

Hope for Another Humanitarian Intervention?
Rwanda, Kosovo, Libya and the Consequences of the Responsibility to Protect (R2P) on
Myanmar

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ABSTRACT

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After the catastrophic failure of the UN and western nations to prevent and halt genocide in Rwanda in 1990, many pledged “never again.” In less than ten years, the ethnic cleansing in Kosovo provided the international community with a chance at redemption. Without waiting for UN approval, NATO forces led a military intervention to stop Milošević’s campaign of violence against the Kosovo Albanians. The bombing of Kosovo is now considered to be the first ever intervention in another sovereign nation by the international community for humanitarian purposes. However, the lack of legal backing from UN rendered the intervention suspect, putting into question the moral justification of the bombing campaign which led to the death of many civilians. As such, the humanitarian intervention in Kosovo left many questions for the international community: Who should intervene to stop genocide or ethnic cleansing taking place in a given state? When should the international community intervene? What renders a humanitarian intervention legal from the perspective of international law? In the early 2000s, there was a shared sense in the international community that there was an urgent need to set an international framework for humanitarian intervention. The Responsibility to Protect (R2P) doctrine aimed to provide that framework. Approaching the topic from the perspective of constructivist theory, the thesis describes how the R2P emerged as a potential international norm, cascaded through the international community, and then became diffused enough to be utilized by the UN to address the mass atrocities that took place in Darfur. The 2011 intervention in Libya became

the test case for the R2P. Utilizing the R2P doctrine the Security Council approved a resolution that authorized use of force by the international community to stop mass atrocities in Libya by any means necessary. However, the moment of the R2P's success was also its downfall. Many argued that NATO powers used R2P as an ideological tool to protect their national interests in Libya, instead of truly seeking to prevent genocide and other crimes against humanity for moral reasons. Despite the diffusion of R2P as a well accepted norm and its use in the Security Council in 2011, the failure of intervention in Libya has led to the regression of the norm. I argue that this regression has caused the lack of humanitarian intervention in the ethnic cleansing and violence in Myanmar against the Rohingya population.

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Finally, I would like to dedicate this thesis to all of those who have lost their lives to genocide, ethnic cleansing, and other crimes against humanity. These losses have and must continue to inspire the international community to act to prevent and halt future atrocities, so that many thousands of innocent lives can be saved.

INTRODUCTION

“The operations were designed to instill immediate terror, with people woken by intense rapid weapon fire, explosions or the shouts and screams of villagers. Structures were set ablaze, and...soldiers fired their guns indiscriminately into houses and fields, and at villagers.”

“Houses were locked and set on fire. Few survived...bodies were transported in military vehicles, burned and disposed of in mass graves.”

“Women and girls were systematically abducted, detained and raped in military and police compounds, often amounting to sexual slavery.”

These statements describing the heinous acts of war crimes seem to be out of a history book. Yet, these and countless other atrocities are what have transpired in Myanmar over the last two years as detailed by the “Report of the independent international fact-finding mission on Myanmar” (A/HRC/39/64, 8/9). This violence began in 2016 and has continued to affect the lives of hundreds of Rohingya Muslims in Burma each day. Given the horrific nature of these well document crimes, why has the international community failed in its responsibility to protect the Rohingya population in Myanmar? In this thesis I address this question by focusing on the new norm of Responsibility to Protect (R2P) which has its roots in the norm preventing and prohibiting genocide. As I will argue in this thesis, R2P has developed over the past decade and due to its ideological use in Libya by the US, UK, and France, it has lost its hold in the international community. The regression of the R2P norm has thus made it impossible to intervene in the genocide in Myanmar.

In December of 1948, Raphael Lemkin successfully lobbied the United Nations to adopt the Convention on the Prevention and Punishment of the Crime of Genocide. Lemkin fought for this resolution in light of the atrocities committed in the Holocaust and fear that those atrocities would be repeated against others in the future. Article I of the Genocide

Convention dictates 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 punish" ("Convention on the Prevention and Punishment of the Crime of Genocide," 1948). The crimes committed by Hitler and Nazi Germany were no longer to be tolerated or allowed to be perpetrated again by anyone in the international community. Since the development of the norm, 150 countries have ratified the resolution. The sad reality of the Cold War era that followed WWII was that halting and preventing genocide was not a priority of the international community.

The 1990s brought the fall of the Soviet Union and with it the international community was forced to acknowledge that it had let genocides transpire after the conclusion of WWII. This realization first came in 1994. In just one-hundred days, over 700,000 Tutsi Rwandans were brutally slaughtered by government led Hutu Rwandan forces. Then in 1995, the government of Yugoslavia committed ethnic cleansing and genocide against its Bosnian Muslim and Croatian civilians, resulting in the death of over 100,000. In both cases the international community remained paralyzed, failing to first prevent the violence and then failing intervene to end the genocides. The international community had failed to uphold the Genocide Convention and ultimately failed to fulfill their duty to those who had perished in WWII.

In 1997, when ethnic cleansing began in Kosovo, the international community was presented with an opportunity for redemption. NATO forces, without UN approval, would conduct a bombing campaign in Kosovo as an attempt to end the ethnic cleansing. This campaign marked the first-time intervention was conducted for humanitarian purposes. Kosovo brought promise that the international community, specifically Western nations,

would no longer just sit idly by while mass atrocities were being committed. Intervention, however, divided the international community, namely the Security Council. There was no legal basis for NATO to intervene and the air campaign saved few civilian lives, leading many to question the moral intention of the humanitarian intervention. The need for consensus and to foster hope that the international community could act again in the face of atrocities manifested itself into the Responsibility to Protect (R2P) doctrine.

The Responsibility to Protect (R2P), first developed in 2001 by the International Commission on Intervention and State Sovereignty (ICISS), built the foundational elements of the R2P norm. The ICISS report outlined the basic principles of R2P, which entailed that:

A. State sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself. B. 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 (Evans, XI).

During my analysis I will explain the development of R2P, its cascade through the international community, by way of norm entrepreneurs, and its diffusion into the consciousness of the international community. This cascade occurred throughout the mid 2000s, gaining significant momentum with the recognition of R2P at the 2005 UN World Summit. In the outcome document of World Summit, the General Assembly of the United Nations iterated that:

Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it (A/RES/60/1, 30).

This responsibility to protect was now tailored for utilization in the cases of ethnic based violence and mass atrocities such as genocide. Moreover, the document more specifically detailed the role and responsibility of the international community. The document asserts that:

The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity (A/RES/60/1, 30).

Ratified by 150 governments, the World Summit Outcome document signaled that the R2P norm had gained significant recognition and was undergoing the process of diffusion. By 2011, R2P was put to the test with the outbreak of violence in Libya, directed by the Gaddafi regime against Arab Spring protestors.

Within my thesis, I will explore how the past failures of the international community, specifically the United States, United Kingdom, and France, to intervene in genocide, as well as failed intervention in Kosovo, drove the development of the R2P norm. I will attempt to pinpoint how the cascade and diffusion of R2P occurred throughout the mid 2000s and how the norm was utilized to direct intervention in the humanitarian crisis in Libya. I will then argue that the exact moment of R2P's success was also the signal of the norm's collapse. Within this argument, I will develop that the ideological use of R2P by western nations for the sake of regime change would have significant consequences for the future use of the norm. Moreover, I will attempt to explain that the use of R2P in Libya has

had direct consequences on the non-intervention in the genocide in Myanmar. This non-intervention illustrates the regression of R2P.

In my first chapter, I will discuss the Rwandan genocide. Particularly, I will explore the origins, warning signs, and aftermath of the genocide. I will argue that the United Nations, and Western nations, primarily the United States, UK, and France were complicit (to some degree) in allowing genocide to transpire. The utter failure of the international community to immediately renounce the violence as genocide and intervene once the extent of the violence was apparent, has had a significant impact on future international response to mass atrocities. With the failure to intervene in Rwanda, the international community pledged to “never again” sit idly by while atrocities occurred.

After discussing Rwanda and its implications for the future of international intervention in genocide, I will analyze the NATO led intervention in Kosovo. Within this section, I will outline the origins of the ethnic cleansing in Kosovo, the ramifications of the failure to intervene in the Bosnian crisis, immediately prior to the ethnic cleansing in Kosovo, and the factors that led the US, UK, and France to conduct the first intervention based on humanitarian purposes. After, I will detail how the failures in this humanitarian intervention in Kosovo gave rise to the creation of the Responsibility to Protect (R2P) doctrine and norm.

The next chapter hones specifically in on the development of R2P. The slow cascade of R2P is discussed through the failure of the international community to intervene in the Darfur crisis. After Darfur, R2P was integrated more significantly into UN doctrine and allowed for the diffusion of the norm into international consciousness and practice. I will argue that this diffusion is evident with the use of R2P for the justification of intervention

in the violence in Libya in 2011. Importantly, I will explore in this chapter how the use of R2P as an ideological tool by the US, UK, and France in Libya has had significant consequence on the future of R2P. The main consequence being that of the norm's regression in the international community.

My final chapter develops the answer to the question, "Why has the international community not intervened in the genocide in Myanmar?" This chapter will utilize discussion and analysis of primary sources, such as UN documents and media discussion of the US, UK, and France, to evaluate the international community's use of R2P. Through these primary sources, I provide evidence that R2P is no longer a justification for intervention and, more importantly, has regressed as a norm. Exact R2P language is rarely utilized and calls to intervention, even for the same ideological purposes that were utilized in Libya, have not been conceived. This analysis proves that R2P has lost its presence as a norm in the consciousness of the international community. This regression of R2P has essentially backtracked the ability and desire for the international community, more concretely the US, UK, and France, to intervene in humanitarian crises.

CHAPTER I: LITERATURE REVIEW

In 2001, the Responsibility to Protect (R2P) doctrine was first developed. The R2P norm was developed in the aftermath of NATO intervention in Kosovo in order to dictate when and how international humanitarian interventions should be conducted. R2P's development sought to bring international consensus on humanitarian intervention for the future. In this chapter, I will focus on international relation norms and how theories on these norms are discussed and debated by scholars. First, I will review the norm of sovereignty, as R2P has been viewed as a challenge to this norm. Next, I will discuss Realism, Liberalism, and Constructivism. These three international relation theories give insight on why and how actors choose to intervene in other states and describe the development of norms. In order to answer how R2P was developed and successfully utilized, thus challenging the norm of sovereignty, I will look to these theories. Both realism and liberalism fail to explain the development of R2P. Realism fails to consider the prominent influence of morality in humanitarian interventions, which is inherent in the R2P norm, and liberalism cannot account for the changes in the international community that could lead to the regression of this norm. Constructivist theory is the only theory that encompasses the development of R2P, its use in the international community, and its regression. To conclude this chapter, I will offer a constructivist theory account of the development of the norm preventing and prohibiting genocide. This example serves as model for use of constructivist theory with regard to the development of R2P.

I.I. The Key Norm of International Relations

Walling articulates that norms are defined as, "standards of appropriate behavior for an actor with a given identity" (Walling, 385). More specifically, Clark states that they are

rules “based on shared moral, causal, or factual beliefs” (Clark, 28). These norms are not static, and they go through evolutions, regressions, and even disappear over the course of time. In international relations literature, scholars approach this process of norm evolution two ways. First, Weiner suggests that some scholars “focus on state behavior as a reaction to international norms” (Weiner, 190). In this approach, states react behaviorally to a prescribed set of rules and that behavior then defines the success or regression of the norm. On the other hand, scholars look at this norm generation and deterioration reflexively. Clark expresses this interpretation stating that “the accumulated choices of international actors gradually impact how the rules of international life are interpreted and applied” (Clark, 28). The reflexive approach accounts for both the behavior of the states in response to norms and how states and international actors can also create new norms.

Sovereignty has been the primary norm in international relations, since the development with the states system with the peace of Westphalia in the 1600s. With the conclusion of the first world war, powerful states looked to create a body that could solve international disputes – the League of Nations. The League sought to maintain world peace, while also respecting the sovereignty of other nations. Armstrong argues that after the development of the League, “the international system remained one firmly based on the sovereignty principle and hence reliant upon a balance of power among the major states” (Armstrong, 47). In the wake of World War II, and the failure of the League of Nations, the development of the UN would further assert the norm of sovereignty. Sovereignty was formed as the central principle in the Charter of the United Nations and still plays a key role in our understanding of the international system today.

This norm of sovereignty can be defined in the Westphalian sense as, the principle that each nation state has authority over its territory and domestic affairs and political community. No authority over that state exists elsewhere, and thus interference by other states in those affairs is not permitted (Croxton, 570). In our international system of sovereign states, each state gives recognition to one another. This recognition gives a government legitimate authority over its territory and over the governed in that territory. However, while a deeply ingrained and established norm, sovereignty is still subject to change. Weiner argues that with the rise of the United States and other liberal democracies since the end of the Cold War, “the liberal community, the identity of its members and the norms which structure appropriate behavior within ‘that’ community are hence assumed as stable factors” (Weiner, 192). The stability and hegemony of these states has been able to mold the social and normative structure of the world since the 1990s. Therefore, sovereignty after the Cold War and into the 21st centuries has evolved in accordance to this liberal community of states. This evolution is demonstrated with the emergence of human rights norms and issues of humanitarian intervention – which impede on sovereignty.

Louis Henkin argues that while the “international system [is] still very much a system of independent states, ‘it’ has moved beyond state values towards human values” (Henkin, 32). This human value element has grown with increased communication between states. Through new forms of communication, such as the internet and mass media, international publication and the attention brought to the abusers of human rights are at an all-time high. These abusers who ignore the human value element of governance now face accountability from the global system. Weiner states that the new normative structure, “[entails] the principles of the rule of law, democracy, fundamental freedoms and human rights to

which...democratic states have adhered in an albeit varying, yet steady promotion of compliance” (Weiner, 191). These norms, based on human value, have added flexibility to the norm of sovereignty. For example, Krasner suggests current, “human rights conventions are inconsistent with Westphalian sovereignty. [And] coercive practices, such as economic sanctions to promote human rights, violate international legal sovereignty as well” (Krasner, 127). These conventions and actions promote human rights norms and undermine the strict traditional definition of sovereignty. These are actions and measures from an outside authority that limit the behavior of the state due to its internal affairs, which the definition of sovereignty prohibits. Brooks states that currently sovereignty is “a matter of responsibility as much as rights, and the most fundamental responsibility of sovereign state is the protection of its own population” (Brooks, 169). The norm of sovereignty has evolved to now also encompass the responsibility of a state to protect their own people’s human rights. In this new normative structure, human rights abuses are condemned and the international community, primarily Western nations, acts in these domestic state affairs in multiple ways, ranging from sanctions to military intervention.

I.II. Norms in IR literature

There are three main approaches to the development of human rights norms – realism, liberalism, and constructivism. Clark explains that in realism, “states as the dominate actors...and power as the primary determinant of action” (Clark, 21). The realist approach takes a view that state self-interest and the ability to gain control and power on the international stage are the only factors guiding state behavior. This is due to the fact that realist emphasize anarchy in the international system. Dunne claims that for realists “the basic structure of international politics is anarchy in that each of the independent sovereign

states considers themselves to be their own highest authority and do not recognize a higher power above them" (Dunne, 93). This idea of no one in charge internationally means that there is no accountability or protection in the international system. Antunes explains that for realists "there is no clear expectation of anyone or anything 'doing' something as there is no established hierarchy. Therefore, states can ultimately only rely on themselves" (Antunes, 15). This state of anarchy, each state for themselves, means that security is the top priority of each state. The need to ensure security then perpetuates self-interest and the accumulation of power. This anarchical society creates the pessimistic attitude of realists toward eliminating conflict and war. Realists deem war and conflict as necessary to acquiring power and security. Thus, Antunes, asserts that "taking actions that would make your state weak or vulnerable would not be rational" (Antunes, 15). Sovereignty and the principle of non-intervention are the only norms that have any value to realists, as these norms ensure the state's national self-interest in all situations. Realists see the development of human rights norms, which have the potential to contradict sovereignty and non-intervention, as ways to sustain states power, hegemony, and national self-interests in the world. As Walt suggests, human rights norms act as an ideological tool that, "are still designed to preserve [a state's] predominance and to shape postwar order that advances [that state's] interests" (Walt, 37). Human rights norms are thus a mechanism to increase state power. Through creating a community of states that promotes human rights, liberal states like the U.S. preserve their role as creators of the world order and utilize "violations" of human rights to check the power of opposing states.

While utilizing the development of human rights norms to maintain their security and interests, states would not necessarily prescribe themselves to the expectations of these

norms if they truly did undermine sovereignty. This state-centric approach to norms is highly criticized. Antunes articulates that realism overlooks “other actors and forces within the state and also [ignores] international issues not directly connected to the survival of the state” (Antunes, 17). The “statism” in realism failed to predict that rebellion of ordinary citizens would have caused the fall of the Soviet bloc or the Arab Spring. Dunne furthers this point, stating that “there are historical and contemporary examples where states have preferred collective security systems, or forms of regional security communities’, in preference to self-help” (Dunne, 103). For example, the United States remains in N.A.T.O. even though other members do not contribute their full 2% GDP requirement.

Moreover, realists determine that morality is a subordinate factor to self-interest and any opportunities the state has to exert its power. Donnelly articulates that “to act on moral concerns in the face of pervasive human evil, realists argue, would be foolish, even fatal” (Donnelly, 161). Dunne explains that realists, “are skeptical of the idea that universal moral principles exist... [and] the need for survival requires state leaders to distance themselves from traditional morality which attaches a positive value to caution, piety, and the greater good of humankind” (Dunne, 92). Realists are thus critical of morality when considering political strategy and compliance. Human rights norms, Korab-Karpowicz argue, utilize, “abstract moral discourse that does not take into account political realities” (Korab-Karpowicz, 1). Moreover, Realists also suggest that this moral discourse and outrage has no direct effect on political action. Donnelly asserts, for example, that “moral outrage at genocide, unless accompanied by major immediate selfish interests, was almost always subordinated to a strong principle of nonintervention” (Donnelly, 254). Therefore, from a

realist's perspective, states do not follow human rights norms unless it is in their national self-interests.

Liberal IR scholars take issues with realism, in that realism "ignores or misunderstands the significant changes that have occurred in the daily conduct of global affairs" (Folker, 56). Liberalism underscores that with increased communication and technology in global politics cooperation between states is possible. Meiser asserts that through the lens of liberalism "democracies tend to see each other as legitimate and unthreatening and therefore have higher capacity for cooperation with each other than they do non-democracies" (Meiser, 23). Democracies share the same domestic liberal values and thus do not compete to dominate as the world's hegemon. Yet, this cooperation in the international system is pervasive, not just between liberal states. For example, international institutions like "the International Energy Agency and the International Monetary Fund could help overcome selfish state behavior, mainly by encouraging states to forego immediate gains for greater benefits of enduring cooperation" (Walt, 32). Moreover, there are certain problems that span across all nation states, do not differ based on the power share of those states, and cannot be solved through military action or the unilateral action of one powerful state – such as climate change (Folker, 57). Only through international cooperation it is possible to solve such as vast international issue, even at the risk of damaging the self-interests of the state.

Liberalism asserts that "shared procedures, but not necessarily shared goals, are a requirement for an international society" (Clark, 26). These shared procedures are found in international organizations and in state cooperation in those organizations. Krasner claims that these formal organizations, such as NATO or the UN, consist of "sets of implicit or

explicit principles, norms, rules and decision-making procedures around which actors' expectations converge in a given area of international relations" (Krasner, 2). This convergence of expectations informs behavior and increases cooperation between states in that international institution. Dunne furthers this point, asserting that in liberalism international human rights and peace can be "secured with the creation of an international organizations to regulate the international anarchy" (Dunne, 113). These international organizations protect states and individuals by acting as a check on political power. Dunne also expresses that the cooperation of states on one norm leads governments to "extend the range of collaboration across other sectors. As states become more embedded in an integration process, the 'cost' of withdrawing from cooperative ventures increases" (Dunne, 114). This cooperation and interdependence of states is significant, as both state power and self-interest are put under scrutiny if states withdraw from this cooperation and act in self-interested behavior. Meiser gives an example of this "cost" that Dunne outlines. Meiser suggests that that if a Member State in the UN was to act aggressively against the international laws, norms, or rules of behavior dictated by the UN charter, then that "aggressive state also risks missing out on the benefits of peace, such as gains from international trade, foreign aid and diplomatic recognition" (Meiser, 24). Defection from norms is easily enforced and punished in liberalism due to the cooperation generated by international institutions. All in all, in contradiction to realism, liberalism asserts that the concern from self-interest, national security, and power are dwarfed by potential for prosperity through cooperation.

While liberalism and realism focus on material factors such as power, security, and prosperity, constructivism is the only approach to international relations theory that

accounts for the pervasiveness and impact of ideas on state behavior. Morality, values and socialization all contribute to states behavior and adoption of norms. As Walt puts it constructivists “pay close attention to the prevailing discourses in society because discourse reflects and shapes beliefs and interests, and establishes accepted norms of behavior” (Walt, 41). Norm formation, state socialization, and compliance is a circular process. Socialization, Risse and Ropp argues, “emerges not in isolation but in relation to and in interaction with other groups of states and international non-state actors” (Risse & Ropp, 11). For example, Barnett explain that “what makes an Arab state an *Arab* state is not [just] the fact that the population speaks Arabic but rather that there are rules associated with Arabism that shape the Arab states’ identity, interests, and foreign policies that are deemed legitimate or illegitimate” (Barnett, 163). Socialization forms a state’s cultural, historical, and political realities. This reality influences acceptance and changes in norms. Constructivism argues “that agency and structure are mutually constituted” (Theys, 37). This means agency, the ability for a state to act, and structure, the international system consisting of material and ideological elements, influence each other. International structure influences state identity which then influences state behavior, and these behaviors then shape the international normative order. Socialization and identity are key to norms and state behavior. Socialization and identity “shape how political actors define themselves and their interests, and thus modify their behavior” (Walt, 41). Thus, “states that conform to a certain identity are expected to comply with norms that are associated with that identity” (Theys, 38). If states act in opposition to the norms associated with their identity, then that states’ identity will be called into question. Scholars critique constructivism for the “linear” predictability of such statements. However, Steele asserts that “constructivist scholarship assumes that

states are not only social actors; rather, they are social actors capable of reflexively monitoring their actions” (Steele, 27). Thus, constructivism is essential to understanding change in the international system, primarily, the changes in state action as prompted by changes in norms and ideas.

Constructivism considers how morality and change influence the behavior of actors, areas where both realism and liberalism fail to explain. For example, for realism, Moravcova reasons that this theory fails as recent humanitarian intervention are defined as “the combination of a moral imperative with military means” (Moravcova, 66). Intervention in genocide and other mass humanitarian abuses is permitted on the grounds of morality alone, without self-interest or security as necessary push factors. This intervention solely based on a justification of morality therefore could undermine sovereignty and nonintervention – the key tenors of what dictate state behavior in realism. This factor of morality, some scholars argue, is also inherently present in the character of the United Nations. Walling suggests that in the Security Council actions are justified by shared moral values (Walling, 398). Walling explains that protecting human rights, sanctioning oppressors, and acting urgently “is not only a moral obligation for the Council: it is indispensable for the preservation of the credibility of the United Nations” (Walling, 398). Realism dismisses that morality can be the significant driving factor in state or Security Council behavior. Moreover, scholars such as Finnemore and Sikkink detail that there is “systematic evidence that morality actually does play a significant role in foreign aid” (Finnemore & Sikkink, 890). Behavior such as giving aid, from a realist perspective, would be driven from interests such as maintaining leverage over that aided nation and securing power in the global order. Scholars utilize David Lumsdaine’s work which examines the amount of aid given to Third World countries to outline that role

morality plays in this behavior. Lumsdaine, through both historical and statistical evidence, concludes that the major interests in aid giving came from a renewed moral vision that was humanitarian (Rosen, 1). Realists undermine the importance and influence of morality, which as constructivists detail is inherent in the development and changes in state behavior.

