# Revisiting 'Responsibility to Protect' after Libya and Syria

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The 'responsibility to protect' (R2P) doctrine, after its first ever implementation in Libya, has halted in Syria. In the last three years, R2P has failed to find a way to Syria to stop the most tragic humanitarian catastrophe of recent years, a catastrophe that has seen more than 120,000 Syrians already killed, millions more internally displaced or forced to seek refuge in neighboring countries. But why is there no R2P action on Syria? R2P supporters unfailingly point to unethical postures and actions by Russia and China, the two non-Western powers that used their veto power to torpedo Security Council resolutions on Syria.[1] Critics, on the contrary, charge that R2P heavily hinges on moral advocacy but is susceptible to the unfolding nature of power politics of the P5 (the five permanent members) at the UN Security Council which has its acute reflections on Syria[2]. NATO's (North Atlantic Treaty Organization) military operations in Libya did not promote the R2P norm and the P3 (Britain, France and the US) would not intervene in situations like Syria where the costs of intervention outweigh their strategic benefits.[3]

There is a clear need to move beyond the conventional critiques, which, of course, hold at varying degrees, to dig out why R2P has reached this dead end and whether it really has a future. A critical scrutiny reveals that the R2P doctrine, developed by the ICISS (International Commission on Intervention and State Sovereignty) in 2001 with the avowed objectives of protecting humans from mass atrocities and other crimes, is theoretically defective, practically not implementable and morally disastrous. That means, after immobility over Syria, R2P is set to fade away gradually and there will be little surprise if it takes an early exit from global politics and history.

**Defective Theoretical Premises of R2P**

R2P is the latest, if not the last, great liberal idea dedicated to fix major humanitarian problems in the world. In the 1980s and 1990s, a series of other influential liberal ideas, such as sustainable development, empowerment of women and human security greatly convulsed human thoughts everywhere. These ideas came, stayed and gradually occupied a place in development and security thinking but no one created so much sensations and raging controversies as the R2P doctrine has. As the latest liberal invention, R2P stands out as a unique doctrine for two specific reasons. First off, it was the first major organized attempt to draw global attention to humanitarian causes and crises. The background was set by the 1994 massacre in Rwanda, genocide in Bosnia during 1992–1995, and large-scale human atrocities in Kosovo in 1998–1999. R2P was the response to prevent such humanitarian tragedies in future with the slogan 'never again'.

Secondly, the report redefined the concept of sovereignty by initiating a shift from the traditional concept of state sovereignty to individual sovereignty. Sovereignty, the report emphasizes, entails both rights and responsibilities; it does not provide governments with full autonomy to act within their territorial limits, especially when it comes to activities related to human lives and rights. The traditional immunity to non-intervention, as guaranteed by the UN Charter Article 2 (7) that prohibits intervention in the domestic affairs of member states, can be revoked if states fail to protect their citizens from repression and internal armed conflicts. In that case, 'non-intervention yields to the international responsibility to protect', (p. XI in the R2P report) which clearly means the international community can intervene to protect humans from mass atrocities and other heinous crimes against humanity. This view of sovereignty was also reaffirmed by the *World Summit Outcome Document* (Articles 138 & 139) issued at the end of

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the 2005 UN World Summit meeting convened to discuss the R2P report.

Noble mission and laudable purposes notwithstanding, the R2P report contains a good number of theoretical holes. The definition of 'responsibility to protect' is partial and incomplete. Protection responsibilities, as articulated by the report, only apply to the four crimes of genocide, ethnic cleansing, war crimes and crimes against humanity. There is hardly any reference to protection of other human rights, including political freedoms, cultural, social and economic rights affirmed by the 1948 Universal Declaration of Human Rights, 1966 International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights of 1966, and the 1993 Vienna Declaration and Program of Action. Article 121 of the 2005 *World Summit Outcome Document*, however, admits that human rights are 'universal' and 'indivisible' and they exist in a combination, no one type of rights can be viewed in separation from other rights. The narrow focus on protection rights leaves the R2P doctrine open to criticisms and controversies as it presses the world community to tackle the outbursts of conflicts and atrocities and does less to address the root causes of conflicts to prevent human calamities.

