

FROM HUMAN SECURITY TO RESPONSIBILITY TO PROTECT

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ABSTRACT: AN ILLUSTRATION OF THE PARADIGM THAT HUMAN SECURITY IS PART OF THE RESPONSIBILITY TO PROTECT. A SERIES OF FOREGOING EVENTS OFFER A START POINT IN FUNDAMENTING THIS CONCEPT .BASED ON HUMANITARIAN PRINCIPLES, THIS CONCEPT, THOUGH AMBIGUOUS, PREVAILS DUE TO ITS ALTRUISM. BY CLEARING AMBIGUITIES, THIS CONCEPT MIGHT TURN INTO A REVOLUTIONARY PERSPECTIVE FOR THE INTERNATIONAL POLITICS.

KEYWORDS: HUMAN SECURITY, RESPONSIBILITY TO PROTECT, SOVEREIGNTY, HUMANITARIAN INTERVENTION.

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Humanitarian crises from Iraq, former Yugoslavia, Caucasus, Cambodia, East Timor, Haiti, The Horn of Africa, Angola, Burundi, The Democratic Republic of Congo, Liberia, Mozambique, Rwanda, Sierra Leone, Somalia and Sudan demand for the search of an answer from international community. The last decade has brought an increase in using UN's peacekeeping forces as well as in special interventions against internal conflicts. Special tribunals have been established in order to pursue those committing genocides and rape has been acknowledged as a spread war tactic and as a war crime.²

The security concept has slightly changed during the last half of the century from the state's security to the security of the individual. Yet, the state is the only entity with legal monopole against violence, being at the same time a protector of the individual, although political regimes could turn states into enemies of their citizens. Human security refers to protecting the individual and the society from a large range of dangers, from physical to economic or environmental.³

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² See Emilia Andreea DUȚĂ, 'The mechanism of regional – global security', *Research and Science Today*, Supplement, July 2013, Tg. Jiu, 2013, 77-98.

³ According to „Committee for Human Security”, the vital segments for life are those ensuring rights and individual freedom, according to each person's and each society's needs. Former UN Secretary, Kofi Annan, said in 2000: ” human security in its largest acceptance is more than the absence of violent conflicts. It include human rights, good governing, access to education, medical care and individual opportunities and choices to achieve one's potential..”

State and human security go together: the traditional security concept was built on the state's need to be protected, while human security aims at protecting the state and therefore, the individual. A new approach appeared, transcending the traditional one; the question is if this new philosophy (see the interventions in former Yugoslavia, Somalia and Haiti) will turn UN into a body to intervene in the internal affairs of the states.⁴ Interstates conflicts— ethnical, religious, tribal – are accompanied by humanitarian emergencies caused by economic halts, poverty, overpopulating, environment depreciation, use of military force, human rights violation. Many humanitarian crises demand for a quick response, otherwise leading to disaster, like in the case of Rwanda. NATO's bombing campaign in Kosovo was not explicitly approved by the Security Council; it was later justified by a retroactive analysis. UN policy makers stated that the purpose of the bombing was to force former Yugoslavia to open to peace negotiations.⁵

In Iraq in 2003, the legal justification came from the intent to change the regime and reinstall peace under the authority of Security Council, which refused to get involved into the controversies military intervention, that was, later on, validated as an attempt to build peace⁶ and stability⁷.

The first Liberian conflict (1989-1996), one of the worst conflict ever, had a total of 200000 victims among civilians and the migration of millions in the refugees camps; every 17th Liberian died in the conflict, the economic infrastructure was destroyed, the conflict spreader towards neighbor countries, leading to regional instability. The second Liberian war (2002-2003) with Taylor's forces on the one side and the rebellion groups was supported by neighbor countries on the other side.⁸