Liberalism's inability to explain change in international actors and their cooperation in international organizations is where constructivism theory succeeds. Hall examines this failure of liberalism, explaining that it is impossible to argue as liberalism does that "the international system evolves as a progressive outgrowth of social interaction among a rational or enlightened human species" (Hall, 298). Hall does not see that the cooperation between states is necessarily successive and that democracy or democratic values will not go unchallenged in the future by the same states that currently promote them (Hall, 298). This is highlighted by the Bush administration's policies in Iraq, where the war "alienated European allies, put undue stress upon the NATO alliance, and, more important, compromised the norms of conduct and diplomacy we once shared with those European allies" (Steele, 46). In liberalism, spreading democracy and democratic values, the "justification" for this war, would progress international cooperation. International cooperation and the norms it fosters were damaged and unforeseen by liberalism. Finnemore furthers Hall's point that the development of cooperation and norms are not concrete. Finnemore states that liberalism outlines "a collection of individuals who interact and who may choose to form institutional arrangement through which they can further their individual welfare. But the glue...of this society is very thin...[as] norms do not reconfigure properties of actors" (Finnemore, 148). As expressed by the Iraq example, the cooperation between states that is fundamental in international institutions is fragile. In constructivism,

the shared social understandings that promote norms and behavior are subject to change based on these norms, and vice versa.

I.III. The Life Cycle of Norms

According to constructivists, norms are not static as they are subject to the constant changes reflecting “what constitutes a legitimate international order” (Barnett, 168). These changes are best understood through the “life cycle” evolution of norms. First, Finnemore and Sikkink define the “life cycle” of norms. This life cycle can simply be understood as the “internalization and institutionalization of norms” (Barnett, 169). This is a three-step process. Norm emergence, “is persuasion by norm entrepreneurs,” and the first stage in the process (Finnemore & Sikkink, 895). Norm entrepreneurs can be individuals, NGOs, leaders of states etc. In general, they are “actors (usually powerful ones, like leaders and influential citizens) [that] continually shape – and sometimes reshape – the very nature of international relations through their actions and interactions” (Theys, 36). Norm entrepreneurs act as a legitimizing force for the norm. For example, “in the present international system, NGOs [such as Amnesty International] have worked to reinforce the social expectations that undergird and support human rights” (Clark, 29). This reinforcement has occurred through consulting directly with the U.N., the Security Council, and distributing reports to other Member States.

The next stage is where the norm “cascades” through the rest of the states (Finnemore & Sikkink, 895). This “norm cascade” is characterized by states who have adopted the norm “socializing” other states to become norm followers (Finnemore & Sikkink, 895). Norm cascades are enabled through various factors. “Pressure for conformity, desire to enhance international legitimation, and the desire of state leaders to enhance their self-esteem...” all

play crucial roles (Finnemore & Sikkink, 895). This pressure or persuasion to adopt the norm can come from “shaming by advocacy groups as well as non-state actors seeking to influence government behavior...,” or “legal rules [which offer] an important access point for the input of practice” (Weiner, 197). States which have adopted and complied with the norm can also use these techniques to pressure norm-violating states on the international level. Compliant states can: issue U.N. resolutions and calls to action to call out the immorality of the non-compliant states, support and publicize the efforts of non-governmental domestic groups fighting for the adoption of those norms and leverage international institutions to economically and militarily pressure compliance (Risse & Ropp, 5). Where liberalism sees international institutions as the only actors pressuring norm compliance, constructivism takes a bottom up and top down approach. Constructivists express that “states ‘may’ publicly commit to human rights for instrumental purposes, but then get pressed to accept their ‘previous’ commitments by activists engaging in accountability politics” (Dukalskis & Johansen, 574). Norm entrepreneurs promote and market norms domestically, and once the norm is established in states, international organizations further this pressure for compliance. States, citizens, domestic organizations, and the international structure work to adopt norms throughout the international community.

The final step in the process is norm internalization. When a norm is internalized, “conformity to norm occur[s] in the absence of external pressures or even in the face of contrary external pressures” (Campbell, 393). When a human rights norm reaches this point, it “acquires a taken-for-granted quality and are no longer a matter of broad public debate” (Finnemore & Sikkink, 895). This final step is not always guaranteed. A “tipping point” that is to say the “threshold of normative change” is required for the norm to be fully ingrained

in the international system. Once norm entrepreneurs have persuaded enough states in the international community, meaning “a critical mass of state [have] become norm leaders and [adopted the] new norms...,” the “tipping point” for internalization to occur has been reached (Barnett, 170). Internalization occurs through a number of means. Internalization can occur through mechanism such as the “processes of instrumental adaptation and strategic bargaining... moral consciousness-raising, argumentation, dialogue, and persuasion...” (Risse & Ropp, 5). These mechanisms are utilized by both norm entrepreneurs, complying states, and international organizations. Overall, internationalization represents the private acceptance of the norm within a state, observed through the open compliance of that norm.

I.IV. Prevention of Genocide – An International Norm

One of the best examples of a norm that went through this life cycle process successfully is the norm prohibiting genocide. During WWII, multiple norm entrepreneurs emerged fighting for human rights norms. Raphael Lemkin, the creator of the term genocide, is one of these entrepreneurs. The process of cascading norms on human rights, specifically prohibiting genocide, was arduous. Lemkin first toured around North Carolina speaking about Europe, detailing “a faraway place where a man called Hitler acquired territories and destroyed groups” (Sands, 172). In the early 1940s, he traveled to Washington D.C. meeting Colonel Archibald King, the head of the War Plans Division in the U.S. Army’s Office of the Judge Advocate General, to start socializing government officials on genocide and its necessary prevention (Sands, 172). However, Colonel King dismissed the possibility that Germany could have committed war crimes (Sands, 172). In 1942, Lemkin had the opportunity to spread his idea and insight on the war with Vice President Henry Wallace. Lemkin saw that Wallace “was more interested in the cornfields of Ohio,” and tried to appeal

to President Roosevelt directly (Sands, 178). Lemkin proposed a treaty to “outlaw mass killing... [to] make it a crime, the crime of crimes” (Sands, 178). However, Lemkin’s proposal for direct action was rejected by the President. Lemkin thus changed his process of appeal. In late 1942, Lemkin would work with the Carnegie Endowment for International Peace to “write a book and appeal directly to the American people” (Sands, 179). His book published in 1944 described and defined genocide, explaining how “entire territories would be depopulated, by starvation or other forms of mass killing” (Sands, 181). The book received national attention from *The Washington Post* and *New York Times*. President Truman’s “war crimes trial for the leading Germans,” gave Lemkin his first opportunity to cascade his norm prohibiting genocide internationally (Sands, 185). The language of genocide was left out of the Nuremberg Charter, however, “the Four Powers reached agreement on an indictment that contained four counts...count 3, on war crimes. This included...that the defendants ‘conducted deliberate and systematic genocide’” (Sands, 189). Genocide, and Lemkin’s definition, were now going to be utilized in an international trial.

Lemkin persistently lobbied for the judge and prosecutors to use his term of genocide, however, the norm was ultimately left out of the final judgement. Instead, “crimes against humanity, endorsed by the tribunal, were now a part of international law” (Sands, 357). This incorporation in international law prohibiting crimes against humanity allowed the international community to start internalizing Lemkin’s term genocide, and a norm prohibiting crimes like genocide that were linked to crimes against humanity. In 1946, “the General Assembly [of the United Nations] then adopted resolution 96...[affirming] that “genocide *is* a crime under international law... [and in] 1948 the General Assembly adopted the Convention on the Prevention and Punishment of the Crime of Genocide, the first human

rights treaty in the modern era” (Sands, 361). The enshrinement of the prohibition of genocide by the United Nations, expressed the internalization of this norm for all the adopting member states. Today, international relations scholars define the norms preventing genocide, and the act of genocide itself, as *ius cogens*. An *ius cogens* norm “has universal acceptance as well as universal application. [It is] the product of common consensus from which few dare dissent...and the few who might dare are compelled to obey” (Henkin, 39). Thus, the *ius cogens* norm of genocide has reached that described tipping point and become fully internalized by the international community. Lemkin’s norm prohibiting genocide is an internalized norm, as detailed by its explicit consensus in the UN and its reaffirmation in international treaties and the development of the International Criminal Court (ICC) which has the jurisdiction to prosecute an individual at the international level for committing crimes of genocide, crimes against humanity, war crimes, and crimes of aggression. Despite the *ius cogens* status of the norm preventing genocide, genocides have occurred and international community response to norm violators has been inconsistent. As an *ius cogens* norm, the violators of the norm prohibiting and preventing genocide are then subject to condemnation by the international community. This condemnation includes prosecution at the ICC, sanctions, removal of diplomatic status in other countries, and possible military intervention. In the late 1990s and 2000s, the inconsistency of the international community in the prevention and intervention in genocide, coupled with a lack of clear international standards on humanitarian intervention caused the need for the “life cycle” a new norm to begin – The Responsibility to Protect (R2P).

R2P has been invoked and utilized by major global powers for humanitarian intervention, yet the international community still fails to prevent genocide and states from

following this norm. The genocide in Myanmar in 2016 is the most recent example of this. Since as early as the 1960s, the Rohingya people of Myanmar have lived in a humanitarian crisis situation. However, after being denied and removed of their citizenship in 1982, the persecution this population has faced from their government and military forced has expanded astronomically (Mahmood Et al., 1841). The most striking humanitarian cruelty against the Rohingya people occurred from 2016 through 2018, warranting the charge of genocide. The evidence and intent of genocide are overwhelming in the case of the Myanmar state against the Rohingya minority. It is clear and affirmed that, "...the army led a pogrom that claimed the lives of more than 10,000 Rohingyas." (The Economist, 1). Myanmar's government and planned military campaigns sought the destruction of the Rohingya Muslim minority from their country. Though the tactical use of violence and destruction of the Rohingya minority has been reviewed as atrocities amounting to genocide, there has been little response by the global political community. Furthermore, the United Nations has made recommendations to the international community to react to this genocide, including "[having] a high expectation that the Security Council will act on its responsibilities," yet action and few statements against this genocide are seen (Hughes, 1). The lack of regard for the crisis violates international norms, including the Responsibility to Protect (R2P).

This thesis seeks to examine non-intervention in Rwanda, non-sanction intervention in Kosovo, sanctioned intervention in Libya, and the current non-intervention the genocide in Myanmar. Through these four cases studies I seek to understand the justifications and causes of humanitarian intervention and non-intervention. Moreover, analysis on the development the R2P norm and its impact on the actions of international actors of the current genocide in Myanmar will be will be conducted. This exploration of humanitarian

interventions and R2P will result in a deeper understanding of the future behavior of states towards genocide and ethnic cleansing.

CHAPTER II: RWANDA

In order to understand the development of humanitarian interventions and R2P as a norm, I must first turn to Rwandan genocide. The case of Rwanda has been considered the most significant failure of the international community to stop genocide in the last three decades and has had significant ramifications on the actions of the international community in its wake. Now, I will briefly turn to the immediate origins of this horrendous atrocity.

In 1990, a civil war erupted in Rwanda between the Hutu held government forces and the Rwandan Patriotic Front (RPF) – a Tutsi led militia group. To put an end to this civil war, the United Nations sponsored a peace agreement between the two groups called the Arusha Accords in August of 1993. The Arusha Accords established a path to a new integrated government. This new government allowed the Rwandan Patriotic Front to become and function as a legitimate political party. The Accords also require Hutu government forces to incorporate members of the RPF militia into their ranks. To ensure the success of the peace process the United Nations launched an assistance program called the United Nations Assistance Mission for Rwanda (UNAMIR) in early October of 1993. The UNAMIR had two goals, first to assist in the implementation of the accords and second to maintain the ceasefire agreed upon between the Hutu led government and RPF forces (Howard, 31). Despite, UNAMIR efforts the tensions between Hutu government and Tutsi minority continued to grow during this period. Tensions reached an alarming level when on April 6, 1994, the plane of Rwandan President Habyarimana, a Hutu politician, was shot down killing him and other government officials. The death of President Habyarimana was an excuse the Hutu extremists leveraged as a call to action to against the Tutsi and RPF

forces. To this day it is not clear who downed the plane. What is clear is that the death of the President was used by Hutu politicians and extremists as an excuse to justify the killing of Tutsi Rwandans. The killing commenced on April 6th and lasted 100 days, during which “800,000 people, 11 percent of the total population, and 84 percent of the Rwandan Tutsi were brutally slaughtered. In addition to these deaths, the *Interahamwe* militias raped 250,000 women and children, leaving 70 percent HIV positive” (Cohen, 1). According to scholars who work on Rwandan genocide, this astronomical death toll was the result of a premeditated and systematic killing campaign.

This chapter will explore the international community’s response to the Rwandan genocide. I will argue that the international community failed to intervene and stop the genocide due to a number of reasons. First, the United States was unwilling to venture into a new peacekeeping mission, due to new legislation restricting peacekeeping and a peacekeeping disaster in Somalia. Second, the UK neither had enough information or interest in the region, simply followed the lead of the United States. Third, France despite having intensive knowledge of what was going on the ground, remained complicit with the crimes given their historical link to the Hutu government. After failure to prevent the genocide in Rwanda, the public outrage and attempts to shame these government due to their lack of action had a deep impact on the West’s future response to potential cases of genocide. Rwanda constituted a turning point for many people living in Western nations, raising the issue whether military intervene by the West for humanitarian purposes was possible.

II.I. Warning Signs Ignored

The genocide in Rwanda has been acknowledged as a failure of the global community, including Western governments and the United Nations, for decades. Western governments and the United Nations failed to recognize or prevent the rise of Hutu extremism, and the missteps taken after the crisis had ended were categorical in this failure. The failure of Western governments to intervene was due to past peacekeeping mission failures, misleading press coverage on the crisis, and zero outcry from average citizens about the situation. The “apparent” lack of information at the beginning of the Tutsi slaughter is also stated as the primary reason intervention was not taken. Yet, the signs and information of potential genocide were clear for years before the genocide. First, in 1992 “Hutu militia had purchased, stockpiled, and begun distributing an estimated eight-five tons of munitions, as well as 581,000 machetes – one machete for every third adult Hutu male” (Power, 337). Due to this militarization an International Commission of Investigation was launched in early 1993. During the investigation, the commission “interviewed hundreds of Rwandans. [And] the crimes being described even then were so savage as to defy belief” (Power, 337). The commission’s report detailed that “more than 10,000 Tutsi had been detained and 2,000 murdered since the RPF’s 1990 invasions. [And] government-supported killers had carried out at least three major massacres of Tutsi” (Power, 338). The report warned of an impending genocide as death-squads and extremist rhetoric continued to infiltrate through the country.

Many Western nations categorized the violence in Rwanda as civil war or chaos of long-standing tribal rivalries. This is far from the truth. Those who perpetrate genocide “must be found to have had specific intent to ‘destroy, in whole or in part, the group as such’” (Schmitt, 598). The systematic intentions and calculated plans of Hutu extremists to

wipe out the Tutsi population were apparent before the massacres began. Wheeler makes clear, that the massacres were not casualties of civil war, but genocide committed by Hutu extremists. Wheeler described that the massacres were “the product of deliberate political design” (Wheeler, 209). Even before the Arusha Accords were reached, there was organization and processes behind the genocide. In 1992, “the virulently anti-Tutsi Coalition pour la Defense de la Republique (CDR) was set up” and recruited Hutu leaders and rural organizers, created extermination lists of Tutsi citizens, and organized death squads under the Presidential Guard (Wheeler, 212). The political development and organized system of implementing the massacre, by the CDR, is a distinct signifier of genocide.

The media in Rwanda played a key role in the success of this genocide and the spread of Hutu extremist propaganda. As early as 1990, rhetoric similar to “Hitler’s Nuremberg laws” were published in a Hutu magazine, calling for Hutu domination socially, politically and economically. Leading up to the genocide, the magazine titled *Kangura* was utilized to create and disperse ethnic hatred against the Tutsi. Commandments such as “The Hutu should stop having mercy on the Tutsi,” and “The Hutu must be firm and vigilant against their common Tutsi enemy,” spread extremist ideals through Rwanda (Power, 339). The radio was essential in garnering support for the genocide. By 1993, the “Radio Television Libre Mille Collines (RTLHC), which broadcast messages of hate in the national language” was established. When the massacres began, the RTLHC broadcasted “incitements to kill Tutsi and, within the next few hours, it issued instructions to the killers” (Wheeler, 213). Even the rhetoric of Hutu politicians during this period was reflective of similar calls to genocide in the past. While the propaganda and “reports of violence did not

generate mainstream Western press coverage, they were reported regularly in the Foreign Broadcast Information Service and in diplomatic cables back to Washington” (Power, 340). Intelligence data and reports on the potential for genocide were building, and yet the UN and other Western nations remained stagnant, taking no action.

Pleas from on the ground observers and military personnel, primarily Romeo Dallaire, who was the commander of UN peacekeeping forces during the transition of the Arusha accords, were dismissed. Dallaire “believed that he would need a force of 5,000 to help the parties implement the terms of the Arusha accords” (Power, 340). This request for additional troops was denied. Instead “the dispatch of the UN Assistance Mission to Rwanda (UNAMIR), [having only a] force of 2,500 UN troops to oversee the peace process,” was approved and implemented in Rwanda (de Waal, 156). The UNAMIR was both underfunded and undersupplied, making it extremely difficult to establish a truly peaceful government transition. The UNAMIR, while failing at its mandated purpose, was key in warning the UN Headquarters about the impending violence. Information was collected by the UNAMIR forces, from friendly Hutu, that the Hutu extremists had a “deliberate plan to destroy the peace process” (Wheeler, 215). This included systematic delays by President Habyarimana to integrate the government, after lobbying from extremists in his political party (de Waal, 156). Moreover, intelligence was gathered that “extremists planned to precipitate the withdrawal of UNAMIR by killing Belgian soldiers and Tutsi in Kigali at an estimated rate of 1,000 every twenty minutes using militia units...this information was confirmed when UN forces found secret caches of weapons” (Wheeler, 215). Dallaire informed UN headquarters of his plans to preform “arms raids,” however, this action was denied as it was out of the purview of the UNAMIR mandate (Power, 344). Dallaire’s and

the UNAMIR's information was largely ignored. In hindsight, had Dallaire acted to dismantle the Hutu extremist militia and the international community listened to the previous reports of violence and genocidal rhetoric, the situation in Rwanda had the potential to not entirely devolve into a mass genocide.

II.II. Mis-steps by the United Nations

In late 1993, the Security Council of the United Nations agreed to establish the United Nations Assistance Mission for Rwanda (UNAMIR). UNAMIR called for 1500 troops to be deployed in phase one, and over 2500 troops in the second phase of the mission. The UNAMIR's goal was to oversee the process of demobilization and creation of a new integrated army (Wheeler, 212). Overall, the UNAMIR was utilized in the transition of the government and overall peace process established at the Arusha accords. However, the UNAMIR was not supported or sufficient enough to neutralize the Hutu extremism that was at the root of the violence and genocide brewing in the nation. To have succeeded Wheeler argues that "the UNAMIR required a very different mandate and force structure to the peace-keeping" (Wheeler, 214). Disarming extremists and protecting the Tutsi was not entrenched in the responsibilities and expectations of the peacekeepers. Moreover, De Waal makes that claim that calling for a "ceasefire," the key action mandated for the peacekeepers, allowed "procedural habits of neutralism [to take] precedent over the rationale on which the [UN] was founded – fundamental human justice" (de Waal, 159). The situation in Rwanda did not allow for a ceasefire to be possible. The Tutsi could not have risked a ceasefire, or be left open to further massacre, and Hutu extremists would have never allowed political concessions to be made to Tutsi (de Waal, 159). The peacekeeping mission was further riddled with logistical issues. UNAMIR "was equipped

with hand-me-down vehicles from the UN's Cambodia mission, and only 80 of the 300 that turned up were usable. Spare parts, batteries, and even ammunition could rarely be found [and] few of the soldiers had the kit they needed to perform even basic tasks" (Power, 343). The lack of supplies, under-equipped soldiers, and strict mandate allowed the mission to be ineffective. Overall, Wheeler contends that the "underfunded UN force that had a mandate only to monitor the cease-fire sent a powerful signal to the extremists that they could act with impunity" (Wheeler, 215). This impunity is discussed previously in the warning signs of genocide that were reported to the UN and Western governments in the months and weeks before the massacres began. The peacekeepers of the UNAMIR were crippled in acting and preventing genocide due to their approved mandate and lack of logistical support.

The withdrawal of UNAMIR was the next fatal action taken by the Security Council in Rwanda. Resolution 909 was passed in April 1994 which determined that the "UN would pull out in six weeks unless the transitional government was created [doing] nothing to make the extremists think that the UN was prepared to intervene forcibly against them" (Wheeler, 217). Due to the tragedy in Somalia of peacekeeping forces, the Security Council and United States were particularly hesitant in enforcing the Rwandan peace mission. The United Nations needed to protect its reputation as a neutral and successful peacekeeping body, and thus the UNAMIR forces were given a weak mandate. The hesitancy also led to information on the impending genocide in Rwanda not being fully be shared with all member states in the Security Council. For example, non-permanent members of the council were not briefed on Dallaire's warnings. New Zealand's Ambassador stated that they "were kept in the dark [and] the situation was much more dangerous than was ever

presented to the council” (Wheeler, 217). Wheeler makes the claim that had the non-permanent members states been given the information on the warning signs and plans of genocide, the Council may have acted differently towards the peacekeeping mission (Wheeler, 217). Non-permanent members should have been made aware of the severity of the violence in Rwanda, in order for the appropriate withdrawal, if any, of peacekeeping forces to be determined.

As the genocide campaign began in early April, the peacekeeping mission in Rwanda completely collapsed. After Belgian peacekeepers were slaughtered, “the Belgium Government announced that it was withdrawing its contingent from UNAMIR, justifying its decision on the grounds that UNAMIR’s existing mission was ‘pointless within the terms of its present mandate’ and that its soldiers were being exposed ‘to unacceptable risks’” (Wheeler, 219). The Belgian forces were the best trained and equipped of the peacekeepers, depleting Dallaire’s forces significantly. Furthermore, a report by the Secretary General discussing what actions could be taken by the peace-keeping mission, failed to report the violence as a genocide. Treating the violence like that of a civil war “the Secretariat, namely Boutros Boutros-Ghali’s office and DPKO, gave an impression of distance and aloofness from the emerging tragedy, which only reinforced the disinclination of many member states in the Security Council to propose a greater role for UNAMIR” (Barnett, 558). With the Secretariat and DPKO sharing this type of information to the non-permanent member states, who did not have outside intelligence of a genocide themselves, immediate withdrawal seemed like the best option.

Dallaire’s request for a larger force able to confront the extremist forces perpetrating genocide was finally taken to the Security Council in mid-April. Dallaire “asked

for reinforcements so as to double his troop strength to 5000. Just as crucial, he appealed for a more forceful mandate, so he could send his peacekeepers to intervene to stop the killings” (Power, 350). The plan presented was well-received by the Security Council but considered infeasible and lacked the clarity of a mandate change that made sustaining any successful operation possible. On Dallaire’s proposed plan, the Security Council “acknowledged that these troops might not be located for months (if ever) and confessed that it had no real idea what they would do once they arrived” (Barnett, 560). No state on the Security Council, who was able, dispatched the capable military force, and the nations that did offer support did not have the financial capacity or firepower to make a substantial impact on the ground in Rwanda. De Waal explains that due to “delays in obtaining the troops and deciding on the precise mandate and funding – delays largely instigated by a new United States policy that emphasized extreme caution on peacekeeping initiative – the UN troops were not ready until [the summer]” (de Waal, 157). The hesitations by the Security Council and misleading information from the Secretary General made it possible for UN forces to act only after the genocide had concluded.

II.III. British Action – Too Little Too Late?

Britain was a major player that could impact UN decisions and had the potential to halt the massacres that start occurring in early April. However, British forces were only deployed after the majority of the slaughtering of Tutsi people. There were multiple factors that led to this late intervention. Melvern discusses that under the Major government, “the victims of Rwanda’s genocide lived outside Britain’s sphere of interest” (Melvern, 2). Rwanda as a nation did not directly impact British-African relations. Britain’s African policy was shaped by the low importance of Africa to Britain’s economy, the need to cut back on

government spending, and a post-apartheid South Africa (Melvern, 5). Moreover, Melvern claims that during the time of the genocide, “British foreign policy [was] dominated by Euro-Atlantic issues” (Melvern, 3). The primary Euro-Atlantic issue was the Bosnian war, which in turn became the focus of foreign policy for the Major administration. Sending in more troops and a more robust response through NATO action was not a viable approach, from the British perspective, to the violence of the Bosnian war. This opinion caused “British policy [to be] consistently out of step with a significant body of opinion” (Melvern, 4). British resistance to intervene in violent situations and pressures from other European governments, over lack UK response in Bosnia, created an overwhelming environment for British foreign policy. This meant no foreign policy creation in “low priority” areas, including in Rwanda. Since Britain did eventually lead a significant aid and refugee operation at the conclusion of the genocide, this “low priority” cannot be seen as the primary explanation. If Britain had no interest in Rwanda, regardless of the information they gained on the genocide, then they would not have intervened in the refugee situation following the crisis.

