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BETWEEN SOVEREIGNTY AND PROTECTION: THE 2006 LEBANON WAR
AND THE SELECTIVE IMPLEMENTATION OF R2P IN THE POST-9/11 ERA

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Abstract

The 2005 codification of the R2P marked a landmark shift in the international order, redefining sovereignty as a conditional responsibility. However, its implementation has revealed a significant gap between legal commitment and geopolitical reality. This thesis investigates how the United Nations' institutional structure and political context drive the selective application of R2P, specifically analysing how the post-9/11 legacy - particularly the wars in Afghanistan and Iraq - influenced the international community's restrained response during the 2006 Lebanon War.

The study identifies the 2006 conflict as a "precedent of silence". Despite the hostilities meeting objective protection thresholds, the SC systematically omitted R2P language in Resolution 1701, prioritising the "structural shielding" of a strategic ally. A comparative analysis with the contemporaneous Resolution 1706 on Darfur confirms that protection mandates are determined by the strategic calculus of the P5 rather than the severity of civilian suffering.

The investigation further traces the norm's evolution after 2011, evaluating the transition from the "mandate creep" in Libya to the paralysis in Syria and the "normalization of silence" in Yemen and Gaza. These cases demonstrate how the displacement of human protection logic by regional security imperatives renders the framework structurally inoperative whenever the geopolitical interests of the Security Council's P5 are at stake.

Ultimately, the thesis argues that R2P is structurally bifurcated. While remaining a vital discursive tool for prevention and assistance (Pillars I and II), it is systematically suppressed as a coercive instrument (Pillar III)

when the interests of the powerful are engaged. R2P thus remains a promise selectively honoured according to the strategic imperatives of the P5 rather than the humanitarian needs of the vulnerable.

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Introduction

The codification of the Responsibility to Protect (R2P) at the 2005 United Nations (UN) World Summit represented, at least in normative terms, a landmark shift in the architecture of international order. For the first time in the history of the UN, member states formally acknowledged that sovereignty is not an unconditional privilege but entails a responsibility: where a government manifestly fails to protect its population from genocide, war crimes, ethnic cleansing, or crimes against humanity, the international community bears a collective obligation to act. Yet, as the decade following the adoption of R2P rapidly demonstrated, the distance between legal commitment and operational reality proved vast, and consistently mediated by the structural constraints and geopolitical calculations embedded within the UN system itself.

This thesis aims to address the following central research question:

To what extent has the United Nations' institutional structure and political context shaped the selective (non-)application of the R2P, and how did the legacy of post-9/11 interventions – in particular Afghanistan and Iraq - influence the UN's restrained response during the 2006 conflict between Israel and Hezbollah in Lebanon (the 2006 Lebanon War)?

The question is deliberately compound. It asks, on the one hand, about the structural determinants of R2P's selective implementation - that is, whether the pattern of engagement and non-engagement is explicable not merely as a succession of contingent political failures but as an outcome systematically produced by the institutional design of the Security Council (SC). On the other hand, it asks about a specific historical conjuncture: the degree to which the post- September 11, 2001 (9/11) international climate,

shaped by the subsequent contested interventions in Afghanistan and Iraq, foreclosed the possibility of a meaningful R2P response during the Lebanon conflict of 2006 - a crisis that objectively met the threshold conditions for international protection yet was conspicuously framed outside the R2P paradigm.

The choice of the 2006 Lebanon War as the thesis's focal case study is analytically deliberate. Occurring in the immediate aftermath of R2P's formal adoption and before the norm's first explicit operationalisation, this conflict constitutes what may be termed a "precedent of silence": a case in which the international community's failure to engage the protection framework was not the product of institutional ignorance but of political discretion exercised within - and enabled by - the Security Council's asymmetrical decision-making structure. The war produced approximately 1,200 Lebanese civilian deaths, the internal displacement of roughly one quarter of Lebanon's population, and the systematic destruction of civilian infrastructure. These facts, when examined against the criteria outlined in paragraphs 138 and 139 of the 2005 World Summit Outcome Document, render the international community's silence all the more conspicuous. Understanding why R2P was effectively decoupled from this crisis requires engaging with both the structural logic of the UN and the specific historical moment in which the conflict unfolded - a moment defined by exhaustion, institutional scepticism, and the long shadow of Iraq.

A further dimension of this structural *silence*, which this thesis treats as analytically central rather than peripheral, concerns the deepening asymmetry of the Security Council's composition and the specific role played by the United States' (US) strategic alliance with Israel in shaping - or rather foreclosing - any collective protection response. The

institutional architecture of the SC, in which five Permanent Members (P5) retain an unconditional right of veto, does not merely create the formal possibility of obstruction; it produces, over time, a gravitational pull towards a politics of alliance and asymmetrical relations that progressively erodes the universalist claims of humanitarian norms. In the context of the 2006 Lebanon War, the US exercised its influence not primarily through a formal veto - no draft resolution explicitly invoking R2P was ever tabled - but through what this thesis characterises as pre-emptive structural shielding: the anticipation by other SC members that any resolution framing the conflict in protection terms would be blocked, combined with Washington's active role in delaying ceasefire negotiations to allow Israeli military operations to continue.

This dynamic is inseparable from the broader trajectory of the US-Israel relationship, which, particularly in the post-9/11 era, became increasingly militarised and rhetorically integrated into the "war on terror" framework. As the Security Council's asymmetrical architecture renders protection responses contingent upon P5 consent, and as that consent is, in the case of Israel, effectively withheld by the US as a matter of durable strategic commitment, the result is a structurally embedded exceptionalism: a zone of impunity carved out not by the absence of applicable norms but by the architecture of the institution charged with their enforcement. This thesis argues that the Lebanon case is not merely an instance of this dynamic but its clearest early illustration, establishing a pattern of US-shielded Israeli exceptionalism within the SC that the subsequent cases of Gaza would render even more explicit.

The thesis engages with a body of scholarship that has grown considerably since the doctrine's adoption, yet, in the view of this study, has not sufficiently integrated the structural and conjunctural dimensions of R2P's

selective application. The existing literature can broadly be divided into two strands. The first, represented by scholars such as Alex J. Bellamy - whose work on R2P's normative evolution, the three-pillar framework, and its early cases (Darfur, Kenya, Côte d'Ivoire) provides indispensable analytical scaffolding for this thesis - tends to adopt an institutionalist or norm-diffusion perspective, charting the trajectory of R2P as a developing international norm. The second strand interrogates the political contingencies that determine when and why the norm is invoked. Evans's foundational work on the International Commission on Intervention and State Sovereignty (ICISS) process and R2P's conceptual origins has been essential for understanding the normative aspirations of the doctrine. In contrast, Weiss's analyses of the gap between humanitarian aspiration and institutional performance have informed this thesis's critical engagement with the UN's structural limitations. The volume by Naomi Hovsepien, "The War on Lebanon: A Reader", has been particularly valuable for situating the 2006 conflict within its proper historical and political context, offering perspectives - from Noam Chomsky's geopolitical reading to Phyllis Bennis's analysis of the UN conduct during the war - that mainstream International Relations (IR) scholarship has frequently marginalised. Peter Hilpold's edited volume on R2P as a paradigm of international law has provided essential legal grounding, while the work of Jess Gifkins on SC decision-making beyond the veto has sharpened the analysis of how structural power operates in practice.

Despite this rich body of literature, the 2006 Lebanon War remains underexplored as an R2P case study. Most scholarly attention has focused either on the pre-2005 humanitarian interventions (Somalia, Rwanda, Kosovo) or on the post-2011 cycle (Libya, Syria, Yemen, Gaza). The Lebanon conflict falls into an analytical gap: too recent to be treated as historical background, yet insufficiently theorised as a case of selective

non-application within the R2P framework. This thesis seeks to address that gap by reading the 2006 conflict against both the structural logic of R2P's institutionalisation and the specific post-9/11 conjuncture that shaped the international community's response. In doing so, it draws on a combination of primary sources - including UNSC resolutions and provisional *verbatim* records, Secretary-General reports, and the 2005 World Summit Outcome Document - and a carefully selected literature that spans international law, international relations theory, and area studies.

The selection of sources reflects a deliberate methodological position. Rather than relying exclusively on the dominant IR literature, this thesis incorporates scholarly work from legal studies (Hilpold, Kolb), area specialists on Lebanon and Hezbollah (El Husseini, Deeb, Nilsson, Abdul-Hussain), and critical political analyses (Chomsky, Falk, Zunes) to resist the tendency within mainstream R2P scholarship to reproduce a perspective that is implicitly Western and state-centric. Primary UN documents have been consulted directly, rather than through secondary summaries, to preserve the analytical precision necessary for evaluating the specific language - and significant silences - of SC deliberations. The choice to examine *verbatim* records of SC meetings, in particular, allows the thesis to trace not only formal decisions but the discursive framing through which protection responsibilities were assigned, deflected, or denied. This methodological approach responds to a recognisable gap in the existing literature: the tendency to assess R2P's application through its outcomes rather than its process, and to treat institutional inaction as a residual rather than a structurally generated phenomenon.

A terminological clarification is required before proceeding. Throughout this thesis, the term "Middle East" refers to the broader region

encompassing Lebanon, Israel, Syria, Iran, and adjacent states. This usage follows established academic and diplomatic convention, and its adoption here is not intended to endorse the geopolitical assumptions embedded in the term's origins. Indeed, "Middle East" is a designation coined within a European imperial cartographic tradition - specifically within British strategic thinking of the late nineteenth and early twentieth centuries - and, as such, reflects a perspective that positions the region in relation to a European centre rather than on its own terms. Scholars in postcolonial studies, area studies, and critical geography have rightly challenged the conceptual and political implications of this terminology, noting that it homogenises vastly diverse societies and histories under a label that carries the residue of colonial administration. This thesis acknowledges that critique. However, given that "Middle East" remains the term in widest use within international law, UN documentation, and the comparative IR literature on which this study draws, a blanket substitution would introduce ambiguity without eliminating the underlying conceptual problem. Where the analysis pertains to specific countries, those countries are named directly. The term "Middle East" is employed only at the level of regional reference, with the implicit understanding that it is a working convention rather than a neutral geographical description.

The thesis is organised into four substantive chapters, each of which contributes to answering the central research question from a distinct but interconnected analytical angle. Together, they construct a cumulative argument: that the selective non-application of R2P is not anomalous but systemic, and that the 2006 Lebanon War represents the clearest early illustration of this structural dynamic.

The first chapter establishes the historical and conceptual foundations upon which the remainder of the thesis rests. It begins by deconstructing

the central tension encoded within the UN Charter itself: the simultaneous affirmation of state sovereignty as the foundational principle of international order and the introduction, through Chapter VII, of a mechanism for collective intervention that structurally qualifies that sovereignty. Drawing on the work of scholars including Glanville, Schrijver, and Philpott, the chapter traces the evolution of sovereignty from its Westphalian origins - where it functioned as an absolute shield against external interference - to its contemporary, contested status as a conditional right entailing protective responsibilities. The chapter then examines the three precedent-setting cases of the 1990s: the interventions in Somalia and Rwanda, which exposed the catastrophic costs of both over-extension and inaction, and the Kosovo operation, which demonstrated that humanitarian intervention could occur outside the Security Council's authorising framework. These cases are not merely historical background; they are analytically constitutive of R2P's emergence, establishing the normative urgency that the ICISS process sought to address. The chapter's final section examines how the post-9/11 US-led interventions in Afghanistan and Iraq fundamentally disrupted the emerging consensus around humanitarian intervention, securitising the international agenda and eroding the legitimacy of any coercive action undertaken in the name of protection. This conjunctural analysis is essential preparation for the thesis's central argument: that R2P emerged not as a robust enforcement mechanism but as a political compromise shaped by the very historical pressures - including the post-9/11 climate - that would later constrain its application.

The second chapter turns from the doctrine's historical and conceptual origins to its structural embedding within the UN system. The chapter evaluates the three-pillar framework as articulated in the 2009 Secretary-General's report "Implementing the Responsibility to Protect" (Ban Ki-

moon, A/63/677), demonstrating that while the non-sequential pillar architecture was designed to offer operational flexibility, it simultaneously created the conditions for political deflection - particularly through the privileging of state consent and the vagueness surrounding the triggers for the Third Pillar coercive action. The chapter then examines the SC as the institutional *locus* of R2's enforcement problem. Building on the work of Gifkins on SC decision-making and Oellers-Frahm on R2P's legal obligations, it argues that the veto power does not merely obstruct individual decisions but functions as a structural principle that systematically filters protection responses through the prism of P5 strategic interests. The chapter's case studies - Darfur, Kenya, and Côte d'Ivoire - are selected precisely because they illustrate the full spectrum of R2P's operational range: from the paradigmatic failure of institutional paralysis (Darfur), to the relatively uncontroversial success of preventive diplomacy (Kenya), to the contested military enforcement that already prefigured the controversies of Libya (Côte d'Ivoire). The chapter concludes by theorising the concept of structural asymmetry in R2P's application, establishing the analytical framework that will be later applied to Lebanon. Its contribution to the research question is to demonstrate that selective implementation is not a correctable deficiency but a constitutive feature of R2P as institutionalised within the SC.

The third chapter constitutes the empirical core of the thesis. It opens with a contextualisation of the conflict's structural preconditions, tracing the development of Hezbollah's "state within a state" infrastructure from the 1982 Israeli invasion through the 1989 Ta'if Agreement and the 2000 Israeli withdrawal, drawing substantially on the scholarship of El Husseini, Deeb, and Nilsson. This historical grounding is analytically necessary because it reveals the extent to which the fragmentation of Lebanese sovereignty created the very institutional ambiguity that

permitted the SC to disengage from its protection responsibilities. The chapter then undertakes a close reading of Resolution 1701 and its negotiation process, comparing it with the simultaneous Resolution 1706 on Darfur - a juxtaposition that constitutes perhaps the thesis's most direct empirical demonstration of selective application. The contrast in language, framing, and urgency between these two resolutions, adopted within weeks of one another, reveals the degree to which R2P's invocation or omission is determined not by the severity of the humanitarian crisis but by the strategic calculus of the P5. The chapter's final sections examine the post-9/11 constraints that shaped the international community's non-response: the exhaustion of Western states following Afghanistan and Iraq, the US strategic alignment with Israel's war aims, the resource constraints affecting the United Nations Interim Force in Lebanon (UNIFIL)'s mandate, and the broader erosion of humanitarian legitimacy that the Iraq War had produced. Utilising Nasu's analysis of the Security Council's response to Lebanon and Bennis's chapter on the UN's conduct during the war, the chapter argues that Lebanon 2006 was not a missed opportunity but a structurally determined silence - one that the international community, burdened by the post-9/11 legacy, was institutionally and politically unable or unwilling to break.

Finally, the fourth chapter extends the thesis's analysis beyond Lebanon to examine the subsequent trajectory of the doctrine from 2011 to the present. It begins with the Libyan intervention - widely characterised as R2P's first successful application of its coercive Third Pillar - and interrogates the ambiguities and mandate creep that accompanied it, drawing on the scholarship of Bellamy, Welsh, and Dunne and Gifkins. The chapter then traces the "shadow of Libya" over the Syrian crisis, demonstrating how the Libyan precedent was instrumentalised by Russia and China as a diplomatic shield to justify systematic vetoes, producing a deadlock that

condemned millions of civilians to prolonged suffering without any collective protection response. The cases of Yemen and Gaza are examined as instances of what is framed as “normalisation of silence”: cases in which the structural logic of P5 interests so thoroughly pre-empts any protection response that the very language of R2P is absent from SC deliberations. The chapter’s final section assesses R2P’s current condition and prospects in a multipolar world, engaging with reform proposals and evaluating their structural limitations. The chapter contributes to the research question by demonstrating that the selective application observed in Lebanon was not subsequently corrected but became increasingly systematised, raising fundamental questions about whether R2P retains meaningful operational content or has been permanently subordinated to the strategic preferences of the P5.

The conclusion synthesises the findings of the four chapters to offer a direct and comprehensive answer to the central research question. It argues that the UN’s institutional structure - specifically the Security Council’s asymmetrical decision-making architecture and the P5 veto - does not merely complicate R2P’s application but constitutively shapes its selective character. The post-9/11 conjuncture intensified this structural dynamic, transforming the international climate in ways that made the Lebanon War’s omission from the R2P framework both predictable and, within the existing institutional logic, inevitable. The conclusion reflects on the implications of this finding for the future of R2P as a meaningful protection norm, arguing that without structural reform of the SC - reform that current geopolitical realities render highly unlikely - the R2P will remain, as the Lebanese case first clearly illustrated, a promise selectively honoured according to the strategic imperatives of the powerful rather than the humanitarian needs of the vulnerable.

Chapter 1

From Humanitarian Intervention to the Responsibility to Protect

The first theoretical chapter examines the historical and legal evolution of the international community's approach to mass atrocities, tracing the complex transition from the contentious framework of humanitarian intervention to the formal institutionalization of the R2P. The analysis commences with a deconstruction of the foundational dilemma inherent in the UN Charter: the structural tension between the sanctity of state sovereignty and the universal imperative to safeguard fundamental human rights.

A critical turning point in this narrative is represented by the terrorist attacks of September 11, 2001, which constituted a definitive rupture in modern history, destabilising the global political order. As discussed in the next sections, this tragic event redefined international and global priorities, allowing national security imperatives to eclipse the protection of human rights and affecting the emergence of R2P. While the operational and moral failures of the 1990s in Somalia, Rwanda, and Kosovo rendered a normative recalibration unavoidable, the post-9/11 security climate transformed R2P into a political compromise rather than a robust enforcement mechanism. This evolution is fundamental to the understanding of the inherent fragility and selective application of the norm, which will be critically examined in the context of the United Nations' restrained response amid the 2006 Lebanon War.

1.1 The UN's Foundational Dilemma: Sovereignty Versus Humanitarian Imperatives

To fully comprehend the magnitude of the UN's foundational dilemma – namely, the conflict between state sovereignty and humanitarian imperatives - it is essential to first deconstruct the traditional concept of statehood as it evolved from the Westphalian system. This section explores how the UN Charter simultaneously codified this absolute conception of sovereignty while also introducing its primary challenge through the promotion of human rights. Specifically, this section will demonstrate that while the Westphalian order established the sanctity of non-intervention as the pivotal norm of International Relations (IR) for several centuries, the Charter introduced the singular, definitive legal exception to this principle through Chapter VII, creating a structural tension that remains unresolved.

1.1.1 The Concept of Sovereignty

Scholarly discussions concerning the origins of the modern international order generally trace its roots back to the Peace of Westphalia, signed in 1648, which concluded the Thirty Years' War (Axworthy, 2011; Croxton, 1999). Although both the treaties of Münster and Osnabrück were primarily intended to legitimise the *de facto* independence of German princes (Croxton, 1999), 1648 is nonetheless widely denoted by IR scholars as the birth year of the sovereign state (Schrijver, 1999). Thus, marking the rise of an international society defined by the state as its primary legitimate actor (Philpott, 1999).

Traditionally, international law is deeply rooted in the Westphalian order, which places territorial domination at its core (Hilpold, 2014). In this context, sovereignty is defined through a dual dimension: on the internal level, it entails autonomy and supreme authority within a specific territory; while on the external one, it corresponds to the independence and sovereign equality of the states (Hilpold, 2014: 5). Consequently, the

traditional understanding of security focused almost exclusively on maintaining the physical integrity of state borders (Axworthy, 2011). Hence, from the 17th century onwards, this framework allowed states to exercise autonomous governance with virtually no external limitations regarding their domestic affairs (Glanville, 2011). Although the 1648 settlement did not formally codify the rule of non-intervention, this principle endured for three centuries as the defining privilege and anticipated the conduct of statehood (Philpott, 1999).

Nevertheless, sovereignty should not be viewed as a fixed or absolute condition, but rather as a fluid concept that shifts over time (Schrijver, 1999). In particular, whilst being essential for international stability, the non-intervention norm creates resistance with emerging international legal frameworks that seek to restrict supreme state power, thereby complicating efforts toward global governance (Axworthy, 2011).

In this regard, current debates often position concepts including *sovereignty as responsibility* as novel challenges to the established order. Yet Glanville (2011) argues that this distinct dichotomy is misleading. Indeed, even within the Westphalian settlement itself, Croxton (1999) observes that far from relegating religion solely to internal politics, the treaties effectively made religious liberty a matter of international responsibility. Historically, the authority to rule has frequently been intertwined with specific duties - a dynamic evident, for instance - in the rationales for 19th-century colonial expansion¹, early examples of humanitarian action, and the minority protection frameworks instituted after World War I (Glanville, 2011). Taken together, these historical

¹ Glanville (2011) highlights that during the 19th century, the right to sovereignty was conditional on the so-called *standard of civilization*. Non-European territories deemed *uncivilised* were denied sovereign recognition, thereby legitimising colonial intervention as a form of paternalistic responsibility (Glanville, 2011).

elements suggest that the traditional right to non-intervention is no less than a socially constructed and contingent norm than the modern obligation to protect populations (Glanville, 2011). Consequently, it becomes evident that sovereignty has always oscillated between rights and responsibilities.

1.1.2 The Institutional Dilemma: The UN Charter

The historical tension between absolute state sovereignty and the moral obligation to protect populations did not dissolve with the modern era. Rather, it was institutionalised within the architecture of the UN Charter, effectively transforming this political duality into a profoundly rooted institutional dilemma that Responsibility to Protect would later seek to resolve.

The year 1945 marks a crucial juncture in the evolution of sovereign states (Hilpold, 2014). Although the UN Charter is frequently cited as the genesis of the international human rights regime, a closer examination actually reveals that it solidified the traditional rights of states - specifically self-government and freedom from external interference - more firmly than any previous international agreement (Glanville, 2011). In contrast to this robust framework, the earlier League of Nations Covenant (1919) had established only a tenuous right of non-intervention paired with a nascent principle of domestic jurisdiction (Glanville, 2011).

The UN Charter sought further to strengthen these rules. The document formally established the Westphalian model by guaranteeing sovereign equality in Article 2(1) and establishing a general prohibition against intervention in Article 2(4). As Schrijver (1999) notes, the codification of the latter was crucial because it restricted the *jus ad bellum* - right to war

- far more severely than the League's Covenant, effectively safeguarding the political independence and territorial integrity of all members (Philpott, 1999).

This protective framework reaches its apex in Article 2(7), which serves as the primary guardian of state autonomy. The article states:

Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII (UN Charter, 1945; art.2(7))

Schrijver (1999) observes that this provision was not merely a repetition of older norms, but a deliberate expansion of state immunity, compared to that of the League of Nations. Whereas the League's Covenant restricted interference only in matters considered *solely* domestic and applied this limitation specifically to the Council², the UN Charter broadened the scope to matters *essentially* domestic and extended the restriction to the entire organisation (Schrijver, 1999: 74).

However, this fortification of sovereignty stands in unresolved conflict with the Charter's humanitarian objectives. While Articles 1, 55, and 56 of the UN Charter pledge the organisation to promote universal respect for

² The Covenant of the League of Nations, Article 15(8) stated: "If the dispute between the parties is claimed by one of them, and is found by the Council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the Council shall so report, and shall make no recommendation as to its settlement". This restrictive wording limited the inability to intervene only to the Council and to matters exclusive to the state, whereas the UN Charter's use of *essentially* significantly broadened this immunity (Schrijver, 1999).

human rights, the founding document lacks a clear mechanism to prioritise these rights over state authority (Glanville, 2011). This was not an unintentional omission. Glanville (2011) notes that during the 1944 Dumbarton Oaks negotiations, the US rejected proposals to make non-intervention conditional upon a state's respect for human rights. Consequently, fundamental freedoms were incorporated into the Charter in what Glanville describes as an *uneasy tension* with the dominant principles of non-interference (Glanville, 2011).

The only legal exception to this sovereignty shield is found in Chapter VII. As Schrijver (1999) explains, if the SC determines the existence of a threat to peace, collective enforcement measures override the domestic jurisdiction clause. This mechanism was notably activated in 1950, marking the world's first attempt at *collective security* under the UN system. The United Nations Command (UNC, n.d.) records that following the crossing of the 38th Parallel by North Korean forces, the SC passed United Nations Security Council Resolutions (UNSCR) 82 and 83, to condemn the breach of peace. Crucially, UNSCR 84 authorized the US to establish and lead a unified command comprised of military forces from UN member states, allowing the deployment of troops under the UN flag (UNC, n.d.). However, this intervention was strictly framed as a response to external aggression. For much of the UN's history, this mechanism was applied narrowly to interstate conflicts rather than internal atrocities (Schrijver, 1999). As a consequence, the development of international law has been shaped by a collision between two universal but contradictory values: the preservation of peace through sovereignty and the emerging imperative of human protection (Schrijver, 1999).

This unresolved dichotomy between state sovereignty and individual human rights constitutes the UN's foundational dilemma, creating a legal

ambiguity with devastating repercussions throughout the mass atrocities of the 1990s. Thus, the seeds of the paralysis that would later haunt the international community in Rwanda and Bosnia were sown not in the failure of the Charter, but in its very design.

1.2 Humanitarian Intervention Before R2P: Somalia, Rwanda, and Kosovo

While the 19th century witnessed early examples of military interventions justified on grounds of protecting minority rights against abuse (Glanville, 2011), the modern debate on humanitarian intervention represents a distinct and tumultuous chapter in IR. Throughout the Cold War, the principle of non-intervention remained robust, with the UN consistently refraining from endorsing unilateral actions even in the face of atrocities in Uganda or Cambodia (Philpott, 1999). However, the post-Cold War landscape signalled a significant shift: sovereignty was no longer viewed as absolute.

Traditionally, humanitarian intervention referred to forcible actions designed to stem large-scale human rights crises; yet, in this new era, the definition expanded to also include interventions launched to ensure the delivery of aid to severely deprived populations (Gordon, 1996). Consequently, the SC adopted a flexible interpretation of *threat to the peace*, authorising the use of force even in purely internal matters, often precipitated by the emergence of *failed States*³ (Schrijver, 1999).

Nevertheless, this new era of interventionism proved to be operationally disastrous and, fundamentally, a failure of humanitarian rights. Evans

³ Schrijver (1999) defines the failed State as a context where governing structures and national public authority have been replaced by anarchy and large-scale humanitarian disasters, as seen in Somalia and Rwanda (Schrijver, 1999).

(2006) describes the trajectory of the 1990s as a series of catastrophic failures: the “debacle” of the intervention in Somalia in 1993, the “pathetically inadequate response” to the genocide in Rwanda in 1994, and the “lamentable failure” to prevent ethnic cleansing in Srebrenica. Even when the international community intervened in Kosovo in 1999, it was implemented without SC authority, further fracturing the international legal order (Evans, 2006: 706).

Crucially, these catastrophes exposed the structural weakness of the right to intervene. As Gordon (1996) argues, the decision to intervene has historically been criticised as a right exercised only by the *strong against the weak*. Even under UN auspices, action remained dependent on powerful states willing to shoulder the burden, while the permanent member veto ensured that violations by major powers remained unaddressed. Far from protecting human rights, the international community's erratic responses revealed a system paralysed by selectivity and political hesitancy, effectively betraying the very humanitarian imperatives it purported to serve. Confronted with this deep moral failure, the following analysis of Somalia, Rwanda, and Kosovo will demonstrate how the traditional framework of humanitarian intervention⁴ - lacking legal coherence and relying on discretionary decision-making - rendered the paradigm shift towards the R2P inevitable.

1.2.1 Somalia

⁴ Evans (2006) defines humanitarian intervention as *coercive action* taken against a state to protect populations at risk within its borders. He argues that under this traditional framework, the practice lacked a comprehensive legal foundation, relying instead on limited Charter exceptions - specifically self-defence or SC authorisation - and was characterised by *ad hoc* decision-making often justified retrospectively, as in the cases of Kosovo and Somalia (Evans, 2006).

The intervention in Somalia in the early 1990s represents a pivotal moment in the history of humanitarian intervention, serving as a stark illustration of the limitations and failures of the international community's approach to complex civil conflicts. Following the collapse of the Siad Barre military regime in 1991, Somalia descended into anarchy, characterised by clan warfare and a devastating famine. In response, the UNSC adopted Resolution 794 in December 1992, authorising *all necessary means* to secure humanitarian relief. As noted by Gordon (1996), the resolution represented a turning point in international law: a purely internal human tragedy was defined as a threat to international peace and security, and the SC activated Chapter VII enforcement measures (Gordon, 1996).⁵

The initial US-led intervention, the Unified Task Force (UNITAF) - known as *Operation Restore Hope* - launched in December 1992, was ostensibly successful in its limited mandate of securing humanitarian relief delivery. However, this apparent success masked deep structural flaws. Clarke and Herbst (1996) argue that the distinction between humanitarian intervention and nation-building is problematic, as intervening to stop a man-made famine inevitably disrupts the political economy of the conflict and necessitates the restoration of order (Clarke and Herbst, 1996). By failing to address the fundamental political causes of the famine and refusing to disarm the warlords while they had the military advantage, UNITAF merely postponed the conflict rather than resolving it (Clarke and Herbst, 1996). As Kenning (2011) notes, the motivations behind the intervention were based on a superficial understanding of the Somali

⁵ The Resolution determined that “the magnitude of the human tragedy caused by the conflict in Somalia [...] constitutes a threat to international peace and security”. This was the first time the SC authorised a force under Chapter VII for a purely internal humanitarian disaster without the consent of the host state (Gordon, 1996).

context and a temporary political climate rather than a long-term strategy for peace (Kenning, 2011).

The transition to the UN-led Operation in Somalia II (UNOSOM II) in May 1993 exposed the fatal weaknesses of the international approach. UNOSOM II was tasked with an expanded mandate of nation-building and disarmament under Resolution 814 (1993)⁶, but lacked the resources and military capacity of its predecessor (Clarke and Herbst, 1996). The mission quickly became embroiled in a conflict with General Mohamed Farah Aideed, one of the principal warlords, shifting the operation from a humanitarian mission into a *bloody urban guerrilla war* in the eyes of the American public (Brunk, 2008: 305). This escalation culminated in the *Black Hawk Down* incident in October 1993, where 18 US soldiers were killed, leading to the precipitous withdrawal of US forces and the eventual collapse of the UN mission in 1995.

Crucially, the failure in Somalia was not purely military, but fundamentally social and cultural. According to Kenning (2011), the intervention was marred by a critical failure to engage with Somali socio-political realities, as external actors sought to enforce a centralised state structure that was essentially incompatible with the country's traditional dynamics (Kenning, 2011). This top-down imposition alienated the population, while the UN's initial reliance on warlords for security inadvertently funded the very groups it sought to disarm, fuelling a war economy (Kenning, 2011). Consequently, the intervention collapsed into a clamorous defeat, eroding political will immediately after the loss of American soldiers.

⁶ Resolution 814 (26 March 1993) marked the transfer of responsibility from the US to the UN. It significantly expanded the mandate to include disarmament and nation-building under Chapter VII, yet was implemented with fewer troops and resources than the preceding US-led mission (Clarke and Herbst, 1996).

The repercussions were profound. Weiss (1995) identified what became known as the *Somalia syndrome*: a paralysis where multilateral interventions were no longer deemed politically reasonable. This retreat had immediate and tragic consequences. The Clinton administration, in May 1994, issued Presidential Decision Directive 25 (PDD-25)⁷, effectively ensuring inaction when genocide erupted in Rwanda in April 1994 (Brunk, 2008). Ultimately, the 1995 withdrawal left Somalia in a state of anarchy, and the international community was reluctant to act, thereby directly creating the conditions for the catastrophe in Rwanda (Weiss, 1995).

1.2.2 Rwanda

The failure of the international intervention in Somalia profoundly reshaped the political willingness of states to engage in future humanitarian operations - a shift that would have had catastrophic consequences in the case of Rwanda. The Rwandan genocide stands as the emblematic case of the failure to protect in the late 20th century, a humanitarian catastrophe that exposed the deep fractures within the international security architecture. Despite the gravity of the atrocities, the SC remained inert, paralysed by divergences among great powers and reluctance to intervene in what was perceived as an internal conflict. As Totten and Bartrop (2004) argue, the lack of political will and a robust security mandate prevented any timely military action. Crucially, the measures proposed by the SC were wholly inadequate to address the critical situation on the ground (Totten and Bartrop, 2004).

⁷ PDD-25 set out strict conditions for US participation in UN peacekeeping, requiring clear national interests, available resources, and a defined exit strategy. Brunk (2008) argues that these restrictive criteria were designed specifically to prevent *another Somalia*, thereby paralysing the response to the Rwandan genocide (Brunk, 2008).

The genocide⁸ effectively began on April 6, 1994, when the plane carrying President Juvénal Habyarimana of Rwanda and President Cyprien Ntaryamira of Burundi was shot down approaching Kigali airport (Kolb, 2018). Following accusations by Hutu extremists against Tutsi rebels, a pre-planned campaign of extermination was enacted. Although the 1948 Convention on the Prevention and Punishment of the Crime of Genocide had been in force for decades, the massacre unfolded in plain sight, met by an international response characterised by apathy and withdrawal.

The roots of this inaction can be directly traced to the Somalia syndrome. As Clarke and Herbst (1996) argue, the Clinton administration's refusal to respond to the crisis was due in part to its retreat from Somalia following the death of US soldiers in 1993 (Clarke and Herbst, 1996). This trauma created a distorted lens through which the new crisis was viewed. Brunk (2008) posits that US policymakers perceived Rwanda through the prism of Somalia: rather than recognising a state-driven, hierarchical genocide, they categorised the violence as another instance of *African chaos*, anarchy, and tribal civil war (Brunk, 2008). This schematic representation masked the actual premeditation of the Hutu extremists and legitimised non-intervention as the only rational policy for a failed state scenario (Brunk, 2008).

Furthermore, this misperception was compounded by a deliberate bureaucratic strategy aimed at avoiding legal obligations. Barnett (1997),

⁸ According to Article II of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide (1948), genocide is defined as any of the following acts committed with the "intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group" (UNGA, 1948)

writing from his experience within the US Mission to the UN, reveals that the SC initially maintained a tacit understanding to avoid the term *genocide*, as the mere mention of the word would have immediately compelled action (Barnett, 1997). Consequently, the UN was guided by a logic of institutional self-preservation, wherein the toleration of genocide was deemed preferable to risking the organisation's future, thus prioritising its own survival over the protection of Rwandan lives (Barnett, 1997).

