

R2P: a counter-genocidal strategy of peace?

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Abstract: Since 2001, the doctrine of the responsibility to protect (R2P) became a new global standard, a norm that reshapes the right to humanitarian intervention by international community in response to grave international crimes committed by States. This article shows the function of R2P as counter-genocidal strategy for peace bringing out the conceptual and moral premises of its emergence and it lays bare, through the Syrian and Iraqi cases of contemporary wars, the paradox between the fundamental commitment to prevent mass violence and the danger to betray this obligation flattening R2's applications to new western way of war consistent with liberal way of peace.

R2P Syria mass atrocity crimes moral imperative liberal peace

Responsibility to protect: a new global standard

In September 2001, after the shock provoked by the jihadist attack on the Twin Towers in New York City, a doctrine of international relations appeared that intended to give a new approach to the delicate issue of the “right of humanitarian intervention”: is it appropriate to intervene coercively against a state that threatens the very life of its own citizens? If this right is legitimate, who should exercise it, under what authority, when, how and where? In the *Report of the International Commission on Intervention and State Sovereignty*, the “responsibility to protect” is based on the fundamental idea that «[...] sovereign states have a responsibility to protect their own citizens from avoidable catastrophe – from mass murder and rape, from starvation – but that when they are unwilling or unable to do so, that responsibility must be borne by the broader community of states» (ICISS Report 2001, viii). After the end of World War II, but also during the previous century if one considers the proclamation of the norm in opposition to the “Holy Alliance” promoted by Louis Philippe of Orleans, the relations between states have always been governed by the “principle of non-intervention”. This principle is clearly stated in the *Charter of the United Nations and Statute of the International Court of Justice* (1945): «All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations» (3). This rule of international coexistence is also reaffirmed in the *Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations* (1970) in which it is proclaimed that «States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations [...]. Such a threat or use of force constitutes a violation of international law and the *Charter of the United Nations* and shall never be employed as a means of settling international issues» (A/RES/25/2625, 3-4).

The doctrine of the R2P entails a radical change of perspective: the population, and not the State, is the central element according to which sovereignty, as control, is redefined in terms of State responsibility. Here it is evident that the project of the members of the *International Commission on Intervention and State Sovereignty* is to attempt to set aside the modern concept of sovereignty. Before then sovereignty was intended solely as a legal quality referred exclusively to the government through which it was possible to exercise an original and independent power of control over all

juridical and real individuals living within its territorial sphere. Instead, in the perspective of the R2P, sovereignty coincides with responsibility, intended mainly in three ways. First, as the responsibility of State authorities regarding their function of protecting the safety and the lives of citizens and the promotion of their welfare. Second, as an internal responsibility towards its own citizens and as an external responsibility towards the international community through UN membership and international legal obligations. Third, as the responsibility of State authorities who have to be held responsible and accounted for all of their actions, even in the case of lack of action. In this way, State sovereignty can be revoked whenever the policies of the ruling authorities does not ensure the security and the well-being of citizens, and when basic needs are unmet and fundamental rights are violated. Whenever the international community – may it be the UN Secretary-General, an activist of Amnesty International or the UN High Commissioner for Human Rights – evaluates the capability of certain governments to ensure adequate living conditions, a moral principle of the respect for human dignity is at work. The assertion of this principle is not merely, from a legal point of view, the product of the international legal system of human rights and humanitarianism, but also the outcome of the condition of being spectators of global human suffering (see Bauman 2015). In this way, sovereignty can be passed on from those who detain it legitimately or even arbitrarily, to those who at an international level takes the responsibility for those who didn't meet the requirements defined by the international community. In fact, since the main responsibility for the protection of the population is supposed to be on the State itself, whenever the people of a given State are damaged or put at risk by «internal war, insurgency, repression or State failure» and the State in question is unwilling or unable to prevent or stop what is underway, the international responsibility to protect takes over the principle of non-interference in internal affairs. Following from this, the R2P functions in three ways. First, as *responsibility to prevent*, in operating on both the direct and root causes of internal conflicts and crisis. Second, as *responsibility to react*, in responding to situations of compelling human need with appropriate measures, which may include coercive measures such as sanctions and international prosecution, and in extreme cases even military intervention. And finally, as *responsibility to rebuild*, in providing full assistance for recovery, reconstruction and reconciliation after a military intervention (ICISS Report 2001, xi).

