

# INTERNATIONAL LAW AND THE RESPONSIBILITY TO PROTECT: LEGAL AND THEORETICAL BASIS FOR INTERNATIONAL INTERVENTION IN NIGERIA

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## ABSTRACT

One of the primordial aims of international law is to foster international co-operation, peace, security and amicable relations among nations of the world. Internal conflicts, however, continue to pose threat to the international order and development globally. Consequently, the Responsibility to Protect (R2P) principle has recently gained recognition as an emerging norm of international law that enjoins the international community to intervene when countries fail to protect their populations from mass atrocity crimes namely: genocide, crimes against humanity, war crimes and ethnic cleansing. One of the key foundations of the emerging R2P norm is the principle of intervention which allows international action whenever it is necessary and justifiable to reduce or resolve internal conflict among the constituent States of the world. Despite the growing application of the norms of intervention in international law, its practical implementation and effects have been received with mixed feelings. There are especially, questions whether interventions really aid or hinder international peace and security, although it may be functional to avert apparent helpless situations.

This paper examines the imperatives of intervention in internal conflicts and its continued relevance in international law. It also comments on the applicability and desirability of international intervention in Nigeria in response to the Boko Haram conundrum. It argues that although intervention is appropriate as it were to protect Nigerian citizens from Boko Haram in the apparent failure of the Nigerian government so to do, international intervention should be properly regulated to ensure that it is not used as a tool to jeopardize sustainable development in Nigeria as well as in other developing countries.

**Keywords:** Intervention, R2P, Internal conflicts, and International Law.

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## 1. INTRODUCTION

International law is an ever-growing web of treaties,<sup>1</sup> conventions,<sup>2</sup> and covenants adopted by States. It is also an established legal order for the administration of the activities and relationships of independent national entities. The need for a legal order for the administration of the activities and relationship of independent nations led to the ratification of the Westphalian Treaty as far back as in 1689.<sup>3</sup> The Westphalian Principles laid the foundation for what has become the core of international law.<sup>4</sup> The treaty which is generally concerned with regulating relationship between States recognized State's exclusive sovereignty.<sup>5</sup> However, as international law continued its rapid development, States recognized the need to mitigate sovereignty principles to allow for international intervention, particularly in times of unmitigated crisis or war. Consequently, despite debates on territorial sovereignty, jurisdiction, and applicable laws within a nation, international law and institutions continue to play dominant parts in regulating the internal activities of nations.

One of such internal activity that brings sovereignty and the applicability of municipal laws under international check is internal conflict.<sup>6</sup>

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- 1 'treaty' is a formally concluded and ratified agreement between States. It is an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation. The Treaty of Kadesh or Qadesh 1258 BCE is recognized as one of the first written diplomatic peace accords between two leading military powers in Egypt, Hattusili III of the Hittite Empire and Ramses II of Egypt. <<http://www.reshafim.org.il/ad/egypt/ramses-hattusili-treaty.htm>> Accessed 23<sup>rd</sup> January, 2014. See Article 2 of the Vienna Conventions on the Law of Treaties, 1969. See also The Concise Oxford Dictionary of Current English (8th edition), Clarendon Press, Oxford, 1990 and United Nations Treaty Collection, Treaty Reference Guide, 1999, <<http://untreaty.un.org/English/guide.asp>> Accessed 24 February, 2014.
  - 2 Convention is synonymous with 'treaty'. It is a formal agreement between States and is normally open to the international community as a whole, or by a large number of States.
  - 3 The Westphalia Treaty is founded on the principles that sought to organize the world into territorially exclusive, sovereign nation-states, each with an internal monopoly of legitimate violence'. See James A Caporaso, 'The European Union and Forms of State: Westphalia, Regulatory or Post-Modern?' (1996) 34(1) *Journal of Common Market Studies* 29; Ruggie John Gerard, 'Territoriality and Beyond: Problematizing Modernity in International Relations' (1993) 47(1) *International Organization* 139.
  - 4 See Brown Seyom, *International Relations in a Changing Global System: Toward a Theory of the World Polity* (1992). Brown Seyom is of the opinion that (1) the government of each country is unequivocally sovereign within its territorial jurisdiction, and (2) countries shall not interfere in each other's domestic affairs" are two principles of interstate relations which was codified in the 1648 Westphalia Principle and this constitutes the normative core of international law today.
  - 5 See James Turner Johnson, *Ideology, Reason, and the Limitation of War* (Princeton University Press, 1975); Ian Clark, *Legitimacy in International Society* (Oxford University Press, 2005); Christine D Gray, *International Law and the Use of Force* (rev edn Oxford University Press, 2008).
  - 6 See Peter J Spiro, 'The States and Immigration in an Era of Demi-Sovereignities' (1994) 35 VA J. INT'L L. 121 (arguing that pervasive international effects have given rise to the need for an international regime).

