

International Law and The Responsibility to Protect

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ABSTRACT

In the UN, there is a doctrine called the Responsibility to Protect that allows the blue helmets from the UN to intervene in a country if a country violates international human rights laws. This doctrine was created to aid refugees and the international community when their own countries abuse power and, as a result, them. My question was what determines when the UN decides to intervene under R2P. My hypotheses theorized that GDP, nuclear weapons, or race demographics must influence the verdict of when the UN intervenes. I thought that countries that had a higher GDP probably had a lower chance of being intervened even if they had committed humanitarian crimes. I also figured that any country with nukes would have high unlikelihood to be intervened upon, and finally, I hypothesized that countries with a white majority population were less likely to be intervened in. I found that a combination of portions from all three hypotheses was ultimately correct. Of the countries I tested most countries that had been intervened in under R2P were poorer than countries that had not been protected by the UN despite being guilty of similar injustices. My second hypothesis was arguably arbitrary since no country that owns a nuke has been intervened in by the UN. Lastly, the countries I tested for their race demographics were mainly non-white countries, and, therefore, the countries that had and had not been intervened in under R2P were isolated from the race debate.

Introduction

What determines when the United Nations intervenes under the Responsibility to Protect doctrine? The responsibility to protect, known also as R2P, is a doctrine adopted by the United Nations in a 2005 summit following the Rwandan Genocide atrocity. The doctrine is implemented when the Security Council votes that a certain sovereign state is abusing its power by means of genocide, war crimes, ethnic cleansing, or crimes against humanity¹. The doctrine is an exception to the idea that a global power like the United Nations should not interfere in a country's own governing tactics and that each state has its own responsibility to protect its own citizens. In every resolution that indicates R2P, the diction that is used is "recalling the responsibility of ... (a nation)... to protect its population from crimes against humanity" further emphasizing that the United Nations prioritizes the right to self-govern over matters essentially within the domestic jurisdiction of states with respect to the commitment of 'mutual respect of sovereignty.'² Though, when a nation violates international law, the commitment to upholding faith in fundamental human rights in the dignity and worth to a human person also exists.³

External Voices

¹ *A/RES/60/1 2005 World Summit Outcome*, 2005, www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_60_1.pdf.

² Bellamy, Alex. "Responsibility to Protect." *Google Books*, Google, 2009.

³ Bellamy, Alex. "Responsibility to Protect." *Google Books*, Google, 2009.

I engaged with some of the academic literature on this subject from three different angles. Firstly, there is the problem of who specifically should be intervening. There needs to be a check in the morality of interveners so that the civilians who are trying to seek protection from foreigners are not suddenly abandoned after empty promises and false claims. James Pattison in his book on Humanitarian Intervention and the Responsibility to Protect: Who should Intervene? states that any nation or organization that wishes to intervene should meet some standard of being able to commit to helping citizens of a state entirely so that there are no fears that these allies would back out of a deal that intends to save citizens from crimes against humanity. The UN has asked for help from the international community like the United States to help intervene in certain crises in order to have more troops. Pattison argues that sole UN intervention would promote legitimacy and the rule of international law, but that is advocating that the UN should not ask for help from member states.⁴ It is understood that to promote legitimacy there needs to be consistency within a governing body like the UN, but some argue that they should end seeking to call on other members of the international community for aid when it comes to intervention. The purpose of an international organization like the UN is contingent on there being unity amidst all past conflicts. The UN is not great enough to execute major intervention on their own with simply their blue helmet soldiers, so seeking assistance from other nations and their militaries is the best approach when R2P is enacted.⁵ The reason why who intervenes is important to discuss is because those in and around humanitarian crises deserve trustworthy allies that will carry out what they say they will. The UN specifically intervening matters because it creates a sense of global government that acts within its Charters.⁶

Secondly, there are cases where non-intervention is prevalent, where some argue that the UN should have intervened or should have already intervened and chose not to. Bellamy paints this as the history of instances when the debate between sovereignty and human rights tilted towards sovereignty. Bellamy suggests that R2P once was a ‘norm’ when it was first invoked but now is merely an idea that most accepted to be right. The argument that a states’ sovereignty should preside over international intervention stems from the basic notion that the United Nations should not violate the ‘law and order’ that brings “peace” to world politics. It goes to the heart of international order and without that, the order of the world naturally collapses.⁷ To this view, the use of force and intervention is seen as a last resort to implement peace. In some cases that I will provide later, there were instances where the UN decided that countries could solve their own humanitarian crises- that it was their responsibility to protect their own citizens- and let its sovereignty preside over the R2P. This idea goes hand-in-hand with this topic since there is a plethora of surrounding uncertainty when global leaders make the decision to intervene or to not implement the doctrine.

