

Non-Intervention and the Responsibility to Protect in Humanitarian Crisis: The Role of United Nations Permanent Members

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ABSTRACT

The study focused on examining the United Nations Security Council permanent member's behavior towards decisions to intervene in internal affairs of states for humanitarian purposes. Rational Actor Model of Decision-Making Theory was adopted to explain the matrix of this activity, using secondary data and content analysis methods. Nonintervention in internal affairs has been the practice of states before late 20th Century when internal crisis became recurrent phenomena with its horrifying consequences, thus gravitating towards Responsibility to Protect in humanitarian crisis. The study identified that the method and manner the UNSC permanent members implement the mandate shows selectivity, violation of R2P norm and aiding internal wars and crisis. A Syria and Ukraine crisis was used to illustrate the postures of U.S and Russia towards R2P. The study concludes that the UNSC is overwhelmed by politics of national interest by its permanent veto wielding members and it affects the form of decisions it makes on intervention in humanitarian crisis.

Keywords: *Non-Intervention, Veto Members, Responsibility to Protect, Humanitarian Crisis.*

INTRODUCTION

Article 2:7 of the United Nations Charter (1945) provides for the principle of non-intervention in the internal affairs of member states. It however notes that:

“Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII”.

The enforcement actions in Articles 41 and 42 specify measures to take to maintain or restore international peace and security in the event of situations that transmit threat to such peace. This power is exercised by the Security Council under Article 24, where “... its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf” (The UN Charter, 1945 - in Un.org). The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII, of the Charter.

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The UN Charter, no doubt, laid the framework for promoting international peace and security; but the emphasis is specifically on conflicts or disputes in inter-state relations and not intra-state matters, which are construed as internal to a state. Though Articles 34 and especially 39 vests the sole power to determine what constitutes threat to or breach of the global peace and security on the UNSC (Krisch, Nico and Frowein, 2002), the exercise of this power on internal affairs of states, have remained problematic for obvious reasons. Firstly, internal affairs “refers to matters that a country can dispose of freely without being confined by obligations regulated by international law including a country’s form of government, internal organization and relationship with its people” (LIANG, 2011). Secondly, the UN Charter focuses on developing friendly relations among nations based on respect for the principle of equal rights and self determination of peoples (UN Charter, Article 1:2). Thirdly, the Charter operates on Westphalia principle, which upholds respect for sovereignty and sanctions inviolability of these rights through any form of intervention in internal affairs of states.

However, the notions of sovereignty shielding internal affairs have waned tremendously since after the end of Cold War. Part of the reasons, according to Auger (2011) is that, “the post cold-war era witnessed unprecedented mass slaughter and atrocities in Somalia, Rwanda, Bosnia and other affected countries. While the UN Charter concentrated on inter-state conflicts, the 1990s witnessed brutal intra-state conflicts”, without practical solutions to the ever increasing human rights violations (Emphasis added). The corollary, therefore, midwife questions on what form of condition would necessitate sidelining the principle of non-intervention as enshrined in the UN Charter for humanitarian intervention to mitigate human sufferings caused by conflicts within the domestic jurisdiction of states. Ever since, the preachment for humanitarian intervention has become a norm. In the first place, the complex nature of developing international relations and the increasingly organized international community are reducing the scope of Internal Affairs. Secondly, the jurisdiction of sovereign states is shrinking; matters under domestic jurisdiction are shifting to hands of the international community, and the Principle of Non-intervention in the Internal Affairs is facing challenge (Schermers, 2002).

The challenge revolves around whether massive human rights violation inside a country will threaten world peace and security (Malanczuk, 1993). The recognition that it does, particularly since after the end of Cold War with its significant feature of recurring incidents of genocide, war crimes and crimes against humanity, made “the practices of UNSC show a tendency to recognize that civil conflict, especially human rights violation, is related to world peace and security. Moreover, some scholars believe that massive human rights violation severely deviates from the nature of “international value system”, and for this reason alone it has constituted a threat to peace designated in Chapter VII of UN Charter” (Damrosch and Scheffer, 1991). Consequently, the doctrine of Responsibility to Protect (R2P) which upholds humanitarian intervention in crisis situations was adopted in a World Summit in 2005, to address these emerging trends in human rights violations. It remains a watershed juxtaposing UNSC permanent member’s national interests in domestic affairs of countries, in such manners that jeopardize enforcement of R2P. The opposing

and supporting schools in an attempt to reject or rationalize intervention on humanitarian purposes fail to recognize the primacy of human safety above ideological differences that fuel their national interests. This paper, therefore, examines the rivalry among the UNSC permanent members in taking decision on enforcement action for humanitarian intervention in crisis situation. Both U.S and Russia form the focal point for illustration of the divides in R2P implementation.

