

The Responsibility to Protect in Today`s National Conflict: Political or Conceptual

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Abstract

Civilians are the victims of political games internally and externally. The Responsibility to Protect aims at preventing atrocities civilians face in the hand of their own government. Many states are unwilling or unable to protect their own populations intentionally or unintentionally. States are unable to protect their own citizens and are often the perpetrators of human rights violations against their citizenry. Therefore, it is the responsibility of international community to act its responsibility to protect civilians. My thesis focuses on evaluating the Responsibility to Protect doctrine. I use Syria, Yemen, Libya, and South Sudan as case studies and examining these cases through comparative methods to answer the research questions and attain research objectives.

Keywords: The Responsibility to Protect, the United Nations, Intervention, Sovereignty, and Human rights.

1. Introduction:

The world we live in to today is full of wars. War is becoming a global phenomenon, so international intervention is necessary to prevent atrocities that may endanger the dignity and live of civilians. When states are unwilling or unable to protect their own populations, the international community should take that responsibility. Humanitarian intervention before the creation of the Responsibility to Protect was slow to implement. The Responsibility to Protect made the humanitarian intervention much faster, efficient, and affective. However, the international community, especially powerful countries lacks necessary legal procedures to intervene. For example, the United Nations could intervene in both Syria and Yemen but the Blue Hamlet or NATO was not given the power to intervene in both cases by the Security Council. The primary reason for non-intervention in these counties was a lack of political will by major powers to intervene. They placed their own interests while thousands and millions of civilians died due to the aggression and violence made against them by their own government. Even though the Responsibility to Protect attempts to change the relationships between both the responsibility of states to protect their own citizens and state sovereignty to international community, it failed because powerful countries act according to their interests and position within the sphere of international politics. Currently, for example, the United States could not fully intervene in Syria because it will be the declaration of war not only against the Syrian government but also the Russia

and its allies that make the situation much worse since it is a proxy between major global powers. The Responsibility to Protect is very controversial. The sole reason behind choosing this topic was to find out the facts and root causes that pushed states to intervene in some cases while not in others. This piece of research attempts to explain logical and rational connection between the principle of the Responsibility to Protect, state sovereignty, and international law.

2. Literature Review:

“If humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica, to gross and systematic violation of human rights that offend every precept of our common humanity?”, said the Secretary-General Kofi Annan in his Millennium Report of 2000 (The United Nations Office on Genocide Prevention and the Responsibility to Protect). The Responsibility to Protect is a global political commitment to end and prevent atrocious actions against civilians when states are unwilling or unable to protect their own citizens. Human rights are not privileges or rights that been given to people by the states. People have these privileges and rights by the virtue of nature and humanity. Millions and thousands of people worldwide are under the threat of insurgencies, conflicts, civil wars, and even their own governments` persecution. The World Summit was attended by the representatives of more than 170 countries globally including the heads of state and government. The summit took a place from 14 to 16 September at the United Nations Headquarters in New York City in which member countries discussed variety of issues such as development, security, human rights and reform.

The World Summit Outcome Document refers directly to the concept of Responsibility to Protect in its paragraph 138 and 139 (World Summit Outcome, A/RES/60/1, 2005):

States are responsible to protect their citizens from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. The international community should encourage and help states to exercise this responsibility and support the United Nations in establishing an early warning capability. The international community should take necessary measures through the United Nations, to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

3. Research Problem:

The primary responsibility of state is to protect its own people within its sovereign national border from internal and external threats that may impend human dignity and sovereignty. The internal and external threats may cause mass murdering, ethnic cleansing, and even genocide. States intentionally or unintentionally might be unable or unwilling to take actions with their own border to protect their national. The world we live in today is full anarchy and chaos. Political, religious, economic, ethnic, and social factors depending on the geopolitical location of the country may negatively affect the decision to intervene by the United Nations to protect civilians from the atrocities they faced. Thus, the Responsibility to Protect is quite necessary to prevent selfish behaviors of states that are intentionally unwilling to protect their own people or they do not have the capacity to protect even they want, too.

4. Research objectives:

The study aim to solve the research problem must have some specific goals. For this purpose the following aims identify the clear idea about the research objectives:

- To find out the reason that pushed the United Nations to adopt the principle of Responsibility to Protect.
- To examine the successes and the failures of humanitarian intervention.
- To understand why the United Nations intervened in some cases while not in other cases.
- To examine the power of the United Nations regarding state sovereignty for humanitarian purposes.

