case with typologies of solidarism other than liberal (Buzan, 2004: 148-149, 226-227).

Secondly, as emphasised, *liberal vanguards* will only engage in liberal intervention in practice where they deem it *prudent*. The thesis does not argue that *liberal vanguards* advocate and attempt to intervene to prevent every instance of mass atrocities or that their ultimate intention is to intervene in every illiberal state in order to promote democracy and human rights. Thus *liberal vanguardism* need not include the actual practice of coercive democratisation or promotion of human rights[57] but can be limited to discursive advocacy of these goals and the attempt to

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[57] Note this thesis distinguishes conceptually between *"regime change"* through the international use of force (that is by means of a military intervention), and a *"change of regime"* by coercive means through the imposition of sanctions. Both can be forms of *"coercive democratisation",* but the distinction is important to draw so as to illustrate that there is more to coercion than the use of force alone, and in recognition of how taboo *"regime change"* is, and how rare military intervention is when compared to the softer policy by which change of regime is sought.

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act on them in practice where prudent. Thirdly, and crucially, *liberal vanguardism examines the approach to legitimacy and attitude to consensus by which states advocate or attempt liberal intervention.*

Thus, whilst *liberal vanguardism* can include the practice of liberal intervention, it need not, nor is it limited to this alone. In any case, the concept more broadly applies to the discourse and practices by which liberal states reconcile/resolve the tensions between their values/goals and those of the society of states, with specific regard to their approach to legitimacy and their attitude to international consensus. In pursuing their goal of liberal intervention to prevent mass atrocities within the context of the solidarist society of states typified by R2P, it is argued that *liberal vanguards* adopt the following approaches to legitimacy and attitude to consensus. *They either create, adapt or broadly interpret norms to claim international legitimacy, or they confer it upon themselves and in so doing demonstrate an instrumental attitude to international consensus.*

Liberal vanguard approach to legitimacy & attitude to consensus

As explained in Chapter 3, according to Clark (2005) international society is instituted by the establishment of an international consensus regarding international principles of legitimacy. It is this which underpins the norms that then constitute its rules and institutions, the parts which are the society's most obvious expression. Provided the international consensus is sustained by states, these principles of legitimacy are enduring and prescribe practices of rightful conduct by states within international society. However, that the principles are enduring is not to say that they are fixed in perpetuity. Legitimacy is conceived of here as a politically mediated space rather fixed property (Clark, 2005: 29-30).

In addition, the prescriptions of rightful conduct are subject to interpretation and application on a daily basis through iterative state practice. Thus, the principles, norms etc. set the boundaries – *narrow or broad* - of legitimate, acceptable international practice or rightful conduct. But it is up to the society of states to apply them and navigate these boundaries in specific instances and therefore decide whether a state's practice is internationally legitimate. As Bull observed, the rules do not apply themselves in the society of states, but neither do they depend upon a centralised authority, rather given that it is *an anarchical society this is a matter for the states themselves* (1977: 46-51).

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Returning to the problem of the dissonance that is evident on occasion between the norms of society and liberal states' value rationality, goals, discourses and practices, liberal states within international society can adopt the approaches to legitimacy imagined below to either reconcile or resolve this tension. Broadly speaking *liberal vanguards* could approach legitimacy in the following ways:

A1. Claim and confer legitimacy upon themselves and their practices based on their substantive liberal values. No serious attempt is made here to secure *international* legitimacy with reference to extant international norms, nor is any attempt made to close the gap between liberal values and practices and contrasting international norms through norm change or an international consensus. There is, therefore, probably little to no engagement of R2P or the UNSC.

A2. Express their scepticism of extant international norms, rules, institutions or principles of legitimacy, and so engage in norm entrepreneurship, adaptation to change these. A public attempt at norm change is made here so as to close the gap between international norms and liberal practice and thus secure international legitimacy and international consensus. This would likely entail engaging R2P to adapt it, if not augment it with new norms, probably with the involvement of the UNSC for agreement to the norm change.

A3. Liberally interpret extant norms so as to justify and claim legitimacy for their practices without having to create new ones or adapt existing ones. There is a denial that any gap exists between extant international norms and the liberal states' practices. There is subtle, nuanced norm change through practical interpretation and application so as to secure international legitimacy and an international consensus in accordance with the existing norms. This approach engages both R2P and the UNSC, given their prominence in the extant normative framework.

A4. Addressing legitimacy claims to an international constituency other than the UNSC and thus securing international legitimacy through a constituency of likeminded states[58]. Here, UNSC deadlock would be indicative of there having been no *successful* norm change but an attempt is still being made to secure international legitimacy and an international consensus wherever it can be sourced.

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[58] This constituency need not be constituted purely by liberal states, that is, the vanguard's peers, as states look to exploit consensus wherever they can find it.

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This approach may claim that R2P and UNSC have failed, or more specifically that the Council has failed in its R2P.

How *liberal vanguardism* threatens the sustainability of solidarist international society typified by R2P

The four possible approaches above are imagined responses by liberal states to the tension between their preferred values, goals, practices and the normative framework of an international society which will not readily legitimate them. The four are broadly conceived and could be interrelated in practice. For instance, **(A1)** could be either a starting point, a *these are our terms, take it or leave it, you're with us or against"* position, or a defiant fall back should **(A2-4)** fail. Likewise **(A4)** could be a last resort having already attempted **(A2-3),** or instead could be their practice from the very outset, completely sidestepping rather than stepping away from the UN Security Council.

Such willingness to self-legitimate and adopt an instrumental attitude to consensus is significant because of the unique role of the UN Security Council. The normative framework of the contemporary society of states – through the UN Charter and R2P - establishes the Security Council as the authoritative constituency of legitimation on matters of international peace and security and international mass atrocity prevention. It is to the Council and the Council alone, that legitimacy claims such as those relevant to this thesis are supposed to be addressed and, more importantly *it is for the Council alone to confer legitimacy authoritatively on behalf of wider international society in such cases.* The seriousness of action being taken unilaterally without the authorisation of the Council has been noted in both theory – *the sovereignty – intervention – authority dilemma* (Gallagher, 2013: 108, 110, 117, 122, 129) - and in practice (Annan, 1999a; IICK, 2000; ICISS, 2001).

The empirical reality of an uneven society is that states often disagree about the interpretation and application of the norms, rules and institutions of international society. States holding different perspectives of legitimacy and what should be done in response to a crisis is a normal albeit problematic occurrence within international society. So, provided there is a *sufficiently broad consensus* as to what the *principles of legitimacy of rightful conduct* are and that states *believe themselves bound by this consensus,* and that they actively reflect this belief in their discourse and practices, then the society is sustained. Crises emerge when states act in spite of their disagreements. Whether these crises constitute threats to the

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sustainability of solidarist international society will depend on their impact on international legitimacy and international consensus. Earlier, this thesis argued that *practices of international legitimacy and consensus* are how states sustain international society and these can be observed through the UNSC when states:

- Claim international legitimacy for their practices by engaging the normative framework of international society

- Seek the authoritative international consensus of the UN Security Council to confer international legitimacy upon their practices

- Act in practice with regard to international legitimacy and respect for international consensus, therefore binding themselves by the Security Council's decision.

Given that these practices of legitimacy and consensus sustain the solidarist international society typified by R2P, the approach taken by *liberal vanguardism* to legitimacy and consensus explains how it poses a threat. Four imagined *liberal vanguard* approaches to legitimacy were envisaged and are recalled below. Within these – especially **(A4)** – the *liberal vanguards'* instrumental attitude to consensus is evident. For, when it comes to the pursuit of their goals*, liberal vanguards* are unwilling to compromise and are therefore far less open to persuasion during Council deliberations and discussions.

This raises the prospect of discord either horizontally among the P5 or vertically between the P5 and E10, making an international consensus harder to achieve and implement in practice. Then, should *liberal vanguards* be unable to secure by consensus the adoption of a Security Council Resolution favourable to their goals and practices, they are prepared, where prudent not to bind themselves by the Council's – and by extension, international society's – decision. *Practice without consensus and therefore without international legitimacy threatens the sustainability of international society.* Theoretically therefore, and with regard to international legitimacy, *liberal vanguards*:

A1. *Claim and confer legitimacy upon themselves and their practices based on their substantive liberal values*. This poses a clear threat because extant international norms are violated and disregarded, therefore no attempt is made to close the gap between their practices and international norms and so practice is undertaken without international legitimacy or consensus.

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A2. *Express their scepticism of extant international norms, rules, institutions or principles of legitimacy, and so engage in norm entrepreneurship, and/or adaptation in order to change these.* Provided this is successfully received, it does not pose a threat, since success in this attempt would be an implementation of Linklater's recommendation of adapting international society's rules by consensus so as to sustain it (2000: 490). Should the attempt fail, then the society has been exposed to serious discord not just over how to apply the rules but what the rules should be, and this poses a threat to its sustainability. More serious still would be if states acted despite failing to consensually adapt the rules, because they would probably then be acting without international legitimacy or consensus.

A3. *Liberally interpret extant norms so as to justify and claim legitimacy for their practices without having to create new ones or adapt existing ones*. Should the rest of international society accept the interpretation then they would be proceeding with both international legitimacy and consensus and so the society would not be threatened. However, its sustainability could be threatened because, denying there is a gap between their values, goals, practices and international norms unlike **(A2)**, does not resolve this fundamental tension but rather stretches, confuses and so undermines or erodes the consensus understanding of the norms with further consequences. Also, as with **(A2)**, should states act even when their claims are not accepted as internationally legitimate, then the sustainability of the society would be threatened by such practice without international legitimacy or consensus.

A4. *Addressing legitimacy claims to an international constituency other than the UNSC and thus securing international legitimacy through a constituency of likeminded states.* Unlike **(A1)**, an attempt is made to secure a form of international legitimacy and consensus rather than disregard the society of states completely. However, action without Council authorisation is practice undertaken without authoritative international legitimacy and consensus. The sustainability of the solidarist society typified by R2P is therefore threatened by states not believing they are bound, and being party to discord rather than consensus among the P5, and/or between them and the E10. In sum, here the pursuit of international legitimacy by other means only partly fulfils Linklater's injunction to the good international citizen (2000: 490) as the normative framework of the society has been challenged but unreformed and so its sustainability is threatened.

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Liberal vanguardism as specific to this thesis

As the historical record and recent events attest, practices of liberal intervention or unilateralism are not the preserve of *liberal vanguards* alone. Indeed, returning to Wight's three traditions and specifically the boundaries between them as mapped by Buzan in Figure 7 below the following conceptual similarities can be observed. Unlike liberal imperialists, *liberal vanguards do not seek to dominate international society* or establish colonies. Also, unlike neo conservatives they *do not ignore or disregard international society and place themselves above it*. That is, *liberal vanguardism* does not just disregard the R2P normative framework as an inconvenient obstacle that does not apply to them because of their faith in liberal values and ultimately their power capabilities to do as they would please where prudent on occasion. Such disregard would undermine the very international society that *liberal vanguards* see themselves ahead of and that they seek to reform.

Instead, conceptually they would be expected to engage in the four approaches to international legitimacy imagined above. More specifically, they would undertake approaches **(A2-4)** because these engage international society's norms in search of a form of *international* legitimacy and *international* consensus, rather than relying explicitly on their own values alone for legitimacy. However, the first approach still fits within the broad *liberal vanguard* conceptualisation since such faith in substantive liberal value rationality, reliance on this and the belief in being on the right side of history can be an animus to reform international society. It also provides the confidence not to be bound by, and therefore held back by extant international norms, because these will eventually catch up or come around anyway.

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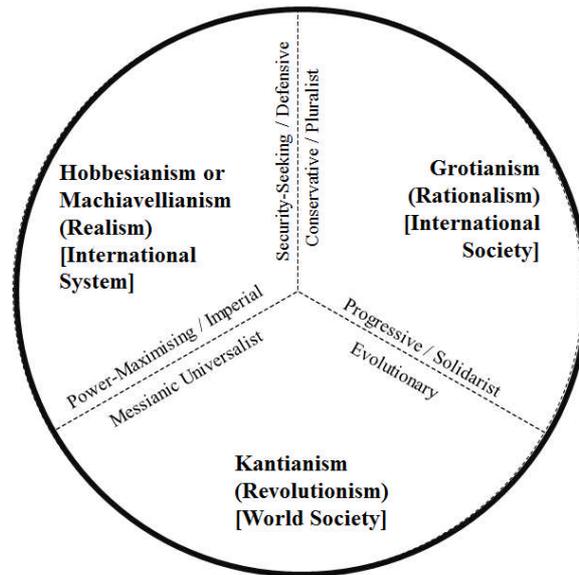
Figure 7: The classical 'Three Traditions' model of ES theory. Note: Titles in () are Wight's labels; titles in [] are the analytical focus; titles along the border zones are where the traditions blend into each other (Buzan, 2004: 9)

Referencing once again Figure 7 above, *liberal vanguards* are conceived of by this thesis as a form of *"radical rationalists"* (Linklater and Suganami, 2006: 180) who locate themselves ahead of international society - on the boundary between international and world society - and so attempt to reform its norms, rules, institutions and principles of legitimacy through their discourse and practices. It is because they believe that their liberal values and associated practices are better than those currently legitimated by international society that they attempt to reform or interpret the international normative framework to reflect their preferences and so close or deny the gap between their values, goals, practices and international norms.

Crucially however, liberal vanguards are also prepared where prudent not to bind themselves by the inferior – that is non-liberal – contemporary consensus as to principles of legitimacy. However at no point does the *liberal vanguard* advocate or attempt to undo international society, either by undermining it, pulling it apart, or by revolutionising state sovereignty so as to displace the society. Neither do they simply disregard the society and deny that it matters. *Liberal vanguards* are very much creatures of international society, and whilst they do not intend to threaten international society, this thesis will argue that their practices can and do threaten it, specifically when it comes to the problem of liberal intervention and the solidarism typified by R2P. What then are these practices?

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The practices of liberal vanguardism

The concept, its purpose and practices being conceived broadly as above, how will this thesis know *liberal vanguardism* when it sees it? The concept is specifically applied to examine how the P3 states and the UNSC practically interpreted the extant five norms of the R2P framework in the three selected case studies. The thesis examines how the P3 states approached legitimacy and what their attitude to international consensus on the UNSC was in each of the three cases when it came to reconciling the tension between their preference for liberal intervention and the humanitarian solidarism of the R2P normative framework. It argues that in doing so they exhibited practices of *liberal vanguardism*. Of the four possible approaches to legitimacy imagined **(A1-4)**, which could be theoretically adopted by *liberal vanguards* in practice, the thesis focuses on the latter two, the liberal interpretation of extant norms and the addressing of legitimacy claims to constituencies other than the UNSC.

By engaging the UNSC and additional, sometimes seemingly as alternative, international constituencies of legitimation like the African Union, ECOWAS, Arab League, Libyan and Syrian Contact Groups, the P3 states did not as **(A1)** specifies, rely solely and explicitly upon their values. Whilst their liberal value rationality was evident in their interpretation of the crises, professed goals and interpretation of the R2P norms, it remains the case that they sought to be conferred international legitimacy rather than self-legitimating without regard for international society. As interviewee participants remarked and the evidence of Security Council meetings corroborates, the P3 states did not as **(A2)** specifies, publically call into question the R2P normative framework by alleging it was outmoded, unfit for purpose or in need of fundamental reform:

"The rules are not the problem, the difficulty is whether there is will…The difficulty is not in the rules. Indeed a fight about the rules might complicate things. The system in general works in reality…If anything, trying to change these rules would be a risk…The rules are not perfect but the problem does not lie in the rules. If we want to act/respond, we have enough tools. We have to make do with what we have and the UN is the only way to make the system [international society] work. Those that don't respect the rules don't want to get rid of them, and those who would progress them don't want to run the risk of opening them up to change…

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No, the P3 are not trying to change the rules [sovereignty, non-intervention, non-interference, limits on the use of force, multilateralism] but rather make them work. With R2NV [responsibility not to veto] we deliberately never discuss changing the Charter because we know this is too controversial, complicated and unlikely. Hence we are working to achieve an understanding first among the P3 and then the P5 on this topic. This [R2NV] is a typical example of trying to make the system work better within the existing rules" (France Interview, 17th November 2014).

These statements locate international society's problems with respect to mass atrocity prevention as one of political will rather than the rules, which they believe can be made to work. Where the French interviewee focused on the rules as they are, the UK interviewee speculated as to the difficulties of further norm entrepreneurship:

"The P2 have a problem with that logic of linking between regime change and mass atrocity prevention and would be more concerned about a rule change and conceding that rather than action in any one case [such as in Syria]. We [the UK] would not even be comfortable with linking regime change to R2P. All governments are very nervous about their sovereignty so a rule change [on regime change or democracy promotion in response to mass atrocities] is feared more than simply getting rid of Assad. I do a lot of work on thematic text negotiations. The most vicious - so to speak - negotiations are here on the creation of general understandings rather than in specific instances. States are worried more about the norms in thematic texts than on taking issues or situations on a case by case basis" (UK Interview, 17th November 2014)

Furthermore it is clear from UNSC members' discussions in thematic debates on civilian protection that it is the implementation of extant norms, rather than debate of existing ones or the creation of additional ones, that should be the society of states' focus:

"In connection with the protection of civilians, we already have in place a comparatively set of international legal rules. The key now is to ensure the comprehensive, equitable and effective implementation of those rules...The Security Council has already adopted a significant number of resolutions and presidential statements on the protection of civilians in armed conflict. Our task in the next

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phase should be to push for the effective implementation of those documents."
(China, S/PV 6354, pg.28)

"Let us not fall into an endless theoretical debate while reality on the ground overwhelms the Organization's capacity to act. On the contrary, let us make progress in consolidating a culture of respect for the principles and standards of international humanitarian law in order to eradicate impunity and repair the damage done to civilians in armed conflict." (Mexico, S/PV 6354, pg.18)

"As mentioned in the report (S/2010/579) of the Secretary-General, while in the course of the past 11 years a comprehensive framework has been established, the emphasis must now be on making progress in enhancing protection on the ground. We must therefore translate our legal commitments into actions. The real problem lies with implementation, rather than norm- setting." (Turkey, S/PV 6427, pg.26)

"A broad consensus exists as to the merits and utility of a culture of prevention that allows us to identify crises before they transform into conflicts, with all the human and material costs that such conflicts always levy. It is therefore time to transform that consensus into concrete actions that ensure, moving forward, that the Security Council uses the preventive instruments at its disposal in a better, more systematic manner." (Portugal, S/PV 6621, pg. 9-10)

Thus the P3 states are not publicly attempting or advocating the adaptation of R2P and they certainly aren't attempting or advocating the creation of a new norm of regime change in response to the state commission of mass atrocities. The society of states seemingly has no appetite for such endeavours and as the statements above indicate, the issue is how to make sense of the existing R2P normative framework. In summary, the thesis argues that the P3 states did not publicly disregard or exhibit scepticism of the R2P normative framework. Nor did they attempt to augment the R2P framework with a new norm through entrepreneurship, or revise the content of the existing five norms through adaptation.

However, these first two approaches **(A1-2)** notwithstanding, *there remains* **(A3-4)** *and thus the question of how the P3 states practically interpreted and applied the R2P normative framework, which constituencies of legitimation they addressed,*

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and how. Here the remarks of the Lithuanian, French and Luxembourg interview participants are instructive:

"The problem, from my perspective as a lawyer is of the Charter being too old - from 1945. The UN have to interpret it to make it more applicable to current situations. Nobody was thinking in 1945 of mass atrocities such as there have been so many in the 1990s and early 21st century. The problem is that some countries treat the Charter as a Bible and read it word to word as a closed text" (Lithuania Interview, 17th November 2014)

"No, the P3 are not trying to change the rules [sovereignty, non-intervention, non-interference, limits on the use of force, multilateralism] but rather make them work…We are trying to negotiate to get the rules accepted by everyone but even then there is leeway in the rules in that words are ambiguous and R2P is one such instance here [of deliberate ambiguity]… Nobody is contesting the main rules [sovereignty, non-intervention etc] but rather how they apply to new situations…In my view, the broader the rule the easier it is to apply it to new realities" (France Interview, 17th November 2014).

"Some states, for example Russia and Venezuela have more traditional interpretations of sovereignty and other such norms, where other states may be more progressive. Every state has their own interpretation and some are more inflexible than others…Russia however tries for a consistent reading of the Charter which pays less attention to this evolution…Luxembourg's view is that international social norms have to evolve" (Luxembourg Interview, 24th November 2014)

These statements raises the question of a liberal interpretation of how the rules should work, and of a liberal interpretation of the deliberate ambiguity regarding international understandings of sovereignty, non-intervention, non-interference, limits on the use of force and multilateralism in mass atrocity situations in which the state is held responsible for the commission of mass atrocities. Hence when this thesis argues that the P3 states behaved in practice as *liberal vanguards* it is examining **(A3-4)** and whether the P3 states:

- Teased a *liberal vanguard* interpretation out of extant international norms so as to justify and claim legitimacy for their practices
- Engaged and relied on social constituencies of legitimation other than the UNSC

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- Displayed an instrumental attitude to international consensus.

Whether or not the P3 states behaved in practice as *liberal vanguards* will depend upon how they publicly engaged international society's normative framework to justify their liberal interventionist practices, and to claim or confer legitimacy. It will be argued that, through their practical interpretation and application, the P3 states as *liberal vanguards* attempted to justify their practices as being in accordance with the existing R2P boundaries of legitimacy which typify the humanitarian solidarism of contemporary international society. In doing so, the following *liberal vanguard* practices were evident in the three case studies:

Pr1. Discursively interpreting the extant R2P normative framework in such a way as to justify and claim legitimacy for liberal intervention in response to mass atrocities. Linking their values with international norms and claiming their goals are legitimate to international society, rather than there being a gap between goals, practices, values and norms. They claim their position or practice is in accordance with extant understandings of sovereignty, non-intervention, non-interference, limits on the use of force, and multilateralism. This is the liberal component of *liberal vanguardism*. Whilst it is common practice for all states in international society to interpret the norms, rules, institutions or principles of legitimacy as they would prefer, should this practice confuse what the consensus understanding of these are, then the sustainability of the society is threatened, especially depending on - whether/how liberal states act on their interpretations as below **(Pr2-4)**.

Pr2. Persuading rather than being open to persuasion themselves. Securing a consensus which supports their position and setting the terms of consensus, rather than agreeing these via compromise or deliberation. This is part of the vanguard component of *liberal vanguardism* whereby liberal states regard themselves as on the right side of history. As such, they seek to persuade others of their claims and goals (as in **Pr1**) but are not open to persuasion and thus compromise with regard to these, especially their goals. This exacerbates the tension between their goals, values, practices and the norms of the society and so increases the prospect of discord, horizontally or vertically. That states may be unwilling to compromise is of course normal, and discord need not threaten international society. The threat depends on whether they resolve the discord or act in practice in spite of it.

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Pr3. Fostering, referencing and appealing to an alternative social constituency of legitimation. Often consisting of like-minded, self-selecting states, this will be more exclusive but less authoritative than the UNSC. This is attempted so as to support their case for a UNSC consensus or make up for the absence of one, as below. Where **(Pr1-2)** regard how liberal states claim legitimacy, here **(Pr3)** touches upon where they claim it from and whether they confer it upon themselves, rather than having it conferred in accordance with the norms of international society, specifically the R2P framework especially limits on the use of force and multilateralism. Although such concern for consensus and international legitimacy is better than none, sourcing it from other than the United Nations poses a threat to the sustainability of the solidarist international society typified by R2P, since it runs counter to the R2P normative framework.

Pr4. Liberal intervention in practice where prudent without UNSC authorisation. The R2P normative framework legitimates only multilateral humanitarian intervention for preventing mass atrocities. The practice of liberal intervention, especially when conducted without a Security Council Resolution, threatens the sustainability of the solidarist society typified by R2P because (a) liberal intervention runs counter to R2P's emphasis on humanitarianism and non-interference; (b) it means the *liberal vanguards* have decided not to bind themselves by the consensus as to what is legitimate (humanitarian intervention) and when it is legitimate (multilateral as authorised by the UNSC). The violation of the R2P normative framework and practice without international legitimacy could provoke a *legitimacy crisis* (Reus-Smit, 2007: 167).

Once again, with the four imagined approaches to legitimacy that were outlined earlier **(A1-4)**, the four practices envisioned above **(Pr1-4)** are broadly conceived and could be interrelated in practice. Therefore, it is evidence of any of these practices and their expected consequences on the part of any or all of the P3 states that will be sought going forward in the three case studies. The thesis uses the material of and around the United Nations Security Council for evidence, and looks to assess the discourse and practices of the P3 states in particular as well as the reaction to this of the rest of the Council – both horizontally among the other P5 states and vertically between the P5 and E10. Each case study will argue that the P3 states engaged in some or all of these practices and thus behaved as *liberal vanguards.* If it is now clear how *liberal vanguardism* threatens the sustainability of

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international society, it is also necessary to be clear why this is so. Once this has been achieved, the original contribution can be specified by exploring the empirical problem it responds to and the gaps in the existing literature that this original concept addresses.

Why is liberal vanguardism a threat?

"The element of a society has always been present, and remains present, in the modern international system, although only as one of the elements in it, whose survival is sometimes precarious…in different historical phases of the states' system, in different geographical theatres, and in the policies of different states and statesmen, one of these three elements may predominate over the other"

(Bull, 1977: 41)

What does the practice of *liberal vanguardism* threaten and why? By associating international society with one of three interrelated traditions of international relations, the ES has never been sanguine about its endurance in its current form. Bull noted that the international order it produced was "*precarious and imperfect*" (1977; 52) and more recently, Reus Smit observed that international society was "*as vulnerable as it was impressive*" (2005: 88). Chapter 3 surveyed existing ES literature and the problems, challenges and threats facing international society which had variously been identified therein. Relevant to *liberal vanguardism* is the concept of a *pluralist counter offensive* (Ralph, 2014: 6,8,18). This is provoked by states' suspicions and their being upset about the purposes that solidarism had been put to in practice, and the often aggressive or exclusionary means by which it is promoted.

Mapped onto Figure (7), a successful pluralist counter offensive if directed against the solidarism of the society typified by R2P, could attempt either to halt the solidarist advance, thus sustaining the society as presently constituted - which is this thesis argues is humanitarian rather than liberal - or to reverse the solidarist development and so change the form of the society. There is an R2P literature which considers the development, evolution and possible resistance to the R2P normative framework by state opponents or sceptics in international society[59]. This

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[59]E.g. Badescu, Cristina, Weiss, Thomas G*. 'Misrepresenting R2P and Advancing Norms: An Alternative Spiral?'* in International Studies Perspectives Vol.11 (4) 2010 pg.354-374; Shawki, Noha *'Responsibility to Protect: The Evolution of an International Norm'* in Global

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thesis contributes by examining the practices that may provoke such a counteroffensive, and whilst it is important to consider that a pluralist counteroffensive is one possible reaction to, and therefore consequence of *liberal vanguardism*, it is not the threat specifically addressed in this thesis. The argument advanced here is not that *liberal vanguardism* indirectly threatens the sustainability of international society because of what it makes other states do, and it is they who go on to pose the direct threat. Instead, it is argued that the practices of *liberal vanguardism* themselves are the threat to *the sustainability of a form of international society over time.*

In sum, as has already been argued, this thesis does not argue that *liberal vanguardism* threatens international society existentially or writ large, but rather threatens a type or form of international society. Furthermore the threat is to the sustainability of the society over time, which means the thesis does not claim *liberal vanguardism* poses an imminent, acute or catastrophic threat. Rather, it threatens the prospect for the society enduring over time because the practices of *liberal vanguardism* run counter to the practices by which states sustain the society. Why is this the case?

The practice of liberal vanguardism: behavioural but not ontological outlaws

This society of states endures because it is sustained by its member states' discourse and practices, and accordingly its sustainability can also be threatened by their discourse and especially their practices. In his work on *sovereign inequalities and hierarchy in anarchy* Donnelly observed that *"states that violate certain international norms place themselves outside the law, in whole or in part, and become liable to legitimate limitations on the exercise or enjoyment of their sovereign rights"* (2006: 146). Donnelly further proposed that *"outlaw states"* (Simpson, 2003) came in two principal forms:

"What we might call 'behavioral [sic] outlaws' violate particular international norms... 'Ontological outlaws', by contrast, are outlaws more for who they are than what they have done…Furthermore, ontological outlaws usually also violate

Responsibility to Protect Vol.3(2) 2011 pg.172-196; Acharya, *Amitav 'The R2P and Norm Diffusion: Towards A Framework of Norm Circulation'* in Global Responsibility to Protect Vol.5 (Special Issue) 2013 pg.466-479; Thakur, Ramesh *'R2P after Libya and Syria: Engaging Emerging Powers'* in The Washington Quarterly Vol.36 (3) 2013 pg.61-76; Thakur, Ramesh *'The Development and Evolution of R2P as International Policy'* in Global Policy Vol.6(3) 2015 pg.190-200

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behavioural [sic] norms. Nonetheless, the conceptual distinction is clear and important...Ontological outlawry is connected much more directly to the criteria for membership as a full participant in a legal community"

(Donnelly, 2006: 147)

The concept of outlaw states is immediately germane to R2P. Paraphrasing Donnelly, mass atrocities – often referred to as mass atrocity *crimes* - have been identified collectively by international society as a form of criminal behaviour that justifies infringing states' prima facie rights to sovereignty and non-intervention. However, in regard to how states sustain international society, the conceptualisation of outlaw states and the distinction between behavioural and ontological outlaws is instructive.

As noted in Chapter 3, international society need not be a nice place and is certainly not a utopia. The conduct of international war has been limited rather than eliminated, and lower level international conflict and competition are part of social life, whilst intra-state violence and mass atrocities remain ubiquitous. ES scholarship recognises that there exist substantial inequalities of power and influence amongst states, to the point where hegemony and hierarchy are both apparent within the otherwise anarchical society. *Yet the society remains anarchical given the absence of a centralised orderer to enforce the rules and consistently or automatically punish outlaw states.* Such is the absence of this orderer that states often contest whether and how international law or norms should be applied in practice, or otherwise break with them

Given that rule breaking, norm violation or contested interpretation or application are regular occurrences within international society, this thesis does not necessarily regard rule breaking by behavioural outlaws as threatening to international society. Provided international society condemns the breach of the rules and takes action where possible to punish the state(s) responsible or agrees to reform the rules in light of the breach. Either way, the states concerned act to sustain the consensus about principles of legitimacy and reaffirm that this is and should be binding in practice. *Where states violate norms with impunity, that is to say, without reaction, then the sustainability of the society is threatened.*

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Beyond these concerns about states violating norms or disagreeing how to interpret and apply them in practice, Donnelly's conceptualisation of ontological outlaws raises the question of *what happens when states dispute what the international rules should be. Could ontological outlaws threaten the sustainability of international society?* Mendelsohn's conceptualisation of systemic threat to international society is helpful here, defined as an entity which as in Figure 8;

(a) Rejects the constitutional normative principles of the existing system
(b) Rejects the institutions and rules that derive from and promote these principles
(c) Actively promotes an alternative organizing principle
(d) Possesses — or has the potential to obtain — the power to overcome the old order

Figure 8: Systemic threat criteria (Mendelsohn, 2009: 297)

These criteria further our understanding of the distinction between ontological and behavioural outlaws and the threat posed by the former to the sustainability of international society. Rather than just violating norms of behaviour, ontological outlaws (a) reject the constitutional normative principles of contemporary international society. These would be the first and second order principles of legitimacy with regard to membership of and rightful conduct within the society of states. Since these principles constitute the norms, rules and institutions that populate the society, it follows that ontological outlaws would reject these (b) and very probably promote their own (c). That is, they would attempt to reform international society as they saw best or in their image. Whereas there are many entities who may seek to undertake (a-c), Mendelsohn avers that only those who possess or with the potential to possess the power it would take to succeed (d) should be deemed a threat. Likewise, this thesis examines the practices of the P3 states and focuses on relations among the great powers and between them and the rest of international society for this very reason. They have power.

Donnelly reasons that ontological outlaws are often also behavioural outlaws because they violate behavioural norms. The reverse is not the case, since states can break the rules without rejecting them, as Mendelsohn argued. *Liberal vanguards,* when willing where prudent to act in practice without international legitimacy, and/or not binding themselves by the consensus decision of the UNSC, are violating international norms and therefore behaving as behavioural outlaws. However, are *liberal vanguards* also ontological outlaws? *Liberal vanguards,* as broadly conceived, could be ontological outlaws but this is rarely the case in

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practice. Broadly conceived, the *liberal vanguards'* ultimate goal is a reformed international society in which their preferred values, goals and practices are legitimate according to the reformed international normative framework. *Liberal vanguards* conceive of themselves as on the right side of history and ahead of international society, and as such their ultimate goal is for the society to have caught up with them. Once it has, it is therefore less uneven and so the society is likely to share their interpretation of liberal intervention as legitimate practice - on occasion - in mass atrocity situations.

Were *liberal vanguards* to boldly claim that until international society caught up with or came around to their position they refused to be bound by it, then by rejecting society's existing constitutional principles and the rules and institutions derived from this, then they would be behaving in practice as ontological outlaws. This is especially true if they then set out to coercively promote their position by promoting their alternative preferred arrangements and enforce these on the rest of the society, rather than acting by international consensus. Although *liberal vanguards* ultimate goal is a reformed international society, their immediate values, goals and practices do not entail such a public rejection of or attempt to coercively change the international normative framework. Instead, in practice they attempt to tease a *liberal vanguard* interpretation of rightful conduct from the extant normative framework and thus secure international legitimacy and consensus in support of their preferred practices. Should this fail then they are prepared where prudent to act in practice on their *liberal vanguard* interpretation and enforce it.

Should *liberal vanguards* violate the international understanding of extant principles of legitimacy and/or act without clear UNSC authority makes them behavioural outlaws. But the absence of a bold attempt to coercively reform international society means they are not ontological outlaws. *The vital distinction to realise here is that liberal vanguards act in practice on the basis of how they think international society should be organised, but are not set in practice on reorganising it themselves.* Their practice is therefore that of behavioural rather than ontological outlaws.

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The threat posed by liberal vanguards approach to legitimacy and attitude to consensus

The threat exists where the practice of *liberal vanguardism* creates a *"legitimacy crisis"* (Reus-Smit, 2007: 167). The threat posed is not to international society but rather to the sustainability of the solidarist international society typified by R2P. *Liberal vanguardism does not therefore pose an immediate existential threat to international society writ large, but rather a threat to the sustainability of the solidarist form of that society over time*. Therefore, this thesis does not claim *liberal vanguardism* would destroy social interaction between states immediately and completely. As Kirstin Ainley observed, *"one failure does not make a crisis"[60]*, therefore too often it is the case that passing crises are given undue prominence by academics who mistakenly see in them an existential threat or revolutionary change that is in fact not there.

What this thesis does argue is that the practices of *liberal vanguardism* provoke a "*legitimacy crisis*" (Reus-Smit, 2007: 167) which threatens the sustainability of the solidarist society of states typified by R2P. States behaving as *liberal vanguards,* rather than contributing to the sustainability of humanitarian solidarism typified by the R2P normative framework, actually threatens this. Thus, the threat posed by the practice of *liberal vanguardism* is likely to unfold over time, eroding the international legitimacy of the R2P normative framework and the consensus which underpins this.

Having explained the concept of *liberal vanguardism* and identified both how and why it is a threat, the question remains as to why such an original conceptualisation is required. To address this question, the chapter now explores the empirical problem of state practice in an uneven international society and the existing ES literature on this which the author has developed and thus contributes to.

Why develop liberal vanguardism?

The thesis' research question is whether P3 states have behaved as *liberal vanguards* in practice because, were they have done so, as in the three cases examined, this threatens the sustainability of solidarist international society typified by R2P. So far, this chapter has explained the concept of *liberal*

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[60] Remark during her paper on *"Failing Humanity: Reforming the ICC and R2P post-Syria"* at the April 24th 2014 ESRC funded seminar *The Responsibility to Protect and Prosecute. The International Criminal Court after Libya.*

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vanguardism, specified its practices, and the threat posed, noting that the concept is applied to the problem of intervention in international society. Specifically, the problem of how the practice of liberal intervention is legitimated in an international society whose solidarism – as typified by R2P – is *humanitarian* rather than *liberal*. However, *liberal vanguardism* has been developed in response to a broader empirical problem than the legitimating of liberal intervention.

Broader than liberal intervention alone, *liberal vanguardism* is a function of the fundamental empirical problem animating this thesis, which is an iteration of the ES founding research question of how cooperation among states is achieved in a society without government (Bull, 1966c: 38). More specifically, *given the uneven nature of contemporary international society and the tensions between states' values, goals, practices and international legitimacy, how does the society endure?* Chapter 3 argued that the society endures because it is sustained by states' practice of international legitimacy and international consensus. Essentially, that is, by states believing they are bound by principles of legitimacy, acting in line with or at least with regard to these in practice, and so by international consensus. However the historical record and recent practice of states such as the P3, suggest that they have not been doing this.

The concept has been developed with an eye to their recent and historical practice of intervention, either humanitarian or liberal, individually or collectively. This has been historically evident in the post-Cold War era prior to 2010-2012 in Northern Iraq, Haiti, Somalia, Bosnia, Sierra Leone and Kosovo[61]. This thesis developed the concept of *liberal vanguardism* to examine their practices and the reaction to these on the UNSC. Briefly therefore, it is necessary to identify how *liberal vanguardism* contributes to our understanding of the fundamental empirical problem which underpins this thesis before exploring the gaps in the existing ES literature which it addresses*.*

The problem of uneven international society

Chapters 3 and 4 explained that the form international society takes is shaped by its principles of legitimacy, which then constitute the norms, rules and institutions which populate the society. Legitimacy itself is deemed to be a politically mediated

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[61] They have also shown a broad willingness to use force in the pursuit of their national security, liberal and humanitarian goals in Afghanistan, Iraq and Mali.

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space where notions of legality, constitutionality and morality interact (Clark, 2005: 1-32; 207-226). Therefore legitimacy is generally subject to contestation in international society in at least two particular ways. Firstly, states will contest *whether practice undertaken in a specific case is legitimate*, and secondly w*hat the principles of legitimacy should be or generally mean*. In both cases, states' approach to contestation is *influenced by their own sense of what is legitimate – their value rationality - and therefore what they believe should be internationally legitimate.* From this we can observe that international society is uneven and therefore that consensus about international legitimacy can be rare.

As conceptualised by Buzan (2004: 208), the uneven nature of international society is akin to a pan of fried eggs in which the yolks represent sub-global clusters or communities of states that share a *thicker* series of common interests and values. *Thickness* is a reference both to the range of values they hold in common and also their nature, i.e. what sorts of values. Such international cooperation, integration or indeed solidarism influences the involved states' shared perception of legitimacy and it stands in stark contrast to the rest of international society. This is represented by the egg white, which exists between the yolks and links them together but which is much *thinner*. This, the rest of international society, its global extent, is marked by principles of legitimacy – the hallmark of a society - but these are informed by fewer and/or a different set of values as there is less that the society of states can globally agree on. Similarly, Stivachtis concurs that: *"there is general agreement among ES Scholars that the contemporary global international society is a 'thin' one, in the sense that it is pluralistic and heterogeneous; and that within the bounds of that society, there are several 'more thickly developed' 'regional clusters' in which the solidarist elements of international society are developed to a greater degree"* (Stivachtis, 2013: 43).

