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Marlene Gottwald

Europe's Responsibility to Protect

From Kosovo to Syria

Steinbeis-Edition

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Marlene Gottwald graduated in Latin America Studies (M.A.) at the University of Cologne covering Political Science, Latin American History and Languages as well as International Law. Tracking both of her main fields of interest – the EU and Latin America – she has been working as a student assistant at the Jean Monnet Chair of Prof. Wessels, University of Cologne, and as an intern at the German Embassy in Brasília, Brazil. In her final thesis she focused on the strategic partnership between the European Union and Brazil in light of the concept of interregionalism. In 2010 Marlene was accepted to the Marie Curie Initial Training Network EXACT (EU External Action). As researcher, Marlene has worked at the Finnish Institute of International Affairs (FIIA) in Helsinki, the Trans European Policy Studies Association (TEPSA) in Brussels and the University of Edinburgh. In the framework of EXACT, Marlene wrote her PhD at the University of Edinburgh and the University of Cologne ('co-tutelle'). Her main research interests include the EU's Common Foreign and Security Policy, Humanitarian Interventions, the Responsibility to Protect (RtoP), Human Security, as well as the crises in Kosovo, Libya and Syria. In November 2014 Marlene joined the Steinbeis Foundation as project manager.

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This book is also available as printed version.
ISBN 978-3-95663-025-5

Imprint

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Marlene Gottwald
Europe's Responsibility to Protect. From Kosovo to Syria

1st edition, 2014 | Steinbeis-Edition, Stuttgart
ISBN 978-3-95663-026-2
Accepted at University of Cologne and University of Edinburgh, Dissertation 2014

Layout: Steinbeis-Edition
Cover picture: © Shutterstock / SC Designs

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177130-2014-12 | www.steinbeis-edition.de

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Acknowledgements

I remember saying in late 2013 that "doing a PhD is like running around Arthur's Seat on a cold winter morning … you get there eventually." (If you have ever been to Edinburgh you will know what I am talking about.) While there was no one to push me up or down the hill on that cold winter morning, there were many people – family, friends, colleagues, supervisors, and others – who supported me immensely throughout the PhD. I would therefore like to thank all the amazing people, who were with me from the beginning and those who I met during my PhD journey, which took me from Cologne to Helsinki to Brussels to Edinburgh and to many other great places.

Particularly, I would like to thank: my wonderful parents Carmen and Gerhard, for always believing in me; my awesome brother Julian for reminding me that life is not only about work (or the PhD); the lovely Irmgard for being the best grandmother ever; Chris for all his love and care, especially for never getting tired of listening and for dancing with me in the kitchen; Gwen, Jim, Joan and Rich for making me feel at home in Edinburgh; Eva, Katarina and Tini for being the most amazing friends and for visiting me at all the places I lived in during the past three years; Kaisa and Marikki for wonderful times in Helsinki and beyond; Andi for his encouragement; Nicole for her pragmatism and all the fun; Andrew for being the best Irish flatmate I have ever had; all my EXACT colleagues for making the PhD a truly unique experience; Wulf for all his efforts in running EXACT; Cera for sharing and caring; Iina for being my Ballet and Yoga buddy; Gaby for supporting my EXACT application; Funda for helping me to erase some of the doubts; Andy Hardie for helping me to reboot my confidence; Dr. Juha Jokela for his practical advice; Prof. John Peterson for his enthusiasm and dedication; Prof. Wolfgang Wessels for his valuable feedback and guidance; and finally Albert Einstein for this wisdom, which I wish someone would have told me when I started the PhD: "We cannot solve our problems with the same thinking we used when we created them."

