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## GREAT POWER INTERVENTIONS AND THE FUTURE OF RESPONSIBILITY TO PROTECT

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## About the Author

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*The views and opinions expressed in this Paper are those of the author and do not represent the views of the Valdai Discussion Club, unless explicitly stated otherwise.*

## Introduction

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It may often seem that a whole epoch has passed since the Kosovo Commission's oft-cited conclusion that the NATO intervention into Yugoslavia in 1999 was "illegal, but legitimate".<sup>1</sup> In the past 17 years there have been multiple instances of great power military interventions of various scale and type, running in parallel to conceptual developments of the age-old "just war theory"<sup>2</sup> and humanitarian interventions doctrine – institutionalized in the form of "Responsibility to Protect" (R2P) concept since 2005.

We argued in 'Global Problems for Global Governance' Valdai Club report (2014) a few years ago that the birth of R2P concept "resulted in reconsideration of existing framework of international law and policy applicable to the prevention, punishment and prosecution of international crimes, such as genocide, crimes against humanity, war crimes and ethnic cleansing"<sup>3</sup> (R2P crimes) – thus becoming a most crucial system-defining feature in the current international system. Since 2005, the UNSC adopted around 60 resolutions and issued two dozens of Presidential Statements with reference to the R2P concept. Meanwhile, it is also true that great power politics since the end of the Cold War, and especially in the past decade, have created little certainty or predictability of military interventions, even in cases with mass atrocity crimes.

The present report will volunteer to fill the gap of critical understanding of the *evolution* of great power interventions in the light of emergence and development of R2P as a political concept. To that end, we will build on previous research in the area of normative change<sup>4</sup> or legal evolution through various cases,<sup>5</sup> and will draw conclusions on the current state of this concept and attempt forecasting where this goes next amid the renewed geopolitical competition in the world stage.

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<sup>1</sup> 'The Kosovo Report: Conflict, International Response, Lessons Learned', 2000, The International Independent Commission on Kosovo, Oxford University Press Inc., New York. Available from: <http://reliefweb.int/sites/reliefweb.int/files/resources/6D26FF88119644CFC1256989005CD392-thekosovoreport.pdf>

<sup>2</sup> See: Brunstetter, D & Braun, M, 2013, 'From Jus ad Bellum to Jus ad Vim: Recalibrating Our Understanding of the Moral Use of Force', *Ethics & International Affairs*, no. 27, pp. 87–106, DOI:10.1017/S0892679412000792

<sup>3</sup> Konkov, A & Nikoghosyan, H, 2014, 'Global Problems for Global Governance', *Valdai Discussion Club Grantees Report*, September, Available from: <http://valdaiclub.com/files/11462/>

<sup>4</sup> Joel, N, 2017, 'Contested Norms in Peacekeeping', *Journal of Intervention and Statebuilding*, May, DOI: 10.1080/17502977.2017.1298546

<sup>5</sup> Nikoghosyan, H, 2015, 'Government failure, atrocity crimes and the role of the International Criminal Court: why not Syria, but Libya', *The International Journal of Human Rights*, 19:8, pp. 1240–1256, DOI: 10.1080/13642987.2015.1082838

## Military Humanitarianism in the 1990s

The 1990s brought major shifts in the nature of international conflict. New conflicts were more of low-intensity and fragmented *intra-state* nature associated with state failure, which therefore triggered renewed attention to regime types and the democratic peace theory,<sup>6</sup> as well as “state sovereignty” vs “human rights” discourse.<sup>7</sup> These conflicts produced the fastest-growing category of war-affected populations – “orphans of conflict”<sup>8</sup> – and many other ills. International involvement in these has seen a number of forms and shapes, but little certainty or predictability: between humanitarian aid to those in need<sup>9</sup> and to military engagements aiming at regime change. Inadequate resources to stabilize and avert fragmentation badly affected levels of violence and resolution efforts alike.<sup>10</sup>

The promise of a ‘new world order’, reinvigorated after the euphoria of pulling off Iraqi aggression against Kuwait in 1991,<sup>11</sup> and hopes for global (Western-led) transition to liberal democracy broke into pieces in Somalia (1992), Haiti (1994), Rwanda (1994), Bosnia/Srebrenica (1995) and East Timor (1999). Re-launched in the 1980s by the efforts of then co-founder of *Médecins Sans Frontières*, later French Foreign Minister Bernard Kouchner as “a right” of great powers acting as a “Good Samaritan”<sup>12</sup> – the “*droit d’ingérence*” doctrine earned a lot of antagonists especially in the developing world against the very idea of humanitarian interventions. The NATO bombing of Yugoslavia/Kosovo in 1999, following months of failures of international efforts within the UN Security Council and the OSCE, marked the peak of controversies surrounding the humanitarian interventions doctrine as an exclusive “white men’s burden”. The Non-Aligned Movement rushed to denounce post-Westphalian approach to world order and great power imperialism in Kosovo, so did Russia and China, who earlier blocked pro-intervention resolutions in the UNSC. Few leading American legal scholars (such as Michael Glennon,<sup>13</sup> Thomas Franck,<sup>14</sup> Antonio Cassese<sup>15</sup> et al) advanced the debate on the existence of such an alleged “right” and

