Sovereignty and Intervention

R2P: A commitment to unify international norms or a hollow solution to human rights violations?

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Abstract

Since the Treaty of Westphalia came into effect in 1648, the notion of sovereignty has been considered essential to international law. Upholding sovereignty is the one rule within international law that all states must adhere to. If not, the very basis for international law and order is rendered obsolete. In the 21st century however, other norms have begun to challenge the notion of sovereignty as the holiest of precepts, human rights.

Sovereignty and human rights are not opposite one another, yet the two are always at odds when talking about intervention. If a state commits harsh enough human rights abuses, then that state's sovereignty could be forfeited. This has occurred numerous times in the 20th and 21st century. It was not until 2001, when The International Commission on Intervention and State Sovereignty made a framework for instances like these. Four years later in 2005, all members of the United Nations endorsed the global political commitment now knows as The Responsibility to Protect or R2P.

This thesis will examine if and how the doctrine of R2P has changed the notions of state sovereignty, humanitarian intervention, and human rights. In order to do that, this thesis will present two thesis questions in the analysis section. Those questions will revolve around the above-mentioned notions in relation to the 2011 NATO-led intervention in Libya, the 2007/2008 Kenyan crisis and the Syrian civil war which has been ongoing since 2011.

The International Commission on Intervention and State Sovereignty report (ICISS) will have its own section. This is paramount to explaining not only the background of the thesis statement, but also the thesis itself as the ICISS report effectively made R2P into a global commitment which has had lasting effects on the contemporary normative interpretations of sovereignty, intervention and human rights.

R2P's journey from the ICISS till the 2005 World Summit Outcome Document will be shown in detail as to exemplify the changes needed to happen in order for the doctrine to be approved by the General Assembly. R2P's infamous three pillars will also be shown in detail followed by a critique of R2P. Subsequently the thesis will showcase the theories which consists of state sovereignty, humanitarian intervention and human rights and their individual

relationship with the concept of R2P. The thesis' largest and most prominent chapter will be the analysis. The 2011 NATO intervention in Libya, the 2007/2008 Kenyan crisis and the Syrian civil war. At the end of the thesis a conclusion will be presented before the bibliography.

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Abbreviations

AL	Arab League
AU	African Union
ICC	International Criminal Court
ICISS	International Commission on State Sovereignty
IICK	The Independent International Commission on Kosovo.
IS	Islamic State
HRW	Human Rights Watch
NATO	North Atlantic Treaty Organization
NTC	National Transitional Council
OPCW	Organization for the Prohibition of Chemical Weapons
OIC	Organization of Islamic Cooperation
P5	Permanent Five
R2P	Responsibility to Protect
SDF	Syrian Democratic forces
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNGA	United Nations General Assembly
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
OHCHR	The Office of the High Commissioner for Human Rights

1. Introduction

"If humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica—to gross and systematic violations of human rights that offend every precept of our common humanity?" (Annan, 2000, p. 48)

Written by the former Secretary-General of the United Nations; Kofi Annan made a point in his book *We the Peoples: The Role of the United Nations in the 21st Century* (2000) to highlight the failures of the UN in the 20th century. His tenure of office is remembered for helping to create the International Criminal Court, the Millennium Development Goals and the principles behind Responsibility to Protect. The latter topic being the focus of this thesis.

The idea that sovereign states maintain a responsibility to protect their citizens went from being addressed in Annan's book to a comprehensive report, that in time, garnered support from every single member of the UN. This started when the Canadian government establishing an ad-hoc commission to revise the notions of sovereignty and intervention. The International Commission on Intervention and State Sovereignty (ICISS) was made up of 12 commissioners from Europe, North America, Russia, Asia and Africa. (Bellamy, 2011a).

In December 2001, the ICISS released their report entitled *Responsibility to Protect.* The report concentrated on the responsibilities of the state. A state must protect its citizens from atrocious human rights violations, if the state cannot manage to do this, the responsibility to protect falls to the international community. (Bellamy, 2011a).

The R2P report was an important part of the 2005 World Summit. Endorsed by Kofi Annan, the R2P report had gained even further credibility as a document to be included into the list of items scheduled to be discussed at the summit. The purpose was to see whether or not it would fit the UN's agenda in the 21st century.

World leaders had gathered in New York to celebrate the 60th anniversary of the UN. The R2P report went through much scrutiny. Critics pointed out that it was simply a document trying to legalize western style interventions, others said it was a landmark work on legalizing humanitarian intervention. (Bellamy, 2011a)

In the end, heads of state from more than 190 countries supported paragraphs 138 and 139 of the World Summit Outcome Document. In short, the paragraphs affirmed the responsibilities of states to protect citizens from genocide, war crimes, ethnic cleansing, and crimes against humanity. The R2P report was now seen as something which reiterated already existing international law. However, in 2006, the UNSC adopted resolution 1674 which reaffirmed paragraphs 138 and 139 of the World Summit Outcome Document. This effectively moved R2P closer from international norm to international law. (Badescu, 2010)

State sovereignty and humanitarian intervention are two concepts within international relations that have always been in conflict. Human rights are almost always the cause of this. This thesis will try to examine if the Responsibility to Protect doctrine can alleviate this conflict by promoting the protection of human rights through a normative change within the concept of sovereignty. The ICISS set out to answer how the international community can better prevent and or handle severe human rights violations like the ones that occurred in Rwanda and Kosovo, so that it does not happen again in the future.

The problem formulation is as follows:

Has the global commitment known as R2P reinterpreted the notions of state sovereignty, humanitarian intervention, and human rights? Or is it simply a watered-down version of already existing law?

2. Methodology

This section will explain the methodology behind this thesis. Beginning with a synopsis, then followed by a justification for choosing the three cases, methodology and theory. A subsection on definitions will be present at the end of the methodology section.

2.1 Synopsis

Introduction- An initial overview of the thesis, presenting the main case of R2P, as well as the notions of state sovereignty, humanitarian intervention, and human rights. The problem formulation is also situated in this section at the very end.

Methodology- Explaining and describing the methodology and background of the paper. This includes explaining why a qualitative methodology was chosen, along with the choice surrounding theories and cases. At the end of the methodology, a subsection consisting of various definitions used throughout the thesis will be explained.

ICISS/R2P- This section will explain the origins of R2P and the preceding reasons for why the International Commission on Intervention and State Sovereignty was established. The chapter will go on to explain what R2P is and delve into its pillars. A subsection on UNSC authority will also be presented here, as they are the authorizing body which presides over the practical application of R2P. Lastly the section will briefly address R2P's criticism.

Theory- The theory section will analyze and explain the theories of state sovereignty, humanitarian intervention, and human rights. The latter section will explain how the theories interconnect with R2P.

Analysis- This section will analyse the cases chosen for this thesis. Firstly, the section will examine the cases itself and provide an overview of the most important aspects of the cases. After an overview of the 2011 NATO intervention in Libya, the 2007/2008 Kenyan crisis and the Syrian civil war, the subsequent subchapters will try to answer the thesis questions which are posed. At the end of the analysis chapter, a final subsection on the concluding results of the problem formulation will be presented.

Conclusion- The last section of the thesis will conclude the thesis with a brief overview of the ideas and concepts presented in this chapter.

Bibliography- List of all referenced used throughout the thesis, including work cited and supplementary literature.

2.1.1 Justification

This section will briefly explain why the cases, methodology and theories were chosen. This thesis will try to answer whether or not R2P has reinterpreted the notions of state sovereignty, humanitarian intervention, and human rights. In order to do this, three real-life cases will be looked at. The 2011 NATO intervention in Libya, the 2007/2008 Kenyan crisis, and the Syrian civil war which started in 2011.

The reason for choosing these three cases is because of the overwhelming evidence of human rights abuse. Another reason comes from the fact that R2P application, in regard to these cases have been handled very differently. R2P application into Libya went as far as R2P can go in terms of what R2P actually proposes. The Kenyan crisis was resolved in a timely and decisive manner, R2P worked exactly as it should. In Syria, there are no shortages of gross human rights violations, yet R2P application has not happened. These three cases highlight both the complexity of R2P and the overarching reasons why R2P could be used in two of the cases, but not one.

The methodology behind this thesis a qualitative one. This entails that the research is investigative. In order to achieve an understanding of the central intentions and ideas behind the thesis itself, an inspection of the subjects surrounding the thesis must be examined. The subject matter chosen for this thesis required an inductive approach. The reasoning behind that argument comes from the fact that I chose to analyze R2P and the three cases without one or more theories mind. Had I chosen a theory to fit a certain case, the methodology behind this thesis would have been a deductive one. (Bryman, 2012)

Another reason for relying on qualitative research methods is because of the themes chosen for this thesis. State sovereignty, humanitarian intervention and human rights are not quantifiable subject matters. They are ideas, theories and notions of international relations that need to be studied with a qualitative mindset. Furthermore, this thesis will rely heavily on first and secondhand material, books, and academic journals

The theories used for this thesis are state sovereignty, humanitarian intervention, and human rights. These subjects are more than just theories, however in the search for an answer to the problem formulation it is more apprehensible to use these notions as theories, than to rely solely on standard IR theories. Another justification for using state sovereignty, humanitarian

intervention and human rights as theories is because these ideas are so very closely related to the concept of R2P.

