

# Bachelor Dissertation

Responsibility to Protect – North Korea

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Why has the international community not  
yet intervened in the DPRK under the  
principle of R2P?

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September 30, 2014

*“The only reason that we cannot claim that North Korea is the worst human rights disaster in the world today is because we are not allowed to see the extent of it. The victims are faceless and nameless, whether they are forced to study Kim Il Sung-isms, banished to live in gulags, or tortured and executed for trying to escape the country.”*

-Victor Cha, former US Director for Asian Affairs

## **EXECUTIVE SUMMARY**

Since its founding in 1948, North Korea has consistently been connected to committing crimes against humanity. The non-interventionist policies that were prevalent throughout the Cold War protected it from outside intervention. Indeed, any country could do as they pleased within its borders as state-sovereignty ensured that any meddling in the internal affairs of a State was not acceptable. This attitude changed after the Cold War, when humanitarian interventions became an option for countries to exercise should the need be there. However, several catastrophic failures in the 1990s and the overall controversial nature of intervention for humanitarian reasons raised questions regarding the implementation of such interventions. A call was made to set up a framework that tackled the problems of earlier intervention norms and tackled its controversial nature. In 2002, this call was answered by the International Commission for Intervention and State Sovereignty, which argued that every State has a responsibility to protect its population and that the international community has the responsibility to assist, and if needed, to intervene in situations where the State fails to protect its population. This new doctrine, which was adopted by the United Nations in 2005 and further implemented in 2009, theoretically ensures that populations are protected from mass atrocity crimes and gives the international community a mandate to intervene should it be necessary. However, around the world there are many situations where intervention might be necessary but where it has, so far, not happened. On the top of this list is definitely North Korea. It seems to be a *prima* candidate for intervention, as investigations have shown that it violates its responsibility to protect its population and is not willing to stop its current practices. This report aims to find out why no intervention has taken place so far and why there is no apparent will to do so.

The results of this research have shown that, initially a broader concept, R2P as adopted by the United Nations is much narrower, focusing only on four mass atrocity crimes; genocide, war crimes, crimes against humanity and ethnic cleansing. Furthermore, although its initial concept provided specific criteria that have to be met before military intervention can take place, the United Nations' version is much more ambiguous and refers to the Charter when there are talks of intervention. Despite criticism that it is a much narrower version than the one first put forward, it did ensure consensus when it was up for adoption in 2005 during the World Summit. Still, even though many States agree with R2P in principle, many are cautious when it comes to military intervention. This includes states that have stakes in the Korean peninsula, such as South Korea, Russia, China and Japan. Although it never specifically states it is against R2P, North Korea is against any intervention of any kind.

Research has also confirmed that North Korea is guilty of committing crimes against humanity. There is limited information on what goes on inside the country, as it one of the most closed off nations in the world. However, a United Nations Commission of Inquiry investigation used testimonies of escaped North Koreans to establish what life is like for its inhabitants. In their report, it is shown that North Korea violates the right to food, commits human rights violations, arbitrarily detains its citizens and subjects them to torture and has possibly committed genocide in the past. This report added validity to previous accusations and proved that North Korea fails to adhere to its responsibility to protect its population. It also means that it commits a mass atrocity crime mentioned in the R2P text of the United Nations, and therefore meets the criteria for intervention. However, as any such action must go through the Security Council, a decision to intervene is dependent on the cooperation of Council, specifically the permanent five members. It is shown that North Korea's relationship with China prevents any such decisions from being made. China considers North Korea as a vital part of its security, and any destabilization on the Korean peninsula will put that security in danger. Therefore, China has repeatedly stated that is opposed to any kind of intervention in North Korea, preferring to let diplomacy do the work. Furthermore, it is shown that North Korea's nuclear program has pushed its humanitarian issues down on the agenda of the international community. Instead, States that include the United States of America, South Korea, Japan, China and Russia consider the denuclearization of the peninsula a more important matter.

Another result is that, when compared to Libya and Syria, North Korea has few similarities with Libya, where military intervention took place, and many similarities with Syria, where, as of yet, no intervention has taken place. The factors that play a part in the case of Syria (its internal situation, foreign relations, interests of other States and capacity to rebuild) can also be applied, although somewhat different, to North Korea. This case is therefore very helpful in explaining why no intervention has so far taken place in North Korea.

To conclude, all signs point towards North Korea being a very unique case. One where a combination of factors ensure that intervention is either very difficult or not currently on the agenda of many States. These factors include its relationship with China, the existence of a nuclear weapons program, having a large loyal army and rigid regime structure, and the rebuilding costs involved after a costly military intervention. Therefore, it is unlikely that intervention will take place in the foreseeable future. The denuclearization of the Korean peninsula currently takes priority over the human rights abuses being committed by North Korea. Even if the nuclear threat is taken away, a military intervention will probably cause more damage than it will prevent. For now it seems that the suffering of the North Korean population will continue while discussions take place about the country's nuclear program.

**ABBREVIATIONS**

<i>COI:</i>	Commission of Inquiry
<i>COINK:</i>	Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea
<i>COISAR:</i>	Independent International Commission of Inquiry on the Syrian Arab Republic
<i>DPRK:</i>	Democratic People's Republic of Korea (North Korea)
<i>GA:</i>	United Nations General Assembly
<i>IAEA:</i>	International Atomic Energy Agency
<i>ICC:</i>	International Criminal Court
<i>ICISS:</i>	International Commission on Intervention and State Sovereignty
<i>IR:</i>	International relations (field of study)
<i>NATO:</i>	North Atlantic Treaty Organization
<i>NGO:</i>	Non-governmental organization
<i>NPO:</i>	Non-proliferation Treaty
<i>P5:</i>	Permanent five members of the Security Council
<i>POW:</i>	Prisoner of war
<i>R2P:</i>	Responsibility to Protect
<i>SG:</i>	Secretary-General of the United Nations
<i>UN:</i>	United Nations
<i>UNSC:</i>	United Nations Security Council
<i>US:</i>	United States of America
<i>USSR:</i>	Union of Soviet Socialist Republics (Soviet Union)
<i>WMD:</i>	Weapon of mass destruction

## GLOSSARY

*Arab Spring:* A series of anti-government uprisings that happened in a short time span across several countries in North Africa and the Middle East. It started in December 2010, in Tunisia.

*Bosnian War:* Armed conflict that took place in Bosnia and Herzegovina between 1992 and 1995. The fighting took place between several factions, most notably between the forces of Bosnia and Herzegovina and those of the self-proclaimed Bosnian Serb and Bosnian Croat entities within the country.

*BRIC countries:* In economics, this is an abbreviation for four emerging economic superpowers that are all at a similar stage of economic development. The countries in question are: Brazil, Russia, India and China. In 2010 South Africa joined this group, with the abbreviation thus becoming BRICS.

*CNN effect:* A theory in political science and media studies that states that 24 hour news networks, like CNN, have an effect on the general political and economic climate.

*Cold War:* A period of military and political tension from 1946 until 1991 between the capitalist Western Bloc (the US, its NATO allies and Japan) and the communist Eastern Bloc (the USSR and its allies in the Warsaw Pact).

*Conventional international law:* Body of international legal principles contained in treaties

*Co-optation:* The process of adding members to an elected or appointed group at the discretion of members of the body, instead of the electors or appointing body.

*Crimes against humanity:* Acts committed as part of a widespread or systematic attack against a civilian population, with prior knowledge of the attack. These acts include, but are not limited to: murder, enslavement, rape, extermination, persecution against an identifiable group on various grounds, and apartheid.

*Customary international law:* International obligations arising from established state practice, as opposed to obligations arising from formal written international treaties.

*Ethnic cleansing:* Any act with the purpose of removing a particular ethnic group.

*Friends of R2P:* An informal cross regional group of UN members that share a common point of view and interests regarding the Responsibility to Protect, and are interested in advancing this norm within the UN-system.

*Geneva Conventions:* Series of treaties that established the standards of international law for the humanitarian treatment of war.

*Genocide:* An act with the intention to destroy, in whole or in part, an ethnical, national, religious, or racial group.

*Human Liberty:* An international network of non-profit organizations that works to protect and promote human liberty worldwide. One of their lead campaigns focuses on North Korea.

*Human security:* Paradigm which challenges the traditional notion of national security by arguing that security should be focused on the individual, rather than the State. It states that this view is necessary to achieve national, regional, and global security. It can be further defined as freedom from want, freedom from fear, and food security.

*International Atomic Energy Agency (IAEA):* International organization seeking to promote the peaceful use of nuclear energy, and to inhibit its use for any military purpose, including nuclear weapons.

*International community:* All member States of the United Nations.

*International Criminal Court (ICC):* Permanent international tribunal to prosecute individuals for genocide, crimes against humanity, war crimes, and the crime of aggression (the latter will be active in 2017 at the earliest).

*International relations (IR):* The study of relations between nations.

*Mass atrocity crimes:* An act intentionally perpetrated on a large amount of people which causes pain and suffering. Examples are genocide, war crimes and crimes against humanity.

*Non-proliferation Treaty:* Treaty with the objective of preventing the spread of nuclear weapons and weapons technology, promoting cooperation in the peaceful uses of nuclear energy and furthering the goal of achieving nuclear disarmament and general and complete disarmament.

*North Atlantic Treaty Organization (NATO):* Intergovernmental military alliance established in 1949 with the purpose of collective defense.

*Responsibility to Protect (R2P):* Concept within international relations which states that the responsibility for the protection of its population is a state's primary task. If it is unable or unwilling to do this, the responsibility goes to the international community.

*Right to food:* Legal right which states that every person has the right to have regular, permanent and unrestricted access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensures a physical and mental, individual and collective, fulfilling and dignified life free of fear.

*Rome Statute of the International Criminal Court:* The treaty that established the ICC. It further established the Court's structure, jurisdiction and function.

*Second Italian War of Independence:* A war fought by the Second French Empire and Kingdom of Sardinia against the Austrian Empire in 1859. It is considered a key event in the process of Italian unification.

*Six-Party Talks:* Talks with the intention of addressing the security concerns that arose as a result of the North Korean nuclear weapons program. Participating States in the talks are North Korea, US, South Korea, China, Japan and Russia.

*Songbun system:* Songbun, roughly translating to 'origin', is the cast system used in North Korea. It regulates the ascribed status assigned to every person based on political, social, economic background, as well as ancestry behavior. It divides the population into three groups; the 'core class' (loyal), 'wavering class', and 'hostile class'.

*War crimes:* Acts committed on a large scale or as part of a plan which gravely breach the Geneva Conventions or any of the other laws and customs applicable to armed conflicts.

*United Nations:* International organization whose members represent most of the world's States.

*United Nations Charter:* The treaty that founded the United Nations. It was signed on June 26, 1945.

*United Nations General Assembly:* One of the six principal organs of the UN, and the only one that represents all the member states. It acts as the chief deliberative, policymaking and representative organ of the UN.

*United Nations Safe Area:* Humanitarian corridors created by the UN during the Bosnian War.

*United Nations Security Council:* One of the six principal organs of the UN. It is charged with international peacekeeping. It consists of 5 permanent members (China, Russia, US, France and the United Kingdom) and 10 non-permanent members.



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## INTRODUCTION

The end of the Cold War marked the end of the belief that state-sovereignty, under no circumstance, is allowed to be violated, not even to protect human rights. This train of thought dominated the period before the 1990s, and humanitarian interventions were therefore a rarity. However, this changed in the final decade of the twentieth century where this attitude changed, especially among liberal democratic States (Wheeler & Bellamy, 2008). Furthermore, the end of the Cold War also marked the beginning of a new era of apparent cooperation between former enemies, whereas the Cold War made it impossible to reach any sort of consensus between States regarding intervention to halt or avert human disasters (Evans, *From Humanitarian Intervention to the Responsibility to Protect*, 2006). This made the possibility of an effective international response to any crisis more real than ever.

Intervention for humanitarian purposes became an issue more than ever during the 1990s, as the decade dealt with the aftermath of the Cold War; leading to the break-up of several Cold War state structures, and the rise of intrastate conflicts and civil wars, especially in Africa. However, despite being free from the shackles of the Cold War, most of the international community was still clinging on to the idea of non-intervention. Therefore, when action was undertaken under the auspices of the United Nations (UN), it was often ineffective and incomplete. This caused several debacles, most notably in Somalia, Rwanda and the Balkans, where intervention was either counter-productive or failed to happen at all. This sparked a fierce debate by both proponents and opponents of what came to be called 'humanitarian intervention'. Realizing that this issue had to be resolved, Kofi Annan, the then Secretary-General (SG) of the UN, challenged the international community to come up with an acceptable answer to the question when to intervene, and when not to. (Evans, *From Humanitarian Intervention to the Responsibility to Protect*, 2006)

It was the Canadian sponsored International Commission on Intervention and State Sovereignty (ICISS) that provided a comprehensive answer to Mr. Annan's question. It put forward its idea of the Responsibility to Protect (R2P) in their similarly titled report in 2001. The Commission argued that each State has a responsibility to protect their population, and that the international community has to assist in that responsibility and, if needed, intervene. The ICISS's R2P principle met with great enthusiasm and was formally embraced by the UN in 2005.