<sup>6</sup> Maoz, Z & Abdolali, N, 1989, ‘Regime Types and International Conflict, 1816–1976’, *The Journal of Conflict Resolution*, no. 33(1), pp. 3–35. Available from: <http://www.jstor.org/stable/174231>

<sup>7</sup> Scheipers, S, 2009, ‘The configuration of sovereignty and human rights’, in ‘Negotiating sovereignty and human rights: International society and the International Criminal Court’, pp. 13–36, Manchester University Press. Available from: <http://www.jstor.org/stable/j.ctt155j4x9.8>

<sup>8</sup> Weiss T, 2007, ‘Humanitarian Intervention’, Polity Press, pp. 90–91

<sup>9</sup> ‘Syria gives U.N. go-ahead to deliver aid from Aleppo by truck’, 2017, Reuters, June 14. Available from: <http://news.trust.org/item/20170614185421-cn1x9>

<sup>10</sup> Bakke, KM, Cunningham, KG & Seymour, LJM, 2015, ‘The problem with fragmented insurgencies’, *The Washington Post*, May 13. Available from: <https://www.washingtonpost.com/news/monkey-cage/wp/2015/05/13/the-problem-with-fragmented-insurgencies/>

<sup>11</sup> ‘This Aggression Will Not Stand’, 1991, *The New York Times*, May 1. Available from: <http://www.nytimes.com/1991/03/01/opinion/this-aggression-will-not-stand.html>

<sup>12</sup> ‘Humanitarian intervention or imperialism?’, 2014, Al Jazeera, November 14. Available from: <http://www.aljazeera.com/programmes/headtohead/2014/11/humanitarian-intervention-imperialism-2014111093042592427.html>

<sup>13</sup> Glennon, MJ, 1999, ‘The New Interventionism: The Search for a Just International Law’, *Foreign Affairs*, vol. 78, no. 3 (May – Jun 1999), pp. 2–7. Available from: <http://www.jstor.org/stable/20049274>

<sup>14</sup> Franck, TM, 1999, ‘Lessons of Kosovo’, *The American Journal of International Law*, vol. 93, no. 4 (Oct 1999), pp. 857–860. Available from: <http://www.jstor.org/stable/2555351>

<sup>15</sup> Cassese, A, 1999, ‘Ex iniuria ius oritur: are we moving towards international legitimation of forcible humanitarian countermeasures in the world community?’, *European Journal of International Law*, no. 10(1), pp. 23–30. DOI:10.1093/ejil/10.1.23

concluded that moral standing alone cannot be a legitimate ground for use of force among wider community of nations. The Chinese and Russian authors denounced there was any such “right”. Both Moscow and Beijing argued the UNSC should retain its primary role in issues of war and peace, while non-intervention and state sovereignty principles could only be overturn under Chapter VII resolutions under “threats to international peace and security”.

The practice of the 1990s left no guidebook that may help us understand great powers’ decisions to (or not to) use force internationally. To quote John Ikenberry of Princeton University, in the 1990s the world suddenly woke up “with a confusing combination of new norms, old institutions, unipolar power [and] uncertain leadership...”.<sup>16</sup> Most interventions have arguably been in response to mass violence, but those were either too late (Rwanda), or too weak (Sierra Leone, DRC), or pro forma (Sudan). Finnemore (2003) convincingly demonstrated that the nature of interventions has changed in the past 150 years,<sup>17</sup> yet this evolution remained overwhelmed by geopolitics and national agenda.<sup>18</sup> To overcome the deep crisis created by Kosovo intervention, the international community began thinking about bridging the gap between human rights protection and state sovereignty principle in most extreme cases of mass atrocities.

## Development of the R2P Concept

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Following the major controversy around the NATO bombing of Yugoslavia (which now appears to be followed-up by lawsuits with allegations of depleted uranium used in the bombs<sup>19</sup>), one of the active supporters of humanitarian intervention doctrine then-UNSG Kofi Annan called a few high-level panels to conclude on the human rights versus state sovereignty debate. One of the most cited of these panels (High-level Panel on Threats, Challenges and Change) was preceded by an ad hoc expert commission founded in 2000 by Gareth Evans (former Australian Foreign Minister) and Algerian diplomat Mohamed Sahnoun who released their report in late 2001 (after 9/11) famously coining the term “*Responsibility to Protect*”.