Lastly, in the global regime of R2P, there is a division of states whose citizens have political rights and then the territories whose populations are seen as wards in need of external protection from western nations and allies like the UN. Mamdani highlights the differing motivators for when powerful, developed nations in the UN or NATO seek to help protect countries in need versus when they wish to gain a higher standing in the world’s eyes and are fixed on expansionist tendencies. Mamdani claims that UN member states seek regime change in unstable countries in hopes to colonize them. The allure of a regime-change seems likely and not wholly impossible, but any expansionist views to colonize underdeveloped countries would be like taking steps back into the past where wars were fought to decolonize regions and gain independence.

⁴ Pattison, James. “Humanitarian Intervention and the Responsibility To Protect: Who Should Intervene?” *Google Books*, Google, 2010, books.google.com/books?hl=en.

⁵ Pattison, James. “Humanitarian Intervention and the Responsibility To Protect: Who Should Intervene?” *Google Books*, Google, 2010, books.google.com/books?hl=en.

⁶ Nations, United. “Universal Declaration of Human Rights.” *United Nations*, United Nations, 1948, www.un.org/en/about-us/universal-declaration-of-human-rights.

⁷ Bellamy, Alex. “Responsibility to Protect.” *Google Books*, Google, 2009.

Theory

One of the hypotheses that I generated to my question was that if certain states have high GDPs, then intervention under R2P is less likely to occur because they have a stronger hold on the global economy. Wealthy countries empirically have been the most powerful nations in the world. If, in my data, I saw that most of the cases that the UN had intervened in under R2P were poor in comparison, then the assumption that the UN turns a blind eye to rich countries with human rights violations might be correct. If the data tested for countries guilty of human rights violations that the UN has not intervened in under R2P shows that those countries are also poor in comparison, then the assumption that GDP determines UN intervention would be implausible. If data shows that the selected countries that the UN did intervene in under R2P had high GDPs, then that would mean that GDP does not have any correlation to UN intervention. If the analysis shows that neither countries intervened in by the UN under R2P nor countries guilty of crimes against humanity and non-intervention having any distinct difference in GDP, then this theory would be incorrect.

The second was if countries have dangerous weaponry, like nuclear weapons, then intervention is less likely because of mutually assured destruction (MAD). Intervening in countries that own nuclear warheads could be devastating as tensions escalate, pushing them to potentially retaliate. Member states in the UN have access to nukes, but a conflict deploying them would end catastrophically. If the data gathered shows that no country owning nukes has had UN intervention, then the hypothesis may be true. The assumption about the UN determining to not intervene because of MAD would be false, though, if any country has proliferated nuclear weapons and has also had UN intervention under R2P.

Lastly, if predominantly white states are involved in humanitarian crises, then the United Nations is less prone to intervene because of possible racial biases. Historically, many acts of violence have been permitted at the hands of white supremacists, so the UN turning its head away from white countries that commit human rights abuses is plausible. When looking at the data, if the countries that have had UN intervention show that their race demographics are majority non-white, then this hypothesis could be true. If there are countries that are also guilty of human rights abuses without UN intervention that seem to be majority white, then the hypothesis is strengthened. If the case studies that had non-intervention and crimes against humanity were found to be majorly non-white, then this claim would be incorrect. If the data of countries that have been intervened by the UN are largely white, then this claim would not be correct in answering the research question. If there are no countries that are mostly white, then there cannot be a conclusion considered under the lens of this hypothesis.

Methods

For my first hypothesis, I measured the GDP in countries that have been intervened in versus some countries that also have experienced a violation of human rights yet have not been intervened in. I looked at trade numbers through the World Bank as well. Secondly, to look at a nation's nuclear arsenal, I looked at which countries have nuclear weapons and whether they have been intervened in before to measure their ability to strike back with the threat of nuclear weapons. Though no country that possesses nuclear weapons has had the United Nations send in blue helmets to protect citizens, there is speculation that the UN is likely scared of starting a conflict with a powerful country like the ones that have access to that type of technology, and that they do not want to provoke the understanding of mutually assured destruction in which both organizations result in death. Thirdly, I looked at race demographics in countries that R2P has been invoked in and juxtaposed other countries' racial demographics that have committed crimes against humanity but not been intervened in to see if there were any trends of avoidance if a nation was predominantly white. The variable that I chose to hold constant was just the instance when and if the United Nations intervened under the R2P doctrine or if they did

not and did nothing. To gather my conclusion, I will do a comparative case study across all of the hypotheses as well as my literature reviews.

