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THE RESPONSIBILITY TO PROTECT. A JUST WAR THEORY BASED ANALYSIS

Theoretical
article

Keywords

Responsibility to protect
Just War
Sovereignty as responsibility
Human security
Jus pos Bellum

Abstract

This paper analyzes the Responsibility to protect principle as the paradigm that reinforces the just war theory in the current international relations. The importance of this analysis is given by the fact that in the current change of source of international conflicts, the Responsibility to protect principle affirms the responsibility of the international community to protect all the citizens of the world. In this context we witness a translation toward a Post-Westphalian international system, which values the individual as a security referent. This article discusses the origins of the responsibility to protect principle and problematizes (discusses) the legitimacy of use of violence and force in the current international system. Moreover, the paper analyzes the possible humanization of the current international relations and, simultaneously, the persistency of conflict and warfare in the international system. The conclusion of this research states that the Responsibility to protect principle revises the just war theory by centering it on the individual.

Introduction

The central idea of this article is that the responsibility to protect principle represents the resurrection of the just war theory. Moreover, this article suggests that the responsibility to protect principle represents the “zeitgeist” of the current international security, because it is founded on the just war theory, which imposes ethical and practical considerations regarding the use of force, and on the human security paradigm, which values respect, security and development for all the individuals, regardless their nationality.

The new type of threats to security after the Cold War represented an amalgam of warfare and political violence, human rights violations and the violations of the laws of war and crime (Kaldor, 2008, p. 23). Therefore, this new situation asked for a new concept of security and for a new set of strategic approaches to encompass the military intervention. A multidimensional and individual-centered concept of security emerged, as a consequence of the failure of the traditional concept of security. The human security paradigm, which pursues for the individual freedom from want and freedom from fear within human dignity, represents one of the premises and the justifying paradigm of the responsibility to protect doctrine.

In the security context of the post-Cold War period and after 9/11, the confusion between the external and the internal, the state and the non-state, the combatant and the non-combatant issues makes it difficult, according to Kaldor, to clearly differentiate between war and peace (Kaldor, 2008, p. 35). The failure of international community to react to international crises – genocide, crimes against humanity, war crimes, and ethnic cleansings – determined a strong debate between the legitimacy of humanitarian intervention and the sacrosanct principle of sovereignty. The promise of “never again” after the failure of the international community to manage the bloody episodes of Rwanda, Kosovo, Bosnia, Somalia, determined the dilemma of intervention: “when, if ever, it is appropriate for states to take coercive – and in particular military – action, against another state for the purpose of protecting people at risk in that other state” (ICISS, 2001). The legal, moral, operational and political debates correlated to these issues were encompassed in the emergence of the responsibility to protect (R2P) doctrine. This principle affirms that the sovereign state has the responsibility to protect its citizens from avoidable catastrophes and that if they fail to do so, this responsibility should be assumed by the international community of states.

The just war thinking, which is committed to “a moral realism” (Gregory, 2014, p. 55), was transformed and adapted to the new political and security circumstances of the post-Cold War era. The revival of the just war theory is identified, in

the responsibility to protect principle, which is the new conducting paradigm of intervention in the international system.

This analysis continues the line of argumentation of Mary Kaldor (2008) concerning the necessity of an ethical approach within the current international relations, arguing for the prevalence of the international law that applies to individuals over the laws of war (Kaldor, 2008, p. 21). In addition, this article represents, non-exhaustively, a continuation of the ideas of Walzer, Murnion, Evans, Lee, Brough, Lango, and Linden, Marks and Cooper, Gregory, Costinescu and others, regarding the transformation of the just war tradition and on intervention.

The first part of the article presents briefly the principal ideas of the just war theory. The next section draws the context that generated the emergence of the responsibility to protect principle, in relation with the insecurity environment after the end of the Cold War and with the human security paradigm. The third section summarizes the main components of the responsibility to protect principle, while in the following part the responsibility to protect is decomposed in the elements that are founded on the just war theory. The last part of this article discusses the implications of the relation between the responsibility to protect principle and the just war theory in correlation with the responsibility to rebuild principle, translated in the *jus post bellum* principle.

The Just War tradition

The just war theory is seen in the international relations tradition as “a grammar for moral reflection and deliberation” (Gregory, 2014, p. 57), which approaches the highly debated sensitive issue of warfare. The code that entails the just war theory has a tremendous importance in the history of international relations, because it represents the limit between going or not going to war or between saving or killing combatant soldiers or civilians.