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<sup>16</sup> Ikenberry, GJ, 2000, ‘The Costs of Victory: American Power and the Use of Force in the Contemporary Order’, in ‘Kosovo and the Challenge of Humanitarian Intervention’, ed. by Albrecht Schnabel and Ramesh Thakur, New York: United Nations University, p. 86

<sup>17</sup> Finnemore, M, 2003, ‘The Purpose of Intervention’, Cornell University Press

<sup>18</sup> Torreon, B, 2016, ‘Instances of Use of United States Armed Forces Abroad, 1798–2016’, Congressional Research Service

<sup>19</sup> “Up to 15 tons of depleted uranium used in 1999 Serbia bombing’ – lead lawyer in suit against NATO’, 2017, *Russia Today*, June 13. Available from: <https://www.rt.com/news/392126-serbia-lawsuit-nato-depleted-uranium/>

The new political concept<sup>20</sup> was meant to bridge the state sovereignty and human rights paradigms finding refuge in the old doctrine of *popular sovereignty* – drifting from arbitrary interventionism to prevention, cooperation and post-conflict reconstruction. Most importantly, this concept ruled out military interventions as a duty or right of any major power. The R2P principle was incorporated in 2005 World Summit Outcome Document (WSOD, paragraphs 138–139) and 2006 Security Council resolution (1674) – crowning Annan’s stewardship of the UN. As the next UNSG Ban Ki-moon noted in his “Implementing the Responsibility to Protect” report (2009), “the responsibility [to protect own population] derives both from the nature of State sovereignty and from the *pre-existing and continuing* legal obligations of States” (emphasis added).<sup>21</sup> The “pre-existing” obligations of States were traced back, *inter alia*, to the 1948 Universal Declaration of Human Rights and the Genocide Convention, especially the Article 1 of the latter, where the States pledged to “undertake to prevent and to punish” the crime of Genocide (e.g. Bosnia v Serbia case in ICJ, 2007).

It is commonly acquiesced that “the first order of responsibility becomes that of the state to protect its own people”, as phrased by Francis Deng, the former Special Adviser to the UNSG on the Prevention of Genocide.<sup>22</sup> While the intra-state level of R2P obligations of states creates no confusions in international community, it is the relevant paragraph 139 of WSOD that pronounced global preparedness “to take collective action, in a timely and decisive manner, through the Security Council... on a case-by-case basis ... should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity”.

It is this second, international layer of R2P that creates most questions and confusions,<sup>23</sup> as it regulates relations *between* states whenever ‘R2P crimes’ are actually (or likely to be) committed. The Evans/Sahnoun Report laid out the principal threshold criteria to eventually allow foreign interventions through the United Nations: “large scale loss of life” caused by deliberate state action, neglect or inability to act, or a failed state situation.<sup>24</sup>

Important to underline, both Russia and China continued to emphasize that sovereignty should be the guiding principle and UNSC – the primary body to decide, when it came to ‘responsibility to react’, while United States held the position that it would consider this concept on a case-by-case basis, not to shoulder any obligations by default.<sup>25</sup>

<sup>20</sup> Luck, EC, 2010, ‘Building a Norm: The Responsibility to Protect Experience’, in ‘Mass Atrocity Crimes: Preventing Future Outrages’, ed. by Robert I. Rotberg, pp. 108–128, Washington DC, Brookings Institution Press.

<sup>21</sup> ‘Implementing the responsibility to protect. Report of the Secretary-General’, 2009, UN Doc. A/63/677, January 12. Available from: <http://unispal.un.org/UNISPAL.NSF/0/EEF9DE1F698AA70D8525755100631D7C>

<sup>22</sup> ‘Before the Killing Begins: The Politics of Mass Violence’, Documentary by Stanley Foundation, July 2011, Available from: <http://www.youtube.com/watch?v=fZixMcXKneU>

<sup>23</sup> Petcharamesree, S, 2016, ‘Human Rights Regime and Mainstreaming the Responsibility to Protect: Challenges and Prospects’, *Global Responsibility to Protect*, no. 8, pp. 133–157. DOI:10.1163/1875984X-00803004

<sup>24</sup> MacFarlane, SN, Welsh, J & Thielking, C, 2002, ‘The responsibility to protect: Assessing the report of the international commission on intervention and state sovereignty’, *International Journal*, no. 57(4), pp. 489–502. Available from: <http://search.proquest.com/docview/220857214?accountid=10598>

<sup>25</sup> Davtyan, A, 2016, ‘The Evolution of Responsibility to Protect through UN Security Council’, LAP LAMBERT Academic Publishing.

