

Chapter 2

The Arab Uprisings and the P5 Powers

Abstract The wave of Arab revolts in the Middle East and North Africa since December 2010 is the most significant outbreaks of inter-related uprisings at the dawn of the twenty-first century. Popularly known as the Arab Spring, the Arab Uprisings as it should be more appropriately called, have engulfed the wider international community in the most intense diplomatic wars in the modern era. Global concerns over the outbreak of atrocities and the destabilising effects of the revolts have led to high-level *realpolitik* pitting two major camps—those who are pushing for international intervention to protect civilian populations led largely by the West and industrialised North versus those who are resisting this push in the name of state sovereignty and the principle of non-interference led mainly by Russia, China and the developing South. For the first time, the Arab world has been openly split, as Arab brethren are forced to take sides against Arab brethren, even advocating intervention in Libya and Syria and finding themselves as bedfellows with the Western powers. The revolt of the masses in the Middle East—or West Asia as some would prefer to call the region—is yet to come to an end. But the intense power politics in the UN suggest that the future of the Middle East will be defined more by the Permanent Five than the Arab world itself.

Keywords Arab spring • No-fly-zone • Regime change • Yemeni option • UN contact group • UN-Arab League Joint Six-Point Peace Plan

2.1 R2P's Tussle Over Syria

On 29 May 2012, Australia announced that it was expelling two Syrian diplomats, becoming the first of several countries to take diplomatic action in response to the worsening internal crisis in Syria as the death toll rose with fresh reports of a massacre of civilians, including women and children, in the rebel village of Houla. Australia was followed immediately by at least seven countries France, Germany, Britain, Italy, Spain, Turkey and the United States, with Canada following hot on

the heels by expelling all Syrian diplomats as part of the worldwide diplomatic response (Nicholson 2012, 30 May). Foreign Minister Bob Carr stated on television that the expulsion was a 'message of revulsion' to Syria in response to the massacres of unarmed civilians who had been protesting against the regime, which UN estimates then put the total number of deaths at the start of the conflict to at least 10,000. By 2012, the death toll had climbed to at least 100,000, according to the United Nations Secretary-General Ban Ki Moon. The primarily Western response led to a Syrian counter-response when Damascus on 5 June 2012 retaliated by expelling the envoys of several Western countries and Turkey. It was reported that the diplomatic retaliation against the Australia-led protest came as Russia and China began talks on the Syria crisis, which Beijing said was at 'crossroads'. The talks demanded both government and rebel forces to halt the violence as proposed by UN-Arab League joint special envoy Kofi Annan in a six-point peace plan.

The Syrian uprising was inspired by the series of internal revolts in North Africa and the Middle East, widely referred to as the Arab Spring, that began in Tunisia in December 2010 and led to the downfall of autocratic leaders in Tunisia, Libya, Egypt and Yemen. Of the four leaders who were toppled by the revolts, Gaddafi was the one who faced the full force of the new norm in international politics called the 'Responsibility to Protect'.

While Tunisia's Zine-El-Abidine Ben Ali and Egypt's Hosni Mubarak were deposed by their peoples before there was time for any international intervention, Gaddafi's heavy-handed response to Libya's own uprising drew global attention. This was partly because the largely Western media which managed to gain access into Libyan territory and subsequently through the digital world, brought the Libyan crisis to the homes, laptops and handphones of millions of people around the globe. The worldwide attention brought added pressure on UN members, eventually leading to the UN Security Council to pave the way for international military intervention to support the Libyan people. The first move was the introduction of Resolution 1970 which imposed an arms embargo and other international sanctions on the regime, and then Resolution 1973 which imposed a 'no-fly zone' by NATO to protect the civilians from air attacks by the Libyan forces. Just as significantly, it legitimised 'all necessary measures' to support the unarmed civilians. Analysts see UNSCR 1973 as giving the legal basis for international intervention in the Libyan crisis. The combined effect of the two resolutions was to strengthen the Libyan civilian resistance, which eventually overwhelmed Gaddafi's regime and led to his eventual downfall and physical lynching by his people.