The operational response on the ground reflected this moral failure. When the systematic massacre began, the United Nations Assistance Mission for Rwanda (UNAMIR) - originally established by Resolution 872 (1993) - was ill-equipped to cease the violence. Following the death of ten Belgian soldiers and Belgium's subsequent withdrawal, the Secretary-General presented the Council with three options: massive reinforcement, which required Chapter VII powers, reduction to a skeletal force, or complete withdrawal (Kolb, 2018). The SC deliberately chose the second option via Resolution 912 (1994), leaving approximately 270 observers on the ground just as the massacres were intensifying⁹. Gordon (1996) highlights this as the ultimate weakness of collective intervention: although Rwanda presented a classic case for intervention with massive, well-publicised atrocities, the UN never authorised the use of force to stem the mass atrocities (Gordon, 1996). Even when the SC finally authorised an expansion of the force (UNAMIR II) with Resolution 918 (1994), the deployment was too slow to cease the massacre, serving more as a symbolic gesture than an effective countermeasure¹⁰.

⁹ Adopted on April 21, 1994, Resolution 912 reduced UNAMIR from 2,500 to approximately 270 troops. As Kolb (2018) notes, this decision was taken after the Secretary-General acknowledged that the mission could no longer perform its tasks. Yet, the Council refused the alternative of a robust reinforcement.

¹⁰ Resolution 918 (May 17, 1994) authorised the expansion to 5,500 troops with a mandate to protect civilians. A further Resolution, 925 (June 8, 1994), was adopted to accelerate

Only in late June 1994, when the genocide was largely complete, the Council authorised France to conduct *Operation Turquoise* under Chapter VII through Resolution 929 (1994). Ultimately, the genocide did not effectively end through international intervention, but rather when the Rwandan Patriotic Front (RPF) seized control of the country in July 1994 (Kolb, 2018). However, as Hilpold (2014) observes, the crimes committed in Rwanda demonstrated that a radical reconceptualization was required regarding the relationship between state sovereignty and the international community's right to intervene. The failure was systemic: despite the professed good intentions of the post-Cold War era, the UN miserably failed in its primary task (Totten and Bartrop, 2004).

In conclusion, while the subsequent establishment of the International Criminal Tribunal for Rwanda (ICTR) was a legal success in punishing perpetrators, it was a *post-mortem* response that did nothing to prevent the massacre. As Donnelly (2002) argues, the 1948 Genocide Convention proved void during the crisis, as there was no evidence of a customary right to intervene against genocide before the 1990s, and the Convention's enforcement mechanisms were non-existent (Donnelly, 2002). The Rwandan catastrophe thus stands as a testament to a dual collapse: the political incapacity to overcome the shadow of Somalia, and the cultural blindness to the humanity of the victims behind the veil of sovereignty.

1.2.3 Kosovo

The North Atlantic Treaty Organization (NATO) 1999 intervention in Kosovo represents a definitive fracture in the post-Cold War international

reinforcement, but due to logistical delays and disputes over funding, these troops did not arrive until the genocide was nearly over (Kolb, 2018).

order, exposing the irreconcilable tension between the protection of human rights and the strictures of state sovereignty. Unlike the inaction in Rwanda, the crisis in Kosovo provoked a robust military response, yet one that was initiated without the authorisation of the UN Security Council. This unilateral action by NATO circumvented the Council's authority, driven by the certainty that Russia and China would veto any resolution authorising force (Kolb, 2018). As Evans (2006) observes, the international community was compelled to face a scenario where the indicators of an ethnic cleansing campaign were undeniable. Yet, the only body empowered to authorise force was paralysed by political deadlock (Evans, 2006).

The context for this intervention was grim. Following the killing of Kosovar Albanians by Serbian police, the SC adopted Resolution 1160 (1998) and Resolution 1199 (1998), condemning the excessive use of force and demanding a ceasefire (Kolb, 2018). However, as atrocities continued, diplomatic options were exhausted. Donnelly (2002) argues that the precedent of Rwanda weighed heavily on decision-makers: NATO acted largely because it had internalised the lesson of the previous failure, refusing to wait until the death toll became catastrophic before intervening (Donnelly, 2002).

Consequently, on 24 March 1999, NATO launched *Operation Allied Force*, a 78-day bombing campaign against the Federal Republic of Yugoslavia (FRY). This action ignited a fierce debate within IR regarding its legal standing.

The operation stood in direct contradiction to Article 2(4) of the UN Charter, which states:

All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations (UN Charter, 1945; art. 2(4))

Since no NATO member had been attacked, the alliance could not appeal to the right of self-defence enshrined in Article 51¹¹. Therefore, the intervention was technically illegal under international law. Cohn (2002) strictly argues that the use of force by bombing the territory of another country constitutes a violation of its territorial integrity regardless of the motivation (Cohn, 2002). The author further critiques the operation as a crime against humanity rather than a genuine humanitarian intervention, citing the devastation of civilian infrastructure and the acceleration of the very ethnic cleansing the bombing purported to stop (Cohn, 2002).

Controversially, an alternative perspective frames the intervention as a moral imperative. The Independent International Commission on Kosovo concluded that the intervention was illegal but legitimate (Donnelly, 2002: 101). Donnelly's data supports this view, arguing that faced with the genuine dilemma of allowing a potential genocide or acting illegally, NATO chose the lesser of two evils, making the decision morally tolerable (Donnelly, 2002). This perspective highlights the structural vacuity of a system where strict adherence to legality can prohibit the prevention of mass atrocities. The intervention thus shattered the existing consensus on international order. This demonstrated that the UN's legal framework was insufficient to reconcile state sovereignty with the protection of

¹¹ Article 51 of the UN Charter allows for individual or collective self-defence only "if an armed attack occurs against a Member of the United Nations" (UN Charter, 1945; art.51). As Cohn (2002) notes, since Yugoslavia had not attacked any NATO member state, the alliance had no legal grounds to invoke self-defence to justify the bombing campaign.

fundamental human rights. As Kolb (2018) observes, the unilateral action by NATO highlighted the danger the SC risks being isolated if it fails to reach an agreement on collective action (Kolb, 2018). This precedent raised the spectre of coercive regionalism and the erosion of the non-intervention norm, proving that a new concept was urgently needed to bridge the gap between legality and legitimacy (Donnelly, 2002).

Following the conflict, the UN attempted to regain control and legitimacy through Resolution 1244 (1999), which established the United Nations Interim Administration Mission in Kosovo (UNMIK) to administer the territory and the Kosovo Force (KFOR) to ensure security¹². Yet, the prolonged bombardment and the initial bypassing of the Council remained a stark reminder of the system's failure to provide a timely, legal, and effective mechanism for protecting civilians. The Kosovo crisis, therefore, served as the final catalyst for the emergence of the R2P, proving that the dual choice between inaction (Rwanda) and illegal action (Kosovo) was a false dichotomy that the international community could no longer afford to accept.

While the Kosovo intervention exposed the legal and institutional inadequacies of the UN system, the attacks of September 11, 2001, fundamentally transformed the political environment in which humanitarian norms would thereafter be articulated and contested.

1.3 The Post-9/11 Turn: Afghanistan, Iraq, and The Crisis of Humanitarian Legitimacy

¹² Adopted on 10 June 1999, Resolution 1244 authorised an international civil and military presence in Kosovo. UNMIK was tasked with establishing provisional democratic self-governing institutions, while KFOR was mandated to deter renewed hostilities and ensure public safety (Kolb, 2018).

As analysed in the previous sections, the 1990s were a decade of institutional failures for the UN, marked by the organization's inertia during the Rwandan genocide and the diplomatic paralysis over Kosovo, which ultimately triggered NATO's decision to bypass the Security Council. While the early 2000s were anticipated as a period where the international community would finally prioritise human rights, the terrorist attacks of September 11 constituted a definitive rupture in modern history. Striking New York City - the symbolic epicentre of the Western world - these attacks did not merely destroy infrastructure but fundamentally destabilized the global political order. As Ryan (2004) observes, the trauma of 9/11 shattered traditional certainties, forcing Americans to struggle to find new meaning. Within this transformed landscape, global priorities were redefined. While the invasion of Afghanistan was formally grounded in the exercise of the inherent right to self-defence under Article 51 of the UN Charter, the ensuing War on Terror fostered a political environment where national security interests rapidly overtook humanitarian concerns.

The immediate reaction of the international community was one of unified condemnation and legal mobilisation. In the days following the tragedy, the UNSC swiftly adopted Resolution 1368 (2001) and Resolution 1373 (2001), which unequivocally condemned the attacks and mandated strict counter-terrorism measures for all member states. This initial legal consensus provided a veneer of legitimacy for the early stages of the response, including the 2001 intervention in Afghanistan. However, as the US response evolved into a broader and more aggressive War on Terror, this unity fractured. The international community's initial support eventually gave space to a problematic silence. At the same time, the SC did not explicitly authorise the subsequent invasion of Iraq, nor did it

effectively condemn the US for acting unilaterally, revealing a paralysis in checking the power of the hegemon.

This transition was driven by the Bush administration's deliberate political choice not to frame the events as crimes requiring justice, but rather as a war requiring destruction. Ryan (2004) argues that the decision to frame the response as a war was not inevitable; rather, it was a strategic move that established a *sanitised* narrative of military action. The War on Terror became the organising principle for US foreign policy, laying the groundwork for the invasion of Iraq in 2003 (Reese and Lewis, 2009). By adopting this *war model* over a *law model*, Washington maximised its ability to use lethal force while stripping adversaries of traditional legal rights, effectively normalising collateral damage in a way that criminal law would never permit (Luban, 2002).

This aggressive posture was codified in the *Bush Doctrine*. Jervis (2005) outlines its four controversial pillars: the assumption that democracies are inherently peaceful; the identification of a new existential threat linking terrorists to tyrannical regimes and Weapons of Mass Destruction (WMD); the dismissal of traditional deterrence in favour of preventive action; and the assertion of unilateralism, ensuring that other nations could not veto American security decisions.

Crucially, this security-dominated climate proved disastrous for the emerging doctrine of R2P. The ICISS report, published in December 2001, attempted to redefine sovereignty as a responsibility derived from the people (Glanville, 2011). However, as Evans (2006) notes, the report was almost suffocated at birth, overshadowed by the global obsession with counter-terrorism and the 9/11 attacks. Instead of prioritising internal human rights catastrophes, the world focused on security threats, and the

R2P concept was viewed with suspicion by states fearing it would be instrumentalised to justify imperialist interventions.

The consequences of this shift were clearly visible in the trajectory from Afghanistan to Iraq. While the Afghan campaign had initial UN backing, the invasion of Iraq was a *war of choice* undertaken without SC authorization, often justifying itself through a distortion of R2P rhetoric (Hilpold, 2014; Schmidt and Williams, 2008). Neoconservatives within the US administration used the post-9/11 fear to fast-track regime change, operating under the delusion that American forces would be welcomed as liberators (Schmidt and Williams, 2008). Ultimately, the misuse of humanitarian arguments to justify discretionary wars severely damaged the legitimacy of the concept, particularly in the Global South. Yet, as Schrijver (1999) suggests, globalization has not rendered the sovereign state obsolete but rather reshaped its duties; the crisis of legitimacy following 9/11 eventually accelerated the search for a shared norm, leading to the formal adoption of R2P in 2005 as a necessary bridge between sovereignty and human protection (Glanville, 2011).

1.3.1 The War in Afghanistan

The terrorist attacks of 11 September 2001 represented a watershed moment in contemporary history, an assault on the heart of the Western world that necessitated a firm international condemnation. However, the subsequent military response, launched on October 7, 2001, under the title *Operation Enduring Freedom*, immediately revealed a complex and troubling agenda. While framed as a necessary reaction to an unprecedented tragedy, the intervention was governed from its inception by the Bush Doctrine, a paradigm of pre-emptive strikes and unilateralism that sought to redefine the boundaries of international engagement. This

doctrine effectively removed the conflict from its specific historical and political context, framing it instead as a vague and perpetual struggle against a global tactic (Reese and Lewis, 2009).

Central to the legal architecture of this intervention was the invocation of the right to self-defence, as codified in Article 51 of the UN Charter:

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. [...] (UN Charter, 1945; art. 51)

Despite this legal point of departure, the war quickly manifested as an exaggerated reaction.¹³ While the initial goal was the dismantling of Al-Qaeda cells, the scale of the violence suggested a pursuit of total hegemony rather than mere security. The military campaign became an ambiguous mixture of legitimate defence and humanitarian interventionism. As the conflict progressed, the liberation of Afghan women and the promise of democratic reconstruction were utilised as moral justifications for a prolonged occupation. Yet, as Cloud (2004) observes, such humanitarian appeals often functioned as a rhetorical pretext to mask a project driven by geopolitical interests and the control of strategic resources.

¹³ In the immediate aftermath of the attacks, the UNSC passed Resolution 1368 (2001) and Resolution 1373 (2001). While these resolutions condemned the acts of terrorism and reaffirmed the right to self-defence, they did not provide a specific, open-ended mandate for the full-scale invasion and subsequent twenty-year occupation of Afghanistan, which many critics argue exceeded the limits of international law.

The human cost of this disproportionate response highlights a profound ethical double standard. In the pursuit of Western security, the lives of Afghan civilians were frequently treated as insignificant or sacrificial. It is estimated that between 2,000 and 4,000 civilians were killed by US strikes in the early stages of the bombings, a figure comparable to, and by some estimates exceeding, the death toll of the 9/11 attacks. This reality underscores a hierarchy of human value where Middle Eastern lives are marginalised in favour of Western safety. In addition, the US military often attacked without solid evidence. For instance, in the 2002 attack on Uruzgan¹⁴, 21 civilians were killed based only on vague reports rather than certain proof. In such cases, the military did not apologise, justifying these casualties as mere collateral damage (Luban, 2002).

Moreover, the intervention demonstrated the United States' ability to bypass or instrumentalise the authority of the Security Council, effectively placing itself above the norms it purported to defend. The *War on Terror* created an environment where the US could suppress opposition and mistreat prisoners. In many Afghan-run facilities, fundamental human rights barely existed. This imperialist project used cultural differences as an excuse to force Western-style systems and values on the Country (Cloud, 2004).

The ultimate failure of this twenty-year siege is evidenced by the chaotic withdrawal of American troops in 2021-2022 and the immediate return of the Taliban to power. This outcome suggests that the campaign was fundamentally incoherent, serving more to radicalise home-grown militants than to secure long-term stability (Rich, 2010; Schmidt and Williams, 2008). In the final analysis, the Afghan conflict reveals that

¹⁴ Afghan region

when human rights are used as a tool for war rather than an end in themselves, they lose their emancipatory power, leaving behind a legacy of massacre and abandonment.

1.3.2 The War in Iraq

The evolution of international engagement with Iraq demonstrates a profound shift from the collective security successes of the early 1990s to the systemic institutional failure that characterised the 2003 invasion. In 1991, the International Community acted with definitive authority following the annexation of Kuwait, which the UNSC immediately condemned as a breach of peace (Schrijver, 1999). This period was defined by a clear multilateral intervention, where Iraq was subjected to sanctions and mandatory disarmament under a strict legal framework that ostensibly sought to uphold state sovereignty while protecting the civilian population (Schrijver, 1999).¹⁵ However, the events of September 11, 2001, fundamentally altered the functional logic of the UN, ushering in an era where the pursuit of global security became a justification for bypassing the established international norms (Reese and Lewis, 2009). Unlike the Gulf War, where Iraq's violation of primary legal rules was met with international condemnation, the 2003 intervention - more like the earlier case of Kosovo - lacked UN authorisation and represented a radical departure from the principles of collective security (Schrijver, 1999; Record, 2003).

The invasion was predicated upon what represents the most significant deception in modern history: the alleged possession of chemical and

¹⁵ Resolution 688 (1991) explicitly reiterated Article 2, paragraph 7, of the UN Charter, committing to the sovereignty and territorial integrity of Iraq in pursuance to the restoration of international peace, even as it condemned the repression of the Iraqi civilian population (Schrijver, 1999).

biological WMD by the Iraqi regime (Schmidt and Williams, 2008). Neoconservative planners constructed a narrative that described Saddam Hussein as an imminent and undeterred threat, drawing parallels to historical aggressors to argue that the regime could not be contained through traditional deterrence (Schmidt and Williams, 2008). This rhetoric provided the foundation for the Bush Doctrine's call for preventive war, a concept that effectively allowed the US to act as a unilateral hyperpower, moving beyond its defensive obligations in Afghanistan to initiate a project of regional transformation that discarded traditional legal standards (Record, 2003; Jervis, 2005). Despite the total absence of empirical evidence regarding an imminent Iraqi attack, the *War on Terror* framework allowed for a strategic juxtaposition of Iraq and the 9/11 attacks to manufacture public support (Record, 2003; Reese and Lewis, 2009).

When the claims regarding Iraq's arsenal proved to be illusory and false, the political justification for the intervention underwent a cynical shift towards a humanitarian rationale centred on regime change (Evans, 2006; Schmidt and Williams, 2008). This pivot represented a clear instrumentalization of the R2P principle, which was utilised as a secondary pretext only after the primary security justifications had collapsed (Evans, 2006). By focusing on the moral necessity of removing Saddam Hussein, the administration attempted to obscure the fact that the invasion was an act of outright aggression that had bypassed the established International Institutions (Record, 2003; Axelrod and Borzutzky, 2006). The inability of organisations like the UN and NATO to restrain this unilateral move highlights a dangerous doctrinal degeneration, where human rights are used as a rhetorical tool for war rather than a genuine end (Evans, 2006; Record, 2003).

The resulting occupation has had devastating consequences for the Iraqi people and international stability, demonstrating a profound disregard for the post-war order and the human rights of the *liberated population* (Record, 2003; Schmidt and Williams, 2008). By occupying an oil-rich nation that posed no immediate threat, the US inadvertently fulfilled extremist narratives, delivering the most potent recruitment propaganda for terrorist organisations (Axelrod and Borzutzky, 2006). Furthermore, the intervention established a hybrid war model that led to a permanent suspension of human rights, suggesting that Middle Eastern lives were treated as sacrificial in the pursuit of Western safety (Luban, 2002; Record, 2003). Ultimately, the failure to find verifiable evidence of WMD exposed the intervention as a project of imperial ambition, leaving behind a legacy of chaos and institutional betrayal that continues to undermine the credibility of the international community (Jervis, 2005; Record, 2003).

From this perspective, the conflicts in Afghanistan and Iraq illustrate the structural weakness of international law rather than a deliberate distortion of human rights protection. Particularly in Iraq, where the initial focus remained firmly on the alleged threat of WMD, the subsequent pivot toward humanitarian rhetoric highlights a system unable to restrain unilateral power. Consequently, it becomes evident that the ultimate aim was not the genuine protection of populations but rather the accentuation of American hegemony and the demonstration of Western supremacy over the Middle East. This dynamic reveals how International Organisations, despite their mandate, failed to sanction these violations, effectively allowing hegemonic states to operate above the law.

It was within this landscape of legal ambiguity and political paralysis that the concept of the Responsibility to Protect began to take shape.

1.4 The Institutionalization of R2P: The ICISS and The 2005 World Summit

The transition from the traditional humanitarian intervention to the emerging norm of the R2P was shaped by repeated institutional failures during the 1990s and early 2000s. As evidenced by the lack of effective support in Somalia, the genocide in Rwanda, and the controversial interventions in Kosovo, Afghanistan, and Iraq, the international community faced a persistent inability to implement norms capable of defending human rights effectively. These humanitarian catastrophes exposed a fundamental dilemma: the inherent tension between the conceptualization of state sovereignty and the UN's drive to protect individuals from mass atrocities (Schrijver, 1999; Glanville, 2011). While the 1991 defence of Kuwait was initially viewed as a triumph for the rules-based system, the subsequent decade revealed that this euphoria was short-lived, as the system struggled to adapt to internal conflicts and systemic human rights abuses (Evans, 2006).

A fundamental shift in the UN occurred under the leadership of Kofi Annan (1997–2006), whose commitment to systemic reform effectively repositioned the defence of human rights as the primary objective of the organisation's mandate. Annan (2000) sought to challenge the hierarchical double standards of international politics by emphasising a collective destiny for the human family, where global cohesion is inextricably linked to the recognition and celebration of its inherent plurality. His vision was explicitly focused on egalitarianism, as stated in *We the Peoples*:

Building a twenty-first-century safer and more equitable than the twentieth is a task that requires the determined efforts of every state and every individual. (Annan, 2000: 80)

This commitment to a more equitable world order aimed to restore legitimacy to the UN, ensuring that the organisation did not merely serve the interests of powerful states but protected the rights of all peoples regardless of their geopolitical relevance (Annan, 2000).

This reformist drive was bolstered by a comprehensive technical diagnosis of the Secretariat's operational failures. This was articulated in the *Brahimi Report* (2000), produced by a high-level panel chaired by Lakhdar Brahimi, the former Foreign Minister of Algeria, whom Annan appointed to undertake a thorough review of the UN's peace and security activities. The report offered specific, practical recommendations to replace the inconsistent, *ad hoc* responses of the 1990s catastrophes with a more robust framework. The report maintained that human rights and civilian policing should be fundamental components of mission strategy from the outset, rather than mere secondary concerns. By advocating for a professionalised approach centred on civilian needs, the report sought to ensure that peace operations were equipped with the structural capacity to effectively deliver on their humanitarian mandates (Annan, 2000; Brahimi, 2000).

Annan's ambition for reform was undoubtedly motivated by the atrocities that preceded his tenure, particularly the genocide in Rwanda. It is significant to note that Annan's background as a representative of Sub-Saharan Africa provided him with a unique moral authority; his persistent lobbying ensured that the breakthrough at the 2005 World Summit was largely due to the support of Third World countries, which saw the need for a system that granted greater legitimacy in the eyes of all the world's peoples (Annan, 2000; Hilpold, 2014).

However, the institutionalisation of R2P was significantly complicated and delayed by the events of September 11, 2001. The subsequent *War on Terror* shifted the global focus from humanitarianism back to international security, effectively changing the terms of the debate (Evans, 2006). Furthermore, the 2003 invasion of Iraq - justified through a strategic misuse of humanitarian rhetoric - became a major inhibitor to the general acceptance of R2P (Evans, 2006). Notwithstanding these geopolitical setbacks, the moral necessity to formalise a new collective responsibility remained unyielding. This drive to reconcile sovereignty with the duty to protect would find its conceptual foundation in the work of the ICISS, and its definitive, although complex, political endorsement at the 2005 World Summit, both of which were to become fundamental cornerstones for the institutionalisation of the R2P.

1.4.1 The ICISS

The intellectual foundation of the R2P emerged as a direct response to the moral impasse articulated by Kofi Annan at the turn of the millennium. In his 2000 report, *We the Peoples*, Annan challenged Member States with a definitive question:

If humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica - to gross and systematic violations of human rights that offend every precept of our common humanity? (Annan, 2000: 48)

This provocation sought to move beyond the traditional concept of sovereignty when it served as a shield for mass murder, forcing a re-evaluation of the UN role in the face of human suffering (Annan, 2000).

In response to this challenge, the Canadian government acted as a norm entrepreneur and a pivotal mediator by establishing the ICISS, an international body specifically tasked with reconciling humanitarian necessity with the requirements of international law (Evans, 2006). This initiative achieved a linguistic breakthrough by pivoting away from the right to intervene - a term perceived by much of the Global South as a neo-imperialist tool of interference - and instead establishing a discourse centred on the responsibility towards the vulnerable. This terminological shift was intended to transcend the divisive nature of the preceding debate, facilitating a more cohesive and effective international reaction in the face of conscience-shocking atrocities (Gilligan, 2013). Indeed, the Commission highlighted that the concept of humanitarian intervention was inherently flawed, as it prioritised the prerogatives of intervening states at the expense of the urgent needs of populations victimised by violence (Gilligan, 2013). By inverting this perspective, the commission's work moved from a state-centric right of the intervener toward a victim-centric *Responsibility to Protect*. This shift ensured that the focus remained on the needs of the vulnerable rather than the prerogatives of powerful states (Hilpold, 2014).

At the heart of this transition was the re-conceptualisation of sovereignty as a form of responsibility rather than absolute control (Glanville, 2011). Such a vision drew inspiration from the thought of Francis Deng¹⁶, who maintained that state authority should not be understood merely as a right to non-interference, but as the obligation of a government to ensure life-sustaining conditions for its citizens; thus, the very legitimacy of the state is contingent upon its capacity to fulfil these fundamental duties (Deng, 1996, cited in Gilligan, 2013). Under this framework, sovereignty is

¹⁶ Francis Deng was the former Representative of the UN Secretary-General on Internally Displaced Persons (1992-2004).

understood as a conditional trust: a state enjoys the privilege of non-interference only as long as it protects its population. If a state fails in this duty, its sovereign authority is effectively suspended, and the R2P falls to the broader society of states (Glanville, 2011). This duty was famously categorised into three subspecies: the responsibility to prevent, to react to grave breaches of human rights, and to rebuild (Hilpold, 2014).

The framework aimed to safeguard the norm against political instrumentalization, particularly in the wake of the Iraq War, by ensuring that military action remained a last resort reserved only for situations of *just cause* (Evans, 2006). However, the historical timing of these findings was precarious. Released in late 2001, the new paradigm was almost immediately overshadowed by the profound geopolitical shifts following the September 11 attacks and the subsequent invasion of Afghanistan, which significantly eclipsed the report's public launch (Gilligan, 2013). This environment delayed the acceptance of the doctrine, as states feared its potential instrumentalization for anti-terrorist agendas (Hilpold, 2014).

Paradoxically, while the post-9/11 climate initially hindered the humanitarian agenda, it also highlighted the inadequacy of the old system. This tension ultimately paved the way for the 2005 World Summit; nevertheless, it ensured that the application of the norm would remain subject to the selective political interests that would later define the restrained response to the 2006 Lebanon War.

1.4.2 The 2005 World Summit

Held at the UN headquarters in New York, the 2005 World Summit brought together 192 member states - the largest gathering of world leaders in history. The Summit highlighted a critical necessity for states to revise

their perspective on humanitarian intervention, which had historically prioritised the prerogatives of intervening powers over the urgent needs of victims. This shift was underpinned by a collective desire to establish a new doctrine, the Responsibility to Protect, designed to generate a more consensual and effective international response to mass atrocities in a way that previous language simply could not. Consequently, the 2005 World Summit represented a radical departure from the traditional framework of humanitarian intervention, which had historically proven inadequate and fragmented. Before the institutionalisation of R2P, humanitarian operations were often *ad hoc*, reactive, and lacked international consensus. Despite these systemic challenges, the endorsement of the final document has been regarded by various observers as the primary, if not the only, unequivocal success of the Summit (Gilligan, 2013).

The Summit effectively sought to resolve legal ambiguity by reframing the issue from a discretionary *right to intervene* to a collective *duty to protect*. Central to this new architecture was the formal adoption of Paragraph 138 of the Outcome Document, which defines the primary duty of the state as follows:

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. (UN, 2005: para. 138)

This transition constitutes a fundamental rhetorical and legal shift, as traditional humanitarian intervention remained on a moral claim that external actors could override the principle of non-interference. In contrast, the R2P paradigm, as codified in Paragraphs 138 and 139 of the Outcome Document, establishes three interdependent pillars: the state's primary responsibility to prevent atrocities, the international community's duty of assistance, and the Security Council's mandate to authorise collective action as a final recourse. The endorsement by 192 member states marked a historic moment, enshrining the principle that the norm of non-interference can be superseded when a state manifestly fails to protect its own citizens from atrocity crimes (Gilligan, 2013).

Furthermore, unlike the traditional framework, R2P sought to codify specific tests - such as just cause, right intention, and proportionality - specifically designed to prevent the humanitarian agenda from being used as a mask for arbitrary aggression. However, the final text was the product of complex political compromises; negotiations led to a weakening of the original language, replacing the notion of a binding *obligation* with a more generic *preparedness* to act on a case-by-case basis, thereby suggesting a commitment of a more voluntary than imperative nature (Gilligan, 2013).

The breakthrough at the 2005 World Summit was not merely a Western imposition; rather, it was primarily driven by the overwhelming support of Third World countries, particularly those in sub-Saharan Africa. Still deeply affected by the delayed response to the Rwandan genocide, these states played a pivotal role in granting the concept moral and political legitimacy (Hilpold, 2014). To address these concerns, the document also extended protection to all populations within a territory, regardless of their legal status, to preclude any form of discrimination (Gilligan, 2013).

Despite this broad recognition, the SC was initially hesitant to embrace the doctrine. It was not until Resolution 1674 in April 2006 that the Council explicitly reaffirmed the provisions of the World Summit regarding the responsibility to protect populations from genocide, war crimes, and ethnic cleansing (Hilpold, 2014). The timing of this formal ratification is highly significant, as it occurred only two months before the outbreak of the 2006 Lebanon War. Nevertheless, the Outcome Document deliberately excluded the Commission's crucial proposal calling for the permanent members to refrain from using their veto power during humanitarian crises (Gilligan, 2013). This delayed institutionalisation, occurring in the immediate shadow of an escalating regional crisis, highlights a critical tension: while R2P aimed to shift moral claims into a binding legal and political framework, its practical application remained hostage to the strategic interests of the permanent members. This fragility would be starkly tested in the summer of 2006, when the newly ratified norm faced its first major challenge in the context of the conflict in Lebanon.

Chapter 2

The Institutionalisation of R2P

Having established the legal and political tensions inherent in the UN Charter and the shifting landscape of humanitarian legitimacy in the post-9/11 era, this chapter turns to the formal institutionalisation of the R2P within the UN system. While the first chapter showed how the historical failures of the 1990s and the securitised climate following Afghanistan and Iraq shaped the emergence of R2P, this chapter argues that the decisive question is not merely how the norm was conceived, but how it was structurally embedded within an institutional framework marked by power asymmetries and political constraint. The formal adoption of R2P emerged as a necessary response to a period defined by the manifest inability of

individual states to protect their populations and the collective inadequacies of international institutions. This historical absence of accountability exposed a systemic lack of legal obligations, leaving the international community poorly equipped to intervene against regimes that capitalised on civilian distress.

The evolution of R2P, transitioning from the 2001 ICISS report to its official endorsement at the 2005 World Summit, is frequently portrayed as a watershed moment in the development of global humanitarian standards. However, this chapter contends that the codification of R2P did not resolve the foundational tension between state sovereignty and human protection identified in the first chapter. Rather, it relocated that tension into the operational core of the UN, particularly within the SC, where legal authority and geopolitical interests converge. By doing so, R2P was transformed from an aspirational legislative commitment into a doctrine whose application remains mediated, and often restricted, by its institutional design. Specifically, while the 2005 Summit Outcome Document formally outlined these responsibilities, it functioned more as a broad political declaration than a structured action plan.

This institutional dimension is central to addressing the research question regarding the extent to which the UN's structural and political context shaped the *selective non-application* of the norm. If the selective implementation of R2P is not merely the result of fluctuating political will but is structurally conditioned by the decision-making architecture of the UN, then instances of international restraint - such as during the 2006 Lebanon War - cannot be understood as mere anomalies. Instead, such restraint emerges as a predictable outcome of a norm embedded within a system in which enforcement authority remains contingent upon the strategic calculations and discretionary power of the P5.

To provide a comprehensive analysis of this structural selectivity, the chapter first evaluates the doctrinal content of R2P's Three Pillars, focusing on the functional implementation strategy introduced in the 2009 Secretary-General's report. Through an examination of state responsibilities, international assistance, and the mandate for a timely response, this section illustrates how the non-sequential and discretionary nature of these Pillars provides the institutional space for strategic hesitation and selective non-application. Subsequently, the analysis addresses the enforcement dilemma within the SC, exploring how expansive discretionary authority and the mechanism of the veto power frequently result in institutional paralysis. Identifying the instances where the Council's legal mandate is superseded or delayed by geopolitical interests is essential for uncovering the origins of the structural double standards that characterise modern humanitarian interventions.

Finally, the chapter evaluates the practical implementation of R2P through the diverse cases of Darfur, Kenya, and Côte d'Ivoire. These examples demonstrate the spectrum of R2P's operational reality: from the institutional failure in Darfur, where the global community failed to translate legal commitment into timely protection, to the success of preventive diplomacy in Kenya and the controversial military enforcement in Côte d'Ivoire. By situating R2P within this institutional and political context, the chapter demonstrates that selectivity is not an accidental distortion of the norm but an inherent feature of its institutional life. This analytical foundation proves essential for the subsequent examination of how the legacy of post-9/11 interventions interacted with the United Nations' restrained response during the 2006 conflict between Israel and Hezbollah in Lebanon.

2.1 The Three Pillars of R2P: Principles and Early Tensions

The institutionalisation of the R2P emerged as a necessary response to the brutal legacy of the twentieth century, which was defined by the repeated failure of individual states to protect their populations and the collective inadequacies of international institutions (UNGA, 2009). This historical failure exposed a significant “hollowness of legal responsibilities” that left international society ill-prepared to act against governments willing to exploit civilian suffering (Bellamy, 2015b: 37). To address this, world leaders were forced to reconsider whether the UN should continue to prioritise the security of states over the safety of individuals (UNGA, 2009). This led to a conceptual shift that reframed the debate from a discretionary right to intervene toward a victim-centric focus on human rights remedies (Jemirade, 2021).

The development of this norm was significantly influenced by the 2001 report of the ICISS, co-chaired by Gareth Evans and Mohamed Sahnoun (UNGA, 2009).¹⁷ The ICISS defined R2P through three core duties: the responsibility to prevent, to react, and to rebuild (UNGA, 2009). While this established the foundation of the concept, its official adoption at the 2005 World Summit created a formal agreement that still lacked a clear plan for practical implementation. Although the Summit Outcome Document formally codified the state’s primary responsibility to its population and a collective readiness to act via the SC (UNGA, 2009), the agreement functioned largely as a political declaration rather than a functional strategy. Specifically, while paragraphs 138 and 139 of the 2005 Outcome Document outlined these responsibilities, they functioned

¹⁷ The co-chairmanship of Gareth Evans (Australia) and Mohamed Sahnoun (Algeria) was intended to provide a balanced North-South perspective. This dual leadership was essential for fostering international consensus and addressing the sovereignty concerns of developing nations (Muñoz, 2009; UNGA, 2009).

more as political descriptions than as a structured plan for action (Muñoz, 2009). This absence of a formal operational framework was reinforced by the requirement that collective action be decided on a case-by-case basis, a clause that ensured intervention would remain subject to political and diplomatic discretion (UNGA, 2009).

