

19th March 2014

Perfidious Putin and the R2P Straw Man

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As declared by *Russia Today*, Russian troops were deployed to Crimea ‘only to protect human rights’.[\[1\]](#) The Crimean issue unfolding at present was compared to the secession of Kosovo, and daring to deny the illusory similarities between these two wildly different conflicts is described as ‘rewriting the rulebook’ on the Responsibility to Protect (R2P) doctrine.[\[2\]](#)

This is the propaganda emanating from Moscow at present. However, just because Vladimir Putin cynically invoked R2P to give political cover to what is nothing short of poorly veiled expansionism does not mean that Russia’s appalling behaviour at present at all reflects on R2P. All this serves to show is that Russia still looms large as a bellicose aggressor on the world stage.

Now, it is true that many interventions can seem – and may well be – borne out of interest. One might say that this is evident in why the US and the UK intervened in Iraq or Libya, but do not intervene in the Central African Republic and South Sudan. However, it would be naïve to infer on that basis that the world’s most vulnerable peoples would be safer without humanitarian intervention, driven by the Responsibility to Protect (R2P) doctrine, as an option on the table.

Then, even if one establishes for the sake of argument that interventions always proceed from interest, it is not clear how questioning the necessity of the R2P norm itself (rather than the motivations of intervening parties) can arise as the logical response. Instead, would it not be more logical to argue that there must be a well-regulated, interest-blind, uniformly-enforced policy that dictates when intervention is warranted?

Of course, those sceptical about the R2P norm might argue that it lends itself to misuse, allowing the interests of strong states to trump the rights of weaker states. Such an argument would again assume that there were no policies in place to govern the ‘when’ and the ‘why’ of intervention and suggest that countries were free to intervene in the affairs of other countries at will. However, if there is a problem with the international regulation of humanitarian

19th March 2014

intervention, is it not regulatory excess rather than the lack thereof that lies at its heart, as is evident in Syria?

The R2P norm clearly outlines the circumstances in which intervention is available as an option. While the first pillar on which it rests holds that states are obliged to protect their populations from mass atrocity crimes (genocide, crimes against humanity, war crimes and ethnic cleansing), its two other pillars hold that the international community has a responsibility to assist the state in fulfilling its responsibility and, if necessary, to employ coercive measures when states have failed to protect their citizens as stipulated. Even then, military intervention is seen to be a last resort[3].

Furthermore, the flawed line of logic also assumes that states have more rights than peoples. What R2P recognises is that strong states can not only impose their will on weaker states, but also on their own weak citizenry, who make easy prey for well-equipped and well-trained state security forces. When the state apparatus put in place to deter foreign invaders and domestic criminals is turned against vulnerable citizens, there can be little defence that the citizenry themselves can rally.

To ensure such a scenario does not unfold, R2P safeguards the rights of all people by adding a caveat to state power: that sovereignty is conditional on the maintenance of human rights. Where a state willfully ignores or fails to live up to its responsibility to protect, the international community is expected to take up that responsibility on behalf of the vulnerable.

Thus, to question the R2P norm on the basis that it does not safeguard states from the arbitrary intervention of other states would be to not only neglect the circumstances in which R2P even deems intervention possible, but also to suppose that all intervening parties citing R2P to justify their interventions actually led interventions warranted by the R2P norm rather than entailing its breach. Yet, the reality is that the legality of some interventions, such as the Russian intervention in Crimea, would be disputed even under the R2P norm.

In Ukraine, while the 'Euromaidan' protests and violent clashes that ensued between protesters and special police forces led to the pro-Russian Yanukovich fleeing the capital and later the country, there were no mass atrocity crimes committed or likely to be committed against the Russian-speaking peoples or ethnic Russians in southern or eastern Ukraine. Hence, though the Russian Foreign Ministry appealed to R2P logic to justify Russia's occupation of Crimea[4] and planned expansion of military actions to eastern Ukraine[5], this

19th March 2014

hardly reflected on the R2P norm itself, under which the legitimacy of the Russian position could also be disputed.

Moreover, just because Russia unilaterally decided to intervene in Crimea without Western support, the case is not rendered comparable with cases of Western intervention that Russia may not have endorsed, such as the NATO intervention in Kosovo. Likewise, drawing parallels between Crimea and Libya, as has become commonplace, would again entail ignoring the conditions that accompany the R2P norm that makes military intervention possible in certain circumstances. Whilst it must be conceded that the R2P norm, as it stands, is not immune to abuse, Russia's actions in Crimea could not be justified even under R2P.

At the time of NATO's intervention in Libya in 2011, the North African country had also seen a wave of popular protests against a repressive regime and violent clashes between protesters and security forces. However, its similarities with Ukraine end there. While Russia intervened in Crimea after the pro-Russian Yanukovich fled, NATO intervened in Libya while Gaddafi was still in power and unashamedly exhorting state forces and supporters to crush dissent. The autocratic ruler described rebels as "germs", "rats", "scumbags" and "cockroaches"[6] and vowed to "cleanse Libya house by house".[7] Moreover, by then, hundreds had already been killed.

A fair parallel would be if the West chose to intervene in Libya after Gaddafi had been ousted to bring the country under Western occupation or bring Gaddafi back to power, on grounds that Libya's minorities or liberal, secular factions would be safer thus than under Islamist groups that could take charge. A fair parallel would also be if the West supported plans for pro-Western factions in Libya to hold a referendum on secession while it militarily occupied Libya. However, neither of these two hypothetical scenarios apply to the 2011-intervention in Libya. If anything, Western intervention in Libya was the opposite of the Russian intervention in Crimea.

