NEW WORLD ORDER: AN EXAMINATION OF INTERVENTIONS
DURING HUMANITARIAN CRISES POST-WWII

by
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NEW WORLD ORDER: AN EXAMINATION OF INTERVENTIONS
DURING HUMANITARIAN CRISES POST-WWII

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ABSTRACT

Following the Cold War, the international community began to foster and grow the norm of states possessing obligations to people outside of their own country. This concept addresses the changing perception in humanitarian intervention and creates the impression that human rights are in fact something the world has an obligation to uphold, even if violations of such rights are occurring within a different state’s borders. This obligation is further expounded upon in the Responsibility to Protect (R2P), a landmark commitment endorsed at the 2005 World Summit, upheld by all member states of the United Nations (UN) to prevent crimes against humanity, and depending upon the interpreter, allowing states to violate sovereignty to protect others against such crimes. Despite these considerations many ‘failures’ by the international community in the intervention of severe human rights abuses exist. However, such failures to intervene raise a larger question. Amongst scholars a consensus exists that within the international community, the norm of humanitarian intervention prevails and has following the termination of the Cold War. This paper empirically tests the pervasiveness of the norm and aims to determine how often the international community actually engages with a state that is systematically violating its citizens’ human rights. Ultimately, this paper asks: how has recognition of humanitarian intervention norms, specifically at the end of the Cold War and the passage of R2P, affected the willingness of UN bodies to condemn states’ gross human rights violations?
New World Order: An Examination of Interventions During Humanitarian Crises Post-WWII

Every international leader has regrets, things they would go back in time and change if they could, however, among his peers, Bill Clinton stands out. Anytime that President Clinton is asked what his biggest regret is, his eyes glass over and he responds with the same answer: his inaction in Rwanda.¹ A question from this emerges. Why did the United States (US), and moreover the rest of the international community, not intervene? Following the Cold War, the international community began to foster and grow the norm of states possessing obligations to people outside of their own country. This is perhaps best exemplified in George H.W. Bush’s New World Order, in which he states that as “[citizens we are] part of something larger than ourselves … [and] we lead the world in facing down a threat to decency and humanity.”² This concept addresses the changing perception in humanitarian intervention and creates the impression that human rights are in fact something the world has an obligation to uphold, even if violations of such rights are occurring within a different state’s borders.

This obligation is further expounded upon in the Responsibility to Protect (R2P), a landmark commitment endorsed at the 2005 World Summit, upheld by all member states of the United Nations (UN) to prevent crimes against humanity, and depending upon the interpreter, allowing states to violate sovereignty to protect others against such crimes.³ Therefore, in a norms context, the international community did have the ability to intervene. Within the Just War Doctrine, the answer is similar: many traditional theorists that study humanitarian intervention,

³ General Assembly Resolution 60/1, 2005 World Summit Outcome, A/RES/60/1 (October 24, 2005), https://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/487/60/PDF/N0548760.pdf?OpenElement
such as Walzer, agree that the US or any state would have been justified to intervene in the situation. Yet, more recent scholars, like Luban, have been shaped by emerging norms founded by the international community and judging what principles international agreements like R2P and the Fourth Hague Convention obligate state action. Such emerging norms of humanitarian intervention found in works like Luban’s supersede more traditional norms represented by classical theorists like Walzer because the arguments lie in humanitarian issues, not justification of intervention. As such, states are justified in humanitarian intervention both legally and morally.

Despite these considerations, Rwanda is simply one example of a ‘failure’ by the international community in the intervention of severe human rights abuses. However, such failures to intervene raise a larger question. Amongst scholars a consensus exists that within the international community, the norm of humanitarian intervention prevails and has following the termination of the Cold War. This paper empirically tests the pervasiveness of the norm and aims to determine how often the international community actually engages with a state that is systematically violating its citizens’ human rights. Ultimately, this paper asks: how has recognition of humanitarian intervention norms, specifically at the end of the Cold War and the passage of R2P, affected the willingness of UN bodies to condemn states’ gross human rights violations?

It is first imperative to provide a broad overview to the legal framework for humanitarian intervention and the history of Just War Theory, then move on to more modern theorists, like Walzer and examine his understanding of just war. From this point, I evaluate Luban and his major critiques of Walzer. Once an understanding of the history of Just War Theory has been reached, I examine what *jus bellum* looks like for an intervening state, drawing from legal
frameworks like the Fourth Hague Convention and theoretical frameworks of scholars. Following this, I empirically evaluate if the norm is in fact pervasive in international community. I utilize data assembled from the UN General Assembly (UNGA), UN Security Council (UNSC) and the Political Terror Scale to examine the international community’s willingness to condemn human rights violations from 1976-2015.