To summarize, who, when and how – are the three most important qualitative characteristics to define the lawfulness and legitimacy of a transboundary use of force, or the threat thereof, in the pursuit of mass atrocity prevention. The timing of the intervention greatly correlates not only with the situation on the ground – based on human rights and advocacy group reports – but chiefly the national interests of the intervening powers,<sup>26</sup> especially in African conflicts<sup>27</sup> or other periphery.

Clearly, regime change and questioning state sovereignty had not been the common ground among P5 nations. In fact, the R2P clause in the WSOD was sought as consensus<sup>28</sup> to abandon the old practice of regime change operations and start with a clean slate. Although China, U.S. and Russia never acquiesced to join the main standby international chamber to prosecute for those R2P crimes – the International Criminal Court (ICC) – they have implicitly seen this as a legitimate body to administer justice for those most heinous atrocities.

The ICC itself replenished promises of ending impunity for high-level political and military leaders for atrocity crimes, but has faced a lot of criticism since the U.S.-led coalition entered Iraq in 2003. The Court has also been criticized for targeting only African leaders, slow pace of the investigations and hearings, and for limited impact on the ground. Hillebrecht (2016) sampled Libyan case to see the effects of the ICC involvement and concluded that the Court’s factor does not have “dampening” impact on the levels of violence.<sup>29</sup> On top of that, the ICC saw major blow in 2016, when a number of countries declared their intention to abandon the Court.<sup>30</sup>

It is also important to bear in mind, that results of the military intervention cannot be judged without considering the conduct of the foreign troops only during the intervention. Brazil is a staunch advocate of ‘Responsibility *while* Protecting’, or the RwP concept, as a normative evolution of the R2P,<sup>31</sup> arguing that the conduct of the foreign government and its military units shall be in line with Geneva Conventions, and not defeat the purpose of the military action – namely restoration of peace. This proposal, however, did not secure a lot of support among states. Some nations, such as the U.S.,<sup>32</sup> started signing so called ‘Article 98’ (bilateral non-surrender) agreements to secure their soldiers and military contractors from being handed to the ICC.

<sup>26</sup> Nikoghosyan, H, 2015, ‘Government failure, atrocity crimes and the role of the International Criminal Court: why not Syria, but Libya’, *The International Journal of Human Rights*, no. 19:8, pp. 1240–1256. DOI: 10.1080/13642987.2015.1082838

<sup>27</sup> Olsen, GR, 2015, ‘“Great power” intervention in African armed conflicts’, *Cambridge Review of International Affairs*, vol. 28, issue 2, pp. 229–245. Available from: <http://www.tandfonline.com/doi/ref/10.1080/09557571.2013.867299?scroll=top>

<sup>28</sup> Welsh, J, 2013, ‘Norm Contestation and the Responsibility to Protect’, *Global Responsibility to Protect*, no. 5, pp. 365–396. DOI: 10.1163/1875984X-00504002

<sup>29</sup> Hillebrecht, C, 2016, ‘The Deterrent Effects of the International Criminal Court: Evidence from Libya’, *International Interactions*. DOI: 10.1080/03050629.2016.1185713

<sup>30</sup> ‘African leaders plan mass withdrawal from international criminal court’, 2017, *The Guardian*, January 31. Available from: <https://www.theguardian.com/law/2017/jan/31/african-leaders-plan-mass-withdrawal-from-international-criminal-court>

<sup>31</sup> Tourinho, M, Stuenkel, O & Brockmeier, S, 2016, ‘“Responsibility while Protecting”: Reforming R2P Implementation, *Global Society*’, *Global Society*, vol. 30, issue 1, pp. 134–150. DOI: 10.1080/13600826.2015.1094452

<sup>32</sup> ‘Article 98 Agreements and the International Criminal Court’, U.S. Department of State Archive. Available from: <https://2001-2009.state.gov/t/pm/art98>

## Multilateral Peacekeeping Operations Under the UN

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The military interventions since the 1990s – carried out both under UN flag or unilaterally – had mixed results. Whenever peacekeepers were dispatched after a ceasefire but before peace agreement, none of the hard-to-remember UN acronyms became synonymous to success, as their mission was defeated in the course of renewed fighting (e.g. Rwanda, Bosnia, Somalia) and saved only by more substantial unilateral intervention (e.g. Liberia, Sierra Leone, Haiti, East Timor) or NATO-led force. In contrast, peacebuilding efforts by the UN and supported by other international development organisations have mostly been regarded as success when sufficient funding had been allocated.

