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State Building Interventions in Post Cold War Period: A Critique of 'Responsibility to Protect' and 'Humanitarianism'

Shahida Aman*

Abstract

This paper explores the concepts of humanitarianism and responsibility to protect, which have most influentially guided state building interventions in the post Cold War period. With more than fifty states intervened in the guise of 'responsibility to protect,' this paper attempts to analyze why interventionist state building has developed as a major concern for the international state system. It further delves into the impacts of such interventionist rationale on the nature and functioning of the international state system. This paper argues the rise of sovereignty as responsibility and humanitarianism challenged the inviolable sovereignty of states by making it conditional on the government's exercise of monopoly over violence within its territory and extension of protection to its citizens against war, crimes, violence and bloodshed. It acted as a prelude to intervention in many cases, however, it has also come under criticism for lack of legal grounds, no universal applicability, strategic contestation by major powers, pro-active support for intervention harming the pacifist nature of humanitarianism and for intervention being a militarily imperial exercise. The paper further argues that the selective application of the principle of human security and non-intervention by major powers in crucial conflicts makes the moral ground of this principle very dubious. It also highlights that in post 9/11 period, the mixed successes of these concepts in practice, resulting form a large number of political, institutional and operational challenges, underlie the need to use non-military diplomatic, political and economic means for conflict resolution.

Key words: Conflict societies, interventionism, Responsibility to Protect, State-building.

Introduction

As compared to the Cold War period when international intervention for building states in conflict societies were few and far between, the post Cold War period has witnessed a revival of interventionist state building practice. State building interventions in the Cold War period, with the exception of a few isolated cases, can be

* Shahida Aman is an Assistant Professor at the Department of Political Science, University of Peshawar, Pakistan. Email: shahida_aman@uop.edu.pk

characterized as less intrusive, involving unilateral and multilateral funded aid programmes and planning focused on socio-economic growth. Superpowers did meddle in strategically significant states to hoist friendly regimes, or support friendly leaders, but these did not aim to completely restructure state's institutional capacity. Such non-intrusive interventions were influenced by contending theories on state's role in growth and development. The 1960s development theory's emphasis on centralized planning and effective state control over economy was contested in 1980s and early 1990s by the neo-liberal agenda of limiting state's role and influence in economic development. It was the era of UN first generation peace keeping exercises that followed principles of neutrality in the domestic affairs of the host state and minimum force in conflict situations. While the UN role was largely non-intrusive, the United States (US) played an active state building role in Japan, South Korea and Vietnam and the Soviet Union in competing blocs of Eastern Europe, some states of Latin America and Asia.

The end of Cold War period significantly increased the frequency of civil war occurrences; resulting humanitarian and security challenges prompted the UN and international community to embark on a pro-active interventionist peace building and state building role in conflict states. The surge in such conflicts stimulated academic, policy-making and practitioner's interest in ways and means of reviving states once these suffered failure. This pro-active international concern can be attributed to a growing international recognition that only effective states can build peace and stimulate growth. The security challenges emanating from failed states added another stimulating dimension for pro-active international engagement in conflict states. It led to a reorientation of the role of UN from peacekeeping to peace and state building. Most of all, the rise of concepts of sovereignty as responsibility and humanitarian intervention played a central role in reviving the intrusive model of state building. This new international environment made international intervention for state building a more acceptable norm and changed its character to an invasive nature of creating and rebuilding state institutions and promoting liberal political and economic order. This paper attempts to explore the concept of 'Responsibility to Protect' (R2P) in a critical light and argues that in cases, such as Afghanistan, the overwhelming rationale for international intervention in post-2000 period was not the moral responsibility to act in defense of Afghan population, or to build a robust Afghan state, but to capture the perpetrators of 9/11. Therefore, till 2003, Afghan invasion was run more in a counter-insurgency manner, rather than a state building one. This paper further criticizes the concept of R2P and humanitarianism for re-

igniting an imperialist military dimension, its lack of universal application and legal ground and strategic contestation by major powers. The paper develops its arguments through five sections. Introduction is followed by the debate on the rise of concepts of 'humanitarianism' and 'Responsibility to Protect.' This is pursued by a critical appraisal of the concepts and its current manifestations in post-2001 period. The last section provides the conclusions.

