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Where is the International Community? The Implementation of Responsibility to Protect in Libya, Syria, Kenya and Mali

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ABSTRACT

In this thesis an evaluation of the implementation of Responsibility to Protect (R2P) in four countries, Libya, Syria, Kenya, and Mali, in the past decade is presented. Accepted as a norm by in 2005 by the UN member states, R2P requires that states protect civilians from four crimes, ethnic cleansing, genocide, war crimes, and crimes against humanity. The responsibility to protect civilians falls onto the international community from these crimes when a state fails to do so. R2P has three components, the responsibility to prevent, to react, and to rebuild. The intention of this thesis is to review the varying international response to crises that requires prevention, reaction and rebuilding efforts and how the alignment of the Permanent Members of the UN Security Council and regional organizations are necessary prerequisites for the successful implementation of R2P. While the international community decided to implement the R2P through use of force in Libya, through diplomacy in Kenya and through use of force and a peacekeeping operation in Mali, the international response had been limited to diplomacy in Syria. Although it was evidenced that two crimes, war crimes and crimes against humanity, took place in Syria, the international community failed to act more decisively. As a result, the implementation of R2P had failed in Syria.

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CHAPTER ONE - INTRODUCTION

In December 2001, the International Commission on Intervention and State Sovereignty (ICISS), which was founded by Gareth Evans and Mohamed Sahnoun under the authority of the Canadian Government, published a report, The Responsibility to Protect (R2P). The report, while acknowledging "the issue of intervention for human protection purposes has been seen as one of the most controversial and difficult of all international relations questions,"[1] it also introduced the idea that the meaning of sovereignty is responsibility rather than control.[2] Besides this crucial description of sovereignty, the report was also very clear on the need to shift the focus from "the right to intervene" to "the responsibility to protect" for human protection purposes.[3]

The Responsibility to Protect (R2P), which was accepted as a norm as a result of the horrible non-intervention experiences in Rwanda and Bosnia, is not only an outcome of a report but also a concept with an agreed meaning amongst states. The scope of R2P was included in the Outcome Document Paragraphs 138 and 139 of the 2005 World Summit and each member state agreed that "Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity"[4] and that they "accept that responsibility and will act in accordance with it."[5] Therefore, the responsibility to protect their population lies, first and foremost, with the state.

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[1] The R2P Report, pg. VII, http://responsibilitytoprotect.org/ICISS%20Report.pdf
[2] Ibid, pg. 13
[3] Ibid, pg. 17
[4] 2005 World Summit Outcome Document, pg. 31, http://www.un.org/womenwatch/ods/A-RES-60-1-E.pdf
[5] Ibid, pg. 31

Further, with respect to states failing their responsibility, the Outcome Document outlines in Paragraph 139 that

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

Therefore, if the state is unwilling or unable to protect its population, then the international community is responsible to protect the population in question.

It is important to note that although indicated as "on a case-by-case basis" states that agreed to R2P also agreed upon the implementation of Chapter VII. This is probably the most important element of R2P because as a result, intrastate conflicts can no longer be identified as domestic issues or threat to peace and security within borders. Chapter VII of the UN Charter specifically deals with action with respect to threats to the peace, breaches of the peace, and acts of aggression. Each article of the chapter outlines measures appropriate in dealing with issues threatening peace and security, including sanctions and military intervention. However, not every single action of the international community, especially military interventions, can be viewed as for human protection purposes and categorized as the implementation of R2P. In fact, Chapter VII was written to address inter-state aggression.

There are some prerequisites for the implementation of the intervention aspect of R2P. First and foremost, major powers, namely the P5, must be aligned. Second, major

relevant international organizations, especially regional organizations, also have to agree on the decision to carry out a military intervention. Third, there should be consensus on the intervention's strong capability for success. And finally, the intervention decision should not interfere with major interests of neighbors or interested parties. In the following chapters, I will analyze the events in Libya, Syria, Kenya, and Mali to determine whether any or all of these prerequisites were met for the implementation of R2P.

Although a military intervention was carried out in Libya, what I am seeking is an answer to the following research questions: Was the international response towards Syria more in line with R2P than the one towards Libya where we did not witness much of a dialogue or diplomatic efforts? If so, what does this tell us about the future of R2P and military interventions? Did Qaddafi's personality and the national interests of the P5 determine the future of Libya? Did the international community rather choose to respond to Qaddafi with arms rather than words? Is the civil war in Syria, though much more deadly, prolonged, even ignored for a period by the international community, being dealt with diplomatic efforts that seem to be more in line with R2P or is it simply allowing the killing to go on unrestrained?

Change is inevitable. The recent events in the Middle East and North Africa, meaning the uprisings of the Arab Spring, are the mobilizers of the inevitable change. In the past, there were events in the world that captured the interest of many and filled them with awe and hope, such as the end of colonialism and the wave of independence in many parts of Africa, the fall of the Berlin Wall, and Tiananmen Square protests and the following massacre. What makes the Arab Spring so phenomenal is not only that the

uprisings took place in the MENA region and the youth and technology played such crucial part in the uprisings, but also the removal and resignation of the three dictators in Tunisia, Egypt, and Libya from power.

The events that unfolded in the MENA region were unprecedented in many ways. Not only that the world watched the uprisings on their televisions, but followed the protesters online mainly via Twitter or Facebook, and participated in the uprisings virtually by tweeting or sharing their support on various outlets. Videos captured by the protesters were even more revealing and insightful than the ones offered by the conventional media. Social media became the center stage for information sharing and communication. In a sense, the uprisings provided the long lost opportunity for those who were born and raised under dictatorial regimes to have their frustrations, as well as aspirations, be heard.

It was not easy for all dictators to bid adieu to power. Although initially hesitant, Tunisia's Zine El Abidine Ben Ali and Egypt's Hosni Mubarak stepped down. Meanwhile, Libya's Muammar Qaddafi did not budge. Not only that he continued to hold his grip on power, he also openly on public television threatened Libyans opposing his rule. His threat that he would hunt down protesters "inch by inch, house by house, room by room, alleyway by alleyway"[6] did not go unnoticed. His unpopularity in the West, as well as the East, did not help him either. Following the passing of the United Nations Security Council Resolution 1973, a no-fly zone was implemented and NATO intervened in April 2011, bringing the Qaddafi era to an end.

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[6] Lahav Harkov, "Israeli's Gaddafi spoof strikes chord with Libyan rebels," *The Jerusalem Post,* February 27, 2011, accessed January 21, 2014, http://www.jpost.com/Middle-East/Israelis-Gaddafi-spoof-strikes-chord-with-Libyan-rebels

Currently, the world, especially the UN, is closely observing events unfolding in Syria. By now, it is clear that Syria is in a civil war and Bashar Al-Assad, with the backing of Iran and its threats against Israel, is unwilling to come to terms with the slaughter he has unleashed or to find a political solution to the problem. The clashes in Syria arose when Syrians began protesting against the Assad regime. His bloody crackdown on the protesters led to more Syrians supporting and joining the protests. Then the protests turned into a civil war, with the opposition creating their own fighting groups called Free Syrian Army and representative body, the Syrian National Council, based in Istanbul, Turkey. However, the fighting groups now are numerous, some with fundamentalist elements – and according to the proponents of a military intervention, that is due to the lack of political will of the Permanent 5 (P5) members of the United Nations Security Council (UNSC) to halt the killings by intervening back in 2011.

As a result of the now confirmed chemical attack at a Damascus suburb Ghouta, approximately 1400 Syrians, including children, were killed.[7] This alarmed the Obama administration, since Obama had stated the use of chemical weapons were the "red line" that Assad should not cross if he did not want the U.S. to use all means necessary to intervene. Following John Kerry and Barack Obama's addresses on August 30, 2013, and September 10, 2013 respectively, the Russians stepped in. First, Putin's op-ed appeared in the New York Times, and then Russian Foreign Minister Sergei Lavrov offered to broker peace and actually convinced Syria to give up its chemical weapons stockpile. The organization that is in the midst of all this, the Organisation for the Prohibition of Chemical Weapons (OPCW), is tasked with eliminating Syria's chemical weapons and

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[7] News and Updates, http://www.whitehouse.gov/issues/foreign-policy/syria

was awarded the Nobel Peace Prize. Although there were improvements on the international politics end of the spectrum, Assad did not attempt to seek a political solution while the civil war claimed over 100,000 lives and left over 2 million[8] refugees and more than 6.5 million[9] internally displaced persons.

Now the question is where do we go from here? While the decision to stop Qaddafi, according to some analysts, was a wise one, why didn't we, or don't we, stop Assad? I believe that there are many factors that play crucial role in the international responses to intrastate conflicts where one of the conflicting parties is a government that is not democratically elected. These factors include, but are not limited to, the character of the individual ruling the country, the parties threatened by the conflict, the allies of the governing regime, the national interests of the intervening states and the existence of any biological, chemical or nuclear weapons. If one can compare Libyan and Syrian civil wars, we can clearly see that Qaddafi's unpopular and unfriendly character brought less opposition for military intervention meanwhile Assad's mild and modern outlook gained him supporters and made any possible military intervention undesired. When Libyans were suffering from a civil war, Europe was threatened by the influx of refugees, meanwhile Turkey, Jordan and Lebanon had to open their doors to Syrian refugees. Although influx of refugees is an established threat to international peace and security, because Turkey, Jordan or Lebanon does not have permanent seats at the UN Security Council, the Syrian refugee crisis failed to amount to a real threat.

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[8] "UNHCR," last modified April 14, 2014, http://data.unhcr.org/syrianrefugees/syria.php

[9] "Global figures," Internal Displacement Monitoring Centre, http://www.internal-displacement.org/global-figures/

Libya did not have many allies. Neither the Arab League nor the Organization of the Islamic Cooperation opposed the intervention in Libya; on the contrary, they supported it. Syria has strong ties with Iran and Russia, which are "frenemies" of the United States. Any intervention in Syria may have triggered Iran to attack Israel, which could have drawn us into a long, avoidable war. With respect to issues of chemical and biological weapons, Syria's chemical weapons stockpile was a known factor and throughout the civil war reports of chemical attacks had been surfacing. Although in November 2011, the new Libyan government declared the existence of a "previously undeclared chemical weapons stockpile,"[10] following the ratification of the Comprehensive Test Ban Treaty in 2004 Libya has been eliminating WMD designs and stockpiles and there was no report of Libya using any chemical or biological weapons on its population.

Unfortunately R2P as a norm did not bring about a complete paradigm shift. On the contrary, it is being applied on a case-by-case basis, which undermines its importance and leads to misunderstandings on R2P. Although R2P is not only about the use of force, the way in which it has been perceived has a lot to do with the world's refusal of the use of force as a response to any type of conflict after the recent experiences in Afghanistan and Iraq. Moreover, it is the P5 that decides on which cases R2P will be applied and how. Although less influential, regional organization's stance on whether crisis amounts to a situation that calls for intervention also depends on the state and the nature and effects of the crisis. Furthermore, I argue that any efforts under R2P are destined to fail if the P5

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[10] "Libya: Facts and Figures," Libya: Facts and Figures, accessed January 29, 2014, http://www.opcw.org/the-opcw-and-libya/libya-facts-and-figures/

and the regional organization within the region do no align on whether and how to respond to a crisis.

Since I will be unable to conduct interviews, I will be mainly gaining research from books, chapters from books, newspaper and magazine articles, and United Nations' reports and resolutions. In the following chapter, I will provide a review of literature that deals with R2P, military intervention, national interest, and diplomacy. In Chapter Three, I will analyze R2P report and the resulting norm. In the following four chapters, I will focus on how R2P was or was not implemented in Libya, Syria, Mali, and Kenya. I will mainly use newspaper and magazine articles to explore how and why the international community responded to various recent events in the way it did, especially in Syria and Libya.

CHAPTER TWO – LITERATURE REVIEW

Given that the topic of this thesis is R2P, it is important to begin the review of literature with the ICISS report, *Responsibility to Protect*. Published in December 2001, two months after the 9/11 attacks, the report not only redefined the meaning of state sovereignty, but also laid out the core principles of R2P and principles for military intervention. While acknowledging the changing international environment and the growing opposition to military interventions, the report proposes that responsibility is not only limited to intervening militarily but also to prevent with early warning mechanisms, to react through sanctions, intervene militarily when necessary, and to rebuild through peacebuilding and reconciliation. Although the report faced criticism from various political scientists, it was successfully included in the Outcome Document of the 2005 World Summit.

The report, *Responsibility to Protect*, is divided into eight chapters, each dealing with elements of the norm. In the first chapter, the report analyzes various cases, such as Rwanda, Kosovo, and Bosnia, and how the ICISS study was initiated. Then the report explains how and why the meaning and understanding of sovereignty actually entails responsibility to protect citizens and their rights. Chapter three focuses on the preliminary responsibility of each state, and then the international community. The responsibility to prevent is also proposed, using analyzing early warning data and providing policy recommendations, supporting development assistance, mediation and local initiatives to advance good governance, human rights and rule of law.[11] The following chapter deals with the responsibility to react through economic sanctions, arms embargoes, restrictions

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[11] The R2P Report, pg. 19

on diplomatic representation, and, in "extreme cases," military action.[12]Chapter five emphasizes the efforts needed for the responsibility to rebuild, namely the obligations in post-intervention, such as peace building, security through disarmament, demobilization and reintegration, justice and reconciliation to be carried out locally by local and international actors. The next chapter deals with the question of authority, stating that the UNSC is the primary authority with the legal capacity to act militarily. However, the General Assembly, with the Uniting for Peace procedures, or even regional organizations, is an alternative option that "would provide a high degree of legitimacy for an intervention[13]" in cases where UNSC fails to act. Chapter seven lays out the operational dimensions, including the planning, execution, and post-operation phases of military intervention. Lastly, the final chapter explores how the existing analysis could turn into action by mobilizing domestic and international political will to respond.

Gareth Evans is one of the leading scholars on R2P. As one of the co-chairs of the ICISS Responsibility to Protect Report and former Foreign Minister of Australia, Evans' book, *Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All,* suggests that although the concept of R2P has emerged and was embraced by the international community, there is still the need to operationalize it and to make it work effectively. According to Evans, during the Cold War the world was too preoccupied to pay attention to the atrocities happening around the world. Since the 1990s, which is marred by the numerous atrocities in Somalia, Liberia, Iraq, Haiti, Rwanda and Bosnia, the international community, with the spearheading of Kofi Annan, tried to look for ways in which to halt various heinous crimes against peoples. Although Evans is convinced that the R2P

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[12] The R2P Report, pg. 31
[13] Ibid, pg. 53

Report made some contributions to the international policy debate, he also acknowledges that there are conceptual, political and institutional challenges to put the norm into practice and that there are misunderstandings about R2P that make it lack universal consensus.

In the very first paragraph of Thomas Weiss' *Humanitarian Intervention - Ideas in Action,* Weiss characterizes the routine use of military force to protect human beings in the aftermath of the Cold War era as "a remarkable development." Unsurprisingly, Weiss is a proponent of military interventions for humanitarian purposes and he is content that there is now a shift away from state-centric perspectives. However, throughout his book Weiss raises many issues faced by governments, societies and humanitarian workers alike, such as the emergence of complex emergencies, some crises receiving more attention than others, inadequate resources and capacity, and the emergence of "pseudo states," where belligerents manipulate the presence of refugees to attract and exploit humanitarian resources. Weiss is not hopeful about prevention, since it is expected to create more opposition from the state, and he emphasizes, "the most urgent priority is to react better."[14] Thus, Weiss argues that the major challenges that R2P faces is operational and in order to change the perception of the weak states towards humanitarian intervention the powerful states should be consistent and ingenuous in their responses to atrocities.[15]

Elizabeth G. Ferris, a humanitarian worker since 1985, brings a different argument and viewpoint to the table on the issue of protection in her book, *The Politics of*

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[14] Weiss, pg. 113
[15] Ibid, pg. 136

Protection: The Limits of Humanitarian Action. While acknowledging that politics rather than altruism determines the nature of international response, Ferris explains how although the concept of protection only meant "protecting a person's basic human rights,"[16] over time the idea of protection of refugees influenced the protection of internally displaced persons and, now, populations where the states are unable or unwilling to provide protection. With respect to R2P, Ferris stresses that although the protection of civilians has been a focus of the Secretary-General and Security Council resolutions, included in peacekeeping operation mandates, and various governments and NGOs have acknowledged the need for the protection of civilians, "the concept has failed to be translated into concrete action to protect people on the ground."[17] Furthermore, Ferris points out that despite the various publications on R2P, the concept has negative connotations to the point that when governments or international actors refer to R2P there is an understanding that they only mean military intervention. Therefore, according to Ferris, either R2P should be "permitted to quietly slip away" or it should become universal and "be used in more ways than military intervention" such as in Kenya in 2008.

