The Responsibility to Protect – A Critical Analysis.

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Executive Summary

The past century has been a century characterized by human suffering and conflict. The establishment of the United Nations in the aftermath of War II has brought the pressing issue of human rights to the attention of the international world. However, the UN's reluctance to act on occasions of utter adversity has resulted in a major loss of its credibility as the guardian of human rights in the international sphere. This paper will explore in depth the idea of a new concept that has made its way into the international scope only in recent years. The responsibility to protect – or R2P – constitutes a groundbreaking concept that could revolutionize human rights as we know them. Focusing on the legal paradigm this new system has to adjust to and the conceptual hindrances it experiences, this paper will further elaborate on the question whether R2P constitutes a desirable and feasible concept in the contemporary international political environment. It finds that the concept will have to experience major alterations as well as general international acceptance in order to make it a desirable advocate of modern human rights. In the light of the feasibility of this ambitious concept, this paper will conclude that conceptual hindrances, institutional impediments as well as the omnipresent issue of political self-interest have to be overcome in order to make this concept prosper.

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Introduction

WE THE PEOPLES OF THE UNITED NATIONS DETERMINED

- to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and

- to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small [...]. (UN, 1945)

The initial idea of the creation of the United Nations, as quoted above, was and still remains ambitious. After the holocaust, the world was craving for reinstatement of peace, justice and, considering the ferocity of World War II, a binding convention that would punish the perpetrators of such heinous crimes against humanity. In 1948, the United Nations signed the Genocide Convention, which stated that: "The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish" (UN, 1948).

While this goal established a basis for contemporary human rights in the face of genocide, its practice constituted a twofold disaster. While international law provided the grounds for the maintenance of human rights, it also indemnified the right to self-determination and thereby the principle of state sovereignty. In the course of the decades that followed the signing, the convention proved ineffective. The killing fields in Cambodia, where the Khmer Rouge butchered a quarter of their own population; the slaughter of the East-Timorese population by the Indonesian military; the more recent genocide in Rwanda, which claimed the lives of an estimated 800,000 Tutsi and moderate Hutu; the massacre of Srebrenica in which 8,000 men and young boys had been massacred; and the still ongoing conflict in Darfur are only some of the witnesses that proved "that the promise of "never again" was entirely hollow" (Chirot, 2005, p. 578).

With the dawn of a new era in human rights, the International Commission on Intervention and State Sovereignty (ICISS) introduced a revolutionary concept in its 2001, 90-page report on "The Responsibility to Protect" (ICISS, 2001). This concept – if executed accordingly – would provide the UN with the necessary means to finally free itself from the burden of doubt. It would do so by providing necessary means to prevent before, counteract during and rebuild after the occurrence of human rights violations in the form of large-scale ethnic cleansing and other situations in which governments fail to fulfill their duty of protecting their own citizens. The international community would thereby transform from the helpless bystander into an effective ambassador of human rights.

This paper will take a close look at the history of humanitarian intervention before embarking on the main topic – the responsibility to protect. In the course of the paper, the author will explain in depth the major hindrances this concept experiences and will furthermore attempt to create an unbiased, factual image of the present-day situation of this ambitious concept and its political reality.

Research Question and Material

The concept of humanitarian intervention has thus far been the only means to effectively put an end to human suffering. However, the preconditions in international law that forego its effective application are manifold and can hardly ever be fulfilled. In the past decade, a new concept has made its way into the international political world – the responsibility to protect. The goal of this paper is to establish what this new concept entails; what hindrances it experiences; what conceptual misunderstandings orbit it; and how it will engage in the challenge of institutionalization. These aspects create the epistemic framework to answer the main research question, which will therefore be:

Is R2P a feasible and desirable concept in the present-day international political environment?

Considering the novelty of this concept, the relevant material as published by its initiators remains limited. The main focus will therefore lie on desk research of secondary literature in the field of political sciences and a variety of legal publications that will underline the findings of this paper.

Chapter I: Human Rights in the International Sphere

1.1 The Theory of State Sovereignty

The term responsibility is associated with someone's accountability towards a certain duty. The trivial meaning of the word can be summed up in a mother's responsibility for her child or a citizen's responsibility to vote. Not merely in interpersonal but especially in international relations this word has provided grounds for hefty discussions. The introduction of the Westphalian Treaties in 1648 established one of the major components of the modern state as we know it – sovereignty, which is, "in its simplest sense, […] the principle of absolute and unlimited power" (Heywood, 2002, p. 129). However, sovereignty is an ambiguous term that itself possesses a great deal of definitions. Some of the most relevant ones for this paper, which Andrew Heywood (2002) highlights in his book "Politics", are the definitions for the principles of legal sovereignty, which demands absolute compliance with the rule of law; political sovereignty, which implies the right to "demand compliance, as defined by law" (p. 129); internal sovereignty, which enhances the rule of law and its binding applicability to "all citizens, groups and institutions within the state" (p. 129); and, not least, external sovereignty, a principle that recognizes "a state's place in the international order and its capacity to act as an independent and autonomous entity" (p. 129).

Not surprisingly, the various explanations of sovereignty are kindling components of a discussion on a definite meaning of the term. All four aspects mentioned above constitute the major characteristics of what is commonly known as "state sovereignty". Equal state sovereignty is also the first principle (Art. 2(1)) of the United Nations (UN) Charter, which states: "The Organization is based on the principle of the sovereign equality of all its Members" (UN, 1945).

In the international scope, sovereign equality – in a sense that every state has the same legal rights as well as obligations – is in constant transition. The two major driving forces that alter its face are globalization and the co-operation between states (Annan, 1999). Both aspects are closely linked. Forcing the world to generate "transcontinental […] flows and networks of activity, interaction, and the exercise of power" (Held, McGrew, Goldblatt, & Perraton, 1999, p. 16), globalization also widens the disparities between developed and developing countries. It is the exercise of power that increasingly becomes a major compound in international debates. Whereas the traditional government seeks to represent its best interests, the international community exists on compromise – compromise in legal form such as the aforementioned UN Charter as well as social compromise in the form of co-existence and the general acceptance of interdependence.

In some countries this form of compromise is merely confined to its activities in the international sphere. Time and time again, the world has witnessed atrocious crimes against humanity that did not only occur in border crossing conflicts between two states but primarily in civil wars, genocides and systematic ethnic cleansing, taking place within a state.

1.2 The Principle of Humanitarian Intervention

The idea of "humanitarian intervention" is as old as the existence of states in an international environment. The term itself again comprises a variety of aspects that need to be taken into consideration. The primary goal of humanitarian intervention is "to aid people who have been identified as being either in acute distress or facing imminent danger" (Foley, 2008, p. 47). This aid is deployed in the perception that State A can militarily intervene in State B's domestic affairs, without B's consent, if State B does fail to protect its population from the aforementioned atrocious circumstances (Dixon, 2007, p. 323). Thus, humanitarian intervention "is coercive military intervention for humanitarian purposes – nothing more or less" (Evans, 2008a, p. 56). At first glance, this form of intervention is a breach of Art.2 (7) of the UN Charter, which states that "[n]othing […] shall authorize the United Nations to intervene in matters […] within the domestic jurisdiction of any state" (United Nations, 1945) and Art.2 (4), which implies that: "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations" (United Nations, 1945).