Since its creation in 2001 and its incorporation into UN policies in 2005, R2P, or intervention in general, has mostly been talked about with regards to Africa or the Middle East. It is there that humanitarian crises are most visible, both to the public and States themselves. However, there

are places in the world where suffering is less visible. The Democratic People's Republic of Korea (DPRK) is one of the most closed societies in the world, if not the most (BBC, North Korea profile, 2014). Its internal situation is therefore open to speculation. Despite that, North Korea is widely considered as a perpetrator of crimes against humanity against its own population, something that has been backed up by several reports on the country's humanitarian situation by various non-governmental organizations (NGO) and governmental organizations. However, human rights have traditionally not been very high on the agenda of many governments, focusing instead on other political aspects (Cohen, 2009). A recent report by a United Nations Commission of Inquiry has brought the issue more to State's attention, which is a good first step. However, there has been little change in government's attitude towards human rights in North Korea. This begs the question how it is possible that R2P has not yet been applied to North Korea, while it is evident that the country is committing crimes against humanity on a daily basis.

This dissertation will aim to answer that question by looking at past cases where R2P was involved and the current situation in North Korea, and comparing the two to see how they match up. Furthermore, it is important to look at how North Korea differentiates itself from other cases to find out which factors, inherently to North Korea, influence the international community's determination to tackle the human rights issues in this country.

The report consists of four chapters, each addressing the sub-questions that help to answer the main research question. The first chapter serves to introduce R2P, its background and what it entails. The second chapter explores how R2P was adopted by the UN, how it differentiates from the ICISS's original concept and the view of R2P by several notable States. The third chapter looks at what the current situation is in North Korea, exploring the different cases of crimes against humanity being committed, chiefly being its violation of the right to food, human rights violations and treatment of prisoners, in an attempt to find out if it meets the criteria for intervention according to R2P. Furthermore, this chapter will look at the DPRK's relationship with China, the US's policy towards North Korea and its ambition to become a nuclear power. The fourth and final chapter will give a short overview of two case examples, namely that of Libya and Syria, wherein R2P was mentioned extensively. These will serve to showcase under which conditions R2P was or was not applied in the past and compare those conditions to the case of North Korea. The report will end with a general conclusion, wherein the research question will be answered by using the information gathered in the previous chapters.

## Methodology

This dissertation is an investigative research, searching for an answer to a ‘why’ question. Therefore, to answer the research question and sub-questions the **qualitative method** will be used in order to find out which factors play a role in the decision-making regarding (military) intervention, in this case in North Korea. While collecting data it will mostly be **secondary data** as there already is a large amount of information and discussion on the Responsibility to Protect, the Libya and Syria cases which are connected to ‘R2P’ and information on North Korea. Research will be done by using **desk research**, gathering information from a variety of sources such as: books, academic journals, reports, news articles, interviews conducted by third parties and addresses made by prominent figures. Furthermore, case studies will be used in order to find out if there are similarities and differences that can be applied to answer the main question.

During the writing of this research report, several official sources were prominently used as they provided an authoritative view on the topic that was discussed. To balance this one-sided view out, the works of notable authors and experts in the field of international relations and Asian relations were used to provide a different view and added validity to the information. The first chapter mainly used the report published by the ICISS, as this obviously provided the most detailed work on how R2P was first envisaged. The second chapter made use of the many official documents of the UN regarding its stance on R2P and its adoption thereof, such as the 2005 World Summit Outcome document and the Secretary General’s report on the implementation of the aforementioned concept. While writing the third chapter the 2014 Commission of Inquiry on Human Rights in the Democratic People’s Republic of Korea report was used as the main source of information regarding the humanitarian situation in North Korea, as this provided information gathered by an UN sanctioned committee. The last chapter focused more on the evaluation of the cases of Libya and Syria, therefore the strategy used in the previous chapters was not used. Instead, several sources from different authors and works were used in order to provide an accurate and wide view on both cases and their evaluation.

## **LITERATURE REVIEW**

This chapter will serve to give an overview of existing literature on the topic and the views of their respective authors. The literature review will focus on what has been written with regards to R2P in combination with applying the principle in North Korea.

Discussion on this topic is not as diverse as R2P in general, which has been widely debated in the last decennia since its creation in 2001 and its subsequent embracement by the international community in the following years. However, there are many calls for attention for the humanitarian situation in North Korea, especially in recent years. In 2009, activist Robert Park went to North Korea in a move to demonstrate against genocide and crimes against humanity, both of which North Korea is accused of committing. There he was captured and subjected to the very crimes he was demonstrating against. Scarred for life, he published several writings on the North Korean genocide and urged the international community to step up. To the question whether or not the DPRK has violated the R2P principle his answer was, “an unequivocal yes” (Park, 2012). He states that genocide has been, and is still being committed on several grounds; religious, national, ethnical and racial. He also argues that every act defined as a crime against humanity is being committed on a large scale, with the possible exception of apartheid. He bases these accusations on several sources, such as reports by NGO’s and GO’s, eye witness accounts, and of course his own experiences. Although most authors would agree, Boris Kondoch did point out that “obviously not all human rights violations in the DPRK trigger the R2P” (Kondoch, 2012, p. 442).

The call for action has for many years only come from NGO’s and academics, with Kondoch stating that,

“despite the graveness of the human rights violations, there has been relatively little recognition by States that the human rights violations in North Korea would rise to the level of genocide, crimes against humanity, war crimes, or ethnic cleansing which would trigger the responsibility of the international community to protect the citizens of North Korea.” (Kondoch, 2012, p. 441)

However, that has changed with a recent report by the independent Commission of Inquiry on human rights in the DPRK (COINK), which was set up in 2013 by the United Nations Human Rights Council (UNHRC). This report, which was released in early 2014, came to the same conclusion that North Korea is indeed committing crimes against humanity. Thereby, it gave the works of people like Robert Park an added weight and validity. Furthermore, as a report that

was initiated by the UN, it brought the situation in North Korea to the international stage. The Commission was not formed as a judiciary body, so it could not render judgment. However, it did have several recommendations based on its findings and conclusions, one of which was to bring this case to the International Criminal Court (Commission of Inquiry on human rights in the DPRK, 2014).

With regards to actually intervening in North Korea, the opinions are divided. Some, like Young Sok Kim, are cautious and argue that any sort of intervention is very dangerous to peace and security of the Korean peninsula, and East Asia in general, stating that, “it could ignite a new war on the Korean peninsula and possibly bring a North Korean nuclear attack on Japan.” (Kim Y. S., 2006), and placing greater importance on the denuclearization of the peninsula. He is backed up by Shin-wha Lee, who agrees that it is too dangerous to provoke North Korea by threatening to intervene and that any intervention would be too closely linked with the desire to eliminate the presence of weapons of mass destruction (WMD) in North Korea (Lee, 2012). Others, like Kondoch and Howe, disagree with these arguments. With Kondoch, regarding denuclearization, stating that, “treating human rights issues as taboo will not guarantee any success to future arms negotiations.” (Kondoch, 2012, p. 444), and Howe, regarding the regional stability, stating that, “diplomats should not ignore the internal affairs of States just to preserve international stability” (Howe, 2013). Therefore, they both state that turning a blind eye to human rights issues will not help solve other political issues in the region.

However, most authors agree that actual intervention is unlikely to take place, citing the reason that Russia and China would most likely veto any UN-sanctioned intervention that is put up for voting (Lee, 2012; Kondoch, 2012). Some, like Lee, are even going so far as saying that any proposal would be ineffective in affecting the positions of the UNSC’s permanent members (P5) and should therefore be avoided, despite the appeal for international action (Lee, 2012, p. 29). Still, they all agree on one point; North Korea has committed mass atrocity crimes, and continues to do so.

## **1. What is the Responsibility to Protect?**

This chapter will shed light on the meaning and origins of the Responsibility to Protect, also abbreviated as 'R2P'. It is divided into three parts in order to have a clear structure. The first part will give a definition of the R2P principle. The second part will detail the origins. The third and final part will explain what the principle actually entails and how it is put into effect.

### **1.1 Definition**

Responsibility to Protect is a concept within the field of international relations (IR) that refutes that sovereignty is only a State's right. Instead, it argues that it comes with a responsibility. Namely, the fact that a State is primarily responsible to protect its people from mass atrocity crimes like war crimes, genocide, crimes against humanity, and ethnic cleansing, regardless of these crimes being committed by a State or non-State actor (United Nations, 2013). The international community is looked upon to assist States in this responsibility. If a population is suffering from serious harm and the State fails to halt or avert this suffering, whether it is because they are unable or unwilling, the international community takes over the State's responsibility to protect its people (R2Pcoalition, 2014).

### **1.2 Background**

The essence of R2P, that is to protect populations from all around the world from serious harm by holding States accountable on an international level, stems from the late nineteenth century when the first Geneva Convention was held where 12 countries signed the treaty that established humane rules of war (Global Centre for the Responsibility to Protect, 2013). The convention came about when Swiss activist Henry Dunant visited wounded soldiers after the Battle of Solferino during the Second Italian War of Independence. He witnessed the disregard for wounded soldiers as they were still lying on the battlefield where they fought hours before. He decided to write a book about what he witnessed during that battle and in doing so he brought the issue to the attention of the masses (Dunant, 1939). Although small in comparison with treaties signed today, it was a first step in many to come.

How the first Geneva Convention came about shows one other fact; change happens only when the truth stares one in the face. Seeing the poor treatment of soldiers during the Second Italian War of Independence and writing a book about it made people aware of this issue, increasing the call for change. This shows the timing of when the need for new humanitarian norms arises.



A similar set of events, albeit on a more international scale, happened just before the need arose for a new set of principles that now take the shape of the R2P principle.

### 1.2.1 The intervention dilemma

Although humanitarian law stretches back decades, in the past it has always focused on what can and cannot be done during conflict. Sovereignty was always taken very seriously and internal conflict was always seen as the responsibility of the State in question, not the international community. For centuries the dominant theory in international law concerning state-sovereignty was one of non-interference. Henry Hodges defines intervention as follows,

“intervention is an interference by a State or States in the external affairs of another State without its consent, or in its internal affairs with or without its consent.” (Hodges, 1915, p. 1)

Therefore, non-interference is the lack of the aforementioned interference in another State’s affairs. This was the answer to the question when, if ever, it is appropriate to take action, particularly military action, against another State with the purpose of protecting people who are at risk (ICISS, 2001). Besides the fact that interference was, and still is, a highly controversial subject, which made answering the question when it is appropriate to take action not any easier, the political state of the periods before the end of the Cold War was one of continued strife. Wars were fought over the simplest of reasons and alliances were fickle, changing from one year to the next. These are not the most ideal set of circumstances in which to create some sort of consensus for when to intervene, and when not to. The non-interference principle was therefore an answer that satisfied most, if not all nations, as back then humanitarian intervention was not that high on a government’s agenda.

The creation of the United Nations organization in 1945 seemed to create a good platform where consensus could be built on international issues. However, the continued (mostly political) conflict between the capitalist countries, led by the United States of America (US), and the communist countries, led by the Union of Soviet Socialist Republics (USSR), led to stalemate in many discussions as the interests of both sides were in many ways polar opposites. In the case of humanitarian intervention it was the socialist USSR and its allies which firmly held onto their non-interventionist policies which made discussions on this point impossible.

After the end of the Cold War in 1989 this approach changed to one where intervention was an option if the situation proved most dire. In the 1990s the UN, fueled by people’s expectations of a United Nations that was once more united, threw itself into several conflicts under assumption

that it would protect the people affected by those conflicts. Sadly, all it proved was that the UN Security Council (UNSC) was grossly incompetent in preventing mass atrocities (ICISS, 2001). The first case is Rwanda, where in 1994 the UN stood by when members of the Hutu majority started a genocidal mass slaughter of the Tutsi's (BBC, Rwanda: How the genocide happened, 2011). The UN's failure to act resulted in the deaths of an estimated 800,000 to 1,000,000 people, which constituted to around 20 percent of the country's entire population and around 70 percent of the Tutsi's in Rwanda (Survivors Fund, 2011). The second case of where the UN failed to prevent a mass atrocity crime is Srebrenica in the following year. In order to provide places that allowed the safe transit of humanitarian aid and refugees of the Bosnian War in and out of a crisis region, the UN created several humanitarian corridors called 'safe areas', one of which was Srebrenica (Roberts, Safety Zones, 2011). However, these safe areas, although officially under UN protection, were heavily undermanned as few countries showed willingness to provide the necessary manpower required for an adequate defense (Tanner, 1993). When the Serbian forces finally attacked Srebrenica in July 1995 the UN forces failed to prevent the city's fall and the genocide that followed in its aftermath (Human Rights Watch, 1995).

