

Big Powers and the 'Responsibility to Protect'

Written by Barry H. Steiner

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BARRY H. STEINER, JUL 26 2012

Great powers have been historically distinguished not only by their large military capability but by their actions to strengthen international order. Their ability to cooperate for this purpose underpins the organization of the United Nations Security Council and is now a foundation of American foreign policy.[i] One consequence of the major state concern for order is that they are more cautious about waging war; Dana H. Allin notes, for example, differences between the U.S. and Israel over the consequences of military action against Iran have been importantly based on the fact that “Washington has a much broader stake in the rules of international order.”[ii]

A second consequence of this interest in international order, the focus of this article, is collective preventive diplomacy to manage and mitigate conflict within and between small powers,[iii] to ensure that (1) such conflicts do not undermine major state relationships, which we term “insulation”; and (2) small state conflict is defused, termed here “intervention”. Insulation limits intervention when disagreement over strategy and tactics interferes with collective major state ability to prevent or mitigate small power war. It also does so when major power agreement lessens great power ability to affect the primary antagonists even when the major states agree on a broad intervention program.

In the Bosnia-Herzegovina civil war (1992-95), for example, insulation difficulties limited the ability of the great powers to influence the Muslim, Serb, and Croat antagonists. Great power disagreement impeded for three years protection of Muslims against widespread atrocities committed Serbs, after the American Secretary of State in 1992 rejected protecting them. Responses to Serb attacks were limited for those three years to conciliatory steps, leaving militarily unequal small power factions free to fight each other, with disastrous humanitarian consequences. Not until 1995 were the major states finally able to overcome their differences, when a major state “contact group” forced the Serb-dominated Yugoslav government to support a power-sharing agreement including Serbs, Muslims, and Croats in Bosnia-Herzegovina.

In the Kosovo civil war (1998-99), by contrast, intervention was more problematic than insulation. Coercive intervention was implemented there more promptly than in Bosnia-Herzegovina once the gravity of the conditions faced by the Albanians majority to Serb rulers became clear. In 1999, the U.S. led a NATO bombing force against Yugoslavia to compel the Serbs to accommodate to the Albanian population. But the bombing’s effectiveness was delayed by NATO’s rejection of ground combat intervention (NATO countries being unwilling to sacrifice soldiers for the Albanian cause), and it actually worsened for a time Serb treatment of the Albanians. Detracting from great power cooperation on the Kosovo question was the failure of Russia, Yugoslavia’s most important ally, to endorse the NATO force program.

This article reconsiders big power insulation and intervention in light of the recently approved “responsibility to protect”, or R2P, norm protecting populations from harm from violent states and domestic factions. It argues that R2P will require the major states to do more in the way of pursuing collective responsibility than in the past; that future major state insulation is likely to limit collective intervention and make R2P enforcement uncertain; and that to maximize cooperative action, the major states should plan for insulation and intervention in advance of intractable small power conflict. Intrastate conflicts in Libya, Syria, and the Sudan provide preliminary indications of present great power ability to collectively intervene in small state conflict.

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I

The U.N. General Assembly in 2005 and the Security Council in 2006 expanded state obligations to intervene to protect endangered populations.^[iv] Broadening the international peace and security concept, they articulated in R2P the responsibility (1) to prevent violence by addressing the causes of conflict; (2) to react to massive abuses of populations by primary antagonists in internal state conflict; and (3) to rebuild countries in the wake of conflict and international intervention. To enhance U.N. capacity to contribute concretely to the protection of endangered populations before disaster strikes, a thirty-one member Peacebuilding Commission (PBC) was created in December 2005 to coordinate disparate U.N. programs to sustain peace in countries at largest risk of institutional breakdown and civil war, and to provide peacekeeping, development, and institution-building efforts.^[v] In such countries, PBC affects the “operational level of war...[in] which campaigns and major operations are planned, conducted, and sustained to accomplish strategic objectives.”^[vi]

If waging war required to enforce R2P, as it is in polarized, intractable disputes, the large powers can be expected to have the largest say on whether force use to protect R2P is efficient and effective. Because violent small power primary antagonists will presumably be less committed to protecting populations than the international community, R2P enforcement highlights the importance of major power military action.^[vii] However, the vulnerability of populations to force use suggests that R2P primarily requires limiting rather than widening force use. This is most expeditiously done in the early in the local dispute, before primary antagonist attitudes and hostility harden. Conciliatory diplomacy will then be a key major power intervention technique.