**International Norms, Frameworks, and Laws**

War is perhaps best defined by Carl von Clusewitz as “the continuation of policy by other means,” meaning that war is a way for a state to implement policy that cannot be achieved through diplomatic means. Aristotle is credited with the first conception of secular ‘just war,’ appealing to morality without using a religious concept and defined any just war as the prevention of “one’s community from being attacked and enslaved by another,” noticeably leaving any notion of humanitarian intervention out. Saint Augustine is perhaps the next great thinker in the doctrine of Just War. He concludes that aggressors must have the right intentions, i.e. a love and desire to protect endangered innocents in both *jus ad bellum* and *jus in bello*. It is during the Medieval Period that the Church begins to outlaw certain weapons, types of attacks, and outlines non-combatant immunity, building what is perhaps the first accepted norm of rights during *jus in bello*. Saint Aquinas is notable for asserting that aggressive wars to convert and coerce are not justified, an important point that Walzer builds off of. With the beginning of the Spanish Colonization, Just War doctrine takes on a new role and begins to criticize states and actors when they do not meet the expectations of what is a just war. A few centuries later, Locke

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5 Ibid., 11.
6 Ibid., 12-13.
7 Ibid., 15.
8 Ibid.
9 Ibid., 17.
begins to write about civil war and the obligation states have to respect the human rights of its citizens. However, Locke does not argue for intervention, but rather asserts that a revolution is justified. It is within this context that the modern era of Just War Theory began, shaping the rhetoric of Walzer and Luban.

Furthermore, when considering humanitarian intervention, one must first understand the changing norm of sovereignty. The Peace of Westphalia brought about the beginning of a modern understanding of sovereignty in both a legal and practical sense. From there, the concept of sovereignty only became stronger. The idea that whatever happens inside of a state mattered only to that particular state prevailed; as did the notion that borders matter, leading to a decline in justification of war for the purposes of riches and land and thereby, establishing the corollary norm of non-intervention. This understanding of sovereignty was the foremost norm until rather recently.

The norm began to shift after World War II, when the first example of modern genocide was seen, with over six million people murdered, eventually leading to a supplementary norm. The emerging norm was first expounded in the Universal Declaration of Human Rights, ultimately recognizing what every human is guaranteed simply for existing. From that point, the Convention on the Prevention and Punishment of the Crime of Genocide, International Covenant on Civil and Political Rights, International Covenant on Economic, Social, and Cultural Rights, Convention on the Elimination of All Forms of Discrimination, and the

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10 Ibid., 20.
Convention on the Rights of the Child were signed by members of the UN during the human rights movement. Each Convention sets an expectation of states providing basic rights to their citizens, as well as outlining what exact rights are required. The expectation of states upholding citizens’ rights was further advanced through the creation of the International Criminal Tribunal for the former Yugoslavia (1993) and the International Criminal Tribunal for Rwanda (1994), which ultimately lead to the establishment of the International Criminal Court through the Rome Statute in 1998, which prosecutes leaders who commit mass human rights violations against their people.\textsuperscript{14} The Statute officially created the first standing international body to try individuals accused of committing war crimes in their state. Combined, these events have created a norm that is perhaps best demarcated in R2P, which recognizes sovereignty, but allows for intervention when states have not upheld the norms outlined in the above Conventions and international norms.

Michael Walzer, one of the most prominent modern Just War theorists, asserts that humanitarian wars are only justified in very limited circumstances. While I am decidedly critical of Walzer, for reasons discussed in a moment, he does provide a notable foundation in determining what a just war is and what obligations states have leading up to and during a war. One of the most important concepts Walzer addresses is the concept of state’s rights being drawn directly from the people’s rights.\textsuperscript{15} This is perhaps one of Walzer’s most important points. When determining if a state is even legitimate, one must first consider if the state is oppressing the


people’s rights. If this is the case, the argument for humanitarian intervention becomes much stronger, as the state no longer has validity. A state exists solely for the purpose of representing its citizens and draws directly from the citizens, when this is not the case, the foundation for humanitarian intervention exists. Walzer argues that humanitarian intervention must always be justified, stating that the, “burden of proof falls on any political leader who tries to … alter the conditions of life in a foreign country.” Walzer takes on a Millian approach and explains that, “members of a political community must seek their own freedom … [and] they cannot be set free … by any external force.” He continues, arguing that self-determination, not sovereignty, must be respected above almost else, otherwise citizens cannot fight for their freedom, limiting Walzer’s scope of a justified humanitarian intervention.