The just war theory was developed based on a long tradition, starting from St. Augustin’s writings, the theorizing of Gratian, Toma d’Aquino, Francisco de Vitoria, Hugo Grotius, Vattel and continuing with its reinterpretation according to modernizing theories (Costinescu, 2013). As Murnion maintains, the evolution of the just war tradition did not have an organic evolution. The construction of the just war theory was rather a subsequent row of paradigm shifts which encompassed the innovations and evolutions in the field of technology, politics, social issues and cultural traditions (Murnion, 2007, p. 23).

Murnion describes four paradigms of the evolution of the just war ethic, each based on a specific type of law: the late hellenistic/ early

medieval paradigm, based on divine law, the medieval paradigm constructed on the natural law, the early modern paradigm founded on the law of nations and the late modern/contemporary paradigm emerged on the structure of international law (Murnion, 2007, p. 29). These different influences on the evolution of the just war ethics are relevant for the current analysis in order to illustrate that the primary goal of this paradigm is the limitation and the constraint of war and that it adapts to the international context, keeping this desideratum a constant.

The just war tradition is constructed on two contested principles: one declaring that in some situations the resort to war is just and one declaring the existence of norms that permit/allow warfare to be conducted in a just manner (Brough, Lango, & Linden, 2007, p. 243). The just war theory is summarized in the interdependent principles of *jus ad bellum* (criteria of the right to war, the justice of war) and the *jus in bello* (the law of warfare, justice in war). Therefore, this ethics established the conditions for the war to be justified. In addition, the just war theory outlines the rules and norms to control military violence and to limit war establishing the norms of “moral permissibility” (Lee, 2007, p. 3).

The *jus ad bellum* is called the legalist paradigm by Michael Walzer, who approached comprehensively the just war theory in the book *Just and Unjust Wars* (Walzer, 2006, p. 61). The conditions for the *jus ad bellum* principle are: to have a just cause, to be declared by a legitimate authority, to be conducted with the right intention, the harm reasonably expected to be done by the war to be proportionate to the good the war can be reasonably expected to be achieved and the war to be a last resort (Lee, 2007, p. 4).

The *jus in bello* condition for the implementation of the just war theory, named by Walzer “the convention of war” regulates the way violence is used to achieve the military objectives of the war. The *jus in bello* principle imposes the criterion of discrimination, meaning the necessity that attacks not be made against civilians and civilian targets, and the condition of proportionality, which requires for the used military forces to contribute in achieving the goal of the war and not cause gratuitous harm (Costinescu, 2013, p. 89). Moreover, the just war theory is completed by the principle of moral equality of soldiers which establishes the moral parity of ordinary combatants, although only one part in the war is conducted by a just cause (Fisher, 2012, p. 158).

Although these two components of the just war tradition, *jus ad bellum* and *jus in bello*, were constructed as being interdependent, as La Croix declares, they are not intrinsically and reciprocally deduced. The issue that La Croix observes, what is

entailed in the current debates on the subject is the manner how they will relate (La Croix, 1988, p. 69) to current circumstances. In these terms the dilemma between the legitimacy and legality of the just war doctrine can be explained.

The modern just war theory is placed in an international community compound by states, which are legitimate to conduct war only in case of aggression. As Walzer mentions, the principles of sovereignty and territorial integrity are sacrosanct: “any use of force or imminent threat of force by one state against the political sovereignty or territorial integrity of another constitutes aggression and is a criminal act” (Walzer, 2006, p. 62). Therefore, a war of self-defense, conducted by the state or by other members of the international community, is justified only in cases where these principles are affected through aggression. The right intention regarded the reasons that were behind the recourse to the use of force. The general reason was identified, usually, as the creation of a “just peace”.

Although Michael Walzer declares the aggression as the unique reason that justifies intervention, he argues that interventions on humanitarian grounds can be enforced. The issue of intervention, of humanitarian intervention and the criteria for conducting a defense war or collective self-defense are important in the light of the new type of intervention proposed through the responsibility to protect principle, which will be discussed in the next sections.

