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The Dogs That Didn't Bark: *A critique of actions taken under the auspices of the 'Responsibility to Protect'*

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<u>The Dogs That Didn't Bark</u>

A critique of actions taken under the auspices of the 'Responsibility to Protect'

In the aftermath of World War II, the world faced an important question: What should be done about foreign governments who subject their citizens to horrific mass atrocities? The international community has attempted to effectively answer this question since World War II ended in 1945. In recent years, a proposed international norm called the Responsibility to Protect (R2P) has formulated in an attempt to provide a solution. The R2P doctrine stipulates that military intervention should be the last course of action when considering how to respond to human rights violations. As a result, this does not mean that there was *no* action taken to facilitate peace in humanitarian cases where traditional military intervention was not deployed. This dissertation will be an examination of what has so far been achieved in humanitarian cases that have otherwise been written off as non-actions. The purpose of this dissertation is to critically assess the efficacy of R2P in international society by evaluating the forms of non-violent engagement taken under its auspices.

Chapter One

Humanitarian Intervention and the Responsibility to Protect

In his book *Saving Strangers* Nicholas Wheeler (2000: 1) points out that although the normative aspects have changed significantly, the simple question of what to do about massive human rights violations has remained the same since 1945. The international community has struggled to determine whether it has an ethical responsibility to react to human rights violations and if so, at what point and to what level it should interfere. Many calls for intervention have been made over the last decades – some of them answered and some of them ignored (International Commission on Intervention and State Sovereignty, 2001: 1). There is difficulty in determining what types of crises qualify for humanitarian intervention and at what level emergency action is required. A considerable explanation for this difficulty is determined by the direct challenge humanitarian intervention poses to state sovereignty. In accordance with Article 2.1 of the Charter of the United Nations (UN), organisation of the international order is based on the principle of the sovereign equality of all member states. According to Article 2 of the UN Charter, a sovereign state has the ability to exercise complete jurisdiction within its territorial borders. In turn, other states have the duty not to intervene in the internal affairs of a sovereign state. However, Chapter 7 of the UN Charter gives the UN Security Council the right to determine the existence of any threat to peace, breach of peace, or act of aggression. Chapter 7 gives the Security Council the right to make recommendations, or to take measures to

maintain or restore international peace and security (UN.org, 2015). Over time, definitions of peace and security have changed. New concepts of security suggest we should recognise people as well as states, and this has marked a significant shift in international thinking in the past few decades.

Although humanitarian claims were not accepted as a legitimate basis for the use of force in the 1970s, a new norm of UN-authorized humanitarian intervention developed in the 1990s. The UN Security Council was paralysed by cold-war politics in the 1970s, but in recent decades the Security Council has extended its powers into matters previously considered part of the domestic jurisdiction of states (Wheeler, 2000: 8). Unfortunately, at the start of the 1990s the international community repeatedly made a mess of such interventions largely because there were no agreed upon rules for handling cases such as Somalia, Rwanda, Bosnia, and Kosovo (Evans and Sahnoun, 2002). The debate revolved around whether states have absolute sovereignty over their affairs or whether the international community has the right to intervene in a state for humanitarian purposes. Disagreement continued over whether there is a right of intervention, under whose authority intervention should take place, and how and when it should be exercised. In his Millennium Report of 2000, former UN Secretary-General Kofi Annan spoke of the failures of the UN Security Council in Rwanda and the former Yugoslavia. The Secretary-General confronted UN Member States by asking, "If humanitarian intervention is, indeed, an unacceptable assault on

sovereignty, how should we respond to a Rwanda, to a Srebrenica, to gross and systematic violation of human rights that offend every precept of our common humanity?" (UN.org, 2015).

Only in the past decade has a framework for humanitarian intervention emerged that has been unanimously approved by UN member states. In 2000, the Canadian government established the International Commission on Intervention and State Sovereignty (ICISS). The ICISS released a report in 2001 titled *The Responsibility to Protect*. The report challenged traditional notions of sovereignty and suggested that sovereign states not only had rights, but also responsibilities to protect their citizens (International Commission on Intervention and State Sovereignty, 2001). In 2005, all UN member states formally accepted the proposed Responsibility to Protect (R2P) norm. The Responsibility to Protect (R2P) agenda maintains that: (1) the state possesses the primary responsibility for protecting its population from genocide, war crimes, crimes against humanity and ethnic cleansing, (2) the international community has a responsibility to encourage and assist states in fulfilling this responsibility, and (3) the international community has a responsibility to use suitable levels of diplomatic, humanitarian and other means to protect populations from these crimes (UN.org, 2015). It is important to understand that the R2P principle refers only to cases of genocide, war crimes, crimes against humanity, and ethnic cleansing. There are many human rights groups or activists who would like R2P to refer to various kinds of crises outside

these four outlined in the R2P doctrine, but as Gareth Evans (2008: 64) states: "To use the responsibility to protect too broadly, in non-mass-atrocity contexts, is to dilute to the point of uselessness its role as a mobilizer of instinctive, universal action." As it is, this narrow version has become the established understanding for R2P within the UN and beyond, and so will be the version used in this dissertation.

R2P asserts that the primary responsibility to protect lies with the state. The international community should only act in the state's place if the state is unable or unwilling to fulfil its responsibility. Where does the authority to decide the responsibilities of a sovereign state derive, or rather, how has this human rights norm developed over time? Nicholas Wheeler (2000: 22) contends that sovereignty is not a physical object that can be touched, felt, or measured, and therefore sovereignty only exists because the world participates in the shared understanding that makes its existence possible; the defining characteristic of the society of states is the reciprocal recognition of sovereignty. In other words, the concept of sovereignty survives by the inter-subjective meanings that create its existence.

The idea that states are responsible for the protection of its own citizens is not new. In fact, Thomas Hobbes proclaimed that sovereignty can be restricted in cases where the state was reluctant to or incapable of protecting the individual from internal or external threats (Hobbes and Gaskin, 1998). Hobbes argued that in those cases, the individual no longer owed the

sovereign obedience. He did not, however, suggest that other states had the responsibility to protect the individuals of other states. Hobbes believed that if the state dissolved, every man was responsible for protecting himself (Welsh, 2010: 417). At the core of the new conceptual approach to humanitarian mediation is a shift in thinking about the spirit of sovereignty, from control to responsibility. In recent decades, human rights norms have shifted the international community from a culture of sovereign impunity to one of national and international responsibility (International Commission on Intervention and State Sovereignty, 2001: 3). State security is no longer the only feature that matters; individuals have become worthy of protection as well. Just like sovereignty itself, these new constraints to sovereignty are not physical but normative ones, and the fact that they are socially constructed does not make them any less real (Wheeler, 2000: 22).

The term 'humanitarian intervention' is often associated with military activity. By changing the terminology from 'intervention' to 'protection,' R2P has separated itself from the language of humanitarian intervention and the negative implication of military measures. Additionally, discussing the 'responsibility to protect' rather than the 'right to intervene' has a significant advantage. R2P is an umbrella concept. It embraces not just the 'responsibility to react,' but also the 'responsibility to prevent' and the 'responsibility to rebuild.' By focusing on these alternative dimensions, the concept of reaction

becomes more appealing to the international community (Evans and Sahnoun, 2002).

The increasing awareness of human rights violations in today's globalised world has claimed the attention of the international community, and responses to humanitarian crises have varied greatly. In the 1990s, the international community sent peacekeeping forces to Somalia, eventually intervened in Bosnia, turned a blind eye to Rwanda, and bombed Kosovo without UN Security Council approval. The levels of military involvement and UN commitment were immensely varied throughout the 1990s and although the R2P principle now exists, reactions to humanitarian crises continue to vary in the present-day international arena. Over the last decade, the R2P principle has become one of the most promising, and also one of the most disappointing, recent developments in international affairs (Mohamed, 2012: 1). As a result, the R2P framework and its effectiveness is a heavily debated topic among scholars today.

Debating R2P

In Defence of the Responsibility to Protect

Supportive arguments maintain that R2P is the world's most promising opportunity to eliminate humanitarian violations. Proponents of R2P claim that it is a concept that can radically alter the international system so that mass atrocities are a thing of the past. Alex Bellamy (2015: 1) defends the R2P

principle by asserting that, "Although it is far from perfect, R2P offers the best chance in our own time to build an international community that is less tolerant of mass atrocities and more predisposed to preventing them." Bellamy provides many reasons for his optimism, and chief among them is the unanimous adoption of the R2P framework by the 193 Member States of the UN General Assembly in 2005. Not only did the UN General Assembly accept the R2P norm in 2005, but the UN Security Council reaffirmed R2P and the Council's commitment to it in 2006, and again in 2009. Notably, Bellamy disputes potential arguments that might suggest R2P is a primarily Western principle. He points out that based upon the voting pattern alone, R2P is not an exclusively Western attitude; in fact, China and Russia have frequently debated R2P and have voted in favour of the principle even more often than a majority of Western democracies.

In his book, *Responsibility to Protect: The Global Effort to End Mass Atrocities*, Alex Bellamy (2009) asserts that there are two conceptions of sovereignty. The first is the traditional view, which maintains that states are entitled to establish their own form of government and are protected by a rule of non-intervention. The second conception is that which claims that sovereignty includes responsibilities and if a government fails to fulfil those responsibilities, it may require external interference. Both these notions of sovereignty are connected to human rights arguments. Jennifer Welsh (2010: 418) points out that the former conception emphasises the people's right to

self-determination, while the latter argument focuses on the rights of individuals. Supporters of R2P argue that contemporary sovereignty is based on a provisional right dependent upon a state's observance of the minimum standards of behaviour (Welsh, 2010: 418).

