



UNIVERSITY OF GOTHENBURG

Responsibility to Protect – A larger tool than anticipated?

An analysis of the potential usage of structural violence in the Responsibility to Protect.

Master Thesis in Global Studies

Presented February 2017

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Word count: 14 707

Abstract

On a daily basis, many people around the world die due to starvation, structural discrimination and other actions which can be prevented by state actors. The international community has agreed that the sovereignty of the state is vital, which means that what happens within a state is up to their legitimate rulers, with a few exceptions. If the state can't prevent the international crimes of genocide, crimes against humanity, war crimes and ethnic cleansing, in other words active killing of the state's population, the international community has the right, or responsibility, to act and ultimately intervene regardless of who is carrying out the deed. These four crimes are often portrayed as violent, but can these crimes be anything else than direct violent? More precise, can they be carried out in a situation where physical violence is absent or at least minimal? If that is the case, then the international community has the right and responsibility to act or even intervene to stop the 'passive killing'.

For that reason, this thesis aims to investigate whether Responsibility to protect can be applied in situations without direct physical violence.

Keywords

Responsibility to Protect, structural violence, direct violence, genocide, crimes against humanity, passive killing

Acknowledgements

First and foremost, I would like to thank my two supervisors, Svante Karlsson who guided me through my initial stages of the thesis, and Michael Schulz who swiftly came to my help when needed. Both of you helped me immensely with your thoughts, knowledge and questions. Without our discussions and meetings, this thesis would not have been the same.

All of my professors at the University of Gothenburg, who through all these years have endured me as a student, questioning theories and praxis, presenting paper after paper and never gave up on me but had the patience regardless of how much we agreed or disagreed, thank you.

I would also like to express my gratitude to José Luiz Niemeyer dos Santos Filho at the University of IBMEC in Rio de Janeiro, Brazil. Our talks and your observations helped to guide me and to find the essence of what I wanted. A large thank you to everyone at IBMEC who, through questions and discussions, assisted me in finding my way.

My classmates who has stood by me both inside but primarily outside of the classroom, thank you for inspiring discussions, reading through paper after paper and not the least great friendships.

Also, I would like to show my gratitude to the organization of CISV International and everyone within that I have met. Without the organization, I would not have been who I am today and my passion for international issues would not have been the same.

I want to thank my family and close friends who has supported me and pushed me through the journey that this thesis has been. Thank you for standing by me despite my constant talk of the thesis and

Last but absolutely not least, Luiza, thank you for your unwavering support and encouragement. Thank you for always being there, pushing me, helping me to keep going.

Thank you

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1 Introduction and background

1.1 Background

In the international system of today, the state is the highest sovereign entity. There are many forms of cooperation between states which impact their actions. Despite this, there are many ongoing discussions of how to influence states to act in various ways and what to do when certain actions violate regulations. Doing so, one enters the theories of for instance global governance, universalism and cosmopolitanism. These are some of the areas of discussion which led up to one of the more invasive agreements in national sovereignty, 'Responsibility to Protect' which clarifies that there are certain acts which the national government must protect its citizens against, otherwise the international community can intervene (Scholte 2005, p. 26, 209; Krasner 1999, p. 40-42; Hylland Eriksen 2014, p. 86-87).

Building on the ideas leading up to this agreement and thereafter as a criticism of the outcome under the name of 'Responsibility to Protect Civilians', this thesis will discuss whether the Responsibility to Protect only is applicable in situations of direct physical violence or if it can be used in other circumstances. Since its implementation 2005, the now made praxis has only been brought up for discussion regarding military offences, however, within the document and the definitions of important terms, there might be another way of viewing the situation (Sampford and Thakur 2013, p. 1-10; Hehir 2012, p. 123-144; Snarr and Snarr 2012, p. 96).

Historically there has been a discussion between the right for the leaders of a country to do whatever they see fit within the borders of their own state on the one hand and the right for countries to intervene for several reasons, mostly connected to humanitarian motives. Namely the debate between the sovereignty of states and the right for humanitarian interventions.

This is an ongoing discussion which to this day does not have any solution and none is to be expected anytime soon. In order for the international community to be able to react when mass atrocities occur within state borders, a solution had to be found. This led to a discussion to reach middle ground between the two concepts, where the sovereignty remains a vital cornerstone but with a few exceptions. These exceptions are focused on the need to protect civilians. After several reports and negotiations, the "Responsibility to Protect" was presented in 2001 and adopted after negotiations and alterations at the 2005 World Summit (Hehir 2012, p. 1-11).

Under the UN Charter of 1945, the Security Council has the right and responsibility to decide and act upon any threat to international peace and security and has the outmost right to act in any way they see fit if they can agree on a resolution. This means that any agreement, such as the Responsibility to Protect, only can be seen as a tool to uphold this charter. Bearing this in mind, one might wonder about the validity of a research of this kind, however, if one wanders down that path, all new statutes or agreements can be questioned in relation to the charter of the United Nations. Through that, this thesis lays that question aside and focus on the Responsibility to Protect as it is today.

In this thesis, Responsibility to Protect is the most central theme, and will thus be brought up several times. In order to ease the reading, it will not only be written out but also abbreviated to R2P as well as called 'the praxis'.

1.2 Aim and Research Question

The intention of this thesis is to question the notion that Responsibility to Protect can be only used in situations with direct physical violence and to view whether there are any other applications of it. In difference to general view of Responsibility to Protect this will focus on not only what can be called 'active killing', such as through use of force, but also 'passive killing', as in structural violence or lack of action, in a state. The aim of this thesis will be researched through an analysis of the documents behind Responsibility to Protect, namely the legal definitions of the crucial terms within the praxis. These documents are the ones that through international agreements definine the four crimes which Responsibility to Protect aims to prevent, namely Genocide, Crimes against humanity, War crimes and Ethnic cleansing.

Through this, the intention is to view whether there are situations in which deaths can be prevented through actions from other states than the one where it is happening. The term 'preventable death' is mostly connected to medicine and risk factors, however in this sense it applies to deaths which could have been avoided through actions by the state. Every mortal incident can, to a certain extent, be prevented, however in this case the focus will be on a larger scale connected to the potential crimes within the Responsibility to Protect, such as genocide, War Crimes, Crimes against humanity and Ethnic cleansing.

Research Question:

In what way can Responsibility to Protect be applied in other situations than the use of direct violence, if any?

In order to answer this question, the documents within the Responsibility to Protect will be analyzed in terms of the use of direct violence. The documents will also be examined in the light of non-conflict situations, characterized by structural violence, -since this is the focus of the thesis- for that reason I will view whether any of them can be applied in such a condition. These documents will be analyzed as a fundamental part in answering the research question.

Subquestions

- 1. Which of the documents within the Responsibility to Protect can be connected to other situations than direct violence, if any?*
- 2. Which, if any, documents within the Responsibility to Protect are applicable in non-conflict situations?*

1.3 Relevance for the field of Global Studies

Given the connection to sovereignty of states as well as the sufferings and crisis which may appear due to the actions, or lack of, from various states, this study might help understand more fully an important tool to prevent atrocities, Responsibility to Protect. Through the findings of this thesis, a potential new way of looking at the reasons for the international community to intervene and possibly prevent new disasters is prevented. This thesis spans many fields through various possible consequences such as external refugees, sexual violence, which in itself might lead to social, economic and even ecological consequences through for instance refuge and trade. Depending on the outcome of this research, the use of Responsibility to Protect can put pressure on actions which otherwise could lead to catastrophes and dangerous situations around the world. Through that, R2P might be applied to different situations than it has been so far.

1.4 Previous Research

The topic of Responsibility to Protect in non-conflict situations has been the focus of discussions on several occasions with different results which makes for unclear answers to the question. What can clearly be found is that in the cases when the topic of Responsibility to Protect is discussed in non-conflict situations, focus is on natural disasters. Doing this, they view whether or not Humanitarian Intervention in relation to disaster relief and similar situations differs to when it comes to social situations such as non-directly violent acts of Genocide and Crimes against humanity.