More disappointingly, the R2P doctrine is based on undemocratic and unsustainable premises. It discriminates between powerful and weak states and thus resembles the much condemned and obsolete Indian caste system – who will get and give up what rights in a hierarchical system. Article 4.42 of the report exempts the five permanent members and other great powers from R2P actions, no matter how grave human rights situations in those countries are. That means R2P actions are primarily meant to apply to the weak states[4], such as Libya that must comply with the norm of human protection or face the consequences of the use of force under UN Security Council authorization. Powerful states like the US can get away with crimes committed against Iraqis under a false pretext of seeking out and destroying Saddam Hussein's spooky weapons of mass destruction, India can rest assured that its flagrant violations of human rights in Kashmir would not provoke R2P military actions or Israel can continue its illegal blockade of Gaza Strip that collectively punishes and silently kills 1.7 million Gaza people.

Furthermore, the R2P report, one must note with a certain degree of reservations, solely targets governments as the lone perpetrators of mass atrocities and violators of human rights. Many governments are certainly responsible for committing or abetting mass atrocities, so are many militant groups operating within or across the territorial limits of different states. Notorious armed groups like the ISIL (Islamic State of Iraq and the Levant) or the so-called anti-government Islamic Front in Syria that includes the al-Qaeda linked Al-Nusra Front are accused of crimes against humanity, tortures, murder, summary executions etc. A recent report by Human Rights Watch has strongly condemned the rebel fighters in Syria for committing war crimes and crimes against humanity, including wanton killings, hostage taking and other grave atrocities.[5]

Still, many supporters of R2P, let alone the Western leaders, put the onus on the Syrian government as the criminal perpetrator of mass atrocities and crimes against humanity.[6] Similarly, armed rebel groups in the Congo and Sierra Leone, known for their crimes of mass killings, tortures and rapes were never seriously targeted for military actions. There can be no rationale to take a biased position just to justify R2P actions against one of the two parties – the government while letting the criminal rebels go free.

## Implementing R2P: Messy and Counterproductive

Libya is the first and the only case of R2P intervention so far. Western leaders and R2P supporters justified intervention on the ground of stopping Gaddafi's threats of imminent mass murder in Benghazi, a city in eastern Libya. President Obama said on 29 March 2011: 'We knew that if we waited one more day, Benghazi … could suffer a massacre that would have reverberated across the region and stained the conscience of the world'.[7] Obama's justification for intervention was built on false ground. Gaddafi indeed issued serious threats on 17 March 2011 for the rebel fighters but not against the civilian people of Benghazi. *The New York Times* reported the same day that Gaddafi 'promised amnesty for those "who throw their weapons away" but "no mercy or compassion" for those who fight'.[8] Civilians were definitely not his targets.

The global media and Western leaders misinterpreted the threats of bloodbath by exclusively focusing on and distorting the first part of Gaddafi's speech where he said: 'We are coming tonight…We will find you in your closet'.

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Alan Kuperman, a professor of public affairs at the University of Texas, has pointed out that US and NATO intervention was driven by the actual prospects of defeat of the rebel forces by Gaddafi; the concocted story of impending genocide was meant to save the rebellion and protect the rebels to eventually topple Gaddafi.[9] Writing more blatantly in the *New York Times*, David Rieff, a New York-based journalist, has asserted that: 'Regime change became the West's policy, and the civilian-protection mandate of R2P was its cover'.[10]