According to Bellamy, what sets R2P apart from other humanitarian policies is the fact that it is reinforced by the consent of the world's states (2015: 4). Just as the notion of sovereignty is not a physical but normative concept, so too is the legitimacy of R2P. R2P derives its validity from a worldwide consensus that its existence is legitimate. Bellamy supports his argument by emphasising that only a small minority of governments currently object to the R2P principle, and those that object primarily do so for ideological reasons (like Venezuela and Cuba, who oppose imperialistic rhetoric) or because, like North Korea, they know their own behaviour fails to uphold the basic criteria of decency or morality. However, Bellamy argues that although states like North Korea, Venezuela and Cuba may oppose R2P when given the opportunity, the voting records suggest these states do not care greatly about the principle (2015: 12).

Bellamy (2015: 16) agrees with the current UN Secretary-General, Ban Ki-moon, that the question is no longer one of whether or not the world's governments have accepted the R2P principle; instead, it has become one of how to translate the principle into a living and effective reality. For Bellamy, the principle offers a once-in-a-generation opportunity to protect vulnerable

populations from genocide and mass atrocities. Bellamy challenges R2P critics by suggesting that the international community must choose between working together to deliver on what has already been agreed upon or by abandoning the world's shared vision of R2P because it is imperfect. Essentially, Bellamy promotes the compelling argument that the international community must work together with the framework they have and cannot simply abandon the R2P doctrine with the hope that something better will be created in the future. He asserts that through successful implementation of R2P, a world without mass atrocities may be possible. But can R2P be implemented successfully?

Gareth Evans (2008: 53) emphasizes that the crucial sign of the success of R2P will be the point when the next shocking mass atrocity or large-scaled killing comes along and, "the immediate reflex response of the whole international community will not be to ask *whether* action is necessary, but rather *what* action is required, by whom, when, and where." In an attempt to examine how R2P may be successfully conceptualised in international society, Luke Glanville (2010) evaluates R2P from three different angles: the moral, legal and the political. Glanville asks whether R2P is a moral, legal or political concept, and who ultimately bears the responsibility to protect. In his evaluation, Glanville seeks to examine concerns about whether the duty to protect can be perfected, and whether the world can expect R2P to be a functional principle in international society.

In order to demonstrate the moral argument for R2P, Glanville (2010: 297) refers to the cosmopolitan argument that states should not simply consider their national allegiances when considering humanitarian crises, but should also consider our common humanity. Cosmopolitan logic dictates that those who have the capacity to provide protection are obliged to protect the civilians beyond their boundaries, just as they are bound to protect those within. Realists, or statists, oppose this argument by claiming that the international community does not bear the responsibility to protect at all. Why should states intervene where they do not want to? This realist argument states that the moral responsibility of states is not to protect all civilians by virtue of common humanity, but it is to pursue their national interests defined in terms of power. In other words, it would be morally irresponsible for states to send soldiers and spend money protecting those outside its own boundaries. Not all realists oppose the cosmopolitan notion that those who have the ability are obliged to protect external populations, however. In fact, some realists believe that in the current globalising world, states have a national interest and therefore a moral obligation to protect populations beyond borders. Human rights violations often create refugees and circumstances that promote drug and arms smuggling, the spread of terrorism, and the production of weapons of mass destruction. Realists suggest that external actors have the moral responsibility to protect in order to prevent these negative outcomes that threaten international stability and consequently the state. The problem with this argument is that it still relies on the self-interests of powerful states. As

Glanville (2010: 296) points out, this argument may be convincing in circumstances like Kosovo, but is less persuasive in cases like Rwanda when the interests of the dominant states are not as threatened. However, if we are to disregard these statist arguments and accept the cosmopolitan notion that the international community shoulders a moral responsibility to protect, we must ask the question of how the international community can be expected to ensure said protection. Glanville (2010: 297) suggests this is what is known as the 'imperfect duty' since no one in particular is legally obliged to act.

For instance, in 2007 the International Court of Justice (ICJ) ruled on *Bosnia v. Serbia*; in doing so, it offered an evaluation of a state's obligation to prevent genocide outside its own boundaries. The ICJ found that Serbia was not itself responsible for the genocide; however, the Court found that Serbia *was* responsible for failing to prevent the occurrence of genocide in Srebrenica in 1995. Since Serbia did not "employ all means reasonably available to them," and therefore did not prevent the genocide, it was found to be in violation of Article 1 of the Genocide Convention. Article 1 states that the contracting parties confirm that genocide is a crime under international law which they undertake to prevent and punish (International Court of Justice, 2015: 430). However, the ICJ did not evaluate the damages or assess reparations in this case because it could not conclude "with a sufficient degree of certainty that the genocide at Srebrenica would in fact have been averted if the Respondent had acted in compliance with its legal obligations" (International Court of

Justice, 2015: 462). What then, was the point? If a state can be held responsible, but not punished for its crimes, why hold it accountable at all?

Glanville (2010: 303) contends that from the political standpoint, state actors are often subject to socio-political pressures. Often, socio-political forces influence states, international institutions, and regional organisations to respond to human rights violations because not to act might destabilise their international legitimacy or domestic approval. For instance, supported by public opinion, the United States (US) launched Operation Restore Hope in an effort to calm the humanitarian crisis in Somalia in 1992. In 1993, however, two US black hawk helicopters were shot down by warlord Muhammad Farah Aideed which resulted in a battle and the deaths of 18 US soldiers. Public opinion in the US faltered and President Bill Clinton pulled US troops out of Somalia just days later, leaving the country in shambles (History.state.gov, 2015). International, regional, and state actors are subject to political considerations, and those considerations can significantly alter how they react to humanitarian crises.

Glanville (2010: 305) concludes that R2P can be conceptualised in moral, legal, and political terms. In other words, R2P is not simply one or the other; it is a combination of the three notions. Glanville maintains that understanding how R2P can be conceptualised is the key to clarifying who shoulders the responsibility to protect and to what degree we can reasonably expect it to be performed. However, he does not sufficiently answer either

question. We are still left asking who is primarily responsible for the protection and how well R2P can reasonably be expected to function. In response to the ICJ ruling in *Bosnia v. Serbia*, William Schabas (2007: 115) proclaimed that the ICJ's conclusion "seems pregnant with potential for the promotion of human rights and the prevention of atrocities." Supporters of R2P do not claim its perfection. They simply believe R2P is the world's best opportunity to ultimately end human rights violations; R2P is the world's most promising opportunity to help end genocide, war crimes, crimes against humanity and ethnic cleansing. Successful implementation of its potential is the key to the success of R2P but so far, it appears to remain simply "pregnant with potential."

In Opposition to the Responsibility to Protect

Scholars who are suspicious of the R2P principle are not optimistic about R2P's potential for success, and many consider the principle to be impractical. R2P's opponents argue that the doctrine simply doesn't work, or places too much stress on the use of military force, or is merely an instrument for Western intervention. James Pattison (2010) acknowledges that the ICISS's plea to the international community was a very general one. The ICISS claimed that the UN Security Council should sanction forceful action to alleviate humanitarian crises, but it did not clarify who shoulders the responsibility to do so. This generates confusion surrounding the functionality of R2P. Essentially, R2P is an incomplete framework. Debate over R2P

revolves around whether or not the international community has the capacity to offer a viable blueprint for the successful end to large-scale atrocities and mass human rights violations.

Philip Cunlife (2010: 86) claims that the R2P framework could cruelly raise expectations of international support that have hardly any hope of ever being fulfilled. Other opponents to R2P believe it to be a means of extending Western supremacy and even a threat to international stability (Hehir, 2013: 135). Those who challenge R2P claim that, in contrast to Alex Bellamy's confidence that R2P has been accepted by all major states, R2P has not in fact been greeted with unanimous support (Hehir, 2013: 132). A major source of Bellamy's optimism is that the R2P doctrine was approved by all UN member states. However, Gareth Evans, the co-chair of the ICIISS report on the responsibility to protect, admits that the self-described friends of R2P have misdirected enthusiasms and have been less than entirely welcome (2008: 55). Aiden Hehir (2013: 132) asserts that R2P's claim to be a revolutionary principle is in fact, widely disputed.

Glanville (2010: 301) argues that the ICJ ruling in *Bosnia v. Serbia* set the bar for a determination that states could be found guilty of failing to act to prevent genocide. However, critics contend that the Court's interpretation of the duties of the states to "employ all means reasonably available to them" is too broad. In fact, some scholars have gone so far as to suggest that the judgment imposes legal responsibilities on all parties to the Genocide

Convention. William Schabas (2007: 115) asks: should we hold France, Belgium and even the United States accountable for the crisis in Rwanda? After all, these states had the capability, but failed to stop the genocide in Rwanda in 1994. Jose Alvarez (2008: 282) asks: Since the ICJ failed to assess reparations when finding one state to be so clearly in violation of its responsibility to prevent, how much more difficult would it be to determine damages in a case were many actors could be considered to be at fault? Glanville (2010: 302) asserts that the degree to which the international community shoulders a legal obligation to protect is to remain highly contested in the near future. The legal responsibility to protect remains unenforceable.

