The Role of the Defense Department in Advancing the Responsibility to Protect in the Middle East

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Abstract

The Responsibility to Protect (R2P) is an emerging component of U.S. foreign policy and international norms. R2P recognizes that it is incumbent upon states to protect the human rights of their domestic populations in order to maintain their international sovereignty. When states willfully fail to live up to this obligation, the international community has an obligation to take action in order to protect the suffering population. The U.S. Department of Defense can ensure that U.S. foreign policy in the Middle East adheres to the tenants of R2P by effectively managing its security and intelligence cooperation activities to prevent and avoid atrocities, or failing that, to help rebuild in the wake of massive human rights violations.

Introduction

Over the last decade, a new international norm referred to as the responsibility to protect (R2P), has emerged among international organizations, states, and non-governmental organizations. Ratified by Member States of the United Nations in 2005, R2P establishes a
responsibility for the international community to take action and potentially use force when a government fails to protect its citizens. R2P doctrine empowers international organizations, altering state sovereignty by making the principal of non-intervention conditional on the ability and willingness of a state to protect its citizens’ human rights.

The United States Department of Defense (DoD) should incorporate the principles of R2P into its bilateral military relations to prevent, avoid, and stop acts of state-sponsored mass violence in the Middle East. This paper will provide an overview of R2P and its implications for state sovereignty, provide three lines of effort to advance R2P principles and norms through security cooperation, highlight the importance of senior-level defense officials in uniting the DoD effort overseas, and address the risks associated with these policy recommendations.

**Background**

Many of the 21st century transnational security challenges are fundamentally different from those the world faced in the past. Unfortunately, gross human rights violations, ethnic cleansing, and genocide are not unique to this age. While these horrific acts are similar to their historic predecessors, what has changed are the actors responsible for committing them, and the tools available to respond. The international community has grown to include non-state and supra-state actors and has correspondingly developed new tools to deal with these enduring transnational security threats, including the controversial R2P doctrine. R2P and intervention for humanitarian purposes is controversial, for when it occurred in Bosnia, Kosovo, Somalia, and Libya; as much as when it has not, in Rwanda, Myanmar and Syria.

R2P is founded on two basic principles. First, state sovereignty inherently includes a responsibility to protect the population within the state boundaries. Second, where a population is suffering due to internal conflict or state failure, if the state is unwilling or unable to stop or avert it, the international community has an inherent responsibility to protect the suffering population. R2P prioritizes prevention principles by addressing
the causes of conflicts and crises. Where prevention fails, reacting to humanitarian crises through regulated and proportional response mechanisms such as sanctions, international prosecution, or, as a last resort, military intervention may be necessary. Finally, R2P also includes a responsibility to rebuild – to provide international assistance in aiding with recovery, rebuilding infrastructure and state institutions after military intervention, and reconciling the conflicting parties.¹

**Effect of R2P on State Sovereignty**

R2P has a profound effect on states and international organizations because it expands the notion of sovereignty beyond the Westphalian state system. Proponents of R2P argue that this expansion of sovereignty strengthens states by helping them to meet what UN Secretary General Ban-ki Moon described as, “one of their core responsibilities” in protecting their people.² Its critics, particularly UN ambassadors from non-Western states, have argued that it is an excuse to impose Western norms and neo-liberal interventions on weaker states.³ Oxford University professor of political theory Simon Caney sees more nuance in R2P wherein, “international law still protects sovereignty, but – not surprisingly – it is the people’s sovereignty rather than the sovereign’s sovereignty.”⁴ Philosophically, R2P challenges realist political theories which contend that while states have domestic political systems, the international realm is characterized by anarchy.⁵ R2P does not assume that states only act pragmatically to advance their national interests. In fact, it advances the belief that upholding high ideals of human sovereignty is a global interest. Therefore, regardless of whether one embraces or rejects R2P, the doctrine challenges pre-existing conceptions of state sovereignty and the international order.

