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# The Future of Intervention: Examining the Legacy of the Responsibility to Protect

William D. Gilman  
[wgilman@vols.utk.edu](mailto:wgilman@vols.utk.edu)

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**The Future of Intervention: Examining the Legacy of the Responsibility to Protect**

Will Gilman

Honors in Political Science, Baker Scholar Thesis

Dr. Anthony Nownes

The University of Tennessee

## **I. Introduction:**

Military intervention is a prospect that carries both great potential for good and terrible possibilities for destruction. The application of military force is utilized by both regional and global powers, with wide-reaching implications. While the United States has repeatedly chosen to deploy the military in crisis situations around the globe since World War II, its actions have not always achieved the desired results or have had unintended consequences that undermine US security or foreign policy objectives. Amid calls for a reevaluation of the process leading to intervention, many experts look to international law and the international community to guide the response to this evolving norm. One critical element to the future of this debate is the standards set forth by the Responsibility to Protect (R2P), an emerging norm backed by the UN as a framework to manage crises that could demand international intervention. This paper will examine the cases of past interventions and seek to determine better guidance to the future of implementing military intervention.

This paper will discuss the history of the United States' involvement in intervention since the end of World War II and explain the history and implications of the Responsibility to Protect. Then, it will shift to examining modern crises and policies and examine the cases of Syria and Libya in 2014. These parallel situations offer a unique focus on the process of authorizing intervention, as international action was supported in the case of Libya, but remains absent in the case of Syria. Next, this paper will shift to examining the intervention in Iraq in 2014, where the US chose to conduct airstrikes with the consent and support of the Iraqi government to protect civilians from annihilation. Finally, this paper will conclude with suggestions for reform and offer policy recommendations for the handling of future crises that may involve military intervention.

## II. Background:

### History of US involvement in intervention

The US has consistently utilized troops or bombed other nations to achieve national security objectives. Table 1 below provides a lengthy, yet non-comprehensive, list of instances after World War II in which the US has used either troops or bombs to affect outcomes within other sovereign nations. The consistency of US action necessitates a careful evaluation of how the US proceeds and chooses to engage in conflict. While the nature and motivation for intervention may have shifted over time, it is essential to study these instances and to determine the effectiveness of US-backed interventions. The repeated military involvement also appears to have become more protracted in more modern conflicts, making each new crisis significant as the possibility of perpetual warfare looms. There is rarely a stated doctrine or policy that guides the decisions to intervene, and embracing an international norm such as the Responsibility to Protect (R2P) could help to guide and inform future decisions. This paper will focus on the most modern conflicts that have challenged the US in an effort to offer the most relevant analysis and advice for the future of US military intervention.

Table 1: Table of US interventions 1945-2017:

<b>COUNTRY</b>	<b>YEAR</b>	<b>ACTION</b>
<b>CHINA</b>	<b>1945</b>	<b>Troops</b>
<b>CHINA</b>	<b>1948-49</b>	<b>Troops</b>
<b>KOREA</b>	<b>1950-53</b>	<b>Troops</b>
<b>GUATEMALA</b>	<b>1954</b>	<b>Bombing</b>
<b>EGYPT</b>	<b>1956</b>	<b>Troops</b>

<b>LEBANON</b>	<b>1958</b>	<b>Troops, naval</b>
<b>PANAMA</b>	<b>1958</b>	<b>Troops</b>
<b>THAILAND</b>	<b>1962</b>	<b>Troops</b>
<b>VIETNAM</b>	<b>1964-73</b>	<b>Troops, bombing</b>
<b>PANAMA</b>	<b>1964</b>	<b>Troops</b>
<b>DOMINICAN REPUBLIC</b>	<b>1965</b>	<b>Troops, bombing</b>
<b>CAMBODIA</b>	<b>1970</b>	<b>Bombing, troops, naval</b>
<b>LAOS</b>	<b>1971-73</b>	<b>Command operation, bombing</b>
<b>CAMBODIA</b>	<b>1975</b>	<b>Troops, bombing</b>
<b>EL SALVADOR</b>	<b>1981</b>	<b>Command operation, troops</b>
<b>LEBANON</b>	<b>1982-83</b>	<b>Naval, bombing, troops</b>
<b>GRENADA</b>	<b>1983-84</b>	<b>Troops, bombing</b>
<b>HONDURAS</b>	<b>1983-89</b>	<b>Troops</b>
<b>LIBYA</b>	<b>1986</b>	<b>Bombing, naval</b>
<b>BOLIVIA</b>	<b>1986</b>	<b>Troops</b>
<b>IRAN</b>	<b>1987-88</b>	<b>Naval, bombing</b>
<b>PANAMA</b>	<b>1989-90</b>	<b>Troops, bombing</b>
<b>LIBERIA</b>	<b>1990</b>	<b>Troops</b>
<b>SAUDI ARABIA</b>	<b>1990-91</b>	<b>Troops, jets</b>
<b>IRAQ</b>	<b>1990-91</b>	<b>Bombing, troops, naval</b>
<b>KUWAIT</b>	<b>1991</b>	<b>Naval, bombing, troops</b>
<b>IRAQ</b>	<b>1991-93</b>	<b>Bombing, naval</b>
<b>SOMALIA</b>	<b>1992-95</b>	<b>Troops, naval, bombing</b>

