



Hacettepe University Graduate School of Social Sciences
Department of International Relations

**RESPONDING TO MASS VIOLATION OF HUMAN RIGHTS: THE
UN AND HUMANITARIAN MILITARY INTERVENTION AFTER
R2P UNANIMOUS ADOPTION: CASE STUDY OF LIBYA AND
SYRIA**

Aminath MİNNA

Master's Thesis

Ankara, 2018

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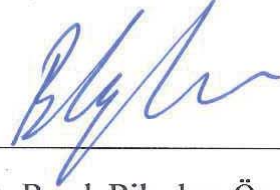
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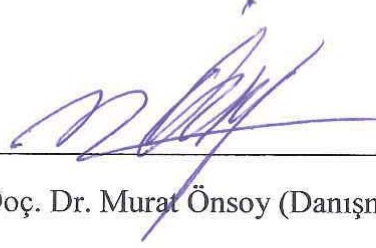
Ankara, 2018

KABUL VE ONAY

Aminath Minna tarafından hazırlanan “Responding To Mass Violation Of Human Rights: The Un And Humanitarian Military Intervention After R2p Unanimous Adoption: Case Study Of Libya And Syria” başlıklı bu çalışma, 11 Haziran 2018 tarihinde yapılan savunma sınavı sonucunda başarılı bulunarak jürimiz tarafından Yüksek Lisans Tezi olarak kabul edilmiştir.



Doç. Dr. Burak Bilgehan Özpek (Başkan)



Doç. Dr. Murat Önsoy (Danışman)



Dr. Öğretim Üyesi Şebnem Udum

Yukarıdaki imzaların adı geçen öğretim üyelerine ait olduğunu onaylarım.

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Serbest Seçenek/Yazarın Seçimi

01.10.18

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Aminath MINNA

ETİK BEYAN

Bu çalışmadaki bütün bilgi ve belgeleri akademik kurallar çerçevesinde elde ettiğimi, görsel, işitsel ve yazılı tüm bilgi ve sonuçları bilimsel ahlak kurallarına uygun olarak sunduğumu, kullandığım verilerde herhangi bir tahrifat yapmadığımı, yararlandığım kaynaklara bilimsel normlara uygun olarak atıfta bulunduğumu, tezimin kaynak gösterilen durumlar dışında özgün olduğunu, Tez Danışmanının **Doç. Dr. Murat ÖNSOY** danışmanlığında tarafımdan üretildiğini ve Hacettepe Üniversitesi Sosyal Bilimler Enstitüsü Tez Yazım Yönergesine göre yazıldığını beyan ederim.



Aminath MINNA

ACKNOWLEDGEMENT

First and foremost, I would like to thank my beloved parents, Mom and dad for their immense support, prayers and encouragement from the beginning until today. Without their never-ending support, guidance and prayers I would not be able to pursue this dream. The Love, Care, patience and moral support of my ex-Husband & family are the fundamental forces behind my every achievement. They deserve an immeasurable gratitude. Thank you my beloved family members; my sisters, brothers, uncles, aunts, nephews and nieces.

I would like to thank and extend my heartfelt appreciation for my former Thesis Supervisor Associate Prof. Dr. Mine Pınar Gözen Ercan and current supervisor Associate Prof. Dr. Murat Onsoy for their continued support throughout my whole research. Without their guidance, knowledge and instructions this study would not have been materialized. They are not only my thesis supervisors, but also they have guided me from the proposal writing stage to the last. I thank all my professors in Hacettepe University, for their guidance, support and encouragement, without the help of my beloved professors in International Relations Department, I would not succeed to complete this. Thank you, Assistant Prof., Dr. Şebnum Udum, Professor Dr. Sencer Imer, Assistant Prof. Dr. ÖzlenÇelebi, Prof. Dr. Müge Kınacıoğlu, Associate Prof. Dr. Zeynep Arkan, Assistant Prof. Dr. Kaan Randa and Assistant Prof. Dr. Renk Ozdemir.

During my long academic path numerous grateful people has given their support, assistance and advises all are an inspiration to me. For all that, I would like to thank Dr Mohamed Ali, for his time, patience, assistance, constant support, guidance and encouragement in every step of my thesis until I submit it. I would like to extend my sincere gratitude to my very dear friends both in Turkey and in Maldives.

Therefore, I extend my sincere gratitude and appreciation to all those who helped and guided me to make this report come into reality. So, thank you all.

ÖZET

Aminath Minna. *insan haklarını toplu ihlale karşılık: koruma sorumluluğunun oybirliği ile kabulünden sonra bm ve insani gereğe ile askeri müdahale: Libya ve Suriye örnekleri*. Master's Thesis, Ankara,2018.

Bu tezde koruma sorumluluğu çerçevesine dayanan insani müdahale uygulamaları çalışılmıştır.Ön hazırlık ve literatür taramasına dayanarak, bu çalışma devlet egemenliğinin korunması gerektiğini kabul eder. Bununla birlikte, Koruma Sorumluluğu'nun yapısı devlete kendi vatandaşlarının insan haklarını korumasının sorumluluğunu açıkça yükler. Devlet vatandaşlarını korumada aciz ya da isteksiz olduğunda veya kendi vatandaşlarının insan haklarını doğrudan kendi ihlal ettiğinde, Koruma Sorumluluğu yapısı ihlalden etkilenen milletlerin içişlerine karışılmasında kullanılacak mekanizmayı sağlar.Bunun yanı sıra, eleştiriler güçlü olan uluslararası toplumun bu yapıyı nispeten gücü daha az olan devletin egemenliğine müdahale için bahane olarak kullandığını ileri sürer.Bu nedenle, bu yapının meşruiyeti ve yasallığı şüphelidir. Bununla birlikte, literatürün başka bir kolu modeli işe yarar ancak uygulamayı tartışmalı gösteren ikna edici bir delil sunar.Bundan dolayı, yukarıda sayılan endişeler nedeni ile bu tezde birden çok örnek içeren çalışma yaklaşımı uygulanmıştır.Libya ve Suriye örnekleri tematik veri analizi stratejisi kullanılarak çalışılmış ve analiz edilmiştir.Gerekli araştırma soruları yanıtlanarak, modelin etkili ancak uluslararası toplumun asli üyelerinin art niyetinden dolayı uygulanmasının ihtiyari olduğu ortaya konmuştur.Dolayısıyla, uygun stratejiyi uygulama söz konusu olduğunda, Birleşmiş Milletler'e üye devletlerin art niyetlerine karşı koyan bir başka modeli kabulü tavsiye edilir.

Anahtar Kelimeler

Koruma Sorumluluğu (R2P), İnsan hakları ihlalleri, Birleşmiş Milletler, Libya, Suriye

ABSTRACT

Aminath Minna. *Responding to mass violation of human rights; The UN and humanitarian military intervention after R2P unanimous adoption; Case study of Libya and Syria*. Master's Thesis, Ankara,2018.

The thesis studies the application of humanitarian interventions that are based on Responsibility to Protect (R2P) framework. Based on preliminary research and literature review, the study established the sovereignty of State should and must be protected. However, the R2P framework clearly assigned the State the responsibility to protect the human right of its citizen. When a State is unable, unwilling or directly engages in the violation of its citizen's human rights, the framework provides mechanism that can be used to intervene in the domestic affairs of that State. Critics however argue that great powers use the framework as an excuse for interfering with sovereignty of less powerful States. The legitimacy and legality of the framework has thus been questioned. Another strand of literature however provided compelling evidence indicating the model is effective, but its application is questionable since the applying nation adopts a realism approach. The thesis therefore adopts a multiple-case study approach to study the above concerns. The case of Syrian and Libyan was studied and analysed using a thematic data analysis strategy. By answering the appropriate research question, it was established that the model is effective, but its application is arbitrary due to the ulterior motives held by key members of the international community. It was thus recommended for the United Nation to adopt another model that will check the ulterior motives of its member's States when it comes to the implementation of appropriate strategy.

Keywords

Responsibility to Protect (R2P), Human rights violations, United Nations, Libya, Syria

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LIST OF ABBREVIATION

UN: United Nation

UNSC: United Nation Security Council

ICISS: International Commission on Intervention and State Sovereignty

AMISOM: African Union Mission In Somalia

AU: African Union

ICRtoP: International Coalition for Responsibility to Protect

ICC: International Criminal Court

TNC: Transitional National Council

UK: United Kingdom

UAE: United Arab Emirates

SNC: Syrian National Council

NATO: North Atlantic Treaty Organization

R2P: Responsibility To Protect

UNAMID: United Nation-Africa Union Mission In Darfur

U.S.: United States

OPCW: Organization for the Prohibition of Chemical Weapons

ISIS: Islamic State in Iraq and Syria

ISIL: The Islamic State of Iraq and the Levant

UNHCR: United Nations High Commissioners for Refugees

UNSMIS: United Nations Supervision mission in Syria

OPCW-UN: Organization for the Prohibition of Chemical Weapons

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CHAPTER 1: INTRODUCTION

Every nation has a primary duty of safeguarding the fundamental human rights of its citizen¹. Some countries could not protect their citizens suffer mass injustices, such as ethnic cleansing, genocides, war crimes, among other forms of violations of human rights². The reluctance of the domestic nation should prompt the intervention of international community. To be precise, the international community should adopt collective' responsibility to protect the rights of the citizens of the reluctant nation³. However, the principle of non-interference or non-intervention in another States' domestic affairs prohibits the use of threats or force against a sovereign State⁴. While well intended, this principle may limit the ability of the international community to safeguard the welfare of the global citizen⁵.

Article 2(4) of the UN charter prohibits the use of force against an independent nation. It clearly States that the international community should refrain from using force against another State or adopting any other measures not in line with the United Nations mandate⁶. The international Court of Justice however clarified that the prohibition only extends to military force. It does not cover non-military intervention⁷.

The only exemption to the prohibition of the use of force is Article 51 of the UN Charter. Under this article, states have an inherent right of self-defense. Nevertheless, States that apply defensive force must justify that their action was reaction towards an armed attack. The defensive force applied should be proportionate to the attack, otherwise it would be deemed unlawful under international law⁸.

¹ Martin Griffiths, *Encyclopedia Of International Relations And Global Politics* (Routledge 2013).

² Robert I. Rotberg. *Mass Atrocity Crimes: Preventing Future outrages*. (Massachusetts: World peace foundation.2010).p.25-26.

³ Robert I. Rotberg. *Mass Atrocity Crimes: Preventing Future outrages*. (Massachusetts: World peace foundation.2010).p.25-26.

⁴ Griffiths (n 1) 90

⁵Article 2.4 of the UN charter

⁶ Article 2.4 of the UN

⁷ International Court of Justice (ICJ), 'Legality of the threat or use of nuclear weapons', General List no.95, 8 July 1996, par. 47 [hereafter *nuclear weapons* opinions [, at www.icj-cij.org/docket/files/95/7495.pdf].

⁸ Griffiths (n 1) 90

UN peacekeeping mission is a common form of intervention adopted by international community⁹. Even these missions in most cases require the consent of the host state. They are normally the last resort in a humanitarian crisis. The UNSC monitors them to ensure that they are in line with international law and treaties¹⁰.

The international community however has not been consistent in following the guidelines directing international intervention. For example, the UNSC approved non-consensual military force against Libya¹¹. On the other hand, the Security Council failed to intervene in the crises of Rwanda and Kosovo¹². This implies that in certain situation, the international community takes unwarranted extreme action while in other situations it is reluctant to take the much-needed measures.

To address such issues, the term responsibility to protect was coined. This term appeared in a report to International Commission on Intervention and State Sovereignty (ICISS) established by the government of Canada in December 2001¹³. It was in response to a question raised by Kofi Annan, the then UN Secretary General, on whether the global community could intervene wherever there is a crisis for humanitarian reasons. The report named 'the responsibility to protect' stated that sovereignty gave a State the right to manage its domestic affairs and conferred on it a primary responsibility to secure its citizens within its borders. However, in the event that the State is unable or unwilling to carry out its mandate, the responsibility would shift to the wider international community.¹⁴

This motivated Kofi Annan to set up a high-level panel on threats, challenge, and change in 2004 that endorsed the new concept of responsibility to protect (R2P). The panel was made up of 16-member States. It was tasked with the responsibility of submitting an in-depth scrutiny of global threats and potential challenges to peace and

⁹ Griffiths (n 1) 90

¹⁰ Griffiths (n 1) 90

¹¹ Nicolas Vercken. Protection of Civilians in 2010: Facts, Figures, and the UN Security Council's Response May 2011. www.oxfam.org.p.25-28

¹² Ludlow(n7)

¹³International Commission on Intervention and State Sovereignty Report (Online), p.xi. Available from:<http://www.iciss-ciise.gc.ca/pdf/commission-Report.pdf> [4 December 2017]

¹⁴ International Commission on Intervention and State Sovereignty Report (Online), p.xi. Available from:<http://www.iciss-ciise.gc.ca/pdf/commission-Report.pdf> [4 December 2017]

security. It was however made clear that military force would be the last option of intervention¹⁵.

All the members of the United Nations endorsed responsibility to Protect (R2P) commitment in 2005. In April 2006, while endorsing Resolution 1674, the UN Security Council made official reference to the R2P. Reference was also made when passing resolution 1706 in August 2006, which approved the use of UN peacekeeping troops in Darfur, Sudan. Lastly, the implementation of R2P was placed as an agenda of the UN in 2009¹⁶.