The responsibility to protect principle – the reaction to new type of conflicts

The end of the Cold War generated a new international security environment, a fact that determined the rethinking of the security and of the warfare concepts. The international security conjuncture was determined by “a convulsive process of state fragmentation and state formation that is transforming the international order itself.” (ICISS, 2001, p. 5). The change of the source of conflict (from inter-state to intra-state conflicts) imposed the rethinking of how the international community should address these issues and respect human rights. In this period, the role of the military interventions, called humanitarian interventions increased (Costinescu, 2013, p. 112). The Report “An agenda for Peace, Preventive Diplomacy, Peacemaking and Peace-Keeping” modified the humanitarian-interventionist framework for the UN. Consequently, this document, which aimed “to enhance respect for human rights and fundamental freedoms” and to achieve the peace of the world (UN Secretary-General, 1992) represented the extension of the *jus ad bellum* principle and the first steps toward post-conflict peace building after the end of the Cold War (Costinescu, 2013, p. 115). In this context the hope that the collective security system would function in the name of peace

increased, as regulated in the UN Charter (Marks & Cooper, 2010, p. 88). Thus, the failure of the UN Security Council to authorize a mission to prevent the massacres of Kosovars determined the NATO's unauthorized intervention in Kosovo. This act generated a broad debate between the question of the illegality and that of the legitimacy of this intervention, which was translated in the debate between the principles of sovereignty and human rights (Marks & Cooper, 2010, p. 89).

The end of the Cold War revealed also the necessity to extend the traditional state-centered concept of security for encompassing the security of the individual. The human security paradigm emerged in the UNDP Human Development 1994 Report, which observed that the feeling of insecurity over passed the national boundaries and that security could not be defined only as the absence of military threat. The Report declared a new framework for development and cooperation between "the states of the world" in order to attain for every individual "freedom from want and freedom from fear", in the conditions of the human dignity (UNDP, 1994, p. 4). The ethics of the human security paradigm is centered on the debates concerning the rights of the individual, human rights and natural law (Fine, 2007, p. ix).

The emergence of the Responsibility to protect (R2P) principle represented the intersection of the double change of security, at the intersection of extended *jus ad bellum* and the necessity to value human security regardless the national boundaries. The R2P was the response to the incompatibility between the Westphalian concept of sovereignty and the new international impetus to protect human rights (Hoffmann & Nollkaemper, 2012, p. 14). In the document founding the responsibility to protect principle, its origins in the human security paradigm are affirmed through the statement that "the human impact of international actions cannot be regarded as collateral to other actions, but must be a central preoccupation for all concerned" (ICISS, 2001, p. 6). As well, as presented in the previous sections, the related origins within the just war theory can be observed in the Report on R2P.

The responsibility to protect principle – reconceptualization of intervention and protection of human security

The responsibility to protect doctrine originates in the Report of the International Commission on Intervention and State Sovereignty of December 2001. This comprehensive document establishes the context, the necessity, the principles and implications of the responsibility to protect doctrine. The core differentiation that it is made concerns the shift of paradigm from the "right to intervene" encompassed in the humanitarian intervention praxis to the responsibility to protect of the international community. The responsibility

to protect principle received authorization at the World Summit 2005, through the articles 138 and 139 of the World Summit outcome.

The R2P Report admits that human security imposed some additional requests for the state, but simultaneously has placed the state as the best intersection matrix for human security, in the context of sovereignty as responsibility, both internal and external, instead of sovereignty as control (ICISS, 2001, p. 13).

The focus of the R2P stands on the evaluation of the needs of those in need, rather than of those who might be concerned with intervention. This fact is justified in the Report as the immutable duty to assure the protection of communities from "mass killing, women from systematic rape and children from starvation". The second conductive principle of the R2P is that the primary responsibility to reach these goals is encompassed by the state concerned. Only in the case where the state "is unable or unwilling to fulfill this responsibility or is itself a perpetrator", the previous mentioned issues become the responsibility of the international community. Therefore, as the promoters of the R2P affirm, the logic of responsibility is rather to determine a linkage, by creating a bridge between intervention and sovereignty. The third conductive principle of the R2P is that it encompasses, besides "the responsibility to react", "the responsibility to prevent" and the "responsibility to rebuild". The promoters of the R2P doctrine underline the fact that this division establishes the report between costs and results of action and non-action. Furthermore, this approach establishes the conceptual, normative and operational leverages between assistance, intervention and reconstruction (ICISS, 2001, p. 17). This triad of components is highlighted as "the provision of life-supporting protection and assistance to populations at risk" (ICISS, 2001), which aim to help prevent human security violations.

The three pillar construction of the responsibility to protect principle represents the three chronological steps that should be taken in cases where its implementation is asked: the first responsibility is to prevent the conflict by any non-military means. Where the prevention failed, the international community has the responsibility to intervene and thereafter the responsibility to rebuild (ICISS, 2001, p. 17).

