Responsibility to Protect and its Neo-Imperialist Implications

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Introduction

This paper aims to explore the doctrine of 'Responsibility to Protect,' from the theoretical paradigm of 'Neo-Imperialism,'mand by focusing on the motivations behind its conceptualization, its consequences on stability and security, as well as its implications for sovereignty. The research question that it aims to answer is: Can the doctrine of 'Responsibility to Protect' achieve the security that it aims for, in its present interventionist form, or does it do more harm than good by creating a renewed narrative of Neo-Imperialism through the façade of security? According to Merriam Webster Dictionary, Imperialism is defined as "The policy, practice or advocacy of extending the power and dominion of a nation by direct territorial acquisitions or gaining indirect control over the political and economic life of other areas."¹ However, recent literature argues that since 'direct' forms of colonial and imperial control are becoming increasingly difficult to justify in the present international order, dominant sovereign powers are using more subtle processes of manipulation and indirect control to achieve a beneficial world order. This is the present day definition of 'Neo Imperialism' in practice. Hans Morgenthau, for example defines Imperialism as "a manifestation of the balance of power and the process by which nations try to achieve a favorable change in the status quo."² Therefore, in order to understand the essence of Neo-Imperialism, it is essential to uncover the concept of 'Imperialism' and the role that it plays in the balance of power. Most suited to our analysis of humanitarian intervention is the definition of Neo-Imperialism by Johan Galtung where

¹ Merriam Webster, 'Imperialism' Accessed on: 27 November 2015 <u>http://www.merriam-webster.com/dictionary/imperialism</u>

² Frei C. (2001) Reviewed Work: Hans Morgenthau: An Intellectual Biography. *International Journal on World Peace* : 82-84

he states that, "Any theory of liberation from structural violence presupposes theoretically and practically adequate ideas of the dominance system against which the liberation is directed, and this special type of dominance system is Neo-Imperialism."³ This paper argues that humanitarian intervention seeks to impose a one-sided narrative of stability and security, which is, by default, culturally and regionally uniform. An important indicator in this assessment then becomes, the nature of security that the 'Responsibility to Protect' doctrine aims to achieve, and further, whether such security can be achieved through violent and interventionist means.

The first section will function to contextualize the birth of the doctrine, by analyzing who the architects of the Responsibility to Protect (Henceforth R2P) Doctrine were, and the impact of its construction on the establishment of a clear power dynamic. Section Two will further explore the 'Construction and Role of Language and Terminology in facilitating Neo-Imperialism.' It assesses how, and by whom, the language of the doctrine was constructed, as well as how it facilitates a justification for violence through an appeal to international consciousness. It will also draw comparisons between 'Responsibility' and 'White Man's Burden.' The third section provides a critical perspective on the nexus between R2P and Emancipation, and whether the two can go hand in hand using the Welsh School of International Critical Security Studies, as well as analyzing the case of the Libyan Intervention of 2011. The fourth and fifth sections analyze the aftermath of R2P Operations and assess their success or failure, as well as the problems with selective implementation and the creation of a bifurcated system of sovereignty. The sixth section will discuss the insufficiency of existing international legal mechanisms to provide adequate checks and balances on the doctrine, by using a case study of the International Criminal Court and analyzing its shortcomings. The final section will explore the theme of 'Organic Change v/s a Temporary Peace through paradigms of human security and post conflict transition.'

³ Galtung J. (1971) A Structural Theory of Imperialism. Journal of Peace Research Vol. 8 No. 2: 81-117

Reviewing the Architects of the 'Responsibility to Protect' Doctrine

The urgency for a doctrine of this nature was felt after the mass killings in Rwanda and Bosnia towards the end of the 20th Century. The first formal forum to discuss the formulation of this doctrine was the International Commission on Intervention and State Sovereignty (ICISS), set up by the Government of Canada in 2000 with members from both developing and developed countries. However, what is noticeable about the membership of this commission is that all of these diplomats hailed from uniform ideological and political backgrounds. The commission included representatives from Governments such as Canada's Jean Chrétian's Liberal Government and Tony Blair's Labour Government in the United Kingdom. Therefore, there was little disagreement in shifting focus from humanitarian intervention towards a paradigm of 'right to intervene.³⁴ While there are officially three components to the doctrine that were agreed upon, namely the state's duty to protect its citizens, the international community's duty to assist states in doing so, and the responsibility to intervene as the last resort; the very essence of the doctrine can also be seen through its name is the responsibility to '*protect*,' highlighting that intervention is indeed a legitimate option in the name of protection.