<b>BOSNIA</b>	<b>1993-</b>	<b>Bombing</b>
<b>MACEDONIA</b>	<b>1994</b>	<b>Troops</b>
<b>HAITI</b>	<b>1994</b>	<b>Troops, naval</b>
<b>ZAIRE (CONGO)</b>	<b>1996</b>	<b>Troops</b>
<b>LIBERIA</b>	<b>1996</b>	<b>Troops</b>
<b>ALBANIA</b>	<b>1997</b>	<b>Troops</b>
<b>SUDAN</b>	<b>1998</b>	<b>Missiles</b>
<b>AFGHANISTAN</b>	<b>1998</b>	<b>Missiles</b>
<b>IRAQ</b>	<b>1998</b>	<b>Bombing, Missiles</b>
<b>YUGOSLAVIA</b>	<b>1999</b>	<b>Bombing, Missiles</b>
<b>MACEDONIA</b>	<b>2001</b>	<b>Troops</b>
<b>EAST TIMOR</b>	<b>2001-2012</b>	<b>Troops</b>
<b>AFGHANISTAN</b>	<b>2001-</b>	<b>Troops, bombing, missiles</b>
<b>IRAQ</b>	<b>2003-11</b>	<b>Troops, naval, bombing, missiles</b>
<b>LIBERIA</b>	<b>2003</b>	<b>Troops</b>
<b>HAITI</b>	<b>2004-05</b>	<b>Troops, naval</b>
<b>PAKISTAN</b>	<b>2005-</b>	<b>Bombing, Missiles</b>
<b>SOMALIA</b>	<b>2006-</b>	<b>Missiles, naval, troops, command operation</b>
<b>YEMEN</b>	<b>2009-</b>	<b>Missiles, command operation</b>
<b>LIBYA</b>	<b>2011-</b>	<b>Bombing, missiles, troops, command operation</b>
<b>IRAQ</b>	<b>2014-</b>	<b>Bombing, missiles, troops, command operation</b>
<b>SYRIA</b>	<b>2014-</b>	<b>Bombing, missiles, troops, command operation</b>

Source: Torreon, Barbara. 2016. Instances of Use of United States Armed Forces Abroad, 1798-2016. Congressional Research Service.

### **The Limitations of the Responsibility to Protect and the Necessary Reforms**

The modern world has brought with it new challenges and conflicts that require creative and dynamic responses. US foreign policy must examine the current institutions and determine how they may guide future intervention efforts. To uphold the humanitarian ideals universally embraced by the international community, current institutions and policies must be either reinforced or updated to answer the challenges of today. The current system of international governance has failed to bring about the global peace and stability promised. As a result, international questions of legality, justice, and responsibility and the structures designed to preserve these ideals must be reexamined. This is one area that the US may be able to guide positive change and stronger enforcement. One of the greatest and most urgent of these challenges is addressing the international community's responsibility to prevent mass atrocities. Similar assessments of policy in the past on humanitarian intervention led to the development of the Responsibility to Protect as an advanced framework to prevent future losses of life. However, this international norm has not fully addressed the complex challenge presented by the reality of global crises and necessitates new thinking and the development of the next phase of humanitarian intervention. By examining the cases of the Libyan Revolution of 2011, the Syrian uprisings of the same year, and the US military intervention in Iraq in 2014, this paper seeks to identify the challenges faced by humanitarian intervention efforts through the mandate of the Responsibility to Protect, and to suggest an improved framework for future interventions that the US may be able to implement. These instances must be examined through the lens of the current

humanitarian interventionist framework to recognize inconsistencies and possibilities for improvement. After recognizing and weighing the challenges, the next step is to develop what additional elements need to be added to a new framework and identify refined and effective criteria for humanitarian intervention that can serve to better prevent the conflicts that threaten the conscience of the world while providing a legitimate and effective method for implementing intervention.

### **History of the Development of Humanitarian Intervention and the Responsibility to Protect**

The tragic incidents of ethnic cleansing and genocide of the 1990s that occurred in the Balkans and especially in Rwanda challenged the international community to develop procedures of collective response when crises arise involving gross and widespread human rights violations. In trying to fulfill the United Nations' potential as peacekeeper and international arbiter, Kofi Annan, in the United Nations 2000 Millennium report, asked: "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?" (Annan 2000). As a response to these challenges, the Canadian Government set up the International Commission on Intervention and State Sovereignty (ICISS) in December of 2001. This commission developed the idea of the Responsibility to Protect (R2P), which outlined a new set of criteria to lay the foundation for cases of intervention. This document set the standard for intervention to include "serious and irreparable harm occurring to human beings, or imminently likely to occur" involving "large scale loss of life" or "large scale 'ethnic cleansing'" (Report on ICISS 2001). This report continues to outline the precautionary principles including right intention, last resort, proportional means, and reasonable prospects of success (Report on ICISS 2001). These standards were established to strengthen, if not to ensure,



both the legitimacy and effectiveness of future humanitarian interventions. The dangers of states using a humanitarian premise to advance their national or specific interests was not lost on the developers of this report, but it still remains a challenge that undermines the effectiveness of the R2P (Thakur 2013).

The UN adopted the norm of the Responsibility to Protect in 2005 at the World Summit. A norm is "a standard of appropriate behavior for actors given identity," and states are often allowed to interpret them loosely (Shawki 2011). This adoption is simply the first stage of reforming the structure of forceful humanitarian responses. It does not include an effective enforcement mechanism and also involved the alteration of some of the language and criteria from the 2001 report. In the version adopted by the 2005 World Summit, the United Nations Security Council (UNSC), consisting of the five permanent members US, Russia, China, France, and the UK, as well as 10 non-permanent members, was granted exclusive control of military force, and the crimes necessitating intervention were restricted to genocide, war crimes, crimes against humanity, and ethnic cleansing. Criteria to determine the appropriateness of intervention were removed, and the language regarding loss of legitimacy was changed to offending states "manifestly failing to protect" the population (2005 World Summit). These changes weakened the original framework, serving to limit its effective application while simultaneously charging the UN with upholding the ideals that the design was established to enforce.

**a) What is the Responsibility to Protect?**

The final language of the Responsibility to Protect stipulates that the international community is:

...prepared 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 are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity” (World Summit Outcome 2005).

