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PhD Thesis - Abstract

INTERNATIONAL LAW AND THE INTERVENTIONS WITH HUMANITARIAN AIM. DILEMMAS AND LIMITS OF THE RESPONSIBILITY TO PROTECT

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The PhD thesis *International Law and the Interventions with Humanitarian Aim. Dilemmas and Limits of the Responsibility to Protect* aims to analyze the way in which conflict and the international community's response to it evolved in the last 30 years, starting from the legal framework provided by the international law, but also from the common practice. The transformation of some conflicts in full scale humanitarian crisis and the universalization of the human rights concept led to the appearance of humanitarian interventions. The evolutive nature of this concept develops changes of perception upon rigid notions like sovereignty, which becomes more flexible.

The changes that took place in the international community after the Cold War, the evolution of the typology of the armed conflict and the lack of a sufficiently developed legal framework led to the development of non-unitary responses by members of the international community to humanitarian crisis situations. Thus, international organizations and states have acted according to the principle of *trial and error*, creating a heterogeneous practice, which cannot be, for the moment, the basis of a normative codification. However, the emergence of the principle of responsibility to protect indicates a real concern in this regard, which, once perfected, can provide regulatory perspectives for the future. While most research in the field takes contrasting and polarizing positions on the role of the Organization of United Nations (UN) in conflict management, this thesis proposes a pragmatic approach, highlighting the strengths of UN action, but depicting those vices which, once remedied, could lead to major changes in the way conflicts are handled in the international system.

The analysis of the international system proposed two dominant theoretical models: realism and liberalism. Realism is characterized by the postulate of systemic anarchy, which directs states to conflicting attitudes, through which they seek to increase their power within the international system. International organizations are considered irrelevant bodies, designed to serve the interests of the great powers, and international law is also a tool used by powerful states to protect their interests. The end of the Cold War and the growing interdependence between states influenced the perceptions of realism, the new neorealist vision emphasizing the security of state actors rather than the power pursued by them. An additional variation of the principles of realism was achieved by the development of classical neorealism, a current that postulates that states do not seek to

increase security, but control and influence the external environment, an objective that can be achieved through policies related to domestic policy.

Liberalism, on the other hand, distinguishes between the internal structure of the state and the external one, considering that foreign policy is dictated from within. In addition, not only domestic policy influences foreign policy, but also vice versa, through international organizations, which have the ability to impose a certain way of conduct on states. According to liberalism, democratic states are less prone to war and prefer the development of trade as a source of mutual benefit. Neoliberalism shifts the discussion around the potential for cooperation between states, in the face of systemic anarchy, an aspect illustrated by the prisoner's dilemma, the classic example of game theory that highlights the mutual advantages of a cooperative-oriented attitude.

The end of the Cold War led to the rise in popularity of a new current of thought in the field of international relations theory - constructivism, whose origins can be identified during the 1980s. Constructivism takes a reverse causal path, starting from the characteristics, history and way in which states develop their interests, in order to highlight the way in which they behave on the international stage. Systemic anarchy is not, therefore, a fact, but a social construction, resulting from the interactions between states. Constructivism, a current that postulates that states decide what goals they pursue not only on the basis of material needs (designed to influence state policy to a lesser extent than in the realist vision), but also in the context of interaction with other states and the development of ideas, emphasizes the role of rules in influencing the behavior of people and, similarly, the role of international organizations in determining the behavior of states. States establish their interests in a relational way, shaping, at their turn, the international system. In this sense, it can be evoked the fact that agents and structures are interdependent elements, shaping and influencing each other, not being able to exist in the absence of each other. The identities of the actors may thus change, and the example used by Alexander Wendt illustrates how only four decades (at the time of formulating the hypothesis) of cooperative attitude between Western European states, developed under the auspices of the European Community, transformed their conflictual nature into a European identity based on common values and oriented towards solidarity and mutual support.