David Chandler (2009: 1) proclaims, "One of the most striking aspects of the 'responsibility to protect' doctrine appears to be the gap between the promise and the reality." A chief argument against the R2P doctrine involves whether it is possible to successfully *prevent* mass atrocities. The ICISS report emphasised the international community's responsibility to prevent human rights violations, but it did not provide many tangible policy options or suggestions for reform (Hehir, 2013: 137). More importantly however, opponents to R2P question whether it is possible to prevent humanitarian crises at all. If each situation is different, how can the international community be expected to identify future crises in time to prevent them? Henry Huttenbach (2008: 472) observed that, "the capability to predict wars, civil

strife and revolutions, let alone specific genocides, with any kind of reasonable, rational certitude escapes even the most knowledgeable". Additionally, state actors are not inclined to spend valuable resources fighting foreign wars; this arguably means that they are much less likely to do so in cases of *potential* war (Hehir, 2013: 134). Those who take this view suggest that it would be more practical to place the emphasis on the responsibility to react rather than to prevent, and that R2P's focus on the responsibility to prevent is in itself, a failure.

A second challenge to R2P includes the argument that R2P is merely a tool for the powerful to interfere and infringe on the sovereignty of other nation states (Hehir, 2013: 134). In his critique of Louise Arbour's article, 'The responsibility to protect as a duty of care in international law and practice' (2008), Philip Cunlife (2010: 79) argues that the R2P principle is regressive. Arbour's article favours the responsibility to protect doctrine over more traditional humanitarian action, and she provides her support for R2P on the basis that it embraces the point of view of the victims rather than the right of states. In his critique of her article, Cunliffe (2010: 86) asserts that R2P represents an 'imperfect duty' that no particular agent is obligated to fulfil. Cunliffe argues that there is no mechanism for enacting the R2P principle, and so the 'imperfect duty' will remain tied to the prerogatives of states; therefore, R2P is effectively in league with the principle of 'might makes right'. Cunliffe (2010: 80) contends that R2P strengthens state power. The 'imperfect duty'

makes the R2P principle unclear and according to Cunliffe, this means that power will ultimately determine the conditions under which a duty is performed.

For critics of R2P, it is impractical to assume involvement in humanitarian crises can ever be perfectly regulated, and so perhaps the principle is inherently flawed. Humanitarian concern is infamously partial – some cases receive international consideration while others do not. Slavoj Žižek (2009: 3) remarks,

The death of a West Bank Palestinian child, not to mention an Israeli or an American, is mediatically worth thousands of times more than the death of a nameless Congolese. Do we need further proof that the humanitarian sense of urgency is mediated, indeed over determined, by clear political considerations?

Citing R2P allows states to claim that they are acting on behalf of common humanity. Cunliffe maintains that this gives powerful states more opportunities to intervene in the affairs of weaker states to serve their own purposes. The UN Special Advisor on the Responsibility to Protect, Ed Luck, states: "Ultimately, of course, it is all about political will" (2010).

Humanitarian intervention is often seen as a catalyst for the use of force. The R2P doctrine suggests that military force should only be used as a last resort and proponents for R2P insist that what comes first, second, third, etc. is a range of other options, including peaceful diplomatic, humanitarian, and other measures to protect populations and prevent mass atrocities

(Verhagen, 2008). However, the world is familiar with the UN Security Council authorised NATO airstrikes on Musammar Gaddafi's forces in Libya in 2011. The UN Security Council cited R2P in their decision to intervene, and the NATO airstrikes were said to have been deployed in an effort to save civilians from widespread systematic attacks; however, many claim that the military intervention was simply a disguise for Western-sponsored regime change in Libya (Norton-Taylor, 2014). Controversy surrounding the crisis and the NATO airstrikes in Libya has dominated the R2P debate ever since.

A final key challenge to R2P involves its nebulous nature. Proponents of R2P have claimed that while R2P may not yet have significant legal standing, it is a norm. Others proclaim, however, that the term 'norm' has been used very loosely in respects to R2P (Hehir, 2013: 137). Theresa Reinhold (2010: 74) observes that beyond the general agreement that states should not commit horrific acts against their citizens and that the international community *might* get involved if they do so, R2P is completely underdeveloped. As such, R2P should not be considered a norm while there is confusion as to its meaning and contestation surrounding its principles (Hehir, 2013: 138). Cunliffe (2010) argues further that the vague nature of R2P implementation will have serious consequences for the structure of political relations between states and their peoples. Cunliffe (2010: 81) declares, "If states are seen less as emanating from their people's will but rather as one apparatus among others for the enforcement of disembodied global duties, this

will dilute the relationship of representation between a people and a state". In other words, the R2P principle makes the state less responsible to its own people.

The R2P principle offers no guarantees to end the suffering of victims. According to Cunliffe (2010: 86), "In the end, all the doctrine can really offer is the vague assurance that remote foreign powers may involve themselves in a conflict if it happens to be convenient for them to do so". Although R2P may have been founded on the noblest of intentions, its track record since its introduction in 2001 is dreadful, and there is no reason to believe that R2P will ever become the strong norm that it was envisioned to be (Murray, 2013). The R2P doctrine is a failure on its own terms – the principle makes the application of power less accountable, and as Cunliffe (2010: 81) points out, "unaccountable power is ultimately irresponsible power".

Intentions, Methodology, and Limitations

The responses to humanitarian crises have always been varied, from the 1990s with Somalia, Bosnia, Rwanda, and Kosovo to the more recent crises since the advent of R2P in Libya, Syria, Nigeria, Yemen, and so on. It is critical to evaluate whether R2P provides an effective framework to combat these crises because if it does not provide viable solutions, then perhaps better policies should be investigated. R2P (and even humanitarian intervention in general) is a fairly new norm over recent decades and is still constantly in development. We must evaluate the functionality of its policies in order to

determine whether the institutional architecture of international society is adequately equipped to address human massacres and other large-scale atrocities in a timely and effective manner. R2P is one framework for this task and as such, it is imperative that we understand its development and its ultimate effectiveness in international society. One of the key critiques of R2P is that it does not work, or is a failure. This dissertation will examine those cases where R2P activities have not resulted in a remarkable intervention or been an obvious success, but have nevertheless made a difference.

Before evaluating the efficacy of non-military forms of engagement in humanitarian crises, it is necessary to first define what we mean by the word 'effective'. What makes an operation effective? In military terms, this question is more or less simple to answer. In his essay titled *Principles of War* written in 1812, Carl von Clausewitz (Clausewitz and Gatzke, 1942) suggested that the main objectives of military violence are: (1) to conquer the armed strength of the enemy, (2) to take ownership of the enemy's source of strength, and (3) to gain public approval. Over two hundred years later, these objectives have not changed significantly. For all intents and purposes, a successful military intervention includes the achievement of the operation's goals with minimal loss of life. The ultimate goals of non-military efforts are essentially the same. "The coercive aspect of war involves fending off the enemy's blows while delivering your own, eventually convincing your opponent to give up and just do what you want" (Rose, 2010: 3). In cases of humanitarian intervention,

these 'coercive aspects of war' may not always involve violent or military measures; often, other coercive actions involving economic or targeted sanctions (such as travel bans and asset freezes) are taken in an effort to reach a solution. In humanitarian intervention cases, the end-game is the same as in war: a successful conclusion is one in which the opponent gives up and does what you want. For the purposes of this dissertation, the author will denote an 'effective' operation under the auspices of R2P as one which uses coercive measures to cause a significant improvement to the crisis at hand in an effort to ultimately bring peace to a situation.

In order to evaluate the effectiveness of non-violent forms of engagement in humanitarian cases, the author will perform content analysis on documents as sources of data. Information will primarily be taken from official state documents, state released statistics, reports released by official organisations, and news articles from mass-media outputs. There are various limitations to consider when assessing the efficacy of non-violent engagements in response to humanitarian conflicts by using documents as a source of data. First, it must be said that it is nearly impossible to determine the full effectiveness of a policy in an on-going conflict; however, it is nevertheless imperative to continuously evaluate the efficacy and functionality of the R2P principle, even as operations may still currently be taking place. Experts insist there are ways to successfully intervene in humanitarian cases non-militarily, but these ways often take more time to yield results

(Caulderwood, 2015). Second, it is crucial to point out that the facts and figures emerging from humanitarian crises are often considerably unreliable. Corrupt governments seldom provide dependable information, and sometimes on-the-ground intelligence is not entirely accurate. The author will make every effort to ensure that any statistics reported are legitimate.