The right of self-defense embodies the only exception for the use of force. Art.51 of the UN Charter constitutes:

> Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. (United Nations, 1945)

However, World War II necessitated the debate between members of the UN in which the major point of discussion was to determine whether humanitarian intervention would constitute an exception to those articles. Foley (2008) outlines a well-known idealist approach to the UN, in which it is regarded as the guardian of the maintenance of international peace and security. However, according to this definition, the rule of non-interference cannot be absolute (p. 50). Art.1 (3) of the Charter clearly states the prospect of human rights and their protection whereas their effective implementation remains an ambitious goal rather than obligatory law practice (p. 48). Accordingly, the signing of the UN Charter in 1945 was followed by the drafting of the Universal Declaration of Human Rights (UNDHR) in 1948, which emphasized the necessity "that human rights should be

protected by the rule of law" (United Nations, 1945). The fundamental importance and universal applicability of all prospects addressed in the declaration have helped pave the way for the principles of the UNDHR to be considered international customary law, which does "not require signature or ratification by the state to be recognized as a legal standard" (United Nations, 2006). While this is the desirable compound of the UNDHR, reality has proven that infringements to this standard remain frequent.

1.2.1 The question of legitimacy in humanitarian intervention

While ultimately aiming for the responsibility to protect, it remains a basic fragment of this paper to provide the background information on events that necessitate and actuate the discussion of this principle. The right of humanitarian intervention requires certain guidelines such as the authorization by a "competent international organisation and that the use of armed force is legitimate only in cases of extreme deprivation of fundamental human rights, such as genocide" (Dixon, 2007, p. 324). Humanitarian intervention has erupted repeatedly since 1945 and while not yet recognized by international law, "State practice […] evinces a currently developing customary rule of international law allowing for it" (Sunga, 2008).

Three of the most commonly quoted scenarios of contemporary humanitarian intervention are India's intervention in Pakistan in 1971; Vietnam's intervention in Cambodia in 1978; and Tanzania's intervention in Uganda in 1978. While there has been a great variety of attempted humanitarian interventions, these three do possess the actual grounds for legally being justified and are moreover proof to the fact that state practice has failed to develop the aforementioned customary rule.

1.2.2 India v Pakistan

In the aftermath of a devastating cyclone in 1971, the Pakistani President deployed troops to Eastern Pakistan to strike down riots led by the Awami League, a separatist organization fighting for an independent Bangladesh. The force employed by Pakistani soldiers was exorbitantly brutal and by the end of the year, they had murdered hundreds of thousands of the population (The International Development Research Centre, n.d.). India experienced a massive influx of some 10 million refugees that had been denied "the right of self-determination" (Franck & Rodley, 1973, p. 275) within their own borders. Regardless of the atrocities, the Security Council of the UN failed to recognize the deteriorating situation of the area as an imminent "threat to international peace and security" (Sunga, 2008). In December 1971, India deployed military forces in Pakistan under the premise of self-defense in response to the bombing of Indian airfields by the Pakistani government. Additionally, India's representative to the Security Council stated that the intervention "on this particular occasion [follows] absolutely nothing but the purest of motives and the purest of intentions to rescue the people of East Bengal from

what they are suffering" (Sunga, 2008). On December 6th 1971, India recognized the independent state of Bangladesh and by mid-December 1971 occupied the former province, which resulted in surrender on behalf of the Pakistani government (The International Development Research Centre, n.d.). However, was this intervention deemed necessary and legitimate under the provisions of humanitarian intervention? The arguments presented by India in order to justify the intervention were considered redundant or insufficient and could not "allay the sustained diplomatic censure it received for tearing up the sovereignty rulebook" (Evans, 2008a, p. 24).

1.2.3 Vietnam v Cambodia

The following scenario of humanitarian intervention was Vietnam's invasion of Cambodia in 1978, putting an end to the reign of terror of the Pol Pot regime, in which an estimated third (numbers range from hundreds of thousands up to 2 million) of the Cambodian people had died. While Vietnam based its argumentation of humanitarian intervention on the right of self-defense (due to border aggression on the Vietnam-Cambodia border since 1975 (Evans, 2008a, p. 24)), critics argue that the self-interest involved in this invasion created an increased influence of the Communist Soviet Union in the area in order "to counterbalance that of China" (Sunga, 2008). Furthermore, Vietnam failed to claim the detail that its intervention could be seen as exemplary humanitarian intervention in order to free and save the Cambodian people from the Khmer Rouge. The majority of the international community acknowledged the atrocities as a direct result of the Pol Pot regime, however refrained from the recognition of Vietnam's actions as a legitimate act under international law. An example of such animosity can be seen in Norway's statement when it "expressed strong objections to the serious violations of human rights committed by the Pol Pot Government. However, the domestic policies of that government cannot — we repeat, cannot — justify the actions of Vietnam over the last days and weeks." (The International Development Research Centre, n.d.).

1.2.4 Tanzania v Uganda

Lastly, Tanzania's intervention in Uganda in 1978 is rather similar to that of India in Pakistan. The brutal rule of Idi Amin overshadowed Uganda for over eight years, killing hundreds of thousands of members of tribal and ethnic minorities. On the peak of its power, the Ugandan government under Amin made an attempt "to annex a border region of the country [Tanzania] into which some of his mutinous soldiers had fled" (Evans, 2008a, p. 24). This attempt was met with fierce opposition, forcing the Ugandan military back, leaving the capital Kampala to Tanzania. The government of Idi Amin disintegrated and former Ugandan leader Milton Obote reassumed power as Uganda's political leader (Sunga, 2008).

Whereas this scenario helped to engender the reestablishment of human rights, Tanzania based its actions on self-defense. The international reaction to these acts remained reserved, which can be explained by the Vietnamese intervention in Cambodia only weeks before and a great number of states that recognized Tanzania's claim to have acted on the grounds of self-defense (The International Development Research Centre, n.d.).

Of the three scenarios described above, only one, namely Tanzania's intervention in Uganda did not fuel the condemnation of the international community as a response to the infringement of the principle of state sovereignty. This fact emphasizes the most obvious of hindrances in international law hampering the effective maintenance of human rights: the notion that the principle of state sovereignty gives governments the right to administer and rule the state as they think is best and also the absence of effective accountability, thereby being reassured of the legitimacy of their acts.

