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The effectiveness of the between theory and practice

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Abstract:

In 2011, the principle of the responsibility to protect was applied for the first time in Libya, as the North Atlantic Treaty Organization (NATO) forces argued that the situation in Libya is a threat to international peace and security to justify the military intervention that led to the overthrow of former President Muammar Gaddafi, which is not based on any norms and principles of international law. Although the Security Council resolution was not agreed upon by all member states, some of them, led by the United States, Britain and France, exceeded the mandate granted to protect civilians, and used NATO to achieve their goals of changing the Libyan regime through external military intervention, which opened the door The unknown in front of Libya in terms of humanitarian, political, security and social.

In another position that reflects the extent of the contradiction of working according to the principle of the responsibility to protect, and with regard to the ongoing crisis in Syria for more than twelve years, the supporters of the Syrian political system from the international and regional powers - especially Russia and Iran - argue that any external interference against its regime is illegitimate in nature. It will destabilize the Middle East region.

However, it can be said that political, security and social instability and human rights violations in Syria threaten international peace and security stipulated in the Charter of the

United Nations, due to the chaos caused by the Syrian refugee crisis and the emergence of extremist groups whose head was the terrorist organization "ISIS", but despite that What happened in Libya did not happen in Syria.

In both opposing positions, the two sides can refer to the internationally agreed principles, agreed upon by the member states of the United Nations that clearly reflect conflicting concepts of state sovereignty, which has led specialists in international affairs to recognize that there is a growing gap between the promise and the actual protection of individuals in the whole world.

Key words: principle, responsibility, protection, effectiveness, intervention

Introduction

With the inability of the rules of the United Nations Charter to adapt to complex changes, the growth of separatist tendencies and national liberation movements, and the increased interest in human rights and humanitarian issues, these variables collectively contributed to the emergence of initial ideas about the responsibility to protect (R2P), which its most prominent theoretician former Australian Foreign Minister (Gareth Evans) describes it "the most important foreign policy doctrine since the third millennium."

Although international jurisprudence almost unanimously agrees on the legitimacy of humanitarian intervention by the United Nations, the failure of the latter to protect human rights and stop grave violations of international humanitarian law in many countries of the world has led to thinking about a consensual concept that achieves a balance between state sovereignty and its legitimate right to Management of its internal affairs and non-interference in it on the one hand, and the responsibility of the international community to protect human rights from the grave and repeated violations that occurred against humanity at the end of the last century in Somalia, Rwanda, Liberia, Yugoslavia (formerly), and other areas that witnessed internal armed conflicts.

The principle of the responsibility for international protection has been defined as the actions taken by international bodies towards a country, to ascertain the extent of its commitment to implement what it has pledged and committed to in international human rights conventions, and to reveal its violations and develop proposals or take measures to prevent these violations, or it can be said that it is a competence Monitoring procedures practiced by international and regional organizations and bodies against their members to enforce respect for human rights.

The principle of the responsibility to protect, adopted by the International Commission on Intervention and State Sovereignty in 2001, included serious violations of human rights, such as genocide, war crimes, ethnic cleansing and crimes against humanity, as the commission identified the reasons for military interventions for humanitarian protection.

The concept gained its legitimacy by adopting some of its aspects at the world summit in 2005, including the responsibility of the international community to intervene militarily if necessary and with a mandate from the Security Council when countries fail to provide protection for their people.

Since 2011, the Syrian crisis has become a major humanitarian crisis, in which serious violations of human rights have occurred, and despite the fact that the Syrian crisis exceeded the conditions specified in the International Commission on Intervention and State Sovereignty, there is a great debate about the reason for the lack of international military and humanitarian intervention in Syria, as it was presented Clarifications about the reasons for the lack of humanitarian intervention in the Syrian crisis,

under the pretext that the specific circumstances of the Syrian crisis and the dynamics of international politics do not allow for intervention, and that possible intervention may have worse consequences than not.

Therefore, the main dilemma in the Syrian issue is the "agreed upon" difference regarding the future of Syria after the Syrian political system. Changing the political system at this stage is not welcome at all from all parties, because Syria will be a multi-directional military confrontation arena (from the point of view of view of the international powers).

In the case of Libya, the international powers revealed the use of the principle of the responsibility to protect as an excuse to justify military intervention, as the North Atlantic Treaty Organization "NATO" exceeded its basic mission of protecting civilians to the extent of supporting the revolutionaries and working to change the political system in it.