The Rise of Sovereignty as Responsibility and Humanitarian Intervention for State Building

The end of Cold War and the new security paradigm, wherein, the UN was called upon to administer peace and governance in conflict states, generated debates among scholars and donor agencies on the modes, justifications and mandates of international intervention. A large number of conflict states were intervened to end wars, restore peace and re-build effective statehoods. Somalia, Sudan, Haiti, Liberia, Sierra Leone, the Balkans, East Timor, Afghanistan and more than forty other states have been intervened in the post Cold War era; the rationale is state's failure to protect population again war and violence and the remedy is international intervention for state building. Transnational terrorism, civil wars, population displacement, declining standards of living, and disease spreads, among others are cited as some common ailments afflicting failed states that justify the paradoxical practice of contravening a state's international sovereignty for restoring its domestic sovereignty. These interventions ignited debates at the international level on the need and justifications for such peace and state building operations. Two sources of authority are primarily invoked to authorize such peace and state building interventions. One is procedural and involves either consent by an affected state to intervention for rebuilding, or delegation by the UN Security Council to an International Transitional Authority (ITA) for discharging governance functions in conflict states.[1] Consent for intervention from the affected state or a party to a conflict is secured through mediation, usually undertaken by a third party or parties.[2] In Bosnia and Herzegovina (BiH), a Transitional Administration was created with the consent of all parties to the conflict under Dayton Agreement's General Framework for Peace (GEAP). Delegation as a source of authority for intervention is invoked under Chapter 7 (Article 41 and 42) of UN Charter, which gives Security Council a right to determine the existence of threats and measures to be undertaken for restoring international peace and security.[3]

The second source of authority for state building intervention in post Cold War period is normative; promotion of human rights, democracy and effective statehood. Such intervention centers on a

state's domestic condition of lack of effective government, human rights violation and state repression. These shortcomings are understood to confer legitimacy on the international intervener to physically and militarily intervene for restoration of effective state authority.[4] It is here that concepts of 'sovereignty as responsibility' and 'humanitarian interventionism' are used as a justifying rationale for peace and state building missions in conflict societies. These concepts make the exercise of sovereign authority by the domestic sovereign, conditional on having a substantial legitimate monopoly on the use of force internally and provision of physical security, civil and political liberties to the population. Inability to provide protection to domestic population is conveniently turned into a justification for international intervention to build the state's authority and legitimacy in the intervened society. Such an intervention in the absence of empirical statehood features, state collapse and massive human rights crisis is justified by some scholars, even notwithstanding an approval from the host government.[5]

The phenomenal rise in civil wars, humanitarian crisis, growing number of failed states and the pro-active UN role in peace building at the end of Cold War stimulated the concept of 'sovereignty as responsibility.' A number of academic studies appearing in mid 1990s confirmed the need to intervene in failed states in cases of debilitating conflicts and crises.[6] In 2001, the ICISS Report underlined a shift in emphasis from state security to human security by calling upon states to accept sovereignty as a responsibility; their responsibility to provide security to their citizens made them accountable to the international community for their acts of commission and omission.[7] In 2004, a UN Report further stressed on UN members to not only benefit from privileges of sovereignty but also accept its responsibilities of protecting citizen's welfare and failures on this count entailed a responsibility on international community to act in accordance with the UN principle of Collective Security.[8] Recounting domestic sovereignty failures and threats of genocides and transnational security concerns, Krasner, advocated trusteeship type arrangement and shared sovereignty contracts involving joint authority structures of local and international actors for managing governance in such states.[9] Other scholars followed suit. Ghani and Lockhart, for example, while proposing a new theory of sovereignty, blamed Third World backwardness on their 'sovereignty gap'; the difference between the de jure assumption of states being equal regardless of their functioning and the de jure reality of failing state institutions.[10] Some recent studies also denounce traditional concept of sovereignty for its failure to secure peace and call for a more responsible version of the concept centered

on human security and welfare.[11] The Responsibility to Protect (R2P) was formally adopted in the UN World Summit in 2005 underlining the three core principles of state's responsibility of protection of its people, international community's responsibility to help the state in fulfilling it and decisive collective action under the UN Charter when a state fails to protect its citizens from war, genocide, ethnic cleansing and crimes against humanity.[12]