2.1.2 Definitions

This thesis contains a large number of IR terms that are not always easily definable due to the many different interpretations of them. For that reason, it is important to have a clear set of definitions for the various terms used throughout this thesis. Presented below, will be a list of terms and adjacent definitions of those terms. Garret W. Brown, Iain McLean and Alistair McMillan's dictionary *Oxford Concise Dictionary of Politics and International Relations 4th ed* (2018) is the reference dictionary chosen for this thesis.

Anarchy: Lack of centralized authority as opposed to within politics, where social relations are hierarchically ordered by the state and other social institutions. In the discipline of international relations, anarchy refers to the fact that there is no world government. (Brown, McLean, & McMillan, 2018, p. 16)

Genocide: Genocide was codified into international law via the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide. It defines genocide as the intent to destroy a national, ethnical, racial or religious group, in whole or in part, through a range of acts, such as killing, mental harm, prevention of births, and the forcible transfer of children. (Brown et al., 2018, p. 233)

Crimes against humanity: Contemporary understandings often invoke the legal definition set out in the 1998 Rome Statute. Acts such as murder, extermination, enslavement, torture and rape, amongst others, constitute crimes against humanity when committed as a part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack. (Brown et al., 2018, p. 132)

Ethnic cleansing: A contested term used extensively from May 1992 onwards by the international media, Western politicians, and diplomats to describe a systematic policy of mass killings, deportation, rape, internment, and intimidation engaged in by rival ethnic groups of the former Yugoslav republic of Bosnia-Hercegovina with the goal of rendering ethnically mixed areas homogenous and thereby establishing a de facto claim on ethnic grounds to sovereignty over disputed territory. There have been recent attempts to draw a clearer theoretical distinction between genocide and ethnic cleansing and thereby give the latter some terminological credibility (..) When seen primarily in terms of its intent-i.e. the removal of an ethnic group from a given territory- ethnic cleansing can be conceived as a spectrum on which one end lies genocide and the other, milder administrative measures such as forms of legal discrimination. That is genocide represents the most extreme of ethnic cleansing, but not all forms of ethnic cleansing are necessarily genocide. (Brown et al., 2018, p. 184)

War crimes: Individual responsibility for the violations of the laws or customs of war. Such responsibility covers both the commission of such crimes and the ordering or facilitating of them and the rule violated must belong either to body of a customary international law or be part of an applicable treaty (..) War crimes are also understood in terms of those acts that are defined as grave breaches of the 1949 Geneva Conventions and Additional Protocol 1 of 1977. (Brown et al., 2018, p. 578)

Sovereignty: Sovereignty is the claim to be the ultimate political authority, subject to higher power as regards the making and enforcing of political decisions. In the international system, sovereignty is the claim by the state to full self-government, and the mutual recognition of claims is the basis of international society. Sovereignty is in the other side of the coin of international anarchy, for if states claim sovereignty, then the structure of the international system is by definition anarchic. (Brown et al., 2018, p. 519)

Humanitarian intervention: Entry into another country by the armed forces of another country or international organization with the aim of protecting citizens from persecution or the violation of their human rights (..) Whilst increasingly cited as a justification for armed incursion in crisis-ridden countries, the legal and political boundaries of humanitarian intervention are ambiguous. (Brown et al., 2018, p. 265)

Human rights: Human rights are a special sort of inalienable moral entitlement. They attach to all persons of equally, by virtue of their humanity, irrespective of race, nationality, or membership of any particular social group. They specify the minimum conditions for human dignity and a tolerable life (..) Human rights claims challenge state sovereignty and power. But increasingly respect for rights contributes to a state's international legitimacy and reputation, and increasingly the view is taken that external pressures should be brought to bear on governments that abuse basic human rights. (Brown et al., 2018, p. 265)

Great powers: A term to denote a powerful state in relation to other small states, which can exert disproportionate influence and hard power militarily and economically, as well as soft power and normative power. In many ways, the phrase great power has become synonymous with superpower (..) The term great powers was also used frequently in World War 1 and World War 2, is currently used to refer to the permanent five members of the United Nations Security Council. (Brown et al., 2018, p. 245)

3. International Commission on Intervention and State Sovereignty

In terms of human rights, the decade leading up to the 21st century will always be known as atrocious. Rwanda and Bosnia stick out as the more memorable places in which genocide was allowed to continue for too long. Former Secretary-General of the UN Kofi Annan pleaded

with the international community at the General Assembly in 2000 to try and make this right by making sure acts like these never happen again in the future. (G. Evans, 2016)

The former foreign minister of Canada Lloyd Axworthy set up a commission to answer Annan's plea for justice. The International Commission on Intervention and State Sovereignty was established a few weeks after the General Assembly. The ICISS consisted of high-ranking officials and long serving diplomats from a range of countries. Officials from Canada, Australia, Switzerland, USA, Germany, Russia, Algeria, South Africa, Guatemala, India and the Philippines made up the commission. (G. Evans, 2016)

The goal of the commission was to fundamentally change the discourse surrounding sovereignty and intervention. The commission had four key factors they wanted to address. Firstly, to change the idea of intervention from "the right to intervene" to "the responsibility to protect." Secondly, they wished for a wider inclusion of actors, not just state actors willing to apply force if needed, but the entire international community so as to be able to garner support for ending future genocides. Third, change the one-sided military intervention from which is humanitarian intervention into a complete deterrent. This included preventative measures before a crisis occurs such as diplomatic coercion and economic sanctions before an eventual military response. Lastly, the commission needed to ascertain credible criteria for reasons to intervene militarily. The latter point of the commissions goal was, and still is the toughest to agree on for all parties included. (G. Evans, 2016)

"So ICISS was launched in September 2000, and just over a year later, in December 2001 – after five commission meetings, eleven regional roundtables and national consultations across five continents – The Responsibility to Protect was born, with the publication, under that title, of our 90-page report and 400-page supplementary volume of research essays, bibliography and background material."(G. Evans, 2016, p .7)

After months of deliberation and debate, the responsibility to protect doctrine was born. From that point forward, the commission had succeeded in making a new normative blueprint for understanding intervention and sovereignty in the 21st century. However, Kofi Annan's plea for reform was now only half finished. R2P was now headed to the United Nations for approval.

The International Commission on Intervention and State Sovereignty was adopted at the 2005 World Summit by all member states. Paragraph 138 and 139, respectively. This was the first

real victory for the ICISS as the debate surrounding intervention and sovereignty had begun to change. (Bellamy, 2011a)

Prior being made into a resolution, R2P was debated intensely at the United Nations Security Council. Russia and China argued that bringing R2P to the table was premature, they wanted the proposition sidelined. They were not the only members of the UNSC to want that. Non-Permanent members Algeria, Brazil and the Philippines argued their disdain for R2P being made into a resolution.

Alex Bellamy stated that luck had something to do with R2P being made into a passable resolution. Before voting took place, UNSC rotation made way for new and agreeable member states. Slovakia, Qatar, and Peru stepped in for Algeria, Brazil, and the Philippines. The rotation and the softening up of the proposed resolutions language paved the way for R2P being judged favorably by the UNSC. (Bellamy, 2011a)

United Nations Security Council Resolution 1674 was adopted on April 28, 2006. In Resolution 1674, the UNSC reaffirms "the provisions of paragraphs 138 and 139 of the 2005 World Summit Outcome Document regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity" (UNSC, 2006)

Five years after its inception, the ICISS report had finally become embedded in discourse surrounding international law and human rights protection. In addition to becoming part of the new framework for sovereignty and intervention, the commissions first goal had succeeded. They changed the discourse surrounding sovereignty and intervention. Sovereignty and non-intervention have been seen as the cornerstone of international law since the Treaty of Westphalia in 1648.

Francis Deng coined the term "Sovereignty as a responsibility" in his book *Sovereignty as a Responsibility: Conflict management in Africa.* This term had now become the norm when discussing sovereignty as well as intervention in future debates. (Deng, Kimaro, Lyons, Rothchild, & Zartman, 2010)

A normative and progressive idea from Francis Deng had now become part of the rhetoric surrounding international law. The debate had changed from using the term humanitarian intervention to R2P. Unlike humanitarian intervention which only revolves around military actions, R2P is a global doctrine which seeks to hinder military escalation and human right violations before an eventual intervention. This makes R2P both a preventative and reactive

framework. (Bellamy, 2015) The fundamentals of R2P will be showcased in the next sub chapter.

3.1 Right to Protect

The Right to Protect principle is a global doctrine which seeks to prevent and or stop genocide, war crimes, ethnic cleansing, and crimes against humanity. The R2P doctrine has gone through a range of normative changes. The most prominent one occurred in 2009. Secretary-General Ban Ki-Moon released a report titled *Implementing the Responsibility to Protect* (2009) This report was made in conjunction with Member States and various UN agencies. The reason for making the report, was so that the General Assembly and other relevant organizations or states could make use of additional guidelines for implementing R2P. The report reiterated what was agreed upon by all member states at the 2005 World Summit. The report was also issued so as to try and calm down some of the more unsure member states. The report restated that the basics of R2P are already embedded in international customary law. (Bellamy, 2011a)

The first part of the report reassured the General Assembly that R2P coincides with already existing law i.e. genocide, war crimes, ethnic cleansing and crimes against humanity are international crimes that have been banned by international customary law and human rights law. (Bellamy, 2011a)

The second part reminds the signatories of R2P that through international law, the main aspects of R2P have already been agreed upon by member states. The treaties within the Geneva conventions already covers the necessity of states trying to prevent and punish genocide, war crimes, ethnic cleansing and crimes against humanity. (Bellamy, 2011a)

The third part details the specific implementation of R2P when talking about sovereignty and intervention. The responsibility of the state comes first, meaning that if said violations occur, the state in which is occurs must act to solve the problem. If that state is unwilling or incapable of solving the problem, the international community must aid that state. This aid comes in the form of capacity-building and threat detection, diplomacy, and/or financial backing. If all these measures fail, then the UN Security Council has the authority to act. (Bellamy, 2011a)

This is a part of R2P, but it is also a part of already existing international law. Specifically, the UN Charter, Chapter VII, Article 42. "Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take

such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations." (U.N. Charter, Ch. VII, art. 42).