It is important to underline that the R2P concept was not inaugurated to replace the peacekeeping deployments traditionally dispatched in conflicts after peace deals had been reached. Throughout the past 25 years effectiveness of peacekeeping operations heavily depended on the robust mandate, commitment of the troop contributing nations and the experienced civilian-military personnel. Since the late 1980s, first in Namibia, peacekeeping operations started to shift from merely military response to civilian component, including maintenance of policing and rule of law, holding elections and other non-military conflict resolution aspects.

There are currently 16 active multilateral peacekeeping operations under the UN Department for Peacekeeping Operations, all established under relevant UNSC resolutions and deployed to monitor, verify and consolidate peace (e.g. in Abyei/Sudan, DRC, Ivory Coast), and in some cases (e.g. in Haiti) also coordinate peacebuilding efforts. It will not be controversial to argue that those missions that are led by one great power have had higher probability of success as opposed to multinational operations with many stakeholders and interests. Among the ongoing operations there are both traditional deployments (India/Pakistan, Cyprus, Syria/UNDOF, Lebanon, Sudan/UNISFA), and second and third generation operations (Western Sahara, Haiti, Liberia, South Sudan/UNMISS) tasked with more robust missions than just verifying compliance with the ceasefire regime. Narrow mandates offered by the Security Council in most cases yields to neither fruitful negotiations, nor any resolution. It is often some conscience-shocking crimes that drag on international focus – in few cases leading to intensified efforts to find breakthrough resolution.

The UNSG report on ‘The future of United Nations peace operations’ (2015) cited “divisions and competition between States [that] are hindering coherent international responses where they are most needed”.<sup>33</sup> To bypass the geopolitics in New York corridors, the report suggested to shift the operational mission planning from headquarters to the field offices. True, ‘empowering the field’ may provide for more tailored crisis response operations, but amid the high levels of mistrust and competition among the P5 nations, multilateral missions will most often continue to remain inefficient. Even in the troubled regions where peacekeepers are dispatched under the UN flag, there are often troops from estranged neighboring nations involved that exacerbate situation further (e.g. Congolese blue helmets in Central African Republic since

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<sup>33</sup> ‘The future of United Nations peace operations: implementation of the recommendations of the High-level Independent Panel on Peace Operations’, 2015, A/70/357-S/2015/682, September 2.



2014<sup>34</sup>). The involvement of the ICC in such cases, even where the injured is a Member State, has been slow and unproductive,<sup>35</sup> despite hopes for the opposite.<sup>36</sup>

The predominant view in Russia on international peacekeeping operations has long been seen as a policy of “double standards”.<sup>37</sup> The Kremlin has long propagated for a strong UN system where the UNSC would retain its primary role of a peacemaker and states would adhere to state sovereignty and non-intervention principle enshrined in the Charter. Similarly, China has increased its involvement in traditional peacekeeping operations, especially in Africa, employing diplomatic coercion on newly found economic partners in the continent to host monitoring missions.<sup>38</sup> At the same time, the UNSC has been abandoned by nearly every P5 nation when their national interests had been at stake, and none of those has really done anything to advance the R2P doctrine without linking it to their national interests. So-called surgical interventions in various conflicts risk becoming a common enterprise: for example, Washington sent 100 AFRICOM troops to combat the Lord’s Resistance Army (LRA) in Uganda late 2011.

Both Sudans – where three peacekeeping missions are fielded as of 2017 – is a place entirely abandoned by the international community as such. The smoldering situation in the oil-rich Abyei province between two Sudans is one example. The work of the UN Security Forces in Abyei is far from being any efficient.<sup>39</sup> Neither the presence of the UN peacekeepers, nor any outside force has committed to bring Khartoum and Juba, or the nomadic tribes of Misseriya and Ngok Dinka together before or after South Sudan’s independence in 2011.<sup>40</sup> Limited UN grassroots activities in Abyei are good starters,<sup>41</sup> same as destroying some weaponry of local paramilitaries,<sup>42</sup> but those should be driven beyond nice photo-shoots and reach to common

<sup>34</sup> Russell, G, 2017, ‘Peacekeeper battalion in Central African Republic challenges UN ‘war’ on sexual abuse’, *Fox News*, June 9. Available from: <http://www.foxnews.com/world/2017/06/09/peacekeeper-battalion-in-central-african-republic-challenges-un-war-on-sexual-abuse.html>

<sup>35</sup> ‘ICC prosecutor says C. Africa bloodshed ‘must stop now’’, 2017, *AFP*, May 23. Available from: <http://www.dailymail.co.uk/wires/afp/article-4534966/ICC-prosecutor-says-C-Africa-bloodshed-stop-now.html>

<sup>36</sup> Jo, H & Simmons BA, 2016, ‘Can the International Criminal Court Deter Atrocity?’, *Faculty Scholarship, Paper 1686*. Available from: [http://scholarship.law.upenn.edu/faculty\\_scholarship/1686](http://scholarship.law.upenn.edu/faculty_scholarship/1686)

