R2P VERSUS GEOPOLITICS:
INTERVENTION AND NON-INTERVENTION IN LIBYA AND SYRIA

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1. Introduction

On 17 February 2011 protests erupted in Libya, where demonstrators demanded the release of a local human rights lawyer. Gaddafi’s response to the uprisings, which had turned against his regime, was to hunt down protesters “door to door.” While Tunisian dictator Ben Ali was forced to step down because of the uprisings in Tunisia, the international community had to decide if an intervention would take place now that Gaddafi mobilized his elite forces and mercenaries against rebels to his regime. Later in 2011, Bashar Assad in Syria also used force to stop the initially peaceful demonstrations against his regime. This act saw Syria descend into a prolonged civil conflict which remains ongoing. Both of these conflicts were met with widespread calls for armed intervention to support anti-regime forces. In Libya, these calls led to intervention, while in Syria armed intervention did not occur.

Within this context of violent internal conflicts erupting within the Middle East and North Africa, external responses to the turmoil of the Arab Spring differed widely and only in Libya did an actual armed intervention occur. The Libyan conflict brought into renewed focus the debate on humanitarian intervention, especially within the United Nations Security Council (UNSC). This thesis will focus on the UNSC as it is the most important body for legitimizing a military intervention. To be sure, Article 42 of the UN Charter allows the UNSC to restore international peace and security, and Article 52 allows the use of force to protect individuals or a collective if approved by the UNSC.

The concept of Responsibility to Protect (R2P) featured prominently in discussions surrounding the Arab Spring and possible interventions within the UN and also the UNSC. This concept built upon the work of Frances Deng, the Representative of the United Nations Secretary-General on Internally Displaced Persons (IDPs), who introduced the concept of Responsibility to Protect. In his function, he had the task to make sure that IDPs were safe and secure within their home countries. His idea of R2P revolved around this focus on IDP protection as he described the responsibility of a government to protect IDPs, and in case the government could not, a state should request international assistance. Later, this concept was elaborated upon, expanded, and gained relevance in international politics.

The concept of R2P has developed significantly over the last decade. It has even been argued that as an emerging norm, R2P “can make a positive contribution to the humanitarian

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intervention debate.” It now aims to serve as a set of codified rules for dealing with security issues concerning civilian safety. Kick starting the concept of R2P, was the report of the International Commission on Intervention and State Sovereignty (ICISS) which focused on protecting civilians that were at risk of man-made or natural disasters. The report highlighted the usefulness of R2P, and set out the first guidelines. Since then, R2P has risen quickly in the international world, as several meetings of the UN have addressed the issue.

Nevertheless, while R2P gained prominence in the late 1990s and in 2000, it faded to the background after the 9/11 terrorist attacks; however, in 2005, the debate on R2P was renewed. Since 2005, R2P has become an emerging norm in international relations, but its speedy normative evolution has not yet been translated into putting R2P in practice as its use has remained controversial. For instance, problems with regard to the operational side of R2P are not yet solved. Indeed, R2P has not been tested so thoroughly as in the wake of the Arab Spring. Since these protests began, there has been an international debate on whether or not military intervention should take place in the case of human rights violations. It has proven difficult for the international community and specifically in the UNSC to come to a single stance on these protests. To decide upon whether or not to act, R2P may serve as a guideline. In some cases, as in Libya, the debate turned out positively for those advocating R2P, while in other cases, such as Syria, it did not.

On the other hand, other factors also seem to play a role in the responses to the Arab uprisings. Especially with regard to countries with more strategic and economic relevance, the international community is deeply divided. Libya, for example, is a major oil producer, and therefore of interest to Western states. Because it had little political influence in the Middle-East, a consensus was perhaps more easily reached. Syria, on the other hand, is not important because of resources, but it is an important state in the region with complex political ties because of its location. Geopolitical factors can thus also account for the different intervention outcomes. This approach is still applicable to humanitarian intervention because geopolitics has a strong influence in international politics. In addition, location is also influencing the power structures that are important in explaining the behavior of the UNSC and regional organizations. The ties that Syria has with Iran and Russia are influencing the response of the international community. Also the US tries to influence the region by working with its allies Saudi Arabia and Israel. Furthermore, the regional balance of power also plays a role in deciding for or against intervention, both on the regional and international level.

The cases of Libya and Syria will be further discussed in relation to the UNSC and the role

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R2P and geopolitical factors and power relations played in the response of the international community. This thesis looks at R2P as a developing norm, “as it best captures the stage R2P has reached and how it is currently portrayed in the international discourse.” It seeks to explain how it is possible that R2P is applied in one case and not another, even though the political and humanitarian situations within both states show many similarities. What do the cases of intervention in Libya and non-intervention in Syria tell us about R2P? It looks at how R2P has been applied in the conflicts in Libya and Syria, and what it tells about the current standing of the R2P norm. To determine if R2P is indeed leading to international response, it is best to compare cases in which R2P is and is not applied. In order to do so, two hypotheses are tested. Hypothesis 1 concerns R2P: the deepening of the R2P norm accounts for the response of the UNSC to the protests in Libya and Syria. In order to test another possible explanation of the different outcomes, hypothesis 2 is based on a realist perspective: the response of the UNSC was motivated by national interests, geopolitical factors and power relations rather than by the need for civilian protection.

First the concept of R2P is explored; when was the concept established and how has it evolved over the years? In relation to this, I discuss the evolution of R2P within the UN and its acceptance by the international community and the theory of norm evolution. In addition, the relevance of geopolitics to military humanitarian intervention is discussed. Second, the methodology of this thesis is explained. Third, both hypotheses are tested, first in the Libyan case and then the Syrian case. I explore the situations in both countries, and discuss how R2P and/or geopolitical factors have played a role in deciding the course of action regarding the conflicts. The main focus is on why there has been an intervention in Libya, but not in Syria. Lastly, the future of the R2P is examined: has the norm retreated or is it used more often or differently after the Libyan intervention? How can it be used effectively in the future and what changes should be made to do so?

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5 Badescu, Humanitarian Intervention, 11.
2. Theoretical Background

In order to determine if the two hypotheses can explain the developments during the Arab Spring, a closer look at the underlying theories is needed. In this chapter, I first discuss the developments of R2P, which evolved quickly and became well-known in the international community. Then, a short description of norm theory is provided in order to shed light on the current standing on R2P in terms of its evolution. Last, an introduction of realism is provided with regard to humanitarian intervention. In particular expansion of power, national interest and geopolitics is discussed, as these concepts are related to the second hypothesis.

2.1 Development of R2P

R2P is a holistic view of international security and its challenges, through which human rights and violations thereof can be seen as a threat of security. The emphasis is on responsibilities and human security, rather than sovereignty and state security. R2P can be used as a means to stop atrocities such as genocide. Since the term came about, it has been used to mobilize support to stop violations of human rights.

In order to look at the normative trajectory, a description of its political evolution and the key characteristics is needed to determine the transformation of the concept from its proposal in 2001 to the 2009 report of the UN Secretary-General and the General Assembly debate. The UN is a key organization in the development of the norm, because the UN was used a platform to promote the norm which led to the acceptance of R2P by the majority of states. The status of R2P has been clarified “after passing through the stages of concept, principle, and finally emerging norm [that] also influences the discourse.” In the ICISS report, R2P was an idea, but after the release of the report it was quickly perceived as a concept. Before the 2005 World Summit, where R2P was discussed, it moved to being a principle. States accepted the content and committed to the guidelines of R2P and to act in accordance with it. In only four years, R2P became an accepted principle, which is a very quickly normative progress in the international community. In 2006, the UN Security Council (UNSC) referred to R2P in its resolutions, which consolidated the status of R2P as an emerging norm. The central idea of R2P has remained the same throughout this process. It revolves around the idea that state sovereignty means responsibility to protect the citizens of the

8 Bin Talal and Schwarz, “The Responsibility to Protect,” 2.
9 Badescu, Humanitarian Intervention, 3.
10 Ibid., 11.
11 Ibid., 11.
12 Ibid., 11.
state from violations of human rights, such as genocide. If a state is not able or willing to protect its citizens, it is no longer seen as the sovereign, and the responsibility to protect civilians then falls to the international community.\(^{13}\)

The idea of R2P gained international attention in 1999, when at the 54\(^{th}\) session of the General Assembly Kofi Annan looked back on the situations in Rwanda and Kosovo. In the first case, there was no action on the part of the international community; in the latter case, international action was seen as unlawful. Annan called for consensus on the topic of humanitarian intervention, as he expressed his concerns “about the increasing transcendence of security threats to individuals across boundaries, and the need for international intervention to protect innocent people even if it meant challenging the sacredness of sovereignty.”\(^{14}\) This use of language built upon the human rights language that had been used in the 1990s to justify humanitarian interventions. It started to “support the norm of sovereignty as responsibility.”\(^{15}\) Annan acted as a norm entrepreneur here, and the organizational platform that he used was the UN.

In 2000 the independent International Commission on Intervention and State Sovereignty (ICISS) was established to find a way to solve the issues of humanitarian intervention.\(^{16}\) The main question the Commission tried to answer was the following, “when, if ever, it is appropriate for states to take coercive—and in particular military—action, against another state for the purpose of protecting people at risk in that other state.”\(^{17}\) The ICISS released the report *The Responsibility to Protect* in 2001, which elaborates on several aspects of R2P and suggests in which cases human suffering is a legitimate reason for humanitarian intervention. The report replaced the term “humanitarian intervention” with “responsibility to protect” to break through the impasse of the intervention debate.\(^{18}\) It reflects the shift of sovereignty as impunity to sovereignty as responsibility and accountability towards citizens through a reformulation of the position of sovereignty and in relation, that of (non)intervention.\(^{19}\) In the report, R2P has firm roots in several legal international documents, such as the Genocide Convention, the Geneva Conventions, the International Criminal Court statute, and the UNSC's work.\(^{20}\)

Three components of R2P were mentioned in this report, consisting of responsibility to prevent, the responsibility to react and the responsibility to rebuild. These ideas were elaborated, looking at “the need to prevent gross violations of human rights from arising, the responsibility to

\(^{13}\) Ibid., 4.
\(^{15}\) Ibid., 38.
\(^{17}\) Genser and Cotler, *The Responsibility to Protect*, 12.
\(^{19}\) Genser and Cotler, *The Responsibility to Protect*, 41.
\(^{20}\) Ibid., 39.
react to them when they occur, and the responsibility to rebuild after any military intervention."\textsuperscript{21} In terms of prevention, early warning mechanisms for response to conflicts are important. Through such mechanisms, it is possible to respond promptly and decisively. Prevention is presented as the best option, and addressing the causes of conflicts and disasters must begin well before a conflict starts getting out of control. With regard to the responsibility to react, the use of force is only encouraged in the most extreme cases of human rights violations. Military intervention is therefore presented as a last resort, only applicable when there is large-scale loss of life or ethnic cleansing, in combination with deliberate state action, state neglect or the inability of a state to act.\textsuperscript{22} In addition, it is said in the report that R2P will only be applied in selected cases. It argues that interventions “may not be able to be mounted in every case where there is justification for doing so is no reason for them not to be mounted in any case.”\textsuperscript{23}

In addition, the report offers two solutions for if the UNSC fails to act, because it has become increasingly difficult to get UNSC approval. First, the General Assembly can be asked to support military action in an Emergency Special Session under the Uniting for Peace procedures. The procedures were established in the 1950s in case there was a lack of unanimity in the UNSC. Support of a vast majority of member states may legitimize military action, and may change the decisions of UNSC members. Second, regional and sub-regional organizations may organize an intervention within their boundaries. States surrounding a conflict have a high interest in preventing outbreaks of violence because of the spill-over effect. Approval of the UNSC may eventually be given during or after the intervention.

In 2004, the next step was taken for the emerging norm when a report of the UN High-level Panel on Threats, Challenges and Change endorsed R2P.\textsuperscript{24} It stated that the “Security Council has the authority and responsibility to use force preventive to maintain international peace and security.”\textsuperscript{25} The report also suggested five other criteria for a legitimate intervention, and an additional one relating to the legality of such action. While the Panel embraced R2P, the solutions for intervention without UNSC approval were left out. The report served as the basis for the agreement on R2P during the UN High-level Plenary Meeting of the General Assembly (World Summit) in New York in September 2005. As part of the reform package, R2P was adopted at this summit. This was an important step in the normative advancement of R2P, because it was now supported by heads of state. The meeting served as a forum for bargaining and argumentation. The debate allowed for a tipping point, where states that already support R2P convinced other states.

\begin{thebibliography}{99}
\bibitem{22} Ibid., 5.
\bibitem{24} Badescu, \textit{Humanitarian Intervention}, 3.
\bibitem{25} Ibid., 6.
\end{thebibliography}
Following this, all member states agreed to accept R2P as described in the World Summit Outcome. Compared to the ICISS report, it is a rather conservative version of R2P because affirmative duty to react is not established and the responsibility to rebuild is mostly ignored. Limitations were also applied to the instances in which an intervention may take place, and the solutions for legitimate intervention outside of UNSC approval were left out as well; the document states that military action under R2P has to be authorized by the UNSC. Other members suggested that R2P should only be adopted if there would be a reform of the UNSC. However, members of the UNSC were not willing to discuss limitations on their veto-right. Nevertheless, the support of the member states for R2P was a significant step for R2P as an emerging norm. The adoption of R2P, “has shaped discourse, altered expectations, and impacted state behavior.”

