

Responsibility to Protect: A developing norm or normative failure?

Dissertation submitted by

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Dedicated to those who are still waiting for responsibility and morality to take hold.

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LIST OF ABBREVIATIONS

CPPCG	Convention on the Prevention and Punishment of the Crime of Genocide
UN	United Nations
R2P	Responsibility to Protect
ICISS	International Commission on Intervention and State Sovereignty
WSOD	World Summit Outcome Document
OSAPG	UN Office of the Special Adviser on the Prevention of Genocide

ABSTRACT

'Responsibility to Protect', the result of international intervention failures, strewn with battles over sovereignty, mixed with moral obligations; the idea that first states and then the international community are responsible for the protection of people against genocide, ethnic cleansing, war crimes and crimes against humanity. R2P's rhetorical emergence garnered normative acceptance internationally, yet its ability to change actual behavior has been questioned. Thereby, this master thesis look into whether the development of new international rules and norms have an impact on the behavior of the international community in responding to genocides or potential genocides. Through an examination of the evolution of international rules and norms, we will test whether the concepts of R2P and genocide can in fact be seen as emerging norms, and whether they have an actual impact on the behavior of states in actually producing interventions. Through the analysis it is found that while rhetorically the norms of R2P and genocide prevention have almost fully evolved through the 'norm life cycle' the action which should go along with these norms has not been fulfilled. There has been a breakdown between normative rhetoric and normative action which needs to be reconciled through collective responsibilities of states, in order to realistically prevent genocide.

CHAPTER 1: INTRODUCTION

During World War II, Winston Churchill notoriously made the statement that “We are in the presence of a crime without a name” (Churchill 1941), and indeed we were; the scope of the atrocities which occurred under the Nazi regime had never been seen before in such capacity. Soon after, the Polish lawyer Raphael Lemkin, coined the term genocide from the Greek term *geno* meaning race or tribe, and Roman term *cide* meaning killing, primarily in response to WWII and his personal connection to it. He tirelessly advocated for the introduction of genocide as punishable by law and in 1948, Resolution 260 (III) was adopted, setting the first legal introduction of the term genocide in the Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG). With only 41 original signatories, by 2014, 146 countries had ratified or acceded to the CPPCG (U.N. 1948), leaving a minority of states excluded from its obligations. However, despite its ratification into international law, the first actual conviction of genocide did not occur until 1998 following the Rwandan genocide.

There are only a few key moments in international lawmaking which address genocide, its prevention, and punishment, yet these moments are cemented in the minds of politicians and policy experts alike. The first of these was the CPPCG. Yet fifty years later, and after the failure in Rwanda, the international community looked on with intense scrutiny, while the epistemic community in genocide scholarship came together again, to attempt to bring forth meaningful and feasible solutions to prevent and protect communities from genocide. What followed were changes in thought and discourse as to how the rhetoric of “never again” could once again become meaningful. Thus the second big development in international legislation addressing genocide prevention was born.

Responsibility to Protect (R2P) originally began as a challenge set by Francis Deng, then United Nations (UN) Secretary General on Internally Displaced Persons, initially in his book *Sovereignty as Responsibility* (1996) and later in a speech in 1998 arguing that first the state, and then the international community have the responsibility to protect the people

within the state's borders. While his address was in reference to internally displaced persons, the idea rang true with respect to atrocities as well. He argued that “sovereignty as a principle of responsibility... stipulates minimum standards which governments must meet to enjoy legitimate sovereignty” (Deng 1998). Immediately this idea was adopted by the International Commission on Intervention and State Sovereignty (ICISS) and introduced in its report in 2001. The idea of R2P continued to spread and in 2005 it was officially presented to the international community in the 2005 World Summit Outcome Document (WSOD) within paragraphs 138 and 139. The WSOD stipulated the responsibility of both the state and international community to protect “populations from genocide, war crimes, ethnic cleansing and crimes against humanity” (U.N. 2005, 30), in direct reference to the ICISS report. Under the notion of protection, the core principles describe three elements which should be heeded in response to mass atrocity: the responsibility ‘to prevent’, ‘to react’ and ‘to rebuild’ (Evans and Sahnoun 2001). This master thesis will primarily focus on the first element of R2P, prevention, and the subsequent actions and behavior that genocide prevention entail. However it is important to remember that each go hand in hand. When prevention falls through, effective reaction is necessary, which is an element of prevention in itself. Preventing and reacting entail similar warning signs, however the ‘responsibility to rebuild’ requires different actions than the former two, therefore the element of rebuilding will be less of a focus herein.

Genocide research has gained increasing popularity, particularly in the past 20 years, with scholars and the UN alike providing detailed studies on the process of genocide, critical failures, possible improvements, and frameworks for prevention and reconciliation. Risk of genocide is also tracked by its epistemic community therefore the extent of information on reaction, intervention and frameworks for genocide prevention is extensive. An important gap however can be found in comparative genocide studies. While broad research has been conducted on frameworks for prevention, few comparative studies have been produced testing whether the implementation of such

frameworks has led to success. Gurr argues that “what’s needed is a close examination of past, current, and future international policies toward each of these countries, with assessments of whether and how different modes of engagement mitigate armed conflict and change the underlying potentials for genocidal violence” (Gurr 2009, 49). Ongoing and past conflicts have been tracked for years, and with improved technology, identifying and following risk prone countries has increasingly become an easier task.¹ This master thesis will therefore examine *how new rules and norms have effected or changed the behavior of the international community in responding to situations at a high risk of genocidal violence*. Through comparing cases before and after the introduction of new rules and emerging norms on the prevention and punishment of genocide, connections and comparisons can be made to determine substantive influence. This thesis will contribute to the broader genocide research by adding a comparative study on the somewhat new and controversial emerging norm in the field, the norm of genocide prevention and overarching norm of the responsibility to protect.

As this is a comparative study of genocide prevention rules and norms, the more recent introduction of R2P will be treated as the indicating variable by which responsive behavior should change. While other turning points in laws and normative rhetoric related to genocide and prevention have taken place (i.e. CPPCG and Rome Statute), R2P, while not international law, is the most far reaching and encompasses early prevention, appropriate reaction and effective punishment and rebuilding. It also importantly directly addresses sovereignty, wherein responsibility is embedded. With the focus on the turning point between pre- and post-R2P, the hypothesis predicts that the introduction of R2P has produced effective and meaningful change in the international communities’ behavior towards preventing and reacting to genocide. Effective and meaningful in this sense refers to actions implemented with the sole aim of preventing and terminating genocides or genocidal violence. Arguably, the transformation has

¹ An enormous range of nonprofit organizations, governments as well as private corporations are engaged. Genocide Watch, Global Center for R2P, UNOSAPG, Auschwitz Institute, Ushahidi, to name a few.

occurred through the advancement of relevant discourse, increased international mobilization and most importantly the development of new norms in interventions responding to genocidal violence.

The hypothesis will first be tested against normative theories of international behavior which predict that the increased discourse on genocide prevention, 'focusing events' such as crises, along with pressure from 'norm entrepreneurs' raise the salience of the issue. The norm is further developed through the process of the 'norm life cycle' where issues are socialized and institutionalized by larger networks and ultimately fully legitimized through law. Through a comparative analysis of cases pre- and post-R2P, this master thesis will develop an argument that genocide prevention rules have developed new norms which have had a positive impact on the reaction times and sentiment of the international community. With this knowledge we should be better able to assess in which areas genocide prevention is lacking, or where the norm has broken down, thereby enabling us to make better informed recommendations for improvements on how to fully institutionalize genocide prevention norms and mechanisms.