From a constructivist perspective, conflict is not just the use of force to achieve an objective, it is an action governed by rules and regulations. For these reasons, international law plays an important role in international relations, and actors who choose to violate its provisions

often design arguments to justify their conduct. Through the interaction between the norms of the international system and the appetite of states to respect them, we can identify defining features regarding the identity of states. At the same time, this interaction is transposed in the evolution of norms, precedents becoming customs, which later end up being internalized in the internal normative regime of the states.

Constructivism has also led to strengthening the role of history in the study of international relations, past events being understood as having an important role in deciphering or anticipating later ones. In this sense, constructivism is characterized by a high degree of interdisciplinarity, given the use of concepts and interpretations that find applicability in the field of several social sciences.

This thesis focuses on a constructivist approach, which aims to understand how war, peacekeeping and humanitarian interventions developed in parallel with the emergence of the United Nations. Thus, the interactions between the norms imposed by the UN and the identity of states shaped the concept of war, but also the concept of international intervention, in the attempt to combat this scourge. The same constructivist perspective is identified, during the present research, as a preferable theoretical basis for the action development of the international community in face of conflicts. In this sense, through the continuous shaping of state interests, through interaction with other actors and in accordance with the rules in force, which in turn are constantly evolving, the international community could reach, at some point in the future, a relatively unified perspective of acting in situations that endanger world peace and security.

The precedent, in this regard, can be provided by the evolutionary understanding of the concept of sovereignty, influenced by the spread of democracy, the development of the concept of responsibility to protect and the persuasive actions of the United States towards other states to stimulate the fight against terrorism and against the proliferation of weapons of mass destruction. At the same time, not only the perspective on sovereignty is changing, but also the way in which international actors position themselves on the subjects of human rights or humanitarian interventions. These normative adjustments may be the catalyst for the emergence of new rules of international law or the improvement of those in force.

The constructivist approach developed towards the end of the '90s, highlighting the foundations underlying the emergence and transformation of norms, emphasizing the role played by communicative actions (persuasion, argumentation) and mechanisms of social influence

(condemnation), responds to criticism regarding the provision by constructivism of post-hoc arguments for any evolution in the sphere of international relations and justifies the choice of the theoretical framework of the research. In addition, most research aimed at UN or humanitarian interventions adopts either a position of support (liberal vision) or condemnation (realist vision) of humanitarian interventions. By using a constructivist framework, this research paper offers a multidisciplinary vision and diversifies approaches in the field.

Regarding humanitarian interventions, the paper aims to explain, using the theoretical framework provided by constructivism, why the task of identifying unitary practices or norms in the field is a complex process with minimal chances of success in the short and medium term. However, the precedents represented by developments in the rules of international law can provide reason for hope. In addition, as the understanding of the concept of sovereignty has acquired nuances, following the universality of human rights, in the same way we can predict that clearer norms or principles will be able to govern the perspective of humanitarian interventions.

The present research uses a methodological framework focused on interpretive analysis. This approach is in a harmonious relationship with the constructivist theoretical perspective used, which views reality as a perpetual interaction of agents and structures in international relations, and which can be understood from multiple perspectives. Interpretive analysis involves the formulation of theories based on the analysis and decoding of messages from various qualitative sources, the researcher being in a constant state of discovery and revision of interpretations. This methodological framework has the advantage of taking into account not only rhetorical elements, formally formulated, but also the analysis of actions and policies subsumed to the elements enunciated in speeches or normative acts. Ultimately, in the spectrum of communication, the message formulated by the sender can be interpreted by the receiver in multiple ways, the nuances being able to decisively influence the interpretation of the message. In a similar way, we discover how humanitarian interventions can generate different reactions for different actors, starting from a given set of events.

