SCHOOL OF POSTGRADUATE STUDIES

AMBROSE ALLI UNIVERSITY, EKPOMA

ENTRY FORM FOR THE SUBMISSION OF RESEARCH PROPOSAL AND THE TITLE OF THESIS/DISSERTATION

SECTION A

1.	NAME OF CANDIDATE	ABHULIMHEN IYOHA ALFRED
2.	MATRICULATION NO:	AAU/SPS/FSS/POL/M.Sc/2017/04827
3.	QUALIFICATION:	----------
4	DEPARTMENT:	POLITICAL SCIENCE
5.	AREA OF SPECIALIZATION:	INTERNATIONAL RELATIONS
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8.	TITLE OF PROPOSAL:	PRINCIPLES OF HUMANITARIAN INTERVENTION AND TERRITORIAL SOVEREIGNTY IN THE INTERNATIONAL SYSTEM
9.	NAME OF SUPERVISOR(S):	DR. AUGUSTINE THOMAS AGHEMENLO

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Signature of Supervisor(s) Signature of Student

Introduction

Background to the Study

Over the past two decades, violent conflict has been on the increase across the globe. Such violent conflict has become more complex and protracted, involving more non-state groups, regional and international actors (World Bank and United Nations, 2018). Von Einsiedel, Bosetti, Chandran, Cockayne, de Boer and Wan (2014) also pointed out that over the past decade, major civil wars have been on the increase. The number of active civil wars almost tripled from four to eleven between 2007-20143 (Iraq, Afghanistan, DRC, Somalia, South Sudan, Syria, CAR, Libya, Ukraine, Pakistan, and Nigeria). One feature of these conflict is that they are internal or intra-state; that is conflict within a nation, such as ethno-religious conflict, communal conflicts, revolution and civil war. These conflicts occur as a result of marginalization, oppression, discrimination, human right abuse and bad governance. Internal conflict is also caused by human rights abuses, which in turns breeds agitations by youths, thereby leading to the formation of rival armed groups. Discrimination is associated with conflict because it transforms inequalities into antagonistic group identities. When individuals face similar circumstances and suffer from similar patterns of discrimination, powerful collective grievances can emerge, facilitating the formation of antagonistic groups. This, in turn, may create the potential for collective action and even violence (Thoms and Ron, 2007). Discrimination is particularly relevant to ethnic conflicts, creating or hardening ethnic identities where few existed before, or transforming fluid cleavages into durable, antagonistic identities. Some scholars view ethnic conflict as a creation of modern state discrimination, since ethnic groups struggle to capture key state resources such as control over legislation, territory, national

symbols, physical security, social security, political representation, and taxation (Thoms and Ron, 2007).

Internal conflict is also caused by recurrent instances of dictatorial/autocratic governments, and poor human rights records in numerous countries. Violations of civil and political rights are direct conflict triggers. When populations are unsettled by long-standing inequalities in access to basic needs and political participation, government repression may push some opposition groups over the brink and cause them to become violent. Government repression is one aspect of bad governance that has been associated with internal conflict. Government repression is a major risk factor because it can transform latent grievances into active antagonisms, providing the persecuted with strong motivations for violence. Although citizens may grudgingly tolerate discrimination for years, they are more likely to respond with violence when physically threatened or attacked and this response is especially likely when repression is indiscriminate. A strong association exists between state repression and internal conflict (Thoms and Ron, 2007).

Internal conflict carry with it great violation of human right. Confirming the above assertion, Ted Gurr noted that internal or intrastate conflicts and violation of human rights are experienced all over the world (Kioko, Okoth and Onkware, 2016). The Western Balkans, Russia (Chechnya), Georgia (South Ossetia), Northern Ireland, Iran and Iraq, Israel, Afghanistan, Bangladesh, East Timor in Indonesia, Sri Lanka, Burma, to mention but a few, have all experienced the influence of internal conflicts. In Latin America countries like Peru, Guatemala, Mexico and Columbia have also experienced the bitter pills of internal conflicts (Adedeji, 1999). In all of these countries, widespread violation of human rights have been witnessed. A study conducted by the Bureau of Democracy, Human Rights and Labour (2012) established that the

most important human rights abuses throughout the world in regions experiencing intrastate conflicts included: government forces and government aligned groups committing extrajudicial and other unlawful killings; security forces and militias or rebels fighting government forces committing torture, beatings, rape, and other cruel and inhumane treatment or punishment; and prison and detention center conditions being harsh and life threatening. According to a study by Amnesty International (2009) in the last fifteen years or so, millions of African civilians' human rights have been violated and some have lost their lives in intrastate conflicts characterized by the proliferation of small arms and extreme levels of violence directed against the civilian population. Violation of human rights during internal conflict are usually perpetrated as long as the conflict lasts and sometime are also perpetrated for a short period of time after the conflict has been resolved. Violation of human rights as a result of intrastate conflicts has been epidemic throughout the world (Oxford University, 2012).

