THE RESPONSIBILITY TO PROTECT AT 10: THE CHALLENGE OF PROTECTING THE WORLD’S MOST VULNERABLE POPULATIONS

America in Iraq: The Price of Opening Pandora's Box
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Iraq may be taken as a case study illustrating the failure to effect the norm of the "responsibility to protect."

The three guiding principles of R2P are: the responsibility of the state to protect its population from genocide, war crimes, crimes against humanity, and ethnic cleansing; the international community's responsibility to assist the state to fulfill its responsibility; and the international community's responsibility to intervene through coercive measures if peaceful ones have failed. Military intervention is considered the last resort. Even though the R2P principles were formally adopted by the United Nations in the second part of the 2000s, the discussion about them first originated in the 1990s.

What are the causes for this failure? Historically speaking, in its approximately one hundred years of existence, the responsibility of the Iraqi state itself to prevent its population from harm has never been fulfilled; rather, the norm has been the use of violence against the population by the government and its various apparatuses. An Iraqi author, Baqir Yasin, went so far as to suggest that violence has been a chronic illness of this part of the world, asserting that Mesopotamia or Iraq has suffered five

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thousand years of violence. In modern times, the targets of that violence have included minorities such as Assyrians, Jews, and the ethnic Kurdish community that represented one fifth of the Iraqi population. Indeed, Ba’thi Iraq perpetrated against the Kurds all four crimes identified by R2P: genocide, war crimes, crimes against humanity, and ethnic cleansing.

The second principle speaks of the international community's obligation to help the state to fulfill its duty to its citizens. This principle appears out of place in the context of a totalitarian state such as Iraq under the Ba’th, or a failed state as it is now. As much as the international community has attempted to improve the sociopolitical conditions in Iraq by grafting onto it democratic, liberal, and egalitarian norms, these norms failed to cut roots in the society because they were imposed from above by outside forces and were not a natural growth in the country itself.

The third principle that empowers the international community to intervene through coercive measures is vague and has not been implemented either. The United Nations, for example, did not protect the Kurds when, at the end of the Iraqi-Iranian war in 1988, Saddam Hussein gassed them and destroyed their territory, including thousands of villages. Sanctions, which are often cited as the most effective tool for implementing the third principle, did not prove to be so in the Iraqi case, when thirteen years of sanctions between 1990 and 2003 did not move the Ba’th to improve its policies towards its population, but instead the contrary. In fact, those who suffered most from the sanctions were the population that the sanctions purported to protect.

And while R2P is a liberal Western norm that might appear too anachronistic to look for in Iraq until recently, things have not improved in any way since the 2003 war and the establishment of the so-called democratic system there.

In order to understand why R2P has so far failed in Iraq (with one exception), we should examine the assumptions that inform this norm against the backdrop of two important questions:

1. What kind of a state is Iraq, and how was it shaped historically?
2. What can one learn from the experience of the interventions of the international community in that country, especially the role of the US?

There are two main schools of thoughts with regard to the way Iraq's history was shaped. One school of thought argues that Iraq's problems are built-in, the result of the fact that Iraq was an artificial creation; that Iraqi nationalism never cut roots in Iraqi soil; and that primordial loyalties have never disappeared and in time of crisis came to the fore. The other school of thought puts the main blame on incompetent Iraqi rulers, but more importantly on the colonialists who, with their misconduct and selfish interests, brought Iraq to its present situation as a failed state. I would like to take a middle road by arguing that a combination of these two factors is the main cause of Iraq's erratic development, and its failure to protect its citizens and implement a policy of inclusion. I will also argue that the United States did not create an Iraqi Pandora's box, but it did open it clumsily, with all the repercussions that entailed.

**Iraq's Structural Problems**

In analyzing Iraq's structural problems, we need to identify the following, which are interconnected and which have hampered the development of an inclusive Iraqi nationalism: a minority ruling over a majority; a pan-Arab ideology that has marginalized the non-Arab and non-Sunni groups in the country; the involvement of the army in politics very early on, where the first military coup took place in 1936; the lack of a strong civil society and a strong middle class that could uphold democratic norms; a democratic system which was imposed from above by the British (and later by the Americans); and finally, a large number of wars which have only helped increase violence in Iraqi society and turn the population into victims and cannon fodder of the war machine.

Looking more closely at the three major components of Iraqi society – the Sunnis, the Shi`is, and the Kurds – it would be an understatement to say that they have not lived in harmony from the very establishment of the Iraqi state in 1921. Furthermore, the more time has gone by, the more relations have become convoluted, thus precluding a modus vivendi between them.