**Recommendations for US Military Relations in the Middle East**

The United States military has a role in ensuring U.S. interests, and in advancing norms and ideals through its partnerships with foreign militaries. For myriad political and strategic reasons, the U.S. military maintains partnerships with foreign security forces throughout the world.
Shared beliefs and norms have long been a key component of establishing coalitions and military partnerships, and that should extend to shared acceptance and proactive implementation of R2P. Critics within and outside the organization may argue that diplomacy and development are not the purview of the DoD. In reality, the U.S. military influences the actions of partner armed forces through regular interaction at the individual and organizational level, security cooperation programs, and intelligence sharing. These same processes can be used to ensure that R2P tenants of prevention, reaction, and rebuilding are incorporated into the doctrine, organization, and training of armed forces in the Middle East.

**Line of Effort One: IMET, JCETs and SOLOs**

Through regular interaction at the organizational and individual level, the DoD has several venues to assist Middle Eastern militaries in fostering a culture that promotes the rule of law and protects human rights. Two such venues are International Military Education and Training (IMET) and Joint Combined Exchange Training (JCET). IMET is U.S.-based training of foreign military and civilian defense personnel. The DoD plays a critical role in identifying foreign military leaders to participate in U.S.-based education and training as well as implementing the training program. The daily education and training is predominantly conducted alongside members of the United States military.

IMET can be an invaluable tool to inculcate foreign military leadership with democratic and international norms regarding the use of force and the respect of individual liberties. The program should be expanded to include a special school specifically for Middle Eastern officers and soldiers. Similar to the former “School of the Americas” which was successful in promoting democracy among Spanish-speaking militaries during the Cold War, the DoD should establish an Arabic-language institute for Middle Eastern military partners.

Currently, most Middle Eastern IMET students attend training at U.S. military installations, with some receiving strategic-level education at the U.S. Army or Navy War College or the National Defense University.
These programs are an excellent vehicle for educating and training foreign students alongside their American counterparts. However, by establishing an Arabic-language facility specifically for Middle Eastern students, the DoD will place greater emphasis on its military ties to the region and eliminate English-language fluency as a pre-requisite for attending U.S.-based training. Depending on the country of origin, many senior officers from the Middle East may already be fluent in English, having previously studied in the United States or Europe. Still, a larger portion of the officer corps and non-commissioned officers cannot attend training due to the same language barrier.

In order to advance R2P principles, the curriculum at this institution should stress education on the rule of law, human rights, and professional ethics. Additionally, placing a cohort of Middle Eastern officers in training together will increase the international professional bonds among the alumni of this institution helping to establish a regional ethic that respects the rule of law and human rights, and holding the members of the profession accountable to each other. Finally, by assigning Arabic-speaking members of the U.S. military as instructors in this program, the military will expand its cadre of bilingual officers able to operate in the region with greater ease and efficiency. This will also create personal and professional ties between the cadre and students.

JCETs are conducted by U.S. Special Operations Forces with foreign counterparts and focus on counter-insurgency, anti-terrorism, counter-piracy and counter-narcotics tactical training at the small-unit level. Middle Eastern states allocate greater training resources to their Special Forces units, which are used to confront transnational threats and as tools of regime preservation. Because well-trained Special Forces are a high priority in the region, JCETs should occur with greater frequency and duration and should prioritize training higher levels of command and staff. JCETs should expand beyond tactics to include training on how to develop doctrine and organizational formation that will meet the challenges of internal and transnational threats, while still preserving the rule of law and protecting civil liberties. In this way, U.S. advisors can help to incorporate doctrine into the culture and regulations of partner nation special forces.
that bears particular relevance to concepts of R2P by incorporating highly trained medical, engineering, and civil affairs units into SOF organizations. Not only are medical and engineering personnel a critical component to sustaining SOF during combat, but they also can assist with identifying and treating victims of human rights violations and key civilian infrastructure. The combination of in-house civil affairs units, medical and engineering personnel can greatly multiply the access and effectiveness of special forces during R2P interventions. High-level JCETs can also be used to assist military leaders in differentiating between threats to the state and threats to the ruling regime and delineate the differences between the two in military doctrine.