Regardless of whether the findings prove or disprove the hypothesis, the results will still be useful in determining gaps where prevention rhetoric is not being focused. If there is in fact no change seen in reactions by the international community, explanations for the breakdown of the theory will also be examined. Limitations to this research are inevitable. Most importantly the limits of this research lie in prediction. Qualitatively there is plenty of literature on genocide prevention and R2P, however in selecting cases, one can never know whether a genocide would have occurred or not. While this thesis is looking more at behavior of states rather than whether a conflict is legally considered a genocide, it is still important to note that predictions are never fully accurate. Working with datasets also entails limitations as not all variables can be accounted for. Various factors can influence why, when and how the international community will intervene in genocidal violence, therefore one cannot always be certain that if changes occurred, it was under the full influence of the norm genocide prevention or R2P. Other factors of influence

primarily include political will and self-interest, both variables which are difficult if not impossible to measure.

Following this introductory section focusing on the question of how international rules and norms affect the behavior of the international community in responding to genocidal violence, Chapter 2 will introduce the relevant literature and theoretical context of genocide prevention and R2P. While defining the various concepts and terms which will be used throughout the paper, international norm theories will be explained as a model within which to review the development of the genocide prevention norm. Explanations and justifications for the theory, and how it relates to genocide prevention and the R2P norm will conclude. Following that, Chapter 3 will explain the methodological selection of cases and semi-quantitative analysis for this study, along with the necessary justifications as to why this is the most appropriate means of analysis. Applying genocide prevention and R2P to international norm theories, Chapter 4 will discuss and empirically analyze the aggregated results from both the qualitative and quantitative data. And finally, Chapter 5 will conclude with a discussion of the results, whether they prove the stated hypothesis and the implications and explanations as such. A discussion on new areas of focus, based on the study results, will be discussed as well, along with future policy recommendations on dealing with genocide prevention, determined based on the failures or inadequacies found through this research.

CHAPTER 2: THE EVOLUTION OF GENOCIDE AND INSTITUTIONAL NORMS

Laws protecting vulnerable groups date back hundreds of years, long before the invention of the term genocide. The Treaty of Westphalia in particular emphasized the protection of religious minorities. Even more directly to R2P, it introduced the idea of state sovereignty and non-interference in domestic affairs (Treaty of Westphalia 1648); ideas which are now being challenged with the introduction of R2P. A historical timeline on the evolution of genocide and its prevention are thus necessary to track the progress and development of these rules and norms.

2.1 Concepts and Definitions

Genocide literature is expansive and concepts tend to vary depending on the field. Legal scholars focus on direct interpretations of international law while social scientists tend to expand definitions to be more far reaching and inclusive. The term genocide has undergone an extensive amount of scrutiny ever since its inception and therefore deserves review, along with the related terms for this study.

2.1.1 Genocide

The debate on the term genocide began in 1944 when Raphael Lemkin first introduced it, with arguments on which groups to include, which acts to include and the intentions behind these acts. The standardized legal term comes from the CPPCG defining genocide as “acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, such as:

- a. Killing members of the group;
- b. Causing serious bodily or mental harm to members of the group;
- c. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d. Imposing measures intended to prevent births within the group;
- e. Forcibly transferring children of the group to another group.” (U.N. 1948, Art. II)

While providing a clear operational definition, there are a few caveats which should be addressed. The UN clearly defines which groups and acts constitute genocide, however it leaves out political and social groups as well as the act of forced transfer of people (Schabas 1999, 2). Despite this rigid legal form, operational definitions have been consistently transformed by within the social sciences. Even Lemkin’s original conception did not define specific groups but rather “a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of

annihilating the groups themselves” (Lemkin 1944). The CPPCG’s inclusion of specific groups allows for a clearer interpretation of the concept, however this lack of full inclusion of political and social groups is clearly influenced by the politics and ideology of the time. The forced transfer of people was also excluded, reflected by sentiment of colonial rulers and the UK and US condoned transfers of people throughout Europe post WWII (Shaw 2015, 43).

The CPPCG’s definition of genocide is however a strong basis for beginning research, and necessary in the context of this master thesis, due to the focus on rules and institutional norms. However, it is important to note that many scholars do not agree with the UN definition and have constructed alternatives which encompass broader understandings. In her extensive study on the criteria for genocide, Barbara Harff states that “Genocides and politicides are *the promotion, execution, and/or implied consent of sustained policies by governing elites or their agents- or, in the case of civil war, either of the contending authorizes- that are intended to destroy, in whole or part, a communal, political, or politicized ethnic group.*” (Harff 2003, 58). Politicides, while not officially counted as genocide under the auspices of the CPPCG, have long been considered by scholars as necessary for inclusion within the discussion of genocide (Fein 1993) (Harff 2003) (Shaw 2015). Other comparative researchers propose similar definitions such as, “sustained purposeful action by a perpetrator to physically destroy a collectivity directly or indirectly, through interdiction of the biological and social reproduction of group members, sustained regardless of the surrender or lack of threat offered by the victim” (Fein 1993, 80). In this sense the concept of genocide is rather difficult to definitively pin down as its defining document is “a legal document defining a sociological concept, adopted in a political context” (Shaw 2015, 42). Therefore, a rather broad understanding will be necessary. In identifying past genocides I have used the definition provided by Harff, which includes both ‘ethnic’ and ‘political’ victim groups. This understanding does not actually have to be seen as that different than that of the CPPCG. Both genocidal and high risk genocidal situations are used within the case studies, therefore this broader

definition is useful in encompassing the selection. In law, a solid definition of genocide is of course necessary as a basis for identification, however this paper is not attempting to prove whether a given situation should be considered a genocide or not, but rather in a genocidal risk context, whether R2P norms have an effect on the behavior of the international community.

2.1.2 Genocide Prevention

While the term genocide has been around and utilized by scholars since the early 1940s, the term genocide prevention did not actually appear in scholarly work until the late 1970s², despite the terms inclusion within the CPPCG itself. ‘Preventive diplomacy’ however was first introduced by the UN Secretary General Dag Hammarskjöld in 1960 (Ackerman 2003, 340). The term and idea of preventing conflicts or mass atrocities before incitement has continued to be a focal point within the UN discussion. Former Secretary General Kofi Annan has been one of the strongest advocates – pushing for initiatives the UN can use to move from a “culture of reaction to a culture of prevention” (UNSC 1999). Through the introduction of the Responsibility to Protect in 2001, and mandate in 2005, along with other international standards on how to protect vulnerable communities (i.e. human rights doctrines), the idea of ‘preventive diplomacy’ has been pushed to the forefront and is the centerpiece of focus within this study. For this very reason, analysing the reactions and capabilities of preventing genocide after the introduction of R2P with the element of focus on prevention, is of great importance in understanding how future genocidal situations will be handled.

The idea of prevention is rather straightforward, commonly defined as the act of stopping a situation or process from occurring. However just as in the case of preventing any other

² Conducted through a search utilizing Google books Ngram Viewer which surveys around 500 million books throughout history. This may have its faults as it only surveys books which are uploaded to Google, however it is still interesting to see when the terms actually started to become a significant part of scholarly rhetoric.

phenomenon, preventing genocide requires specific actions dependent on the context at hand. Various subcategories of prevention have therefore been defined to address specific issues more directly. Two important forms of prevention have been identified for tackling mass atrocity, namely *structural* and *direct* (Bellamy 2011), or similarly articulated as *systemic and targeted* (Reike, Sharma and Welsh 2013). While these agendas are explained in terms of mass atrocity in general, herein measures specifically relating to genocide prevention will be addressed. First, *structural* prevention measures address issues within the structures and institutions of society, such as domestic economics, governance, security, human rights and social aspects. These measures target institutionalized rules and norms which could cause future genocide. Structural measures of prevention therefore seek to build norms which will work to mitigate future risk. Civic education, interfaith dialogue and international support for domestic institutions are typical measures (Reike et. al 2013). An often ignored topic is economics. Economic disparity however can be a root cause of genocide which can leverage group cleavages therein perpetuating the idea of ‘otherness’ – a crucial aspect in genocide. Furthermore, all actors within genocide face “cost and resource constraints” thereby indicating a necessary area of focus (Anderton and Brauer 2014). Second, *direct* prevention is identified, which targets more imminent conflict and peacetime atrocities, entailing military and legal actions, economic sanctions and diplomatic negotiations (Bellamy 2011, 4). These two overarching agenda’s in prevention literature will be further expanded upon and its criteria will be utilized within the comparative analysis of the cases. With the basic mechanisms of prevention defined, this brings us to the Responsibility to Protect, its historical context, legal status and general understanding within the international community.