The civil war in Sierra Leone (1991-more than 10 years later) seems a continuation of the war in Liberia, an attempt from Charles Tyler to control the diamantiferous lands in Sierra Leone, had a number of victims between 100000 and 200000, and many others mutilated people so that they were unable to work or vote. One third of country population had to take refuge⁹, young boys were enlisted and young girls were transformed into sexual slaves. In 2002, a very stable and prosperous country, Cote d'Ivoire¹⁰, experiences an internal war with devastating effects, after the attempt from a military group to take over the leading of the country. The country was quickly divided in two: the southern part being governed by the president Laurent Gbagbo and the northern part by the anti-governmental forces. Although it appeared to be an internal conflict, a deeper look into the matter showed the regional nature of the conflict.¹¹

⁴ David Bentley and Robert Oakley, „Peace Operations: A Comparison of Somalia and Haiti”, în *Strategic Forum*, nr.30, June, 1995, National Defence University, Institute National for Strategic Studies, Washington, D.C. According to these authors, Somalia needs help to build new institutions but not based on the somalian tradition.

⁵ The Rambouillet agreement.

⁶ UNAMA. See Flavius Cristian MĂRCĂU și Mihaela Andreea CIOREI, “THE ROLE OF INTERNATIONAL ORGANIZATIONS IN GLOBAL SECURITY SYSTEM”, *Research and Science Today*, No. 1(5)/2013, Academica Brâncuși, Tg. Jiu, 142-154.

⁷ The multinational forces authorised by resolution 1511.

⁸ See Emilia Andreea DUȚĂ, 'The mechanism of regional – global security', *Research and Science Today*, Supplement, July 2013, Tg. Jiu, 2013, 78.

⁹ over 2 mil. Refugees.

¹⁰ Characterised by instability – see the conflicts in Sierra Leone, Lyberia. See Flavius Cristian MĂRCĂU și Mihaela Andreea CIOREI, “THE ROLE OF INTERNATIONAL ORGANIZATIONS IN GLOBAL SECURITY SYSTEM”, *Research and Science Today*, No. 1(5)/2013, Academica Brâncuși, Tg. Jiu, 148.

¹¹ Grier, Addo. *Challenge of Peace Implementation in Cote d'Ivoire*. Report 08/04 of Expert Workshop by the Kofi Annan International Peacekeeping Training Centre (KAIPTC) and Centre for International Peace Operations (ZIF), February 2006, 6.

The ethnic genocide in Rwanda against *Tutsi* and *Hutu* now considered moderate and against the intellectuals in favor of Tutsi caused the killing of about 500.000 to a million victims mainly by governmental forces, but also by members of the presidential guard and the young militia (interhamwe). Among these, the wildest were the members of the presidential guard. Started in Kigali and then extended all over the national territory, it was the bloodiest conflict in African history. Many people were attacked inside churches, while looking for refuge; thousands of bodies are thrown into rivers, creating a blood bath, almost unimaginable. These events, documented by both governmental and independent sources, above suspicion, and corroborated by eyewitnesses, are impartially investigated by a committee of experts belonging to the Security Council.¹²

The western province of Darfur is populated by Sunni Muslims, which took side of Khartoum government during the conflict between the Muslim north and the Christian south. Between 40% and 60% of the population enlisted and served in the Sudanese army during the „*Anyanya war*” from 1983 up to the present day, for religious reasons, the Islam being for these soldiers more important than the ethnical issue¹³.

The Darfur conflict emerged because the population was not satisfied with the unfair distribution of resources among them. Previous to the Darfur conflict, the government, trying to establish an „ideal” Islamic state, with no opponents, and no other religious groups has used the western Islamic population as an extermination force against the Christian southern population.¹⁴

In 1997, the Mobutu regime is replaced by a small rebel group lead by Laurent Kabila who changes the name of the country into The Democratic Republic of Congo. The fights continue for about two years, for Rwanda and Congo support the rebels who come to control an important part of Congo, while the troops from Angola, Namibia and Zimbabwe help Kabila.¹⁵

In October 1993, the first democratic president is killed after a hundred days from his election, and violent ethnic conflicts emerge between Hutu and Tutsi. It is estimated that about 200.000 Burundi citizens died in the last 15 years and other thousands relocated as refugees. In 2003 an agreement is signed between the government- Tutsi mostly- and the Hutu rebels. In 2004 the transition process is established, aiming also the building of an integrated army, and in 2005 a new govern is elected- mostly Hutu this time.