1.2.5 Graphic 1
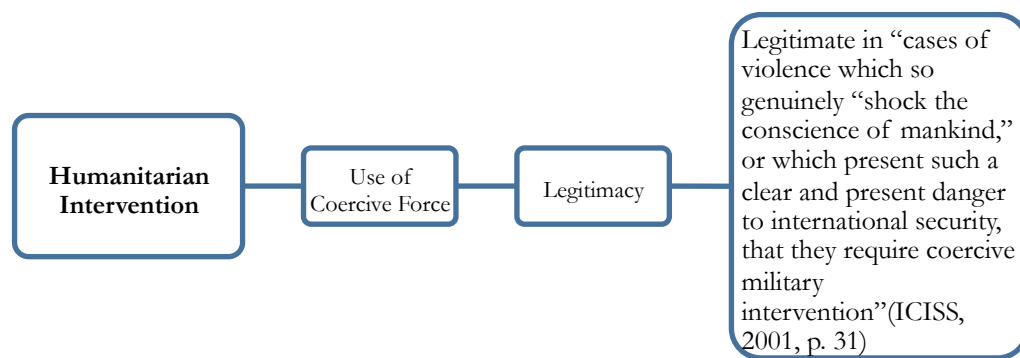
1.3 Chapter Summary

As this chapter has emphasized, the motives of humanitarian intervention are ambitious and represent the best of causes, namely putting an end to humanitarian crisis. Yet the international community fails to implement this concept in a sufficient manner that respects both, human dignity and the principle of state sovereignty. Regardless of the atrocious crimes that lie behind us, international organizations such as the UN do not seem able to acknowledge the immediate threat that reluctance to act on the occasion of the appearance of such events represents. The principle of state sovereignty paired with the emergence of internal conflict, the ambitious UNDHR paired with the UN's inefficiency to act in humanitarian crisis as well as the shunning of states that have actively intervened to put an end to humanitarian crisis raise the question whether intervention can in any way be justified. In the following chapter, this paper will elaborate on a principle that might solve this issue and bring about sustainable change – the responsibility to protect.

Chapter II: The Dawn of a New Era?

2.1 Introduction

In 2001, the International Commission on Intervention and State Sovereignty released a report that took a wholly new approach to humanitarian intervention. In the UN General Assembly in 2005, the concept of the "right to intervene" was extended by the ICISS's concept of the "Responsibility to Protect Populations From Genocide, War Crimes, Ethnic Cleansing, and Crimes Against Humanity" (Evans, 2008a, p. 48), thereby changing the initial face of the ordinary concept of humanitarian intervention through the use of military force towards a far more complex and advanced concept of intervention. The following chapter will explore this concept by shedding light on its nature and attempting to fathom the conceptual hindrances it experiences.

2.2 A New International Norm

After its introduction in 2005, the concept of the responsibility to protect (R2P) has become a recognized field when the UN General Assembly unanimously accepted that sovereign states have the "very explicit responsibility to protect their own people from genocide, war crimes, ethnic cleansing and crimes against humanity" (Evans, 2008b, p. 284). Moreover, the General Assembly also recognized the responsibility of the international state community to protect these citizens – ultimately and as a last resort by military force – should their government fail to fulfill this responsibility. In April 2006, the Security Council adopted a thematic resolution for the protection of civilians in armed conflicts, thereby reaffirming the conclusions on R2P of the 2005 World Summit (Evans, 2008b, p. 286). UN General Secretary Ban Ki-moon uttered his approval by stating: "I am fully committed to keep the momentum that you the leaders have made at the 2005 World Summit and will spare no effort to operationalize the responsibility to protect" (UN Department of Public Information - News and Media Division, 2008).

In its 2001 report, the ICISS provided an epistemic framework, which develops the basic principles that:

> 1. State sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself.
>
> [and]
>
> 2. Where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect. (p. XI)

Gareth Evans, president and CEO of the International Crisis Group, co-chair to the ICISS (alongside Algerian diplomat Mohamed Sahnoun) and former foreign minister of

Australia is one of the initiators and vanguards of R2P. In his perception, Bernard Kouchner's concept of "the right of humanitarian intervention" ("droit d'ingérence humanitaire") should be turned upside down so as to focus on protection and crisis prevention rather than intervention (Evans, 2008a, p. 4). In his lecture at Aberystwyth University, Evans (2008b) "tries to prevent the formation of a mindset that confuses R2P with the general concept of humanitarian intervention, which mainly focuses on coercive military force by stating:

> Focus not on the notion of 'intervention' but of *protection* […] look at the responsibility in question as being above all a responsibility to *prevent* [and lastly] accept coercive military intervention only as an absolute last resort, after a number of clearly defined criteria have been met, and the approval of the Security Council has been obtained. (pp. 285-286).

This statement elucidates a definite abstention from military force as the major compound of humanitarian intervention. However, this abstention does not prevent general criticism and misconceptions from occurring. While this concept "can properly be described as a new international norm" (Evans, 2008b, p. 286), it remains to be seen if it has the potential to be adopted in customary international law considering the negative notions and misconceptions that orbit it. The following part of this paper will attempt to expose some of the misconceptions R2P is provoking and their remedies as addressed by Gareth Evans.

2.3 R2P – Fivefold Hindrances

According to Evans (2008a), there are 5 main conceptual challenges in form of misunderstandings of the norm of R2P that need to be solved in order to provide for an effective implementation of a principle as complex and novel. These 5 misunderstandings create the picture that R2P is just a renaming of humanitarian intervention; that R2P always assumes the use of military force; that R2P is only applicable to weak states and by no means concerns the developed world; that R2P is about all humanitarian protection issues, not just the aforementioned mass atrocity crimes, thereby adding an arbitrary component of definition to the debate; and, lastly, that the invasion of Iraq was indeed based on the concept of R2P (p. 56).

2.3.1 R2P = Humanitarian Intervention?

Firstly, the concept of R2P is by no means another name for humanitarian intervention. In its initial idea, R2P was designed to provide preventive action at the earliest possible stage so as to antedate the arising necessity for humanitarian intervention. The international community is merely concerned with the support of such countries to help themselves, should the need for such pre-emptive actions arise. "Prevention is the single most important dimension of the responsibility to protect" (ICISS, 2001, p. XI), a fact

that is reaffirmed by the UN which focuses on "the prevention of such crimes, including their incitement, through appropriate and necessary means"(UN General Assembly, 2005, p. 30) as well as the "appropriate [use of] diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter"(UN General Assembly, 2005, p. 30). The former statement provides for the exclusion of the idea that R2P is merely another name for humanitarian intervention. The term intervention is only put in practice when all remedies of diplomatic negotiations, legal debates and economic sanctions have been exhausted and coercive force remains the only possible option to stop mass atrocity crimes from occurring.