In *the Responsibility to Protect: Rhetoric, Reality and the Future of Humanitarian Intervention*, Aidan Hehir paints a bleak picture of R2P. According to Hehir, although the norm has raised international consciousness regarding humanitarian intervention, "it has reached the limits of its utility and, in fact, has come to obscure the structural barriers to effective humanitarian action."[18] In his book, Hehir points out that the main issue is the

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[16] Ferris, pg. 40
[17] Ibid, pg. 171
[18] Hehir, pg. 3

lack of "consistency and automaticity"[19] of the responses to intra-state conflicts. Although R2P is a political norm according to Hehir and "no more than a restatement of the very system it was established to change,"[20] it could still be used "to put pressure on the Security Council to sanction action."[21] Hehir argues that there were three questions, namely who should intervene, when, and how these interventions could be "more consistent and effective."[22] These issues were raised following NATO's intervention in Kosovo and the lack of response to the genocide in Rwanda. However, according to Hehir, R2P only helps to identify when an intervention can take place, in the case of genocide, ethnic cleansing, war crimes, and crimes against humanity. Moreover, R2P authorizes the UNSC to make the decision on an intervention, but fails short on prescribing who should intervene or what needs to be done to make interventions more consistent and effective.

One of the important publications on the major powers', especially the United States' unwillingness to halt acts of genocide is Samantha Power's book, *A Problem from Hell: America in the Age of Genocide*. In her book, Power argues that the U.S.'s unwillingness to intervene is not a new phenomenon. Power analyzes a number of major atrocities, which called for intervention for human protection purposes, where the U.S. turned a blind eye, such as in Cambodia, Iraq, Bosnia, and Rwanda. Although labeled as a "war hawk" by the opponents of military intervention, Power rightfully argues that being a major power brings certain responsibilities and one of those responsibilities is not to turn a blind eye to mass killings but to intervene diplomatically and militarily when

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[19] Hehir, pg. 78
[20] Ibid, pg. 84
[21] Ibid, pg. 82
[22] Ibid, pg. 82

absolutely necessary. Power does acknowledge that the U.S. made "modest progress"[23] in responding to genocide, because of the personalities within the U.S. government and geopolitical constraints have far too much influence on the decision-making process.

Moreover, Power explains that the reason why the U.S. does not act is not the lack of information or the probability of ineffectiveness, but lack of will. Acts of genocide in the past century, according to Power, were neglected not accidentally but by choice, following the policy makers' calculations of costs and benefits. Aside from the cost/benefits analysis, Power also argues that policymakers knowingly avoid using the word genocide or ethnic cleansing because such a determination would mean a legal and moral responsibility to act.[24] Rightfully, Power points out, it is not only the duty of the U.S. to act, but also it is in the US' best interest to act, since allowing such atrocities undermines how the U.S. is being perceived, creates regional and international instability and the flow of refugees. When the U.S. responds to genocide or ethnic cleansing, it also sends a message to future aggressors that genocide, ethnic cleansing, or war crimes will not be tolerated. Power, optimistically, prescribes that the U.S. "should do certain things in every case"[25] such as responding to genocide urgently, requesting the prosecution of perpetrators, closing the embassies of perpetrators in the U.S. and asking its allies to do the same, sanctioning the perpetrators economically, and setting up safe havens for refugees.

David Francis's report, published by the Norwegian Peacebuilding Resource Centre, *The regional impact of the armed conflict and French intervention in Mali* not

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[23] Power, pg. 503
[24] Ibid, pg. 508
[25] Ibid, pg. 514

only chronicles the French intervention in Mali but also the root causes of the conflict as well as its complexities. Although Francis indicates in his opening remarks that because the Malian crisis was overlooked for nearly ten months the crisis led to the Islamists taking control of the north. Francis acknowledges that ECOWAS, EU, AU, France and others did work collaboratively to keep the conflict under control. While explaining the complex nature of the conflict, that there were actually three types of crises – political and constitutional, secessionist, and Islamic jihadist and terrorist groups, Francis also covers the root causes of these various crises, that are grievances and divisions in Malian society, thirty years of one-party rule, corruption, and the lack of security in the north.

With respect to the French intervention, Operation Serval, Francis clarifies that although France did act unilaterally with the approval of the international community and at the request of the interim president of Mali, the intervention was a "pre-emptive military strike."[26] Francis points out that it was in the national interest of France to eliminate the possibility of Mali spiraling out of control, because of Mali's proximity to Libya and thus Europe. However, another reason for France to step in was the fear of the conflict spilling over into Niger. As a result of France's economic ties with Niger, since it supplies two of the largest electricity providers of France with uranium – the primary source of electricity in France,[27] Mali would not only become a threat to French national security but also its economy. Thus, Francis demonstrates that it was vital for France to take the lead and act. However, France was not alone in its efforts to defeat the rebels and jihadists, Western nations also provided additional military, intelligence and logistical

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[26] Francis, pg. 5
[27] Ibid, pg. 7

support when needed.[28] Since the report focuses on the intervention and its consequences, it briefly mentions that, although it opted for military intervention at first, ECOWAS was mainly involved in the mediation process for a national political dialogue facilitated by Burkina Faso.

The International Crisis Group report, *Mali: Security, Dialogue and Meaningful Reform*, also focuses on the French intervention in Mali. According to the report, the intervention was sudden but well prepared, supported by Malians, West African states and others, and Mali is in a better place now than it was before.[29] The report provides background on the issues that created havoc in Mali in the past decade, such as National Movement for the Liberation of Azawad's (MNLA) capture of the north and demand for independence. Other key issues are Al Qaeda in the Islamic Maghreb's existence in the north, and finally the jihadi groups, Ansar Dine and Movement for Oneness and Jihad in West Africa, taking control of the north in June 2012. It is also indicated that the alliances formed in the north were responsible for the weakening of the government's influence and power, as well as corruption, bad governance, drug trafficking and transnational crime. Following the military coup in Bamako in March 2012 and the loss of the north in June 2012, it became even more obvious that a political and military solution was necessary. Currently, though the Malian army is not strong enough to fight the jihadists on its own, and the ex-junta is still powerful enough to influence the political system.

The International Crisis Group report includes recommendations to the government of Mali, political forces and civil society, the UNSC, AU, ECOWAS, and

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[28] Francis, pg. 5
[29] International Crisis Group, pg. i

authorities of neighboring countries and the intervening state, France. Some of these recommendations include the need to develop a fair and balanced view of northern Mali's problems, such as the tension between Malians or the government of Mali and Tuareg communities,[30] the need for an inclusive inter-Malian dialogue,[31] and the need to revive the economy in the north. Also, public services need improvement as well as the security and defense forces that are in poor condition.[32] Although the report indicates that the country is now in better shape, it also makes clear that the intervention has yet to resolve any political, economic, or security issues.

In *A Choice for Peace - The Story of Forty-One Days of Mediation in Kenya,* Elizabeth Lindenmayer and Josie Lianna Kaye provide a detailed account of Kofi Annan's mediation efforts in Kenya in 2008. The report indicates the steps that were taken during the mediation process by Annan and other African leaders supporting the mediation effort, including Kenya's acceptance of international mediation efforts and realization for the need of dialogue, Annan's insistence on having a single mediation effort supported by the international community, having a neutral mediator to whom parties to the conflict could trust, having a clear road map and timeline to achieve each objective of the road map, and utilizing media to include the Kenyan population in the process while limiting the use of media as a political tool. One of the most important aspects of the mediation effort was that it was instilled on both parties to the conflict that the parties, not the mediators, own negotiations and peace. It was made clear by Annan and others that if the mediation effort failed, it would not have been the fault of the

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[30] International Crisis Group, pg. 27
[31] Ibid, pg. 32
[32] Ibid, pg. 36

mediators but the parties and that failure would have great consequences for Kenya, its people and the entire region. Aside from the international support and the expectation of a possible outcome, it was also essential to have an important international actor, the U.S., to push for an agreement and raise its concerns about the situation. According to the report, without the peace mediation headed by Annan, the consequences of post-election violence could have been greater. The peace process was significant not only because an agreement was reached, but also it could actually be the first instance that R2P was actually implemented and in a peaceful manner.

CHAPTER THREE – ANALYSIS OF RESPONSIBILITY TO PROTECT

Although many attribute the uttering of the words "protection" and "responsibility" in the same sentence to Francis Dang, Kofi Annan was the person who mainstreamed the idea and enabled its widely acceptance. Kofi Annan, who was undoubtedly the most well-known UNSG since Dag Hammarskjold, and the winner of a Nobel Peace Prize in 2001, was probably more puzzled than frustrated to see that there was no consensus among nation states on how to respond "to gross and systematic violations of human rights that affect every precept of our common humanity."[33] It is important to note that with Annan's assuming office as the UNSG on January 1, 1997, his humanistic persona and unfaltering faith in the power of negotiation became the way in which some began to perceive the UN. As a gentle but forceful peacemaker, dubbed as a Secular Pope, Annan was perceived as a different kind of global figure from his predecessor, Boutros Boutros-Ghali. "An optimist by nature,[34]" Annan's aura, charisma, and African roots, as well as persuasiveness and willingness to negotiate with anyone, including the infamous villains such as Saddam Hussein, played an immense role in increasing the attention that was being paid to the Organization and its efforts.

Annan's posing of the big question: "… how should we respond to a Rwanda, to a Srebrenica…" in 1999 and again in 2000 was timely, if not a little too late. The 1990s were marred with conflicts, which were very different from the conflicts of the first half of the 20th century. In the 1990s, there were numerous conflicts that were not between states but within states in Angola, Sudan, Burundi, Liberia, Iraq, Sierra Leone, Chechnya, Somalia, Bosnia, Kosovo, and Rwanda with its effects spilling over to neighboring states.

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[33] The R2P Report, pg. VII
[34] Traub, pg. 419

At the time, the international system did not know what action to take, or basically did not have the written or previously agreed upon guidelines that would prescribe the appropriate action. If the international community were either willing to act at all, although ineffectively, was in response to atrocities committed in Somalia, Bosnia, Kosovo, and Rwanda. Time and again, we come across the horrifying stories in newspapers or magazines of the massacre in Srebrenica in 1993 and in Bosnia in 1995, the unsuccessful attempt at restoring peace in Somalia in 1993, the shameful inaction in Rwanda in 1994, and the successful but controversial NATO intervention in Kosovo in 1999. Time and again, each and every report that slightly mentions these events brings to light the questions how and when to respond.

Not only did each of these internal conflicts of the 1990s lead to a substantial refugee crisis, but they also created a greater number of internally displaced persons (IDPs). Roberta Cohen indicates in her 2008 Brookings Institute article, *Humanitarian Imperatives are Transforming Sovereignty*, that in 1982 there were about 1.2 million IDPs in 11 countries while by 1995 this number grew to between 20 to 25 million.[35] As a result, the UN's promise and responsibility of protection and humanitarian assistance was extended from refugees to IDPs in 1990s with the appointment of a Representative on Internally Displaced Persons, Francis M. Deng. Along with the strong desire to halt loss of life, refugees and IDPs became a driving force behind the attempts at finding a solution to internal conflicts, such as the establishment and acceptance of R2P as a norm.

The root causes of internal conflicts are as diverse and numerous as the internal conflicts themselves. Given that nation states are heterogeneous, tensions between groups

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[35] Cohen, pg. 2

belonging to different ethnicities, religions, political parties or ideologies, race, or economic class is the reality of today's world. Needless to say, these tensions then lead to dissatisfaction and dissent and further polarization in societies. Conflicts are not only the result of a monopoly over resources but also political power of one group over another. In order to be better prepared for any future conflicts, finding an answer to Annan's question was vital. However, it was equally important to acknowledge that states, especially those that experienced colonization, were concerned about foreign powers having different agendas and undermining the sovereignty of states. Although it was crucial to have a consensus on the need to not let another Rwanda or Srebrenica happen, it was also necessary to create a norm that would be accepted and adopted by all member states without the issue of sovereignty becoming an obstacle.

World order is comprised of various normative guidelines, principles and bodies, usually as a result or in the aftermath of devastating events. The League of Nations was created following the First World War, as the United Nations and the Nuremberg Principles following the Second World War and the Holocaust. Following the adoption of every treaty and agreement, nation states not only agreed upon the conduct of war and peace but also how they should act as nation states and how they should treat their citizens. For instance, the Article 1 and 2 of the United Nations Charter, which has been accepted and agreed upon by all UN member states, contains the purposes of the Organization and the principles that the Organization and its members "shall act in accordance with."[36] Therefore, member states ought to abide by the 2005 World Summit Outcome Document, which was accepted and agreed upon and which outlines that

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[36] "Charter, United Nations, Chapter I, Purposes and Principles," *UN News Center,* accessed December 10, 2014, http://www.un.org/en/documents/charter/chapter1.shtml

"(E)ach individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity."[37]

As a result of a number of horrific events, R2P grew out of a lack of normative guidelines that would prescribe the types of actions necessary to address events or conflicts that seem domestic but often spill over into a region. There was a great need for a road map that would explore peaceful means to resolving a conflict without having to deal with the question of national sovereignty. Thus, the Government of Canada, along with various foundations, established the Independent Commission on Intervention and State Sovereignty (ICISS) and announced its creation at the UN Millennium Assembly in September 2000. The commission was co-chaired by Gareth Evans and Mohamed Sahnoun and was very diverse with members from Australia, Algeria, Canada, Russia, the U.S., Germany, South Africa, Philippines, Switzerland, Guatemala, and India. As its name suggests, the commission's primary responsibility was to create a report that would identify how, when, and who should respond to internal crises. The commission also redefined and somewhat elevated the value of the meaning of sovereignty as "responsibility" to citizens.

Though imperfectly understood and incompletely embraced by the international community, R2P deals with not only the issue of use of force, namely the responsibility to react but also the equally important elements of responsibility to prevent and rebuild. In a nutshell, R2P suggests that each of these responsibilities, prevent, react, and rebuild, first and foremost lies with the state. If the state is unable or unwilling to prevent or protect its citizens from four crimes, ethnic cleansing, genocide, war crimes and crimes

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[37] UNGA 2005 World Summit Outcome Document, pg. 30

against humanity, then the international community is responsible to halt these crimes through mediation, sanctions, and use of force as last resort. Following the use of force, rebuilding efforts, which are carried out in conjunction with the state, also become the responsibility of the international community.

Protection requires preventive efforts and early warning mechanisms to foresee crises and enable proper action. Although states and the international community pledge their commitment to prevention, there is still a wide gap between promises and actual outcomes. Knowing this, R2P emphasizes the importance and the need for the responsibility of prevention efforts that befall on the states and the international community. Arguably, early warning mechanisms are not as advanced as they should be in places that are more prone to conflicts. In general, although the data or the information necessary to make a determination on further action is usually available, the lack of early warning mechanisms is being used by states as justification for inaction. The R2P report argues that the information gathered should be made available to the UN, which should also be responsible for its collection and monitoring, to better assess whether the crisis amounts to or has the possibility of becoming ethnic cleansing, genocide, war crimes, or crimes against humanity.

In order for prevention efforts to be effective, they need to be as diverse as the root causes of conflicts. Regional organizations with knowledge of the local dynamics should play a better and more hands on role in finding solutions to local and regional tensions. Steps to ensure economic growth cannot be the one, or the main, preventive tool. As the root causes of conflicts are deeply rooted and complex, responses to conflicts should also be complex and entail creating conditions for economic growth, social

empowerment, as well as ethnic and religious tolerance. However, there are also issues not related to the effectiveness of prevention, such as the host government and how it perceives the international or bilateral support for prevention. If the government perceives any international effort as undermining its national sovereignty, or as a step in changing the public perspective of the government, it could easily decline any preventive efforts. Therefore, there is a fine balance between preventive efforts being seen as genuine support on as a way to bring down a government or change a current regime.

The second pillar of the R2P report is the responsibility to react. R2P is not about regime change through use of force. It is not only about the use of force, however, the way in which it has been perceived by some has a lot to do with the world's refusal of the use of force as a response to any type of conflict and the report suggests intervention as a tool of last resort. Recent experiences in Iraq and Afghanistan created such a public perception that every prospective intervention effort is overshadowed by the possibility of endless occupation and instability. Responsibility to react entails actions to resolve, or at the least contain, situations through use of diplomacy, negotiations, and sanctions, such as arms embargoes, freezing of assets, restrictions on travel, imports and exports, diplomatic representation and suspension of membership from regional or international organizations. In the case that all of the above fail and the situation amounts to an "extreme and exceptional case,"[38] only then the use of force is warranted.