The R2P principle maintains that the state holds the primary responsibility for protecting its population from genocide, war crimes, crimes against humanity and ethnic cleansing. The principle strives to support sovereign states in developing their own capabilities to do so successfully (Welsh, 2010: 417). The international community may assist or intervene if the state fails to provide its citizens with these basic humanitarian rights, but the R2P framework insists that military intervention should be the last resort when considering how to handle humanitarian crises. According to the R2P doctrine, the international community should exhaust all other options including all coercive measures such as economic sanctions before involving the military. This means that in humanitarian cases where no intervention has seemingly taken place, it does not necessarily mean that *no* action was taken at all in order to facilitate peace. There may have been other forms of non-violent engagement taken under the auspices of R2P. If so, what were they? Were they effective? What is clear from the literature surrounding the topic of humanitarian intervention is that the choices facing the international community are no longer limited to either sending in troops or doing nothing

(Welsh, 2010: 416). With the advent of the R2P principle, the international community now has an assortment of military and non-military instruments for involvement in humanitarian crises. Alex Bellamy (2015: 100) claims, "Successful cases of prevention are the 'dogs that didn't bark' – silent and generally ignored by the outside world." How accurate is Bellamy's statement? This dissertation will be an examination of what has so far been achieved in cases that have otherwise been written off as non-actions, particularly in three separate cases over the last decade in Kenya, Yemen, and Nigeria. In doing so, it is the author's purpose to assess whether R2P provides an effective framework by which the institutional architecture of international society can become adequately equipped to address large-scale atrocities in a timely and effective manner.

Additionally, it is important to note that the effects of the R2P doctrine are not tangible or clearly evidenced. As a result, it is significantly difficult to calculate the precise effects of R2P intervention. This is primarily because the debates surrounding the success and failure of R2P must always be limited by the fact that R2P is too focused on defining its efficacy by calculating outputs. It is difficult to capture the effect of inputs such as those this dissertation is examining. However, rather than calculate the outputs of its operations, the author will primarily focus on what has been achieved, or not achieved, in R2P development in the last decade by investigating individual cases in which nonviolent engagements were the primary methods of intervention.

Chapter Two: Case Studies

The world is familiar with the actions taken to protect the victims of human rights violations, particularly when military intervention is undertaken. For instance, in an effort to save civilians from widespread and systematic attacks in 2011, the UN Security Council formerly cited R2P and authorised a NATO airstrike on Muammar Gaddafi's forces in Libya (Bellamy, 2015: 9). Controversy surrounding the air strikes and the continuing crisis in Libya have been a hot topic in the news ever since. But what do we know about the cases that did not result in military intervention? What has been achieved elsewhere under the auspices of R2P? This chapter will examine and evaluate the non-violent forms of engagement taken to prevent the spread of human rights violations in Kenya, Yemen, and Nigeria. Even though these cases did not play host to a large military interventions, R2P activities may have nevertheless generated a positive impact.

Kenya: Political and Humanitarian Crisis

After a disputed presidential election in 2007, Kenya erupted in large-scale ethnic violence. Kenya is a country with over 70 different ethnic groups; the five largest among them are the Kikuyu, Luhya, Luo, Kalenjin, and Kamba. Since gaining independence from Britain in 1963, Kenya's elections have been dictated by ethnic affiliation. The ethnic groups affiliated with the

opposition often suffer from exclusion and discrimination (Responsibilitytoprotect.org, 2015). Throughout the 2007 electoral campaigns, two primary political parties were competing for the presidency – Mwai Kibaki of the Party of National Unity (PNU) and Raila Odinga of the Orange Democratic Movement (ODM).

Both parties were supported by political constituencies rooted in ethnicity; the largest ethnic group, the Kikuyu, supported the PNU; the Luo, Luhya, and Kalenjin supported the ODM. After incumbent president Mwai Kibaki of the PNU party was declared the winner on 27 December 2007, the ODM party rejected the results and insisted the election had been manipulated. This was confirmed by international organisations, including the European Union (Gettleman, 2007). The announcement of the electoral results prompted widespread and organised violence; more than 1,000 people were killed, and over 500,000 civilians were displaced. In addition to contributing to the despair and anger over corruption and poverty in the country, the riots exposed the underlying tensions among ethnic groups in Kenya (Langer, 2011: 10). After the conflict, evidence surfaced suggesting that a considerable amount of the violence had been pre-planned by community leaders and politicians. Additionally, reports indicated that Kenyan police forces were responsible for almost 40% of civilian deaths (Responsibilitytoprotect.org, 2015).

Kenya: Regional and International Response

International response to the crisis was almost instant. On 31 December 2007, UN Secretary General Ban Ki moon expressed concern for the ethnic violence in Kenya and asked for the population to remain calm (Responsibilitytoprotect.org, 2015). The UN High Commissioner for Human Rights, Louise Arbour, criticised the Kenyan government and declared that it should stand by its human rights obligations (The Right to Name and Shame, 2008). In the first week of January, South Africa's Archbishop Desmond Tutu led the effort to peacefully resolve the crisis through dialogue (Wooldridge, 2008). Later in the week, Archbishop Tutu was joined by US Assistant Secretary of State for African Affairs, Jendayi Frazer. In an attempt to develop a more tangible response to the crisis, former African presidents Benjamin Mkapa (Tansania), Joaquim Chissano (Mozambique), Ketumile Masire (Botswana), Kenneth Kaunda (Zambia), and African Union Chairman, Ghanaian President John Kufuor arrived in Kenya on 8 January 2008 in order to begin negotiations for mediation (Responsbilitytoprotect.org, 2015). Unfortunately, they were unable to successfully negotiate a peace agreement at that time.

On 10 January 2008, former UN Secretary General Kofi Annan (replaced by Ban Ki moon in 2007) was acknowledged by both the PNU and ODM parties as the African Union (AU) Chief Mediator. Annan and the AU conferred with the negotiation teams from both parties. Annan and the AU

also held individual and joint conversations with both Kibaki and Odinga. Kibaki and Odinga met with Annan for the first time on 24 January 2008, and afterward Annan stated he believed both parties had taken the "first steps towards a peaceful solution of the problem" (BBC News, 2008). After the meeting, both Kibaki and Odinga expressed their commitment to peace and asked their supporters to remain calm as they continued to collaborate towards a solution.

Although violence continued in several regions of Kenya, particularly in the Rift Valley Province, mediation was eventually successful and a power-sharing agreement was signed on 28 February 2008 (BBC News, 2008). The agreement, titled the National Accord and Reconciliation Act, established the post of Prime Minister in Kenya. The agreement states that the new position is an elected one and the Prime Minister's office holds the power to coordinate and supervise the implementation of government functions (BBC News, 2008). At the conclusion of the agreements, Mwai Kibaki remained President and Raila Odinga became Prime Minister. Additionally, the agreement established a truth and reconciliation committee, an independent review committee to evaluate the electoral process, and a commission of inquiry on the post-election violence aimed at identifying and prosecuting offenders (Langer, 2011: 11).

Evaluation of R2P in Kenya

The swift reaction by the international community to end the violence was heralded by the Human Rights Watch as "a model of diplomatic action under the 'Responsibility to Protect' principles" (Responsibilitytoprotect.org). UN Secretary General and AU Chief Mediator Kofi Annan (Cohen, 2008) declared,

When we talk of intervention, people think of the military. But under R2P, force is a last resort. Political and diplomatic intervention is the first mechanism. And I think we've seen a successful example of its application [in Kenya].

There were several reasons for the international community's successful response to the violence in Kenya; chief among them is the Kenyan authorities' willingness to accept regional and international assistance. Often a contested issue among R2P critics, the international community's intervention in sovereign affairs went largely unchallenged in Kenya (Langer, 2011: 12).

Although relations between Kibaki and Odinga were "very icy" at the start of 2008 and Odinga was threatening to form an alternative government, Annan managed to convince Kibaki and Odinga that neither could run the country without the other (Cohen, 2008). If neither party conceded some points, political gridlock would persist in the state and many more killings would occur as a result. In his efforts to protect Kenya from further ethnic violence and continuing civil unrest, Annan (no doubt thinking of past situations in Rwanda and Darfur) asserted that "when you have ethnic

violence, if you don't mediate quickly, you get a hopeless situation" (Cohen, 2008). Annan coordinated a successful intervention in which several parties had different responsibilities: (1) the African Union commanded rapid preventative action, (2) the UN Security Council issued a statement of its support, and (3) American power was exercised discretely by encouraging power sharing agreements rather than organising military operations (Cohen, 2008).

Additionally, the joint effort by regional and international communities placed pressure on the party leaders to reach an agreement. The experience in Kenya teaches that the 'protection' pillar of R2P is most effective when the UN and other regional organisations work closely together (Bellamy, 2015: 90). Although international involvement in Kenya's sovereign affairs remained largely uncontested, at one point Kibaki's foreign minister did indeed argue that Kenya would not adhere to orders given by foreign governments. However, the pressure from regional and international governments and organisations cornered Kibaki, and he eventually compromised and agreed to empower Odinga as Prime Minister (Cohen, 2008). Ultimately however, whether it is by military force or otherwise, intervention can only be considered successful when its effects are long-lasting (Fukuyama, 2006). In other words, the intervention must solve the crisis at hand, but also develop a nation-building process that will stop the area from once again becoming a security threat in the future (Langer, 2011: 13).

The Kenyan people played a large part in this process; they were significantly involved in forcing the reconciliation. Although external pressures facilitated the agreement, leaders in media, religion, law, and business worked towards reaching a settlement as well (The Economist, 2008). Additionally, a long debated new constitution was passed by public referendum in August 2010; the new constitution decentralises the political system and limits the president's power (BBC News, 2010).

In the end, the crisis in Kenya was not solved by airstrikes and other forms of military intervention; it was solved by the well-timed diplomacy and coordination of both regional and international communities. Kofi Annan was able to use R2P to coax the country's political leaders into an agreement and also to rouse international attention. In that, R2P efforts in Kenya were successful. After all, the international community's diplomatic intervention used R2P to end the killings, effect constitutional change, and to involve the ICC in investigating violent crimes (Bellamy, 2015: 65).