Key under the international law is that no State has the right to intervene either directly or indirectly for any reason whatsoever in the internal affairs of any other State.<sup>7</sup> Also, no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it, the subordination of the exercise of its sovereign rights or to secure from its advantages and the strict observance. These principles often create a puzzle on when international intervention on domestic crisis is permissible and justifiable.

This paper examines the theoretical and legal basis for intervention in internal conflicts and the continued relevance of the norm of intervention in international law. It examines the international community's response to the spreading internal conflicts *viz-a-viz* the principles of internal sovereignty, universal jurisdiction and the continued relevance of intervention in developing countries today. In doing so, the paper will first examine internal conflicts and the need for intervention. Secondly, it will review the response of the international community to international conflicts, the meaning and essence of R2P and intervention. The paper will discuss the applicability of intervention in recent times, especially with respect to the Boko Haram conundrum in Nigeria, its impact and the limits of international law.

## 2. INTERNAL CONFLICTS AND THE NEED FOR INTERVENTION

International law, which primarily is concerned with the protection of individual's human rights now, has as its focus on collective rights.<sup>8</sup> Members of the United Nations are obliged to preserve these collective rights within their territories. Therefore, where these rights are breached within the internal territories of a particular member-state, as it is often the case during internal conflicts, it automatically becomes an international concern.

Intervention can be defined as the use of force across State borders by an intervening State. It may be a dictatorial interference by a State in the affairs of another State for the purpose of maintaining or altering the actual conditions of things.<sup>9</sup> It is aimed at preventing or ending widespread of

7 General Assembly Resolution 2131 (XX). December 21, 1965.G.A.O.R., 20<sup>th</sup> Session, supp. 14, p.11; (1966) 60 A.J.I.L. 662

8 The United Nations system initially was focused on the protection of individual rights however in recent times, its focus is now on collective rights such as right to self determination, prohibition of genocide. See generally Malcolm Nathan Shaw, 'International Law', Cambridge University Press p. 281.

9 Lassa P. Oppenheim, 1 International Law § 134 (Sir Hersch Lauterpacht ed., 8<sup>th</sup> ed. 1955).

grave violations of the fundamental human rights of individuals, citizens, with or without the permission of the State within whose territory, force is applied.<sup>10</sup> Intervention refers to organized and systematic activities directed across recognized boundaries. It is the effort aimed at affecting the political authority and structures of the target State.<sup>11</sup> Generally, any cross-border act by an external party to an internal conflict, however limited in scope, which involves the mobilization of actors having the potential to apply physical force that does not constitute a pure peacekeeping operation, is an intervention under international law.<sup>12</sup> However, intervening in the internal armed conflict of a nation, and internal insurgents often gives rise to complex problems across different disciplines.<sup>13</sup>

In recent times in Nigeria, the activities of the Islamic Sect known as 'Boko Haram' had claimed the lives of thousands of people. Bombing of churches, mosques, public car parks became rampant while several buildings were set ablaze. Other activities such as sporadic shootings, kidnappings are constant issues which threaten the lives and properties of the people in the northern parts of Nigeria. At the height of this recently, is the recent kidnap of about 300 students of the Government Girls Secondary School, Chibok, Borno State. This has generated serious concerns nationally and consequently, attracted the attention of the international community for intervention. Apart from the United Nations, the United States of America, Britain, China and Israel are a few countries that have offered to intervene in the northern Nigerian situation. This, however, may not be without its consequential aftermaths as seen in other countries that have received foreign interventions in the past.