R2P takes non-intervention as its starting point. When preventive efforts fail and conflicts break out, R2P prescribes reaction. Initial reaction is non-intervening in nature; sanctions or condemnations do not mean intervention per se, but actions that could bring

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[38] The R2P Report, pg. 31

about some changes in the behavior of a state. Nevertheless, the failure of non-intervening actions can bring about intervention as the next step in responding to a conflict. Each conflict does not call for military intervention, only those where the six criteria that are explicitly listed in R2P report are satisfied. The first criterion for military intervention is just cause, where either a large-scale loss of life or large scale ethnic cleansing must be stopped. In accordance with the R2P report, these two conditions include:

> (D)ifferent manifestations of ethnic cleansing, including the systematic killing of members of a particular group in order to diminish or eliminate their presence in a particular area; the systematic physical removal of members of a particular group from a particular geographical area; acts of terror designed to force people to flee; and the systematic rape for political purposes of women of a particular group either as another form of terrorism, or as a means of changing the ethnic composition of that group);
>
> (S)ituations of state collapse and the resultant exposure of the population to mass starvation and/or civil war.

Although R2P does not identify or quantify what constitutes "large scale," it is included as a way of insuring that the states' action would be legitimate as they respond to killings instead of waiting until they amount to a genocide, ethnic cleansing, crimes against humanity, and war crimes. As such, R2P excludes various situations as requiring military intervention, including but not limited to systematic racial discrimination, political repression, rescuing of nationals on foreign territory and overthrow of a democratic government.

The second criterion for military action is the presence of credible evidence. As today's improved technology enables almost everyone to share information easily, states now use the excuse that it became equally tasking to determine whether the events on the ground amount to large scale loss of human life or ethnic cleansing. Although the

International Committee for the Red Cross could be the provider of information that would be used in decision-making, the fact that it's neutrality would be hindered by such a role made the ICISS dismiss such idea.[39] As a result, R2P prescribes the establishment of fact-finding missions by the UNSC or the UNSG to better understand and assess the situation rather than relying on the states or the individuals claiming to be affected by or witness to the situation.

The remaining four criteria for the justification of a military intervention are right intention, last resort, proportionality and reasonable prospects. The right intention for a military intervention requires that the main purpose of the intervention must be to halt killings and human suffering as any other purpose would hinder the credibility and legitimacy of the intervention efforts. As such, interventions that are collective or multilateral could fulfill this requirement, given that unilateral interventions are rarely seen as altruistic. The last resort criterion requires that diplomatic and non-military options be exhausted prior to deciding to use force. Although diplomatic efforts are time consuming and not every single non-military option can be utilized prior to using force, there must be some attempt at resolving the conflict peacefully. Proportionality criterion refers to the duration, scale and intensity of military action, which should all be in line with international humanitarian law and as minimal in intensity as necessary to achieve the agreed objectives of the intervention. If the force used is disproportional, excessive, or insufficient, military action might not achieve its purpose and its legitimacy might be called into question. The reasonable prospect of intervention refers to the intervention's chance of success. Each intervention is being carried out to meet certain objectives and is

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[39] The R2P Report, pg. 35

expected to be successful. Nevertheless, an intervention should not trigger a larger conflict.

The third pillar of R2P, responsibility to rebuild, does not only emphasize the importance of rebuilding through economic growth, but also peace building, repairing or building infrastructure, creating national institutions or strengthening the existing ones, promoting human rights, and resettlement of refugees and internally displaced persons. Besides substantial planning, cooperation and resources are the key prerequisites for sustainable and meaningful rebuilding efforts.[40] Following a conflict, there is pressing need for basic security and protection. In most post-intervention cases, the intervening force would undertake the provision of security until the country has its own functioning security apparatus that might be non-existent. Rebuilding efforts include disarmament, demobilization and reintegration of former armed groups in the security forces to eliminate the possibility of former fighters getting involved in armed crime or armed opposition. Although there are numerous human rights violations committed during conflicts, there usually is no functioning system to bring violators to justice in post-conflict settings. As a result, one of the most important elements of rebuilding is the re-establishment of the judiciary, including the construction of crucial infrastructure, such as courts and detention facilities. By holding those accountable for the crimes they have committed, the criminal process becomes a powerful tool to demonstrate that in a post-conflict period the state takes human rights violations and crimes seriously, and no individual is above the law.[41]

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[40] The R2P Report, pg. 39
[41] Ibid, pg. 42

Development efforts to promote and encourage economic growth are likely to succeed where the justice system and security apparatus are re-established, and persons involved in the armed fighting are disarmed, demobilized, and reintegrated into the society. The implementation of social and economic reintegration projects are likely to prosper where those IDPs, and refugees already reintegrated into the society are provided with long-term income generating activities.[42] Therefore, focusing only on one of these efforts in any post-conflict situations will not lead to the creation of a society at peace. As such, at the heart of the responsibility to rebuild is not one method but many rebuilding efforts that lead to positive results, if undertaken together.

R2P does not ignite of wars, but is a tool that identifies and clarifies the issue of the use of force, as well as its limitations and expectations as a legal option to halt massive crimes. R2P points out the fact that even the UN Charter curbs UN's own power to intervene specifically in Article 2.7 by prohibiting itself from intervening in domestic matters. However, there have been far too many conflicts that redefined the meaning of domestic. As a result, an internal conflict that affects the neighboring states or the region and becomes a threat to peace and security requires action by the UNSC under Chapter VII Article 39 of the UN Charter. Furthermore, every single one of the thirteen articles that comprises Chapter VII identifies when, why, how and who can act. Therefore, although not explicitly labeled as a responsibility, the possibility to use force in response to threats to peace, breaches of the peace, and acts of aggression is ingrained in the UN Charter that each state has a responsibility to uphold. As such, the Charter not only gives the legal basis for action but it necessitates action.

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[42] The R2P Report, pg. 43

By affirming their belief in the 2005 World Summit Outcome Document states acknowledged their responsibilities toward their citizens, as well as the citizens of other states. The UNSC has the primary, not sole, responsibility to determine a course of action and the UNGA has a fallback responsibility under Article 11. However, the UNGA's passing of the resolution Uniting for Peace in 1950 to create an Emergency Special Session was the first time when the UNGA was able to pull off the establishment of a binding decision. This is due to the fact that if a dispute or situation is being discussed by the UNSC, the UNGA cannot take up that dispute or situation under Article 12 of the UN Charter. Although passing of a resolution by the UNGA on the exercising of use of force might be easier and morally acceptable, due to the lack of the UNGA's authority to pass a binding resolution, the UNSC becomes the primary body that would decide the nature and future of military interventions.

Defining Intervention

Intervention for human protection purposes, or humanitarian intervention, cannot be a new phenomenon. In *Freedom's Battle* Gary Bass argues that "(O)ver a century ago, it was a known principle that troops should sometimes be sent to prevent the slaughter of innocent foreigners."[43] However, the majority of the literature on "humanitarian" intervention focuses on either the right to intervene or the instances where the international community failed to intervene. For instance, Samantha Power's entire book is about U.S.' failure and its hesitancy to intervene in Armenia, Cambodia, Iraq, Bosnia, Rwanda, Srebrenica, and only the last chapter of her book deals with the actual NATO intervention in Kosovo. Although it seems that interventions are not new, our

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[43] Bass, pg. 3

expectations from a military intervention with purposes other than imperialistic gains is a relatively new phenomenon.

There are various ways in which one can refer to military intervention for humanitarian purposes. A conventional definition of "humanitarian" intervention is "the threat or use of force by a state, group of states, or international organization primarily for the purpose of protecting the nationals of the target state from wide-spread deprivations of internationally recognized human rights."[44] However, the use of the phrase "humanitarian intervention" also introduces a variety of arguments, such as the question of the "right to intervene" which is outside the scope of this study. Therefore as the authors of the R2P report had done in their report, for the purposes of this study, I will refer to "intervention" or "military intervention" rather than "humanitarian intervention" when referring to the use of bilateral or multilateral use of force.

Defining Genocide, War Crimes, Ethnic Cleansing and Crimes against Humanity

The creation of the United Nations alone cannot be attributed to the emergence of military interventions for human protection purposes to maintain peace and security. In her book, *A Problem From Hell*, the current U.S. Ambassador to the UN, Samantha Power, introduces the reader to a very stubborn Polish Jew, Raphael Lemkin. In 1933, Lemkin, a young lawyer at the time, was fascinated by the Ottoman slaughter of the Armenians a decade earlier, and argued that if such slaughter had happened in the East, it could have as well happened in the West. He not only drafted a law that would "prohibit the destruction of nations, races, and religious groups"[45] but also called for the

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[44] Murphy, Sean D.. *Humanitarian intervention the United Nations in an evolving world order*. Philadelphia: University of Pennsylvania Press, 1996.
[45] Power, pg. 19

punishment of the perpetrators "regardless of where the crime was committed, or the criminals' nationality or official status."[46]

Our expectations from military interventions carried out for human protection purposes are partially a result of Mr. Lemkin's lifelong efforts to coin the term "genocide." In his book, *Axis Rule in Occupied Europe*, Lemkin, who studied linguistics, not only used the word "genocide" but also explained that

> (B)y 'genocide' we mean the destruction of a nation or of an ethnic group. This new word is made from the ancient Greek word *genos* (race, tribe) and the Latin *cide* (killing).… Generally speaking, genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation. It is intended rather to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves. Genocide is directed against the national group as an entity, and the actions involved are directed against individuals, not in their individual capacity, but as members of the national group.[47]

Following the formal definition of the word, Lemkin also lobbied, to the point of exhaustion, for the adoption of his law and on December 9, 1948, the UN approved the Convention on the Prevention and Punishment of Genocide.

Aside from genocide, nation states have agreed upon certain violations that would call for use of force as a last resort, such as war crimes, ethnic cleansing, and crimes against humanity. It is important to understand what constitutes each category of violations since R2P and the 2005 World Summit Outcome Document cites these violations from which states' are responsible to protect its populations. It is also important to note that although each violation is clearly defined, policymakers, especially those with the power or influence to halt these violations, would not call a violation as a

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[46] Power, pg. 20
[47] Ibid, pg. 20

war crime, ethnic cleansing, crimes against humanity or genocide, not because of the lack of evidence as it is one of the most commonly used excuses, but the resulting responsibility that the international community would have to act.

The Statute of the International Criminal Court defines war crimes as "serious violations of the laws and customs applicable in international armed conflict"[48] and "serious violations of the laws and customs applicable in an armed conflict not of an international character."[49] According to the customary international humanitarian law database of the International Committee of the Red Cross (ICRC), the seriousness of violations of laws is determined by assessing whether they "endanger protected persons or objects or if they breach important values."[50] The ICRC database lists war crimes as grave breaches of the Geneva Conventions, including but not limited to willful killing, torture or inhuman treatment, causing great suffering or serious injury to body or health, extensive destruction or appropriation of property, not justified by military necessity and carried out unlawfully and wantonly, and depriving a prisoner of war or other protected person of the rights of a fair and regular trial.[51]

The Encyclopedia Britannica defines the term ethnic cleansing as "the attempt to create ethnically homogeneous geographic areas through the deportation or forcible displacement of persons belonging to particular ethnic groups."[52] The act of deporting and forcefully displacing persons belonging to particular ethnic groups is as old as history itself; the Assyrians resettled millions of people in the 9th century BC, the Spaniards

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[48] ICC Statute, Article 8 (cited in Vol. II, Ch. 44, § 3)
[49] Ibid.
[50] "Customary IHL - Rule 156. Definition of War Crimes," accessed January 10, 2014, http://www.icrc.org/customary-ihl/eng/docs/v1_cha_chapter44_rule156
[51] Ibid.
[52] Andreopoulos, George. "Ethnic cleansing (war crime)," *Encyclopedia Britannica Online,* accessed January 10, 2014, http://www.britannica.com/EBchecked/topic/194242/ethnic-cleansing

expelled Jews from Spain in the 15th century, and the settlers forcefully displaced Native Americans in North America in the 18th century. However, the term was only coined following the brutal treatment of various civilian groups in the conflicts that broke out during the disintegration of the Federal Republic of Yugoslavia in the 1990s.

The International Criminal Court defines crimes against humanity as "acts committed as part of a widespread or systematic attack directed against any civilian population."[53] Crimes against humanity include, but is not limited to, murder, extermination, imprisonment, torture, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity, persecution against a group on political, racial, national, ethnic, cultural, religious or gender grounds, enforced disappearance of persons, and other inhumane acts of a similar character intentionally causing great suffering or serious bodily or mental injury.[54] The term originated in the 1907 Hague Convention preamble that codified the customary law of armed conflict and the Nuremberg Charter, which entails the laws and procedures by which the Nuremberg trials were to be conducted, represented the first time that crimes against humanity were established in international law.[55] Although there is an overlap between genocide and crimes against humanity, crimes against humanity does not necessitate the intention to "destroy in whole or in part," but only target a given group and carry out a policy of "widespread or systematic" violations.[56] Crimes against

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[53] "What are crimes against humanity?" International Criminal Court, accessed February 4, 2014 http://www.icc-cpi.int/en_menus/icc/about%20the%20court/frequently%20asked%20questions/Pages/12.aspx
[54] Ibid.
[55] "Crimes Against Humanity," *Crimes of War*, accessed February 4, 2014, http://www.crimesofwar.org/a-z-guide/crimes-against-humanity/
[56] Ibid.

humanity are also distinct from war crimes in that they not only apply in the context of war but in times of war and peace.[57]

The following chapters will focus on the recent conflicts in Libya, Syria, Kenya and Mali and how the international community responded to each conflict. Although not each of these countries suffered from the aforementioned four violations that necessitated intervention, in each there were remnants of crimes with the intention to destroy "the other" through different means. By now, the situation in Syria is being classified as a civil war. The situation in Libya now is more of a clan based power struggle and fighting than anything else. In Kenya and Mali, people and the governments are still haunted by the possibility of destabilizing coups and fighting among groups. While looking at each conflict, this thesis will examine the implementation and success of R2P and the role of the international community and the regional organizations in resolving these conflicts.

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[57] "Crimes Against Humanity," *Crimes of War*, accessed February 4, 2014, http://www.crimesofwar.org/a-z-guide/crimes-against-humanity/

CHAPTER FOUR - LIBYA

<u>Libyan Experience</u>

By the time Libyans began protesting against Qaddafi in February 2011, Tunisia and Egypt had both already deposed their dictators. For 42 long years, Colonel Qaddafi was able to hold a tight grip on his nation by intimidating and abusing his opponents or those who he deemed dangerous, while providing wealth and power for members of his family and his tribe. Prior to the Italian colonization of Libya the country was comprised of three separate provinces under the Ottoman Empire; Tripolitania in the west, Fezzan in the south and Cyrenaica in the east. Italians merged the three provinces into one, and as a result of this involuntary unity, today's Libya became the "United Kingdom of Libya" following its decolonization.[58] The country was vast, mainly desert with only 1% arable land along the Mediterranean, and oil rich.

When Qaddafi, the self-proclaimed "brotherly leader and the guide of the revolution"[59] came to power in 1969, Libya was a tired former Italian colony, ruled by the incapable and despised government of King Idris, who was deposed by a group of officers in a bloodless military coup.[60] At the time only a lieutenant, Qaddafi was among the 70 officers and was only 27 years old when he came to power.[61] The Libyans first embraced Qaddafi, as he was a salesman of a dream, that of an independent Libya embracing its Arab nationhood. The coup was seamless and Libya had enough oil, with

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[58] Gelvin, pg. 75
[59] Ibid, pg. 71
[60] Fisher, pg. 1
[61] Ibid, pg. 1

95% of its revenues acquired from it[62], and that enabled Qaddafi to have the ability to become even more powerful, surrounded by his family and tribe.

During his early years, Qaddafi was an admirer of Gamal Abdel Nasser, the Egyptian president whose ideology involved Arab nationalism and the rejection of Zionism, neo-colonialism, and capitalism. Qaddafi was also actively supporting African independence movements of the 1970s, financially and politically. Although first perceived as a charismatic man, Qaddafi was known as a dictator, who was hard to read by Libyans and much of the world. He managed to rule the seventh largest country in the world with an iron fist and without any concrete governing rules or structures. Since he was known for abruptly changing his mind and being unpredictable, Qaddafi was accepted as a mad man, or a "mad dog" as Reagan put it, and was "wildly dangerous to confront directly."[63] Not only that he was well known for supporting terrorist activities, such as the Lockerbie bombing, Qaddafi was so bizarre that he would sleep in tents during state visits and surround himself with Amazons, a woman-only special security unit. As a result of this unpredictability and wacky personality, it was no surprise that he made more enemies inside and outside Libya than he made friends.

