

THE RESPONSIBILITY TO PROTECT: INTERVENTION IS NOT ENOUGH

A Monograph

by

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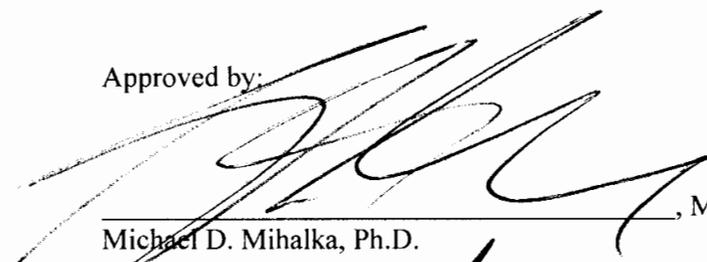
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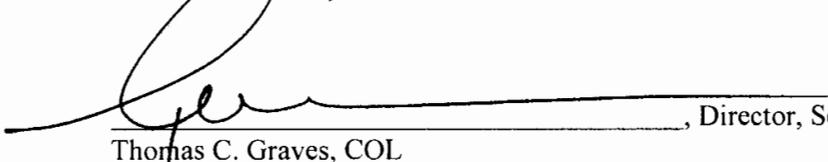
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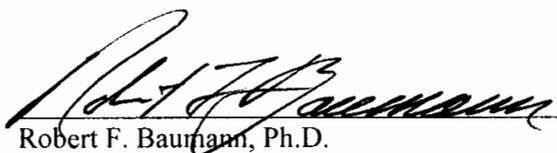
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ABSTRACT

THE RESPONSIBILITY TO PROTECT: INTERVENTION IS NOT ENOUGH, by Major Joshua James Major, 83 pages.

Officially adopted by the UN in 2005, the responsibility to protect did not make many international headlines until NATO's intervention in Libya in 2011. This monograph highlights the issues associated with precluding recurring violence after an R2P intervention when the international community does not remain committed to post-conflict consequence management. Case studies specifically dealing with Rwanda, Kosovo, and Libya examine the conditions that led, or did not lead, to intervention, the factors affecting the possibility of recurring violence, and how the level of commitment following an intervention contributed to lasting 'success.' The results of the research suggest that R2P interventions and post-conflict levels of commitment are driven by national interests, despite the rhetoric of R2P being an internationally accepted doctrine to protect populations in danger. The research also suggests that R2P interventions may worsen the structural conditions of a particular conflict if not followed through with a substantial effort by the international community to increase the likelihood of a lasting peace. The omission of the responsibility to rebuild from the original conception of R2P to the currently accepted three pillar model may have deemphasized the importance of post-conflict consequence management as part of an intervention. The key recommendation of this monograph emphasizes the necessity to commit adequate resources to facilitate post-conflict stability and development as an integral part of any R2P intervention.

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ACRONYMS

FRY	Federal Republic of Yugoslavia
GDP	Gross Domestic Product
ICISS	International Commission on Intervention and State Sovereignty
KFOR	Kosovo Force
KLA	Kosovo Liberation Army
MRND	<i>Mouvement Rwandaise National pour le Développement</i>
NATO	North Atlantic Treaty Organization
P5	Permanent five members of the United Nations Security Council
RPF	Rwandan Patriotic Front
R2P	Responsibility to Protect
SACEUR	Supreme Allied Commander Europe
SOF	Special Operations Force
UN	United Nations
UNAMIR	United Nations Assistance Mission for Rwanda
UNMIK	United Nations Mission in Kosovo
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
UNSG	United Nations Secretary-General
US	United States

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INTRODUCTION

“No one believed that a state committing those crimes would be restrained by the existence of a convention, or would surrender itself for trial to an international tribunal. The obvious truth was that...genocide committed by States was punishable only by war.”¹

—Sir Hartley Shawcross upon the adoption of the Genocide Convention, 1948.

The 2011 North Atlantic Treaty Organization’s (NATO) intervention in Libya was a significant event in the world of international relations. The Libyan intervention is the first instance of an armed military intervention under the edict of the ‘Responsibility to Protect’, or R2P.² The invocation of R2P in Libya began a vigorous debate in the political and scholarly world concerning the validity of R2P as an intervention doctrine. While some saw the implementation of R2P in Libya as a tremendous success and a validation of the R2P concept, others have argued that the Libyan intervention weakened the applicability of R2P in future humanitarian crises.³ Enduring issues between the rights of individuals and the sovereignty of states to include fear of regime change, actions driven by national interests and geopolitics, and fears of Western interventionism remain contested despite the rhetoric of R2P. A significant concern with R2P is the concept’s capacity to prevent recurring violence after the cessation of hostilities. The current state of Libya implies that the simple act of intervention in the name of

¹Payam Akhavan, *Reducing Genocide to Law: Definition, Meaning, and the Ultimate Crime* (New York: Cambridge University Press, 2012), 113.

²Stewart Patrick, “Libya and the Future of Humanitarian Intervention,” *Foreign Affairs* (August 26, 2011), <http://www.foreignaffairs.com/articles/68233/stewart-patrick/libya-and-the-future-of-humanitarian-intervention?page=show> (accessed March 14, 2013).

³Thomas G. Weiss, “RtoP Alive and Well After Libya,” *Ethics and International Affairs* 25, no. 3 (Fall 2011): 287-92. This presents his view that R2P is better after its militarily implementation in Libya. For a contrasting view, see the following article; Sonia Rodrigues, “Somewhere between Civil War and Regime Transition: The Responsibility to Protect Response to Libya and Syria,” *Small Wars Journal* (June 12, 2012) <http://smallwarsjournal.com/jrnl/iss/201206> (accessed January 11, 2013).

study analysis and conclusion. The literature review will address the concept of R2P, civil war criteria, intervention and nation building, as well as the notion of success in armed humanitarian interventions. An examination of these concepts led to the development of the variables and hypotheses used during the case study analysis. The third chapter describes the methodology used to examine R2P, including an overview of all potential cases of R2P since the end of the Cold War, as well as a description of the operationalization of the variables that frame the case studies. The fourth chapter consists of qualitative cross-time and cross-sectional analysis of specific cases that examine the issues that have affected humanitarian interventions since the end of the Cold War to the Libyan campaign of 2011. The study references several empirical, quantitative studies to support key arguments in the analysis of the case studies. Specifically, the cases will seek to examine the conditions that led, or did not lead, to intervention, the factors affecting the possibility of recurring violence, and how the level of commitment of an intervention can affect 'success.' The monograph finishes with conclusions and recommendations that will provide insight into the feasibility of R2P in preventing recurring violence after an intrastate conflict.

R2P is important because of its adoption by the UN as an official policy to protect threatened populations. Equally important is the evolution and development of R2P from its original conception in 2001, to its currently accepted form. Although abundant research concerning other types of interventions is available, limited scholarly work examining the interaction between the factors affecting a R2P military intervention and subsequent consequence management exists. Specifically, there is an inadequate amount of work examining why rebuilding after an intervention disappeared from the language of R2P during its development and how this omission may affect R2P implementation. This monograph will seek to contribute to that body of literature.

LITERATURE REVIEW

The purpose of this monograph is to examine whether a R2P military intervention can effectively preclude the recurrence of post-conflict violence. The analysis of preventing recurring violence in sufficient depth and context requires the examination of a number of complementary concepts. This literature review will initially examine the concept of R2P to include its history, basic principles, ideas and purpose. Some of the debate concerning R2P and its implementation will highlight a deviation between the initial concept of R2P by the International Commission on Intervention and State Sovereignty (ICISS), its official adoption by the UN in 2005, and the concept's refinement in 2009.

R2P, as currently approved by the UN, consists of three pillars. The first pillar is the protection responsibilities of the state towards its own population, the second pillar is the responsibility of the international community to provide assistance and capacity building to nations in difficulty, and the third pillar is the responsibility of the international community to take timely and decisive response when peaceful means have failed.⁵ While the first two pillars are preventive in nature, the third pillar requires action, up to and including military action, when prevention fails. The literature will identify the difficulties with aspects of prevention in the R2P concept, leading to a greater focus on the third pillar of R2P, and the use of military force within an intrastate conflict. The literature review will examine a number of subjects pertaining to civil war conflict literature, with a particular emphasis on civil war onset structural conditions, conflict history and conflict termination. These concepts are fundamental in examining the probability of conflict recurrence after an intervention. This follows the logic that a R2P intervention will eventually require a military response to protect a population. Literature relating to interventions

⁵Implementing the responsibility to protect: Report of the Secretary-General, A/63/677 (January 12, 2009): 2.

will seek to illustrate how the type, scope and duration of an intervention can play a significant role in the possibility of violence recurrence post-intervention. Hypothetically, the ultimate means to secure a population from its government, who is manifestly failing to protect it, is to engage in some form of regime change. In this case, a change of regime requires nation building in the aftermath of intervention. The literature will also examine the potential negative effects of attempting to develop a liberal democratic, free-market nation upon existing structural conditions. Finally, the notion of success requires some type of definition to judge whether an intervention achieves the desired outcomes of precluding recurring violence. These concepts will serve as the baseline for the examination and analysis of the effectiveness of R2P within the context of this monograph.

Responsibility to Protect

Although conceptually distinct from humanitarian intervention, R2P relates to the notion of human security, which has become increasingly important over the past twenty years.⁶ An increase in the number of intrastate conflicts immediately after the end of the Cold War began to challenge the traditional notions of global security as practiced during the Cold War and enshrined in the Charter of the United Nations (UN).⁷ The UN, freed from the geopolitical restraints of the Cold War, responded with a variety of interventions that sought to establish

⁶Global Center for the Responsibility to Protect, *The Relationship between the Responsibility to Protect and the Protection of Civilians in Armed Conflict*, Policy brief (June 21, 2012) <http://www.globalr2p.org/publications/16> (accessed January 11, 2013). This brief outlines that R2P, although sharing the normative foundations of the protection of civilians, is narrower in scope as it only protects civilians during armed conflict.

⁷UN, *Charter of the United Nations*, 1 UNTS XVI, (October 24, 1945), <http://treaties.un.org/doc/Publication/CTC/uncharter.pdf> (accessed March 1, 2012), Art 2(7). Basically, the inviolability of the state and its preeminence in world affairs. The number of intrastate conflict went from 39 in 1989 to 52 in 1992 (source: Uppsala Conflict Data Program/Peace Research Institute, Oslo 2009).

human security as a new security paradigm in conjunction with the traditional Westphalian order.⁸ Because of the changing international security situation, the UN dramatically increased its military activities throughout the world. In fact, between 1990 and 1994, the United Nations Security Council (UNSC) passed roughly twice the number of resolutions as it had during its entire history. This authorized 20 new operations, which in turn raised the number of peacekeepers throughout the world from 11,000 to 75,000.⁹ Intrastate violence in places such as Somalia and Haiti became matters of international peace and security, leading to coercive interventions in each state to halt the violence. Further brutality in Bosnia, Rwanda and Kosovo reinforced the idea that internal crises could have international security consequences. However, significant issues arose concerning the use of armed intervention for humanitarian reasons. The most substantial issue became the emergent challenge to the previously assumed inviolability of the state by interventions that lacked justification and legality from a perspective of international law.¹⁰ As contention mounted between state sovereignty and human security, it began affecting United Nations Security Council Resolutions (UNSCR), particularly in regards to the application of military force. The question of intervention required reframing so that protecting individuals from harm became as important as national interests and sovereignty.¹¹ The inconsistencies associated with these early humanitarian interventions, as well as a direct challenge to the

⁸Thomas G. Weiss, *Humanitarian Intervention* (Cambridge: Polity Press, 2007), 23.

⁹UN, "United Nations Peacekeeping - History of Peacekeeping," United Nations, <http://www.un.org/en/peacekeeping/operations/surge.shtml> (accessed February 15, 2013).

¹⁰Rebecca J. Hamilton, "The Responsibility to Protect: From Document to Doctrine – But What of Implementation?" Recent Developments, *Harvard Human Rights Journal* 19 (Spring 2006) 291, <http://www.law.harvard.edu/students/orgs/hrj/iss19/hamilton.shtml#fnB1> (accessed 1 Mar, 2012), 289.

¹¹Saira Mohamed, "Taking Stock of the Responsibility to Protect," *Stanford Journal of International Law* 48, no. 2 (Summer 2012): 324-325.

international community issued by UN Secretary-General (UNSG) Kofi Annan resulted in the development of R2P.¹² Conceptually, R2P is the continuation of the debate concerning the legitimacy of armed humanitarian interventions following the end of the Cold War, since the concept seeks the reconciliation of human security and state sovereignty.¹³

Interventions for humanitarian reasons have always been a contentious issue in international affairs. At the core of the debate concerning if, when, and how to intervene is the tension between state sovereignty and human security. During the Cold War, vetoes from one side or the other resulting from national interests and *realpolitik* assured state sovereignty. An intervention that violates a state's borders ideally requires official sanctioning by a UNSCR to establish legality. Art 2(7) of the UN Charter states:

Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.¹⁴

The end of the Cold War, while certainly not eliminating the rights of states, created a more conducive environment for non-consensual humanitarian actions within a state by facilitating resolutions by the UNSC. The initial sentiment was that democracy had prevailed and true peace was finally possible. However, as the number of intrastate conflicts grew, a more

¹²UN General Assembly, Fifty-fourth session, Report of the Secretary-General, We the peoples: the role of the United Nations in the twenty-first century, A/54/2000, 27 March 2000, 35.

¹³S. Neil MacFarlane et al., "The Responsibility to Protect: Is Anyone Interested in Humanitarian Intervention?" *Third World Quarterly* 25, no. 5 (2004): 977. See also S. Neil MacFarlane and Yuen Foong Khong, *Human Security and the UN: a Critical History* (Bloomington: Indiana University Press, 2006), 177-181. Interestingly, MacFarlane does not cover the development of R2P in a significant way in his book despite the fact is the UN's focus to reconcile human security with the sovereignty of the state.

¹⁴UN, "Charter of the United Nations," 24 October 1945, 1 UNTS XVI, <http://treaties.un.org/doc/Publication/CTC/uncharter.pdf> (accessed 1 March, 2012), Art 2(7).

pessimistic viewpoint saw an increasingly dangerous world of contested religious and ideological beliefs that was no longer constrained by the Cold War. The UN, no longer inhibited by the East-West geopolitical divide, felt the need to do something in reaction to a changing international security environment.¹⁵ However, debate continued regarding the rights of states and infringements upon state sovereignty in the name of human security. The Kosovo intervention in 1999 raised the specter of legitimacy in regards to interventions because of NATO operations conducted without the approval of a UNSCR. Suzanne Nossel defines legitimacy as "...a measure of the acceptability and justifiability of a state's actions in the eyes of other states and their citizens."¹⁶ However, while the concept and definition of legitimacy appears clear, national interests and the geopolitical context of a potential intervention muddles this clarity. Kagan highlights that several countries have conducted military operations perceived as morally right in the eyes of the intervener, such as the Kosovo air campaign, without UN approval in the name of human security. How legitimacy determined if the application of force is subjective? Kagan states, "...legitimacy has proved conveniently flexible in recent years, it is because legitimacy is a truly malleable concept...the search for legitimacy creates a fundamental dilemma for liberalism and liberal internationalism."¹⁷ The selective interpretation of legitimacy creates problems when the criteria for intervention continuously change. Matlary supports Kagan's argument by writing how the legitimacy of an intervention is determined on a case-by-case basis centered on ethical

¹⁵Rebecca J. Hamilton, "The Responsibility to Protect: From Document to Doctrine – But What of Implementation?" Recent Developments, *Harvard Human Rights Journal* 19 (Spring 2006) 291, <http://www.law.harvard.edu/students/orgs/hrj/iss19/hamilton.shtml#fnB1> (accessed 1 Mar, 2012).

¹⁶Suzanne Nossel, "Going Legit," *Democracy Journal* 3 (Winter 2007), 30.

¹⁷Robert Kagan, "America's Crisis of Legitimacy," *Foreign Affairs* 82 (2), (March/April 2004), 67-70.

categories proposed by the potential intervener.¹⁸ A lack of legitimacy can inhibit the transformation of a military victory into a diplomatic and political settlement that would ensure some type of sustainable peace.¹⁹ The international community therefore required some type of concept that reconciled the seemingly divergent concepts of human security and sovereignty. Kofi Annan, as the UNSG, provided perhaps the best summary of this dilemma when he challenged the international community in his Millennium Report.

If humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human rights that offend every precept of our common humanity?²⁰

The response to the UNSG's challenge was R2P. R2P seeks to reconcile intervention, sovereignty and international legality. Initially developed by the ICISS in 2001, many of the recommendations made by the commission were formally adopted the UN in 2005, sanctioned by the UNSC in 2006, and reaffirmed by the UN General Assembly in 2009.²¹ Its adoption by the UN testifies to its general acceptance as a concept that should facilitates potential intervention when a country manifestly fails to protect its own people.

The development of R2P by the ICISS was supposed to address many of the problems

¹⁸Janne Haaland Matlary, "The Legitimacy of Military Intervention: How Important Is a UN Mandate?" *Journal of Military Ethics* 3, no. 2 (2004): 139. This idea also supports assertions made by Christian Reus-Smith that actors "seeking legitimacy make legitimization claims that appeal to particular social values..." see Christian Reus-Smith, "International Crises of Legitimacy," *International Politics* 44 (2007): 157-74.

¹⁹Spyros Economides, *United Nations Interventionism, 1991-2004*, [Rev. and updated ed., ed. Mats Berdal (Cambridge, UK: Cambridge University Press, 2007), 12.

²⁰UN General Assembly, Fifty-fourth session, Report of the Secretary-General, *We the peoples: the role of the United Nations in the twenty-first century*, A/54/2000, 27 March 2000, 35.

²¹UN General Assembly, Sixtieth session, Resolution Adopted by the General Assembly 60/1, 2005 World Summit Outcome, A/Res/60/1 (October 24, 2005) and UN General Assembly, Sixty-third session, Implementing the responsibility to protect: Report of the Secretary-General, A/63/677 (January 12, 2009).

associated with humanitarian interventions and serve as a framework for future humanitarian intervention decisions. An important aspect was a shift in the language from the right for outsiders to intervene in an intrastate conflict, toward the right of endangered populations to receive assistance and protection. This resulted in the relatively new notion of the international community having a responsibility to ensure the protection of an endangered population.²² The ICISS report defines R2P as comprising three specific responsibilities, these being the responsibility to prevent, the responsibility to react, and the responsibility to rebuild. The responsibility to prevent addresses the root causes of internal conflict and other man-made factors that put populations at risk. The responsibility to react entails the use of coercive measures, up to and including military action, in situation of compelling human need. Finally, the responsibility to rebuild seeks to provide full assistance after an intervention to address the causes of conflict and provide recovery, reconstruction, and reconciliation.²³ Although these three key elements of responsibility form the backbone of the ICISS report concerning R2P, significant modifications to the conceptual construct occurred during the debate regarding the implementation and adoption of R2P by the UN. The most significant omission, from an aspect of preventing recurring violence, is the responsibility to rebuild after an intervention. Although conceptually similar, the responsibilities identified in the ICISS report must not be confused with their evolution to the eventually accepted three pillars of R2P.

R2P links a state's sovereignty to its responsibility to protect its own population. A sovereign state therefore has a dual responsibility for its actions. One part is the responsibility for

²²Cristina G. Badescu and Thomas G. Weiss, "Misrepresenting R2P and Advancing Norms: An Alternative Spiral? Misrepresenting R2P and Advancing Norms." *International Studies Perspectives* 11, no. 4 (November 2010): 356.

²³ICISS, *The Responsibility to Protect: Report of the International Commission On Intervention and State Sovereignty* (Ottawa: IDRC Books, 2002), XI.

its external actions in regards to other states, while the other part is the state's internal responsibility to respect the dignity and basic rights of all the people within the state.²⁴ The concept of dual responsibility, external and internal, shifts the paradigm from the days of the Cold War which focused solely on external actions. Although heatedly debated behind closed doors in the run up to voting by the UN General Assembly in 2005, the notion of dual responsibility as part of state sovereignty became official with the adoption of the 2005 World Summit Outcome and UNSCR 1674.²⁵ This process formalized that states had a responsibility to protect their populations from four 'threshold crimes', genocide, war crimes, ethnic cleansing and crimes against humanity.²⁶ The Summit Outcome document also identified that the international community had a duty to assist states in the obligation of protecting their populations from acts of systemic violence. Finally, and most importantly, the Summit document specified that the international community could take 'timely and decisive action' on a case by case basis, in accordance with the provisions of the UN charter, if prevention does not succeed and a state manifestly fails to protect its population from one of the four threshold crimes. However, despite the adoption of R2P by the UN in 2005, many issues still remained disputed with the concept. In particular, the perceived emphasis upon military intervention continued to generate discussion

²⁴Ibid., 8.

²⁵UN General Assembly, Sixtieth session, Resolution Adopted by the General Assembly 60/1, 2005 World Summit Outcome, A/Res/60/1 (October 24, 2005) and UN Security Council, 5430th meeting, *Resolution 1674*, S/Res/1674, 28 April 2006, 2.

²⁶ICISS, 33. Genocide is defined by the framework of the 1948 genocide convention. Ethnic cleansing includes the systematic killing of a particular group in order to diminish or eliminate their presence in a particular area, to include acts of terror forcing people to flee, and systematic rape of a particular group for political purpose. Crimes against humanity and violations of the laws of war as defined in the Geneva Convention and Additional Protocols which involve large scale or ethnic killing.

regarding the implementation of R2P.²⁷ Ban Ki-Moon, the UNSG replacing Kofi Anna in October 2006, challenged the UN General Assembly to turn its commitments to R2P in the 2005 World Summit Outcomes from “words” into “deeds” in a speech given in Berlin in 2008.²⁸

Ban Ki-Moon attempted to reconcile some of the issues relating to the implementation of R2P with his report to the UN General Assembly in 2009. The document was the first attempt to turn R2P into a policy that reflected a “narrow” scope (limited to the four ‘threshold crimes’ listed in paragraph 139 of the 2005 Summit Outcome – war crimes, crimes against humanity, ethnic cleansing and genocide), while ensuring a “deep” response (using the entirety of the preventive and protective measures and instruments available to the UN system).²⁹ He also highlighted, deepened and transformed the definition of the three elements of responsibility of R2P from their original conception in the ICISS report, to a three pillars approach to better match the concept with the language of the Summit Outcome document.³⁰ As part of his efforts to provide a better framework for implementing R2P, Ban Ki-Moon proposed a related, but significantly different, set of pillars. The first pillar clearly delineates the state as primarily responsible for the protection of its population. The second pillar emphasizes international assistance and capacity building to assist states under stress in protecting their populations before

²⁷Thomas G. Weiss, “Whither R2P?” *The Responsibility to Protect: challenges and opportunities in light of the Libyan intervention* (November 2011): 7, <http://www.e-ir.info/wp-content/uploads/R2P.pdf> (accessed February 15, 2013).

²⁸UN Secretary-General, *Secretary-General Defends, Clarifies ‘Responsibility to Protect’ at Berlin Event on ‘Responsible Sovereignty: International Cooperation for a Changed World*, SG/SM/11701, UN.org, <http://www.un.org/News/Press/docs/2008/sgsm11701.doc.htm> (accessed November 25, 2012).

²⁹Ved P. Nanda, “From Paralysis in Rwanda to Bold Moves in Libya: Emergence of the ‘Responsibility to Protect’ Norm Under International Law - Is the International Community Ready for It?” *Houston Journal of International Law* 34, no. 1 (September 2011): 32.

³⁰ICISS, *The Responsibility to Protect: Report of the International Commission On Intervention and State Sovereignty* (Ottawa: IDRC Books, 2002), 17-18.

crises and conflict. The third pillar emphasizes the international community's responsibility to take timely and decisive action to halt crimes when a state is manifestly failing to protect its populations. Although coercive Chapter VII actions would always remain the last resort, Ban Ki-Moon emphasized a multitude of other options, such as more pacific Chapter VI actions, as well as collaborating with regional actors under Chapter XIII. Any action would have to meet the purposes, principles and provisions of the UN charter. A key idea in the pillars construct is the notion that all the pillars are equally important, and do not require sequential implementation.³¹ The equality of all the pillars reinforced the notion that R2P must use all of the tools available to the international community, such as diplomacy and capacity building, and not simply lean towards a single military option. Interestingly, Ban Ki-Moon captured the majority of the ideas from the original first and second elements of responsibility, the first being the state's responsibility and the second being the international community's, found in the ICISS report. However, the responsibility to rebuild was not included in any of the formal language, or even in the spirit, of the new three pillar construct. The failure to include an emphasis upon the necessity to rebuild potentially hampers R2P's ability to preclude recurring violence. Despite the continued acceptance of R2P by the UN, there are still considerable issues to its implementation using a three pillars approach.

Bellamy argues that the issue with R2P is not its acceptance as an international norm, but rather its practical use as a concept to support interventions.³² The first two pillars, being more aligned with consent-based practices between the state's government, its population, and the international community is somewhat less problematic. The real issue is the application of non-

³¹UN Secretary-General, Report of the Secretary-General, *Implementing the Responsibility to Protect*, A/63/677, 12 January 2009, 8-10.

³²Bellamy, 158.

consensual force using R2P's third pillar. The ICISS report details six conditions, or threshold criteria, that should be met prior to the use of military force: just cause, right intention, proportional means, last resort, reasonable prospects, and right authority.³³ Despite the efforts of the ICISS, these conditions are still subjective and open to interpretation. The criteria of right authority, however, is explicitly detailed in chapter six of the document. Ultimately, right authority rests with the UNSC as it has "...primary responsibility for the maintenance of international peace and security."³⁴ While the report requests that the permanent five (P5) members of the UNSC use restraint in regards to their veto power during a humanitarian crisis, the report also acknowledges that vital national interests can factor into UNSC decisions during crises where populations are at risk.³⁵

The tension between national interests and R2P relates to a fundamental problem that Hamilton and MacFarlane argue concerning interventions. They believe that the decisive factors will inevitably be "...authority, political will, and operational capacity...."³⁶ Interestingly, the states that make up the P5 are also the ones that have the operational capacity (in greater and lesser degrees) to conduct or enable military operations abroad, as well as being the ones who have the most national interests throughout the world. Therefore, despite the efforts of the ICISS and the widespread acceptance of the R2P concept, *realpolitik* still has a role in humanitarian interventions. In regards to actions within the first two pillars, this seldom becomes an issue,

³³ICISS, 32-37, 47-55. The document lays out very specific and detailed guidance concerning each of these criteria. Just cause and right authority certainly receive the most attention with almost four pages of narrative for just cause and an entire chapter for right authority.

³⁴UN (1945), art 24.

³⁵ICISS, 51.

³⁶Hamilton 292; S. Neil MacFarlane et al., "The Responsibility to Protect: Is Anyone Interested in Humanitarian Intervention?" *Third World Quarterly* 25, no. 5 (2004): 977, 980.

however, implementation of third pillar military actions becomes more problematic. Political commitment to support an intervention over time is closely tied with the idea of the responsibility to rebuild after an intervention as originally presented by the ICISS. Although it seems this concept needs addressing, Ban Ki-Moon does not refer to the responsibility to rebuild after intervention in his 2008 speech in Berlin or in his 2009 report on implementing R2P. An omission of one of the primary responsibilities contained within the original description of R2P, in this case rebuilding after intervention, is startling. Gareth Evans, co-chair of the ICISS, argues in agreement with Ban Ki-Moon that R2P is much more than a potential military intervention. In Evan's opinion, R2P is a continuum of obligations to prevent, react, and rebuild.³⁷ This reflects the ICISS report's responsibility to prevent atrocities from occurring, to react once they have occurred and to rebuild after an intervention to protect a population. For Evans, no separation exists between the three elements of responsibility. If prevention does not work and an intervention is required, then the international community is also obligated to help rebuild the country. Curiously, the aspect of intervention that the international community normally gets wrong, the rebuilding phase, merits no particular mention within the current UN construct of R2P. A surprising lack of literature exists regarding the omission of the responsibility to rebuild considering the implications of interventions lacking a post-conflict strategy. This discrepancy highlights one of the key arguments of this monograph in that R2P does not automatically reduce the possibility of recurring violence without significant post-conflict consequence management. In fact, the responsibility to rebuild is one of the key elements to reduce the chances of recurring violence after an R2P intervention because of the types of conflicts in which the intervention occurs.

³⁷Gareth Evans, "From Humanitarian Intervention to the Responsibility to Protect," *Wisconsin International Law Journal* 24 (2006/7): 708.

R2P is supposed to encompass a wide variety of preventive economic and political actions to protect a population with coercive actions as a last resort. However, the requirement of military intervention greatly increases as a situation degenerates, making this last resort the most tangible and practical method to halt atrocities. This argument suggests that oppressive governments that place their populations in danger of one of the four threshold crimes necessary for invoking R2P will initiate some type of armed intervention by the international community to stop their actions. Following this logic, the government itself comprises the threat to its population and requires removal to ensure the population's protection. Abiew and Acharya highlight that 'just cause' for a R2P intervention does not justify the overthrowing of oppressive governments, although destroying its capacity to harm its people is acceptable.³⁸ Achieving this effect, however, is truly problematic. Joyner further defines the concept of protection through regime change by stating that any government responsible for crimes against its population does so at the risk of removal by an intervener. However, he couches his statement by arguing that such a removal must only occur when necessary to halt the loss of life.³⁹ These interventions will most likely take place in a state undergoing some type of intrastate conflict where the government attempts to destroy the opposition. In a context where the threat of the four threshold crimes is high or ongoing, the intervener is increasingly likely to side with the antigovernment forces in support of a side in the conflict. Therefore, civil war conflict literature is important in understanding the variables involved in attempting to prevent conflict recurrence following an

³⁸Francis Kofi Abiew, "Humanitarian Intervention and the Responsibility to Protect: Redefining a Role for 'Kind-hearted Gunmen'," *Criminal Justice Ethics* 29, no. 2 (August 2010): 95; Amitav Acharya, "Redefining the Dilemmas of Humanitarian Intervention," *Australian Journal of International Affairs* 56, no. 3 (2002): 375. He makes the distinction that just cause for humanitarian protection purposes is the key indicator for rightful intention and thus acceptable.

³⁹Christopher Joyner, "'The Responsibility to Protect': Humanitarian Concern and the Lawfulness of Armed Intervention," *Virginia Journal of International Law* 47 (2006/7): 712.

intervention to protect a population.

Civil War Factors

Although conceived as a response to the problems associated with the armed humanitarian interventions of the 1990s, R2P is a concept that will most likely result in an armed intervention. Conflicts in Rwanda, Kosovo and Libya have demonstrated that the potential for committing threshold crimes during intrastate conflict is high, as one group rebels against the authority of another. Intrastate conflict can lead to conditions where the first two pillars of R2P no longer apply and the only recourse of the international community is an armed, non-consensual intervention. However, simple intervention in a conflict is not enough to ensure violence does not reoccur. An understanding of how the structural conditions of a state led to the onset of conflict, the effects of a state's conflict history on the belligerents, and how conflict termination affects the possible recurrence of post-intervention violence is imperative. These factors should link R2P with the type and scope of intervention to ensure not only the immediate protection of a population, but also increase the prospects of a lasting peace.

What are the causes of intrastate conflict? Since the end of the Cold War, there have been numerous studies conducted to answer this very question. Despite a wide variety of interpretations and findings, there are several common themes found throughout civil war onset literature.⁴⁰ Although having detailed knowledge of all intrastate conflict onset data is desirable, this monograph will only examine the factors where an intervention can cause change. For example, geographic, climatic and environmental factors are generally beyond the capacity of an intervening force to affect. Demographics and diversity, however, are very important variables regarding the potential recurrence of intrastate conflict. Although these specific studies deal with

⁴⁰Jeffrey Dixon, "What Causes Civil Wars? Integrating Quantitative Research Findings," *International Studies Review* 11 (2009): 707-708.

the onset of civil war, they are also nonetheless key variables in the potential for recurring violence after an intervention.

Population size and density have been widely recognized in a number of studies as key indicators to the potential onset of intrastate conflict. Dixon has compiled an extensive number of empirical studies suggesting that population size, and more importantly density, positively contribute to the potential for the onset of intrastate conflict.⁴¹ A more important indicator, however, is diversity. Although ethnic diversity plays a dominant role, religious and linguistic diversity are also key indicators. While a high level of diversity within a population is actually good and can reduce the chances of conflict, limited diversity can lead to increased violence. The concept of 'ethnic dominance', described as the presence of a dominant majority with a sizeable minority, proposed by Collier et al, suggests a potential 50% increase in some type of rebellion. Even the implementation of democracy may not serve to reduce the possibility of violence in countries with ethnic dominance because of a fear of permanent exclusion.⁴² As opposed to ethnic dominance, polarization of a society can also increase the chances of intrastate violence by a factor of six. Although balancing polarized societies is possible, they are prone to nationalistic manipulation, which in turn can lead to violence.⁴³ Through a detailed analysis of these and other studies, Dixon has established a positive relationship between ethno-linguistic fractionalization,

⁴¹Ibid., 710.