The structure outlined first by the ICISS and later embraced by the UN consists of three pillars designed to achieve this mandate of protection. With the first pillar, the state “carries the primary responsibility for protecting populations from genocide, war crimes, crimes against humanity and ethnic cleansing, and their incitement” (Responsibility 2014). This language is designed to redefine state sovereignty and include the necessity of states to respect the human rights of its own populace. The design of the framework encourages states to give stronger consideration to any action that may result in international censure, as other state actors may become involved in later steps. In the second pillar, “the international community has a responsibility to encourage and assist States in fulfilling this responsibility” (Responsibility 2014). The second pillar demonstrates the importance of states considering the global responsibility to protect those who are threatened and may be powerless or severely limited to stand up against oppression or aggressive government action. This charges states with valuing the preservation and upholding of human rights above national interests. Finally, the third pillar asserts that “the international community has a responsibility to encourage and assist States in fulfilling this responsibility” (Responsibility 2014). The language of this pillar continues to outline the subsequent actions that may be taken during applicable crises as the international

community “has a responsibility to use appropriate diplomatic, humanitarian, and other means to protect populations from these crimes. If a state is manifestly failing to protect its populations, the international community must be prepared to take collective action to protect populations, in accordance with the UN Charter” (Responsibility 2014). This responsibility begins with the state and its national government, but its failure in this respect shifts responsibility to the international community. This idea is reinforced by the argument that states are permitted to use force in extraordinary circumstances and when the situation calls for quick and forceful action to avert imminent atrocities.

#### **b) The Importance and Application of R2P**

The principles outlined by the R2P mark an adjustment in how humanitarian intervention and state sovereignty is discussed. The fundamental development of this new ideal is the shifting perspective on the status of state sovereignty. The new doctrine argues for an original interpretation where the “essence of sovereignty is responsibility, not control” (Evans 2002). The reality of the old accepted structure of the international system is “dangerously out of step with international realities” (Evans 2002). The new system for thinking about this issue could potentially serve as the most significant alteration in the understanding of sovereignty since the establishment of the state system in 1648. While this may sound drastic, the international community has unanimously recognized the need to update current norms to prevent future atrocities. The R2P marks a major paradigm shift and reconceptualization of state sovereignty as conditional rather than absolute and requiring states to meet the requirements and responsibilities of sovereignty (Shawki 2011). Failing to meet these standards must result in international pressure, and if all other tactics do not realize the necessary alterations, then forceful humanitarian intervention to limit human suffering must be a potential response.

### **c) Challenges of the Political and Selective Application of R2P**

While the language adopted by the UN calls for unity on this issue, the structure and political reality of the UN is responsible for failures to intervene and uphold its responsibilities. The UN Security Council can become deadlocked and be paralyzed against action if any member nation chooses to veto a resolution calling for an international effort or coalition to address a crisis. In addition, the R2P did not advance far enough or have the necessary enforcement capability to result in the successful application of the norm. While there are cases that clearly require an international response, R2P has not consistently been applied. Elements of R2P have been referenced in actions taken in Sudan, Libya, the Ivory Coast, and the Central African Republic. The closest to full implementation of the R2P took place in Libya, but while the motivation may have qualified for intervention under these standards, the UNSC was hesitant to explicitly justify actions through the espousal of R2P (Responsibility 2014). The inconsistent application of intervention has given credence to the idea that interventions are often justified under false pretenses and are only carried out when there are other benefits or interests at stake. This has undermined the truly crucial aspect of humanitarian intervention that is necessary for intervention to be seriously considered by state actors and international organizations.

### **d) Humanitarian intervention under false pretenses**

The norm of R2P is still developing, and there are concerns that the new elements of international action may not be applied for the original intended purpose of the legitimization of humanitarian action. There are fears that the justifications of R2P could be used to advance political objectives or imperialistic goals (Shawki 2011). One potential criticism is that behind the “noble principles” guiding intervention, the justifications for interventions merely act as “cloaks for hegemonic interests” (Thakur 2013). These potential pitfalls of the framework have

worked against the true support of the international community, especially with respect to the third pillar that shifts the responsibility to the UN and the nations of the world and authorizes forceful intervention.

**e) Lack of enforcement mechanisms**

Despite some advances and the adoption of R2P at the World Summit, R2P has not developed into international humanitarian law and is therefore not binding. This effectively results in a hollow framework that fails to provide protection and live up to the responsibility inherently mandated in the document. The failures to intervene in clear crisis situations such as the ones in the Democratic Republic of the Congo, Darfur, and now most recently in Syria have undoubtedly weakened the authority and principles R2P (Western & Goldstein 2011). The norm needs nations to endorse it in order to advance its acceptance and adherence within the international community. This is one area that US action could drive change on a global scale by fully embracing either R2P or the principles behind it.

**f) Lack of commitment to state building**

Apparent weaknesses of R2P become evident when examining how the international community has withdrawn after suffering limited casualties that generate widespread criticism. U.S. forces were involved in the October 1993 Battle of Mogadishu, also referred to as the “Black Hawk Down” incident, where 18 U.S. soldiers were killed in an operation and one of the operator’s bodies was dragged through the streets of Mogadishu. Confronted with domestic pressure as well as an unclear objective to the American people, President Clinton withdrew the U.S. troops in Somalia. The UN followed suit, and Somalia was left to devolve into what is today a failed state (Western & Goldstein 2011). The unwillingness of international actors to act when vital strategic interests are not at stake threatens the effectiveness of the R2P and the future

of humanitarian intervention as a tool for global governance. The commitment to intervention is also a commitment to state building on some level, as the aftermath of intervention must be handled to facilitate and create a stable society.

The cases of the intervention in Libya in 2011 and the continuing lack of intervention in Syria clearly demonstrate all of the issues discussed above. With the case of Libya, criticisms of intervention for imperial purposes and the lack of commitment to state building resulted in the ultimate failure of the effort. In Syria, the flaws of the veto system of the UNSC, Russian intervention for geopolitical interests, a lack of enforcement capability or mechanisms all contributed to the resulting humanitarian disaster. The case of Iraq in 2014 offers a more successful application of humanitarian intervention, and offers some guidance on how to best implement humanitarian missions. After giving a brief history of the events of these cases, this paper will present a new framework that seeks to address the weaknesses of R2P and suggests new ideas for the future of intervention.

### **III. Case Studies:**

#### **History of Libyan Uprisings and Revolution in 2011**

The Libyan Revolution began in January of 2011 following uprisings in Tunisia and Egypt. By late February, the situation in Libya was identified as a critical security situation with worries of significant abuses of human rights and loss of life. On February 25th, the UN Human Rights Commissioner Navi Pillay stressed the urgency of the situation and referenced independent reports that “thousands may have been killed or injured” and the reported use of tanks, helicopters, and aircraft on protesters (Libyan Crackdown ‘Escalates’ 2011). Colonel Muammar al-Gaddafi, then President of Libya, deployed troops to suppress the protests, and

fomented an armed rebellion that resulted in over 1,000 deaths within the first few weeks of the uprisings (Libyan Crackdown 'Escalates' 2011).

