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The Responsibility to Protect and Non-State Actors: Addressing Terrorism and Sovereignty Challenges in Venezuela

Claris M. Diaz

Abstract

The Responsibility to Protect (R2P) was created to address the global failure to prevent atrocities such as genocide, war crimes, and ethnic cleansing. However, with the rise of non-state actors like terrorist organizations, the framework faces new challenges. This article explores the complications that non-state actors present to R2P's implementation. It argues that while R2P was initially state-centered, non-state actors often transcend borders and evade international norms, complicating efforts to hold them accountable. Through a case study of Venezuela, this research highlights how terrorism, transnational criminal networks, and other non-state groups complicate the application of R2P. For R2P to remain relevant in today's global landscape, it must evolve. This evolution involves redefining sovereignty to account for non-state influence, strengthening international accountability mechanisms, and fostering regional cooperation to address the root causes of terrorism. Ultimately, the framework must adapt to modern threats to protect vulnerable populations effectively.

Keywords: Responsibility to Protect, non-state actor, terrorism, state-sponsored terrorism, state sovereignty

Introduction

All of the crimes against humanity, the mass atrocities, not to mention the genocides that continued after the Second World War, indicated to the international community that drastic changes in the framework of intervention were needed. From this realization, the Responsibility to Protect (R2P) was created. Despite state sovereignty, the international community still had a responsibility, a duty, to protect those from atrocities whose state leadership could or would not. In 2001, the International Commission on Intervention and State Sovereignty developed R2P, and the United Nations General Assembly adopted it in 2005. The Responsibility to Protect asserts that the global community has a responsibility to prevent genocide, war crimes, ethnic cleansing, and crimes against humanity (United Nations, 2005). However, with the rise of non-state actors and their continuing threats, the practical application of R2P has become increasingly important and, unfortunately, further complicated. Though they transcendence borders, non-state actors can still commit genocide, war crimes, ethnic cleansing, and crimes against humanity. This being said, examining R2P's continued relevance and success in dealing with threats from non-state actors by reviewing the implementation process is necessary. Identifying the likely obstacles to implementation and developing solutions to circumvent these obstacles may abet the successful implementation of R2P in cases of crimes against humanity committed by non-state actors moving forward.

At heart, the Responsibility to Protect concerns state actors and their obligations towards the people within their borders. The notion of R2P rose from the ashes of the world community's inability to prevent atrocities in Rwanda and the Balkans in the 1990s (ICISS, 2001). How R2P has been implemented could be characterized by a series of interventions, some with better outcomes than others. For example, many cite NATO's 2011 intervention in Libya as successful, using R2P to avert impending genocides. Yet, the post-intervention situation and the ensuing instability and continued conflict have further underscored the challenges and the unintended ramifications of military activity under the R2P heading (Bellamy, 2011). Now, the effects of global conflict on human security have changed in nature as the types of global conflict have evolved, necessitating an analysis of how the R2P framework also needs to evolve. The proliferation of threats from non-state actors has wholly altered the international arena and the ability to maintain an adequate level of security. Threats have become increasingly cross-border, complicating any policies or framework based on state sovereignty. Approaches viewing the state as the main

subject are increasingly inadequate in finding the best method for implementing R2P in the context of non-state actors.

In contrast to states, non-state actors transcend borders and receive various levels of support from states and other non-state actors. International norms and laws simply do not apply to non-state actors as they do to states. This makes it even more challenging to determine if R2P would be effective in cases involving non-state terrorism, for example (Kaldor, 2013). Terrorism is analyzed through the lens of the broader security agenda, with NATO describing it as "A persistent global issue that knows no border, nationality or religion" (NATO, 2023). The disparities between state and non-state actors present difficulties for equal alignment with the pillars of R2P. Other examples of non-state entities include rebel groups, militias, and transnational criminal organizations. After the "War on Terror" was proclaimed in 2001, terrorism was put at the forefront of the world's security agenda, particularly in the United States. Terrorist groups such as Boko Haram, Al-Qaeda, and ISIS have demonstrated that despite their widespread distribution, they were still able to coordinate large-scale operations and commit atrocities at the international level (The Global Coalition to Defeat ISIS, 2021). Working from cell to cell was not an obstacle to achieving their goals. Terrorists can cause regional instability and conduct gross human rights violations in many parts of the world (Cronin, 2009). In addition, unlike R2P, terrorism has evolved. To abet their methods for terror, groups utilize information warfare and fifth-generation warfare. Technological advancement and globalization have advanced these group's means of destruction (Hoffman, 2006). The challenge of implementing an R2P solution for them and other non-state actors involves many factors. For example, the transnational nature of terrorism means that responses must involve several bodies and states. Another barrier to dealing with terrorism through R2P is the difference in resources and legitimacy between state and non-state actors. Unfortunately, this is only half of the problem. As mentioned earlier, non-state actors are often not bound by international norms and are adept at finding holes in state and international systems (Collier & Hoeffler, 2004). Finally, terrorism is closely linked to various political, economic, and social factors. Therefore, addressing it and the crimes or atrocities committed requires multifaceted support over the long term that goes far beyond what R2P can do (Piazza, 2008).