One of state's essential attribute, sovereignty is traditionally understood as the monopoly of political power over rule making and enforcing within an authority's jurisdiction.[13] The Westphalian political order made recognition of a state's sovereignty contingent on effective exercise of authority over its territory. In post 1945 world, new states possessed few functioning institutions and little control over their territories.[14] However, the lack of empirical characteristics of statehood mattered little because the principle of legal equality of states and that of self determination ensured that politico-economic inadequacies mattered little in admission of post-colonial states to the international state system.[15] The UN Charter affirms the sovereign equality of all member states and obliges the members to refrain from using force against the territorial integrity and political independence of any state.[16] Therefore, sovereignty was understood as self government and non interference in domestic affairs of a state; resultantly even humanitarian emergencies did not serve as legitimate grounds for international intervention.

Two trends can explain the rise of what Zaum, prefers to call, 'new standards of civilization.'[17] First, increasing realization that indivisible and absolute concept of traditional sovereignty with emphasis on non-interference made the Third World elite act with impunity in handling the state's financial resources, promoting corruption and mismanagement of resources. Even, international monetary engagement had failed to make such governments responsible for bringing a meaningful change in the standards of living of their people.[18] In the light of a 'New World Order' emerging at the end of Cold War, a number of scholars demanded a change in the traditional norms of sovereignty. Second, international community's failure to prevent genocide in Rwanda, Burundi and Angola (1991-1993) through timely intervention spurred growing advocacy for intervention to protect human security. Calling for greater humanitarian interventionism in crises situations and foregoing of sovereignty as an inviolable principle of non-interference, these advocates supported intervention for a supposedly civilized world based on human rights. The result was the 1993 passing, for the first time UN resolutions advocating intervention for the protection of human security in cases of Haiti and Somalia.[19] It was partly humanitarian consideration that the

Security Council authorized military interventions in Rwanda, Haiti, Somalia, BiH, Albania, East Timor and Kosovo.[20] The subsequent paragraphs divulge analytically the principle of humanitarianism and responsibility to protect, which has largely defined the scope and limits of international state building involvement in post conflict societies.

Critiquing the Concept

The concepts of 'sovereignty as responsibility' and humanitarian intervention for state building are not without their share of limitations. Humanitarian justifications for such interventions raise important legal issues. Zartman, argues on the problematic determination of the authority to sit on judgment over issues of violation of human rights and the time for intervention and its recurring costs.[21] There are no straight forward answers to these questions. Questions are also raised over issues related to limited universal applicability of this principle. It is argued that intervention cases are being selected for their political and strategic significance and not on merit. The US intervention in Balkans after a lapse of four years was, it is argued, not propelled by humanitarian concerns, but by challenge to US security objective in securing NATO leadership.[22] The major power's contending interest is often reflected in disagreements over getting a unanimous support to Security Council resolutions on intervention in crisis ridden regions. For example, in mid 1990s, the UN resolutions for NATO air campaigns in Yugoslavia did not receive support from Russia, China and India on the pretext of violence that it would unleash.[23] A disagreement among UN Security Council members further halted a unanimous approval of air strikes against the present Syrian government in 2013, for prevention of atrocities on Syrian opposition forces and its citizens.

