



Hacettepe University Graduate School of Social Sciences

Department of International Relations

**PREVENTION OF MASS ATROCITIES THROUGH THE
RESPONSIBILITY TO PROTECT: A COMPARISON OF THE
CASES OF KENYA AND GUINEA**

Ezgi Nur KOÇ

Master's Thesis

Ankara, 2021

PREVENTION OF MASS ATROCITIES THROUGH THE RESPONSIBILITY TO
PROTECT: A COMPARISON OF THE CASES OF KENYA AND GUINEA

Ezgi Nur KOÇ

Hacettepe University Graduate School of Social Sciences

Department of International Relations

Master's Thesis

Ankara, 2021

ABSTRACT

KOÇ, Ezgi Nur. *Prevention of Mass Atrocities through the Responsibility to Protect: A Comparison of the Cases of Kenya and Guinea*, Master's Thesis, Ankara, 2021.

Although the Responsibility to Protect (R2P) populations from mass atrocity crimes was unanimously adopted under Paragraphs 138 and 139 of the 2005 World Summit Outcome Document, inconsistencies in implementation shows that the rhetoric has not materialized into practice yet. While the use of force and the question of sovereignty were still at the core of the debates surrounding R2P, mass atrocity prevention was put forward as the novelty of the norm by its proponents. In this respect, the track record of R2P implies that a successful mass atrocity prevention strategy is necessary in order to achieve successful prevention. Taking this into consideration, this thesis aims to determine the requirements for successful mass atrocity prevention. Accordingly, it suggests a sustainable prevention framework by examining the evolution of mass atrocity prevention and related strategies. To this end, it utilizes the theory of “Localization” to reveal alternative actors outside the United Nations Security Council—such as the African Union and Economic Community of West African States—that can lead the prevention strategy. In this regard, the cases of Kenya and Guinea—which are widely recognized as successful cases of mass atrocity prevention in the R2P literature—are studied in order to analyze the prevention strategies as well as the roles played by the actors in practice. Accordingly, the comparative analysis of the two cases is used to determine the requirements for a successful prevention strategy. In the light of this, this thesis argues that successful prevention of mass atrocities requires a sustainable strategy—in line with the direct and structural prevention tools—to be implemented under the leadership of the responsible regional and sub-regional organizations.

Key words

Responsibility to Protect (R2P), mass atrocity prevention, Kenya, Guinea, regional organizations, AU, ECOWAS.

ÖZET

KOÇ, Ezgi Nur. *Vahşet Suçlarının Koruma Sorumluluğu Yoluyla Engellenmesi: Kenya ve Gine Vakalarının Karşılaştırılması*, Yüksek Lisans Tezi, Ankara, 2021.

Devletler halkları vahşet suçlarından Koruma Sorumluluğu’nu (R2P) kabul etmiş olmalarına rağmen, 2005 Dünya Zirvesi Sonuç Belgesi’nin 138 ve 139’uncu paragrafları uyarınca verilen sözlerin uygulanmasındaki tutarsızlık bunların hayata geçirelemediğini göstermektedir. Güç kullanımı ve egemenlik sorunu R2P tartışmalarının merkezinde olmaya devam etse de vahşet suçlarının engellenmesi normun destekleyicileri tarafından onun yeniliği olarak öne sürülmektedir. Bu bakımdan, R2P’nin geçmiş performansı gösteriyor ki vahşet suçlarının engellenmesi verilen sözlerin icraata dönebilmesi için gereklidir. Bunu göz önünde bulundurarak, bu tez vahşet suçlarının engellenmesinin başarılı olabilmesi için nelerin gerekli olduğunu bulmayı amaçlamaktadır. Tez, vahşet suçlarının engellenmesinin gelişimini inceleyerek sürdürülebilir bir önleme stratejisi sunmaktadır. Bunun için, “Yerelleştirme” teorisini kullanarak engelleme stratejisini uygulayabilecek, Afrika Birliği ve Batı Afrika Devletleri Ekonomik Topluluğu örneklerini inceleyerek, Birleşmiş Milletler Güvenlik Konseyine alternatif aktörler aramaktadır. Bu bağlamda, vahşet suçlarını engellemenin başarılı birer örneği olarak genel kabul gören Kenya ve Gine vakaları, engelleme stratejisinin ve aktörlerin rollerinin nasıl uygulamaya konulduğunu değerlendirebilmek için incelenecek ve başarılı bir önleme stratejisinin gerekliliklerini belirlemek için karşılaştırılacaktır. Bu bulgular ışığında bu tez, vahşet suçlarının engellenmesinin başarılı olabilmesi için sorumlu bölgesel ve alt bölgesel örgütlerin liderliğinde uygulanan, direkt ve yapısal engelleme araçlarının uyumlu bir şekilde kullanıldığı sürdürülebilir bir stratejinin gerekli olduğunu öne sürmektedir.

Anahtar kelimeler:

Koruma Sorumluluğu, vahşet suçlarının engellenmesi, Kenya, Gine, bölgesel örgütler, Afrika Birliği, Batı Afrika Devletleri Ekonomik Topluluğu.

TABLE OF CONTENTS

ACCEPTANCE AND APPROVAL	i
YAYIMLAMA VE FİKRİ MÜLKİYET HAKLARI BEYANI.....	ii
ETİK BEYAN.....	ii
ABSTRACT	iv
ÖZET.....	v
TABLE OF CONTENTS.....	vi
ABBREVIATIONS	viii
LIST OF FIGURES	xii
INTRODUCTION.....	1
CHAPTER 1	10
RESPONSIBILITY TO PREVENT.....	10
1.1. MASS ATROCITY PREVENTION	11
1.2. THE EVOLUTION OF MASS ATROCITY PREVENTION UNDER R2P18	
1.3. A SUSTAINABLE PREVENTION STRATEGY	31
1.4. CONCLUSION.....	35
CHAPTER 2	37
LOCALIZATION OF THE RESPONSIBILITY TO PROTECT IN AFRICA	37
2.1. THE ROLE OF REGIONAL ORGANIZATIONS	38
2.2. THEORETICAL FRAMEWORK	41
2.2.1. Localization.....	42
2.3. R2P IN AFRICA	44
2.3.1. The AU and ECOWAS	51
2.4. CONCLUSION.....	59

CHAPTER 3	60
A COMPARATIVE ANALYSIS OF KENYA AND GUINEA CASES	60
3.1. KENYA	61
3.2. GUINEA.....	68
3.3. TOWARDS SUCCESSFUL PREVENTION	72
3.4. LESSONS LEARNED FROM KENYA AND GUINEA.....	80
CONCLUSION.....	83
BIBLIOGRAPHY	88
APPENDIX 1. ETHICS BOARD WAIVER FORM	120
APPENDIX 2. ORIGINALITY REPORT.....	122

ABBREVIATIONS

ACHPR	African Commission on Human and Peoples' Rights
AGA	African Governance Architecture
APRM	African Peer Review Mechanism
APSA	African Peace and Security Architecture
ASF	African Standby Force
AU	African Union
AUEOM	AU Election Observation Mission
CCP	Concerned Citizens for Peace
CEWERU	Conflict Early Warning and Response Unit
CEWS	Continental Early Warning System
CIPEV	Commission of Inquiry into Post-Election Violence
CNDD	National Council for Democracy and Development
COE	Council of Elders
COG	Commonwealth Observer Group
DRC	Democratic Republic of Congo
DSC	Defence and Security Commission
ECK	Electoral Commission of Kenya
ECOMOG	ECOWAS Cease-fire Monitoring Group
ECOWARN	ECOWAS Warning and Response Network

ECOWAS	Economic Community of West African States
ECPF	ECOWAS Conflict Prevention Framework
EPDGG	ECOWAS Protocol on Democracy and Good Governance
EU	European Union
EUOM	European Observation Mission
EWS	Early Warning Systems
FIDH	International Federation for Human Rights
HRC	Human Rights Council
HRW	Human Right Watch
ICC	International Criminal Court
ICISS	International Commission on Intervention and State Sovereignty
ICRtoP	International Coalition for the Responsibility to Protect
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
IDPs	Internally Displaced Persons
IR	International Relations
IREC	Independent Review Commission
KANU	Kenya African National Union
KNDR	Kenyan National Dialogue and Reconciliation
KPTJ	Kenyans for Peace with Truth and Justice
LDP	Liberal Democratic Party

LTOs	Long-Term Observers
MSC	Mediation and Security Council
NAK	National Alliance Party of Kenya
NARC	National Rainbow
NEPAD	New Partnership for Africa's Development
NGO	Non-governmental Organizations
OAU	Organization of African Unity
ODM	Orange Democratic Movement
OHCHR	Office of the High Commissioner for Human Rights
OIF	Organization of la Francophonie
PNU	Party of National Unity
PoW	Panel of the Wise
PSC	Peace and Security Council
R2P	Responsibility to Protect
RECs	Regional Economic Communities
RM	Regional Mechanisms
STOs	Short-Term Observers
TJRC	Truth, Justice and Reconciliation Commission
UNHAS	United Nations Humanitarian Air Services
UN	United Nations
UNGA	United Nations General Assembly

UNOGPR2P	United Nations Office on Genocide Prevention and the Responsibility to Protect
UNOWA	United Nations Office for West Africa
UNPBC	UN Peacebuilding Commission
UNSC	United Nations Security Council
US	United States of America
WPS	Women, Peace and Security
WSOD	World Summit Outcome Document

LIST OF FIGURES

Figure 1. Cycle of Prevention

INTRODUCTION

State repression and mass atrocities during the 1990s led to an awakening and a transformation of the security understanding. The international community's failure to respond in a timely fashion to humanitarian crises—such as the Rwandan genocide, as well as mass atrocity crimes in Bosnia-Herzegovina, Somalia, Kosovo, the Democratic Republic of the Congo (DRC) and Northern Iraq—challenged the well-established state-focused security understanding and the concept of sovereignty (Bellamy, 2015a). An outcome of this was the notion of “sovereignty as responsibility”, which attaches to state sovereignty a duty to protect vulnerable populations, and also consists of an individual sovereignty idea (Cohen and Deng, 1998). Then, the United Nations (UN) Secretary-General Kofi Annan reiterated such change, stating that “[s]tate sovereignty is being redefined ... State is now widely understood to be the servant of its people” (UNMCPR, 1999). Furthermore, by referring to the cases of Rwanda and Kosovo, he described the lack of political will of the international community as the main obstacle to the protection of populations from mass atrocities. He urged the international community to find a new approach to fight with inaction while emphasizing that “any armed intervention is itself a result of the failure of prevention” (UNMCPR, 1999).

Annan's call inspired the International Commission on Intervention and State Sovereignty (ICISS) to put forth the idea that there exists a responsibility to protect populations from mass atrocities both for sovereign states and the international community (ICISS, 2001). Accordingly, the Commission coined the principle of the “Responsibility to Protect” (R2P) under which there are the responsibilities to prevent, react and rebuild in order to protect populations from mass violations of human rights. This responsibility first belongs to the States, and when States are unable or unwilling to do so, it is the international community's responsibility to protect populations at risk (ICISS, pp. 8, 11). Based on the idea of “sovereignty as responsibility”, which sees protecting the population as a primary duty of the sovereign state and emphasizes prevention of mass atrocity crimes, the ICISS endeavored to move away from the question of humanitarian intervention. Although debates quickly gathered around the use of force and namely the non-interference principle, by shifting the focus from humanitarian intervention to prevention and peaceful measures, Annan's endorsement of

R2P twice facilitated R2P's unanimous adoption in the 2005 World Summit Outcome Document (WSOD) (Annan, 2004; UNGA, 2005a). The international community endorsed R2P under Paragraphs 138 and 139 of the WSOD. They recognized first the responsibility of the State to protect its population from four grave mass atrocity crimes—namely genocide, ethnic cleansing, war crimes and crimes against humanity—and second, the responsibility of the international community to assist states in upholding their responsibility, as well as to take collective action when national authorities manifestly fail (UNGA, 2005b, Paras. 138-139). The WSOD defined R2P under a distinctive and a much narrower focus compared to that of the ICISS. While this allowed for R2P's adoption, it was not enough to overcome the concerns of some states about potential abuses of R2P and its exact scope. Controversial invocations of R2P in Myanmar in 2008 with regard to Cyclone Nargis and in South Ossetia the same year, as well as inaction in R2P crises, such as in Sri Lanka, Zimbabwe and Gaza have been signs of inconsistencies/ambiguities as to R2P's operationalization (Bellamy, 2011b, p. 27). In this regard, the then UN Secretary-General Ban Ki-Moon prepared the report titled "Implementing the Responsibility to Protect" to fill the gap between promises and practice (UNGA, 2009). From 2009 to 2017, he stressed the value of prevention under the three-pillar implementation strategy with annual reports (UNGA, 2009; UNGA-SC, 2011, 2013, 2014, 2015, 2016). After assuming office as the UN Secretary-General, António Guterres continued to prioritize prevention strategies and peaceful measures in annual R2P reports (UNGA, 2017, 2018, 2019, 2020). While the reports of the UN Secretary-General articulate the significance of turning the rhetoric into concrete action, the international community's insufficient and inconsistent responses resulting especially from the UN Security Council deadlocks show that inconsistency is still a matter of concern.

In the light of this, this thesis focuses on mass atrocity prevention through R2P, and seeks for an implementation strategy which could be led outside the UN Security Council. Hence, it reaffirms that prevention should be the main priority of R2P in order to prevent imminent atrocities before a situation escalates to one that would require more coercive and costly measures. Accordingly, it aims to find what is needed to achieve successful prevention of mass atrocity crimes. This thesis follows two assumptions. The first is that

preventive measures which can be employed by a variety of actors—such as the concerned State, civil society, local authorities, regional and/or sub-regional organizations—would have less impediments blocking timely action. The second asserts that prevention of mass atrocities could be successful only if the responsibility to prevent is implemented in a sustainable manner.

So far, the literature on R2P has mainly been shaped around the use of force and humanitarian intervention in parallel to political debates (Chesterman, 2001; Hehir, 2013; Massingham, 2009; Nardin and Williams, 2005; Pattison, 2012; Williams and Pearlman, 2019). Accordingly, R2P has been the subject of criticisms from different perspectives. As Bellamy (2005, p. 52) notes, while some consider the primary responsibility of states under R2P as a way to prevent external involvement, for some others, such as Bricmont (2007), R2P is the “old humanitarian intervention in a new bottle”. Likewise, Mamdani (2009) asserts that R2P is projected by Western imperialism as a Trojan Horse disguised under humanitarianism. In this regard, there are many skeptics of R2P due to its attachments with the West, humanitarian intervention, and the use of force (Bannon, 2006; Chandler, 2004; Cunliffe, 2011; Kassim, 2014; Murray, 2013; O’Connell, 2010; Reinold, 2010). Following from this, there is also a division in the literature among the proponents and critics of R2P as to the use of the R2P language and mentality. On the one hand, Thakur (2004) argues that using the language of R2P would decrease abuses of humanitarian justifications by proponents of intervention. In this context, some advocates of R2P strived to detach humanitarian intervention from the R2P norm by highlighting their differences (Bellamy, 2008b; Evans and Thakur, 2013). After the adoption of the WSOD, focus has been on the limits of R2P. Some argue that the R2P of the WSOD is inadequate to put forward clear guidance for coercive measures (Saxer, 2008). In a similar vein, Weiss (2007) labels it as “R2P-lite”. Meanwhile, the number of works discussing the normative aspects of R2P has increased. Following the adoption of the WSOD, Evans (2006) referred to R2P as an “international norm” that may turn into “a new rule of customary international law”, (see also Hilpold, 2012). On the other hand, Stahn (2007) argued that R2P is not yet a “legal norm”, but rather a “political catchword”. Likewise, Foracelli (2008) and Hehir (2010) contributed the literature with rather skeptical analyses of R2P as an emerging norm, whereas later analyses considered R2P

as an “emerging norm” (see, for instance Eaton, 2011), or an “international moral norm” (see, Gözen Ercan, 2014, 2016).

Although the international community and many scholars have met on a common ground that R2P is an emerging norm without specifying what kind of norm it is (Gözen Ercan, 2014), its efficacy and implementation continues to constitute a primary question in the literature. We see that following the 2009 Report of the UN Secretary-General, also the three-pillar implementation strategy has become the focus of conceptual R2P analyses. For instance, Thakur (2011), as well as Weiss and Kuele (2011) offered criticisms arguing that there was an overwhelming emphasis on Pillars 1 and 2, which “dilutes the central defining feature of R2P”. Nevertheless, prevention of mass atrocities and early-warning continued to attract more attention (Goldstone et al. 2010; Valentino et al. 2004; Whittall, 2010). However, uneven implementation records led later works to focus on the “prevention gap” (i.e. warning-response problem) (Wulf and Debiel, 2010). Moreover, military engagement in Libya and later inaction in Syria and the DRC have made scholars to examine the rhetoric-practice question (Luck, 2014). While some of them stated that R2P is dead or its future is a matter of concern (Murray, 2013; Morris, 2013; Nuruzzaman, 2013), in order to turn words into action, some scholars have examined the measures under the three pillars of R2P (Bellamy, 2015b; Gallagher, 2015) and prevention became the central focus of the debates (Bellamy, 2011a; Bellamy and Lupel, 2015; Coe, 2019; Neubert, 2012; Plunkett, 2020, Sharma and Welsh, 2015; Welsh, 2016).

The literature on R2P expanded with case studies in order to outline issues pertaining to implementation of R2P as well as to improve the operationalization of mass atrocity prevention (Junk, 2016; Rosenberg et al. 2015). In this literature, Kenya and Guinea have been referred to as successful precedents of R2P implementation (Cohen, 2008; Evans 2008; Junk, 2016; Luck, 2018; Steinberg, 2009; Tutu, 2008). However, there is lack of consensus on whether they should be studied under prevention of mass atrocities or reaction (i.e. Pillar 3). In this vein, Woocher (2012) questions if the international efforts against Kenya’s post-election violence in 2007 and Guinea’s September Crisis in 2009 are reflective of prevention or reaction measures. Furthermore, Bellamy (2011a) first analyzed the cases under prevention, but he also looked into the cases of Kenya and Guinea to examine non-coercive measures under Pillar 3 (Bellamy, 2015b, p. 31).

Negron-Gonzales and Contarino (2014) also refer to Kenya as a case where there was a timely and decisive response through peaceful mechanisms employed under Pillar 3. Differently, others labeled the international response to Kenya in 2008 and in 2013 as successful prevention of mass atrocity crimes (Babbitt, 2014; Halakhe, 2013; Weiss, 2010; Welsh, 2016). While Weiss (2010) investigates Darfur, Democratic Republic of the Congo and Zimbabwe to show in which points Kenya could serve as a model for proximate prevention, Halakhe (2013) examines the case in terms of successful preventive efforts that were undertaken by the government and civil society, and questions its contribution to R2P's implementation. In addition, Babbitt (2014) analyzes the role of mediation in mass atrocity prevention by comparing the efforts in Kenya and Côte d'Ivoire.

Contrarily, there are also scholars who reject the idea of accepting Kenya as a complete success story in terms of prevention (Crossley, 2013; Sharma, 2015). Crossley (2013) challenges Kenya's consideration as a successful implementation of the responsibility to prevent arguing that "mediation" as a conflict resolution mechanism paved the way for the creation of the common grounds which resolved the crisis. Following a similar path, Sharma (2015) states that it was the strategic interests of the States that motivated the international community to respond to Kenya and called it an escalation prevention rather than successful atrocity prevention. Moreover, Kenya has been researched in literature as a matter of prevention of atrocity crimes (Halakhe, 2013; Weiss 2010), mediation (Babbitt, 2014; Lindenmayer and Kaye, 2009), strategic interests of the states (Crossley, 2013; Sharma, 2016a), human rights (Mbondeniyi, 2011; Ruteere and Wairuri, 2015), and international criminal justice and role of the International Criminal Court (ICC) (Hansen, 2013; Sadat, 2013; Sharma, 2016b).

Compared to Kenya, Guinea stands out as an overlooked case in the R2P literature. Among the few studies on Guinea from an R2P perspective, Yabi (2010) examines the measures taken by the Economic Community of West African States (ECOWAS) through a conflict resolution point of view, while Aning and Autobi (2012) analyze ECOWAS's loyalty to R2P by comparing the cases of Niger and Guinea. Grovogui (2015) questions the role and applicability of the ICC in the case of Guinea. Furthermore, Kikoler (2015)

focuses on proximate preventive measures that were implemented by the international and local communities, and finds that the prevention of mass atrocities became successful.

Furthermore, the literature critically discusses regional organizations in relation to inaction, and questions how their role in the prevention of mass atrocity crimes can be improved (Carment et al., 2016; Fevre, 2018; Moix, 2016). In this regard, few scholars have examined the regional mechanisms—especially in Africa—that could be useful for R2P (Aning and Okyere, 2016; Kosciulek, 2018; Murithi 2016; Spies and Dzimiri, 2011). According to Fevre (2018) and Sarkin (2016), the African Union (AU) is destitute of tools, resources, and political commitment for the prevention of atrocity crimes. On the other hand, there is a lack of comprehensive examination of African mechanisms, as well as the relationship between R2P and African regional arrangements. While some scholars have studied R2P from the perspective of norm diffusion and contestation (Acharya, 2013; Kingah and Seiwert, 2016; Negron-Gonzales and Contarino, 2014; Zahringer, 2013; Zahringer and Brosig, 2020), R2P and African regional and sub-regional organizations are not analyzed through a norm localization lens. In this regard, there still exists a gap in the literature as to the prevention capabilities the regional and sub-regional organizations in Africa.

In light of the above literature review, this thesis aims to make a contribution by arguing that successful prevention of mass atrocities requires a sustainable strategy that is implemented under the leadership of responsible regional and sub-regional organizations. Moreover, there is still a lack of prevention-focused research in the literature. In this vein, this thesis compares and contrasts the cases of Kenya and Guinea that are seen as examples of successful implementation of preventive pillars, namely Pillars 1 and 2 of R2P. By comparing direct and structural preventive measures that were taken in Kenya and Guinea, this study aims to devise a prevention strategy through an R2P lens. To this end, the mechanisms within the AU's and ECOWAS's conflict prevention frameworks will be examined from a constructivist "Norm Localization" perspective in order to find whether or not they are "Responsible Organizations"—which, for the purposes of this thesis refers to the arrangements that may lead the prevention strategy (Acharya, 2004). In this regard, this thesis aims to outline the relationship between the norm localization

of R2P and taking action by the mechanisms that could be utilized by regional and sub-regional organizations outside the UN Security Council.

Overall, seeking an answer to its research question of what is needed to achieve successful prevention of mass atrocities, this thesis will be structured as follows. The first chapter will analyze the conceptual evolution of mass atrocity prevention under R2P in order to understand where the responsibility to prevent resides in the existing framework of mass atrocity prevention. Hence, it will first examine the concept of mass atrocity prevention. Accordingly, to devise a mass atrocity prevention strategy, Chapter 1 will outline how mass atrocity crimes are defined under international law and what their characteristics are. It will utilize the Rome Statute of the ICC, Convention on the Prevention and Punishment of the Crime of Genocide, Statute of the International Criminal Tribunal for the former Yugoslavia and International Criminal Tribunal for Rwanda to identify the atrocity crimes and their risk factors. Thereafter, prevention under the R2P framework will be brought to light by examining its three implementation pillars. Moreover, it will look into the Reports of the UN Secretary-General to trace the evolution of the concept of mass atrocity prevention and preventive measures. At the end of the chapter, this thesis will overview prevention strategies suggested by scholars. In the light of these, it will devise the components of its own prevention strategy, which will be applied and put to test in Chapter 3.

Chapter 2 will conduct a constructivist theoretical analysis by applying the norm localization approach to the AU and ECOWAS to investigate their commitment to R2P. Accordingly, it will question whether or not they are responsible organizations that could lead prevention of mass atrocity crimes. Taking the assumption that lack of political will in the UN Security Council restrains the collective response to the prevention of mass atrocities, this thesis will look for alternative arrangements in order to apply the preventive measures in accordance with international law. Firstly, it will look at the UN Secretary-General Reports wherein the role of regional organizations was emphasized, and examine main characteristics of those organizations in order to specify why their engagement is of significance. Secondly, this chapter will explain the theoretical framework while looking at how the process of localization can be determined. Then, it will analyze the relationship between R2P and Africa on the basis of norm localization.

According to Acharya (2004), global norms do not directly diffuse from the West to the South, but they are localized in the different parts of the world. The regional context—which consists of pre-existing norms, culture, and beliefs—affects the norm emergence process and in turn, it influences the interaction of the new norm with local beliefs. As a result, the new norm either meets with resistance, localization, or displacement of the old norms. During the localization process, agents play an important role to reinterpret or represent the norm by institutionalizing it (Acharya, 2011). In order to reveal R2P's localization, the mechanisms, policies, reports and treaties adopted by the AU and ECOWAS will be examined. The thesis will also try to find out the mechanisms that could be useful for implementation of the responsibility to prevent. Accordingly, it will question whether or not the AU and ECOWAS have localized R2P in a way that would motivate them to implement the prevention strategy that is built in the first chapter.

Lastly, it will continue with a comparative case analysis of Kenya and Guinea, and the measures that were undertaken by both States and the international community will be examined. By comparing the two presumed successful cases, this thesis will put its proposition into test through findings in practice. Accordingly, this chapter will analyze the cases to find out how and why Kenya and Guinea can be considered as examples of successful prevention of mass atrocity crimes. In order to identify the successful characteristics, it will examine each of them in line with the prevention strategy. Moreover, it will reveal the mechanisms and the circumstances that pave the way for their success. To this end, it will commence with the historical background of each case and examine the responses given by international, regional, and sub-regional arrangements, civil society, the State itself and other local mechanisms. This part will also highlight the preventive measures that were implemented under structural and direct prevention. Secondly, it will compare and contrast the two cases in accordance with the measures used, the role of different actors, circumstances and environment of the crisis, as well as sustainability. In the light of this, preventive and peaceful measures that facilitate successful prevention will be reconsidered under the proposed prevention strategy. In the end, this case study will help to develop a comprehensive sustainable prevention strategy that may be useful for future cases in similar conditions.

Finally, in the concluding chapter, the findings will be summarized, and suggestions will be made in order to reach successful prevention of mass atrocities. As noted previously, the measures for prevention of mass atrocities and the role of actors other than the UN have rarely been studied in the literature. Therefore, approaching the issue from an alternative perspective in order to fill a gap, this thesis proposes an additional prevention strategy, which can function without the powers of the UN Security Council. Accordingly, this thesis argues that such prevention strategy has to be sustainable—requires a longer commitment—and should be led by responsible regional organizations. In this way, mass atrocity prevention may become successful.

CHAPTER 1

RESPONSIBILITY TO PREVENT

Prevention of mass atrocity crimes was considered as a responsibility, i.e. the Responsibility to Prevent, of the States and the international community in the Report of the ICISS (2001). Likewise, Member States of the UN unanimously accepted a responsibility to prevent genocide, war crimes, crimes against humanity and ethnic cleansing (hereinafter referred to as mass atrocity crimes) under Paragraphs 138 and 139 of the WSOD respectively for states and the international community (UNGA, 2005b). However, ongoing crises and inaction in many cases show that these promises have not been materialized yet. Although the former and current UN Secretaries-General as well as their “Special Advisers on the Prevention of Genocide and on the Responsibility to Protect” have presented annual reports to the UN General Assembly to address the gap between “words of commitment” and international practice, lack of action under R2P still constitutes a substantial problem from the perspectives of human and international security. As the UN Secretary-General António Guterres expressed in his remarks for the 15th anniversary of R2P,

... we continue to see systematic and grave human rights violations; widespread impunity; hate speech, exclusion and discrimination. These can all increase the risk of atrocity crimes... There remains an urgent need to accelerate efforts to fulfil the aspiration of the Responsibility to Protect and turn it into a fully-fledged reality. Greater investment in prevention is critical (UNSG, 2020a).

In this vein, this chapter will seek for a more effective strategy for prevention of mass atrocities. To this end, first, the Chapter will define the four mass atrocity crimes and explain what prevention entails of. Secondly, mass atrocity prevention under R2P will be investigated. Hence, it will also address the responsibility to prevent, its conceptualization, prioritization and evolution within the UN. Finally, it will propose a prevention strategy based on previously suggested prevention strategies and frameworks by scholars and the United Nations Office on Genocide Prevention and the Responsibility to Protect (UNOGPR2P).

1.1. MASS ATROCITY PREVENTION

While in the 20th century the international community was not very much concerned about or focused on intra-state conflicts and state repression against peoples, consecutively World War II and the Cold War changed this (Straus, 2016a, pp. 1-2). At the end of World War II crimes against humanity and genocide were dealt for the first time as matters to bring before an international court—namely, International Military Tribunal at Nuremberg—to convict individuals (Schabas, 2000, p. 38 as cited in Straus, 2016a; USHMM, 2020). Afterwards, the UN General Assembly endorsed the Convention on the Prevention and Punishment of Genocide (the Genocide Convention) and unanimously recognized genocide as a crime under international law (UNGA, 1946, para. 96; UNGA, 1948). It could be stated that the Genocide Convention was a milestone for the development of a mass atrocity prevention understanding. Although prevention is embedded in the UN Charter, Genocide Convention at least transformed the notion of prevention and punishment to a concrete reality by obliging State parties to prevent genocide in any country “in time of peace or in time of war” (UNGA, 1948, Article I). However, a strategy for the prevention of genocide was not conceptualized until 2004 (UN Press Release, 2004).

Furthermore, the idea of prevention of mass violence and conflict can be found in various parts of the UN’s central principles (Bellamy et al., 2004; Bellamy, 2008a). Both immediate and structural prevention matters were reflected in the opening paragraph of the UN Charter in the following words: “to save succeeding generations from the scourge of war” and “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person...”, “to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained” (UN, 1945). Following this, Article 1 also states the UN’s commitment to the prevention of threats to international peace and security (UN, 1945). Accordingly, UN organs are built up on this promise. In this respect, while the UN General Assembly can “make recommendations”, the UN Security Council holds the “primary responsibility for the maintenance of international peace and security” and can watch and investigate any situation that might be a threat to peace (UN, 1945, Articles 11 and 34). The UN Security

Council can also ask the parties to take provisional measures in order to prevent escalation (UN, 1945, Article 40).

