

Can Responsibility to Protect survive Libya and Syria?

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The Canadian-inspired concept of “Responsibility to Protect” may already be in danger, less than a decade after it was accepted by the United Nations. The very first time it was invoked by the UN Security Council was to support the no-fly zone in Libya (UNSCR 1973). Ironically, it will be the actions and events that subsequently transpired in Libya, together with corresponding inaction in similar circumstances in Syria, which may put the future of R2P at risk.

In 1994, the world reeled from the reports and images of the atrocities and sheer scale of the slaughter in Rwanda. How could any of us have allowed this to happen? How could the international community NOT have intervened? Next, the world learned of the horrors of Srebrenica. And then came Kosovo in 1999. This time, however, frustration with the UN's inability to respond in an effective or timely way to the situations in both Rwanda and Srebrenica led some states to take military action through NATO instead of waiting for the UN.

This raised big questions about the concept of sovereignty of states. A fundamental aspect of sovereignty is the right not to have one state interfere in another state's internal affairs. This concept of non-interference has been key to the evolution of international law and fundamental to the creation of the United Nations.

It was clear that international intervention would sometimes be needed for humanitarian reasons, but it was also clear that we needed a non-ideological process that would be internationally accepted.

The Canadian-created International Commission on Intervention and State Sovereignty (ICISS) went to work. It was the ICISS Report, issued in 2001, which authored the concept of “Responsibility to Protect”. The fundamental principles are: (A) State sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself; and (B) Where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect.

Thanks in large part to Canadian efforts, R2P was adopted by the General Assembly of the United Nations in 2005 and endorsed by the Security Council a year later. Importantly, though, international support for R2P was (and is) qualified by worry that it could be abused for political purposes. This is why events in Libya and elsewhere may put R2P in danger.

In the Security Council vote, UNSCR 1973 was passed with 10 in favour and 5 abstentions. Although the commentary by those in support focussed on the “measures to protect civilians under threat of attack”, it was clear almost immediately that international action in Libya was no longer about protecting innocent, unarmed civilians peacefully protesting. Rightly or wrongly, this was regime change, and supporting an armed insurgency to achieve it. That's not R2P.

The commentary by the abstaining members of the UN Security Council suggests significant worry about the potential abuse of military force for just this kind of political purpose and this is why R2P is now at risk because of Libya. Those already hesitant to support R2P will point to Libya and say it was only used to overthrow Gadhafi.

Why is R2P also at risk because of Syria? Because of the lack of action by the UN in what appear to be very similar circumstances. Similar crackdowns by the Syrian government against protesters in Syria have not elicited anywhere close to the same level of international condemnation or action. Indeed, there have been far more examples of peaceful, unarmed civilians being killed by government forces in Syria than in Libya, arguably making a stronger case for R2P. Yet R2P was not invoked and not even contemplated.

Why? Is R2P just another nice-sounding concept that will be used only when politically expedient to do so? Those who supported UNSCR 1973 seemed keen to overthrow Gadhafi, but apparently not Bashar al-Assad.

Because of Libya and Syria, it may be that much harder to rally international support the next time R2P is truly needed.

What can Canada do? The world must not allow another massacre like Rwanda or Srebrenica – that much we know; however, the effectiveness of R2P will be diminished if we do not strongly address these new concerns of abuse for political ends.

The current Canadian government wants a more ‘muscular’ foreign policy, but “soft” diplomacy can be plenty muscular and Canada is well-placed in this regard. We have credibility on this issue. We should now work on using the lessons of Libya and Syria to develop an improved, clearer “Who, What, When and How of R2P.” We already know the “Why” – Libya and Syria haven’t changed that. The original reason, the desire – the responsibility – to prevent mass human tragedy remains.

For more on this, see the report from The Strategic Studies Working Group (SSWG), a partnership between the Canadian Defence & Foreign Affairs Institute (CDFAI) and the Canadian International Council (CIC) released today titled “Can R2P Survive Libya and Syria?”