In other words, whether the local dispute is more or less complex, enforcing the new R2P norm will enlarge the burden on the major states. It will call forth the conciliatory and coercive types of distinctive great power action shown in the past, and also a larger degree of them. However, major state relations for their part complicate the collective ability to influence primary antagonist attitudes in local conflict, making R2P enforcement more difficult and unpredictable.

Major state collective concerns more generally, and insulation efforts in particular, have not been a major item on the R2P agenda. HowHOriginators of the R2P concept, acknowledging the centrality of collective major state action, argued that “The political reality—quite apart from the force of the argument in principle—is that if international consensus is ever to be reached about how military intervention should happen, the Security Council will clearly have to be at the heart of that consensus.”^[viii] Subsequently, a U.N. panel in 2004 endorsed R2P as an international norm “exercisable by the Security Council authorizing military intervention as a last resort.”^[ix] The U.S. for its part has sought to preserve policy flexibility through the authority of the Security Council, acting to ensure, for example, that PBC would have only an advisory role and not substitute for the U.N. Security Council.^[x]

The opposing view rejects hinging R2P enforcement upon major state action, maintaining that R2P is too important to depend upon the ability of the major states to cooperate (as in the Bosnia-Herzegovina and Kosovo episodes already referred to). It holds—and it ultimately prevailed in U.N. decision-making—that while Security Council endorsement should ideally legitimize forceful international action to protect populations from governments, backups should be provided if the Security Council is unable to act. These include (1) approval by the U.N. General Assembly; (2) approval by regional organizations under chap. 8 of the U.N. Charter, with Security Council approval sought later on; and (3) action by concerned states individually.^[xi]

U.N. approval of more flexible R2P enforcement was also grounded upon a more egalitarian notion of the international system, and more specifically to the dispersion of international power. Said by Susan Rice and Andrew J. Loomis to have been “craved” by the international community,^[xii] and pushed more by small- and middle-sized countries than by veto-holding members of the U.N. Security Council (except for Great Britain), R2P sought “open up the process [of norm determination] beyond a few great powers,”^[xiii] and to suggest that international politics was no longer dominated by a few major states. “Gone are the days,” according to a study led by leading R2P advocates, “when the largest powers could simply dictate the rules of international engagement; and the idea that international institutions can impose rules on states is a myth, not a reality.”^[xiv]

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Some link broadened U.N. decision-making to the idea—evidently informed by recent American military intervention in Iraq—that major state intervention in small state disputes endangers international stability, and must be regarded as the major threat to weaker powers. Some middle-range powers, fearing domination of R2P by the Security Council, have worked to limit the scope of the PBC on the grounds that protecting endangered populations should be subordinated to protecting weaker members against preventive military action by the stronger.[xv] This more radical viewpoint rejects not only the tradition of great power responsibility in small state conflict but also the assumption that the major states are more concerned about international stability than are their small state counterparts.

II

Insulation is problematic for intervention, and for R2P enforcement, when it delays and unduly lightens the major power effort to influence the primary antagonists.