This state-led violence led the adoption of Resolution 1970 by the UN Security Council on the 26th of February, which made an explicit reference to the responsibility to protect (Responsibility 2014). The rapidly escalating crisis was reported to have generated nearly 100,000 refugees within only one week with large flows into the neighboring countries of Egypt and Tunisia to escape the violence, according to the UN refugee agency. U.N. High Commissioner for Refugees Antonio Guterres, now Secretary General of the UN, asked the international community to provide assistance to cope with the "humanitarian emergency." Specifically, the U.N. reported that Tunisia recorded the entry of 40,000 people from Libya since February 20, and Egypt recorded 55,000 people crossing the Libyan border since February 19 (Libya Civil War 2011). By March 8th, Qaddafi's use of "heavy weapons against civilians," the employment of foreign mercenaries against his own people, and the rejection of humanitarian aid packages all resulted in international pressure and calls to end Qaddafi's regime (Shaheen 2011). The crisis continued to mount, and by March 15th, the UN reported 300,000 refugees resulting from the conflict (Libya UN Refugee Agency 2011).

At this point, Western powers were considering what action to take to defuse the mounting crisis. The UN demonstrated its potential to act in the midst of crisis and to plan a response to the threats to the civilian population. Chapter VII of the UN Charter provides a framework for the Security Council to authorize the use of force. The Security Council can "determine the existence of any threat to the peace, breach of the peace, or act of aggression" and take both military and nonmilitary action to "restore international peace and security" 1973 ("Security Council authorizes 'all necessary' 2011). This was the justification for the UN statute

that France, the United Kingdom, and Lebanon cited for the proposal to adopt United Nations Security Council Resolution 1973 (“Security Council authorizes ‘all necessary’ 2011). The vote on UNSCR 1973 provided the legal basis for military intervention in the Libyan Revolution by first demanding an immediate ceasefire, and then authorizing the international community to enforce a no-fly zone—approving “all necessary measures to protect civilians and civilian populated areas” (Security Council Approves 'No-Fly Zone' 2011). With Resolution 1973, the UN had passed a “blanket resolution” authorizing the use of force in order to protect civilians. For the first time, limitations on the scope or the duration of a mission authorizing the use of force were not specified. Thus, NATO air power was almost immediately deployed in compliance with the mandate of the UNSC to “protect the civilian population” (Protection of Civilians – France ONU 2015).

There was some effort by Qaddafi to comply with international calls for peace after the action of the international community and the adoption of Resolution 1973, and on March 18th, he formally accepted a ceasefire. The effectiveness of this ceasefire came into question as reports from refugees indicated that government forces never stopped advancing on the southern outskirts of Benghazi as well as on the rebel city of Ajdabiyah (Rebels: Assaulted 2011). Also, despite the Libyan government’s declaration of a ceasefire, attacks continued (Libya declared ceasefire 2011).

After a sustained international effort involving the implementation of a no-fly zone and bombings by NATO forces, the Libyan regime collapsed in October 2011 as Gaddafi was extrajudicially killed by rebel fighters. The UN voted to end the authorization and thus the operation shortly thereafter on October 27th (UN Security Council Vote 2011). Since this overthrow, civil war and competing factions have split the country and the conflict has yet to be



resolved. Despite calls from the National Transitional Council (NTC) to continue the UN and NATO operation, the mission to protect the population was deemed to be fulfilled, and operations were concluded (UN Security Council Vote 2011). Currently, the NTC has been unable to unify the various factions within the country that are contesting for power.

### **History of Syrian Conflict**

The Syrian revolution began in March 2011, only two months after the uprising in Libya. Peaceful protests calling for the fall of the regime were quickly met with violence by the government of President Bashar al-Assad. The death toll was slower to mount in Syria than it was in Libya, but from the beginning of protests in March to the end of May, the death toll was estimated to be between 850 and 1,000 by May of 2011, with over 10,000 refugees fleeing the conflict (Adams 2015). Similar to the situation that developed in Libya, the Assad government deployed tanks against a largely unarmed civilian population and began shelling towns, resulting in civilian casualties (US Policy on Syria 2011, Syria Profile – Timeline 2016).

Following the escalation of government violence and military campaigns, the once peaceful protestors resorted to violent counter-attacks and formed the Free Syrian Army in July of 2011. In August, violence mounted and the U.S. began calling for President Bashar al-Assad to step aside (Macon 2011). President Assad refused to step down, and the violence increased dramatically in 2012, with an escalation of the casualties in Syria from approximately 1,000 per month to approximately 5,000 per month as the civil war spread. The failure to prevent this intensification of the conflict resulted in the death toll from the conflict rising from 5,000 to almost 60,000 between February and November of 2012 (Adams 2015). Other sources placed the death toll at closer to 40,000, as a result of the conflict with 400,000 additional people displaced (Abedine and Brumfield 2012). The conflict in Syria continued to degenerate with the use of

chemical weapons on civilians in August of 2013. Hundreds of people were killed after rockets filled with the nerve agent sarin were fired at several suburbs of Damascus. Several Western governments and rulers accused Syria's government of perpetrating the attack, but the government blamed rebel forces (Syria – Story of the Conflict 2016). By the end of 2013, the number of dead had risen to at least 125,000, with over a third of the casualties being civilians. The actual figure may have been significantly higher, as Syrian Observatory for Human Rights believes (Solomon 2013).

By the end of 2014, the UN Human Rights Council's Commission of Inquiry (CoI) had published nine major reports documenting gross human rights abuses committed in Syria. The CoI has claimed that pro-government forces "continue to conduct widespread attacks on civilians, systematically committing murder, torture, rape and enforced disappearance as crimes against humanity" and have also committed extensive war crimes. The CoI also reported on war crimes committed by various armed opposition groups, including "murder, execution without due process, torture, hostage taking," as well as widespread violations of international humanitarian law (Adams 2015). Peace talks and negotiations continue, but these efforts have failed to bring a resolution to the crisis in Syria.