The functional strategy of R2P was eventually formalised in the 2009 report of the Secretary-General Ban Ki-moon, *Implementing the Responsibility to Protect* (UNGA, 2009). This report translated the generic political commitments of 2005 into a concrete strategy organised around Three Pillars: the protection responsibilities of the state, international assistance and capacity-building, and the international community's timely and decisive response (UNGA, 2009). The Secretary-General's report introduced a "narrow but deep" approach,¹⁸ restricting the norm's application to four specific crimes - genocide, war crimes, ethnic cleansing, and crimes against humanity - while seeking to employ the full ambition of UN instruments and institutions for their prevention (UNGA, 2009). Bellamy (2015b) notes that this "narrow but deep" strategy aimed to utilise every available tool across the UN system, from regional arrangements to civil society. Central to this theory is that all Three Pillars are non-sequential and of equal importance; the UNGA (2009) warns that if these Pillars are unequal in strength, the entire R2P structure could implode.

However, the institutional architecture of the Pillars embeds structural political tensions between the universal language of protection and an enforcement mechanism ultimately concentrated within the hierarchically

¹⁸ This "narrow but deep" strategy was a deliberate attempt to protect the 2005 consensus. Expanding R2P to cover other calamities, such as natural disasters or climate change, was viewed as a move that would undermine its operational utility and stretch the concept beyond recognition (UNGA, 2009).

structured SC. While the norm aspires to be a universal principle applied without bias, the 2005 Outcome Document established that collective measures would be determined according to the specific circumstances of each crisis¹⁹. This formulation leaves the activation of coercive measures under the Third Pillar subject to SC authorisation, where decision-making authority is unevenly distributed among the P5 (Bellamy, 2015b). As Muñoz (2009) argues, such discretion has generated sustained concern among developing states, which perceive R2P as a framework potentially vulnerable to instrumentalization by powerful nations. Furthermore, although the Pillars are not intended to be applied in a strictly chronological order, this flexibility in sequencing allows adaptability in international responses (UNGA, 2009). Yet, as Welsh (2012) highlights, this lack of a mandatory sequence often facilitates the *strategic hesitation* and *selective non-application* that characterise the global reaction to mass atrocities.

Ultimately, the structural vulnerabilities suggest that the inconsistent application of R2P is not merely a failure of political will but a predictable consequence of its institutional design. By prioritising political discretion over a mandatory legal obligation, the framework remains inherently susceptible to the shifting strategic interests of powerful international actors. This ensures that the R2P functions as a conditional commitment rather than a universal certainty. Therefore, analysing these structural contradictions is essential for understanding not only how each Pillar operates in practice, but also why instances of non-application must be examined as outcomes of institutional design rather than mere episodic failures.

¹⁹ The *case-by-case* provision was a deliberate political compromise during the 2005 World Summit negotiations. It was designed to safeguard state sovereignty by ensuring that the UN would not be legally or automatically compelled to intervene, leaving the final decision to the political discretion of the SC (Muñoz, 2009).

2.1.1 Pillar I: The Protection Responsibilities of the State

Primarily, the First Pillar of the R2P marks a fundamental evolution in the concept of statehood, shifting from the idea of sovereignty as absolute control to a model of sovereignty as a duty. Under this framework, the legitimacy of a government is inextricably linked to its ability to protect all individuals within its borders, regardless of their legal status or the presence of an active conflict (UNGA, 2009). In this sense, this responsibility is not an optional or occasional measure; rather, it is described as the bedrock of the entire doctrine, a permanent and routine function of national governance (UNGA, 2009; Bellamy, 2015b).

Building upon this premise, this duty to protect does not represent the creation of new international laws, but rather a synthesis of long-standing obligations found in customary law and existing treaties (UNGA, 2009). Specifically, it requires states to act proactively, particularly in preventing the incitement of mass atrocities, which is considered a critical threshold for early warning and intervention (UNGA, 2009). Moreover, by anchoring these responsibilities in the Rome Statute and the standards of the International Criminal Court (ICC), the doctrine ensures that national authorities are the primary actors in the pursuit of justice (UNGA, 2009). Through the principle of complementarity, the international system acknowledges that domestic courts should always be the first line of defence, only giving way to international tribunals when local institutions are unable to function (Muñoz, 2009).

Regarding its conceptual origins, this shift can be traced to the mid-1990s, as a direct response to the humanitarian crises involving Internally Displaced Persons (IDPs). Francis Deng and Roberta Cohen

conceptualized sovereign authority as a conditional status that depends on a state's willingness to provide humanitarian access and protect the fundamental rights of its people (Bellamy, 2015b)²⁰. Accordingly, this perspective transitioned the international debate from the controversial *right to intervene* to a more constructive focus on helping states build *responsible sovereignty* (UNGA, 2009). Ideally, this makes protection a standard part of daily administration, monitored through universal and apolitical mechanisms such as the Human Rights Council (Bellamy, 2015b; UNGA, 2009).

However, this redefinition of power is charged with deep political and legal tensions that obstruct the uniform application of the norm. Indeed, while the doctrine presents the protection of populations as a moral necessity, it has struggled to achieve a total consensus as a binding legal rule (Jemirade, 2021). For many nations, especially in the Global South, sovereignty remains a vital shield that was historically established as a primary mechanism to maintain international stability and prevent external interference (Jemirade, 2021). Consequently, there is a persistent scepticism that R2P could be exploited by more powerful states to justify intervening in the internal affairs of others or to pursue regime change (Jemirade, 2021). Furthermore, as the legal status of the right to intervene remains unsettled, the argument for such protection often rests on moral imperatives rather than established legal codes (Jemirade, 2021). Ultimately, this gap between the moral obligation to protect and the strategic desire for non-interference creates the structural conditions that

²⁰ Francis Deng, a Sudanese diplomat and scholar, and Roberta Cohen, a human rights expert, developed the framework of “sovereignty as responsibility”. Their partnership was pivotal in establishing the conceptual link between state authority and the protection of IDPs, aiming to persuade governments to facilitate humanitarian access by framing sovereignty as a duty to protect human rights (Bellamy, 2015a).

facilitate the selective non-application of the norm, transforming a universal ideal into a discretionary political tool.

2.1.2 Pillar II: International Assistance and Capacity-Building

While the First Pillar establishes the domestic obligations of the state, the Second Pillar represents the operational bridge between these internal duties and the potential for external collective action. It is defined as the commitment of the International Community to provide support to states in fulfilling their protection obligations, drawing on the collective strengths of regional arrangements, civil society, and the UN system (UNGA, 2009). By focusing on prevention through assistance, the Second Pillar seeks to stabilise nations before crises escalate into mass atrocities.

According to the UN, international assistance should be deployed through four distinct channels specifically designed to prevent the escalation of crises. These include encouraging states to respect their primary responsibilities, providing direct help to exercise these duties, building long-term national capacity to protect populations, and providing support to states that are under significant stress before conflict erupts (UNGA, 2009). To achieve these goals, the doctrine suggests utilizing various institutional tools, such as strengthening the rule of law to ensure equal access to justice and to resolve domestic disputes through legal systems rather than violence (UNGA, 2009). Specifically, when a state faces threats from non-state actors or lacks territorial control, the International Community may provide military assistance to help the state restore its effective sovereignty and meet its protection commitments (UNGA, 2009). Additionally, the UN emphasises the importance of peacebuilding, noting that past instances of genocide are often the most accurate indicators of future violence (UNGA, 2009). However, even within the

official doctrine, there is an admission that the rhetoric of protection is frequently not matched by the actual willingness of member states to provide the necessary resources or political support (UNGA, 2009).

Scholars have further analysed this framework by identifying the structural requirements for effective prevention. Bellamy (2015b) notes that the Second Pillar should ideally address the root causes of instability through targeted economic development and security sector reform. Specifically, international assistance fosters long-term stability by addressing structural issues such as education and social inequalities (Bellamy, 2015b). For the doctrine to be effective and universal, these preventive activities would need to become a core and habitual practice within IR, functioning as the standard daily business of the UN and its partners (Bellamy, 2015b). Furthermore, the International Organizations (IOs) role is strictly complementary, as assistance should only be offered when a state is unable to independently manage emerging signs of intolerance or human rights violations (Muñoz, 2009).

From a critical perspective, however, the fact that international assistance remains entirely voluntary is a major obstacle to applying the norm fairly. Since these programs are not an institutionalised component of the UN operations, they are often shaped by the political interests of the donor countries (Bellamy, 2015b). Without a rule that makes this support binding, the International Community retains the discretion to decide which states to help and which to ignore. Ultimately, this suggests that selective implementation begins during the prevention phase, as the decision to provide aid depends on political choice rather than a universal and moral obligation.

2.1.3 Pillar III: Timely and Decisive Response

The Third Pillar represents the most coercive element of the R2P doctrine, establishing the collective responsibility to act when a state “manifestly fails” to protect its population (UNGA, 2009: 9)²¹. This mandate is legally anchored in Article 24 of the UN Charter, which confers the primary responsibility for international peace and security to the SC. While the doctrine emphasizes a *timely and decisive* response, the Charter specifies that such actions must be carried out in accordance with Chapters VI, VII, and VIII, effectively tying the protection of human rights to the political mechanisms of the SC (UN Charter, 1945).

In practice, a decisive response encompasses a broad spectrum of tools, from diplomatic sanctions to fact-finding missions, and does not exclusively imply military intervention (UNGA, 2009). Scholars clarify that while the Third Pillar generally follows a two-step logic - prioritising peaceful methods before resorting to force - there is no legal requirement for a strictly chronological sequence (Bellamy, 2015b). Indeed, in rapidly unfolding emergencies, the SC has the authority, under Article 39, to bypass diplomatic hierarchies and move directly to coercive measures if peaceful means are judged inadequate (Bellamy, 2015b; UNGA, 2009). This operational flexibility is reinforced by Articles 48 and 49, which obligate Member States to provide mutual assistance in executing SC decisions. In this regard, Gattini (2014) argues that this shared responsibility prevents states from using IOs as a shield to evade their duties, as sovereign interests remain the driving force behind institutional actions²².

²¹ The term “manifestly failing” is a higher threshold than the “unwilling or unable” standard used in other legal contexts. It requires a clear, objective demonstration that the state has failed to protect its people before the international community can justify a coercive intervention (Muñoz, 2009: 8).

²² Articles 24, 48, 49, and 50 of the UN Charter define the Council’s authority and the members’ duties to assist. However, the interaction between these mandatory obligations and the

Nevertheless, a significant gap persists between these legal competencies and their actual implementation. For instance, despite having the financial and legal resources to contribute to conflict prevention, regional organisations such as the European Union (EU) often demonstrate a “reluctant reaction” in practice (Kadelbach, 2014: 236). While the EU has the legal tools to manage crises, it lacks independent military power and remains reliant on NATO. Additionally, its efforts are often weakened by internal conflicts between its humanitarian goals and its security requirements (Kadelbach, 2014). This reluctance is further complicated by Article 50 of the UN Charter, which allows states to prioritise their own economic stability. Consequently, nations often use potential financial disruptions as an excuse for strategic hesitation rather than fulfilling their duty to protect (UN Charter, 1945).

From a critical perspective, the structural design of the Third Pillar remains the primary instrument for the selective application of the norm. The provision that collective action be determined on a *case-by-case* basis creates a legal opening for the SC to prioritise strategic interests over humanitarian imperatives (Muñoz, 2009). Because the decision to act relies on subjective probability assessments and the political will of the P5, intervention is treated as a discretionary choice rather than a mandatory legal obligation²³.

discretionary nature of SC decision-making often results in the *selective non-application* of the norm (UN Charter, 1945; Gattini, 2014).

²³ The veto power remains the most significant obstacle to consistency. Initiatives like the “French-Mexican proposal” suggest that the P5 should voluntarily suspend their veto power in cases of mass atrocities to ensure a more consistent response (Bellamy, 2015b).

In conclusion, the analysis of the Three Pillars reveals that R2P is not a single, unified mechanism, but a complex architecture where the moral imperative to protect is constantly filtered through the prism of state interests. Understanding these internal contradictions is a prerequisite for examining how the doctrine's implementation fluctuates in specific regional crises, where the gap between theory and practice becomes most visible (Jemirade, 2021; Kadelbach, 2014).

2.2 The Security Council and the Enforcement Dilemma

While the Three Pillars provide a robust conceptual foundation for the R2P, the transition from legal theory to practical enforcement is fundamentally obstructed by the inherent structural design of the UN. Central to this enforcement dilemma is the SC, which, under Chapter V of the UN Charter - specifically Article 24 - holds primary responsibility for international peace and security. The institutional architecture of this body is defined by Article 23²⁴, which stipulates a total composition of fifteen members. This includes the P5 - China, France, the Russian Federation, the United Kingdom, and the United States - who hold their seats indefinitely and possess the veto power²⁵. The ten non-permanent members are elected by the General Assembly (GA) for staggered two-year terms. The selection of these members is not arbitrary; rather, it is based upon their specific contribution to the maintenance of international peace and the principle of equitable geographical distribution to ensure global representation.

²⁴ Article 23 of the UN Charter establishes the composition of the SC. Originally consisting of eleven members, the Council was expanded to fifteen in 1965 following an amendment to the Charter to ensure a more equitable geographical distribution of the non-permanent seats.

²⁵ The voting procedure under Article 27 stipulates that decisions on substantive matters require the affirmative vote of nine members, including the concurring votes of the P5. This requirement constitutes the legal basis for the veto power, as a single negative vote from a P5 member blocks the adoption of a resolution (UN Charter, 1945).

However, this formal “skeleton” provides a deceptively simple view of the Council’s functionality, offering limited transparency regarding its daily operations (Gifkins, 2021: 2). Although the Charter outlines the basic requirements for membership and voting, it reveals very little about the informal practices that define the body’s actual conduct. Indeed, the decision-making process is frequently shrouded in secrecy and governed by internal dynamics that prioritise the strategic interests of the P5 over democratic principles (Gifkins, 2021). Consequently, the gap between the formal procedural requirements of the Charter and the resulting executive decisions highlights a structural vulnerability: the enforcement of R2P remains contingent upon a political environment where institutional power often outweighs the universal duty to protect populations.

The legitimisation of intervention remains controversial, as it challenges the traditional view of sovereignty, which, for centuries, was effectively treated as a permission for states to act with impunity against their own populations (Evans, 2008). This historical perspective fostered a significant North-South division, with many developing nations fearing that protection might serve as a pretext for neo-imperialist interference rather than a genuine humanitarian effort (Evans, 2008). Despite the moral and ethical justifications for protection that arose following the atrocities of the 1990s, the SC retains a strict monopoly over the use of force, which must always be exercised within the restrictive parameters of Article 2(4) of the Charter (Oellers-Frahm, 2014). Accordingly, coercive action is only considered permissible when authorised by the SC and when peaceful diplomatic measures under Chapters VI and VIII are judged unlikely to succeed (Bellamy, 2015b)²⁶.

²⁶ Chapter VII (Articles 39–51) provides the legal framework for “action with respect to threats to the peace, breaches of the peace, and acts of aggression”. It is the only chapter that allows the

The transition of R2P from a moral aspiration to a functional legal framework is largely constrained by the expansive discretionary authority held by the Council. Under the legal framework of the UN Charter, the obligations of the SC are interpreted as a duty of conduct rather than a guarantee of a specific outcome (Oellers-Frahm, 2014). Therefore, the Council is not legally mandated to secure a successful humanitarian result in every crisis, but is merely required to consider appropriate measures (Oellers-Frahm, 2014). Such legal flexibility ensures that the adoption of R2P has yet to fundamentally transform the Council's core decision-making patterns or the political use of the veto (Oellers-Frahm, 2014). Furthermore, this lack of mandatory precision often results in a state of indeterminacy, as the specific conditions for action remain vague, which in turn diminishes the pressure on international actors to fulfil their duties (Bellamy, 2010).

Additionally, while some scholars argue that collective action against atrocities has become a habitual practice in international society (Bellamy, 2015a), others point out that the Council has increasingly retreated into thematic resolutions to avoid the political complications of specific interventions (Bellamy, 2010). Such systemic inconsistencies have prompted widespread calls for reform, most notably the Brazilian initiative of *Responsibility while Protecting* (RwP)²⁷, to ensure that when force is used, it is done through more accountable and effective mechanisms (Tourinho et al., 2016). Ultimately, the responsibility to ensure R2P

Council to adopt measures binding on all Member States, including the use of military force under Article 42.

²⁷ Concerns regarding the potential abuse of the Third Pillar led Brazil to propose the RwP in 2011, emphasising that the international community must be as responsible in how it carries out an intervention as the state is in protecting its people, monitoring military mandates (Bellamy, 2015b).

functions as an effective instrument must be shared by the entire GA, as the shared expectations of 192 Member States carry a weight that should not be left solely to the discretion of the SC (UNGA, 2009).

This institutional landscape demonstrates that the efficacy of the R2P is inextricably linked to the internal mechanics of the UN. The following sections will therefore examine these structural and political tensions, focusing on the institutional dynamics that define the Council's operational reality and shape the practical implementation of the norm.

2.2.1 The SC: Legal Mandate vs. Political Discretion

The institutional authority of the SC is characterised by a profound dualism, appearing simultaneously as the central pillar of international order and a source of normative ambiguity. Under Article 24 of the UN Charter, the SC is entrusted with the primary responsibility for maintaining international peace and security, implying a definitive obligation to act whenever such peace is threatened (Oellers-Frahm, 2014)²⁸. This legal duty is explicitly reinforced by the language of Article 24(2), which suggests that the Council is not merely a political forum but an organ discharging specific duties on behalf of the entire international community (Oellers-Frahm, 2014). However, the Charter fails to provide a precise legal definition of the threshold at which internal mass atrocities transition into a threat to international stability. This conceptual *lacuna* allows political discretion to routinely supersede legal imperatives, leading to the selective application of the norms.

²⁸ According to Oellers-Frahm (2014), the combination of Articles 24 and 39 implies that the SC is under an obligation to act. "In discharging these duties, the Security Council shall act in accordance with the Purposes and Principles of the United Nations" (UN Charter, 1945; art. 24(2)) underscores that the SC is exercising a mandate on behalf of the membership, not acting as an abstract, independent entity (Oellers-Frahm, 2014).

From a strictly legal perspective, the R2P is considered a non-legislative doctrine, as it did not formally amend the UN Charter or existing international treaties (Jemirade, 2021: 58). Consequently, while mass atrocities such as genocide or ethnic cleansing should theoretically trigger the Council's enforcement powers under Article 39, the determination of what constitutes a sufficient threat remains a subjective political exercise rather than a mandatory legal consequence (Oellers-Frahm, 2014). Notwithstanding this institutional flexibility, the humanitarian rationale has become an established feature of SC deliberations over the past two decades, making it increasingly difficult for states to insist that domestic suffering remains outside the legitimate scope of international concern (Welsh, 2012). This shift was exemplified by the landmark decisions in 2011 to protect civilians in Libya and the Côte d'Ivoire, which consolidated the view that large-scale human rights violations can justify robust collective action (Welsh, 2012).

Furthermore, the Council's actual operations often diverge from its official procedures, which provide merely a basic framework for conduct. In practice, substantive decision-making is defined by informal hierarchies and non-transparent processes that occur behind the scenes (Gifkins, 2021). The dominance of the P5 extends far beyond their Charter-given privileges, as they effectively control the drafting of resolutions and the setting of the international agenda (Gifkins, 2021)²⁹. Crucially, this influence is often exercised through the leverage of "informal veto" threats, which allow the P5 to suppress or alter humanitarian initiatives during private negotiations long before they reach a formal vote (Gifkins, 2021: 6). This informal differentiation often excludes elected members

²⁹ Gifkins (2021) identifies three key aspects of informal dominance: drafting, agenda-setting, and the leverage gained through "informal veto" threats. This suggests that the P5 shape the normative environment and the conceptual tools available to negotiators long before a public session.

from the crucial negotiations where substantive decisions are reached, further complicating efforts to achieve institutional accountability (Tourinho et al., 2016). In this environment, the SC acts through members who primarily represent their national interests, and their explanations for specific votes may not necessarily reflect the true underlying strategic motivations (Oellers-Frahm, 2014).

This tension is most evident in the exercise of the veto power, which is often characterised as a purely political *acte de gouvernement* that escapes legal categorisation (Oellers-Frahm, 2014).³⁰ While the veto can theoretically prevent R2P from being used to pursue narrow self-interests, its exercise can lead to a violation of primary international obligations, such as the duty to prevent genocide (Oellers-Frahm, 2014). This creates a profound dilemma within the UN. If R2P is acknowledged as a binding legal rule, any failure by the SC to intervene would constitute an unlawful omission, thereby implicating the responsibility of the organisation itself. Nevertheless, significant legal *lacunae* remain, as there are currently few practical mechanisms to enforce such accountability or to adjudicate against the organisation (Oellers-Frahm, 2014).

Furthermore, even when a mandate is authorised, the Council often lacks the practical authority to monitor how force is exercised once it is delegated to third parties (Tourinho et al., 2016). Because the UN possesses no standing army, the implementation of any resolution remains entirely dependent on the voluntary cooperation and political will of member states (Oellers-Frahm, 2014). Although the GA may invoke its

³⁰ The Charter is silent regarding the qualification or limits of the veto power. Accordingly, it is frequently inferred from the object and purpose of the UN that the veto is a political tool rather than a legal right that can be abused in the traditional sense of international law (Oellers-Frahm, 2014).

subsidiary powers in instances of Council paralysis, the SC remains the sole institution with the authority to initiate binding and robust executive measures (Oellers-Frahm, 2014; Evans, 2008). This capacity for action reflects a significant normative shift from traditional state-centric intervention towards a protection framework oriented around the needs of victims (Evans, 2008). Nevertheless, so long as the implementation of R2P is contingent upon the strategic discretion of the P5, the Council's legal mandate will inevitably be undermined by the inherent selectivity of global power politics.

2.2.2 The Veto Power: Institutional Paralysis

The mechanism of the veto power within the SC represents a profound structural paradox: while intended to ensure the stability of the international system by requiring the concurrence of the great powers, it frequently functions as a primary engine of institutional paralysis. Consequently, in the absence of established protocols for instances of Council impasse, selectivity is not merely an occasional failure of the system but rather an inherent characteristic (Munoz, 2009). This structural rigidity effectively transforms the collective R2P into an individual prerogative of the P5, thereby ensuring that international law is regularly subordinated to the strategic demands of contemporary geopolitics.

More specifically, the ethical and political implications of this power have been a subject of sustained criticism within the UN. In his 2009 report, *Implementing the Responsibility to Protect*, Secretary-General Ban Ki-moon highlighted that the veto often serves narrow economic or strategic interests rather than the moral imperatives of a given resolution (UNGA, 2009). In this regard, he explicitly urged the P5 to refrain from employing the veto in situations of manifest failure to meet protection obligations,

arguing that the Secretary-General must act as a spokesperson for the vulnerable when their own governments transition from protectors to persecutors (UNGA, 2009). Despite such pleas, the veto power remains a purely political instrument - an *acte de gouvernement* - that escapes conventional legal categorisation and, consequently, legal responsibility (Oellers-Frahm, 2014)³¹.

Furthermore, the disparity between the P5 and the elected members is widened by the informal exercise of power in private consultations. As Gifkins (2021) argues, the P5 exert a level of dominance that far exceeds their legal privileges. This is primarily achieved through *informal veto* threats, which allow P5 to block or weaken humanitarian clauses behind closed doors before a public vote even takes place (Gifkins, 2021). Such a lack of transparency damages the SC's legitimacy. It reinforces a rigid hierarchy where the P5 protect their political autonomy at all costs, consistently resisting any external regulations that might limit their freedom of action (Welsh, 2012; Tourinho et al., 2016).

These structural failures result in the selective application of R2P, creating a system of *double standards* that undermines the Council's credibility. For example, when a threatened Russian veto paralysed the Council during the 1999 Kosovo crisis, intervention was eventually carried out by a "coalition of the willing" outside the UN framework, a move that challenged the very integrity of the international security system (Evans, 2008: 285). Similarly, in the case of Syria, Russia and China used their veto power to block resolutions, arguing that R2P was being used as a

³¹ Article 27(3) of the Charter does not explicitly mention the "veto", requiring instead "affirmative vote of nine members, including the concurring votes of the permanent members". In practice, only an explicit negative vote prevents adoption, while abstention remains irrelevant to the outcome. Consequently, the veto is not qualified as a right subject to the legal consequences of unlawful action (Oellers-Frahm, 2014).

pretext for regime change (Oellers-Frahm, 2014). Consequently, strategic interests often take precedence over human suffering, leading the GA to openly criticise the Council for failing to meet its humanitarian mandate (Welsh, 2012)³².

Ultimately, the debate regarding veto restraint has gained traction through initiatives such as the Franco-Mexican proposal for a “code of conduct” in cases of mass atrocities (Bellamy, 2015a: 180). Proponents argue that the exercise of the veto in the face of genocide could constitute an *abus de droit*, particularly when it conflicts with primary treaty obligations like the Genocide Convention (Oellers-Frahm, 2014)³³. Nevertheless, such reforms remain largely theoretical due to the scepticism of major powers including China, Russia, and the United States (Bellamy, 2015a). As long as the P5 view the veto as an absolute right rather than a conditional responsibility, the effective implementation of R2P will remain hostage to the selective realities of global power.

2.2.3 Political Discretion in R2P

The implementation of the R2P is ultimately governed by a political logic that often takes precedence over its humanitarian objectives. Indeed, while the 2005 World Summit was a milestone in international law, the doctrine remains susceptible to what has been termed “cynical misuse” by dominant states (Munoz, 2009: 10). Specifically, this vulnerability arises

³² Following the repeated use of the veto in the Syrian context, the GA took the significant step in 2012 by passing a resolution (A/RES/66/253) that explicitly deplored the SC’s inability to protect the Syrian population, highlighting the growing institutional friction caused by P5 paralysis (Welsh, 2012).

³³ While P5 are not legally obliged to vote in favour of a specific resolution, they are bound by the obligation to prevent genocide. Thus, a veto that prevents the termination of such crimes does not violate procedural rules but may trigger international responsibility based on the violation of special treaty provisions (Oellers-Frahm, 2014)

because R2P provides a legal framework that, without strict oversight, can be instrumentalised to legitimise interventions driven by national strategic interests rather than a genuine duty to protect (Munoz, 2009). Consequently, the transition of R2P from a moral principle to executive action is mediated by SC, where the interpretation of a crisis is frequently a partisan exercise.

Furthermore, a distinctive element of this discretion is the institutionalised practice of *penholding*³⁴, which empowers specific Permanent Members to lead the drafting process for given conflicts. In this regard, Gifkins (2021) argues that this role allows a small group of states, the P5, to effectively own a thematic area, framing the terms of debate and limiting the options available to the broader Council. By dominating the narrative from the outset, the P5 exercises a level of institutional power that effectively marginalises the input of elected members, thereby further entrenching the Council's internal hierarchy (Gifkins, 2021). In turn, while the SC seeks unanimous voting to project legitimacy, such consensus is often a reflection of the P5's ability to shape the normative environment according to their own priorities (Gifkins, 2021). Such practices reinforce perceptions that the operationalisation of R2P lacks sufficient checks on the discretionary authority of the Council's most powerful members.

In light of these concerns regarding selective and unaccountable enforcement, the Brazilian proposal of RWP emerged as a significant attempt to reform the Council's working methods (Tourinho et al., 2016: 141). Rather than questioning the merits of R2P itself, RWP advocated for

³⁴ The term *penholding* refers to an informal but influential practice within the SC where a member state (the *penholder*) takes the lead on drafting and chairing negotiations on a specific agenda item. In practice, the P5 dominate the *penholder* roles for the vast majority of conflict-related and thematic situations, significantly centralising decision-making power (Gifkins, 2021).

strict criteria and monitoring mechanisms to ensure that the use of force remains proportional and focused on humanitarian goals (Tourinho et al., 2016)³⁵. By doing so, this initiative reflects a broader demand for greater institutional accountability, shifting the focus from the initial decision to intervene to the responsible conduct of the intervention itself.

Consequently, a sustainable strategy for R2P must move beyond coercive reaction and towards deeper preventive measures, such as democracy promotion and the strengthening of global civil society (Munoz, 2009). While the inclusion of R2P in SC resolutions has become more habitual since 2011, suggesting a degree of normative standardization (Bellamy, 2015a), the core dilemma persists. The SC continues to function primarily as a political organ, where decisions are governed by a logic of appropriateness that is often inseparable from the national interests of its most powerful members (Oellers-Frahm, 2014).

2.3 Early R2P applications: Darfur, Kenya, and Côte d'Ivoire

The transition of the R2P from a legal aspiration at the 2005 World Summit to a functional instrument of international security occurred with rapidity. While the doctrine was initially conceived to provide a clear set of criteria for responding to large-scale atrocities (Grono, 2006), its early implementation revealed a fundamental disconnect between the ethical clarity of its Three Pillars and the pragmatic complexities of global governance. Indeed, as the UN Security Council began invoking the principle in diverse contexts - ranging from the protracted crisis in Darfur to the post-election violence in Kenya and the civil strife in Côte d'Ivoire

³⁵ The RWP proposal represented a critical effort to operationalise the 2005 consensus by advocating for a sequential framework for the use of force. This initiative emphasised that military action must adhere to strict requirements of monitoring and proportionality to ensure that humanitarian objectives are not eclipsed by political motivations (Tourinho et al., 2016).

- it became evident that the efficacy of R2P is determined less by the language of the doctrine itself and more by the institutional strength and political alignment of the SC (Natsios and Scott, 2011; Bellamy, 2015b)³⁶.

In this regard, the early applications established a patchy track record that highlights the inherent friction between state sovereignty and international intervention. On one hand, cases such as Kenya in 2008 demonstrated the potential of a preventive approach, where international mediation and diplomatic pressure successfully assisted a state in meeting its protection obligations before a breakdown into mass violence (Munoz, 2009). This reflected a rare moment of consensus where the debate shifted from whether the international community had a right to intervene to how it should best assist (Bellamy, 2010). Conversely, the international response to Darfur is often cited as a significant shortfall³⁷, where, despite being the most obvious candidate for the first application of the doctrine, the global community failed to translate normative commitment into timely or decisive protection (Grono, 2006; Bellamy, 2010).

Furthermore, the selective application of R2P during this period raises critical questions regarding the consistency of the collective security system. For instance, while Darfur and Kenya dominated the humanitarian agenda, contemporary crises of similar or greater magnitude, such as the displacement and civilian deaths in Somalia, were met with profound international reluctance to invoke the R2P (Bellamy, 2010). This suggests that the *rule of law* within the UN is often hostage to political variables

³⁶ According to Natsios and Scott (2011), international humanitarian law can only be realized through the institutions used to implement it. They argue that the success of R2P is dictated by the alignment of political support in the SC rather than the doctrine's specific wording.

³⁷ The application of R2P in Darfur was hindered by the Sudanese government's refusal to consent to a robust UN presence. This highlighted the "complementary" nature of international assistance under paragraph 138 of the Summit Outcome, which is often rendered ineffective when the host state becomes the primary persecutor (Munoz, 2009: 7).

rather than objective humanitarian standards, such as the mortality rates (Natsios and Scott, 2011). Consequently, the success or failure of these early applications was mostly dictated by the unique political circumstances of each crisis and the willingness of major powers to provide the necessary resources and leadership (Natsios and Scott, 2011).

Ultimately, these primary applications did not merely address localised and specific crises; they began to institutionalise an emerging pattern of collective expectations regarding the international community's duty to intervene and to protect (Bellamy, 2015a). However, as the following sections will explore, the lack of clear guidance on the use of force and mandates - most notably in Libya - fostered a profound polarisation within the SC (Tourinho et al., 2016). By evaluating the interventions in Darfur, Kenya, and Côte d'Ivoire, we can observe the emergence of a doctrine that remains a vital, yet deeply contested and structurally vulnerable, pillar of modern IR.

2.3.1 Darfur: The First Big Failure

The crisis in Darfur, which escalated in 2003, is widely regarded as the primary test case for the R2P, and ultimately, its most significant failure in terms of timely execution. While the R2P doctrine was formally adopted in 2005, the atrocities in Sudan were already unfolding, providing a tragic baseline against which the international community's newfound normative commitment would be measured (Bellamy, 2010). However, understanding the *paralysis* of the international response requires first examining the deep-seated structural and environmental causes of the conflict.

Historically, the region suffered from a legacy of neglect dating back to the collapse of the Darfur Sultanate in 1916. Under British-Egyptian rule, development was largely ignored in favour of indirect governance through tribal elites, a strategy that severely weakened traditional conflict-management systems (Natsios and Scott, 2011). These fragile social structures were further strained from the 1970s onwards by severe droughts and advancing desertification in the region. Consequently, nomadic Arab herders were pushed southward into farming lands, intensifying competition for scarce resources between nomadic groups and farming communities, such as the Fur (Natsios and Scott, 2011). This environmental degradation, coupled with rapid population growth, transformed manageable local tensions into a full-scale famine by 1984, laying the groundwork for the ethnicised violence that would explode decades later.

When war erupted in 2003, the Sudanese government in Khartoum, alongside its proxy Janjaweed militias, launched a systematic campaign of ethnic cleansing. This involved the mass looting and burning of villages, executions, and widespread sexual violence aimed at destroying the base of operations for rebel militias (Natsios and Scott, 2011). In this light, Darfur became a clear case to apply R2P because the Sudanese state had manifestly abdicated its sovereign responsibility to protect its citizens, shifting that duty to the international community (Evans, 2008). Nevertheless, the international response was impeded by a complex web of competing interests and institutional limitations.

Specifically, the UN Security Council faced a profound lack of consensus regarding the weight of human rights versus the principle of non-interference. Permanent Members such as China and the Russian

Federation, both major arms suppliers to Khartoum³⁸, consistently leveraged their veto power to block or delay meaningful sanctions, citing a traditionalist view of state sovereignty (Natsios and Scott, 2011; Bellamy and Williams, 2006). Furthermore, even Western governments like the United States were caught in a diplomatic dilemma; while the Bush administration publicly labelled the situation as genocide, it was reluctant to commit troops due to heavy engagements in Iraq and Afghanistan and a sensitive intelligence-sharing relationship with Sudan in the war on terror (Grono, 2006; Bellamy and Williams, 2006).

This political friction resulted in a series of watered-down resolutions. For instance, Resolution 1556 (2004) imposed an arms embargo on non-governmental entities demonstrated to be inadequate to preclude future sales to the government, while also demanding that Khartoum disarm the Janjaweed within a mere 30 days, a demand the SC failed to monitor and enforce (Natsios and Scott, 2011; De Waal, 2007). Subsequently, Resolution 1564 (2004) expressed grave concern but was limited to establishing a commission of inquiry, which many critics argued emboldened the perpetrators by demonstrating the Council's internal division (Natsios and Scott, 2011).