Early intervention is essential because, when fighting begins, very mismatched warring factions ordinarily do not fight each other and target populations instead, as in Bosnia-Herzegovina and Kosovo. Yet the major states, lacking an agreed framework for intervention and needing therefore to deal ad hoc with each small power conflict, are unlikely to intervene at the earliest challenge to endangered populations. Even at the earliest stage, when conflict is less divisive than later, major states are now unable to capitalize on the advantage of early intervention.[xvi]

Subsequently, when antagonist attitudes harden and violence against populations grows, the choice of intervention technique will become most important. Whether the large states agree or disagree about it will affect how they intervene in small state conflict. If they insulate the small state conflict as an element of their own relations, collective action will be shaped by their own agreed-upon needs. The major states may then persist in conciliating the primary antagonists rather than in launching the coercive measures required to influence them. When great power disagreement prevents the major states from insulating the small state conflict as an element of their own relations, they can support different sides in the conflict, undermining each other's objectives as well as R2P enforcement. In the Lebanon War of 2006, for example, protecting the Lebanese population was overshadowed for the U.S. by the American commitment to protecting Israel's flexibility to fight Hezbollah in Lebanon as it saw fit. The U.S. and Israel rejected a humanitarian truce in that instance.[xvii]

Agreement and disagreement are problematic for R2P enforcement for different reasons. In each, the large powers will lack the ability to contribute to, or capitalize upon, the warring factions' hurting stalemate, a condition associated with their exhaustion after prolonged violence.[xviii] Opportunities for primary antagonist negotiation will thus necessarily be missed. Furthermore, each scenario allows primary antagonists to believe that the major states lack the ability to collectively enforce international norms; intensified violence and humanitarian disaster are likely consequences. In short, each promises a mismatch between R2P enforcement requirements and major state responses.

But the difference between successful insulation and insulation failure is also significant. R2P advocates stressing collective major state action highlight the need to overcome disagreements but neglect problems associated with agreement—that is, they do not give sufficient attention to the way that the major states give higher priority to defusing small power conflict as an issue between themselves than to affecting small power primary antagonists. This tendency is associated with the major states' special interest in international stability, already remarked upon: small power conflict is only one of many issues that major powers focus upon collectively to protect international order; their ability to act in common is perceived as still more important for international stability than is the ability of the major states to defuse small power conflict.[xix]

The opposing view critiquing great power collective action, on the other hand, gives insufficient attention to major state disagreement. When major states block each others' initiatives, small states gain more leverage, flexibility, and security. Here again, the outlook for R2P is guarded. In the short term, great power deadlock permits small state antagonists more leeway for norm violation. Over the longer term, by contrast, blatant and persistent norm violation may provoke the major states (as in the Bosnia-Herzegovina case cited earlier) to overcome their differences and to intervene coercively against the offending antagonist.

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III

The primary R2P challenger in Darfur, Libya, and Syria, has been small power central governments. Faced with poorly armed opposition that they cannot directly suppress or easily overpower, they have threatened and targeted civilian populations to sustain their authority. To enforce R2P in these wars, therefore, major states have been required to oppose small state central regimes. The following brief discussion focuses upon the major power response to R2P violations, while taking account of insulation as a shaper of this response.

Darfur. After the Darfur revolt against the Sudanese government in Khartoum, which continues today, began in 2004, the government responded by authorizing Arab tribesmen ("Janjaweed") to attack civilian settlements. The U.S. characterized the ensuing violence as genocide, and the head of the Khartoum government, Omar Hassan al-Bashir, has been indicted by the International Criminal Court for crimes against humanity in connection with them. The African Union authorized a peacekeeping force to stop the violence, but it was far too small to do so. Subsequently the Security Council authorized a larger, more robust force in August 2007, but the Khartoum government resisted emplacement of this force, and the major powers have been unable to agree upon coercive measures against Khartoum or upon high-end military units and equipment for the peacekeeping force such as attack helicopters. One barrier to tougher measures has been Chinese dependence on recently developed Sudan oil resources.

Major power insulation of the Darfur question has been a greater problem than intervention. The major states are evidently determined to act collectively, but continued conciliation of the Bashir government despite the inadequacy of that approach suggests their agreement to circumscribe their intervention is the primary difficulty, rather than the difficulty of intervention itself.