With these three key parts, the Secretary-General had managed to release the *Implementing the Responsibility to Protect* document to the General Assembly with success. Maintaining the notion that R2P coincided with already existing law, the Secretary-General had succeeded in not only giving R2P a significant step towards a much-needed normative evolution, but also created what is now knows as the three pillars of R2P.

3.1.1 The Three Pillars of R2P

The three pillars of R2P make up the main aspects and ideas tied to both normative effect of R2P and its practical implementation. Pillar one and two are the parts of R2P which enjoy little to no disagreement. Pillar three is by far the most contested one. According to Bellamy, this because pillar three "refers to the international community's responsibility to respond in a timely and decisive fashion to episodes of genocides and mass atrocities." (Bellamy, 2011a, p. 38). The last pillar is the one pillar which if applied can result in military intervention into a sovereign state. The next subsection will explain the three pillars in detail.

The pillars are summed up by Karen Smith in her article *R2P and the Protection of Civilians: South Africa's Perspective on Conflict Resolution.* (2015)

Pillar one: "Every state has the responsibility to protect its population from genocide, war crimes, crimes against humanity and ethnic cleansing."(Smith, 2015, p. 2)

Pillar two: "The international community has a responsibility to encourage and assist states in exercising this responsibility."(Smith, 2015, p. 2)

Pillar three: "The international community has a responsibility to use appropriate diplomatic, humanitarian, and other means to protect populations from these crimes. If a state is manifestly failing to protect its population, the international community must be prepared to take collective action to protect that population, in co-operation with regional organizations and in accordance with the UN Charter". (Smith, 2015, p. 2)

The Secretary-General wrote a report titled *Implementing the Responsibility to Protect.* (2009) It was in this report that the three pillars of R2P became known. Below is a direct transcript of the Secretary-Generals description of what these three pillars entail.

Pillar one is the enduring responsibility of the State to protect its populations, whether nationals or not, from genocide, war crimes, ethnic cleansing, and crimes against humanity, and from their incitement. The latter, I would underscore, is critical to effective and timely prevention strategies. The declaration by the Heads of State and Government in paragraph 138 of the Summit Outcome that "we accept that responsibility and will act in accordance with it" is the of the responsibility to protect. That responsibility, they affirmed, lies first and foremost with the State. The responsibility derives both from the nature of State sovereignty and from the pre-existing and continuing legal obligations of States, not just from the relatively recent enunciation and acceptance of the responsibility to protect. (Moon, 2009, p. 8-9)

Pillar one is unambiguous. It sums up R2P quite easily, yet the methods on how to best protect the population of a state is not made clear. The Secretary-General added several guidelines for pillar one. This included an option for states to cooperate with the UN Human Rights Council in terms of monitoring the four crimes, as well as use the Universal Peer Review mechanism for themselves so states could establish if they were on track with monitoring and effectively preventing the four crimes. (Bellamy, 2011a)

The other guidelines for how to best implement pillar one dealt with international treaties and bodies. States who had not already ratified customary human rights law were encouraged to do so. Moreover, states should accede to the Rome statute and increase their aid and assistance to the International Criminal Court. Lastly, states were encouraged to incorporate the principles of R2P domestically. This meant that states should try and translate R2P's pillars locally, so it would become a part of customary norm within society's culture. (Bellamy, 2011a)

Pillar two can be seen as the support pillar. The international community must aid states in accomplishing pillar one. If a state is unable to protect its citizens from genocide, war crimes, ethnic cleansing, and crimes against humanity, other states and or organizations must help said state in doing so.

Pillar two is the commitment of the international community to assist States in meeting those obligations. It seeks to draw on the cooperation of Member States, regional and subregional arrangements, civil society, and the private sector, as well as on the institutional strengths and comparative advantages of the United Nations system. Too often ignored by pundits and policymakers alike, pillar two is critical to forging a policy, procedure and practice that can be consistently applied and widely supported. Prevention, building on pillars one and two, is a key ingredient for a successful strategy for the responsibility to protect. (Moon, 2009, p. 9)

The Secretary-General issued guidelines for pillar two as well, but due to the hypotheticals of scenarios such as these, the guidelines are rather vague and general. The guidelines include encouraging states to meet their pillar one obligations. Aiding states in the practicality of prevention and detection of the four crimes through economic assistance and manpower. This can be done by allowing certain UN bodies to set up crisis centers for better detection and prevention. However, if a state is deliberately pursuing genocide against their own population, pillar two is rendered obsolete and pillar three would go into effect. (Bellamy, 2011a)

Pillar three is what makes the concept of R2P controversial. The third pillar constitutes a call to action. In the event that pillar one and two, or either one for some reason fail, the international community must act in a timely in decisive fashion. (Bellamy, 2011a)

Pillar three is the responsibility of Member States to respond collectively in a timely and decisive manner when a State is manifestly failing to provide such protection. Though widely discussed, pillar three is generally understood too narrowly. As demonstrated by the successful bilateral, regional and global efforts to avoid further bloodshed in early 2008 following the disputed election in Kenya, if the international community acts early enough, the choice need not be a stark one between doing nothing or using force. A reasoned, calibrated, and timely response could involve any of the broad range of tools available to the United Nations and its partners. These would include pacific measures under Chapter VI of the Charter, coercive ones under Chapter VII and/or collaboration with regional and subregional arrangements under Chapter VIII. The process of determining the best course of action, as well as of implementing it, must fully respect the provisions, principles, and purposes of the Charter. In accordance with the Charter, measures under Chapter VII must be authorized by the Security Council. The General Assembly may exercise a range of related functions under Articles 10 to 14, as well as under the "Uniting for peace" process set out in its resolution 377 (V). Chapters VI and VIII specify a wide range of pacific measures that have traditionally been carried out either by intergovernmental organs or by the Secretary-General. Either way, the key to success lies in an early and flexible response, tailored to the specific needs of each situation. (Moon, 2009, p. 9)

Pillar three states that in the event where peaceful means be deemed inadequate, the UNSC will initiate a call to collective action in accordance with chapter VII of the UN charter. This is the reason why R2P is considered a very controversial norm within international law. An intervention can only be sanctioned by the UNSC. This has also proven to be a difficult factor for implementing R2P in a timely and decisive manner. This will be further analyzed in the next sub section.

As stated earlier, pillar three is comprised of several steps, in addition to military intervention. The Secretary-General added more guidelines to pillar three so as to try and make the last pillar less controversial and more easily brought into effect should such a situation arise. The

first measure includes economic sanctions and arms embargoes. This particular measure was used in the 2011 NATO intervention into Libya, with the addition of a no-fly zone as well. (Williams & Bellamy, 2012)

The Secretary-Generals other measures included a call for the veto members of the UNSC to refrain from using their veto and instead opt for consensus building. Initiate the development of a rapid reaction force under the direct control of the UNSC and strengthen the UN's regional relationships so as to facilitate the rapid reaction force more easily. (Bellamy, 2011a)

3.1.2. UNSC Authority

The practical application of the measures included within R2P is governed by the UNSC. The UNSC consists of 15 member-states, 10 of which rotate on a biennial basis and 5 members which are permanent. The 5 members, often referred to as the P5 differs from the other members in two aspects, they are permanent members, meaning they cannot be replaced. They also have a veto. This means that one of the P5 can veto any motion presented. This veto holds tremendous power. (Hurd, 2008)

The UNSC is regarded as the most powerful body of the UN, as well as in the entire world. The powers vested in the council comes from the UN. Charter Chapter VII of the UN. The Charter states their purposes, but why do they possess the legitimacy and power to preside over matters that have to do with international peace and security?

The UNSC's P5 consists of the United States, United Kingdom, France, Russia, and China. These countries are the only countries which are considered nuclear-weapon states. They are also the victors of World War 2. "According to current international law, only the UN Security Council can authorise the use of force. Even in cases where a state needs to respond in self-defence, pre-emptively or otherwise, the state is obligated to take its case back to the Security Council for retroactive approval. This stipulation, and the general adherence to it by most states in the post-Second World War period, suggests that the Security Council has a legitimate claim to being the proper authority" (M. Evans et al., 2005, p.62)

The UNSC can validly claim legitimacy and authority as the highest authority within the international community in large part due to the continued practice of states turning to them in matters of international security. The P5 also possess nuclear weapon capabilities and are among the world's largest economies.

