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Syria and the Responsibility to Protect: Rhetoric Meets Reality

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AIDAN HEHIR, MAR 14 2012

This article is the first in a two-part series. Read part two here.

In a previous article in *e-International Relations* I argued that NATO's intervention in Libya – though welcome – did not herald the dawn of a new era or demonstrate the efficacy of the Responsibility to Protect (R2P).[i] As we watch the daily carnage in Syria escalate unabated it is worth recalling the jubilation with which many advocates of R2P greeted Resolution 1973. According to Gareth Evans, the intervention was a 'spectacular step forward' and '…a textbook case of the R2P norm working exactly as it was supposed to'.[ii] This was, Paul Williams declared, 'an unprecedented moment in the history of the UN Security Council and the responsibility to protect'.[iii] The ostensibly unique nature of this intervention led many to predict the dawn of 'a more humane world', and 'a world ready to respond to mass violence'.[iv] The intervention was characterised, it was claimed, by, 'Success, vindication, satisfaction, optimism' and illustrative of the fact that 'human progress is possible'. [v] Ramesh Thakur characterised it as 'a triumph…for R2P'.[vi] The intervention, Alex Bellamy and Paul Williams declared, signified that the Security Council were now motivated by, 'a new politics of protection'.[vii] Ban Ki-Moon summed up the mood by announcing, 'By now it should be clear to all that the Responsibility to Protect has arrived'.[viii]

Not all supporters of R2P were quite so intoxicated by Resolution 1973 of course.[ix] Sober analysis was rare, however, and tended to be obscured by both the celebratory rhetoric of R2P advocates and the formulaic tedium of the "it's all a western plot" critiques.[x] Events in Syria surely give credence to those who sought to situate the intervention in Libya in the context of a trend pre-dating the emergence of R2P.[xi] This trend – which can be dated to the collective Security Council response to the Iraqi invasion of Kuwait in 1991 and the subsequent imposition of no-fly zones over Northern Iraq – is a function of the Security Council's reinterpretation of its Chapter VII powers and specifically its new understanding of what constitutes a threat to "international peace and security" as per the wording of Article 42. In the 1990s the Security Council deemed certain intra-state crises – such as Somalia and Haiti – to constitute a threat to international peace and security and sanctioned robust, and unprecedented, measures on this basis. The sanctioning of action, however, very obviously derived not from an objective appraisal of humanitarian suffering but rather a coincidence between national interest and mass atrocities.[xii] Unsurprisingly, this created a pattern of intervention that was highly contingent and erratic.

In the wake of this decade of inconsistency, the International Commission on Intervention and State Sovereignty (ICISS) was established to suggest a means by which this record could be improved both to prevent future Rwanda's and avoid the acrimony sparked by NATO's intervention in Kosovo in 1999.[xiii] Despite the hype, R2P has not altered the decision-making process which was the cause of this record; the Security Council still retains the (exclusive) right to act, but it is under no *obligation* to do anything. This of course means national interests determine the response of the "international community" to intra-state crises. Thus, the enforcement of R2P in situations where forcible action is required to prevent or halt mass atrocities is wholly predicated on the political will of the Security Council; the original ICISS report contained some modest suggestions for Security Council reform but these were jettisoned at the 2005 World Summit where R2P was endorsed, and its contours finalised.[xiv] Therefore, the efficacy of R2P is totally dependent on political will; as the ICISS admitted, 'unless the political will can be mustered to act when action is called for, the debate about human protection purposes will largely be academic'.[xv] More

recently, Ed Luck, the UN Special Adviser on the Responsibility to Protect, similarly stated, 'Ultimately, of course, it is all about political will'.[xvi] Mobilizing political will and changing the behaviour of states through moral advocacy alone on such fundamental issues as human rights and sovereignty is, if history is a guide, extremely onerous, if not futile. While there is a certain logic to the claim that popular agitation and the advocacy of global civil society has some influence of the behaviour of democratic states – though the invasion of Iraq and the non-intervention in Darfur suggest democratic states *do* ignore popular opinion when convenient – the idea that Russia and China are, or can be, influenced by predominantly Western NGOs appealing to their better nature is a fantasy. It is a fantasy sustained by naivety in many quarters, but also hubris; Gareth Evans in particular appears convinced that his gravitas is such that his finger pointing will shame Moscow and Beijing into "doing the right thing".