### *International Responses to Internal Conflicts*

The preamble of the United Nations serves as a foundation for international intervention in order to achieve a global goal, that is, global peace. Under international law, even though States have the obligation to determine the

10 See J L Holzgrefe, "The Humanitarian International Debate" in J L Holzgrefe and R O Keohane (ed) *Humanitarian Intervention: Ethical, Legal and Political Dilemmas*. (Cambridge University Press, 2003) 18

11 Oran R Young, *Systemic Bases of Intervention, in Law and Civil War in the Modern World* 111, 111 (John Norton Moore ed, 1974).

12 Eliav Lieblich, 'Intervention and Consent: Consensual Forcible Interventions in Internal Armed Conflicts as International Agreements 338' 29 Boston University International Law Journal 337

13 See eg John Stuart Mill, 'A Few Words on Non-Intervention' (1859), *reprinted in* 3 *Dissertations and Discussions* 238 (1865), <<http://google.books.com>> Accessed 20 March, 2014; Michael Walzer, 'Just and Unjust Wars: A Moral Argument with Historical Illustrations' (2006) addressing, *inter alia*, the ethics of intervention in internal armed conflicts.

fate of their citizenry, there are limits to the discretion of the States. This is true as such acts like the breach of fundamental human rights, persecution of nationals, and internal conflicts are reasonable excuses for the international community to intervene.<sup>14</sup>

The international cooperation for the implementation of the United Nations Charter is also key in building a civilized global community today. For instance, States have a common obligation to “prevent the commission of terrorist acts” and “deny safe haven to those who finance or plans or terrorist acts.”<sup>15</sup> Though not legally binding, several United Nations Resolutions demand, among other things, the domestic criminalization of financing terrorism, freezing of terrorist assets by national authorities, use of domestic courts to bring to justice those involved in terrorist acts, and ratification by domestic authorities of relevant anti-terrorism conventions.<sup>16</sup> It is, therefore, not a surprise that the right to interfere in the internal conflicts of a State by another State on humanitarian grounds has been approved under international law. However, some scholars have challenged the basis by which this is justified while internal conflicts continue to result into serious violations of human rights globally.<sup>17</sup>

There is therefore a perennial puzzle on the need to balance the implications of State sovereignty and the need to reverse the continued trends of human rights violations. The international community’s response is to ensure that States respond to the human needs within their territories or under their control through the doctrine of “Responsibility to Protect” (commonly referred to as R2P).<sup>18</sup> R2P reflects the ongoing transformation of traditional international law norms by enabling international law to address a moral imperative regardless of international borders. It places greater responsibility on States with respect

14 See L F Oppenheim, *International Law: A treatise*, New York, David McKay Co, 1995, page 312.

15 70. S.C. Res. 1373, para 2(c)–(d), U.N. Doc. S/RES/1373 (Sept. 28, 2001).

16 *Id*

17 See F R Teson, *Humanitarian Intervention: An Inquiry into Law and Morality* (3rd Edition, New York Publishers 2005) 6; P Alston and E Macdonald (ed) *Human Rights, Intervention and the Use of Force*, (Oxford University Press, 2008) 135 – 136.