The idea of R2P was used to describe a state's and the international community's responsibilities to take “timely and decisive action […] on a case-by-case basis […] to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.” Contrary to the ICISS report, the World Summit Documents list four specific crimes to which R2P is applicable, namely those that are also included in international law. While other states are allowed to step in these cases, R2P as described in the 2005 World Summit places the first responsibility of protecting citizens on the states itself. If the international community however decides that a state's behavior towards its citizens is unacceptable, and that state is unwilling to take responsibility for its actions, it may try to force that state to change its behavior by sanctions. However, if these sanctions do not have the expected results, it is justified to use force. If a state does not take on the responsibility of protecting its citizens from war crimes and crimes against humanity, the responsibility transfers to the international community. The reinterpretation of sovereignty as responsibility as proposed by the ICISS is thus accepted by the UN. However, a specific list of criteria for justified intervention or collective action is not provided, nor is there an alternative presented for if the UNSC fails to act.

A year later, in 2006, the UNSC reaffirmed this in Resolution 1674 and 1706, and three years later in Resolution 1894. Resolution 1674 and 1893 were targeted at protecting civilians in armed conflict, Resolution 1706 was directly addressing the situation in Darfur and for the first time thus directed at a specific case. These resolutions changed the terms of the debate on humanitarian intervention; instead of asking whether or not to respond to humanitarian crises, the question now

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changed to how to respond and engage in crises.\textsuperscript{29} Furthermore, R2P was mentioned in reports of the Secretary General, and a joint office for R2P and the prevention of genocide was established.\textsuperscript{30}

A special adviser, Edward Luck, was appointed to continue the work on R2P. In 2008, Secretary General Ban Ki-Moon expressed his personal commitment to R2P. In his 2009 report \textit{Implementing the Responsibility to Protect}, he came up with a new approach, based on three pillars of R2P. These three pillars are “the state’s obligation to protect” (Pillar 1); “international assistance and capacity-building” (Pillar 2) and “timely and decisive response” (Pillar 3).\textsuperscript{31} This was meant to implement R2P consistently, and to elaborate on the document of 2005.

The General Assembly supported R2P again in a resolution in 2009, where it said to continue considering R2P. As in 2005, there is a broad consensus in the General Assembly for R2P. A constructive debate took place, in which it appeared that states felt bound by their previous commitment to R2P. A procedural resolution was adopted “calling for consideration of the issue, which validates the fact that R2P is at the beginning of a slow-moving normative process.”\textsuperscript{32} Also in that year, a working group was established to explore ways in which the norm of R2P can be translated into actual results for civilians whose rights are violated. This meant that non-intervention becomes less likely when human rights are severely violated, and that it is less likely that states are unwilling to see the mass atrocities. R2P namely provides a broad and deep framework for legitimate intervention.\textsuperscript{33}

This may cause a tension between the sovereignty of a state and human rights. A sovereign state itself is responsible for the well-being of its citizens, but the international community may feel obliged to intervene in case of violations of human rights. However, it has been suggested that “state sovereignty has been replaced by the concept of ‘‘popular sovereignty’’ vested in the individual citizens of a state’.”\textsuperscript{34} A state may also lose its status as the sovereign if it grossly violates the human rights of the citizens. The question then remains whether sovereignty or human rights are more highly valued. The main problem with R2P is similar to that of humanitarian intervention, namely a tension between a state's domestic authority and the moral authority of the international community.\textsuperscript{35} The decisions of using R2P in different cases have to be understood in this light as well. However, “the Commission did not find widespread support for an unlimited, absolute view of sovereignty.”\textsuperscript{36} Furthermore, the approach of sovereignty not as control but as responsibility allows

\textsuperscript{29} Alex J. Bellamy, “R2P – Dead or Alive?” in \textit{The Responsibility to Protect – From Evasive to Reluctant Action? The Role of Global Middle Powers} (HSF, ISS, KAS & SAIIA, 2012), 26.
\textsuperscript{30} Bellamy, “The Responsibility to Protect,” 334.
\textsuperscript{31} Genser and Cotler, \textit{The Responsibility to Protect}, 71.
\textsuperscript{32} Badescu, \textit{Humanitarian Intervention}, 9.
\textsuperscript{33} Dunne and Gifkins, “Libya and the State of Intervention,” 519.
\textsuperscript{35} Bin Talal and Schwarz, “The Responsibility to Protect,” 4.
\textsuperscript{36} Genser and Cotler, \textit{The Responsibility to Protect}, 38.
the two to be complementary, rather than at odds.\textsuperscript{37} Then Secretary-General Kofi Annan supported this view, by stating in the 2007 report \textit{Implementing the Responsibility to Protect} that R2P “is an ally of sovereignty, not an adversary.”\textsuperscript{38} Also, some argue that sovereignty and humanitarian intervention are both justified only because they reduce the vulnerability of civilians, and the two are thus based on the same idea.\textsuperscript{39}

Other criticism is that R2P does not address the obstacles in the UNSC that now often block effective action against states that violate human rights. In addition, Third World states see R2P as a way to conceal Western action for regime change, as some say happened in Libya. Intervention in the name of R2P should in the first place focus on protecting citizens, rather than coming up with definite solutions. However, R2P has been used successfully in the past in states that were at risk of violence and human rights violations, in terms of diplomacy and peace-keeping missions. Since the norm has emerged, it has attained international standing and influence that many would not have expected.\textsuperscript{40} In the cases of Kenya and South Sudan, R2P has been put to useful practice. In Kenya, there was fear for outbreaks of violence after the presidential election of 2013. The UN and individual states have used R2P to work with Kenyans on the prevention of violence. In South Sudan, because of the R2P an international coalition was present for diplomacy and peacekeeping after the referendum of 2011. States as Russia, China and the US worked together in this instance. Also the Arab League and the African Union were present.

The issues related to R2P arose in the Arab world with the intervention in Libya and the debate about an intervention in Syria.\textsuperscript{41} Because of the revolutions in the Arab world, the region is no longer a spectator to these debates, but even caused the debate to shift. Before that, the interventions in Somalia and Rwanda in 1992 and 1994 strongly resemble interventions that are now supported by R2P, though in the case of Somalia there was no central government, and the Rwanda interim government and the army gave their consent to an international peacekeeping force. The intervention in Libya may be seen as a next step in the process developing norms for humanitarian interventions. The renewed debate and the intervention in Libya have changed the view that sovereignty is a guarantee against humanitarian intervention when citizens' safety is no longer warranted. The cry for help from civilians in both Libya and Syria caused R2P to be debated because it is the international norm when it comes to intervention in cases like this. In literature on the Arab Spring and particularly on Libya and Syria, R2P is clearly present. The development of

\textsuperscript{37} Ibid., 46.
\textsuperscript{39} Genser and Cotler, \textit{The Responsibility to Protect}, 23.
\textsuperscript{41} Bin Talal and Schwarz, “The Responsibility to Protect,” 1.
R2P may have contributed to the decision-making process for the intervention of Libya, and the non-intervention of Syria. Because the norm has been accepted by the majority of the UN members, it has gained support and also influence. Within the UNSC, not all permanent members appear to support R2P, and in order to test its weight, the first hypothesis is tested: the deepening of the R2P norm accounts for the response of the UNSC to the protests in Libya and Syria.

2.2 Norm Theory

As part of social constructivism, norm theory can explain behavior of international actors. According to constructivism, material interests are subordinate to social structures. Views on social issues, such as human rights, are formed by values and norms, and are reflected in its behavior. Norms can be defined as “social attitudes of approval and disapproval, specifying what ought to be done and what ought not to be done.” Norms are thus “expectations around which actors’ understandings and behavior ought to conform.” In addition, norms are “a standard of appropriate behaviour for actors with a given identity.” Starting as (principled) ideas held by individuals, then becoming concepts, norms that instruct collective behavior eventually come into existence. International norms are followed by actors because it makes them look good and it makes them feel good about themselves. Identity is important in this respect, because that informs a state's interests, and thus its willingness to comply with a norm.

The way norms develop over time has been conceptualized by Finnemore and Sikkink. They call this process the Life Cycle of Norms. In this process there are three stages: norm emergence, norm cascade, and norm internalization. The first stage is norm emergence, when new norms arise and they are accepted by a 'critical mass' of states that have been convinced by norm entrepreneurs through socialization. Norm entrepreneurs strongly advocate “appropriate or desirable behavior in their community [...]”. The entrepreneurs frame a norm in a certain way, and when successful, they will reach a broad audience and introduce a new way of discussing a certain issue. In combination with socialization, a new norm may start getting support. Socialization is also necessary at a later point for internalizing norms. Socialization consists of three stages as well, which are the process of strategic bargaining, the process of argumentation and persuasion, and the...
process of institutionalization and habitualization. In the actual process, the first two points often take place at the same time, while the third stage takes place later in the process.

Besides this, states will first accept the new norm because of domestic policies and because it fits their identity. An organizational platform is important for the first step, because it provides a platform for a new norm. Organizations are effective because of “their use of expertise and information to change the behavior of other actors.” Institutionalization is an important aspect as well because this allows a norm to move on to the next stage, but it is not a prerequisite for norm cascade. Institutionalization may also take place after the norm cascade. On the international, regional and sub-regional level, socialization and norm promotion takes place, complicating the advancement of new norms.

Then, in between stage 1 and 2, a 'tipping point' may be reached, which often means that one-third of the states of an organization have adopted a new norm. Additionally, it is also important which states adopt the new norm. Some states have more weight than others, and they may be essential for a norm cascade. Within international organizations, pressure can also be applied to states that first object to a new norm. Following this, “a norm cascade commences as additional actors are socialised (either by censure or praise) into becoming norm followers.” More states start to adopt the new norm, and this makes the emerging norm more important than domestic pressure, which leads to even more states accepting it.

While socialization is the most important factor, states may accept the norm for several other reasons: because of their identity, for legitimacy, and for reasons of conformity and esteem. International organizations are also important in terms of legitimacy. Domestic legitimacy is tied to international legitimacy: if a state is recognized internationally, the citizens of a state will be more likely to accept their political institutions as they make judgments about their rulers by looking at other states. States adopt certain norms for conformity, to show that they belong to the social group they are a member of. The identity of a state is related to the organization they are part of, and with this they share the same norms as other members. Lastly, esteem plays a role because states want others to think well of them and they want to think well of themselves. Identity comes into play again here, because a state's identity informs which norms make a state gain self-esteem, and a state will accept those that fit their identity.

The third stage is that of norm internalization. Norms become part of official documents and

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50 Zähringer, “Norm evolution,” 188.
51 Finnemore, Sikkink, “International Norm Dynamics,” 901.
52 Zähringer, “Norm evolution,” 188.
are complied with. In this stage, states internalize norms because of conformity. Norms are then taken for granted and behavior is conforming to these norms. Therefore extensive debates are no longer needed. Over time, norms may develop into legal instruments, through inclusion in international treaties or through customary law. Some norms do not become legal instruments, but remain influential and instruct behavior and expectations of states in the international community.

Several factors affect the evolution of a norm, namely legitimacy, prominence, intrinsic qualities, adjacency and world time. Legitimacy is the first factor. A state may adopt a norm if their legitimacy falters. The need for international legitimacy is an important incentive for domestic acceptance of international norms. States that are insecure or uncertain of their international reputation are more receptive of international norms. Prominence may help a norm evolve because less powerful states tend to follow more powerful states. If an emerging norm is adopted by a powerful state, this will influence other states as well in their consideration of adopting a norm. Because of this, some emerging norms are more likely to be adopted than others. Intrinsic qualities also add to the possible adoption of norms. Clarity and specificity contribute to a norm's evolution, just as universal claims. The content of the new norm is also an important factor. Norms involving human dignity appear to be more readily accepted, because “norms about equality and protecting vulnerable groups from bodily harm will have more transnational resonance than other norms.”

Although this factor should be handled cautiously, norms that involve harm to innocent people are more likely to be adopted in different cultures. Adjacency claims also help a norm, because it is a small step to adopting a new norm that is like or deduced from another norm. Association of a new norm with another, already internalized norm, will make it easier for that new norm to be accepted. If a norm is framed as associated with an already existing norm, it will have a positive influence. And lastly, world time influences if a norm is adopted. A crisis like the current economic crisis may lead to new views and additionally to new norms. Norms that fit in with the historic context are more likely to be adopted than those that do not.

2.3 Realism: expansion of power, national interest and geopolitical factors

While R2P has become more important over time, a realist approach looking at the expansion of power, national interest and geopolitical factors may also account for the different outcomes in the cases of Libya and Syria. Contrary to constructivism, realism does not concentrate exclusively “on the successful implementation of norms and norm compliance.” Neither does realism look at

54 Genser and Cotler, The Responsibility to Protect, 34.
56 Ibid., 907.
morals – it is apprehensive when it comes to using morals in decision making – but looks at interests and power instead and. Realism in general has several characteristics: “states are the principal actors in a world without common government; they are unitary and rational actors driven by self-interest; they operate in international anarchy and thus face threats from other states; within this self-help system, they are ‘both offensively-oriented and defensively-oriented’. ”

Offensive realism argues that all states seek to maximize their relative power. The great powers in international politics also interact with each other in across regions, in relation to the global balance of power. It is therefore that the great powers are often in conflict with each other. In this way, they can seek to extend their influence and power, which is in their self-interest. Humanitarian intervention can serve as a tool to enlarge a state’s sphere of influence and relative power and if the benefits of a war outweigh the costs, rational states may go to war. However, when it comes to humanitarian intervention, “states are rarely willing to expend blood and treasure to protect foreign populations from gross abuses including genocide.”