However, the first pillar of the R2P doctrine states that the international community has the responsibility to prevent mass atrocities and large-scale human rights violations (International Commission on Intervention and State Sovereignty, 2001). In reference to the responsibility to prevent, the diplomatic efforts in Kenya came too late. By the time R2P efforts were implemented, hundreds of people had been killed and thousands had been displaced. The international community would have been more aware of the

ethnic tensions and conflicts after the elections if it had a more efficient warning system (Langer, 2011: 16). Furthermore, the R2P doctrine not only implies that the international community has the responsibility to prevent mass atrocities, but also the responsibility to rebuild. In order for R2P intervention to be truly successful, the international community must be sure that a sustained rebuilding process takes place. In Kenya's case, some argue that the UN Peacebuilding Commission is too small to have a complete impact on the internally displaced persons (IDP) situation in Kenya (Cohen, 2010). Only a small portion of IDPs were settled after the conclusion of the initial crisis, and many of those settled did not have adequate security or livelihoods (Cohen, 2010). As a result, the rights of many IDPs were not fulfilled. Kenya is not yet 'out of the woods' (Responsibilitytoprotect.org). The government is still failing to tackle the enduring ethnic rivalries over resources and land, and the police force remains corrupt and is yet to be restructured. R2P's rebuilding process ultimately comes down to the state's responsibility to maintain security, but achieving lasting peace also requires international support (Langer, 2011: 13). In these respects, R2P was largely unsuccessful in Kenya.

The application of R2P in Kenya had severe weaknesses in its capability to prevent and rebuild. R2P is primarily about prevention and the doctrine works hard to distinguish its policies from those of humanitarian intervention, which is only about reaction (Evans, 2013). In this respect, it seems that a monumental flaw has occurred in the case of Kenya. However,

the case of R2P in Kenya is still particularly significant because it has shown the world an effective method of reaction and intervention that does *not* involve the military or further violence. This is important for further developments of the R2P doctrine. Kenya provides a foundation upon which the international community can build upon in the future. Many countries in the global South fear that R2P threatens their sovereignty (Langer, 2011: 3). However, if the UN and other international and regional organisations prove they can continue to react non-violently and help solve crises quickly and effectively, the R2P doctrine may slowly begin to build trust internationally.

Yemen

Unlike the crisis in Kenya, the conflict in Yemen is on-going and continues to this day. Current headlines from leading news outlets read: *UN Leader Calls Yemen a 'Ticking Bomb' Amid Delay in Cease-Fire* (The New York Times), *Arab Air Strikes Hit Yemen as Peace Talks Begin* (Reuters) and *Yemen 'Hangs in the Balance' as War Rages* (Sky News). As previously mentioned, it is difficult to assess the overall effectiveness of international efforts as the efforts are being made; however, although international efforts are currently developing in Yemen and it is difficult to see their effects clearly, it is nevertheless important to evaluate the on-going developments of R2P in order to determine whether alternative options should be considered. What has

the international community contributed to help solve the on-going crisis in Yemen, and how have their efforts added to the development of R2P?

Yemen: Political and Humanitarian Crisis

Since the unification of Communist South Yemen and traditional North Yemen in 1990 Yemen has slowly been reforming and becoming more modern (BBC News, 2015). However, it still maintains much of its ethnic and tribal culture. Government troops and Houthi rebels, a Shia militia from northeast Yemen, clashed in 2009 and regional tensions emerged in full force. The conflict killed hundreds and displaced at least 250,000 people. Yemen faced further political turmoil once again in 2011 when protesters, motivated by the Arab Spring in Egypt and Tunisia assembled against the decades-long rule of President Ali Abdullah Saleh. After months of protests, President Saleh stepped down as part of a deal negotiated by the Yemeni government and neighbouring countries in November 2011. President Saleh was replaced by his former Vice President Abd Rabbuh Mansur Hadi (BBC News, 2015).

For a time, the Yemeni Revolution seemed to be resolved, but civil unrest endured and President Hadi had to contend with many military officers who were still loyal to Saleh (Taylor, 2015). In September 2014, amid a UN assisted political transition process, the Houthis and allied militias took over the country's capital, Sana'a. The Houthis rejected a constitution proposed by the government in January 2015, and the growing violence and political pressure forced President Hadi to flee to the Southern city of Aden in February

2015 (BBC News, 2015). The Houthis eventually advanced toward Aden and President Hadi was forced to relocate to Riyadh in Saudi Arabia in March (Bora, 2015). Also in March, a coalition of nine other states plus Saudi Arabia responded to the Yemeni government's request for regional military intervention (Botelho and Ahmed, 2015). Despite their efforts to combat them, the Houthis, who are allegedly supported by Iran (Taylor, 2015), and various pro-Saleh forces now control most of Yemen, including the capital and most of Aden. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), 19 of Yemen's 22 governorates are affected by the armed violence caused by the mounting conflict.

The on-going violence between various pro-Hadi forces and the Houthis, as well as months of airstrikes by the coalition, have resulted in more than 330,000 displaced persons and over 1,500 deaths, many of which are civilian (R2P Monitor, 2015). The Saudi-led airstrikes have caused severe damage to civilian infrastructure, hitting schools, hospitals and food storage facilities. On the other side, the Houthis have been accused of shelling civilian areas and sniping at civilians (Yemen Times, 2015). The conflict between the Shia Houthi rebels and the primarily Sunni forces loyal to President Hadi's government contributes to further fracturing of the Yemeni people along tribal and sectarian lines (R2P Monitor, 2015). Meanwhile, the instability in Yemen and the growing tensions between Shia and Sunni people have enabled terrorist groups like Al-Qaeda and ISIL to increase their presence in Yemen

(BBC News, 2015). The recent ISIL-backed mosque bombings in Yemen indicate a significant acceleration of sectarian aggression (Freeman and Marszal, 2015) and Yemen's instability has raised the international fear that conflict there could spread to other areas in the region (BBC News, 2015). It is argued that the Yemeni government's inability to defend the lives and rights of its civilians suggests it has failed in its responsibility to protect and as a result, international support is required (R2P Monitor, 2015).

Yemen: Regional and International Response

In response to the Yemeni Revolution inspired by the Arab Spring, the UN Security Council adopted Resolution 2014 on 21 October 2011. The resolution expressed grave concern at the situation in Yemen and strongly condemned the human rights violations conducted by the Yemeni authorities. It demanded that all sides immediately stop the use of violence to achieve political goals. In short, Resolution 2014 affirmed Yemen's primary responsibility to protect its population (Un.org, 2015). Upon the election of President Hadi in 2012, in which he ran unopposed, the revolution initially seemed to be resolved. However, sectarian tensions and civil unrest continued in the country.

After the Houthis took over the capital in September 2014, the UN and other regional organisations including the Gulf Cooperation Council (GCC) encouraged discussions between the Houthis and the Yemeni government in order to facilitate a transitional government. The Houthis and the Yemeni

government agreed to form a unified administration (Al Jazeera, 2014). In an effort to compromise, President Hadi appointed Ahmad Awad bin Mubarak as prime minster. However, the Houthis rejected Mubarak; President Hadi conceded and offered Oil Minister Khaled Bahah instead, with Houthi approval (Al Jazeera, 2014). Despite the efforts of the Yemeni government and international organisations to solve the crisis, intense fighting broke out in Sana'a in January. To add to the confusion, Yemen's security forces have split loyalties (BBC News, 2015). Although it initially looked like a coup, the Houthi leaders offered President Hadi a power-sharing accord. However, Yemen's leaders did not accept the agreement and resigned all together. President Hadi stated that the two sides had "reached a dead end" (Taylor, 2015). The UN Security Council has since imposed a partial arms embargo, asset freezes and travel bans on Houthi leadership (Resolution 2216), and has expressed its support for President Hadi, in exile in Riyadh (Tuckwell and Smyth, 2015).

On 15 February 2015 the UN unanimously adopted a resolution in response to the on-going conflict in Yemen (United Nations Security Council, 2015). Resolution 2201 condemned the takeover of the capital and demanded that the Houthis retreat (The Guardian, 2015). It reaffirmed the UN's strong commitment to the unity, sovereignty, independence and territorial integrity of Yemen. The resolution condemned the actions taken by the Houthis to disband parliament and take over Yemen's government institutions; the UN Security

Council claims that the Houthis' actions have gravely escalated the situation and threatened Yemen's rights to its unity, sovereignty, independence, and territorial integrity (United Nations Security Council, 2015). Furthermore, Resolution 2201 expressed its support for the efforts of the GCC in Yemen (United Nations Security Council, 2015).

The GCC includes the United Arab Emirates (UAE), the Kingdom of Bahrain, the Kingdom of Saudi Arabia, the Sultanate of Oman, Qatar, and Kuwait (Gcc-sg.org, 2015). Saudi Arabia and other members of the GCC have strongly denounced the Houthi takeover in Yemen (R2P Monitor, 2015). In March 2015, Yemen officially requested military assistance from the GCC to combat the Houthi takeover in Yemen. The GCC was keen to assist because although Yemen is not an official GCC member, the nation holds a strategic key to the overall regional security of the Arabian Peninsula (Gasim, 2015). Soon after the request, Saudi Arabia announced that a coalition of 10 countries, including five of the six members of the GCC, made the decision to intervene militarily. The coalition began airstrikes in the last week of March 2015. The United States has provided intelligence and logistical support to the regional coalition, while on the other hand Russia and Iran condemn the military intervention and demand that it end (Al Jazeera, 2015).