These are two examples of cases where 'humanitarian intervention' has been very controversial when it happened, but also when it failed to happen; Srebrenica being an example of the former where intervention happened but was poorly executed, and Rwanda being an example of the latter where the UN stood by and did nothing. However, the predominant reason behind these failures is one of division. Both cases showed, that on an international level, the leaders of the world were divided on how best to approach cases such as Rwanda and Bosnia. This lack of unity caused the failure of both cases because the leadership could not agree on decisions that had to be made. After the failures in Somalia, Rwanda and Bosnia the international community was much divided on 'humanitarian intervention' and this raised the controversy surrounding this principle. When NATO decided to intervene in Kosovo in 1999 without the UNSC's consent, these controversies came to a head and the operation raised many questions regarding the legitimacy of military intervention in a sovereign State (ICISS, 2001).

Kofi Annan, the then Secretary-General of the UN, having witnessed firsthand the UN's failure to act in Rwanda, recognized the mistakes made during the 1990s and saw that the international community was highly divided about military intervention, especially with regards to state-sovereignty. In 2000 he wrote 'We the Peoples', where he outlined his vision for the UN's role in the twenty-first century (Annan, We the peoples: the role of the United Nations in the twenty-first century, 2000). In addressing the dilemma of intervention he posed the following question,

“...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, *We the peoples: the role of the United Nations in the twenty-first century*, 2000, p. 35)

Seeing the need to get a clear answer to this question in order to create a sense of unity and a clear set of principles, which were lacking before, he challenged the General Assembly (GA) to answer this question.

### **1.2.2 International Commission on Intervention and State Sovereignty**

Earlier attempts to change international thinking on the idea of ‘humanitarian intervention’ were made during the 1990s. However, none of them proved successful in gaining broad support (Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and For All*, 2008). This meant that Mr. Annan’s question did not yet have an answer that both satisfied the international community and successfully bridged the concepts of the responsibility to act in the face of human rights violations and state-sovereignty.

It was the Canadian government which first sought to find an acceptable answer to Mr. Annan’s question posed in his report. In September 2000, it announced the establishment of the International Commission on Intervention and state-sovereignty, an independent group of experts whose mandate was “to build a broader understanding of the problem of reconciling intervention for human protection purposes and sovereignty” (ICISS, 2001, p. 2). In short, this meant it was to finally get an answer to Mr. Annan’s question. The Commission was chaired by Gareth Evans, former foreign minister of Australia and president of the International Crisis Group and Mohamed Sahnoun, former Special Advisor to the UN Secretary-General. The members of the Commission came from countries all over the world, both developed and developing, in order to reflect both worlds’ perspectives (ICISS, 2001). Over a year later, in December 2001, the Commission released its report titled ‘The Responsibility to Protect’, detailing its findings and recommendations. The report was well received by the international community and international affairs specialists, maybe in part due to the timing of its release, which were only a few months after the terrorist attacks on September 11.

It was this report’s findings that created the R2P norm as it is known today, with the ICISS building on Francis Deng’s idea that sovereignty should not be seen as control but rather as responsibility (Evans, *From Humanitarian Intervention to the Responsibility to Protect*, 2006).

About this he says that, “the principle of non-interference with the essential jurisdiction of States cannot be regarded as a protective barrier behind which human rights could be massively or systematically violated with impunity (...)” (Deng, Kimaro, Lyons, Rothchild, & Zartman, 1996, p. 14).

Seeing that the debates regarding Kofi Annan’s posed question on ‘humanitarian intervention’ resulted in nothing but bickering between its supporters and defenders of state-sovereignty Evans and Sahnoun noted in an article in *Foreign Affairs* magazine that,

“if the international community is to respond to this challenge, the whole debate must be turned on its head. The issue must be reframed not as an argument about the “right to intervene” but about the “responsibility to protect.” And it has to be accepted that although this responsibility is owed by all sovereign States to their own citizens in the first instance, it must be picked up by the international community if that first-tier responsibility is abdicated, or if it cannot be exercised.” (Sahnoun & Evans, 2002)

### **1.2.3 Responsibility to protect vs earlier humanitarian norms**

While humanitarian intervention norms before the rise of R2P always built upon the existing concept of sovereignty, R2P brings a whole new understanding to it. Instead of treating it as a right, it sees state-sovereignty as a responsibility. It brings forth a rather large change when compared to earlier intervention norms as it offers both non-coercive (diplomacy) and coercive means (sanctions, military action) as tools of intervention, whereas the ‘humanitarian intervention’ doctrine can be summed up as “military intervention in a State, without the approval of its authorities, and with the purpose of preventing widespread suffering or death among the inhabitants” (Roberts, *Humanitarian War: Military Intervention and Human Rights*, 1993). This description differs from R2P in at least three ways:

1. While humanitarian intervention takes place in order to prevent widespread suffering, which is a very broad and unspecific term, R2P narrows this down to four specific mass atrocity crimes; genocide, crimes against humanity, ethnic cleansing and war crimes.
2. In contrast to earlier doctrines of humanitarian intervention where focus is immediately put on military action, R2P focuses more on non-coercive tools and only considers military action as a last resort.
3. As humanitarian intervention is predicated on the basis of the ‘right to intervene’, it automatically assumes that it can proceed without international authorization. Although

morally justifiable it lacked international legality. Instead of ignoring sovereignty, R2P looks at it as a responsibility and seeks to respond to humanitarian crises in a way that is both legitimate and legal (Adams, 2012).

Furthermore, early on the Commission decided that there was a need for a change in terminology. Instead of talking about ‘the right to intervene’, as was the case with earlier norms, the ICISS preferred to focus on ‘the responsibility to protect’. The proposed change in terminology is done to reverse perceptions that are inherent in the traditional language and to add new ones. Firstly, talking about a responsibility to protect puts more emphasis on those who need or seek support, rather than those who are considering intervening, putting the spotlight on those where it should be. Secondly, it acknowledges that it is the State which is primarily responsible to the protection of its population, only becoming the international community’s responsibility when the State is unable or unwilling to protect them. Lastly, it does not only mean that States have a responsibility to react, but also to prevent and rebuild. Although a change in terminology alone does not tackle the key problems of previous humanitarian norms, it does address one major issue with the traditional language; the ‘right to intervene’ already puts word ‘intervention’ in people’s mouths from the offset, thereby loading the dice in favor of intervention before the debate has begun. It is effectively putting it at odds with sovereignty from the moment it is talked about, adding to the controversy. A ‘responsibility to protect’ does not have this effect, putting the emphasis on the humanitarian aspect. Instead of coming to a head with sovereignty, it bridges the gap between state-sovereignty and intervention (ICISS, 2001).

### **1.3 The three dimensions of responsibility**

Instead of just focusing on what to do when humanitarian crises erupt as in previous humanitarian doctrines, ICISS’s R2P principle relies on three dimensions when it comes to responsibility: it precedes the responsibility to *react* with the responsibility to *prevent*, and follows it with the responsibility to *rebuild*. In doing so, it focuses more on prevention rather than intervention. These dimensions will now be discussed in more detail.

#### **1.3.1 The Responsibility to Prevent**

Acknowledging the importance of prevention, the ICISS incorporated this into R2P, stating that in order to protect it is important to put a real effort into prevention. It also states that all prevention option should be exhausted before immediately rushing to intervention (ICISS,

2001). Furthermore, it was already widely accepted that preventing mass atrocities is better than dealing with them when they occur, as it saves more lives, is less expensive than actual intervention and rebuilding afterwards, and it raises fewer questions regarding state-sovereignty and non-interference (Bellamy, *Mass Atrocities and Armed Conflict: Links, Distinctions, and Implications for the Responsibility to Prevent*, 2011). As with every aspect of R2P, the responsibility lies first and foremost with the sovereign State in question, with the international community in a supporting role. Preference is put on 'root cause' prevention instead of 'direct' prevention, as the former addresses the underlying issues and causes of crises instead of just the immediate symptoms (Stamnes, 2010). In order to effectively prevent conflict and the mass atrocity crimes which R2P concerns itself with, the report gives three conditions that have to be met:

1. Knowledge is important in any crisis situation, but also when dealing to prevent crises. Therefore it is necessary to develop 'early warning'; the gathering of data and the analysis thereof to create knowledge of the fragility and risks of any given situation. This is essential to tackle the root causes of conflict.
2. A 'preventive toolbox' has to be created in order to have an understanding which policy measures are effective in which situation. 'Toolboxes' have to be created for both 'root cause' prevention and 'direct' prevention. They both address the same dimensions (political, economic, legal, and military), but have different measures and instruments because 'direct' prevention has less time available to in which to act.
3. As with everything, the political will, both domestic and international, has to be there to enact those measures. Without this, developing 'early warning' and a 'preventive toolbox' will be for nothing. In order to create the necessary (international) political will there are four arguments that need to be brought to the table to appeal for action. First there is the moral argument; preventing and halting human suffering. Second is the financial argument; preventive action is always cheaper than intervening action. Third is the national interest argument; it is in a State's own best interest to endorse action. For example, keeping the regional security intact or avoiding the destabilization of one's neighbor (peace is good for business). Furthermore, it is always good to be seen as 'the international good guy'. Thus, it has a reputational benefit. The last argument is generally not one that needs to be said aloud, which is the partisan argument. Endorsing international action may be good for governments which are concerned about its political support (ICISS, 2001).

The Commission views the inclusion of the responsibility to prevent as the most important aspect of R2P. However, although the idea of prevention itself is seen as a step in the right

direction, the implementation of it is not as easily done. This is mostly due to the UN's existing work on prevention of mass atrocities. The question is if R2P should be embedded into the UN's existing work or if it should form its own distinct prevention agenda (Bellamy, Mass Atrocities and Armed Conflict: Links, Distinctions, and Implications for the Responsibility to Prevent, 2011).

### 1.3.2 The Responsibility to React

This second dimension constitutes "the responsibility to react to situations of compelling need for human protection" (ICISS, 2001, p. 29). Only when all preventive measures have been exhausted and have failed to contain the situation, and the State in question is unable or unwilling to take action, does intervention by the international community become an option. As with prevention, the starting point of intervention is that of applying less coercive measures (sanctions, embargoes) first before considering more coercive measures. These measures may include those of the economic, political, military and/or judicial kind. Only in extreme cases is direct military intervention considered. To establish which cases would justify direct interference, the ICISS created a set of criteria that would serve as preconditions for military intervention. These consist of meeting the 'just cause' threshold, four precautionary criteria, and determining 'right authority'.

'Just cause' establishes what constitutes as an extreme case when the international community has reason to militarily intervene in a given situation. The ICISS created two sets of circumstances that would justify military intervention:

- when one can speak of "large scale loss of life, actual or apprehended, with genocide 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
- large scale 'ethnic cleansing', actual or apprehended, whether carried out by killing, forced expulsion, acts of terror or rape." (ICISS, 2001, p. 32)

The four precautionary criteria are as follows:

- *Right intention*: the primary motivation for any military intervention must always be to halt or avert human suffering, regardless of what other motives intervening States may have. To assure right intent, military operations must be multilateral, with clear support by regional opinion and the victims concerned.
- *Last resort*: any military intervention can only be justified as a last resort option. Meaning that every other (non-military) option has to first be explored before

intervention through military means is considered, or if there are reasonable grounds for believing those options would be unsuccessful.

- *Proportional means*: The duration, intensity and scale of the planned operations should be the minimum necessary to achieve its humanitarian objective.
- *Reasonable prospects*: military intervention can only be used if it stands any reasonable chance of success in halting or averting the atrocities being committed. If it does not, or if it may even worsen the situation, it is not a viable option (R2Pcoalition, 2014).

The last criterion is determining 'right authority'. In other words, determining who has the ability to authorize a military intervention. It is not a criterion for justifying military intervention, but rather to establish who has the authority on these matters. This is important as without designating the 'right authority' these decisions fall on the States themselves, which would be an obstacle on military intervention's though threshold, actually making it easier to intervene militarily (ICISS, 2001).

The ICISS agreed that the most appropriate body to authorize military operations for humanitarian purposes is the UNSC, as this body represents the world's most powerful States on an international level. However, it did make a few exceptions should the Security Council fail to take up a situation within a reasonable amount of time or should it reject a proposal outright. If either case would happen it offered two alternatives to come to a decision:

- The decision would pass to the General Assembly, who would consider the matter during an Emergency Special Session. This is a good alternative if proposals are blocked due to disagreements within the UNSC. Giving the responsibility to the General Assembly opens up the debate to the other members of the UN, those not in the UNSC.
- Regional or sub-regional organizations can also take up the decision if the conflict in question takes place within their jurisdiction. However, they are still subject to seeking subsequent authorization from the UNSC (R2Pcoalition, 2014).