Walzer, contends that humanitarian intervention can take place in very limited circumstances: (1) when there are two political communities within a state and one is already engaging in a liberation movement, (2) when another state has already intervened on behalf of a faction within the warring state, (3) “when the violation of human rights within a set of boundaries is so terrible that it makes talk of … self-determination … seem cynical and irrelevant … [such as] cases of enslavement or massacre.” Finally, Walzer argues that intervening groups do not, know enough about [a state’s] history, and they have no direct experience, and can form no concrete judgments, of the conflicts and harmonies, the historical choices and cultural

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16 Ibid., 86.
17 Ibid., 87.
18 Ibid., 89.
19 Ibid., 90.
affinities, the loyalties and resentment that underlie it. Hence [a state’s] conduct, in the first instance at least, cannot be determined by either knowledge or judgment.20

This is extremely paramount to Walzer’s argument. He allows for intervention to occur, but in very select circumstances, because he values the right to self-determination more than anything else. It is not that Walzer believes states that commit human rights violations are sovereign and justified. Rather, he believes that the international community owes it to different communities to derive their own path, something that is best exemplified in his infamous thought experiment.

Shortly after Walzer’s magnum opus, David Luban began critiquing Walzer’s work, especially his work on humanitarian interventions. Luban begins his argument calling for the United Nations to reform their Charter, allowing for a different definition of war to exist. He specifically takes issue with the indifference to the question of legitimacy and morality in the UN Charter, which instead argues that sovereignty is the foundation of all issues of war.21 Luban takes further issue with legitimacy and argues that, “an illegitimate and tyrannical state cannot derive sovereign rights against aggression from the rights of its own oppressed citizens, when it itself is denying them those same rights.”22 This is perhaps the most important aspect of Luban’s argument. If one is to accept this premise, any state that violates the rights of its citizens is illegitimate, meaning they have no right to sovereignty, allowing for any state to intervene on behalf of the illegitimate state’s citizens. Taking this foundation into account, he goes on to argue that any fundamental right that is violated is worth fighting for, not only by the sufferer, but by the international community as a whole.23 From this point, Luban defines just war as, (1)

21 Luban, Ibid., 165.
22 Ibid., 169.
23 Ibid., 175.
“a war in defense of socially basic human rights,” or (2) “a war of self-defense against an unjust war.” He also makes the assertion that an intervening force must act proportionately and justly.

In a legal respect, R2P creates the norm that not only do citizens have a responsibility to states, but states also have a responsibility to their citizens. More importantly, if a state is not upholding that obligation, the international community is able to intervene. This resolution formally recognizes that sovereignty is not the prevailing factor and the concept of sovereignty has changed. A state is only warranted sovereignty and the right to non-intervention when it meets the obligations it owes to its citizens. In a theoretical context, most agree that sovereignty is not the most important principle or norm. Walzer is not against intervention because of sovereignty, rather because of his Millian view he prioritizes self-determination over rights. It is necessary to understand the fundamental normative change in sovereignty. Sovereignty only exists today if states uphold the obligations owed to their citizens. The Westphalian concept of sovereignty has been replaced with an emerging norm placing more importance on the right of the citizen, allowing for humanitarian intervention to be justified within a norms context.

The legal framework for humanitarian intervention must also be understood. The Fourth Hague Convention was ratified October 18, 1907. This international framework works to not only define what a “belligerent party” is, but also asserts the rights prisoners of war and the sick and wounded during war. It is from this framework that the responsibilities warring states possess are created and defined in the international community for one of the first times in

24 Ibid.
25 Ibid.
27 Ibid.
modern history. Deriving from this foundation, the UN Charter states that, “all members shall refrain in their international relations from the threat or use of force against territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations.” This portion of the Charter essentially proscribes any form of war, including humanitarian interventions, absent approval from the Security Council, much to the chagrin of critics like Luban. The premium placed on sovereignty is even further propounded by Article 2(7), which articulates that, “the UN has no authority to intervene in matters which are within the domestic jurisdiction of any State.” The UN Charter continuously highlights the rights that states have over the rights that citizens have – epitomizing the international community’s perceptions and beliefs at the time. Understanding the lack of legality in humanitarian interventions, the UN set out to allow for a faster response to mass atrocities, genocides, and human rights violations, through the approval of the R2P in December 2005. Much of R2P’s framework was originally discussed in the Independent International Commission on Kosovo, which recognized the need for citizens to be protected when a state is engaging in human rights violations and possible safeguards.

