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**Jihad versus R2P:
The Future of Atrocity Prevention**

by Kyle Matthews
December, 2014



POLICY PAPER

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Prepared for the Canadian Defence & Foreign Affairs Institute
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www.cdfai.org

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ISBN: 978-1-927573-18-1

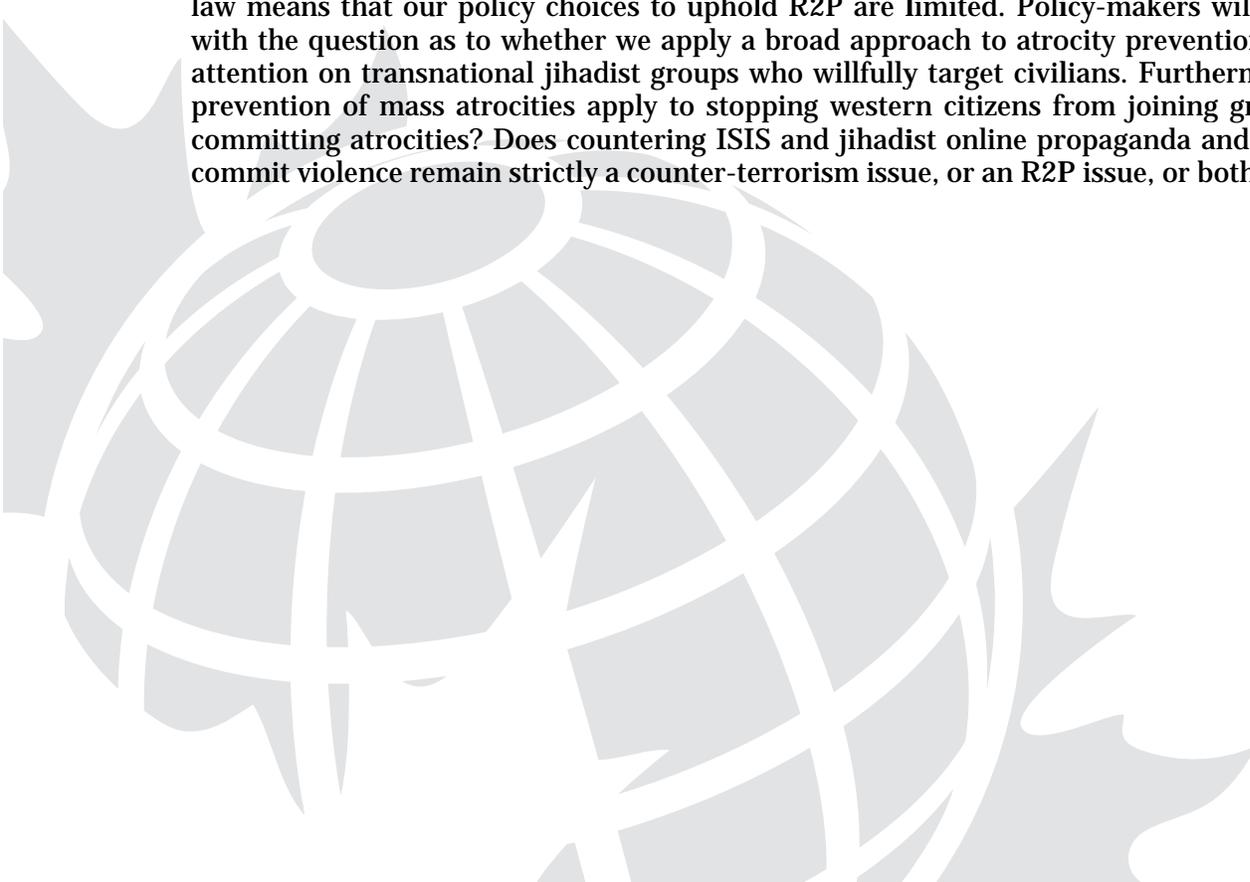
► Executive Summary

The Islamic State of Iraq and al-Sham, also known as ISIS, has captured the world's attention for its sheer brutality. Beheadings, mass executions, rape and enslavement of women, and the kidnapping of youth for the purpose of turning them into child soldiers, are but a handful of the crimes against humanity this group is carrying out on a daily basis. The international community has banded together, to some degree, to help combat ISIS, but the crux of the issue – and the one that has been generally lost in the current debate over ISIS – is our international legal obligation to stop genocide and atrocities.

