THE RISE AND DECLINE OF HUMANITARIAN INTERVENTION AND RESPONSIBILITY TO PROTECT

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Abstract

This article contends that, the concept of Humanitarian Intervention that gained wide recognition and acceptance in post-cold war era has lost its value and efficacy due to its inability to meet up with its stated objective in the wake of the recent humanitarian crisis in North African and the Middle East. This paper predominantly reflects on the liberal school of thought that informs the modern principle of Humanitarian Intervention and Responsibility to Protect. The analysis answers the question, *"why has the concept of Humanitarian Intervention lost its value amidst recent human atrocities"* The analysis cuts across four different cases of humanitarian intervention from 1990s up to date. The cases analyzed suggest that the concept has lost its value and efficacy mainly because military humanitarian intervention has been transformed into a liberal technique of global governance used by powerful states (mostly Permanent Security member states) to pursue their geopolitical and strategic national interest. The article ends by underpinning the need to device new modalities within the UN operational framework that would restrain the political will of P5 member states in matters of humanitarian concerns.

Keywords: Liberalism, UN Security Council, NATO, Responsibility to protect, Humanitarian Intervention.

1.   Introduction

The post-cold war era witnessed an intensely divisive debate among scholars, policy makers, states, and non-states actors on the subject of humanitarian intervention. Recent crisis in North Africa (2011 Arab Spring) and the current crisis in the Middle East continue to raise heated scholarly questions that has brought the topic to the very center of international political agenda. After the cold war period the international political system witnessed a decline in state sovereignty and a new wave of liberal reforms. It is noted that the new wave of liberal ideas spread at a time a new global political reality was emerging. The deepening effects of globalization meant new conflicts could no longer be analyzed from a state centric approach. Large scale humanitarian crisis arising from issues related to poverty, underdevelopment, and marginalization were increasingly linked to most internal or intra-state conflicts. (Kaldor 1999; Fukuyama 2004) Considering the increasing level of civilian atrocities, and the decreasing aptitude and willingness of states to protect the human rights of citizens, there were liberal calls for a moral duty to intervene in the name of human rights protection. An idea that initially appeared unproblematic and justifiable. (Pattinson 2010; 26) It is important to note that this paper exclusively focuses on military humanitarian intervention and differs from humanitarian intervention with the practice of humanitarian aid.

The term Humanitarian intervention is formally used to refer to threat or actual use of force by a state or group of states in the territory of another state with the aim of averting or ending grave human rights abuses. (Wheeler, N 2000; 52) One cannot deny the fact that during the periods of the 1990s and early 2000s, the international community witnessed an increasing interest and belief in the concept of Humanitarian Intervention and Responsibility to Protect parallel with the decline in state sovereignty. However, whether such a philosophy based on theory was successfully transformed to reflect the reality on ground is a different story all together In the wake of the current crisis in North Africa and the Middle East a majority of third world countries have joined their voices to that of China and Russia to question the motives of western liberal states to repeatedly used humanitarian reasons to justify for intervention whilst ignoring principles of sovereignty and the use of force in the territory of another states enshrine in the charter of the UN. (Williams, & Stewart 2015; 97) A growing wave of scholars today have persistently argue that the rising trend of humanitarian intervention across the 1990s should not be regarded as flawless; rather it should be viewed as part of an extensive process and strategy adopted by Western liberal governments to extend their influence and control over the non-democratic regimes. (Kuperman, & Crawford, 2014; 231) As such humanitarian intervention is part of a liberal technique to global governance.

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In a bit to understand the reasons for the rise and decline of Humanitarian Intervention, it is essential to start with an enquiry of the liberal theory that informs modern liberal thoughts on a right to intervene for humanitarian purposes. It is only when the link between liberalism and the rise of humanitarian intervention in the 1990s and early 2000s have been understood before one will be able analysis its true nature, explaining its decline and why it has fail to meet up its stated goals. This paper will reflect predominantly on the liberal school of thought on Humanitarian Intervention deeply rooted in international law. The research however maintains that the theoretical decline in the importance of states opened up more space for liberal ideas to flourish. The 1990s hitherto today has seen many liberals and successive UN sectary generals such Boutros Boutros-Ghali, Kofi Anan and Ban ki-mun persistently speaking on the development and transformation of international norms related to humanitarian Intervention. (Hehir, 2012; 26) But whether it has achieved its stated goals remains questionable.