In 1992 about 4.500.000 people- more than half of Somalia population- starve. It is considered that a fifth part of the children under five died of starvation. Agriculture suffers because of war; crops are burned and farmers killed. About 2.000.000 have to take refuge to other places. All governmental institutions and 60% of infrastructure are destroyed. There is no security, apart from that offered by the armed groups, having no political control. As a consequence, there is no possibility to help the civilian population and humanitarian aids sent to Somalia are confiscated by combatants, for their own benefit.

The guerrilla movement harasses the former Portuguese colony for about 15 years; in January 1975, the Portuguese government starts talks to rebellions to establish a transition program from the colonial regime to independence. Talks start in Alvor, Portugal, with three freedom movement groups: The National Movement for the Freedom of Angola¹⁶, The

¹² Amnesty International Report, AFR 34/012/2004, 18 August 2004.

¹³ Southern population is christian.

¹⁴ See Emilia Andreea DUȚĂ, 'The mechanism of regional – global security', *Research and Science Today*, Supplement, July 2013, Tg. Jiu, 2013, 82.

¹⁵ See Emilia Andreea DUȚĂ, 'The mechanism of regional – global security', *Research and Science Today*, Supplement, July 2013, Tg. Jiu, 2013, 84.

¹⁶ *Movimento Popular de Libertação de Angola – MPLA*.

National Angolese Liberation Front¹⁷ and the National Union for the Total Independence of Angola¹⁸, supported by states like Cuba, South Africa, Russia and USA. South Africa sends troops to fight the MPLA, which is supported by Russia and Cuba. On November 11th, 1975, The Popular Republic of Angola is established; the military importance of FNLA starts to decrease while UNITA, backed by South Africa and USA continues to control a great part of Angola.¹⁹

The conflict in Mozambique bursts in the middle of '80. Because of the fights between the govern and RENAMO, about a million people die and about 3,2 million people take refuge outside the state. In 1998 The Catholic Church initiates a series of negotiation talks; the efforts being followed by the involvement of some African states: Kenya, Zimbabwe, Botswana, Malawi and others and later on by states such as Italy, Portugal, Great Britain and USA.²⁰

The *Responsability to Protect* originates centuries ago, with the first documented sources on this matter. The efficiency of these methods was questioned at the beginning of 1990 decade, due to the political changes and civilian conflicts post-Cold War.²¹

During that period, there were many unsolved disputes on the limits of sovereignty and many human rights violations. Francis M. Deng, representative for the General Secretary for internally refugees, came with the idea that sovereignty should be not only about rights, but also responsibilities.²²

Up to 2000, African countries tried to respect the principles of *The Responsibility to Protect* as stipulated in the founder chart of The African Union (AU).²³ The chart shows the will of the countries to protect their people from atrocities, even though this might call for breaking up a state's sovereignty by the states members of AU.

By the same time, Canada created The International Committee for Intervention and the Sovereignty of States (ICISS). Co-led by Gareth Evans and Mohamed Sahnoun, the 2001 report of the committee underlined that the external humanitarian intervention was controverted even at the times when it did not take place.²⁴ At the world UN summit in 2005

¹⁷ *Frente Nacional de Libertação de Angola – FNLA.*

¹⁸ *União Nacional para a Independência Total de Angola – UNITA.*

¹⁹ See Emilia Andreea DUȚĂ, 'The mechanism of regional – global security', *Research and Science Today*, Supplement, July 2013, Tg. Jiu, 2013, 86.

²⁰ See Emilia Andreea DUȚĂ, 'The mechanism of regional – global security', *Research and Science Today*, Supplement, July 2013, Tg. Jiu, 2013, 89.