When relating R2P to natural disasters, which is the most discussed relatable topic that doesn't focus on direct physical violence, the overall agreement is that it is possible to link it to Responsibility to Protect. However, this R2P relates better to the thoughts presented in the report by the International Commission on Intervention and State Sovereignty, ICISS, rather than the outcome of the 2005 world summit. This since the ICISS report, which is explained further in chapter 3.1, has an alternate grasp of the concept in protection of civilians with a larger scope of threats to the population and does not only link it to Genocide, War Crimes, Crimes against humanity and Ethnic cleansing.

What the lawyer Tyra Saechao (2006) writes is a good representation of the discussion. She poses the question whether Responsibility to Protect can be applied in situations of natural disasters, which due to their nature clearly fall outside of the aspect of human based violence. She mentions that 'Applying the ICISS' Responsibility to Protect theory to natural disasters reveals the rights and obligations of all States regarding disaster victims. [...] Due to the emerging principle of the Responsibility to Protect and the universal recognition of international human rights, an international agreement recognizing how these ideals apply to natural disasters would improve humanitarian assistance.'" Through that, Saechao connects the humanitarian aspect of the individuals in focus to the idea of the Responsibility to Protect. This also shows the shift towards human security as the focus lies on the individuals and not the state, environment nor economy around the disaster.

The lawyer Joanna Hunt (2005), on the other hand, discusses the right for the international community to offer assistance in a situation of crisis, but shows that this is not a demand and certainly not an offer that needs to be accepted. 'There is a huge gulf to cross between stating that the international community has a moral responsibility to act and maintaining that this is an obligation which is legally recognized and can be reinforced under international human rights law' (Ibid. p. 68-69). She continues by providing a 'duty to assist' by connecting this to the United Nations Commission on

Human Rights which has previously been known for “naming and shaming” other violators. This in turn might bring up focus in states where public approval is important and thus bring up the topic for discussion, especially in western countries (Ibid. p. 71).

The case of Responsibility to Protect and non-violent situations has been discussed several times to view whether R2P can be applied in situations of natural disasters. Most of the discussion has indicated that it is relevant and can very well be defended to be applicable however it is not certain. One issue that is recurrent is that whether or not the state requests assistance, the population has the right to receive international support. ‘The assertion of a legal right to humanitarian assistance in times of natural disaster, complete with an assertion that corresponding obligations therefore exist’ (Gamble 2011). What most scholars discuss in connection to natural disasters is that since the affected states probably would accept international aid, they would probably ask for the help if needed.

The author Adrian Hehir (2012) states that R2P, as it simmered down from the 2001 report to the three paragraphs in the 2005 summit, does not bring any new rules to the table. He claims that ‘the fact that R2P does not constitute a legal reform means that its entire utility is predicated on its ostensible *normative* power more than its actual enforceability’ (Ibid. p. 86). However, he does not discuss anything in the matter of non-conflict situations.

Connecting Responsibility to Protect to non-military situations in state without war, domestic conflict or similar, there is less discussion which shows the importance of studies in that field. During the search for previous research, it became clear that there was a lack of non-conflict situations among the cases of Responsibility to Protect, which makes this thesis all the more relevant. The absence of cases in non-conflict situations shows that the praxis has mostly been discussed in relation to conflict and internal unrest which further shows the importance of a study like this which views Responsibility to Protect in new light. The gap between war-like situations on the one hand and natural disasters on the other is quite large and because of that, many interesting and relevant questions and possibilities are hidden. Given that, this thesis aims to narrow that gap and to add, if only a small addition, in the question of what the Responsibility to Protect can be used to.

2 Theory and Method

2.1 Theoretical Framework

As most theories are undergoing discussions, this chapter aims at viewing the overall situation of the chosen theory rather than adding it to the discussion. By explaining the theories in its most relevant aspects, according to me, it is important to note that all theories can and should be questioned as part of an academic debate. However, the aim of this chapter is to provide a foundation of the theories which is used further along in the thesis and through that, a summary of the current theoretical discussion is necessary.

In the thesis, there are discussions relating to human security and preventable death which are central parts of the subject of Responsibility to Protect. Jeffrey Lantis and Michael Snarr (Snarr and Snarr 2012) claim that there are movements towards a ‘security agenda that is more attentive to how people are affected by transnational threats to human health and prosperity. This approach, referred to as “human security”, suggests a much broader view of security that addresses how people are affected by issues such as poverty, human rights abuses, and environmental degradation.’. Pauline Kerr (Collins 2010) adds to this when she claims that human security ‘shifts the focus to individuals, to people, as the referent object and it gives most attention to those people suffering insecurities inside states’. These two definitions are what will be described as human security, focus on the individuals within states who through this can be seen as subjects of insecurity and abuse. When it comes to abuse and violence of people within the borders of a country, the responsibility to end this lies on the state since that is the highest domestic power. Historically, the focus has been on the security of states rather than the individual within, a state-centric situation, which through human security has begun to turn. Kerr connects the shift to human security to the principle of Responsibility to Protect and to prevent future violations against people as have been seen earlier (Ibid.).

When discussing security of individuals, what is really the focus is to prevent unnecessary violence or even death. The subject of ‘preventable death’ or ‘preventable avoidable mortality’ is often most referred to within medicine, however, it well describes a situation in which certain death can be prevented but is not. Naturally every person dies eventually and there is a philosophical question to be found in whether a preventable death should be prevented or not and if so, which. Although this question is interesting, however not relevant for this thesis and will therefore not be discussed further. What is important in this thesis is the preventable deaths in relation to human security, the intersection where poverty, human rights abuses, prosperity and the like lead up to deaths that could have been

prevented. If then a death could be prevented, a logical step is to wonder who could prevent it. In this case this is seen on a larger scale, the level of the state. Deaths that could be prevented through actions by the state. Here there are also obvious questions to be answered, how much work or money is needed to see any death as preventable or not and how many deaths is seen as preventable on the larger scale. Within medicine, a death is seen as unnecessary untimely death if it occurred and health services could have prevented or delayed it (Rustein et al. 1976). In this case, since the spotlight lies on deaths which could be prevented by other sorts of actions, that will be the focus of this thesis. There is a difference between the fields of medicine and Global Studies, however, the fundament of the topic remains the same, that these deaths could have been prevented.

In relation to human security and preventable death, the focus is on the individual and her future life or death. On a wider spectrum, this connects to the question of violence and what violence actually is. Does only a physical attack on another person counts as violence or is also mental abuse and psychological harm included in the term violence?

The peace researcher Johan Galtung has divided the concept of violence into two parts, direct and structural violence as well as the topic of peace as positive and negative peace. Within the discussions about violence, the major distinction in Galtungs theory is between direct and structural violence. The violence where physical violence is present is classified as direct violence while violence that can be seen as more indirect and more mental damage is made is seen as structural violence. This structural violence is often found as inequalities or as a part of a matter of relationship between different parties where the victim of structural violence might not perceive the violence as clear as a victim of direct violence. Another major difference between the sorts of violence is that it is often hard to pinpoint the actor performing the structural violence since the overall structure often is perceived as anonymous (Galtung 1969).

Galtung also defines a third violence, what he calls the cultural violence where culture is perceived as a right to treat people different due to ideology, religion or other reasons. In order to define something as cultural violence, the situation or act must be claimed or defended in words connecting to such a grouping which most often is not the case. For this reason, the cultural violence will not be a part of this thesis.

