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Book Note

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**Book Notes: International Authority and the Responsibility to Protect, by Anne Orford**

## Book Note

### INTERNATIONAL AUTHORITY AND THE RESPONSIBILITY TO PROTECT, by Anne Orford<sup>1</sup>

AARON SIGAL

IN DELVING INTO ANNE ORFORD'S TREATISE on the responsibility to protect doctrine ("R2P"), *International Authority and the Responsibility to Protect*, it was impossible not to be struck by the rare confluence of theory and history. As Orford's analysis of R2P's theoretical underpinnings was released in early 2011, news coverage testified to the Arab Spring's blossoming; in the process, the West again became ensnared in debates over intervention, isolation, and universal moral responsibilities. While this culminated in a United Nations-sanctioned military intervention into Libya, with R2P principles cited as justification, the Arab political earthquake again brought the policy's existential problems into sharp focus. This book revisits many of these issues—such as how to recognize the legitimate bearer of state authority or what threshold of harm must be breached—and ultimately criticizes the doctrine's origins and development.

While Orford concludes her entire discussion by describing her eschewal of the increasingly pessimistic response to R2P in favour of a more optimistic view, it is evident throughout that the doctrine has emerged from a controversial philosophical foundation. Divided into five lengthy chapters, the book canvasses the legal and political bases for the modern commitment to R2P as well as the history of its practical implementation. Although the doctrine has been debated since the exposure of the Holocaust, Orford focuses on international interference in the decolonization period in Africa and in the Balkans through the UN structure.

Chapter one describes the normative shift in the international arena in favour of R2P, championed by the Western bloc against a more wary post-colonial and non-aligned faction. Orford uses this section to explain the United Nations'

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1. (Cambridge, UK: Cambridge University Press, 2011) 235 pages.

increasingly centralized and autonomous executive branch, led by the Secretary General's office, while chapter two furthers this in providing a historical review of international executive rule. In this second part, Orford reflects specifically on two contrasting case studies—the United Nations' heralded 1956 intervention in the Suez Canal crisis and its maligned 1960 campaign into the post-Belgian civil strife and Katangese succession crisis in the Congo—to explore the expansion of executive authority within R2P. She argues that R2P and the augmentation of UN executive rule was spearheaded by the organization's second secretary general, Dag Hammarskjöld, and consolidated around his three fundamental pillars of independent executive action, total neutrality and impartiality, and host-state consent. However, although Hammarskjöld was confident that these principles could coexist with intervention in complex enduring conflicts, Orford states that it eventually became clear from the Congo exercise and the United Nations' later paralysis in East Timor, Rwanda, Srebrenica, and Kosovo that R2P's core neutrality objective would be inherently impossible to sustain.

The book's remaining sections are devoted to an analysis of R2P's philosophical and legal groundwork. In chapter three, Orford connects the international arena's unilateral authority to intercede where the protection of citizens has collapsed to two foundational conservative European state theorists: Thomas Hobbes and the neo-Hobbesian Carl Schmitt. Writing from the governmental chaos surrounding the English Civil War and Weimar Germany, respectively, Hobbes and Schmitt both preached that state authority does not flow from the origin of the sovereign's power, but from the keystone ability to protect, stabilize, and unify the citizenry. Describing R2P as evolving from this attitude, much of Orford's criticism stems from its perceived absolutist tendencies, especially when combined with a more centralized international executive authority.

Lastly, chapters four and five express the remaining concerns over R2P's grand questions, such as who has the authority to decide when protection within a sovereign country has crumbled, which parties to collaborate with in complex conflicts, and what level of control the international community should annex to itself and for how long. While Orford ultimately views the international authority to protect as a function of the United Nations Secretariat rather than NATO, the Bretton Woods institutions, or individual state actors, it is clear that these questions remain unresolved. And in the end, as the community of nations struggles with these concerns while simultaneously implementing the doctrine in conflict zones like Libya, these uncertainties may injure the credibility of the program.