The Responsibility to Protect (R2P) stipulates that if a country is unable or unwilling to protect its civilians from mass atrocities, then the international community must act swiftly to fill the protection void. First introduced in 2001 by the International Commission on Intervention and State Sovereignty (ICISS), set up and supported in large part because of the leadership of Canada, the policy idea was to acknowledge national sovereignty entails human rights responsibilities and that government leaders would adhere to this. Its origins are traced to the failure to stop the atrocities that marked the 1990s, in particular the 1994 Rwandan genocide.

But here's the clincher: The horrors we're seeing in Iraq and Syria today (and, by extension, around the world) could have been prevented, or at least mitigated. The rise of ISIS can be attributed mostly, if not entirely, to the international community's failure to act upon R2P in Syria. Al-Assad's brutal attack against unarmed civilians dragged his country into a civil war, with numerous Arab states supplying weapons and funds to a deadly combination of non-state actors, including ISIS. The air attacks against ISIS are helping enforce the goals of R2P, as the international community works to do more to halt and interdict mass atrocity crimes, including genocide, crimes against humanity, ethnic cleansing and war crimes. But has it come too late?

The growth of the transnational jihadist movement has caught many countries off guard while also exposing the magnitude of the problem. The sheer number of international crises coupled with a lack of collective political will to build long-term structures that can enforce international law means that our policy choices to uphold R2P are limited. Policy-makers will be grappling with the question as to whether we apply a broad approach to atrocity prevention or focus our attention on transnational jihadist groups who willfully target civilians. Furthermore, does the prevention of mass atrocities apply to stopping western citizens from joining groups that are committing atrocities? Does countering ISIS and jihadist online propaganda and incitement to commit violence remain strictly a counter-terrorism issue, or an R2P issue, or both?





The Islamic State of Iraq and al-Sham, also known as ISIS, has captured the world's attention for its sheer brutality. Beheadings¹, mass executions², rape and enslavement of women³, and the kidnapping of youth for the purpose of turning them into child soldiers⁴ are but a handful of the crimes against humanity this group is carrying out on a daily basis. There are those who have done their best to colour the current international coalition to stop ISIS as a repeat of the 2003 U.S.-led invasion of Iraq. This stance holds little water for any number of reasons, not the least of which is because the government of Iraq is asking for help and countries in the region support the consensual military intervention. Even Pope Francis⁵ has come out publically arguing for action to be taken against ISIS. Yet the crux of the issue – and the one that has been generally lost in the current debate over ISIS – is our international legal obligation to stop genocide and atrocities.

Four months ago the organization Genocide Watch published a letter signed by over seventy scholars and human rights activists. Addressed to members of the UN Security Council, the letter⁶ stated “We are gravely concerned that genocide and ethnic cleansing are imminent against religious and ethnic minorities, including Christians and the Yezidi. This assessment is based on the ongoing persecution of ethnic and religious groups, the destruction of cultural sites, the desecration of graves, the confiscation of property and the widespread systematic killing of civilians, as documented by UN observers on the 13th of August 2014, and in reports from Amnesty International and Human Rights Watch.”

Syria and Iraq's future under ISIS is clear. International human rights laws that are not in line with religious teachings are to be discarded. Religious minorities⁷, sexual minorities, women, atheists, liberals, and those who commit moral crimes (apostasy, consuming alcohol, engaging in extra-marital affairs) all face the wrath of religious sociopaths. They rely on an ideology that tells them a Supreme Being has given them the right to rape, murder and persecute en masse.