Moreover, the operational transition from the African Union (AU) Mission in Sudan (AMIS) to a joint AU-UN force (UNAMID) was plagued by delays and bureaucratic obstruction from Khartoum. By the time the joint force was authorised by Resolution 1706 (2006)³⁹ and eventually deployed

³⁸ China's opposition was particularly significant due to its 40% stake in Sudan's chief oil consortium. Both China and Russia were also sensitive to precedent, fearing that international meddling in Sudan could eventually be used to justify interventions in their own internal conflicts, such as Tibet or Chechnya (Natsios and Scott, 2011)

³⁹ Resolution 1706 (2006) was particularly controversial as it invited Sudan's consent to a UN force, effectively giving Khartoum a veto over the deployment (UNSC, 2006). This prioritisation of host-state consent even in the face of mass atrocities highlighted the complementary and often

in late 2008, the peak of the violence had already passed (Bellamy, 2010; Natsios and Scott, 2011). Notably, the effectiveness of the international system in Darfur is often measured by mortality rates⁴⁰. Between 2003 and 2008, an estimated 298,000 people died; however, nearly 80% of these deaths resulted from disease and malnutrition caused by mass displacement rather than direct violence (Natsios and Scott, 2011). In this regard, while the humanitarian aid community successfully mitigated deaths from starvation, the collective security system failed to address the political causes of the displacement itself (Grono, 2006).

Ultimately, the pursuit of R2P in Darfur foundered on a combination of inflated expectations and a lack of a coherent strategy. Instead of a unified humanitarian response, the international community pursued a multiplicity of ad hoc and often conflicting goals, ranging from legal accountability via the ICC to the preservation of the 2005 Comprehensive Peace Agreement (CPA). In this regard, these divergent priorities often impeded decisive action, as various actors feared that a robust stance on Darfur might jeopardise the delicate peace negotiations elsewhere in Sudan (De Waal, 2007; Bellamy, 2010). Consequently, the crisis remains a stark reminder that the rule of law is only as robust as the political will of the institutions tasked with its implementation. Without the resolve to apply sustained, meaningful pressure on the Sudanese regime, R2P remained merely aspirational, effectively proving that “never again” had once again become “yet again” (Grono, 2006: 631).

toothless nature of the II Pillar when the state is the primary aggressor (Grono, 2006; Evans, 2008).

⁴⁰ The “mortality standard rates” used by aid agencies suggest that a crisis exists if more than one person dies each day per 10,000 people. In Darfur, the largest killers from 2005 onwards were diarrheal disease and malaria, exacerbated by the fact that aid workers had to be fed, housed, and protected before they could assist the local population (Natsios and Scott, 2011).

In view of these considerations, it is evident that Darfur represents one of the most significant failures of the R2P doctrine. The international community's inability to translate legal rhetoric into effective protection set a troubling precedent for the future of humanitarian intervention. Moreover, the tragic continuity of this failure is visible even today: the persistence of internal conflict and the recurrence of atrocities in Sudan demonstrate that the unresolved roots of the Darfur crisis continue to undermine regional stability, leaving the promise of the 2005 World Summit largely unfulfilled.

2.3.2 Kenya: The Success of Pillar II and Preventive Diplomacy

In sharp contrast to the institutional paralysis that defined the Darfur crisis, the diplomatic response to the ethnic violence following Kenya's disputed December 2007 elections is frequently heralded as the most successful application of R2P (Bellamy, 2010). Over the course of two months, the country was pushed to the brink of civil war, with an estimated 1,300 deaths and up to 500,000 people displaced (Preston-McGhie and Sharma, 2011). However, the Kenyan case demonstrated that when the international community acts with sufficient speed and cohesion, the choice does not have to be a binary one between total inaction and military intervention (Preston-McGhie and Sharma, 2011).

In this light, Kenya serves as the definitive example of the application of the Second Pillar of R2P: the international responsibility to assist states through non-coercive measures. Unlike more contentious applications of the doctrine, the intervention in Kenya was characterised by a coordinated diplomatic effort led by the Panel of Eminent African Personalities. Chaired by former UN Secretary-General Kofi Annan, the group included the former President of Tanzania, Benjamin Mkapa, and the renowned

international advocate and former Mozambican First Lady, Graça Machel (Bellamy, 2010). This high-level mediation team effectively combined international diplomatic weight with regional legitimacy, providing the necessary leverage to pressure the domestic political elite (Langer, 2011). Consequently, these mediators successfully persuaded President Mwai Kibaki and his opponent, Raila Odinga, to conclude a power-sharing agreement, thereby reining in the mobs and preventing a projected escalation into mass atrocities. As a result, the international community was able to settle the violence through exclusively diplomatic means, reinforcing the notion that force remains a last resort rather than an automatic implication of the R2P principle (Langer, 2011).

Furthermore, the success in Kenya was facilitated by a unique convergence of humanitarian concerns and strategic interests. Kenya has long served as an essential guarantor of stability in East Africa and a vital economic gateway for the region; its collapse was, therefore, geopolitically unacceptable to both regional and global actors (Preston-McGhie and Sharma, 2011; Junk, 2016)⁴¹. Indeed, this fortuitous convergence allowed the SC to maintain consensus, as the intervention was limited to diplomacy and conducted with the explicit consent of the host state (Bellamy, 2010; Preston-McGhie and Sharma, 2011). Notably, while R2P was only marginally invoked during the actual negotiations - acting more as “background music”⁴² that provided a sense of urgency (Junk, 2016: 57) - the post-hoc characterisation of Kenya as an R2P

⁴¹ The strategic significance of Kenya cannot be overstated: the country hosts one of the three UN headquarters and handles nearly 80% of Uganda’s and almost all of Rwanda’s imported goods, making its stability a prerequisite for the economic survival of the Horn of Africa (Preston-McGhie and Sharma, 2011).

⁴² The “background music” metaphor is used to describe how R2P can influence a crisis by shaping the expectations of international actors even when they do not explicitly cite the doctrine in their public rhetoric (Junk, 2016).

success has been vital for the doctrine's normative development (Preston-McGhie and Sharma, 2011).

Nevertheless, the Kenyan case is not without its critics. Specifically, some scholars argue that the diplomatic response came too late, as hundreds had already been killed before the mediation was implemented, highlighting a failure in early warning systems (Langer, 2011). Moreover, while the intervention successfully halted the immediate bloodshed, it struggled to address the underlying grievances of IDPs, leaving the long-term resolution of the crisis incomplete (Langer, 2011). Additionally, the later involvement of the ICC to prosecute crimes against humanity committed during the violence intensified the perception among some African states that international justice remains biased against the continent's leadership (Junk, 2016).

Ultimately, Kenya proved that a joint undertaking by the UN and regional organisations can successfully discharge the R2P without resorting to Chapter VII enforcement measures. The adoption of *Agenda Item Four*, focusing on long-term structural reforms and a new constitution, represented a significant shift toward the Responsibility to Prevent (Preston-McGhie and Sharma, 2011). Conclusively, while Kenya may be an ideal case difficult to replicate due to its unique strategic importance, it remains a vital precedent. It demonstrated that R2P is not a licence for intervention but a framework for responsible engagement, proving that through sustained political pressure, the international community can indeed stop the cycle of violence before it reaches the point of no return.

2.3.3 Côte d'Ivoire: The Controversy of Military Enforcement

The intervention in Côte d'Ivoire represents a pivotal yet contentious milestone in the operational history of R2P, illustrating the inherent hazards of prioritising procedural democratisation over substantive conflict prevention. While the doctrine was intended to safeguard populations from mass atrocities, the international community's response to the Ivorian crisis revealed a profound failure in its preventive dimension. Rather than addressing deeply rooted social cleavages and systemic instability, the global strategy was largely confined to a "democracy cure"⁴³, operating under the flawed assumption that an election could resolve the national turmoil (Ipinyomi, 2012: 174). Consequently, by focusing on the procedure of the vote rather than the substance of social cohesion and the rule of law, the very tools intended to foster peace acted as catalysts for further violence (Ipinyomi, 2012).

Against this backdrop, the crisis reached a breaking point following the disputed presidential election of November 2010. While the UN Secretary-General and the Economic Community of West African States (ECOWAS) recognised Alassane Ouattara as the victor, the incumbent, Laurent Gbagbo, refused to relinquish power, leading to a rapid reignition of armed conflict (Bellamy and Williams, 2011). As supporters of both factions began committing atrocities, the UN Secretariat played a leading role in placing protection on the agenda, with Special Advisers issuing grave concerns regarding the incitement of mass atrocities as early as December 2010 (Bellamy and Williams, 2011).

⁴³ The democracy cure criticised by Ipinyomi (2012) emphasises a recurring failure in R2P applications where international actors prioritise the procedure of elections over social cohesion. By treating a disputed vote as the climax of peacebuilding rather than a long-term process, this approach often addresses the symptoms of a crisis while exacerbating its systemic causes, ultimately forcing divided populations to resort to violence almost inevitably.

This situation ultimately necessitated a transition from diplomatic assistance to coercive enforcement, marking a significant application of R2P's Third Pillar. In response to the escalating hostilities and the manifest failure of Second Pillar mediation, the SC unanimously adopted Resolution 1975 (2011). This resolution was significant not only for reaffirming the state's primary responsibility to protect its civilians but also for authorising the UN Operation in Côte d'Ivoire (UNOCI) to use *all necessary means* to protect the population and disable heavy arsenal (Bellamy, 2015a)⁴⁴. Subsequently, UNOCI and French attack helicopters conducted targeted strikes on military camps and weapon stockpiles. While these actions were ostensibly carried out under a protection mandate, they turned the tide of the battle decisively in Ouattara's favour, eventually leading to Gbagbo's arrest (Bellamy and Williams, 2011; Ipinoyomi, 2012).

However, this robust application of Third Pillar enforcement sparked a profound debate regarding the impartiality of UN peacekeeping. Critics, most notably Russia, argued that by taking a side in a domestic political dispute, the UN and French forces had overstepped their neutral mandate (Bellamy and Williams, 2011). Specifically, the military action was perceived by some as an exercise in regime change rather than pure humanitarian protection, raising difficult questions about the UN's role in overriding a sovereign nation's Constitutional Council (Bellamy and Williams, 2011). This suggests that while R2P is intended to be a protection framework, its practical enforcement can easily be viewed as a

⁴⁴ Resolution 1975 (2011) was particularly notable for its specific focus on "heavy weapons". By authorising UNOCI to prevent the use of such weapons against civilians, the SC provided a technical justification for military strikes that ultimately crippled Gbagbo's ability to maintain his siege of the capital (Bellamy and Williams, 2011).

tool for political engineering, particularly when regional organisations act as “gatekeepers” to influence SC framing (Bellamy and Williams, 2011)⁴⁵.

Ultimately, the Ivorian experience emphasises that meaningful democracy cannot be imposed through external procedural requirements but must evolve in tandem with the internal stability of the state (Ipinyomi, 2012). In this regard, Côte d’Ivoire remains a stark reminder that agreeing on the principle of protection is far simpler than achieving consensus on its implementation. While the intervention successfully ousted a leader who refused to accept democratic results, it did so at the cost of blurring the lines between humanitarian necessity and political intervention, leaving the preventive dimension of R2P as a largely unfulfilled obligation (Ipinyomi, 2012; Bellamy and Williams, 2011).

From a broader perspective, it is significant to note that despite the six years that had elapsed since the 2005 World Summit and the two years of formal implementation of the R2P framework, the crisis in Côte d’Ivoire stands as a tragic testament to the limits of military enforcement. The late-stage intervention failed to prevent a humanitarian catastrophe characterised by over 3,000 deaths and the systematic rape of women. Furthermore, these atrocities were not collateral, but rather targeted acts of violence perpetrated by both sides on political, ethnic, and religious grounds throughout the conflict. This suggests that military enforcement, when detached from substantive preventive measures, remains an inadequate tool that arrives too late to safeguard the lives and dignity of the populations it is mandated to protect.

⁴⁵ The role of ECOWAS (Economic Community of West African States) and the AU in the Ivorian case highlights the emerging importance of regional bodies as gatekeepers of the R2P doctrine. Their early and decisive recognition of Ouattara provided the necessary political cover for the SC to adopt a robust enforcement stance (Bellamy and Williams, 2011).

2.4 Structural Asymmetries and Selective Protection

The practical application of the R2P across Darfur, Kenya, and Côte d'Ivoire underscores a fundamental challenge inherent in the doctrine: the structural asymmetries that condition its selective application. While the 2005 consensus suggested a universal commitment to human protection, the reality of IR dictates that the political economy of international decision-making constrains humanitarian commitment to finite diplomatic and strategic resources (Jemirade, 2021). In this light, the decision to intervene is rarely a purely humanitarian calculation; rather, it is a process of strategic prioritisation shaped by geopolitical calculations, where the international community selects where to act based on the availability of political capital and the alignment of national interests (Jemirade, 2021; Vlastic, 2011).

Furthermore, what often appears as selective enforcement is more accurately understood as the product of deeper structural asymmetries embedded within the UN system. This selectivity is not merely a matter of inconsistent political will, but is intrinsically shaped by the power imbalances and institutional constraints that govern the UN's decision-making architecture. Rather than operating within a politically neutral environment, R2P functions inside a global order characterised by asymmetrical distributions of authority and influence. In theory, R2P applies globally; in practice, the likelihood of coercive action against major powers or their close strategic partners remains institutionally and politically remote (Vlastic, 2011). These asymmetries manifest not only through the formal veto prerogatives of the P5, but also through broader patterns of strategic alignment, regional spheres of influence, and post-9/11 security prioritisation. This creates a bifurcated system where sovereignty remains a shielded prerogative for developed nations while

becoming a conditional status for those in the Global South. Such structural imbalances ensure that protection is often mediated through the preservation of specific geopolitical zones of influence and the strategic utility of the states involved (Vlasic, 2011). Consequently, the perception that R2P serves as a civilising mission for Western dominance has remained a persistent source of suspicion among countries in the Global South (Langer, 2011; Junk, 2016).

The three cases examined in this chapter vividly illustrate these inconsistencies. For instance, the failure in Darfur was not merely a result of institutional slowness, but was compounded by the fact that Sudan had become a vital source of intelligence for Western allies in the post-9/11 War on Terror, demonstrating how specific strategic constraints often supersede humanitarian imperatives (Bellamy and Williams, 2006; Grono, 2006). Conversely, the swift and successful mediation in Kenya was facilitated by the country's status as a strategic hub and the role of the AU as a proactive gatekeeper (Preston-McGhie and Sharma, 2011; Bellamy and Williams, 2011). Moreover, while the intervention in Côte d'Ivoire was ostensibly framed as a mechanism for democratic restoration, it ultimately highlighted the hazards of prioritising procedural democratisation as a universal solution for complex, ethnically divided societies (Ipinyomi, 2012). This emphasis on procedural electoral legitimacy, rather than deeper processes of social reconciliation, illustrates the limitations of externalised conflict-management models in deeply divided societies.

Notably, this selective protection is supported by the R2P's own institutional structure, particularly the inherent difficulty in identifying and qualifying the factors that trigger a Third Pillar intervention. By restricting the doctrine's mandate to four specific crimes - genocide, war

crimes, ethnic cleansing, and crimes against humanity - the framework creates a systemic gap for crises that fall outside these categories or fail to meet the high threshold of a manifest failure. This narrow definitional focus reveals a structural limitation in the operational design of the Third Pillar, as it lacks the analytical precision to trigger a timely response in situations where the nature of the crimes is still legally or politically contested. Consequently, the lack of clearly defined criteria for other cases of use of force expands the space within which political considerations inevitably shape determinations of severity and appropriate international response (Vlasic, 2011). This leads to a troubling reality where even if a situation like Iraq in 2003 was not an R2P case at its inception, it could morph into one over time without ever eliciting a consistent international response (Evans, 2008).

Ultimately, the transition from the institutional abandonment of Darfur to the successful diplomacy in Kenya and the controversial military enforcement in Côte d'Ivoire demonstrates that R2P operates within the structural asymmetries of global governance rather than above them. The doctrine does not function in a politically neutral environment; instead, its implementation is embedded in a decision-making architecture characterised by unequal distributions of authority, strategic leverage, and institutional power. The differentiated outcomes observed across these cases, therefore, cannot be merely reduced to fluctuating political will. They reflect the asymmetrical configuration of the UN system itself, in which the SC retains discretionary authority over the interpretation, qualification, and enforcement of crises. Within this structure, the activation of R2P is conditioned by geopolitical alignment, regional dynamics, and strategic feasibility, factors that shape not only whether action is taken, but also the form and intensity of that action.

In this sense, selectivity emerges not as an episodic inconsistency or a mere failure of commitment, but as the operational expression of deeper structural asymmetries embedded within the institutional design of R2P. The institutionalisation of the doctrine has not displaced global hierarchies of power; rather, it has formalised a framework through which those hierarchies are mediated and, at times, reproduced. Protection, consequently, becomes differentiated: the likelihood of international engagement is shaped not solely by the gravity of crimes committed, but by the political positioning of the state concerned within the broader architecture of global governance.

Chapter 3

The 2006 Lebanon War: Selective Engagement and Fragility of R2P

Building upon the previous analysis of the Security Council's institutional asymmetries and selectivity, this chapter evaluates the 2006 Lebanon War as an empirical test for the R2P doctrine. Occurring barely one year after the formal adoption of the principle at the 2005 World Summit, the hostilities between Israel and Hezbollah in 2006 highlight a profound rift between international legal commitments and the UNSC's actual enforcement, illustrating the fragility of newly adopted norms and the asymmetries within the SC. While the previous analysis established the structural possibilities for discretionary action, this chapter investigates how the specific geopolitical climate of the mid-2000s transformed these possibilities into a deliberate political strategy of non-intervention in the 2006 Lebanon war.

The conflict resulted in severe humanitarian consequences, including over 1,200 deaths - mostly civilians - and the displacement of approximately

one million people. Despite documented violations of International Humanitarian Law (IHL) that met the threshold criteria for R2P - violations whose scale and pattern reflect an operational logic subsequently conceptualised as the Dahiya Doctrine - the Security Council's response through Resolution 1701 omitted any reference to protection responsibilities or accountability mechanisms. This absence is particularly significant when compared with Resolution 1706 on Darfur, adopted weeks later, which explicitly utilised the R2P frame. This divergence demonstrates that the determination of a protection crisis is a political process shaped by the strategic alignments of P5 rather than the objective scale of civilian suffering.

This chapter argues that the exclusion of protection frameworks in Lebanon was a consequence of the post-9/11 interventions in Iraq and Afghanistan, which created profound material and ideological constraints on UN decision-making. The prioritisation of counter-terrorism objectives, combined with the military overextension of the US and a global scepticism toward humanitarian justifications for regime change, rendered the invocation of R2P politically unviable. Consequently, the 2006 war serves as a critical juncture that reveals how strategic imperatives consistently override the normative duty to protect vulnerable populations.

The analysis is structured into three sections. The first establishes the background of the conflict and evaluates its alignment with mass atrocity criteria, documenting the emergence of a structurally-weak state. The second section analyses the diplomatic negotiations that produced Resolution 1701, identifying the mechanisms through which geopolitical interests superseded humanitarian urgency. Finally, the third section addresses the influence of the campaigns in Iraq and Afghanistan,

demonstrating how these conflicts institutionalised a security-first paradigm that subordinated civilian protection to broader regional power struggles.

3.1 Roots of Conflict: Fragmented Sovereignty and Regional Power Struggle

The 2006 conflict in Lebanon serves as a critical case study for assessing the operational challenges of R2P within a highly polarised geopolitical landscape. Analysing the origins of the Lebanon crisis necessitates looking beyond immediate political failures to identify the structural conditions that rendered protection mechanisms inoperative. These conditions were deeply embedded in Lebanon's fragmented sovereignty, its precarious position within a regional power struggle, and the long-term strategic calculations of external actors who influenced the conflict's trajectory well before its inclusion on the Security Council's agenda. Moreover, this crisis was not an isolated incident triggered solely by the events of 12 July 2006, but rather the result of a long-standing environment of chronic marginalisation and multifaceted pressure from regional actors, which rendered a full-scale confrontation structurally overdetermined (Deeb, 2008). In this regard, to view the abduction of two Israeli soldiers as the definitive starting point of the war is to adopt a perspective that obscures a much longer history of conflict and structural violence (Deeb, 2008). Indeed, the escalation was part of a broader pattern of regional destabilisation, including a parallel offensive in the West Bank and Gaza, which collectively served a predetermined strategic agenda carried out by Israel (Falk and Bali, 2008).

Historically, the roots of this instability can be traced to the displacement of Palestinians during the creation of the state of Israel in 1948 and the

subsequent decades of occupation (Bukhari et al., 2024). However, the most immediate factor for the emergence of the current conflict was the Israeli invasion of Lebanon in 1982 (Nilsson, 2020). While Israel sought to destroy Palestinian nationalism and establish a buffer state with a puppet government, the invasion ultimately failed to achieve its primary objectives (Hovsepian, 2008). Instead, the occupation catalysed multidimensional resistance, leading to the formation of Hezbollah from a nucleus of clerics and former members of the AMAL movement⁴⁶ who sought to challenge the Israeli presence in Lebanese territories (El Husseini, 2010). This evolution reflects a broader transformation in regional security dynamics, wherein conventional state-based threats have been increasingly complicated by subnational actors capable of instigating significant political volatility (Childs, 2011).

The 1989 Ta'if Agreement⁴⁷ further solidified the institutionalisation of Hezbollah within the Lebanese polity (Hovsepian, 2008). By legitimising the group as a resistance force against Israel, the agreement effectively allowed it to remain the only armed sectarian militia in Lebanon permitted to maintain its military capacity following the end of the Civil War (Childs, 2011). Consequently, Hezbollah transformed from a simple resistance movement into a complex *state within a state*, committed to the liberation of Lebanese territory (Abdul-Hussain, 2009). This concept denotes the movement's development of a parallel institutional infrastructure,

⁴⁶ The AMAL movement (*Afwaj al-Muqawama al-Lubnaniyya*, Lebanese Resistance Regiments) was established in 1975 by Imam Musa al-Sadr to defend the Shi'a community during the Lebanese Civil War (1975-1990). Following the 1982 Israeli invasion, more radical elements seceded from AMAL to form the nucleus of what would later become Hezbollah (El Husseini, 2010).

⁴⁷ Formally known as the Document of National Accord, signed in October 1989 to end the Lebanese Civil War. It reformed the Lebanese political system by redistributing political power among confessional groups and mandating the disarmament of all militias. Hezbollah's exemption from this disarmament requirement, justified by its designation as a *resistance force* against Israeli occupation, institutionalised its unique status within the Lebanese political system (Hovsepian, 2008).

including autonomous military, social, and political wings, that operate with substantial independence from the central government while remaining formally committed to the liberation of Lebanese territory (Abdul-Hussain, 2009; El Hussein, 2010). This dual identity as both a nationalist entity and an anti-imperialist party allowed the movement to win parliamentary seats in 1992 while simultaneously maintaining its military autonomy and a domestic focus on resistance activities (El Hussein, 2010; Nilsson, 2020). This fragmentation of sovereignty creates precisely the kind of structural ambiguity that permits SC discretionary non-application of protection norms: when a state is manifestly unable rather than unwilling to protect its population, and when that inability involves a non-state armed actor designated as a *terrorist* by key SC members, the case-by-case provision established in the 2005 Outcome Document provides institutional space for selective non-engagement.

Furthermore, the Israeli partial withdrawal from southern Lebanon in 2000 created a crisis of legitimacy for the movement, as its primary *raison d'être* - armed resistance to Israeli occupation - had ostensibly been fulfilled (Abdul-Hussain, 2009). To maintain its ideological and organisational coherence, Hezbollah seized upon the unresolved dispute over the Shebaa Farms⁴⁸ and the issue of Lebanese prisoners detained by Israel to argue that the resistance remained necessary (El Hussein, 2010). This posture became increasingly contested following the Syrian withdrawal in 2005, which deprived Hezbollah of a vital political sponsor (Abdul-Hussain, 2009). In this precarious geopolitical landscape, Lebanon became what

⁴⁸ The Shebaa Farms is a small disputed territory at the intersection of the Lebanese-Syrian border and the Israeli-occupied Golan Heights. Following Israel's withdrawal from southern Lebanon in 2000, Hezbollah claimed that the Shebaa Farms remained occupied Lebanese territory, thereby justifying the continuation of armed resistance. Israel and the UN consider the territory part of the Syrian Golan Heights captured in 1967, not Lebanese territory. This dispute provided Hezbollah with a rationale to maintain its military operations after the 2000 withdrawal (El Hussein, 2010).

Corn (2008: 53) terms a “laboratory for democracy” for Western powers (Corn, 2008). Thus, this framing, as subsequent events demonstrated, often ignored the internal complexities of the confessional system and the structural constraints on state capacity. As Hovsepian (2008) observes, Lebanon's chronic institutional weakness has historically rendered foreign intervention not merely possible but structurally invited, as competing domestic factions routinely seek external patrons to bolster their internal positions (Hovsepian, 2008).

Against this backdrop, the 2006 Lebanon war represented not a defensive response to an isolated provocation, but a manifestation of a wider proxy struggle between a rejectionist axis⁴⁹ - comprising Hezbollah, Iran, and Syria - and the strategic interests of the US and Israel in reshaping the regional order (El Hussein, 2010). The Bush administration viewed this conflict as an opportunity to weaken Hezbollah and undermine its regional allies (Zunes, 2008). By characterising Hezbollah exclusively as a terrorist organisation rather than acknowledging its complex status as both an armed non-state actor and an elected political party, the US and Israel constructed a framing that legitimised large-scale military operations against Lebanese civilian infrastructure under the legal doctrine of *self-defence* (Deeb, 2008).

Contrary to the dominant Western narrative, which positions the capture of two Israeli soldiers as the legitimate *casus belli*, substantial evidence suggests that Israel - with advance approval from the Bush administration - had prepared contingency plans for a major military operation months

⁴⁹ The term rejectionist axis emerged in regional political discourse to describe states and non-state actors, primarily Iran, Syria, Hezbollah, and Hamas, characterised by their rejection of normalised relations with Israel and opposition to the US regional hegemony. The term became particularly prominent following the 2003 US invasion of Iraq and the subsequent regional realignments (El Hussein, 2010).

before the July incident (Bennis, 2008; Zunes, 2008). The 12 July soldier abduction then served as the operational pretext rather than the underlying cause (Bennis, 2008; Zunes, 2008). Indeed, the incident was thus a strategic pretext used to justify a massive strike against Lebanon's civilian infrastructure and to cripple Hezbollah's regional allies, Syria and Iran (Bennis, 2008; Chomsky, 2008). Critically, by electing to “start the clock” on 12 July, the UN Security Council deliberately delinked the conflict from its broader regional context, including the parallel Israeli operations in the West Bank and Gaza and the longer history of territorial disputes and prisoner detention (Bennis, 2008: 229). Ultimately, the outcome, as Chomsky (2008) observes in his analysis of asymmetrical power relations in the international system, exemplifies a persistent historical pattern in which the strategic calculations of major powers supersede the protection imperatives articulated in humanitarian norms, leaving vulnerable populations to bear the costs of geopolitical contests over which they exercise neither control nor influence (Chomsky, 2008).

3.1.1 The “State within a State” Paradigm

The inability of the Lebanese state to protect its own population must be understood within the legal framework introduced by the 2005 World Summit Outcome Document, which had codified the principle of *sovereignty as responsibility* barely one year before the conflict erupted (UNGA, 2005). Paragraphs 138 and 139 of the Outcome Document established that each state bears the primary responsibility to protect its populations from genocide, war crimes, ethnic cleansing, and crimes against humanity, and that when a state manifestly fails to fulfil this responsibility, the international community bears a collective responsibility to take appropriate action through the SC, in accordance with Chapters VI and VIII and, if necessary, Chapter VII of the UN Charter

(UNGA, 2005). According to this framework, Lebanon in 2006 faced a structural impediment to fulfilling this primary protection responsibility, as the state proved unable to provide comprehensive security for its own citizens. The pervasive presence of Hezbollah as a parallel authority in the Lebanese state structure rendered the central government structurally incapable of exercising effective sovereign control over all Lebanese territory or of monopolising the legitimate use of force within its borders. This systemic incapability was rooted in a deeply fractured polity where competing sectarian identities and external alliances superseded national cohesion (Hovsepian, 2008).

Central to this structural impasse is the concept of Hezbollah as a state within a state, which captures the fragmentation of Lebanese sovereignty (Abdul-Hussain, 2009). This phenomenon describes a parallel institutional architecture that provides a comprehensive network of social, military, and political services, in many instances operating with greater organisational efficiency and popular legitimacy than the formal state apparatus (Nilsson, 2020). Through the development of its own executive council and an extensive welfare-provision infrastructure, Hezbollah effectively redefined the social contract with the Shi'a community, which had historically endured chronic political and economic marginalisation within the confessional power-sharing system (Deeb, 2008; Nilsson, 2020).

This parallel governance was reinforced by a significant shift in communal identity among the Lebanese population. Moving away from the secular Arab nationalism that had characterised earlier Shi'a political mobilisation, significant segments of Lebanon's Shi'a population increasingly embraced a political-religious identity rooted in Shi'a Islam

and influenced by the Iranian revolutionary model of the Imamate⁵⁰, the concept of divinely guided leadership translated into political authority (Childs, 2011). Consequently, the movement's spiritual guidance, institutionalised within its organisational structure, transformed Hezbollah into a formidable subnational actor that successfully challenged the Lebanese state's putative monopoly on the legitimate use of force (Childs, 2011; Nilsson, 2020).

This fragile equilibrium of fragmented sovereignty was managed through a precarious regional balance that shifted significantly following the Syrian withdrawal in 2005. Previously, Syria had functioned as the external guarantor for Hezbollah's operations, ensuring that the organisation could maintain security zones inaccessible to Lebanese government forces while facilitating the continuous replenishing of its military capacity (Abdul-Hussain, 2009). The departure of Syrian troops compelled Hezbollah to navigate Lebanon's volatile domestic political landscape more directly to preserve both its organisational autonomy and its regional strategic role (Abdul-Hussain, 2009). This political environment was characterised by acute polarisation between the pro-Western March 14 coalition and the Hezbollah-led March 8 alliance⁵¹, which produced competing factions actively seeking external patrons,

⁵⁰ The Imamate (*al-imama*) in Shi'a political theology refers to the concept of divinely guided leadership, traditionally understood as a spiritual role. The Iranian Revolution (1978–1979) transformed this concept into *wilayat al-faqih* (guardianship of the jurist), whereby supreme political authority is vested in a qualified Islamic jurist. Hezbollah's organisational structure incorporates this principle, with the organization's spiritual guidance deriving authority from Iran's Supreme Leader (Childs, 2011).

⁵¹ The March 14 and March 8 coalitions derive their names from demonstrations held in Beirut following the 2005 assassination of Prime Minister Rafik Hariri. The March 14 Alliance, formed after the anti-Syrian demonstrations of 14 March 2005, comprised primarily Sunni, Christian, and Druze parties advocating Syrian withdrawal and closer Western alignment. Whereas the March 8 Alliance, named for pro-Syrian counter-demonstrations on 8 March 2005, centered on Hezbollah and its allies. This polarization intensified following Syria's April 2005 withdrawal (Hovsepian, 2008).

ranging from the US and Israel to Iran and Syria, to strengthen their respective internal positions (Hovsepian, 2008).

On the military dimension, Hezbollah demonstrated itself to be a highly capable asymmetric force through the adoption of a hybrid organizational model combining centralised strategic command with decentralised tactical execution (Childs, 2011). This “umbrella-styled” structure enabled significant tactical flexibility and operational adaptation, proving decisive in the organisation’s capacity to sustain resistance against conventional military pressure (Childs, 2011: 367). Furthermore, before the summer of 2006, the sporadic border conflict between Hezbollah and Israeli forces had been governed by informal *rules of the game*, designed to prevent large-scale civilian casualties and limit escalation beyond the immediate border zone (Deeb, 2008; El Hussein, 2010). This equilibrium collapsed in July 2006. While the prevailing Western diplomatic narrative frames the 12 July 2006 capture of two Israeli soldiers as the proximate cause justifying the subsequent military campaign, substantial evidence indicates that this incident served primarily as a strategic operational pretext for a military action that Israel and the US had been planning for several months (Bennis, 2008; Zunes, 2008).

Indeed, reports indicate that, as early as May 2006, the Bush administration had actively encouraged Israeli Prime Minister Ehud Olmert to undertake a major military operation against Lebanon, viewing such action as instrumentally valuable for degrading what Washington termed the regional rejectionist axis (Zunes, 2008). From this perspective, the Israeli military response constituted not a defensive necessity triggered by the soldier abduction but rather an attempt to resolve what Israeli strategic planners characterised as *unfinished business* from the 2000

withdrawal, specifically the perceived need to weaken Hezbollah's military capacity and domestic political standing (Falk and Bali, 2008).

While available evidence suggests that Hezbollah's leadership miscalculated the magnitude of the Israeli response - apparently anticipating a limited cross-border operation culminating in a prisoner exchange similar to the 2002 precedent (Abdul-Hussain, 2009) - the subsequent 34-day Israeli campaign involved comprehensive targeting of Lebanese civilian and infrastructure across the country. This extended far beyond any plausible military objective directly connected to the recovery of the captured soldiers (Falk and Bali, 2008). Critically, by attributing legal and political responsibility for Hezbollah's military operations to the Lebanese state and, by extension, to the Lebanese civilian population, Israeli officials and their US supporters deployed an analytical distortion of events to justify a disproportionate assault: treating the Lebanese government's manifest structural incapacity to disarm Hezbollah as equivalent to deliberate support for the organization's actions, thereby justifying disproportionate military force against civilian targets under the rhetoric of Israeli self-defence (Falk and Bali, 2008). As the previous analysis on political discretion in R2P application demonstrated, such framings are not merely rhetorical but serve as the institutional mechanism through which geopolitical alignments supersede humanitarian protection obligations within SC deliberations. Ultimately, the 2006 Lebanon war exemplifies how a state characterised by severe fragmentation of sovereign authority, caught between powerful subnational actors and the strategic imperatives of external powers, becomes a site where the protection commitments articulated in the 2005 World Summit Outcome are subordinated to geopolitical expediency.