Other limitations of the 'responsibility to protect' doctrine consists in its often-late perusal. Examples include those of Somalia (1993), Rwanda (1994) and Bosnia (1995); all are accused to be exercises in 'too little too late' category, which were not only poorly resourced, but also poorly executed.[24] The inconsistent application of the principle of humanitarian intervention has resulted in calls for reframing the debate around not 'the right to intervene' but as a 'responsibility to protect.'[25] However, 'responsibility to protect' the population is foremost the prerogative of the native government and international community may get involved in protecting when the state government has failed direly to protect or is itself complicit in mass killings of its people. But 'responsibility to protect' goes beyond the simple intervention debate. Because to be able to protect means taking over the responsibility to run the state, build or re-build its institutions and improve the service delivery capacity of the state,

especially for security provision. The non-consistent application of this doctrine can be applied to the case of Afghanistan in the 1990s, when Soviet withdrawal from Afghanistan in 1989 plunged the country into a phase of civil war. The failure of UN to reach a broad based coalition government of the Mujahideen parties in Kabul led to a reign of terror and bloodshed in the country. It was the failure to intervene diplomatically and perhaps militarily that fighting escalated between different Mujahideen groups and ultimately led to the takeover of Kabul by the Taliban in September, 1996.[26]

Humanitarian intervention for state building is criticized for fostering reduced state capacity in the intervened state. This is self contradictory for the very purpose of such intervention is improving the host state's capacity to provide effective services to its population. Intervention has often created a foreign aid dependent regime, whose capacity to provide services and security is restrained as a multitude of international bodies, including the UN, specialized donor agencies and NGOs take over state functions.[27]

Human rights advocates criticize the principle of humanitarian intervention for going against the pacifist nature of human rights doctrine and at the price of loss to human lives. The political role of humanitarian activism is sharply criticized by Pupavac, who argues that active advocacy of intervention by the human rights activists comes at the cost of their impartiality and therefore NGOs came under attack while delivering services in conflict situations of Iraq and Afghanistan.[28] Humanitarians are further critical of military strikes to protect civilians, because of human casualties and their indirect influences on the cause of humanitarian relief in such areas. The NGOs are often targets of attacks after such strikes as they are perceived to be pro-Western, inhibiting their efforts to rescue and relief. Even in crisis situation such as Syria, where almost 2 million fled to neighbouring countries as refugees, Holmes argues against airstrikes for its propensity to kill significant number of civilians with consequences of disrupted humanitarian operations in both government and rebel held areas.[29]

It is additionally argued that humanitarian advocacy for intervention has important consequences for international relations theory and practice. This is because sovereignty is no longer conceived as a right of self government but a capacity that can be enhanced and weakened. The principle no doubt limits the concept of absolute and exclusive sovereignty of the states in the international system.[30] Krasner, for example, uses the problem of weak state capacity to argue that sovereignty and self government should not be a barrier to international intervention, because human rights would be protected if governments come to possess adequate governing capacity or domestic sovereignty.[31] An important

consequence of such an understanding on international relations theory is that it creates an image of a sovereignty hierarchy (asymmetrical sovereignty), where some states are regarded as more equal or sovereign than others. And those at the higher ladder of sovereignty hierarchy are assumed to intervene and help those at the lower ladder to move up through a process of state building. Hehir, calls this position an affront to the concept of sovereign equality of nations, which had revolutionized international relations by granting militarily and economically weak states equal status with the more powerful ones.[32]

Intervention for state building is often criticized as an imperial exercise, or conversely at times, as an exercise of 'empire in denial.' Chandler, for example, argues that Western intervention for building states through imposition rather than local evolution, resurrects the idea of liberal imperialism.[33] Wilde, further suggests that intervention on the basis of variable and conditional sovereignty regenerates the colonial practice. Under colonialism too, the right of statehood was granted initially to only 'civilized Christian states' and intervention was justified on moral grounds of civilizing the uncivilized races.[34] For Ignatieff too, nation building exercises in Bosnia, Kosovo and Afghanistan are imperial, because intervention aims at creating stable border zones through military means. And in the course of such intervention, nominal power returns to local governments, but real power continues to be exercised from major power centers.[35] Interventionist state building may be termed as an imperial exercise, but one where the imperial powers unlike the past are very reluctant to take up long term responsibility and accountability. The exercise of power without the corresponding requirement of responsibility and accountability is an exercise, in Chandler's words, of 'empire in denial'. He contends that the launching of state building exercise by major powers in intervened states is an attempt to deny political power by shifting of responsibility and accountability to the non-Western state itself.[36]