Despite the Genocide Convention and aforementioned UN mandate, the development of an atrocity prevention mechanism was overlooked until the mid-1990s. In the 20th century, mass atrocities occurred in “Angola, Algeria, Burundi, Cambodia, Ethiopia, El Salvador, Guatemala, Indonesia, Iraq, Uganda and Rwanda”, nevertheless the international community showed little effort either to prevent or stop the mass killings (Bellamy, 2011b, p. 1). Incomplete and cautious action regarding the genocide in Rwanda put international actors in a bystander position. This was followed by the failure of the UN to prevent a massacre of Bosnian Muslims in Srebrenica (Evans, 2009, p. 8). These grave human sufferings pushed States, individuals, the UN, regional organizations and NGOs to articulate the need to prevent future atrocity crimes. The formation of the “International Criminal Tribunal for the former Yugoslavia (ICTY)” and “International Criminal Tribunal for Rwanda (ICTR)” were the indicators of progress (Straus, 2016a, p. 6). By prosecuting the crimes of genocide, war crimes and crimes against humanity, the ad hoc tribunals both adjusted and reinforced the definition of the crimes under international humanitarian law. While the ICTY investigated individual criminal responsibility, it also attributed the crimes against humanity both international and intra-state character and helped to conceptualize the scale of genocide within a time and space (UN, 2009). Moreover, ICTR highlighted that crimes against humanity could be committed both during peacetime and armed conflict (UNSC, 1994b, Article 3). This is a significant point that this thesis will dwell on later in this chapter.

Another important development was the adoption of the Rome Statute in 1998 by 120 states—which entered into force in 2002—in order to establish a permanent international criminal court to try individual perpetrators of genocide, war crimes and crimes against humanity (ICC, n.d.). From an optimistic stance, the creation of the ICC serves as a tool to break the culture of impunity, and thus, may prevent potential perpetrators from committing atrocity crimes (Rosenberg, 2016, p. 156). On the other hand, pessimistically, it is noteworthy that only 123 states are party to the Rome Statute of the ICC, which does not include great powers such as the United States (US), Russia, China and other prominent states (such as India, Iraq, Libya, Yemen, Qatar and Israel) (ICC-ASP, n.d.).

The Rome Statute provides the most elaborated legal definitions of the atrocity crimes except for ethnic cleansing. Although Evans (2008, p. 13) states that labeling a crime is not necessary and may result in a reverse effect, this thesis believes that in order to prevent atrocity crimes, the act of crimes, the scope of atrocities and the question of who will be protected needs to be defined and clarified. These definitions may also help to identify the risks of atrocities and the patterns of violence, and to build a framework for prevention accordingly.

The four atrocities that establish the scope of R2P under the WSOD, namely crimes against humanity, genocide, ethnic cleansing and war crimes are regarded as “the most serious crimes against humankind” (UN, 2014, p. 1). These mass atrocity crimes are considered as acts that are committed against human dignity, as well as populations who should be under the protection of States (UN, 2014, p. 1). While there is no general definition for mass atrocity crimes, and each crime is defined separately, there are some overlaps between these crimes. As Straus (2016b) suggests, mass atrocities can be considered as “large-scale, systematic (extensive, organized, widespread, sustained) violence against civilian populations” (p. 29).

Genocide refers to the acts that are committed to eradicate “a national, ethnic, racial or religious group” (ICC, 1998). Victims of genocide would become the target of the crimes due to their membership in a particular group, mostly minorities excluded by States (ICC, 1998, Article 6; UN, 2009, Article 4/2; UNGA, 1948, Article 2; UNSC, 1994b, Article 2/2). Unlike genocide, the focus of the crimes against humanity is on the “widespread” or “systematic” attacks rather than the “groups”. It includes all the crimes that are “part of a widespread or systematic attack directed against any civilian population” (ICC, 1998, Article 7).

For an act to be considered as a crime against humanity it must be organized and committed on a large-scale. Moreover, it is a broader term than genocide because it is not group-selective and can be directed against any individual in a civilian population (Straus, 2016b, p. 24). Attacks under crimes against humanity are listed as “murder, extermination, enslavement, deportation or forcible transfer of population, torture, rape ... or other forms of sexual violence, ... apartheid”, persecution of a particular group and

other intentional inhumane acts (ICC, 1998, Article 7; UN, 2009, Article 5; UNSC, 1994b, Article 3). Acts under crimes against humanity and war crimes may overlap, although war crimes are defined separately under Article 8 of the Rome Statute (ICC, 1998). While crimes against humanity could be observed in wartime, war crimes may also occur during an armed conflict or vice versa (Evans, 2008, p. 12). The list of war crimes cannot be found under a single statute, they are rather situated in different international criminal law treaties as well as international customary law. Although these lists do not completely match, they can be found under the 1949 Geneva Conventions and their Additional Protocols (1977), the Rome Statute (Article 8) and other Criminal Tribunals (ICC, 1998, Article 8; UN, 2009, Article 2, 3; UNSC, 1994b, Article 4). Furthermore, war crimes can be committed against both combatants and non-combatants.

Lastly, unlike the other three crimes, ethnic cleansing is not defined under international law. However, it generally refers to “the serious violations of international human rights and humanitarian law that may themselves amount to one of the recognized atrocity crimes, in particular crimes against humanity” (UN, 2014, p. 1). Since it is an identity-based crime like genocide, prevention strategies should regard identity construction accordingly. As Straus (2016a) highlights, the main difference between genocide and ethnic cleansing is that the aim of the former is group destruction while the latter is the group’s removal from a territory (p. 37). Moreover, crimes against humanity differ from ethnic cleansing because the former does not necessarily indicate group-based violence. Ethnic cleansing has been defined also by legal practitioners. For example, the UN Commission of Experts, established for former Yugoslavia, implied the nature of ethnic cleansing as having the purpose of removing an ethnic or religious group from a certain area (UNSC, 1993, p. 16). The conditions that could augment the risk of ethnic cleansing are also identified as “misguided nationalism, historic grievances and a powerful driving sense of revenge ..., historical claims ..., religious and psychological elements” (UNSC, 1994a, paras. 130-131).

In the light of these definitions and the acts that may amount to atrocity crimes, it is argued that mass atrocities rarely occur in a spontaneous matter (Ban, 2014; Bellamy, 2011a; Goldstone et al, 2005; Kuper, 1981; McLoughlin, 2014). If something does not randomly take place, it means that it is a process and consists of different factors, agents and drives

to happen. This indicates that prevention of atrocity crimes is possible before they are committed by raising awareness of the risk factors and taking action accordingly. However, this is easier said than done.

In the aftermath of the Cold War, with the crises in Rwanda, Srebrenica and Somalia, the issue of prevention started to get attention. It was the Carnegie Commission on Preventing Deadly Conflict that introduced the necessity of a “culture of prevention” (Hamburg and Vance, 1997, p. xlv). Although the Commission did not particularly emphasize the prevention of four mass atrocity crimes, it outlined a strategy for prevention of all types of deadly conflict (Stamnes, 2009, p. 74). It prescribed a way for the absence of deadly conflict by transforming prevention into a “part of a global cultural heritage” that accompanies media, the UN, international organizations, schools and regional organizations in their daily work (Hamburg and Vance, 1997 p. 151). Thereafter, the Carnegie Commission built its strategies by drawing on the following principles: early warning and reaction, minimizing the risk factors, and eliminating the root causes of violence (p. xviii). Regarding this, it categorized the prevention efforts as operational prevention—that is to prevent imminent crises before they turn into violent conflict—and structural prevention—that is the efforts to eliminate underlying causes of the conflict to prevent it before being committed (Hamburg and Vance, 1997, p. xix).

The “culture of prevention” was rearticulated by Kofi Annan in his annual report to the UN General Assembly during the crisis in Kosovo in search for shifting the focus from the “culture of reaction to a culture of prevention” (UNMCPR, 1999a). He reiterated the need for change in an open Security Council debate while pointing out the humanitarian and financially cost-effective nature of the preventive action (UNMCPR, 1999b). Moreover, Annan pursued his pledge on materializing the culture of prevention within the UN by introducing the lessons learned from past experiences and conveyed his recommendations in the Secretary-General’s report on the “Prevention of Armed Conflict” (UNGA-SC, 2001). Like the Carnegie Commission, Kofi Annan also emphasized the importance of early action and stated:

One of the principal aims of preventive action should be to address the deep-rooted socio-economic, cultural, environmental, institutional and other structural

causes that often underlie the immediate political symptoms of conflicts ... An effective preventive strategy requires both short-term and long-term measures ..., sustained political will and commitment of resources (UNGA-SC, 2001, pp. 2-3).

This two-fold set of measures (operational and structural prevention) was also generally utilized by R2P proponents to pursue a more elaborated prevention agenda (Bellamy, 2011a; Evans, 2008; ICISS, 2001; McLoughlin, 2014). While structural prevention measures can be applied to mitigate the risk factors of atrocity crimes and deadly conflict, direct prevention measures are designed to be used in case there is a proximate indicator of the occurrence of the crises. The causes of violence could be deeply rooted within societies. In general, underlying causes can be listed as historical grievances between the groups; politicized ethnic division, systematic discrimination and exclusionary policies; economic, social or political instability; history of previous mass killings; unequal political representation and distribution of resources; weakness of rule of law, state mechanisms, and human rights (Bellamy, 2012; UNGA-SC, 2001 as cited in Stamnes, 2010, p. 10). Regarding these factors, in the long-term, measures under structural prevention should be taken accordingly, such as security sector reform, advancement of rule of law and justice, promotion of human rights and democratization, creating economic inclusiveness and political participation.

In spite of its advantages—such as offering several options besides the measures that should be taken for an imminent situation; resulting with less civilian casualties; sustainable and long-term prevention; accountability and building resilience within the society against the factors that would cause mass atrocity crimes—structural prevention strategies also have some challenges and limitations (McLoughlin, 2014; Woocher, 2012, pp. 30-31). For instance, structural prevention measures require a longer commitment of resources and enduring political will (Bellamy and Lupel, 2015, pp. 3-4); their implementation would take time and the outcomes cannot be seen immediately (Stamnes, 2009); there is not a direct causal link between the preconditions and mass atrocities, which means that risk factors do not necessarily indicate that an atrocity crime will be committed inevitably (Harff, 2003; Midlarsky, 2005; Semelin, 2007); and outside efforts would be inherently limited to eliminating structural causes (Bellamy, 2016; McLoughlin

and Mayersen, 2013; McLoughlin, 2014; Straus, 2008, as cited in Bellamy and Lupel, 2015).

In this regard, direct (operational) prevention efforts are favored by some scholars in efforts to avert conflicts and mass atrocities mainly on the account of the comprehensiveness problem of structural prevention efforts (Luck, 2001, as cited in Luck, 2018, p. 41; Stamnes, 2009). They prioritize operational prevention as a policy option to turn rhetoric into practice by promoting critical and proximate measures. While Luck (2001) states that the lack of a targeted strategy of prevention would cause a problem of irrelevance (pp. 256-259), Stamnes (2010) expresses that structural prevention may include intrusive measures that would reduce the legitimacy of the implementation (p. 18). Operational prevention may contain measures like preventive diplomacy, economic inducements or sanctions, peacekeeping, mediation and other political, social and legal efforts (Evans, 2008). Advantages of operational prevention include the following: the results can be seen in a short time; it can deter perpetrators from committing further atrocity crimes; measures can be taken in a more targeted way in a situation that has more apparent triggers, manifestation and execution. However, the closer the crisis is, the smaller the number of measures that would be applicable under prevention (APCR2P, 2012). Another limitation is that operational prevention is always late due to its nature (Woocher, 2012, p. 29). The efforts generally come after the signs of violence that could escalate to mass atrocities or deadly conflict. Therefore, the challenge is that it becomes hard to determine whether the action is implemented under prevention or reaction (Valentino, 2011, as cited in Bellamy and Lupel, 2015). Accordingly, the line between the response and operational prevention sometimes becomes fuzzy (Woocher, 2012, p. 29).

In spite of the mentioned limitations, agreeing with Woocher (2006), this thesis argues that preventive measures should be overall more preferable than coercive measures and the responsibility to react in general. As the Carnegie Commission states, prevention is cheaper than the measures that are implemented after the commission of the atrocities (Hamburg and Vance, 1997, p. 9). Prevention may reduce the cost of international action and may render it unnecessary. Moreover, the nature of prevention entails forestalling human casualties that would result from possible mass atrocity crimes. Promising such

a noble aim implies that it is morally justifiable and essential for protection (Stamnes, 2009). In this regard, legitimacy is crucial for taking action, considering the controversies surrounding humanitarian intervention as such international action is carried out without the consent of the concerned State. Sovereignty concerns that are attached to neo-imperialist preoccupations mostly lead to refusal of international efforts, which are deemed as a way of Western interference. Protection of populations from mass atrocity crimes could not be thoroughly operationalized in such a climate due to political considerations. Yet, preventive efforts are a way to avoid political deadlocks. As Luck (2018) notes, legitimacy means garnering the support of the international community at each level (national, regional and international) (p. 32). Hence, taking action before the crisis breaks out would generate less resistance as well as greater political legitimacy for the protection of peoples (Welsh, 2016, p. 220).

In the light of this, this thesis will further look at the ways to mitigate the limitations of prevention and protection accordingly. However, the process mentioned above presents mostly a conflict prevention framework rather than a specific focus on mass atrocity prevention. Therefore, the evolution of the prevention needs to be analyzed within the framework of R2P first.

1.2. THE EVOLUTION OF MASS ATROCITY PREVENTION UNDER R2P

The international community's inaction in Rwanda, the failures in Bosnia and Somalia, as well as the contested intervention in Kosovo, prompted questions about taking collective action in cases of "gross and systematic violations of human rights" (Annan, 2000, p. 48). While these cases boosted the debates on humanitarian intervention, they also revealed the gap between mass atrocity prevention and the commitments of the international community under international law. The debates on humanitarian intervention mostly focused on armed action as well as sovereignty and non-interference principles. However, as a result of the lessons learned from the failures, proponents of mass atrocity prevention aimed to ensure a consistent action when grave human sufferings occurred. In this regard, Kosovo illustrated that a collective security understanding is achievable although it would be contentious. Kofi Annan called the international

community to rethink the understandings of state sovereignty and asked the UN to respond to humanitarian crises in a sustained matter regarding “individual sovereignty, ...[that is] the human rights and fundamental freedoms of each and every individual as enshrined in [the UN] Charter” (UNMCPR, 1999a). Following this, in his Millennium Report, Annan (2000) emphasized that the principle of sovereignty cannot be a bulwark for mass atrocity crimes, and prevention is pivotal for human security.

The ICISS was founded in 2000 to resolve what Annan referred to as the “Intervention Dilemma”. The use of force for humanitarian purposes may be necessary to halt the mass atrocities when prevention fails. However, such action may be subject to criticisms either when it is realized (e.g. Kosovo) or when it is not (e.g. lack of political will to act in Rwanda). For this reason, the Canadian Government took the initiative to establish a Commission to prevent further “Rwanda”s through seeking a framework for political consensus (ICISS, 2001, p. 2). Regarding this, the ICISS introduced “the Responsibility to Protect” in 2001 by drawing on the idea of “sovereignty as responsibility”. For the ICISS, the responsibility to protect is the primary responsibility of sovereign states to protect their populations from serious harm (human catastrophes). When and if the state is unable or fails to uphold this duty, the international community must assume the responsibility to protect.

Although the ICISS did not contribute much to mass atrocity prevention in practice than the current conflict prevention agenda (Reike et al, 2013), it has made significant enhancements conceptually. It cast the three elements of R2P as the responsibilities to “prevent, react and rebuild” (ICISS, 2001, p. XI). According to the ICISS (2001), “prevention is the single most important dimension of the responsibility to protect”. Therefore, the responsibility to prevent is prioritized and less intrusive measures are flagged to be pursued if the prevention fails (p. XI). While the ICISS preferred a change of term—from the right to intervene to sovereignty as responsibility—in order to move away from the challenges posed by the humanitarian intervention discourse, its emphasis on the responsibility to prevent provided a conceptual profoundness to R2P. However, the ICISS could not succeed to present a distinguished mass atrocity prevention strategy, but rather drew on the conflict prevention framework that was introduced by the Carnegie

Commission. It noted “early warning”, “preventive toolbox” and the “political will” as the essentials for prevention (ICISS, 2001, p. 20). However, it fell short to provide a comprehensive analysis of how state will can be generated.

The ICISS examines the responsibility to prevent by referring to the components of early-warning, root cause (structural) prevention and direct (operational) prevention efforts. Different from early studies that focus on the mechanisms of early warning, it points out the problem of timely response rather than the lack of an early warning database. Although, the ICISS suggests that a more accurate preventive analysis of the early warning signs must be developed, it did not articulate a well-developed formulation to close this prevention gap (Bellamy, 2011b, p. 17). In a brief analysis, the Commission emphasizes the importance of tackling the root causes of conflict with respect to the UN Charter. The dimensions of root cause prevention are categorized as political (e.g. enhancement of democracy and good governance, civil society, capacity building activities), economic (e.g. addressing the economic inequalities and structural reforms), legal (e.g. supporting minority protection and rule of law) and military (e.g. security sector reforms and checking the arms transfer) (ICISS, 2001, pp. 22-23). Based on these categories, the ICISS (2001) defines the “direct prevention toolbox”: political and diplomatic (e.g. preventive diplomacy and political sanctions), economic (e.g. positive and negative inducements), legal (e.g. mediation, monitoring, and legal sanctions), and military (e.g. preventive deployment and threat to use of force) (pp. 23-26). While it states that the UN itself does not have the capacity to implement prevention entirely, it suggests a division of labor under the auspices of the UN (ICISS, 2001, p. 26). However, the ICISS does not necessarily put forth an original and detailed operational strategy which is crime specific. Although the ICISS consecutively expresses the indispensability of the responsibility to prevent, as Thakur (2006) notes, in the Report, the question of intervention (32 pages) and the responsibility to react are studied more elaborately than the responsibilities to prevent (9 pages) and rebuild (8 pages). This shows that the Commission channeled its efforts rather on rebutting the challenges to humanitarian intervention and creating a common ground for consensus.

The ICISS's report could not generate the international community's acceptance rapidly. It took R2P four years to be accepted under the UN due to the concerns about the use of force. The endorsement of R2P by Annan twice, and his emphasis on prevention as well as the confinement of the principle provided a more optimistic environment (Annan, 2004; UNGA, 2005a). However, while the Report of the Secretary-General's "High-level Panel on Threats, Challenges and Change" stated that prevention should stay as the main focus, it sought to uphold the legitimacy of R2P by suggesting criteria for coercive measures and removal of natural disasters from the scope of R2P (Annan, 2004, p.67). Following this, in his "Report on UN Reform: In Larger Freedom", Annan associated R2P with human dignity rather than primarily addressing the responsibility to react and the use of force (UNGA, 2005a, p. 34). In this report, Annan placed the emphasis primarily on individual state responsibility and the prevention of "potential or actual victims of massive atrocities", and in case of the failure of the State, he called for the implementation of collective responsibility through "diplomatic, humanitarian" and other non-coercive measures (p. 35). While the UN Security Council was addressed as the authority to enforce peaceful and coercive measures under R2P, it was also underlined that the use of force should be adopted as a last resort. This aimed to make it clear that R2P and humanitarian intervention are not interchangeable principles (Gözen Ercan, 2016, p. 62). This change of discourse paved the way for placing R2P in the 2005 World Summit Agenda.

R2P was unanimously adopted by the members of the UN General Assembly with the 2005 WSOD (A/RES/60/1). The international community recognized "the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity" (UNGA, 2005b, Paras. 138-140) under the section of "Human rights and the rule of law" of the WSOD. There are five key factors to be kept in mind to distinguish R2P adopted under the WSOD from the preceding and later documents on mass atrocity prevention.

First of all, it is a mass atrocity-focused document while previous reports concentrated on the prevention of armed conflict, and human suffering as a result of natural and environmental disasters. Under the WSOD, Members States acknowledged to prevent

only four mass atrocity crimes as Paragraph 138 states that “each individual State has the responsibility to protect its populations from *genocide, war crimes, ethnic cleansing and crimes against humanity*” (emphasis added, UNGA, 2005b, Para. 138). This indicates that the scope of R2P became narrower and more precise, which does not necessarily refer to a negative outcome. While Weiss (2008) labeled the R2P of the WSOD as “R2P-lite”, Evans (2008) as the co-chair of the Report of the ICISS supported such change on the grounds that it was a necessary step to achieve an international consensus. The reason is that, adopting a narrower scope for R2P on the basis of the crimes defined under international criminal law could enhance the norm’s accountability, while decreasing ambiguity as to its scope and authority. Arguably, R2P became less intrusive in scope. Moreover, such approach has constituted the cornerstone of building a prevention strategy that is focused on mass atrocities. Although mass atrocities are usually committed during/in armed conflicts, as former Secretary-General Ban Ki-moon reminds, prevention of mass atrocities is not an “equivalent of preventing the outbreak of armed conflict” (UNGA, 2010; IPI, 2009). Thus, a distinct mass atrocity prevention lens, or as Ban Ki-moon calls it, a “lens of the responsibility to protect” is needed to be adopted (UNGA, 2010, p. 4).

Secondly, under the WSOD, both the “responsibility to prevent” and the “responsibility to react” are endorsed under Paragraphs 138 and 139, while the “responsibility to rebuild” was not referred to within the R2P framework (UNGA, 2005b, p. 30). The latter finds itself a place under the peace-building framework as a different concept, hence outside the scope of R2P (Paras. 97-105). However, this thesis argues that atrocity prevention and overall protection can only be successful when it is continuous. Therefore, rebuilding should follow in the post-atrocity period, and social, economic and political development programs should be provided considering the root causes of the violence.

Thirdly, while Paragraph 138 comprises of both the individual State’s responsibility to protect its populations from mass atrocities, it also establishes the international community’s responsibility to assist States to uphold their primary responsibilities that “entail the prevention of such crimes, including their incitement, through appropriate and necessary means” (UNGA, 2005b, Para. 138). Moreover, Paragraph 139 focuses solely

on the responsibilities of the international community to prevent and react. In general terms, the responsibilities of states and the international community are based on well-established international law documents and instruments (Bellamy and Dunne, 2016, p.7). Additionally, the international community's responsibilities are defined in line with the UN Charter. As Paragraph 139 notes, the international community has committed to use "appropriate diplomatic, humanitarian and other peaceful means in accordance with Chapter VI and VIII of the Charter" through the UN, and in case non-coercive measures prove to be insufficient, it is the UN Security Council's responsibility to decide to act under Chapter VII (UNGA, 2005b, Para. 139). This underlines that there is no room for the authorization of the use of force by any authority other than the Security Council. However, measures to be taken under Chapter VI and VIII leave room for action by various actors of the international community when they are performing as to their responsibility to prevent and react.

Fourthly, the WSOD prioritized the prevention of mass atrocities through Paragraphs 138, 139 and 140. Although it did not articulate either structural or direct prevention directly, it can be inferred from its nature. It refers to structural prevention when it calls for prevention of the "incitement" of the mass atrocities (UNGA, 2005b, Para. 138). Moreover, under Paragraph 139, the Summit endorsed that the international community would assist States for capacity-building activities in order to reduce the possibility of crises. These are the long-term measures which could be taken against the risk factors and the root causes. Furthermore, the WSOD also referred to direct prevention measures by stating that "the international community should, as appropriate, *encourage and help* States to exercise this responsibility and support the United Nations in establishing an *early warning* capability" (emphasis added, UNGA, 2005b, Para. 138). It also notes a commitment to help states "under stress before crises and conflicts break out". Finally, under Paragraph 140, the Heads of States express their support to the "Special Adviser of the Secretary-General on the Prevention of Genocide" (UNGA, 2005b, Para.140). This signifies that they would promote the Special Adviser's duties such as early warning, monitoring and assessment. Overall, Members States adopted a more limited and less detailed version of R2P, but which still comprises of a toolbox with depth that can utilize

measures under Chapters VI, VII and VIII of the UN Charter allowing for the involvement of different actors including regional organizations.

It is noteworthy that while the UN Security Council reaffirmed R2P in its Resolutions 1674 and 1706, it nevertheless refrained from implementing it in various cases (Bellamy, 2011b, pp. 28-31). Lack of effective action, as well as the failure to protect in Darfur, motivated Secretary-General Ban Ki-moon—who was the successor of Kofi Annan—and his first Special Adviser on R2P, Edward Luck, to create a guideline for consistent implementation of the R2P. This first R2P Report of the Secretary-General aimed to develop and clarify the R2P conceptually, operationally and institutionally without any attempt to change or reinterpret what was endorsed in the WSOD (UNGA, 2009). Hence, the three-pillar implementation strategy that was outlined in the Report, which was entitled “Implementing the responsibility to protect”, aimed to turn “words into deeds” (UNGA, 2009; UNMCPR, 2007).

The Report prioritizes prevention while stressing “the value of prevention, and, when it fails, of early and flexible response tailored to the specific circumstances of each case” (UNGA, 2009, p. 2). Taking the idea of sovereignty as responsibility, the Secretary-General emphasizes that R2P is “an ally of sovereignty”. Moreover, he describes the three pillars as a “narrow but deep” approach. It is narrow in the scope, however, it is considered to be deep since a variety of measures can be employed by different actors (p. 8). While the first two pillars refer directly to the prevention responsibilities of the State (Pillar 1) and the international community (Pillar 2), Pillar 3 refers to “timely and decisive response” that must be implemented by the international community on case-by-case basis when a State “manifestly fails” to protect its populations from atrocity crimes (UNGA, 2009).

Although it is generally argued that the responsibility to prevent rests on Pillars 1 and 2, and Pillar 3 builds upon the responsibility to react (Gözen Ercan, 2016, pp. 66-67), this thesis argues that all pillars contain prevention. As Ban Ki-moon notes, there is no sequence or priority between the three pillars (UNGA, 2009). Later in his 2012 report, Ban has noted that the third pillar could also pave the way for preventing recurrence of

mass atrocities (UNGA-SC, 2012, p. 5). Moreover, the line between the prevention and response is not always clear because early action may also prevent the escalation of crises. For this reason, in practice, it is sometimes not easy, and at the same time unnecessary, to determine the pillar in which action is implemented (UNGA-SC, 2012, p. 4). In this regard, there is need to pay more attention to prevention which is inherent in all pillars.

Pillar 1, which pertains to Paragraph 138, describes the responsibilities of States to protect their population (regardless of citizenship) within their territory from crimes against humanity, ethnic cleansing, war crimes and genocide (UNGA, 2009, p. 8). While the Report states that the protection responsibility rests primarily with each State, it underlines the importance of the prevention of incitements for an effective prevention framework. In this regard, the Pillar 1 is seen as the bedrock of R2P, and that is why the Secretary-General asked for “more research and analysis” to find out “why one society plunges into mass atrocities” while others do not (UNGA, 2009, p. 10). In the light of this, he made some recommendations on how states can fulfill their responsibilities. He outlined the measures under Pillar 1 based on the assumption that states can escape from widespread violence by managing the discrimination between the groups and having established mechanisms to protect the rights of peoples (UNGA, 2009, p. 11).

In general, suggested measures were first about upholding human rights by assisting the Human Rights Council’s Universal Periodic Review Mechanisms and seeking other State-to-State learning instruments including training, learning and education programs (UNGA, 2009, paras. 16, 22). Secondly, states should be a party to the international law instruments and the Rome Statute. In order to realize the implementation of R2P, they should nationalize these mechanisms and ensure the rule of law (Para. 17). Thirdly, states should help the ICC to end the cycle of impunity (Para. 19). Fourthly, R2P must be a state policy and should be integrated to the local culture (Para. 20). Fifthly, mass atrocities happen neither spontaneously nor they are inevitable, therefore even the most stable countries need risk assessment instruments (Para. 21). Lastly, the Report calls for learning from the past and for helping other states to prevent reoccurrence of such crimes (UNGA, 2009, Para. 27).

The Secretary-General continued to publish detailed reports on R2P annually, as with Resolution A/RES/63/308, the General Assembly endorsed its responsibility to pursue the consideration of R2P as noted under Para.139 of the WSOD. In 2010, while examining the capacities of early warning and stressing the importance of “early and flexible response” which is “tailored” to each case, Ban Ki-moon mentioned the responsibility of states in supplying critical information for early prevention. He declared 2012 as the “Year of Prevention” and further focused on the policy options for strengthening the prevention of mass atrocity crimes (UNMCPR, 2012). Accordingly, he elaborated on the measures under the Pillar 1 in order to enhance national atrocity prevention efforts in his report entitled “State responsibility and prevention” (UNGA-SC, 2013).

The 2013 Report aims to determine the risk factors as well as causes of mass atrocity crimes, and reexamine the structural and operational measures (UNGA-SC, 2013 p. 2). It lists the risk factors as follows: history of discrimination against a particular community; incentive of targeting a group; absence of deterrence mechanisms against an armed group committing mass atrocities; the presence of facilitators for the commission of atrocity crimes—for instance, enhancing security mechanisms and forming an ethnic or political unity within military, long-term plans for perpetration of violence; absence of confidence to state institutions and weakness of structures to prevent populations from being subject to these crimes; engaging with crimes that could be a part of an atrocity crime (Paras. 12-29). When these factors encounter triggers, mass atrocity crimes are expected to happen. Following this, to overcome these risk factors it is necessary to build “a society that is resilient” to the commission of atrocity crimes (UNGA-SC, 2013). The report notes that this can be done through structural policy options and must be followed by targeted operational measures regarding the context of the crimes in the case of an imminent or ongoing violence (UNGA-SC, 2013, pp. 8-14). Although the measures are so broadly defined (especially the targeted measures) and nearly about everything to call a state democratic, such a distinguished framework that includes multiple steps can be an asset for a successful mass atrocity prevention policy. At the end of the report, Secretary-General calls states to build partnership with the international community for prevention, and this signifies that the second pillar measures should be taken accordingly.

