After Syria, Whither R2P?

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There hardly has been too much, but rather too little deployment of military force for human protection purposes. The March 2011 international military action against Libya approved by the UN Security Council was the first such authorization against a functioning *de jure* government, and the first such use of substantial force since the contested 1999 operation in Kosovo by the NATO. In between, an essential norm broke new international public policy ground, namely, the "responsibility to protect" (or R2P), whose development has proceeded apace since the publication of a 2001 report with that title by the International Commission on Intervention and State Sovereignty (ICISS).

Until Libya, the sharp end of the R2P stick had been replaced by skittishness from diplomats, UN staff, scholars, and policy analysts. Libya was a new high-water mark for R2P, but with high tides come high risks. Few doubted that harsh measures were necessary to forestall a massacre in Benghazi, yet a predictable chorus of buyer's remorse subsequently arose—especially from the Third World, with Brazil taking the lead in calling for "responsibility while protecting" (RwP).

The controversy was reflected in Security Council paralysis over robust action in Syria, where the bloodshed and suffering inflicted by the Bashir al-Assad regime were far worse—we are still counting, but upwards of 120,000 dead and 5 million displaced (inside and outside the country). It was not the R2P norm, but rather geopolitics and collective spinelessness that explain action in Libya and inaction in Syria. What Aidan Hehir calls the "permanence of inconsistency" is an accurate description of the politics of R2P, or indeed the politics of anything.[1]

The responsibility to protect is a principle and not a tactic. Friends and foes point to the commission's central conceptual contribution and value-added in reframing sovereignty as contingent rather than absolute. And that principle remained intact in Syria, even if international action was considerably less fulsome than in Libya.[2]

In fact, the transformation of international attitudes is remarkable if we contrast the deafening silence that greeted the 1982 massacre by Hafez al-Assad of some 40,000 people in an artillery barrage of Hama with the steady stream of hostile condemnations of his son's machinations: the UN's Joint Office on the Prevention of Genocide and R2P called for a halt to crimes against humanity; the Human Rights Council condemned the crimes by a crushing vote and published a report detailing extensive crimes; the United States, the European Union, and other states imposed sanctions; the Arab League condemned the actions, formulated a peace plan, and sent human rights monitors; and the UN General Assembly initially condemned the violence and supported the peace plan with a two-thirds majority and, on two subsequent occasions, even more overwhelmingly (only 12 of 193 states voted against the resolutions) condemned Assad's unbridled crackdown and mass atrocities and specifically called for his resignation.

Dilemmas remain as Libya—a weak state, if there ever was one, with no history of democracy and plenty of evidence of feuds and bitterness, along with 200,000 armed militia—hurtles headlong into a new era without the kind of post-intervention support that the West provided in Kosovo. Let us be clear: military force is not a silver bullet, and its use is not a cause for celebration. That said, and despite substantial ongoing transitional problems in Libya, at least

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concerted international action in 2011 halted Col. Muammar el-Gaddhafi's mass murder.

Meanwhile, Syria continued to hemorrhage until the use of chemical weapons in August 2013 led to threats of force and, ultimately, accelerated international diplomacy to dismantle them. It also led to at least promises of negotiations that had been hamstrung, despite much weeping and gnashing of diplomatic teeth and yeoman efforts by mediators Kofi Annan and Lakhdar Brahimi.

The use of chemical weapons in August 2013 may have been a game changer. The threat of US air strikes—despite the lack of support worldwide among populations and parliaments—seems to have catalyzed a frenzy of diplomacy, Russian engagement, and a hasty agreement to dismantle Syria's chemical weapons stock under the auspices of the UN and the Organization for the Prohibition of Chemical Weapons. In terms of crimes against humanity and war crimes, what could be more abhorrent and less discriminating than the use of chemical weapons? While they could have well justified an R2P response, they did not. Again, geopolitics trumped the protection of civilians.

While of little solace to Syria's victims and their families, clarion calls have reaffirmed the R2P principle. In comparison with Libya, the "why not" in Syria was clear: the politics in the country and at the United Nations were totally different—demonstrated by several actual or threatened double vetoes from Russian and China—as well as the geography and the demography; the military challenge was far tougher; and the potential costs by 2013 appeared to outweigh the benefits of coercion.[3]

Does this mean that we have heard the death knell of R2P? Hardly. Syria demonstrates, if there was any doubt, that a robust R2P response is never automatic. Widespread diplomatic and public lamentations were audible, even if government security forces deployed tanks, warships, and heavy weapons against civilians. In addition to the politics in the Security Council, Syria also confounded easy generalizations—with insurgent atrocities gradually replicating the regime's—and was distinctly more complicated, chancy, and confused than Libya.

Political will and military capacity ultimately determine whether, when, where, and why to protect and assist vulnerable populations. However shocking to the conscience a particular emergency, and however hard or soft the applicable public international law, when political will and a military capacity exist, humanitarian space will open and war victims will be assisted and protected. In Libya, the moral, legal, political, and military dimensions dovetailed under the responsibility to protect. Rather than speaking truth to power, R2P's value-added was speaking truth *with* power. In Syria, only the moral dimensions of R2P are apparent, and so unlucky civilians are slaughtered and lucky ones flee.

Hopefully, Libya was not an aberration. Syria currently shames the collective international conscience and appears to dash the hopes for decisive outside military intervention; human abattoirs are not inevitable. We are capable of uttering no more Holocausts, Cambodias, and Rwandas—and occasionally mean it. "Never again" has been theorized *ad nauseam* in diplomatic gatherings and university seminars from Boston to Benghazi. But Muammar el-Gaddhafi's departure, and the immediate protection of Libyans, was an accomplishment. And if Bashar al-Assad eventually leaves Syria, it will, in part, reflect the early traction of the R2P norm, which should have led to robust international action in 2011, and even early 2012, but did not.

In the abstract, R2P clearly indicates that state sovereignty no longer is absolute, but contingent on responsible behavior. If a government violates international law and, in particular, if it permits atrocities or perpetrates abuse, the Security Council may act or may not. Political interests vary, case to case. In terms of applying the emerging norm, Syria is not Libya, and Sri Lanka is not Côte d'Ivoire.

Expecting consistency, alas, is a fool's errand. We cannot make the ideal the enemy of the good. Occasional action is preferable to no action anywhere.

[1]   Aidan Hehir, "The Permanence of Inconsistency: Libya, the Security Council, and the Responsibility to Protect," *International Security* 38:1 (2013), 137-59. The author's views are Thomas G. Weiss, "RtoP Alive and Well after Libya," *Ethics & International Affairs* 25:3 (2011), 287-92.

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[2]   For interpretations by commissioners, see Gareth Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and For All* (Washington, D.C.: Brookings, 2008); and Ramesh Thakur, *The United Nations, Peace and Security: From Collective Security to the Responsibility to Protect* (Cambridge: Cambridge University Press, 2006). See also Alex J. Bellamy, *Responsibility to Protect: The Global Effort to End Mass Atrocities* (Cambridge: Polity Press, 2009); Anne Orford, *International Authority and the Responsibility to Protect* (Cambridge: Cambridge University Press, 2011); and Aidan Hehir, *The Responsibility to Protect: Rhetoric, Reality and the Future of Humanitarian Intervention* (Houndmills: Palgrave Macmillan, 2012). The author's interpretation is Thomas G. Weiss, *Humanitarian Intervention: Ideas in Action*, 2nd edition (Cambridge: Polity Press, 2012).

[3]   For a comparison, see Thomas G. Weiss, "Humanitarian Intervention and US Policy," *Great Decisions 2012* (New York: Foreign Policy Association, 2012), 59-70.

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