

International Politics and Security Challenges in Africa: Interrogating the Non-Applicability of “The Responsibility to Protect” (R2P) to the Nigerian Situation

Essien Ukpe Ukoyo Ukpe
Political Science Department
Akwa Ibom State University
E-mail: essienukpe@aksu.edu.ng

Abstract

This study examined the doctrine of The Responsibility to Protect (R2P) adopted in 2001 at the International Commission on Intervention and State Sovereignty (ICISS) which urges every state to protect the lives and properties of their people, and where a state is clearly either unwilling or unable to fulfill its responsibility to protect or is itself the actual perpetrator of crimes or atrocities, the wider international community, through the United Nations, should activate the residual responsibility and intervene in such a country to avoid a reoccurrence of the genocide situation in Rwanda and the devastation in Syria, Somalia, Sudan and Bosnia. Through a historical/descriptive approach, the study revealed that the indigenous peoples of Nigeria have been facing threats of genocide, yet the United Nations have not invoked the R2P doctrine to stop it. Using national interest as a framework, the study reveals that the superpowers have bastardized the applicability of the concept of The Responsibility to Protect (R2P) to only situations that suit their interests. The only time R2P succeeded in Libya was because Russia abstained from voting in the case. It was recommended that Civil Society should prevail on the Nigerian government to fulfill its obligation in R2P, also, the UN should invoke the R2P doctrine and intervene in Nigeria, local peace commissions should be established to mediate inter-communal tensions and build early warning systems in high-risk regions and that Nigerian citizens should also organize indigenous security outfits like the Amotekun and Ekpe Agwo to resist the systematic extermination of their nationalities in the country by terrorists.

Keyword: Guided genocide, National interest, intentional obligation, Super power ambivalence and International social justice.

Introduction

Hans Morgenthau, an exponent of the realist theory of international politics, has described international politics as power politics (Morgenthau, 1948). According to Kenneth Waltz, whereas national politics is characterized as the realm of authority, of administration, and of law, international politics is described as the realm of power, of struggle, and of accommodation (Waltz, 1979). To Northedge, international politics are those mutual dealings of governments representing sovereign states which involve considerations of status, standing, power and prestige of the general welfare of peoples as an object of governmental action (Northedge, 1968).

Advancing Morgenthau's conception of International politics as 'power politics,' John Spanier (1972) conceptualized international politics as “the Great Power adversary-political-military games. According to Spanier, the game which historically, has constituted the essence of international politics is the Great Power adversary political military game. The ability of African countries as actors in international politics to play the political game is limited by their power potentials. They have therefore been reduced to minions by the militarily powerful nations who dictate everything that happens in the international system, make laws to favour their countries and their people and turn every policy and project in the United Nations system to their own selfish national interests.

The concept of Responsibility to Protect (R2P) is one of such policies that the militarily powerful nations, like the United States, have diverted its utility to suit their personal gains and advance their national interests in the international system.

The Concept of Responsibility to Protect (R2P)

The Responsibility to Protect (R2P) was created in the hope of overcoming the barrier that state sovereignty, as a principle, had posed to actions of humanitarian intervention. It was imagined that as mass atrocity crimes were coming to the attention of the international community, that, on the whole, they were willing, able and eager to intervene in order to stop the violence in question. Holding them back was sovereignty as both a legal and normative barrier. This was always a bad explanation for the pervasive lack of humanitarian intervention. Accordingly, R2P, as a solution, was proposed to circumvent this barrier. The problem is, and always has been that when faced with mass atrocity crimes, the international community is plagued by a near-permanent lack of political will to act.

In response to the legal deficiencies exposed by Kosovo and NATO's justification of humanitarian intervention, then UN Secretary General, Kofi Annan called for fresh thinking on the issue. In response, the International Commission on Intervention and State Sovereignty (ICISS) published its seminal report in 2001, entitled – *The Responsibility to Protect*. The responsibility to protect states that while the onus to protect resides first and foremost with the state whose people are directly affected, a “residual responsibility” lies with the broader community of states, and that “this residual responsibility is activated when a particular state is clearly either unwilling or unable to fulfill its responsibility to protect or is itself the actual perpetrator of crimes or atrocities” (ICISS, 2001. p. 17). Quoting the U.N. Office on Genocide Prevention and the Responsibility to Protect, Al-Oraibi (2021, p.2) asserts that R2P “embodies a political commitment to end the worst forms of violence and persecution. It seeks to narrow the gap between Member States' pre-existing obligations under international humanitarian and human rights law and the reality faced by populations at risk of genocide, war crimes, ethnic cleansing and crimes against humanity.”

The precursors of R2P are “the Blair Doctrine, which held that if diplomatic options are exhausted and a specific military intervention can be applied to right a wrong, then that intervention should be advocated” and the proposal by the then German Foreign Minister, Joschka Fischer, in the 1990s to pacifist Germans “that preventing a genocide against Muslims in the Balkans justified military intervention against the Serbs” (Al-Oraibi, 2021, p.2).

Haider (2013) shows that humanitarian intervention and the Responsibility to Protect (R2P) share the conviction that sovereignty is not absolute. However, the R2P doctrine shifts away from state-centered motivations to the interests of victims by focusing not on the right of states to intervene but on a responsibility to protect populations at risks. In addition, it introduces a new way of looking at the essence of sovereignty, moving away from issues of 'control' and emphasizing 'responsibility' to one's own citizens and the wider international community.