The methodological approach used combines qualitative and quantitative sources, theoretical concepts defined by specialized studies, official documents of the UN and other international organizations and historical materials, including the historical archive of the Romanian Ministry of Foreign Affairs. Most of the aforementioned documents are accompanied by relevant data statistics. At the same time, certain qualitative elements from the sphere of

international law are analyzed in relation to relevant philosophical and ethical concepts. In the sphere of qualitative resources, the research uses, in two specific situations, the research interview, conducted in a semi-structured manner.

The research covers the period 1945 - 2021, the references to the period before 1945 being punctual. Within this time horizon, the research focuses on the conceptual changes developed between 1991 and 2021, which are analyzed in comparison with the systemic characteristics of the period 1945-1990. The research uses the case study technique to analyze certain crises from 1989 to 2021, both through the formal framework provided by the UN and outside of it.

The current PhD thesis aims to analyze the way in which the international community intervenes in support of maintaining peace and security, in conflict situations, depending on the multiple variables represented by the provisions of international law, national interests and interaction between permanent members of the Security Council. The research will seek to provide relevant and nuanced answers to questions such as: How important were human rights in substantiating humanitarian interventions? What is the response of the international community to the contradiction between the respect for the principle of sovereignty and military intervention in cases that endanger international peace and security? What are the prospects for the codification of rules in cases of humanitarian interventions, which could generate unanimous acceptance? How plausible is the UN reform? How do we relate to moral and political arguments in the case of humanitarian interventions carried out without the consent of the Security Council?

The research starts from the hypothesis that war will not be eradicated from international relations, as it will constantly acquire new characteristics. Another hypothesis used refers to the fact that the acquisition of a universal character for the notion of human rights requires a much firmer attitude on the part of the international community in situations of acts that shock the collective conscience. A new hypothesis of the present research approach postulates the existence of a series of reasons that substantiate a humanitarian intervention, the humanistic vision being still insufficiently developed to represent an independent reason. These hypotheses accompany the premises associated with constructivism, presented in the previous sections.

The main objectives of the research approach are (1) to highlight the changing paradigm of conflicts and the need to adapt international instruments used in their management, (2) to present the main modalities provided by international law for the management of international conflicts by the UN and other organizations or third countries, (3) highlighting the main obstacles from the

perspective of the application of the principle of responsibility to protect and (4) the analysis of the evolutionary perspectives of the modalities of intervention of the international community, starting from the conclusions of the operations carried out so far. Starting from the interaction of the multitude of factors influencing the reaction of the international community to humanitarian crises and using the aspects resulting from the dynamics of the last 30 years, the research aims to highlight that both the conflict and the reaction of the international community will continue to evolve in the future. In this regard, we note that constructivist approaches generally do not provide predictions or scenarios and do not issue normative assessments on how states should act. In this case, however, it is reasonable to anticipate that the dynamic nature of international relations and conflicts will lead to changes, in the medium to long term, in the associated regulatory framework.

In order to achieve the proposed objectives, the research activity is structured in two parts, the first section being divided into five chapters. The first part of the paper focuses on the theoretical elements associated with conflict, UN peacekeeping operations, humanitarian interventions and the principle of responsibility to protect. The second part of the paper consists of an analysis of the interventions of the international community in Western Sahara, Rwanda, Bosnia, Kosovo, Darfur (Sudan) and Libya. These case studies highlight how the theoretical concepts presented in the first part of this paper were applied in practice, highlighting shortcomings, conceptual dilemmas and limitations of actions, aspects that invite us to reflection.

Armed conflict or war, in the absence of which the current research approach would be futile, is identified with much of human history, and continues to play an important role in international relations. Human nature, regardless of the degree of violence it is endowed with, cannot be the sole cause of war. Conflict can be understood as the state of incompatibility that exists between the interests of two different parties. Misunderstandings turn into violence when the mechanisms or systems provided for their prevention become overloaded or when these mechanisms prevent a part of the population from freely expressing their dissatisfaction.

