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The Responsibility to Protect and the United Nations' Intervention in Regional Crises and Wars

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Abstract
The debates surrounding the application of the Responsibility to Protect (R2P) Commitment, especially in Syria, have made it clear that the R2P is not yet fully understood. For if it were to be adequately understood, the debates would not have emerged or been as heated as it currently is. The aim of this paper was to examine the Responsibility to Protect Commitment. That is, it examined the origin, nature, advantages, and criticisms against the R2P. The study utilised the content analysis method and the data were generated through secondary sources. The realist theory was used as its theoretical foundation, and the paper argued that the origin of R2P was too casual to be a real commitment for the protection of human lives against the many threats that lurk the world over. Furthermore, the study posited that the current troubles with the implementation of the R2P is a product of the realist politics upon which the R2P was built, and it (R2P) is a normative prescription that has few legal backings. Conclusively, the study recommended that there should be a deliberate reconsideration of the R2P to not only clarify its goals but also clarify its legality and strengthen its applicability.

Keywords: Responsibility to Protect, Syria, United Nations Security Council and Realist Politics.

I. Introduction

The international community has a contentious history when it comes to preventing and halting mass atrocities. Throughout the 20th and early 21st centuries, states largely failed to act according to their responsibilities as signatories of the 1948 Genocide Convention, 'standing by' time after time while civilians were targeted by their leaders, despite their declarations that such crimes must "never again" be allowed to happen (Pattison, 2013). It was only in 2001, under the shadow of shameful inaction during the Rwandan genocide and in light of the perceived success of the 1999 Kosovo intervention, that the international community was finally able to produce a (comprehensive) framework of policy tools designed to guide states towards preventing mass atrocities. The Responsibility to Protect (often referred to as R2P or RtoP) aimed to halt atrocities as they occurred and rebuild and reconstruct societies in the wake of such crimes. It represented the policy realization of the statement "never again".

Statement of the Problem

The problem that propels this research may in brief be stated thus: there are controversies as to the essence of the Responsibility to Protect Commitment. Even though it is continually becoming relevant in the global arena, to help protect people from governmental failure and insensitivity, its application has remained an issue of debate. Perhaps the lack of clarity of the R2P is one of the reasons for the non-implementation of the commitment in Syria despite the hundreds of thousands of people that have lost their lives in the nearly one-decade long civil crisis. In Syria today, serious human rights violations, war crimes and crimes against humanity are the rule, said U.N. officials in a briefing to the U.N. Security Council. They added that an estimated 5,000 Syrians are dying every month in the country's civil war and refugees are fleeing at a rate not seen since the 1994 Rwanda genocide, (U.N. News Center, 2018). The next genocide in the world predicted Peter W. Gaibraith,

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a former American ambassador who witnessed ethnic cleansing in the former Yugoslavia will likely be against the Alawites in Syria (Adams, 2017). If the R2P would emerge from its current state of ambiguity, there must be a sincere and conscious effort to understand its entire dimensions. What is R2P? How did it emerge? What are the politics surrounding it? What are the conditions necessary for the implementation of the R2P Doctrine in a state? All these questions have not been adequately answered in the literature. This study is a contribution in that regard.

Research Questions

Obviously, a number of questions have to be answered for this research to realize its objectives.

These questions include:

1. What are the goals of the Responsibility to Protect (R2P) doctrine?
2. What are the factors that necessitated the emergence and evolution of the R2P doctrine?
3. What are some of the identifiable advantages and disadvantages of the R2P?
4. What are the major issues surrounding the implementation of the R2P, especially in Syria?

Aim and Objectives of the Study

The aim of this paper is to analyse the Responsibility to Protect Commitment. To achieve the aim of this study, this piece would have four objectives, namely:

1. To identify the goals of Responsibility to Protect (R2P) doctrine?
2. To highlight the factors that necessitated the emergence and evolution of the R2P doctrine.
3. To identified some of the advantages and disadvantages of the R2P.
4. To interrogate the major issues surrounding the implementation of the R2P, especially in Syria.

II. LITERATURE REVIEW

The Concept of R2P

The Responsibility to Protect (R2P) is a normative principle that attempts to ensure the right of people against gross abuses. It puts a moral burden on the state as well as the international community to act positively to protect the right of civilians in the face of genocide and other systematic crimes (Bellamy and Williams, 2011). Peters (2011, p.5) has submitted that "historically, R2P had been invented to replace the highly controversial concepts of humanitarian intervention by shifting the terms of the debate from sovereignty as control to sovereignty as responsibility and from a right to intervene to a responsibility to protect (if need be, through intervention)." From this perspective, R2P is not an adversary of sovereignty, but its ally.

Sovereignty used to present more of a barrier to outside interference than it does today. Increasingly, members of the international community require that governments meet a certain standard of behaviour within their borders before they will agree to respect the principle of nonintervention. According to the International Commission on Intervention and State Sovereignty - ICISS - (2001) state, sovereignty implies responsibility, and the main responsibility for the protection of its people is with the state itself. Therefore, when a state is unable and unwilling to stop or salvage its people from the menace of internal war, terrorism, repression or state failure the responsibility to protect is moved to the international community. Nye and Wech (2011) have observed that the rationale behind the responsibility to protect doctrine is that intrastate conflicts have destroyed more lives and property than interstate wars.

