The Responsibility to Protect: A Comparative Analysis of UN Security Council Actions in Libya and Syria

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Class of 2015

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Abstract

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The Responsibility to Protect (R2P), an international norm established in 2005 by the United Nations, stipulates conditions under which the United Nations should intervene in defense of victims of mass atrocities in a member state. Based on the R2P guidelines, the UN Security Council voted in favor of the NATO-led military intervention which brought the Libyan civil war to a halt within a relatively short time, and paved the way for the people to eventually institute democratic rule. In sharp contrast with its relative success in Libya, the Security Council could not agree on sanctions or military intervention in Syria, but instead brokered a deal to remove the government's chemical weapons. Meanwhile, the Syrian civil war has continued, causing critics to question the ability of the United Nations to stop the massive loss of lives, humanitarian crisis, and destruction of property associated with the war.

Against this backdrop, the primary objective of my study is to explain why UN efforts at conflict resolution produced disparate outcomes in the two countries. Toward that end, the following interrelated issues will be addressed: the Responsibility to Protect and its status in Libya and Syria; to what extent the interests of the major powers converged or diverged and the impact on Security Council actions in each country; the willingness of the major states to commit military resources in the two countries; the negative lessons Russia and China learned in Libya and the impact on Security Council decisions on Syria; and the role of opposition groups in each country. In conclusion, the paper will offer recommendations on how to improve the effectiveness of the Security Council.

INTRODUCTION

In the past, states could use the concept of sovereignty as a shield from foreign interference, allowing government forces or their clients to perpetrate genocide and other forms of mass atrocity against their own population. Now, the international community, acting through the UN Security Council and under the UN Charter, is obligated to "be prepared to" intervene when "a state is manifestly failing to protect its populations"[1] or actively using force against civilians. This new international human rights norm is known as the "Responsibility to Protect (R2P)."

R2P is an emerging international norm that aims to hold states accountable for perpetrating or tacitly supporting genocide, war crimes, ethnic cleansing, and crimes against humanity with their borders. Passed at the 2005 World Summit and adopted by the UN General Assembly, the R2P concept calls for the international community to take "diplomatic, humanitarian, and other means" to protect populations from these acts when a state fails to do so.[2]

Armed intervention in a foreign country is one of the most controversial courses of action in international relations. In both Libya and Syria in 2011, peaceful protestors were brutally suppressed by government troops, police, and proxy militias. In both cases, autocratic governments used extra-judicial killings, intimidation, and unrestrained violence in an attempt to maintain their authority. In Libya, the United Nations Security Council (UNSC) quickly intervened, citing R2P. First, sanctions were imposed on members of the Qaddafi government and cessation of violence was demanded. Less than three weeks later, on March 17, 2011, the Security Council passed Resolution 1973, authorizing a no-fly zone and "all necessary measures…to protect civilians and civilian populated areas."[3] Within 48 hours, US and NATO planes were enforcing the no-fly zone and conducting airstrikes against Col. Moammar Qaddafi's forces,[4] a process that led to the collapse of Qaddafi's regime and his death by October. It is important

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[1] "The Responsibility to Protect," 2014
[2] *Ibid*
[3] Security Council, 17 March 2011
[4] Pippan, 2011

to note that regime change imposed from outside was by no means part of the original goal of military

intervention in Libya—at least not of the official policy of the UNSC.[5]

It appeared that R2P had finally come into practice, with the potential for changing the way the

international community interprets the concept of state sovereignty in regard to mass atrocity-

prevention. The day UNSC Resolution 1973 passed, UN Secretary-General Ban Ki-Moon declared that

"The Security Council today has taken a historic decision. Resolution 1973 confirms, clearly and

unequivocally, the international community's determination to fulfill its responsibility to protect civilians

from violence perpetrated upon them by their own government."[6] The people of Libya have since

formed a new government and are working, albeit with much difficulty, towards a functioning

democracy based upon rule of law and respect for human rights.

In Syria, however, the UNSC moved much more slowly as the situation deteriorated. The first

killings of activists occurred on March 18, 2011. Heavily armed troops and government militias moved

against civilian protestors in the months ahead, initially killing hundreds.[7] Finally, a draft resolution was

introduced by France, Germany, Portugal and the UK. The resolution would have condemned the Syrian

government for human rights abuses and demand immediate cessation of attacks against civilians. It

also stated that sanctions would be *considered* within thirty days if Syria did not implement the

resolution.[8] On October 4, 2011, Russia and China vetoed this resolution. Despite continuing mass

atrocities and reports indicating that President Bashar al-Assad's government is "'systematically

attacking its own people,'"[9] the UNSC has not taken any concrete actions imposing sanctions or

intervening to protect civilians in keeping with the norm of Responsibility to Protect. Meanwhile, further

UNSC resolutions with binding provisions have been vetoed, and the situation in Syria has escalated into

a devastating civil war. Resolution 2139, finally passed in February of 2014, includes strongly worded

condemnations of human rights abuses and violence but has no tangible enforcement measures.

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[5] Pippan, 2011
[6] Hehir, 2013
[7] Nakhoul, 2012
[8] Security Council, 4 October 2011
[9] Nakoul, 2012

Notwithstanding the potential of R2P, it is evident that action will continue to be taken (or not taken) by Security Council members "on a case-by-case basis following evaluation of their [i.e., the permanent members] respective interests."[10] Indeed, although Resolution 1973 expressed "determination to ensure the protection of civilians,"[11] the resolution and subsequent military action only occurred due to a rare convergence of interests of powerful international actors, most notably the Permanent Five members of the UNSC (P-5). The subsequent ouster of the Qaddafi regime and divergent interests of the P-5 in regard to Syria prevented consensus on the basis of the R2P. Additionally, disagreement among regional actors and the fracturing of rebel groups further impeded international military intervention or similar measures to end the conflict. This paper focuses on why UN efforts at conflict resolution produced such varied outcomes in Libya and Syria.