2.1.3 Responsibility to Protect (R2P)

The responsibility to protect was born out of various factors, the primary of which is arguably the failure in preventing the genocide in Rwanda. In January 1994, UN Commander of Assistance Mission in Rwanda, Roméo Dallaire, told the UN more troops

were needed immediately. His request to seize arms caches were denied and troops were removed rather than increased (Conley 2005, 322). The ensuing months resulted in 800,000 ethnic-based killings. In hindsight, bureaucracy within the UN, national self-interest and lack of political will within the Security Council, were seen as severely problematic. Many other bureaucrats, politicians, and scholars have also agreed, and in response, the ICISS commissioned the report on the responsibility to protect.

The responsibility to protect embraces three specific responsibilities:

- A. The responsibility to prevent: to address both the root causes and direct causes of internal conflict and other man-made crises putting populations at risk.
- B. The responsibility to react: to respond to situations of compelling human need with appropriate measures, which may include coercive measures like sanctions and international prosecution, and in extreme cases military intervention.
- C. The responsibility to rebuild: to provide, particularly after a military intervention, full assistance with recovery, reconstruction and reconciliation, addressing the causes of the harm the intervention was designed to halt or avert. (The Responsibility to Protect 2001)

First and foremost, countries are responsible for implementing policies which can effectively support these elements, and in the absence of state willingness or capability, the international community can act in “appropriate and necessary means” to compensate for local and national government inaction. While this does allow for military interventions, the emphasis focuses on early warning and explicitly states that military force should be a last result.

Officially, the idea of R2P is finally introduced within paragraphs 138 and 139 of the WSOD, citing issues such as the *acknowledgement* of the *acceptance* of the responsibility to

protect groups from crimes of mass atrocity. Just as within the other paragraphs throughout the WSOD, paragraph 139 simply affirms that states are *prepared* to use Chapters VI, VII, and VIII of the UN Charter to take collective action. The extent to which this has actually been invoked will be further discussed within the analysis. In short, R2P has not technically created any legal obligations (Eaton 2011, 801). While there is support in terms of it only being applicable to the four crimes of mass atrocity, there are disagreements in the actual meaning of the doctrine itself, i.e. what are the prescriptive triggers for utilizing R2P (ibid.).

The controversy and fear of legalization of R2P lies in the possibility of its abuse. Through it, international interventions can be legitimized under the auspices of the UN and R2P, which ultimately begins to deteriorate the institution of sovereignty and norm of non-intervention. This re-shaping of the traditional principle of sovereignty carries issues of both abuse and importantly implementation (which will be addressed within the upcoming section). Countries such as Cuba, Iran and Venezuela have even gone so far as saying that the idea of “responsibility” was simply a “pretext for interfering in the internal affairs of States”, arguing that double standards would be used primarily by permanent security council members, against “States of the South” (Eaton 2011, 790). This is a warranted argument which goes hand in hand with the idea that R2P should remain separate from “humanitarian intervention”, a justification that the US has used to interfere on multiple occasions. Regardless the mere capability of abuse could undermine the legitimacy of R2P overall. Despite some disagreements, Eaton argues that R2P is of great importance, and while not fully legally binding, is analogous to soft law, and therefore is an emerging norm which the international community can and has been utilizing.

2.1.4 International Intervention

The term intervention has also sparked debate amongst scholars, in terms of its legality, ethics and most importantly here, definition. While traditionally it has been considered

primarily as the “use of force across state borders... aimed at preventing or ending widespread and grave violations of fundamental human rights... without the permission of the state within whose territory force is applied” (Holzegrefe 2003, 18), it excludes soft interventions such as sanctions and diplomatic negotiations which are important actions particularly in the increasingly controversial area of international intervention. R2P defines the prevention aspect as addressing “root and direct causes of internal conflict”, whereas reaction entails “coercive measures like sanctions and international prosecution, and in extreme cases military intervention.” In much of the genocide literature however interventions, both *direct* and *structural*, are considered legitimate mechanisms for *prevention* as well as *reaction*. Within this study military interventions will include “movement of regular troops or forces (airborne, seaborne, shelling, etc.) of one country inside another” (Pearson and Baumann 1993), in the context of genocidal violence. Soft and hard interventions will be differentiated and addressed through both structural and direct prevention mechanisms.

It is also important to distinguish between the actors involved in interventions. International UN interventions are coded in the data collection as UN troops mandated by the UNSC, whereas other multi-lateral interventions might include coalitions of states, such as the US-led Coalition against ISIL. Finally, there are state interventions which are carried out by an individual state. Information on whether the intervention was actually approved by the UNSC will also be addressed. Each of these types of interventions will of course be discussed where applicable for individual cases.

2.1.5 International Community

The international community relates to the member states of the United Nations. While the international community in other contexts can also refer to non-state actors, such as NGO's or corporations, this master thesis is investigating interventions by states under the auspices of the UN, therefore only state actors will be considered. Perpetrators of genocide are of course not limited to state actors, however when it comes to combating

genocide, international prevention and reaction legally need to be mandated by the UN, therefore state actors are the ones who hold the legal authority to prevent genocide in this case.

2.1.6 International rules and norms

Finally, international rules and norms, the terms which directly address the question of whether behavioral change occurred after the introduction of R2P. “Norms, represent ‘standards of behavior defined in terms of rights and obligations’ (Krasner, 1983:2)” (Cortell and Davis 1996, 452); examples include sovereignty, free trade and collective security. Rules on the other hand “constitute specific applications of norms to particular situations.” The example of GATT is given, which specifies certain rules on dumping, subsidies and restrictions, whereas the norm is GATT itself. How these rules and norms relate to genocide and R2P will be discussed in the sections on norm influence and analysis.

2.2 Determining and preventing genocide

In determining situations where a mass atrocity could occur, fairly extensive lists of warnings signs have been created to assist the United Nations and other organizations in assessing and analyzing risk. Gregory Stanton and the United Nations Office of the Special Adviser on the Prevention of Genocide (OSAPG) have identified rather similar frameworks for analyzing the risk of genocide:

1. Inter-group relations- record of discrimination and/or other human rights violations
2. Circumstances that affect the capacity to prevent genocide, i.e. existing structures
3. Presence of illegal arms and armed elements, rebellions, uprisings, membership

4. Motivation of leading actors, particularly between racial, ethnic and religious groups
5. Circumstances that facilitate perpetration of genocide, preparations
6. Genocidal acts
7. Evidence of intent “to destroy in whole or in part...”
8. Triggering factors, stressed state, armed hostilities, elections (OSAPG 2014)

Prior to even the creation of OSAPG, Stanton described 8 stages which lead to genocide (later to become 10): Classification, Symbolization, Discrimination, Dehumanization, Organization, Polarization, Preparation, Persecution, Extermination, and Denial. These general stages can be tracked in society and stand as warning signs that a community could be at risk of genocide. Other authors have offered research on the causes of genocide, which are interpreted by their subsequent actions as signs of risk. Harff offers a more structurally based criteria for determining whether a genocide will occur. These include: political upheaval (a necessary precondition), prior genocide, political systems (exclusionary ideologies and autocratic rules), ethnic and religious cleavages, low economic development and international economic and political interdependence (Harff 2003).

