



## **Never Again?**

An analytical overview of 20 years of humanitarian crisis and military interventions for humanitarian reasons

Harpa Sif Arnarsdóttir

**Lokaverkefni til BA-gráðu í stjórnmálafræði**

**Félagsvísindasvið**



**HÁSKÓLI ÍSLANDS**

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Stjórnmálafræðideild  
Félagsvísindasvið Háskóla Íslands  
Febrúar 2012

Ritgerð þessi er lokaverkefni til BA-gráðu í stjórnmálafræði og er óheimilt að afrita ritgerðina á nokkurn hátt nema með leyfi rétthafa.

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Reykjavík, Ísland 201

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## **Abstract**

In the past 20 years the term „responsibility to protect“ has become increasingly accepted in the international community and the norm in dealing with humanitarian crises and mass atrocities. This change in view is the result of hard lessons learned after cases of genocide and grave human rights violations where the international community failed to act despite the UN’s promise „never again“ following 1948’s Convention on the Prevention and Punishment of the Crime of Genocide. In this thesis, ten cases of humanitarian crisis in the past 20 years are examined using relevant criteria that can explain the decision making process of the United States Security Council when faced with such crises. Five of the selected cases generated UN-mandated military operations and five are cases where the UNSC has not opted for a military operation or not acted appropriately, if at all. The results show that while humanitarian factors are the driving forces of UN-mandated military operations carried out for avowedly humanitarian reasons, additional factors also prove to be influential in the decision making process of the UNSC in dealing with humanitarian crisis. These include political, economic, and strategic/military factors, as well as criteria of a more practical nature that may determine the risk-benefit balance of military intervention.

## Útdráttur

Á undanförunum 20 árum hefur hugtakið „responsibility to protect“ notið aukinnar viðurkenningar innan alþjóðasamfélagsins og orðið að ákveðnu viðmiði í tilfelli grófra mannréttindabrota og glæpa gegn mannkyninu. Þessi viðhorfsbreyting er afleiðing sárrar reynslu og erfiðs lærdóms í kjölfar endurtekinna grimmdarverka sem alþjóðasamfélagið hefur ekki brugðist við sem skyldi þrátt fyrir loforð Sameinuðu Þjóðanna um hið gagnstæða. Í þessari ritgerð er sjónum beint að tíu tilfellum alvarlegra brota á mannréttindum og glæpum gegn mannkyninu á síðastliðnum 20 árum og ákvarðanatökufarli Öryggisráðs Sameinuðu Þjóðanna kannað út frá hugsanlegum áhrifaþáttum. Fimm þeirra tilfella sem tekin eru til skoðunar eru hernaðaraðgerðir sem framkvæmdar hafa verið í umboði Sameinuðu Þjóðanna og fimm eru tilfelli þar sem Öryggisráðið hefur ekki brugðist við aðstæðum sem skildi eða jafnvel ekki tekið brotin til umræðu. Niðurstöður sýna að þrátt fyrir að mannúðarsjónarmið séu drifkraftar hernaðaríhlutana af mannúðaráðstæðum eru aðrir þættir, t.a.m. pólitískir og efnahagslegir, jafnframt áhrifamiklir í ákvarðanatökufarli Öryggisráðsins og geta jafnvel skorið úr um hvort gripið sé til aðgerða vegna mannréttindabrota og glæpa gegn mannkyni eða ekki.

## **Preface**

During my time in the Political Science department at the University of Iceland I have become increasingly interested in the concepts of human security and universal human rights. The idea for this thesis was mainly born this spring as I learned about the events in the Middle East and noticed the difference in response to them by the United Nations Security Council and the selective media attention regarding these events. I therefore set out to try unveiling how decisions are made within the Security Council and what factors might determine the difference in response by analysing the circumstances surrounding past cases and the decision making process of the UNSC in each case. I would like to thank Alyson Bailes for being incredibly helpful and enthusiastic during the writing of this thesis. With her help I managed to turn my very rough idea into a proper thesis and I can't thank her enough for all the time and effort she put into assisting me.



## **Introduction**

The purpose of this thesis is to try to uncover the driving forces of military interventions carried out by the UN in the past decade with the stated aim of protecting human rights. As the idea of universal human rights that ought to be protected by the international community has become more widely accepted, a new form of military intervention has been born: national or international armed combat operations intended to save lives and protect the right of civilians when their own government has failed to do so, or is the one to blame, for violating human rights. Although in the minds of most western liberal thinkers this is fully justifiable and the western media paints a picture for the general public that makes these military interventions seem necessary and noble, this might not always be the case. The exposure of untrue arguments used for the war in Iraq has especially made the public question the motives of military interventions and what the true driving forces for these types of actions are. Are they in fact purely carried out to protect human rights and save innocent lives, or are there political and economic factors that actually determine whether a proposed operation gets the green light from the UN Security Council or not? More importantly, the international community has witnessed cases of human rights violations where there has been a failure to act and world leaders seem to have turned a blind eye to grave situations. If basic human rights ought to be protected and if principles and practical tools for doing so have been established within the UN and agreed upon, why has there been a failure to act in certain cases?

In order to unveil the driving forces of military operations for humanitarian reasons, this thesis will address cases observed in the past two decades where the circumstances have been relatively similar in terms of threat to human lives and human rights. These cases will however differ in terms of response by the UN Security Council. I will take a look at five cases where the UNSC has authorized military interventions and five where it has abstained from action. In order to compare the cases I will develop a macro-comparative research method based on criteria that are likely to have an effect on the outcomes of proposed military interventions considered by the UN Security Council. I argue that if cases are similar in terms of threat to human rights and the international community the response by the UN security council should be the same, or similar. However, if there is a lack of consistency in

response to similar cases by the UN Security Council than other factors must be outweighing the responsibility to protect human rights.

While the UN in itself is an established institution solely devoted to better the world and promote positive development in every aspect of human life, the fact remains that the UN consists of 193 states.<sup>1</sup> These states, despite being members of the UN, can easily take action in order to protect their domestic interest and not the interest of the international community. Furthermore, lacking standing forces of its own, the UN remains wholly dependent on national contributions to carry out any operational mandate. It is therefore extremely important to analyse the actions of the UN carefully and truly understand how decisions, especially in humanitarian cases, have been made. If the assumption is that the UN can do no wrong because of its nature and intended purpose, we might forget the fact that within the UN are competing interests that might distract and lead astray decision makers, resulting in decision making that is not optimal or even worse, lack of action where it is desperately needed. Only by critical analysis of such risks and actual cases can there be positive changes made to the structure and decision making process within the UN, and progress made in truly ensuring basic human rights for every human being on earth.

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<sup>1</sup> United Nations, „Growth in United Nations membership, 1945-present,“  
<http://www.un.org/en/members/growth.shtml> (accessed September 21 2011).

## **1. A historical overview of military interventions for humanitarian reasons**

Mankind has unfortunately witnessed many horrific crimes against humanity during the course of history and too often, mankind has failed to act. After World War Two the international community gradually started taking necessary steps to ensure human security, peace and universally recognized human rights. The founding of The United Nations in 1945 might be considered the most important achievement of the international community in this respect, as it is the main forum for the international community to address issues concerning peace and human security as well a wide range of other issues including social progress and better living standards.<sup>2</sup>

In 1948, following the unspeakable crimes committed during the second World War, the Convention on the Prevention and Punishment of the Crime of Genocide was adopted by the United Nations and the along with it the International community was given the promise „never again“. Despite these efforts and the consoling promise given subsequently, mankind unfortunately has had to witness „it again“. The genocides in Bosnia, Rwanda and Cambodia served as painful reminders that the international community had yet to learn important lessons: despite the efforts of 1948, how to react and when to react still remained subject to debate, and deciding to act proved to be problematic.<sup>3</sup>

The problem seemed largely to lie within the changing nature of conflicts threatening human security. The horrifying events of the two world wars resulted from states invading other states and therefore violating a key principle of the International Community, state sovereignty. The term „state sovereignty“ can be defined in multiple ways, largely due to different theoretical aspects of the term and the fact that most scholars agree that it is a fluid concept that can take on different meaning depending the situation. Here, it is logical to look at the term and its meaning from a judicial viewpoint. In legal terms the concept is seen as the basic rights and duties of states constituted by the international legal order.<sup>4</sup> In other words, each state has the right to act within its borders as it pleases without intrusion by other states. This includes the right to determine political, economic, and social and

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<sup>2</sup> United Nations, „UN at a Glance,“ <http://www.un.org/en/aboutun/index.shtml> (accessed September 21 2011).

<sup>3</sup> International Coalition for the Responsibility to Protect, „An Introduction to the Responsibility to Protect,“ <http://www.responsibilitytoprotect.org/index.php/about-rtop> (accessed September 21 2011).

<sup>4</sup> Hans Kelsen, 'Sovereignty and International Law', *Georgetown Law Journal* (1960), 627. <http://heinonline.org/HOL/LandingPage?collection=journals&handle=hein.journals/glj48&div=50&id=&page=> (accessed September 25 2011)

foreign policies and all states are granted legal equality to do so. This understanding of the term state sovereignty can be dated back to the Westphalia Treaty of 1648 and therefore widely accepted and firmly established in the international community. Therefore difficulties in changing its core meaning are inevitable, but nevertheless changes are necessary with a view to guaranteeing all human beings their basic human rights.<sup>5</sup>

The focus has had to be shifted in recent times from securing the safety of states, to the challenge of other states violating the rights of their citizens and the meaning of state sovereignty has had to be redefined accordingly. The fundamental question thus changed from „when should the International community act in order to protect states?“ to „when should the international community react in order to protect people and the safety of the community?“<sup>6</sup>In the late 1990's it became painfully obvious that drastic changes had to be made within the UN to make sure the „never again“ promise given in 1948 would not be broken again. The term Responsibility to Protect was first introduced in 2001 by the International Commission on Intervention and State Sovereignty. The commission's purpose was to address and answer the fundamental question of when state sovereignty must give way to human rights. At the UN's anniversary summit in September 2005, the historical commitment was finally made.<sup>7</sup> The Responsibility of the International Community to protect human rights from crimes against humanity, including genocide, ethnic cleansing and war crimes was formally established in the Summit Outcome document produced at this meeting, which states the following:

*...Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity*

*...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<sup>8</sup>*

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<sup>5</sup> International Commission on Intervention and State Sovereignty, *International Development Research Centre, Responsibility to protect: research, bibliography, background*. Vol 2. (Canada, 2001), 6-7.

[http://www.google.is/books?hl=is&lr=&id=31qFeSkSb51C&oi=fnd&pg=PR5&dq=sovereignty&ots=-AfMH2TNU&sig=OmHC7hVamw3g8HuwCoAQNwft84&redir\\_esc=y#v=onepage&q=sovereignty&f=false](http://www.google.is/books?hl=is&lr=&id=31qFeSkSb51C&oi=fnd&pg=PR5&dq=sovereignty&ots=-AfMH2TNU&sig=OmHC7hVamw3g8HuwCoAQNwft84&redir_esc=y#v=onepage&q=sovereignty&f=false) (accessed September 25 2011).

<sup>6</sup> International Coalition for the Responsibility to Protect, „An Introduction to the Responsibility to Protect,“ <http://www.responsibilitytoprotect.org/index.php/about-rtop> (accessed September 21 2011).

<sup>7</sup> Ibid.

<sup>8</sup> United Nations General Assembly, *2005 World Summit Outcome Document*, (2005), 31.

<http://responsibilitytoprotect.org/world%20summit%20outcome%20doc%202005%281%29.pdf> (accessed October 14 2011).

Since the 2005 UN Summit *the Responsibility to Protect* has been further elaborated by the new UN Secretary-General Ban Ki-moon. He issued a document entitled *Implementing the Responsibility to Protect (RtoP)* in 2009 as a step in turning the concept of the responsibility to protect into policy. The document describes the three-pillar approach and the measures and actors involved in the implementation of this approach. The first pillar emphasises the responsibility of states to protect populations from human rights violations and crimes against humanity. The second pillar describes the international community's commitment to assist states in protecting their citizens from genocide, war crimes, ethnic cleansing and crimes against humanity. The third pillar states that the international community has a responsibility to take action to protect populations from the aforementioned horrors if their own states have failed to do so or are responsible for the situation.<sup>9</sup>

It is safe to say in the light of recent developments within the UN that the term responsibility to protect (often now abbreviated to R2P) has been firmly established, and the willingness of the current Secretary-General to formulate clear procedural guidelines and his enthusiasm for the concept gives reason for optimism regarding future developments. Yet, as stated in the introduction to this thesis, the UN Security Council continues to fail to act in many cases: and therefore further development, and perhaps changes to the Security Council setup, are needed in order to ensure human security and human rights for every individual.

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<sup>9</sup> United Nations General Assembly, *Implementing the Responsibility to Protect, Report of the Secretary General*, (2009). <http://responsibilitytoprotect.org/implementing%20the%20rtoP.pdf> (accessed October 15 2011).