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It is notoriously difficult to measure the level of armed conflict in the world, but several important facts seem reasonably clear. The first is that intrastate war has been a greater cause of death, destruction, and displacement than has interstate war. Since World War II (Nye and Welch, 2011, p.205).

Chester and Margesson (2014) noted that the responsibility to protect doctrine (R2P) was in large part a reaction to prior failure. The fact that the international community stood idly by while genocide unfolds in Rwanda, and intervened only belatedly in Yugoslavia, promoted a genuine sense of shame. In this respect, it resembled the convention on the prevention and punishment of the Crime of Genocide adopted by the UN General Assembly m December 1948 —a sincere reaction to the world's failure to stand up to Hitler and prevent the Holocaust (Nye and Welch, 2011). But although the doctrine of R2P is relatively young, it, the Genocide Convention and all other well-meaning attempts to internationalise responsibility for peace, justice, and security have run into many obstacles. These obstacles in dude, power politics, self-interest, and freedom problems. Sometimes powerful states see an overriding interest in preventing the international community from interfering in the domestic affairs of allies, clients or satellites.

Often, states are wary of setting a precedent that could be used against them by too readily agreeing to authorize intervention elsewhere. And peace, justice, and security are, in a sense, public goods-since they benefit everyone - every state has an incentive to let other states shoulder the cost of providing them.

The UN's 2005 World Summit Outcome Document explicitly limits the application of R2P to four types of mass atrocity crimes: genocide, ethnic cleansing, war crimes and crimes against humanity. These crimes have been clearly defined in a range of documents, including in the founding statute of the International Criminal Court (ICC). R2P does not apply to other grave threats to human security, whether from climate change, disease or many harmful and ruinous state policies, such as the suspension of civil liberties, endemic poverty, mass corruption or coups d'état Other human rights instruments, legal frameworks and institutions are better suited to address these pressing issues (Gvosdev, 2019).

The four types of extreme human rights abuse enumerated in the 2005 UN World Summit Outcome Document are captured by the shorthand, "mass atrocity" or "mass atrocity crime." These crimes are defined with varying degrees of precision in international law (Yan, 2012). Genocide is the subject of the 1948 Convention on Prevention and Punishment of the Crime of Genocide, which outlaws actions taken "with intent to destroy, in whole or in part, a national, ethnical, racial or religious group" (Evans, 2012, p.23). The category of war crimes is the broadest. The founding statute of the ICC lists fifty such acts, including torture, hostage-taking, mistreating prisoners of war, targeting civilians, pillage, rape and sexual slavery, and the intentional use of starvation. R2P applies to such crimes even when they are committed in the course of a civil war or another internal conflict. While it may not be possible to specify an exact threshold, it is clear that the commission of war crimes involves widespread abuses by a party to the conflict (O'toole, 2018).

Crimes against humanity include, according to the ICC statute, extermination, enslavement, deportation, torture, rape, extreme forms of discrimination and "other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or mental or physical health." Such acts constitute crimes against humanity when they are widespread and systematic, and committed as conscious acts of policy (Blewitt, 2013). The term "ethnic cleansing" has recently come into general usage and is the least clearly defined of the four legal categories. It is understood to describe forced removal or displacement of populations, whether by physical

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expulsion or by intimidation through killing, acts of terror, rape and the like (Chester and Margesson, 2014).

At the heart of R2P is the principle that states, with the aid of the international community, must act to prevent mass atrocity crimes. Central is the idea that concerned outsiders should help states prevent these gross abuses through what the World Summit Outcome Document characterizes as "diplomatic, humanitarian and other peaceful means." This includes strengthening state capacity through economic assistance, rule-of-law reform and the building of inclusive political institutions or, when violence seems imminent, through direct mediation. The intense diplomatic engagement following the disputed election in Kenya (2007) and the work of neighbours and the UN to support the government of Burundi as it addressed ethnic conflict (1995-2005) demonstrate cooperative efforts to prevent atrocities (O'toole, 2018).

Advantages of R2P

First, in theory, it replaces a realist, militant and state-centric conception of security with a new concept of "human security". R2P norms imply a people-centred approach in international politics. It attempts to 'put people first. Second, it introduces a new concept of "sovereignty as responsibility," meaning that states are responsible to their people; the people are the real sovereigns and the state is their delegate. "Sovereignty as responsibility" has internal and external dimensions. It entails that Sovereignty becomes a joint function of states, to be protected and shared when necessary. In other words, sovereignty is a joint function by the state and the international community. The latter is responsible to protect the human rights of citizens of other states should a state be unable or unwilling to protect the rights of its citizens. Moreover, R2P norms propose a discursive shift from the alleged "right" of humanitarian intervention to the "responsibility" of the international community at large to protect people at risk (Evans, 2012).

Third, the R2P doctrine is built on three inseparable pillars of Responsibility to Prevent, responsibility to React, and Responsibility to Rebuild. In theory, it distinctly distances itself from a one-dimensional military doctrine of humanitarian intervention. It underlines the responsibility of the international community before, during and after a case. The first pillar of R2P, Responsibility to Prevent, aims at tackling "both root causes and direct causes of internal conflict and other man-made crises putting a population at risk" (Safen, 2012, p.23). This refers to Article 55 of the UN Charter, which calls for respect for human rights and higher standards of political, economic and social welfare (Safen, 2012).