The lamentations of many R2P supporters about the inability of the Security Council to agree on what to do are imbued with a wounded surprise that evidences the utopianism inherent in R2P's almost touching faith in the power of moral advocacy. Many, including UN Secretary General Ban Ki-Moon, have criticised Russia and China for twice vetoing draft resolutions on the situation in Syria and their 'failure' to abide by their responsibility to protect.[xvii] There is no doubt that the decision to veto the resolution put to the Security Council on the 4th February constituted naked Realpolitik; the provisions of the draft resolution were modest and reasonable and included an statement explicitly ruling out military action. It is worth remembering, however, that as R2P has not advanced any alternative to the Security Council as the sole body with authority to sanction action or any reform of the decision-making process, such mendacity was, and is, inevitable. Additionally, is it really surprising that the P5 vote with their respective national interests to the fore? It would be incredible, and a dramatic break with history, if in the wake of R2P the P5 collectively abided by a non-binding moral norm which carries no censure in the event of dereliction.

It must also be noted that the Russians and Chinese are not unique in blocking Security Council resolutions for reasons of national interest; in the post-Cold War era the United States has used the veto more times than the other members of the Council combined and often in obviously cynical ways. In 2002 the United States threatened to veto a routine resolution extending the mandate of the peacekeeping force in Bosnia until it secured special concessions for its troops which would put them beyond the reach of the International Criminal Court. The US admitted it was in favor of the extension of the Bosnian mandates but nonetheless bullied the Council into submitting to its demands on a largely unrelated issue.[xviii] In the wake of the double veto on Syria cast on the 4th February this year, Susan Rice, the US Ambassador to the UN, condemned Russia and China for their 'shameful' behavior, yet just over a year before on the 18th February 2011, she vetoed a resolution condemning illegal Israeli settlements.[xix] In that instance the US stood alone against the other four permanent members and all ten non-permanent members of the Security Council. One of the few issues the P5 have consistently agreed on is the need to maintain their veto privileges; they have collectively and steadfastly refused to countenance any reform of the voting system precisely because, though occasionally inconvenient, the veto imbues each with privileges too great to rescind regardless of the detrimental effect the veto has on the UN's efficiency or the consequences for innocents caught up in mass atrocities.[xx] Given this constitutional curiosity we cannot reasonably be surprised that the UN's response to humanitarian crises has historically been unedifying, even since the end of the Cold War and the rise of R2P.

The situation in Syria surely demands an international response[xxi] and hopefully Russia will soon conclude that inertia is untenable. If, as I sincerely hope, a collective and effective international response is agreed, it will not, however, constitute a vindication of R2P. Syria surely demonstrates, in all too graphic detail, the limits of R2P and the pressing need for creative thinking about profound reforms of the UN which address the P5 veto and the absence of a UN standing army.[xxii] Ramesh Thakur, hailing Libya as 'the first time the Security Council authorized an international R2P operation', claimed the decision of the Council was, 'shaped by universal values rather than strategic interests' and he thus concluded, 'I can sleep more soundly with that comforting thought'.[xxiii] One can only assume that Syria has interrupted Professor Thakur's slumber and hope that the Security Council's inertia has awakened a new determination to look beyond the fantasy that states can be persuaded to behave responsibly and grasp the nettle that is legal and institutional reform.

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[i] 'The Illusion of Progress: Libya and R2P', *E-International Relations*, September 11th, 2011, available online, http://www.e-ir.info/?p=13937

[ii] Gareth Evans, 'The RtoP Balance Sheet After Libya', September 2, 2011, available at: {http://www.gevans.org/speeches/speech448%20interview%20RtoP.html} accessed 28 November 2011}

[iii] Paul Williams, 'The Road to Humanitarian War in Libya', *Global Responsibility to Protect*, 3:2 (2011), p. 249

[iv] Lloyd Axworthy, 'In Libya, We Move Toward a More Humane World', *Globe and Mail*, August 23 2011, available at: {http://www.theglobeandmail.com/news/opinions/opinion/in-libya-we-move-toward-a-more-humane-world/article2138221/} accessed 28 November 2011}; Paul Heinbecker 'Plenty of Credit to go Around in Gadhafi's Fall', *Montreal Gazette*, August 23 2011, available at: {http://www.montrealgazette.com/news/Plenty+credit+around+Gadhafi+fall/5291961/story.html} accessed 28 November 2011}; Rachel Gerber, 'Beyond Libya: A World Ready to Respond to Mass Violence', The Stanley Foundation, September 2011, available at: {http://www.stanleyfoundation.org/resources.cfm?id=462} accessed 28 November 2011}

[v] Paul Heinbecker 'Plenty of Credit to go Around in Gadhafi's Fall', *Montreal Gazette*, August 23 2011, available at: {http://www.montrealgazette.com/news/Plenty+credit+around+Gadhafi+fall/5291961/story.html} accessed 28 November 2011}

[vi] Ramesh Thakur, 'Has R2P Worked in Libya?', *Canberra Times*, 19th September, 2011.