Conflicts are often linked to inequalities in a society, which may have economic, social, political, ethnic or religious roots. International conflicts can be framed in the spectrum of confrontations over ideas (ethnic, religious and ideological conflicts) or in that of confrontations over interests (territorial, governmental and economic conflicts).

The UN Training Center, UNITAR, has compiled the main sources or catalysts for international conflicts. Among them, we mention the main classes of factors that contribute to

conflict situations in the international environment: historical factors (border disputes, non-delimitation of borders), governance factors (poor governance, marginalization of certain social groups, exacerbated nationalism), factors related to the personality of political leaders, justice factors, economic factors (access to resources, lack of employment opportunities), cultural factors, security factors, external factors (interference of foreign actors), institutional factors, macro-factors (terrorism, radicalization).

Analyzing, from a historical point of view, the period after the beginning of the Cold War, the incidence of conflicts, regardless of their nature, decreased considerably, the most significant reduction being manifested at the level of conflicts between states. According to the Uppsala Conflict Data Program, in 2016 only two interstate conflicts took place, from the perspective of the number of victims registered annually. According to the same source, since 1992 there have been no more than two interstate conflicts in any year.

The new confrontations are characterized, instead, by identity claims (whether national, religious, linguistic or tribal), the decentralization of violence and their integration into the global economic network, unlike past wars, which were motivated by geopolitical or ideological ambitions. The new conflicts are positioned at the intersection of the classical notions of war (conflict between states or groups for political reasons), organized crime (paramilitary groups, driven by financial gains) and serious human rights violations. Although most of these armed confrontations are called civil wars or low-intensity conflicts, given the current interconnections, the distinction between domestic and international frictions is difficult to make.

The context of the emergence of new wars is fueled by the decline of state power or, in some cases, even its disappearance. As a consequence, in the new landscape of globalization, conflicts bring together multiple actors, such as mercenaries, journalists, charities or regional and international organizations.

Terrorism is one of the most common forms in which the new typology of international conflict unfolds. According to the Uppsala Conflict Data Program, in 2019, 54 intra-state conflicts were active, of which 28 involved the presence of DAESH or Al-Qaeda. Africa saw the largest increase in intra-state conflicts since 1946, with an increase in the presence of DAESH in the region. Terrorist groups or similar organizations are also involved in non-state conflicts, with 763 such disputes registered from 1989 to the present. Most such conflicts were registered in 2014,

when only in Syria were identified 32 conflagrations, most of them related to the activity of DAESH.

The changes in the typology of international conflicts are putting the United Nations, the main international body dedicated to maintaining global peace and security, to the test. The Charter of the United Nations is the founding document of the organization, signed on June 26, 1945 by 51 states. Under the Charter, considered an international treaty, the UN has the legitimacy to act in a wide range of areas, the most important being the preservation of global peace and security and the economic and social development of all its members. The UN Charter is an instrument of international law, which codifies the general principles of international relations, establishing the sovereign equality of states and the prohibition of the use of force in international relations.

International law is a decentralized system of law, in the form of rules and principles of conduct, which governs the way in which states and international organizations interact within the international community. Consequently, this branch of law is also entitled to watch over international conflicts. The rules of international law represent appropriate behavioral standards for actors with a certain identity.

The Statute of the International Court of Justice, regarded as a point of reference for determining the sources of international law, identifies *international conventions* and *international practice* as providers of legality. These could be complemented with the general principles of law (e.g. equality) and case law.

The status of international law makes it vulnerable to discreditation, a common argument against its regulations being that the provisions of international law have appeared in the absence of legislative, executive and judicial bodies. In addition, in a neo-realistic sense, international law is only a means used by powerful states to confer advantages in their interactions with other states.

However, Louis Henkin, one of the most respected experts in the field of international law, considered that its regulations dictate, in most courts, the settlement of international disputes and that most state actors comply with the principles of international law. In addition, the existence of rules, even imperfectly applicable, creates behavioral expectations from states, which conferes a much-desired predictability to the international system.