The influence of non-state actors is intricate. They can exploit the weaknesses of state governments, create parallel governance structures, and win local support by providing services that the state fails to supply. This has been seen in regions like

the Sahel, where Boko Haram and Al-Qaeda in the Islamic Maghreb have stepped in for the state to fulfill governance roles that nobody else would take on (Piazza, 2008). With these dynamics in mind, a much more holistic approach is needed. This approach needs to address not just the security threats posed by terrorist groups but also the governance and development of these groups. With all the different factors involved, implementing R2P to non-state actors such as terrorists seems improbable. When R2P is used against non-state actors, its central principles and methods must be reconsidered. The Responsibility to Protect can theoretically achieve its goal of preserving populations from mass atrocities committed by state governments. Still, it must operate under a new framework to protect victims from the crimes committed by non-state actors (Welsh, 2013). In this regard, we must broaden our understanding of sovereignty and responsibility. The international community should extend the responsibility of protecting human beings to regional actors, redress non-state threats, and acknowledge a certain level of regional sovereignty. Even with a broader understanding of responsibility, when non-state actors are concerned, the problem of accountability is particularly difficult. Due to their very nature, non-state actors are able to slip past, or rather circumvent, accountability with any international or regional judicial body such as the International Criminal Court. Loopholes in the legal framework hinder any practical implementation of R2P in cases where a non-state actor is committing a mass atrocity. There is a need for diverse and innovative legal methods to address non-state actors. The implementation of measures such as targeted sanctions, international arrest warrants, and the use of technology to monitor and record violations of human rights carried out by non-state actors would certainly improve the system of accountability under the Responsibility to Protect framework.

By looking at case studies of non-state actors and terrorism contexts, much can be learned about how to change the framework for the effective implementation of R2P. For example, experts in international legislation can analyze the conflict in Syria, which involves multiple non-state groups. Despite the intervention by the international community, this severe humanitarian crisis persists with complex, competitive dynamics between the regional and internationally recognized actors (Marthinsen, 2018). Experts can formulate various hypothetical frameworks based on the international community's failures. Other cases that can be studied are the conflicts in Iraq and Afghanistan. In these cases, terrorist organizations are present in states that are already fraught with instability and, therefore, exercise their authority (Jackson & Dexter, 2014). There is no state government to hold responsible. Where the international community has applied R2P to terrorism,

garnering multi-country support, there has been a mixed response. For instance, the combined efforts of many countries have yielded substantial results, such as moving ISIS out of its major base in Mosul (Spencer & Geroux, 2021). Still, whether R2P works in these contexts is often about finding a balance between immediate military rescue operations and longer-term strategies for relieving terrorist motivations or social grievances and promoting sustainable peace (Thakur, 2017). In addition, there are several ethical questions and legal challenges presented by the application of R2P in combating terrorism. Sovereign states must balance how they are connected with countries outside their borders. The international community has a duty to monitor or even intervene in this matter because this point becomes exceptionally complex when dealing with non-governmental actors who operate inside state borders. International law holds that domestic affairs are outside the reach of outside players. A prime example of this complication is the Venezuelan government's complicity with and support of terrorist and organized crime groups within their borders.