[vii] Alex Bellamy and Paul Williams, 'The New Politics of Protection? Cote d'Ivoire, Libya and the Responsibility to Protect', *International Affairs*, 82:7 (2011), p. 826

[viii] Ban Ki-Moon, 'Remarks at Breakfast Roundtable with Foreign Ministers on "The Responsibility to Protect: Responding to Imminent Threats of Mass Atrocities"', UN News Centre, 23 September 2011, available at: {http://www.un.org/apps/news/infocus/sgspeeches/search_full.asp?statID=1325}, accessed 28 November 2011}

[ix] See for example, Thomas Weiss, 'R2P Alive and Well After Libya', *Ethics and International Affairs*, 25:3 (2011)

[x] Tariq Ali, 'Who Will Reshape the Arab World?' *The Guardian*, 29 April 2011, available at: {http://www.guardian.co.uk/commentisfree/2011/apr/29/arab-politics-democracy-intervention} accessed 28 November 2011}

[xi] Simon Chesterman, '"Leading from Behind": The Responsibility to Protect, the Obama Doctrine, and Humanitarian Intervention after Libya', *Ethics and International Affairs*, 25/3 (2011)

[xii] Simon Chesterman, *Just War or Just Peace?* (Oxford: Oxford University Press, 2002), p. 236

[xiii] International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001), p. x

[xiv] Alex Bellamy, 'Whither the Responsibility to Protect? Humanitarian Intervention and the 2005 World Summit',

Ethics and International Affairs, 20/2, (2006), p. 143-16; Nicholas Wheeler, N. 'A Victory for Common Humanity? The Responsibility to Protect after the 2005 World Summit', *Journal of International Law and International Relations*, 2/1, (2005), pp. 95-106

[xv] International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, p. 70

[xvi] Luck, E. 'The Responsibility to Protect: Growing Pains or Early Promise?', *Ethics and International Affairs*, 24/4, (2010). Available online, http://www.carnegiecouncil.org/resources/journal/24_4/response/001.html [Accessed June 2011]

[xvii] Ban Ki-Moon, 'Remarks at Breakfast Roundtable with Foreign Ministers on "The Responsibility to Protect: Responding to Imminent Threats of Mass Atrocities"'; The International Coalition for R2P, 'UN Security Council fails to uphold its Responsibility to Protect in Syria', 7 October 2011, available at: {http://www.responsibilitytoprotect.org/index.php/component/content/article/136-latest-news/3688-un-security-council-fails-to-uphold-its-responsibility-to-protect-in-syria} accessed 28 November 2011}

[xviii] Mark Weller, 'Undoing the Global Constitution: UN Security Council Action on the International Criminal Court', *International Affairs*, 87/4, (2002), pp. 693-712

[xix] Susan Rice, 'Explanation of Vote by Ambassador Susan Rice', February 4, 2012, available at: {http://usun.state.gov/briefing/statements/183334.htm} accessed 28 February 2012}

[xx] Gerry Simpson, *Great Powers and Outlaw States* (Cambridge: Cambridge University Press, 2004), p. 68; David Bosco, *Five to Rule Them All*, (Oxford: Oxford University Press, 2009), pp. 10-38; Dimitri Bourantonis, *The History and Politics of Security Council Reform* (London: Routledge, 2007), p. 6

[xxi] See my article 'What Can Be Done in Response to the Crisis in Syria' in e-ir.

[xxii] See for example, Thomas Weiss, *What's Wrong With the United Nations and How to Fix It* (Cambridge: Polity, 2009), p. 132; Aidan Hehir, *The Responsibility to Protect: Rhetoric, Reality and the Future of Humanitarian Intervention* (Hampshire: Palgrave Macmillan), pp. 209-254

[xxiii] Ramesh Thakur, 'R2P, Libya and International Politics as the Struggle for Competing Normative Architectures', *e-International Relations*, 7 September 2011, available at: {http://www.e-ir.info/?p=13728} accessed 28 November 2011}

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