The Theoretical Premise: Rational Actor Model of Decision Making

Rational Actor Model of Decision Making Theory is appropriate for the explanation of the UNSC permanent members' decision making process and the implications for humanitarian intervention in crisis situations. The foundation of decision making approach in analysis of political decisions and choice of action as exemplified in human behavior originated in the works of such great philosophers and thinkers like Thomas Hobbes, who emphasized the egoistic (intentional) nature of man, and John Lock who argues that men leave the State of Nature to find more effective methods of protecting their natural rights (Charlesworth, 1967). Jeremy Bentham assumes that political behavior is ultimately a consensus calculation of needs and wants and means of satisfying those needs and wants (Kegsley, Jnr. and Wittkopf, 1997). Decision making theory, generally, focuses upon the decision maker as the fundamental unit of political analysis. Its central argument is that policies can be understood as decision-making behavior.

The Rational Actor Model assumes that a nation's actions are in response to strategic threats and opportunities in the international environment. In selecting a response, a process of rational choice is employed based on identifying objectives and goals, usually expressed in terms of national security and national interest; proposing options for the attainment of the objectives; evaluating the cost and benefit of each option against the defined objectives; and selecting the option that ranks highest in achieving desired outcomes (Allison, T.G and Zelikow, D.P., 1999). Decision makers are participants in a system of action, "the key to explaining why the state behaves the way it does lies in the way its decision makers as actors define their situation" (Richard, Bruck and Burton, 1962).

The UNSC consists of five permanent members – US, UK, France, Russia and China. These five possess veto powers. The veto is an authority which each member wields to influence the pendulum of decisions affecting enforcement action delineated in Articles 41 & 42 of the UN Charter. The exercise of veto is absolutely in national interest of the wielding members. In international relations, national interest is the cornerstone of every nation's foreign policy. In making decision, the nation or government is considered a rational, unitary decision maker with "one set of preferences", one set of perceived choices and a single estimate of the consequences that follow from each alternative, (Allison, T.G and Zelikow, D.P., 1999). This explains why each of the veto members behaves the way it does, and makes certain preferences in decisions concerning humanitarian crisis as it does. In other words, this is better understood from the perspective of cost-benefit calculation. An empirical example is the voting for intervention in Libya by the US, UK and France, when Russia and China abstained from voting. Both actions mirror the preferred

alternative by each sides of the divide to protect and promote her national interest in Libya. We could see a different posture when Russia and China vetoed intervention in Syria, thereby leaving the people to their fate. The underlying problem with the rational decision model when applied on the activities of the UNSC borders on whether her decisions are potentially beneficial to humanitarian goals and fulfilling the core mandates of the body or they are tailored towards achieving national interest of a concerned permanent member. It is apparent that intervention which violates humanitarian concerns or veto that impedes intervention to prevent humanitarian crisis, are both in negativity and counter-productive to the purpose of R2P or UN. In this sense, the rational actor model of decision-making theory, therefore, surmise the fundamental issue which this study aims to address, especially the U.S and Russia behaviours towards humanitarian intervention.

The Rationale behind The Principle of Non-intervention

Non-intervention in the internal affairs of states is one of the earliest principles in international law which has been stipulated as early as 1793 in French Constitution. As a basic principle of international law, the principle of non-intervention in the internal affairs has been reflected in various international legal documents (Bojun, 2010). It provides that a state should not interfere in the internal politics of another state, based upon the principles of state sovereignty and self determination (Madard and Bruner, 2003). This was further reiterated in the Peace Treaty of Westphalia signed in 1648 with landmark provisions: (i) The principle of the sovereignty of states and the fundamental rights of political self-determination (ii) The principle of legal equality between states, and (iii) The principle of non-intervention of one state in the internal affairs of another state (Osiander, 2001). It declares that all nation-states have sovereignty over their territory, with no role for external agents in domestic structures (Osiander, 2001).