The analysis is developed from two major propositions, on the first count, "*in the post-cold war era the theoretical decline in the importance of sovereign states and the deepening effects of globalization opened up more space for liberal ideas on Humanitarian Intervention and Responsibility to Protect to rise*" the second proposition explains why the concept of humanitarian intervention has decline in the wake of contemporary conflicts "*Humanitarian Intervention is based on geopolitical and strategic national interest of the parties involved*" This paper will elucidate on how the concept of humanitarian intervention gained prominence in the early decades of the post-cold war era but has and failed to meet-up with its objective in the wake of the recent crisis in north African and the Middle East. The analysis succinctly answers the question, why has the concept of Humanitarian Intervention lost its value amidst recent human atrocities in Libya and Syria?

2.   **Theoretical and Legal Framework**
Liberalism and the rise of humanitarian Intervention in the 90s and early 2000s

The end of the cold war and the theoretical decline in the importance of a state in early periods of 1990s opened up more space for liberal ideas to flourish. Liberalism instituted a new kind of international law base on a moral philosophy with optimism that the international community would effectively handle humanitarian issues. In the early periods of the 1990s proponents of liberalism strongly discussed the validity of humanitarian intervention. (Teson 2001; 15) The Western liberal world imposed a responsibility on states to secure the natural rights of its citizens and to protect them from harm. The liberal argument for humanitarian intervention is justified on the ground that governments which violate and inflict harm on its citizens are mostly likely to lose its right to sovereignty and non-intervention and would be subject to external military intervention in order to end injustice. (Finnemore, 1996; 21)

Some scholars uphold the view that the new found international law base on moral and human rights values inspired by liberalism violated the principle non- intervention and the use of force in the internal affairs of a sovereign state outlined in the article 2(4) and (7) in the UN charter. Article 2(4) prohibited the use of force "all members states shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence or any other state" while Article 2(7) outlined the principle of non-intervention in the affairs of any sovereign state " Nothing contained in the present charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of a sovereign state". (UN Charter, 2017; 3) This paper uphold the view that the rise of liberal values in the 1990s and the imposition of the responsibility on states to protect the human rights of its citizens with threats of military intervention meant that international law did no longer respect the principle of state sovereignty. Even though this raised lots of controversy regarding the legality and illegality of military humanitarian intervention however the adoption and institutionalization of the humanitarian principle of Responsibility to Protect by the UN in 2009 explains the legality of the practice. (UN Charter, 2017; 9)

It is apparent that the end of the cold war and the theoretical decline in the importance of a state opened up more space for liberal values to flourish. In the early 2000s the concept of Humanitarian Intervention gained wide acceptance and recognition by the international community and the United Nations. Many liberal governments and UN sectary general Kofi Anan persistently talked on the need to transform, institutionalize, and legalize the moral philosophy into an international humanitarian law principle. Humanitarian intervention was further strengthened by a new liberal philosophy known as *Responsibility to Protect*. (Evans 2006: 24) This was a major development that later institutionalize and legalize the moral philosophical theory of humanitarian intervention. In 2001 an International Commission on Intervention and State Sovereignty (ICISS) led by the Canadian government, Kofi Annan and the Australian foreign minister Gareth Evans produced the official report of Responsibility to protect. (Duffield 2006; 42) The report underpinned that states have a moral duty to uphold and respect the human rights of its citizens. In any occasion of violation of human rights states will lose their sovereignty and would be exposed to military intervention. The International Commission on Intervention and State Sovereignty report outlined an official guiding framework to govern the new found international norm. The new

framework was based on an operational approach earlier propose by the UN special advisor on the prevention of genocide Francis Deng. (Hehir, 2012; 23) The framework produced reflected an approach that went beyond military humanitarian intervention as it stressed on the responsibility to prevent, to react and to rebuild as explain in the proceeding section.