[go.brandeis.edu/R2P](go.brandeis.edu/R2P)
For eight consecutive decades, Arab Sunni rulers were the arbiters of Iraq's fate. The problem was that even though they represented a minority of merely 20% of the population, these rulers sought to impose themselves and their ideology on the rest of the country. Herein lays Iraq's inherent problem, with its ideal of a nation-state (which informed its rulers), which nevertheless sought to exclude those who did not feel they belonged to that Sunni-Arab state. Thus both Iraqi nationalism (\textit{wataniyya}) and pan-Arabism (\textit{qawmiyya 'Arabiyya}) were never inclusive of all parts of society, and thus no genuine Iraqi patriotism developed there.

If a ruler may play an important role in shaping the destiny of a nation, then the rulers of modern Iraq have failed dismally in this task, because all of them have lacked the ability to reconcile the different ethnic and religious groups and integrate them into the political system. Rather, they have resorted to coercive measures against the majority in Iraq, which have worsened over time because of the Sunnis' fear of losing power.

Iraq's problems were exacerbated by the fact that from the start there was clash between two national movements, the Arab and the Kurdish one, which in time turned into war where the state used its military might to suppress the Kurdish minority, and the general population (and not the guerrilla army) became its main victims. This included the destruction of five thousands villages, the use of chemical weapons at the end of the Iraqi-Iranian war, and the forced Arabization of various parts of the Kurdish region, especially the oil-rich disputed areas such as Kirkuk. This ethnic cleansing continued until the 1991 war. Little wonder, then, that neither the Kurdish elite that led the struggle against the central government nor the Kurdish rank-and-file could identify with the Iraqi state. Not only was the state monopolized by Sunni Arabs, but it became the source of all their troubles and hardships. Hence, they have been challenging not only the central government but the Iraqi state itself by doing their best to break from it.

The Shi`is were the other disenfranchised community in the country. Even though they were a majority of some 55% of the population, the Shi`is' hopes for an equal share in the modern Iraqi system were dashed early on. There were three causes of
this. First, historically speaking the Shiʿis had been systematically marginalized since the beginning of Islam in the seventh century, in the context of the Sunni-Shiʿi conflict. Second, as we shall see, for various reasons the British – the new masters of modern Iraq – followed along the same line, preferring to give power to the Sunni minority. Third, for their part, the Sunni rulers, who nevertheless felt vulnerable and weak, resorted to violence and coercive methods in order to keep their hegemony. The situation of the Shiʿis became unbearable after the 1991 Gulf War and their intifada, which was extinguished by force. The road to the vindictiveness of the post-Saddam period was short.

The Role of Outside Powers

Against this backdrop, the question that needs to be answered is what role external powers can play in this complicated domestic scene, and whether they are capable of saving Iraq from its predicament or preventing its collapse. In shaping the Iraqi state in the early 1920s, the British committed several mistakes. The first and most serious one was that they had erected a pyramid turned upside down by handing all the powers to a small Sunni minority to the exclusion of the Shiʿi majority. Another policy that complicated the integrity of the Iraqi state was British vacillation with regards to the Kurds. After initially supporting Kurdish national aspirations, they reneged on their promises by annexing the Mosul vilayet where a Kurdish state had been envisioned. It is impossible to know what could have happened if they had given power to the Shiʿis or built a Kurdish state. But what is certain is that Britain helped create an artificial state by giving the Sunnis all the weapons, virtual and real, to oppress the majority of the population. In short, the British helped exacerbate Iraq's inherent historical problems.

From the early 1990s, the United States replaced Britain as the main arbiter of Iraq's fate. But did it improve on its predecessor? Did it help protect the population from Saddam's atrocities? Did it improve their situation in post-Saddam Iraq? The answer is, unfortunately, no. Historically speaking, the US had been quite aloof from Iraq. From 1967-1984, it did not even have diplomatic relations with Iraq. After these years, there was a short period of engagement, but it was punctured by mutual
suspicions and animosities. Whatever the case, the two unexpected US interventions – the 1991 Gulf War and 2003 Iraq War – took Iraq and the rest of the world by great surprise, since they were the first in the post-colonial era in the Middle East. It is true that, in both wars, the US did not give straightforward humanitarian justification for its military intervention, but rather Iraq’s violation of Kuwaiti sovereignty in the first case and the regime’s alleged possession of weapons of mass destruction in the second. Still, humanitarian considerations were certainly part of the discourse in both situations. On the face of it, these wars purported to improve the situation of the population and in the second case even to bring democracy.