During the early 1990s, “the traditional lack of interest in [Rwanda] explains why... the British High Commissioner in Uganda...also served as the non-resident ambassador to Rwanda and Burundi” (Melvern, 7). Without an official ambassador on the ground during the buildup to the genocide, Melvern argues Britain did not receive direct intelligence on the severity of the situation. In March of 1994 the British High Commissioner in Uganda, Sir Edward Clay, did finally “present his credentials to President Habyarimana. [While in Rwanda] Clay met with a variety of UNAMIR officials...and was made aware of the problems facing the UN mission. Clay [then] sent a report to London about the precarious

situation... [but] Clay's report was ignored" (Melvern, 8). While information on the impending violence was now available through Clay, the British government still interpreted the violence as that of a civil war. It was "not until May [that the UK began] to see reports from the UN Secretariat that correctly interpreted the events as genocide; not until May did senior officials...begin to read about genocide in the British press...and not until May did British NGOs begin to lobby the government to demand greater action" (White, 145). The evidence from the UN Secretariat as well as internal lobbying caused the government to act. An example of this lobbying is when "Oxfam telephoned [Defense Secretary] Clark's office...Clark called for the UN...to organize an immediate deployment of forces to try to end the mass killings of civilians..." (Melvern, 13). Clark used his position to appeal to other members of the Major administration to act. This included members of the Labour Party, bringing the matter to a discussion in parliament. The discussion focused around "calls for the UN response to be speeded up; and, secondly suggestions that the UK itself should be responding more robustly" (White, 113). This UK response came through logistical support in the refugee crisis. During the summer of 1994, "the British government deployed approximately 615 troops to Rwanda. Operation Gabriel, as it was known, lasted from August to November and provided medical assistance, vehicle maintenance, and bridge and road reconstruction" (Melvern, 11). The UK became one of the largest contributors of aid after the genocide. During the operation UK troops "carried out 132,605 medical treatments, vaccinated 95,453 children against meningitis and measles, produced 5.4 million liters of clean water, repaired 98 culverts, built 12 bridges, made safe 3308 mines and unexploded ordinance, repaired 47 vehicles, delivered 1,500 tons of aid and transported 20,000 refugees' home" (White, 131). The British government became an

active participant in quelling the mounting humanitarian crisis that followed the genocide. All in all, through either indifference or confusion over the events of 1994, the British government ultimately let a genocide persist. However, the ultimate intervention after the crisis should not be discounted, as others did far less.

II.IV. France – The Wrong Army to Intervene

France voted in favor of Resolution 912 “to reduce Dallaire’s UNAMIR force by 90 per cent to a meager 270 peacekeepers” (Wallis, 104). While this action was widely favored by the majority of the Security Council, the French vote to reduce the UN forces can be looked at as an ominous action. Where Britain had little and confusing intelligence on the situation unfolding in Rwanda, France had been involved in the country for decades. Specifically, during the civil war, “French troops came to Habyarimana’s aid in his war with the mostly Tutsi (and largely English speaking) opposition forces of the Rwandan Patriotic Front (RPF)” (Jolis, 1). France’s government was acutely aware of the violence and tension between the Hutus and Tutsis for years before the genocide. Furthermore, “France sent weapons and advisers to prop up the Hutu-dominated government, and Western diplomats say the French military advisers actually joined the front lines to help stave off Tutsi rebels who came within 25 miles of the capital...critics even charge that the French trained death squads” (Stanger, 1). Stanger and Wallis argue that France played a deeper role in the genocide than they openly publicized to the rest of the Security Council. Their vote to dismantle the UNAMIR allowed Hutu extremists to have “a free hand to continue the carnage knowing that no Western force would intervene” (Wallis, 104). These scholars argue that the French government was complicit in the genocide with this vote. Moreover, the Prime Minister of France justified this vote by expressing that “his country could not

take an initiative to send troops to stop the massacres as this would look like a ‘colonial operation’” (Wallis, 104). Yet, after the violence ended, France was the first to send in troops, undermining the validity of this original justification.

The relationship between the French government and Hutu forces has led to the true intentions and motives behind French intervention to be questioned. The French government’s official position is that it staged the June 1994 Operation Turquoise, a French military intervention that lasted two months, on humanitarian goodwill. However, journalists argue the real reason for France’s independent operation, “was to prop up a failing French ally” (Wheeler, 233). This theory is supported by French actions in April 1994 during the genocide. During this time, the French foreign minister told “the National Assembly in Paris that the largest scaled massacres were part of a vicious ‘tribal war,’ with abuses by both sides” (Wallis, 106). The French foreign minister thus perpetuated the false idea that the violence was from the lasting civil war – not a genocide. Moreover, Human Rights Watch described that “France continued its campaign to minimize the responsibility of the Interim government for the slaughter” (Wallis, 106). Along with dismissing that the violence was a genocide against Rwandan Tutsi, the French government re-enforced relations with the interim government. Wheeler explains that re-enforcing these relations was key to stopping the “triumph of the ‘Anglophones’ in what they viewed as their part of Africa,” and keeping their Hutu allies in charge of the government (Wheeler, 233). This process of bolstering the interim government and minimizing the severity of the genocide was clear from the actions of the Prime Minister.

Prime Minister Mitterrand “reaffirmed his support for the genocidal interim government...when two of its most extreme representatives were given an official welcome

on a state visit to Paris” on April 27th, 1994 (Wallis, 107). At this point in April, the violence and genocidal intentions of these same Hutu extremists were known to the permanent members of the Security Council, which questions why the French government supported or welcomed them to Paris. The French, while the first to publicly call the crisis a genocide, continued to obscure the type of genocidal violence in Rwanda. Wallis asserts that France “confused the reality of the carnage by calling on both the *Interahamwe* and the RPF to end the terror and killings. Mitterrand later repeated this ‘double genocide’ fallacy” (Wallis, 109). Double genocide referred to the falsehood that Hutu refugees were murdered and or massacred to the same extent that the Tutsi were during the genocide. Affirming that the violence and genocide came from both sides of the conflict allowed the French government to continue to support their Hutu allies and protect their past action of welcoming the genocidal interim government to Paris. Moreover, support for the interim government continued with French actions at the UN. In May the French UN ambassador argued with the Rwandan ambassador against the arms embargo that was proposed, due to the fact that French military personnel were helping furnish Rwanda with these weapons (Wallis, 110). France’s military was explicitly linked to the arming of the interim government that had committed genocide. The representative of France in the UN ultimately voted in favor of the embargo, fearing public outcry.

The “humanitarian” mission France forged in Rwanda continued to protect their Hutu allies and French influence in the region. The action was viewed by scholars as a way “to demonstrate to Africa and the rest of the world that France was no paper tiger and that it could project power rapidly on the [African] continent” (Wheeler, 233). Amnesty International, OAU, Belgium, and the UN special representative to Rwanda all expressed

concern and condemnation over the intervention as an attempt to save their power and allies in Rwanda (Wallis, 125). France's ties to the Hutu, and disregard for helping the Tutsi who were slaughtered during the genocide, were clear from the start from the planning of the mission. The original plan "envisaged French troops entering Rwanda through Gisenyi, the northern heartland of Hutu extremism...if the idea were to take the credit for saving Tutsi lives, then Gisenyi was the wrong place, as they were all dead" (Wallis, 127). While France entered Rwanda from a different location, once in the nation they did little to support the Tutsi population. The French troops "[patrolled] only in western Rwanda, and many [remained] at base camps in neighboring Zaire" (Stanger, 1). While they sought to save thousands, the French could not safeguard all the Tutsi populations in Rwanda by only focusing in that region. France further ignored the Tutsi population who suffered during the genocide by creating "'safe humanitarian zone[s]' (SHZ)" (Wheeler, 234). The zones acted as havens for the fleeing perpetrators of the massacres, as during the operation "French commanders refused to arrest suspected war criminals, prevent the looting of towns in the zone, or close down the radio station that continued to broadcast hate propaganda, thereby encouraging the Hutu refugees to eliminate any Tutsis living in the zone" (Wheeler, 234). French soldiers remained allies to the Hutu population throughout the operations. Mounting evidence has defined France's rescue mission in Rwanda as aimed at maintaining power in the region – not saving Tutsi lives.

II.V. The Clinton Administration – The *True* Bystander

The United States had the most influence in the Security Council and peacekeeping missions during the transition of Rwandan government, Arusha accords, and subsequent genocide. Intervention in the genocide was foremost argued against by the United States,

and their powerful influence in the UN led to a failure to intervene. When the violence first broke out in early April, the United States advocated for the UN to withdraw UNAMIR. After the Belgian peacekeepers were murdered, the US did not believe the UNAMIR could fulfill its mandate and “considering the [escalating] chaotic situation in Rwanda, the United States saw no role for a UN peacekeeping force” (Gasbarri, 796). The United States resistance to UN involvement in Rwanda, and intervention in the genocide, grew as the nature of the crisis became more apparent. The U.S. caused serious delays to the reinvigorated UNAMIR mission that Dallaire requested in May. The delay came first from the United States proposing their own version of the new mission. Gasbarri details how Washington “proposed instead to use the expanded force along the external borders of Rwanda, to create some ‘safe areas’ for the protection of refugees and for the delivery of humanitarian relief,” thus staving off any American troop involvement in the heart of the violence (Gasbarri, 796). This proposal was ultimately rejected by the UN in favor a plan more similar to Dallaire’s request. Another delay in the process came from the United States asking for a provision that required that “the full deployment of new troops would not take place until the Secretary-General had submitted a report about the conditions of the new mission ‘for further review and action’” (Gasbarri, 797). Thus, the second UNAMIR mission was not approved until June. The U.S.’s reluctance to peacekeeping in Rwanda was central to the delays in the deployment of UN forces that could have potentially halted the genocide.

One reason for this resistance was the peacekeeping catastrophe that occurred at the beginning of Clinton’s presidency in Somalia. In October of 1993, “eighteen U.S. Army rangers who had been sent in to support a UN peacekeeping operation in Somalia” were

killed, and then “one of the Rangers’ bodies had been dragged through the streets of Somalia’s capital...in full view of CNN cameras” (Shattuck, 22). This was an embarrassment to the Clinton Administration’s peacekeeping policies and gave congress authority to shy away from other humanitarian interventions. Due to the tragedy in Somalia, the Presidential Decision Directive (PDD) policy on peacekeeping was created. The PDD directed Clinton’s actions in UN peacekeeping and toward the Rwandan genocide. Shattuck concludes that the PDD “required the United States to work actively against the establishment or continuation of any UN peacekeeping mission when hostilities were occurring on the ground” (Shattuck, 41). The PDD accomplished this through stringent guidelines. The document “addressed six major issues of reform and improvement” in American peacekeeping missions and “listed eight factors that the United States must consider before voting in favor of a peacekeeping operation” (Gasbarri, 799). If the peacekeeping mission did not fit all the policy’s guidelines and criteria, then the US would be opposed to the operation. This caused further delays in the process of UNAMIR II, in which “failure to meet [the] criteria forced the US Mission to the United Nations (UNSUM)...to ask for more time while US and UN experts were arguing over the strategies for the new mission” (Gasbarri, 800). The PDD was useful in Washington’s eyes to prevent more US involvement in UN humanitarian operations and to avoid costly missions that could eventually fail. Power asserts that the “restrictive check-list tried to satisfy the American desire for ‘zero degree of involvement, and zero degree of risk, and zero degree of pain and confusion’” (Power, 90). The PDD and travesty in Somalia restricted congress’s appetite for intervention and offered no support in UN missions by U.S. troops.

Unlike lesser members of the Security Council, the United States had valid intelligence and were warned of the impending genocide. In December of 1993, Monique Mujawamariya, a Rwandan human rights activist, visited the White House. During her visit she “[described] how extremists from the Hutu majority, abetted by the government, were creating and exploiting the country’s ethnic tensions [and] unless challenged, the purveyors of hate [could] become extremely dangerous” (Shattuck, 22). This first-hand account of the growing violence and move toward genocide should have sparked issue in Clinton Administration, however, it was ignored. Moreover, Power describes how intelligence from “both the testimony of U.S. officials who worked the issues day to day and...documents indicate that plenty was known about the killers’ intentions” (Power, 94). When the violence began, a memo to the undersecretary of defense for policy highlighted that “unless both sides [could] be convinced to return to the peace process a massive (hundreds of thousands of deaths) bloodbath [would] ensue” (Power, 94). Yet, even with the mounting evidence and early indications of genocide the United States continued to evade UN missions or any support for involvement in Rwanda. One suggested intervention, without American troop involvement, was the jamming of hate propaganda and broadcast signals. Cohen argues that this type of non-military intervention was denied because the Pentagon feared any form of US intervention would lead to escalated involvement (Cohen, 153). This desire to evade involvement was also clear in the lack of use of the term genocide by the Administration. It was discussed “among Pentagon officials that the use of the term genocide may escalate to commitment [due to the fact that a] genocide finding could commit the USG (U.S. Government) to actually ‘do something’” (Cohen, 136). If Rwanda was labeled a genocide, the United States would have been compelled to act under the Geneva

Convention and, most likely, by public outcry. Eventually, the United States sent aid to Rwanda in a separate mission from the UN directed Operation Turquoise. However, this aid was misdirected to Hutu refugees and not the Tutsi who survived the genocide and remained in Rwanda.

All in all, the United States had compelling reasons to intervene in the genocide that were missed or, more cynically, ignored. Shattuck explains that the morality, extreme loss and suffering of a human group, political and social collapse in the country, and regional chaos that transpired because of genocide has had long-term consequences on international security (Shattuck, 24). Moreover, because the genocide was left unchecked, it “contributed to the destabilization of Central and East Africa, requiring that Americans spend hundreds of millions of taxpayer dollars on peacekeeping operations and humanitarian assistance [this included spending] \$527 million – more than *twenty* times the amount contributed the year before the genocide – to support UN relief and peacekeeping” (Shattuck, 25). The United States ultimately suffered by ignoring the slaughter of thousands and delaying UN peacekeeping actions that could have prevented the genocide.

II.VI. Implications of Rwanda

The failure to intervene in Rwanda filled the international community with shame and guilt. In late 1994, the war crimes tribunal to punish the Hutu extremist perpetrators was established (Power, 385). The trial was the first step the international community, mainly the UN and its permanent Security Council members, took to reconcile this guilt. During the trial, Romeo Dallaire made clear the failures of non-intervention. He described to the court that the withdrawal of the UNAMIR forces ““with full knowledge of the danger

confronting the emasculated UN force, [was] inexcusable by any human criteria” (Power, 386). The trials and Dallaire’s testimony exposed the truth and extent to which the UN and Western powers knew of the genocide. This spurred greater guilt and shame, especially in the Clinton Administration. President Clinton visited Rwanda and issued a formal apology for US inaction in the crisis. President Clinton during his visit in 1998, pledged to the Rwandan’s in Kigali that the U.S. would ““strengthen our ability to prevent, and if necessary stop, genocide.’ ‘Never again,’ he declared, ‘must we be shy in the face of evidence’” (Power, 106). I will argue in the next chapter the statement, ‘never again,’ had astounding effects on the prevention of ethnic cleansing, and impending genocide, in Kosovo.

CHAPTER III: KOSOVO

As we have seen in Chapter 1, the failure of international community to intervene in the Rwandan genocide led to major public outcry. Thanks to the efforts of human rights organizations, the US, UK, France, and the UN were forced to acknowledge that the genocide could have been prevented. This acknowledgement then led to the UN to adopt “resolutions that push out the boundaries of legitimate intervention in the society of states” (Wheeler, 241). These resolutions formed the basis of new international norms which allowed states to intervene in sovereign nations for humanitarian reasons. In this chapter I will look into how such norms began to develop within the context of another mass killing, namely the ethnic cleansing that took place in Kosovo.

The international community was presented with emerging signs of genocide being perpetrated against the Kosovo Albanian population in 1997. The NATO partners, primarily, the US, UK, and France, saw an opportunity to redeem their public image that was tarnished due to their inability to stop genocide in Rwanda and in Bosnia. Acting without Security Council approval, NATO forces launched bombing campaign to prevent further atrocity in Kosovo. While the NATO intervention in Kosovo constituted the first example of a humanitarian intervention, it had major shortcomings such as lacking legal justification and the results on the ground were far from a clear success. As such, the Kosovo intervention made it clear that there was a need for an international norm that would regulate military intervention for humanitarian purposes, addressing how and when we intervene.

This chapter will first look at the origins of the ethnic tensions in Yugoslavia and how the subsequent breakup and independence of all the regions in Yugoslavia beginning

in 1991 led to the Bosnian genocide. I will then turn to the development of the Kosovo Liberation Army (KLA) and the escalation of violence amounting to ethnic cleansing against Kosovo Albanians and the KLA. Next, I will address the justifications behind the US, UK, and France's opportunity and decision to act as global humanitarian watch-dogs and use NATO forces to militarily intervene in the crisis. Finally, I examine the ramifications of the unauthorized NATO intervention and the criticisms of intervention that gave way to the development of the Responsibility to Protect (R2P) norm.

III.I. Origins of the Kosovo Genocide

It is impossible to understand what happened in Kosovo in the late 1990s without the context of the ethnic tensions that first originated with the formation of Yugoslavia after WWII. In 1941, Nazi Germany divided up Yugoslavia (Buckley, 92). A new communist Yugoslavia was re-created following the conclusion of World War II. The state was organized into multiple republics including Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, Serbia, and Slovenia. Within Serbia, due to its unique mix of ethnic populations, two autonomous provinces, Kosovo and Vojvodina, were established (Mojzes, 132). Josip Tito, President of Yugoslavia during this period, is credited with maintaining the communist centralization of the nation. This centralization included Tito strategically awarding Kosovo and Vojvodina autonomy (Buckley, 93). This was done in order to ensure that "Serbia, by far the biggest and most populous republic, could not dominate the rest of the country" (Buckley, 93). Starting in 1967, Tito continued to try to curb Serb domination in Yugoslavia. He "ordered a series of measures to put the Kosovo Albanian populous on an equal level, from the standpoint of civil rights, with other Yugoslavs" (Schwartz, 99).

Through the course of the 1968 protests, the autonomy sought by Kosovo Albanians for a

Republic of Kosovo was further codified (Buckley, 93). By 1974, “the Tito reforms culminated in a fuller revision of the Yugoslav constitution, under which Kosovo and Vojvodina were granted nearly equal status with the federal republics in everything but name” (Schwartz, 100). The 1974 constitution gave the provinces of Kosovo and Vojvodina in Serbia “status of near equal partners in [the] federal administration” (Meier, 8). The new legislative and voting power gained by Kosovo in this constitution became a large point of contention for the Serbian government. Serbia denied and criminalized giving Kosovo the status of an equal republic and portrayed the region as ““damaging the integrity of Yugoslavia”” (Meier, 9). The ethnic tensions between the Kosovo Albanians and Serbs began to escalate with this constitutional change.

Tito’s institution of the 1974 constitution, coupled with his death in 1980, contributed to destabilization of the republics within Yugoslavia. Schwartz argues that Tito’s death led to Serbian panic about the collapse of communism in Yugoslavia (Schwartz, 109). He explains that “it was raw fear for the future of a statist, centralist Serbia in a free-market world that transformed the Serbian communist organization into an agency of ultra-nationalist incitement to violence” (Schwartz, 110). The disastrous economic situation of Yugoslavia starting in 1981 added to the rising ethnic tensions in Kosovo. For the duration of Tito’s Presidency, the economics of the region were largely ignored and “characterized by repeated stop-go cycles” of growth (Martin, 184). The government in Yugoslavia, following Tito’s death, was slow to respond to the massive debt and incredibly high inflation rates that accumulated during the previous presidency. This slow response according to Martin was due to the “policy paralysis” and “the cumbersome nature of the new decision-making apparatus” that accompanied the changes in government (Martin,

189). During 1981, Meier asserts that the outbreak of violence and rise in Albanian nationalism was explained foremost by the “bad economic performance” of the nation (Meier, 24). Moreover, Tito “used repression to deal with [the] opposition, dissent, and unrest” in Yugoslavia before 1980 (Meier, 24). These tactics artificially secured the ethnic tensions in the nation from accelerating. As the ethnic tensions and economic issues increased, “the leaders who replaced [Tito] were unable to find a nonviolent resolution” to these rising problems throughout the country (Mojzes, 134). Tito’s death contributed to the failure of the political, economic, and social structures of Yugoslavia.

During this period, the ethnic makeup of Kosovo was drastically different than when Yugoslavia was first established. The Albanian population in Kosovo “increased from 67.1 percent in 1961 to 77.5 percent in 1981, while the [population] share of Serbs and Montenegrins had dwindled from 27.4 percent to 14.9 percent” (Meier, 32). Out-migration by Serbs into other republics within Yugoslavia throughout this twenty-year period explains some of the reasons why there was a significant demographic shift in Kosovo. The out-migration was typically driven by economic incentives, such as buying cheaper land elsewhere (Meier, 32). Serbs “comprised the largest ethno-nation, with 3 [million] of its 8 million individuals living outside the Republic of Serbia, while living within its own border were the two largest non-Slavic ethnic minorities” (Mojzes, 134). One of these minority groups included the ever-growing, and predominately Muslim, Kosovo Albanian population. Meier’s account of the demographic shift expresses that the increase in Muslim Kosovo Albanians left Serbs in certain neighborhoods “culturally isolated,” which added to the flare up of ethnic tensions (Meier, 32). The repression of Kosovo Albanians by Serbs

and violence between the two ethnic groups was in direct response to these demographic shifts and ethnic minority growth.

The systematic repression of Kosovo Albanians was targeted at youth and intellectuals. Starting in 1981 “about 4,000 young Albanians were sent to prison,” and “more than 800 teachers and professors had already been relieved of their posts” (Meier, 34). The Serbian government continued to undermine both the economic and educational access of the burgeoning Kosovo Albanian population during the 1980s. Between 1981 and 1988, “584,373 Kosovars – half the adult population – were arrested, interrogated, interned or reprimanded” (Clark, 43). Kosovo Albanians were targeted and treated as criminals. The election of Slobodan Milošević in 1986 as Serbian regional Communist Party President, led to further governmental and police repression of the Kosovo Albanians (rferl.org). For example, at a Party Congress in 1986, Milošević directed Serb pressure to restrict Kosovo legislative and judicial autonomy (Meier, 39). Milošević’s political dedication to the Serb population made him an automatic crusader against the minority Kosovo Albanian population.

Milošević became “an instant folk hero [giving] rise to the *maspok* (*masoni pokret*, or mass movement) that was not only a wake-up call to Serbian pride but also an ‘antibureaucratic revolution’” (Mojzes, 209). Milošević mobilized the Serbs through use of “agitation meetings,” in order to push an anti-Kosovo Albanian agenda (Meier, 39). These meetings acted as mass rallies that fueled hate propaganda against the Kosovo Albanians. The demonstrations’ “effect was contagious, spreading promise among Serbs that change was coming” (Clark, 19). This change included the desire to eradicate the Kosovo Albanians from Kosovo and to deny the region of Kosovo its autonomy. In 1989, “the right to self-

administration of the formerly autonomous provinces of Kosovo and Vojvodina was abrogated. Consequently, the Serbian authorities abolished the province's political and cultural institutions" (Schnabel, 21). Milošević furthered these desires by formulating his political agenda to secure power in Kosovo to the Serbs. In the same year, Milošević proposed constitutional and legislative changes that "gave Serbia control over Kosovo's police, court system, education, and economic policy" (Ronayne, 60). The changes were approved and "unanimously adopted by the constitutional commission of the Serbian parliament" with "deputies of Kosovo [not daring] to oppose the bill, given the list of 'hostile separatists' [that] were already being drawn up" (Meier, 86). Milošević gave Serbs total control of Kosovo, both socially and politically, with this constitutional shift.