The second pillar follows the primary responsibility of states when the state is unable to fulfill its duties. In order to uphold the measures under Pillar 1 and to complement those under Pillar 3, the international community can foster its responsibility through encouragement, capacity-building and protection assistance (UNGA, 2009, p. 15). Firstly, encouragement of states to meet their responsibility to protect peoples from mass atrocity crimes could be done through diplomacy, education, training and assistance. These measures aim to show potential perpetrators the cost of atrocities and pros of peaceful resolution (UNGA, 2009, Para. 32). Secondly, the international community should offer targeted assistance programs to build capacities against the occurrence of a specific crime (Para. 44). The report states that a case-by-case approach requires sharing of local knowledge between states, regions and civil society. Thirdly, it is stated that technical assistance is needed to reform the security sector for a more stable environment (Para. 46). Member States can also provide assistance on judicial issues and the rule of law (Para. 47). Lastly, the report conceives the essentials of the assistance in giving consent-based military support for peacekeeping that would create a safe environment for diplomatic measures (UNGA, 2009, Para. 40).

In the report of 2014, the Secretary-General reaffirms the centrality of Pillar 2 for R2P and makes recommendations accordingly in order to guide the international community to assist States (UNGA-SC, 2014). In this report, Ban reviews the “Framework of Analysis” that was developed by his Special Advisers on the Prevention of Genocide and on the Responsibility to Protect. The Report takes the UN as the main agency in implementing Pillar 2, while the assistance of multiple actors is described as an important asset.

The Report looks further into the measures under Pillar 2 and examines international assistance (UNGA-SC, 2014). Encouragement is elaborated under two forms of action: the first is to encourage States to mitigate underlying causes of violence by raising awareness on human rights in general and the localization of these norms (peer-review processes), and the second is to encourage States under stress by using the methods of preventive diplomacy and good offices in order to enable them to uphold their responsibility to protect. Besides encouragement, it is crucial that a State has the

necessary structures, mechanisms and information to build resilience against the occurrence of mass atrocity crimes. That is why the international community must offer capacity-building activities when a State is unable to establish these mechanisms itself. They can assist in two areas: building good governance mechanisms that are accountable, working effectively, driven by non-discrimination and the rule of law principles (Paras. 41-42); establishing “inhibitors” that are focused directly on early signs of perpetration of atrocities (paras. 43-58). Lastly, the international community can assist states to prevent an imminent atrocity crime through restraining access to the means of crimes; increasing the civilian resources (in monitoring, dispute resolution, criminal investigation, protection of refugees and civilians) and training programs for the staff of peacekeeping, security sector and judicial bodies (UNGA-SC, 2014).

At the end of the Report, Ban calls States to renew their commitment to protect populations from mass atrocity crimes and to make prevention turn into practice (UNGA-SC, 2014, p. 20). The Report also reaffirms the blurry lines between prevention and reaction. A measure implemented under Pillar 3, which is seen as a response strategy, may prevent the escalation of violence to turn into a grave atrocity crime. That is why, as this thesis suggests, it is necessary to examine pillar 3 from the viewpoint of mass atrocity prevention.

Pillar 3 depends on the international community’s commitment to take the necessary actions “in a timely and decisive manner” under Paragraph 139 of the WSOD. The 2009 report clarified the concept of responding to mass atrocity crimes. It refers to peaceful and coercive measures that the international community should take “when a State was ‘manifestly failing’ to protect its population” (UNGA, 2009). The efforts should be early and flexible, and must be tailored to each case. The report emphasizes non-coercive responses under Chapter VI and VIII that could be implemented without Security Council authorization (Para. 51). It states that these peaceful mechanisms can also be used against an unfolding emergency. In other words, the aim is to prevent escalation of the situation. For that reason, Pillar 3 should not only be understood as the coercive measures to stop a mass atrocity crime. These measures may also prevent the reoccurrence of the crimes by deterrence and/or accountability. In this vein, Ban lists many measures that are common

to Pillars 2 and 3—such as investigation and referring the cases to the ICC (Para. 54), preventive diplomacy (Para. 55) or denying the means of crimes (i.e. restricting the flow of arms “where an ongoing conflict threatens to escalate into the perpetration by one side or another of large-scale crimes”) (Para. 58). Although coercive measures, and specifically the use of force, are considered to be a “last resort”, targeted diplomatic and economic sanctions are seen as deterrent actions to give the message of the unacceptability of the situation (Para. 57). Consequently, the Secretary-General refers to the gaps in the implementation of prevention and especially in protection. Lack of political will is considered to be the main impediment before forceful action as it has appeared in the failures in Darfur, Somalia and the DRC (UNGA, 2009). Therefore, there is need for a strategy that would catalyze the political will of the international community to protect populations from mass atrocity crimes.

Given the ambiguity about Pillar 3, the Secretary-General further examines the measures under this pillar in 2012. The Report was prepared under the light of the international responses to the cases of Libya and Côte d’Ivoire. While the report reaffirms the priority of prevention in R2P, it highlights the relationship between prevention and reaction (UNGA-SC, 2012). Based on the assumption that the “three pillars are not sequential and are of equal importance”, the report states that all pillars must be implemented consistently together and should not put a clear distinction between the prevention and response (UNGA-SC, Paras.7-8). In this regard, while early prevention can address the underlying causes of the crisis, it would also enhance the capacity of States to react to the atrocity crimes. Following from this, thinking of prevention and reaction as completely different concepts would not work in practice as they are generally intertwined. The measures under Pillars 1 and 2 can also constitute a response to a crisis. As such, while preventive diplomacy can be a response to a crisis, at an early stage it could also work for escalation prevention and mitigation, or vice versa, while a commission of inquiry that is carried out under Pillar 3 can prevent the commission of further crimes (Paras. 11- 12). Moreover, a State can also foster a variety of measures in order to prevent the occurrence of atrocity crimes as well as to stop when they take place (Para. 11). Furthermore, the Report emphasizes that the common aim of Pillars 2 and 3 is to remind the national

authorities to fulfill their Pillar 1 responsibilities, thus, a working Pillar 1 and Pillar 2 would render action under Pillar 3 unnecessary.

In 2015, examining the implementation of R2P, Ban called for unity of actors to materialize the norm (UNGA-SC, 2015). However, he asserted that the record of past protection efforts “shows a lack in both the political will and cohesion of the international community, which has compromised the pursuit of a consistent and timely response to protecting populations” (p. 12). In 2016, the UN Secretary-General drew attention to the international community’s inability to meet the expectations in preventing and responding to mass atrocities (UNGA-SC, 2016, p. 4). He underscored the grave circumstances occurring in Syria, Iraq, Eritrea, North Korea, South Kordofan in Sudan vis-à-vis the inadequate responses. In an attempt to “turn words into deeds” he reexamined implementation and attached the importance of prevention of recurrence to standing strategy (UNGA-SC, 2016, p.15). The year after, António Guterres who replaced Ban Ki-moon as the UN Secretary-General, reminded the gap between rhetoric and practice (UNGA-SC, 2017). He committed himself to the prioritization of prevention and suggested to strengthen accountability for prevention of atrocity crimes aiming to close the implementation gap (UNGA-SC, 2017, p. 1). However, he had to rearticulate his calls on mass atrocity prevention because of the decreasing “commitment to multilateralism ... international human rights and humanitarian and refugee law” all over the world (UNGA-SC, 2018). To this end, Guterres sought to improve early warning systems and early action (UNGA-SC, 2018) and further examined the lessons learned for prevention (UNGA-SC, 2019). Moreover, in the 2020 report, he directly focused on a specific risk factor for the commission of atrocity crimes, which is gender-based discrimination and underrepresentation of women. Therefore, the report looks for a broader prevention agenda consisting of R2P and the Women, Peace and Security (WPS) Agenda (GCR2P, 2020a).

It can be argued that the problem of implementation still persists. In this regard, four points can be deduced from the three-pillar strategy in order to be considered for creating a prevention strategy. First, the added value of R2P rests on prevention. Emphasis on the preventive and peaceful measures may be needed to escape from the intrusive character

and could generate the political will of the international community (Bellamy, 2009). Secondly, as prevention is inherent in all pillars and the line between them is blurry (Woocher, 2012), a more comprehensive strategy through preventive measures can be established without being limited by pillar demarcations. As Ban Ki-moon reminds, “it may not always be possible to clearly determine whether an activity falls exclusively under one or another of the three pillars and such a determination is not necessary” (UNGA-SC, 2012, p. 4). Thirdly, focusing on the stages of the commission of atrocity crimes and considering the length of the measures’ effectiveness, may illustrate a more sustainable framework for prevention. Lastly, it is possible and also expected from the actors outside the UN Security Council to take peaceful measures in order to commence early action. This issue will be examined further in Chapter 2.

1.3. A SUSTAINABLE PREVENTION STRATEGY

In order to operationalize the protection of peoples from mass atrocity crimes, as it is argued above, a strategy must focus on mass atrocity prevention. First, using a language that is far from reaction could pave the way for implementation. Second, because prevention is better than cure and is an endless cycle, it would create a more sustainable protection strategy. The importance of sustainability could be inferred from the cycle of an atrocity crime. In the first part of the Chapter, the nature of crimes and their general risk factors were examined. It should be kept in mind that atrocities are not spontaneous events, so they are predictable. A strategy must be established based upon this observation. To get an insight into the main question that what is required for a successful prevention strategy, first a framework for prevention should be suggested. In this vein, this thesis offers some criteria to devise such a framework.

First, R2P refers to four mass atrocity crimes. That means the framework should focus on the nature and the context of these crimes. As noted before, mass atrocity crimes are mostly committed during an armed conflict, however, this does not mean that they always take place in the context of violent conflicts (Stamnes, 2009). As Stamnes (2009) illustrates, investigating discrimination may not be enough in the case of genocide and ethnic cleansing, because they stem from identity construction. In this respect, conflict

prevention strategies sometimes would fall short in prevention of mass atrocities (Bellamy, 2011a; Woocher, 2012). Furthermore, Bellamy (2011) states that there is no need for a marginal change in the common conflict prevention agenda that could be used by adopting an “atrocities prevention lens” for mass atrocity prevention. For example, while prevention of armed conflict must be impartial to make parties compromise, prevention of mass atrocities must aim to dissuade potential perpetrators from their action (Woocher, 2012). Overall, mass atrocity prevention must be specific to the four crimes in general, while peacetime atrocities that are committed outside an armed conflict also require a tailored response. Atrocities can be committed in the context of suppression by the State against regime opponents, communal violence during a major political instability, such as elections and post-war retribution (Bellamy, 2011a). In this regard, Woocher (2012) suggests a prevention strategy that consists of three approaches: short-term strategies to deter perpetrators from the commission of crimes; long-term prevention efforts to prevent armed conflict; and long-term prevention measures to prevent human rights breaches within peacetime.

Secondly, the life cycle of an atrocity crime must be taken into consideration while forming a framework for mass atrocity prevention. Reike et al. (2015) draw a path of escalation of those crimes. Accordingly, the first stage refers to “the presence or development of key risk factors” and the root causes of the crimes related to R2P (Reike et al., 2015, pp. 29-31). However, as McLoughlin (2016) states, there is not an inevitable causal link between these risk factors and the commission of atrocity crimes. The second stage (crisis and mobilization) indicates that an environment becomes more vulnerable to the commission of mass atrocities. Welsh and Sharma (2012) identify this stage where “general risk transformed into likelihood” (p. 6). It refers to unfolding shock or crisis. These (political, economic or natural) events—such as armed contest, radical transformation of government, unconstitutional regime change, low-legitimacy state—would trigger the perpetration of atrocity crimes (Bellamy, 2011a). Further, when mobilization follows the triggers, the atrocity crimes become imminent. Triggers would not directly bring the commission of the crimes. As Bellamy (2011a) suggests, it still needs a degree of organization, for example, public hate propaganda, creation of armed groups, and increasing violation of human rights against the victim group (p. 13). Lastly,

the third stage (imminence) may follow the organization of the means of crimes as a result of which impending crimes will occur. Increasing violence against peoples, clashes between different groups, and other indicators would signal that mass atrocity crimes are about to occur (Reike et al. 2015, p. 32).

However, the life cycle of prevention could not end at the third stage as Reike et al. (2015) suggest. If imminent atrocities would not be prevented at the third stage of the escalation path, those crimes are most likely to occur. Nevertheless, this thesis argues that whether the third stage is prevented or not, the efforts for prevention should be continued. Very small-scale atrocities or early-stage atrocity crimes should also be prevented from turning into the larger ones. This can be called as “escalation prevention” (Sharma, 2015). An effective and targeted international engagement could prevent further deterioration of the crisis. Therefore, a prevention strategy must be sustainable, and it should not end after the crimes occur.

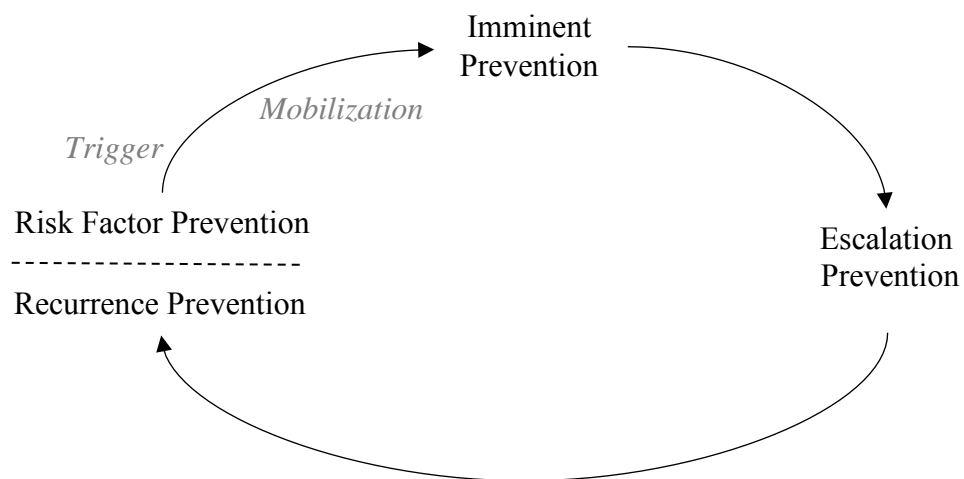


Figure 1.1. Cycle of Prevention

Moreover, prevention should continue after escalation prevention, or halting the mass atrocity crimes. The process of escalation could be a destructive phase in terms of human suffering, economy, politics and social life. It leaves a place that is vulnerable to reescalation of mass atrocities if prevention efforts are not enduring. It should also be

reminded that presence of past atrocities is one of the risk factors under the root causes of the mass atrocity crimes. Regarding this, underlying factors may still stand even after prevention that started after stage one (i.e. risk factor prevention). In the light of this, the “prevention of recurrence” must be adopted as a next stage in order to avert the re-emergence of the crimes (UNGA-SC, 2016). By preventing the possibility of re-emergence, a prevention strategy becomes ultimately sustainable.

Thirdly, the measures must be adopted according to the stage of a crisis. The measures to be adopted in cases where there are general risk factors may be different than those where impending atrocities are occurring. Therefore, this indicates the utility of division between structural and direct prevention. As Ban Ki-moon emphasizes, it is needed to have “early and flexible response tailored to the evolving needs of each situation” (UNGA, 2010). In this regard, the first stage requires determining the risk factors and taking structural prevention measures according to the assessment of these factors. However, if the situation becomes permissible to the possible commission of atrocities and a shock crisis triggers it, then the measures should become more targeted to a specific crime. The local knowledge will be significant. The escalation path, organization of crime and the means that could be used by the perpetrators must be identified. Further, direct prevention measures must be implemented accordingly until the crime is prevented or stopped. On the other hand, it does not necessarily mean that the “root cause” prevention measures could only be engaged before the mobilization. A prevention strategy should always carry the aim of addressing the underlying causes although it is not the primary interest in each stage. In this regard, recurrence prevention must contain both of the measures. For example, as a direct measure, the perpetrators of atrocity crimes have to be held accountable in order to break the cycle of impunity and to deter potential perpetrators. At the same time, the root causes of the past crime must be addressed in order to sustain peace (UNGA-SC, 2019, p. 6). Constitutional reforms may be necessary to promote equal representation of peoples, and to remove discriminatory practices. Judicial reform may follow to ensure compliance. Strong and reliable state institutions that respect human rights can be established and the security sector can be reorganized to address nepotism (UNGA-SC, 2019, p. 7).

Moreover, structural and direct prevention should be crime specific. A strategy should be focused on the prevention of mass atrocity crimes rather than the armed conflicts. It must also be tailored to each atrocity crime. However, without identifying the risk of occurrence and the type of the crime, prevention efforts either would be loose or unsustainable. The Framework of Atrocity Prevention was established in this regard by the UNOGPR2P (UN, 2014). It presents “an integrated analysis and risk assessment tool for atrocity crimes” (UN, 2014). First, the general and crime-specific risk factors are addressed to be used by States, NGOs, regional organizations and the international community in order to identify the probability of occurrence. It casts risk factors as both the triggers and the root causes. As the crime escalates, the range of prevention efforts become more limited. Hence, the earlier the warning signs are assessed, there will be more space for prevention. More importantly, for the sustainable strategy presented in this thesis, the specific risk factors can be utilized to determine the measure that would explicitly address that risk factor.

All in all, a prevention strategy must be sustainable in order to be successful. The measures must be specified to the path of escalation, which is also referred to in this thesis as the cycle of atrocity crimes. Regarding this, a cycle of prevention is generated accordingly. It is believed that the prevention of atrocity crimes at every stage would bring sustainability, and thus, sustainable protection of peoples from those crimes. However, the strategy must be implemented flexibly and the measures must be taken specified to each crime.

1.4. CONCLUSION

In the light of the inconsistent record of mass atrocity prevention, which bears failures and misapplications, it can be argued that the shift in the classical security understanding paved the way for the emergence of R2P. Unlike humanitarian intervention, R2P puts forth a less contested and less intrusive approach for protection. In this context, mass atrocity prevention has been prioritized by the Secretaries-General to protect people from four grave crimes. However, in a world that has decreasing commitment to multilateralism, R2P is not being fully materialized.

This thesis shares the Secretary-General's point of view towards prevention. It argues that in order for R2P to be practiced, the emphasis should be on mass atrocity prevention. Moreover, a sustainable prevention strategy is required to be adopted in order to protect peoples from mass atrocities and to decrease the cost of implementation. In this regard, the path of escalation of atrocity crimes should be followed simultaneously by the cycle of prevention. The sustainable prevention strategy must be implemented through 4 stages: risk factor prevention, imminent prevention, escalation prevention and recurrence prevention. Moreover, key factors should be considered during this process: atrocity crime focus should be central; it must be crime specific; structural and direct prevention measures should be implemented.

Considering sovereignty as responsibility, Member States agree that prevention starts with the State itself. Accordingly, a sustainable atrocity prevention strategy must be primarily implemented by the States. When they are unable or unwilling to do so, the international community must help states to fulfill their duties. However, the persisting lack of political will to act, especially the UNSC deadlocks, engenders the need of seeking a body that can lead this strategy. In order to find what is required for a successful prevention strategy, in the next chapter, this thesis will look for an alternative actor that could and would adopt the proposed mass atrocity prevention strategy.

CHAPTER 2

LOCALIZATION OF THE RESPONSIBILITY TO PROTECT IN AFRICA

Successful prevention of mass atrocities requires a strategy as well as an agent who would implement it. Although the previous chapter presented a possible framework to be followed up by the decision-makers, lack of political will remains as the main obstacle to the operationalization of R2P. As it is seen in various cases starting with Darfur—which is considered to be a test case of R2P—the absence of political will within the UN Security Council undermines an effective result (Wheeler and Egerton, 2008, p. 128). However, the deadlock has become chronic after NATO exceeded its mandate in Libya. Despite the fact that the UN Security Council reaffirmed R2P in more than 50 resolutions (GCR2P, 2021; UNOGPR2P, n.d.), R2P’s implementation has not been happening in a sustainable manner. Selective uses of the veto power has caused the UN Security Council’s failure to reach a common solution to uphold its responsibility to protect peoples of Syria from atrocities (S/PV.6627, S/PV.6711, S/2012/538, S/2014/348). Territorial integrity and sovereignty are again used as a shield for strategic interests and in turn, the lack of political will has become apparent (Banteka, 2016).

In the light of this, this thesis first suggested a prevention-focused strategy in order to overcome inaction in cases of the absence of political will. However, the UN Security Council deadlock implies the necessity of a reform or a “responsible organization”¹ that can lead the prevention of mass atrocity crimes at least until the change is realized. Regarding that, it brings up the question of what or who motivated the action in Libya? The role of the regional organizations, especially of the AU has served as a push in restraining the use of the veto right in voting for Security Council Resolutions 1970 and 1973. According to Glanville (2013), it was the AU’s assertive stance on preventive and peaceful measures that justified the skeptical states’ reluctance previously, likewise, it was the AU’s and the other regional organizations’ support on Resolution 1970 that

¹ In this thesis, the responsible organization refers to any arrangement –international, regional, sub-regional or local— that accepted R2P as a norm, thus, it could more possibly undertake the preventive action in the line with the responsibility to protect.

influenced China and Russia to refrain from the use of the veto (S/PV.6491). In this regard, this chapter first focuses on the involvement of regional organizations in the prevention of mass atrocities.

2.1. THE ROLE OF REGIONAL ORGANIZATIONS

The role of regional organizations on R2P's practice was underlined first by the ICISS (2001) on the grounds of conflict prevention, early warning, peacekeeping and intervention (p. 22). The local knowledge and their capability to understand the regional dynamics are crucial since these make regional organizations indispensable for mass atrocity prevention. Accordingly, the ICISS (2001) suggests that regional and sub-regional organizations may adopt enforcement measures in case of a possible UN Security Council deadlock (p. XIII). However, the WSOD clearly stated that the UN Security Council is the only rightful authority to decide coercive measures in accordance with Chapter VII, but it should cooperate with regional organizations in implementation (UNGA, 2005, Para. 139). The Document also leaves room for regional organizations to lead a prevention strategy which consists of peaceful measures under Chapters VI and VIII of the UN Charter (UNGA, 2005). In particular, the role of regional organizations can be inferred from Articles 33/1, 52, 53/1 and 54 (UN, 1945). Accordingly, States may "resort to regional agencies or arrangements" for peaceful settlement of disputes (Article 33/1), and regional agencies should "make every effort to achieve pacific settlement of local disputes" (Article 52/2). The latter indicates that regional organizations can use or develop any kind of non-coercive mechanisms in order to protect populations from mass atrocities without the requirement of a UN Security Council decision. Hence, action can be undertaken without the threat or use of the veto wherein regional and sub-regional organizations would be alternative actors to prevent mass atrocity crimes effectively.

Every region has its unique context, and thus, there are different ideologies, capabilities and legal grounds that establish the basis of different regional and/or subregional organizations, which in turn may impact their approaches locally. However, the significance of regional organizations in the implementation of R2P cannot be underestimated. The reports and the statements of the UN Secretary-General attests to the

significant role that these organizations can play (UNGA-SC, 2011). In general, their added value can be categorized into four points.

First, the regional and sub-regional organizations have greater local knowledge than global organizations (Carment et al., 2016). They can provide more accurate and rapid information flow about the likelihood of mass atrocity crimes (UNGA-SC, 2011, Para. 27). Accordingly, regional organizations are valuable for not only their early warning capacity but also for the appropriate assessment of information due to their awareness of the local context.

Second, the implementation of the prevention measures can be seen as more legitimate and credible when the process is led by regional arrangements (Haugevik, 2009; Kingah and Seiwert, 2016). An action that is performed by an actor who shares common cultural entities may cause less resistance. This may reduce claims as to imperialism and Western interference in domestic affairs, as well as sovereignty allegations of R2P skeptics. Moreover, neighboring countries are most likely to be affected negatively by the atrocities that occur nearby. For example, a possible crisis would damage the economy of the neighbor and a refugee flow may destabilize the country (UNGA-SC, 2011, Para. 12). Thus, it is more likely— and more legitimate—that neighboring countries become a part of an effort to prevent adjacent states from falling into mass atrocities.

Third, the regional and sub-regional organizations can take measures under both structural and direct prevention. As the Secretary-General states, “Regional organizations have a role to play in helping Governments to address the risks and precursors of atrocity crimes” (UNSG, 2018). In this regard, regional organizations can work not only to eliminate risks which refer to the underlying causes of the atrocity crimes, but also the precursors that are the signs of an imminent atrocity. Regional and sub-regional organizations can help states to uphold their prevention and protection responsibilities (Luck, 2012). In line with structural prevention, regional organizations can be instrumental to encourage States to establish national R2P focal points (The Stanley Foundation, 2011). They can offer a network such as Peer Review Mechanisms to disseminate data, knowledge and experiences. Moreover, by developing “norms,

standards and institutions”, regional organizations may decrease actions that would amount to atrocities crimes (Carment et al., 2016). They can establish mechanisms that could support national institutions where the reform is needed. Also, both regional and sub-regional organizations can actively take part in rebuilding processes in a sustainable manner. Last but not least, capacity-building activities can be organized by these organizations to enhance a bottom-up learning process through “training, education and awareness-raising” (UNGA-SC, 2011).

Similarly, as the UN Secretary-General notes, the improvement of operational prevention capacities of regional organizations is an urgent need for R2P’s realization (UNGA-SC, 2011, pp. 6-7). They can take actions such as the establishment of peacekeeping mechanisms; fact-finding commissions; conflict mediation capacities; preventive diplomacy; recalling State responsibilities on transnational criminal justice; monitoring activities and statements that could pave the way for mobilization of an atrocity crime; suspending from membership; and other targeted sanctions.

Lastly, due to their proximity to the State under stress, regional actors could take rapid action in a timely manner. As noted previously, early action would offer a broader prevention toolbox. In this regard, arguably regional organizations would enjoy a wide range of measures to prevent mass atrocity crimes. Moreover, the Member States of regional organizations are more likely to share similar norms, culture and background than those of the UN Security Council. These commonalities could generate congruence on the State’s interest and, in turn, behaviors (Wendt, 1995, p. 72; Reus-Smit, p. 196). Hence, regional organizations can make timely decisions with less interruption.

Nevertheless, this thesis argues that regional organizations deserve attention not only due to instrumental characteristics but also normative promises. As constructivist International Relations (IR) theorists argue, non-material structures (such as norms) affect identities, and they affect the actions of the actors, which in turn, shape non-material structures (Wendt, 1992). This means that “norms and practice are mutually constitutive” (Keck and Sikkink, 1998, p. 35). In this vein, Africa can be regarded not only as an arena for R2P practice but also as a significant agent in conceptualizing the norm (Spies and

Dzimiri, 2011). Moreover, contrary to other regional organizations in different parts of the world, the AU and ECOWAS have made more effort to prevent mass atrocity crimes (Aning and Okyere, 2016). As this thesis is mainly looking for successful implementation of mass atrocity prevention in order to answer the question of who should lead the prevention strategy, it will examine the constitutive relationship between the R2P norm and the AU as well as ECOWAS. It will utilize the constructivist scholarship on “norm localization” to analyze the institutionalization of R2P in Africa. It will analyze the political will of the AU and ECOWAS, and evaluate their existing capabilities for mass atrocity prevention. In order to reveal the effect of the R2P norm, it will examine—through norm localization—pre-existing regional normative orders, the African Peace and Security Architecture (APSA), conventions, treaties and declarations related to the R2P norm (and its constitutive elements).

2.2. THEORETICAL FRAMEWORK

Constructivists define norms as intersubjectively shared “standards of appropriate behavior for actors with a given identity” (Katzenstein, 1996, as cited in Finnemore and Sikkink, 1998). Accordingly, some scholars argue that norms may have regulative or constitutive effects (Katzenstein 1996; Klotz, 1995). “Regulative” effects of a norm can be observed when it directly changes the behavior of a state to act in a certain way. States adhere to a norm in order to strengthen their legitimacy and for instrumental reasons without necessarily accepting the norm (Glanville, 2016, p. 187). In order to avoid losing prestige, they are “socialized” to redefine appropriate behavior and they make concessions accordingly. Later, States are “entrapped” by their own statements and conditioned to follow the norm (Risse and Sikkink, 1999). Moreover, norms also have constitutive effects which can be seen when States “internalize” them. The norm influences actor’s production of identity, interest and thus, action (Katzenstein, 1996). Internalization of a norm can occur through “institutionalization” and, in turn, the State’s practice complies with the norm as this becomes the appropriate behavior (Risse and Sikkink, 1999). Accordingly, norms actively constitute the interest of the actors rather than constraining it (Klotz, 1995). In this regard, the institutionalization of R2P within

Africa can be examined in order to understand whether the AU and ECOWAS would implement mass atrocity prevention because they are seeing it as the normal thing to do.

Hofmann (2015) categorizes norm research in IR as “behavioralist” and “reflectivist”. Similarly, Acharya (2004) refers to the former as the “first wave” and the latter as the “second wave”. The first wave is norm socialization, which studies the one-way process where global norms influence state policies. They explain norm diffusion by casual mechanisms as “good” transnational norms would replace less desirable regional norms (Checkel, 1998). As a result of norm diffusion and socialization, the internalization of these norms by regional actors is an expected outcome. This process is regarded as a learning process of local actors from translational agents (Finnemore, 1993). Although this approach acknowledges the presence of regional norms, it overlooks the agency role of local actors (Barnett and Finnemore, 1999, as cited in Acharya, 2004).