Increasingly, many perpetrators of atrocities are non-state actors, which forces us to question the state centric view that only governments can commit, or are planning to commit, mass atrocity crimes. In 2014 we are witnessing an increasing number of conflicts in which civilians are being targeted by groups of people who share almost identical religious ideologies as the one followed by ISIS. Libya, Nigeria, Afghanistan, Pakistan, Yemen, Kenya, Somalia and Mali are all facing open conflict with armed jihadist groups. The British Broadcasting Corporation just

¹ Friedson, Felice, “ISIS death threats and child beheadings force ‘Vicar of Baghdad’ forced to flee Iraq”, *The National Post*, 24 October, 2014. Available at: <http://news.nationalpost.com/2014/10/24/isis-death-threats-and-child-beheadings-force-vicar-of-baghdad-forced-to-flee-iraq/>.

² Chulov, Martin, “ISIS kills hundreds of Iraqi Sunnis from Albu Nimir tribe in Anbar province”, *The Guardian*, 30 October, 2014. Available at: <http://www.theguardian.com/world/2014/oct/30/mass-graves-hundreds-iraqi-sunnis-killed-isis-albu-nimir>.

³ Al-Rashed, Abdulrahman, “The enslaved women of ISIS”, *Al-Arabiya*, 3 November, 2014. Available at: <http://english.alarabiya.net/en/views/news/middle-east/2014/11/03/The-enslaved-women-of-ISIS.html>.

⁴ Paraszczuk, Joanna, “The child soldiers of Islamic State”, *Radio Free Europe – Radio Liberty*, 13 November, 2014. Available at: <http://www.rferl.org/content/islamic-state-child-fighters/26666558.html>.

⁵ “Pope Francis says ‘unjust aggressor’ ISIS must be stopped, rejects new Iraq ‘conquest’”, *RT*, 19 August, 2014. Available at: <http://rt.com/news/181188-pope-iraq-intervention-isis/>.

⁶ Available at: <http://genocidewatch.net/2014/08/28/open-letter-from-concerned-genocide-scholars-regarding-the-situation-in-syria-and-iraq/> (26 August, 2014).

⁷ Totten, Michael J., “ISIS Exterminating Minorities in Iraq”, *World Affairs Journal*, 6 August, 2014. Available at: <http://www.worldaffairsjournal.org/blog/michael-j-totten/isis-exterminating-minorities-iraq>.



completed a study that found more than five thousand people lost their lives as a result of global jihadist violence in the month of November 2014 alone.⁸

HUMAN RIGHTS IN THE AGE OF JIHAD

The Responsibility to Protect (R2P) stipulates that if a country is unable or unwilling to protect its civilians from mass atrocities, then the international community must act swiftly to fill the protection void. First introduced in 2001 by the International Commission on Intervention and State Sovereignty⁹ (ICISS), set up and supported in large part because of the leadership of Canada, the policy idea was to acknowledge national sovereignty entails human rights responsibilities and that government leaders would adhere to this. Its origins are traced to the failure to stop the atrocities that marked the 1990s, in particular the 1994 Rwandan genocide.

The introduction of R2P is intrinsically linked to acts of violence made in the name of religion. The ICISS report, which introduced R2P, did not get as much attention as it deserved in 2001, partly due to the fact that it was made public just after the 9/11 attacks by al Qaeda. Simply put, the Saudi Arabians who diverted commercial passenger planes into two New York City skyscrapers, causing a mass atrocity that claimed the lives of three thousand civilians, fundamentally altered many governments' security and foreign affairs priorities.

In the months and years after the twin towers were brought down, many capitals focused on countering non-state actors and governments who use terrorism as a form of asymmetrical warfare. Worrying about the human security of other country's citizens, or enforcing the Genocide convention, seemed to be gaining momentum after the NATO mission to protect Kosovo (and its predominantly Muslim citizens) from the ultra-nationalist Slobodan Milosevic regime, but fell off the agenda of many countries for a few years.