⁴²Paul Collier et al., *Breaking the Conflict Trap: Civil War and Development Policy* (Washington, DC: World Bank and Oxford University Press, 2003), 57.

⁴³D.L. Horowitz, "Structure and Strategy in Ethnic Conflict" (paper presented at the Annual Bank Conference on Development Economics, World Bank, Washington, D.C., April 20-21, 1998) explains the possibility of nationalistic manipulation by elites; Marta Reynal-Querol, "Ethnicity, Political Systems, and Civil Wars," *Journal of Conflict Resolution* 46, no. 1 (February 2002): 29, offers an in-depth, empirical analysis of polarization in many forms such as ethnic, linguistic and religious.

ethnic heterogeneity, ethnic dominance and the onset of intrastate conflict.⁴⁴ These factors require consideration since they can certainly affect the possibility of recurring violence after an intervention. Population and ethnicity factors also greatly affect the possibility of conflict when combined with poor economic conditions.

One of the most reliable and consistent indicators of possible intrastate conflict onset is economic underdevelopment and poverty. The vast majority of studies indicate that prosperity reduces the possibility of civil war while poverty increases it.⁴⁵ However, poverty in and of itself will not necessarily predict the onset of conflict. Fearon and Laitin's empirical analysis of 161 countries over a 55-year period reveals that a country at the 10th percentile of income (\$580 per capita GDP) or lower had approximately a 72% chance of having at least one civil war and a 36% chance of two or more civil wars within that period. A significant factor from an intervention perspective is the likelihood of civil war increasing as the level of per capita income decreases. As intrastate conflict generally suppresses economic prosperity, this factor is particularly important and relevant. Interestingly, the level of ethnic fractionalization produced no significant effect on the chances of civil war in their research, although it does in other studies.⁴⁶ Although this research empirically supports a grievance-based approach to the onset of civil war, Collier and Hoeffler interpret the data in relation to opportunity costs. The poorer the country, the lower the cost for rebels to support an armed insurrection. Joining an insurrection becomes a more viable means to make a living than standard work.⁴⁷ Although the statistical relationship between

⁴⁴Dixon, 710.

⁴⁵Ibid., 714-715.

⁴⁶James D. Fearon and David D. Laitin, "Ethnicity, Insurgency, and Civil War," *American Political Science Review* 97, no. 1 (February 2003): 91-93.

⁴⁷Paul Collier and Anke Hoeffler, "On the Economic Causes of Civil War," *Oxford Economic Papers* 50, no. 4 (1998): 568.

poverty and civil war onset is solid, the simple fact that a country is disadvantaged economically is not a universal indicator that it will erupt in intrastate conflict.⁴⁸ Dixon examines several aspects of economics related to the onset of intrastate conflict. One his more significant findings concluded that primary commodity exporters, especially oil exporters, are at much greater risk of civil war.⁴⁹ Reliance on single commodity exports is of even greater relevance when coupled with the finding that a trade policy that increases the primary commodity exports as a product of GDP is associated with a greater chance of civil war.⁵⁰ The challenge, certainly from the perspective of an intervening force, is to examine how this factor relates to other factors and therefore what can be done economically to reduce the possibility of violence recurring. The relationship of economic policy to forms of political governance also has significant effects upon the probability of intrastate conflict.

The vast amount of scholarly work regarding regime change has developed a particularly salient finding. While well-established democracies and autocracies diminish the chance for civil war, anocracies⁵¹ increase it. A country's type of governance reflects its *Polity* score.⁵² Scores go from a perfect democracy of +10 to a perfect autocracy of -10. Democracies generally score between +6 and +10, autocracies score from -6 to -10, and anocracies fall between +5 to -5 on the

⁴⁸T. David Mason, *Sustaining the Peace After Civil War* (Carlisle, P.A.: Strategic Studies Institute, U.S. Army War College, 2007), 10.

⁴⁹Dixon, 714.

⁵⁰*Ibid.*, 716.

⁵¹Anocracies are a middling category rather than a distinct form of governance. They are countries whose governments are neither fully democratic nor fully autocratic but, rather, combine an, often, incoherent mix of democratic and autocratic traits and practices.

⁵²The Polity conceptual scheme is unique in that it examines concomitant qualities of democratic and autocratic authority in governing institutions, rather than discreet and mutually exclusive forms of governance. (Source: <http://www.systemicpeace.org/polity/polity4.htm>)

scale. Dixon also concludes through an examination of numerous studies that regime change is dangerous. Regardless if the change is from an autocracy to a democracy or vice-versa, political or regime instability significantly increases the chances of intrastate conflict.⁵³ In the context on a R2P intervention that results in regime change, the possibility of increased instability requires the intervening force having the capacity to stabilize the situation and prevent recurring violence. A lack of commitment by the international community becomes even more problematic when seeking to create the conditions for peace following an intervention when countries may find themselves in an anochranistic state. The ability of the international community to stabilize a country after an intervention directly relates to the effects of civil war termination and the establishment of a durable peace.

Civil war termination is relevant because R2P third pillar interventions change the dynamic of the conflict and therefore influence the possibility of recurring violence. Monica Toft argues that civil wars have usually ended in an outright military victory by one side, a stalemate, or with a negotiated settlement.⁵⁴ She concludes, through a comprehensive empirical analysis using a logit model, that military victories tend to result in a more lasting peace since one side has clearly demonstrated the ability to defeat the other. Negotiated settlements, while initially appearing promising, have a greater chance of recurring violence over time.⁵⁵ Although contextually different, research conducted by Fortna in regards to peacekeeping, in addition to a 2010 RAND insurgency study, supports these conclusions. Both studies sustain the notion that outright victory tends to result in the conditions required for the absence of additional violence

⁵³Dixon, 718.

⁵⁴Monica Duffy Toft, *Securing the Peace: the Durable Settlement of Civil Wars* (Princeton: Princeton University Press, 2010), 1.

⁵⁵*Ibid.*, 54-58, 150-152.

over time. However, the RAND and Fortna studies also suggest that victory requires further measures, such as peacekeepers or addressing the root causes of insurgency, to provide a lasting effect.⁵⁶ Although this seems to support the use of R2P's third pillar to intervene in an intrastate conflict by ensuring a military victory for the oppressed population, it requires additional investigation. Toft further explains why military victories generally result in a more lasting peace. First, the victor obtains a radical disequilibrium of forces that enable it to dictate terms to the loser. The second is a balance of power that becomes evident through armed conflict. One side realizes it cannot win and accepts defeat through a negotiated settlement until it can obtain a favorable balance of power in the future.⁵⁷ At this point, the defeated side reinitiates conflict as a means to obtain military victory. The difficulty with R2P third pillar intervention is that it may distort the equilibrium by enabling antigovernment groups to win without having the requisite strength to maintain a lasting peace. One possibility is that this leads to feelings of uncertainty in the belligerent parties. Matters and Savun argue that uncertainty regarding military capabilities may result in recurring violence.⁵⁸ However, this does not mean that this type of intervention will necessarily fail. Fortna concludes that the presence of some type of international force can succeed in maintaining the peace. They can accomplish this by "...altering the incentives of the belligerents, alleviating fear and mistrust of each other, by preventing and controlling accidents and misbehavior by hardline factions, and by encouraging political inclusion."⁵⁹ The effect of

⁵⁶Ben Connable and Martin C. Libicki, *How Insurgencies End* (Santa Monica, CA: Rand Publishing, 2010), 13-24; Virginia Page Fortna, *Does Peacekeeping Work?: Shaping Belligerents' Choices After Civil War* (Princeton: Princeton University Press, 2008), 25, 39, 45.

⁵⁷Toft, 33-34.

⁵⁸Michaela Matters and Burcu Suvan, "Agreement Design, and the Durability of Civil War Settlements," *American Journal of Political Science* 54, no. 2 (April 2010): 522.

⁵⁹Fortna, (2008), 177-179.

civil war termination in relationship to potential recurring violence due to conflict history is therefore imperative.

Conflict history has a significant effect on the possibility of recurring violence after an intrastate war. The two main variables considered are the length and cost of a conflict. Empirical studies by Fortna and Walters have shown that longer conflicts are less likely to recur than shorter ones. There are a wide variety of conditions that support this conclusion, such as war weariness, depletion of resources, and a well-developed understanding of belligerent capabilities.⁶⁰ However, the bloodiness of a war can also result in an increased chance for recurring violence. An extensive empirical study by Doyle and Sambanis analyzing the probabilities of success in peacebuilding operations concludes that considerable death and displacement during a conflict increases the chance for recurring violence.⁶¹ In instances where the possibility for mass casualties and displacements exist, an intervention's chances for success are considerably higher the earlier it occurs. Empirical research conducted by Hartzell and Hoddie, as well as Mattes and Savun further support this argument. They conclude that costly civil wars lower trust between the belligerents and this significantly increases the prospects of recurring violence. Their research also indicates that conflicts that last at least five years have a 55% greater chance of remaining peaceful after conflict termination than those lasting one year.⁶² These are important considerations when examining not only the timing, but also the scope of an intervention. As this monograph deals

⁶⁰Barbara F. Walters, "Explaining Recurring Civil War," *Journal of Peace Research* 41, no. 3 (May 2004): 374; Fortna (2008), 117.

⁶¹Michael W. Doyle and Nicholas Sambanis, "International Peacebuilding: A Theoretical and Quantitative Analysis," *The American Political Science Review* 94, no. 4 (December 2000): 793; this conclusion is also supported by Fortna (2008) and Walters (2004).

⁶²Mattes and Savun, 522; Caroline Hartzell and Mathew Hoddie, "Institutionalizing Peace: Power Sharing and Post-Civil War Conflict Management," *American Journal of Political Science* 47, no. 2 (2003): 328.

with R2P third pillar military interventions, examining how an intervention may or may not produce the conditions that inhibit recurring violence is important. Therefore, this requires not only an examination of the scope, type and size of an intervention, but also of the concept of nation building as it relates to setting the conditions for a lasting peace.

Intervention and Nation Building

The purpose of R2P is preventing large-scale atrocities from occurring and stopping them if they do occur. One of the premises of this monograph is that R2P will eventually result in a third pillar military intervention against the established government in support of antigovernment forces to protect a population from one of the four threshold crimes. However, the lasting effect of this protection depends heavily upon the type of intervention and what kind of stability ensues. Call and Cousens write that many armed conflicts relapse into violence because they have failed to consolidate peace.⁶³ This failure usually results in a more bloody and violent subsequent conflict than the original war. This may be a problem with R2P's inherent preference, using the first and second pillars, for negotiated settlements between belligerents. Therefore, the requirement to minimize the chances of recurring violence within the context on a R2P intervention necessitates long-term commitment. Nation building is one way to ensure that an intervention related to R2P has a greater chance of enduring success. An examination of nation building, through the development of governance, political institutions and economic reform is essential in understanding the solutions, as well as the potential problems if not supported after an intervention.

Although not explicitly linked together in the years immediately following the Cold War, most interventions, to include humanitarian ones, have become increasingly associated with some

⁶³Charles T. Call and Elizabeth M. Cousens, "Ending Wars and Building Peace: International Responses to War-Torn Societies," *International Studies Perspectives* 9 (2008): 1.

type of nation building. The tendency to engage in nation building is an interesting development since humanitarian interventions are generally considered short-term activities with limited political objectives. Their immediate goal is to reduce suffering and not recreate the existing political system. However, Seybolt points out that armed humanitarian interventions have begun to blur this distinction by simultaneously trying to alleviate human suffering while trying to establish political and economic reform.⁶⁴ The declared end states of interventions establishing good governance and democracy increasingly reflects this concept. Ample literature referring to the establishment of a democratic government as a prerequisite to increased internal and international security exists. According to Bird and Marshall, there is a deeply rooted belief in Western thinking that establishing effective states that control their territory using liberal social, political and economic structures is not only morally right, but also makes for a more secure world.⁶⁵ In essence, liberal democracy equals peace. Although this concept is not necessarily new, it has received much more impetus since the end of the Cold War. In his 1992 document *An Agenda for Peace*, the UNSG Boutros Boutros-Ghali stressed the importance of democratization to peacebuilding in post-conflict societies:

There is an obvious connection between democratic practices – such as the rule of law and the transparency in decision-making – and the achievement of true peace and security in any new and stable political order. These elements of good governance need to be promoted at all levels of international and national communities.⁶⁶

Mayal writes that the UN and US advocated for democracy for largely instrumental reasons on the, yet unproven, assumption that it would make for a more secure world. He also

⁶⁴Taylor B. Seybolt, *Humanitarian Military Intervention: the Conditions for Success and Failure* (New York: Oxford University Press, 2007), 6.

⁶⁵Tim Bird and Alex Marshall, *Afghanistan: How the West Lost Its Way* (New Haven: Yale University Press, 2011), 160-161.

⁶⁶Boutros-Ghali, 59.

postulates that democratization, while attractive conceptually, is very difficult to put into practice in many countries.⁶⁷

Kaplan lays out a number of preconditions that have been necessary for the establishment of democracy in the West. Some of the conditions he refers to are a bourgeois tradition, high literacy, low birth rates, and a large middle class. He is quite scathing in his assessment of the West's attempt to force democracy upon countries that may not be ready for it, "...behave as if you had experienced the Western Enlightenment...as if ninety-five percent of your population were literate...as if you had no bloody ethnic or regional disputes."⁶⁸ Democracy is an inherently competitive political system. Competition rather than compromise is something that can be foreign to many cultures and can complicate the transition to democracy. Paris believes that the introduction of competitive democratic norms in a post-conflict society that is not prepared institutionally or culturally can help explain the ineffectiveness of many attempts at a democratic transition.⁶⁹ Competitive political interaction may therefore lead to conflict if uncontrolled by solid institutions. Paris cites several empirical studies that demonstrate how political activity can polarize the population along ethnic or religious lines, which in turn reinforce the exploitation of societal differences by local political leadership.⁷⁰

Paris also illustrates the difference in the democratic peace theory in terms of established

⁶⁷Economides, 28.

⁶⁸Robert D. Kaplan, *The Coming Anarchy: Shattering the Dreams of the Post-Cold War* (New York: Random House, 2000), 69.

⁶⁹Roland Paris, "Peacebuilding and the Limits of Liberal Internationalism," *International Security* 22, no. 2 (1997): 54-56.

⁷⁰*Ibid.*, 75. In this article, he specifically mentions Sudan as a place where democratic elections have intensified the conflict between the Muslim north and Christian south. Although South Sudan is independent today, animosity with Sudan regularly results in violent confrontations. He also references countries such as Angola, Rwanda, Bosnia, El Salvador, Nicaragua, and Mozambique where elections diminished the prospects for stable peace.

and transitioning democracies. His argument states that promoters of democracy only bring to light half of the argument. While generally accepted that states that have made the transition to full democracies are generally more peaceful, little evidence demonstrates that the process of liberalization fosters peace in the immediate aftermath of conflict. In fact, states transitioning through some form of liberalization may be more prone to violent internal and external conflict.⁷¹ Paris' research brings to light the difficulty in blindly following the notion that democracy and a transition to a free market economy will lead to peace. In his critique of the liberal democratic approach to solving conflict, Ponzio brings attention to the fact that while well-established democracies are less likely to resort to violence; transitioning states from authoritarian to democratic rule are more likely to experience intrastate violent conflict.⁷² Although he believes that establishing democracy is a long-term solution to achieving sustainable peace, there are considerable issues in developing democratic institutions.

The relationship between the international community, the local population, and perceptions of authority and legitimacy affect the implementation of democracy. If the peacebuilding process does not reflect the norms and values of the local population, it could lead to increased risks of destabilization and violence after the end of the conflict.⁷³ In other words, if the international community imposes a foreign style of government without regards to local perceptions of legitimacy and authority, this increases the possibility of rejection by certain segments of the population. In situations of religious or ethnic conflict, imposing a style of government that is not compatible with local customs is also problematic. In an effort to curb

⁷¹Ibid., 44-45.