The Responsibility to prevent as described in the operational framework of International Commission on Intervention and State Sovereignty was divided into three sub sections, first being the responsibility to issue early warnings before intervention. Here the intervener is mandated to issue early warnings and exhaust non-military alternatives that can resolve human right violations. (Pattinson 2008; 71) The second related to root cause of the conflict; here the international community is mandated to investigate the root causes of the conflict and proceed on to proffer solutions for good governance, human rights and role of law. The root causes may be related to poverty, unequal distribution of resources or political repression. The third form of preventive mechanism outlined in the report constituted direct preventive efforts, this includes both positive or negative assistance which may be in the form of incentive or economic sanctions (ICISS 2001; 23)

The Responsibility to React as outline in the ICISS operational framework, is the most essential and in tandem the most controversial principle guiding the philosophy of humanitarian Intervention. In this domain the commission's report identified six criteria to justify military intervention in cases of mass atrocities as follows. Right authority; the security council of the UN was regarded as the most competent body to authorize a decision on humanitarian intervention. (Evans 2006: 24) Just cause; military intervention can be justified as a just cause only in situations of large scale commission of human atrocities, that is massive human rights violations for instance attempts of genocide or ethnic cleansing. Right intension; primary purpose of intervention is to stop pains inflicted on human beings, that is to avert massive violations of human rights. (ICISS 2001; 25)Last Resort; the parties concern must exhaust all diplomatic and non-diplomatic measures before resorting to military force. Proportional means; the duration, intensity and scale of military intervention must be minimal so as to meet humanitarian objectives. Reasonable prospects; above all military intervention could only be taken if there is reasonable foreseeability that the said military actions will bring an end to human atrocities. (ICISS 2001; 26)

Responsibility to rebuild is the third major guiding the concept of responsibility to protect as a form of humanitarian intervention. The ICISS operational framework notes that in the past decades very little attention was given to post-intervention policies. (Nardin, 2013; 12) In an effort to create long term conditions for durable peace and reduce the risk of future conflicts, the commission provided post-intervention strategies and policies related to fiscal commitment, developmental norms, justice, security and reconciliation approaches. (ICISS 2001; 45) This paper raises a question on an important component not mention in the operational framework that reveals the fault line of humanitarian intervention in view of recent crisis in North Africa and Middle East. The question is; who is qualified or who has the right to intervene in the territorial affairs of a sovereign state? The above ICISS report was formulated by Francis Deng the UN advisor for the prevention of genocide. The first failed attempt to institutionalize this document was at the UN world summit in 2005. After heated debate at the General Assembly of the UN in 2007 it again failed to get legal recognition. (Williams & Stewart 2015; 97) It was only in 2009 that it was legally adopted, consolidated and institutionalized as a working document of the United Nations. The recognition process was supervised by Edward Luck the Director for the Center of International Organization at the School of Public Affairs and the Sectary General Ban Ki-moon. (Daase, 2015; 67) The UN adopted Deng's three main propositions as a) Responsibility to prevent, b). Responsibility to provide international assistance and capacity building techniques c) Responsibility to act timely and decisively, It is important to note that even though the order was modified the terms of document did not change.