The UNSC can authorize the use of force within a sovereign state by applying the powers vested in them by the UN. Charter as well as defer to R2P. However, R2P itself sits in an

awkward position in terms of where it lies within the confines of international law. R2P is not a UN convention, nor is it a signed and ratified treaty. R2P is based on already existing international law. For example, the Genocide convention. (Badescu, 2010)

Peremptory norms, also called Jus Cogens are norms that cannot be deviated from. Genocide is forbidden by Jus Cogens. Genocide is one of the four crimes which R2P was designed to prevent. Ethnic cleansing does not have a formal legal definition, but it can constitute war crimes and/or genocide. (Australian Red Cross, 2011)

Since R2P is not a ratified convention or treaty, it cannot be called international law. However, since it encompasses parts of Jus Cogens one could argue that R2P is in fact part of international law. On this issue Badescu states that "R2P is important because of its potential to reform foundational elements of the international legal order. At this point in R2P's life cycle it is too early to assess whether it will live up to this potential" (Badescu, 2010, p. 130)

Regardless of R2P's status within international law, the UNSC has referred to R2P numerous times and they most likely will in the future as well. Whether it will become part of ratified international law or not is perhaps too early to speculate about, but it's utilization by the UNSC has certainly challenged contemporary international legal norms.

3.1.3 Critique of R2P

The International Commission on Intervention and State Sovereignty initially wanted their work to change the discourse surrounding intervention, state sovereignty and human rights. They wanted a normative update on how the international community view these issues, in part due to the horrendous atrocities committed in the 1990s.

The creation and implementation for R2P has received critique from several different commentators from varied fields. Criticism of R2P often focuses on the UN Security Council because it is the de facto owner of R2P, and that R2P also acts as a norm which justifies intervention as well as a catalyst for Western states to do as they please when it comes to their own national interests. Aiden Hehir writes about this in his article titled: *Bahrain: An R2P blindspot?*(2015)

Hehir's critiques the implementation of R2P due to the fact that the UNSC is the organization which decides which state to use it on. Hehir states that the four crimes are utilized in such a way that it benefits certain members of the UNSC. Hehir points out that Bahrain has committed crimes against humanity because the Rome Statute considers systemic torture and unlawful imprisonment to be a part of that category. (Hehir, 2015)

Hehir's main critique of RP2 stems from two permanent members of the UNSC. The United States and the United Kingdom both serve as permanent members of the UNSC, yet they have not applied R2P to the systemic oppression committed by the Bahraini state onto its population. This is due to several factors. Bahrain is a large importer of U.S. military arms. The U.K receives large sums of money for training Bahrain's military and police force. Moreover, the United States Fifth Fleet is stationed in Manama (ADHRB, 2017). NATO itself has officers and equipment stationed in Manama.

The criticism of R2P by Hehir is not unwarranted. Should someone within the UNSC try to apply R2P onto the Bahraini state, the U.S. or U.K. could and most likely would veto that motion due to the financial and strategic geopolitical loss both countries would suffer.

Another common critique of R2P also deals with the UNSC. More precisely their inability to act and the overwhelming unfairness of its use of power. Kathryn Kersavage details the problems of the apparent failed symbiosis between the concept of R2P and the UNSC in her article titled: *The "responsibility to protect" our answer to "never again"? Libya, Syria, and a critical analysis of R2P* (2014). Kersavage notes that R2P failed to become- and never will become a global doctrine because it is "owned" by the Permanent 5. This is reiterated by many developing nations in the Middle East, Asia, and Latin America.

> For example, they point to the fact that the UNSC – made up of only 15 members – is the body with a near-absolute authority to determine the parameters of any international community response to mass atrocities. In addition, the Permanent 5 (Perm-5) members – Russia, China, the US, France, and Britain – do not adequately represent the interests of most developing countries. Even more of an immediate worry is that those Perm-5 countries do not have to be concerned about being the targets of such intervention themselves. (Kersavage, 2014, p. 29)

The imbalance of power when either talking about or applying R2P is quite clear. The P5 are in fact the only ones who can apply R2P to a certain situation. The General Assembly is hopelessly powerless even if applying the "Uniting for Peace" resolution. A mechanism put in place which the UNGA can, with a two thirds majority override a deadlocked USNC. They are powerless, because when applied, a single member of the P5 can issue a veto. Turning the debated issue into a never-ending cycle of inaction. This is not supposed to happen, but when the UNGA met in an emergency session regarding the Soviet invasion of Afghanistan, they effectively overturned the Soviet veto by acquiring a two thirds majority. This happened in 1980. The Soviets did not leave Afghanistan until 8 years later. (Carswell, 2013). This shows not only that the checks and balance system which the Uniting for Peace resolution is

supposed to act like can fail, but that ultimately, that it is the P5 which possesses near unlimited authority in matters regarding R2P.

4. Theory

This section will be dedicated to examining the three theories from which the analysis will be based on. This section will contain three subsection wherein each individual theory will be examined. State sovereignty, humanitarian intervention, and human rights.

4.1 State Sovereignty

The concept of state sovereignty is nearly 400 years old. State sovereignty as it is known today came from the peace of Westphalia which ended the 30 Years war in Europe in 1648. The idea of a sovereign, or a supreme was made famous by French philosopher Jean Bodin as well as the English philosopher Thomas Hobbes. (Croxton, 1999)

Hobbes wrote his most famous literary achievement *Leviathan or The Matter, Forme and Power of a Common-Wealth Ecclesiastical and Civil* in 1651. In it, he argues for the necessity of an absolute sovereign. The idea of an absolute sovereign came from Hobbes' experience in the English civil war. Hobbes argued that society needed someone with absolute power to rule the people in order to bring civility and order into society.(Hobbes, 2016)

The Westphalian sovereignty that has emerged over the years into what is now the basis for international law is not based on some omnipotent entity, it is in fact based on the opposite. There exists no almighty arbiter that presides over the international community. In order for the concept of sovereignty to work, the same rules must be applied to everyone (Krasner, 2001)

The notion that the international community is inherently anarchic comes from the fact that unlike the inner jurisdiction of a state, where laws are applied and enforced by the state, the international community is not governed by one such entity, but by all. Without a de facto leader on top, the system in which the society of states operate with one another is a system of anarchy. (Bull, 1977)

Sovereignty is made up of two sides, internal and external. Internal sovereignty or domestic sovereignty refers to the structure within a country's border that has the capability of making authoritative decisions. This would normally be called the state. Internal sovereignty means that no one from the outside may interfere in a country's affairs because the state within the borders of that country is supreme. The state is the arbiter because it is the only entity capable of making domestic laws within the country's border. (Ruud & Ulfstein, 2006)

External or international sovereignty refers to a country's relationship with states outside their own. External sovereignty means that all states share a mutual recognition in the sense that all states are equal. All states possess domestic sovereignty and they possess the ability to trade with one another, make treaties and partake in a shared international forum on an equal level. (Ruud & Ulfstein, 2006)

4.1.1 State Sovereignty and R2P

State sovereignty and R2P are not directly opposed to one another if looked through the lens of the first two pillars of R2P. The third pillar, however, does conflict with common conceptions of state sovereignty. This is because the third pillar of R2P states that if a state cannot or is willingly allowing genocide, war crimes, crimes against humanity or ethnic cleansing to occur, the international community must act. This act in its last form do propose military intervention, therefore state sovereignty and R2P cannot in its current form co-exist as efficiently as it should.

Sir Martin Gilbert, a renowned British historian wrote an op-ed in the Canadian newspaper The Globe and Mail in 2007 titled *The Terrible 20th Century.* In it, he proclaims that R2P has had an enormous effect on the status of state sovereignty. "The Canadian-sponsored concept of responsibility to protect proposed the most significant adjustment to national sovereignty in 360 years. It declared that for a country's sovereignty to be respected, it must demonstrate responsibility toward its own citizens." (Gilbert, 2007)

Sir Martin Gilbert is not the only one who makes the case for R2P's acceptance as a normative force for sovereignty change. Christina Gabriela Badescu argues for a more common acceptance of an evolved interpretation of state sovereignty in her book titled: *Humanitarian Intervention and the Responsibility to Protect: Security and Human Rights*.(2010) In it, she argues that Francis Deng's term of "sovereignty as responsibility" should be the new norm of sovereignty understanding because it leans more to the protection of human rights. (Badescu, 2010)

Badescu argues that sovereign states, in addition to having rights, also have duties. When sovereignty hinges on the accomplishments and adherence of certain duties, human rights will not be as easily violated as they seemingly are today. This debate is often referred to as " conditional sovereignty". Conditional sovereignty doesn't strip sovereign states of their privileges, it simply adds more weight to the term of sovereignty by reinforcing the notion that sovereign states have an obligation to try and protect their citizens. (Badescu, 2010)

Another point of Badescu is that certain scholars link the acceptance of R2P to a diminished statehood. This is not a valid point according to Badescu, because the internal body of decision making does not change. The state still employs the same amount of authority within its borders, nothing actually changes, apart from the fact that human rights are actually norms that matter to the continuation of the sovereignty of the state. (Badescu, 2010)

The ICISS document which in a few years' time became an international norm called R2P does state that the ultimate body of authority when dealing with matters of military intervention is the UNSC. R2P is also a norm produced from the international laws set forth in the UN Charter. The proponents and opponents of both R2P and the concept of state sovereignty have a problem when they try to cite their argument from the UN. Charter because in it, there are laws which both prohibit and allow military intervention.

The UN Charter, Chapter I, article 2 (4) states "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations." (UN. Charter art. 2, para. 4). This paragraph within article 2 clearly prohibits the use of force against a sovereign state. Following this law, R2P cannot exist as a norm within international relations because the third pillar of R2P goes against state sovereignty expressed as the use of force.