Considering the mutating subject of revocable sovereignty, is it therefore possible to say in these cases of suspension of sovereignty that – quoting Carl Schmitt – «sovereign is who decides on the state of exception»?

(Schmitt 1972, 33). In these circumstances the state of exception corresponds to a certain degree of incapability for which a government can no longer be considered as an independent and responsible “sovereign”, and also it corresponds to a breach within the international system of human rights and humanitarian law. The new sovereign subject is the UN Security Council, as the main location where the decisions on the strategy for ensuring human protection are adopted. Here, the state of exception is declared by using expressions such as “crisis”, “humanitarian disaster”, “default”, “state failure”, “genocide”, “atrocities”, etc. In reality, the use of these terms does not always consider their semantic value (and the resulting public resonance) since the purpose behind this choice of words is mainly to catch wide attention on tragedies, since at stake there is the respect for human dignity or an alleged or actual threat to international peace and security. Therefore, sovereignty can be delegitimized and revoked in the case of violation of the norms of international law – such as the right to life, the right of personal security – and also in the case of alleged or actual threats to “human security” (see UNDP Report 1994). Protecting civilians, victims of abuse, is the key objective of R2P, but its main priority is supposed to be prevention. «Military intervention for human protection purposes» – an expression preferred to “humanitarian intervention” since it has been widely compromised after the KFOR mission in Kosovo – is an exceptional and extraordinary measure, legitimate only in the case of «large scale loss of life, actual or apprehended, with genocidal intent or not, which is the product either of deliberate state action, or state neglect or inability to act, or a failed state situation» or in the case of «large scale ‘ethnic cleansing’, actual or apprehended, whether carried out by killing, forced expulsion, acts of terror or rape» (ICISS Report 2001, xii). Or, as it is affirmed in a more broad sense in §139 of the *World Summit Outcome Document* (2005): «The responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity» (A/60/L.1, 31). The “just cause threshold” for military intervention is defined by inspections to verify the possibility of imminent or ongoing mass atrocities. The “military intervention for human protection purposes” is also regulated by precautionary principles – such as right intention, last resort, proportional means, reasonable prospects – concepts all directly derived from the idea of a “just war” conceived by a “just authority”, represented by the UN Security Council, in accordance with certain operational principles.

Three pillars sustain the architecture of the R2P. First, the responsibility of a given State to protect its people. Second, the commitment of the

international community to provide assistance through inter-state cooperation, regional and sub-regional bodies, civil society, private sector and UN bodies. And third, the responsibility of the members of the United Nations to collectively respond promptly and decisively when the State in question is manifestly incapable of providing protection (A/63/677). Therefore, on the one hand, the responsibility to protect works with non-coercive means such as mediation and preventive diplomacy, advocacy, inspections and commissions of inquiry, observation and monitoring missions, and referral to the ICC in the case of alleged crimes. On the other hand it can adopt coercive measures such as sanctions (freezing of resources, arms embargo, control of the trade of valuable natural resources, and restriction of diplomatic relations, business partnerships, technological and trade cooperation), or with military means by employing the multinational forces of the UN to establish safety zones as well as no-fly zones and in order to be a deterrent presence on the ground and at sea. Adding to this, for the execution of the R2P also several other actors can be involved in order to fulfill a variety of different functions. Apart from the States' involvement, also the role played by the UN Human Rights Council, treaty bodies, the UN High Commissioner of Human Rights, UNICEF and the UN High Commissioner for Refugees are of the utmost importance for monitoring the observance of human rights. But also Regional and sub-regional organizations such as EU, AU, NATO, OECD, League of Arab States, ECOWAS, etc., humanitarian organizations, national and international CSOs as well as individuals (A/66/874; S/2012/578) can be important players.