⁷²Richard J. Ponzio, *Democratic Peacebuilding: Aiding Afghanistan and Other Fragile States* (New York, NY: Oxford University Press, USA, 2011), 16.

⁷³Ibid., 48-49.

potential ethnic violence stemming from a majoritarian democracy, the international community leaned towards an institutional arrangement called powersharing.⁷⁴ The premise is to have all groups participate in the process of government, rather than having one group potentially dominate others through elections. This would theoretically result in less chance for recurring violence because of reduced political competition. However, Roeder and Rothchild hypothesize that the short-term accommodations necessary for powersharing and an initial transfer to peace and democracy actually create conditions that may hinder long-term stability.⁷⁵ This theory stems from conflicts where ethnic and religious differences were key factors. Nonetheless, they do believe, given the right sets of conditions, that powersharing can have a positive effect upon establishing a lasting peace.⁷⁶ In his work on humanitarian intervention, Newman cites numerous case studies that highlight how these conditions, if not properly considered, can lead to increased violence resulting from the export of capitalistic democracy. The most important consideration relates to elections and laissez-faire capitalism accentuating divisions between majorities and minorities in terms of political and economic benefits creating the potential for explosive violence.⁷⁷ In addition to rapidly establishing democracies, the desire to implement free market economies while simultaneously conducting relief and development missions may also create

⁷⁴Philip G. Roeder and Donald Rothchild, eds., *Sustainable Peace: Power and Democracy After Civil Wars* (Ithaca, N.Y.: Cornell University Press, 2005), 5. Powersharing is the introduction of an institutional arrangement that guarantees different ethnic groups a role in governmental decision-making or to ensure policy outcomes with a fair allocation of scarce governmental resources.

⁷⁵Ibid., 6.

⁷⁶Ibid., 40-49. These conditions include elite dominance, a culture of accommodation, sincere commitments, state strength, economic prosperity and equality, stable demographics, and a constructive relationship with the international community. These conditions are rarely present at the end of a conflict, and much less so in ethnically divided societies.

⁷⁷Michael Newman, *Humanitarian Intervention: Confronting the Contradictions* (New York: Columbia University Press, 2009), 117.

conditions that destabilize countries.

In theory, balanced economic development can facilitate post-conflict peace and lessen the probability of recurring violence. Ponzio suggests a growing consensus among scholars that democratic legal authority requires institutionalization resulting from the shift to peaceful economic alternatives from decentralized, self-sustaining war economies.⁷⁸ The conduct of economic development in the transition period from conflict to peace is one of the reasons for current difficulties in many post-conflict states. Collier writes that the only true exit strategy following an intervention is through economic recovery. However, the road to recovery is long and requires the necessary allotment of time and funds to long-term development. He also proposes that the poorest post-conflict countries have the highest risks of recurring violence, necessitating a greater number of troops than would be required in wealthier countries.⁷⁹ Contributing the necessary resources to achieve a sustainable peace is often a reflection of the level of commitment demonstrated by the international community. Disparities often exist in the amount of money and resources devoted to immediate relief, versus those for long-term development. Barakat defines the essential differences between relief and development. He sees relief as a short-term saving of lives that delivers essential resources to a crisis with very little input from the local government or population.⁸⁰ Barakat also sees development as a long-term investment in institutions and capacity that seeks the economic, political and social aspects of a society. Ideally, this occurs through a bottom-up approach that is adapted to local realities and

⁷⁸Ponzio, 45.

⁷⁹Paul Collier, *Wars, Guns, and Votes: Democracy in Dangerous Places* (New York: Harper, 2009), 88-89.

⁸⁰Sultan Barakat and Gareth Wardell, eds., *After the Conflict: Reconstruction and Development in the Aftermath of War* (New York: I. B. Tauris, 2005), 174-175.

allows the population to build and empower its capacity and institutions.⁸¹ Countries emerging from a state of conflict have their challenges intensified by the lingering effects of conflict such as the destruction of physical, emotional, intellectual and institutional capacity.⁸² This, in turn, contributes to greater instability and increases the possibility of recurring conflict rather than peace. In fact, in the absence of security and some form of stability, efforts at economic recovery through relief and development funds may actually contribute to prolonging the conflict and impeding the transition to peace. Creating the conditions that allow for a successful transition from wartime to peacetime economic structures is therefore very difficult.

The key difference between short-term relief and long-term development is the level of commitment of the international community. Many countries and organizations lack the political commitment to remain involved in a country long enough to assist in its transition from a traditional to a free market economy. This affects decisions made by many countries, organizations and agencies concerning aid and development. Bhatia argues that maintaining irrelevant short-term relief programs because of a lack of long-term commitment actually undermines economic reconstruction and development. He believes it “not only invites corruption, but also disrupts markets, encourages displacement among inaccessible rural populations, increases dependence, and damages fragile long-term programming to rehabilitate local economies.”⁸³ Afghanistan is a current example of a conflict where an emphasis on short-term, localized relief efforts comes at the expense of broader efforts of economic reconstruction and development. Kosovo is another example where an emphasis by international agencies on

⁸¹Ibid., 175-176.

⁸²Ibid., 10.

⁸³Michael V. Bhatia, *War and Intervention: Issues for Contemporary Peace Operations* (Bloomfield, Conn.: Kumarian Press, 2003), 114.

relief rather than development hindered Kosovar Albanian capacity to recover from the conflict.⁸⁴

The disparity between a desire for a quick fix with an armed humanitarian intervention and the long-term commitment required for development and stability reflect an inconsistency between the desired end state of a sustained peace and the means applied to achieve that peace.

The literature suggests that any intervention requires a sustained commitment by the intervener to prevent a relapse into violence. The factors usually considered before deciding to intervene are timing, type and scope. The nature of a R2P intervention dictates that it should occur relatively quickly after confirmation of the occurrence of one of the four threshold crimes. Rapidity of action is a necessary condition to protect a threatened population. When a force intervenes in a conflict, the type of intervention (air, ground, SOF, or some combination thereof) and size of the force can affect post-conflict conditions and the possibility of recurring violence. A 2003 RAND study on nation building concludes that the most important controllable factor leading to lasting success in an intervention is the level of effort measured in time, manpower and money.⁸⁵ This correlates to the level of commitment displayed by the international community. The RAND study demonstrates that maintaining a strong military presence, in this case at least 10 soldiers per 1000 inhabitants over the course of at least five years, significantly reduces levels of violence and post-conflict combat casualties.⁸⁶ Fortna, Doyle and Sambanis, Hodie and Rothchild, and Hartzell found that peace enforcement missions (in which R2P third pillar interventions would conceptually fit) and multidimensional peacekeeping missions significantly

⁸⁴Ibid., 114-116.

⁸⁵James Dobbins and Rollie Lal, *America's Role in Nation-Building: from Germany to Iraq* (Santa Monica, CA: Rand Corporation, 2003), 165.

⁸⁶Ibid., 149-151.

and substantially affect the durability of peace after a conflict.⁸⁷ These conclusions imply that some type of force is required to provide security and ensure a peaceful transition and the prevention of recurring violence. The implication is that a limited interventions, through air or SOF, may assist in the protection of a population, but they cannot ensure a lasting peace or prevent recurring violence. Economic assistance to help rebuild shattered economies and address some of the root causes of conflict is also an extremely important factor. As described in the literature thus far, the use of money to spur development is important, yet there is a requirement for monetary assistance over time to achieve lasting effects. High levels of external support in the first two years after a conflict help set the conditions for economic revival and a reduced risk of recurring violence. Dobbins highlights the argument with a comparison between Kosovo and Afghanistan, where the former received 25 times more money and 50 times more troops on a per capita basis than the latter.⁸⁸ Although designed specifically for US policymakers, the 2003 RAND study on nation building offers many useful insights that require further consideration. Success in nation building significantly increases when the international community commits itself to helping a nation over an extended period of time with adequate levels of resources. However, the definition of success requires additional clarification.

What is Success?

Ideally, an armed humanitarian intervention (or any intervention for that matter) should not occur without a clearly defined exit strategy that is consistent with the reality of the conflict.

⁸⁷Virginia Page Fortna, "Does Peacekeeping Keep Peace? International Intervention and the Duration of Peace After Civil War," *International Studies Quarterly* 48 (2004): 270, 284-285. Page concludes that consent based peacekeeping is actually the most effective at maintaining peace, although not by a significant margin. Doyle and Sambanis (2000), 790-791; C. Hartzell, M. Hodie, and D. Rothchild, "Stabilizing the Peace After Civil War," *International Organization* 55, no. 1 (Winter 2001): 203.

⁸⁸Dobbins (2003), 158-161.

Factors such as the structural conditions of an intrastate conflict and their effect upon the implementation of rapid democratic and economic reform require consideration as integral aspects of a comprehensive strategy. This should serve as the benchmark and definition of success in the intervention. As much of the literature thus far has demonstrated, this has rarely occurred. There has been a disconnect between the discourse of the international community and the reality of the intervention. Success in a R2P third pillar intervention, or any intervention for that matter, is notoriously difficult to define and therefore achieve.

In many cases, the ultimate indicator of success is the speed of democratically held elections after the cessation of hostilities. For example, national elections occurred in Haiti and Bosnia 10 months post-conflict, a *loya jirga* occurred 6 months post-conflict in Afghanistan, while ‘national’ elections in Kosovo occurred 30 months post-conflict.⁸⁹ However, elections are not a universal indicator of the establishment of democracy and can actually lead to increased tension and long-term instability. As Nye points out, “...elections are not sufficient to produce a liberal democracy where societies are divided along ethnic and religious lines, institutions are weak, and there is little sense of overarching community that makes minorities willing to acquiesce in the rule of the majority.”⁹⁰ Although free and fair elections are desirable in time, their conduct does not necessarily imply a direct path to democracy. Collier takes this theory a step further by arguing that democratic elections actually increase the chance of violent conflict in the year immediately following elections. Although the year leading up to elections generally results in a reduction of violence (as all parties believe they have something to gain), the results of an election are what contributes to post-election violence. In a well-established democracy,

⁸⁹Dobbins (2003), 154.

⁹⁰Joseph S. Nye, Jr., and David Welch, *Understanding Global Conflict and Cooperation: an Introduction to Theory and History*, 8th ed. (Boston: Pearson, 2011), 221.

there are checks and balances that limit the power of the victors in office while the losers can look forward to the next elections. A system that permits democracy to flourish does not exist in many post-conflict countries. In this situation, the winners anticipate almost unrestricted power while the losers anticipate their fate under the rule of their opponents. This leads them back to violence as a recourse as opposed to due political process.⁹¹ Therefore, the rapid holding of elections does not usually make the situation more secure, but much less secure.

The underlying, fundamental issue is the requirement for a secure environment that enables the transition from simple aid distribution to complex economic development. Without an adequate level of security, this is almost impossible. Barakat writes that the absence of major, violent combat is not necessarily an indication of peace and security. A lack of overt, large-scale violence in the aftermath of ethnic, religious or ideological conflicts where tension and low-level violence continue to occur does not mean lasting security exists. A lack of security can lead to the politicization of reconstruction efforts and negatively affect their implementation and development through perceived slights by the different antagonists.⁹² Therefore, the recognition of potential fault lines regarding relief and development by any country, coalition or organization prior to any type of armed humanitarian intervention is critically important.

In their study examining war torn societies and international responses, Call and Cousens point toward maximalist (root causes), minimalist (no renewed warfare), and moderate (no renewed warfare plus decent governance) standards to define success in interventions.⁹³ All of these standards, however, address different issues, are difficult to measure, and do not provide much satisfaction. Although appealing, the maximalist standard dealing with democracy, justice,

⁹¹Collier, 81-82.

⁹²Barakat, 255.

⁹³Call and Cousens (2008), 6-8.

economic prosperity, human rights, etc... is difficult to measure and quantify. It also makes it difficult to define the achievement of more modest goals after a conflict.⁹⁴ People who believe that only a transition to liberal democratic, free-market economies can achieve peace are advocates of the maximalist standard. The minimalist standard is easily quantifiable in terms of levels of violence, however, it does not account for the possibility of recurring violence over time. People who believe in interventions with a very limited footprint and do not believe in nation building are advocates of this standard. The moderate standard judges success based upon an absence of violence and macro improvements in governance.⁹⁵ People who believe that any intervention requires security, but also assistance in nation building to help increase stability over time are advocates of the moderate standard.

The literature review reveals a number of issues concerning the complex factors related to a R2P third pillar intervention. R2P has been in a constant state of evolution from its introduction in 2001 by the ICISS, to its adoption by the UN in 2005, to the additional efforts to make it an implementable concept in 2009.⁹⁶ Interventions in the name of R2P will likely occur within the context of some type of intrastate conflict. The conditions leading to intrastate conflict, the history of the conflict and its termination criteria all significantly affect the possibility of recurring violence. In order to achieve some type of lasting peace and prevent recurring violence, interventions legitimized by the invocation of R2P may not be enough. Simply stopping the violence by an intervention may achieve short-term goals to the detriment of long-term stability. Ensuring the protection of a population over time, especially when regime change has proven

⁹⁴Ibid., 7.

⁹⁵Ibid., 8.

⁹⁶Nanda, 23-39. Much of this evolution is described as part of the literature review of this monograph. In the author's opinion, R2P has not stopped evolving, but recent events in Libya and Syria have provided opportunities for additional dialogue that will continue to shape its evolution.

necessary, requires some type of nation building. The dual combination of security and development should therefore drive the desired end state. This requires a firm and lasting commitment by the international community described by the now absent responsibility to rebuild after intervention. Therefore, it appears that the type and scope of an intervention, in conjunction with the structural conditions of the conflict, will determine the achievability of a durable peace. The following hypotheses form the backbone of the theory that R2P will not preclude the recurrence of violence unless a considerable commitment to post-conflict nation building occurs. Although these hypotheses are not directly part of R2P literature, a significant connection exists between these concepts and the application of R2P as a potential intervention model.

Hypothesis 1: Committing crimes against humanity, war crimes, ethnic cleansing, and/or genocide will result in an invocation of R2P.

Hypothesis 2: Committing crimes against humanity, war crimes, ethnic cleansing, and/or genocide will result in an intervention regardless of national interests.

Hypothesis 3: Interventions to provide human security, within the context of the one or more of the four threshold crimes, will result in regime change.

Hypothesis 4: Without nation building after an intervention, violence will recur.

Table 1 presents the conditions and variables resulting from this literature review. The table serves as the framework for the analysis of the Rwanda, Kosovo and Libya case studies and provide the structure to confirm or deny the hypotheses.

Table 1. Concepts, conditions and variables

Concepts	Conditions	Variables
Possible R2P	Threshold crimes	Type
		Stage of occurrence
		Invoked
Civil War Factors	Structural conditions	Ethnicity
		Religion
		Political system
		Level of economic development
	Conflict history	Type
		Length
		Cost
	Conflict termination	Military victory
		Negotiated settlement
		Indecisive
Intervention and Nation Building	Intervention	Level of support
		Type
		Scope
	International Commitment	Duration
		Ratio of troops/inhabitants
		Funds
Success	Outcomes	Elections
		Economic development
		Duration of non-violence

Source: Created by author.

METHODOLOGY

Simple intervention in the name of R2P is no guarantee of a lasting peace. Too many factors and conditions influence the prevention of recurring violence after an intervention. The evolution of R2P from the original three responsibilities of prevention, intervention, and rebuilding has become the current three pillars of R2P, being the responsibility of the state to its population, the responsibility of the international community to assist states in need, and the responsibility to take timely and decisive action to protect a population if peaceful measures fail. Although R2P is touted as a more preventive and balanced measure against mass atrocities than armed humanitarian intervention, the recent application of R2P in Libya paints a somewhat different picture. The author's opinion is that R2P can only be effective in achieving its ultimate goal of protecting a threatened population through military action. Intervention will support an antigovernment force whose associated population is threatened with one (or several) of the threshold crimes. To ensure the lasting protection of a population threatened by its government, armed intervention will likely necessitate regime change. The level of commitment in providing stability in a country following an intervention becomes a critical factor in setting the conditions for the preclusion of recurring violence. The methodology will begin with an explanation of the qualitative analysis, followed by an explanation of the case study variables. Following the variables will be an explanation of the case study selection, to include an overview of all potential R2P cases since the end of the Cold War.