Marlene Gottwald,
September, 2014

Preface

This study was conducted within the framework of the Marie Curie Initial Training Network EXACT (EU External Action) under the 7th Framework Programme of the European Commission from October 2010 to September 2013. The stated aim of the programme was to

> *critically examine EU External Action and its respective institutional architecture from a global perspective. This policy domain is one of the most challenging and significant fields of theory-led and empirically based research for scholars engaged in research focusing on foreign policy, international relations and European integration.* (EXACT website, www.exact-training.net, 11 January 2014)

The initial title of my Ph.D. project, when applying for the EXACT programme in January 2010, was "Human security on the EU foreign policy agenda, Strategic concepts of EU conflict prevention and crisis management in traditional and new fields of security policy". In my proposal, I had planned to analyse the utility of the human security concept in various areas of EU External Action (security and defence, trade, development and environmental policy). Soon I realised not only that my project was too broad and too ambitious, but also that operationalising the concept of human security bore more theoretical and analytical challenges than originally expected.

Since the start of the EXACT programme in October 2010, my research topic has changed substantially. Inspired by political debates and events surrounding the Arab Spring since December 2010 and my work at the FIIA in Helsinki and TEPSA in Brussels, the focus of my study shifted towards the relevance and the application of the Responsibility to Protect (RtoP) in European foreign policies as well as its link to human security. This change allowed me to look at a very topical debate while keeping my initial interest in conducting a PhD: the question of whether the academic debates on a changed conception of security and the shift from state to human security after the end of the Cold War had an actual impact on practice and policy-making. Without facing the challenge of operationalising the concept

of human security I would still be able to assess its potential political impact in the form of the RtoP.

This study aimed to address EXACT research topic 3 on the European / Common Security and Defence Policy of the EU. Research topic 3 stipulated the engagement with the following:

> *Although the central domain of so called "high politics", defence cooperation has seen increasing activity at the European level. … The policy domain however suffers both from deeply entrenched differences in opinion between the member states about appropriate fora for the formulation of defence policy as well as immense differences in military capabilities among the member states. … EXACT… endeavours to apply a diverse set of theoretical approaches to the study of this area, including neo-institutionalist and constructivist approaches.* (Official EXACT website, www.exact-training.net / field of research, 10 March 2014)

In order to analyse the influence of the RtoP on European security and defence policies in response to mass atrocities this study has adopted a social constructivist approach. The focus is thus less on why the EU and its member states (re-)acted in a certain way but more on how European foreign policies are constructed. The extent to which member states are willing to cooperate within the EU framework in the area of military intervention plays thus a crucial role in the analysis. The question and approach chosen for this study therefore fit the purposes of the EXACT programme. Against this background, the following thesis seeks to make not only a theoretical contribution in studying EU external action from a social constructivist perspective but the empirical findings on European responses to crises in its neighbourhood are also of relevance to the 'real world'.

Participating in the EXACT programme has been a unique and much appreciated experience. I would therefore like to thank the coordinating institution of the programme, the Jean Monnet Chair of Prof. Dr. Wolfgang Wessels at the University of Cologne, Wulf Reiners and his team particularly, as well as the whole EXACT consortium.

Abbreviations

AMIS	African Union Mission in Sudan
AU	African Union
AWACS	Airborne Warning and Control System
CDU	Christian Democratic Union (Germany)
CFSP	Common Foreign and Security Policy
CHG	Civilian Headline Goal
Civ-Mil	Civilian-Military
CIVCOM	Civilian Aspects of Crisis Management
CMCP	Civil-Military Coordination
CON	British Conservative Party
CONOPS	Concept of Operations
CPCC	Civilian Planning and Conduct Capability
CSDP	Common Security and Defence Policy (former ESDP)
CSU	Christian Socialist Union (Germany)
CWC	Chemical Weapons Convention
DRC	Democratic Republic of Congo
EEAS	European External Action Service
ENP	European Neighbourhood Policy
EP	European Parliament
ESDP	European Security and Defence Policy
ESS	European Security Strategy
EU	European Union
EUFOR	EU Force
EUMM	EU Monitoring Mission
EUMS	EU Military Staff
FAC	Foreign Affairs Council
FDP	Federal Democratic Party (Germany)
FRY	Federal Republic of Yugoslavia