The policies discriminating against the Kosovo Albanian population escalated through early 1990 and 1991. This included the process of "isolation." In a few months, "at least 237 people were 'isolated'" which was a "form of arbitrary detention without contact with the outside world [and] usually [included] torture" (Clark, 53). Moreover, police terror was common practice, with police opening fire on innocent, non-political, civilians (Clark, 53). In 1990, "some 7000 children in 13 communities reported symptoms of neuro-toxication" (Clark, 58). The poisoning of these children, believed to be due to the use of a chemical weapon known as Serin, was viewed as a deliberate attack by the Serbs to shift the demographic balance of Kosovo (Clark, 58). This deliberate targeting and murder of the Kosovo Albanian populations to cause a demographic shift was made clear with Milošević's *Programme for Achieving Peace, Freedom, Equality and Prosperity* in March of 1990. The goal of the program was to "change the ethnic structure of Kosovo permanently, bringing in Serbs and Montenegrins while 'inducing' Albanians to leave. [The *Programme*] promised

‘the necessary activities’ to bring down the birth rate in Kosovo” (Clark, 72). These targeted policies posed a serious threat against the lives and opportunities of Kosovo Albanians. According to Schnabel, “after 1991 and the establishment of the Kosovar shadow-state, almost all contact and lines of cooperation between the Serb and the Albanian communities and their political elites ceased” (Schnabel, 27). Milošević’s policies inflamed Serbian nationalism and the ethnic tensions of the populations to such extremes that genocide, and at the very least ethnic cleansing, seemed imminent against the minority Muslim Kosovo Albanian population.

Between 1990 and 1992, Yugoslavia began to disintegrate. In June of 1991, “Serbian president Slobodan Milošević began to stoke nationalist flames and increase Serb dominance, [causing] the republic of Slovenia [to secede], sparking a relatively painless ten-day war” (Power, 247). However, the successive separations of Croatia and Bosnia from the Serb led Yugoslavia were filled with bloodshed and violence. In March of 1992 after Bosnia “held a referendum on independence in which 99.4 percent of voters chose to secede from Yugoslavia” Milošević utilized Serb nationalism to systematically kill and remove Muslims and Croat civilians from Bosnia. Powers describes that “Bosnian Serb soldiers and militiamen had compiled lists of leading Muslim and Croat intellectuals, musicians, and professionals. And within days of Bosnia’s secession from Yugoslavia, they began to round up non-Serbs, savagely beating them, and often executing them” (Power, 249). Milošević was strategic and ruthless in eliminating the Muslim and Croat populations, with the Helsinki Watch report offering “‘prima facie evidence that genocide [was] taking place’” (Power, 257). However, the international community remained stagnant in genocide prevention until August of 1992 when “the United States and its allies passed a

Security Council resolution authorizing ‘all necessary measures’ to facilitate the delivery of humanitarian aid” (Power, 281). While the premise of this resolution was promising, it was not until three years later that the international community intervened. In the summer of 1995, with the slaughter of some “7,000 Muslim, the largest massacre in Europe in fifty years,” NATO militarily intervened in the genocide (Power, 392). Power attests that “in the aftermath of the gravest single act of genocide in the Bosnian war, thanks to America’s belated leadership, NATO jets engaged in a three-week bombing campaign against the Bosnian Serbs that contributed mightily to ending the war” (Power, 393). In November of 1995, at the Dayton Accords, a peace agreement was reached between the presidents of Bosnia, Croatia, and Serbia, ending the war in Bosnia and outlining a General Framework Agreement for Peace in Bosnia and Herzegovina (*OSCE*). The extremely delayed intervention in Bosnia – which caused the deaths of hundreds of thousands of the minority Muslim population in this region – and the concessions given to Milošević during the Dayton Accords, acted as significant factors in motivating the international community to intervene in the Kosovo crisis two years later.

III.II. The Kosovo Liberation Army (KLA)

While the Bosnian genocide persisted elsewhere in a disintegrating Yugoslavia, Milošević’s usurp of power in favor of the Serbs in Kosovo ignited non-violent protesting by the Kosovo Albanians. According to Clark, non-violence was seen as the strategic route to garner Western support. Kosovo Albanians saw that the only way the Serbian “regime might yield was through international pressure” (Clark, 67). Kosovo Albanians hoped that during the Dayton peace agreements their rights and the autonomy of Kosovo would be restored. However, “Western negotiators at Dayton affirmed Serbia’s territorial integrity

and did not broach the subject of Kosovo” (Power, 445). Moreover, during Dayton, “the USA and the EU insisted...that Kosovo Albanians had to abandon their declared ‘independence’” (Clark, 160). Buckley explains that the Dayton Peace Accords “left the Albanian population of Kosovo deeply unsatisfied” (Buckley, 99). Without receiving any concessions at Dayton, Kosovo Albanians grew impatient with their original non-violent resistance tactics. Non-violence remained unrecognized and their fight for independence was denied by Western nations. Buckley asserts that the events at Dayton “convinced many Albanians that the international community understood only the language of armed conflict, not that of nonviolence. In response, therefore, a hitherto unknown ethnic Albanian guerilla group, the Kosovo Liberation Army” developed (Buckley, 100).

The Kosovo Liberation Army (KLA) developed in 1996 and 1997 out of the frustrations over the Dayton agreements and the fact that Western governments allowed the Milošević regime to persist (Ronayne, 60). The KLA was comprised of young Kosovo Albanians who used violence to spur societal change. Overall, the KLA “pledged to protect the Albanian people in their homes and win independence for the province” (Power, 445). In order to achieve independence, the group “began attacking, killing, and kidnapping Serbian police and civilians and [claimed] control of Drenica, an area of central Kosovo in which the resistance to Serbs was habitual” (Mojzes, 206). Through the use of illicit drug money, the KLA was able to secure advanced weaponry and began to militarize their young army (Independent International Commission on Kosovo, 52). The KLA was originally unpopular, however, after multiple violent attacks and subsequent Serb aggression, more recruits pledged their support (Power, 445). In 1998, “with every KLA attack on a Serbian

official, Serbian reprisals intensified, as Serb gunman torched whole villages suspected of housing KLA loyalists,” and the violence continued to spiral out of control (Power, 445).

By 1998, the violence between the KLA and the Serb led government forces led to innocent civilians facing human rights abuses (Mojzes, 207). Serb retaliation and aggression killed “some 3,000 Albanians...and some 300,000 others were expelled from their homes, their property burned, and their livelihoods extinguished” (Power, 445). This violence “prompted a response from the Contact Group (France, Germany, Italy, Russia, the UK and the USA), condemning violence on both sides, but also growing pressure on...Yugoslavia to halt the violence” (Smith, 184). This pressure included a Security Council arms embargo and multiple sanctions employed by the European Union. These sanctions included “an asset freeze, visa ban...and flight ban, eventually culminating in an oil embargo imposed a year later” (Smith, 184). The goal of the sanctions was to force Milošević to agree to “cease all action by Serb security forces against the civilian populations, withdraw Serb special police units from the [Kosovo] territory within ten days, allow humanitarian groups to enter Kosovo, and commence an unconditional dialogue with the Albanian community” (Henriksen, 130). However, the systematic violence conducted by Milošević’s regime and the Serbian forces continued.

In October of 1998, NATO, led by the US, “threatened air strikes unless Milošević withdrew some of his forces from Kosovo and allowed 2000 unarmed ceasefire monitors from the Organization for Security and Cooperation in Europe (OSCE)” to enter the province (Smith, 184). While Milošević responded to this threat of force, by agreeing to the deal, the Serb forces continued with their onslaught of violence and expulsion of the Kosovo Albanians from the province. The tension came to a peak in March of 1999 when

“Serb paramilitary and police units rounded up and executed forty-five Albanian civilians, included three women, a twelve-year-old boy, and several elderly men” (Power, 446). American diplomats were the first to visit the crime scene and declared that “the Serbs had committed a ‘crime against humanity’” (Power, 447). This decimation of the Kosovo Albanian civilians, and fear of the impending genocide, sparked further action from the NATO Contact Group.

Schwartz details that “on February 6, 1999 negotiations between Serb and Albanian representatives, sponsored by the Contact Group, began at a French castle called Rambouillet” (Schwartz, 144). At Rambouillet, the Contact Group presented a “non-negotiable solution [to Milošević]: Serbia would withdraw most troops from Kosovo and allow NATO troops to be deployed to ensure peace. If Serbia did not accept, NATO would bomb” (Smith, 185). The Serbs rejected the deal and continued their campaign of violence during the diplomatic proceedings. During the Rambouillet negotiations, “Serb security forces rearmed and forced 1.5 million Kosovar Albanian civilians from their homes, killing and violently attacking thousands in the process” (Chalk, 42). After the breakdown in diplomatic negotiations, starting on “the night of March 24 [1999], fleets of bombing planes revved up their powerful engines and filled the skies over the Balkans” (Schwartz, 144). The NATO led humanitarian intervention in Kosovo had officially commenced.

III.III. The United States’ Will to Intervene

The United States led the charge for NATO intervention in Kosovo. Intervention was prompted chiefly by the Clinton Administration’s failures with regard to non-intervention in the Rwandan genocide and their previous actions during the Bosnian crisis. These actions included trusting the diplomacy and concessions Milošević made at Dayton with

regard to Bosnia. Smith argues that Milošević through negotiating the Dayton agreement “fied [his] position as the linchpin of Balkin stability” (Smith, 181). Milošević was “treated as an indispensable diplomatic partner” in garnering peace in the region (Power, 444). Thus, NATO, directed by the United States, allowed the deferment of accusing and convicting the war criminals of the Bosnian genocide. This opportunity to evade conviction and his treatment as a key partner allowed for Milošević to tighten his grip on power and further inflame Serb nationalism and aggression against the Kosovo Albanians. Milošević represented a wolf in sheep’s clothing. Milošević “dined out on his charms and maintained a deceptive distance from his crime scenes,” denying the violence and mass murders he was conducting (Power, 453). His fraudulent nature was something the United States could no longer afford to tolerate. The “intensification of Serb violence and the now redundant, duplicitous antics of Milošević had begun making Clinton, his cabinet, and indeed NATO, which was often invoked in American threats, look silly” (Power, 448). This threat to the credibility of the Clinton administration due to Milošević’s action and their mis-steps during the early 1990s pushed the need for redemption through intervention. Power describes that Madeleine Albright “and the rest of the Clinton team remembered Srebrenica, were still coming to grips with guilt over the Rwanda genocide, and were looking to make amends” (Power, 447). Stopping the Serb violence against Kosovo Albanians, and ending the Milošević regime, provided the perfect opportunity for this redemption of the Clinton Administrations’ reputation.

The lack of effective mandates and efficiency in United Nations procedures, especially in the wake of UN mis-steps in Rwanda and Bosnia, led Clinton’s cabinet to perpetuate the need for NATO intervention in Kosovo. One such restriction on UN

efficiency was the dictation of the UN Charter on use of force. Clinton cabinet members such as Albright and Holbrooke “blamed the massacres at the UN safe areas of Srebrenica, Zepa, and Gorazde in the Bosnia war partly on the UN’s interpretation of the laws on use of force” (Carey, 79). During the Bosnian war, the Security Council's mandate provided the placement of the United Nations forces in these safe areas but limited their mandate to self-defense and not to the protection of the areas themselves (Sudetic, 1). This lack of force resulted in multiple deaths and injuries in the camps (Sudetic, 1). A similarly restrictive mandate contributed to the massacre of Belgium peacekeepers and Tutsi at the commencement of the Rwandan genocide.

Carey argues that Clinton’s cabinet blamed “UN Secretary General Boutros-Ghali for arrogating the decision-making authority on the use of force from NATO” (Carey, 79). After Secretary General Boutros-Ghali, Secretary General Kofi Annan furthered the idea that the decision-making authority for humanitarian intervention lay with the UN Security Council. Secretary General Kofi Annan in 1998 argued that “only the Security Council ‘has the authority to decide that the *internal* situation in any state is so grave to justify forceful intervention’” (Smith, 180). The Security Council, however, proved extremely ineffective in its ability to dictate intervention. Smith states that this was due to the fact that “China and Russia had signaled they would veto such authorization” of UN use of force in Kosovo (Smith, 186). While use of force seemed necessary, Secretary General Kofi Annan and NATO were acutely aware that the UN structure of veto power made this task impossible. Thus, Clinton’s cabinet utilized Security Council Resolutions mandated during this period to prompt NATO action. In the fall of 1998, Madeleine Albright sent the U.S. Ambassador to the United Nations, Richard Holbrooke, to ““underscore to President Milosevic the clear

requirements of UN Security Council Resolution 1199 and to emphasize the need to prompt full compliance” (Latawski, 12). This Resolution called for a peaceful end to the situation in Kosovo and required that Yugoslavian leadership halt the humanitarian catastrophe that was unfolding throughout the country and region (UNSCR). This resolution described the crisis as “a threat to international peace and security. [And] buttressed NATO’s moral argument for intervention” (Chalk, 42). Holbrooke utilized this resolution and the moral imperative it set forth to justify the meeting and threaten NATO military action if Milošević did not comply.

The Clinton administration used the calls to action by the Secretary-General Kofi Annan during this crisis to further commit to intervention. In late 1998, Secretary-General Kofi Annan published a report immediately before the Holbrooke mission that “‘appealed to the international community to undertake urgent steps in order to prevent a humanitarian disaster’ in Kosovo during the winter” (Latawski, 12). Further remarks by the Secretary-General at the North Atlantic Meeting in January 1999 reflected that need for the use of force was broaching soon in Kosovo and that “‘*normally* a UN Security Council Resolution is required’ to authorize military action by UN member states; suggesting, perhaps, that one might not be [necessary] with regard to Kosovo” (Latawski, 12). Latawski argues that Secretary-General Kofi Annan indirectly endorsed US and NATO action in Kosovo though these declarations (Latawski, 12). Utilizing UN inefficiencies, existing mandates, and the “blessing” of Secretary-General Kofi Annan to invoke NATO action, the US prevented further destruction of Kosovo Albanian population and redeemed its reputation when it came to humanitarian interventions.

The administration continued to justify the intervention by framing that action was based on humanitarian principles as well as directly connected to national interests. Power argues that “Clinton believed he had to demonstrate the peril to American interests” (Power, 449). Intervening in Kosovo was relevant due to American action in Bosnia. The Serb violence “was imperiling the fragile peace in Bosnia, which by then the United States had spent more than \$10 billion supporting. [And] Washington was not anxious to see its neighborhood investment squandered” (Power, 448). The investment in the region weighed on the Presidency and Clinton’s reputation, and acted as a national interest which intervention in Kosovo protected. Other government officials stressed that Kosovo’s geopolitical location in Europe was key to US national security interests (Chalk, 43). This location also meant that the “political and military force of NATO could be brought to bear on the grounds of collective regional security” (Chalk, 43). Stressing Kosovo’s location, Clinton continued to argue that “unrest in the Balkans threatened US economic and strategic interests as well as its values” (Wolfson, 35). Stressing that Kosovo was key to US interests, when in reality it was not central, garnered support from the American public for intervention.

The need to preserve the values that are representative of the United States, such as upholding human rights, was invoked to drive US led NATO intervention. Clinton, before intervention, utilized references to both the Holocaust and the term genocide to re-enforce the humanitarian values that were at stake if the United States was to not intervene (Power, 449). US War Crimes Ambassador David Scheffer during this time reported that “the widespread and systematic character of the criminal conduct of Serb military, paramilitary, and police units in Kosovo is among the many indicators of genocide that

[they were] seeing” (Chalk, 45). This official finding of genocide was utilized throughout the intervention. Starting on March 30th the “formulation of words, ‘indications,’ ‘potential genocide,’ and so on, [were] repeated by US officials during the war (Smith, 190). The State Department approved the use of the word genocide in reports to the public, in complete contrast to the avoidance of the term when the crisis situation unfolded in Rwanda. Power explains that it was “not a coincidence” that the Administration avoided using the term genocide in Bosnia and Rwanda when the US wanted to avoid acting, and “applied the label proactively only in the one intervention for which it was trying to mobilize support” (Power, 468). Chalk also argued that the use of the term genocide was used “as a means of garnering international public, media, and allied support” (Chalk, 46). The use of genocide terminology immediately invokes the moral imperative to intervene due to US humanitarian values. Schnabel argues that “the invocation of moral and human rights principles [was] necessary to defend the policy” of American involvement in Kosovo (Schnabel, 90). The Clinton Administration pre-emptively and during the conflict used the morality of intervention for human rights, by invoking the term genocide, to justify and instigate the intervention.

III.IV. The UK’s Adamancy to Intervene

Similar to the United States, the UK was decisive in wanting NATO intervention in Kosovo. Peltner contends that the “special relevance of the Bosnia intervention” caused the passionate response for intervention by the UK government in the Kosovo crisis (Peltner, 754). McCourt furthers this point, expressing that the UK’s “response to Kosovo was fundamentally affected by its perceived failure in Bosnia” (McCourt, 248). During Bosnia, McCourt describes how the UK fell behind as a European and military leader. In 1995, the

French proposed a joint military mission with the United States in Bosnia “and the French and Americans essentially took over policy” (McCourt, 254). McCourt explains that the UK was afraid of falling behind in this alliance which was their primary motivation in going along with military action (McCourt, 254). Britain had an opportunity to correct the hesitancy and lack of European leadership shown during the Bosnian crisis by acting in Kosovo. Daddow stresses that the UK’s motivation to intervene related to this lack of leadership and missteps in Bosnia. He explains that intervention was “a way of ‘exorcising the ghosts of Bosnia’” and legitimizing the “‘lesson’ that western inactivity in the Balkans could have disastrous consequences” (Daddow, 551). Scholars present that the slow reaction to Bosnia by the UK pushed the desire to intervene.

The political party changes in UK leadership from the “conservative Major to the ‘New Labour’ government in 1997” was critical in the decision to intervene in Kosovo (Peltner, 753). This shift in government, and the election of Tony Blair to Prime Minister, forced foreign policy changes. These changes contained a moral imperative, in stark contrast to the previous administration’s focus on national interests. Robin Cooke, the foreign minister, “pronounced an adjustment of foreign policy with an ‘ethical dimension and human rights ‘at the heart’” (Peltner, 753). Peltner argues that this change allowed the UK to be more apt to intervene for humanitarian purposes (Peltner, 752). Prime Minister Blair championed the notion that UK foreign policy had a moral purpose. In Blair’s Chicago speech in April of 1999, Daddow documents that the speech addressed the idea of “moral purpose” and that it factored into Blair’s motivation to intervene in Kosovo (Daddow, 550). During this speech, Blair insisted that “‘acts of genocide can never be a purely internal matter’” (Smith, 195). Through invoking the term genocide, Smith argues that “this would

justify intervention by the international community” due to genocide’s moral imperative (Smith, 195). Moreover, during the intervention Blair stated that even the UK alone would have undertaken the attacks in order “to stand for the universal values of protecting the most vulnerable” (Lufi, 27). Lufi maintains that the changes in government allowed Blair to be insistent on intervention, as having a large majority in parliament gave him confidence and “support in the country” (Lufi, 27). The implementation of “moral” based foreign policy, due to the leadership of Prime Minister Blair and majority of the New Labour Party in parliament, allowed the UK to devise NATO action.

Additionally, framing Kosovo as strategic to the stability of Europe, allowed the UK to push for NATO intervention. Lufi reasons that without intervention this could have caused a “domino effect in the Balkans and an outbreak of wars in a large part of the Balkans” (Lufi, 24). The ethnic cleansing of Kosovo Albanians and the cultural and religious consequences of this crisis could have subsequently affected Albanian, Macedonia, Bosnia, Turkey, and Greece (Lufi, 24). The UK could not allow for the situation to escalate and destabilize the rest of Europe. This fear of destabilization was also present in NATO military strategy during intervention. Blair expressed the “geopolitical logic of air strikes” by stating that the “strategic interests for the whole of Europe [were] at stake” if this strategy was not implemented (Schnabel, 137). Scholars argue that this need to preserve European stability was inherently linked to the military effectiveness and legitimacy of NATO. American and British leaders echoed that the situation was a test of the “relevance and effectiveness of NATO” and that “if NATO [failed] in Kosovo, the next dictator to be threatened with military force may well not believe our resolve to carry the threat out” (McCourt, 257). McCourt explains that the UK was apt for assertive intervention in Kosovo

in order to strengthen NATO, maintain NATO's superior status against aggressors elsewhere in Europe, and maintain the stability of the European continent.

Scholars further argue that the situation in Kosovo, as central to European stability, presented the UK with an opportunity to reaffirm their military capabilities and European leadership. Schnabel states that "Blair's bid for European leadership in the security and defense realm was unsurprising since the United Kingdom had excluded itself from both "Euroland" and "Schengenland"" (Schnabel, 139). Schnabel expresses that the UK needed to reinsert itself as a European power and "boost the EU's efforts to build a defense capability" through intervention in Kosovo (Schnabel, 139). This re-invention of Britain as a European leader for security in the region was formulated by Blair. He stated that the "whole episode convinced [him] of the need for strong European leadership and for a proper European defense strategy" (McCourt, 259). Scholars show that framing the ethnic cleansing in Kosovo as key to the geopolitical stability of Europe boosted the need for effective intervention and gave the UK an opportunity to re-establish themselves as a truly European leader.

III.V. French Intervention for Preservation

France was more hesitant towards military intervention than both the United States and Britain in Kosovo. French leaders made it clear that they had expended all diplomatic options before NATO force was needed. These options included the French initiative launched in 1997 towards the Federal Republic of Yugoslavia (FRY) that demanded Milosevic immediately give Kosovo autonomy and meetings of the Kosovo Contact Group in 1998 (Schnabel, 130). Schnabel explained that the hesitancy of force, in favor of diplomatic actions, "had the desirable effect of broadening the legitimacy of the air campaign by

allowing the French government to argue that all that was humanly possible had been done" (Schnabel, 130). This hesitancy was utilized to justify the French government's backing of NATO military intervention when that solution was presented after the Rambouillet conference. France's hesitancy towards military force ultimately justified the need for later military action in Kosovo.

France justified intervention by positioning the crisis in Kosovo as a matter of European security and moral importance. The French President "in more than half a dozen TV broadcasts [reiterated that] the official rationale behind his policy [was] safeguarding peace in Europe and ending the unacceptable violation of human rights by the FRY authorities" (Schnabel, 130). France, in contrast to the UK, framed the moral imperative to intervene completely in terms of European norms. Wagnsson notes that the French government "systematically referred to the community and to the European nature of the norms abused in Kosovo" to define the war (Wagnsson, 29). French President Chirac's statement that Europe could not "'accept on its soil a man and regime that'" committed ethnic cleansing and the "'destabilization in the entire region, resulting in more than 200,000 deaths and millions left homeless,'" exemplifies this point (Smith, 195). Schnabel explains that the position of intervention to preserve European norms derives from the fact that "France sees itself as the cradle and champion of human rights" (Schnabel, 130). Wagnsson argues that France saw that intervention became the only option to preserve the security of the EU and the human rights and democratic values that Europeans respect (Wagnsson, 27). She explains that French leaders saw that "greater unity in Europe would be achieved by pacifying and civilizing the 'anomaly' of Serbia" and they "could not allow European norms to be violated 'on the doorstep of the EU'. [Or] a 'certain conception of

Europe' was being put at risk" (Wagnsson, 28). The French government drove support and a need for their intervention by framing the conflict as an infringement on European norms and values.

Schnabel expresses that France's desire for NATO intervention was perpetuated by the French government's failures in Bosnia (Schnabel, 131). Paris "wanted to act early in order to prevent a continuing deterioration in the situation" as well as strive "for an autonomous European crisis management capacity" (Schnabel, 131). This need for "an autonomous European crisis management capacity" was due to France's lack of leadership during the Bosnian ethnic cleansing. During Bosnia, the Western community failed to intervene in a timely manner and eventually the United States prevented the "European" conflict from escalating – not the European powers. Thus, their ability to protect the European states was questioned. The French government utilized NATO intervention in Kosovo to redeem its reputation from the "negative effects" and lack of European leadership it showed during the Bosnian crisis (Schnabel, 131). Scholars argue that the Rambouillet conference was one way that France tried to rebuild their image as a capable military power in Europe. Weller asserts that France "was seeking to preserve its role as a leading international power," and "the choice of a French chateau for the talks, rather than a US airbase in Ohio, was intended to symbolize the ability of the Europeans to sort out their own backyard" (Weller, 212). Schnabel supports this argument, stating that "the fact that the final effort to reach a diplomatic solution took place in France was seen as significant for the French self-image as a leading, if not the leading, European power when it comes to security questions" (Schnabel, 130). France used Kosovo and NATO

intervention to recover from its mistakes in Bosnia and re-affirm itself as a European leader and protector of morals and security in the EU.