Thus, after having provided such clear formulations that have definite ambitions and goals, for what reason do critics uphold such a negative prevailing mood when discussing R2P? Evans (2008a) offers a variety of explanations, which include the abashed stance that certain governments take when feeling that their way of governing does not match the standard of the international community as a whole and therefore reject any infringement of their national sovereignty (p. 56). Another reason for opposition is the debate of ideologists that observe the debate from a theoretical angle, which permits them to ponder on the breach of state sovereignty as a perceived form of "neo-imperialism or neocolonialism" (Evans, 2008a, pp. 56-59). This assumption is only logical when ignoring the predominant purpose of R2P, which initially intends to create the capacity for countries to help themselves rather than using coercive force as the ultimate tool of international responsibility.

2.3.2 R2P does necessarily imply the use of coercive force

Secondly, Evans addresses the misunderstanding that R2P, in extreme situations, necessarily implies the use of coercive force. In this case, one has to be immensely careful "not to confuse necessary [with] sufficient conditions" (Evans, 2008a, p. 59). If the use of military force is to be considered, the situation must be extreme. This pretext, however, does not per se mean that such procedures need to be initiated. In other words, even if the situation might allow the notion that the deployment of military force could be justified by bringing humanitarian relief to a certain region, it might nevertheless not be the appropriate measure to solve the issue. To establish whether a situation meets the criteria for physical intervention – thus, if a situation is in fact extreme – the ICISS has formulated a "just cause threshold"-clause (Evans, 2008a, p. 59) that needs to satisfy the criteria of

1. Large scale loss of life, actual or apprehended, with genocidal intent or not, which is the product either of deliberate state action, or state neglect or inability to act, or a failed state situation; or

2. Large scale "ethnic cleansing," actual or apprehended, whether carried out by killing, forced expulsion, acts of terror or rape (ICISS, 2001, p. XI)

The ICISS report further elaborates on the "Question of Evidence" for such scenarios admittedly fitting these preconditions. The first, and possibly most reliable source of evidence would supposedly be any non-governmental, unbiased organization such as the Red Cross. This however creates the issue of impartiality towards political decisions. The norm of non-involvement in international political affairs remains the foremost reason for the Red Cross to stay credible as an independent relief organization. Therefore, the ICISS suggests that reports of High Commissioners for Human Rights and Refugees be drafted to give a general overview on the possible emergence of a "just cause threshold". Yet another remedy is suggested in the following paragraph, recommending the delegation of the UN Secretary General on a "fact-finding mission"(ICISS, 2001, p. 35) to ascertain if a recommendation to the Security Council to take further action is appropriate. However, both of these options remain subjective sources as both the Secretary General as well as the High Commissioner remain politically involved and therefore biased individuals. Another four, equally important criteria therefore reinforce the prospect of fact-finding missions.

1.   *"The motivation or primary purpose of the proposed military action"*
This criterion suggests that the initial aim of military action should assume the form of preventive or aversive measures.

2.   *"Last resort"*
The term last resort suggests that all remedies alternative to coercive force have proved to be ineffective.

3.   *"The proportionality of the response"*
The major goal of this measure is to assess whether the response is appropriate and in proportion with the initial conflict.

4.   *"The balance of consequences"*
This balance refers to the perception that more good than harm is done should military intervention take place (Evans, 2008a, p. 60).

These crucial components, compulsory to establish whether military force can be applied to remedy human rights violations, are ambitious goals that require the absolute cooperation and trust between international governments. The end of the Cold War has brought change to the international relations between the US and Russia but has this fact replaced the distrust that has been simmering between East and West for decades?

One example of the absence of cooperative action was the veto cast by China and Russia (as well as South Africa, which is negligible for the argumentation) against the efforts of the UN to call on the Burmese government "to cease military attacks against civilians in ethnic minority regions and begin a substantive political dialogue that would lead to a genuine democratic transition" (UN Security Council, 2007). Whereas the Sino-

Russian relations were coined by the political conviction for Communism during the Cold War era, the lasting bond is nowadays characterized through economic interdependence (Kerr, 1998, pp. 1133-1134). The multifaceted historical attributes may have shifted from political to economic, yet they still remain until today so as to create an even power balance between East and West. This power struggle of the 5 permanent members to the UN Security Council and their ability to veto remains one of the biggest hindrances for a successful implementation of the responsibility to protect.

2.3.3 R2P: Northern winners, Southern losers?

Thirdly, Evans concentrates on the misconception that R2P is only applicable to "weak and friendless countries" (Evans, 2008a, p. 61) and does never apply to the strong (i.e. world powers, such as China, Russia and the US). The aforementioned five criteria (see 2.3.2) provide the grounds for the use of coercive force. Since some states do possess staggering military capacities, prevention is a twofold problem that requires clarification. It is highly unlikely that the US would experience the responsibility to protect through military action on behalf of the international community. On a hypothetical basis, the deployment of peace keeping troops into the United States – however bad the situation might be – would in all likelihood create a situation that would cause more harm than good and thus be out of proportion. However, according to Evans (2008a), the fact that military intervention in extreme situations cannot always be applied when necessary, does not exclude the idea that the international community should not act at all (pp. 61-62). In the case of Timor-Leste in 1999, the Indonesian government agreed to the efforts of the Australian government to relieve Timor's population from its suffering. This result was preceded by long-lasting discussions with China, which threatened to veto the resolution to intervene in Indonesia's domestic issues without said country's consent (Foley, 2008, pp. 138-139). The intention of the Indonesian government to maintain its credibility as well as reflecting the diplomatic ability to help solve internal conflicts through negotiation is a positive outcome, however created through international pressure.

R2P is thus dependent on the international cooperation and the political will to change the outcome of scenarios where it is applicable. Moreover, countries with vast military and economic capacities are not as likely to become subject to the negotiation of the appliance of R2P within their own borders. Consequently, this inconsistency constitutes a gap in the principle of the ultimate universal applicability.

2.3.4 Is R2P applicable wherever people are suffering?

Fourthly, Evans (2008a) confutes the misconception that "R2P covers all Human Protection Issues" (p. 64). He bases his argumentation on the belief that human security is a wide-spread field that cannot comprise natural disasters like the Cyclone in Burma in 2008 or diseases like HIV, responsible for large scale suffering and ultimately killing, due

to the fact that reaching consensus on an issue that is broader than what R2P should be interpreted as (genocides, ethnic cleansing and any suffering due to human failure and/or ill-will) would make an international covenant impossible or at least so slow moving that the killing of large numbers in actual R2P scenarios could not be prevented. In other words, too many issues comprised under the cover of R2P would obviate any adequate and rapid decision-making due to the complexity of the processes involved.

He further elaborates on the suspicion that Burma's/Myanmar's rejection of international involvement in the 2008 Cyclone Nargis crisis reflects the absence of human security and the government's endeavor to conceal large scale loss of life (Evans, 2008a, pp. 69-69).