In accordance, Article 15 (8) of the Covenant of the League of Nations gave additional impetus to non-intervention in internal affairs of states (LIANG (2011)). It was reinforced by the Montevideo Convention on Rights and Duties of States of 1933, which prohibited ‘interference with the freedom, the sovereignty or other internal affairs, or the processes of the Governments of other nations’ together with the Additional Protocol on Non-Intervention of 1936 (Maziar and Wood, 2009). These are in addition to the UNGA Resolution 2625(XXV) 1970 - Friendly Relations Declaration; UNGA Resolution 2131(XX) 1965 - Inadmissibility of Intervention and Interference in the Domestic Affairs of States and the International Court Judgments on Nicaragua case (UNGA Res. 2131 (XX) 1965). In furtherance to these provisions and in efforts to strengthen state’s sovereignty; promote freedom and self-determination for all peoples and nations, the General Assembly, dwelling on “Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States”, solemnly declares that, “no State or group of States has the right to intervene or interfere in any form or for any reason whatsoever in the internal and external affairs of other States” (A/RES/36/103, 91st Plenary Meeting of 9th December 1981). Meanwhile, States have the rights and duty to observe, promote and defend all human rights and fundamental freedoms within their own national territories and to work for the elimination of massive and flagrant violations of the rights of nations and peoples,

...; (A/RES/36/103, 91st Plenary Meeting of 9th December 1981). Therefore, human rights violation could be relied upon to rationalize intervention that involves humanitarian crisis. This perception conforms to emerging paradigm shift from the sacrosanct of state sovereignty enabled by non-intervention, to the sanctity of human rights and its protection with “every necessary means” under Responsibility to Protect (R2P). It was adduced to prompt intervention in Libya but Syria with the enormity of her human rights violations, was ignored. This selective application of R2P is greeted with opposition from realist scholars such as Doyle (2001), Mareike (2012), Anghie (2012), Hehir (2010) and Ayoob (2002). They oppose the decision making procedure that results in either intervention or not, as a reflection of national interest of world powers and to that extent, lacking in credibility, in comparative terms. Their common view is that, “under the United Nations Charter, humanitarian intervention to save the citizens of a state – is illegal unless this use of force has been authorized by the Security Council”. Hehir (2010) in particular, asserts that “there are some evident subjective applications of Veto by the 5 Permanent Members in pursuit of their national interests; resulting in the tendency for more powerful states to abuse the ‘Responsibility to Protect’, not only to further their interests, but also to dominate weaker nations”. (Hehir, 2010).

The Classical theorists believe that no persuasive ground exists to support the claim that the right of humanitarian intercession exist in the UN Charter (Malanczuk, 2002). There exist only two exceptions to the sovereignty of a state: self defense and authorization of the Security Council (Orwin, 2006). Articles 2(4) and 2(7) of the UN Charter, including UNGA Res. 2131 denounce the use of force in international relations (UN Charter, 1945 in Un.org). Paphiti (2011), citing Gordon - a classical theorist, argues that “if the framers of this Charter wanted to use humanitarian intervention as an exception then they should have added the words appropriately and clearly”. The charter founders were skeptical and afraid of the unilateral use of force and as such they restricted the right to self defense. Teson (2006) further clarifies this, stating that “for any intervention to be prohibited, the means used must therefore be coercive and its objective must be to be able to influence the decisions or conduct of another state in a manner which is within the state’s jurisdiction”. The main thrust of non-intervention, therefore, is that no state has right to intervene in the domestic affairs of other states, not even with the pretext for averting humanitarian catastrophe. It is a vital principle under the UN Charter and customary international order and it plays a vital role in maintaining peace and security and defending the weak nations against the strong ones. This perspective, nonetheless, undermines human rights protection that prods intervention to ensure safety and prevent escalation of crisis with severe humanitarian implications.