On the other hand, recent constructivist works not only focus on norms’ effects on state behavior, but also consider it as a dynamic process in which states (norm-takers) shape the norms. In this regard, second wave scholars concentrate on other kinds of ideas rather than the influence of the transnational norms (Acharya, 2004; Acharya, 2011; Cortell and Davis, 2005; Krook and True, 2012; Wiener and Puetter, 2009; Wiener, 2018). Hence, they challenge the first wave on the grounds that focusing on socialization downplays the mutually constitutive relationship between the agents and structures (Hofmann, 2015). The top-down approach of the first wave neglects the role of pre-existing norms at the regional level (Epstein, 2012). In this regard, the second wave looks into norm diffusion while emphasizing the local “political, organizational and cultural” factors that influence the reaction to emerging international norms (Acharya, 2004, p. 243). Accordingly, norms are not seen as stable structures that are directly adopted, but they can be altered by local actors through the localization process (Acharya, 2004)

2.2.1. Localization

According to Acharya (2004), global norms do not directly diffuse from the West to the South, but they are rather localized in different parts of the world. He describes

“localization” as a dynamic process of norm diffusion that occurs when “local agents reconstruct foreign norms to ensure the norms fit with the agent’s cognitive priors and identities” (Acharya, 2004, p. 239). While a stable norm diffusion process envisages two possible outcomes—acceptance or rejection—localization offers “a complex process and outcome by which norm-takers build congruence between transnational norms and local beliefs and practices” (Acharya, 2004, p. 241). Localization can be measured through the level of change that the norm created in the “goals and institutional structures” of regional actors (Acharya, 2009).

Regional history and institutional context require particular attention in localization to understand the receptivity of the outside norm. In this regard, the localization process may commence with the “reinterpretation and representation” of outside norms, however, it may also go beyond framing and grafting (Acharya, 2009, p. 14). At this stage, local agents may reconstitute that norm in order to make it congruent with prior normative order. Local actors actively construct external ideas through “discourse, framing, grafting and cultural selection” (Acharya, 2009, p. 15). In this regard, it can be stated that the agency role of local actors is more significant than external actors.

Norm localization may start when local actors consider the existing normative order inadequate to address new challenges (Acharya, 2004, p. 251). This is followed by “local initiative and prelocalization” process. At this stage, local proponents prelocalize external norm by framing and grafting—highlighting and associating—in order to present its potential value for existing institutions. “Localization” follows the local initiative. The local audience is persuaded by insider proponents. The proponents may prune some elements of the external norm to ensure a better fit with pre-existing norms (Acharya, 2009). During this process, actual modifications—such as narrowing or extension—can be made in the meaning of the new norm. Lastly, “institutionalization and amplification” may occur if the localization of external norms might enhance the local actor’s legitimacy in both regional and international arena (Acharya, 2009, p. 18). New instruments and practices are established according to the localized appropriate behavior. All in all, this refers to the “mutually constitutive” relationship between external norms and present normative order (Acharya, 2004, p. 252).

In the light of this, regional organizations represent an important study area to examine localization as a form of institutional change. Institutional changes (e.g., creation of new policy instruments and mechanisms) can be explained by localization as a response to an external norm (Acharya, 2004). In this regard, this thesis will use localization in order to reveal the institutional change within the AU and ECOWAS in relation to R2P. The degree of R2P's localization within Africa may give an insight into possible leadership role of those regional organizations in implementing the preventive framework of R2P.

2.3. R2P IN AFRICA

Although localization studies the relation between local actors and foreign norms, R2P cannot be seen as a completely foreign norm (Williams, 2009). As Finnemore and Sikkink (1998) note, many international norms arise from a domestic normative order (p. 894). In this regard, the emergence of R2P is also linked to an African context (Luck, 2008). Nigerian diplomat Mr. Sarki emphasizes that “the responsibility to protect was initially an African idea that has now become an integral part of conflict-prevention and mitigation in the United Nations” (UNSC, 2014, p. 17). Such statement implies that there is a strong African root behind the development of the R2P norm. Accordingly, in order to have a better insight to find out the AU's stance on R2P, first the “cognitive prior” of Africa should be examined.

Cognitive prior of a region refers to the set of beliefs, ideas and norms that are standing for a particular time (Acharya, 2009). Existing culture and traditions, patterns of systemic relations between states, history of the region and practices can play a primary role in the creation of those cognitive priors (Acharya, 2009, p. 22). Regarding this, localization can be more feasible if the new norm promises a better fit with the cognitive prior. Moreover, as Acharya (2009) notes, the “sense of uniqueness of the actors' values and identities creates a desire and tendency to localize” (p. 17). Africa as an autonomous and sui generis entity, in terms of its colonial history and diversity, has constructed its own identity and way of thinking throughout the time. In this way, the region built a cognitive prior which is related to R2P even before the norm was coined.

The longstanding tradition of “Ubuntu” within the African society may represent an overlap with the R2P’s principle of collective human security. Ubuntu is a Bantu word that is based on the language spoken by the community that is dispersed widely in Southern Africa. It indicates an understanding of shared humanity (Spies and Dzimiri, 2011). Archbishop Desmond Tutu refers to ubuntu as “the very essence of African’s understanding of humanity” (Tieku, 2012). His further remarks on the ubuntu idea of the individual, “a person is a person through other persons”, can be considered as the basis of a collective humanity understanding (Grovogui, 2002). This constitutes the normative framework for regional agents to attach different meanings to Westphalian notion of sovereignty.

In a similar vein, African leaders have evoked a notion of “every African is his brother’s keeper” as a response to continuing humanitarian crises in the region (Adebajo, 2014). Secretary-General of the Organization of African Unity (OAU), Salim Ahmed Salim, called on Africa to galvanize its traditional beliefs of “communal solidarity” to act beyond the borders of the Westphalian understanding of sovereignty in order to accomplish cooperation in conflict prevention and peaceful resolution of human catastrophes (Deng, 1993, p. 114). In 1992, he proposed for an OAU conflict prevention and resolution mechanism, in line with the understanding of “African solutions to African problems”. Salim stated: “if the OAU ... is to play the lead role in any African conflict, it should be enabled to intervene swiftly, otherwise it cannot be ensured that whoever (apart from African regional organizations) acts will do so in accordance with African interest” (OAU, 1992, as cited in Deng, 1995, p. 270).

That way of thought stems from Pan-Africanist ideas that became apparent in the early 1990s (Ottoh, 2016). Pan-Africanism asserts that African peace should be secured by the efforts of Africans (Mazrui, 1967). A genuine belief that the African solution is crucial for political, social and economic development motivated African states to fortify solidarity between peoples (Lobakeng, 2017). As Nathan (2013) highlights, the slogan calls for a notion of “responsibility, pride and ownership amongst all Africans” (as cited in Lobakeng, 2017). In this regard, Salim further emphasizes the importance of the African culture of mediation which always welcomes third-party interference by asserting

that “we in Africa need to use our own cultural and social relationship to interpret the principle of non-interference in such a way that we are enabled to apply it to our advantage in conflict prevention and resolution” (Deng, 1993, p. 17). Feeling responsibility for people of African descent, even though it has a narrower focus, indicates a connection with the origins of R2P.

Challenges to traditional sovereignty understanding became evident with the appointment of Francis Deng, a former Sudanese diplomat, as the Secretary-General’s Special Representative on Internally Displaced People (IDPs) in 1993. Deng and his colleagues coined the idea of “sovereignty as responsibility” which indicates the links between sovereignty and responsibility (Deng et al., 1996). The idea was developed along with the African context in which the number of IDPs were a growing matter of concern. The IDPs were suffering due to the absence of international assistance since they were still within their national borders (Bellamy, 2011b). Those people were to be protected by their states, although the reason of their displacement was the very state authorities. Accordingly, the understanding that “sovereignty carries with it certain responsibilities for which governments must be held accountable” was put forth (Deng et al., 1996). Sovereignty as responsibility, first and foremost, prescribes the primary responsibility of host states to protect and help the IDPs. Deng et al. (1996) argue that “those governments that do not fulfil their responsibilities to their people forfeit their sovereignty”, and hence they bind up sovereignty with protecting populations in a given territory (Acharya, 2013). Deng et al. (1996) assert that states “are accountable not only to their national constituencies but ultimately to the international community”, and if they fulfill their responsibilities, “a state can legitimately claim protection for its national sovereignty”. Therefore, when States are unable to uphold that responsibility, they should ask for the international community’s help (Deng et al., 1996). Although this does not directly articulate the intervention, when the governments fail and grave human sufferings take place, “the international community will in one way or another step in to provide the needed remedy” (Deng et al., 1996). They also designated some measures that may be used by the international community in that regard, such as “on-site monitoring and visits, criticism, condemnation, sanctions, and even armed intervention, where regional or international peace is threatened” (Deng et al. 1996, pp. 264-265).

The mechanisms that Deng and his colleagues offered can be linked with most direct prevention tools. Moreover, the mechanisms, “sovereignty as responsibility” and the subtitle of the book, “Conflict Management in Africa”, may point to the strong African context behind the international norm (R2P). Therefore, it can be argued that not only the international norms diffuse to a region, but the opposite can come true (Acharya, 2013, p. 473).

Besides these cognitive priors—“Ubuntu”, “African solutions for African problems”, and “sovereignty as responsibility”—there is also one more idea that shaped the existing normative order of the African society. It is the “non-indifference” stance of the AU that led to the enshrinement of elements of R2P into the AU’s legal framework. In this regard, many scholars have accepted the AU as the first organization that incorporated R2P’s elements within its founding documents (Aning and Autobi, 2009; Zähringer, 2013). Considering the Rwandan genocide of 1994 as a milestone to persuade the international community to undertake responsibility in order to prevent the recurrence of such crimes, it would not be wrong to state that R2P is born out of African soil (Luck, 2008b; Williams, 2009). On the other hand, as the former normative order shows, Africa is not just a subject for mass atrocity crimes, but also plays a significant role in the development of elements of R2P. Moreover, developments such as Rwanda, growing humanitarian crises and the daunting challenges prompted a fundamental shift in the OAU’s peace and security architecture. As Alpha Oumar Konare, former chairperson of the AU Commission notes, the AU replaced the OAU by adopting “the AU Constitutive Act” (2000) in line with the move away from a norm of “non-interference to non-indifference” (Murithi, 2005, p. 36).

Ongoing human sufferings in the region unfolded the insufficiency of the principles that the OAU was established on. Within the era of decolonization, the OAU States came together to ensure values of non-intervention, sovereignty, territorial integrity and *uti possidetis*, “compromising with the power interest of African potentates” (Dembinski and Peters, 2014; OAU, 1963). However, the region witnessed grave humanitarian crises with authoritarian regimes, which were compounded by diverse ethnic fractions. Thus, it demonstrated a need for a normative shift that would be accompanied by the establishment of new institutions and mechanisms to prevent internal conflicts and mass

atrocities. Such a change could ensure the maintenance of peace, security and development in Africa. In the mid-1990s, leaders of Africa pointed out the necessity of acknowledgment of sovereign responsibilities. In this regard, in 1991 Nigerian President Olusegun Obasanjo remarked: “An urgent aspect of security need is a re-definition of the concept of security and sovereignty ... we must ask why does sovereignty seem to confer absolute immunity on any government who (sic) commits genocide and monumental crimes...” (Acharya, 2013). Moreover, the reluctance of the UN to take action to prevent mass atrocity crimes in Somalia pushed the OAU to revisit its stance on strict non-interference policy that undermines peacekeeping efforts. In the 1993 Cairo summit, the OAU adopted “Mechanism for Conflict Prevention, Management and Resolution”, which indeed was not sufficient to prevent atrocity crimes in Rwanda (OAUAHG, 1993). Consequently, the AU was established as a better-equipped version of its predecessor to prevent mass atrocities and achieve human protection.

The AU Constitutive Act embodies a normative order which focuses on promotion of peace and security, non-indifference, good governance, non-discrimination, “unity, solidarity, cohesion and cooperation among the peoples of Africa and the African States” (AU, 2000). In this way, the AU established legal principles that are related with elements of R2P, even before the ICISS coined the term and the UN adopted R2P with the WSOD. Most importantly, Article 4/h of the Constitutive Act endorsed the principle of non-indifference by giving the Union a right to intervene to the Member States in case of “grave circumstances, namely: war crimes, genocide and crimes against humanity” (AU, 2000). With this, the Member States acknowledged that sovereignty does not obstruct the protection of peoples from mass atrocity crimes. Moreover, they promised to fulfill sovereign responsibilities in line with other Articles. For example, the Union aims to promote “democratic principles and institutions, popular participation and good governance” (Article 3/g); to protect “human and peoples’ rights in accordance with the African Charter on Human and People’s Rights and other relevant human rights instruments” (Article 3/h); to support “co-operation in all the fields of human activity to raise living standards of African peoples” (Article 3/k). In the light of this, it can be stated that the AU enshrined the measures that may be used for structural prevention of mass atrocities in order to avert risks before they become imminent. In this regard, Article 4

refers to the principles of structural prevention. For instance, Article 4/l promotes gender equality, Article 4/m encourages democracy, human rights and rule of law, while Article 4/n promotes balanced economy along with the social justice (AU, 2000).

Furthermore, as “sovereignty as responsibility” prescribes that States which are unable to protect people should ask for the international community’s assistance, Article 4/j establishes the “right of Member States to request intervention from the Union in order to restore peace and security” (AU, 2000). This is an important point of the AU’s difference from the OAU on the issue of peacekeeping. Furthermore, the Constitutive Act adopted the notion of direct prevention by promising to condemn impunity and unconstitutional changes within the government of the Member States (AU, 2000, Article 4/o, Article 4/p).

On the other hand, while the OAU was failing in conflict prevention, as a sub-regional organization, ECOWAS was initiating peacekeeping operations to prevent human suffering in the region (Williams, 2009). ECOWAS’s ad hoc interventions in the 1990s, in Liberia, Sierra Leone and Guinea-Bissau can be considered as a cognitive prior of Africa on the grounds of protection of peoples from mass atrocity crimes. Later on, the AU adopted the same stance with ECOWAS. As a pioneer, ECOWAS adopted a normative order that focuses on prevention and halting human rights violations throughout West Africa (Sarkin, 2016). Although it was mainly established for providing economic and technical assistance to the region, ECOWAS realized that stable regional security is needed to achieve long-term regional economic stability (Sampson 2011, p. 513). Considering the mass human rights violations in the region, the sub-regional organization revised its position before the AU in order to respond to the crises actively and legally. In this regard, ECOWAS recast its foundational Treaty of 1975, and adopted the Revised Treaty of 1993 (ECOWAS, 1993). According to Article 58 entitled “Regional Security”, the Member States should develop and take appropriate mechanisms “for the timely prevention and resolution of *intra-State* and inter-State conflicts” (emphasis added, ECOWAS, 1993). The Community also confirmed holding monitoring activities, employing peaceful settlement of disputes, installing peacekeeping forces and observation systems which are all related to direct prevention of mass atrocities

(ECOWAS, 1993, Article 58/2). Moreover, it reserves the right to impose sanctions such as suspension of a Member State from the Community in case of non-fulfillment of those obligations (ECOWAS, 1993, Article 77). In this vein, the Revised Treaty laid out the foundation for prevention and intervention in regional conflicts.

Regarding the prior normative order of the African region, it can be argued that R2P can be more easily localized to fit in this context. As Acharya (2004) notes, “the prospect for localization ... depends on its positive impact on the strength of prior local norms ... (and) indigenous cultural traits and traditions” (p. 247). Norms are localized through congruence building in order to meet with the cognitive prior (Acharya, 2004). In the case of Africa, growing tendency to intervene in regional humanitarian crises through African society is an indicator of developing R2P principles. As many scholars argue and the cognitive priors show, R2P has strong African roots that would make localization of R2P more likely. Therefore, when the local norms and the external norm affects the same issue areas and demand similar behaviors, it makes “easier for local actors to introduce the latter” (Acharya, 2004, p. 250). Regarding this, local agents are crucial for norm diffusion. In this case, the efforts of regional actors such as the AU and eminent persons such as Francis Deng, Kofi Annan and Mohammed Sahnoun were visible in building congruence between Africa and the elements of R2P.

For example, Kofi Annan, a Ghanaian diplomat who served as the second African Secretary-General of the UN, led a change in the understanding of sovereignty and non-interference policy. He articulated that the principle of non-interference is un-African and tried to convince African leaders by referring to African traditions, history and proverbs on conflict resolution (Tieku, 2012). While he made a reference to ubuntu, Annan also called African governments to follow their culture when dealing with humanitarian crises. In this regard, he stated that “no one in Africa stand idly by while a neighbour’s house burns” (Tieku, 2012, p. 377). Moreover, Deng put great effort into the operationalization of the notion of sovereignty as responsibility. He asked African leaders to change the understanding of sovereignty by implying the maxim of “every African is his brother’s keeper”. For this reason, he reminded conventional African practices that elders intervene in domestic conflicts whether getting an invitation or not (Adebajo, p. 176). Moreover,

Mohammed Sahnoun, an Algerian diplomat who co-chaired the ICISS, has played an important role in the development of R2P. Him being one of the entrepreneurs of the R2P norm shows that R2P is not just a Western idea. Sahnoun (2009) expressed that R2P is not new for Africans, and attributed the norm to the AU Constitutive Act as well as sovereignty as responsibility. Ultimately, these discourses disclose the role of “insider proponents” in the localization process.

Moreover, localization is observed when institutions have changed and created new instruments in line with the new norm. In this vein, in order to be able to evaluate the potential of the AU and ECOWAS in implementing the mass atrocity prevention strategy, the next section will look at the treaties, protocols, evolving capacities and policies with regard to various components of R2P.

2.3.1. The AU and ECOWAS

The UN Secretary-General expresses clearly that “Regional and subregional bodies, such as the Economic Community of West African States (ECOWAS), the African Union ... were in the vanguard of international efforts to develop both the principles of protection and the practical tools for implementing them” (UNGA-SC, 2011). Ban recognizes effects of the evolution of these regional organizations and notes that the UN should be inspired by their steps. Therefore, the institutionalization of R2P should be examined considering that localization “does not extinguish existing local beliefs, but may instead universalize and amplify the latter” (Acharya, 2004). It can also be deduced from Ban’s statement that adhering to the R2P norm did increase the prestige of local actors and practices.

After the AU and ECOWAS revisited their founding treaties, they have established protocols, mechanisms and instruments accordingly. This indicates the constitutive effect of a norm. However, in order to see mutual constitution—in this case localization—institutionalization needs greater scrutiny.

In this regard, the AU initiated a new African Peace and Security Architecture (APSA) by adopting the “Protocol Relating to the Establishment of the Peace and Security Council of the African Union” in 2002 (AU, 2002). The Peace and Security Council (PSC) establishes the main pillar of APSA and the Protocol defines the other instruments and their responsibilities (AUPSD, 2012). The APSA comprises more comprehensive principles and aims than the Constitutive Act with respect to “prevention, management and resolution of crises and conflicts, post-conflict reconstruction and development in the continent” (AUPSD, 2012). This indicates a change towards the implementation of the elements of R2P. Since the APSA outlines a deeper instrumental framework to interfere in the matters of other Member States in cases of mass atrocity crimes—by involving conflict prevention (direct and structural) and resolution, rebuilding and early warning—it reinforces the responsibility to prevent, react and rebuild (APSA, 2015). Under the APSA, the PSC is supported by other pillars: the AU Commission, the Panel of the Wise (PoW), the Continental Early Warning System (CEWS), the African Standby Force (ASF) and the Peace Fund. In addition, APSA recognizes Regional Economic Communities (RECs), Regional Mechanisms (RMs) and Civil Society organizations, as important drivers of promoting and maintaining peace, security and stability in the region. In that case, Article 16 of the PSC Protocol clarifies that PSC should consult and support the activities of RECs and RMs with respect to foreseeing, prevention and peace-making and rebuilding (AU, 2002, Article 16). Regarding this, ECOWAS is the one the RECs that APSA includes.

Under APSA, each instrument reinforces the other to achieve protection of African peoples, and in turn to preserve peace and stability. The PSC is the main decision-making body to commence conflict prevention and resolution. As Article 7/a states, it is responsible from early warning as well as prevention of “genocide and crimes against humanity” (AU, 2002, p. 9). Moreover, its responsibilities are listed as peace-building, peacekeeping, sanctioning in case of unconstitutional change and recommending intervention to the “Assembly of Heads of State and Government of the African Union” in respect of mass atrocity crimes (AU, 2002, pp. 9-11). For example, the PSC initiated actions for the prevention of mass atrocity crimes in Burundi, Sudan, CAR and Mali (Aning and Okyere, 2016). In order for the PSC to work functionally, there are supporting

pillars, such as the Peace Fund, which mobilizes the resources for the action while other bodies have different roles in implementing it.

The CEWS is one of the most integral parts of a prevention strategy. It is responsible for the anticipation of a conflict in Africa. CEWS works closely with the Early Warning Systems (EWS) that are established by sub-regional organizations in order to facilitate the flow of information and correct assessment (AU, 2002, p. 17). It operates the system from a “Situation Room” in collaboration with NGOs, the UN, other international organizations and research centers. Analysis is made on a daily basis in six categories, which are very valuable to foresee signs of potential mass atrocities. Since it is focused on different types of situations—“Conflict Situations, Crisis Situations, Human Rights Situations, Post Conflict Situations, Humanitarian Situations Arising from Conflicts, and Political Developments”—it would be easier to detect the likelihood of a specific type of crime (Fevre, 2018). On the other hand, the CEWS does not only provide timely information by using defined indicators, but also makes recommendations on the most appropriate preventive action (AU, 2002, pp. 17-18). Moreover, the AU further adopted a Framework for the Operationalization of the CEWS by requesting Member States to take all necessary measures in order to make CEWS fully materialize (AU, 2008). For example, in Burundi in 2015, the CEWS conducted a fact-finding mission and collected data on atrocity crimes (Sithole, 2018).

The PoW is composed of five eminent African personalities with the aim of supporting the PSC, and in particular the conflict prevention efforts (AUPSD, 2018). The panel members are selected from “the society who have made outstanding contribution to the cause of peace, security and development on the continent” (AU, 2002, p. 16). In this regard, the importance of individual responsibility to protect can be deduced from the PoW. Highly respected people from that region could convince the conflicting parties more easily to settle. The Panel can undertake actions for both structural and direct prevention. They prepare reports on non-impunity, justice, reconciliation, women, children and fair elections; and perform country visits for workshops on conflict prevention issues which can be seen as a capacity-building effort (AUPSD, 2018). Moreover, with respect to direct prevention, the PoW’s mandate of good offices is critical

for mediation and brokering peace agreements (AUPSD, 2018). For instance, the PoW has undertaken conflict prevention measures such as mediation, convening political dialogue, consultation, carrying out fact-finding missions and preventive diplomacy in CAR, the DRC, South Africa, Mauritania, Kenya, Guinea, Madagascar, Darfur and Guinea-Bissau (Porto and Ngandu, p. 49).

The ASF is to be established for supporting peace missions with regard to Article 4/h and Article 4/j of the Constitutive Act (AU, 2002). The ASF aimed to combine sub-regional contingents under its roof for rapid action. It comprises of “civilian, police and military” components to implement prevention, response and post conflict recovery on a case-by-case basis (AU, 2016). As it is noted in the PSC Protocol, the ASF has a role to prevent “a dispute or conflict from escalating, an ongoing violent conflict from spreading to neighboring areas or states and the resurgence of violence ...” (AU, 2002). Hence, it can be argued that the ASF follows the same principles of prevention framework and thus may be useful for each stage of the strategy. However, the ASF has not been operationalized yet because of the gaps between the regional standby forces as well as funding issues (Ani, 2018). Furthermore, the AU has incorporated principles of R2P through other legal and political instruments.

The AU formally adopted R2P as a tool for mass atrocity prevention with “the Common African Position on the Proposed Reform of the United Nations”, which is known as the Ezulwini Consensus (AU, 2005). However, the effects of the local norm of “African Solution for African Problems” can be seen in the wording of the Consensus. It implies that the local norm modified the R2P to meet regional principles. For example, although the WSOD clearly states that the UN is the main body for authorization of intervention, the Ezulwini Consensus observes that “the General Assembly and the Security Council are often far from the scenes of conflicts and may not be in a position to undertake effectively a proper appreciation of the nature and development of conflict situations”. In this regard, regional organizations “are empowered to take action” (AU, 2005). The AU and the High-Level Panel agreed that the UN Security Council approval can be granted “after the fact”, in the meantime the UN should finance regional action (AU, 2005, p. 6). This language refers to the maintenance of a tradition that commenced with

the interventions of ECOWAS in Liberia, Sierra Leone and Guinea Bissau where the UN Security Council approval came later (IRRI, 2017, p. 17).

While APSA is built as a legal basis for regional assistance (which refers to Pillar 2 of R2P), the African Governance Architecture (AGA) that was established in 2007 by the “African Charter on Democracy, Election and Governance” complement the prevention structure as a whole (AU, n.d.). AGA regulates the behaviors of the Member States in order to prevent unconstitutional changes and other structural factors that may cause atrocity crimes and human sufferings (Murithi, 2016). It promotes norms and standards of human rights, democratic institutions and good governance (AU, n.d.). Hence, it acts as a guide and platform for the Member States in order to fulfill their responsibilities with regard to Pillar 1 of R2P. In the light of this, in terms of localization (and for that matter, R2P’s institutionalization process), it can be observed that the AU plays a significant role as a local agent in promoting the components of the R2P norm—which are, in the case of this thesis, direct and structural prevention.

Moreover, other instruments in the region such as the African Charter on Human and Peoples’ Rights, which is operated by the African Commission on Human and Peoples’ Rights (ACHPR), the New Partnership for Africa’s Development (NEPAD), and the African Peer Review Mechanism (APRM), also comprise part of the normative framework (Fevre, 2018). Since atrocity crimes mostly occur due to structural problems—such as poverty, discrimination and socio-economic injustice—security, development and good governance should be considered together in order to eliminate the underlying causes (Kuwali, 2014). Accordingly, the ACHPR adopted the “Resolution on Strengthening the Responsibility to Protect in Africa” in 2007 that pursued application of R2P in the region (ACHPR, 2007). Moreover, NEPAD and APRM contribute to the structural prevention efforts with “assessments and reform recommendations to African Governments on matters relating to principles of the responsibility to protect” (UNGA-SC, 2011).

Besides the aforementioned evolution and institutionalization of R2P in the AU, ECOWAS is seen as “even more developed than AU” in terms of R2P related issues

(Carment et al., 2016). As stated previously, ECOWAS also underwent a policy change and established instruments such as “The Mechanisms”, the ECOWAS Protocol on Democracy and Good Governance (EPDGG), and ECOWAS Conflict Prevention Framework (ECPF) that “collectively referred to as ECOWAS peace and security mechanisms or instruments” (Sampson, 2011, p. 514). It adopted the “Protocol relating to the Mechanisms for Conflict Prevention, Management, Resolution, Peacekeeping and Security” (the Mechanisms) in 1999 to instrumentalize the Revised Treaty in terms of prevention of humanitarian crises that undermine stability in the region (ECOWAS, 1999). In this regard, Mediation and Security Council (MSC) is established with its supporter organizations namely The Defence and Security Commission (DSC), The Council of Elders (COE) and ECOWAS Cease-fire Monitoring Group (ECOMOG) (ECOWAS, 1999). It can be argued that the AU was inspired by ECOWAS while building the APSA.

The MSC is tasked with adopting decisions on everything related to conflict prevention, resolution, peacekeeping and peacebuilding. Moreover, while the DSC has administrative and logistical duties for peace-keeping operations, the COE performs the role of good offices, mediation, conciliation, facilitation, “pre-electoral facts finding and election observation” (ECOWAS, 1999). The ECOMOC acts as a standby force that consists of both civilian and military components that could take immediate measures such as “observation and monitoring, peace-keeping, humanitarian intervention, enforcement of sanctions, preventive deployment and peace-building” (ECOWAS, 1999; ECOWAS, 2016). In addition, ECOWAS Warning and Response Network (ECOWARN) which is a sub-regional early warning system was activated in 2003 (SWAC, 2009). The ECOWARN is critical to determine the indicators of a crisis promptly because it is divided into sub-zones and reports on a day-to-day basis. Thus, it is crucial for performing direct prevention efforts in a timely manner.

It can be inferred that The Mechanisms are built around preventive mechanisms, while intrusive measures are considered as less preferable. Moreover, the ECOWAS is structured to work with the AU and the UN in a compatible manner (Sampson, 2011). In this regard, it also has developed normatively in time and became congruent with R2P

principles, in particular structural prevention. The EPDGG is adopted to prevent the Member States from falling into humanitarian crises in the first place (ECOWAS, 2001). It aims to mitigate underlying causes of mass atrocity related issues such as human rights violations, existence of risk factors, non-transparent elections and political marginalization (ECOWAS, 2001). Accordingly, the EPDGG mechanisms are focused on strengthening “democracy, good governance, rule of law, respect for individual rights” including religious freedoms and “electoral integrity” (Sampson, 2011, 518). It consists of a guideline for peaceful elections and is expected to take some measures such as forming an impartial security sector (ECOWAS, 2011). Moreover, in case of “massive violation of human rights”, based on the Protocol, ECOWAS is entitled to impose sanctions such as suspension and diplomatic downgrading (ECOWAS, 2011, Article 45).

Moreover, the ECPF was established in 2008 to strengthen the implementation of the EPDGG and The Mechanisms with a solemn focus on direct prevention and rebuilding (ECOWAS, 2008). In order to achieve this, the ECPF acts as a guideline to enhance the cooperation between ECOWAS, the AU, the UN, other RECs, civil society and the private sector. It recognizes military intervention as a last resort and takes the responsibility to preserve peace and security by conflict prevention rather than conflict management (ECOWAS, 2008). Moreover, by signing ECPF, the Member States acknowledged their moral duties to prevent internal upheavals due to spill-over effects. Therefore, under Section VII, the ECPF explicitly adopted R2P along with three responsibilities (prevention, reaction and rebuilding) and built 15 components to implement operational and structural prevention in the region with the aim of averting violent human rights crises and their recurrence (ECOWAS, 2019).

All in all, considering these facts, it can be argued that R2P is localized in the AU and ECOWAS. As it can be inferred from the instrumental and policy changes, regional arrangements have recognized R2P and institutionalized it accordingly. Although they did not explicitly made reference to R2P each time, both have developed mechanisms in line with the principles of R2P. This points to the constitutive role of the norm. However, as it is stated before, localization does not mean that local actors replace prior normative order directly with accepting the new norm, but they build congruence between them.