### 1.3.3 The Responsibility to Rebuild

A direct military intervention only addresses an immediate situation, not the underlying problems that prompted the intervention itself. Therefore, the responsibility to protect does not just imply that States have a responsibility to prevent and react, but also one of to rebuild after an intervention has taken place. To address these underlying issues, and due to the fact that military intervention often brakes down a State's governmental structures, it is necessary to rebuild what has been destroyed and to promote peace. States which have recently seen conflict



are particularly vulnerable to relapse. In fact, as Kofi Annan stated in his report 'Larger Freedoms', "roughly half of all countries that emerge from war lapse back into violence within five years." (Annan, In Larger Freedom: Towards Development, Security, and Human Rights for All, 2005) It is therefore important that, after the successful intervening through military means, the international community helps the State in question in rebuilding the country. Priority should be given to the protection of the entire community, as revenge killings are common in post-conflict areas. Furthermore, it is necessary to establish basic security systems like a national police force, to create a fair and functioning judicial system and develop the country as a whole (economically). The latter is vital for the overall recovery of the country and helps prevent future conflicts. All rebuilding efforts will be in vain if there is no reconciliation between the factions which used to be at odds with each other. Therefore, the ICISS stresses the importance in creating reconciliation efforts, not just through political dialogue, but especially on ground level. This way, former adversaries can join hands in rebuilding their country together. The ICISS also gives more concrete examples of rebuilding, like rebuilding housing and repairing infrastructure (ICISS, 2001).

As a point of criticism, the ICISS fails to address how rebuilding efforts should be funded and who exactly should be tasked with post-conflict rebuilding. The latter was highlighted by James Pattison, who wrote a comprehensive article on this topic. He stated that most advocates of the responsibility to rebuild argue that it should be the intervening force which should also be tasked with the rebuilding process post-conflict, what he calls the 'Belligerents Rebuild Thesis'. However, he refutes this notion, and instead argues that there is a collective, international duty to rebuild. He does agree that the rebuilding effort should fall on the agent that is the most justifiable one to perform this duty, which he agrees is the UN (Pattison, 2013). Since the release of the ICISS's report, this issue has not been clarified.

With their report, the ICISS answered the question asked by Kofi Annan in 2000. It redefined how sovereignty is viewed and what it entails. Furthermore, it proposed, in detail, when military intervention is a viable option and who should authorize it when a situation meets the criteria set forth in this report. The overall reaction to the report was positive.

## 2. R2P, as adopted by the United Nations

The following chapter will explain how R2P was implemented by the United Nations following the generally positive reception after its introduction in 2001 by the ICISS. The chapter is structured into four parts. The first part will explain R2P as adopted in 2005 during the UN World Summit. The second part will cover the implementation process of R2P. The third part will briefly summarize the position on R2P of China, Japan, South Korea, Russia and North Korea. This chapter will conclude with a part covering the differences between the ICISS's proposal and R2P as adopted by the UN, and a brief summary on points of criticism of the UN's R2P model.

### 2.1 2005 UN World Summit

As mentioned in the previous chapter, R2P, as proposed by the ICISS, consists of three dimensions; the responsibility to prevent, the responsibility to react, and the responsibility to rebuild. In 2005, celebrating its sixtieth birthday, the UN adopted the first two dimensions, opting to leave the latter out. The wordings of these dimensions are stipulated in Article 138 and 139 respectively in the 2005 UN World Summit Outcome report. During the summit, the members of the General Assembly unanimously agreed to both paragraphs, which display the scope of R2P.

Article 138 covers the States' responsibility to protect their population from genocide, war crimes, ethnic cleansing and crimes against humanity, and the international community's role therein:

“(…) This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.”  
(United Nations, 2005, p. 30)

Article 139 creates the final language to the international community's role should a State fail this previously mentioned responsibility to protect its population from mass atrocity crimes. In these cases the article states that, “the international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help to protect populations

(...)” (United Nations, 2005). Here it stresses the importance of peaceful means as tactics to halt or avert mass atrocities. The rest of the article does state intervention of a less peaceful nature as a possible last resort, although not specifically, by referring to Chapter VII of the UN Charter:

“(...) In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate (...) We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.” (United Nations, 2005, p. 30)

The adoption of the R2P idea by the UN gave it an authoritative framework upon which could be built to further implement the principle into policy. However, there are several differences between the UN’s interpretation and the ICISS’s original idea. This topic will be discussed further at the end of this chapter. Despite R2P’s warm reception, especially by UN bodies and Western State, and its unanimous adoption by the UN, there was still resistance to the principle (Welsh, 2009), something which hindered the further implementation of R2P.

## **2.2 Implementing R2P**

The aftermath of the adoption of R2P in 2005 was dominated by heated discussions. Proponents were ready to further implement it, and recommended the SC to endorse R2P. However, opponents showed signs of reneging on their previous commitment to R2P, fearing its potential to legitimize interference in the domestic affairs of State. Instead they argued that 2005s World Summit only agreed to further discuss this topic, and that taking it to the SC was premature. (Bellamy, Responsibility to Protect - Five Years On, 2010) These discussions continued without much progress.

### **2.2.1 2009 Secretary-General’s report**

At the start of 2007, former South Korean Minister of Foreign Affairs, Ban Ki-moon assumed the position of Secretary-General of the UN. He fell right into the midst of the discussions regarding the implementation of R2P. While in 2005 there was still a willingness to use R2P, albeit somewhat reluctantly, in 2007 this attitude had shifted in the opposite direction, with States clearly showing resistance (Welsh, 2009). However, Ban Ki-moon’s election as SG was seen as a

positive sign, as he immediately undertook action in order to bring a renewed support for R2P. While he recognized that the final text of the Outcome Document was fairly ambiguous, he argued that this was not a reason to further discuss and renegotiate as he stated that “the provisions of paragraphs 138 and 139 of the Summit Outcome define the authoritative framework within which (...) the United Nations and its partners can give (...) institutional life” to the principle (Ban, *Implementing the responsibility to protect*, 2009, p. 4). Instead, he wanted States to implement what was already agreed upon (Ban, *Implementing the responsibility to protect*, 2009). He started with appointing Edward Luck as his Special Adviser on the responsibility to protect. Encouraged by his consultations, he looked to identify a ‘narrow but deep’ approach to R2P, one that has the agreements of 2005 at its core but fully utilizes the UN’s prevention and protection toolkit (Ban, *Responsible Sovereignty: International Cooperation for a Changed World*, 2008). This culminated in his report, ‘*Implementing the responsibility to protect*’, which was released in early 2009.

He started his report by stating what has already been achieved, and what the current state of R2P is in international law. He underscores the fact that both Article 138 and 139 of the World Summit are firmly rooted in international law. Consequently, under conventional and customary international law, States are now obligated to prevent and punish war crimes, genocide and crimes against humanity. Furthermore, he emphasizes the fact that R2P does not conflict with the non-interference principle that is embedded in the UN Charter, as direct intervention is done in accordance to Chapter VII of the Charter, which supersedes the non-interference principle. Building on this framework, he proposed a three-pillar approach to R2P:

1. *The protection responsibilities of the State*: This first pillar explains the State’s responsibility as “to protect its populations, whether nationals or not, from genocide, war crimes, ethnic cleansing and crimes against humanity, and from their incitement.” (Ban, *Implementing the responsibility to protect*, 2009, p. 8) It stresses the importance on the latter, citing that it is critical to prevention strategies.
2. *International assistance and capacity-building*: This second pillar concerns the commitment of the international community to assist States in meeting the obligations set forth in the first pillar. This is seen as critical to forging a policy, procedure and practice that can be consistently applied and widely supported. (Ban, *Implementing the responsibility to protect*, 2009, p. 9)
3. *Timely and decisive response*: This last pillar concerns the responsibility of Member States to respond as a collective when a State is “manifestly failing” to protect its population, which should be done in a timely and decisive manner. This does not necessarily mean that a response under the third pillar is of a coercive nature, because if

a response is done on time it could prevent crises from breaking out at all. As an example, the report gives the international community's response to the bloodshed in Kenya in 2008 following a disputed election. Here the international community responded only with diplomatic action, which prevented the situation from escalating. This prevented the choice of intervention to be one between doing nothing and using force. (Ban, Implementing the responsibility to protect, 2009, p. 9)

When looking at of the issue who would authorize any kind of response, Ban states in his report that this responsibility lies with the UN institutions, primarily the UNSC and GA. Although the five permanent members of the Security Council retain the right to employ their veto, he urges them to refrain from doing so in matters regarding to R2P. Instead, he places an importance on reaching a mutual understanding in those situations. (Ban, Implementing the responsibility to protect, 2009, pp. 26 - 27)

### **2.2.2 2009 General Assembly**

On the July 21, 2009, the SG presented his report to the General Assembly. Mere days after his presentation, the GA scheduled an 'informal interactive dialogue', followed by a formal plenary debate. This was the first debate on R2P since its adoption in 2005 and one of the largest plenary debates in the history of the General Assembly, with 180 of the 192 member states being represented at the debate.

The reaction to the SG's report was predominantly positive, which proved that his work had swayed the opinion of States who, after 2005, were mostly critical about R2P. (Global Centre for the Responsibility to Protect, 2009) Emerging from the debate was a clear commitment to the prevention and halting of mass atrocity crimes, with only 4 countries that were still vocal about reversing R2P's progress, namely, Cuba, Nicaragua, Venezuela and Sudan (Global Centre for the Responsibility to Protect, 2009). The rest sought to further implement the doctrine as proposed by the SG. The debate created a consensus on the following areas:

- With the exception of the aforementioned countries, all member states which were present agreed that the 2005 Agreement on R2P was not open for renegotiation.
- With regards to sovereignty, this has always been an area of controversy when talking about R2P, many member states agreed that R2P is in fact an ally of sovereignty, and should not be seen as a foe.
- The legal status was affirmed as being grounded in international law.
- The three-pillar approach suggested by the SG was endorsed by over 50 States.

- Member states agreed with the GA's proposed narrow scope of R2P, with it being limited to the four mass atrocity crimes stated in the 2005 Outcome Document.
- These mass atrocity crimes are considered a threat to international peace and security, thus enabling the use of coercive force under Chapter VII of the UN Charter. (Global Centre for the Responsibility to Protect, 2009)

Despite these consensuses, there were still several areas of concern. Firstly, one of the most commonly expressed concerns is that R2P should be applied consistently, without double standards. Some countries like Algeria, Qatar and the DPRK referred to the inconsistent response to the bombing of Gaza in early 2009 as one previous example where that did not happen. Secondly, the third pillar, while endorsed by most member states as part of Ban Ki-moon's three-pillar approach, was still a topic for discussion, especially on how to implement it. At the heart of this concern is the apparent failure to act by the UNSC in situations where it needs to, such as Rwanda and Bosnia in the past. Many accredit this to the P5 and their veto right. Opinions on how to respond to this issue are varied. Some acknowledge that the UNSC is the only body capable of authorizing coercive action, while others think this responsibility should solely lie with the GA, or a combination of both, fearing the use of R2P as a license for unilateral intervention by the larger powers. Thirdly, there is still some criticism regarding the text's final wording about intervention, that it is unclear about when intervention should take place. (Global Centre for the Responsibility to Protect, 2009)

## **2.3 States' stance on R2P**

For this research, it will be important to note the position of various countries regarding R2P. As the focus lies on North Korea, the countries examined will have a connection with that country to some extent and all lie in close proximity to it. In short, besides North Korea, which is an avid opponent of R2P, all countries adopt a cautious stance towards R2P, albeit for different reasons.

### **2.3.1 People's Republic of China**

As one of North Korea's few and most important allies, neighbor, and one of the P5, China's attitude towards R2P is important to note. Its foreign policy is based on the Five Principles of Peaceful Coexistence; mutual respect for sovereignty and territorial integrity, mutual non-aggression, non-interference in each other's internal affairs, equality and mutual benefit, and peaceful coexistence (Xinhua, 2004). As such, the principles of state-sovereignty and non-interference have always been held in high regard. (Teitt, 2008) Unsurprisingly, when the ICISS

conducted its interviews as part of their report, the Chinese government refused to answer any questions and opposed the responsibility to protect (Bellamy, Whither the Responsibility to Protect? Humanitarian Intervention and the 2005 World Summit, 2006). However, when R2P was up for adoption in the 2005 World Summit, it was among those States which endorsed it, thus signifying an apparent change in China's view on non-interference. It has since acknowledges that States are responsible for their population, and that sovereignty is not something that one can hide behind when committing mass atrocity crimes. Although it supported R2P in 2005, it does so cautiously. In their eyes, it remains a concept and therefore it lacks the force of international law. Any action can only be undertaken with the express permission the State in question. (Global Centre for the Responsibility to Protect, 2009) China's actual support of R2P is open to speculation however. Sarah Teitt argues that, while in principle it accepts the responsibility to protect, their continued obstruction to further implementation seems to indicate little actual support (Teitt, 2008).