Up to present day, R2P has been recalled in 37 resolutions of the UN Security Council and in 44 public statements of the *Joint Office of the Special Adviser on the Prevention of Genocide and on the Responsibility to Protect*, which has the duty to raise awareness about the causes and dynamics of genocide, alert relevant actors on the risk of genocide and mobilize support for prompt action and to lead the conceptual political, institutional and operational development of the R2P. Several peacekeeping operations have been authorized in Africa as UNAMID (2007) in Sudan, UNMISS (2014) in South Sudan, MINUSCA (2014) in Central African Republic, AMISOM (2007) in Somalia, MINUSMA (2014) in Mali, MONUSCO (2010) in DR Congo, UNOCI (2015) in Cote d'Ivoire with the explicit aim to protect civilian population in compliance with art. 41 of Chapter VII of the UN Charter. In 2011 heavy sanctions, which were applied to Libya, ended in NATO-led multilateral military mission harshly contested by Russia, China, India, Iran, etc. Despite the unequivocal evidence of mass atrocities and the use of chemical weapons, the failure to adopt coercive measures to the regime of Bashar al-Assad was «the death knell for the

new norm of R2P» (Murray & McKay 2014, 19). The preventive diplomacy initiative of the former UN Secretary-General, Kofi Annan, to stem the violence that erupted in Kenya after the presidential elections in 2007 is widely proclaimed as «the best example of the implementation of the R2P» (Bellamy 2010, 154). Instead, cases of misuse of R2P resulted in one case from the non-approval of Russia's request of intervention in Georgia due to the alleged abuses committed against civilians in South Ossetia by the Georgian government in 2008. In the other, from the little support gained by France in 2008 that requested the delivery of humanitarian aid to the starving population affected by Cyclone Nargys without the consent of the Burmese government which was accused of denying access to humanitarian agencies. Also little recognition has been given to the demand for international measures made by the Palestinian National Authority, Qatar, Iran and the World Council of Churches in defense of the civilian population in Gaza, victims of military confrontation between Israel and Hamas between December 2008 and January 2009. Adding to this, no general debate followed the demand for an appeal to the R2P in Sri Lanka in 2008 coming from India, Norway and the Global Centre for Responsibility to Protect, or the demands voiced by the Havel- Bondevik-Wiesel's commission in 2008 for an international response to the continued violation of human rights in North Korea (see Bellamy 2010).

A wound to the moral basis of R2P

What is behind the general agreement on the R2P's principles is the admission of the impossibility to prevent genocide, hence the exclusive focus of R2P's doctrine on atrocity crimes. Even before the formulation of the R2P doctrine, the failure of genocide prevention had already been witnessed. In November 1999, a section entitled "lessons for the future" of the UN Secretary-General's report *The Fall of Srebrenica* stated as follows: «Srebrenica crystallized a truth understood only too late by the United Nations and the world at large: that Bosnia was as much a moral issue as a military conflict. The tragedy of Srebrenica will haunt our history forever» (A/54/549, 108). Also, a letter sent the 15 December 1999 to the UN Secretary General from Independent Inquiry that was investigating on the conduct of the United Nations during the genocide in Rwanda in 1994 stated: «The international community did not prevent the genocide, nor did it stop the killing once the genocide had begun. This failure has left deep wounds within the Rwandan society, and in relationship between Rwanda and the international community, in particular the United Nations.