To answer the question, why power is exercised by the West without reviving direct relations of political domination, Cunliffe, explores Fukuyama's end of history argument about political responsibility, ideology and historical consciousness being intertwined and the ideologies of left and right during the Cold War providing the yardstick to measure meaningful change. He believes that end of ideology has led to the decline of historical consciousness entailing the lack of yardstick to assess or situate the exercise of power. Hence, the 'lack of appetite for empire' among the Western elites and governments, makes them project and promote interventionist state building instead.[37] Chandler, also argues that the end of superpower competition has left the remaining power

exhausted, without a mission or a sense of political purpose. Western elite's lack of conviction in their political goals has transformed their relationship to political power; they seek to reject rather than welcome the responsibilities of power.[38] To Pupavac, end of Cold War, which had given a sense of purpose to Western societies, has left the Western politicians struggling to identify common values to cohere their societies. This sense of purpose is articulated by intervention in aid of human rights and security.[39]

Humanitarian Intervention in Post-2001 Period

War on Terror and the subsequent invasion of Afghanistan is said to have generated more controversies on the legal constraints and political justifications for humanitarian interventionism. It was in October 2001 that the US led coalition started bombing Afghanistan followed by the entering into Kabul of the anti-Taliban Northern Alliance forces. By December 2001 a deal was struck between the Afghan groups at Bonn Germany for the formation of a post- Taliban interim government in Afghanistan.[40] The international state and peace building mission has completed more than a decade in Afghanistan. And by December 2014, NATO announced ending its 13 year combat mission in Afghanistan as 2014 turned out to be the bloodiest year in Afghan history since 2001.[41] Citing international callousness in not intervening in the 1990s civil war of Afghanistan, Ayub and Kouvi, rightly criticize the moral grounds of 2001 military intervention as nothing more than just a unilateral use of force in self defense. They argue that the resultant tensions between the US leadership's rhetoric of humanitarian concerns for invasion and the real grounds of intervention complicated the task of long term state building in Afghanistan.[42] The US counter-terrorism objectives that inspired invasion of Afghanistan in the first place, hardly proved compatible with state building objectives of constructing effective state institutions. US support to military warlords to fulfill short term security requirements, actually created hurdles in extending central government's control over these elements. This proved self defeating and paradoxical. Strategic intervention for rooting out non-state terrorist networks can stand a longer chance of success, only when state's coercive apparatus and monopoly over violence is strengthened and, not when anti-state militant outfits and their leaders are provided money and weapons for securing short term gains in the fight against extremism.

Similarly, the 2003 US invasion of Iraq was branded by UK PM Tony Blair as 'humanitarian intervention.' This use of a high moral ground was necessitated to justify the pursuit of major powers narrow geo-strategic and national interest, in many ways resembling the colonialism's rationale of 'white man's burden.'[43] Both these cases, highlight the changing dimension of the 'responsibility to

protect' concept in the wake of 9/11. As argued by Evans and Sohnoun, the cases of Afghanistan and Iraq are cases representing 'response to global terrorism' and 'preemption against acquisition of weapons of mass destruction,' which comes in the domain of 'scope and limits of countries' right to act in self defense,' rather than an obligation to intervene for protecting local population against brutalities.[44]

In the post 2005 period, the application of Responsibility to Protect concept shows a mixed record in the states of Kenya, Syria, Libya, Sri Lanka and Democratic Republic of Congo. Albright and Williamson identify several political, institutional and operational challenges to the effective implementation of this concept in the above cases. They contend that the most challenging operational issue is filling the gap between warning of a genocide, ethnic killings and the actual response to prevent it. Their argument stresses an effective engagement of the US with the R2P concept and for that they propose not only a clear US support for all its pillars and aspects, but also getting support of like minded states, positive engagement with the International Court of Justice, institutionalizing the various steps for genocide prevention and adoption of modern technologies for P2P's effective advancement.[45]

