

The Responsibility to Protect and Regime Change

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The responsibility to protect (R2P or RtoP) is a relatively new normative construction of the United Nations, which was launched in 2005 at the World Summit, in the aftermath of the terrible Central African genocides and other atrocities of the recent past. The summit's concluding document declared that it is the responsibility of governments to protect their own citizens, and in particular from "genocide, war crimes, ethnic cleansing and crimes against humanity". When they fail, the international community shall have the responsibility to "take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity".

Yet at the global level there is a huge chasm of disagreement over the competition for primacy of norms, broadly between the West and the 'Rest' of the world. The West sees R2P as an important advance in international norms, complementing the existing Chapter 7 of the UN Charter, which was designed to provide for the possibility of armed intervention in the case of inter-state aggression. R2P adds a new principle, which may authorise forceful intervention in the internal affairs of states. The 'Rest', led by Russia and China, give primacy to the principle of non-interference. The West also endorses the principle of non-interference as a general proposition. The issue, however, is when should R2P override the non-interference doctrine.

Libya 2011 has now become the most famous instance of R2P being operationalised through Resolution 1973 of 17 March 2011, which legitimised the intervention by France, the UK, the US and other NATO allies to enforce a no-fly zone and to take any steps (short of putting boots on the ground) to support rebel forces in their civil war against Khadafi. The passing of Resolution 1973 of the Security Council was greatly helped by the resolutions adopted by the African Union and Arab League, without which Russia and China would surely not have abstained from using their veto cards as permanent members of the Security Council.

As the intervention in Libya progressed, China and especially Russia voiced regrets over having abstained, claiming that the NATO forces had overstepped their mandate for enforcing a no-fly zone, escalating their action into one of enforcing regime change. Indeed that had become the objective, but how could the R2P principle be enforced without this? It

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was obvious enough that Khadafi was prepared to continue to slaughter his people in a civil war to retain power. Nonetheless Russia and China complained rather disingenuously that they had been duped by the West, claiming that the NATO allies were converting R2P into a instrument of regime change.

And then the spotlight switched to Syria, and immediately Russia declared that it would block any R2P resolution, because the West could not be trusted to stick to a limited mandate. In any case, the West had no stomach for a Libya-type intervention. While the issues of political morality were not really different between Libya and Syria, there were major differences in other respects: Syria would be a far more difficult proposition militarily and the complexity of security in the region was such that the law of unintended consequences would have ominous potential. Turkey could open its frontier to refugees and the West could implement economic and political sanctions. But the effort would stop there.

But then the murderous repression by the Syrian authorities went on and on as the months passed by, and quite remarkably the Arab League acted again, with Turkey participating in its meetings as if it were an honorary member of the organisation. On 23 November, the League delivered a three-day ultimatum to Syria to stop its murderous repression. Having received no satisfaction, it decided on 27 November to sanction Syria by cutting off all transactions with the central bank of Syria and its commercial banks, applying an asset freeze on senior officials, suspending funding for various projects, etc. The message was also delivered that Bashar Assad had to go: regime change, please.

At the same time, the leaders of the Arab League found further justification for their action in the findings of a panel of the UN Human Rights Commission, which reported on their mission to Syria with evidence of crimes against humanity and the deaths of more than 3,500 people. "The sheer scale and consistent pattern of attacks by military and security forces on civilians and civilian neighbourhoods and the widespread destruction of property could only be possible with the approval or complicity of the state."

Meanwhile, Russia has added an element of confusion by sending a flotilla of warships to the Mediterranean, led by the aircraft carrier Admiral Kuznetsov, heading for its naval base at Tartus on the Syrian coast. And what is the brave Admiral Kuznetsov to do there? To protect Bashar Assad? Surely not. To join with the West in protecting the Syrian citizens against him? Surely not. According to a naval spokesman, "the call of Russian ships in Tartus should not be seen as a gesture towards what is going on in Syria. This was already planned in 2010". Or perhaps it has moored there just enjoy a warm water cruise over the winter? Surely not.

What has been going on in Syria has become unbearable for its Arab neighbours to stand by and watch (excepting Lebanon and Iraq who abstained, but did not block the Arab League action). It bears some similarities with how the EU viewed the humanitarian atrocities that came with the break-up of Yugoslavia. Military intervention is still not expected in Syria, although France's foreign minister has now floated the idea of a 'humanitarian corridor' into Syria, without saying whether this should be militarily protected. But the key point is that the Arab League and the West have moved closer together. Both are interested in advancing democratic freedoms, albeit some faster than others, both are prepared to act across state borders to protect the people in their close neighbourhood, both are prepared to advocate regime change explicitly in extreme cases (Libya, Syria, Yemen). This marks a certain recovery of the R2P doctrine after the critique of the Libyan campaign by Russia and China. It not so clearly now the West versus the Rest.