In terms of power structures, regional support for intervening can also influence the decision for an intervention. If the other factors allow for intervention, regional support can provide the legitimacy for an actual military intervention. Especially for regional hegemons, who may fear that another powerful state in the region is changing the power relations. Regional hegemons therefore like to see other hegemons in other regions that are competing in that region, rather than getting involved in distant regions. For states, hegemony is in their interest in order to be more secure. They will act in a way that will secure their position, as this is in their national interest. One way to act may be intervening in another state in order to extend its sphere of influence, and a state also enhances its position in comparison to a competing power. Globally, the US, Russia and China are seen as hegemons and great powers, because of the demographic, economic and military factors. They are at competition with one another, especially the US and Russia. An intervention in a state that has powerful allies or is in the sphere of influence in another great power, is less likely to occur.

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61 Ibid., 385.
than intervention in a relatively weak and isolated state, conducted by a great power.65

When looking at intervention, a state is likely to intervene when its national interests -- such as territorial integrity and security of citizens -- are threatened by whom the intervention is aimed at. In addition, when a state can gain from intervention, it is also in its national interest. For example, economic reasons can be an incentive for intervention, just as securing resources that have a high economic or security value. If however the intervention would affect the situation in the state that conducts the intervention in terms of endangering its security and high costs, it is not likely that an intervention will take place.66

Geopolitics also influence decision making. Geopolitics can be simply defined as the political implications of geography.67 These political implications are referring to “implications that bear upon the distribution of power among and within polities; while geography refers both to physical reality and to mental images.”68 These political implications are not self-evident and thus not incontestable because the meaning of a state's location is ascribed to it by people.69 Because politics and strategy are not stable, the importance ascribed to geographical location may change as well. This may in turn influence, for instance, the readiness and ability to intervene.70 This does not mean that the actual physical environment does not matter, as this also needs to be suited for an intervention. Logistics and urbanization are important aspects in deciding for intervention, for example.

Military humanitarian intervention is therefore limited in the realist view: only when there is a low security risk and when the national interests of a state allow it. A calculation of the interests that are involved and the available power determine if an intervention takes place.71 The underpinnings of realism are therefore still highly applicable when looking at interventions.

The geopolitical situation in the Arab World changed after the 2003 Iraq War. Saudi Arabia and Iran became the most influential states in the region, both trying to extend their influence.72 First, Iran tried to gain influence in Iraq when the Saddam government fell, just as Saudi Arabia, an ally of the US. Iran's influence grew, and altered the geostrategic balance of power in the region, “tipping it in Tehran’s favor.”73 Nevertheless, Saudi Arabia still sought regional dominance, as both states try to benefit from the ongoing conflict in Syria.

68 Ibid., 297.
69 Ibid., 299.
70 Ibid., 299.
73 Ibid., 34.

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In the current conflicts, Saudi Arabia has several Arab states that are on its side. These are Egypt, Jordan, the Palestinian Authority (PA), Tunisia, Morocco, Yemen, Bahrain and the United Arab Emirates (UAE). Iran on the other hand also has its support network. These are Syria, Hezbollah, Hamas, and Islamic Jihad, and Russia is backing them in the international community. Even though Syria is not a strong economy, Syria as an important state because it is used by Iran and Hezbollah to extend their influence. The current conflict is allowing Iran to extend its power further.

The US and Russia and other influential states are active in the region because as hegemons of other regions, they try to influence the situation in order to counteract a shift in the balance of power in that region. The US is also involved in the Arab World, having its own agenda. The US is looking to secure the oil flow, and also to secure its ally Israel. For the US it is important to do this, because the US is an ally of Israel and seeks to maintain their security in the Middle-East. Syria is said to support terrorists groups, and toppling the Assad regime would be a blow to Iran and Hezbollah. Saudi Arabia also wants to limit Iran's influence in Syria as it can serve as a bridge to extend Iranian power. Russia on the other hand is backing Iran in its policies. If the conflict would escalate, the US and Russia could be facing each other because of their different interests. It is likely that this would only prolong the conflict rather than bringing it to an end. Resources are also part of the reason of US and Russian interest in the Middle-East and in particular in Libya. A continuous flow of it is in the interest of the world powers. However, in terms of political influence in the region, Libya is less important than Syria.

Hypothesis 2 is based on this point of view, because geopolitics are still influencing international politics. Within the UNSC the geopolitical factors are influencing the decision making process and also the decisions for an intervention for humanitarian reasons. In the cases of Libya and Syria, the geopolitical factors may have contributed to the intervention and non-intervention. Therefore hypothesis 2 is tested: The response of the UNSC was motivated by geopolitical factors rather than by the need for civilian protection.

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3. Methodology: Comparative case study

To determine if and how R2P and geopolitics have influenced the decisions of the international community in the UN, the cases of Libya and Syria are researched. For area studies, case studies are frequently used because of the similarities that states in one region often have. 'Most similar' case studies are “cases that are similar on a wide range of explanatory variables but different on the value of the dependent variable.”75 The two cases selected for this case study are Libya and Syria. These two cases are selected exactly because they have highly similar characteristics – regime, religion, diverse population – but they differ in the dependent variable. In one instance the protests led to foreign military intervention, while in the other instance they did not. Libya is chosen because it was the only Arab state where an intervention took place. Syria is chosen because the conflict escalated in such a way that there has been a lot of discussion if an intervention should take place in order to protect innocent civilians. Both cases are seen as part of the Arab Spring, with protests that were held for similar reasons.

A comparison is made of these two cases – especially a comparison between the response to the crises within the UNSC because it is seen as the only body that can legitimize a foreign military intervention – which serves to discover the cause of the different outcomes. Even though other states that were part of the Arab Spring experienced violent uprisings, such as Egypt, the situation there was not as extreme as the two cases discussed in this thesis. Libya and Syria are the only cases in the Arab Spring where the conflict spiraled out of control and the character of the crisis was or is one of civil war.

The two cases are similar in that the protests of the people were sparked by political issues. Both states had been ruled by dictators for many years, without any free elections to choose another government. In Libya, Gaddafi ruled the country for 42 years, and in Syria the Assad family had been in charge for 44 years. Restrictions on various fundamental rights, such as the freedom of speech, were present in both countries. Oppression of the opposition was also present in both Libya and Syria. During the protests, there were many casualties in Libya and Syria. Additionally, in both cases the opposition was far from unified. There are various groups, some representing various religious views, while others have different motives to oppose the dictators. In the two countries, the extremist Islam groups seem to increasingly gain power.

In Libya the international community decided to step in, but in the case of Syria there is a lack of consensus. Variation in the outcome of both cases has to do with several factors, of which R2P and geopolitical factors appear to be the most important ones. R2P is looked at because it has

played an important role in the decisions for or against intervention. In the last few years it has become an emerging norm and both in the statements and texts of the UNSC and in scholarly literature its presence is prominent. It is useful to look at its actual influence on military humanitarian intervention. The norm can than also be adapted for future use and for use in combination with geopolitical factors. Geopolitical factors and power relations have influenced decision making in the past, and are also still applicable in today's situations. By looking at norm evolution of R2P and at geopolitical factors and power relations, the different outcomes can be determined. In order to do so, two hypotheses will be tested in relation to the reaction of the international community to these crises.
4. The Arab Spring, R2P and Geopolitics

4.1 Libya

The protests in Libya began in February 2011, in the wake of the uprisings in Egypt and only days after the fall of the former Tunisian President Ben Ali. He was in power for 23 years, but had to step down because of the protests. While Colonel Muammar Gaddafi, ruler of Libya for 42 years, still supported Ben Ali, the citizens of Libya celebrated his downfall in the streets.\(^{76}\) Ben Ali’s resigning sparked the protests against Gaddafi because the citizens of Libya had now seen that these could effectively overthrow a leader. The protests in Libya had Benghazi as its center, but spread throughout the country. In the early stages of the protests the opposition united itself in the National Transition Council of Libya (NTC), and presented itself as the legitimate representatives of the Libyan people. While the protests were initially peaceful, Gaddafi soon declared war on the protesters. As time passed, the forces of Gaddafi regained control of the country, and threatened to occupy Benghazi. Gaddafi publicly announced he would overthrow the city, and said the citizens were like ‘cockroaches,’ the word also used at the outset of the Rwanda genocide.\(^{77}\) This was a sign for the international community to react to the protests.

As the situation in Libya grew worse with more violence, the regional organizations started to condemn the practices of the Libyan government. In the Middle East, the League of Arab States (LAS) was involved in the politics surrounding the protest. The LAS suspended Libya in February 2011, which was unprecedented, signaling that regional organizations were important in responding to the uprisings and that they condemned Libya’s behavior.\(^{78}\) This was surprising, as the regional organizations as the LAS and Organisation of Islamic Cooperation (OIC) have always been supportive of regimes as those in Libya. Within the time span of three days, these organizations, along with the Peace and Security Council of the African Union, dismissed the behavior of the Libyan government, and pleaded for talks in order to find a solution to end the conflict, and an immediate ceasefire.

Also in February, the international community reacted. The quick response of the international community was due to the regional reactions and regional support for condemning the practices of the Libyan government. The UNSC felt supported by this action, and came with a statement. The UNSC members voiced their concerns by using R2P in stating that the Libyan government had to meet its “responsibility to protect its population,” and that the situation would be

\(^{76}\) Dunne and Gifkins, “Libya and the State of Intervention,” 519.
\(^{77}\) Zifcak, “The Responsibility to Protect after Libya and Syria,” 60.
\(^{78}\) Dunne and Gifkins, “Libya and the State of Intervention,” 520.
watched closely by the Council.\(^79\) This statement came only a week after the protests had started, and was similar to the statement of the Secretary-General's Special Advisers on the Prevention of Genocide and the Responsibility to Protect. In addition, the UN High Commissioner for Human Rights asked the UNSC and the UN Human Rights Council (UNHRC) to react.\(^80\) She emphasized that the situation of the citizens of Libya was most important, and that they should be protected.\(^81\) She also referred back to the World Summit Documents of 2005 on R2P and stated that “\[w\]hen a State is manifestly failing to protect its population from serious international crimes, the international community has the responsibility to step in by taking protective action in a collective, timely and decisive manner.”\(^82\) The unprecedented quickness of the statements signals the importance of the situation in the Arab World.

The international community took further steps. During the Special Session on the situation in Libya of the Human Rights Council in Geneva on February 25, a fact-finding committee was established to verify the information that came from Libya.\(^83\) That same day, the UNHRC agreed on Resolution S-15/1. This resolution voiced the concern of international community about the worsening situation, and condemned the alleged human rights violations, such as torture of peaceful protesters, arbitrary arrests and attacks on civilians.\(^84\) It urged the Libyan government to take responsibility and to protect its people, and end human rights violations.\(^85\) A day later, in Resolution 1970 the UNSC disapproved of “widespread and systematic attacks on civilians” and urged the state to end violence.\(^86\) It reminded Libya of its responsibility to protect its citizens, urged Libya to end hostilities and observe human rights. It further emphasized the importance of observers and asked for safe circumstances for humanitarian workers.\(^87\) Sanctions were also included in the resolution, such as a ban on traveling of important figures of the Libyan regime, an arms embargo, and freezing the overseas assets.\(^88\) The resolution also decided “that the International Criminal Court (ICC) should investigate the situation in Libya, thus implying that any of the four kinds of crimes falling under the jurisdiction of the ICC – genocide, crimes against humanity, war crimes, and the crime of

\(^{81}\) Ibid.
\(^{82}\) Ibid.
\(^{84}\) Ibid.
\(^{85}\) Ibid.
\(^{87}\) Ibid.
\(^{88}\) Ibid.
aggression – had likely occurred in Libya, thus giving rise to international action.” 89 A follow up on these measures was included through a report that had to be made after 120 days. This resolution was adopted by all members of the Council. On March 2, Gaddafi responded by saying that the UNSC was acting too soon, that there was no prove for their claims, and that their actions should be suspended. However, as a consequence of the ongoing violence, Libya was suspended by the UN General Assembly from the UNHRC on March 1.

On March 7, the Cooperation Council for the Arab States of the Gulf (GCC) requested the UNSC to “take all necessary measures to protect civilians” such as a no-fly zone. 90 The OIC supported this request, but clearly stated it did not support foreign troops on the ground. A few days later, the LAS also asked for a no-fly zone and the creation of safe havens for civilians. It further stated that the Libyan government had lost all legitimacy. The GCC then initiated a resolution for military intervention, which was supported by the LAS. At that same time, the Libyan Ambassador to the UN defected. He asked the international community to recognize the Libyan Interim Council as the legitimate representatives. 91

A big step was taken in mid-March, when the UNSC reviewed the situation. There had been no progress and in order to take new steps, Resolution 1973 was adopted. This was groundbreaking. 92 The resolution stated that the Libyan government had failed to comply with Resolution 1970, and emphasized again the responsibility of the Libyan government to protect its citizens. 93 The requests of regional organizations for a no-fly zone were also mentioned, in order to support the creation of this zone. The resolution determined that a no-fly zone, restated the arms embargo and asset freeze. 94 This was the first time that the UNSC allowed humanitarian intervention without the support of the host nation. 95 The resolution did not allow foreign boots on the ground, but it did support use of force because of the responsibility to protect. 96 The process that led to this resolution was gradual, “and the final authorization of ’all necessary measures’ to enforce a no-fly zone and protect civilians was seen as a last resort, complying with the principles of intervention under R2P.” 97 Even though the resolution passed – 10 votes in favor, 5 member states abstained – there was some concern about it. The 5 members that did not vote – Germany, Russia,

91 Zifcak, “The Responsibility to Protect after Libya and Syria,” 63.
92 Ibid., 64.
94 Ibid.
95 Zifcak, “The Responsibility to Protect after Libya and Syria,” 64.
China, Brazil, India – saw the resolution as contradictory with the notion of sovereignty. Their second objection was that there was no clear view of what kind of intervention would be most effective in ending the conflict.