UNITED NATIONS SECURITY COUNCIL

The Security Council is the sole body authorized to make decisions that United Nations member states must implement in accordance with the Charter. Under Chapter VII, the UNSC may determine threats to peace, "decide what measures not involving the use of force are to be employed to give effect to its decisions," and "take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security."[12] Therefore, the importance of the U.N. Security Council should not be underestimated, particularly in regard to conflict resolution. The Council, made up of fifteen members, may impose sanctions or allow for the use of force if nine members vote in favor of a draft resolution; however, only ten of its members are elected for two year terms while each of the P-5 members[13] retain the right to veto any non-procedural Security Council resolution. Although there are fifteen members on the Council, "the P-5 states with their potential vetoes retain the status of *primus inter pares* (first among equals)" and have used these to account for the vast majority of defeated UNSC resolutions.[14]

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[10] Hehir, 2013
[11] Security Council, 17 March 2011
[12] "Chapter VII," Charter of the United Nations, 2014
[13] China, France, Russian Federation, the United Kingdom, and the United States
[14] Forsythe, 2012

Because of the Cold War dynamics whereby most intrastate conflicts involved some measure of US-USSR rivalry, the Council "only rarely succeeded in addressing political violence within states prior to 1990."[15] Since the end of the Cold War, the UN has taken a much more active role in resolving such conflict. Since 1990, there have been notable actions by the UNSC, which include attempts to alleviate humanitarian crisis in Somalia, halt ethnic cleansing in Bosnia, restore democratically elected rulers in Haiti, Sierra Leone, and Cote d'Ivoire, guarantee peace agreements resolving civil wars, and ensure post-conflict stability in Afghanistan, Bosnia, East-Timor, Kosovo, Haiti, and Iraq. In most of these cases, the recognized government of the nation in question agreed to the UN-authorized mission.[16]

RESPONSIBILITY TO PROTECT

R2P is an emerging international norm consisting of three main "pillars," articulated by the Office of the Special Advisor on the Prevention of Genocide:

> 1.   The State carries the primary responsibility for protecting populations from genocide, war crimes, crimes against humanity and ethnic cleansing, and their incitement;
> 2.   The International community has a responsibility to encourage and assist States in fulfilling this responsibility;
> 3.   The international community has a responsibility to use appropriate diplomatic, humanitarian and other means to protect populations from these crimes. **If a state is manifestly failing to protect its populations, the international community must be prepared to take collective action to protect populations**, in accordance with the Charter of the United Nations.[17]

At its core, R2P aims to prevent the sorts of mass atrocities that have occurred repeatedly in the past, claiming millions of lives.[18] There is no state today which denies "pillar" 1, its duty to protect its own population.[19] Ideally, R2P would be "self-executing," meaning states would protect their own populations or ask for and receive outside help if necessary; however, many states lack the capacity to protect their civilians from violence, while for others the leading source of violence is the government.[20] Early proponents of R2P sought to establish a responsibility to act, which would imply that the

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[15] Pippan, 2011
[16] *Ibid.*
[17] "The Responsibility to Protect," 2014
[18] Albright, Madeline and Richard Williamson, 2013
[19] Glanville, 2012
[20] Albright, Madeline and Richard Williamson, 2013

international community has an obligation to take collective action to protect populations in all

instances of genocide, etc.

During the UN World Summit in 2005, however, a number of states voiced concern that

powerful states would use R2P as a pretext to intervene in weak states or that R2P's call for military

intervention could even violate international law.[21] The R2P member states unanimously attached

conditionality to the implementation of R2P; precisely, they resolved that only agreement of a majority

of UNSC members, including the P-5, could result in collective action.[22] Furthermore, it was agreed that

the international community must "be prepared" to intervene; it does not have a specific legal

obligation to do so. Questions remain as to when application of R2P would shift from the national to

international level.[23] Intervention on the basis of R2P will thus be decided on a case-by-case basis,

primarily determined by the collective judgment of the P-5 or convergence of their national interests. In

other words, R2P and specific acts of atrocities do not exist in a vacuum; geopolitical, economic, and

security factors weigh in on the decision of the Security Council, likely more so than humanitarian

concerns. Libya and Syria present two cases where most observers would agree R2P applied equally, yet

collective sanctions and UN-approved military intervention occurred only in Libya.

LIBYA AND R2P:

The Libyan conflict in 2011 presents an important case study on authorization of the use of force

on the normative basis of R2P. For forty-two years, the Libyan government limited opportunities for

social advancement to Qaddafi's family members and supporters or close associates; the undemocratic

regime used repressive security services to maintain its power. When Libyans took to the streets in

February of 2011, echoing their Tunisian and Egyptian neighbors' demands for more representation and

rights, they were met with "lethal and indiscriminate" violence by Qaddafi's security forces.[24]

International condemnation and calls for restraint failed to halt attacks against increasingly large

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[21] Glanville, 2012
[22] *Ibid.*
[23] Pippan, 2011
[24] "Country Analysis, Libya," Institute for Security Studies, 2011

protests. The UN Security Council, encouraged by P-5 states such as France, the United Kingdom, and the United States, first imposed sanctions and subsequently authorized the use of force to protect civilians, consistent with the provisions of R2P. These actions raise two key questions: did the situation in Libya warrant action under R2P, and why did such intervention occur?

DID R2P APPLY?

The Libyan government did everything it could to maintain power. Even before protests began, the government realized that political unrest in the neighboring countries of Tunisia and Egypt could inspire similar efforts in Libya; it proceeded to take preemptive measures such as reducing food prices in an attempt to discourage unrest. These efforts failed, with the first large protest against Qaddafi's government occurring on February 15. Almost immediately, the government decided to use force to suppress protestors and maintain control. Two days later, a "day of rage" occurred that was met with violence in which at least 20 people were killed.[25] As public discontent escalated, Libyan authorities loyal to Qaddafi arrested hundreds of civilians, attacked protestors with all manner of weapons, including aircraft, and killed hundreds.[26] The perception of continuous, unrestrained violence on the part of the regime gave momentum to growing calls for Qaddafi to leave and/or some type of international intervention. Qaddafi only compounded international outrage by publicly pledging to "'cleanse Libya, house by house' until the protestors had surrendered."[27]

Continuing violence led to Security Council Resolution 1970, which specifically invoked "'the Libyan authorities' responsibility to protect its population,' condemned its violence against civilians, demanded that this stop," and sought to elicit a positive response from Col. Qaddafi and his cronies "by applying targeted sanctions, an arms embargo and the threat of International Criminal Court prosecution for crimes against humanity."[28] It also included the possibility of modifying international pressure depending on whether Col. Qaddafi's government complied with the resolution.[29] Citing R2P in

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[25] "Country Analysis, Libya," Institute for Security Studies, 2011
[26] Pippan, 2011
[27] "Country Analysis, Libya," Institute for Security Studies, 2011
[28] Evans, 2011
[29] Security Council, 26 February 2011

this case was justified because forces loyal to Col. Qaddafi were essentially massacring protestors and Qaddafi was taking no steps to defuse the situation peacefully. Resolution 1970, passed on February 26, 2011, called upon the current Libyan government to take responsibility for protecting its own civilians, an obligation easily agreed upon in the UNSC as the Resolution passed unanimously. Much more controversial was the invocation of Chapter VII and R2P as rationale to authorize the international use of force to protect civilians when the situation became more violent.

In eastern Libya in late February, 2011, protestors seized weapons depots and military bases, while government forces defected or fled; "the situation started to take the form of an armed rebellion."[30] The opposition managed to gain control of many towns in eastern Libya, most notably the country's second largest city, Benghazi, but remained significantly less equipped than government forces. Qaddafi's forces mobilized their land and air forces and began an offensive in early March, recapturing several towns and advancing to within 140 kilometers of Benghazi by March 15.[31] The government then announced "that the rebellion would be defeated within 48 hours" as its troops advanced toward Benghazi.[32] It quickly became apparent that Qaddafi was ignoring Resolution 1970 and preparing to assault Benghazi while showing "no mercy…to perceived opponents, armed or otherwise."[33] Given Qaddafi's actions, his threatening statements, and perceived imminent danger to civilians in Benghazi, the UN Security Council again took action. On March 17, 2011, it passed Resolution 1973 with 10 votes for, 0 against, and 5 abstentions.