Therefore, the comparison between the two cases (Syria and Libya) - with regard to whether or not the principle of the responsibility to protect was used - raised many doubts and criticisms about the success of the humanitarian goal of this concept in isolation from the political interests of the major powers. In addition to the politicization of the adopted and selective solutions practiced by the United Nations, in accordance with what serves the interests of the major powers that dominate the organization's decisions.

First: The Concept Of the Principle Of Responsibility To Protect

In 1999, the former Secretary-General of the United Nations (Kofi Annan) emphasized the inability of the international community to reconcile international legitimacy with effectiveness in defending human rights. In his opinion, the case of Kosovo revealed the main challenge for the Security Council and for the United Nations as a whole in the future, as it was supposed to find a unified international opinion regarding the principle of not allowing widespread and systematic violations of human rights there, but this did not happen due to the different political wills of the international powers [1].

From this point of view, the starting point was to crystallize the concept of the principle of the responsibility to protect. As a new doctrine on intervention was formed, through several reports of the United Nations General Assembly, in order to reconcile sovereignty and human rights, and adhere to three basic pillars of the concept (prevention - response – rebuilding)[2].

The R2P principle is, in many respects, an evolution of the concept of humanitarian intervention, introduced by the International Commission on Intervention and State Sovereignty in 2001, the premise of the doctrine being the need for mutual support among states and the shared responsibility

towards protecting populations from crimes of aggression and gross violations of human rights. This responsibility arose during the 1990s, along with a new idea of sovereignty, which greatly influenced the emergence of the R2P principle. According to this new sovereignty theory, the international community, which had traditionally consisted only of sovereign states, would have international relations with other legal entities as well. States have become interdependent with international organizations subject to international law, as well as with non-state actors, NGOs, armed groups, individuals and multinational corporations. Therefore, international relations are conditioned by a new balance of power, involving non-state actors, which leads to the need to create new legal mechanisms to manage these new global conditions and concerns[3].

This led to a ***Copernican revolution*** in the international community, which was no longer based solely on the self-interests of sovereign states, but also on the interests of civil society as a whole. The increasing role of individuals in this field is mostly shown by the involvement and participation in the large number of international treaties and the establishment of international courts aiming to protect human rights. Therefore, there has become a new concept of state sovereignty: the state is not the only party that has the right to deal with its internal affairs as it deems appropriate during crises, as there is now a "responsibility" to perform the tasks expected of an effective government in protecting its citizens. As its responsibility to protect its citizens and preserve their lives has become a basic and necessary condition for its sovereignty[4].

This idea of "functional sovereignty" has contributed to the formation of a prevailing opinion within the corridors of international organizations according to which the state should not be conceived as a legal person with political powers to achieve its own interests. Rather, it constitutes one of the sub-units of the political organization of humanity[5].

The 2001 ICISS report also linked this new theory of state sovereignty to the emergence and development of the "concept of human security", envisioned as the need to protect individual liberty against all forms of insecurity such as genocide, torture, war crimes and crimes against humanity. In other words, each state will have the primary responsibility to ensure and "protect" the security of its citizens, and if it is unable or unwilling to fulfill this obligation, the international community as a whole can be called upon to intervene in protecting individuals from gross violations of human rights with any necessary tools[6].

After the 2001 report, the doctrine of the responsibility to protect developed in a short period, and the concept now bears three basic dimensions, which are[7]:-

- ***First dimension of the concept:*** The state bears the primary responsibility to protect the population from genocide, war crimes, crimes against humanity, and ethnic cleansing and incitement thereto.

- *Second dimension of the concept:* the international community has a responsibility to encourage and assist states in fulfilling this responsibility; it is the responsibility of the international community to use diplomatic, humanitarian and other means to protect people from these crimes.

- *Third dimension of the concept:* If a state manifestly fails to protect its population, the international community must be prepared to take collective "interventionist" measures to protect these people, in accordance with the UN Charter.

In other words, the concept of the "responsibility to protect" included the following[8]:

1. The Responsibility to Prevent.

2. "The Responsibility to React", when this type of crime is committed, through a gradual series of means that move from persuasion to military intervention "The Responsibility to React".

3. "The Responsibility to Rebuild," that is, the responsibility to repair damage caused by military action, to ensure lasting peace, and to promote the rule of law.

This conceptual structure has been progressively consolidated over more than a decade through a series of documents. The 2004 report, A Safer World: Our Shared Responsibility, promoted the concept of human security, combining poverty, disease, environmental degradation, interstate conflicts and civil wars, as well as terrorism and international criminal organizations. The report, In Freedom: Towards Development, Security, and Human Rights for All, encourages states to conceive of the responsibility to protect as a basis for legitimizing collective action against genocide, ethnic cleansing, and crimes against humanity[9].