18 ‘Ensuring a Responsibility to Protect: Lessons from Darfur’ by *Anonymous*. <[www.wcl.american.edu/hrbrief/14/2anonymous.pdf](http://www.wcl.american.edu/hrbrief/14/2anonymous.pdf)> Accessed 22 March, 2014. The Responsibility to Protect doctrine emerged primarily from two reports. The first was issued in 2001 by the International Commission on Intervention and State Sovereignty (ICISS), entitled *The Responsibility to Protect* and the second report, *A More Secure World: Our Shared Responsibility*, which spoke of fashioning a “collective security” that guards people, regardless of their location, against poverty, infectious diseases, environmental degradation, inter-State conflict, internal conflict, terrorism, transnational organized crime, and nuclear, radiological, chemical, and biological weapons. See generally International Commission on Intervention and State Sovereignty (ICISS), *The Responsibility to Protect*, XII (December 2001) <<http://www.iciss.ca/menu-en.asp>> Accessed 28 March, 2014.

to the rights of citizens and even those outside a State's territory and control.<sup>19</sup>

According to the UN Secretary-General's Report, R2P should be understood as comprising three conceptual pillars namely:<sup>20</sup>

1. A State has a responsibility to protect its population from genocide, war crimes, crimes against humanity, and ethnic cleansing.<sup>21</sup>
2. The international community has a responsibility to assist the State to fulfill its primary responsibility.
3. If the State manifestly fails to protect its citizens from the mass atrocities and peaceful measures have failed, the international community has the responsibility to *intervene* through coercive measures such as economic sanctions. Military intervention is considered the last resort.<sup>22</sup>

Thus, through the R2P, the international community is rapidly evolving a framework for further preventing or halting mass atrocities and crimes that characterized Kosovo, Libya, Rwanda and, recently, Nigeria. In Nigeria for example, the Nigerian government has arguably not met its responsibilities to protect its citizens from crimes perpetrated by Boko Haram group. This provides strong justifications and arguments in favor of the need for international intervention to repel the group and protect the average citizens.

However, there are certain controversies on the international intervention framework.<sup>23</sup> One of the controversies is found in the essence of the

19 Anonymous, *ibid*

20 First, each state has the responsibility to provide security for their populations and protect them from genocide, war crimes, and crimes against humanity. Second, when a state lacks the capacity to protect its populations from these crimes, the international community has the responsibility to provide assistance, helping states to meet their obligations. Third, if a state "manifestly fails" in its protection responsibilities, the international community should respond in a timely and decisive manner, by taking a range of peaceful, coercive, or forceful measures in accordance with the UN Charter.

21 For an overview of crimes which R2P seeks to prevent the continuous perpetration, see Tarun Chhabra and Jeremy B Zucker, *Defining the Crimes, in the Responsibility to Protect* 37 (Jared Genser and Irwin Cotler eds, 2012).

22 U.N. Secretary-General, *Implementing the Responsibility to Protect*, para 2, U.N. Doc. A/63/677 (Jan. 12, 2009) [hereinafter *Implementing the Responsibility to Protect*]. At the subsequent General Assembly debate, over fifty states explicitly endorsed the Secretary-General's three-pillar formulation.

23 In a way, R2P conflict with the importance international law attaches to state sovereignty. See U.N. Charter art 2 para 7 ("Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.").

humanitarian intervention as it is argued that States are self-interested and, they will never intervene for purely humanitarian reasons. Therefore, whether intervention by a State or a group of them can ever be purely humanitarian in its objectives and motivation continue to spur arguments particularly from the perspectives of developing States. Applying this to Nigeria, this is the fear whether countries such as the United States will only be interested in intervening in Nigeria to protect their economic interests in Nigeria's vast oil and gas resources, a situation that could prolong the Boko Haram crises rather than provide for its speedy and expedient resolution.