## 2. Key definitions

This thesis will examine the actions taken by the UN Security Council, as well as lack of actions, in situations where crimes against humanity are being committed or gross violations of human rights and threats to human security are present. Before important theoretical definitions regarding this thesis are established, it is important to briefly describe the UN Security Council and its workings. The maintenance of international peace and security is primarily in the hands of the Security Council according to the UN Charter. The first Summit Meeting of the Security Council took place in 1992, correlating with the time frame of this thesis which examines cases between 1991 and 2011.<sup>10</sup>

The Security Council consists of representatives of fifteen member states. Five are permanent members, the United States, the United Kingdom, China, France and the Russian Federation. The other ten member states are elected by the General Assembly and serve for two-year terms. Decisions within the Security Council are taken by vote and each member of the Security Council has a single vote to cast in each matter. In order for a decision to be made, nine of the fifteen members need to agree. Furthermore, all five permanent members need to agree when decisions on substantive matters need to be taken. These substantive matters include military operations for humanitarian reasons, so this feature of the Security Council is highly relevant to the research topic. This factor is most commonly referred to as the „veto” power and will be further discussed later on. The Security Council is undoubtedly the most powerful body of the UN. All member states of the UN agree under the UN Charter to accept and carry out decisions made by the Security Council, and the Security Council is the only body within the UN that has such power. Other bodies of the UN only make recommendations to Governments but the Security Council can *de jure* give orders to Governments.<sup>11</sup> This further underlines the importance of investigating what the driving forces of decision making within the Security Council are.

Many key terms in literature and research regarding the topic of human rights and military interventions for humanitarian reasons have been debated and can differ greatly depending on the source. Before any research is conducted relating to these issues, key

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<sup>10</sup> United Nations, „UN Security Council, Background,” [http://www.un.org/Docs/sc/unsc\\_background.html](http://www.un.org/Docs/sc/unsc_background.html) (accessed October 14 2011).

<sup>11</sup> United Nations, „UN Security Council Membership in 2012,” <http://www.un.org/sc/members.asp> (accessed October 14 2011).

definitions to be used during the research must be established. The first term that needs to be defined is the term *human rights*. As this thesis focuses on the role of the UN Security Council in protecting human rights and its military operations for humanitarian reasons in the past two decades, the definitions of these triggers for action will play a key role in drawing conclusions on the adequacy of response by the UN in each case examined. It is also appropriate to define such key terms in relation to the UN's own understanding of them.

The establishment of the notion of universal human rights is another positive result of the tragedies of the Second World War. On 10 December 1948 the UN General Assembly adopted The Universal Declaration of Human Rights.<sup>12</sup> This declaration entailed that every single human born into this world is born with basic human rights regardless of nationality, race, religious or political beliefs, gender or any other status a human being can have. The declaration is far too extensive to list here in detail but several aspects of it are especially relevant in this research. Articles 3, 5 and 19 of The Universal Declaration of Human rights state the following:

*...Everyone has the right to life, liberty and security of person*

*...No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment*

*...Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers*

Furthermore, the Declaration states that all human beings have the right of peaceful assembly and association. This article of the declaration is especially relevant due to the events of „The Arab Spring“ where massive protesting has taken place and, too often, the protesting has been responded to with military force although such demonstrations and freedom of speech are among the basic human rights recognized by the UN.

Closely related to the subject of human rights is the term *human security*. The term is relatively new and is one of the concepts that have made policy makers and scholars think about the issue of international security in a much broader sense than before, that is, not just as military security of states and state interests.<sup>13</sup> The term was first used in a major way

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<sup>12</sup> United Nations, „The Universal Declaration of Human Rights, History of the Document,“ <http://www.un.org/en/documents/udhr/history.shtml> (accessed October 14 2011).

<sup>13</sup> Roland Paris, „Human Security, Paradigm Shift or Hot Air?“ *International Security*, Vol. 26, No. 2. (2001) ,87–102. <http://www.mitpressjournals.org/doi/pdf/10.1162/016228801753191141> (accessed October 14 2011).

in the UN's human development report in 1994. The report explains this new concept of security as a shift of focus from security of territories to security of people. Increasing *human security* therefore means to encourage states to invest in human development rather than military development, and implies increasing the amount of national budgets as well as foreign aid that is solely devoted to promotion of human development. The report lists seven main aspects of human security: economic security, food security, health security, environmental security, personal security, community security and political security. In other words, each individual should not have to live in poverty, should have access to food and water, should have access to health care, should not have to live in high levels of pollution and environmental destruction, should not have to suffer any physical violence or harm, his social status should not cause the individual any harm or danger and each individual should enjoy civil and political rights and not have to endure any type of political oppression.<sup>14</sup>

Another key term that has to be defined properly to avoid any uncertainty regarding the research is the term *military intervention for humanitarian reasons*. What constitutes a legitimate military intervention for humanitarian reasons is laid out in the 2005 World Summit outcome document. As described in the historical overview chapter before, this states that the International Community has the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. If diplomatic, humanitarian or other peaceful means should fail to stop the developing situation, the UN Security Council can call for collective action, that is military action, to stop the situation.<sup>15</sup> The decision to take military action is taken on a case-to-case basis and in accordance with the UN charter. Chapter VII of the UN charter is especially important in this aspect as it outlines the procedures to be followed by the UN if military intervention is considered necessary in order to protect the peace in the international community and respond to aggression.

As with the Universal Declaration of Human Rights, described earlier, Chapter VII of the UN charter is far too extensive to describe entirely in this type of research. Two articles are

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<sup>14</sup> United Nations Development Programme (UNDP), *Human Development Report 1994* (New York, Oxford: Oxford University Press, 1994), 22-32. <http://hdr.undp.org/en/reports/global/hdr1994/chapters/> (accessed October 14 2011).

<sup>15</sup> United Nations General Assembly, *2005 World Summit Outcome Document*, (2005), 31. <http://responsibilitytoprotect.org/world%20summit%20outcome%20doc%202005%281%29.pdf> (accessed October 14 2011).



however especially relevant to the research, notably when it comes to critiquing and identifying aspects of the Security Council process that could be changed in pursuit of better decision making outcomes regarding military interventions for humanitarian reasons in the future. Articles 39 and 48 state that the decision to carry out such operations shall be taken by the Security Council alone and it is also up to the Security Council to determine the level of threat to peace in the international community. Furthermore, the action required to restore peace in the international community, decided by the Security Council alone, shall be taken by all member states of the UN, or by a portion of them, as the Security Council may determine.<sup>16</sup>

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<sup>16</sup> United Nations, „CHAPTER VII: Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression.“ *Charter of the United Nations* (1945).  
<http://www.un.org/en/documents/charter/chapter7.shtml> (accessed October 25 2011).

### **3. Setting the research frame**

As stated earlier, I have chosen ten cases of countries violating human rights in the past two decades to such an extent that a military operation to intervene in the situation was *prima facie* needed. Five of these cases are examples where military interventions were in fact carried out by the UN to respond to the need, while the other five cases are examples of grave situations of human rights violations and human security where the UN has failed to - or has yet to - respond in the appropriate manner. In order to conclude whether humanitarian reasons are the true driving forces of military operations with a stated humanitarian goal, or whether other factors determine the UN's choice of action, a means of assessment needs to be developed so that selected cases can be compared empirically. The criteria taken into account during this research are as follows:

- Level of visible threat to human lives, number of casualties as a result of a situation at the time of UN decision making, gravity of human rights violations
- Level of threat to international peace and security and to the international community
- Type of government in the country/territory concerned, historical alignment with either USA or USSR, current alignment/status in the international community
- Presence and importance of natural resources found in the country in question
- Level of external economic dependence upon the country in question, and
- The strategic military importance of the country examined.

The aforementioned criteria can be further grouped into three categories corresponding to the logical effect the criteria should have on decision making within the UN Security Council. The first category includes reasons that correspond to the pure doctrine of humanitarian intervention, such as the state of human security within the country and human rights violations. The second category includes practical, realistic and selfish motives of the states involved which might result in action being taken for reasons other than humanitarian. These motives include natural resources found within countries, political alignment and economic co-dependency with the country in question. The third category includes criteria of a more practical nature that may determine the risk-benefit balance of

military intervention, such as the type of régime and level of security threat to the international community.

I will examine which criteria from these three categories were present in cases where military operations have been carried out by the UN, and then compare this pattern with the criteria present in the other five cases. Hopefully, this method will be able to find certain correlations between the features of cases where military intervention took place and those where it has been absent. It is obvious, however, that this type of comparative analysis can only allow researchers to make provisional conclusions on what variables determine international responses in crises possibly calling for a military intervention. I will therefore also take a look at some of the cases using other sources than hard data, in order to evaluate more flexibly and comprehensively the circumstances surrounding these cases and to test more deeply the explanations that were given at the time of decision making.

Case selection in a macro-comparative research approach is vital. Cases had to be chosen carefully and strategically in order for conclusions drawn from the research to be valid and interesting. In selecting the cases, the aim was to find cases that are very similar in most aspects relating to the criteria examined, but not in terms of the response of the UN Security Council. The cases selected are listed and briefly described next.

#### **4. Case selection**

Below is a brief description of five military interventions for humanitarian reasons carried out by the UN between 1991 and 2011.

##### **4.1 Unified Task Force (UNITAF), Somalia, 1992-1993**

In 1991, a civil war had broken out in Somalia's capital, Mogadishu, between armed groups supporting General Mohamed Farah Aidid and Ali Mohamed Mahdi and groups opposed to their rule. The General had forced the Somali president out of office and appointed Ali Mohamed Mahdi as president. This had left Somalia without functioning central government and as it was accompanied by a season of serious drought, the people of Somalia suffered tremendously. In 1992 the situation had become disastrous. Starvation, malnutrition and disease had killed an estimated 300,000 people and on-going battles between armed groups threatened UN personnel attempting to save suffering people, thus depriving them of any hope. By December 1992, it had become obvious that a military intervention was necessary in order to gain control over the situation. The Security Council authorized the construction of a military force to assist in delivering humanitarian aid safely, to protect UN workers and their supplies and equipment, and to monitor the cease-fire in Mogadishu. UNITAF, deploying 37,000 troops and covering about 40% of Somalia, improved security and especially effectiveness in delivering humanitarian aid. However, the country remained without functioning government and institutions and there was no police or national army to manage the situation. The UNITAF mission came to an end in May 1993 and was replaced by UNOSOM II. UNOSOM II was to complete the task that UNITAF had begun in restoring stability in Somalia, but also to help rebuild the infrastructure and promote positive developments in political, economic and social life of the people of Somalia. The ultimate goal of UNOSOM II was to help recreate a democratic Somali State.<sup>17</sup>

##### **4.2 United Nations Mission In Haiti (UNMIH), 1994-1996**

In 1991, a similar situation developed in Haiti as at the start of the civil war in Mogadishu. Jean-Bertrand Aristide, the democratically elected president of Haiti, was overthrown by military forces and forced into exile. Joseph Nerette replaced Aristide as president and headed an unconstitutional regime along with the armed forces. Eventually, the country was

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<sup>17</sup> United Nations Department of Public Information, „UNITED NATIONS OPERATION IN SOMALIA I,“ 1997. <http://www.un.org/Depts/DPKO/Missions/unosomi.htm> (accessed October 25 2011).

left without a president and completely ruled by the Haitian military. Despite efforts by the UN to negotiate with the military as well as imposing an oil and arms embargo, the military failed to fulfil signed agreements calling for the restoring of a constitutional government and allowing the return of Aristide as president of Haiti. During this period, human rights were repeatedly violated. The military and its *de facto* regime sanctioned repression, assassinations, torture and rape. In July of 1994, the UN adopted Resolution 940 which stated that UN member states could use the necessary means to remove the military regime and restore a constitutional government with Aristide as president. Operation UPHOLD DEMOCRACY was established which consisted of a multinational military force led by the United States.<sup>18</sup> In 1994, a Haitian Constitutional Government was finally restored and UNMIH's mandate, originally issued to establish a police force and modernize armed forces in Haiti, was revised in order to assist the new Government in the transition from military regime to a functioning democratic state. The operation assisted the new Government in securing international personnel as well as key installations, and in preparing for a free and fair legislative presidential election and legislative elections. In 1995 and 1996, both elections were held successfully and UNMIH's mission came to an end in June 1996.<sup>19</sup>

4.3 The United Nations Transitional Administration in East Timor (UNTAET), 1999-2002 East Timor had been entirely administered by Portugal up to 1975, when the Portuguese authorities proposed that a popular assembly and provisional government be established in order to determine the status of East Timor. Civil war followed between groups seeking full independence and those who advocated the integration of East Timor with Indonesia, and the Portuguese pulled out after failing to control the escalating situation. Indonesian military forces then intervened and annexed East Timor, although the UN opposed and refused to recognize this outcome. In 1999, after a series of meetings between representatives of the UN, Indonesia and Portugal, an agreement was made whereby a popular consultation was conducted in East Timor under the supervision of the Secretary-General. The result was that 78,5 % of voters supported the independence of East Timor and thus the process of transition began.

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<sup>18</sup> Global Security, „Operation Uphold Democracy,“ [http://www.globalsecurity.org/military/ops/uphold\\_democracy.htm](http://www.globalsecurity.org/military/ops/uphold_democracy.htm) (accessed October 25 2011).

<sup>19</sup> United Nations Department of Public Information. „UNITED NATIONS MISSION IN HAITI.“, 1996. [http://www.un.org/Depts/DPKO/Missions/unmih\\_p.htm](http://www.un.org/Depts/DPKO/Missions/unmih_p.htm) (accessed October 25 2011).