After analyzing the report of the commission that was submitted to the United Nations, it is evident that there was barely any opposition or debate from those who believed a military solution was not the best method of ending conflict.⁵ It is also this lack of narrative that led to the doctrine's military and intervention-oriented approach. This is highly representative of the Western Liberal 'show of

⁴ Pingeot L., Obenland W. (May 2014) In Whose Name: A Critical View of the Responsibility to Protect. *Global Policy Forum, Rosa Luxemburg Stiftung - New York Office* : 4-5

⁵ Evans G., Sahnoun N. (December 2001) Responsibility to Protect - Report of the International Commission on Intervention and State Sovereignty. *International Development Research Centre Canada:* 19-35

strength' approach, that has been observed in cases like Iraq and Vietnam. It is also important to note that the 'interventionist responsibility' can only be shouldered by nations that have military and technological might, and therefore the possibility of a developed western nation facing such an invasion is slim.

It is also crucial to assess whether the so-called 'International Community' has the final say in mandating an intervention by calling upon the R2P Doctrine. The actor who truly has the final say is the United Nations Security Council. It is the sole actor that can authorize operations and is dominated by the Permanent Five members who are not even remotely representative of the international community. Thus, the power to approve a military intervention capable of major destruction and changes to national regimes lies in the hands of the developed few. While this gives them the power to initiate interventions in cases they deem fit, it also backfires in its converse form by ensuring that adversaries of these countries will remain protected of their sovereignty, even in cases of grave war crimes. As Antony Loewenstein has correctly stated "We never hear R2P backers pushing for a military intervention in Gaza to protect the Palestinians from Israeli Missiles. Nobody is talking about protecting Egyptian civilians from the brutal US backed military dictatorship in Egypt."⁶ This selective implementation is only a further indication of the existing bifurcation and its power manifestation.

The Power of Language and Terminology

The relationship between language and the creation of narratives is not an unknown one. Terminology has the power to completely change the nature of viewership in favor of the ones who construct it. One of the devastating implications of the language of the 'Responsibility to Protect' for the field

⁶ Loewenstein A., Sparrow J. (2012) Left Turn: Political Essays for the New Left. *Melbourne University Press:* 70-85

of conflict and war, is that it has taken agency away from the citizens whom earlier were seen as citizens with rights and power, and they are now viewed as victims in need of 'protection' and upliftment. It not only strips them of their individual status, but also perpetuates a psychological image of powerlessness and victimhood. Mahmood Mamdani sees this as a perpetuated pattern, "from the history of modern western colonialism where the leading western powers came to countries controlled by rival powers and claimed to protect 'vulnerable groups."⁷ It is thus important to question 'Where has this responsibility been derived from' and the resulting narrative is quite similar to that of colonialism and the 'White Man's Burden,' which highlights the "duty of the white race to impart culture and education to the rest of the world".⁸ Even today, this is manifested through the dominant western narrative of humanitarian military intervention and the West's idea of stability, peace and security, that is imposed upon the country that is being 'protected.'

At the third round table conference of the ICISS, the main authors of the doctrine suggested the usage of the term 'responsibility to protect' as a means to avoid using the term 'right to intervene' and to shift the focus towards the humanitarian needs of failing states.⁹ The present doctrine is therefore, an instrument of power in the hands of developed countries. It is used to justify intervention at will, as opposed to being an instrument focused on ending conflict in war-torn societies. This is due to its language and even its practice. It takes focus away from the inherent causal problems that are at the root of such conflicts and turns them into situations that can be resolved through intervention. There are a number of causes that are at the heart of civil wars and in need of attention including: poverty, underdevelopment, inequality, lack of agency, corruption, religious divides and many others that cannot be transformed at such a simplistic and superficial level. It is also worthy to note that only

⁷ Mamdani M. (2010) Responsibility to Protect or Right to Punish? *Journal of Intervention and Statebuilding* 4:1 53-67 DOI: 10.1080/17502970903541721

⁸ Murpgy G. (1971) Shadowing the White Man's Burden: US Imperialism and the Problem of the Color Line. *New York University Press* : 150-180

⁹ Haines S., Kassimeris G.(2010) The Ashgate Research Companion to Modern Warfare, Chapter 18 Humanitarian Intervention: Genocide, Crimes Against Humanity and the Use of Force. *Ashgate Publishing Ltd:* 307-329

two pages of the entire doctrine are devoted to 'Non-Military' forms of intervention. Thus, the language of the R2P doctrine and present-day humanitarian intervention has contributed to a narrow understanding of conflict, which can be detrimental to the very growth of these societies.