Another contribution of R2P is to extend the intervention beyond a purely military intervention and to encompass a whole continuum of obligations:

- (i) The responsibility to prevent: Addressing root causes of internal conflict. The ICISS considered this to be the most important obligation.
- (ii) The responsibility to react: Responding to situations of compelling human need with appropriate measures that could include sanctions, prosecutions or military intervention.
- (iii) The responsibility to rebuild: Providing full assistance with recovery, reconstruction and reconciliation.

In the ICISS report, R2P is referred to as an 'emerging guiding principle which is yet to achieve the status of a new principle of customary international law (ICISS, 2001, p.15). Also in 2005, the concept of R2P was incorporated into the outcome document of the high-level UN world summit meeting. Participating member states recognized the responsibility of each

individual state to protect its population from genocide, war crimes, ethnic cleansing, and crimes against humanity, as well as corresponding responsibility of the international community to help states to exercise this responsibility through peaceful means or through collective action, should peaceful means prove inadequate. This document was adopted by the General Assembly in its Resolution 60/1 2005 world summit outcome (Paras 138-139). Its language which re-characterized the issue as not being about the right of big states to throw their weight around militarily, but rather the responsibility of all states to act to protect their own and other people from mass atrocity crimes.

In exercising that responsibility, every state has the responsibility to protect its own people, other states have a responsibility to assist them to do so and if a state is manifestly failing, as a result of either incapacity or ill will to protect its own people, the wider international community then has a responsibility to act more decisively. In conclusion, it broadens the range of appropriate responses. Whereas humanitarian intervention focused one dimensionally on military reaction, R2P involves multiple elements across the response continuum: preventive action - both long and short term reaction when prevention fails; and post crisis rebuilding aimed again at prevention, this time of recurrence of the harm in question.

The Responsibility to Protect (R2P) is a global political commitment which was endorsed by all member states of the United Nations at the 2005 world summit in order to address its four key concerns - to prevent genocide, war crimes, ethnic cleansing and crimes against humanity. It is an emerging international security and human right norm which seeks to enhance the state's ability to protect civilians from the four mass atrocity and crimes. The central tenet of R2P is that sovereignty as the defining feature of a state, entails responsibility as well as physical and political jurisdiction. The state may have the right to manage affairs within its borders, but it also has the fundamental responsibility of shielding populations within those borders from these four crimes. The lessons of Syria, Somalia, Sudan, Rwanda and Bosnia demonstrated that the international community lacked defined international legal measures and often, the political will to prevent such crimes from taking place, or to stop them if preventive actions failed. In response, world leaders came together in the historic agreement to endorse R2P with its three "pillars", each with differing levels of responsibility:

Pillar 1: Emphasizes a state's obligations to protect all populations within its own borders

Pillar 2: Outlines the international community's role in helping states to fulfill this obligation.

Pillar 3: Identifies the international community's responsibility to use appropriate diplomatic, humanitarian, peaceful or coercive means to protect civilian populations where a state manifestly fails to uphold its obligations.

R2P therefore is an exception to the principle of non-intervention. It articulates the prevention of and punishment for the crime of genocide, whether committed in time of peace or in time of war, as a crime under international law which contracting states undertake to prevent and to punish. R2P gives the conviction that sovereignty is not absolute. However, the R2P doctrine shifts away from the sovereignty of the state. The central motivation is the interests of victims by focusing not on the right of states to intervene but on a responsibility to protect populations at risk.

Since 2015, the indigenous Hausa people and Christians in northern Nigeria have experienced threats of genocide, mass killings, ethnic cleansing, and crimes against humanity and the Nigerian government of Muhammadu Buhari is clearly unwilling and unable to fulfill its responsibility to protect the citizens that are facing this threats. The government appears to be complicit and seems to support the perpetrators of these crimes and atrocities. The conditions for

the intervention of the international community as provided by the Responsibility to Protect (R2P) is therefore prevalent in Nigeria, yet the wider international community and the United Nations are complacent about the Nigerian situation. Apart from World Bank's Report that the incompetence of the Buhari's regime in addressing worsening insecurity and harsh economic situation has escalated food insecurity, affected job creation and may further fuel national unrest and impede the growth of Nigeria (Shittu, 2022), no other arm of the United Nations, particularly the Security Council has discussed the guided genocide in Nigeria.

The ambivalence of the international community to the genocide going on in Nigeria shows the unwillingness of the Super Powers, in particular and the international community in general to activate their residual responsibility to intervene as required by the ICISS stipulation of the Responsibility to Protect (R2P), as the Nigerian government is clearly either unwilling or unable to fulfill its responsibility to protect its citizens from impending genocide.

Theoretical Framework

This study is examined under the framework of National Interest. Scholars of International Politics have agreed that “national interest is the driving force in International Relations” (Eminue & Dickson, 2000, p.1).

Quoting Dyke (1972) and Ogwu (1986), Eminue & Dickson (2000, p. 11) define national interest as “a short-hand expression of the sum total of the objectives and goals of a nation-state.” National Interest entails “national survival, security prosperity, self-determination, co-existence on the basis of equal rights, international social justice, peaceful resolution of conflicts, cooperation, protection and the preservation of mankind's common heritage of natural and cultural resources...” (Rosenau, 1976, p. 728 in Eminue & Dickson, 2000, p. 11). It also entails the pursuit of wealth, enlightenment, well-being, skill, respect, affection and rectitude (Dunoff and Pollack, 2013, p. 6 in Eminue & Dickson 2000, p. 11).