Relating to the direct and structural violence, there is an ongoing discussion on how to define the sorts of violence. In this thesis, the definitions dates back to the first paper on this topic by Galtung where he defines the difference as such:

We shall refer to the type of violence where there is an actor that commits the violence as personal or direct, and to violence where there is no such actor as structural or indirect. In both cases individuals may be killed or mutilated, hit or hurt in both senses of these words, and manipulated by means of stick or carrot strategies. But whereas in the first case these consequences can be traced back to concrete persons as actors, in the second case this is no longer meaningful. There may not be any person who directly harms another person in the structure. The violence is built into the structure and shows up as unequal power and consequently as unequal life chances.' (Ibid. p. 170-171)

This means that both the direct and structural violence can be physical, however the primary can be connected to an act done by one person, the second one is based on unequal structures.

The topic of direct and structural violence has been discussed and a variety of definitions has been presented, not the least from Galtung himself, however there are some aspects which lay down the common ground of what violence is and the two sub-genres.

Primarily, violence is a situation or act which causes suffering or damages on individuals, or as psychiatrist and violence studies specialist Bandy Lee describes it 'violence is the cause of the difference between the potential and the actual, regardless of the presence of an identifiable actor (Lee 2016, p. 111)'.

Direct violence is a term which throughout the years has had quite similar definitions and discussions where the fundament consistently has been on the physical. More than seeing whether there is an actual person performing the violence, the direct violence has come to include situations where, as Galtung puts it, 'There is a well specified task to be done, that of doing bodily harm unto others, and there are persons available to do it' (Galtung 1969, p. 174).

One clear distinction between the two types of violence is portrayed by Galtung where he claims that 'when one husband beats his wife there is a clear case of personal violence, but when one million husbands keep one million wives in ignorance there is structural violence' (Ibid. P. 171)

On the note of structural violence, there has been a larger discussion on what it is and how to define it. Galtung initially claimed that since inequality was the underlying structure which led to violence, any situation of inequality could be seen as structural violence (Ibid. p. 175). The anthropologist Paul Farmer describes structural violence as a situation of oppression, whether it be conscious or not.

He also poses an important question relating to structural violence as merely non-physical

‘How does structural violence take its toll? Sometimes with bombs or even airplanes turned into bombs or with bullets. However spectacular, terrorism and retaliatory bombardments are but minor players in terms of the body count. Structural violence, at the root of much terrorism and bombardment, is much more likely to wither bodies slowly, very often through infectious diseases (Farmer 2004 p. 315).

The terms vary depending on who you ask and when, and in order to be able to use the terms in this thesis a working definition needs to be reached. Galtung claimed that violence is present when people are withheld from their potential outcome, and how or by whom this is being done constitutes the difference between direct and structural violence (Galtung 1969). He constantly differs between the physical act of violence on the one side and the violence which is a result of structures on the other.

Galtung perceives a difference between when an act can be traced back to a subject or not, a claim which does not hold since every situation can somehow be traced back to a decision being made or not. For instance, racism can be traced back to the leaders who started portraying people with different attributes as less worthy, however we do not claim that the person who is denied a job due to racism has been exposed to direct violence by these leaders.

Since there is discussion within the field, there is also criticism and a need to constantly reinvent the concept and their meanings. Farmer himself emphasizes the need for constant improvement, claiming that ‘The concept [structural violence] needs to be elaborated, complicated, and diversified—perhaps even redefined—or it will deflect harmlessly off the ivory towers in which ethnographers have historically been trained not to see the global forces and power inequalities that propel intimate suffering’ (Farmer 2004, p. 318).

Since there are no clear and unambiguous definitions of direct and structural violence as well as violence as a concept, the definitions that will be used in this thesis are described below.

2.2 Definitions

In order to clearly distinguish any situation in relation to Direct and Structural violence, clarifications of the terms are vital. Since there are no clear and distinct definition of what constitutes direct and structural violence and their difference, I have tried to find the common ground for the words and thus create definitions that works and connects to the theories named earlier on. The definitions which will be used in this thesis follows the overall agreements for the terms of violence, direct violence and structural violence. For that reason, the definitions based on the theories in the previous chapter are the following:

Violence is an act or situation in which the life or life quality of a person is shortened or reduced by something that could easily be avoided, such as preventable deaths.

Direct violence is an act in which physical violence is used by someone against another person, or group of people, for whatever reason or by whomever whether intended to hurt someone or not.

Structural, or indirect, violence can be found in any situation of inequality, or any act which does direct mental harm or indirect physical harm to the subject where the performer is not solely responsible for her actions but when she is taking orders or are acting according to other structures. Structural violence can also be found if the subject is, against her will, deprived of something she once enjoyed or through inequality compared to others, such as in the case of the husbands keeping their wives in ignorance while others are not.

In the case of harm and structural violence, it differs since physical harm can be an effect of structures even though an act or policy is not physical. An act or policy might lead to physical consequences which was not intended or the main point, this does not mean that it is a direct violence.

To exemplify these definitions, we will use the situation of starvation. The situation where a person, Person A, is starving provides a condition in which she cannot fulfill her potential and which might

lead to a preventable death if food is not provided her. Through that reasoning she is in a state of violence. Then, by the definition above, the act of not providing food for a starving person, A, does not constitute as direct violence. However, if A has food but person B stole it from her, this is depriving A of food and is, according to this definition, direct violence carried out by B. Depending on the reason that B steals food from A, this might be either only direct- or both direct and structural violence. If, on the other hand, B locks the door to a public cafeteria since it is her job to do so, and this results in A not being able to enter and because of that starves or even dies, this is to be seen as structural violence.

Another important clarification is the situation of whether or not any of the situations when Responsibility to Protect is applicable can be seen as performed by any single person or by a group or people. This is important since the question of responsibility of the performer can be seen as different if she performs the deeds she thought out or if she is following orders. If person B in the example above steals food from person A due to orders by the government, then is this to be seen as different from if she stole the food on her own initiative. The answer to the questions relates to the different documents and will thus be explained in the following chapters.

2.3 Delimitations

In this paper, the focus will be causes of death in a state without military conflict where acts might have prevented death within the population. For that reason, any situation in the situation of war or conflict is to be disregarded, not because structural violence might not exist there but in order to keep this thesis focused on a situation of 'normality'. In order to prevent a too vast a research, limitations have to be set. In this case, the focus will be on the documents leading up the Responsibility to Protect, namely the ICISS report, the 2005 world summit and the implementation of R2P written by Secretary General Ban Ki-moon. Since this is a thesis in global studies and not the field of law, the focus will be on the documents and their implications rather than on the analysis of historical agreements. The ICISS report is written by a commission that in certain aspects can be seen as biased, however, the report is considered so important that it is necessary to review it. It is important to bear in mind that any document or report written in this topic might contain different opinions but they are nevertheless considered as important records.

The background for the Responsibility to Protect, ICISS report and “we the peoples”, as well as the “Implementations of Responsibility to Protect” will be reviewed and an analysis of the differences in regard to the research question and aim of this thesis will be brought up.

2.4 Disposition

In this explorative study, there will primarily be a literature review regarding the academic discussion as well as previous research on the topic to view the different aspects of approach to Responsibility to Protect. This can be found both under Previous Research which focus on the Responsibility to Protect and other situations of non-direct violence and in chapter 3 where the recent evolution of the Responsibility to Protect will be described as well as the current form. During these parts, the aspects of humanitarian intervention and sovereignty will briefly be brought up given their relevance to the topic. With the implementation of the praxis, this discussion has not come to a halt, but continued as either separate topics or possible adjustments (Scholte 2005, 26, 209; Krasner 1999 40-42; Hylland Eriksen 2014, 86-87).

Second, the report by Secretary General of the United Nations on implementation of the Responsibility to Protect, A/63/677, will be analyzed since this is a fundamental document in the thesis. This document is chosen before others due to both its recognition as a vital document but also to its legal significance. In addition to the report, the four concepts of importance within the report as well as the praxis will be analyzed thoroughly, namely genocide, War Crimes, Crimes against humanity and Ethnic cleansing. These concepts will be outlined by referring to how they have been defined in conventions and other legal documents within the United Nations to provide a clear, indisputable legal base and coherent line to the Responsibility to Protect. This will lead to a possibility to pinpoint the definitions of the terms as well as map out what the report in fact states. After this, the various acts which constitutes breach of the Responsibility to Protect will be analyzed to view whether or not they can be seen as direct violence or structural violence or both.