Although the UN has been continuously involved in the discussions on ‘Responsibility to Protect’ approach and provision of security to nations facing the human rights infringements, the affected State must understand that the responsibility of preventing and punishing perpetrators lies with them¹⁷.

1.1 RESEARCH QUESTION

A review of historical data concerning the application of R2P framework appear to indicate that the framework may not be as effective as initially thought. The reaction of international community while handling recent past conflicts suggest that the framework may be used by powerful nations as tools for interfering with domestic issues of a sovereign nation. In fact, preliminary analysis of the cases of Libya and Syria suggests that the level of application of the framework depended on the interest the intervening nation had on the affected nation. Furthermore, western nations had significant interests in Libya. That is why they were quick to apply the framework and hence quell the skirmishes. Their interest in Syrian conflict was relatively weak. Therefore, they were reluctant towards applying the framework in the country. Hence, it is necessary to conduct a multiple-case study to establish how the UN and international community has implemented R2P framework within these two countries.

¹⁵ International Commission on Intervention and State Sovereignty Report (Online), p.xi. Available from:<http://www.iciss-ciise.gc.ca/pdf/commission-Report.pdf> [4 December 2017]

¹⁶Gozen Ercan, Undertaking the responsibility; International community, States, RP and humanitarian intervention(2011).p. 2

¹⁷Gozen Ercan, Undertaking the responsibility; International community, States, RP and humanitarian intervention(2011).p. 2

The above objective will be achieved by precisely answering the following research questions that states:

“Do the ulterior motives of the UN and other key members of the international community affect the application and consequent outcome of the humanitarian intervention and R2P?”

1.2 LITERATURE REVIEW

Whether States can initiate military action against other states under the notion of R2P is a subject that draws attention. Significant injustices, such as loss of lives and property occur due to needless interventions¹⁸. Peacekeeping missions have failed to address the immediate needs of the people suffering in States under distress. Even political talks and human relief programs, among other R2P mechanism are unlikely to achieve the desired results¹⁹.

Responsibility to Protect is a concept that revolves around fairness, security and peace²⁰. It recommends for nations to foster international cooperation, law and orderliness²¹. According to Evans, the R2P aims at steering collective actions, which integrates military action as the last resort, for protecting human rights. As the name suggests, the concept converts the “right to intervene” to the ‘responsibility’ to safeguard human rights. International communities should focus on protecting global citizen from atrocities. The protection should be applied immediately when sign of atrocities emerge²². According to Evans, the R2P emphasizes the need for the nations themselves to advance the protection.²³

¹⁸ Alex J. Bellamy, *Mass Atrocities and Armed Conflict: Links, Distinctions, and Implications for the Responsibility to Prevent* (2011) acme.highpoint.edu

¹⁹ Evans, Gareth J. *The Responsibility to Protect Ending Mass Atrocity Crimes Once and for All*. (Washington, D.C.: Brookings Institution Press, 2008)

²⁰ Christine Bakker, Francesco Francioni. *The EU, the US and Global Climate Governance*. (New York: Routledge, 2016)

²¹ Evans, Gareth J. *The Responsibility to Protect Ending Mass Atrocity Crimes Once and for All*. (Washington, D.C.: Brookings Institution Press, 2008)

²² *ibid*

²³ Evans, Gareth J. *The Responsibility to Protect Ending Mass Atrocity Crimes Once and for All*. (Washington, D.C.: Brookings Institution Press, 2008)

However, R2P adoption is subject to several controversies. The controversies were exceptionally evident during the 17th March 2011 Security Council debate. Since its inception, the R2P concept has faced a myriad of rejections and resistant from various governments. The rejection continued even after it was formally signed in 2005. The States did not differ on the responsibility to protect, but on how well the responsibility guaranteed the citizen's safety.

Moreover, the R2P concept is characterised by theoretical misinterpretation and misreading, as presented in public debates. According to Glanville, the public consider it as ineffective since it is designed to suit self-interests²⁴. Glanville suggests that the World Summit discussions focused on protecting citizens from distinctive criminal activities, but did not wholeheartedly approve the R2P concept²⁵. Furthermore, some governments were very cynical, expressing their belief that R2P is an approach that is aimed at gratifying the distinctive needs of the “white man” whenever he or she wanted to interfere with the affairs of the developing countries – “dark sovereign countries”^{26, 27}.

R2P has also been accused of interfering with countries that are merely struggling with internal affairs. Situation facing such countries do not amount to human rights violation²⁸. Glanville agree with the argument but points out that R2P entail intervening early before simple instability aggravate into human right violation²⁹. However, the intervention in the early stages should be non-military. It can be diplomatic, legal and political, but not any coercive actions³⁰. In worst-case scenario, it should entail legal threats, such as referral to the International Criminal Courts (ICC), economic sanctions, political and diplomatic seclusion³¹.

Glanville is in line with the three pillars of R2P. The First pillar is that every State has the responsibility to protect its citizens from crimes against humanity. The second one is

²⁴ Ibid

²⁵ Ibid

²⁶ Padmasiri De Silva. *The Psychology of Buddhism in Conflict Studies*. (Cham: Springer Nature, 2017)

²⁷ Evans, Gareth J. *The Responsibility to Protect Ending Mass Atrocity Crimes Once and for All*. (Washington, D.C.: Brookings Institution Press, 2008)

²⁸ Ibid.,

²⁹ Luke Glanville. *Sovereignty & the responsibility to protect: A New History*. (London: The Univ. of Chicago Press, 2014)

³⁰ Evans, Gareth J. *The Responsibility to Protect Ending Mass Atrocity Crimes Once and for All*. (Washington, D.C.: Brookings Institution Press, 2008)

³¹ Ibid

that the international community has a responsibility to step in and assist the affected State to perform its responsibility of protecting its population. The third pillar is that the UN Security Council will protect civilians against humanity crimes in cases whereby the involved States fails or engages in the perpetration³².

The application of the R2P pillars and framework is highlighted by UN intervention in case of Darfur Sudan. Darfur is situated west of Sudan. It has been entangled in long-term conflict that became apparent in 2003. The region's government arguably violated the first pillar of the R2P framework. It was reluctant to safeguard the right of its citizen, and partly committed the atrocities³³.

The region has been experiencing a sequence of droughts and intense desertification since 1972, resulting in land clashes between Arabs and Non-Arab nomads. Since 1986, under the administration of Sadiq al Mahdi, the non-Arab farmers have always felt that their interests are side-lined. More so, the government policies seem to segregate the non-Arabs intentionally, it purposely hinders unity in the region³⁴.

UN therefore executed the second pillar of R2P framework by allowing neighbouring countries to champion peace talks. The outcome of these peace talks was the 2002 Machakos. The protocol called for a cease-fire. Unfortunately, the peace talks and other non-coercive mediation did not work³⁵. The conflict aggravated resulting in gross of violation human rights. Lives and property were destroyed³⁶.

The UN had therefore no choice than to implement the third pillar of the R2P framework. It executed coercive measures such as, economic sanctions, banning of the Government from executing air force attacks on rebels on the ground, asset freezing of

³² Sara E. Davies, Zim Nwokora, Eli Stammes, Sarah Teitt. *Responsibility to Protect and Women, Peace and Security: Aligning the Protection Agendas*. (Leiden: Koninklijke Brill NV. 2013). p.56.

³³ ICRtoP, 'At A Glance: An Educational Tool By The International Coalition For The Responsibility' (2014) <[http://responsibilitytoprotect.org/FINAL%20At%20a%20Glance%20Darfur-UEG%20edits\(2\).pdf](http://responsibilitytoprotect.org/FINAL%20At%20a%20Glance%20Darfur-UEG%20edits(2).pdf)> accessed 12 May 2018.

³⁴ *ibid*

³⁵ UK Heo, Karl DeRouen, Jr. *Civil Wars of the World: Major Conflicts since World War 11*. Vol.1 (California: ABC-CLIO. 2007). p.748

³⁶ Harry Verhoeven, Ricardo Soares de Oliveira & Madhan Mohan Jagannathan. *To Intervene in Darfur, or Not: Re-examining the R2P Debate and Its Impact Global Society*. Vol. 30, Iss. 1,2016

identified individuals, arms transfer prohibition, and setting up the joint UN-AU peacekeeping mission (UNIMID)³⁷.

ICRtoP nonetheless argues that the international effort in the region has not been successful³⁸. The war and atrocities committed against humanity is still ongoing, despite the effort by international community to implement the R2P framework. However, ICRtoP is clear to point out that the challenge is not due to the ineffectiveness of the framework. It is due to the lack of commitment by the international community in following up with its implementation plans. For instance, the UNIMID has been accused of failing to exercise its duty of protecting civilian or even reporting the crimes committed by the Sudanese Government³⁹.

Côte d'Ivoire is another country where the international community implemented the R2P framework. The interventions were meant to curb the post-election violence that occurred between 2010 and 2011. The incumbent, Laurent Gbagbo, rejected the victory of the opposition leader, Alassane Ouattara, leading to the violent conflict and a political standoff⁴⁰.

On April 2011, it was reported that approximately 1000 people had been killed, over 500,000 forcibly displaced, and 94,000 fled to the neighbouring country. Military forces faithful to either Gbagbo or Ouattara failed to protect the citizens. They even committed the mass violations of human rights forcing the international community to implement the R2P framework. Precisely, United Nations intervened and ordered the incumbent president to relinquish power to the incoming president⁴¹.

The failure to adhere to peaceful negotiation forced the UN to launch a military operation on 4th April 2011. The launch was in line with pillar three of R2P framework⁴². During the military intervention, the former President Gbagbo was

³⁷ ICRtoP(n, 90)

³⁸ ICRtoP(n, 90)

³⁹ ICRtoP(n, 90)

⁴⁰ Menno T Kamminga. *Inter-State Accountability for Violations Of Human Rights*. (Philadelphia: Univ. of Pennsylvania Press, 2012).

⁴¹ Menno T Kamminga. *Inter-State Accountability for Violations Of Human Rights*. (Philadelphia: Univ. of Pennsylvania Press, 2012).

⁴² Menno T Kamminga. *Inter-State Accountability for Violations Of Human Rights*. (Philadelphia: Univ. of Pennsylvania Press, 2012).

arrested and taken to ICC to be charged with crimes against humanity. Throughout the mediation process, UN fully relied on the Responsibility to protect framework.

The Sudan, Darfur and Côte d'Ivoire cases indicates that the United Nations uses R2P based intervention to protect civilians. The framework is applied when the affected State is unwilling or unable to protect its citizens⁴³. Furthermore, it applied in line with it three pillars of R2P. Failure of R2P framework to solve fully the Sudan, Darfur case should not be blamed on the framework. Rather, it should be blamed on the commitment of the international community to implement the framework as required.

The World Summit of 2005 outlined the legality of the R2P approach. The summit integrated the R2P concept with the help of member States of the UN. Paragraphs 138 and 139 of the final document of the World Summit outlined the specific powers of the R2P concept. Paragraph 138 indicates that it is the duty of every country to provide protection to its citizens against, war, criminal activities, genocide, tribal wars and crimes against humanity. This accountability requirement includes averting these criminal actions. Countries should accept this duty and pledge to uphold it as the international community strives to provide assistance in upholding this accountability. If there is need for intervention, then it should be provided as early as possible to avoid the situation from aggravating⁴⁴.

As indicated in paragraph 139, the international community has the mandate of employing political and humanitarian intervention to safeguard individuals from wars, genocide, tribal wars and crimes against humanity. The intervention should be implemented in accordance with the UN charter⁴⁵.

In discussing the legality and the justification of humanitarian intervention, the question posed by Kofi Annan in the case of Rwanda should be referred. He questioned how the International community should have responded when Rwanda was facing genocide. To answer the question, the UN formulated R2P, a new principle in the humanitarian

⁴³ Ibid

⁴⁴ Massimiliano Cricco, Leila El Houssi, Alessia Melcangi. *North African Societies after the Arab Spring: Between Democracy and Islamic Awakening*. (Cambridge: Cambridge Scholars Publishing, 2016) p.vii

⁴⁵ Massimiliano Cricco, Leila El Houssi, Alessia Melcangi. *North African Societies after the Arab Spring: Between Democracy and Islamic Awakening*. (Cambridge: Cambridge Scholars Publishing, 2016) p.vii

intervention. R2P therefore legalizes the use of humanitarian intervention, provided the interventions are conducted in accordance with its pillars⁴⁶.

However, critics of this approach, like Gelijn stated that the US supported R2P as a justification for its interference or interventions in the weaker States domestic affairs. The Gulf war has been cited as evidence of misuse of the R2P. The conflict was actually referred to as a “Trojan Horse”, implying it allows stronger nations to target developing nations.⁴⁷

The use of R2P framework as a Trojan Horse can be understood further by reviewing literature on Great powers. Great powers, from an international relations point of view, are states that enjoy superior economic, political, and military resources. These resources are superior in that they enable the nation extend its influence beyond its national boundary. Such influences are significant since they can shape developments in the international relations arena to fit the agenda of the great power⁴⁸. Literature on great powers and the related interest appear to adopt a realism point of view since it suggests that the power will always advance their self-interest. Their interest is survival, not cooperation. Such nations therefore focus on amassing power, sometime at the expense of other relatively less powerful nations. When given a choice between advancing international operations, as promoted by international liberalism, and self-interest, as promoted by realism, great power will choose the latter⁴⁹. To investigate these allegations, first it is important to analyze the current great powers and hence determine how they react to different international relations development.