In contrast to most previous UN actions, Resolution 1973 authorizing armed intervention in Libya occurred in direct opposition to a still-technically legitimate regime. When Resolution 1973 was adopted, the only countries that formally recognized the Interim National Transitional Council (NTC) as Libya's government were France and Italy.[34] The UNSC authorized action against a sitting government failing to protect its own people. This legal aspect is highly significant for potential future R2P

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[30] "Country Analysis, Libya," Institute for Security Studies, 2011
[31] *Ibid.*
[32] *Ibid.*
[33] Evans, 2011
[34] Pippan, 2011

interventions because the implication is that the UNSC can interfere with matters most would consider internal. Citing the Qaddafi government's failure to protect its own citizens or abide by UNSC Resolution 1970, Resolution 1973 called for an immediate ceasefire, instituted a no-fly zone, and authorized "all necessary measures…to protect civilians and civilian populated areas."[35] NATO began a bombing campaign within 48 hours, and effectively halted Qaddafi's forces' advance towards Benghazi, "stopping a major catastrophe."[36] Given Col. Qaddafi's unapologetic move to unleash violence against his own people, his government clearly failed to live up to its Responsibility to Protect its own population. UNSC Resolution 1970 gave it a chance to step back, defuse the situation, and halt the violence. This opportunity was promptly ignored. Therefore, invoking R2P, this time as grounds for international intervention, was again warranted, though the methods of implementation of UNSC Resolution 1973 were questionable.

MOTIVES FOR INTERVENTION OR NONINTERVENTION

Was there an urgent humanitarian basis for international intervention in Libya? If a humanitarian crisis in the form of ongoing or impending mass atrocities was sufficient to invoke R2P, in the past there would likely have been significantly more international interventions than have occurred. To explain the lack thereof, we must again consider the organization responsible for authorizing said action, the Security Council. The power wielded by the UNSC and its P-5 members in particular determines not only *which situations* warrant intervention, but *when and how* the international community will intervene. Interestingly, as stated by Jason Davidson, a state considers intervention when "it believes that the R2P norm requires it, its national interest is threatened by the target, or its prestige is implicated."[37] With regard to the 2011 Libyan crisis, it is critical to examine the motivating factors and interests of each P-5 member to explain their actions and votes in regard to the Libyan crisis and UNSC Resolutions 1970 and 1973.

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[35] Security Council, 17 March 2011
[36] Evans, 2011
[37] Davidson, 2013

China on Libya

A key interest for China is the principle of non-interference in the internal affairs of another state. Therefore, China would initially be reluctant to any measure authorizing the use of force against a sovereign nation. China also had some economic and political ties to Col. Qaddafi's regime, yet it voted for Resolution 1970 and abstained on Resolution 1973, allowing sanctions and military action to move forward.

Although at face-value the China had a friendly relationship with the Qaddafi regime, China did not have vested interests in protecting the Libyan government. When the Libyan conflict began, China had $18 billion in deals and over 35,000 of its citizens were living in Libya.[38] However, China's relations with the Libyan government were strained over Qaddafi's outreach to Taiwan and his sometime opposition to Chinese economic interests in Africa. Libya hosted Taiwan's president in 2006 over strong protests from Beijing. It also allowed Taiwan to open a trade office in Tripoli in 2008 despite significant Chinese opposition.[39] While Libyan crude exports to China more than doubled from 2008 to 2011, Libya blocked the sale of a small Canadian oil company, Verenex Energy Inc., to the state-owned China National Petroleum Corp. The Libyan foreign minister also called the situation "a Chinese invasion of the continent," comparing their actions to colonialism.[40] These political differences and threats to China's economic interests help explain why China did offer stronger support to Qaddafi in his time of trouble; he was an unreliable quasi-ally.

Two other key reasons China endorsed sanctions and did not veto the no-fly zone are China's concern for its international image and its miscalculation regarding how Resolution 1973 would be enforced. China may have seen a risk in isolation from both important international actors and regional organizations. Resolution 1970 was unanimous and abstaining from supporting Resolution 1973 put China's vote in the same basket as Russia, India, Germany, and Brazil.[41] Furthermore, the support of

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[38] These citizens were evacuated by March 5, 2011; Xuetong, 2011
[39] Spegele, 2011
[40] *Ibid.*
[41] Ponnudurai, 2011

both the African Union and the League of Arab States "understandably influenced China given its

growing economic and political ties with Africa and the Middle East."[42] Expending international political

capital for an isolated and erratic semi-ally did not resonate with larger Chinese interests in

strengthening political and economic relations with the regions. Indeed, China's representative to the

United Nations explicitly stated that his country did not block the action "in consideration of the wishes

of the Arab League and the African Union."[43] It was also not clear that passing Resolution 1973 would

necessarily lead to a large NATO-led bombing campaign. The first three operative clauses called for a

ceasefire, a peaceful solution, and unimpeded humanitarian assistance.[44] China may have been more

comfortable with limited actions enforcing a no-fly zone, stopping Qaddafi's advance towards Benghazi,

and waiting to defend civilians while letting international sanctions and local pressures move both sides

toward a ceasefire. The Chinese representative to the UN, Li Baodong, stressed that peaceful solution

should still be pursued and stated that his delegation's questions regarding Resolution 1973 had not

been answered.[45] China began critiquing NATO military overreach almost as soon as the bombing began;

this perception would influence its position on Syria.[46]

Russia on Libya

Russia was similarly wary of Western-led interventions, particularly in a country with which it

enjoyed friendly relations. Russia's economic and political ties with the Qaddafi regime were warm and

growing more cordial before the crisis began. Its vote for UNSC Resolution 1970 cost it military contracts

and its abstention on UNSC Resolution 1973 paved the way for a NATO campaign that eventually helped

overthrow Qaddafi. Like China, Russia allowed these Resolutions to go forward out of larger concerns

for its relationship with Middle Eastern and African states and because it was unaware of the

consequences implementation would bring.

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[42] Hehir, 2013
[43] Security Council, 17 March 2011
[44] *Ibid.*
[45] *Ibid.*
[46] Evans, 2011

Russia and Libya enjoyed a relatively close relationship dating back to the Soviet Union. In recent years before the crisis, economic cooperation and arms sales continued. In 2008, Russia wrote off $4.5 billion in Libyan debt in exchange for Russian companies receiving large contracts.[47] Then President Vladimir Putin conducted the first official visit of a Russian president to Libya, where he signed "'a large number of agreements'" with Libya, which he called "'a friendly country…with which we can work together to resolve problems.'"[48] In 2010, arms contracts with Libya worth $10 billion made up 12% of Russian arms exports.[49] Nevertheless, Qaddafi was just one of many partners, and not one important enough to warrant Russia jeopardizing relations with other states.