Therefore, as it is observed in the discourses of the eminent persons mentioned in the former section, the institutionalization process revealed that R2P is framed and grafted by prior ideas within the region to make it more palatable. In this regard, this thesis argues that R2P is localized in the form of “mass atrocity prevention” through Pan-Africanist norms.

This argument is deduced from two characteristics of the institutionalization process. First, Article 4/h and the Ezulwini Consensus show the AU’s stance on intervention. Based on Pan-Africanism, it is clearly a supporter of intra-regional intervention rather than outside intervention. With the belief of “African Solutions for African problems”, the AU and ECOWAS built various mechanisms to prevent mass atrocities and keep interventions within the region. They always focused on exhausting the regional mechanisms first. Both the AU—e.g. in Burundi, Somalia and Sudan—and ECOWAS—e.g. in Liberia, Sierra- Leone—took action by having the UN Security Council approval or assistance later (Tieku, p. 379). While the AU was deciding to establish an African Capacity for Immediate Response to Crises (ACIRC), it expressed its determinacy that “this strategic endeavor of historic value and scope, aimed at helping in bringing about African solution to Africa’s problems” (AU-AHSG, 2013). This shows the region’s embedded fear of external domination. Therefore, R2P is localized as a proponent of regional interference.

Second, in line with the first point, both ECOWAS and the AU focus on non-coercive measures. They established mechanisms mostly for prevention and rebuilding. If they would prevent the atrocity crimes before they happened, then outside intervention would be less likely and they would not have to wait for the international community to act. Both organizations emphasized the importance of prevention and acknowledged military measures as a last resort. Although the AU reserves its right to intervene (militarily) under Article 4/h of the Constitutive Act, this provision has never been implemented. Moreover, because the African culture is based on peaceful measures, prevention and mediation, R2P’s preventive elements are instrumentalized during the institutionalization. Thus, mass atrocity prevention is central in the AU and ECOWAS.

2.4. CONCLUSION

Given that the UN Security Council deadlocks have become chronic in cases relating to R2P, for the norm's effective implementation it is obvious that a change is needed. This transformation can be materialized by either a fundamental reform or seeking for alternative actors. On the basis of the WSOD, it can be observed that there are abundant measures that can be taken without the UN Security Council's approval. Arguably, regional arrangements are favored among these actors because of their proximity to the region, local knowledge, creating less resistance and likelihood of more rapid action. However, a successful action is defined overall by willingness, capacity to act, possessing related mechanisms and instruments and having the financial resource for operationalization (Carment and Fisher, 2009). All of the factors differ in accordance with each regional organization. For this reason, not only the instrumental characteristics but also the normative order are crucial to determine the responsible organization that may take the lead in the prevention strategy. As norms are mutually constitutive, accepting a norm can affect the behaviors of the actor accordingly.

In this vein, it can be said that the AU and ECOWAS accepted R2P through localization. This indicates that the regional normative priors also changed the very first form of the outside norm. Since institutionalization indicates localization, it reveals that R2P is localized as mass atrocity prevention in the AU and ECOWAS. In this regard, it can be argued that the AU and ECOWAS may be responsible organizations that are alternatives to the UN Security Council. In theory, one can expect that the AU and ECOWAS would be more willing to act due to the constitutive effect of a norm that is strengthened by institutionalization. However, sometimes other instrumental factors also affect the practice such as underfunding. Although this section did not examine the implementation, financial issues are characterized as the main problem of the AU and ECOWAS (Tesfaye, 2012). Regarding this, this thesis recommends that while the AU and ECOWAS lead the prevention strategy, the UN should assist them at least financially. Furthermore, it is also necessary to analyze the role of those regional organizations in practice. Therefore, the subsequent chapter will study the cases of Kenya and Guinea where the AU and ECOWAS are actively involved in prevention of mass atrocities.

CHAPTER 3

A COMPARATIVE ANALYSIS OF KENYA AND GUINEA CASES

Although critics of R2P mainly emphasize the norm's failure in practice, the cases of Kenya and Guinea are generally referred to as successful R2P implementations in terms of prevention of mass atrocity crimes (Bellamy, 2011a; Babbitt, 2014; Serrano and Weiss, 2014; Weiss, 2010; Welsh, 2016). Likewise, the UN Secretary-General states in his 2016 report that Kenya and Guinea show that “sustained and coordinated preventive efforts... can avert atrocity crimes and save lives” (UNGA-SC, 2016, p. 10). In that case, “coordinated preventive efforts” refer to the concerted measures that are undertaken by a range of actors—domestic, regional and international—that were led by regional organizations. Therefore, for purposes of this thesis, it is important to examine the characteristics of Kenya and Guinea in depth.

Firstly, in Kenya and Guinea mass atrocities have been committed not during an active armed conflict but in peacetime. As noted in Chapter 1, atrocities do not always occur during armed conflicts. Thus, while it can be argued that conflict prevention could prevent mass atrocities, peacetime atrocities require a different perspective to stop grave circumstances or to prevent them in the long term. Analyzing these cases will help to reflect on the prevention strategy that is focused on mass atrocity prevention rather than conflict prevention.

Secondly, Kenya faced communal violence after the 2007 presidential elections, while the Guinean junta as a nondemocratic regime intervened in a peaceful protest against the government (UNSC, 2009b; Weiss, 2010). In Guinea, state suppression against the opponents resulted in a massacre of civilians in 2009. The indicators and the triggering events were apparent in both cases. Moreover, Kenya and Guinea witnessed smaller-scale atrocities than other R2P cases such as Darfur, Libya and Myanmar. That is why, it is crucial to examine what prevents countries from further atrocities.

Thirdly, the AU in Kenya and ECOWAS in Guinea, led the efforts of the international community. This will help to follow the analysis of Chapter 2, as well as to observing the roles played by the AU and ECOWAS in practice.

Lastly, the international community engaged in the cases continuously. In Kenya, preventive action is generally accepted to have happened in 2008 and 2013 and in Guinea between 2009-2010. These extended periods of efforts will offer more opportunities to see the stages in line with the prevention strategy.

In this vein, first and foremost, this chapter will look at the emergence of the cases and the responses given by the respective governments and the international community in line with the prevention strategy. Accordingly, it will seek to find on what grounds Kenya and Guinea can be seen as successful implementation of the responsibility to prevent. Secondly, it will compare the two cases to test the findings of the thesis in practice. In this regard, a comparative analysis will be carried out with respect to the measures and mechanisms that paved the way for the prevention of mass atrocities; the role of different actors; the contexts, circumstances and environment of the crises; as well as the sustainability of prevention. Following from this, it will identify numerous measures that could help to improve/strengthen the existing prevention strategy. Thus, a more comprehensive sustainable prevention strategy will be recommended to achieve successful prevention of mass atrocities.

3.1. KENYA

Before examining the post-election violence in Kenya, the political and ethnic circumstances which paved the way for unrest throughout the country should be revealed. Communal violence after the 27 December 2007 elections was not only due to a general political fraction of the society, but the reasons behind it were also the socio-economic realities and the ethnic tension that has been rising since Kenya's independence (Weiss, 2010). In Kenya, ethnic identity is highly politicized because of uneven distribution of the resources regarding leading ethnic communities. The nepotism and uneven distribution of lands have fed the grievances between different communities. Forty-two

different ethnic groups are residing in Kenya's lands (Crossley, 2013). However, there was a race between the largest groups—Kikuyu, Lou, and Kalenjin—to seize the power. In this kind of society where power means access to economic facilities and resources, elections are of great importance (Deng, 2008, as cited in Weiss, 2010). In addition, as land management institutions are not independent of political administration, this leads to lack of trust in state institutions (Kagwanja and Southall, 2009). Therefore, it can be argued that the politicized ethnic grievances and inherited unequal socio-economic circumstances resulted in the post-election violence which appeared as an imminent threat of crimes against humanity.

The road that goes to the 2007 general elections comprises of many indicators and risk factors that caused violent upheaval. Although Kenya was seen as a successful and stable country in the region (Sharma, 2015), the 2007 crisis would not be shocking for someone who looks carefully. After the 1992 and 1997 post-electoral violence, 2002 signaled a relatively peaceful era that the National Rainbow Coalition (NARC)—a coalition of Mwai Kibaki's National Alliance Party of Kenya (NAK) and Raila Odinga's Liberal Democratic Party (LDP)—defeated the ruling party for the first time since independence and promised reforms (Ingham et al., 2020). While political reforms consist of a new constitution based on addressing the structural problems, economic reforms should have waged a war to corruption (Kanyinga et al., 2010). However, the Coalition failed to address structural causes of conflicts and the ethnic division was deepened because of the NAK's desire for consolidation of power. The constitutional review process raised the tension within the NARC, wherein in pursuit of gaining wealth and dominance NAK forced LDP into isolation (Kanyinga et al., 2010, p. 10). Anti-corruption reforms that threatened the elites' interests were abandoned by the NAK. Moreover, exclusion of other ethnicities other than Kikuyus became apparent in appointments to the public sector. This indicated creation of authoritative power that was politicized by discrimination of ethnicities. Ethnic cleavages increased when Kalenjin people supported the LDP (Lou) against NAK (Kikuyu) (Kagwanja and Southall, 2009). In the light of this, NAK's draft constitution lost to LDP's coalition in 2005 constitutional referendum (the Guardian, 2005). Although a political uprising did not occur, this undermined the legitimacy of the Kibaki regime.

Following the constitutional referendum, Kibaki dismissed LDP members, censored the dissident media, and started to establish security forces called Administration Police (Kanyinga et. al., p. 12). He unilaterally appointed the members of the Electoral Commission of Kenya (ECK). This was against the law. Even though Uhuru Kenyatta was the leader of the main opposition party (KANU), he announced his support for the Party of National Unity (PNU) which was the re-election party of Kibaki (Ingham et al., 2020). This reflected a move towards an aim of ethnic monopolization because Kenyatta had Kikuyu ethnic roots. Moreover, Administration Police was sent to “PNU-hostile” areas before the elections. Accordingly, the opposition also organized and mobilized its resources (Kagwanja and Southall, 2009). These were clear risk factors—ethnic polarization, mobilization, authoritarianism, exclusion from power and resources—of the election that was going to be very tense if Kibaki who was facing a weakened legitimacy would win. Therefore, the result of the elections was doomed to be the trigger of the events.

On 27 December 2007, Mwai Kibaki from the PNU and Raila Odinga who was representing the Orange Democratic Movement (ODM) competed in presidential elections (Lindenmayer and Kaye, 2009). As mentioned previously, the government of Kibaki could not address the historical injustices and several promises that were made in 2002. Therefore, Odinga who was coming from Luo political/ethnic family challenged Kibaki to end Kikuyu’s domination and the poverty created by them (Kanyinga et al. 2010, p. 10). While the electoral campaigns were going relatively peaceful, problems arose when the votes were counted. Delay in the announcement of the results by the Electoral Commission of Kenya (ECK) ignited the tension (KHRC, 2008, p. 53). Three days after the elections, the ECK Chair declared Kibaki as a winner, although Odinga’s party ODM was holding the majority of the seats in the parliament. The European Union (EU) and other local and international monitoring groups, European Observation Mission (EUOM), the Commonwealth Observer Group (COG), and Kenyans for Peace with Truth and Justice (KPTJ) stated their concerns about the credibility of the election results (KHRC, 2008). Right after the announcement of election outcomes, protests started in Nairobi (in Kibera and Kisumu) and violence erupted against Kikuyu lands and properties, especially in Rift Valley (OHCHR, 2008, p. 8). Within a few days, the

violence transformed into an ethnic conflict which was driven by poverty and injustice. While the majority of the victims were Kikuyus, at least four different ethnic community members gave casualties (Lindenmayer and Kaye, 2009, p. 3).

Human Rights Watch (2008) reported that police also used excessive force against the protestors while some of the protestors were benefitting from the lack of the rule of law to “loot, rape, and riot”. The Fact-Finding Team of the OHCHR (2008) found that the violence did not occur only spontaneously, but also organized and retaliatory acts took place. It is reported that organized crimes were conducted mostly by the Kalenjin ethnic group (International Crisis Group, 2008). Later, it is released that the violence resulted in over 1,300 deaths and 600,000 Kenyans had been displaced (TJRC, 2008).

The threat of mass atrocities was imminent: the police were using indiscriminate force, sexual and gender-based violence not connected to ethnic tension was also reported, and forced displacement was accelerated due to ethnic-based violence (OHCHR, 2008). According to Lindenmayer and Kaye (2009), ethnic cleansing was a risk under given circumstances in Kenya. In this regard, right after the violence occurred, Archbishop Desmond Tutu’s mediation effort came on 2 January 2008 under the imminent prevention of mass atrocities (Reuters, 2008). The scale of the violence was still undetermined at that time (Lindenmayer and Kaye, 2009). The initial unsuccessful attempt of Tutu on behalf of the African Conference of Churches was followed by the Forum of Former African Heads of States, Jendayi Frazer (US Secretary of State for African Affairs), Ugandan President Museveni (Chairman of the Heads of State Summit of the East African Community), and Colin Bruce from the World Bank (Mwagiru, 2008). However, while the tension was escalating, initial attempts failed due to redundancy and inharmonious efforts (Sharma, 2016a). They were echoed with Secretary-General Ban Ki-moon’s recalling of Kenya’s responsibility to protect its people (UNMCPR, 2008). Moreover, the UN Special Adviser on the Prevention of Genocide, Francis Deng urged the Kenyan government to end the violence while placing special emphasis on R2P (UNNC, 2008a).

The escalation prevention came as a strong mediation request on 10 January 2008. Former UN Secretary-General Kofi Annan, Tanzanian President Benjamin Mkapa and Mozambican politician Graça Machel formed an AU Panel of Eminent African

Personalities thanks to the efforts of Ghanaian president John Kufuor (Babbitt, 2014). When the Panel arrived in Kenya, it was not easy to solve the issues between the parties. At first, while Kibaki was not willing to share his power with the opposition and rather would like to form a national unity government (without ODM) to stop the crisis, Odinga refused Kibaki's proposition believing that only international mediation would end the crisis (Wallis and Moody, 2008). While both sides were blaming each other for vote-rigging as well as the escalation of crisis, Kufuor announced that "both sides agreed there should be an end to the violence, and they also agreed there should be dialogue" (Gettleman, 2008). On 22 January, the AU Panel of Eminent African Personalities commenced the mediation under the leadership of Annan, and two days later, the first handshake was accomplished.

After the handshake, as the parties raised accusations against each other, the tension started to escalate again, but it was ceased by the agreement on a "Road Map". The process of Kenyan National Dialogue and Reconciliation (KNDR) began through four agenda items: the first two agenda items were directly related with prevention of mass atrocities and humanitarian violence; while the third one was to settle the political crisis, and the fourth agenda was developed to find long-term solutions for the root causes (Weiss, 2010). Accordingly, it can be said that both operational and structural prevention efforts were planned to be implemented by mediation.

Nonstop mediation took 41 days and accomplished measures under operational prevention. The first two agendas were completed rapidly on 4 February, with statements of both parties to "promote peace, ensure freedom of expression and the right to peaceful assembly" (Lindenmayer and Kaye 2009, p. 11). They also pledged to provide safe relocation of internally displaced persons. According to Bellamy (2011a), governance measures (such as strengthening democracy and power-sharing) could be used for structural prevention. Accordingly, the political agenda in the Kenyan Road Map implemented direct prevention for the escalation of the tension, but it had structural effects too. To settle the public, it was necessary to show people that an agreement between opposing sides was achievable. Although it was not easy to convince the parties on a mutual agreement, thanks to the UN member states (especially the US and the EU) and the new AU Chair, President Kikwete's joining the mediation, Kibaki and Odinga

agreed on the establishment of a coalition government under “Acting together for Kenya” (Weiss, 2010, p. 23). Respectively, it was envisioned that there would be a constitutional change (i.e. “the National Accord and Reconciliation Act”), which was also to establish a powerful prime minister position for Odinga with two deputy prime ministers, and presidency for Kibaki (Acting Together for Kenya, 2008).

The fourth agenda item was to eliminate the root causes of the ethnic conflict. After mediation succeeded in operational terms, they focused on the long-term progress in order to prevent it from happening again. In this regard, it can be argued that the subsequent measures marked the beginning of recurrence prevention. Therefore, for an effective regional assistance, former Nigerian Foreign Minister Adeniji was appointed by the AU panel. With his efforts, parties agreed to establish the Independent Review Commission (IREC) of 2007, the Truth, Justice and Reconciliation Commission (TJRC), the Commission of Inquiry into Post-Election Violence (CIPEV) and two constitutional arrangements (Security Council Report, 2008). In order to solve the structural issues, the government also bore the responsibility under Pillar 1 of R2P. The root causes were determined by CIPEV as “land grievances and the centralization of power in presidency” (ICTJ, 2008). It recommended the creation of a Special Tribunal to break the culture of impunity. Also, the government accepted the Commission’s proposal for the submission of those who are responsible for the crimes against humanity before the ICC in the case of inaction (TJRC, 2008). However, when the parliament rejected twice the proposals for establishing a court, in 2009, Annan gave the sealed envelope including the names responsible for mass atrocities to the ICC prosecutor (Annan, 2013). The Prosecutor commenced the investigations against powerful names like Uhuru Kenyetta and William Ruto. While the former was to be elected as president, the latter was to be elected as prime minister in the 2013 elections (Annan, 2013). Thus, both direct and structural measures had been used in the prevention of recurrence.

The measures that have been taken by the government to prevent the resurgence of tension in the next elections should not be underestimated. These efforts can be observed under both structural and direct prevention efforts. While the ICC prosecution constituted direct prevention, it was followed by structural prevention efforts. They adopted a new constitution in 2010 which included land reforms, bill of rights, local government

empowerment, creation of mandatory seats for Kenyan women in the parliament, and the formation of an Independent Electoral and Boundaries Commission (ICRtoP, n.d.). Police and security reform was also implemented by the government to train the police with respect to human rights.

All in all, in line with the sustainable prevention strategy, Kenyan prevention started with an unsuccessful immediate prevention strategy. Although there were early warning signs, and the African Peer Review Mechanism warned the international community about “the factors that have been markers of civil strife elsewhere, such as strong ethnic divisions, polarized political issues, political manipulation, rampant violence, socio-economic disparities, deepening levels of poverty and endemic corruption”, the assessment of the indicators were weak and late (APRM, 2006, p. 14). This was followed by escalation prevention. Thanks to the AU-led mediation and the other direct prevention efforts, it can be stated that escalation prevention was accomplished. Moreover, with the 4th agenda item, recurrence prevention was commenced by both the State and the international community. In this regard, recurrence prevention lasted until 2013, and was undertaken once again in 2017.

Rationally, if a successful prevention means the absence of atrocity crimes, then we may argue that prevention of recurrence succeeded in Kenya. This accomplishment can be seen as a result of sustainable prevention. Despite the escalation of the tension, the Kenyan elections in 2013 were regarded as legitimate by a joint statement of election monitors from the EU, the AU, Carter Center, and other regional observation groups (Reliefweb, 2013). The elections were more peaceful than that of 2007. Thanks to international assistance and capacity-building activities that were carried out by intergovernmental organizations and civil society before and after the elections, no atrocities occurred (ICRtoP, n.d.). The reforms that were implemented by the government showed their success in the judicial settlements. Although Odinga contested the election results in 2013, he took the issue to the Supreme Court. Then, he abided by the decision of the Court and expressed his commitment to constitutionalism (BBC, 2013). That was a great progress given the former mistrust to the state institutions.

Notwithstanding, recurrence prevention should address the root causes of the violence and include risk factors prevention. The resurgence of the tension after the elections for similar reasons reflects the weaknesses of the prevention provided. According to Human Rights Watch (2013) and ICRtoP (n.d.), as stated by the Kenyan Commission of Inquiry (CIPEV) in 2008 fundamental issues—such as police reform, corruption, criminal groups, displaced people—were still remaining. As Annan (2013) remarked, “the first aim of the mediation was to stop the violence, which it did”. However, mediation did not completely address the underlying grievances within the society, although they set up several ad hoc bodies to end discrimination (Babbitt, 2014).

While outside prevention succeeded in escalation prevention as well as averting recurrence, the government of Kenya—besides many improvements—could not fully overcome the root causes of ethnic grievances and it failed to hold the perpetrators of past atrocity crimes accountable. Kenyatta and Ruto won the elections in 2013, even though they were being prosecuted by the ICC, and they used their presidential powers not to be punished by the ICC (Leithead, 2016). Given such culture of impunity, unsurprisingly, the 2017 presidential elections (on August 8) ended up with violent protests and 24 people died in eight days. The AU sent the AU Election Observation Mission (AUEOM) based on the “African Charter on Democracy, Elections and Governance” (AU, 2017a). The mission observed some contestations of the results (AUEOM, 2017). To mitigate the tension, the Chairperson of the AU Commission, the UN Secretary-General and Kofi Annan urged the parties to act responsibly (Annan, 2017; AU, 2017b; EEAS, 2017).

With the Supreme Court’s annulment of the first results, Kenya repeated the elections. Although the IEBC announced that the elections were credible, violent clashes occurred. The Global Centre for the Responsibility Protect announced an atrocity alert in the Kenyan re-run election (GCR2P, 2017). In this context, it can be argued that despite the credible successes of the prevention in general, the risk of recurrence was persisting as the underlying causes of the atrocity crimes could not be addressed overall.

3.2. GUINEA

On 27 December 2009, the Stadium Massacre raised the concern of the international community on whether or not mass atrocities were committed. According to the International Coalition for the Responsibility to Protect (ICRtoP) (2010), the Guinean government had failed to protect its population from mass atrocity crimes. Later the newly established International Commission of Inquiry in Guinea announced that crimes against humanity had been taking place by government security forces (UNSC, 2009b). Soon after, a rapid response to the grave circumstances was given by regional and international actors to halt the tension and to prevent escalation.

In December 2008, the junta seized power and Captain Dadis Camara as head of the junta became President. Although as the president of the National Council for Democracy and Development (CNDD) he promised free elections to establish a civilian government soon, Camara banned the parliament and suspended the Constitution. While he was condemned by a collaboration of regional and international organizations, the UN also formed a group of friends against the increasing suppression by the junta. “The Friends” were called as the International Contact Group on Guinea (ICG-G) and led by the AU and ECOWAS (UNSC, 2009a). As the risk factors and the imminent indicators became apparent, ICG-G endeavored to return Guinea into a constitutional order as of the beginning of 2009 (UNSC, 2009a).

However, imminent prevention could not impede a shocking event. A peaceful protest started when Camara did not keep his promise that he would not run for elections (GCR2P, 2019). On 28 December 2009, gendarmerie and police forces used excessive force against civilian protestors. The widespread and systemic attacks resulted in 109 women raped, 67 people killed and 89 disappeared (UNSC, 2009b, p. 47).

Immediate measures were imposed initially by regional organizations. The AU and ECOWAS called the UN to form an International Commission on Inquiry (AU and ECOWAS, 2009). On 7 October 2009, ECOWAS appointed a mediation team to settle the issues between the opposition and the junta, also to find out what should be done to prevent the escalation (ICRtoP, 2010). Moreover, ECOWAS imposed an arms embargo and the AU consecutively implemented a travel ban and assets freeze against the junta members (HRW, 2009). Early action by regional organizations was followed by the

international response. France and the US condemned the junta, and Bernard Kouchner (French Foreign Minister) challenged the government with the possibility of an international intervention (France24, 2009). Respectively, the EU and the US imposed an arms embargo, assets freeze and a travel ban against the members of the junta (EU, 2009; HRW, 2009).

In addition to the targeted sanctions, the establishment of the UN Commission of Inquiry in Guinea by the UN Secretary-General and the ICC's preliminary examination can be considered as direct prevention measures in the face of mass atrocity crimes. The Commission of Inquiry found that the violence did not spontaneously occur, and that the government and security forces had organized the action (UNSC, 2009b). It also stated that the use of force was selective and against a particular ethnic origin, namely the Peul (UNSC, 2009b, pp. 28, 40). Accordingly, both Prosecutor Bensouda and the Commission stated that crimes against humanity had taken place (ICRtoP, 2010).

Thanks to the envoy of ECOWAS, President of Burkina Faso Blaise Compaore, Declaration of Ouagadougou was signed to create a national unity government led by interim Prime Minister Jean-Marie Doré (Ouagadougou Joint Declaration, 2010). It can be argued that direct prevention measures to deter the recurrence of the violence started to be implemented simultaneously with rapid reaction and continued with mediation. Accordingly, the declaration scheduled a free and democratic election for 27 June, and both the government and the UN called for the support of the international community to monitor and finance the elections (UNGA, 2010a). The Human Rights Council, the AU, ECOWAS and UN Humanitarian Air Services (UNHAS) welcomed free elections (ICRtoP, 2010). While the first round of the election was held peacefully, the opposition challenged the results with claims of rigging. When the Supreme Court delayed the second round three times due to technical difficulties, politicized ethnic tension began to unfold (International Crisis Group, 2010). While Cellou Dalein Diallo's party mainly represented the Peul ethnic group, Condé was associated with Malinke. The International Crisis Group (2010) also reported that the government security forces have been using excessive use of force on Diallo's supporters. According to the International Committee of the Red Cross, until the election took place, 2,800 people were displaced (Penney, 2010). Furthermore, when the Supreme Court announced the opposition leader Alpha

Conde as the first democratically elected president, violence accelerated and a state of emergency was declared (VOA News, 2010).

ECOWAS assumed the responsibility to prevent the recurrence and worked for progress through organizing meetings between parties (Clotey, 2010b). In addition to ECOWAS, the AU had warned groups who would attempt to delay peaceful elections (AU- AHSG, 2010, para. 24). Moreover, after the second round of the elections, Secretary-General Ban Ki-moon called the international community to support the election and urged the Guinean people to accept the results (UNNC, 2010a). This was followed by the UN Security Council's warning of the political leaders to ease the tension and recalling the responsibility of state and security forces to protect the population (UNNC, 2010b). The US urged the country to respect democratic transition, while the International Crisis Group and Amnesty International made statements to draw the attention of the international community to prevent tension from escalating (ICRtoP, 2010).

The violence continued with the subsequent elections in Guinea due to lack of accountability for past crimes. Guinea also did not hold trials for the violence committed by the security forces in the 2018 protests, as it was the case for the 2015 presidential elections and 2013 parliamentary elections (HRW, 2020a). Although the government collaborated with the UN Human Rights Council and it reported the progress in several reforms on human rights, Guinea still needs to establish capacity-building institutions (UNGA, 2014, 2019). In 2014, due to the 2013 elections and the threat of resurgence of tension, Human Rights Council recalled the "primary responsibility of the Government of Guinea to protect its population" (UNGA, 2014, p. 1). At the same time, it emphasized the ongoing rebuilding efforts made by the AU, ECOWAS and the Guinean government to establish democratic institutions under structural prevention. However, the lack of rule of law caused violent treatment in the 2019 protests that were organized against the constitutional amendment (HRW, 2020b). Because of lack of justice for security forces' excessive use of force, impunity, and unaddressed underlying causes, the protests that started in the 2019 constitutional referendum lasted until the end of 2020 presidential elections (HRW, 2021). In this regard, the ACHPR, the Special Representative of the UN Office for West Africa and the Sahel, the ECOWAS, the EU, France, and the US condemned the use of force (HRW, 2020a, 2020b). While the UN Secretary-General

urged political leaders to promote peaceful elections and solutions, afterwards he warned the security forces to refrain from use of force (UNSG, 2020b). Moreover, the AU, ECOWAS and the UN sent representatives to ease and mediate the tension between the government and the opposition (GCR2P, 2020b).

In Guinea, the efforts that were made after the Stadium Massacre to prevent the resurgence of the violence can be analyzed under both direct and structural prevention. Although the tension constituted a risk of escalation, the elections were concluded rather peacefully. However, while the Guinean government succeeded to establish democratic institutions, the security sector reform still has some shortcomings. Most of the violence had been committed by the security forces of the government due to the culture of impunity. While the ICC has played a positive role in promoting investigation for the crimes committed in 2009, Guinean people are still waiting for a trial of those who were responsible for the September Massacre (HRW, 2020b; ICC, 2020). Although the positive steps undertaken in 2017—such as the end of the primary investigations—are acknowledged as successful, people are still waiting for the steering committee to keep its promise of establishing a trial with Conakry's Court of Appeal that was to commence before June 2020 (HRW, 2020b). While the Covid-19 pandemic and the current political challenges that Guinea has faced are presented as excuses for inaction, the International Federation for Human Rights (FIDH) points to the lack of political will of the government as a primary cause of the delay (FIDH, 2020).

In the light of these, it can be argued that although immediate prevention failed, escalation prevention was successful in Guinea. Since there are no new reported atrocity crimes, it would not be wrong to note the success of recurrence prevention. However, the repeated tension and deadly violence between two ethnic groups and security forces are still worrisome.

3.3. TOWARDS SUCCESSFUL PREVENTION

For the cases of both Kenya (2008, 2013) and Guinea (2010), Serrano and Weiss (2014) observe that prevention efforts achieved substantial success to prevent the resurgence of

violence. Moreover, Luck (2013) notes that Kenya is one of the places where R2P is implemented successfully in a preventive manner. However, as the examination of the two cases has revealed a stark truth about how and where Kenya and Guinea fit in the cycle of prevention. Hence, a further analysis of Kenya and Guinea cases from an “atrocities prevention lens” may help to find what may facilitate successful prevention.