A Critical Perspective of the Nexus between 'Responsibility to Protect' and Emancipation

The Welsh School of International Critical Security Studies has understood emancipation as a critique of what lies at the core of the belief of the 'Traditional Security School.' According to one of its main proponents, Ken Booth, "an emancipatory security paradigm must seek to uncover the realities of security (or rather insecurity) which entails locating human rights abuses, the oppression of minorities, the powerlessness of the poor and violence against women."¹⁰ Its hard to imagine that external agents of violence and insurgency can lead to the actualization and emancipation of societies, which ironically the R2P doctrine claims to achieve. This idea can be best understood through the dichotomy of 'negative peace' and 'positive peace.' According to Johan Galtung, "peace research is a research into the conditions for moving closer to peace or at least not drifting closer to violence. Thus negative peace is the 'absence of violence and war' and positive peace is the integration of human society."¹¹ Seen through this lens, it is visible that R2P is a move towards negative peace by aiming to end war with further violence. Emancipation simply gets reduced to, moving from one kind of violence to the other, and from one kind of restraint to another. Not only are the voices of the civilians marginalized, with the end of a possibility of individual or local processes of resistance, but also their ability is also reduced to occupy public platforms, build indigenous movements and demand social justice in inhibited.

¹⁰ Booth K. (1991) 'Security and Emancipation', Review of International Studies, 17 (14): 313-332

¹¹ Galtung J. (1964) An Editorial. Journal of Peace Research: 1-4

Another dimension of the equation is to ask whether the people can feel this emancipation in the complete absence of agency. For example, a large reason for the intensity of nationalism in countries like India and France today is that they struggled through domestic revolutions and movements, and established values and ideals that are more personal than they are national. Emancipation is largely an internally driven process and there is little evidence to justify that externally imposed, or facilitated 'emancipation,' can lead to a structural resolution of conflict. Even if this was viewed as a 'partial emancipation,' it can lead to the creation of power structures and hegemonic relationships.

Case Study of Libyan Intervention (2011)

The duration of time between the United Nations Security Council Resolution in 1973, that demanded a ceasefire in Libya, and the addition of the clause urging "UN Member States to take all necessary measures to protect civilians and civilian protected areas of Libya,"¹² was remarkably short. The case of the Libyan intervention has been, perhaps, one of the worst cases of R2P in action. Even more powerful than the criticisms of arbitrary aerial bombing by the North Atlantic Treaty Organization (NATO) on Libyan territory, was the lack of focus given to civil society voices, humanitarian requirements, and alternate methods of pacific settlement. Therefore, the emancipation that the intervention sought to achieve in Libya, was one which further perpetuated the inequalities and insecurities of the people. This will be further analyzed in the following section, which discusses the aftermath of such operations.

Analysing the Aftermath of 'Responsibility to Protect' Operations

¹² United Nations Security Council Resolution 1973 (2011)

In order to assess whether 'Responsibility to Protect' has been able to achieve its goals in its present form, a post-intervention assessment of political society and economic order is necessary. Continuing the Case Study of the Libyan Intervention of 2011, scholars have often questioned why the P3, in this case, the United States of America, the United Kingdom and France, refused to settle for anything short of regime change. "The charge sheet includes the interveners rejecting ceasefire offers that may have been serious, and which certainly should at least have been explored; striking fleeing personnel that posed no immediate risk to civilians; striking locations that had no obvious military significance (like the compound in which Gaddafi relatives were killed); and, more generally, comprehensively supporting the rebel side in what rapidly became a civil war, ignoring the very explicit arms embargo in the process,"¹³ argues Gareth Evans. After Muammar Gaddafi was killed, the entire state was left in a political vacuum with excessive supply of arms in the hands of civilians that had been supplied from external enemies of the Gaddafi regime. While the world celebrated this as a victory of the intervention, rebels with arms went ahead and conducted indiscriminate killings of civilians who they identified as 'Pro-Gaddafi' and established their own rules, calling themselves 'guardians of the revolution.'

Today, more than four years after the death of Gaddafi, there is no semblance of stability or security in the State of Libya. The country's infrastructure has been destroyed, their economy has crumbled, a record number of 'civil wars' have broken out, and the country has become a haven for extremists. As a consequence of the political vacuum created in Libya, parts of the country are now controlled by the Islamic State (IS), a jihadi extremist militant group that many have called a terrorist organization, and which a large number of countries and organizations have officially declared war against. This demonstrates that it is not enough of a push to achieve 'regime' change in a conflict

¹³ Evans G. (2014) The Consequences of Syria: Does the Responsibility to Protect have a future? *Electronic Journal of International Relations:*

ridden country, but rather that undertaking operations without taking into account the background of the conflict can lead to its worsening.