The second pillar, *Responsibility to React*, implies that the UNSC is the primary international body to mandate political, economic, legal and military intervention in accordance with Article 41 and 42 of the UN Charter under Chapter VII. The International Commission on Intervention and State Sovereignty (ICISS) Report suggests that political measures such as travel sanctions, economic sanctions and legal measures through ICC trials are first options and military measures are the last resort mandated by the UNSC. The third pillar, *Responsibility to Rebuild*, indicates that the international community is responsible for post-conflict rebuilding through socioeconomic development, brokering of national reconciliation and stabilizing of political institutions. In sum, the R2P doctrine, in theory, is an attempt to move away from military humanitarianism towards a comprehensive, multidimensional and humanist approach to tackle structural and non-structural causes of violations of human rights before, during and after the crime (Peters, 2011).

R2P incorporates fundamental human rights protections as an inherent requisite for sovereignty. Domestic authority is no longer absolute, but rather limited in both a *de jure* and *de facto* sense, by international human rights and humanitarian juridical norms. During human rights crises, if states

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fail to realize their sovereign responsibilities to their citizens or cooperate with the international community, the legitimacy of their sovereignty and subsequent right to nonintervention can justifiably be infringed upon to ensure that the rights of their citizens are protected (Sharma, 2010). Whereas the discourse surrounding humanitarian intervention presupposes an arbitrary right to breach state sovereignty in the event of state-sanctioned massive human rights violations, thus centring the debate on the discretion of intervening states; the R2P principle places an inherent and permanent duty to protect citizens irrespective of geopolitics or agreements between states via regional or other arrangements. Under R2P, intervening states must protect citizens of a state suffering massive human rights abuses, rendering inaction of the international community in addition to the human rights abuses themselves, .a violation of the R2P norm.

While humanitarian intervention focuses agency on intervening states to demonstrate the 'right to intervene, R2P places the onus and obligation first on sovereign states and then upon the international community. Doli & Korencia (2009, p.56) describe R2P as: ". . .the protection of human beings from basic breaches of human rights and liberties is a primary responsibility of the sovereign state per Se, thus where the people's rights and liberties have been denied by the respective sovereign state, the international community hold the right to intervene." The ICISS R2P report comprised of non-partisan experts from both developing and developed countries, along with NGOs, IGOs, and members of civil society, with the mandate to tackle the changing nature of conflicts; from an inter-state Cold War bipolar paradigm to an intra-state multilateral response perspective. R2P does not recreate and introduce juridical doctrines not already found in the UN Charter and other UN institutions and treaties, but rather spells out specific principles for military intervention, in the context of failure to carry out responsibilities by a sovereign state.

Besides outlining principles for the responsibilities of sovereignty as part of its core principles and strict principles for military intervention, R2P encourages cooperation with regional bodies and humanitarian organisations and consensus-building. According to Sharma (2010), the ICISS document denotes a clear and concise format that the primary purpose for intervention must be justifiable, evidence-based, and humanitarian. R2P provides the traditional *jus ad bellum* 'precautionary measures in terms of right intention, proportional means, least resort and reasonable prospects. From an operational perspective, it outlines and builds upon aspects of *jus in bello*, already well established in international law (i.e. Geneva Conventions, CIL, UN Charter

Chapter VII) in the form of clear objectives, common military approach, acceptance of limitations, appropriate rules of engagement, proportionality, and adherence to current IHL regimes. R2P represents an evolution of the current IHL regime and adds a degree of robustness by taking into account the increasingly intra-state nature of conflicts.

The Rwandan Genocide is a sobering example of how the R2P paradigm adds to the IHL regime by establishing a framework requiring the justification of state non-intervention by delegitimising inaction, in the face of overwhelming evidence of human rights atrocities. Former UK Prime Minister applauded the introduction of a "new doctrine of the international community," reminding the international community that, "acts of genocide can never purely be an internal matter." Traub (2015) asserts that R2P responds to the increasingly non-international and 'irregular' nature of armed conflicts. Citing the Sudanese Civil Conflict, Traub asks the pertinent question of why the international community failed to react in mid-2003 to the crimes against humanity committed by the government-supported 'Janjaweed' of at least 300,000 (UN estimates) civilians compounded by two million IDPs. In the Age of (more) Information, during 24-hour day news cycles, from ever-increasing on-the-ground sources via citizen-journalist channels; Merle comments that R2P has

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fundamentally shifted the burden to potentially intervened states when clear evidence of mass atrocities are present (Traub, 2015).

Hill (2016) views R2P with Kantian lenses, where the norm would provide international and other 'legitimate actors' with a "strong moral reason to prevent and stop the abuse and oppression by all permissible means." The moral permissibility of legitimate armed intervention, given the likelihood of civilian and military casualties, is articulated between 'motives' (i.e. the 'purity' of humanitarian intent) and outcomes (i.e. the probability of achieving humanitarian goals with exclusive humanitarian interests). Parekh (2013, p34) argues that the legitimacy of intervention is derived from its purpose as humanitarian where it is "wholly or primarily guided by the sentiment of humanity, compassion or fellow-feeling, and in that sense disinterested" and "is intended to address what is regarded as a violation of the minimum that is due to human beings." In this sense, Parekh (2013, p37) describes a 'collective good' or cosmopolitan society of states approach that departs from 'interest-maximising' realist paradigms. This is well-aligned with the liberal origins of R2P and those in the academy that promote the UN-endorsed criteria of 'right intent'.