Nevertheless, NATO began its Operation Unified Protector two days later, by bombing targets of the Gaddafì regime. 14 NATO members and 4 additional states took part in the mission, namely forces from Morocco, Jordan, Qatar and the United Arab Emirates. The no-fly zone and arms embargo were enforced, and air defense was taken out. NATO also provided intelligence for Libyan rebels. Benghazi was deemed safe within two weeks, which was one of the objectives of the intervention. However, the regime stayed strong and the NATO mission was expanded after two months. In the process, regime change seemed to have become the objective. NATO argued that only with the fall of Gaddafì civilians would be safe. Later this led to objections from several states, because “[e]ven though assisting anti-Qaddafì military forces was not necessarily against the terms set by UNSC Resolution 1973, it is still worth noting that the purpose of such assistance seemed more geared towards backing the opposition’s military advance than to stop attacks against the civilian population.”

Nonetheless, Gaddafì was eventually overthrown in August 2011

Following this occasion, the UNSC adopted Resolution 2009 in September. This resolution created a support mission for Libya, UNSMIL. This resolution fits in with the responsibility to rebuild, the last step of R2P. UNSMIL had the tasks to restore security through public order and rule of law, help with the making of a constitution, promote reconciliation, protect human rights, and start economic recovery. The arms embargo, no-fly zone, and asset freeze were also lifted. More investors were drawn to Libya, and free and fair elections were promised by the NTC. In October, Gaddafì was eventually killed in a fight. The NTC took control of several cities in Libya, also Sirte, Gaddafì’s hometown and refuge. Problematic remains the collection of arms from the rebels which causes problems for forming a governmental military, and the risk of attacks remains higher – also from Gaddafì loyalists.

4.2 R2P

In the case of Libya there are two ways to account for the intervention that took place: the deepening of the R2P norm or realist considerations. First, hypothesis 1 is discussed: the deepening of the R2P norm accounts for the response of the UNSC to the protests in Libya. While R2P is a relatively new norm, the operation in Libya in order to protect civilians was executed with a legal mandate and regional support, and can be seen as a clear example of R2P in practice. To
determine the influence of R2P, the political process of bringing an end to the conflict is looked at. When looking at the resolutions of the UNSC on Libya, they “seem to validate the notion that the international community did purposely rely on the R2P framework, albeit not exclusively, to justify its political approach to Libya.”\(^1\) The first response of the UNSC to the Libyan conflict referred to the responsibility of the Libyan government to protect its citizens. Also the UN High Commissioner for Human Rights emphasized this responsibility by pointing at the 2005 World Summit Documents.\(^2\) The UNHRC Resolution 15/1 again made clear that the Libyan government had to protect its people, just as the UNSC did in their Resolution 1970. This was the first reference to R2P by the UNSC. The violence of the Gaddafi government against its own people, and the alleged crimes against humanity, justified the use of R2P. The resolution therefore had significant support in the UNSC, but also in organizations as the EU, NATO, the AU and the LAS.\(^3\)

At the same time, the Arab organization also expressed their concern about the safety of citizens in Libya. The leaders in the Arab World called upon the international community to take its responsibility to protect civilians, and to establish a no-fly zone to that end.\(^4\) Like most states, the Arab states have also supported the development of the new R2P norm.\(^5\) These states have argued that this responsibility lies “first and foremost with the state experiencing such crisis,” but also said that military intervention is accepted “in certain circumstances when states have clearly violated their responsibility to protect.”\(^6\) In this instance, the Arab organizations supported a military intervention to protect civilians from violence. In addition, the African and Arab nations that served on the UNSC at the time, all voted in favor of the UNSC resolutions concerning Libya. The regional organizations and individual states thus supported the R2P norm.

The no-fly zone of Resolution 1973 was the first time that such a zone was established for the protection of civilians. Also the language of the resolution was more expansive than in other instances of a no-fly zone.\(^7\) The resolution also restated the most important points of Resolution 1970. However, the resolution did not state explicitly that the measures for protection of civilians were grounded in R2P because the international community seems to be “extremely reluctant to openly sanction the notion of an international duty to act[.].”\(^8\) The resolution emphasized Libya's

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\(^1\) Berti, “Forcible Intervention in Libya,” 5.
\(^5\) Ibid., 6.
\(^7\) Dunne and Gifkins, “Libya and the State of Intervention,” 522.
\(^8\) Berti, “Forcible Intervention in Libya,” 5.
failure of protecting its citizens but did not mention the responsibilities of the international community, therefore limiting the responsibility to the national level.\textsuperscript{109} While stating the international community's determination to protect civilians, the international responsibility was thus not mentioned as such.\textsuperscript{110} The resolution reaffirmed the UNSC’s “strong commitment to the sovereignty, independence, territorial integrity and national unity of the Libyan Arab Jamahiriya,” and invoked Chapter VII of the UN Charter for taking measures, because the situation in Libya posed a threat to international peace and security.\textsuperscript{111} R2P has clearly influenced this text by emphasizing the protection of civilians and the failure of the Libyan government to do so, but it has not been used explicitly as the main reason for intervention.

While R2P was widely supported after the 2005 World Summit, this does not seem the case in individual instances prior to Libya. The resolution suggests a shift in the use of R2P, but the abstention of China, Russia and several other states show that “it is not without contestation.”\textsuperscript{112} It is remarkable that all the BRICS countries abstained. They appeared to be skeptical about the resolution. Their main reasons for abstaining were the low chance of success and the indeterminacy of the resolution. The BRICS countries also share similar ideas of resolving crises, such as peaceful resolutions, lead role for the UN, and no use of intervention because of its risks and costs.\textsuperscript{113} In addition, during the vote on the resolution, none of the P5 members was willing to frame the argument on Libya in terms of Pillar 3.\textsuperscript{114} For instance, did use Pillar 3 after Resolution 1970 was passed, but did not use it in relation to Resolution 1973. Only Colombia emphasized that Libya did not meet its international responsibility of protecting its citizens. This shows “how the application of the R2P principle remains controversial and contested.”\textsuperscript{115}

Nevertheless, in this case R2P was used for pointing out that Libya was not meeting its responsibilities as a sovereign state. It shows “a growing legitimacy behind the concept of sovereignty as responsibility.”\textsuperscript{116} With the passing of the resolution, it appears that the changing notion of sovereignty is accepted because of the wording that was used. China and Russia have also endorsed the use of R2P as such when it came to Libya, and the US and China both supported the no-fly zone. This was an important step, as China and Russia have used their veto right on the UNSC to block humanitarian intervention, because it contradicts with the principle of state

\textsuperscript{111} Berti, “Forcible Intervention in Libya,” 5.
\textsuperscript{112} Dunne and Gifkins, “Libya and the State of Intervention,” 522.
\textsuperscript{114} Dunne and Gifkins, “Libya and the State of Intervention,” 522.
\textsuperscript{115} Ibid., 522.
\textsuperscript{116} Berti, “Forcible Intervention in Libya,” 17.
sovereignty and non-intervention, as is determined by international law and the UN Charter.\textsuperscript{117} China first decided to adopt a ‘wait and see’ stance, and urged for a return to normalcy.\textsuperscript{118} During the events of the Arab Spring, China appeared to have changed its policy from non-intervention to constructive intervention; this is a form of intervention that sits in between R2P and the non-interference principle.\textsuperscript{119} In this particular case, by abstaining rather than using their veto, “China acknowledged the overwhelming consensus by the Arab League, African Union member states, and by the majority of the major powers that intervention was needed for humanitarian reasons to protect the civilian population in Libya.”\textsuperscript{120} In addition, China seems to be opposing regime change that is led by the US because this may enlarge US influence in the Arab World. If such a plan is conducted through the UN, China seems less reluctant to support it.\textsuperscript{121}

The operation can be seen as a success and a positive step for R2P. In this particular instance, R2P was not used for prevention, but for coercive intervention.\textsuperscript{122} There was military victory, the UNSC authorized the NATO mission – unlike in other humanitarian interventions – and there was no use of veto from the permanent members. The role of the UNSC gave political legitimacy for the intervention and may be a precedent for future issues. States agreed that the Libyan regime was not meeting its responsibilities and therefore the civilians of Libya had to be protected from the violence of their government. NATO justified the intervention in Syria because it met the criteria of “demonstrable need, clear legal basis, and strong regional support.”\textsuperscript{123} In addition, the support of the regional organizations took away the possible pretense of selectivity of the UNSC members. The action was taken rather quickly, and an effective strategy was found without the use of foreign troops on Libyan soil.

However, some members of the UNSC say there was 'mission creep' and regime change became the purpose of the operation. The NATO mission secured civilians mostly of any harm and the capacity of the Gaddafi regime to exercise mass crimes was damaged.\textsuperscript{124} When the regime left Tripoli, this was seen as some as the main motive of some of the UNSC members. R2P was stretched too far in their view. They are in favor of a more limited form of intervention, with targets and goals that are clearer than in the case of Libya. This may limit future interventions based on R2P, for which certain criteria are needed to set clear boundaries for R2P. With achieving the objectives of the Operation Unified Protector, the intervention can be seen as a success. The attacks

\begin{thebibliography}{99}
\bibitem{Atach} Atach, “Ethical Objections to Humanitarian Intervention,” 282.
\bibitem{SunZoubir} Sun and Zoubir, “China's Response to the Revolts,” 6.
\bibitem{Ibid} Ibid., 7.
\bibitem{Silander} Silander, “R2P: principle and practice? The UNSC on Libya,” 12.
\bibitem{SunZoubir2} Sun and Zoubir, “China's Response to the Revolts,” 9.
\bibitem{Zifcak} Zifcak, “The Responsibility to Protect after Libya and Syria,” 14.
\bibitem{Ibid2} Ibid., 8.
\end{thebibliography}
against civilians were brought to an end, the no-fly zone and the arms embargo proved to be successful, and humanitarian aid was delivered to those who needed it. The fact that the intervention did not need boots on the ground was a success for NATO. The air campaign was tactically well executed by NATO and did not need any additional military help. The one factor of this mission that may be criticized was its quick end. After the capitulation of Gaddafi and the victory of the NTC, NATO ended its mission quickly in October 2011. Libya was not stabilized at all, but with the departure of NATO there was no help for the new government to stop the ongoing unrest in the country.

The intervention that resulted from the UNSC resolution appears to be consistent with R2P, although a lack of criteria to determine if R2P was rightly invoked is a problem for determining this. It is clear though, that R2P will not lead to perfect results, as it is difficult to determine how to best protect citizens and take over the responsibility of a government. Nevertheless, the Libyan case can be seen as a successful case of R2P. Even though R2P was not explicitly mentioned as a reason for intervention, it is clear that the resolution was based on the emerging norm. As other research has shown, the UNSC is more likely to adopt a resolution when R2P is invoked, which is also the case for the Libyan crisis. Additionally, the intervention in Libya seemed to be actually focused on the protection of civilians. The military targets were indeed those bases from where the military was attacking civilians. By limiting the bombings to these military targets and avoiding civilian loss of live, rather than bombing Gaddafi's troops throughout the country, it appeared that regime change was not the objective of the NATO mission. Arming the opposition groups in Libya was not part of this mission either, nor was the use of group forces. Humanitarian issues were thus the main focus of this mission, with possible regime change as a secondary objective.

4.3 Expansion of power, national interest and geopolitical factors

Another explanation for the intervention in Libya is hypothesis 2: The response of the UNSC was motivated by national interests, geopolitical factors and power relations rather than by the need for civilian protection. The factors that led to a consensus on the use of force in Libya were the isolation of the regime and the fact that its neighbors were not involved in the conflict. This made it easier for the UNSC to act and interfere. Regional support for Gaddafi was low, and Libya's political significance in the region was small as well. Besides this, consensus was reached in particular by the “putative regional consensus and the poor international standing of Qadhafi’s
regime, as well as the clarity of the threat and short time frame for action.”

Because the Gaddafi regime was rather isolated in the region and not an influential state with many allies, the Arab League got involved very soon after the conflict started. First, the Arab League tried to solve the conflict through negotiations. They sent South Africa president Jacob Zuma to Libya to lead the talks. When this had no result, the Arab League took other measures. It urged the UNSC to implement sanctions against the regime, and later asked the Council to lead an intervention. There were no close ties with Gaddafi, and the Arab countries did not have much to lose with this conflict. Libya is surrounded by two other states where the Arab revolutions took place, Egypt and Algeria. Neither of those were to be expected to support Gaddafi or get involved in the conflict. In the ongoing struggle for regional hegemony, Libya was also of little significance.

Also the decision making process in the UNSC is influenced by the regional support; the more regional support, the greater the legitimacy for the UNSC to act. States that would perhaps veto in other cases did not do so in the case of Libya. For instance, the abstention of China had to do with this. Regime change was not perceived as an American plan because regional powers were calling out to the international community to take action. An intervention through the UN with a wide regional support seemed to be enough for China to not veto the resolutions. Because China did not have interests in Libya and was not a supporter of the Gaddafi regime, it did not necessarily look for a political solution. By abstaining rather than vetoing, China was not an active party in the intervention in Libya, in accordance with its policy to let others lead.