Like China, Russia was impacted by the position of the African Union and League of Arab States (LAS), which supported UNSC measures. The Arab League in particular "demanded action from the UNSC."[50] Nevertheless, Russia had significant reservations about Resolution 1973. Russian ambassador to the UN Vitaly Churkin stated that questions as to how the resolution would be implemented and by whom were unanswered, and an immediate ceasefire was the best way forward.[51] Russia explicitly "explained its abstention as being an expression of support for the LAS request."[52] Had Russia realized that implementation of the Resolution would have led to a massive NATO-led bombing campaign and overthrow of Qaddafi, it doubtlessly would have vetoed Resolution 1973.

United States on Libya

The United States was motivated by humanitarian concerns, long-running opposition to Col. Gadhafi, and its allies' determination. First and foremost, the United States has placed higher priority on stopping mass atrocities and on R2P in recent years. Although relations with Qaddafi's government had been improving since 2003, the two countries were by no means friendly. Finally, the push by American allies and regional organizations gave the United States the confidence to support multilateral intervention.

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[47] "Russia and Libya: bilateral relations," 2011
[48] "Putin's visit 'historic and strategic,'" 2008
[49] Anishchuk, 2011
[50] Kaczmarski, 2011
[51] Security Council, 17 March 2011.
[52] Hehir, 2013

US policy has steadily shifted towards taking R2P more seriously and establishing it as an international norm. R2P was included in the May 2010 US National Security Strategy.[53] On August 4, 2011, a Presidential Study Directive declared that "Preventing mass atrocities and genocide is a core national security interest and a core moral responsibility of the United States" and mandated the creation of an Atrocities Prevention Board.[54] Susan Rice, the US ambassador to the UN at the time of the Libyan conflict, and Samantha Power, then an Obama National Security Council aide, are strong supporters of R2P, including its provisions for intervention to prevent and stop atrocities. The ferocity of Qaddafi's suppression of dissent quickly gained the attention of these and other policymakers.

The US relationship with Qaddafi has been tumultuous and contentious. After various provocations, including support of terror groups and pursuit of weapons of mass destruction, Libya was placed on the US list of state sponsors of terrorism as far back as 1979. The US expelled all Libyan diplomats in 1981 and shot down two Libyan fighter jets that fired on US aircraft over the Mediterranean Sea.[55] Libya also was at least partially responsible for the Berlin disco bombing in 1986, the 1988 Lockerbie bombing of Pan Am Flight 103, and the 1989 bombing of a French passenger jet over Niger, collectively resulting in hundreds of deaths, including those of Americans.[56] Libya was subject to a variety of US and UN sanctions over the years. Relations began to thaw in 1999, when Libya turned over two citizens to be tried in The Hague for the Pan Am bombing.[57] Relations further improved when Libya agreed to compensate victims of its various bombings, accepted responsibility for the Pan Am bombing, and gave up its weapons of mass destruction program in 2003. These steps among others have "seen Libya come back into the international fold;" the United States resumed diplomatic relations and removed Libya from its state sponsors of terror list in 2006.[58] Nevertheless, past skepticism and antagonism between the Americans and Qaddafi meant they were by no means bosom friends. The

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[53] Williams, Paul and Alex Bellamy, 2012
[54] The White House, 2011
[55]"Chronology of Libya's Disarmament," 2014
[56] Kaplan, 2007
[57] *Ibid.*
[58] "Libya compensates terror victims," 2008

American government remained sharply skeptical of Qaddafi's commitment to renouncing terror and WMD, and he showed no move towards improved human rights or democracy.[59]

The regional support from the AU and Arab League already mentioned and the strong desire of France and Britain for intervention[60] helped convince the United States to support Resolutions 1970 and 1973 and participate in the military mission.

France on Libya

France was the most enthusiastic country regarding intervention and the first to begin airstrikes. It was also the first country to recognize Libya's National Transitional Council.[61] While humanitarian concerns played a role, the French government's support for intervention was also motivated by the conviction that taking strong action was in its national interest in terms of its security, economy, and prestige.

France condemned violence by Qaddafi's government early and often, with President Nicolas Sarkozy calling it "brutal and bloody" and "revolting."[62] Qaddafi, with his repeated support for terrorism, was "the ideal villain."[63] Once a state takes initial actions condemning the target government's human rights violations, it becomes more likely to intervene because it "burns bridges with the target government" and its prestige is implicated.[64] If Qaddafi did prevail, future economic cooperation would be less likely and the prospect of him turning to terrorism again would be very plausible, particularly after Resolution 1970 was passed. Therefore, once France began taking steps against Qaddafi, its economy and security would be better off if Libya formed a new government friendlier to France.

The refugee crisis prompted by Libyan unrest was perceived to pose a direct threat to France. French officials, including President Sarkozy, repeatedly expressed concerned that the "'massive flight'" of foreigners in Libya and Libyans towards Egypt, Tunisia, and eventually across the Mediterranean

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[59] Kaplan, 2007
[60] Detailed in the next two subsections
[61] Davidson, 2013
[62] *Ibid.*
[63] Moisi, 2011
[64] Davidson, 2013

posed "'a true risk for Europe.'"[65] As violence continued, the refugee situation would only grow; however, this was by no means a primary motivation for intervention. Indeed, if border security was the Sarkozy government's sole reason, it could have instead focused on border security or even "cooperated with Qaddafi to crush the opposition."[66]

Finally, France believed that its prestige was at stake and could be improved. An advisor to Sarkozy told the *Financial Times* that Sarkozy was highly affected by reports that in Benghazi "French flags were everywhere…if he allowed a bloodbath there the blood would stain the French flag."[67] Many saw French influence in the region weakened when it failed to intervene in Tunisia or Egypt on the side of the protestors. A *New York Times* editorial reasoned "that Sarkozy 'saw Libya as a chance to recoup French prestige in North Africa, a region France has long considered important to its economy and security.'"[68] France also believed a low-cost air intervention could be effective at aiding the opposition and hurting Qaddafi.[69] France moved towards intervention when it gained support from Britain, the League of Arab States, the African Union, the United States, and the United Nations.

United Kingdom on Libya

The United Kingdom also played a leading role in the campaign for intervention and subsequent military actions. When arguing for intervention, the British government stepped up its rhetoric, with Prime Minister Cameron stating that there was demonstrable need, regional support, and a threat to British interests.[70] Its motivations included Qaddafi's violation of R2P and national security concerns, including threats posed by refugees and terrorism.