According to Biscop, currently the world has four great powers namely, the US, China, Russia, and UK. Biscop argues that the state of the world is dependent on how these four powers behave. Interestingly, the fate of 195 countries is determined by the interest of 3 independent nations, and a slice of the European continent⁵⁰. Despite being made of 27 countries, the EU is still a small, in terms of size, in proportion to nations making up

⁴⁶ Ibid

⁴⁷ Molier, Gelijn, " Humanitarian Intervention and the Responsibility to protect after 9/11, Netherlands International Law Review, Vol LIII, (2006), p. 37-62

⁴⁸ Steven L Lamy, *Introduction To Global Politics* (OUP 2016).

⁴⁹ Steven L Lamy, *Introduction To Global Politics* (OUP 2016).

⁵⁰ Sven Biscop, *The Great Powers Have Their Ways* (2018)

<<http://www.egmontinstitute.be/content/uploads/2017/12/SPB93-The-Great-Powers-Have-Their-Ways.pdf?type=pdf>> accessed 10 July 2018.

the world. In fact, EU land area is smaller than that of the US. Nevertheless, the fate of the world is still dependent on the interest of these four great powers⁵¹.

The measures taken to address international issues principally depend on how these issues affect the great powers. Challenges will always emerge when an issue affects the powers in a contrasting or competing ways. Biscop states that a multipolarity will always exist because these powers usually have competing interest. However, there certain instances whereby the powers cooperate. Competition and cooperation will also coexist. Great power will cooperate to address issues that affect their interest uniformly. They, on the other hand, compete when the issue affects them differently. Richard argues that an amicable solution is likely to be established quickly when the issue affects them uniformly due to the cooperation. Lack of cooperation on the other hand will affect the instant addressing of the issues. The powers are likely to jeopardize each other's action thus delaying the finding of an amicable solution⁵².

It can therefore be said that international liberalism allows for efficient handling of international issues because it advocates for cooperation. Conversely, realism delays or jeopardizes the resolution of issues since it promotes competition. The competition may end up aggravating any existing conflict. Analyzing the interest of individual great power will highlight how cooperation and competition is likely to emerge during the addressing of international relation issues⁵³.

The self-interest of great power determines their international policies. An analysis of the policies and action pursued by this power can points out to their self-interest and inform the reason behind the action they took in the Libyan and Syrian case.

Biscop argues that Russia self-interest is centered on solidifying influence over its neighboring countries⁵⁴. Thomas holds the same sentiments⁵⁵. Precisely, Thomas argues that Russia strives to acquire the same level of influence that was enjoyed by the

⁵¹ Richard W Mansbach and Kirsten L Taylor, *Introduction To Global Politics* (Routledge 2018).

⁵² Richard W Mansbach and Kirsten L Taylor, *Introduction To Global Politics* (Routledge 2018).

⁵³ Richard W Mansbach and Kirsten L Taylor, *Introduction To Global Politics* (Routledge 2018).

⁵⁴ Sven Biscop, *The Great Powers Have Their Ways* (2018)

<<http://www.egmontinstitute.be/content/uploads/2017/12/SPB93-The-Great-Powers-Have-Their-Ways.pdf?type=pdf>> accessed 10 July 2018.

⁵⁵ Thomas Wright, 'China And Russia Vs. America: Great-Power Revisionism Is Back' (*Brookings*, 2018) <<https://www.brookings.edu/opinions/china-and-russia-vs-america-great-power-revisionism-is-back/>> accessed 10 July 2018.

Soviet Union⁵⁶. On the other hand, Alexey com does not believe that Russia goal is to extent Soviet Union like influence. According the Alexey, Russia goal is to promote rule-based global order. Such orders support its leadership style, which is in opposition with liberal order systems promoted by Western powers⁵⁷. Russia international policy are therefore geared toward blocking the US and EU from solidify massive global power. From a realism theory point of view, Russia appear to believe that the relative power acquired by western nations is inversely proportion to its sphere of influence. At the same time, Russia rule based global order is tandem with China's system. The two powers are therefore likely to collaborate to promote their interest as well as blocking western nation from acquiring power that might influence their domestic and global dominance.

Nathan affirms Alexey argument that China's self-interest are designed towards rejecting global system promoted by great powers of the western nations⁵⁸. Precisely, Nathan argues that China goals is mostly geared towards overruling liberal internationalism. The principles of this theory, namely democratization, institutionalization, free trade among other norms, are not in line with China domestic and international approach. Ironically, most of these liberal internationalism principles have been responsible for China's rapid growth to become an emerging great power. Nevertheless, Nathan argues that the nations opposes or recommends for the altering of the theory because the principles underpinning this theory may threaten some of its national interest. For instance, China supports free trades, accompanying institution, and trade pacts. However, some of the requirement set by these actors may end up undermining China authorities. A good example is the labor conditions. China cannot subscribe to treaties such as Trans-Pacific Partnership (TPP) because they promote liberal agendas related to working conditions that are not in line with china system of governance. China opposition to international liberalism and some of the policy

⁵⁶ Thomas Wright, 'China And Russia Vs. America: Great-Power Revisionism Is Back' (*Brookings*, 2018) <<https://www.brookings.edu/opinions/china-and-russia-vs-america-great-power-revisionism-is-back/>> accessed 10 July 2018.

⁵⁷ Alexey Muraviev, 'Russia Not So Much A (Re)Rising Superpower As A Skilled Strategic Spoiler' (*The Conversation*, 2018) <<https://theconversation.com/russia-not-so-much-a-re-rising-superpower-as-a-skilled-strategic-spoiler-90916>> accessed 10 July 2018.

⁵⁸ Andrew Nathan, 'Self-Interest Shapes China'S Policies Toward The International Order' (*East Asia Forum*, 2018) <<http://www.eastasiaforum.org/2017/12/19/self-interest-shapes-chinas-policies-toward-the-international-order/>> accessed 10 July 2018.

advocated by western nations such as the US and the EU is therefore a direct effort geared toward curbing the power of western countries. China and Russia do not want the US and the EU to acquire too much power because they believe western nations will use the power to influence them into adopting liberal agenda.

According to Biscop, the US has always advocated for international liberalism since the end of the world war 2⁵⁹. The country believes that cooperation among the international community is the best way of dealing with international relation issues. It is thus a major advocate of supranational bodies, like the UN. The US is likely to support causes and countries that subscribe to its notion of international liberalism. It has traditionally played the major role of advocating for these ideologies. On the other hand, it will oppose any other country that does not support the values related to liberal world order. It views such countries as threat to not only its global dominance, but also its national security⁶⁰.

Ironically, the focus on pushing for liberal agenda is making the US apply a realism approach. To be precise, the US is pushing for its self-interest and cooperating only with those partners that support these interests. Furthermore, the US strives to achieve relative power so that it can influence other countries more efficiently. The 2001 attack on the twin tower particularly aggravate US push for self-interest in the international arena. US will support its strategic partner and jeopardize the operation of other countries that it deems a threat to its national security or global dominance. China and Russia pose a direct threat to its global dominance and push for liberal agenda. Therefore, the US international efforts are geared towards either preventing the two countries from acquiring more power, or ensuring it remains powerful than these two countries.

The European Union and the US have long been allies because they seem to promote similar liberal agendas. However, like the US, the EU too has significant self-interest

⁵⁹ Sven Biscop, *The Great Powers Have Their Ways* (2018)
<<http://www.egmontinstitute.be/content/uploads/2017/12/SPB93-The-Great-Powers-Have-Their-Ways.pdf?type=pdf>> accessed 10 July 2018.

⁶⁰ Sven Biscop, *The Great Powers Have Their Ways* (2018)
<<http://www.egmontinstitute.be/content/uploads/2017/12/SPB93-The-Great-Powers-Have-Their-Ways.pdf?type=pdf>> accessed 10 July 2018.

that determines its international relations agenda. International bodies such as NATO are geared towards promoting the interest of the member states. Bicon⁶¹ argues that despite promoting international liberalism like principles, EU machinery will intervene aggressively only if the interests of its members are at stake. The self-interest of individual countries is manifested even within the EU. The Greece bailout particularly highlighted the significant influence of this self-interest. According to Miles, Germany was reluctant to support Greece because the support would not directly serve its interest; instead, it required Germany to sacrifice some of interest⁶².

Various researchers have demonstrated that the international policies of great power is determined by the self-interest of these powers. That implies that international politics operates from realism point of view, whereby self-interest is more important than cooperation. On that note, the great powers are highly likely to apply the R2P protect framework depending on whether the application will serve their interests. The great power can manipulate the framework to suit their interest. For instance, Russia was keen to quote the framework when it invaded Ukraine. It claimed that its invasion is in line with framework call to protect the civilians against human right violation⁶³.

1.2.1 Research Gap

The chapter has demonstrated how international communities have intervened in various international conflicts. Some of the interventions were effective while other were not, suggesting that R2P framework may not be consisted in providing desired result. Literature on Cote de Ivore case however indicates that the problems may be due to the implementation of the framework, not the framework itself. Therefore, it is important to conduct further research to determine whether the R2P framework is ineffective or it is application that is flawed. In addition, existing research have not

⁶¹ Sven Biscop, *The Great Powers Have Their Ways* (2018) <<http://www.egmontinstitute.be/content/uploads/2017/12/SPB93-The-Great-Powers-Have-Their-Ways.pdf?type=pdf>> accessed 10 July 2018.

⁶² David Miles, 'Solidarity Or Self-Interest? European Integration And The German Question' (*HuffPost*, 2018) <https://www.huffingtonpost.com/david-miles/solidarity-or-selfinteres_b_8021338.html> accessed 10 July 2018.

⁶³<https://r2pasiapacific.org/filething/get/2628/AP%20R2P%20Policy%20Brief%206%201%20Russia%20and%20the%20Responsibility%20to%20Protect.pdf> 8

adequately addressed whether the ulterior motives and inconsistency in applying the framework affects the intervention approach used, and its outcome.

1.2.2 Hypothesis

The following main hypothesis was developed from the literature review:

States only operationalize R2P framework according to their national interests.

1.3 THEORETICAL FRAMEWORK

Liberalism and Realism are arguably the most influential theories of International Relations. Liberal International Theory purports that cooperation and interdependence between states drives international politics since individual states can act altruistically. In contrast, Realism argues that self-interest drives International politics. Proponents of Realism theories believe that state typically engage in International politics for self-protection. For instance, great powers are likely to intervene in nations whose instability affects their security or self-interests. Liberals are not blind to the fact that conflicts are bound to happen. Nevertheless, they argue that the occurrence is mostly due to ineffective mechanism of regulating competition, while realists propose that conflicts occur due to competing self-interest of the conflicting nations⁶⁴.

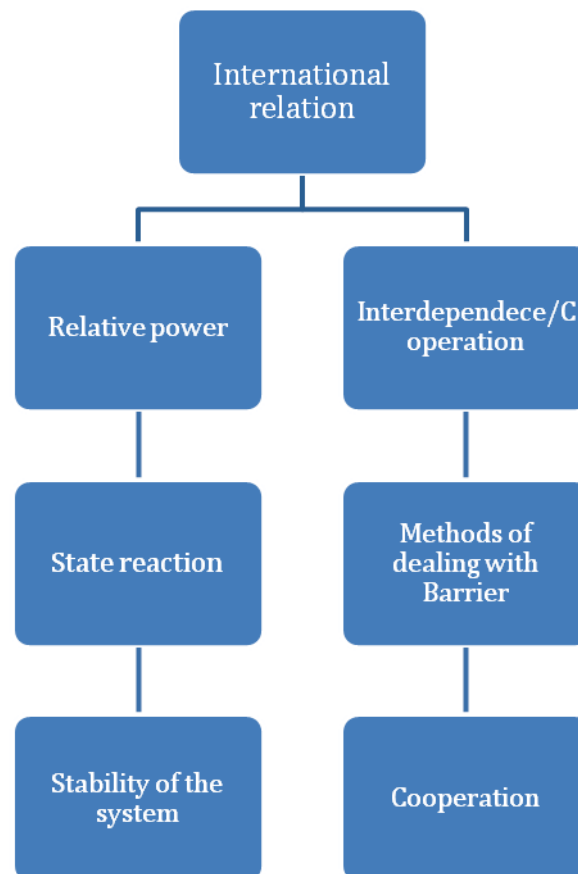
Another distinguishable feature between the theories is that Realists believe conflict and struggle will always be present in international politics. Liberals on the other hand argue that manipulating the system to promote peace is possible using international and supranational bodies. The theories are also discernible based on their key concepts. For instance, state power in relation to that of other nations is a key concept of Realism Theory. The relative power determines how states react to various international relation stimuli. Countries that compete for power, such as the U.S. and Russia, are likely to oppose each other when dealing with international conflicts. Furthermore, such countries may design their international policies in a way that will limit the competing

⁶⁴ Mark D Gismondi, *Ethics, Liberalism And Realism In International Relations* (Routledge 2008).V

nation from acquiring more power. Finally, state reaction to different international relation stimuli will determine the stability of the international relation system⁶⁵.