The position of China was similar to that of other critical states, such as Russia and Brazil, which not support nor oppose the intervention. Russia said it highly values sovereignty and territorial integrity, and is therefore in principle against intervention. Brazil was not against the intervention in Libya per se, but warned for regime change, as this was unacceptable to them. As an upcoming power, Brazil seeks to balance its support for the BRICS and “its increasing self-consciousness as a rapidly growing global player of real stature and willingness in that context to employ more human rights rhetoric in its foreign policy.” After the no fly zone was established, Brazil expressed its concern about the bombings and said that the goals of the intervention and NATO’s role were not specified enough beforehand. The fact that these states have similar views on intervention is originating from their attempt to stop American unilateralism after 2003.

France and Great Britain, the leading nations in the lead up to the Libyan intervention, also had their reasons to press for intervention. While moral concerns were also playing a role, the
French government mainly expressed its concern about the flow of immigrants that might have come if the situation remained as it was. Such a wave of immigrants can be perceived as a threat to a state's territorial integrity, and the greater this threat is, the more likely an intervention becomes. Due to its history with Africa, France was also keen to maintain its influential position in the region. By leading the campaign for intervention, France could also regain some prestige, as the Sarkozy government was highly criticized in France itself for passively following US lead. Also, access to Libyan oil was important for France. The unrest in Libya could have jeopardized the energy flow, because instability of the regime could lead to a disruption in the oil flow, something that had to be avoided. Now that a new government is in place, the great powers will all try to make the best deals for their oil companies with the Libyan government. Great Britain had similar reasons for intervention, claiming that the Middle East was of essential interest for Great Britain and Europe. Concerns of immigration and energy supplies were also expressed by Great Britain, in combination with trade and investment interests. The combination of national interests and moral concerns was vital in deciding to urge the international community to step in.

Furthermore, some states on the Council refused to allow a massacre to happen, and others did not want to be seen as a barrier for action. Especially in the US the clarity of the statements of Gaddafi influenced the decision-making process. At first the administration was not in favor of intervention, but quickly after the statements that signaled a possible massacre the US was advocating just that. UN Ambassador Susan Rice endorsed R2P in her statement to the UNSC, but the Obama administration clearly stated that the standpoint of the US was limited to the situation in Libya, and not applicable to other Arab countries. The risks of an intervention in Libya were small for the US; politically the country did not have a central position, the US had significant support from many other states, and it had little national interest to protect.

Also important in the developments of both conflicts was the strength of the opposition. In Libya, many prominent politicians and military defected shortly after the protests had begun. The UN permanent representative for Libya defected as well. Because of this, the opposition in Libya was a clear group with which the international community could negotiate about the future of Libya. Because the opposition was clearly defined, the chances of a sectarian war after an intervention were small in Libya. The National Transition Council (NTC) seemed to be able to

135 Chesterman, “‘Leading from Behind’: The Responsibility to Protect, the Obama Doctrine, and Humanitarian Intervention after Libya,” 282.
136 Ibid., 282
overcome the tribal differences. In the case of Libya, it appeared that an intervention would lead to less harm of civilians than if the conflict continued because the NTC could lead the transition well. Besides this, the Libyan army was weakened, and the opposition had made significant gains.\textsuperscript{138} There is little urbanization in Libya, which made it easier to target military bases of the Gaddafi regime without much loss of civilian life. There was therefore a low security risk for the intervening states.

Another reason why the intervention in Libya took place was because of the “unusual clarity of the situation.”\textsuperscript{139} Gaddafi was quite outspoken and clearly made threats to his citizens, whereas in other instances violations of human rights are violated without being talked about by a state leader. Because of Gaddafi’s announcements, in which he said the protesters would be searched for house by house, and would be hunted down and executed, the violations were expected. Especially his threats to wipe out the citizens of Benghazi made the international community react to the situation. This combined with the regional support for an intervention, and limited political importance of Libya, made it easier for the UNSC to decide for intervention.

Overall, the most prominent states that were involved in the decision for intervention had little to lose and more to gain. France could be perceived as a leader, Great Britain argued it had to defend national interests, and the US could safely argue it would support intervention for humanitarian reasons. China and Russia could abstain without losing legitimacy, as they both saw the relative unimportance of Libya in the Middle East. With little political weight, but with oil in the ground, there were enough reasons – both humanitarian and geopolitical – to intervene in this particular instance.

\textbf{4.4 Syria}

Just as the Libyan protests, the uprisings in Syria were part of the Arab Spring. Starting in March 2011, the protests in Syria began in Dar’a with a call to free political prisoners. In addition, the protests targeted poverty, inequality, lack of democracy and human rights, and freedom of speech.\textsuperscript{140} These demonstrations started peacefully but were met with violence of the Syrian army. Nevertheless, the protests spread across the country. In order to stop the protests, a new government was sworn in in April of that year. It lifted the state of emergency and recognized the right of peaceful protests.\textsuperscript{141} Nonetheless, the protests were increasing and protesters called for a new government, rather than reforms.

When it appeared that the violence did not stop and many civilians were victims of it, the

\textsuperscript{138} Zifcak, “The Responsibility to Protect after Libya and Syria,” 89.
\textsuperscript{139} Chesterman, “Leading from Behind.” 282.
\textsuperscript{140} Zifcak, “The Responsibility to Protect after Libya and Syria,” 73.
\textsuperscript{141} Ibid., 73.
international community started to respond. At first, states responded by saying that the Assad regime should implement reforms. On April 27 2011, the UNSC discussed the situation. The members expressed their concern, but could not agree on how to react. The UK voiced the solution that Western states agreed to: the violence had to end, the Syrian government had to respond to the demands of the protesters and start reforms, those who had committed crimes should be held responsible, and the international community had to condemn the situation with one voice. Russia on the other hand, claimed it was a domestic problem for Syria and did not pose a threat to international security and peace. A foreign intervention could even destabilize in the region, according to Russia. India added that the international community should use only peaceful means. Just as in the case of Libya, China did not come with its own plan but was waiting for initiatives of other states such as the US or Russia.

Two days later, the UNHRC adopted Resolution S-16/1. In it, the Council condemned the use of violence, and asked the Syrian government to end human rights violations. In the resolution, the UNHRC requested the Office of the High Commissioner for Human Rights to send a mission to Syria to look at the situation to investigate the violations. The resolution was supported by most members, but, among others, Russia and China voted against and some states abstained. The resolution did not change anything with regard to the situation in Syria.

In May, the reports on the rising death toll and continuing violence led to a draft resolution for the UNSC. This was initiated by the UK, Germany, Portugal and France. The draft called on the Syrian government to protect citizens, and made clear that those responsible for the violence should be held accountable. It also urged the Syrian government to stop the siege of Dar'a and lift the ban on communication. Furthermore, Syria was asked to cooperate with the UNHRC's mission. This draft was not received positively by all members. Some argued that the draft expressed a Western view, and did not leave enough room for Syria itself to decide what changes were needed. Also the opening for using military force had to be removed, according to some members. Russia and China clearly expressed concern with regard to the interpretation and application of Resolution 1973, and did not want another resolution that could be interpreted broadly. In the meantime, citizens of Syria fled increasingly to neighboring countries, and the character of the conflict became

143 Ibid.
144 Ibid.
146 Ibid.
148 Ibid.
Following the discussion of a possible resolution, the Secretary-General’s Special Advisor on the Prevention of Genocide and the Responsibility to Protect released a statement in which was said that crimes against humanity may have been committed. Nevertheless, the UNSC could not agree on a resolution. The President of the Council issued a statement that was a compromise of the views of all members. It expressed concern about the situation, and reinstated the Council’s commitment to sovereignty and territorial integrity, and independence. It proposed an inclusive and Syrian led political process that should lead to a solution.

In the summer of 2011, it became clear that civilians became victims of government forces, who arbitrarily held citizens in detention or tortured them. Also the government forces used heavy artillery. Alongside this, government militias as the Shabiba targeted citizens as well. In August that year, the opposition finally organized itself as the Syrian National Council (SNC) and the Free Syrian Army (FSA). The FSA took up arms that same month, making the conflict more violent. In the meantime, the UNHRC formed the International Commission of Inquiry to investigate the claims of human rights violations of the Syrian government. The Commission has since released several reports in which it says that the Syrian government indeed committed crimes against humanity and war crimes. In addition, the Commission found that anti-government groups also committed these same crimes.

International pressure rose, as the US stated in August that Assad should resign. Another draft resolution was presented in the UNSC in October 2011. It was based on the draft of five months earlier, and was presented by France, the UK, Germany and Portugal. Russia had prepared its own draft, but did not submit it for discussion in the council. The draft of the European countries reminded the Syrian government of their responsibility to protect their citizens. It expressed concern about situation and about the lack of progress of reforms. It urged Syria to restore the freedom of assembly, to stop the use of lethal force against citizens, and to support any help for humanitarian purposes. In order to end the conflict, it proposed a Syrian led political process, and it asked the Arab League to use their influence, just as they did with Libya.
Sanctions were not part of the draft, it was only mentioned as an option if Syria did not comply with the resolution within a certain time frame. The draft was rejected by China and Russia; Brazil, India, Lebanon, and South Africa abstained. The main criticism came from Russia, who argued that the sovereignty and territorial integrity of Syria were not respected, and that the principle of nonintervention in domestic affairs could be compromised. Russia also stated that the draft resolution did not condemn the rebels, but that the violence came from both the government and the rebels. Furthermore, Russia recalled the intervention of Libya, arguing that the mission unleashed a civil war rather than establishing a ceasefire. China came with similar arguments, and added that sanctions would not help but would only complicate the matter. India and South Africa agreed, and found it necessary to also place responsibility on the opposition. The US countered these arguments by stating that if the Syrian government continued to use violence, the draft resolution would not be the first step for the use of military means, and that Syria and Libya should not be compared. In the end, nothing was decided by the UNSC.

The regional organizations did take measures against Syria. Supported by the success in the Libyan case, the Gulf States played an important role. The LAS suspended Syria in November, and gave the regime three days to comply with the initiative of the LAS. The LAS urged the regime to immediately stop all use of violence, remove all forces from the streets, and release political prisoners. Furthermore, the initiative had a strict time line for political reformation, and required dialogue with the opposition. LAS observers would be present to follow the progress. In addition, the LAS urged its members to withdraw their ambassadors from Syria. In December, 150 observers were sent to Syria, but the mission was ill-prepared, had no results and was suspended in January 2012.

Also in November, the Commission of Inquiry released a report which led to the adoption of Resolution S18/1 by the UNHRC. The report stated that the Syrian government used excessive force against unarmed protesters. Some were shot, others were interrogated and tortured in hospitals. The scale of the crimes appeared to only be possible with the support of the Syrian government, which committed crimes against humanity. The resolution that followed this, urged all the main bodies – including the UNSC – of the UN to take action. It urged the Syrian government

157 Ibid.
158 Ibid.
159 Ibid.
to follow the time line of the LAS, and to allow observers in the country. The Resolution was not adopted unanimously though. Russia, China, Cuba and Ecuador opposed the Resolution. India was among the countries that abstained. The Syrian government had sent a letter saying that there was a conspiracy, and that the US wanted more power in the Arab World.\textsuperscript{163} In the following month, Assad gave a speech in which he said to fight against terrorism and again claimed there was an international conspiracy against Syria.\textsuperscript{164} There was an informal session of the UNSC, a speech of and a statement of the head of the SNC who said that only the UN could provide a solution for the ongoing conflict.

In January 2012, negotiations for a new resolution began in the UNSC. The LAS presented a draft, which included a plan for the transition of power. It urged Syria to cooperate with observers, and gave the Syrian regime 15 days to implement the resolution.\textsuperscript{165} Russia opposed the text of the draft, arguing that it was conflicting with Syrian sovereignty.\textsuperscript{166} However, Russia became more isolated in the UNSC, because most members started to see the need for a resolution. The conflict was starting to get out of control. Another draft was presented, and Russia said that it may be acceptable. It was based on the LAS draft, and was presented by Morocco, with the support of 18 other countries. The draft did not entail a plan for transition of power, nor were there sanctions mentioned.\textsuperscript{167} No measures were taken that were in conflict with article 42 of the UN Charter. Again, the violence in Syria was condemned, and the Syrian regime was urged to withdraw its forces and cooperate with the Arab League.\textsuperscript{168} The draft also pleaded for international humanitarian help. The solution to the conflict could only be found in an inclusive, Syrian-led political process. The voting process in February was overshadowed by the attack of the Syrian regime on the city of Homs, which once again showed the brutal character of the conflict. The day after the attacks, the UNSC voted on the resolution. Thirteen members were in favor, but China and Russia vetoed nevertheless.

This was a negative signal from the international community. Even after the disaster of Homs, states could not agree on a how to deal with the situation. Russia and China argued that the resolution was unbalanced, and that only the Syrian government was presented as the violating

\textsuperscript{166} Ibid.
\textsuperscript{167} “Bahrain, Colombia, Egypt, France, Germany, Jordan, Kuwait, Libya, Morocco, Oman, Portugal, Qatar, Saudi Arabia, Togo, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution,” (February 4, 2012). http://daccess- ods.un.org/TMP/4983486.53316498.html
\textsuperscript{168} Ibid.
party. Furthermore, Russia and China stated that the western countries only masked their intentions of regime change. China emphasized that the outcome was predetermined, and Syria was manipulated. There was no respect for sovereignty and territorial integrity, according to China.