The United Nations Mission in East Timor (UNAMET) was originally established, under UNSC resolution 1246, to assist the people of East Timor in their transition period. However, following the announcement of the election result, violence broke out as pro-integration groups along with groups within the Indonesian security force began using violence, arson and looting all over the East Timor territory as a mean of protesting. The Indonesian authorities failed to gain control over the situation despite their responsibility to do so according to recent agreements made between the three external involved bodies.<sup>20</sup> As a result of this failure to act, an estimated 102,800 people lost their lives according to UN reports and as many as 500,000 East Timorese fled their homes. When diplomatic efforts and international pressure on the Indonesian authorities accomplished nothing it became clear that collective action needed to be taken. The Secretary-General advocated that a multinational force be formed to gain control over the situation. The Indonesian Government finally agreed in September 1999 and the multinational force INTERFET was formed, with Security Council authorization, to assist UNAMET in its mission of establishing a functioning independent government and delivering humanitarian aid. Furthermore, since the country was still on its rocky road towards independence, UNAMET administered East Timor and provided the legislative and executive authority during the remaining transition to full independence in May 2002. UNAMET's mission subsequently came to an end and was succeeded by the United Nations Mission of Support in East Timor (UNMISSET) with the aim of peacekeeping and maintaining stability in East Timor.<sup>21</sup>

#### 4.4 The United Nations Mission in Sierra Leone (UNAMSIL), 1999-2005

In 1991, an 11 year civil war broke out in Sierra Leone when armed forces of the Revolutionary United Front (RUF) began a mission to overthrow the government. Despite efforts of the Sierra Leone army along with the Military Observer Group (ECOMOG) of the Economic Community of West African States (ECOWAS), RUF succeeded in its goal in 1992.<sup>22</sup>

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<sup>20</sup> United Nations Department of Public Information. „East Timor – UNTAET, Background.“, 2002.

<http://www.un.org/en/peacekeeping/missions/past/etimor/UntaetB.htm> (accessed October 25 2011).

<sup>21</sup> United Nations, Peace and Security Section of the Department of Public Information in cooperation with the Department of Peacekeeping Operations, „UNITED NATIONS TRANSITIONAL ADMINISTRATION IN EAST TIMOR.“, 2001. <http://www.un.org/en/peacekeeping/missions/past/etimor/etimor.htm> (accessed October 31 2011).

<sup>22</sup> United Nations, Peace and Security Section of the Department of Public Information in cooperation with the Department of Peacekeeping Operations, „Sierra Leone - UNAMSIL – Background.“, 2009. <http://www.un.org/en/peacekeeping/missions/past/unamsil/background.html> (accessed October 31 2011).

Despite this, the RUF continued its violence and the civil war caused the deaths of at least c. 50,000 people up to 1999.<sup>23</sup> Negotiations led by the UN Secretary-General's Special Envoy Mr. Berhanu Dinka failed to settle the conflict, and the RUF refused to recognize the result of Parliamentary and Presidential elections held in 1996. On October 22<sup>nd</sup> 1999 the Security Council therefore established the United Nations Mission in Sierra Leone (UNAMSIL) in a further attempt to stop the civil war and implement the Loma Peace Agreement. UNAMSIL with its 6000 military personnel was much larger than the United Nations Observer Mission in Sierra Leone (UNOMSIL) created the previous year, and successive mandate revisions between 1999 and 2001 raised its military personnel to 17,500 while adding a number of additional tasks. One of these was to end the RUF's practice of trading so-called „blood diamonds” to fund its weapons, which had been a key element in prolonging the civil war.<sup>24</sup> UNAMSIL managed to complete most of its tasks including disarmament, holding legitimate elections and rebuilding the society's infrastructure. The mission ended in December 2005 and was replaced by the United Nations Integrated Office for Sierra Leone (UNIOSIL) to maintain peace in the country.<sup>25</sup>

#### 4.5 Libya and resolution 1973 (2011). 2011

This case differs from the other cases as no formal UN mission was actually carried out but several mandates were issued and the Security Council authorized Member States of the UN to take necessary measures to protect civilians in Libya, resulting in a NATO Mission based on resolution 1973 (2011). This case also provides an important contrast with that of Bahrain, described later on.<sup>26</sup> For 41 years, Muammar Gaddafi reigned over Libya, a well-off oil-producing country in North Africa. However, in February 2011, a protest movement began amongst Libya's citizens calling for Gaddafi's resignation, echoing events in other similar countries during what has been named „The Arab Spring”. As protests escalated the

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<sup>23</sup> Global Security, „Sierra Leone,” [http://www.globalsecurity.org/military/world/war/sierra\\_leone.htm](http://www.globalsecurity.org/military/world/war/sierra_leone.htm) (accessed October 31 2011).

<sup>24</sup> United Nations, Peace and Security Section of the Department of Public Information in cooperation with the Department of Peacekeeping Operations, „Sierra Leone - UNAMSIL – Background.”, 2009. <http://www.un.org/en/peacekeeping/missions/past/unamsil/background.html> (accessed October 31 2011).

<sup>25</sup> United Nations, Peace and Security Section of the Department of Public Information in cooperation with the Department of Peacekeeping Operations, „UNAMSIL, United Nations Mission in Sierra Leone”, 2009. <http://www.un.org/en/peacekeeping/missions/past/unamsil/> (accessed October 31 2011).

<sup>26</sup> Security Council, Department of Public Information News and Media Division, „Security Council Approves ‘No-Fly Zone’ over Libya, Authorizing ‘All Necessary Measures’ to Protect Civilians, by Vote of 10 in Favour with 5 Abstentions”, 2011. <http://www.un.org/News/Press/docs/2011/sc10200.doc.htm> (accessed October 31 2011).

Libyan Government responded forcefully using the national army and as a result, civil war broke out. On February 22<sup>nd</sup> 2011, Gaddafi declared that he would not resign and encouraged his supporters to fight until the protests were suppressed. An opposition government was established under the leadership of Mustafa Abdul Jalil which was later on renamed the Transitional National Council.

This new government was recognized as legitimate by the European Union and the Arab League as well as France and Qatar. But as the civil war continued, reports started coming in stating that serious human rights violations were happening in Libya. A NATO report stated that forces supporting Gaddafi had used human shields; the Human Rights Council reported hundreds of civilians being taken away to undisclosed locations and possibly being submitted to torture or being executed; and Luis Moreno-Ocampo's International Criminal Court (ICC) investigation found evidence supporting charges that civilians were being killed in order to stop the protesting. The situation became so grave that the human rights violations were redefined as crimes against humanity as reports of Gaddafi's government actions continued to come in.<sup>27</sup>

The Security Council unanimously adopted Resolution 1970 in February, calling for an arms embargo, travel ban and assets freeze regarding individuals connected to Gaddafi and Gaddafi's Government, along with other measures. A month later the UNSC adopted Resolution 1973 (2011)<sup>28</sup> providing inter alia for a no-fly zone over Libya, a ceasefire, and more extensive travel bans and asset freezes against Libyan individuals, as well as banks and companies. Furthermore Resolution 1973 (2011) stated that the Security Council:

...Authorizes Member States that have notified the Secretary-General, acting nationally or through regional organizations or arrangements, and acting in cooperation with the Secretary-General, to take all necessary measures, (...) to protect civilians and civilian populated areas under threat of attack (...) while excluding a foreign occupation force of any form on any part of Libyan territory, and requests the Member States concerned to inform the Secretary-General immediately of the measures they take(...)<sup>29</sup>

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<sup>27</sup> International Coalition for the Responsibility to Protect, „Crisis in Libya, II. Initial Response to the Crisis in Libya.“, 2011. <http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-libya> (accessed November 8 2011).

<sup>28</sup> United Nations Security Council, *Resolution 1973 (2011)*, 3. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/245/58/PDF/N1124558.pdf?OpenElement> (accessed November 8 2011).

<sup>29</sup> United Nations Security Council, *Resolution 1973 (2011)*. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/245/58/PDF/N1124558.pdf?OpenElement> (accessed November 8 2011).



NATO carried out the UN-mandated mission, as stated earlier, with the aim to protect civilians from violence by Gaddafi's supporters. In September 2011, the UN recognized the Transitional National Council as the legal representative of Libya. A month later Gaddafi was captured and killed by opposition forces in his hometown of Sirte<sup>30</sup> and three days later, the Transitional National Council declared the civil war won and proclaimed the liberation of Libya.<sup>31</sup> While this case is too recent to positively determine how successful the UN was in handling the situation, it is safe to say that it responded swiftly and firmly and even more so compared to other cases described earlier.

The next five cases described are cases where the UN has failed to act, because the Security Council has not addressed the matter, has rejected intervention, or the UN has responded in some manner other than a classic military intervention. Again, these cases roughly belong within the time period 1991-2011, but since there is no formal operation to examine in most cases it is harder to limit them to a specific time frame.

#### 4.6 The United Nations Assistance Mission for Rwanda (UNAMIR), 1993-1996

Even though the UN authorized a formal mission in the case of Rwanda, it was carried out in such a manner that it cannot be described in any other way than a failure to act. The situation in Rwanda can be dated back to 1990, when fighting began between armed forces of the Government of Rwanda and the Rwandese Patriotic Front (RPF). Despite multiple ceasefire agreements the fighting was still on going in 1993. After requests from representatives of both Rwanda and Uganda, then Secretary-General Boutros Boutros-Ghali decided to send a UN mission to Rwanda and Uganda to observe the peace process and assess the possibility of placing military observers along the border of the two countries.<sup>32</sup>

In March 1993, the Security Council adopted resolution 812 (1993) urging the Government of Rwanda and RPF to resume negotiations and respect a ceasefire, and committing the Council to examine without delay any further recommendations the

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<sup>30</sup> *Reuters*, „Gaddafi killed as Libya's revolt claims hometown,“ October 20 2011.

<http://af.reuters.com/article/topNews/idAFJ0E79J09O20111020> (accessed November 8 2011).

<sup>31</sup> *Aljazeera*, „NTC declares 'Liberation of Libya',“ October 24 2011.

<http://www.aljazeera.com/news/africa/2011/10/201110235316778897.html> (accessed November 8 2011).

<sup>32</sup> United Nations Department of Public Information, „UNITED NATIONS ASSISTANCE MISSION FOR RWANDA.“ ,1996. [http://www.un.org/Depts/DPKO/Missions/unamir\\_b.htm](http://www.un.org/Depts/DPKO/Missions/unamir_b.htm) (accessed November 15 2011).

Secretary-General might make.<sup>33</sup> However, the state of high tension in Rwanda remained relatively unchanged for the next two years. The Security Council therefore established The United Nations Assistance Mission for Rwanda (UNAMIR) in August 1993, to monitor cease-fire agreements, ensure the security of the capital Kigali and provide humanitarian assistance.<sup>34</sup>

In 1994 the situation in Rwanda suddenly changed completely in nature. On April 6<sup>th</sup> 1994 an airplane was shot down over Kigali airport killing leading civilian and military officials of Rwanda. Within hours, leading Hutu officers ordered the killing of every single person opposed to Hutu power as well as Tutsi civilians. Hate messages were broadcast encouraging Hutus to attack and kill all Tutsis, leading to one of the most horrendous acts of violence of all time, a genocide that killed an estimated 800,000 innocent civilians at least, and possibly up to a million. What made the situation much more grave and complicated is the fact that on April 7<sup>th</sup>, the day after the attack at Kigali airport, the Rwandese Patriotic Front (RPF) launched an attack on the Rwanda government and war broke out again. As this civil war was taking place at the same time as the genocide, it became hard to distinguish what constituted political violence and what involved the ethnically motivated massacre of innocent Tutsis and moderate Hutus.<sup>35</sup>

The events that followed were one of the most difficult lessons the UN and the international community has ever had to learn. While these horrible crimes were being committed against innocent people, and worst of all children, the UN actually started withdrawing its personnel. The Belgian contingent left first and other nations followed, resulting in a decrease of UNAMIR troops from 2,165 to just 270. Even though the UN called for a revision of the UNAMIR mandate to respond to the changed circumstances in Rwanda, most Member States were not willing to respond to the situation and the horrific crimes

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<sup>33</sup> United Nations Security Council, *Resolution 812 (1993)*. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N93/146/16/IMG/N9314616.pdf?OpenElement> (accessed November 15 2011).

<sup>34</sup> United Nations Department of Public Information, „UNITED NATIONS ASSISTANCE MISSION FOR RWANDA.“, 1996. [http://www.un.org/Depts/DPKO/Missions/unamir\\_p.htm](http://www.un.org/Depts/DPKO/Missions/unamir_p.htm) (accessed November 15 2011).

<sup>35</sup> Allan Thompson and Kofi Annan, *The media and the Rwanda genocide*, (London: Pluto Press, 2007), 12-17. [http://www.google.is/books?hl=en&lr=&id=nJT54Oe2D08C&oi=fnd&pg=PR5&dq=Rwanda+genocide&ots=AICbhGxjza&sig=OhND\\_GITa6WNIAGv84BEYgZ0kA&redir\\_esc=y#v=onepage&q=Rwanda%20genocide&f=false](http://www.google.is/books?hl=en&lr=&id=nJT54Oe2D08C&oi=fnd&pg=PR5&dq=Rwanda+genocide&ots=AICbhGxjza&sig=OhND_GITa6WNIAGv84BEYgZ0kA&redir_esc=y#v=onepage&q=Rwanda%20genocide&f=false) (accessed November 15 2011).

continued while the international community turned a blind eye.<sup>36</sup> UNAMIR's mandate expired in 1996, and the efforts made meantime to update its role to deal with the actual situation came as too little too late.<sup>37</sup>

#### 4.7 Human rights violations in Burma and oppressive regime, 1990 – 2011

Although the situation in Burma can be dated back to the end of the country's democracy in 1962, after the military overthrew the government, the main focus will be the stated time period above to ensure comparability with other cases. During the military rule in Burma, human rights have been grotesquely violated especially in the case of political dissidents and ethnic minorities. The human rights violations only worsened after an uprising led by General Saw Maung overthrew the previous military government only to establish an even more abusive regime in 1988. Despite the crimes of the second military junta, including recruiting child soldiers, using forced labour, torturing and executing people without any legal review and rampant sexual violence, the international community paid little attention to the escalating situation.<sup>38</sup>

In 1990, the National League for Democracy (NLD) led by Aung San Suu Kyi – which opposed the military regime - won the parliamentary elections with as many as 80% of the seats against only 2% won by parties favoured by the military government. This seemed to bely fears that the election might not be free and fair; but the results were still not consummated 7 months later and it became clear – as suggested by the house arrest of Aung San Suu Kyi before the election – that the whole thing has been a political charade.<sup>39</sup> The military junta continued its abuse, torture and detention of political dissidents and Aung San Suu Kyi remained under house arrest for almost two decades.