According to Morgenthau (1951), as quoted by Eminue & Dickson (2000, p. 11) 'statesmen think and act in terms of interest defined as power', or, as they reasoned, the use of criterion of power will enable nations to 'follow... but one guiding star, one standard for thought (and) one rule for action: the national interest.'

The most important factor that determines what action or decision a nation takes, what orientation it adopts or which country it enters into relationship with in the international system, is its national interest. Therefore, among “...all the values, goals or objectives the statesman, the International Relations practitioner or the diplomat pursues in the international system, the most important is national interest. National interest is the major and most salient factor that determines the foreign policies of States and the actions, reactions and the overall conduct of their diplomats” (Eminue and Dickson, 2000, p. 11).

Every nation selfishly pursues its national interests in its dealings with other nations and will not act if such action will not be to its benefit or lead to the achievement of its national interest. Acquiescence to any international agreement, participation in any international project or intervention in any troubled zone or nation in the world is done based on the sole consideration that such action will help such nation to achieve its national interest.

The applicability of the Responsibility to Protect (R2P) by the superpowers is therefore based on considerations of their selfish national interests. This manifest selfishness of the major powers is seen in the fact that they have refused, failed and neglected to invoke and implement the doctrine of the Responsibility to Protect (R2P) except where and when their citizens or national interest are affected.

Instances where the Responsibility to Protect have been Invoked

Since its adoption, the doctrine of the Responsibility to Protect (R2P) has been invoked about eighty (80) times through UN Security Council resolutions, but it is only in the case of Libya that the doctrine has been applied in reality. One could therefore agree with Renshaw (2021, p.1) that “the doctrine of Responsibility to Protect was meant to stop atrocities. Instead, it has become another empty mantra.”

The Libyan Case

In February 2011, Libyans protested against the government of late dictator, Muammar Qaddafi. In response to these anti-government protests, the long-time dictator who had ruled Libya from 1969 to 2011 ordered his supporters to attack the “cockroaches” who were demonstrating against his rule. He boasted that he would “cleanse Libya house by house” (Renshaw, 2021, p.1). Vulnerable local protesters were visited with high handed and extreme violence. This situation portended the possibility of a genocide.

To forestall possible extermination of Libyan citizens, the United Nations Security Council adopted Resolution 1970 in March 2011. The Resolution berated the government of Colonel Muammar Qaddafi for the massive and unacceptable violations of human rights in the country and called on the Libyan Government to ceasefire and observe of human rights. The Resolution drew the attention of the Libyan government to its responsibility to protect the Libyan population. The Security Council through the Resolution went further to put place a number of coercive measures and ratified forceful military intervention, without recourse to the Libyan government. For the first time in history, the Security Council moved swiftly. Two days after the adoption of Resolution 1970, “...a military coalition under the umbrella of NATO began bombing Libyan government positions, with the aim of protecting the civilian population against gross human rights abuses. With ensuing concerns of a stalemate between the government and rebels, the goal of the intervention shifted to one of regime change” (Haider, 2013, p.49).

Gareth Evans described this intervention as a “textbook case of the R2P norm working exactly as it was supposed to” (Renshaw, 2021, p.1). The success of this R2P operation gave the impression that the United Nations had entered a new phase of its existence to fulfil its most basic mandate – to preserve peace and prevent the destruction of entire peoples and this gave hope to the world's oppressed peoples. The operation however succeeded because opposing members of the Security Council abstained from voting and had restrained from using their veto since the Resolution did not contemplate regime change. Haider (2013, p.49) has argued that “had regime change been specified as a goal from the outset, it is unlikely that Security Council endorsement would have materialized.”

Central African Republic

The second instance of the invocation of the doctrine of the Responsibility to Protect was in the case of Central African Republic (CAR). The problem in CAR started with the overthrow of President François Bozizé in March, 2013 by the mainly Muslim Séléka rebel alliance. On assumption of office, the Muslim Séléka committed several abuses against the predominantly Christian tribes. This led to the formation of predominantly Christian anti-balaka militias. The anti-balaka joined with ex-Séléka forces to fight against the government. This resulted in several war crimes and crimes against humanity between 2013-2015. The result was the collapse of state institutions. In December 2020, these rebel groups formed an alliance called the Coalition of Patriots for Change (CPC) and launched an offensive against the government. To counter the attack, the Central African Armed Forces (FACA) launched a counter insurgency warfare against the rebel group. Due to the support of Russian forces as well as Wagner Group, a private security company that operated as mercenary fighters, the government forces had the upper hand over the rebels (Global Center on Responsibility to Protect, 2022).

In apparent anger and retaliation, the rebel group launched offensive strikes against the government in spite of the unilateral ceasefire declared by the government on October 15, 2021.

On 12 November 2021 the UN Security Council adopted Resolution 2605 on the situation in the Central African Republic (CAR). Resolution 2605 extended the mandate of the UN peacekeeping mission in CAR (MINUSCA) until 15 November 2022, with a mandate that prioritized the protection of civilians. The resolution also recalled 'that the CAR authorities had the primary responsibility to protect all populations in the CAR in particular from genocide, war crimes, ethnic cleansing and crimes against humanity (Global Center on Responsibility to Protect, 2021, p.1).