Former USSOCOM Commander, Admiral Bill McRaven, embraced high level JCETs by establishing Special Operations Liaison Officers in ten U.S. embassies. SOLOs are assigned to U.S. embassies to coordinate Special Operations activities between the United States and partner nation’s special operations forces. SOLOs are typically assigned for up to three years in order to build a deeper relationship with partner SOF commands. By virtue of their higher rank they enjoy greater access to senior foreign special operations commands, a further network of senior military officers, and foreign security officials. Their extended assignment compared to a typical JCET also allows them to coordinate long-term projects, observe and influence their foreign counterparts over their career progression, and gain greater insight into the political and socioeconomic influences on foreign special operations forces. The SOLO becomes a trusted partner and in so doing, the SOLO is a critical node in ensuring that Middle Eastern special forces will be less likely to commit atrocities against their own populations, actively preventing humanitarian crises.

**Line of Effort Two: Joint Training Exercises, Foreign Military Sales and Foreign Military Financing**

Joint training exercises can vary in scale from two countries to a multinational coalition or alliance, and from a small group of staff and planners to a large-scale deployment of air, land and naval forces. These exercises particularly focus on building inter-operability and forming
international partnerships. Additionally, they should rehearse scenarios preventing and reacting to human rights violations, as well as operational planning for rebuilding after major human rights violations that could potentially occur after an R2P intervention.

The Eager Lion exercise is a recent example of incorporating prevention and response to human rights violations into joint training. This annual exercise, held in Jordan since 2011, is the largest of its type in the Middle East. Last year approximately 8,000 personnel from 19 different countries participated in the training, which “integrated defense and humanitarian assistance and disaster relief to address current and future conflicts’ security issues.”\(^{10}\) Even though Eager Lion organizers quickly and repeatedly pointed out that the exercise was not a direct response to the ongoing civil war in Syria, the participation of armed forces from the United States and other Middle Eastern states so close to the Syrian conflict was a clear signal to the Assad regime that military action could quickly follow a political resolution. This year the exercise was expanded to include over 12,500 personnel from 20 countries, including a combined air force with participation from Turkey and Saudi Arabia; it also included training for humanitarian assistance.\(^{11}\)

IMET, JCETs and joint training exercises are all covered by Section 620M of the Foreign Assistance Act of 1961. Also known as the Leahy Amendment, it requires that all foreign security assistance and training be preceded by screening the nominated individuals and units for human rights violations with State Department databases, media sources and affiliated NGOs.\(^{12}\) Recipients of IMET, JCET and other training should all be thoroughly screened for human rights violations. This requires close monitoring of individuals, more so than military units because individuals can easily be transferred between units and units are often re-designated with new identification information. Therefore, tracking individuals across time and throughout their military careers is highly preferable and far more effective than identifying units that have committed human rights violations in the past. Unfortunately, monitoring individuals for human rights violations is also much more difficult.
Security cooperation can also occur through Foreign Military Sales (FMS), the purchase of U.S. security-related materiel by foreign governments, or Foreign Military Financing (FMF), financial aid provided by the United States to foreign governments that is subsequently used to purchase American equipment. These financial aid programs, like IMET, are State Department programs managed by the Department of Defense with strict Congressional oversight. To support R2P goals, financial aid programs should place more focus on major defense articles such as tanks, warships and fixed-wing aircraft which are used to defend and deter foreign invasion and less on possible tools of repression: small arms and sniper rifles; less-than-lethal crowd dispersal weapons and ammunition; or rotary wing aircraft.