Under the UN responsibility for maintaining international peace and security conferred by the UN Charter, the UN Security Council may adopt a number of measures, including the establishment of peacekeeping missions, which may be regulated in accordance with the

provisions of Chapters Six, Seven and Eight of the Charter. For about seven decades, the UN has conducted more than 60 peacekeeping operations, mostly in war-torn states or regions. For a long time, the activity of these operations was carried out according to unwritten principles, through adaptation and learning from mistakes. In conducting peace support operations, UN troops are committed to respecting human rights and international humanitarian law.

UN peacekeeping operations are the standard model of UN peacekeeping intervention, developed since 1956, in the event of conflicts between states. By virtue of the establishment of peacekeeping operations, three principles must be met: the consent of the parties, the impartiality of the mission and the non-use of force by UN troops, outside the limits of the mandate and in cases of self-defense. The operationalization of UN missions is carried out after the parties involved in the conflict express their agreement to the presence of UN troops and agree to take steps towards resolving the conflict. The lack of trust between the parties to the conflict may, however, translate into an informal withdrawal of consent for the UN operation, which will hamper UN activities and reduce its effectiveness.

Developments in the international arena have encouraged the UN to take a more active role in identifying a political consensus associated with conflicts, which translates into the creation of multidimensional peacekeeping missions, equipped with a much more robust mandate, aimed at establishing peace in intra-state conflicts. Thus, the blue helmets are responsible not only for monitoring the belligerent troops, but also for monitoring the respect for human rights, providing humanitarian aid, demobilizing and disarming combatants, reforming national security forces, protecting the civilian population or even providing the effective administration of the state. Such complex UN peacekeeping operations are currently underway in Mali, D.R. Congo, Haiti, the Central African Republic or South Sudan.

The UN Security Council is the body identified, both procedurally and in the eyes of the public, as primarily responsible for managing situations that endanger peace and security. Analyzing the Security Council's action in the face of humanitarian crises and excluding the veto right of the permanent members, we identify four factors that decisively influence the Council's approach: (1) the level of suffering in a given crisis, (2) the extent of the crisis or the risk of it being extended to other states or regions, (3) the capacity of the state concerned to oppose intervention, and (4) the material and reputational resources which the UN has provided in similar situations in the past. According to Martin Binder, cumulating the interaction of the four factors,

we can decipher the UN's attitude towards 80% of the humanitarian crises that appeared after the Cold War.

Not only the typology of conflicts has changed over time, but also the actors who contribute to maintaining peace. Thus, the UN is no longer the only actor carrying out such actions, a prerogative fulfilled punctually by organizations such as the African Union, the Economic Community of West African States, the European Union, the Organization for Security and Cooperation in Europe, the Commonwealth and NATO. In some situations, these organizations or states individually choose the path of humanitarian intervention to manage a crisis.

Unlike UN peacekeeping operations, which require the invitation or consent of the state in which the missions operate, humanitarian interventions have the particularity of being carried out without the permission of the state in whose territory the intervention takes place. Thus, humanitarian intervention can be defined as the use of force or threat by a state or coalition against another state to prevent or put an end to serious human rights violations against the citizens of that state. Thus, we observe the correlations between humanitarian interventions, respect for human rights and the notion of just war. Within the humanitarian interventions, we distinguish the operations carried out with the approval of the Security Council and those implemented without the agreement of the Council, the latter provoking the most heated discussions.

Against the background of UN failures during the 1990s, but also of humanitarian interventions undertaken by state or institutional actors without UN approval, former UN Secretary-General Kofi Annan wondered at the 1999 and 2000 UN General Assembly: *If humanitarian intervention is indeed an unacceptable assault on sovereignty, how should we respond to a case like Rwanda, like Srebrenica - of gross and systematic human rights violations that affect any principle of our humanity?* Based on this topic of reflection proposed by Kofi Annan, the Government of Canada, together with an independent team of researchers, have created the International Commission on State Intervention and Sovereignty (ICISS).