2.3.5 The Iraq War Reflects the Proper Use of R2P

Fifthly and lastly, Evans concludes with the clarification of the misunderstanding that the invasion of Iraq in 2003 was an example of adequate application of the responsibility to protect. In his opinion, the invasion was "a classic example of how not to apply the R2P norm" (Evans, 2008a, p. 69). Apart from the invasion being illegal under international law – for not being authorized by the Security Council – it was also illegitimate. The intentions for the invasion provided by President Bush were not focused on the relief of the Iraqi population from the Ba'ath regime but rather on Iraq's capacities to build weapons of mass destruction and its alleged affiliation with Al Qaeda terrorists as the aftermath of 9/11. After the invasion, the American government attempted to create the foundations of democracy, a political structure that should help counteract terrorism (Rogers, 2007), thereby neglecting the fact that cultural differences do not provide for the fostering of a political reality in the spirit of western political systems (Calvert & Calvert, 2007, pp. 300-301). This war enlivens the fears of political leaders in developing countries. With a lack of "hard evidence"(BBC, 2008) there is no justification for UK and US intervention under international law.

Whereas British Prime Minister Tony Blair's aversion against Hussein's regime and genuine belief in a peace mission seems to have been the initial incentive to join the US in its "War on Terrorism"(Morin & Balz, 2004), the reality is that even though mass atrocity crimes had been committed by the Iraqi government against the Kurds and Shiites in the 1980s, there was no indication of the re-occurrence of such events at the time of the invasion in 2003. Au contraire, the real R2P situation only arose due to the deployment of troops into Iraq. With the current displacement of 2 million people as well as the absence of a functioning government, Iraq is feared to engage in mass atrocity crimes if Western troops were to be withdrawn at this point in time (Evans, 2008a, pp. 69-71).

2.4 Chapter Summary

With the emergence of R2P, the ICISS has invented a new concept in the sphere of human security in the global context. Refraining from military force as the major means of humanitarian intervention, this concept was met with approval in 2005's World Summit, which accepted a thematic resolution for the protection of civilians in armed conflicts.

However, the implementation of R2P remains problematic and experiences hindrance mainly through misconceptions that shed a negative light on its nature and its implementation. The formulations in the ICISS report are definite and abstain from the comparison to ordinary humanitarian intervention, the use of force as the major characteristic of R2P and the misconception that the Iraq War was a taste of actions that may follow. Nevertheless, the applicability of R2P on grounds of proportionality as well as the difficult issue of differentiation between conflict and general human suffering due to disease or natural catastrophes remain problematic subjects. This paper will now proceed to Chapter III, in which it will critically analyze the different spheres in which R2P operates.

Chapter III: "Operationalizing" R2P

3.1 Introduction

"Operationalizing" (Evans, 2008a, p. 77) a concept as complex and manifold as R2P is a process that necessitates the consideration of a great variety of aspects. The ICISS has therefore created a framework of actions appropriate to the stage of a potential or actual crisis scenario. Three concepts prevail. Firstly, the responsibility to prevent, a concept that allows international governments to preventively act if the emergence of human rights violations becomes apparent; secondly, the responsibility to react, which attempts to apply apposite means to react to gross human rights violations; and lastly the responsibility to rebuild, a concept that helps recreate the capacity for a reinstatement of the rule of law, a functioning legal as well as political system and the systematic aid of refugees returning to their home country after the situation has neutralized and it is safe enough to do so. This part of the paper will explain the rudimentary components of each one of the three concepts, their ideological ideas and their credibility in the sphere of contemporary development aid. The three concepts can be re-read in more detail in the 2001 ICISS report on the responsibility to protect as well as in Gareth Evans' (2008a) homonymous book "The Responsibility to Protect – Ending Mass Atrocity Crimes Once and For All" (Chapters 4-7, pp. 79-174).

3.2 Responsibility to Prevent

As stated above, the principal aim of R2P is to prevent the occurrence of mass atrocity crimes. In the international political world, such an aim is both ambitious and depending on a variety of external influences as well as political will. It is obvious that the will to prevent the spread of corruption, thereby forfeiting certain privileges in order to achieve these goals is not always at hand. Thus, how can the international community make an effort to effectively change the mindset of politicians and actively help prevent crimes against humanity? Different aspects and measures that can help make that difference have to be taken into consideration. On the one hand, they involve structural attributes that help enforce the means of R2P in a long-term, "root cause" (Evans, 2008a, p. 86) oriented manner; on the other hand they entail direct measures that take immediate effect and are "more responsive to short-term crises" (Evans, 2008a, p. 86). Both, direct and structural measures, are split up into four different components: political and diplomatic measures; economic and social measures; constitutional and legal measures; and security sector measures.

3.2.1 Structural Measures to Help Prevent

The responsibility to prevent is the single most important component of R2P (Evans, 2008a, p. 79). The structural aims to achieve a long-lasting and sustainable maintenance of human rights are based on the principle of good governance, which provides the foundation of any constitutional state – it engenders accountability and transparency and follows the rule of law (UNESCAP, 2009).

Moreover, the implementation of good governance helps prevent the formation of corruptive mindsets. As Evans (2008a) puts it, civil wars are "fundamentally driven by failures of basic governance: decades of misrule and corruption by parasitic state elites and associated socioeconomic deterioration and institutional decay" (p. 88). Conflict prevention, however, does not only remain on a static local or national level but may have expansive, politically and economically border-crossing consequences. The emphasis therefore lies on the international community, acting as a supportive tier in a country's struggle to strengthen their domestic political system (ICISS, 2001, p. 19). In the constitutional sphere, legal measures and incentives need reinforcement in order to become an effective tool. The country which is subject to the influence of conflict prevention needs to recognize it and raise the awareness for the rule of law as a tool, which "establishes a framework to which all conduct and behavior conform, applying equally to all members of society" (Heywood, 2002, p. 302).

Furthermore, the international community endorses the promotion of human rights and their harmonization with international standards (e.g. the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights). A major component of the implementation of a functioning legal system that attempts to diminish economic disparities, thereby ameliorating the standard of life of a country's citizens, is seen in the fight against corruption. This intention is, in a traditional western political vision, desirable. In a non-Western view however, this intention may constitute a hazard to a great variety of people that find themselves in an anyway unfavorable situation. Chabal and Daloz (1999) argue that the interpretation of the word corruption is complex and that a culture with a high degree of corruption relies on its effects:

> For those at the bottom end of society, like lowly civil servants, the sale of the limited amount of power they possess is virtually their only means of survival. Higher up, extortion is one of the major avenues of enrichment; it facilitates social advancement and the upholding of one's position. (p. 99)

Fighting corruption therefore is only desirable if its abolition does not threaten the foundation of an already fragile social structure luring a country into a chaos that would create more harm than good for its citizens. The international community must therefore attempt to find alternatives that would help to replace corruption with means that could engender human rights while not harming the population. The general perception that

introducing good governance is the ultimate key to achieving the goal of creating non-mistakable culturally independent assets, thereby fighting poverty and failure in political leadership might be true for a western developed country, can however remain far from reality in developing countries (Lauer, 2007, p. 296).