²¹ Its modern form appeared following the World War II, after the Holocaust and the global devastation, thus appearing The International Court of Law that established The UN Charter, The human Rights Declaration the Geneva Convention in 1949 and the Convention upon Preventing and punishing Genocide. See Madeleine K. Albright and William S. Cohen, vice-presidents, *Genocid Prevention: Guide for politicians*, Washington, DC: The Holocaust Memorial Museum, US Diplomacy Academy, 2008, p. 23.

²² In simpler words, this debate spread the participants in two: those considering that each state has the right to do what it wants within the frame on its authority and those saying that the international community should intervene when necessary to prevent atrocities. See Madeleine K. Albright and William S. Cohen, vice-presidents, *Genocid Prevention: Guide for politicians*, 14.

²³ Art. 4 in UA Constitutive Act stipulates the right of organisation to "intervene in a member state membru according to the UA regulations in case of mass atrocities and war crimes." See Flavius Cristian MĂRCĂU și Mihaela Andreea CIOREI, "THE ROLE OF INTERNATIONAL ORGANIZATIONS IN GLOBAL SECURITY SYSTEM", *Research and Science Today*, No. 1(5)/2013, Academica Brâncuși, Tg. Jiu, 152.

²⁴ After observing a large range of political, moral, economical, judicial and operational, the committee decided that "sovereign states have the responsibility to protect their citizens from avoidable problems ...but if these cannot or are not willing to do this, the responsibility goes to a broader community." The report underlined the non-coercitive and preventive measures, described military intervention as a last resort and established a series of criteria to identify justified armed actions. The report underlines the need for a previous approval from the UN Security Council but it also stipulates the situations in which a regional or sub-regional organization might take action in the absence of it.

the governs adopted unanimously the actual form of the Responsibility to Protect, stating that each state has the responsibility to protect civilians from mass atrocities; it also promised the training, when necessary, to act collectively in this respect, via Security Council, in accordance with the UN Chart. The Responsibility to Protect cannot serve as an excuse for a state to take action on the national territory of another without the approval from the Security Council. This served as insurance that there wouldn't be any unauthorized interventions as well as that there wouldn't be any efficient actions blockages due to some disagreements within the Security Council.²⁵

THE PILLARS OF RESPONSIBILITY TO PROTECT

The present concept of responsibility is based on three pillars mentioned by the Secretary General Ban Ki-moon in his 2009 report, "Implementing *Responsibility to protect*". These are the state's responsibility to protect the population, to provide international assistance and capacity strengthening, as well as in taking firm collective action in the case of state unable to protect its citizens against mass atrocities. The pillars cannot be separated, or successive: each demands for a continuous action and will reduce the situations in which international community will be forced to choose between an expensive military intervention and staying away from the matter.

The doctrine starts from the simple idea that the state is responsible for the protection of the population. The best option for weak, vulnerable states is to observe their obligations and to ask for help from the international community should there be the case. Those states having internal problems had to choose whether to „work with international bodies and other interested factors to fulfill their responsibilities regarding sovereignty or they could disregard international efforts and lose their sovereignty.”²⁶ It is the first mentioning of sovereignty annulment-be it temporary or not, willingly or forced- for not observing people's protection. It is wrong to suggest that the responsibility to protect is applicable only in most noticeable cases; the doctrine is relevant all the time. The sovereignty principle is defined as responsibility not in order to make a probable intervention less legitimate, but to encourage „the leaders from problematic areas to cooperate to prevent people from suffering,”²⁷ it has a defensive, not an offensive role. The doctrine was modified and offensively used for some interventions, even in situations when the intervention was not entirely humanitarian. Deng has always thought the theory as a modality to help weaker states, with respect for their internal obligations. Should the states observe their internal obligations, the international community would have no reason to interfere.

Understanding sovereignty as responsibility has become fruitful. In 2000, Canada asked for a committee - The International Committee for Humanitarian Intervention- to analyze the situation .Although the UN Secretary General Kofi Annan approved the idea, the international community wanted to avoid the controversial term „humanitarian type of intervention”, and the name came out The International Committee for Intervention and State Sovereignty, proving the fact that the main goal of this body was to“ reconcile the

²⁵ Cohen, *Genocid Prevention: Guide for politicians*

²⁶ See, Jennifer Welsh, "Implementing the Responsibility to Protect: Where Expectations Meet Reality," *Ethics and International Affairs* 24, no 4 (2010), 419.