3.1.2 Civilian Harm and Threshold Criteria: The Case for R2P Activation

The 2006 Lebanon War offers a critical empirical case study for assessing the operational implementation of the R2P framework during its early legal phase. Crucially, paragraphs 138 and 139 of the 2005 World Summit Outcome Document, which were already in force during the crisis, established both the state's primary responsibility to protect its population from the four core crimes - genocide, war crimes, ethnic cleansing, and crimes against humanity - and the international community's collective responsibility to take timely and decisive action when a state manifestly fails to meet this obligation (UNGA, 2005). The World Summit's implementation and adoption of what would later be characterised as a narrow but deep approach restricted the doctrine's application merely to these four specific categories of mass atrocities while mandating comprehensive engagement of UN mechanisms to prevent and respond to such crimes (UNGA, 2009). An analysis of the 2006 hostilities reveals that the nature and scale of violations in Lebanon fell squarely within this normative mandate, yet the international community's collective protection mechanisms remained largely inactivated due to the structural and political asymmetries intrinsic to SC decision-making.

The Lebanese state's structural incapacity to fulfil its primary responsibility to protect its own population is inextricably linked to the state within a state phenomenon. Hezbollah's parallel institutional architecture, which fills the governance lacuna left by a central government often characterised as a *state within a non-state*, produced a condition of fundamentally fractured sovereignty (Deeb, 2008). By providing comprehensive social services - including nutritional, educational, and medical assistance - to a Shi'a community constituting

approximately 35 percent of Lebanon's population, which had historically faced economic marginalisation, Hezbollah established a support base that effectively displaced the state's authority in significant portions of Lebanese territory (Childs, 2011). This extensive social welfare network, while addressing the material needs of a historically marginalised population, enabled the organisation to foster a culture of resistance (*muqawama*)⁵², a comprehensive social mobilisation framework that sustained military operations against Israeli forces in contexts in which the Lebanese national army lacked either the capacity or the political mandate to act (Childs, 2011). Consequently, the Lebanese state fundamentally lacked the monopoly on legitimate force that international legal frameworks, including the 2005 Outcome Document, implicitly assume as a prerequisite for a state's capacity to fulfil its primary protection responsibilities.

Beyond this state incapacity, the conflict's alignment with the threshold criteria articulated in the 2005 framework is further highlighted by the nature and scale of Israeli military operations, which substantial documentation argues crossed the thresholds constituting war crimes and crimes against humanity under customary IHL. The humanitarian consequences were severe: over 1,200 deaths, the majority of whom were civilians and children, several thousand wounded, and the displacement of approximately one million people - roughly one-quarter of Lebanon's total population (El Husseini, 2010; Bukhari et al., 2024). Israeli military operations systematically targeted civilian economic and civic infrastructure - including bridges, grocery stores, and agricultural facilities

⁵² The policy of *muqawama*, or resistance against an occupier, is central to Hezbollah's ideological and political framework. *Muqawama* refers to the broader Islamic concept of resistance, encompassing both armed struggle and social mobilisation against perceived occupation or imperialism, in this case, Israel. In the Lebanese context, it legitimises Hezbollah's dual role as military force and social movement (Childs, 2011).

- under the operational rationale that these sites constituted or supported Hezbollah strongholds, thereby recasting civilian casualties and infrastructure destruction as legitimate counter-terrorism measures rather than as violations of the principles of distinction and proportionality under IHL (Deeb, 2008).

This strategic approach is fundamentally rooted in the Dahiya Doctrine, a term derived from the densely populated Shia neighbourhoods in southern Beirut – Hezbollah’s stronghold - which were subjected to massive air strikes during the initial phase of the 2006 war (Samaan, 2013). Although no democratic state could formally endorse a policy premised on the systematic infliction of harm on civilian populations without openly contravening IHL, the doctrine functioned as an established pattern of battlefield conduct rather than a formally codified directive (Balpinar, 2018). The doctrine postulates a system of deterrence by punishment, established on the application of disproportionate use of force and the deliberate destruction of areas used to launch attacks against Israel (Samaan, 2013). By redefining civilian villages as military bases, the strategy aims to sever the relationship between the local population and Hezbollah, manipulating the destruction of social and material conditions to erode civilian willingness to sustain political and military support for the movement (Balpinar, 2018; Samaan, 2013).

This framework essentially treats the civilians as terrorists, creating a justification for targeting residential areas. At its operational core, the Dahiya Doctrine relies on a deliberate erosion of the legal boundary between combatants and non-combatants, an ambiguity that functions as a structural feature of the approach rather than an incidental consequence, providing Israeli forces with broad discretionary latitude to treat civilian areas as legitimate military objectives while limiting formal legal

accountability (Balpinar, 2018). This logic prioritises the reduction of Israeli military casualties through the concentration of destructive force on the adversary's surrounding environment rather than through direct combatant engagement (Balpinar, 2018). Consequently, this deterrence framework extends beyond the non-state actor to the Lebanese state itself, framing the entire nation as a party to the confrontation and ensuring that any continuation of resistance carries escalating and disproportionate costs for the broader civilian population (Samaan, 2013; Balpinar, 2018). This selective devastation effectively subsumed civilian sites and populations into the category of legitimate military targets, employing a framework that, when extended to its logical conclusion, approximates strategies of depopulation and ethnic cleansing of Lebanon (Deeb, 2008).

Moreover, the Israeli deployment of specific and prohibited weapons systems raises fundamental questions regarding compliance with IHL's principles of humanity, distinction, and proportionality. Documented evidence indicates that Israeli Defence Forces (IDF) fired munitions containing over 1.2 million cluster bombs into southern Lebanon, with approximately ninety percent of this ordnance deployed in the final 72 hours of the war, after the adoption of SC Resolution 1701 calling for cessation of hostilities (Falk and Bali, 2008). Cluster munitions, which are often characterised by high failure rates to unexplode on impact, effectively transformed extensive agricultural and populated areas into *de facto* minefields, rendering land unusable and continuing to inflict civilian casualties long after the formal ceasefire (Berrigan and Hartung, 2008). The documented use of white phosphorus munitions in Lebanese civilian-populated areas further evidences violations of the customary principles of distinction and proportionality that govern the conduct of Israeli hostilities under IHL (Bennis, 2008; Falk and Bali, 2008).

Beyond the violations documented, the absence of a neutral and depoliticised mechanism for qualifying mass atrocities allows dominant political interests to effectively determine which situations are framed as protection crises and which are constructed through alternative legal and political frameworks. During the 2006 crisis, the US-orchestrated international response improperly conflated Israel's legitimate security interests with an invalid claim of self-defence under Article 51 of the UN Charter, neglecting international law by treating a limited cross-border incident by a non-state actor as equivalent to an armed attack by a state, the threshold required to trigger the self-defence exception to the prohibition on the use of force (Falk and Bali, 2008). This asymmetry was subsequently institutionalised. The UNSC Resolution 1701, adopted on 11 August 2006, further established this asymmetry by demanding "the immediate cessation of all Hezbollah attacks" while only requiring Israel to cease "offensive military operations", (UNSC, S/RES/1701, 2006), thus preserving Israel's claimed right to defensive operations while denying equivalent status to Lebanese actors (Bennis, 2008). Crucially, the resolution entirely omitted reference to potential violations of IHL or to war crimes committed by Israel during the campaign, effectively precluding accountability mechanisms for the documented war crimes committed during the 34-day campaign.

The 2006 conflict reveals a fundamental structural gap in the R2P framework's operationalisation through the 2005 Outcome Document. When a subnational actor assumes the social protection and services-provision functions that a structurally weak state cannot provide, and an external power responds to that actor's military operations with large-scale force disproportionately affecting the civilian population, the affected civilians confront what might be termed a protection gap: a situation wherein neither the state nor the international community effectively

fulfils the protection responsibilities that the 2005 framework articulates as foundational to international order.

The documented surge in public support for Hezbollah - which rose from 58 to 87 percent in five months, among all Lebanese sects during the invasion - reflects not necessarily ideological endorsement of Hezbollah's political program but rather a response to the perceived failure of both the Lebanese state and the international community to represent or protect Lebanese civilians' interests and security (Kfoury, 2008).

Despite these manifest violations of IHL, the international community's collective responsibility articulated in paragraph 139 was not activated. The scale of civilian harm, the documented use of prohibited weapons systems, and the Lebanese state's structural incapacity to protect its own population collectively satisfied the threshold conditions that the 2005 framework identified as triggering a collective international obligation to act, yet that obligation remained inactive. The following sections demonstrate that this inertia was not the product of institutional incapacity but of deliberate political choices shaped by the diplomatic negotiations surrounding Resolution 1701 and the broader post-9/11 geopolitical context within which the Council operated.

3.2 The United Nations' response: Resolution 1701 and the Strategic Omission of R2P

The Security Council's response to the 2006 Lebanon conflict, codified in Resolution 1701 adopted on 11 August 2006, exemplifies a pattern whereby the SC formally acknowledges a humanitarian crisis of significant scale while systematically avoiding the activation of protection mechanisms established under the R2P framework. By the time Resolution

1701 was adopted, the 34-day conflict had resulted in approximately 1,200 Lebanese deaths, with the overwhelming majority being civilians, nearly one million internally displaced persons, and comprehensive destruction of civilian infrastructure across Lebanon (UNSC, S/2006/670, 2006). Consequently, these casualty figures and patterns of civilian harm objectively satisfied the threshold criteria articulated in paragraphs 138 and 139 of the 2005 World Summit Outcome Document, regarding protection responsibilities. Despite this, Resolution 1701 contains no reference to these responsibilities, employs no language invoking the state's primary duty or the international community's collective obligation to protect populations from mass atrocities, and establishes no accountability mechanisms for Israeli violations of IHL documented throughout the conflict.

Crucially, the omission of R2P language in the Lebanon case was a deliberate strategic choice rather than an incidental oversight. This exclusion reflects the selective non-application intrinsic to R2P's institutional embedding within the Security Council's asymmetrical decision-making architecture. In stark contrast, Resolution 1706 on Darfur, adopted by the same SC merely twenty days later, on 31 August 2006, reveals that the Council possessed both the institutional capacity and the legal vocabulary to frame crises in protection terms when geopolitical alignments permitted. Resolution 1706 explicitly reaffirms the provisions of paragraphs 138 and 139 of the 2005 World Summit Outcome Document regarding the responsibility to protect populations from the four core crimes and authorises the United Nations Mission in Sudan (UNMIS) to use "all necessary means" to prevent attacks and threats against civilians (UNSC, S/RES/1706, 2006).

The contrast between these two almost simultaneous resolutions demonstrates that the selective non-application of R2P operates not merely as a theoretical possibility but as an observable institutional practice. The determination of which crises warrant protection framing and which are constructed through alternative legal frameworks reflects the geopolitical positioning of the states involved, the asymmetrical power distribution within the SC, and the strategic interests of the P5 rather than objective thresholds of civilian suffering. The 2006 Lebanon case exemplifies this pattern. Involving Israel as a close strategic ally of the US and occurring during a period when US strategic attention remained consumed by deteriorating situations in Iraq and Afghanistan, exemplifies the structural asymmetries identified as intrinsic to R2P's operational reality within the Security Council's decision-making architecture.

The following subsections examine the negotiating process that produced Resolution 1701, the political content of what the resolution does and deliberately omits, and the diplomatic rationales that explain why key actors chose to avoid protection framing. This analysis demonstrates that the divergence between formal acknowledgment of the crisis and the activation of protection mechanisms functions as a deliberate political strategy enabled by the case-by-case provision established in the 2005 Outcome Document (UNGA, 2005), rather than as an unfortunate but unavoidable consequence of institutional constraints.

3.2.1 From Deliberate Paralysis to Compromise: The Negotiation of Resolution 1701

The Security Council's engagement with the 2006 Lebanon crisis spanned 34 days, from the initial escalation on 12 July 2006 to the adoption of Resolution 1701 on 11 August. This extended deliberation period - during

which hundreds of additional Lebanese civilians were killed, critical infrastructure continued to be destroyed, and the humanitarian catastrophe deepened - was not a reflection of institutional incompetence or bureaucratic slowness. Rather, as documentation from SC *Verbatim* Records demonstrates, the delay represented the time required for the US to secure a resolution text that would not constrain Israel's operational timeline, would avoid framing the conflict in R2P terms that might imply Israeli responsibility for civilian harm, and would instead construct the crisis primarily through the lens of counter-terrorism and state self-defence.

In the immediate aftermath of the 12 July escalation, the SC convened an emergency session on 14 July to address what was already, by that point, a developing humanitarian crisis involving widespread bombardment of Lebanese civilian infrastructure and the imposition of a comprehensive air, sea, and land blockade (UNSC, S/PV.5489, 2006). The positions articulated during this initial session established the fundamental divide that would structure all subsequent negotiations. The Lebanese representative emphasised that Israeli forces had systematically targeted civilians in violation of IHL, documenting over 60 deaths in the conflict's first two days and characterising Israeli actions as flagrant violations of international law (UNSC, S/PV.5489, 2006). Lebanon's core demand was for an immediate comprehensive ceasefire and an end to Israeli aggression, framing the crisis explicitly as one requiring urgent international protective intervention (UNSC, S/PV.5489, 2006). The Lebanese representative further noted that the government had declared it was neither aware of nor responsible for the 12 July incident. And yet Israel had responded with widespread military operations, deliberately bombing vital installations and destroying most major bridges (UNSC, S/PV.5489, 2006).

Conversely, the US representative, Ambassador John Bolton⁵³, proposed an entirely alternative narrative, characterising Hezbollah's cross-border operation as an act of terrorism that justified Israeli military response under the right to self-defence (UNSC, S/PV.5493, 2006). Bolton systematically avoided any suggestion of moral or legal equivalence between Israeli actions and Hezbollah operations, insisting that civilian deaths resulting from Israeli military action taken in self-defence constituted a fundamentally different category from deaths caused by Hezbollah terrorist acts (UNSC, S/PV.5493, 2006). This framing served a dual purpose: it precluded consideration of Israeli operations as potential violations requiring international intervention, and it positioned the crisis within the post-9/11 counter-terrorism paradigm⁵⁴ rather than within the protection of civilians' framework that R2P would require. Bolton's consistent invocation of terrorism as the root cause of the crisis - characterising not only Hezbollah and Hamas but also "their sponsors in Tehran and Damascus" as a unified threat for international stability - and his characterisation of any call for immediate ceasefire as effectively rewarding terrorist actions established the US position that would structure all subsequent negotiations (UNSC, S/PV.5493, 2006: 16). Bolton argued explicitly:

There is no moral equivalence between acts of terrorism and Israel's exercise of its legitimate right to self-defence. [...] We have urged the Government of Israel to exercise the greatest

⁵³ John Bolton, US Representative to the SC from August 2005 to December 2006. Bolton's statements during the Lebanon crisis consistently characterised Hezbollah as part of a "nexus of terror" involving Iran and Syria (UNSC, S/PV.5493, 2006: 17).

⁵⁴ Framing the Lebanon crisis through the lens of counter-terrorism rather than civilian protection reflected the Bush administration's broader post-9/11 construction of Middle East conflicts. The Bush administration viewed the conflict as an opportunity to cripple Hezbollah and the rejectionist axis (Zunes, 2008).

possible care in its use of force. But it is a mistake to ascribe a moral equivalence to the killing of civilians who die as the direct result of malicious terrorist acts, the very purpose of which are to kill civilians, and the tragic and unfortunate consequence of civilian deaths as a result of military action taken in self-defence (UNSC, S/PV.5493, 2006: 17)

In contrast to the US position, other SC members articulated positions that fell at various points along this spectrum. Russia condemned the soldier abduction, but explicitly characterised Israeli military action as a disproportionate and inappropriate use of force threatening Lebanese sovereignty and territorial integrity, calling for Israel to end its incursions and destruction of civilian infrastructure (UNSC, S/PV.5489, 2006). The Russian representative emphasised that experience in the Middle East demonstrates that security problems cannot be solved by armed force (UNSC, S/PV.5489, 2006). Similarly, China denounced Israeli armed aggression and use of disproportionate force, causing massive infrastructure destruction and large numbers of civilian casualties in violation of Lebanese sovereignty, demanding Israel stop military actions and lift the blockade (UNSC, S/PV.5489, 2006). China's representative further noted that heads of state had gathered at the UN the previous year to adopt the Outcome Document, which called for the protection of civilians (UNSC, S/PV.5489, 2006). Yet, the SC was witnessing deaths of many civilians in bombardments and artillery shelling (UNSC, S/PV.5493, 2006) - a pointed reference underscoring the gap between 2005 commitments and 2006 practice.

Qatar characterised Israeli operations as “a barbaric military campaign” inconsistent with legitimate self-defence objectives and noted that the holding of two Israeli soldiers was being used as a pretext to bring

destruction and instability to the region (UNSC, S/PV.5489, 2006: 10). Qatar's representative emphasised that Lebanon represented a rare successful experiment in democracy and questioned the logic of holding the Lebanese government responsible for the abduction and the capture of Israeli soldiers despite the government having had no knowledge of that action (UNSC, S/PV.5489, 2006). Qatar's frustration with the Council's inaction became more explicit when its representative lamented that the SC, tasked with maintaining international peace and security, stood idly by, unable and powerless to end the bloodbath (UNSC, S/PV.5493, 2006). France, while recognising Israeli security concerns, condemned the destruction of civilian and military infrastructure and the blockade, noting that the Lebanese people must not be taken hostage, and called for freedom of movement for the Lebanese population to be restored without delay (UNSC, S/PV.5489, 2006).

These divergent positions within the SC reveal the core obstacle to Council actions. The fundamental obstruction, during this initial phase, was not the absence of consensus regarding the severity of the humanitarian crisis - even the US acknowledged that civilian casualties constituted a tragedy - but rather profound disagreement regarding whether the crisis should be framed as one requiring protection intervention or as one involving legitimate counter-terrorism operations. This disagreement reflected precisely the kind of political discretion over crisis framing that is identified in the second chapter as enabling selective non-application: when powerful states define a situation through security rather than protection frameworks, the institutional mechanisms for R2P activation remain dormant regardless of objective civilian suffering. The Palestinian observer, speaking during the 21 July session, framed the SC as "nearly paralysed" while Israel continued to kill, wound, and maim defenceless Palestinian civilians in both Lebanon and Gaza (UNSC, S/PV.5493, 2006:

8). This paralysis was political rather than technical: the SC possessed the legal authority under Chapter VII to mandate immediate cessation of hostilities and deployment of protection forces, but the political will to exercise that authority was absent due to US opposition and the unwillingness of other P5 to force a confrontation through a veto scenario.

As the conflict entered its second week, diplomatic efforts focused on crafting resolution language that could secure the necessary nine votes, including the concurrence of all P5. Documentary evidence indicates that at least two substantially different draft resolutions circulated during this period: a United States-backed text emphasising unconditional cessation of Hezbollah attacks paired with conditional Israeli cessation of only offensive military operations, and a French-Qatari alternative calling for more symmetrical ceasefire terms (Zunes, 2008; Bennis, 2008). The US draft, reflecting Bolton's framing, would have required Hezbollah to cease all attacks while only requiring Israel to cease offensive military operations; a formulation that would have given Israel license to continue operations characterised as defensive while imposing absolute restrictions on Hezbollah (Zunes, 2008). Given that Israeli official rhetoric had characterised the entire campaign as a defensive response to terrorism, this asymmetrical language effectively permitted the perpetuation of Israeli operations indefinitely. Bolton made explicit that the US had no confidence that an unconditional ceasefire would be honoured by Hezbollah and viewed such a ceasefire as merely allowing Hezbollah time to regroup and plan its next wave of attacks (UNSC, S/PV.5493, 2006). This position precluded US support for any resolution calling for an immediate and symmetrical ceasefire.

France, seeking to broker a compromise that could secure both US acquiescence and broader SC support, proposed language calling for a

more immediate and comprehensive cessation of hostilities (UNSC, S/PV.5493, 2006). However, French diplomatic efforts confronted the asymmetrical structural reality of SC: the informal veto threat exercised by the P5 through private negotiations can suppress or fundamentally alter humanitarian initiatives long before they reach formal voting (Gifkins, 2021). This informal veto threat, exercised through bilateral diplomatic pressure rather than formal Council sessions, effectively circumscribed the range of diplomatically viable options, demonstrating the mechanism through which the P5 exercise dominance far exceeding their formal Charter privileges (Gifkins, 2021). When international pressure increased on Israel to halt operations, Condoleezza Rice, the US Secretary of State, travelled to Israel to push the government to continue prosecuting the war (Zunes, 2008; Bennis, 2008). Subsequently, when the resolution was finalised, Rice characterised the delay - during which hundreds more Lebanese civilians were killed - as time well spent (Zunes, 2008; Bennis, 2008).

By early August, a compromise text emerged. The final week of negotiations produced the compromise text that would become Resolution 1701, a text characterised by ambiguity on key operational questions and systematic avoidance of R2P language. The resolution's core operative language called for "the immediate cessation by Hezbollah of all *attacks* and the immediate cessation by Israel of all *military operations*" (UNSC, S/RES/1701, 2006), a formulation that preserved the asymmetry of the earlier US draft. Crucially, the resolution's preambular language attributed the crisis' origin exclusively to Hezbollah's attack on 12 July 2006, thereby adopting the temporal framing that, as Bennis (2008) observes, permitted the Council to ignore everything that had happened earlier, including Israel's constant overflights of Lebanese territory, its holding of Lebanese prisoners, and the events in Gaza that had established the

political context for Hezbollah's action (Bennis, 2008). This strategy of political discretion in SC decision-making served to construct Hezbollah as solely responsible for the crisis while immunising Israeli conduct from scrutiny (Bennis, 2008). The resolution identified the need to urgently address the causes giving rise to the current crisis, but then defined those causes exclusively as the unconditional release of the abducted Israeli soldiers (UNSC, S/RES/1701, 2006), making no references to broader regional dynamics, occupation issues, or the parallel operations in Gaza.

The resolution authorised expansion of the United Nations Interim Force in Lebanon (UNIFIL)⁵⁵ from 2000 to 15000 troops with a mandate to monitor the cessation of hostilities, accompany and support the Lebanese armed forces as they deploy throughout the South, and extend assistance to help ensure humanitarian access to civilian populations (UNSC, S/RES/1701, 2006). However, this mandate conspicuously lacked the Chapter VII enforcement authority and “all necessary means” language that characterised the contemporaneous Resolution 1706 on Darfur. Secretary-General Annan’s subsequent implementation report clarified that a reinforced UNIFIL would not conduct war, but rather would operate under rules of engagement requiring consent of parties (UNSC, S/2006/670, 2006), a formula that effectively precludes UNIFIL from fulfilling any protection function should either Israel or Hezbollah resume hostilities.

The ambiguity of UNIFIL’s mandate - technically approved under Chapter VII authority yet lacking specific enforcement mechanisms - reflected the

⁵⁵ UNIFIL was originally established by SC Resolutions 425 and 426 in March 1978 following Israel's invasion of southern Lebanon, with a mandate to confirm the withdrawal of Israeli forces, restore international peace and security, and assist the Lebanese Government in ensuring the return of its effective authority in the area. UNIFIL remained deployed continuously from 1978 through the 2006 conflict and beyond.

political compromise necessary to secure agreement. This uncertainty allowed for a consensus among key stakeholders: it satisfied France's demand for an enhanced UNIFIL deployment, addressed US concerns that Israeli operations remain unhindered, and allowed Lebanon to accept international forces without sovereignty implications of a full Chapter VII enforcement mandate.

The resolution's implementation timeline further favoured Israeli interests. Despite the formal requirement for immediate implementation in Resolution 1701, a 48-hour gap was granted before the cessation of hostilities began. This delay represented a departure from standard SC protocols, under which resolutions are typically expected to take effect upon adoption unless the text explicitly defines a different timeframe (Falk and Bali, 2008). This window enabled Israel to conduct some of its most intensive operations of the entire conflict (UNSC, S/2006/670, 2006). According to UNIFIL, this period was characterised as the most intense combat, involving a significant escalation in both Israeli strikes across Lebanon and Hezbollah rocket fire into northern Israel (UNSC, S/2006/670, 2006).

The 34-day interval between the conflict's escalation and the Council's action thus reflected not institutional incapacity but the political time required by the US to secure a resolution that avoided R2P framing. Moreover, the crisis was framed merely through counter-terrorism rather than civilian protection frameworks, reflecting P5 strategic priorities. The 2006 Lebanon War starkly illustrated how geopolitical priorities can override humanitarian urgency. Although the SC formally expressed primary concern and acknowledged a need for immediate action (UNSC, S/RES/1701, 2006), diplomatic delays allowed strategic interests to prevail for over a month, significantly worsening the humanitarian crisis.

3.2.2 Comparing Resolutions 1701 and 1706: Evidence of Selective Application

The simultaneous management of the crises in Lebanon and Darfur during August 2006 provides a definitive empirical demonstration of the selective application of R2P and the asymmetrical power distribution within the SC. In what constitutes a profound normative duality, the SC adopted two fundamentally divergent frameworks for contemporaneous emergencies involving mass civilian suffering. While the response to Darfur - Resolution 1706 - was articulated through the humanitarian lens of protection and international responsibility, the approach to Lebanon represented a retreat into a traditional Westphalian model focused on border integrity and sovereign security. This divergence demonstrates that the activation of the R2P mandate is less an objective response to human rights violations and more a reflection of the strategic alignment of the P5 and their regional interests (Falk and Bali, 2008).

The most evident manifestation of this selective logic is found in the divergent treatment of the 2005 World Summit commitments. Resolution 1706, addressing the situation in Sudan, functioned as a legal vehicle for the newly established R2P doctrine by explicitly incorporating the collective responsibility to protect into its operative mandate (UNSC, S/RES/1706, 2006). It empowered the UNMIS to intervene with enforcement authority to prevent threats against the population, thereby prioritising human security over absolute state sovereignty (UNSC, S/RES/1706, 2006). Conversely, Resolution 1701 regarding Lebanon conspicuously avoided any mention of the 2005 World Summit Document regarding protection. This omission effectively downgraded the Lebanese crisis from a humanitarian emergency requiring international intervention

to a conventional territorial dispute, thereby insulating the actors involved from the scrutiny of the R2P framework (Bennis, 2008).

Crucially, this legal exclusion was predicated on a deliberate disregard for the complex socio-political composition of Lebanese society. By failing to account for the country's internal reality, the SC permitted a narrative in which civilian areas were simply turned into military targets. While the US and Israel consistently characterised Hezbollah as a mere terrorist cell, this reductionist label ignored the movement's established role as a sophisticated state within a state (Abdul-Hussain, 2009). Because Hezbollah was deeply integrated into the civilian fabric through its extensive network of social services, schools, and hospitals, its presence in residential areas was utilised by Israel as a strategic pretext for bombardment (Abdul-Hussain, 2009). In this context, the rhetoric of human shields functioned as a convenient justification to legitimise the destruction of civilian infrastructure and the killing of non-combatants under the guise of counter-terrorism (Deeb, 2008). By adopting the Israeli and Western narrative, the SC effectively transformed the entire Lebanese population into a hostage of the military conflict, ignoring the state's manifest inability to separate the military and social wings of a movement that provided the very protection the central government could not (Deeb, 2008; Falk and Bali, 2008).

Furthermore, operational mandates assigned to the respective peacekeeping forces revealed an underlying structural asymmetry. While the mission in Darfur was tasked with the active promotion of human rights and the safeguarding of vulnerable displaced groups (UNSC, S/RES/1706, 2006), the reinforced UNIFIL mission in Lebanon was primarily designed to enforce the disarmament of Hezbollah and restore the central government's monopoly on force (Falk and Bali, 2008). This

focus on the internal Lebanese political architecture served a specific geopolitical purpose: by framing the conflict as a failure of Lebanese state capacity to control a subnational militia, the SC effectively shifted the burden of responsibility away from the external state using disproportionate force (Abdul-Hussain, 2009). Consequently, the international presence was deployed almost exclusively on the Lebanese side of the border, aiming to suppress the local resistance while offering no reciprocal protection to civilians against continued Israeli military activity, which was often justified through the strategic analytical distortion of self-defence (Zunes, 2008).

This asymmetry extended to the linguistic framing of the hostilities. Resolution 1701 adopted a narrative that singled out Hezbollah as the sole instigator of the crisis, utilising the July border incident to “start the clock” on the war while ignoring the broader context of territorial violations and structural tensions (Bennis, 2008: 229). Moreover, the resolution established a discriminatory ceasefire regime: it imposed an absolute prohibition on all Hezbollah actions while granting Israel significant operational latitude through the ambiguous classification of *defensive* military operations (UNSC, S/RES/1701, 2006). Because the resolution failed to define the parameters of such operations, it permitted the continuation of commando raids and airspace violations under the guise of security, long after the formal cessation of hostilities (Falk and Bali, 2008).

Finally, and perhaps most significantly, the absence of R2P framing for Lebanon resulted in a profound accountability gap. Despite evidence of Israeli widespread use of cluster munitions and white phosphorus in populated areas - frequently described as a *de facto* mining of civilian territory - the SC provided no mechanism for monitoring or punishing

potential war crimes (Berrigan and Hartung, 2008). Unlike the mandate for Darfur, which prioritised justice and the rule of law, the Lebanese resolution remained silent on the use of prohibited weapons and the targeting of civilian infrastructure (Bennis, 2008). This silence underscores the reality of what might be termed geopolitical triage: in the absence of a neutral mechanism to qualify mass atrocities, the international community allows strategic utility to dictate the urgency of humanitarian action (Bukhari et al., 2024). Ultimately, the contrast between Resolutions 1701 and 1706 confirms that regional stability and the interests of powerful allies remain the primary determinants of international intervention, leaving the universal promises of the 2005 World Summit largely unfulfilled in the Middle East (Hovsepien, 2008).

3.2.3 The Diplomatic Logic Behind the Exclusion: Strategic Interests

The absence of R2P language from the discourse surrounding Resolution 1701 reflects a strategic prioritisation of geopolitical stability over humanitarian obligations in the SC deliberations. Despite the Security Council's recent reaffirmation of protection duties in Resolution 1674⁵⁶, the international response to Lebanon was filtered through a discretionary, case-by-case logic that prioritised strategic alignments over the objective humanitarian emergency (UNSC, S/RES/1674, 2006). By treating the 2006 Lebanon war as a political exception rather than a human rights crisis, the SC successfully circumvented the legal obligations established at the 2005 World Summit. This strategic omission was facilitated by the

⁵⁶ Resolution 1674 (28 April 2006) reaffirmed paragraphs 138-139 of the 2005 World Summit Outcome Document and established the Security Council's practice of including protection provisions in peacekeeping mandates "where appropriate and on a case-by-case basis" (UNSC, S/RES/1674, 2006: 3). This language created institutional space for the SC to exclude protection considerations when their inclusion would conflict with the strategic preferences of powerful states.

complex nature of the actors involved and a pre-existing legislative focus on regional interference rather than civilian protection.

A primary obstacle to the application of R2P was the holistic nature of Hezbollah as a subnational entity. Because the organisation functions as an integrated network - in which social welfare, political representation, and military resistance are analytically inseparable - the SC struggled to apply the binary distinctions required by the R2P framework (Nilsson, 2020). The standard protection narrative relies on a clear demarcation between a predatory state, a defenceless population, and an external aggressor (El Hussein, 2010). In Lebanon, however, Hezbollah's role as a state within a state providing essential services made it difficult for the SC to address the security threat without simultaneously targeting a significant and legitimate segment of the Lebanese polity (El Hussein, 2010; Nilsson, 2020). Consequently, the international community's refusal to engage with Hezbollah's social and political dimensions resulted in a reductionist terrorist labelling that essentially legitimised the use of force and ignored the internal political balance of the country (El Hussein, 2010; Zunes, 2008).

This analytical failure was compounded by a pre-existing diplomatic framework that linked Lebanon's stability exclusively to the removal of Hezbollah influence. Resolutions 1559⁵⁷ and 1680 had already established a precedent by merging the demand for Syrian withdrawal with the disarmament of Hezbollah (Abdul-Hussain, 2009). By lumping these two distinct issues together, the SC inadvertently strengthened the ties between

⁵⁷ Resolution 1559 (2004) called for Syrian withdrawal and disarmament of all Lebanese militias. By linking these distinct issues, combined with the absence of promised Western reconstruction aid post-2000, the SC inadvertently strengthened ties between Damascus and Hezbollah, as the organization consolidated regional alliances to preserve its autonomy (Abdul-Hussain, 2009; Corm, 2008).

Damascus and Hezbollah, forcing the latter to rely more heavily on its regional sponsors to preserve its domestic autonomy (Abdul-Hussain, 2009). This focus on regional interference (UNSC, S/RES/1680, 2006) meant that when full-scale war erupted, the Council viewed the conflict through the lens of the rejectionist axis rather than as a mass atrocity crisis, thereby justifying emphasis on border integrity instead of human security.

The role of the US was fundamental in maintaining this protection gap. By asserting that there was no moral equivalence between Hezbollah's provocations and Israel's self-defence, Washington effectively blocked any language that might have censured Israeli conduct (UNSC, S/PV.5493, 2006). This asymmetrical enforcement not only insulated Israel from accusations of war crimes - such as the offensive use of phosphorus and cluster munitions - but also effectively licensed an indiscriminate military campaign (Bennis, 2008; Falk and Bali, 2008). The strategic logic here was to raise the domestic costs for the Lebanese population, hoping to sap support for the resistance (Childs, 2011); however, this approach ultimately proved counterproductive, as the destruction of vital infrastructure and the ensuing humanitarian disaster only served to harden domestic and regional opposition (Berrigan and Hartung, 2008; Childs, 2011; Zunes, 2008).

Ultimately, this selective nature of this diplomatic logic is most visible when Resolution 1701 is compared with Resolution 1706 on Darfur. While the latter authorised a robust mandate to monitor human rights and actively prevent attacks on civilians (UNSC, S/RES/1706, 2006), the Lebanese resolution was stripped of any such protective mechanisms. UNIFIL's role was limited to monitoring a cessation of hostilities and supporting the Lebanese army (UNSC, S/2006/670, 2006), leaving the civilian population in a precarious state of vulnerability (Falk and Bali, 2008).

Moreover, by failing to address the root causes of the conflict, the SC ensured that Resolution 1701 would be nothing more than a temporary stalemate (Falk and Bali, 2008). This geopolitical triage demonstrated that in the Middle East, global efforts for justice are consistently undermined by the strategic imperatives of major powers, who prefer to manage borders rather than protect civilians' lives (Berrigan and Hartung, 2008; Bukhari et al., 2024).

For instance, this analysis has demonstrated that Resolution 1701's systematic omission of R2P language reflected deliberate political choice rather than institutional incapacity. However, understanding why this choice was made requires examining the broader geopolitical context within which the SC operated in the summer of 2006. As the following section establishes, the legacy of post-9/11 interventions - particularly the ongoing campaigns in Iraq and Afghanistan - created conjunctural constraints that rendered R2P invocation politically unviable regardless of objective humanitarian need.