Libya. When a revolt against the Libyan government was launched in Benghazi in March 2011, the Libyan leader Muammar el-Qaddafi vowed to crush it. Fear of an ensuing bloodbath led the Arab League to request a peacekeeping force to forestall suppression of the revolt, and the U.N. Security Council authorized NATO intervention for this purpose. Working with rebel forces, a NATO air campaign brought about the ouster of the Qaddafi regime in October 2011. However, when the U.S. and its NATO allies acted to undermine the internationally unpopular Qaddafi regime, a dispute erupted between the major powers, Russia and China insisting they had not endorsed that objective and wished only to stop the violence against civilians.

Intervention rather than insulation was the greater problem for R2P enforcement in this instance. Rebel military contingents were poorly trained and poorly armed at the outset, so weapons supplies and training, along with NATO air attacks, were needed to shift the military balance of power in favor of the rebels. The novelty of this NATO campaign also delayed the final result. Russian and Chinese dissent from the goal of regime change exacerbated major power relations but did not hold back the anti-Qaddafi military campaign.

Syria. Initially nonviolent revolution in Syria begun in March 2011 was strongly suppressed by military and paramilitary forces of the minority Alawite Syrian regime of Bashar al-Assad, which massacred civilians. The Arab League recommended that the Syrian leadership be changed, and the U.S., Britain, and France supported that recommendation, but the Assad government rejected it, and Russia, a Syrian ally, supported the regime. Russian suspicions about Western intentions in Syria have been grounded in mistrust about the NATO military intervention in Libya. A cease-fire agreement between rebels and regime was agreed to in April 2012, and the U.N. Security Council agreed to support it with 300 unarmed observers, but subsequent military clashes in the country prevented the observers from functioning. The agreement languished as civil war emerged.

Insulation of the Syrian problem represents a larger obstacle to R2P protection than intervention. The major states support opposite sides in the civil war, based partly on strategic considerations, and their division will not be easily surmountable. However, forceful intervention in the form of an air campaign is not feasible in Syria, much of the violence being concentrated in Syrian cities; and anti-Assad factions have been unable to agree on how to move toward new Syrian leadership.

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IV

The Libyan campaign shows that there is no substitute at present for major state responsibility in R2P enforcement. It also shows that collective R2P enforcement need not depend upon all great powers working together, but requires only that non-participating major states do not endeavor to block the action. Major power responsibility is actually bolstered when effective enforcement is implemented despite divisions among the major states; R2P enforcement can then be effective only if it is not undermined by that division, as it would be, for example, if one major state actively worked to block the enforcement led by others.

In the Syria and Darfur cases, by contrast, major power cooperation has weakened R2P enforcement rather than strengthened it. Collective R2P enforcement is then weakened by the requirement that all the major states agree on the terms of collective intervention in the small state conflict. Those cases illustrate R2P failure when major states cannot agree on the coercive measures that are required to affect polarized, violent primary antagonists. When major states conciliate such antagonists, their ability to mitigate or reduce conflict vanishes, which in turn encourages the antagonists to believe that their confrontation can continue without fear of effective great power engagement.

Insulation in all three cases affected the scope of collective intervention and its results, and the conclusion is that pressures for cooperation between the major states, or at least for avoiding a breakdown in their relationship, tend to prevail over those for effective R2P enforcement. Insulation made possible R2P enforcement in Libya despite major state divisions. It has also ensured R2P failure in Darfur and Syria when the major states persisted in collective efforts despite evident failure to affect the local antagonists.