Moreover, according to article (138) of the 2005 World Summit (WSO) Outcome, the following was stated: "Each country has a responsibility to protect its population from various types of threats, and the international community must accept and comply with this responsibility." Article (139) of the (WSO) also called for the responsibility of the international community, through the United Nations, to adopt diplomatic, humanitarian and other peaceful measures, in accordance with Chapters VI and VIII of the UN Charter, in order to help protect populations from the aforementioned crimes[10].

In the same context, and according to the aforementioned document, states must also be ready to take swift and resolute collective action through the Security Council in accordance with the Charter. However, in cases of armed intervention, this should be done after analyzing each case on a case-by-case basis and in cooperation with relevant regional organizations, if peaceful means prove to be insufficient and national authorities manifestly fail to protect their populations from genocide, such as war crimes, ethnic cleansing and crimes. Against humanity, international intervention becomes an indisputable necessity [11].

One year after the World Summit, the concept of the responsibility to protect was recalled, albeit indirectly, through the adoption of Security Council Resolution 2006/164 on civilian casualties in armed conflict, and the resolution highlighted the importance of adopting conflict prevention measures. In particular, its fourth paragraph - with reference to articles (138 and 139) of the 2005 World Summit Outcome Document regarding the responsibility to protect populations - explicitly introduced for the first time the concept of the responsibility to protect into the legal framework of the United Nations[12].

Although the resolution did not add anything substantial to what had already appeared during the 2005 World Summit, experts considered this Security Council resolution an important signal to support and consolidate the principle of the responsibility to protect.

Since then, it has been the General Assembly that has proposed strategies for implementing this principle, as well as proposing tools to strengthen the prevention of the crimes to which it relates. In 2009, the report of the former Secretary-General of the United Nations (Ban Ki-moon) stressed the necessity of "implementing the responsibility to protect", noting that "the worst tragedies that befell humanity in the past century were not confined to a specific region of the world. Therefore, the task of the principle of the responsibility to protect it requires finding a solution to these types of situations, crises and disasters, and thus it is possible to say that the principle is an ally of sovereignty and not the other way around [13].

Alongside, another report by (Ban Ki-moon) in 2010, "Early Warning, Assessment and the Responsibility to Protect", indicated the need to recognize the efforts made by the United Nations in the field of information, assessment and early warning, and called on United Nations bodies to increase the flow of information from terminal centers to headquarters. Managing and increasing the flow of information, according to the report, is one of the key aspects of ensuring timely intervention within the framework of the "responsibility to protect"[14].

In 2012, the Secretary-General presented his report on "The Responsibility to Protect: Timely and Critical Response" at the fourth annual informal interactive dialogue on the Responsibility to Protect in the General Assembly, the (response) pillar, for partners available for implementation and the close link between prevention and response. In 2013, the General Assembly held its annual informal interactive dialogue based on the fifth report of the Secretary-General, "The Responsibility to Protect: State Responsibility and Prevention". The report explores the causes and dynamics of atrocities and identifies measures that states can take to prevent these crimes and build resilient societies. The report also highlighted some examples of initiatives already taken by States[15].

Finally, in September 2014, the General Assembly convened a debate on the sixth report of the Secretary-General, "Fulfilling our collective responsibility: international assistance and the

responsibility to protect", to guide efforts to assist states through support, encouragement, capacity building and protection assistance.

Second: Obstacles to implementing the principle of the responsibility to protect

There are a number of (structural) problems related to the principle of the responsibility to protect - in terms of concept and application - especially with regard to its third pillar (military intervention for humanitarian purposes). Researching these structural issues is critical to understanding why these processes are fraught with pitfalls and implications, and why the responsibility to protect is unlikely to ever be fully implemented.

First: the problem of mixed motives

The rationale for legitimizing the R2P principle is its altruistic purpose: to prevent human rights abuses. In the absence of altruism, intervention is like "war". Although the difference between the R2P principle and warfare is not widely recognized in international law, in fact, there is still no specific legal standard for "humanitarian intervention" under the R2P principle[16].

The distinction remains politically important: an operation seen as protecting civilians under threat tends to elicit a very different response than one seen as a war of self-interest. As Michael Barnett says, humanitarian work is "sacred" through its altruistic aims. But in practice, it is nearly impossible to imagine a military intervention motivated solely by humanitarian considerations. Decisions to use armed force often involve a mixture of motives, including self-interest[17].