The fact that the society is uneven is a problem to be examined but need not itself be problematic itself for states. One of Hedley Bull's first contributions to the study of international society was to argue contrary to Wight that it did not depend upon shared values, cultural or civilizational homogeneity in order to exist (O'Hagan, 2005: 210-212). Therefore, just as with norm contestation or rule breaking by states, the fact that there are differences of legitimacy, values and interests not just between states but between the global and sub-global level of international society is not inherently a threat to the society's sustainability. *What determines whether*

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there is a threat is how states act on, reconcile or resolve these differences in practice. Buzan hypothesised:

"Since interstate society is de facto differentiated quite radically at the regional [sub-global] level, it is absurd to confine a discussion of the de jure aspects of intervention by imposing an assumption that interstate society is a single, global-scale phenomenon."

(Buzan, 2004: 219)

With this effectively uneven nature of international society in mind, Buzan framed the issue of intervention as three questions:

1. *How legitimate/legal is intervention within the global rules and norms?*
2. *How legitimate/legal is intervention within the rules and norms of a given sub global/regional interstate society?*
3. *How legitimate/legal is intervention across the boundary between distinctive sub global/regional interstate societies?*

(Buzan, 2004: 219)

This thesis does not attempt to define these sub-global levels or regions because to do so would throw up more problems than it would address, with regard to which states to include and where the boundaries lie. There are also the risks of reification and complexity. Namely, that instead of using such a map to assist how we see the world, the map itself would become how we see the world, and would be subject to so many caveats as to be unhelpful. Instead, the thesis follows a similar approach to that taken by Ralph and Gallagher (2014) who traced *"legitimacy fault lines"* within the society of states. Specifically the thesis focuses on mass atrocity prevention, leveraging Buzan's framing above to examine the theoretical tension between R2P and liberal intervention.

The R2P normative framework has, since 2005, constituted the global level humanitarian solidarist consensus which legitimates humanitarian intervention, subject to specific criteria. R2P is in effect the set of global rules and norms cited in Buzan's first question above. The UN Charter and R2P normative framework establish the Security Council as international society's authoritative social constituency of legitimation when it comes to threats to international peace and security as well as intervention. Therefore, it is for Council alone to decide whether

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the practice of intervention is internationally legitimate according to global norms and rules.

Buzan's second two questions speculate about intervention being conducted either within one sub- global society or across sub-global social boundaries. In the former case, it is implicit that the sub- global rules are distinct from those of global international society. In the latter case, where a state from one sub- global society intervenes in another, that state could be engaging in practices it deems to be legitimate but which are not legitimate in the sub-global region in which the intervention is conducted. This thesis argues that liberal intervention, which combines democracy and human rights promotion with mass atrocity prevention, exemplifies a liberal goal and practice animated by a liberal solidarism found at the sub-global level only. This thesis does not attempt to map sub global societies as regions and so does not adopt the framing of the West intervening in the Middle East and Africa, or claim the three are different sub-global societies.

This is because of the risks of complexity and reification noted above. But also because, rather than defining and examining the sub-global differences of legitimacy observed by Buzan's questions, this thesis examines how the solidarist society of states - typified by R2P, – which is global – endures in spite of these differences, and the practices that stem from them. The thesis argues that the society endures because it is sustained by states through the practice of international legitimacy and international consensus on the UNSC, as the Council's conferral or denial of international legitimacy matters more than that of any sub-global society.

Buzan's 2004 reframing of the intervention question was integral in spurring the author's development of *liberal vanguardism* in order to examine the fundamental problem of practice in an uneven international society – an international society in which there is a dissonance between states' goals, values, practices and the principles of legitimacy of global international society. *Referencing Buzan's questions, the problem becomes: how does global international society endure when a powerful state or sub-global group of states acts on the basis of sub-global legitimacy, either claimed or self-conferred, and a sub-global consensus in place of the global international legitimacy conferred by a consensus of the UNSC?* For as Hurrell warned: *"the inevitable expansion in the normative ambitions of*

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international society [here represented by liberal vanguardism] means that the line between a procedural consensus on the nature of institutions [such as the R2P normative framework] and broader consensus over the substantive values [the tension between humanitarianism and liberalism] to be resolved will often be difficult to draw" (Hurrell, 2002: 38)

"The question is whether states which are committed to supporting moving international law in a solidarist direction should abide by the majority view or reserve the right to act alone" (Linklater and Suganami, 2006:144). This thesis argues that *liberal vanguards* reserve the right where prudent to act alone, without full UNSC international consensus. In sum, the original concept of *liberal vanguardism* via **(A1-4)** and **(Pr1-4)** sheds more light on the fundamental empirical problem of how states practically navigate an uneven international society. How is it that the concept contributes to the existing ES literatures In this regard? *Liberal vanguardism* has been developed from and contributes to the following ES literatures and concepts: solidarism, consensus, legitimacy, good international citizenship, vanguards, institutional dynamism, liberal hierarchy and the use of force, offensive liberalism and neoliberal internationalism. Without exploring these literatures in detail, it is necessary to identify how *liberal vanguardism* complements and contributes to them.

Solidarism, consensus and legitimacy

The empirical, theoretical and normative literature on solidarism has already been explored in considerable detail in Chapter 4, where this thesis argued that R2P typifies the humanitarian solidarism of contemporary international society. The literature considered here, to which it is argued *liberal vanguardism* specifically contributes, is *coercive* and *consensual solidarism* as defined by Hurrell (2002: 31); Toope (2005); (Hurrell, 2007: 63-67). Broadly conceived, these concepts denote whether states exercise sovereign consent to voluntarily opt into solidarism or are coerced into participating by international society.

Liberal vanguardism recognises and applies this distinction because the tension within the uneven contemporary international society concerning mass atrocity prevention is not between pluralists and solidarists, sovereignty and intervention. In principle R2P resolved the *sovereignty-intervention-authority dilemma* (Gallagher, 2013: 108, 110, 117, 122, and 129) through its invocation of the UNSC,

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and specified that the form of intervention that was legitimate was *humanitarian*. However, given the uneven nature of international society, tensions remain not just between what the two types of solidarism – global humanitarian and sub- global liberal - will legitimate, but also whether they are consensual or coercive.

The global humanitarian solidarism typified by R2P is mostly consensual in nature, built as it is upon state sovereignty and states having internationally consented to the responsibility through the General Assembly at the 2005 UN World Summit. Although it does provide for coercive humanitarian intervention, this must be authorised as legitimate multilaterally through the UNSC. Therefore the humanitarian solidarism typified by R2P requires an international consensus. The liberal solidarism typical of liberal intervention is sub-global in extent and coercive in nature, both in its preparedness where prudent to intervene (shared by R2P) but more so in its willingness to act in practice without UNSC authorisation.

Liberal vanguardism's coercive solidarism is therefore evident both in the practice of liberal intervention within a state without their consent, but also in the willingness to act without international consensus. As Hurrell's consensual/coercive typology highlights, an important aspect of solidarism is how states become party to international consensus and whether this can/should be enforced on states without their consent. As previously explained, this thesis conceptualises consensus by applying the work of Clark (2009b: 467-477); Clark (2009c: 213,214, 220-224); Morris (2013a: 513-516) to define its horizontal and vertical axes. It then uses the procedures of the UNSC to assess the existence of international consensus.

Clark intrinsically associates international consensus with international legitimacy (2005: 1-32; 191-206). Firstly, legitimacy is defined as a politically mediated space where understandings of legality, constitutionality and morality intersect, mediated by power. It is the consensus view of the balance between these understandings which denotes whether a norm, rule, institution, value, practice or principle is internationally legitimate. Secondly, it is through an international consensus about principles of legitimacy with regard to membership and rightful conduct that the society of states is instituted. Thirdly, it is by international consensus that a social constituency of legitimation confers international legitimacy upon a state or their practices in accordance with the principles. Notwithstanding

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these three examples of the interrelationships between consensus and legitimacy, in conceptualising *liberal vanguardism* this thesis distinguishes between the two. It does so in order to examine not just what the consensus is about – principles and practices of legitimacy - but also how it is achieved – by coercion or deliberation.

Attention to whether international consensus is achieved by coercion or deliberation stems from Hurrell's conceptualisation of coercive/consensual solidarism (2002: 31; 2007: 63-67)and insights on rule/value rationality (Hurrell, 2007: 45; Clark, 2009a: 566, 573, 580, 581; Ralph, 2014: 8). *Rule rationality* informs the view that the correct outcome emerges by deliberation according to the agreed rules. Therefore, provided the Council follows its rules of procedure, the outcome reached is legitimate. In the R2P literature this perspective is echoed by the *"responsibility to consider"* rather than always intervene (Welsh, 2013). However, *value rationality* informs the contrary view that the correct outcome is to be defined in accordance with substantive values rather derived from deliberation. Here therefore, the Council is capable of reaching the wrong, that is to say illegitimate, outcome, even where it follows its rules of procedure. Thus, with regard to R2P, value rationality suggests that the correct outcome – mass atrocity prevention – matters more than the process by which it is achieved.

The rule/value rationality contrast has contributed to this thesis' conceptualisation of both *sustainability* and *liberal vanguardism.* States' belief that they are bound by a consensus as to principles of international legitimacy is crucial to the society of states' being sustained. Given the contrasting value rationalities evident in this uneven society, those principles of international legitimacy should be agreed according to rule rationality. However, *liberal vanguardism's* approach to international legitimacy is informed by value rationality and the sense that *liberal vanguards'* substantive liberal values rather than international society's rules are the best measure of whether a course of action is legitimate.

Good international citizenship

The concept of good international citizenship was first proposed by the then Australian Foreign Minister Gareth Evans to define his country's role and aims as a middle ranking power within international society (Evans, 1990). Subsequently, it was developed as a framework by Linklater (1992); (2000), Linklater and Suganami (2006: 223-259) and then applied by Wheeler and Dunne (1998), Gilmore (2014b)

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and Souter (2016) to the UK. Mirroring the ES three traditions, the framework identifies three competing responsibilities of states that would seek to be good international citizens (Jackson, 1995: 115-118).

Their primary responsibility is to their own citizenry and the national interest, their second is to international society and the maintenance of international order. Finally, there is a responsibility to the rest of humanity, especially the deprived and vulnerable. The framework suggests that the good international citizen has an enlightened self-interest in international order and thus consensus, forswearing the rampant pursuit of its national interests as detrimental to international society and order. Furthermore, in recognition of the third responsibility, the good international citizen endeavours to do something more than simply doing no harm. It does so by preventing mass atrocities and by trying to reform international society in a liberal manner so as to foster a more just order (Linklater, 1992:23, 38).

As explained above, the fundamental empirical problem underpinning this thesis is practice within an uneven international society. The dissonance between states' values, goals, practices and the consensus as to principles of legitimacy with regard to international rightful conduct limits both whether and how states respond to mass atrocities. In the aftermath of the Kosovo crisis, Linklater argued that good international citizens should obey the UN Charter and so bind themselves by international consensus. But in those exceptional circumstances such as *"the worst humanitarian emergencies"* where international action had been vetoed on the UNSC, he went on to suggest of the good international citizen:

"perhaps one of [their] main roles is to initiate the quest for new forms of decision making in the UN…if so, the good international citizen has to offer an explanation for failing to comply with existing arrangements, and it has to set in motion the search for new decision making processes that will defend international humanitarian law"

(Linklater, 2000: 490)

Notwithstanding this suggestion, good international citizenship remains but a conceptual framework for what states within international society should consider and seek to balance in their foreign policies. Although valuable, *the framework does not detail the practices states should or could engage in, nor does it assess the*

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possible consequences for international society. This is what this thesis tackles, arguing that in response to the uneven nature of international society, which could also be characterised as the good international citizen's dilemma, *liberal vanguards* engage in the following practices.

Where prudent on occasion they see liberal intervention as in the national, international and humanitarian interest, relying on their values rather than the consensus of international society to tell them what rightful conduct is when preventing mass atrocities. They will advocate or practically attempt liberal intervention either by creating new norms and thus reforming international society, or, by interpreting extant norms in such a way as to deny the dissonance between them and their practices. They may confer legitimacy upon themselves to act in practice. That they are concerned with international legitimacy and consensus and therefore creatures of international society marks a similarity with the good international citizen framework.

This is not to say that *liberal vanguards* are good international citizens, although they may very well publicly claim to be. That their practice of liberal intervention is tempered by prudence is a reflection of both their national and international responsibilities. That they are unwilling on occasion to be bound by what they regard as a flawed therefore inferior international consensus understanding of R2P – either in not being able to respond at all to mass atrocities, or not being able to respond as they would prefer – attests to their cosmopolitan commitment to suffering strangers. However this commitment only applies on occasion, as much because of their national interest as well as prudential concern for international order. That on such occasions where they intervene, they engage rather than disregard the international normative framework, is a sign of their commitment to international society.

However, where they act without international legitimacy or international consensus, this thesis argues that *liberal vanguards* threaten the solidarist society typified by R2P. Where they act in practice, despite the failure to create the new norms they deem necessary or to adapt existing ones, they threaten that society. Where they base their legitimacy claims on broad liberal interpretations of extant norms which are not subject to international consensus, then the principles of legitimacy and society they that institute are threatened. Lastly, where *liberal*

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vanguards act only in part as Linklater suggests, by going outside the Council but without admitting this, explaining why they have broken with the rules or attempting to reform these, then the society is also threatened. In summary, good international citizenship helped inform *liberal vanguardism* and the threatening consequences of these practices for the sustainability of international society. But *liberal vanguardism* contributes by positing how states behave in practice in response to the dilemmas which good international citizenship identified.

Vanguards & institutional dynamism

"Once Buzan connected the dots between the incongruity among societies at the global and regional levels and institutionalisation, the road was paved to a vanguard theory of international society in which, as with the banning of slavery, global society structures evolve, inside out, from the local sub system beginnings"

(Adler, 2005: 176)

According to Buzan (2004: 222, 241-345), the role of vanguards has been integral but implicit in the classic ES accounts of the *expansion* of global international society from its European origins. By this classic account, having developed at a sub global level, Europe's international society coercively projected itself across the globe through the ages of discovery, colonialism and empire. This was a violent and exploitative process through which full membership of international society was not shared equally but rather according to whether peoples met the Western derived standard of civilization (Gong, 1984; Keene, 2002; Keal, 2003). Yet whilst Europe's, and latterly the West's, zealous self-confidence, use of coercion and leading although not exclusive role in the development of contemporary international society meet the criteria of a vanguard, *"no attempt seems to have been made to develop a vanguard explanation about the development of interstate/international society"* (Buzan, 2004: 222-223). Latterly, both Clark and Buzan have either cited or explicitly conceptualised vanguards in order to explore the development of international society, the spread of democracy and the diffusion of culture within it.

In an analysis of democracy within international society, Clark observed the dilemma as to whether the society of states is *"an inclusive or exclusive body".* He wrote of a concert of democratic states serving as a *"pole of attraction"* or *"model of emulation",* but noted that, in order to be *"fully effective"* in socialising states

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and thus promoting democracy, they would have to *"also act robustly to reward those who sign up and, as a corollary, exclude (and diminish) those who do not"* (2009a: 580)*.* As with Buzan below, this is the theoretical observation of a powerful sub-global grouping attempting to set the terms of international society and enforce these on other states, which is essentially *vanguardism*. Clark writes:

"Was such a Concert to eventuate, it would come to represent the tangibly hybrid character of contemporary international society, partly pluralist and inclusive, while also partly solidarist and exclusive, the latter representing the vanguard who currently seek to reinvent international society in their own image"

(Clark, 2009a: 580)

Although Clark does not develop this vanguardist concept, this thesis draws the following core observations from his work. Firstly, the hybrid character of contemporary international society substantiates the thesis' empirical problem of an uneven international society whose master concept is legitimacy rather than pluralism or solidarism. Secondly, that the ES is aware not just implicitly of the role played by vanguards in the historical development of international society, but also of contemporary developments in solidarism. However, there are two distinctions to be made, firstly Clark only cited the concept of a vanguard in passing, whereas this thesis explicitly conceptualises it. Secondly, whilst recognising the vanguard's ultimate goal is an international society reinvented in their own image, the concept is applied in this thesis to examine how vanguards behave in practice within contemporary international society as it presently exists, rather than how they would want it to be.

Where Clark cited the vanguard concept, and it remains implicit in his work, Buzan proposed both a *"vanguard theory of international social structures"* (2004: 222) and the concept of *"vanguard homogenisation"* (2010: 4-10, 21-25). His vanguard theory sought to make sense of sub-global or regional developments and so *"bring geography back in"* and look beyond *exclusively global universalism* in the reconvened ES (Buzan, 2004: 205-227). He argued that sub-global international developments can presage those at the global level of international society either through coercive imposition or wilful emulation. The theory conceptualised how international society's norms, rules and institutions were changed through the efforts of a group of states influencing the wider society, either through coercion

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or by others emulating the example. With his later concept of *vanguard homogenisation*, Buzan expanded the scope of change beyond the international to include the domestic. Here, a state or group of states change not just international society's norms, rules, institutions or values, but also the domestically held values of other states in the society. Furthermore, they do not just change them, they homogenise them. In remaking both the society of states, as well as the other states in their own image, the vanguard diffuses its culture globally and in so doing either "*displaces and replaces other cultures or it converts the rest of the world to its own standard of civilization*" (Buzan, 2010: 21).

The present thesis is distinct from "*vanguard homogenisation*" (2010: 4-10, 21-25) and is therefore a contribution for the following reasons. Firstly, although it examines the practice of liberal intervention, defined, as combining democracy and human rights promotion with mass atrocity prevention, the thesis does not examine the diffusion of these liberal values as *vanguard homogenisation*. Rather, it assesses the advocacy and attempting of these practices and how they are legitimated internationally. The thesis, therefore, does not assess domestic level change in the three selected case studies. Secondly and relatedly, the thesis does not argue that *liberal vanguardism* is attempting to create a homogenous society of liberal democratic states. As explained above, the practice of coercive democracy and human rights' promotion is limited to liberal intervention in response to mass atrocities where prudent. Accordingly, the thesis does not suggest that *liberal vanguards* will wage a democratic crusade against all illiberal or undemocratic states - including great powers such as the P2 - in the attempt to foster a homogenous society of liberal democratic states.

With regard to the "*vanguard theory of international social structures*" (2004: 222), the thesis contributes to an understanding of how states change international social structures and how they behave in practice in the interim and in the absence of such change being accepted internationally. Firstly, with regards to norm change, *liberal vanguards* need not only advocate or attempt this through entrepreneurship or adaptation. They need not openly or publicly create new norms or adapt existing ones and then enforce these on the rest of the society. Rather they can seek to shift the constitution of the principles of legitimacy, by reinterpreting international law, or by changing expectations of state behaviour or understandings of morality, with

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the result that the boundaries of legitimacy shift or expand to include practice that was not previously accepted as legitimate.

Similarly, *liberal vanguards* may engage in what Buzan has labelled *"institutional dynamism"* (Buzan, 2014: 104-105). This is the process by which the primary institutions of international society change, either by replacing those that have decayed, supplanting them, or augmenting existing ones. However, of interest to this thesis, it is also the process by which, according to Buzan, practices change within the primary institutions themselves where, in such instances, the framing of the institution remains stable yet the core practices within it can change dramatically (2014: 104-105). Thus, practices that were once illegitimate can become legitimate if they are recognised as being in accordance with an existing institution or normative framework.

Finally, with regard to interim state practice, *liberal vanguardism* contributes to our understanding of how states practically pursue their immediate goals when their ultimate goal is a reformed international society remade in their image. The thesis essentially argues that *liberal vanguards* will either attempt norm change to close the gap between their values, goals, practices and international norms, or they will broadly interpret extant norms to deny a gap between these and their values, goals or practices. However, their vanguardism is about more than overtly or discreetly reforming the society of states into one in which their liberal values, goals and practices are widely shared, subject to international consensus and, as such, readily legitimated internationally. Their vanguardism is also a function of their preparedness to break with international consensus and to act coercively where prudent on the basis of their self-confidence that they are on the right side of history.

Thus, *liberal vanguards* may attempt to change international social structures and lead a new consensus. But given their self-confidence and scepticism of such change being affected in the short run, they are prepared to act even in the absence of such change taking effect internationally. The concept therefore contributes not just to our understanding of international social change – the ultimate vanguard goal – but also how such states engage the normative framework of international society as presently constituted and pursue their more immediate goals in practice. This problem of how liberal states conduct their foreign policies and the tensions

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within their liberalism and between this and the contemporary society of states has also been considered by the following literatures: liberal hierarchy and the use of force, offensive liberalism and neoliberal internationalism. These have all contributed to this thesis' original conceptualisation of *liberal vanguardism*.

Liberal hierarchies, offensive liberalism and neoliberal internationalism

Reus-Smit explored the tensions within the *"equalitarian regime"* of contemporary international society and how these had fostered *"a liberal argument for the rehierarchisation of international society and its attendant prescriptions for the legitimate use of force"* (2005: 72). His analysis of *liberal hierarchy and the use of force* influenced this thesis as follows. Firstly, his characterisation of the equalitarian regime - sovereign equality; the rights self-determination & non-intervention; heavily circumscribed international use of force; deference to the multilateralism of the UNSC (2005: 71, 73-76) influenced the identification of the five norms of the R2P normative framework.

The norms he focused upon are those which this thesis argues in Chapter 4 are essential to the sustainability of the international society which R2P's understanding of them typifies. Secondly, the thesis' ultimate research question - whether the P3 states have behaved in practice as *liberal vanguards* – was prompted by literature such as Smit's in which he explores liberal states' criticisms of the constraints that the equalitarian regime imposes on them as well as the rights and protections it affords illiberal states (Reus-Smit, 2005: 76-81) . Clark phrased this problem as the view among liberal states "*that international society speaks with several voices, and we should listen more attentively to the voice that speaks with a democratic accent"* (Clark, 2005: 187). This thesis deems it to be the problem whereby the more a liberal state tries to achieve – by broadly interpreting R2P to combine liberal political change with humanitarian protection – the less of an international consensus and so prospect of international legitimacy there is.

However in place of the liberal hierarchy Smit identified, in which a select community of liberal democratic states *places itself above* the rest of the society of states, this thesis conceptualises in the *liberal vanguard* a select community of powerful liberal states who *locate themselves ahead* of the rest of the society. But whilst they reserve the right where prudent to act alone, they are not reforming international society so as to institutionalise a privileged position for themselves.

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Lastly, in developing the original twin concepts of sustainability and *liberal vanguardism,* this thesis addresses Reus-Smit's practical concern about an *"attendant legitimation crisis"* (2005: 86) should liberal democracies take decisions for themselves outside the multilateral framework regarding the use of force.

This thesis differs from Reus-Smit's argument in the following ways. His article provides a further theoretical insight to the problems that liberal states see in our uneven international society, but this thesis departs from his theoretical focus on the grand projects proposed by liberal academics, choosing instead to examine the more modest yet no less significant changes that powerful liberal states have attempted in practice. *Liberal vanguardism* assesses how states legitimate liberal goals and practices in contemporary international society, and whether when doing so, they act upon the critique of the equalitarian regime which Smit identified.

Secondly, the thesis' referent objects and threats are different from those in Smit's article. He considers the destabilising consequences of explicit rehierarchisation for *international order*. By comparison, this thesis examines the sustainability of *international society* as affected by the practical interpretation and application of extant norms. Both Smit and this thesis essentially consider how attempts to change international society threaten it. But Smit's rehierarchisation is a change of form, whereas *liberal vanguardism* is about the practices by which liberal states pursue their goals and whether they succeed in legitimating those practices.

With regard to the liberal states' practice of democracy promotion, Benjamin Miller proposed offensive/defensive liberalism, building on the established contrast in neorealism between power and security maximisation (Miller, 2010: 590). Whilst liberals generally agree in principle on the universal desire for and right to liberal democracy, Miller theorised that defensive liberals would advocate gradual and peaceful democratisation by way of soft power and multilateral endeavour. Nevertheless, offensive liberals are far more willing to utilise hard power or even act unilaterally to impose democracy as a response to national security threats, so as to change the opposing state's regime and therefore intentions. Miller's conceptualisation is not entirely new in this field (Acuto, 2008), and there are echoes of *liberal vanguardism* in offensive liberalism's faith in liberal values, and in the goal of democracy and human rights promotion, including by coercion and without multilateral authority.

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Where Miller theorised the means by which liberal goals are achieved internationally, Ralph (2014: 1-8) developed neoliberal internationalism to interpret the tensions within a liberal foreign policy, especially with regard to value/rule rationality (Hurrell, 2007: 45; Clark, 2009a: 566, 573, 580, 581) and procedural/substantive legitimacy (Hurrell, 2007: 77-94). To do so he contrasted neoliberal internationalism with liberal internationalism, the latter being *"a doctrine that viewed the international as being modifiable through the gradual incorporation of values (justice) and institutions (law) that had made great headway in domestic liberal polities"* (Dunne, 2013). Ralph argues that when confronted with a mass atrocity situation, the liberal internationalist recourse is to multilateral diplomacy through the UN, to secure a solution in line with the rules of international society as expressed in R2P.

Significantly, the liberal internationalist position is to accept whatever outcome emerges from this diplomatic process, regardless of whether it is their preferred one or not, therefore agreeing to be bound by the rules even when it goes against them. Ultimately, liberal internationalism believes that order and justice are best served by the maintenance of the rules, since it is through a rule-bound deliberative process that the correct outcome will be achieved. The legitimacy of such an outcome stems not from its fidelity to any particular set of substantive values but rather having followed due process. By contrast, neoliberal internationalism would draw the opposite conclusion, pointing to the flaws of a universal international society where the voices, and crucially votes of illiberal and authoritarian states can, according to the current principles of legitimacy - juridical sovereign equality - bind liberal democracies.

Thus Ralph concluded that the neoliberal internationalist may attempt the UN route but would be both pessimistic about meaningful action deriving from its processes and would not rule out action beyond its authority. Where liberal internationalists would claim legitimacy from international society in accordance with rule rationality, neoliberal internationalists adopt a value rationality position (Ralph, 2014: 6-8). Given that they are supremely confident of their liberal values, these inform their interpretation of crises and they draw substantive legitimacy from these and/or the legitimacy constituency of the states who practice them as opposed to international society at large (Clark, 2009a:574). Therefore neoliberal internationalists would be prepared not to bind themselves by the equalitarian

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regime of the solidarist international society typified by R2P, conferring legitimacy upon themselves by reference to their values and liberal peers.

Given the similarities with offensive liberalism and neoliberal internationalism, why then does the thesis develop *liberal vanguardism*? The concept is both a useful and original theoretical contribution because of the problem it considers, its level of analysis and its attention to state practice. Given this thesis' interest in how an uneven international society is sustained, it identified the problem of the dissonance between liberal states values, goals, practices and the normative humanitarian framework of the solidarist society of states typified by R2P. Therefore, a concept was needed to examine liberal state practice which engaged the practices by which international society is sustained, namely international legitimacy and consensus. Since the concept of a sustainable international society is original, it partly followed that another original concept – *liberal vanguardism* – was called for. However, more significant were the following weaknesses identified in offensive liberalism and neoliberal internationalism when applied to the problem of the sustainability of international society.

At the state level both offensive liberalism and neoliberal internationalism are directed to the foreign policy goals, policies and rationales of liberal states. Offensive liberalism is concerned with the best means of democracy promotion in individual cases pertaining to national security, whilst neoliberal internationalism addresses whether liberal states need to engage existing international institutions. Given their focus on a different problem at a different level of analysis, they do not examine the consequences of offensive liberalism or neoliberal internationalism for the sustainability of international society. Similarly they consider how foreign policy traditions and elite discourses can affect the conduct of diplomacy, a key concern of foreign policy analysis. However, this thesis is interested in how states legitimate their values, goals and practices within international society rather than the internal means or domestic politics by which they come to pursue them.

Conclusion: *liberal vanguardism's* contribution to existing theoretical literature

To summarise, how does *liberal vanguardism* contribute to the literatures discussed above? It uses in part the established distinctions between coercive and consensual solidarism, rule and value rationality to examine international legitimacy and consensus. Although good international citizenship highlights the

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importance of respecting international consensus and outlines states' differing responsibilities, it does not address how states reconcile/resolve these in practice.

Liberal vanguardism, with its focus on approaches to international legitimacy and attitudes to consensus, develops ES theory on vanguards and institutional dynamism in order to assess how states have responded to the dilemmas that a good international citizen faces in our uneven international society. Whilst the norms and tensions identified in the conceptualisation of liberal hierarchy and the licence to use force are influential, *liberal vanguardism* entails state practices other than academic or elite calls for a rehierarchisation of the society of states. The focus on state practice, the international level of analysis and different fundamental empirical problem also mark *liberal vanguardism* out from offensive liberalism and neoliberal internationalism.

Offensive liberalism theorises how to promote liberal values as an exercise in national security rather than just as an end in themselves, without regard to international society's reaction. *Liberal vanguardism,* however, is not about regime change in the service of national security but it is about how to reconcile the values, goals and practices of liberal intervention with international society's existing mass atrocity prevention normative framework. Lastly, neoliberal internationalism is about sidestepping rather than engaging unsatisfactory international norms.

Similar to good international citizenship and liberal hierarchy and the use of force, it therefore provides great insight into the practices of international legitimacy and consensus, and specifically the problem that the more the liberal state tries to do, the less of an international consensus and legitimacy there is to be had. However, like offensive liberalism, neoliberal internationalism addresses how liberal states conduct themselves within international society, rather than the question of whether and how they attempt to change it and the consequences of their practices for its sustainability. It is to those consequences, and specifically the argument that *liberal vanguardism* threatens the sustainability of the solidarist international society typified by R2P, that the thesis now turns.

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Chapter 6 – Côte d'Ivoire - Outline

The Ivorian case study has been included in this thesis for four reasons. Firstly, as two official statements of the UN Office for the Prevention of Genocide (OSAPG, 2010; OSAPG, 2011b) as well as those of various diplomats attested, the post-electoral crisis was internationally regarded as meeting the R2P threshold (UNSG S/PV 6490 pg.2-4, Côte d'Ivoire S/PV 6506 pg.4-6, and Colombia S/PV 6508 pg.6). The threat to civilians and abuses being committed therefore extended beyond human rights violations alone. Secondly, the crisis was on the UN Security Council's agenda albeit subject to limited public discussion. Thirdly, the P3 states played an active role throughout the crisis, both diplomatically and on the ground. France was Pen Holder, leading the drafting of all Council texts on the issue as well as supporting the UN peacekeeping mission with its own troops. Finally, the international response to the crisis raised questions about the relationship between civilian protection and political change and thus where legitimate intervention became illegitimate interference. In the case of Côte d'Ivoire, the Security Council adopted sanctions with the aim of achieving a political solution to the crisis, and authorised the use of force by peace keepers for civilian protection purposes.

Côte d'Ivoire's post-electoral crisis culminated in the Second Ivorian Civil War of March-April 2011. This chapter specifically examines the period of November 3rd 2010 through to December 5th 2011, which has been selected as it runs from the contested presidential election in November which sparked the crisis through to the climax in April the following year and its immediate aftermath. The result of the November 28th 2010 poll – a victory for opposition leader Alassane Ouattara – was immediately rejected by incumbent President Laurent Gbagbo. The Ivorian Constitutional Court quickly proceeded to annul the declaration of the Independent Electoral Commission (IEC) despite the certification of its declared result by the Special Representative of the United Nations Secretary General, as uniquely mandated by the Security Council. International society thus faced both a political and humanitarian protection crisis, summed up as a matter of *"two governments, one legitimacy"* (Rim, 2012) Controversy arose not over whether international society should act, but how it should respond to protect civilians and prevent mass atrocities without interfering in the politics of the country.

This chapter argues that in the case of Côte d'Ivoire, the P3 states did behave in practice as *liberal vanguards* in the following respects. Given France's role as *Pen Holder* and the P3 states' role in sponsoring all resolution texts and their influential role on the Council as noted in literature, the P3 states played an active role in guiding the Council's response to the Ivorian post-electoral crisis. They had a liberal interpretation of the crisis as evident in their public blaming of Laurent Gbagbo for effectively stealing the election and thus causing and prolonging the crisis. This was in contrast to their public preference for Alassane Ouattara as the legitimate, democratically elected President of Côte d'Ivoire and their clearly stated liberal democratic goal that Gbagbo should transfer power to Ouattara. When pursuing this in practice over the course of the crisis, the P3 states discursively distinguished their immediate humanitarian goal of civilian protection from this ultimate liberal political goal. They therefore claimed and secured international legitimacy by way of Security Council Resolutions and Press Statements for the use of force only to ensure humanitarian civilian protection, explicitly decoupling the use of force from their ultimate liberal political goal that they claimed to pursue by diplomatic and political means, including coercive, targeted sanctions.

To be clear therefore, the P3 states did not publicly call for a liberal intervention in Côte d'Ivoire either to enforce the transfer of power or as a means of civilian protection. However, as will be argued, the evidence shows that the P3 states still acted in practice as *liberal vanguards* by setting expectations of how the humanitarian protection mandate could be implemented in practice. Essentially they secured international support for a liberal interpretation of the crisis and their preferred outcomes. Their understanding of and the emphasis they placed on the adopted Security Council Resolutions was more liberal than impartial, as befitted their identification of Laurent Gbagbo as the threat and their preference for Alassane Ouattara.

As such, the P3 states did not strive to interpret the humanitarian R2P normative framework so as to create a liberal international consensus to authorise a liberal intervention directed against Laurent Gbagbo. Nor did they appear unwilling to compromise in order to achieve this liberal consensus and so consider appealing to alternative constituencies of legitimation in the likely event of Security Council deadlock. *Instead, the P3 states liberally interpreted and set expectations of how the humanitarian consensus expressed in Security Council Resolutions and Press*

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Statements could be implemented in practice. These practices of securing a liberal interpretation of both the crisis and selected norms of the R2P framework, as well as an expectation of whom UNOCI peacekeepers should protect civilians from and how, are practices of *liberal vanguardism*. But whilst their engagement of selected R2P norms, as well as their approach to international legitimacy and consensus, are redolent of *liberal vanguardism,* it is albeit of a limited form because they did not push for a liberal intervention or circumvent the Security Council, nor did they self-legitimate or seek to create or adapt norms to create a liberal international consensus.

The limited form of these *liberal vanguard* practices and the reaction of international society – which broadly shared both their interpretation of the crisis and expectations of implementation of the authorised UNOCI mandate – are such that it will be argued that the threat posed to the sustainability of the international society typified by R2P was minimal in the case of Côte d'Ivoire. Going forwards the chapter proceeds as follows. Firstly a detailed overview of the case study is provided[62]. Secondly the P3 states' liberal interpretation of the crisis is identified as are their goals and expectations of international society. Thirdly, the P3 states practice in pursuit of these goals is examined using the *liberal vanguardism* theoretical framework. Here, it is argued that rather than pushing for an explicit international consensus in favour of liberal intervention, they engaged the R2P normative framework to set liberal expectations of how civilian protection should be implemented in practice. The degree to which they were open to persuasion or unwilling to compromise is difficult to assess but is considered, although it is clear that the P3 states did not seek alternative international constituencies of legitimation. Finally, the chapter concludes with an assessment of the minimal threat posed here by the P3 states *liberal vanguard* practice to the sustainability of the solidarist international society typified by R2P.

Overview: The Ivorian post electoral crisis (2010-2011)

During the period November 3rd 2010 - December 5th 2011, the UNSC held 16 meetings directly pertaining to *"The Situation in Côte d'Ivoire"* and 6 meetings under the agenda items *of "Peace & Security in Africa"* and *"Peace Consolidation in*

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[62] This has been compiled from several literatures but especially What's in Blue and Security Council Report http://www.securitycouncilreport.org/cote-divoire/ (last accessed February 24th 2017)

West Africa", whilst engaging in the activities detailed in Table 6 below. The analysis of this chapter is focused on the evidence of these 22 meetings and the 41 thematic meeting records from the period 2010-2012[63]. These thematic records were read to assess whether or how the events in Côte d'Ivoire were recalled by Council members' in their discussion of such issues as civilian protection, the work of the Security Council, international peace and security, peace keeping and peace building. It is striking when reading the empirical material that the post-electoral crisis was subject to relatively little public discussion by the Security Council. For instance, of the 22 specific meetings examined, only 3 included public statements by the Council membership. Although this number of specific meetings is similar to the 23 and 26 such meetings held for the Libyan and Syrian case studies, there was far more public debate by Council members in the latter two cases. Thus, whilst the author identified approx. 9,000 words of relevant material from the Ivorian Security Council debates, resolutions and statements, in the case of Libya this figure was nearly 23,000 words and for Syria approx. 86,000 words.

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[63] It should be noted that references to the Ivorian case study were made in records examined for the other case studies, and so some of these are cited as well.

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Meeting	Text	Vote	Detail
Nov 24th 2010 (6431)	S/RES/1951	15-0-0	Resolution submitted by France and the USA authorising reinforcement by UNIMIL assets of UNOCI
Dec 8th 2010	SC/10105		Press statement noting regional recognition of Ouattara's election calling on all to respect outcome of free and fair election
Dec 16th 2010	SC/10124		Press statement expressing concern at violence against civilians
Dec 20th 2010 (6458)	S/RES/1962	15-0-0	Resolution submitted by Austria, Bosnia and Herzegovina, France, Gabon, Germany, Nigeria, Turkey, Uganda, UK and USA: urged respect for election result; extended UNOCI mandate and extended deployment of reinforcements
	SC/10135		Press statement urging restraint and reiterating support for the SRSG and urging UNOCI to impartially implement its mandate
Jan 19th 2011 (6469)	S/RES/1967	15-0-0	Resolution submitted by Bosnia and Herzegovina, France, Gabon, Germany, Lebanon, Nigeria, South Africa, UK and USA; further reinforcing UNOCI as requested.
Feb 16th 2011 (6482)	S/RES/1968	15-0-0	Resolution submitted by France: extended deployment of reinforcements to UNOCI
Mar 3rd 2011	SC/10191		Press statement expressing deep concern at risk of civil war and condemning attacks on UN peace keepers and civilians, urging UNOCI whilst impartially implementing its mandate to use all necessary means to do so
Mar 11th 2011	SC/10196		Press statement welcoming AU PSC High Level Panel endorsement of Ouattara as legitimate President, affirming UNSC readiness to act against those who obstruct crisis resolution
Mar 30th 2011 (6508)	S/RES/1975	15-0-0	Resolution submitted by France and Nigeria: urged respect for election result; urged Gbagbo to step aside; recalled and stressed UNOCI civilian protection mandate; imposed targeted sanctions
Apr 13th 2011	SC/10224		Press statement welcoming Ouattara's assumption of the office of President, encouraging the formation of a democratic, inclusive government and security for his opponents

Table 6: Selected United Nations Security Council activity regarding Côte d'Ivoire 2010-2011

2010	2011
Austria	Bosnia and Herzegovina
Bosnia and Herzegovina	Brazil
Brazil	Colombia
Gabon	Gabon
Japan	Germany
Lebanon	India
Mexico	Lebanon
Nigeria	Nigeria
Turkey	Portugal
Uganda	South Africa

Table 7: Elected members of the United Nations Security Council, 2010-2011

The 2010 Ivorian presidential elections had been long postponed since 2005 because of first Ivorian civil war. Incumbent President Laurent Gbagbo, who had been in office since 2000, was one of 14 candidates(VOA, 2010) for election that included former Prime Minister and leading opposition figure, Alassane Ouattara. The elections were a key stage in international efforts to stabilise Côte d'Ivoire and peacefully resolve the outstanding tensions of the first civil war. United Nations Operation in Côte d'Ivoire (UNOCI) had operated in the country since 2004 and by 2010 it was uniquely mandated with certifying the results of the 2010 presidential election (Boutellis and Novosseloff, 2016: 682, 686-688). This had come about at the explicit request of the Ivorian parties themselves, in recognition *"of the difficulties and the sensitivities related to the elections"* (AU, 2005). The UN Security Council subsequently decided that:

"The Special Representative of the Secretary-General in Côte d'Ivoire shall certify that all stages of the electoral process provide all the necessary guarantees for the holding of open, free, fair and transparent presidential and legislative elections in accordance with international standards" (S/RES/1765 pg.2)

In practice, this meant that the SRSG was tasked not just with declaring whether the elections were free and fair, but also with certifying the final result and therefore confirming the outcome, rather than just pronouncing on the process. This unique certification role was in addition to UNOCI's long established Chapter VII civilian protection mandate S/RES/1528 (2004), in which it was supported by the French Opération Licorne. Côte d'Ivoire, as a former French colony, had a long-standing bilateral defence and security relationship with France and Licorne had

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been deployed in response to the earlier 2002-2004 civil war, separating the warring sides and destroying the Ivorian government Air Force following their attack against the French forces. Operating under Security Council mandate established by S/RES/1468 (2003) they were now tasked with supporting UNOCI (Boutellis and Novosseloff, 2016: 684-685).