This monograph uses a qualitative case study approach to investigate if a R2P third pillar intervention will preclude the possibility of recurring violence. The approach will test this theory using a controlled comparison based upon a detailed examination of three cases studies.⁹⁷

⁹⁷Stephen Van Evera, *Guide to Methods for Students of Political Science* (Ithaca: Cornell University Press, 1997), 52-53.

Although considered weaker than experimentation, the uniformity of the case study conditions, in this case situations where at least one of R2P's four threshold crimes is committed, strengthens the validity of the arguments in the case study approach. Since the concept of R2P is relatively recent, selected cases reflect similar conditions to a potential R2P scenario even if they occurred prior to the development of R2P. The recentness of R2P prevents the use of large-*n* studies because there is not enough information or cases involving R2P. The use of case studies permits a controlled comparison of variables through a method of difference.⁹⁸ An examination of three case studies will increase the potential that the findings of the case studies can be generalized to other cases. The different variables used in this monograph can be applicable to other cases, both within the construct of R2P interventions, and to armed interventions in general, such as Iraq and Afghanistan.

The literature review developed four concepts, which in turn further developed into seven conditions, and finally produced 22 variables. Although there are a significant number of variables, they are all important because they each affect the possibility of recurring violence after a R2P third pillar intervention. The first condition is the possibility of a R2P intervention that is conditional upon the commitment or imminent threat of commitment of one of the threshold crimes. The variables are the type of crimes committed (crimes against humanity, war crimes, ethnic cleansing, and genocide), the stage of occurrence as measured by when the international community recognized actions as a threshold crime, and whether or not the invocation of R2P occurred. The trouble with this concept is the apparent difficulty the international community has on agreeing with what is happening during a conflict. Despite several seemingly obvious indicators, detecting intent to commit one the threshold crimes is very difficult. Rwanda is an example of failure to anticipate genocide despite a tremendous amount of

⁹⁸Ibid., 57.

information relating to this possibility. However, a tendency exists to discredit such information until faced with overwhelming evidence.⁹⁹ Even when faced with overwhelming evidence, there is still a tendency to avoid labeling acts one of the four threshold crimes due to national interests. Genocide is a particularly troublesome term to attach to a conflict as it implies action by the international community to stop the killing. The next concept involves civil war factors consisting of structural conditions, conflict history and conflict termination. The structural conditions variables that may lead to conflict and are potentially worsened by an intervention are ethnicity, religion, political system and level of economic development. Ethnicity and religion are measurable by percentages of the population. The Polity scale measures the type of government from a democracy to an autocracy. A state's level of economic development is measurable by a variety of factors such as level of GDP per capita, variety of exports and percentage of population below the poverty line.¹⁰⁰ Conflict history variables are the type, length, and cost of conflict in a state. Measures for these variables are the type of intrastate conflict, such as civil war or insurgency, the duration of the conflict, and the cost of the conflict in casualties and money. Conflict termination is the final condition relating to civil war factors and consists of the variables of decisive victory, treaty and indecisive result. Decisive victory relates to a clear winner in the conflict, normally achieved by military means. Treaty relates to some form of negotiated settlement in the absence of a decisive victory, yet addresses fundamental issues leading to conflict. Stalemate results mean that the opponents reach some kind of truce that does not address

⁹⁹Benjamin A. Valentino, *Final Solutions: Mass Killing and Genocide in the 20th Century* (London: Cornell University Press, 2005), 242-243.

¹⁰⁰The World Bank defines the poverty line at US\$1.25 for the poorest regions of the world such as Sub-Saharan Africa and South-east Asia, while it is US\$2.00 for regions of the developing world such as North Africa and Latin America. Source: The World Bank found at <http://web.worldbank.org/wbsite/external/extdec/extresearch/0,contentMDK:21882162~pagePK:64165401~piPK:64165026~theSitePK:469382,00.html>.

the fundamental issues of the conflict.¹⁰¹ The third concept of intervention and nation building consists of two conditions. The first condition is intervention, consisting of the variables of level of support, type of intervention, and scope of intervention. Level of support is measurable by the number of UNSCR, discussions in the UNGA that demonstrate a significant number of countries support, or do not support, action, as well as official comments made by a regional organization such as NATO. The type of intervention relates mostly to the type of force conducting an intervention (such as air, SOF, land, or some combination) and the scope relates to the size and strength of the force. The second condition is international commitment consisting of the variables of duration of support measured in time, level of security measured by the ratio of troops to population, and funding measured by the amount of money per capita put into a country post-conflict. The final concept, success, and its condition of outcomes, consists of variables relating to elections, economic development, and duration of non-violence. The measurement of elections consists of how long it took to hold elections after the end of conflict and the validity of the results. The economic development variable measures if GDP per capita increases or decreases relative to pre-conflict levels. The duration of non-violence measures the length of time without significant armed confrontation resulting in at least an accumulation of 100 deaths in a year.¹⁰² These concepts, conditions, and variables focus the examination of the case studies to assist in understanding the potential for R2P to preclude recurring violence post-intervention.

Table 2 provides a rapid examination of all cases that fit within a R2P framework where

¹⁰¹Fortna (2008), 185-186. Fortna uses these definitions to code a list of civil wars between January 1, 1989, and December 31, 1999. Toft uses the same definitions of civil war termination. See Toft, 10-11.

¹⁰²Fearon and Laitin (2003), 76. This number derives from their civil war criteria of at least 1,000 killed over the duration of the conflict with a yearly average of at least 100 killed. If at least 100 are killed in the post-conflict phase of a civil war, it suggests that real peace has not been achieved.

armed intervention occurred, or did not occur, in the post-Cold War era.

Table 2. Potential R2P cases post-Cold War

CONFLICT	DATE	DEATHS	THRESHOLD CRIME	ARMED INTERVENTION
Liberia	89-97	163,000	War crimes, crimes against humanity	No
Haiti	89-04	500	No	No, but planned/US
Rwanda	90-94	502,000 to 800,00	Genocide, ethnic cleansing, war crimes, crimes against humanity	No
Burundi	91-	300,000	War crimes, crimes against humanity	No
Iraq	91-93	165,000	War crimes, crimes against humanity	Limited/No fly zone
Sierra Leone	91-02	16,499	War crimes, crimes against humanity	Limited/ECOMOG/UK
FYR/Croatia	91-95	10,000	Ethnic cleansing, war crimes, crimes against humanity	No
Somalia	91-	300,000	War crimes, crimes against humanity	Yes/UNISOM II
Tajikistan	92-97	65,700	Ethnic cleansing	Yes/Russia
FRY/Bosnia	92-95	250,000	Ethnic cleansing, war crimes, crimes against humanity	Limited/NATO Air strikes
Georgia/Abkhazia	92-93	2,500	Ethnic cleansing, war crimes	No
Nagorno-Karabakh	92-94	25,000	Ethnic cleansing, war crimes	No
Algeria	92-04	44,000	Ethnic cleansing, crimes against humanity, war crimes	No
Russia/Chechnya	94-96	68,250	War crimes, crimes against humanity	No
Zaire/Congo	96-02	300,000	Crimes against humanity, war crimes	No
FRY/Kosovo	98-99	10,000	Ethnic cleansing (after intervention), war crimes	Yes/NATO
Liberia	99-03	90,000	War crimes, crimes against humanity	Yes/ECOMOG
Russia/Chechnya	99-09	54,000	War crimes, crimes against humanity	No
Ivory Coast	02-07	3,000	War crimes, crimes against humanity	Limited/French Air strikes
Sudan/Darfur	03-10	300,000	Ethnic cleansing, war crimes, crimes against humanity	No
Chad	05-10	2,000	War crimes, crimes against humanity	No
Libya	11	10,000	Threat of ethnic cleansing	Yes/NATO
Ivory Coast	11	500	Crimes against humanity	No
Syria	11-	70,000	War crimes, crimes against humanity	No
Mali/Azawad	12-13	1,500	War crimes, crimes against humanity	Yes/France, ECOWAS

Source: Created by author using a variety of sources.¹⁰³

¹⁰³This table collates information from several sources. See Toft Appendix 1, Fortna (2008) 182-184, Fearon and Laitin (2001) 39, the Uppsala Conflict Data Program <http://www.ucdp.uu.se/gpdatabase/search.php>, UN Security Council Working Documents. <http://www.un.org/en/sc/documents/>, CIA World Factbook <https://www.cia.gov/library/publications/the-world-factbook/index.html>

Although Toft, Fortna, and Fearon and Laitin propose a series of other intrastate conflicts, the selection of cases in table 2 stems from specific criteria. All cases began after the end of the Cold War, had an occurrence of one or more R2P threshold crimes and/or an armed intervention by an outside state or organization.¹⁰⁴ Although Cold War intrastate conflict cases are not examined in detail in this monograph because of a radically different geopolitical context, quantitative research of these conflicts by several scholars inform the hypotheses and variables of this monograph. Of all the cases, three serve as case studies to test the validity of the hypotheses. The cases selected are Rwanda, Kosovo and Libya. An evaluation of the other cases in table 2 would not substantially change any potential conclusions, although they would add greater depth and fidelity to the study.¹⁰⁵ In fact, the cases presented in table 2 sustain the conclusions obtained in the in-depth case studies of Rwanda, Kosovo and Libya. Starting with Rwanda in 1994, these cases highlight the increasing debate concerning interventions to prevent mass atrocities until the first formal application of R2P in Libya in 2011. They also represent very different conflicts in terms of structural conditions, conflict history and conflict termination. From a R2P perspective, they all account for different forms and levels of the threshold crimes. In terms of commonality, they all involved some type of intrastate conflict and represent several types of international support to an intervention as well as their potential effects. In addition, the cases are also a good representation of the different levels of international commitment to a conflict before, during and

¹⁰⁴These criteria disqualify some conflicts such as Senegal, Georgia/South Ossetia, Moldova, Nigeria, Yemen, Guinea-Bissau, Nepal, East Timor, and Sudan/South Sudan.

¹⁰⁵There is also a question of limiting the extent of this monograph with a desired restriction on the length of the study. However, any further examination of this subject would definitely benefit from additional cases. The application of the concepts, conditions, variables, as well as the hypotheses, from this monograph in examining cases outside of R2P, such as Afghanistan and Iraq, is possible and plausible to judge the effectiveness of those types of interventions.

after violence erupts. The cases highlight the effects of different levels of commitment to the achievement of 'success.' In sum, these three cases produce conclusions regarding the effectiveness of armed humanitarian interventions since the end of the Cold War that are supported by the other cases presented in table 2. Although not explicitly studied individually, several quantitative studies analyzing over a hundred intrastate conflicts over the past 60 years also support the qualitative aspects of this research and sustain the conclusions of the case study analysis.

CASE STUDY ANALYSIS

Thus far, this monograph has examined issues surrounding R2P in its application as a viable intervention model in preventing recurring violence. Conceptually, R2P provides a workable framework to address the disputes concerning a decision by the international community to intervene in an intrastate conflict where threshold crimes exist, or may exist. However, many factors may still inhibit R2P's ability to prevent recurring violence. R2P, followed to its logical conclusion, will necessitate some form of armed intervention against the existing government likely resulting in regime change. Within this context, how does the concept, and more importantly the implementation, of R2P enable a lasting peace and preclude recurring conflict?

This chapter will examine three case studies, Rwanda, Kosovo, and Libya, using the conditions and variables established in table 1. Each case will present a brief summary of the conflict, an examination of the variables within the particularities of that conflict, and an analysis of the case to support or deny the hypotheses in that particular case. The final section of this chapter will present the overall conclusions from the individual cases to support or deny the hypotheses presented in chapter two.

Case 1 - Rwanda

The Rwandan genocide is perhaps the most recognizable atrocity to have occurred since the end of World War II. During an approximate time of 100 days, 800,000 people were killed with the majority being the Tutsi population. Despite having an awareness of what was about to occur, and subsequently knowing what was occurring, the international community stood idle and did nothing to prevent or stop the genocide.¹⁰⁶ Although the Rwandan genocide occurred prior to the official development of R2P, Rwanda is an extremely important case for a number of reasons. First, it significantly highlights the disparity between the will of the international community to intervene for humanitarian reasons versus national interests. Second, it provides an abundance of information concerning all of the conditions and variables of this monograph. Third, the brutality of the genocide and the lack of effective international response produced a tremendous amount of dialogue, reports and inquiries that helped create the environment that produced R2P.¹⁰⁷ Did the killing of 800,000 people over approximately 100 days meet the conditions for at least one of the four threshold crimes of R2P? The Rwandan tragedy meets the definitions for three of the four threshold crimes stipulated in the 2005 World Summit Outcome document. The most recognizable and obvious threshold crime is genocide. A large number of primary and secondary sources indicate an express intent to eliminate the Tutsi population within Rwanda. For example, the Rwandan Prime Minister Jean Kambanda confessed at his trial for genocide that a plan

¹⁰⁶UN, *Report of the Independent Inquiry into the actions of the United Nations during the 1994 genocide in Rwanda*, s/1999/1257, December 15, 1999. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N99/395/47/IMG/N9939547.pdf?OpenElement> (accessed April 6, 2012), 3.

¹⁰⁷The Rwandan genocide has been noted in several key documents relating to R2P such as the *Independent Inquiry Report on Rwanda* (1999), the UNSG Millennium Address (2000), the ICISS report *The Responsibility to Protect* (2001), UNSG *Secretary General's Message on the Commemoration of the Genocide in Rwanda* (2011), as well as several other documents, speeches and scholarly texts.

existed to conduct widespread and systematic killings of Tutsis with the express purpose to exterminate them. The acting government further supported this plan during the conduct of the genocide.¹⁰⁸ Tutsis not killed immediately left their homes, either voluntarily or involuntarily, by the threat of violence and death. Approximately half of Rwanda's pre-war population (estimated at four million people) ended up displaced in the very few UN safe havens or at refugee camps across Rwanda's borders.¹⁰⁹ Ample evidence supports that crimes against humanity were committed during this crisis with numerous accounts of barbaric acts such as burying people alive, burning them alive, forced killing of family members, etc...¹¹⁰ Although most atrocities were committed by Hutus, RPF soldiers also committed crimes against humanity, such as vengeance killings, once they began securing territory in Rwanda.¹¹¹ RPF actions highlight R2P's requirement of protecting all elements of a population in a conflict and not necessarily just those seen as victims. Even though other violent actions occurred throughout Rwanda prior to the genocide, all threshold crimes began occurring in earnest on April 6, 1994. However, despite the indicators and reports from UN forces and other sources within Rwanda, the use of the term genocide did not occur until May 31, 1994 (eight weeks after the start of the massacres) by the UNSG in a report to the UNSC.¹¹² Neither the UN, nor the Organization of African Unity used

¹⁰⁸African Union, *Rwanda: The Preventable Genocide*, July 2000, available at: <http://www.unhcr.org/refworld/docid/4d1da8752.html> (accessed 18 January 2013), 14.3-14.8.

¹⁰⁹Paris, 73.

¹¹⁰African Union, 14.26-.27.

¹¹¹Patricia Marchak, *No Easy Fix: Global Responses to Internal Wars and Crimes Against Humanity* (Montreal: McGill Queens Univ Pr, 2008), 156.

¹¹²UN Secretary-General, *Report of the Secretary-General on the Situation in Rwanda*, S/1994/640, (May 31, 1994), http://www.un.org/ga/search/view_doc.asp?symbol=S/1994/640 (accessed January 10, 2013), 12.

the term genocide until August 1994.¹¹³

This section will examine the civil war factors that contributed not only to the start of the conflict, but which will also affect the possibility of recurring violence after some form of peace is established. The first of these factors are the structural conditions that created the environment for intrastate conflict to occur. Rwanda is an ethnically divided country with a large majority, the Hutus comprising 84% of the population, and a small minority, the Tutsis comprising 15% of the population.¹¹⁴ Collier submits that this type of ethnic split suggests a potential 50% increase in some type of intrastate conflict, as compared to a country that is either much more ethnically diverse, such as the US, or ethnically homogenous, such as Japan.¹¹⁵ Religion was not a factor during the Rwandan civil war. Although nominally democratic, an oligarchic party, the *Mouvement Rwandaise National pour le Développement* (MRND) governed Rwanda since its independence from Belgium in 1962. The majority of the party came from the northern region of the country and was Hutu dominated. Although the Tutsis had enjoyed political dominance while a Belgian colony, they found themselves increasingly marginalized in Rwanda.¹¹⁶ The history of political power in Rwanda did not set the conditions for a successful transition to a truly democratic system of government. In terms of economic capacity, Rwanda relied heavily on commodities, especially coffee, as well as international donors. The overreliance on commodities made the economy extremely vulnerable to fluctuations in pricing, as seen in 1989 when coffee

¹¹³African Union, 15.86. The Organization of African Unity was the precursor to the African Union.