2.1 The Rise of Humanitarian Intervention as a Liberal instrument of Global Governance

Accordingly, this paper upholds the view express by most scholars such as Teson that the concept of humanitarian Intervention has tend to risen as a tool of global governance based on a liberal belief that non-democratic governments which are authoritarian and dictatorial are more likely to commit massive human rights violations. (Teson 2001) It is argued that the pronouncement of the war on terror and U.S led military intervention in Iraq was a continuation and acceleration of the process to spread liberal values that gained wide recognition after the end of the cold world. (Evans, Thakur, & Pape, 2013; 199) Indeed Michel Foucault's philosophy had earlier set the basis for liberal views on human rights protection to be enforced globally, he stated "Wars are no longer waged in the name of a sovereign who must be defended; they are waged on behalf of the existence of everyone." (Foucault 1978) In the same line of thought the former British PM in 1991 claimed that war are being waged to protect values and not to protect territorial ambitions. (Blair 1999)

One of the most prominent features of humanitarian intervention as a western liberal tool of global governance lies in its justification of moral righteousness and the belief that the liberal values supported by western societies are universal. It is understandable that liberal believes came along with the perception that societies that are outside the liberal sphere must be force even if it means militarily to uphold the said universal values for their own benefit (Evans 2011; 479) It is on the basis of this premise that must scholars argue that since the beginning of the 1990s western liberal states have consistently justified military interventions in the territory of other states by claiming the moral righteousness of their mission. Schmitt on his part noted liberal humanitarian intervention introduce a new concept of just wars, that is wars justified on moral grounds. (Brown 2007; 6) This further article notes that the moral rhetoric use by western liberal proponents as justification for military humanitarian intervention in the early 90s and early 2000s help the concept gained lots of influence and wide recognition. The controversy with Humanitarian Intervention today is that it has become a tool use to target non-western government that are incline to be authoritarian or dictatorial rule. (Bellamy and Wheeler 2008: Teson 1997 Weis 2004) The unanswered question is if this liberal technique of global governance build on a moral philosophy has practically manage humanitarian crisis is a different story all together which will be explore in the proceeding section.

3. Analysis; Impracticability of Humanitarian Intervention and Responsibility to Protect

One cannot deny the fact that during the periods of the 1990s and early 2000s, the international community witnessed an increasing interest and belief in the concept of Humanitarian Intervention and Responsibility to protect coupled with the decline in state sovereignty. However, whether such a philosophy based on theory was successfully transformed to reflect the reality on ground is a different story all together. To this far the study will attempt to provide answer the research question; why has the concept of Humanitarian Intervention lost its value amidst recent human atrocities? The analysis in this section describes the changing nature of humanitarian intervention. Four different cases from 1990 up till date have been examined and two categories of factors or problems that impede the effective implementation of the concept have been derived from the examined cases. Thus the analysis classified two sets of factors or problems that impairs the effective implementation of humanitarian intervention amid recent humanitarian atrocities in North Africa and the Middle East. That is problems caused by geopolitical and strategic national interest of the parties involve and problems related to ICISS operational framework on Responsibility to Protect. This paper underpins that these problems are typical of humanitarian intervention and not unique to the examine cases, as such they require adequate attention. The analysis to will examines four different cases of humanitarian intervention beginning from Somalia to Kosovo, Libya and Syria.

3.1 Humanitarian Intervention in Somalia

Somalia an East African Nation fell apart in 1991 due to the collapse of a dictatorial regime. In the midst of chaos a civil broke out in the country and powers fell into the hands of leaders from the different rival clans. Most parts of the county notably the capital city Mogadishu descended into lawlessness with huge massacre among members of the rival clans. (Davidson, 2012; 128) The situation was further worsened by the presence of drought that saw thousands of lives lost. In responds the UN Security Council in 1992 for the first time voted for a US led military intervention to be undertaken with a dual purpose to ensure the security of humanitarian relief operations and to avert human atrocities. At the initial stages the operation endured a myriad success but as time went on the country turned into a state of anarchy and the military intervention force became common enemy and an object of common attack. Gun battles exchanged between international forces and Somali faction cost lots of lives most especially that of US foreign soldiers and Journalists. (Clarke, W. & Herbst, J. 1997; 3-19)

