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# SPOTLIGHT ON R2P

## The Solution in their Hands? Syria and the Security Council



*This is an edited version of a paper given by Professor Tim Dunne at the International Studies Association (ISA) conference held in Toronto on 29 March 2014. The ISA panel, entitled 'Managing Expectations – R2P After Libya and Syria', brought together R2P experts to reflect on the implications of events in Libya and Syria on the ethics, practice, and principle of the responsibility to protect (R2P).*

Syria is the crime of the century. It is day 1033 of the conflict. Everyday life in Syria and in several other countries caught up in the conflagration is affirming Hobbes' state of nature: life is nasty, brutish and short.

A recent report of the Middle East Research and Information Project clearly states the failing of the international community to stop the crime of the century. In the words of Peter Harling and Sarah Birke, who drafted the report,

'Syria's all out civil war, if it comes to that, will no doubt go down in conventional wisdom as an outburst of communal hatred, inevitable within a mixed society. Nothing could be further from the truth. It is product of an international standoff. However Syrians suffer, the war in their country is not in their hands: it is conflict that disfigures Syrian society more than reflects it.'<sup>1</sup>

So if the war and its ending is not in their hands, in whose hands is it? Or to put the point in terms that are more familiar to an International Relations audience: Who does have agency in relation to the Syrian war?

Lakhdar Brahimi – the UN Secretary General's envoy – gave his answer to this question in a closed briefing to the United Nations Security Council (UNSC) on 23 April 2013. He admonished the 15 members for their collective failing. In words that were both polite and damning, he wrote: 'Might it be said ... that the solution of that war is in your hands, members of the

Security Council?'<sup>2</sup>

Collective action in response to Syria has not been entirely absent during the 3 years' war, as critics have implied in the many op-eds that have 'the end of R2P' in the title (or in the opening paragraphs): most obviously, R2P has been present in the widely made claim that Syria had manifestly failed to protect its citizens.

But neither is it the case that supporters of R2P can regard Syria as anything other than an abject failing on the part of the international community to live up to its responsibility to protect, pledged in the 2005 World Summit Outcome Document (WSOD) and articulated in numerous subsequent proclamations by various organs of the United Nations.<sup>3</sup>

How far is this failure to be laid squarely at the door of the UNSC, as Brahimi implies? Probing this diplomatic allegation requires consideration of character of the Council as an institution and the extent to which it is able to advance norms prohibiting atrocities.

The R2P regime specifies a generalised responsibility on all states to protect their populations from the four crimes of genocide, ethnic cleansing, war crimes, and crimes against humanity. In the words of paragraph 138 of the WSOD, member states 'accept that responsibility and will act in accordance with it'.<sup>4</sup>

Yet the character of the special responsibility<sup>5</sup> that

falls on the international community to 'do something' when the host state has failed – or is unable – to protect its population is both ambiguous and contested. Alex Bellamy made this point in relation to Darfur: without a good answer to the question who should act, appeals to "do something" in the face of an atrocity crime are likely 'to evaporate amid disputes about where the responsibility lies'.<sup>6</sup>

For Brahimi's allegation to stand firm, it must first be established that the UNSC can be a bearer of a collective duty to protect. Here we can invoke the claim made by moral philosophers that collective actors can be assigned moral responsibilities when an 'agency condition' has been met.

How is an agency condition to be determined? Peter French argues that an institution can have moral agency if it possesses the following qualities:<sup>7</sup>

- an enduring identity that is more than the sum of its parts
- a decision-making structure
- a conception of itself as a functioning unit

Many groupings in the international system fail this test, such as the BRICS or even the so-called international community. But the UNSC clearly meets it.

The UN Charter delegates authority for international peace and security to the UNSC, in effect, conferring on special rights and duties to its 15 members. So in relation to agency, Brahimi is right to allege that the solution is 'in their hands'. [His use of a bodily metaphor is probably no accident in so far as it re-inscribes the idea that collective actors are like people too.]

Where Brahimi is wrong is to imply that the UNSC has the capacity to solve crises of this scale. As we saw in the aftermath of the chemical weapons attacks on Eastern Damascus in August 2013, an old-fashioned concert of great powers can be more effective than the 15 member body.

The US-Russian led disarmament process was made possible by the convergent of the external powers. Such a claim begs the question why was it possible to find a collective solution to the threat of chemical weapons and not to the 1033 days of mass destruction by conventional means?

Here is where the solution was probably never in the hands of the Security Council. While the use of chemical weapons was framed as a threat to international order, mass atrocities perpetuated by conventional weapons has largely been understood as an affront to justice.

The rapid progress in relation to disarmament of Syrian weapons of mass destruction (WMD) reminds us of Bull's insight that cooperation over international order is easier to achieve and more enduring than cooperation over justice.

Pursuing this line of thinking a little further, what Syria also tells us is that normative regimes like R2P are reliant on the functioning of deeper institutions. Where these are weak – as in the case of international law; or divided – as in the case of P5 in the Council – the UNSC will always have its hands tied in knots.

Normative regimes concerning the rights of ordinary citizens to be protected from the worst atrocities do not float freely. Moreover, if members of the UN uphold their special responsibility to act decisively, in the absence of consent among the major powers, the R2P regime will only be weakened further.

Brahimi was both right and wrong. He was right to imply that the Council has agency, but wrong to think that it has the capacity to end the war.



Joint Special Representative of the UN and the League of Arab States for Syria Lakhdar Brahimi addressing a press conference in Geneva.  
UN Photo/ Jean-Marc Ferre

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