But prominent R2P advocates struck a chord with President Obama. Gareth Evans, one of the two co-chairs of the ICISS, noted that NATO intervention in Libya was 'a textbook case of the R2P norm working exactly as it was supposed to'.[11] Thomas Weiss held the belief that intervention was necessary to protect civilians.[12] Ramesh Thakur, one of the commissioners of the ICISS, drew the conclusion that the Security Council's decision to authorize intervention was 'shaped by universal values rather than strategic interests'.[13] There seems to be little reason to buy the arguments of R2P advocates. The US and its NATO allies had hidden strategic interests to support anti-Gaddafi rebels that finally culminated in regime change, an outcome not authorized by Security Council Resolution 1973. Gaddafi for sure was not a Western darling; he ran into difficulties with the West especially after the 1988 Lockerbie bombing and his activities in Africa had angered the P3. He used billions of petro-dollars to support intervention in Chad, made a call for jihad in the Congo and armed rebel fighters in Mali.[14] Although he went to the Western fold after dismantling nuclear and chemical weapons infrastructures in the wake of US invasion of Iraq in March 2003 and worked as a bulwark against al-Qaeda terrorism, he still was not the sort of a leader the West would like to see in power indefinitely.

Deep down, there can be no intervention squarely based on moral values and responsibility, as claimed by R2P advocates. Libya's oil resources, though 2% of the world's total oil, were arguably the cause behind Western actions against Gaddafi. The anti-Gaddafi NTC (National Transitional Council) and the P3 are reported to have concluded oil bargains that quickly prompted NATO's bombings on Gaddafi forces and military installations in March 2011.[15] The removal of Gaddafi was also expected to open up Western access to Libyan markets and investments in oil industries.

Another hidden but very significant strategic reason was the denial of Libyan oil to China, America's number one peer competitor worldwide. Due to its recent dramatic economic rise, China is predicted to overtake the US in the next ten to fifteen years[16] and this is a serious concern for Washington. China, a resource-hungry economy, heavily depends on uninterrupted oil supplies from the Middle East, Africa and other regions where energy resources are available. Beijing had struck multi-billion dollars oil and trade contracts with Gaddafi but the fall of his government put Chinese interests at serious risk. James Petras, a left-leaning academic, claims that NATO's air operations in Libya and the division of Sudan in July 2011 leading to the emergence of the new state of South Sudan were aimed at, among other factors, reversing China's economic expansion.[17] The West armed and supported the South Sudanese rebels to create violence, frighten away Chinese oil workers and thus disrupt the flow of oil to China.[18]

Similarly, in Syria the concerns of the P3 for protection of the civilian population can be interpreted as a cover up for their greater strategic interest of forcing Syria, a country technically at war with Israel since 1973, to part with Iran, America's number one nemesis in the Middle East, and thus weaken Tehran's regional strategic position and force it to give up nuclear program suspected of having a military dimension. Since the 1979 Islamic revolution, Iran has pursued a hostile policy towards the US and vice versa. Iran's strategic leverage for that policy has largely originated from its alliance relationship with Syria and Hezbollah.

The Arab Spring has seriously threatened the Iran-Syria-Hezbollah alliance by creating the context for Western intervention in Syria in the way it had eventuated in Libya. Western and Arab financial and military support for the Syrian rebel forces amply testifies to that.[19] The Russian and Chinese vetoes and Iran's ironclad support for the Bashar Al-Assad government did deny the P3 the objectives they have sought in Syria. Even if there is a US-led Western intervention in Syria today that would be for reasons other than the responsibility to protect.

Clearly, it is strategic interests, not moral concerns or overtures that are the prime movers behind Western policy of R2P actions. The P3, however, drew heavy fire for their hasty intervention in Libya making them vulnerable to a wide array of criticisms, such as the pursuit of regime change, quick resort to force, siding with the rebel fighters, turning a

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deaf ear to Libya-like situations in other Arab Countries of Bahrain and Yemen where pro-democracy forces were equally subjected to repressions and unlawful killings. The UN Secretary-General Ban Ki-Moon, in his 2012*Report on the Responsibility to Protect*, has recognized that non-coercive measures, as pointed out by some states, were not adequately explored and applied before the intervention in Libya and that NATO states did not respect the mandate of Resolution 1973.[20]