Observation; what needs to be synthesize in the Somali's case is that more than 20years after the humanitarian intervention even with the help of frequent reconciliation efforts the country still remains a fail state. It was the first time the UN Security Council ordered the use of force in the territory of another state, paradoxically the outcome revealed a bitter experience to solve conflicts. *The questions one may seek to answer here is; what motivated the United Sates to lead the intervention in Somalia? Was the intervention to the national or strategic interest of the US?* This article notes that Somali was initially perceived by the US as relatively risk free operation. They saw it as an opportunity to usher in the new western democratic liberal project against dictatorial regimes. It can be understood that the East African nation was of no strategic national interest that could have motivated the US to be more committed in its mission. (Davidson, 2012; 137) Lack of full commitment and the imminent failure of the operation were justified by lack of strategic national interest. The outcome of this event during the period shaped the foreign policy of Clinton's administration and that of other western countries to one of non-intervention in areas where they do not have a strategic national interest. (Clarke, W. & Herbst, J. 1997; 3-19) This explains why in the subsequent cases of Rwanda and Srebrenica the international community was reluctant to intervene in the face of crimes of genocide and ethnic cleansing. The foreign policies of western countries in the aftermath of the Somali case reflected their

willingness to sustain minimal casualties on military intervention in areas where they did not have a strategic national interest. (Ayoob 2002; 89)

3.2 Humanitarian Intervention In Kosovo -1999

On the 24th of March 1999 NATO initiated a military campaign with successive air strikes against the Federal Republic of Yugoslavia in a bit to prevent an act of ethnic cleansing committed by the dictatorial regime of Slobodan Milosevic against Kosovar Albanians. (Davidson, 2012; 137) The decision to launch a humanitarian intervention and the manner in which the military campaign was carried out is highly controversial and since then raised numerous questions. For the purpose of this paper the following remarks can be made from the 1999 event.

Observation; Academicians alongside Politicians such as Vaclav Havel maintained that NATO's intervention in Kosovo was a unique example to prevent human atrocities; they claimed that to a greater extent that the case of Kosovo was a relatively pure example of humanitarian concerns that depicted the moral justification to intervene in the territory of different country for humanitarian concerns. (Falk, 1999; 851) This article moves away from the above claim and adopt an in depth scrutiny which reveals the fault lines of humanitarian intervention, the case of Kosovo brought to the fore front so many unanswered questions that impedes the effective implementation of the concept in its contemporary use. Russia and China objected military intervention and were not ready to back Security Council's authorization decision. (Davidson, 2012; 137) However NATO overlooked the Security Council and went ahead to conduct a military humanitarian intervention without its approval. This raised growing concerns in international law since NATO's action is qualified as an example of a unilateral humanitarian intervention which is illegal. The unanswered question today is how has the situation of a unilateral humanitarian intervention been sanctioned or addressed.

Again needless to say that moral justification and prevention of human atrocities was not the primary motive for military intervention, it was just part of the bigger western liberal project to extern influence and power in authoritarian and dictatorial regimes. At the time the air strikes were initiated, there were two diplomatic proposals on the table: that of NATO, and that of Federal Republic of Yugoslavia. (Chomsky 1999; 56) Unfortunately these proposals were all suspended by the West and 78 days after the air strikes a compromise was reached based on the terms outlined in the proposals. It seemed clear that before the air strikes a peaceful settlement might have been possible and the high loss of human lives averted. (Ayoob 2002; 89) This article argues it is mostly like that military intervention in Kosovo could be viewed as an acceleration and continuation to expand the western liberal project in non-democratic and authoritarian regimes in Europe. Though controversial, but some scholars and politicians accordingly express the belief that the liberal project is an excuse for regime change not fuel primarily by humanitarian motives. Again Chomsky underpinned that in the case of Kosovo the political and geo strategic national interest on the part of NATO member states as a drive for military actions cannot be ignored. He noted the action was inspired by a desire to strengthen the cohesion of NATO and the credibility of U.S power in Europe. (Chomsky 1999; 56)