Furthermore, the regime met political demonstrations with violent force and restricted freedom of speech and assembly, limiting the Burmese people's chances of fighting back and establishing a democracy. However, the international community still paid little attention

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<sup>36</sup> The United Nations, „Lessons from Rwanda,“  
<http://www.un.org/preventgenocide/rwanda/responsibility.shtml> (accessed November 15 2011).

<sup>37</sup> United Nations Department of Public Information, „Rwanda – UNAMIR Mandate,“  
<http://www.un.org/en/peacekeeping/missions/past/unamirM.htm> (accessed November 15 2011).

<sup>38</sup> International Coalition for the Responsibility to Protect, „The Crisis in Burma,“  
<http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-burma> (accessed November 23 2011).

<sup>39</sup> Ibid.

and the Security Council placed Burma on its agenda for the first time only in 2006. In 2007, the Security Council finally considered a resolution calling for an end to human rights violations in Burma, but Russia and China vetoed the draft claiming that there was no threat to international peace and security. Little attempt was made elsewhere to address the situation and although the Security Council held further discussions following China's and Russia's veto, the results were limited to further condemnatory statements with no authority for action.<sup>40</sup>

In 2008, the people of Burma faced a major humanitarian crisis following the cyclone *Nargis* which left 110,000 Burmese displaced and over 63,000 dead.<sup>41</sup> UN agencies estimated that 1,5 million people were affected. However, the military junta continued to deny humanitarian aid workers access to the country, resulting in debates within the international community over whether the situation should be considered as an R2P case. Different political leaders, agencies as well as founders and proponents of the concept issued contrasting statements and interpretations of the situation, but no UN action followed. Indeed, the UN and The Responsibility to Protect-Engaging Civil Society (R2PCS) project did not support using the Responsibility to Protect in the case of Burma, stating on their website that they:

*...took this view because of the difficulty of establishing that the regime's actions constituted one of the four crimes to which RtoP is meant to apply: genocide, war crimes, crimes against humanity and ethnic cleansing. Although reports indicated that the regime in Burma had failed to protect its populations and was actually obstructing aid, the Responsibility to Protect, as adopted in the World Summit Outcome Document from 2005, does not provide for the Security Council to act on the basis of neglect and obstruction<sup>42</sup>*

In 2010, the first national election was held in Burma since 1990. Despite ASEAN's (Association of South East Asian Nations) statement calling for the military junta to ensure free and fair elections, new laws were implemented shortly before the elections banning any person with a criminal conviction from participating and thus excluding Aung San Suu Kyi and other political prisoners from announcing themselves as candidates. To no one's surprise, the Solidarity and Development, a party supporting the military junta, won the

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<sup>40</sup> Ibid.

<sup>41</sup> United States Agency International Development (USAID), *Burma – Cyclone, Fact Sheet no. 13*, (2008). [http://www.usaid.gov/our\\_work/humanitarian\\_assistance/disaster\\_assistance/countries/burma/template/fs\\_sr/fy2008/burma\\_cy\\_fs13\\_05-22-2008.pdf](http://www.usaid.gov/our_work/humanitarian_assistance/disaster_assistance/countries/burma/template/fs_sr/fy2008/burma_cy_fs13_05-22-2008.pdf) (accessed November 23 2011).

<sup>42</sup> International Coalition for the Responsibility to Protect, „The Crisis in Burma,“ <http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-burma> (accessed November 23 2011).

elections and the situation in Burma has remained relatively unchanged. Aung San Suu Kyi has indeed now been released from her home prison but human rights movements remain sceptical about the degree of real improvement.<sup>43</sup>

#### 4.8 Reported human rights violations in Bahrain and protests, 2011

Bahrain is another Middle Eastern state affected by the "Arab Spring" but, in contrast to Libya, has received limited attention from the international community and no response or action from the UN or the UNSC. In March 2011, the United Nations Human Rights Office expressed concern over the unfolding situation in Bahrain as it continued receiving disturbing reports of human rights violations. These documents included reports of missing people, people being killed and subjected to harassment and intimidation. Furthermore, several of the people that had been reported missing turned up dead suggesting there might be even more violence taking place in Bahrain than already reported.<sup>44</sup> A month later, Amnesty International reported that it had obtained evidence that proved protesters were being met with violent force, many shot and killed at close range.<sup>45</sup>

In March 2011, the Bahrain Defence Force took over the Salmaniya Medical Complex and arrested 48 medics thought to have helped the injured, accusing them inter alia of refusing treatment to patients due to their affiliation and of speech-related offences. Half of the arrested were merely accused of the misdemeanour of speaking out against the regime. Nevertheless the arrested later described horrendous torture while in custody, and claimed to have been denied any legal aid in preparing their defence before appearing for the newly established "Courts of National Safety" and threatened with rape and death. Many of the arrested signed forced confessions after interrogators threatened their families.<sup>46</sup>

King Hamad bin Isa Al Khalifa established an independent commission, the Bahrain Independent Commission of Inquiry, in June 2011 to investigate claims such as the ones

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<sup>43</sup> Ibid.

<sup>44</sup> *Voice of America*, „Human Rights Violations Mount in Bahrain,“ March 22 2011. <http://www.voanews.com/english/news/middle-east/Human-Rights-Violations-Mount-in-Bahrain-118438739.html> (accessed December 15 2011).

<sup>45</sup> *Voice of America*, „Amnesty International: Many Bahraini Protesters Shot, Some at Close Range,“ April 2 2011. <http://www.voanews.com/english/news/middle-east/Amnesty-International-Many-Bahraini-Protesters-Shot-Some-at-Close-Range-119415664.html> (accessed December 15 2011).

<sup>46</sup> *Human Rights Watch*, „Bahrain: Medics Describe Torture in Detention,“ October 21 2011. <http://www.hrw.org/news/2011/10/21/bahrain-medics-describe-torture-detention> (accessed December 15 2011).

described above and many others. The commission released its report in November 2011 and confirmed that the Bahraini government has systematically violated human rights in order to suppress the pro-democracy movement including violence against protestors resulting in the death of many and injury to hundreds as well as arresting and abusing protestors.<sup>47</sup> However, the report justifies the incidents of violence against protestors in many cases and often portrays the protestors as dangerous and violent, in a seeming effort to undermine the legitimacy of the protesting in general. For example, the circumstances of the death of the first protestor to be shot, Mr Ali Almeshaima, are described in the Report of the Bahrain Independent Commission of Inquiry as follows:

*...Mr Almeshaima was participating in an unauthorised demonstration of around 800 people, which attacked a police patrol of eight police officers, using rocks and metal rods. When the demonstrators came within a few metres of the police unit, which had exhausted its supply of tear gas and rubber bullets, police resorted to firing one shotgun round and struck Mr Almeshaima in the back<sup>48</sup>*

Whether it is true that the protestor attacked the police or not, it cannot be overlooked that the report states Mr. Almeshaima was shot in the back, suggesting he was fleeing.<sup>49</sup>

Despite all this, and although the UN Security Council has adopted resolutions and authorized international action vis-à-vis some other states where the „Arab Spring“ has resulted in violence, there has not been a single resolution adopted regarding the situation in Bahrain and not a single statement made. While the situation in Libya might have been more serious, the situation in Bahrain is similar to its early stages at least, and the government clearly repeatedly violated human rights during and after the protests. Still, the sum of Security Council activity amounted to 6 resolutions on Libya and none at all regarding the situation in Bahrain.<sup>50</sup>

#### 4.9 Reported genocide in Georgia and Russia's intervention, 2008-2011

This case differs from the other „non-intervention“ cases previously discussed, as a military intervention was carried out by a state claiming a responsibility to protect, but was widely

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<sup>47</sup> *Human Rights Watch*, „Bahrain: Report Confirms Punitive Campaign Against Protesters,“ November 23 2011. <http://www.hrw.org/news/2011/11/23/bahrain-report-confirms-punitive-campaign-against-protesters> (accessed December 15 2011).

<sup>48</sup> Bahrain Independent Commission of Inquiry, *Report of the Bahrain Independent Commission of Inquiry*, (2011), 69. <http://files.bici.org.bh/BICIreportEN.pdf> (accessed December 15 2011).

<sup>49</sup> *Ibid.*

<sup>50</sup> United Nations Security Council, „List of 2011 Resolutions,“ [http://www.un.org/Docs/sc/unsc\\_resolutions11.htm](http://www.un.org/Docs/sc/unsc_resolutions11.htm) (accessed December 15 2011).

condemned by the rest of the international community and became a possible trigger for UN action in itself.<sup>51</sup> The conflict in Georgia can be dated back to the early 1920s when South Ossetia, a region within the borders of Georgia, made its first attempt to declare independence. This attempt was not successful and South Ossetia became an autonomous region within Soviet Georgia. When the Soviet Union started breaking apart in 1989, the region once again attempted independence but again South Ossetia was unsuccessful in its efforts. In 1990 a conflict broke out between Georgia and South Ossetia after former president Gamsakhurdia of Georgia made an attempt to reclaim the area by use of military force. This conflict escalated into war in 1991 resulting in the deaths of an estimated 2000-4000 people and leaving tens of thousands of people displaced. In 1992 Russian officials managed to establish and monitor a ceasefire agreement but despite this, tensions remained high in the region.<sup>52</sup>

In 2008, Georgia and South Ossetia accused one another of breaking the ceasefire and launching artillery attacks across each other's borders. As the situation escalated Sergey Lavarov, Russian Minister of Foreign Affairs, launched a military intervention into South Ossetia intended to protect Russian citizens living in the region. This intervention was launched under an R2P justification claimed by Russia after Georgia's attacks on South Ossetia's people had been described as genocide by Vladimir Putin, Russia's prime minister, as well as by UN Ambassador Vitaly Churkin.<sup>53</sup> The fighting that followed was brief but led to civilian casualties on both sides and involved some Russian activities against and on Georgian territory outside South Ossetia, including a major cyber-attack on Georgian targets. It ended with Russia effectively occupying South Ossetia and with Moscow supporting declarations of independence both by that territory and Abkhazia.

These actions became highly controversial. In a report by the Global Centre for the Responsibility to Protect, it is stated that Russia's operation could not constitute an R2P mission, but rather provides a disturbing example of a government misusing the R2P rationale for self-interested unilateral actions. The reasons for this conclusion are threefold.

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<sup>51</sup> Global Centre for the Responsibility to Protect, „The Georgia-Russia Crisis and the Responsibility to Protect: Background Note.“, 2008. <http://www.globalr2p.org/pdf/related/GeorgiaRussia.pdf> (accessed December 15 2011).

<sup>52</sup> Congressional Research Service. *CRS Special Report for Congress, Russia-Georgia Conflict in South Ossetia*, (2008). <http://fpc.state.gov/documents/organization/110841.pdf> (accessed December 15 2011).

<sup>53</sup> International Coalition for the Responsibility to Protect, „Georgia- Russia Crisis and RtoP,“, 2008. <http://www.responsibilitytoprotect.org/index.php/crises/178-other-rtop-concerns/2749-the-crisis-in-georgia-russia> (accessed December 15 2011).

First, R2P obliges a state to protect the population within its own borders: if gross human rights violations occur beyond the border, the responsibility shifts to the international community, preferably acting collectively on a UNSC mandate.<sup>54</sup> In this context, it is not clear whether the threat to Russians living in Georgia was so severe as to fall under the R2P norm, and whether a military intervention was an appropriate response can also be debated.<sup>55</sup>

Secondly, the report states that the scale of Russia's military intervention and its intensity went beyond providing physical protection to the people of South Ossetia and the operation was not tailored to protecting the population from violence and genocide. The outcome document of the UN's anniversary summit in 2005 stressed the importance of ensuring that any response to a humanitarian crisis should be proportional and this requirement is a key principle of the R2P. Also, Chapter VI of the UN charter clearly states that other measures such as negotiation, enquiry, mediation, conciliation, or judicial settlement should be the first response and only if they fail to improve the situation should there be a military operation.<sup>56</sup>

The third and most obvious reason the Russian military intervention cannot be considered an R2P mission is the fact the mission lacked UNSC approval and thus, international legal authority. The 2005 Outcome Document is very clear about the key procedures for invoking an R2P military intervention; any state wishing to carry out such a mission must take action through the Security Council. The report by the Global Centre for the Responsibility to Protect illustrates why this principle is so important:

...the Russia-Georgia case highlights the dangers and risks of states, whether individually or in a coalition, interpreting global norms unilaterally and launching military action without Security Council authorization. The sense of moral outrage at reports of civilians being killed and ethnically cleansed can have the unintended effect of clouding judgment on the best response<sup>57</sup>

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<sup>54</sup> Global Centre for the Responsibility to Protect, *The Georgia-Russia Crisis and the Responsibility to Protect: Background Note*, (2008). <http://www.globalr2p.org/pdf/related/GeorgiaRussia.pdf> (accessed December 15 2011).

<sup>55</sup> International Coalition for the Responsibility to Protect, „Georgia- Russia Crisis and RtoP,“, 2008. <http://www.responsibilitytoprotect.org/index.php/crises/178-other-rtop-concerns/2749-the-crisis-in-georgia-russia> (accessed December 15 2011).