Criticisms against R2P

R2P's ambiguous relationship to the most central and enduring concept in international law -state sovereignty, and the related principle of non-interference - puts it in a contentious position, legally speaking. The rootedness of sovereignty and non-interference in international treaty law (the closest thing there is to 'hard law' in international law) stands in stark contrast to the lack of any similar legal grounding for R2P in international treaties and conventions. Perhaps the strongest argument for any such grounding concerning R2P points to its endorsement through UN Security Council resolution 1674, although UNSC resolutions are generally considered quasi-legal instruments at best (Peters, 2011).

From a legal standpoint, the more frequent and compelling argument advanced by its proponents is that R2P represents an emerging legal norm of customary law (Payandeh, 2009). But the problem is that the concept and premise of R2P were only formally established in 2001, and only officially recognized as a practice by relevant international legal institutions in 2005 and 2006. Such a short window of time necessarily works against even the (relatively weak) contention of R2P as an emerging legal norm, in that it is unlikely to have faced (and overcome) a sufficient number and diversity of test cases necessary to justify such a claim.

The temporal problem fuels a second, related one - namely, that the short period of R2P's formal existence, in turn, raises the bar for compliance, maximizing the discrete importance of the relatively few test cases to which it has been applied. This is not a problem unique to R2P, but rather one that underscores the deliberate pace of change evident in most established legal systems. In recognition of this, R2P tends to be represented (explicitly or implicitly) by its proponents as *de lege ferenda* (literally, 'with a view to future law') (Sharma, 2010). Still, another problem stems from the recognition that a close appraisal of the deeper conceptual and even philosophical underpinnings of R2P works against characterizations of it as 'emergent.' As noted above, R2P's architects did explicitly affix it to existing (and in some cases long-standing) international legal conventions as a means to the end of underscoring a set of preexisting collective responsibilities which R2P sought to uphold and fulfil (Welsh and Banda, 2010). Such a foundation, drawing from established instruments such as the UN Charter, the Genocide Convention, the Geneva Conventions and the Rome Statute, proves to be a double-edged sword of sorts. While it does situate R2P in close proximity to existing domains of international jurisprudence, it also undercuts assertions of R2P as the emergent legal norm (Sharma, 2010).

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In compliance with the concept of R2P by relevant parties would logically reflect *de facto* acceptance of its emergent legal force and weight, then the same logic would lead one to conclude that the prevailing level of political discord concerning R2P mitigates against any such claim. In essence, the argument for R2P as an emerging legal norm is undercut by the degree of contestation enveloping it. The implications of the contentious politics following from, and ushered in by, the consensus-oriented strategy embodied in the 'three pillars approach are legion. Chandler (2004) effectively foretold such problems in his assertion that the unproblematic acceptance of and reliance on the assumptions and values of the 'liberal peace' made R2P unlikely to attract broad-based international support. Contemporaneously, Berkman and Holt (2006) contended that the watered-down consensus agreement emerging from the Summit reflected a general lack of political traction and normative appeal - a perspective shared by Sarkin (2009) and Byers (2005), among others.

Subsequent critiques of R2P in the wake of its endorsement grew both more nuanced and, in some cases, more strident. Chesterman (2015) concluded that the R2P doctrine that emerged from the Summit and UNSCR 1674 was lacking in legal force and weight - thereby representing an important rhetorical expression of political intent concerning the approach to humanitarian intervention, but nothing more. Porter (2007) extended this critique further, asserting that even as a rhetorical instrument R2P was inadequate and devoid of substance. Given the extent to which the compromises producing the 2005 World Summit Outcomes Document and UNSCR 1674

Many states are wary and reluctant in invoking the R2P because of the complex nature of its application. The R2P is complex in that it is often invoked when things have gone to the extreme. UN Secretary-General Ban Ki-moon characterized the post-election ethnic clashes in Kenya as R2P and took diplomatic and political steps to address the violence. By the time he acted, however, not only had 1,500 people died but up to 600,000 had been forcibly displaced. The application of R2P did not thus succeed as a preventive measure.

The disagreement among nations concerning what constitutes the requirements for the implementation of the R2P is another criticism that could be levelled against the commitment. In the case of Burma, for example, in 2007, Western governments drew the attention of the Security Council to the massive attacks by the military on civilians in ethnic minority areas in which systematic rape, abuse of prisoners and forced displacement were being carried out. However, both China and Russia made clear that they would oppose any collective action against the junta on the grounds that the situation did not constitute a threat to international peace and security. In the case of Darfur, China at the behest of Sudan blocked any reference to R2P in the Security

Council Resolution authorizing an African Union-UN force to protect IDPs and other civilians (Sharma, 2010)... In his report to the General Assembly in 2009, Ban Ki-moon regretted the "failure" of the international community to stem the massive violence and displacement in Darfur, the Democratic Republic of the Congo (DRC) and Somalia, pointing out that this "has undermined public confidence in the United Nations and our collective espousal of the principles relating to the responsibility to protect." in the case of Sri Lanka, neither the Secretary-General nor the Security Council invoked R2P when the Sri Lankan military cornered tens of thousands of Tamil IDPs in a no-fire zone in 2009 and began shelling and bombarding them. The failure to apply R2P to societies like Syria means that crisis-ridden societies at this point cannot readily look to this new concept for protection.