The conflict has resulted in over 525 conflict-related civilian deaths since February 2021 according to the report of the UN peacekeeping mission in CAR (MINUSCA) (Global Center on Responsibility to Protect, 2022). The CPC continues to perpetrate "...widespread violations of International Humanitarian Law (IHL), including killing and abducting civilians, the forcible recruitment of child soldiers, and attacks on schools, hospitals, humanitarian workers and MINUSCA. After security forces recaptured territory in the northeast, some armed groups have carried out violent reprisals against local populations. Since the CPC launched their offensive, conflict-related sexual violence has also significantly increased, with the number of cases doubling during 2021 as compared to the previous year" (Global Center on Responsibility to Protect, 2022, p.2).

On their part, "...FACA troops and Russian mercenaries have perpetrated summary executions, arbitrary killings, torture, rape and forced disappearances, and have also occupied schools and looted humanitarian organizations and UN offices. These forces are also committing targeted attacks and ill-treatment against ethnic and religious minority communities, particularly Fulanis and Muslims, as well as hostile incidents against MINUSCA. According to the UN, FACA troops and mercenaries have also killed dozens of civilians for their perceived support of the armed group Union pour la Paix en Centrafrique (UPC) in Ouaka prefecture since October, 2021" (Global Center on Responsibility to Protect, 2022, p.2).

In spite of these, the United Nations has not been able to invoke the doctrine of R2P to rescue the endangered population in Central African Republic (CAR). The 13 resolutions passed so far by the United Nations Security Council (UNSC) merely emphasize the CAR government's responsibility to protect its populations. The Special Criminal Court (SCC) set since 2015 to try grave crimes committed against humanity in CAR since 2003 has also failed to achieve its purpose. Those convicted and jailed for war crimes, like Hassan Boubou Ali, CAR's Minister of Livestock and former leader of the UPC have been released with impunity from prison within seven days by the government in defiance of court orders.

The crisis has created a serious refugee crisis as more than 1.4 million people have been forced to flee successive crises since 2013. Approximately 3.1 million people need humanitarian assistance and protection and 50 percent of the population face critical food insecurity, yet there is no end of the crisis in sight.

The Syrian Situation

Exactly three years after the Libyan intervention, President Bashar al-Assad of Syria, in attempt to quell the Arab Spring, murdered several citizens of Syria and also used chemical weapons in a Damascus suburb, a situation similar to threats in Libya's Benghazi. Almost 400,000 Syrians were killed and about 200,000 missing, many Syrian cities were razed and many young Syrians were stuck in displacement camps without education or hope for the future (Al-Oraibi, 2021). The Global Centre for the Responsibility to Protect of the Ralph Bunche Institute for International

Studies (2022) reports that at least 580,000 people have been killed, more than 130,000 arbitrary detentions, abductions or disappearances and nearly 13 million people have been displaced, including 6.7 million Syrian refugees and an estimated 13.4 million Syrians remain in need of humanitarian assistance.

The high-handedness of Bashar al-Assad resulting in reprehensible violations of human rights on a massive scale, “blatant and targeted attacks on hospitals and medical centers, the bombing of entire cities, the assassinations of journalists, and the use of siege and surrender tactics” (Al-Oraibi, 2021, p.1) are sufficient reasons for the activation of the Responsibility to Protect (R2P) to save the endangered populations in Syria. The UN Secretary-General's report on children and armed conflict confirmed more than 4,724 grave violations across Syria in 2020, including killing, maiming and the recruitment and use of children in hostilities. Additionally, at least 40,000 children of alleged ISIL fighters from 57 countries remain trapped in squalid detention camps run by the Kurdish-backed Syrian Defense Forces (Global Centre, 2022, p.2).

The response of the U.N. to all these is that heated Security Council meetings have been held to discuss the possibility of activating the doctrine of R2P, but for fear that Russia may veto the decision of the Security Council to intervene (Renshaw, 2021, p.3) due to its support for the Bashar al-Assad government, the Council decided that a military intervention might do more harm than good. Therefore, the United Nations could not enforce the doctrine of Responsibility to Protect in Syria. However, the Council has passed 27 resolutions on humanitarian access, peace talks and chemical weapons in Syria since 2013. Most of these resolutions refer to the government's responsibility to protect populations, but none have been fully implemented. Russia and China have jointly vetoed ten draft resolutions and Russia has independently vetoed an additional six (Global Centre, 2022, p.2). It ended up issuing “...empty statements of condemnation ... and ineffectively demanded restraint” (Al-Oraibi, 2021, p.2).

Thus, just as the abuse of the veto power by the five permanent members of the Security Council paralyzed the United Nations from activating the collective security clause in the Charter to carry out enforcement action against aggressors, the same veto power has also begun to rear its ugly head in the implementation of the doctrine of the Responsibility to Protect (R2P). One can therefore agree with Al-Oraibi (2021, p.3) that “the nature of the U.N. system, in particular, the structure of the Security Council, was ultimately responsible for killing any chance to implement R2P.”