Two recent studies examining the record of international military operations since the end of the Cold War, for example, failed to find a single case that was entirely altruistic, as those operations were shaped by different geostrategic motives. This does not mean that humanitarian motives are mere pretensions, or that states are motivated solely by considerations of "their own security, power and self-interest". Instead, as Martin Binder notes, historical patterns of intervention support neither exclusively self-interest nor norms-based interpretations of foreign policy behavior[18].

However, the presence of self-interested motives in R2P intervention seems inevitable, but it may also be desirable and indispensable for two reasons: First, it may be necessary as a means of ensuring governmental accountability within the intervening states. Because military action is costly and dangerous, the leaders of these nations have the right and obligation to "consider the interests of their people, even when they act to help other people." This intervention may not be in the interest of the intervening state, which prevents the approval of the deployment of military forces in the place to be intervened in order to prevent imminent or actual mass atrocities. Secondly, unless there are self-interest motives behind these humanitarian operations and are rooted in them, the intervening states

may lack the political commitment and determination to complete the humanitarian tasks they undertake, especially if they involve (the use of military force). As Thomas Weiss points out: "If there is to be altruism alone without important interests, there is seldom enough motivation to participate in/or to continue in this path, so that political support is very necessary here"[19].

➢ *The problem of mixed motives*

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➢ *The counterfactual problem*

The second structural problem is the intrinsic difficulty of proving that the R2P intervention, once activated and enforced, has actually succeeded. In other words, in order to prove that the intervention was effective, the interveners must resort to "contrarian" reasoning about what might have happened without the intervention. This matter raises a wide debate among the specialists and the governments of the member states of the United Nations, due to the different interests of those countries and the motives behind the decision to intervene.

These structural problems are most evident in the case of mass abuses because they are rare and complex events. In fact, previous studies on the R2P principle have demonstrated the limitations and pitfalls of counter-analysis in this field. Taylor Seybolt, for example, uses mortality rates to estimate the number of lives that could have been saved by specific previous interventions. However, the adoption of this matter in analysis and measurement is not entirely accurate because it cannot provide a basis for predicting sudden mass atrocities. As a result, Saybolt's estimate of the lives likely to be saved through the intervention remains largely a matter of guesswork[24].

➢ *The problem of visible damage*

While there are benefits to R2P intervention, the costs are starkly obvious. This is the crux of the apparent damage problem. No matter how carefully coercive operations are planned and executed, they invariably cause collateral damage and accidental deaths - a war of devastation and killing - which is certain to have an immediate effect on the usefulness of that intervention. Psychologists have found that people tend to have stronger emotional reactions to "what are" conditions than they do to hypothetical "what if" possibilities, because information about current conditions is more "rich and lively" in front of them than perceptions about the costs and benefits of future preventive actions. Thus, these operations are likely to face widespread opposition by individuals, even when the mission accomplishes what was planned: avoiding the commission of mass atrocities[25].

In other words, there seems to be an evaluative tendency for such operations to be judged more by the harm they cause than by the harm that can be avoided. This may be especially true in this era of instant, uncensored communication of photographs, videos, and live accounts via social media. These images and reports can have immediate effects on public opinion; For example, a political backlash against apparent harm may cause some of the intervening states to rethink their commitment to a process while it is still in progress[26].

Visible damage is a problem for all military missions, but it is a particular challenge for operations that base their legitimacy on the principle of preventing harm. In the words of international political

affairs scholar Alex Bellamy: "Few things are more likely to harm the humanitarian credentials of a military operation than the belief that it increases the overall risk to civilians." Although they are subject to the same laws of war as any other military action, in practice humanitarian missions must "weigh the harm to non-combatants who are particularly heavy" [27].

To make matters worse, such missions must comply with ethical standards and the rationale behind the enforcement process. Failure to comply with these requirements risks delegitimizing the mission as well as the states and international organizations that supported (or were perceived to support) the intervention. This is why the seemingly unavoidable reality of the obvious collateral damage is a major problem for this type of practice.

➢ *The problem of rebuilding the state*

In cases where external powers set out to secure populations under threat in accordance with the principle of the responsibility to protect, they may achieve their initial objective but face a dilemma: how to disengage or withdraw without recreating the conditions that prevent the return of the threatening conditions to human security that prompted the military action in the first place. The first is that this will only happen by establishing a "safe zone" and rearranging the situation in a way that guarantees the building of a state capable of providing protection for its people. For example, it may be possible to provide immediate security to the population at risk, but only as long as the interveners remain present, and once this presence is removed there is an endangerment of the lives of individuals again, contrary to the original purpose of the mission and the principles of the responsibility to protect[28].