These are wounds which need to be healed, for the sake of the people of Rwanda and for the sake of the United Nations [...]. Acknowledgement of responsibility must also be accompanied by a will for change: a commitment to ensure that catastrophes such as the genocide in Rwanda never occur anywhere in the future» (S/1999/1257, 3). Connected to this, on 20 September 1999, at the last session of the UN General Assembly of the XX century, the UN Secretary General Kofi Annan during the presentation of his annual report declared: «The genocide in Rwanda will define for our generation the consequences of inaction in the face of mass murder [...] those for whom the greatest threat to the future of international order is the use of force in the absence of a Security Council without mandate, one might ask – not in the context of Kosovo – but in the context of Rwanda: If, in those dark days and hours leading up to the genocide, a coalition of States had been prepared to act in defense of the Tutsi population, but did not received prompt Council authorization, should such a coalition have stood aside and allowed the horror to unfold?» (SG/SM/7136). In this way, the failure represented by the complete lack of counter-measures inflicted a wound so deep that it was generally thought that it could be healed only with the assertion of a new kind of moral responsibility capable of impeding such horrors from occurring again. This change of perspective will result in a moral commitment to readily oppose any form of extreme violence setting aside the role of spectator to assume that of a rescuer. It is exactly in this point where the central concern of R2P to «ending mass atrocities crimes once and for all» (see Evans 2008) must be framed.

Mass atrocity crimes: 1 the form and strategy of contemporary war

This new attitude has to take into account the difficulty to intervene effectively in a preventive or deterrent way in the context of contemporary warfare, whose prevalent representation, accepted and advocated by many supporters of the R2P, corresponds to the model of the “new wars” theory. According to the thesis of the English scholar Mary Kaldor, the nature of the wars of the XXI century – and other similar wars that appeared on the global stage since the end of the Cold War – is “new” because of an inherent logic of organized violence (actors, objectives, methods, forms of financing) that profoundly differentiates them from the wars of the XIX and XX centuries. 2 Currently, there are 42 active armed conflicts: 26 are intra-state, 13 are internationalized intra-state, and only one is an inter-state conflict. In 2015, thirteen conflicts have reached the level of intensity of war, with more than 1000 victims per year. But at the same time,

1 For a definition of “atrocities crimes” see Scheffer (2006). For the legal definition of crimes of mass atrocity consider the Statute of the International Criminal Court, finalized in 1998, effective in 2002 and modified in 2010. It is important to underline that three permanent members of the UN Security Council – Russia, China and the US – have not yet ratified this fundamental document for the prevention of mass atrocities.

2 For a critical reading of the “new

since 1989 the number of armed conflicts has significantly decreased (see Themner & Wallensteen 2014). Nevertheless, a disturbing increase in the intensity of political violence has been registered, considering not only the number of victims, but also the number of people forced to flee from their homes due to violence and persecution (see Inkster 2015; UNHCR Global Trends Forced Displacement 2014). ³

According to Kaldor's view, from the standpoint of the actors directly involved, the "old wars" were fought by regular state armed forces, the "new" instead by variable combinations of networks of state and non-state actors – regular armed forces, private security agents, mercenaries, jihadists, warlords, paramilitary groups, etc. While the "old wars" have been fought for geopolitical interests or in the name of ideologies – socialist, democratic, etc. – the basis of the "new wars" lies mostly upon "politics of identity" (ethnic, religious, tribal, etc.). The mass mobilization of identity is what propels these new forms of war, differently from the "old wars" where it had mainly a functional purpose. In the "old wars" the battle was the decisive moment where it was possible to conquer territories with the deployment of armies in the battle field. Conversely, in the "new wars" battles between opposed armed groups are far more uncommon. The forced displacement of populations and the overwhelming violence directed towards innocent civilians, considered as enemies since they are thought as bearers of a political, religious or ethnic identity, is what allows the conflicting parties to take possession and keep control of territories. The "new wars", unlike the "old" ones, most of the time are not funded by states or, as in the Cold War era, by the powers belonging to opposing ideological blocks, rather by predatory finance, that consists of looting civilians and humanitarian aid, pushing for Diaspora, robbing and smuggling oil, diamonds, drugs, people, etc. According to Clausewitz, the "old wars" were "acts of violence to compel the enemy to do our will" whose conclusion resulted into the disarmament of the enemy by using extreme and limitless physical violence (see Clausewitz 2000). On the contrary, "new wars" are "politically framed violent enterprises" that aim to expand and to persist as long as possible: the victory of one of the parties involved depends on the capitalization of the economic and political violence. A key element of this difference is the changing role of the State in relation to that of organized violence. «War makes state – wrote Charles Tilly, referring to the creation of modern European States – showing how in this relationship between war making and State making there is an analogy with organized crime thought as the legitimate protection of capital extortion» (Evans, et al. 1985, 169-170). Consistently with this line of reasoning, Mary Kaldor argues that «whereas old wars were associated with State