3.3 Humanitarian Intervention in Libya-2011

On March 17th 2011, the United Nations Security Council (UNSC) passed a resolution endorsing military action in Libya. The purpose of the resolution as affirmed by president Obama was to protect the lives of peaceful pro-democracy activists that were subjected to human rights violation perpetrated by the dictatorial regime of president Muammar al-Qaddafi. It can be recalled that Qaddafi had issued a violent threat to clampdown protesters in cities were violence where orchestrated house by house. (Nardin, 2013; 14) Early clashes between pro-government forces and rebel groups prompted the immediate responds from the Security Council, United Sates, and other NATO member states backed by the Arab League. A western military campaign masterminded by NATO in cooperation with rebel forces instituted a no-fly zone across Libya. After a period of fighting and successive bombings, in October 2011 the rebel forces conquered the country and Qaddafi was shot death. (Davidson, 2012; 139)

Observation; Some scholars and politicians have been inclined to praise NATO's intervention in Libya as a model of humanitarian success since it averted a bloodbath in the country's largest city Benghazi and helped eliminated the dictatorial regime of president Muammar Gaddafi. These proponents attribute the success to the effective implementation of the humanitarian principle of R2P. (Kuperman 2015) A more rigorous assessment adopted by this paper argues that the military campaign failed to meet the original goal for a humanitarian intervention. To say it was a "model intervention" means it was a model of failure. For one to assess the concept it is always necessary to a have a retrospective look at its original motives. The claim that NATO's intervention saved lives and benefited the Libyans is paradoxical rather it cost lots of lives. In practical terms, before NATO's intervention pro-government forces were already regaining most parts of the territory and the rebel forces were consequently retreating to the boarders of Egypt. At the beginning of the military campaign it was estimated that about 1000 lives had been lost, after NATO's

intervention coupled with intense air strikes and ground clashes the death toll rose up to about 8000. (Hehir, 2012; 62)Hence, NATO's action magnified the duration of the conflict, increase death tool to about sevenfold and exacerbated human atrocities. It turned the country into a complete state of anarchy that promoted Islamic radicalism and weapons proliferation in Libya and the neighboring countries. Weapons given to rebels in the course of the struggle ended up in the hands of radicalized groups that now to terrorize the region, it's in this perspective that this paper questions moral righteousness of liberal interventionism.

Furthermore the rejections of cease fire and dialogue proposals continue to question the motives of the humanitarian mission in Libya. At the initial stages of the foreign military campaign president Gaddafi opted for a cease fire between his forces and rebel groups but it was rejected. A second proposal for cease fire, initiation of dialogue and delivery of humanitarian aid was tendered by regional stakeholders and the African Union on the 20th of April 2011 but that was again rejected. (Kuperman 2015; 34)These rejections has made it more likely for one to maintain that that NATO's primary objective in Libya was to force a regime change even at the cost of civilian lives. Similarly Russia and China criticized western actions in Libya and argued that military intervention was a cover for regime change. (Hehir, 2012; 62) Accordingly this paper express the belief that US led intervention in Libya was motivated by geostrategic and national interest. President Obama in one of his pre-intervention speeches reiterated that "*the US had a strategic interest in ensuring that the violence in Libya does not disrupt nearby Arab fledgling democracies*" (Huffington Post, 2011) This again prompt one to question if the purpose the western led mission in Libya was to protect fragile democracies in Arab states or to protect the lives of Libyan civilians.

3.4 Humanitarian Intervention in Syria

The Syrian civil war that started since 2011 has demonstrated a tragedy for the Syrian population and international community as a whole and a crisis of Humanitarian intervention in particular. As per statistics from the United Nations High Commissioner for Refugees, as of March 2016 thousands of people had been killed, brutalized and injured. By then about 7.6 million Syrians had been displaced and as of now it is estimated by the UN Commission for Refugees that more than half of the population have been displaced. (UNHCR 2016) This statistics reveals an unprecedented phenomenon in human history.