5. Research Methodology:

The primary goal of the research is to evaluate the role of the United Nations` military intervention for humanitarian purposes in order to find out to which extend the United Nations intervened equally in each cases. For this reason, different cases from Libya, South Sudan, Syria, and Yemen are going to be evaluated separately. In order to answer the research questions and achieve the research goal, this research paper employs two major methods. They are case study and comparative methods.

- **Case Study:**

Humanitarian intervention is one of the most controversial topic and missions in contemporary world. It is very complicated to be distinguished explicitly and easily in real life. So, the most appropriate methods will be case study for investigation from the contest of real life. In my

research, Libya, South Sudan, Syria, and Yemen cases are different in their evolutionary root causes while they are similar in their goals. Therefore, the case will definitely provide critical insight about the conflict in these countries.

- **Comparative Method:**

Since my research does not focus on a single case, comparative method is the most important and relevant tool for analysis. It plays a major role in identifying the similarities and differences among the cases. The Responsibility to Protect is very debatable due to the fact that it implemented in some countries while it is not in other countries. For instance, the United Nations was successful in case of Libya and South Sudan while it failed in Yemen and Syria to prevent the wars or at least to maintain peace. These countries are very important to maintain peace and stability not only within the Middle East but also globally. Countries in the Middle East most of the time become war representative on behalf of great powers. Meaning the great power will decide for them based on their interests and priorities. Thus, the comparative methods will help to find out the factors that pushed the United Nations Security Council to take actions or to not take actions even though the cases were similar but different in their root causes.

6. Case Studies:

- **Libya:**

Decades of persecutions, discriminations, unemployment, corruption, and inequality erupted into mass demonstrations in many Arab countries in which latter called Arab Spring. The history of Arab Spring started with Mohamed Bouazizi who was a street vendor in Tunisia. After he was not allowed to sell vegetables on the road by the officials, he set fire on himself. His traumatizing reaction, led to massive demonstration within Tunisia and to the downfall of Tunisia's President Zine al-Abidine Ben Ali. This inspired Arab world to rise up arms against their own governments. Libya was one of those countries. Former Libyan President Muammar Mohammed Abu Minyar Gaddafi was in power since 1969. Lack of economic opportunities, transparency, and lose of civil and human right pushed the people to upraise against the government. At the same time, success protest in other countries fueled hope for change. People were demanding dignity, prosperity, freedom, social justice, and equality. However, the government reacted aggressively. The government ordered special military forces to quell the protest in major cities including Tripoli, Benghazi, and Misrata. People were killed, injured, raped, and arrested. The tension between the security forces and anti Gaddafi rebels escalated into war. The former president Muammar Gaddafi said, "The whole world looked up to Libya and that protests were "serving the devil". He urged his supporters to go out and

attack the "cockroaches" demonstrating against his rule" (BBC, 2011). The international community was very skeptical about his statement and its previous reactions against civilians. The United Nations Security Council in an emergency session called for immediate end of violence, discrimination, and persecutions. Therefore, the council authorized the establishment of a no fly zone and launched air strikes with the support of NATO to protect civilians. "Ostensibly the resolution and the no-fly zone were intended to protect civilian populations in the city of Benghazi that had been threatened by the Libyan president in response to rebel uprisings that had been taking place in the area since mid-February. The resolution marked a further escalation in the UNSC's response to the deteriorating situation in Libya as it followed UNSC Resolution 1970 that had condemned the use of violence against civilian populations" (Hehir & Murray, 2013).

The decision by the United Nations Security Council was very influential to protect civilians. Politics played a major role in council decision. Member countries had different interests depending on their national interest and foreign policy. The United States and European countries were supporting the downfall of Gaddafi regime in order to protect their economic and strategic interests, to maintain peace and stability in Africa, and to send messages to dictatorships worldwide.