The Syrian case is one of many instances of the international community failing in its obligations and “...the conflict's impact on the world's ability to prevent atrocities will be felt for years to come.... R2P was incapable of surviving the Syrian conflict” (Al-Oraibi (2021, p.1). It has been shattered in Syria. “It's death marks a moment of failure of the international system that was emerging at the end of the Cold War. What will take its place is not yet known. As the world seems to be entering a new era of geostrategic competition and superpower polarization, there is no guarantee that a collectively acceptable humanitarian order will emerge” (Al-Oraibi (2021, p.1). Haider (2013) attributes the decease of the R2P concept to the uncertainty over the legal force of the doctrine as well as the jettisoning of the power of the General Assembly in preference of the approval of the Security Council for its activation.

The Case of Democratic Republic of the Congo

Since 2013, various armed groups have been perpetrating atrocious attacks against civilian populations in the Democratic Republic of the Congo. This has resulted in the largest refugee crisis in Africa. These armed groups took advantage of the weakness of the government to perpetrate crimes against humanity. More than 120 militias and armed groups have been involved in the armed conflict in DRC. The prominent among them are the Allied Democratic Forces

(ADF) and the Cooperative for the Development of Congo (CODECO) (Global Center on Responsibility to Protect, 2022).

The ADF controls the Beni region of North Kivu. It has been carrying out attacks in this region for more than six years. But from 2021, the ADF expanded its attacks into Ituri, particularly in Mambasa and Irumu territories. “Between January 2021-January 2022, the ADF summarily executed at least 1,311 civilians and abducted 1,206 in Beni, Mambasa and Irumu territories” (Global Center on Responsibility to Protect, 2022, p.1).

The Cooperative for the Development of Congo (CODECO) is made up of militias from the Lendu ethnic group. Their targets have been mostly ethnic Hema villages and internally displaced persons (IDPs) sites in Djugu. CODECO have perpetrated widespread attacks and have killed hundreds of ethnic Hema villagers. They have also carried out series of attacks, kidnapped, looted livestock and food items, and burned homes in the internally displaced persons (IDPs) sites in Djugu territory (Global Center on Responsibility to Protect, 2022).

The UN Joint Human Rights Office (UNJHRO) in the DRC documented at least 2,024 civilians killed in 2021 by armed groups in North Kivu, South Kivu, Tanganyika and Ituri provinces. The civilian death toll nearly doubled since the government launched a so-called “state of siege” in North Kivu and Ituri provinces in May, 2021. MONUSCO recorded that an average of 250 civilians were killed in each province in the first three months of 2022. Since the beginning of the year, UNHCR has recorded reports of more than 10,000 human rights violations in Ituri alone, including killings, rapes, abductions and lootings. The majority of these violations have targeted vulnerable displaced and returning populations, particularly women and children.

On 20 December 2021 the UN Security Council adopted Resolution 2612 on the situation in the Democratic Republic of the Congo (DRC). Resolution 2612 renewed the mandate of the UN peacekeeping mission in DRC (MONUSCO) until 20 December 2022, with a mandate that prioritized the protection of civilians and providing support to state institutions, including through assistance with security sector reform. The resolution also recalled that the DRC government “bears the primary responsibility to protect civilians within its territory and subject to its jurisdiction, including protection from crimes against humanity and war crimes (Global Center on Responsibility to Protect, 2021, p.1).

The increasing violence in eastern DRC is a proof of the ineffectiveness of the government and lack of stability. The capacity of the DRC government's armed forces (FARDC) as well as the UN peacekeeping mission in Congo (MONUSCO) to provide adequate protection to civilians proved to be quite inadequate due to increasing attacks by armed groups in Ituri, North Kivu and South Kivu provinces, combined with inter-communal tensions. This coupled with perpetuation of violence in Tanganyika by rival armed groups and militias who competed for control of mining areas or retaliating against recent government offensives, exposed the ineffectiveness of MONUSCO (Global Center on Responsibility to Protect, 2022).

The Need for R2P in Nigeria

Since 2009, Nigerian citizens, especially in the north-east and north-central have been facing violent threat of genocide by armed Islamic groups; Boko Haram, the Islamic State in West Africa (ISWA) as well as armed bandits masquerading as herdsmen. Boko Haram avowedly aims at overthrowing Nigeria's secular government to establish an Islamic state. Boko Haram's coordinated attacks across the northern region since July 2009 have resulted in the deaths of thousands and displacement of tens of thousands more (Sodipo, 2014). As Global Center on

Responsibility to Protect (2022) reports, “more than 35,000 people have been killed in northern Nigeria since 2009 when Boko Haram launched its insurgency, and ... at least 1.8 million internally displaced persons in Adamawa, Borno and Yobe states” (emphasis added). The UN Office for the Coordination of Humanitarian Affairs reports that the security situation in Nigeria “has resulted in a humanitarian emergency, with more than 8.4 million people – approximately 80 percent of whom are women and children – requiring urgent assistance” (Global Center on Responsibility to Protect, 2022, p.2)

The Need for R2P in Nigeria

Since 2009, Nigerian citizens, especially in the north-east and north-central have been facing violent threat of genocide by armed Islamic groups; Boko Haram, the Islamic State in West Africa (ISWA) as well as armed bandits masquerading as herdsmen. Boko Haram avowedly aims at overthrowing Nigeria's secular government to establish an Islamic state. Boko Haram's coordinated attacks across the northern region since July 2009 have resulted in the deaths of thousands and displacement of tens of thousands more (Sodipo, 2014). As Global Center on Responsibility to Protect (2022) reports, “more than 35,000 people have been killed in northern Nigeria since 2009 when Boko Haram launched its insurgency, and ... at least 1.8 million internally displaced persons in Adamawa, Borno and Yobe states” (emphasis added). The UN Office for the Coordination of Humanitarian Affairs reports that the security situation in Nigeria “has resulted in a humanitarian emergency, with more than 8.4 million people – approximately 80 percent of whom are women and children – requiring urgent assistance” (Global Center on Responsibility to Protect, 2022, p.2)