Following the analysis, the focus will shift to clarify what examples of structural violence, if any, are to be found within the conventions and analyze them into different categories depending on what will be found. These divisions will later be used to group the types of action the international community can react to according to the report. Depending on the finding during the research and grouping, the

different categories will be used to answer the research question and, if possible, also provide examples and uses of Responsibility to Protect (Bryman 2012, p. 98-120, 380-388, 549).

Following this systematization of the acts, the result will be analyzed and the concluded in the final chapter.

2.5 Method

This thesis is a qualitative content analysis which will analyze two documents, the Convention and Punishment of the Crime of Genocide and the Rome statute, in order to view whether they can be applied to the theory of structural violence.

This analysis where the content and the potential application of the acts described in the definitions is based on the fact that these documents were written with any form of violence in mind, not only physical violence. Even though the concept of direct and structural violence was not discussed at the moment, when they were written, it is interesting to see whether these two aspects can work together with the documents on the one hand and the sorts of violence on the other. Normally qualitative content analysis extract themes from a text, such as whether it is possible to find structural violence in a text (Bryman 2012, p. 556-559).

This thesis also uses another approach, one where the words themselves can be found to have meanings that was not thought of before. If there are meanings which are not clear at first but then later found during deeper investigations, this could change the usage of the documents as entities or the Responsibility to Protect as a whole. It is possible that there were a underlying reason that the parties agreed upon these definitions and that these might be uncovered through this thesis. However, that this is the truth is not a claim that the author makes, only a remark that it is a possibility.

In the analysis itself, the crimes will be analyzed to view whether they can be applied to either or both of the named sorts of violence. This will later be used to analyze whether the praxis can be used in not only direct but also structural violence. This also answers the research questions and the aim of the thesis.

Through this method, one of the problems which may arise is the time aspect of getting acquainted with the terminology of the international legal system and also try to decode the different documents and find what might be neglected or forgotten which might come to light through this sort of analysis.

These two problems will be time consuming, however, mapping this out is to be considered a fundament in carrying out the aim of the thesis.

In the thematic approach, the coding of the acts is conducted according to which of the themes of violence that can be found. Through that, the analytical approach of analyzing the content in these documents, the acts can be related to the theories mentioned earlier.

There is another approach which is possible to do instead of the chosen method, a discourse analysis on the documents as a whole. This might have given a result that from all to none of the documents were applicable to situations of structural violence, however then the actual individual acts would have been ignored and the thesis would be less useful since a new study would have to be made as a continuation of this one. Another option would have been to first make a discourse analysis and then a deeper analysis based on the documents which were found to be applicable in a non-direct violent situation. The reason this was not made was first that if the result of the first analysis showed that neither of the documents were applicable, then the entirety of the thesis would fall. Secondly, the scope of the thesis could not be seen in advance since it was unknown whether none or all of the documents could be analyzed. Third, then there would be a need for a larger focus on methods and how to incorporate both in a feasible way. (Ibid. 538-536).

This type of research can be performed in various ways, the choice of content analysis seemed to be the most applicable in this type of situation. Content analysis is transparent and clear which helps not only in carrying out the research but also assists the reader (Ibid. 289-307).

2.6 Selection of data

The data which will be used to analyze the research question consists of statutes and documents from the United Nations which are fundamental for Responsibility to Protect. The documents are the only documents which through international agreements define the criminal acts which are to be prevented through the Responsibility to Protect. These documents are the Convention on the Prevention and Punishment of the Crime of Genocide and the Rome statute which define the crimes of Crimes against Humanity and War crimes. Since there is no definition nor document for the crime of Ethnic cleansing, no document will be analyzed. The decision to do so is to make sure that what is analyzed in this thesis are agreed upon by the international community and if unambiguous definitions would be used, the validity of the results would be highly questionable. They will primarily be analyzed whether the nature of the document can be applied in a non-conflict situation and thus relevant for

further analysis. Afterwards, they will be analyzed in two parts, primarily as a text analysis where the words in the definitions will be examined for potential uses of violence and then from a theoretical point of view as a whole. In the case that there are no official documents with definitions of what is forbidden according to the Responsibility to Protect, that section of the praxis will be ignored. It would be possible to create own definitions of these crimes from other documents, similar as in chapter 2.2 regarding the definitions of violence, however, this would not be a legal document which would lead to a more theoretical discussion. That would be an interesting approach, however, since the focus is on the application to documents already in place, the attention of the thesis would have to be changed.

2.7 Ethical consideration

Due to the nature of text analysis, no ethical considerations need to be taken into consideration. If this was a study of a particular situation or used interviews, these would have needed to be addressed (Ibid. p. 130-136).

2.8 Analysis

After the collection and interpretation of the data, a division into different categories is done. These categories are based on types of action to later be able to answer the research question. Given the nature of official documents as often being vague enough for various interpretations to be made, there will not be a simple answer to the research questions. However, the data will most probable give a clear view of the current situation and a variation of possible actions and future procedures. It is important to note that this thesis focuses on the theoretical application of the Responsibility to Protect as a matter of academic discussion and not a legal aspect. If it was aimed for a legal discussion, the thesis would have a different disposition and method of analysis. However, since this is not the case, the possible approach is merely speculation.

First, the thesis will describe the recent history of the Responsibility to Protect and its implementation, after which its central documents will be studied and broken down individually. They will be analyzed individually according to the theory of direct and structural violence to view whether or not each

document can be applied in situations of either direct, structural violence or both. Each document within the Responsibility to Protect have been written in the way of various acts which are forbidden by the international community. Each act will be analyzed through reasoning of whether the act follows either the definition of direct or structural violence, if not both. This means that, as stated in chapter 2.2 regarding definitions, in cases where the logical reasoning concludes that the life or life quality of a person is shortened by something which easily could have been avoided, this is a situation of violence. If the act includes physical violence by someone against another person, regardless of intention to hurt or not, this is classified as direct violence. If the act results in physical or mental harm and the performer of the act is not solely responsible for her actions, through following orders or structures, this is classified as structural violence. The same goes for deprivation of something the subject once had.

There might be situations where the reasoning shows that physical or structural violence is possible but not probable, then this will not be classified as constituting an act of that violence since this systematization aims to show whether the acts are plausible acts of violence, not unlikely. Every act can, to certain extent, be made violent, but the most important in this situation is the probable situation rather than the unlikely.

In case that there, within the documents of Responsibility to Protect, exist a definition of the concept, then this will be used to analyze it deeper. In such case of clearer definitions, these will be the aspects which will be used. For example, if one document were to discuss violence and then later on define violence as ‘the act of one person hitting another without any reason’, then the act of ‘violence’ could not be theorized further and would only be coded as a situation of direct violence. This might be seen as controversial, however, the reason for that method is that since there are clear definitions, the agreement is clear on what is forbidden and what is not. In the cases where there are no such clear definitions, the situation is different and some sort of reasoning is required to analyze the act.

3 A current and historical description of Responsibility to Protect

3.1 Before 2005 World Summit

Background to ICISS

In 2000, Then Secretary-General of the United Nations Kofi Annan posed a question in a report to the General Assembly. He asked ‘if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human rights that affect every precept of our common humanity?’ (Annan 2000, p. 34). Connecting to the recent situations a few years earlier, Annan pinpointed the core of the discussion, what should the international community accept within the borders of sovereign states.