Observation; this research article notes that the inability of the international community to intervene in the face of extreme humanitarian catastrophe in the 21st century exposes not just the fault lines but the impracticability of the humanitarian principle of responsibility to protect. The case of Syria illustrates a low point of liberal interventionism that was born at the end of the cold world in responds to humanitarian crisis. Inaction amid the current atrocities in Syria shows the extent to which the concept has become futile and lost its value. Inability to act has been attributed mostly to the failure by permanent members of the UN Security Council to reach a unanimous decision on military intervention. The UNSC faces a deadlock as Russia and China threatens to veto any decision that will authorize military action in Syria. The concept has failed to meet its stated objective because it has become a political instrument use by powerful states to pursue geo-political and strategic national interest. It is owed to conflict of interest between a western liberal led understanding of Humanitarian Intervention and a Russia led approach. (Sarvarian, 2016; 41-47). In the case of Syria, Russia's foreign policy downplays western liberal democracies and tends to highlight more concerns for domestic political legitimacy. Moscow's commitment to international global order prioritizes the sovereignty of states and their rulers. Their position over humanitarian intervention and R2P is not different from its long existing tradition of opposing western liberalism, an issue that became a major element of Putin's third tenure in office. (Weiss, 2016; 64) Thus this paper upholds the view that Russia's attempts to adopt a statist approach which contrasted the western liberal paradigm illustrate lack of common purpose and commitment and thus a major factor to its decline amid violent unending humanitarian disaster.

3.5 Typical Problems of Humanitarian Intervention

Accordingly, the first major problem related to the concept is explained by the fact that it has been transformed into a liberal technique of global governance used by dominant states to pursue geopolitical and strategic national Interest. In other to identify the problems that affect the effective implementation of humanitarian intervention, it is essential to always have a retrospective look at the original motive of the concept. It should be noted that the concept is chiefly concern with protecting wellbeing of victims faced with human atrocities. But the above exploration on Somalia, Kosovo, Libya and Syria makes it seemingly evident that the motive for humanitarian intervention served only part and in most cases was not the primary or leading cause for action. The major challenge that has cause the concept to lose its efficacy in contemporary times can be explain by the fact that states use the moral purpose as the sole justification to pursue humanitarian ends but in practice are motivated by other reasons that tend to delegitimize their actions. For instance the rejection of proposals for dialogue at the initial stages of intervention in Kosovo and Libya makes it more likely that NATO's primary concern was to force a regime change even at the cost of

civilian lives. (Kuperman 2013; 36) The reiteration by president Obama in one of his pre-intervention speeches in which he stated that military intervention in Libya was to ensure that violence does not spread to Arab fledgling democracies. (Huffington Post, 2011) Even though it may be difficult to make a clear cut distinction between humanitarian interventions to pursue a regime change and that which intent to avert human atrocities, this paper however maintains that there exists a dissimilarity base on their primary cause for action.

The analysis so far in this article demonstrates that humanitarian intervention remains more of a political act than and a legal doctrine. Its international law principles are more incline to be viewed as a political instrument based on moral assertion. In most cases military intervention motivated by humanitarian concern transforms into a mission to overthrow a given regime. (Evans, Thakur, & Pape, 2013; 199) The political outcomes of such interventions run counter to its original motives and stated principle. As such, geopolitical and strategic national interest has caused hugged problems of selectivity and double standards. It tends out that for every case in which the international community has a responsibility to act, there have been a discretional decision fueled by political interest on who, when and how to act. (Payandeh, 2011; 335) It becomes apparent that the concept reflects more of the political will of great powers than its moral and legal principle. Another major challenge is related to Operational framework of Responsibility to Protect. The United Nations operational framework on the humanitarian principle of Responsibility to Protect provides limited theoretical options for practical application. The International Commission on Intervention and State sovereignty (ICISS) Report greatly help to institutionalize and legalize concept of Humanitarian Intervention as an acceptable norm in international law. (ICISS 2001; 45) But the main constrain that impedes the effective application of the concept is based on the reasoning that the Operational framework did not succeed in separating humanitarian necessities from strategic and geopolitical restrictions of UN permanent members of the security council. The operational framework provides limited options in cases where the UNSC fails to reach a unanimous decision on military intervention, in situations of competing geopolitical and strategic interest there is a risk that the moral objective would not be pursued. Hence the lack of common purpose and commitment is a major factor for inaction amid violent unending humanitarian disaster as it's the case in Syria.