The above-mentioned paragraph applies at all times for all states. However, it directly infracts with the last sentence of article 2 (7) "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII." (UN. Charter art. 2, para 7). As stated before, international law is in part built on the idea and rule of sovereignty. Yet the application of enforcement measures seems to supersede sovereignty as stated in this paragraph.

The application of enforcement measures cited above pertains to Chapter VII of the UN. Charter. It is in this chapter where the UNSC derives it theoretical power from. Article 39 of Chapter VII sums up the vast responsibilities of the UNSC in a few lines. "The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in

accordance with Articles 41 and 42, to maintain or restore international peace and security." (UN Charter art. 39)

The UNSC's most important task is to maintain or restore international peace and security. This is in part why many scholars cite the UNSC as having near-absolute power when it comes to international politics. Sovereignty, if read from the UN charter is actually contingent on what the UNSC deems a threat to peace. Sovereignty while stipulated in the UN. Charter as being non-negotiable can be breached lawfully if the measures in article 41 such as diplomacy and economic sanctions are deemed inadequate. It is within Chapter VII article 42 that this is made clear. "Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations." (UN. Charter art. 42)

If the UNSC is unable to maintain or restore international peace and security, the body can act militarily. Thus, breaching any states sovereignty is potentially permissible. Sovereignty is still the bedrock of international law. Breaching a state's sovereignty will be met with severe repercussions and potentially trigger a war if the perpetrator is another state. However, as we have seen before if the UNSC approves an operation into another state it is per definition lawful because the UNSC derives their power from the UN. Charter.

What does this mean for R2P and its unsteady relationship with sovereignty? In theory, R2P and sovereignty should not have to be polar opposites because sovereignty is managed by international law derived from the UN. Charter and R2P's third pillar are controlled by the UNSC. However, the laws and norms that are initially supposed to complement each other and work in cohesion on paper, does not always do so in reality. States are usually protective of their own sovereignty and will defend their sovereignty should a state or international body ever try to infringe on it. This is doubly true if said state is powerful.

4.1.2 Humanitarian Intervention

Humanitarian intervention has long been seen as one of the most controversial topics of international politics. It directly goes against the fundamental rules of international law and the norm of non-interference. Humanitarian intervention does not have a legal definition, but the commonly accepted definition is as stated before "Entry into another country by the armed

forces of another country or international organization with the aim of protecting citizens from persecution or the violation of their human rights" (Brown et al., 2018, p. 265)

There have been numerous cases of humanitarian interventions in the past, arguably the more famous of them occurred in the 1990's. The United States intervened in Somalia in 1992, but the operation that sparked a worldwide conversation about this topic was the 1995 NATO bombing of Bosnia. Following the Srebrenica massacre, NATO initiated a two-week bombing campaign against the Bosnian Serb army. NATO operations in Yugoslavia continued in 1999 to stop Slobodan Milosevic. After the initial intervention and subsequent bombing by NATO countries began in Yugoslavia, Russia initiated a Security Council meeting to address the apparent unlawful intervention. Much of the reason behind the outrage and controversy surrounding the NATO campaign in Yugoslavia came from the fact that no UNSC mandate nor resolution had been passed. (Nuñez-Mietz, 2018)

NATO intervened in Yugoslavia without UNSC approval. The intervention was therefore illegal. However, after Russia called for an emergency UNSC meeting and proposed a resolution to immediately end the NATO campaign in Yugoslavia, the resolution met a surprising end. Even though the NATO intervention was clearly illegal, Russia's proposed resolution to end the intervention was supported only by 3 UNSC members. Russia, China, and Namibia. The remaining 12 UNSC members voted against. (Williams, 2019)

This outcome rendered a new understanding of not just humanitarian intervention but the apparent east/west divide within the security council. The intervention went on to continue until mid-summer of 1999. The aftermath of the intervention and all the preceding issues were documented by an ad-hoc commission called The Independent International Commission on Kosovo. (IICK, 2000).

The 200 plus-page report was made by eleven members form eleven different countries. The report drew criticism because seven of the eleven members were from NATO countries. Moreover, the report came out with a conclusion that would change the very idea of humanitarian intervention.

The Commission concludes that the NATO military intervention was illegal but legitimate. It was illegal because it did not receive prior approval from the United Nations Security Council. However, the Commission considers that the intervention was justified because all diplomatic avenues had been exhausted and because the intervention had the effect of liberating the majority population of Kosovo from a long period of oppression under Serbian rule (IICK, 2000, p. 4)

The intervention was deemed illegal, but legitimate. This had the effect of giving the operation a more solid stance within international opinion. Although a contested conclusion, the rhetoric surrounding humanitarian intervention received a much-needed overhaul as the focus shifted from solely talking about breach of sovereignty to the adherence of international human rights laws. However, due to the illegality of the humanitarian intervention the IICK also stated that "The Commission feels that it would be most beneficial to work diligently to close the gap between legality and legitimacy in a convincing manner for the future. The Commission is of the opinion that the best way to do this is to conceive of an emergent doctrine of humanitarian intervention" (IICK, 2000, p.186)

4.1.3 Humanitarian Intervention and R2P

Humanitarian intervention and R2P are not the same. Although the two terms are often used interchangeably, there are considerable differences between the two terms. The Global Centre for the Responsibility to Protect, an advocacy NGO for R2P released an article written by Simon Adams in 2012. Entitled *Libya: and the Responsibility to Protect.* (2012) The article was written after NATO intervened militarily in Libya in 2011. In it, Adams discerns the differences between humanitarian intervention and R2P.

> First, the remit of humanitarian intervention, which aims at preventing large scale suffering, is far broader than that of R2P, which focuses upon the prevention of the four mass atrocity crimes. Second, humanitarian intervention automatically focuses upon the use of military force, by a state or a group of states, against another state without its consent. As such it overlooks the broad range of preventive, negotiated and other non-coercive measures that are central to R2P. Third, to the extent that the doctrine of humanitarian intervention is predicated on the basis of the "right to intervene," it assumes that it can proceed without the need to secure appropriate authorization under international law. (Adams, 2012, p. 11)

Humanitarian intervention has a much broader scope than R2P. In fact, humanitarian intervention does not have a scope. The doctrine has no legal status. In the past, the only justification for utilizing humanitarian intervention has been to stop human rights violations. This means, that the doctrine can be easily abused because the ultimate decision to intervene based on humanitarian grounds lies with the intervening state. Secondly, to what extent does human rights violations allow for humanitarian intervention? This answer also lies with the intervening state.

R2P has four specific crimes for which the pillars can be initiated. The scope is still large, but it does at least render a blueprint for the reason to intervene. It is also important to remember that humanitarian intervention only deals with military action, R2P endeavor to prevent

atrocity crimes before anything else. Then it goes on to present diplomacy and if need be economic sanctions before an eventual military response.

Another crucial difference between the two doctrines has to do with authority. In the Kosovo case, UNSC approval was not acquired. NATO still intervened on humanitarian grounds illegally. Noted, it was a multinational organization that intervened, not a single state, yet the same rules still apply. R2P, unlike humanitarian intervention can only be utilized by the UNSC. A single state or an international organization like NATO cannot utilize the pillars of R2P without direct approval from the UNSC.

The case can and have been made that certain humanitarian interventions were carried out on moral grounds. The Kosovo case is infamous in this regard due to its status as "illegal, but legitimate." However prudent the actualities of that statement are, R2P does not just seek legitimacy but also legality while at the same time proposing that sovereignty as a responsibility can aid in the diminishing of human rights violations. (Adams, 2012)

4.1.4 Human Rights

It was not until the middle of the 20th century that the term human rights became what they are today. A set of universally applying rights which sees no difference between individuals, but seeks to encourage virtue amongst all. At the turn of the century, the term 'human rights' had already become a household name. International institutions, government and non-governmental organizations have been created around the defense and proliferation of human rights all around the world. (Ishay, 2008)

Without a doubt, the most important and prolific document pertaining to human rights is the 1948 *Declaration of human rights.* After the events of World War 2, there was an international consensus that the current UN. Charter did not sufficiently work in cohesion with the rights pertained in the charter at that time. Therefore, a more comprehensive human rights document was made. (De Baets, 2009).

Consisting of 30 articles, the UDHR was adopted by the General Assembly on December 10, 1948 by 48 of the then 58 members. It has since been adopted by nearly all members of the United Nations. In its preamble, the UDHR states "Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world" (General Assembly, 1948)

In addition to serving as the most fundamental human rights document in history, the UDHR is also the most translated document in the world. It has been translated to more than 360

languages. Both *the International Covenant on Civil and Political Rights* (ICCPR) and the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) stems from the UDHR. Both of these covenants were ratified by most states in 1977. (Hannum, 1998)

These three documents form the International Bill of Human Rights which as in turn helped produce more than a ten-fold of treaties, international courts and has served as inspiration for countless national constitutions. (De Baets, 2009)

There is no doubt that the emergence of human rights has been beneficial to society at large. However, there are certain inherent issues regarding these apparent universal human rights. The UDHR for example, is not a treaty. It has helped create humanitarian international law, but the UDHR does not create any legal commitment for states. The text itself is open to differing interpretations. Another factor is that the world has changed significantly since 1948. (Falk, 2004)

At the time of writing, the UDHR was created in a bipolar world system. Since then, after the fall of the Soviet Union, the international order saw the emergence of a unipolar system in which the United States became the sole hegemon. In recent years however, scholars and theoreticians alike have described the contemporary international order as multipolar due to shifting geopolitical tides. (Burrows, 2017)

In addition to having the international order go through certain seismic shifts, there are cultural, economic, social, and political changes that have occurred on an international, as well as social level. The dividing lines between all these factors have led to the fact that human rights are no longer seen as universal by certain cultures and even states.