UK government officials repeatedly condemned Qaddafi's use of force against civilians, including Libyan planes bombing their own people. However, the UK initially opposed EU sanctions against Qaddafi, only changing its stance when it became clear that Qaddafi was facing a significant challenge to

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[65] Davidson, 2013
[66] *Ibid.*
[67] Hollinger, 2011
[68] Davidson, 2013
[69] *Ibid.*
[70] *Ibid.*

his rule.[71] This may be in part due to increased cooperation with Qaddafi since 1999, particularly on the part of British intelligence.[72]

Once the UK government began actively speaking out against Qaddafi, it began to fear that Qaddafi would return to supporting terrorism if he succeeded in crushing the opposition. Similarly to France, Britain shared concerns over refugees and threats from Qaddafi's Libya if he maintained power. Prime Minister Cameron stated on March 14, 2011 that "inaction would lead Libya to become a failed pariah state threatening to flood Britain with refugees and menace it with terror."[73] International support reassured Britain as it moved to address perceived threats to its security.

LIBYA SUMMARY

Although Libya was a relatively clear-cut case of the need for international intervention based on R2P, it occurred only due to a confluence of factors. France and the United Kingdom's insistence on intervention, the United States' endorsement, and Russia and China's reluctant abstentions paved the way. The outcome in Libya may have saved lives, but also had implications for the future of R2P.

The operation in Libya could not have happened without the military support and participation of the United States or the political efforts by Britain and France. Although the pro-intervention parties claimed the goal was not to remove Qaddafi by force, an op-ed in the *New York Times* coauthored by President Obama, President Sarkozy, and Prime Minister Cameron asserted "it is impossible to imagine a future for Libya with Qaddafi in power."[74] The ambiguity of the phrase "all necessary measures" gave the coalition significant discretion in how to proceed.[75] For France and Britain, intervention was contingent upon overthrowing Qaddafi, and NATO's subsequent actions indicate a determination to do so. NATO "was unequivocally committed to the rebel side, and to securing regime change, and acted accordingly militarily."[76] China's and Russia's perceptions were significantly influenced by the outcome of the Security Council's decision on Libya, which helps account for their greater resistance to

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[71] Davidson, 2013
[72] Sengupta *et. al*, 2011
[73] Davidson, 2013
[74] Obama, Cameron, and Sarkozy, 2011
[75] Pippan, 2011
[76] Evans, 2011

international action in Syria. This is somewhat understandable, given the possibility that "NATO attacked

Libyan forces indiscriminately, including some in retreat and others in Qaddafi's hometown of Sirte,

where they posed no threat to civilians."[77] NATO's implementation of Resolution 1973 may have

threatened authorization of future actions with respect to R2P in the UNSC, if China and Russia continue

to see such resolutions as masks for pursuing regime change.

SYRIA AND R2P

While the interests of the UN Security Council P-5 nations converged enough to prompt rapid

military action in Libya, they unequivocally did not with regard to Syria. With the outbreak of conflict in

Syria almost coinciding with the Libyan conflict, some may have hoped that R2P could again be applied,

first to encourage the Syrian government to fulfill its obligations to its people, and then to take

additional steps if necessary. Again, protests arose against a long-standing autocrat, this time President

Bashar al-Assad, who has ruled Syria since 2000 after the death of his father, Hafez, who had ruled the

country for almost forty years. Protests were initially peaceful, but were met with violence by regime

soldiers and proxy militias. In the next several weeks, some soldiers mutinied, activists began to take up

arms, and armed resistance against the Assad regime began to emerge. As attacks on civilians increased,

so did calls for international pressure to halt the violence. However, from October, 2011 to July, 2012,

Russia and China vetoed three UNSC resolutions that would have condemned Syrian actions, demanded

an end to the violence, and have the Council consider further actions in the future. None of these

potential resolutions imposed sanctions or authorized the use of force. Finally, a peace plan was

brokered, and UN observers were sent in, but this soon broke down. Sanctions and further actions were

not officially considered by the Council due to Russian and Chinese opposition. Instead, a deal was

brokered to gain international control of Syria's chemical weapons and dispose of them. Individual

countries or regional organizations were left to condemn, sanction, or endorse various pro- and anti-

government groups outside the purview of the United Nations. Against this backdrop, two key questions

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[77] Kuperman, 2013

are imperative: did the situation in Syria warrant action under R2P, and why did such intervention not occur?

DID R2P APPLY?

Syria presents a more complicated case than Libya hence humanitarian intervention based on R2P could not be undertaken by the United Nations. There is no one point in time where a resolution implementing R2P calling for military action was voted upon. Instead, we must examine the general timeline of events and actions taken by the Syrian government and UNSC.

The Syrian government enjoyed considerably more internal support than Qaddafi's did. Nevertheless, a large number of citizens peacefully protested, beginning in March of 2011. For months, hundreds of thousands of people continually took to the streets, first calling for more freedom and then President Assad's overthrow. Unarmed activists were killed and protestors fired upon by soldiers, tanks, and snipers in March and April of 2011.[78] As early as April, 2011, reports emerged of Syrian government forces conducting house-to-house sweeps, making mass arrests, sectioning off neighborhoods with barricades and checkpoints, and cutting electricity, water, and cellphone services.[79]

In the months and years that have followed, the violence, atrocities, and war crimes have only worsened. The Syrian opposition responded by acquiring arms via seizures or desertions, further militarizing the conflict. In March of 2012, UN Secretary-General Ban Ki-Moon spoke of "'summary executions, arbitrary detentions, and torture,'" as part of a punitive war "'waged by the government itself, systematically attacking its own people.'"[80] These and additional human rights violations are documented in several reports by the independent international commission of inquiry on the Syrian Arab Republic, a special body established by the UN Human Rights Council.[81] Syrian government forces and proxies, acting on "'shoot-to-kill orders,'" indiscriminately attacked peaceful public assemblies,

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[78] "Syrian uprising timeline of key events," 2013
[79] *Ibid.*
[80] "U.N. chief speaks of 'grisly reports' from Syria," 2012
[81] "About the Commission of Inquiry," 2012

funeral processions, and residential areas without attempting to distinguish between armed opposition and unarmed civilians.[82]

The Syrian government failed to live up to its obligations to protect its own people, instead it attacked any who opposed it. It took all measures to maintain its power and position, continually claiming it was fighting "armed gangs and terrorists"[83] and refusing to acknowledge the legitimacy of the opposition. Its violent tactics have proven utterly ruthless and continuous. Therefore, UNSC actions aimed at encouraging the Syrian government to live up to its responsibility to protect its people would be justified. Resolutions threatening serious international actions against the Syrian government for noncompliance would also be warranted.