<sup>56</sup> United Nations Website, „CHAPTER VI: Pacific Settlement of Disputes,“ *Charter of the United Nations*, (1945). <http://www.un.org/en/documents/charter/chapter6.shtml> (accessed December 15 2011).

<sup>57</sup> Global Centre for the Responsibility to Protect, *The Georgia-Russia Crisis and the Responsibility to Protect: Background Note*, (2008). <http://www.globalr2p.org/pdf/related/GeorgiaRussia.pdf> (accessed December 15 2011).



Russia's controversial response to the Georgia-South Ossetia crisis is not the only reason why this case is so interesting for the present research. The UN's lack of response both to Georgian and Russian actions in 2008 is extremely surprising especially considering that high level officials had claimed that the events unfolding in South Ossetia were genocide. The UNSC adopted three resolutions in 2007- 2008 addressing the situation in Georgia but these were of little substance and did not deal directly with South Ossetia, focussing rather on the situation in Abkhazia and the previously authorized observation mission in Georgia, UNOMIG, which was tasked to suppress Abkhazia-Georgia conflict. After the Georgia-Russia hostilities it was the EU and Nicolas Sarkozy, the French president, who prevailed on all parties to sign a ceasefire on August 12<sup>th</sup><sup>58</sup>, and Russia started pulling out its troops from Georgia shortly thereafter.<sup>59</sup>

#### 4.10 The crisis in Gaza and serious consequences, 2008-2011

The long standing conflict between Israel and Palestine took a turn for the worse in 2008. Israel had been restricting the flow of essential goods to Gaza, further depressing the living standards of its population. As Egypt had also kept its borders closed during this time period, the people of Gaza had little ability to cope with the situation and when Israel began its attacks on the region on December 27<sup>th</sup> 2008 a humanitarian crisis developed. The previously established ceasefire was subsequently broken and Israel and Hamas launched repeated attacks on each other across the border. This Israeli attack was of course not unprovoked. When Hamas won the parliamentary elections in Gaza in 2006 the armed wing of the political group started to show aggression and in 2008, Palestinian militants had fired hundreds of mortar shells and rockets across the border into Israel. As so often before, innocent civilians were the majority of the casualties resulting from the attacks of Israel and Hamas. According to UN reports as many as 1,300 civilians died between 2008 and 2009 and more than 5,450 civilians were injured; many of the victims were children.<sup>60</sup>

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<sup>58</sup> Global Security, „South Ossetia,” <http://www.globalsecurity.org/military/world/war/south-ossetia.htm> (accessed December 15 2011).

<sup>59</sup> *Russian International News Agency (RIA Novosti)*, „Russia completes troop pull-out from S.Ossetia buffer zone,” October 8 2008. <http://en.rian.ru/world/20081008/117600495.html> (accessed December 15 2011).

<sup>60</sup> *Human Rights Watch*, „Deprived and Endangered: Humanitarian Crisis in the Gaza Strip,” January 13 2009. <http://www.hrw.org/en/news/2009/01/12/deprived-and-endangered-humanitarian-crisis-gaza-strip> (accessed December 15 2011).

Despite the attacks ending in 2009, humanitarian groups and institutions were worried about the lack of food, water, medicine, cooking gas, fuel and other necessities in Palestine. Secretary-General Ban Ki-Moon expressed concern five months after the attacks stopped that still nothing beyond food and medicine was allowed into Gaza, and claimed that any effort to assist the people of Gaza to recover would be impossible in such condition. The Executive Director of Human Rights Watch, Kenneth Roth, sent a letter to Ban-Ki-Moon in January 2009, urging him to find a solution to the humanitarian crisis that had risen in Gaza stating:

... there is no safe place for civilians within Gaza <sup>61</sup>

The Human Rights Watch was not the only group to express concerns over the situation in Gaza. The Independent Fact Finding Committee on Gaza released a report to the Arab league of States in April 2009 titled "On Gaza: No Safe Place". The report stated that Hamas was guilty of violating international humanitarian law by committing war crimes and possibly genocide during the operation Cast Lead. Further, the Fact Finding committee urged the League of Arab States to turn to the UNSC and urge it to approve an R2P mission.<sup>62</sup> The Human Rights Watch and the Independent Fact Finding Committee were among many others to urge the UN to take action.

However, in spite of the urgent need and clear threat to human security within Gaza, it was debated whether the situation constituted an R2P case. Israel and Hamas had been accused of war crimes during the crisis due to the use of civilians as human shields and the indiscriminate killings of innocent people. However, it was disputed on apparently technical grounds whether the situation justified an R2P mission because it was not known how systematic and widespread the crimes were. Another concern was the question whether a military intervention would in fact help protecting civilians, in addition to the difficulty of determining what Israel's responsibility in this crisis was. According to the 2005 UN anniversary summit outcome document, as already noted, every state has the responsibility

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<sup>61</sup> *Human Rights Watch*, „Letter to Secretary-General Ban Ki-moon,“ January 12 2009. <http://www.hrw.org/news/2009/01/12/letter-secretary-general-ban-ki-moon> (accessed December 15 2011).

<sup>62</sup> The Independent Fact Finding Committee On Gaza, *Report of the Independent Fact Finding Committee On Gaza: „No Safe place, (2009).* [http://www.emro.who.int/palestine/reports%5Cadvocacy\\_HR%5Chuman\\_rights%5CReport%20on%20the%20findings%20of%20the%20Fact%20Finding%20Mission%20in%20gaza%20-%20Gaza%20April%202009.pdf](http://www.emro.who.int/palestine/reports%5Cadvocacy_HR%5Chuman_rights%5CReport%20on%20the%20findings%20of%20the%20Fact%20Finding%20Mission%20in%20gaza%20-%20Gaza%20April%202009.pdf) (accessed December 15 2011).

to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity. Since Israel is the occupying power, it has the responsibility to protect its civilians from the attacks of Hamas, while at the same time being responsible for protecting the people of Gaza.<sup>63</sup>

In addition to the crimes committed against civilians on each side of the border, the Israeli army had on seven occasions caused damage to UN property in Gaza and its attacks had also killed and injured UN workers. In an reported statement at the time, Ban Ki-Moon himself acknowledged that he was „...concerned about the right of civilians in Gaza and Israel to live in peace and security, free from the threat of violence and terrorism”.<sup>64</sup> Still, no action – military or other - was taken by the Security Council, and later Ban Ki-Moon decided against further investigation into the incidences of attacks directly affecting the UN even though his report had called for an impartial inquiry to be conducted.<sup>65</sup>

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<sup>63</sup> International Coalition for the Responsibility to Protect, „Criziz in Gaza: An RtoP Situation?”, 2009. <http://www.responsibilitytoprotect.org/index.php/crises/178-other-rtop-concerns/2750-the-crisis-in-gaza> (accessed December 15 2011).

<sup>64</sup> Inner City Press, *Statement by Ban Ki-Moon regarding the situation in Gaza*, dated May 4 2009. <http://www.innercitypress.com/banrep1gaza.pdf> (accessed December 15 2011).

<sup>65</sup> International Coalition for the Responsibility to Protect, „Criziz in Gaza: An RtoP Situation?”, 2009. <http://www.responsibilitytoprotect.org/index.php/crises/178-other-rtop-concerns/2750-the-crisis-in-gaza>

## **5. Comparison of relevant criteria**

Below is an examination of the selected criteria briefly described earlier for each case examined in this thesis. First, the criteria present in each case are identified and how they apply is described. After all cases are covered, a comparative table will be generated using the criteria and conclusions will be drawn regarding what the determining factors were in each case and how they related to the actual decisions (or lack of decisions) taken.

### **5.1 Unified Task Force (UNITAF), Somalia**

#### **Criteria corresponding to the pure doctrine of humanitarian intervention**

The threat to human lives in Somalia in 1992 was very serious, mainly as the threat was multidimensional. The civil war that began in the capital in 1991 posed a major threat while and the lack of functioning institutions and a central government left the people of Somalia helpless. Furthermore, as described earlier, the country was stricken by serious drought which resulted in famine. According to UN estimates, 4,5 million people were starving at the time of decision making, over 300.000 people had died and 2 million people were homeless. The situation in Somalia in 1992 is one of the worst examined in this thesis. The situation did not fit definitions of genocide, war crimes, ethnic cleansing or crimes against humanity: but it was grave, the level of threat to human lives was extremely high, and the state itself was clearly incapable of managing the situation.<sup>66</sup>

#### **Criteria describing practical, realistic and selfish motives**

Like many African countries, Somalia has high levels of natural resources that have yet be exploited. Amongst resources found within its borders are uranium, tin, copper, iron and natural gas, and it is also thought likely that oil reserves might be discovered. However, it is unlikely that natural resources were a factor in the decision making process,<sup>67</sup> mainly because most resources found in Somalia are difficult to extract and market profitably abroad.<sup>68</sup> In a Los Angeles Times article entitled „The Oil Factor in Somalia“ in 1993, journalist Mark Fineman did link the launch of UNITAF with the fact that the civil war was

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<sup>66</sup> United Nations Department of Public Information, „UNITED NATIONS OPERATION IN SOMALIA I,“, 1997. <http://www.un.org/Depts/DPKO/Missions/unosomi.htm> (accessed October 25 2011).

<sup>67</sup> Central Intelligence Agency, „The World Factbook: Somalia,“ <https://www.cia.gov/library/publications/the-world-factbook/geos/so.html> (accessed December 19 2011).

<sup>68</sup> Helen Chapin Metz, ed., *Somalia: A Country Study*, (Washington: GPO for the Library of Congress., 1992.) <http://countrystudies.us/somalia/62.htm> (accessed December 19 2011).

delaying the process of discovering and marketing Somalian oil, and alleged that this was costing US oil companies a fortune. He argued that stopping the civil war in Somalia was vital in order to exploit the oil reserves.<sup>69</sup> But since these oil reserves have yet to be found and the US is currently not involved in the oil industry in Somalia, it remains unlikely that the mission of 1992 was carried out for future profit.

Somalia's economy is largely based on agricultural products and raising livestock. The country does not export any natural gas or other natural resources mentioned, except a small amount of oil. This trading profile suggests that economic dependence on Somalia is low amongst the powerful states of the Security Council, and in fact Somalia's main export partners are the United Arab Emirates, Yemen and Oman.<sup>70</sup>

The location of Somalia was considered strategically and militarily important in the Cold War when there were fears about the Soviets manipulating it against its neighbours or causing trouble in the Red Sea.<sup>71</sup> Since then it has however been normally aligned with the US, and could only be considered militarily important to the West if the US had ulterior motives for either occupying Somalia or using it as a base for military intervention in the region. Such a scenario is no more than speculative, and in any case, other territories and bases in the area are of more obvious value. Therefore Somalia will not be considered a strategically important country, at least not to an extent that could have affected the decision making process of the UNSC in 1992.

### **Criteria of a practical nature that may determine the risk-benefit balance**

While Somalia had a military force, its government was nonexistent at the time, limiting the ways the situation might pose a threat to the international community. The situation remained relatively contained within Somalia and the only immediate threat to the international community that might have affected the decision making process was the number of refugees that were pouring into other countries and creating difficulties there.

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<sup>69</sup> Mark Fineman, „The Oil Factor in Somalia : Four American petroleum giants had agreements with the African nation before its civil war began. They could reap big rewards if peace is restored,“ *Los Angeles Times*, January 18 1993. [http://articles.latimes.com/1993-01-18/news/mn-1337\\_1\\_oil-reserves](http://articles.latimes.com/1993-01-18/news/mn-1337_1_oil-reserves) (accessed December 19 2011).

<sup>70</sup> Central Intelligence Agency, „The World Factbook: Somalia,“ <https://www.cia.gov/library/publications/the-world-factbook/geos/so.html> (accessed December 19 2011).

<sup>71</sup> *Socialist Worker*, „Making Somalia's nightmare worse,“ April 14 2011. <http://socialistworker.org/2011/04/14/making-somalias-nightmare-worse> (accessed January 9 2011).

(The involvement of Ethiopia in the faction-fighting and the rise of Somali piracy were considerably later developments.) About 2 million people had fled their homes, many becoming refugees in neighboring countries.<sup>72</sup> Conversely, however, the fact that there was no effective central government in Somalia encouraged the UNSC to take action as there seemed no-one else able to exercise the responsibility to protect.

In conclusion, pure humanitarian reasons seem to have been the driving force of a military intervention. There are no obvious political, economic or strategic factors that encouraged the mission being carried out. Evidence of such factors playing a role cannot be confirmed. No doubt the under-estimation of Somali resistance, and the assumption that there was no threat to the permanent member states of the UNSC (or troop contributors) from intervening, made the decision to intervene an easier one: but this is not something that can be criticized, as it merely assisted decision makers at the time to respond to a logical need.

## 5.2 United Nations Mission In Haiti (UNMIH)

### **Criteria corresponding to the pure doctrine of humanitarian intervention**

The military regime that illegally took power in Haiti in 1991 proved to be an incredibly violent regime. According to The Human Rights Watch, an estimated 1000 civilians were killed during the first month of military rule alone, followed by 2000-3000 more civilian deaths.<sup>73</sup> The crimes committed by the military junta included political murders, extrajudicial executions and other human rights violations. The UNSC condemned the horrific acts and called for the restoration of the legitimate government that had been overthrown. Diplomatic efforts proved to be non-effective and it became clear that the threat to civilians was grave and a military intervention had to be conducted in order to protect the people of Haiti.<sup>74</sup>

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<sup>72</sup> United Nations Department of Public Information, „UNITED NATIONS OPERATION IN SOMALIA I,“, 1997. <http://www.un.org/Depts/DPKO/Missions/unosomi.htm> (accessed October 25 2011).