Data Analysis & Findings

To test my first hypothesis to see if countries with high GDP were less prone to having UN intervention, I picked several countries that the UN had peace operations in after the 2005 World Summit that cited R2P in their respective resolutions as well as multiple countries that were guilty of humanitarian violations but had not been intervened in. After randomly choosing which nations to test from both categories, I researched the current GDP in USD for all countries to use as a comparative analysis. The countries I chose that have been intervened in under the doctrine were South Sudan, Central African Republic, Syria, Mali, Côte D'Ivoire, the Democratic Republic of the Congo, Kenya, Liberia, and Kosovo. The countries that I chose to test that have been in violation of human rights but not intervened in with R2P were Ethiopia, Israel, Guinea, Haiti, Iran, and Iraq.

Table 1. Countries that have been intervened in and their GDPs

Intervention	SS	CAR	SY	MALI	CDI	DRC	KE	LIBR	XK
GDP (USD)	11.9B	2.3B	40.4B	17.4B	61.3B	49.9B	98.8B	2.9B	7.6B

Table 2. Countries that have not been intervened in and their GDPs

Non-Intervention	ETH	IL	GN	HAT	IR	IRAQ
GDP (USD)	107.65 B	401.9B	15.7B	13.4B	191.7B	167.2B

From this data, I observed that there was a consistent trend of wealthier countries with humanitarian crises that the UN had not conducted peace operations in, whereas the countries that the UN had conducted peace operations in were poorer across the board. I found that I was generally right but there were counterexamples to the hypothesis as well. There were some cases where a country that was intervened in that had a higher GDP than some countries that were not intervened in. There were also some cases where a country the UN had not intervened in had a lower GDP than some countries that had been intervened in. Despite there being some irregularities, the majority of the two variables fall in some correspondence with my first hypothesis of where the UN is less likely to intervene when countries have a high GDP. High GDP in these cases would most closely mean nearing above or around 50 billion USD.

For my second hypothesis, to test whether countries with nuclear weapons were likely to have UN intervention, I researched all countries that owned nuclear weapons and if they had experienced UN intervention. The nations that own nuclear weapons are Russia, the United States, the United Kingdom, China, France, India, Pakistan, and Israel.⁸ None of the former have had the UN intervene in order to protect their own citizens—not to say that there have not been atrocities that have occurred in each region. Just because these eight countries have access to an arsenal as deadly as nuclear weapons does not inherently mean that they are the sole reason why the UN would not intervene. It still could be one of the reasons and is one that should still be considered when talking about this topic. There is also the idea that the UN would not respond with a military force to one of these countries' crimes against humanity because of certain allies and treaties that require allied states to aid

⁸ Davenport, Kelsey. "Fact Sheets & Briefs." *Nuclear Weapons: Who Has What at a Glance | Arms Control Association*, 2021, www.armscontrol.org/factsheets/Nuclearweaponswhohaswhat.

countries if they are being attacked, like Article 5 in the North Atlantic Treaty Organization (NATO), for example, which could end up resulting in an escalation from conventional war to nuclear war. The UN is also aware of the fact that rivaling nations that both possess nuclear weapons have an understanding that the outcome of a nuclear war would end in mutually assured destruction (MAD) which is why they would seek to avoid any conflict even if there are crimes against humanity in those countries. The United States, the United Kingdom, China, France, and Russia are all also the five permanent members on the Security Council for the UN which may influence whether or not the United Nations would intervene in the case of a violation of human rights in one of those five nations. The five permanent members have the power to veto any resolution as opposed to the other ten non-permanent members who do not have that privilege and assuming if one of the permanent members had an ongoing humanitarian crisis it is fair to think that they would advocate against any resolution that threatened their own sovereignty and self-governing agendas.

Israel is a prime example of a state that the UN has not intervened in under R2P but is guilty of ethnic cleansing of Palestinians, nonetheless. Right now, the Israeli-Palestinian conflict is still ongoing. The crimes committed by Israel that go beyond not recognizing Palestine as a state might not be getting precedence at Security Council meetings because Israel has a very large GDP of 401 billion (USD) and its trade numbers are increasing as well.⁹ Israel has not admitted that it possesses nuclear weapons, yet still, neither confirms nor denies the fact that they are proliferating.¹⁰ This is where one can question the legitimacy of the third pillar of the resolution that reaffirms the Responsibility to Protect. The third pillar states that “the responsibility of Member States [is] to respond collectively in a timely and decisive manner when a State is manifestly failing to provide such protection. The reality is that Israel is not responsible for Palestinians because they are not citizens of Israel, but since there has been no call for a cease-fire or meaningful reform, not much has been done yet to proactively protect the innocent civilians that are casualties of this conflict. But the international humanitarian order, in contrast, does not recognize citizenship.¹¹

For my last hypothesis, to test whether predominantly white nations are less likely to be intervened in than majority non-white nations, I researched the major race and ethnicity demographics of the same countries in my first hypothesis that have been intervened in as well as the same countries that violated international law but was not intervened in. The countries I chose that have been intervened in under the doctrine were South Sudan, the Central African Republic, Syria, Mali, Côte D’Ivoire, the Democratic Republic of the Congo, Kenya, Liberia, and Kosovo. The countries that I chose to test that have been in violation of human rights but not intervened in with R2P were Ethiopia, Israel, Guinea, Haiti, Iran, and Iraq.