Although they did not initially object to the coalition-led airstrikes, the UN has since expressed alarm regarding the airstrikes and the mounting sectarian tensions in Yemen (R2P Monitor, 2015). On 9 April 2015, the UN

Special Advisers on the Prevention of Genocide, Adame Dieng, and the Responsibility to Protect, Jennifer Welsh, expressed concern at the impact that the military operations have had on the civilian population at the request of the government of Yemen (Un.org, 2015). Dieng and Welsh announced their shock that protected groups, including health workers and civilian objects such as education and medical buildings and private homes, have been indiscriminately attacked over the course of the war; they reminded all parties that these sites are protected under international law and as such the attacks "could constitute war crimes" (Un.org, 2015). The Special Advisers noted that since the revolution in 2011, the people of Yemen have made a concerted effort to settle their disputes and differences through political dialogue. However, the fighting in Yemen is weakening this resolve and further increasing the sectarian divide. Once again, the UN reminded Yemen's government of the responsibility to protect that it, and all Heads of State and Government, committed itself to at the 2005 World Summit (Un.org, 2015). On 30 April 2015, UN Secretary General Ban Ki moon indeed confirmed that the "attacks on civilians and civilian infrastructure, including hospitals, humanitarian warehouses, and UN compounds, are unacceptable and in violation of international humanitarian law" (Un.org, 2015).

The UN Security Council Resolution 2216 adopted in April 2015 requires that all parties, particularly the Houthis, instantly end the violence and refrain from further actions that may undermine the political transition (Un.org,

2015). The resolution called for all parties to abide by the GCC and other initiatives, and to resume the implementation of the original UN-brokered political transition (Un.org, 2015). UN-sponsored peace talks are set to begin in Geneva on 14 June 2015 (BBC News, 2015). Delegations will represent the exiled President Hadi and the Houthi rebels, but it is not expected that they will meet face to face (BBC News, 2015). The GCC has announced that should the peace talks in Geneva fail, it will continue to take necessary steps to retain the national security of its members (Al Bawaba, 2015). In other words, the airstrikes in Yemen will continue unless an agreement is reached.

Evaluation of R2P in Yemen

As previously mentioned, Alex Bellamy (2015: 100) claims, "Successful cases of prevention are the 'dogs that didn't bark' – silent and generally ignored by the outside world." Bellamy asserts that the Yemeni crisis in late 2011 is one of these cases. In his book, *The Responsibility to Protect: A Defence*, Bellamy claims that the negotiated transition of power in Yemen was reasonably peaceful in 2011, and "has thus far kept the country out of full-blown civil war" (2015: 100). The negotiations in 2011 were headed by the GCC and supported by the international community (Bellamy, 2015: 171). Bellamy argues that the outcome of the 2011 Yemen conflict is further proof that protection is most successful when regional organisations and the UN work closely together to reach a solution (2015: 90). It is true that regional and international organisations worked together to reach a relatively

peaceful solution to the crisis in 2011; however, it can no longer be said that the 2011 negotiated transition of power has continued to keep the country out of a civil war. In actuality, the newspaper headlines tell a different story – depending on who wrote the article, the country is on the edge of civil war or perhaps already in the midst of one.

Unfortunately, the international and regional communities' labours in Yemen in 2011 were not enough to prevent a second crisis from erupting in 2015. The three responsibilities under R2P are to prevent, to react, and to rebuild (International Commission on Intervention and State Sovereignty, 2001). According to R2P, the state has the primary responsibility to *prevent* humanitarian crises from happening, *react* if and when they do happen, and to *rebuild* the nation after a crisis; however, failing that, the responsibility falls on the international community. In 2011, the GCC and international community reacted to resolve the crisis in Yemen, and in so doing they may have prevented widespread atrocities, but they did not successfully commit themselves to rebuilding the nation. As a result, the state itself and the international community have failed to prevent further conflict in Yemen. After what Bellamy (2015: 171) calls the successful transition of power in 2011, civil unrest continued and the new President Hadi had to contend with many military officers who were still loyal to the former President Saleh. Consequently, the question must be asked – can the transition of power truly be considered successful? In just three short years since the transition of power,

Yemen has developed into a full-blown civil war. As a result, there have been many civilian deaths (at least double the amount of civilian deaths that occurred during the 2011 crisis), President Hadi is currently exiled in Saudi Arabia, and the instability has ultimately enabled terrorist organisations to increase their presence in the country.

Traditionally, the question of who governs a country should be left to its own citizens to answer, and as far as possible they should be left to answer it alone. The problem with this, however, is that dictators are not willing to peacefully give up their authority, and so the process of deposing them is likely to get people killed (Whitaker, 2011). It is hard to leave countries alone to manage their own affairs when civilians are being slaughtered and human rights are being threatened; often, there is pressure to intervene. Whitaker (2011) asserts that this has had a dependency effect on Arab cultures. Arab countries have a long history of outside political manipulation, and they oscillate between requesting foreign intervention and demanding that the international community, particularly the West, stay out of their affairs (Whitaker, 2011). A significant difference between the situations in Yemen and Kenya is that in Kenya both sides were relatively open to foreign involvement whereas in Yemen, the Houthis reject foreign intervention and are less willing to cooperate with international organisations and agencies, especially those from the West (Tisdall, 2015).

The United States and the United Kingdom, and regional allies like Saudi Arabia strongly supported the political settlement in Yemen following the Arab Spring. The agreement put pro-Western President Hadi in office, and President Hadi was meant to lead a parliament that represented all Yemeni political factions, with the exception of Al-Qaeda and other terrorist organisations (Spencer, 2015). Ultimately, the Houthis were not willing to accept former President Saleh's pro-Western replacement, and so civil unrest continued in Yemen, resulting in the violent takeover of the Yemeni government. This offers up a political paradox. Knowing that the Houthis oppose foreign involvement, what options are left to the international community? The Houthis are unlikely to submit to the will of the West a second time.

The international community cannot ignore the crisis in Yemen. The conflict is worrisome because it has greatly aggravated regional tensions (BBC News, 2015). Additionally, the instability in Yemen threatens the security of the West. Under President Hadi's rule, the United States was able to carry out drone strikes against Al-Qaeda in Yemen, but the Houthi takeover has now remarkably scaled back the US campaign (BBC News, 2015). Therefore, the Western players in the international community not only have the responsibility to protect the population in Yemen, but also the political will to do so for themselves. However, if history repeats itself, then simply sending in peace envoys and helping to broker an agreement between the two factions

does not bode well for Yemen's future. In order to avoid further catastrophe in Yemen, the state and the international community must learn from its previous mistakes. Consequently, installing a single pro-West head of state in Yemen is not likely to pacify the Houthis, or stem the flow of their growing support. Additionally, instability and widespread displacement, as well as corruption, weak governance, poor infrastructure, and resource shortages, have stalled development and growth; as a result, Yemen is the poorest country in the Middle East (BBC News, 2015). This economic instability has allowed rebel groups like the Houthis a platform upon which to stand and on which to expand. If the peace talks in Geneva are successful, and the two factions come to an agreement that facilitates peace, foreign powers should not leave Yemen to itself to rebuild. That did not work in the past, and it will not work in the future. The international and regional communities must fully commit themselves to rebuilding the country and finding a way to stimulate the Yemeni economy so that instability and unrest do not have as much room to grow.

As previously stated, it is difficult to determine the ultimate success or failure of an on-going operation. Additionally, it is considerably challenging to calculate the precise effects of R2P intervention primarily because the debates surrounding R2P are limited by the fact that R2P is too focused on defining its effectiveness by calculating outputs. So what have we learned from intervention under the auspices of R2P in Yemen? Regardless of its rate of

success or failure, actions taken under the auspices of R2P in Yemen do indeed shed light on some of its questionable policies. Conflict resolution measures in Yemen contribute to the argument that R2P puts a great deal of pressure on the deals that international delegates are able to offer human rights offenders. By raising expectations about what the international community should be doing in order to protect people from mass atrocities and end impunity, R2P constrains international negotiators' capacity to find a mediated resolution (Bellamy, 2015: 172).

In Yemen, the negotiations by the GCC and other international organisations in 2011 led to a fairly non-violent transition of authority. However, it is not likely that President Saleh would have consented to concede the presidency if an international court had already prosecuted him for committing war crimes like ordering his forces to fire on unarmed protestors. As it was, the GCC-brokered agreement was facilitated by a promise to offer immunity to President Saleh, and the United States government offered the outgoing president protection in the US after he stepped down, to the outrage of many human rights groups (Bellamy, 2015: 176). The GCC deal in Yemen traded justice in exchange for a fairly peaceful transition of power, and as such was welcomed by the UN Security Council in Resolution 2014. Bellamy poses the question: "What if the price of fidelity to a principle is paid for in the blood of the innocent because of the failure to negotiate an end to the violence?" (Bellamy, 2015: 176). Although many human rights groups

criticise the granting of immunity to President Saleh in this case and others like it, many might argue that the price is worth the gain. This is a debate that certainly deserves more attention when discussing the future of R2P's policies.