MOTIVES FOR INTERVENTION OR NONINTERVENTION

Why have forceful sanctions not been applied at the UNSC level? What actions did some P-5 members take unilaterally or outside of the UNSC? China and Russia repeatedly claimed that they were neither defending Bashar al-Assad nor condoning his actions. However, they have consistently blocked even verbal condemnations of his government, not even letting the threat of potential sanctions or military action reach the debate floor. The United States, France, and the United Kingdom considered military intervention, though not necessarily based upon R2P. As previously noted, a state could consider military intervention when "it believes that the R2P norm requires it, its national interest is threatened by the target, or its prestige is implicated."[84] To date, the Security Council has passed five resolutions related to the Syrian conflict: three in 2012 to mandating a "failed UN observer mission to Syria," one in 2013 arranging the (still ongoing) removal and destruction of Syria's chemical weapons, and one in February 2014 demanding an end to the violence, condemning human rights violations and attacks on civilians, and insisting on humanitarian access.[85] UNSC Resolution 2139, passed on February 22, 2014, actually includes an operative clause demanding that "all parties take all appropriate steps to

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[82] General Assembly, 2011
[83] General Assembly, 2011
[84] Davidson, 2013
[85] Nichols, 2014

protect civilians" and emphasizing that "the primary responsibility to protect its population lies with the Syrian authorities."[86] This explicit R2P reference is a breakthrough of sorts, as is the Resolution's strong language which included a demand to end the use of barrel bombs and specifically named towns besieged by the regime. But a resolution is only words; implementation seems very unlikely. Analyzing the motivations of P-5 members is crucial to understanding why UNSC Resolutions have been passed or vetoed, and why more forceful actions have not been officially proposed.

China on Syria

China continues to emphasize the principle of non-interference in the internal matters of other states. China does not want other countries to pursue or facilitate regime change of "legitimate" governments. This was made all the more important in Syria based upon the outcome of the Libyan intervention. Its position on Syria has also been influenced by its economic relationship with the Syrian government.

China was disappointed with the outcome in Libya and is not inclined to acquiesce to a similar situation in Syria. China expressed concern that the NATO campaign in Libya was overreaching its UNSC mandate almost as soon as it began, directly contributing to China's reluctance to consider a similar action in Syria.[87] China likely perceived the West as utilizing R2P to enact regime change in one country after another; it does not want a precedent established. China was also extremely "disappointed with the payoff," as neither the West nor Libya's NTC "'showed much appreciation for China's abstention.'"[88] Its vetoes on Syria have "prevented a double precedent to legitimize UN military intervention as a method to remove a sovereign government in conflict with democratic oppositions supported by the West."[89] This aspect is particularly important because China has its own domestic political considerations to consider, especially in the long term.

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[86] Security Council, 22 February 2014
[87] Evans, 2011
[88] Sun, 2012
[89] *Ibid.*

China also enjoys a friendly political and economic relationship with the Syrian government. China was Syria's third-largest importer in 2010,[90] with their bilateral trade ties increasing 12 percent to almost $2.5 billion.[91] Furthermore, at least early on, there was no regional consensus on opposing Assad.[92] In August of 2011, amid increasing reports of violence against protestors, the Chinese foreign ministry released a statement praising the "'steady development' of friendly relations 'over the past 50 years and more'" between China and Syria.[93] It explained that China firmly supported Syria's position on the Golan Heights, while Syria "'rendered China staunch support on matters related to Taiwan, Tibet, Xinjiang and human rights.'"[94] In other words, even China's official considerations are almost entirely based on geopolitical national interests. China has called for a halt to the killings but does not want to see Assad's regime overthrown. China has thus been seeking a peaceful, political solution to the crisis since its beginning.

It has consistently behaved in this manner, vetoing three resolutions that would have condemned Assad's government and threatened sanctions. Instead, China seeks a "political solution" obtained by applying pressure to "both sides of the conflict in a balanced manner to push for a peaceful solution."[95] It has voted for the five UNSC resolutions on Syria that have passed, with none of them directly referring to the authorization of sanctions or force. The latest, Resolution 2139, does condemn the authorities' human rights violations but also the oppositions' and was only passed after nearly three years of a brutal civil war.

Russia on Syria

Russia has been even more supportive of the Bashar al-Assad government. Angered by NATO's actions in Libya, Russia has remained supportive of its Syrian ally throughout its crisis while attempting to maintain an appearance of balance. Russia has close economic and military ties with the Syrian

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[90] Yan, 2012
[91] Hayoun, 2013
[92] Saab, 2011
[93] Yan, 2012
[94] *Ibid.*
[95] Wong, 2012

government. Most importantly, Russia fears the precedent potential state-collapse in Syria could set for its regional allies and even itself.

Russia, in particular its key decision makers, President Vladamir Putin and Foreign Minister Sergei Lavrov, perceived NATO as over-reaching its mandate in Libya and pursuing regime change. If Russia was to consider any action on Syria, it would have had to been a very careful, "balanced" approach that did not jeopardize al-Assad's government. Far from reassuring the Russians, on August 18, 2011, the United States, Britain, France, Germany and the European Union all declared that the time had come "'for President Assad to step aside.'"[96] NATO's lack of restraint in Libya and Western powers' call for the departure of another U.S. enemy naturally made Russia extremely skeptical of any intervention, even one called for on humanitarian grounds. Indeed, the Russian foreign policy document, published in February of 2013, "scorned 'ideas that are being implemented…aimed at overthrowing legitimate authorities in sovereign states under the pretext of protecting the civilian population.'"[97]

Russia also has important military and economic ties to Syria, and fears that regime change would further jeopardize its standing in the Middle East. Syria is home to one of Russia's last and most important bases outside of the former Soviet Union, at Tartus on the Mediterranean Sea. Russia has "concluded" that if Assad is overthrown, whoever follows will most likely severe ties with Russia.[98] Russia has continued to bolster the Assad government with arms supplies even as the conflict continues.[99] Having long been Syria's primary arms supplier, Russia had $4 billion in future sales as of 2012 and Syria remains "'critical for some Russian companies' financial survival.'"[100] Russia may actually have increased arms supplies to Syria, reportedly delivering armored vehicles, unmanned aerial vehicles, logistical supplies, and guided bombs this year. [101] While Syria only accounts for about 6% of Russian arms sales, Russian companies have already lost $13 billion in sales due to sanctions on Iran and $4

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[96] Charap, 2013
[97] Allison, 2013
[98] Gvosdev, 2012
[99] Allison, 2013
[100] O'Toole, 2012
[101] Saul, 2014

billion after Qaddafi's overthrow. Beyond military sales, Russian companies have already invested some $20 billion in Syria, including in oil and natural gas production and transportation.[102] Russia's economic and military relationship could be threatened if Assad falls.