For demographics concerning countries that have been intervened in: In South Sudan, 36% of the population is Dinka African. In the Central African Republic, the population is 28.8% Baya African. In Syria, 90% of the population is Arab. In Mali, 33.3% of the population is Bambara African. In Côte D’Ivoire, the population is 28.9% Akan African. In the Democratic Republic of the Congo, 45% of the population is Bantu African. In Kenya, the population is 17.2% Kikuyu African. 20.3% of the population in Liberia is Kpelle African. In Kosovo, the population is 95% Albanian. For demographics concerning countries that the UN has not invoked a peacekeeping operation in: Ethiopia, 34.4.% of the population is Oromo African. 75% of Israelis are Jews. 33.4% of the population in Guinea is Fula African. In Haiti, 95% of the citizens are Black Creole. In Iran, the population is 61% Persian. In Iraq, 75% of the nation is Arab.

⁹ “GDP (Current US\$).” *Data*, 2021, data.worldbank.org/indicator/NY.GDP.MKTP.CD?end=2020&name_desc=false&start=2000&view=chart.

¹⁰ Davenport, Kelsey. “Fact Sheets & Briefs.” *Nuclear Weapons: Who Has What at a Glance | Arms Control Association*, 2021, www.armscontrol.org/factsheets/Nuclearweaponswhohaswhat.

¹¹ Mahmood Mamdani (2010) Responsibility to Protect or Right to Punish?, *JOURNAL OF INTERVENTION AND STATEBUILDING*, 4:1, 53-67, DOI: 10.1080/17502970903541721

The countries I chose to compare in this case study were all majority African, Black, or Middle Eastern. This hypothesis has one outlier, and it is Israel because its dominant population consists of Jews who originally descended from Europe, but that case is the only instance in this study that follows the hypothesis, so it is merely a goldilocks example. The UN does not seem to make their claims or decisions regarding the R2P with any racial or ethnic biases, but what I found interesting to note was that most of the countries that have violated human rights are mainly in Northern and Central Africa as well as the Middle East.

Discussion

To summarize my preceding findings, in short, my first hypothesis concerning the GDP and economic influence of a country can seem to be true, just not in its entirety, because there are instances where poorer countries were not intervened upon compared to some nations that were intervened upon and richer. There was also the result of when richer countries were intervened in compared to some poorer countries that had not been intervened in. During the testing of my second hypothesis, I found that I was broadly right. No country that has nuclear weapons has also been intervened in. I did dive deeper into some reasons why I think that might be the case. Firstly, five of eight of the countries that own nuclear weapons all belong to the permanent members of the Security Council. This means that any possibility of the Security Council trying to come to a resolution to restore stability to one of these five nations has an inherently large likelihood of happening especially with the power to veto any resolution. My third hypothesis asked whether predominantly white nations were less likely to be intervened in, and the results were almost inconclusive. Many of the countries that have committed atrocities like ethnic cleansing, genocide, crimes against humanity, or war crimes were not necessarily majority-white which means that there is uncertainty surrounding whether the Security Council would or would not implement R2P if a primarily white nation violated one of the four crimes against humanity. In my comparative case study, I could not choose countries that were only predominantly white and not guilty of crimes against humanity because that was what my controlled independent variable happened to be. The hypothesis is valid but would be better used to examine countries that are predominantly white after there is evidence of them being guilty of neglecting human rights. It is hard to distinguish what omitted variables might have chosen the countries that were in violation of international law but were not intervened in since there are a multitude of other factors that could feed into the decision-making in the Security Council.

Conclusion

Some limitations that I came across were that I could not test every country that violated international law to check their GDPs, so my data sets might have been skewed because they did not include every possible data point. There were probably more countries that fit the description of having a lower GDP than 50B USD and also had UN intervention, but also GDP could still be relative to the countries that are being compared in any case study; it fluctuates and is dependent on however many variables are chosen. I also was not able to do the same for race and ethnic demographics. I could not measure the percentages of each race and every nation that committed atrocities. Another limitation is that some atrocities are never reported to the international community, for obvious reasons such as a skewed image on a global stage and reprimands administered by international organizations like the UN. Human rights violations become covered with that discrepancy.

Since there are a multitude of facets of when the United Nations chooses to intervene under R2P, I think that it is a combination of the first two hypotheses. I think that a country's economic standpoint and their strong military capabilities both go into some, if any, consideration for Council members. It may be unspoken but more likely is a subconscious thought process that the fifteen council members experience when met with

an act of atrocity like genocide- especially if that country is more powerful in terms of GDP and military strength.

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