One of the test cases of R2P came in the context of intervention in Libya in 2011. This intervention was criticized by intervention opponents, not only on grounds of being another exercise in imperialism and preferential control over oil resources. The interesting fact being that even the proponents of intervention were critical of NATO's slow and inadequate response to the humanitarian crisis in Libya and for changing its previous objective from civilian protection to regime change in Libya. However, the intervention was initiated in a legal manner as the justification was sought by citing the demand for intervention by local population (those being attacked), authorization by Security Council Resolution (1973) and support by regional organization, such as the Arab League.[46] This intervention in Libya led an increasing demand for intervention in other cases, especially the case of Syria. It also highlighted as Evans and Sahnoun, argue the aspect of lack of agreed rules on intervention in the context of exercise of intervention as a right and in the debates of when and at what point.[47] Even if one generalizes the responsibility of protection of the local population to lie with the international community, then one is compelled to ask, responsibility of the international community to protect the local population against whose atrocities? Those of the state itself or non-state militant extremists? The case of Nigeria is interesting. In Nigeria, Boko Haram has quite successfully terrorized significant pockets of population in terms of mass abductions as well as killings;

however, this has not significantly influenced the UN or NATO or the US to intervene militarily to stop such brutalities.

It is necessary to debate further, how far the UN is capable to carry out intervention to build peace and restore effective statehood. UNs peace keeping strength was 78,000 personnel in 1993, which rose to 113,000 by 2002 due to NATO and other multinational force involvement in operation, for example in Afghanistan.[48] This has led some scholars to stress that a few more military interventions will stretch the UN capacity too thin and raise questions over how far contributing countries are prepared to sustain the burden in men and material.[49] Therefore, some recent reports while blaming the concept for its failure to respond satisfactorily and effectively to widespread violations of human rights and killings, also proposes to strengthen the preventive side of the doctrine through utilizing 'existing legal instruments and institutions for crisis prevention and management.'[50] This will work to resolve peace through non-military options and also do less harm to the international state system's sovereignty norms. These non-military means may include political and economic measures to coerce states into providing protection to their citizens. Military intervention needs to be used only as a last resort and that too after receiving rightful authority. Some scholars insist that rightful authority question being a tricky one can be answered through invoking the theory of 'just war.' This theory bases military action on actual or anticipated large scale loss of life or ethnic cleansing as a result of either deliberate state action or inability to act or state failure. Its major components include: 'right intention' of saving loss of precious lives; military intervention as a 'last resort' after all peaceful mechanisms for conflict resolution have been attempted; military action to be 'proportionate' to the intended objective in terms of scale and duration; and military intervention to have 'reasonable prospects' of success in terms of containing and not spreading the conflict further.[51] The question of 'right authority' in military intervention underscores that prior sanction for intervention must be obtained by a multilateral institution, such as the UN and its Security Council. In case of inability or unwillingness to act on the part of the Security Council, General Assembly under its special session could recommend action. There may also be authorization for military action by Regional Organizations, which are more conveniently placed in the region to intervene, though this need to be subsequently approved by the UN Security Council.[52]

Conclusion

This paper argued that the post Cold War international system coincided with the rise of concepts of responsibility to protect and humanitarian intervention. The concepts justified military

intervention by the international state system in conflict societies to restore effective statehoods. These concepts further challenged the inviolable sovereignty of the states and made sovereignty conditional on exercising monopoly over violence within a territory and extending protection to its citizens against war, crimes, violence and bloodshed. A major portion of the paper analyzes why interventionist state building emerged as a major concern for the international state system. It further explores the theory of humanitarianism, which has most influentially guided state building interventions in the post Cold War period. The application of the concepts is however criticized for lack of legal grounds, no universal applicability, contestation by major powers, pro-active support for intervention harming the pacifist nature of humanitarianism and for intervention being a military imperial exercise. This paper further contends that the War on Terror and the subsequent invasion of Afghanistan has generated more controversies on the legal constraints and political justifications for humanitarian interventionism. A large number of political, institutional and operational challenges remain to the effective implementation of this concept in new cases of conflict around the world. It is high-time that the non-military aspects of these concepts need to be explored for resolving crisis, and protect local populations from genocide and ethnic cleansing, including diplomatic, political and economic pressures. Besides, military intervention should be exercised only as a last resort and with appropriate authorization by the UN Security Council.