As a result of this, the Canadian government issued the International Commission on Intervention and State Sovereignty, ICISS, in order to issue a report where the legal, moral and political questions were to be discussed. The members of the ICISS consisted of 12 scholars from various parts of the world with different backgrounds and perspectives and the work consisted of discussions with organizations, universities and other actors that were seen as relevant for the topic (ICISS 2001, p. ix). What is important to note, however, is the potential bias from a commission formed by the Canadian government which might lead to this report being partial.

ICISS Report

In 2001, the International Commission on Intervention and State Sovereignty presented a report regarding the right for humanitarian intervention, namely if and when an intervention into another state could be acceptable. Within the group, there were advocates for both a strong sovereignty on the one hand and the right for humanitarian interventions on the other. The ICISS report is merely suggestive and does not in itself have any legal bonds. Because of this the conclusions are to be seen as recommendations and not mandatory or legally binding. In the report, the twelve commissioners unanimously agreed that an implementation of the idea that states has a Responsibility to Protect its citizens from avoidable catastrophes and that if they do not act, the responsibility falls on the international community to act. There are several parts of this report which can be discussed and dissected, however, this thesis will focus on the aspects regarding the non-violent situations in relation to the aim of the study.

The report suggests that the populations needs to be protected from a wide variety of catastrophes, such as mass murder, rape and starvation on a large scale. Any of these, with or without the intent of genocide, could be reason for a military intervention (Ibid. p. 32). In the case of an intervention, the primary purpose should be to halt and avert human suffering, connecting to the aim of the report, the Responsibility to Protect and not to overthrow a regime nor to help a regime stay in power (Ibid. p. 34-35).

The internal responsibility is based on three principles

‘First, it implies that the state authorities are responsible for the functions of protecting the safety and lives of citizens and promotion of their welfare. Secondly, it suggests that the national political authorities are responsible to the citizens internally and to the international community through the UN. And thirdly, it means that the agents of state are responsible for their actions’ (Ibid. p. 13).

With the focus on the protection of humans in need of assistance or protection, the focus in the security debate changes, according to the ICISS

‘from territorial security, and security through armaments, to security through human development with access to food and employment, and to environmental security. The fundamental components of human security – the security of people against threats to life, health, livelihood, personal safety and human dignity – can be put at risk by external aggression, but also by factors within a country’ (Ibid. p. 15).

While any aspect of human life is important, the report also made differentiations between important issues and situations where military intervention could be used. While the commission made clear that there is a Responsibility to Protect the own population, there are differences between the acts which could lead to different sorts of interventions. The report makes on clear distinction, the ‘threshold criteria’ for military interventions, any other sort of intervention, such as economic or

political sanctions are thus not defined. These criteria are *'just authority, just cause, right intention, last resort, proportional means and reasonable prospects'* and are meant to serve as precautions to make sure that the decision of military intervention is prudent (Ibid. p. 32).

Threshold criteria

These criteria are described fully in the report, however, to be able to use them further in this thesis they will be briefly explained. Just authority connects to who has the right to decide on these matters, which the report clearly states is the Security Council according to the UN charter (Ibid. p. 47-48). The principle of just cause relates to prevention or diminution large losses of life due to either *'deliberate state action, or state neglect or inability to act'*. The *'right intention'* criteria clarifies that the intention of the intervention is to *'halt or avert human suffering'*, last resort focus on the need to use other means before using the military measures. Proportional means emphasize the need to use actions correspondent to the situation and the focus is to limit the actions to only what is needed.

'Reasonable prospects' relate to the need for a plausible chance of success with the humanitarian goal of the operation in mind (Ibid. p. 32-37).

Regarding the situation of non-violence, the report claims that whether or not an intervention should take place depends on the state of the criteria, if they are met then the situation can call for a military intervention. This means that if the Security Council agrees that the situation at hand surpasses these criteria, regardless of if it is violent or not, the principle of Responsibility to Protect can be applied. However, it is important to note that the report clearly states that even though a situation does not fulfill the six criteria, the state has a Responsibility to Protect its citizens and keep them safe.

3.2 2005 World Summit

At the 2005 World Summit, the United Nations General Assembly, hereon UNGA, adopted three paragraphs in relation to the ICISS report. The paragraphs were the following:

138. Each individual State has the Responsibility to Protect its populations from genocide, War Crimes, Ethnic cleansing and Crimes against humanity. This responsibility entails the prevention of such crimes, including their

incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.

139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help to protect populations from genocide, War Crimes, Ethnic cleansing and Crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, War Crimes, Ethnic cleansing and Crimes against humanity. We stress the need for the General Assembly to continue consideration of the Responsibility to Protect populations from genocide, War Crimes, Ethnic cleansing and Crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, War Crimes, Ethnic cleansing and Crimes against humanity and to assisting those which are under stress before crises and conflicts break out.

140. We fully support the mission of the Special Adviser of the Secretary-General on the Prevention of Genocide.” (Ban 2009, p. 4)

These paragraphs are what came to constitute the formal “Responsibility to Protect”. What can be seen is that the focus shifted from the threshold criteria in the ICISS report to the prevention of four key points, genocide, War Crimes, Ethnic cleansing and Crimes against humanity. This is, according

to me, a major change from the earlier version where the threshold criteria consisted of a number of relative aspects which could be debated to what are clear definitions as parts of conventions by the United Nations such as the Convention on the Prevention and Punishment of the Crime of Genocide which has a set of clear and unambiguous distinctions.

3.3 After 2005 World Summit

After the 2005 World Summit, then Secretary-General Ban Ki-Moon presented a report in 2009 called “implementing the Responsibility to Protect” in which he presents a strategy based on three pillars which aims to uphold and advance the Responsibility to Protect.

Ban clarified the difference between the ICISS report and what was the result in 2005 when stating that

‘the Responsibility to Protect applies, until Member States decide otherwise, only to the four specified crimes and violations: genocide, War Crimes, Ethnic cleansing and Crimes against humanity. To try to extend it to cover other calamities, such as HIV/AIDS, climate change or the response to natural disasters, would undermine the 2005 consensus and stretch the concept beyond recognition or operational utility’ (Ban 2009, p. 8).

The first pillar consists of the protection responsibility of the state, the second of International assistance and capacity building and the third of Timely and decisive response.

The first pillar emphasizes where the primary responsibility lies, on the state itself. ‘Prevention begins at home and the protection of populations is a defining attribute of sovereignty [...] the international community can at best play a supplemental role’ (Ibid. p. 10).

Ban lays emphasis on the consequences if the Responsibility to Protect is not invoked and what would be the consequences for the countries which is not the focus of this thesis and will thus not be discussed further. However, regarding the acts which might lead up to the usage of Responsibility to

Protect, the report clearly states that not only acts defined within the charters and documents could be applied as criteria for action. Ki-moon claims that

‘In its resolutions 1612 (2005) and 1820 (2008), the Security Council underscored that rape and other forms of sexual violence could constitute War Crimes, Crimes against humanity or constitutive acts with respect to genocide. In its resolution 1820 (2008), the Council recognized that widespread and systematic sexual violence was a security problem that should be monitored by the Council. Systematic sexual violence, without a doubt, can be every bit as destructive to communities as more conventional weapons’ (Ibid. p. 16).

By doing so, the Secretary General connects these resolutions to the criteria of what is acceptable or not, and in extension opens up for a wider definition of what can be seen as tolerable actions within the Responsibility to Protect.

Responsibility to Protect is founded on the four principles of protection of the population against Genocide, War Crimes, Crimes against humanity and Ethnic cleansing. In order to view whether they contain situations which can be seen as non-violent, the following part of the thesis focuses on breaking down the terms and analyzing whether it is applicable or not.