When Ban Ki Moon announced Security Council Resolution 1973, he indirectly invoked R2P as the enabling norm. In a statement soon after the resolution was adopted, he said: 'The Security Council today has taken an historic decision. Resolution 1973 affirms, clearly and unequivocally, the international community's determination to fulfil its responsibility to protect civilians from violence perpetrated upon them by their own government... In adopting this Resolution, the Security Council placed great importance on the appeal of the League of Arab States for action'. (Ban 2011). Resistance to the resolutions was defused when the

Arab League supported the motions and even contributed arms through Qatar. In the event, the two resolutions were carried without any veto. But while UNSCR 1970 was adopted unanimously by the Security Council, UNSCR 1973 saw five abstentions, including two veto-wielding members of the Permanent Five (P5)—Russia and China—along with India, Brazil and Germany. These abstentions would later prove to be the beginning of a major backlash on the UN's interventionist posture in the Arab uprisings.

The downfall and eventual death of Gaddafi enraged the Arab League which did not expect the international intervention to lead to regime change in Libya—as this was not what they had expected of R2P. There was intense debate with the Western powers that backed the NATO intervention, namely the US, Britain and France, who had rationalised that in this instance, it was extremely difficult to protect the unarmed civilians without removing Gaddafi and his coterie of supporters. In the aftermath of Gaddafi's downfall, Libya has been going through a political transition as a new regime thrown up by the uprising tries to find its feet. In the meanwhile, the key survivor of the Gaddafi regime, Saif-al-Islam Gaddafi, has become the subject of a tussle between the new regime and the International Criminal Court (ICC). The new regime wants to put him on trial in Libya while the ICC wants him to be tried outside Libya to ensure that Saif-Islam gets a fair trial.

The controversial nature of the application of R2P in Libya was a key reason for the backlash. Subsequently, there has been a stiff resistance to international intervention in Syria despite the brutal counter-offensive by the Assad government which had shocked the international community. Spearheaded by Russia and China—the veto-wielding members of the P5—critics of R2P had always been suspicious that the new norm was designed, or could be used, to advance Western interests following the end of the Cold War. Their primary fear had been the pursuit of regime change in the non-Western world, especially on those countries that do not practise the Western model of statecraft and nation-building through democratic values and civil liberties. Russia and China would have vetoed Resolutions 1970 and 1973 over Libya had the Arab League not supported the resolutions. The downfall of Gaddafi seemed to have caused a sense of regret on the part of Russia and China who did not want a repeat of what they saw as a strategic mistake in Libya. It was this fear of regime change in Syria that led to their double-veto of resolutions on Syria on 12 February 2012 and on 19 July 2012—the third joint veto by Russia and China since the Arab uprisings began. The first was in October 2011 when they vetoed a European-drafted resolution threatening sanctions on Syria. (UN Security Council [2012](#), 19 July).

The Russian and Chinese vetoes followed the Arab League's initial intervention to encourage a peaceful resolution between the Assad regime and the civilian opposition. When that initiative broke down, the Arab League suspended Syria from the League on 12 November 2012 and escalated it to the UN Security Council, which paved the way for a joint UN-Arab League peace initiative led by former US Secretary-General Kofi Annan. The special envoy called for a ceasefire and a dialogue between the regime and the civilian opposition. But the Arab League's suspension of Syria's membership also caused Assad to harden his stance against the

uprising, which in turn led to a downward spiral of the unrest. Indeed, Assad saw the Arab League's initiative as designed to pave the way for his downfall. Russia, lending support to Syria, its strategic ally in the Middle East, argued that the draft resolution it had vetoed was an attempt at 'regime change' in Syria which Moscow was against (Charbonneau 2012, Feb 4). Indeed, the Russian foreign minister was explicit in linking the push for regime change to what he termed as the 'larger political game'. In an article published in Huffpost, Sergei Lavrov wrote: 'What seems to prevail in that option are attempts to bring about regime change in Damascus as an element of a larger regional geopolitical game. These schemes are undoubtedly targeting Iran, since a large group of States including the USA and NATO countries, Israel, Turkey and some States of the region appear to be interested in weakening that country's regional positions'. (Lavrov 2012).

Russia continues to provide arms to give critical support to the Assad regime, while Venezuela has shipped fuel to circumvent the effect of international sanctions. Iran has, by its own admission, sent troops into Syria to aid in the crack-down. The Global Centre for the Responsibility to Protect (ICR2P) said in a statement that these actions undermined efforts to bring an end to the mass atrocity crimes perpetrated by the Syrian government (GCR2P 2012). Indeed, the Arab League plan, among other things, called for a political transition in Syria and for Assad to step aside. The massacre in Houla triggered the unprecedented worldwide diplomatic expulsion of Syrian diplomats.