Finally, R2P enforcement requires planners to ponder the value of collective major state action as against independent major state action. The former should be useful to enhance the international stability valued by major states, but it can also serve as an excuse for particular big powers' unwillingness to pay the necessary costs of norm-supporting action.[xx]

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[i] This article defines great powers at present as those holding veto-power in the U.N. Security Council. For a broader definition of major powers, see *Power and Responsibility: Building International Order in an Era of Transnational Threats*, by Bruce Jones et al. (Washington, D.C.: Brookings, 2009), xvii. For the importance of major power consensus in present-day American foreign policy, see Steven Lee Myers, "Last Tour of the Rock-Star Diplomat," *New York Times Magazine*, 1 July 2012, 23. For historical background on major power engagement in small power conflict, see Adam Roberts and Dominik Zaum, *Selective Security: War and the United Nations Security Council since 1945*, Adelphi Paper #395 (London: International Institute for Strategic Studies, 2008); Chandra Lekha Sriram and Karin Wermester (eds.), *From Promise to Practice: Strengthening UN Capacities for the Prevention of Violent Conflict* (Boulder, CO: Lynne Rienner, 2003); Barry H. Steiner, *Preventive Collective Diplomacy: A Study in International Conflict Management* (Albany, NY: State University of New York Press, 2004).

[ii] Dana H. Allin, "Rumours of War," *Survival*, vol. 54 (April-May 2012), 212.

[iii] Such diplomacy remains widely supported. Jones (endnote 1), 203.

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[iv] The logic for R2P is summarized in “The Responsibility to Protect,” by Gareth Evans and Mohamed Sahnoun, *Foreign Affairs*, vol. 81 (November-December 2002), 99-110. See also *A More Secure World: Our Shared Responsibility: Report of the Secretary-General’s High-level Panel on Threats, Challenges and Change* (New York: United Nations, 2004); Susan E. Rice and Andrew J. Loomis, “The Evolution of Humanitarian Intervention and the Responsibility to Protect,” in *Beyond Preemption*, edited by Ivo H. Daalder (Washington, D.C.: Brookings, 2007), 65-85; Jones (endnote 1).

[v] Jones (endnote 1), 187ff.

[vi] Mats Berdal, *Building Peace After War*, Adelphi Paper #407 (London: International Institute for Strategic Studies, 2009), 162. The list of countries is given in Jones (endnote 1), 191.

[vii] Jones (endnote 1), 10; Evans & Sahnoun (endnote 4), 108.

[viii] Evans & Sahnoun (endnote 4), 107.

[ix] *A More Secure World* (endnote 4), 106.

[x] John Bolton, *Surrender is Not an Option* (New York: Threshold Editions, 2008), 225-227; Berdal (endnote 6), 153.

[xi] Rice & Loomis (endnote 4), 84. This approach also underpins Jones (endnote 1)

[xii] Rice & Loomis (endnote 4), 83.

[xiii] Jones (endnote 1), 13. The initial 2001 study identifying the R2P concept, prepared by a commission chaired by Gareth Evans and Mohamed Sahnoun, was commissioned by Canada.

[xiv] *Ibid.*, 14.

[xv] Berdal (endnote 6), 152.

[xvi] On early intervention, see Bruce W. Jentleson, “Preventive Diplomacy: Analytical Conclusions and Policy Lessons,” in *Opportunities Missed, Opportunities Seized*, edited by Jentleson (Lanham, MD: Rowman & Littlefield, 2000), 337; Evans & Sahnoun (endnote 4), 109.

[xvii] Bolton (endnote 10), 409.

[xviii] On mutual hurting stalemate, see “Ripeness: The Hurting Stalemate and Beyond,” by I. William Zartman, in *International Conflict Resolution after the Cold War*, edited by Paul C. Stern and Daniel Druckman (Washington, D.C.: National Academy Press, 2000), 225-250.

[xix] The classic example of great power agreement as an obstacle to effective preventive

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diplomacy is the case of Armenians within the Ottoman Empire. On this case, see Steiner (endnote 1), 72-74.

[xx]For a classic case of such diffidence, see *Eyewitness to a Genocide: The United Nations and Rwanda*, by Michael Barnett (Ithaca: Cornell University Press, 2002).