A richer parallel would be that drawn with NATO's intervention in Kosovo in the late-1990s, as by Gerard Schroeder who noted that neither did NATO then nor does Russia now have a UN Security Council mandate for intervention.[8] This parallel is also significant as Russia itself has employed Kosovo's US-backed secession in 2008 as a shield while supporting the Crimean right to secede.[9] Milena Tsmilyanich noted in *The Voice of Russia* that Crimea and

19th March 2014

Kosovo had much in common, except for different patrons.[10] But again, the case of Kosovo would hardly provide for a fair comparison with Crimea and has been rightly dismissed by Angela Merkel.[11]

Verica Spasovka of *Deutsche Welle* has pointed out four reasons why “Crimea is not Kosovo”. [12] When NATO intervened in Kosovo in 1999, Yugoslav forces had already expelled hordes of Kosovo’s Albanians, whereas Russians in Crimea today were neither persecuted nor expelled on ethnic grounds. Secondly, the Srebrenica massacre of Bosniaks in 1995 served as a recent historical precedent that made the threat to Kosovo’s Albanians more real. Thirdly, in Kosovo, military intervention was indeed the last resort, after all diplomatic efforts had failed. Fourthly, at no point was NATO ever interfering to make Kosovo join an adjacent state.

Furthermore, as Dan Bilefsky noted in *The New York Times*, “Kosovo was under United Nations administration when it declared independence in February 2008 in the aftermath of a brutal ethnic war with Serbia; Crimeans are being asked to vote on independence amid a Russian-backed military intervention.” [13]

Let us not forget that R2P is not a military protocol but one that works first and foremost with diplomatic instruments. For intervention to be warranted, citizens of a sovereign country must be subject to severe bodily and mental harm on a large-scale or be in danger of annihilation. There is absolutely no truthful or honest way in which the case could be made that this is the plight of Crimea’s ethnic Russians at present.

R2P dictates that any use of force is regulated by four precautionary principles: right intention, last resort, proportional means and reasonable prospect in combination with just cause and right authority. On intention, given the lack of a credible genocidal or similar threat to the ethnic Russians in Crimea, it is difficult to see what ‘right intention’ the Russians would have in occupying Crimea at this time.

R2P also requires that military, economic, political and diplomatic sanctions must have failed before the use of force is permissible. This is actually the reverse of what is happening, as Russia started with an invasion and is now looking at other options, including sanctions, as a response to the sanctions imposed on it for its invasion.

This incursion can hardly be said to be proportionate either. Against what would we be

19th March 2014

measuring proportionality? Against the nonexistent threat to ethnic Russians in Crimea?
Against the nonexistent genocidal regime's forces bombarding Russian civilians?

The intervention must have a reasonable prospect of success before it is undertaken for it to be permissible under R2P. This is an interesting tenet to discuss, as it depends on the objectives any would-be intervener might be seeking to achieve. There is little question that Russia faces better than reasonable prospects of success with intervention, if their objective is to use first military force and then, secondly, clever politicking to annex the Crimea.

However, if the objective is more in line with traditional humanitarian intervention, that of averting some humanitarian crisis and minimising harm to civilians, this intervention could well be counterproductive. Russia's aggression against Ukraine has already caused civil unrest and has even led to the deaths of two people in Kharkiv[14] and one person in Donetsk[15].

In conclusion, Russia's invocation of R2P as a way of rendering its incursion into Crimea legitimate is not valid. It is at best a disingenuous interpretation of the doctrine and at worst a cynical attempt to hide a new Russian expansionism behind a cloak of humanitarianism and must be rejected and challenged with the full force of the international community.

The fate of R2P as either a tyrant's rubber stamp or a shield of the vulnerable rests now in the hands of the West and whether or not they choose to accept this brazen assault on international law and our common values.

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[1] <http://rt.com/news/lavrov-human-rights-ukraine-542/>

[2] <http://rt.com/news/putin-address-parliament-crimea-562/>

[3] <http://www.who.int/hiv/universalaccess2010/worldsummit.pdf>

[4] <http://www.dw.de/crimea-a-breach-of-international-law/a-17483425>

[5] <http://www.reuters.com/article/2014/03/14/urkaine-crisis-russia-east-idUSL6N0MB1KN20140314>

[6] <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8838644/Muamma>

19th March 2014

r-Gaddafi-in-his-own-words.html

[7] <http://www.bbc.co.uk/news/world-middle-east-12544624>

[8] <http://www.telegraph.co.uk/news/worldnews/europe/ukraine/10697986/Merkel-fury-after-Gerhard-Schroeder-backs-Putin-on-Ukraine.html>

[9] http://www.nytimes.com/2014/03/16/world/europe/for-crimea-secession-is-only-as-good-as-recognition.html?_r=0

[10] http://voiceofrussia.com/2014_03_06/Crimea-and-Kosovo-whats-the-difference-9908/

[11] http://www.nytimes.com/2014/03/16/world/europe/for-crimea-secession-is-only-as-good-as-recognition.html?_r=0

[12] <http://www.dw.de/opinion-crimea-is-not-kosovo/a-17497282>

[13] http://www.nytimes.com/2014/03/16/world/europe/for-crimea-secession-is-only-as-good-as-recognition.html?_r=0

[14] <http://www.independent.co.uk/news/world/europe/ukraine-crisis-two-dead-in-kharkiv-shootout-ahead-of-crimea-referendum-9194291.html>

[15] <http://www.reuters.com/article/2014/03/13/us-ukraine-crisis-donetsk-idUSBREA2C20Z20140313>

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