Notes:

1. As suggested by the cases of Bosnia and Herzegovina (BiH), Kosovo and East Timor. For details of these cases see Zaum, *The Sovereignty Paradox.*

2. Mediation is carried out in the wake of domestic government's failure to effectively manage a conflict and when there is a need to incorporate the interests of all the sides in a future political set up. Zartman, "Early and Early Late Prevention."

3. United Nations Mission in Kosovo (UNMIK), United Nations Transitional Authority in East Timor (UNTAET), and the High Representatives Office in BiH were created under Chapter 7 of the UN Charter. Such delegation of authority is regarded as legitimate only when there is unambiguous detailing of the scope and purpose of the delegated authority and censure by the delegating authority in case of in-appropriate exercise. See Zaum, *Sovereignty Paradox,* 54-55.

4. Ibid*.*

5. Deng, "State Collapse," 218-19; Zaum, *Sovereignty Paradox*, 226.

6. For example Lund, *Preventing Violent conflicts.* Another study legitimized foreign intervention in failed states, conditioned by the

existence of a higher international authority that ensured its acceptance of intervention norms: see Deng *et al.*, *Sovereignty as Responsibility.*

7.   See ICISS, "The Responsibility to Protect."

8.   *A More Secured World.*

9.   Krasner, "Governance Failures and Alternatives to Sovereignty."

10. They forward a Sovereignty Index for measuring a state's functionality, based on ten functions; monopoly over violence, administrative control, financial management, human capital investment, citizenship rights, infrastructure provision, market formation, public asset management and effective public borrowing. See Ghani and Lockhart, *Fixing Failed States,* 124-166.

11. Managing Global Insecurity: *A Plan for Action.*

12. Ibid.

13. Kieval, "Responsibility to Protect."

14. Crawford defines sovereignty to be the totality of international rights and duties, recognized by international law as residing in an independent territorial unit or state. See Crawford, *The Creation of States in International Law*, 32.

15. Independence gave negative sovereignty to these states; recognition merely as a legal entitlement of non-intervention without proven ability to exercise control over their territories. See Jackson, "Quasi-States, Dual Regimes, and Neoclassical Theory," 519-49.

16. The principle of legal equality stems from Article 1 and 4 of the 1933 Montevideo Convention on Rights and Duties of States, which gives juridical equality to all states and qualifications of a permanent population, defined territory, government and the capacity to enter into relations with other states. See *Montevideo Convention on Rights and Duties of States 1933*, accessed June 23, 2012, http://www.jus.uio.no/english/services/library/ treaties/01/1-02/ rights-duties-states.xml.

17. For Article 1.2, 2.1 and 2.4, see "UN Charter".

18. See Zaum, *Sovereignty Paradox*.

19. It was argued that despite international spending of more than $ 300 billion in Africa during the last 20 years, states were still failing, internecine conflict was raging, health problems abounded and forty million didn't have access to schooling. See Ghani and Lockhart, *Fixing Failed States*, 22.

20. See Wulf, "Challenging the Weberian Concept of the State."

21. In Kosovo's case, the UN Security Council Resolution 1244, while reaffirming member states commitment to the sovereignty and territorial integrity of Yugoslavia outlined the gravity of the situation for conferring extraordinary powers on the UN transitional administration and for suspending Yugoslavia's suzerainty over Kosovo. See "United Nations Security Council Resolution 1244, adopted at its 4011th meeting on 10 June 1999," NATOs role in Kosovo: Basic Documents, accessed December 20, 2011, http://www.nato.inc/ kosovo/docu/u990610a.htm.