The responsibility to protect principle creates a double approach to sovereignty, modifying its traditional, state-centered meaning. The concept of sovereignty as responsibility is derived from the ICISS Report, which states the compulsoriness of the state to protect its citizens from internal and external threats. Moreover, the principle of sovereignty as responsibility overpasses the term of sovereignty as control

because it entails both internal and external functions (ICISS, 2001, p. 13). In case that the state fails or is unwilling to accomplish the security of its citizens, the international community has the responsibility to intervene, under the specified conditions, to assure the security of the individuals.

In this sense, the R2P changes the traditional view of humanitarian intervention by changing the focus on the sovereignty as responsibility, simultaneous with the idea that international community should assist the state in this goal, with a number of previous measures that international community should take before armed intervention intended to respond to genocide and mass atrocities (Bellamy, 2010, p. 143).

Responsibility to protect and just war theory implications

Reasons for the transformation of the just war theory

The reconceptualization of the just war theory is believed to be a process that is highly related to the rethinking of international security (Brough, Lango, & Linden, 2007, p. 6). Murnion declares that each paradigm of the just war ethics represents a development of its principles into political practice (Murnion, 2007, p. 24). This idea is supported by the fact that this ethics is a constant of international evolution but it has a degree of flexibility which permits its development according to international variables. Therefore, it can be assumed that the responsibility to protect principle represents the quintessence of the evolution of the just war doctrine. Therefore, because the international system suffered a transformation after the end of the Cold War and generated a new security context, according to Murnion's logic, the just war ethics passed through a new process of transformation. This flexibility is due to the "intellectual versatility and its functional adaptability" (Murnion, 2007, pp. 35-6). In the current international context, the most important challenges to which the just war doctrine responds are the rapid rhythm of globalization and the increasing economic and informational interconnectedness (Lee, 2007, p. 4). As Mary Kaldor observes, one of the difficulty that the just war doctrine, especially the *jus in bello* principle, encounters is the diffuse difference between internal and external friends or foes and especially between state and non-state combatant and non-combatant (Kaldor, 2008, p. 31).

The responsibility to react or the responsibility to conduct a just war

The intersection between the responsibility to protect principle and the just war theory is encompassed in the criteria that regard the responsibility to react pillar of the R2P principle. The ICISS Report highlights the thresholds and criteria for using military intervention. The right authority, the just cause, the right intention, the last

resort, the proportionality of means and the reasonable prospects represent the established criteria for intervention under the responsibility to protect doctrine. As the previous brief description of the just war theory presented, these criteria of the responsibility to intervene can be identified as the quintessence of the *jus ad bello* and *jus in bello* principles.

As shown above, when the responsibility to prevent step of the responsibility to protect principle fails, the international community is obliged to take the next step, that is the responsibility to react to "situations of compelling need for human protection" (ICISS, 2001, p. 29). The coercive measures encompassed in this pillar include political, economic, judicial or a mix of these measures; as the ICISS Report mentions, only in extreme cases and in a graduated sequence, where the circumstances are grave, they may include military action (ICISS, 2001, p. 29).

The decision to military intervention is taken only with the aim of protecting the international order and with the goal of protecting threatened civilians from massacre, genocide, ethnic cleansing. In addition, this decision is preceded by the accomplishment of a series of precautionary principles for ensuring that the intervention is simultaneously defensible in principle and workable and acceptable in practice (ICISS, 2001, p. 30).

The threshold criteria - The just cause

The ICISS Report on R2P establishes the just cause for the military intervention under the threshold conditions of large scale loss of life, with genocide or not and large scale "ethnic cleansing", carried out through killing, forced expulsion, acts of terror or rape (ICISS, 2001, p. 32). This criterion tries to establish as well the threshold and the question of evidence for military intervention for observing whether the events on the ground do in fact meet the criteria presented. It is thus difficult to obtain time-efficiently this information in cases of endangered individuals. Thus, the ICISS gives possible options that could optimize the clear determination of just cause for intervention. The just cause criterion can be expressed through Walzer's statement for the possibility of humanitarian intervention to acts "that shock the moral conscience of mankind." (Walzer, 2006, p. 107).

The precautionary criteria of the responsibility to react

The responsibility to react of the R2P principle is conditioned by a series of principles for the intervention to be justified, among which the precautionary principles, which refer to the right intention, last resort, proportional means and reasonable prospects. These are principles that intersect and complete the just war traditional approach (Costinescu, 2013, p. 205).