When R2P was applied to the crisis in Kenya, its focus was narrow, responding mainly to the emergency phase of halting mass displacement. Yet in the aftermath of the violence, displaced

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people also suffered heavily. By most accounts, the government arbitrarily closed the camps irrespective of whether or not areas of return were sufficiently secure. IDPs were just "dumped", said one leading UN expert, and even today thousands remain in temporary settlements and transit sites without proper shelter, medicine and food. There also was a lack of planning for those who did not wish to return and inadequate compensation for destroyed homes and property. Moreover, "…the causes of the displacement are yet to be addressed conclusively, and tensions between communities remain high in areas such as the Rift Valley." Yet under R2P, the international community also has a 'responsibility to rebuild.' The application of R2P to Kenya did not appear to encompass an overall strategy for protecting IDPs after they were uprooted so that safety and sustainability could be assured in all areas of return or resettlement.

The sidelining of the guiding principles on Internal Displacement is also another problem with the R2P. The Secretary-General's report on implementing R2P makes no mention of the guiding principles even though in the one case where R2P was applied, civil society organizations and Kenya's national human rights commission called for the application of the Principles. The UN legal office reportedly removed the reference from the text because the principles are not 'hard law'. Not only is this shortsighted, but it is at variance with the resolutions of the General Assembly, Commission on Human Rights and Human Rights Council. They all call for the promotion and implementation of the Principles and regularly refer to them as an 'important tool' and 'standard' for the protection of IDPs.

In a speech in 2008, the UN Secretary-General warned that "Extending the principle [of R2P] to cover other calamities, such as HIV/AIDS, climate change, or response to natural disasters, would undermine the 2005 consensus and stretch the concept beyond recognition or operational utility." He thus ruled out R2P's potential protection of the millions of persons expected to be uprooted by disasters and climate change. The exclusion is said to accord with the World Summit Outcome document which omits natural disasters from the R2P formulation even though the ICISS report upon which R2P was based recommended as a criterion for R2P's application, overwhelming natural or environmental catastrophes, where the state concerned is either unwilling or unable to cope, or call for assistance, and significant loss of life is occurring or threatened. The Secretary-General's Special Adviser Edward Luck reinforced his exclusion with the argument that R2P could only be triggered if "murder or extermination committed as part of 'a widespread or systematic attack' against the civilian population" were to take place. However, if, in the context of a natural disaster a government were deliberately to cause serious injury to the physical and mental health of massive numbers of the civilian population through blatant neglect, its action (or inaction) could well be said to constitute an attack on that population as postulated by Luck.

III. THEORETICAL FRAMEWORK

This study shall adopt the realist theory as its theoretical framework. To be sure, the realist theory of realism is a theory that argues that the cause of conflict in human society is the existence of an inherent tendency in man to dominate other men for his private or selfish interest (Mac-Ogonor, 2000). Realists share both theological and biological doctrines about an apparent weakness and individualism inherent in human nature. For theory, the starting point for any explanation analysis of any conflict situation in society is at the individual level (Faleti 2009). As Russett, Starr and Kinse (2006, p.28) observed, realism believes that "people are self-interested, even selfish and seek to dominate others. They cannot be depended on to cooperate, and if they do cooperate, they will stop when it no longer serves their immediate interest." For Burchill (2001, p.70) "realism seeks to describe and explain the world of international politics as it is, rather than how we would like it to

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be. Accordingly, the world is revealed to realists as a dangerous and insecure place, where violence is regrettable but endemic."

The reason for the adoption of realist theory as the framework for this study is anchored on two facts. First, as has been shown the R2P is a doctrine that tries to both understand and mitigate conflicts, so the realist theory which stresses the inherently conflictual nature of international politics would be a veritable tool for understanding the R2P. As Shadrack (2009) rightly observed, conflict over political control and power relations in any political system may be better explained within the realist theory.

Second, it seems that the implementation of the Responsibility to Protect (R2P) Doctrine faces a huge setback because of the nature of the realities of power politics within the United Nations. That is, despite the somewhat neutral nature of the UN, its activities are still subject to the calculated (parochial) national interests and aspirations of the nation-states that compose it. And this seems to be particularly so within the United Nations Security Council. This would therefore be understood under the proposition by the realists that international organization is only contamination of selfish national interest of states.

IV. METHODOLOGY

The work adopts the descriptive research design. The descriptive research design helps in the understanding of the circumstance and events that surround and shape a social problem. As McNabb (2004, p.101) observed, it "provides a description of an event or helps define a set of attitudes, opinions, or behaviours that are observed or measured at a given time and in a given environment". The descriptive research design is suitable for this study because it enables the researcher to understand and describe the factors that gave rise and have shaped the R2P its l4year history (2005-2019). This research employs secondary sources of data collection. The secondary sources of data refer to data collection from already published records sources such as books, monographs, journals, magazines, the internet, official documents and so on. Content analysis was employed as the method by which this research made sense of the data that were collected. As Berelson (1952) rightly observed, content analysis is a research technique for the objective, systematic, and qualitative description of the manifest content of communication so as to solve a problem.