Events followed each other quickly in 2012. In March, the UNSC endorsed a peace plan of Kofi Annan, who was selected as the Joint Special Envoy for the UN and the LAS. This was a non-binding six point peace plan, which included a cease fire and allowing for humanitarian help, that was accepted after modifications suggested by China and Russia. In April, a cease-fire was established, and UNSMIS was set up, a mission that was going to monitor the situation in Syria for 90 days. The mission did not last and was suspended in June, and the cease fire was quickly violated. In May, the UNSC again condemns the violence in Syria and several European countries expelled Syrian diplomats. In July, the opposition had some success, when the FSA captured Aleppo.

Also in July, China and Russia vetoed another proposed resolution, “while Brazil, India, and South Africa have shifted from initial abstention to subsequent support.” The UNGA however did come to a consensus. In August, the UNGA demanded the resignation of president Assad. The Syrian government was also accused of committing war crimes. There were high level defections, such as the Prime Minister who joined the opposition. As Kofi Annan resigned as UN Arab League Envoy, Brahimi was appointed for this position.

In the fall of 2012, the Syrian opposition reorganized itself in the National Coalition for Syrian Revolutionary and Opposition Force, in an effort to represent more groups within the Syrian population. It has been recognized as the legitimate representative of the Syrian people by several organizations and individual states, such as the LAS, France and the UK. However, with the nature of the conflict becoming more sectarian, Al Qaeda-connected groups and organizations started backing certain groups of the opposition, and jihad fighters from abroad also joint in the conflict. The ideological differences caused the opposition to splinter into several groups, such as secular groups and radical Islamists.

Several months later, in March of 2013, France and Great Britain proposed lifting the European Union's arms embargo, after the bombing of Raqqa. In May, the embargo was indeed lifted, but other European sanctions against the regime stayed in place. But in April, the situation escalated further. The US and Great Britain demanded an investigation into the alleged use of

170 Ibid., 83.
171 Ibid, 84.
chemical weapons in the conflict. Great Britain and France claimed there is clear evidence. In June, the US already concluded that the Syrian government has used chemical weapons, and president Obama made clear that the Syrian regime has crossed a red line. According to numbers that the UN released in July 2013, 100,000 people have been killed, more than 2 million people fled Syria, and about 4 million citizens are internally misplaced. In August, the American President threatened with air strikes in Syria. In order to prevent further escalation, Russia proposed that Syria gives up its chemical weapons. In the meantime, the UN published their report, which said that chemical weapons were used, but did not say which party has used these weapons. Russian Deputy Foreign Minister Ryabkov claimed the report was ill informed and the Syrian government itself denied the use of the chemical weapons. In October 2013, the US and Russia agreed on the issue by stating that Syria had to place its chemical weapons under international supervision. The Syrian government then stated that it would cooperate and the inspections have started quickly thereafter. Syria also joined OPCW to show that it intends to fulfill its promises. In 2014, all of the chemical weapons have to be destroyed. The opposition was not positive, as the SFA expressed their fear that it would only be a diversion of the Syrian government to prevent military intervention.

In December 2013, fundamentalists seem to get a stronger hold of the northern part of the country. The US and Great Britain therefore suspend “non-lethal” support for the rebels in these areas. As concerns in the international community are growing because of these new developments, negotiations between the Syrian government and the opposition have started in Geneva. The aim of the negotiations was to discuss how to bring an end to the Syrian war and to start the process for reforms. After two rounds of negotiations, there were no results. Nevertheless, in February, the UNSC was finally able to pass a resolution concerning Syria. The main goal of the resolution was to improve humanitarian aid. To do so, it asked all parties with an emphasis on the Syrian government, to allow humanitarian organizations access to the affected parts of the state. All parties were also urged to stop violence against citizens. The concern about the radicalization of the conflict was also present, as Al Qaeda-related groups were condemned and asked to stop the use of force. Resolution 2139 was passed unanimously. In addition, Secretary-General Ban was asked to inform the UNSC on the implementation of this resolution.

4.5 R2P

In the case of Syria, the non-intervention can be explained by the deepening norm R2P, but also through the geopolitical interests of several states. Hypothesis 1 looks if the deepening of the R2P norm accounts for the response of the UNSC to the protests in Syria.

In terms of the Arab Spring and R2P, the Libyan case has influenced the debate when it

comes to Syria and the use of R2P. The fact that several states expressed their concern about 'mission creep' in Libya “undermined the level of international consensus for the R2P norm and laid the basis for the on-going reluctance to authorize a similar mission in Syria[].” While the mandate of NATO indeed did not allow for a regime-change tactic, the language in Resolution 1973 clearly expresses that the mission was invoked to protect civilians from the violence of their government. The UNSC thus sided with the civilians, and blamed the regime for attacks and possible crimes against humanity. Therefore states have no reason to blame the mission of siding with the rebels instead of remaining neutral, as it was clearly stated that the goal was to prevent the regime from attacking. In the 2005 World Summit Documents, the crimes for which R2P is applicable are clearly laid out, and makes the emphasis on the offender and its crimes a logical one.

Some argue the international community has a moral duty to protect the Syrian people, but this is prevented by the lack of consensus in the Middle East. There were some efforts on behalf of the Arab League to stop the ongoing violence, in order to protect civilians. From December 2011 to January 2012, a peace force was present in Syria to monitor the situation, but this was in no way an attempt to stop the violence. Regional actors were slow to respond to the situation, and did not know what to do. The crisis in Syria therefore became a central point of the R2P debate in the Arab World. At first, a consensus within the LAS was enforced by the Gulf States, but it was not a strong consensus. A growing number of members did not agree with the interventionist stance and the urging of Assad's resignation of the Gulf States. Then, Iraq became the chairman of the LAS which further divided the Arab states.

On the global level, the UNSC has not been able to put an end to the crisis either. There have been several informal meetings of the UNSC on the situation in Syria which may suggest that there are “disagreements about how to interpret Resolutions 1973 and 1975.” The intervention in Libya has contributed to the reluctance of certain states to act in Syria. In the draft resolutions that have been presented to the UNSC, R2P is always mentioned in relation to the responsibility of the Assad regime to protect its citizens. While there was consensus on this regarding Libya, in the case of Syria R2P is not invoked, leading to questions of its normative progress. China for example was already concerned about R2P and its undermining of non-interference and state sovereignty. Russia is also blocking any resolution on Syria, because of its close ties with the Assad regime. Even though Syria is violating international human rights norms, Russia will not defend these norms because it concerns one of their allies. Other states, such as Brazil, argued for stricter guidelines and

175 Ibid., 18.
176 Ibid., 18.
ways to monitor the use of R2P to prevent it from being invoked in illegitimate ways.\textsuperscript{179} The consensus that existed when Resolution 1973 was adopted “was damaged by gaps in expectation, communication, and accountability between those who mandated the operation and those who executed it.”\textsuperscript{180} This led to inaction of the UNSC, because the members could not agree on a solution for the crisis in Syria. Additionally, while in Libya the NTC gained regional and international support, the SNC was not seen as representing the Syrian people by the other states in the region, and did not get sufficient support.

The view of some has been that responsibility to protect meant helping in other ways, through diplomacy, by arming the opposition and by providing shelter for refugees, rather than intervening with outside forces. The UN has tried several times to come up with a peace plan, first by assigning Kofi Annan to this task, and later Lakhdar Brahimi. There also have been talks in early 2014, led by the UN, between the Syrian government, Syrian opposition, the US, and Russia. So far, these efforts have had no result. The view of supporting through delivering arms was mainly advocated by the Saudi Foreign Minister, who said this ‘because [the opposition] have to protect themselves.’\textsuperscript{181} The Qatari Minister of State for Foreign Affairs voiced his idea by saying that the people of Syria wanted to be able to fight their own fight. Rather than a no-fly zone provided by foreign military forces, the Syrian people needed the means to impose a no-fly zone of their own, according to the minister.\textsuperscript{182} He further argued that it was only this lack of means that was holding the opposition back. Regional actors said the idea of humanitarian help had changed during the ongoing conflict. Syrian refugees have been given shelter in several neighboring countries. Several states, such as Jordan, Lebanon, Iraq, and Turkey, have considered this as their responsibility towards the protection of civilians, rather than intervening militarily. This was also mentioned in Resolution 2139, and expressed the gratitude to the neighboring states that host the refugees.

Even after the alleged gas attack of the Syrian government, an international position towards the Syrian situation was not reached. While the attack was condemned by many states, it did not lead to a military intervention. Especially in the case of the US this may seem surprising, as President Obama said before that the use of chemical weapons was a red line that should not be crossed. Secretary of State John Kerry remarked that an American intervention could be prevented if Syria would hand over their chemical weapons. After the UN report that concluded that the regime indeed used chemical weapons against its own citizens was released, President Obama warned Syria that there would be consequences for this but did not take any military action. Despite

\textsuperscript{179} Berti, “Forcible Intervention in Libya,” 19.
\textsuperscript{180} Thakur, “R2P after Libya and Syria,” 72.
\textsuperscript{182} Ibid., 7.
the fact that the US and Russia agreed on the unacceptable use of chemical weapons, the international community has not been able to determine sanctions that could signal to Syria that its behavior is unacceptable. More important, the debate on the use of chemical weapons “has shifted the debate from a humanitarian R2P focus to a more conventional military intervention scenario.”

This also had an effect on the position of the Arab states, and may be seen as one of the reasons for a different approach than in the case of Libya.

However, R2P provides opportunities to end conflicts without using military force. R2P should be seen as a encouragement for international cooperation and action, but it is not equivalent to military intervention. Also the measures taken by the LAS – suspension of Syrian membership, a travel ban, freeze of assets, and an observer mission to look at the situation – can be seen as expressions of R2P. In addition, the US, the EU and others took measures in terms of economic and diplomatic sanctions against the Assad regime. The UNGA also clearly spoke out against the Assad regime, asking it to stop violence and start a political process to resolve the crisis. These actions can also been seen as part of R2P. Nevertheless, it appears that while R2P is an emerging norm, it is not yet internalized by all states. The UNSC is not able so far to condemn the violence in Syria and to remind the Syrian regime of their responsibility.

4.6 Expansion of power, national interest and geopolitical factors

Another explanation for the lack of intervention in Syria may be hypothesis 2: the response of the UNSC was motivated by national interests, geopolitical factors and power relations rather than by the need for civilian protection. The uprisings in Syria began when Western states had just begun to start relations again with Assad. There had been tensions because of Syria's “interference in Lebanon and Iraq, sponsorship of various radical groups, covert nuclear programme and alliance with Iran[,]” but the relations had improved recently. Previous policies of isolating Syria had not led to the intended change of behavior from Syria. The West realized it had to change its policies in order to try to limit, for example, Iran's influence. The US, for instance, saw engagement with Syria as an essential part of their new Arab World policy, in order to limit the influence of Iran. This was making Western states hesitant in responding to the crisis. Relations of Syria with Russia, China and Iran should also be considered when looking at the development of the conflict and a possible solution. Especially Russia is an important ally of Syria, also because of its position in the UNSC.

Besides this, the political ties of Syria are rather complex. The Syrian regime receives help from states as Lebanon, Iraq and Palestine, making its position complicated. Because of its strong regional position, an intervention in Syria may destabilize the entire region, and may lead to a larger

183 Ibid., 7.
involvement of Iran in Syria. Additionally, there are issues surrounding Hezbollah in Lebanon, the Syrian relation with Turkey, and the Golan Heights, which remain contested between Israel and Syria. Another problem poses the possible flow of refugees to Jordan and the status of Iraqi refugees in Syria.\footnote{Zifcak, “The Responsibility to Protect after Libya and Syria,” 90.} This is also mentioned in Resolution 2139, as an issue that destabilizes the region. Furthermore, the relations between Iran, Russia and China are also affecting the situation. Russia is one of the main supporters of the Assad regime, while Iran is using its influence through Hezbollah activities in Syria. This influences the geopolitics of the region; while Saudi Arabia seeks to extend its influence in Syria with backing of the US, France, Turkey, and Qatar, the same applies to Iran and Hezbollah, and Russia and China.\footnote{Salloukh “The Arab Uprisings and the Geopolitics of the Middle East,” The International Spectator: Italian Journal of International Affairs 48, 2 (2013): 1.} In addition, Western countries are reserved when it comes to another invasion in a Muslim country. In comparison to Libya, the Syrian regime seems much stronger which would make a quick solution of the conflict much more difficult. Besides this, in Syria is a large risk of sectarian conflict. There are more religious groups in Syria; different Muslim groups, Jews, Christians, and Kurds. At the time of writing, there is international concern about the increasing presence of Muslim extremists in Syria and here have been talks with Damascus to discuss with the Assad regime how to stop the jihadist.

Regionally, the Arab League was hesitant as well, mostly because of the importance of Syria in the region and the close (personal) ties that the Arab countries have with the Assad regime. The LAS also operated carefully because of economic reasons, as Syria is important for that as well. It took the Arab League nine months to condemn the violence and to suspend Syria, while Libya was suspended the same month as the protests began. The position of Syria was thus strong, and the Assad government was seen as a stable regime. The Gulf States – backed by Western states – were able to force a consensus at first in the LAS because they have an interest in containing the influence of Iran and Hezbollah in the conflict in Syria. Saudi Arabia promoted their interests in the LAS and was supported by their regional allies. They saw Syria as key in their strategy to stop Iran’s growing influence. Together with the US, Saudi Arabia perceived Syria as the bridge between Iran, Hezbollah and Hamas, and would allow Iran to extend its power too close to Israel.\footnote{Ibid., 38.} The significance of the Gulf States in the Libyan case shows their growing assertiveness and their regional influence.\footnote{Hokayem, Syria’s Uprising and the Fracturing of the Levant ,157.} New LAS chair Iraq however, had different interests and the consensus quickly disappeared, leaving the organization highly divided.