Qaddafi used multiple strategies to remain in power. First, he won the unfaltering support of his Bedouin tribe by allowing them to get wealthy and powerful. At the same time, he repressed opposition and dissent through intimidation. Under Qaddafi rule, Libyans had an experience with a semi-institutionalized people's congresses, which, according to Qaddafi, would make direct democracy possible, while he dismantled

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[62] Gelvin, pg. 96
[63] Fisher, pg. 2

representative institutions such as trade unions, political parties and independent media and economic structures. Qaddafi's regime also did not allow private ownership of enterprises; even the very basic privately owned grocery stores.[64] Libya also lacked a unified and strong military; instead, Qaddafi used mercenaries, mainly Africans. As such, no groups or institutions became powerful enough to oppose him or bring him down for decades.[65]

It was not until February 2011 that the protest sweeping the Middle East reached Libya. Following the beginning of Tunisian and Egyptian uprisings, a day of rage was planned for February 17, 2011 in Libya, by the coalition groups, which were formed hurriedly. However, the unrest unexpectedly began on February 15 when a lawyer was arrested. Although it might seem as though it took one man's self-immolation to spark an uprising in Tunisia, and the arrest of one lawyer in Libya, the issue was more complex and more engrained in the country's brutal past in Libya. The arrested lawyer, Fathi Terbil, was representing the families of prisoners referred to as the "disappeared" of Abu Salim prison, who were killed with grenades and gunshots in the prison courtyards by the security organization headed by Qaddafi's brother in law, Abdullah al-Sanusi, in 1996.[66] Following the lawyer's arrest on February 15, 2011, the family members of the disappeared gathered in Benghazi and clashed with the security forces. By February 17, the actual date of the day of rage, approximately six thousand people filled the streets of Benghazi, demanding the end of the regime.[67] They clashed with police outside a

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[64] Gelvin, pg. 71
[65] Ibid, pg. 74
[66] Ibid, pg. 72
[67] Ibid, pg. 81

government office with rocks and gasoline bombs.[68] In Zintan, near Tripoli, protesters set fire to security headquarters and a police station.[69]

Although Qaddafi was well known for his crushing of dissent, his pro-Qaddafi rallies and their broadcast on television channels and radio stations was not enough to keep Libyans off the streets. In 2011, one third of the Libyan population was still living in poverty, despite the country's reported per capita income of $14,100.[70] Qaddafi, knowing that civilians were impoverished, attempted at doubling the salaries of state employees and releasing Islamic militants as a way of buying off the protesters.[71] It was an indication of the fact that the citizens of Libya were not only concerned about basic needs and economic well-being, as they would have been bought off by Qaddafi, who offered $800 in grants per household, 150% salary increase to public employees and to double the minimum wage.[72] In the meantime, as the number of those on the streets grew, the riot police continued to use water cannons, tear gas, and even rubber bullets to stop the unrest in Tripoli.

At the time, the 17th February Coalition, the precursor to the NTC, expected that Saif Al Islam would respond to the Libyan's demands for the changes in the constitution and limited reforms.[73] One of Qaddafi's four sons, Saif was the heir apparent, as he was educated in London, and seemed to be a reformist and well-mannered. Those who had high expectations of Saif were shocked when he appeared on state television on February

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[68] Cowell, Alan. "Protests Take Aim At Leader Of Libya," *New York Times*, February 16, 2011, accessed January 10, 2014, http://www.nytimes.com/2011/02/17/world/middleeast/17libya.html
[69] Ibid.
[70] Chivvis, pg. 40
[71] Cowell, February 16, 2011
[72] Chorin, pg. 191
[73] Ibid, pg. 196

20th, disorganized with his thoughts and speech, nonetheless siding with his father. According to sources with the International Criminal Court, Saif's decision to side with his father was not a spur of the moment decision, it is alleged that he even took part in the procurement of African mercenaries prior to February 15 to crush the opposition.[74]

As Saif stood by his father, defections began. On February 20, the minister for immigration defected, followed by justice minister, interior minister, Libya's chief prosecutor, and Qaddafi's close cousin and aide, Ahmed Gaddafadam.[75] On February 21, Libyan representatives to the UN announced their support for the rebels and a number of Qaddafi's ambassadors resigned, including the ambassadors to India, US, Belgium, Poland, Sweden, France, the Arab League, Bangladesh, Portugal, Nigeria, China, Indonesia, and Malaysia.[76] However, what, more or less, brought the Qaddafi era to an end was Qaddafi himself. On February 22, he appeared in Green Square and gave a defiant speech, which was full of points on his importance and that of Libya, as well as threats that he "and millions will cleanse Libya inch by inch, abode by abode, house by house, alley by alley, person by person, until you (sic) have cleaned the country from filth and contaminants."[77]

In February, revolutionary councils had already been established in the rebel-held areas, under an umbrella group called National Transitional Council (NTC).[78] NTC was an assembly of defectors and returned exiles that pledged to lead the uprising and oversee the transition period. Mustafa Abdul Jalil, who served as Qaddafi's justice minister and

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[74] Chorin, pg. 199
[75] Ibid, pg. 201
[76] Ibid, pg. 201
[77] Ibid, pg. 202
[78] Chivvis, pg. 46

later defected, became the chief of the NTC.[79] Not only did NTC announce their existence as the representatives of Libyans, they also demanded recognition and asked for a no-fly zone over Libya.[80] The first government to recognize the NTC was France while it took the U.S. and the UK a little longer. As the council was acknowledged as the sole and legitimate representative of Libyans, NTC requested that frozen assets be made available to them so that it would become self-sufficient and strengthen its authority.[81]

International Response

Although the aftermath of the military response in Libya had been widely and severely criticized, the rapidness of the international response and its ability to stop the killing of civilians and rebels became the main positive outcomes of the intervention. Within a month from when the uprisings began, the UNSC passed a resolution, 1970, which placed sanctions including an arms embargo and asset freeze on Libya.[82] In addition, Qaddafi was referred to the International Criminal Court in The Hague to be tried for committing crimes against humanity. By the time Qaddafi was threatening his citizens and his government's armored vehicles were approaching Benghazi to kill the approximately 750,000 Libyans that were against Qaddafi's rule, the international community had made up its mind about taking action.[83]

While the international response was rapid, the U.S. and its allies had first seemed unwilling to do anything about Libya, besides issuing condemnations. At the time of the

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[79] "National Transitional Council of Libya (NTC)" accessed January 4, 2014, http://www.temehu.com/ntc.htm
[80] Chivvis, pg. 47
[81] "National Transitional Council of Libya (NTC)" accessed January 4, 2014
[82] "NATO's Victory in Libya," *Foreign Affairs*, February 2, 2012, accessed January 5, 2014, http://www.foreignaffairs.com/articles/137073/ivo-h-daalder-and-james-g-stavridis/natos-victory-in-libya
[83] Ibid, pg. 1

uprisings in the Middle East, Europe was battling with a major economic crisis, the world economy was in recession, and Obama was running for his second presidential term.[84] The U.S. did not have much interest in Libya, possibly besides the opportunity to show its critics that it would protect civilians regardless of their religion or nationality. Europe had a lot more interest in Libya, given Libya's proximity to Europe, and refugees flocking to the European shores, especially those of Italy. One major European interest was also oil, since the EU imported 10% of its oil, while Italy imported %25, from Libya.[85] Nicolas Sarkozy, then the President of France, was also suffering from low approval points and, more or less, called for intervention to boost his chances for a second presidential term. While the U.S. was still weighing its options, Britain and France were working with Lebanon on the draft UN resolution calling for a no-fly zone.[86] While NATO agreed on the planning of a no-fly zone, it did not necessarily mean action, as the head of NATO Rasmussen indicated that there was no intention to intervene in Libya.[87]

The first substantial international response to Libya was the passing of the UNSC Resolution 1970 on February 26, 2011. The resolution not only outlined the condemnations by the Arab League, the African Union, and the Organization of the Islamic Conference, but also acknowledged the possibility of widespread and systematic attacks committed by the Qaddafi regime against civilians reaching the levels of crimes against humanity.[88] The resolution also demanded an immediate end to violence, called

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[84] Chivvis, pg. 19
[85] Gelvin, pg. 87
[86] Chivvis, pg. 48
[87] Ibid, pg. 52
[88] UNSC Resolution 1970, pg. 1, February 26, 2011,
http://www.onpcsb.ro/pdf/UNSC%20Resolution%201970.pdf

for steps to fulfill the demands of the population by acting in accordance with human rights and international humanitarian law, to ensure the safety of foreign nationals and their departure, the passage of medical and humanitarian supplies and humanitarian aid workers into the country, and the lifting of restrictions on the media.[89] It was also decided that Libya would be referred to ICC, its direct and indirect supply of arms and related materiel be cut,[90] the persons and entities listed in the resolution's Annex I be prevented from travel[91] and the persons and entities in Annex II be prevented from utilizing their financial assets and economic resources in other UN member states.[92]

On March 3, 2011, a week after the passing of the UN Resolution 1970, Barack Obama called for Qaddafi to step down, without implying the possibility of use of force.[93] Qaddafi, although leading a weak regime, had already done harm to civilians and was about to do more harm if not stopped.[94] As Qaddafi's full-force counteroffensive began on March 7, the following day, Obama and David Cameron of the UK both agreed on the need for intervention, including the removal of Qaddafi from power and peaceful political transition.[95]

On March 12, 2011, almost a month into the demonstrations and Qaddafi's brutal crackdown, the Arab League requested from the UNSC to impose a no-fly zone over Libya.[96] The Arab League, officially called the League of Arab States, with 22 members, had not been supportive of Qaddafi's reaction towards the protesters, since the Egyptian

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[89] UNSC Resolution 1970, pg. 2
[90] Ibid, pg. 3
[91] Ibid, pg. 4
[92] Ibid, pg. 4
[93] Chivvis, pg. 51
[94] Ibid, pg. 24
[95] Ibid, pg. 52
[96] Bronner, Ethan, and David Sanger. "Arab League Endorses No-Flight Zone Over Libya," *The New York Times,* accessed February 4, 2014,
http://www.nytimes.com/2011/03/13/world/middleeast/13libya.html?pagewanted=all

and Tunisian heads of state had stepped down with relatively less bloodshed. Although the Arab League vote for a no-fly zone was opposed only by Syria and Algeria, it was a remarkable achievement for the League. The U.S. welcomed the Arab League's call, stating that it strengthened the international pressure on the Qaddafi regime.[97] Not only that the League proved that its members can reach a consensus on a very critical issue, it also presented itself with more standing and position in the international arena were being taken more seriously.[98] The League's stance on Libya also created higher expectations of the citizens of the League's member states, since they now perceive that the League is capable of taking action against a member government to protect civilians.[99] This was a result of the Arab League's upholding their responsibility to protect civilians and willingness to seek help to meet that responsibility.

Subsequently, on March 17, 2011, the UNSC passed resolution 1973 that granted the utilization of all necessary means to protect civilians. While the permanent UNSC members Russia and China abstained from voting for the resolution, the non-permanent members Germany, Brazil and India also abstained.[100] The resolution condemned "the gross and systematic violation of human rights, including arbitrary detentions, enforced disappearances, torture and summary executions"[101] as well as "acts of violence and intimidation committed by the Libyan authorities against journalists, media professionals

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[97] "Arab League backs Libya no-fly zone," *BBC News*, March 12, 2011, accessed March 17, 2014, http://www.bbc.co.uk/news/world-africa-12723554

[98] "The Arab League's Evolving Role in a Restless Middle East," The Stimson Center, November 22, 2011, accessed March 17, 2014, http://www.stimson.org/spotlight/the-arab-leagues-evolving-role-in-a-restless-middle-east/

[99] Ibid.

[100] Adams, Richard, and David Batty. "Libya resolution: UN security council air strikes vote - as it happened," *The Guardian*, March 17, 2011, accessed March 18, 2014, http://www.theguardian.com/world/2011/mar/17/libya-united-nations-air-strikes-live

[101] UNSC Resolution 1973, pg. 1

and associated personnel."[102] In addition to recalling the previous resolution 1970 and the condemnations by the Arab League, the African Union, and the Secretary General of the Organization of the Islamic Conference on the "serious violations of human rights and international humanitarian law"[103] the resolution demonstrated its determination that the situation in Libya continued, "to constitute a threat to international peace and security."[104]

Further, the resolution called for action under Chapter VII of the Charter of the UN. As such, besides demanding an immediate cease-fire, the resolution authorized the member states "to take all necessary measures"[105] while recognizing "the important role of the League of Arab States in matters relating to the maintenance of international peace and security."[106] In accordance, a no-fly zone was also established and member states were tasked with closely coordinating with each other on the measures they would be taking to protect civilians, establish a ban on all flights, and enforce compliance with the ban on flights. With respect to a further arms embargo, member states were to ensure "strict implementation of the arms embargo"[107] as well as prevention of the flow of armed mercenaries into Libya.[108] As it was the case in the previous resolution, resolution 1973 called for an asset freeze on all funds, assets and economic resources owned or controlled by Libyan authorities to be "made available to and for the benefit of the people of the Libyan Arab Jamahiriya."[109]

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[102] UNSC Resolution 1973, pg. 1
[103] Ibid, pg. 2
[104] Ibid, pg. 2
[105] Ibid, pg. 3
[106] Ibid, pg. 3
[107] Ibid, pg. 4
[108] Ibid, pg. 4
[109] Ibid, pg. 5

Undeniably, the human and financial cost of the wars in Afghanistan and Iraq is a significant factor in the way in which the American public sees interventions. As such, there was also a backlash regarding the use of force in Libya due to the intervention being perceived as the American invasion of another Muslim country. In the U.S., there were differences of opinion within the Obama administration and the U.S. Congress. While Susan Rice, Samantha Power, and Hillary Clinton, even Republican John McCain, supported a no-fly zone, the Defense Secretary Robert Gates and Vice President Joe Biden did not. Gates voiced his concern and presented his skepticism in a statement where he outlined each reason why intervention was a bad idea. Gates seemed more consumed with his concern over the post conflict situation in Libya rather than the situation Libya was then in.

There were numerous concerns prior to the decision to intervene. The U.S. was mainly concerned not only because of the public and administration fatigue over the wars in distant lands of Afghanistan and Iraq, but as a result of increasing expectations. If the U.S. were to intervene in Libya, it would also have to intervene in other parts of the world, where the situation might be the same as Libya or even more dire. By the same token, Libya also presented the EU and U.S. with a dilemma between being perceived as a proponent of universal rights and not standing up to those who were violating those rights. Letting Qaddafi kill Libyans would have also brought about more counterrevolutionary repression in other parts of the Middle East, where civilians were still protesting against their respective governments.[110]

It was also a concern that establishing a no-fly zone may not have limited

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[110] Chivvis, pg. 52

Qaddafi's ability to attack rebels with tanks, artillery or small arms.[111] Although the U.S. did not export any arms or equipment to Libya following the lifting of the embargo, the regime was still able to import more than enough weapons and supplies from other countries. As the U.S. and EU normalized relations with Libya in 2003 and the arms embargo was lifted in 2004, Libya purchased large amounts of riot control gear, small arms, ammunition, electronic surveillance equipment, planes and helicopters.[112] Libya's purchase in 2010 solely from Russia was worth $1.8 billion and included tanks, fighter jets and air defense networks.[113] In addition, between 2006 and 2009, Italy exported UK£276 million worth of military equipment to Libya.[114] Besides, there was a growing fear that Qaddafi's chemical weapons could be seized by Al-Qaeda or be used by Qaddafi against Libyans. In terms of NATO's ability to overcome the task at hand, there were concerns about the effect such intervention would have on other ongoing NATO operations, since any assets made available for the intervention in Libya would result in the reduction of NATO assets.[115]

In a span of one month, the UN had exhausted all peaceful options available. Although the Arab League was the requester of the no-fly zone, it was the United States that facilitated the initial international reaction by freezing $32 billion of Libyan assets.[116] Instead of spearheading the operation, the U.S. used a different tactic by encouraging the Europeans to take the lead.[117] Although Britain and France took the lead on the

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[111] Ibid, pg. 53
[112] Chorin, pg. 280
[113] Ibid, pg. 281
[114] Ibid, pg. 281
[115] Ibid, pg. 53
[116] "NATO's Victory in Libya," *Foreign Affairs*, February 2, 2012, accessed March 8, 2014, http://www.foreignaffairs.com/articles/137073/ivo-h-daalder-and-james-g-stavridis/natos-victory-in-libya
[117] Chivvis, pg. 21

operational side of the intervention, nineteen countries took part in the intervention.[118]

The intensity of the operation was limited to air strikes, which hit about 6,000 targets along the Mediterranean coast.[119] As a result, while offering its full financial, military, and political support, the U.S. was engaged in the intervention at a minimum.[120] Overall, the intervention lasted seven months.