V. THE RESPONSIBILITY TO PROTECT COMMITMENT

The Origin, History and Evolution of the R2P

Although the responsibility to protect doctrine only became officially operational in 2005, its history can be traced back to the 1 990s. Because of the tragedies that occurred in Rwanda and the Balkans in the 1990s, the international community began to seriously contemplate how to respond effectively when citizens' human rights are grossly and systematically violated. The core of the debate was whether states have unconditional sovereignty over their affairs or whether the international community has the right to intervene in a country for humanitarian purposes (Blewitt, 2013). In the year 2000, the Secretary-General of the United Nations, Kofi Annan, while giving the UN report of the Millennium, made arguments about the failure of the UN in world affairs. He argued that given the nature of the world as its enters the new millennium, humanitarian interventions are inadequate; there is an urgent need to develop a framework on how the world should respond to the gross and systematic violation of human rights and crimes that offend all precepts of common humanity (Sefan, 2012).

The phrase "responsibility to protect" was first expressed in the report of the International Commission on Intervention and State Sovereignty (ICISS) set up by the Canadian Government in

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2001, the commission had been formed in response to Kofi Annan's question of when the international community must intervene for humanitarian purpose. In its report, it submitted that sovereignty not only gave a state the right to "control" its affairs, it also conferred on the state the "responsibility" for protecting the people within its borders. The commission proposed that when a state fails to protect its people -whether through lack of ability or a lack of willingness - the responsibility shifts to the international community (Evans, 2011).

In 2004, the high-level panel on threats, challenges and change, set up by Secretary-General Kofi Annan, endorsed the emerging norms of a responsibility to protect. The panel stated that there is a collective international responsibility, exercisable by the Security Council authorizing military intervention as a last resort, in the events of the genocide and another large-scale killing, ethnic cleansing and serious violations of humanitarian law which sovereign governments have proved powerless or unwilling to prevent. The panel proposed basic criteria that would legitimize the authorization of the use of force by the UN Security Council, including the seriousness of the threat, the fact that it must be a last resort, and the proportionality of the response (Peters, 2011).

In September 2005, at the United Nations World's Summit, all member-states formally accepted the responsibility of each state to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity. At the summit, world leaders also agreed that when any state fails to meet that responsibility, all states, that is, the international community is responsible for helping to protect people threatened by such crimes. If peaceful means be inadequate, then the international community must act collectively in a timely and decisive manner -through the UN Security Council and following the UN charters (Chester and Margesson, 2014). It was not up until April 2006 in resolution 1674 that the UN Security Council made an official reference to the R2P. It referred to R2P in respect to the protection of civilians in armed conflicts. By August 2006, the Security Council through a resolution (Resolution 1706) -which drew much inspiration from the resolution of April 2006-authorized the deployment of UN peacekeeping troops to Darfur, Sudan (Evans, 2011).

In 2011, following the widespread and systematic attacks on civilians by the Gadhafi regime in

Libya, the UN Security Council, on the 26th of February, 2011 adopted resolution 1970. In this

resolution the Council made a clear case for the application of the Responsibility to Protect; it argued that the Libyan government had failed in the responsibility to protect citizens from gross violation of human rights. On March 17, 2011, the Security Council through resolution 1973 demanded a ceasefire in Libya, especially those directed at the civilian population. It also authorized members who started the United Nations to use all means possible to protect civilians under threat of attack in the country (Maya, 2012).

Also, on March 30, 2011, the UN Security Council unanimously adopted resolution 1975 in response to the escalating post-election violence in Cote d'Ivoire. It condemned the systematic violence and abuses on the right of civilians which was perpetuated by both the supporters of Ex-president Laurent Gbagbo and President Ouattara. The resolution pointed to the responsibility of each state to protect its citizens and demanded immediate transfer of political power to president Ouattara, the winner of the polls. The resolution also authorized the UN Operation in Cote d'Ivoire (UNOCI) to use all necessary means to protect life and property in the country. On the 4th of April, 2011 the UNOCI started a military offensive against eventual arrest on April, 2011

(Peters, 2011).

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On 8 July 2011, the UN Security Council, in resolution 1996, established a UN peacekeeping mission in South Sudan (UNMISS). The mission was to, among other things, assist the government in the protection of the citizens against gross human rights abuses (that is, to assist in the responsibility to protect) following the escalation of violence after the official independence of South Sudan July 9, 2011, in February 2014, the UN Security Council again reiterated its commitment to the responsibility to protect act by reaffirming its support for UNMISS. It also enjoined the international community to help in the protection of civilians in the country (Chesterman, 2015).

Application of the R2P

The United Nations ("U.N.") has a divisive record, to say the least when it comes to preventing and halting mass atrocities. In 1994, despite the early warning that genocide was a real threat, the international community stood idled as more than 800,000 Rwandans were massacred in less than a hundred days. In 1970 the world's leading military powers failed to stop the Khmer Rouge regime which operated Cambodian killing fields,[4] until five years after the crisis began. Because it was clear that earlier action by the international community could have certainly saved lives, the failure to halt those atrocities was disheartening to the international community (Maya, 2012).

In the midst of that frustration, the international community sought an answer to prevent future atrocities through collective action. The United Nations collectively called for "recognition of the right, and for some an obligation, to intervene to stop the worst international crimes." (Thus, the concept for the Responsibility to Protect emerged. Meant to establish the international community's commitment to prevent and halt atrocities in a timely and decisive manner, it was initially celebrated (Evans, 2011).