Various agendas and frameworks are available for prevention as well, the most extensive of which appears to be the ‘common prevention agenda’ (see annex) which aggregates four different prevention agendas into one³ (Bellamy 2011, 4). These frameworks are very important in administering the types and forms of different interventions, while R2P discusses more directly the legitimacy of when an actual intervention is allowed. When it comes to interventions such as military assistance and provision of weapons however, there are few formalizations on how to go about these tasks. As discussed, the *structural* mechanisms for preventing mass atrocity address the institutions and systems within a

³ Aggregated: 1. The prevention of armed conflict (UN Secretary-General Kofi Annan and Carnegie Commission on Preventing Deadly Conflict; 2. The prevention of armed conflict as part of R2P (ICISS and Gareth Evans); 3. The prevention of genocide (OSAPG, GPTF and Barbara Harff); 4. The prevention of R2P crimes and violations (UN Secretary-General Ban Ki-moon and APR2P).

society. In specifically addressing genocide, we can refer back to Stanton's stages of genocide and ask at each stage, what type of mechanism could prevent this development? For example "dehumanization" has been utilized in Germany – referring to Jews as vermin, or in Rwanda – referring to Tutsis as snakes. *Direct* mechanisms of prevention such as 'radio jamming' would be an appropriate measure, while *structural* mechanisms might involve preventing hate speech through education and inter-group civil society involvement. In the later stages of genocide, more direct sanctions and interventions are of course necessary if truly following through with ones 'responsibility.'

Many within the epistemic community (scholars and politicians alike) argue that these interventions challenge the long standing Westphalian concept of sovereignty. In a strictly realist sense, this argument is warranted; R2P could be used to legitimize unwanted or possibly unwarranted interventions by other states. However the territory and autonomy of states have actually been evolving for years, from the separation of national and state self-determination, to compromises through rules and norms (Krasner 1996, 116). Krasner argues that powers have always promoted policies and mechanisms which challenged the traditional sense of sovereignty in the forms of conventions, contracts, coercion and imposition, or even peace settlements. These mechanisms of relative cooperation have occurred throughout history therefore the argument that R2P all of a sudden violates the concept of sovereignty, appears a bit unsupportable.

2.3 Influence of Norms: Rational Choice or Social Construction?

Studying international norms requires the immediate review of work on classical realism, from Machiavelli and Hobbes, to Morgenthau and Kirshner, who see the struggle for power as human nature, therefore conflicts between states are naturally continuous. Morgenthau argues for a purely power and egocentric based world makeup where all states vie to become regional or international hegemons. It is the ultimate world of the struggle for power and the promotion of national interests (Morgenthau 1948). However, with the creation of the UN, cooperation became entrenched within international norms.

While the reasoning for why states cooperate will not be elaborated upon here, the historical context of the theoretical development of norms within the international community is necessary.

The main debate on how norms affect behavior are divided between rational choice and social constructivism. Constructivists see rationalists as not addressing issues of norms or identity in influencing behavior (which persuasion and coercion certainly have an impact), while rationalists argue that constructivists do not take rationality into account (Finnemore and Sikkink 1998, 909). There is however a middle ground which brings these ideas together, primarily developed by Robert Keohane wherein he sees realist assumptions of the state, i.e. rational self-interest, along with the necessary institutional cooperation in the post WWII era (Herbert 1996, 227). This “functional theory of regimes” focuses on the idea that “states [are] becoming aware that, through the development of cooperative strategies, life within the existing structure of the international system is more bearable” (ibid.). While this theory does not contain the predictive element necessary in our analysis, it does show that a combination of theories can be utilized in explaining the complicated question of why and how norms are developed and followed.

Empirical studies have shown “that instrumental rationality and strategic interaction play a significant role in highly politicized social construction of norms, preferences, identities, and common knowledge by norm entrepreneurs in world politics” (Finnemore and Sikkink 1998, 910). The first part of this argument acknowledges, like Keohane, that states will still act in self-interest, but cooperation or “strategic interaction” is necessary. The predictive element to this theory is set on the idea that “common knowledge” between actors is of the utmost importance within “politically salient strategic interactions”. In order to determine whether a norm will develop further and become internationally recognized, a “common knowledge” of the concepts behind the norm must be shared. In 1948, a common understanding of what genocide actually constituted was developed in order for the norm to become salient and institutionalized as an international rule. A following of the development of the norms of genocide prevention

and R2P are therefore necessary, however first an understanding of how norms in general are developed will be addressed.

2.4 The Norm Cycle

Finnemore and Sikkink describe the “life cycle” of a norm in a three-stage process: ‘norm emergence’, ‘norm cascade’ and ‘internalization’ (Finnemore and Sikkink 1998, 895).

Figure 1: Stages of Norms

	<i>Stage 1</i>	<i>Stage 2</i>	<i>Stage 3</i>
	<i>Norm emergence</i>	<i>Norm cascade</i>	<i>Internalization</i>
<i>Actors</i>	Norm entrepreneurs with organizational platforms	States, international organizations, networks	Law, professions, bureaucracy
<i>Motives</i>	Altruism, empathy, ideational, commitment	Legitimacy, reputation, esteem	Conformity
<i>Dominant Mechanisms</i>	Persuasion	Socialization, institutionalization, demonstration	Habit, institutionalization

Source: Finnemore and Sikkink (1998)

The ‘norm emergence’ stage begins with persuasion by norm entrepreneurs, who “attempt to convince a critical mass of states (norm leaders) to embrace new norms” (ibid.). ‘Norm entrepreneurs’ can be very influential in bringing domestic norms to the international level. Most international norms generally start as a domestic issue and are eventually brought forth as an international norm, through pressure from domestic actors. Conversely, ‘norm entrepreneurs’ looking for broader support can utilize international norms already in place in order to strengthen their ideas domestically. Norm diffusion can therefore operate in two directions. While Finnemore and Sikkink’s research focuses on the domestic norms’ influence on the international community, other research has focused on how international institutional norms or rules are institutionalized at the domestic level.

Cortell and Davis argue that there are two processes in domestic policy which are influenced by international institutional rules or norms. First, 'norm entrepreneurs' (in the form of government officials or societal actors) can "invoke international rules to further their own particularistic interests in domestic policy debates" (Cortell and Davis 1996, 453). For example, societal groups can utilize international norms to question political decisions, while politicians can call on international norms to legitimate their own unpopular decisions (ibid.). Second, states can simply incorporate international rules or norms into their national laws, therefore domestic laws congruently change with the development international rules.

In the general policy framework, this stage of 'norm emergence' is equal to issue 'framing', where its normative rhetoric along with timing play important roles in the norms' salience and emergence into the domestic or international sphere. Furthermore, "new norms never enter a normative vacuum but instead emerge in a highly contested normative space where they must compete with other norms and perceptions of interest" (Finnemore and Sikkink 1998, 897). A clear example of a 'norm entrepreneur' influencing international policy, and to an extent domestic policy, is Raphael Lemkin and his push for the institutionalization of the term genocide and for it to be punishable under international law. He named "a crime without a name", and relentlessly petitioned the US and UN to adopt legislation. Organizations or groups can also serve this purpose as 'norm entrepreneurs', petitioning for a particular agenda and developing goals and policy prescriptions.

In order to move to the next step in the process a 'tipping point' must be reached, wherein the developing norm can move forward. While it is difficult to explain why or when a norm 'tips', based on various studies it happens around the one third mark of state support. Therefore when a norm has been pushed onto the agenda of the international community and has garnered support from around one third of countries it is likely that it will move on to the next phase, 'norm cascade'. In 1948, when the CPPCG was passed, it was immediately signed by 41 countries, thus far exceeding the one third threshold.

And the process continued from there, with a new accession or ratification every 1-2 years, demonstrating the ‘cascade’ effect. The ‘cascade’ effect involves socializing and institutionalizing mechanisms in order to persuade states to follow and adhere to norms (Finnemore and Sikkink 1998, 902). Likely reasons for conforming are “legitimation”, to be seen as legitimate actors, “conformity”, to be persuaded under peer pressure or simply to feel the need to be part of the norm, and “esteem”, to be perceived at a high status compared to others.

The final stage of the norm ‘life cycle’ is ‘internalization’, which is when the norm becomes taken for granted and is fully internalized by the actors. “For this reason, internalized norms can be both extremely powerful (because behavior according to the norms is not questioned) and hard to discern (because actors do not seriously consider or discuss whether to conform).” (ibid. 904). In this final phase, theoretically, the implementation and subsequent enforcement is adhered to. The CPPCG took quite some time to become fully internalized, proven by the fact that there were no genocide convictions until 1998, despite many genocides taking place up to this time. However various factors such as the Cold War, likely have had much to do with this.