For international liberalism, focus in on cooperation and interdependence that is achieved through of sharing power. Supernatural institutions such as the UN play significant role in promoting liberal agenda, particularly the sharing of power. Such sharing determine how state overcome barriers. Therefore, instead of reacting in a bid to prevent a competing nation from amassing more power, liberals believe that the states will follow guidelines set by the supranational bodies. Subscribing to the international rules and regulations set through a democratic process would most likely lead to cooperation among nations⁶⁶.

Figure 1: Realism versus International Liberalism Theoretical Framework



⁶⁵ Mark D Gismondi, *Ethics, Liberalism And Realism In International Relations* (Routledge 2008).V

⁶⁶ Thomas Diez, Ingvild Bode and Aleksandra Fernandes da Costa, *Key Concepts In International Relations* (SAGE Publications 2011).

On paper, the responsibility to protect framework is inclined towards international liberalism. The framework promotes liberal like agenda of collective responsibilities. It is not meant to promote the self-interest of the great powers. The rights protected by the R2P framework are also in accordance with liberal world order. To be precise, the framework focus is safeguarding human rights. Similarly, liberalism doctrines advocate for the respecting of individual rights, political, right to own property, and the upholding of law⁶⁷. These principles of liberalism apply from a domestic level and are extended to cover the international level when international communities intervene to promote liberal world.

The application of the framework however suggests that R2P is used in the framework of Realism manner. To elaborate, The Darfur case indicated that R2P is applied selective. Particularly, it is applied in cases that support the strategic interest of great powers. In fact, Gelijn and other critics accused the US and other powerful of nations of using the framework to interfere with other nation's sovereignty. The Iraq conflict is an example of how the US used the framework to interfere and pursue its self-interest⁶⁸.

The application of R2P appears to affirm argument that Liberal International Theory is the ideal form of politics, while realism is politics as practiced. R2P framework highlights the preferred method of intervention, where preference is on promoting liberal values as well as relying on international actors. Such form of politics can lead to cooperation. The reality however is that framework is not always applied in the appropriate manner. The use of the framework to promote self-interest of great powers usually to an unstable international system, as is the case of Syrian. The application of the framework, even in cases whereby it was considered successful, still relied on the self-interest of great power⁶⁹.

The literature review section has established that international community appears to apply R2P framework selectively. The application is largely driven by the self-interest of great power. Therefore, it can be concluded that the framework is applied in

⁶⁷ Thomas Diez, Ingvild Bode and Aleksandra Fernandes da Costa, *Key Concepts In International Relations* (SAGE Publications 2011).

⁶⁸ Molier, Gelijn, " Humanitarian Intervention and the Responsibility to protect after 9/11, Netherlands International Law Review, Vol LIII, (2006), p. 37-62

⁶⁹ Molier, Gelijn, " Humanitarian Intervention and the Responsibility to protect after 9/11, Netherlands International Law Review, Vol LIII, (2006), p. 37-62

accordance with realism theory. The hypothesis developed is that international community operationalized the framework in accordance with their national interest, not to safeguard the fundamental human rights of the afflicted citizens.

1.4 METHODOLOGY

This section provides the research strategy used to conduct this study and justifies why the selected methodology was used.

The study adopted case study research methodology because of its effectiveness in studying complex real-life situations. Yin particularly argues that it is the best method for conducting social science, sociology, and community-based studies⁷⁰.

Precisely, the study adopted a multiple case study approach. As pointed out by Zaidan⁷¹, a case study can be either single-case or multiple-case. Multiple-case should be the preferred method because it offers the researcher a chance not only to conduct an in-depth research, but also to compare the findings from one case to another. The comparison will offer an additional layer of information for analyzing the research problems. This comparison will for instance help the research identify patterns or add credibility to the findings⁷².

1.4.1 Research design

The study mostly adopted a descriptive research design. It nonetheless incorporated certain elements of explanatory research design. A descriptive research design was chosen because it allows for one to study and analyze subjects in their natural environment⁷³. Therefore, the approach is effective in explaining the steps, procedures and sequences the UN used to apply the R2P framework and humanitarian military intervention. Elements of explanatory research design were incorporated to explain why certain phenomena or trend occurred. For instance, the explanatory elements were used to explain why Libyan intervention was deemed successful while the Syrian case is so far considered a failure.

⁷⁰ Zaidan Zainal, 'Case Study As A Research Method' (2007) 9 *Jurnal Kemanusiaan bil.*

⁷¹ *Ibid.*, 2

⁷² *Ibid.*, 2

⁷³ *Ibid.*, 2

1.4.2 Data collection methodology

Credible data concerning the Syrian and Libyan case were collected from a wide variety of sources. These sources included academic publications, government reports, official documents, public Statements, and publications generated by organisations such as the UN, non-governmental organisations, and lobby groups.

Other sources of literature included news and media accounts as reported by renowned international relations scholars. The information collected was categorized based on formulated hypothesis. The findings will contribute to the international literature focusing of recent application of R2P framework.

CHAPTER 2: CASE OF LIBYA

2.1. INTRODUCTION

This chapter analyses Libyan case. UN handling of Libya and Syrian was largely diverse. The thesis critically analyzes the contrast, to answer the research questions and achieve its objective.

2.2. LIBYAN CONFLICT

Libya conflict stemmed from the 2011 Arab spring rise. On February 15, 2011, regular citizens rose against the Gaddafi regime that had lasted about 42 years. The anti-government rallies began in Benghazi when Fethi Tarbel a human right lawyer was arrested. The protestors demanded President Gaddafi to quit and political prisoners to be set free. To disrupt the demonstrations the security forces began using water cannons together with rubber bullets. The Libya authority organized pro-government rallies and broadcasted them on the national television. The protests spread to Tripoli. The government appeared shaken by the spread and hence began to use lethal force to kill and intimidate the protestors.

The regime also denied people their right to communicate. It blocked the internet and interrupted telephone services. On 21 February, Government representative, Saif al-Islam, directly blamed external community through a public speech for the unrest ongoing in the country. The use of brutal force by the Government increased to a point whereby senior Libyan diplomats, ambassadors and other high-level officials opted to resign. Their resignation was in protest of the force used by the State. Similarly, a section of military officers defected and formed rebel group. Journalist were able to capture the ongoing when Egypt and Libya border was opened⁷⁴.

⁷⁴ Security Council, 'Security Council Approves 'No-Fly Zone' Over Libya, Authorizing 'All Necessary Measures' To Protect Civilians, By Vote Of 10 In Favour With 5 Abstentions | Meetings Coverage And Press Releases' (*Un.org*, 2018) <<https://www.un.org/press/en/2011/sc10200.doc.htm>> accessed 6 May 2018.

On 22 February 2011, Gaddafi expressed his determination not to surrender. He allegedly incited his supporters to attack protestors. Such sentiments indicated that Gaddafi, as a leader, had violated his responsibility of protecting the rights of his citizen⁷⁵. Therefore, the international community was justifiable to intervene as outlined by the first pillar of R2P.

Indeed, the international community intervened to protect the citizens from mass violence by implementing military, monetary, and political measures⁷⁶. The situation was also referred to International Criminal Court (ICC).

Rebel groups merged to form the Transitional National Council (TNC). This outfit served as Libyan official opposition and rebel groups. Many civilians fled toward the borders and the situation began worsening because of shortage of food, medical and fuel supplies⁷⁷.

The fighting continued to intensify between the government forces and the rebels, both seeking to control the export terminals for oil in the Gulf of Sidra. As the fighting intensified, the international community debated on possible diplomatic responses. A number of States, especially western nation, began recognizing TNC as the equitable government. The States began considering working with the TNC. On 10 March, France officially recognized TNC as the only legitimate spokesperson of the people of Libya⁷⁸.

The international community also continued to be divided on the possible military intervention, especially because the no-fly zone minimized their military options. The rebel group had requested the no-fly zone in order to prevent Qaddafi administration from launching attacks from the air. While France and UK supported such an operation, the US and Germany emphasized on the application of international consensus and warned against unforeseen consequences caused by military intervention. The African

⁷⁵ *ibid*

⁷⁶ Aidan Hehir. *The Permanence of Inconsistency: Libya, the Security Council, and the Responsibility to protect.*(2013) Vol.38.Issue 1. P.137-159

⁷⁷ Heather Kerrigan. *Historic Documents of 2011.* (Los Angeles: CQ Press. 2013) p.557

⁷⁸ Andreas Mehler, Henning Melber, Klaas Vana Wairaven. *Africa yearbook volume 8: Politics, Economy and Society South of the Sahara in 2011.* (Leiden: Koninklijke Brill.2012). p231

Union (AU) did not support any military intervention; instead, it called for negotiations⁷⁹.

On March 15, the supporters of Qaddafi attacked Ajdabiya town advancing towards Benghazi, Tobruk and Mistratah. Meanwhile, UN was setting mechanism to institute a no-fly zone. There was an abstention from Brazil, China, Germany, India, and Russia. EU and U.S. formed a coalition that attacked Qaddafi's command center. On 23 March, the coalition representatives declared that their warplanes succeeded in weakening the Gaddafi's forces thus enabling rebels to advance towards the west⁸⁰.

2.3 BACKGROUND OF THE LIBYAN CRISIS

Despite starting during the 2011 Arab Spring, the Libyan crisis is significantly different from the crises that were ongoing in Tunisia and Egypt. The only similarity between this crisis and the other crisis in the region was the fact that a dictatorial leader was also leading Libya. However, dictatorship was not the only the reason people in some of the Arab world revolted, otherwise countries like Qatar, Saudi Arabia, and Dubai among other UAE nations, would have also revolted⁸¹. According to Pedde⁸², external influence should be blame for the Libya revolution. Libyan Citizens were not as poor and marginalized as Tunisia and Egyptians citizen. The country was experiencing a level of economic performance that benefitted most of its Citizen. Furthermore, the oil and gas industry provided employment to almost all skilled workers. Profit generated from this industry trickled down to the other industries and sectors of the economy, consequently benefit almost all citizens in the country.

Libya relatively growth begun after Muammar Gaddafi took power in 1969. He became leader after leading a military coup against King Idris. Gaddafi transformed the country both in a political and economic sense. He precisely changed the country from being a monarchy to becoming a republic. His focus was promoting uniting, socialism and freedom. True to his word, Gaddafi's focus during his 42 years' leadership period was providing free education, health care and housing. He was successful in providing free

⁷⁹ Security Council (n 217)

⁸⁰ Security Council (n 217)

⁸¹ Nicola Pedde, 'The Libyan Conflict And Its Controversial Roots' (2017) 16 European View.

⁸² Ibid

education and medical care. He was still working toward providing free housing when he was unceremoniously overthrown. He should be credited for raising the countries per income to over US \$ 11,000.

The positive economic progress ensured the Gaddafi regime enjoyed support and minimal resistant. Before the uprising, Libya did not have active rebellious group. Nevertheless, rebellious factors still existed. They hence took the opportunity when the revolt begun in some parts of the Middle East and Northern Africa. Pro monarchy civilians made up a huge part of the citizens that revolted against Gaddafi⁸³.

Pedde however argues the execution of the Libyan revolt was sophisticated, indicating that what was going on was not a simple domestic insubordination. From the onset, the Libyan crisis was characterized by high-level action coordination, well thought out strategic plans, and availability of huge amount of ammunition and weapons. A simple domestic faction could not be able to develop and execute such a plan. In addition, it could not have access to the resources this particular uprising had. The execution of the revolt suggested that some exogenous factors were behind the revolt. The rapid involvement of European nations, Particularly Great Britain and France, added further to these suspicions. The suspicions were aggravated by the fact that these two European nations held anti-Gaddafi's regime sentiment⁸⁴.

Pedde also blames Qatar Government for shaping the opinion and attitude international community held towards the Libyan crisis. To be precise, Pedde argues that Qatari media outlet, Aljazeera, broadcasted images that painted Libya Government as having adopted an aggressive force against civilians. However, various other sources confirmed the Libya indeed used aggressive force against the civilian⁸⁵. For instance, 10,000 to 15,000 were killed during the crisis. Most of these deaths could be attributed to the kind

⁸³ Dia Kedze, 'The 2011 Libyan Crisis - ACCORD' (*ACCORD*, 2015)

<<http://www.accord.org.za/conflict-trends/2011-libyan-crisis/>> accessed 7 August 2018.

⁸⁴ Nicola Pedde, 'The Libyan Conflict And Its Controversial Roots' (2017) 16 *European View*.

⁸⁵ Nicola Pedde, 'The Libyan Conflict And Its Controversial Roots' (2017) 16 *European View*.

of force the Libyan Government used against the protestors. In addition, 746, 0000 refugees escaped from Libyan by May 2011⁸⁶.

According to Pedde, the international community did not adopt a peaceful intervention tactic to address the Libyan case. It went almost straight into using force. Kedze⁸⁷ holds similar sentiments. According to Kedze, the implementation of Resolution 1970 and Resolution 1973 that was passed by the United Nations Security Council (UNSC) on 16th February 2011 and 17th March 2011 was problematic. It led to the death of civilians. Kedze precisely states that the civilians' deaths were caused by airstrikes executed by NATO.