### **2.3.2 Japan**

Since the mid-1990s, Japan's foreign policy has been based on the human security doctrine, which has national security focused on the individual, instead of the State. Its goal is to achieve a freedom from want, and a freedom from fear. To that extend, human security resonates quite well with R2P, as both doctrines focus on the prevention of mass atrocity crimes. However, it is human security's focus on a non-military approach that conflicts with R2P, which does have that option. Considering Japan's pacifistic nature, it faced a difficult choice during the 2005 World Summit. To compromise, its official position on R2P is as a 'passive' supporter. (Honna, 2012) In 2009, during plenary debates, Japan was surprisingly positive about Ban Ki-moon's report. It agreed that R2P should only focus on the four mass atrocity crimes mentioned in the 2005 Outcome Document, rather than include overall threats to humanity like poverty and natural disasters. It was still very critical of the third pillar, with Japan clearly wanting to focus more on prevention rather than actual intervention. However, it did state that it is an option as a last resort and only when done in accordance with the UN Charter. Furthermore, Japan emphasized the importance of the ICC, urging countries to accede to the Rome Statute. (Global Centre for the Responsibility to Protect, 2009) Despite this, there are different domestic issues that influence Japan's acceptance of R2P. First of all, there are four different views regarding R2P, while its official statements only represent one of these. This means that domestic consensus is still elusive. Secondly, Japan invested heavily in its human security doctrine, and does not want R2P to undermine that. This stands in the way of Japan's aspired dream to play an influential role in international security. Lastly, R2P's option of military intervention further reduces Japan's role

as it is incapable sending troops due constitutional restraints. (Honna, 2012) As with China, Japan remains a cautious supporter. However it does adopt the view that it is necessary to protect populations around the world.

### **2.3.3 Republic of Korea**

Being one of the 'Friends of R2P', South Korea is a big supporter of the principle. However, it remains cautious regarding its implementation. It prefers to focus on prevention measures and capacity building rather than forceful intervention, although it does acknowledge that coercive action might be necessary in extreme situations. (Asia-Pacific Centre for the Responsibility to Protect, 2008) During the plenary sessions in 2009 it stated that R2P should not be seen as humanitarian intervention, and that it has in fact nothing to do with it. South Korea's position can be compared with that of Japan, in that it highly favors prevention measures as opposed to coercive action. Furthermore, like Japan, it emphasized the role of the ICC and urged countries to adopt the Rome Statute. (Global Centre for the Responsibility to Protect, 2009)

### **2.3.4 Russian Federation**

Russian-North Korean relations have been rocky in the last two decennia. Its alliance with North Korea ended when the communist Soviet Union fell in the early 1990s. Since then relations have amicable at best. However, since Russia's annexation of Crimea and subsequent (apparent) involvement in the unrest in eastern Ukraine, Russia has moved towards North Korea in response to ever increasing sanctions from the West. (Talmadge, 2014) Giving this newfound friendship, Russia's stance on R2P is important to note. Like China, Russia holds state-sovereignty and non-interference in high regard. Therefore, it did not embrace R2P in 2005. However, at the time of the 2009 plenary debates on the subject, their position changed towards a more accepting one. Currently, their official stance is that it does not dispute the responsibility of States to protect populations (Kurowska, 2014). During the plenary sessions Russia stressed the importance of States exercising 'self-control' when protecting populations. Furthermore, it stressed that international action should focus on prevention and helping States build their capacities. However, it did recognize that timely action could prevent further loss of life and that it should be taken when States are not in a position to protect their people. (Global Centre for the Responsibility to Protect, 2009) Despite this, it is argued that Russia's position is twofold, with the official government in Moscow having one, and the Kremlin, where the true power lies, having another, with the latter being more negative towards R2P (Kurowska, 2014).



### **2.3.5 Democratic People's Republic of Korea**

North Korea's position has been very critical, but interesting to note is that it has not explicitly rejected the idea that States are responsible for their population. It is thought that North Korea's rejection of R2P is based more on the fear that it provides grounds for actual interference into their domestic matters, rather than to protect state-sovereignty as a whole (Bellamy & Davies, *The Responsibility To Protect in the Asia-Pacific Region*, 2009). In 2005, North Korea criticized the Outcome Document, emphasizing the importance of sovereignty and non-interference. It stated that, "disputes should be resolved peacefully, through dialogue and negotiation. The unilateral use of force can never be justified in any case." (Bellamy & Davies, *The Responsibility To Protect in the Asia-Pacific Region*, 2009, p. 21) During the 2009 plenary debates in the GA, North Korea again voiced its concerns over the implementation, stating that is nothing more than military attacks launched on humanitarian pretexts (Global Centre for the Responsibility to Protect, 2009). When looking at the country's human rights records, it is probable that it will continue to have this negative outlook. However, since it has little influence in the region, it is unlikely to play a prominent role in opposing R2P. (Bellamy & Davies, *The Responsibility To Protect in the Asia-Pacific Region*, 2009)

### **2.4 Differences between the ICISS's report and the UN's adoption**

R2P, as proposed by the ICISS, is different than the R2P that was adopted during the 2005 World Summit. Also termed as 'R2P-lite' by Thomas Weiss (Weiss, 2006), it leaves out several recommendations made by the ICISS in their 2001 report. One of the more important ones is the lack of criteria for the use of force. The current text vaguely states that States have to 'manifestly' fail in their responsibility to protect before coercive action is even considered. Secondly, while the ICISS includes threats to humanity like famine and natural disasters as a State's responsibility, this is left out in the Outcome Document. Instead it focusses solely on four mass atrocity crimes, genocide, war crimes, crimes against humanity and ethnic cleansing. Thirdly, there are no guidelines on how to proceed when the UNSC deadlocks or how the veto should be used in situations dealing with human rights. Lastly, there is no comprehensive list of measures ranging from preventing to rebuilding (Bellamy, *Responsibility to Protect*, 2009).

#### **2.4.1 Criticism**

Although mostly welcomed with a positive reception, R2P is not without its criticism. It being called 'R2P-lite' by many of its original supporters is one of these criticisms. As mentioned in the previous part, there are significant differences between the ICISS's original concept and the

adopted version in 2005. Therefore, in the eyes of the proponents, it is not how it should be. However, Alex Bellamy argues that people should not be too quick to call the 2005 version of R2P a 'R2P-lite'. With regards to leaving out the criteria for the use of force he states that it would have been impossible to create consensus on the criteria among the members of the UN. (Bellamy, *Responsibility to Protect*, 2009) Indeed, the US's and Great Britain's argument that the 2003 invasion of Iraq was done on humanitarian grounds did not help in creating future consensus on codifying norms regarding military force for humanitarian purposes. Besides that, The US was not overly keen to establish a doctrine that would influence American use of force (Weiss, 2006). Furthermore, the fact that the 2005 text on R2P acknowledges that States are responsible for their population is a big step forwards. So while it is not what the ICISS envisioned, it is still a step in the right direction. (Bellamy, *Responsibility to Protect*, 2009) Another point of criticism is that, while the first two pillars proposed by Ban Ki-moon are generally accepted by States, the third one is still controversial. Many countries see R2P as a pretext for regime change or imperialism on humanitarian grounds.

Libya was seen as a great triumph for R2P by proponents, but at the same time it fueled the arguments of critics that it is only used selectively and to enact a regime change. The example of Libya was used by India's Permanent Representative to the UN Hardeep Singh Puri when criticizing R2P, saying that it did more harm than good. "We must not end with a situation where saving hundreds causes killing of thousands. The UN must act impartially and must not take sides," he said (Singh, 2012). Agreeing with this is Anthony Loewenstein, who feels that any intervention ends up destroying the country it tries to save. About its selective application he further states that, "we never hear any R2P backers pushing for a military intervention in Gaza to protect the Palestinians from Israeli missiles. Nobody is talking about protecting Egyptian civilians from the brutal, US-backed dictatorship in Egypt. Barely a word is raised to protect the repressed activists in Bahrain or Saudi Arabia." (Loewenstein, 2014) Professor Noam Chomsky attributed this to, in his opinion, the still valid maxim of Thucydides, which states that the strong do as they wish, while the weak suffer as they must. He brings up another point of criticism, regarding to R2P's very narrow scope of only focusing on the four mass atrocity crimes mentioned in Article 138. He criticizes the fact that famine is not included in the text, while according to UNICEF approximately 16.000 children die from lack of food each day. About this he says, "in another domain, there is no thought of invoking even the most innocuous prescriptions of R2P to respond to massive starvation in the poor countries. (...) There is surely ample warning, but no thought of action under R2P, though it would be easy enough if the will were there." (Chomsky, "Come Over and Help Us": A History of R2P, 2009)

### **3. North Korea's role in the world**

This chapter will give an overview of North Korea's role in the world. The first part will cover its current humanitarian situation; their violation of the right to food, human rights violations, treatment of prisoners and if these violations constitute crimes against humanity. The second part will explain North Korea's relationship with China, undoubtedly its biggest ally in the world, and the US's policy towards the DPRK. This chapter will conclude with detailing the DPRK's attempt to become a nuclear power and how this ambition influences States' foreign policy towards North Korea.

#### **3.1 Humanitarian situation**

Since its founding in 1948, North Korea has been a perpetrator of mass atrocity crimes. During the Korean War that started in 1950 and resulted in a cease-fire in 1953, the North Koreans committed war crimes by forcing captured South Korean forces to fight for them and committed atrocities against prisoners of war (POW), both South Korean and American, therefore acting against the Geneva Conventions. Even now, it is still believed that POWs from that war are still held captive in North Korea, despite it saying otherwise (Heo, 2002). After the end of the war, North Korea's leader Kim Il-sung continued his rigorous reform of the country towards a fully Stalinist society. This included a very harsh treatment of its population to the extent that most in the scientific community agree that the country has been, and still is, committing mass atrocity crimes on a large scale. The political system that Kim Il-sung introduced has led North Korea to become one of the most closed off societies in the world, and according to Freedom House, one of the least free countries in the world. (Freedom House, 2014) Over the years, North Korea has been accused of committing mass atrocity crimes on a large scale. However, due to its secretive nature and closed off society, it has been hard to obtain proof. Despite this, extensive research has been done by different NGOs and more recently the UN on the humanitarian situation in North Korea. Below the most important findings will be described.

##### **3.1.1 National famine and violations of right to food**

Since the 1970s North Korea's economy began to slow down. Soon afterwards it became dependent on economic aid from the Soviet Union in order to survive. When the USSR collapsed in the early nineties, so did the North Korean economy. As a result, and coupled with economic mismanagement by the Korean regime, food production and import declined rapidly. For a time

it was able to compensate with China taking the USSR's position as main food provider. However, when China faced its own grain shortfalls it cut its aid to North Korea by a considerable amount. (Demick, 2010) Due to this shortage of food it was unable to sustain its 22 million large population, which led to a national famine. The acute phase of the famine is considered to be from 1994 to 1998, but it has been struggling to feed its people to this day and still receives food aid by the international community. It is hard to get an exact death toll due to unavailable or incomplete statistics, with estimates ranging from 220,000 to 4,000,000 deaths as a result of the national starvation. A more recent study, which had access to more complete and reliable information, came to the conclusion that around 500.000 to 600.000 people have died due to starvation during the acute phase of the famine (Goodkind, West, & Johnson, 2011).

The large amount of deaths that occurred is a shocking fact to say the least, however, the Commission of Inquiry on human rights in the DPRK also established that North Korea was actually largely responsible for the famine and allowing the death toll to rise to such exorbitant numbers. Their report states that the State was aware of its deteriorating food situation well before 1995, when it started asking for international aid. Instead of implementing the needed structural reforms to their economy and agriculture, the State used, and still uses, food as a means to control the population. Therefore, the report argues that North Korea's food situation cannot be narrowed to a mere discussion of food shortages. Despite receiving vast quantities of food, especially during the famine and its aftermath, it fails to distribute this to the entirety of its population. Instead, it opts to only feed those it deems 'invaluable' to the regime, with the rest being considered expendable. (Commission of Inquiry on human rights in the DPRK, 2014) Regarding the current state of North Korea's food situation, the Commission states that,

"while conditions have changed since the 1990s, hunger and malnutrition continue to be widespread. Deaths from starvation continue to be reported. The commission is concerned that structural issues, including laws and policies that violate the right to adequate food and freedom from hunger, remain in place, which could lead to the recurrence of mass starvation." (Commission of Inquiry on human rights in the DPRK, 2014, p. 11)

This last remark is consistent with the view of the media, who agree that North Korea could enter a new famine in the near future. However, this is contradicted by Professor Andrei Lankov, who states that it is no longer the starving country it was in the past. He cites economic growth and a good harvest as reasons that starvation is no longer a fact of life in North Korea. (Lankov, 2014) Despite this, it still uses food as a means of

control. The commission therefore argues that North Korea gravely violates the right to food.