Once a norm has passed through this full life cycle, fully internalized by the international community, in legal terms it becomes *jus cogens*, a peremptory norm which is accepted by the international community. Three conditions are required for this fulfillment which include legal status, recognition and non-derogation, all of which will be expanded upon in assessing norms of genocide, prevention and R2P as a reflection to *jus cogens*. Now with the knowledge of the theoretical framework for determining the status of norms, and their influence on the international level, we move on to the cases which will show how genocide prevention and R2P have in fact developed as norms.

CHAPTER 3: METHODS FOR DETERMINING INFLUENCE

In order to conduct a thorough analysis of the influence of institutional norms and legislation in the context of genocide prevention, both qualitative and quantitative

methods have been utilized. As discussed, predictions can be made based on institutional norm theories and effects on behavior on the international level. Norms, through the promotion of entrepreneurs and broader support from constituencies, can change behavior on both the domestic and international levels, however the extent to which this is internalized varies. In order to look at this variation, qualitative methods along with analysis of genocide rhetoric will be used to perform an appropriate case selection. A form of quantitative comparative analysis will be employed to do the comparison.

In order to produce valid and legitimate results, testing the theory through statistical analysis is conducted through a selection of 8 cases of genocide and/or politicide pre-R2P and 9 cases post-R2P. A list has been collected through an examination of cases of genocide (or genocidal violence), between 1991 and 2014 based on consensus by top scholars in the field. Preventive measures and interventions for these cases are then tracked and compared with one another.

3.1 Qualitative: High Risk Country Selection

The cases within this study were selected through extensive historical and literary research. The selection was primarily based on two sets of criteria from the work of Barbara Harff and Gregory Stanton, both of whom have produced lists of states and their risk of genocide in specific years. The first set of cases includes 8 countries where genocide or near genocide occurred between 1991 and 2004. While this is a seemingly short period of time considering the CPPCG was ratified in 1948, the period of the Cold War introduces many difficulties and complications therefore that period will not be considered within this study. During the Cold War, sociopolitical differences divided the world, while hegemony ideologically fought for power through the formation of their own respective norms and institutions. As is well documented, the Cold War was physically quiet, and interventions by the international community occurred in very different political circumstances. This is not to say the prevention of genocide and international interventions are no longer politically based; every action by the

international community has self-interest and ideological motivations. However, since the end of the Cold War there has been a convergence of ideas between former adversaries on how to prevent genocide. In this sense, preventing genocide and international interventions have been more consensus-based since 1991, therefore this year is used as a benchmark. Furthermore, international relations during the 1990's is more similar to those in the 21st century, as compared to the Cold War era. Situations of genocidal violence are considered up until 2004, as R2P and the WSOD were officially introduced in 2005, thus indicating a new development in international rules.

3.1.1 Post- R2P

The cases for the post- R2P group were selected based on widely accepted research on countries at a high risk of genocide (GPANet 2015). The first set of criteria in identifying countries at high risk includes Harff's 6 indicators previously discussed, which were used to determine with a 74% accuracy whether a genocide would occur (Harff 2003, 70). The countries at most risk were those where at least 4 of the 6 criteria were present. Data for these countries was collected from 2005-2013 as that is the most current data available. The countries who consistently exhibited high risk during this time period were selected and further examined. The second set of criteria utilized to select the countries most at risk are based on Stanton's "8 Stages of Genocide" (Stanton 1996) (See section 2.2). These countries exhibited warning signs of 6 and above and were also selected between 2005 and 2013. The consistently 'risky' countries were selected for comparison with Harff's list in order to compile a 'master list' of top countries at risk of genocide.

Table 1: Post-R2P Cases

Country	Year	Victims	Perpetrator
Afghanistan	2005-2013	Gov't supporters	Taliban, Al Queda
Burma/Myanmar	2005-2013	Karen and other separatists, Rohingya democratic opposition	Government
Democratic Republic of Congo	2005-2013	Women, civilians, Congo Tutsis	Ex-Rwandan genocidists, mineral warlords and Lords Resistance Army
Iraq	2005-2013	Kurds, Shia, Sunni	Islamic State
Pakistan	2005-2013	Gov't supporters, Ahmadis, Hindus	Taliban, Al Queda
Sri Lanka	2005-2013	Tamil separatists; Muslims	Liberation Tigers of Tamil Eelaam (LTTE) and the government
Somalia	2005-2013	Opposing clans	Al Shabaab
Sudan	2005-2013	Darfur's, Abyei, Nuba	Sudan army, Arab militias

3.1.2 Pre- R2P

The cases between 1991 and 2004 were selected in the same fashion. All of the genocides and politicides identified by Harff between those years were chosen, based on the same indicators described above.

Table 2: Pre-R2P Cases

Country	Year	Victims	Perpetrator
Angola	1975-2003	Umbundu, Ovimbundu	Government, UNITA Armies, Allies
Bosnia and Herzegovina	1992-1995	Muslims, Croats, Serbs	Bosnian Serbs, Croats, Muslims
Burundi	1996-2006	Tutsi, Hutu	Rebels, Army
Rwanda	1994	Tutsi, Hutu	Hutu Power Government, Interhamwe
Sudan	1991-2004	Zaghawa, Fur, Massaleit, and Black Africans	Janjaweed Arab Militias, Sudan Government
Yugoslavia (Kosovo)	1998-2001	Albanian Kosovars and Serbs	Yugoslav Army, Kosovo Liberation Army

These countries are also on Stanton's list during this time period. (Harff 2003, 60) (Genocide Watch 2010).

Three other cases were selected from Stanton's list, all of which were involved in genocide/politicide during this period as well:

Table 3: Pre-R2P Cases (continued)

Country	Year	Victims	Perpetrator
Afghanistan	1993-2001	Tajiks, Uzbeks, Hazara	Taliban, Al Qaeda
Iran	1961-1993	Kurds, Shiites, Kuwaitis	Iraqi army, presidential guard, Baathists
Iraq	1961-2003	Kurds, Shiites, Kuwaitis	Iraqi army, presidential guard, Baathists

There are several reasons why these countries were specifically selected. First, in order to do a more even comparative analysis with post-R2P, an equal regional distribution was necessary so as not to bias the results. For example, other cases which would have been interesting to include are the Democratic Republic of Congo, Ethiopia and Kenya; however this would have given too much weight in the analysis to the African continent. Three countries from the Middle East and South Asia were thus selected to give a comparison with Sri Lanka, Pakistan and Iraq (cases from the post-R2P cohort). Cases were also selected in order to have a distribution prior to the Rwandan genocide and after, since it holds a place in history where international rhetoric on intervention, sovereignty, and genocide began to change.

3.2 Quantitative Analysis

In order to determine whether there has been a change in behavior related to interventions against genocide post-R2P, a quantitative comparative analysis has been chosen to track this development as it is specifically designed for small and intermediate-N data sets (Ragin and Rihoux 2004). This research does not focus on finding correlation between the norm development and behavioral change, but rather looks to find ‘explicit connections’ between these variables. Through the analysis we will be able to determine whether a connection can be found. Based on the results we will be able to determine

whether the establishment of the norm of genocide prevention and the norm of intervention (developed within R2P) has changed the behavior of the international community in responding to genocidal situations.

The data utilized within this master thesis has been collected from various sources. The pre-R2P data comes from an extensive data set on 667 international military interventions (IMI) from 1947-1988 (Pearson and Baumann 1993). Further data was later collected as an expansion to include 449 new cases from 1989-2005 (Kisangani and Pickering 2008). The indicators relevant to this study were then extracted from this dataset. Where the information was not provided, UN data and news reports provided support. Data post-2005 was collected by myself primarily from the research of the Global Centre for the Responsibility to Protect, an organization which tracks current crises and creates timelines of all focal points and international responses. This was supplemented by UN data and news reports where necessary (see Data References for a full list).