¹¹⁴All data concerning numerical statistics are drawn from the CIA world factbook (accessible at <https://www.cia.gov/library/publications/the-world-factbook/geos/ca.html>). A very small ethnic group called Twa that comprising 1% of the population is also present.

¹¹⁵Collier et al, 57.

¹¹⁶Economides, 141.

prices dropped more than 50%. US Agency for International Development data for 1993 placed 86% of the population below the poverty line, which made Rwanda one of the poorest countries in the world.¹¹⁷ Rwanda's level of poverty would place the country below the percentile on income line that Fearon and Laitin propose increases the chances for intrastate conflict by 72%.¹¹⁸ Poverty at this level creates an environment that is much more conducive to violence than a more prosperous country. The evidence suggests that the Rwandan civil war supports the argument that certain structural conditions may increase the possibility of civil war and conflict recurrence. Rwanda's long conflict history also contributed to the prospect of recurring violence. Animosity between Tutsis and Hutus first manifested itself in 1959 when the Tutsi king died at the hands of the Hutu and 150,000 Tutsis fled into neighboring Uganda. Recurring acts of violence in 1963, 1966, 1973 and the early 1990s resulted in more than 700,000 Tutsi refugees. These refugees formed the revolutionary force named the Rwandan Patriotic Front (RPF).¹¹⁹ The RPF forcefully entered Rwanda in October 1990. The overt civil war ended with the Arusha peace agreement signed on 4 August 1993 creating a power sharing government.¹²⁰ However, this power sharing agreement did not provide the stability it sought to attain as it left many animosities unresolved. These animosities laid dormant following the signing of the peace accord and set the conditions for the Rwandan genocide in 1994. Although nominally a military victory for the rebels, the RPF could not gain a complete military victory and had to settle for a negotiated settlement as laid out

¹¹⁷African Union, 5.3-7.

¹¹⁸Fearon and Laitin, 91-93.

¹¹⁹Marchak, 150.

¹²⁰Although the initial agreement goes back to September 1992, a series of further negotiations occurred in October and November of 1992. However, consensus could not be reached on a number of issues and talks broke off until July 1993 when they resumed after a very successful RPF military campaign.

by the Arusha Accords.¹²¹ The high level of violence after the signing of the Accords supports the notion by Fortna, Toft and others that negotiated settlements have an increased risk of recurring violence. Violence did not end on a massive scale until the RPF gained a complete victory over Rwandan government forces in the summer of 1994.

This section will examine the international community's intervention during the civil war, as well as during the genocide lasting until complete victory by the RPF on 8 July 1994.¹²² The first condition relates to the intervention by the international community. Following the signing of the Arusha Accords, a flurry of UN activity resulted in the establishment of the United Nations Assistance Mission for Rwanda (UNAMIR), comprising 2,548 personnel. UNSCR 872 received unanimous approval but provided a more limited mandate than requested by the UNSG.¹²³ UNAMIR was a UN Chapter VI mission with a mandate to maintain the ceasefire between the RPF and Rwandan government forces until the full implementation of the Arusha Accords. UNAMIR was therefore a neutral force in this conflict. This concept is extremely important as it affected what UNAMIR could do before and during the genocide. Once it became clear what was occurring, the UN denied UNAMIR's repeated requests to widen its mandate to pre-empt and then stop the killings. In fact, as the genocide began in earnest, the number of UNAMIR troops shrank from 2,165 to 1,515 as the Belgian contingent withdrew from Rwanda,

¹²¹UN, *The United Nations and the Situation in Rwanda*, DPI/1484/AFR/PKO (New York: United Nations, 1994), 2. In summary, the Accords called for the creation of a transnational government with power sharing between the Tutsis and the Hutus, integration of the armed forces on both sides into a single force, return of refugees, and parliamentary elections in 1995. All of these processes required supervision by an international neutral force.

¹²²African Union, 17.1.

¹²³UNSC, *Note by the President of the Security Council*, S/26425 (September 10, 1993); UN Secretary-General, *Report of the Secretary-General on Rwanda*, S/26488 (September 24, 1993); UNSC, *Resolution 872*, S/RES/872 (October 5, 1993).

and the number of military observers went from 321 to 190.¹²⁴ As the situation deteriorated, the UNSC unanimously adopted resolution 912 that reduced UNAMIR to a force of 270 personnel.¹²⁵ Although the UNSC eventually reversed its position, establishing UNAMIR II with an assigned strength of 5,500 military personnel and a Chapter VI mandate for peacekeeping operations for humanitarian reasons, no actual forces arrived in time to stop the genocide. By 18 June, UNAMIR still consisted of only 503 personnel.¹²⁶ This monograph will not examine the reasons why various countries sought to ignore the genocide or hamper the UNSC in adopting more robust resolutions and troop contributions, other than to relate their decisions to national interests. In the case of Rwanda, the level of international commitment to the intervention was initially weak and became embarrassingly low as the conflict evolved into genocide.

The international community's definition of success in Rwanda did not match the reality of the situation. The initial metric of success was the implementation of the Arusha Accords and the neutrality of UNAMIR. Trying to enforce the Arusha Accords remained the goal of UNAMIR despite the drastic change in situation beginning with the genocide. Agreement to a ceasefire and a return to the negotiating table were the definitions of success once the RPF began successful military operations inside Rwanda.¹²⁷ Elections in Rwanda occurred well after the genocide (2003), economic activity dropped significantly and development stalled, and there has been violence associated to this conflict inside and outside of Rwanda.¹²⁸

¹²⁴UN Independent Inquiry Report, 69. The Belgian contingent withdrew after the death of 10 of their soldiers on April 7, 1994.

¹²⁵UNSC, *Resolution 912*, S/RES/912 (April 21, 1994).

¹²⁶UN Independent Inquiry Report, 70-71.

¹²⁷Nanda, 15.

¹²⁸Marchak, 156-171.

The Rwandan civil war provides various conclusions in regards to the hypotheses concerning R2P. The case of Rwanda denies the first hypothesis that countries or international organizations will intervene when one of the four threshold crimes is about to, or is occurring. R2P proposes an intervention without regards to national interests in the name of human security. In this particular instance, intervention (beyond the existing UNAMIR force) only occurred when national interests were involved, such as several non-combatant evacuation operations by countries such as the US and Belgium, but also France's Operation Turquoise.¹²⁹ The case of Rwanda supports the hypothesis that R2P will require some type of armed intervention to halt threshold crimes in support of antigovernment forces. UNAMIR was not equipped in personnel or mandate to stop the violence once the genocide began. However, with the right mandate, the UN force of 2,500 should have been able to limit the killings and a force of 5,000 could have sufficed to prevent them altogether.¹³⁰ In this case, the evidence supports the third hypothesis that the international community will seek regime change to a liberal democracy that exacerbates the structural conditions of a conflict. The international community placed a heavy emphasis upon the dual process of political and economic liberalization to promote peace and stability in the country. The requirement for political and economic (started in the early 1990s) change did not correspond to the reality of the situation in Rwanda. In fact, some scholars argue that the push to democratize Rwanda too quickly played a significant part in creating the conditions for the genocide by challenging the dominance of the Hutu clique that controlled the military.¹³¹ In the

¹²⁹Operation Turquoise was a UNSC sanctioned mission for a stated humanitarian purpose that fell outside of UNAMIR II's jurisdiction. The force consisted of 2,326 well-armed and equipped soldiers that deployed extremely quickly to Rwanda upon authorization. The Carlsson Inquiry was particularly critical of this action by France. See *Report of the Independent Inquiry into the actions of the United Nations during the 1994 genocide in Rwanda*, 47.

¹³⁰Nanda, 22.

¹³¹Paris, 74.

case of Rwanda, regime change was indirect through articles in the Arusha Accords and threats to withdraw financial aid to the country. These changes did not factor in the structural conditions of the country and set the conditions for genocide. The clear lack of international commitment supports the fourth hypothesis stipulating that a third pillar intervention requires considerable backing to reduce the possibility of recurring violence.

Case 2 - Kosovo

Kosovo was the last intervention with the intent to protect a population prior to the official acceptance of R2P. While Rwanda focused attention upon the inaction of the international community to an ongoing atrocity, Kosovo drew attention because of the actions of the international community. In fact, Kosovo is important because it highlights international actions widely regarded as illegal since they did not have a UN mandate. Although it also occurred prior to the development of R2P, the Kosovo intervention in 1999 highlights the tension between the rights of sovereign states and the protection of individuals. This tension became one of the major reasons for the development of R2P and the requirement to reconcile individual and state rights and responsibilities.

The Kosovo conflict is of equal significance to Rwanda because of the contention regarding the level of violence and the meeting of the threshold crimes prior to intervention.¹³² An active insurgency in the form of the Kosovo Liberation Army (KLA) fought against Serb authority in Kosovo. The KLA formed in 1992, but dramatically increased its level of violence in 1997 after non-violent attempts by Kosovar Albanians to retrieve the autonomy lost in 1989 met with little success. Violent confrontations increased significantly between Serb forces and the

¹³²Ramesh Thakur, *The United Nations, Peace and Security: from Collective Security to the Responsibility to Protect* (New York: Cambridge University Press, 2006), 212-213. Thakur proposes that the claims of mass murder of Kosovar Albanians by Serbs were grossly exaggerated.

KLA. By 1998, the increasing level of violence drew attention from the UNSC that condemned both the use of excessive force by Serb authorities, as well as acts of terrorism by the KLA.¹³³ The UNSG Kofi Annan told an audience in Great Britain that the events occurring in Kosovo were reminiscent of an ethnic cleansing scenario.¹³⁴ The notion of ethnic cleansing was further expressed in UNSCR 1191 noting "...the excessive and indiscriminate use of force by Serb security forces and the Yugoslav Army which have resulted in numerous civilian casualties and ... the displacement of over 230,000 persons from their homes."¹³⁵ A combination of increased Serb activity in Kosovo and the failure of the Rambouillet negotiations led to NATO launching Operation Allied Force on the night of 23 March 1999.¹³⁶ Perhaps the best indicator of the intent to ethnically cleanse Kosovo came after the start of the bombing campaign. By the end of the 78 days of bombing, an estimated 863,000 people had left Kosovo to seek refuge in neighboring countries with 590,000 more internally displaced.¹³⁷

This section will examine the civil war factors that contributed not only to the start of the conflict, but which will also affected the possibility of recurring post-conflict violence. The first of these conditions are the structural conditions that may create the environment for intrastate conflict to occur. Kosovo was a province of Serbia although it had enjoyed various levels of

¹³³UNSC, *Resolution 1160*, S/RES/1160 (March 31, 1998).

¹³⁴Newman, 67.

¹³⁵UNSC, *Resolution 1199*, S/RES/1199 (September 23, 1998).

¹³⁶Economides, 229.

¹³⁷The Independent International Commission on Kosovo, *The Kosovo Report: Conflict, International Response, Lessons Learned* (Oxford: Oxford University Press, USA, 2001), 2; Tim Judah, *Kosovo: War and Revenge* (New Haven: Yale University Press, 2000), 250. Although the number of refugees and IDPs is slightly different, most scholars have accepted that ethnic cleansing did not begin in earnest until after the bombing. Evidence exists of approximately 10,000 Kosovar Albanians killed FYR forces. Although the bombing may not have been the direct cause, it created a lawless environment for paramilitary forces to operate.

autonomy throughout its history.¹³⁸ Kosovo's population was a 90% Kosovar Albanian majority and a minority Serb population of 7%. However, Kosovar Albanians made up a minority 20% of the overall population of Serbia.¹³⁹ The ethnic breakdown is also indicative of the religious beliefs of the country with the vast majority of Kosovar Albanians practicing Islam and the vast majority of Serbs being Orthodox. This type of ethnic split suggests a potential 50% increase in some type of intrastate conflict.¹⁴⁰ In the case of Kosovo, the political system prior to the conflict was not the critical factor, but the level of political autonomy accorded to the province by Serbia. Serbia was notionally democratic following the fall of communism in 1990, but in reality, Serbia's political system was much more of an authoritarian regime with nationalist tendencies.¹⁴¹ Kosovo enjoyed a high degree of autonomy within Serbia under the 1974 Federal Republic of Yugoslavia (FRY) constitution. However, growing fiscal hardships within the entirety of the FRY resulted in a desire to withdraw Kosovar autonomy. Growing nationalist sentiments eventually resulted in the Serbian Assembly revoking the autonomy of Kosovo in 1989.¹⁴² In terms of economic

¹³⁸Although recognized by 85 countries, the UN has not officially recognized Kosovo therefore its status as a 'country' is still somewhat obscure.

¹³⁹The Independent International Commission on Kosovo, 319; Organization for Security and Cooperation in Europe, *Ethnic Minorities in Serbia: An Overview*, Mission to Serbia (February, 2008), 5. The statistic for the Kosovar Albanian percentage of the Serb population is an extrapolation using data provide in both references. Although not 100% accurate, there exists enough precision to demonstrate the difference in percentage of the total population of Serbia at the time of conflict in 1999.

¹⁴⁰Collier et al, 57.

¹⁴¹D. Bochsler, "Political Parties in Serbia," in *Party Politics in the Western Balkans*. Edited by Vera Stojarova and Peter Emerson, Milton Park, Abingdon, Oxon.: Routledge (2010), 131-132.

¹⁴²The Independent International Commission on Kosovo, 35-41. As an autonomous province, Kosovo had its own administration, assembly, and judiciary. It also was a member of the collective Presidency and the federal Parliament. The revoking of Kosovar autonomy coincided with the dissolution of their assembly, as well as the implementation of various government policies designed to increase Serb control of the province.

development, Kosovo was the poorest region of the FRY. Its pre-war GDP per capita was approximately 400 USD, which was about one third of the average GDP per capita in FRY.¹⁴³ This level of poverty would place Kosovo below the percentile on income line that Fearon and Laitin propose increases the chances for intrastate conflict by 72%.¹⁴⁴ The combination of political marginalization and economic weakness led to an increasing amount of resistance ultimately culminating in the establishment of the KLA and violent confrontation with Serbian authority. Although there had been isolated acts of violence in Kosovo between 1992 and 1997, the KLA's guerilla war increased in scope and violence dramatically in early 1998. Violence continued to increase as both sides rapidly increased their numbers, as well as their actions, throughout Kosovo until March 1999 when NATO became involved in the conflict. Although the figures are unconfirmed, the number of civilians killed was approximately 1,000 to 2,000 people and approximately 400,000 driven, directly or indirectly, from their homes prior to NATO intervention. Numbers of Serb and KLA fighters killed is unknown.¹⁴⁵ The Kosovo conflict ended on June 9, 1999 after seventy-eight days of NATO bombing against Serbian targets in Kosovo and Serbia. Although the conflict ended as a negotiated settlement between NATO and the government of Serbia, the Kumanovo technical agreement essentially gave the KLA the same effect as a military victory. The agreement set the conditions for possible future independence by initially forcing a withdrawal and then prohibiting all Serb activities within the province.¹⁴⁶ The

¹⁴³The Independent International Commission on Kosovo, 319.

¹⁴⁴Fearon and Laitin, 91-93.

¹⁴⁵The Independent International Commission on Kosovo, 83.

¹⁴⁶NATO, *Military Technical Agreement Between the International Security Force ('KFOR') and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia*, North Atlantic Treaty Organization, <http://www.nato.int/kosovo/docu/a990609a.htm> (accessed January 15, 2013). The exact details of the Kumanovo agreement (also referred to as the Military Technical Agreement) can be found at this reference.

Kosovo conflict supports Fortna's argument that the possibility of recurring violence is significantly less after a military victory, and a further reduction of violence is possible by the presence of a peacekeeping force.¹⁴⁷ Although the KLA was not able to defeat Serb forces militarily, the withdrawal of Serb forces and the introduction of a large peacekeeping force precluded further violence.