<sup>37</sup> Amelina, A, 2017, ‘Mirotvorcheskaia deiatel’nost’ i vopros statusa Rossii’ [Peacekeeping and the Russian status], *Rossiiskii sovet po mezhdunarodnym delam*, June 2. Available from: <http://russiancouncil.ru/analytiks-and-comments/interview/mirotvorcheskaya-deyatelnost-i-vopros-statusa-rossii/>

<sup>38</sup> Olsen, GR, 2015, ‘“Great power’ intervention in African armed conflicts’, *Cambridge Review of International Affairs*, vol. 28, issue 2, pp. 229–245. Available from: <http://www.tandfonline.com/doi/ref/10.1080/09557571.2013.867299?scroll=top>

<sup>39</sup> ‘Report of the Secretary-General on the situation in Abyei’, 2015, *UN Doc. S/2015/870*, November 13.

<sup>40</sup> Hamer, A, 2015, ‘Abyei, a non-state entity of post-war Sudanese divide’, *Al Jazeera*. July 1. Available from: <http://www.aljazeera.com/indepth/inpictures/2015/06/abyei-state-entity-post-war-sudanese-divide-150630111015511.html>

<sup>41</sup> ‘Ngok Dinka and Misseriya women support peacebuilding efforts in Abyei’, 2017, *UNISFA*, February 20. Available from: <https://unisfa.unmissions.org/ngok-dinka-and-misseriya-women-support-peacebuilding-efforts-abyei>

<sup>42</sup> ‘More weapons and ammunition destroyed in Abyei’, 2017, *Reliefweb*, June 14. Available from: <http://reliefweb.int/report/sudan/more-weapons-and-ammunition-destroyed-abyei>

people to bear fruits.<sup>43</sup> There is no consistent media attention to this conflict outside of the region,<sup>44</sup> and local media is likely unreliable.<sup>45</sup> In most of the African conflicts, the opposite of “CNN effect” can be witnessed – abductions, crimes against children and women (including by UN personnel<sup>46</sup>), malnutrition and other ills do not lead to any breaking newswire or foreign government involvement. Newly independent South Sudan has already become a major failed state, Darfur is burning for years, people in Nuba mountains still have one doctor,<sup>47</sup> Omar al Bashir has two unsealed arrest warrants issued by the ICC Prosecutor – and there is no light at the end of this tunnel.

## Geopolitics Returns with R2P

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Geopolitics has returned to the world scene after the US-led invasion into Iraq (2003). Four years later the most vivid reminder of this return came with Vladimir Putin’s remarks at the 2007 Munich Security Conference, where the Russian President crossed all t’s by arguing that the US-led international order had become unsustainable, which was reciprocated by panicking outcry in Western media<sup>48</sup> and governments.

The earliest stress-test for the R2P was the August war in the South Caucasus (2008), when Russian authorities reportedly referred to its civilian protection obligations,<sup>49</sup> which was supported neither by authors of the doctrine,<sup>50</sup> nor other key states, nor international organisations under various normative and political premises.<sup>51</sup> Soon, the Russian authorities abandoned the R2P

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<sup>43</sup> Craig, J, 2016, ‘Abyei Solution Elusive as UN Extends Peacekeepers’ Mandate’, *Voice of America*, November 17. Available from: <https://www.voanews.com/a/peacekeepers-mandate-extended-but-abyei-solution-elusive/3601046.html>

<sup>44</sup> Bubna, M, 2011, ‘Who Represents the Misseriya and Dinka Ngok of Abyei?’, *Enough blog*, April 15. Available from: <https://enoughproject.org/blog/who-represents-misseriya-and-dinka-ngok-abyei>

<sup>45</sup> ‘Historic meeting of Abyei’s Ngok Dinka, Misseriya’, 2016, *Dabanga*, May 27. Available from: <https://www.dabangasudan.org/en/all-news/article/historic-meeting-of-abyei-s-ngok-dinka-misseriya>

<sup>46</sup> ‘The future of United Nations peace operations: implementation of the recommendations of the High-level Independent Panel on Peace Operations’, 2015, A/70/357-S/2015/682, September 2.