### **Comparisons of Cases for Intervention**

When examining these two crises and the different international responses, the discrepancy and lack of continuity when responding to crises becomes apparent. The comparison raises the question of why the US and the international community perceived a clear humanitarian crisis in Libya followed rapidly with intervention, while almost simultaneously failing to give the situation in Syria such clear recognition. This clear failure must be analyzed

and understood to inform future US intervention efforts and avoid similar catastrophes in the future.

The Responsibility to Protect played a significant role in the decision to intervene in Libya, and the criteria to justify intervention under this developing norm is essential to understand the evolving and current state of R2P. As early as February 22<sup>nd</sup> of 2011, the UN High Commissioner for Human Rights, Navi Pillay, declared that attacks against the Libyan people were both “widespread and systematic” (Nebehay 2011). By February 26<sup>th</sup> the United Nations Security Council had referred the case to the International Criminal Court (ICC) for crimes against humanity, all the while emphasizing Libya’s responsibility to protect its citizens (Cotler, et. al 2011). Reports of massive casualties began to appear in headlines across the world, and the international community began to worry about the potential devastation of failing to address such a rapidly developing and seemingly violent conflict. In February of 2011, the ICC estimated the number of deaths in Libya to be 10,000 and the number of wounded to be 4,000. The World Health Organization estimated approximately 2,000 killed by March 2<sup>nd</sup>, while the opposition claimed that the number was closer to 6,500. Other reports estimated around 8,000 deaths (Libya: Civil War Casualties 2011). In this same timeframe, the UN estimated that 1,000 Libyans had been killed (Downie 2011). These concerns and reports led to the turning of international opinion against the Gaddafi regime, and many believed that the regime had lost its legitimacy. The Gulf Cooperation Council (GCC) was one of the first international organizations to call for a peaceful resolution and a shift away from President Gaddafi (GCC 2011). Another factor contributing to the growing anti-Gaddafi sentiment was the rhetoric and questions of possible incitement by the Libyan government. President Gaddafi gave several speeches that referred to acts of suppression and killing that worried foreign leaders. One speech praised the

infamous Tiananmen Square Massacre saying that national unity is “worth more than a small number of protesters.” Qaddafi’s rhetoric became even more inflammatory when he stated that “anyone who plays games with the country’s unity will be executed” (Libya protests: defiant Gaddafi refuses to quit 2011). Gaddafi continued this escalation of rhetoric in a televised speech as he directed his supporters to “come out of your homes and attack [the opposition] in their dens.” He also called the protesters “greasy rats” and “cockroaches,” eerily echoing the language used to incite violence during the Rwandan genocide (Stalinsky 2011).

Mounting fears of these speeches being more than just rhetoric galvanized both regional and international public support for taking action against the Libyan government. On March 12th, the president of the NTC, Mustafa Abdel Jalil, warned that if Qaddafi’s forces were to successfully take Benghazi, the conflict could result in “the death of a half a million” people (McGreal 2011). These fears of a government-sponsored bloodbath were given credence by Qaddafi’s son and military commander, Saif al-Islam when he declared that “The military operations are finished. In 48 hours, everything will be over. Our forces are close to Benghazi” (UN chief calls for ceasefire 2011). These comments came on March 16th, one day before the UNSC passed Resolution 1973. But al-Islam continued to dismiss any concerns and UN action, saying that what “whatever decision is taken, it will be too late” (UN chief calls for ceasefire 2011). The rhetoric the Qaddafis had used up to this point was unequivocally clear and influenced the leaders at the UNSC emergency meeting. The reports of the casualties and the fears of much greater loss of life garnered regional international support for immediate action to protect civilians and to intervene in Libya.

The protests in Syria began approximately one month after the protests in Libya, and the events in Libya likely had direct influence on the actions later decided upon in Syria. However,

the emergence of conflicting reports in Syria, much like the ones coming out of Libya that proved to often be inaccurate or exaggerated and likely served to undermine the efforts to build support for similar pressure on the Syrian government. While the international community seemed hesitant to believe reports coming of Syria, the death toll did not initially escalate as rapidly at first as the situation in Libya. However, this difference should have quickly been dismissed as the violence in Syria began to escalate and sustain its unconscionable level of death and destruction. (Syria: 5000 dead in violence 2011).

The UN struggled to come to a consensus with respect to the course of action to be taken on Syria as the conflict intensified over the summer of 2011. Several members were unwilling to take actions such as a proposed arms embargo and targeted sanctions against governmental figures, fearing that such efforts would only foment sectarian civil war within the country (Adams 2015). In October, Russia and China cast a rare double veto on the UNSC to block sanctions directed against the Assad government for its crackdown on the protests (Lynch 2011).

The Russians feared that imposing sanctions may lead to eventual regime change and would increase tensions within the country. Despite the ever-worsening situation within Syria, the UN is continually blocked in its efforts to address the crisis in any significant way. Specifically, Russia and China have “on four separate occasions employed their vetoes to block action in response to mass atrocity crimes in Syria,” including an effort in a draft resolution to refer the situation to the International Criminal Court in May 2014 (Adams 2015). These vetoes enabled the Syrian regime to continue its campaigns to suppress dissent and blocked the international community’s path to action.

### **Justification of Intervention in Libya and Failure to Act in Syria**

It is difficult to understand how the international community could have acted so quickly in Libya, yet remain paralyzed and indecisive on Syria. The Syrian protest movement began almost exactly one month after that in Libya, and the protests spread rapidly across the country. After the government crackdown on protesters began, the death toll in Syria quickly outstripped the level of violence in Libya, yet no action was taken by the UNSC. Not even the use of chemical weapons mobilized the international community to intervene and end the bloodshed. This seeming failure to invoke R2P and end the bloodshed in Syria demonstrates the weaknesses of R2P and the current structure and criteria for intervention.