Carr said that the option of sanctions was being looked into by the international community. In fact, in a subsequent remark, the Australian foreign minister said Australia was open to discussion about military intervention in Syria, although he conceded that there were huge logistical and political hurdles to intervening in that country, given Syria's well-armed military. The lack of unity within the Syrian opposition was also a major factor in the way of any military intervention (Flitton and Ireland 2012). But Carr's disclosure of a possible military intervention suggested that all options consistent with the principle of R2P were being considered, although this would be highly unlikely given the lack of unanimity within the Security Council due to the certainty of Russian and Chinese vetoes. While the Russian and Chinese double-veto was obviously coordinated, diplomats were quoted as saying that the initiative was Russia's which China followed. Indeed, several Western diplomats offered the view prior to the vote that a Russian veto would be a sign of the 're-Putinisation' of Russian foreign policy (Charbonneau 2012, Feb 4). Now that Putin is back in the presidency, a more forceful resistance to international intervention, whether under R2P or not, can be expected.

2.2 R2P, Realpolitik and Syria

There are contending views as to why Russia opposed the Syria resolution. Some analysts noted that Russia, despite its earlier veto, actually supported the Security Council's condemnation of the Houla killings, describing it as the 'first positive

news to come out of the Syrian crisis for months'. It opened up the possibility that the US and Russia may find common cause in easing out Assad to defuse the rebellion without bringing about regime change (Tisdall 2012, 28 May). Russia had been under intense diplomatic pressure to shift its pro-Assad position that had begun to damage its wider interests in the Middle East, in relation to Saudi Arabia and the Gulf states (who are all opposed to Assad) and bilaterally with key European powers and the US. A larger factor is the return of Putin to the foreign policy helm whose approach is that of an 'unsentimental calculator of national advantage'. Some analysts say the most important issue in his international agenda was not Syria, or any of the other Arab Spring uprisings but his meeting with Barack Obama when both were due to meet at the 18–19 June G20 Summit in Mexico (McGeough 2012, 20 June). As Tisdall sees it, both leaders have larger strategic goals to achieve and to secure from the other: Putin wanted guarantees against US-led missile defence plans in Europe and Asia; acceptance of the Caucasus status quo following the Russian-backed secession of Georgian territories in 2008, which Russia had intervened under the cover of R2P; Putin wanted a peaceful resolution of the crisis over Iran's nuclear programme and US assurance that it would block any Israeli military action against Iranian nuclear facilities, and would not take part in any such action itself. For Moscow, a war along its southern, central Asian flank would be far more destabilising politically and economically than any amount of turmoil in Syria (Tisdall 2012).

In turn, Obama was said to be wanting reciprocal gestures from Putin as well: cooperation on a successful, negotiated conclusion to the Iranian saga, plus help in dealing with common challenges such as North Korea. In other words, there were plenty of incentives for both sides to reach an accommodation on Syria. American officials reportedly noted a possible Russian inclination towards some kind of deal over Syria, according to the New York Times, which said Thomas Donilon, Obama's national security adviser, discussed Syria with Putin in Moscow during a visit in May 2012. And when Obama raised Assad's future with the Russian Prime Minister Dmitry Medvedev at the G8 meeting, Medvedev appeared receptive, according to the American officials (Tisdall 2012). Under the reported deal, Russia would agree to the removal of Assad and his replacement by a less controversial government figure, following the example of the transition in Yemen. The regime would remain largely intact, and so too would Russia's Syrian sphere of interest, including its commercial relationship and its naval base. For his part, under such a scenario, Obama would be able to claim that the Syrian crisis had been defused without resort to international military intervention (Tisdall 2012). And that would also save R2P from criticism that it has become a convenient tool for regime change.