This section examines the concept of intervention during the conflict with an emphasis upon 1998 and 1999, to include the immediate conclusion of hostilities. Kosovo is a particularly interesting case, as no broad international consensus existed on how to resolve the conflict. The lack of resolution evolved into a fundamental disagreement between NATO and certain countries within the UN on the issue of right authority to use force. Russia, China, India and a number of developing countries were all against unilateral NATO action.¹⁴⁸ Although supported by four UNSCR (1160, 1199, 1203 and 1239) authorizing different levels of activity against Serbia from an arms embargo, to facilitating monitoring and humanitarian relief missions within Kosovo, no UNSCR explicitly authorized the use of force. However, the UNSC passed resolution 1244 on 10 June 1999 confirming and authorizing the military parameters of the Kumanovo agreement for an international peacekeeping force (KFOR), as well as establishing an interim administration for Kosovo under the auspices of the United Nations Mission in Kosovo (UNMIK).¹⁴⁹ Operation Allied Force was primarily an air campaign designed to bomb Serbian into compliance. At its

¹⁴⁷Fortna, 25, 39, 45. In this case, military victory was achieved by NATO and not the KLA. Therefore, Toft's assertions concerning military victory are still valid, as are Connable's and Libicki's. See Toft, 33-34, and Connable and Libicki, 13-24.

¹⁴⁸Thakur, 205-206.

¹⁴⁹Economides, 239; UNSC, *Resolution 1244*, S/RES/1244 (June 10, 1999). The goal of the interim administration was to provide transnational administration granting the people of Kosovo a considerable amount of autonomy while developing provisional, democratic, and self-governing institutions.

peak, 912 aircraft and 35 ships conducted 37, 465 sorties against Serbian forces, of which 14,006 were strikes.¹⁵⁰ The number of ground troops increased in the region over the duration of the air strikes. Approximately 45,000 troops were committed to KFOR once UNSCR 1244 authorized entry into Kosovo. In addition to these military forces, a civilian police force of 3,110 international police officers (this number grew to 4,450 within a year and a total authorization of 4,700) under UNMIK assisted in maintaining security. This large and robust ground force created a generally secure environment and allowed NATO to conduct its main mandates of deterring renewed hostilities between all parties and ethnicities, and disarming the KLA.¹⁵¹ The initial number of NATO and UNMIK security forces translates into a ratio of over 20 soldiers per 1,000 inhabitants. KFOR maintained this level for the initial two years of presence, although it eventually dropped to approximately 16 soldiers per 1,000 inhabitants. This evidence supports the notion that maintaining a strong security presence post-conflict for at least two years significantly reduces the possibility of recurring violence.¹⁵²

Success in Kosovo is difficult to define, as the tension between Kosovar desire for independence and the territorial integrity of Serbia remains a contentious issue. Although the territorial elections held in November 2001 were relatively peaceful, they arguably occurred too quickly and reinforced ethnic divisions.¹⁵³ Thanks in large part to extremely generous foreign assistance, Kosovo has displayed one of the fastest rates of economic recoveries in several cases studied by RAND. This displays the relationship between per capita inflows of assistance and

¹⁵⁰Adam Roberts, "NATO's 'Humanitarian War' Over Kosovo," *Survival* 41, no. 3 (Autumn 1999): 109.

¹⁵¹Dobbins, 115-119.

¹⁵²Ibid., 149-151. Kosovo had maintained a higher ratio of troops to population over a 5-year period than post-conflict operations in Germany, Japan, Bosnia, and Afghanistan.

¹⁵³Paris, 216-217.

funds contributed to economic reconstruction.¹⁵⁴ Although KFOR has succeeded in establishing a relatively secure environment, simmering ethnic and political tension still exist, as demonstrated by violent actions such as those that occurred in March 2004.¹⁵⁵ Although Kosovo unilaterally declared independence from Serbia on 17 February 2008, only 80 countries recognize the declaration, and KFOR and UNMIK will remain in Kosovo for the near future.

Kosovo provides some interesting conclusions concerning the hypotheses related to R2P and the possibility of recurring violence. This case partially supports the hypothesis that the commitment of one of the threshold crimes will result in the use of R2P. Although both sides committed horrible acts of violence prior to the start of Operation Allied Force, these acts were not at a level that would invoke an R2P response when compared to other conflicts. In fact, the level of ethnic cleansing dramatically increased after the start of the bombing campaign. In this instance, it appears that the decision to intervene was only partially in response to humanitarian reasons, but factors such as a reluctance of European NATO members to accept a large number of refugees and the erosion of NATO credibility in the face of Serbian defiance also played a significant role in the decision to intervene.¹⁵⁶ This case supports the hypothesis that R2P will eventually require some type of armed intervention to halt threshold crimes in support of antigovernment forces (in this case the KLA) in intrastate conflict. Despite numerous UNSCR and threats from NATO, Serbia continued its policies towards Kosovar Albanians until Operation Allied Force eventually forced them to stop. This case partially supports the hypothesis that R2P

¹⁵⁴Dobbins, 127-128. As a comparison, Kosovo received 25 times more foreign assistance per capita than Afghanistan.

¹⁵⁵Economides, 241-245. During this period of violence, 19 people were killed, 900 injured and several hundred buildings (including Orthodox Churches and Monasteries) were damaged or destroyed. It also resulted in 4,500 Serbs being displaced by the violence.

¹⁵⁶Roberts, 109.

ultimately implies regime change to a liberal democracy that exacerbates the structural conditions of a conflict. In the case of the Kosovo intervention, a framework of democracy existed within Serbia and NATO did not intend to change the Serbian political system. However, UNMIK's ultimate goal is to produce democratic institutions within Kosovo. The Kosovo conflict supports the hypothesis that R2P third pillar interventions require considerable support from the intervener to enable nation building in an effort to reduce the possibility of recurring violence. Kosovo benefited from a tremendous level of support from the international community in terms of security and economic assistance. Despite the problems that remain in Kosovo, the overall level of violence has been extremely low and economic development has been very good. Although there are still several issues with Kosovo, it can certainly serve as an example to what can happen when the international community commits itself to long-term support after an intervention.

Case 3 - Libya

The Libyan civil war of 2011 resulted in the first implementation of a R2P third pillar military response. The international intervention led initially by the U.S. and subsequently by NATO has spawned a tremendous amount of discussion, dialogue, debate and scholarly interest concerning R2P. The crux of the argument concerns contradictory views on the implementation of R2P and regime change. Although initially receiving widespread support, several major countries (such as Russia and China) and regional organizations increasingly condemned operations in Libya, as protection began looking like regime change. The recentness of the Libyan conflict provides an excellent opportunity to examine the first application of military power in the context of a R2P third pillar intervention.

Much like Kosovo in 1999, the Libyan intervention in 2011 was not in response to the occurrence of one of the threshold crimes, but to the possibility of threshold crimes occurring in the city of Benghazi. Events in Libya began with peaceful demonstrations demanding reforms in governance leading to democratic reforms and increased rule of law. Brutal measures by the

government crushed the protests, resulting in an escalation into a civil war. Qadhafi vowed to hunt down the ‘cockroaches’ and that the protesters would be ‘hunted down door to door and executed.’¹⁵⁷ The UN almost immediately recognized the potential for increased violations of human rights and the possibility for committing one or more of the threshold crimes.¹⁵⁸ The UN International Commission of Inquiry mandated to investigate alleged violations of human rights in Libya assesses that “...significant deaths and injuries” resulted from government actions against the protestors.¹⁵⁹ The commission’s report also found that certain actions committed by the government fell within the meaning of “crimes against humanity” as well serious violations of international humanitarian law amounting to “war crimes.”¹⁶⁰ In this instance, the imminent threat of a massacre in a city of more than 650,000 people gave a clear indication that the government of Libya was not meeting its responsibility to protect its citizens, therefore meeting the requirements for an invocation of R2P.

This section will examine the civil war factors that contributed to the start of the conflict, but more importantly, how they affect the possibility of recurring violence now that large-scale

¹⁵⁷Spencer Zifcak, “The Responsibility to Protect After Libya and Syria,” *Melbourne Journal of International Law* 13 (2012): 2.

¹⁵⁸UN Human Rights Council, *Situation of human rights in the Libyan Arab Jamahiriya*, A/HRC/S-15/2 (February 25, 2011): 1-2. This report established the requirements for the dispatch of an independent, international commission of inquiry to look into alleged human rights abuses in Libya.

¹⁵⁹UN Human Rights Council, *Report of the International Commission of Inquiry to investigate all alleged violations of international human rights law in the Libyan Arab Jamahiriya*, A/HRC/17/44 (June 1, 2011): 3-4.

¹⁶⁰*Ibid.*, 8. The commission found evidence of widespread and systematic attacks with full knowledge of the government to include murder, severe deprivation of physical liberties, torture, enforced disappearance and sexual abuse that constitute crimes against humanity. As for war crimes, the commission found violations involving outrages upon personal dignity in humiliating and degrading treatment, intentionally attacking protected persons and civilian structures, including those bearing distinctive emblems of the Geneva Convention.

violence is over. The first factors are the structural conditions that exist in Libya. As opposed to the two previous case studies, ethnicity and religion are practically uniform throughout the country and did not play a significant factor in the escalation of violence. 97% of the population is Berber and Arab, as well as also being Sunni Muslim.¹⁶¹ Therefore, any possibility of recurring violence will not be affected by ethnicity or religion. Prior to the rebellion against the Qadhafi regime, Libya operated under a military dictatorship for 42 years. Although its citizenry, through a series of popular congresses, nominally rules Libya, Qadhafi tightly controlled all aspects of political power.¹⁶² The fall of the Qadhafi regime has led to a somewhat unstable situation in Libya despite recent elections, as tension between the different armed clans generates insecurity. Libya will likely remain in a state of anocracy until more formal and long-lasting governmental institutions can develop.¹⁶³ Drawing from Dixon's empirical data concerning regime variables and civil war risk, Libya is currently in a state that is extremely susceptible to recurring violence and renewed conflict.¹⁶⁴ From an economic development perspective, Libya is a relatively wealthy country. Prior to the civil war, the per capita GDP (PPP) was approximately 14,800 US\$. Because of the conflict, this number has fallen to approximately 6,000 US\$. The significant

¹⁶¹Source: CIA World Factbook, found at <https://www.cia.gov/library/publications/the-world-factbook/geos/ca.html>.

¹⁶²Polity IV Country Report 2010: Libya.(accessible at All data concerning numerical statistics are drawn from the CIA world factbook (accessible at <https://www.cia.gov/library/publications/the-world-factbook/geos/ca.html>). In 2010, Libya had a Polity IV score of -7 (autocracy).

¹⁶³Monty G. Marshall and Benjamin R. Cole, *Global Report 2011: Conflict, Governance and State Fragility* (Vienna, VA, USA: Center for Systemic Peace, December 1, 2011), 9. Anocracies are characterized political institutions that have difficulty in performing their basic tasks. Their ineffectiveness leaves the system vulnerable to further or renewed political instability such as armed conflict or forced regime change. Anocracies are not a form of governance but a category to differentiate between democratic and autocratic forms of government.

¹⁶⁴Dixon, 718.

reduction in GDP is a result of the civil war that inhibited oil production. Oil accounts for 95% of export earnings, 65% of GDP, and 80% of government revenue. Fearon and Laitin's findings show that a 1,000 US\$ drop in per capita income corresponds to a 41% increased possibility of violence, indicating that Libya is prone to recurring violence from an economic perspective.¹⁶⁵ However, if the new Libyan authorities are capable of reestablishing oil exports, the situation is promising for having the necessary funds available to finance governmental institutions. Unlike other civil wars, Libya's conflict was relatively short and resulted in a relatively small number of casualties. Although the exact number of people killed on both sides in the civil war is unclear, estimates from numerous sources believe the total number between 10,000 and 15,000.¹⁶⁶ Although the Qadhafi regime imposed a strict dictatorship during which time many low-level atrocities were committed, the actual civil war lasted only nine months. NATO assistance permitted the rebels to achieve a military victory over Qadhafi's government, and ultimately the death of Qadhafi himself. According to Toft and Fortna, military victory greatly decreases the chances of recurring violence, even more so when the rebels win. However, Fortna also argues that the presence of peacekeepers will decrease the chances of recurring violence even further and provide for a more sustained peace.¹⁶⁷ In Libya, UNSCR 1973 prohibited the international community from deploying a peacekeeping force after their intervention.

This section will examine the international community's intervention during the Libyan civil war. Perhaps the most striking aspect to the international community's involvement in Libya is the speed with which it occurred. Initially, broad international consensus condemned Qadhafi

¹⁶⁵Fearon and Laitin, 83.

¹⁶⁶UN International Commission of Inquiry, 4. These numbers represent the approximations given Libyan Government officials, the National Transitional Council and non-governmental organizations.

¹⁶⁷Fortna, (2008), 25, 39, 45, 177-179; Toft, 57; Connable and Libicki, 13-24.

and his actions against his population. The UNSC issued a press statement expressing "...grave concern at the situation in Libya..." and requested "...the Government of Libya to meet its responsibility to protect its population."¹⁶⁸ Quickly following this announcement was UNSCR 1970 establishing an arms embargo, travel ban on select individuals, and an asset freeze. This document also highlights the widespread condemnation of the Qadhafi regime by explicitly referencing the Arab League, the African Union, and the Secretary General of the Organization of the Islamic Conference.¹⁶⁹ As the violence continued the Gulf Cooperation Council released a statement calling upon the UNSC to take all necessary measure to protect civilians. This was followed by the Arab League requesting the UNSC to establish a no-fly zone and create safe havens from shelling.¹⁷⁰ As the Libyan government did nothing to comply with the demands of UNSCR 1970, the UNSC adopted UNSCR 1973. This resolution strengthened the measures already imposed in UNSCR 1973, but more importantly, it authorized "all necessary means" to protect civilians and populated areas under threat of attack, which included the establishment of a no-fly zone. It also clearly identified the Qadhafi regime's actions as crimes against humanity therefore invoking one of the threshold crimes necessary for R2P.¹⁷¹ However, despite the widespread support to end the violence in Libya, cracks in the solidarity of the international community began with the adoption of UNSCR 1973 with 10 votes in favor and 5 abstentions.¹⁷² 'All necessary means' to protect the Libyan population rapidly became a NATO bombing

¹⁶⁸UNSC, *Security Council Press Statement on Libya*, SC/10180 (February 22, 2011).

¹⁶⁹UNSC, *Resolution 1970*, S/RES/1970 (February 26, 2011): 1, 3-5.

¹⁷⁰Zifcak, 5-6; Richard Leiby and Muhammad Mansour, "Arab League Asks UN for No-Fly Zone Over Libya," *Washington Post*, March 12, 2011.

¹⁷¹UNSC, *Resolution 1973*, S/RES/1973 (March 17, 2011): 1, 3-5.

¹⁷²UNSC, *Security Council Approves 'No-Fly Zone' Over Libya, Authorizing 'All Measures' to Protect Civilians*, SC/10200 (March 17, 2011).

campaign providing support to the rebels named Operation Unified Protector. At its peak, Unified Protector had approximately 8,000 troops, over 260 air assets and 21 naval assets. Between 25 March 2011 and 31 October 2011, over 26,500 sorties were flown, including 9,700 strike sorties that destroyed over 5,900 military targets including approximately 400 artillery pieces and 600 armored vehicles.¹⁷³ However, with the declaration of victory by NATO 11 days after the death of Qadhafi, no further military presence in the form of a peacekeeping force occurred. UNSCR 2009 established a relatively small UN mission (43 personnel) to assist the new Libyan National Transitional Council in moving from conflict to peace.¹⁷⁴ This would seem to indicate that the international community's commitment to Libya faded relatively quickly with the death of Qadhafi and the transition to a new government. This decision appears to have already have affected the possibility of a smooth transition from conflict to peace in Libya.

What was the definition of success for the Libyan intervention? This has become one of the most contentious issues of the intervention. The original measure of success was the level of protection given to the population as directed by UNSCR 1973. The interpretation of protection of the population eventually expanded to the point where regime change in support of a rebel group professing pro-democratic inspirations became the measure of success. NATO actions, as well as the words of many senior leaders support this assertion. The change in focus led to increased target sets that included not only assets immediately endangering civilians, but also targets such as command and control nodes, government buildings, and Libyan commanders.¹⁷⁵ The following quotes from an official NATO press release in June 2011 and US President Obama

¹⁷³NATO, *Operation UNIFIED PROTECTOR Final Mission Stats*, (November 2, 2011), http://www.nato.int/nato_static/assets/pdf/pdf_2011_11/20111108_111107-factsheet_up_factsfigures_en.pdf (accessed January 20, 2013).

¹⁷⁴UNSC, *Resolution 2009*, S/RES/2009 (September 16, 2011):3-4.