R2P relies on a three pillar approach: (1) states are primarily responsible for protecting their citizens from mass atrocities, (2) the international community is responsible for encouraging such norms, and (3) the international community is responsible for using appropriate measures against a state if they are not protecting their citizens from mass

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atrocities. The commitment is perhaps the biggest step in creating the norm of an obligation to humanitarian intervention in the international community ever. It is important for several reasons. First, it clearly identifies that states do indeed have obligations to their people. This builds upon concepts that political theorists have been arguing for decades. Additionally, R2P calls for the international community to implement norms that facilitate human rights. Such a call is essential, because it asserts that norms and human rights exist above cultural and historical identities of states – something Walzer vehemently denies. The pledge also allows for states to intervene on behalf of citizens whose rights have been violated, even if this allows for a violation of sovereignty to occur. Finally, the key word throughout the document is: responsibility. R2P asserts that states have a responsibility to protect citizens outside of their borders, not the ability to protect other citizens. The international community has determined that states are obligated to intervene on behalf of oppressed people. While this norm may not necessarily be followed, it is paramount to humanitarian intervention. The UN has agreed that sovereignty can be violated and the international community is responsible for ensuring the protection of subjugated populations – a landmark position in and of itself.

Keck and Sikkink argue that the pervasiveness of such norms, like R2P, occur because global bodies, like the UN, are “sites of cultural and political negotiation.” Utilizing the example of global progress in women rights, the authors delineate that a dialogue of human rights exists within transnational bodies. Therefore, it is necessary to study international bodies in order to determine if such norms are in fact changing and growing. As such, it is my goal to

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32 “The Responsibility to Protect,” Ibid.
33 Some states argue this interpretation of R2P is incorrect, however I contend that R2P does allow for sovereignty to be violated when a state is engaging in the rejection of human rights.
34 “World Summit Outcome,” Ibid.
36 Ibid.
empirically determine if the norm of responsibility, which has changed significantly within the theoretical context, best exemplified through the change in beliefs from Walzer to Luban and the creation of R2P, is actually utilized by the UN. The results will ultimately determine how much the responsibility norm grew within in the international community following the Cold War and creation of R2P. Ultimately, if the norm is in fact pervasive, following both the Cold War and passage of R2P, one would expect to see both the UN Security Council and United Nations General Assembly (UNGA) increase the amount of condemnations. Furthermore, while this paper does not test the increase in interventions, if the norm is in fact pervasive, an increase in interventions following these two major events would be expected.

**Data and the Story It Tells**

Following the end of the Cold War, the norm of responsibility to protect citizens outside of a state’s borders that had been brewing post-WWII was finally allowed to emerge as the US and United Soviet Socialist Republics (USSR) were no longer blocking any vote of importance. As such, a belief among scholars has permeated stating that the international community is more likely to intervene in extreme cases of human rights violations. However, little empirical research has been done up to this point. It is therefore important to examine the actual behavior of international bodies and their responses to humanitarian crises following the Cold War to determine if this norm of protection has been utilized more frequently.

Utilizing the UNGA and Security Council’s resolutions from 1976-2015, I identified all cases of condemnation of a specific state's human rights violations and compared it to the Political Terror Scale (PTS). It was necessary to compare if a state received a human rights violation from the Security Council or UNGA within a certain year and then if the Security Council or UNGA revisited the matter within that same year. The number of condemnations per
year was then compared to the amount of PTS states that met the standard outlined below; the percentage of countries condemned per year became the dependent variable. The independent variable is the international context. This includes the Cold War world (1976-1990), Post-Cold War world (1991-2004), and Post-R2P world (2005-2015). Since my data is a time series, I utilize an autoregressive integrated moving average (ARIMA) model to determine the correlation between the international context period and willingness of the Security Council and UNGA to intervene and condemn a state’s behavior.

My data tests the veracity of such claims to determine what impact the end of the Cold War and R2P have actually had on furthering the norm of responsibility. In order to collect the necessary data, I pulled from two main sources, PTS and two of the UN’s bodies: the Security Council and General Assembly. As a way to identify the number of countries that engaged in mass human rights violations against their citizens in a given year I used the PTS data set and identified countries from 1976 to 2015 that had either two threes (see Table 1) from Amnesty International, Human Rights Watch, or the US State Department or a four or a five from just one of the bodies.