Indeed, in the aftermath of the 1991 war, President George Bush acted in direct opposition to the third principle of R2P. When the Shi`is and the Kurds rose up simultaneously against Saddam, President Bush forgot about his call on them to rise up against the Ba`th, and gave the green light to the regime to crush the uprising by perpetrating the worst crimes against humanity.

Did the US under President George W Bush do any better? The answer is complicated. It is impossible to say that the son walked in the footsteps of his father. In fact, in some ways George W. Bush did the opposite of what his father had done. While the elder Bush did his best to prevent the Shi`is and the Kurds from reaching power, because he was afraid that Iraq would break up and that the Iranian Islamic revolution would overwhelm Iraq as well, the younger "fulfilled" his father's nightmare scenario by the all-out war which he launched against the Ba`th in 2003. The two wars changed the fragile Iraqi domestic balance of power, and even though father and son sought to keep the integrity of the state intact, their moves led to the opposite result.

Are there any positive results from these shake-ups? On one hand, George W. Bush set the pyramid properly on its base by giving the majority -- the Shi`is -- the opportunity to reach power for the first time in hundreds of years. But this move also opened a Pandora's box of historical animosities between the Shi`is and the Sunnis, culminating in an unending civil war. The main victim, as usual, has been the population. Who and what can protect them?
If we examine the way that R2P principles were implemented in the decade of post-Saddam Iraq, we realize that the population continued to be abused much as in earlier periods. If anyone had hopes that the Shi‘i-led government would learn from its predecessors' mistakes and implement the basic principle of protecting the population, he would be completely disappointed. The new government, driven by vindictive instincts rather than by principles of inclusive governance, did very little to protect the Sunni segment of society, let alone integrate it. In a way, it was a mirror image of the earlier Sunni-led governments, which marginalized and even persecuted the Kurds and Shi‘is.

Nor did the international community implement the two other principles. Even though American forces were in Iraq until the end of 2011, the US did not use all its capabilities for pressuring the Shi‘i-led government to protect the Sunnis. The situation became even more complex after the Islamic State's occupation of large parts of Iraq in the summer of 2014. The Sunni-Shi‘i rift became much deeper, which forced the US and its allies to reengage with Iraq, but to no great avail. The atrocities that are being perpetrated there and the numbers of refugees and internally displaced people have been on the increase day by day.

Having said all this, there is one exception to the rule – the Kurdistan Regional Government (KRG). The safe haven that the US and its allies had established for the Kurds at the end of the 1991 Gulf War, with a view to protect them from the government's atrocities, has proved that R2P can be effective when there is a community and leadership on the “receiving” end that can interact positively with the implementation of these principles. Thus, the one positive result of the opening of the Pandora's box of ethnic conflict was that, for the first time in modern history, the Kurds ceased to be persecuted and even managed to establish an entity that is cohesive and stands on its own feet. Moreover, the KRG has become itself a kind of safe haven for others. In the KRG, there are now no less than 1.8 million Arab, Kurdish, Yezidi, and Turkmen refugees and internally displaced people.
Conclusion

Is R2P doomed to failure, as one school of thought suggests? In the Iraqi case, for the most part it has failed. In the Sunni-led and Shi`i-led governments, the adherence of the leadership and the ruling elite to the first principle was nil, and the implementation of the two other principles was no more successful. As to outside military interventions, it might be argued that both wars could be justified on R2P grounds, because the regime had committed crimes against humanity against its own people. However, when it came to implementation, the outcome of the intervention of outside forces and the international community was on the whole more disastrous than beneficial to the population.

However, R2P was effective in the Kurdish case. Hence, the unsavory conclusion is that R2P cannot be effective unless there is a cohesive group that is capable of establishing a stable government and of protecting its own people, and even extending this protection to others. The Kurdish entity has also proved capable of thwarting military attacks, albeit with the support of an outside power. This was proved in the latest encounters between the Kurds and the Islamic State, when the US and its allies did use coercive power to supporting the Kurds in stopping the Islamist onslaught. The Kurds’ performance stands in sharp contrast to that of the Baghdad government, when the Iraqi army collapsed like a house of cards in front of the Islamic State in Mosul in June 2014, and in Ramadi a year later.

In sum, the Iraqi case should be analyzed through the prism of two distinct entities: Iraq and Kurdistan. While in Iraq R2P has proved a total failure, in Kurdistan it has been relatively successful for two decades.