Stopping future terrorist attacks, or mass casualty attacks (mass atrocities) on U.S. soil was seen as a hard security issue, not necessarily connected to human rights. Countering religiously inspired violence by jihadists would be seen through a counter-terrorism lens, while protecting people living outside of the West from mass atrocities was seen entirely through a humanitarian lens (R2P).

R2P was, and is, a hopeful idea. It is also an aspiring norm with supporters taking root among national governments, parliamentarians and elected officials, the United Nations and international organizations, faith leaders, celebrities, NGOs, journalists and individual citizens. Simon Adams, executive director of the Global Center for the Responsibility to Protect, remarked "We have won the battle of ideas. Within the UN, the debate is about how R2P should be meaningfully implemented in specific cases, not whether such a responsibility exists in the abstract. The challenge for us, therefore, is to strengthen the politics of non-indifference." A global civil society and political constituency¹⁰ for R2P is emerging. But, this community could falter if we attach R2P to counter-terrorism and counter-extremism.

⁸ "Jihadist violence 'killed 5,000 in November'", *BBC News*, 11 December, 2014. Available at: <http://www.bbc.com/news/world-middle-east-30420218>

⁹ "International Commission on Intervention and State Sovereignty: Responsibility to Protect Report", *Council on Foreign Relations*, December, 2001. Available at: <http://www.cfr.org/humanitarian-intervention/international-commission-intervention-state-sovereignty-responsibility-protect-report/p24228>.

¹⁰ Matthews, Kyle, "The End of Atrocity" *Canadian International Council*, 12 February, 2013. Available at: <http://opencanada.org/features/the-think-tank/comments/the-end-of-atrocity/>.



FIGHTING ISIS TO PROTECT CIVILIANS

As we bear witness to the terrible human rights abuses taking place in Syria and Iraq, one must ask what is driving the atrocities? Let us highlight the fact that ISIS' actions are driven by an ideology rooted in intolerance and hatred of diversity. ISIS takes the idea of "jihad"¹¹ to ultimate extremes: infidels (non-Muslims), and Muslims who don't conform rigorously to Sharia law are targeted as "enemies of God" against whom they are obligated to respond with violence.

History reminds us that people haven't always been able to rely on other states and international organizations to protect them. This past October UN Special Envoy to Syria, Staffan de Mistura made an impassioned plea: "Do you remember Srebrenica?" he asked. "We do. We never forget and probably never forgave ourselves. When there is an imminent threat to civilians, we cannot, we should not, be silent." He compared the siege of the Kurdish town of Kobane in Syria by ISIS with the murder of 8,000 Muslims in the Bosnian town of Srebrenica in 1995.

Today, as the battle continues to rage on in Kobane – while NATO member Turkey's military¹² sits idly just across the border – the U.S.-led coalition's air power has hit ISIS hard, allowing civilians to flee and permitting Kurdish militias to reorganize and protect the city. Air power is better than no power, and with a small number of Iraqi fighters belonging to the Kurdish *peshmerga* ("those who face death") finally having crossed into Syria, via Turkey, ISIS might very well suffer a strategic defeat.

But here's the clincher: The horrors we're seeing in Iraq and Syria today (and, by extension, around the world) could have been prevented, or at least mitigated. The rise of ISIS can be attributed mostly, if not entirely, to the international community's failure to act upon R2P in Syria. Al-Assad's brutal attack against unarmed civilians dragged his country into a civil war, with numerous Arab states¹³ supplying weapons and funds to a deadly combination of non-state actors, including ISIS. The air attacks against ISIS are helping enforce the goals of R2P, as the international community works to do more to halt and interdict mass atrocity crimes, including genocide, crimes against humanity, ethnic cleansing and war crimes. But has it come too late?