### 3.1.2 Human rights violations

Since its founding, the DPRK has sought to control all aspects of life in order to keep its population in check. Therefore, the commission finds that there is “an almost complete denial of the right to freedom of thought, conscience and religion, as well as of the rights to freedom of opinion, expression, information and association.” (Commission of Inquiry on human rights in the DPRK, 2014, p. 7) The State does not tolerate any opposition, and tries to limit this by exercising total control over organized social life. Propaganda and indoctrination is used to create total obedience to the nation’s leaders and to incite hatred towards North Korea’s natural enemies. Internal information is completely regulated by the State and the population is shielded against external information, so as to prevent them getting a different view on life. Everyone is under constant surveillance and anyone found committing ‘crimes’ against the regime are met with the harshest of punishments, and reporting these crimes is rewarded. (Commission of Inquiry on human rights in the DPRK, 2014) These ‘crimes’ are usually trivial, like forgetting to dust off a portrait of the ‘Great Leader’ Kim Il-sung or humming the tune of a South Korean pop song. As David Hawk, member of the NGO ‘The Committee for Human Rights in North Korea’, eloquently puts it, it applies to anyone suspected of “wrongdoing, wrong thinking, wrong knowledge, wrong association or wrong background.” (The Economist, 2012) Punishments against these crimes have only become harsher in recent years due to advancements in information technology. This allowed outside information to reach the population and influence their views, which before were provided by the State. (Commission of Inquiry on human rights in the DPRK, 2014)

Because the State has created an official personality cult surrounding its leaders, it views anything contradicting or conflicting with that cult to be a serious threat. Therefore, Christianity has been heavily prosecuted within North Korea since the 1950s. Only within a few State-sanctioned churches people are allowed to practice their belief. Outside of those, any practicing of Christianity is heavily punished. (Commission of Inquiry on human rights in the DPRK, 2014) For this reason many Christian NGOs and foundations consider North Korea as the country where Christians are prosecuted most extremely (Open Doors, 2014).

Life in North Korea is governed by an unofficial cast system called *songbun*, which classifies people based on social class, birth and heritage. In the past, it used to be the most important factor that influenced the way that people lived, where they lived, what opportunities they

would receive and even how much food they would get. In effect, North Korea sponsors discrimination on all levels of society. There also exists a large divide between the role of men and women. The male-dominated State tries to keep women down. As a result, it preys on women who do well financially and marginalized women. (Commission of Inquiry on human rights in the DPRK, 2014) Despite the recent marketization in the DPRK, which brought in wealth as a contributing factor which affects the situations of people previously solely determined by *songbun*, the system may have been rocked, but cannot collapse entirely due to it still being entrenched in the North Korean way of life (Sullivan, 2012).

### 3.1.3 Treatment of prisoners

Despite the North Korean government's continual denial, there exist several political prison camps where people are interned and live in very harsh conditions. The State uses a system of fear to keep the population in check, and these prison camps are a vital part of that system. People who are accused of political crimes are arrested, or 'disappeared', without due process to these prison camps. Their family receives no information regarding where they are being interned, or sometimes they receive no information regarding their sudden disappearance at all, not even when they die. The word 'when' is used explicitly because while imprisoned, prisoners, especially political ones, receive the harshest treatment possible. Torture is an integral part of the interrogation process, and all means are used to make people talk. The COINK report lists things like starvation, forced labor, rape, forced abortion, infanticide, and execution. Currently it is estimated that there are some 80,000 to 120,000 political prisoners being detained in the four political prison camps spread around North Korea.

These gross violations are not limited to political prisoners however. They are also being committed in the ordinary prison system. Ordinary prisoners are usually the victim of arbitrary detention since they receive no trial or a trial that does not meet the standard set forth in international law, which states that a trial must respect due process and fair trial guarantees. Both public and secret executions are carried out as a matter of State policy to instill fear in the population. (Commission of Inquiry on human rights in the DPRK, 2014)

### 3.1.4 Crimes against humanity and the possible application of genocide

The COINK emphasizes their role as an advisory body only, having no judicial powers. As such, it also sought to determine if the human rights violations committed in the North Korea constitute as crimes against humanity and merit a criminal investigation. The report states that,

“the commission finds that the body of testimony and other information it received establishes that crimes against humanity have been committed in the Democratic People’s Republic of Korea, pursuant to policies established at the highest level of the State.” (Commission of Inquiry on human rights in the DPRK, 2014, p. 14)

Furthermore, it states that these crimes against humanity are still ongoing as the policies and institutions that enable them still exist today. The COINK focused on crimes against humanity on six different groups, namely:

- Inmates of political prison camps
- Inmates of the ordinary prison system
- Religious believers
- Persons who try to flee the country, or have fled and are recaptured
- Starving populations
- Persons from other countries that fall victim to international abductions

A report by international law firm Hogan Lovells, commissioned by Human Liberty, provided an independent legal opinion on the COINK’s findings. It gave one more possible group that is a victim of crimes against humanity; DPRK workers abroad. After reviewing the COINK’s report and additional material, the report argues that crimes against humanity could be established against this particular group. The report bases this on their condition, which could potentially amount to imprisonment or enslavement. This inclusion has important consequences regarding the jurisdiction of the ICC, as crimes committed by nationals of the DRPK in a country that has signed the Rome Statute enables them to exercise jurisdiction without referral from the UNSC (Hogan Lovells, 2014).

It is interesting to note that the COINK has a fairly critical stance in its conclusion towards the international community and the UN. It states in their report that the international community has, to date, inadequately responded to the crimes against humanity being committed in North Korea. Especially since it has been a full member of the UN for two over two decades. It also calls upon the international community’s responsibility to protect the population of North Korea, as it has “manifestly” failed to do so itself. It also advises the UNSC to refer the situation to the ICC to ensure that those who are responsible are held accountable (Commission of Inquiry on human rights in the DPRK, 2014, p. 16).

The COINK does not directly accuse North Korea of committing genocide. However, in its report on detailed findings it does pose the question if genocide of two types is being committed;

political genocide and religious genocide. In North Korea's political prison camps, people are being intentionally eliminated based on what they are or represent, not because of something they have done. This begs the question if this is a case of genocide. On this the report states that,

“in the case of the DPRK's political prison camps, extermination has been based principally on imputed political opinion and state-assigned social class. Such grounds are not included in the contemporary definition of genocide under international law.”

While this means that this does not constitute genocide according to its definition, the report does argue that it represents a crime akin to genocide.

The second possible case of genocide was brought forward by Christian Solidarity Worldwide. It claimed that there were indicators that North Korea committed genocide against various religious groups, particularly Christians, and especially during the 1950s and 1960s. This claim is not baseless as it is a fact that North Korea's religious population dropped from around 24% in 1950 to 0.016% in 2002. While the Commission acknowledged that there is information that purges took place during that timeframe, it also stated that it was not in a position to gather the necessary data to establish if this was due to extreme violence or the deliberately targeting of religious groups (Commission of Inquiry on human rights in the DPRK, 2014).

Hogan Lovell's report investigated the possibility of genocide a bit further. In the end it came to the same conclusion as the COINK, and agreed that the lack of available data makes it difficult to establish if genocide has taken place in North Korea. Like the COINK, it also supported that the current definition of genocide is too narrow and should be broadened to include the crimes being committed in the DPRK (Hogan Lovells, 2014).

### **3.2 Foreign relations**

North Korea's foreign relation with most countries is strenuous at best. Its biggest ally is undoubtedly China and besides that there are few countries that it is on friendly terms with. This part will look at both North Korea's relationship with China and the US, specifically US policy towards them. Both countries are part of the Six Party Talks (this will be detailed further later in the chapter) and leaders in their respective fields of influence. If any discussion about applying R2P to North Korea takes place, these two States can influence that discussion greatly. Therefore, it is important to note their relationship with the DPRK.



### 3.2.1 North Korea's relationship with China

North Korea's relationship with China dates back to the Korean War in the 1950s, during which China sent large amounts of troops to the Korean peninsula in order to support the North's attempt at reunification. Since then the two States have been on friendly terms, even though the DPRK moved back and forth between the USSR and China, preferring not to get too dependent on either. After the collapse of the USSR, China was the only country left, with similar ideologies, which could support North Korea's weak economy. Right now North Korea has China as its main import and export partner, and main source of energy, food and arms, and is therefore very dependent on it. Due to this fact, China has enormous leverage over their southern neighbor.

While relations have always been friendly, it has come under some pressure in recent years due to North Korea's nuclear weapons program and their first nuclear test in 2006. This was deeply condemned by China and was followed by a change in tone from diplomacy to punishment, with China supporting UN Security Council Resolution 1718<sup>1</sup>, which imposed sanctions on Pyongyang (Xu & Bajoria, 2014). Another point that caused friction between the two States is China decision to strengthen ties with South Korea, with Chinese president Xi Jinping breaking tradition when it visited Seoul before Pyongyang last July (Tiezzi, China-South Korea Ties: Moving Beyond North Korea, 2014). Still, these events should not be seen as indicators that Chinese support for North Korea is waning, as it still backs the Kim regime. This is again shown when China officially rejected the 2014 COI report on human rights abuses in North Korea shortly after its release in February (Tiezzi, China Dismisses UN Report on North Korea's Human Rights Violations, 2014).

Despite North Korea's increasingly erratic behavior and China's growing reservations about it, it cannot afford to withdraw support entirely, as its primary interest is the stability of the Korean peninsula. Any conflict will cause a massive influx of refugees in China's bordering provinces with North Korea. This is something it wants to avoid at all costs. Furthermore, it is still in an official military alliance with the DPRK that states that it is required to come to their aid should it become the victim of any unprovoked aggression. However, China has been ambivalent regarding their commitment to honor this alliance (Xu & Bajoria, 2014). This is further signified when an apparent Chinese contingency plan was leaked in May 2014, which would come into effect in the case of extreme chaos in North Korea. The fictional scenario was one where North Korea was attacked by an unnamed third party. Interestingly, the plan made no mention of Chinese soldiers entering North Korea, which would signify that China is not interested to become militarily involved on behalf of the DPRK (Tiezzi, Does China Have a Contingency Plan for North Korea?, 2014). To conclude, although Sino-North Korean relations have chilled

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<sup>1</sup> S/RES/1718 (2006)

somewhat in recent years, China has no intention of dropping support of the Kim regime and has no intention of allowing intervention that could destabilize the region.

### **3.2.2 US policy towards North Korea**

Since North Korea's announcement that it has an active nuclear program, the primary goal of the US's policy towards North Korea is that of denuclearization. This is also true for the current Obama administration. Even though Glyn Davies, Special Representative for North Korea policy, has stated that, "improving human rights conditions is an integral part of our North Korea policy", it is commonly believed that its nuclear program takes priority over the human rights situation in the DPRK (Davies, 2013). The current policy is characterized by 'strategic patience', which essentially means that the administration waits for the DPRK to return to the negotiating table themselves, while applying pressure in the meantime. Main elements of this strategy include insisting that North Korea takes steps towards denuclearization, improve relations with South Korea as a first step before returning to the Six-Party Talks, and convincing China to take a tougher stance on North Korea as it the only country that can exert any leverage (Chanlett-Avery & Rinehart, 2014). Furthermore, the Obama administration has shown hesitancy towards unilateral military intervention, instead it prefers to focus on the multilateral dialogue option (Snyder, 2013).

### **3.3 North Korea as a nuclear power**

North Korea's desire to become a nuclear power dates back to when it was still under the USSR's nuclear umbrella and considerably stronger than South Korea, both economically and militarily. Its motivation back then was different than it is now, which is believed to be one of deterrence or coercive bargaining. North Korea's nuclear program moved forward in secret from the late 1950s onwards, even when it signed the Non-proliferation Treaty (NPT) in 1985. In 1989, US satellite images proved the existence of North Korea's nuclear program to the world. This led to the first nuclear crisis between the US and the DPRK. The period between 1989 and 1994 was a difficult time for North Korea, as it had to deal with increasing US pressure regarding their nuclear program, the fall of the Soviet Union, the death of Kim Il-sung and rising economic problems and a national famine. Meanwhile, South Korea started to greatly surpass its northern neighbor in terms of wealth, with its gross domestic product becoming 15 to 20 times greater than North Korea's (Bolton, 2012). It is during this period in time that the DPRK's reason for wanting nuclear weapons changed, as the previously mentioned events triggered a rebalancing of power on the Korean peninsula.