²⁷ It is the responsibility of every state to protect population against. This responsibility supposes prevention of such crimes. We accept this responsibility and will act accordingly. International community should, according to the case, to help states to implement this and help the UN in developing an early warning system. Welsh, *Implementing the Responsibility to Protect*, 420.

necessity of military intervention in some situations, to protect innocent people, respecting the sovereignty of the state”.²⁸

After a thorough study and long debates, ICISS created the Responsibility to Protect, containing many recommendations and a few noticeable modifications. For example, the terminology to be used, which used to underline the humanitarian type of intervention, being considered that the two words oppose each other, for „intervention” was associated with military force while „humanitarian” had the opposite meaning. For others, „it was focused on assertions, rights and prerogatives of the states allowing them to intervene only in most severe cases.”²⁹ Therefore, the focus was on the one committing the crime or on the one that intervened, and not on the victim, as it should have.

In 2005, at the International UN Summit in New York the R2P principle was approved by the General Assembly and the UN Security Council, though not in its original form, but in a more limited one. The final document referred to four key-aspects:

First, the state was responsible for the protection of its citizens in case of genocide, war crimes, mass atrocities and ethnic clearing.

Second, the international community is ready to assist the states in need and, at the same time, observe their responsibilities.

Third, UN accepted the responsibility to use its own means (diplomatic, humanitarian and other peaceful means) to protect people.

Fourth, the UN approved the necessity of collective actions, in the eventuality that peaceful methods failure and the state cannot protect its own citizens.

This caused a change in the way state sovereignty and the problem of non-intervention were seen and perceived.³⁰

The concept was built to strengthen, not to undermine national sovereignty. The states should first protect its citizens and only after that, they are to be supported in order to improve their inner capabilities towards their obligations. Only when a state fails in protecting its citizens a foreign intervention should be possible. Even under these circumstances applying R2P should concord with UN Chart that is central decisional authority is UN Security Council.³¹

R2P is accepted based on the change of perspective and terminology, because sovereignty has turned from a right into a responsibility.³²

²⁸ The international community has the responsibility to use diplomatic, humanitarian and of other nature peaceful means according to chapters VI, VII and VIII of The Chart to help protecting the civilians. We underline the necessity from the General Assembly to consider the responsibility to protect populations from genocide, war crimes, ethnic purification and mass atrocities in conformity to the Chart and the international regulations. See Alex Bellamy, *“The Responsibility to Protect and the problem of Military Intervention*, 620.

²⁹ See, Michael Newman, “Revisiting the ‘Responsibility to Protect,’” *Political Quarterly* 80, no. 1 (2009) 94.

³⁰ The UN Security Council had approved interventions for civilian protection, even when the conflict was not a threat to international stability; the fact that even the states that opposed to the idea of humanitarian intervention turned now in favour of R2P shows the level of acceptance, an example being the written approval of the UN reform on „great humanitarian crises”. See Bellamy, *The Responsibility to Protect and the problem of Military Intervention*, 627.

³¹ Although R2P is based on a long tradition of international law, it does not force the governments into any new legal obligation. There are no obligations to any military involvements. R2P’s main objective is to encourage and, when necessary, help states to protect their citizens. When this doesn’t happen, the first steps would be diplomatic, economical, and so on. A collective military intervention for the applying of R2P would be less likely to occur. Bellamy, *The Responsibility to Protect and the problem of Military Intervention*, 621.

³² This aspect continues the historical idea that sovereignty is the people’s right and that a leader has to be followed by the people. When the sovereign disrespects the rights of his people he loses the right to govern them. Similarly, even when a state is not directly involved in people being massacred- when it is incapable

It is a state's responsibility to protect; that is the state is neither to get involved into crimes nor to allow the crimes to be committed by others.