¹⁷⁵Zifcak, 8.

in May 2011, clearly demonstrate the desire to affect regime change as the ultimate solution to the problem of protecting the population of Libya. The NATO press release states:

Time is working against Qadhafi who has clearly lost all legitimacy and therefore needs to step down. There is no future for a regime that has systematically threatened and attacked its own population. The Libyan people deserve to decide their own future within a sovereign, independent and united Libya.¹⁷⁶

Despite having originally stated that regime change would be a mistake in Libya, President Obama issued the following statement suggesting that regime change was the intended objective.

The goal is to make sure that the Libyan people can make a determination about how they want to proceed, and that they'll be finally free of 40 years of tyranny and they can start creating the institutions required for self-determination.¹⁷⁷

The transforming interpretation of the UNSCR 1973 mandate to use 'all necessary means' did not imply regime change, and this may not have been the initial goal, but regime change is definitely what the mandate became. UNSCR 2009 reemphasizes the requirement for the establishment of a government underpinned by a commitment to democracy and respect for human rights.¹⁷⁸ In this regard, operations in Libya were a success in achieving regime change. However, there are still numerous problems within the country. Drawing upon three reports of the Secretary-General on the United Nations Support Mission in Libya, there have been a series of repetitive themes concerning the situation in Libya. On a positive note, elections to determine membership in the General National Congress on July 7 2012 had a turnout of 62% and a relatively small number of violent incidents. However, the pace of reforms is slow and the capacity of the government to govern is very weak while showing a lack of transparency thus

¹⁷⁶NATO, *Statement on Libya*, Press Release 071 (June 8, 2011).

¹⁷⁷Eric Schmitt and David E Sanger, 'As Goal Shifts in Libya, Time Constrains NATO', *The New York Times* (New York), 27 May 2011, 8.

¹⁷⁸UNSC Resolution 2009, 2.

leading to increasing frustration in certain parts of the country.¹⁷⁹ Sporadic fighting (sometimes involving heavy weapons) between the various ‘revolutionary brigades’ that helped topple the Qadhafi regime still plagues the country. Infighting between the various factions is a reflection of the difficulty in integrating the tens of thousands of fighters who remain in Libya into the government security apparatus. Another major concern relates to the reports of torture and mistreatment of conflict related detainees.¹⁸⁰ Porous borders and arms proliferation also contribute to a very tense situation where the threat of renewed violence still exists. Although Qadhafi is no longer in power, there are still many challenges that face Libya and its ability to transform into a liberal democratic society.

As Libya was the first military implementation of the third pillar of R2P, it certainly provides some very interesting conclusions related to the hypotheses of R2P and recurring violence. The Libyan case partially supports the hypothesis that the commitment of at least one of the threshold crimes will result in the use of R2P. Both UNSCR 1970 and 1973 invoke the language of responsibility to protect the Libyan population in relation to crimes against humanity. However, this in and of itself does not necessarily result in action. Although the Libyan case met the standard for threshold crimes, intervention occurred because of the circumstances surrounding this conflict. President Obama’s words concerning the Libyan intervention “[i]n this particular country – Libya – at this particular moment...” support this assertion.¹⁸¹ The hypothesis that R2P,

¹⁷⁹Keerthi Sampath Kumar, *Libya and R2P: A Year After UNSCR 1973*, Institute for Defense Studies and Analyses (May 23, 2012): 2-3.

¹⁸⁰UNSC, *Report of the Secretary-General on the United Nations Support Mission in Libya*, S/2012/675 (August 30, 2012); UNSC, *Report of the Secretary-General on the United Nations Support Mission in Libya*, S/2012/129 (March 1, 2012); UNSC, *Report of the Secretary-General on the United Nations Support Mission in Libya*, S/2011/727 (November 22, 2011).

¹⁸¹U.S. President Barack Obama, *Address to the Nation on the Libyan Situation*, Washington (March 28, 2011) <http://www.whitehouse.gov/the-press-office/2011/03/28/remarks-president-address-nation-libya> (accessed January 20, 2013).

once invoked, will lead to some type of armed intervention to halt the threshold crimes in support of antigovernment forces in an intrastate conflict is also supported. Once it became clear that Qadhafi was not complying with the requirement of UNSCR 1970, the UNSC rapidly authorized the use of ‘all necessary means’ with the adoption of UNSCR 1973. This led directly to NATO involvement in the use of airstrikes to destroy those Libyan government assets that could directly threaten the civilian population. This case supports the hypothesis that R2P ultimately implies regime change to a liberal democracy that exacerbates the structural conditions of the conflict. In the case of Libya, minimal structural conditions affected the conflict, as Libyan society is relatively homogenous. However, regime change clearly became the mandate in Libya and the international community went from purely protecting the population to actively supporting the rebels with air support and weapons.¹⁸² The importance of democracy as part of the new governing system is present in almost every official UN document concerning post-conflict Libya and is a major speaking point for international leaders. The hypothesis that R2P third pillar interventions require considerable support from the intervener to enable nation building in an effort to reduce the possibility of recurring violence is supported with one caveat. The remnants of the Qadhafi regime will unlikely return to power, as they cannot offer an effective resistance to the new Libyan government. However, the extremely small commitment of the international community to post-conflict Libya has resulted in a country in a very precarious situation. The lack of support facilitates conflicts between factions of the forces that led to Qadhafi’s downfall, slows the effective development of government capacity, and creates the conditions for potential recurring violence. An indication of this insecurity has been the attack on the American consulate in Benghazi and a travel advisory from several Western nations recommending that their citizens

¹⁸²Adrian Johnson and Saqeb Mueen, “Introduction,” in *Short War, Long Shadow: The Political and Military Legacies of the 2011 Libya Campaign*, Whitehall Report 1-12 (London: Royal United Services Institute for Defence and Security Studies, 2012), 1.

leave or do not travel to Libya.¹⁸³ Although too early to gain a full appreciation for what direction Libya will take, initial indicators point to the lack of support from the international community in terms of capacity development and security as a potential future problem.

Analysis Summary

The three case studies of this monograph, Rwanda, Kosovo, and Libya provide insight into the factors affecting the military application of R2P. Table 3 demonstrates trends and patterns relating to the theory that R2P will not preclude the recurrence of violence unless a considerable commitment to nation building occurs. The findings reflect many of the issues that have plagued R2P since its inception in 2001. Although there existed widespread support for the ‘narrow’ but deep approach to interventions involving potential mass atrocities, the underlying anxiety that UNSC *realpolitik* or lack of political will would undercut R2P’s noble intentions appears somewhat validated.¹⁸⁴ Although all official UN documents explicitly reference the necessity to adopt a balanced approach using all three pillars of R2P, it appears that only the threat and ultimate use of third pillar interventions will actually succeed in stopping mass atrocities. This leads to interventions that may have as a primary objective the protection of a population, but will inevitably lead to direct or indirect regime change to a liberal democracy. However, it would appear that the international community, while espousing the benefits of democracy and good governance, generally hesitate to commit the necessary effort to enable a relatively peaceful transition from an intrastate conflict to peace.

¹⁸³ Alan Cowell and Rick Gladstone, “U.S. and 3 European Countries Warn That Westerners Are Facing Threats in Libya,” *New York Times*, January 24, 2013; “Travel Report for Libya,” <http://travel.gc.ca>, <http://travel.gc.ca/destinations/libya> (accessed January 27, 2013).

¹⁸⁴ Alan J. Kuperman “Rethinking the Responsibility to Protect,” *The Whitehead Journal of Diplomacy and International Relations* 10, no. 1 (Winter/Spring 2009): 19-21.

Table 3. Summary of hypotheses

Hypotheses	Case 1 - Rwanda	Case 2 - Kosovo	Case 3 - Libya
Hypothesis 1 Invocation of R2P	Denies. National interests trump.	Partially supports. Although intervention occurred, national interests played key role.	Partially supports. Although threshold crimes were met, particular circumstances led to intervention.
Hypothesis 2 Armed Intervention	Supports. No action resulted in massacre.	Supports. Intense aerial campaign coupled with threat of ground invasion.	Supports. Air campaign and direct support provided to rebels to help topple Qadhafi regime.
Hypothesis 3 Regime Change	Supports. Indirect action through IMF reforms and Arusha Accords.	Partially supports. Serbia not targeted for change, however, Kosovo required democratic institutions.	Supports. Regime change became objective that now divides different power brokers in country.
Hypothesis 4 Commitment	Supports. Limited support after Arusha Accords and once RPF won war.	Supports. Tremendous investment in security and development after MTA signed.	Supports. Very limited, actual support provided by the international community post-rebel victory.

Source: Created by author.

CONCLUSION

This monograph attempted to determine whether a R2P military intervention will be able to preclude the recurrence of violence after other forms of prevention have failed. Although the currently accepted definition of R2P consists of three pillars, this study emphasizes third pillar military interventions. The conclusion will discuss key findings from the case study analysis that are framed by the variables defined in the literature review. It will also provide an interpretation to what these findings mean, as well as their implication for current and future conflicts that may require invoking R2P. Finally, there will be a section devoted to recommendations for the implementation of R2P third pillar interventions.

An examination of the case studies of this monograph provides the following conclusions. Although R2P seeks to provide a common doctrine to facilitate intervention when mass atrocities are imminent without regard to national interests, it appears this is not the case.

The continuous theme is one where countries will only intervene when it suits their national interests or in very particular geopolitical situations. In Rwanda, UNAMIR did not receive additional troops or a more robust mandate to preclude and then halt the genocide. Despite nations stating they could not provide additional support to the mission, several nations were able to provide significant resources to evacuate their own nationals, or conduct their own operations (i.e. France and Operation Turquoise). This trend continued through Kosovo where humanitarian concerns and national interests intersected and led to intervention. While difficult to pin the intervention in Libya to national interests, concern for the population was only one factor among many that led to intervention as the right conditions existed for an intervention in Libya in a way that has not yet happened for Syria. This was reflected in President Obama's words as he justified the Libyan intervention to the American people as "...it was the right country... at the right time", while explicitly stating, "Regime change would be foolish."¹⁸⁵ As for R2P third pillar interventions, the evidence suggests that if the crimes are flagrant and national interests permit an intervention, it will be an armed intervention in support of the attacked group. These groups are increasingly antigovernment forces that therefore benefit from external aid to assist them in defeating the established government. Consequently, the evidence suggests that when a group or a nation intervenes to protect a threatened population, the end state of that intervention is likely regime change. This may worsen the structural conditions that led to intrastate conflict unless the intervening force contributes a significant amount of security and economic aid to the country. The worsening of structural conditions is particularly important in countries where intrastate violence stemmed from ethnic and/or religious fractionalization. In these countries, the concept of sharing power is foreign and the required institutions for its successful implementation do not

¹⁸⁵U.S. President Barack Obama, *Address to the Nation on the Libyan Situation*, Washington (March 28, 2011) <http://www.whitehouse.gov/the-press-office/2011/03/28/remarks-president-address-nation-libya> (accessed January 20, 2013).

exist. The findings of this monograph support the notion that any intervention that destabilizes the status quo government requires a significant contribution in manpower, time and resources to preclude recurring violence. In the case of Rwanda and Libya, the level of aid provided has not been to the required level and both countries still face a number of challenges, including armed conflict inside and outside national borders. Libya has received very little support from the international community since the death of Qadhafi. In fact, Libya has been described as a success for the implementation of R2P in an article by the US Permanent Representative to NATO and the SACEUR because relatively small amounts of resources were required to oust Qadhafi from power.¹⁸⁶ In the case of Kosovo, the ‘country’ has progressed relatively well despite a few episodes of limited violence. In summary, this research has indicated that a country or organization will only intervene in a R2P scenario when the conditions are perfect or when national interests dictate. When it does intervene, it will ultimately result in an armed intervention on the side of antigovernment forces with an objective of regime change towards liberal democracy. Finally, this intervention will only be effective at precluding recurring violence if the intervener provides a large and sustained contribution in manpower, time and resources.

These conclusions have broader implications for R2P. First, despite the adoption of R2P as a concept that should preclude national interests from the UNSC interfering from the decision-making process of an intervention, it can and will occur in the future. Although authorized by a UNSCR, reservations existed as to the extent of the mandate and the extent of military operations required to protect the population during the Libyan intervention. Despite broad general support early in the conflict, this frittered away as operations gave the perception of stretching the

¹⁸⁶Ivo H. Daalder and James G. Stavridis, “NATO’s Victory in Libya: The Right Way to Run an Intervention,” *Foreign Affairs* 91, no. 2 (March/April, 2012): 3. In the article, the authors’ reference enabling the Libyan opposition to overthrow one of the world’s longest-ruling dictators without a single coalition life lost at a cost of approximately \$1.1 billion for the U.S. and several billion overall (referred to as a fraction of the cost of other interventions such as Afghanistan).

mandate of UNSCR 1973 to its limit.¹⁸⁷ Second, the implication that R2P third pillar interventions will inevitably lead to regime change will ensure that future interventions will be highly restricted, if authorized at all. Although China and Russia abstained from the vote on UNSCR 1973 (which was in line with the R2P concept), the stretching of the mandate by NATO that resulted in regime change essentially ensures that these two countries will veto such votes in the future. This can currently be seen in the Syrian context where many more people have died than in Libya, but Russia and China are blocking any UNSCR. Third, the combination of national interests and *realpolitik* will inevitably shape how countries intervene, as well as their definitions of success. If the Libyan model becomes the paradigm, as opposed to the Kosovar model, there will be just enough support to unbalance a country rather than improve it over the long-term. This will become a dangerous precedent since it denies a transitioning country the aid it requires at its most vulnerable period. These implications are important because they are all interrelated and they form the backbone of this monograph's recommendations for the implementation of R2P third pillar interventions.

The recommendations of this monograph derive from an analysis of the case studies using the concepts, conditions, and variables from the literature review. The first recommendation relates to obtaining a comprehensive knowledgebase of the structural conditions of a conflict prior to an intervention. Although this may delay action in some cases, recognizing the fault lines and being able to address them immediately greatly increases the likelihood of a successful intervention. The second recommendation is that regime change may be necessary to protect a population, but that an immediate transition to a liberal democracy may be counterproductive.

¹⁸⁷“NATO stretching UN Libya mandate: Evans,” *The Sydney Morning Herald*, May 4, 2011, <http://news.smh.com.au/breaking-news-national/nato-stretching-un-libya-mandate-evans-20110504-1e7zj.html> (accessed January 15, 2013). Evans discusses the potential consequences of NATO stretching the limit of the UN mandate and the possible backlash the next time a situation requires a R2P response.

Most countries that have the structural conditions necessary to produce an intrastate conflict with a potential for mass atrocities are not ready for democracy. Instead, some form of protectorate government should maintain power, supported by the international community, until the situation is secure and government institutions have time to develop. This supports the third recommendation concerning commitment. The time it will take to ensure the transition to democracy will be directly reciprocal to the support provided by the international community. Therefore, if the international community intervenes, it must be ready to support that country with the required resources to ensure stability and development. This does not necessarily mean Western countries must contribute large amounts of troops over a long period. What it does mean is that there must be some type of mechanism to ensure that effective security forces are present immediately following the cessation of hostilities and that this force can transition over time to one led by a regional organization. The principle applies to the implication of the international community for the development of national institutions that meet the requirements of the native population. Not meeting this requirement increases the chances for recurring conflict. This commitment must reflect clearly defined transition criteria so that all parties involved realize international aid will adapt and eventually reduce over time.

The concept of R2P in and of itself is respectable. Trying to find a way to stop mass atrocities while remaining sensitive to the worries of some countries regarding their sovereignty is tremendously noble, yet difficult. The concept has evolved over time with the discussion moving from a discourse revolving around whether to act to one concerning how to act. This evolution marks a fundamental shift in how the world now perceives mass atrocities.¹⁸⁸ However, R2P is not a panacea that will solve all of the world's problems simply by invoking its name.

¹⁸⁸Alex J. Bellamy, "Libya and the Responsibility to Protect: The Exception and the Norm," *Ethics and International Affairs* 25, no. 3 (September 2011): 266.

Implementing R2P requires a continual and sustained dialogue in order to continue its evolution as a norm. The fact that there has been no formal invocation of R2P in Syria because of the fallout of Libya supports this idea. Increased awareness that any military implementation of R2P does not stop with the last bomb dropped is also important for the development of the concept. The prevention of recurring violence requires a conscious and dedicated effort, sustained over time, by the international community to any intervention in the name of R2P.

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