However, it is worth noting that regional organization were the first category of international organization that called for international intervention in the Syrian case. The League of Arab States was particularly the first organization that called for action on 22nd February 2011. The Organization of the Islamic Conference (OIC) made the call on the same day. The African Union (AU) made the call one day later. These local bodies advocated for the protection of civilian rights using different strategies. The AU for instance advocated for peaceful, non-military intervention. On the other hand, Arab League recommendations were relatively aggressive. It recommended for a no-fly zone resolution. The Security Council's resolution 1973 was adopted after the Organization of the Islamic Conference endorsed the no-fly zone recommendation⁸⁸.

What stand out from international community response to Libyan crisis is that all action taken by these communities directly targeted Muammar Gaddafi and his regime. The international community did not focus on mediation. In fact, the League of Arab nation directly rejected any form of peaceful negotiation that did not involve the ousting of Gaddafi. European nations, particularly Great Britain and France were in favor of overthrowing Gaddafi.

⁸⁶Ibid

⁸⁷ Dia Kedze, 'The 2011 Libyan Crisis - ACCORD' (*ACCORD*, 2015) <<http://www.accord.org.za/conflict-trends/2011-libyan-crisis/>> accessed 7 August 2018.

⁸⁸ International Coalition for the Responsibility to Protect, 'Crisis In Libya' (*Responsibilitytoprotect.org*, 2018) <<http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-libya#background>> accessed 7 August 2018.

2.4 UNSC RESOLUTIONS AND ACTIONS ON LIBYA

On 26 February 2011, the UN Security Council saw that the far-reaching and organized attacks on citizens would amount to crimes against humanity. Therefore, a request to end the violence was made, the issue was reported to the ICC, and sanctions were imposed which consisted of arms ban, travel ban and freezing of resource.⁸⁹

On 17 March 2011, the UNSC approved Chapter VII measures for the protection of citizens in Libya. Its approval required all member States to intervene on behalf of civilians and other non-military personnel who lived in the regions under attack. It involved declaring Libya airspace a no-fly zone and placing an arms ban⁹⁰.

On March 27, NATO took control of the military operations in Libya that was previously under the control of France, the US, and the UK.⁹¹ The handover took place after a long debate over the limits of military intervention. Many countries argued that an international attack on the ground was outside the limit of UN Security Councils charge with protecting civilians⁹².

As the fighting advanced, it became apparent that even with NATO's support, the Libyan rebels could not oust Qaddafi. Therefore, diplomatic efforts intensified with AU sending a delegation on 10 April to Tripoli to negotiate a cease-fire plan with Qaddafi. On 11 April, the pro-Qaddafi forces persisted with its attacks despite an announcement that Qaddafi had accepted the plan. The rebel leaders rejected the plan arguing that it did not make provisions for Qaddafi's departure⁹³.

On 19 April, amid the stalemate, the UK announced that it would send military liaison officers to the rebel leaders to guide them on military strategy, logistics, and organization. France and Italy supported the US by announcing the following day that it would also send a team of advisers.⁹⁴

⁸⁹ Gowers, A. *The BRICS and the Responsibility to Protect in Libya and Syria*. (London: Routledge.2013)

⁹⁰Aljazy, Ibrahim M., and Mahasen M. Aljaghoub. 'Libya And Syria: The Responsibility To Protect And The Politics Of Power'. *Yearbook Of Islamic And Middle Eastern Law Online*. (2013) 17 (1): 196-210. doi:10.1163/9789004283688_007.

⁹¹ Operation Odyssey Dawn (Libya):Background and Issues for Congress.2011. P16

⁹² Operation Odyssey Dawn (Libya):Background and Issues for Congress.2011. P16

⁹³ Operation Odyssey Dawn (Libya):Background and Issues for Congress.2011. P16

⁹⁴ CQ Researcher: *Issues in Comparative Politics: Selections from CQ Researcher*. (California: Sage.2012).p.6

Meanwhile, NATO's attacks continued targeting spots associated with Qaddafi and his family. NATO killed Qaddafi's son Sayf al-Arab and three of Qaddafi's grandchildren⁹⁵. In June arrests warrant were issued by ICC for Abdullah Senussi who served as Libya Intelligence chief, Qaddafi and his son Say al-Islam for ordering attacks on civilians.⁹⁶

On 22 August, the balance of power shifted in their favor of the rebels. They seized control of many strategic areas, such as Zawiyah, which has one of largest oil refineries in Libya. As the fighting continued between the Gaddafi's loyalists and the rebels, the whereabouts of Qaddafi was unknown. On 15 September, the TNC gained international legitimacy through the voting process in the UN General Assembly and therefore it was recognized as the representative of the Libyans⁹⁷.

On 20 October, as the rebels fought to solidify their control, Qaddafi was discovered from his hideout and was killed in his hometown, Sirte⁹⁸. TNC struggled to form an interim government but the rebel militias were reluctant to submit. They refused to disarm and continued with the fighting⁹⁹.

The intervention carried out by NATO in Libya was rated as an exemplary intervention. This was because of the European Union quick response to quell a disintegrating situation that had undermined the rights of civilians.

In the beginning, it was thought that the peaceful protests in Libya would lead to the toppling of Qaddafi, as it was the case in Tunisia and Egypt¹⁰⁰. Qaddafi however did not accept the call of the citizen like the way Hosni Mubarak and Zine el-Abidine of Egypt and Tunisia did¹⁰¹. His resistance and consequent use of force warranted the international intervention.

⁹⁵ Cowell, Alan, and Ravi Somaiya, "France and Italy ill also Senad Advisers to Libya Rebels," *NY times.com*, April 20, 2011. As of July 19,2014:<http://www.nytimes.com/2011/04/21/worldafrica/21Libya.html>

⁹⁶ Operation Odyssey Dawn (Libya):Background and Issues for Congress.2011. P16

⁹⁷ TNC gained international legitimacy (Libya)

⁹⁸ William Blum. *US Military and CIA Interventions since World War 11*. (London: Zed Books.2004) p. 281

⁹⁹ Luiz Alberto Moniz Bandeira. *The Second Cold War: Geopolitics and the Strategic Dimensions of the USA*. (Cham, Switzerland: Springer International. 2017). P.200

¹⁰⁰ Ibid. Gowers.

¹⁰¹ Muhamad S. Olimat. *China and The Middle East:from Silk Road to Arab Spring*.(New York: Routledge.2013) 192-194

Although not 100 percent faultless, NATO's was credited for saving citizen's life while maintaining collateral loss at bare minimum. Its supporters argue that it empowered the Libya people in overthrowing one of the worst dictators in the world¹⁰².

The achievement however should not be solely credited to NATO. The US and the EU also played a notable role. The international community engaged in genuine partnership. The US undertook the main part by removing Libya's air guard system, thus giving other NATO's member an opportunity to play their respective role. This involved 14-member States of NATO and four collaborating nations. Collectively, they provided the nation with flying corps and maritime support¹⁰³.

Even non-western countries and organizations played a significant role in the ousting of Gaddafi. The Arab league, which is comprised of Morocco, Qatar, UAE, and the Transitional National Council, served a vital role. Their role was particularly in supporting the decisions of the UN relating to the intervention¹⁰⁴.

2.5 REALISM VS. INTERNATIONAL LIBERALISM IN THE CASE OF LIBYA

Realism purports that states intervene on other states affairs with goal of pursuing self-interest¹⁰⁵. As much as R2P framework was effectively applied in the Libyan case, the swift application was driven by the intervening nations' self-interests. That means the framework was applied in line with realism theory. To be precise, Russia, Brazil, India, South Africa, and China arguably abstained from intervening in the Libya crisis because the country did not contribute significantly to their strategic interest. EU nations was however quick to react because Libya instability could significantly affect their economy, especially considering these countries relied on the nation's oil reserves. From an international liberalism standpoint, EU and US may have intervened in the Libya case because instability was undermining the nation's ability to cooperate with other nations. Worth noting is that international liberalism allows for the use of military coercion, as a last resort, to push for liberal agenda.

¹⁰² (Muhamad n 135, 194)

¹⁰³ (Muhamad n 135, 193)

¹⁰⁴ Davies, Sara Ellen. *Protecting the Displaced Deepening the Responsibility to Protect*. Leiden: MartinusNijhoff Publishers, 2010.

¹⁰⁵ Mark D Gismondi, *Ethics, Liberalism And Realism In International Relations* (Routledge 2008).

Though not specifically mentioning the terms realism and international liberalism, Murray suggests that EU and US interference in the Libyan case was largely driven by realist motives¹⁰⁶. The so-called application of the R2P framework was to promote western governance systems, not to safeguard the rights of the civilians. The goal of Britain, France and US was specifically to promote western like democratic system. Liberals could argue that EU and US application of R2P framework was shaped by Liberal International Theory. However, that is not the case. Promoting Democratic agendas in the Middle East would still serve the EU and US because it would allow them to promote a leader who would effectively serve their needs. In other words, the great power strived to set up a governance system that was in line with their interest.

Murray¹⁰⁷ argues that a regime change in Libya was important to the EU and US because Qaddafi policies were unfriendly to the self-interest of these great powers. He contrasted EU and US reaction to the Libyan crisis with their reaction to the Yemen and Bahrian crises. Their reactions indicated that Great powers apply R2P framework discriminatory. They did not react aggressively when the rulers of these two latter cases used violence to deal with uprising. Just like in Libya, Yemen and Bahrian citizens needed protection and support that the great powers did not provide. Furthermore, R2P was abused when NATO used it as tool for advocating for regime change. The framework goal is to protect civilians, not overturn a sovereign Government. The overruling of the regime serves as indication of the great power being motivated by ulterior motives when engaging in Libya intervention.

2.6 THE ANALYSIS OF CASE WITHIN THE R2P FRAMEWORK

As much as the Libyan intervention was hailed a success, there is evidence suggesting that the implementation of the R2P framework was greatly affected by the self-interest of the members of the international community. Political interest was for instance highlighted by the fact that five key members States of UN opted to abstain from resolutions 73. The Key members that abstain were Russia, Brazil, India, South Africa,

¹⁰⁶ Andrew Murray, 'Libya: A Conflict Of Self-Interest | Andrew Murray' (*the Guardian*, 2018) <<https://www.theguardian.com/commentisfree/2011/mar/22/libya-no-fly-zone-united-nations>> accessed 10 July 2018.

¹⁰⁷ Andrew Murray, 'Libya: A Conflict Of Self-Interest | Andrew Murray' (*the Guardian*, 2018) <<https://www.theguardian.com/commentisfree/2011/mar/22/libya-no-fly-zone-united-nations>> accessed 10 July 2018.

and China. The non-participant critically condemned the use of force arguing that the R2P framework was being used in the case of Libya as licensed to launch a brutal aerial assault on the ruling regime. UNSC aerial assault played the greatest role in aiding the rebel defeat Gaddafi. The absentee also argued that the Libyan case was not likely to be used as reference model for addressing future conflicts. The absentee reference previous utilization of R2P framework to suggest the model was simply being used to advance the national interest of some States¹⁰⁸.

Resolution 1970 and 1973 invoked significant intervention measures that were meant to quell the fighting ongoing in Libya. Without a doubt, the pace at which these interventions were adopted in Libya was surprisingly fast. Resolution 1973 was adopted two weeks after the adoption of resolution 1970. The resolution was adopted because the non-coercive measures allowed by Resolution 1970 were ineffective in preventing the violation of human right in Libya¹⁰⁹. To an important degree, resolution 1973 allowed for military intervention. It placed mechanism that would allow for the use of forceful intervention in event Libya failed to safeguard the rights of its citizens.

Therefore, the adoption was arguably in line with R2P pillar that allows the use of coercive force when non-coercive force is deemed ineffective. However, the pillar clearly States that military force should be used as the last resort. Opponents of the adoption of the resolution expressed their doubt on whether the military intervention would be used as a last resort. As pointed out by Main pillar¹¹⁰, the resolution itself was not the problem; the problem was in its implementation. The implementation challenges related to whether the goal of the military intervention was to protect the rights of the civilian. The five abstentions and other interest group argued that the military operations were less focused on safeguarding the interest of the civilians, thus undermining the effectiveness of the R2P framework.

The role of regional community was also highlighted in the case of Libya. The input of local and regional bodies would have been neglected since Libya intervention was to an

¹⁰⁸ Aidin Hehir and Robert Murray, *Libya: The Responsibility To Protect And The Future Of Humanitarian Intervention* (Palgrave Macmillan 2013).

¹⁰⁹ Ibid., 174

¹¹⁰ Ibid., 177

important extent driven by ulterior motives of western States. They¹¹¹ supported the ulterior motives argument by pointing out to the instance whereby the international community, particularly western nations, did not support regime change in Arab nations whose regime was friendly to the western powers. A good example is the Bahrain case. Disparity in the implementation of the intervention strategies, especially during the Arab spring period, raises the question on whether implementing R2P principles were the main reason why the international community intervened in the Syrian case.

Almost every key nation that supported UNSC intervention in the Libyan crisis had a set of reasons that were based on its specific interest. To elaborate, French and Britain called for interventions that were driven by the need to assert their positions as influential political powers in the global and Middle East politics. Furthermore, economic interests, particularly in the Libyan oil, also influenced their calls. At the same time, Russia despite abstaining did not expressed strong commitment towards blocking humanitarian intervention undertaken by western nations. The somewhat reluctant attitude expressed by this nation was motivated by domestic politics. The then Russian President, Dimitry Medvedev, believed that allowing US and western nation pursue their strategies in Libya would increase his chances of reelection.