In both cases imminent prevention failed, however, escalation prevention and recurrence prevention were successful. It is noteworthy that both Kenya and Guinea had suffered from the same issue, that is the resurging tension. It is because of the cleavages in society that remained silent during peacetime and marginalized during the elections—for example, Kenya in 2013 and 2017, and Guinea in 2010, 2013, 2015, 2018 and 2019. Based on the frequency of recurrence, it may be argued that Kenya was more stable than Guinea. Detecting the true reasons behind this requires immense knowledge about the two countries and further elaborative analysis on their history, socio-economic contexts as well as the efforts of the international community. However, based on the information presented in this thesis, one may assume that the difference in stability is related with two different characteristics of the prevention strategies: First, Kenyan prevention strategy was implemented in a more systemic manner in which short-term and long-term measures were utilized. This is quite similar to the logic behind the sustainable prevention strategy which is articulated in this thesis. Secondly, while the Kenyan government actively established institutions and implemented some structural prevention measures itself, the Guinean government was less involved in the process of development. Although it established institutions and took the primary responsibility in time, it could not fully implement the measures due to technical problems or the lack of willingness. For example, the excessive use of force by the security forces is still a problem, and the judiciary suffers from lack of human resources and courtrooms (HRW, 2021). Considering both as successful prevention cases in some parts, further comparing can attach additional necessities and factors to the sustainable prevention strategy in order to bring successful prevention.

In both crises, rapid action was one of the most important points which made the cases internationalized and led to a successful R2P response. As Ban Ki-moon stated that early engagement could leave no place for the use of force (UNGA, 2009, p. 9). Early resolution

to the crisis could prevent further escalation of atrocity crimes, it can also prevent crises to turn into mass atrocities. Moreover, in the light of Paragraph 139 of the World Summit Outcome Document, the international community could take peaceful measures under Chapter VI and VIII of the UN Charter. Collective efforts would be successful when “undertaken at an early point and are carefully targeted and calibrated” (UNGA, 2010b, para. 3). As both Kenya and Guinea come from the same regional background and have cultural similarities, it is more preferable that an organization which is proximate to the region would take action. In this regard, it was one day after the Kibaki swore in Parliament on 30 December, regional mediation efforts commenced by the AU Chairman Kufuor and followed by other African Heads of State (Halakhe, 2013, p. 8). Although the initial attempts failed, they boosted a more planned action that the mediation led by Eminent African Personalities, on 22 January. Furthermore, in Guinea, while the massacre occurred on 28 September, the AU and ECOWAS immediately called the international community to give attention to the violence on 29 September (ICRtoP, 2010).

It is also important to underline different measures that were taken in Kenya and Guinea. The reasons for and triggers of the violence are different. On the other hand, it can be argued that they stemmed from similar roots and both occurred in peacetime. In Kenya after the elections, and in Guinea during a peaceful protest mass atrocities became imminent. While in Kenya communal violence occurred mostly spontaneously but was followed by semi-organized use of force; in Guinea, the Commission of Inquiry determined that the government was aware of the use of force and responsible for it (TJRC, 2008, pp. 66-77, 102-105; UNSC, 2009b, pp. 46-55). However, the fact-finding commissions for both cases have traced the root causes of the violence to the ethnic divisions, especially in Kenya. They also found that there was lack of rule of law and trustable democratic institutions coupled with poverty and a culture of impunity (TJRC, 2008, p. 23; UNSC, 2009b, Para. 176, 254-275).

Notwithstanding similar root causes, the perpetrators and the way the violence unfolded were different. Therefore, the responses had to be devised differently. For example, while in Guinea the international community imposed more coercive measures like economic sanctions and arms embargoes, there was only the threat of coercive measures in Kenya

(Sharma, 2016a; WPF, 2017). This was because the perpetrators were apparent in Guinea, thus the junta's accession to the weapons had to be averted to prevent the escalation and the resurgence of the tension. The sanctions followed the mediation between the opposition and the government. However, in Kenya, the crisis arose due to communal violence between politicized ethnic factions, so the parties needed to be mediated immediately.

Ban Ki-moon asserted that there was need for “carefully targeted and calibrated” peaceful and preventive measures, and “differentiated assessment of each case” (UNGA, 2010b). He reinforced his words by stating that “what is needed is an early and flexible response tailored to the circumstances of each case, rather than any generalized or prescriptive set of policy options” (UNGA-SC, 2011). Therefore, different responses that were implemented in Kenya and Guinea can be a sample for these statements. Furthermore, it is also needed to avert the root causes of violence for sustainable prevention. The reason why tailored actions were needed can be seen in the aforementioned direct prevention, but also the long-term structural reforms must be done accordingly. For example, in both Kenya and Guinea the culture of impunity was one of the main causes of the conflict and it was possible for human rights violations to turn into mass atrocities. That is why the reforms in security sector and rule of law were implemented (ICRtoP, n.d.; WPF 2017, p. 2). Also, the ICC's involvement was significant to break the cycle of impunity in both cases. The ICC is currently assisting the pursuit of justice for the 28 September massacre. Prosecutor Fatou Bensouda urged the Guinean government in 2020 to take the necessary steps to prosecute those who were responsible for the mass atrocities, and reminded that the ICC was to interfere if the government would fail (ICC, 2020). Moreover, in Guinea rape and gender-based violence were the underlying causes of crimes against humanity, so international assistance and capacity building and also the government's efforts focused on establishing the institutions working on gender and human rights (UNGA, 2019). Also in 2008, the National Cohesion and Integration Commission was established by the government of Kenya to prevent the marginalization of communities and to promote peaceful coexistence of ethnic groups (UNGPRtoP, 2017, p. 5). Moreover, since both occurred in peacetime, it can be seen that rather than merely focusing on conflict prevention, the measures are implemented with the aim of mass atrocity prevention.

Both in Kenya and Guinea, the prevention efforts were consistently implemented. The international community did not leave the countries on their own. It could be argued that the consistency in the implementation of preventive measures was accomplished by performing direct and structural prevention measures with the pillars of the R2P in harmony. Implementation of structural and direct prevention measures simultaneously could achieve sustainable prevention, and if the three-pillar implementation strategy is followed while employing these measures, it would be more possible to reach a successful prevention. It is because of the main aim of the three pillars is to help the government to achieve the first pillar responsibility and short and long-term approaches are needed together to assist states to uphold their responsibility to protect (UNGA-SC, 2012). In Kenya and Guinea, preventive diplomacy was implemented as a response under pillar 3 but it also prevented an escalation of violence. For example, establishing a commission of inquiry can be considered as part of international assistance under pillar 2, but it was a timely and decisive response to find the facts and perpetrators in Guinea. Moreover, Ban Ki-moon stated that the appearance of the commission also prevented possible crimes (UNGA-SC, 2012, para. 12). After the direct preventive response under pillar 3, the international community continued with international assistance and capacity building under pillar 2. They supported structural reforms implemented by the government of Kenya as part of sovereignty as responsibility understanding. The Kenyan government changed the constitution more democratically and made reforms in the security sector, media, and state institutions (Halakhe, 2013, p. 18). Also, under the first and second pillars, the government and the UN worked for ending hate speech. Regarding this, the UN Special Adviser on the Prevention of Genocide, Mr. Adama Dieng convened workshops and campaigns directly against hate-speech, before the 2013 elections (Sharma, 2016a, p. 11). Besides, the international community, especially the AU and ECOWAS, worked closely with the transitional government of Guinea to promote democratic transition and upcoming elections in 2010 and 2013 (AU-AHSG, 2010; UNGA, 2014). Also, the UN Peacebuilding Commission (UNPBC), the EU and ECOWAS started to work together on the security sector reform in Guinea after the 2010 presidential elections (WPF, 2017).

The importance of overcoming the unwillingness of the international community to act is highlighted several times in this thesis. Given that R2P is not a legal norm, but is based on well-established conventions under International Law, the key element to invoke the collective action rests on the desire of the international actors to respond. However, as it is said before, when action is necessary, the UN mostly faced with a lack of political will (Wheeler and Egerton, 2009). Hence, it could be argued that in Kenya and Guinea the absence of political will was overcome. A primary reason behind this success lies in the early response of regional and sub-regional organizations. For the prevention and the peaceful measures in Chapter VI of the UN Charter, regional arrangements do not need “the explicit authorization of the Security Council or the General Assembly” according to Article 52(2) of Chapter VIII of the Charter (UNGA-SC, 2012, para. 22). Therefore, without any UN Security Council deadlock, the preventive measures were firstly undertaken by the AU in Kenya and ECOWAS in Guinea. It is most likely a regional organization would have willingness because a crisis in the region could pose a risk for everyone. However, the norm acceptance of the organization is also significant for having the desire and the right mechanism to deal with atrocities. As it is examined in the second chapter, the AU and ECOWAS are two important regional and sub-regional arrangements that localized R2P and institutionalized accordingly.

Besides the AU’s adoption of R2P in the Ezulwini Consensus, APSA embodied important mechanisms relating to R2P (AU, 2005, 2012). In this regard, the AU mediation started thanks to Chairman Mkapa and the power-sharing agreement enforced by the Tanzanian President Kikwete who helped the solution to keep in line with the notion of “African solution for African problems” (Weiss, 2010, p. 28). The organization continued its efforts on monitoring the developments in Kenya. It made recommendations to strengthen human rights according to the ACHPR in 2014 (ACHPR, 2014). The AU engaged with preventive diplomacy in the 2017 elections and sent AUEOM to observe and assist in peaceful elections. Moreover, the AU suspended Guinea from membership after the coup, then followed by targeted sanctions (WPF, 2017). In addition to the AU, ECOWAS suspended Guinea from the organizational meetings due to the Junta’s violation of Supplementary Protocol on Democracy and Good Governance (Aning and Autobi, 2012). After its successful mediation effort between the CNDD and the opposition, ECOWAS

also sustained its prevention support through providing financial and technical assistance. ECOWAS Political Director Abdel-Fatau Musah stated that the organization “had advanced an amount of half a million dollars ... in aid of the Independent Electoral Commission of Guinea in the preparation for the election” (Clottey, 2010a). The AU also closely monitored the situation and the PSC met several times about Guinea until the 2010 presidential elections (ISS, 2010). In the 2020 presidential elections, the AU deployed an electoral observation mission to 147 stations (Soumare, 2020) and ECOWAS sent “16 Long-Term Observers (LTOs) and 100 Short-Term Observers” (STOs) that includes ECOWAS ambassadors, civil society, media and election experts (ECOWAS, 2020). Moreover, together the AU, ECOWAS and the UN sent envoys for the mediation and settlement of the tension (Aljazeera, 2020). In this vein, these implications are the examples of where the leadership and the sustainable efforts of the AU and ECOWAS with regard to mass atrocity prevention are realized.

While regional organizations were the vanguard of achieving the will and boosting the early response, another significant reason for both successful and sustained support was the unity of different local and international actors. Tailored action according to each case is critical, however, it should be managed within harmony. For this reason, the efforts of appropriate actors should be instrumentalized in the right place at the right time. For example, in Kenya internationally respected persons contributed to the mediation and attracted the attention of the international community. Kofi Annan was of great importance for mediations with his years of experience on R2P and conflict resolution. He conditioned that there was going to be one channel for the mediation which is himself and the Panel, and the third parties would support it when it is needed to use carrots and sticks (Lindenmayer and Kaye, pp. 4-6). Therefore, the EU Member States and the US successfully used economic and diplomatic incentives and restraints for that purpose. The US and the EU said that they would not return to friendly relations until the crisis was resolved, and when they reached an agreement, the US aided \$30 million for the implementation (Daily Nation, 2008, as cited in Sharma, 2016a). Canada and the US also threatened the parties with sanctions on specific individuals (Sharma, 2016a, p. 6). Bernard Kouchner from the EU, Archbishop Desmond Tutu, Francis Deng and Ban Ki-moon invoked the implementation of R2P for Kenya (Tutu, 2008; UNNC, 2008b). The

EU also engaged with civil society-led projects, developing early warning systems and aiding for long-term rebuilding projects (Babaud and Ndung'u, 2012).

The previous paragraph shows that the UN, religious communities, eminent individuals, the UN member states and regional mechanisms became one voice to prevent escalation of atrocities. Furthermore, assistance by civil society was substantial during the mediation and the way forward to the 2013 elections. Annan-led mediation worked in tandem with both media and local non-governmental organizations to keep the process transparent and reach the Kenyan society (Lindenmayer and Kaye, 2009; Weiss, 2010). For example, PeaceNet was a part of a fact-finding commission led by AMANI Forum which consists of regional politicians and supported tolerance between communities (Babaud and Ndung'u, 2012, p. 24; UNGPRtoP, 2017). PeaceNet Kenya also established the “Uwiano platform for peace” that was financed by Sweden, the UK, and UN Women to develop early warning capabilities and technologies (Halakhe, 2013, p. 19). Moreover, the National Steering Committee on Peace Building and Conflict Management—consisting of representatives from government and NGOs—assist the establishment of the national Conflict Early Warning and Response Unit (CEWERU) (Halakhe, 2013). Enduring efforts of the Concerned Citizens for Peace (CCP) had started even before the regional organizations intervened and it reached media, schools and business places to cease the tension (Babbitt, 2014).

In Guinea, the involved actors were in unity before the massacre occurred. Besides individual works that were implemented by ECOWAS, the US, the AU and the EU, ICG-G consisting of “the UN, the AU, the EU, the World Bank, ECOWAS, International Organization of la Francophonie (OIF), the EI, the Mano River Union, other regional organizations and partner countries, including France, Morocco, Burkina Faso, the UK, and the US” worked to prevent unconstitutional changes in Guinea since early 2009 (UNSC, 2009a). Moreover, the ICG-G was one of the first actors that condemned the 28 September massacre. It called for ICC prosecution to end the impunity, and international assistance for socio-economic reconstruction (AU and ECOWAS, 2009, 2010; Reliefweb, 2009). In addition, despite the tension accompanied by demonstrations in the 2013 legislative elections, the vote count was completed peacefully and legitimately

thanks to the mediation by the UN Office for West Africa (UNOWA) and the EU observers (WPF, 2017).

3.4. LESSONS LEARNED FROM KENYA AND GUINEA

Both the Kenyan and Guinean cases affirm that the sustainable prevention strategy led by regional organizations can work in reality. They can be regarded as places where the escalation and recurrence prevention of mass atrocities are successfully implemented. However, this does not reflect the essence of the sustainable prevention strategy. Imminent prevention was failed and small-scale tensions occurred from time to time because the root causes were not fully addressed. With its pros and cons, Kenya and Guinea cases show that comprehensive sustainable prevention can achieve successful prevention of mass atrocities. In this regard, this chapter outlines significant factors that facilitate a successful prevention strategy.

First, early warning is significant to determine the risk factors of mass atrocity crimes. However, early warning assessment is as important as the indicators. As seen in Kenya, although regional organizations may foresee a forthcoming crisis, if action is not taken accordingly, it may be too late to undertake imminent prevention efforts.

Second, the cycle of prevention starts with risk factor prevention and ends with it. Since the history of past atrocity crimes is a risk factor, recurrence prevention can be equated with risk factor prevention. Kenya and Guinea show the importance of successful structural prevention in recurrence prevention. There is the risk of post-election violence in Kenya, and especially in Guinea. In this regard, prevention measures should not be halted. Some structural preventive measures can be inferred from the cases in order to be used in future: development of strong state institutions that respect human rights, accountable governments, free and transparent elections, and following an indiscriminative policy in the distribution of power and resources.

Third, the response must come as early as possible. That is why, it can be said that because the regional organizations are the most proximate to the crises, the actions should be led by them. The peaceful measures can be mandated by regional organizations in case the

UN Security Council would fail to act. Not only proximity but also familiarity with the region makes regional arrangements prominent actors for preventing atrocity crimes. For example, joining of the AU Chairperson Tanzanian President Kikwete to the mediation team pushed both sides to accept the power-sharing agreement in Kenya, because he was also a party to that kind of arrangement in his country.

Fourth, although it seems that regional organizations are more preferable to lead, they suffer from lack of resources and financial problems. Therefore, the UN and the rest of the international community should work together in unity. Kenya and Guinea show that the harmony between local civil society, regional organizations, international organizations, and individual states could be more effective. For example, one of the reasons that the risk of recurrence in Kenya is less than in Guinea is the wider range of actors (such as civil society) engaging in long-term measures systematically thanks to the road map in Kenya. In this regard, the division of labor should be analyzed in future works.

Fifth, the individual responsibility to protect is significant to realize successful prevention because the prominent individuals in the international arena could mobilize the rest of the community to take action. Not only the States but also individuals should be aware not to participate in the commission of atrocities. Moreover, they are responsible for bringing the case before higher authorities and public attention. For example, Special Advisers of the Secretary-General on the R2P and the Prevention of Genocide should warn the Secretary-General about the risk of atrocity crimes and the Secretary-General should bring the case before the UNSC. Also, eminent persons may be a great asset for a successful mediation.

Sixth, the case-by-case approach is key for a tailored and flexible action. Within a flexible response, all pillars should be used in tandem when necessary. Pillars can be implemented simultaneously and reinforce each other. As the cases show that prevention is inherent in all the pillars, the measures under three pillars can be taken according to the context, perpetrators and the victims of crimes.

Lastly, the culture of impunity has to be broken. It is better to break it by starting from inside the society, and while doing so, the international community should provide

assistance to improve states' mechanisms, security sector and the rule of law. However, in the case of states that would not be able to do so, the ICC may assist them to take that responsibility.

With respect to the findings, this chapter confirms that successful prevention is linked to sustainable prevention. Therefore, for a successful prevention, different levels of actors—individual, local, national, regional, sub-regional, and international—must take the responsibility to prevent in harmony in a timely, targeted and sustainable manner.

CONCLUSION

After the grave human sufferings of the 1990s, the international community started to acknowledge that collective action should be taken in cases where the States are unable or unwilling to protect their populations from mass atrocities. However, right after the ICISS introduced the notion of R2P, criticisms focused on the responsibility to react, which embodies the possibility of use of force. Moreover, well-established norms of sovereignty, non-use of force and non-interference were at the core of the arguments presented by the cynics of R2P. In this context, R2P proponents placed the emphasis on the responsibility to prevent in order to show that R2P is an ally of sovereignty. Although the international community consented to the adoption of R2P in 2005 due the limitations imposed on the scope of the norm, it is not possible to argue that R2P has yet been implemented in a consistent manner. This reveals a gap between rhetoric and operationalization. In this regard, focusing on R2P (as unanimously adopted with the WSOD), this thesis aimed to determine the required components for successful prevention of populations from mass atrocity crimes.

In order to fill the existing gap, this thesis suggests a mass atrocity prevention focused strategy in line with the responsibility to prevent. Since mass atrocity crimes do not happen spontaneously, they can be averted. In this respect, prevention is much more favorable than trying to achieve a cure after atrocities happen because it is cheaper, morally more legitimate, and creates less controversy in terms of the actions taken. It should be reminded that mass atrocity crimes do not occur during an armed conflict, but they may also be committed during peacetime. For this reason, an effective prevention strategy has to be focused on the nature of mass atrocity crimes and it needs to be sustainable. Accordingly, atrocity crimes have root causes and risk factors. If a crisis triggers the risk factors, atrocity crimes become likely. In this regard, the triggering event(s) may be followed by the organization as well as the mobilization of the means and the perpetrators of the crimes, and this may result in the imminence of atrocity crimes. If they are not prevented, the crimes may escalate into a more violent and larger crisis. As seen in the cases of Kenya and Guinea, there are underlying causes of mass atrocity crimes. These risk factors can be listed as uneven distribution of power, resources and

land; bad governance; history of mass atrocities; ethnic discrimination; weak state institutions and/or rule of law; the culture of impunity and partiality of the security sector.

Therefore, a sustainable prevention strategy has to be in line with the path of escalation of atrocity crimes. In Kenya and Guinea, risk factor prevention should have addressed the structural causes, however, atrocity crimes occurred because risk factor prevention was not realized at an earlier stage. The triggering events were the national elections in Kenya in 2007 and in Guinea in 2010, as well as the anti-junta protests in Guinea in 2009. This shows that imminent prevention is to be sought when risk factor prevention fails. Initial mediation efforts in Kenya can be considered as an example of this.

If impending atrocities are not prevented on time, small-scale atrocities are most likely to occur at the early stages of the events. This is why they should be prevented from turning into large-scale atrocity crimes. Accordingly, escalation prevention strategies should be implemented even if atrocities are being committed. For example, successful mediation efforts in Kenya and Guinea averted the situation from deterioration. It should be noted that after escalation prevention, there is still the likelihood of reescalation. The reason is that escalation prevention does not concentrate on the root causes of violence and it happens after the atrocity crimes are committed, and this leaves the State vulnerable to reescalation. Accordingly, a sustainable prevention strategy should continue with a focus on recurrence prevention, which is also aims to eliminate the risk factors that would cause the resurgence of the tension. In this regard, the international community made efforts to hold peaceful and fair future elections in Kenya and Guinea.

With respect to the cycle of prevention, the measures should be implemented accordingly both in the short-term and the long-term to facilitate their sustainability. This thesis observes that prevention is the essence of R2P's three-pillar implementation strategy. Under these pillars, all the measures and mechanisms should be used in line with direct and structural prevention measures. In this regard, these measures should be taken in accordance with the prevention stages because every stage has its own purpose. While risk factor prevention requires measures of structural prevention to eliminate the underlying causes of mass atrocity prevention, imminent prevention needs targeted direct prevention measures which are specific to the cases. Accordingly, if atrocity crimes are

perpetrated, direct prevention measures should be implemented in order to avert escalation. In escalation prevention, crime-specific efforts must be taken, for example, perpetrators should be stopped from obtaining the means of crimes. As in the cases of Kenya and Guinea, direct prevention measures can be undertaken in the forms of a commission of inquiry, mediation, targeted sanctions, power-sharing agreements, ICC prosecution, and preventive diplomacy. Moreover, structural prevention measures should follow direct prevention under escalation prevention. Root cause prevention measures are not necessarily taken before the crimes are committed, but can also be implemented during, and after the crises. Structural prevention should always be inherent in a sustainable prevention strategy. A recurrence prevention stage must consist of both structural and direct prevention measures. For example, in Kenya, the ICC prosecution continued after escalation prevention to break the culture of impunity. At the same time, the government undertook structural reforms on land, the constitution and state institutions. Moreover, as the presence of imminent atrocities and/or commission of these crimes are indicators of persisting risk factors, structural prevention measures must be adopted in accordance with risk factor prevention. In this context, a prevention strategy can be successful only if it is sustainable.

The cases of Kenya and Guinea show that there are important factors helping the mass atrocity prevention strategy to become successful. Accordingly, while early warning is very crucial to determine the indicators of mass atrocity crimes, an assessment of early warning signs is key to timely action. Rapid and decisive action may save more lives and provide a wider range of tools for mass atrocity prevention. These measures should be implemented on a case-by-case basis. Moreover, various actors should take part in the prevention process. Local, regional and international organizations must work in harmony and follow a division of labor with a common purpose. At the same time, the role of individuals should not be underestimated. While eminent individuals can actively engage in preventive diplomacy and prompt international action, common people can resist to participating in the commission of atrocity crimes, and they can make local/state/regional/international authorities aware of the crisis, and demand action.

All in all, while prevention strategy is important for successful prevention of atrocity crimes, there remains the question of who should implement this strategy? In this respect,

the primary responsibility rests with the States, and they are the main actors that should engage in every stage of the cycle of prevention. However, when States are unable or unwilling to prevent mass atrocity crimes, the international community must help states in fulfilling their responsibility. Although this thesis recognizes the UN Security Council as the primary authority, its deadlocks imply the need to seek for alternative actors to carry out the responsibility to protect. As it is seen in Kenya and Guinea, the AU and ECOWAS as the regional and sub-regional organizations can lead a successful escalation and recurrence prevention. This demonstrates that regional organizations can carry out measures listed under Chapters VI and VIII without the UN Security Council's approval. In general, regional organizations can be considered as significant actors in mass atrocity prevention given their proximity to the region, having local knowledge and sharing similar cultural backgrounds. However, it is also noteworthy that regional organizations have different capacities and ideologies, which affect their willingness to take action. In this regard, why the AU and ECOWAS upheld the responsibility to prevent can be understood in line with the notion of localization.

According to the theory of localization, local actors do not directly accept external norms but localize them. Localization is more likely if the outside norm fits the cognitive prior of the region and already established norms and beliefs. In this regard, cognitive priors of Africa such as Ubuntu, Pan-Africanism and the maxim of "Every African is his brother's keeper" have been used by the local agents in order to build congruence with R2P. Moreover, localization is seen when an institutional change occurs in line with the new norm. Thus, changing constitutive acts and treaties, the adoption of R2P, developing capacities of mediation, monitoring, peacekeeping and mechanisms for mass atrocity prevention show that R2P is localized as mass atrocity prevention within the AU and ECOWAS. Accordingly, both organizations made efforts to prevent mass atrocities in Kenya and Guinea by implementing the measures of early warning, mediation, commission of inquiry, election monitoring, preventive diplomacy, asset freezing, suspension from membership, capacity building, and assistance for structural reforms. As norms and practices are mutually constitutive, it can be argued that the localization of the R2P norm as mass atrocity prevention, motivates the AU and ECOWAS to overcome the

unwillingness to take action. In this regard, it can be observed that they led the mass atrocity prevention strategy that became successful in Kenya and Guinea.

Based on this, this thesis argues that there is a constitutive link between localization and taking action. Hence, responsible regional and sub-regional organizations can lead the sustainable prevention strategy to reach successful prevention of mass atrocities. Various types and levels of actors should support regional organizations harmoniously. In this regard, future research may seek ways to develop a division of labor between individuals, the civil society, regional and sub-regional organizations and international organizations. Moreover, the mechanisms and capacities of more regional and sub-regional organizations need to be examined in order to reveal the localization of R2P and to determine whether they are responsible organizations or not. Furthermore, if localization is detected, more cases should be analyzed to uncover the relationship between localization and implementation of R2P.

BIBLIOGRAPHY

- Acharya, A. (2004). How ideas spread: Whose norms matter? Norm localization and institutional change in Asian regionalism. *International organization*, 58 (2), 239-275.
- Acharya, A. (2009). *Whose Ideas Matter: Agency and Power in Asian Regionalism*. Ithaca, NY: Cornell University Press.
- Acharya, A. (2011). Norm subsidiarity and regional orders: sovereignty, regionalism, and rule-making in the third world. *International Studies Quarterly*, 55 (1), 95-123.
- Acharya, A. (2013). The R2P and norm diffusion: Towards a framework of norm circulation. *Global Responsibility to Protect*, 5(4), 466-479.
- Acting Together for Kenya: Agreement on the principles of partnership of the coalition government. (2018). Retrieved from <https://peacemaker.un.org/kenya-coalitiongovernmentpartnership2008>.
- Adebajo, A. (2014). Nigeria and South Africa: on the concept “every African is his brother’s keeper”. In Serrano M. and Weiss T. G. *The International Politics of Human Rights* (pp. 171- 191). New York, NY: Routledge.
- Africa Peer Review Mechanism (APRM). (2006, May). *Country Review Report of the Republic of Kenya*. Retrieved April 25, 2021, from https://www.eisa.org/aprm/pdf/Countries_Kenya_APRM_Report.pdf.
- African Commission on Human and People’s Rights (ACHPR). (2014). *Concluding Observations and Recommendations on the 8th to 11th Periodic Report of the Republic of Kenya*.
- African Commission on Human and Peoples' Rights (ACHPR). (2007). *Resolution on Strengthening the Responsibility to Protect in Africa*, ACHPR/Res.117(XXXXII)07. Retrieved April 17, 2021, from <https://www.achpr.org/sessions/resolutions?id=169>.
- African Union (AU) & Economic Community of West African States (ECOWAS). (2009). *Eighth session of the International Contact Group on Guinea (ICG-G)-*

Final communique. Retrieved from <https://reliefweb.int/report/guinea/eighth-session-international-contact-group-guinea-icg-g-final-communique>.

African Union (AU) & Economic Community of West African States (ECOWAS). (2010). *10th Meeting of The International Contact Group on Guinea (ICG-G): Final Communique*.

African Union (AU). (2008, February). *Continental Early Warning System: The CEWS Handbook*, PSD/EW/CEWS HANDBOOK.

African Union (AU). (2000). *Constitutive Act of the African Union*. Retrieved April 13, 2021, from https://au.int/sites/default/files/pages/34873-file-constitutiveact_en.pdf

African Union (AU). (2001). *Constitutive Act of the African Union*. Retrieved from <https://au.int/en/treaties/constitutive-act-african-union>.

African Union (AU). (2002). *Protocol Relating to The Establishment of The Peace and Security Council of The African Union*. Retrieved from <https://www.peaceau.org/uploads/psc-protocol-en.pdf>.

African Union (AU). (2002). *The Protocol Relating to the Establishment of the Peace and Security Council*. Retrieved from <http://www.peaceau.org/uploads/psc-protocol-en.pdf>.

African Union (AU). (2005, 7–8 March). Executive Council 7th Extraordinary Session. The Common African Position on The Proposed Reform of the United Nations: The Ezulwini Consensus, Addis Ababa, Ethiopia.

African Union (AU). (2012). *African Peace and Security Architecture (APSA)*. Retrieved from <http://www.peaceau.org/en/topic/the-african-peace-and-security-architecture-apsa>.

African Union (AU). (2016). *African Union Policy Guideline on the role of the African Standby Force in Humanitarian Action and Natural Disaster Support*. Retrieved from <https://www.peaceau.org/uploads/01-asf-in-hands-guidelines.pdf>.

African Union (AU). (n.d.). *About*. Retrieved April 15, 2021, from <https://au.int/en/aga>.

African Union Assembly of Heads of State and Government (AU-AHSG). (2010). *Decision on The Report of The Peace and Security Council on Its Activities and The*

State of Peace and Security in Africa, Assembly/AU/6(XV), Assembly/AU/Dec.294(XV).

African Union Assembly of Heads of State and Government (AU-AHSG). (2013). *Decision on the Establishment of an African Capacity for Immediate Response To Crises*, Assembly/AU/Dec.489(XXI).

African Union Election Observation Mission (AUEOM). (2017). *African Union Election Observation Mission to the 8 August 2017 General Elections And the 26 October 2017 Fresh Presidential Election in The Republic of Kenya: Final Report*.