President Barack Obama, who withdrew U.S. troops from Iraq at the end of 2011, cited the threat of genocide¹⁴ as the reason to deploy air strikes against ISIS in August to safeguard the 40,000 Yezidis who had fled jihadi violence and sought safety on the desolate Mount Sinjar. Within a day of the start of the offensive at least 20,000 Yezidis civilians had managed to flee to safety. The air strikes and the arming of the Kurdish *peshmerga* have also allowed some territory to be retaken from ISIS. Actions in support of R2P may be selectively enforced at times, but that is preferable to it being disregarded entirely.

¹¹ Matthews, Kyle, "Does Canada have a jihad problem?", *Global News*, 15 December, 2013. Available at: <http://globalnews.ca/news/897658/does-canada-have-a-jihad-problem/>.

¹² Christie-Miller, Alexander, "Kurds Accuse Turkish Government of Supporting ISIS", *Newsweek*, 22 October, 2014. Available at: <http://www.newsweek.com/2014/10/31/kurds-accuse-turkish-government-supporting-isis-278776.html>.

¹³ Rogin, Josh, "America's Allies are Finding ISIS", *The Daily Beast*, 14 June, 2014. Available at: <http://www.thedailybeast.com/articles/2014/06/14/america-s-allies-are-funding-isis.html>.

¹⁴ Wilner, Michael, "Obama orders strikes against ISIS in Iraq, citing threat of genocide", *The Jerusalem Post*, 8 August, 2014. Available at: <http://www.jpost.com/Middle-East/Obama-orders-strike-against-ISIS-citing-threat-of-genocide-370463>.



It would seem that ISIS has lit a match under the feet of many who were indifferent to atrocities in the past. The sad fact is that ISIS, a Frankenstein like atrocity-producing monster, is now on the loose and in control over parts of Iraq and Syria, which together geographically equal the size of the United Kingdom. ISIS is now more powerful than al Qaeda ever was. The growing and “unprecedented” number of foreign jihadists¹⁵ (the UN reports one thousand per month) flocking to join ISIS in Iraq and Syria is mindboggling. More than 15,000 people, drawn from over eighty countries, are now part of ISIS’ ranks. “Numbers since 2010 are now many times the size of the cumulative numbers of foreign terrorist fighters between 1990 and 2010 – and are growing,” says the UN report.

JIHAD VERSUS R2P

We live in a world where mass atrocities take place on a regular basis. Some of the people who commit these crimes are driven to do so by distorted and extremist views of religion and an obligation to wage jihad (holy war through violence and intimidation) directed most often at civilians. What is the future of atrocity prevention in an age where civilians from over 80 countries are willing to travel to join groups committing mass atrocities with the goal of establishing a “Caliphate¹⁶”?

This question raises a number of issues. First, governments who have the capacity to react with military force will continue to be reluctant in deploying “boots on the ground”. UN peacekeeping aside, both the NATO air campaign against Libya and the current coalition assembled to confront ISIS are examples of how western countries prefer to keep their military personnel as safe as possible and would rather conduct operations from the air, or employ drones. The fear of military casualties weighs heavily on domestic political leaders who fear a backlash from their constituents back home.

Secondly, we have seen governments, Western ones in particular, react swiftly to humanitarian crises where those groups directly involved in committing atrocities are also hostile to the West and the United Nations¹⁷. In other words, taking on jihadist groups like Islamic State, Boko Haram in Nigeria and al Shabaab in Somalia offers Western governments both a humanitarian and strategic benefit. The message is that degrading the abilities of jihadist groups can protect human rights abroad and domestically. Mixed motives do exist and in this case they take on a strategic imperative. Whether human rights advocates like it or not, governments have limited resources and will direct them in a strategic and selective manner.

The growth of the transnational jihadist movement has caught many countries off guard while also exposing the magnitude of the problem. The sheer number of international crises coupled with a lack of collective political will to build long-term structures that can enforce international law means that our policy choices to uphold R2P are limited. Policy-makers will be grappling

¹⁵ Zaimov, Stoyan, “Over 15,000 Jihadists from 80 Countries Flooding in to Fight for ISIS, UN Reveals”, *The Christian Post*, 31 October, 2014. Available at: <http://www.christianpost.com/news/over-15000-jihadists-from-80-countries-flooding-in-to-fight-for-isis-un-reveals-128942/>.