The Crux of Responsibility to Protect for Humanitarian Purposes

The respect for fundamental human rights in the world today is “dismal” within some nations. Despotism regimes murder, mutilate, and rape civilian populations and arbitrarily imprison and torture political opponents...” (Leval: 2003). These crimes, in most cases, are concealed by the principle of non-intervention in the internal affairs of states, to the detriment of the nationals of the respective countries. Consequently, the UN Secretary

General, Kofi Annan, demanded “how the international community should respond to ‘gross and systematic violations of human rights that affect every precept of our common humanity” (ICISS, 2001 Report.pdf, in <http://www.iciss.ca/pdf/Commission-Report.pdf>). In response, the International Commission on Intervention and State Sovereignty (ICISS) was established by the Government of Canada, in September 2000, in the wake of contestation of legality or otherwise, of the North Atlantic Treaty Organization’s bombing campaign in Kosovo. The Commission consisted of twelve members. It was chaired by Former Australian Foreign Minister and Chief Executive of the International Crisis Group, Gareth Evans, and Algerian diplomat and Special Advisor to the United Nations Secretary-General, Mahoamed Sahnoun (ICISS, 2001 Report.pdf.). Their mandates were generally to,

- i. Build a broader understanding of the problem of reconciling intervention for human protection purposes and sovereignty; and
- ii. Develop a global political consensus on how to move from polemics – and often paralysis – towards action within the international system, particularly through the United Nations’ (ICISS, 2001 Report.pdf.)

They produced and submitted the report of their consultations and findings entitled, “The Responsibility to Protect” (R2P) in December 2001, and called for the acceptance of a responsibility by the international community to protect populations experiencing large scale loss of life and ethnic cleansing (ICISS, 2001 Report.pdf.). World leaders unanimously adopted R2P at the 2005 World Summit (Madokoro (2011). This was followed by a further reaffirmation of R2P by the UNSC Resolution 1674 in 2006 (Teitt, 2008). The core contents of this report as Court (2011) reiterates, rest on three pillars:

1. It is the primary responsibility of states to protect their own population from genocide, war crimes, ethnic cleansing and crime against humanity;
2. The international community has the responsibility to assist the state in meeting those responsibilities;
3. The international community has a responsibility to take timely and decisive actions in cases where a state has manifestly failed to protect its own population from these crimes.

Orford (2009) lists three elements that are subsumed in this responsibility and it comprises: (i) the responsibility to prevent, (ii) the responsibility to react and (iii) the responsibility to rebuild. It adopts a view of sovereignty which emphasizes as its defining characteristic the capacity to provide protection, rather than territorial control. In this vein, Weiss (2004) contends that, the R2P adds a fourth characteristic, namely ‘respect for human rights’, to the three Peace of Westphalia characteristics of a Sovereign State – territory, authority and population. However, there has been an increased concern for the social and legal protection of human rights as fundamental freedoms, and the UN and the provisions of the Charter provide bases for comprehensive system of international law and practice for the protection of human rights and these have taken the forms of conventions, treaties, organizations, and political bodies, rather than any single entity or set of laws (David, 2002). MacFarlane, Thielking and Weiss (2009) for this reason, divide the ‘humanitarian

intervention' debate into 'three distinct clusters of opinion': (i) The opponents are those who view the idea as a return to semi-colonial practices dividing the world into the civilized and the uncivilized. (ii) The agnostics and skeptics do not see the debate resolving the 'fundamental problems of insufficient political will'. (iii) The optimists view the R2P as 'a realistic and substantial step' towards a 'workable consensus'. Many people are hopeful that the R2P is indeed a new solution, as it effectively makes a promise to the world's most vulnerable people: a promise that when their own governments fail them, the international community will intervene to protect them (MacFarlane, Thielking and Weiss, 2009).

According to the ICISS 2001 Report, "the responsibilities to prevent; react and rebuild seeks to bring an end to gross and systematic violations of human rights. It proposes the authorization of 'action taken against a state or its leaders, without its or their consent, for purposes which are claimed to be humanitarian or protective' (ICISS, 2001 Report.pdf.). It further notes that 'prevention is the single most important dimension of the responsibility to protect'. It considers that effective conflict prevention requires 'knowledge of the fragility of the situation and the risks associated with it', 'understanding of the policy measures available that are capable of making a difference' and 'willingness to apply those measures'. It labels these three criteria 'early warning', 'preventive toolbox' and 'political will' (ICISS, 2001 Report.pdf.). What gives impetus to the R2P norm is the re-conceptualization of Sovereignty as implying Responsibility, and a change in perspective and language of humanitarian intervention from right to intervene to responsibility to protect; therefore dousing the tension and debate that had engulfed it" (Bogliolo, 2009). As it is evident, the debate assumed a different dimension since after the implementation of R2P in Libya, in 2011. It manifested an unfolding divides between U.S and Russia on reaching consensus on R2P enforcement. Each side is apprehensive that it could serve as a leeway to pursue national interest.