III.VI Criticism and Repercussions of Intervention

While NATO intervention marked the first-time intervention was conducted for humanitarian purposes, many were critical of the NATO bombing campaign. Clark explains that the bombing campaign was not conducted to protect Kosovo, “but rather to defeat and punish Serbia...Rather than engage with the units carrying out the ethnic cleansing, NATO bombed bridges nearer to Hungary than Kosovo. Serbia’s entire industrial infrastructure and even media workers in Belgrade” became military targets (Clark, 183). The bombing was thus originally ineffective in immediately halting Serbian forces from persecuting the Kosovo Albanians. When NATO began bombing “Serbian forces rolled out their [own] operation: a preplanned and well-orchestrated joint campaign involving police, army, paramilitaries, and armed civilians” (Behar, 159). The Serb operation was able to continue to remove the Kosovo Albanian population and eliminate the KLA. At the end of the NATO bombing campaign, “863,000 Kosovo Albanians had fled into neighboring countries and an estimated 590,000 were internally displaced...[and] an estimated 10,000 Kosovar Albanians had been killed mostly by Serb forces” (Smith, 186). The Kosovo Albanian population was systematically targeted, women were raped, homes were pillaged, and countless people were murdered, in the months leading up to and during the NATO campaign.

While the Kosovo Albanian population underwent this horrific crisis, the seventy-eight-day bombing campaign was the first of its kind for NATO forces. Operation Allied Force was the “first extended use of military force and the first war conducted for

humanitarian reasons against a country committing acts within its own borders” (Behar, 161). This use of force was significant in the willingness of the international community to intervene in a country before violence could escalate to genocide. However, NATO intervention, while having good intentions, was flawed. First, “NATO member countries strained to maintain their unity, and several governments publicly voiced their concerns about the bombing campaign” (Smith, 186). Without NATO country cohesion the campaign that was generated was less effective in the approval of targets. Moreover, the operation did not supply any ground troops. Without ground troops, or the threat of ground troops, “Serbia’s surface-to-air missile batteries, portable air defense systems, and anti-artillery forced air crews to conduct most of their bombing from above fifteen thousand feet, making clear identification of enemy targets especially challenging” (Behar, 162). The issue with not being able to bomb specific Serb military targets, led to domestic targets, such as telephone lines and electric grids, to be bombed (Behar, 162). These domestic targets damaged the day to day lives of Serbs not involved in the ethnic cleansing campaigns.

Moreover, the broader international community was concerned that NATO acted without United Nations approval. The war “was illegal...without a specific Security Council resolution authorizing” intervention (Smith, 187). Thus, the reasons behind NATO intervention were viewed very critically, raising questions as to if the intervention was truly to prevent genocide. Military intervention in Kosovo violated the international norm and Charter of the United Nations prescribing that countries must respect and follow “non-intervention in other people’s domestic crises” (Schnabel, 451). The Security Council is the only body that can allow intervention in other nations, in order to ensure global peace and security. However, scholars point out that “no such resolution could be obtained, since

vetoed by Russia and China were certain. So both law and traditional norms were with Belgrade,” for intervention in Kosovo to be prohibited (Schnabel, 451). Intervention in Kosovo, regardless of the breaking of these norms, was significant. The intervention refuted the traditional stance that “humanitarian grounds are not sufficient for justifying intervention,” “acted to break the impasse on the search for a political solution,” and “prevent[ed] a further destabilization in the Balkans” (Buckley, 218). Moreover, Peltner persists that the intervention gave “way to the view that humanitarian catastrophe outweighed sovereignty in instances like Kosovo” (Peltner, 754). All in all, by NATO acting against traditional norms and without UN approval the need to codify the premise of humanitarian interventions was stimulated.

Thus, “in 2000 the United Nations Secretary General demanded a review of the status of sovereignty in cases like Rwanda and Kosovo” (Peltner, 754). Secretary General Annan insisted that the Security Council must “unite behind the principle that massive and systematic violations of human rights conducted against an entire people cannot be allowed to stand” (Buckley, 222). After this request and inquiry at the United Nations, the Responsibility to Protect (R2P) doctrine was developed. The International Commission on Sovereignty and Intervention (ICISS) in 2000 presented a report detailed the idea of the ‘Responsibility to Protect’ and modified traditional conceptions of sovereignty. ICISS described that “sovereignty implied responsibility, which meant ‘externally – to respect the sovereignty of other states and internally, to respect the dignity and basic rights of all people within the state’” (Peltner, 754).

Smith argues that the Responsibility to Protect is a strategic step in strengthening the social norm against genocide (Smith, 253). Smith explains that R2P is a start to

“developing international consensus on protecting populations from atrocities, [also expressed as] ‘saving strangers’” (Smith, 253). R2P highlights and reinvigorates the collective responsibility of nations to prevent genocide. As Power explains, “given the immensity of the harm caused by genocide, its prevention is a burden that must be shared” (Power, 514). While competing interests such as economics and geopolitical concerns inherently influence foreign policy, I will argue in my next chapter that the Responsibility to Protect has been utilized as a tool to justify other humanitarian interventions in the face of these interests. Responsibility to Protect, over the course of a decade, developed into a powerful enough international norm that in 2011 the UN approved of humanitarian intervention by NATO in Libya based on the principles of R2P.

CHAPTER IV: LIBYA

The NATO intervention in Kosovo can hardly be described as a success. While Western governments were actually able to intervene with the intention of stopping a genocide, the military mission did not stop the violence and cost many civilian lives. The mission did not have legal justification and in the end moral claims for the intervention were questioned by the international community (Bolcu, 115). Ultimately, the failures of Kosovo made it necessary for the international community to develop a normative framework to determine how and why states should intervene in humanitarian crises. This opened the door to the creation of the Responsibility to Protect (R2P) doctrine.

R2P was debated and formulated during the years following the Kosovo intervention. R2P's implementation by the UN would be a slow and contentious process. This chapter explores the almost immediate invocation of R2P used by the UN and the US, France, and the UK in order to legitimate a possible military intervention in the humanitarian crisis in Libya during the Arab Spring. France, Britain, and the United States referenced liberal values, R2P, and their own national interests as their reasons behind their push for intervention. While Kosovo was the first intervention for declared humanitarian purposes, Libya was the first UN intervention whereby the UN Security Council authorized the use of force on the basis of R2P principles. While the international community is critiqued for failing in the *aftermath* of the intervention, the intervention was a significant milestone for R2P. Scholars like John Janzekovic and Christopher Chivvis present the intervention in Libya as a success story and an example of an affirmation of R2P as an international norm. As such, they argue that this intervention and the use of R2P constituted a model for future humanitarian interventions. In what follows, I will argue

against this view. As I will demonstrate below, rather than strengthening R2P, the Libyan intervention and its shortcomings has undermined the diffusion of R2P and its future use. The way the US, UK, and France used R2P to legitimate intervention opened the door to the critique that R2P was an ideological tool used to legitimate national economic interest.

In order to elaborate these points, I will first turn to the formulation of R2P, as outlined by the chairs of the International Commission on Intervention and State Sovereignty (ICISS), Gareth Evans and Mohamed Sahnoun. Then, I will turn to how R2P was first utilized during the debate on how the UN should respond to the violence occurring in Darfur in 2003 and 2004. This was the first time that R2P doctrine was used by the UN to stabilize a region through intervention. While the intervention in Darfur was largely unsuccessful in achieving its stated goal, the use of the R2P would open the door to what constructivist scholars call the norm cascaded, in which R2P would diffuse throughout the international community during the mid 2000s. In the third section of the chapter I will turn to the subsequent use of R2P by the Security Council and Western nations in the Libyan intervention in 2011. I will conclude by discussing the Libyan intervention's effect on R2P.

IV.I. The Emergence of R2P

Since NATO intervention in Kosovo, the Responsibility to Protect (R2P) doctrine has made inroads in international politics and policy. In September of 1999, UN Secretary General Kofi Annan "addressed the UN General Assembly, where he appealed for a consensus regarding the fundamental role of the state with its citizens" (Janzekovic, 50). This need to develop a new consensus was "primarily a response...to the Security Council's open disagreements about what to do regarding the war in Kosovo," as detailed by

Secretary General Annan's statements to the UN General Assembly in 1999 (Janzekovic, 50). Thus, in 2000, the "Canadian government announced at the UN General Assembly the launch of the International Commission on Intervention and State Sovereignty (ICISS). The ICISS's main goal was to promote ideas about the right of humanitarian intervention and seek an international consensus on how to deal with failing states in future crises" (Janzekovic, 45). Without clear international standards on humanitarian intervention there was a need to develop a new norm and standard for when and how humanitarian interventions should proceed. This need was highlighted by the fact that intervention in Kosovo, "particularly without a UN mandate, was condemned by many" (Janzekovic, 46).

The report formally set forward in 2001 by the ICISS defined that the Responsibility to Protect dictates that "sovereign states have a responsibility to protect their own citizens from avoidable catastrophe – from mass murder and rape, from starvation – but that when they are unwilling or unable to do so, that responsibility must be borne by the broad community of states" (Stahn, 99). R2P's directives have been taken up in discussion by the UN and international community in successive years since its first introduction in 2001.

Responsibility to Protect (R2P) has had multiple norm entrepreneurs which lead to its wide international acceptance. The chairs of the International Commission on Intervention and State Sovereignty (ICISS), Gareth Evans and Mohamed Sahnoun, first introduced this concept to the international community. The chairs coined the term R2P and published a report, "in an effort to give decision-makers a language and framework through which to deliberate the rationale for and, in certain cases, undertake humanitarian interventions" (Herro, 42). R2P, through this report and norm entrepreneurs such as Gareth and Sahnoun lobbying for its utilization, would help alter perceptions of the norm of

sovereignty. While R2P was defined and introduced to the international community in 2001, it was not until 2004 and 2005 that extensive cascading of the norm began.

Other norm entrepreneurs such as UN Secretary General Kofi A. Annan, Samantha Power, UN Secretary General Ban Ki-Moon, Canadian Prime Minister Lloyd Axworthy, and Desmond Tutu, launched global campaigns to convince states to adopt this new norm and work towards preventing and stopping future genocide (Herro, 43). UN Secretary General Kofi A. Annan and UN Secretary General Ban Ki-Moon were the two primary drivers of R2P in the international community. These leaders allowed for the norm of R2P to be disseminated throughout the United Nations. In 2004, Stahn points out that R2P was discussed at the United Nations during considerations of reform in the UN High-Level Panel on Threats, Challenges and Change (Stahn, 99). Moreover, the UN High-Level Panel on Threats, Challenges and Change reported on changing standards of sovereignty and international responses to violence, speaking of an ““emerging norm of a collective international responsibility to protect”” (Stahn, 100). The dialogue on R2P, and its implications for the international community, continued at the 2005 World Summit. The World Summit held by the UN “brought together more than 170 Heads of State and Government. It was a once-in-a-generation opportunity to take bold decisions in the areas of development, security, human rights and reform of the United Nations” (un.org). Chesterman explains that “key elements” of the ICISS report on R2P were discussed and subsequently adopted by the UN World Summit Outcome Document, “which acknowledge that a state’s unwillingness or inability to protect its own population from genocide, war crimes, ethnic cleansing, or crimes against humanity may give rise to an international

‘responsibility to protect’” (Chesterman, 6). Overall, the governments represented at the World Summit established three intertwined responsibilities which constituted R2P:

First, States accepted the responsibility to protect their own populations from genocide, war crimes, ethnic cleansing and crimes against humanity. Second, States promised to assist each other in fulfilling their domestic protection responsibilities. And third, the international community took on a collective responsibility to react, in a timely and decisive manner, if particular States are manifestly failing to protect their populations from the abovementioned mass atrocity crimes (Campbell, 40).

Stahn explains that this iteration of R2P by the UN Secretary-General Kofi A. Annan came in a 2005 report titled, “Larger Freedom: Towards Development, Security and Human Rights for All.” In the report he “fostered the idea that the security of states and that of humanity are indivisible and that threats facing humanity can be solved only through collective action” (Stahn, 100). The secretary-general was effectively “endorsing” the consciousness shift in the international community that “the principle of state sovereignty finds its limits in the protection of ‘human security’” (Stahn, 101). The report, Larger Freedom: Towards Development, Security and Human Rights for All, outlines six criteria that need to be met. To justify military intervention the circumstances must be extraordinary, the action has to be under the right moral intentions, all other diplomatic or peaceful means must have failed, the military means must be proportional to the violence, the intervention should have a reasonable chance of success, and the intervention has been given authority by the UN (Janzekovic, 51). Herro argues that “the most commonly used and widely accepted iteration of RtoP is the “three pillars” enunciated by Ban Ki-moon and based on the outcome document of the 2005 World Summit where RtoP was adopted by more than 150 governments” (Herro, 42). These three pillars are: “the protection responsibilities of the State, international assistance and capacity-building, and a timely and decisive response” to

humanitarian crises (Ki-moon, 2). This re-affirmation of R2P by both Secretary Generals expressed a shift of the international community away from the traditional norms of sovereignty, putting human value to the forefront of government responsibilities.

The UN Security Council would exhibit the norm's diffusion in the international community in 2006, when "Resolution 1674 on the Protection of Civilians in Armed Conflict" was adopted (Hilpold, 2). With the adoption of the resolution, this marked the first time the Security Council officially endorsed the idea of states' "responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity" (Hilpold, 2). Over the course of the next five years UN Secretary General Ban Ki-Moon continued to lobby for the norm. Ban Ki-Moon established a "UN Office devoted to 'the conceptual, political, institutional and operational development of the responsibility to protect concept.' [And] a Special Adviser on the Responsibility to Protect at the Assistant Secretary General level" (Herro, 43). His dedication to R2P acted as a significant factor in the Security Council endorsing and utilizing the language of the norm in "resolutions dealing with Darfur in 2006, and...resolutions in 2011 on Côte d'Ivoire, South Sudan, Yemen, and Libya" (Chesterman, 8). R2P continued to gain legitimacy and recognition in the UN. Prominently, the resolution on Libya put the norm into practice through a UN sanctioned intervention. UN Secretary General Ban Ki-Moon declared that, "history took a turn for the better. The responsibility to protect came of age; the principle was tested as never before...by our words and actions, we demonstrated that human protection is a defining purpose of the United Nations" (Chesterman, 10). R2P, like norms prohibiting genocide that emerged after WWII, went through the norm "life cycle" process, seemingly reaching internalization among UN member states. R2P entered the discourse of the

international community following NATO intervention in Kosovo and began to be diffused and internalized in international bodies, such as the UN and their Member States, throughout the early 2000s.

IV.IA. Darfur – The Test Case for R2P

Smith details that the violence in Darfur, Sudan, in 2003 marked the first “purported genocide to come along during all the international discussions on the ‘responsibility to protect’ – itself the end result of discussion about the legitimacy and legality of the humanitarian intervention after the Kosovo war” (Smith, 208). The conflict in Darfur was a result of previous civil wars in the late 1990s as well as persistent economic, political, and social marginalization of the region. By the early 2000s, “Darfur remained underdeveloped and marginalized at the federal level, lacking infrastructure and development assistance” (worldwithoutgenocide.org). Smith explains that “large-scale violence erupted” in 2003 when rebel groups attacked the Sudanese government (Smith, 211). This attack by the rebel armies sparked brutal retaliation by Sudanese government and Janjaweed militia forces, which were Arab tribes backed and armed by the government and Sudanese army (worldwithoutgenocide.org). During this retribution by the Sudanese government, “civilians were deliberately targeted, with mass killings and rapes common, [and] by May 2004, perhaps 80,000 people had been killed, 100,000 refugees had fled to Chad and one million people were internally-displaced” (Smith, 212). The deliberate violence committed by the Sudanese government against innocent civilians became extensively clear to the international community.

Gifkins argues that Security Council resolutions on the situation in Darfur were directly linked to R2P, despite the ongoing debate of R2P’s role in international politics. In

September 2004, “one Security Council member, the Philippines, clearly invoked language from the ICISS report” after the vote on Resolution 1564 (Gifkins, 10). In November of that year Resolution 1574 “on Darfur and southern Sudan included references to R2P in the text of the resolution and in statements made after the vote” (Gifkins, 10). Resolution 1706 “on Darfur authorized the transition from African Union peacekeeping to UN peacekeeping in August 2006. This resolution was the first time the Security Council referenced R2P in a country-specific resolution” (Gifkins, 13). Resolution 1706 expanded the mandate of the United Nations Mission in the Sudan (UNMIS) specifically “to prevent disruption of the implementation of the Darfur Peace Agreement by armed groups, without prejudice to the responsibility of the Government of the Sudan; to protect civilians under threat of physical violence” (UN.org). While R2P was generally acknowledged by the international community at the 2005 World Summit, these resolutions were significant to the acceptance of R2P in future Security Council endeavors.

In early 2004 little action had actually been taken by the international community to end the escalating human rights atrocities being committed in Sudan. The UN inefficiencies of the peacekeeping mission and inaction in Sudan was damaging to the R2P principle. Scholars argue that “maintaining the momentum towards peace [between Sudan and South Sudan] is often said to be a reason why the conflict in the western region of Darfur was widely ignored...and why there was reluctance to take any action which might jeopardize the north-south peace agreement” (Smith, 213). By July 2004, “the UN Security Council issued its first major resolution (no. 1556) on Darfur, which among other things, demanded that the government of Sudan disarm the janjaweed militias” and “imposed an arms embargo on non-governmental entities and individuals in Darfur” (Smith, 215). De Waal

contends that after this resolution the Security Council “failed to monitor the implementation of its demand, let alone take action against Khartoum for failing to act” (De Waal, 1041). Moreover, UN resolutions in 2006 dictated that peacekeeping “could not be implement[ed] without the consent of the government of Sudan, which it refused to give, thwarting implementation of the resolution” (Gifkins, 15). By 2008, “the UN joined the [African Union] in the UN African Mission in Darfur (UNAMID),” however these missions were “‘impotent’ and ‘overstretched’” (Smith, 215). The use of R2P in resolutions on Darfur did not achieve its stated mission of protecting civilian populations.

Darfur represented a test case for the effectiveness of R2P, but as De Waal describes, “with an internally dysfunctional regime facing a confused and inconsistent international community, it is unsurprising that little progress [in stopping the violence] was made” (De Waal, 1043). While UN peacekeeping was categorically unsuccessful, it was important to the emergence of the norm that the Security Council used R2P to prompt an international response. It was significant that R2P was now included in country specific UN resolutions, establishing that the norm could be put into practice, regardless of if it was put into practice effectively. By the time the Libyan crisis emerged in 2011, R2P would become the focal point for justifying intervention.

IV.II. The Twists & Turns of the Gaddafi Regime

Muammar Gaddafi came to power after the coup of the former Libyan King in 1969. Campbell describes that the Gaddafi regime went through four distinct periods: first from 1969-1977 the “Period of the Revolutionary Command Council, or the period of elusive revolution,” next from 1977-1988 the “Period of confrontation with the Western states, including the 1986 bombing of Libya by Ronald Reagan,” then from 1988-2001 the “Period

of sanctions and isolation, and Gaddafi's move to embrace African diplomatic interventions," and finally between 2001-2011 the "Re-opening to the West and the end of Gaddafi" (Campbell, 23). This re-opening period created a "paradoxical relationship with the West," in which Gaddafi would become an ally in the US War on Terror and yet little political change was established in the dictatorship (Campbell, 25). One of the key characteristics of this new relationship with the West was that "a number of state-owned enterprises were privatized, and in 2004 Libya opened up fifteen new offshore and onshore blocks for exploration and production agreements" to Western oil companies (Campbell, 60). By 2011, "energy production still accounted for 65 percent of GDP and 80 percent of government revenue. Although per capita income was fairly high at \$14,100, an estimated one-third of the Libyan population was still very poor and lived below the poverty line" (Chivvis, 22). The BBC concurred with this finding, stating that "lack of jobs outside the government [meant] that unemployment [was] estimated to be 30% or more" in 2010, and that "profits from foreign investment [particularly in the oil industry] only benefited a narrow elite" (Kafala,1). Other scholars who described these "Liberal" shifts argued that they "worsened living conditions for the majority of Libyans. The oil rent...became the target of small groups of the privileged, including the family of [Gaddafi]. Those conditions then gave rise to the well-known explosion" of the Arab Spring rebels (Campbell, 61). While winning the favor of the West, Gaddafi continued to marginalize the average Libyan.

Libya was now open to the West for economic purposes, which prompted Gaddafi to engage in "new bilateral and defense agreements [that] were reached in 2009 and 2010" (Chivvis, 23). These agreements were seen as signs of a democratizing and liberal Gaddafi, yet scholars argue that "the regime's renunciation of terrorism and nuclear weapons was

not indicative of any noticeable change in the underlying nature of the regime” (Chivvis, 23). Vandewalle describes that there were warning signs that the regime had undergone little change in its political consciousness (Vandewalle, 201). The first was “the undue pressure the regime exerted on Great Britain for the release of al-Megrahi, the convicted Lockerbie bomber, and his hero’s welcome in Tripoli” (Vandewalle, 201). The next warning was “the growing cult of personality around Qadhafi that came to dwarf the already considerable efforts since the early 1970s to portray the Libyan revolution as an epoch-making event” (Vandewalle, 201). Western scholars engaged directly with the philosophies of Gaddafi’s “Green Book,” which promoted these ideas about the Libyan revolution. Gaddafi’s Green Book “drew heavily from the ideals of Arab nationalism as espoused by Nasser, [the second president of Egypt]. Nasserism, anti-imperialism and non-alignment were supposed to anchor this Third Way between socialism and capitalism” (Campbell, 27). Vandewalle expresses that Gaddafi saw this intellectual engagement by Western political scholars and elites “as the validation for his [Green Book] ideas” and “further reinforced the by now somewhat surreal image he had of himself and of his self-styled revolution as being of world importance” (Vandewalle, 203). Western recognition and affirmation of Gaddafi’s ideas and the growing “friendship” between Gaddafi and Western powers, only espoused the control Gaddafi exerted over Libya.

In early 2011, the progress of Libya as a Western ally, edging toward democratization, was shuttered. Gaddafi exposed the true essence of his dictatorship when in January 2011, the Arab Spring began. The Arab Spring inspired “anti-establishment protests” which “quickly spread across [Tunisia] and the wider region, soon toppling the regimes in Tunisia and Egypt” (Williams, 250). Chivvis argues that “shortly after the fall of

Ben Ali in January, Qaddafi again put his tyrannical instincts on full display, blaming the revolt on Wikileaks and warning that Tunisians could be ‘raided and slaughtered in their bedrooms and citizens in the street killed as if it were the Bolshevik or the American Revolution’ (Chivvis, 23). Bellamy details that “after some initial protests in mid-January, demonstration [in Libya] quickly turned violent. This was partly because of the regime’s crackdown and partly because defections from the government and army facilitated the establishment of an armed opposition group” (Bellamy, 836). In late February of 2011, Gaddafi government forces including “Libyan soldiers and police fired on unarmed crowds with machine guns. The death toll mounted, sparking further outrage. [And] the full-on revolt against four decades of Qaddafi’s rule had begun” (Chivvis, 25). Williams describes that “while [the] opposition forces enjoyed rapid success during mid-February, declaring they had taken control of a majority of the country’s major cities, during late February and early March Gaddafi’s forces tipped the balance back in their favor” (Williams, 250). To accomplish this the regime “deployed snipers, helicopter gunships, planes, and foreign mercenaries against protestors across the country. Within a few days, hundreds were dead and many more wounded” (Chivvis, 27). Government forces pursued rebels as well as Libyan civilians with any means possible in order to maintain the dictatorship of Gaddafi.