Similarly, China abstention and response to Libyan intervention were driven by its desire to project itself as an influential member of UN Security Council. Furthermore, China has been keen to promote sovereignty. While it acknowledged the need for international community to follow the R2P framework to diffuse crisis that violated human rights, it recommended for UNSC to adopt strict measure to monitor and control intervention strategy adopted.

Muhamad¹¹² argues the difference in governance between China and western States is what makes China oppose most intervention ideologies adopted by the latter States. China is uncomfortable with western State ideologies because such ideologies can be used to question how to govern its country. Therefore, China emphasis has been on

¹¹¹ Ibid., 177

¹¹² Muhamad .*China and The Middle East: from Silk Road to Arab Spring.*(New York: Routledge.2013) 192-194

ensuring sovereignty is protected and limiting the power of international community engaging in regime change.

Brazil position on the R2P implementation in the case of Libya was also motivated by its national interest, and not the interest of oppressed civilians. Brazil was adamant to resist internationalism due to the dynamism of its domestic politics. As pointed out Hehir and Murray¹¹³ Brazil had in the past portrayed a tradition of diverging from intervention strategies recommended by dominant international powers. For instance, in Haiti Brazil opted for peace enforcement as opposed to non-intervention. In Libyan case, Brazil again went against the norm by opposing military intervention.

¹¹³ Hehir and Murray (n 134, 183). *Libya: The Responsibility To Protect And The Future Of Humanitarian Intervention* (Palgrave Macmillan 2013).

CHAPTER 3: CASE OF SYRIA

3.1 INTRODUCTION

This chapter is based on the case study of Syria. Here it looks the details about the ongoing conflict in Syria, how the crisis has been started and what the current situation and the response of international community.

3.2 SYRIAN CONFLICT

While the international community and R2P were gaining victory in Libya, demonstrations were taking place in Syria against the leadership of Assad family. In March 2011, non- violent protests began. The protestors demanded the resignation of the leader and the release of political prisoners¹¹⁴. Unfortunately, the regime responded brutally to the protests. Starting from 2011, President Assad declined to neither make changes requested by the protestors nor end the attacks.¹¹⁵

In July 2011, reports from media were released showing how the government tormented its citizen through means such as discretionary confinement and use of heavy weapons. Civilians were attacked by Shabiha army and government armed forces. Unfortunately, the nation lacked support from the UN and non-governmental associations, causing huge scarcity of health care, food, and water¹¹⁶.

As the situation continued to escalate, opponents of the Assad administration started forming resistance associations, such as Syrian National Council (SNC), and the Free Syrian Army (FSA)¹¹⁷. In August 2011, FSA launch attacks on the Syrian forces. The fights between the rebels and Government forces led to the violation of the population's human rights¹¹⁸.

¹¹⁴Cronogue, Graham. "Responsibility to Protect: Syria the Law, Politics, and Future of Humanitarian Intervention Post-Libya." (2012) *Journal of International Humanitarian Legal Studies*: 124-59.

¹¹⁵Gifkins, Jess. 2012. 'The UN Security Council Divided: Syria In Crisis'. *Global Responsibility To Protect* 4 (3): 377-393. doi:10.1163/1875984x-00403009.

¹¹⁶ Cronogue (n 239, 125)

¹¹⁷ Cronogue (n 239, 116 125)

¹¹⁸Fasulo, Linda M. *An Insider's Guide to the* 3rd ed. 2014.

Since March 2011, the Syrian regime has been restricting media coverage, thus hiding the crimes against humanity committed in the country. In September 2011, the United Nations Human Rights Council secured an independent International Commission of Inquiry to evaluate the extent of the abuses of the human rights abuses¹¹⁹. Seven reports were released indicating that Assad government as well as Shabiha had caused atrocities that violated the rights of Syrians citizens¹²⁰.

3.3 BACKGROUND OF THE SYRIAN CONFLICT

Syria borders Turkey to the North, Iraq to the East, Lebanon and Israel to the west and southwest and Jordan to the south. It has different tribes and spiritual groups such as Shia, Sunnis Christians, Armenians, Assyrians Kurds, Arab and Druze¹²¹

The country was a colony of French and it gained independence on 17 April 1946. It has been facing numerous administrative challenges due to competing objectives of the different tribes and religious groups. Egypt and Syria merged on 1 February 1958 to form the United Arab Republic but the union was unsuccessful because of the Egyptian dominance. On 28 September 1961, Syria seized power and established the Syrian Arab Republic. 1960 was characterized by frequent coups, civil disorders, and bloody riots¹²². In 1982, there was an uprising in Hama of the Muslim Brotherhood, however, the administration dealt brutally with any internal opposition and therefore thousands of citizens were killed. After the death of Hafez al-Assad in 2000, the country experienced a short period of rest and political prisoners were set free¹²³.

In December 2010, a wave of demonstrations began in North Africa and the Middle East. The demonstration inspired antigovernment protest in Syria that begun on March 2011. Several children wrote anti-government graffiti which offended the government and lead to their arrest. As result, citizens protested. On March 18th, the security forces

¹¹⁹Fasulo, Linda M. *An Insider's Guide to the* 3rd ed. 2014.

¹²⁰Fasulo, Linda M. *An Insider's Guide to the* 3rd ed. 2014.

¹²¹ Cronogue (n 239, 132)

¹²²Graham Cronogue, *Responsibility to Protect: Syria the Law, Politics, and Future of Humanitarian Intervention Post-Libya*. *Journal of International Humanitarian Legal Studies*, 2012, Volume 3, Issue 1, p.124-159

¹²³Graham Cronogue, *Responsibility to Protect: Syria the Law, Politics, and Future of Humanitarian Intervention Post-Libya*. *Journal of International Humanitarian Legal Studies*, 2012, Volume 3, Issue 1, p.124-159

opened fire killing several people. Protests soon spread in other cities while the Assad regime reacted aggressively by sending powerful security services to quell the rallies, most of time using brutal force.¹²⁴

The harsh tactics backfired because the violence committed by the security forces turned many Syrians against the administration. The Syrian regime restricted journalists and therefore news was spread only through amateur videos and eyewitness accounts. In April, the Assad administration began conducting operations in areas considered unfriendly to the Government. Numerous reports of killings and arrests were reported. The regime argued that the uprising was foreign sponsored¹²⁵.

On 23 August 2011, a group of opposition activists claiming to be representative of the Syrians formed Syrian National Council (SNC) in Istanbul Turkey.¹²⁶ As the conflicts continued, the international community condemned the Syrian government for the crackdown on protestors¹²⁷. The European Union (EU) and the US imposed travel bans, arms embargo, and freezing of assets belonging to Assad and senior officials¹²⁸

Due to deteriorating humanitarian situation, the international community called for military intervention. Russia and Iran rejected this call¹²⁹. In October, a resolution by the UN Security Council condemning Syrian crackdown was vetoed by Russia and China. This blocked UN sanctions and military interventions that was applied in Libya to oust Qaddafi¹³⁰.

Syria was pressured by Turkey, Saudi Arabia, and Qatar to accept a peace plan to halt violence and allow Arab League delegation to monitor the situation. The agreement

¹²⁴Davis, John. *The Arab and Arab Thaw: Unfinished Revolutions and the Quest for Democracy*. (New York: Routledge, 2016).p.212.

¹²⁵Davis, John. *The Arab and Arab Thaw: Unfinished Revolutions and the Quest for Democracy*. (New York: Routledge, 2016).p.212.

¹²⁶ Davis, John. *The Arab and Arab Thaw: Unfinished Revolutions and the Quest for Democracy*. (New York: Routledge, 2016).p.212.

¹²⁷ Davis, John. *The Arab and Arab Thaw: Unfinished Revolutions and the Quest for Democracy*. (New York: Routledge, 2016).p.212.

¹²⁸ (Davis n 157, 200)

¹²⁹(Davis n 157, 200)

¹³⁰(Davis n 157, 200)

eventually backfired because violence persisted and the safety of the delegation caused the Arab League to suspend the mission on 28 January 2012¹³¹

Another peace plan took effect in April initiated by Kofi Annan the UN Secretary General but collapsed because both sides breached the cease-fire agreement. In November, the Syrian National Coalition received recognition by many countries.¹³²

On 21 August 2013, hundreds of civilians were killed in Damascus through a chemical weapons attack¹³³. Both sides blamed each other on the use of chemical weapons, a move that was condemned by Britain. The U.S and France and considered retaliatory strikes against the regime. Immediately, Iran, China, and Russia denounced the use of military while Assad swore to fight the western hostility¹³⁴.

In October 2013, the weapon stockpile of Syria was destroyed under the supervision of Organization for the Prohibition of Chemical Weapons (OPCW) and the UN.¹³⁵ In November 2013, several Islamist militant groups formed Islamic front. Later a merger called Islamic State in Iraq and Syria (ISIS) was formed which took control of eastern Syria and imposed a stringent edition of Islamic law. ISIS is considered a brutal force¹³⁶.

There have been constant conflicts between ISIS and the international anti-ISIS coalition. The conflicts have been characterized by air strikes that resulted in extensive damages and displacement of people to the neighboring countries. Additionally, Russia, which has consistently supported Assad regime, has been active in the conflicts by deploying military troops and various types of equipment since 30 September 2015¹³⁷.

¹³¹ (Cronogue n 239, 127)

¹³² Paul A.L.Ducheine, Frans P.B.Osinga.NL *ARMS Netherlands Annual Review of Military Studies 2017: Winning without Killing: The Strategic and Operational Unity of Non-Kinetic Capabilities in Crises.*(Berlin: Springer. 2017)P.145

¹³³ Jack Moore, 'Syria'S Chemical Attacks: A Timeline Of The War's Confirmed Cases' (*The National*, 2018) <<https://www.thenational.ae/world/mena/syria-s-chemical-attacks-a-timeline-of-the-war-s-confirmed-cases-1.722482>> accessed 6 May 2018.

¹³⁴ *ibid*

¹³⁵ Jennifer S. Easterday. *Environmental Protection and Transitions from Conflicts to Peace.* (Oxford: Oxford Press.2017). P.200

¹³⁶ Susan Breau. *The Responsibility to Protect in International Law: An Emerging Paradigm Shift.* (New York: Routledge.2016). p.155

¹³⁷ Ed Payne et al., "Russia Launches First Airstrikes in Syria," CNN, September 30, 2015.10:15 PM, <http://www.cnn.com/2015/09/30/politics/russis-syria-airstrikes-isis/>.

3.4 UN RESOLUTIONS/ GENERAL ASSEMBLY DECISIONS/ PRELIMINARY MEETINGS ON SYRIA CONFLICT

The Syrian government was approached with demands to end all the activities that violated its citizens' human rights, uphold the right to freedom of expression and assembly, lift the ban on foreign media, allow reporting on various activities in the country and immediately release all political prisoners. A mission was to be dispatched by the Security Council that would investigate the claims of infringement on human rights and request the government to cooperate with the investigations¹³⁸. A substantial majority of UN Security Council adopted the Resolution S-16/1 while others opposed or were absent. Some of the countries that opposed were Malaysia, Russia, China, and Pakistan while those who did not vote were Saudi Arabia and Nigeria¹³⁹¹⁴⁰.

Portugal, France, UK, and Germany submitted another resolution on 25 May, which disapproved the crackdown on protestors by the Syrian administration.¹⁴¹ It highlighted that it was the obligation of Syria to safeguard its citizens rights. It also called for prosecution of those attacking protestors and, to the end the killings, imprisonment, and torturing of people. Further requests were to lift bans on media. The draft resolution also requested the Syrian government to cooperate with the investigating mission that was sent by Human Rights Council.¹⁴²

The Security Council Member States continued with a discussion on editing the European resolution because countries such as South Africa, China, Brazil, India and Russia, stated that the council should not dictate how the Syrian administration is to apply reforms. They also argued that the draft had hefty language that needed to be

¹³⁸ Jack Moore, 'Syria'S Chemical Attacks: A Timeline Of The War's Confirmed Cases' (*The National*, 2018) <<https://www.thenational.ae/world/mena/syria-s-chemical-attacks-a-timeline-of-the-war-s-confirmed-cases-1.722482>> accessed 6 May 2018.

¹³⁹ Jack Moore, 'Syria'S Chemical Attacks: A Timeline Of The War's Confirmed Cases' (*The National*, 2018) <<https://www.thenational.ae/world/mena/syria-s-chemical-attacks-a-timeline-of-the-war-s-confirmed-cases-1.722482>> accessed 6 May 2018.