Considering the notions of self-interest and self-enrichment, is R2P, in the face of good governance, a fundamentally different advocat of purely humanitarian motives or does its implementation also involve colonial greed? In other words, does R2P withstand the notion of a renewed form of colonial intrusion?

The first indicator denying this question is the fact that political will is a threshhold which needs to be overcome in order to effectively implement the notion of R2P and its assets (Evans, 2008a, p. 223).

> Many of today's wars are nasty, brutish and internal. The world community cannot help all victims, but must step in where it can make a difference. Selective indignation is inevitable, for we simply cannot intervene everywhere, every time. But we must still pursue policies of effective indignation. (Thakur, 2006, p. 361)

A hypothetical approach to a description of the supposed arbitrariness of the implementation of ordinary humanitarian intervention can be seen in Kosovo's case. NATO's airstrike in 1999 provided humanitarian relief for Albanian refugees, however was not in accordance with international law (Schreuer, 1999, p. 151). A similar intervention in Rwanda in 1994 could have saved tens of thousands of life, yet it remained absent. According to Foley (2008), Romeo Dallaire, a commanding officer of the UN's mission in Rwanda (UNAMIR), had asked for a solid 4,500 soldiers to reinforce the UN's presence in the area, however only received a third of the human capacities requested. This illustrates another hindrance, namely the structural impediments involved in such a process. As Dallaire's work continued, "[h]e has written that 70 per cent of his time was devoted to administrative battles with the UN" (p. 58).

Furthermore, preventive actions do not only support the creation of a functioning government but also thrive on the influx of capital through economic development. Development creates employment, which largely contributes to the restructuring, the improvement of life quality and the general emergence of components that can make the crucial difference in conflict prevention. Some of the measures that help create such means are achieved by improving the infrastructure within a country in order to boost internal trade, the ability to use water more efficiently, major technical assistance in the field of agriculture that can improve crop-growth (Evans, 2008a, p. 91) and the construction of natural power plants such as dams or wind farms that produce large quantities of electricity. However good the intentions that in theory engender economic growth and hamper the occurrence of human rights violations, they have to be applied carefully and sometimes even in an unorthodox manner in order to achieve lasting results.

3.2.2 Direct Measures to Help Prevent

Direct measures enable the international community to implement structural settings by exerting pressure on the powers responsible for a severe deterioration of human rights situations. The concept of preventive diplomacy comprises the active involvement of the UN secretary-general and his staff in order to demonstrate international concern and to overcome problem-laden situations. Evans (2008a) argues that while "[d]irect preventive diplomacy is normally thought of as a "soft" technique" (p. 90) it can entail firmer and more resolute actions. Some of them are "diplomatic isolation, suspension of organization membership, travel and asset restrictions on targeted persons, "naming and shaming," and other such actions"(ICISS, 2001, p. 24). These measures rely on the public shunning of supposed perpetrators and their abstraction from international life so as to deny them their international political existence.

The term "aid conditionality" describes the conditions under which a certain country will receive funding in order to stimulate its development. This concept is a powerful tool of direct preventive action, since it enables the investors (the international community) to manipulate the political will of the leading group of a particular country. Hence, the money is distributed under the premise that it is used to create grounds for fundamental human development. However, the idea of conditional aid is subject to the doubt that "the denial of aid to people suffering under a recalcitrant regime is ever likely to do more good than harm" (Evans, 2008a, p. 93).

The same accounts for economic sanctions, which do not only affect the productivity of the government in question but primarily create a most unfavorable situation for the people these sanctions are trying to help. To borrow Kaempfer's, Loweberg's and Mertens' (in Major & McGann, 2005) formulation, "an impoverished citizenry will have fewer resources with which to oppose the regime and would therefore be cheaper to police" (p. 340).

3.3 Responsibility to React

What if prevention and all its conditions fail to reach the desired effects and conflict does emerge? The reaction that should follow the failure to solve conflict through preventive actions – according to the ICISS (2001) – is the responsibility to react (p. 29). The World Summit Outcome Document of 2005 provided the foundation for the effective application of this component of R2P. It emphasizes the notion that the international community is "prepared to take collective action […] should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity" (UN General Assembly, 2005, p. 30).

While responsive actions fall in the same subsections as preventive measures (namely political, economic, constitutional and military) they are aimed at providing relief for victims in the most prompt and efficient manner and therefore rely – unlike preventive actions – on direct measures only.

3.3.1 Political Responsibility

In the political sphere, restrictions on diplomatic representation enforced through travel restrictions for political leaders, expulsion from international organizations and the aforementioned "naming and shaming" in international institutions as well as the denial of membership of a certain country in an international body (i.e. the African Union, the European Union, etc.) are deemed to be effective measures to force perpetrators to comply with the will of the international community (ICISS, 2001, pp. 30-31).

However, the incrimination of political leaders and their governments alongside the application of measures to forcefully guide peace negotiations in a certain direction do not reflect the ideal characteristics of diplomatic negotiation. A major concern in accepting and implementing peace accords is the nearly inexhaustible ability of political leaders to interpret contracts in their interest and the therefore uncertain degree of outcomes. In order to make an agreement effective, the government of the country in question has to agree on receiving resources and means necessary to bring about change within its own borders. (Evans, 2008a, pp. 110-111). Considering the initial idea of development – "a multidimensional process involving major changes in social structures, popular attitudes and national institutions, as well as the acceleration of economic growth, the reduction of inequality, and the eradication of poverty" (Calvert & Calvert, 2007, p. 3) – its ideals have more often than not discharged in the rich getting richer and the poor remaining in a state of utter scarcity.

3.3.2 Economic Responses

Economic sanctions and incentives constitute a powerful pressurizing medium to invite

governments to reconsider the negligence of their responsibility to protect their own citizens. In the case of apartheid South Africa, international governments and banks worked towards a restriction of credit to the South African government and to South African companies and organizations, thereby hampering the economic development and ultimately forcing the South African government to negotiate (Evans, 2008a, p. 113). Further economic incentives can involve restrictions on the "access to petroleum products" that can obstruct military operations and the prohibition of "international air traffic to or from a particular destination", which imposes a physical restriction on the movement of political players and their families (ICISS, 2001).

3.3.3 Legal Responses

On a more threatening stage, legal measures can be used to either intimidate or effectively prosecute the initiators of war crimes, genocide or other crimes against humanity that constitute large scale killings. The crimes under the norm of R2P are listed in the Geneva Convention and constitute a case under universal jurisdiction, which is to say that any state party can bring any individual, even foreigners suspected of such crimes and living within that state's borders, to court (ICISS, 2001, p. 6). In 2001, two Rwandan nuns had been accused of the extradition of approximately 7,000 refugees to their killers in the course of the 1994 genocide in Rwanda in which some 800,000 people had died. The nuns, who by 2001 lived in Belgium, were accused by the Belgian state and were ultimately convicted to 12-year and 15-year sentences, respectively (BBC, 2001). This trial constituted the standard example for the implementation of universal jurisdiction and showed that humanitarian law under the premise of universal jurisdiction slowly made its way into customary law. Any court that is willing to practice this form of law can make accusations but another option that has increasingly found recognition is the involvement of international courts like the International Court of Justice (ICJ), the national-international courts like the International Criminal Tribunal for the former Yugoslavia, "and other national courts able and willing to exercise "universal jurisdiction"" (Evans, 2008a, p. 115).