When considering the prospect of intervening in Libya, several organizations and leaders outlined their individual criteria for supporting intervention. NATO articulated its preconditions for intervention to be a “demonstrable need, a clear legal basis, and firm regional support” (NATO Says Preconditions Fulfilled 2011). NATO announced that the situation regarding Libya had met these conditions and that the use of force and the establishment of a NFZ was both justified and legal. The Obama Administration also gave its own criteria and required “local requests for intervention, regional legitimacy, legal legitimacy; and a truly multilateral coalition that shared the burden of costs” (Obama’s Libya Speech 2011). The Obama Administration chose to support the Libyan intervention as President Obama “authorized military action to stop the killing and enforce U.N. Security Council Resolution 1973” (Remarks by the President 2011). The sources of legitimacy sought to develop international support and a coalition never materialized in Syria as they did in Libya.

Gaining the regional support of the relevant international bodies is a crucial element to legitimizing intervention. While arguably not necessary, it serves to provide authority to international actors to address the global crises necessitating intervention. In Libya, after the

Gulf Cooperation Council recognized the National Transitional Council on March 11, the GCC voiced its endorsement of a proposed No-Fly Zone (NFZ) and urged the UNSC to carry out the mandate of protecting civilians (GCC 2011). The next day, the Arab League unanimously voted to implement a NFZ over Libya under the auspices of humanitarian action. The secretary general of the Arab League, Amr Moussa, declared that the action was necessary for “supporting the Libyan people in their fight for freedom against a regime that is more and more disdainful” (Freeman 2011). Even the Organization of Islamic Cooperation (OIC), a 57-member state group, supported a NFZ intended to protect civilians from air raids conducted by the Gaddafi government forces (OIC Plans to Support 2011). This support helped the UN gain the consensus it needed to adopt UNSCR 1973 on March 17th, which it did unanimously with ten Security Council member countries voting in the affirmative, five abstaining, and none opposing. This resolution was expansive in its authorization of coalition intervention “excluding a foreign occupation force of any form on any part of Libyan territory” aimed at the protection of civilians (Libya: Nigeria Votes in Favor 2011). Despite worse conditions on the ground, the lack of political will and international legitimacy prevented any international intervention from taking place.

Two critical differences in the two cases concerned regional support for intervention, and calls for international intervention. For example, while the Arab League agreed that the crisis in Libya was unacceptable and called for intervention, it failed to do the same in Syria (Doyle 2011). The failure to build a legitimate and legal basis for greater international involvement in the Syrian crisis enabled the crisis to devolve into a civil war that claimed the lives of hundreds of thousands. Even though the regional support was not present in Syria as it was in Libya’s case, the Arab League did begin calling for stronger international involvement in 2013 after the

use of chemical weapons (Arab League Urges UN-Backed Action 2013). The international efforts to relieve the crisis in Syria faced greater political and legal challenges than the intervention in Syria. The political paralysis and failure to act allowed the situation to devolve into the current state of sectarian conflict bordering on a failed state. The necessity to develop new methods of addressing crises to avoid the same pitfalls and paralysis of the Syrian crisis is essential to guaranteeing the future security of the individuals that doctrines such as the Responsibility to Protect are designed to establish, yet fail to achieve.

The situation in Syria presented a clear humanitarian disaster that required international effort to address. The failure of the UN Security Council and regional groups to advocate for cohesive action demonstrated the weakness of the UN to uphold its mandate to preserve peace and security. The failure to protect the civilian population from the large-scale destruction and violence in Syria raises questions about the future of interventionist policies and how to best respond to the emergency crises that threaten the innocent.

The examination of these case studies and the responses of both the international community and the US government can help inform future crisis management. The criteria to intervene in Libya led to a muddled outcome that remains unresolved, while the failure to implement R2P in Syria has allowed the situation to spiral into full-scale civil war with no immediate or clear resolution. Learning from the factors that prevented the international community from acting in Syria can inform future decisions when faced with crises that may call for intervention.

### **Intervention in Iraq and the shifting dynamics**

- a) US-Led Intervention in Iraq: Sinjar Mountains



The US intervened in Iraq in 2014 as the Islamic State threatened to massacre a group of Yazidis fleeing conflict. The Islamic State emerged as a powerful Sunni militant group that established itself in parts of Iraq and Syria, and shocked the world with its rapid expansion and brutal tactics. The current conflict is a multi-faceted one, as the Islamic State is fighting the Shi'ite-controlled governments of Iraq and Syria, the Kurds in both Iraq and Syria, and several rival rebel factions inside of Syria, while simultaneously committing atrocities against minorities and groups that they declare to be in opposition to the stated beliefs of the Islamic State. The Islamic State has also "proclaimed a 'caliphate' ruling over all Muslims, slaughtered prisoners and ordered Shi'ites and non-Muslims to convert or die," causing many nations to become concerned with the current state and development of this insurgency group (Mohammed and Perry 2014). This conflict became the focus of international intervention when the Islamic State pushed into the Northern regions of Iraq and threatened to massacre the thousands of Yazidis fleeing the conflict. The Islamic State had already killed hundreds of Yazidis and were threatening to continue their campaign of violence, creating the potential for another mass atrocity echoing the tragedies of Rwanda and Srebrenica (Roberts 2016). As the initial impetus for the United States' involvement in the conflict was of humanitarian concerns, the similarities of the justification for the intervention to the criteria outlined by the Responsibility to Protect were apparent during this US action (Solomon 2014). This use of force was approved by the government in Baghdad, giving clear cover and legitimacy to the operation through the support of the Iraqi government (Solomon 2014). This initial intervention followed the criteria of a second-pillar intervention under the Responsibility to Protect. In August of 2014, President Barack Obama authorized "targeted airstrikes" to protect the Yazidis trapped in the Sinjar mountains and to break the siege of the Islamic State (Johnson 2014). The US also delivered

food and water through airdrops to the refugees trapped on top of the mountain after the President's dramatic statement that "America is coming to help" (Johnson 2014). This policy signals the start of an intervention, as the US had not had a military presence in Iraq since the last American troops left Iraq at the end of 2011 (Cooper 2014). The US deployed Marines and special forces troops to Mount Sinjar in Iraq to "assess options for a potential rescue of Yazidi civilians threatened by Islamic extremists and worn down by lack of food" (Chulov 2014). However, this intervention was not solely made up of US forces and Iraqi consent. The military coalition was composed of "armed forces from the United States, United Kingdom, and Australian governments, supported by other members of the international community" (Roberts 2016). These multilateral actions involved coalition aircraft dropping "food, water, and portable shelter" to assist the refugees in response to the emergency posed by militants from the Islamic State and the living conditions endured by the Yazidis (Roberts 2016). On August 14, the siege of Mount Sinjar was broken through the efforts of coalition forces and thousands of Yazidi refugees escaped from the danger (Roberts 2016).