<table>
<thead>
<tr>
<th>PTS Scale (Table 1)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1</strong> Countries under a secure rule of law, people are not imprisoned for their views, and torture is rare or exceptional. Political murders are extremely rare.</td>
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<tr>
<td><strong>2</strong> There is a limited amount of imprisonment for nonviolent political activity. However, few persons are affected, torture and beatings are exceptional. Political murder is rare.</td>
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<tr>
<td><strong>3</strong> There is extensive political imprisonment, or a recent history of such imprisonment. Execution or other political murders and brutality may be common. Unlimited detention, with or without a trial, for political views is accepted.</td>
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<tr>
<td><strong>4</strong> Civil and political rights violations have expanded to large numbers of the population. Murders, disappearances, and torture are a common part of life. In spite of its generality, on this level terror affects those who interest themselves in politics or ideas.</td>
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<tr>
<td><strong>5</strong> Terror has expanded to the whole population. The leaders of these societies place no limits on the means or thoroughness with which they pursue personal or ideological goals.</td>
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</table>
This system allowed me to identify the following set of cases per year (Table 2):

<table>
<thead>
<tr>
<th>Year</th>
<th>PTS Valid</th>
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<tbody>
<tr>
<td>1976</td>
<td>50</td>
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<td>1977</td>
<td>49</td>
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<td>1978</td>
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<td>2014</td>
<td>76</td>
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<tr>
<td>2015</td>
<td>74</td>
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</tbody>
</table>

At this point, I read through UN Security Council and UNGA resolutions beginning in 1976 and identified any resolutions specifically calling out a state for their human rights violations. I then compared that list with the PTS and categorized the data into five points by year: Security Council vote, UNGA vote, Security Council revisiting the violation within that same year, UNGA revisiting the violation within that same year, and not applicable. It was then necessary to divide my dataset into three different periods: Cold War (1976-1990), Post-Cold War (1991-2004), and Post-R2P (2005-2015). 1991 was chosen for the end of the Cold War because prior to that reverberations of the fall of the Berlin Wall were still occurring and it is the

37 It can be said that the UNGA is somewhat obsessive of the Israeli situation, especially considering the body has a tendency to write more resolutions condemning Israel’s human rights practices than it does all other state’s combined per year. For this reason, I chose to exclude the UNGA’s condemnations of Israel, but do include the Security Councils, as the situation must be extreme to prevent the US from vetoing a resolution and it provides a balance.

38 The UN Security Council calls out the right to self-determination when discussing the situation in both Cyprus and Western Sahara on a bi-annual basis. However, Greece has consistently remained below the threshold for PTS and Morocco varies year by year, meaning that sometimes the Security Council’s cries did not match with PTS and I was forced to exclude the data. Furthermore, data for some countries is lacking at various points in time, so while the UN did call these states out for violations I was unable to include them as data points. These situations are a vast minority but did sometimes occur.
first year that actors felt they could focus on other issues, which led Bush to delivering his *New World Order* speech. Furthermore, 2005 was chosen for Post-R2P because that is the year it was enacted following the September 2005 World Summit. As demonstrated below, there was a significant increase in UN bodies calling out states for their gross human rights violations following the end of the Cold War and post-R2P, with several of the findings listed as statistically significant after running ARIMA regressions.

These findings back up scholars’ claims that the norm of responsibility has in fact pervaded in the post-Cold War world. However, there are several findings that need to be discussed in depth and explained. It is also necessary to understand that while these findings are exciting and demonstrate that the international community is more likely to act upon human rights violations, the peak is the Security Council responding to 29 percent of PTS cases in 1996. While the international community is responding more, they are not responding to everything and there are still major human rights violations that are ignored by the UN Security Council and UNGA, although often other UN and regional bodies are indeed focusing on such issues. Ultimately, this data demonstrates that a lot of growth has occurred, but the norm has not completely superseded other international norms, nor is it the top priority in all circumstances.
Considering the results from the ARIMA regression below, it is clear that the Security Council is willing to act 13 percentage points more often in the Post-Cold War world (Table 3). Even further, following the passage of R2P, the Security Council is once again willing to act 13 percentage points more often than during the Cold War in order to call out a state for their human rights violations (Table 3). Ultimately, these findings demonstrate that the Security Council more frequently calls out states’ violations, something that the body is supposed to do as per the UN Charter. Furthermore, as can be seen in the second regression table, the Security Council will more often re-discuss a human rights issue post-Cold War by 8 percentage points another 7 percentage points following the passage of R2P (Table 4). While it is somewhat surprising that a
larger increase did not occur following the passage of R2P, this simply means that R2P is a verbalization of the norm that had existed for decades prior and while an important stepping stone, it would not lead to an increase in calling out states for their gross human rights violations.