CHAPTER 4: GENOCIDE APPLIED

Genocide literature is deeply embedded in rules and norms of international relations and war. Therefore within this section the norms related to genocide and genocide prevention will be explored through the norm life cycle, in conjunction with the implementation of rules relating to genocide and its prevention. This will be complemented by examples from the cases where the norm has or has not followed the expected outcome. Next the hard data will be introduced, showing evidence of behavior both before and after R2P, shining some light on the rather static impact of R2P. Finally, explanations for these results will be presented.

4.1 Norms of Genocide, Prevention and R2P

As discussed, the first document on genocide was the CPPCG which was legally binding in every sense. While it includes the “prevention” of genocide as part of its mandate, this is barely alluded to and rather discusses the necessity to punish those who have

committed or intended to commit genocide. While this created a normative framework for defining and punishing genocide, the issues of prevention and how to deal with longstanding rules of sovereignty were left out. For this reason Thakur and Weiss see the introduction of R2P as “possibly the most dramatic normative development of our time” as “no longer is it necessary to finesse the tensions between sovereignty and human rights in the Charter” (Thakur and Weiss 2009, 23) because this has been compensated for through the redevelopment of ‘sovereignty as responsibility’. And while norms on the protection of human rights, and norms of international intervention were slowly developed throughout the late 20th century, R2P, despite its ambiguous legal status, has moved at a surprising speed within the “international normative arena” (ibid.). R2P should therefore yield a response and action on the international level through both direct and structural prevention mechanisms.

The CPPCG was ‘framed’ by Lemkin, and in the aftermath of WWII, its salience was impossible to ignore, cascading the norm to the international agenda. The three conditions of *jus cogens* have clearly been met: 1. “the norm should be a norm of general international law” – the CPPCG clearly defines genocide as a crime under international law; 2. The norm should be accepted and recognized as binding by a majority of states – the CPPCG also reflects its broad acceptance and recognition as 154 countries have signed or ratified it; and 3. “No derogation is permitted from the peremptory norm” – the CPPCG has set up measures which allow for the punishment of those who commit genocide through the International Criminal Court, Tribunals, and with a commitment from the international community to not allow derogation from this norm. In this sense the CPPCG has followed the full life cycle and can be considered a *jus cogens* norm which has been institutionalized and internalized by the international community.

The case of genocide prevention on the other hand is much more ambivalent, and through an examination we can see that the conditions for *jus cogens* have not been met. The analysis begins with the norm cycle of R2P, which has followed a similar path as the CPPCG. Interestingly, the norm of genocide prevention along with R2P have seemingly

developed salience in a much quicker fashion. The idea was only mentioned in 1996 and by 2001 rhetorically introduced. Soon after, individuals, organizations and states began to pick up and commit to the ideas of R2P. The tipping point is arguably Kofi Annan's report entitled "A more secure World: Our Shared Responsibility" or earlier statements by himself and Francis Deng on responsibility. These statements, rather than springing from the traditional 'norm entrepreneurs', came from the UN itself, thus speeding the promotion and development of this emerging norm. The failures in Rwanda, Burundi, and Bosnia (to a certain extent), along with the newly established ICC and 'norm entrepreneurs' on both the domestic and international levels, all contributed to the salience advancement.

By 2005, the norm of R2P had far exceeded simple emergence. The negotiations of the WSOD involved extensive re-evaluations and commitments by the international community and "given the failures to address many of the high priority issues during the Summit, the incorporation of responsibility to protect was arguably the Summit's most important achievement." (Eaton 2011, 778). The discussion and acceptance of R2P within WSOD further socialized the idea within the UN, demonstrating its increasing legitimacy. These are clear signs that it entered the second stage of evolution, 'norm cascade'. This socialization within organizations and international circles has slowly institutionalized on the international level. And while disapproving statements were made by various countries, they were generally geared towards major powers such as the US. Rather than disapproving of taking actual responsibility however, they argued that R2P would only create a pretext for increased unilateral interventions. Ultimately however much of the language issues were mitigated therefore allowing for a convergence of ideas on the norm of R2P.

Stage 3, 'internalization' is a little less clear. In January 2006, the responsibility to protect populations within DRC and Burundi was mentioned and soon after in April of that year, R2P was explicitly referred to for the first time by the Security Council in Resolution 1674 (UNSC 2006). While this resolution only referred to the protection of civilians in armed

Figure 2: Statements of General Assembly Members

		Negative	Neutral	Positive
2005 GA	Floor Statements	9	8	14
		29%	26%	45%
	+ silent E.U. members	9	8	40
		16%	14%	70%
	+ silent Africa Group members	9	57	40
		8%	54%	38%
2009 GA	Floor Statements	7	27	60
		6%	28%	65%
	+ silent E.U. & CARICOM members	7	27	87
		6%	22%	73%
	+ silent NAM members	7	88	87
		4%	47%	49%

conflict, rather than an actual intervention, Resolution 1704 was passed which authorized UN peacekeepers to intervene in Darfur. Though this is a rather indirect utilization of R2P as a tool for legitimizing intervention, it was the first of many to push the emergence further. R2P has since been referenced a number of times

within Security Council Resolutions, generally however as statements of condemnation towards a state or government, rather than as a means of legitimizing an intervention. These forms of address however are also a means of intervening through persuasion or coercion, thus a legitimate and well utilized mechanism by the UNSC. Sudan, Libya and Central African Republic (CAR) are referenced a number of times as needing to recognize their responsibility of the state to protect civilians (GCR2P 2015b). In referring back to Bellamy's 'common prevention agenda', direct prevention mechanisms such as "exercising the good offices of the secretary general" as a diplomatic measure is certainly raising the attention at the very least to the affected country and perpetrating group.

In comparing state attitudes of the doctrine from 2005 to 2009, Eaton found that ideas towards the norm are in fact changing. Figure 2 shows the attitudes, which do in fact appear to be changing. R2P is in fact gaining support, most likely as a result of conforming due to increased interactions and bureaucratic socialization. While there doesn't appear to be support for a more detailed conception, R2P is definitely not off of the table. In terms of becoming fully legally binding however R2P has stopped short. While Eaton argues "that the 'norm' appears stalled, and should not be considered

emerging” (Eaton 2011, 798), through the analysis above, there is clear evidence that the norm has not only emerged, but has also spread to a broader audience.

Furthermore, R2P has been continuously used since its inception within various Security Council resolutions. It has been referenced in a majority of the cases post-R2P, and has been further invoked within other conflicts not studied herein. Most commonly, the crisis in Libya has sparked the use of R2P over 5 times, with South Sudan and the Central African Republic also referenced in invoking R2P (GCR2P 2015b). The UNSC “...underscores the Libyan governments primary responsibility for the protection of Libya’s population” and “Underlying the primary responsibility of Member States to protect civilian population on their territories...” are just a few examples.⁴ Seeing the vast utilization of R2P appears to be a good sign, showing its increased acknowledgement of legitimacy as well as internalization amongst actors. Interestingly, it is not being used for actual interventions, but rather used as a reminder that the state has the domestic responsibility.

4.2 Cases

The evolution of the norms of genocide, prevention and R2P have clearly demonstrated that while they may not be fully implemented as law and internalized by the international community, they still follow the regular pattern of other institutional norms. Examples of how these actually play out in the cases will now be discussed.

4.2.1 Pre-R2P Norm Analysis

When the US wanted to intervene in Iraq in 1990 after its invasion of Kuwait, President Bush petitioned both to congress and the Security Council alike asking for permission to intervene. In order to gain support from the international community he utilized the norm of collective security as a meaningful tool (Cortell and Davis 1996, 466). While this

⁴ Libya and Syria would have been interesting cases for this study, however as they did not consistently show signs of high risk within the entire post-R2P time period they were omitted.

was likely a scheme of political self-interest, President Bush was able to utilize a norm which spoke to the broader community. While it may be difficult therefore to tell how much the invasion had to do with the actual genocidal tendencies of the conflict, i.e. consistent subjugation and killing of Kurds, Shiites and Kuwaiti's by government forces, the utilization and subsequent conformity to an institutional norm is of importance here. The conflicts in the 1990's, while prior to the idea of R2P, still saw the citing of similar norms to legitimize interventions.