Following an inconclusive first round of voting on October 31st 2010, the second round run-off between Gbagbo and Ouattara was held on November 28th. The Independent Electoral Commission attempted to announce the provisional result on November 30th but was delayed by interference by pro-Gbagbo supporters and security forces (SCR, 2010). Eventually on December 2nd at UNOCI Headquarters in the Golf Hotel, Abidjan, the IEC President declared the results as Ouattara receiving 54.1% and Gbagbo 45.9% of votes cast. The following day, the Ivorian Constitutional Council annulled this result[64], cancelling the votes of nine northern departments and declaring instead that of the remaining 71% turnout, Gbagbo received 51.45% and Ouattara 48.55% of the votes cast (S/PV 6437, pg.2). The same day, December 3rd, SRSG Choi acting as mandated based on his own independent assessment, certified the IEC's declared result, noting that even if all of Gbagbo's complaints were upheld, then Ouattara would still have won. When asked after his announcement whether *"to all intents and purposes, Côte d'Ivoire has two presidents tonight"* he replied carefully:

"I am the certifier mandated by the Security Council and accepted by the Ivorian government…I have one single conclusion, by all accounts there is one winner who is Mr. Alassane Ouattara in the second round of the presidential election in Côte d'Ivoire ."(UNOCI, 2010)

The SRSG therefore officially recognised Alassane Ouattara as the winner of the elections but carefully stopped short of immediately proclaiming him President. With both candidates claiming to be the legitimate winner of the presidential elections, UNOCI assumed responsibility for protecting Ouattara and his

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[64] *"On 3 December the Constitutional Council disputed the outcome saying Gbagbo had won the presidential run-off. The Council also argued that the electoral commission's results were null and void because the legal limit of three days for the Commission to pronounce itself on the provisional results had been exceeded by the electoral commission"* SCR Update Report No. 2: Côte d'Ivoire December 7th 2010 http://www.securitycouncilreport.org/update-report/lookup-c-glKWLeMTIsG-b-6433491.php (last accessed September 7th 2016)

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government at the Golf Hotel, Abidjan,(SCR, 2010) amidst immediate regional and international concern that this deepening post-electoral crisis could trigger a resumption of civil war (SC/10191), or even the commission of mass atrocities along ethnic lines due to the tensions between both candidates' supporters (Côte d'Ivoire S/PV 6506 pg.4-6, Nigeria S/PV 6508 pg.2-4).

The UN Security Council had been holding regular meetings under the agenda item of *"Côte d'Ivoire"* and *"The Situation in Côte d'Ivoire"* since December 20th 2002[65], adopting multiple resolutions. The most recent was S/RES 1951 on November 24th 2010, authorising the temporary deployment of peace keeping assets from the neighbouring United Nations Mission in Liberia (UNIMIL) in support of UNOCI during the crucial presidential run-off poll. Having last been briefed on events in the country and the status of the elections by the SRSG on November 3rd, the first meetings at which the Council discussed the deepening post-electoral crisis were held December 7th 2010. How did the crisis unfold over the period examined?

December 2010: Election declaration and UNOCI renewal. On December 7th, the Economic Community of West African States (ECOWAS) recognised Ouattara as the legitimate winner of the polls, suspended Côte d'Ivoire from the organisation and called on Gbagbo to step down(ECOWAS, 2010b). On December 9th, the African Union Peace and Security Council (AU PSC) also suspended Côte d'Ivoire from all of the organisation's activities and endorsed the ECOWAS recognition of Ouattara as the winner as announced by the IEC and certified by the UN(AU, 2010). The day before, December 8th, the UNSC issued a Press statement *"in view of ECOWAS' recognition of Alassane Dramane Ouattara as President-elect of Côte d'Ivoire and representative of the freely expressed voice of the Ivorian people"* and called *"on all stakeholders to respect the outcome of the election"* condemning *"in the strongest possible terms any effort to subvert the will of the people or undermine either the integrity of the electoral process or the free and fair elections in Côte d'Ivoire"* (SC/10105)

Having later issued a December 19th Press Statement expressing deep concern about violence against civilians and *"urging all parties to respect the will of the people and the outcome of the election"* (SC/10124), on December 20th the UN

[65] According to http://www.un.org/en/sc/meetings/records/2002.shtml (last accessed September 6th 2016)

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Security Council adopted S/RES 1962. Acting under Chapter VII this resolution urged:

"all the Ivorian parties and stakeholders to respect the will of the people and the outcome of the election in view of ECOWAS and African Union's recognition of Alassane Dramane Ouattara as President-elect of Côte d'Ivoire and representative of the freely expressed voice of the Ivorian people as proclaimed by the Independent Electoral Commission" (S/RES/1962 pg.2)

Otherwise the resolution extended the UNOCI mandate till June 30th 2011 and deployed additional reinforcements from UNIMIL. Significantly, this resolution was adopted in spite of Gbagbo's December 18th order for UNOCI to leave the country as he questioned their impartiality(SCR, 2011a). The resolution was accompanied by a Council press statement stressing that UNOCI *"continues to fulfil impartially its existing mandate, and to facilitate political dialogue between the Ivorian stakeholders in order to ensure peace in Côte d'Ivoire and respect for the outcome of the presidential election"* (SC/10135). In the following days the UNGA recognised by consensus Ouattara's choice of diplomats as the only official representatives of Côte d'Ivoire to the UN(SCR, 2011e), and ECOWAS announced that Gbagbo should stand down or face *"legitimate force."*(ECOWAS, 2010a). Elsewhere, Ivorian diplomats appointed by Gbagbo were expelled and bilateral sanctions imposed on Côte d'Ivoire from across international society.

January - February 2011: A hostile environment. As Gbagbo sought to organise a recount and expel ambassadors from the growing number of states who did not recognise the legitimacy of his government, the UNSC on January 19th adopted S/RES 1967 extending the temporary deployment of troops from UNMIL to UNOCI and urging an end to the blockade by his supporters of the Golf Hotel without delay. This resolution was a response to the January 7th request by the UN Secretary General for reinforcements. The request stated that UNOCI was, in his judgement now operating in *"an openly hostile security environment with direct threats from regular and irregular forces loyal to former President Gbagbo"*(UNSG, 2011b). On the ground there were attacks against civilians and the peace keepers tasked with protecting Ouattara and his interim government at the blockaded Golf Hotel in Abidjan(SCR, 2011e). In tandem with the efforts of an AU High Level Panel, on January 29th the UNSG identified five principles to resolve the crisis, including

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Laurent Gbagbo's departure from office and the formation of a unity government led by Ouattara(UNSG, 2011c). As an interim measure, on February 16th 2011 the Security Council adopted S/RES 1968 which extended by three months the UNIMIL redeployments to UNOCI, whilst heavy fighting erupted in the west of the country as well as the capital.

March 2011: Authoritative calls for transfer of power and civilian protection.
Gbagbo refused to attend an AU mediation meeting and on March 10th the AU Peace & Security Council endorsed the recommendations of its High Level Panel that supported Ouattara as the legitimate President of Côte d'Ivoire(AU, 2011). Amidst rising violence and the escalating humanitarian crisis, on March 24th 2011 ECOWAS requested the Security Council "*strengthen the mandate of the UN Operation in Côte d'Ivoire (UNOCI), enabling the mission to use all necessary means to protect life and property, and to facilitate the immediate transfer of power to Alassane Ouattara*" (Ogwu, 2011). ECOWAS also requested the Council to adopt more stringent sanctions against Gbagbo and his associates. On March 25th, France and Nigeria circulated a draft Chapter VII resolution calling for an end to violence and for Gbagbo to cede power to Ouattara (SCR, 2011h).

This text also placed targeted sanctions on Gbagbo and individuals close to him, as well as reiterating the authorisation and support given to UNOCI to use all necessary means to carry out its mandate to protect civilians and to seize heavy weapons used against the civilian population. Following negotiation, this was unanimously adopted on March 30th as S/RES 1975, calling for a peaceful solution preserving democracy and respect for the will of the people and thus Ouattara's election as recognised by international society. Acting under Chapter VII, the text moved from expressing support for Ouattara to condemning the actions of Laurent Gbagbo, his forces and supporters, urging "*all Ivorian State institutions, including the Defence and Security Forces of Côte d'Ivoire (FDSCI), to yield to the authority vested by the Ivorian people in President Alassane Dramane Ouattara*" (S/RES/1975 pg.3). Of particular significance, the resolution recalled the Council's authorisation of UNOCI to protect civilians, stressing:

"*Its full support given to the UNOCI, while impartially implementing its mandate, to use all necessary means to carry out its mandate to protect civilians under imminent threat of physical violence, within its capabilities and its areas of deployment,*

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including to prevent the use of heavy weapons against the civilian population" (S/RES/1975 pg.3)

Two days before its adoption, on March 28th, Ouattara announced that all peaceful options had failed to resolve the crisis and so his Republican Forces of Côte d'Ivoire (RFCI) went on a nationwide offensive, taking control of a number of towns including the administrative capital Yamoussoukro, reaching Abidjan by March 31st.

April 2011: UNOCI intervenes, Gbagbo is captured. Events moved quickly at an operational level in Côte d'Ivoire following the adoption of S/RES/1975. There were further attacks on peace keepers, the blockaded Golf Hotel and civilians. Having publicly called on April 2nd for Gbagbo to step down, the UNSG once again(UNSG, 2011a) gave *"operational clearance"* on April 10th for UNOCI to take *"necessary measures"* to prevent the use of heavy weapons against civilians in Abidjan, citing the authority of S/RES 1975[66] and requesting military assistance from Licorne. Following the offensive measures taken by UNOCI and French forces against heavy weapons under the control of Gbagbo's forces, RFCI forces closed in on the Presidential compound in Abidjan. Gbagbo and his entourage surrendered on April 11th and were taken into Ivorian custody albeit subject to UNOCI protection. On April 13th 2011 the UNSC issued a press statement welcoming *"that President Alassane Dramane Ouattara of Côte d'Ivoire is now in position to assume all his responsibilities as Head of State, in accordance with the Ivorian Constitution and the will of the Ivorian people expressed at the presidential elections of 28 November 2010 and as recognized by the international community"* (SC/10224).

April – December 2011: Ouattara takes office, post conflict peace building. Following Gbagbo's arrest and with *"the immediate security crisis in Côte d'Ivoire now less pressing"*(SCR, 2011d)*,* the UNSC focus turned to the UNOCI mandate that had to be renewed by June 30th and retooled in light of the *"changed context"*(SCR, 2011c)*.* On May 5th the Ivorian Constitutional Council declared Ouattara to be the new president. He was sworn in on May 6th and publicly inaugurated on May 21st. Subsequently, the Human Rights Council Commission of Inquiry, Human Rights Watch and Amnesty International all reported serious human rights violations, war crimes and crimes against humanity by both sides to the conflict during the crisis. The new government of national unity unveiled June 1st was noted to be lacking in

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[66] April 5th 2011 saw UNOCI launch *"Operation Protect the Civilian Population"*

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representation from Gbagbo's allies although it was claimed by the Ivorian UN Permanent Representative that they had refused to participate (Côte d'Ivoire, S/PV 6584, pg.3-6).

On June 27th, UN sanctions were lifted, whilst later on July 20th President Ouattara established a Commission to investigate human rights violations during the conflict, stressing they would consider both sides, although as of August none of Ouattara's supporters had been charged. At the international level, ICC judges authorised the prosecutor on October 3rd to investigate post-election war crimes and crimes against humanity committed by both sets of forces, issuing an arrest warrant for Gbagbo on November 23rd 2011.

P3 states liberal interpretation of crisis and goals

The nature of the Ivorian post-electoral crisis having been established, it is now necessary to demonstrate the P3 states' liberal interpretation of the crisis and the goals that they professed. It is clear that, from the outset of the crisis, through to the vote on adopting S/RES/1975 and its aftermath, the P3 states publicly held Laurent Gbagbo, his supporters and the forces loyal to him responsible for causing and prolonging the Ivorian crisis. Whereas the Libyan and Syrian cases were framed in large part through the discourse of the Arab Spring, the Ivorian post-electoral crisis was essentially treated by the P3 states as a stolen election.

At the Council's first public meeting on December 7th 2010, the American Permanent Representative directly addressed the core issue of the crisis in her remark that: *"the participation of the representative of Côte d'Ivoire in this meeting without objection is not intended to be viewed and should not be understood as an acknowledgment of the legitimacy of his Government."* (USA, S/PV 6437, pg.2). This, the only remark made by a Council member at the meeting, signalled the view that the Gbagbo government was de facto but not de jure and that this view would influence how international society responded to the crisis. The P3 states' view that, of all the parties to the crisis, it was Laurent Gbagbo, who was to blame for prolonging events, defying both his people and international society, was clearly evident on the occasion of the vote to adopt S/RES/1975. The USA warned that:

"Mr Gbagbo and his supporters can continue to cling to power, which will only lead to more innocent civilians being wounded and killed and more diplomatic and

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economic isolation, or Mr. Gbagbo and his followers can finally reject violence and respect the will of the Ivorian people" (USA, S/PV 6508, pg.5)

In this statement, it is clear that the USA regarded the crisis as political in nature with humanitarian consequences, and that the essence of the political crisis was that Gbagbo was trying - and failing to hold onto power without authority. The liberal tenor of the P3 states' interpretation of the crisis was their view that Gbagbo's government was illegitimate because he had lost the election, whereas Alassane Ouattara having won the election was the duly elected, legitimate head of state in the eyes of both his people and the international community. The importance of respecting the election result and the negative view taken of Gbagbo's conduct were emphasised by the UK in the same meeting in their remarks to the effect that:

"We reiterate that a solution to the crisis requires acknowledging the results of the November 2010 elections. My delegation rejects Mr. Gbagbo's decision to ignore the proposal for a political solution put forward by the African Union High-Level Panel. We urge him to give up power immediately" (Colombia, S/PV 6508, pg.6)

The key elements in this statement were the election result – as certified by the SRSG and recognised internationally – Gbagbo's subsequent rejection of regional meditation and an explicit demand that Gbagbo gives up power. Indeed this point, the contrast between Gbagbo's de facto power and Ouattara's de jure authority was further in evidence in the UK calls *"for all Ivorian State institutions, including the Defence and Security Forces of Côte d'Ivoire, to yield to the authority vested by the Ivorian people in President Ouattara."* (UK, S/PV 6508, pg.6)

The P3 states focused on Gbagbo as having caused and prolonged the crisis, and having posed the greater threat throughout. Latterly, the UK reflected that in this case, *"the United Nations demonstrated zero tolerance for attacks against civilians and United Nations peacekeepers and for the desperate acts of a ruler seeking to cling to power against the wishes of the people"* (UK, S/PV 6621, pg.12). Although there were broader stated concerns that the Ivorian post-electoral crisis posed a threat to the region, to international peace and security and that mass atrocities were being committed, the specific threats focused upon by the P3 states were those to civilians and UN peacekeepers. In both such cases the P3 states laid the blame on Gbagbo, his supporters and the forces loyal to him. The reasoning was not

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just that they had caused and were prolonging the crisis from which these threats emerged, but held them directly accountable for the commission of such acts.

An examination of the other Council members' statements when adopting S/RES/1975 reveals that the American and British liberal interpretation of the crisis and goal was widely and explicitly shared, with Nigeria, South Africa, Gabon, Colombia and Germany all addressing the fact that Gbagbo had to step aside, whilst India and Brazil referenced respect for the will of the people (S/PV 6508). Nigeria – a cosponsor of S/RES/1975 – was as blunt as the P3 states on the occasion of the resolution's adoption:

"The current situation is without a doubt a direct consequence of the refusal of Mr. Laurent Gbagbo to cede power to President Alassane Ouattara. This is unacceptable. Mr. Gbagbo's intransigence threatens to plunge his country, once the beacon of the sub-region, into a bloody and protracted civil war. It is indeed time to translate the words of the Security Council's press statements of 10 January, 3 March and 11 March 2011 into concrete action." (Nigeria, S/PV 6508, pg.2)

During the same meeting India, Brazil, Gabon, Germany, South Africa and Colombia all expressed their support variously for action by UNOCI to protect civilians, for a democratic political outcome to the crisis that respected the election result and for a transfer of power to Ouattara (S/PV 6508). Indeed, both Germany and Colombia went as far as expressing concern at violations of human rights and fundamental freedoms during the crisis (S/PV 6508: Germany pg.5-6, Colombia pg.6). Therefore, it is important to recall that a liberal interpretation of the crisis and its resolution was not the preserve of the P3 states alone. Nonetheless it matters that they too shared in it and by their influence ensured it was reflected in the Council's Resolutions, Press Statements and practice. Otherwise it is important to note that there were those who, although also seeking a political solution to the crisis, were more reticent and impartial in their remarks rather than openly blaming or expressing a preference for either party. India supported *the will of the people*, before observing:

"UNOCI should also not get involved in a civil war, but carry out its mandate with impartiality and while ensuring the safety and security of peacekeepers and civilians. In this context, we have noted that a UNOCI helicopter was fired upon by the Forces républicaines de Côte d'Ivoire yesterday, 29 March…The Council has heard various

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allegations of serious crimes committed against civilians in Côte d'Ivoire. There should be no a priori presumption about the nature of these alleged crimes. Each allegation has to be investigated on a case-by-case basis by the competent national bodies, and further action taken pursuant to relevant laws." (India, S/PV 6508, pg.3)

With these remarks drawing attention to an attack on UNOCI by Ouattara's forces and warning against a presumption by international society in favour of one party to the Ivorian crisis, India was emphasising the limits of legitimate international involvement or intervention in the Ivorian crisis. Whereas the P3 states were explicit in blaming Gbagbo for the crisis, identifying him as the threat to civilians and peace keepers, calling on him to transfer power to Ouattara and thus defining a democratic political solution as one in which Ouattara took office. The value the P3 states placed upon a liberal democratic outcome is redolent of their value rationality, although as will be shown, they sought legitimacy for their practices and goals with reference to the extant R2P normative framework or in accordance with rule rationality. Arguably, whilst they based their interpretation of the crisis in large part on their values, they sought international legitimacy for their goals and practices by locating these as in accordance with the R2P normative framework. What then were the P3 states' specific goals?

The P3 states reportedly wanted the Security Council to support both the certified election result and the roles of the SRSG and UNOCI (SCR, 2010). In terms of Council diplomacy this meant advocating the adoption of contextual as opposed to technical resolutions, by which the Council would express itself officially on the Ivorian post-electoral crisis (SCR, 2011e). Key here for the P3 states was establishing the liberal interpretation of the crisis as the official Council perspective and thus setting expectations of international society's goals. Once this had been secured, overcoming reported concerns of the P2 states, the P3 states took steps acting under Chapter VII to reinforce UNOCI as requested and called upon Gbagbo to transfer power to Ouattara.

It is important here to distinguish between the P3 states' immediate and ultimate goals, the relationship between their humanitarian and liberal political goals, their explicit claims and apparently implicit understandings. The P3 states' reported initial goal was to ensure that the Council officially recognised and supported the

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presidential election result as certified by the SRSG. Once this initial liberal political goal had been achieved by way of Security Council press statements and the adoption of contextual resolutions, the P3 states' immediate goal became humanitarian, ensuring civilian protection and mass atrocity prevention. This they pursued by: reinforcing UNOCI, emphasising its civilian protection mandate; identifying the threat posed by Gbagbo's forces, supporters and heavy weaponry; repeating their concerns about the escalating violence against civilians and peace keepers and their willingness to act in response.

In tandem to these immediate humanitarian goals was the P3 states' ultimate liberal political goal of a peaceful transfer of power from Gbagbo to Ouattara. As British and American remarks on the occasion of the adoption of S/RES/1975 demonstrate, the P3 states implemented and pursued a policy of sanctions, made repeated directed calls on Gbagbo to step down and warned that the crisis and violence against civilians would continue until he did so (S/PV 6508: USA pg.5, UK pg.6). But whilst the humanitarian situation was a product of the political situation, and whilst the P3 states had a clear view of which side was to blame and which side posed the threat, they claimed to be pursuing these separately in practice. As such, they did not claim that force should be used to enforce the election result or to protect civilians specifically from Gbagbo's forces and supporters.

Rather they chose to emphasise UNOCI's existing and impartial Chapter VII civilian protection mandate as well as their identification of where the threat lay. The P3 states therefore explicitly claimed to be pursuing their ultimate liberal political goal by the means of coercive sanctions and political pressure only, whilst the use of force was to be confined to action by UNOCI peacekeepers for the protection of civilians and peace keepers only. However, having established a liberal interpretation of the crisis, by identifying Laurent Gbagbo as the threat and expressing a clear preference for Ouattara, they also set expectations of how the peacekeepers' mandate should be discharged in practice.

Therefore, in the case of Côte d'Ivoire there was an international humanitarian consensus in favour of action by UNOCI peace keepers to protect civilians and prevent mass atrocities. There was also an international consensus that Alassane Ouattara was the legitimate duly elected Ivorian president, to whom power should be transferred by Laurent Gbagbo. However the terms of both consensuses were

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that the use of force should be limited to civilian protection only and that even then it should be exercised impartially. In explicit accordance with this, the P3 states discursively separated their immediate humanitarian goals from their ultimate liberal political goals, advocating force only to pursue the former and sanctions for the latter.

But despite these explicit claims, P3 states reportedly emphasised the threat to civilians from Laurent Gbagbo's supporters, forces and heavy weaponry. Publicly before the Council, whilst the UK underlined the importance of civilian protection by all parties, the US firmly placed the onus on Laurent Gbagbo:

"Mr. Gbagbo and his followers should immediately reject violence and respect the will of the Ivorian people. As violence continues, Côte d'Ivoire stands at a crossroads. Mr Gbagbo and his supporters can continue to cling to power, which will only lead to more innocent civilians being wounded and killed and more   diplomatic   and economic isolation, or Mr. Gbagbo and his followers can finally reject violence and respect the will of the Ivorian people" (USA, S/PV 6508, pg.5).

As such, whilst there was no clear tension between the P3 states' explicit goals and the R2P normative framework, tensions did emerge regarding their implicit understandings of what should be done in practice and how the mandate of S/RES/1975 should be implemented in practice.

P3 states liberal interpretation of R2P

As noted at the outset of the chapter, R2P language was explicitly invoked by the UN Office for the Prevention of Genocide in their two public statements on the crisis, as well as by several UN diplomats in the course of the Ivorian post-electoral crisis (Côte d'Ivoire S/PV 6506 pg.4-6, Nigeria S/PV 6508 pg. 2-4 and Colombia S/PV 6508 pg.6). Otherwise it is evident that the response of international society to the crisis touched upon the five identified norms of the R2P framework: sovereignty, non-intervention, non-interference, limits on the use of force and multilateralism. It has been argued that the P3 states' liberal value rationality was evident in their interpretation of the crisis and here it is argued that this same liberal value rationality was evident in their understanding of these norms, especially sovereignty, non-interference and limits on the use of force.

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Through the adoption of Security Council resolutions, the P3 states sought international legitimacy rather than being self-legitimating, and there was no publicly expressed scepticism on their part about the extant R2P norms or any associated attempts at norm entrepreneurship or adaptation. Therefore, this section examines how they behaved in practice as *liberal vanguards* by teasing out a liberal interpretation of selected humanitarian norms. The argument being made here is that, in places, the P3 states stretched the consensus understandings of the R2P normative framework not with respect to what they sought a mandate for – such as an avowedly liberal political goal – but with respect to how the humanitarian mandate was to be implemented in practice.

Sovereignty

All resolutions adopted by the Security Council in respect to the Ivorian post-electoral crisis were grounded in respect for Ivorian sovereignty, with S/RES/1962 and S/RES/1975 both: *"Reaffirming [the Council's] strong commitment to the sovereignty, independence, territorial integrity and unity of Côte d'Ivoire, and recalling the importance of the principles of good-neighbourliness, non-interference and regional cooperation"* (S/RES/1962 pg.1, S/RES/1975 pg.1). Therefore, the P3 states did not disregard the sovereignty of Côte d'Ivoire but they did discursively delegitimise President Laurent Gbagbo, arguing that he was no longer leading the legitimate Ivorian government.

As the USA observed, Ouattara was *"the duly elected President"* and Gbagbo and his followers had to *"respect the will of the Ivorian people"* otherwise their clinging to power would engender more diplomatic and economic isolation (USA, S/PV 6508, pg.5). Thus, from the immediate aftermath of the election, the P3 states argued that Gbagbo was no longer recognised either internally or externally as the legitimate President of Côte d'Ivoire. Domestically – internally - they pointed to the certified election result as the expressed will of the Ivorian people. Internationally – externally – they noted the expressed reaction of regional and sub regional organisations and a growing number of states, who had all recognised Ouattara's election victory. (UK, S/PV 6508, pg.6)

This liberal understanding of sovereignty as conditional upon the democratic outcome of the elections is further evident in the fact that the P3 states did not argue that Ivorian sovereignty was conditional upon their responsibility to protect.

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Rather, the emphasis of the international discourse was effectively that Laurent Gbagbo was no longer sovereign because he had lost the Presidential election as certified by the UN itself, and as recognised by his people and neighbouring states. Gbagbo as the de facto President had power, but was urged to transfer this to Ouattara who had sovereign authority. Ouattara's sovereign authority was widely recognised across international society as attested to by the switch in diplomatic recognition from Gbagbo's government to his, including at the United Nations itself. But as the following contrasting statements show, the USA emphasised the liberal interpretation of the democratic election result in contrast to China who instead were comparatively reticent and did not pronounce as to where authority lay within Côte d'Ivoire:

"This resolution [S/RES/1975] sends a   strong   signal   that   Mr. Gbagbo and his followers should immediately reject violence and respect the will of the Ivorian people. As violence continues, Côte d'Ivoire stands at a crossroads.   Mr Gbagbo and   his   supporters can continue to cling to power, which will only lead to more innocent civilians being wounded and killed and more   diplomatic   and   economic isolation, or Mr Gbagbo and his followers can finally reject violence and respect the will of the Ivorian people." (USA, S/PV 6508, pg.5)

"China voted in favour of resolution 1975 (2011), which was just adopted. China is seriously concerned at the continuing deterioration in the security situation in Côte d'Ivoire. We call on all Ivorian parties to immediately cease all violence and armed confrontations, and to seek to settle their differences through dialogue and consultations. We believe that the crisis caused by the elections in Côte d'Ivoire must be addressed through peaceful means. We appreciate and support the efforts made by the African Union and the Economic Community of West African States to find a political settlement to the crisis. We call on all Ivorian parties to show active and comprehensive cooperation." (China, S/PV 6508, pg.6-7)

Non-intervention

Recalling Adam Roberts' definition of humanitarian intervention (Weiss, 2016a: 7), certainly it is the case that in Côte d'Ivoire coercive action was taken by UNOCI peacekeepers supported by the French Opération Licorne within Ivorian territory for the purposes of preventing widespread suffering or death of civilians. With regard to the key issue of consent – an intervention being conducted without

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consent of the relevant authorities – in the context of the Ivorian post-electoral crisis whilst there were two governments there was only one internationally recognised authority (Rim, 2012)

Therefore, whilst Gbagbo requested UNOCI leave the country, by the time he issued this demand he was no longer the recognised President of Côte d'Ivoire, whereas Ouattara's representatives issued their express request and consent to further UNOCI involvement. Therefore, the decisive coercive actions taken by UNOCI peacekeepers in April 2011 were not deemed to be an intervention but rather framed as peacekeeping. On the occasion of the adoption of S/RES/1975 the UK noted that:

"The United Kingdom supports the continued efforts of the African Union and ECOWAS to implement a peaceful transfer of power and to avoid violence…It does not alter the robust mandate of the United Nations Operation in Côte d'Ivoire (UNOCI), under which the Operation is already authorized to use all necessary means to protect civilians, but it does reaffirm UNOCI's role in protecting civilians and preventing the use of heavy weapons against civilians. It also underlines the importance of the protection of civilians by all parties" (UK, S/PV 6508, pg.6)

Thus the UK was calling for the resolution of the political crisis through the mediation of the AU and ECOWAS and not by means of an intervention. Otherwise, action – including the use of force - to protect civilians was to be taken by the existing UNOCI peace keepers such as they were already authorised to do. S/RES/1975 neither authorised an external intervention nor at any point in the crisis did the P3 states call for such an intervention before the Council. As noted, ECOWAS in December mooted the use of *"legitimate force"* to remove Gbagbo, but they lacked the means to undertake such an intervention.

But instead of mounting or calling for a humanitarian or liberal intervention, the P3 states efforts were directed to reinforcing the existing deployment of UNOCI peace keepers and underscoring their mandate to protect civilians. However, as the examination of the norms of non-interference and limits on the use of force demonstrates, whilst the P3 states explicitly affirmed non-interference and impartiality, they emphasised the need for UNOCI to act directly to protect civilians from Laurent Gbagbo's forces and supporters. They were therefore among those on the Council effectively calling on UNOCI peacekeepers to intervene with force in the

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conflict. However, the prevailing view, as expressed by SRSG Choi, was that Côte d'Ivoire was not a case of intervention:

"Unlike some crises that have required massive international military intervention, the Ivorian crisis has been dealt with largely by Ivorians themselves...one may say that Côte d'Ivoire represents a success story of a people managing their own affairs with international support" (Choi, S/PV 6513, pg.2)

Non-interference

Given both the limited nature of public discussion by the Council and the fact that it acted decisively and by unanimous consensus, the Ivorian case could be regarded as a relatively uncontroversial one. That is, a case in which international society was of one view rather than uneven, and in which liberal states did not face a problem where, the more they tried to do the less international consensus and legitimacy there was. However, whilst international criticism was neither as vocal nor as public as in the cases of Libya and Syria, the significance and controversy of the case was referenced by the author's interviewees and touches especially on understandings of non-interference and the limits on the use of force:

"Even in Côte d'Ivoire the peacekeepers were there by invitation although concerns remain about whether they should have acted against the government that let them in. We are big fans of the principle of consent of the host state who must agree with what is happening… Just the notion that it [France] continues to have a colonial turf where these are its matters' and that the Security Council bows to this colonial framework is upsetting. The UK is less keen on such interventions but has a similar purview on its ex African colonies too. The USA doesn't have such a doctrine but openly says it will assess each case on a case by case basis" (Venezuela Interview, 18th November 2014)

The Venezuelan perspective illustrates two key issues at stake in this chapter and indeed in the thesis more broadly. The first is how international society responds to sovereign state governments who it holds responsible for actively committing mass atrocities and as such are not just manifestly failing to discharge their responsibility to protect but actively going against it. Essentially, the issue at stake is how far international society goes to protect people from their own government, which in the cases examined in this thesis, became a question of whether the government was itself legitimate. The second issue is the active role of the P3 states

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and the perception held by other states within the international society that the P3 states regarded themselves ahead of the rest and right to act in practice on occasion as they themselves see fit. Contrasting the Venezuelan perspective is that of a Rwandan diplomat, who when asked about the P3 states' leadership on the Council, responded:

"On Côte d'Ivoire in 2010 yes. The Ivorian people had spoken through a democratic election and made a choice and sadly the leader did not consent. The people and international community had no choice really. This was not regime change, something I always tell my colleagues in other Missions. He [Laurent Gbagbo] had lost the election and was not president anymore and should have done the honourable thing and left the Presidential Palace himself but he had to be removed by force in the end" (Rwanda Interview 24th November 2014).

This Rwandan perspective demonstrates again the P3 states' leading role in international society on the Security Council on these types of issues. It also reflects the widespread view on the Council at the time, espoused by P3 states (S/PV 6508, UK S/PV 6621 pg.11-13) but also by Nigeria, South Africa, Gabon, Germany and Colombia (S/PV 6508), that as a result of the presidential election, Laurent Gbagbo's was the de facto but not the de jure sovereign government of Côte d'Ivoire. However, whilst there was international consensus regarding the election result itself, there were, as the Rwandan diplomat indicates, concerns about how international society could respond without engaging in regime change. Such concerns were evident in statements made during the March 30th 2011 Council meeting to adopt S/RES/1975.

"We want to put on record that United Nations peacekeepers should draw their mandate from the relevant resolutions of the Security Council. They cannot be made instruments of regime change. Accordingly, the United Nations Operation in Côte d'Ivoire (UNOCI) should not become a party to the Ivorian political stalemate. UNOCI should also not get involved in a civil war, but carry out its mandate with impartiality and while ensuring the safety and security of peacekeepers and civilians" (India, S/PV 6508, pg.3)

"The resolution [S/RES/1975] strengthens the United Nations Operation in Côte d'Ivoire by allowing it, while impartially implementing its mandate, to protect

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civilians under imminent threat of physical violence, within its capabilities and its area of deployment" (South Africa, S/PV 6508, pg.4)

"While implementing its mandate to protect civilians, UNOCI must exercise caution and impartiality so as not to become party to the conflict." (Brazil, S/PV 6508, pg.4)

"China always believes that United Nations peacekeeping operations should strictly abide by the principle of neutrality. We hope that the United Nations Operation in Côte d'Ivoire will fulfil its mandate in a strict and comprehensive manner, help to peacefully settle the crisis in Côte d'Ivoire and avoid becoming a party to the conflict." (China, S/PV 6508, pg.7)

Additionally, at the May 11th 2011 Security Council thematic meeting on civilian protection – one month after the international intervention in Côte d'Ivoire which paved the way for Laurent Gbagbo's capture – South Africa stated that:

"*While United Nations peacekeeping operations should always adopt a robust posture in implementing the mandates of the Council, including the protection of civilian elements, they must do so in an impartial manner. United Nations peacekeeping operations should never be seen to be siding with one party to a conflict, as that would undermine the integrity of United Nations efforts"* (South Africa, S/PV 6531, pg.17)

Comments echoed in a June 20th 2012 thematic debate on peace keeping operations by Russia:

"Peacekeepers must strictly abide by their mandates and not get dragged into internal political conflicts. They should not render tacit support to one of the parties to a conflict. That can lead to extremely negative consequences and can call into question the reputation of the United Nations. Sadly, we have seen such unfortunate precedents in recent times" (Russia, S/PV 6789, pg.15-16)

Whilst neither statement directly reference events in Côte d'Ivoire and could be read simply as a statement of an obvious point, it is notable that both states saw a need to publicly address and reaffirm this point rather than take it for granted. As evident in remarks such as *"we urge all parties to exercise restraint and to avoid violence against civilians"* (USA, S/PV 6508, pg.5) and *"[S/RES/1975] also underlines the importance of the protection of civilians by all parties"* (UK, S/PV 6508, pg.6), the P3 states were also alive to the importance of non-interference in Ivorian affairs by

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ensuring that for all their emphasis on Gbagbo, they paid some attention to both sides.

Yet it remained the case that the P3 states sought a transfer of power from Gbagbo to Ouattara and sanctioned Gbagbo, but did not advocate the use of force or regime change to coerce this transfer of power. The P3 states' position here seemingly echoed the view expressed by the Rwandan interviewee that the Ivorian people had changed the regime through the ballot box, as certified by the SRSG and recognised by international society, particularly both regional and sub regional organisations. As such therefore, expressing their preference for Ouattara or their demands for a transfer of power was purely a reflection of the wishes of the Ivorian people and so did not seemingly constitute interference, according to the P3 states.

However, whilst both the P3 states and, crucially, the adopted Security Council Resolutions spoke of non-interference/impartiality, as noted earlier, the P3 states emphasised the threat posed by Laurent Gbagbo. Thus, their interpretation of the crisis and identification of Gbagbo as the threat was reflected in their public expectation of how the civilian protection mandate was to be implemented in practice as well as their implicit understanding of non-interference. As shown above, states such as India, Brazil, South African and China interpreted non-interference as impartiality, whereas the P3 states claimed to respect non-interference whilst supporting action by peace keepers directed against one side of the Ivorian crisis.

Limits on the use of force

It is worth recalling that UNOCI's Chapter VII civilian protection mandate long predated the Ivorian post-electoral crisis, but at issue were: the urgent emphasis placed upon this as the crisis escalated, the efforts to provide UNOCI with material and political support to discharge the mandate, and the P3 states expectations' of how that mandate was to be discharged in practice. The P3 states claimed to respect the agreed limits imposed on both the use of force generally and peace keepers especially. They discursively separated their immediate humanitarian from their ultimate political goals.

Although advocating Chapter VII measures for both goals, they distinguished the use of force by peace keepers for civilian protection and mass atrocity prevention from the imposition of sanctions against Gbagbo's government, in support of a

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political solution to the crisis. Each of the P3 states later took opportunities to frame the Council's adoption of S/RES/1975 and the actions subsequently undertaken as focused on protection only:

"In Côte d'Ivoire, the Security Council gave the United Nations Operation in Côte d'Ivoire (UNOCI) the resources it needed to fulfil its protection mandate. By helping to neutralize heavy weapons being used against civilians, UNOCI prevented the commission of atrocities. We hope that the resolve UNOCI has demonstrated will serve as a point of reference for all United Nations peacekeeping operations" (France, S/PV 6531, pg.23)

"In Côte d'Ivoire, acting with the unanimous support of the Security Council, United Nations peacekeepers undertook limited military operations to protect civilians. The United Nations demonstrated zero tolerance for attacks against civilians and United Nations peacekeepers and for the desperate acts of a ruler seeking to cling to power against the wishes of the people." (UK, S/PV 6621, pg.12)

"Protection of civilians is at the heart of what we should be doing in the Council. In the past year, we have made significant progress in operationalizing norms on the protection of civilians. The Council played a critical role in protecting the people of Côte d'Ivoire in the aftermath of the elections there…" (USA, S/PV 6650, pg.20)

Therefore both substantively – in terms of the purposes that force could be used for – and procedurally – in terms of how the use of force was to be authorised – the P3 states claimed that S/RES/1975 and subsequent UNOCI practices respected the limits on the use of force. But whilst the P3 states agreed that peace keepers should only use force to protect civilians rather than to coerce a transfer of power or officially take sides in the crisis, there was a tension between their reported and public emphasis on Gbagbo's forces and supporters as the threat, and the impartial wording of Security Council Resolutions. S/RES/1975 acting under Chapter VII stipulated that the Council:

"Recalls its authorization and stresses its full support given to the UNOCI, while impartially implementing its mandate, to use all necessary means to carry out its mandate to protect civilians under imminent threat of physical violence, within its capabilities and its areas of deployment, including to prevent the use of heavy weapons against the civilian population" (S/RES/1975 pg.3)

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P3 states were reportedly instrumental in ensuring –that S/RES/1975 specified the threat posed by heavy weaponry. This was *"an unusual addition to a civilian protection mandate and may have been deliberately inserted by France to foreground its planned military action in conjunction with UNOCI"* (Bellamy and Williams, 2011: 835), thus performing a similar discursive role as the explicit reference to *"Benghazi"* in the text authorising the use of force in Libya (S/RES/1973 (2011) pg.3). Seemingly, therefore, they reasoned that whilst the resolution did not specify who exactly UNOCI peace keepers were to protect civilians from, it did specify a particular threat - heavy weaponry targeting civilians - which was emanating from Gbagbo's forces rather than Ouattara's.