The Role of UN Permanent Members in R2P Enforcement Actions

The ICISS Report, 2001, sets out six criteria or bases governing any military intervention for humanitarian purposes. These include, (i) The 'Threshold or Just Cause Criterion', (ii) The 'Right Authority Criterion', (iii) The 'Right Intention Criterion', (iv) The 'Last Resort Criterion', (v) The 'Proportional Means Criterion' and (vi) The 'Reasonable Prospects Criterion' (ICISS, 2001 Report.pdf.). The essence of setting these criteria is to mitigate any form of intervention that tends to revive the 19th century 'might is right' mentality in international relations and thereby promote the culture of the weak nations existing and surviving on the mercy of the strong ones. There is a tendency to seek humanitarian intervention based on propaganda without adequate knowledge or understanding of the dynamics of the crisis. On this note, Kuperman (2013) proposed three guides:

- (i) Beware of rebel propaganda that seeks intervention by falsely crying genocide.
- (ii) Avoid intervening on humanitarian grounds in ways that reward rebels and thus endanger civilians, unless the state is already targeting non-combatants, and
- (iii) Resist the tendency of humanitarian intervention to morph into regime change, which amplifies the risk to civilians.

Since Libyan experience which contrasts the inability to enforce R2P on Syria, there have been arguments that the politics of veto and national interest would becloud the rationale behind emergence of R2P as obligatory response system to critical humanitarian situations. In particular, there was a view that the responsibility should devolve to global community rather than concentrate on the UNSC. This position buttresses the fact that the world recognizes the burden associated with increasing human casualty figures in conflict and wars and therefore owes prompt response to mitigate them. Observers have also expressed reservations about the possible deviation from these criteria and the implications on humanitarian factors and state's sovereignty. There are many flashpoints that the study highlights to illustrate the case. Each of the cases reveals pursuit of national interests and neglect of the deteriorating humanitarian situations.

In 2011, there was no use of the veto by the five UNSC permanent members (U.S, UK, France, Russia and China) to block the UNSC Res. 1973, which authorized no-fly zone and enforcement of R2P for humanitarian purposes in the Libyan crisis. This was the first time that the Council has ever authorized the invasion of a functioning state for such purposes (Bellamy and Williams, 2011). Different factors influenced the decisions and activities of each of U.S and Russia in each of Libya and Syria. Russia and China might have abstained from voting during passage of UNSC Res. 1973 authorizing no-fly zone in Libya; hoping that their neutrality in any military action in Libya would protect their investment and business interests if Gaddafi eventually won the opposition forces. The reverse resulted in the domineering influence of the western interests in post-Gaddafi's Libya. This differs from the Western permutation. In other words, "maintaining European access to Libyan oil and the presence of a unified, organized political opposition in Libya contributed to U.S. policy decisions to take action in defense of civilian lives in Libya" (Wilson, 2012). The observed implication is that none of the decisions was primarily informed by R2P but national interests.

In Syria, several factors, including the lack of an organized opposition, potential for destabilization in the region, and vetoes by Russia and China on U.N. Security Council Resolutions against Syria underscore the United States' reluctance to take similar action in Syria (Wilson, 2012). The reason Russia vetoed the proposed military action in Syria was to avoid repeats of Libya's experience, exemplified within the context of exploiting R2P to violate state's sovereignty through regime change. They therefore acted in opposition on Syrian case to prevent the West from shutting down Russia in power rivalry and economic competition in the Middle East region. The Syrian case, no doubt, has become the hallmark of ideological conflicts between the West and Russia. The West is much concerned about democratization of Syrian political system, leading to the domination of their stupendous energy resource. This will be blended with their liberal propaganda of entrenching human rights laws, liberalizing the economy and opening political space for mass participation. The West envisioned that the exit of Bashar Assad, as was the case with Gaddafi, will facilitate the realization of these goals. This explains President Assad's accusation that Western backed terrorist and insurgent groups are waging war against his regime. This is even as 'Russia and Iran support Bashar Assad and want stability in the region' (Newsmax,