<sup>73</sup> The World Bank, *Social Resilience and State Fragility in Haiti: A World Bank Country Study*, (United States, 2007). <http://books.google.is/books?id=DLQv3ZGQGqoC&pg=PA68&lpg=PA68&dq=estimated+civilian+deaths+HAITI+during+military+rule&source=bl&ots=VJoiVXLkk&sig=Cwj30eoL3DA4nwbRJNfNb22ZR5c&hl=is&sa=X&ei=XX0BT5H2MYWNwatnvDEAQ&ved=0CCUQ6AEwAQ#v=onepage&q=estimated%20civilian%20deaths%20HAITI%20during%20military%20rule&f=false> (accessed December 19 2011).

<sup>74</sup> United Nations Department of Public Information, „UNITED NATIONS MISSION IN HAITI,“, 1996. [http://www.un.org/Depts/DPKO/Missions/unmih\\_p.htm](http://www.un.org/Depts/DPKO/Missions/unmih_p.htm) (accessed October 25 2011).

### **Criteria describing practical, realistic and selfish motives**

Haiti's natural resources are very scarce and, at least in part, the reason for the country's poverty.<sup>75</sup> Natural resources found in Haiti are mainly gold, marble, bauxite, copper, calcium as well as hydropower.<sup>76</sup> Due to low levels of natural resources there is no reason to assume that they played a part in the decision making process of the UNSC. Haiti mainly exports commodities such as clothing, coffee and cocoa but no oil, natural gas or fuels which might become political issues should there be a change in the pattern of export. The country almost solely exports its products to the USA and Canada and enjoys tariff-free access to the US market for many of its products.<sup>77</sup> Due to the type of products Haiti exports economic dependence has to be considered low and irrelevant to the USA's position during the decision making process within the UNSC and the position the UNSC took itself. While the region was considered strategically important for US interests during earlier military interventions in 1915 to 1934, and while some Cold War actions in the Caribbean were prompted by US fears of Soviet-linked interference, neither of these obsolete rationales can be considered as highly relevant in analyzing UNMIH.<sup>78</sup>

### **Criteria of a practical nature that may determine the risk-benefit balance**

While it has to be considered highly unlikely that the poverty stricken nation of Haiti would pose an international threat in terms of counter attack by the military junta, there is one aspect of international security that has to be considered highly relevant. During the military rule in Haiti, refugees kept pouring into the United States, creating difficulties for the US government.<sup>79</sup> This surely encouraged the US to restore peace and democracy in Haiti as a failure to act could mean serious political, economic and social consequences on US soil. While not a bad thing, it is highly likely that this threat was also a driving force of the military intervention carried out by the UN and if the refugee problem had not been so visible, it might have taken the UNSC longer to react, or even caused them not to act. The military

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<sup>75</sup> Philip Howard, the Canadian International Development Agency, *Environmental Scarcities And Conflict in Haiti Ecology and Grievances in Haiti's Troubled Past and Uncertain Future*, (1998). <http://faculty.washington.edu/pnhoward/publishing/articles/haiti.pdf> (December 19 2011).

<sup>76</sup> Central Intelligence Agency, „The World Factbook: Haiti,“ <https://www.cia.gov/library/publications/the-world-factbook/geos/ha.html> (accessed December 19 2011).

<sup>77</sup> Ibid.

<sup>78</sup> Major Brent P. Goddard, „Military Peacekeeping Operations in Haiti,“ *Global Security*, (1997). <http://www.globalsecurity.org/military/library/report/1997/Goddard.htm> (accessed December 19 2011).

<sup>79</sup> Ibid.

regime in Haiti also played a role in the UNSC response to the crisis in the sense that it did not show any willingness to cooperate. Also and as noted before, the island's location right next to the USA created pressure for an intervention, both in the sense of the USA's responsibility to protect its poorer neighbors but also the threat of spillover effects stemming from the massive amount of immigrants and refugees from Haiti.<sup>80</sup>

In conclusion, humanitarian reasons were a key driving force in making the decision to intervene in the situation in Haiti. However, other reasons such as historical alignment with the USA, the island's location and threats from high levels of refugees also played a role in the decision making process.

### 5.3 The United Nations Transitional Administration in East Timor (UNTAET)

#### **Criteria corresponding to the pure doctrine of humanitarian intervention**

The civil war posed a high threat to human lives and human security for the people of East Timor. The failure of the Indonesian authorities to control the violence increased the threat even more and an estimated 102,800 people were killed as a result of the escalating situation.<sup>81</sup> In the UNSC's Resolution 1272 (1999) it is stated that the UNSC is concerned about the systematic and widespread human rights violations in East Timor and therefore action must be taken.<sup>82</sup>

#### **Criteria describing practical, realistic and selfish motives**

While amongst the poorest countries in the world, currently in 176<sup>th</sup> place according to the World Bank GDP survey of 2010,<sup>83</sup> East Timor is rich in valuable natural resources such as gold, petroleum and natural gas.<sup>84</sup> Therefore, gaining certain control over the area is tempting for other countries; in fact, China has increasingly been delivering more aid to East

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<sup>80</sup> United Nations Department of Public Information. „UNITED NATIONS MISSION IN HAITI,“, 1996. [http://www.un.org/Depts/DPKO/Missions/unmih\\_p.htm](http://www.un.org/Depts/DPKO/Missions/unmih_p.htm) (accessed October 25 2011).

<sup>81</sup> United Nations, Peace and Security Section of the Department of Public Information in cooperation with the Department of Peacekeeping Operations, „UNITED NATIONS TRANSITIONAL ADMINISTRATION IN EAST TIMOR.“, 2001. <http://www.un.org/en/peacekeeping/missions/past/etimor/etimor.htm> (accessed October 31 2011).

<sup>82</sup> United Nations Security Council, *Resolution 1272 (1999)*, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N99/312/77/PDF/N9931277.pdf?OpenElement> (accessed December 19 2011).

<sup>83</sup> The World Bank, „GDB Dataset 2010,“ <http://data.worldbank.org/indicator/NY.GDP.MKTP.CD> (accessed December 19 2011).

<sup>84</sup> Central Intelligence Agency, „The World Factbook:Timor Leste (East Timor),“ <https://www.cia.gov/library/publications/the-world-factbook/geos/tt.html> (accessed December 19 2011).



Timor, seemingly to ensure closer business ties with the country. It is therefore possible that this factor might have played a role in the UNSC decision to gain control over the situation in East Timor in 1999.<sup>85</sup> During the civil war, the country's economy was paralyzed. While not economically dependent on East Timor at the time of decision making, states should have been well aware of the region's potential and there was thus a profit-related motive for The five permanent members of the UNSC to stabilize the situation in East Timor, looking forward to a post-conflict phase when they could assist the nation in building capacity for production and export of fuels and secure a good relationship with its new government.<sup>86</sup> While strategically militarily important during the Second World War, East Timor could not be considered so in terms of the UNSC's assessment in 1999.<sup>87</sup>

### **Criteria of a practical nature that may determine the risk-benefit balance**

The UNSC did not declare formally that it was concerned about a possible spillover of the war into other regions, but did state the importance of securing the borders of East Timor in Resolution 1272 (1999).<sup>88</sup> Again, the biggest threat to the international community was a potential refugee problem if the situation could not be stabilized soon enough. Indonesia, formally in charge of East Timor during the decision making process in 1999, was a founding member of NAM, the non-aligned movement and therefore East Timor could not at the time be considered aligned with either USA or USSR.<sup>89</sup> It is unlikely that alignment in the international community played a role in the decision of the UNSC to act.

In conclusion, humanitarian reasons were the main driving forces of the intervention together with the previous failure by Indonesia and regional organizations to take appropriate action. However, economic reasons are likely to have encouraged the mission to a certain degree.

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<sup>85</sup> Reuters, „China showers gifts on resources-rich Timor,“ September 14 2009.

<http://www.reuters.com/article/2009/09/14/us-timor-china-idUSTRE58D0GD20090914> (accessed December 19 2011).

<sup>86</sup> Central Intelligence Agency, „The World Factbook:Timor Leste (East Timor),“

<https://www.cia.gov/library/publications/the-world-factbook/geos/tt.html> (accessed December 19 2011).

<sup>87</sup> Government of the Democratic Republic of Timor-Leste, „Brief History of Timor-Leste,“

<http://www.gov.east-timor.org/AboutTimorleste/history.htm> (accessed December 19 2011).

<sup>88</sup> United Nations Security Council, *Resolution 1272 (1999)*, [http://daccess-dds-](http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N99/312/77/PDF/N9931277.pdf?OpenElement)

[ny.un.org/doc/UNDOC/GEN/N99/312/77/PDF/N9931277.pdf?OpenElement](http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N99/312/77/PDF/N9931277.pdf?OpenElement) (accessed December 19 2011).

<sup>89</sup> Mohammad Khalid Ma'arouf, *Afghanistan in world politics: (a study of Afghan-U.S. relations)*, (India: Gyan Books,1987).

[http://books.google.is/books?id=v2pFvh9crtEC&dq=krishna+menon+coined+non+alignment&source=gbs\\_navlinks\\_s](http://books.google.is/books?id=v2pFvh9crtEC&dq=krishna+menon+coined+non+alignment&source=gbs_navlinks_s) (accessed December 19 2011).

## 5.4 The United Nations Mission in Sierra Leone (UNAMSIL)

### **Criteria corresponding to the pure doctrine of humanitarian intervention**

While estimates may differ slightly it is apparent that the civil war in Sierra Leone resulted in a horrific number of victims and was amongst the most terrible civil wars of the late 20<sup>th</sup> century. According to Global Security, by 1999 the number of victims due to the war ranged upward from 50.000. More than half the population was displaced due to the fighting and unspeakable crimes including cutting of limbs, decapitating and burning civilians alive, using rape as a military tactic and recruiting child soldiers. The threat to human lives and security was extremely high and the situation in Sierra Leone is a clear example of why the international community needs the R2P doctrine.<sup>90</sup>

### **Criteria describing practical, realistic and selfish motives**

As widely known, Sierra Leone's natural resources include diamonds and valuable metals. Despite the role of the blood diamonds in the civil war is infamous, natural resources cannot be considered a factor in the decision making process of the UNSC. While the country exports a little oil as well as diamonds, its economy is mostly based around agriculture. It does not have significant business ties with any of the permanent member states of the UNSC and therefore this factor is not considered relevant to the decision making process.<sup>91</sup> Sierra Leone cannot be considered a strategically, militarily important region.

### **Criteria of practical nature that may determine the risk-benefit balance**

Sierra Leone is a small, extremely poor country and therefore unlikely that the situation posed a threat to the international community. Despite its terrible nature the violence was of a scale that skilled foreign troops could be expected to (and did) master without serious risk to themselves. There is no indication that historical or current alignment in the international community played a role in the decision making process.

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<sup>90</sup> Global Security, „Sierra Leone,“ [http://www.globalsecurity.org/military/world/war/sierra\\_leone.htm](http://www.globalsecurity.org/military/world/war/sierra_leone.htm) (accessed October 31 2011).

<sup>91</sup> Central Intelligence Agency, „The World Factbook: Sierra Leone,“ <https://www.cia.gov/library/publications/the-world-factbook/geos/sl.html> (accessed December 19 2011).

In conclusion, UNAMSIL is an example of a mission carried out solely for humanitarian reasons and one that achieved most of its goals, thus restoring hope for the population of Sierra Leone.<sup>92</sup>

## 5.5 Libya and resolution 1973 (2011)

### **Criteria corresponding to the pure doctrine of humanitarian intervention**

While the number of casualties of civilians and incidences of violence against protestors was already excessive by the time action was taken in the UNSC, this case stands out as also being an R2P mission focused on preventing crimes against humanity. Gaddafi stated in a speech made on February 22<sup>nd</sup> that he would not step down and encouraged his supporters to attack protesting „cockroaches” and „cleanse Libya house by house”.<sup>93</sup> These words sound uncomfortably similar to phrases used in the launching of the genocide in Rwanda and surely encouraged the UNSC to act quickly. Many reports surfaced of torture and executions of protestors and civilians, but the total death toll as a result of the civil war civil war remains disputed.

### **Criteria describing practical, realistic and selfish motives**

The military intervention in Libya has been highly controversial and many skeptics have claimed that the reason for intervening were ultimately other than humanitarian. Libya’s natural resources are mainly large oil reserves and natural gas. Its levels of oil production and oil exports are amongst the highest in the world so it is fairly obvious why skeptics claim this factor played a key role in the swift response by the UNSC in the case of Libya.<sup>94</sup> However, it is hard to prove or disprove such theories. The fact that diplomatic measures were exhausted before a military intervention was proposed and that there were undoubtedly legitimate humanitarian reasons for intervention makes it unlikely that the Libyan oil reserves were a direct motive, but they were arguably an encouraging factor for

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<sup>92</sup> United Nations, Peace and Security Section of the Department of Public Information in cooperation with the Department of Peacekeeping Operations, „Sierra Leone - UNAMSIL – Background.”, 2009. <http://www.un.org/en/peacekeeping/missions/past/unamsil/background.html> (accessed October 31 2011).

<sup>93</sup> International Coalition for the Responsibility to Protect, „Crisis in Libya, II. Initial Response to the Crisis in Libya.”, 2011. <http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-libya> (accessed November 8 2011).

<sup>94</sup> Central Intelligence Agency, „The World Factbook: Libya,” <https://www.cia.gov/library/publications/the-world-factbook/geos/ly.html> (accessed December 19 2011).

some states including the Europeans who took a leading share in the operation.<sup>95</sup> Libya's biggest export partners are Italy, France, China, Spain, Germany and the US which means that 3 out of the 5 permanent members of the UNSC are directly affected by any change in Libya's oil and gas industry.<sup>96</sup> The level of external economic dependence is therefore high and likely a factor in the decision making process of the UNSC.