4 Results of systematization of the crimes within the Responsibility to Protect connected to violence

In this chapter, the documents that define the acts of the crimes within the Responsibility to Protect will be analyzed and the result presented. These documents were, as previously mentioned, chosen since they are the only agreements which define the acts which are to be prevented through the praxis. The selection of these documents are not made for any purpose, other than that they are the only documents that clearly state what these crimes are, on an international level. These documents all relates to the International Criminal Court, which was established in order to ensure that the international law was upheld and to fill a gap that national legislation and jurisdiction could not. The International Criminal Court has the right to exercise its powers on any member state but has its seat in The Hague, Netherlands (Statute 1998). Each of the acts within the Responsibility to Protect will be discussed below in the order of which they were mentioned in the 2005 World Summit. They will then be connected to the documents in which they are described and defined internationally.

4.1 Genocide

After the foundation of the United Nations, several vital agreements were put in place. Most of these had in common that they set out the rules for what can be allowed within the new organization. One of these agreements is the Convention on the Prevention and Punishment of the Crime of Genocide (1948), hereon CPPCG, that was put into place in December 1948. This document is seen as a vital agreement in regard to international standards on treatment of the own population.

The CPPCG (Ibid. p. 280) claims in the second article the following definition of genocide:

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group'.

The third article states that any of these acts are to be punishable, and does not merely focus on the acts themselves but also the acts of 'conspiracy to commit genocide, direct and public incitement to commit genocide, attempt to commit genocide and complicity in genocide' (Ibid. p. 280). This means that not only carrying out the deed but also participation in many forms or planning is punishable. By that, this paper views all of the above named acts as a part of genocide and thus responsible for the events. By that, any person acting in any way which relates to these situations are responsible for performing acts of genocide, whether she is forced to do so or not. This means that no matter if the person is acting under threat and then is complicit to genocide, she is responsible. By that logic anyone involved in acts of genocide is not solely responsible for her actions, as the definition in chapter 2.2 claims and thus any act of genocide is an act of structural violence. Despite that all acts can be seen as structural violence due to the responsibility isn't always the actors, it is interesting to view whether the acts themselves constitutes structural violence. For that reason, each act will be analyzed as being direct or structural violent, or both, as well as all acts can be seen as structural violence for named reason.

Result of data

While the CPPCG defines any act intended to destroy parts of these sorts of groupings as a genocide, one might argue that anything that can be imposed to do so is genocide and thus either direct, structural or both depending on what is being done. This will now be systematized in a chart depending on whether it is possible to see this as direct or structural violence, according to the definitions in chapter 2.2.

Since there are no clear definitions regarding the acts within the CPPCG, the systematization is performed through these acts and nothing else. Would there have been definitions regarding any or each of the acts, these would have been used for the analysis. The acts and the connections to the concepts of violence follows.

- a) Killing members of the group

Since the act of killing someone is performed physically, this is to be seen as an act of direct violence. It may also be a part of a situation of structural violence, however, the act of killing someone is intentional and is not to be seen as a consequence of another action. For that reason, this is not to be seen as structural violence.

- b) Causing serious bodily or mental harm to members of the group

Since the definition clearly states the usage of either physical or mental harm, this can be performed through various manners, of which obviously both structural and direct violence are possible situations.

- c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part

A deliberate imposition of conditions to reduce the quality of life can be performed through either physical or structural actions and should thus be counted as both.

- d) Imposing measures intended to prevent births within the group

When discussing measures in order to prevent births, if these are not either of the other acts of genocide, these can be done in several ways. However, if the acts are not physical harm or killing, these cannot be performed in a manner of direct violence. Since this wording does not contain any indications that this is the case, the direct violence is not seen as a viable choice. By that logic, this can only be seen as a case of structural violence.

- e) Forcibly transferring children of the group to another group

Through the choice of the word forcibly, the action of direct violence is clear depending on whether or not the agents are following orders or not, this can be seen as structural violence or not. Since the reason for the transfer is not explained nor is the way it is happening described, this can either be done violent or not. However, the act to forcible transfer someone can be performed in non-direct violence if the subject complies. Therefore, this will be classified as structural violence as well.

In the analysis, the section of violence came out with four out of five actions connected to the use of direct violence while as the section of structural violence came out with every action. This shows that there are cases where genocide can be used in situations of both direct and structural violence.

Figure 1			
Acts	Direct violence	Structural violence	Structural violence overall
(a)	X		X
(b)	X	X	X
(c)	X	X	X
(d)		X	X
(e)	X	X	X

Analysis of data

According to the findings and chart, one can see that there are situations which can be seen as both direct and structural violence. Another aspect which can be found is that the act (d) can, at least according to the wording, only be seen as a non-violent act. What might be pointed out is that these are not obvious situations despite only looking at the words defining the acts, if one were to look into the different possible actions such as what actions could 'prevent childbirth' or 'cause serious harm', more types of indicators could be chosen or another type of analysis could be made.

More of this can be done, with connection to War Crimes, Ethnic cleansing and Crimes against humanity. But what would it lead to? It would only show that in some cases you might get some non-violent actions. Maybe that is the answer, yes, the only non-violent action would be through genocide and the mental harm, conditions of life leading up the destruction of the group or preventing births in the groups.

4.2 War Crime

The second named acts which are a part of the Responsibility to Protect is the acts of 'War Crime', which are also known as the 'Rome statute, which is the name used in the thesis (Statute 1998). These are defined as a part of the Rome Statute and focus on what crimes are not to be breached in situation of war. They connect back to the Geneva convention and relate to a large number of actions focused on what cannot be done to prisoners of war, civilians, what actions can be taken to the land of which one is at war with.

Since the act of a war crime due to its nature has to be breached during wartime, this will not be discussed or analyzed in accordance with the delimitations of this thesis.

4.3 Crimes against humanity

The same document within the Responsibility to Protect contains the acts of 'Crimes against humanity' (1998). These crimes focus on the actions which are to be seen as criminal no matter if they are done in time of peace or war.

For the purpose of this [Rome] Statute, 'crime against humanity' means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- (a) Murder;
- (b) Extermination;
- (c) Enslavement;
- (d) Deportation or forcible transfer of population;
- (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- (f) Torture;
- (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;

(h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;

(i) Enforced disappearance of persons;

(j) The crime of apartheid;

(k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

Through the description of the applicability of the crime, it is clearly stated that this is to be seen ‘as part of a widespread or systematic attack’ and thus not as a single event towards any one person. Since it is a situation in which any person is not solely responsible for the acts, any act of ‘crime against humanity’, as well as in the case of genocide, is to be seen as an act of structural violence. In the case of all Crimes against humanity being seen as structural violence, as in chapter 4.1, it is interesting to view whether the acts themselves constitutes structural violence. For that reason, each act will be analyzed as being direct or structural violent, or both, as well as all acts can be seen as structural violence for named reason. Within the Rome statute, various of the crimes have been defined. As stated in chapter 2.7 about the analysis, these definitions will then be used to analyze the acts rather than through reasoning view whether this act can be viewed as either direct violence, structural violence, or both. The following paragraph in the Rome statute contains the definitions of the individual crimes which can be found in the source material.

Result of data

(a) Murder;

Murder can be carried out in several ways, and could therefore be argued to connect to both direct and structural violence. However, the act or murder shows intent to do so and is then not a

consequence of indirect physical harm. For that reason, the structural violence is disqualified and this is only to be seen as direct violence.

(b) Extermination;

Within the definitions in the Rome statute, the term ‘includes the intentional infliction of conditions of life, inter alia the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population’ (Ibid. p.4). This imposition can be performed through either physical or structural actions and will thus be counted as both.

(c) Enslavement;

The definition claims that ‘Enslavement’ means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children’ (Ibid. p.4). Within any or all of the power, the act of both physical and structural violence is present.

(d) Deportation or forcible transfer of population;

The act of deportation or forcible transfer contains ‘forced [...] by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law’ (Ibid. p.4). This can clearly be done through both direct and structural violence, as depriving someone of something they once had is a structural violence as well as the physical removal clearly is an act of direct violence, this can and should be classified as such.