Additionally, at this point in March 2011, Gaddafi’s rhetoric towards the protestors took a dramatic and alarming turn. Bellamy contends that “in words that bore direct echoes of the 1994 Rwandan genocide, Gadhafi told the world that ‘officers have been deployed in all tribes and regions so that they can purify all decision from these cockroaches’ and ‘any Libyan who takes arms against Libya [would] be executed’” (Bellamy, 838). The situation continued to escalate with Gaddafi promising to maintain his hold on power and

threatening to “‘cleanse Libya house to house’ if the protests continued” (Chivvis, 28). Bolcu explains that Gaddafi’s violence against his people was deliberate and he “made it perfectly clear that he [was] not open for discussion, having already ‘demonstrated his willingness to use force against his own people, given that an estimate 1,000 to 10, 000 had already been killed’” (Bolcu, 119). This deliberate execution and genocidal language were made clear with the documents collected from war crime investigators “that reveal[ed] in chilling detail orders from Colonel Muammar Gaddafi’s senior general to bombard and starve the people of Misrata,” and a message from Gaddafi that ordered “Misrata be obliterated and the ‘blue sea turned red’ with the blood of the inhabitants” (Stephen, 1). Gaddafi’s language and deliberate killing of Libyan civilians sparked immediate international response.

Daalder explains that “the international community responded swiftly,” to Gaddafi’s actions (Daalder, 2). In late February, “the UN Security Council placed sanctions, an arms embargo and an asset freeze on Libya and referred Qaddafi’s crimes against humanity to the International Criminal Court in The Hague” (Daalder, 2). On February 22nd, the UN Special Adviser on the Prevention of Genocide, Francis Deng, and the UN Special Adviser on the Responsibility to Protect, Edward Luck, stated that “the regime’s behavior could amount to crimes against humanity and insisted that it comply with its 2005 commitment to R2P” (Bellamy, 839). The Secretary General reiterated both to the Libyan authorities their responsibility under R2P, which was disregarded by Gaddafi, and to the Security Council their responsibilities to act in light of this failure to suspend the violence against the Arab Spring protestors (Bellamy, 839). Moreover, both the League of Arab States’ (LAS) and the Peace and Security Council of the African Union condemned the actions of Gaddafi and his stringent violation of human rights (Williams, 251).

R2P was evoked unequivocally and swiftly by the Security Council in the face of the escalating violence by Gaddafi, in order to substantiate humanitarian intervention in Libya. On February 26th, the UN Security Council unanimously approved Resolution 1970 which underscored the Libyan government's responsibility to protect its people, established further sanctions, and made humanitarian assistance available to the Libyan people (Williams, 252). Campbell articulates that Resolution 1970 "imposed sanctions on the Libyan regime and a travel ban on its top leaders" and that "the Security Council agreed that it was necessary to prevent a bloodbath in Libya" (Campbell, 39). Janzekovic states that "there was no doubt that Resolution 1970 identified the Libyan regime as the primary threat to human security and was thereby violating the central tenants of R2P. In the strongest possible diplomatic terms, Resolution 1970 labeled the abuses in Libya as crimes against humanity" (Janzekovic, 107). Even with Resolution 1970 in place, the long-term sanctions did little to halt the escalating violence by the Gaddafi regime. In mid-March "the Security Council responded with Resolution 1973," which "condemned the escalating human rights abuses and the increased deprivations and suffering of the Libyan people" (Janzekovic, 109). More specifically, Resolution 1973 "redirected attention to the previous resolution by pointing out that taking action against the Gaddafi regime had broad international support, particularly for Arab states. [And] included a new requirement: the establishment of a no-fly zone over Libyan territory to stop Gaddafi's air force from bombing civilians" (Janzekovic, 109). The Security Council through Resolution 1973 authorized:

Member States that have notified the Secretary-General, acting nationally or through regional organizations or arrangements, and acting in cooperation with the Secretary-General, to take all necessary measures, notwithstanding paragraph 9 of resolution 1970 (2011), to protect civilians and civilian populated areas under

threat of attack in the Libyan Arab Jamahiriya, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory (S/RES/1973, 3).

Daalder stressed that “NATO was the logical choice to assume command, and it agreed to do so on March 27. Dubbed Operation Unified Protector, the alliances mission in Libya consisted of three separate tasks: policing the arms embargo, patrolling the no-fly zone, and protecting civilians” (Daalder, 3). Operation Unified Protector consisted of a strategic bombing air campaign, that ended in October of 2011. The 7-month air campaign concluded only when Muammar Gaddafi was killed, and rebel forces gained control of the entire country (Daalder, 3).

IV.III. US Response to Libya

In contrast to the intervention in Kosovo, scholars stress that the United States showed caution and reluctance to intervention in the Libyan crisis. Janzekovic argues that this was due to the fact that the Obama Administration saw that “the American people would not support what they saw as an unnecessary and most likely long, drawn-out foreign war,” and that “the US was in the midst of a painful economic recession with a rapidly expanding debt burden, therefore to engage in another costly war was domestically untenable” (Janzekovic, 113). These domestic reasons contributed to President Obama’s original hesitancy to approve Resolution 1973. However, by February 2011, the US pledged their full support for NATO intervention. Daalder explains that “Washington was the first country to cut off Qaddafi’s funding, freezing \$32 billion in Libyan assets and prompting other countries to follow suit. And on March 19th, following the UN authorization, the United States led a coalition in launching air and missile strikes against Libyan forces” (Daalder, 3). The swift change in the Obama Administration’s opinion toward the need for

humanitarian intervention in Libya and the decisive actions taken, are attributed to multiple factors.

First, a statement by the League of Arab States (LAS) impacted the dynamics of the Security Council toward the Libyan crisis. Williams argues that the LAS made an unprecedented declaration on 12 March when it called on the UN Security Council to:

‘Bear its responsibilities towards the deteriorating situation in Libya, and to take necessary measures to impose immediately a no-fly zone on Libyan military aviation, and to establish safe areas in places exposed to shelling as a precautionary measure that allows the protection of the Libyan people and foreign nationals residing in Libya, while respecting the sovereignty and territorial integrity of neighboring states,’ and to *‘cooperate and communicate* with the Transitional National Council of Libya and to provide the Libyan people with urgent and continuing support as well as the necessary protection from the serious violations and grave crimes committed by the Libyan authorities, which have consequently lost their legitimacy’ (Williams, 254).

This powerful statement by the LAS had an immediate effect on the US stance on military intervention in Libya. Bellamy argues that “the LAS resolution strengthened the hand of interventionists” in the Obama administration because it eased “concerns about alienating states in the Middle East and elsewhere in the Muslim world” (Bellamy, 843). Chesterman articulates that “with the support of African states and the Arab League for intervention, this left most states on the Council unwilling to allow atrocities to occur – and other unwilling to be seen as the impediment to action” (Chesterman, 282). Steele argues that “in contrast to Assad in Syria, Gadhafi had virtually no allies who had a stake in his continued rule” (Steele, 109). Support by neighboring nations and the Muslim world was significant in shifting the US, and Security Council, to approve of military based humanitarian intervention.

Political elites in the Obama Administration and their advocacy for intervention on the basis of R2P, and the moral imperative to prevent and stop humanitarian crises, played

a significant role in Obama's decision to agree to the intervention. Chivvis states that "some accounts of the decision to go to war emphasize the role of so-called female hawks – especially NSS senior director Power and UN ambassador Rice, but also Secretary of State Hillary Clinton – played in the rapid US policy shift from relative passivity to intervention" (Chivvis, 67). Steele argues that Samantha Power was "integral" in the decision to intervene, as she was a longtime advisor of President Obama and had done extensive work on "ubiquitous malfeasance of US foreign policy in the face of genocide" (Steele, 106). Steele clarifies that "Power's push to establish a US role in Libyan intervention was highlighted by the US press leading up to the Libyan intervention" (Steele 106). Chesterman furthers this point, explaining that the "change in policy was partly driven by...the internal advocacy of Secretary of State Hillary Rodham Clinton, Ambassador to the UN Susan Rice, and National Security Council staffer Samantha Power. Rice in particular has used her first statement in the UN security Council to endorse RtoP" (Chesterman, 282). Steele emphasizes that Rice "invoked Libya as the counter-example to Rwanda" utilizing the R2P doctrine (Steele, 107). In a statement, Rice "asserted that the United States had fulfilled a 'responsibility to protect' in the former where it had failed in the later: 'This time, the Security Council acted. And acted in time. Having failed in Rwanda and Darfur, it did not fail again in Libya'" (Steele, 107). The Security Council acted through adoption of Resolution 1973, and provisions in the mandate which provided opportunities for military intervention. Janzekovic expresses that Ambassador Rice "cited humanitarian needs, human security and democracy as the key reasons for the American decision," and that US interests "were squarely focused at the humanitarian cause of intervention and that American involvement was required from a moral and legal standpoint" (Janzekovic, 113). R2P was central to the

foreign policy stance of the Obama administration, which was influenced by Rice, Power, and Clinton.

Vigeant details the Obama administration's integration of R2P into US foreign policy, and therefore solidified the US's explicit endorsement of the principle. Vigeant explains that the "Genocide Prevention Task Force – an organization jointly convened by the US Institute of Peace, the US Holocaust Memorial Museum, and the American Academy of Diplomacy – 'urged America's 44th president to demonstrate at the outset that preventing genocide and mass atrocities [was] a national priority'" (Vigeant, 215). President Obama used this call to action by the Task Force to develop three key pieces of policy, forming R2P into a national interest for the United States (Vigeant, 215). First, was the Presidential Study Directive 10 ("PSD-10") (Vigeant, 215). PSD-10 stated that "preventing mass atrocities and genocide is a core national interest and a core moral responsibility of the United States" and established "an interagency Atrocities Prevention Board...[with] the primary purpose of the Atrocities Prevention Board [to] coordinate a whole of government approach to preventing mass atrocities and genocide" (obamawhitehouse.archives.gov). Weiss expresses that the APB would be a part of the Obama administration's efforts of "'institutionalizing' how the US government mobilizes to prevent and halt mass atrocities. [And that] the White House highlighted a strategy in which the prevention of such crimes was not only a moral responsibility but a core national security interest" (Weiss, 323). Framing R2P as key to national interests that also help a moral imperative would be key to gaining public support for future interventions. The next policy that bolstered the US's support for R2P was the 2010 National Security Strategy ("NSS") (Vigeant, 216). The NSS stated that "'the United States and all member states of the UN have endorsed the concept of the Responsibility to

Protect” and that “the United State will work both multilaterally and bilaterally to mobilize diplomatic, humanitarian, financial, and – in certain instances – *military means to prevent and respond to genocide and mass atrocities*” (Vigeant, 216). This US policy formally invoked R2P as the rationale for combatting genocide and other atrocities. Finally, the “Mass Atrocity Response Operations (“MARO”) Project” produced a handbook on humanitarian military interventions which were “incorporated into Army Training and Doctrine Command publications, and the 2010 Department of Defense Quadrennial Review” (Vigeant, 217). R2P and protocol for future humanitarian interventions were indoctrinated into military objectives that were being taught by MARO. President Obama in multiple statements echoed the need for the US to support R2P and intervene in Libya. Weiss describes that Obama defended the decision on the grounds that intervention “provided no political advantage but prevented massacres that would have ‘stained the conscience of the world’” (Weiss, 5). Obama framed intervention as key to upholding American interests and morals. Overall, his foreign policy strategy was directly connected to supporting R2P and military intervention in necessary cases, such as in Libya.

Finally, French and British pressure would help prompt US action and force President Obama to agree to Resolution 1973. Roselle asserts that “France and the UK used strategic narratives to secure US support for the resolution” (Roselle, 102). The French and UK narrative depicted a “broader narrative of a liberal order in which states have responsibilities to individuals faced with authoritarian machinations. The implication here was that if the US did not go along, it would be outside of the liberal order” (Roselle, 103). France and the UK positioned intervention in Libya as fundamental to their alliance and to the foundations of democracy. Roselle states that France and the UK “all made the same

argument – that there was a responsibility to defend the people of Libya against the violence of Qaddafi,” but “support for intervention [also] went beyond a call to US values and the liberal international order” (Roselle, 105). Secretary of State Clinton, under the direction of French and UK governments, would frame intervention as necessary to the US’s military alliances (Roselle, 104). She stated that ““When it comes to Libya, we started hearing from the UK, France, Italy, other of our NATO allies. This was in *their* vital national interest”” (Roselle, 105). Obama would go on to stress this relationship with their NATO allies and their ability to maintain democracy and international order as justifications for the intervention (Roselle, 105). Chivvis explains that “French and British agitation for action kept the public and [US] national leaders focused on the crisis” (Chivvis, 68). Specifically, this meant French and UK narratives “set the stage for the implication that the US would be left out of decision-making on Libya if it did not go along with the French and UK desire for intervention” (Roselle, 105). Intervention became a priority for the United States due to the influence of their allies. Lobbying by French and UK governments, specifically through narratives on liberal state duties, would shift Obama’s acceptance of Resolution 1973 and drive the US to intervene in Libya.

IV.IV. UK Lobbying for Intervention

The UK was among one of the countries with the strongest initiative to intervene in Libya. This strong position to intervene was in part influenced by the moral imperative set by R2P to intervene in cases of mass human rights atrocities. Davidson stresses that “an important initial factor [for intervention] was that the Cameron government’s belief that the Gaddafi’s regime’s gross human rights violations triggered a norm requiring intervention,” this norm being R2P (Davidson, 321). The UK used R2P to frame the need to

preserve human rights as probable cause to intervene. Roselle expresses that the UK's narrative for intervention "stressed UK support for human rights" and "emphasized the responsibility of the international community to stand firm against tyrants" (Roselle, 104). David Cameron, the British Prime Minister, on the issue of intervention stated that, "Britain should be a relentless advocate for great political openness, support for human rights and non-violence" (Roselle, 104). Janzekovic argues that Cameron insisted that "the international community must take a humanitarian position to stop further atrocities" (Janzekovic, 112). Janzekovic explains that "Cameron argued that a moral and legal obligation to halt Gaddafi's indiscriminate violence against civilians existed. [And] doing nothing...would betray people striving for democracy in Libya and around the world" (Janzekovic, 112). Cameron's framing of UK support for intervention alluded to R2P, and the statements would underscore the UK's hardline support for Resolution 1970 and Resolution 1973.

UK desire for intervention was also driven by sources of support, domestically, in the Middle East and North Africa (MENA) region, and from the broader international community. Davidson asserts that "a degree of international and regional support seems to have been a prerequisite to British intervention" (Davidson, 322). Statements from UK officials about international and domestic support underscored the UK's backing of intervention (Davidson, 322). This domestic support was provided by France and the opposition party to Cameron in Parliament. Since the British-French agreement in November 2010, a joint military and defense pact, the UK was committed to working closely and in sync with French actions in Libya (Roselle, 104). Chivvis indicates that Britain "saw an opportunity to test the defense cooperation treaties that had been signed

only a few months earlier” (Chivvis, 14). Davidson states that “the Cameron government was able to choose to intervene in Libya because opposition support minimized electoral risk” (Davidson, 324). This was due to the fact that “Labour’s support [for intervention] reduced the political risk of intervention” (Davidson, 325). Another source of support for UK intervention came from the MENA. Janzekovic states that the “rapid rise of regional popular and political support against Gaddafi” would contribute to the UK’s stance on intervention. Janzekovic explains that “Cameron repeatedly acknowledged the strong regional support for freedom and the Arab League’s call for action against Gaddafi. The Arab League’s unanimous position in favor of a no-fly zone was an important indication that the West and the Arab world shared common ground” (Janzekovic, 112). Davidson further articulates that the Arab region’s support was key to UK support for intervention. He explains that the regional support “was one of three critical conditions he cited in his 18 March Commons speech. In the Commons debate on intervention Cameron highlighted the Arab states’ support for intervention” (Davidson, 322). UN Security Council support against Libya was critical to UK backing of intervention. Strong echoes that “with UNSCR 1973 in hand, Cameron based his case for British participation on the UN mandate,” and therefore “MP’s approved the motion by 557 votes to 13. It was a significant moment” (Strong, 613). Strong continues that “explicit UN approval makes a huge difference to the British domestic perception of the legitimacy of military action” (Strong, 614). Davidson explains that “after having attained UNSCR 1973 Cameron said that ‘a clear legal basis’ was an essential precondition for using force” (Davidson, 323). Backing by France, the MENA region, and the Security Council bolstered the UK support for military intervention in Libya.

IV.V. France Takes the Lead

France was the first country to call for humanitarian intervention against the Gaddafi regime. Chivvis explains that this eagerness was derived from the fact that “Sarkozy’s government had fumbled its initial response to the uprisings in Tunisia and was eager for an opportunity to show it stood with traditional French liberal values of liberty and human rights – as well as demonstrate France’s continued relevance” (Chivvis, 14). These French values directly connected to R2P, and France’s framing of why intervention was necessary. Janzekovic explains that the French Minister for Foreign and European Affairs, Alain Juppe, “argued that Gaddafi’s actions had undermined any legitimate right [Gaddafi] might have to continue ruling Libya and that the international community was responsible to protect the Libyan people” (Janzekovic, 110). This statement utilized the exact phrasing of R2P. Roselle advances this connection to R2P, explaining that the “French narrative stressed the violations of human rights and the suffering of the Libyan people, the lack of legitimacy of Gaddafi as leader, and the responsibility of the international community to respond” (Roselle, 103). This responsibility is outlined in Sarkozy’s speech after the passage of Resolution 1973 in which he stated: “Today, we are intervening in Libya...We are doing so to protect civilians from the murderous madness of a regime which, in killing its own people, has lost all legitimacy” (Roselle, 104). This statement reflects the language of R2P, and the international community’s duty to intervene when government’s fail to protect their populations. Moreover, Janzekovic argues that France acknowledged that non-intervention would undermine the liberal values of itself, other Western nations, and ultimately the UN. Janzekovic details that if nothing was done in Libya, “this would send a strong message to neighboring regimes that Europe’s democracies did not care about political rights and civil liberties in the Arab world. This would further undermine

the hard-won advances in democracy promotion and support for human rights worldwide. [And] the UN would be discredited” (Janzekovic, 111). Framing that liberal values, which were in direct connection to R2P, were at stake without intervention was key to France’s overwhelming support for intervention.

Conversely, Davidson asserts that France’s historical position in Africa was directly connected to their need to intervene. He details that the “country’s leadership role in the Libyan crisis [was] driven by their historical ‘position of influence on the African continent’” and that Libya was “a chance to recoup French prestige in North Africa” (Davidson, 317). Campbell reiterates this, stating that “ruling elements were looking for areas to shore up France’s ‘prestige,’” and thus were in favor of intervention (Campbell, 92). Moreover, French Philosopher Bernard-Henri expressed that there was French influence in Libya. Davidson reports that “‘Bernard-Henri rang [Sarkozy] from Benghazi to tell him that French flags were everywhere. He told him if he allowed a bloodbath there the blood would stain the French flag’” (Davidson, 317). Bucher agrees that the historical French influence in Africa would prompt French action. She states that “particular interest in Francafrique and Magreb derives from its long -term investments, influence and economic relations with these countries as part of its colonial past,” and “France recognizes that its activism there is the most influential it can exercise on the international stage” (Bucher, 4). Intervention was an immediate option in the Libya crisis, as protecting French influence in Africa and expanding France’s relevancy on the international stage were long term goals of the French government.

France further framed intervention in the crisis as directly relevant to French security and economic interests, in part due to their historical past in Africa. Davidson

argues that “French officials believed that because of its location instability in Libya and at its borders would have negative consequences for France” (Davidson, 316). Sarkozy justified the need for intervention, in part, stating that ““because [France and Libya] are geographical neighbors, [France is], therefore, among the first impacted and affected”” (Davidson, 316). The primary concern was an influx of refugees and migrants that might flee to France (Davidson, 316). In a press conference during the crisis Sarkozy “expressed his concern about the destabilizing effects of the ‘massive flight’ of foreigners” (Davidson, 316). Bucher details that the media in France also depicted the need for French support for intervention based on R2P and economic reasons (Bucher, 9). Bucher asserts that “economic reasons also played a role in the French debate. As the development of the oil price is closely linked to stability of the region, France, which has close economic ties with Libya as a former colonial power, was worried about losing influence in trade relations” (Bucher, 10). Davidson further argues that “there is some evidence that maintaining access to Libyan oil and minimizing the terrorist threat from Libya were important contributing factors in the Sarkozy government’s decision” to intervene (Davidson, 319). While France pushed the narrative that their liberal and moral interests were at risk without intervention, their direct national interests, in oil and fear of refugees, inherently played a crucial role in their assertive attitude in favor of military intervention.

IV.VI. Implications for R2P After Libya

Kuperman argues that “the NATO intervention – by protecting Benghazi and helping remove Gaddafi from power – averted a Rwanda-like genocide [and] it did so quickly and without deploying ground forces, thereby establishing a new model for successful implementation of the emerging norm of R2P” (Kuperman, 192). Chivvis agrees, explaining

that “when it comes to [the] stated objectives, the operation has rightly been hailed a success. In seven months of operations, the intervening powers maintained an arms embargo, facilitated humanitarian relief, created and sustained a no-fly zone, and helped protect Libya’s civilian population” (Chivvis, 174). This supposed “successful” intervention in Libya helped strengthen R2P in some respects, according to Gifkins. Gifkins states that “language on R2P in Security Council resolutions has shifted from contentious to commonplace” (Gifkins, 23). He continues, arguing that “since 2011, R2P has been regularly reaffirmed in a wide array of conflicts and thematic issues, and these drafts have become quicker and easier to negotiate” (Gifkins, 23). Janzekovic furthers this argument, maintaining that intervention in Libya indicated “that there was a general consensus, at least in this instance, on the principles and values of R2P by most of the UN Security Council members” (Janzekovic, 123). He continues that “ignoring human security [today] is not an option; it is legally and morally addressed in...the UN Charter and by numerous conventions and protocols” (Janzekovic, 124). Therefore, at the time of the Libyan intervention R2P can be remarked as a successfully diffused norm.

However, this categorization of the Libyan intervention as a success is naïve. In the years following the intervention, this test-case for R2P has been strongly criticized. As Thakur points out “Libya proved to be almost a textbook illustration justifying R2P principles, but its implementation also demonstrated the need for legitimacy criteria to guide decisions on authorizing and overseeing international military intervention” (Thakur, 61). Dietrich explains that the standards for use of R2P are intentionally vague (Dietrich, 332). This vagueness contributes to debate and disagreement on when to intervene and in what situations to intervene, and now “R2P is left as a case-by-case

decision and one that carries no legal obligation to act” (Dietrich, 333). Moreover, Thakur emphasizes that use of R2P in Libya “was damaged by gaps in expectation, communication, and accountability between those who mandated the operation and those who executed it” (Thakur, 72). This is especially true in regard to NATO overseeing military operations.

Abass explains that inclusion of regional organizations to enforce Resolution 1973 was not intended to allow NATO to intervene, but rather the Arab States and the African Union. He explains that “it seems unlikely that the lack of reference to NATO, anywhere in Resolution 1973, was an accident of drafting. It was rather a clear indication that NATO was not intended as a beneficiary of a Resolution 1973 mandate” (Abass, 3). Moreover, the NATO campaign surpassed the prescribed mandate of Resolution 1973, by ousting Gaddafi from power. Booth reviews that the NATO mission was ““leading to support for regime change, which legally is beyond the United Nations security council resolution”” (Booth, 1). The actions taken by NATO during the Libyan intervention have driven a lack of consensus for R2P in the international community. Morris explains that China and Russia developed cynicism towards R2P in the wake of intervention. Morris iterates that:

Through (Russia’s) further criticism of western powers’ ‘use of pseudo-humanitarian arguments’ and (China’s) stated opposition to ‘military intervention under the pretext of humanitarianism’ and ‘externally imposed solutions aimed at forcing regime change’ both states have made clear the difficulties which would-be interveners are likely to face when attempting to secure [Security Council] authorization for interventionary action in future cases (Morris, 1276).

China and Russia, through these explanations, attempt to discredit future humanitarian interventions, especially those that utilize R2P for justification. The damage generated by intervention in Libya has extended to the post-war chaos that ensued after the removal of Gaddafi from power. Chivvis indicates that “the failure to generate forces for post conflict stabilization speaks to the continued importance of efforts to develop post conflict

capabilities in other countries and multilateral organizations, including the African Union, the EU, and the UN” (Chivvis, 184). This “responsibility to rebuild,” not inherently found in the principles of R2P, has had a definite impact on R2P use in the Syrian conflict and beyond. The gaps in the doctrine and the misuse of R2P in Libya by NATO has contributed to the non-intervention that has taken place in regard to the Rohingya conflict in Myanmar.