3.3 The Shadow of Iraq and Afghanistan: Post-9/11 Constraints on UN Decision-Making

The institutional response of the UN to the 2006 hostilities was significantly constrained by the prevailing geopolitical climate of the mid-2000s, specifically the prioritisation of the globalised campaign against terrorism. This section demonstrates that three conjunctural factors operating simultaneously in summer 2006 - US military overextension in Iraq and Afghanistan, the instrumentalization of Israel as a regional proxy against the rejectionist axis, and the post-9/11 normalisation of counter-terrorism framing - created a political environment in which invoking R2P would have conflicted with the strategic priorities of the Security

Council's most powerful member, thereby explaining the omissions documented in Resolution 1701. During this period, the conflicts in Afghanistan and Iraq were not merely regional engagements but formed the core of a broader US foreign policy that sought to reshape the Middle East through military and ideological hegemony (Ryan, 2011). Crucially, the War on Terror narrative served as a framework for systemic regime change across the region (Akbarzadeh, 2014). Having already overseen the collapse of regimes in Kabul and Baghdad, the Bush administration aimed to reconstruct target states as economically liberal and democratically aligned allies (Akbarzadeh, 2014; Gilmore, 2011). Consequently, peripheral wars such as the 2006 Lebanon conflict were framed as arenas where the US asserted its prerogative to intervene against any perceived threat to its strategic interests (Ryan, 2011). This geopolitical context, often described as a laboratory for democracy by Western powers, ensured a context in which the SC became less of an enforcer of international law and more of a diplomatic instrument reflecting the strategic priorities of its most powerful members, specifically Israel and the US (Corm, 2008; Falk and Bali, 2008).

The delayed reaction of the SC, which remained largely inactive for over a month, can be attributed to the US's intention to utilise Israel as a regional proxy to advance its objectives (Zunes, 2008). Following the difficulties encountered in the Iraqi counter-insurgency, the Bush administration perceived a decisive strike against Hezbollah as a means to intimidate Iran and Syria, the primary sponsors of the resistance movements and the perceived next targets for ideological and military transformation (Zunes, 2008). By formally categorising Hezbollah as a terrorist entity, Washington sought to justify the degradation of any movement or state that challenged its regional hegemony (Zunes, 2008). This strategic entanglement with Iran was particularly acute. The presence

of US troops on both the eastern and western borders of the Islamic Republic intensified Tehran's security anxieties, leading to a more hardened regional stance and a deepening of its alliances with subnational actors (Akbarzadeh, 2014; El Husseini, 2010).

The ongoing campaigns in Iraq and Afghanistan institutionalised a profound militarisation of humanitarian assistance, which by 2006 had effectively dissolved the conventional boundaries between civilian aid and military operations (Burke, 2010). This structural shift was underpinned by a counter-insurgency doctrine⁵⁸ that prioritised the fostering of compliant regimes over the genuine interests of local populations (Gilmore, 2011; Hultman, 2012). Consequently, the fundamental principle of humanitarian neutrality was significantly undermined, as the delivery of aid was transformed into a mechanism for political stabilisation rather than a response dictated by material need (Burke, 2010). In the Lebanese context, this presented a complex challenge for international actors. While Western donors designated Hezbollah as a terrorist organisation, the group remained the most efficient and immediate provider of relief to the displaced populations in the south (Shearer and Pickup, 2007). Notably, the high level of politicisation surrounding humanitarian planning made it nearly impossible to maintain impartiality, as local welfare organisations were inextricably linked to broader sectarian and geopolitical interests (Shearer and Pickup, 2007).

⁵⁸ Counter-insurgency (COIN) doctrine integrates military and political strategies to suppress insurgencies (Hultman, 2012). While the 2006 US formulation emphasised cultural awareness and population protection, scholars argue it remained embedded within the War on Terror framework, prioritising compliant regimes over local agency and leading to systematic militarisation of humanitarian assistance (Gilmore, 2011; Burke, 2010).

Furthermore, the response to the 2006 war was conditioned by a systemic culture of discrimination, which scholars defined as Islamophobia⁵⁹, and which had intensified in the West following the events of 9/11 (Sirin et al., 2021). This ideological environment contributes to constructing Arabs and Muslims as a permanent threat, effectively dehumanising civilian populations and making the international community more tolerant of disproportionate military force (Sirin et al., 2021). This systemic dehumanisation functions as a component of the War on Terror, allowing politicians and the media to denigrate local populations and justify the high-impact war-fighting that characterised the era (Gilmore, 2011; Sirin et al., 2021). Specifically in the 2006 Lebanon case, the prevailing narrative constructed the Lebanese people not as a protected population under international law, but as potential accomplices to terrorism, thereby justifying the Israeli widespread destruction of civilian infrastructure (Sirin et al., 2021). This discourse was reinforced by the US counter-insurgency doctrine, which, despite its rhetoric of human security and local engagement, remained firmly rooted in high-impact war-fighting and the disempowerment of local populations to serve external security agendas (Gilmore, 2011).

Ultimately, the shadow cast by the Iraqi and Afghan occupations led to a significant erosion of international legal standards, specifically in the SC adoption of Resolution 1701, without protection language. The failure of the SC to censure the targeting of non-combatants and the use of prohibited weaponry reflected a wider pattern of lawlessness (Falk and Bali, 2008). Despite domestic laws in the US intended to regulate arms

⁵⁹ Islamophobia denotes systemic discrimination against Muslims and individuals perceived as Muslim. Anti-Arab and anti-Muslim sentiments reached unprecedented levels following 9/11, with affected populations reporting elevated experiences of discrimination and associated mental health consequences. Furthermore, the War on Terror contributed to constructing Arabs and Muslims as targets (Sirin et al., 2021).

transfers based on human rights records, these were selectively ignored to ensure that Israel remained a well-equipped regional ally (Berrigan and Hartung, 2008). This lack of accountability suggested that the principles of proportionality and distinction under IHL had become secondary to the pursuit of geopolitical dominance within the counter-terrorism paradigm (Gross, 2008). By failing to address the underlying causes of regional instability - such as the unresolved Palestinian question, the occupation of Syrian territories, and the parallel operation in Gaza conducted by Israel - the international community ensured that Resolution 1701 would function only as a temporary cessation of hostilities within a broader cycle of violence (Falk and Bali, 2008; Bukhari et al., 2024).

3.3.1 Conjunctural Timing: Lebanon's Vulnerability and the International Community's Intervention Struggle

The catastrophic humanitarian fallout of the 2006 conflict cannot be understood without addressing the specific temporal window in which it occurred. By mid-2006, the international community was gripped by profound distrust of humanitarian justifications for military action, primarily due to concerns among Global South nations that R2P was being co-opted as a mechanism for forced regime change (Childs, 2011). This era was defined by a shift in the US strategic paradigm, which by the second term of the Bush administration had moved toward a transnational view of threats, allowing for military operations in territories regardless of formal state-level hostilities (Ryan, 2011). At the regional level, this global shift coincided with a precarious transitional phase in Lebanon. The 2005 withdrawal of Syrian forces - accelerated by US legislative pressure and economic blockades - had fundamentally altered Hezbollah's role, forcing the group to pivot from an external resistance force to a central actor within domestic Lebanese politics (Abdul-Hussain, 2009; Corm, 2008).

Consequently, the 2006 war struck at a moment when Lebanon was uniquely vulnerable, and the international community's responsiveness to intervention was at its lowest (Nasu, 2007).

As analysed in the previous section, this confluence of factors produced a 34-day delay in the SC actions, which directly contradicted the legitimate expectations of member states for a responsive and accountable international authority (Nasu, 2007). To the Lebanese population, this month-long lag was perceived as an institutional failure of the UN, reflecting a disconnect between the Security Council's diplomatic processes and the operational agencies tasked with protection (Shearer and Pickup, 2007). Some critics argue that the Israeli invasion's justification was a strategic pretext, noting that similar incidents had historically occurred without triggering comparable destruction across the entire country (Chomsky, 2008). Building on this perspective, scholars document that the timing of the offensive suggests a coordination between the US and Israel to advance a regional agenda through force, with the conflict framed as self-defence to a Western public, which was more receptive to self-defence than to overt aggression (Falk and Bali, 2008; Zunes, 2008). By isolating the Lebanese crisis from its Palestinian context and the simultaneous escalation in Gaza, international diplomacy effectively provided a "green light"⁶⁰ for the continuation of high-impact warfare (Bennis, 2008).

The human cost of this institutional delay became most evident in the final hours of the conflict. One of the most significant aspects of the war was

⁶⁰ The term "green light" in diplomatic discourse refers to tacit or explicit signals from powerful states indicating that certain actions will not face serious international opposition or sanction. For instance, Resolution 1701's framing of the crisis as originating exclusively with Hezbollah's 12 July action, combined with the resolution's failure to reference the parallel Gaza operations, effectively signalled that Israel could continue military operations in Gaza without SC intervention (Bennis, 2008).

the intensification of shelling and aerial strikes during the 48-hour window immediately preceding the ceasefire (UNSC, S/2006/670, 2006). This surge in violence resulted in casualties that can be characterised as superfluous, as the primary military objectives had arguably already been achieved (Gross, 2008). The legacy of this violence is most starkly exemplified by the deployment of cluster munitions in the final days of the conflict. With a significant failure rate, these weapons left approximately one million unexploded submunitions across southern Lebanon, claiming civilian lives long after the official cessation of hostilities (Gross, 2008).

Ultimately, the 2006 crisis demonstrates that protection must be integrated into the earliest planning stages of emergencies (Shearer and Pickup, 2007). The 34-day delay in SC action, driven by geopolitical factors, created a protection gap that resulted in disproportionate civilian casualties (Shearer and Pickup, 2007). Arab and Muslim populations - characterised as “invisible population” due to systematic underrepresentation in the policy arena - bore the disproportionate costs of this institutional paralysis, experiencing both direct physical harm and long-term psychological consequences of what they experienced as systematic international indifference (Jones, 2006; Sirin et al., 2021: 2).

3.3.2 From Baghdad to Beirut: The Iraqi Precedent and Its Impact on SC

The geopolitical landscape of 2006 was profoundly shaped by the structural and legal consequences of the 2003 US invasion of Iraq. By the time hostilities erupted in Lebanon, the UN Security Council was already functioning within an institutional framework of diminished credibility, largely due to the contentious unilateralism that characterised the preceding years (Wildman and Bennis, 2010). As Abdul-Hussain (2009)

observes, the fall of the Baghdad regime forced both Tehran and its Lebanese allies to abandon purely ideological pursuits in favour of a pragmatic immersion in regional power dynamics (Abdul-Hussain, 2009). This shift was not merely a reaction to the changing balance of power but a strategic necessity, as the US military presence on Iran's immediate borders compelled a more defensive and militant posture from the Shi'a leadership (Akbarzadeh, 2014; Abdul-Hussain, 2009).

Consequently, the Iraq war served as the primary catalyst for the consolidation of the anti-imperialist coalition, namely the rejectionist axis. This alliance became increasingly entrenched following the 2003 Iraq occupation, viewing any international discourse regarding sovereign responsibility or civilian protection as a sophisticated tool for Western-led regime change (El Husseini, 2010). This heightened suspicion meant that the US was profoundly reluctant to invoke the R2P in Lebanon. Instead, Washington preferred to categorise the conflict through the overarching paradigm of the War on Terror, thereby ensuring that Israeli military operations remained unfettered by the objective legal constraints that a protection-based mandate would have imposed (Falk and Bali, 2008; Ryan, 2011).

This strategic environment was further complicated by the political empowerment of Arab Shi'a identities across the Middle East (Childs, 2011). The rise of this demographic as a significant political force caused substantial anxiety among traditional Sunni authorities, who perceived the expansion of Shi'a influence as a direct extension of Iranian hegemony (Childs, 2011). This friction was intensified by long-standing ethnic and religious distinctions that fused political authority with sectarian beliefs, reinforcing the role of the Sunni tradition as the representative of Arab identity while associating Shi'a movements with Persian historical

influences (Childs, 2011). In this context, Hezbollah's increasing involvement in Lebanese domestic politics was a calculated response to this volatile regional balance, intended to secure its survival after the withdrawal of Syrian forces in 2005 (Abdul-Hussain, 2009; Nilsson, 2020).

From the perspective of the Bush administration, Lebanon was envisioned as an experimental site for democratic reconstruction (Corm, 2008). However, this optimistic framing by Western powers ignored the internal complexities of the Lebanese confessional system and the persistent relevance of Damascus as a symbol of resistance against US domination, in the eyes of its regional allies (Corm, 2008). The US strategy relied heavily on the reductionist categorisation of Hezbollah as a terrorist organisation, a frame that served to legitimise state-led violence while rendering any resistance activity inherently unlawful (Deeb, 2008). However, the Iraq war context gave this framing particular potency in summer 2006: having justified the 2003 invasion partially through counter-terrorism rhetoric, subsequently discredited, the Bush administration could not credibly invoke R2P without inviting comparison that would further expose the cynical instrumentalization of humanitarian language (Falk and Bali, 2008). Thus, maintaining Israel's operational freedom required doubling down on terrorism framing precisely because protection framing had been discredited by Iraq (Falk and Bali, 2008). This strategic logic successfully insulated Israeli military conduct from international censure, effectively presenting the assault on civilian infrastructure as a justified component of the wider campaign against terrorism (Falk and Bali, 2008; Zunes, 2008)

The Security Council's month-long silence during the 2006 Lebanon war reflected an obstructionist policy that favoured the strategic interests of the

P5 over the collective security of the international community (Nasu, 2007), thereby underscoring the asymmetries in the SC decision-making process. This delay created a significant “credibility gap”⁶¹, as the Council disregarded the expectations of member states for a timely and impartial response (Nasu, 2007: 348). Furthermore, the logistical and military overextension of Western forces in Iraq and Afghanistan severely hindered the UN’s ability to respond to the Lebanese crisis. Resources that would have been vital for an immediate intervention were already absorbed by the ongoing counter-insurgency campaigns in other fronts (UNSC, S/2006/670, 2006; Wildman and Bennis, 2010). This overextension, combined with a lack of civilian oversight in military planning, ensured that the humanitarian needs of the Lebanese population remained secondary to the pursuit of a compliant regional order (Burke, 2010; Gilmore, 2011). This indicates that the Council’s delayed response enabled a level of devastation that was disproportionate to the initial border incident (Gross, 2008).

Ultimately, the 2006 conflict demonstrated that the pursuit of geopolitical dominance consistently overrides the enforcement of international legal standards. By utilising a narrow temporal framing and ignoring the regional origins of the violence, the SC institutionalised a double standard that undermined the applicability of universal norms (Bennis, 2008; Falk and Bali, 2008). In this regard, the trajectory connecting Baghdad to Beirut signifies the definitive subordination of humanitarian protection to the imperatives of the War on Terror. For instance, SC paralysis was not an accidental omission but a calculated strategy to permit the reconfiguration

⁶¹ Nasu (2007) defines the “credibility gap” as the disparity between member states’ expectations for prompt SC action and the actual practice of selective intervention. In 2006, this gap resulted from a privatised decision-making process where the strategic interests of the US and UK superseded collective security, ultimately undermining the Council’s normative authority regarding the international use of force (Nasu, 2007).

of regional power balances at the expense of international legality (Gilmore, 2011; Ryan, 2011).

3.3.3 Resource Constraints, Militarised Aid, and the Erosion of Protection Norms

The institutional hesitation observed in 2006 was deeply rooted in the strategic and legal exhaustion following the US intervention in Afghanistan. By the middle of the decade, the international community had witnessed how a focus on military spending over development commitments in the Afghan front resulted in a deteriorating security environment and a state that remained both unstable and profoundly impoverished (Wildman and Bennis, 2010; Jones, 2006). This legacy of failed stabilisation created a conservative culture within the SC, which became increasingly reluctant to authorise proactive protection missions. This shift led to a reactive institutional posture, where the Council prioritised the preservation of traditional sovereignty over the timely deployment of forces, thereby widening the gap between the legal promises of protection and actual practice (Nasu, 2007).

The empirical evidence from Afghanistan starkly illustrated these constraints. By 2008, pro-government forces - primarily international coalition troops - were responsible for 45 percent of all civilian deaths in the Afghan conflict, with air strikes alone accounting for 552 civilian casualties, representing a percent increase compared to 2007 (Hultman, 2012). UN assessments for the 2006 period estimated that one-third of all conflict-related deaths in Afghanistan were civilians, with the remaining two-thirds divided between insurgents and security forces (Hultman, 2012). This pattern of civilian harm inflicted by forces ostensibly deployed for protection purposes created what Burke (2010) characterises as a

profound credibility crisis for international intervention, as the rhetoric of human security and civilian protection increasingly diverged from operational realities characterised by high-impact kinetic operations (Burke, 2010).

The resource constraints imposed by these ongoing campaigns proved equally consequential for the Lebanon response. As documented in the Secretary-General's August 2006 implementation report, the requirements for UNIFIL expansion were logistical demand (UNSC, S/2006/670, 2006). These demands emerged precisely when Western military and civilian resources remained heavily committed to stabilisation operations in Iraq and Afghanistan, creating a strategic problem wherein the international community lacked the material capacity to mount robust interventions across multiple simultaneous fronts (Jones, 2006). The planned decrease in American forces in Afghanistan from peak levels to approximately 16,000 by late 2006, driven by Iraq requirements rather than Afghan security improvements, illustrated this resource competition (Jones, 2006).

This scepticism was reinforced by the perceived failure of military force to substitute for political consensus. Drawing from the costly lessons of Afghanistan and Iraq, the UN concluded that a robust military presence in Lebanon could not achieve security goals absent a domestic political process (UNSC, S/2006/670, 2006). Consequently, the mandate for the reinforced UNIFIL was intentionally limited to supporting the Lebanese army and monitoring hostilities rather than engaging in direct protection of civilians (UNSC, S/2006/670, 2006). This timid approach was a direct by-product of the interventionist fatigue of the era, as the international community grew wary of getting entangled in complex asymmetric

conflicts where the lines between insurgents and civilians were increasingly blurred (Nasu, 2007; Shearer and Pickup, 2007).

Furthermore, the Afghan experience demonstrated that pro-government or international forces were frequently responsible for high shares of civilian casualties when battlefield objectives were prioritised over non-combatant immunity (Hultman, 2012). This reality made the application of the R2P in Lebanon politically fraught, as any intervention was viewed through the lens of Western-led regime change (Akbarzadeh, 2014). The Security Council's selective application of norms is most evident when comparing the robust Resolution 1706, R2P-inspired mandate for Sudan, with the restrictive framework of Resolution 1701 in Lebanon⁶². While a mission with enforcement powers was acceptable in a peripheral context like Darfur, the *shadow of Afghanistan* ensured that in a high-stakes region like the Middle East, the SC would retreat to a classic Westphalian paradigm of border management of sovereignty (UNSC, S/RES/1706, 2006).

The loss of humanitarian neutrality also proved a significant obstacle to civilian protection. The militarisation of aid⁶³ in Afghanistan, where civilian assistance projects were controlled by military command structures, effectively dissolved the perception of international agencies as impartial actors (Wildman and Bennis, 2010; Burke, 2010). This led to direct attacks on UN staff in Kabul and Baghdad, creating a deterrent

⁶² The stark contrast between the mandates of Resolution 1706 (Sudan) and Resolution 1701 (Lebanon) underscores the geopolitical triage mentioned in the previous sections (Bukhari et al., 2024). While Darfur allowed for a human security mandate with enforcement authority, Lebanon's proximity to core US strategic interests necessitated a return to a consensual, non-interventionist model (UNSC, S/RES/1706, 2006; Nasu, 2007).

⁶³ The reliance on military units to perform humanitarian tasks in Afghanistan effectively destroyed the "humanitarian space" (Burke, 2010: 28). This precedent made it extremely difficult for NGOs in Lebanon to interact with local welfare organisations linked to Hezbollah without being perceived as siding with a designated terrorist entity (Burke, 2010; Shearer and Pickup, 2007).

effect that compromised the protection response in Lebanon (Wildman and Bennis, 2010; Shearer and Pickup, 2007). Ultimately, the 2006 war established a transformative blueprint for future confrontations, demonstrating that in the post-Afghanistan era, the strategic calculations of major powers consistently supersede the normative duty to protect vulnerable populations (Berrigan and Hartung, 2008; Bukhari et al., 2024).

In conclusion, the 2006 Lebanon War serves as an empirical case study in the selective application of the R2P, illustrating how legal commitments are fundamentally constrained by the structural asymmetries and power dynamics within the UNSC. The analysis has demonstrated that the failure to invoke R2P was not a technical oversight but a deliberate political strategy enabled by the discretionary authority of the P5 and their proxy allies. Central to this selectivity is the role of power asymmetries, where P5 utilise their veto authority - including the threat of an informal veto - to safeguard strategic interests and immunise close allies from international censure.

3.4 The De-Humanisation of the 2006 Lebanon War

The 2006 conflict in Lebanon serves as a paradigmatic case of the disjuncture between the legal commitments articulated in the 2005 World Summit Outcome Document, the subsequent R2P theory, and their practical application within the geopolitically constrained environment that shapes the UN Security Council. Although the hostilities objectively met the threshold conditions for R2P application - marked by the large-scale civilian casualties and the displacement of approximately one-quarter of Lebanon's population - the international community's response was governed by a security-first paradigm that effectively deconstructed the status of the protected subject. This institutional divergence reflects

structural dynamics intrinsic to the Security Council's asymmetrical decision-making architecture, where strategic imperatives and members consistently override the duty to protect.

The depth of this selective application is most evident when comparing the simultaneous management of the Lebanon and Darfur crises. While Resolution 1706 on Darfur utilised the R2P framework to prioritise human security and enforcement authority, Resolution 1701 for Lebanon retreated into a traditional Westphalian model of sovereignty. Moreover, Resolution 1701 failed to address the documented use of prohibited weapons, such as white phosphorus and cluster munitions, thereby precluding Israeli accountability mechanisms for war crimes (Bennis, 2008; Falk and Bali, 2008). This comparison reveals a profound legal duality: in Darfur, civilians were framed as subjects of international protection, whereas in Lebanon, they were implicitly redefined as an integrated component of the terrorist organisation. By adopting a narrative that conflated the state within a state phenomenon with a lack of civilian innocence, the SC permitted a framing where residential areas and civilians were treated as legitimate military targets.

This process of de-civilianization of the Lebanese population was operationalised through the Dahiya Doctrine, within both legal and military frameworks. During the 2006 crisis, the US-orchestrated international response improperly conflated Israel's legitimate security interests with an invalid claim of self-defence under Article 51 of the UN Charter, neglecting international law by treating a limited cross-border incident by a non-state actor as equivalent to an armed attack by a state (Falk and Bali, 2008). This legal framing provided the diplomatic cover for the application of the Dahiya Doctrine. By recasting civilian villages as military bases, this strategy aimed to sever the link between the

population and Hezbollah through the systematic destruction of social and material conditions. Within the ideological climate of the post-9/11 era, the Lebanese people were frequently constructed not as victims but as accomplices to terrorism, thereby insulating the disproportionate use of force from international censure. Consequently, the hybrid identity of Hezbollah, which filled the governance lacuna left by a weak central authority, became the very pretext used by the P5 to justify the SC non-intervention.

The determination of whether civilian suffering constitutes a protection crisis warranting a collective international response is a fundamentally political process shaped by the strategic positioning of the P5. The 2006 Lebanon war, involving Israel as the closest strategic ally of the US and occurring during a period of acute US military overextension in Iraq and Afghanistan, exemplifies how powerful states leverage institutional asymmetries to shield allies from international censure.

Ultimately, the 2006 conflict and the subsequent UNSC Resolution 1701 established patterns that contributed to subsequent regional escalations, demonstrating that, absent consistent application of R2P criteria independent of the geopolitical alignment of the states involved, regional stability remains subordinated to recurring cycles of violence driven by strategic imperatives rather than the protection mandates articulated in IHL (Bukhari et al., 2024). As observed in the analysis of asymmetrical power relations, the strategic calculations of major powers continue to supersede protection imperatives, leaving vulnerable populations to bear the costs of geopolitical contests over which they exercise no influence (Chomsky, 2008). Finally, the 2006 Lebanon conflict reveals that the operational reality of R2P remains fundamentally subordinated to the imperatives of power politics and the post-9/11 counter-terrorism

paradigm. In this context, the war serves as a definitive reminder of how the de-humanisation of a population, facilitated by strategic analytical distortions, remains a primary barrier to the universal enforcement of the duty to protect. Building upon these findings, the next chapter will further analyse the evolution of this gap through other R2P cases, including Libya, Syria, Gaza, and Yemen.

Chapter 4

From Application to Contestation: The Evolution of R2P

This final chapter represents the culmination of the investigation into the operational and legal trajectory of the R2P carried out in this project. While chapter three examined the institutional restraints and strategic omissions that defined the 2006 Lebanon War under the shadow of post-9/11 interventions, this chapter evaluates the more recent cycle of activation, paralysis, and silence that has emerged since 2011. By analysing the transition from the “successful” intervention in Libya to the enduring deadlocks in Syria, Yemen, and Gaza, this section aims to provide an answer to the research question regarding how the United Nations’ institutional architecture and shifting geopolitical contexts drive the selective application of protective norms.

The evolution of R2P over the last two decades suggests that while the doctrine has failed to become a predictable rule of intervention, it has succeeded in transforming the language of international diplomacy (Welsh, 2016). The political commitment to the norm has fostered a transnational constituency dedicated to atrocity prevention and capacity-building. However, the principle remains operationally indeterminate; it does not mandate a specific response - particularly a military one - to every instance where a state fails in its protective duties. Instead, the

contemporary function of R2P is primarily political: it serves to elevate the reputational and social costs of institutional paralysis. Although this does not guarantee a collective response, the norm's diffusion has made it increasingly difficult for the SC to justify inaction in the face of mass atrocities without incurring significant diplomatic damage.

This chapter demonstrates that the selectivity of R2P is not merely a product of individual crisis dynamics but is structurally embedded in the Security Council's decision-making process. By comparing the "Libyan exception" with the subsequent shadow it cast over the Syrian negotiations, and by evaluating the systematic normalisation of silence in the cases of Yemen and Gaza, this final analysis reveals how the legacy of previous interventions continues to contaminate current protection efforts. Ultimately, this section assesses the institutional coherence of R2P in a multipolar world, exploring whether the framework can still claim universal legitimacy or if it has been permanently subordinated to the strategic imperatives of the P5.

4.1 Libya 2011: the "successful" use of R2P

The 2011 intervention in Libya represents a unique milestone in the trajectory of R2P, frequently characterised as the first definitive operationalization of the doctrine's coercive Third Pillar against a functioning sovereign state. Unlike the institutional inertia and diplomatic fragmentation that characterised the 2006 Lebanon War, the international response to the Libyan crisis was marked by an unprecedented speed and a robust regional consensus that fundamentally challenged traditional Westphalian interpretations of state sovereignty. However, the designation of the Libyan case as a *success* remains a subject of intense scholarly and diplomatic debate, as the mission's operational trajectory raised

fundamental questions about the boundaries of humanitarian mandates and the relationship between civilian protection and political outcomes. This section evaluates the Libyan intervention not merely as a humanitarian mission, but as a critical empirical test for the operational limits and political legitimacy of R2P in a shifting global order.

4.1.1 From Popular Uprising to International Crisis: The Escalation of Violence

The Libyan crisis of 2011 unfolded against the broader backdrop of the Arab Spring, erupting in the wake of the political upheavals that had toppled regimes in Tunisia and Egypt. Unlike the relatively restrained responses of those governments, however, the Gaddafi regime responded to the popular uprising with an unambiguous declaration of war against its own population (Odoemena and Nwodo, 2025). The escalation was swift and lethal: within days, Gaddafi publicly incited violence against protesters - calling them “cockroaches” and threatening mass execution – an act that produced a death toll that climbed rapidly into the thousands⁶⁴ (Bellamy, 2011: 265; Bellamy and Williams, 2011). This explicit dehumanization of the opposition provided the international community with undeniable proof that mass atrocities were imminent, effectively shifting the diplomatic discourse from political mediation to urgent humanitarian protection (Bellamy and Williams, 2011).

The internal conditions that produced the uprising were equally relevant to understanding the international response. Decades of authoritarian consolidation under Gaddafi had left Libyan society with virtually no

⁶⁴ Gaddafi’s rhetoric bore a direct resemblance to the dehumanising language used during the Rwandan genocide of 1994, where Tutsi civilians were referred to as cockroaches. The parallel was noted by UN officials and contributed to the urgency of the international response and intervention (Bellamy and Williams, 2011).

institutional channels for political dissent, making the transition from street protest to armed conflict both rapid and, in retrospect, structurally foreseeable (Silander, 2013). The initial demonstrations, concentrated in Benghazi and triggered by the detention of a prominent human rights lawyer, rapidly evolved into an armed civil conflict in which organised rebel forces demanded regime change. Furthermore, the Battle of Misrata emerged as a critical turning point in this progression; the regime's sustained siege and the use of heavy weaponry against civilian populations provided definitive evidence of a calculated war against civilians, catalysing the international community's shift toward the active pursuit of a protection mandate.

The formation of the National Transitional Council (NTC) as the political representative of the opposition gave the uprising a degree of institutional coherence that further complicated the regime's attempt to dismiss the insurgency as criminality (Williams and Bellamy, 2012). As the violence intensified and hundreds of thousands of civilians fled into neighbouring states, such as Egypt and Tunisia, the UN Secretary-General Ban Ki-moon called upon the SC to take immediate action to halt the deteriorating situation⁶⁵ (Silander, 2013).

The crisis caught the international community largely unprepared. No established risk-assessment framework had flagged Libya as a likely site of mass atrocities in the period immediately preceding the outbreak of violence, meaning that the institutions tasked with early warning had effectively no lead time (Bellamy and Williams, 2011). This unexpected escalation compressed the international community's decision-making

⁶⁵ By mid-March 2011, UNHCR estimated that approximately 300,000 Libyan nationals had sought refuge in neighbouring states, generating one of the region's most rapid displacement crises since the Gulf War (Silander, 2013).

timeline considerably, forcing the SC to make rapid and consequential choices under conditions of profound uncertainty (Bellamy, 2011). Nonetheless, the clarity of the threat - underscored by Gaddafi's own public declarations - provided the legal and evidentiary foundation upon which international action would be constructed.

4.1.2 The Security Council's Response: Resolutions 1970 and 1973

The international community's institutional response proceeded through two successive and qualitatively distinct stages, each corresponding to a different dimension of the R2P framework. The initial phase of this response occurred on 26 February 2011, when the SC unanimously adopted Resolution 1970. This act constituted an initial application of R2P's First Pillar by reminding the Libyan authorities of their primary responsibility to protect their own population (UNSC, S/RES/1970, 2011).

Acting under Chapter VII of the UN Charter, the resolution-imposed Article 41⁶⁶, including a comprehensive arms embargo, travel bans, and asset freezes targeting Gaddafi and senior regime officials, and referred the situation in Libya to the International Criminal Court (ICC) (UNSC, S/RES/1970, 2011). This referral was historically significant as it marked the first time the Council had invoked judicial intervention without the prior consent of the host state⁶⁷ (Silander, 2013). The representative of

⁶⁶ "The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations" (UN Charter, 1945; art. 41)

⁶⁷ The ICC referral was significant not only procedurally but symbolically: it signalled that the SC regarded the violence in Libya as potentially constituting crimes against humanity, thereby raising the legal threshold of the regime's accountability before any military action had been authorised (Silander, 2013; UNSC, S/RES/1970, 2011).

France, Mr. Araud, speaking during the adoption of the Resolution, explicitly invoked the logic of R2P, stating that the text recalled:

The text, unanimously adopted today, recalls the responsibility of each State to protect its own population and of the international community to intervene when States fail in their duty (UNSC, S/PV.6491, 2011).

The unanimous adoption of Resolution 1970 thus reflected not merely a diplomatic consensus on the unacceptability of the regime's conduct, but a shared, if implicit, acknowledgment that the Libyan state had forfeited its protective legitimacy (Silander, 2013).

This diplomatic posture shifted decisively when the non-forcible measures of Resolution 1970 proved insufficient to restrain the regime's military operations. Gaddafi's forces disregarded the Council's demands and, within days, launched sustained military assaults on the cities of Brega and Ajdabiya (Silander, 2013). The manifest failure of Article 41 measures to alter the regime's behaviour, coupled with the imminent humanitarian catastrophe threatened against the population of Benghazi, necessitated a rapid transition to a more coercive international intervention⁶⁸ (Bellamy, 2011). Consequently, on 17 March 2011, the SC adopted Resolution 1973 by a vote of 10 in favour and 5 abstentions - including Russia, China, Germany, Brazil, and India (UNSC, S/PV.6498, 2011). The composition of the abstaining bloc is itself significant: Germany's abstention reflected domestic political constraints and a principled reservation about the use of force rather than sympathy for the Gaddafi regime; Brazil and India also

⁶⁸ The rapid escalation of the crisis toward Benghazi constrained the Council's decision-making framework, transforming the protection of civilians into an operational imperative that surpassed diplomatic hesitancy surrounding the concept of state sovereignty (Bellamy, 2011).

abstained, indicating a broader scepticism toward coercive R2P that would become increasingly consequential in subsequent crises through emerging powers⁶⁹. This Resolution represented a decisive legal rupture: it authorised member states to employ *all necessary measures* to protect civilians under threat of attack, established a no-fly zone over Libyan territory, and dramatically expanded the scope of the arms embargo to include active naval and aerial interdiction on the high seas (UNSC, S/RES/1973, 2011). Critically, the Resolution explicitly prohibited the deployment of any foreign ground forces on Libyan soil, establishing a formal - though, as the subsequent NATO campaign would demonstrate, insufficiently defined - constraint on the scope of authorised military action (UNSC, S/RES/1973, 2011).

The adoption of Resolution 1973 constituted a historic milestone in international law: it was the first occasion on which the SC had authorised the use of military force for human protection purposes against the explicit wishes of a functioning sovereign government (Bellamy and Williams, 2011). The debates about its adoption were revealing in their own right. For instance, Colombia voted in favour on explicitly humanitarian grounds, arguing that the measures were designed specifically to foster conditions for civilian protection (UNSC, S/PV.6498, 2011). Russia's representative specifically questioned the undefined rules of engagement and the lack of clear limits on the use of force, warning that excessive military intervention might worsen the humanitarian crisis rather than alleviate it (UNSC, S/PV.6498, 2011). Brazil, similarly, abstained because the Resolution contemplated measures disproportionate to the stated humanitarian objective (UNSC, S/PV.6498, 2011). These interventions are

⁶⁹ South Africa, by contrast, voted in favour - a position that distinguished it from several of its BRICS partners and reflected the AU's complex and divided response to the crisis (UNSC, S/PV.6498, 2011; Dunne and Gifkins, 2011).

analytically significant: they demonstrate that the abstaining powers did not reject the humanitarian imperative itself, but rather disputed the proportionality and controllability of the proposed military response - a tension that the subsequent conduct of the NATO campaign would bring into sharper relief.