R2P is not temporary: „it does not appear and then disappear, and so is the case of both global responsibility to support the respective state and the responsibility of UN Security Council to take all measures necessary according to the situation.”³³

That is why the key-points of R2P doctrine are so important in underlining the role of the international community and for the way R2P is perceived.

In his 2009 report, the secretary general underlined that the *Responsibility to protect* is "firmly based on international law rights. " and that "it does not change, but truly consolidates the legal obligations of the member states member to refrain from using force, except for the cases stipulated in the UN Chart."³⁴

The work group examined the way in which the responsibility to protect was applied and how to improve its objectives. There is agreement on the fact that both states and international community have to share responsibility to protect civilians in cases of genocide or mass atrocities; still, it hasn't been determined whose responsibility would be the establishment of military and non-military measures to prevent and approach such issues. Humanitarian disasters may influence events outside borders, create new groups of refugees and international instability, affect regional stability, and lead to nuisances that are exploited by terrorists and demagogues.³⁵ That is why the USA approved the Responsibility to Protect and contributed more than other countries to the building of prevention capacity. There are many other things to be done for the Responsibility to Protect to be acknowledged, as standard for the way in which governments should take care of their citizens and for the way the international community should approach the violation of national responsibilities.³⁶

Each recommendation is destined to enforce R2P for a safer world.³⁷

- The American president and state's officials should present in front of an international and national audience a comprehensive vision of all three pylons of R2P.
- The American government should consider any early threats of mass atrocities anywhere in the world, to ask for a quick revision of the international policy at high level to identify alternatives and to take measures reduce the probability of a disaster.
- The American government should launch a diplomatic initiative together with Un Secretary and the nations, which agree to consolidate global preventive capabilities to solve those situations covered by R2P.

to protect – the sovereignty can be transferred to someone else. Bellamy, *The Responsibility to Protect and the problem of Military Intervention*, 622.

³³ Bellamy, *The Responsibility to Protect and the problem of Military Intervention*, 624.

³⁴ He opined that the responsibility to protect, as formulated, was applicable to the four violations: genocide, war crimes, ethnic clearing and mass atrocities but suggested that "though the responsibility field with the responsibility to protect should be narrow, the response should be deep. " See Jennifer Welsh, *Implementing the Responsibility to Protect.*, 421.

³⁵ The task is relevant for the USA because of its interests and responsibilities at international level."The experience showed many times that unsolved issues are problematic to us and expensive." Cohen, *Genocid Prevention: Guide for politicians*, 18.

³⁶ On the other hand, american officials rarely refer to this concept that remains less known to the public, as it was confirmed by a study of The Holocaust Museum in USA. See Cohen, *Genocid Prevention: Guide for politicians*, 18.

³⁷ This will hardly happen in the absence of strong politics. The USA officials should understand that our state – and any other state- holds responsibility, within or out of R2P frame, to help the threatened population, especially when regional or international bodies are in favour of such conduct. The successful implementation of R2P is possible only in the presence of new mechanisms designed to prevent mass atrocities. see Cohen, *Genocid Prevention: Guide for politicians*,18.

- The American Executive Departments should hire relevant election committees to enforce R2P. The Congress, on the other hand, should check the administrative effort regularly to ensure the authorities have plans for the prevention of mass atrocities.
- The American government should strive to improve ICC efficiency as a mean to both discourage and investigate war crimes and-should there be the case- to collaborate with the tribunal.
- The Congress should approve the funds for the prevention of international crises and stability actions, including support for development, UN peace keeping and other UN relevant actions.
- The American government should launch a thorough study on the impact of modern technology can be useful to R2P. The purpose should be to develop public-private partnerships for a better use of new technologies in order to prevent mass atrocities.
- The USA Government must work on the increasing of Mass Atrocities Prevention Committee capacity to prevent atrocities from happening.
- When states fail to protect, other states should take action. R2P says that it is about finding the best method to implement the intervention; it provides legitimacy to the state, stipulating that it is their obligation to protect.³⁸