So, what to do in such a situation? One option is to continue the international operation indefinitely, in effect a semi-permanent protective presence is necessary. However, this open presence may also strain the desire of some of those involved to remain committed to the process, especially if they expect the processes to be short-lived. Moreover, external presence may be seen as a form of "occupation", rather than humanitarian rescue, and engender local resistance. The second option is to eliminate the source of the threat itself. However, if the threat is the country's government, such a strategy amounts to regime change. This would not only broaden the objectives of the operation beyond the initial goal of preventing atrocities, but it would also raise additional questions about the motives of those involved. The third option is to negotiate a settlement to the crisis, including protection for the endangered group. However, this would usually involve the continued presence of international forces as guarantors of any agreement. While this long-term political role may be justified, it amounts to a different task with a very broad mandate[29].

> *Inconsistency problem*

The final problem is the lack of consistency in the international emergency response. There are circumstances in which civilians are exposed to serious threats and outside actors cannot intervene or reform (they choose not to), and this may result from a number of reasons. For example, there may be conflicting perceptions of the nature, degree or seriousness of the threat, which may make it impossible to reach agreement on international action. Events on Earth may also unfold more quickly than expected, so the time window for making a valid judgment about impending atrocities may be narrow and easy to miss. Alternatively, potential meddlers may exclude an operation because they believe it will conflict with their interests. A measure of self-interest on the part of the interveners may be a necessary feature of a preventive humanitarian intervention - either for reasons of governmental accountability within the intervening state, or to ensure that the interveners are committed to completing the tasks they undertake[30].

Thus, the intervention can also be excluded in accordance with the responsibility to protect as it is likely to do more harm than good. In its 2001 report, the International Commission on Security and Strategic Studies identified a number of "precautionary principles" to guide decisions about military intervention, including: "There must be a reasonable chance of success in stopping or avoiding the suffering that justified the intervention, and it is unlikely that the consequences of action are worse than the consequences of inaction." In this regard, the faithful application of the principles of the responsibility to protect may entail decisions to forgo intervention, even in the case of looming or ongoing mass atrocities, if the consequences of the intervention are more harmful than the consequences of violations It seems that this measure of selectivity, based on calculations of expected results, is already incorporated into the concept of the same principle[31].

However, we see that intervening to prevent mass atrocities in some cases, but not others, creates a problem: it is very likely to result in the emergence of "double standards", which can discredit this core principle itself. Again, this contradiction is inevitable, not only because other factors may interfere with the application of the responsibility to protect, but because the doctrine itself warns of intervention to prevent or stop mass atrocities in certain circumstances[32].

Third:Duplicity of Enforcement of the Principle Of the Responsibility to Protect

❖ The Syrian Crisis

Since March 2011, Syria has been witnessing a crisis that has forced more than half of the population to leave their homes and flee inside Syria or seek refuge in other countries. The crisis, which has been described as one of the worst humanitarian disasters of the current era, has left some 13

million people in need of relief and now 3.9 million people live in besieged places and hard-to-reach areas. The conflict, which has entered its ninth year, has led to 5.6 million people seeking refuge in other countries and the displacement of 6.1 million inside Syria (as of March 2018). More than 13 million people inside the country are now in need of humanitarian assistance, including nearly 6 million children. In addition, more than half of hospitals, clinics and primary care centers have been destroyed or are partially functioning[33].

It is certain that the losses of this conflict are heavy and are not limited to Syria and its people only, but also have other far-reaching repercussions for other bloody conflicts around the world, most notably the disregard for international principles that were supposed to limit the suffering of the civilian population. A fundamental principle that has been overlooked in Syria is the "responsibility to protect" principle, which states that the international community does not have a choice but an obligation to intervene in conflicts in which atrocities are being committed against the civilian population[34].

It seems that the principle of the responsibility to protect, which was first advocated by Western countries in the 1990s and later adopted by the United Nations, did not hold in the context of the Syrian conflict. Its failure is evidence of the shortcomings of the international system that emerged at the end of the Cold War.