<sup>47</sup> ‘Dr. Tom Catena – 2017 Aurora Prize Laureate’, *Aurora Prize*. Available from: <https://auroraprizel.com/en/aurora/detail/11531/dr-tom-catena-2017-aurora-prize-laureate>

<sup>48</sup> Boot, M, 2007, ‘The louse that roared’, *Los Angeles Times*, February 14. Available from: <http://articles.latimes.com/2007/feb/14/opinion/oe-boot14>

<sup>49</sup> Jurado, E, 2008, ‘A responsibility to protect?’, *New Statesman*, August 15. Available from: <http://www.newstatesman.com/asia/2008/08/russia-international-georgia-2>

<sup>50</sup> Evans, G, 2008, ‘Russia and the ‘responsibility to protect’’, *Los Angeles Times*, August 31. Available from: <http://www.latimes.com/la-oe-evans31-2008aug31-story.html>

<sup>51</sup> ‘International Coalition for Responsibility to Protect’. Available from: <http://www.responsibilitytoprotect.org/index.php/component/content/article/133-europe/1815-global-centre-for-r2ps-background-note-on-georgia-and-russia>

language and referred to saving ‘compatriots’ arguments instead – something that would guide Russian policies in the f-SU area<sup>52</sup> in the next decade,<sup>53</sup> echoing U.S. practice in the Americas in the 1980s. The refusal of international development organisations to work in Abkhazia or South Ossetia has been a vivid sign of geopolitical divide in the international system.

Geopolitics turned the R2P – an emerging norm of atrocity prevention – into another buzzword for justifying use of force. Although its main pillar is about the ability of incumbent governments to protect their own populations, the entire discourse yet again shifted to regime change. The main contention among great powers is only about the ability or willingness of governments in question to protect their populations. This was best exemplified in Libya and Syria – by the difference of how great powers treated both cases.<sup>54</sup>

## *Libya*

In February and March, 2011, the UNSC members found consensus that Colonel Muammar Gaddafi and some members of his regime should face international prosecution for alleged crimes in Benghazi, which was followed by military intervention and ultimately – “translated into an attempt at regime change”, as India’s former PR to UN Hardeep Singh Puri outlined in his book ‘Perilous Interventions’ (2016). The twin resolutions on Libya in the course of Arab Spring in 2011 quickly led to Colonel Gaddafi’s removal from power and his brutal killing by the rebels.

Limited commitment to Libya after the regime change left the country in disorder, lawlessness and ethnic divide. The intervention in Libya per se was in line with the relevant black-letter UNSC resolution (1973),<sup>55</sup> but the abuse of the “all necessary measures” clause led to deepening mistrust among the P5 nations. In a nutshell, it was the abuse of the UNSCR 1973 (2011) that made it impossible for the Russians and the Chinese to allow similar scenario for Syria, despite the presence of rogue insurgency movement, soon translated into ISIL, as well as conclusions by the UN Human Rights Council’s Syria Commission regarding crimes against humanity on the ground. Presently there seems to be consensus among experts that Libya intervention was mismanaged and resulted not only in more deaths than under Colonel’s regime, but also led to de facto division of the country and spillover of state failure to the North of Mali, which the French troops had to fight in 2013–2014.

<sup>52</sup> Zakem, V & Saunders, PJ, 2016, ‘How Russia Views Its ‘Compatriots’ in the Near Abroad’, *The National Interest*, March 17. Available from: <http://nationalinterest.org/feature/how-russia-views-its-compatriots-the-near-abroad-15516>

<sup>53</sup> For more see Grigas, A, 2016, ‘Beyond Crimea’, Yale University Press.

<sup>54</sup> Nikoghosyan, H, 2013, ‘The Upheavals in Libya and Syria, and their Impact on “Responsibility to Protect” Doctrine’, *Turkish Policy Quarterly*, vol. 12, no. 1, pp. 109–118. URL: <http://turkishpolicy.com/Files/ArticlePDF/the-upheavals-in-libya-and-syria-and-their-impact-on-responsibility-to-protect-doctrine-spring-2013-en.pdf>

<sup>55</sup> Nikoghosyan, H, 2013, ‘The Upheavals in Libya and Syria, and their Impact on “Responsibility to Protect” Doctrine’, *Turkish Policy Quarterly*, vol. 12, no. 1, pp. 109–118. URL: <http://turkishpolicy.com/Files/ArticlePDF/the-upheavals-in-libya-and-syria-and-their-impact-on-responsibility-to-protect-doctrine-spring-2013-en.pdf>

## Syria

In a nutshell, if Libya created hopes for renewed R2P in the outset, Syria returned us to point zero.

Russia, China, Iran and few other states, puzzled after Libyan scenario, argued the incumbent regime in Syria was resilient enough to protect civilians from insurgent and terrorist groups, while Western states maintained Bashar Assad was a threat himself – in a typical regime change language. In six years that followed – this became the epicenter of geopolitical competition among Russia, US, some EU states, Turkey and other Middle East nations.