¹⁴⁰ (Jack n 171)

¹⁴¹ (Jack n 171)

¹⁴² (Jack n 171)

eliminated. The objectives were interpreted as a way of evading any proposal that would lead to military intercession.¹⁴³

On 21st July, the Secretary-General's Special Advisers on Prevention of Genocide and the Responsibility to Protect issued an announcement addressing the aggravating situation in Syria. The announcement asked the Syrian government to protect its civilians and ensure its security forces upholds universal human rights law.¹⁴⁴

On 3rd August, a presidential proclamation was issued by the Security Council which was aimed at breaking the stalemate. The announcement contained both a concern and a disappointment because of the deterioration of the situation in Syria. It reached out to both sides of the conflict to end the cruelty swiftly and condemned the extensive violation of human rights.¹⁴⁵ The announcement confirmed the Security Council's commitment to Syrian sovereignty, its authority, and territorial respect. Its focus was getting the solution to the urgent situation.¹⁴⁶

While this was happening Oscar Fernandez-Taranco who served as the Assistant Secretary-General for Political Affairs, reported to the Security Council that since the beginning of the conflict approximately 2000 citizens had lost their lives and gave proof that those troops that failed to open fire on ordinary citizens were killed.¹⁴⁷

Five months after the European draft resolution was discussed the four European nations submitted a revised draft for its final discussions¹⁴⁸. Russia submitted its own draft. The Russian resolution appealed for the ending of the infringement of human rights and for the Syrian authority to support any process that could prevent

¹⁴³Kersavage, Kathryn. 'The "Responsibility to Protect" Our Answer to "Never Again"? Libya, Syria and A Critical Analysis Of R2P'. *International Affairs Forum*.(2014).5 (1): 23-41.
doi:10.1080/23258020.2014.933057

¹⁴⁴ Kersavage, Kathryn. 'The "Responsibility to Protect" Our Answer to "Never Again"? Libya, Syria and A Critical Analysis Of R2P'. *International Affairs Forum*.(2014).5 (1): 23-41.
doi:10.1080/23258020.2014.933057

¹⁴⁵ Kersavage, Kathryn. 'The "Responsibility to Protect" Our Answer to "Never Again"? Libya, Syria and A Critical Analysis Of R2P'. *International Affairs Forum*.(2014).5 (1): 23-41.
doi:10.1080/23258020.2014.933057

¹⁴⁶Findlay, Martha Hall. *Can R2P Survive Libya and Syria?* (Toronto, Ont: Canadian International Council, 2011).

¹⁴⁷Findlay, Martha Hall. *Can R2P Survive Libya and Syria?* (Toronto, Ont: Canadian International Council, 2011).

¹⁴⁸ (Findlay n 179)

humanitarian emergency that had resulted due to the clashes¹⁴⁹. The resolution recognized the Syrian authority, demanding it to be allowed to come with up solutions without being intimidated by external forces¹⁵⁰.

The European draft resolution scrapped out divisions that suggested the use of sanctions. However, a plan was agreed upon that in case the Syrian government failed to adhere to the resolution's footings within the set timelines then such measures would be presented¹⁵¹.

Unfortunately, the Security Council declined the determination on 4 October. Only nine countries supported it. Lebanon, South Africa, India, and Brazil turn did not vote, while Russia and China were against it, thus displaying their outright rejection.¹⁵²

Russia argue that the resolution ignores the sovereign rights of Syria. Secondly, it argued that the resolution promoted aggression as oppose to mediation. Furthermore, Russia indicated that the resolution blamed only the Syrian authorities but both the Syrian and the rebels were engaging in the alleged violation of human rights. Finally, Russia argued that Libya intervention was not successful and hence a similar strategy should not be used in Syria.¹⁵³Russia was particularly keen on calling for the disqualification of the Syrian model.¹⁵⁴

China had similar dispute. It restated the rule of not interfering with domestic issues. It also concurred with Russia's argument that the sanctions were risky because they worsened the situation instead of containing it. The draft determination weighed heavily on Syria and therefore the approach would not yield any positive results.¹⁵⁵

Similarly, India and South Africa opposed the determination because they believe it did not take into consideration the crimes committed by the Syrian opposition organ.

¹⁴⁹ (Findlay n 179)

¹⁵⁰(Findlay n 179)

¹⁵¹ (Findlay n 179)

¹⁵²Mani, Rama.*Responsibility to Protect: Cultural Perspectives in the Global South*. (Abingdon, Oxon, England: Routledge, 2011).

¹⁵³ Mani, Rama.*Responsibility to Protect: Cultural Perspectives in the Global South*. (Abingdon, Oxon, England: Routledge, 2011).

¹⁵⁴Gowers, A. *The BRICS and the Responsibility to Protect in Libya and Syria*.(London: Routledge.2013)

¹⁵⁵Findlay, Martha Hall. *Can R2P Survive Libya and Syria?* (Toronto, Ont.: Canadian International Council, 2011).

Additionally, it did not impose any obligation to the resistance organ to dialogue with the administration in order to resolve grievances by use of peaceful political methods.¹⁵⁶

The US reacted by stating that the government of Syria had succeeded in covering its atrocities and had failed to guarantee any change. Some resisting nations argued the deployment of military intervention in Syria was a show-off and that some nations were supporting the Syrian administration instead of helping to protect Syrian individuals who were suffering. The debate ended in a stalemate and no decision was made¹⁵⁷

On 16th November, the Arab League intervened forcefully as it had done previously with Libya. It suspended Syria from being its member and gave the administration an ultimatum to approve all the listed terms or face both political and monetary sanctions. The terms included an immediate end of violence, removal of military forces from the cities, release of political prisoners, and the start of political reforms and to be implemented in a strict timeline.¹⁵⁸

On 22 December, the Arab League sent 150 observers to Syria, to monitor the progress on the implementation of the demands. By the end of year, Syria had not implemented any reforms and the presence of the observers did not influence it¹⁵⁹.

A report by the Independent International Commission of Inquiry was released on 23 November¹⁶⁰. It confirmed that there was a massive violation of human rights by the military force since the start of the protests in March 2011¹⁶¹. The commission confirmed that crimes such as sexual violence, homicide, imprisonments, disappearance of people, attacks, and torture had taken place. It also concluded that the government carried out the violations¹⁶².

The Security Council Member States met again in the month of January, to discuss and approve fresh approaches and determination. The council began by considering the draft determination presented by the Arab League. However, the draft was viewed as self-

¹⁵⁶Ibid.,

¹⁵⁷Findlay, Martha Hall. *Can R2P Survive Libya and Syria?* (Toronto, Ont.: Canadian International Council, 2011).

¹⁵⁸ Gower (n 129, 34)

¹⁵⁹ Gower (n 129, 34)

¹⁶⁰ A report by the Independent International Commission of Inquiry was released on 23 November

¹⁶¹ A report by the Independent International Commission of Inquiry was released on 23 November

¹⁶² A report by the Independent International Commission of Inquiry was released on 23 November

assured and full of doubt. Its main objective was deploying military intervention in Syria.¹⁶³

Arguably, the draft from the Arab League was in opposition to the Russia and China's interest because it opposed the administration of Al- Assad. Russia was opposed to this recommendation because it was viewed as an attack on Syrian sovereignty. Secondly, Russia was opposed to the idea of Security Council taking unnamed measures against Syrian¹⁶⁴.

On 31 January 2012, the Arab League Secretary-General reported that the situation in Syria was deteriorating at an alarming rate.¹⁶⁵ The government-sponsored atrocities had increased. It recommended that the Security Council embrace a determination and request the two sides to partake in a ceasefire so that the innocent civilians can be protected. Looking at the deplorable situation in Syria, a greater number of Security Council's member State acknowledged that an additional determination was necessary and that the one provided by the Arab league draft served as a better prospect to be endorsed^{166, 167}.

Morocco introduced a new determination to the Security Council. With the support of 18-member States, it addressed the concerns raised by the Russia and China. It also looked into the steps suggested in the Arab League draft and amended the recommendation to use of force and sanctions in Syria. The new determination expressed discomfort with the use of forceful measures against Syria in line with Article 42 of the UN Charter¹⁶⁸. The last frame of the determination condemned the hostility and increased in the number of people killed in Syria. It supported the listed activities found in the Arab League December plan that required the administration to withdraw the military from the streets, permit access to the Arab league foundations and humanitarian aid workforce. It also called for a broad political dialogue. While the

¹⁶³ Ibid

¹⁶⁴ Gower (n 129, 34)

¹⁶⁵ Rotberg, Robert I. *Mass Atrocity Crimes: Preventing Future Outrages*. Cambridge, Mass.: World Peace Foundation: 2010.

¹⁶⁶ Gower (n 129, 54)

¹⁶⁷ Gower (n 129, 64)

¹⁶⁸ Gower (n 129, 64)

global community was experiencing a stalemate concerning the intervention strategy to use, the death toll in Syria continued rising.¹⁶⁹

On 4 February, the voting on the draft Security Council determination continued as scheduled¹⁷⁰. Thirteen members voted for it while Russia and China vetoed it¹⁷¹,¹⁷². The American Ambassador to the UN depicted the US displeasure with the dual veto¹⁷³. The two vetoes were also viewed as an 'embarrassment' by German Ambassador to the UN. The Portuguese Ambassador to the UN questioned the Security Council tolerance to the Syrian administration that was leading the nation to a clash. Initially, India was opposed to the draft, however, on that voting day; the India supported the draft determination of the Security Council's that was meant to boost the Arab League activity. The British Ambassador challenged the two vetoes to consider how much atrocity they were willing to witness before they support the Security Council's interventions.¹⁷⁴

Unfortunately, both the Chinese and Russian representatives were indifferent and still considered the determination as unbalanced¹⁷⁵. They argued that the draft had failed to reprimand Syrian administration and the well-equipped rebels in equal measures. The dual accused the western countries of propagating their agenda by means of determination¹⁷⁶.

The Chinese representative challenged the determination for trying to impose an outcome on the Syrian regime¹⁷⁷. He further Stated that any predetermined agreement would not help in resolving the issues in Syria but would only destroy it. Therefore,

¹⁶⁹Cronogue, Graham. 2012 "Responsibility to Protect: Syria The Law, Politics, and Future of Humanitarian Intervention Post-Libya." *Journal of International Humanitarian Legal Studies*: 124-59.

¹⁷⁰ Cronogue, Graham. 2012 "Responsibility to Protect: Syria The Law, Politics, and Future of Humanitarian Intervention Post-Libya." *Journal of International Humanitarian Legal Studies*: 124-59.

¹⁷¹ Cronogue, Graham. 2012 "Responsibility to Protect: Syria The Law, Politics, and Future of Humanitarian Intervention Post-Libya." *Journal of International Humanitarian Legal Studies*: 124-59.

¹⁷² Cronogue, Graham. 2012 "Responsibility to Protect: Syria The Law, Politics, and Future of Humanitarian Intervention Post-Libya." *Journal of International Humanitarian Legal Studies*: 124-59.

¹⁷³ Cronogue, Graham. 2012 "Responsibility to Protect: Syria The Law, Politics, and Future of Humanitarian Intervention Post-Libya." *Journal of International Humanitarian Legal Studies*: 124-59.

¹⁷⁴ I Cronogue, Graham. 2012 "Responsibility to Protect: Syria The Law, Politics, and Future of Humanitarian Intervention Post-Libya." *Journal of International Humanitarian Legal Studies*: 124-59.

¹⁷⁵ Gower (n 129, 64)

¹⁷⁶ Gower (n 129, 76)

¹⁷⁷ Gower (n 129, 77)

China maintained its view that Syria's sovereignty, independence, and regional propriety ought to be totally respected¹⁷⁸.

The UN Security Council on 14 Apr 2012 asked the UN Supervision Mission in Syria (UNSMIS) to monitor the end of crimes after ordering an immediate truce. On 21 Apr 2012, a 90 days' preliminary commenced for the United Nations Supervision Mission in Syria (UNSMIS), to distribute 300 weaponless military observers to monitor action taken by Government and rebel troops. The military observers would also screen and strengthen the realization of the ambassador's six-point proposal. A press Statement was issued on 27 May 2012, by the UNSC disapproving the slaughter in el-Houla, and expressed its deep concern of the situation¹⁷⁹.

On 30 June 2012, a meeting was held at UN offices in Geneva comprising of foreign ministers of nine countries, Secretary-Generals of the Arab League States and the UN, and the EU High Representative for Foreign and Security Policy. The meeting was led by the Joint Special Envoy of the UN as well as the League of Arab States for Syria, Kofi Annan and was dubbed the "Activity Group for Syria,"¹⁸⁰

On 07 Aug 2012, The UN General Assembly condemned the extensive use of weapons by the Syrian powers and requested for the prompt halt of the infringement of human rights, attacks on noncombatant and protection of the regular people. It also requested the right of entry to Commission of Inquiry and for powers to cooperate with agents from UN-Arab League in order to carry out a transition strategy.¹⁸¹

On 27 September 2013, the Resolution 2118 was endorsed by UN Security Council authorizing an immediate annihilation of the accumulation of the chemical weapons by Syria. The established terms and processes banning chemical weapons guided the resolution. In case Syria violated that order, the resolution empowered the UN Security Council to apply the measures in Chapter VII.¹⁸²

¹⁷⁸ Findlay, Martha Hall. *Can R2P Survive Libya and Syria?* (Toronto, Ont.: Canadian International Council, 2011).