However, humanitarian intervention has remained one of the avenues of ameliorating human suffering, especially the violation of human right during internal conflict. Traditionally, humanitarian intervention refers to peaceful enforcement aimed at halting gross human rights abuses. The intervention is in response to a situation that does not necessarily pose direct threat to states strategic interests, instead, is motivated by humanitarian objectives (Shoh, 2017). Humanitarian intervention is traditionally justified for instances of massive human rights violations.

Intervention for human protection purposes do not focus on the 'right to intervene' but on the 'responsibility to protect'. First, the responsibility to protect focuses on the interests or needs of the vulnerable populations, rather than the intending interveners, in other words, the need to protect civilian populations from gross murder, women from systematic rape and children from

starvation. Secondly, the responsibility to protect recognizes the state to possess the chief responsibility to protect its population. This responsibility is assumed by the international community when the state concerned is unwilling or unable to exercise it. The third aspect is that the responsibility to protect does not only imply the 'responsibility to react', but also the 'responsibility to prevent and responsibility to rebuild' (Evans et al., 2001 cited in Kiiza, 2010). In other words, humanitarian intervention helps to meet the most basic needs (food, water, shelter, and health care) of the population in internal conflict situations. Also, it helps to prevent internal conflict from degenerating to genocide, ethnic cleansing and crime against humanity in which some people could be charged for war crimes. Unfortunately, the principles of humanitarian intervention are not properly adhered to by some states that conduct it. Sometimes humanitarian intervention is carried out without the approval of United Nations or going through the proper procedure. Sometimes too, when there is approval, humanitarian intervention is conducted in a manner that negates it the principles. In addition, critics of the humanitarian intervention claim it is fraught with abuse, as disingenuous states use the cover of a legal humanitarian intervention to justify malevolent uses of force (Berger, 2001).

The most important principle in international law is the inviolability of the territorial sovereignty of states. The principle of respect for the territorial integrity of states is well founded as one of the linchpins of the international system, as is the norm prohibiting interference in the internal affairs of other states (Jayakumar, 2012). Although, humanitarian intervention violates the sovereignty of the state where it is conducted, it will not also be wise to allow a gross violation of human rights in an intra-state conflict, where such state is either incapable or unwilling to protect its own people, or is actively persecuting them.

This study is therefore seek to examine principles of humanitarian intervention and territorial sovereignty in the international system, with special focus on identifying the principles of humanitarian intervention and the conditions in which humanitarian intervention can be conducted in a state going through internal conflict. The study will also try to investigate whether humanitarian intervention has the capability of reducing human right violation during internal conflict. The study is divided into five chapters, Chapter one is the introduction, where the background to the study is discussed, including the objective of the study, the research question and the significance of the study. Chapter two deals with literature review and theoretical frame work. Chapter three deals with research methodology; it explains in details the method used to gather data for the study. Chapter four deals with data presentation and analysis, while chapter five concluded the study and also make recommendations based on the findings of the study.

Justification of the Study

After the adoption of the Universal Declaration of Human Rights (UDHR) on December 10, 1948 by the United Nations, it was seen by many as a sign of optimism for the better protection, promotion and enforcement of human rights. However, over 50 years since the adoption of the Universal Declaration of Human Rights, it has been reported that human rights abuses has not decreased (Sills, 1968). It has been observed that it is during internal armed conflicts that human rights are infringed upon the most. The world over, such infringement on human rights are perpetrated in the form of censorship, discrimination, political imprisonment, torture, slavery, disappearances, genocide, extrajudicial killings, arbitrary arrests and killings, poverty, etc. The rights of women and children are also ignored in many different ways (O' Byrne, 2005). The various degree of human right abuses is responsible for the death of innocent and vulnerable citizens during internal conflict. Carrasco, Alvarez, Loozen and Gárate (2014)

also pointed out that the erosion of respect for humanitarian norms has also led to an increase in the number of civilian casualties, aggravating the protection and assistance needs of refugees and other vulnerable groups in conflict situations, and complicating the task of providing humanitarian assistance and increasing the risks faced by humanitarian personnel.

Despite the relevance of humanitarian intervention to stop the suffering and the violation of human rights, it has been observed that it is not properly conducted most times. Besides, the principles guiding the conduct of humanitarian intervention are not properly adhered to by actors. Most times, humanitarian intervention is conducted by actors without meeting the conditions necessary for them to embark on such intervention. Thus, any time humanitarian intervention is conducted, states claim it falls within the prohibited degrees of territorial violation.