### 3. THE ESSENCE OF R2P AND INTERVENTION

The authority of a State which lies in its sovereignty presupposes that the State is territorially bounded with an inside and an outside. Internally, the sovereign State is conceived to be an entity that can exercise supreme authority within its own territorial boundary.<sup>24</sup> The Charter of the United Nations for example prevents the UN from intervening in matters which are essentially within the domestic jurisdiction of a State.<sup>25</sup> Although interference with sovereign internal affairs is prohibited under international law, there are instances where intervention can be justified and legal. This is reasonably so, where national governments are unable or unwilling to address the origins of such threats that lead to the continuous breach of fundamental rights of their citizenries. Therefore, while the concept of sovereignty remains sacred, the concept of intervention through R2P seems an exception which allows an authorized entering, and international assistance. International law now opens the possibility for external powers to be involved in internal armed conflicts within the territory of another nation. Essentially, however, such intervention affects the territorial integrity or internal political affairs of the State concerned.<sup>26</sup> A good example is instances of crime against humanity.<sup>27</sup>

In the last century, the demand for a global order to curb the effect of internal conflicts, breaches of fundamental human rights, killings, and other forms of cruelty to mankind continues to increase drastically. Thus, there is a new role for the international legal system. The emergence of new

24 Michael Vaughan The Post-Westphalian State "After Westphalia, Whither The Nation State, Its People And Its Governmental Institutions?" Being a Paper for Presentation at the International Studies Association Asia-Pacific Regional Conference on Thursday 29 September 2011.

25 Article 2 (7)

26 Lori Fisler Damrosch, *Introduction, in Enforcing Restraint: Collective Intervention in Internal Conflicts 1*, (Lori Fisler Damrosch ed, 1993) 4-5

27 Article 7 of the Rome Statute of International Criminal Court

trans-national threats and internal conflict has fundamentally changed the nature of governance at the international level in the past few years.<sup>28</sup> This is so given the reality that it is the responsibility of any government to ensure the continuous sustainable development within its territory. The obvious effect of internal conflicts is the instability of sustainable development particularly in affected developing countries. Power-transition theorists argue that most internal crises and conflicts erupt when there are drastic internal developments, such as new State formation, political revolution, or efforts to democratize autocratic regimes<sup>29</sup> while innocent civilians suffer in terms of human rights violations, displacement, and economic sufferings. Communal violence further deteriorates human sufferings in any region or nation that is afflicted by internal unrest and conflicts.<sup>30</sup>

In the real sense of it, life after civil unrest, armed conflicts, and internal conflicts is characteristically unstable, as poverty increases, economic and social conditions become unimaginable and the effects of such impacts remains for decades. Civil wars in Afghanistan, Sudan, the Balkans, and Liberia, to name a few examples, have significant repercussions for States in the region as people leave their homes in search of safety elsewhere.<sup>31</sup> As such, irrespective of the arguments against the new paradigm that is ‘universal sovereignty’ which seeks an effective intervention towards enduring international agenda, R2P, intervention on humanitarian grounds and, human rights protection platforms, at the moment, there seems to be a continuous search for a panacea which can be used to eradicate the continuous internal unrests internationally.

In reality, intervention is either brutal, direct in order to overcome resistance, surreptitious in order to be acceptable, or the two extremes may be combined. Intervention often times is either requested by the troubled State in which case an external party is invited to assist in putting an end to internal insurgents, or it becomes necessary and permission to intervene is granted by the Security Council of the United Nations. It is also possible for

28 See eg, Stephen D Krasner, *Sovereignty: Organized Hypocrisy* 20 (1999); Anne-Marie Slaughter, William Burke-White, ‘The Future of International Law Is Domestic (or, The European Way of Law)’ 2006 47, Number 2, *Harv Int’l LJ* 328

29 Lars-Erik Cederman, ‘Emergent Polarity: Analyzing State-Formation and Power Politics’ (1994) 38 *International Studies Quarterly* 501-533.