¹⁶ Chandler, Adam, “What is an Islamic Caliphate and why did ISIS make one?”, *The Wire*, 30 June, 2014. Available at: <http://www.thewire.com/global/2014/06/what-is-an-islamic-caliphate-and-why-did-isis-make-one/373693/>.

¹⁷ “2011 Abuja United Nations bombing”, *Wikipedia*. Available at: http://en.wikipedia.org/wiki/2011_Abuja_United_Nations_bombing.



with the question as to whether we apply a broad approach to atrocity prevention or focus our attention on transnational jihadist groups who willfully target civilians. Furthermore, does the prevention of mass atrocities apply to stopping western citizens from joining groups that are committing atrocities? Does countering ISIS and jihadist online propaganda¹⁸ and incitement to commit violence remain strictly a counter-terrorism issue, or an R2P issue, or both?

Alliances must be formed to implement R2P and combat genocide. The transatlantic community, including Canada, has a collective intelligence, economic, political and military capacity that can, and should, be mobilized to assist states under stress from jihadi violence. Part of that effort needs to include preventing jihadists (including those in the West) from traveling to join ISIS and other similar groups including Boko Haram¹⁹ and al Shabaab²⁰. Likewise combatting their propaganda online, which is used to incite Muslims to commit violent acts, must be taken more seriously. Genocide begins with words, not actions, and those who incite and indoctrinate people to commit violence need to be confronted with the full force of the law. In early October the European Union and major social media companies like Twitter and Facebook met in Luxembourg to cooperate²¹ in fighting online extremism.

Political leaders and the public regretfully see R2P as an external obligation, tied exclusively to foreign policy. However, it is also an obligation of national governments to protect their citizens from these transnational extremist groups. But R2P's confluence with counter-terrorism will make many humanitarians and human rights defenders uneasy.

Difficult discussions lie ahead but there is no disputing that we are witnessing the overlap between the atrocity prevention field and counter-terrorism activities to combat religious extremists. In an era where the burden of casualties falls on civilians, not soldiers, we are about to enter into a serious discussion.

¹⁸ Rose, Steve, "The ISIS propaganda war: a hi-tech media jihad", *The Guardian*, 7 October, 2014. Available at: <http://www.theguardian.com/world/2014/oct/07/isis-media-machine-propaganda-war>.

¹⁹ "Boko Haram Leader Uses Atrocities, Videos to Rally Cause", *The Wall Street Journal – Video*, 13 May, 2014. Available at: <http://www.wsj.com/video/boko-haram-leader-uses-atrocities-videos-to-rally-cause/5344BAD4-E65B-427B-BB83-A0549C875E64.html>.

²⁰ "Mohamed Hersi sentenced to 10 years for attempting to join Al-Shabab", *CBC News*, 24 July, 2014. Available at: <http://www.cbc.ca/news/canada/toronto/mohamed-hersi-sentenced-to-10-years-for-attempting-to-join-al-shabab-1.2716856>.

²¹ "Europe enlists Internet giants in fight against online extremism", *AFP News*, 9 October, 2014. Available at: <http://www.afp.com/en/node/2926392/>.

► **About the Author**

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CDFAI was created to address the ongoing discrepancy between what Canadians need to know about Canadian international activities and what they do know. Historically, Canadians tend to think of foreign policy – if they think of it at all – as a matter of trade and markets. They are unaware of the importance of Canada engaging diplomatically, militarily, and with international aid in the ongoing struggle to maintain a world that is friendly to the free flow of goods, services, people and ideas across borders and the spread of human rights. They are largely unaware of the connection between a prosperous and free Canada and a world of globalization and liberal internationalism.

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