According to the first pillar on which the principle of the responsibility to protect is based, the Syrian regime has violated its obligations with regard to the first rule by attacking civilians indiscriminately [35]. As the extrapolation of most of the reports reported by international, governmental and non-governmental organizations indicates the failure of the Syrian state to abide by the responsibility to protect its population from the four crimes, whether by preventive prevention for the reasons for committing them, represented in preventing the non-international armed conflict since its early stages in which the Syrian government tended to respond with many violations International obligations in this regard or to prevent the continuation of the commission of crimes during the non-international armed conflict, and the extrapolation of these reports indicates that the criterion of the state unwilling and unable to protect its population from the four crimes almost meets in the non-international armed conflict in Syria [36].

Here we should mention that the first rule lies with every state (the permanent responsibility to protect its people, whether they are citizens or otherwise, from incitement or committing genocide, war crimes, ethnic cleansing and crimes against humanity against them, and the responsibility to avoid human rights violations is an integral part of the sovereign role that practiced by this state and respect

for human rights is the main indicator of the sovereign role over the extent of the responsibility that this sovereignty enjoys) [37].

On June 23, 2011, that is, days before the end of the mandate of the Arab observers in the country, the Arab League unanimously put forward a new initiative to solve the crisis in Syria, which stipulates that the opposition begin a dialogue with the regime to form a national government, and Bashar al-Assad will later hand over all his powers to his deputy in cooperation with this government to end The crisis, and the Syrian National Council welcomed the initiative, but the Syrian government rejected this initiative [38].

In this context, the Human Rights Council adopted a resolution on May 4, 2011 regarding the "current situation" of human rights in the Syrian Arab Republic in the context of recent events, and urged urgent and concrete measures to be taken to meet the legitimate demands of its people, and categorically condemned the Syrian authorities' use of deadly violence against protesters. Peaceful people and obstructing access to medical treatment, and urging the Syrian government to immediately put an end to all human rights violations, requesting in paragraph VII of the Office of the United Nations High Commissioner for Human Rights to urgently send a mission to investigate all alleged violations and in the light of the conclusions reached by the mission [39].

Also, the Security Council issued its first resolution regarding the Syrian crisis, bearing No. (2042). The UN Security Council unanimously approved a resolution that includes the deployment of a team of up to 30 unarmed observers to monitor a fragile and short truce in Syria. Following the issuance of the previous resolution, a new resolution was issued on April 21, 2012. The UN Security Council unanimously approved Resolution No. (2043) allowing the initial deployment of 300 military observers in Syria for a period of three months. The Security Council also issued Resolution No. (2118) on September 27, 2013, which demanded the disposal of Syrian chemical weapons, but it did not threaten immediate punishment against the Assad government in case it did not comply with the resolution. In this context, wide-ranging sanctions were applied, including travel bans, freezing the assets of Syrian officials, banning the purchase of Syrian oil and targeting Syrian information technology. The European Union also applied the fourteenth series of sanctions that included luxury goods in addition to goods and technology that could be used for internal repression, but these measures did not prevent the regime from continuing violence against civilians and violating their rights [40].

Therefore, despite the availability of a set of criteria confirming the legitimacy of military intervention in the Syrian conflict in accordance with the principle of the responsibility to protect, such

as the fair threshold and the last resort in addition to the issue of evidence, there was no consensus on resorting to the military solution as a means to protect civilians in Syria due to the lack of political will to endorse the intervention. Military and double standards in conditioning cases [41].

❖ The Libyan Crisis

Within the context of the events and developments of the Libyan crisis, the Security Council issued two important resolutions regarding the Libyan crisis in 2011: Resolution No. (1970) and Resolution No. (1973), which opened the door to military intervention in Libya led by NATO. It was adopted with the approval of ten members of the Council, with five abstentions. Others, including Russia, China and India, for the purpose of (responsibility to protect) actions in the Libyan crisis. Although the resolution was not agreed upon, it gave the major Western countries an excuse to claim that the Council's unity had made it possible to take collective action under Chapter VII of the Charter, which enabled the protection of the lives of tens of thousands of civilians in Benghazi and the rest of Libya[42].

The main premise for the international intervention in Libya in 2011 was the overthrow of Gaddafi to protect civilians, and he was the only one whose overthrow or removal was unanimous among the international powers at the time. Gaddafi's historical stances with international powers, and his stances on the Arab world, did not help him.