- **South Sudan:**

Conflict and tension between the northern and southern Sudan is not something new. It dates back to the British withdrawal in 1956. The northern and southern parts are religiously and ethnically different. In addition, economically, the southern part is very rich due to huge oil reserves. The First Civil War started in 1962 between the Khartoum in the northern part and the rebels in the southern part. Even though the civil war ended and the southern part was granted some autonomy in 1972, the southern and northern could not live peacefully side by side. The government of Khartoum revoked the autonomy of Southern Sudan. The abolishment of autonomy led to the Second Civil War in 1973. The Second Civil War ended up with the establishment of the Comprehensive Peace Agreement between both sides. According to the agreement, there should be permanent peace between both sides, and there should be autonomy for the Southern Sudan. At the same time, the Southern Sudan should share power with the government of Khartoum and there must be a referendum in six years. "The current crisis in Sudan began in February 2003 when the Sudanese Liberation Army (SLA) launched attacks against government military installations. Soon after, the Justice and Equality Movement (JEM) joined the SLA in attacking the national army" (Hehir, 2008). The United Nations adopted the resolution of 1706 about Sudan that acts under the Chapter VII:

“Acting under Chapter VII of the United Nations Charter, the Council authorized UNMIS to use all necessary means as it deemed within its capabilities: to protect United Nations personnel, facilities, installations and equipment; to ensure the security and freedom of movement of United Nations personnel, humanitarian workers, assessment and evaluation commission personnel; to prevent disruption of the implementation of the Darfur Peace Agreement by armed groups, without prejudice to the responsibility of the Government of the Sudan; to protect civilians under threat of physical violence; and to seize or collect arms or related material whose presence in Darfur was in violation of the Agreements and the measures imposed by resolution 1556, and to dispose of such arms and related material as appropriate” (The United Nations Meetings Coverages and Press Releases, 2006).

The mission by the United Nations Security Council to restore peace was successful. According to the Comprehensive Peace Agreement between both sides, South Sudan should go on referendum in six years to determine its future. South Sudan held referendum on 9 July 2011 in which nearly 99 % of the population voted for separation. South Sudan gained independence in democratic election.

- **Syria:**

As many other Arab Nations, pro-democracy Syrians started protesting on March 2011 against the long established dictatorship regime under the mandate of Bashar Hafez al-Assad. He is in power since July, 11th 2000. The demonstration started in the town of Deraa where thousands of teenagers asked the resignation of President Assad. In respond to the demonstrations, military forces used military forces to crush the demonstrators. At the same time, the protestors took up the arms to defend themselves and to expel to local security forces in other areas of Syria. Violence escalated in the capital Damascus and then to the rest of Syria. The situation became increasingly sensitive because different Jihadist groups and international actors with very different agendas and visions got involved in the crisis. In addition, the tension escalated into civil war. The war in Syria became a proxy war between major powers internationally and regionally. Russia is supporting the Syrian regime and its allies while the United States supports and provides arms and ammunitions to the Kurdish forces. Iran supports the existence of current regime and provides Huzbollah military means while Turkey is totally opposed to the presence of Kurdish forces. The most destructive actor was ISIS that committed war crime, crime against humanity, and even genocide. As results of the war, millions and thousands of people were displaced to neighboring countries including Jordan, Lebanon, Iraq, and Turkey. Yet refugees face numerous difficulties in those countries such as rape, kidnaping, torture, discrimination, and persecution. Therefore, some of them seek refuge in the United States and

European countries as well. The primary goal of the Responsibility to Protect is to protect civilians when their government is unwilling or unable to protect them. Both the Syrian government and the international community failed in their obligation to protect.

“In 2014 there was a change in the principal rationale for western intervention in Syria. It shifted from one which drew on the ‘responsibility to protect’ to one of ‘protective intervention’, in the name of suppressing terrorism globally. This argument trampled on international law, showing reckless disregard for the rights of other peoples and their nations. In Syria his new argument involved the bizarre claim that Washington was arming one group of Islamists so they could fight another, more extreme group” (Anderson, 2016).

There have been several international meeting and conferences regarding the war. However, global powers could not agree on a possible solution where all the parties involved in the conflict would be satisfy. For example, the Sochi conference, the Geneva I Conference, the Geneva II Conference, and the Astana conference, all failed. Despite eight rounds of talks no solution has been founded yet. Most importantly, the United Nations Security Council failed to pass a resolution to prevent and solve the war at the same time to maintain peace and stability. Since the United Nations Security Council failed to intervene politically, it attempts to intervene for humanitarian aid delivery.