Some may argue that limiting defense-related financial aid to “big ticket” items would not be appropriate in the modern Middle East, because they may be captured and used by any number of terrorist organizations and sub-state threats to regional security. Yet it would be difficult to believe that a lack of weapons in the hands of the military may have contributed to the rise of the Islamic State, Al Qaeda or its associated organizations in Syria, Iraq, Yemen, or Libya more so than societal, political, and economic grievances the governments have failed to address. Where the militaries in the region have failed to prevent the spread of terrorist organizations within their own borders it has not been due to a lack of firepower, but a lack of organization, training, and logistical support. Therefore, the United States should make defense-related financial aid conditional on concrete action to address the root causes of instability and strictly limited to those items which are used to deter foreign aggression or participate in coalition operations against hostile regimes.

Security assistance should be tied to long-term security needs and goals, and not as a reaction to current events. In their study of U.S. military
assistance and FMF from 1950 to 2007, Anderson and McCauley found that Executive administrations managed these tools in an ad hoc manner, often responding to wars, attacks, coups, natural disasters or U.S. domestic concerns instead of long-term planning or ideology. The Jordanian example provides a strong counterpoint to this trend where the United States has committed to an annual FMF of $300 million despite a decreased total foreign aid budget due to military commitments in Iraq and Afghanistan. This military aid is part of a larger five year economic aid package which also seeks to address developmental goals including democratization, water preservation and education.

**Line of Effort Three: Intelligence Sharing**

Finally, intelligence sharing by DoD subordinate elements is another way the U.S. government uses its military influence to shape and influence the conduct of foreign governments. The United States maintains a robust technical and human intelligence capability that it shares selectively (at its discretion) with partner nations in order to provide relevant information on issues of mutual concern. Intelligence collaboration should only occur within military channels for military purposes, and not with the internally-focused national intelligence agencies common in the Middle East. In this way, the DoD can ensure that the intelligence it provides to Middle Eastern militaries remains focused on the legitimate protection of state sovereignty and not on identifying internal actors or movements which may threaten the regime.

International terrorist organizations are a clear threat to state sovereignty as they erode the rule of law and fail to respect basic human rights. Therefore under the R2P doctrine, with regard to mutually identified terrorist organizations it is incumbent on U.S. military intelligence organizations to conduct intelligence liaison with their Middle Eastern counterparts in order to prevent humanitarian crises. What intelligence sharing should not include is the provision of information or tools to collect intelligence which can be used against legitimate and peaceful political opposition to the ruling regimes, or turning a blind eye when such
infractions do occur. Doing so would prioritize state sovereignty over individual sovereignty and thus run counter to the tenants of R2P.

The Role of the Senior Defense Official/ Defense Attaché

If there is one person uniquely empowered and capable of implementing these three lines of effort, it is the Senior Defense Official/Defense Attaché (SDO/DATT). The SDO/DATT is the Chief of Mission’s principal advisor on defense issues and the senior diplomatically accredited DoD military officer assigned to a U.S. diplomatic mission. All diplomatic elements under COM authority are under the coordination authority of the SDO/DATT, except for the Marine security guard detachment and Naval support units.¹⁶

The SDO/DATT has a close working relationship with the ambassador and ensures that the Unified Country Plan (UCP) is implemented with full DoD support. Although SOLOs work directly for the Theater Special Operations Command (TSOC), their work is coordinated by the SDO/DATT. The SDO/DATT heads the Security Cooperation Office, responsible for implementing the FMS and FMF programs in the assigned country as well as planning and coordinating joint training exercises and IMET. In addition, the SDO/DATT manages all activities of the Defense Attaché Office.