Additionally, several international human rights groups have raised questions about whether NATO intervention succeeded in protecting Libyans or actually killed more Libyans than the Gaddafi forces did. There are reports that Libyan casualties shot up after NATO had started its bombing campaign. According to a BBC estimate, between 2,000 to 30,000 Libyans were butchered during the air operations[21] whereas some 100 Libyans got killed by Gaddafi forces before the rebels took up arms.[22] In some cases, NATO targeted civilian sites that resulted in heavy casualties. In September 2011, it killed 47 civilians and wounded many more in a single air strike on the Libyan city of Sirte; NATO Secretary-General Anders Rasmussen later baselessly claimed that NATO completed its air operations without any confirmed civilian casualties.[23]

The P3 also overlooked the crimes of NTC-backed anti-Gaddafi rebel fighters who were guilty of conducting arbitrary arrest, torture and unlawful killings. The rebels, after Gaddafi was killed on 20 October 2011, torched the city of Tawergha in western Libya and killed countless Black African residents of the city on the excuse that they supported, and fought on the side of, Gaddafi during the civil war.[24] In the post-intervention period, tens of thousands of armed militants occupied different parts of Libya with no effective central government guiding the future of the country. Libya descended into a state of complete chaos where unruly and aggressive militant groups clashed with each other and held the common Libyans hostage. In October last year, unidentified armed militants even abducted the Libyan Prime Minister Ali Zeidan, an incident that clearly attests to lawlessness and total breakdown of the Libyan political order and authority structure.[25]

NATO's abuses in Libya and the resultant deadlock over Syria have put many R2P supporters on the defensive. Ramesh Thakur has recently argued that the failure to intervene in Syria does not throw out the R2P[26]; Luke Glanville opines that the Syrian crisis has not substantially weakened the R2P norm[27]; and Thomas Weiss firmly holds that the crisis in Syria in no way declares the death of R2P, though it is a shame for the international community.[28] Such quick defense of R2P, indeed, clearly indicates that R2P has already lost its relevance or is on the verge of losing the same.

Indeed, the dire consequences of R2P intervention in Libya produced two immediate negative impacts on global politics – the breakdown of consensus on R2P intervention initiated by Resolution 1973 (though China and Russia actually did not support the resolution but abstained) and a return to old style geopolitics. China and Russia have used the abuses and misuses of Resolution 1973 by the P3 to kill similar resolutions to save their ally Syria. Russian President Vladimir Putin branded NATO's intervention in Libya 'a medieval call for crusade'[29] and with regard to US threats of military strikes on Syria after the 21 August 2013 chemical attack on Al-Ghouta, a Damascus suburban area, he warned that Russia had its own 'plans' to react to US attacks.[30] Syria has been a major Russian ally in the Middle East, a buyer of military hardware and equipment and the provider of a Mediterranean naval facility to the Russian navy. This clearly underlined how divergent the American and Russian interests in Syria were and why intervention was not an option for the US. And it is very unlikely that international consensus on future R2P actions can be recreated, as Gareth Evans hopes for[31], when great powers' interests are directly at stake.

## R2P On the Exit

Post-Libya developments put aside, current global realities sound unpropitious for and heavily tilt against R2P intervention. Successful R2P actions depend on the fulfilment of three basic preconditions – the willingness on the part of the most powerful intervener to use force, the intervener's media monopoly to shape domestic and global public opinion in favor of intervention, and the moral standing of the intervener(s). The US and its NATO allies score low on all three counts.

There is little doubt that R2P intervention largely depends on America's military might, with Britain and France

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playing supplementary roles. The US military supremacy and unrivaled global status, which was dubbed the 'unipolar moment' in the 1990s, is no longer the case in the contemporary context where diffusion of power is the emerging reality. The BRICS nations are increasingly challenging America economically and diplomatically, if not militarily. In 2003 Goldman Sachs predicted that BRICS would be a formidable economic force in the global economy by the year 2050. Currently, the BRICS nations are home to 40% of the world's total population and they produce 25% of the world's GDP.[32] They regularly hold summit meetings to counter G8.