Nigeria

As with the crisis in Yemen, the crisis in Nigeria is still currently underway. The conflict has not been resolved and violence continues in Nigeria. In recent years, Nigeria has faced massive human rights violations, and the UN, ICC, and international community have responded in various degrees to the threats. However, there have been no UN-brokered peace agreements and the conflict in Nigeria continues. This section will examine what the international and regional communities have done to help resolve the on-going crisis in Nigeria, and will also evaluate the effect their contributions have had on the development of R2P.

Nigeria: Political and Humanitarian Crisis

Nigeria is a nation divided along cultural lines. It is split between the Muslim North and the Christian South, and another ten percent of the country belongs to indigenous sects. There are over 350 ethnic groups who speak over 250 languages (Responsibilitytoprotect.org, 2015). The nation is deeply split along economic lines as well. In 2014, the Council on Foreign Relations (CFR) reported that poverty levels were at 72 percent in the north, which harshly highlights the levels of 27 percent poverty in the south

(Responsibilitytoprotect.org, 2015). Nigeria is home to a weak and mistrusted government, widespread corruption, poverty, extreme cultural divisions and economic inequalities, and on-going battles against Islamic extremist organisations. These have all contributed to the existing security crisis in Nigeria.

In January 2010, Muslim-Christian tensions became violent in the capital of Nigeria's North-Central Plateau State, Jos. At least 400 people were killed and 18,000 were displaced before the military successfully intervened to end the violence (Responsibilitytoprotect.org, 2015). Human Rights Watch (HRW) reported that this was not the first deadly outbreak of violence in Jos; however, the government failed to hold anyone responsible for the acts (Hrw.org, 2010). The HRW also accused the Nigerian security forces of using excessive force against civilians during the conflict. The unrest and violence in the region persists. Over 500 more people were killed in attacks that took place months later in 2010, and over 360 people were killed two years later in 2012 in the Plateau and Kaduna States of the middle belt. Victims were burned alive, shot, and hacked to death (Hrw.org, 2014). Again in 2014, 100 more civilians were killed in Kano when Fulani Muslim herders attacked three Christian villages (Hrw.org, 2014). The violence is often linked to specific religious groups, but it is important not to discount the social, economic, and political factors that underpin the unrest in the nation (Responsibilitytoprotect.org, 2015).

To complicate matters further, the Islamic militant group called Boko Haram operates across the nation, particularly in North-eastern Nigeria. Boko Haram has been fighting to impose Sharia law across northern Nigeria for the last five years (Smith, 2015). Boko Haram members have kidnapped hundreds of children, men, and women, including the abduction and detention of 276 Nigerian schoolgirls from the village of Chibok, and have killed thousands of people (Caulderwood, 2015). Since early 2014, Boko Haram has increased the frequency and size of their attacks. It is impossible to know the exact cumulative death toll of their attacks, but the CFR Nigeria Security Tracker reports numbers as high as 18,000 in 2014 alone (Council on Foreign Relations, 2015).

The CFR Nigeria Security Tracker (2015), which maps the violence in Nigeria, reports that over 25,000 people have been killed in the country since 1999 and the violence has reached unprecedented levels since the start of 2014. Both the Nigerian security forces and the terrorist organisation known as Boko Haram have committed war crimes and crimes against humanity. In September 2014, human rights organisation Amnesty International published a report titled *Welcome to Hellfire* (2014), which stated that Nigeria's military and police forces routinely punish men, women, and children with beatings, rape, electric shocks and shootings, amongst other methods of torture. According to the Amnesty International report, the Nigerian government is aware of the torture, but has not taken significant measures to stop it. There

can be no question that the Nigerian government's management of the insurgency has not been successful. In fact, Amnesty International's Annual Report for 2012 claims that the government's actions have significantly contributed to the radicalisation of Boko Haram (Amnesty International, 2013). Weak political leadership by former President Goodluck Jonathan has added to the conflict's escalation as well, and President Jonathan has been accused of allowing the violence and widespread corruption (Caulderwood, 2015). The increased lawlessness, targeted violence, escalating sectarian tensions, and its military's own involvement in human rights violations has raised the question of whether Nigeria has lost its ability to protect its citizens (Responsibilitytoprotect.org, 2015).

Nigeria: Regional and International Response

In March 2014, the Nigerian Speaker of the House of Representatives, Aminu Waziri Tambuwal, stated, "Nigeria is running out of excuses for our failure to live up to our responsibility to protect our citizens" (The Guardian, 2014). In a recent television interview in February 2015, former United States Secretary of State Hilary Clinton stated that Nigeria's rulers have "squandered their oil wealth, they have allowed corruption to fester, and now they are losing control of parts of their territory" (Matsilele, 2015). In March 2015, Nigerian analyst Chris Ngwodo suggested that, "[Boko Haram] is an effect and not a cause; it is a symptom of decades of failed government and elite delinquency finally ripening into social chaos" (Council on Foreign Relations,

2015). Many regional and international leaders agree that the best way to fight Boko Haram is to repair the circumstances that have allowed the insurgency to fester.

The United States has supported the fight in Nigeria by sharing information and supporting programs and initiatives that provide positive alternatives to communities most at risk of recruitment and radicalisation, including vocational training. After Boko Haram kidnapped almost 300 Chibok schoolgirls from their dorms, the issue gained widespread international attention, especially when First Lady of the United States Michelle Obama participated in the international trend to "Bring Back Our Girls" (Matsilele, 2015). Foreign intelligence teams from the US, the UK, France, and Israel have assisted the Nigerian government in the search for the girls, and US spy planes were sent to fly over Borno State, where the girls were thought to be held (Matsilele, 2015). The UK has also sent experienced special forces advisers and communications equipment to aid in the fight against Boko Haram (Norton-Taylor, 2014).

Evaluation of R2P in Nigeria

Last year, Britain's Foreign Office identified Nigeria as the country that troubled them the most (Norton-Taylor, 2014). Nigeria has plenty of oil, but it also has poverty, corruption, a weak government, and most concerning, extremist Islamic terrorist groups (Norton-Taylor, 2014). Although the violence rages in Nigeria, the West, particularly the US, have been reluctant to

"put boots on the ground" in Nigeria (Matsilele, 2015). To many, the crisis in Nigeria is a classic case for R2P, so why hasn't there been significant involvement by the international community to help resolve the conflict?

The Nigerian security forces are not blameless, and therefore Western intervention is "complicated" (The White House: Office of the Press Secretary, 2015). The US decision to work with a government that is associated with possible war crimes and widespread corruption presents a dilemma (Caulderwood, 2015). It is also likely that if there were a visible presence of Western military forces, Boko Haram and other foreign jihadist groups with which it is in contact, would intensify their attacks on civilians (Matsilele, 2015). Western, especially American, military presence in Nigeria may do more harm than good. At the end of 2014, the CFR released a report stating that better governance, not force, was the most effective tool to fight Boko Haram in Nigeria. The former United States Ambassador to Nigeria, John Campbell, suggested that although the US had little control over former President Goodluck Jonathan's government, the US should "pursue a longer-term strategy to address the roots of northern disillusionment, preserve national unity, and restore Nigeria's trajectory toward democracy and the rule of law" (Council on Foreign Relations, 2014). One of Campbell's long-term recommendations included supporting Nigerians working for human rights and democracy.

Perhaps the international community can step up their role now that Nigerian leadership has changed hands. Former president Goodluck Jonathan's inability to combat the Boko Haram insurgency is seemingly a large reason for his loss of the recent election in March; after Muhammadu Buhari pledged to enhance Nigeria's security if he won the election, his approval ratings soared and he beat out incumbent president Jonathan for the office (Borger, 2015). Since winning the election, new president Buhari has reaffirmed his commitment to fighting Boko Haram, and has described himself as a "converted democrat" (Buhari, 2015). In an effort to combat Boko Haram, President Buhari has also relocated the Nigerian army to Maiduguri, the capital of the Borno state and the core of the insurgency (Iaccino, 2015). Buhari has demonstrated a commitment to combating corruption in the Nigerian government and security forces, enhancing election transparency, and increasing foreign direct investment; in early June, President Buhari arrived in Germany to attend a G7 meeting with Germany, the United States, the United Kingdom, Japan, France, Canada, and Italy in order to discuss these issues.

The International Coalition for the Responsibility to Protect (Responsibilitytoprotect.org, 2015) suggests that in order to combat the crisis, Nigeria must accept support and assistance from neighbouring countries and collaborate more closely with regional actors. The new military operation is being aided by troops and mercenaries from neighbouring countries Cameroon,

Chad, Benin, and Niger and has already achieved some victories since the cooperation began in February (Iaccino, 2015). Relations between the United States and Nigeria deteriorated last year. The United States government has often expressed concern over the human rights abuses conducted by the Nigerian army, and last year President Jonathan decided to stop the US training of Nigerian soldiers after the Nigerian government accused the US of not sending enough support and essential weapons to fight Boko Haram (Iaccino, 2015). However, if the new President Buhari has committed himself to reforming Nigeria's government into a less corrupt and fully democratic one, the US and other Western countries may have more incentive to work with and support the new president's regime. This does, in fact, seem to be the case; after US Secretary of State John Kerry met with Buhari at the end of May, the US agreed to send military trainers to Nigeria to help the army improve its intelligence. The US State Department has since said that they "certainly hope to be able to do more" (Iaccino, 2015).

