

“Humanitarian” Military Interventions: “Responsibility to Protect” (R2P) and the Double Game

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(Featured image: Syrian checkpoint outside Yarmouk, the Palestinian settlement in southern Damascus. The Syrian Arab Army is the main force protecting Syrian citizens.)

A new version of ‘humanitarian intervention’, known as the ‘responsibility to protect’ (R2P), was developed at the turn of the 21st century. An invention of the big powers, with reference to the suggested humanitarian consequences of their supposed failures to intervene in the past, it became a tremendous moral argument for the 2011 intervention in Libya. That intervention, based on lies, was a disaster for the Libyan people. A similar course was attempted with Syria, but failed. Russia and China, in particular, were no longer prepared to play Washington’s game. However it may have sounded in theory, in practice this R2P emerged as a new tool of intervention. It carries great dangers, having helped incite ‘false flag’ massacres by armed groups in their search for greater foreign support. It has also helped undermine the international system which, since the 1940s, has been founded on principles of sovereignty and non-intervention.

In some respects it is extraordinary that, so soon after the 2003 invasion of Iraq on a manifestly false pretext (see Kramer and Michalowski 2005), an earnest debate began over how to deepen and sanctify the reasons for military intervention. The debate was extraordinary, in that relatively little attention was paid to the long history of false pretexts for intervention. Yet in many respects it was logical, as it appeals to a naïve social conscience while opening new avenues for big power ambition. The ‘double game’ of mixing false pretext, political ambition and public benefit rationale is an age-old tradition.

The recent debate has been mostly western referenced and often focussed on promotion of the R2P as ‘a new norm of customary international law’, even one of obligation (Loiselle 2013: 317-341). This has articulated a groundswell of western sentiment generally in favour of intervention, almost regardless of the detail. This was a reversal of trends established by the formal colonies in the post-colonial era. The Non-Aligned Movement of 118 nations, mostly former colonies, on the other hand, elevates non-intervention as a founding principle of nation-states (Köchler 1982). As an example of past debates, the major in-principle dispute between the United States and the Latin American states at all Pan-American conferences in the early twentieth century was Washington’s refusal to accept the principle of non-intervention. Finally, in 1933, the United States recognised that principle (Dreier 1963: 40-41). Of course, the US continued to intervene in Latin America after this, but that principle helped drive a search for new pretexts.

While the notion of ‘humanitarian intervention’ has been around for some time, the more

specific doctrine of a 'responsibility to protect' is quite recent. Nevertheless, the two share similar rationales for foreign military intervention, always by the big powers but usually in the name of a wider group. In one North American view, contemporary 'humanitarian intervention' links up to earlier practise, for example by the British Empire against slavery (well, forgetting about the 16th, 17th and 18th centuries) and by the alleged idealism of US intervention in the Spanish-American war (Bass 2009). In this view humanitarian intervention was distinct from imperialism, yet opposed by both 'realists' and 'leftists'. Bass quotes John Stuart Mill, the famous English liberal, an opponent of absolute sovereignty and of slavery, yet an advocate of humanitarian intervention:

'Barbarians have no rights as a nation, except a right to such treatment ... [to] fit them for becoming one ... [we should] mediate in the quarrels which break out between foreign states, to arrest obstinate civil wars ... intercede for mild treatment of the vanquished ... [and to abolish] the slave trade' (Mill 1867: 252-253).

Mill's view might be considered a predecessor of the 'liberal imperialism' argued by British writers (Ferguson 2004; Cooper 2002), though somewhat different to the arguments of North Americans such as Ignatieff (2005) and Ikenberry (2012), who tend to adhere to 'hegemonic stability' ideas. In this North American doctrine a benevolent superpower does not exploit its dominant role, but rather engages in self-sacrificing behaviour to provide 'public goods' to all (Keohane 1986).

In any case, 'liberal imperialism' does not sit well in the post-World War Two world, supposedly ordered by the United Nations Charter and the twin covenants of human rights. Both that Charter and those covenants begin with the right of states and peoples to self-determination. Critical perspectives also call for historical interpretations of 'humanitarian intervention' and of the 'responsibility to protect'. Chomsky says such norms must be understood as historical parts of imperial doctrine. Most military aggressions, he writes, were 'justified by elevated rhetoric about noble humanitarian intentions' (Chomsky 2008: 48).