The United States assumed part of the first phase of the operation (targeting Gaddafi's defenses), while the Europeans assumed the rest of the operation and most of its military burdens, and it was agreed with them that they bear the post-conflict costs, because "Africa is the Europeans' backyard, not ours," as Obama put it, and Arab countries such as (Qatar, the Emirates, and Jordan) were involved by giving them logistical roles in order for the process to gain the necessary acceptance in the Arab world, while Russia was persuaded that the survival of Gaddafi might lead to a prolonged civil war that would turn the country into a hotbed of conflict exporting "terrorism", and so it was The common interests between Russia and France at the time played a role in Russia's decision-making[43].

Since the outbreak of the Libyan crisis in 2011, the United Nations Security Council has issued many binding resolutions, desiring to find solutions to the crisis, most notably the decisions to protect civilians, which are related to military intervention to solve the Libyan crisis. The following is an analysis of these decisions [44]:

1. The Security Council issued Resolution No. (1970) in February 2011, in which it expressed its deep concern about the situation in Libya, condemned violence and the use of force against civilians, and called for taking steps to meet the legitimate demands of the population, and prohibited the supply of weapons to Libya [45].

2. The Security Council adopted Resolution No. (1973) in March 2011, which included banning all flights over Libyan airspace, with the aim of protecting civilians, with the exception of humanitarian supply flights, and calling on all Member States not to allow any Libyan aircraft to land or take off from their territories. And calling on all Member States to take all necessary measures to protect civilians and residential areas that face a threat in Libya, including Benghazi, at a time when the resolution excludes the sending of an occupying force in any form on any part of Libyan territory, and the resolution authorized the use of military force to protect Civilians (enforcing the responsibility to protect), and the resolution demanded an immediate cease-fire, and the possibility of conducting air strikes in order to protect civilians, and the resolution demanded the freezing of Libyan assets and funds managed by the Gaddafi regime, directly or indirectly, and the resolution demanded the Secretary-General of the United Nations at the time (Ban Ki-moon) to establish an eight-member committee of experts to assist the Security Council Committee in monitoring sanctions, and Security Council Resolution No. 1973 met with some doubts and other concerns from various parties about the hidden goals behind Eh, and therefore the statements of the White House and former British Foreign Secretary (William Hague) have been repeated several times that the attacks organized by the resolution will not aim to occupy or colonize Libya, but will suffice to protect civilians and repel Gaddafi's forces, while the international community will not interfere in the issue of regime change or The overthrow of Muammar Gaddafi from power [46].

3. United Nations Security Council Resolution No. (2009), adopted unanimously on September 16, 2011, related to Libya and issued a few weeks after the Libyan opposition forces entered the city of Tripoli and it was under the grip of forces loyal to Colonel Muammar Gaddafi, and the most important points of the decision are summarized in encouraging the Council The National Transitional Council on national reconciliation, encouraging it to respect human rights and abide by previous covenants and ease the freeze on assets imposed by Security Council Resolution 1970 [47].

4. United Nations Security Council Resolution No. (2016), which was issued one week after the end of the Sirte battle and the killing of Muammar Gaddafi, and adopted unanimously on October 27, 2011. The resolution ends the mandate issued by the Security Council to impose a no-fly zone in Libya The decision also stipulated an end to the freeze of assets imposed in the two previous resolutions 1970 and 1973 with regard to the National Oil Corporation, the Zueitina Oil Company, and the amendment of this freeze related to the Central Bank of Libya, the Arab Libyan Foreign Bank, the Libyan Investment Authority and the Libyan African Investment Portfolio.

5. United Nations Security Council Resolution No. 2017, adopted unanimously on October 31, 2011. The resolution included urging the Libyan authorities to take all necessary steps to prevent the spread of weapons and related materiel of all kinds, and urged neighboring countries to take appropriate measures to prevent the spread of weapons, and called upon Member States and international and regional organizations, including designated United Nations bodies, to provide the necessary assistance to the authorities and countries of the region to achieve This goal.

6. The Security Council issued Resolution No. (2022) on September 2, 2011, and the resolution stipulated extending the mandate of the United Nations Support Mission in Libya, established under article (12) of Resolution (2011) to March 16, 2012. Emphasizing the importance of continuing support United Nations to the Libyan transitional government in addressing urgent priorities.

In implementation of the fourth article of Resolution No. 1973, according to which the Security Council authorizes member states to "take all necessary measures to protect civilians and civilian populated areas exposed to the threat of attack," the international community embarked on implementing this task, based on and armed with a resolution allowing it to intervene within the framework of the principle of the responsibility to protect, which was not It is expressly referred to in this decision.

Conclusion

This approach - The Responsibility to Protect - does not differ in its essence from the approach of humanitarian intervention, except that it adds to it the prevention of human rights violations before they occur through the responsibility of prevention and reconstruction after intervention. In all cases, military intervention must be an exceptional measure according to certain controls.