In spite of all these, the international community has turned a deaf ear to the genocide situation in Nigeria. There has neither been any mention of the Nigerian case in the United Nations General Assembly nor the doctrine of the Responsibility to Protect been invoked to salvage the Nigerian situation. Only private Non-Governmental Organizations have shown concern for the deteriorating security situation in Nigeria. For instance, Network on Police Reform in Nigeria (NOPRIN), a network of 46 civil society organizations in Nigeria gave recommendations for “a multidisciplinary approach to dealing with terrorism, including the need to restore public confidence and cooperation with police/security forces and for the government to address the socio-economic root causes of crime and corruption” (Sodipo, 2014, p.2). Another NGO, Human Rights Agenda Network (HRAN), comprising civil society organisations working on human rights issues in Nigeria, “reported to the UN High Commissioner for Human Rights in March 2014, the increased cases of extra judicial killings; the use of torture as well as a repressive counter-terrorism administration resulting in increased gun violence and insecurity in Nigeria” (Sodipo, 2014, p.2).

In the wake of the kidnap of the Chibok girls, the West Africa Civil Society Institute (WACSI) called on “all relevant civil society organizations in the West African/ECOWAS sub-region to pull together and add their mobilization and advocacy weight in the search and rescue of the schoolgirls. The group also called for urgent action by the Nigerian Government to act within the context of the Responsibility to Protect (R2P) and to take necessary actions” (Sodipo, 2014, p.2).

In 2015 the African Union had authorized a Multinational Joint Task Force MNJTF to combat the armed extremism of Boko Haram. In spite of this however, the number of people living under constant threat of extermination is assuming an alarming proportion every day. It is very clear that neither the United States nor the wider international community will intervene in Nigeria to stop the genocide or other crimes against humanity where their national interest is not affected. If the United States could intervene in Nigeria to save a single American citizen abducted by the same terrorists who are carrying out guided genocide in Nigeria without bordering about the genocide in the country, then the applicability of the Responsibility to Protect (R2P) has been bastardized

and diverted to suit the interests of the superpowers, just like any other international norm.

Although the assassinations of Osama bin Laden and Major General Soleimani and the rescue of Philip Walton are clear violations of the universally accepted principle of territorial integrity of Pakistan, Iraq and Nigeria respectively, the United States nonetheless justified these actions as its responsibility to protect its citizens and diplomats. The assassination of bin Laden and Soleimani, according to the US Defense Department is one among other actions taken in the exercise of its inherent right of self-defense, claiming that the two men have been attacking and were planning imminent attacks against the US, its citizens and government.

Conclusion

As laudable as the concept of the Responsibility to Protect (R2P) is, this study has discovered that the super powers have converted the good intention of the International Commission on Intervention and State Sovereignty to their selfish interests. Where the interest of any of the five permanent members of the Security Council is involved, R2P will never be implemented. R2P only succeeded in Libya because, Russia abstained from voting.

It could be safely concluded that just like the Collective Security principle or any other concept or policy under the United Nations system, the Responsibility to Protect (R2P) may never see the appropriate implementation and the endangered citizens of Nigeria and indeed citizens of other developing nations facing genocide, mass murder and crimes against humanity may wait till kingdom come for the international community to intervene. Such intervention will only happen where the citizens or interests of the major powers are affected.

Recommendations

1. The onus of the Responsibility to Protect its citizens lies primarily with the government of each country. The Civil Society in Nigeria should ensure that government upholds the Responsibility to Protect by providing adequate military protection for vulnerable communities.
2. Social initiatives and local peace commissions should be established to mediate inter-communal tensions and build early warning systems in high-risk regions. This initiative is already being practiced in Adamawa, Kaduna and Plateau states. It should be duplicated in other high risk areas (Global Center on Responsibility to Protect, 2022).
3. It is expected of the government to confront the root causes of conflict, including poor governance, corruption, poverty, youth unemployment and environmental degradation.
4. However, the case of Nigeria is peculiar. Since the government appears to be the sponsor of the terrorists perpetrating genocide and mass murder of the citizens, the Responsibility to Protect shifts to the international community. The United Nations should effectively turn its attention to Nigeria. Just as it has invoked the R2P doctrine in other countries where cases of conflict portend genocide, the United Nations should also pass a resolution to intervene in Nigeria.
5. While waiting for the intervention of the international community, Nigerian citizens should use whatever means at their disposal to stem the impending annihilation of their tribes by terrorists. Since the government of Nigeria has failed in its primary function of protecting its citizens, and the security forces have been re-engineered to work against the safety and security of the citizens, the formation of ethnic security outfits like the *Amotekun* by the Yoruba nation is commendable and is hereby recommended.