(e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;

The act of imprisonment or deprivation of physical liberty does in itself not require nor constitute any physical violence and can therefore not be guaranteed to contain direct violence, for that reason this is not classified as direct violence. However, in the case of structural violence, it is a situation where the physical liberty is deprived.

(f) Torture;

In the case of torture, the definition explains that ‘‘Torture’ means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused’ (Ibid. p.4). By stating both physical and mental pain or suffering, both the structural and direct violence is clear.

(g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;

In itself, these crimes are clearly direct and structural violence since physical, if not also mental, harm is being carried out on the subjects. One might question each and every act individually, however together it is clear that they together comprise acts of both direct and structural violence.

(h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;

In the definitions, persecution is described as ‘the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity’ (Ibid. p.5). This clearly shows the deprivation of rights and thus a structural violence. However, this does not contain any physical violence, which means that this crime is to be seen as relatable though structural

violence but not direct. There is a potential physical aspect to persecution, but this would rather constitute something happening as a consequence of the persecution such as murder or sexual violence. For that reason, the potential acts which happen due to persecution are classified individually and not as a part of persecution per se.

(i) Enforced disappearance of persons;

While the word enforced in itself clearly shows the physical violence against the subject, and thus both direct and structural violence, this is not all. The Rome Statute also claims that this act ‘means the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons’ (Ibid. p.5). This further strengthens the view that this crime is to be seen as both direct and structural violence as it is, among other things, both a physical act and deprivation of something one once enjoyed, the freedom.

(j) The crime of apartheid;

The case of apartheid can be discussed depending on definitions and standpoints. However, the Rome Statute defines as ‘inhumane acts of a character [...] committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime’ (Ibid. p.5). By that, this is to not be seen as direct violence but as structural violence. This does not mean that direct violence could not be a part of the ‘systematic oppression and domination’.

(k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

This crime can clearly be seen as both direct and structural violence due to the fact that both bodily and mental injury is referred to.

Analysis of data

Figure 2			
Acts	Direct violence	Structural Violence	Structural violence overall
(a)	X		X
(b)	X	X	X
(c)	X	X	X
(d)	X	X	X
(e)		X	X
(f)	X	X	X
(g)	X	X	X
(h)		X	X
(i)	X	X	X
(j)		X	X
(k)	X	X	X

According to the findings and chart, one can see that there are situations which can be seen as both direct and structural violence. What is also interesting is that every action, except the act of (a) murder, is to be categorized as structural violence but three acts were seen as not directly violence.

Imprisonment, persecution and apartheid were found to not fulfil the criteria for direct violence which shows that yet again there are more acts in which the structural violence can be invoked.

Also here it should be pointed out is that these are not obvious situations, as was also the case previous in the analysis of the crime of Genocide in chapter 4.1.

4.4 Ethnic cleansing

There is no official definition of Ethnic cleansing, however, the Secretary General of the UN has stated that “Ethnic cleansing is not a crime in its own right under international law, but acts of Ethnic cleansing may constitute one of the other three crimes.”(Ban 2009).

This might be seen or used as a critique against the branding of “Ethnic cleansing” within R2P, however, since this is not the aim of the thesis it will not be discussed. Since there are no definitions of Ethnic cleansing and they may be considered part of the other crimes, there is no further use for this aspect of R2P in this thesis.

It would be possible to use a non-official definition of Ethnic cleansing for analysis in the same manner as have been done to the other documents. For this to be done, a comprehensive summary of all relevant documents would have to be made and then this would have to be analyzed. This would lead to several questions such as which would the relevant documents be, how many would the acts be and what would be the exact words. This would change the focus of the thesis to a more speculative nature and would not, by that, make it as relevant. For those reasons, the crimes of Ethnic cleansing is not discussed further.

With this in mind, one can see that the elements which can be used to study the chosen field is the CPPCG and Rome statutes are the potential aspects of Responsibility to Protect which can be related to non-conflict situations and that can be stated what it is. These will thus be the focus of the thesis.

To obtain potential situations of when the different statutes can be used, the next step in the process will be to revise the statues and view whether they or connected works discuss any situations of non-violence which can either continue the research or end it.

5 Analysis of findings

5.1 Violence and the Responsibility to Protect

In accordance with the results of the systematization, the fundamental documents of Responsibility to Protect are found to be useable in both direct and structural violence. This means that not only is it important to note that violence can be portrayed in other than direct physical violence but also that the states of the United Nations, and especially the Security Council, has the responsibility to act when any of these laws are being violated. Beforehand, one might think that any intervention in national politics could only be done when violations on grave humanitarian grounds were broken in relation to physical violence, the results of the previous chapter clearly states otherwise.

It is important, however, to see that the most vital aspect of the analysis is not when the international community should act, but what responsibility the state has towards its own population.

Connecting to human security, the clear focus on the individual in these documents rather than on the state itself shows that the populations were important when they were written and when connecting to the systematization, they are still important today.

An aspect which is made clear is that if these acts are committed as a part of a larger plan, this constitutes structural violence, no matter if the individual acts themselves are classified as direct violence, structural violence or both. This does not mean that acts of direct violence becomes less severe through the addition of another type of violence. Rather the opposite, it shows that these acts can be seen as violent in more than the one way.

5.2 Responsibility to hinder preventable deaths

In accordance with the results, one can say that there is a responsibility to prevent preventable deaths if the deaths occur within the fields of genocide or Crimes against humanity. Whether or not the states are responsible to prevent other preventable deaths can be discussed and would be interesting future research. With the focus to hinder preventable deaths, the attention lies on the individuals with a clear connection to human security and the realization that the individuals are the important part of Responsibility to Protect, at least as it is today.

One of the aspects which can be found throughout the thesis is the usage of the relative new terms of direct and structural violence in relation to the older documents, as explained earlier in chapter 2.7

relating to the method of analysis. The two parts were able to work together and as a result, it was found that these documents, often seemed to be aimed for physical violence, could be applied in structural violence. It was also found that the preventable deaths were not only to be found in situations of physical violence but also structural.

5.3 Research questions

As this thesis was focused on answering a research question, it is relevant to return to it and see whether or not it has been answered and if so, what that answer might be. The question which has been following through this thesis was *'in what way can Responsibility to Protect be applied in other situations than the use of direct violence, if any?'*

In order to answer that, we first move to the sub questions. The first one asked *'which of the documents within the Responsibility to Protect can be connected to other situations than direct violence, if any?'*. This leads us back to the systematization and the analyzed documents. Since the Ethnic cleansing and war crime was not analyzed due to their nature of either not having any definitions as in the case of Ethnic cleansing and war crime could not be present in a situation of non-conflict, these were not analyzed. This leaves Genocide and Crimes against humanity. These two can, in their respective chapters, be seen as both being applicable in situations of direct and structural violence. However, it is important to note that they are, according to the systematization, applicable in more situations of structural than direct violence, which shows that there are potential situations where the Responsibility to Protect can be applied in situations of non-direct violence, however, we will get back to that later.

The second sub question asked *'which, if any, documents within the Responsibility to Protect is applicable in non-conflict situations?'*. This question has partly been answered previously, but due to the nature of the crime of "War Crimes", this can only be used in a situation of conflict. Regarding Ethnic cleansing, the question is harder to answer since there were no definitions nor explanation to what it is more than that it can constitute any of the other three crimes, as explained by Secretary-general Ki-Moon in chapter 4.4. The two other crimes, Genocide and Crimes against humanity, are applicable in situations where conflict is both present and absent. This can be seen since they can be performed in both a state of conflict and not.

With the answers to the two sub questions, we now turn to the overarching research question. As shown in the sub research questions as well as the systematizations of the documents connected to the analysis of the indicators, it was shown that both direct and structural violence was found to be actions in which Responsibility to Protect can be applied. In fact, since the actions of Genocide and Crimes against humanity are planned and committed on a larger scale, any of these offenses can be seen as structural violence.