Finally, Russia fears a domino effect that supporting uprisings or calling for "legitimate" leaders to resign could have. Foreign Minister Lavrov argued throughout 2011 that "'the belief that foreigners will help us' to overthrow the regime could become 'contagious'" and "would be 'an invitation to a whole array of civil wars.'"[103] It not only fears effects in the region, but outside it as well. Indeed, "Moscow views the Arab Spring as an Islamist revolution likely to be dominated by extremists." [104] Putin himself has repeatedly warned of a Jihadist threat to Russia and the World and wasted no time in crushing the Chechnya uprising that featured Muslim extremists. He did this, claiming that "'Russia as a state in its current form would cease to exist…we would be facing a second Yugoslavia across the entire territory of the Russian Federation" if the rebels in Chechnya were not suppressed; Fiona Hill claims Putin sees Syria in a similar situation.[105] Russia's fears here are not entirely far-fetched; many of its South Caucus and Central Asian neighbors feature large numbers of Muslims, and there are over 20 million Muslims in Russia as well.[106] The autocratic regimes in neighboring countries such as Uzbekistan and Kazakhstan rely on Moscow for support to keep power within a ruling family.[107] Many of these countries' leaders, including those of Azerbaijan and Belarus, perceive the Arab Spring with increasingly wary eyes. "Putin and his allies seek to reassure Russian partners…that the support they receive from Moscow will remain firm," even when they face difficulties.[108] Russian interests may vary, and Moscow may withdraw support from certain countries if it perceives a lack of self-benefit. However, in general, Putin remains committed to a global order that values stability and friendly incumbent regimes; ultimately aiding this system defends the Russian government itself.

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[102] O'Toole, 2012
[103] Allison, 2013
[104] Trenin, 2013
[105] Hill, 2013
[106] Charap, 2013
[107] Gvosdev, 2012
[108] Allsion, 2013

United States on Syria

The United States, while motivated by humanitarian concerns, also has geopolitical aims. It has long had an adversarial relationship with the Assad dynasty. While not as openly conflictual as its relations with Qaddafi, the United States was already displeased with Syria for its rocky relationship with Israel and close ties to Iran. The protests in Syria initially seemed to provide an opportunity a way for a US foe to be quickly overthrown or at the very least forced to support democratization; the harsh crackdown soon dispelled such hopes. The United States strongly condemned the Assad regime and called for it to step aside. However, the United States has been wary of bolstering extremists within the opposition and appears to be reluctant to act without UN approval, making the Security Council of vital importance if any major interventions are to be conducted.

The United States has begun incorporating R2P into its foreign policy. As previously mentioned, R2P was included in the May 2010 US National Security Strategy.[109] On August 4, 2011, a Presidential Study Directive declared that "Preventing mass atrocities and genocide is a core national security interest and a core moral responsibility of the United States" and mandated the creation of an Atrocities Prevention Board.[110] To ward end, the United States began to respond to atrocities committed by the Syrian government. As early as May 18, 2011, US sanctions were imposed on Assad and senior Syrian officials for "human rights abuses." On August 5, 2011, President Obama called reports from Syria "'horrifying,'" and two weeks later joined Britain, France, Germany and the European Union in calling for Assad's resignation.[111] On a R2P basis, the United States has repeatedly called for an end to the violence and a move towards democracy as more and more civilians are killed.

United States' interests have also been impacted by the opportunity for the removal of a foe and the establishment of a stable, friendly, and ideally democratic Syria. The fall of President Assad will deal a large blow to America's adversary Iran, because Syria is "Iran's oldest and most important ally in

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[109] Williams, Paul and Alex Bellamy, 2012
[110] The White House, 2011
[111] "Syria Uprising timeline," 2013

the Arab world."[112] Syria has also consistently been hostile to Israel and supported groups the United States considers as terrorists, including Hezbollah and Hamas.[113] However, US interests are not served by the possibility of what is increasingly a devastating civil war with the prospects of a spillover effect throughout the region.

The United States has remained cautious in its actions due to the risks of intervention, the presence of extremists in the opposition, and the lack of approval by the UN Security Council. The United States fears that any action taken from outside could provoke a backlash against US interests or allies. It also faces the risk that a post-Assad Syria could mirror a post-Saddam Iraq, wracked by instability and violence. The Syrian opposition includes many radical Islamist factions such as the Islamic State of Iraq and the Levant and the Al Qaeda-affiliated Nusra front; the United States considers these to be terrorist organizations.[114] It is unclear what form of government a post-Assad Syria would have and how stability would be restored. Furthermore, the United States is reluctant to engage in "any significant use of force in the crisis" without "the legitimacy offered by a UN mandate."[115]

The United States has thus far largely limited itself to isolating the Assad regime internationally, imposing its own sanctions, and providing nonlethal aid to approved and "vetted" Syrian opposition forces.[116] Although it has increased nonlethal aid and even provided limited lethal aid to selected fighters, the United States seems to remain committed to moving through international diplomacy and the nearly-paralyzed UN Security Council.

United Kingdom and France on Syria

The United Kingdom has a stance on Syria very similar to the United States, but perhaps one even more cautious and divided. France has similarly been motivated by humanitarian and geopolitical concerns. It has been one of the most outspoken opponents of President Bashar al-Assad since the

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[112] Byman *et. al.* 2012
[113] *Ibid.*
[114] Sharp and Blanchard, 2013
[115] Allison, 2013
[116] Sharp and Blanchard, 2013

uprising began, and was the first to recognize the opposition as the legitimate government of Syria.[117] Both countries, with their allies, called for Assad's departure as early as August 2011. They have strongly condemned the Assad's regime actions and contemplated direct intervention after Assad allegedly used chemical weapons against his own people.

The United Kingdom and France have been lead advocates for a military solution to the crisis, cooperating to write and co-sponsor numerous UNSC resolutions and attempting to garner international action. As the conflict has escalated, the UK has moved to other means to increase pressure on Assad. It has resorted to arming opposition groups in an attempt to break the deadlock.[118] The United Kingdom also considered military intervention in Syria after the Assad regime allegedly used chemical weapons; however, Prime Minister Cameron's plans were rejected by Parliament in August of 2013.[119] France has been even more eager for intervention, with President Hollande preparing to join US military action until it was put on hold.

In contrast to the campaign against Qaddafi, "Syria confounded easy generalizations and looked distinctly more complicated, chancy, and confused than Libya."[120] The United Kingdom remains wary of the possibility that jihadists and other extremists could come or return to the UK with experience from the Syrian conflict. It therefore wants the situation to be stabilized and does not want a large influx of Syrian refugees. While it has granted asylum to 1500 Syrian refugees, Britain has refused to take part in a UN resettlement program for more refugees.[121] Both Britain and France seem content to follow US leadership on Syria; they have joined Washington and the European Union in imposing sanctions but will not act militarily on their own.

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[117] "Syria Crisis: Where key countries stand," 2014
[118] Portela, 2012
[119] "Syria Crisis: Where key countries stand," 2014
[120] Weiss, 2014
[121] "Frozen out of Britian," 2014

SYRIA SUMMARY

The violence in Syria has by no means stopped; in fact it has escalated. The United Nations, and the Security Council in particular, have unequivocally failed to uphold or restore peace and stability, and the Syrian people have thus suffered immensely.