The so-called Syrian version of the 'Yemeni option' was said to be gathering steam within weeks of the Houla massacre, apparently first raised by the Arab states and now backed by the US (McGeough 2012). Under the option, Assad, like the former leader of Yemen Ali Abdullah Saleh, would be given immunity and exile while his regime would more or less survive. While the White House tried to coax support for the deal from a reluctant Moscow, Secretary of State Hillary

Clinton was busily setting the scene for acceptance of such a deal, arguing that there could be no military intervention because there was no way Russia and China would support it. While the Russians were not enthusiastic, the rebels were impressed neither by the Yemen option nor by the Annan initiative (McGeough 2012). Money and weapons were being supplied by the Arab and Gulf states. In the absence of a UN blessing for Libya-style campaign by the world community, it was likely that in time, the US and European governments would make similar commitments. Writing in *The Guardian*, a rebel leader Haitham Maleh was quoted by McGeough as saying: 'We are not asking for boots on the ground...the West supported the overthrow of Col Muammar Gaddafi of Libya, whose activities now appear minor compared with what's going on in Syria. To fail to do the same now is hypocrisy'. (McGeough 2012). But the US had taken a more cautious public stance, with Defence Secretary Leon Panetta saying any military action in Syria would need backing from the UN, although he described the latest violence as 'intolerable'. Panetta replied with a categorically 'no' when asked by the media if he could foresee a scenario in which the US would back military intervention even without UN authorisation (*Los Angeles Times* 2012).

The scepticism notwithstanding, hope for a solution was kept alive with what appeared to be international backchannel efforts in Europe. Re-installed Russian president Vladimir Putin met the new French president Francois Hollande as well as German Chancellor Angela Merkel and efforts were reportedly underway to revive a Putin idea to host a conference of representatives of the Syrian regime and the rebels. While Merkel was expected to argue for tougher action, Hollande reportedly was in favour of military intervention (Lyons 2012, June 2). At the same time, however, Moscow appeared to want to moderate any hopes of international intervention when the Russian Deputy Foreign Minister Gennady Gatilov told the media: 'We have always said we are categorically against any intervention....as this would only worsen the situation and would lead to unpredictable consequences both for Syria itself and for the region as a whole (McGeough 2012). Still, it would be Putin who would decide following his June summit with Obama. There would be a lot of horse-trading to do. 'But if Obama can go some way to reassuring his Russian counterpart on some or all of these, then Putin perhaps can be convinced to throw Assad under the bus—along with the Cold War sentimentality that makes him want to cling to Moscow's last client state in the Middle East'. (McGeough 2012).

By 7 June 2012, however, reports emerged of Annan tinkering with a radical idea for reviving his peace plan for Syria—a roadmap for political transition that would be negotiated through a 'contact group', among other nations, Russia and Iran (Ignatius 2012, June 5). Annan's new plan, disclosed by *The Washington Post*, was outlined by a diplomat who was familiar with the UN mission. The proposal, which was to be presented to the Security Council came as Annan's peace efforts were hitting a dead end in Damascus, leading to growing concerns that the Syrian crisis was spiralling into an all-out civil war. The *Washington Post* report said what was intriguing about Annan's new approach was that it could give Russia and Iran, two key supporters of Assad's survival, some motivation to

remove him from power, while giving them some leverage to protect their interests in a post-Assad Syria. The reason Annan was said to be toying with this unconventional approach was that nothing else had worked. The West wants Russia to broker a deal but so far Putin had not seen enough benefits to Moscow to embrace this course.

To break the deadlock, Annan would create his contact group comprising the Permanent Five (Britain, China, France, Russia and the US) plus Saudi Arabia and perhaps Qatar to represent the Arab League, as well as Turkey and Iran. This group would then draft the transition plan and take it to Assad and the Syrian opposition. The roadmap would call for a presidential election to choose Assad's successor, plus a parliamentary vote and a new constitution—with a timeline for achieving these milestones. Assad would presumably depart for Russia, which was reportedly said to have offered him exile, with Iran also said to have him exile. Assad was also rumoured to have transferred US\$6 billion in Syrian reserves to Moscow. Under this scenario, Assad presumably could avoid international prosecution for war crimes. A week prior to the report about what appeared to be Annan's 'Plan B', Russian foreign minister Sergei Lavrov had said that Moscow was not wedded to Assad remaining in power, but yet the Russians had done nothing by 6 June 2012 to move Assad towards the exit. If Annan's idea of a contact group could not take off, there were not any obvious alternatives left other than a deepening civil war (Ignatius 2012).