Although it seems as if not much is being done in Nigeria to combat the crisis, the actions taken under the auspices of R2P in Nigeria can be considered to indicate a somewhat positive trend. The former American ambassador to Nigeria John Campbell argues that although Boko Haram does not yet pose a security threat to the security of the United States, the situation in Nigeria does indeed challenge US interests in Africa (Caulderwood, 2015). In his book, *Nigeria: Dancing on the Brink*, Campbell (2013) asserts that

Nigeria is important to the US and the international community because they have a history of shared interests, including the promotion of African conflict resolution and regional stability, tackling public health challenges like malaria and HIV/AIDS, and economic cooperation in the region's petroleum resources.

However, despite the threat to the interests of the US and international community, the United States and its Western allies have contributed to R2P efforts by other means, rather than simply sending in troops to install a regime change. This indicates that the West is exploring other measures of conflict resolution, instead of simply attacking problems with military might. As Nigerian analyst Chris Ngwodo stated, Boko Haram is an effect and not a cause, and as such is a complex issue that requires a comprehensive response. The international community is currently exploring the comprehensive measures that must be taken to combat the crisis in Nigeria instead of simply crushing them with military strength. Trust has been destroyed by countries who have in the past used R2P and humanitarian intervention as a disguise for their attempts at regime change. If the comprehensive responses to the crisis in Nigeria are successful, they could provide a significant contribution to the effort to build trust in R2P policies, which is ultimately vital to R2P's success.

Chapter 3: Analysis and Conclusion

The ICISS report created a simple, yet revolutionary, catchphrase that condensed the spirit of the debate surrounding humanitarian intervention into three linguistically appealing words: *Responsibility to Protect*. However, Aidan Hehir (2012: 257) argues that linguistic appeal can only take the principle so far, and beyond this the concept's efficacy is dubious, at best. Although the clever wordplay of R2P is innovative, the ideas that states are responsible for the protection of their own citizens and that other nations should step in to intervene in order to protect oppressed populations in foreign states are not new. Theresa Reinhold (2010: 67) argues that we do not need R2P to understand that it is morally abhorrent to stand by while innocent populations are being killed, and that the host state's responsibility to prevent genocide was accepted at least sixty years ago. In fact, the commitment to R2P at the 2005 World Summit, often cited as a positive progression for R2P, simply guaranteed that R2P is applicable under the circumstances of war crimes, ethnic cleansing, crimes against humanity, and genocide. These four things were already banned in international law, and so the UN General Assembly merely re-sanctioned existing laws and conventions (Murray, 2013). In order for R2P to be successful, governments across the globe need to reach a consensus that the international community's duty to intervene and protect is

a legally binding obligation (Hehir, 2012: 258). Unfortunately, R2P has yet to gain this consensus.

States overwhelmingly accepted and spoke in favour of R2P at the 2005 and 2009 General Assemblies. Bellamy (2015) uses this fact as the foundation of his argument that R2P is being accepted as an international norm. Hehir (2012: 259) on the other hand, points out that the fact that states have accepted R2P is hardly surprising. In fact, why wouldn't they speak in favour of R2P? There is no obligation to any particular state to intervene, and there are no punishments for not intervening. Attempting to apply a framework to manage the threat of human rights violations is problematic in itself because every situation is different. Recently, the UN Special Advisor on the Responsibility to Protect, Ed Luck, stated: "Ultimately, of course, it is all about political will" (2010). Hehir (2012: 264) claims that this means that the UN Security Council will continue to have the discretionary entitlement to intervene, and intervention will remain completely dependent on the interests of the P5 (China, Russia, the United States, the United Kingdom, and France).

Ultimately, despite the introduction and acceptance of R2P, "the manner in which large-scale intra-state humanitarian crises are dealt with today, and will be dealt with for the foreseeable future, is to all intents and purposes exactly the same as would have been the case twenty-five years ago" (Hehir, 2012: 260). Based upon the international community's response to the crises in Kenya, Yemen, and Nigeria, this gloomy statement appears to be

accurate. As always, international involvement continues to be based upon the circumstances on the ground in the vulnerable state and on the political will of the states powerful enough to respond. Intervention went largely unchallenged in Kenya, and so the swift regional and international response was generally seen as successful; after all, international suggestions and intervention did not fall on deaf ears. The regional and international reaction to the conflict in Yemen is largely based on the political will of surrounding nations and the international community; the GCC is eager to quell the violence in Yemen because the nation holds a strategic key to the overall regional security of the Arabian Peninsula. The instability in Yemen has also allowed for terrorist organisations to expand their networks in a strategic location, which threatens the security of many members of the international community who have offered the GCC their support. The situation in Nigeria remains complicated; Western powers, namely the United States, who have the capability to aid in the fight against the crisis are reluctant to take significant measures because the Nigerian government and security forces are corrupt and may also be guilty of humanitarian violations and war crimes.

The record of humanitarian intervention, before and after the introduction and acceptance of R2P, suggests that states and coalitions who undertake the responsibility to protect other nations rarely achieve positive results (Hehir, 2012: 266). However, this statement depends entirely on how we perceive positive results. Many might consider the prevention of further

death and the advent of a coalition government in Kenya as a nominally positive result. We might consider the 2011 resolution and transition of power in Yemen as a positive result as well. After all, the community's support of the GCC-brokered agreement in 2011 ended the fighting in Yemen, and once again prevented further death (until civil war erupted in 2015, that is). One might consider the prevention by foreign intervention of further widespread killings to be a positive result in itself. Gareth Evans (2013) claims that R2P is primarily about prevention, whereas humanitarian intervention is only about reaction. However, R2P seems to only be relatively successful when the international community is reacting to a crisis; this indicates that Reinhold may be correct, and R2P has indeed not changed much of anything at all. The international community has *reacted* in various degrees to the crises in Kenya, Yemen and Nigeria, but intervention under the auspices of R2P did not *prevent* the crisis in Kenya, nor did it *prevent* the second crisis in Yemen, and nor has it *prevented* massive human rights violations to spread in Nigeria. However, many believe that R2P is the world's best platform on which to build a complete framework for dealing with humanitarian crises. All in all, R2P does not yet offer a complete framework that achieves positive results across the board, but this does not mean that the world should simply give up on humanitarian intervention and its efficacy.

Arguments against R2P claim that cases like Yemen and Nigeria, and even Kenya to a degree, prove the worthlessness of R2P. R2P did not prevent

the crises in these circumstances, and the varying responses to the crises have not successfully resolved the conflicts in Yemen and Nigeria. If we were to evaluate the circumstances in each crisis so simply, R2P could certainly be labelled a failure in Yemen and Nigeria, and even Kenya as well. However, international involvement in Kenya, Yemen, and Nigeria under the auspices of R2P has taught us that it is impossible to calculate the precise effects of intervention. The debates surrounding R2P must always be limited by the fact that they focus primarily on whether or not the outputs of R2P efforts are a success or a failure; however, it cannot be said that R2P simply succeeded in one area and failed in another. There is no significant proof that demonstrates R2P's success in Kenya and its failure in Yemen or Nigeria. Statements such as these are over-simplifying a process that is not simple. The success versus failure debate over R2P is methodologically illogical because it favours high-visibility actions over more subtle activities. It is important not to overlook subtle actions because they can often yield positive results, particularly in regard to negotiations in Kenya in 2007. The debate over the success or failure of the R2P doctrine unnecessarily focuses the discussion on fixed political disputes and in doing so, it takes attention away from the necessary measures that must be taken in each particular instance. The argument over the success or failure of R2P is an unnecessary distraction from what *should* be the focus. We must focus our attentions less on calculating the ultimate outputs of R2P and more on discussing the inputs, and moreover, how we can improve them.

So what can be done to improve the future of R2P and humanitarian intervention? In order for R2P to be truly revolutionary, and not simply a revolutionary phrase, R2P must become a legally binding agreement. Aidan Hehir suggests that in order to improve the record and consistency of humanitarian intervention, international law must be reformed (2012: 228). Hehir asserts that a "particular entity should be charged with a legal duty, rather than a discretionary entitlement, to intervene" (2012: 257). Otherwise, the assurances that are regularly promised by states will continue to count for very little. Vulnerable nations cannot trust that foreign intervention under the auspices of R2P will be helpful if it is inconsistent and abused.

It may never be able to eradicate all the world's problems and eliminate mass atrocities forever, but R2P is a solid foundation on which to build a more secure world for the individual. In order to mainstream the responsibility to protect in international strategy, it is, "important to build an understanding that humanitarian intervention will not be abused by powerful states acting unilaterally" (Norton-Taylor, 2014). Trust has been eroded by countries, particularly the United States and the United Kingdom, who have in the past used R2P and humanitarian intervention as a means of regime change, most notably in Libya (Norton-Taylor, 2014). Ultimately, trust is the most vital key to R2P's success. In order for R2P to be successful, the international community must follow through on the ICISS's clever rhetoric. Most states have been strong advocates for R2P, but as Aidan Hehir (2012: 257) suggests,

there is no obligation to any country to intervene and the problem is that they have not always, if ever, truly followed through on R2P's policies. If R2P decision-makers can learn from their mistakes and develop R2P into a complete strategy, and over time can manage to foster faith in their rhetoric, R2P may have a chance of succeeding. The future of R2P is yet to be determined; for now, R2P's future is promising, but not yet promised.

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