Although the bombing of the US embassy and the killing of the US ambassador Chris Stevens in September 2012 had affected the way in which the intervention had been assessed, Libya has had some remarkable accomplishments since the fall of the Qaddafi regime. First, for the first time in 42 years, Libyans voted. As approximately 2.8 million Libyans registered to vote, about 80 percent of the 3 to 3.5 million that were eligible[121], and 1.7 million Libyans cast their vote on July 7, 2012.[122] Elections were also found to be free and fair, which is a key component to any election. Second, by May 2012, approximately 80,000 ex-militiamen have been integrated into the Supreme Security Council (SSC), the security apparatus formed to replace the police, with regularly paid salaries.[123] Third, as the Libyan oil infrastructure emerged from the uprising intact, the oil production has reached the pre-conflict levels of 1.29million barrels per day by May 2012, making Libya less of a burden on the international community.[124] And finally, on February 20, 2014 Libyans voted to elect a constitution panel that will be tasked with

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[118] Ibid, pg. 21
[119] Ibid, pg. 20
[120] Ibid, pg. 22
[121] "Libyans flock to historic polls," *BBC News*, July 7, 2012, accessed January 17, 2014, http://www.bbc.com/news/world-africa-18749808
[122] Esam Mohamed and Maggie Michael, "Libya Election: Final Results Put Liberal Alliance First," *The World Post,* July 17, 2012, http://www.huffingtonpost.com/2012/07/17/libya-election-results_n_1681214.html
[123] "Libya's Brigades," *Al Jazeera English*, Last Updated December 12, 2013, accessed January 18, 2014, http://www.aljazeera.com/programmes/peopleandpower/2013/12/libya-brigades-2013121181837165693.html
[124] Chorin, pg. 295

drafting Libya's new constitution in 120 days, covering key issues such as Libya's system of government, the status of ethnic minorities and the role of Islamic sharia law.[125]

If we were to evaluate Libya's future only by looking at what has been taking place in the country since the U.S. embassy bombings, we might conclude that Libya is facing a grim future. However, Libya is facing profound challenges as a post-conflict country - most notably the threat from armed militias. Needless to say, it would be unfair to blame the issues the country is facing on the intervention efforts, or call the intervention unsuccessful because of the unpredictable and unstable nature of post-conflict Libya. The objectives of the intervention were to maintain an arms embargo, to facilitate humanitarian relief, to create and sustain a no-fly zone, to protect civilians from large-scale killing by Qaddafi forces, and to maintain international peace and security. All of the objectives of the international community were achieved swiftly, decisively, and successfully. However, it is still too early to call Libya a failure or to debate whether the long-term political objectives of the intervention had been achieved.

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[125] "Libyans vote to elect constitution panel." *Al Jazeera English*, Last updated February 21, 2014, accessed February 25, 2014, http://www.aljazeera.com/news/africa/2014/02/libyans-vote-elect-constitution-panel-201422084623452162.html

CHAPTER FIVE – SYRIA

Syrian Experience

As of the writing of this thesis, the Syrian tragedy has not been resolved; instead, the fighting has intensified between the fragmented rebel forces and the Assad regime. The fragmentation of the country is the game Assad is playing as he is trying to sell the civil war as a sectarian war between those like him, Alawites, against the other, Sunnis. As the regime accuses the opposition of being traitors and terrorists and doing the dirty work for the Gulf, West, Israel and Turkey, the opposition is blaming the regime of being the pawn of Iran. While the opposition is unable to unite and find a leader that is fully acknowledged by the Syrian opposition in Syria and abroad, the rebel forces are also fragmented and suffering heavy loses against the regime. The inaction of the international community is also setting an example for future instances of mass murder, as the bloodshed alone has been unable to stir a stronger international reaction.

As every other country in the Middle East and North Africa had its share of long-term instability, Syria did not become a destabilized country overnight. From the time Syria became independent in 1946 to Hafez Assad's coming to power in 1970, Syria experienced ten military coups.[126] What Hafez Assad seemed to have accomplished, through various means, was a coup-free Syria. Hafez Assad heavy-handedly ruled Syria, as he didn't shy away from shelling the city of Hama, the base of the Sunni Syrian Muslim Brotherhood in 1982, and massacred some 10,000 - 20,000 civilians.[127] The same year, and again in 2004, Kurds rebelled against the regime and their rebellion was crushed as well. To top it all, Syria had been ruled under an emergency law since 1963,

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[126] Gelvin, pg. 109
[127] Lesch, pg. 7

enabling arbitrary arrest and suspension of habeas corpus.[128] Under the emergency law, Syria had become a police state where the regime's security forces consisted of fifteen branches with 50 to 70 thousand security officers, almost one officer per 240 people.[129]

Although Syria is not a monarchy, the corrupt nature of the regime has been obvious, given that the power is transferred from father to son. After his brother Basil's death in a car accident, Bashar Assad had been systematically elevated within the regime. A trained ophthalmologist, Assad was given increased responsibility within a few years time to mold him into a president, as he was destined to assume the presidency following his father's death. In addition, following Hafez Assad's death in 2000, the Syrian constitution was amended to accommodate Bashar's age, which was only 34, not 40 as it was laid out in the constitution as the prospective president's age.[130]

The beginning of Bashar Assad's presidency signaled economic reforms and positive atmosphere with an amnesty for political prisoners, the creation of private newspapers and the provision of political forums.[131] However, soon enough, Assad was no longer able to tolerate open criticism and dissent, which surfaced with the increased number of civil society and pro-democracy groups.[132] As Assad believed that "(R)eform could be counterproductive if the society is not yet ready for it,"[133] the political and social reforms were abandoned before they were even able to take firm root in the Syrian

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[128] Lesch, pg. 71
[129] Ibid, pg. 65
[130] Ibid, pg. 4
[131] Ibid, pg. 8
[132] Ibid, pg. 9
[133] Ibid, pg. 41

society, and many prominent pro-democracy activists were imprisoned or re-imprisoned.[134]

Throughout Bashar Assad's presidency, Syria was not doing well socially, politically or economically. As a result of the droughts Syria experienced for several years, those in the countryside that previously engaged in agriculture, fled to the cities to seek better living conditions and income. As their lives were disrupted unexpectedly, those living in cities also became discontent with the rapid increase in the number of people flocking to the cities and grew increasingly resentful towards Assad. In addition, Assad's incomplete market reforms let to an even more uneven distribution of wealth and power and created a more corrupt regime.[135]

What plagued Syria for the past four decades has been the deepening gap between the majority and the minority as a result of poverty, inequality, and marginalization of the majority of the Syrians, regardless of their religious differences. In terms of religious beliefs, 87 percent of Syrians were Muslim, while 74 percent were Sunnis and 13 percent were Alawis, Ismailis, and Shias.[136] Christians made up about 10% of the population while the remaining 3 percent were Druze and there were only small number of Jews.[137] In terms of demographics, Syria is in the same category as the rest of the Middle East with a very young population. Prior to the civil war Syria had a population of almost 22 million[138], where 59 percent of the population were under the age of twenty-five.[139]

[134] Lesch, pg. 9
[135] Ibid, pg. 46
[136] The World Factbook, *Central Intelligence Agency*, accessed February 2, 2014, https://www.cia.gov/library/publications/the-world-factbook/geos/sy.html
[137] Ibid.
[138] "World DataBank." *The World Bank DataBank*, accessed February 2, 2014, http://databank.worldbank.org/data/views/reports/tableview.aspx

Sixty-seven percent of males under the age of twenty-five and fifty-three percent of females for the same age group, were unemployed.[140] Although these young Syrians were able to receive a college education, 81 percent of college graduates were unable to find employment, on average, for four years.[141] There was a lack of opportunity and space for Syrians to pursue their aspirations in addition to the mounting inequality.

What is more surprising is that not only Assad, like so many before him, had miscalculated the amount of resentment Syrians felt for his regime, but also that the political scientists overlooked the uprisings in Syria. There are multiple reasons why the uprisings in Syria were thought to be dismal. First, Bashar Assad had played the reformer card too well and was, with the help of his London-born wife, able to woo the European and American elite. Second, Assad had long been perceived as the leader of the anti-imperialist camp in the Middle East with his approval of and support for Hezbollah and Iran.[142] Third, the Assad regime has been powerful and did not restrain its forces from using all means necessary to crush the opposition.[143] And lastly, in 2011 the protests in Syria were miniscule compared to the ones in Egypt or Libya. They were also limited to only those poor and rural areas with small populations rather than urban cities with large populations.[144]

What turned the Syrian regime's crackdown on the protesters into a civil war is the fact that the Assad regime began killing its citizens indiscriminately. What really sparked the uprisings around the country was the arresting and torturing of

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[139] Gelvin, pg. 108
[140] Ibid, pg. 108
[141] Ibid, pg. 108
[142] Ibid, pg. 101
[143] Ibid, pg. 101
[144] Ibid, pg. 101

schoolchildren, ages fifteen and younger, for writing "Down with the regime" on a wall in the province of Deraa, in the first week of March 2011.[145] As the families of those arrested children grew more and more frustrated, since their children were incarcerated for almost two weeks, they took to the streets on March 15, and security forces opened fire at them, killing several.[146] Following the security forces killing family members of the arrested children in Deraa, which was a very poor and a conservative Sunni province, the province's access to electricity, water, and mobile phone services were cut off and funerals were banned to discourage people from gathering and protesting.[147] The government forces even surrounded the city with tanks, prevented anyone from entering or leaving the city.[148]

As it was used as a strategy to buy the silence of the protesters in Libya, the Syrian regime also offered reforms, none of which were really aimed at improving the limited social or political freedoms. The reforms announced on March 24, 2011 included a 20 to 30 percent raise for public employees, investigating and prosecuting those who committed unlawful acts, including the security officers that were responsible for killing protesters, cuts in taxes and increases in pensions, improved measures to fight corruption, judicial and health reforms and easing of the restrictions on the media and press.[149] On March 30, 2011, Assad also addressed the nation, disillusioned like Qaddafi, ranting about enemies trying to undermine Syria's stability and conspiracies against Syria, rather than addressing social, political, and economic issues that needed to be addressed.[150] He

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[145] Gelvin, pg. 103
[146] Ibid, pg. 103
[147] Lesch, pg. 57
[148] Gelvin, pg. 105
[149] Lesch, pg. 70
[150] Ibid, pg. 70

also called for the establishment of a committee to probe the possibility of ending the emergency law.[151] Almost two weeks later, on April 16, the lifting of the emergency law was declared. Assad thought that easing the chronic unemployment and lifting of the emergency law would satisfy the Syrians. In addition to Assad, his administration also blamed the uprisings on the Salafis, armed gangs and criminals, and created various conspiracy theories involving the U.S., Saudi Arabia, Israel, Palestine, and the supporters of Saad Hariri, the son of the assassinated Lebanese president, whose assassination had seemed to involve Syria.[152]

Although not every single member of the Alawite community had been significantly better off socioeconomically and had ties to the regime, they certainly have a fear of future persecution by and retaliation from the opposition. As a result of better job opportunities, Alawites joined the ranks in the security forces and prior to the uprisings some were even criticizing the regime for being corrupt and self-seeking.[153] Although small in numbers, some Alawites resigned from their posts, and some resigned and defected by joining the opposition. The fact of the matter is that Bashar Assad as an Alawite surrounded himself with Alawite elites and ordinary Alawites have no other option than supporting Assad. However, it is not only Alawites that support him, as the Sunni business elite has also been supporting Assad to this date. The main reason why there is no opposition from the Sunni business elite is a result of what many explained as a "military-mercantile complex." In Syria, Sunni business-owners and Alawite elite are strange bedfellows, given that they have long established relations that so far none dare to

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[151] Lesch, pg.83
[152] Gelvin, pg.105
[153] "The Syrian Heartbreak," *Middle East Research and Information Project*, April 16, 2013, http://www.merip.org/mero/mero041613

hurt.[154] It is a win-win situation for both groups, as the Sunni business elite had been able to strike deals and establish contracts with the government; the Alawite elite was able to draw support from the business elite.[155]

In May 2012, a major attack on civilians took place in the village of Houla. The village believed to be raided by the pro-government Shabiha militia as it was shelled in the aftermath of a protest against the Assad regime. What is now called the Houla Massacre had left behind 108 victims, including 49 children, which were shot at close range or stabbed. However, the regime, unmistakably, did not accept the accusations and blamed foreign terrorists. Assad addressed the issue at the parliament as he denied any military involvement in Houla. By then, the UN had reported that at least 10,000 civilians were killed since the uprisings began, while the government indicated more than 2,600 security service members were killed.[156] Another massacre, in the province of Hama, took place on June 6, 2012, when 87 people were killed.[157] Again, the Syrian government denied any responsibility for the massacre of civilians.

By 2013, small scale fighting and killings and alleged uses of chemical weapons continued. However, the chemical attack in the outskirts of Damascus in August 2013 finally evidenced that something serious and unacceptable was going on in Syria. On August 21, 2013, the world witnessed the aftermath of the attack, through videos posted online and newspapers full of pictures of sick and visibly suffering adults and children.

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[154] Gelvin, pg. 111
[155] Ibid, pg. 111
[156] Macfarquhar, Neil. "Assad Condemns Houla Massacre, Blaming Terrorists," *New York Times*, accessed February 9, 2014, http://www.nytimes.com/2012/06/04/world/middleeast/assad-condemns-houla-massacre-blaming-outside-terrorists.html
[157] "Dozens slaughtered in new Syria massacre," *The Sydney Morning Herald*, June 7, 2012, accessed February 9, 2014, http://news.smh.com.au/breaking-news-world/dozens-slaughtered-in-new-syria-massacre-20120607-1zxrf.html

Medecins Sans Frontieres (MSF) indicated that among those 3,600 patients displaying symptoms of neurotoxicity, 355 had died.[158] The UN medical experts also examined 36 survivors and the medical examinations evidenced their exposure to sarin.[159] Further, the samples collected by the Organisation for the Prohibition of Chemical Weapons (OPCW) also provided evidence of the use of nerve agent sarin use in areas contested by the regime and the opposition.[160] As the international humanitarian law prohibits the use of chemical and biological weapons and its use constitutes a war crime, Assad accused rebel groups and their supporters of using chemical weapons.[161] He further agreed to the destruction of Syria's chemical weapon production facilities and stockpiles to prove the regime's innocence.

As the government dispersed the non-violent protesters with increased use of force, radicals surfaced and over time the opposition became almost as ruthless as the government. Armed groups, which were previously made up of local youngsters that came together to protect their families and neighborhoods soon became brutal,[162] and began carrying out a fair portion of the kidnappings, torture, execution and desecration of corpses.[163] As the extremists generally have better training, access to weapons, and support, by January 2013, Jabhat Al-Nusra, an Al-Qaeda affiliate, became one of the

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[158] "Syria: Thousands suffering neurotoxic symptoms treated in hospitals supported by MSF," August 24, 2013, accessed February 5, 2014, http://www.msf.org/article/syria-thousands-suffering-neurotoxic-symptoms-treated-hospitals-supported-msf

[159] "Syria chemical attack: What we know," *BBC News*, accessed January 19, 2014, http://www.bbc.com/news/world-middle-east-23927399

[160] Ibid.

[161] Ibid.

[162] "The Syrian Heartbreak," *Middle East Research and Information Project,* April 16, 2013, http://www.merip.org/mero/mero041613

[163] Ibid.

strongest fighting branches in Syria.[164] Only one among the numerous Islamist groups fighting against the Syrian regime, Jabhat Al-Nusra was formed in January 2012 by six senior members of Al-Qaeda that were previously in Iraq.[165]

A detailed report on the rebel forces from the BBC indicates that as of December 2013, there were almost 1000 groups that make up the opposition forces with 100,000 fighters.[166] The main rebel coalition, the Free Syrian Army, now the Supreme Military Council, was formed in 2011 and is a loose network of brigades.[167] The Islamic Front is made of seven Islamist groups and has an estimated 45,000 fighters.[168] Of the Jihadist groups, Al-Nusra Front has up to 7,000 fighters while the Islamic State in Iraq and the Levant (ISIS), which was formed in April 2013, has up to 5,000 fighters.[169] The Kurdish group, Popular Protection Units, which is the armed wing of the Kurdish Democratic Unity Party, also claims to have up to 15,000 fighters.[170] Not only that the rebel forces are fragmented, they also have frictions and even deadly clashes as recent as April 2014 that hinders their ability to put up a united fight against the regime.