Indeed, by the evening of 6 June, Russia and China issued a joint statement reaffirming their strong opposition to intervention in Syria. The joint statement was released following a summit between Putin and his Chinese counterpart Hu Jintao in Beijing in which the two leaders opposed any attempt to impose regime change in Syria, while calling for support for the original six-point peace plan by Annan. 'Russia and China are decisively against any attempts to regulate the Syrian crisis with outside military intervention, as well as imposing...a policy of regime change', the joint statement said (The Australian, 7 June 2012, p. 14; Chan 2012, June 9). Saudi Arabia reportedly said that it was time for Moscow to take the initiative to bring the Syrian crisis to an end. 'The time has come for Russia to change its stance from supporting the Syrian regime to working to stop the killing and (supporting) a peaceful transition of power', said Saudi Foreign Minister Saud al-Faisal.

A day later, US Secretary of State Clinton and British Prime Minister David Cameron, riding on news of yet another massacre in the village of al-Kubeir near Hama, pressed for a transfer of power and the formation of a representative interim government. 'Assad must transfer power and depart Syria', Clinton said after a strategy session with Arab and Western powers in Istanbul. Separately, Cameron said in Oslo more pressure must be applied on the Assad regime 'to isolate Syria, isolate the regime, to put pressure on and to demonstrate that the whole world wants to see a political transition from this illegitimate regime to actually see one that can take care of its people'. (The Australian, 8 June 2012, p 12).

In what looked like a growing diplomatic tussle to influence the future course of Syria, or at least to shape international opinion over the crisis, Russia and China

issued another diplomatic counter-offensive on the same day, this time through the Shanghai Cooperation Organisation (SCO) which they led at the end of the Central Asian group's summit. The SCO's statement made clear it opposed military intervention, and that member states 'are against military intervention into this region's affairs, forcing a 'handover of power' or using unilateral sanctions'—in an apparent rebuttal of the remarks by Clinton and Cameron. Apart from Russia and China, the SCO comprises Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan. The opposition to intervention in Syria was also relevant to Iran, an SCO observer state, which received moral support when the SCO warned as 'unacceptable' any use of force against Iran—an oblique reference to US and Israeli plans to attack Iran's nuclear programme. (The Australian, 8 June 2012).

The intensifying diplomatic war between the Western powers and Russia and China was obviously trending towards a stalemate. By the time Obama and Putin met on the sidelines of the G20 Summit in Los Cabos, Mexico—against the backdrop of a silent military coup in Egypt on 18 June and conflicting reports of the death of Mubarak—Obama and Putin failed to agree on a breakthrough deal that would appease the international community. Media reports painted the two leaders as being cool towards each other, yet both tried to give an impression of some movement. Obama said: 'We agreed that we need to see a cessation of the violence, and that a political process has to be created to prevent civil war'. (McGeough 2012, 20 June). No mention was however made about what the political process would lead to, especially on the fate of Assad. Nor was there any hint of a 'Yemeni option'. Putin's spin was equally lacking in detail, except to say: 'We have found many common points on this issue'. Instead, their statement did not go beyond a joint acknowledgement that the Syrian people should independently and democratically decide their own future (McGeough 2012, 20 June). In other words, Russia, with the backing of China, succeeded in rolling back the push for international intervention that could have led to regime change in Syria. For good measure, on 20 July 2012, Putin's office issued a statement warning against any move to bypass the Security Council. RIA Novosti, which reported this, suggested that this warning came on the heels of the remarks by US Ambassador to the UN Susan Rice following the Russia-China tandem veto of the Western-backed UN Security Council resolution. Rice had said that the US and its partners 'have no choice but to look to partnerships and actions outside of this council to protect the Syrian people'. 'In the Russian president's opinion, any attempt to act without the [UN] Security Council's approval will be inefficient and will undermine the authority of this international organization', Putin's spokesman Dmitry Peskov said (RIA Novosti 2012, July 20). Kofi Annan has an explanation for the dogged opposition by Russia and China to intervention in Syria—a sense of betrayal or of being outmanoeuvred by the West over Libya. 'Russia and China have been very hesitant to allow the United Nations Security Council to take certain steps in the Syrian case, because they believe they were duped in the Libyan situation', Annan, who had by now resigned from his mediator role, said in a dialogue in Singapore on the theme of his book *Interventions: A Life in War and Peace*. (Annan 2012a).