Beyond institutional thresholds, the authorisation for the use of force was predicated on an unprecedented alignment of regional actors, which fundamentally altered the Council's diplomatic landscape. The condemnation of the Gaddafi regime by the African Union (AU), the Gulf Cooperation Council, and the Organisation of the Islamic Conference - culminating in the League of Arab States' formal request for a no-fly zone on 12 March 2011- provided a critical layer of regional legitimacy (Morris, 2013; Williams and Bellamy, 2012). This collective stance puts into question the traditional critique of Western-led intervention, framing the crisis primarily as a response to regional humanitarian demands rather than an external imposition. Within this context, Russia and China faced a complex diplomatic environment often characterised as a form of rhetorical entrapment (Glanville, 2016). Having frequently emphasised the importance of regional consensus as a cornerstone of their foreign policy, these powers faced significant pressure to remain consistent with their own diplomatic doctrines (Glanville, 2016). Consequently, their decision to abstain rather than veto can be interpreted as a strategic recognition of regional authority, which ultimately permitted the activation of R2P's third pillar.

4.1.3 R2P in Practice: Achievements, Ambiguities, and the Problem of Mandate Creep

The subsequent NATO-led military campaign in Libya, known as Operation Unified Protector (OUP), was authorised by Resolution 1973 and achieved its immediate humanitarian objective. By neutralising the military capacity of the Gaddafi regime to conduct systematic attacks, the intervention is widely regarded as having prevented large-scale massacres and saved a significant number of civilian lives (Odoemena and Nwodo, 2025). In this strictly operational sense, the Libyan mission serves as a demonstration that the coercive dimension of R2P can be effectively activated when political alignment and regional support converge (Dunne and Gifkins, 2011). Furthermore, the intervention established a critical precedent by demonstrating the SC's willingness to enforce protection mandates even in the absence of host-state consent, addressing a gap in decisive action that had characterised previous humanitarian crises, most notably Rwanda and Srebrenica (Bellamy, 2011).

However, the long-term assessment of the intervention is complicated by a series of contradictions that emerged during the campaign's execution. The most significant controversy concerns the operational shift from civilian protection to active pursuit of regime change (Odoemena and Nwodo, 2025). Although the legal mandate of Resolution 1973 was strictly humanitarian, the operational trajectory of the NATO-led coalition progressively aligned with the political and military objectives of the NTC. This alignment - including air support for rebel offensives and ultimately contributing to the collapse of the regime - is frequently characterised as a departure from the humanitarian limits of the UN original mandate (Odoemena and Nwodo, 2025; Hobson, 2016). This transformation in the character of the intervention raised fundamental concerns regarding the instrumentalization of humanitarian norms as a rhetorical cover for geopolitical interference (Bellamy, 2014).

The Libyan intervention represents a critical turning point for the R2P framework, primarily due to the consequences of mandate creep during its execution. The operational focus on regime change fuelled a deep-seated conviction among P5 Security Council members - specifically Russia and China - that humanitarian mandates serve as a pretext for Western political agendas (Bellamy, 2014; Odoemena and Nwodo, 2025). Consequently, the Libyan *lesson effect* has systematically raised the threshold for future SC authorizations, as the perceived exploitation of the mandate eroded the trust necessary for multilateral cooperation (Morris, 2013; Odoemena and Nwodo, 2025). Furthermore, the intervention highlighted a structural gap: once “all necessary measures” are authorised, the SC lacks the mechanisms to oversee implementation or ensure accountability (Bellamy, 2014). This absence of oversight remains a persistent obstacle to the legitimacy and future application of R2P.

The political response to these concerns took concrete diplomatic form in Brazil’s introduction of the RWP doctrine. This proposal suggested that military action authorised under R2P should strictly follow sequential steps and be subject to rigorous UN oversight throughout its implementation (Bellamy, 2014; Morris, 2013). While RWP has not been formally codified, it reflects a broader legal impulse - particularly among emerging countries - to constrain the discretion of intervening states and to prevent the humanitarian rationale from being instrumentalised for geopolitical ends (Morris, 2013).

Beyond the operational conduct of the mission, an analytical tension exists regarding the discursive prominence of R2P during the formal deliberations leading to Resolution 1973. Morris (2013) contests the prevailing narrative by observing that explicit invocations of the doctrine were remarkably sparse; throughout the Council’s sessions, only France

and Colombia referenced the R2P concept directly, and primarily in relation to Libya's internal Pillar One responsibilities (UNSC, S/PV. 6498, 2011; Morris, 2013). This observation is supported by the Council's *verbatim* records, which show that the Libyan Resolutions focused on the state's duty to protect its citizens while leaving the international community's coercive obligations largely unaddressed (Morris, 2013; UNSC, S/PV.6498, 2011). Conversely, Glanville (2016) argues that R2P's influence operated at a deeper constitutive level, framing the legal and moral assumptions of the debate rather than serving as a mere rhetorical label. According to this interpretation, the fact that SC members debated *how* the international community should discharge its responsibility, rather than *whether* such a responsibility existed, suggests that the core principles of R2P had become embedded in the Council's institutional culture (Glanville, 2016).

The post-conflict trajectory of Libya further complicates any straightforward assessment of the intervention's effectiveness. Acutely conscious of the disastrous political purge that followed the fall of Saddam Hussein in Iraq, new Libyan authorities initially sought to retain former Gaddafi-era officials within the transitional government in an effort to preserve institutional continuity (Pelham, 2012). This strategy, however, alienated the revolutionary forces who regarded the continued presence of regime loyalists as a betrayal of the uprising's core objectives. The subsequent failure of the weak central government to integrate armed rebel groups into a coherent state security apparatus exacerbated the structural fragmentation that overwhelmed Libya (Pelham, 2012). Ultimately, the international intervention underscored a critical gap in the international community's capacity: the distinction between the military dismantling of a regime and the complex construction of a functioning political order - a challenge that external actors, often lacking localised knowledge, were

poorly positioned to address (Hobson, 2016). In this regard, the Libyan experience suggests that humanitarian intentions do not inherently translate into stable institutional outcomes, emphasising that the legitimacy of an intervention cannot be evaluated solely on short-term protection outcomes, as long-term political consequences remain deeply contingent on local conditions that external actors are structurally ill-equipped to govern (Thakur, 2013).

Taken together, the Libyan case exemplifies both the specific conditions under which R2P's coercive dimension can be successfully invoked and the structural vulnerabilities that attend its application. It demonstrated that, under exceptional circumstances - an explicit threat of mass atrocity, a rapid escalation that foreclosed diplomatic alternatives, a functioning regional consensus, and a regime with no credible international allies - the SC was capable of authorising decisive military action for humanitarian purposes (Bellamy and Williams, 2011). Yet, it also revealed that the transition from civilian protection to regime change, however operationally inevitable it may have appeared, generated significant tensions between the legal coherence and political legitimacy of the R2P framework.

4.2 Syria: The “Shadow of Libya”

While the 2011 Libyan intervention represented R2P's most consequential operational test - demonstrating that the SC could, under exceptional circumstances, authorise military force for civilian protection against the wishes of a functioning state - the ensuing Syrian crisis exposed the profound fragility of that precedent. The two cases are best understood as causally connected: the conditions under which R2P succeeded in Libya directly generated the diplomatic fallout that defined the Council's

subsequent paralysis in Syria. This section examines the Syrian conflict as a “crisis of legitimacy”, tracing a process where R2P’s legal authority was eroded through institutional deadlock rather than formal rejection. By evaluating the structural impediments and deliberate interpretive strategies used to delegitimise protective action, the analysis follows the progressive *normalisation* of legal retreat that culminated in the subordination of R2P to state-centric political negotiation.

4.2.1 From the Arab Spring to Civil War: The Structural Constraints and Great-Power Alliances

The Syrian conflict emerged from the same regional wave of popular mobilisation that had reshaped the political landscape of North Africa and the Middle East in 2011. Yet from the outset, the Syrian case presented a qualitatively different set of structural challenges to international action. When the SC was finalising Resolution 1973 on Libya (2011), in Syria, the Assad regime had already begun its calculated suppression of peaceful demonstrations, a pattern of incremental violence that rapidly accelerated the country’s descent into full-scale civil war (Akbarzadeh and Saba, 2019). By 2015, the humanitarian cost had become staggering: Syria had generated one of the largest displacement crises in recorded history, with casualties and protection needs on a scale that bore no comparison to the Libyan case (Glanville, 2016; Welsh, 2016).

The structural conditions that distinguished Syria from Libya were multiple and mutually reinforcing. Unlike Gaddafi’s internationally isolated regime, the Assad government operated within a dense network of regional and great-power alliances. Russia’s stake in Syria was concrete and multidimensional: strategic, economic, and ideological. Damascus hosted Moscow’s sole extra-territorial military facility, and the two

governments were bound by arms agreements and energy investments of considerable value (Chaziza, 2014). Moscow, in turn, framed the conflict as part of a broader contest between secular state authority and Sunni Islamism, arguing that regional instability directly threatened its own North Caucasus region (Averre and Davies, 2015). China, for its part, coordinated closely with Moscow in a posture that scholars have characterised as institutional “soft-balancing”⁷⁰: the deliberate use of multilateral mechanisms to constrain Western-led intervention agendas without triggering direct military confrontation with the US (Chaziza, 2014). These entrenched strategic and legal divergences meant that the diplomatic conditions underpinning the Libyan Resolution 1973 (2011) - exceptional regional consensus, the regime’s international isolation, and the absence of great-power objection - were simply absent in the Syrian case.

Beyond geopolitics, the military and strategic complexity of the Syrian theatre rendered the prospect of a Libyan-style intervention practically unviable. The Syrian state commanded a substantially more capable military apparatus than Gaddafi’s forces, and the conflict rapidly fragmented into a multi-actor confrontation involving the regime, a deeply divided armed opposition, Kurdish groups, and jihadist organisations (Bellamy, 2014). Any external military operation of meaningful scale risked triggering regional escalation involving Iran, Hezbollah, and potentially Russia - a set of second-order consequences that had no equivalent in the Libyan case (Bellamy, 2014). Consequently, even those

⁷⁰ Soft balancing describes a strategy whereby powers utilise multilateral institutions - particularly the UNSC - to form limited diplomatic coalitions that constrain the hegemon’s influence without directly challenging (Chaziza, 2014). Applied to the Syrian crisis, this framework helps to explain the consistent veto alignment between Moscow and Beijing, blocking Western-led intervention - three joint vetoes across 2011-2012 - despite their varying strategy in the region. While the degree of coordination is debated, this institutional synchronisation provided a powerful mechanism to challenge US-led regional agendas (Chaziza, 2014).

states most legally committed to civilian protection could not construct a coherent military rationale, let alone a viable political strategy, for forcible intervention (Bellamy, 2014).

The question that the Syrian case poses most acutely for the R2P framework is not simply why the international community failed to intervene militarily - given the conditions described above, that outcome was perhaps structurally overdetermined - but rather why it proved unable to agree even on significantly more modest protective measures, and what the political dynamics behind that broader failure reveal about R2P's institutional coherence in a multipolar world.

4.2.2 The Architecture of Deadlock: Using the Libyan Precedent as a Diplomatic Shield

The Security Council's engagement with Syria unfolded through a succession of failed or severely constrained diplomatic initiatives. An analysis of the *verbatim* records of the SC reveals a pattern that is analytically distinct from the prevailing narrative: the deadlock over Syria was not simply a product of geopolitical interests, but was actively constructed through a deliberate interpretive strategy by Russia and China that utilised the Libyan intervention as a juridical and rhetorical instrument to delegitimise international protective efforts.

The first significant institutional confrontation occurred on 4 October 2011, when Russia and China jointly vetoed and blocked a draft Resolution (S/PV.6627) demanding an immediate cessation of violence and compliance with human rights obligations (UNSC, S/PV.6627, 2011). Although the text limited its enforcement scope to the possibility of future Article 41 sanctions (Bellamy, 2014), Moscow argued that the situation in

Syria could not be decoupled from the Libyan experience (UNSC, S/PV.6627, 2011). Russia's representative, Mr. Churkin, made the connection to Libya explicit in terms that left no ambiguity about the interpretive framework being applied:

The situation in Syria cannot be considered in the Council separately from the Libyan experience. The international community is alarmed by statements that compliance with Security Council resolutions on Libya in the NATO interpretation is a model for the future actions of NATO in implementing the responsibility to protect (UNSC, S/PV.6627, 2011: 4).

This statement carries considerable analytical weight. It constitutes the only explicit invocation of R2P by either Russia or China (P5) across the entirety of the Council's Syria deliberations (Morris, 2013), and it deploys the norm not as a positive commitment but as a cautionary precedent (UNSC, S/PV.6627, 2011) - a warning against the operational trajectory that any broad humanitarian mandate might follow. Moreover, Russia's position was not that the international community bore no responsibility toward Syrian civilians, but that any Resolution - regardless of its formal scope - risked becoming a legal vehicle for externally driven regime change, as Resolution 1973 had - in Moscow's reading - become in Libya.

China adopted a more measured but equally obstructive position, asserting that any collective response must remain strictly aligned with the UN Charter and the non-negotiable principle of non-interference in the domestic affairs of sovereign states (UNSC, S/PV.6627, 2011). These two positions - Russia's explicit Libya linkage and China's procedural sovereignty argument - illustrate the dual-track logic of the Sino-Russian

blocking strategy: one track grounded in the specific political fallout from Libya, the other in a deeper structural resistance to coercive humanitarian intervention that predated 2011 and would have operated, in modified form, independently of the Libyan precedent (Thakur, 2013; Bellamy, 2014).

The deadlock intensified in February 2012 with the second veto of draft Resolution S/2012/77 (UNSC, S/PV.6711, 2012) sponsored by a broad coalition of nineteen states and explicitly framed to address the concerns raised in October 2011 - its preamble opened with a reaffirmation of Syrian sovereignty, and its operational clauses avoided any reference to Chapter VII enforcement mechanisms or military authorisation (UNSC, S/2012/77, 2012). Nonetheless, Russia and China vetoed it, with Mr. Churkin characterising the text as a vehicle for encouraging regime change rather than halting violence (UNSC, S/PV.6711, 2012). The diplomatic fallout was immediate: Western representatives accused the vetoing powers of enabling state repression and holding the Council's humanitarian mandate hostage (UNSC, S/PV.6711, 2012). France's Mr. Araud accused the two powers of having made themselves "complicit in the policy of repression being implemented by the Damascus regime" (UNSC, S/PV.6711, 2012: 3), while the United States Representative characterised the SC as having been "held hostage" (UNSC, S/PV.6711, 2012: 5).

Despite the severity of the humanitarian catastrophe, the terminological structure of the draft Resolution S/2012/77 text conspicuously avoided R2P language. Despite addressing a humanitarian crisis, the draft employed the formulation "protect its population" in reference to the Syrian government's obligations (UNSC, S/2012/77, 2012: 2). This strategic legal adjustment reflected a calculated diplomatic effort by the

Resolution's sponsors; they had evidently concluded that applying the substantive content of R2P's First Pillar while stripping away its formal vocabulary represented the only viable path to extracting any protective value from a SC in which the norm itself had become politically compromised.

In parallel, the broader international community sought alternative institutional channels to address the Security Council's impasse. In February 2012, the General Assembly (GA) adopted Resolution 66/253, a non-binding but politically significant condemnation of the Syrian authorities' systematic violations of human rights, explicitly endorsing the League of Arab States' (LAS) plan for a political transition⁷¹ (UNGA, A/RES/66/253, 2012). The Resolution (66/253) passed with 137 votes in favour, a result that underscored the gap between the Council's paralysis and the majority opinion within international society (Bellamy, 2014). While such GA measures lack the legal enforcement power of SC Resolutions, they served to delegitimise the Assad regime on the global stage. This episode highlights what Glanville (2016) describes as the paradoxical indicator of R2P vitality: states that were blocked from acting mobilised every available institutional forum to register condemnation, while those who refused to act still felt compelled to justify their positions - a pattern suggesting that the norm continued to generate meaningful social costs for non-compliance even when it failed to produce protective outcomes on the ground (Glanville, 2016).

⁷¹ In response to the Council's paralysis, GA Resolution 66/253 formally endorsed the LAS transition plan, effectively aligning the GA with the political position of the coalition blocked in the SC. Although non-binding, the resolution's adoption signalled that the Council's deadlock did not reflect a genuine global consensus - a point frequently raised by Western states in later debates (UNGA, A/RES/66/253, 2012).

4.2.3 The Strategy of Omission: Decoupling Humanitarian Protection from R2P

The initial diplomatic paralysis regarding Syria eventually gave way, gradually and inconsistently, to a series of limited agreements that revealed both the Council's residual functional capacity and the severe geopolitical constraints defining its operational scope. What emerges from a chronological reading of the relevant Resolutions and *verbatim* records is a consistent pattern: the SC proved capable of reaching consensus only when proposed measures could be entirely decoupled from the R2P framework and its regime-change associations.

The first significant departure from deadlock came in April 2012, when the SC unanimously adopted Resolution 2042, authorising the deployment of up to 30 unarmed military observers to monitor compliance with a ceasefire negotiated by Joint Special Envoy Kofi Annan (UNSC, S/RES/2042, 2012). A week later, Resolution 2043 established the United Nations Supervision Mission in Syria (UNSMIS)⁷² on an initial 90-day mandate (UNSC, S/RES/2043, 2012). The unanimous consensus in the adoption of both Resolutions - in contrast to the prior months of impasse - was made possible by a deliberate *linguistic* strategic omission: neither Resolution invoked R2P; both prioritised Syrian sovereignty and territorial integrity, and neither permitted the use of force (UNSC, S/RES/2042, 2012; UNSC, S/RES/2043, 2012). The Russian delegation, following the adoption of Resolution 2043, explicitly warned "The Libyan model should remain forever in the past" (UNSC, S/PV.6756, 2012: 2).

⁷² UNSMIS was initially established with a 90-day mandate to monitor the cessation of violence (UNSC, S/RES/2043, 2012), but its operational suspension in August 2012, after only four months, illustrated a critical structural limitation that would recur throughout the Syrian crisis: the SC could authorise monitoring but lacked the legal instruments to enforce compliance under Chapter VII (Bellamy, 2014). The absence of Chapter VII powers left the mission entirely dependent on the political will of the parties it was tasked to observe (Bellamy, 2014).

The observation was as much a statement of conditions for future cooperation as a retrospective verdict: Moscow was signalling that its acquiescence was contingent on the mission remaining firmly within Second Pillar parameters, with no procedural pathway toward coercive action.

China's Representative reinforced this interpretation by emphasising that the mission's legitimacy depended on absolute respect for Syrian sovereignty and a strictly *neutral* operational conduct (UNSC, S/PV.6751, 2012). The post-Libya framing of the mandate effectively precluded any expansion toward coercive measures, acting as a structural constraint on the mission's evolution. When UNSMIS was suspended in August 2012 following escalating violence that rendered observer operations unsafe, the absence of Chapter VII authorisation left the SC with no legal instrument to enforce the conditions its own mission had been tasked to monitor (Bellamy, 2014; Glanville, 2016), an operational failure that directly mirrored the accountability gap identified in the Libyan case (Bellamy, 2014)

Despite these setbacks, the most significant diplomatic achievement of the entire Syrian crisis was Resolution 2118, adopted unanimously on 27 September 2013 to oversee the destruction of Syria's chemical weapons (UNSC, S/RES/2118, 2013). The Resolution established a binding framework for the destruction of Syria's chemical weapons arsenal and represented the only instance in which the SC imposed a genuinely enforceable obligation on the Assad regime (UNSC, S/RES/2118, 2013). Paradoxically, this outcome was made possible precisely by the Resolution's deliberate distance from R2P: rather than invoking human protection obligations, the SC grounded its authority in the specific legal architecture of the Chemical Weapons Convention and the Prohibition of

Chemical Weapons (OPCW) mandate (UNSC, S/RES/2118, 2013), transforming what could have been a humanitarian confrontation into a technical disarmament process (Odeyemi, 2016). Although Resolution 2118 referred to Chapter VII and threatened further measures for non-compliance (UNSC, S/RES/2118, 2013), it was strategically adopted under Article 25, allowing Russia to present the Resolution as a victory for cooperative diplomacy and disarmament rather than a concession to Western-led interventionism (Averre and Davies, 2015; Odeyemi, 2016). The Russian delegation justified this approach by arguing that previous punitive measures, such as the ICC referral in Libya, had only exacerbated regional instability without providing genuine protection to civilians (UNSC, S/PV.7180, 2014). The SC retained the capacity for binding action in Syria, but only when that action could be entirely severed from the legal vocabulary of R2P.

4.2.4 Accountability Denied: Vetoes, Legal Retreat, and the Erosion of R2P in Syria

The attempt to establish legal accountability for Syrian atrocities through an ICC referral represented perhaps the starkest illustration of R2P's institutional erosion in the Syrian context. Draft Resolution S/2014/348, tabled in May 2014 and co-sponsored by sixty-two states, sought to refer the Syrian situation to the ICC Prosecutor for investigation of war crimes and crimes against humanity committed by all parties to the conflict (UNSC, S/2014/348, 2014). The draft was deliberately constructed to avoid any regime-change associations with R2P: it employed exclusively judicial language, addressed atrocities by both government forces and non-state armed groups, and contained no authorisation for any use of force.

Russia and China vetoed it nonetheless⁷³ (UNSC, S/PV.7180, 2014), a decision that, as Ms. Power - the US representative - observed, extended impunity not only to the Assad regime but to all armed actors operating in Syria - including terrorist organisations (UNSC, S/PV.7180, 2014) - indicating that the protection of a strategic ally's sovereignty superseded the enforcement of international criminal law.

Mr. Churkin - Russian delegation - justified the veto in part by reference to the Libyan ICC referral under Resolution 1970 (2011), which Moscow characterised as a legal framework that had been instrumentalised rather than applied in good faith, having failed to deliver justice while adding to the conflict's instability (UNSC, S/PV.7180, 2014). Similarly, China's Representative argued that a forced referral would damage the prospects for negotiated settlement and violate the principle of state judicial sovereignty (UNSC, S/PV.7180, 2014). Rwanda's representative used the occasion to renew the call for a voluntary code of conduct among P5 to refrain from using the veto in situations of genocide, war crimes, and crimes against humanity (UNSC, S/PV.7180, 2014: 6) - an implicit acknowledgment that the veto power (a problem structured in the SC architecture itself), rather than any legal deficit in R2P itself, lay at the root of the Council's repeated failure, constituting the primary obstacle to the application of protective action.

The humanitarian Resolutions that the SC managed to adopt - most notably Resolutions 2139 and 2165 in 2014 - followed the same pattern of strategic legal retreat. Resolution 2139 demanded unimpeded

⁷³ The vetoed ICC draft (S/2014/348) is particularly significant compared to Resolution 1970 (2011), which referred Libya to the ICC and was unanimously adopted. The failure to achieve an equivalent referral for Syria demonstrates how the Libyan precedent altered the Council's strategy. Russia's explicit invocation of the Libyan ICC experience as a justification for its veto (UNSC, S/PV.7180, 2014) confirms that the legal contamination extended well beyond military authorisation to encompass accountability mechanisms.

humanitarian access and condemned indiscriminate attacks on civilians, grounding its obligations in IHL rather than R2P and stopping short of authorising cross-border operations without the Syrian government's consent (UNSC, S/RES/2139, 2014). Resolution 2165 went further by authorising UN agencies to use specific border crossings to deliver humanitarian assistance with notification but not prior approval from Damascus (UNSC, S/RES/2165, 2014), yet this operation was achieved precisely by decoupling humanitarian access from the broader coercive logic that R2P's Third Pillar implies. Neither Resolution mentioned R2P, both reaffirmed Syrian sovereignty in their preambles, and both substituted the depoliticised framework of IHL for the doctrine of human protection (UNSC, S/RES/2139, 2014; UNSC, S/RES/2165, 2014), a terminological choice that reflected not drafting convention but deliberate political calculation, as invoking R2P had consistently proved counterproductive owing to the systematic exercise of the veto power.

The trajectory of SC diplomacy on Syria culminated - for this analysis - in Resolution 2254 of December 2015, which established a formal political *roadmap* for a Syrian-led transition process under UN facilitation, including a constitutional drafting process and UN-supervised elections (UNSC, S/RES/2254, 2015). The Resolution's unanimous adoption - achieved only by reaffirming Syrian sovereignty in its opening operative paragraph and placing the political process in the hands of domestic actors (UNSC, S/RES/2254, 2015) - terms that effectively restored sovereign prerogative to a government that had, by any objective measure, catastrophically failed its First Pillar obligations.

The Syrian case thus presents a profound and multidimensional challenge to R2P's legitimacy as a functional international norm. Throughout the framework's dimensions - coercive enforcement, non-military protective

measures, and legal accountability - the Council's capacity for action was systematically constrained. The scale of civilian suffering - hundreds of thousands killed, more than half the population displaced - far exceeded the atrocities that had triggered intervention in Libya. Yet, the international community's response remained inadequate across all Three Pillars of the R2P framework. A veto blocked the Third Pillar; sovereignty objections constrained the Second Pillar; and even accountability mechanisms were rendered inoperative. Whether this outcome reflects the contingent product of Syria's exceptional geopolitical configuration or reveals deeper structural limitations in R2P's architecture remains a critical question (Bellamy, 2014; Glanville, 2016), which this chapter will continue to address.

4.3 Gaza and Yemen: The Normalisation of Silence

If the Libyan intervention demonstrated that R2P's coercive dimension could be activated under exceptional political conditions, and if the Syrian crisis revealed how that activation could generate a diplomatic backlash severe enough to paralyse the SC in subsequent crises, the cases of Yemen and Gaza illustrate a third and arguably more troubling dynamic: the systematic transformation of mass atrocity situations into questions of regional security and counter-terrorism, thereby rendering the R2P framework structurally inapplicable before it can even be invoked. In both cases, the international community did not simply fail to act; it actively constructed institutional frameworks that normalised its inaction, substituting the vocabulary of human protection with the language of geopolitical stability, legitimate governance, and the war on terror.

The concept of *normalisation of silence* employed in this section refers not to the absence of institutional activity - the SC adopted multiple

Resolutions on both Yemen and Gaza - but to the systematic removal of R2P's legal logic from the Council's operative framework. This displacement was not accidental: it reflected deliberate interpretive choices by P5 whose strategic interests aligned with the parties causing civilian harm, producing a form of institutional complicity that the R2P framework, as designed, had no mechanism to override. Read together, Yemen and Gaza expose the deepest structural vulnerability of R2P: its dependence on the political will of precisely those actors whose interests most frequently struggle with its application.

4.3.1 Yemen: Securitisation, Regional Interests, and the Displacement of R2P

The Yemeni conflict that erupted on a full scale in 2015 - though rooted in decades of political fragmentation, tribal competition, and economic collapse - presented the international community with a humanitarian catastrophe that, by any objective measure, should have triggered sustained engagement with R2P's protective framework. Instead, the SC response was shaped from the outset by a discursive and institutional logic that prioritised regional stability, counter-terrorism, and the interests of intervening powers over the protection of Yemeni civilians.

Yemen's structural vulnerabilities long preceded the 2011 Arab Spring. The country, formed through the unification of two deeply incompatible political systems in 1990, had never succeeded in establishing effective central governance beyond urban centres, with tribal structures and patronage networks constituting the primary mechanisms of social order in Yemen (Brehony, 2015). The Saleh regime, which had governed through a web of carefully managed elite coalitions since 1978, began to fracture under the combined pressure of the Arab Spring protests,

economic deterioration, and the growing organisational capacity of the Houthi movement in the northern highlands (Clausen, 2015). When popular protests in 2011 forced a negotiated transition, the Gulf Cooperation Council (GCC)-brokered agreement served primarily as an elite pact that preserved the fundamental structures of the old regime while marginalising the revolutionary movements (Brehony, 2015). The Houthis - a Zaydi revivalist movement that had fought six rounds of conflict against the central government between 2004 and 2010 - emerged from the transition period considerably strengthened, having used the interval to extend their military and political networks well beyond their northern base (Brehony, 2015).

The SC's initial engagement with Yemen - through Resolutions 2014 (2011) and 2051 (2012) - established a template that would define the Council's approach throughout the subsequent crisis: the conflict was framed not as a humanitarian emergency requiring protective intervention, but as a political transition process requiring external management and support. Resolution 2014 welcomed the GCC initiative, called for the protection of civilians, and expressed "serious concern" at the threat posed by Al-Qaeda in the Arabian Peninsula (AQAP), thus introducing, from the very outset, the counter-terrorism framing that would progressively displace the protection-of-civilians logic (UNSC, S/RES/2014, 2011). By explicitly referencing AQAP alongside civilian casualties, the Resolution signalled that the SC viewed Yemen primarily through a security rather than a humanitarian lens, a choice that would have enduring consequences for how subsequent escalations were interpreted and addressed⁷⁴.

⁷⁴ The explicit inclusion of AQAP language in Resolution 2014 (2011) reflects the degree to which the post-9/11 securitisation of Yemeni politics had already shaped the Council's interpretive framework. The US had provided Yemen with over one billion dollars in military and police aid since 2000, primarily in the context of counter-terrorism cooperation (Laub, 2016). Both the Saleh and Hadi governments had strategically deployed the AQAP threat to secure continued international support, regardless of its centrality to the actual political crisis

The seizure of the capital by Houthi forces in late 2014, followed by their advance toward Aden in early 2015, produced the conditions for what would become one of the most consequential regional military interventions of the decade (Stenslie, 2015). On 26 March 2015, Saudi Arabia launched “Operation Decisive Storm” against the Houthis, framing the intervention through two interrelated legitimising narratives: first, as a response to the request of the internationally recognised Hadi government; and second, as an act of collective *self-defence* against Iranian expansionism in the Arabian Peninsula (Clausen, 2019). The strategic deployment of the Yemen “failed state”⁷⁵ concept - which had gained significant importance in international discourse following 9/11 as a framework for justifying external intervention in states perceived as security threats - was central to this legitimising effort (Clausen, 2019). By characterising Yemen as a collapsed state whose instability constituted a regional security emergency, Saudi Arabia effectively reframed a civil conflict as a situation requiring governance restoration rather than civilian protection, positioning external military intervention as a form of state-building rather than aggression (Stenslie, 2015).

The Security Council’s response - Resolution 2216 of April 2015, fourteen votes in favour, with Russia abstaining - provides the most revealing documentary evidence of this legal displacement. Rather than invoking the

(Clausen, 2015). By adopting this framing without critical examination, the SC effectively pre-empted the humanitarian protection logic before the conflict had reached its most destructive phase.

⁷⁵ The “failed-state” concept underwent a significant transformation after 9/11, shifting from a descriptive term for states experiencing governance collapse to a legal category that positions external actors as providers of security and governance to populations otherwise condemned to disorder (Clausen, 2019). The Saudi application of this framework to Yemen is particularly notable because it represents a non-Western state deploying a concept developed within Western strategic culture to justify a military intervention in a neighbouring state, suggesting that the legitimising language of liberal interventionism has been successfully universalised even as its selective application remains structurally determined by power relations (Clausen, 2019).

R2P framework or calling for impartial protection of civilians from all parties, the Resolution reaffirmed “support for the legitimacy of the President of Yemen, Abdo Rabbo Mansour Hadi” (UNSC, S/RES/2216, 2015: 2), demanded that Houthi forces withdraw and disarm, and imposed a targeted arms embargo exclusively against the Houthi leadership and their allies (UNSC, S/RES/2216, 2015). The asymmetric architecture of Resolution 2216 (2015): coercive measures directed at one party, diplomatic validation offered to the other, fundamentally contradicts R2P’s principle of impartial protection of civilians. Crucially, the Resolution characterised the Houthis’ advance as a threat to “neighbouring States” and to “international peace and security”, thereby transforming what could have been framed as a mass atrocity situation into a case of regional security management (UNSC, S/RES/2216, 2015). The Russian abstention, accompanied by Mr. Churkin’s observation that the Resolution failed to address the suffering of Yemeni civilians or to demand *humanitarian pauses* from all parties, highlighted the selective character of the Council’s engagement (UNSC, S/PV.7426, 2015).

The legal justification offered for the Saudi-led intervention - collective self-defence under Article 51⁷⁶ of the UN Charter at the invitation of the recognised government - raised significant questions that the SC chose not to examine. The Hadi government had lost effective territorial control of Yemen before issuing its request for military assistance, having fled to Saudi Arabia while Houthi forces encircled Aden (Ruys and Ferro, 2016). The “Operation Decisive Storm” could not be justified by reference to Saudi Arabia’s right of individual self-defence, as no armed attack against Saudi territory had occurred of sufficient proximity and gravity to trigger

⁷⁶ “Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security” (UN Charter, 1945: art.51)

anticipatory action, and the scale of the campaign substantially exceeded any proportionate response to Iranian material support for the Houthis⁷⁷ (Ruys and Ferro, 2016). Yet the SC accepted - or more precisely, did not challenge - the legitimising framework offered by Riyadh and its allies, in part because the US and the UK had provided logistical and intelligence support to the coalition from its inception, creating a structural interest in the intervention's political legitimacy (Sharp, 2020).

The pattern established by Resolution 2216 persisted throughout the subsequent years of the conflict, with the Council's successive Resolutions focusing on sanction management, humanitarian logistics, and support for political negotiations rather than focusing on the protection of civilians. Prior, Resolution 2140 (2014) had established a sanctions committee and panel of experts, framing its mandate around protecting a specific political transition rather than preventing atrocity crimes (UNSC, S/RES/2140, 2014). Resolution 2451 (2018), endorsing the Stockholm Agreement's ceasefire arrangements around Hodeidah (major port city in Yemen), treated the humanitarian emergency as a problem of bureaucratic impediment to aid flows rather than a failure of R2P - demanding to "remove bureaucratic impediments to flows of commercial and humanitarian supplies" as if the conflict's humanitarian toll were a logistical problem rather than a consequence of military conduct (UNSC, S/RES/2451, 2018: 2).