March 30, 2015, <http://www.newsmax.com/Newsfront/assad-cbs-60-minutesISIS/2015/03/29/id/635163>). While the West and Russia engages in this power play, the cause and noble intentions of R2P is been frustrated from stopping cases of mass slaughter, war crime and crimes against humanity in Syria. This fluid interest makes UNSC's backed intervention for decisive punitive actions to halt deteriorating humanitarian crisis, near impossible, thereby leaving the citizens to their fate. In the meantime, 'more than 150,000 people, including over 10,000 children, have been killed in the Syrian Arab Republic since March 2011. A further 6.5 million are internally displaced and 2.8 million are seeking refuge in other countries, notably Egypt, Iraq, Jordan, Lebanon and Turkey' (Reports of the Secretary General, on the Work of the Organization, 2014, in <http://www.un.org/sg/speeches/reports/69/report-peace.shtml>, accessed on 29/03/2015). U.S and Russia are yet to find common ground to save the dying masses and show commitment to the duty imposed by R2P. Neither of Syrian government nor the international community has complied with its mandates. This has exposed the weakness of R2P norm notwithstanding its imperatives. It, however, reinforces the predominance of power and economic struggles among the super powers and affects the decision to intervene or not, in humanitarian crisis where both have interests. The implementation of R2P does not call for consideration of what material gain would be achieved at the end, but the number of lives that would be saved. This is an area that is very instructive to note.

This is being replicated in Ukraine, where Russia and U.S are deeply involved in what could be termed rupture in the sovereignty of the country. The crisis was heightened by the ouster of the former leader, President Viktor Yanukovich by Ukrainian MPs. It was blamed on Western conspiracy to impose a regime that is loyal and supportive of its national interests in Ukraine. The protests against President Viktor Yanukovich first erupted in late November 2013 when he rejected a landmark association and trade deal with the EU in favour of closer ties with Russia (BBC News, "Ukrainian MPs Vote Out President Viktor Yanukovich", 22 February 2014). He described his removal as a coup and Graziadei (2014) asserts that, "the purpose of the coup is to put NATO military bases on Ukraine's border with Russia and to impose an IMF austerity program that serves as cover for western financial interests to loot the country".

The development has revived the geo-politics and economic rivalry between U.S and Russia, and in many respects, seem to be rekindling the 19th century cold war phenomenon. The attendant polarity skews "the people of Kiev to want to be closer to the EU and U.S, while people of Crimea push to rejoin Russia. According to Graziadei (2014), both U.S and Russia have used the situation to their economic and political advantage, while citing humanitarian cause". The civil war that broke out in Ukraine, which ... is part of the U.S global energy war, has claimed 4000 civilian lives, left more than a million Ukrainians displaced and led to a humanitarian crisis" (Graziadei, 2014). The UN human rights Chief Zeid Ra'ad Al Hussein said there had been a "clear breach of international humanitarian law which governs the conduct of armed conflicts". Bus stops and public transport, market places, schools and kindergartens, hospitals and residential areas have become battlegrounds in the Donetsk and Luhansk regions of Ukraine"

(Graziadei, 2014). The UN report indicates that the death toll now exceeds 5,350 people and more than 12,000 other people have been wounded in the fighting (Bridget Kendall, 2015). NATO says the rebels are being supported by hundreds of Russian tanks and armoured vehicles that have crossed the border into eastern Ukraine. US officials are reported to be considering sending defensive weapons and other lethal aid to Ukraine's armed forces. (BBC News, Ukraine Crisis: Renewed Fighting Catastrophic, 3 Feb 2015). Those who suffer this power rivalry are the poor civilians of Ukraine that are been denied protection they look forward to getting from enforcement of R2P by the world community.

As Ban Ki-moon notes, events in Ukraine have raised fears of a dangerous escalation and a return to the polarized world of the past. The best efforts of the international community have failed to prevent loss of life and human rights violations in the Central African Republic, the Democratic Republic of Congo and South Sudan (Reports of the UN Secretary General, 2014). Despite the rising casualty figures in the listed countries, the ideological divides in UNSC (U.S and Russia), has ensured that the two does not coalesce to map out proactive intervention strategies to mitigate further deaths and humanitarian crisis in either of Ukraine, Syria, Yemen or post-Gaddafi Libya. Pursuits of national interests overwhelmingly influence their decisions or activities in the crises, which is lacking in humanitarian concerns. The posture of their divides in Ukraine, Syria, and Yemen informs the decision each takes to vitiate Responsibility to Protect (R2P) the vulnerable population. The fact, therefore, is that both sides neglect humanitarian factors which are the essence of R2P and deploys their veto status in the UNSC in pursuit of their national interests.