3.4 R2P and the Use of Force

While the initiators of R2P advocate the norm of non-intervention, which cherishes the maintenance of sovereign statehood as well as the respect for culture and religion, they have also made an attempt in clarifying the ambiguous notion of when military intervention is justified. The use of force can, according to the ICISS (2001) report, only be legitimate in "cases of violence which so genuinely "shock the conscience of mankind," or which present such a clear and present danger to international security, that they require coercive military intervention" (p. 31).

Therefore, the report sets out six criteria for military intervention to become part of the responsibility to protect.

1.   Right Authority

This criterion towers above all others since it sets out which authority (UN Security Council, UN General Assembly or Regional Organizations like NATO) should carry out the task of deciding whether the use of coercive force is justified.

2.   Just cause

Is the use of military action aimed at halting or averting a threat that include either:

> [L]arge scale loss of life, actual or apprehended, with genocidal intent or not, which is the product either of deliberate state action, or state neglect or inability to act, or a failed state situation; or
>
> large scale "ethnic cleansing," actual or apprehended, whether carried out by killing, forced expulsion, acts of terror or rape (ICISS, 2001, p. 32)?

3.   Right Intention

The legitimate use of force in times of military intervention for human protection purposes has to serve the purest of motives and can merely be used for the reasons set out in criterion 2. There must not be any other motives – such as the alteration of borders and the support of rebel groupings – involved (ICISS, 2001, p. 35). As such, military intervention remains a highly delicate issue (see 1.2.2 – 1.2.4).

4.   Last Resort

This criterion is set out to ensure that any non-military remedy is exhausted before taking into consideration the active use of coercive force (United Nations, 2004, p. 67).

5.   Proportional Means

Halting or averting the threat in question must remain the main and only objective and military forces should be used to the least extent necessary to carry out this task (ICISS, 2001, p. 37).

6.   Reasonable Prospects

This last criterion is put forward in order to establish whether military intervention is likely to achieve the goals as set out by the UN, namely reinstating international peace (ICISS, 2001, p. 37).

After having established the main features and relevant traits of preventive and reactionary measures and justifications for international involvement in the scope of R2P, this paper will now clarify the situation of post-humanitarian conflict and the responsibility of the international community to help and support the rebuilding and restructuring of a country.

3.5 Responsibility to Rebuild

It is self-explanatory that, as opposed to both the responsibility to prevent as well as the

responsibility to react, the responsibility to rebuild merely focuses on structural and thereby long-term measures that help achieve the instauration of a functioning government that is capable of governing its citizens in accordance with international law and respect to human rights as set out in the UN's agenda. However, under the premise of non-intervention as mentioned in the ICISS (2001) report on R2P (p.12), it remains interesting to see how the international community does react when the smoke of conflict has cleared.

3.5.1 R2P and the Danger of Despair

The foremost important component of nation building is a fundamental, bottom-up reform in the security sector. Disarmament, which is aimed at the collective destruction of existing weaponry as well as demobilization by which military capacities are abolished, are the preliminary measures to enable a restructuring of the security sector.

While soldiers are in danger to be killed by bullets in combat, they face unemployment after the conflict, the lack of prospects and thereby the danger of despair in the fight for their existence (ICISS, 2001, p. 41). The emergence of terrorist groupings such as FARC (*Fuerzas Armadas Revolucionarias de Colombia* – Revolutionary Armed Forces of Colombia) in the 1960s as a repercussion of a power struggle between the political parties in Colombia shows what damage internal political chaos may result in. Nowadays, the FARC is the biggest and most successful guerilla military grouping in the world, being the dominant political force in over 50% of the country's municipalities while possessing capacities of over 18,000 guerilla troops (Petras, 2000, p. 134).

An example of how to avoid the formation of such organizations has been made in the aftermath of the NATO's intervention in Kosovo in 1999. Instead of abandoning the military forces of Kosovo, the NATO Kosovo Force (KFOR), in collaboration with the Interim Administration Mission in Kosovo (UNMIK), trained soldiers to participate in "a civil defense organization, tasked with reconstruction of nonmilitary facilities, search and rescue missions, disaster response, humanitarian relief and infrastructure repair" (Wilson, 2006, p. 158) – the Kosovo Protection Corps. The establishment of such forces is desirable and can help a country rebuild itself. However, their creation is utterly expensive and is connected with immense logistic effort and the question whether their establishment does help a country is often eclipsed by the political self-interest of the countries investing in them (e.g. the Afghan Police Force being trained in order to abolish terrorism).

3.5.2 Creation of a Conscious Military Force

The next step of the security sector reform takes up the notion of "professionalization" (Evans, 2008a, p. 157) whereby national armed forces (once reinstated) carry out their

assignments assiduously. Furthermore, such professionalization is used to introduce accountability as a means to confine criminality.

Once implemented, the major aim is to recreate a state and its institutions in the scope of the aforementioned principle of good governance. There are three different ways of achieving this goal:

1. The existing government stays in place, relying on external support and counseling;

2. The initiator of the intervention takes political control if any other suggestion is deemed abstruse, for as long as it takes to put a new government in place; or

3. The initiator of the intervention appoints government officials in order to create the first component of an autonomous state (Evans, 2008a, p. 159)

While creating a government and reinstating the rule of law forcefully, the process is in desperate need of the willingness of the people to create such capacities in order for humanitarian aid to be long lasting and sustainable.