The idea of a 'responsibility to protect', however, was crafted in an era of clear recognition of self-determination and state sovereignty and, at the same time, conventions on war crimes, crimes against humanity and the newly-created crime of genocide. In this context, and following the mass killings in Cambodia and Rwanda, an 'International Commission on Intervention and State Sovereignty in 2001 promoted the idea of 'sovereignty as responsibility', with a focus on violence within weak or emerging states. The World Summit of 2005 then stated:

'Each individual state has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity ... The international community should, as appropriate, encourage and help States ... [and] we are prepared to take collective action ... through the Security Council ... should peaceful means be inadequate and national authorities are manifestly failing to protect their populations' (UN 2005: 138-139).

The substance of this text was adopted in UN Security Council resolution 1674, the following year (UNSC 2006; see also ICRtoP 2014). Edward Luck (2009) observes that there is no necessary contradiction between this doctrine and state sovereignty, as the notion draws on conventional humanitarian law and 'reinforces state sovereignty'. However he

acknowledges a tension with a stricter sense of sovereignty, which he calls 'Westphalian sovereignty', and says the concern that R2P ideas 'might be used by powerful states ... to justify coercive interventions undertaken for other reasons is eminently understandable' (Luck 2009: 17).

The R2P does not change the UN charter or the International Bill of Rights. It does, however, attract greater attention to the Chapter VII intervention powers of the Security Council. Yet the R2P has not altered the legal prohibition on military intervention, except in the case of self-defence or to prevent any attack on sovereignty which the Security Council regards as a breach of 'collective security'. Both rationales aim to defend the international system, built on the integrity of nation-states.

In critical analysis, the first notable feature of the R2P doctrine is that it provides a new intervention rationale for the big powers, including the former colonial powers, to 'prevent' crimes which have traditionally been committed by those same powers. Rafael Lemkin - a Polish Jew, lawyer and creator of the concept of 'genocide' - said it had generally been the very strong states which engaged in wars of aggression, ethnic cleansing and genocide. Genocide, he said, was 'not the result of the mood of an occasional rogue ruler but a recurring pattern in history ... a coordinated plan of different actions aiming at the destruction of essential foundations the life of national groups, with the aim of annihilating the groups' (Frieze 2013: 138; Lemkin 1944: 79). The victims were those in contested and occupied territories, while the perpetrators described were the Ottoman, Japanese, Mongol and Spanish empires (Frieze 2013: 80, 138, 168, 184). Bloxham, who also wrote of the Armenian genocide, concurs with Lemkin that genocide must be understood as the outcome of historical processes and 'structured relationships', rather than the 'evil intentions of wicked men' (Bloxham 2003: 89). This great crime was one of the dreadful but logical outcomes of projects of domination, driven by empires. With this history in mind it was audacious of the big powers to seek use of 'impending great crimes', including anticipated genocide, as a pretext for intervention. No entity has committed great crimes on the scale of empires, which are interventionist by character.

Conscious of the legacies of colonisation, slavery and genocide, leaders of the Non Aligned group of nations, almost all former colonies, have strongly defended the principle of non-intervention (e.g. Lage 2006). From the beginning of the Syrian conflict most of these nations dismissed the idea of big power intervention on humanitarian grounds, regarding the R2P as 'a Trojan Horse' created to help bring about 'regime change' (Mendiluzza 2014).

A second notable feature of the R2P is that the driving force tends to come from the liberal side of western politics. This is distinct from the divisions that emerged between the big powers over the 2003 invasion of Iraq, but consistent with the argument from Bass (2009) that 'humanitarian intervention' has its roots in the liberal, as opposed to the 'realist', side of hegemonic culture. I explained in Chapter Seven how former Human Rights Watch director Holly Burkhalter argued, on behalf of the US State Department, a very wide role for Washington's military intervention, supposedly to prevent great crimes. The US military was more cautious, stressing a need for closer links to direct US interests (CFR 2000).