wars" thesis framed only on its conventional version in this article, see Duyvesteyn-Angstrom, 2005; Newman (2004); Kalyvas (2001); Berdal (2003).

³ Data register 49,000 dead in 2010 and 180,000 in 2014. In 2014, out of 13.9 million people who were obliged to flee their homes, 11 million have been internally displaced and 2.9 million of refugees, four times as much than in 2010. In 2014, overall 59.5 million people are displaced (19.5 refugees, 38.2 million IDPs and 1.8 asylum seekers), more than 8 million compared to 2013. Since World War II, for the first time this figure has exceeded that of 50 million displaced persons. Has the long-awaited World War III come? Is still the case to wait the WWII in the form of apocalyptic and symmetrical clash between powerful state actors? A huge nation of displaced persons – the twenty-fourth most populous in the world is composed of a "people of interest" for the UNHCR, namely refugees, stateless persons, returnees, asylum seekers, internally displaced persons. What can states do in the name of R2P with this people of dispossessed if its core aim is to prevent and halt mass atrocities?

building [new wars] tend to contribute to the dismantling of the State», that means: «On the one hand, the monopoly of violence is eroded from above, as some states are increasingly embedded in a set of international rules and institutions. On the other hand, the monopoly of violence is eroded from below as the other states become weaker under the impact of globalization» (Kaldor 2013, 3). The XXI century provides a threatening scenario consisting of “a progressive denationalization of war”, parallel to its large-scale privatization based on an economy characterized, on one side, by the merging of the use of force and business and, on the other, by the appearance of “entrepreneurs of violence” (such as warlords, guerrillas, international organized crime) who are now occupying the belligerent role of the States but without any rational interest to end a war (see Münkler 2002). In this particular scenario, the infamous quote from Titus Livy *bellum se ipsum alet* applies better than the Grotian formula *pax finis belli*. Indeed, this system does rest on itself: the dismantling of the state and its failure – annually reported in the Fund for Peace’s Fragile States Index – due to the erosion of the state monopoly on violence and the denationalization and privatization of warfare on one side; the precarious and revocable sovereignty understood primarily as responsibility on the other. At the heart of this portrayal of contemporary wars there is the greatest demonstration of the failure of the State in the form of mass atrocity crimes – the abyss represented by the always open possibility in failing to arrest genocide that motivated the assertion of R2P by the UN in the first place. Both in the form of human rights violation, as violence against civilians, and in the form of crime, as organized violence for private ends, mass atrocities are an essential component of a mixture (including also war as organized violence for political purposes) that constitutes the nature of the “new wars” (see Kaldor 2013). These are the result of the possibility embedded in present day wars to turn into total wars – an unrestrained brutality associated with the blurring distinction between people, armies and governments (see Duffield 2002). Therefore, they can always potentially become the extensions of a “degenerate war”. This possibility is not a necessary outcome, but it is always lurking between the very structural trend of modern warfare to go beyond its legitimate limits (as proven by the events of our recent past starting from the massacre that occurred behind the trenches during the Great War, the abuses of the Japanese in Nanjing, the Nazi atrocities in Soviet occupied territories, the Allied bombing in Dresden, the dropping of the atomic bombs in Hiroshima and Nagasaki, up to the countless wars of insurgency and counter-insurgency of the last century) by extending deliberately and systematically a war against an organized armed enemy to unarmed civilians, and genocide