American power, in contrast, is relatively declining. In fact, the two costly wars the US has fought in Afghanistan and Iraq have weakened it much leaving limited scope for unilateral or collective P3 actions against other countries that happen to be strong or are backed by other great and regional powers. Intervention in Libya was an exceptional case in that Gaddafi's armed forces were weak, he had no strong backing by a great power patron and geographically Libya stands within the easy military reach of European powers and US military bases located all around. The absence of these strategic advantages has made intervention in Syria a really difficult job. There is a high risk that intervention in Syria would draw in Russia and Iran with the potential to ignite a wider regional and possibly global war. Despite that, the watershed moment came and then soon faded away when President Obama announced his readiness to pounce on Syria militarily in last September but finally backed away.

Intervention is a difficult job but it is greatly made possible by favorable media narratives. American leaders and media giants (CNN, Fox News etc.) have waged the real psychological warfare by doctoring information to shape public opinion before the US military invaded Iraq. The George W. Bush administration officials made 935 false statements to justify the invasion of Iraq[33], which were live broadcast by CNN, Fox News and other channels. Likewise, 'a bodyguard of lies', to use Winston Churchill's phrase, was quickly spread to falsely implicate the Bashar Al-Assad government in the al-Ghouta chemical attacks while intelligence pointed to the jihadist Al-Nusra Front for the attacks.[34] Recently, the US media narratives have been increasingly challenged by media corporations in the global south. Chinese CCTV, Russian RT or Iranian Press TV are feeding the global public with alternative media narratives that are producing considerable impacts on global public opinions. CNN is no longer the unchallenged global media czar and the US would increasingly find it difficult to influence American or global public opinions for interventions in foreign lands.

Lastly, the US is suffering from a serious credibility gap. The Bush administration invaded Iraq on false grounds, the R2P intervention in Libya has set a bad precedent of misuse of Security Council mandate and in Syria distortion of realities has contributed to a tainted moral image of the US. In Libya, by crossing all moral limits, the US has found itself on board with al-Qaeda-linked terrorists. American officials showered the Libyan Islamist fighter Abdul Hakim Belhaj, a listed terrorist, with blessings. Mr. Belhaj, currently the commander of the Tripoli Military Council, was a former leader of the Libyan Islamic Fighting Group which the US State Department and British Home Office listed as an international terrorist group allied with al-Qaeda.[35]

In Syria, President Obama has made failed attempts to reach out to the Islamic Front, a powerful alliance of Salafist groups. People around the world view the US more as a serious threat to global peace and security than a moral leader. A recent survey by the Worldwide Independent Network and Gallup conducted in 68 different countries at the end of 2013 has found that 24% of the interviewees believe that America is the biggest danger to world peace with Pakistan coming second (8% of the votes) and China coming third (with 6%).[36] Uncle Sam is clearly faced with the choice of declaring an end to intervention in foreign countries to promote strategic interests under the rubric of R2P.

To sum up, the liberals are no doubt the moral crusaders for human rights and lives but their human protection ideas terribly involve the use of force. The outcomes, as the Libyan case vividly projects, are morally degenerative and practically counterproductive. NATO's intervention to protect Libyans actually ended up killing more Libyans. As a doctrine, R2P contains glaring theoretical drawbacks and its wrong practices by interested Western powers create the scope for a mix up of humanitarian concerns with their strategic interests. Moral values and ethical standards are sacrificed to falsehood, fabrications and distortions of realities in the run up to intervention to promote narrow interests. A slew of other prevailing factors, such as changes in global power equations, formidable challenges to Western media dominance and America's loss of credibility cut short the life of R2P. To put it in clear terms, R2P is about to expire and its death is not avertable.

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