2.3 The Arab League and R2P

The outbreak of the Arab Uprisings came like a bolt of thunder for the Middle East and North Africa (MENA) region which has long been characterised by autocratic rule. The uprising in Tunisia at the end of 2010 and the beginning of 2011 which started it all caught not only the region but also the whole world by surprise. After the overthrow of President Ben Ali, equally stupefying was the speed of the political contagion. It spread first to Egypt, bringing down Hosni Mubarak, before turning to Libya and deposing Muammar Gaddafi, and then spreading to other parts of the region, such as Yemen and Bahrain, even Morocco and to a certain extent parts of Saudi Arabia, before engulfing Syria—the strongest Arab state after Egypt militarily. It is in Syria where the Arab Uprisings are currently roiling, and showing no signs of a resolution by mid 2013.

The speed with which the political inferno burned the region has been a shocking wake-up call to the long-ruling political elite whose political models must necessarily be revisited to ensure national stability and economic progress. One other consequence has been to jolt the divided region to be more proactive and more united to resolve its own problems and challenges and to be seen to be doing so. One of the key criticisms of the Arab street is the failure of the region's leaders to show leadership in the face of pressing political challenges. The Arab League for instance has been long dismissed as ineffective as a multilateral platform representing the voice of the Arab world. The series of revolts and uprisings, however, has led to the emergence of a 'new face' for the organisation—one that is more assertive and cohesive, displaying a clearer sense of purpose as a regional grouping representing Arab group interests.

The ICR2P notes that the Arab League took a strong position against the use of force by the Gaddafi regime, and at a meeting on 3 March 2011, suspended Libya from the League and began to consider imposing a 'no-fly zone'. On 12 March 2011, the Arab League convened an extraordinary session and 'called on the Security Council to bear its responsibilities...and to take the necessary measures to impose immediately a no-fly zone' as well as take measures to protect the population 'while respecting the sovereignty and territorial integrity of neighbouring states' (ICR2P 2012). While Gaddafi had never been a popular leader in the Arab world, it was probably the first time that the Arab League had acted so firmly against one of its own member-leaders. This was to be repeated a year later when Syria's Bashar al-Assad was similarly suspended, partly contributing to the political stalemate faced by the UN over acting on Syria.

Another major Arab forum, the Gulf Cooperation Council (GCC), which met on 7 March 2011, also called on the UN Security Council to 'take all necessary measures to protect civilians, including enforcing a no-fly zone over Libya', and condemned the 'crimes committed against civilians, the use of heavy arms and the recruitment of mercenaries' by the Libyan regime. Within the GCC, its key player—Saudi Arabia—has also been more vocal and open as a regional leader. Western news agencies reported in March 2012, quoting a top Arab diplomat, that

Saudi Arabia was beginning to send arms as well as other military equipment to the Syrian rebels to stop the bloodshed by the Assad regime. The delivery was through Jordan for the Free Syrian Army. On 7 February 2012, Saudi Arabia and its five GCC partners expelled Syrian envoys while withdrawing their own diplomats from Damascus over the ‘mass slaughter’ of civilians. (BBC 2012, Feb 7). In March, Saudi foreign minister Saud al-Faisal publicly defended the right of the Syrian opposition to arm itself. In the same month, the Syrian information minister Adnan Mahmoud accused Saudi Arabia and Qatar of backing ‘armed terror gangs’ and demanding they took responsibility for the resulting bloodshed.

The display of new-found resolve by the Arab regional organisations was not an easy act of political will because moving against a fellow Arab state had never been in the culture of the region. As the ICR2P noted, the initial support by these organisations for the implementation of a no-fly zone quickly faded following the passage of UN Security Council Resolution 1973 and the subsequent military campaign launched by states including France and the US, which was ultimately overtaken by NATO. Suddenly caught in a dilemma for fear of a public backlash from the NATO bombings of a fellow Arab state, the Arab League spoke out against the NATO airstrikes and declared that the campaign differed greatly from the no-fly zone initially desired to protect civilians from Gaddafi’s forces. The momentary wavering of support by the Arab League and other regional organisations highlights the concerns and debates that arose in the aftermath of Resolution 1973 and the actions of NATO member states as to whether NATO’s actions over-reached the implementation of a no-fly zone (ICR2P 2012).