Case Study: Venezuela

Venezuela's authoritarian government is known for repression and acts of violence targeted at civilians. President Maduro's government has both committed and covered up human rights abuses such as torture, extrajudicial killings, and abuses against indigenous populations (Welle, 2022). Despite this, the international community has not applied for R2P (Tokatlian et al., 2014). However, feeding into the violence and crimes committed against Venezuelan nationals is the presence of terrorists and organized crime groups that the government supports. With the addition of aiding and abetting the crimes of these non-state actors, the international community may eventually come to a consensus to apply R2P. However, as previously discussed, when a state allows terrorist groups free reign within its borders, it hinders any efforts to implement R2P.

How exactly are the criminal organizations in Venezuela linked to terrorism? Venezuela's criminal networks allegedly have connections with overseas terrorist organizations blacklisted by the United States (Brown et al., 2022). Terrorist and organized crime groups receive government protection, assistance with the transportation of goods, the supply of firearms and fraudulent documents, and connections to corrupt authorities on the domestic and federal level with unprecedented ease (Europol, 2017; SECI Center Anti-Terrorism Task Force, 2004). Various methods are employed to financially support these groups, with drug smuggling serving

as the predominant avenue for such illicit transactions. For example, there is the cooperative effort of government and terrorist groups in the illegal trade of heroin, resulting in substantial financial gains for the latter in exchange for whatever group activity can provide strategic gains for the former (SECI Center Anti-Terrorism Task Force, 2004). In 2010, the United States Department of Justice reported that 29 out of 63 drug trafficking organizations headed by government officials had links to terrorist groups. Examples of these groups are the Revolutionary Armed Forces of Columbia (FARC) links to the Taliban and Hezbollah links to al-Qaeda (National Security Council, 2011). The presence of connections to Hezbollah is a growing concern in the United States (Bureau Of Counterterrorism, 2022).

To put the amount of support that the Venezuelan government gives to terrorist organizations into context, it is necessary to understand the levels or classifications of state-sponsored terrorism. A government fostering a permissive environment for terrorist groups by doing nothing to stop group activity, e.g., training and group organization or providing a base for strategic planning on their country's soil, can also be seen as state-sponsored terrorism. There is a spectrum of support, from having ad hoc or established partnerships to tacit agreement. A state can provide weapons for finances or act as bystanders to terrorist activity, permitting groups to use their territory and citizen's resources (Byman, 2020). The Maduro dictatorship employed terrorist organizations as a means to consolidate its hold on political authority. Groups that were financed during this regime were the "Revolutionary Armed Forces of Colombia (FARC-D), the Colombian-origin National Liberation Army (ELN), and Hezbollah sympathizers" (Bureau of Counterterrorism, 2020). In addition, Maduro facilitated a permissive atmosphere to enable these factions to assume authority over certain boundaries, regulate the distribution of food among the populace, displace indigenous communities, and facilitate the transportation of illicit substances and other valuable resources. The National Liberation Army (ELN) had a significant presence in Venezuela, encompassing approximately half of the country's states. The robust presence of the ELN led to a notable upsurge in terrorist activities, characterized by several instances of clashes between the ELN, the Venezuelan military, and other armed factions (Bureau of Counterterrorism, 2020). Despite the rise in terrorist activity, the Maduro dictatorship maintained unchanged legislation to address terrorism and failed to provide support for litigation related to acts of terrorism.

It is essential to understand these nuances for more effective policy-making and the legitimacy of applying R2P in Venezuela, combatting both the state's crimes against its people and its support for terrorism and organized crime. With concrete definitions of the different levels of state-sponsored terrorism, legislation regarding the grounds for the international community to intervene, superseding state sovereignty, can be made. According to Byman (2020), creating a list with a spectrum of the type and amount of support given, ranging from passive support (turning a blind eye to terrorist activity) to active support (financing, arms supply) of terrorist groups, is necessary. This list would help establish a new framework for implementing R2P in the context of non-state actors. The creation and official publication of the spectrum of terrorist support can indicate at what level the international community is obliged to apply R2P over state sovereignty. With this measurement tool, there would be set policies that address state infractions with corresponding penalties and improve the system of accountability under the R2P framework.