The principle of the responsibility to protect could not avoid the selective nature of humanitarian intervention operations and the policy of double standards, due to the lack of a solution to the problem of licensing the use of force, given that it is subject to the Security Council alone. This point is used by the five permanent members to serve their national interests by exercising the right of veto if the principle of the responsibility to protect conflicts with their interests and aspirations, which maintains selectivity as we have shown through the intervention of the United Nations in the Libyan crisis or not in the Syrian crisis due to the Russian-Chinese veto.

Because of what Syria represents of high geostrategic importance and a pivotal strategic economic and security value for Russia, the implementation of the principle of the responsibility to protect in the Syrian crisis has been disrupted, through the use of the Russian-Chinese veto, despite the gross violations of human rights, internal displacement and external migration of the civilian population. .

Despite the declared reasons for international intervention in the Libyan crisis according to the principle of the responsibility to protect, there are other reasons behind that intervention. Perhaps the most prominent of these is (economic interests). Economic interests are the main driver of many international operations, and international intervention in Libya was largely linked to these interests, as Libyan oil represents the most prominent needs and reasons for the intervention of some participating countries in the air embargo process, and the implementation of Security Council Resolution No. 1973. It is certain that these countries seek to secure their oil interests in Libya, in addition to the desire of European countries to alleviate their financial crisis by finding new markets, and diverting the attention of internal public opinion from internal economic issues, in addition to money laundering.

المستخلص

فاعلية المسؤولية عن الحماية بين النظرية والتطبيق

نهرين جواد شرقي

لقد تم تطبيق مبدأ مسؤولية الحماية لأول مرة ت في ليبيا، في العام 2011 حيث زعمت قوات حلف شمال الأطلسي (الناتو) أن الوضع في ليبيا يشكل تهديدا للسلم والأمن الدوليين لتبرير التدخل العسكري الذي أدى إلى للإطاحة بالرئيس السابق معمر القذافي، وهو ما لا يستند إلى أي أعراف او أي مبدأ من مبادئ القانون الدولي. ورغم أن قرار مجلس الأمن لم يحظى بموافقة جميع الدول الأعضاء، إلا أن بعضها، وعلى رأسها الولايات المتحدة وبريطانيا وفرنسا، عملوا على التدخل بشكل منفرد ومارسوا حقهم بالتدخل بنحو كبير.

وتم منحهم التفويض لحماية المدنيين، وتم استخدام حلف شمال الأطلسي لتحقيق أهدافها المتمثلة في تغيير النظام الليبي من خلال التدخل العسكري الخارجي، وهو ما فتح باب المجهول أمام ليبيا على الصعيد الإنساني والسياسي والأمني والاجتماعي.

وفي موقف آخر يعكس مدى تناقض العمل وفق مبدأ مسؤولية الحماية، وفيما يتعلق بالأزمة المستمرة في سوريا منذ أكثر من اثني عشر عاما كان لانصار وحلفاء النظام السياسي السوري من القوى الدولية والإقليمية والذين تتزعمهم روسيا وإيران، وخاصة روسيا، أن أي تدخل خارجي ضد نظامها يعد غير شرعي بطبيعته. وسوف يؤدي إلى زعزعة الاستقرار في منطقة الشرق الأوسط.

لكن يمكن القول إن عدم الاستقرار السياسي والأمني والاجتماعي وانتهاكات حقوق الإنسان في سوريا تهدد السلم والأمن الدوليين المنصوص عليهم في ميثاق الأمم المتحدة، وذلك بسبب الفوضى التي أحدثتها أزمة اللاجئين السوريين وظهور الجماعات المتطرفة التي كان على رأسها تنظيم "داعش" الإرهابي، لكن رغم ذلك فإن ما حدث في ليبيا لم يحدث في سوريا.

وفي كلا الموقفين المتعارضين، يمكن للجانبين الرجوع إلى المبادئ المتفق عليها دوليا، التي اتفقت عليها الدول الأعضاء في الأمم المتحدة، والتي تعكس بوضوح المفاهيم المتضاربة لسيادة الدولة، الأمر الذي دفع المختصين في الشؤون الدولية إلى إدراك أن هناك فجوة متزايدة بين الوعد والحماية الفعلية للأفراد في العالم أجمع.

الكلمات المفتاحية: المبدأ، المسؤولية، الحماية، الفعالية، التدخل

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