30 SH Dahal, and others, *Internal Conflict and Regional Security in South Asia: Approaches, Perspectives and Policies* (2003)

31 Idean Salehyan ‘The Externalities of Civil Strife: Refugees as a Source of International Conflict’ presented at the conference on “Migration, International Relations, and the Evolution of World Politics,” Woodrow Wilson School of Public and International Affairs, Princeton University, March 16-17, 2007. <<http://www.cas.unt.edu/~idean/RefugeesWar.pdf>> Assessed 14 February, 2014.

a nation to enter into an agreement with another nation. Such agreements permits other nations to enter into its territory in case of such internal unrest which could lead to breach of universal rights, peace across the international borders. In the past two decades, forward-looking intervention agreements have been prevalent in Africa, both on bilateral and at regional levels.<sup>32</sup>

The essence of an intervention generally, in the first instance, is to put an end to ethnical animosity and internal chaotic situations which are generated as a result of internal conflicts and civil unrests. This basic goal is however, often not achieved without other consequences given the realities that often trail the encroachment of another nation's territory. No doubts, intervention often challenges the sovereignty of a nation. External States' often intervene nominally in support of one side or the other of the parties agitating. For instance, during the Cold War, South Africa provided military support to neighboring states and insurgents but in reality, it was a strategy to ensure that the anti-apartheid governments were kept away. South Africa supported the rebel groups UNITA in Angola and RENAMO in Mozambique, and the white settler government of Rhodesia not because of its ideological affinity with these groups.<sup>33</sup> External intervention and support for either of the contending parties has a great propensity to increase the destructiveness, scope, and duration of these conflicts while potentially threatening to diffuse the hostilities across State boundaries<sup>34</sup>

Falk argues that an intervention must have three elements as it involves a reliance on military power, seeks some degree of political restructuring.<sup>35</sup> Other elements often involved in an intervention include economic sanctions, democratization and restructuring of the international policies of the target state. The consequential effects of these elements portend the weakening of the sovereignty of a nation, which is absolutely against the principle of non-intervention under international law as intentioned intervening state manipulates such intervention by projecting their interest. In most instances, they end up practically escalating the internal unrest by providing support to a faction

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32 See for instance, the Forces Agreement between the Government of the Federal Republic of Nigeria and the Government of the Republic of Sierra Leone concerning the provision of Military and Security Assistance to the Republic of Sierra Leone, Article 21 para 1 (1997). Consequently, Nigeria intervened in Sierra Leone in 1997, in favor of the ousted (and democratically-elected) President Ahmed Kabbah. This is an example of an intervention based on a bilateral forward-looking agreement.

33 Deepa Khosla, 'Third Party Intervention in Ethnic Conflicts: A Force for Peace or Spiraling Violence' (Graduate School thesis, University of Maryland 2004)

34 *ibid.*

35 Richard Falk, 'Intervention Revisited: Hard Choices and Tragic Dilemmas' *The Nation* (20 December 1993) 755-64

or an insurgent which will further their goals. Thus, such intervention leads to further complicated and escalated issues particularly issues affecting the sustainable development of its target state.

For instance, Syria continues to struggle with its internal conflicts while Russia, United States of America, Iran and Iraq forces continue to threaten interventions, supports and action which only in the long run fosters their interests. Much of Africa which has the highest concentration of intervention also continue to suffer economic decline due to the echoes and effects of pervious interventions. This leads to the question whether the aftermath of intervention really aids or hinders countries from attaining sustainable development.

#### 4. DOES INTERVENTION AID OR HINDER SUSTAINABLE DEVELOPMENT?

Although, the overriding aim of international intervention is to ensure global peace, provide an international legal framework for resolving conflicts and fostering such agenda that will guarantee the enjoyment of the universal human rights, the impacts of intervention in countries under international conflicts are arguably far from sustainable. As such, while some scholars have clamored for the need for the international community to rethink the R2P and intervention principles, others have defended the doctrine of R2P on the platform that the doctrine is “down but not out” because there is no feasible alternative to this doctrine given the situations that occurred in Rwanda, Kosovo, and Srebrenica.<sup>36</sup>

The right to development as stated in Article 1 of the Declaration on the Right to Development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.<sup>37</sup> This is core to international law and a critical appraisal of the Charter of the United Nations reveals that the Charter is built on three main pillars: peace and security, development, and human rights and conceptually, these three pillars are linked, interrelated and interdependent. It is also obvious that