22. See Zartman, "Early and Early," 279-280.

23. See Ignatieff, "Human Rights, Power and the State"; Caplan, *International Governance*, 11.

24. Yugoslav intervention has been called illegal for failure to obtain UN Security Council approval. See Chomsky, *Failed States.*

25. Evans and Sohnoun, "The Responsibility to Protect," 1.

26. Ibid., 1.

27. The United Nations Special Mission in Afghanistan (UNSMA) did broker an agreement in 1993, which provided a framework for the summoning of a *Loya Jirgah* or grand council, creation of a security force at Kabul and formation of a national army as well as a transitional government composed of representatives of all parties and independent personalities. However, it fell prey to escalation in fighting. See Pare, "Afghanistan: UN Intervention."

28. Pupavac, blames the NGOs for adopting anti-statist policies in intervened states by advocating human security and sustainable development concepts, which emphasize discarding material prosperity goals in favour of basic human needs and sustaining of traditional communities and livelihoods through dissemination of low technological solutions. See Pupavac, "Witnessing the Demise of the Developing State," 90-105.

29. Ibid, 104.

30. Holmes, "Does the UN's Responsibility to Protect necessitate an intervention in Syria."

31. This concept of inviolable sovereignty is also enshrined in the UN Charter Sections 1 (Article 2) and 7 (Article 2), both establish the principle of sovereign equality of states and non-intervention in the domestic affairs. See Evans and Sohnoun, "The Responsibility to Protect," 2.

32. See Krasner, "Governance Failures".

33. Rather than being an objective legal process, the attainment of statehood becomes a top down imposition of a subjective normative vision of the good state. See Hehir, "Conclusion: From Intervention to Administration," 184-189; and Chandler, *Empire in Denial,* 26-43.

34. Giving example of Bosnia, where even after the passage of a decade of intervention, unemployment stood at 40 % with massive reductions in welfare spending, Chandler, suggests sarcastically that the human security model proposes third class social justice for populations in developing countries. Chandler, "The State Building Dilemma."

35. See Ralph Wilde, "Colonialism Redux?"

36. He favours temporary imperial rule for providing long term security and conditions for local rule, which the current imperial power was eschewing at the moment. See Ignatieff, *Empire Lite.*

37. This is witnessed when donor agencies term debt relief documents as 'country owned.' Even in unilateral cases of invasions as that of Iraq, power and responsibility is denied by refusing victory celebrations and by closely guarded handing back of Iraqi sovereignty in June 2004. See Chandler, *Empire in Denial*.

38. He suggests that human rights advocacy holds Western societies together in an age of increasing cynicism and doubt over government

and politics at the domestic level. See, Cunliffe, "State-building: Power without Responsibility."

39. Experiencing their power more often as an embarrassment, rather than as an opportunity, the Western governments are happy to disclaim political power and devolve policy making responsibilities either to regional and local authorities or to higher bodies such as the European Union or international institutions. See, Chandler, *Empire in Denial.*

40. See Pupavac, "Witnessing the Demise", 90-95.

41. BBC Asia, "Afghanistan Profile-Timeline" (13 March, 2015), accessed March 31, 2015. http://www.bbc.com/ news/world-south-asia-12024253.

42. Though there was a formal ending to NATO combat mission in Afghanistan in 2014, however, under mission, 'Resolute Support,' 12000 NATO personnel have stayed on to provide support as well as training to Afghan National Security Forces (ANSF). *BBC Asia*, "Afghanistan Profile-Timeline".

43. Ayub and Kouvo, "Righting the Course? 647-648.

44. "Humanitarian Intervention?" Global Policy, (n.d.), accessed February 17, 2015, https://www.globalpolicy.org/humanitarian-intervention.html.

45. Evans and Sohnoun, "The Responsibility to Protect."

46. Albright and Williamson, "The United States and R2P."

47. Davis, "NATO Watch."

48. See Evans and Sohnoun, "The Responsibility to Protect," 1.

49. Ibid., 5.

50. Ibid., 6.

51. See for details Pingeot and Obenland, "In whose Name?"

52. Evans and Sohnoun, "The Responsibility to Protect," 3-4.

53. Instances of the cases where the General Assembly gave approval for intervention include Korea (1950), Egypt (1956) and Congo (1960), whereas at a regional level, West Africa intervened in Liberia (early 1990s) and Sierra Leone (1997). See Ibid.

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