CHAPTER V: MYANMAR (BURMA)

The Responsibility to Protect has undergone fits and starts as a norm. Humanitarian intervention in Libya was swift and enacted under R2P principles in Resolution 1793, which presented the international community with an opportunity to solidify the diffusion of the norm. However, that many considered that use of R2P in Libya was nothing but an ideological foil for the national self-interests of the member states of NATO, opened the door for the norm to regress. In this respect, the moment of R2P's success as a norm was also the moment of its downfall. It is my argument that this norm regression has contributed to why the UN Security Council, the United States, UK, and France have failed to intervene in successive humanitarian catastrophes.

I will demonstrate that one such catastrophe that has not been prevented due to the norm's regression is the Rohingya crisis in Myanmar (Burma) that started in 2016. Some realist scholars argue that intervention has not been considered in Myanmar because western nations do not have national interests in the country that would prompt them to invoke R2P. This reasoning is flawed, as both the UK and France do have interests in the region. The chapter will exhibit how the norm regression of R2P has contributed to the failure of the international community to respond to the ongoing ethnic cleansing and atrocities in Myanmar.

To establish this argument, I will first turn to the development of the ethnic cleansing and violence in Myanmar. Then, I will analyze a multitude of UN documents, including General Assembly reports, reports and letters by the Secretary-General to the Security Council, letters from UN Member States to the Security Council, Security Council meeting minutes, and a Security Council press statement. The rhetoric of the UN was key to

implementing the R2P and garnering support for intervention in Libya. In the case of Myanmar, the analysis of UN documents shows that UN and western government chose to avoid using the language R2P, signaling the regression of the norm. The regression of the norm is also rendered visible in the statements delivered by the governments of France, the UK, and the United States. While they criticized the Myanmar government with regard to their treatment of the Rohingya population, these states paid special attention to not to make any references to R2P in the public statements.

V.I. Continued Persecution of The Rohingya

The Rohingya are a minority Muslim ethnic group living in the Rakhine state in Myanmar. The Rohingya are not granted citizenship in Myanmar and have faced severe restrictions from the government on their physical movement and upward economic or social mobility since the 1970s. The current surge in violence began “after the killings of nine border police in October 2016, [where] the government blamed what it claimed were fighters from an armed Rohingya group [the Arakan Rohingya Salvation Army (ARSA)]” (Al Jazeera, 2018). From this point, on the government of Myanmar, specifically the Tatmadaw – the Burmese military – conducted indiscriminate and systematic mass violence and killings against Rohingya civilians. This violence is specifically outlined in the UN’s international fact-finding mission on Myanmar and in US Department of State surveys and documentation, both which were conducted in 2018.

The UN’s international fact-finding mission found “systemic oppression and persecution of the Rohingya” throughout the mission (A/HRC/39/64, 6). The report states that there is a “continuing situation of severe, systemic and institutionalized oppression [of the Rohingya] from birth to death” (A/HRC/39/64, 6). After the attack by the Arakan

Rohingya Salvation Army, oppressive rules by the military forces against the Rohingya increased, and “daily life for the Rohingya became unbearable, with extreme movement restrictions” and “hundreds of men and boys were arrested, with the most educated and influential frequently targeted” (A/HRC/39/64, 10). While the ethnic tensions between the Rohingya and Tatmadaw began in late 2016, it was in August of 2017 that the scale of violence increased beyond the status quo. In August 2017, the ARSA “launched coordinated attacks on a military base” and “twelve security personnel were killed” (A/HRC/39/64, 8). The Tatmadaw’s response to the attack was almost instantaneous, ruthless, and extreme – compared to the small-scale violence of the ARSA attack (A/HRC/39/64, 8). The report describes that the “operations targeted and terrorized the entire Rohingya population. The authorities called them ‘clearance operations.’ As a result, by mid-August 2018, nearly 725,00 Rohingya had fled to Bangladesh” (A/HRC/39/64, 8). These “clearance operations” killed and injured thousands. The report marks that “women and girls were taken to nearby houses, gang raped, then killed or severely injured. Houses were locked and set on fire. Few survived,” and “people were killed or injured by gunshot, targeted or indiscriminate, often while fleeing” (A/HRC/39/64, 9). The sexual violence against Rohingya women and girls was explicit, and the pre-meditation and planning of the attacks is clearly documented in the report. It stated that “satellite imagery and first- hand accounts corroborate widespread, systematic, deliberate and targeted destruction, mainly by fire, of Rohingya-populated areas” (A/HRC/39/64, 9). Tatmadaw attacks continued in 2018, forcing “more Rohingya to flee to Bangladesh, at an average rate of 1733 per month since the beginning of 2018” (A/HRC/39/64, 11). The military operations by the Tatmadaw forces were systematic, indiscriminate, and primarily targeted at civilians. The report details more specific actions

and concludes that the actions of the Burmese forces had “genocidal intent” and that crimes against humanity were committed over this period.

The US State Department report reiterates many of the same crimes and violence perpetrated by the Tatmadaw. Statistics in the report specify that the Rohingya “victims named the army as perpetrators in an overwhelming majority (88%) of the killings witnessed, as well as in nearly all armed group assaults (92%) and aerial attacks (88%)” (state.gov, 7). State Department report states that the violence in the region against the Rohingya was “extremely, widespread, and seemingly geared toward both terrorizing the population and driving out the Rohingya residents. The scope and scale of the military’s operations indicate they were well-planned and coordinated. In some areas, perpetrators used tactics that resulted in mass casualties” (state.gov, 2). The attacks were also documented as racist and ethnically charged. The report describes that “during the attacks on their villages and rapes, many Rohingya reported hearing perpetrators using explicit language and calling them ‘Bangladeshi/Bengali’ or the racial slur ‘Kalar’” (state.gov, 9). This report corroborated the imagery analysis of the UN fact-finding mission. The “imagery analysis from August 30 to October 23, 2017 indicates that more than 38,000 buildings were destroyed by fire” and “most villages where burning occurred were totally destroyed” (state.gov, 9). The sexual violence and brutality of the Tatmadaw forces was also confirmed with “45% [of Rohingya who] witnessed women and girls being rapes, including the 20% who witnessed gang rape” (state.gov, 13). The US State Department report examines and details the mass causality events, explicit targeting of the Rohingya population, and the prominence of attacks in both brutal and sexual nature by the Burmese military.

V.II. UN on R2P and Myanmar

There are only two reports by the UN Secretary-General to the UN Security Council that explicitly mention R2P. The first report I will analyze comes from July of 2016, just three months before the original outbreak of violence in Myanmar. The report is titled “Mobilizing collective action: the next decade of the responsibility to protect” and will also be referred to as S/2016/620. The report outlines the growth of R2P and how “much has been accomplished in building a consensus around the responsibility to protect” (S/2016/620, 2). However, the Secretary General acknowledges that “the international community has fallen woefully short of its aspiration to prevent and respond to atrocity crimes” (S/2016/620, 2). The Secretary General points out that divisions in the Security Council, especially due to national or self-interest, is a cause of “disunity” (S/2016/620, 5). This “disunity” and lack of implementation of R2P can be derived from the vague language and lack of obligation inherent in the principle, as discussed in the previous chapter. The Secretary General highlighted that “one concrete step forward would be for them to agree to exercise restraint in the use of the veto in situations involving atrocity crimes” in the Security Council (S/2016/620, 14). While this initiative would help bolster the use of R2P in situations of humanitarian crisis and crimes against humanity, key veto holding nations will not concede, thereby continuing to weaken consensus on R2P. Overall, the Secretary General pledged that “the United Nations must redouble its own efforts to mainstream the responsibility to protect” and that if Member States do not defend and uphold this norm, then “the achievements made in the first decade of the responsibility to protect will be eroded” (S/2016/620, 18). Even the Secretary General raises the issue that non-intervention in Myanmar can be understood as a clear sign of R2P regression.

The next prominent UN report to center around R2P did not occur until a year later in August of 2017, titled “Implementing the responsibility to protect: accountability for prevention,” or S/2017/556, and there have been no others since then that directly focus on R2P. The primary goal S/2017/556 was to identify the “gap between our stated commitment to the responsibility to protect and the daily reality confronted by populations exposed to the risk of genocide, war crimes, ethnic cleansing and crimes against humanity” (S/2017/556, 1). According to the report, the international community, particularly the Security Council, has affirmed R2P but continues to fail to prevent atrocities. The idea of prevention is central to this report. The stated goal of R2P, the rapporteurs argue, is “to ensure that those with a responsibility for preventing atrocity crimes are held accountable for fulfilling that responsibility” (S/2017/556, 4). The report continues that, “should peaceful means be inadequate and national authorities manifestly fail to protect their populations, Member States have stated that they are prepared to take collective action, in a timely and decisive manner” (S/2017/556, 2). While both statements seemingly reflect R2P, the statements in reality screw the original version of R2P accepted at the 2005 World Summit – which is the only version of the norm that states are obligated to follow. The accept version of R2P clearly indicates that R2P “entails the prevention of such crimes, including their incitement, through appropriate and necessary means” (A/RES/60/1, 30). There is no mention of holding those accountable for this prevention or that prevention should be *the* primary goal of R2P (A/RES/60/1, 30). Moreover, the World Summit document dictates that “we are prepared to take collective action, in a timely and decisive manner, through the Security Council... 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” (A/RES/60/1, 30). The Security Council is the only body that can act against states that fail in their responsibilities of protecting their populations. Stating that action can be taken by the Member States, in general, defers this unique responsibility of the Security Council in R2P and removes the possibility of intervention, since the Security Council is the only body that has that right. These inaccurate statements in S/2017/556 diminish the possibility of intervention in Myanmar and confuse the obligations of both Member States and the Security Council that are entailed with the accepted version of R2P, as dictated by the World Summit document.

Finally, repercussions from the intervention in Libya are evident in this report. S/2017/556 reads that the “collective action to protect populations is likely to make a decisive contribution only if it is supported by a viable political strategy and adequate means. The Security Council has a responsibility to ensure that its mandates are tailored to the context concerned” and that the “mandate to protect populations must be strong and achievable, based on clear analysis and a political strategy” (S/2017/556, 11). In Libya, intervention was criticized for overstepping the mandate in order to achieve protection of that population, as well as for the lack of a “rebuilding” strategy for the nation after intervention. Others, notably China and Russia in the Security Council, argued that the intervention was too swift, was undertaken without clear facts, and occurred for the ideological purposes of the West, rather than for protecting innocent civilians. Intervention in Libya was flawed and saved little life after the mission had concluded. Due to this failure, the statement in S/2017/556 indicates that the Security Council is now required to take further, more deliberate, steps in order to intervene. These steps could potentially spark disunity between the states, as there is more time for debate. These extra steps could also

allow for the violence to be perpetrated for a greater amount of time, since the Security Council must fully formulate a “complete” strategy, not just a strategy for intervention. This report was issued just prior to the outbreak of violence in Myanmar and should have guided and reminded the international community, particularly the Security Council, of its duties. Yet, the misuse of R2P and added steps to forge intervention found in this report could have contributed to the outbreak of violence in Myanmar going unacknowledged.

On September 2, 2017 a letter from the Secretary General to the Security Council addressed the situation in Myanmar in the wake of the outbreak of violence on August 25th of that year. The Secretary General stated that he took “this opportunity to share [his] deep concern about the security, humanitarian and human rights situation in Rakhine State in Myanmar” (S/2017/753). The word “security” has strategic placement, as the Security Council is the only body that has the responsibility of protecting and preserving security internationally. This duty of the Security Council is reiterated in the statement that “the current situation, appalling as it already is, risks degenerating into a humanitarian catastrophe with implication for peace and security that could continue to expand beyond the borders of Myanmar” (S/2017/753). Injecting international security into past crises has also stoked the use of R2P and prompted humanitarian intervention. However, the Secretary General does not mention R2P explicitly in the letter. He states that “the main responsibility to provide security and assistance to all those in need lies with the Government of Myanmar,” but does not say that they are failing in their duty to protect. The UN did not acknowledge the Government of Myanmar’s failure to this duty, and thus failed to reference to R2P, because the UN had discerned that the violence stemmed from a “terrorist” organization, the ARSA, and not the Myanmar military. The Secretary General urged the Security Council to

“press for restraint and calm” (S/2017/753). This language of neutrality counteracts the statements in the “Implementing the responsibility to protect: accountability for prevention” (S/2017/556). The report on R2P called on the Security Council’s “duty to investigate and prosecute alleged atrocity crimes” and that review of “action and inaction” in any humanitarian crisis is necessary (S/2017/556 8,11). The Secretary General’s letter invoked a need for UN involvement in the situation, on the basis of international security, yet digressed from using the R2P doctrine and establishing any real steps to prevent atrocity.

The General Assembly report titled “Situation of human rights in Myanmar,” (A/72/382), shed further light on the situation in Myanmar, yet still avoided explicit use of R2P. The report by the Special Rapporteur on Myanmar detailed “reports of serious human rights violations [were] increasing. These include reports of killings, torture and even the use of human shields by the Tatmadaw,” and many “victims report[ed] feeling targeted for their ethnicity” (A/72/382, 9). This 2017 report was the first mention of the Burmese military committing violence based on ethnicity towards the Rohingya. The closest language to R2P is found in the statement that “all civilians should be fully protected in all areas of the country, and no allegations of serious human rights violations should be left uninvestigated or dismissed, no matter who the alleged perpetrators” (A/72/382, 18). However, it does not mention in the paragraph who should be providing that protection or driving investigation into the crimes. The only action the report stresses from the UN is for “peacebuilding, development and humanitarian assistance,” avoiding any international involvement directly in the violence (A/72/382, 22). While the language of protection is present, the report fails to directly connect R2P to the situation, and thus the government of Myanmar and international community lack the imperative to act.

Later in September 2017, the escalation of the violence was addressed in a letter from the Permanent Representative of Liechtenstein to the President of the Security Council (S/2017/809). This letter stresses two issues that have been utilized in past crises to spark intervention. The letter first reiterates that the crisis has “implications for peace and security that could continue to expand beyond the borders of Myanmar” (S/2017/809). This reiteration of the Secretary General brings the duty of the Security Council to preserve international peace and security to the forefront of the debate on action towards Myanmar. Strikingly, the letter is the first official document, other than the “Report of the independent international fact-finding mission on Myanmar” (A/HRC/39/64), to confirm that the Myanmar state had been committing mass violence against the Rohingya. The letter states that it became “increasingly clear that the atrocities being committed in the Rakhine State may amount to crimes against humanity” (S/2017/809). Using the term “crimes against humanity” and “genocide” typically force a reaction from the Security Council. The letter also implored “the Security Council to take timely and decisive action aimed at preventing or ending such atrocities” (S/2017/809). This call for timely and decisive action to “end” atrocities in the past has spurred the Security Council to employ military intervention in the crisis. However, since R2P is never openly invoked in the letter, the norm and thus the Security Council’s duty to intervene is not made explicit. Security Council discussion and action on the violence in Myanmar continued to remain stagnant following this letter.

The next document analyzed is the General Assembly draft resolution on the “situation of human rights in Myanmar,” from October of 2017. This draft resolution uses similar language to R2P but does not mention the principle explicitly. The draft reads that the General Assembly underlines “the need for the armed forces of Myanmar to take

immediate steps to protect all civilians” (A/C.3/72/L.48). R2P references the responsibility of the *government* to protect its civilians, not its military. Moreover, the resolution does not address how the international community should respond if the military does not act to protect civilians. The resolution only “encourages the international community to: (a) assist Bangladesh in providing humanitarian assistance” and “(b) assist Myanmar in the provision of humanitarian assistance” (A/C.3/72/L.48). Use of R2P, and thus the duties of the international community that are dictated by R2P, are avoided in this resolution. Moreover, there is no mention of ethnic cleansing or crimes against humanity in the document. R2P is connected to these crimes and in avoiding these terms R2P is further dismissed.

The statement by the President of the Security Council (S/PRST/2017/22) that occurred on November 6, 2017 also addressed the crisis in Myanmar. The statement implicates both the Myanmar’s security forces and the ARSA for the escalating violence, despite A/HRC/39/64 reporting that the extent of the crimes were perpetrated by the Burmese military forces and not the ARSA. This statement is key, as the President of the Security Council, for the first time since the beginning of the crisis, explicitly invokes R2P. The statement affirms that “the Security Council stresses the primary responsibility of the Government of Myanmar to protect its population including through respect for the rule of law and respect, promotion and protection of human rights” (S/PRST/2017/22). The President uses the exact wording of R2P to prompt a response from Myanmar to halt the violence. However, the President does not mention the second half of R2P, and the duties of the Security Council if the government cannot or does not control the violence. The only “action” the Security Council President reaffirms is the Security Council’s “strong commitment to the sovereignty, political independence, territorial integrity, and unity of

Myanmar” (S/PRST/2017/22). This language would inherently drive the Security Council away from exploring intervention and potentially undermined the future use of R2P. By reaffirming the strong norm of sovereignty, non-intervention would be the only course of action the Security Council can follow. Thus, the ability to use R2P to validate and justify intervention in Myanmar is undermined. Moreover, the condemnation of ARSA contributes to the lack of acknowledgement by the international community of the duties that are derived from R2P. The ARSA is an internal “terrorist” organization and thus is not a priority of the international community, nor does it constitute a case where R2P can be utilized to justify intervention. In addition, there were statements made by the delegation of Myanmar about the adoption of S/PRST/2017/22 in the meeting minutes of the Security Council in S/PV.8085. These statements in S/PV.8085 reflect the gravity of invoking R2P. For example, the representative stated that the statement “exerts undue political pressure on Myanmar” (S/PV.8085, 4). While one can suggest that the pressure is certainly not undue given the scale of the crimes committed, the response by the Government of Myanmar shows that when R2P language is invoked the obligations that are entailed in R2P, and the ramifications if the government were to fail in these obligations, are evident.

In November of 2017, the United Nations also released a Security Council Press Statement on the Security Council Visit to Bangladesh and Myanmar. The statement explained that “members of the Security Council were struck by the scale of the humanitarian crisis and remained gravely concerned by the current situation” (UN Press Release). Yet, the statement did not make any reference to R2P or the government’s duty to halt the violence. The Security Council only “urged the Government of Myanmar to step up its efforts to create conditions conducive to the safe, voluntary and dignified return of Rohingya refugees” and

to hold “accountable perpetrators of violence” (UN Press Release). Despite the Security Council having witnessed the systematic violence first hand, no language to condemn the Government of Myanmar or potentially cause a debate for intervention was used. R2P was not invoked, despite its previous demonstration as a useful tool to stop this type of violence, and despite the severity of the crimes the Security Council witnessed and mentioned.

The most recent direct reference to R2P was made in a statement by the President of the Security Council in January of 2018. The statement on the “maintenance of international peace and security,” reaffirms the language of R2P in the body of the text. The statement reads that “the Security Council recalls that the prevention of conflict remains a primary responsibility of States...[and] further reaffirms the responsibility of each individual State to protect its populations from genocide, war crimes, ethnic cleansing, and crimes against humanity” (S/PRST/2018/1, 2). While reaffirming the responsibility of governments to protect their civilians from mass atrocities, the statement makes no mention of the Security Council’s role in R2P. The consequences and corresponding response from the international community, if states fail to protect their populations, is completely avoided. Thus, the second portion of R2P that justifies international intervention in humanitarian crises is not reaffirmed in the international consciousness.

V.III. The United States Edging Towards Intervention?

The minutes of the Security Council meeting on the situation in Myanmar in late September of 2017, first shed light on the US’s reluctance towards R2P. Nikki Haley, the US Ambassador to the UN, gave an account of the atrocities in Myanmar and the US opinion towards the violence. Haley described the violence as “a brutal sustained campaign to cleanse the country of an ethnic minority” (S/PV.8060, 6). R2P, and the duties that R2P

entails, can only be invoked with particular kinds of violence – including ethnic cleansing. Thus, identifying the violence as an ethnic cleansing is important, as this violence could prompt military intervention. Haley also hinted at the principles of R2P stating that “the Government [of Burma] has a responsibility to restore the rule of law and prevent attacks by citizens in its name. The responsibility holds regardless of what individual or group is the target of such attacks” (S/PV.8060, 6). Haley confirmed that it’s the responsibility of the state to halt the violence. Haley also referenced past failures of the international community, explaining that “history has shown us what happens when such views [of hatred] go unopposed” (S/PV.8060, 6). This is in direct reference to the hate rhetoric that was spread before the Rwandan genocide against the Tutsi and by Gaddafi towards the Arab Spring protestors. Referencing past failures of the international community helped to justify intervention in Kosovo and Libya. Haley also appealed to the fact that the crisis could have effects on international peace and security. She stated that “the risk that the conflict will spill over to other countries in the region is real” (S/PV.8060, 7). This risk of widespread conflict was referenced to justify intervention in Kosovo, Darfur, and Libya. Finally, Haley only cryptically hints at the role of the international community in the crisis. She stated that “the time for well-meaning diplomatic words in the Council has passed. We must now consider action against the Burmese security forces” (S/PV.8060, 6). The actions that Haley outlined, however, are not to be taken by the UN Security Council but by the Government of Myanmar. Haley’s words indicated the duties the Government of Myanmar must follow under R2P, but does not address the duties of the international community if that Myanmar continued to fail.

On October 5, 2017, following Haley's statements in the UN, the US Department of State released a plan for diplomacy detailing the US response to the "tragedy in Burma" (state.gov,1). In contrast to Haley's statements, the State Department did not label the violence as ethnic cleansing. Without labeling the violence as ethnic cleansing, R2P is avoided altogether. The closest phrasing that the state department made to R2P is that "all stakeholders must end the violence" (state.gov, 2). These stakeholders referred not only to the government and military but civilians in the Rakhine state committing violence, thus R2P is not applicable, as it only connects to government responsibility in crises. The state department also explained that "the suffering of so many calls all of us to action. [And that the] administration is undertaking all efforts to end the suffering immediately" (state.gov, 2). Phrasing like this would typically indicate a threat of intervention as it did in Libya. However, without R2P references, intervention would not be justified, regardless of if diplomatic techniques were unlikely to curb the violence. Finally, the national interest in Burma is explicit in the statement. The conclusion of the plan indicates that "it is in [US] interests...to see the new, elected government succeed" (state.gov, 4). If the US wanted to continue to prop up a failing democracy for their self-interest in the nation, then invoking R2P as an ideological tool would mimic the actions taken in Libya and be the logical choice. Intervention and its justification through use of R2P are not included by any degree. However, by November 22, 2017, U.S. Secretary of State Rex Tillerson made more decisive comments parallel to those of Ambassador Haley. Tillerson commented that "'The situation in northern Rakhine state constitutes ethnic cleansing against the Rohingya'" and that "'The United States will also pursue accountability through US law, including possible targeted sanctions'" (Mohammed, 2). Using the rhetoric of ethnic cleansing and introducing sanctions

are steps that were taken prior to all previous interventions that the United States has participated in. Another senior official stated that “the term “ethnic cleansing” is not defined in international or US law and does not inherently carry specific consequences” (Mohammed, 2). R2P sought to “carry specific consequences” against those who perpetrated atrocities such as ethnic cleansing, among other crimes against humanity. Avoidance of R2P language and the weight of intervention the norm carried were already removed from the US consciousness in 2017.

The last statements the US made in the UN on the situation in Burma in 2017 were recorded in meeting minutes on December 12th. Ambassador Haley reiterated that “there is no denying that these atrocities, including ethnic cleansing, have taken place,” and that the international community “must shine a spotlight on these accounts of ethnic cleansing” (S/PV.8133,8). In past humanitarian crises, denoting the violence as an ethnic cleansing helped to spark intervention when coupled with R2P. Yet, R2P language is barely referenced in her statement, only saying the security forces who had been committing the violence should have been the ones protecting the Rohingya (S/PV. 8133, 8). Haley made it clear that the US will have no direct role in preventing the violence, and that despite the charge of ethnic cleansing the UN humanitarian aid process will be the only action taken.