Syria's opposition is as fragmented as the rebel forces. As the Syrian National Council (SNC), which was formed in 2011, lacked respect in Syria, could not work with the FSA, and was found ineffective, a new alliance was formed in November 2012, the

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[164] "Syria, Chemical Weapons, And The Intervention Question," *On Point with Tom Ashbrook,* accessed February 9, 2014, http://onpoint.wbur.org/2013/04/29/red-line
[165] Dexter Filkins, "What Should Obama Do About Syria?." *The New Yorker,* May 13, 2013, accessed January 7, 2014, http://www.newyorker.com/reporting/2013/05/13/130513fa_fact_filkins?currentPage=all
[166] "Guide to the Syrian rebels," *BBC News,* December 13, 2013, accessed January 24, 2014, http://www.bbc.com/news/world-middle-east-24403003
[167] Ibid.
[168] Ibid.
[169] Ibid.
[170] Ibid.

National Coalition for Syrian Revolutionary and Opposition Forces.[171] Although the National Coalition, headed by Ahmed Jarba, was recognized as the legitimate representative of the Syrians first by the Gulf Cooperation Council (GCC), followed by the Arab League, the U.S., UK and EU, it has been unable to control the rebel forces. In addition to the National Council, and the Syrian National Council, there are other groups, such as the National Co-ordination Committee (NCC) for Democratic Change, which is willing to negotiate with the Syrian regime and Kurdish Supreme Committee, that was formed in July 2012 and seeks to administer the autonomous Kurdish areas in the northeast.[172] As such, there are multiple councils and committees with various objectives that hinder a unified stance against the Assad regime and further complicate the Syrian conundrum.

International Response

For decades, Syria, a staunch opponent of the state of Israel, had been at the core of some crucial U.S. policy interests in the Middle East, such as the Arab-Israeli conflict. What strained the relations between Syria and the U.S. has also been Syria's support for Iran and Hezbollah.[173] Although U.S. - Syria relations were never strong or even friendly, they were hampered even further by the U.S. invasion of Iraq. As the conflict in Syria grew in the shadows of Egyptian, Tunisian and Libyan uprisings and the subsequent international response and NATO intervention in Libya, neither the West, nor the Arab world responded to the events in Syria as rapidly and decisively as they did in Libya.

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[171] "Guide to the Syrian opposition," *BBC News*, accessed January 21, 2014, http://www.bbc.com/news/world-middle-east-15798218
[172] Ibid.
[173] Chorin, pg. 282

In the meantime, it was established that the Syrian regime has been killing civilians on a sometimes small and sometimes massive scale and committing war crimes, including willful killing, torture or inhuman treatment, causing great suffering or serious injury to body or health, and extensive destruction or appropriation of property. The most disturbing and complicating issue in all of this is that almost each and every one of the governments or groups that are involved, or interested, in the Syrian debacle are as problematic as the Assad regime itself. Throughout the civil war, the backers of the Assad regime were Russia, China, Iran, and Hezbollah and those against his regime were Al-Qaeda, Saudi Arabia, Israel, Qatar, the U.S., the EU and Turkey.

As the Syrian regime's crackdown on protesters was ongoing in 2011, on November 2, 2011, the Arab League had an extraordinary session on the recent developments in Syria. Following a ministerial level meeting, the League established a plan of action and an Arab initiative to resolve the Syrian crisis. The League's Plan of Action stated that the Syrian regime agreed to stop all acts of violence, to release those detained during protests, to evacuate cities and neighborhoods of armed manifestations and to allow the Arab and international media to move freely throughout Syria for purposes of fact finding monitoring.[174]

On December 19, 2011, more than a month after the League's plan was set in motion; the UN General Assembly passed the earliest UN resolution pertaining to the situation in Syria, 66/176. Concerned about Syria's failure to meet the commitments agreed in the Arab League's Plan of Action, the UNGA condemned the Syrian regime,

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[174] Arab League Council Resolution 7438 [Plan of Action], 2 November 2011
http://www.lcil.cam.ac.uk/sites/default/files/LCIL/documents/arabspring/syria/Syria_33_AL_Council_Resolution_7438.pdf

called upon the Syrian authorities to end violence and human rights violations, and to implement the Arab League's Plan of Action.[175] On February 16, 2012, the UNGA adopted another resolution, 66/253, which, with a more concerned tone, included a reference to Chapter VIII of the UN Charter on the role of regional and sub-regional organizations in the maintenance of international peace and security.[176] The resolution not only referred to the Arab League's Plan of Action but also spelled out each of the necessary steps that Syria was advised to follow in that plan.[177] The UNGA resolution also called upon the Secretary-General to name an envoy for Syria.

On February 23, 2012, it was announced that Kofi Annan was appointed as the Joint Special Envoy of the UN and the Arab League on the Syrian crisis.[178] The following month, Annan proposed his six-point plan, which was presented to Bashar Assad on March 10, 2012, and accepted by him on March 27, 2012.[179] In short, the plan called, in order, for the Syrian regime to establish a ceasefire, commit to an inclusive Syrian-led political process, provide humanitarian assistance to those in need, release those arbitrarily detained, including political activists, ensure freedom of movement and respect

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[175] UNGA Resolution A/RES/66/176, February 26, 2012.
http://www.r2pasiapacific.org/docs/R2P%20Key%20Documents/GA%20Res%2066-176.pdf
[176] UNGA Resolution A/RES/66/253 B, August 7, 2012.
http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_res_66_253_b.pdf
[177] Ibid.
[178] "Kofi Annan Appointed Joint Special Envoy of United Nations, League of Arab States on Syrian Crisis," *UN News Center,* accessed March 24, 2014,
http://www.un.org/News/Press/docs/2012/sgsm14124.doc.htm
[179] "Text of Annan's six-point peace plan for Syria," *Reuters,* accessed March 24, 2014,
http://www.reuters.com/article/2012/04/04/us-syria-ceasefire-idUSBRE8330HJ20120404

freedom of association.[180] The regime was to follow Annan's six-point plan starting from mid-April 2012.

In a unified effort, on April 14, 2012, the UNSC unanimously passed the UNSC Resolution 2042. The resolution authorized the deployment of a team of up to 30 unarmed military observers to Syria to monitor the implementation of Annan's six-point plan, beginning with a ceasefire. However, following the massacre in the village of Houla, where 108 civilians were killed on May 27, 2012, Kofi Annan quit his post as the joint envoy in August 2012. The news came as no surprise since the lack of commitment, the continued fighting and the lack of unity within the international community made it impossible for Annan to "effectively exercise (his) role." As a diplomat, Annan could not be blamed for the failure of the plan, since he made it very clear that in order for the peace process to work both sides, the government forces and the opposition, would have had to refrain from fighting and the international community had to keep pressuring the government instead of supplying weapons to both sides.[181]

Meanwhile, in June 2012, an UN-backed group, the Action Group for Syria, with Foreign Ministers from P5 member states and Iraq, Kuwait, Turkey, and Qatar, as well as the UNSG and the Arab League convened in Geneva to discuss the issues Syria was facing. Following deliberations, the group released its Final Communiqué, also known as the Geneva Communiqué, on June 30, 2012. The communiqué outlined the group's objectives, such as bringing an end to the violence and human rights abuses and launching of a Syrian-led political transition. The communiqué identified the principles

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[180] "Text of Annan's six-point peace plan for Syria," *Reuters,* accessed March 24, 2014, http://www.reuters.com/article/2012/04/04/us-syria-ceasefire-idUSBRE8330HJ20120404
[181] "Annan resigns as UN Syria envoy," *BBC News*, accessed March 24, 2014, http://www.bbc.com/news/world-middle-east-19099676

and guidelines that would need to be followed for the successful implementation of a Syrian-led transition that mirrors the aspirations of the people of Syria. Further, the communiqué acknowledged the part the Action Group members would play, such as applying pressure on the parties to the conflict, and their opposition to further militarization of the conflict.[182] The talks are still ongoing as the group reconvened in Geneva on January 22, 2014 to implement the communiqué.[183] While the regime attended the conference, only the National Coalition for Syrian Revolutionary and Opposition Forces, represented by Ahmed Jarba, had attended the conference from the opposition groups. The conference did not lead to an agreement.

In August 2012, during a White House Press Corps meeting, Barack Obama responded to a question, which ultimately made a comeback exactly a year later. Obama was asked about what he thought about Syria and whether he would consider utilizing the military to keep the chemical weapons safe. Obama replied with the following, which was applauded at the time:

> (…) I have, at this point, not ordered military engagement in the situation. But the point that you made about chemical and biological weapons is critical. That's an issue that doesn't just concern Syria; it concerns our close allies in the region, including Israel. It concerns us. We cannot have a situation where chemical or biological weapons are falling into the hands of the wrong people.
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> We have been very clear to the Assad regime, but also to other players on the ground, that a red line for us is we start seeing a whole bunch of chemical weapons moving around or being utilized. That would change my calculus. That would change my equation.[184]

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[182] Action Group for Syria Final Communiqué, June 30, 2012, http://www.un.org/News/dh/infocus/Syria/FinalCommuniqueActionGroupforSyria.pdf
[183] "What is the Geneva II conference on Syria?" *BBC News,* accessed January 13, 2014, http://www.bbc.com/news/world-middle-east-24628442 (
[184] The White House, "Remarks by the President to the White House Press Corps," accessed April 1, 2014, http://www.whitehouse.gov/the-press-office/2012/08/20/remarks-president-white-house-press-corps

Although he was very loose with his statement, Obama made it clear, at least at the time, that the use of chemical or biological weapons was unacceptable.

The killings in Syria continued throughout 2012, with massacres in Houla and Hama. By January 2013, the UN had estimated that 60,000 had been killed in the civil war. In April 2013, as the interested parties were trying to bring the opposition and the government to the negotiation table, there were allegations of chemical weapons use in Syria since the conflict began in 2011. The U.S. government responded to these allegations indicating that they were "closely monitoring the potential use of chemical weapons within Syria"[185] and that the "intelligence community does assess with varying degrees of confidence that the Syrian regime has used chemical weapons on a small scale in Syria, specifically the chemical agent sarin."[186] Although the White House Letter containing the U.S. government response to the events in Syria indicated that the U.S. government was in close consultation with the Congress, "no option (was) off the table."[187] Meanwhile, the diplomatic talks were ongoing as in May 2013, Kerry and Lavrov proposed an international conference to discuss a transitional power-sharing government, which would include Assad. However, while Assad had already indicated that he would not step down, his stepping down was a precondition of the opposition to attend the conference.[188]

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[185] "White House Letter On Syria Chemical Weapons To Senators: Read The Full Text," *The World Post,* accessed April 1, 2014, http://www.huffingtonpost.com/2013/04/25/white-house-letter-syria-senators_n_3156099.html

[186] Ibid.

[187] Ibid.

[188] "Give Peace Talks a Chance," *Foreign Affairs.* May 21, 2013, accessed March 1, 2014, http://www.foreignaffairs.com/articles/139395/j-michael-quinn-and-madhav-joshi/give-peace-talks-a-chance

Until the chemical attack against civilians on August 21, 2013, the possibility to use force against the Syrian regime seemed dim. As the Assad government seemed to be willing to negotiate and keep the diplomatic channels open, and given that the international community suffered from many complex concerns, an intervention was unlikely. However, the use of chemical weapons against Syrians had changed the equation. The international community, especially the U.S., was being pushed to make a decisive move. Not only Syrians, the whole world was expecting an intervention, since Obama had made it very clear a year before that chemical attacks were a "red line" for the U.S. Instead of intervening, the Obama administration requested the U.S. Congress to approve the use of military strikes, which was rejected.

In the meantime, Russians were able to provide Syrians with a proposal regarding its chemical weapons. According to the proposal, Syria would allow the international community to remove its chemical weapons. By agreeing to the proposal, the Syrian regime would also join the Chemical Weapons Convention, disclose the location of its stockpiles, stop further production, and allow international inspectors into its facilities.[189] With respect to a more multilateral action, the UN rapidly established a mission, the UN Mission to Investigate Allegations of the Use of Chemical Weapons in the Syrian Arab Republic (the Mission) on the use of chemical weapons and its report was released on September 16, 2013.[190] The Mission concluded from their investigation that the use of chemical weapons had taken place "on a relatively large scale, resulting in numerous

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[189] McCreary, John F. "Syria: A Bigger Surrender?." *Warscapes,* accessed March 1, 2014, http://www.warscapes.com/opinion/syria-bigger-surrender
[190] UNSC Resolution S/2013/553, September 16, 2013, http://www.un.org/ga/search/view_doc.asp?symbol=S/2013/553

casualties, particularly among civilians and including many children."[191] Further, UNSC resolution 2118 on the destruction of Syria's chemical weapons was passed on September 27, 2013. The resolution acknowledged the establishment of the Mission to investigate the use of chemical weapons and the implementation of OPCW Executive Council Decision to plan to destroy Syria's weapon production facilities and stockpiles.[192] Per the agreed destruction plan, the toxic material would be destroyed on board a ship in international waters and the destruction of Syria's complete stockpile and the chemical weapons program would be completed by June 2014.[193]

From the onset, the international community has been concerned about a number of issues that needed to be clarified before any action against Syria was put on the table. First, there was a great concern about the possibility of Syria using chemical weapons against its people. Second, the international community was divided with the West, the Gulf, Israel and Turkey backing the opposition while Russia, China, Iran, and Hezbollah were backing the Assad regime. Third, the opposition has been fragmented with extremists joining the fight, causing increased concern about the lethal assistance as it could end up in the hands of the Al-Qeada. Fourth, if the international community had decided to use force, there was the possibility of Iran attacking Israel in retaliation. And finally, in the aftermath of the use of force by the international community the Alawite community, as well as other minorities and Sunni elite, could become extremely vulnerable by vengeful attacks, further escalating the sectarian divide.

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[191] UNSC Resolution S/2013/553, September 16, 2013
[192] UNSC Resolution S/RES/2118 (2013), September 27, 2013, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2118.pdf
[193] Cumming-Bruce, Nick. "Syria Speeds Its Deliveries of Chemicals for Disposal," *New York Times*, March 4, 2014, http://www.nytimes.com/2014/03/05/world/middleeast/syria.html

Throughout the civil war, instead of intervening, the international community chose a less costly option; providing lethal and non-lethal aid through Turkey and Jordan. Unlike in Libya, the Arab League preferred to find a political solution to the civil war and did not request a no-fly zone. While supporting the opposition, the communication lines were kept open with Syria by utilizing the valuable diplomatic experiences of Kofi Annan, followed by Lakhdar Brahimi as the United Nations and Arab League Special Envoy. Bashar Assad needed a reason to stop the killings and the international community has not yet given him one. Many argued over the past three years that it was necessary to threaten Assad with use of force, such as a no-fly zone or targeted warning strikes at valuable assets of the regime, as a reality check and to patch up the credibility of the international community. As it has been the case so far, even after the use of chemical weapons against civilians, the U.S. and other international actors have avoided any direct engagement in the civil war.

CHAPTER SIX – KENYA & MALI

Kenyan Experience

Although the violence in Kenya following the 2007 elections erupted due to speculations that the elections were rigged, a tribal violence broke out between those belonging to different ethnic groups, mainly Luo and Kikuyu, throughout Kenya, especially in the Rift Valley. Kenya, which until 1963 was a British colony, has a population of 45 million and an ethnically diverse society. There are over 70 ethnic groups in Kenya[194], while 22 percent of Kenyan population is Kikuyu, 14 percent is Luhya, 13 percent is Luo, 12 percent is Kalenjin, 11 percent is Kamba, and 28 percent is Kisii, Meru, and other African ethnic groups, and only 1 percent of the population is of non-African descent.[195] As political manipulation of ethnicity is very common, Kenyans voted along tribal lines in 2007, and the results of the elections turned the Luo against the Kikuyu, who supported the opposition and the ruling party respectively.