The only issue all P5 nations ever agreed here since 2011 was Russian initiative to remove chemical weapon stockpiles from Syria in 2013,<sup>56</sup> which however did not prevent homemade bombs to be used still in 2017<sup>57</sup> as well as U.S., France and UK blaming Russia for many sins.<sup>58</sup> Ever since the beginning of the crisis in 2011, Russia (implicitly sided by China) and the U.S., France and the UK appeared in strong confrontation. Propaganda wars – perpetuated by cable networks and politically motivated activist groups (e.g. Syrian Observatory for Human Rights<sup>59</sup>) – deepened mistrust, uncertainty and irresponsibility in addressing atrocity crimes in Syria and elsewhere.

Despite officially not adhering to R2P language, external powers nevertheless built up their own pretexts for invading Syria. If for Kremlin that was bilateral agreement with Damascus signed in September 2015 to allow consent-based military field presence and operation against ISIL, a number of other states invaded or bombed the territory of Syria arbitrarily and often (for public relations reasons) not differentiating between ISIL and ruling regime. In such situation, Russia remains the only legitimate peacemaker in this crisis by also sponsoring talks among Syrian political groups, as others arguably only fight in self-defense, which often reminds a classic Hobbesian story of ‘bellum omnium contra omnes’.

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<sup>56</sup> Bendavid, N, 2014, ‘Removal of Chemical Weapons From Syria Is Completed’, *The Wall Street Journal*, June 23. Available from: <https://www.wsj.com/articles/removal-of-chemical-weapons-from-syria-is-completed-1403529356>

<sup>57</sup> Barnard, A & Gordon, MR, 2017, ‘Worst Chemical Attack in Years in Syria; U.S. Blames Assad’, *The New York Times*, April 4. Available from: [https://www.nytimes.com/2017/04/04/world/middleeast/syria-gas-attack.html?\\_r=0](https://www.nytimes.com/2017/04/04/world/middleeast/syria-gas-attack.html?_r=0)

<sup>58</sup> Chulov, M & Shaheen, K, 2017, ‘Syria chemical weapons attack toll rises to 70 as Russian narrative is dismissed’, *The Guardian*, April 5. Available from: <https://www.theguardian.com/world/2017/apr/04/syria-chemical-attack-idlib-province>

<sup>59</sup> ‘Who is behind Syrian Observatory for Human Rights? Nimrod Kamer investigates for RT’, 2015, *Russia Today*, October 2. Available from: <https://www.rt.com/news/317372-nimrod-kamer-syrian-observatory/>

## Conclusions

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The R2P is a concept that cannot function without genuine cooperation of great powers and coordination in the international organisations. We have seen unilateral interventions in the 1990s and those almost never led to resolution of conflicts, and certainly never to their prevention.

The geopolitical rivalry, exacerbated with global uncertainties and the surge of populism across the international landscape in our times has driven the prevention of atrocity crimes out of headlines. Economic hardships in the countries that have traditionally had biggest share in development assistance programs resulted in much less attention to those in need, except for only broadcasting about “suffering civilians” sometime in 24/7 news circle.<sup>60</sup>

The media revolution – both cable news and the Internet media – have spread wider awareness about atrocity crimes and exacerbated differences between great powers. Conflicting narratives of similar episodes in conflicts, denying and blaming one another, have become the new normal. Libya, Ukraine, Syria and other crises have had dramatically different scale and type of narratives in Russia, United States, China and Europe. Stephen Kinzer, for example, called the Syrian war “one of the most shameful episodes in the history of the American press”.<sup>61</sup> Others blamed Russian press for similar sins.

As a result, the R2P is again risking to be narrowed to just military interventions – where it actually was tasked to rescue the discourse and state practice from. Should this trajectory continue, R2P will only (again) remain as a pretext for more military interventions under misleading narratives where intervening powers will try to sugarcoat their intentions behind targeted ads in social networks and the media.

Last but not least, most, if not all, modern conflicts are of intra-state nature, where atrocity crimes (or the threat thereof) are a result of failure of state institutions. Therefore, foreign intervention not followed up by concerted efforts on post-conflict stabilization and statebuilding through international institutions only manifests power politics with nothing in common to the maintenance of international peace and security in the spirit of the UN Charter. Failing on Responsibility to Rebuild becomes breeding ground for more destructive conflict: post-2003 Iraq and ISIL in 2017 testify to that every day.

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<sup>60</sup> Shafer, J, 2017, ‘Cable News Loves War’, *Politico Magazine*, April 8. Available from: <http://www.politico.com/magazine/story/2017/04/cable-news-loves-war-215005>

<sup>61</sup> Kinzer, S, 2016, ‘The media are misleading the public on Syria’, *Boston Globe*, February 18. Available from: <https://www.bostonglobe.com/opinion/2016/02/18/the-media-are-misleading-public-syria/8YB75otYirPzUCnlwaVtcK/story.html>

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