Finally, the SDO/DATT reports directly to the Geographic Combatant Commander, in the case of the Middle East, this is the CENTCOM Commander. In that capacity the SDO/DATT has a critical function in reporting through the DoD chain of command the “ground truth” within their assigned country. The SDO is best positioned to notify senior government officials of potential or actual human rights abuses. Through their daily interactions with host nation military leadership, the SDO/DATT has the best sense of whether a foreign military may possibly commit human rights violations and influence them to prevent such action. If abuses do occur, the SDO/DATT can quickly take action to rectify the situation. Additionally, if human rights abuses are occurring in the region, the SDO/DATT is in a position to know if the host country is preparing to,
or willing to, take military action to intervene. Lastly, should human rights violations occur and a rebuilding process becomes necessary, the SDO/DATT can assess and prioritize rebuilding efforts – whether in their assigned country or within the region.

Risks Assessment

The greatest risk in implementing these policy recommendations is that they will not be sufficient to prevent human rights violations. The United States may still be compelled to use military force to prevent large-scale human rights violations. Most analysts would point to Egypt as an example in the region where U.S. security cooperation efforts have not advanced democratic norms. Egypt’s new President Abdel Fatah Al-Sisi came to power via a military coup, and while he was head of the Egyptian Armed Forces, the military conducted brutal crackdowns on political and religious protests. Al-Sisi is also a graduate of the U.S. IMET program, having attended the U.S. Army War College and writing his thesis on “Democracy in the Middle East.”

Second to Israel, Egypt has been the largest recipient of military aid globally since the Camp David Accords. The United States and Egypt conducted bi-annual training exercises since 1981 until the United States suspended Operation Bright Star in the wake of the Egyptian revolution in 2011. However, it is through the bilateral military relationship that the United States has been able to maintain open lines of communication with the Egyptian government throughout the volatile last four years, and likely minimized the levels of violence.

In Libya (which had not received U.S. security assistance) and Yemen (which did) the military split into factions and civil wars erupted. In Syria, the story is the same and the end is uncertain. What this analysis indicates is that the military is a unique state institution because its support is necessary for an authoritarian regime to commit human rights
violations. This appears to be a more compelling reason for using bilateral relationships to foster a culture that respects human rights amongst the military elite, not a justification for limiting security assistance. Security cooperation does not cause human rights violations, but it may prevent them from occurring.

Another very valid critique is that security assistance may end up benefiting the very forces responsible for committing human rights violations. Certainly as events are unfolding in Iraq, U.S. policymakers and defense analysts are rightfully concerned that equipment valued at nearly $30 billion was insufficient to defend large portions of the country and now it is being used by transnational terrorist organizations.\textsuperscript{20} As sectarian militias gather strength in Baghdad and other Shiite-dominated regions of Iraq, it is very possible that the equipment and training the DoD provided to the Iraqi Security Forces will be used to promote and prolong ethnic cleansing, genocide and sectarian strife across previous geographic borders.\textsuperscript{21} As a result, the United States has assembled a coalition and begun military operations to stabilize Iraq and the region. However, proponents of R2P would propose an alternative scenario to the current dilemma in Iraq. They would argue that had the United States and partner militaries invoked R2P in Syria several years ago, the civil war could have been contained and the fighting in Iraq averted.

Other critics of R2P doctrine point to Libya, the most recent example of its use, as a warning against invoking it again in the future. In Libya, the United States and European, African Union and Arab League partners controversially used the R2P doctrine as justification for military intervention under UN Security Council Resolution 1973. This was the first humanitarian intervention of this scale since the Rwandan genocide. Through targeted air and sea-based attacks on critical government infrastructure, the coalition prevented a pending humanitarian disaster in Benghazi and supported the Transitional National Council, thereby leading to the overthrow of the Qaddafi regime.\textsuperscript{22} Similar to the 2003 invasion of Iraq, Operation Odyssey Dawn in Libya quickly led to regime change, but failed to address internal fractions which caused instability in the ensuing years. Viewed through the three tenants of R2P doctrine,
Libya is an example of world powers excelling at prevention and reaction, but falling short in rebuilding.