> If anything, the postcolonial period since the writing of the declaration has witnessed an erosion of the belief in the universality of human aspirations. In part, this erosion stems from a widespread conviction that human rights are a Western invention being shoved down non-Western throats. Though such attitudes are partly a propaganda ploy by leaders who seek to shield their abusive behavior from criticism, they also reflect the views of many non-Westerners who believe that the highly individualistic declaration does not adequately balance rights with responsibilities — witness the emergence of "Asian Values" or "Islamic Values." (Falk, 2004, p. 18)

Based in part on natural rights and natural law, human rights can be described as having its origin based in the European enlightenment. This effectively makes human rights a Western invention, something which has been noted when Western states try to intervene or sanction states that violate human rights. There are differing cultural variations and regional opinions

on how human rights ought to be utilized. Especially problematic is the view that Falk is touching upon here, that human rights value individualism over traditional values.

Human rights have propelled humanity into a more morally international order despite its many issues across the world. Whether for or against the ideas described in the UDHR, there exists at least in the Western world, a common consensus that human rights have made life better for the majority of people.

4.1.5 Human Rights and R2P

Human rights are at the centre of R2P. The very reason for inventing R2P came from a desire to protect and safeguard the most basic human right. The right to life. After the Rwandan genocide in 1994, it was undeniable that human rights and the protection of it was unsatisfactory.

As mentioned earlier, the NATO intervention into Yugoslavia was deemed illegal, yet legitimate. It appears that the safeguarding of certain basic human rights trumps international law. State sovereignty rules did not take precedent in that particular case due to the numerous gross human rights abuses that occurred. The use of force is acceptable as long as grievous enough human rights abuses materialize. In the original ICISS document it is stated that the threshold for intervention is permissible when: " A. Large scale loss of life, actual or apprehended, with genocidal intent or not, which is the product either of deliberate state action, or state neglect or inability to act, or a failed state situation; or B. Large scale ‘ethnic cleansing’, actual or apprehended, whether carried out by killing, forced expulsion, acts of terror or rape." (ICISS, 2001)

examined through the lens of human rights, the above-mentioned paragraph states that if the right to life is violated on a grand enough scale, intervention is indeed morally permissible. The 2005 World Outcome Document changed this wording to apply only to the four crimes. Genocide, war crimes, crimes against humanity and ethnic cleansing. These crimes are already a part of already existing humanitarian and international law. (Badescu, 2010)

Had the ICISS report along with the changes made to R2P by the 2005 World Summit Document been created two decades ago, the Rwandan genocide might have been prevented. The NATO intervention in Yugoslavia might also have been deemed as lawful and legitimate instead of just the latter classification.

The blueprint for military intervention did not exist at that time, but it is important to note that even if it had, the outcome remains unclear. What is clear however, is that there is an emerging respect for the prevention and punishment of gross human rights violations.

5. Analysis

This analysis will be presented for the purpose of answering the problem formulation which is stated at the end of the introduction section. This section will analyse whether the doctrine of R2P has effectively changed contemporary perceptions of state sovereignty, humanitarian intervention, and human rights. This will be done by examining different cases in which these three notions have all been affected.

The cases which will be presented below have been chosen due to the differing circumstances in which they were received. In other words, the three cases all showcase R2P's ability to bring change to the three concepts which this thesis have examined. The 2011 NATO intervention in Libya. The 2007/8 crisis in Kenya, and the Syrian civil war are the three cases which will be examined below. The subsequent section will answer the two thesis questions posed below in order to aid in the answering of the problem formulation.

5.1 Libya

The events leading up to the First Libyan civil war stems from the Tunisian revolution which started in 2010, which in turn sparked protests across the Middle East and North Africa. This led to the infamous Arab spring. Following the string of protests in the region, peaceful anti-corruption movements sprung up in Libya. Due to the anti-government theme of these protests, violent clashes soon ensued. On February 17, police and government forces opened fire on peaceful protesters. (Human Rights Watch, 2011)

More than 30 protesters were killed and 45 wounded. This sparked an outrage in Libya. The events also garnered widespread criticism and condemnation internationally. At this point, the civil unrest in Libya between the protesters and pro-Gaddafi forces had reached the UN. Not ten days after the February 17 massacre, the UNSC acted.

The UN Security Council approved the first of two mandates about Libya on February 26, 2011. UNSCR 1970 referred the situation in Libya after February 15, 2011 (the date of the initial protests in Benghazi) to the Prosecutor of the International Criminal Court (ICC), imposed an arms embargo on Libya, and established travel bans and asset freezes on key figures in the Qadhafi regime. (Yost, 2014)

UNSCR 1970 was unanimously adopted. In addition to the mandate on Libya, several international and regional organizations also supported the mandate. The African Union, (AU)

Arab League, (AL) Organization of the Islamic Conference, (OIC) and Human Rights Watch all agreed that the mandate on Libya was just. (ICRtoP, 2014)

These organizations had Libya as a member, the UNSC and the ICC had targeted Gaddafi and his closest allies. Resolution 1970 also referenced R2P for the first time since the 2006 situation in Darfur. The resolution effectively imposed an arms embargo on Libya and a travel ban for Gaddafi, his family and key actors within his government. (ICRtoP, 2014)

The civil unrest in Libya continued. Protesters and pro-Gaddafi forces were still ensued in violent confrontations. Gaddafi himself vowed to never back down and continue his fight against the protestors which he deemed as traitors. Seeing that the situation would deteriorate even further the UNSC sought to act again. "With Qaddafi showing little sign of backing down, the secretary-general intervened personally by phoning the Libyan leader and trying to persuade him to comply with the resolution. When that too failed, the onus was placed squarely on the Council to determine the next step." (Bellamy, 2011)

The UNSC debated further action regarding Libya after seeing that UNSCR 1970 failed to deter Gaddafi and his forces from further human rights abuses. A resolution was proposed by Lebanon, France, and the United Kingdom. The resolution would act upon UNSCR 1970, however, in accordance with the UN. Charter, Chapter VII, and the principles of the Responsibility to Protect doctrine, the resolution would entail a military response. On March 17. UNSCR 1973 was adopted. None of the 15 UNSC members voted against. 10 members voted in the affirmative and 5 abstained. (Yost, 2014)

Two days later the intervention commenced. The United States, United Kingdom and France began air strikes from sea and air. Targeting pro-Gaddafi military installations and bases, the intervention of Libya had begun. NATO took command of the operation on March 31st after being mandated by the UNSC to take charge of the operation.

Operation Unified Protector was the name given to the NATO intervention of Libya. 14 countries made up the NATO-led coalition with support from regional allies such as Jordan, Qatar, and the United Arab Emirates. After 8 months of fighting, Gaddafi was killed, and his oppressive regime was ousted. The National Transitional Council (NTC) took over and was granted diplomatic recognition from more than 100 countries, as well as support from the AU, AL, EU, and the UN. (Bellamy, 2011)

5.1.1 Kenya

From the last month of 2007 until the end of February 2008. More than 1100 Kenyans were killed. This happened during what is now known as the Kenyan crisis. A presidential election in late December 2007, sparked an ethnic conflict which burdened the entire country. President Mwai Kibaki was announced as the winner of the election. Kibaki's primary opponent, Raila Odinga and his supporters claimed that Kibaki had manipulated the courts and engaged in electoral fraud. The majority of the international community also recognized Odinga as the winner. (Halakhe, 2013)

The Kenyan election was the catalyst which engulfed the nation into chaos. In addition, there are age-old ethnic tensions between certain groups in Kenya. All these variables turned Kenya into what many believed would end up being the next "Rwanda". "In less than two months 1,133 Kenyans were killed and over 600,000 driven from their homes while more than 110,000 private properties were destroyed in fighting that occurred mainly between ethnic Kikuyus, Luos and Kalenjins in the Rift Valley, Mombasa and urban informal settlements." (Halakhe, 2013, p. 5)

In the following the days the UN and AU worked in cohesion as to end the violence. The ICC stated that the violence that followed the presidential results had reached the point of crimes against humanity. International action was swift. The AU and the UN had reached an agreement with all parties that a mediation effort was underway. (Lynch & Zgonec-Rožej, 2013)

Former Secretary-general of the UN, Kofi Annan was brought on to be the lead mediator after several AU heads of state had tried to bring civility and peace back to Kenya. Former President of Ghana John Kofour initiated a panel of "Eminent African Personalities" which consisted of the President of Tanzania, Kofi Annan and the former First lady of Mozambique. Both President Kibaki and his opponent Odinga attended. (Halakhe, 2013)

The panel debates proved to be very successful as the uproar ended the last day of February. Before that happened. The parties involved agreed to implement change. "The parties agreed to address four agenda items in four weeks, namely: (1) taking immediate action to stop the violence and restore fundamental rights and liberties, (2) addressing the humanitarian crisis and promoting reconciliation, healing and restoration of calm, (3) overcoming the political crisis, and (4) addressing long-term issues and the root causes of the conflict, including constitutional, legal and institutional reforms." (Halakhe, 2013, p. 9)

The civil unrest and violence stopped as both opposing parties agreed to these four agenda items. President Kibaki and his opponent Odinga both agreed to enter into the newly formed coalition government. Odinga would serve as Prime Minister and Kibaki would continue to serve as President.