Discussion

Even with the redefined framework, there will always be controversy around using R2P as a tool to prevent and respond to terrorism. Mass atrocities can indeed force an intervention, but the legal and ethical implications are still complex (Stahn, 2007). Critics will claim that even humanitarian military interventions cloaked in terms of R2P can worsen the very problems they are trying to solve (Hehir, 2013). Libya has frequently been put forward as an example of how well-intentioned interventions justified on R2P grounds created continued instability. In addition, even when R2P justifies military intervention, the civilian casualties and displacement can outweigh any humanitarian benefits. For example, airstrikes against terrorist targets often cause collateral damage, which wrecks water supplies or electric power plants; this only exacerbates an already impoverished situation for local people (Hehir, 2013). As has been widely acknowledged, when conducting humanitarian intervention, the actions taken should always be proportional to the actual necessity of the intervention itself. The deciding factor should always be if an action adheres to international humanitarian law. Despite examples such as the intervention in Libya, where intervention left a power vacuum, it is still widely felt that doing nothing and taking no action to intervene is the greater of two evils. Inaction could lead to more significant human loss and destruction of lives, properties, and

livelihoods (Evans, 2009). At these crossroads, discernment and knowledge of how to best apply R2P in the context of non-state actors is crucial.

Seeing as how regional organizations can play a role in preventing or stopping mass atrocity, utilizing their power and influence in the region can support the implementation of R2P in cases of terrorism. For example, the African Union and the European Union have successfully helped to avoid and resolve violence. There certainly haven't been any crimes against humanity, mass atrocities, genocide, or war crimes committed in the European Union. Examples of how regional players could be the ones to implement R2P include the African Union's operations against Al-Shabaab in the Sahel area, where they were able to intervene in terrorist activities. Regional organizations like the African Union may not have the same manpower or resources as their wealthier counterparts, such as the European Union, so the international community should support their effectiveness. Supplying them with the necessary resources, sending experts to work in the field, and providing on-ground management support will make their implementation of R2P to combat non-state terrorism more successful. In general, these regional organizations know their people better than those outside the region, better understanding their area's cultural issues, levels of poverty, existing turmoil, and political injustice. This specialized knowledge truly makes them the best organizational body to deal with the situation (Collier, 2007). Apart from leveraging regional organizations and a multidimensional strategy, the function of international institutions—the United Nations in particular—can be enhanced to support coordinated and coherent responses to non-state terrorism. This covers initiatives to increase the United Nations Office on Counter-terrorism's capacity and better systems of international collaboration and intelligence-sharing among nations (United Nations Office of Counter-Terrorism & Interparliamentary Assembly of Member Nations of the Commonwealth of Independent States, 2021). Throughout all of this, it is crucial to ensure that any humanitarian actions also align with the state's best interests. This should involve ensuring transitional justice procedures have the necessary support and vital post-conflict rebuilding initiatives to balance the damage caused by any military operations (Paris, 2004). These initiatives can include infrastructure and capacity building, community building, education, and food aid. A stronger community is more likely to foster long-lasting peace efforts. With strengthened local institutions and a developed economy, the social fabric can be remade to render extremist ideology unattractive, limiting the spread of terror groups. For example, community-based approaches to combat violent extremism have been developed

in a variety of settings internationally and regionally. They have proved to be a potentially effective means of addressing radicalization while promoting trust between people and public administrators (Collier, 2007). With all of these set into place, the implementation of R2P has a higher success rate.

Conclusion

Though the Responsibility to Protect is aimed at state actors, it was created to prevent genocide, war crimes, ethnic cleansing, and crimes against humanity. Due to the rise of threats from non-state actors in twenty-first-century conflicts, the Responsibility to Protect, established in 2005, needs to evolve to meet the needs and address the new threats to human security of 2024. The current R2P framework truly needs to consider the continually changing nature of terrorism, acknowledging the fact that being a non-state actor makes continuous evolution easier. Just like any issue or threat, the roots and inner workings of a terrorist organization need to be understood on the political, psychological, and sociocultural levels. It is as simple as not all groups being the same; therefore, there is no catch-all implementation of the Responsibility to Protect for terrorist groups. Moreover, ethics and legality must be the priority so that any humanitarian action guarantees no moral or legal boundary is exceeded. Whether applied to state or non-state actors, the Responsibility to Protect can sufficiently stop genocide, war crimes, ethnic cleansing, and crimes against humanity with a framework that changes alongside the evolution of actors and conflict.

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