Table 3: Security Council Addressing a Humanitarian Crisis

<table>
<thead>
<tr>
<th>DV: Percentage of Cases Security Council</th>
<th>Coefficient (se)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Post-Cold War</td>
<td>.1342671 (.14)***</td>
</tr>
<tr>
<td>Post-R2P</td>
<td>.132226 (.23)***</td>
</tr>
<tr>
<td>constant</td>
<td>.0501024 (.01)***</td>
</tr>
</tbody>
</table>

*=.10  ***=.05  ****=.01

Prior to the end of the Cold War, the Security Council could be found agreeing on the condemnation of very few violations because every resolution was blocked by either the USSR or US. Often the only times the body could agree was when the mass atrocities in South Africa, Southern Rhodesia, territories occupied by Israel, or Iraq and Iran relations were discussed.\(^{39}\) This led to a very limited amount of the use of the norm of responsibility. Most often when a state that neither the USSR or US cared about was involved or the situation was dire. During the Cold War period, the Security Council at its peak only dealt with nine percent of human rights violations globally.

Table 4: Security Council Revisiting a Humanitarian Crisis

<table>
<thead>
<tr>
<th>DV: Percentage of Cases Security Council</th>
<th>Coefficient (se)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Post-Cold War</td>
<td>.0858353 (.01)***</td>
</tr>
<tr>
<td>Post-R2P</td>
<td>.0734263 (.02)***</td>
</tr>
</tbody>
</table>

\(^{39}\) See S/RES/392, 393, 418, 407, 417, 447, 484, and so on.
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| constant | 0.0280951 (.00)*** |

*=.10    **=.05    ***=.01

However, beginning in 1991 with Bush’s *New World Order* and a thawing of tensions between the USSR and US, the Security Council is finally able to work on real human rights issues as defined within the UN Charter. Efforts to protect human rights exploded and between the period of 1988 to 1992 as there were more peacekeeping efforts in that period than since the creation of the UN. The first major example of this is the multilateral efforts approved by the Security Council to stop the Iraqi invasion of Kuwait after citing the Kuwaiti people’s right to self-determination. The efforts in Kuwait lead to an increase in UN operations globally and the Security Council condemning more states for their human rights violations, leading to a peak of 29 percent in 1996. Yet, at this time the international community, most prominently the US, was still struggling with the cost of intervening in other states’ problems. Something that is best exemplified in the US directly following the invasion of Somalia.

Directly following the failure of Somalia, the Clinton Administration’s decisions towards intervention policy changed and serves as a perfect example of the dichotomy between wanting to help and fearing the cost, which culminates between the intervention in Somalia and the failure to intervene in Rwanda. Following the invasion of Kuwait, a sense of excitement began to permeate across the international community as the belief that following the Cold War human rights could actually be fought for grew. In the US, this belief culminated during the 1992 election. During the election Clinton called for a “Rapid Deployment Force that could be used for purposes beyond traditional peacekeeping, such as standing guard at the borders of countries

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41 Ibid.
threatened by aggression, preventing mass violence against civilian populations, providing humanitarian relief, and combating terrorism.”

It was not only the left that supported such efforts. In December 1992, Ronald Reagan gave a speech discussing the importance of a standing UN force. Furthermore, during the election President Bush proposed strengthening and expanding the role of UN peacekeeping forces.

The tides began to change quickly after the end of the election. President Bush knew that he would be leaving office and decided to engage in a humanitarian effort he had been stalling in hopes of reelection. However, he was a lame duck and so he chose to put boots on the ground and help the millions of starving citizens in Somalia. At the beginning of the operation widespread support existed among the American public. Clinton then proposed a US strategy of assertive multilateralism in Presidential Decision Directive (PDD) 13, which the State Department and civilian officers of the military strongly favored and the Department of Defense led by Collin Powell despised.

Unfortunately, as American casualties began to grow, American support for the effort declined significantly, and Congress even intervened forcing the president to set an exact date of when the troops would be removed from the situation. This began to create widespread caution amongst US leadership and Clinton started to tone down his rhetoric. The US’ hesitation to intervene was further compounded by Clinton’s inability to convince NATO forces to intervene

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43 “The Clinton Administration and Multilateral Peace Operations,” Ibid.
44 Ibid.
46 Ibid., 1.
in the Bosnian crisis. Furthermore, Clinton began to understand his limited political capital and felt the need to focus on the national matters.