7. This study also recommends the revival of indigenous cults like *Ekpe Agwo* or *Ekpe Ikpa Ukot* cult. This cults were esoteric, scary and bloodletting groups practiced by the Anaañ people in present day Akwa Ibom State. Oral tradition claim that it originated in Ntak Ibesit and Ikot Afaaña (Afanga), both in the present Oruk Anam Local Government Area of Akwa Ibom State. It was effectively used between 1942-1948 as a tool of resistance against the colonial government. Since the Army, Air force, Navy and all other security formations in the country are headed by Fulanis, who are perpetrating the genocide, there is no need to wait for or expect help from these forces. The renaissance of such groups as the *Ekpe Agwo* among all the oppressed tribes may be the only path to victory from the impending holocaust.

References

- Adam, Z. (2011). Osama bin Laden: Saudi Arabian militant. Encyclopedia britannica. <https://www.britannica.com/biography/Osama-bin-Laden>.
- Ajigboye, O. (2014). International law and the responsibility to protect: Legal and theoretical basis for international intervention in Nigeria. *Journal of Sustainable Development Law and Policy*, 3 (1) 2014
- Al-Oraibi, M. (2021). 'Responsibility to protect' is one more casualty of the Syrian war. In *Foreign Policy*. <https://foreignpolicy.com/2021/06/14/syria-war-un-security-council-responsibility-to-protect-r2p-humanitarian-intervention-assad-russia-human-rights-civilians/#:~:text=The%20principal%20norm%20that%20has,being%20committed%20against%20civilian%20populations>.
- Angerer, D. (2011). How many people died in the 9/11 attacks □ History.Com. <https://www.history.com/topics/21st-century/9-11-attacks>.
- Ballesteros, Z. (2020, April 20). US special forces rescue abducted American in Nigeria, officials say. *The Guardian online* <https://www.google.com/amp/s/amp.theguardian.com/us-news/2020/oct/31/us-military-rescue-niger-nigeria>.
- Barnes, J. E. (2020). American contractor killed in rocket attack in Iraq. *New York Times*. <https://www.nytimes.com/2019/12/27/us/politics/american-rocket-attack-iraq.html>.
- Black, H. C. (1980). Assassination defined. *Black's Law Dictionary* (4th ed). Minnesota: West Publishing Co.
- Blair, T. (2002). Full text of Tony Blair's speech in Texas. The prime minister's speech at the George Bush senior presidential library. *The Guardian*. <https://www.theguardian.com/politics/2002/apr/08/foreignpolicy.iraq>
- Bakircioglu, O. (2009). *The right to self- defense in national and international law: The role of the imminence requirement*. Belfast: Queens University.
- Blay, S. (2005). *Public international law: An Australian perspective*, 2nd ed. Oxford University Press.
- Charlampow, C. (2010). *International law for international relations*. Oxford: Oxford University Press.
- Crowley, M., Hassan F., & Schmitt, E. (2020). U.S. strike in Iraq kills Qassim Suleimani, commander of Iranian forces. *New York Times*. <https://www.nytimes.com/2020/01/02/world/middleeast/qassem-soleimani-iraq-iran-attack.html>.
- Dixon, M. (2007). *Textbook on international law* 6th ed. Oxford: Oxford University Press.
- Eminue, O. (2015). Introduction. In Eminue, O. and Dickson. M. (eds.) *Key Issues in international relations*. Nsukka: University of Nigeria Press Ltd. 10-12.
- Gamble, A. (1963). *An introduction to modern social and political thoughts*. London; Macmillan Press.

- Gareth, E. (2013). *The responsibility to protect: Theory and practice*. Australia: Australian National University Press.
- Gerhard, D. (2012). Remarks on the terminology of assassination as targeted killing. *Journals of Karl Franzens University* 2 (5). 2-5.
- Global Centre for the Responsibility to Protect (2021). *Syria*. New York: Global Centre for the Responsibility to Protect, The Ralph Bunche Institute for International Studies.
- Global Centre for the Responsibility to Protect (2021). *United Nations Security Council. Resolution 2605 (Central African Republic) S/RES/2605*. <https://www.globalr2p.org/resources/resolution-2605-central-african-republic-s-res-2605/>. Accessed on August 19, 2022.
- Global Centre for the Responsibility to Protect (2021). *Democratic Republic of the Congo: populations at risk*, New York: Global Centre for the Responsibility to Protect, The Ralph Bunche Institute for International Studies. Available at: <https://www.globalr2p.org/countries/democratic-republic-of-the-congo/>. Accessed on August 27, 2022.
- Global Centre for Responsibility to Protect (2021). *Resolution 2612 (DRC) S/RES/2612*. United Nations Security Council. <https://www.globalr2p.org/resources/resolution-2612-drc-s-res-2612/>.
- Global Centre for the Responsibility to Protect (2022). *Nigeria*. <https://www.globalr2p.org/countries/nigeria/>.
- Haider, H. (2013). *International legal frameworks for humanitarian action*. Birmingham, UK: GSDRC, University of Birmingham.
- Havens, C. M.; Leiden, C. & Schmitt, K. M. (1970). *The politics of assassination*. Englewood Cliffs, N. J., Prentice-Hall.
- Hoffman J. & Graham P. (2006). *Introduction to political concepts*. London: Routledge.
- ICISS (2001). *The Responsibility to protect. A supplementary volume of the report of the international commission on intervention and state sovereignty*. Ottawa: International Development Research Center.
- Kohen, M. G. (2006). *Succession: International law perspectives*. Cambridge: Cambridge University Press.
- Krasner, S. (1999). *Sovereignty: Organized hypocrisy*. London: Princeton University Press.
- Labuda, P. I. (2020). *The Killing of Soleiman: The use of force against Iraq and overlooked Jus Ad Bellum questions*. Published in *EJIL: Talk. A Blog of the European Journal of International Law*. <https://www.ejiltalk.org/the-killing-of-soleimani-the-use-of-force-against-iraq-and-overlooked-ius-ad-bellum-questions/>.