Even though violence surfaced following the elections, the tension between ethnic groups dates back to Kenya's independence. Kenya, for decades, has been suffering from issues surrounding land ownership. As Kenya gained its independence from Britain, some of the 20 percent of arable land the British previously claimed fell into the hands of the newly established Kenyan government and government officials, instead of ordinary Kenyans.[196] While traditional Kenyan arrangements did not agree with private ownership of the land, Kenyans were also treated under colonial law as incapable of holding land

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[194] East Africa Living Encyclopedia, accessed January 8, 2014, http://www.africa.upenn.edu/NEH/kethnic.htm

[195] Central Intelligence Agency, accessed January 8, 2014, https://www.cia.gov/library/publications/the-world-factbook/geos/ke.html

[196] "Ballots to Bullets: Organized Political Violence and Kenya's Crisis of Governance," *Human Rights Watch*, accessed January 8, 2014, http://www.hrw.org/sites/default/files/reports/kenya0308web.pdf

title, thus, the government held the land in trust.[197] However, it was soon established that trusting the land with the government was a disastrous idea, as the Jomo Kenyatta administration began selling the land they acquired from the colonizers. The members of Kikuyu ethnic group, to which Kenyatta also belonged, bought much of the land in the lush provinces of Rift Valley, Nyanza, Western and Central Kenya, also known as the White Highlands.[198] The use of the land for political purposes, such as patronage and alliance building, continued with Kenyatta's successor, Daniel arap Moi. As a result, not only that the majority of Kenyans depended on the land due to limited employment opportunities, the country has also been marred with widespread corruption and systematic abuse of office by public officials.[199]

One of President Kibaki's promises to Kenyans was to resolve the grievances over land. When he came to power in 2002, he set up a commission to investigate corruption and unfair allocation of land. The commission's final report evidenced the illegal allocations of land in the 1980s and 1990s, and the unfair settlement schemes, where officials, their relatives and members of the parliament were allocated land rather than ordinary landless Kenyans.[200] In addition, the commission reported "most illegal allocations of public land took place before or soon after the multiparty general elections of 1992, 1997 and 2002."[201] As a result, in addition to the allegations of election rigging, the majority of the clashes, especially in the Rift Valley, were the consequences of these

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[197] "Ballots to Bullets: Organized Political Violence and Kenya's Crisis of Governance," *Human Rights Watch*, accessed January 8, 2014, http://www.hrw.org/node/62465/section/6
[198] Ibid, pg. 12
[199] Ibid, pg. 12
[200] Ibid, pg. 13
[201] Ibid, pg. 14

illegal and unfair allocations of land. While the commission's report also set certain recommendations for the government, these recommendations were not implemented.[202]

The election of 2007 was not the first time when different ethnic groups stirred up sentiment against other ethnic groups. Between 1991 and 1993, when President arap Moi, an ethnic Kalenjin,[203] provoked sentiment against the Kikuyu, to consolidate his vote in the Rift Valley, 1,500 people were killed.[204] The election violence repeated itself in 1997-1998. Following the referendum campaign of 2005, the Kenya National Commission on Human Rights indicated that 16 current and former members of the parliament were responsible for incitement and hate speech.[205] In addition, although attention had been paid to the post-election violence in 2007, the clashes among Kenyans began well before the elections actually took place.[206] Between August and December 2007, as a result of attacks among those belonging to different ethnic groups and supporting different candidates, there were 200 election-related reported deaths according to European Union observers.[207]

In the aftermath of the elections, while the first batch of election results showed victory with one million more votes for Odinga's party, the Orange Democratic Movement, Kibaki was announced as the president.[208] The bloodshed following the declaration of the incumbent Kibaki as the winner of the elections had been quick and

[202] "Ballots to Bullets: Organized Political Violence and Kenya's Crisis of Governance," *Human Rights Watch*, accessed January 8, 2014, http://www.hrw.org/sites/default/files/reports/kenya0308web.pdf
[203] "Daniel arap Moi (president of Kenya)." Encyclopedia Britannica Online, accessed January 9, 2014, http://www.britannica.com/EBchecked/topic/387733/Daniel-arap-Moi
[204] "Ballots to Bullets: Organized Political Violence and Kenya's Crisis of Governance," *Human Rights Watch*, accessed January 8, 2014, http://www.hrw.org/node/62465/section/6
[205] Ibid, pg. 19
[206] Ibid, pg. 19
[207] Ibid, pg. 19
[208] Jeffrey Gentleman, "Disputed Vote Plunges Kenya into Bloodshed," *New York Times*, December 31, 2007, accessed February 1, 2014, http://www.nytimes.com/2010/02/28/us/politics/28health.html

brutal. As Odinga was claiming that the elections were rigged, he also called his supporters to rally in Nairobi and to join a peaceful mass action.[209] At the time, there were numerous news reports indicating the outbreak of a tribal war, where homes were burned, businesses were shut, some Kenyans being dragged out of their houses and clubbed to death, and some burned inside a church where they had thought to found refuge from the fighting.[210] Besides the ethnic groups attacking each other, the police were also firing at protesters, used tear gas and water cannons to stop them from advancing to the capital to hold a mass alternative inauguration ceremony for the defeated Odinga.

As Kibaki's was able to win the election by only 230,000 votes, the reported instances of inconsistencies were rampant; including altered voting forms and voter turnout being higher than the number of actual voters.[211] As such, the five members of the Electoral Commission of Kenya publicly denounced fraud. [212] The opposition called for a re-run of the presidential elections and for the president to step down, while Kibaki, after weeklong violence, offered to share power in a government of national unity.[213] As the security forces sealed off the Freedom Park, where the opposition rally was planned to take place, the opposition cancelled the rally, and dismissed the earlier statements on taking its complaints of election rigging to court, as they did not believe in the

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[209] "Scores dead in Kenya poll clashes," *BBC News,* accessed March 1, 2014, http://news.bbc.co.uk/2/hi/africa/7165602.stm

[210] Jeffrey Gentleman, "Disputed Vote Plunges Kenya into Bloodshed," *New York Times*, December 31, 2007, accessed February 1, 2014, http://www.nytimes.com/2010/02/28/us/politics/28health.html

[211] "Scores dead in Kenya poll clashes" *BBC News*, accessed March 1, 2014, http://news.bbc.co.uk/2/hi/africa/7165602.stm

[212] "Kenya's Dubious Election," *BBC News*, accessed March 1, 2014, http://news.bbc.co.uk/2/hi/africa/7175694.stm

[213] Robyn Dixon, "Across country, Kenya's tribes segregate themselves," *SFGate,* January 6, 2008, accessed February 1, 2004, http://www.sfgate.com/politics/article/Across-country-Kenya-s-tribes-segregate-3231760.php

independence of the judiciary.[214] In the meantime, the accusations took an ugly turn as both sides had accused each other of ethnic cleansing.[215] During the post election violence, more than 1,200 people were killed and about 600,000 were internally displaced.[216]

International Response

The international response to the post-election violence in Kenya was swift. The UNSG Ban Ki-moon issued a statement regarding the developments in Kenya as early as December 31, 2007, indicating his concern about the violence and urging the population for patience and respect for law.[217] South Africa's Archbishop Desmond Tutu was one of the first African leaders to help bring about a solution to the crisis and to meet with the President Kibaki and the opposition leader Odinga on January 2, 2008.[218] The following day, Jendayi Frazer, then the top U.S. envoy to Africa, separately met the opposition and the President, as the opposition called for international mediation.[219] In addition to the American mediation efforts, the UK Foreign Secretary David Miliband asked that Ghanian President John Kufuor, then the chair of the African Union, to take part in the

[214] "Kenya opposition wants new polls," *BBC News*, January 4, 2008, accessed March 1, 2014, http://news.bbc.co.uk/2/hi/africa/7171552.stm

[215] "Ethnic bloodletting spreads in Kenya" *USA Today*, January 29, 2008, accessed March 1, 2014, http://usatoday30.usatoday.com/news/world/2008-01-28-kenya-unrest_N.htm

[216] "In-depth: Kenya's post election crisis" *IRIN*, accessed March 1, 2014, http://www.irinnews.org/in-depth/76116/68/kenya-s-post-election-crisis

[217] Statement attributable to the Spokesperson for the Secretary-General on Kenya, accessed March 7, 2014, http://www.un.org/sg/statements/index.asp?nid=2935

[218] "Can Tutu heal Kenya's wounds?" *BBC News*, January 4, 2008, accessed March 7, 2014, http://news.bbc.co.uk/2/hi/africa/7171605.stm

[219] "Kenya: Impact of the ICC Proceedings" *International Crisis Group, January 9, 2012, accessed March 8, 2014,* http://www.crisisgroup.org/~/media/Files/africa/horn-of-africa/kenya/B084%20Kenya%20----%20Impact%20of%20the%20ICC%20Proceedings.pdf

mediation efforts.[220] In the meantime, on January 31, 2008, the Foreign and European Affairs Minister of France at the time, Bernard Kouchner, appealed to the UNSC in a statement and requested "in the name of the responsibility to protect, it is urgent to help the people of Kenya."[221]

The crisis in Kenya not only affected Kenyans but East and Central Africa as a whole. As Mombasa is the hub of transportation of goods, the unexpected halt in transportation due to violence created shortages and caused increases in the prices of these goods.[222] As such, the Kenyan problem was acknowledged as a regional problem and Africans sought to solve the problem through mediation. Important African figures tried to mediate the situation, including the African Union Chairman at the time and Ghanaian President John Kufuor, and former African Presidents of Kenneth Kaunda of Zambia, Joaquim Chissano of Mozambique, Benjamin Mkapa of Tanzania, Ketumile Masire of Botswana.[223] However, they were unable to broker a peace agreement. Almost two weeks following the eruption of violence, on January 10, 2008, at the recommendation of the AU Chairman Kufuor, the opposition and the President agreed on the appointment of the former UNSG Kofi Annan as the AU Chief Mediator, under the auspices of the Panel of Eminent African Personalities.[224]

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[220] "US envoy begins Kenyan meetings," *BBC News*, January 5, 2008, accessed March 8, 2014, http://news.bbc.co.uk/2/hi/7172665.stm

[221] Statement by Bernard Kouchner on the situation in Kenya, February 1, 2008, accessed March 8, 2014, http://www.ambafrance-ke.org/Statement-by-Bernard-Kouchner-on

[222] "Kenya: Impact of the ICC Proceedings" *International Crisis Group*, January 9, 2012, accessed March 8, 2014, http://www.crisisgroup.org/~/media/Files/africa/horn-of-africa/kenya/B084%20Kenya%20----%20Impact%20of%20the%20ICC%20Proceedings.pdf

[223] Ibid, pg. 4

[224] Ibid, pg. 4

The Panel created an agenda, also known as the Road Map that laid out the structure for the peace talks and it consisted of four items. The first item on the Road Map was to immediately stop violence and restore human rights and liberties.[225] The second item was that immediate measures should be taken "to address the humanitarian crisis, promote reconciliation, healing and restoration."[226] The third item of the Road Map was to overcome the political crisis.[227] And the fourth item was to work on long-term issues and solutions.[228] The Road Map was presented to President Kibaki and the opposition prior to the beginning of the formal peace talks.[229] Both sides rapidly accepted the Road Map, which was a positive development, evidencing that both sides were willing to find a middle ground and a peaceful political solution.

For the following two months, Annan met with negotiators representing Kibaki and Odinga for almost every single day. There were serious setbacks and deadlocks over various important issues, such as the opposition's acceptance of Kibaki as the legitimate president of Kenya, the sharing of the responsibilities and power following the signing of a peace agreement, the amending of the constitution to create the non-existent position of prime minister and the limits of authority of the future prime minister and the president.[230] Although the formal negotiations began on January 29, 2008, there was still no progress on any of the essential issues almost a month later. [231] On February 26,

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[225] Lindenmayer and Kaye, pg. 10
[226] Ibid, pg. 10
[227] Ibid, pg. 10
[228] Ibid, pg. 10
[229] Ibid, pg. 10
[230] Jeffrey Gentleman, "Power-sharing agreement is reached in Kenya," *New York Times*, February 28, 2008, accessed February 18, 2014, http://www.nytimes.com/2008/02/28/world/africa/28iht-kenya.4.10541051.html?_r=4&
[231] Lindenmayer and Kaye, pg. 19

Annan suspended the peace talks as it was becoming extremely hard to work with proxies rather than directly with Odinga or the President Kibaki.

As he was suspending the talks, Annan met with Odinga and Kibaki behind closed doors to make sure that both sides understood that only Kibaki and Odinga would be held responsible for the failure of finding a peaceful solution to the crisis.[232] Annan then convened a meeting for a final round of negotiations only with the following four individuals: President Kibaki, opposition leader Odinga, the President Kikwete of Tanzania, who was also the new Chairman of the AU and the former President Mkapa of Tanzania. As there were only five members to the negotiations, the conflicting parties were asked to reach an agreement, draft, sign, and make it public.[233] They only brought in lawyers for technical questions, such as the need for a constitutional amendment. The only issue, which would need an amendment to the constitution, was identified as the creation of the position of a prime minister. Following the final round of negotiations, a peaceful solution to the political problem was reached as The Agreement on the Principles of Partnership of the Coalition Government was drafted and signed on February 28, 2008. According to the agreement, Odinga became the new Prime Minister with the authority to co-ordinate and supervise the government.[234]

<u>Malian Experience</u>

Mali suffered greatly from the armed struggles following the NATO intervention in Libya. Following the overthrow of Qaddafi, Malian fighters fighting for him, mainly

[232] Lindenmayer and Kaye, pg. 20
[233] Ibid, pg. 21
[234] "Key points: Kenya power-sharing deal," *BBC News*, February 28, 2008, accessed March 17, 2014, http://news.bbc.co.uk/2/hi/africa/7269476.stm

belonging to Tuareg ethnic group, returned to Mali, as they feared being targeted by Libyans. As they returned, they also smuggled weapons into the country, as Qaddafi's weapons caches were looted, and arms were seeping into black markets in Africa and the Middle East. Although overlooked at the time, Mali was already a troubled country as the Tuaregs had been seeking independence since 1916,[235] even prior to Mali's independence from France. Moreover, Al-Qaeda in the Islamic Maghreb (AQIM) was present in the north and pretty self-sufficient financially as they were involved in kidnappings for ransom, trafficking of cocaine, marijuana and cigarettes, and related organized crime.[236] Although previously seen as a fairly democratic and peaceful country with its president Amadou Toumani Toure labeled as the "soldier of democracy,"[237] in actuality, Mali was nothing but a big can of worms.

In terms of demographics, Tuareg ethnic groups have been concentrated in the north and they have been seeking independence since French rule. Following Mali's independence, the Tuareg continued to rebel, this time against the Malian government in the 1960s and 1990s, then again in early 2000 and between 2006 and 2009.[238] While in 1991 Tuareg rebels signed an agreement, the Tamanrasset Accords, with the government, the promised special status for the north was not implemented.[239] Aside from Tuareg attempts at self-determination, Mali has been suffering from various weak administrations and thirty years of one party rule, in addition to the lack of security due to

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[235] http://www.globalresearch.ca/the-crisis-in-mali-a-historical-perspective-on-the-tuareg-people/5321407
[236] "Mali crisis: Key Players," *BBC News,* March 12, 2013, accessed February 22, 2014, http://www.bbc.com/news/world-africa-17582909
[237] "The Coup in Mali Is Only the Beginning." *Foreign Affairs*. April 11, 2012. Accessed February 26, 2014. http://www.foreignaffairs.com/articles/137398/susanna-wing/the-coup-in-mali-is-only-the-beginning
[238] http://www.globalresearch.ca/the-crisis-in-mali-a-historical-perspective-on-the-tuareg-people/5321407
[239] "Initiatives for Peace in Northern Mali in the 1990s – Lessons Learned" February 13, 2013, accessed March 3, 3014, http://acontrarioicl.com/2013/02/13/initiatives-for-peace-in-northern-mali-in-the-1990s-lessons-learned/

drug trafficking and uncontrollable borders that further enabled criminal and terrorist activity. In addition to issues of governance, an extremist Islamist militant group, Al-Qaeda in the Islamic Maghreb (AQIM) had been operating in the Sahara and Sahel as they carried out various terrorist activities, especially suicide attacks, in neighboring Algeria.[240] As such, Mali was facing an internal conflict that was about to spill over into neighboring countries and Mali's troubles were manifold since they involved issues of lack of governance, secessionism, and Islamic terrorism.