2.4 Future of R2P in the Middle East

One year after the Arab Uprisings turned to Syria, with the civil unrest showing no signs of a resolution, critics and sceptics of R2P are beginning to read the last rites of the doctrine. R2P is not only in crisis, but one colourful phrasing in Foreign Policy even described it in one breath: ‘R2P, RIP’. (Abrams 2012). Indeed, the international political stalemate over Syria, which began with the controversial application of R2P over Libya, will exacerbate the furious debate over the viability and propriety of R2P as an emerging international norm. Critics charge that the Syrian crisis, as was the case of Libya, had exposed R2P as a ‘crusading utopianism’ mandating ‘perpetual war for peace’. Supporters worry that R2P will be discredited as a farce if Assad is allowed to massacre innocents with impunity (Foreign Policy 2012). The present state of affairs is likely to rage even more furiously, which neither the supporters nor the critics of R2P can claim to have won conclusively, if ever. Some scholars take the middle ground to say both supporters and critics of R2P are wrong.

Beauchamp, for example, argues that military intervention in Syria would not only be a misapplication of R2P but would radically weaken the doctrine’s role in building both a better Middle East and a better world. ‘Our responsibility to protect

both Syrians and the R2P doctrine itself demands that we stay out of it'. (Foreign Policy 2012). It is a common misconception that R2P is simply a convenient excuse for military intervention against atrocities, he says. Core R2P documents are clear that the third pillar of R2P about intervention is not restricted to military action, in fact, military intervention is permitted by the doctrine only in 'extreme cases' and, even so, only when the extreme case itself passes stringent tests.

On the other hand, Beauchamp argues, Syria interventionists do have a point when they say ignoring Syria could damage the doctrine's credibility. The alternative, however, is to go for an 'R2P-friendly middle ground' between non-involvement and military force. He says a number of analysts have proposed diplomatic, legal, and economic strategies that could midwife an end to violence. Some examples include referring Assad and/or other regime leaders to the ICC for prosecution, offering Russia assurances that its interest in Syria will be respected if Assad falls, in exchange for slackening its support for him, or creating an international agreement to repudiate any future debt accrued during the crackdown as 'odious debt'. A coordinated international effort incorporating some of these proposals, spearheaded by the US and its allies, is the best approach the international community could take to end the violence, Beauchamp says.

If the future of R2P hinges on the fate of Syria, then 12/12/12—or the 12th of December 2012—could be a fateful date. On this symbolic day, a new and possibly more united opposition coalition, first formed in Doha, Qatar, officially emerged in a major meeting in Marrakech, which was endorsed by over 100 countries including Arab states and the Western powers. This development was presented as paving the way for greater humanitarian aid, possibly military assistance, and eventually international intervention. The announcement of the formation of the Syrian National Coalition was reported as reflecting a hardening consensus that the Syrian uprising might be approaching a tipping point. The Friends of Syria group which links the Gulf Cooperation Council and Turkey as well as the United States, France and Britain but excludes Russia and China, called on Assad to step aside arguing that he had 'lost legitimacy' (TODAY 2012, 13 Dec). Obama's announcement of explicit support for the new opposition coalition marked a new phase of American engagement while Russia was caught in a dilemma, as reflected in the contradicting statements of its top foreign ministry officials.

Deputy foreign minister Mikhail Bogdanov, Moscow's key envoy for the Middle East, was reported as saying that Russia was making plans for a possible evacuation of thousands of its citizens in Syria as Assad's forces were 'losing more and more control and territory'. 'Unfortunately, we cannot rule out the victory of the Syrian opposition'. (BBC News 2012, 13 Dec). This was the first time that Moscow had publicly acknowledged that the Syrian leader was facing possible defeat. The Russian foreign ministry subsequently stated that Bogdanov's remarks did not constitute any change of position on the part of Moscow towards Assad and that it remained opposed to international intervention.

Notwithstanding the unprecedented revolts and the crisis over intervention in the region, can R2P be mainstreamed in the Middle East? Doubtless,

circumstances are such that this would be a monumental task. Nonetheless, some scholars, such as Javad Heydarian, see hope. Writing in the *Foreign Policy Journal*, he says the popular uprisings across the Arab world actually provide a ‘perfect opportunity’ for advocates of R2P to engender and institutionalise norms which accentuate ‘the central role of the state in protecting its citizens life, liberty and property’ (Heydarian 2011). R2P, he argues, has become more sensible in the context of the Middle East for several reasons. Firstly, the region has been the site for atrocious crimes, especially in the last century—the ethnic cleansing of Palestinians in 1948 preceding the Zionist creation of the state of Israel; massive war crimes during the Algerian independence movement; Saddam Hussein’s ethnic cleansing of the Kurds; repeated war crimes and massacres during Israel’s invasion of Lebanon (1982–2006); Algeria’s ‘dirty war’ after the 1991 elections to block the victorious Islamists from taking power; and the 2008 Israeli invasion of Gaza. Hardly anyone was held accountable for the crimes, he says, either collectively or individually under the auspices of international law.