Since the reveal of North Korea's nuclear program, the US had sought to halt it from producing actual WMDs. In 1991, North- and South Korea both signed the Joint Declaration on the Denuclearization of the Korean Peninsula. The Declaration states both countries shall not "test, manufacture, produce, receive, possess, store, deploy or use nuclear weapons," and that they "shall not possess nuclear reprocessing and uranium enrichment facilities." As part of the agreement both countries were to allow inspections of their facilities. Despite initial positive developments, North Korea started to refuse the International Atomic Energy Agency (IAEA) from inspecting its nuclear facilities, which was in direct violation of both the Joint Declaration and the NPO. This violation effectively ended the talks of denuclearization. After several renewed attempts of finding a solution, the Agreed Framework was signed in 1994 (Global Security, 2014). Its objective was similar to previous treaties in that it sought to limit North Korea's ability to produce weapons grade materials. It also sought to normalize US-North Korean relations, which broke after the latter's violation of the Joint Declaration and the NPO. Implementing the Framework's provisions was troubled from the start, but it did happen. Despite this, the agreement broke down in 2003, when North Korea announced its withdrawal from the NPO (International Atomic Energy Agency, 2014). As a result thereof, the Six-Party Talks were initiated to, once again, find a peaceful resolution to the security concerns raised by North Korea's nuclear weapons program.

### **3.3.1 Six-Party Talks**

The talks are being conducted by six different States; North Korea, US, Japan, South Korea, Russia and China, all with its own goals and ambitions. As with previous talks, the main aim of the Six-Party Talks is the denuclearization of North Korea. The negotiations are characterized by being stop-and-go, meaning that negotiations are not continuous but rather start, stop, and sometime later, start up again. As of this writing, six rounds of talks have been held. During the fourth round in 2005 some progress was made, with North Korea agreeing to abandon its nuclear program, allow the return of IAEA monitors and to return to the NPO, in return for food and energy assistance. However, talks hit a roadblock when North Korea held its first nuclear test in 2006 and its second test in 2009, both being condemned by the international community (Bajoria, Xu, & Zissis, 2013). The UN called for increased sanctions against North Korea, which angered the regime greatly. In response to the call for sanctions, North Korea halted talks indefinitely, stating that, "we will never again take part in such talks and will not be bound by any agreement reached at the talks." (Landler, 2009) Although there have been some talks after that statement, none have been a part of the Six-Party Talks, and North Korea's nuclear program

has continued unhindered, which resulted in a third nuclear test in 2013. With right, North Korea can be considered a nuclear armed state.

Although all members of the Six-Party talks are concerned about the DPRK's progress in its nuclear weapons program, is important to note that no single member is on friendly terms with all of the other members. This results in different approaches on how the talks should proceed. As Scott Snyder puts it, the talks have so far failed because each member has "placed their own immediate priorities and concerns above the collective need to halt North Korea's nuclear program." (Chung, 2013) This complication holds true for every negotiation regarding North Korea's faults, including its human rights record.

## 4. Case examples

The following chapter will briefly overview two cases that have in the past been linked to R2P, the case of Libya and Syria. The former was the first case where military intervention took place according to R2P, in the latter no intervention has so far taken place even though the circumstances are similar. In discussing these two cases, this chapter will look at the differences and similarities between the two cases. Furthermore, it will briefly detail why intervention according to R2P took place in one and, so far, not the other, and attempt to see if those reasons also apply to North Korea.

### 4.1 Libya

In late 2010, fierce anti-government protests started in Tunisia which resulted in the Tunisian president fleeing the country. This event caused a snowball effect throughout the Arab world, as more countries got inspired by the successful Tunisian revolt. After Tunisia, the population in Egypt rose up against its corrupt government which, in only three weeks, managed to topple the Mubarak regime. When this now dubbed 'Arab Spring' reached Libya, mere days after Mubarak was forced to flee Egypt, its dictator, Muammar al-Qaddafi, was determined not to follow in the footsteps of his Tunisian and Egyptian counterparts. In order to curb the spreading protests, Qaddafi's security forces employed lethal force. When this resulted in several deaths after protests in four major cities, the national demonstrations turned into a full-fledged popular uprising. This resulted in much of the population destroying Qaddafi regime symbols such as police stations and other governmental buildings. To counter this, security forces resorted to employing more violence, and as the days went by, an increasing amount of reports came in stating that Qaddafi security forces committed violent crimes in an effort to scare and contain the revolt. When the population started forming militias to protect themselves against the security forces, Qaddafi was willing to do anything in order to maintain control. He urged people to "get out of your houses" and "attack" all opponents of the regime. During his speech, he used language reminiscent of that used in Rwanda prior to the genocide (Adams, 2012). This showed the international community that Qaddafi was willing to do anything in order to hold on to power, including extreme violence.

The rising reports of extreme violence being employed by the Qaddafi regime deeply concerned the UN, as it was worried that violence would only escalate in the future. As a result, UN High Commissioner for Human Rights, Navi Pillay, urged the Libyan government to immediately cease the gross human rights violations being committed, adding that they possibly constitute

crimes against humanity. Adding to this, the UN reminded Libya of its pledge to protect its population during the 2005 World Summit. Realizing that Qaddafi would not back down, the UN adopted a Resolution citing the responsibility to protect, which imposed a series of sanctions, with the goal of persuading him to stop killing his people. The sanctions had little effect as Qaddafi forces marched on Benghazi with the promise of “cleansing the city from armed gangs.” (Adams, 2012) In response to the impending massacre at Benghazi, the UNSC adopted Resolution 1973<sup>2</sup>. It called for an immediate cease-fire and an end of violence against civilians. Furthermore, in its text it allowed “all necessary measures” to be implemented by the international community in order to protect the population, including military action short of an occupation force. In this case that meant the creation of a no-fly zone. The Resolution was enforced by members of NATO under Operation Unified Protector. After months of fighting between the loyalists and the rebels, the Qaddafi regime finally collapsed in October 2011 (Adams, 2012).

The way the international community handled the situation in Libya and the eventual outcome was met with both a positive reaction and criticism. Proponents consider the intervention a victory for R2P. In their eyes it was a case where the UNSC finally lived up to its duty to prevent mass atrocities. While it was usually hard to gain a consensus when it came to applying R2P, the Libya case presented a set of circumstances which made many States realize that something had to be done against Qaddafi, who according to Kenneth Roth, the executive director of the Human Rights Watch, represented “the perfect villain” (Roth, 2011).

On the other hand, there was a lot of criticism regarding the motives for the intervention, most notably by Noam Chomsky. He argued that the NATO forces immediately took the sides of the rebels, inferring that it preferred that side to win. About his he says,

“There was no effort to institute a no-fly zone. The triumvirate at once interpreted the resolution as authorizing direct participation on the side of the rebels. A ceasefire was imposed by force on Qaddafi's forces, but not on the rebels. On the contrary, they were given military support as they advanced to the West, soon securing the major sources of Libya's oil production, and poised to move on.” (Chomsky, On Libya and the Unfolding Crises, 2011)

As stated above, he argues that oil played a large role in the intervention. Qaddafi was backed by Western powers in the past, but proved too unpredictable. Consequently, he questioned the eventual regime change, stating that, “(...) the vast territory of Libya is mostly unexplored, and

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<sup>2</sup> S/RES/1973 (2011)

oil specialists believe it may have rich untapped resources, which a more dependable government might open to Western exploitation.” (Chomsky, 2011)

## **4.2 Syria**

Following the uprisings in North Africa, a similar uprising started in March 2011 in Syria. Minor protests had been happening since January of that same year, which grew steadily into a full civil uprising. Initially, peaceful demonstrations were held against the Ba’athist government of al-Assad, its widespread corruption and the human rights abuses prevalent in the country. These demonstrations met with harsh retaliations by national security forces. Accounts from witnesses, the media and victims report that al-Assad used arbitrary detention, torture and artillery strikes on his own population in an effort to put down the uprising. He consistently denied responsibility for these crimes, instead blaming other various armed groups and terrorists. As the situation continued to escalate, the protestors slowly began to organize and arm themselves against the government’s security forces (International Coalition for the Responsibility to Protect, 2014). This resulted in the creation of the Syrian Free Army (SFA) in July 2011, which stated that it will work “hand-in-hand with the people to achieve freedom and dignity to bring this regime down” (World Tribune, 2011). This changed the civil uprising into an armed rebellion and as time moved on, a full-scale civil war.

International reaction has been slow from the start, as there were many States opposed to interfering in Syria while the international community had only just intervened in Libya. This intervention created a new oppositions against intervention, especially by the BRIC countries (Brazil, Russia, India and China), who thought that the Western powers had gone too far in their interpretation of the Resolutions on Libya (Dergham, 2011). This prevented the UNSC on having any sort of stance on the conflict. Regional actors were also hesitant to respond initially (International Coalition for the Responsibility to Protect, 2014). Since then the reports of human rights violations have been stacking up. On August 22, 2011, the UN established the Independent International Commission of Inquiry on the Syrian Arab Republic (COISAR). It is tasked with investigating the alleged violations of international human rights law (Office of the High Commissioner for Human Rights, 2014). Since its creation, the COISAR has released eight reports where it continuously updates on the situation in Syria. Its first report confirmed the rumors that crimes against humanity had by al-Assad’s security forces during the early phase of the civil war. Although the report legitimized the accusations towards the Syrian regime, no consensus could be reached by the UN on how to deal with the situation. Despite Russia and China abstaining on the vote to intervene in Libya, they are both outspoken opponents on any

kind of intervention in Syria. Between October 2011 and July 2012, the two countries vetoed three UNSC Resolutions that aimed to hold Syria accountable for the crimes it has committed and bring an end to the conflict (Global Centre for the Responsibility to Protect, 2014). Since then the situation has only escalated further, with the death toll now exceeding 140,000 people and many thousands more still missing (Solomon & Heinrich, 2014). On the current situation the COISAR's latest report states that,

“the conflict in the Syrian Arab Republic, once between the Government and a limited number of anti-Government armed groups, has morphed into multiple shifting conflicts involving countless actors and frontlines. Violence has bled over the borders of the Syrian Arab Republic, with extremism fuelling the conflict's heightened brutality. The regional conflagration, of which the commission has long warned, illustrates the fallacy of a military solution.” (Independent International Commission of Inquiry on the Syrian Arab Republic, 2014, p. 22)

Despite this, there is still no unity in the UNSC on how to respond to Syria. The only thing it has so far managed to agree on that directly interferes with Syria is Resolution 2118<sup>3</sup>, which states that it is required to destroy its current stockpile of chemical weapons. This Resolution was adopted in response to the chemical weapons being used in the conflict. Several peace conferences held during the last three years have had no effect and the death toll continues to rise. Furthermore, Syria is already on the top of the list of forcibly displaced people, which according to the UNHRC numbers nine million Syrians (International Coalition for the Responsibility to Protect, 2014). The international community's lack of political response towards this issue only allows the situation to worsen. As Lakhdar Brahimi, the previous UN-Arab League envoy to Syria, was quoted as saying, “The country is breaking up before everyone's eyes” (Al Jazeera, 2013).

#### 4.3 Similarities and differences

Although on the surface Syria might show similarities with the Libya case, there are a lot of differences that make any intervention a lot harder than it was in Libya. At first glance, when comparing the two cases, two similarities show; both regimes dealt (Syria still is) with a full-scale civil war and both responded with a great amount of violence, including crimes against humanity. However, if one looks more carefully, it can be concluded that that is where the

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<sup>3</sup> S/RES/2118 (2013)



similarities end. Four main differences exist, both internally and externally, and all heavily influence the international community's response to this crisis. These differences are:

- Their internal situation, both when looking at the regime and the rebels
- Their foreign policy, which resulted in a different political situation
- The US's interests in the crisis
- Syria ability to rebuild

When looking at the internal situation in both countries during the civil war, the state of the regime and the rebels is different in each country. In short, the regime in Libya was weak and that in Syria is strong, and the rebels in Libya were unified in their goals while those in Syria are fractured in many different groups, all with their own interests. Qaddafi's regime could never claim a broad base of support due to him consolidating his power by dispensing patronage only to kin and clan. Libyan society's access to goods and products was therefore determined by kinship. This, in turn, gave Qaddafi exclusive power. In order to hold on to this power he deliberately fractured the country and weakened state-institutions, so as to make sure no other center of power could rise up against him. This included the military, which was ill-equipped and de-politicized. This resulted in a regime capacity which was almost non-existent as his support crumbled when entire tribes defected to the rebels (Darwisheh, 2014).