Thus, although the resolution did not expressly authorise action by peace keepers against only Laurent Gbagbo's forces, the P3 states' role in establishing a liberal interpretation of the crisis, their focus on identifying the Gbagbo threat and their drafting of the resolution text were crucial in setting expectations of who UNOCI peace keepers should protect civilians from and how. It was the UNSG who took the operational decision, acting under S/RES/1975, to instruct UNOCI forces to target Gbagbo's forces use' of heavy weapons in April at the climax of the crisis, and this was done with the assistance of Licorne forces. However, whilst the Security Council was subsequently briefed and satisfied that this use of force was in accordance with S/RES/1975 and not party to regime change (SCR, 2011f; SCR, 2011g) concerns and criticisms, although limited, muted and targeted at the UNSG more than the P3 states, soon surfaced(Bellamy and Williams, 2011: 835, 837; Boutellis and Novosseloff, 2016: 692). Indeed it was also reported that France were *"circumspect about pushing its views on the next steps"* and so stood back from its active role in the immediate aftermath of the crisis so as to allow these tensions and allegations to time to abate (SCR, 2011d).

Multilateralism

The series of unanimous Security Council Resolutions adopted are evidence of the fact that a multilateral international consensus was reached on the UN Security Council in the case of Côte d'Ivoire with regard to: who had won the Presidential election; the need to act in practice both to protect civilians as well as prevent mass atrocities; and that there should be a transfer of power. This was not therefore seemingly a case in which the more the P3 states tried to do, the less of an international consensus there was, given that international consensus was

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sustained throughout, and the P3 states were careful to distinguish their immediate humanitarian goals from ultimate political goals rather than combining them.

Instead of trying to create a liberal international consensus in favour of coercing a transfer of power, or for taking direct military action specifically against the discredited Gbagbo government to remove the threat it posed to civilians, the P3 states set expectations of how the humanitarian civilian protection mandate should be implemented in practice, which were more liberal than impartial. Whilst doing so, the P3 states expressed no public complaints with the procedures or substance of multilateralism. The UK remarked that S/RES/1975 was drafted *"in support of the African Union's efforts to find a political solution"* and in direct response to *"the calls made to the Security Council by the Economic Community of West African States (ECOWAS) in its communiqué of 24 March"* (UK, S/PV 6508, pg.6). This demonstrates that international, regional and sub regional expectations of the Council to respond were cited by the P3 states who also claimed that these additional constituencies of legitimation all supported a liberal interpretation of the crisis and goals when addressing it.

Thus, with the adoption of each Security Council resolution, the P3 states commented to the effect that the right outcome had been decided upon properly. But was it the case that the P3 states' view of the *right decision* owed more to value rationality than multilateralism? Which is to say, were the decisions taken the right ones because they accorded with the P3 states' liberal values and goals, or because they had been deliberated upon, reached and adopted multilaterally with the input of all Council members in accordance with the rules of a multilateral international society? This is a difficult question to assess given the limited nature of the available public evidence and the absence of statements by key states such as France and Russia on the occasion of the adoption of S/RES/1975 (S/PV 6508). The final two practices of *liberal vanguardism* are used therefore to assess the P3 states attitude to consensus and overall approach to international legitimacy.

Persuasion

Thus far, this chapter has argued that the P3 states had a liberal interpretation of the Ivorian post electoral crisis as evident in their public discourse within international society before the UN Security Council. Crucially, this interpretation and these discourses were complimented by the P3 states' goals and practices that

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they then sought international legitimacy for. It has been argued that the P3 states discursively separated their immediate humanitarian goals from their ultimate liberal political ones, advocating the use of force only for civilian protection purposes, and pursuing the ultimate goal of a transfer of power through politics and sanctions. But it remained the case that they expressed a preference for Ouattara, adopting a *Gbagbo must step aside* discourse, whilst focusing attention and directing international action towards addressing the threat his forces and supporters alone posed.

Here, the issue is assessing what the P3 states' attitude to international consensus was and how they secured it. As noted, there was an international consensus as well as unanimity of the Security Council both horizontally and vertically, both within the P5 themselves and between the P5 and the E10. By seeking to secure a liberal interpretation of the humanitarian consensus, rather than openly seeking a liberal consensus in favour of coercive democratisation, the case of Côte d'Ivoire was not one in which the more the P3 states tried to do – combining civilian protection with enforced political change – the less of an international consensus there was.

The previous section has demonstrated their practice as *liberal vanguards* of liberally interpreting the R2P framework, especially the norms of sovereignty, non-interference and limits on the use of force. But is it the case that, when approaching the crisis on the Security Council, the P3 states *as liberal vanguards* sought only to persuade other Council members of their preferred position? Or were they open to persuasion and willing to compromise in pursuit of a multilateral consensus, thus exhibiting a deliberative rather than instrumental approach to international consensus? Put another way, did the P3 states in practice behave as though the right outcome to the crisis was the one that accorded with their values, or was the right outcome whatever international society, acting through the Security Council, agreed upon?

There is, with regard to this prospective practice of *liberal vanguardism*, a limited body of available evidence to work with. The following are indicative of P3 state behaviour as *liberal vanguards* in the Ivorian case. Firstly, they made no statement to the effect that they had compromised any of their goals when responding to the crisis. Secondly they were reportedly reluctant to leave the resolution of the crisis

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to the AU PSC High Level Panel, lest they reach a compromise with Gbagbo (SCR, 2011b). Thirdly, on the occasion of the adoption of S/RES/1975, India commented on the process by which the text was drafted, hinting at the lack of inclusion of the E10:

"We also want to place on record our growing concern at the tendency to hurry the process of adopting resolutions. We think that there should be enough time for deliberations and consultations with all countries concerned. In situations such as those envisaged in the present resolution, it is imperative that troop-contributing countries be first consulted on the mandate of United Nations peacekeepers" (India, S/PV 6508, pg.3)

This speaks to the long standing established complaint – as noted earlier in thematic debates on the Council's Working Methods – which is that the P3 states tend to dominate the agenda of the Council and run the table behind the scenes, with an emphasis on squaring resolutions with their preferences, rather than opening them up to deliberation. India's remarks suggest this may well have been the case with S/RES/1975.

However, one could also ask whether it was actually the case that the P3 states had to persuade a reluctant Security Council to support their position, or whether the Council and international society were generally already of like mind regarding the situation. *Note for instance the widespread support expressed for the liberal interpretation of the crisis, identification of Gbagbo as the threat, international recognition of Ouattara and welcoming of the eventual outcome.* Essentially, this is to say that whilst it was clear there was an international consensus, it is less clear how that came about and whether the P3 states as *liberal vanguards* played the lead role, whether they compromised to secure it, or whether they got all that they sought without having to compromise.

The evidence especially worth noting here is the fact that the P3 states did in a sense compromise by not openly seeking liberal intervention, yet this raises the question, out-with the realm of this thesis, as to whether that was ever their intention. As theorised, *liberal vanguards,* based on their value rationality, are set on persuading others of the international legitimacy of their position, goals and practices, to the extent that international discord is apparent. Yet in the case of

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Côte d'Ivoire, the aforementioned muted criticism of UNOCI's actions aside, such discord was not apparent.

Thus with respect to whether the P3 states behaved as *liberal vanguards* in this respect – focusing on persuading others rather than being open to persuasion themselves – the evidence is mixed. They did not claim to have compromised, nor did they make overtly confident statements about being on the right side of history. But no other state especially asked them to compromise, or at least claimed they had, and indeed it is possible that the P3 states did not need to persuade any other Council members of the international legitimacy of their approach to the crisis, and if they did so, then they probably did so behind closed doors and beyond the scrutiny of this author.

Alternative constituencies

Whilst the P3 states pursued international legitimacy rather than self-legitimating, a practice of *liberal vanguardism* would be if they had appealed to international constituencies of legitimation other than the UNSC. Were they to circumvent the Security Council and take action without its express authorisation, instead fostering or appealing to an alternative international constituency of legitimation, this would amount to practice undertaken without full international legitimacy with serious ramifications for the sustainability of the solidarist society of states typified by R2P. If the available evidence with regard to the practice of persuasion is difficult to assess, then in this respect it is clear that the P3 states did not, as *liberal vanguards,* appeal to or rely upon alternatives to the UNSC.

As the Security Council's Press Statements, Resolutions and meeting records such as (S/PV 6508) attest, additional or other constituencies of legitimation were cited. Most notable would be ECOWAS and the AU, that is, the relevant sub regional and regional organisations, as well as the authoritative voices of the UNSG (S/PV 6490, pg.2-4), UN officials (S/PV 6506 pg.2-4, S/PV 6513 pg.2-7) and Ouattara's newly appointed Permanent Representative (S/PV 6506 pg. 4-6, S/PV 6508 pg. 7-8 and S/PV 6513 pg. 7-9). However, none of these were cited by the P3 states as alternative sources or constituencies of legitimation. This is almost certainly because the P3 states were able to secure the unanimous adoption of Security Council Resolutions and so were not faced with the prospect of inaction in a mass atrocity situation owing to a deadlocked Security Council.

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Conclusion and threat assessment

In conclusion, this chapter has argued that the P3 states did behave in practice as *liberal vanguards* during the period of the 2010-2011 Ivorian post-electoral crisis. Their liberal value rationality was evident in both their interpretation of the crisis – as in effect a stolen election - as well as their professed goals, which crucially they acted upon in practice. Here they articulated an immediate humanitarian goal – civilian protection and mass atrocity prevention – as well as an ultimate political goal – a transfer of power from Laurent Gbagbo to Alassane Ouattara – advocating sanctions in pursuit of the latter and limiting the use of force to the pursuit of the former.

It is evident that the P3 states sought to discursively and in a sense practically separate these goals. UNOCI peace keepers were reinforced and urged to use all necessary means in accordance with Chapter VII of the UN Charter under S/RES/1975 to protect civilians. But such humanitarian protection was held to be distinct from the ultimately required - and liberally informed - political solution to the crisis. Thus whilst the P3 states blamed Laurent Gbagbo for the crisis and the violence, they limited themselves to calling for an internally managed peaceful change of regime rather than externally enforced regime change.

But it is also the case that the P3 states still behaved in practice as *liberal vanguards.* For whilst they did not attempt to secure a liberal mandate from the Security Council – such as combining civilian protection, mass atrocity prevention with coercive action to transfer power – they did liberally interpret in practice both the norms of R2P – especially sovereignty, non-interference and limits on the use of force – as well as the humanitarian mandate authorised by S/RES/1975. Thus the story of P3 states' *liberal vanguard* practice in the case of Côte d'Ivoire is less about what they sought to get authorised through the Security Council, but rather how they claimed that what was authorised (the mandate) and what was understood (the R2P normative framework) was to be implemented in practice.

Whilst their *liberal vanguard* value rationality, goals and interpretation of R2P can be demonstrated, overall their *liberal vanguard* practice was limited with respect to the two final indicative *liberal vanguard* practices. It is difficult to definitively assess their attitude to consensus and openness to persuasion, but is readily apparent that they did not foster or appeal to alternative constituencies of

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legitimation other than the UNSC. Given therefore that the P3 states behaved as *liberal vanguards,* albeit in this more limited form, what sort of threat did this pose to the sustainability of the solidarist society of states typified by R2P?

Once again, for the avoidance of doubt, this thesis does not argue that practices of *liberal vanguardism* pose an imminent existential threat to international society writ large. Rather it is argued that such practices, depending on their severity/nature threaten the sustainability over time of a particular form of that society, in this case, the solidarist form typified by the R2P normative framework. In the case of Côte d'Ivoire, it is found that the threat posed was minimal for the following reasons.

Firstly, this crisis was framed and understood as one of peace keeping rather than intervention. The long established commitment and presence of UNOCI peace keepers on the ground in Côte d'Ivoire was such that many of the hard questions or Bull's "*terrible choices*" (Alderson and Hurrell, 2000: 227; Wheeler and Dunne, 2002: 43) regarding intervention had therefore been addressed long before and were not subject to contentious debate or sustainability threatening international discord. For example, as the UK noted when adopting S/RES/1975:

"The resolution also reinforces action to protect civilians. It does not alter the robust mandate of the United Nations Operation in Côte d'Ivoire (UNOCI), under which the Operation is already authorized to use all necessary means to protect civilians, but it does reaffirm UNOCI's role in protecting civilians and preventing the use of heavy weapons against civilians." (UK, S/PV 6508, pg.6)

The significance here being that the decision of whether or not to use force to protect civilians had already been taken and established. Additionally, whilst the P3 states – especially France – played active roles on the Council and on the ground, the operational decisions regarding the use of force and thus navigating the practicalities of where legitimate intervention became illegitimate interference, were matters for UNOCI and the UNSG rather than the P3 states themselves. This lessened another potential threat to sustainability, namely whether the P3 states bound themselves in practice by the Council's decisions and the terms of the authorised civilian protection mandate.

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Secondly, throughout the Ivorian post-electoral crisis there was a sustained international consensus as evident in the form of five unanimous Security Council Resolutions. The implications of this consensus are profound for the sustainability of the solidarist society of states typified by R2P. It meant that the P3 states did not have to consider circumventing a deadlocked Security Council and thus undertaking practice without the international legitimacy that can only be conferred authoritatively by the Council, which would have provoked an international legitimacy crisis, threatening sustainability.

Instead, the unanimity of the Security Council – evident across two years – meant that both the vertical and horizontal axes of international consensus which this thesis theorises are required for the sustainability of the society of states, was evident. That is notwithstanding some muted, limited criticisms and concerns, which although expressed did not amount to threatening discord. Indeed, as noted, to the extent that criticism was voiced, this was done behind closed doors or was directed against the UNSG (Bellamy and Williams, 2011: 835, 837).

Thirdly, although engaging in *liberal vanguard* practices, the P3 states claimed to believe themselves bound by the solidarist society's principles of legitimacy with regard to rightful conduct as typified by the R2P normative framework. They actively sought international legitimacy rather than self-legitimating by relying solely upon their own liberal values. When doing so, they did not express scepticism about them, attempt or advocate the adaptation of them or the creation of new understandings, all of which run the risk of devaluing or eroding the consensus understandings of the normative framework.

However it does remain the case that the P3 states did act in practice as *liberal vanguards* by teasing a liberal interpretation from the R2P normative framework – especially sovereignty, non-interference and limits on the use of force. Although muted and crucially not reflected in the Council's voting, there was some international unease here. This was evident in the critical comments made and reported on the part of Council members, and the fact that some went out of their way to restate the importance and meaning of international norms regarding non-interference, impartiality and the multilateral process of deliberation by which the Council adopted resolutions.

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Although not serious enough to be threatening in the case of Côte d'Ivoire, this sense that *liberal vanguard* practice could erode the consensus understanding of norms through practice, as a result of a tension between their explicit claims, implicit understandings, goals and practices, will become increasingly evident in the two cases to follow.

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Chapter 7 – Libya – Outline

The Libyan case study has been included in this thesis for four reasons. Firstly as official statements of the UN Office for the Prevention of Genocide, the UNSG as well as those of various diplomats attested, the situation was internationally regarded as meeting the R2P threshold ((OSAPG, 2011c)[67], UNSG S/PV 6490 pg.2-4 and France S/PV 6498 pg.2-3)). The threat to civilians and especially the prospect of a looming massacre in Benghazi therefore elevated the crisis beyond human rights violations alone. Secondly the crisis was on the UN Security Council's agenda and subject to the unprecedented authorisation under S/RES/1973 of the use of force against a functioning state for the declared purpose of civilian protection (Bellamy, 2014: 9-10)Thirdly, the P3 states played an active role throughout the crisis, both diplomatically and on the ground. They led the drafting of key Council texts and contributed their own armed forces to the subsequent military action.

Finally the international response to the crisis raised questions about the relationship between civilian protection and political change and thus where legitimate intervention became illegitimate interference. To quote the UK diplomat interviewed by the author: *"R2P definitely took a hit after Libya and there is now a level of distrust here in both the Secretary General who has really pushed R2P and the P3 given our actions"* (UK interview, 17th November 2014). In the Libyan case, the Security Council adopted sanctions, referred the situation to the International Criminal Court and authorised the use of force for civilian protection purposes. The P3 states were adamant that *Gaddafi must go* in order to protect civilians and resolve the crisis, and although they were not alone in their fervour, other Council members – Brazil, Russia, India, China and South Africa – were or became deeply uncomfortable with and aggrieved by what they interpreted both as interference in Libyan domestic affairs and the P3 states abuse of the mandate that had been authorised by the Security Council.

The action of the Security Council, especially in adopting and acting upon a Chapter VII resolution authorising the use of force against a functioning state to protect civilians were heralded at the time as a coming of age of R2P. Secretary General Ban Ki Moon highlighted how the resolution: *"affirms, clearly and unequivocally, the international community's determination to fulfil its responsibility to protect*

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civilians from violence perpetrated upon them by their own government" (Moon, 2011). Gareth Evans, Co-Chair of the 2001 ICISS wrote *"it was in Côte d'Ivoire but especially Libya early this year that the responsibility to protect really came of age"* (2011) whilst his ICISS colleague Ramesh Thakur declared that: *"Resolution 1973 marks the first military implementation of the doctrine of 'responsibility to protect' (R2P). Had the international community shirked this responsibility, Libya could have become R2P's graveyard"* (Thakur, 2011). Elsewhere academics such as Alex Bellamy, Paul Williams and Tom Weiss variously wrote of *"a new politics of protection"* (2011) and that R2P was *"alive and well after Libya"* (2011).

As international concern with and even condemnation of the conduct of the Libyan intervention grew, this positive analysis was soon diminished. Amongst academics and commentators, there were those who noted the harm visited upon R2P by the Libyan case (Reiff, 2011), whilst others still questioned whether played any role of R2P in Libya at all (Hehir, 2013). This thesis does not examine the motives underpinning the Libyan intervention, nor the alleged toxicity of R2P itself that resulted from the Libyan intervention. Instead it examines the public discourse and practice of the P3 states on the Security Council, especially their attitude to consensus and approach to legitimacy and whether this was in accordance with extant international understandings of the R2P framework. The Chapter adopts the perspective that international society discussed how to respond to the Libyan crisis within the context of the R2P normative framework, and that their discourse and practice demonstrates the relevance and significance of international consensus understandings of sovereignty, non-intervention, non-interference, limits on the use of force and multilateralism.

This chapter argues that in the case of Libya, the P3 states did behave in practice as *liberal vanguards*. Given their role in drafting and sponsoring all resolution texts and their influential role on the Council as noted in literature, the P3 states played an active role in guiding the Council's response to the Libyan crisis. Significantly they brought their influence to bear in framing the crisis through the lens of their liberal interpretation of the Arab Spring. The P3 states liberal interpretation of the crisis, and thus their liberal value rationality, is evident in their statements that the Libyan people were protesting for the rights and freedoms, only to be met with violent repression by a now discredited dictatorial regime.

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However, although the threat of mass atrocities was a crucial discourse, the evidence of the P3 states' public statements demonstrates that their goals clearly extended beyond immediate protection or halting the violence. Over the course of the crisis, the P3 states spoke of two related but distinct goals. Their immediate humanitarian goal was civilian protection whilst their ultimate political goal was of a liberal democratic Libya without Gaddafi. Crucially however, whilst the Security Council authorised a humanitarian intervention in pursuit of the former immediate goal, the P3 states discourses and practices rested upon an implicit and at times their explicit liberal understanding of how to interpret and apply the R2P normative framework in practice. In practice therefore, the P3 states conducted off the back of a *humanitarian mandate* what became a *liberal intervention.*

Essentially, international society though mindful of non-interference, through the UNSC authorised a *humanitarian intervention* for the purposes of civilian protection and mass atrocity prevention. But the P3 states acting as *liberal vanguards* held the Gaddafi government responsible for the atrocities and in practice conducted a *liberal intervention* to address this specific threat with the publicly stated goal not only of protecting civilians *by also promoting human rights and democracy*. There was therefore a clear tension – expressed especially by Brazil, Russia, India, China and South Africa – between the P3 states interpretation of the crisis, goals, practices, legitimacy claims, and the consensus understandings of the five norms of the R2P framework.

Additionally, the evidence demonstrates the P3 states were focused on persuasion but were less open to it themselves because they adopted an instrumental or static approach to international consensus. Lastly, whilst it is the case that the P3 states did not circumvent the Security Council – in the sense of acting without a resolution – and that they publicly professed their support for its authority, their practice after the adoption of S/RES/1973 with respect to the ad hoc *Libya Contact Group*[68] raised

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[68] Established as the Libya Contact Group or International Contact Group for Libya at the March 29th 2011 London Conference, the group existed in this form until the Paris Conference, September 1st 2011, at which point it was reconstituted as a new international meeting group known as the Friends of Libya. See "*Statement by Foreign Secretary William Hague following the Libya Contact Group meeting in Doha*" April 13th 2011 https://www.gov.uk/government/news/libya-contact-group-chairs-statement (last accessed February 28th 2017)

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questions about them sourcing international legitimacy from alternative constituencies of legitimation.

To be clear therefore, the case of Libya is one in which the P3 states as *liberal vanguards*, portrayed the crisis through the lens of a liberal reading of the Arab Spring (Ralph et al., 2017). International society, through the UNSC, cautiously authorised an unprecedented humanitarian intervention which as practiced by the P3 states became in effect a liberal intervention. The tensions between the P3 states interpretation of the crisis and professed goals were exacerbated in practice by the dissonance – as perceived by members of international society - between the mandate of S/RES/1973 *as authorised* and *as practiced* by the P3 states. Whilst many Council members supported not just the mandate but also the P3 states practice, a significant number of them expressed concerns and even outright condemnation. As such, this chapter finds that the P3 states practice as *liberal vanguards* in the case of Libya posed a significant threat to the sustainability of the solidarist international society typified by R2P.

Going forward, firstly, an overview of the Libyan case study is provided with particular regards to: the political crisis and risk of mass atrocities, activity on the UNSC and the international military action taken[69]. Secondly, the tensions between the P3 states' liberal interpretation of the crisis and their professed goals are examined. Thirdly the discourses and practices of the P3 states are examined and applied to the norms of the R2P framework to demonstrate how the behaved as *liberal vanguards.* Finally the chapter concludes with an assessment of the threat to the sustainability of the solidarist society typified by R2P posed by the P3 states *liberal vanguard* practices.

Overview: The Libyan intervention (2011)

The Security Council first met in closed session to discuss the situation in Libya under the agenda item of *"Peace and Security in Africa"* on February 22nd 2011, with some 74 additional countries participated in this closed first meeting. A search of meetings held under the agenda items of *"Peace and Security in Africa – (Libya)"* and *"The situation in Libya"* reveal some twenty three meetings were held between

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[69] This has been compiled from several literatures but especially What's in Blue and Security Council Report http://www.securitycouncilreport.org/libya/ (last accessed February 24th 2017)

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February 22nd and December 22nd 2011. Although the intervention phase of the crisis officially ended on October 31st 2011 with the termination of the No Fly Zone and measures for the protection of civilians', a later cut off point has been chosen in this chapter (December 22nd 2011) to allow an examination of state discourses in the immediate aftermath of the crisis. During this period of February – December 2011 the Council voted on and adopted six resolutions (see Table 8 below). With the exception of (S/RES/1973) all of these resolutions were adopted unanimously and all were sponsored by the P3 states – whereas of the P2, Russia sponsored only two and China none at all[70]. In addition to sponsoring more texts than the P2 states, P3 states either individually or collectively were instrumental in the drafting of at least two resolution texts, most notably (S/RES/1973) (France, S/PV 6498 pg.2-3, UK S/PV 6498 pg.4)

The analysis of this chapter is based the evidence of the 23 specific meeting records, as well as the 41 thematic meeting records from the period 2010-2012[71]. As in the previous case study, these thematic records were read to assess whether or how the events in Libya were recalled by Council members' in their discussion of such issues as civilian protection, the work of the Security Council, international peace and security, peace keeping and peace building. Of the 23 specific meetings examined, 1 was closed with no available public record and 11 took the form of briefings or saw no direct contribution by Council members. Analysis therefore focused upon the remaining 11 specific meetings in which Council members made public statements, in addition to the thematic meeting records and the author's own elite interview material. All told, the author identified nearly 23,000 words of relevant material from the meeting records and associated Security Council Resolutions and Statements. This compares favourably with the approx. 9,000 words of relevant material from the Ivorian case study and the approx. 86,000 words of Syrian material.

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[70] Reference was also made by Russia to a draft resolution of their own, but this was not officially put before the Council (Russia, S/PV 6498, pg.8)

[71] It should again be noted that references to the Libyan case study were made in records examined for the other case studies, and so some of these are cited as well.

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Meeting	Text	Vote	Detail
Feb 22nd 2011 (6486)	SC/10180		Press statement expressing grave concern and warning Libyan government
Feb 26th 2011 (6491)	S/RES/1970	15-0-0	Resolution submitted by Bosnia and Herzegovina, Colombia, France, Gabon, Germany, Lebanon, Nigeria, Portugal, South Africa, UK and USA: ICC referral , arms embargo, travel bans, asset freeze
Mar 17th 2011 (6498)	S/RES/1973	10-0-5	Resolution submitted by France, Lebanon, UK and USA: No Fly Zone, PoC measures
Sep 16th 2011 (6620)	S/RES/2009	15-0-0	Resolution submitted by Bosnia and Herzegovina, Colombia, France, Gabon, Germany, Lebanon, Portugal, UK and USA: established UNSMIL, relaxed sanctions
Oct 27th 2011 (6640)	S/RES/2016	15-0-0	Resolution submitted by Bosnia and Herzegovina, France, Germany, Lebanon, Nigeria, Portugal, the Russian Federation, UK and USA: Terminated No Fly Zone and PoC measures
Oct 31st 2011 (6644)	S/RES/2017	15-0-0	Resolution submitted by France, Nigeria, Portugal, the Russian Federation, UK and USA: Anti-weapons proliferation measures adopted
Dec 2nd 2011 (6673)	S/RES/2022	15-0-0	Resolution submitted by France, Germany, Lebanon, Portugal, UK and USA: UNSMIL mandate renewed

Table 8: Selected United Nations Security Council activity regarding Libya 2011

2011
Bosnia and Herzegovina
Brazil
Colombia
Gabon
Germany
India
Lebanon
Nigeria
Portugal
South Africa

Table 9: Elected members of the United Nations Security Council 2011

Muammar Mohammed Abu Minyar Gaddafi[72] had governed Libya since 1969 making him the longest serving leader in Africa. Long a bête noire of the West, he

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[72] The author recognises there are different spellings here, adopting the common Western variant of *"Gaddafi"* but using other variants as they appear in primary source material

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had successfully embarked on a rapprochement with the West in the 2000s (Zoubir, 2006) and so his was considered a stable government in the face of the Arab Spring in the Middle East and North Africa in early 2011. However peaceful protests began in the east of the country focused on Benghazi in February 2011. These rapidly developed into an armed uprising and civil war fought between the forces to loyal to the government as well as the authorities, and an opposition under the auspices of the National Transitional Council (NTC). Various additional militias and mercenary forces were engaged in the fighting as well.

International society, particularly Libya's neighbours in the region immediately expressed their concerns about the situation. The League of Arab States eventually wrote to the UN Security Council on March 14th 2011 about *"the grave current events in Libya and their implications, and the crimes and violations that have been committed by the Libyan authorities against the Libyan people"* (S/2011/137, pg.2). It would be in this letter that they would specifically request a number of actions of the Council including a No Fly Zone to protect civilians. There was therefore widespread international alarm about the excessive use of force by the Libyan government against unarmed protestors and demonstrators as well as the Libyan leadership's rhetoric imminently threatening opponents with mass atrocities.

The crisis in Libya was not resolved by the end of 2011 as the ongoing civil war, international concern about *"Islamic State"* and the refugee crisis all attest in 2016. However this thesis is focused upon international intervention and discussion of the situation in Libya, although still on the Council's agenda has shifted from this to post conflict peace building. Thus the discrete period of February 22nd to December 22nd 2011 is that which is examined in this chapter as this encompasses the Council's first discussions of the crisis through to the decision to intervene, the end of the intervention and its immediate aftermath. Overall this period included the following phases:

February to March: Immediate response and authorisation to intervene. The crisis was raised on the Council's agenda and as an immediate response S/RES/1970 referred *"the situation" – and not any one party –* to the International Criminal Court (ICC) as well as imposing an arms embargo (S/RES/1970 pg.2). However a series of travel bans and asset freezes were targeted at the Libyan government. In light of mounting concern that the government was far from heeding international

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concern was intent on massacring the population of Benghazi, S/RES/1973 was authorised.

March to August: Conflict and diplomacy. Operations Odyssey Dawn and Unified Protector saw the P3 states and willing allies intervene in the conflict. They engaged in an air campaign and deployed special-forces using the authorisation of S/RES/1973 to protect civilians. In June, the ICC issued arrest warrants for a number of senior Libyan government officials whilst UN and AU diplomats sought to negotiate a political solution to the crisis as the conflict seemingly developed into a stalemate.

August to October: Establishment of UNSMIL, transition and end of conflict. The balance of power began to shift against the Gaddafi government and in favour of the opposition forces who captured the capital, Tripoli, in August. International recognition had been shifting from the Gaddafi government to the interim NTC and the role of the UN in Libya now changed with the creation the United Nations Support Mission in Libya (UNSMIL). Events culminated in October 20th with the capture and execution of Gaddafi and the new Libyan government's subsequent request that the UNSC lift the No Fly Zone.

October to December: Post conflict administration and reflection. With Gaddafi's forces routed and an interim government established, the UNSC terminated the No Fly Zone as requested and turned international attentions to rebuilding Libya. In addition to securing Libya's transition from dictatorship, the Council sought to address possible emerging threats to regional and international peace and security such as weapons proliferation.

In summary therefore, in 2011, the Arab Spring spread to Libya and peaceful protests ensued. A combination of government repression and reaction against decades of dictatorship saw this political crisis escalate into a violent conflict where there were both threatened and actual mass atrocities. International society expressed itself on the crisis by various means including the Arab League, African Union and through the United Nations. The Security Council acted rapidly to remind the Libyan government of their responsibility to protect by press statement (SC/10180) before adopting several Resolutions which states then acted upon. The subsequent Libyan intervention has prompted literature about the nature and efficacy of R2P and intervention more generally (Hehir et al., 2013)(). But of specific

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interest to this thesis is: the tension between the humanitarian solidarism of the R2P normative framework and the values, goals, practices and legitimacy claims of the P3 states in Libya; and how in acting on these the P3 states behaved in practice as *liberal vanguards.*

P3 states' liberal interpretation of crisis and goals

Having provided the above detailed overview of events both within Libya and on the Security Council as the crisis unfolded, it is necessary to demonstrate how the P3 states interpreted and responded to the crisis. For them to have behaved as *liberal vanguards,* which this chapter argues they did, it is necessary to confirm that the P3 states had a *liberal* rather than just *humanitarian* approach to the Libyan crisis in terms of their interpretation of it and publicly professed goals. The evidence of the P3 states' public discourse and practice regarding the crisis does show an overtly liberal interpretation of what had caused the crisis, how it was developing, who was responsible and what the resolution should be. This section demonstrates first their liberal interpretation then their publicly professed goals, as well as the response on the Security Council from international society.

Determining that the then nascent Arab Spring was *"good news…for all of us" "* (France S/PV 6498, pg.2), the P3 states –more so than the P2 states, but not exclusively – interpreted the Libyan crisis as a people protesting for their fundamental rights and freedoms being subject to brutal repression by a now domestically and internationally discredited regime. These unarmed demonstrators and peaceful protestors needed international protection and support to realise their legitimate aspirations, which the P3 states defined in liberal terms. Whilst international society through the Security Council and relevant regional organisations such as the League of Arab States and African Union similarly took the view that the crisis in Libya required a political solution which responded to the legitimate expectations of the Libyan people there were differences of emphasis with respect to the interpretation of events on the ground, proposed goals and the role of international society in achieving these.

In their first public remarks regarding the crisis before the UN Security Council on February 25th 2011, the American Permanent Representative quoted President Obama to the effect that *"when a leader's only means of staying in power is to use mass violence against its own people, he has lost the legitimacy to rule and needs*

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to do what is right for his country, by leaving now" (USA, S/PV 6491, pg.3)*.* This liberal call for Gaddafi to go was never reflected in any Security Council resolutions and whilst widely shared internationally was not without its critics. Thus whilst expressing concern about the violence being committed against civilians, the American position extended beyond halting the violence to the reasons for it and the kind of country the Libyan people were protesting for:

"This is about people's ability to shape their own future, wherever they may be. It is about human rights and fundamental freedoms. The Security Council has acted today to support the Libyan people's universal rights. These rights are not negotiable" (USA, S/PV 6491, pg.3).

Therefore the American interpretation of the Libyan crisis was liberal, with as much and indeed more of an emphasis on the denial of basic human rights by the Libyan authorities and the type of country Libya should become, as opposed to a purely a humanitarian understanding of the crisis focused in civilian protection alone. The USA were of the positon that *"Colonel Al-Qadhafi and those who still stand by him continue to grossly and systematically abuse the most fundamental human rights of Libya's people"* and that *"the future of Libya should be decided by the people of Libya",* declaring *that "the United States stands with the Libyan people in support of their universal rights"* (USA, S/PV 6498, pg.5).

Similarly, the UK, in their first Council statements on the crisis, spoke of the international community through a unanimous Security Council standing with the Libyan people to *"defend their right to determine their own future"* (UK, S/PV 6491, pg.2). With regard to (S/RES/1973) the UK averred that *"the situation in Libya is clear. A violent, discredited regime that has lost all legitimacy is using weapons of war against civilians"* (UK, S/PV 6498, pg.4). The UK's liberalism is redolent in their interpretation of the crisis and also in their professed understanding of the adopted resolution itself, the central purpose of which the UK said was: *"to end the violence, to protect civilians and to allow the people of Libya to determine their own future, free from the tyranny of the Al-Qadhafi regime…Today's resolution [S/RES/1973] puts the weight of the Security Council squarely behind the Libyan people in defence of those values [the values enshrined in the UN Charter]"* (UK, S/PV 6498, pg.4). These remarks note the immediate emphasis on protection but also speak to an

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international role in facilitating liberal political change within Libya rather than a return to the status quo ante.

France in its first public contributions before the Council affirmed that the Libyan people within the context of *"a wind of liberty…south of the Mediterranean"* were being subjected to *"unacceptable violence"* and had the right to *"democracy, freedom and justice"* (France, S/PV 6491, pg.6). However, in addition to this liberal interpretation, France specifically cited the warning of the High Commissioner for Human Rights that *"crimes against humanity may be being committed in Libya"* recalling explicitly also, *"the responsibility of each State to protect its own population and of the international community to intervene when States fail in their duty"* (France, S/PV 6491, pg.5). Speaking ahead of the vote on (S/RES/1973), France warned that the actions of the *"murderous"* Libyan regime had gotten worse since (S/RES/1970, (2011)) and so a more forceful resolution was necessary. In their final analysis on this occasion, France stressed the urgency of the situation and similar to the US and UK spoke in distinctly liberal terms of what as will be discussed was an impartially worded Security Council Resolution:

"Every hour and day that goes by means a further clampdown and repression for the freedom-loving civilian population, in particular the people of Benghazi… If we are careful not to act too late, the Security Council will have the distinction of having ensured that in Libya law prevails over force, democracy over dictatorship and freedom over oppression" (France, S/PV 6498, pg.3)

Essentially therefore, the P3 states' interpreted the Libyan crisis as a popular national uprising against a brutal, illiberal and authoritarian dictator. It followed that the Libyan people were exercising and laying claim to their universal rights and fundamental freedoms, but being met by brutal repression, violence and atrocities – both actual and threatened – by the authorities, who were defying their people, international society, international law and their own responsibility to protect. In the latter stages of the period examined, the P3 states were vocal about the liberal democratic form of state that post Gaddafi Libya should become with international society's assistance:

"A historic step has been made to restore Libya to a normalized international status. It is one further step towards the establishment of a democratic Libya, with which France will be proud to associate…The Security Council has also demonstrated its

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commitment to supporting the legitimate expectations of the Libyan people. The United Nations Support Mission in Libya will provide the Libyan people with all necessary assistance in order to prepare for elections, draft a constitution and build the institutions of a democratic and free State that respects human rights and the rule of law, as the representatives of the new Libya have pledged to do." (France, S/PV 6620, pg.3)

But to what extent was a liberal framing and interpretation of the crisis shared across the rest of the Security Council? Of the elected Council members, Colombia, Portugal, Germany, Gabon, Bosnia and Brazil all adopted a liberal interpretation of the crisis variously expressing: support for peaceful protestors and blaming the Gaddafi government; calls for Gaddafi himself to give up power and hopes of a liberal democratic future for Libya. For instance, during the meeting to adopt S/RES/1970, Colombia's framing of the situation, similar to the P3 states went beyond concerns about the violence alone:

"We unequivocally reject the calls for violence from official sectors and condemn the violations of the human rights and fundamental freedoms of the Libyan people. The State must assume its primary responsibility to guarantee the security and the rights of its citizens, including the rights to life, freedom of expression and peaceful assembly. Libya must find ways to respond effectively to the legitimate aspirations of its people in the search for a more just and equitable society, in which its citizens can freely exercise their fundamental rights and freedoms" (Colombia, S/PV 6491, pg.5)

Even elected Council members states who abstained on the vote to adopt S/RES/1973, sought to emphasise their liberal understanding of the crisis as the statements of Germany and Brazil mark:

"Our intention is to stop the violence in the country and to send clear messages to Al-Qadhafi and his regime that their time is over. Muammar Al-Qadhafi must relinquish power immediately. His regime has lost all legitimacy and can no longer be an interlocutor for us. Our aim is to promote the political transformation of Libya. We see a need to stop the violence and to start a true political process. The basis for democracy and the rule of law in Libya needs to be established and broadened. In this process, the people of Libya, who have so clearly expressed their aspirations to freedom and democracy, need to succeed." (Germany, S/PV 6498, pg.5)

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"Our vote today should in no way be interpreted as condoning the behaviour of the Libyan authorities or as disregard for the need to protect civilians and respect their rights. Brazil stands in solidarity with all movements in the region expressing legitimate demands for better governance, more political participation, economic opportunities and social justice. We condemn the Libyan authorities' disrespect for their obligations under international humanitarian law and human rights law." (Brazil, S/PV 6498, pg.6)

South Africa expressed concern *"about the deteriorating political and humanitarian situation in Libya, which is fast becoming a full-blown civil war"* hoping that it would be resolved *"in a peaceful manner, in accordance with the will of the Libyan people".* Before going on to explicitly depict a liberal goal of:

 "A holistic political solution must be found that will respect democracy, political reform, justice, human rights and the socio-economic development needs of the people of Libya, in order to ensure long- term peace and stability." (South Africa, S/PV 6498, pg.9)

But whilst South Africa adopted a liberal interpretation of the crisis and proffered a liberal vision of its resolution, they did not demand *Gaddafi should go*. This distinction would become important during the conduct of the ensuing intervention. As the above remarks show, a liberal interpretation of the Libyan crisis was popular and so not the preserve of the P3 states alone. To be clear, such an interpretation entailed states' not just focusing on the humanitarian aspect of the crisis - acts of violence or mass atrocities - but addressing the politics of the Libyan crisis with a liberal perspective. With others such as the P3 states folding this liberal interpretation and goal into demands that *Gaddafi should go*. However there were Council members who were more reticent, or equivocal rather than liberal in their interpretation or framing of the crisis.