itself as the complete destruction of a group of civilians carried by organized armed forces (see Shaw 2003). Due to the approximation for which civilians are targeted as enemies to be destroyed, encouraging in this way the very logic of degenerated wars in its tension between discriminatory victimization and indiscriminate results, genocide becomes a “peculiar form of warfare”. In this perspective, it is not surprising that the perpetration of mass atrocity crimes against unarmed civilians becomes a viable strategy to achieve victory. For this very reason that the essential idea behind responsibility to protect as a global strategy for the prevention of international crimes and as a counter-genocidal tactic becomes decisive (see Hubert & Blätter 2012; Scheffer 2008).

Iraq and Syria: wars at risk of R2P

With the expression “population at risk” the Global Centre for Responsibility to Protect defines the object of application of the R2P’s strategy of human protection, with the intent to target “situations where populations are experiencing, or are at risk of, genocide, war crimes, crimes against humanity or ethnic cleansing”. The monitoring activities of the Global Centre for the Responsibility to Protect reveals that currently the countries where the R2P could be viable are Syria, Sudan, South Sudan and Iraq, countries where mass atrocities are currently underway and therefore in need for urgent measures. Focusing on the cases of the Iraq and Syria, it will be more easily shown the inability of the governments of these countries to fully exercise their own sovereignty due to the violence perpetrated against its own citizens.

The wars in Syria and Iraq are non-international armed conflicts, a kind of internationalized intra-state wars characterized by the fact of being internal wars between state and non-state actors, thus implying that the civilians become the main targets of the conflicting parties, in a space with no determinate borders and where there is no clear distinction between regular and irregular forces, combatants and civilians, aid workers and locals. Since the beginning of 2014 in Iraq many private militias and security forces of the Iraqi government, supported by the forces of national mobilization of al-Hashd al-Shaabi (a coalition of more than 40 Shiite militias), Peshmerga Kurds and the *Inherent Resolve Operation* (a task force led by the US), were deployed against ISIS which is in turn supported by loyalists of the Baath Party and some Sunni Salafi rebel movements. In the Syrian civil war the government armed forces are facing the Syrian Revolutionary Command Council (an alliance composed of 72 factions) which is supported

by the Salafi-jihadist Jabhat Al Nusra Front, ISIS and the Supreme Kurdish Committee whose support is decisive for the *Operation Inherent Resolve*. These conflicts are clear examples of a “degenerate war”: the war strategy on both sides is explicitly criminal. In Iraq the counter-terrorist operations undertaken by regular and irregular government forces, in particular by the volunteers of the Popular Mobilization Forces, to contrast the advance of ISIS fighters – responsible for the attempted genocide of the Yazidi and crimes against humanity against Christians, Shabaks, Turkmen, Faili Kurds, Kaka’es, etc. (A/HRC/28/18; A/HRC/S-22/NGO/15) – resulted in serious violations of international humanitarian law and human rights abuses such as summary executions, torture, abductions, forced evacuation and also attacks against Sunni civilians accused of being ISIS supporters. This manifestly shows «the failure by the government to protect the people under its jurisdiction» and that «Iraqis have been deprived of their fundamental right to security» (A/HRC/28/18, 14). The Syrian government, with the support of paramilitary troops (the so called *shabbiha*), Hezbollah, the Shiite Iraqi militias and national defense forces, has launched widespread and systematic attacks against civilians, pursuing a strategy of self-survival portrayed by its own victims as “draining the sea to kill the fish” [*tansheef al bakhar*]. Some of the tactics employed consisted in enclosing whole areas by setting up checkpoints in all access points, the imposition of a state of siege, cutting-off basic necessities such as food, medicines, water and electricity, the bombing of besieged areas, the arrest and disappearance of people who attempted to leave those areas (A/HRC/28/69). Although it may be inappropriate to use the term “genocide” (even though the US-based organization Genocide Watch issued a warning in February 2012) since there is no clear intent from the Assad regime to eliminate the Syrian Sunni population *completely*, nevertheless operations of extreme sectarian violence conducted in some areas (especially in Latakia and Homs) with the intent to remove by force Sunni males –from 15 to 60 years – and consolidate Alawite presence, does indeed reveal the intention to eliminate at least part of the population (Hof & Simon 2013, 34). Non-state armed groups have been responsible for war crimes and crimes against humanity. For example, the Free Syrian Army took civilians living in areas loyal to the regime as hostages. Or the Jabhat Al-Nusra Front, an Al-Qaeda-affiliated jihadist group, launched suicide attacks and car bombs against villages inhabited by small groups of civilians perceived as supporters of the government. And, after the proclamation of the caliphate in June 2014, ISIS pursued a strategy of strong social control through a coercive and punitive administration, that on one hand used forced evacuations and killings of ethnic and religious minorities to discourage any form of resistance, and