It is "everybody's duty to intervene at a humanitarian level".³⁹ The duty to prevent human sufferings does not require for high independence levels; it is universal.⁴⁰ There are many ways to apply the responsibility to protect. The states can and must act to help other states in a proactive manner- fundamentally to prevent- and to "assist and encourage partners in establishing their own R2P."⁴¹ This aspect has been neglected, although it is very important, for it is better to prevent than to solve. The states under dissolution can be helped- by means of intervention - „by decisive actions at the right time, if a state has obviously failed in the line of R2P."⁴²

According to ICISS, the language had to be changed, for discussions upon „the right to intervene on other state's territory "use a sort of language that was futile.⁴³ It is agreed that talking about rights is talking about the state and therefore, the right to interfere means the loss of legitimacy and the weakening of „the urgent needs of the potential beneficiaries of the action."⁴⁴ There came a new perspective that did not suddenly give up sovereignty, but redefines the right to live for the citizens.⁴⁵ Life is, and should always be more important than state's sovereignty.⁴⁶

³⁸ The states have the moral duty to intervene to protect civilians, even if this threatens sovereignty. This is a permanent task, universal and for a long time- for all states. "R2P is not temporary, it is not based on circumstances." See Alex Bellamy, *The Responsibility to Protect — Five Years On*, 158.

³⁹ See, James Pattison, "Whose Responsibility to Protect? The Duties of Humanitarian Intervention," *Journal of Military Ethics* 7, no. 4 (2008), 268.

⁴⁰ Some aspects, such as number and quality of military personnel, as well as the available equipment, strategic evacuation capacity and logistic support should be observed when choosing the state to intervene. *Ibidem*, p. 270.

⁴¹ See Bellamy, *The Responsibility to Protect — Five Years On*, 160.

⁴² Bellamy, *The Responsibility to Protect*

⁴³ see Patricia Weber, "Too Political or Not Political Enough? A Foucauldian Reading of the Responsibility to Protect," *International Journal of Human Rights* 13, no. 4 (2009), 586.

⁴⁴ see, ICISS, para. 2.28.

⁴⁵ see, Patricia Weber, "Too Political or Not Political Enough? A Foucauldian Reading of the Responsibility to Protect," *International Journal of Human Rights* 13, no. 4 (2009), 586.

⁴⁶ This means that in the eventuality of human lives loss, the duty to intervene should come automatically. If the state is incapable or unwilling, then the international community can and must take action. The intervention is justified because „in an interdependent world, any human rights violation is a threat to humans, globally. " See ICISS, para. 1.21.

Yet, R2P has raised more questions and subsidiary aspects than the ones that it had solved. For example, some states are eager to intervene, and will use any argument to motivate their actions, as a modality to avoid the Security Council, hiding behind „ a legitimate, humanitarian intervention”

Less developed states consider R2P o Trojan horse to be used against them, and are, of course, cautious in accepting the doctrine. This suspicions can be easily discarded, simply by understanding the difficulty the Security Council has to face in choosing which states to intervene in case of a crises.

The decision on who is to intervene is the most difficult issue. ”Should the word *responsibility* be used then this responsibility has to exist somewhere, and it has to be meaningful”.⁴⁷ However, who will take responsibility? If the responsibility in not clearly shared it is easier for the states and organizations to evade their responsibilities.”⁴⁸ **Everybody** watches the tragedy, thinking that **someone** should do something about it, while **nobody** takes action. As a paradox, the more the salvage actors or those able to intervene are more powerful, the less probable their action seems. It is easier to escape the censure vote. It is more difficult to point to the guilty one out of a crowd.

⁴⁷ see Jennifer Welsh, “Implementing the Responsibility to Protect: Where Expectations Meet Reality,” *Ethics and International Affairs* 24, no 4 (2010), 421.

⁴⁸ Of course, the states in which human rights violations occur have the main responsibility. The problems appear when the responsibility outcomes the borders, for the state is an entity with fixed borders and leaders (in most cases), an aspect that shows if a state took one action or another, especially against another state. Welsh, *Implementing the Responsibility to Protect*

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