Just a few years later, Rwanda and multiple offshoots of the conflict occurred, testing the norm of intervention once again. The norm of genocide (through punishment) was of course legally and normatively in place, however despite pleas from Dallaire, interventions were not passed through the UNSC. Dallaire utilized the norm of genocide in appealing to the international community. In his fax to the UN Department of Peacekeeping, while avoiding the term genocide, he mentioned arms collections which "he suspect[ed] it is [was] for their [Tutsi] extermination" (Dallaire 1994, 2). In the years following, Burundi also used similar rhetoric in appealing to the international community although not as explicitly. In both cases the international community, primarily the main powers, were not prepared to "fail" again. These acts however occurred even before the entrepreneurship of prevention and R2P, therefore as a rather depressing argument, intervention based on norms of genocide prevention should theoretically not have been expected. Later however in 1998 the norm of genocide (punishment) rather than prevention was reconciled through the Rwanda Tribunals and subsequent convictions of genocide.

The conflict in Burundi in 1993 was described by the UN International Commission of Inquiry for Burundi as genocide, however it is still largely ignored by the international community (Weissman 1998, 12). The conflict, like Rwanda, was also between Hutu's and Tutsi's, however in this case the Tutsi were the minority. Regardless, targeted killing occurred on both sides. The international community however was reluctant to get involved. Not until 1995 did the UN authorize "contingency planning" (Weissman 1998,

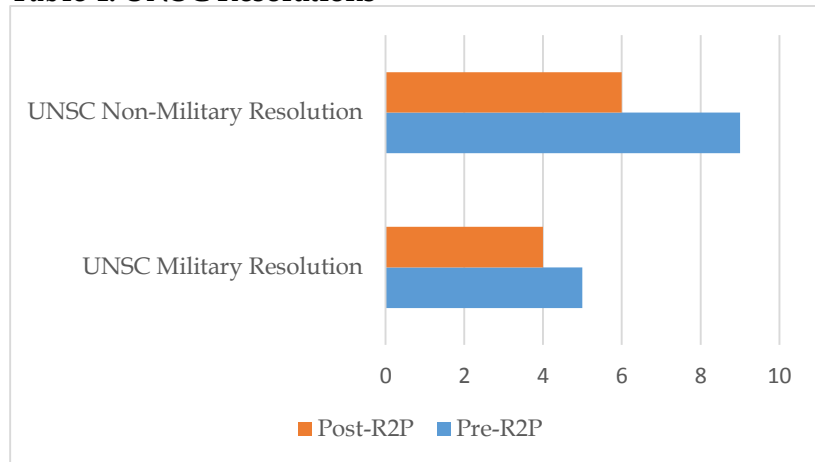
11). Interestingly, they cited Rwanda as a situation they did not want to see repeated, however the US and French were very reluctant to get involved in a similar situation, so soon after their own failures. Regardless, nearly all legal authors argue that the prohibition of genocide is a *jus cogens* norm, (Wouters and Verhoeven 2005, 6); and while based on the analysis herein it can be considered to have reached full legal status and worldwide internalization, it still lacks enforcement.

4.2.2 Post-R2P Analysis

Surprisingly, the post-R2P cases have demonstrated similar results to those cases before the introduction of R2P. UNSC Resolutions whether mandating military interventions or simply statements invoking

R2P, have actually decreased. In the pre-R2P group every situation was followed by a UNSC Resolution which discussed the human rights violations which were occurring. However post-R2P, even

Table 4: UNSC Resolutions



non-military statements which condemn other states actions on the ground have decreased. This begs the question of the true impact or even international understanding of R2P. While military action is supposed to be a last resort, the absence of other forms of intervention by the international community only demonstrates the increasing hesitation. While the acceptance of general guidelines of R2P have increased (Figure 2), the actual application has clearly not been internalized. Some countries, such as the Democratic Republic of Congo and Sudan have both had UN military interventions, understandably however as officials have openly admitted to genocide occurring in the region (Kessler and Lynch 2004). The others have remained inactive.

Iraq is probably the best instance of where R2P as a mechanism of prevention is being utilized. At the request of the Iraqi government, a US-led coalition (multilateral invasion) has been formed, while the US, EU and individual countries have targeted the sectarian cleavages through assistance in institutional reforms, promoting ethno-religious political inclusiveness and other forms of social assistance (ICR2P 2015). In this sense the norm of R2P has been legitimately and legally invoked while focusing on prevention mechanisms which directly target the problem. Regardless, many of the other high risk countries have not invoked similar actions. The UNSC has acknowledged the situation in Myanmar to a limited extent through a Presidential Statement however has not addressed it through a Resolution, due to vetoes from China and Russia. In this sense there is a very mixed utilization of norms of genocide as well as R2P. Unfortunately this is a rather somber discovery; while the salience of norms of R2P and even genocide prevention have developed quickly, and appear to have emerged to at least the second stage of the 'norm cycle', changes on the ground have not occurred. R2P was developed to protect vulnerable communities from the four crimes of mass atrocity, yet in the situations of the highest risk of genocide, the UNSC along with individual states appear to continue to ignore the tools of genocide rhetoric to facilitate change.

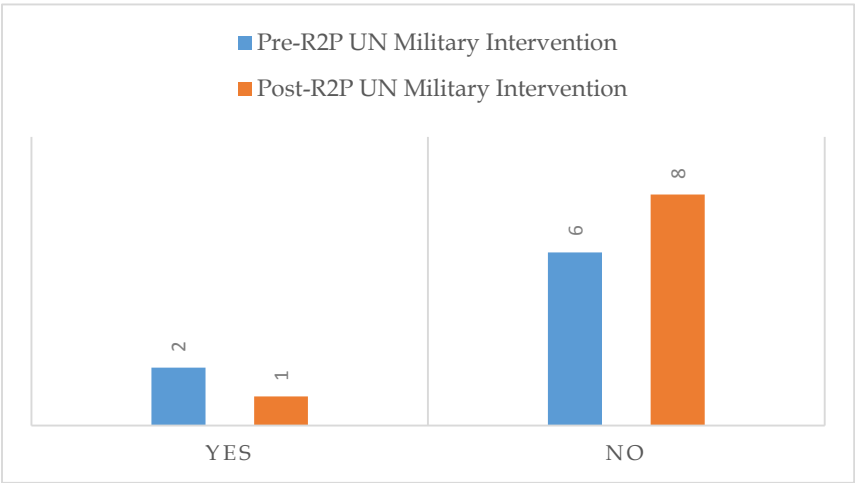
4.3 Explaining Inaction

After the Cold War, the humanitarian intervention agenda bubbled, but after the many failures during the 1990's, a new norm emerged, R2P. Arguably, this normative behavior should have therefore further developed to protect communities. If the norms of the 1990's were incapable, than new developments should have compensated. However as is visible within the tables, few changes have been seen in both soft and hard interventions. One explanation is that not enough cases have been selected, therefore lacking representation. In selecting the cases however in this study only a few were chosen in order to look at the consistently most risky within the time period, i.e. those countries or situations warranting the most attention from the international community. If these cases warranted the most attention, there should have at least been some change

amongst them. Whereas, if all situations of risk were selected within that time period, it would be understandable that no change occurred for countries showing only a few signs such as discrimination (which occurs in some capacity even in most Western countries).

Directly addressing the research question, **Error! Reference source not found.** shows the UN military interventions pre- and post-R2P, and as discussed there is no significant change. Unfortunately even when adding other variables such as ‘multilateral military intervention’, ‘US military intervention’ and ‘individual military intervention’, there still

Table 5: UN Military Interventions



appears to be no significant change. While this goes against the main hypothesis that the introduction of R2P as a norm (or even rule) has effected the behavior of the international community, it is even more perplexing as it also

goes directly against the core idea of R2P. While R2P should primarily be invoked as a state responsibility, the doctrine was written with the intention that if the state does in fact fail to protect, the international community has a legitimate reason for intervening, whether militarily or otherwise. One could make the assumption therefore that given this redevelopment in the norm of sovereignty, the international community would now be more willing to intervene within atrocity situations.