5.1.2 Syria

The Syrian civil war is an ongoing crisis that has been going on for almost 10 years. Along the lines of the Libyan civil war, the Syrian one also started with the Arab spring. Pro-democracy protesters clashed with government forces when they demanded President Assad's removal. The civil war has turned into a proxy-war because of the numerous states involved. The Syrian Arab Republic is allied with Russia and Iran. Until recently, the United States were allied with the rebel Syrian Democratic forces (SDF) which consisted of Kurds and Syrian army defectors. (Berti & Paris, 2014)

The major powers in Europe have sided with the rebels, and alongside the United States they have sent officers to train the rebels from the SDF. Gulf states are also involved with the civil war as they fear an expanded Iranian sphere of influence. Syria's long-time ally Russia has since 2015 intervened on behalf of the Syrian republic to fight against the rebels. (Schmidt, 2019)

To describe the Syrian civil war as a catastrophe would be an understatement. Since 2011 more than 400.000 people have died, and more than 6 million people have become displaced. The situation in Syria became much worse when the Islamic State (IS) came into the mix. The global coalition fighting against IS on the battlegrounds of Syria and Iraq made the civil war in Syria an unfathomable disaster for the civilians. (Oktav & Kursun, 2018)

After the United States withdrew from the conflict, Turkey has begun operations against the Kurds in northern Syria. Hezbollah has begun to acquire more territory from the SDF, effectively making Iran a stronger actor in the region. There are numerous geopolitical complexities at play in Syria and the UNSC has for almost 10 years been deadlocked. No UN solutions have been applicable even after the Assad regime used chemical weapons on its own citizens. Something which is prohibited by international law through the Geneva conventions. (Zarocostas, 2017)

The only viable UNSC victory in this decade long war has been UNSCR 2118. The resolution was unanimously adopted on the 27th of September 2013. The resolution came as a response after the UN and the rest of the world witnessed the Assad regime use chemical weapons in

Ghouta. The resolution demanded that the chemical weapons stockpile be destroyed. According to the Organization for the Prohibition of Chemical Weapons (OPCW) the chemical weapons have been destroyed. (Walker, 2014)

5.1.3. Did the NATO intervention in Libya prove that R2P has effectively replaced the notion of humanitarian intervention due to the apparent legitimacy and legality of the intervening operation?

In March of 2011, NATO intervened militarily in Libya based on a UN resolution that effectively put human rights above state sovereignty. UNSCR 1970 and UNSCR 1973 was based on the UN. Charter and the doctrine of Responsibility to Protect. The NATO operation in Libya was mandated by the UNSC. The intervention ended after 8 months, and the NTC effectively resumed the position of acting government. The events after 2012 up till today do not matter in this context as this section is trying to figure out if R2P has made humanitarian intervention obsolete by applying both legitimacy and legality to the protection of human rights.

Michael Walzer, a prominent American political theorist states in one of his most prolific books *Just and Unjust Wars: A Moral argument with Historical Illustrations* (2006) that "Humanitarian intervention is justified when it is a response to acts that shock the moral conscience of mankind" (Walzer, 2006, p. 107)

Measuring the moral conscience of mankind is not something which is quantifiable. Whether the human rights violations perpetrated by the Gaddafi regime constitutes a shock to mankind's moral conscience is arguable. However, the acts committed by the Gaddafi regime certainly received international attention. The day preceding the adoption of UNSCR 1970, Secretary-General Moon stated:

> The violence must stop. Those responsible for so brutally shedding the blood of innocents must be punished. Fundamental human rights must be respected. My Special Advisers on the Prevention of Genocide and the Responsibility to protect have reminded the national authorities in Libya, as well as in other countries facing large-scale popular protests, that the Heads of State and Government at the 2005 World Summit pledged to protect populations by preventing genocide, war crimes, ethnic cleansing, and crimes against humanity, as well as their incitement. (Ki-Moon, 2011)

Many aspects of R2P is derived from the century-old doctrine called just war. Briefly summarized, the doctrine, or theory ascertains how and why one can wage war. Certain key points in the ICISS report is based upon just war theory, such as the Just Cause Threshold and the Right Authority Principles. (Constantin, 2018)

As stated earlier, the NATO intervention in Kosovo did not receive UNSC approval. The reason why specifically the USNC is cited as the body which did not give approval is because it is the body entrusted with ensuring international peace and security. The Right Authority principles states in the ICISS report that "There is no better or more appropriate body than the United Nations Security Council to authorize military intervention for human protection purposes. The task is not to find alternatives to the Security Council as a source of authority, but to make the Security Council work better than it has" (ICISS, 2001, p. XII)

The foundational principles of R2P makes the UNSC the highest authority regarding matters of military intervention authorization. Earlier, when states or organizations intervened on humanitarian grounds, UNSC sanction was also needed. However, several interventions have gone ahead without UNSC approval in the past. Given that R2P, in its tertiary form has made humanitarian intervention obsolete, it can be argued that R2P has undoubtedly changed the framework surrounding the act of intervening based on humanitarian grounds.

Humanitarian intervention also lacks the pre-emptive measures of R2P. This also strengthens the above-mentioned statement. Not diplomatic efforts nor economic sanctions have anything to humanitarian intervention. R2P has been cited by the UNSC more than 50 times, the majority of those references dealt only with the aspects pertaining to pillar one and two. (Bellamy, 2011a)

The legality of the NATO intervention in Libya is sound. The UNSC is the highest source of authority when dealing with matters pertaining to international peace and security. The resolutions enacted in regard to the Libyan situation received overwhelming support by both permanent and non-permanent members. The legal soundness of the intervention is also strengthened by the fact that the UNSC upheld their responsibility to protect human rights through the Geneva conventions, the UDHR and the adherence to the 2005 World Summit Outcome Document. (Adams, 2012)

Another reason for acknowledging the fact that R2P has effectively replaced the notion of humanitarian intervention comes from the fact that R2P is grounded in already existing international and customary international law. Humanitarian intervention is not. However, the argument for this shift can also be said to stem not solely from the legal perspective, but a moral one.

The NATO intervention in Libya has shown through R2P that human rights can be placed on a high enough pedestal to challenge the notions of state sovereignty. Equally important, the

intervention has shown that it has become more difficult to ignore human rights violations than to act against it. The legitimacy surrounding the implementations of UNSCR 1970 and 1973 comes directly from the thought process behind Kofi Annan's plea which resulted in the ICISS.

The atrocities in Rwanda and Srebrenica led Annan to desire a normative framework for intervening in places where human rights atrocities occurred. The human rights violations in Libya and Rwanda are not comparable. However, that is not to say that the threshold for military intervention should only be initiated after thousands of people have been slaughtered.

The pleas from Libyan civilians and rebel soldiers to the international community did not go unheard. The UNSC, through NATO acted upon the call for aid and that serves as practical validation of the operation's legitimacy. The doctrine of R2P was specifically designed for this. (Rice, 2011)

Post-Operation Unified Protector, the criticism of NATO's intervention could easily be found. Much of the criticism was warranted and valid. Former President Obama even said that not planning ahead for Gaddafi's removal was one of his biggest regrets. The situation in Libya today can be described as deteriorating, however, the fact of the matter is that R2P worked the way it should.

R2P is a flawed doctrine. The authorizing mechanisms which govern R2P is flawed, yet the doctrine has made strides for the preservation of human rights and the NATO intervention in Libya has shown that the doctrine of humanitarian intervention is gone and R2P is the successor.

5.1.4. State sovereignty and human rights are two concepts at the forefront of the Kenyan crisis and the Syrian civil war. Do the contrasting results of the handling of those two cases by the UNSC constitute that R2P only works when great power relations do not interfere?

The crisis in Kenya spurred by the 2007 presidential election received widespread international attention due to the similarities with the Rwandan situation in 1994. In the span of a few weeks, more than a thousand Kenyans were killed in large part due to ethnic conflicts. Over half a million people were internally displaced. Regional powers were concerned that this conflict would turn Kenya into a new Rwanda. The AU immediately tried to ease tensions between the different factions vying for power. (Weiss, 2010)

On 1 January, the Eldoret massacre took place. 50 Kikuyu had been trapped inside a church and were killed when a rival ethnic group set the church on fire. This led to more ethnic tensions and killings. Francis Deng, who at the time served as UN Special Advisor on the Prevention of Genocide stated that the "atrocities could easily escalate to dangerous levels" and the U.S. Assistant Secretary of State for African Affairs said that the violence clearly amounted "to ethnic cleansing."(ICRtoP, 2015)

The application of R2P in a Sub-Saharan country came as a shock to many, not because the tenets of applying R2P were just, but because of the haste and effectiveness applied to the implementation of R2P's preventative measures.