Consequently, the manner in which some actors conduct humanitarian intervention has left some complaining of their sovereignty is not respected. In other words, actors conduct humanitarian intervention in a manner that is not compatible territorial sovereignty. It appears state actors do not have better understanding of the principles guiding humanitarian intervention, hence this study is out to discuss the principles guiding humanitarian intervention for better understanding so as to ensure its proper conduct.

Objectives of the Study

The overall aim of this study is to examine the principles of humanitarian intervention and territorial sovereignty in the international system. Specifically, the objectives of this study are to:

(a) examine the conditions in which humanitarian intervention can take place in troubled sovereign territories.

(b) determine whether humanitarian intervention violates territorial sovereignty.

(c) determine whether humanitarian intervention reduce human suffering in troubled sovereign territories.

(d) examine the extent the principle of humanitarian intervention is being violated by states or actors in the international system.

Research Methods

3.1 Research Design

The study will adopted ex-post facto research design. Ex-post facto research design which means 'from what is done afterwards' where independent variable is not manipulated which has already occurred. This research design will explain the principles of humanitarian intervention and territorial sovereignty in the international system relating to events that have already occurred and documented. Tuckman (1972) defined ex post facto research design as the type of research in which the researchers examine the effects of a naturalistically occurring treatment after that treatment has occurred rather than creating the treatment itself. Kerlinger and Rint (1986) stated that ex post facto research design seek to reveal possible relationship by observing an existing condition or state of affairs and searching back in time for plausible contributing factors. This research design is considered ideal for conducting social research when it is not possible or acceptable to manipulate the characteristics of human participation. The study is also historical and analytical. It will make use of data received from secondary sources; hence it will be a qualitative research.

3.2 Method of Data Collection

Method is any means by which data may be acquired or technique by which data could be systematically dealt with, including its gathering, analysis and presentation. A study of this

nature requires an appropriate method of data collection to elicit information which the study seeks to bring to the fore. Hence, the bulk of the data that will be used for this study will be mainly secondary ones, which will be obtained from reports, books, journals, newspapers, Magazines and publications by both governmental and non-governmental organizations and the Internet. Secondary data for the study will also gathered from archival materials. Although archival material of this kind is susceptible to limitations such as bias reporting and the absence of experimental control (Silke, 2001), it has proven a valuable and effective method in forensic research, particularly where access to the offending population is difficult (Giebels and Taylor, 2009; Levine, Taylor, and Best, 2011; Sageman, 2004; Wilson, 2000).

3.3 Method of Data Analysis

Having relied on secondary data, the method of data analysis will be the qualitative method. Against the foregoing, the content analysis method will be employed in this study to ensure the maximum extraction of the relevant information from the materials. Content analysis is a research method which allows the qualitative data collected in research to be analysed systematically and reliably so that generalizations can be made from them in relation to the categories of interest to the researcher. Content analysis entails a systematical collection of data from a set of texts, which can be written, oral, or visual; books, newspapers, magazines, speeches, interviews, web content, social media posts, photographs and films.

Thus, the data that will be collected for this study will be analysed using content analysis since it does not observe people directly; rather it will look at the communication and documented information that people have already produced. In this study, the units of analysis will be text books, paragraphs, broadcasts, newspapers, speeches, minutes of meetings etc.

Expected Findings

(a) The study will reveal the various conditions in which humanitarian intervention can take place in troubled sovereign territories;

(b) The study will reveal whether humanitarian intervention violates territorial sovereignty;

(c) The study will bring to limelight how how humanitarian intervention reduce human suffering in troubled sovereign territories;

(d) The study will also expose the extent principle of humanitarian intervention are being violated by actors during in a humanitarian crisis.

Expected Contribution to Knowledge

The study will contribute to universal knowledge in the following ways:

(a) It will bring to lime light the various conditions in which humanitarian intervention can take place in troubled sovereign territories;

(b) It will provide the understanding as to how humanitarian intervention violates territorial sovereignty;

(c) It will explain how humanitarian intervention reduces human suffering in troubled sovereign territories;

(d) It will reveal the extent the principle of humanitarian intervention is being violated by states or actors in the international system;

(e) The study will reveal how humanitarian intervention can help in resettlement and provision of food and relief materials to refugees and displaced persons, fostering and enforcement of existing agreements and sealing of new peace deals, promotion of good governance and installation of democracy. That this study will help to facilitate the sealing of new peace

deals is very important to conflict prevention. The longer a society is at peace, the less likely it is to experience internal conflict.

(f) The study will provide knowledge on how to halt the violations of human rights and help create respect for human right during internal conflict situations

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