The basic principles established by the work of the ICISS commission provided that state sovereignty implies responsibility for the protection of the population, and where a population suffers from a civil war, insurgency, repression or failure of the state, and the state cannot or does not want to limit the effects adverse effects on one's own people, the principle of non-intervention is replaced by the international responsibility to protect. The concept of responsibility to protect (R2P) involves three main components: (1) *the responsibility to prevent*, (2) *the responsibility to*

react and (3) *the responsibility to rebuild*, with prevention playing the most important role, which could limit most of the losses associated with a conflict.

ICISS's efforts were provided with an answer by the international community in 2005, in conjunction with UN General Assembly Resolution 60 of 24 October 2005, following the Global Summit, which was attended by the Heads of State or Government of the UN Member States. However, the document, divided into four broad lines of action - development, collective peace and security, human rights and the rule of law, the strengthening of the United Nations - would devote a single paragraph, consisting of three articles, to the responsibility to protect. Thus, Articles 138 and 139 stated that each state has a responsibility to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity, and when these prerogatives are not fulfilled and all peaceful efforts of the international community fail, the UN Security Council may intervene, on a case-by-case basis, in cooperation with regional organizations, if necessary, under the provisions of Chapter Seven of the UN Charter.

Despite the enthusiasm generated by the adoption of the principle of responsibility to protect, even in this comprised version agreed by the UN, the procedural aspects circumscribed to this process raise at least two dilemmas on the feasibility of the concept.

Firstly, R2P continues to fit into the logic of the dilemma between respect for state sovereignty and the intervention of the international community in cases that endanger peace and security, a contradiction that has existed since the adoption of the UN Charter. Not being in the field of exact sciences, the application of this principle in concrete cases remains dependent on a certain degree of subjectivity, two similar situations being susceptible to being managed differently by the Security Council, depending on criteria other than the severity of the crisis. Furthermore, by making the adoption of the R2P principle conditional on the approval of the Security Council, the UN forum agrees that this principle will be applied selectively, as Security Council member states will not approve interventions that harm their national interests. Proponents of R2P say, however, that this is a necessary compromise, as an imperfect R2P is preferable to its non-existence. The second dilemma about the feasibility of the R2P concept lies in the risk that powerful states will carry out military interventions for purposes that serve their national interests, disguised under the aura of protecting oppressed populations.

The multilateral system of global governance, centered around the existence of the UN, has undergone significant changes, these being evident in terms of the multiplication of states,

because of national liberation movements that ended the colonial era. Thus, international organizations have grown, which is also reflected in the interconnections of today's globalized world. However, the way organizations work has remained, in some respects, anchored in their creative logic.

Due to the compromises related to the composition of the UN, the call for the reform of the institution has appeared repeatedly in the public space. Even if the attempts were multiple, the results did not justify the initial enthusiasm predicted – some attempts at change would have diminished the power of some member states (which obviously opposed) and attempts at reducing bureaucracy had a reverse effect. At the same time, UN activity has gradually expanded and incorporated new areas of regulation, with the reform process often leading to new responsibilities for global governance.

Although the subject of UN reform is promoted by most countries in the world, the interest behind this agenda, for most state actors, is motivated by strictly subjective ambitions. Under these conditions, in which most states seek to retain privileged positions or gain additional benefits, a real UN reform will be difficult to achieve, given the divergent interests of states, but also the institutional obstacles resulting from the provisions of the UN Charter.

The evolutionary dynamics of the international conflict are echoing both at the UN level and in the way humanitarian interventions are conducted, regardless of systemic resistance to change. The theoretical part of the doctoral thesis is complemented by the case studies, which analyze two deficient approaches to UN crisis interventions - the cases in Rwanda and Western Sahara, the failure to apply the principle of responsibility to protect in Darfur (Sudan) and the particularities of humanitarian interventions from Bosnia, Kosovo and Libya.