Further, Libya is located in a crucial area in Africa. Its neighbors include Egypt, Israel, Iraq and Saudi Arabia. The region has to be considered strategically militarily important due to its location and even more so if theories about ulterior motives for a military intervention are true.<sup>97</sup> Finally, decision makers will have been aware of the larger strategic context of the Arab Spring, seeing Libya as a case where Gaddafi's success could have inspired similar excesses by neighbouring regimes, but his defeat might be taken as a lesson by others throughout the region – possibly allowing other democratic movements to be handled more peacefully.

### **Criteria of a practical nature that may determine the risk-benefit balance**

Libya's location in a highly politically unstable area, the country's previous disputes with Algeria and Morocco, and the military capacity of Gaddafi's forces all made the situation more delicate and more likely to escalate and pose threat to international peace and security. This factor was therefore relevant to the decision making process.<sup>98</sup> Libya's relationship had been tense with western countries for a long time, especially with the United States. However, Gaddafi had worked on improving diplomatic relations with the West by admitting involvement in the Lockerbie incident, promising not to fund terrorist groups anymore and ending programs to develop weapons of mass destruction. Gaddafi's history and his regime undoubtedly affected the decision making process of the UNSC as they gave reason to interpret the government as highly threatening, both to its population

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<sup>95</sup> International Coalition for the Responsibility to Protect, „Crisis in Libya, II. Initial Response to the Crisis in Libya.“, 2011. <http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-libya> (accessed November 8 2011).

<sup>96</sup> Central Intelligence Agency, „The World Factbook: Libya,“ <https://www.cia.gov/library/publications/the-world-factbook/geos/ly.html> (accessed December 19 2011).

<sup>97</sup> *National Geographic*, „Map Libya,“ <http://travel.nationalgeographic.com/travel/countries/libya-map/> (accessed December 19 2011).

<sup>98</sup> Central Intelligence Agency, „The World Factbook: Libya,“ <https://www.cia.gov/library/publications/the-world-factbook/geos/ly.html> (accessed December 19 2011).

and to the international community. Conversely and unlike (for instance) Assad in Syria), he had become enough of a pariah to make it unlikely that any other significant power would wish to shelter him.<sup>99</sup>

In conclusion, this case is more complicated than other cases of humanitarian interventions and understandably controversial. While humanitarian reasons were certainly in place, many other factors are likely to have encouraged the situation to be evaluated as an R2P case and these factors therefore have to be considered driving forces of the operations in Libya.

#### 4.6 The United Nations Assistance Mission for Rwanda (UNAMIR)

##### **Criteria corresponding to the pure doctrine of humanitarian intervention**

One of the most disturbing cases of genocide and human rights violations in recent history, the threat to human lives and security of the people of Rwanda was extremely high. Estimates of the death toll in the genocide range from 500.000 people to 800.000 people.<sup>100</sup> The case of Rwanda is the clearest R2P case so far (even though it would not have been called that at the time) among the selected examples; yet states within the UNSC were reluctant to define it as such.<sup>101</sup>

##### **Criteria describing practical, realistic and selfish motives**

The country's natural resources include gold, methane and hydropower,<sup>102</sup> but natural resources cannot be considered a driving force for intervention, in fact, in a documentary about the genocide in Rwanda; a US congressman is quoted as saying that the US has no interest and no incentive to assist in Rwanda.<sup>103</sup> Here, the lack of resources means less motivation to act. Rwanda's economy is almost solely based on agricultural products and

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<sup>99</sup> Ibid.

<sup>100</sup> Jean-Paul Azam, „Looting and Conflict between Ethnoregional Groups: Lessons For State Formation in Africa“ *Journal of Conflict Resolution*, vol. 46 no. 1. (2002), 132 <http://jcr.sagepub.com/content/46/1/131.short> (accessed December 19 2011).

<sup>101</sup> United Nations, „Genocide in Rwanda Backgrounder,“ <http://www.un.org/events/rwanda/backgrounder.html> (accessed December 19 2011).

<sup>102</sup> Central Intelligence Agency, „The World Factbook:Rwanda,“ <https://www.cia.gov/library/publications/the-world-factbook/geos/rw.html> (accessed December 19 2011).

<sup>103</sup> *PBS Frontline*, „Ghosts of Rwanda,“ aired April 1 2004. <http://www.pbs.org/wgbh/pages/frontline/shows/ghosts/> (accessed October 18 2011).

mainly exports its goods to other African countries.<sup>104</sup> The level of external economic dependence is here considered very low. Rwanda's location at the given time could not be considered strategically militarily important.

### **Criteria of a practical nature that may determine the risk-benefit balance**

The genocide in Rwanda involved two local groups and even if the violence had consequences spilling across borders (with many refugees and with fighters operating from bases outside the Rwandan frontier), it was unlikely that the events could pose a wider threat to the international community. The international community knew little about the situation unfolding which made it easier for states of the UNSC not to take action. Type of government plays a key role in the decision making of the UNSC: this time the genocide was government sponsored by the Hutu military regime and many aspects of the situation were similar to what had happened in Somalia just a year earlier.<sup>105</sup> There, UN troops had been unexpectedly attacked and killed in several incidences, including the famous „Black Hawk Down“ incident where US soldiers were attacked by Somali militants. The events in Somalia had made the UNSC hesitant and states, especially the US, reluctant to act.<sup>106</sup> The large scale and spread of violence in Rwanda might have caused doubts about whether a UN deployment could be fast and strong enough to stop it, bearing in mind also the many failures of earlier peacekeeping efforts in the neighbouring Congo. Finally, the former colonial power Belgium had chosen to withdraw its peacekeeping forces earlier in the crisis and appeared paralyzed amid arguments about its own historical responsibility for ethnic tensions. This may be contrasted with (for instance) the UK's readiness to take a clear lead in Sierra Leone.

In conclusion, although the threat to human lives and security and death toll were extremely high and the situation in Rwanda presented a text book case of an R2P situation, there was a failure to act. Many elements played a role in these events. Additional motivation for states to act seems to be nonexistent, with no natural resources, economic or

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<sup>104</sup> Central Intelligence Agency, „The World Factbook:Rwanda,“ <https://www.cia.gov/library/publications/the-world-factbook/geos/rw.html> (accessed December 19 2011).

<sup>105</sup> Miller Center, University of Virginia, „American President A Reference Resource,“ <http://millercenter.org/president/clinton/essays/biography/5> (accessed December 19 2011).

<sup>106</sup> Major Roger N. Sangvic „Battle of Mogadishu: Anatomy of a Failure“ School of Advanced Military Studies United States Army Command and General Staff College Fort Leavenworth, (1998). <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA366316&Location=U2&doc=GetTRDoc.pdf> (accessed December 19 2011).

political ties nor pressure from the international community, while disincentives and the sense of risk were strong.

## 5.7 Human rights violations in Burma and oppressive regime

### **Criteria corresponding to the pure doctrine of humanitarian intervention**

In Burma, human rights violations have been committed for decades. After a military regime was established the violations escalated and posed a grave threat to human life and security. The crimes committed during the time period previously described include torture, extrajudicial killing, recruitment of child soldiers, sexual violence and harsh suppression of political dissidents. Yet, these violations have been described as merely „on the threshold of R2P attention”. In 2008 Burma was hit by a natural disaster that put human security at even more risk than before. The military junta flagrantly neglected its people; yet the situation still did not win the attention of the UNSC.<sup>107</sup>

### **Criteria describing practical, realistic and selfish motives**

Burma is a resource rich country. Its resources include petroleum, tin, zinc, copper, coal, marble, limestone, precious stones, natural gas as well as hydropower. While not exporting any of its oil production, Burma is a large supplier of natural gas to its business partners in Asia, Thailand, India, China and Japan.<sup>108</sup> Burma is located in a strategically very important area, right next to China with Vietnam and Cambodia amongst its neighbors. The country’s sensitive location, including the claim of both China and India to a sphere of influence there, might explain why the UNSC has not carried out a military intervention.<sup>109</sup>

### **Criteria of a practical nature that may determine the risk-benefit balance**

While the situation in Burma might pose a threat to international peace and security due to the country’s location, aggressive regime and strong military as well as the high levels of refugees and migrant that have been described as a „mass exodus”, China and Russia

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<sup>107</sup> International Coalition for the Responsibility to Protect, „The Crisis in Burma,“ <http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-burma> (accessed November 23 2011).

<sup>108</sup> Central Intelligence Agency, „The World Factbook:Burma,“ <https://www.cia.gov/library/publications/the-world-factbook/geos/bm.html> (accessed December 19 2011).

<sup>109</sup> *National Geographic*, „Myanmar (Burma) Map,“ <http://travel.nationalgeographic.com/travel/countries/myanmar-map/> (accessed December 19 2011).

vetoed an intervention on the grounds that the situation did not pose such a threat.<sup>110</sup> The military regime in Burma and its strong military certainly are a factor in the UNSC decision not to intervene. Burma's army is the second largest in South East Asia, having approximately 470,000 soldiers, and possesses a large and diverse range of arms. During the cold war the country was reportedly aligned with the USSR and at present constitutes an especially sensitive frontier for China. All these facts might explain why there has been reluctance to intervene by the international community.<sup>111</sup>

In conclusion, the situation in Burma has been grave enough at several stages to constitute an R2P case but it seems political and security reasons make an intervention an unlikely event.

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<sup>110</sup> National Council of the Union of Burma, *Time for UN Intervention in Burma/Myanmar: A Threat to International Peace and Security*, (2003).  
[http://www.ibiblio.org/obl/docs/UNSC\\_Report\\_Final3.pdf](http://www.ibiblio.org/obl/docs/UNSC_Report_Final3.pdf) (accessed December 19 2011).

<sup>111</sup> *Ibid.*



## 5.8 Reported human rights violations in Bahrain and protests

### **Criteria corresponding to the pure doctrine of humanitarian intervention**

The events in Bahrain during the Arab Spring of 2011 are similar to the situation that arose in Libya in 2011. Protesting was met with violent suppression and human rights have been violated by torturing political prisoners and apparently executing civilians.<sup>112</sup> However, unlike the swift response of the UNSC regarding the situation in Libya, Bahrain has received little attention.

### **Criteria describing practical, realistic and selfish motives**

Bahrain is rich in important natural resources such as oil and natural gas, and supplies its diverse export partners with a substantial amount of fuel. Perhaps the most telling recent development is the fact that in 2006, the United States and Bahrain signed a Free Trade Agreement as a step towards better economic relations between the countries. This factor would certainly act as a deterrent to intervention for the US, especially if a change of government followed.<sup>113</sup> Further, Bahrain has extreme strategic/military importance, especially for the United States. The country is located in the Middle East with neighbors such as Iran, Iraq and Saudi Arabia. During the Gulf War, Bahrain served as a military base for the US military and signed a Defense Cooperation Agreement in October 1991. Currently, U.S Navy fleets are located in Bahrain. It is obvious that the USA's well established relationship with the country makes an R2P military intervention approved by the UNSC highly unlikely.<sup>114</sup>

### **Criteria of a practical nature that may determine the risk-benefit balance**

As the events of the Arab Spring are currently unfolding it is hard to determine possible threats for the international community. The region is certainly tense and with wealthy states with powerful militaries involved, an intervention might itself aggravate conflict by provoking counter-attacks by rulers reluctant to step down. Bahrain's enemy Iran might also

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<sup>112</sup> *Voice of America*, „Human Rights Violations Mount in Bahrain,“ March 22 2011. <http://www.voanews.com/english/news/middle-east/Human-Rights-Violations-Mount-in-Bahrain-118438739.html> (accessed December 15 2011).

<sup>113</sup> Central Intelligence Agency, „The World Factbook: Bahrain,“ <https://www.cia.gov/library/publications/the-world-factbook/geos/ba.html> (accessed December 19 2011).

<sup>114</sup> U.S. Department of State, Bureau of Near Eastern Affairs, „Background Note: Bahrain“, 2011. <http://www.state.gov/r/pa/ei/bgn/26414.htm#defense> (accessed December 19 2011).

react to a Western military presence and/or be tempted to intervene for its own interests. As described earlier, Bahrain's relationship with the US and the role its facilities are thought to play not least in balancing Iran is another key reason why the situation has received so little attention by the UNSC.

In conclusion, human rights are being violated in Bahrain and human lives and security are at risk. However, the response by the UNSC has been completely different from that of Libya. Political, strategic military reasons and economic reasons are the likely cause for the lack of attention given to the situation by the US and UNSC.

## 5.9 Reported genocide in Georgia and Russia's intervention

### **Criteria corresponding to the pure doctrine of humanitarian intervention**

The number of fatalities in South Ossetia and the level of threat to human lives during the crisis have been disputed. In a Congressional Research Service (CRS) report, made for the United States congress, it is stated that it has been difficult to verify the number of victims since Russia had limited the access of media and non-governmental organizations in South Ossetia. Estimates of civilian deaths range from 134 up to 2000. Furthermore, over 185,000 civilians were displaced as a result of the war, according to the U.N. High Commissioner for Refugees (UNHCR).<sup>115</sup> Ultimately, the UNSC did not act in the situation, but as described earlier, Russia took upon itself to conduct an R2P military intervention despite the objections of the UNSC.<sup>116</sup>

### **Criteria describing practical, realistic and selfish motives**

The country's natural resources, which include timber, hydropower, iron ore and copper, cannot be considered as motives for an intervention. Georgia's economy is mainly based on agriculture and mining as well producing goods such as beverages and machinery. Previously, Georgia imported a large portion of its natural gas from Russia but has for some time been decreasing its business with Russia and imported larger proportions from

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<sup>115</sup> Congressional Research Service. *CRS Special Report for Congress, Russia-Georgia Conflict in South Ossetia*, (2008). <http://fpc.state.gov/documents/organization/110841.pdf> (accessed December 15 2011).