The main fault line of the operational framework outlined in the ICISS report can be explained by the fact that it does not provide a guideline on who is qualified to intervene and under what circumstances. (Evans 2006: 41) That is who has a right or duty to intervene in the sovereign affairs of another state? The framework imposes a broad duty on the international community with no modalities on which actor should be chosen or considered suitable to implement military actions at a particular in point. The habit today is that there exist a vast group of actors that determine who and when to act base on personal political wills. In some cases we see the UN task force, in other NATO, or other Regional Organization such as the African Union, yet in other cases there are individual states or group of states. (Pattinson 2008; 26) When these actors bypassed the authorization of the UN Security Council, their actions constitute a crucial problem in international law because it turns into unilateral humanitarian interventions which are illegal. The unanswered question today is how does the UN operational framework on R2P address or restrain unilateral humanitarian intervention mostly undertaken by P5 member states. The case of Kosovo, Iraq and Afghanistan exposed the fissures of unilateral humanitarian intervention and has brought to the fore front the weaknesses of the operational framework to restrain NATO and United States from undertaking such actions. (Payandeh, 2011; 335) After the post-Cold War Era (after September 9/11), the US adopted interventionism that includes pre-emptive intervention against authoritarian states alleged of sponsoring terrorism and proliferation of weapons of mass destruction. The fact that after the collapse of the authoritarian regimes, the U.S has failed to rebuild the country in ways that would guarantee the rights and safety of the local citizens shows at the very least the ramification of the humanitarian mission and the decreasing belief in the justification of the concept that gained prominence in the early 1990s.

Conclusion

As expressed in this article, in the post-cold war era the theoretical decline in the importance of states and the deepening effects of globalization opened up more space for liberal ideas on Humanitarian Intervention and its related principle on Responsibility Protect to flourish. In the periods of the 1990s and early 2000s, the international community witnessed an increasing interest and belief that the concept of humanitarian action. This article notes that the moral rhetoric use by western liberal proponents as justification for military humanitarian intervention helped the concept gained wide recognition, but the concept has fail to meet its objective in the wake of the recent humanitarian crisis in north African and the Middle East. The Humanitarian concept is principally concerned with protecting the wellbeing of victims faced with human atrocities, the above study on Somalia, Kosovo, Libya and Syria makes it apparently evident that the sole purpose for humanitarian intervention served only part and in most cases is not the

primary or leading cause for action. The major challenge that has caused the concept to lose its efficacy in contemporary use can be explain by the fact that states use its moral objective as the sole justification to pursue humanitarian ends but in practice are motivated by other reasons that tend to delegitimize their actions. One prominent feature is that humanitarian intervention has transform as a technique of global governance used by powerful states to pursue their geopolitical and strategic national interest. The concept remains more of a political act than a moral and legal doctrine. Its humanitarian international law principle has been inclined to be viewed as a political instrument based on moral assertion. (Kuperman 2014; 36) Geopolitical and strategic national interest has caused hugged problems of selectivity and double standards. Another major fault line is expressed by the fact that UN operational framework on Responsibility to Protect fails to address or restrain unilateral humanitarian intervention mostly undertaken by P5 member states. (Evans 2006: 41) The framework did not succeed in separating humanitarian necessities from strategic and geopolitical restrictions of UN permanent members of the Security Council. The inability of humanitarian intervention to meets its said objective cast doubt on the philosophical and legal framework of the policy

To this far this paper ends up by underpinning that, it's apparently evident and no longer a question to investigate whether or not political ambitions are major pull factors for humanitarian intervention, rather the question now is how can this intersection be effectively manage to reflect a more humanize political ambition and an effective humanitarian action. As it stands, policies would have to change and new modalities have to be devised. The research notes that the ICISS operational framework on Humanitarian principle of Responsibility to Protect has to lay down strict criteria that would aim at reducing the political will of P5 member states.

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