- **Yemen:**

The Republic of Yemen is in Western Asia. The country was pretty much affected by Arab Spring where people basically asked for freedom, justice, equality and prosperity. Lack of democracy is the root of the conflict in Yemen. Once the Arab spring reached Yemen over the same demands, it did not succeed and the country felt into civil war. President Ali Abdullah Saleh was forced to hand over power to his deputy Abdrabbuh Mansour Hadi. In addition, when Hadi became president, he faced many issues. He had to deal with sensitive issues such as food insecurity, unemployment, corruption, terror attack by terrorists groups, and most importantly pro Saleh military officials. The previous President Ali Abdullah Saleh was the target of The Houthi movement. Since the government was weak in tackling many issued listed above after the handover of the power, the Houthis took control over of the Saada province. Religiously, the Houthis are Shia followers. Even though the Houthis are Shia, they got support from the Sunnis as well to fight the new established government. As result of the attacks, the president left the northern region of the country and escaped from the south into exile. The fight continued between the military loyal to the new elected president against separatist and Sunni forces. Parties involved in the war include the Houthi, Pro-Saleh forces, Hadi government, Iran, Saudi Arabia, the United Arab Emirate, Islamic State of Iraq and the

Levant (ISIS), al-Qaeda, the United States, the United Kingdom, and France. The Saudi led coalition was designed to influence civil war in favor of the current president. Due to the lack of government presence, military groups such as ISIS launched military actions in Aden.

The war in Yemen is once more a proxy war between major powers where they have different strategic agendas and interests. The Islamic Republic of Iran supports Shia groups while the Sunni countries support the existence of current president Abdrabbuh Mansour Hadi. The Saudi led coalition imposed blockade in Yemen after a ballistic missile towards Riyadh where Iran was suspected. However, it denied. The United Nations clearly stated that the blockade may lead to famine, starvation, and lack of medical equipment availability. As a result of the blockade the price of basic commodities increased rapidly.

The role of the United States is extremely negative in this war because it provides military means and weapons to Saudi Arabia so that it can continue the fight not only against Yemen but also against Iran, too.

“President Trump made a splashy debut on the world stage here Saturday, ushering in a new era in U.S.-Saudi Arabian relations by signing a joint “strategic vision” that includes \$110 billion in American arms sales and other new investments that the administration said would bring hundreds of thousands of jobs” (Rucker & DeYoung, 2017).

7. Finding and discussion:

Is Responsibility to protect a principle or just an inspiration? The Responsibility to Protect was first deployed in 1990s in response to the failure of international community to prevent the genocide in Rwanda and Yugoslavia. The prevention of war crimes, crime against humanity, ethnic cleansing, and genocide were the primary motivations for the creation of R2P. There have been tensions between states national sovereignty and the protection of human rights since the implementation of the “principle”.

“The resolutions on R2P ratified by the U.N. General Assembly in 2005 tried to overcome these tensions, but it still recognized the ultimate authority of the Security Council. Each state had a responsibility to protect its population, the resolution said, but collective action was to be taken “through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis....” In other words, only the Security Council could decide whether an intervention of the international community should be undertaken, which implied not only the rights of the veto of the Permanent Five (P-5) members (including the United States), but also that the universal humanitarian legal principles supposedly established by the R2P resolution were still subordinate

to the principles of national sovereignty--to rights of the P-5 members in particular” (Holmes, 2014).