The right intention regards the primary goal of intervention, which should be to halt or avert human suffering. The limits of this criterion are respected when the intervention is multilateral, it has the support of the population for whose benefit the intervention was conducted and the approval of the neighboring countries.

The last resort principle regards the condition that every other possible peaceful solution (the responsibility to prevent) for the situation had been taken before the intervention was decided. The last resort issue is a highly sensitive criterion when the emergency of different situations and the rapid escalation of some conflicts is taken into consideration. Furthermore, intervention under last resort is mandatory only when violations of the core principles to ruin the peace, democracy would happen. (Doyle, 2011, 77-79).

The proportional means, encompassed in the *jus in bello* condition of the just war tradition, is a condition stating the fact that the scale, duration and intensity of the planned military intervention should be at the minimum necessary to secure the humanitarian objective in question (ICISS, 2001, p. 37). The used means should be proportional with the expected results and in conformity with the dimension of the initial cause that determined the intervention (Costinescu, 2013, p. 206).

The *reasonable prospects* of the responsibility to react refer to the legitimacy of the military intervention only in cases where it presents chance of success. This principle, embedded in the *jus ad bellum* condition, regards the estimation that the aims of the conducted intervention are achievable. This criterion is controversial because there could appear situations where the individuals could not be rescued except to “unacceptable costs”, a fact that would not justify the intervention (ICISS, 2001, p. 37).

The question of authority

The issue of legitimate authority that could allow military intervention is reloaded from the just war theory. The ICISS Report identifies the United Nations Security Council as the proper legitimate institution that could authorize military intervention for human protection purposes. In cases where the Security Council rejects a proposal or fails to offer a solution on a reasonable time, the situation could be solved through the “Uniting for peace” procedure of the General Assembly and action could be taken through the jurisdiction of the regional or sub-regional organizations under the Chapter VIII of the UN Charter, subject to their seeking subsequent authorization from the Security Council (ICISS, 2001, p. XIII).

The operational principles that constitute the conditions for intervention under the responsibility to react create the framework of clarity, of unequivocal situations and communication, the

condition of gradualism, of proportionality and fidelity to the cause of protecting human rights, and the coordination with the humanitarian organizations (ICISS, 2001, p. XIII).

The responsibility to rebuild and the improvement of just war practice – *jus post bellum*

The third step under the R2P principle is the responsibility to rebuild. This principle represents the commitment of the international community to facilitate the process of state reconstruction after an intervention under the R2P principle. It represents a “genuine commitment” to helping to build a durable peace and promoting good governance and sustainable development, simultaneously with conditions for public safety (ICISS, 2001, p. 39). This condition is to be implemented in cooperation between the international community and local authorities.

The responsibility to rebuild imposed by the R2P principle represents the bridge between the classical principles of *jus ad bellum* and *jus in bello* of the just war theory. This assumed responsibility could close the gap between the traditional approach to intervention that many times left place for further violence and conflicts. The engagement to build peace and democracy, together with the local entities, could represent a further moral justification of the intervention under the human security clauses and under the revised just war doctrine. The aim of creating a human security milieu, justice and reconciliation, development and peace are long term engagements that overpass and complete the traditional just war approach.

The theoretical and juridical distinction between the *jus ad bellum* and *jus in bello* principles was challenged by post-Cold War conflicts, such as the NATO’s intervention on Kosovo. The highly debated question of “illegality and legitimacy of intervention” brings in discussion the issue of morality within the current international law (Sharma, 2008, p. 22). As Sharma highlights, the current international debates de-structure the just war theory in *jus ad bellum* versus *jus in bello*, as opponent categories. Therefore, taking into consideration this situation and the inherent flexibility of the just war theory, it could be updated to the new international context through the implementation of a third principle, “*jus post bellum*”. This extension of the principle aims to develop just peace in the aftermaths of just war (Evans, 2012, p. 200).

The responsibility to rebuild represents “the third category of the just war doctrine – *jus post bellum*”(Costinescu, 2013, p. 215). This approach comes to strengthen the capacity of the R2P principle to encompass and to respond to the current security threats and could lead to the decreasing of the incidence of violence and of human rights violation.

The R2P principle, through the third pillar approach, through the double-sovereignty as responsibility concept and through the clear criteria established for military intervention overpasses the gap between legality and legitimacy and establishes a new relation between human rights and sovereignty (Marks & Cooper, 2010, p. 89).