For the most part, Russia and China have adopted a controversial stance on Syria by blocking UNSC resolutions that had the potential to threaten the survival of the Assad regime with their veto votes. Both countries "congratulated each other" and pledged to increase cooperation at the 2013 APEC Summit after they successfully averted a US-led strike on Syria following the alleged use chemical weapons by the Assad regime; meanwhile, the bloodshed continues in Syria on a daily basis. Russia's refusal to recognize certain opposition groups, such as the National Coalition for Syrian Revolutionary and Opposition Forces, has set it "apart from Gulf Arab states, Turkey, European states, the United States and some hundred other countries."[122] Russia and China have further shown their willingness to become isolated on this issue on February 4, 2012 by vetoing draft resolution S/2012/77, a Western and Arab-sponsored measure aimed at implementing the Arab League's peace plan and that was supported by the thirteen other security council members.[123] Meanwhile, the West remains reluctant to act militarily, even if authorization was available, because "A combination of urban areas and a patchwork of territories under government or rebel control mean that the military situation does not lend itself to surgical airstrikes,"[124] and no one wants foreign boots on the ground.

While the UNSC has taken a few actions on Syria, including Resolution 2139 in February of this year, no meaningful end to the conflict is in sight. The UN asserted in July of 2013 that the conflict had claimed over 100,000 lives; it has since stopped publishing casualty numbers due to the difficulty in getting accurate counts. The UK-based Syrian Observatory for Human Rights stated in February of this year that more than 140,000 people, including 7000 children, have perished since the Syrian uprising

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[122] Allison, 2013
[123] Lynch, 2012
[124] Weiss, 2014

began.[125] The United Nations High Commissioner for Refugees estimates that more than 9 million Syrians have fled their homes, with 6.5 million of these internally displaced and 2.5 million fleeing abroad, mostly to Syria's immediate neighbors. This has placed enormous strain on already unstable countries such as Lebanon, Jordan, and Iraq, as well as Turkey.[126] As of May, 2013, an estimated half a million Syrian homes were destroyed and "if the violence in Syria stopped today, the cost of rebuilding the economy and infrastructure would be $80 billion," according to Abdullah Dardari, head of the UN Economic and Social Commission for Western Asia.[127]

A peaceful solution is not likely, as two peace conferences in Geneva have failed to reconcile diametrically opposed sides. Merely gathering the opposition and government representatives in the same room for discussions was extremely difficult; and even if President Assad were to relinquish power there is no telling how disparate rebel and loyalist groups would react. The gridlock in the Security Council makes an UN-brokered solution in the near future very unlikely.

CONCLUSION

In principle, the international community is willing, under the Responsibility to Protect, to undertake humanitarian intervention to protect innocent civilians from the threat of mass atrocity. However, the NATO-led bombing campaign launched a full-fledged assault on Qaddafi's troops and militias, even bombing his convoy as he fled. This resulted in the overthrow and death of Qaddafi, and attempts at establishing a fledgling democracy. While the new Libyan government continues to struggle to rein in armed militias and conduct basic functions, the widespread bloodshed has ended.

The outcome in Libya angered China and Russia and increased their determination to avoid a repeat against their interests in Syria. Although it could be argued that Qaddafi was such a pariah and his threats of vengeance were real enough that the only way to protect civilians was to engineer his departure, Russia and China merely saw R2P as a pretext used by the West to impose its own interests. They are willing to take the chance of international condemnation to stand up for their perceived

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[125] Solomon, 2014
[126] "Syrian Refugees," 2014
[127] Haydar, 2013

national interests. In Syria, the West would like to see Assad depart for both humanitarian and geopolitical purposes. Due to these divergent interests, concrete actions to end the conflict have not been taken. As UN Secretary-General Ban Ki-Moon stated, despite the R2P principle, the United Nations has been responsible for a "'collective failure to prevent atrocities in Syria.'"[128]

As previously mentioned, under the current system, action will continue to be taken (or not taken) by Security Council members "on a case-by-case basis following evaluation of their [i.e., the permanent members] respective interests."[129] In the Syria case, "geopolitical calculations [have] trumped the protection of civilians."[130] In order to successfully implement R2P in future cases, I present three possible ways forward (these options are not necessarily mutually exclusive):

1.   UNSC Reform

2.   Applying R2P more "cautiously"

3.   Acting outside of the United Nations

1. First of all, the UN Security Council could be fundamentally reformed. Its current structure clearly places disproportionate amounts of power and influence over the actions of the international community in the hands of the P-5. Emerging powers such as India, Japan, and Brazil are left out, as are entire regions including Latin America and Africa. Formed in 1945, the UNSC's structure is not representative of "21st century 'geopolitical realities'"[131] and fails to take action to prevent international crimes. Reform is not easy, however, because there is widespread disagreement on how reform should be enacted, what the UNSC should look like, and who should serve as permanent members. Furthermore, each of the current P-5 can veto any proposed changes, and the current system serves their interests. Indeed, the P-5 countries have repeatedly "stymied" UNSC reform efforts for over thirty years.[132] The P-5 members "approach the subjects of criminal law not primarily or uniquely with a long term and strategic view of what should transpire for the common good in a lawful world order, but

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[128] Gladstone and Cumming-Bruce, 2013
[129] Hehir, 2013
[130] Weiss, 2014
[131] Mikhailtchenko, 2004
[132] Usborne, 2013

rather with strong consideration of how they can adequately manage to protect their immediate subjective national interests given various pressures and power realities."[133] This makes future UNSC reform all the more difficult to implement; but it is perhaps the best long-term solution if R2P is to be consistently implemented.

2. Although the UNSC has failed to act in Syria, R2P is by no means defunct, as some commentators have claimed. In April 2013 for example, the UNSC approved actions by France and the 15-nation Economic Community of West African States (ECOWAS) to counter Islamic extremists, while in December 2013 it authorized military action to prevent atrocities in the Central African Republic.[134] Indeed, the UNSC has invoked R2P in passed resolutions at least 10 times *after* the Libyan intervention. The concept here is that UNSC members must take greater care to consider geopolitical implications of intervention; steps including writing more detail into how R2P-related resolutions are to be implemented and by whom. Avoiding automatic calls for regime change may assuage some of the fears of countries such as Russia and China. While a lack of response in some cases will no doubt continue, at least there will be "the double-standard of inconsistency whereas formerly [before R2P] there had only been a single standard: do nothing."[135]

3. Acting outside of the United Nations is perhaps the most controversial option because such military actions would likely be outside the scope of international law. Nevertheless, states and regional organizations can implement sanctions and diplomatic pressure against governments committing atrocities against their own populations. Much of the West and Arab League are sanctioning Syria in various capacities. Some states are supplying arms to the rebels; this is more problematic because it encourages Syrian allies Iran and Russia to further increase their military and economic aid to Assad, fueling a proxy war. As for outright intervention, Kosovo sets a precedent for humanitarian intervention without UNSC approval. The Independent International Commission on Kosovo characterized the NATO-

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[133] Forsythe, 2012
[134] Weiss, 2014
[135] *Ibid.*

led action as "'illegal but legitimate.'"[136] If individual states or coalitions are willing to accept potential

backlash from the International Community, they could take concrete actions without UNSC approval to

stop or prevent atrocities in other countries, truly giving substance to the pledge "never again."

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[136] Weiss, 2014

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