India cited a lack of clarity about the situation on the ground in Libya as a key factor in its decision to abstain on S/RES/1973, which suggests their interpretation of the crisis was not quite so clear cut, confident or liberal as that of the P3 states and others. Indeed they expressed concern about the Council acting *"with relatively little credible information on the situation on the ground in Libya",* having not yet received the UN Secretary General's Special Envoy report which would have

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provided *"an objective analysis of the situation on the ground"* (India, S/PV 6498, pg.6).

As the excerpts below from the vote on S/RES/1970 illustrate, the P2 states publicly shared international concerns about the violence, atrocities and the need for a political solution. But they were far less forthcoming about what that solution should entail, did not adopt liberal discourses, did not allocate blame purely on the authorities and did not call on Gaddafi to step down.

"We sincerely regret the many lives lost among the civilian population. We condemn the use of military force against peaceful demonstrators and all other manifestations of violence and consider them absolutely unacceptable. We call for an immediate end to such actions. We exhort the Libyan authorities to comply with the demands of the international community, including the League of Arab States and the African Union, which demands have received the support of the Security Council. This is necessary in order to prevent a full-scale civil war and to preserve Libya as a united, sovereign State with territorial integrity. All the parties involved must show restraint and observe the norms of international civil and human rights law." (Russia, S/PV 6491, pg.4)

"In our view, it is of the greatest urgency to secure the immediate cessation of violence, avoid further bloodshed and civilian casualties, restore stability and normal order as soon as possible, and resolve the current crisis through peaceful means, such as dialogue." (China, S/PV 6491, pg.4)

Therefore the P3 states adopted a particular liberal interpretation of the Libyan crisis, variations of which were widely shared on the Council, but not universally so. What then were the P3 states publicly professed goals when responding to the crisis and how were these received by Council members? Their statements reveal that their public goals when responding to the crisis, which can be divided into their immediate humanitarian goal of civilian protection and mass atrocity prevention, and their ultimate political goal of supporting Libyans' self-determination in their pursuit of a liberal democratic Libya without Gaddafi.

The P3 states called for and played an active part in generating a swift response from the Security Council in response to credible and widespread requests for a response from across international society, not least from the Arab League (UK,

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S/PV 6498, pg.4). The P3 states' professed goals within Libya as declared during the meetings to adopt S/RES/1970 and S/RES/1973 (S/PV 6491: UK pg.2, US pg.3-4, France pg.5-6 and S/PV 6498: France pg.2-3, UK pg.4, US pg.5-6) were for: an end to repression and the excessive use of force by the Libyan authorities; the ability of the Libyan people to exercise and claim their universal rights and fundamental freedoms; for domestic political reforms to match the legitimate expectations of the people, including Gaddafi giving up power.

Internationally, the P3 states advocated the imposition of UN sanctions, a travel ban and arms embargo against the Gaddafi government specifically and a referral of the situation in Libya to the ICC. Their immediate goal thus was an end to violence, the prevention of mass atrocities and so protecting civilians. In light of their judgement –shared by others- that the measures adopted in S/RES/1970 had not had the desired humanitarian effect of dissuading the Libyan authorities, the P3 states, with support especially of the Arab League, drafted S/RES/1973, the specific goal of which, according to France, was to *"provide[s] the Council with the means to protect the civilian populations in Libya"* by means of the imposition of a No Fly Zone; all necessary measures over and above this to protect civilians; and the tightening of sanctions (France, S/PV 6498, pg.2-3).

Here is worth reproducing in full the relevant section of S/RES/1973 before contrasting it with statements of interpretation from the P3 states. According to wording of the resolution, adopted under Chapter VII, the Security Council:

"Demands the immediate establishment of a cease-fire and a complete end to violence and all attacks against, and abuses of, civilians; Stresses the need to intensify efforts to find a solution to the crisis which responds to the legitimate demands of the Libyan people...Authorizes Member States that have notified the Secretary-General, acting nationally or through regional organizations or arrangements, and acting in cooperation with the Secretary-General, to take all necessary measures, notwithstanding paragraph 9 of resolution 1970 (2011), to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory" (S/RES/1973 pg.3)

The Resolution text therefore referenced the political nature of the crisis and that the *"legitimate demands"* of the people should be accommodated by their

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government to resolve it, but without detailing them, whereas the P3 states had, as demonstrated, often elaborated on them. Recalling Adam Roberts' definition (Weiss 2016: 7), S/RES/1973 clearly authorised a *humanitarian intervention* in Libya. That is, military action to be taken within the territory of a state without its consent for the purposes of preventing widespread suffering or death of civilians. Notwithstanding the reference to Benghazi the resolution did not specify who civilians were to be protected from, whereas the P3 states were explicit throughout that it was the Libyan authorities from whom civilians had to be protected:

"It [S/RES/1973] authorizes these same States to take all measures necessary, over and above the no-fly zone, to protect civilians and territories, including Benghazi, which are under the threat of attack by Colonel Al-Qadhafi's forces." (France, S/PV 6498, pg.3)

"In Libya, we mustered legitimate diplomatic, economic and military pressure to prevent a regime from waging war against its people and to deter its members from committing crimes. Our swift action prevented a humanitarian catastrophe, saving the lives of thousands of civilians. It led many to abandon the Al-Qadhafi regime, so hastening its demise, and it allowed the Libyan people to seize the opportunity to determine their future." (UK, S/PV 6621, pg.12)

"When Al-Qadhafi's regime remained defiant, we adopted, without opposition, resolution 1973 (2011), which contained a strong civilian-protection mandate, well understood by all members of the Council, to authorize the use of force to prevent brutal actions by that regime against the Libyan people. Those actions have given Libyans a well-deserved chance to chart a future where their sovereignty, dignity and human rights are respected". (USA, S/PV 6790, pg.26)

In addition to their liberal interpretation of the crisis and their particular, rather than impartial understanding of the protection situation, the statements of the UK and USA above also indicate their sense of the relationship between their immediate humanitarian protection and ultimate liberal political goals. S/RES/1973 authorised coercive action – including the use of force - to protect civilians. The P3 states reasoned that the Libyan people would not be protected until there had been a change of regime in Libya, because it was the Gaddafi government who were threatening civilians. *Therefore according to the P3 states the immediate goal of civilian protection was ultimately contingent upon liberal political change*.

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As such, although the P3 states stopped short of calling for regime change – *i.e. a Security Council mandate to remove Gaddafi from power by military means* – they did regard international action to protect Libyan civilians as both facilitating Libyan's own efforts to secure political change, and contingent upon the success of that political change. The rest of this chapter – relying mostly on the evidence already presented - will argue how the P3 states behaved in practice as *liberal vanguards.* It examines their liberal interpretation of the norms of the R2P framework, their attitude to consensus through their focus on persuasion and unwillingness to compromise, and their engagement of alternative sources of legitimacy out with the Security Council.

P3 states' liberal interpretation of R2P

It is evident that the response of international society to the Libyan crisis touched upon the five identified norms of the R2P framework: sovereignty and non-intervention, non-interference, limits on the use of force and multilateralism. The P3 states did not publicly express scepticism about the extant R2P norms or make any attempts at norm entrepreneurship or adaptation. By successfully pursuing the adoption of Security Council resolutions the P3 states sought international legitimacy rather than being self-legitimating, notwithstanding that is their subsequent engagement of a seemingly alternative constituency of legitimation – The Libyan Group of Friends - once a mandate had been authorised.

Here it is argued that the P3 states behaved in practice as *liberal vanguards* by teasing a liberal interpretation of selected humanitarian norms – especially sovereignty, non-interference and limits on the use of force - which other Council members regarded as contrary to the consensus understandings of those norms. The argument being made here is that the P3 states stretched in places the consensus understandings of the R2P normative framework so as to deny any gap between the unprecedented humanitarian intervention mandate and their liberal claims and understandings of how that mandate should be and was implemented in practice.

Sovereignty and non-intervention

In all its adopted resolutions regarding the Libyan crisis, the Security Council reaffirmed *"its strong commitment to the sovereignty, independence, territorial integrity and national unity of the Libyan Arab Jamahiriya"* (S/RES/1970 pg.2,

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S/RES/1973 pg.2). Whilst some Council members emphasised the need to respect Libyan sovereignty, the P3 states were amongst those who argued that sovereignty was conditional and therefore the Libyan government was effectively forfeit. Whilst they did not stretch this particular norm, it does evince the tensions that would play out in their public engagement of the other norms.

The importance of a basic understanding of and respect for Libyan sovereignty was cited by most Council members in the course of their discussions. In the first public meeting of the Council to discuss the crisis on February 25th 2011, Russia focused upon the need to avert a full scale civil war and so uphold Libyan sovereignty and territorial integrity (Russia, S/PV 6491, pg.4). South Africa among others highlighted that intervention in Libya as authorised by S/RES/1973, prohibited the deployment of occupying forces and thus respected Libyan sovereignty:

"As a matter of principle, we have supported the resolution, with the necessary caveats to preserve the sovereignty and territorial integrity of Libya and reject any foreign occupation or unilateral military intervention under the pretext of protecting civilians" (South Africa, S/PV 6498, pg.10)

The P3 states' understanding was that whilst Libya was a sovereign state, the Libyan authorities were no longer recognised as legitimate, either domestically given the national uprising, or internationally, given the condemnation by the international community. Essentially therefore they treated the Gadhafi government as no longer sovereign. The P3 states had moved quickly and extensively to delegitimise the Gaddafi regime as demonstrated in their interpretation of the crisis and where responsibility lay for the crisis. They variously argued that the authorities had met unarmed protests with violence, with France averring that the authorities were failing their responsibility to protect (France: S/PV 6498 pg.2-3, S/PV 6528 pg.13-14, S/PV 6531 pg.23-24 pg., S/PV 6650 pg.18-20). Otherwise the UK simply stressed Libya was not complying with S/RES/1970 and thus the decisions of the Security Council (UK, S/PV 6498, pg.4).

The illegitimacy of the Gaddafi regime was contrasted by the P3 states with their recognition of the NTC and opposition as the legitimate representatives of the Libyan people. Then, when a new Libyan Permanent Representative was officially admitted to the United Nations, the P3 states along with many others welcomed the new democratic Libya back into the UN family (France, S/PV 6620, pg.3). Such

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moves, along with their compliance with the NTC interim government's request that the No Fly Zone be lifted, suggest that the P3 states recognised the opposition NTC as the legitimate sovereign representatives of the Libyan people throughout the crisis. In terms of the consensus understanding of sovereignty within the R2P framework, the P3 states therefore took the approach that Libyan sovereignty was conditional upon the state discharging its responsibility to protect by preventing mass atrocities. Since they held the Gaddafi government responsible for the commission of atrocities and violations, they reasoned that its sovereignty was effectively forfeit:

"When a Government attacks civilian populations instead of protecting them; when the atrocities committed sear the human conscience; and when the stability of an entire region is affected, the international community has a responsibility to intervene and to protect civilians. That is what we done [sic] in Libya" (France, S/PV 6528, pg.13)

S/RES/1973, adopted under Chapter VII therefore authorised coercive measures which included the use of force to implement a No-Fly-Zone as well as to protect civilians. The P3 states claimed such an intervention was necessary and legitimate given the credible threat of violence including mass atrocities, directed against civilians and the failings of the Libyan authorities in this regard. Given that the resolution was adopted by 10-0-5 votes there was a more than sufficient consensus in favour of intervention in the Libyan case, i.e. more than the minimum 9 vote threshold specified by Article 27 of the UN Charter. Those that abstained – Brazil, Russia, India, China and Germany – all expressed concerns about whether such intervention was the best means of protecting civilians and how it would be implemented in practice, but did not dispute – in principle - the legitimacy of a humanitarian intervention (S/PV 6498).

The P3 states' references to the failure of the Gaddafi government to respond to the legitimate aspirations of its people indicated also a liberal understanding that sovereignty was conditional upon a state's regard for the rights and freedoms of its people rather than just preventing mass atrocities. But as the statements cited show, although the P3 states were vocal in this interpretation, and folded it into their protection goal, this was not the understanding that the P3 states publicly emphasised when seeking international legitimacy for intervention.

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Thus whilst the denial by the authorities of the Libyan people's legitimate aspirations to democracy, human rights and fundamental freedoms were much commented upon by the P3 states, they claimed that the sovereignty of the Gaddafi government was forfeit because of their failure to protect their population and comply with Security Council. However the discursive relationship between the P3 states immediate goal of protection, and their ultimate goal of liberal political change, combined with their calls to protect the Libyan people's rights rather than just their lives, did suggest a more liberal interpretation of sovereignty and non-intervention than the humanitarian R2P consensus affords.

Non-interference

This thesis argues that international consensus understanding of the Libyan crisis was that there were grounds for a legitimate exception to Libya's sovereign right to non-intervention. However for a significant plurality of Council members - Brazil, Russia, India, China, South Africa - the international consensus was contingent on the understanding that intervention would respect the principle of non-interference. The principle at stake here was that intervention would be for humanitarian purposes only so as to protect civilians from mass atrocities, and so would not become a liberal intervention with the outcome of regime change. Just as *liberal vanguardism* is an original theoretical concept rather than a term used by states themselves in their discourses, *"interference"* is a pejorative term which no state claims a right to. As such therefore, the P3 states never claimed that they were interfering in Libya in the course of their intervention, or indeed that they were conducting a liberal intervention. Furthermore, they positively denied any allegations that they were engaging in regime change.

But as the analysis of their liberal interpretation of the crisis and in particular the close discursive relationship between their immediate humanitarian and ultimate political goals reveals, the P3 states sought the clear outcome of a change of regime in Libya. Here it is argued that in reconciling this goal with the principle of non-interference, they relied on a broad liberal interpretation of that norm, which although accepted by many on the Council, did meet with significant criticism. The key to the P3 states' claim that they were not in effect interfering in Libyan domestic affairs was their discourse that they were acting in support of Libyan self-determination within the context of a national uprising against a discredited government.

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"What we want is to stop mass atrocities, this is the goal. In Libya some half the population opposed Gaddafi and there was a state of internal conflict, it's not like we decided he should go, the people had risen up against him in the first place. The UN Security Council [in Libya] authorised the use of force to stop atrocities as there was an immediate need to save lives given the threats issued against and the government forces being deployed to Misrata and Benghazi. Then it was the rebellion plus the international community that did the regime change. The situation in Libya was far more complex than regime change alone because the people were uprising as well" (France Interview, 17th November 2014).

From this statement it is possible to specify the P3 states' implicit definition of 'interference', which essentially entailed an external actor deciding, without regard for a country's people, to remove its government and impose its replacement. Therefore in the case of Libya, the P3 states interpretation was that the people themselves had decided the regime should go, the people themselves were leading the struggle to enact this, and the people themselves through an internally led process would establish the successor government.

The intervention as requested, but also as practiced, was therefore mounted in response to the requests of not just international society but also the Libyan people and eventually with *the consent* of their legitimate, newly recognised representatives – the NTC. Indeed the USA would specifically reference the requests of the NTC with regards to the establishment of UNSMIL through S/RES/2009 (USA, S/PV 6620, pg.4), and the NTC requested the termination of the No Fly Zone and civilian protection measures (Libya, S/PV 6639 pg.6) which the Council subsequently agreed too under S/RES/2016 (S/PV 6640). Essentially therefore, the P3 states reasoned that they were acting only to protect a people from a discredited government, creating a space for them to exercise their rights and pursue a political solution.

Two further P3 discourses were relevant to their understanding of non-interference. Firstly, as evident throughout their interpretation of the crisis, the P3 states emphasised that the Libyan people were pursuing their universal rights, fundamental freedoms and had legitimate aspirations or expectations. The understanding here was that not only were the people leading the political change, but that the change they sought was inherently good, and that action in support of

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universal rights and fundamental freedoms was not interference. The second discourse to note here was that S/RES/1973 specifically ruled out the deployment of an occupying force. Here the understanding was that the presence of *boots on the ground* would amount to interference in Libyan affairs, so the P3 states' public commitment not to deploy such forces meant that whilst they were intervening, they were still respecting Libyan sovereignty and acting in accordance with non-interference. What reaction was there on the Security Council to this reasoning and these discourses?

Firstly, as the earlier discussion of the P3 states' liberal interpretation of the crisis demonstrated, there was widespread support for a liberal democratic solution to the Libyan crisis. Thus the discourses regarding the Libyan people having changed the regime, that Gaddafi must go and that the people were pursuing their universal rights, were not exclusive to the P3 states alone. However, what is also evident is that there was significant criticism – as the statements below demonstrate -that by their one sided interpretation and execution of the S/RES/1973 mandate in practice, particularly in respect to their use of force, the P3 states had interfered in the Libyan crisis by engaging in regime change.

"When South Africa voted in favour of resolution 1973 (2011), our intention was to ensure the protection of civilians…Our intention was never regime change; nor was it the targeting of individuals. The future of Libya should be decided by the Libyans themselves, and not by outsiders." (South Africa, S/PV 6566, pg.4)

There was therefore direct tension between the P3 states' liberal interpretation of non-interference by which they claimed their actions *facilitated a change of regime with the aim of protecting civilians and preventing mass atrocities*, whilst critics alleged that these same actions amounted directly to regime change. These criticisms and their associated discourses – of regime change and exceeding the terms of the mandate as authorised – can be examined within the context of consensus understandings on the limits on the use of force.

Limits on the use of force

"Legally did action taken under S/RES1973 exceed its mandate? That is the debate and whether some members of the Council were open and honest in their intentions before taking action. As a practical foreign policy matter, at the most egregious end of the mass atrocity spectrum where a state actor is doing genocide and no other

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means are available then you run up against the regime change issue…" (UN Office of Special Adviser for the Prevention of Genocide Interview, 18th November 2014)

"As part of NATO, Lithuania participated in the 2011 operation in Libya. This was a situation in line with that you set out whereby the host state government was committing mass atrocity crimes by their own aggression, a situation where the state themselves were the problem" (Lithuania Interview, 17th November 2014)

"In the case of Libya 2011 the UN Security Council authorised a military intervention. As soon as you authorise air strikes which support rebels the outcome of regime change becomes a distinct possibility. Those that critique the intervention – both then and now - knew what was happening though they claim it went further. If you authorise the use of force you cannot deny the possible outcome of regime change" (France Interview, 17th November 2014)

Considering the three statements immediately above, the Office for the Prevention of Genocide frames the intervention/interference problem of where using force to protect civilians necessitates directly confronting a state actor so as to end the crisis and provide lasting protection. The Lithuanian statement attests that this was the situation in Libya. The French statement reflects both their interpretation of how the mandate was to be executed in practice – *supporting the rebels* – and the view that this was surely to be expected in light of the situation on the ground.

Turning to the norms of the R2P framework, these are inter related and so the consensus understanding of the limits on the use force depends upon understandings of sovereignty and non-intervention (under what circumstances is the use of force permissible), non-interference (for what substantive purpose may it be used) and multilateralism (by what process or by whose authority is the decision to use force made). With these in mind, as has been demonstrated, the P3 states claimed the Libyan case was one in which the use of force was permissible, that it was for protection purposes – albeit broadly conceived by the P3 with regard to both immediate humanitarian and ultimate political goals – and that the decision was taken multilaterally with the proper authority of the Security Council (as will be discussed in more detail below and in the sections to follow on attitude to consensus and sources of legitimacy).

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The P3 states claimed to have acted in accordance with the international consensus understanding of the limits on the use of force because: it was agreed that mass atrocities and unacceptable violence against civilians were evident in Libya; the use of force was authorised for protection purposes and not for regime change, with constraints imposed on the deployment of ground forces; the P3 had – with regional support – secured the adoption of an unprecedented Chapter VII Security Council Resolution which clearly authorised the use of force beyond just a No Fly Zone. However, the mandate as authorised provided wide scope for action – no less than "*all necessary measures*" - by those who would implement it in practice (S/RES/1973 (2011) pg.3). Therefore whilst the wording of the resolution was impartial, the execution and strategy were left to those who had adopted a clear, consistent and liberal interpretation of the crisis from the outset. As the statements below demonstrate, concerns were therefore expressed on the occasion of the adoption of the mandate as to how it would be executed:

"We have very carefully considered the option of using military force — its implications as well as its limitations. We see great risks. The likelihood of large-scale loss of life should not be underestimated. If the steps proposed turn out to be ineffective, we see the danger of being drawn into a protracted military conflict that would affect the wider region." (Germany, S/PV 6498, pg.5)

"Responsibility for the inevitable humanitarian consequences of the excessive use of outside force in Libya will fall fair and square on the shoulders of those who might undertake such action. If this comes to pass, then not only the civilian population of Libya but also the cause of upholding peace and security throughout the entire region of North Africa and the Middle East will suffer" (Russia, S/PV 6498, pg.8)

These concerns turned into criticism with respect to the mandate's execution:

"The internal affairs and fate of Libya must be left up to the Libyan people to decide. We are not in favour of any arbitrary interpretation of the Council's resolutions or of any actions going beyond those mandated by the Council." (China, S/PV 6528, pg.10)

"South Africa remains concerned about the implementation of resolutions 1970 (2011) and 1973 (2011). Taking sides in any internal conflict situation in an effort to

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institute regime change in Libya sets a dangerous precedent that will surely damage the credibility of the Council and its resolutions." (South Africa, S/PV 6595, pg.5)

"We reiterate that the main purpose of creating the no-fly zone was to protect civilians. Unfortunately, the Council's mandate for conducting the operation in Libya was disregarded, resulting in air strikes that also targeted civilian facilities and killed civilians" (Russia, S/PV 6620, pg.3)

Thus as noted in the prior section, it was alleged that the P3 states had violated understandings of non-interference and the limits on the use of force by exceeding the terms of the mandate authorised and using force with the effect of regime change within Libya. Furthermore the deployment of Intelligence Operatives and Special Forces as part of their operations, both to assist the air campaign but also to provide direct assistance to the rebels, could be argued to be a clear breach of the Council's decisions[73]. Therefore it was the perceived dissonance between the mandate as authorised and the mandate as practiced in which international concern that the P3 states had – as *liberal vanguards* – broken with understandings of non-interference and limits on the use of force.

This is perhaps most easily demonstrated in the letter to *The Times, International Herald Tribune* and *Le Figaro* jointly authored by Prime Minister David Cameron, President Barack Obama and President Nicholas Sarkozy dated April 14th-15th 2011. Published in the Times and reproduced in The Telegraph under the headline *"The bombing continues until Gaddafi goes"[74]* the letter shows that whilst the P3 states recognised that S/RES/1973 was a mandate for protection and not for regime change, they reasoned that a change of regime was a necessary condition of protection:

"Our duty and our mandate under U.N. Security Council Resolution 1973 is to protect civilians, and we are doing that. It is not to remove Qaddafi by force. But it

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[73] Mazzetti, Mark and Eric Schmitt *'C.I.A. Agents in Libya Aid Airstrikes and Meet Rebels'* in New York Times, March 30th 2011 http://www.nytimes.com/2011/03/31/world/africa/31intel.html?_r=0 (last accessed February 24th 2017); Cowell, Alan and Ravi Somaiya 'France and Italy Will Also Send Advisers to Libya Rebels' in New York Times, April 20th 2011 http://www.nytimes.com/2011/04/21/world/africa/21libya.html (last accessed February 24th 2017)

[74] Although the International Herald Tribune opted for *"Libya's Pathway to Peace"* http://www.nytimes.com/2011/04/15/opinion/15iht-edlibya15.html (last accessed February 21st 2017)

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is impossible to imagine a future for Libya with Qaddafi in power... There is a pathway to peace that promises new hope for the people of Libya — a future without Qaddafi... However, so long as Qaddafi is in power, NATO must maintain its operations so that civilians remain protected and the pressure on the regime builds. Then a genuine transition from dictatorship to an inclusive constitutional process can really begin, led by a new generation of leaders. In order for that transition to succeed, Qaddafi must go and go for good." (Obama et al., 2011)

By explicitly referencing Benghazi S/RES/1973 did perhaps direct the use of force against the Gaddafi government albeit for protection purposes. As above however the P3 states reasoned that to protect civilians and prevent mass atrocities necessitated political change and they acted to secure a change of regime whilst claiming not to be directly acting in pursuit of regime change but rather humanitarian protection. A claim complicated both by the nature of their use of force, the discursive relationship between their immediate/ultimate goals and their emphasis on democratisation and human rights as well as simply civilian protection and mass atrocity prevention.

Thus the importance of Libya is not that the P3 states stretched the humanitarian R2P normative framework to secure a liberal intervention mandate, but that in practice, the intervention they conducted was liberal in form and yet the claimed it was in accordance with the humanitarian mandate by stretching the R2P normative framework. However it does remain the case that a sufficient majority of Council members both voted to authorise the mandate and expressed no concerns about its implementation in practice:

"Notwithstanding the clear expression of our common will and the comprehensive measures instituted under resolution 1970 (2011), the Libyan authorities have continued to violate the terms of the resolution [S/RES/1970] and fundamental principles of international law. The current state of affairs leaves an indelible imprint on the conscience and moves us to act. The magnitude of this humanitarian disaster is indeed what compelled Nigeria to vote in favour of resolution 1973 (2011)." (Nigeria, S/PV 6498, pg.9)

"With regard to the situation in Libya, the Council's response to that crisis was phased and gradual...concluding with a second resolution, this time adopted under

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Chapter VII (resolution 1973 (2011)). The true theme of both those resolutions is thus the protection of civilians." (Colombia, S/PV 6531 pg.16)

Multilateralism

The successful adoption of six Security Council Resolutions is evidence of a multilateral international consensus on the UN Security Council in the Libyan case. This was not therefore a case in which the Council was unable to authorise a mandate as sought by the P3 states. The P3 states could claim widespread support both on the Security Council but more widely across international society for their proposed response to the Libyan crisis. Not only was the intervention multilaterally authorised but it was implemented in practice by a multilateral coalition of states as recorded by the Secretary General (UNSG, S/PV 6505, pg.2-4).The P3 states therefore voiced no criticism of multilateralism, which had essentially worked in the course of the crisis being referred to the Council which in turn secured the *correct* outcome to the crisis by authorising an intervention in line with international expectations:

"International opinion has looked to the Security Council to act. The League of Arab States has been particularly clear in its demands, including for the imposition of a no-fly zone. That is why the United Kingdom, in close cooperation with Lebanon and France, has pressed for the early adoption of today's resolution. My Government welcomes the fact that the Council has acted swiftly and comprehensively" (UK, S/PV 6498, pg.4)

However, this thesis argues that due to the apparent dissonance between the mandate of S/RES/1973 as authorised and that mandate as practiced by the P3 states and NATO, Libya became a case in which the *more* the P3 states did in practice, the less there was international consensus. *More* referring to the relationship between their immediate humanitarian and ultimate, political goals, and their reasoning that protection required political change. *Less,* referring to those who expressed public criticism of the P3 states practices, and that the international consensus had been stretched or broken with by the P3 states. As the critical statements above demonstrate, here the P3 states stood accused of exceeding the terms of the mandate to effect regime change in Libya. Thus whilst the P3 states claimed to have responded to the Libyan crisis multilaterally, and that

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multilateralism had effectively worked to deliver the correct response to the crisis, concerns were expressed about their commitment to multilateralism in practice.

Persuasion

"Looking back at Libya we have other concerns too about the conduct of that vote. It was a closed voted not done by consensus. There was already criticism from India, Brazil and South Africa about the use of force. The aftermath was opaque, information was very limited and scarce, decisions were rushed. Once the mandate was granted, it was like the Council did not matter [to the interveners]" (Venezuela Interview, 18th November 2014)

The above interview participant speaks to the concern that when engaging the UNSC at the height of the Libya crisis, the P3 states were focused entirely on getting others to adopt their positon rather than agreeing a common position through deliberation and compromise. Thus the issue here is how the P3 states secured consensus on the Council and what their underlying attitude to consensus was. According to the available evidence, this thesis finds strong grounds for arguing that the P3 states did behave as *liberal vanguards* because in practice they focused more on persuading others of their liberal interpretation of the crisis, R2P norms and the legitimacy of their practices, rather than being open to persuasion or acknowledging criticism themselves.

First to note is that the unanimous consensus in favour of adopting S/RES/1970 was reduced to a 10-0-5 vote to adopt S/RES/1973. Therefore international consensus although still sufficient was no longer unanimous. Unanimity is how the Council adopts most resolutions (Dunne and Gifkins, 2011: 523), so these five abstentions are notable both generally as well as in comparison to the prior resolution. In their public justification for abstaining, Russia, India and China (S/PV 6498) all expressed concern about the process by which the text had been drafted and that their concerns had gone unaddressed:

"We participated actively in the discussions on the draft resolution. Unfortunately, work on that document was not in keeping with standard practice in the Security Council. In essence, a whole range of questions raised by Russia and other members of the Council remained unanswered. Those questions were concrete and legitimate and touched on how the no-fly zone would be enforced, what the rules of

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engagement would be and what limits on the use of force there would be." (Russia, S/PV 6498, pg.8)

Russia went on to reference a draft resolution of their own, dated March 16th, which was focused on a ceasefire, claiming it, *"enjoyed the support of a number of Council members"*, but that "*the passion of some Council members for methods involving force prevailed."* (Russia, S/PV 6498, pg.8) The remarks therefore of Russia, as corroborated by India, China (S/PV 6498) and the perspective of the Venezuelan interviewee make the case that the P3 states as *liberal vanguards* sought only to achieve a consensus on their preferred terms.

Secondly there is the issue of the P3 states' lack of response to concerns and criticisms directly expressed about the conduct of the intervention and the marginalisation of the African Union's pursuit of a political solution[75]. As the Venezuelan interview noted, engagement of the Council was seemingly minimal once it had authorised S/RES/1973. In particular on at least three occasions, pointed concerns by the African Union and South Africa to the Council met with no public response by any P3 state (AU S/PV 6555 pg.2-5, South Africa S/PV 6566 pg.3-5 and South Africa S/PV 6595 pg.4-5). This prompted the following further criticisms that in effect their support had been selectively used to secure authorise and then discarded when the time came to implement the resolution in practice:

"However, over the past few months, we have seen that partnership falter as the African Union has been undermined in its preventive diplomatic efforts…Especially in the case of Libya, the AU initiative to ensure a political rather than military solution to the Libyan crisis was deliberately undermined in spite of the decision set forth in resolution 1973 (2011) to support the African Union road map. Such blatant acts of disregard for regional initiatives have the potential to undermine the confidence that regional organizations have in the United Nations as an impartial and widely respected mediator in conflicts." (South Africa, S/PV 6621, pg.6)

"My delegation remains concerned about the tendency in some cases whereby the Council is selective in picking elements of decisions of regional organizations, such

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[75] A point touched upon by Russia as evidenced by their statement that *"The African Union has shown its mediation capabilities in the Sudan, Burundi and Madagascar and was ready to do more in Libya"* (Russia S/PV 6621 pg.23)

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as the African Union and the League of Arab States, that advance the national interests of some members" (South Africa, S/PV 6870, pg.17)

Such P3 state practice and the reaction to it show that the P3 states claimed that the international consensus in favour of adopting S/RES/1973 extended to consensus support for the conduct of their intervention. They did not therefore address the shifts in that consensus by which states that had supported the mandate as authorised (South Africa) or who had cautiously abstained (Brazil, Russia, India and China), voiced concern about the mandate as practiced[76]. The P3 attitude to consensus was therefore in a sense *static* in that it did not address these changes, and further attests that as *liberal vanguards* they were not open to persuasion or willing to compromise in pursuit of their goals.

Alternative Constituencies

"The international community has reacted in near unanimity. The European Union did so at the extraordinary meeting of the European Council on 11 March. The Group of Eight countries did so in Paris on Tuesday. Regional organizations have also expressed themselves forcefully. First and foremost, the League of Arab States called on the Security Council in its 12 March resolution to establish a no-fly zone."
(France, S/PV 6498, pg.2)

As these French remarks to the Council on occasion of the vote to adopt S/RES/1973 demonstrate, the P3 states cited what could be classed additional international constituencies of legitimation. In doing so they pointed to the widespread calls for action from across other authoritative organisations of international society, thus claiming credible support for their position. Crucially, these constituencies was referenced as supportive of the Council and in addition to it, they looked to the Council to act, and the P3 states never framed them as alternative sources of legitimacy to the Security Council.

With respect to the practices of *liberal vanguardism*, the question of alternative constituencies is one of whether the *liberal vanguard* in practice either advocates or actually circumvents the Security Council, that is, takes action without its support, typically in response to deadlock. When doing so, a *liberal vanguard* would

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[76] Another notable shift was that Germany who initially abstained on S/RES/1973 citing concern about the use of force, voiced no subsequent criticism of its implementation

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be expected to either self-legitimate or to claim international legitimacy from an alternative international constituency other than the Security Council. In respect of the Libyan crisis there are two findings to note here. The first, most immediate and obvious is that the Security Council was not deadlocked and thus the P3 states did not face a choice during the Libyan crisis of inaction through the Council or action taken without its authorisation. At no point during its public discussions did the P3 states speculate about the possibility of their acting without the Council, or that they considered this to be legitimate should the decide it necessary.

Secondly however, it is evident that once the Council had authorised the mandate, the P3 states dealt in more detail with the ad hoc *Libya Contact Group*, than with the Security Council itself.   This Contact Group had been established with the explicit purpose of supporting the Libyan opposition NTC and significantly the Group's official membership did not include critics of the conduct of the intervention but was rather a grouping of like-minded states. There was therefore a sense that whilst the P3 states had not gone so far as to circumvent the Security Council and undertake an intervention without its authorisation, they had in practice – as *liberal vanguards* – turned away from the Council and towards the Contact Group to sustain their international legitimacy once Council members began to question, criticise and condemn the conduct of a liberal intervention under the auspices of a humanitarian intervention mandate (Ralph and Gifkins, 2016: 15-16; Whitfield, 2016: 499).

Conclusion and threat assessment

In conclusion, this chapter has argued that in the case of the 2011 Libyan intervention, the P3 states behaved in practice as *liberal vanguards.* They were active throughout the crisis especially diplomatically on the Security Council and militarily in Libya itself. A reading of their public interpretation of the crisis and their professed goals reveal these to be liberal, and indeed suggest that liberal value rationality informed their whole view of and approach to the crisis. There was a clear discursive relationship between their immediate goals of civilian protection and their ultimate goals of political change in Libya. They reasoned that protection was essentially contingent upon the latter and that Gaddafi should therefore go, and that international society should facilitate such internally led political change within Libya.

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But although the P3 states – and many on the Council sought a change of regime – this thesis argues that the mandate authorised by S/RES/1973 was for a humanitarian intervention to protect civilians rather than a liberal intervention explicitly directed against the Gaddafi government with the goal of coercive democratisation and human rights promotion. A dissonance developed therefore between the mandates as authorised by the Security Council and as practiced by the P3 states and their allies. The P3 states did not self-legitimate or engage in norm entrepreneurship or adaptation so as to close the gap between their liberal goals and the humanitarian norms of R2P. Rather this Chapter has argued that in practice the P3 states teased a liberal interpretation from the R2P normative framework, especially with regard to sovereignty, non-interference and limits on the use of force.

Furthermore in their pursuit of international consensus, the P3 states were unwilling to compromise or respond to concerns expressed by other Council members about their interpretation of the crisis, professed goals or practices. Instead their focus seems to have been getting others to agree to authorise a resolution as necessary, before then turning away from their critics and the Security Council albeit without circumventing it.

This thesis does not argue that practices of *liberal vanguardism* pose an imminent existential threat to international society writ large. Rather it is argued that practices such as those identified on the part of the P3 states in the Libyan case will threaten the sustainability over time of the solidarist international society typified by the R2P normative framework. In the case of Libya it is found that the threat posed was serious because this was a case of liberal intervention conducted directly by the P3 states themselves, whereas this thesis also argues, the R2P normative framework extends only to humanitarian intervention. Although the P3 states never publicly claimed they were pursuing a policy of liberal intervention or regime change, this was effectively the direct outcome of their actions and was one they favoured in advance and welcomed in practice. There was therefore a clear dissonance between the P3 states claims and practices, and the norms of R2P. This had the following serious consequences.

Firstly, international consensus on the Security Council gave way to open discord. Here it is important to recall that rather than being deadlocked, the Council

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adopted six Resolutions, five of them unanimously, and that even amidst the vocal public criticism of the implementation of S/RES/1973, a sufficient majority of Council members either actively supported or did not publicly object to the P3 states' practice. But it remains so that a significant number of states – Brazil, Russia, India, China and South Africa expressed public criticism of the Libyan intervention and that this represented both horizontal discord among the P5 and vertical discord between the P3 and E10, thus weakening the dual axes of consensus upon which sustainability depends.

Secondly, although the P3 states said nothing to indicate they did not believe themselves bound by the principles of legitimacy of international society, their liberal interpretation of them in discourse and practice, both threatened the consensus understanding of the R2P norms in practice, and suggested that the P3 – a group of powerful states - were prepared to use them as they saw fit and not as international society agreed. The threat here to the sustainability of solidarist international society is that this suggested states were not binding themselves by the consensus understanding of the rules, but rather were adopting very different interpretations of them to suit their own purposes.

Finally, evident in the discord, discourses and practices among Council members was a *legitimacy crisis*, demonstrated in the statement of South Africa below. What made this crisis particularly serious and therefore threatening was that the P3 states did not address it but rather they ignored it. They were not open to criticism but continued to publicly defend their practices. Looking elsewhere for international legitimacy rather than resolving the crisis among Council members exacerbated and rather than resolving the problems already identified.

It would be too simplistic to argue that the P3 states' conduct in Libya prevented an effective international response to the crisis in Syria, given that there were many other factors which are beyond the scope of this thesis. However several states did explicitly warn – a la South Africa below -of the broader threat posed by the Libyan experience to what this thesis identifies as the sustainability of the solidarist society of states typified by R2P. This chapter finds that by both provoking those questions and failing to address them, the P3 states behaved in practice as *liberal vanguards.*

"South Africa wishes to express publicly its concerns with the manner in which efforts employed by the Security Council to protect civilians have been exploited in

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the recent past. In particular, my delegation has expressed its condemnation of recent NATO activities in Libya, which went far beyond the letter and spirit of resolution 1973 (2011). Abusing the authorization granted by the Council to advance a political regime-change agenda does not bode well for the future action of the Council in advancing the protection of civilians agenda. That could lead to a permanent state of paralysis within the Council in addressing similar situations in the future... Those who deliberately go beyond Council decisions and international legality must bear the full responsibility for this impasse." (South Africa, S/PV 6650 pg.22-23)

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Chapter 8 – Syria

The Syrian crisis is internationally recognised as meeting the R2P threshold in terms of the scale and nature of the atrocities being committed ((OSAPG (2011a); (2012d; 2012a; 2012c; 2012b) (France S/PV 6590 pg.17-18, S/PV 6734 pg.5-7, UNSG S/PV 6734 pg.2-3)). The author is struck by the terrible reality that just after he began this thesis in November 2012, the death toll in Syria was an estimated 37,000 (Abedine and Brumfield, 2012) and as of August 2016 between 250,000 and 400,000 are estimated to have been killed, with millions more injured, displaced and in need of humanitarian assistance(Aljazeera, 2016).