From the foregoing perspective, it is apparent that politics and national interests, no doubt, dominate debates for application of R2P. Most nations that are engulfed by wars, terrorist attacks and various degrees of ethnic or sectarian crises are fast losing faith in the efficacy and promptness of R2P as a mechanism for preventing human catastrophe. These are already exemplified in the decision and actions of U.S and Russia towards R2P norm. It erodes the substance of the principle and will spell doom for global peace and security.

CONCLUSION AND RECOMMENDATIONS

Under R2P, the use of force is reserved for actions within the UN Charter's Chapter VII framework. As the Syria crisis has demonstrated, this position continues to hinder efforts by the international community to protect populations from mass atrocity crimes. Attacks by Syrian government forces and militias have killed upward of 75,000 civilians, and approximately 1,000,000 refugees have fled into neighboring states (Williams, Ulbrick and Worboys, 2012). Diplomacy and sanctions have not worked. Although the UN Human Rights Council has concluded that Syria's humanitarian crisis is being driven by a "state policy" of deliberate attacks against civilians, the Security Council remains deadlocked and ineffective in the crisis (Williams, Ulbrick and Worboys, 2012). While the reasons for veto is to balance competing forces and ensure objective actions on international disputes

requiring military force, the actions of the permanent members especially on matters that are internal to sovereign states upon which R2P evolved, appear to have assumed private monitoring weapon at their disposal to toss the countries involved in humanitarian crises. As Ban Ki-moon observes, multiple sources of instability interact in countries such as Afghanistan, the Central African Republic, the Democratic Republic of the Congo, Haiti, Mali and the countries of the Sahel, Somalia, the Syrian Arab Republic and Yemen (Reports of the Secretary General, 2014). Civilians have paid an unacceptably heavy price in the past year, particularly in cases where the international community is divided and lacks the collective political will to act, such as that of the Syrian Arab Republic. The normative framework to protect civilians, including the concept of “responsibility to protect” ... has continued to be the subject of debate, not always matched by action (Reports of the SG, 2014). It is therefore dangerous trend to allow response to humanitarian crisis rely on the decisions of the permanent members alone.

Regional Organizations can fill this gap, though they lack the cohesive military force and commitment to successfully enforce R2P. Both African Union and the League of Arab States failed to play this role in the cases of Libya and Syria, thereby looking up to the Western powers for remedy. The urgency for intensified international efforts in enforcing R2P derives from the widespread terrorist activities across the globe. Many countries rely on poll of efforts to combat this threat and cannot singlehandedly take up the challenge and win. The Arab leaders have taken the bold initiative by forming common military force to limit their dependence on the West for survival. The intervention in Yemen will serve as acid test for this new resolve. It is therefore evident that the conflicting interests of the veto wielding members of the UNSC impede the implementation of R2P to save vulnerable populations.

At no time is the UNSC challenged more than now. Conflicts have assumed threatening proportion and the political will required to save millions that are usually entrapped are fast waning. That singular trend threatens “responsibility to protect” norm. Politics of power rivalry and national interests overwhelm the rationale for protecting human lives. It thus cast doubts on the sincerity of the world powers for a peaceful world, where human safety and sanctity of life is fundamental. In this case, there is need to divest the UNSC veto members of their exclusive powers to sanction enforcement of R2P. This will drastically reduce their confrontation over conflicting national interests. This should be complemented with creation of a separate body that will be accountable to the UN but responsible for resolutions calling for collective action based on “responsibility to protect” for humanitarian concerns. When this approach is adopted, the national interests of each world power will no longer hinder intervention. Indifference of any of the five veto members to participate in enforcement of R2P may not necessarily dissuade other interested countries from participating. In this way, internal conflicts will gradually lose the tight grip of international sponsorship. Cessation of confrontation among the ideological blocs will reinvent checks and balances and rapid response to humanitarian crisis. It therefore, requires amendment of the UN Charter, to include a clearly defined governance mechanism. The mechanism will incorporate the already laid down criteria for military action in conflict

situations by ICISS. This will guard against intervention based on propaganda or reluctance to intervene based on conflicting national interests. Overhauling the constitution of R2P and legalizing it in the UN Charter will bring the world to rally around humanitarian crisis and open vistas for a peaceful and responsible world which safety does not solely depend on the dictates of the permanent members of the United Nations. This will transform the usual polemics of diffidence to proactive and decisive actions geared towards safe.

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