Secondly, the region is a hotbed of conflicts, military intervention by foreign powers, inter-state and intra-state wars, and long-standing territorial conflicts. There have been three Arab–Israeli Wars, two Gulf Wars, and the Lebanese Civil War. Lastly, the region is home to one of the most ‘durable’ and ‘repressive’ authoritarian regimes operating in ‘business as usual mode’ despite the demise of autocratic leaders in a number of north African republics. ‘To put it bluntly, principles such as state responsibility and accountability are yet to take hold within the bureaucracy, despite the fact that precisely such principles have inspired successful protests in Egypt and Tunisia’. (Heydarian 2011).

While R2P encourages accountability and democratic governance on the part of the state, it can be hardly effective in relatively ‘stable autocracies’, he says, which see R2P as undermining their privileged position. It took mega-protests and unprecedented international pressure to get autocrats like Hosni Mubarak out. Notwithstanding the rise of people power in the Middle East and North Africa, resistance to change could be discerned in the harsh counter-responses from the ruling regimes. While the clash of wills ultimately led to the downfall of several long-serving leaders, this does not mean that there have been no attempts at regime continuity. In the case of Egypt, the military attempted to hold on to power by first siding with the protesters and eventually pushing Mubarak out; then it tried to seek a sharing of power to protect its interests before subsequently challenging the legitimacy of the elected leadership. In the ongoing tussle for power, the military’s top brass was ultimately replaced by the elected president, Morsi. What we have witnessed is a case of an attempt at neo-authoritarianism.

Theoretically, Heydarian argues, R2P’s mission can be said to be the transformation of the international community and individual states into responsible actors. Assuming this to be the case, this mission is founded on a constructivist understanding of International Relations—the power of norms in shaping state behaviour. At the same time, Heydarian is cautious about putting too much hope on ‘prescriptive norms’—assuming R2P is entrenched as a norm—shaping the behaviour of states. Although R2P has been shifting towards the aspect of prevention,

institutionalising R2P—as a means to prevent mass atrocities—is highly voluntaristic and contingent on the ‘political will’ of those who wish to adopt it. This, he says, is problematic because given the nature of politics in the West Asian region—great sensitivity to foreign interference and external influence—‘it is doubtful to see any significant welcoming of R2P’s more ‘preventive’ aspects’.

R2P, he adds, remains to be ambiguous on how it could ‘uniquely’ and ‘precisely’ tackle underlying structural factors that give birth to mass atrocities. If R2P seeks to be ‘preventive’ in essence, it would face theoretical as well as practical problems. If R2P seeks to transcend ‘personal violence’ and rather focus on ‘structural violence’—a form of violence that can’t be identified with a specific actor, but is more or less the product of the way structures of power, security apparatus, and commerce are established—it would need to delve into issues such as rampant poverty, repression, and entrenched human rights violation. ‘Thus, inevitably, R2P would need to address these issues within the framework of good governance, human security, as well as, democratisation. But the theoretical pitfall is that R2P might ‘overstretch’ and get conceptually interwoven with other concepts.

The political setback is that R2P might face greater resistance and opposition from Middle Eastern states, who would paint R2P as a ‘re-packaged’ beachhead for western-imposed political reform. Nonetheless, as democratic revolutions sweep across the region, now is the perfect opportunity for progressives, liberal institutions, and the international community to assist in the process of orderly transition to a system where R2P and democracy serve as pillars of the political authority’. (Heydarian 2011).

Kofi Annan, the UN chief who was instrumental in the birth of the doctrine of R2P, however takes a long view. If there is any positive outcome of the tragic turn of events in the Middle East, it is that, on balance, countries can no longer hide behind the cloak of national sovereignty to do as they please towards their own citizens and as a shield against foreign intervention. ‘There’s also a message for those outside a country—they cannot use the concept of sovereignty as a reason not to intervene. Some crimes are so shameful that we cannot sit back’, Annan said in the Singapore dialogue. (Annan 2012a) In his book, Annan describes R2P as a ‘deceptively benign-sounding concept’. ‘In fact, as we’ve seen, it represents a deep and disturbing challenge to those leaders who wish to treat their people with impunity’. (Annan 2012b).

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