5.4 Other aspects of the Responsibility to Protect

This thesis, however not bringing any new facts but clarifying the current situation, shows the importance of existing agreements. It sheds light on the fact that any of these actions within one state marks a broken promise to protect the population and through that, providing the international community the right to act according to the Responsibility to Protect. Whether this leads to any consequences or actions from other states or not is another matter. Another aspect of this relates to the application of structural violence in the international law. The fact that these documents, and thus the international law, can be violated in a non-direct violent way means that international organizations and governments might need to consider the structural violence within the countries.

In the 2005 World Summit document, parts of the decisions were that the international community should help each other to prevent the forbidden actions as well as ‘establishing an early warning capability’ which has not been implemented yet. This means that not only are the state responsible to protect the own population against these actions, but if this happens anyways, the international community has failed to help prevent it from happening.

The aspect that Responsibility to Protect can be implemented in non-direct violent situations shows that there is a possibility that there are other documents which can be in the same situations, that they were written for physical violence but is applicable in others as well. The results of this thesis shows that there might be a new application for Responsibility to Protect, one which was not seen previously.

During this thesis, it has become clear that only two of the four terms within the Responsibility to Protect are able to be used in situations of non-conflict, namely Genocide and Crime against Humanity. War crime is clearly connected to a state of conflict which obviously disqualifies it for this research. An interesting point which has come up is that the fourth term, Ethnic cleansing, does not have any definition but can be connected to any of the other terms as explained in chapter 4.4.

This can, as claimed before, be used to criticize the Responsibility to Protect since it is hard to know when a crime has been committed if there are no definitions to the crime other than the name which does not clearly state anything. The definitions that can be found are not unambiguous but based on different political or philosophical ideas depending on who defines it. In that manner, there are no documents on the international level, according to what I have found, that defines Ethnic cleansing.

As of today, the application of the Responsibility to Protect might constitute more of an agreement on what not to do rather than a tool to end atrocities since the United Nations Security Council needs to agree in order to pass a resolution and enforce the praxis.

6 Conclusion

This thesis has explored whether Responsibility to Protect were applicable in situations without direct physical violence and through that view whether it can be useful in other situations than in militarily violent conditions. The term violence was it was divided into two parts, direct and structural violence which then was used to analyze the different documents regulating the 'Responsibility to Protect'. Then, each act within the international documents defining the different crimes within Responsibility to Protect was analyzed to view if they could be committed through direct violence, structural violence or both. The result of that analysis is, as claimed in the previous chapter, that the Responsibility to Protect is applicable in situations of direct as well as structural violence. This means that the United Nations Security Council are able to claim a breach of the responsibility without any acts of physical violence. Even though this thesis might not lead to the change of attitude towards Responsibility to Protect within the Security Council or in the international law, it shines light on the potential of the praxis. It also demonstrates the potential that the non-permanent members of the Security Council have to raise the questions of structural violence in connection to a praxis that is accepted throughout the world.

This shows that the documents written to prevent direct physical violence is also applicable in indirect or structural violence. Through that, not only the active but also the passive killing of a population constitutes violations of the international law and could, in extension, lead to reactions through the Responsibility to Protect. That means that not only is structural violence a relevant aspect to consider, but also a real problem which can lead to a change of attitude within heads of state. Naturally this all connects back to the fact that the United Nations Security Council has to agree in order for any reaction through the Responsibility to Protect.

By claiming that passive killing constitutes violation of international law, one might then revisit the situation of natural disasters and other non-human made catastrophes. As mentioned earlier, this is an ongoing discussion with clear implications. In the Previous Research, it was clarified that this topic is debated and does not, as of this moment, have any unambiguous agreement. If passive killing can be seen in that way, then would ignoring reports of massive flooding be seen as violation as well?

An aspect which is made clear is that every act, if seen as part of a larger planned action within these crimes, also constitutes structural violence overall. This means that if several acts of Genocide or Crimes against Humanity is planned and performed merely through direct violence, it is also to be

seen as structural violence. That does not mean that these acts of direct violence are less problematic, rather the opposite, that they enhance the severity of the crimes.

Connecting this to the previous research, one finds that the gap between the application of Responsibility to protect in situations of conflict situations and the natural disasters have been bridged, if only a little. The focus on human security that Hunt (2005) and Saechao (2006) discusses clearly relates back to the case of not only natural disasters but also structural violence. In that, a potential bridge between the non-human made disasters and acts of structural violence can be found. The fact that there are so many situations where there is a responsibility to protect against structural violence shows that there is still much to be done in the field. What is also important to note is that if this praxis is applicable in many non-conflict situations, which other ones are as well?

This focus on the individual and the usage of not only direct but also structural violence connects back to the human security. The important aspect, in this case, is not what is happening to the state itself, but what the state is not preventing. Responsibility demands action, regardless of what the state might be going through. In this case, there are responsibilities which dates back to the agreement of the document of the Genocide convention. Although it was written in a different time, it still applies.

A question which might arise then is whether or not it would be acceptable to not request or accept international assistance in natural disasters, as discussed by Gamble in Previous Research. Then other questions might arise, as in if a state is unable to decide to deny these offers of assistance, would this not mean that the idea of sovereignty can be forgotten? If any state can help any other without the acceptance of the second state, is this not to be seen as an intervention? These questions cannot be answered at the moment but might bring new research in the future

The action of violence can be seen in various ways. In this thesis, the focus has been on how structural violence is expressed within international agreements. There are many other documents, situations and acts, only to mention a few, which can be analyzed in similar ways in order to view the world from another angle. A shift of perspective can change the perception and also the application of old ways.

One might say that the normative power that Hehir (2012) discusses also relates to what structural violence is and how it is being portrayed. Normally, the act of keeping thousands of people in ignorance, as Galtung (1969) puts it, might not have constituted violence previously, however today the situation might be seen different and the act of maintaining ignorance is seen as negative due to change in normative power. Whether or not the Responsibility to protect will be used in structural

violence or not is impossible to predict, but it is not unbelievable that with a change to the individual through human security, the focus on what might hurt people will change. If that happens, then a discussion of how to prevent it might lead towards a situation where structural violence will be seen as an important task to combat.

What made these definitions within the analyzed documents come to be is something we will never know. It is possible that parts of the signatories aimed for an outcome such as this, however this would be quite a strong statement to make and it would need to be analyzed further. No matter the thought behind, the results of this thesis are quite clear, many non-direct violent acts can be found within these crimes. This could lead to a new way of looking at these acts and what states can accept to happen within the borders or their own and other states. Whether or not that will be case is a topic for another time.

6.1 Future research

In the course of this thesis, a couple of aspects has arisen which would have been interesting to investigate but have not been applicable nor relevant for this thesis as it is. A few of the points has been questioned in the thesis and a few has been commented and it would be suitable to explain them and show the relevance of them.

Primarily, the form that the Responsibility to Protect has taken, where the United Nations Security Council has to agree that the responsibility of a state has been breached and thus that an action is needed can be questioned. What new does this bring to the table, and has there been more situations where actions have been taken with relation to the praxis than before it was implemented? This would show a guidance to whether it has made any difference or not. Another aspect which is interesting is the inclusion of the act of 'Ethnic cleansing' since there is no such crime within international law, but it is rather terms which are used to describe events of other crimes.

One of the questions that arose during the course of the thesis were the question of whether each state has a Responsibility to Protect its citizens in other situations such as the natural disasters such as were brought up in the previous research. What comes to mind is not only the natural disasters such as earthquakes and tsunamis, but also to drought, flooding and other aspects which potentially could have been either avoided or made less of an impact if necessary actions were taken. Is there a Responsibility to Protect its citizens against such situations, both on a moral and legal standpoint?

Another aspect which has been briefly been brought up is the possibility of applying the situation of structural violence to documents and situations which previously has not been connected to non-direct violence. If this is investigated further, it might show that there is structural violence present or applicable in many other documents and might even find that states or organizations break these agreements.

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