The connection between the just war theory and the responsibility to protect principle is explained by Kaldor as the solution for overpassing the “double effect” and “collateral damage” of the attempt to simply include human rights in the just war framework. She suggests that it is possible to surpass these perverse effects of the just war theory implementation through the responsibility to protect principle, because aggression is not only against the state, but against the individuals that form the state (Kaldor, 2008, p. 36). In addition, Kaldor argues the notions of human rights and the idea of global public authority that connects the responsibility to protect principle with the traditional just war principle (Kaldor, 2008, p. 42).

The relation between the responsibility to protect principle and the just war doctrine is translated in the mirror: the criterion of seriousness of threat works in the same manner as the just cause of the just war; the principle of proper purpose is similar to the just war principle of right intention; the criteria of last resort are also resembling for the discussed principles; the criteria of proportionality and the reasonable chance of success are, as well, developed on the balance of consequences and on the proportional means criteria of the just war theory (Brough, Lango, & Linden, 2007, p. 3).

Conclusions

This paper analyzed the origination of the responsibility to protect principle in the just war theory and its intersection with the human security paradigm. It has been argued that the responsibility to protect principle is “the symbiosis of rights and responsibilities” (Marks & Cooper, 2010, p. 91), being placed at the confluence between the human security paradigm and the just war doctrine. The responsibility to protect principle demonstrates its importance, legitimacy and capacity to be successfully implemented through the fact that it represents the reinterpretation of the just war doctrine and the incorporation of the human security paradigm, which enclose the human rights principle. Furthermore, the responsibility to protect principle represents, due to its origination in the just war theory, the conceptualization of ethics in international relations and affirms the common responsibility of the international community to keep international peace and security. Moreover, through the extension of the traditional just war theory, the R2P represents the outpost for the protection of human security worldwide, by

creating the double-framework of sovereignty as responsibility.

As it can be deduced from the previous analysis, the improvements that the responsibility to protect principle brings to the just war theory are the understanding of aggression as violation of human rights, the translation of authorization toward a multilateral entity and the adaptation of the flawed concepts (“double effect”, “unintentionality”) into an up to date discourse that could encompass the international security context (Kaldor, 2008, p. 22).

The ethics of just war is encompassed in the responsibility to protect principle. The responsibility to protect principle overpasses the approach of the international law of the late modern/contemporary paradigm and embeds the just war ethics based on the law of the individuals.

This paper supports the idea that the responsibility to protect principle represents the resurrection of the just war doctrine, by encompassing, as presented in the previous sections, the classical dimensions of *jus ad bellum* and *jus in bello*. Furthermore, as Costinescu (2013, p. 218) argues, R2P encompasses the current international issues and responds to the issue of double-sovereignty through the *jus post bellum* principle.

Although the just war doctrine could have been interpreted as flawed, due to its capacity to transform and to adapt to new international contexts, it is reloaded in the post-Cold War period through the responsibility to protect principle. As presented in the previous analysis, this new principle is constructed on the human security paradigm, therefore its legitimacy derives from the rights of the individual, and not necessarily from the rights of states (Kaldor, 2008, p. 35).

Thus, although the responsibility to protect principle has deep and legitimate foundations in the just war doctrine and in the human rights paradigm, and although it improves them through the *jus post bellum* principle, a dose of reluctance should be maintained on the possibility to be correctly and coherently assumed. Taken into consideration the case of Syria, where the R2P does not enjoy consensus (O’Sullivan, 2012, p. 6), the implementation of the responsibility to protect principle is questioned. Moreover, the possibility of the responsibility to protect principle to become a globally accepted doctrine is also questioned, because it was a triumph of the moral framework in Western countries, but there is no certainty on the possibility of adopting and implementing it in all countries (Brough, Lango, & Linden, 2007, p. 1).

The responsibility to protect principle, as presented in this article, constructed on the reiteration of the just war doctrine and encompassing the human security paradigm, has the capacity to narrow the debate between the

sacrosanct principle of sovereignty and intervention and to reach the promise of „never again” to gross human rights violation.

The grounds and the implications of R2P principle, which values international security and human life are originated in the reinterpretation of the just war theory applied to the new international reality.

This paper suggests that through the implementation of the responsibility to protect doctrine, which reiterates and improves the just war theory, the use of force could be transformed in the service of order, justice and peace.

Acknowledgement

“This paper is supported by the Sectoral Operational Programme Human Resources Development (SOP HRD), financed from the European Social Fund and by the Romanian Government under the contract number POSDRU/159/1.5/133675”

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