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BETWEEN DAVID AND GOLIATH: WHERE DID WE LOSE R2P BETWEEN LIBYA AND SYRIA?

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Only few years ago, the idea of “responsibility to protect” was accepted with the admiration. After the UN Security Council unanimously agreed to apply it directly in the case of Libya and few more cases have gone in that direction (Cote d’Ivoire, Yemen, South Sudan etc.) even the greatest skeptics became doubtful on their perception and started seeing the international community with new eyes - as an actor for global security that is determinate to stop mass atrocities, no matter who ever stands still on the side of the oppressive regimes. Although there have been grievances and disagreements about the way the whole process in Libya was conducted, and despite the fact that the embargo was obviously broken, legitimacy was given through the idea of humanity, and that was a justification for overcoming procedural challenges. The Responsibility to protect (R2P) was considered to become an emerging norm of the international law and order that would deter the states of irresponsible and tyrannical sovereignty.

However, as David Bowie sang, pretty things are going to hell. After the civil war in Syria got serious dimensions, the international community needed some time to decide even to condemn the violence. Although the position of Syria is considered to be more complicated geopolitically and religiously, the violence that occurred and the number of civilians that died or lost their home, or survived stress and tragedy, must not be ignored. Put in between the devil and the deep blue sea, the international community remained divided, and further catastrophe is knocking on her door.

What happens in Syria will undermine even the moral arguments of further imposing of R2P doctrine, no matter that some experts have tried to explain that imposing R2P in Syria would have counter effect. Same did some of the officials. However, I personally believe that the way R2P was (not) implemented in Syria, on a doctrinal and scientific level will have the same effects for R2P as the Bankovich case had for the extraterritorial applicability of human rights. Speaking about pragmatism, it is understandable that the powerful should prefer to declare that we should forget history and look forward. But, for the weak ones, forgetting is not a wise choice.

I can completely agree with the UN Secretary General that violence, like water, comes in waves. But, I am currently doubtful of the commitment of all of us as a humanity and international community as a whole, of stopping it. We have failed as humanity. The international community is faced with the challenge of the validity of her own existence that has arisen, not to be forgotten, after another war catastrophe.

R2P is a doctrine born of good intentions, but we must not forget that the road to hell is paved with good intentions as well. We must also keep in mind that selective justice can be the greatest injustice imposed. Keeping this into mind, we have faced a situation where while officials in Paris, London, and Washington were congratulating one another for a job well done in Libya, in the UN Security Council, Russia and China were vetoing, and Brazil and India were abstaining from, the imposition of far milder, nonmilitary sanctions against Syria.

This, however, does nothing to help suffering Syrians and could plunder R2P's promise to build more secure world. In addition, it poses another question to those who preach that reform of the UN is a must: that nothing unless the political will is an instrument of change. Any system would not work out if honest will is not imposed. And, as we could see so far from the lessons learnt by the League of Nations, if the will of all authors is not included, it is not a system that can survive the challenges.

Reaching consensus is not a technical problem- it is whether we can unanimously agree to condemn what is wrong and support what is right. The selectivity of the concept's application has already opened it up to criticism from those parts of the international community who see in R2P another justification for western interference in the developing world's internal political affairs. If the international community does not find a way to resolve these cases, working within framework of the R2P principle, the alternative is a return to the bad old days of Rwanda and Srebrenica. Furthermore, what is extremely important is the fact that if R2P was developed and applied properly, it would have an effect of deterrence to those governments and rulers that would intent to act or already act with their populations in the manner that is inappropriate. On the other hand, inconsistent usage of the doctrine would led to insecurity for those rulers who will get doubtful about the honest idea of humanity and security that are the cornerstones of moral legitimacy of R2P, and will take it as another manifestation of the so called "hypocrisy of the West". No one will be able to stop them from, let say it that way, their right of self-defense in case of invasion- even acquiring nuclear weapons is not excluded. The UN Charter gives the two exceptions of the prohibition of the use of force, but does impose clear guidance. Developing of clear principles of the R2P, and even accepting and including within the R2P concept proposed, can lead to better normative framework and legal certainty.

And to conclude, it is never too late to do at least something, even when we speak about Syria. Too many people suffered and unpleasant example is already set, although we are aware that we live in a world whose problems overcome the national borders very easy.

The R2P was put on three pillars. That makes me believe that there is still time to change at least something in Syria and save the day. Otherwise, the conclusion would be nothing more than: RIP R2P.

The price of the delayed and inconsistent international commitment was unfortunately paid on the streets of Paris and he airport of Brussels. The migrant crisis cannot be resolved by any political agreement, except for resolving the very source of it. This could be a chance for reviving R2P - this time, redefining the concept and including also non state actors. And giving a chance a society to be rebuilt. This might sound too idealistic – but this is the only long term solution that can actually work for everyone. The contemporary understanding of the human rights is indivisible of the human security. Human security is indivisible from the protection of citizens of their own governments. It is a precondition for more secure world. And it is a responsibility of the international community. We still have a chance to show our dedication and make a step forward. As Tolkin says, not all those who wander are lost.