b) Implications for the future of intervention

President Obama subsequently "sought to rally international support for a military coalition against Islamic State" that would work together to suppress the international threat that IS poses to the world (Hogg and Salman 2014). This coalition gained momentum and accumulated impressive support, as several European nations and some Sunni-led Arab States joined in the campaign against IS in Iraq (Hogg and Salman 2014). The influence of the United States on global affairs is in prominent view in a situation like this, and the potential to establish the protections of R2P are critical to the prevention of future mass atrocities.

As the Islamic State grows in both size and power, the global community faces a crisis that demands a response on a global scale. The Americans have recruited and led a powerful coalition in order to resolve the crisis in the Middle East collectively with the joint efforts of Arab States and European allies. While current action by the United States may be representative of a broad coalition, there is still the question of adherence to international law. Only the Iraqi government has requested assistance from foreign governments to confront the threat of the Islamic State within their country, and this is why international action has been more successfully implemented in Iraq while several nations are hesitant to commit support to operations conducted inside of Syria. This aspect of the operation is made more complex by the fact that the United States hopes to mitigate the Islamic State in Syria, but does not wish to help the Assad regime to remain in power and hopes that other moderate groups will eventually be able to take on a larger role within Syria (Hogg and Salman 2014). This discrepancy may not be a result of disregarding international law, however, as much as a political statement or operational necessity of not coordinating with the despotic Assad regime. The United States has been supporting the democratically elected government for years in response to the threat of the Islamic State, sending first advisers and then conducting tactical airstrikes to help control the situation. The Obama Administration has been clear in its view that this is not America's fight alone, but requires action on behalf of numerous actors, especially the Iraqi government. The goal is to have the Iraqi people fight for and protect their country and their federal government, and the United States' actions are purely in support of these actions. This multilateral coordination led by the United States could be a true example of nations working together to achieve a common good in the greater security of the world by reducing the power and the threat posed by the Islamic State.

The threat the Islamic State poses is extremely real, and the states that have decided to participate in the coalition have a committed responsibility to global security, and so they cannot stand by and leave the United States to conduct the massive operation and uphold the international standards of atrocity prevention by itself. The US invoked the same principles behind the doctrine of the Responsibility to Protect during this humanitarian intervention, but failed to articulate support for the developing norm as justification. This lapse undermines the future of humanitarian intervention efforts, and the US needs to continue operations in Iraq to fulfill the mandates of R2P and ensure that threatened groups do not fall victims to the existential threats they face from the Islamic State. In this instance, closer adherence to the ideals of the Responsibility to Protect would have made this operation a bigger success and continued to guarantee the protection of endangered groups within Iraq.

#### **IV. Implications**

##### **Current Framework**

The cases examined above offer lessons that can be applied to inform the future decisions to intervene. Critical to the analysis is the justification and legitimacy of the interventions and why the US decided to support or refuse to commit to intervention efforts. While the Libyan intervention involved widespread international support and legitimacy, the results were not a clear or rapid victory. The aversion to commit to state-building, involving security operations and the development of a government structure, hampered the implementation of R2P and thus the invoking of the norm in future interventions. The positive results from the intervention was a standard to invoke R2P, even if the language surrounding it was limited and not a complete application of the doctrine. The support from the UN Security Council, the Arab League, NATO,

and other international actors demonstrated how the international community can act quickly and theoretically in the interest of preserving human rights.

These gains were not only muted by the failure to commit to the rebuilding of Libya and allowing it to fall into factional conflict, but also by failure to end the escalating conflict within Syria. The continual failure to act to end the violence in Syria demonstrated the weaknesses of R2P and how the desire to protect civilians is secondary to the political interests of global powers. The failures in Syria cannot be remedied unless there are changes to either R2P or the process for implementing intervention. These necessary reforms are the subject of the rest of this paper.

The case of the intervention in Iraq in 2014 is a different case. While still falling under the mandate of R2P, the intervention had the local support of the Iraqi government. This element allowed foreign powers to combat the Islamic State and fulfill the ideals promoted by the Responsibility to Protect. This instance shows how the calls to protect human rights can be answered, even if the execution is imperfect. The commitment to this intervention could have been more robust, and the initial goals shifted as the US and coalition efforts shifted to push back the Islamic State. In this case, the standards within R2P offered legitimacy to the initial intervention, but a closer adherence to the provisions and commitments inherent to the R2P doctrine would have ensured that the protection of human rights continued.

### **Policy implications**

This analysis leads to the suggestions for reform and how the future of R2P can fit into the US foreign policy grand strategy. The conclusions from examining these case studies is: Embracing R2P would improve the success of US-backed interventions, but more changes are also necessary to create an environment where intervention can be a tool for global security and

regional stability.

The issues with developing a uniform policy on intervention are multiple and complex. There are various dynamics that cause intervention to fail or to never occur in the first place, and so a variety of reforms are necessary to best equip the US and its allies as it moves to create a more secure world. These suggestions for reform involve a formal adoption of the Responsibility to Protect and a commitment to the just application of the doctrine when human rights are threatened. These reforms also involve the alteration of the process for intervention, involving UN approval and coalition support. The structure for UN approval must be improved to ensure that there are no more failures to act when there is a clear mandate to prevent future violence and large scale loss of life. By making these reforms, the US could promote a more stable and protected world, while building on the promises to end the mass atrocities that haunt the global community.

a) Endorsement and adoption of R2P

The endorsement of R2P by the United States government through the UN or congressional ratification could offer the US more legitimacy to intervene in some cases and may in turn lead to a more stable post-intervention state. This reform's potential benefits can be examined through the case in Libya. If a broader mandate of R2P had been implemented, the unity government may have succeeded and prevented the factionalism and strife that plagues Libya. The Responsibility to Protect includes a level of commitment to the rebuilding of the nation where the intervention occurs, and this is critical to the long-term stability of countries that have endured the intervention of the international powers. This promise to commit to state building after an intervention was never implemented, and as it is a key component of a fully-invoked R2P, perhaps a broader mandate could have made the intervention a success.