FSA	Free Syria Army
FYROM	Former Yugoslav Republic of Macedonia
HR	High Representative of the EU for Foreign Affairs and Security Policy
ICC	International Criminal Court
ICISS	International Commission on Intervention and State Sovereignty
ICJ	International Court of Justice
IDP	Internally Displaced Persons
IICK	Independent International Commission on Kosovo
ILC	International Law Commission
IRA	Irish Republican Army
JEM	Justice and Equality Movement
KFOR	Kosovo Force
KLA	Kosovo Liberation Army
KVM	Kosovo Verification Mission
LAS	League of Arab States
MDC	Mouvement de citoyens (France)
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organisation
OAF	Operation Allied Force
OCHA	UN Office for the Coordination of Humanitarian Affairs
OIC	Organisation of Islamic Conference
OSCE	Organisation for Security and Cooperation in Europe
PDS	Party of Democratic Socialism (Germany)
PS	French Socialist Party
RtoP	Responsibility to Protect
RWP	Responsibility while Protecting

SDP	Social Democratic Party (UK)
SLM / A	Sudan Liberation Movement / Army
SPD	Social Democratic Party (Germany)
TEU	Treaty of the European Union
TNC	Transitional National Council
UK	United Kingdom
UMP	Union Popular Movement (France)
UN	United Nations
UNAMID	African Union / UN Hybrid Operation in Darfur
UNGA / GA	United Nations General Assembly
UNHCR	UN High Commissioner for Refugees
UNMIS	UN Mission in Sudan
UNSC / SC	United Nations Security Council
UNSG	United Nations Secretary General
UNSMIS	UN Supervision Mission in Syria
US	United States of America

Chapter 1: Introduction

The repeated horror of mass atrocities has been one of the most disconcerting developments in human history. It was not until after the cruelty of the Holocaust that the international community was compelled to make assurances aimed at ending suffering more seriously (Murray and Mckay, 2014: 12). Yet, the international community showed little commitment to the proclamation made after the Second World War of "Never Again" to genocide[1] in the decades that followed. By contrast, states stood by and watched tragedies such as the ethnic cleansing of Bosnians by the Serbs and the mass slaughter of the Tutsi population by the Hutus in Rwanda throughout the 1990s. Reaching the climax of the inability and / or failure of the international community to prevent or halt such events, it was during the 1999 crisis in Kosovo that the former UN Secretary-General Kofi Annan wrote a landmark article in which he essentially challenged the traditional view on state sovereignty and the non-intervention principle, claiming that the principle of sovereignty contained in the UN Charter should be re-interpreted as a responsibility to protect individuals (Bellamy, 2011).

Although arguably acting to stop mass atrocities, the Kosovo intervention by NATO revealed a mismatch between the aspirations of prevention, on one hand, and the number and capabilities of the troops that were actually employed, on the other. At the same time, post-Cold War security challenges and institutional shifts inside NATO, highlighted by the Kosovo crisis, initiated a fundamental rethinking of the role and the responsibility not only of the international community but also of the European Union (EU). Europe's inability to stop mass atrocities in its direct neighbourhood served as a wake-up call for the EU to meet the expectations and responsibilities set out in the Common Foreign and Security Policy (CFSP) not only on a rhetorical level but also in practice.[2] The subsequent construction of the Common

1 The proclamation of "Never Again" after the Second World War was codified in the Convention on the Prevention and Punishment of the Crime of Genocide, which was adopted by the United Nations General Assembly on 9 December 1948 as General Assembly Resolution 260.

2 Since the Maastricht Treaty, one of the main objectives of the EU is "to assert its identity on the international scene, in particular through the implementation of a common foreign and security policy including the eventual framing of a common defence policy, which might in time lead to a common defence" (Article B, TEU Maastricht).