Ultimately, Clinton put off passing PDD-25 through the National Security Council until May 3, 1994, almost two year after the first draft of PDD-13. Notably, “instead of emphasizing the centrality of multilateral peacekeeping to US security policy [as PDD-13 had] the completely rewritten introduction of PDD-25 described the limited role of peacekeeping in US national security and defense policy.” Part of Clinton’s hesitant tone in PDD-25 came from the emerging reports of the humanitarian in Rwanda and his belief that the US should not engage in the situation for fear of public outcry, which lead to the deaths of 800,000 Rwandans over a hundred day period.

The American struggle of deciding when to intervene is pertinent for two reasons. First, throughout this period, the US was a global leader and what they did mattered. Second, it highlights the struggles the international community faces. While the norm of protecting others has continuously grown especially following both the Cold War and R2P, states still face a difficult choice. Military operations not only cost money, they also often have a cost of human lives. Additionally, in democracies leaders are responsible to their citizens and it is difficult, if not political suicide, to engage in military operations that the public agrees with.

While the international community, and more specifically the Security Council, is engaging much more frequently in humanitarian crises and calling out states for their violations, they are often unable to fully react in the manner that the norm of protection calls for. This leads

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47 Ibid., 7.
48 Ibid., 16.
49 Ibid.
to excitement amongst the international community for the Security Council continued increase in humanitarian interventions. However, it is necessary to understand that the Security Council is only engaging in a small portion of human rights violations and more work is needed.

**United Nations General Assembly**

As per the UN Charter, “the GA may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and … may make recommendations to the Members of the United Nations or to the Security Council.” Ultimately, the UNGA is the only place in the world where every state and observer states work together and try to achieve world peace, a somewhat lofty goal. It is important to note that unlike the Security Council, the UNGA is not necessarily supposed to monitor human rights situations, which translates into what is seen in the data below.

Similar to the Security Council, in the Post-Cold War world, the UNGA began to call out states for their specific human rights violations, although the percentage of increase is at a much lower rate of 7 percentage points (Table 5). Furthermore, the UNGA will re-discuss a human rights violation that the body has already addressed if it persists following the Cold War 1 percentage point more often (Table 6). The revisitation of certain issues is especially striking considering that frequently a special session of the UNGA needs to be called in order for an issue to be revisited due to the calendar UNGA follows. Interestingly, following the passage of R2P, which was passed through the UNGA, the likelihood of the UNGA addressing a humanitarian crisis does not increase compared to the Cold War, nor does the percentage of the UNGA revisiting an issue.
Table 4: UNGA Addressing a Humanitarian Crisis

<table>
<thead>
<tr>
<th>DV: Percentage of Cases Security Council</th>
<th>Coefficient (se)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Post-Cold War</td>
<td>.0745821 (.01)***</td>
</tr>
<tr>
<td>Post-R2P</td>
<td>.0018187 (.02)</td>
</tr>
<tr>
<td>constant</td>
<td>.056048 (.00)***</td>
</tr>
</tbody>
</table>

* = .10  ** = .05  *** = .01

Following several severe skirmishes between ethnic Albanians and Bosnian-Serbs, the 1995 Dayton Accords was set to resolve the fighting. However, the agreement unduly supported the Serbs, who had been responsible for rigorous ethnic cleansing. This led to further strained relations and in 1998, the fighting worsened. At this time, the Security Council was unable to react to the situation, despite their recent increase in humanitarian interventions, due to the USSR blocking interventions as they still held a strategic interest in the Former Yugoslavia’s territories. Despite the Security Council’s inaction, the UNGA felt the situation was unacceptable and passed several resolutions condemning the human rights violations occurring in Kosovo. This ultimately led to a North Atlantic Treaty Organization operation directed by Clinton. Part of Clinton’s response can be linked to the guilt he suffered from following Rwanda, as well as growth in understanding of the norm of responsibility.

Such action by the UNGA demonstrates that while their primary focus is not human rights, the body will intervene when the Security Council is unable to pass meaningful

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51 Jennifer Sterling-Folker, *Making Sense of International Relations Theory*, 337
52 Ibid.
53 Ibid.
55 Sterling-Folker, Ibid., 337-338.
resolutions due to one of the P5 members threatening to veto – an anachronistic method utilized during the Cold War. Furthermore, such an understanding could potentially explain why following the Cold War, the UNGA sees significant growth in calling out states for their human rights abuses, but does not do the same following R2P. This is because one of R2P’s main purposes is to hold the Security Council accountable.