Complicating the matters both on the regional and international level is the close relationship between the Assad government and Iran, and the scattered opposition. While the
current problems are perceived as Arab affairs by Saudi Arabia, Iran uses its relation with Syria to legitimize its political interference.\textsuperscript{189} And while the regime was seen as influenced by Iran, the SNC was perceived as heavily influenced by Turkey and Qatar. This made the SNC less autonomous which limited the support of other states. This lack of regional support for intervention and for the SNC also made the UNSC more hesitant, because regional support provides legitimacy for UNSC action. Especially for Western states this is important, because it would also lead to less suspicion in the Arab World of the West trying to influence or manipulate the conflict.\textsuperscript{190} In Libya, there was strong regional support, but an intervention in Syria would be much more complicated because of its political significance in the region.

Regime change in Syria has been put off by states as Russia, China and India. Russia focused on containing the Syrian crisis within the UN.\textsuperscript{191} There it said there was a lack of political vision of Western states, emphasized the role of radical Islamist in the crisis and argued the Gulf states were hypocritical because they were arming the opposition.\textsuperscript{192} Russia's role in the crisis is of essential value for the Assad regime. Together with China, their “opposition also reflects a conflict of political approaches and rejects armed domestic confrontation backed by international enablers.”\textsuperscript{193} These states were also prominent in blocking any resolution concerning Syria that included sanctions or hinted at international intervention for the protection of civilians, also because both distrust the US and its possible spread of power in the Arab World. Both argue that resolutions would have aggravated the situation and that intervention could lead to a civil war in Syria, rather than solving the problems. Also, they say, the UNSC does not have a right to mingle with internal politics and decide who should rule a country. The opposition should also be condemned for the use of violence and rather than trying to help them to victory, they should be urged to talk with the government to find a solution. The solution, according to these countries, lies in an inclusive, Syrian-led political process in which the demands of the people can be discussed.

Russia has been blocking these possible resolutions because the ties between Russia and Syria are close. Libya was another one of Russia's allies in the Middle East, but with the fall of Gadhafi Syria's position became more important to Russia. Its regional influence became dependent on its relation with Syria. The uprisings were seen by Russia as upsetting the regional balance of power, and not necessarily in Russia's favor. Besides this, Russia has strategic, political, and economic interests in Syria. Russia has a naval basis in Syria, which is their only basis outside the former Soviet Union and therefore of high importance to Russia. Russia has also invested in natural

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\footnote{Salloukh, “The Arab Uprisings and the Geopolitics of the Middle East,” 38.}
\footnote{Hokayem, \textit{Syria’s Uprising and the Fracturing of the Levant}, 157.}
\footnote{Zifcak, “The Responsibility to Protect after Libya and Syria,” 91.}
\footnote{Ibid., 176.}
\footnote{Thakur, “R2P after Libya and Syria,” 71.}
\end{footnotes}
gas in Syria, which is a factor for their economy. Also the proximity of Syria to Russia, makes Russia cautious about the spread of radical Islam. Syria in return is one of the main export countries of Russian arms. Even during the conflict in Syria, Russian weapons were exported to the Assad regime. Their relation with Assad is good, therefore Russia would not like to see him go. Russia would have the influence to convince Assad to cooperate with international efforts, but so far Russia has not attempted to find a solution with Assad and the international community. In December 2012, Russian foreign minister Lavrov clearly stated that Assad did not intend to go anywhere, thereby suggesting that a UNSC resolution supported by Russia would not lead to concessions of Assad. In addition, Russia's international position has declined in recent years, making their role in Syria even more important. It can show its credibility in the Arab World by finding solutions that protect the Assad government and its own interests.

China, on the other hand, left the initiative to other states again, such as the US and Russia. It did not come with its own plans, but waited until the other powerful states offered their ideas on the crisis. Chinese involvement in the Arab World has slowly grown in recent years, together with the interests of China in the region. The Middle East is a growing market for China, and in return China is receiving more oil every year from the region. Stability in Middle East is therefore in the interest of China, and escalation of a conflict is not. With regard to politics, China has been careful to not get involved in regional affairs. The response to the uprisings was prudent, but because of its interests China started to voice its opinion louder. Through cooperation with other the BRICs countries – also those on the UNSC – that have similar interests, China attempts to reshape the geopolitics of this area. China sees the struggle for hegemony in the region in terms of a 'balance of power' struggle, and through working together with the BRICS countries, American influence can be limited. While China often emphasized sovereignty and territorial integrity, in the case of Syria, it appeared to be opposing any action not because this, but out of fear of a growing American influence in the Arab World. China sought to maintain a balance between the Arab World and the EU and Russia. The way Resolution 1973 was executed made China even more aware of a possible growing influence of the US. Therefore a US-led interference would not be approved by China, only an intervention with UN approval and support from other major powers would get Chinese permission. In the Libyan case, both Russia and China abstained rather than using their veto power in the UNSC also because there was a consensus in the UNSC and broad regional support. With a lack of this, the much more complicated political situation in Syria, and their own interests, China and Russia are reluctant to step in.

196 Ibid., 9.
197 Ibid., 8.
Other powerful nations also have their reasons for responding the way they do. In the case of India, the ambassador explained their vote in favor of the draft resolution by saying that the Resolution urged Syria to protect its civilians.\textsuperscript{198} One could also argue that “India did not wish to antagonize six Gulf Arab neighbors (including Saudi Arabia), where almost six million Indians work and live.”\textsuperscript{199} India is in a difficult position, because it is trying to promote itself internationally as a state that values human rights, but on the other hand is seeking to maintain good relations with the Non-Aligned Movement (NAM) by not participating in interventions.\textsuperscript{200} The US is an ally of Saudi Arabia and it has close ties to Israel. A change of regime in Syria may lead to a weakened position of Iran, which is positive for Israel. On the other hand, the uncertainty of a new regime that could possible pose a threat to Israel made the US and other Western states more careful in their decisions. Also the EU could not decide on a singular stance towards the crisis. There were states who voiced their concern about the violations of human rights and saw the protection of this as the main priority. Most states, “including more powerful states, were reluctant to do so out of pragmatism, expediency or economic interest.”\textsuperscript{201}

The fact that the NATO mission in Libya turned into a regime-change mission in which NATO sided with the rebels, did not help the impasse on Syria in the UNSC. Some states felt that the Resolutions concerning Libya were pushed beyond their boundaries, and were concerned this would happen again in the case of Syria.\textsuperscript{202} Nevertheless, the Libyan conflict was an unbalanced conflict, where the Gaddafi regime was the main aggressor and a threat to the Libyan people. By assisting the opposition, the mandate was not violated nor was it out of line with R2P.\textsuperscript{203}

In comparison to Libya, the Syrian army is much stronger and the opposition is struggling to hold its ground. Syria is also much more urbanized than Libya, which means a greater risk of civilian life in case of an intervention. NATO did not want another intervention, at least not one which would prove more difficult. Syria's army and air defense are much better organized than that in Libya. The scale of the operation would have been much larger than the one in Libya, and US support for a mission in Syria would be essential. The US, however, did not support such a mission in Syria. At conferences of the Friends of Syria, the US said it would not “make any commitment with direct security implications beyond their bilateral political and humanitarian help.”\textsuperscript{204}

Additionally, the situation in Syria is quite different from the situation in Libya. It has been argued that the intervention in Libya is morally problematic because there has not been intervention

\textsuperscript{199} Thakur, “R2P after Libya and Syria,” 71.
\textsuperscript{200} Evans, “Responding to Atrocities,” 32.
\textsuperscript{201} Hokayem, Syria’s Uprising and the Fracturing of the Levant, 152.
\textsuperscript{202} Zifcak, “The Responsibility to Protect after Libya and Syria,” 87.
\textsuperscript{203} Berti, “Forcible Intervention in Libya,” 12.
in similar cases, such as in Syria or Yemen. By not acting to similar crises, there appears to be “inconsistent moral standards of the coalition and the dominance of self-interest in its decisions about where to intervene.” In comparison to Libya, where Gaddafi was outspoken and threatened his people, Assad was more nuanced – he called the protesters extremists – and promised reforms. This gave the people of Syria hope for peaceful reforms. In Syria, on the other hand, there were very few defections. The protests were scattered across the cities, with no clear opposition. There was no unification among the protesters, which complicated the situation for the international community. All these factors together caused the inaction of the international community.

204 Hokayem, *Syria’s Uprising and the Fracturing of the Levant*, 167.
206 Ibid., 276.
5. Discussion

While in the case of Libya R2P was widely supported, in the case of Syria the support seemed to have disappeared. In order to strengthen the position of R2P, several adjustments can be made. The use of the concept and the debate surrounding it, provide an opportunity to give the approach more importance in the international community, as it is a great tool for deciding on the use of military force and for discussing the ethics of war. While R2P is not a binding international law, it is well grounded in international law and has affected the debate about sovereignty, prevention of atrocities, and international intervention. States are bound by international human rights law to act in order to prevent crimes that are prohibited by this same international law. This includes a responsibility to protect individuals and groups from mass atrocities. The normative impact of R2P is significant, and it could also have great political influence. Concrete, R2P has contributed to the debate of sovereignty, causing a shift in its meaning, and “increased the political and moral costs of inaction in the face of atrocity.” Yet it is lacking precise criteria and clarity to exercise its full weight.

One of the problems concerning R2P is the lack of political will to act. The Syrian crisis is an example of this. The mandate for Libya that was acceded by NATO according to several influential states, did not contribute to the willingness for another intervention. Besides their concern for a double agenda – regime change forced on Syria by Western states – other political factors play an important role. Some argue that R2P has reached its end because it is not used in the case of Syria, a situation that can be considered as a case for R2P. The UNSC cannot reach an agreement on this case, and in the UNSC statements there is no reference to R2P. Because several states on the UNSC argue that the mandate in Libya was expanded beyond its limits, they refuse to implement R2P in the case of Syria. States that support intervention seem to be unwilling to provide the military forces. However, military intervention is not the only way in which R2P can be used, and therefore a failure of intervention in Syria does not necessarily mean the end for R2P. Military means are only a resort in case of a humanitarian disaster due to conflict, and R2P also includes diplomatic measures, sanctions, and other measures of pressures.

207 Atach, “Ethical Objections,” 286.
208 Genser and Cotler, The Responsibility to Protect, 17.
210 Ibid., 17.
211 Genser and Cotler, The Responsibility to Protect, 17.
212 Badescu, Humanitarian Intervention, 73.
214 Ibid., 225.
215 Ibid., 225.
Also, R2P would serve its goal better if criteria are developed for when the international community should intervene, and when states take on their responsibilities.216 A limited use of R2P may help with establishing its specific value. Since R2P became more prominent in international relations, it seems that it will be used on a case-by-case basis. Criteria are needed for determining when R2P can cover an intervention. After the operation in Libya, Brazil initiated a concept in addition to R2P, the 'Responsibility while Protecting' (RwP).217 In September 2011, this was proposed by the Brazilian President Dilma Rousseff at the plenary of the UNGA.218 It is meant to clarify the cases in which the international community may intervene in order to protect civilians, and addresses several problems of R2P. It organized the existing principles and criteria for the use of R2P.219 The Brazilian initiative has the potential to bring in some agreed parameters on the conditions to govern the use of UN-authorized R2P operations.220 It is mainly aimed at formulating guidelines to reach consensus in the UNSC when it comes to implementing an R2P intervention, and to determine how to maintain a consensus in the UNSC – for instance through a review mechanism to oversee the mission when it is taking place.221

One of the main points of the Brazilian proposal is that prevention should be more important. The emphasis of the norm is often on pillar three – intervention – but R2P would also work well when it is used as prevention. States in the West that are supporting intervention should invest more in prevention and also develop strategies to do so. States that do not support intervention should see that prevention is the best way to omit intervention, because if there is no escalation of a conflict, intervention is not necessary. Addressing imminent crises early will prevent the need of intervention. In the case of Syria, R2P could have been used as a tool for prevention if it was perceived as such. Early on during the protests, when the situation had not escalated yet, financial, legal and diplomatic measures could have been taken to halt violence of the regime. In addition, the UN should look at how it can improve the prevention of genocide and atrocities within the UN system.222 For instance, the UNHRC could play a bigger role and put political pressure on the members of the UNSC. An early-warning system with sufficient resources is a first step in encouraging states to get involved. A prevention strategy is complex, as each crisis has its own specific circumstances. Nonetheless, if preventive measures are taken, it can prevent conflicts from

218 Alex Bellamy “R2P: Dead or Alive?” in The Responsibility to Protect – From Evasive to Reluctant Action? The Role of Global Middle Powers (HSF, ISS, KAS & SAI, 2012), 22.
220 Thakur, “R2P after Libya and Syria,” 72.
221 Ibid., 72.
222 Bellamy, “R2P: Dead or Alive?” 23.
spiraling out of control. In more practical terms, by focusing on prevention and capacity building for state building rather than on intervention when a conflict has already gone out of control, the costs will be significantly lower.\footnote{Bin Talal and Schwarz, “The Responsibility to Protect,” 11.} The idea of R2P as prevention rather than intervention has to be further explored.