African Union Peace and Security Department (AUPSD). (2012, October 2). *The African Peace and Security Architecture (APSA)*. Retrieved April 15, 2021, from <https://www.peaceau.org/en/topic/the-african-peace-and-security-architecture-apsa>.

African Union Peace and Security Department (AUPSD). (2015, December). *African Peace and Security Architecture: APSA Roadmap 2016-2020*.

African Union Peace and Security Department (AUPSD). (2018). *Panel of the Wise (PoW)*. Retrieved from <http://peaceau.org/en/page/29-panel-of-the-wise-pow>.

African Union. (AU). (2017a, August 10). Preliminary Statement African Union Election Observer Mission to the 2017 General Elections in Kenya. Retrieved from <https://au.int/en/pressreleases/20170810/preliminary-statement-african-union-election-observer-mission-2017-general>.

African Union. (AU). (2017b). *Statement of the Chairperson of the Commission on the situation in Kenya*. Retrieved April 25, 2021, from <https://au.int/en/pressreleases/20171011/statement-chairperson-commission-situation-kenya>.

Aljazeera. (2020, October 27). *Nearly two dozen dead in Guinea post-election violence: State TV*. Retrieved April 27, 2021, from <https://www.aljazeera.com/news/2020/10/27/guinea-post-election-violence-left-21-dead-state-tv>.

Allansson, M., Melander, E., & Themnér, L. (2017, July). Organized violence, 1989–2016. *Journal of Peace Research*, 54(4), 574-587.

- Ani, N. C. (2018, November 2). Is the African Standby Force any closer to being deployed?. *Institute for Security Studies*. <https://issafrica.org/iss-today/is-the-african-standby-force-any-closer-to-being-deployed>.
- Aning, K. & Okyere, F. (2016). The African Union. In A. J. Bellamy & T. Dunne (Eds.), *The Oxford Handbook of the Responsibility to Protect*. Oxford: Oxford University Press.
- Aning, K. & Atuobi, S. (2009). Responsibility to Protect in Africa: An analysis of the African Union's Peace and Security Architecture. *Global Responsibility to Protect*, 1, 90-113.
- Aning, K. & Atuobi, S. (2012). The Economic Community of West African States and The Responsibility to Protect. In A. Knight & F. Egerton (Eds.), *The Routledge Handbook on the Responsibility to Protect* (pp. 216-231). London: Routledge.
- Annan, K. (2000). *We the Peoples: the role of the United Nations in the 21st century*. United Nations Department of Public Information: New York, NY.
- Annan, K. (2004). A More Secure World: Our Shared Responsibility. *Report of the Secretary General's Report High-level Panel on Threats, Challenges and Change*. Retrieved January 4, 2021, from <http://www.un.org/secureworld/report2.pdf>.
- Annan, K. (2013). Justice for Kenya. *The New York Times*. Retrieved from https://www.nytimes.com/2013/09/09/opinion/justice-for-kenya.html?_r=0.
- Annan, K. (2017, August) Statement by Kofi Annan on Elections in Kenya. Retrieved from <https://www.kofiannanfoundation.org/supporting-democracy-and-elections-with-integrity/statement-kofi-annan-elections-kenya/>
- Asia Pacific Centre for the Responsibility to Protect (APCR2P). (2012). R2P Ideas in brief. *APC R2P Brief*, 2(5).
- Babaud, S. & Ndung'u, J. (2012). Early warning and conflict prevention by the EU: Learning lessons from the 2008 post-election violence in Kenya. *Saferworld*, 1-31.
- Babbitt, E. F. (2014). Mediation and the prevention of mass atrocities. In M. Serrano & T. G. Weiss (Eds.), *The International Politics of Human Rights, Rallying to the R2P cause?* (pp. 29-47). London: Routledge.

- Ban, Ki-moon. (2014). Foreword. In United Nations, *Framework of Analysis for Atrocity Crimes: A tool for prevention*.
- Bannon, A. L. (2006). The responsibility to protect: The UN world summit and the question of unilateralism. *Yale Law Journal*, 115(5), 1157-1166.
- Banteka, N. (2016). Responsibility to Protect and UNSC Reform. *Columbia Journal of Transnational Law* 54, 382-423.
- Barnett, M. N. and Finnemore, M. (1999). The Politics, Power, and Pathologies of International Organizations. *International Organization*, 53 (4), 699-732.
- BBC. (2013, March 30). *Kenya Supreme Court upholds Uhuru Kenyatta election win*. Retrieved from <https://www.bbc.com/news/world-africa-21979298>.
- Bellamy, A. J. (2005). Responsibility to Protect or Trojan Horse? The Crisis in Darfur and Humanitarian Intervention after Iraq. *Ethics & International Affairs*, 19(2), 31-54. doi:10.1111/j.1747-7093.2005.tb00499.x.
- Bellamy, A. J. (2008a). Conflict Prevention and the Responsibility to Protect. *Global Governance*, 14(2), 135-156.
- Bellamy, A. J. (2008b, July). The Responsibility to Protect and the Problem of Military Intervention. *International Affairs (Royal Institute of International Affairs 1944-)*, 84(4), 615-639.
- Bellamy, A. J. (2009). *Responsibility to Protect: The Global Effort to End Mass Atrocities*. Cambridge: Polity Press.
- Bellamy, A. J. (2011a, February). Mass atrocities and armed conflict: Links, distinctions, and implications for the Responsibility to Prevent. *the Stanley Foundation*, 1-20.
- Bellamy, A. J. (2011b). *Global Politics and the Responsibility to Protect: From Words to Deeds*. New York: Routledge.
- Bellamy A. J. (2012). Mass killing and the politics of legitimacy: Empire and the ideology of selective extermination. *Australian Journal of Politics and History* 58(2), 159–180.
- Bellamy, A. J. (2015a). The Three Pillars of the Responsibility to Protect. *Pensamiento Propio*, 41(20), 35- 64.

- Bellamy, A. J. (2015b). The First response: Peaceful means in the third pillar of the Responsibility to Protect. *Stanley Foundation*, 1-90.
- Bellamy, A. J. (2016). Operationalizing the “Atrocity Prevention Lens”: Making Prevention a Living Reality. In S. P. Rosenberg, T. Galis and A. Zucker (Eds.) *Reconstructing atrocity prevention (61-80)*. New York: Cambridge University Press.
- Bellamy, A. J. & Dunne, T. (2016). R2P in Theory and Practice. In A. J. Bellamy and T. Dunne (Eds.), *The Oxford Handbook of the Responsibility to Protect* (pp. 3-17). Oxford University Press. DOI: 10.1093/oxfordhb/9780198753841.013.1
- Bellamy, A. J. & Lupel, A. 2015. *Why We Fail: Obstacles to the Effective Prevention of Mass Atrocities*. New York: International Peace Institute.
- Bellamy, A. J., Williams, P. & Griffin, S. (2004). *Understanding Peacekeeping*. Cambridge: Polity Press.
- Bricmont, J. (2007). *Humanitarian Imperialism: Using Human Rights to Sell War*. New York: Monthly Review Press.
- Burchill, S., Devetak R., Donnelly, J., Linklater, A., Paterson, M., Reus-Smit, C. & True, J. (2005). *Theories of International Relations*. Basingstoke: Palgrave Macmillan.
- Carment, D. & Fisher, M. (2009). R2P and the Role of Regional Organisations in Ethnic Conflict Management, Prevention and Resolution: The Unfinished Agenda. *Global Responsibility to Protect 1*, 261–290.
- Carment, D., Winchester, S. & Landry, J. (2016). The Role of Regional Organizations: A Responsibility Gap? In A. J. Bellamy & T. Dunne (Eds.), *The Oxford Handbook of the Responsibility to Protect*. Oxford: Oxford University Press.
- Chandler, D. (2004). The responsibility to protect? Imposing the ‘Liberal Peace’. *International Peacekeeping*, 11(1), 59-81. doi:10.1080/1353331042000228454.
- Chesterman, S. (2001). *Just war and just peace? humanitarian intervention and international law*. Oxford: Oxford University Press.

- Clottey, P. (2010a, January). *ECOWAS Will Help Guinea Organize Credible Elections, Says Official*. Retrieved from <https://www.voanews.com/africa/ecowas-will-help-guinea-organize-credible-elections-says-official>.
- Clottey, P. (2010b, November). ECOWAS calls for peace in Guinea. *VOA News*. Retrieved from <https://www.voanews.com/africa/ecowas-calls-peace-guinea>.
- Coe, B. (2019). Regional human rights institutions and R2P: The role of state monitoring in atrocity prevention. *Global Responsibility to Protect*, 9(3), 294-317.
- Cohen, R. (2008). African Genocide Averted. *The New York Times*. Retrieved from <https://www.nytimes.com/2008/03/03/opinion/03cohen.html>.
- Cortell, A. P., & Davis Jr, J. W. (1996). How do international institutions matter? The domestic impact of international rules and norms. *International Studies Quarterly*, 40(4), 451-478.
- Cortell, A. P., & Davis Jr, J. W. (2000). Understanding the domestic impact of international norms: A research agenda. *International Studies Review*, 2(1), 65-87.
- Cortell, A. P., & Davis, J. W. (2005). When norms clash: international norms, domestic practices, and Japan's internalisation of the GATT/WTO. *Review of International Studies*, 31(1), 3-25.
- Crossley, N. (2013). A model case of R2P prevention? Mediation in aftermath of Kenya's 2007 presidential elections. *Global Responsibility to Protect*, 5(2), 192-214.
- Cunliffe, P. (Ed.). (2011). *Critical Perspectives on the Responsibility to Protect*. London: Routledge, <https://doi.org/10.4324/9780203834299>.
- Dembinski, M. & Peters, D. (2014). The cases: justice theory and the African Union's position on global protection norms. In *Institutional Justice as a Condition for the Regional Acceptance of Global Order* (pp. 10-19). Peace Research Institute Frankfurt.
- Deng, F. M. (1993). *Protecting the Dispossessed: A Challenge for the International Community*. Brookings Institution Press.
- Deng, F. M. (1995). Frontiers of sovereignty. *Leiden Journal of International Law*, 8(2), 249-286.

- Deng, F. M. (2008). *Identity, Diversity, and Constitutionalism in Africa*. Washington, D.C.: U.S. Institute of Peace.
- Deng, F. M., Kimaro, S., Lyons, T., Rothchild, D., & Zartman, I.W. (1996). *Sovereignty as responsibility: Conflict management in Africa*. Washington D.C.: Brookings Institution Press.
- Eaton, J. (2010). An Emerging Norm - Determining the Meaning and Legal Status of the Responsibility to Protect. *Michigan Journal of International Law*, 32(4), 765-804.
- Economic Community of West African States (ECOWAS). (1993). *Revised Treaty*. Retrieved April 14, 2021, from <https://www.ecowas.int/wp-content/uploads/2015/01/Revised-treaty.pdf>.
- Economic Community of West African States (ECOWAS). (1999). *Protocol Relating To The Mechanism For Conflict Prevention, Management, Resolution, Peace-Keeping And Security*. Retrieved from <https://www.jstor.org/stable/44471865>.
- Economic Community of West African States (ECOWAS). (2001). *Protocol on Democracy and Good Governance*, A/SP1/12/01. Retrieved from <https://www.ohchr.org/EN/Issues/RuleOfLaw/CompilationDemocracy/Pages/ECOWASProtocol.aspx>.
- Economic Community of West African State (ECOWAS). (2008). *ECOWAS Conflict Prevention Framework*, MSC/REG.1/01/08.
- Economic Community of West African States (ECOWAS). (2016). *ECOWAS Develops New Statutes to Reposition 'Council of the Wise'*. Retrieved from April 17, 2021, from <https://www.ecowas.int/ecowas-develops-new-statutes-to-reposition-council-of-the-wise/>.
- Economic Community of West African States (ECOWAS). (2019). *ECOWAS launches Plans of Action for its Conflict Prevention Framework*. Retrieved from <https://www.ecowas.int/ecowas-launches-plans-of-action-for-its-conflict-prevention-framework/#:~:text=The%20ECOWAS%20Conflict%20Prevention%20Framework,prevention%20in%20ECOWAS%20Member%20States>.

- Economic Community of West African State (ECOWAS). (2020, October 16). 18 October 2020 Presidential Election in Guinea: ECOWAS officially deploys its Short-Term Election Observation Mission to Conakry. Retrieved from <https://www.ecowas.int/18-october-2020-presidential-election-in-guinea-ecowas-officially-deploys-its-short-term-election-observation-mission-to-conakry/>.
- Epstein, E. (2012). Stop Telling Us How to Behave: Socialization or Infantilization?. *International Studies Perspectives* 13(2), 135–45.
- European Union (EU). (2009, October 27). *Restrictive measures against the Republic of Guinea*, 2009/788/CFSP.
- European Union External Action Service (EEAS). (2017). *Statement by the HR/VP following the general elections in Kenya*. Retrieved from https://eeas.europa.eu/election-observation-missions/eom-kenya-2017/31010/statement-hrvp-following-general-elections-kenya_en.
- Evans, G. & Thakur, R. (2013). Humanitarian Intervention and the Responsibility to Protect. *International Security*, 37(4), 199-207.
- Evans, G. (2006, March 31) *From Humanitarian Intervention to the Responsibility to Protect*, Keynote Address to Symposium on Humanitarian Intervention, University of Wisconsin, Madison. Retrieved January 10, 2021, from <http://www.gevans.org/speeches/speech211.html>.
- Evans, G. (2008). *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All*. Washington, DC: Brookings.
- Evans, G. (2009). The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All. *Irish Studies in International Affairs*, 20, 7-13.
- Fevre, E. M. (2018). A Critical Analysis of the African Union's Capacities and Capabilities to Prevent Mass Atrocities. *SSRN Electronic Journal*. doi:10.2139/ssrn.3250089.
- Finnemore, M. & Sikkink, K (1998). International norm dynamics and political change, *International Organisations*, 52 (4), 887-917.

- Finnemore, M. (1993). International Organizations as Teachers of Norms: The United Nations Educational, Scientific, and Cultural Organization and Science Policy. *International Organization*, 47 (4), 565-597.
- Focarelli, C. (2008). The Responsibility to Protect Doctrine and Humanitarian Intervention: Too Many Ambiguities for a Working Doctrine. *Journal of Conflict & Security Law*, 13(2), 191-213. Retrieved January 9, 2021, from <http://www.jstor.org/stable/26294691>.
- France24. (2009, October). *Paris calls for 'international intervention' against junta*. Retrieved from <https://www.france24.com/en/20091004-paris-calls-international-intervention-against-junta->
- Gallagher, A. (2015). The Promise of Pillar II: Analysing International Assistance under the Responsibility to Protect. *International Affairs*, 91(6), 1259-1275.
- Gettleman, J. (2008). Annan to Help in Kenya, Group Says. *The New York Times*. Retrieved from <https://www.nytimes.com/2008/01/11/world/africa/11kenya.html>.
- Glanville, L. (2013, August). Intervention in Libya: From Sovereign Consent to Regional Consent. *International Studies Perspectives*, 14(3), 325-342.
- Global Centre for the Responsibility to Protect (GCR2P). (2017). *Atrocity Alert No. 78: Myanmar (Burma), Kenya, Syria and Central African Republic*. Retrieved from <https://www.globalr2p.org/publications/atrocity-alert-no-78-myanmar-burma-kenya-syria-and-central-african-republic/>.
- Global Centre for the Responsibility to Protect (GCR2P). (2019). *Guinea: Political and ethnic tensions in Guinea have previously left populations at risk of mass atrocity crimes*. Retrieved from <https://www.globalr2p.org/countries/guinea/>.
- Global Centre for the Responsibility to Protect (GCR2P). (2020a, July 23). *Prioritizing prevention and strengthening response: women and the responsibility to protect, 2020*. Retrieved 26 February, 2021, from <https://www.globalr2p.org/resources/prioritizing-prevention-and-strengthening-response-women-and-the-responsibility-to-protect-2020/>
- Global Centre for the Responsibility to Protect (GCR2P). (2020b, October 28). *Atrocity Alert No. 226: Cameroon, Afghanistan and Guinea*. Retrieved April 25, 2021, from

<https://www.globalr2p.org/publications/atrocity-alert-no-226-cameroon-afghanistan-and-guinea/>.

Global Centre for the Responsibility to Protect (GCR2P). (2020c, November 15). R2P Monitor. *Ralph Bunche Institute for International Studies*, 54(1) Retrieved January 6, 2021, from <https://www.globalr2p.org/populations-at-risk/>.

Global Centre for the Responsibility to Protect (GCR2P). (2021, January 4). *UN Security Council Resolutions and Presidential Statements Referencing R2P*. Retrieved March 25, 2021, from <https://www.globalr2p.org/resources/un-security-council-resolutions-and-presidential-statements-referencing-r2p/>.

Global Centre for the Responsibility to Protect. (GCR2P). (2019, December 19). *Political and ethnic tensions in Guinea have previously left populations at risk of mass atrocity crimes*. Retrieved from <https://www.globalr2p.org/countries/guinea/>.

Goldstone, J. A., Bates R. H., Epstein, D. L., Gurr, T. R., Lustik, M. B, Marshall, M., Ulfedler, J. & Woodward, M. (2010). A Global Model for Forecasting Political Instability. *American Journal of Political Science*, 54(1), 190-208.

Goldstone, J. A., Bates, R. H., Gurr, T.D., Lustik, M., Marshall, M., Ulfelder, J. & Woodward, M. (2005). *A Global Forecasting Model of Political Instability*. Conference Paper. Washington, DC.

Gözen Ercan, P. (2014). R2P: From Slogan to an International Ethical Norm. *Uluslararası İlişkiler / International Relations*, 11(43), 35-52. Retrieved January 11, 2021, from <http://www.jstor.org/stable/43925860>.

Gözen Ercan, P. (2016). *Debating the Future of the "Responsibility to Protect": the evolution of a moral norm*. Basingstoke, Palgrave Macmillan.

Grovogui, S. (2002). Regimes of sovereignty: International morality and the African condition. *European Journal of International Relations* 8(3), 315-38.

Grovogui, S. N. (2015). Intricate Entanglement: The ICC and the Pursuit of Peace, Reconciliation and Justice in Libya, Guinea, and Mali. *Africa Development*, 40(2), 99-122.

- Halakhe, A. B. (2013). R2P in Practice: Ethnic Violence, Elections and Atrocity Prevention in Kenya. *Global Centre for the Responsibility to Protect. Occasional Paper Series No, 4*.
- Hamburg, D. A. & Vance, C. R. (1997). *Preventing Deadly Conflict – Final Report*. Washington, DC: Carnegie Commission on Preventing Deadly Conflict. Retrieved January 26, 2021, from <https://www.carnegie.org/publications/preventing-deadly-conflict-final-report/>
- Hansen, T. O. (2013) Kenya's power-sharing arrangement and its implications for transitional justice. *The International Journal of Human Rights*, 17(2), 307-327.
- Harff, B. (2003). No lessons learned from the Holocaust? Assessing risks of genocide and political mass murder since 1955. *American Political Science Review*, 97(1), 57–73.
- Haugevik, K. M. (2009). Regionalising the responsibility to protect: Possibilities, capabilities and actualities. *Global Responsibility to Protect*, 1 (2), 346-363.
- Hehir, A. (2010). The Responsibility to Protect: ‘Sound and Fury Signifying Nothing’? *International Relations*, 24(2), 218-239. doi:10.1177/0047117809366205.
- Hehir, A. (2013). *Humanitarian intervention: an introduction*, 2nd ed. Basingstoke: Palgrave Macmillan.
- Hilpold, P. (2012). Intervening in the Name of Humanity: R2P and the Power of Ideas. *Journal of Conflict and Security Law*, 17(1), 49-79. doi:10.1093/jcsl/krr024.
- Hofmann, G. P. (2015). R2P Ten Years on: Unresolved Justice Conflicts and Contestation. *Global Responsibility to Protect*, 7, 275-299.
- Human Rights Watch (HRW). (2008, March). *Ballots to Bullets: Organized Political Violence and Kenya's Crisis of Governance*, 20 (1). Retrieved from <https://www.hrw.org/reports/2008/kenya0308/>.
- Human Rights Watch (HRW). (2009). *Bloody Monday Report*. Retrieved from <https://www.hrw.org/report/2009/12/17/bloody-monday/september-28-massacre-and-rapes-security-forces-guinea>.

- Human rights Watch (HRW). (2013). *Hight Stakes: Political Violence and the 2013 Election in Kenya*. Retrieved from <https://www.hrw.org/report/2013/02/07/high-stakes/political-violence-and-2013-elections-kenya>.
- Human Rights Watch (HRW). (2020a). *Guinea Events of 2019*. Retrieved from <https://www.hrw.org/world-report/2020/country-chapters/guinea>.
- Human Rights Watch (HRW). (2020b, April 20). *Guinea: Violence During Referendum*, Retrieved from <https://www.hrw.org/news/2020/04/10/guinea-violence-during-referendum>.
- Human Rights Watch (HRW). (2021). *Guinea: Events of 2020*. Retrieved April 25, 2021, from <https://www.hrw.org/world-report/2021/country-chapters/guinea>.
- Ingham, K., Ominde, S. H. & Ntarangwi, M. (2020, March 20). *Kenya*. *Encyclopedia Britannica*. Retrieved from <https://www.britannica.com/place/Kenya>.
- Institute for Security Studies (ISS). (2010). *Country Analysis: Republic of Guinea*. Peace and Security Council Report, No. 13. Addis Ababa: Institute for Security Studies.
- International Center for Transitional Justice (ICTJ). (2008). *The Kenyan Commission of Inquiry into Post-Election Violence*. Retrieved from <https://www.ictj.org/publication/kenyan-commission-inquiry-post-election-violence>.
- International Coalition for the Responsibility to Protect (ICRtoP). (n,d). *the Crisis in Kenya*. Retrieved from <http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-kenya#2>.
- International Commission on Intervention and State Sovereignty (ICISS). (2001) *The Responsibility to Protect: The Report of the International Commission on Intervention and State Sovereignty*. Ottawa, Canada: International Development Research Center.
- International Cooperation for the Responsibility to Protect (ICRtoP). (2010). *Crisis in Guinea*. Retrieved from <http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-guinea>.
- International Criminal Court (ICC). (1998). *Rome Statute of the International Criminal Court*. Retrieved from January 23, 2021, from <https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf>.

- International Criminal Court (ICC). (2020). *Statement of ICC Prosecutor, Fatou Bensouda, on pre-election violence and growing ethnic tensions: "Guinea can and must demonstrate its will and ability both to combat impunity and to prevent renewed cycles of violence."* Retrieved from <https://www.icc-cpi.int/Pages/item.aspx?name=201009-otp-statement-guinea>.
- International Criminal Court (ICC). (n.d.). *About*. Retrieved January 22, 2021 from <https://www.icc-cpi.int/about>.
- International Criminal Court- Assembly of State Parties (ICC-ASP). (n.d.). *The States Parties to the Rome Statute*. Retrieved January 22, 2021 from https://asp.icc-cpi.int/en_menus/asp/states%20parties/Pages/the%20states%20parties%20to%20the%20rome%20statute.aspx.
- International Crisis Group. (2008, February). *Kenya in Crisis*, Africa Report N°137.
- International Crisis Group. (2010). *Guinea Conflict Alert*. Retrieved from <https://www.crisisgroup.org/africa/west-africa/guinea/guinea-conflict-alert>.
- International Federation For Human Rights (FIDH). (2020, September). *Guinea: Stadium Massacre Victims Await Justice*. Retrieved from January 10, 2021, <https://reliefweb.int/report/guinea/guinea-stadium-massacre-victims-await-justice>.
- International Peace Institute (IPI). (2009) Conflict Prevention and the Responsibility to Protect. *IPI Blue Papers*, no. 7.
- International Refugee Rights Initiative (IRRI). (2017, September). *From Non-Interference to Non-Indifference: The African Union and the Responsibility to Protect*. Retrieved from <https://reliefweb.int/sites/reliefweb.int/files/resources/AU%20R2P%20-%20final.pdf>.
- Junk, J. (2016). Bringing the Non-coercive Dimensions of R2P to the Fore: The Case of Kenya. *Global Society*, 30(1), 54-66.
- Kagwanja, P. & Southall, R. (2009) Introduction: Kenya – A democracy in retreat? *Journal of Contemporary African Studies*, 27(3), 259-277.
- Kanyinga, K., Okello, D. & Akech, A. (2010). Contradictions of transition to democracy in fragmented societies: the Kenya 2007 general elections in perspective. In K.

- Kanyinga & D. Okello (Eds.), *Tensions and Reversals in Democratic Transitions: The Kenya 2007 General Elections*. Nairobi: Society for International Development.
- Kassim, Y. R. (2014). *The Geopolitics of Intervention: Asia and the Responsibility to Protect*. Singapore: Springer Singapore.
- Katzenstein, M. F. (1996). *The culture of national security: Norms and identity in world politics*. Columbia University Press.
- Keck, M. & Sikkink, K. (1998). *Activists beyond borders: Advocacy networks in international politics*. Ithaca, NY: Cornell University Press.
- Kenya Human Rights Commission (KHRC) (2008, September 15). *Violating the vote: a report of the 2007 general elections*. Retrieved from <https://www.khrc.or.ke/mobile-publications/civil-political-rights/37-violating-the-vote/file.html>.
- Kikoler, N. (2015). Guinea: an Overlooked case of responsibility to prevent in practice. In S. K. Sharma and J. M. Welsh (Eds.), *The Responsibility to Prevent: Overcoming the Challenges to Atrocity Prevention*. Oxford: Oxford University Press. ISBN: 9780198717782.
- Kingah, S. & Seiwert, E. (2016). The contested emerging international norm and practice of responsibility to protect: Where are regional organizations. *North Carolina Journal of International Law*, 42(1), 115-190.
- Klotz, A. (1995). Norms reconstituting interests: global racial equality and US sanctions against South Africa. *International Organization* 49(3), 451–478.
- Kościółek, J. (2018). The use of R2P mechanism by international community in cases of serious human rights infringements in Africa. *Politeja*, 5(56), 193-210.
- Kpodo, K. (2008, January 2). *African Union plans Kenya mediation, Tutu arrives*. Reuters. Retrieved from <https://www.reuters.com/article/us-kenya-elections-mediation-idUSL0236884220080102>.
- Krook, M. L. and True, J. (2012). Rethinking the life cycles of international norms: The United Nations and the global promotion of gender equality, *European Journal of International Relations*, 18(1), 103–27.

- Kuper, L. (1981). *Genocide: its political use in the twentieth century*. New Haven, CT: Yale University Press.
- Kuperman, A.J (2008). The Moral Hazard of Humanitarian Intervention: Lessons from the Balkans. *International Studies Quarterly*, 52(1), 49–80. <https://doi.org/10.1111/j.1468-2478.2007.00491.x>.
- Kuwali, D. and Viljoen, F. (2014). *Africa and Responsibility to Protect: Article 4(h) of the African Union Constitutive Act*. London and New York: Routledge.
- Leithhead, A. (2016, April 5). *Dismissal of case against Kenya's Ruto huge blow to ICC*. BBC News. Retrieved from <https://www.bbc.com/news/world-africa-35974172>.
- Lindenmayer, E. & Kaye, J. L. (2009). *A Choice for Peace: The Story of Forty-One Days of Mediation in Kenya*. New York: International Peace Institute.
- Lobakeng, R. (2017, October). African solutions to African problems: a viable solution towards a united, prosperous and peaceful Africa? *Institute for Global Dialogue* 71.
- Luck, E. (2001). Prevention: Theory and Practice. In F. O. Hampson and D. Malone (Eds.), *From Reaction to Conflict Prevention: Opportunities for the UN System*. Boulder: Lynne Rienner.
- Luck, E. (2008a). Sovereignty, choice, and the responsibility to protect. *Global Responsibility to Protect*, 1, 10-21.
- Luck, E. (2008b, December 1). Statement by Edward C. Luck Special Adviser to UN Secretary-General at the Arria Formula Meeting on the Responsibility to Protect.
- Luck, E. C. (2012). From promise to practice: implementing the responsibility to protect. In J. Genser and I. Cother (Eds.), *The Responsibility to Protect: The Promise of Stopping Mass Atrocities in Our Time* (pp. 85-106).
- Luck, E. C. (2013). Foreword. In M. Serrano & T. G. Weiss (Eds.), *The International Politics of Human Rights, Rallying to the R2P cause?* (2014). London: Routledge.
- Luck, E. C. (2015). R2P at ten: A new mindset for a new era?. *Global Governance: A Review of Multilateralism and International Organizations*, 21(4), 499-504.

- Luck, E. C. (2018). Why the United Nations Underperforms at Preventing Mass Atrocities. *Genocide Studies and Prevention: An International Journal*, 11(3), 32-47.
- Mamdani, M. (2009). *Saviors and Survivors: Darfur, Politics and the War on Terror*. London: Verso.
- Massingham, E. (2009). Military intervention for humanitarian purposes: does the Responsibility to Protect doctrine advance the legality of the use of force for humanitarian ends?. *Int'l Rev. Red Cross*, 91, 803- 831.
- Mazrui, A. (1967). *Towards a Pax Africana: A Study of Ideology and Ambition*. Chicago, IL: University of Chicago Press.
- Mbondenyi, M. K. (2011). Entrenching the Right to Participate in Government in Kenya's Constitutional Order: Some Viable Lessons from the African Charter on Human and Peoples' Rights. *Journal of African Law*, 55(1), 30-58.
- McLoughlin, S. (2014). *The structural prevention of mass atrocities: understanding risk and resilience*. London and New York: Routledge
- McLoughlin, S. (2016). Reaction to Resilience in Mass Atrocity Prevention: An Analysis of the 2013 UN Report "The Responsibility to Protect: State Responsibility and Prevention". *Global Governance*, 22(4), 473-489.
- McLoughlin, S. & Mayersen, D. (2013) "Reconsidering Root Causes: A New Framework for the Structural Prevention of Genocide and Mass Atrocities,". In B. Ingelaere, S. Parmentier, J. Haers, and B. Segaert (Eds.), *Genocide, Risk and Resilience: An Interdisciplinary Approach*. Basingstoke. UK: Palgrave
- Midlarsky M. (2005). *The Killing Trap: Genocide in the Twentieth Century*. Cambridge: Cambridge University Press.
- Moix, B. (2016). Turning Atrocity Prevention Inside-Out: Community-Based Approaches to Preventing, Protecting, and Recovering from Mass Violence. *Genocide Studies and Prevention*, 9(3), 59-69. doi:10.5038/1911-9933.9.3.1313
- Morris, J. (2013). Libya and Syria: R2P and the spectre of the swinging pendulum. *International Affairs*, 89(5), 1265-1283.