Table 5: UNGA Revisiting a Humanitarian Crisis

<table>
<thead>
<tr>
<th>DV: Percentage of Cases Security Council</th>
<th>Coefficient (se)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Post-Cold War</td>
<td>.0183666 (.00)***</td>
</tr>
<tr>
<td>Post-R2P</td>
<td>.0012987</td>
</tr>
<tr>
<td>constant</td>
<td>-2.65e-12 (1.00)</td>
</tr>
</tbody>
</table>

* = .10  ** = .05  *** = .01

Following several severe failures to intervene on behalf of the UN, including Rwanda and Kosovo, the world gathered together for the 2005 World Summit, which would ultimately create guidelines as to when states could and should intervene in humanitarian crises. More importantly, this agreement placed the burden of intervention upon the Security Council, which may be why there is no significant correlation between the UNGA calling states out for their violations and the passage of R2P. Instead, this document furthered the norm of responsibility, which is why the commitment is so brilliantly called the Responsibility to Protect. Following the passage of such a landmark commitment, it appeared that the Post-Cold War world was here and states could finally, legally intervene in another state’s affairs, if the situation was considered dire and met the standards of R2P.

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56 2005 World Summit Outcome, Ibid.
However, R2P has not always worked out in such a way. While the UNGA is no longer put in such a position that it often has to intervene, there are circumstances in which the gridlock in the Security Council make it so that the UNGA feels a need to strongly condemn a state for their human rights violations. The most recent account of this is the Syrian Civil War. Following the outset of the Syrian Civil War, the Security Council has frequently been unable to reach a decision due to the US’ refusal to back the Assad regime and Russia’s refusal to not back the Assad regime. This has led to little progress made, an estimated 321,358 – 451,358 casualties, and the use of archaic, illegal weapons, like chlorine bombs.

The UNGA finally found the inaction intolerable and on December 12, 2016, passed A/RES/71/248, which created an International, Impartial, and Independent Mechanism to assist in the Investigation and Prosecution of those Responsible for the Most Serious Crimes under International Law committed by the Syrian Arab Republic since March 2011. Essentially, this resolution is the first stepping stone to holding the perpetrators of such violence accountable. In response to the resolution, Balkees Jarrah, the Senior International Justice Counsel at Human Rights Watch stated that:

The General Assembly … demonstrated that it can take the reins on questions of justice in the face of Security Council deadlock. The countries that voted for this unprecedented Syria resolution took a critically important stand for victims of

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massive grave crimes. By establishing the investigative mechanism, the General Assembly is helping pave the road to accountability after years of unchecked atrocities. Simply condemning the murder and mayhem inflicted on civilians is not enough. Perpetrators now know that evidence of their misdeeds will be collected to hasten the day when they find themselves in the dock.

Ultimately, the UNGA proved that when the Security Council is unwilling to take on human rights violations due to political reasons or cost, as was the case for the Obama Administration, the rest of the international community is watching and will hold violators accountable. Overall, the UNGA is in fact doing their job, and the data demonstrates such.

**Conclusions**

The data above proves that the norm of responsibility is indeed becoming more pertinent within the international community, especially following the Cold War. However, the norm is not necessarily always a primary goal of individual actors, which leads to gridlock and inaction, as can most clearly be seen in the Syrian Civil War. Perhaps though, it is unfair to say that international community has just stood by and let Syria descend into chaos. The US, along with several other actors, has engaged in strategic bombing, a funneling of weapons to opposition forces of the Assad regime, and limited special operations ground forces. Furthermore, as the data above demonstrates, R2P did not lead to another increase in condemnation of states’ human rights violations. Rather, it held the increase seen after the end of the Cold War at a constant. This is most likely due to R2P simply acting as a codification of a norm that was already accepted following the end of the Cold War. Even more, it could be argued that the international political context within the Post-R2P context is similar to that of the Cold War and has therefore not allowed the norm to further pervade the community.
Nevertheless, caution is still needed. While these findings are exciting, the peak Security Council reaction is still only 29 percent of humanitarian crises in 1996. Yet, it is necessary for further research to be done. The Security Council and the UNGA did not call out the Duarte regime in the Philippines, Yahya Jammeh’s refusal to step down from his presidency in Gambia, or Australia’s human rights abuses in detention faculties. Instead, the Obama administration did defer a $434 million dollar aid package to the Philippines, the Security Council unanimously decided to back the Economic Community of West African States’ troops entrance into Gambia and removal of Jammeh, and human rights lawyers filed a complaint in front of the International Criminal Tribunal for Australia’s treatment of detainees. Further research therefore needs to be conducted to determine what individual state’s reactions to human rights violations are and if within that context more states are being punished for their rights abuses. Generally, the human rights community should be cautiously optimistic, as the international community is now more likely to react to gross human rights abuses.

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