Contrary to reaction to a conflict, prevention is more effective concerning the protection of human rights. It also leads to less violation of geostrategic interests and a reduction in costs.\footnote{Carl-Wendelin Neubert, “Preventive R2P Measures,” in \textit{The Responsibility to Protect – From Evasive to Reluctant Action? The Role of Global Middle Powers} (HSF, ISS, KAS & SAIIA, 2012), 115.} The preventive measures could be executed from different perspectives, with the UN as a whole as the main contributor.\footnote{Ibid., 115.} This could also solve the issue of a non-acting UNSC. If several parties can contribute to solving a conflict through diplomacy, there is no need for intervention. Different points of view and geopolitical factors can be taken into account when finding a solution this way.

In addition, the problem of accountability is addressed. UNSC should be able to hold the state accountable that executes the mandate. The UNSC could provide accountability measures in its mandates, so that they are appropriate for the situation. Furthermore, analysis and assessment should be made before hand to decide what the best response is to a crisis. The UN Secretariat could provide objective information in order to avoid a politicized process.\footnote{Bellamy “R2P: Dead or Alive?” 25.} As part of the Secretariat, the Joint Office for Genocide Prevention and the Responsibility to Protect would be the instrument to do so.\footnote{Ibid, 25.} Reports should include information on the parties involved, several options for action with their possible outcomes and costs. Also a post-intervention strategy would increase the effectiveness of R2P.

Concerning the support for R2P, 2011 was a crucial year for countries as India, Brazil and South Africa. Germany also was an important player in regard to the support for R2P. These four states were elected by the UNGA as non-permanent members of the UNSC. These states supported R2P, and their election has emphasized the support for R2P by other UN members. The GIBSA countries do support the UN, and therefore the fact that the UN has a key role in implementing R2P is not necessarily an obstacle. Brazil’s proposal of an extended role for the UN in R2P cases could therefore be supported by (upcoming) global powers. Ultimately, R2P has the power to “generate political pressure and compliance pull.”\footnote{Genser and Cotler, \textit{The Responsibility to Protect}, 35.}

In more practical terms, regional support is also important in the cases in which R2P can be used. Regional actors have to be included in the process of using R2P – regardless of which pillar – because regional economies and political situations are affected by conflicts, for instance through
migration of refugees. The involvement of regional organizations can have a positive effect on the consequences of such a conflict, and it is therefore important for states to react to a nearby conflict. When the crisis erupted in Libya, regional organizations were quick to respond. In the case of the Libyan no-fly zone there were significant regional differences in Africa; the LAS wanted a no-fly zone as soon as possible, whereas the African Union preferred a diplomatic solution. In the end, they all agreed that the Gadaffi regime could no longer stay. In Syria, there are several states that are supporting the Assad regime and are more interested in preserving his position. The regional organizations are much more divided than in the Libyan case. Thus while the international community may condemn the atrocities committed by the Syrian government, it does not necessarily lead to action.

In addition, a shared cultural background and cultural experiences create a better understanding between the several actors involved in a conflict. Regional organizations can therefore play a leading role in possibly solving a conflict. Furthermore, in comparison to the UN, a regional organization has fewer issues to solve, which makes it a more effective means to help solve a conflict. It can respond quicker than a large international organization, which makes a regional organization often more effective, in combination with the regional knowledge and understanding a good forum for solving conflicts. But variations in regional organizations have to be taken into account. In some regions, regional organizations with political influence are lacking. Northern Asia, for example, does not have a regional organization concerning security. Also organizations that may legally execute an intervention are not present everywhere. Another problem may be that “[r]egional actors sometimes fail to protect civilians effectively in conflict zones because of unclear and disputed lines of accountability and governance.” And like in the international community, on a regional level powerful states have more power and may make or break an intervention.

229 Badescu, Humanitarian Intervention, 66.
231 Ibid., 113.
232 Ibid., 113.
233 Ibid., 67.
234 Ibid., 68.
6. Conclusion

With an increase in humanitarian intervention and the problems surrounding it, R2P emerged as a new norm in the late 1990s. Since then, R2P has developed; it has been advanced, it has been used for concrete implementation, supported by the UNGA and reaffirmed by the UNSC.\(^{235}\) It has influenced the view of state sovereignty, where the moral responsibility of a state became increasingly important. This shift created space for a renewed concern of human security, as intrastate conflicts have increased. R2P can provide for this because if a state does not take it responsibility to protect its civilians, a state loses legitimacy and the international community becomes responsible for the protection of civilians. Violations of norms such as R2P are given international attention because of international media, who provide information of conflicts and other issues of civilian protection.\(^{236}\) This results in an interests of states to promote this norm, as it will show them in a positive light. A good reputation is often an incentive for states to accept an international norm. States that do not necessarily have an interest in this norm, “may still prefer to support the UN to do so, since they thereby avoid having to publicly renege on supporting the international norm.”\(^{237}\) It is therefore in the interest of the UNSC to promote this norm as well, even if the member states do not support it nationally.\(^{238}\)

Because of the quick emergence of R2P and its development into an important concept, it provided a framework for the discussion of a possible intervention in Libya, and also for the case of Syria.\(^{239}\) In the case of Libya, R2P was an important aspect of the decision to intervene in order to protect citizens from the violence of the Gaddafi regime. Some international legal scholars argued that R2P was a key aspect of deciding for an international intervention.\(^{240}\) It was the first time that R2P was used as such, showing what the norm could possible do. In this instance, there was a consensus of most members of the UNSC on the values that R2P stand for. Others, on the other hand, were more critical, stating that R2P only played a small role in deciding to intervene and that Resolution 1973 was not exactly innovative.\(^{241}\) When looking at the adopted UNSC resolutions, it appears that R2P has been used as a framework for getting involved in Libya, but it has not been the

\(^{235}\) Genser and Cotler, *The Responsibility to Protect*, 34.


\(^{237}\) Ibid., 64.


\(^{239}\) Berti, “Forcible Intervention in Libya,” 5.

\(^{240}\) Ibid., 5.
sole reason for the international intervention. That Pillar 3 was not used to legitimate the intervention shows that “the global consensus on R2P is tenuous and fragile rather than robust and resilient.”\textsuperscript{242} Nevertheless, in the year following the intervention in Libya, the UNSC has mentioned R2P more often than in the five years before (e.g. in resolutions concerning Yemen, South Sudan).\textsuperscript{243}

The way the Libyan intervention was executed was seen as a blue print for future crises.\textsuperscript{244} The Arab League, UN and NATO involvement was seen as a good way of cooperation between several international and regional organizations. The situation in Syria, on the other hand, was much more complicated and difficult to use the blue print, and therefore it was more difficult to come to a consensus in the international community.\textsuperscript{245} The apparent regime-change agenda of NATO in Libya also cost the concept some of its supporters. This made the influence of R2P on the Syrian case less. In Libya, the intervention was relatively easy, where a no fly zone and arms embargo were successful means. In Syria however, an intervention would be much more complex and risky. Furthermore, an intervention can only prove useful and have an impact if there is political will to uphold the responsibility to protect in the state where the intervention is taking place.\textsuperscript{246} It is clear from the Syrian case that the UNSC is hesitant to fully embrace R2P.\textsuperscript{247} During this conflict several states interpreted R2P differently than in the case of Libya, namely as helping refugees by giving them shelter, or arming the opposition, rather than intervening. This may also influence future crises and how to deal with those. This interpretation of R2P is most likely influenced by the position of Syria; an important strategic and political state where all parties have much more to lose or to gain than in Libya. The protection of civilians is thus always context specific.\textsuperscript{248}

Besides humanitarian reasons, distribution of power, national interests and geopolitics still influences the decisions for intervention. States are looking at their own interests and position. Powerful states will try to expand their influence outside their own region, in relation with their allies in that region. The political ties make it difficult to come to a consensus in certain cases. Since the UNSC is the international body to provide legitimacy for an intervention, these political ties contribute to a solution or a deadlock. Other geopolitical factors such as resources are also of influence. They are important for economic reasons and are often considered in deciding how to solve a crisis.

In the case of Libya, both R2P and the geopolitical factors can explain the intervention in

\textsuperscript{242} Thakur, “R2P after Libya and Syria,” 73.
\textsuperscript{243} Bellamy “R2P: Dead or Alive?” 13. \textsuperscript{244} Hokayem, \textit{Syria’s Uprising and the Fracturing of the Levant}, 158.
\textsuperscript{245} Ibid., 158.
\textsuperscript{246} Labonte, “Whose responsibility to protect?” 997.
\textsuperscript{247} Chesterman, “‘Leading from Behind,’” 280.
\textsuperscript{248} Labonte, “Whose responsibility to protect?” 996.
Libya. The fact that the Gaddafi regime had little support and was not of political interest in the region, allowed for the quick reaction of the international community. The intervening states had nothing to lose and the mission was relatively easy, with low costs. Several Western states would even benefit from an intervention in terms of economic gains or prestige. The political situation in Syria is much more complicated. The influence of Iran and the struggle of Saudi-Arabia to extend its influence are heavily influencing the international reaction. Within the UN, Russia and China are opposing action for several reasons, among others their ties with the Assad regime. Additionally, economic reasons make regional states hesitant to get involved in the conflict. In the case of Syria these reasons are more important than R2P.

The future of R2P after the Arab Spring is uncertain. It appears that it is an accepted concept by many states, but the extent of its influence remains to be seen. The Libyan case did not address all the issues that exist since the consensus on R2P was reached, such as the problem of dealing with atrocities in the case of a UNSC deadlock. This case showed that the UNSC is the only body that can provide legitimacy for a military intervention, “which in turn strengthens the role and standing of this body, but also presents significant moral dilemmas for the future, as highlighted by the failure of the international community to act in the case of Syria.” R2P has been used to legitimate this intervention, something that was lacking in the 1990s, when humanitarian intervention in the last instance did in many cases not have this legitimacy. But the deadlock in the UNSC concerning Syria shows that R2P has not been able to change this.

In both cases, the use of R2P is limited also by concepts as sovereignty, territorial integrity, and non-intervention. Especially Pillar 3 of R2P – intervention – is perceived as a threat to these concepts. When there is the need for an intervention, political legitimacy can be provided by the UNSC, which is in accordance with Chapter VII of the UN Charter. Important in conflicts such as those in Libya and Syria is the relative weight that is given to sovereignty and to ending crimes against humanity. Resolution 1970 and Resolution 1973 are seen as balancing these two. Resolution 1970 allowed for indirect interference through an arms embargo and asset freeze. The sovereignty of Libya was not in question with these measures. When the situation got worse, there was the need for a no-fly zone. Resolution 1973 allowed for such a zone, and NATO stepped in as a neutral party to maintain the no-fly zone. Protection for civilians was deemed more important than Libyan sovereignty by the international community. States as India questioned this, but the disagreeing states abstained from voting rather than opposing the Resolution.

249 Berti, “Forcible Intervention in Libya,” 19.
252 Zifcak, “The Responsibility to Protect after Libya and Syria,” 86.
253 Ibid., 86.
What R2P has achieved is that no action in case of a humanitarian crisis is less likely than before.\(^{254}\) R2P has significant legitimacy to make it more difficult for states to ignore a crisis and to not respond to it. Because of the growing importance of the norm of R2P and the willingness of the UN to comply with it in certain cases, it is likely that the UN will initiate more humanitarian military interventions when civilians are confronted with excessive violence.\(^{255}\) However, in order to make the norm stronger and clarify its use, there are several steps that have to be undertaken. These are the lack of criteria for R2P, the role of the UN, the global character of R2P versus regional security, national inconsistencies, and the preventive measures of R2P.\(^{256}\) It is the challenge to make R2P a fitting concept in different cultures because it has its roots in Western liberal interventionism, but it may “in the best case provide R2P with a broad inter-cultural rooting and at worst further fragment the already vague substance of the norm.”\(^{257}\) The upcoming powers – Brazil, India and South Africa – have taken part in the consolidation of R2P as a norm. They have brought deficiencies to the attention, just as the need for participation in order to further the norm. The norm will be build further in reaction to future humanitarian crises and possible interventions, and the national interests of states.\(^{258}\) There is not yet international agreement on R2P becoming a legal norm, but many states have made clear they prefer “clear and binding rules on the prevention of mass atrocities, and they therefore support the evolution of R2P into law.”\(^{259}\)

Overall, “R2P might place some pressure on states at the margins, but it seems that its force is not so strong as to motivate a state to act in contravention of other interests.”\(^{260}\) In the case of Libya, hypothesis 1 explains the response of the international community, but other interests also allowed the use of R2P. In the case of Syria, hypothesis 2 explains the (in)action of the UNSC, while R2P is pushed to the background. Hypothesis 1 cannot explain the response to this case. This shows that the norm is not yet internalized by all actors and is therefore still contested. Additionally, it should not be forgotten that when R2P is used, there are always national interests involved in determining how a conflict should be solved, for instance to stop a flow of refugees or to prevent the spread of terrorism.\(^{261}\) R2P may put pressure on states, but without any national interests it is hard to motivate a state to take action.\(^{262}\)

\(^{254}\) Ibid., 86.
\(^{255}\) Hultman, “UN peace operations and protection of civilians,” 64.
\(^{256}\) Brosig “R2P. – Not Evasive but Still Reluctant Action,” 120.
\(^{258}\) Brosig, “Responsibility to Protect: The GIBSA Perspective,” 5.
\(^{259}\) Neubert “Preventive R2P Measures,” 118.
\(^{261}\) Berti, “Forcible Intervention in Libya,” 8.
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