3.5.3 Graphic 2
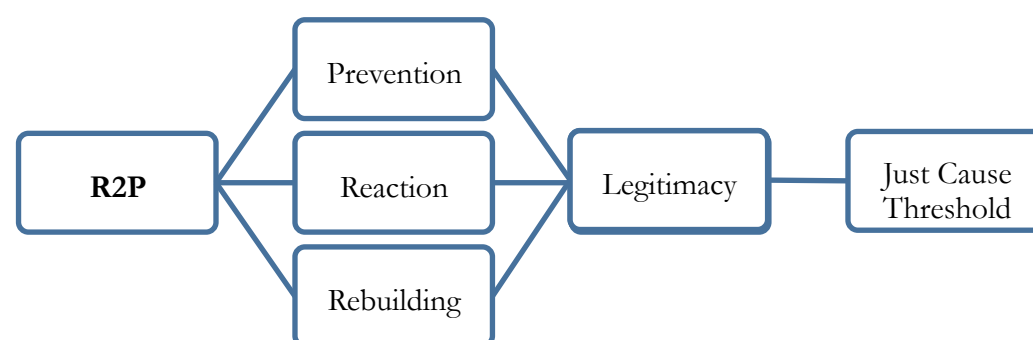
3.6 Comparison Graphic 1 & 2

Dimension	R2P	Humanitarian Intervention
Preventive Action	Crisis prevention is the single most important dimension	None
Reactive Action	Use of coercive force only as last remedy when all diplomatic efforts have failed	Use of coercive force
Rebuilding Efforts	Restructuring the legal, political and security	None or at least no specific guidelines that

	sector system and training conscious officials that carry out their duty assiduously	are being followed
Legitimacy	Establishment of the just cause threshold, permitting the prevention of actual or apprehended genocide or genocidal acts	In cases of actual genocide or genocidal acts that "shock the conscience of mankind"

3.6 Chapter Summary

The implementation of R2P is an ambitious goal that takes into account a variety of scenarios that are customized to the porous structure in which they operate. The responsibility to prevent, the responsibility to react and the responsibility to rebuild are generic terms that are nested in structural and direct measures and that are also major components of distinction between R2P and common humanitarian intervention (see 3.5). The key ambition of the international community is first and foremost to make intervention short lasting and efficient, leaving as little trace of conflict or intervention, thereby diminishing the interference with local cultures to a minimum and restraining their efforts to create a livable environment for the people concerned. The process of rebuilding a state with the help of the international community is therefore, in its core idea, no different than the notion of crisis prevention itself.

4. Conclusion

Living in an age of the media, where virtually every human being can become an observer of conflict, provokes a mindset that can obstruct the formation of concepts that might change the world. While most people do register the injustice that is happening around the world, be it via TV, newspaper or the internet, the degree of personal concern remains on a low.

In the international political sphere, the few measures that can be taken in order to put an end to human suffering, namely the prospect of humanitarian intervention, are ususally condemned and result in an absence of appropriate actions taken. While the UN has lost a great deal of its credibility to the unforgiving angularity of international law, another organization has fought its way into the field of human rights protection and crisis prevention – the ICISS. This organization composed a report in 2001 that was and still is revolutionary in the field of human rights. Rather than applying the notion of Bernard Kouchner's right to intervene, it turned the status quo upside down, so as to create an unprecedented preventive humanitarian system that would support countries in which a supposed break-out of human rights violations was about to unbosom – the responsibility to protect. While providing the necessary financial and technical assistance to allay concerns of the emergence of such situations, a bifid body of thoughts about the feasibility as well as desirability of R2P came into existence.

4.1 Findings

It is difficult to deny that the legacy of colonialism still heavily weighs upon post-colonial structures. The implementation of educational as well as ideological paradigms has tried to foster western beliefs and values in a fundamentally different cultural environment and has made developing countries dependent on developed industrialized countries (Calvert & Calvert, 2007, p. 39). Still, even after the recognition of these facts in the post-colonial era, the degree of intrusiveness on behalf of developed societies in developing structures has not diminished but rather shifted from the imposition of western beliefs towards a reforming of already established norms and values.

While it must be agreed that R2P is defending the best of motives by engendering the maintenance of human rights, it must also be argued that history has shown that human nature does not necessarily provide the appropriate assets for the application of pure humanitarian purposes without the ambitions of self-enrichment and/or self-interest.

The concept of R2P combines key aspects of preventive measures, humanitarian relief and the effort to recreate a livable environment in order for social structures to prosper. At first sight, the notion of R2P seems to have established a concept that takes

into account the unblemished instantiation of human rights while guarding human dignity and the respect for cultural life. However, in reality, this concept is exposed to a great variety of external factors that need to be overcome in order for the concept to work at all. Ranging from the fragility of post-colonial structures and the reluctance to recognize the split these countries have made in order to accommodate their culture as well as the western system that has been imposed upon them to the question of state sovereignty that would experience infringement, the process of implementing R2P is problematic.

This paper therefore comes to the conclusion that R2P is a desirable concept, if it:

1. acts under the premise of cultural integrity, thereby refraining from fundamental infringements in respective countries;

2. provides help equally, regardless of the fact if one country is potentially more important to the aid giving countries, thereby advocating UNDHR Art. 3: "Everyone has the right to life, liberty and security of person" (United Nations, 1945); and

3. creates a system that constitutes a reliable source for the information necessary in order to make prevention more accurate and efficient;

This paper has furthermore come to the conclusion that R2P, in the present-day political international environment is not feasible as laid out in the 2001 ICISS report on "The Responsibility to Protect" since self-interest, the lack of political will and the absence of cultural integrity will overshadow its flawless implementation. Changing the face of humanitarian intervention into a system that is generally applicable and acceptable under international law would require the change of a variety of factors. Firstly, the concept requires fundamental changes in international law that would enable the legal instantiation of R2P as an effective measure to put an end to human suffering in an internationally acceptable way (as opposed to conventional humanitarian intervention); secondly, the formation of a deeply rooted and committed political will to amplify this concept on a grand scale; and thirdly and lastly, the active involvement of the lowest tiers in a political system that can influence the outcome of political debate and conflict – the citizen. The latter can only become reality if the conceptual hindrances addressed in this paper are remedied and a foundation of trust is built. Taking issues into our own hands is an essential part to bring about change to an issue that concerns all of us. We all are able to give an answer to Kofi Annan's (2000) 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?" (p. 48) The outcome of the response could be R2P. However, in order for this concept to prosper, the face of the present-day political environment has to change fundamentally.

4.2 Possible Further Research

Despite recent efforts to intensify human rights and adopting some of the concepts of R2P in the 2005 World Summit, the future of human conflict looks just as sinister as its past. The ongoing conflict in Darfur, president Mugabe's rule in Zimbabwe or Russia's recent invasion of Georgia are witnesses of this desolate development. While the media are taking responsibility into their own hands by exposing human rights situations and denouncing supposed perpetrators, the effect remains limited. In order to change politics in a way that would accommodate R2P, it is the opinion of this paper's author, it is necessary to effectively raise awareness in a bottom-up manner, thereby making citizens aware of the prospects that exist and that could effectively alter human rights law. The current limitations as well as an over-coverage of human suffering has pushed contemporary society into a indifferent direction.

In this scope, further research could focus on the field of media coverage, political initiatives to raise awareness of human rights violations taking place across the globe and the omnipresent issue of remedying the perception that western beliefs and values should be the universal standard regardless of where they are applied. In so doing, it could be ascertained that human rights would be advocated in a way that would operationalize R2P in an unobstructed way.

In the face of the rather recent establishment of the R2P norm, the sources on this topic are rather limited. In the course of the future, the actual practice of the 2005 World Summit resolutions will give more information on the effectiveness of the anticipated outcomes of R2P. In other words, the R2P will have to face practice in order to be verfied or denied as an international norm.

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