One of the major issues Mali faced at the time was an extremely weak and under equipped military. When 128 Malian soldiers were killed in an attack at a military base by Islamist militants of Ansar Al-Dine, an Al-Qaeda linked group, the slain soldiers' wives gathered at the Presidential Palace to demand better equipment for the country's soldiers.[241] As the military grew increasingly frustrated with the government's failure to respond to the attack, a group of low to mid-ranking military officers overthrew President Amadou Toumani Toure, the soldier of democracy, on March 21, 2012.[242] Immediately after the coup, Tuareg separatist group, the National Movement for the Liberation of Azawad (MNLA), captured several cities in the north. Within a few weeks following MNLA's seizing of the north, on May 26, 2012, the Islamist group Ansar Al-Dine, took advantage of the power vacuum and declared that they had agreed with MNLA to turn

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[240] Laub, Zachary, and Jonathan Masters. "Al-Qaeda in the Islamic Maghreb (AQIM)." January, 2014, accessed February 26, 2014. http://www.cfr.org/terrorist-organizations-and-networks/al-qaeda-islamic-maghreb-aqim/p12717?cid=rss-africa-al_qaeda_in_the_islamic_maghre-101512

[241] "The Coup in Mali Is Only the Beginning." *Foreign Affairs*. April 11, 2012. Accessed February 26, 2014. http://www.foreignaffairs.com/articles/137398/susanna-wing/the-coup-in-mali-is-only-the-beginning

[242] Adam Nossiter, "Soldiers Overthrow Mali Government in Setback for Democracy in Africa," *New York Times,* March 22, 2012, accessed February 28, 2014, http://www.nytimes.com/2012/03/23/world/africa/mali-coup-france-calls-for-elections.html?pagewanted=all&_r=0

northern Mali into an Islamic state.[243] As the secular MNLA and Ansar Al-Dine began disagreeing over the issue of the implementation of sharia law in the north, Ansar Al-Dine, joined by fellow Islamist groups Movement for Unity and Jihad in West Africa (MUJAO), as well as AQIM, clashed with MNLA in the northern town of Gao.[244] Ultimately, the Islamists won the control of the north, destroying historic sites of Timbuktu.[245] The seizing of Konna on January 10, 2013 by Ansar Al-Dine was the final straw, as the city is situated 435 miles from the capital Bamako.[246] The interim President at the time, Dioncounda Traore, declared a state of emergency and requested immediate military assistance from France.[247]

International Response

Although the Malian crisis was overlooked for nearly ten months and the crisis led to the Islamists taking control of the north, once initiated, the international response was rapid. Although the military coup took place in March 2012, the decision to send 3,300 troops to Mali only took place at the Economic Community of West African States (ECOWAS) summit in November 2012.[248] With a mandate of one-year, ECOWAS troops were planned to regain control of northern Mali and consisted of troops from

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[243] Leela Jacinto, "Strange bedfellows: The MNLA's on-again, off-again marriage with Ansar Dine," *France24*, June 5, 2013, accessed March 1, 2014, http://www.france24.com/en/20120605-mali-strange-bedfellows-mnla-ansar-dine-al-qaeda-aqim-islamists-tuareg/

[244] Ibid.

[245] Ishaan Tharoor, "Timbuktu's Destruction: Why Islamists Are Wrecking Mali's Cultural Heritage," *TIME,* July 2, 2012, accessed March 3, 3014, http://world.time.com/2012/07/02/timbuktus-destruction-why-islamists-are-wrecking-malis-cultural-heritage/

[246] "Ansar Dine Islamists seize Malian town of Konna," *France24*, January 10, 2013, accessed March 3, 3014, http://www.france24.com/en/20130110-ansar-dine-islamists-seize-konna-mali/

[247] Baba Ahmed and Sylvie Corbet, "Mali Islamist Rebels Capture Konna, Send Military Into Retreat," *The World Post*, January 11, 2013, accessed March 3, 2014, http://www.huffingtonpost.com/2013/01/11/mali-islamist-rebels-send-military-retreat_n_2456568.html

[248] "African leaders agree on troop deployment to Mali," *France24,* November 11, 2012, accessed March 3, 2014, http://www.france24.com/en/20121111-african-leaders-agree-troop-deployment-mali-ecowas-ouattara-abuja-islamists/

Nigeria, Senegal, Niger, Burkina Faso, Ghana and Togo and non-ECOWAS member states, including Chad, Mauritania and South Africa.[249] However, the deployment of troops was only possible with the approval of the UNSC.

With the adoption of resolution 2085 under Chapter VII, the UNSC authorized the deployment of African-led International Support Mission in Mali (AFISMA) on December 20, 2012.[250] Under the resolution, AFISMA was tasked with not only with the strengthening the security forces, of the supporting stabilization activities and assisting with humanitarian access but also "supporting the Malian authorities in their primary responsibility to protect the population."[251] Furthermore, AFISMA was authorized to take "all necessary measures to achieve those tasks, in compliance with applicable international humanitarian and human rights law, and in full respect for Mali's sovereignty, territorial integrity and unity."[252]

In the meantime, the city of Konna fell into the hands of militants of Ansar Al-Dine on January 10, 2013.[253] As soon the interim president sought the help of the French government, France immediately began carrying out airstrikes on January 11, 2013, while the U.S. provided intelligence and logistical support. [254] Within two weeks of the beginning of the French intervention, Operation Serval, the control of the northern city of

[249] "African leaders agree on troop deployment to Mali," *France24,* November 11, 2012, accessed March 3, 2014, http://www.france24.com/en/20121111-african-leaders-agree-troop-deployment-mali-ecowas-ouattara-abuja-islamists/
[250] UNSC Press Release SC/10870, December 20, 2012, accessed March 5, 2014, http://www.un.org/News/Press/docs/2012/sc10870.doc.htm
[251] Ibid.
[252] Ibid.
[253] "Ansar Dine Islamists seize Malian town of Konna," *France24*, January 10, 2013, accessed March 3, 3014, http://www.france24.com/en/20130110-ansar-dine-islamists-seize-konna-mali/
[254] Adam Nossiter and Eric Schmitt, "French Troops Help Mali Halt an Islamist Advance," *New York Times,* January 11, 2013, accessed March 3, 2014, http://www.nytimes.com/2013/01/12/world/africa/mali-islamist-rebels-france.html?gwt=regi

Gao was retaken, then Timbuktu, Kidal, Diabaly and Tessalit in the following months.[255] In response to the March 2013 request of the African Union Peace and Security Council, the UNSC adopted resolution 2100, which established the UN Multidimensional Integrated Stabilisation Mission in Mali (MINUSMA) to transform AFISMA into a peacekeeping operation with 11,200 military and 1,440 police personnel.[256] While MINUSMA had a peacekeeping mandate, peacekeepers were also given peace enforcement role, thus, they were authorized to use all means necessary to ensure the protection of civilians.[257]

Operation Serval, was a unilateral action, however, it gained the approval of the international community as it was carried out at the request of the interim president of Mali and the UN Security Council. No doubt the intervention was a "pre-emptive military strike"[258] and there were multiple national and international interests surrounding the operation. First, it was in the national interest of France to eliminate the possibility of Mali spiraling out of control, because of Mali's proximity to Libya and thus Europe. Second, France needed to halt the conflict before it spilled over into Niger, the supplier of two of the largest electricity providers of France with uranium, as it is the primary source of electricity in France.[259] Third, in order to defeat the rebels and jihadists, it was in the

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[255] Sudarsan Raghavan, "French, Malian forces capture airport and key bridge in militant stronghold," *Washington Post,* January 26, 2013, accessed March 9, 2014, http://www.washingtonpost.com/world/africa/french-malian-forces-capture-airport-and-key-bridge-in-militant-stronghold/2013/01/26/841bfa00-67c9-11e2-83c7-38d5fac94235_story.html

[256] Ibid.

[257] UNSC Press Release SC/10987, April 25, 2013, http://www.un.org/News/Press/docs/2013/sc10987.doc.htm

[258] Francis, pg. 5

[259] Francis, pg. 7

interest of Western and African nations to pledge additional military, intelligence and logistical support to France when needed.[260]

Overall, although the intervention was acknowledged as sudden, it was well prepared and supported widely by ordinary Malians, the Malian government, West African states, and others.[261] In June 2013, Tuareg rebels signed a peace agreement with the transitional government, allowing the government forces into the city of Kidal.[262] In August 2013, Mali had its first elections since the military coup of 2012 and elected a former prime minister, Ibrahim Boubacar Keita, as the new president of Mali.[263] Following these positive developments, there were clashes between Tuareg rebels and the army. French forces and others continued to fight the jihadists in the north and the government resigned on April 6, 2014. Thus, although the use of force was successful, the stabilization process is still ongoing.

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[260] Francis, pg. 5

[261] International Crisis Group, pg. i

[262] Adam Nossiter, "Rebels in North Mali Sign Peace Deal Allowing In Government Troops," *New York Times, June 18, 2013, accessed March 12, 2014,* http://www.nytimes.com/2013/06/19/world/africa/mali-and-rebels-reach-peace-deal.html

[263] Adam Nossiter, "In Mali's Election, Dashes of Optimism and Realism," New York, Times, August 11, 2013, accessed March 12, 2014, http://www.nytimes.com/2013/08/12/world/africa/in-malis-election-dashes-of-optimism-and-realism.html

CONCLUSION

As outlined in the Outcome Document of the 2005 World Summit, the international community has the responsibility to use appropriate means, diplomatic and other, to help protect populations, in a timely manner, from genocide, war crimes, ethnic cleansing and crimes against humanity. The international community deserves the respect it receives in acting in accordance with R2P. Through the UN and regional organizations, they were able to use various means, diplomatic or not, in Libya, Kenya and Mali to save civilians from being slaughtered. However, the international community, meaning the UN and the international organizations, is losing its credibility since they failed to respond to the war crimes and crimes against humanity taking place in Syria.

In all four cases examined in the previous chapters, the issues were complex and domestic in nature. However, these issues soon turned into regional and international concerns and threats to peace and security. In each case, the international community had also implemented political and economic sanctions to change the aggressors' behavior and to bring them to the negotiation table. In the case of Libya, Kenya, and Mali, where all of these governments failed to protect their populations, the P5 and regional organizations, the AU and the Arab League, were aligned and their decisions and recommendations were implemented in an organized and timely manner. In Syria, while the state is the perpetrator of war crimes and crimes against humanity, because the P5 are not aligned and the Arab League had been in favor of a political solution,[264] R2P is not being fully implemented.

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[264] "Syria accepts Russian chemical weapons plan," *Al Jazeera English*, September 10, 2013, accessed March 15, 2014, http://m.aljazeera.com/story/20139109613395758

In Mali, ECOWAS, the EU, the AU, France and others did work collaboratively to keep the conflict under control. Although the situation that Mali was in before and after the coup had been largely ignored during the first ten months of the conflict, once initiated the international response was well organized and effective in driving the Islamists out and in re-establishing political normalcy in the country. As the intervention was carried out at the request of the Malian government, it was not perceived as an effort to undermine Malian national sovereignty. Negotiations with the Tuareg rebels and establishing a peace agreement were also another positive development, as well as the elections of 2013. Mali is still recovering from the military coup, as the French and German brigades are training Malian soldiers to better prepare them for possible future threats to Malian security. Overall, the implementation of the second pillar of R2P, the responsibility to react, was successful in Mali as the population was protected from the threat of slaughter and the rebuilding efforts are ongoing under the third pillar of R2P, the responsibility to rebuild.

In Kenya, it was almost surreal that Kofi Annan's determination to bring both political parties to the negotiating table worked and brought the conflict to an end. As a negotiator, Mr. Annan's personality, neutrality and African roots made it easier for Odinga and Kibaki to accept and respect the mediation efforts. In addition to Mr. Annan, the African Union, with knowledge of the local dynamics, played a better role in finding a peaceful solution to the political crisis, with the support of the U.S., the EU, the UN, and the notable former presidents of a number of African states. It was also crucial that the deteriorating situation in Kenya was assessed and the possibility of the conflict becoming an ethnic cleansing was detected immediately. The parties to the conflict were

willing to come to an agreement and although the issues could have been ironed out even earlier, they reached an agreement 40 days from the initiation of the mediation effort. Moreover, the Kenyan population embraced the outcome of the agreement. Thus, the implementation of the first pillar of R2P, the responsibility to prevent, was successful in Kenya.

In Libya, within a month of the beginning of the uprisings and the following brutal crackdown by the government forces, the international community, the UN to be precise, initiated its response through sanctions. While implementing the second pillar of R2P, the responsibility to react, the international community, with the approval and request of the Arab League, implemented arms embargoes, asset freezes, and restrictions on travel as well as on imports and exports. As the sanctions proved insufficient to bring Qaddafi to the negotiating table, the UNSC imposed a no-fly zone over Libya. Although not every single conflict calls for a military intervention and R2P is implemented on a case-by-case basis, the situation in Libya met the six necessary criteria for military intervention. First, there was just cause since large-scale loss of life was expected following Qaddafi's attack on Benghazi. Second, there was credible evidence of such an attack being planned as Qaddafi boasted about it on the media. Third, although the EU had concerns other than killings and human suffering, the intervention's main purpose was to stop Qaddafi's forces from killing civilians. Fourth, the possible diplomatic efforts were exhausted through sanctions. Fifth, the military action was proportional and short-term. And finally, intervention was successful since the main purpose, to halt killings and human suffering was met. As such, the implementation of the responsibility to react was successfully carried out in Libya.

In the case of Syria, it was the Arab League that initiated an international response to the unfolding conflict. As it was too late to implement the first pillar, the responsibility to prevent, various sanctions were imposed on Syria and Kofi Annan was appointed as the UN and Arab League Joint Special Envoy. Due to the unwillingness of both the Assad regime and the rebel forces, Mr. Annan's Six-Point Plan failed. Following the use of chemical weapons against civilians, the international community missed the opportunity to intervene, when the Obama administration took its decision to the Congress and when it accepted the Russian attempts at negotiating with the Assad regime. Although it was established that the Assad regime and the rebel forces are now guilty of a number of crimes, including war crimes and crimes against humanity, two of the four crimes necessitating action, the P5 have been unwilling to intervene.

Russia and China have used their veto power to block action in Syria, alleging that regime change that occurred in Libya was not authorized in the UNSC mandate. However, rejecting calls for intervention based on the argument of regime change under the pretense of humanitarian action is pointless. When the citizens of Tunisia, Egypt, Libya, Syria, and other states began to protest, they may not have spelled out initially that what they wanted was a regime other than under which they were living. Although the protests may have begun as a result of inflation, unemployment, food scarcity, or the like, citizens protest because they demand much more than better economic prospects. Those protesting against their governments in the Middle East and elsewhere are demanding fair treatment, basic human rights and a justice system, a government, and a security apparatus that is not corrupt. As members of P5, Russia and China have so much trouble at home with their own populations demanding more rights and liberties and since they

do not want any changes in their current regimes, they tend to label any and all intervention efforts as attempts to change a current regime.

The inaction in Syria is a result of regional politics and personal connections as well as the outcomes of action and inaction. From the onset, the P5 and others were concerned about many issues surrounding the intervention, including the possibility of Iran retaliating against Israel, the extremists taking over Syria, the massacre of Alawites and other minorities, and the existence of another chaotic unstable country at the gates of Israel. However, inaction created as many issues as action since there is a continued loss of life, a refugee crisis, and as important, the destroyed credibility of the international community. Moreover, the situation in Syria will continue to be destabilizing for the whole region. As the number of those killed or displaced has not been a trigger for action in the Syrian case, it looks more likely that Syria might suffer from a prolonged civil war, as did Lebanon.

Although both Qaddafi and Assad are responsible for failing to protect their citizens, and in fact, for the killing of thousands of Libyan and Syrian citizens, the international community's response to each case had been, unfortunately, completely different. On the one hand, with the blessings of some and reticence of others, NATO was ordered to stop Qaddafi's forces from killing thousands of citizens of Benghazi. On the other hand, as a result of Assad's economic and political relationships with Russia, China and Hezbollah, NATO was not ordered to stop Assad from killing the citizens of Homs, Hama and Houla or from making millions of Syrians become refuges and forcing those in Syria into living in miserable conditions. Since the implementation of R2P came to a pause with the Geneva II Conference and there is credible evidence suggesting that

the international community will not intervene, the implementation of R2P, and the international community with it, failed miserably in Syria.

This thesis was set out to explore how the decisions made by the UNSC permanent members and the regional organizations affected the way in which Responsibility to Protect was implemented. As evidenced with recent examples of Libya, Syria, Kenya and Mali, I argued that the international stance on whether a crisis amounts to a situation that calls for intervention depends on the state, the nature of the crisis and who is being harmed by the crisis. Although in some cases, such as in Libya, Kenya, and Mali, R2P was implemented successfully, in Syria, the implementation of R2P fell short of expectations. As R2P is being implemented on a case-by-case basis, its uneven application affects its credibility, as well as the credibility of the international community.

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