36 See the conclusions on the effectiveness of the “Responsibility to Protect Doctrine” in light of the International Response to the Conflicts in Libya and Syria by Roberta Avellino (2013) Gh.S.L Online Law Journal, <[www.lawjournal.ghsl.org/sites/lawjournal.ghsl.org/files/ResponsibilitytoprotectDoctrine\\_o.pdf](http://www.lawjournal.ghsl.org/sites/lawjournal.ghsl.org/files/ResponsibilitytoprotectDoctrine_o.pdf)> Accessed online 28 March, 2014.

37 *The Declaration on the Right to Development*, UN GA Res. 41/128, article 1/1, 4 December 1986

there cannot be peace and security without development, no development without human rights and no human rights without peace and security.<sup>38</sup>

Therefore, sustainable development cannot be severed from international law on interventions. At the core in recent times is the inability of the international community to ensure that sustainability efforts in countries under intervention are not quashed and threatened by excessive use of force or interventions that the self serving.<sup>39</sup> Intervening States must be bound by a principle which must ensure that they protect their target States from acts that may jeopardize their rights to development spanning across the social, environmental and economic dimensions. Target States should also have the right to demand justice where illegal acts are carried out against the tenets of international law.

## 5. CONCLUSION

From the foregoing consideration of the discourse on the legal and theoretical basis for intervention, we saw that the concept of intervention under international law remains a laudable one. The cost of intervening in the internal conflict of another state is generally lower as fighting does not take place in the intervening state's territory. This seems to be the case in Nigeria as the Nigerian Military seems to admit the fact that the Boko Haram sect has more sophisticated weapons than they have and, that it will be difficult for them to effectively combat the insurgents. The cost of putting an end to the internal conflict therefore comparatively will be lowered as intervening States such as the USA will provide the military equipment now required. If properly structured, intervention provides a veritable window that opens up international assistance, equipment, technology and finance that may assist Nigeria to successfully combat what has become its greatest menace in recent years.

However, the major challenge of intervention remains the actual costs in terms of long term sustainable development- human costs; the loss of life or health, and economic costs generated by internal conflicts such as destruction of infrastructure, disruption of local trade, which affects the development of a State either positively or negatively and the devastation

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38 Lc, L. 'Sustainable Development from a Human Rights Perspective and the Challenges it represents' (A Discussion Paper), (2007)

39 *Friends of Syria Recognize SNC as Legitimate Representative*, REUTERS, April 1, 2012. <<http://rt.com/news/friends-syria-istanbul-meeting-966/>> Accessed 4 April, 2014 cited in The Legal Case for Humanitarian Intervention in Syria under the Responsibility to Protect Memorandum Prepared by the Public International Law & Policy Group, May 2012.

of a country's ecological and environmental balance due to weapon proliferation. Without proper strategies and regulatory mitigation, interventions may hinder the abilities of states to achieve long term environmental, social and economic development.

It is therefore important for the international legal community to put in place adequate mechanism for the review of the activities of an intervening State in the internal conflict of another State. External States intervening in internal conflicts certainly bear human costs too; however, these costs are limited to the military personnel intervening, whereas the highest human costs in civil wars are felt by the civilian population where the internal conflicts occurred. The implication is that a weak State is further weakened and the economic costs which is higher for the target state further cripples the national economy of the target State. The effect is often almost irrecoverable.

Therefore, as much as there is a seemingly justifiable need for intervention by an intervening State under the international legal order, there is also the need to put in place adequate legal framework which will curtail such exploitation as experience by the target states which often find it difficult to recover after such interventions. This is the potential situation Nigeria is also subjected to given the present activities of the Boko Haram sect. There is therefore a need to further refine and provide practical guidelines and systems for the regulation of intervention in the nearest future. This will ensure the protection of sustainable development in the affected State such that intervention is done in accordance with the legal order as stated under international law.