Conclusions

The constructivist perspective of this PhD thesis aimed to capture the developments over the past 30 years of international conflict, UN action and the attitude of third parties to restore peace and security. Through the concrete examples provided, we have seen that the rules of international law and ethical normative attempts have not been sufficient to regulate how the international community can intervene to stop a humanitarian crisis, especially when the systemic shortcomings of the UN prevent firm and legitimate action. At the same time, we were able to

discover how the norms of international law can change or take shape, starting from the paradigm shifts imposed by practice. The different identity of states, especially in relation to the group of permanent member states in the Security Council, but also the economic and social gap between the states of the global north and south, make it difficult to harmonize normative views on how to maintain peace and security. In addition, as beauty resides in the eye of the beholder, morality can be categorized as different depending on the cultural and historical baggage of the judge. For these reasons, research has shown why the responsibility to protect remains a concept that does not yet generate widespread international support.

In this context, the research sought to provide an explanation of the current state of global peace and security, taking into account the elements underpinning the action of the UN and the states of the international system. Through interpretive analysis, case studies and use of qualitative and quantitative data, the research confirmed the following constructivist premises, subsumed to the research objectives:

(1) There is an interdependence relationship between agents and structures, which influence each other. The rules influence the way states act in case of humanitarian tragedies, as well as the way states justify their actions when the legal framework is circumvented for various reasons.

(2) The norms are in a continuous evolutionary process. If in the past the concept of sovereignty was perceived in almost absolute terms, it has gained a much more flexible meaning with the popularization or development of the concepts of human rights and humanitarian interventions. The notion of peacekeeping has also gained a different meaning over the last 30 years, now including activities with more pronounced military accents. In a similar way, the rules can continue to evolve gradually, until the codification, in a certain form, of what is today the principle of the responsibility to protect.

(3) Not only the material elements influence the actions of states or organizations, but also the normative or ideational ones.

(4) The identities of states and organizations may change as a result of various interactions between international actors. Thus, we can understand why the protection of human rights has become an important UN mission since the 1990s, why the United States is showing an increasing inclination towards unilateralism, or how the Rwandan genocide

has influenced the attitude of this state towards its neighbours and the international community.

The methodological framework used responds to the objectives assumed in the elaboration of the thesis, signaling and explaining the evolutionary character of the conflict and the associated international response, from the most relevant actors, taking into account aspects related to norms, interests and identities. However, the interpretive method used imposes certain limits on research. In this sense, we mention the fact that the decisions of international actors can be substantiated based on confidential elements of analysis, known only at the level of decision makers, which cannot be included in the present research approach. At the same time, in the elaboration of the research it was necessary to integrate political, social, legal and philosophical concepts, which would introduce notions developed in recent history, such as human rights, humanitarian intervention or responsibility to protect. The vision associated with the definition of these concepts incorporates standards of Western thinking, which may differ fundamentally from the standards developed in other geographical regions.

The doctoral thesis did not aim to formulate verdicts on the legitimacy or fairness associated with certain humanitarian interventions. Beyond the legal elements, which require, by their constitutive nature, firm answers regarding the legality of certain actions, the interpretative analysis carried out during the present thesis invites the reader to reflect.

The failure of the UN to manage peace and security has encouraged the circumvention of the UN forum in certain specific situations, through unilateral humanitarian interventions. However, such practices are likely to remain controversial, regardless of justification. For these reasons, discussions on UN reform and how to improve the action of UN peacekeeping operations remain relevant. In this sense, the analysis of precedents, through a constructivist lens, provides important clues as to how systemic improvements can be made. The author is aware of the difficulty of reforming the UN Security Council. However, some less controversial measures could be implemented within a reasonable timeframe, with prospects for improving the response provided by UN field operations. In this regard, approaches can be considered to ensure a correct understanding of the characteristics of the conflict (who are the parties involved, what are the causes of the conflict, what are the interests of the parties, what are the red lines of the parties), complemented by increasing the reaction capacity of the UN in case of conflict and the formation of a force that can be deployed quickly on the ground. Other measures that the UN forum could