The Libyan intervention of 2011 drew heavily on R2P arguments, but NATO forces immediately went well beyond the UNSC's 'no fly zone' mandate (see RT 2011). NATO air power and ground forces were decisive in destroying the government of Muammar Qaddafi and in dismantling the Libyan state. Former Congresswoman Cynthia McKinney (2012:

12-13) points out that Iraq, Libya and Syria were 'old pro-Soviet regimes' that US Pentagon officials from the early 1990s had wanted to 'clean up'. Those plans were sharpened with the invasion of Afghanistan and Iraq. The Libyan pretext was alleged civilian massacres, in the wake of an al Qaeda style insurrection in Eastern Libya. Graham Cronogue (2012) citing the British Guardian, a key supporter of 'humanitarian intervention', claimed that 'hundreds of civilians' had been killed in 'protests'. Amnesty International (2011: 8) supported claims of 'killings, disappearances, and torture'.

Yet most of those reports were tainted by conflicts of interest.

The key source of information on supposed abuses by the Libyan Government, Sliman Bouchuiguir, drew his allegations directly from opposition political forces (Nazemroaya 2012: 132-134). He would later admit there was no way to verify the data he had presented on killings (Teil 2011). After Qaddafi was killed and his government overthrown, French Amnesty Head Genevieve Garrigos admitted the claims that Qaddafi was using 'African mercenaries' to slaughter Libyans was 'just a rumour spread by the media' (in Truth Syria 2012). Across the Atlantic, Amnesty USA's Director, Suzanne Nossel, was recruited directly from her position at the US State Department, where she had worked on US policy against Russia, Iran, Libya, Syria (Teil 2012: 146; Wright and Rowley 2012; Cartalucci 2012).

The state of Qatar had helped supply arms to Libyan Islamists as well as propaganda through its media network, Al Jazeera (Fittrakis in McKinney 2012: 22). The US Government, through its National Endowment for Democracy, had funded several NGOs in Libya, which also contributed to the campaign for 'humanitarian' intervention (Nazemroaya 2012: 147). Conflicts of interest in the Libyan R2P debate were rampant. Estimates of the loss of life, drawing on North American sources, say that around ten times as many died after the NATO intervention as before. Four years after that intervention Libya remains in a disastrous situation (Kuperman 2015).

Wide academic dissatisfaction has been expressed over Libya as a model of R2P. Dunne and Gelber say that the Libyan arguments undermined the idea of an R2P 'norm', with the NATO shift from a 'no fly zone' to regime change 'betraying' the UN trust and showing the partisan nature of intervention (Dunne and Gelber 2014: 327-328). Brown agrees, saying that the Libyan intervention demonstrates that the suggested 'apolitical nature' of a responsibility to protect 'is a weakness not a strength ... the assumption that politics can be removed from the picture is to promote an illusion and thus to invite disillusionment' (Brown 2013: 424-425). Even in western circles the doctrine lost its intellectual gloss, after Libya.

The historical record can help us take this critique, along with recognition of R2P as a 'permissive norm' (Steele and Heinze 2014: 88, 109), one step further. Both humanitarian intervention and R2P arguments must be interrogated by the well-established principles of avoiding conflicts of interest and having regard to sufficiently detailed and relatively independent evidence of the matters in question. Further, these arguments might best be informed by the long history of imperial interventions. That applies to all such conflicts, including the partisan claims made over civilian massacres in Syria. The fabrications over these massacres have been documented in this book at Chapters Eight and Nine. Without such principled examination the debate can easily fall hostage to false pretexts of the 'double game', a historical tactic of the great powers.

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 this new argument involved the bizarre claim that Washington was arming one group of Islamists so they could fight another, more extreme group.

Both humanitarian intervention and the more specific R2P doctrine carry a high risk of aggravating serious crimes, as the 'false flag' massacres in Syria have demonstrated. When outside powers back proxy militias against a nation-state, those militia can be encouraged to carry out with impunity the worst atrocities, or to manipulate combinations of their own crimes and events, blaming them on the target 'regime' in the hope of attracting greater military support from their sponsors. That contribution to aggravated violence vindicates the wide-spread insistence on respect for the principle of non-intervention.

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