- Lillich, R. B. (1984). Sovereignty and humanity: Can they converge □ In Grahl-Madsen & Tomam J. (eds.). *The Spirit of Uppsala*. Berlin: Walter de Gruyter. 413.
- Mikulas, F. (2014). *Conceptual History in International Relations: The Case of Territorial Integrity*. Oxford: Oxford University Press.
- Milanovic, M. (2020). The Soleimani strike and self-defense against an imminent armed attack. *EJIL: Talk 2020. European Journal of International Law* 5 (1) 11-12.
- Morgenthau, H. J. (1954). *Politics among nations: The struggle for power and peace*. New York: A. A. Knoff.
- Northedge, F. S. (1968). *The foreign policies of great powers*. London: Faber and Faber.
- Nulter, J. J. (2000). *The CIA's black cops! covert action, foreign policy and democracy*. Washington: Washington Post. 127-29.
- Onwe, S. & Nwogbaga, D. (2015). Conceptual issues and theoretical analysis of sovereignty. *A Research on Humanities and Social Sciences* 5 (3) 2225-0484. www.iiste.org ISSN (Paper)2224-5766 ISSN (Online)2225-0484 (Online).
- Parmar, S. (2017). Understanding the concept of sovereignty. *IJL Press* vol. 3 p.31-35 (2017) ISSN. 2455-2194.
- Renshaw, C. (2021). R2P: An idea whose time never comes. In *The Interpreter*. <https://www.lowyinstitute.org/the-interpreter/r2p-idea-whose-time-never-comes>. Accessed on August 24, 2022
- Roskin, M. G., Cord, R. L., Medeiros, J. A. & Jones, Schmilt supra note 5, 614 (1964). *Construing Balthazar Ayala on the Law on War on the duties connected with War and on Military Discipline* 84. John B trans Carnegie Institution
- Senna, M. & Troy, J. (2017). The transformation of targeted killing and international order. In *Contemporary Security Policy*. 2017 May 4; 38(2): 175–211. Published online 2017 Aug 1. doi: 10.1080/13523260.2017.1336604.
- Shaw, M. N. (1997). *International law* (4th ed). London: Cambridge University Press.
- Shittu, P. (2022). Nigerians' frustration with Buhari regime could spark crisis: World Bank. <https://gazettengr.com/nigerians-frustration-with-buhari-regime-could-spark-crisis-world-bank/>
- Simpson, G. (2006). *Great powers and outlaw states: Unequal sovereigns*. In *The International Legal Order. Cambridge Studies in International and Comparative Law, Series Number 32*. Cambridge: Cambridge University Press.
- Sodipo, M. (2014). The case for responsibility to protect principle in Nigeria. <https://reliefweb.int/report/nigeria/case-responsibility-protect-principle-nigeria>.

- Spanier, J. W. (1972). *Games nations play*. New York: Thomas Nelson & Sons Ltd.
- Swart, M. (2020). Death by drone: How can states justify targeted killings □ Aljazeera journal on United Nations reports. <https://www.aljazeera.com/news/2020/7/11/death-by-drone-how-can-states-justify-targeted-killings>.
- Swartz, N. P. (2010). Thomas Aquinas: On law, tyranny and resistance. *African Journals Online* 30 (1) 1-2. DOI: 10.4314/actat.v30i1.67257
- Toups, N. J. (1980). Sir Thomas more, humanist and hero: A man for all ages. *LSU Historical Dissertations and Theses* . 3 5 7 3 . https://digitalcommons.lsu.edu/gradschool_disstheses/3573.
- United Nations Security Council (2021). Resolution 2605 (Central African Republic) S/RES/2605. <https://www.globalr2p.org/resources/resolution-2605-central-african-republic-s-res-2605/>.
- Vidmar, J. (2012). *Territorial integrity and the law of statehood*. UK: Oxford University Press.
- Waltz, K. N. (1979). *Theory of international politics*. Philippines: Addison-Wesley Publishing Company, Inc.
- Wiebe, M. (2003). Assassination in domestic and international law: The central intelligence agency, state sponsored terrorism and the right to self-defense. *Tulsa Journal of Comparative and Int'l. Law* 2003. Tulsa: Tulsa J. Comp. & Int'l 2 (2) 363.
- Wingfield, T. C. (1998). Taking aim at regime elite: Assassination, tyrannicide and the clancy doctrine (1998) 287, *Washington: Md. J. Int'l L. & Trade* 287. 295
- Wood, M. N. (1952). *Supra note: The regulation of the use of force by individual states in international law*. The Hague: Recueil.
- Wood, S. M. (2021). *The principle of territorial integrity*. New Jersey: Princeton University Press.
- Zengel, P. (1991). Assassination and the law of armed conflict. In John Rolfe (ed.). *The Classics of International Law*. San Diego: Mil. L. Rev. 123.
- Zraick, K. (2020). Known facts about the death of Iranian general Soleimani. *New York Times News*. New York: New York Times.