The crisis was during this time discussed extensively by the UN Security Council, with an expectation among international society that the Council should act to resolve the crisis, and criticism when it did not[77]. The P3 states played an active role in the Council's diplomacy and were vocal regarding its failure to adopt the collective coercive response they deemed necessary. Finally, the Syrian crisis was marked by international discord about where legitimate international involvement and concern for civilian protection and mass atrocity prevention became illegitimate interference.

Each of the cases examined in this thesis are complex, but Syria is complicated by different tracks, therefore it is important to specify which track of the crisis is considered by this case study. *At least* five tracks to the crisis are evident[78]. First was the political track by which international society but especially the P3 states sought to reconcile the Syrian government and protestors inspired by the Arab Spring, and in which six resolutions and three Presidential Statements were discussed. Second was the humanitarian track, by which the Security Council, particularly elected members, attempted to mitigate the effects of the worsening crisis on the effected population through S/PRST/2013/15, S/RES/2139 and S/RES/2165. Third was the chemical weapons track which culminated in the 2013 Russian American agreement to disarm Syria's chemical weapons arsenal and saw the adoption of S/RES/2118. Fourth was the accountability track by which France in particular pushed S/2014/348 in 2014 to refer the situation in Syria to the ICC.

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[77] The UNGA voted 133-12-31 (August 1st 2012) in part deploring the Security Council's inability to adequately respond to the crisis in Syria (A/RES/66/253 B)

[78] Briefings and forecasts provided by *Security Council Report* and *What's in Blue* outlined four of the tracks, to which the author appended the fifth Islamic state track.

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Fifth was the terrorism track, by which international military action has been taken, with Council support in the form of S/RES/2249, against so called *Islamic State* who began operating in both Iraq and Syria at this time.

This chapter considers the political track during April 2011 – October 2012 when the Council's and especially the P3 states' efforts were focused on agreeing and implementing a political framework to resolve the crisis and thus prevent further mass atrocities and protect civilians. This period includes the Council's first meetings on the crisis through to the aftermath of failure of the July 2012 P3 sponsored draft resolution S/2012/538. Both at this time and with respect the political track, the P3 states did not advocate, and indeed repeatedly denied that it was their intention to use force in Syria[79].

Therefore the story of Syria, unlike the previous case studies is not one in which international society acted directly through UN peace keepers or a Security Council authorised intervention to protect civilians and prevent mass atrocities. However the P3 states did advocate coercive measures in the form of Article 41 sanctions against those Syrian parties who did not comply with the UN Special Envoy's framework for a political solution. The chapter argues that based on their liberal interpretation of the Syrian crisis, it was a liberal political solution that the P3 states advocated. They publicly reasoned that the crisis would not be resolved nor further mass atrocities prevented and the Syrian civilian population protected, until there had been a change of regime, and as of August 18th 2011 they publicly called on President Bashar Al-Assad to stand down(Obama, 2011; Cameron et al., 2011). Their attempts to advocate this liberal political goal in practice as a means of civilian protection and mass atrocity prevention amounted to *liberal vanguardism.*

This was because although a liberal interpretation of the crisis and goal for its resolution – without Assad – was not exclusive to the P3 states, it was not the

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[79] They would however threaten the use of force – even without a Security Council Resolution- in September 2013, following their determination that the Syrian government had attacked the civilian population of Ghouta with chemical weapons: French statement (August 27th 2013) http://www.elysee.fr/declarations/article/21st-ambassadors-conference-speech-by-m-francois-hollande-president-of-the-republic/ UK statement (August 29th 2013) https://www.gov.uk/government/publications/chemical-weapon-use-by-syrian-regime-uk-government-legal-position/chemical-weapon-use-by-syrian-regime-uk-government-legal-position-html-version USA statement (September 1st 2013) https://www.whitehouse.gov/issues/foreign-policy/syria (all accessed September 9th 2015)

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consensus position on the Security Council. There was an international consensus in favour of a political solution to the crisis, and recognition that this solution required international involvement and support. *But there was fierce disagreement over: the roles and responsibilities of the Syrian government and opposition; the form that solution should take in practice; and whether it was appropriate for international society to adopt coercive measures in order to implement it.* Tension was evident between: the P3 states pursuit of a liberal political solution to the Syrian crisis, which included advocating a coercive change of regime, but not regime change by military means; and the objection to this approach of other Council members – expressed in a series of vetoes and abstentions - that any such measures would not deliver protection but would in practice amount to illegitimate and unhelpful interference and possibly even intervention in the Syrian crisis.

The chapter proceeds as follows. Firstly an overview of the case study is provided with reference to events as they unfolded in Syria and at the UNSC[80]. Secondly, the P3 states interpretation of the crisis and understanding of the necessary political solution is established. Thirdly, applying the *liberal vanguard* framework it is argued that the P3 states: exhibited a liberal interpretation of the R2P framework especially the norms of sovereignty and non-interference; publicly focused on persuasion rather than compromise; and although not claiming to circumvent a deadlocked Security Council, condemned those who obstructed their proposals whilst taking their own measures and working extensively with others out with the Council.   Finally the chapter concludes with an assessment of the threat to the sustainability of the solidarist society typified by R2P posed by the P3 states *liberal vanguard* practices in the Syrian case.

Overview: The Syrian crisis (2011-2012)

The situation in Syria was mentioned at the Security Council for the first time on April 21st 2011 during a regular meeting on *"The Situation in the Middle East including the Palestinian Question".* Then on April 27th it was again raised, specifically, under the agenda item of *"The Situation in the Middle East"*. A search of meetings held under the agenda items of *"The situation in the Middle East – [including the Palestinian Question]"* revealed that 26 such meetings were held

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[80] This has been compiled from several literatures but especially What's in Blue and Security Council Report http://www.securitycouncilreport.org/syria/ (last accessed February 24th 2017)

between April 21st 2011 and December 19th 2012, the period running from the Council's first discussion of the crisis through to the last meeting on the Middle East of 2012. This was the time when the Council seriously and consistently focused on agreeing - and the P3 states on advocating the enforcement of - a political solution to the crisis. After this time the pace of diplomacy on the Council lessened and its focused shifted to the other tracks to the crisis.

Between April 21st 2011 and December 19th 2012 some 26 specific meeting records were identified. Within these, 1 was a closed meeting with no public record issued and 4 pertained to the longstanding mandate of the United Nations Disengagement Observer Force (UNDOF) and so generally contained little discussion relevant to the Syrian crisis[81]. Attention therefore focused on the remaining 21 meetings and the period of April 21st 2011 to October 15th 2012, the cut off marking the last substantive Council public discussion of the Middle East in 2012. Examination of these records was as in prior case studies complemented by the 41 thematic meeting records from the period 2010-2012[82]. Once again, these thematic records were read to assess whether or how the events in Libya were recalled by Council members' in their discussion of such issues as civilian protection, the work of the Security Council, international peace and security, peace keeping and peace building.

Given that this research generated 86,000 words of material it is worthwhile being more specific still. Therefore within the overall timespan, the key period of Council activity being examined is October 4th 2011 to July 20th 2012. For the purposes of this chapter and emphasis is placed on the source material from Council votes and the discourses between the P3, the P2 and those who abstained. During these ten months that the Council issued three Presidential Statements and put six resolutions to a vote, successfully adopting three (Table 10). That three draft resolutions were vetoed was both rare[83] and speaks to the controversy of the Syrian crisis, which very much became a case in which the more that the P3 states tried to do the less of an international consensus there was.

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[81] Except that is, for the first such meeting of the period (S/PV 6572) which provided an early opportunity for the crisis to be discussed before the Council.
[82] It should once again be noted that references to the Syrian case study were made in records examined for the other case studies, and so some of these are cited as well.
[83] See footnote 22

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Meeting	Text	Vote	Detail
Aug 3rd 2011 (6598)	S/PRST/2011/16		Statement expressing concerns. Lebanon disassociated itself but did not block the statement
Oct 4th 2011 (6627)	S/2011/612	9-2-4	Draft resolution submitted by France, Germany, Portugal, UK
Feb 4th 2012 (6711)	S/2012/77	13-2-0	Draft resolution submitted by Bahrain, Colombia, Egypt, France, Germany, Jordan, Kuwait, Libya, Morocco, Oman, Portugal, Qatar, Saudi Arabia, Togo, Tunisia, Turkey, UAE, UK, USA
Mar 21st 2012 (6736)	S/PRST/2012/6		Statement in support of Six Point Plan
Apr 5th 2012 (6746)	S/PRST/2012/10		Statement calling for ceasefire
Apr 14th 2012 (6751)	S/RES/2042	15-0-0	Resolution submitted by Colombia, France, Germany, Morocco, Portugal, UK, USA: Deployed UNSMIS advance team
Apr 21st 2012 (6756)	S/RES/2043	15-0-0	Resolution submitted by China, Colombia, France, Germany, Morocco, Pakistan, Portugal, Russia: Deployed UNSMIS
Jul 19th 2012 (6810)	S/2012/538	11-2-2	Draft resolution submitted by France, Germany, Portugal, UK, USA: Chapter VII draft resolution with ultimatum
	S/2012/547/Rev.2	No vote	Draft resolution submitted by Russia and withdrawn without vote
Jul 20th 2012 (6812)	S/RES/2059	15-0-0	Resolution submitted by France, Germany, Portugal, UK: Withdrawing UNSMIS

Table 10: Selected activity of the United Nations Security regarding Syria

2011	2012
Bosnia and Herzegovina	Azerbaijan
Brazil	Colombia
Colombia	Germany
Gabon	Guatemala
Germany	India
India	Morocco
Lebanon	Pakistan
Nigeria	Portugal
Portugal	South Africa
South Africa	Togo

Table 11: Elected members of the United Nations Security Council 2011-2012

Bashar Al-Assad was elected President of Syria unopposed in 2000, succeeding his father Hafez Al-Assad who had governed the country for some 30 years. Initial reforms enacted by him once in office raised hopes of him leading a *"Damascus Spring"* (Lesch, 2011: 421) however these would not bear fruit. Subsequently in January 2011, as across the Middle East and North Africa, popular protests against the Syrian authorities erupted. The situation dramatically escalated in March 2011 following the arrest, detention and torture of a group of young people responsible for anti-regime graffiti in the town of Deraa (MacLeod, 2011). A government crackdown ensued and a cycle of protest, repression and violence began which has long since become a catastrophic civil war fought by the Syrian armed forces and loyalist militias against a myriad of rebel groups. There is also considerable proxy involvement by various regional states and the Great Powers.

As in the prior case studies, many states and organisations in international society raised concerns about the situation in Syria with regard to the repression, acts of violence and mass atrocities being directed against civilians. The activities of both the authorities and their opponents – variously labelled as unarmed demonstrators, peaceful protestors, armed rebels, insurgents or terrorists - were subject to international debate and scrutiny, with international society united in condemning the violence but differing in their views of what was causing it and who bore the more responsibility. Overall this case study examines the period of April 21st 2011 to October 15th 2012 and included the following phases:

April – October 2011: Initial Council reaction, European effort to adopt a Resolution. After some initial opposition from the P2 states, the crisis was

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discussed by the Security Council with the European members in particular pushing for a formal response. A statement was issued, August 3rd, in light of the widely reported Hama massacre which the Europeans followed by drafting S/2011/612 and putting it to the vote October 4th. The text which condemned the use of force against civilians by the Syrian authorities, making demands of them and expressing an intention to consider Article 41 sanctions was vetoed 9-2-4.

October 2011 – February 2012: Arab effort to adopt a Resolution. Acting on its own initiative, the Arab League deployed an unprecedented monitoring mission to Syria on December 26th 2011, which was withdrawn by January 28th in view of the conditions on the ground. Morocco on behalf of the Arab League drafted another Security Council resolution essentially seeking the Council's support for an Arab League plan, this seemed to secure consensus support only to be vetoed 13-2-0 on February 4th.

February – April 2012: The Annan Plan & UNSMIS deployment. The General Assembly adopted (UNGA, A/RES/66/253 A) by 137-12-17, a text largely similar to S/2012/77. Elsewhere the *Friends of Syria Group*[84] was spearheaded by France as a response to the second veto, first meeting February 24th, the day after Kofi Annan was appointed as Arab League UN envoy for Syria. On March 16th, Annan informed the Security Council of his Six Point Plan, and in following weeks secured the various parties commitment to it, assessing by April 12th that a ceasefire was being observed within Syria as required by the Plan. Subject to this the Council voted April 14th and 21st to adopt resolutions deploying the United Nations Supervision Mission in Syria (UNSMIS) with a mandate to monitor the implementation of the Annan Plan and especially the ceasefire underpinning it.

May – June 2012: UNSMIS mission & Geneva Conference. Whilst UNSMIS monitored the situation on the ground and the Council followed its reports,

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[84] See John Irish *"France, partners planning Syria crisis group: Sarkozy"* in Reuters February 4th 2011 http://www.reuters.com/article/us-syria-france-idUSTRE8130QV20120204 (last accessed February 28th 2017) and *"Full text of the Chairman's Conclusions of the International Conference of the Group of Friends of the Syrian People on 24 February"* https://www.gov.uk/government/news/chairmans-conclusions-of-friends-of-syria-meeting (last accessed February 28th 2017). Note this should not be confused with the Action Group for Syria associated with the Geneva negotiations convened officially by the Joint Special Envoy – see http://www.un.org/News/dh/infocus/Syria/FinalCommuniqueActionGroupforSyria.pdf (last accessed February 28th 2017)

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international diplomacy focused on the so called *Action Group for Syria* or *Geneva negotiations.* Led by Joint Special Envoy Annan and attended by a host of states but none of the actual parties to the conflict itself, the outcome of this conference, expressed as a Communique on June 30th, was an agreed political framework by which to resolve the crisis. In Syria, the commander of UNSMIS suspended operations on June 16th in view of the escalating violence on the ground.

July 2012: Effort to adopt Chapter VII Resolution. July necessitated both a decision on implementing the Geneva Communique and the status of UNSMIS, whose 90 day mandate was due to expire. The P3 states pursued a Chapter VII Resolution to make the Geneva Communique binding on the parties to the conflict. This text was vetoed 11-2-2 with concerns expressed about the one sided nature of the text, its biased interpretation of the crisis, the negative consequences of coercive measures and suspicions of regime change.

July – October 2012: Withdrawal of UNSMIS. Immediately following the third veto, Security Council Resolution – S/RES/2059 – was adopted 15-0-0 authorising a final extension and recall of UNSMIS pending an improvement in the situation on the ground. The Council subsequently engaged in recrimination whilst reflecting on its failure and the deadlock between members. But otherwise the international diplomacy shifted both, away from the Council, and away from the political track. In August, Joint Special Envoy Annan resigned[85] (UN, 2012), and the UNGA again expressed its views (UNGA, A/RES/66/253 B).

In sum, the April 2011 – October 2012 period was therefore one of comparatively frenetic international efforts towards a political solution to the crisis, with Aaronson (2014) going as far as to note that the P3 states were explicitly focused on a political solution to the crisis rather than a humanitarian effort.

P3 states' liberal interpretation of crisis and goals

The internationally agreed hallmarks of a political solution to the Syrian crisis can be read in statements and resolutions of the Security Council. The recognition of the need for an outcomes orientated process which respected the rights and legitimate aspirations of protestors was accepted in the Council's first statement

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[85] He was succeeded first by Lakhdar Brahimi (2012-2014) who was in turn replaced by Staffan de Mistura (2014-present)

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on the crisis in August 2011. It was then that the Council unanimously stressed the only solution to the crisis was:

"An inclusive and Syrian led political process with the aim of addressing the legitimate aspirations and concerns of the population which will allow the full exercise of fundamental freedoms for its entire population including that of expression and peaceful assembly" (S/PRST/2011/16, pg.1)

On February 23rd 2012 following the failure of the Security Council to adopt two resolutions and given the lack of headway achieved by the Arab League on its own, both the League and the UN agreed the appointment of Kofi Annan as their Joint Special Envoy for Syria. On March 16th Annan briefed the Security Council of his Six-Point Plan which:

"Aimed at bringing an end to all violence and human rights violations, securing humanitarian access and facilitating a Syrian led political transition leading to a democratic, plural political system…through commencing a comprehensive political dialogue between the Syrian government and the whole spectrum of the Syrian opposition" (S/RES/2043 (2012) pg.2)

The Security Council quickly endorsed the Annan Plan through S/PRST/2012/6 and latterly S/RES/2042. The public commitment to the ceasefire specified therein by the various parties to the conflict provided for the deployment of UNSMIS. The Annan Plan was soon superseded by the more detailed Final Communique of the Action Group for Syria, agreed by 9 states, including the P5, as well as the Arab League, UN and EU, at Geneva on June 30th 2012.

Key sections of this Communiqué specified the Syrian political transition be *"genuinely democratic and pluralistic, giving space to established and newly emerging political actors to compete fairly and equally in elections"*. The first step of which was *"the establishment of a transitional governing body that can establish a neutral environment in which the transition can take place, with the transitional governing body exercising full executive powers"* (S/RES/2118, pg.11). Whilst the Annan Plan of March 2012 was readily endorsed by the Security Council in April of that year, by contrast the Geneva Communique was not successfully endorsed until September 2013 when it was appended to S/RES/2118 regarding Syria's chemical weapons.

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A reading of these documents establishes that the international consensus position regarding the political solution to the Syrian crisis was that: acknowledging that protestors had legitimate concerns; these should be recognised and respected; any cessation of violence had to include the observance of fundamental freedoms or human rights; by way of an inclusive, comprehensive political dialogue there must be a Syrian led political transition; the goal of the transition was a democratic, plural system; as part of that process, a transitional government should be established with full executive powers – including over security – with opposition participation.

Yet international society – and in particular the P5 states – were divided over how to implement this consensus in practice. They disagreed over: allocating responsibility for the violence and mass atrocities and therefore over the roles of President Assad, his government and the opposition; the specific outcomes of the political process and practicalities of the transition; the urgency of the establishment of a transitional executive body and the issue of non-compliance. The P3 states liberal interpretation of the crisis and reaction on the Council demonstrates these tensions. Once again here it is important to appreciate that the P3 states were not alone in adopting a liberal interpretation of the crisis, or even calling for a change of regime but not regime change. However this interpretation, goal and the practices they advocated although widely supported were not without their critics and did not achieve a sufficient Security Council consensus. Notable therefore is the contrast between the reception to the P3 state draft resolutions and that drafted by the Arab League. The latter garnered a 13-2-0 vote, failing only due to the veto, whereas the former two garnered 9-2-4 and 11-2-2, which although meeting the minimum 9 vote threshold but for the veto indicate an unusual degree of discord on the Security Council as opposed to the usual practice of unanimous consensus.

"We are deeply concerned by continuing violence and arrests in Syria, where the Government's brutal crackdown on political protests has already resulted in more than 200 deaths and hundreds of arbitrary arrests, according to credible human rights organizations... we urge the Syrian Government to respect the human rights of its people and to implement meaningful political reforms that meet their legitimate aspirations. Let me close by restating my Government's deeply held commitment to promoting and protecting the human rights and fundamental

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freedoms of all people in the region and around the world, including the freedoms of expression and association." (USA, S/PV 6520, pg.13)

"What is the current situation in Syria? A people has risen up to defend its liberty. Words are inadequate to describe the horror of the brutal repression. To say that it is worsening or that it is tragic does not come close to the reality" (France, S/PV 6710, pg.14-15)

The remarks by the US and French Permanent Representatives as above were typical of the interpretation by the P3 states of events in Syria. This liberal interpretation matters to this thesis because it was used by them to justify their preferred liberal political solution to the crisis and their expectations of international society. Key to their interpretation was their framing of the violence, its perpetrators and victims.

According to the P3 states, inspired by the Arab Spring the people of Syria had begun nationwide peaceful protests and unarmed demonstrations in pursuit of their legitimate aspirations. These aspirations were political in nature and marked by hopes for substantial democratic reforms within Syria which would secure them their universal human rights and fundamental freedoms. Such aspirations were legitimate by their very nature as democracy and human rights were deemed universal and because of the peaceful manner in which they had been expressed.

Yet peaceful protest had been met with the excessive and escalating use of force by the Syrian authorities (France S/PV 6636 pg.20-21, USA S/PV 6847 pg.12-14). Therefore the P3 states charged that President Assad was to blame both for the crisis emerging – by presiding over an illiberal regime which denied the people's rights – and then escalating – by choosing violent repression. When the P3 states subsequently accepted that the peaceful protests and unarmed demonstrations had become an armed opposition they claimed this was because the behaviour of the government had left the people no choice (USA S/PV 6734 pg.11). The P2 states emphasised the responsibility of both sides for the violence and that the government had a responsibility and right to respond to the violence directed against it (Russia, S/PV 6826 pg.24-25).

But the P3 states fiercely rejected any talk of equivalence between the two sides and their practices, focusing always on the violence of the Syrian authorities for

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which they held President Assad responsible – *"There is evidence of atrocities committed by both the Government and the opposition in violation of international law but, as the independent international commission of inquiry on the Syrian Arab Republic makes clear in its report (A/HRC/19/69), the greater responsibility clearly lies with the regime"* (UK, S/PV 6847, pg.30) In terms of the solution they called ultimately for a political solution which resolved the tensions from which the crisis had emerged. They were adamant in ruling out a return to the status quo ante in Syria (USA, S/PV 6590, pg.11-12). They defined the new Syria to come in liberal democratic terms (France, S/PV 6627, pg.2-3) and did not trust reforms by the authorities to expedite this (USA, S/PV 6636, pg.11-13).

More immediately, the P3 states demanded a ceasefire to save lives and create space for the political solution – *"Our objective [with S/2011/612] was simple and remains so: to stop the brutal crackdown by the Syrian regime against its own people, who are legitimately demanding to exercise their most fundamental rights. This would create an atmosphere free of violence and intimidation and thus allow for the emergence of an inclusive political process led by and for the Syrian people"* (France, S/PV 6627, pg.2). Crucially however the P3 states held the Syrian authorities more responsible for facilitating a ceasefire (France, S/PV 6757, pg.21-22), because it was they who they held responsible for the worst of the violence. By the P3 states interpretation, if the Syrian authorities committed to a ceasefire then the opposition would respond in kind, but the first step had to come from the government. The P2 however expressed the view that the government was ready to comply but that the problem lay with the opposition (Russia, S/PV 6627, pg.3-5).

Equally significant, the ceasefire was envisioned as more than just a cessation of violence but also a guarantee that the Syrian people would be able to exercise political rights including freedom of assembly and speech. The P3 states therefore did not separate the politics from the protection of civilians, on the contrary they reasoned that a ceasefire should do more than just protect civilians but should allow them to engage in political activity. This liberal framing is significant in underscoring the P3 states' claims that it was not enough to end the violence but that there had to be significant political change within Syria.

Ultimately the P3 states took the view that the political solution to the crisis was for Syria to become a democracy that guaranteed and afforded its people the rights

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which they had sought as protestors. Crucially as of August 2011, the P3 states moved beyond mere positive talk of legitimate aspirations, or a political process with a liberal outcome, when they publicly specified that the incumbent President Assad must go as part of a political solution – "*Syria and the region must prioritize a political transition that reflects the aspirations of the Syrian people, in particular their demand to be led by a leader who does not have the blood of the people on his hands*" (France, S/PV 6847, pg.27). Such calls were fiercely resisted by the P2 among others:

"We must adhere to the purposes and principles of the Charter of the United Nations and the basic norms governing international relations, and respect the sovereignty, independence, unity and territorial integrity of the countries of the region. The international community can provide necessary constructive assistance for the efforts of countries to solve their internal crises through political means. China is against any attempt by external forces to engage in military intervention or push for regime change. Sanctions or the threat thereof are not conducive to a proper solution of these problems." (China, S/PV 6734, pg.19)

President's Assad government, the P3 states reasoned was unfit to govern in the eyes of both the Syrian people and international society. The UK emphasised *"the implementation of a transition plan [as agreed at Geneva] should now be required by the Security Council through the adoption of a resolution, with clear consequences for a failure to implement the terms of previous resolutions"* (UK S/PV 6826) which is what they claimed to was the goal of S/2012/538. The P2 states meanwhile had also agreed to the Geneva Communique but criticised what they regarded as external attempts to prejudge the outcome of what should be an internal Syrian led political process.

In sum therefore, the P3 states interpretation of the crisis was that the Syrian people had legitimate aspirations – understood in explicitly liberal terms as democracy and human rights – which were being repressed by the Syrian government of President Bashar Al-Assad. Such was the violence and the mass atrocities being committed by the Syrian authorities that the peaceful protests and unarmed demonstrators had given way to an armed opposition whose demands were those self-same legitimate aspirations. Whilst this was regrettable development, the opposition according to the P3 states were not responsible for

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the crisis and certainly were not committing acts equivalent to the authorities. The P3 states expressed concern for both civilian protection but also for human rights as part of both the immediate ceasefire and the ultimate political solution to the crisis.

How did the P3 states act on this interpretation and what were their goals in practice? At this time with regard to the political track, the P3 states did not call for direct action by the Security Council to enforce a ceasefire, protect civilians, prevent mass atrocities or impose a political solution in Syria. Rather they established that given the concerns of international society at: the excessive use of force against unarmed demonstrators; the threat posed by the crisis to the region as well as wider international peace and security; and the reality that mass atrocities had been and were being committed; that the Council should do the following. Firstly the P3 states wanted the Council to simply comment on or express itself on the crisis, preferably by consensus, that is to say, by speaking with one voice on behalf of international society – *"If we genuinely want to see an end to the violence, this Council should send a clear message underlining our collective concern. The United Kingdom will therefore continue to press for a Security Council resolution on the wider situation in Syria."* (UK, S/PV 6572, pg.2-3)

Specifically the P3 states sought the imprimatur of the Security Council for their interpretation of the crisis in Syria. They wanted the Council to focus on addressing the activities of the Syrian authorities and making demands of them, and largely them alone, since they were the problem. As will be explored below there was a dissonance between the mostly even handed statements and resolutions adopted by the Council and how the P3 states interpreted these. Essentially whilst the Council officially made demands of all parties to the conflict, the P3 states always emphasised their support for the opposition and responsibility of the authorities for the crisis.

Once it had expressed itself the P3 states repeatedly called for the Council to then act on its expressed concerns and goals in practice. In order to address the concerns of international society and the threat, to the region, international peace and security and of mass atrocities, a ceasefire and political solution were required. Once this had been agreed and expressed, the P3 states sought action by the Council to address the problem of non-compliance with the ceasefire and political

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framework. Specifically the problem according to the P3 states, that the Syrian authorities were not complying with their obligations under international law or with the commitments they had freely made to the League of Arab States, the Joint Special Envoy and the Security Council itself (USA S/PV 6710 pg.13, France S/PV 6756 pg.3, UK S/PV 6756 pg.6, France S/PV 6757 pg.22, France S/PV 6816 pg.15).

The P3 states therefore professed the goal in practice of ensuring the decisions of international society were fully implemented, but with a liberal interpretation of those decisions and an onus of the responsibilities of the Syrian authorities therein. It was to this end that the P3 states publicly pushed for the Council to consider coercive measures in the form of Article 41 sanctions, and a binding Chapter VII resolution albeit never the use of force under Article 42. The P3 states' position was that given the evident non-compliance by the Syrian authorities with S/RES/2042, S/RES/2043, Security Council statements and the Six-Point Annan Plan there had to be consequences imposed and so the decisions of the Council had to be made binding on the parties to the conflict, making clear throughout their determination that it was the Syrian government who were being deliberately non-compliant. However as will be shown, the P2 states expressed grave concerns that given the discourses of P3 states, any such authorisation could lead to intervention, regime change and thus interference.

Essentially the P3 states' expectation was not for the Council to take coercive action to directly protect civilians and prevent mass atrocities by way of an intervention, but rather for the Security Council to force the parties to the conflict, but especially the Syrian authorities to fulfil their commitments and responsibilities and so protect civilians and prevent further mass atrocities themselves.

P3 states' liberal interpretation of R2P

The P3 states did not publicly advocate or attempt a humanitarian or liberal intervention or any use of force in Syria at this time with respect to the political track to the crisis. But this chapter argues that they behaved in practice as *liberal vanguards* because they advocated protection and mass atrocity prevention in Syria by means of liberal political change, supported by international coercive measures albeit not the use of force. *Liberal vanguardism* is about more than just liberal intervention but rather a matter of how states approach international

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legitimacy and consensus when pursuing liberal outcomes such as these in an uneven international society.

Syria of all the cases examined in this thesis, was the one in which it was most apparent that the more the P3 states advocated or attempted in practice through their draft resolutions, the less of a consensus and so international legitimacy they were met with. This section argues that in response to this problem the P3 states sought to tease a *liberal vanguard* interpretation of sovereignty and non-interference, given that there were real differences in their understanding of these norms and how others such as the P2 states understood them. Otherwise the P3 claimed to respect the R2P framework but their claims were still doubted by the P2 and some of the E10.

Sovereignty and non-intervention

"The [UN] also recognizes the sovereignty of nations and non-interference as fundamental principles. In 2005, the evolution of our work led us to recognize that the Council had the obligation to act when the responsibility to protect was not assured and when gross violations of human rights took place before our eyes, and that Governments were accountable for acts of commission and omission alike" (France, S/PV 6734, pg.5)

"The United States believes firmly in the sovereignty and territorial integrity of all Member States. But we do not believe that sovereignty demands that the Council stand silent when Governments massacre their own people, threatening regional peace and security in the process" (USA, S/PV 6734, pg.11)

The remarks above frame the R2P tension examined throughout this thesis in scenarios whereby the P3 states hold a government responsible for committing mass atrocities against their own people. Yet although the P3 – in this case especially France – made reference to R2P, they did not claim intervention was legitimate or necessary in the Syrian case. This recognition of Syrian sovereignty despite the crisis extended in practice to all the texts voted on by the Security Council in the course of the Syrian crisis, which typically all reaffirmed *"a strong commitment to the sovereignty, independence, territorial integrity and national unity of Syria"* (S/2011/612 pg.1 and S/RES/2042 pg.1). Notwithstanding the discourses detailed, the P3 states publicly claimed throughout the crisis that they

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respected Syrian sovereignty and were not advocating an intervention or the use of force, either for civilian protection or regime change purposes.

The P3 states did however emphasise the understanding of sovereignty as entailing various responsibilities such as: to protect one's population; to obey international law and abide by the decisions of the Security Council, and to contribute towards rather than threaten international peace and security. On all these grounds, the P3 states claimed that the Syrian government was failing in its responsibilities both to its people and international society (France S/PV 6710 pg.15) with the UK signalling its judgement that *"the Syrian regime has shamefully failed in its responsibility to protect its civilian population."* (UK S/PV 6790 pg.10).

However whilst they claimed therefore that the Syrian government was effectively undermining its own sovereignty and that its conduct rendered it both domestically and internationally illegitimate – *"These brutal acts are those of neither a responsible Government nor a credible member of the international community"* (USA, S/PV 6524, pg.4) - the P3 states did not therefore go on to reason that this legitimated or even just necessitated intervention by international society. As the crisis deteriorated over time, they were adamant of the need for international society to respond and to address what they identified as the main problem of non-compliance by the discredited Assad regime. But at this time with respect to the political solution this never extended to their calling for an intervention.

Although the P3 states did emphasise the Syrian government's failure to respond to the legitimate expectations of its people with respect to democracy and human rights, they used neither this, nor the other more conventionally recognised failings already specified to legitimate intervention. The issue here was less that the P3 liberally interpreted sovereignty but that their critics on the Council –as evident in Russia's remarks quoted below - did not trust even their use of the conventional understandings of sovereignty, or the denials they issued on several occasions that intervention was what they sought in practice. Essentially therefore, whilst the P3 states used the common conditional understanding of sovereignty to establish the competency of the UNSC to discuss the Syrian crisis, they did not then use that to claim a humanitarian or liberal intervention was legitimate or necessary. Instead, they variously adopted the following discourses to communicate that intervention was not their goal.

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They claimed to recognise that intervention was not the response that the region – as represented by the Arab League - sought and thus it would be inappropriate (Arab League, UK S/PV 6710). Furthermore they emphasised that in their view what was required – and so not just expected – was a political rather than military solution to the crisis, given the nature of the situation on the ground. Whilst R2P was on occasion recalled by states such as the P3, notwithstanding earlier this was mostly either done generally or with reference to the Syrian state's Pillar One responsibility under R2P. International society's role was if anything to ensure compliance with Pillar One rather than taking matters into its own hands and intervening a la Pillar Three. Therefore whilst international society was being called upon to act in light of the R2P failure in Syria, that action was not to be intervention.

Indeed rather than building on the positive precedent of Libya, the P3 states repeatedly and explicitly denied the comparison – *"I know that some members here may be concerned that the Security Council could be headed towards another Libya. That is a false analogy. Syria is a unique situation that requires its own approach, tailored to the specific circumstances occurring there"* (USA, S/PV 6710, pg.13). The lesson to be learned they said was that whilst the UNSC should respond in Syria just as it had in Libya, that response need not take the same form in practice – i.e. intervention. Therefore, the P3 states did not liberally interpret non-intervention, but once again as with their claims to respect rather than liberally interpret Syrian sovereignty, their critics remained unconvinced as Russia elaborated:

"The vote that just took place should not have taken place at all. The sponsors of the draft resolution just rejected (S/2012/538) were well aware that it simply stood no chance of being adopted. The Russian delegation had very clearly and consistently explained that we simply cannot accept a document, under Chapter VII of the Charter of the United Nations, that would open the way for the pressure of sanctions and later for external military involvement in Syrian domestic affairs. The Western members of the Security Council denied such intentions, but for some reason refused to exclude military intervention. Their calculations to use the Security Council of the United Nations to further their plans of imposing their own designs on sovereign States will not prevail" (Russia, S/PV 6810, pg.8)

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Non-interference

Where this chapter does argue that the P3 states liberally interpreted the R2P framework was in regard to non-interference. As outlined above the P3 states pursued a liberal interpretation of the Syrian crisis which condemned the Assad government for its repression of peaceful protestors and the denial of its people's universal rights and fundamental freedoms. The P3 states – among others on the Council – proceeded to call for political change within Syria in accordance with the people's legitimate expectations, going so far as to publicly argue in August 2011 that this was contingent on Assad giving up power.

It was by adopting the following discourses that the P3 states claimed their focus upon the threat posed by, and the demands they made of the Syrian authorities were not in effect interference. But for all the effort they went to, in order to claim accordance with non-interference, this is the norm which this thesis argues they sought to liberally interpret given that their practices sat awkwardly with their claims, and because this was were some of the greatest international concern was directed.

Firstly the P3 states claimed that their goal was an inclusive, Syrian led political process. The significance here being that a Syrian led process would be effectively internal and so was not external interference. Furthermore the P3 states claimed that their liberal reading of the crisis, goal and the political solution necessary, were shared both domestically within Syria as well as across international society. Secondly the P3 states emphasised that all they were demanding was for the Syrian authorities to meet their existing commitments under the Annan Plan. These had already freely entered into, and which had already been agreed by the Council.

The two key points here for the P3 states being, that all they were demanding of the Syrian authorities was for them to do as they had already promised. Meanwhile all they were asking of the Security Council was for it to enforce decisions it had already taken by addressing non-compliance by any party in principle, though they always emphasised the Syrian authorities. Therefore given that both the Syrian government and the Security Council had already entered into and decided upon these commitments, the P3 states reasoned that enforcing them was not external interference.

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Thirdly was the nature of the P3 states call as of August 18th 2011 (Obama, 2011; Cameron et al., 2011; Ralph et al., 2017) for President Assad to step down, something which they further specified as a part of the process of the transition and ultimately a condition of the eventual political solution to the crisis. How did the P3 states claim that calling upon the head of sovereign state to resign did not equate to interference in the domestic affairs of that state? As already noted the P3 states had gone to extensive lengths to discursively delegitimise the government of President Assad with reference to: their interpretation of the state of international and Syrian domestic popular opinion; the threat his government to regional and international peace and security; his failure to discharge his responsibility to protect; and the continual Syrian defiance of international society and non-compliance with the UNSC.

For the P3 states these concerns and allegations all provided the just cause for President Assad to step down (France S/PV 6826 pg.15, USA S/PV 6826 pg.22, USA S/PV 6841 pg.11, USA S/PV 6847 pg.13, France S/PV 6847 pg.27) and be replaced by a government reflective of the new Syria. Yet by limiting their calls for him to step down, and by not reserving for themselves or international society, the right to topple him or choose his replacement, the P3 states averred they were not interfering in Syria's domestic affairs. Rather they reasoned that as an obstacle to peace it was far from controversial to expect him to go, and since the choice of his successor would be matter for Syrians themselves, this was not external interference.

Fourthly, as will be outlined below was their consistent claim that they were not planning to intervene in Syria for either humanitarian or liberal purposes. Yet despite these discourses and claims, the P3 states were unable to assuage their critics on the Council who remained concerned about coercive interference in Syria.

"We suggest that in drawing up its decision the Council should be guided by the principle of causing no harm. We reject any sanctions, any attempts to employ the Council's instruments to fuel conflict or to justify any eventual foreign military interference. But that is not the only matter at hand. The Council cannot impose parameters for an internal political settlement. The Charter gives it no such authority. The sides must be encouraged to engage in dialogue rather than be intimidated into doing so." (Russia, S/PV 6710, pg.24-25)

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As Russia's remarks attest, they did not share the P3 states liberal interpretation of non-interference and took issue with the P3 states discursive, political, diplomatic and material support for the Syrian opposition and their own unilateral sanctions on the Syrian government (Russia, S/PV 6826, pg.24-25). An express concern here was that the P3 states directed their demands of one party only – the government – whilst otherwise stoking the crisis and encouraging the opposition to fight to win (Russia S/PV 6816 pg.18-20, S/PV 6826 pg.24-25) all of which was at odds with the impartial terms of Council decisions and statements, and therefore this divergence by the P3 states from the official international position amounted to interference.

Limits on the use of force

As with sovereignty and non-intervention, so to with respect to limits on the use of force and multilateralism did the P3 states locate their understandings of these norms within the extant consensus rather than liberally interpret them to suit their liberal end. As noted already, the P3 states made repeated references to the established limits on the use of force – both procedural and substantive – and affirmed them in respect of the political solution and protection problem in Syria at this time. They rejected the unfavourable comparisons made by their critics to the Libyan intervention (USA, S/PV 6710, pg.13), claiming repeatedly throughout the crisis that they neither sought the Council's authority to use force in Syria, nor intended to without the Council's authority (USA S/PV 6627 pg.8, USA S/PV 6710 pg.13, France S/PV 6710 pg.16, UK S/PV 6710 pg.16-17, UK S/PV 6711 pg.7, USA S/PV 6810 pg.10).

Therefore rather than liberally interpreting the limits on the use force in terms of the purposes it might be put too or how it might be authorised, the P3 states instead emphasised procedural limits such as their: focus on Article 41 measures; the exclusion from S/2012/77 of Article 42; that S/2012/538 only threatened but did not automatically apply sanctions which was for a future decision of the Council; that they only invoked Chapter VII so as to make a resolution binding rather than authorise force. However, whilst the P3 states claimed only to advocate a soft form of coercion – Article 41 sanctions – which would apply to any parties that did not comply with the Council and especially the implementation of the political solution, they were not believed by their critics who recalled *"the well-known events in North Africa"*, claiming that *"the situation in Syria cannot be considered in the Council separately from the Libyan experience"* (Russia S/PV 6627 pg.4) , further

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averring that *"the Libyan model should remain forever in the past"* (Russia S/PV 6756 pg.2).