After Kenyans went to the polls in December 2007, a contested election outcome led to horrifying ethnic violence. The burning of a church near Eldoret, in which several hundred ethnic Kikuyus were sheltering, killed dozens of people and gained international media attention during the first week of January 2008. Ii did not, however, stop the internecine violence which eventually killed 1,133 Kenyans and left an additional 663,000 displaced. As the situation spiralled out of control, the need for an international response became imperative. Former UN Secretary-General Kofi Annan and a team of "Eminent African Personalities" were deployed to serve as interface themselves between the main political rivals and were eventually able to mediate an end to the crisis. Violence ebbed as a result of the new power-sharing arrangement between the government and the opposition. The efforts of Annan and his team were subsequently hailed as the first example of "R2P in practice" since its adoption at the 2005 UN World Summit.

In response to the rapidly disintegrating situation in Libya, the relevant organs of the UN laid the ground for the subsequent intervention in a series of condemnatory statements. The UN High Commissioner for Human Rights issued a statement affirming that the protection of civilians should be the paramount consideration in maintaining national order and the rule of law. Widespread and systematic attacks against the civilian population may amount to crimes against humanity. The Secretary-General's Special Advisers on the Prevention of Genocide and the Responsibility to Protect issued a release that sought to remind the Libyan regime of its international obligations. 'If the reported nature and scale of ... attacks are confirmed, they may well constitute crimes against humanity, for which national authorities should be held accountable' (Blanchard, Humud, and Nikitin, 2014, p35).

According to Blewitt, (2013) two days after Resolution 1973 was adopted, a military coalition under the umbrella of NATO began bombing Libyan Government positions from which attacks

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upon civilians were likely to be launched. This was the most obvious military measure taken to protect civilians and the intervention was multifaceted. The United States took out Libya's integrated air defence system to deprive it of the capacity to launch airstrikes on Benghazi and elsewhere. The US also provided the majority of the intelligence information to monitor Gaddafi forces on the ground. This intelligence was converted into targets that could then be attacked from the air by British and French air force fighters. As weeks passed, a coalition of 14 NATO countries and four partner nations was created to combine both naval and aerial forces. France and Britain flew 40 per cent of the sorties. Spain, the Netherlands, Turkey, Greece and Romania supported the intervention by enforcing the no-fly zone and the arms embargo at sea. Initially, implementation of the UN mandate consisted principally of air attacks on tanks, artillery and other units engaged in front line combat. The protection of civilians remained the primary objective. Benghazi was secured within weeks.

Syria: An Example of the Practicality of the R2P Commitment

Many have pointed to Syria as a clear case in which "R2P has failed", citing the ongoing crimes against humanity (Yan, 2012; Evans, 2012; Gvosdev, 2012). The Human Rights Council has passed 12 resolutions since the outbreak of the crisis, while the General Assembly has passed five. Nevertheless, the ongoing crimes against humanity, the 2.6 million refugees, and the estimated 150,000 death toll in Syria make it clear that the above actions have not been sufficient to protect Syrians. Both the Assad regime and the many rebel groups in Syria have continued to commit war crimes and crimes against humanity in what has become a deadlocked civil war. In addition to the parties involved, many place the blame for the ongoing stalemate on the Security Council and its inability to send hardly any clear, forceful messages to the parties, due to the veto power of the five permanent members. Note that according to the UN Charter, the Security Council holds primary responsibility for maintaining peace and security. Even though it is not specifically enshrined in the Charter, the legal basis for peacekeeping can be found between the traditional methods for the pacific settlement of disputes under Chapter VI and the more forceful action mandated under Chapter VII (Yan, 2012).

The Security Council is the sole body authorized to make decisions that United Nations member states must implement in accordance with the Charter. Under Chapter VII, the UNSC may determine threats to peace, "decide what measures not involving the use of force are to be employed to give effect to its decisions," and "take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security" (Yan,201 2). Therefore, the importance of the U.N. Security Council should not be underestimated, particularly in regard to conflict resolution. The Council, made up of fifteen members, may impose sanctions or allow for the use of force if nine members vote in favour of a draft resolution; however, only ten of its members are elected for two-year tenure while each of the P-5 members retains the right to veto any non-procedural Security Council resolution. Although there are fifteen members on the Council, "the P-5 states with their potential vetoes retain the status of primus inter pares (first among equals)" and have used these to account for the vast majority of defeated UNSC resolutions (O'toole, 2018).

The veto power held by the five permanent members of the Security Council, some of whom have perceived national interests in maintaining the old status quo in Syria, has prevented the Council from taking more robust action to prevent mass atrocities. Nevertheless, members did briefly overcome internal divisions to pass Resolution 2118 in September 2013, which required Syria to destroy its current stockpile of chemical weapons and prohibited Syria from using, developing, stockpiling, and transferring chemical weapons. Furthermore, in February 2014, the Security

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Council passed Resolution 2139 to ensure access to humanitarian aid in Syria (Chester and Margesson, 2014).

Over the past three years, states have allegedly considered bypassing the Security Council for unilateral intervention in Syria, as Russia and China would be certain to veto any resolution authorizing military force under Chapter VII of the UN Charter. However, the Responsibility to Protect norm, as agreed to in the World Summit Outcome Document of 2005, does not sanction unilateral interventions or an intervention by a "coalition of the willing. Any military response under R2P must be authorized by the Security Council in accordance with the UN Charter. The Responsibility to Protect norm should also not be equated with humanitarian intervention, as it implies military action without collective UNSC authorization; it is ill-defined in terms of what is considered "humanitarian"; and is only focused on military measures (Yan, 2013).