- Morris, J. (2016). The Responsibility to Protect and the use of force: Remaking the Procrustean bed? *Cooperation and Conflict*, 51(2), 200-215.
- Murithi, T. (2005). *The African Union: Pan-Africanism, Peacebuilding and Development*. Aldershot: Ashgate.
- Murithi, T. (2016). The African Union as a norm entrepreneur: The limits of human protection and mass atrocities prevention. *Global Responsibility to Protect*, 8(2-3), 227-248.
- Murray, R. (2013). Humanitarianism, responsibility or rationality? Evaluating intervention as state strategy. In A. Heir and R. Murray (Eds.) *Libya, the Responsibility to Protect and the Future of Humanitarian Intervention* (pp. 15-33). London: Palgrave Macmillan.
- Mwagiru, M. (2008). *The Water's Edge: Mediation of Violent Electoral Conflict in Kenya*. Nairobi: Institute of Diplomacy and International Studies.
- Nardin, T. and Williams, M.S. (Eds.). (2005). *Humanitarian intervention*. New York: New York University Press.
- Negrón-Gonzales, M. & Contarino, M. (2014). Local Norms Matter: Understanding National Responses to the Responsibility to Protect. *Global Governance: A Review of Multilateralism and International Organizations*, 20(2), 255-276.
- Neubert, C. W. (2012). Preventive R2P measures. In M. Brosig (Ed.), *The Responsibility to Protect—from Evasive to Reluctant Action? The Role of Global Middle Powers* (pp. 118-125). Berlin, Germany: Hans Seidel Foundation.
- Newman, E. (2013). R2P: Implications for World Order. *Global Responsibility to Protect*, 5(3), 235-259.
- Nuruzzaman, M. (2013). The 'Responsibility to Protect' Doctrine: Revived in Libya, Buried in Syria. *Insight Turkey*, 15(2), 57-66.
- O'Connell, M. E. (2010). Responsibility to peace: A critique of R2P. *Journal of Intervention and Statebuilding*, 4(1), 39-52. DOI: [10.1080/17502970903541671](https://doi.org/10.1080/17502970903541671).
- Organization of African Unity (OAU). (1963, May 25). *OAU Charter*. Retrieved April 13, 2021 from https://au.int/sites/default/files/treaties/7759-file-oau_charter_1963.pdf.

- Organization of African Unity (OAU). (1992). *Report of the Secretary-General on Conflicts in Africa: Proposal for an OAU Mechanism for Conflict Prevention and Resolution*, OAU Doc. CM/1710 (L. VI).
- Organization of African Unity the Assembly of Heads of State and Government (OAUAHG) (1993). *Declaration of The Assembly of Heads of State And Government On The Establishment Within The OAU of A Mechanism For Conflict Prevention, Management And Resolution*, AHG/DECL.3 (XXIX).
- Ottoh, F. (2016). The Mantra of African Solutions for African Problems A New Perspective in Continental Conflict and Security Management. In M. Muchie, V. Gumede, S. Oloruntoba & N. A. Check (Eds.), *Bringing African Solutions to African Problems* (pp. 305-326). Africa Institute of South Africa.
- Ouagadougou Joint Declaration. (2010, January). Retrieved from <https://peacemaker.un.org/guinea-ouagadougou-declaration2010>.
- Pattison, J. (2010). *Humanitarian Intervention and the Responsibility to Protect: Who Should Intervene?* Oxford University Press.
- Penney, J. (2010, November 4). Guinea violence, intimidation displaces thousands, officials say. *CNN*. Retrieved from <https://edition.cnn.com/2010/WORLD/africa/11/02/guinea.violence/index.html?irref=allsearch>.
- Plunkett, S. (2020). Refocusing to revive: The responsibility to protect in international atrocity prevention. *Georgia Journal of International and Comparative Law*, 48(3), 773-802.
- Porto, J. G. & Ngandu, K. Y. (2015). *The African Union's Panel of the Wise: A concise history*. Durban: The African Centre for the Constructive Resolution of Disputes (ACCORD).
- Reike, R. Sharma, S. K. & Welsh, J. M. (2015). Conceptualizing the Responsibility to Prevent. In S. K., Sharma & J. M. Welsh (Eds.), *The Responsibility to Prevent: Overcoming the Challenges of Atrocity Prevention* (pp. 21-37). Oxford University Press, USA.

- Reike, R., Welsh, J., & Sharma, S. (2013). *A strategic framework for mass atrocity prevention*. Australian Civil-Military Centre.
- Reinold, T. (2010). The responsibility to protect – much ado about nothing? *Review of International Studies*, 36(S1), 55-78. doi:10.1017/s0260210510000446.
- Reliefweb. (2009, December). *OIC participates in the 9th meeting of the International Contact Group on Guinea*. Retrieved from <https://reliefweb.int/report/guinea/oic-participates-9th-meeting-international-contact-group-guinea>.
- Reliefweb. (2013, March). *Post-election Joint Statement of Observer Mission*. Retrieved from <https://reliefweb.int/report/kenya/post-election-joint-statement-observer-mission>.
- Reus-Smit, C. (2005). Constructivism. In *Theories of International Relations* (3rd ed, pp. 188-212). Basingstoke: Palgrave Macmillan.
- Risse, T. & Sikkink, K. (1999). The socialization of international human rights norms into domestic practices. In T. Risse, S.C. Ropp and K. Sikkink (Eds.), *The Power of Human Rights: International Norms and Domestic Change* (pp. 1–38). Cambridge: Cambridge University Press.
- Roberta, C. & Deng, F. M. (1998). *Masses in Flight: The Global Crisis of Internal Displacement*, Washington, DC: The Brookings Institution.
- Rosenberg, S. P. (2016). Audacity of Hope: International Criminal Law, Mass Atrocity Crimes, and Prevention. In S.P. Rosenberg, T. Galis and A. Zucker (Eds.), *Reconstructing Atrocity Prevention* (pp. 151-174). New York: Cambridge University Press.
- Rosenberg, S. P., Galis, T., & Zucker, A. (Eds.). (2016). *Reconstructing atrocity prevention*. Cambridge University Press.
- Rosenberg, S. P. (2009). Responsibility to protect: A framework for prevention. *Global Responsibility to Protect*, 1, 442-477.
- Ruteere, M. & Wairuri, K. (2015). Explaining and Mitigating Elections-Related Violence and Human Rights Violations in Kenya. In K. Njogu and P.W. Wekesa (Eds.), *Kenya's 2013 General Election* (pp.112-123). Nairobi: Twaweza Communications.

- Sadat, L.N. (2013). Crimes Against Humanity in the Modern Age. *The American Journal of International Law*, 107(2), 334- 377.
- Sahel and West Africa Club Secretariat (SWAC). (2009). *The ECOWAS Early Warning and Response Network: interview with Mr. Augustin Sagna*. Retrieved from <https://www.oecd.org/swac/theecowasearlywarningandresponsenetwork.htm>.
- Sahnoun, M. (2009, July 21). *Africa: Uphold Continent's Contribution to Human Rights, Urges Top Diplomat*. allAfrica.com. Retrieved April 14, 2021, from <https://allafrica.com/stories/200907210549.html>.
- Sampson, T. I (2011). the Responsibility to Protect and ECOWAS mechanisms on peace and security: Assessing their convergence and divergence on intervention. *Journal of Conflict & Security Law*, 16(3), 507-540.
- Sarkin J. (2016). Is the African Union's position on non-indifference making a difference?: the implementation of the Responsibility to Protect (R2P) in Africa in theory and practice. *Journal of African Union Studies*, 5(1), 5-37.
- Saxer, M. (2008). *The politics of responsibility to protect*. Friedrich-Ebert-Stiftung, Department of Development Policy.
- Schabas, W. (2000). *Genocide in International Law: The Crime of Crimes*. Cambridge: Cambridge University Press.
- Security Council Report. (2008, 29 May). *Update Report No. 6: Kenya*. Retrieved from https://www.securitycouncilreport.org/update-report/lookup_c_gKWLeMTIsG_b_4172957.php?print=true.
- Serrano, M. & Weiss, T. G. (2014). Introduction: Is R2P “cascading”? In M. Serrano & T. G. Weiss (Eds.), *The International Politics of Human Rights, Rallying to the R2P cause?* (pp. 1-25). London: Routledge.
- Sharma, S. (2015). The 2007–8 Post-election Crisis in Kenya: A Case of Escalation Prevention. In S. K., Sharma & J. M. Welsh (Eds.), *The Responsibility to Prevent: Overcoming the Challenges of Atrocity Prevention* (pp. 280-303). Oxford: Oxford University Press.
- Sharma, S. (2016a). Kenya. In A. J. Bellamy & T. Dunne (Eds.), *The Oxford Handbook of the Responsibility to Protect*. Oxford: Oxford University Press.

- Sharma, S. (2016b). *The responsibility to protect and the international criminal court—protection and prosecution in Kenya*. London: Routledge.
- Sharma, S. & Welsh, J. M. (eds). (2015). *The Responsibility to Prevent: Overcoming the Challenges to Atrocity Prevention*. Oxford: Oxford University Press. ISBN: 9780198717782.
- Soumaré, M. (2020, October 22). Guinea: Opposition leader declares himself winner as violence ensues. *The Africa Report*. Retrieved from <https://www.theafricareport.com/47116/guinea-opposition-leader-declares-himself-winner-as-violence-ensues/amp/>
- Spies, Y., & Dzimiri, P. (2011). A conceptual safari: Africa and R2P. *Regions and cohesion*, 1(1), 32-53.
- Stahn, C. (2007). Responsibility to Protect: Political Rhetoric or Emerging Legal Norm? *The American Journal of International Law*, 101(1), 99-120. Retrieved January 9, 2021, from <http://www.jstor.org/stable/4149826>.
- Stamnes, E. (2009). Speaking R2P and the prevention of mass atrocities. *Global Responsibility to Protect*, 1(1), 70-89.
- Stamnes, E. (2010). The Responsibility to Protect and “Root Cause” Prevention. *Norwegian Institute of International Affairs Report*, 17-21.
- Steinberg, D. (2009). Responsibility to Protect: Coming of Age. *Global Responsibility to Protect*, 1, 432-41.
- Straus, S. (2008). *The Order of Genocide: Race, Power, and War in Rwanda*. Ithaca, NY: Cornell University Press
- Straus, S. (2016a). *Fundamentals of Genocide and Mass Atrocity Prevention*. the United States Holocaust Memorial Museum
- Straus, S. (2016b). What is Being Prevented. In S.P. Rosenberg, T. Galis and A. Zucker (Eds.), *Reconstructing Atrocity Prevention* (pp. 17-29). New York: Cambridge University Press.
- Syrian Observatory for Human Rights (SOHR). (2020, December 9). *On International Human Rights Day: Millions of Syrians robbed of “rights” and 593 thousand*

- killed in a decade.* Retrieved January 7, 2021, from <https://www.syriahr.com/en/195385/>.
- Tesfaye, A. (2012). The African Union, state sovereignty, and the responsibility to protect civilians. *Journal of African Union Studies*, 1(2_3), 47-60.
- Thakur, R. (2004). Iraq and the Responsibility to Protect. *Behind the Headlines*, 62(1), 1-16.
- Thakur, R. (2006). *The United Nations, Peace and Security: From Collective Security to the Responsibility to Protect*. Cambridge: Cambridge University Press
- Thakur, R. (2011). *The Responsibility To Protect: Norms, Laws and the Use of Force in International Politics*. London: Routledge.
- The Guardian. (2005). *Kenyans say no to new constitution*. Retrieved April 23, 2021, from <https://www.theguardian.com/world/2005/nov/22/kenya.davidfickling>.
- The Stanley Foundation (2011, May 11). Conference Report. In *The Role of Regional and Subregional Arrangements in Strengthening the Responsibility to Protect* (pp. 4-11). New York, NY.
- United Nations Security Council (UNSC). (2014, August 21). *Maintenance of international peace and security: conflict prevention*. S/PV.7247.
- Tieku, T. K. (2012). A pan-African view of a new agenda for peace. *International Journal*, 67(2), 373-389.
- Truth, Justice, and Reconciliation Commission (TJRC). (2008). Commissions of Inquiry - CIPEV Report (Waki Report). IX. *Government Documents and Regulations*, 5. <https://digitalcommons.law.seattleu.edu/tjrc-gov/5>.
- Tutu, D. (2008). Taking the responsibility to protect. *The New York Times*. Retrieved from <https://www.nytimes.com/2008/02/19/opinion/19iht-edtutu.1.10186157.html>.
- United Nations (UN) (2014). *Framework of Analysis for Atrocity Crimes: A tool for prevention*. Retrieved from https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.49_Framework%20of%20Analysis%20for%20Atrocity%20Crimes_EN.pdf

- United Nations (UN). (1945). *Charter of the United Nations*. Retrieved January 19, 2021 from <https://www.un.org/en/sections/un-charter/un-charter-full-text/>.
- United Nations (UN). (2009, September). *Updated Statute of The International Criminal Tribunal for The Former Yugoslavia*. Retrieved January 21, 2021 from https://www.icty.org/x/file/Legal%20Library/Statute/statute_sept09_en.pdf.
- United Nations General Assembly (UNGA). (1946, December 11). *The Crime of Genocide*. A/RES/96. Retrieved January 19, 2021, from [https://undocs.org/en/A/RES/96\(I\)](https://undocs.org/en/A/RES/96(I)).
- United Nations General Assembly (UNGA). (1948, December 9). *Convention on the Prevention and Punishment of the Crime of Genocide*. United Nations Treaty Series, 78 (1), p. 277. Retrieved January 19, 2021 from <https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280027fac>.
- United Nations General Assembly (UNGA). (2005a, March 21). Fifty-ninth Session, In larger Freedom: Towards Development, Security and Human Rights for all. *Report of the Secretary-General*, A/59/2005.
- United Nations General Assembly (UNGA). (2005b, October 24). *Resolution Adopted by the General Assembly on 16 September 2005, '60/1. 2005 World Summit Outcome'*, A/Res/60/1.
- United Nations General Assembly (UNGA). (2009, January 12). Implementing the Responsibility to Protect. *Report of the Secretary-General*, A/63/677.
- United Nations General Assembly (UNGA). (2009, October 7). Resolution adopted by the General Assembly on 14 September. *63/308. The responsibility to protect*, A/RES/63/308.
- United Nations General Assembly (UNGA). (2010, July 14). Early Warning, Assessment and the Responsibility to Protect. *Report of the Secretary-General*, A/64/864.
- United Nations General Assembly (UNGA). (2010a, April 15). Strengthening of technical cooperation and consultative services in the Republic of Guinea. *Resolution adopted by the Human Rights Council**, A/HRC/RES/13/21.

- United Nations General Assembly (UNGA). (2010b, July 14). Early Warning, Assessment and the Responsibility to Protect. *Report of the Secretary-General*, A/64/864.
- United Nations General Assembly (UNGA). (2014). Strengthening of technical cooperation and consultative services in Guinea. *Resolution adopted by the Human Rights Council*, A/HRC/RES/25/35*.
- United Nations General Assembly (UNGA). (2019). Guinea. *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21**, A/HRC/WG.6/35/GIN/1.
- United Nations General Assembly–Security Council (UNGA–SC). (2001, June 7). Prevention of armed conflict. *Report of the Secretary-General*. A/55/985–S/2001/574.
- United Nations General Assembly–Security Council (UNGA–SC). (2011, June 27). The Role of Regional and Subregional Arrangements in Implementing the Responsibility to Protect. *Report of the Secretary-General*, A/65/877–S/2011/393.
- United Nations General Assembly–Security Council (UNGA–SC). (2012, July 25). Responsibility to Protect: Timely and Decisive Response. *Report of the Secretary-General*, A/66/874–S/2012/578.
- United Nations General Assembly–Security Council (UNGA–SC). (2013, July 9). Responsibility to Protect: State responsibility and prevention. *Report of the Secretary-General*, A/67/929–S/2013/399.
- United Nations General Assembly–Security Council (UNGA–SC). (2014, July 11). Fulfilling our collective responsibility: International assistance and the Responsibility to Protect. *Report of the Secretary-General*, A/68/947–S/2014/449.
- United Nations General Assembly–Security Council (UNGA–SC). (2015, July 13). A vital and enduring commitment: Implementing the responsibility to protect. *Report of the Secretary-General*, A/69/981–S/2015/500.
- United Nations General Assembly–Security Council (UNGA–SC). (2016, July 22). Mobilizing collective action: the next decade of the responsibility to protect. *Report of the Secretary-General*, A/70/999–S/2016/620.

- United Nations General Assembly–Security Council (UNGA–SC). (2017, August 10). Implementing the responsibility to protect: accountability for prevention. *Report of the Secretary-General*, A/71/1016–S/2017/556.
- United Nations General Assembly–Security Council (UNGA–SC). (2018, June 1). Responsibility to protect: from early warning to early action. *Report of the Secretary-General*, A/72/884–S/2018/525.
- United Nations General Assembly–Security Council (UNGA–SC). (2019, June 10). Responsibility to protect: lessons learned for prevention. *Report of the Secretary-General*, A/73/898–S/2019/463.
- United Nations General Assembly–Security Council (UNGA–SC). (2020, July 23). Prioritizing the prevention and strengthening response: women and responsibility to protect. *Report of the Secretary-General*, A/74/964–S/2020/501.
- United Nations High Commissioner for Human Rights (OHCHR). (2008). *Report from OHCHR Fact-finding Mission to Kenya, 6-28 February 2008*. Retrieved from <http://responsibilitytoprotect.org/OHCHR%20Kenya%20Report.pdf>.
- United Nations High Commissioner for Refugees (UNHCR). (2020, December 8). *Refugee Data Finder*. Retrieved January 6, 2021 from <https://www.unhcr.org/refugee-statistics/#:~:text=While%20a%20full%20picture%20is,80%20million%20at%20mid%2D2020>.
- United Nations Meetings Coverage and Press Releases (UNMCPR). (1999a). *Secretary-General Presents His Annual Report to General Assembly*, SG/SM/7136-GA/9596. Retrieved from <https://www.un.org/press/en/1999/19990920.sgsm7136.html>.
- United Nations Meetings Coverage and Press Releases (UNMCPR). (1999b, November 29). *Secretary-General Says Global Effort Against Armed Conflict Needs Change From "Culture of Reaction to Culture of Prevention"*, SC/6759. Retrieved from January 30, 2021 from <https://www.un.org/press/en/1999/19991129.sc6759.doc.html>.

- United Nations Meetings Coverage and Press Releases (UNMCPR). (2007, September 25). *Secretary-General, In Address to General Assembly, Lays Out Vision of Stronger, More Flexible, Efficient, Accountable United Nations*, SG/SM/11182-GA/10622. Retrieved January 8, 2021, from <https://www.un.org/press/en/2007/sgsm11182.doc.htm>.
- United Nations Meetings Coverage and Press Releases (UNMCPR). (2008, January). *Secretary-General Troubled by Escalating Kenyan Tensions, Violence*, SG/SM/11356-AFR/1641.
- United Nations Meetings Coverage and Press Releases (UNMCPR). (2012, January 18). *'Responsibility to Protect' Came of Age in 2011, Secretary-General Tells Conference, Stressing Need to Prevent Conflict before It Breaks Out*. <https://www.un.org/press/en/2012/sgsm14068.doc.htm>
- United Nations News Centre (UNNC). (2008a, January). *UN genocide adviser urges end to violence in Kenya, sends staffer there*. Retrieved from <https://news.un.org/en/story/2008/01/247072-un-genocide-adviser-urges-end-violence-kenya-sends-staffer-there>.
- United Nations News Centre (UNNC). (2008b). *Ban Ki-moon calls on Kenyans to 'wake up' and halt violence*. Retrieved from <https://news.un.org/en/story/2008/02/247592-ban-ki-moon-calls-kenyans-wake-and-halt-violence>.
- United Nations News Centre (UNNC). (2010a, November 15). *Ban urges people of Guinea to accept presidential poll results*. Retrieved from <https://news.un.org/en/story/2010/11/359072-ban-urges-people-guinea-accept-presidential-poll-results>.
- United Nations News Centre (UNNC). (2010b, November 18). *Security Council urges leaders in Guinea to end poll differences peacefully*. Retrieved from <https://news.un.org/en/story/2010/11/359422>.
- United Nations Office on Genocide Prevention and the Responsibility to Protect (UNGPRtoP). (2017). *Compendium of Practice: Implementation of Responsibility to Protect 2005-2016*, Retrieved from <https://www.un.org/en/genocideprevention/documents/RtoP%20Compendium%2>

[0of%20Practice%20\(Provisional%20Pre-Publication%20Version\)%20FINAL%2020%20March%202017.pdf](#).

United Nations Office on Genocide Prevention and the Responsibility to Protect. (UNOGPR2P). (n.d.). *Security Council*. Retrieved March 25, 2021, from <https://www.un.org/en/genocideprevention/security-council.shtml>.

United Nations Press Release. (2004, April 7). SG/SM/9197, AFR/893, HR/CN/1077. Retrieved January 19, 2021, from https://www.un.org/en/genocideprevention/documents/about-us/Doc.2_Press%20Release_SG%20Plan%20of%20Action.pdf.

United Nations Secretary-General (UNSG). (2018, June 25). *Remarks to the General Assembly debate on the responsibility to protect*. Retrieved April 3, 2021, from <https://www.un.org/sg/en/content/sg/speeches/2018-06-25/responsibility-protect-remarks-general-assembly>.

United Nations Secretary-General (UNSG). (2020a, September 24). *Secretary-General's video message for the 15th Anniversary of the Adoption of the Responsibility to Protect*. Retrieved January 18, 2021 from <https://www.un.org/sg/en/content/sg/statement/2020-09-24/secretary-generals-video-message-for-the-15th-anniversary-of-the-adoption-of-the-responsibility-protect>.

United Nations Secretary-General (UNSG). (2020b, October 22). *Statement attributable to the Spokesman for the Secretary-General - on Guinea*. Retrieved from <https://www.un.org/sg/en/content/sg/statement/2020-10-22/statement-attributable-the-spokesman-for-the-secretary-general-guinea%C2%A0scroll-down-for-french-version>.

United Nations Security Council (UNSC). (1993, January 26). *Interim Report of the Commission of Experts Established Pursuant to Security Council Resolution 780 (1992)*, S/25274.

United Nations Security Council (UNSC). (1994a, May 27). *Final Report of the Commission of Experts Established Pursuant to United Nations Security Council Resolution 780 (1992)*, S/1994/674.

- United Nations Security Council (UNSC). (1994b, November 8). *Statute of the International Criminal Tribunal for Rwanda (as last amended on 13 October 2006)*. Retrieved January 21, 2021 from <https://www.refworld.org/docid/3ae6b3952c.html>.
- United Nations Security Council (UNSC). (2006, April 28). *Resolution 1674 Adopted by the Security Council at its 5430th Meeting, S/RES/1674*.
- United Nations Security Council (UNSC). (2006, August 31). *Resolution 1706 Adopted by the Security Council at its 5519th Meeting, S/RES/1706*.
- United Nations Security Council (UNSC). (2009a, March 12). *Letter dated 11 March 2009 from the Permanent Representative of Burkina Faso to the United Nations addressed to the President of the Security Council, S/2009/140*.
- United Nations Security Council (UNSC). (2009b, December 18). *Letter dated 18 December 2009 addressed to the President of the Security Council by the Secretary-General, S/2009/693*.
- United Nations Security Council (UNSC). (2011, February 26). *Peace and Security in Africa, S/PV.6491*.
- United Nations Security Council (UNSC). (2011, October 4). *The situation in the Middle East, S/PV.6627. S/2011/612*
- United Nations Security Council (UNSC). (2012, February 4). *The situation in the Middle East, S/PV.6711. S/2012/77*
- United Nations Security Council (UNSC). (2012, July 19). *France, Germany, Portugal, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution, S/2012/538*.
- United Nations Security Council (UNSC). (2014, May 22). *Albania, Andorra, Australia, Austria, Belgium, Botswana, Bulgaria, Canada, Central African Republic, Chile, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Jordan, Latvia, Libya, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Monaco, Montenegro, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Qatar, Republic*

of Korea, Republic of Moldova, Romania, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Seychelles, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution, S/2014/348.

United States Holocaust Memorial Museum (USHMM). (2020, November 17). *International Military Tribunal at Nuremberg*. Retrieved January 19, 2021, from <https://encyclopedia.ushmm.org/content/en/article/international-military-tribunal-at-nuremberg>.

Valentino, B. A. (2011). The True Costs of Humanitarian Intervention: The Hard Truth About a Noble Notion. *Foreign Affairs*, 90(6), 60-73.

Valentino, B., Huth, P., & Balch-Lindsay, D. (2004). "Draining the Sea": Mass Killing and Guerrilla Warfare. *International Organization*, 58(2), 375-407. doi:10.1017/s0020818304582061.

Voice of America (VOA). (2010, November). *Guinea Army Declares State of Emergency*. Retrieved from <https://www.voanews.com/africa/guinea-army-declares-state-emergency>.

Waal, A. D. (2007). Darfur and the failure of the responsibility to protect. *International Affairs*, 83(6), 1039-1054. doi:10.1111/j.1468-2346.2007.00672.x.

Wallis, D. & Moody, B. (2008, January). Kufuor to go to Kenya for crisis talks. *Reuter*. Retrieved from <https://www.reuters.com/article/us-kenya-violence/kufuor-to-go-to-kenya-for-crisis-talks-idUSL0269316120080105>.

Weiss, T. G. and Kuele, G. (2011). Whither R2P? *E- International Relations*. Retrieved May 25, 2020, from <https://www.e-ir.info/2011/08/31/whither-r2p/>.

Weiss, T. G. (2007). *Humanitarian intervention: ideas in action*. Cambridge: Polity.

Weiss, T. G. (2010). Halting atrocities in Kenya. *Great Decisions*, 17-30.

Welsh, J. (2016). The Responsibility to Prevent: Assessing the gap between rhetoric and reality, *Cooperation and Conflict*, 51(2), 216-232.

Welsh, J. M. and Sharma, S. K. (2012). Policy Brief: Operationalizing the Responsibility to Prevent *Oxford Institute for Ethics, Law and Armed Conflict*. Retrieved from

<https://www.oxfordmartin.ox.ac.uk/downloads/briefings/201204ELACResponsibility-to-Prevent.pdf>.

- Wendt, A. (1992). Anarchy is what states make of it: the social construction of power politics. *International organization*, 46(2), 391-425.
- Wendt, A. (1995). Constructing International Politics. *International Security*, 20 (1), 71-81.
- Wheeler, N. J. (2005). Victory for common humanity the responsibility to protect after the 2005 world summit. *Journal of International Law and International Relations*, 2(1), 95-106.
- Wheeler, N. J & Egerton, F. (2009). The Responsibility to Protect: 'Precious Commitment' or a Promise Unfulfilled? *Global Responsibility to Protect 1*, 114-132.
- Whittall, J. (2010). Humanitarian Early Warning Systems: Myth and Reality. *Third World Quarterly*, 31(8), 1237-1250. DOI: [10.1080/01436597.2010.542967](https://doi.org/10.1080/01436597.2010.542967)
- Wiener, A. & Puetter, U. (2009). The quality of norms is what actors make of it: Critical constructivist research on norms. *Journal of International Law and International Relations*, 5(1).
- Wiener, A. (2008). *The Invisible Constitution of Politics*. Cambridge: Cambridge University Press.
- Wiener, A. (2018). *Contestation and Constitution of Norms in Global International Relations*. New York: Cambridge University Press,
- Williams, P. (2009). The " Responsibility to Protect", Norm Localisation, and African International Society. *Global Responsibility to Protect*, 1(3), 392-416.
- Williams, P. R., & Pearlman, S. (2019). Use of Force in Humanitarian Crises: Addressing the Limitations of U.N. Security Council Authorization. *Case Western Reserve Journal of International Law*, 51, 211-222.
- Woocher, L. (2006, September 26). Developing a Strategy, Methods and Tools for Genocide Early Warning, *Report for the Office of the Special Adviser to the UN Secretary-General on the Prevention of Genocide*. Retrieved from

<https://www.un.org/ar/preventgenocide/adviser/pdf/Woocher%20Early%20warning%20report,%202006-11-10.pdf>.

Woocher, L. (2012). The Responsibility to Prevent: Towards a strategy. In A. Knight & F. Egerton (Eds.), *The Routledge Handbook on the Responsibility to Protect* (pp. 22-35). London: Routledge.

World Peace Foundation (WPF). (2017). Guinea Short Brief. *African Politics, African Peace*. Retrieved from <https://sites.tufts.edu/wpf/files/2017/07/Guinea-brief.pdf>.

Wulf, H., & Debiel, T. (2010). Systemic Disconnects: Why Regional Organizations Fail to Use Early Warning and Response Mechanisms. *Global Governance: A Review of Multilateralism and International Organizations*, 16(4), 525-547. doi:10.1163/19426720-01604007.

Yabi, G.O. (2010). *The Role of ECOWAS in Managing Political Crisis and Conflict: The Cases of Guinea and Guinea-Bissau*. Abuja: Friedrich-Ebert-Stiftung.

Zähringer, N. (2013). Norm evolution within and across the African Union and the United Nations: The Responsibility to Protect (R2P) as a contested norm. *South African Journal of International Affairs*, 20(2), 187-205.

Zähringer, N., & Brosig, M. (2020). Organised hypocrisy in the African Union: The responsibility to protect as a contested norm. *South African Journal of International Affairs*, 27(1), 1-23.