Multilateralism

The P3 states claimed to be acting in accordance with multilateralism so as to properly address the Syrian crisis in line with the expectations of both the Syrian people and international society. Yet although the P3 states claimed to be playing by the multilateral rules, implicit in their denunciations of the failure of three Security Council Resolutions – all of which they supported – was the contention that the multilateral system was delivering the *wrong* outcomes. However rather than criticise the principle of multilateralism or give up on it, they maintained their public support of it, whilst blaming those that were preventing it from working properly. However whilst the P3 states claimed to be playing by the rules of multilateralism it was readily apparent that they did not rely on multilateralism to tell them how international society should respond to the crisis in Syria. Instead it is argued that the liberal value rationality evident in their interpretation of the crisis informed their goals as well as the sceptical if not negative view of the Council's outcomes.

As detailed below the P3 expressed public frustration with the outcomes of multilateralism on the Council – where resolutions either did not go far enough or should not have been vetoed. What then was their attitude to consensus and the sourcing of international legitimacy given that they were unable to secure a consensus in support of their favoured liberal outcome to the crisis through the Security Council by way of the R2P normative framework?

Persuasion

Given that the P3 states had a liberal interpretation of the Syrian crisis which informed their liberal goal as well as interpretation of norms of the R2P framework, was it also the case that as *liberal vanguards* they were more focused on persuading others to adopt their position rather than agreeing a common one through deliberation? This chapter argues that despite their claims to the contrary the P3 states as *liberal vanguards* were unwilling to compromise and sought to persuade others to adopt their interpretation and position more than being open to persuasion themselves.

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The P3 states themselves claimed to have deliberated and compromised in the pursuit of Council unity so that it could act on Syria – *"Of course, we would have liked to see the Council go further, but we need a rapid response to finally open the way to a resolution to this horrifying crisis. We are therefore prepared to vote now on the text proposed by Morocco"* (France, S/PV 6710, pg.15-16). On the occasion of each veto they spoke to the process of negotiation and compromise that had produced the draft and so which ought to have allayed any sincerely held concerns rendering the abstentions but especially the vetoes unwarranted (France, S/PV 6627, pg.2-3). However it also the case that the compromises they made were only ever in respect to details rather than of their basic interpretation of the crisis or goal.

Furthermore it was clear that those they entered into were done so reluctantly and with resignation, in other words they were of the view that such compromise was unhelpful and weakened any resulting decisions (USA, S/PV 6627, pg.8-9). Similarly they dismissed and rejected the stated concerns of their critics – *"Some have drawn an analogy with the conflict in Libya. That is a pretext. It is alleged that there is a plan for a military intervention in Syria. That is a myth"* (France, S/PV 6710, pg.16) especially the P2- deeming them either unfounded or insincere. Again it is worth highlighting here – as will be evidenced below - their condemnation of each exercise of the veto, which they perceived to be blatantly political rather than with regard to any genuinely held concerns.

Besides their attitude to compromise two further P3 discourses were evident here. The first was that the P2 states were behaving irresponsibly and failing in their role as Permanent Members of the Security Council by stymying resolutions for which there was otherwise sufficient consensus support on the Council (UK, S/PV 6810, pg.2-3). The second was that the P3 states and those who shared their interpretation and goals were on the right side of history or that history would judge those who stood opposed (France S/PV 6711 pg.3-4, USA S/PV 6847 pg.12-14). The latter discourse is possibly the closest one can find to explicit vanguard rhetoric, further evincing their liberal value rationality and was adopted by the P3 states on multiple occasions.

Together, these discourses demonstrate that the P3 publicly was unwilling to compromise on the fundamentals of the response to the Syrian crisis. Rather than

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being persuaded of the merits of differing approaches, at this time they held fast to their interpretation of the crisis and goal in spite of the evident trouble this caused in their attempt to get Security Council resolutions adopted. Where they did compromise this was only ever over details and done with reluctance and often complaint that it weakened the proposed text or amounted to an unreasonable request. Publicly they made significant statements condemning the exercise of the veto – expressing not just disappointment but their upset and alleging the P2 were at cross purposes with international society:

"We cannot doubt the meaning of the veto against this text today. This is not a matter of language, it is a political choice. It is a veto on principle, which means that it is a refusal of all Council resolutions against Syria. It shows disdain for the legitimate aspirations that have been so bravely expressed in Syria for the past five months. It is a rejection of this tremendous movement for freedom and democracy that is the Arab Spring" (France, S/PV 6627, pg.3)

Whilst the P3 states expressing confidence history was on their side and so they would ultimately be proven correct by events:

"The third veto on Syria means that, for Russia and China, there will be no consequences for the Syrian regime's disregard of its commitments. The crimes will go unpunished; their perpetrators will continue to proceed with their disgusting plans; the people's legitimate aspirations can be disregarded; and the victims are insignificant in number. History will prove them wrong; history will judge them. It is already doing so right now in Damascus." (France, S/PV 6810, pg.4)

Such discourses demonstrate *liberal vanguard* practice, but it is also worth noting again that on the two draft resolutions that the P3 states took most responsibility for, they failed to secure the support of all the E10, whereas all E10 were willing to support the Arab League led draft. Therefore, whilst it remains true that but for the veto there was in each case a sufficient threshold of support to adopt the resolutions, the shifts in E10 indicates that they too and not just the P2 had concerns about the P3 states approach and whether they took the concerns of Council members into consideration:

"With the regard to the draft resolution (S/2011/612) before us, South Africa was concerned about the sponsors' intention to impose punitive measures that would

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have pre-judged the resolution's implementation. We believe that these were designed as a prelude to further actions. We are concerned that this draft resolution not be part of a hidden agenda aimed at once again instituting regime change, which has been an objective clearly stated by some. We are thus concerned about the fact that the sponsors of this draft resolution rejected language that clearly excluded the possibility of military intervention in the resolution of the Syrian crisis. We maintain that the Security Council should proceed with caution on Syria lest we exacerbate an already volatile situation." (South Africa, S/PV 6627, pg.11)

To be clear, the author is not laying the blame for the lack of international consensus on the P3 states alone. Nor is it being claimed that the P3 states are unusual in seeking to generate a consensus which favours their stated goals and practice. What is being argued however is that the P3 states attitude to consensus was typical of the practice of *liberal vanguardism*.

Alternative Constituencies

"The resolution [S/RES/2043] sends an important international legal signal, namely, that only the Security Council has the prerogative to take a decision regarding the settlement of a regional crisis, including the Syrian crisis. Any other forum, such as a group of friends or a coalition of mutual interests, should clearly uphold the resolutions of the Security Council and not undermine its activity." (Russia S/PV 6756 pg.2)

"The United States of America has recently spoken of its intention to circumvent the Security Council. In essence, that is nothing new as such a policy has been followed by Washington and a number of other capitals since the beginning of the crisis in Syria, which has significantly exacerbated it." (Russia, S/PV 6816, pg.19)

If the *liberal vanguard* practice of persuasion – with respect to their interpretation of the crisis, R2P norms and goals – pertains to the question of how states attempt to secure international consensus, the practice of fostering or appealing to alternative constituencies pertains to what happens when such consensus is not forthcoming. Put another way, when confronted with the problem that the more the P3 states advocated or attempted in Syria, the less international consensus there was on the Security Council and therefore prospect for international legitimacy, did they publicly consider circumventing the Council as Russia first

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seemed compelled to warn against and latterly accused them of doing as demonstrated above)

It is readily apparent that even in the face of a series of unprecedented vetoes the P3 states did not openly circumvent the Security Council or defy it so as to act regardless without its authorisation. Indeed they often spoke of their intention to return to the Council rather than walking away from it permanently (UK, S/PV 6627 pg.7, USA 6650 pg.20, France 6710 pg.14, UK 6711 pg.7, France 6810 pg.4, USA 6816 pg.12, UK 6826 pg.17). But whilst there was no such spectacular defiance, there are a series of points that can be observed in their discourse and practice in this regard which are further evidence of *liberal vanguardism.*

At various times the P3 states cited Syria's neighbours, the region, respected global leaders and a myriad of international bodies as all expecting a response by the Council, and sharing their interpretation of the crisis as well as crucially what the international response should be (UK S/PV 6810 pg.3, France S/PV 6810 pg.4, UK S/PV 6847 pg.30). Significantly, in addition to referencing established groupings they actively fostered another – the *Friends of Syria* Group. If established constituencies were perceived as additional to the Council but not supplanting it, concerns were expressed that the P3 states were treating the *Friends of Syria Group* as an alternative to the deadlocked Security Council. Indeed the P3 states did themselves declare that since the Council was being prevented from acting by an irresponsible minority, and had *"abdicated its responsibilities"* (France, S/PV 6650, pg.19) then they would continue to work elsewhere alongside likeminded states who shared their goals for the good of the people of Syria.

"I tell the Syrians that France will continue to work in all forums and with all partners that share its values towards the objective that should have united us here today" (France, S/PV 6711, pg.4)

"I will say again what I said on 4 February: no, once again, the double veto will not stop us. We will continue to support the Syrian opposition on its road to a democratic transition in Syria. In every forum, France is resolved to work unceasingly with those who share its values — and the meeting in Paris showed that there were many of them" (France, S/PV 6810, pg.4)

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"We will intensify our work with a diverse range of partners outside the Security Council to bring pressure to bear on the Al-Assad regime and to deliver assistance to those in need. The Security Council has failed utterly in the most important task on its agenda this year" (USA, S/PV 6810, pg.11)

Effectively therefore although the P3 states never claimed they would walk away permanently from the deadlocked Security Council – *"we will not rest until the Council rises to meet its responsibilities"* (USA S/PV 6650 pg.20) - and turn exclusively to an alternative constituency of legitimation, they did commit to stepping back from the Council. They were open that they would continue to take whatever measures they could outside the Council in common cause with likeminded states so as to address the Syrian crisis rather wait for the Council to decisively as required. Therefore the approach to international legitimacy exhibited in practice here by the P3 states in turning to alternative constituencies – although not self-legitimisation without regard for international society or complete circumvention of the Security Council - was indeed that of *liberal vanguardism* and as such problematic.

Conclusion and threat assessment

This chapter has argued that in the case of Syria 2011-2012 with respect to the efforts to achieve a political solution to the crisis, the P3 states behaved in practice as *liberal vanguards.* They adopted a clear liberal as opposed to purely humanitarian interpretation of the crisis as evident in the manner in which the framed it, as Arab Spring protestors demonstrating for democracy, human rights and fundamental freedoms being met by brutal state repression. This liberal interpretation informed their goal which was to end the crisis and thus protect civilians and prevent mass atrocities by securing a political solution. The P3 states advocated an explicitly liberal political solution as befit their interpretation of the Syrian people's legitimate expectations.

This combined concerns about mass atrocities and civilian protection with the promotion of human rights and democracy, essentially the P3 states arguing that the latter would help address the former in the Syrian context. Significantly they called both for sanctions to enforce progress towards this political solution, and made that solution contingent not just on Syrian political reform but a change of regime. However, at no point did the advocate as either necessary or legitimate a

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liberal intervention which would have used force to prevent mass atrocities, protect civilians and coercively promote democracy and human rights. In spite of their repeated claims not to be pursuing intervention, Syria was the clearest case in this thesis whereby the more the P3 states tried to do – civilian protection by way of a change of regime and promotion of human rights – the less of a consensus there was on the UNSC.

It has been argued that in acting on their liberal interpretation and pursuing their preferred liberal goal, the P3 states behaved in practice as *liberal vanguards* in the following ways. They did not exhibit any scepticism of the R2P normative framework nor did they self-legitimate, rather they engaged the norms of R2P to claim legitimacy for their goals and practices. But in doing so they liberally interpreted understanding of sovereignty and non-interference in respect of their efforts to delegitimise the Assad government and call for a change of regime but not regime change. In addition whilst the claimed to respect non-intervention and limits on the use force, their claims were rejected by critics in part because of their in depth political, diplomatic and material support for the Syrian opposition.

However it is with regard to their focus on persuasion and alternative constituencies of legitimation that the P3 states' *liberal vanguardism* becomes particularly evident in the Syrian case. Although they claimed willingness to compromise, and indeed supported S/2012/77 in spite of their concerns as to its limitations, they also refused to compromise on. Their interpretation of the crisis or overall goals, portrayed themselves as on the right side of history and so dismissed rather than engaging their critics, being resigned to compromise rather than doing so willingly.

Lastly, although it is true they did not walk away from the Council or publicly circumvent given the deadlock evident in the Syrian case, they acted extensively outside it, both bilaterally and through the ad hoc Syrian Group of Friends which was suggestive of an alternative constituency of legitimation. Given that this thesis argues that the practices of *liberal vanguardism* threaten the sustainability of solidarist society of states typified by R2P, how serious was the threat posed by the P3 states liberal vanguardism in the case of Syria?

Firstly, there was an emphasis on international discord rather than consensus on the Security Council, in that whilst the Council adopted three resolutions at this

time, the three failed resolutions loomed large over the crisis and were indicative of a deadlocked Council marked by discord both horizontally among the P5 and vertically between them and the E10. Although it is the case that a sufficient majority of Council members – notwithstanding the veto - supported the vetoed resolutions put forth by the P3 states, that some E10 members were also prepared to abstain compounded the horizontal discord that was clearly evident among the P5. Therefore the dual axes of consensus upon which the sustainability of the solidarist society of states depends, was weakened. Although it would be unreasonable to blame the Council's deadlock and discord entirely on the P3 states practice as *liberal vanguards*, their liberal interpretation of certain norms confused the meaning of these in practice, raised concerns that the P3 were not binding themselves by the extant consensus understandings and were instead looking to circumvent the Security Council.

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Chapter 9 – Conclusion

This thesis argues that practices of *liberal vanguardism* threaten the sustainability of the international society typified by the Responsibility to Protect, finding that in the cases of Côte d'Ivoire, Libya and Syria 2010-2012, such practices were evident on the part of the P3 states. As an ES scholar the author contends that because international society is an external reality – *a thing and a process, an activity and not just a framework* (Onuf, 1994: 1; Jackson, 2000: 113) – rather than just a *theoretical ideal type* or *idea in the minds of state leaders* (Buzan, 2004: 12). Therefore its sustainability matters because what is at stake is not just the popularity or utility of an academic concept or political perspective, but the nature and form of interaction and conduct among states.

Sustainability

It is argued that members of international society – that is, states – sustain it by their belief that they are bound by a consensus as to principles of legitimacy with regard to rightful conduct, and by their discourse and practice with regard to these principles. A consensus among states as to principles of legitimacy is what institutes international society and constitutes the norms, rules and institutions which populate it and give it form. Since these principles of legitimacy, although durable, are not necessarily fixed then the society must adapt to reflect any changes.

The society is sustained by the following practices of international legitimacy and international consensus: (1) sharing in the working of common rules and institutions which are constituted by these principles of legitimacy (2) interpretation and application in practice of these in accordance with the boundaries set by the principles of legitimacy (3) discourse with regard to these principles of legitimacy such that even where they breach the principles they offer normative justifications and claim international legitimacy (4) norm entrepreneurship, adaptation and interpretation by consensus with regard to both the horizontal and vertical axes of consensus.

A survey of the existing ES literature reveals consideration of threats to and the endurance of international society but not its sustainability. This is therefore an original theoretical contribution by the author and is conceived of as a quality and a process. It is a quality in the sense that a sustainable society will be marked by

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specific practices and it is a process, dependent on the daily practices of states, the outcome of which is a dual axes international political consensus which is durable.

These dual axes – derived from the work of Clark (2009b: 467-477); Clark (2009c: 213,214, 220-224); Morris (2013a: 513-516) – exist simultaneously horizontally between the Great Powers, and vertically between them and the rest of the society of states. The consensus institutes the principles of legitimacy with regards to rightful conduct that states believe they are bound by, respect in their discourse and practice, and which is capable of adaptation to remain legitimate and thus endure.

For the purposes of this thesis, the fifteen member United Nations Security Council has be examined for evidence of relevant discourses and practices. It is judged to be an authoritative and credible source because of: its authority under the UN Charter; states' deference towards and expectations of it; its discrete, deliberate membership which embodies the dual axes of consensus theorised; the nature of its agenda; its public accessibility and its recognised procedures of deliberation, consensus and legitimisation.

The practices of legitimacy and consensus by which states sustain international society can be observed through the UNSC when states: claim international legitimacy for their practices by engaging the normative framework of international society; seek the authoritative international consensus of the UN Security Council to confer international legitimacy upon their practices; act in practice with regard to international legitimacy and respect for international consensus, therefore binding themselves by the Security Council's decision.

Responsibility to Protect

The thesis focuses on the sustainability not of the society writ large but of the humanitarian solidarism within it that is typified by R2P. This is because the author recognises the improbability of existential threats to international society as a whole, but also because of the value he locates in R2P as the internationally agreed means of mass atrocity prevention. Albeit whilst conceding that the R2P is a norm in the ES classical rather than realist sense which is to say it is more of a principle than a regularised practice.

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Furthermore similar to Welsh, (2013: 386-389) and Orchard (2016), R2P is understood as normative framework codifying revised international understandings of sovereignty, non-intervention, non-interference, limits on the use of force and multilateralism. R2P of course contains three Pillars and is about more than just intervention, but nevertheless these understandings are held to be an example of a state centric solidarism, representing a humanitarian consensus which includes multilateral intervention for the purposes of protection and mass atrocity prevention

Crucially this thesis draws a distinction here between such humanitarian interventions and forms of liberal intervention or interference which would combine advocating or attempting political change such as coercive democratisation, change of regime or regime change, with the promotion of human rights, for the purposes of protection. A further theoretical contribution therefore of the thesis is to explore this distinction between non-intervention and non-interference, with it being argued that in the view of international society, R2P specifies and internationally legitimates exceptions to the former but never the latter.

Observing that intervention and the implementation of R2P are often controversial is of course nothing new. What concerns this thesis is how states respond to and resolve these controversies in practice, particularly the tension between legitimate intervention and illegitimate interference, and what the consequences are for the sustainability of the form of international society that R2P typifies.

Lampedusa's words quoted at the outset of Chapter 1 – *"If we want things to stay as they are, things will have to change"* (1992: 21) – although not intended as such, encapsulate for the author, first, the sense that international society needs to be capable of change to be sustained and secondly that states will have contrasting views of change. This raised questions about whether states, especially the Great Powers, regarded change as necessary or appropriate, whether they had differing ambitions for international society and how they reconciled these.

Liberal vanguardism

It was liberal ambitions on the part of the P3 states which drew the author's attention and prompted the author to develop the original theoretical contribution

of *liberal vanguardism* so as to – in Robert Burns' words -, *"be able to see ourselves as others see us"* (Sibbald)*.* The author's concern was that liberal attempts to change international society for the better might – as they see it – actually pose a threat to its sustainability, because the more the liberal state tries to do, the less international consensus and thus international legitimacy there is.

The international problem which this thesis addresses is intervention in international society as understood through the R2P normative framework. R2P only addresses only mass atrocity prevention, it is argued that it only legitimates in principle humanitarian but not liberal intervention. Yet it is liberal forms of intervention which liberal vanguards seek to advocate discursively and attempt in practice, where preferable and possible.

Their view of what is preferable stems from their liberal values rather the agreed understandings of the relevant R2P norms. Their view of what is possible is limited only by prudence rather than what the UNSC will authorise as legitimate. *Liberal vanguards* discursively advocate and attempt liberal intervention in practice if they themselves think it legitimate and prudent, even if international society, through the UNSC does not authorise it as legitimate.

The goal or form of *liberal vanguardism,* which is the focus of this thesis, is the pursuit of liberal outcomes or liberal intervention, defined as combining coercive democracy and human rights promotion with mass atrocity prevention. The latter is a humanitarian goal and is legitimated through the R2P normative framework; the former, however, is liberal and is not subject to the same international solidarist consensus.

The concept of *liberal vanguardism* is therefore applied specifically by this thesis to the following problem. How do liberal states legitimate the goals and practice of liberal intervention given the tension between this and the society of states' more limited, humanitarian solidarist normative framework as typified by R2P?Broadly speaking it was theorised that *liberal vanguards* could approach legitimacy in four ways, posing the following challenges to the sustainability of the international society typified by R2P:

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A1. *Claim and confer legitimacy upon themselves and their practices based on their substantive liberal values.* This poses a clear threat because extant international norms are violated and disregarded, therefore no attempt is made to close the gap between their practices and international norms and so practice is undertaken without international legitimacy or consensus.

A2. *Express their scepticism of extant international norms, rules, institutions or principles of legitimacy, and so engage in norm entrepreneurship, and/or adaptation in order to change these.* Provided this is successfully received, it does not pose a threat, since success in this attempt would be an implementation of Linklater's recommendation of adapting international society's rules by consensus so as to sustain it (2000: 490). Should the attempt fail, then the society has been exposed to serious discord not just over how to apply the rules but what the rules should be, and this poses a threat to its sustainability. More serious still would be if states acted despite failing to consensually adapt the rules, because they would probably then be acting without international legitimacy or consensus.

A3. *Liberally interpret extant norms so as to justify and claim legitimacy for their practices without having to create new ones or adapt existing ones*. Should the rest of international society accept the interpretation then they would be proceeding with both international legitimacy and consensus and so the society would not be threatened. However, its sustainability could be threatened because, denying there is a gap between their values, goals, practices and international norms unlike **(A2)**, does not resolve this fundamental tension but rather stretches, confuses and so undermines or erodes the consensus understanding of the norms with further consequences. Also, as with **(A2)**, should states act even when their claims are not accepted as internationally legitimate, then the sustainability of the society would be threatened by such practice without international legitimacy or consensus.

A4. *Addressing legitimacy claims to an international constituency other than the UNSC and thus securing international legitimacy through a constituency of likeminded states.* Unlike **(A1)**, an attempt is made to secure a form of international legitimacy and consensus rather than disregard the society of states completely. However, action without Council authorisation is practice undertaken without authoritative international legitimacy and consensus. The sustainability of the

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solidarist society typified by R2P is therefore threatened by states not believing they are bound, and being party to discord rather than consensus among the P5, and/or between them and the E10. In sum, here the pursuit of international legitimacy by other means only partly fulfils Linklater's injunction to the good international citizen (2000: 490) as the normative framework of the society has been challenged but unreformed and so its sustainability is threatened.

Of the four possible approaches to legitimacy imagined (A1-4), which could be theoretically adopted by *liberal vanguards* in practice, the thesis focuses on the latter two, the liberal interpretation of extant norms and the addressing of legitimacy claims to constituencies other than the UNSC.

By engaging the UNSC and additional, sometimes seemingly as alternative, international constituencies of legitimation like the African Union, ECOWAS, Arab League, Libyan and Syrian Contact Groups, the P3 states did not as (A1) specifies, rely solely and explicitly upon their values. Whilst their liberal value rationality was evident in their interpretation of the crises, professed goals and interpretation of the R2P norms, it remains the case that they sought to be conferred international legitimacy rather than self-legitimating without regard for international society.

As interviewee participants remarked and the evidence of Security Council meetings corroborates, the P3 states did not as (A2) specifies, publically call into question the R2P normative framework by alleging it was outmoded, unfit for purpose or in need of fundamental reform. Thus the P3 states are not publicly attempting or advocating the adaptation of R2P and they certainly aren't attempting or advocating the creation of a new norm of regime change in response to the state commission of mass atrocities. The society of states seemingly has no appetite for such endeavours and as the statements above indicate, the issue is how to make sense of the existing R2P normative framework.

In summary, the thesis argues that the P3 states did not publicly disregard or exhibit scepticism of the R2P normative framework. Nor did they attempt to augment the R2P framework with a new norm through entrepreneurship, or revise the content of the existing five norms through adaptation. However, these first two approaches (A1-2) notwithstanding, there remains (A3-4) and thus the question of how the P3 states practically interpreted and applied the R2P normative framework, which constituencies of legitimation they addressed, and how. Hence when this thesis

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argues that the P3 states behaved in practice as *liberal vanguards* it means with respect to (A3-4) and to the extent that they engaged in the following practices:

Pr1. ***Discursively interpreting the extant R2P normative framework in such a way as to justify and claim legitimacy for liberal intervention in response to mass atrocities.*** Linking their values with international norms and claiming their goals are legitimate to international society, rather than there being a gap between goals, practices, values and norms. They claim their position or practice is in accordance with extant understandings of sovereignty, non-intervention, non-interference, limits on the use of force, and multilateralism. This is the liberal component of *liberal vanguardism*. Whilst it is common practice for all states in international society to interpret the norms, rules, institutions or principles of legitimacy as they would prefer, should this practice confuse what the consensus understanding of these are, then the sustainability of the society is threatened, especially depending on - whether/how liberal states act on their interpretations as below (Pr2-4).

Pr2. ***Persuading rather than being open to persuasion themselves.*** Securing a consensus which supports their position and setting the terms of consensus, rather than agreeing these via compromise or deliberation. This is part of the vanguard component of *liberal vanguardism* whereby liberal states regard themselves as on the right side of history. As such, they seek to persuade others of their claims and goals (as in Pr1) but are not open to persuasion and thus compromise with regard to these, especially their goals. This exacerbates the tension between their goals, values, practices and the norms of the society and so increases the prospect of discord, horizontally or vertically. That states may be unwilling to compromise is of course normal, and discord need not threaten international society. The threat depends on whether they resolve the discord or act in practice in spite of it.

Pr3. ***Fostering, referencing and appealing to an alternative social constituency of legitimation.*** Often consisting of like-minded, self-selecting states, this will be more exclusive but less authoritative than the UNSC. This is attempted so as to support their case for a UNSC consensus or make up for the absence of one, as below. Where (Pr1-2) regard how liberal states claim legitimacy, here (Pr3) touches upon where they claim it from and whether they confer it upon themselves, rather than having it conferred in accordance with the norms of international society, specifically the R2P framework especially limits on the use of force and

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multilateralism. Although such concern for consensus and international legitimacy is better than none, sourcing it from other than the United Nations poses a threat to the sustainability of the solidarist international society typified by R2P, since it runs counter to the R2P normative framework.

Pr4. *Liberal intervention in practice where prudent without UNSC authorisation.* The R2P normative framework legitimates only multilateral humanitarian intervention for preventing mass atrocities. The practice of liberal intervention, especially when conducted without a Security Council Resolution, threatens the sustainability of the solidarist society typified by R2P because (a) liberal intervention runs counter to R2P's emphasis on humanitarianism and non-interference; (b) it means the liberal vanguards have decided not to bind themselves by the consensus as to what is legitimate (humanitarian intervention) and when it is legitimate (multilateral as authorised by the UNSC). The violation of the R2P normative framework and practice without international legitimacy could provoke a legitimacy crisis (Reus-Smit, 2007: 167).

Case studies

Côte d'Ivoire (2010-2011), Libya (2011) and Syria (2010-2012) were the three cases selected for examination because: (1) each were recognised by international society to be of sufficient gravity to meet the R2P mass atrocity crime threshold rather than just human rights abuses; (2) they had come before the United Nations Security Council and been subject to its public discussions; (3) each saw P3 state activism both on the UNSC and on the ground; (4) each combined international concerns about civilian protection and mass atrocity prevention with international concerns about the domestic political leadership of the states concerned. Examination of these case studies revealed the varying extent to which P3 states exhibited (Pr1-4) and thus: teased a *liberal vanguard* interpretation out of extant international norms so as to justify and claim legitimacy for their practices; engaged and relied on social constituencies of legitimation other than the UNSC; displayed an instrumental attitude to international consensus.

Where next?
This thesis has proposed three new concepts – *sustainability*, *liberal vanguardism* and the distinction between *non-interference and non-intervention*. It has then applied them in practice to examine the discourses and practice of the P3 states on

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the UN Security Council when responding to the crises in Côte d'Ivoire, Libya and Syria (2010-12).

The *sustainability* of solidarist international society matters because it is more than an academic concept, it is an external reality. So too, the concept of *liberal vanguardism* matters because of the insight it furnishes into the very real problems that states encounter when interpreting and implementing the solidarist R2P normative framework in practice. The thesis' emphasis on state practice means that rather than simply observing the normal disagreements or tensions that exist between powerful states when it comes to crises, the thesis has examined how they actually work these through and what they do about them.

The new concept of *liberal vanguardism* has been proposed, which although developed from extant ES research, provides new and additional insight into a series of important problems of state practice within international society. Namely, how does the liberal state reconcile the tensions between its *liberal* values/goals, practices and the *humanitarian solidarist* normative framework of international society as typified by R2P? It specifies how such actors can approach legitimacy and how in practice they respond to a lack of international consensus.

The distinction between *non-intervention and non-interference* has been developed in response to the mass atrocity situations in which the government is not just failing to uphold its responsibility to protect but is actually guilty of committing mass atrocities. It is argued that R2P (2005) legitimates humanitarian intervention for protection purposes only but deems anything else to be interference, yet in situations where a state is guilty of mass atrocities, international society faces a problem of to effectively and legitimately intervene to protect civilians from a state actor without interfering. These tensions were evident across the three cases examined.

To conclude, going forwards, the author envisages the following research avenues emerging from this PhD thesis. First would be to pin down whether specific states behaved as vanguards, rather than the aggregate approach adopted herein with respect to the P3 states. Secondly, more work is needed to assess or gauge the level of threat posed by *liberal vanguardism* were it is evident. Thirdly, this thesis examined only two of four imagined approaches to legitimacy that *liberal vanguards* could undertake (A3-4). Therefore, empirical analysis of the other two

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approaches (A1-2) is necessary. This could relate to a fourth avenue which would be to explore forms of vanguardism other than liberal, forms of international society other than the solidarism typified by R2P or problems other than the tension between non-intervention and non-interference.

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Bibliography

Aaronson, M. 2014. Making sense of international intervention: The UN Security Council and the failure to protect civilians in Syria. In: *Annual BISA Conference 2014 19/06/14, Dublin*.

Abedine, S. and Brumfield, B. 2012. *Over 37,000 have died in Syria's civil war, opposition group says (November 16th 2012).* [Online]. [Accessed February 24th]. Available from: http://edition.cnn.com/2012/11/15/world/meast/syria-civil-war/.

Acuto, M. 2008. Wilson Victorious? Understanding Democracy Promotion in the midst of a "Backlash". *Alternatives: Global, Local, Political.* **33**(4), pp.461-481.

Adler-Nissen, R. and Pouliot, V. 2014. Power in practice: Negotiating the international intervention in Libya. *European Journal of International Relations.* **20**(4), pp.889-911.

Adler, E. 2005. Barry Buzan's Use of Constructivism to Reconstruct the English School: `Not All the Way Down'. *Millennium - Journal of International Studies.* **34**(1), pp.171-182.

Adler, E. 2008. The Spread of Security Communities: Communities of Practice, Self-Restraint, and NATO's Post–Cold War Transformation. *European Journal of International Relations.* **14**(2), pp.195-230.

Adler, E. and Pouliot, V. 2011. International Practices. *International Theory.* **3**(1), pp.1-36.

Alderson, K. and Hurrell, A. 2000. *Hedley Bull on International Society.* Basingstoke: Macmillan.

Aljazeera. 2016. *Syria death toll: UN envoy estimates 400,000 killed (April 23rd 2016)* [Online]. [Accessed February 24th]. Available from: http://www.aljazeera.com/news/2016/04/staffan-de-mistura-400000-killed-syria-civil-war-160423055735629.html.

Almeida, J.M. 2006. Hedley Bull, 'Embedded Cosmopolitanism' and The Pluralist Solidarist Debate. In: Little, R. and Williams, J. eds. *The Anarchical Society in a Globalized World.* Basingstoke: Palgrave MacMillan.

Annan, K.A. 1999a. *SECRETARY-GENERAL PRESENTS HIS ANNUAL REPORT TO GENERAL ASSEMBLY.* New York: United Nations General Assembly.

Annan, K.A. 1999b. Two concepts of sovereignty. *The Economist.*

Annan, K.A. et al. 2002. What is the International Community? *Foreign Policy.* (132), pp.28-47.

Assembly, U.N.G. 1948. *Convention on the Prevention and Punishment of the Crime of Genocide.* United Nations General Assembly.

Assembly, U.N.G. 1998. *Rome Statute of the International Criminal Court (last amended 2010).* United Nations General Assembly.

Attina, F. 2002. International Society, Cleavages and Issues. In: Roberson, B.A. ed. *International Society and the Development of International Relations Theory.* London: Continuum, pp.210-230.

Benedict Docherty

AU. 2005. *PRETORIA AGREEMENT ON THE PEACE PROCESS IN THE COTE D'IVOIRE*. Pretoria. 6 April 2005. [Accessed February 24th 2017]. Available from: http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Cote%20d'Ivoire%20Pretoria.pdf.

AU. 2010. *PEACE AND SECURITY COUNCIL 252ND MEETING ADDIS ABABA, ETHIOPIA 9 DECEMBER 2010 COMMUNIQUE*. Addia Ababa. 9 DECEMBER 2010. [Accessed October 17th 2016]. Available from: http://www.peaceau.org/uploads/communiquy-of-the-252nd.pdf

AU. 2011. *COMMUNIQUE OF THE 265th MEETING OF THE PEACE AND SECURITY COUNCIL* Addis Ababa. 10 MARCH 2011 [Accessed February 24th 2017]. Available from: http://www.un.org/en/peacekeeping/missions/unoci/documents/AU265thcommunique%20_coted'ivoire.pdf.

Bain, W. 2007. One order, two laws: recovering the 'normative' in English School theory. *Review of International Studies.* **33**(04), pp.557-575.

Bellamy, A.J. 2005a. Introduction: International Society and The English School. In: Bellamy, A.J. ed. *International Society and its Critics.* Oxford: Oxford University Press, pp.1-26.

Bellamy, A.J. 2005b. Responsibility to Protect or Trojan Horse? The Crisis in Darfur and Humanitarian Intervention after Iraq. *Ethics & International Affairs.* **19**(2), pp.31-53.

Bellamy, A.J. 2014. *The Responsibility to Protect: A Defence.* Oxford: Oxford University Press.

Bellamy, A.J. and Williams, P.D. 2011. The New Politics of Protection? Cote d'Ivoire, Libya and the Responsibility to Protect. *International Affairs (Royal Institute of International Affairs 1944-).* **87**(4), pp.825-+.

Bertrand, M. 2000. The Historical Development of Efforts to Reform the UN. In: Roberts, A. and Kingsbury, B. eds. *United Nations, Divided World: The UN's Roles in International Relations.* Oxford: Oxford University Press, pp.420-436.

Bosco, D. 2016. Commentary: The Permanent One's Search for Maximum Flexibility. In: von Einsiedel, S., et al. eds. *The United Nations Security Council in the Twenty First Century.* London: Reinner, pp.75-82.

Boutellis, A. and Novosseloff, A. 2016. Cote d'Ivoire. In: von Einsiedel, S., et al. eds. *The United Nations Security Council in the Twenty First Century.* London: Reinner, pp.661-690.

Bueger, C. and Gadinger, F. 2015. The Play of International Practice. *International Studies Quarterly.* **59**(3), pp.449-460.

Bukovansky, M. et al. 2012. *Special Responsibilities: Global Problems and American Power.* Cambridge: Cambridge University Press.

Bull, H. 1966a. The Grotian Conception of International Society. In: Butterfield, H. and Wight, M. eds. *Diplomatic Investigations:*

Benedict Docherty

Essays in the Theory of International Politics. London: Allen & Unwin.

Bull, H. 1966b. International Theory: The Case for a Classical Approach. *World Politics.* **18**(3), pp.361-377.

Bull, H. 1966c. Society & Anarchy in International Relations. In: Butterfield, H. and Wight, M. eds. *Diplomatic Investigations: Essays in the Theory of International Politics* London: Allen & Unwin.

Bull, H. 1977. *The Anarchical Society : A Study of Order in World Politics.* London: Macmillan.

Bull, H. 1980. The Great Irresponsibles? The United States, The Soviet Union and World Order. *International Journal.* **35**(3), pp.437-447.

Bull, H. 1984a. The Revolt Against The West. In: Bull, H. and Watson, A. eds. *The Expansion of International Society.* Oxford: Clarendon, pp.217-228.

Bull, H. 1991. Martin Wight and the theory of international relations. In: Wight, G. and Porter, B. eds. *International Theory : The Three Traditions.* London: Continuum.

Bull, H.W., Adam. 1984b. Introduction. In: Bull, H.W., Adam ed. *The Expansion of International Society.* Oxford: Clarendon Press, pp.1-9.

Butterfield, H. and Wight, M. 1966. Preface. In: Butterfield, H. and Wight, M. eds. *Diplomatic Investigations: Essays in the Theory of International Politics.* London: Allen & Unwin.

Buzan, B. 2001. The English School: An Underexploited Resource in International Resources. *Review of International Studies.* **27**(03), pp.471-488.

Buzan, B. 2004. *From International to World Society? : English School Theory and The Social Structure of Globalisation.* Cambridge: Cambridge University Press.

Buzan, B. 2006. Rethinking Hedley Bull on the Institutions of International Society. In: Little, R. and Williams, J. eds. *The Anarchical Society in a Globalized World.* Basingstoke: Palgrave MacMillan.

Buzan, B. 2010. Culture and international society. *International Affairs.* **86**(1), pp.1-26.

Buzan, B. 2014. *An introduction to the English School of International Relations.* Cambridge: Polity Press.

Buzan, B. et al. 2010. *The English School: A Bibliography,* August 2010 ed. [Exhibition catalogue].

Buzan, B. and Gonzalez-Pelaez, A. 2005. 'International Community' After Iraq. *International Affairs (Royal Institute of International Affairs 1944-).* **81**(1), pp.31-52.

Cameron, D. et al. 2011. *Joint UK, French and German statement on Syria (August 18th 2011).* [Online]. [Accessed February 24th]. Available from: https://www.gov.uk/government/news/joint-uk-french-and-german-statement-on-syria.

Benedict Docherty

Carr, E.H. 2001. *The Twenty Years' Crisis, 1919-1939 : An Introduction to The Study of International Relations.* 2nd / ed. Basingstoke: Palgrave.

Chandler, D. 2010. Humanitarian Intervention after Kosovo: Iraq, Darfur and the Record of Global Civil Society. *Millennium-Journal of International Studies.* **38**(3), pp.843-845.

Chesterman, S. 2003. Hard Cases Make Bad Law. In: Lang, A. ed. *Just Intervention.* Washington D.C.: Georgetown University Press, pp.46-61.

Clark, I. 2003. Legitimacy in a Global Order. *Review of International Studies.* **29**(Spec), pp.75-96.

Clark, I. 2005. *Legitimacy in International Society.* Oxford: Oxford University Press.

Clark, I. 2007. Setting the Revisionist Agenda for International Legitimacy. *International Politics.* **44**(2/3), pp.325-335.

Clark, I. 2009a. Democracy in International Society: Promotion or Exclusion? *Millennium - Journal of International Studies.* **37**(3), pp.563-581.

Clark, I. 2009b. How Hierarchical Can International Society Be? *International Relations.* **23**(3), pp.464-480.

Clark, I. 2009c. Towards an English School Theory of Hegemony. *European Journal of International Relations.* **15**(2), pp.203-228.

Clark, I. and Reus-Smit, C. 2007. Preface. *International Politics.* **44**(2/3), pp.153-156.

Copeland, D. 2003. A Realist critique of the English School. *Review of International Studies.* **29**(03), pp.427-441.

Deng, F.M. 2010. From 'Sovereignty as Responsibility' to the 'Responsibility to Protect'. *Global Responsibility to Protect.* **2**(4), pp.353-370.