Syria, on the other hand, is a different story. The al-Assad regime has intertwined its identity with that of the Syrian state from the start. After Hafez al-Assad, father of the current president Bashar al-Assad, took power in Syria, he initiated regional, economic and political shifts in order to consolidate his power. This resulted in the al-Assad regime relying on a wider set of state-institutions, with more power-sharing mechanism and a bigger use of co-optation. This does not mean that there is less control, as the ruling Ba'ath Party penetrates every state-institution and civil society organization, and the Party's military organization has political control over its members. A factor that contributes to the total control that the al-Assad family has over the regime's institutions is that it receives unquestioning support from the Party's security apparatus and inner circle. Indeed, all major posts in the State's security services and military are held by closely related families of al-Assad. This ensures a military that is sure to follow every direction given by the regime, as opposed to the Libyan military, which fractured as soon as the conflict broke out. This also means that the Syrian military is much more advanced than Libya's and makes any sort of intervention more difficult, and more importantly, more costly (Darwisheh, 2014).

The differences between the rebels in Syria and those who fought in Libya are equally great. While the Libyan rebels were all united in a common goal, the Syrian rebels are fractured due to

an absence of a unified political identity or community. Regional, sectarian, ethnic and class lines divides them and prevented the creation of a national movement that can overthrow the regime (Darwisheh, 2014). Instead of focusing only on the regime, the different groups are sometimes also rivals to each other and have conflicted interests. For example, the religious minorities fear that a potential Sunni majority rule will impact them negatively and are therefore not too keen on that happening (Shapiro, 2013).

The external situation of both countries was also very different when the civil wars erupted. The Qaddafi regime was known for its erratic foreign policy. It was known that the regime supported terrorism, and that it financed and supported armed groups and rebels not just in Africa, but all over the world. Muammar Qaddafi was openly hostile towards the West and Israel during the first thirty years of his reign. He used the situation in Israel to try to cement Libya's place at the top of Arab politics by aiding the Palestinians. His meddling in state affairs, both in Africa and beyond, and him openly supporting terrorism caused him to be regarded as an international pariah. Although his stance towards the West and Israel somewhat softened in the late 1990s, he had few friends in the international community. Furthermore, this new soft stance alienated him even further from his neighbors, who accused him being too friendly with the US (Stokes, 2012). This isolation and erratic political behavior contributed to the consensus that was reached in the UNSC when the debate for intervention took place, as most nations were eager to get rid of the Qaddafi regime.

Politically, the al-Assad family handled matters with much more consideration. Hafiz al-Assad was determined to turn Syria into an actor in regional politics in order to retake the Golan Heights from Israel. He knew this required strong diplomatic ties with influential nations. Although he failed to retake the Golan Heights, he created a strong alliance with the USSR which would continue with Russia after the former collapsed. In the years thereafter, Syria would ally themselves with Lebanon and Iran, creating a strong bloc against Israel (Stokes, 2012). The situation in the Middle East was such that by 2009,

“...Syria had managed to position itself between two networks: on the one hand, it was still part of the Iran-led ‘resistance axis’ and had developed diverse economic connections in Asia and renewed security and economic relations with Russia; on the other hand, it revived the option to lean toward a West-centric camp that included Saudi Arabia and the ‘moderate’ Arabs and was manifest in Turkish-sponsored peace talks with Israel; closer relations with Western Europe, symbolized by the detente with France; and a cautious

improvement in relations with the United States under the new administration of Barack Obama.” (Hinnebusch, 2013)

This shows that the difference between the political situation in Libya and Syria is very different. The former had no allies, support and completely isolated itself through its foreign policy, and the latter has good relations with its neighbors and more importantly, a good relation with Russia, which hold the right to veto any decision made in the UNSC. Russia will do anything to make sure it does not lose Syria as an ally because if it does, it results in expulsion from the region, a major blow to economy, security interests and politics (Shanahan, 2012).

While the US stood at the forefront during the intervention in Libya, it takes a much more passive stance when talking about Syria. In his March 2011 speech on the situation in Libya, President Barack Obama stated that, “We must always measure our interests against the need for action” (Obama, 2011). With this statement he made clear that there are certain criteria that a situation has to meet before the US takes action. Obviously, the crisis in Libya met those criteria. However, the Obama administration argues that Syria does not. The US responded when Qaddafi threatened Benghazi, a city of 700,000 inhabitants, despite a death toll numbering in the thousands, the same scenario has not happened in Syria. Furthermore, as noted before, Syria’s military and air defenses are much more sophisticated than those of Libya were, making any kind of military intervention riskier and more costly. It also notes the splintered Syrian rebels and the lack of international support for intervention as factors that hold the US back from action (Crowley, 2012). According to President Obama, the US’s only goal in this matter is to prevent the use of chemical weapons, something which has been achieved by requiring Syria to destroy its current stockpile (Shapiro, 2013). Besides this official stance, there are several other factors that contribute in the decision not to intervene. One very important one is Syria’s role in the Arab-Israeli peace-process. Syria established the view that a Syrian-Israeli peace is pivotal in reaching regional stability. Furthermore, Syria views the US as a ‘necessary broker’ in any peace-talks between the two countries (Stokes, 2012). Another probable factor that contributed to the decision to intervene in Libya, although never admitted, was the vast quantity of oil available. It was far too risky for the West to wait out the civil war and be uncertain about its outcome (Jawad, 2012). It added an interest in the situation that is not present in Syria, as that country has very little oil and is therefore less strategically important.

Lastly, Syria does not have the ability to rebuild itself after a military intervention and destructive civil war like Libya does. As the biggest producer of oil in Africa, it can generate enough income to finance the rebuilding efforts in its country. Syria does not have this ability, as

its economy has collapsed and shows no signs of improving. As a result, any rebuilding costs after the civil war, which is already more destructive than that of Libya's, and a military intervention would fall to the international community, which does not make intervention an attractive option (Shapiro, 2013). To conclude, there are various internal and external factors that differentiate Syria from Libya. These factors either make consensus on intervention more difficult or make it seem not viable.

#### **4.4 Intervening in North Korea**

When comparing Syria with North Korea on those same four factors, it can be concluded that there are many similarities between the two, but also some differences that make the question of intervention even more difficult. Although both countries are committing crimes against humanity, only in Syria did the people rise up to overthrow the regime. No such movement exists in North Korea as it is very careful not to let that happen. Indeed, its entire regime apparatus is focused on removing any thoughts of rebellion and keeping the population obedient. Furthermore, not having a population crying for help and North Korea being one of the most closed nations in the world ensures that the situation of its population does not reach the news. Therefore, the so-called 'CNN effect' does not play a role in the human rights abuses being committed by North Korea. Although opinions differ on how great the influence is of the media when talking about military intervention, it does bring question to the living room of the average person, who in turn might influence the government (Jeangène Vilmer, 2012).

When looking at the regime in North Korea and compare it with that of Syria, it shows two similarities; the military shows unwavering loyalty towards its leader and regime has its tentacles in every aspect of life, both the population's life and in that of the governmental institutions. Any opposition by a powerful party is therefore unlikely. Kim Jong-un has also seemingly taken full control of North Korea by taking out the competition, most notably his uncle, Chang Song-thaek (Williamson, 2013). Although its military seems to be crumbling, with some of its equipment dating back fifty years, the songbun system already ensures that the military comes first in every aspect. This means there is no reason for the military to revolt, since it is already getting the best deal possible (Mizokami, 2014). Although their crumbling and aging military might mean that a military intervention would face an easier opponent, the opposite might true when looking at the size of the army, which is estimated at being 1.2 million strong and having many reserves at the ready, and the added nuclear threat (Kim S. , 2013).

Although North Korea's foreign policy is focused mainly on maintaining the present regime and resisting any attempts to destabilize it, it has several important diplomatic relations. Like Syria,

North Korea has an important regional ally, in this case China. China is adamant in keeping the Korean peninsula stable and considers keeping the regime in Pyongyang happy as vital in keeping this stability. While it is concerned about the DPRK's nuclear weapon's program, it vocally opposes military intervention country, a statement which it has repeated after North Korea's third nuclear test in 2013 (Reuters, 2013). This shows that, despite the fact that relations between the two countries have thawed somewhat in recent years, China is still willing to back up its Southern neighbor in order to maintain stability and security along its border. Another country with which North Korea has always remained in contact with is Russia. Although, relations took a hit after the collapse of the Soviet Union, with Russia no longer considering North Korea as an important partner, recent developments in Eastern Europe have resulted in Russia bolstering its ties with the communist nation (Talmadge, 2014). Like China, Russia stated that it would not support any military intervention in North Korea (Reuters, 2013). It views the DPRK as an important part in strengthening its hand in Asia (Talmadge, 2014). To review, North Korea has two countries with veto powers in the UNSC backing it up. Any talks about intervention or R2P would likely be vetoed for that reason, much like it has in the past with Syria.

Unlike with Syria, the US has a lot of interests at stake in the situation on the Korean peninsula. As mentioned in the previous chapter, the denuclearization of North Korea's nuclear program is high on the agenda of, not just the US, but also China and Russia. It therefore seems likely that discussions regarding that topic supersede North Korea's human rights track record. Furthermore, the US has a number of troops stationed in South Korea as part of their US-South Korea alliance. Any provocation towards North Korea may result in conflict, one the US will get dragged into. Considering North Korea's aforementioned nuclear capabilities, this is something US will want to avoid, therefore creating little backing for military intervention for humanitarian reasons.

Like Syria, North Korea does not have the ability to rebuild by itself after any conflict. As their entire economy is focused on their military, other parts are severely underdeveloped. As a comparison, North Korea, with a population of 24 million, has a gross national product roughly the same as that of the US state of North Dakota, which has a population of 700,000 (Mizokami, 2014). Due to the possible catastrophic nature of any potential conflict, rebuilding costs will rise to exorbitant levels.

To conclude, although the exact nature of the factors discussed above might be different somewhat between Syria and North Korea, the similarities show that, like Syria, an intervention is unlikely to happen if one applies those factors to the North Korean case.

## **CONCLUSION**

Despite the fact that many countries around the world condemn North Korea's human rights abuses, there is little to no discussion on intervention by the international community in order to halt these violations. When looking at why this is the case, even though there are past cases where R2P has been referred to before, it shows that there are several factors that make North Korea an unique case, different than for example, Libya. As shown in the last chapter, which compared Syria with North Korea, there are several similarities between the two cases. This then provides some of the answers for the main question of this research. Although it does not have many allies, North Korea has one very important one; China. Having China, a permanent member of the Security Council, as an ally is a very important reason why any debate on intervention useless from the start. As it places the DPRK high on its security agenda, it will always back it up.

Although the previous reason makes intervention a hard decision to reach, there also seems to be very little enthusiasm to start talks about the humanitarian situation in North Korea. Countries that are especially involved in the regional security, such as Japan, South Korea, the US and Russia are all not willing to start such negotiations. The reasons for which are varied. Besides the US, all other countries are cautious in implementing R2P. None of them see military intervention as an acceptable choice when dealing with humanitarian crises, although some agree it might be used as a last resort under specific dire circumstances. Although these may apply North Korea, their interest in the region prevents them from standing behind such an action as it will pose a danger on their own security. Especially vocal are China and Russia, which have stated that they will oppose any such discussions regarding interference. The US is a proponent of R2P, having also demonstrated in the past that it is willing to intervene militarily in order to halt or avert mass atrocity crimes. Despite this, there are other issues that supersede its willingness to intervene in this particular case; more specifically, its alliance with South Korea and North Korea's nuclear program.

North Korea's military is one of the largest in the world. Therefore, any intervention would likely be very costly. The added threat of its recent acquirement of nuclear weapons only makes the situation that much harder to tackle. Currently, the denuclearization of the Korean peninsula stands very high on the agenda of the countries involved in that region, including the US. These countries have repeatedly stated that this issue can only be solved through diplomacy and not through coercive action, especially China. This tactic alone precludes any sort of military action,

both in fear of retaliation (especially towards South Korea, the North's main enemy) and to make sure the region is not destabilized.

It is the combination of the factors mentioned above that makes intervening in North Korea such a difficult task, even if the willingness were there. Even if the members of the Six-Party Talks are successful in denuclearizing North Korea, any intervention would still have to contend with the DPRK's massive army and China's ability to veto any Resolution put forth by the UNSC. Still, this is likely never to happen as it views its ability to launch nuclear weapons as a vital component in deterring its enemies.

North Korea seems to be the perfect candidate for intervention as it meets the criteria that are part of the R2P doctrine. However, it is also the most imperfect candidate for a successful intervention to take place when it looks at its large army, its status as a nuclear power and its allies who oppose any sort of intervention. This brings to question the structure of UN, more specifically the UNSC, and the effectiveness of the R2P doctrine in general, as it seems that, with the right allies, intervention can be prevented fairly easily. Meanwhile, North Korea's population continues to be oppressed and abused by the Kim regime. It seems unlikely that any intervention will take place in the foreseeable future if the factors mentioned before continue to play a role and the possibility of a nuclear retaliation remains an option for North Korea, thus deterring any intervening force.

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