Moreover, the use of force is only one tool under the R2P norm. As it is unclear whether military intervention would ensure that Syria would uphold its responsibility to protect both in the present and the future, many have noted the importance of continuing to prioritize diplomatic measures. In the long-term, accountability for those who have committed war crimes/crimes against humanity, an inclusive political peace and reconciliation process, and ensuring the protection of the human rights of all ethnic groups will be needed to protect against future mass atrocities.

Cynically, each P5 member utilizes the UNSC to advance its self-interests. Polman (2003, p.1) endorses this view when she laments that 'the world's most powerful countries manipulate the United Nations to fulfil their national interests. In effect, the UNSC is in some instances functioning as an interesting spoiler in peace-making efforts. The UNSC is no longer serving the interests of humanity in terms of a genuine commitment to preventing conflicts before their overt and damaging escalation. As a consequence, the UNSC cannot inspire any confidence that it can, or will, create the necessary framework conditions for international mediation to flourish. Indeed, the opposite is more likely, that the self-interest and predatory behaviour of its P5 has rendered the UN Security Council a clear and present danger to international peace and security. It should more aptly be re-branded as the UN 'insecurity council'.

The United Nations is an organisation of equal sovereign states and indeed all states in the General Assembly have one vote regardless of size or wealth; however, in the Security Council, which is the only organ with binding powers, some states are more equal than others. The UN is not an autonomous agent making decisions separate from the power politics of the world. The Permanent Five, the victorious powers and allies of World War II, have veto power and therefore their interests are supreme when decisions are made on what actions the UN will take and how well resourced such action will be. From 1945 to 1990, the Cold War ensured that all conflicts around the world were translated into tests of one or other of the superpowers and this precluded action in all but exceptional cases, such as Korea.

As a result of the power of the Permanent Five in the Security Council, the UN has been prevented from acting on any matters that affect them or their interests - for example in Tibet, Chechnya or Central America. Moreover, the organisation, on the decision of the members, particularly the most powerful member, the United States, has been deprived of funds, for both peacekeepings and for its humanitarian functions. What has been the result of this difference between ideal and reality? On the one hand, the hope that the UN might provide a solution to the problems of war and injustice has been dashed for many people. On the other hand, there is confusion over the UNs role and the place of the nation-state within it (Yan, 2012).

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VI. CONCLUSION AND RECOMMENDATIONS

Two conclusions stand out from the foregoing analysis. One, R2P is a politically potent concept:

The latest step in the historic development of human rights and humanitarian norms. It reflects evolving legal conceptions of individual and collective responsibility and the obligations of sovereignty, as well as the emergence of a transnational political consciousness about the urgency of preventing the reoccurrence of massive atrocities on the scale of Cambodia, Rwanda, or Srebrenica. The consensus product of one of the largest gatherings of heads of state and government ever, R2P is not going to fade away.

Two, for all its potential, the notion of R2P is still in its infancy, vulnerable to misinterpretation and mishandling. How to implement its stipulations is still a huge debate in the UN General Assembly. As Secretary-General Ban Ki-moon has pointed out, the provisions of R2P will only be realized through practice and its application to situations on the ground. The journey from conceptualization to operationalization can be as difficult in the world body as it is essential.

In the section of the criticisms of the R2P, it is easy to identify some suggestions on how to improve the commitment. In this section, attempts shall be made to make plain some of the concrete ways by which the R2P may be improved upon not only that it may achieve its objectives but also that it may be improved upon.

First, efforts should be made to dispel the notion that human rights protection through R2P means first and foremost military intervention. Prevention, the weakest link in protecting civilians, should be strengthened by building state capacity to withstand internal crises and avert displacement as well by engaging UN offices, governments and regional bodies to take concerted action, ranging from diplomacy to preventive deployment. Applying R2P regularly to situations where military intervention is not involved, as was the case in Kenya, could also help to demonstrate the broad range of measures R2P encompasses.

Second, an effective international protection capacity should be developed when strong measures are called for. The creation of an international protection capacity able to rapidly deploy well-trained police and military forces with clear and strong mandates, adequate numbers and sufficient equipment has thus far eluded the international community. Yet when military or police action is called for, IDP protection will depend upon those elements being in place.

Third, there are many technical issues with the Responsibility to Protect Doctrine. These issues create a gap between its expectations and its capacity. R2P is largely a normative prescription with very limited legal backings; hence, its expression is largely dependent on the whims of political willingness. To improve the R2P, there should be the creation of frameworks that would not only clarify its goals but also clarify its legality. This would help to settle the debates that always ensure before and after the implementation of the doctrine. This recommendation has another implication. It implies that there would be an elimination of the many troubles that characterise the debates about the implementation of the R2P which often instigate the full outplay of parochial interest.

Fourth, the establishment of a committee composed of independent individuals with the mandate of strengthening the grey areas in the R2P (especially the conditions for its implementation) would be of use in salvaging it (the R2P) from the depth of the politics within the United Nations. This committee would have the clear but difficult mandate of addressing the problems of conceptually determining where and when there is a breach of state sovereignty and how the R2P Doctrine should be implemented.

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