on the other used financial incentives and basic services to pacify the civilians (A/HRC/28/69; see Lewis 2014). The Syrian State is held responsible for this humanitarian disaster that counts up to 230,000 dead, 3.9 million refugees, 6.5 million internally displaced persons, 10.8 million civilians in need of assistance, 4.6 million residents in areas cut off from humanitarian assistance. In fact not only it had manifestly failed to protect its own citizens from mass atrocities, but it also participated directly and actively in the perpetration of these atrocities, and therefore the opposition forces and the UN Security Council have to be considered also partly responsible (A/HRC/28/69). Consequently, if these mass atrocities are ascribable to an intentional war strategy pursued by both contending parties, necessary for them to survive and for the war to endure, what strategy can be employed to oppose the escalation of organized violence?

Minimum R2P: militarism risk-transfer

From what we have seen R2P is essentially an instrument for the international prevention of atrocities by non-coercive and coercive with a three-dimensional character: preventive, reactive and reconstructive. Its application case-by-case depends on a question of proportionality, according to the connection between internal/individual responsibility and external/collective responsibility: the more the former counts, the less the latter will become invasive. The triggering of collective responsibility has not to be considered as always directed towards those who hold state power, but also towards civilians as well according to their mortality rate. Indeed, as the violence rises and becomes more brutal, there will be less space for preventive counter-measures. With a higher intensity of physical, social and psychological destruction, the operations of reconstruction will become more and more decisive. If the atrocities did not come overnight but proliferated within the existing dynamics of deep institutional instability and collective aggression, then prevention must operate within this space where these dire consequences are already foreseen.

When populations are at high risk as demonstrated above in the cases of Syria and Iraq, the possibilities for adequate preventive measures always become narrow. Prevention, as the main duty of each State and indirectly of the international community, consists in the constant effort to build society's opposition against atrocities, but, in spite of its assigned priority within the R2P doctrine, it always risks to have its space of maneuver reduced to a point that it necessarily has to turn into a reactive form of direct counter-measure. As a matter of fact, the reaction against forms of extreme