Donnelly, J. 2006. Sovereign Inequalities and Hierarchy in Anarchy: American Power and International Society. *European Journal of International Relations.* **12**(2), pp.139-170.

Dunne, T. 1998. *Inventing International Society : A History of The English School.* Houndmills: Macmillan in association with St. Antony's College, Oxford.

Dunne, T. 2001. Sociological Investigations: Instrumental, Legitimist and Coercive Interpretations of International Society. *Millennium - Journal of International Studies.* **30**(1), pp.67-91.

Dunne, T. 2005. Forum: Barry Buzan's From International to World Society? System, State and Society: How Does It All Hang Together? *Millennium - Journal of International Studies.* **34**(1), pp.157-170.

Dunne, T. 2007. The English School. In: Dunne, T., et al. eds. *International Relations Theories: Discipline & Diversity.* 1st ed. Oxford: Oxford University Press, pp.127-147.

Dunne, T. 2013. Taking Liberal Intervention Seriously: a 12-Step Program. 28/05/2013. *The Duck of Minerva.* [Online]. [Accessed 11/06/2013]. Available from: http://www.whiteoliphaunt.com/duckofminerva/2013/05/taking-liberalism-on-intervention-seriously-a-12-step-program.html.

Benedict Docherty

Dunne, T. and Gifkins, J. 2011. Libya and the state of intervention. *Australian Journal of International Affairs.* **65**(5), pp.515-529.

ECOWAS. 2010a. *EXTRAORDINARY SESSION OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT ON COTE D'IVOIRE - FINAL COMMUNIQUE* Abuja. 24 December 2010. [Accessed last accessed September 6th 2016]. Available from: http://documentation.ecowas.int/download/en/reports/communiques/extraordinary_summit_of_ecowas_heads_of_state_and_government/Communique_Final_CI_election.pdf

ECOWAS. 2010b. *FINAL COMMUNIQUE ON THE EXTRAORDINARY SESSION OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT ON COTE D'IVOIRE* Abuja. 7 December 2010. [Accessed February 24th 2017]. Available from: http://news.ecowas.int/presseshow.php?nb=188&lang=en&annee=2010.

Ellis, D.C. 2009. On the Possibility of "International Community". *International Studies Review.* **11**(1), pp.1-26.

Evans, G. 1990. *FOREIGN POLICY AND GOOD INTERNATIONAL CITIZENSHIP: Address by the Minister for Foreign Affairs, Senator Gareth Evans*. Canberra, Australia.

Evans, G. 2011. *The Responsibility to Protect comes of age.* [Online]. [Accessed January 5th]. Available from: http://www.project-syndicate.org/commentary/the-responsibility-to-protect-comes-of-age.

Evans, T. and Wilson, P. 1992. Regime Theory and the English School of International Relations: A Comparison *Millennium - Journal of International Studies.* **21**(3), pp.329 - 351.

Finnemore, M. 2001. Exporting the English School? *Review of International Studies.* **27**(03), pp.509-513.

Finnemore, M. 2003. *The Purpose of Intervention: Changing beliefs about the use of force.* Ithaca: Cornell University Press.

Finnemore, M. and Sikkink, K. 1998. International Norm Dynamics and Political Change. *International Organization.* **52**(4), pp.887-917.

Fraser, T. 2015. *Maintaining Peace and Security? The United Nations in a Changing World.* London: Palgrave.

Gallagher, A. 2013. *Genocide and its Threat to Contemporary International Order.* Basingstoke: Palgrave MacMillan.

Giddens, A. 1984. *The constitution of society : outline of the theory of structuration* Cambridge: Polity.

Gilmore, J. 2014a. Protecting the Other: Considering the process and practice of cosmopolitanism. *European Journal of International Relations.* **20**(3), pp.694-719.

Gilmore, J. 2014b. Still a "Force for Good?" Good International Citizenship in British Foreign and Security Policy. *The British Journal of Politics & International Relations.* pp.1-24.

Glanville, L. 2016. Does R2P matter? Interpreting the impact of a norm. *Cooperation and Conflict.* **51**(2), pp.184-199.

Benedict Docherty

Gong, G.W. 1984. *The Standard of "Civilization" in International Society.* Oxford: Clarendon Press.

Hannay, L.D. 2005. UN Reform and the High Level Panel Report on Threats, Challenges and Change. In: Heinbecker, P. and Goff, P. eds. *Irrelevant or Indispensable? The United Nations in the 21st Century.* Waterloo, Ontario, Canada: Wilfrid Laurier University Press, pp.25-32.

Hast, S. 2014. *Spheres of Influence in International Relations: History, Theory and Politics.* Surrey: Ashgate.

Hehir, A. 2010. The Responsibility to Protect: 'Sound and Fury Signifying Nothing'? *International Relations.* **24**(2), pp.218-239.

Hehir, A. 2012. The Responsibility to Protect: Rhetoric, Reality and the Future of Humanitarian Intervention. Basingstoke: Palgrave MacMillan.

Hehir, A. 2013. The Permanence of Inconsistency: Libya, the Security Council, and the Responsibility to Protect. *International Security.* **38**(1), pp.137-159.

Hehir, A. et al. 2013. *Libya: The Responsibility to Protect and the Future of Humanitarian Intervention.* Basingstoke: Palgrave Macmillan.

Henkin, L. 1979. *How Nations Behave.* New York: Columbia University Press.

Hurrell, A. 2002. Society and Anarchy in International Relations. In: Roberson, B.A. ed. *International Society and the Development of International Relations Theory.* London: Continuum, pp.17-42.

Hurrell, A. 2006a. Hegemony, Liberalism and Global Order: What Space for would-be Great Powers? *International Affairs (Royal Institute of International Affairs 1944-).* **82**(1), pp.1-19.

Hurrell, A. 2006b. The State of International Society. In: Little, R. and Williams, J. eds. *The Anarchical Society in a Globalized World.* Basingstoke: Palgrave MacMillan.

Hurrell, A. 2007. *On Global Order: Power, Values and The Constitution of International Society.* Oxford: Oxford University Press.

ICISS. 2001. *The Responsibility to Protect.* [Leaflet]. Ottawa.

IICK. 2000. *The Kosovo Report.* Oxford.

Jackson, R.H. 1993. *Quasi-States : Sovereignty, International Relations and the Third World.* New ed. Cambridge: Cambridge University Press.

Jackson, R.H. 1995. The Political Theory of International Society. In: Booth, K. and Smith, S. eds. *International Relations Theory Today.* Cambridge: Polity Press, pp.110-128.

Jackson, R.H. 2000. *The Global Covenant: Human Conduct in a World of States.* Oxford: Oxford University Press.

Jackson, R.H. 2009. International Relations as a Craft Discipline. In: Navari, C. ed. *Theorising International Society: English School Methods.* Basingstoke: Palgrave MacMillan.

James, A. 1993. System or Society? *Review of International Studies.* **19**(3), pp.269-288.

Benedict Docherty

Jones, B. 2016. The Security Council and the Changing Distributopm of Power. In: von Einsiedel, S., et al. eds. *The United Nations Security Council in the Twenty First Century.* London: Reinner, pp.793-814.

Jones, C., A. 2006. War in The Twenty First Century: An Institution in Crisis In: Little, R. and Williams, J. eds. *The Anarchical Society in a Globalized World.* Basingstoke: Palgrave MacMillan.

Jones, R.J.B. 2002. The English School and the Political Construction of International Society. In: Roberson, B.A. ed. *International Society and the Development of International Relations Theory.* London: Continuum, pp.231-245.

Keal, P. 2003. *European conquest and the rights of indigenous peoples : the moral backwardness of intenational society.* Cambridge: Cambridge University Press.

Keating, C. 2016. Power Dynamics Between Permanent and Elected Members. In: von Einsiedel, S., et al. eds. *The United Nations Security Council in the Twenty First Century.* London: Reinner, pp.139-156.

Keene, E. 2002. *Beyond the anarchical society : Grotius, colonialism and order in world politics.* Cambridge: Cambridge University Press.

Lampedusa, G.T.d. 1992. *The Leopard.* London: Harvill.

Legro, J.W. 1997. Which Norms Matter? Revisiting the "Failure" of Internationalism. *International Organization.* **51**(1), pp.31-63.

Lesch, D.W. 2011. The Arab spring - and winter - in Syria. *Global Change, Peace & Security.* **23**(3), pp.421-426.

Linklater, A. 1992. What is a good international citizen? In: Keal, P. ed. *Ethics and Foreign Policy.* St Leonards, NSW, Australia: Allen & Unwin.

Linklater, A. 2000. The good international citizen and the crisis in Kosovo. In: Schnabel, A. and Thakur, R. eds. *Kosovo and the challenge of humanitarian intervention: selective indignation, collective action and international citizenship.* New York: United Nations University Press.

Linklater, A. 2009. The English School. In: Burchill, S.e.a. ed. *Theories of International Relations.* 4th ed. Basingstoke: Palgrave Macmillan, pp.86-109.

Linklater, A. 2011. *The problem of harm in world politics.* Cambridge: Cambridge University Press.

Linklater, A. and Suganami, H. 2006. *The English School of International Relations : A Contemporary Reassessment.* Cambridge: Cambridge University Press.

Little, R. 2000. The English School's Contribution to the Study of International Relations. *European Journal of International Relations.* **6**(3), pp.395-422.

Little, R. 2002. International System, International Society and World Society: A Re-evaluation of the English School. In: Roberson, B.A. ed. *International Society and the Development of International Relations Theory.* London: Continuum, pp.59-79.

Little, R. 2003. The English School vs. American Realism: a meeting of minds or divided by a common language? *Review of International Studies.* **29**(03), pp.443-460.

Little, R. 2009. History, Theory and Methodological Pluralism in the English School. In: Navari, C. ed. *Theorising International Society: English School Methods.* Basingstoke: Palgrave MacMillan.

Little, R. and Williams, J. 2006. Introduction. In: Little, R. and Williams, J. eds. *The Anarchical Society in a Globalized World.* Basingstoke: Palgrave MacMillan.

Luck, E.C. 2005. The UN Security Council: Reform or Enlarge. In: Heinbecker, P. and Goff, P. eds. *Irrelevant or Indispensable? The United Nations in the 21st Century.* Waterloo, Ontario, Canada: Wilfrid Laurier University Press, pp.143-152.

Luck, E.C. 2008. Principal Organs. In: Weiss, T.G. and Daws, S. eds. *The Oxford Handbook on the United Nations.* Oxford: Oxford University Press, pp.653 - 674.

MacLeod, H. 2011. *Inside Deraa.* [Online]. [Accessed September 9th]. Available from: http://www.aljazeera.com/indepth/features/2011/04/20114191 8352728300.html.

Mahbubani, K. 2016. Council Reform and the Emerging Powers. In: von Einsiedel, S., et al. eds. *The United Nations Security Council in the Twenty First Century.* London: Reinner, pp.157-174.

Manning, C. 1975. *The Nature of International Society.* 2nd ed. London: Macmillan.

Marsh, D. and Furlong, P. 2002. A Skin Not a Sweater: Ontology & Epistemology in Political Science. In: Marsh, D. and Stoker, G. eds. *Theory and Methods in Political Science.* 2nd ed. Basingstoke: Palgrave MacMillan.

Mayall, J. 2000. *World Politics : Progress and its Limits.* Cambridge: Polity Press.

MFA, S.A. 2013. *Statement on Security Council Membership.* October 18, 2013 [Accessed September 2nd 2016]. Available from: http://www.cfr.org/saudi-arabia/saudi-arabia-ministry-foreign-affairss-statement-security-council-membership-october-2013/p31667.

Miller, B. 2010. Democracy Promotion: Offensive Liberalism versus the Rest (of IR Theory). *Millennium - Journal of International Studies.* **38**(3), pp.561-591.

Moon, B.K. 2008. *Secretary-General Defends, Clarifies 'Responsibility to Protect'.* Berlin: Responsible Sovereignty: International Cooperation for a Changed World.

Moon, B.K. 2011. *Statement on Libya.* [Online]. [Accessed January 5th]. Available from: http://www.un.org/apps/news/infocus/sgspeeches/statments_f ull.asp?statID=1112#.Vou_pvmLTcs.

Morris, J. 2005. Normative Innovation and The Great Powers. In: Bellamy, A.J. ed. *International Society and its Critics.* Oxford: Oxford University Press, pp.265-281.

Morris, J. 2013a. From 'Peace by Dictation' to International Organisation: Great Power Responsibility and the Creation of the United Nations. *The International History Review.* **35**(3), pp.511-533.

Morris, J. 2013b. Libya and Syria: R2P and the spectre of the swinging pendulum. *International Affairs.* **89**(5), pp.1265-1283.

Murray, R.W. 2013. Introduction. In: Murray, R.W. ed. *System, Society & The World: Exploring The English School of International Relations.* [Online]. e-International Relations, pp.8-14.

Navari, C. 2009a. Introduction. In: Navari, C. ed. *Theorising International Society: English School Methods.* Basingstoke: Palgrave MacMillan.

Navari, C. 2009b. What the Classical English School was Trying to Explain, and Why its Members Were not Interested in Causal Explanation. In: Navari, C. ed. *Theorising International Society: English School Methods.* Basingstoke: Palgrave MacMillan.

Navari, C. 2010. The concept of practice in the English School. *European Journal of International Relations.* **17**(4), pp.611-630.

Navari, C. 2013. World Society & English School Methods. In: Murray, R.W. ed. *System, Society & The World: Exploring The English School of International Relations.* [Online]. e-International Relations, pp.15-18.

Navari, C. and Green, D.M. 2014. *Guide to the English School in International Studies.* Oxford: Wiley Blackwell.

Neumann, I.B. 2002. Returning practice to the linguistic turn: : The Case of Diplomacy. *Millennium - Journal of International Studies.* **31**(3), pp.627-651

O'Hagan, J. 2005. The Question of Culture. In: Bellamy, A.J. ed. *International Society and its Critics.* Oxford: Oxford University Press, pp.209-228.

OAU. 2000. *Constitutive Act of the African Union.* Heads of State and Government of the Member States of the Organization of African Unity.

Obama, B. 2011. *The future of Syria must be determined by its people, but President Bashar al-Assad is standing in their way.* AUGUST 18th 2011 [Accessed February 24th 2017]. Available from: https://www.whitehouse.gov/blog/2011/08/18/president-obama-future-syria-must-be-determined-its-people-president-bashar-al-assad.

Obama, B. et al. 2011. *Libya's Pathway to Peace* New York Times (International Herald Tribune). April 14th 2011. [Accessed February 21st 2017]. Available from: http://www.nytimes.com/2011/04/15/opinion/15iht-edlibya15.html.

Ogwu, U.J. 2011. *Letter dated 24 March 2011 from the Permanent Representative of Nigeria to the United Nations addressed to the President of the Security Council (S/2011/182)* New York.

[Accessed February 24th 2017]. Available from: http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Cote%20d'Ivoire%20s%202011%20182.pdf.

Onuf, N. 1994. The Constitution of International Society. *European Journal of International Law.* **5**(1), pp.1-19.

Orchard, P. 2016. R2P and the Protection of IDPs: Parallel Regimes. In: *POLIS School Seminar Series*, *July 18th 2016, POLIS, University of Leeds*.

Orwell, G. 1987. *Animal Farm: A Fairy Story.* London: Secker & Warburg.

OSAPG, U. 2010. *UN Secretary-General's Special Advisers on the Prevention of Genocide and the Responsibility to Protect on the Situation in Côte d' Ivoire*. New York. 29 December 2010. [Accessed February 24th 2017]. Available from: http://www.un.org/en/genocideprevention/documents/media/statements/2010/English/2010-12-29-Special%20Advisers'%20Statement%20on%20Cote%20d'Ivoire,.pdf.

OSAPG, U. 2011a. *Special Advisers of the United Nations Secretary-General on the Prevention of Genocide, Francis Deng, and on the Responsibility to Protect, Edward Luck, on the situation in Syria. .* New York. 21 July 2011. [Accessed February 24th 2017]. Available from: http://www.un.org/en/genocideprevention/documents/media/statements/2011/English/2011-07-21-OSAPG%20statement%20Syria%2022%20July%202011%20FINAL.pdf.

OSAPG, U. 2011b. *Statement attributed to the UN Secretary-General's Special Advisers on the Prevention of Genocide and the Responsibility to Protect on the Situation in Côte d'Ivoire*. New York. 19 January 2011. [Accessed February 24th 2017]. Available from: http://www.un.org/en/genocideprevention/documents/media/statements/2011/English/2011-01-19-OSAPG,%20Special%20Advisers%20Statement%20on%20Cote%20d'Ivoire,%2019%20Jan%202011.pdf.

OSAPG, U. 2011c. *UN Secretary-General Special Adviser on the Prevention of Genocide, Francis Deng, and Special Adviser on the Responsibility to Protect, Edward Luck, on the Situation in Libya* New York. 22 February 2011. [Accessed February 24th 2017]. Available from: http://www.un.org/en/genocideprevention/documents/media/statements/2011/English/2011-02-22-OSAPG,%20Special%20Advisers%20Statement%20on%20Libya,%2022%20February%202011.pdf.

OSAPG, U. 2012a. *Marking a full year of violent suppression of anti-government protests in Syria, the United Nations Secretary-General's Special Advisers on the Prevention of Genocide,*

Benedict Docherty

Francis Deng, and on the Responsibility to Protect, Edward Luck, release the following statement: . New York. 15 March 2012. [Accessed February 24th 2017]. Available from: http://www.un.org/en/genocideprevention/documents/media/statements/2012/English/2012-03-15-Statement%20on%20Syria%2015%20March%20FINAL%20EN.pdf.

OSAPG, U. 2012b. *Statement of the Special Adviser of the Secretary-General on the Prevention of Genocide on the situation in Syria* New York. 20 December 2012. [Accessed February 24th 2017]. Available from: http://www.un.org/en/genocideprevention/documents/media/statements/2012/English/2012-12-20-OGPRtoP%2020%20December%20Statement%20on%20Syria%20-%20ENGLISH.pdf.

OSAPG, U. 2012c. *Statement of the Special Advisers of the Secretary-General on the Prevention of Genocide and on the Responsibility to Protect on the situation in Syria* New York. 14 June 2012. [Accessed February 24th 2017]. Available from: http://www.un.org/en/genocideprevention/documents/media/statements/2012/English/2012-06-14-Statement%20-%20English.pdf.

OSAPG, U. 2012d. *The UN Secretary-General's Special Advisers on the Prevention of Genocide, Francis Deng, and on the Responsibility to Protect, Edward Luck, urge immediate action to end violence in Syria* New York. 10 February 2012. [Accessed February 24th 2017]. Available from: http://www.un.org/en/genocideprevention/documents/media/statements/2012/English/2012-02-10-Statement%20on%20Syria%2010%20Feb%202012%20-%20ENGLISH.pdf.

Philips, N. 2013. *Contribution to BISA 2013 Annual Conference Plenary "International Relations and the Real World"*. Birmingham: BISA 2013 Annual Conference.

Ralph, J. 2007. *Defending The Society of States: Why America opposes the International Criminal Court and its vision of world society.* Oxford: Oxford University Press.

Ralph, J. 2014. The Liberal State in International Society: Interpreting recent British Foreign Policy. *International Relations.* **28**(1), pp.3-24.

Ralph, J. and Gallagher, A. 2014. Legitimacy faultlines in international society: The responsibility to protect and prosecute after Libya. *Review of International Studies.* pp.1-21.

Ralph, J. and Gifkins, J. 2016. The purpose of Security Council practice. Contesting competence claims in the normative contect created by the Responsibility to Protect. *European Journal of International Relations.* **NA**(NA

1-20).

Benedict Docherty

Ralph, J. et al. 2017. Before the vote. UK foreign policy discourse on Syria 2011-2013. Review of International Studies. ISSN 0260-2105 (In Press). *Review of International Studies.* **In Press**.

Reiff, D. 2011. *R2P, R.I.P.* [Online]. [Accessed January 5th]. Available from: http://www.nytimes.com/2011/11/08/opinion/r2p-rip.html?_r=0.

Reinold, T. 2013. *Sovereignty and the Responsibility to Protect: The power of norms and the norms of the powerful.* Abingdon: Routledge.

Reus-Smit, C. 1997. The Constitutional Structure of International Society and the Nature of Fundamental Institutions. *International Organization.* **51**(04), pp.555-589.

Reus-Smit, C. 2005. Liberal hierarchy and the licence to use force. *Review of International Studies.* **31**, pp.71-92.

Reus-Smit, C. 2007. International Crises of Legitimacy. *International Politics.* **44**(2/3), pp.157-174.

Rim, Y. 2012. Two Governments and One Legitimacy: International Responses to the Post-Election Crisis in Cote d'Ivoire. *Leiden Journal of International Law.* **25**(3), pp.683-705.

Risse, T. and Sikkink, K. 1999. The socialization of international human rights norms into domestic practices: introduction. In: Risse, T., et al. eds. *The Power of Human Rights: International Norms and Domestic Change.* Cambridge: Cambridge University Press, pp.1-38.

Roberson, B.A. 2002. Proving the Idea and Prospects for International Society. In: Roberson, B.A. ed. *International Society and the Development of International Relations Theory.* London: Continuum, pp.1-16.

S/96/Rev.7. 1982.

S/RES/1970. (2011). *February 26th 2011*. 1-10.

S/RES/2118. (2013). *September 27th 2013*. 1-13.

Schnabel, A. and Thakur, R. 2000. *Kosovo and the Challenge of Humanitarian Intervention: Selective Indigation, Collective Action and International Citizenship.* USA: United Nations University Press.

SCR. 2010. *Update Report No. 2: Côte d'Ivoire: December 7th 2010.* [Online]. [Accessed February 24th 2017]. Available from: http://www.securitycouncilreport.org/update-report/lookup-c-glKWLeMTIsG-b-6433491.php.

SCR. 2011a. *January 2011 Monthly Forecast (22 December 2010).* [Online]. [Accessed February 24th]. Available from: http://www.securitycouncilreport.org/monthly-forecast/2011-01/lookup_c_glKWLeMTIsG_b_6453275.php.

SCR. 2011b. *March 2011 Monthly Forecast (28 February 2011).* [Online]. [Accessed February 24th]. Available from: http://www.securitycouncilreport.org/monthly-forecast/2011-03/lookup_c_glKWLeMTIsG_b_6579245.php

SCR. 2011c. *SCR May 2011 Monthly Forecast: 29 April 2011.* [Online]. [Accessed February 24th]. Available from:

http://www.securitycouncilreport.org/monthly-forecast/2011-05/lookup_c_glKWLeMTIsG_b_6747629.php.

SCR. 2011d. *SCR Update Report No.3: Cote d'Ivoire: 20 April 2011.* [Online]. [Accessed February 24th]. Available from: http://www.securitycouncilreport.org/update-report/lookup-c-glKWLeMTIsG-b-6743367.php.

SCR. 2011e. *Update Report No. 3: Côte d'Ivoire: January 14th 2011.* [Online]. [Accessed February 24th]. Available from: http://www.securitycouncilreport.org/update-report/lookup-c-glKWLeMTIsG-b-6496461.php.

SCR. 2011f. *What's in Blue: Insights on Côte d'Ivoire (5 APR 2011).* [Online]. [Accessed February 24th]. Available from: http://www.whatsinblue.org/2011/04/insights-on-c244te-divoire.php.

SCR. 2011g. *What's in Blue: Insights on Côte d'Ivoire (11 APR 2011).* [Online]. [Accessed February 24th]. Available from: http://www.whatsinblue.org/2011/04/insights-on-cote-divoire-11.php.

SCR. 2011h. *What's in Blue: Insights on Côte d'Ivoire (March 30th 2011).* [Online]. [Accessed February 24th]. Available from: http://www.whatsinblue.org/2011/03/insights-on-cote-divoire-9.php

Shaikh, S. and Roberts, A. 2016. Commentary: The Council's Failure on Syria. In: von Einsiedel, S., et al. eds. *The United Nations Security Council in the Twenty First Century.* London: Reinner, pp.741-746.

Sharp, P. 2009. *Diplomatic Theory of International Relations.* Cambridge: Cambridge University Press.

Shaw, M. 1992. Global Society and Global Responsibility: The Theoretical, Historical and Political Limits of "International Society". *Millennium - Journal of International Studies.* **21**(3), pp.421-434.

Shawki, N. 2011. Responsibility to Protect: The Evolution of an International Norm. *Global Responsibility to Protect.* **3**(2), pp.172-196.

Sibbald, D. *Robert Burns – "To a louse, on seeing one on a lady's bonnet at Church" (1786).* [Online]. [Accessed September 2nd 2016]. Available from: http://www.robertburns.plus.com/louse.htm.

Simpson, G.J. 2003. *Great powers and outlaw states: unequal sovereigns in the international legal order.* Cambridge: Cambridge University Press.

Souter, J. 2016. Good international citizenship and special responsibilities to protect refugees. *British Journal of Politics and International Relations.*

Stahn, C. 2007. Responsibility to Protect: Political Rhetoric or Emerging Legal Norm. *The American Journal of International Law.* **101**(1), pp.99-120.

Stivachtis, Y. 2013. The English and the Study of Sub-global International Societies. *System, Society & The World: Exploring*

Benedict Docherty

The English School of International Relations. [Online]. e-International Relations, pp.43-50.

Suganami, H. 1982. International Law. In: Mayall, J. ed. *The Community of States: A Study of International Political Theory.* London: Allen & Unwin, pp.63-72.

Suganami, H. 1983. The Structure of Institutionalism: an Anatomy of British Mainstream International Relations. *International Relations.* **7**(5), pp.2363-2381.

Tardy, T. and Zaum, D. 2016. France and the United Kingdom in the Security Council. In: von Einsiedel, S., et al. eds. *The United Nations in the Twenty First Century.* London: Reinner, pp.121-138.

Thakur, R. 2011. *Editorial Opinion: UN breathes life into 'responsibility to protect'.* [Online]. [Accessed January 5th]. Available from: http://www.thestar.com/opinion/editorialopinion/2011/03/21/un_breathes_life_intoresponsibility_to_protect.html.

Toope, S.J. 2005. Global Governance by Force? Pluralism or Solidarism? *Policy Options.* (February), pp.60-62.

Trenin, D. 2016. Russia in the Security Council. In: von Einsiedel, S., et al. eds. *The United Nations Security Council in the Twenty First Century.* London: Reinner, pp.105-120.

UN. 2012. *Kofi Annan resigns as UN-Arab League Joint Special Envoy for Syrian crisis: August 2nd 2012.* [Online]. [Accessed January 4th]. Available from: http://www.un.org/apps/news/story.asp?NewsID=42609#.Vop1K_mLTcs.

United Nations SC/10105, Security Council calls for respect of outcome of elections in Côte d'Ivoire, warning of "targeted measures" against anyone threatening the peace process, 8th December 2010

United Nations SC/10124, Security Council expresses concern about violence against civilians in Côte d'Ivoire, urging restraint, 16th December 2010

United Nations SC/10135, Security Council condemns attacks against UN mission in Côte d'Ivoire, warning those responsible will be brought to justice, 20th December 2010

United Nations SC/10180, Security Council condemned the use of force against civilians, called on Libya to meet its responsibility to protect civilians and stressed accountability, 22nd February 2011

United Nations SC/10191, Security Council expresses concern about risk of resurgence of civil war, urges all parties to show restraint to prevent it and to resolve their differences peacefully, 3rd March 2011

United Nations SC/10224, Security Council press statement on situation in Côte d'Ivoire, 13th April 2011

UNGA. 1945. *Charter of the United Nations.* United Nations.

UNGA. A/RES/60/1. *September 16th 2005,*

UNGA. A/RES/66/253 A. *February 16th 2012,*

UNGA. A/RES/66/253 B. *August 7th 2012,*

Benedict Docherty

UNOCI. 2010. *Retranscription du point de presse du Représentant spécial du Secrétaire général de l'ONU pour la Côte d'Ivoire*. Abidjan. 3 December 2010. [Accessed February 24th 2017]. Available from: http://www.un.org/en/peacekeeping/missions/unoci/documents/unoci_srsg_point%20de%20presse_03122010.pdf.

United Nations Security Council, S/2011/137, Letter dated 14 March 2011 from the Permanent Observer of the League of Arab States to the United Nations addressed to the President of the Security Council

United Nations Security Council, S/2011/612, draft resolution dated 4th October 2011

United Nations Security Council, S/2012/77, draft resolution, dated 4th February 2012

United Nations Security Council, S/2012/538, draft resolution dated 19th July 2012

United Nations Security Council S/2014/348, draft resolution dated 22nd May 2014

UNSG. 2011a. *Letter dated 4 April from the Secretary-General addressed to the President of the Security Council (S/2011/221)* 4 April 2011. [Accessed February 24th 2017]. Available from: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2011/221.

UNSG. 2011b. *Letter dated 7 January 2011 from the Secretary-General to the President of the Security Council (S/2011/5)*. [Accessed February 24th 2017]. Available from: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2011/5

UNSG. 2011c. *Secretary-General's remarks at high-level meeting on Cote d'Ivoire*. Addis Ababa. 29 January 2011. [Accessed September 7th 2016]. Available from: https://www.un.org/sg/en/content/sg/statement/2011-01-29/secretary-generals-remarks-high-level-meeting-cote-d39ivoire.

United Nations S/PRST/2011/16, Statements made by the President of the Security Council on 3rd August 2011, Middle East

United Nations S/PRST/2012/6, Statements made by the President of the Security Council on 21st March 2012, Middle East

United Nations S/PRST/2013/15, Statements made by the President of the Security Council on 2nd October 2013, The situation in the Middle East

United Nations S/PV 6300, Implementation of the note by the President of the Security Council (S/2006/507), 22nd April 2010, pg.1-38

United Nations S/PV 6354, Protection of civilians in armed conflict, 7th July 2010, pg.1-33

United Nations S/PV 6427, Protection of civilians in armed conflict, 22nd November 2010, pg.1-38

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United Nations S/PV 6437, The situation in Côte d'Ivoire, 7th December 2010, pg.1-3

United Nations S/PV 6490, Peace and security in Africa, 25th February 2011, pg.1-5

United Nations S/PV 6491, Peace and security in Africa, 26th February 2011, pg.1-8

United Nations S/PV 6498, The situation in Libya, 17th March 2011, pg.1-10

United Nations S/PV 6505, The situation in Libya, 24th March 2011, pg.1-4

United Nations S/PV 6506, The situation in Côte d'Ivoire, 25th March 2011, pg.1-6

United Nations S/PV 6508, The situation in Côte d'Ivoire, 30th March 2011, pg.1-8

United Nations S/PV 6513, The situation in Côte d'Ivoire, 13th April 2011, pg.1-9

United Nations S/PV 6520, The situation in the Middle East, including the Palestinian question, 21st April 2011, pg.1-30

United Nations S/PV 6524, The situation in the Middle East, 27th April 2011, pg.1-13

United Nations S/PV 6528, The situation in Libya, 4th May 2011, pg.1-14

United Nations S/PV 6531, Protection of civilians in armed conflict, 10th May 2011, pg.1-36

United Nations S/PV 6555, The situation in Libya, 15th June 2011, pg.1-5

United Nations S/PV 6566, The situation in Libya, 27th June 2011, pg.1-5

United Nations S/PV 6572, The situation in the Middle East, 30th June 2011, pg.1-8

United Nations S/PV 6584, The situation in Côte d'Ivoire, 18th July 2011, pg.1-6

United Nations S/PV 6590, The situation in the Middle East, including the Palestinian question, 26th July 2011, pg.1-34

United Nations S/PV 6595, The situation in Libya, 28th July 2011, pg.1-5

United Nations S/PV 6620, The situation in Libya, 16th September 2011, pg.1-8

United Nations S/PV 6621, Maintenance of international peace and security, 22nd September 2011, pg.1-24

United Nations S/PV 6627, The situation in the Middle East, 4th October 2011

United Nations S/PV 6636, The situation in the Middle East, including the Palestinian question, 24th October 2011, pg.1-34

United Nations S/PV 6639, The situation in Libya, 26th October 2011, pg.1-7

United Nations S/PV 6640, The situation in Libya, 27th October 2011, pg.1-2

United Nations S/PV 6650, Protection of civilians in armed conflict, 9th November 2011, pg.1-35

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United Nations S/PV 6672, Implementation of the note by the President of the Security Council (S/2010/507), 30th November 2011, pg.1-26

United Nations S/PV 6705, The promotion and strengthening of the rule of law in the maintenance of international peace and security, 19th January 2012, pg.1-31

United Nations S/PV 6710, The situation in the Middle East, 31st January 2012, pg.1-33

United Nations S/PV 6711, The situation in the Middle East, 4th February 2012, pg.1-15

United Nations S/PV 6734, The situation in the Middle East, 12th March 2012, pg.1-28

United Nations S/PV 6756, The situation in the Middle East, 21st April 2012, pg.1-12

United Nations S/PV 6757, The situation in the Middle East, including the Palestinian question, 23rd April 2012, pg.1-35

United Nations S/PV 6789, United Nations peacekeeping operations, 20th June 2012, pg.1-29

United Nations S/PV 6790, Protection of civilians in armed conflict, 25th June 2012, pg.1-34

United Nations S/PV 6810, The situation in the Middle East, 19th July 2012, pg.1-17

United Nations S/PV 6816, The situation in the Middle East, including the Palestinian Question, 25th July 2012, pg.1-37

United Nations S/PV 6826, The situation in the Middle East, 30th August 2012, pg.1-38

United Nations S/PV 6841, The situation in the Middle East, 26th September 2012, pg.1-28

United Nations S/PV 6847, The situation in the Middle East, including the Palestinian question, 15th October 2012, pg.1-38

United Nations S/PV 6870, Implementation of the note by the President of the Security Council (S/2010/507), 26th November 2012, pg.1-34

United Nations S/RES/1765 (2007), adopted by the Security Council at its 5716th meeting, on 16th July 2007

United Nations S/RES/1962 (2010), adopted by the Security Council at its 6458th meeting, on 20th December 2010

United Nations S/RES/1970 (2011), adopted by the Security Council at its 6491st meeting, on 26th February 2011

United Nations S/RES/1973 (2011), adopted by the Security Council at its 6498th meeting, on 17th March 2011

United Nations S/RES/1975 (2011), adopted by the Security Council at its 6508th meeting, on 30th March 2011

United Nations S/RES/2042 (2012), adopted by the Security Council at its 6751st meeting, on 14th April 2012

United Nations S/RES/2043 (2012), adopted by the Security Council at its 6756th meeting, on 21st April 2012

United Nations S/RES/2118 (2013), adopted by the Security Council at its 7038th meeting, on 27th September 2013

United Nations S/RES/2139 (2014), adopted by the Security Council at its 7116th meeting, on 22nd February 2014

United Nations S/RES/2165 (2014), adopted by the Security Council at its 7216th meeting, on 14th July 2014

United Nations S/RES/2249 (2015), adopted by the Security Council at its 7565th meeting, on 20th November 2015

Vincent, R.J. 1974. *Nonintervention and international order.* Princeton: Princeton University Press.

Vincent, R.J. 1986. *Human Rights and International Relations.* Cambridge: The Royal Institute of International Affairs in association with Cambridge University Press.

Viotti, M.L.R. A/66/551-S/2011/701. *11th November 2011,*

VOA. 2010. *Turnout in Ivorian Presidential Election Near 80 Percent.* [Online]. [Accessed February 24th]. Available from: http://www.voanews.com/a/vote-counting-underway-in-ivory-coast-presidential-election-106443939/129507.html.

von Einsiedel, S. et al. 2016a. Conclusion: The Security Council and a World in Crisis. In: von Einsiedel, S., et al. eds. *The United Nations Security Council in the Twenty First Century.* London: Reinner, pp.827-876.

Von Einsiedel, S. et al. 2016b. *The United Nations Security Council in the 21st Century.* London: Reinner.

Waever, O. 2002. Four Meanings of International Society: A Trans-Atlantic Dialogue. In: Roberson, B.A. ed. *International Society and the Development of International Relations Theory.* London: Continuum, pp.80-144.

Wallensteen, P. and Johansson, P. 2016. The UN Security Council: Decisions and Actions. In: von Einsiedel, S., et al. eds. *The United Nations Security Council in the Twenty First Century.* London: Reinner, pp.27-56.

Waltz, K.N. 1979. *Theory of International Politics.* Illinois: Waveland Press.

Watson, A. 1992. *The Evolution of International Society.* London: Routledge.

Watson, A. 2001. Foreword - Forum on The English School. *Review of International Studies.* **27**(03), pp.467-470.

Watson, R. 1995. *The Poetry of Scotland: Gaelic, Scots and English 1380-1980.* Edinburgh: Edinburgh University Press.

Weinert, M.S. 2011. Reframing the Pluralist-Solidarist Debate. *Millennium - Journal of International Studies.* **40**(1), pp.21-41.

Weiss, T.G. 2011. RtoP Alive and Well after Libya. *Ethics in International Affairs.* **25**(3), pp.287-292.

Weiss, T.G. 2016a. Humanitarian Action and Intervention. In: von Einsiedel, S., et al. eds. *The United Nations Security Council in the Twenty First Century.* London: Reinner, pp.217-234.

Weiss, T.G. 2016b. *Humanitarian Intervention.* 3rd ed. Cambridge: Polity.

Welsh, J.M. 2004. *Humanitarian Intervention and International Relations.* Oxford: Oxford University Press.

Benedict Docherty

Welsh, J.M. 2011. A normative case for pluralism: reassessing Vincent's views on humanitarian intervention. *International Affairs.* **87**(5), pp.1193-1204.

Welsh, J.M. 2012. The Responsibility to Protect: Dilemmas of a New Norm. *Current History.* **111**(748), pp.291-298.

Welsh, J.M. 2013. Norm Contestation and the Responsibility to Protect. *Global Responsibility to Protect.* **5**(4), pp.365-396.

Wenaweser, C. 2016. Working Methods: The Ugly Duckling of Security Council Reform. In: von Einsiedel, S., et al. eds. *The United Nations Security Council in the Twenty First Century.* London: Reinner, pp.175-194.

Wendt, A. 1992. Anarchy is what states make of it: the social construction of international power politics. *International Organization.* **46**(2), pp.391-425.

Wheeler, N.J. 1992. Pluralist or Solidarist Conceptions of International Society: Bull and Vincent on Humanitarian Intervention. *Millennium - Journal of International Studies.* **21**(3), pp.463-487.

Wheeler, N.J. 2000. *Saving Strangers: Humanitarian Intervention in International Society.* Oxford: Oxford University Press.

Wheeler, N.J. and Dunne, T. 1998. Good international citizenship: a third way for British foreign policy. *International Affairs (Royal Institute of International Affairs 1944-).* **74**(4), p847.

Wheeler, N.J. and Dunne, T. 2000. *Human Rights in Global Politics.* Cambridge: Cambridge University Press.

Wheeler, N.J. and Dunne, T. 2002. Hedley Bull and the Idea of a Universal Moral Community: Fictional, Primordial or Imagined? In: Roberson, B.A. ed. *International Society and the Development of International Relations Theory.* London: Continuum, pp.43-58.

Whitfield, T. 2016. Groups of Friends. In: von Einsiedel, S., et al. eds. *The United Nations Security Council in the Twenty First Century.* London: Reinner, pp.491-506.

Wight, M. 1991. *International Theory : The Three Traditions.* London: Continuum.

Zoubir, Y.H. 2006. The United States and Libya: From Confrontation to Normalization. *Middle East Policy.* **13**(2), pp.48-70.

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