In May 2018 the United States made comments in the Security Council on the Security Council mission to Bangladesh and Myanmar. Ambassador Haley used R2P language throughout her statements. She explained that “Burma must do far more to accept its responsibilities and take the steps needed to end the crisis,” which correlates to one of the principles in R2P (S/PV.8255, 8). Haley also called on the international community to respond to the failure of the Burmese government to protect its’ civilians. She stated that

“active involvement of the Security Council is essential to bring an end to the Rohingya crisis” (S/PV.8255, 8). More specifically, Haley called for intervention. She stated that the Security Council “should move quickly to adopt a draft resolution that institutes real steps to resolve this enormous and growing humanitarian and human rights crisis,” elaborating that “now members of the Council have seen with their own eyes what the crisis has wrought. [And] that leaves us with no choice but to act now” (S/PV.8255, 8). This is the strongest language that alluded to the need to discuss military involvement by the UN Security Council. It was strategic to bring in language similar to R2P in order to argue for intervention as this was essential in order to bring about military intervention in Libya.

Similar statements were recorded from Ambassador Haley in August of 2018, in addressing the situation in Myanmar in the Security Council. These statements identify the Burmese military and security forces as the perpetrators “of the overwhelming majority of the crimes” (S/PV.8333, 13). Re-enforcing where the violence is derived from, lends itself to justifying intervention since a government is failing to protect its civilians from atrocities. However, justification for intervention can only be driven from the principles in R2P, and R2P is not directly stated anywhere in her comments. Another justification for intervention is that of redemption from past failures in humanitarian crises. Haley at this time stated that the international community “will continue to suffer the shame that our predecessors suffered after Rwanda and Srebrenica if we do not act when the Burmese Government falls short” (S/PV.8333, 14). Haley invoked the need for the international community to redeem itself, however, fails to directly use the language of R2P.

While Ambassador Haley’s position in the Security Council seems relatively clear, the US government response to the humanitarian crisis has been inconsistent. The US

government has not invoked the language of R2P and has not called for intervention. A Washington Post article articulates that while there was “a memo sent to Secretary of State Mike Pompeo this summer [that] gave the green light for a tough US response to systematic slaying and mass expulsions against Myanmar’s minority Rohingya Muslim...the August memo did not ultimately become US policy” (Mahtani, 1). Moreover, even though a US State Department report described the “violent crackdown on the Rohingya Muslims by the Myanmar military as ‘extreme, large-scale, widespread’” the report “did not label the mass killings a genocide” (Westernman, 2). The language of the report to describe the violence was minimized, as it was in Rwanda, to potentially avoid a need to intervene on the grounds of not only R2P, but norms against genocide. Nevertheless, on December 13, 2018, the US House of Representatives passed Resolution 1091, which stated that “the atrocities committed against the Rohingya by the Burmese military and security forces since August 2017 constitute crimes against humanity and genocide” (HRES 1091, 5). This is a significant step for the US government to call the violence genocide. The norms surrounding genocide, prompt some response, mainly persecution of perpetrators, by the US government. However, R2P played little role in this conviction and will have no role in the actions that will be taken in response to this crime.

V.IV. The UK’s Gradual Loss of R2P

The UK comments in the minutes of S/PV.8060 on the situation in Myanmar in late September of 2017, mention some R2P language. Ambassador Allen explained that “The Burmese military bear[s] the primary responsibility for resolving this crisis” and that “the Burmese authorities must now take the decisions that will decide their place in history. They can choose to end the violence, protect civilians and defend human rights” (S/PV.8060, 5).

Allen places the responsibility of protection with the Burmese authorities, as R2P directs. Moreover, Allen continues that “should [the Burmese government] fail to do so, they will find themselves on the wrong side of history, and the Council must then be ready to take further action” (S/PV.8060, 5). This action, if Myanmar fails to protect its population, is also central to the R2P norm. R2P language is also noted in the discussion on the situation in Myanmar in the Security Council in December 2017. Ambassador Allen reiterates that the “responsibility for making progress lies primarily with the Government and the security forces of Myanmar,” once again stressing the first tenor of R2P (S/PV.8133, 6). Allen also states that “the Council must remain engaged, must remain seized of the situation and must be ready to take further action if necessary to ensure protection, justice and progress” (S/PV.8133, 7). Allen alludes to the possibility of the Security Council’s duty to intervene if the Myanmar government cannot respond to the violence and protect its civilians.

In September 2017, the UK took decisive steps against their own national interest in order to condemn the violence being perpetrated by the Burmese government. Prime Minister May announced that “the UK would end all engagement with the Burmese military until military action against civilians in Rakhine state had stopped” (Mason, 2). The UK needed to show concern over the human rights violations, even at the expense of hurting their relationships with a former colony. Intervention on the basis of R2P was utilized in Libya as a way to preserve national interest in that state, whereas avoiding intervention in Myanmar strains a relationship with a former colony. However, discussion in UK parliament in the fall of 2017, reflected similar ideological use of R2P, as it had in Libya, to push for intervention. MP Rushanara Ali in parliament noted that “Britain has a unique

responsibility because of our colonial legacy, and because of our interest in Myanmar...[to] do everything we can to bring an end to the violence” (Foreign Affairs Committee, 9).

The UK has a deep national interest in Myanmar due to the fact that it is a former colony, and because the UK has supported the democratic transition of the country. Britain had an interest in establishing Myanmar as a democracy in order to lift sanctions on the former colony and allow for the British economy to flourish in this part of Asia. The UK was able to lift sanction in 2014, with international approval, and in that year alone “investment from 76 UK enterprises stood at \$3.45 billion [making the] UK the fifth largest investor in Myanmar” (Hossainy, 1). Moreover, the “British oil and gas firm BG Asia Pacific [has] won four blocks in the offshore bidding,” and the UK was the “first country to launch a locally registered Chamber of Commerce in Myanmar with more than 80 founding members” (Hossainy, 1). The UK remained “one of the largest donors to Myanmar, committing £291 million to support the country’s transition over four years, from 2011 to 2016” (Meganathan, 1). However, in 2017, Mark Field, the Minister of State for the Foreign and Commonwealth Office, noted that the ongoing violence and humanitarian crisis in Rakhine risk[ed] derailing that progress [of the democracy]” (Holmes, 1). This derailing of the democracy could lead to the closure of business opportunities and the substantial direct investment the UK had put into establishing a democracy in Myanmar to have gone to waste. Thus, the UK does have significant national economic interest to use R2P for ideological purposes, as it had in Libya, to push for international intervention in the crisis.

MP Rushanara Ali also documented past failures to intervene in genocides, as reasons the UK should act to stop the violence. She stated that “We [the UK] cannot once again allow ethnic cleansing to happen. We must learn the lessons of what took place in

Rwanda, in Bosnia, and elsewhere. We cannot come back to the House and say “Never again” when we have watched ethnic cleansing happen, and regret not taking greater action” (Foreign Affairs Committee, 9). Redemption from previous failures has been cited as key justification and reasons behind the military intervention in Kosovo and Libya. Throughout the transcript of the Foreign Affairs Committee meeting, I found that the term ethnic cleansing was used on 41 of the 78 pages, mentions of Rwanda and Bosnia were found on 5 and 4 pages respectively, and a moral responsibility (to react to the crisis) was mentioned on 4 pages. The use of naming violence as ethnic cleansing, discussing past failures, and moral responsibility of the UK have also been key areas of justification in the UK’s decision to intervene militarily in past humanitarian crises. However, the only direct action that was advocated in the parliamentary discussion was for sanctions against Myanmar, mentioned on 10 pages, and an arms embargo, advocated for on 11 pages. While similar R2P language is utilized by the UK in the UN and the UK has substantial self-interest in maintaining Myanmar as a democracy, this has not transpired to a push for military intervention in parliament.

The May and August 2018 Security Council meeting minutes on the Security Council’s mission on Bangladesh and Myanmar and the situation in Myanmar reveal a large shift away from the UK’s original R2P language. Ambassador Pierce explains to the rest of the council the large scale of devastation they saw; however, she does not mention ethnic cleansing and places blame for the violence solely on the ARSA. She states that they “met community members who had seen their families become victims of attacks by the Arakan Rohingya Salvation Army (ARSA),” and they “heard from some of the other villages and officials about attacks on them by the ARSA” (S/PV. 8255, 6). Pierce never regards the violence as ethnic

cleansing or suggests that civilians need to be protected by the government regardless of who is committing such violence. Placing the blame of violence on an internal “terrorist” organization in Myanmar does subjugate the tenor of the international community to react to the crisis, since the government is not clearly failing to protect its people. By August 2018, Ambassador Peirce does recognize that the violence is originating from the Burmese government. She states that a “report details widespread rape and murder committed by the Burmese military, the systemic oppression and persecution [the Rohingya] have suffered for many years, and the patterns of violence and violations committed elsewhere in the country” (S/PV.8333, 7). She does not mention that the Government of Myanmar has failed in their responsibilities, just that they were the perpetrators of atrocities. Moreover, the Ambassador calls for actions based on the charter of the UN, not R2P principles. She stated that “the Council is charged by the international community with the primary responsibility for the maintenance of international peace and security. Crimes against humanity, such as those detailed in the Fact-Finding Mission’s report, threaten international peace. They threaten international security” (S/PV.8333, 7). She concludes her statements by again appealing to Security Council duties. She states: “Let us act on the principles of the Charter of the United Nations and on our obligations in front of us” and “we need to be acting, acting to bring an end to the appalling ethnic cleansing” (S/PV.8333, 8). This appeal to specific chartered duties of the Security Council can bring about humanitarian intervention, but functions separately from the interventions that were spurred by R2P. Moreover, mentioning ethnic cleansing does bring some moral imperative for action, yet it is not discussed in conjunction with R2P. Former discussion of ethnic cleansing linked to R2P in Darfur and Libya helped garner support for military intervention, which is not the case in these statements. As the true

nature of the violence was discovered, R2P language in reference to the failure of the Burmese government would have likely been reiterated. However, R2P language was not utilized to push for decisive Security Council action.

In the Fall of 2018, Britain's Foreign Minister Jeremy Hunt spoke on the UK position on the crisis. Speaking to the UK parliament, Hunt "said the UK has a 'special responsibility to act' and confirmed he would be launching diplomatic efforts on the matter later this month" (bbc.com, 2). This "special" responsibility is derived from UK national interests in Burma and their colonial linkage to the nation. National interest, without R2P's moral imperative to act, military intervention is not an automatic response that can be prompted by this statement. Hunt further stated that "ethnic cleansing in whatever shape or form, wherever it happens, should never go unpunished and the perpetrators of these appalling crimes must be brought to justice" (bbc.com, 2). R2P is no longer coupled with the term ethnic cleansing, as it has been in past interventions. Moreover, this statement emphasized that the UK is looking to prosecute the perpetrators of the crimes, not intervene in the violence. The actions the UK seeks to take are far from humanitarian intervention, and this can be linked to the loss of R2P in the UK reaction to the ethnic cleansing in Burma.

V.V. France's Abrupt Change on R2P

In the Fall of 2017, France uses strong reference to ethnic cleansing and similar language to R2P found in the minutes on the situation in Myanmar (S/PV.8060). Delattre states that "ethnic cleansing is happening today in western Burma," and "the Security Council has the enormous responsibility to unite and act to break the negative spiral and urgently find a path leading towards a peaceful and political way out" (S/PV.8060, 11). The statement uses very similar language to the entire R2P doctrine, as the international

community must first act peacefully before deploying military intervention. He further argues that the Security Council must “call on Burma security forces – as it is incumbent upon them – to ensure the protection of all civilians without discrimination” (S/PV.8060, 11). This implies the R2P is inherent for the military forces of Myanmar to follow. Delattre concludes that “France will therefore remain ready to take the initiative for the Security Council to fully assume its responsibility concerning this issue that, through this meeting, we wish to make a priority and a shared priority on which to take collective action” (S/PV.8060, 12). This statement is in reference to the next steps the international community must take if the Burmese military (government) fails to protect its civilians, such as the collective use of force. An issue brought up in the French National Assembly, echoes France’s drive for substantial action. The statement reads that “The Secretary-General of the UN has spoken on “ethnic cleansing” by referring to this human tragedy. As a founding member of the United Nations in 1945, France, which lays a leading role on such crucial issues as respect for human rights, cannot remain indifferent to this massacre. It is his duty to put an end to the exaction against this population with the other Member States” (Question 1383 – National Assembly, 1). As in past interventions, France calls on their liberal values and history of human rights to respond to the crisis. This call for action was strengthened by President Macron condemning the violence as genocide. In late September, Macron addressed the UN stating that ““France will work with its partner at the UN Security Council to take the initiative to get the UN to condemn the continuing genocide and ethnic cleansing”” (aa.com, 1). Macron furthered that ““When the UN issues a condemnation, there are consequences which can provide a framework for intervention under the UN”” (newindianexpress.com, 3). This is the only statement I have found from the

UK, US, and France that directly references intervention. However, this intervention is not connected to R2P, but to the norms surrounding the prevention of genocide.

The push for intervention could be seen as a way for France to protect their national interests. Similar to the UK, France established significant trade relations with Myanmar in the wake of their 2012 democratic transition. This included the French Minister for Foreign Trade, Nicole Bricq, in 2013 signing an agreement to cancel a significant portion of the debt Myanmar owed to the French government. Minister Bricq on the agreement stated that, “The Myanmar government owed a total of \$1.1 billion and we cancelled 50pc of the arrears. And] The rest ... will be rescheduled [to be paid] over 15 years” (Than, 1). This arrangement was agreed to in order to foster financial connects between the two nation and help Myanmar’s development of democratic policies (Than, 1). From 2012 to 2017, French exports to Myanmar rose from €19 million to €129 million and imports from €66.1 million to €224 million (France Diplomatie,1). France in 2012 was the second largest European investor in Myanmar, investing \$474.36 million, and in 2018 was the 12th largest investor (Hossainy, 1 & France Diplomatie,1). In 2016, Jean-Marc Ayrault, Minister of Foreign Affairs and International Development pledged that the French Development Agency would finance “several projects to do with the urban development of the city of Yangon, energy and health. [And that French] development assistance [was] very rapidly going to increase, reaching €200 million by 2018” (Taw, 1). The Minister however cautioned that the French government would contribute to this economic development but ensure that the “social and environmental responsibility” of these companies would be maintained (Taw, 1). This responsibility would entail curbing investments if severe human rights abuses and discrimination toward minorities continued or if the democracy of

Myanmar were to collapse (Taw, 1). As recently as early 2018, the French Ambassador to Myanmar, Olivier Richard, led a delegation which “included senior executives from famous French companies with expertise in energy, construction and fisheries sectors as well as representatives from the France-Myanmar Chamber of Commerce, the French Development Agency and the economic and trade sections of the Embassy” to Myanmar to look at potential sources of investment (Kyaw, 1). French investment must be in “accordance with international corporate social and environmental responsibility principles” (France Diplomatie,1). Thus, the significant French investment in Myanmar is only warranted through supporting the democratic transition of Myanmar. France would lose significant economic interests if the democracy were to fail, which is at risk of occurring due to the Rohingya genocide. However, in late 2017 and 2018, intervention and mention of R2P are no longer inherent in French comments on the crisis. Thus, national interest is not utilized to justify or spark intervention, such as how it was utilized by France in the Libya crisis.

By December 2017, statements in the meeting minutes of S/PV.8133 made by the French Ambassador to the UN do not imply R2P or intervention. Delattre throughout the statement strongly endorses that the violence was ethnic cleansing. He even states that “some acts being carried out systematically in Rakhine state could amount to crimes against humanity” (S/PV.8133, 14). The charge of ethnic cleansing and crimes against humanity presume that decisive action by the Security Council may need to take place. These mass atrocities imply a moral imperative to act, except morality is not explicit in France’s statements. Delattre confirms that action by the Security Council may be necessary. He explains that France wants to ensure that the UN, “particularly the Security Council,

remains fully prepared to act on the issue” (S/PV.8133, 14). However, without being tied directly to R2P, this action remains unclear. Mention of R2P, or R2P language, would provide the Security Council with a path from exhausting all peaceful solutions to collectively uniting for military humanitarian intervention, if the government of Myanmar failed in protecting its civilians. These statements by France, lend to neither action.

In May of 2018, the language of the French Ambassador in the briefing by the Security Council mission to Bangladesh and Myanmar is much less forceful than just six months prior. Ambassador Gueguen states that “France’s priority remains the full implementation of [S/PRST/2017/22]” (S/PV.8255, 10). As discussed in an earlier section, this Presidential statement does not mention the responsibilities of the Security Council if the government of Myanmar fails to protect its civilians. More so, the Presidential statement affirms the norm of sovereignty. France’s dedication to this statement would contradict any push for international intervention in the crisis. The French ambassador also states that “the Rohingya are victims of ethnic cleansing; there is no other word for it. Prosecuting the perpetrators of such crimes is a moral, legal, and political imperative” (S/PV.8255). The moral imperative referenced here does not call for intervention, as it typically has in Kosovo, Darfur, and Libya. The statements made in August of 2018 on the situation in Myanmar, reflect this continued withdrawal from intervention and R2P. Ambassador Gueguen only “calls on the international community to undertake determined action to collect and protect evidence, and to ensure that those responsible for the crimes committed against the Rohingya population be brought to justice” (S/PV.8333, 8). Moreover, she states that “the Security Council and the international community must remain fully committed to ensuring close monitoring of the full implantation of November’s presidential statement

(S/PRST/2017/22)” (S/PV.8333, 9). R2P is not mentioned nor is any significant action, including that of intervention in the crisis, for the future referenced. French assertion of R2P and intervention started incredibly strong and dissipated within a year, despite French national interest in the region and their naming the crisis as a genocide.

V.VI. R2P’s Regression

All in all, the use of R2P in the UN and by the US, UK, and France was incredibly inconsistent from 2016 to 2019. There are very few direct uses of the R2P doctrine, especially in response to the humanitarian crisis in Myanmar. While some R2P language was utilized, the important implications of the international communities’ use of force, if a government were to fail in their obligations to protect, was rarely mentioned. UN response to Myanmar was incredibly neutral over the course of the crisis. The US started with reluctance towards the crisis, but ultimately denounced the crimes as genocide. The US at the current moment through use of similar R2P language, but not R2P itself, seems most primed for military intervention to support the fragile democracy of Burma. Both the UK and France started strong towards their condemnation of the ethnic cleansing and the crucial steps the Security Council must take to protect the Rohingya populations. However, in under a year, both countries now hold policies of neutrality towards acting. The UK and French governments are only pursuing options that support Presidential Statement S/PRST/2017/22, which denounces military intervention and essentially R2P itself. The ease with which R2P was removed from UN, US, UK, and French rhetoric was warranted after the failure of intervention in Libya. R2P no longer is diffuse in the international consciousness and has started to regress. In its place, standard reasoning for intervention

such as international peace and security, norms around genocide prevention, and national interest have and will become more prominent.

CONCLUSION

Following the end of the Cold War, it has become increasingly difficult but not impossible for governments to get away with committing mass atrocities, genocide, ethnic cleansing, and crimes against humanity against their own populations. The genocide that took place in Rwanda and the atrocities that occurred in Bosnia have left a lasting impression on the international community and served as a reminder of the devastation of life that can occur if action by the international community is not taken. Paralysis of the international community in the face of clear evidence of mass murder led to public outcry in the 1990s and a push for the United Nations to act in response to such crises. The ethnic cleansing in Kosovo marked the first challenge for international community to follow through on their promise of “never again.” While the UN remained divided and thus inactive in pursuing action to curb the violence of the Yugoslav government, Western powers, the United States, United Kingdom, and France, would rise to the occasion. Operation Allied Force, a NATO led mission, conducted bombing campaigns over Kosovo to halt the humanitarian catastrophe. Without legal precedent, UN approval, and questionable moral means of intervention, the failure to truly conclude to the violence in Kosovo would force a need for the international community to address humanitarian intervention.

As I have established in this thesis, the Responsibility to Protect (R2P) norm developed out of a desire and urgent need by the international community to find consensus on humanitarian intervention. At its conception in 2001 by the ICISS, R2P seemed like a glimmer of hope for those who sought to have effective action against the presence of atrocity. Yet, through the mid 2000s the R2P became a staple in international discourse and debates on preventing genocide and protection vulnerable populations from governments

with diabolical intentions of mass murder. The World Summit Outcome document in 2005 became the first formally adopted framework of R2P endorsed by the United Nations and its 150-member countries. R2P provides moral obligation to preventing atrocity as well as a practical framework for intervention that coincides with other international imperatives (Paris, 579). The diffusion of R2P as a moral and action-based framework lends us to question how or if R2P can bring us closer to a world where mass atrocities are prevented or, at the very least, halted before hundreds of thousands of lives are lost. R2P had a potential role to play in uniting the international community to prevent mass atrocity. This potential for R2P was tested with the humanitarian crisis in Libya. NATO led and UN authorized intervention in Libya exposed the power of R2P to mobilize the international community against genocide.

The intervention in Libya brought to light the tensions and intensified the problems that existed at the core of R2P since its conception. As scholars have argued, the intervention in Libya extended the duration of the war, increased the loss of life, caused human rights abuses and added to radical Islam in the region (Thakur, 425). Thus, the stated goals of R2P fell unequivocally short of success. The use of R2P by NATO was in part to facilitate regime change, and not for its designated purpose. In the case of Libya, the self-interest by the US, UK, and France overshadowed the humanitarian objectives that are demanded from the use of R2P. This use of R2P as an ideological tool for the spread of western values and interests, causes discontinuity between the UK, US, and France and the other veto holding members in the Security Council. Another gap in the doctrine, that became a prominent issue after Libya, was addressing what the responsibilities of the international community were after the intervention. Scholars state that the R2P norm that was adopted in 2005 by the UN Member

States at the World Summit made no reference to duty or responsibility to rebuild following an intervention (Paris, 577). This structural gap, of not having an obligated “responsibility to rebuild” after an intervention, articulates how the “success” of an intervention can immediately collapse. While Gaddafi was prevented from killing more civilians, the mission did not succeed, as chaos ensued following NATO’s campaign. Without tangible success, in the form of decreased violence and an end to a humanitarian crisis, and with the self-interested use of R2P by Western powers, R2P was ultimately weakened.

In the past seven years, the version of R2P that was weakened by the Libyan intervention, has now almost entirely disintegrated as a norm that guides the international community when confronted with humanitarian crisis and mass atrocities. While R2P endured the process of norm emergence, norm cascade, and norm internalization, as witnessed by R2P’s adoption at the World Summit and in UN Security Council resolutions, this does not assert that R2P will continue to progress (Welsh, 426). The reversal of the norm is primarily evident with the inaction of the UN Security Council and the US, UK, and France in the genocide against the Rohingya of Myanmar. Through critical analysis of primary source documents, which include UN documents, official US, UK, and French government documents, and news articles, it is apparent that R2P is no longer clear or utilized consistently in international discourse on humanitarian intervention. Moreover, the few mentions of R2P, in the primary sources, mostly express the principle of the responsibility of states to protect their civilians, not the duty of the international community to prevent or respond to atrocities in the wake of state failure in these responsibilities. The use of R2P in these documents is not simply vague or ambiguous, in order to codify a need for intervention, but is inherently non-existent. An easy explanation for this non-intervention in Myanmar

would be to say that the US, UK, and France do not have national interests in the nation, and thus will not utilize R2P as they had in Libya to prompt intervention. However, through my research it is evident that particularly France and the UK do have national interest in Myanmar, and all three countries are fighting to uphold the fragile democracy that is being threatened by the crisis. Thus, the only way to understand this nonintervention is that the R2P norm has regressed.

This thesis sheds light on the extremely depressing reality that humanitarian interventions have lost legitimacy, and now must be forged without the justification of R2P. Without R2P, disunity in the Security Council on when and how to intervene in the face of mass atrocities will and can only escalate. More so, if unilateral intervention was to be taken by the US, UK, or France, it would be immediately discredited without use of R2P or Security Council approval, especially in light of the Security Council approval of past interventions. I do not have hope for the re-emergence of R2P. However, I do hope that in the wake of the international community's failure to act decisively to currently prevent or halt modern genocide in Myanmar, new standards for intervention can be developed. Conclusively, the inaction in Myanmar will stain the consciousness of the international community, especially that of the United States, United Kingdom, and France, just as it has with the failures of Rwanda and Bosnia.

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