In the case of the 2003 Iraqi Invasion, it was justified by the UN and international community, with the United States claiming that Iraq was harboring 'Weapons of Mass Destruction', a claim that later proved to be false. The U.S. Iraq Survey Group published in 2004 states that, "The ISG has not found evidence that Saddam possessed WMD stocks in 2003, but [there is] the possibility that some weapons existed in Iraq, although not of a militarily significant capability."¹⁴ Testimony to the worsening of the conflict, is the fact that the mortality rate within Iraq, increased exponentially after the Iraq Invasion. In an increasing order of death estimates, the Iraqi Health Military Survey published in the New England Journal of Medicine reported "400,000 excess deaths due to the war with 15,000 being violent deaths"; a higher estimate comes from the British Medical Journal - The Lancet which claims there "654,965 excess deaths with 601,027 as violent deaths," and the highest estimate came from the Opinion Research Business Survey, which published that there were "1,033,000 violent deaths as a result of the war."¹⁵ This leads to the question that is rarely asked, how do we measure genocide? Is it simply state sponsored killings or should the excess deaths facilitated by operations of external actors and coalitions be understood as a part of the genocide? How is it that mass killings are termed genocide, but deaths caused by insurgency operations are termed international obligations?

Another aspect to consider, as a consequence of these invasions, is the rise of refugees contributing to the world's largest refugee crisis seen today. High levels of instability, no definite political authority, presence of rebels, internal displacement and extremists harboring weapons; have all led

¹⁴ U.S. Iraq Survey Group (2004) Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD: Key Findings. *Central Intelligence Agency Publications:* 7-15

¹⁵ Mamdani M. (2010) Responsibility to Protect or Right to Punish? *Journal of Intervention and Statebuilding 4:1* 53-67 DOI: 10.1080/17502970903541721

people to flee their countries, especially refugees in Syria and Libya seeking refuge elsewhere. More than a thousand refugees have died while travelling to Europe in April 2015 and many more put their lives at risk everyday, even without certainty of asylum. The implications of this crisis on the security of asylum granting states was apparent after the Paris Attacks of 2015, in which one of the seven terrorists was found to have entered France as a Syrian Refugee.¹⁶ What can also be seen as a consequence of these interventions in the Middle East was the impact on the Arab States of the Persian Gulf, which experienced economic meltdowns in the Middle East. Two important conclusions of the Report of the Overseas Development Institute, regarding economic impact on the region after the Iraqi Invasion, were "Many developing states were severely affected and while there has been a considerable response to the crisis, the distribution of assistance was highly selective."¹⁷

Bifurcated System of Sovereignty: Shadows of Colonialism

The 'Responsibility to Protect' doctrine has led to what Mahmood Mamdani calls a 'Bifurcated System of Sovereignty' where the standard of civilization has been set in the format of a "partial licence of sovereignty granted by the international community which can be revoked if states fail to meet the standards of liberal governance."¹⁸ This idea of judgment of state legitimacy by external agents is highly reminiscent of colonialism and indicates low levels of independence and freedom associated with sovereignty. Non-Western states are now judged through a Western Liberal paradigm of governance and live with the knowledge that non-adherence to this order could easily lead to being termed 'failed', 'rogue' or 'unstable.' The argument is therefore, that, much like colonial times, today sovereignty is the right of a few and a prize for the others. This international pressure not only ensures that policies undertaken by governments across the world fit the liberal democracy

¹⁶ Deutsche Well (2015) Syrian Passport dropped by Paris Attacker.

¹⁷ Overseas Development Institute (March 1991) The Effect of the Gulf War on Developing Countries. *ODI Briefing Paper:* Retrieved: 28 November 2015

¹⁸ Mamdani M. (2010) Responsibility to Protect or Right to Punish? *Journal of Intervention and Statebuilding 4:1* 53-67 DOI: 10.1080/17502970903541721

paradigm, but sends a clear message that there is little independence for governments to decide on their own systems of governance, laws and political ideologies. This is further exacerbated by the position of power that Western states have and the undue influence it casts on the rest of the world.