consider, based on past experiences, are aimed at increasing the professionalism of soldiers deployed in UN operations, maintaining troops for a longer period on the ground, making operational mandates more flexible, so that they can respond quickly to untimely changes in the course of the conflict, and the generation of additional funding from member states. Such approaches, complemented by greater attention to the unintended effects of UN operations on local dynamics, could be implemented at no overwhelming political cost.

Humanitarian interventions, carried out in the context of UN inaction, continue to provoke contradictory discussions. Despite the development of the principle of the responsibility to protect, it has not yet reached a sufficient degree of common understanding at the state level, nor has it gone through the process of internalization. In addition, both theoretical research and concrete examples demonstrate that humanitarian interventions rarely have only motivations developed in the spirit of humanism. However, the notion of human rights has become universal over the last 30 years, leading to a looser interpretation of the concept of sovereignty. In view of the developments in the field, it is obvious the concern of the international community for outlining some principles, at least at the level of recommendation, regarding the development of humanitarian interventions. In this sense, the author's opinion, based on the pursuit, through a constructivist lens, of the development of the international practice in the field, anticipates a continuation of the normative efforts in the field. This development is predicted by accepting, at the same time, that humanitarian interventions cannot be dissociated from political, economic, legal and moral elements, and that not all humanitarian crises will receive equal treatment. In addition, the author is aware that the tendency to challenge the liberal order and the declining appetite of major actors for multilateralism are obstacles to the standardization, in the short to medium term, of the practice of humanitarian interventions. For these reasons, from a conceptual point of view, we cannot provide a simple or unequivocal answer regarding the justice or legitimacy of humanitarian interventions, if we go beyond the theoretical framework of lack of value judgments conferred by constructivism. However, the adherence of states to the notion of humanitarian intervention can be strengthened by a series of precedents made by protecting the interests of people affected by the conflict, which would remove the image of humanitarian interventions that ended with the change of political regimes in the target states.

What we can say, with a greater degree of predictability, is that conflicting relations will continue to develop between various international actors, and the effects of these conflicts will

continue to have a violent impact on the civilian population. Although the current approach does not aim to launch hypotheses about possible scenarios for the future, the important paradigm shifts observed over the last 30 years urge us to anticipate maintaining the evolutionary character in the relations between agents - structure and norm - practice. In this context, until the crystallization of some normative elements with a high degree of acceptance, the international system will continue to be guided, most likely, on the system of trial and error. Changing the rules of international law, regarding the management of global peace and security, can be a topic that can be developed and complemented in future research studies. Other research studies could also analyze the legal, philosophical and ethical features of cases where a state authority invites a third state to intervene militarily on its own territory.

In this context, the research approach concludes that interventions carried out under the UN flag retain the great advantage of being able to save human lives, when they are managed and operationalized in an appropriate manner. At the same time, until a possible codification of the rules targeting humanitarian interventions carried out outside the UN framework, each individual case will continue to provoke debates. In this diffuse informational landscape, this paper provides clues on the elements on which the reader should focus in assessing the legitimacy of a humanitarian intervention. Despite the tragic episodes, retrospectively analyzing the international political landscape of the last 76 years since the formation of the UN, and the actions carried out for humanitarian purposes, we can adhere to the vision of the German philosopher and mathematician Gottfried Wilhelm Leibniz, who considered that we live in the best possible world. However, it is important to be aware that this "best world" can improve, and when these improvements are difficult to implement, we can try to understand the systemic brakes. Thus, the thesis provides a necessary invitation to reflection, which can generate valuable ideas in support of promoting the ideas of peace and security, useful both to the citizen and to the political decision-maker.

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