and widespread violence and the physical protection of human life from systematic abuse has nothing to do with «addressing both the root causes and direct causes of the internal conflicts and other man-made crises putting population at risk» (ICISS Report 2001, xi) nor with the pursuit of a “positive peace” – a condition defined by the absence of structural violence – but results in the the achievement of a “negative peace” – defined instead by the lack of direct violence (see Galtung & Fischer 2013). In countries on the brink of genocide, preventive strategies such as *early warning systems* based on the analysis of specific risk factors of different forms of mass atrocities (Framework of Analysis for Atrocity Crimes 2014), *early prevention* focused on leadership, institutions and civil society aimed at reducing both the capacity and motivation to mass violence while increasing social and institutional safeguards and *preventive diplomacy* to halt and reverse conflict escalation (USHMM 2008) too often are neglected and replaced by military options. This extreme narrowing of the preventive dimension in favor of more reactive options is evident in both Syria and Iraq. Indeed, the failure of two peace negotiations, the vetoes of Russia and China against some of the measures to deter the perpetration of mass atrocities, the failure to implement the intercessions approved by the UN Security Council in Syria and the extreme brutality of ISIS against ethnic and religious minorities in Iraq, have all had a major contribution in giving way to military operations. With *Operation Inherent Resolve*, commenced for the first time in Iraq on 8 August 2014 with the primary purpose to “help save Iraqi civilians” – according to US president Obama – the protection of civilians from atrocities becomes embedded in a counter-terrorism strategy flattened merely on a kind of “risk-transfer militarism” (Shaw 2002). Through an estimation of the *distribution of death*, the international subject 4 is assigned to rescue the populations at risk, preferring in this way small massacres of civilians – according to the latest data roughly 578/732 victims in Iraq and 291-354 victims in Syria (Airwars 2015) – to the escalated violence of a degenerate war, pushing on the allies the risk of military casualties on the battlefield (ex. Iraqi government, Kurdish Peshmerga). Embodying the face of the new Western conception of war, the application of R2P leaves people to die on a small scale in order to not allow others to kill on a large scale. In this way the invasiveness is at its peak by affecting directly the lives of civilians, and therefore this new indirect sovereignty truly becomes the denial of the responsibility to protect. The face of what could possibly be a new global standard designed to ensure international peace is thus revealed: war is accepted but only with a low cost in terms of human lives. The affinities with the new American way to wage genocide – mass atrocity response operation (see Sewall et al. 2010) – are anything but far.

4 An international US-led operation that involves more than 30 countries, among the most active in the bombings in Iraq UK, Netherlands, France, Australia, Denmark, Canada, Belgium, Jordan, Turkey and Morocco, beside these countries in Syria, Saudi Arabia, Qatar, Bahrain, United Arab Emirates give military support.

Conclusion

War and peace are the opposite sides of the same coin. Although paradoxically, war is nothing but an instrument for peace keeping, since in reality its only scope is to achieve peace (see Bonanate 1998). As a matter of fact, it is possible to say that there is an existing link between a certain method of warfare and its corresponding way to achieve peace (see Dillon & Reid 2001). The liberal perspective on war and peace are incarnated in a new widely shared international global standard that is the R2P, which is nothing more than an instrument of global governance. Visions and strategies for security, war and peace implied in this norm are framed within the prevailing representation of contemporary armed conflicts and the moral imperative to contrast genocidal violence. Revocable sovereignty and protection of the population at risk are the means by which the global governance conveyed by the widespread approval of the R2P regulates international power relationships. Although, the liberal project to maintain international peace and security through the widening of the international human rights system has in itself structural flaws. On the one hand, the very changing nature of contemporary conflicts, which are highly unpredictable and problematic, defies any attempt of solution. Therefore, a transformative and dynamic approach to conflict becomes necessary. On the other hand, the guilt for the lack of action in the past still haunts the UN Security Council in its powerlessness to impede modern day massacres. In this sense, exceptions to the right of veto by the permanent members need to be implemented. In fact it becomes clear that war is an instrument for peace precisely where the main obstacles to the liberal project for peace are more pronounced. In the moment when the main subject of indirect sovereignty is highly ineffective and the conflict becomes extremely intractable, as shown by the Syrian case, in order to not stand by again and to avoid the worst, the liberal method of warfare takes place as a bio-political calculation. In pursuing a narrow concept of peace, which merely coincides in stopping mass atrocities, the R2P overlaps with a politics of distribution of death. The manifested contradiction between means and ends – kill less to protect most of the population as possible – challenges the moral imperative underlying the R2P.

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