The responsibility to rebuild may be the most difficult and risky component of the R2P doctrine. Should the United States invoke the “responsibility to protect” as a justification for another intervention in the Middle East, it would entail a political, military and economic commitment to see the rebuilding effort come to fruition. Historical examples of the recent past in Libya and Iraq indicate that the United States and its partners do not take the responsibility to rebuild seriously. The Marshall Plan, the United States’ commitment to rebuild Europe after World War II, is often considered the “gold standard” of rebuilding after major catastrophe. The military component of the Marshall Plan was in large measure motivated by the desire to balance the Soviet threat during the height of the Cold War. It is unlikely that an equivalent threat would provide similar motivation in the Middle East to create the political will necessary for a large scale rebuilding effort in any of the region’s current hot zones. Even the rapid spread of the Islamic State does not provide the existential threat that the Soviet Union posed to the United States.

Therefore, critics of security assistance are partially correct that it is not sufficient to prevent human rights violations. Nor will security assistance be enough to influence or enable Arab partners to prevent human rights violations in the region unilaterally. The policies recommended are not intended to cover the entirety of U.S. foreign policy, but they are three important steps to advancing the R2P norm in the region. Absent diplomatic, developmental, economic, and informational policies that work to reinforce security policy and address other sources of instability, security policy will fail to achieve its diplomatic and political goals.
Conclusion

Since 2011, the Middle East and North Africa has witnessed multiple regime changes. As violence continues to unfold across the region, close analysis indicates that the military has a critical role in determining whether states will fracture, acquiesce to demands for political reform and regime change, or respond oppressively. Throughout the last decade R2P has emerged as a controversial challenge of sovereignty. The United States has embraced the concept, using it as a justification for military intervention in Libya and other actions in Syria.

By increasing the scope of IMET and JCET programs, incorporating human rights violations scenarios into joint training exercises, focusing financial aid on defense and deterrence-specific items, and judiciously conducting intelligence sharing, the DoD can effectively advance R2P as an international norm in the Middle East. The Senior Defense Official will be instrumental in implementing these policies abroad, in close collaboration with the Ambassador and other members of the country team and under strict Congressional oversight. Doing so will decrease the likelihood of future human rights violations, encourage and enable Middle Eastern states to react when human rights violations do occur in the region, and increase the speed of rebuilding that must occur in the states and populations which have experienced severe national trauma. While these policy recommendations will not address all of the sociopolitical cleavages in the region, they will go a long way in ensuring the region is willing and able to respond in the event of mass human rights violations.

In an environment of economic austerity and reluctance for direct military intervention, the DoD has planned to shape its force under the assumption that “unprecedented levels of global connectedness provide common incentives for international cooperation and shared norms of behavior, and the growing capacity of some regional partners provides an opportunity for countries to play greater and even leading roles in advancing mutual security interests in their respective regions.” This signifies that the United States is not abandoning its leadership role in the world, but that it will demand other states contribute more to preserving international order
and stability. The policies outlined in this paper are one avenue to pursue international cooperation and enable regional powers to play leading roles in the Middle East. In the end, it is more important and more effective for Arab states to embrace and enforce human rights and personal sovereignty than for such norms to be imposed on them from outside.

Endnotes


6 Michael J McNerny, “Assessing Security Cooperation as a Preventative Tool,” RAND, 2014, 92-93, http://www.rand.org/content/dam/rand/pubs/research_reports/RR300/RR350/RAND_RR350.pdf McNerny tests the link between security cooperation and state fragility and the effectiveness of security cooperation as a preventive tool. This is particularly relevant to this paper because state stability and human rights violations are also directly related. (pp. 18-19) Therefore, by connecting security cooperation to state stability and then to human rights violations, security cooperation is proven to be a more powerful component of national security. Unfortunately, McNerny’s study did not include Israel and Egypt (pp. 28-29), the two largest recipients of U.S. security cooperation aid and two states with controversial human rights records.


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Eva Bellin “Reconsidering the Robustness of Authority in the Middle East: Lessons from the Arab Spring,” *Comparative Politics* 36, no. 2 (January 2004): 139-157.