<sup>116</sup> International Coalition for the Responsibility to Protect, „Georgia- Russia Crisis and RtoP,“, 2008. <http://www.responsibilitytoprotect.org/index.php/crises/178-other-rtop-concerns/2749-the-crisis-in-georgia-russia> (accessed December 15 2011).

Azerbaijan.<sup>117</sup> Georgia's location is strategically militarily important to NATO as a link to the Caspian Basin and central Asia. Its neighbors include Russia, Turkey, Iran and Iraq and therefore Georgia can serve as an extremely important military base. This might explain why the UNSC did not conduct an earlier military intervention; the interest of permanent states, specifically the US, lies in a good relationship with the Georgian government and they were not prepared to take a critical stance on its treatment of minorities. On the other hand, the fact that Georgia had made its desire to join NATO clear was among Russia's motives for wanting to deter and weaken it, and Moscow may have believed its actions in 2008 would also be a warning to other western-minded states and movements in the region.<sup>118</sup>

### **Criteria of a practical nature that may determine the risk-benefit balance**

An intervention by the UN before or during 2008 was in effect ruled out by Russia's UNSC veto, unless it had been directly aimed against Saakashvili's regime which in turn the US would never have permitted. In practical terms also, any external military action would have risky and perhaps even prone to Cold-War-style escalation due to Russia's involvement. The relationship with Russia has long been tense and this is more than sufficient to explain why Russia allegedly misused the R2P doctrine to invade Georgia and why a UNSC authorized military intervention was not carried out.

In conclusion, although there were reported human rights violations in South Ossetia the UNSC was not willing earlier to define it as an R2P situation. When the Russians acted they misused R2P to carry out an operation outside their borders, prohibited in the R2P doctrine, but the UNSC was then barred from intervening both by a Russian veto and serious strategic risks.

## 5.10 The crisis in Gaza and serious consequences

### **Criteria corresponding to the pure doctrine of humanitarian intervention**

The level of threat in Gaza to human lives and security is grave, widely known and longstanding, yet the UNSC has not acted. UN reports state that 1,300 civilians have lost

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<sup>117</sup> Central Intelligence Agency, „The World Factbook: Georgia,” <https://www.cia.gov/library/publications/the-world-factbook/geos/gg.html> (accessed December 19 2011).

<sup>118</sup> Johannes Olschner, „Why is Georgia so important to NATO“ *Global Affairs*, (2008). <http://www.globalaffairs.es/en/why-is-georgia-so-important-to-nato/> (accessed December 19 2011).

their lives due to the fighting between Israel and Hamas and the safety and quality of life of civilians in Gaza have been reduced tremendously as well.<sup>119</sup>

### **Criteria describing practical, realistic and selfish motives**

The Gaza strip consists mainly of coastal plain covered in sand without many natural resources. The only natural resource of any relevance is natural gas. Due to the region's isolation and limited land and sea access exports are limited. Export commodities consist mainly of fruit and vegetables. The level of external economic dependence is therefore considered low.<sup>120</sup> The Gaza strip is certainly a strategically and militarily important region for Israel and due to the political tension in the area, important to the international community in terms of stabilizing the situation.<sup>121</sup> The area's position in the Middle East is of course of strategic importance for the US and NATO in the light of recent history but this is not considered a factor in analyzing this case.

### **Criteria of a practical nature that may determine the risk-benefit balance**

When a state involved in warfare possesses nuclear weapons, as in the case of Israel, the situation must be considered an increased threat to the international community.<sup>122</sup> This underlines the risk involved with conducting a military intervention. To this date though, the fighting between Israeli forces and Hamas has been contained to the area. Israel's relationship with the United States is extremely relevant in understanding the lack of action taken by the UNSC in this case. The US has repeatedly aligned itself with Israel and in November of 2006 this became very clear. The UNSC proposed a resolution that, amongst other measures, called for the withdrawal of Israeli forces in Gaza and condemned Israel's actions. The US used its veto, blocking the draft resolution.<sup>123</sup>

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<sup>119</sup> International Coalition for the Responsibility to Protect, Criziz in Gaza: An RtoP Situation? (2009). <http://www.responsibilitytoprotect.org/index.php/crises/178-other-rtop-concerns/2750-the-crisis-in-gaza> (accessed December 15 2011).

<sup>120</sup> Central Intelligence Agency, The World Factbook:Gaza. <https://www.cia.gov/library/publications/the-world-factbook/geos/gz.html> (accessed December 19 2011).

<sup>121</sup> D. Newman „The Geopolitics of Peace Making in Isreal-Palastine“ *Political Geopgraphy*, vol 21 no 5. (2002). <http://www.sciencedirect.com/science/article/pii/S0962629802000100> (accessed December 19 2011).

<sup>122</sup> Federation of American Scientists, Status of World Nuclear Forces 2011. <http://www.fas.org/programs/ssp/nukes/nuclearweapons/nukestatus.html> (accessed December 19 2011).

<sup>123</sup> UN News Center „China and Russia veto US/UK-backed Security Council draft resolution on Myanmar“ (2007). <http://www.un.org/apps/news/story.asp?NewsID=21228&Cr=myanmar&Cr1> (accessed December 19 2011).

In conclusion, this case poses grave threat to human lives and security and has resulted in the fatalities of many civilians. The situation has been long standing and only gotten worse during the last years, creating a region that is completely unsafe for civilians. The US response to the situation and lack of action taken by the UNSC further illustrates how political reasons as well as the power structure of the UNSC can stop extremely important missions in their tracks.

/Comparative Table.....

**Comparative table of factor scores\***

	<b>Humanitarian Factors</b>	<b>Self-Interest Factors</b>	<b>Practical Factors</b>	<b>Score</b>
<b>Intervention Cases</b>				
Somalia	10	0	0	10
Haiti	6	0	8	14
East Timor	7	6	2	15
Sierra Leone	10	0	0	10
Libya	7	7	4	18
<b>Non-Intervention Cases</b>				
Rwanda	10	-8	-7	-5
Burma	7	2	-8	1
Bahrain	5	-3	-9	-7
Georgia	6	0	-7	-1
Gaza	9	0	-6	3

\*Scores are based on the presence of each factor and its relative seriousness, measured by the standards relevant for the decision making process of the UNSC. Factors are given a score from 0-10 in each case. A factor with a positive score should logically have increased the likelihood of an intervention. A factor with a minus score is one that had potential to decrease the likelihood of an intervention. A zero score means that the given factor was not applicable to the case; or was neutral and neither increased nor decreased the likelihood of a mission; or that both positive and negative incentives were present for various actors, but they tended to cancel each other out (this could happen for instance if two permanent member states had opposite self-interests related to the case and were not prepared to push them to a show-down). The Score column is the aggregated final score of all three factors in each case. Again, a positive score means that together, determining factors increased the likelihood of an intervention; a minus score means that together, determining factors decreased the likelihood of an intervention. The higher the score (plus or minus), the more influential this range of determining factors arguably were for the decision making process of the UNSC.

## **6. Conclusion**

The comparison of the selected criteria has unveiled the role of political, strategic and economic factors in the decision making process of the UNSC when authorizing military interventions for humanitarian reasons. In all cases of intervention presented here, the threat to human lives and security and the human rights violation were unquestionable. However, in 3 out of the 5 UN military intervention cases there are apparent additional motivators that likely affected the UNSC decision making and without these motivators one might speculate whether an intervention would still have been carried out. In all of the 5 non-intervention cases there were either clear political, economic or strategic reasons not to intervene, or a complete lack of additional (non-humanitarian) motivators for intervening. Despite the cynical and discouraging conclusions that this points to, it should also be stressed that in 2 out of the 5 intervention cases no apparent additional factors were identified as having affected the decision making process. These two cases, Sierra Leone and Somalia, appear to have been purely humanitarian and demonstrate that states are willing to protect human lives and rights even if they do not expect selfish benefits from such missions.

In general, it seems that the presence of additional political, strategic and/or economic motivations increases the likelihood of an R2P intervention and also speeds up the decision making process. This is clearly illustrated in the comparison of UNSC responses to Libya and Bahrain. It is also clear in the case of Haiti, where the country's location adjoining US territory, its political history and the flow of refugees into the US put added pressure on the UNSC to act. Furthermore, the power structure of the UNSC and the definitions of situations prove to be important factors. This is apparent in several cases, namely the cases of Gaza and Burma, where permanent states have used their vetoes to stop the UNSC responding to the situations apparently because of political, strategic and military reasons. This shows how the power structure of the UNSC can affect crucial interventions. The cases of Rwanda and South Ossetia further illustrate the importance of appropriate definitions and how the way a situation is defined can affect the decision to intervene. In these two cases, the UNSC's unwillingness to interpret the situations as R2P situations – in Rwanda's instance by neglect and in Georgia because of strategic/political complications - led to no action being taken.

In the selected cases of military interventions for humanitarian reasons the reasons for intervening are exactly that, humanitarian. If a humanitarian crisis was not apparent there would not have been an intervention and therefore legitimate motives are in place in all cases. However, while the main goals of such interventions are humanitarian, added benefits for influential states of intervening (and intervening early) are also evident in many cases.

The process of humanitarian military intervention can therefore be described as one of selective implementation. Humanitarian reasons are the driving forces of such interventions, while political and economic factors are the factors that can either delay or even stop interventions or speed up decision making. In cases where there has not been a UN intervention, it is quite easy to find possible reasons of a non-humanitarian nature for not acting. Furthermore, it seems that technical issues and definitions of each case play a key role in determining whether an intervention is carried out or not. In many cases, the failure to define violence as genocide, war crimes or crimes against humanity has allowed violence and human rights violations to continue. Of course, the question whether to intervene or not is a sensitive one and possible consequences must be considered. Considering also the need to avoid misuse by states who broaden or blur the R2P concept for their own ends, it is right that a situation should be defined as one of the crimes above to secure acceptance of a mission by the international community.

A further aspect of selectivity concerns the question of whether the UN as such must always be the institution taking legal and practical responsibility for a humanitarian operation. Even if it properly remains the only body that can authorize the use of force and invasion of sovereignty on R2P grounds, regional institutions (for instance the EU and NATO, African Union, ASEAN) could in many cases be activated into serving as mediator, observer or condemner of humanitarian crisis situations; they could take action within their means and competence both to relieve human distress and to put pressure on governments to stop the crisis. In fact, regional organizations are in many cases better equipped for managing these situations, especially at the earlier stages of a crisis or when there is doubt whether a situation can constitute as an R2P situation. Of course this means that regional institutions need to be willing to take on such responsibility which certainly is not always the case and, by R2P definition, means that the responsibility to protect is again shifted to the international community. Therefore, establishing legal responsibility for e.g. for the African

Union, ASEAN and European Union to serve as „first responders” to developing crises could mean fewer humanitarian crises falling below the grid and enable the UNSC to focus solely its efforts on crisis that regional organizations are not fit to handle.<sup>124</sup> Furthermore, the role of the media is important in drawing attention to developing humanitarian situations and their responsibility to do so consistently, objectively and less selectively could be further defined and promoted. As seen in some of the selected cases, lack of media attention can affect the response of the UNSC as it minimizes public awareness and thus, public pressure on governments to act.

Another problem for the R2P idea is that the question „how bad does a situation need to be for it to constitute as an R2P situation?" has not been fully answered or defined. This can fuel skepticism and criticism of the UNSC as it leaves too much up to the personal opinion of representatives. The setup of the UNSC is also an example of uneven power distribution that increases the risk of skewed decision making processes in favor of the more powerful permanent members. The power distribution can even be interpreted as the UNSC giving these states permission to violate rights themselves as it only takes one state to veto in order for a situation to go unchallenged by the UN. In contrast, 6 out of the 10 non-permanent member states of the UNSC could say no to an intervention but it would still be carried out, even if it should be on the territory of one of them.

To ensure a better decision making process within the UNSC that is more based on evaluating the humanitarian aspects of crisis and less on other factors, an additional body within the UN system solely devoted to prioritizing and interpreting humanitarian threats and applying objective criteria to find the best course of action is needed. This additional body could be comprised of representatives of the major NGOs most experienced in assisting in humanitarian crises: it would provide a public evaluation and suggestions regarding developing crises – which could directly influence states and their public opinion - as well as providing the UNSC with a more detailed report if there is any sensitive

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<sup>124</sup> The relationship between regional institutions and the UN is however complex. Given that NATO, the EU and other regional groups now carry out half of all crisis-related interventions annually, concerns have been expressed that they may be overstepping their legal rights, acting too often for self-interested ends, and also lacking consistency in their approaches and effectiveness - which undermines the UN's principles of universal human rights and undivided global security. In practical terms, many cases could be found where UNSC action was prevented or reduced in effectiveness because important decision-taking and contributing states had already invested too many resources (or were taking too many risks) in operations launched under different institutional flags.



information on factors potentially upsetting a proposed mission (and on how to overcome them). States' willingness to participate in intervention will still be affected by factors other than humanitarian, but this would make it harder for states to disguise political decisions as legitimate humanitarian ones, or to ignore real human emergencies for selfish reasons.

The UN has increasingly been developing towards a consensus and regulatory prescription where the responsibility to protect is widely accepted and a firmer base is sought for carrying it out when needed. If the previous failures to act are recognized and used to further develop a more fair and effective system, there can only be reason for optimism about the future of the R2P idea.

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