Another explanation to this however is that where there is a more legitimate threat of military invasion, states might actually be heeding the words of the Security Council. In this sense, if as we have seen states are converging in their understanding and acceptance of R2P, they are also internalizing the increased legitimacy and threat of intervention, and

have therefore re-evaluated their domestic actions. This warrants further research however on how the perpetrating state behaves and reacts in response to R2P invocations on their account. Yet at a preliminary glance, we can see that UNSC Resolutions have remained stagnant along with subsequent soft and hard interventions, therefore a legitimate threat of preventive and/or reactive mechanisms does not appear to be very strong.

The question therein lies, why only the rhetorical aspect of the norm of R2P is being followed, rather than the active aspect. Even Finnemore argued in 1996 that “shifts in intervention behavior correspond with changes in normative standards articulated by states concerning appropriate ends and means of military intervention” (Finnemore 1996); yet according to this research this has not occurred. The ‘derogation’ from the norm has occurred at the point between rhetoric and action. The third stage of norms relate to internalization primarily through mechanisms of habit and institutionalization (Figure 1), and along with the third element of *jus cogens* norms, this entails enforcement. Therein lies the issue however – *enforcing* norms of prevention and responsibility. Unfortunately, the argument of requiring the punishment of states for *not* preventing genocide (excluding perpetrating states), is a rather difficult argument to make; and would likely not go over well with states who are already objecting to R2P as infringing on their sovereignty.

CHAPTER 5: CONCLUSION

Preventing genocide and more generally mass atrocity is in theory a positive idea that has garnered respect from most of the world, yet has run a rather tumultuous course throughout its cycle. The terms and conditions are of course of the most contention. This master thesis set out to look at the development of new international rules and how norms have changed the behavior of the international community in the context of genocide prevention. Institutional norm theories have provided a sound theoretical basis for this research. By following a norm through its life cycle we were better able to

contextualize its presence in the real world, thus gaining a better insight as to the effect it might actually have on the international community. Norms, just like policies, laws, or other forms of social contracts, can only be integrated into a society or systems through increased salience and the necessary subsequent actions. Following the norm cycle of genocide prevention through the implementation of the R2P has proven its salience and relevance within the international community, however the physical action strategies have fallen short. After surveying various countries and conducting an in depth analysis of the norm cycle of genocide prevention through R2P and more specifically genocide prevention, the results were mixed. Rhetorically, R2P has been fully internalized, substantiated by its common use in both Security Council Resolutions as well as UN Presidential Statements. Individual states have also voiced 'sovereignty as responsibility' rhetoric. However the *actions* of the international community appear to ignore the norm, through inaction in both direct and structural prevention mechanisms, inaction in militarily intervention and threat of legitimate punishment.

4.1 New Areas of Focus

Despite these rather static results, conclusions and new aspects of the story can still be drawn. As concluded the prevention and R2P rhetoric is well known, but why has there been a lack of physical reciprocation? First, it is necessary to recall the mandates of the document itself: military intervention by the international community as a last result. However even in comparing the soft interventions by the international community, behavior still seems be unchanged. A necessary investigation could therefore look into behavioral changes at the domestic level of the perpetrators. Has the threat of R2P actually affected the way they treat their domestic community? Did the mere emergence of the norm of R2P create a system in which states are not perpetrating mass atrocities therefore there has been no need to invoke R2P? Of course R2P has been invoked as a threat, yet after the actual resolutions condemning the state, the states reactive behavior should thence be observed. In this sense this master thesis, while answering the question at hand, has only opened the door to further developments in behavioral norms which

could be tracked on the domestic level in response to international rule and norm evolution.

4.2 Policy Recommendations

As we have seen, the influence a norm will have on action at the international level depends on its salience and relatability to other states (at the international level) or to constituencies (at the domestic level). During the 1990's (and throughout history) the norm of collective security has been utilized to garner support, put simply, because countries not following could have a security threat which they might need protection from. The norm of genocide prevention however does not garner such support as most Western societies do not feel the threat of genocide within their borders. While genocide might not directly affect domestic security or even lives within their borders, the repercussions will most definitely be felt worldwide. Moral obligation is of relevance as well, however in strictly realistic terms, any genocide will create uncertainty worldwide through increased immigration, refugees and necessary humanitarian funding. The international community and 'norm entrepreneurs' of R2P should therefore articulate this idea of genocide prevention as a *collective responsibility for collective security*. Through the rhetoric of appealing to prevention as a means of protection, actual follow through by the international community could result in preventive action, which directly addresses the first element of R2P. Furthermore, the threat of enforcing the 'responsibility to protect' needs to be legitimate. As this research has shown, no real changes have ensued following R2P, and it is likely that other states and groups alike have noticed as well. In that sense, regardless of whether R2P is implemented or not, perpetrating groups or governments expect the same repercussions regardless of their actions, therefore may feel no threat to prevent, react, or rebuild.

While active changes have yet to be realized, the rhetorical changes and more recent developments of the acceptance of the norm of R2P and prevention only make a stronger case to continue the course of action in full force. Until changes in behavior by states,

perpetrators and the international community alike have all ensued, there is reason to continue promoting and internalizing the norm of prevention – which is key to resolving the complex issue of genocide.

ANNEX

Figure 3: "Common Prevention Agenda" *Source Alex Bellamy (2011)*

STRUCTURAL PREVENTION	DIRECT PREVENTION
<p>Economic Measures</p> <ul style="list-style-type: none"> • Reducing deprivation and poverty. • Reducing inequalities, especially horizontal. • Promoting economic growth. • Supporting structural reform. • Providing technical assistance. • Improving the terms of trade and trade openness. • Supporting community development and local ownership. <p>Governance Measures</p> <ul style="list-style-type: none"> • Building institutional capacity and ensuring delivery of social services. • Strengthening and supporting democracy. • Supporting the diffusion or sharing of power. • Strengthening the independence of judiciaries. • Eradicating corruption. • Strengthening local conflict resolution capacity. <p>Security Measures</p> <ul style="list-style-type: none"> • Strengthening rule of law. • Ending/preventing impunity. • Reforming the security sector. • Encouraging disarmament and effective arms control/management with particular reference to small arms. <p>Human Rights Measures</p> <ul style="list-style-type: none"> • Protecting fundamental human rights and building national capacity, with specific protection of minority, women, and children's rights. • Supporting the work of the International Criminal Court. <p>Social Measures</p> <ul style="list-style-type: none"> • Intergroup confidence building, including interfaith dialogue. • Strengthening and supporting civil society. • Establishing freedom of the press. • Preventing and punishing incitement and hate speech. • Educating on diversity and tolerance. 	<p>Early Warning</p> <ul style="list-style-type: none"> • Establishing a UN early warning and assessment capacity. <p>Diplomatic Measures</p> <ul style="list-style-type: none"> • Fact-finding. • Forming "groups of friends" among UN membership. • Deploying eminent persons/envoys. • Exercising the good offices of the secretary-general. • Pursuing arbitration (including International Court of Justice). • Supporting indigenous conflict resolution processes. <p>Sanctions</p> <ul style="list-style-type: none"> • Banning travel. • Embargoing trade and arms. • Freezing assets. • Imposing diplomatic sanctions. <p>Inducements</p> <ul style="list-style-type: none"> • Promoting economic or trade incentives. • Offering political inducements. <p>Military Measures</p> <ul style="list-style-type: none"> • Mobilizing preventive deployments. • Developing and/or threatening rapid deployment capability. • Jamming and other means of preventing incitement. <p>Legal</p> <ul style="list-style-type: none"> • Referring matter to the International Criminal Court.
	ESCALATION PREVENTION
	<ul style="list-style-type: none"> • This agenda has not yet been articulated.

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