Insufficiency of Existing International Legal Mechanisms to place Checks and Balances on the R2P: A Critical Analysis of the Role of the International Criminal Court

It is unthinkable to have a doctrine that is so all-powerful and allows states to invade the sovereignty of others, without the existence of an equally all-powerful international legal mechanism, which places checks and balances on this power. In this section, I will argue that the International Criminal Court is not nearly as neutral, or free of bias, as it should be for fair implementation of the doctrine. At the very onset, Washington's refusal to sign the Rome Statute rested on the fact that its people may be tried for past crimes, including major bombings and the nuclear explosions. This led it to demand complete and indefinite exemption from the court's jurisdiction andit threatened to veto the renewal of peacekeeping operations in Bosnia.¹⁹ The United States then resorted to forming various bilateral agreements with member states, which prevented the handing over criminals to the ICC, but rather to their respective governments. The US influence in the ICC is thus visible since its very formation.

What is also striking, is that all three major interventions that have been undertaken by the ICC -Uganda, Congo and Sudan - have been those where there was complete approval by the US on the method of investigation. Moreover this course was designed by the US, so as to ensure that in Uganda for example, only the LRA, and not the Pro-US Government, was charged with government led accusations. When questioned about this selective accusation, the ICC Official Louis Moreno

¹⁹ Mamdani M. (2010) Responsibility to Protect or Right to Punish? *Journal of Intervention and Statebuilding 4:1* 53-67 DOI: 10.1080/17502970903541721

Ocampo stated that they made use of 'The Principle of Gravity.²⁰ For this reason, countries such as India have refused to sign the Rome Statute, as they are wary of the relationship between the ICC and the UNSC, with the ICC giving the UNSC powers of oversight. It is also worth noting that, to date, only cases in Africa have been investigated, while other important cases in the western world have been completely ignored. The ICC is, thus, not a strong enough instrument to justly implement the doctrine of Responsibility to Protect.

Organic Change v/s Temporary Peace

Finally, this section aims to assess whether the Doctrine of Responsibility to Protect is ultimately effective in achieving the change that it aims for. While the consequences and implications have demonstrated excessive harm caused, the very heart of the critique of the doctrine is its inability to transform a conflict. Even for regime change to work successfully, a certain amount of focus on human security must be given, but we find the doctrine to be dissociated with human security and resonating with the traditionalist state security paradigm. There are real threats, such as poverty, hunger, healthcare and agency, yet they are sidelined in the mission to gain political control and to exercise control by Western Powers. "This taken for granted peace is divorced from the reality of the long evolution of both the concept and the methods used in its construction, stemming from a particular set of experiences, interests, perspectives and epistemologies"²¹ argues O.P. Richmond. Many scholars have claimed, for example, that South Africa's Post Apartheid Transition was smooth because it was domestically driven and not pushed for, or investigated by an external agency, such as the International Criminal Court. I therefore argue that in order to end war in a society, an imposed intervention, while it might establish a temporary form of peace, will impede the pro-

²⁰ Branch, A. (2007) Uganda's civil war and the politics of ICC intervention. *Ethics & international affairs*, 21 (2), $179\Box/98$.

²¹ Richmond, O.P. (2007) 'Critical Research Agendas for Peace: The Missing Link in the Study of International Relations', *Alternative*, 32 (2): 247–274.

cess of organic change in the long run. Conflicts are resolved, not by changing regimes, but by resolving the deep-rooted problems that plague societies, therefore ensuring they never return. The critical lens that must be used to view R2P, is that of Conflict Transformation, and not a simplistic resolution.

Conclusion

The twenty-first century world order is not the same as the one that existed at the time of colonialism, however, many of its features are visible today. Hegemonic political relations, self beneficial economic arrangements, invasions in the name of the protection of minorities and vulnerable groups, assertion of the Neo-liberal political paradigm as being the ideal aspiration, large numbers of killings in the name of civilization and development, and finally the dominance of the international system by the developed powers of the world; the features could not be more similar. The difference lies in the fact, that these aims are now accomplished through subtle manipulation, use of language, and use of existing power relations and bargaining power. This becomes distinctly visible when applying the Neo-Imperialist theoretical framework to the doctrine of 'Responsibility to Protect.' On a secondary level, the security and emancipation achieved through this doctrine is not only partial and temporary, but suited to a world order that is beneficial to the developed few. However, it is also important to acknowledge the additional responsibility it places on governments to protect their citizens and to limit the power of governments to perform indiscriminate killings on racial, ethnic or political grounds. In order for the doctrine of 'Responsibility of Protect' to be a successful one, it needs to devote more focus to Alternate Dispute Resolution Mechanisms, such as improving existing legal mechanisms, accommodating regional and transnational organizations into the conflict resolution process, and finally, a structural reformulation of its essence, to ensure a systemic and sustainable change.

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