The *verbatim* record of the Council's August 2019 briefing on Yemen (S/PV.8598) captures the full extent of this normalisation: the Special

⁷⁷ The Saudi-led intervention cannot be legally sustained either as collective self-defence under Article 51 or as an intervention by invitation (Ruys and Ferro, 2016). The broad international acquiescence in the operation, including the Council's tacit endorsement through Resolution 2216, illustrates that in the absence of a uniform and objective legal test for determining who has the right to initiate outside intervention and under what conditions, political recognition by the international community effectively substitutes for legal legitimacy (Ruys and Ferro, 2016).

Envoy' of the Secretary-General, Mr. Griffiths, remarks focused on the fragmentation of the political process, the humanitarian coordinator described starvation statistics affecting half the population, and South Africa's representative characterised the situation as "a humanitarian crisis of epic proportions". Yet the Council's response remained confined to calling for "a ceasefire and the pursuit of a negotiated, peaceful, and inclusive solution" (UNSC, S/PV.8598, 2019). The institutional language of the SC had effectively decoupled the acknowledgment of mass civilian suffering from any obligation to respond with protective measures. This decoupling - the acceptance of catastrophic humanitarian conditions as a backdrop to political negotiation rather than as a trigger for protective action - is what can be defined as the normalisation of silence: not the absence of institutional engagement, but its systematic confinement to channels that leave the structural causes of civilian harm untouched.

The parallel with the 2006 Lebanon War, examined in the previous chapter, is instructive here. In Lebanon, Hezbollah's dual status as an armed movement embedded within Lebanese society (the "state within a state" concept) and as a designated terrorist organisation was used to preclude the application of R2P – Israel's military operations were framed as legitimate self-defence against a non-state actor, and the Council's response, Resolution 1701, was deliberately silent on R2P language. In Yemen, a structurally analogous discursive operation was performed: the Houthis were characterised as an Iranian proxy and terrorist-adjacent organisation, the Saudi-led intervention was framed as legitimate governance restoration and regional self-defence, and the SC adopted Resolutions that treated the conflict as a security management problem rather than a civilian protection emergency. The legal structure of the war on terror - with its deduction that states fighting designated non-state armed groups are exercising legitimate security functions rather than

perpetrating atrocities - proved as effective in neutralising R2P in Yemen as it had in Lebanon, with the added dimension that the intervening coalition included the very states whose political support was necessary for any SC action.

4.3.2 Gaza: The Architecture of Exceptionalism and the Veto as Shield

If the Yemeni case demonstrates how R2P can be displaced by the securitisation of a conflict through counter-terrorism and regional stability framing, the Gaza crisis of 2023 onwards illustrates a more direct and structurally starker form of legal erosion: the systematic use of the P5 veto to shield a state ally from the protective mechanisms that the international community attempted, repeatedly and with growing urgency, to activate. The result was a form of institutionalised exceptionalism - the application of different legal standards to the same category of conduct depending on the political identity of the perpetrator - that exposed the most fundamental tension in the R2P framework's reliance on SC authorisation.

The conflict that erupted following Hamas's attack on Israel on 7 October 2023 - which killed approximately 1,200 people and resulted in nearly 200 hostage-takings - and Israel's subsequent military campaign in Gaza, produced a humanitarian situation that, by the metrics the international community had previously applied in invoking R2P, constituted one of the most severe protection crises of the post-Cold War era. By early 2024, the death toll among Gaza's Palestinian population had exceeded 30000, the majority civilian, with more than 11000 children killed; approximately 1.4 million people were dependent on international aid; and the territory had been characterised by major international food security assessments as experiencing the most severe recorded famine conditions in recent decades

(De Waal, 2024; Bukhari et al., 2024). The International Court of Justice (ICJ), analysing a case brought by South Africa under the Genocide Convention, issued provisional measures in January 2024 ordering Israel to take all measures within its power to prevent acts of *genocide* and to ensure humanitarian assistance could reach the population (De Waal, 2024).

The Security Council's response to this situation was shaped decisively by the position of the US, which vetoed four draft Resolutions calling for a ceasefire between October 2023 and February 2024. The first of these, against the Brazilian-sponsored draft Resolution S/2023/773 on 18 October 2023, is analytically paradigmatic. The Brazilian draft⁷⁸ - adopted by twelve votes in favour, with only the US voting against and the UK and Russia abstaining - had been carefully constructed to command the broadest possible support: it condemned Hamas's attack, called for the immediate release of hostages, demanded compliance with international humanitarian law by all parties, and called for "humanitarian pauses" (UNSC, S/2023/773, 2023) rather than an immediate ceasefire, precisely to avoid triggering a US veto (UNSC, S/PV.9442, 2023). The US vetoed it nonetheless, because the text made no explicit reference to Israel's right of self-defence under Article 51 of the UN Charter (UNSC, S/PV.9442, 2023).

This justification reveals the central logic of the exceptionalism at work in the Gaza case: the invocation of Israel's right of self-defence, as a

⁷⁸ The Brazilian draft is evidence of the strategic limits within which SC members operate in high-stakes protection crises. By deliberately avoiding a call for an immediate ceasefire and substituting the language of "humanitarian pauses" (UNSC, S/2023/773, 2023), Brazil sought to construct a Resolution that could command the broadest possible support, including from Western states. The fact that even this minimalist formulation was vetoed by the US - on grounds that it failed to reference Israel's right of self-defence (UNSC, S/PV.9442, 2023) - demonstrates that the floor for protective action in the Gaza case was set below even the most cautious humanitarian management language.

condition for any SC action, effectively subordinated the protection of Palestinian civilians to the validation of Israeli military operations. In previous crises where R2P was invoked or considered, the principle that civilian protection obligations were independent of and not subordinate to the military objectives of the intervening party had been fundamental. In the Libyan case, Resolution 1973 (2011) authorised “all necessary measures” to protect civilians without conditioning that protection on political goals. In the Syrian case, draft Resolutions were blocked because they were perceived as providing cover for regime change - but the blocking logic was directed against protection measures, not in defence of an ongoing military campaign. In Gaza, the US inverted this structure: civilian protection measures were blocked not because they were perceived as cover for political objectives, but because they were perceived as insufficiently supportive of its ally’s military campaign (UNSC, S/PV.9442, 2023).

The *verbatim* records of the Council’s deliberations over the subsequent months document the progressive erosion of institutional legitimacy that this pattern produced. The draft Resolution S/2023/970 - submitted by the United Arab Emirates on behalf of the Arab Group and co-sponsored by nearly 100 states on 8 December 2023 - called for an *immediate ceasefire*, the release of hostages, and compliance with international humanitarian law (UNSC, S/2023/970, 2023). It received thirteen votes in favour, with only the US voting against (UNSC, S/PV.9499, 2023). Russia’s representative, Mr. Polyansky, characterised the US veto as “one of the darkest days in the history of the Middle East”, observing that the SC had been effectively prevented from fulfilling its mandate by a single P5 acting to protect Israel, its ally (UNSC, S/PV.9499, 2023). China’s representative noted that the outcome demonstrated not a lack of international consensus but the suppression of an existing consensus through the veto mechanism

(UNSC, S/PV.9499, 2023). The Palestinian observer's statement, while not carrying the analytical neutrality of analysis, registered a dimension of the institutional failure that the literature confirms: when the representative observed that:

In Gaza, 2.3 million Palestinians are paying with their lives the price for double standards, bias, racism, Israeli exceptionalism, and supremacy. Whoever is against the destruction and displacement of the Palestinian people must stand against this war (UNSC, S/PV.9499, 2023: 10)

The contrast with the Council's earlier Syria engagement - examined in the previous section - is structurally precise and analytically revealing. In the Syrian case, Russia and China had vetoed draft Resolutions calling for political transition and accountability measures, justifying their vetoes by reference to the Libyan precedent and the risk that Resolutions would be instrumentalised for regime change. Western states - including the US - had condemned these vetoes in the strongest terms, with Ambassador Rice characterising the Council as "held hostage" (UNSC, S/PV.6711, 2012). In the Gaza case, the US adopted the structurally identical position - blocking SC action to protect a military ally's political and strategic objectives - while justifying its vetoes through reference to Israel's right of self-defence and the risk that a ceasefire would undermine hostage negotiations. This institutional symmetry underscores a recurring structural behaviour: the instrumentalization of the veto to provide legal immunity for strategic partners. It confirms that the application of R2P remains contingent upon the geopolitical alignment of the states, creating a system of selective application where P5 members systematically shield their allies from the very protective mandates they champion in adversarial contexts

The GA's intervention - through Emergency Special Session Resolution ES-10/22 of December 2023, adopted with 153 votes in favour - demonstrated that the international community's will to demand a ceasefire was not in doubt (UNGA, A/RES/ES-10/22, 2023). The Resolution explicitly demanded an immediate *humanitarian ceasefire*, citing the Secretary-General's rare invocation of Article 99⁷⁹ of the UN Charter - his formal notification to the SC that, in his assessment, the Gaza situation constituted a threat to international peace and security of sufficient gravity to require SC action (UNGA, A/RES/ES-10/22, 2023). As with the GA's earlier intervention on Syria (Resolution 66/253), the passage of ES-10/22 confirmed that the Council's silence did not reflect a global legal consensus but rather the structural imposition of a small number of P5's preferences onto the international community's deliberative framework.

The Resolutions that the SC did manage to adopt - 2712 (November 2023) and 2720 (December 2023) - followed the same pattern of legal retreat already observed in the Syria and Yemen cases: framing civilian protection in the technocratic language of humanitarian logistics rather than the protective language of R2P. Resolution 2712 called for "urgent and extended humanitarian pauses" to facilitate aid delivery, grounding its operative provisions exclusively in international humanitarian law obligations rather than any collective protection duty, and centring its humanitarian concern disproportionately on children while avoiding any institutional characterisation of the conflict's overall impact on the civilian population (UNSC, S/RES/2712, 2023). Resolution 2720 created a Senior

⁷⁹ "The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security" (UN Charter, 1945: art. 99)

Humanitarian and Reconstruction Coordinator and a UN monitoring mechanism for aid shipments (UNSC, S/RES/2720, 2023), institutionalising the management of the humanitarian crisis as a logistics problem while the military campaign continued unabated. This pattern - transforming a protection emergency into a humanitarian management challenge - directly mirrors the trajectory observed in the Syrian case with Resolutions 2139 and 2165, and in the Yemeni case with Resolution 2451: the SC retains the capacity for humanitarian action, but only by systematically excising the protective logic that R2P requires.

The draft Resolution S/2024/173, submitted by Algeria in February 2024 and vetoed by the US for the fourth time, introduced an additional dimension by explicitly referencing the ICJ's January 2024 provisional measures in the "South Africa v. Israel genocide case" (UNSC, S/2024/173, 2024). This linkage was analytically significant: it connected the Council's protective mandate under the UN Charter with the ICJ's judicial oversight function under the Genocide Convention, implying that the Council's continued inaction was not merely a political failure but a potential legal one. The US representative's justification for the veto is that the draft would "negatively impact ongoing hostage negotiations" and that a ceasefire without conditions would merely "plant the seeds for the next war" (UNSC, S/PV.9552, 2024) - reproduced, in modified form, the same argument that had been used to justify inaction in Syria: that the specific diplomatic context made SC action counterproductive. As China's representative observed in response, this logic effectively made the Council's protective mandate contingent on the strategic calculations of a single P5, rendering the norm institutionally subordinate to bilateral diplomatic preferences (UNSC, S/PV.9552, 2024).

Resolution 2728, adopted in March 2024 after the US chose to abstain rather than veto - making it the first SC Resolution to use the word “ceasefire” in relation to Gaza - represented a partial but structurally limited withdrawal from the normalisation of silence (UNSC, S/RES/2728, 2024). By limiting the ceasefire demand to the month of Ramadan, the Resolution preserved the temporal conditionality that had characterised earlier humanitarian pauses, stopping short of the unconditional and permanent cessation of hostilities (UNSC, S/RES/2728, 2024) that 153 states had demanded in December 2023. The subsequent debate over whether the Resolution was legally binding - with Israel and initially the US disputing its mandatory character - illustrated the degree to which even formally adopted SC Resolutions had been drained of operative authority in the Gaza context, their language subject to immediate political contestation by the very actors they sought to constrain.

4.4 The Structural Logic of Selective Application: Power, Precedent, and Legal Erosion

The analytical significance of Yemen and Gaza is fully realised when compared to the Libya and Syria cases. Taken together, these four cases trace a coherent pattern in R2P’s operational history: the norm functions, when it functions at all, not as a universal and impartial standard of civilian protection, but as a politically mediated instrument whose application is systematically conditioned by the strategic interests of the Security Council’s P5.

The most effective framework for understanding this pattern is of structural selectivity - not selectivity in the sense of arbitrary case-by-case variation, but selectivity embedded in the institutional architecture of the

SC itself. Within this framework, the veto power operates as a strategic shield, protecting the P5's allies from the norms that those same powers advocate in other contexts. Russia and China blocked protective action in Syria, invoking the Libyan precedent; the US blocked protective action in Gaza, invoking Israel's right of self-defence; the US and UK provided political cover for the Saudi-led coalition in Yemen, preventing the SC from engaging with R2P's protective framework in a context where its conditions were arguably met. In each case, the blocking logic was framed in universalist terms - respect for sovereignty, diplomatic process, proportionality - while serving strategic interests.

This structural selectivity produces a specific legal effect that extends beyond the individual crisis: it progressively delegitimises R2P as a universally applicable norm by demonstrating, through repeated institutional practice, that its activation is contingent on the identity of the perpetrator rather than the nature of the conduct. When the same category of conduct - systematic attacks on civilian populations, blockade of humanitarian access, destruction of civilian infrastructure - is met with forcible intervention in one case (Libya), diplomatic paralysis in a second (Syria), institutional framing as a security management problem in a third (Yemen), and repeated veto of protective measures in a fourth (Gaza), the message communicated to the international community is not that R2P is an inadequate standard but that it is an unequally applied one. The Palestinian observer's invocation of "double standards" (UNSC, S/PV.9499, 2023), and Nuruzzaman's (2013) observation that the 2009 call to invoke R2P for Gaza was ignored while it had been applied in other contexts (Nuruzzaman, 2013) - these are not merely rhetorical accusations but empirical observations about a structural pattern.

The counter-terrorism framing deployed in both Yemen and Gaza - though with different actors and different configurations - reveals the specific discursive mechanism through which this selectivity is operationalised. By characterising the Houthis as Iranian proxies and terrorist-adjacent actors, the Saudi-led coalition (with Western support) converted a civil conflict into a security operation in which civilian harm was repositioned as collateral damage in a legitimate counter-terrorism campaign. On the other hand, by characterising Hamas as a terrorist organisation and *all* Israeli military action as legitimate self-defence, the US converted a mass casualty situation into a context in which civilian protection measures were presented as interference with a legitimate security objective. In both cases, the institutional effect was the same: the language of R2P - with its emphasis on impartial civilian protection as a collective international responsibility independent of the military objectives of any party - was replaced by the language of counter-terrorism and self-defence, which privileges the security interests of the stronger nations and coalitions and treats civilian casualties as a regrettable but legally and politically manageable consequence of legitimate operations.

This discursive displacement has long-term consequences for R2P's legal coherence that extend beyond the specific crises in which it occurs. Each time the counter-terrorism framing successfully neutralises an R2P activation - in Lebanon (2006), in Yemen (2015 onwards), in Gaza (2023 onwards) - it reinforces the precedent that states with powerful allies can resist the norm's application by reframing protection crises as security emergencies. Each veto cast to shield an ally from protective measures - Russia and China's vetoes on Syria, the US' vetoes on Gaza - reinforces the precedent that the norm's applicability is determined by the geopolitical position of the state causing civilian harm rather than by the nature or scale of that harm. The cumulative effect of these precedents is

what this analysis terms the normalisation of silence: the institutionalisation of a condition in which the Security Council's capacity to respond to mass atrocity situations is systematically constrained by structural power asymmetries that no legal framework, however well-designed, can override from within.

The GA Resolutions on Gaza - ES-10/22 adopted with 153 votes in December 2023 - and the broad coalition of states that co-sponsored draft Resolutions calling for a ceasefire demonstrate that the legal consensus underpinning R2P remains wide and, in formal terms, strong. The norm has not failed because states have ceased to affirm it; it has failed, in these cases, because the institutional mechanism through which it must operate - SC authorisation under Chapter VII - is structurally incapable of overriding the veto power of P5 whose strategic interests conflict with its application.

Finally, R2P's vulnerability lies not in its legal foundations, which command broad international support, but in its institutional dependency on a body whose decision-making structure was designed to reflect great-power consensus rather than to enforce universal standards of civilian protection. Whether and how this structural tension might be addressed - through reform of the veto, through alternative enforcement mechanisms, or through the development of regional protective capacity - is a question that the concluding analysis of this thesis will address.

4.4.1 R2P Today and Its Future: Beyond the Third Pillar

The cases examined in this chapter – Libya's qualified success, Syria's institutional paralysis, Yemen's legal displacement, and Gaza's architecture of exceptionalism - do not collectively constitute a linear

narrative of decline. They reveal, rather, a more complex and contested condition: a norm whose foundational consensus remains formally intact, whose Second Pillar continues to generate meaningful institutional activity, and whose Third Pillar has been so thoroughly compromised by the political and operational consequences of its only full activation that it functions as a latent threat rather than an operative instrument. Whether this condition represents a temporary crisis from which R2P can recover through institutional reform, or a deeper structural failure that renders its coercive dimension permanently inoperable in great-power-sensitive contexts, is a central question.

4.4.2 The Damage Assessment: What the Post-Libya Decade Has Done to R2P's Legal Architecture

Any honest assessment of R2P's condition after more than a decade of post-Libya experience must contend with a fundamental empirical tension in the scholarly literature. On one side stands the argument, most forcefully articulated by Nuruzzaman (2013), that the Libyan intervention inflicted irreparable damage on the doctrine - that the covert pursuit of regime change under humanitarian cover, combined with NATO's conduct of the campaign and the subsequent chaos of post-Gaddafi Libya, destroyed the credibility of R2P as an impartial protective instrument and handed its opponents a precedent powerful enough to justify blocking action in every subsequent crisis of comparable scale (Nuruzzaman, 2013). Against this stands the counterargument that the post-Libya diplomatic backlash has been substantially overstated: in the period between Libya's intervention and the time of writing, the SC continued to reference R2P in relation to situations in Côte d'Ivoire, South Sudan, Mali, and the Central African Republic (Bellamy, 2014). On this reading, Libya damaged R2P's Third Pillar in high-stakes, great-power-sensitive contexts

- most importantly Syria - while leaving intact the doctrine's capacity to function in lower-stakes situations where no permanent member's strategic interests were directly implicated.

However, this distinction simultaneously validates and challenges R2P's legitimacy. The norm's survival in lower-intensity contexts precisely confirms the pattern of the selective application: R2P functions primarily when its implementation aligns with existing great-power interests and encounters no significant diplomatic resistance, failing instead when the strategic costs of intervention or geopolitical frictions are highest. The cases in which mass atrocity protection is most urgently needed - those involving state actors with powerful international allies and coalitions - are precisely those in which R2P's institutional mechanisms are most vulnerable to veto and diplomatic obstruction. The R2P framework demonstrated capacity to generate Resolutions on South Sudan or the Central African Republic, but offers limited consolation when measured against its failure in Syria, Yemen, and Gaza, where the scale of civilian suffering overshadowed anything the "successful" cases involved.

The more serious damage is not merely operational, but deliberative. Libya has institutionalised a fear that humanitarian intervention inevitably converts into regime change, making the risks of action appear as dangerous as the costs of inaction (Hobson, 2016). The humanitarian sentiment that underpins R2P has not disappeared - the GA votes on Syria and Gaza demonstrate that the international community continues to affirm civilian protection as a collective obligation, but the political pathway from that affirmation to operative protective action has been systematically obstructed by the strategies of the P5 (Welsh, 2016).

A further and often underappreciated dimension of this damage concerns R2P's relationship to post-conflict stabilisation. The Libyan case demonstrated with particular clarity that the international community's conception of its protective responsibility ends, in practice, at the point of military intervention rather than at the point of genuine civilian security (Hobson, 2016). The NTC's choice to retain former regime officials - driven partly by international pressure - failed to satisfy the revolutionary fighters whose military effort had made the intervention possible, producing the fragmentation and governance gap that subsequently destabilised the country (Pelham, 2012). The discrepancy between short-term military success and long-term civilian stability highlights a structural flaw in the R2P framework: interventions are often judged by their immediate ability to halt atrocities rather than their capacity to ensure lasting security (Welsh, 2016). This lack of post-intervention commitment fosters scepticism, suggesting that R2P may serve as a rhetorical "cover" for strategic interests rather than a genuine pursuit of human security (Akbarzadeh & Saba, 2019).

The positions of Russia and China in this analytical landscape are particularly complex. Both states formally endorsed R2P at the 2005 World Summit and have consistently accepted its First Pillar formulation - that sovereignty entails responsibility toward citizens rather than merely rights against external interference (Averre and Davies, 2015). Their resistance has been directed specifically and consistently at R2P's coercive Third Pillar, on the grounds that its application in Libya demonstrated how a broad humanitarian mandate can be instrumentalised for regime change objectives that exceed the scope of SC authorisation. Moscow's position, as articulated by Foreign Minister Lavrov, favours the Second Pillar of capacity-building and prevention as the appropriate operational basis for international engagement, reserving coercive intervention for the rarest

and most unambiguous situations and insisting on strict UNSC oversight throughout any authorised mission (Averre and Davies, 2015).

What the post-Libya decade has demonstrated, in any case, is that the normative core of R2P - the principle that sovereignty is conditional on the fulfilment of protective responsibilities toward citizens - has proven considerably more durable than its coercive enforcement mechanism. States continue to invoke R2P's language, to condemn its violation, and to use it as a framework for attributing blame in protection failures, even as they simultaneously obstruct its operative application. The political costs of being seen to violate it remain real, even when they are insufficient to override strategic interests (Glanville, 2016). The challenge for R2P's future is not to reinstate the consensus on the principle of human protection, but to find institutional pathways through which that consensus can generate protective outcomes in the cases that matter most.

Conclusion

This thesis has argued that the selective non-application of the R2P is not an episodic aberration produced by fluctuating political will, but a structurally generated outcome, predictably conditioned by the institutional architecture of the UNSC and, in the specific case of the 2006 Lebanon War, decisively intensified by the geopolitical conjuncture of the post-9/11 era. The foregoing analysis has traced this argument across four interconnected dimensions: the historical construction of the sovereignty-protection tension within the UN Charter; the structural embedding of R2P within a SC whose decision-making is systematically filtered through P5 strategic interests; the empirical demonstration of selective application in Lebanon through the juxtaposition of Resolution 1701 and Resolution 1706; and the post-2011 cycle of activation, paralysis, and silence that has progressively entrenched the pattern first visible in 2006. The conclusion

that emerges from this investigation is clear: R2P's universalist aspirations and its institutional location are in fundamental tension, and that tension is not resolvable through doctrinal refinement alone.

The 2006 Lebanon War constitutes, in this respect, the norm's most clarifying early test. It was not R2P's most dramatic failure - Syria has since claimed that distinction - but it was its most analytically transparent one. The conflict objectively satisfied the threshold conditions for international engagement under paragraphs 138 and 139 of the 2005 World Summit Outcome Document: approximately 1,200 Lebanese civilian deaths, the displacement of roughly one quarter of the population, the systematic destruction of civilian infrastructure, and the manifest inability of the Lebanese state to protect its own population in the face of a disproportionate Israeli military campaign. Yet the SC not only failed to invoke R2P but actively avoided the protection framework, producing instead Resolution 1701 - a ceasefire instrument that bore no reference to the norm. The contrast with Resolution 1706 on Darfur, adopted within weeks and explicitly invoking R2P language to address a crisis of comparable humanitarian severity, is not incidental. It is the thesis's most direct empirical demonstration of selective application: two crises, differentiated not by the objective conditions on the ground but by the configuration of great-power interests surrounding each conflict.

The explanation for this divergence operates on two interconnected levels that this thesis has sought to hold in analytical tension throughout. At the structural level, the US-Israel alliance functioned as pre-emptive structural shielding: the anticipation by other SC members that any resolution framing the conflict in protection terms would be vetoed by the US - combined with Washington's active role in delaying ceasefire negotiations to permit Israeli military operations to continue - produced a collective

paralysis in which no draft resolution invoking R2P was ever tabled. This was not a failure of process but a structural outcome, generated by the same institutional logic that produces SC deadlock in Syria and Gaza, and that renders the veto not merely an exceptional instrument of last resort but a predictable tool of sovereign protection for states operating within the orbit of P5 strategic commitments. The Security Council's asymmetrical architecture does not merely create the formal possibility of obstruction; over time, it produces a gravitational pull towards a politics of alliance that progressively erodes the universalist claims of humanitarian norms. In the context of Israel, this dynamic has deepened with each successive crisis - from Lebanon in 2006 to Gaza in 2023 - as the US-Israel alliance has become ever more explicitly insulated from accountability at the Council, establishing a zone of structural impunity carved out not by the absence of applicable norms but by the architecture of the institution charged with their enforcement.

At the conjunctural level, the post-9/11 climate compounded this structural dynamic in ways specific to the historical moment of 2006. Western states exhausted by Afghanistan and Iraq were unwilling to extend humanitarian commitments into a further regional theatre; the Bush administration's framing of the conflict as a component of the broader counter-terrorism struggle - Hezbollah as proxy for Iran and Syria within a regional axis of resistance - absorbed the crisis into a strategic logic that precluded humanitarian framing; and the erosion of humanitarian legitimacy produced by the Iraq War had rendered the language of protection politically suspect, associated - in the minds of the Global South - with the very imperial instrumentalization that R2P's architects had explicitly sought to transcend. Together, these conjunctural factors did not cause the structural silence in Lebanon, but they ensured that no political actor possessed either the incentive or the legitimacy to break it. The result was

a precedent of silence: a case in which the newly adopted norm confronted the reality of the institution through which it must operate, and in which that confrontation produced, with particular transparency, the logic of selective disengagement that has defined R2P's trajectory ever since.

The scholarly and diplomatic response to R2P's operational failures has produced a range of reform proposals, each targeting a different dimension of the doctrine's institutional vulnerability. These proposals share a common analytical premise - that R2P's foundational logic remains valid and that the problem lies in its implementation - but they differ substantially in their diagnosis of what has specifically failed and how it might be addressed. The most institutionally developed is Brazil's RWP⁸⁰ initiative, introduced in 2011 in direct response to the controversies surrounding Resolution 1973's implementation in Libya. RWP proposed that military action authorised under R2P should follow sequentially ordered criteria, be subject to continuous SC monitoring, and include automatic review mechanisms requiring the Council to reassess and reauthorise operations at regular intervals (Thakur, 2013; Welsh, 2016). Its core analytical insight - identified by Bellamy (2014) as the accountability gap, the Council's loss of practical oversight once it authorises "all necessary measures" - was that this gap constituted the primary mechanism through which protective mandates had been converted into regime-change operations. China advanced a partially complementary concept of "Responsible Protection", emphasising

⁸⁰ RWP was introduced through a concept note circulated at the UNGA in November 2011, which proposed two primary operational modifications to R2P's Third Pillar implementation. The first was the development of agreed-upon criteria to guide SC deliberations before authorising military intervention, including requirements of proportionality, exhaustion of non-military alternatives, and reasonable prospects of success. The second was the establishment of monitoring and review mechanisms that would give the SC ongoing oversight authority during the execution of any authorised mission. While RWP never achieved formal institutional status, it influenced the diplomatic language of subsequent R2P debates and anticipated several elements of the reform discussion that followed the Libyan intervention.

proportionality, multilateral authorisation, and post-intervention oversight, but with a stronger insistence on host-state sovereignty and a higher authorisation threshold (Akbarzadeh and Saba, 2019). Both proposals reflect a genuine engagement with R2P's operational vulnerabilities, and their reception by a broad range of states suggests that the terrain for a reformed Third Pillar is not entirely inhospitable. However, both contain an unresolved tension: effective civilian protection in active conflict situations requires the operational speed and flexibility that are fundamentally incompatible with the SC authorisations analysed. The Libyan campaign's capacity to prevent the massacre at Benghazi depended on rapid military action; had it been subject to the continuous review that RWP proposes, it is questionable whether the protective objective could have been achieved before the political conditions for continued authorisation collapsed. Furthermore, the problem of separating protection from regime change is not merely political but operational: when the principal threat to civilians emanates from the governing regime, effectively protecting them may require weakening that regime's military capacity to a degree that produces regime change as an operational outcome rather than a declared political objective (Bellamy and Williams, 2011).

Other reform efforts, such as the French initiative for a voluntary code of conduct among the P5 to refrain from using the veto in situations involving atrocity crimes, address the veto mechanism directly rather than the operational conduct of authorised missions (Welsh, 2016). Having attracted support from over a hundred UN member states while being firmly rejected by Russia and China, the proposal would not eliminate the veto but would generate a political and reputational cost for its use in mass atrocity contexts, functioning, in effect, as a norm-building instrument designed to raise the social costs of obstructionist behaviour

incrementally, even without formal compliance. A more structurally significant constraint, however, is the absence of any standing international force capable of implementing SC decisions. Articles 43 and 45 of the UN Charter, which envisaged negotiated agreements through which member states would make forces available to the SC on a standing basis, have never been operationalised, leaving enforcement entirely dependent on the voluntary military contributions of individual states (Oellers-Frahm, 2014). This structural dependency means that even a resolution adopted without a veto can remain operationally inert if no state with sufficient military capacity is willing to act upon it - a vulnerability illustrated most dramatically by Rwanda, but recurrent across Syria, Yemen, and Gaza: legal authorisation, even when achieved, does not generate protection unless states with the relevant capabilities choose to translate it into action.

These reform proposals share a common limitation that their architects have not fully confronted: they seek to improve the functioning of R2P within the existing institutional architecture of the SC without addressing the more fundamental question of whether that architecture is compatible with the norm's ambitions in a multipolar international order. The structural dynamics identified across the cases examined in this thesis - the Sino-Russian soft-balancing strategy in Syria, the US veto architecture on Gaza, the counter-terrorism framing that shielded both the Saudi-led coalition in Yemen and Israeli operations in Lebanon - are not aberrations. They are predictable expressions of how P5 use the institutional resources available to them to protect their strategic interests in an environment where no single hegemon is capable of imposing its preferred legal agenda on a resistant coalition.

Thakur (2013) identifies a productive path forward in the collaborative development of shared operational standards between Western states and the rising powers of the Global South, arguing that agreement on clear legitimacy criteria could transform R2P into a genuinely universal standard (Thakur, 2013). The empirical evidence of the post-Libya decade suggests this aspiration remains achievable at the level of the First and Second Pillars - where Russian, Chinese, and BRICS engagement with R2P language and capacity-building has been substantial - but faces deep structural resistance at the Third Pillar level, where the interests of powerful states in preserving their ability to shield allies from international accountability are most directly engaged (Odeyemi, 2016). Bellamy (2014) offers a more cautiously optimistic reading, noting that the Council's continued willingness to employ R2P language in lower-stakes contexts - South Sudan, the Central African Republic, Mali - demonstrates that the norm retains operative capacity outside the most geopolitically contested situations (Bellamy, 2014). Yet this observation simultaneously confirms the selective application pattern at the heart of R2P's legitimacy crisis: the doctrine functions when the political costs of applying it are low, and provides the least protection precisely where protection is most urgently needed.

What this cumulative evidence produces is not a verdict of failure but a diagnosis of structural bifurcation (Bellamy, 2014). At the level of principles, discourse, and First and Second Pillar application, R2P remains a living and consequential doctrine that shapes how states justify their conduct, attribute blame for protection failures, and frame their engagement with humanitarian crises. At the level of coercive enforcement - the precise context for which the Third Pillar was designed - the norm is effectively inoperative in any situation where a P5's strategic

interests are engaged, a category that encompasses many of the most severe mass atrocity situations of the post-2011 period.

This bifurcation opens onto two possible long-term trajectories. The first is a gradual consolidation of the norm around its non-coercive dimensions - a *de facto* decoupling of the First and Second Pillars from the Third, as Morris (2013) proposes, in which the international community accepts that coercive R2P is unavailable in great-power-sensitive contexts and invests instead in preventive diplomacy, early warning, and capacity-building (Morris, 2013). This trajectory preserves R2P's legislative core - sovereignty is conditional on protective responsibility - while accepting a significant reduction in its ambitions as an enforcement mechanism. The second is a continued erosion of R2P's credibility through accumulated failures, in which the norm progressively loses its capacity to generate even the social costs of non-compliance that Glanville (2016) identifies as evidence of its vitality - not because states cease to affirm it, but because the gap between affirmation and action becomes so structurally visible that affirmation itself loses legal weight. Which trajectory prevails will depend less on the doctrinal development of R2P than on broader shifts in the distribution of international power and the willingness of the US, Russia, and China to accept constraints on their veto discretion in mass atrocity contexts - a willingness that the record examined in this thesis gives limited reason to anticipate.

The principal contribution of this thesis lies in demonstrating that the selectivity of R2P is not a residual problem awaiting correction but a constitutive feature of how the norm is embedded within the SC's institutional design - and that the 2006 Lebanon War, precisely because it is situated at the intersection of a newly adopted norm and a historically specific conjuncture, provides the clearest available window onto that

feature's operation. By reading Lebanon against both the structural logic of R2P's institutionalisation and the post-9/11 conjuncture that shaped the international community's response, this thesis has filled an analytical gap that the existing literature has largely left unaddressed: the tendency to focus either on the pre-2005 humanitarian intervention debates or on the post-2011 cycle, treating Lebanon as transitional background rather than as a theoretically significant case in its own right. The methodological choice to integrate primary SC documents - *verbatim* records, draft resolutions, Secretary-General reports - with area-specific scholarship on Lebanon and Hezbollah alongside mainstream R2P literature has allowed the analysis to resist the state-centric and implicitly Western perspective that characterises much of the field, and to recover the political dimensions of the conflict that institutional narratives tend to obscure.

For instance, R2P cannot function better than the institution through which it must operate, and that institution remains dependent on the voluntary cooperation of precisely those states whose interests most frequently conflict with the norm's universal application (Oellers-Frahm, 2014). The aspiration to protect civilians from mass atrocities regardless of their nationality, their government's political alignments, or the strategic interests of powerful states remains one of the most morally compelling commitments in the history of international law. Whether the international community can build the institutional architecture to honour that commitment in practice, rather than merely in principle, remains the defining challenge of the international order that this norm was designed to serve. Understanding the structural logic that prevents it from doing so - tracing its roots, its historical intensifications, and its long-term implications - is not an exercise in institutional pessimism. It is the precondition for any honest reckoning with what genuine civilian protection, in an unequal international order, would actually require.

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