Since there is no consensus but national interest among the five permanent members on the implementation of the principle in practice, it may never survive as an international order or principle that can bring peace and stability. The Responsibility to Protect is not conceptual but political. Humanitarian intervention and the Responsibility to Protect should be differentiated. Even though they are similar and related, they are not the same. Humanitarian intervention includes military action for humanitarian purposes while the Responsibility to Protect is about a decisive, direct, and effective response to prevent atrocities as soon as possible when the conflict or the war began. However, the international community acted immorally toward certain cases while responded to few cases. The intervention in Libya was successful while it failed in Syria even though they have pretty much the same case. In Libya, there were mass atrocities against civilians, extreme human rights violations, and unwillingness to protect its citizens. Thus, the actors called and agreed to take actions and support the establishment of new government where all different actors involved in the war can agree on. Nevertheless, in Syria, the situation is much worse and there are extreme mass atrocities, human rights violations, and unwillingness to protect its own people, and most importantly the use of chemical weapons while the international community failed not only prevent the war but also at reach a peaceful settlement for the war between the parties involved. It is not quite clear yet, whether the international community will take direct military action or not because the war is not about Syria anymore. Instead, it is a proxy war between world's two major powers the United States and Russia. The objection of Russia to intervene in Syria is critically questions Russia's understanding of the Responsibility to Protect. No matter how it perceives the principle, if it affects its national interests, then it will behave and respond accordingly. This is not only Russia, but also all five permanent members. Fortunately, when the tension reached bowling point between the Northern and Southern Sudan, the international community acted its responsibility to protect civilians. Sudan is very rich economically, especially oil. Thus, it is very important to intervene because countries can broaden economic ties with two new different countries. When they intervene, they will end up with something valuable. However, if they intervene in Yemen, they will end up with nothing. Actually, they may lose what they are gaining currently. The humanitarian situation is poor in Yemen. People do not have access to basic needs. Thousands of people die to due to cholera and diarrhea. Yet, the international community is not willing to take an action. The war in Yemen is a proxy war between two major countries in the Middle East Iran and Saudi Arabia. It is obvious that Iran is the enemy of the most of the European countries and especially the United States. On one hand, Saudi Arabia is becoming the war representative of the United States to fight Iran. On the other hand, the United States is selling

weapons to Saudi Arabia which is the largest arms deal \$110 billion in the history of the States. Thus, it more rational and logical to the United States to not intervene while it could achieve more than what it already planned for without shouting a bullet. At the same time, if Iran obeyed the international agreement to end the war, it will lose its hegemonic power not only regionally but also globally. When the United Nations is indecisive about genocide and sovereignty over communal responsibility, it fails to take necessary measure to maintain peace and stability. The defenders of Responsibility to Protect often say, "The fact that we cannot protect people everywhere is no reason for doing nothing when we can" (Holmes, 2014) The problem with the Responsibility to Protect is that reality never affected the high- sounding principles of the United Nations, especially the Security Council. Even though it intervened in some cases, it did not in other cases. The primary reason for this is lack of practical problems to take action in order to intervene.

8. Conclusion:

The adoption of Responsibility to Protect by the United Nations General Assembly in 2005 despite the United States objection was one of the most important decisions to intervene for humanitarian purposes to protect civilians from atrocities such as genocide, war crimes, ethnic cleansing and crimes against humanity. The United Nations Security Council failed to intervene in some cases whether it was not willing or unable to take actions. Such failure was foreseeable knowing that the main opponent of the R2P, the US, has veto power at the Security Council. However, it was successful in some cases such as Libya and South Sudan. Million and thousands of civilians die because their own government is unwilling or unable to protect them. Some seek refuges while some are going to be displaced. It almost seems impossible to avoid wars and conflicts in contemporary world where human desire to get more power and stay in power is unlimited. The decision to intervene by the United Nations is skeptical at the same time ridicules. It supposed to intervene when states are unwilling or unable to protect their own citizens. However, the United Nations considers territorial integrity and internal unification priority when it comes to take urgent and critical decisions. The Kurds who live in Iraq faced horrific crimes in the hand of their own government including war crime, ethnic cleansing, crime against humanity, and even genocide. They decided to go on referendum to determine their future. They faced many obstacles internationally, regionally, and even internally. Yet, they went on the referendum on 25 September 2017. As result of the referendum direct military confrontation happened, and the tensions reached boiling points between the Iraqi forces and Kurdish Forces known as (Peshmerga). Would have happened if the Kurds declared independence? Would the United Nation have intervened to protect the Kurds or stay neutral? The international community should act its responsibility to maintain peace and stability along with international order. At the same time, it should act rationally and

morally in both pre and post conflict societies. The most important action after conflict will be conflict resolution. People who experienced and suffered conflict are more likely to be the target of different agendas. The atrocities they faced will remain in their heart and mind forever. It is extremely difficult for these people to forget and forgive the perpetrators. However, it is not impossible. The Truth and Reconciliation Commission is the best example not only to Africans but also whole humanity. The radical segregation between white and black caused by Apartheid promoted racism in 1948-1990. Institutionalizations of racism prevent black Africans from practicing basic human rights and receiving basic needs. These treatment were not acceptable by most the Africans, so they started protesting against the British government. The British officials responded aggressively to the demand of the people. Many people were killed, kept in detention, or injured. After Africa gained independence from Britain, The Truth and Reconciliation Commission was established to investigate the human rights violations.

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