This adoption would have also helped in the case of Iraq, as the commitment to rebuilding and the continued protection of threatened communities was not clear or completely fulfilled by US and coalition efforts. The continued adherence to the promises of R2P will give threatened communities hope and protection, and give leaders more reason to promote observance of human rights within their borders. The Responsibility to Protect has the power to transform the current dynamics of sovereignty and international responsibility, and by promoting these ideals, the US would help build a more stable and safe world.

The US endorsement of R2P involves the full endorsement of all three pillars, recognizing that there is a mandate to protect people threatened by a mass atrocity, especially when there is support from regional or local bodies. The National Security Council should prioritize cases involving potential mass atrocities and human rights violations, and be prepared to recommend actions to the President. To fully endorse the goals of R2P, the US government should also direct the relevant departments, such as the Department of Treasury and the Department of Justice to counter states or organizations that may perpetrate mass atrocities. These efforts should also include an international dynamic, pushing UN members to adopt a more formal and robust commitment to the Responsibility to Protect. The US could also influence NATO to promise troop commitments to actions sanctioned under R2P to guarantee that actions taken have the capability and manpower to effectively implement the interventions. The implementation of these measures would enable the international community to more readily endorse actions through the Responsibility to Protect and contribute to a more stable and prosperous world.

b) UN reform

The proposal of reforms to the UN's process of endorsing military intervention to try and

mitigate the influence of geopolitics and individual national interests is crucial to the future success of intervention within states that do not approve international action. This process could be in the form of a new body within the UN for the sole purpose of intervention, or with a restructuring of the UNSC where in cases of intervention the council could override vetoes with a 2/3 majority.

Critical to understanding the process leading to action by the Security Council is examining the current framework and process that leads to the intervention by UN-sanctioned forces. The decision to authorize the use of force by state actors and intergovernmental organizations such as NATO lies predominantly with the Security Council of the UN. This council is made up of the five permanent members, and ten non-permanent members elected to two-year terms and representing various geographical zones around the world. The Security Council is the arm of the United Nations that is responsible for addressing crises and preserving international peace and global security. In the instance of a crisis, it is the Security Council's mandate to determine the course of action to be taken. In the instance that the Security Council rejects a proposal or fails to address a crisis, then there are a few recourses where action may still be justified under the legal authority of the UN Charter. The first of these is that the consideration of the matter can be referred to the General Assembly in an Emergency Special Session under the "Uniting for Peace" procedure and put to a vote. The other option is that military action can be authorized by a regional or sub-regional organization within the area of jurisdiction using the justification of Chapter VIII of the Charter. This course of action is still subject to a subsequent authorization from the Security Council, but it does improve the chance and support for international action (International Commission CFR 2001).



This structure has succeeded in authorizing various peacekeeping missions, the imposition of sanctions, and the justification of force in several scenarios, but the framework still has weaknesses that result in the failure to execute the important mandate for the UNSC. The reality of deadlock within the UNSC and the veto power wielded by the five permanent members limits the effectiveness of the UN to address all the crises it faces. The UN also does not have its own forces and must rely on governments to provide personnel to carry out the missions it approves. The limitations of the structure of the UN can restrict or paralyze its capacity to respond.

### **New Hierarchy and Structure of R2P**

The weaknesses of the UNSC threaten the continued security of the world and the potential to promote a truly protected populace. The dangers of inaction in crisis scenarios that require a rapid response are too great a threat to refuse an updated structure to address the issues. The potential for deadlock and the power of the veto by the P5 necessitates the development of a new procedure that can bypass the political limitations of the Security Council. A new policy to intervene on a limited scale to attempt to prevent the drastic escalation of violence and extreme loss of life could serve to better prevent the episodes of mass atrocities that the international community has agreed are unconscionable.

A new council within the UN that is responsible for monitoring critical situations around the world that may necessitate humanitarian intervention could promote awareness and facilitate the necessary action required to prevent atrocities. This council would identify the critical cases and recommend interventions to the UN Security Council. The new “Humanitarian Response Council” would have the ability to recommend uses of force to the UNSC. This council would consist of a panel of experts and academics appointed by the UN Human Rights Council and

confirmed by the UN General Assembly. After action has been recommended to the UNSC, the council would then vote on the issue and whether to recommend intervention with a 2/3 majority. This action negates the weakness of the UN Security Council and the veto power wielded by the P5 that often paralyzes the UN from taking action.

## **V. Conclusion and Potential Reforms**

The UN will not be able to stop all of the future atrocities or always undertake the best course of action during future crises. However, the reforming and updating of framework for humanitarian intervention can equip the UN to be more prepared and more effective in taking action for the purpose of mitigating humanitarian and often man-made disasters. The political cost may be high, and the moral questions will plague future interventions and the development of unforeseen consequences that make governments and leaders hesitate to become involved. Improving the framework does not require intervention in every scenario, but should instead be reserved for clear cases of intervention with a legal authorization from the UN. These changes may not result in the abolition of gross, systematic human rights abuses against civilian populations, but it does offer real tools that can be utilized to achieve this end.

The combination of UN reform along with the strong endorsement of the Responsibility to Protect would better prepare the international community to respond to the various challenges and dangers around the world. These changes would strengthen intervention efforts and make the approved interventions have a better chance of operational success and saving lives.

## **Policy Implications and Recommendations**

The US embracing the tenants of R2P and the suggestions outlined in this paper would help US intervention efforts to be more successful. The US should refrain from acting unilaterally, instead relying on the approval of the UNSC and other international actors, and

should consider the local or regional support for action. The reforms to US foreign policy as well as to the structure of the UN would enable a more effective procedure for the effective and positive interventions in the future. While this policy would may not answer every crisis that arises, it can offer more legitimacy and success to future action.

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