Instead of letting Kenya continue to slide toward the precipice of disaster, crucial members of the international community—in this case, African neighbors, the African Union (AU*) and former United Nations secretary-general Kofi Annan as mediator, backed by the U.S., the UN and the European Union (EU*)—as well as Kenyan and international civil society, acted rapidly and in unison. The worst was avoided and breathing space created. (Weiss, 2010, p. 17-18)

Secretary-General Ban Ki-Moon traveled to Kenya and urged the government to abide by its international human rights obligations. The UNSC issued a statement in support of the negotiations and reminded the Kenyan government that the perpetrators would be brought to justice. The Waki Commission which was an ad-hoc commission of three different bodies, referred six individuals to the ICC after the crisis had ended. (Weiss, 2010)

With the crisis ending after two months of dispute, R2P and the actors involved with the crisis received praise for how the situation was handled. Human Rights Watch issued a glaring statement for R2P "The swift and coordinated intervention of the African Union mediation team, headed by Kofi Annan and backed by the United Nations and select foreign governments, can be seen as a model of diplomatic action under the ‘Responsibility to Protect’ principles adopted by the UN while Kofi Annan was secretary-general. Indeed both Raila Odinga and Mwai Kibaki have praised the AU, UN, and foreign governments for their role in encouraging and facilitating the power-sharing agreement." (HRW, 2008)

The R2P application in Kenya is widely regarded as the prime example of R2P actually working. It also speaks to the vastly different methods utilized compared with the outdated act of humanitarian intervention. Human rights were accentuated, and state sovereignty treated in such a way that can only be describes as by the book. The Kenyan government were unable to quell the human rights abuses, therefore the international community stepped in and actually

resolved the case. No intervention was needed because the preventative measure of R2P worked.

The Kenyan and Syrian crisis showcase two vastly different reviews for R2P. The Syrian crisis, which is now going into its 10th year shows no sign of stopping. International mediation, diplomacy, threats of economic sanctions and every other tool which is at the UNSC's disposal could not stop the violence in Syria.

What is notable in the Syrian case in regard to R2P is that a recurring critique has shown up. Briefly stated, the critique centers around the fact that unless great power interests align, then R2P is rendered meaningless. In the Kenyan case, all the great powers (P5) were on the same page. No one disagreed to such an extent which they have in regard to the Syrian case. The great powers did not allow for mass atrocities to occur in Kenya, yet they have for Syria. (Western & Goldstein, 2013)

The 27th of April 2011, the Secretary-General briefed the UNSC on the situation in Syria and warned that inaction would likely end in numerous Syrian casualties. The warning went unheard and the UNSC did not convene on the matter for another 5 months. An attempt to secure a non-coercive resolution by France, the U.K. Portugal and Germany failed after Russia and China vetoed the motion. The resolution intended to strongly condemn the actions perpetrated by the Syrian government. (Morris, 2013)

The Syrian crisis underwent drastic changes when the Syrian government used chemical weapons on its own citizens in Ghouta. As stated earlier, the resolution enacted to destroy the remainder of Syria's chemical weapon stockpiles is the only resolution which the UNSC has agreed upon. The UNSC remains deadlocked on the Syrian situation. Seemingly, for almost 10 years, not basic adherence to human rights laws, R2P or the Geneva conventions can make the UNSC agree on a unified course of action in order to stop the atrocities in Syria.

What is clear is that while support for the principles embedded within the doctrine of R2P is rising, the actualities of enacting measures in response to gross human rights violations depends on great power relations. There are geopolitical concerns at stake for certain members of the UNSC. Concerns that supersede the protection of human rights.

"Moscow's ties to the Assad regime and consequential concerns over ulterior Russian strategic interests have rarely been far from the surface of Council debate. France, for example, accused Russia of merely wanting to win time for the Syrian regime to crush the

opposition after it had vetoed a resolution which included only a mere threat of non-military sanctions." (Morris, 2013, p. 11)

Russia fears a U.S. expansion in the Middle East. The northern part of Syria is not far from Russia, given that Russia's sphere of influence stretches down to Syria, it is understandable that Russia does not want a Western style intervention so close to their backyard. China on the other hand is playing a hedging game. They abstained when it came to UNSCR 1973. Critics blamed China for not stepping up to their usual stance on non-interventionism. China also felt that they received zero praise for allowing NATO to intervene. The image problem is one of the key reasons for why China will not budge. (Sun, 2012)

Yan Xuetong delivers in Yun Sun's article titled *Syria: What China Has Learned From its Libya Experience* (2012) a crushing statement which shows how much great power relations matter in regard to R2P application.

According to Yan Xuetong, a prominent Chinese strategist, the West and Arab states did not show any appreciation for China's effort on Libya and instead labeled China an "irresponsible power" for not participating in the military campaign. Therefore, if the Syrian opposition prevails, it will only thank the West for its "real military support," not China. As for China's international image, Yan argues "regardless of how China votes on Syria, the West will always see China as an undemocratic country with a poor human rights record and the Arab states will always side with the West." Therefore, China's veto of the Syria resolution does not fundamentally cost China anything. And unlike in Libya, where China had to evacuate over 30,000 Chinese citizens and had substantial assets on the ground, it only has about 800 Chinese citizens and limited economic interests in Syria. While Beijing saw little to lose, it saw much to gain by vetoing the Syria resolution. China's veto saved Moscow from international isolation—the joint veto was a powerful demonstration of Sino-Russia diplomatic cooperation—a favor that Russia now has to return. Furthermore, the veto is seen as conducive to maintaining the current power balance in the Middle East, which China prefers over a military campaign to remove Bashar al-Assad, Syria's president, and indirectly influence Syria's regional ally, Iran. (Xuetong, as cited in Sun, 2012, p. 2)

It is clear that the principles of R2P do not apply when great power relations are intertwined in certain conflict. It is also clear that the national interest of great powers supersedes any adherence to protection of human rights. The concept of state sovereignty is being used as a reason for not intervening, but the truthfulness of that is lucid.

R2P was hailed in the aftermath of the Kenyan crisis because of the swiftness of the application and the results it garnered. In Syria however, R2P has been cited as a useless tool for preventing and stopping gross human rights violations. Should great power relations align, R2P has the ability to work in the way it was designed, if they do not, then R2P's practical abilities are unavailing

5.1.5. Concluding results

The two thesis questions above were examined in order to aid in the answering of the problem formulation. R2P has proven be a normative force within international relations. The NATO intervention in Libya showed that the notion of humanitarian intervention has been replaced by the framework set forth by R2P.

R2P's ability to effectively muster international action in response to human rights violations within sovereign states are not optimal. It worked in Libya where R2P's last pillar was utilized and in Kenya where R2P's pre-emptive measures ended a crisis. In Syria, the doctrine has not been used. Not because it is not applicable, but because of the great power relations in play in and around the region.

Has the global commitment known as R2P reinterpreted the notions of state sovereignty, humanitarian intervention, and human rights? Or is it simply a watered-down version of already existing law? I would argue that the answer is twofold. R2P has brought the discussion of state sovereignty in a rhetorical arena where human rights are elevated to the same level as state sovereignty. Sovereignty as a responsibility is a concept which is much closer to reality for many states now than it was before the ICISS report came out. That in it of itself can and has normalized the idea that state sovereignty has been reinterpreted to a certain degree.

R2P has not just reinterpreted humanitarian intervention, it has effectively consumed it. By making a framework which lawfully enables military intervention into a sovereign state, R2P has made humanitarian intervention obsolete. This does not mean that humanitarian intervention cannot happen, but it would result in much harder criticism and sanctions from the international community because the notion of humanitarian intervention is outdated. There is a blueprint available, a blueprint which is a contemporary standard for military intervention based on humanitarian reasons.

Because of R2P, gross human rights violations are not as easily committed as before the doctrine's inception. States cannot commit atrocious human rights violations with ease, as the international community now has an obligation to hinder and stop them. This is not however, as true as it should be. Syria is a prime example of that. Because R2P is based on already existing international law, the effectiveness of R2P is layered. R2P is a great prohibitor. States know that R2P could be utilized in such a way that would result in military intervention like

Libya, however the chance of that happening is low because of the varying great power relations.

In essence, the notions of state sovereignty, humanitarian intervention, and human rights have been reinterpreted because of R2P. It is however, up to the UNSC to decide whether these notions will be reinterpreted in such a way that it is beneficial rather than detrimental.

6. Conclusion

The International Commission on Intervention and State Sovereignty responded to Kofi Annan's plea which revolved around the international community's failure to address gross human rights violations in the 1990's by making a general framework. R2P became that framework after the 2005 World Summit. Never again would a Rwanda happen. That was the basic idea.

The concepts intertwined within R2P are broad, complex, and difficult to combine. Human rights and state sovereignty have been at odds with each other, humanitarian intervention became the supposed remedy. R2P sought to reconcile these concepts by making members of the international community accountable to each other.

This has had varying results. R2P is considered by some to reflect aspects of international law that states are bound to adhere to; others believe it to be a tool for Western imperialism. Military interventions have occurred into sovereign states in response to gross human rights violations because of R2P. The concept has had a profound impact on the notions surrounding state sovereignty, humanitarian intervention, and human rights.

R2P itself is only a framework for the prevention of genocide, ethnic cleansing, war crimes and crimes against humanity. The commission that made it are not its owners. The United Nations Security Council is. For all the altruism that is embedded within the doctrine, none of it truly matters unless the UNSC can agree on matters pertaining to international peace and security.

Despite the varying results R2P has had in practical terms, the doctrine has made changes to the concepts it involves. Discourse encompassing state sovereignty, humanitarian intervention and human rights are all concepts which are now intertwined with R2P. That has and will continue to change how international matters are settled.

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