¹⁷⁹ responsibilitytoprotect.org, 2015

¹⁸⁰ Geneva Final Communiqué

¹⁸¹ Resolution A/RES/66/253 B

¹⁸² Chemical weapon ban in syria

On 2 October 2013, the Security Council embraced a presidential Statement. The Statement condemned the broad violations of human rights and war crimes executed by the Syrian authority. Syrian authority had rejected humanitarian aid and therefore the Statement included a request to the authority to permit cross-border access.¹⁸³

On 22 February 2014, the resolution 2139 was collectively accepted by the UN Security Council that appealed for the end of the hostility and attacks on regular people. It also requested the Syrian forces accept the obligation bestowed upon the nation, that of protecting the civilians in all gatherings, allow access for the humanitarian deliveries and secure all territories throughout the nation.¹⁸⁴

On 15 August 2014, the UN Security Council (UNSC) embraced the Resolution 2170. The resolution condemned the outright violations of human rights and international law. It condemned the careless mass killing of regular people by the terrorist group such as the Al-Nusra Front and Islamic State. The determination noted that the terrorist groups were controlling some sections of Iraq and Syria. The names of the six individuals who were linked to the terrorist groups were set on the UNSC Al-Qaida assents list.¹⁸⁵

On 6 March 2015, Resolution 2209 was passed. It censured every use of toxic chemical weapons in the conflict in Syria. The Security Council threatened to apply Chapter VII, which allows States to use all feasible means such as economic sanctions and military actions, if the government does not comply and continues to use chemical weapons again. The resolution was endorsed by 14-member States with one abstention from Venezuela.¹⁸⁶

On 7 August 2015, Resolution 2254 was collectively adopted. It called for a truce against any attack on regular citizens and political settlement. On 18 December 2015, Resolution 2254, was collectively adopted with a similar appeal of an immediate cease fires and requested UN Security Council to facilitate formal negotiations with all parties in January 2016. The negotiation would exclude the 'terrorist groups' such as the

¹⁸³ Presidential Statement S/PRST/2013/15

¹⁸⁴ Presidential Statement S/PRST/2013/15

¹⁸⁵ Mani, Rama. *Responsibility to Protect: Cultural Perspectives in the Global South*. (Abingdon, Oxon, England: Routledge, 2011).

¹⁸⁶ Adopting Resolution 2209 (2015), *Security Council Condemns Use of Chlorine Gas as Weapon in Syria*. U.N. 6 March 2015

Islamic State of Iraq, the Levant and Al-Nuusra Front. It recommended for a free and fair election to be held under the supervision of UN within one and half year period.¹⁸⁷

On 26 February 2016, Resolution 2268 was collectively adopted that called for cessation of hostilities and permit admittance to humanitarian staff in Syria.¹⁸⁸ Other Resolutions that were unanimously endorsed were as follows;

1. Resolution 2314 that sort an extension of mandate of the OPCW-UN Joint Investigative Mechanism for identifying users of Chemical Weapons in Syria.
2. Resolution 2319, that renewed the OPCW-UN Joint Investigative Mechanism for another year.
3. Resolution 2328 that demanded right to observe of monitor civilian evacuations from Aleppo.
4. Resolution 2332 that renewed the authorization for cross-border relief delivery until 10 January 2018.¹⁸⁹

3.5 REALISM VS. INTERNATIONAL LIBERALISM IN THE CASE OF SYRIA

The delayed application of the R2P framework can also be explained from a Realism versus International Liberalism perspective. Again, realism applies more elaborately than Liberal International Theory in this case. To be precise, Syria was not of a strategic interest to EU nation as Libya was. Therefore, EU nations were slow to react in its case. The effect of self-interest is also highlighted by the reaction of US, on one hand, and Russia and China, on the other. These competing powers, particularly US and Russia, are using Syria as a platform for demonstrating their powers. As a result, they have focused on deliberately undermining each other actions both in a military and in non-military manner. Russia has deliberately strived to block any resolution that would justify the adoption of adverse military action against the Assad regime. It has even opted to offer military assistance to the regime. Arguably, the interventions adopted by Russian and US are geared toward demonstrating their powers, not safeguarding the fundamental rights of the Syrians.

¹⁸⁷Security Council Unanimously Adopts Resolution 2254 (2015), *Endorsing Road Map for Peace Process in Syria, Setting Timetable for Talks*. U.N. 18 December 2015

¹⁸⁸ UN Security Council endorses cessation of Hostilities Pact in Syria. U.N. 26 February 2016.

¹⁸⁹Securitycouncilreport.org/un-documents/Syria/

The national and security interests of great power arguably is what is undermining the application of the R2P framework in the Syrian case. Particularly, the tussle is being witnessed between US on one side and Russia and China on the other. This tussle indicates that even a well-articulated framework cannot address the challenges presented by the self-interest of great powers. The paralysis exhibited during the unfolding of the Syrian crisis is similar to that experienced during the Rwandan and Yugoslavia crisis. Like in Rwanda, Syrian was not of strategic interest to the great power. Therefore, the great powers were reluctant toward taking timely action thus leading to aggravation of the crisis. In the case of Yugoslavia, the inability to act was caused by the clashing interest of greater powers. The interest of Russia on one hand and that of EU and US on the other led to a stalemate.¹⁹⁰ Therefore, the Syrian crisis suggested that the international community is yet to find an effective mechanism of addressing emerging crisis.

3.6 ANALYSIS OF THE SYRIAN CASE IN ACCORDANCE WITH R2P FRAMEWORK

The international community was reluctant to intervene in accordance with R2P framework in the case of Syria despite it being clear that the Assad regime was deliberately violating the human rights of its citizens. The community did not swiftly respond as it did in the case of Libya. The reaction of the international community was particularly not in line with the three pillars of R2P. Particularly, the community failed to implement the third pillar that requires timely and responsive reaction by the international community when it is ascertained violation of citizen's human rights exist. Thus, the crisis was not subdued as quickly as the Libyan crisis. Delayed reaction usually affects the ability of solving any form of crisis.¹⁹¹ This reason could explain why the Syrian crisis is still ongoing 7 years after its emergence.

Muditha argues that the Syrian crisis is an illustration of the failure of R2P framework due to lack of cooperation by international community. Significant challenges emerge when great powers have different ideas on how to address a crisis. One member may

¹⁹⁰ Karen Ruth Adams, "Structural Realism: The Consequences of Great-Power Politics," in Jennifer Sterling-Folker, ed., *Making Sense of International Relations Theory*, 1st ed (Boulder: Lynne Rienner, 2005), pp. 18-37.

¹⁹¹ Geneva Final Communiqué

have a viable solution, but some of the other members block this option in a deliberate manner. To be precise, Muditha, appear to suggest that early use of force against the incumbent government would have prevented the crisis from aggravated. However, China and Russia rejected this solution. The question that Muditha now possess is whether a member of the international community can use force even when the Security Council is against the use of such force. Sometimes, the Security Council is unable to institute the use of force due to irrational disagreement among the key members.

Failure to act does not only affect the suffering citizen, but also it may undermine the integrity and legitimacy of the R2P framework. The Syrian case has exposed several weaknesses of the framework. From realism point of view, this crisis clearly demonstrated that the effective implementation of the framework is largely depended on the existence or lack of existence of self-interest of great powers.

Most western countries did not have significant ulterior interest in Syria, as was the case in Libya. Therefore, they were reluctant to take an appropriate action in a timely manner. In fact, their reaction was not in accordance with R2P pillar that requires international community to timely intervene thus preventing a crisis from becoming catastrophic. Even after it was clear the Syrian authorities had violated human rights, and other non-coercive means of intervention were ineffective, the UN was still reluctant to adopt proper action.

Ulterior motives of Russia and China also prevented the adoption of a timely and effective intervention. The resistance presented by these two countries was due to political and economic self-interests.

To elaborate, Russia is the biggest supplier of arms to Syria. It has developed a naval facility at the port of Tartus that allows only Russian navy to access Mediterranean as well as ensure its energy contracts are secured. In addition, Russia is focused on blocking the US from shaping politics in the region. It does not believe that any form of regime change, revolutions, and wars could ever bring democracy or stability in any country. To justify its argument, Russia has constantly pointed to the Iraq war that was led by the US. Russia has also expressed doubts on the U.S. intentions and interests in the region. Therefore, it justifiably points out to the US ulterior motives in intervene in

the Syrian case. It argues that the U.S. uses humanitarian interventions to pursue its own economic and political interests¹⁹².

On the other hand, China's objections mostly have to do with the type of leadership structure it exercises. The country is a communist country not a democratic State. Therefore, it is likely to be uncomfortable with liberal agenda being pushed by the democratic Western Nations. This is also true considering the country has also experienced international criticisms due to the allegations of violations of human rights and its controversial policies in Tibet. In terms of economic agenda, China has endeavored to secure sufficient energy that would fuel the rapid economic growth. It is ranked as the third biggest importer of Syrian oil.¹⁹³

Muditha argues that the inaction of Security Council to implement the R2P framework is caused by Permanent Members 'veto power.'¹⁹⁴ The countries enjoying these powers are the great powers and hence can use their influence to shape the policy and the implementation of the R2P framework. Muditha however is clear not to pass all the blame on the great powers. He argues that Syria's neighbors were not open to the idea of regime change in the Syrian case. They therefore complicated the process of adopting the R2P framework.

The case study section has established that a great disparity between how the international community reacted in the cases of Libya and Syria exists. Arguably, the community applied and reacted swiftly in the case of Libya. It was however reluctant and did not apply the framework in the case of Syrian. The disparity is largely due to great nation self-interest. The impact of self-interest can be explained from realism point of view.

¹⁹² Sabrina Hoeling. *Can R2P Practice what it Promises? A Case Study on the Syrian Civil War.* (Hamburg: Anchor Academic Publishing, 2015). P. 40-47.

¹⁹³ Naser M Al-Tamimi. *China – Saudi Arabia Relations, 1990-2012: Marriage of Convenience Or Strategic Alliance?* (New York: Routledge.2014) 68

¹⁹⁴ Muditha Halliyadde, "Syria - Another Drawback for R2P?: An Analysis of R2P 's Failure to Change International Law on Humanitarian Intervention, 4 Ind. J. L. & Soc. Equality 215 (20

CHAPTER 4: FINDINGS AND DISCUSSION

4.1 INTRODUCTION

The case studies were analyzed using thematic analysis. The analysis has been identified as one of the most effective methods of analyzing qualitative data¹⁹⁵. Its main goal is to identify and hence categorize data along pattern and themes. Different approaches of conducting thematic analysis exist. This study however followed more of a deductive approach. The approach involved coding and developing theme based on ideas and concept that already existed. A hypothesis was then developed after the literature review.

4.2. ARBITRARY APPLICATION OF MILITARY INTERVENTION

The Libyan and Syrian cases provided several examples that confirm international community uses military intervention in an arbitrary way. The international community applied military intervention differently in these two cases. It was quick to adopt military intervention in the Libyan cases but reluctant to adopt it in the Syrian case despite the fact that the conflicts have high level of resemblance. In fact, the two conflicts happened almost at the same time, precisely during the Arab Springs. They occurred as civilian protested the alleged oppressive regimes. Furthermore, both the regimes exercised similar types of human rights violation. Assad, like Qaddafi regime did not only refuse to protect the fundamental rights of their citizens, but they engaged directly in violating them. Therefore, it would have been expected that the international community would have applied the same kind of military intervention it applied in the Libyan case to solve the Syrian case.

The logic behind failing to apply Libyan model in Syria incomprehensible particularly considering the international community directly credited the model as effective. Furthermore, both cases satisfy the application of military based R2P intervention. Like in Libya, other non-military and non-coercive means had been adopted in Syria and failed. Timely military intervention would therefore have played a significant role in preventing extreme atrocities being conducted on the Libyan people.

¹⁹⁵ Guest G, K MacQueenE Namey, *Applied Thematic Analysis* (Sage 2012)

4.3 SELF-INTEREST COMPLICATES THE INTERPRETATION OF R2P FRAMEWORK

The findings to some extent are in line with critics of humanitarian intervention that are centered on the legality and legitimacy of using military intervention methods.¹⁹⁶ However, the difficulty in interpretation was only observed clearly in the case of Syria. The fact that interpretation was not a problem in the case of Libya confirms that the UN intervention is usually subjective.

In the case of Syria, various nations interpreted differently the R2P based interventions and hence recommended diverse strategies. Particularly, Russia and China had the most diverse interpretation of the framework. The objection to the use of military force even after it was clear that Assad regime engaged in atrocities was arguably not in line with pillar three of the R2P framework. However, the question that begs for an answer, and would therefore warrant further research, is why these challenges in interpreting R2P framework were not witnessed in the case of Libya.

This study suggests that the challenge is not in the complexity of interpretation but rather is on the commitment of member States in implementing the framework. By comparing Syrian and Libyan case, this research concluded that commitment of the international community is selective. It is decided on a case by case basis.

4.4 SELF INTEREST DICTATES THE TYPE OF INTERVENTION IMPLEMENTED

The level of commitment exercised by UN and its member's States is directly dependent on their ulterior motives. Data from the case study established that the European countries, through NATO and the EU were quick to respond to Libyan case because the skirmishes that were ongoing in the country were interfering with their oil supply. To be precise, Libya was one of the key suppliers of oil to some European countries. However, the military conflict undermined the country's oil producing capacity, cutting the suppliers, and putting the economies of the European country in Jeopardy. European countries thus reacted by choosing the best intervention that would

¹⁹⁶ Alex J. Bellamy, *Mass Atrocities and Armed Conflict: Links, Distinctions, and Implications for the Responsibility to Prevent* (2011) acme.highpoint.edu

quickly calm the situation and restore the production process. They adopted a well-articulated R2P based intervention that was considered successful.

4.5 INCONSISTENT APPLICATION OF MILITARY INTERVENTION

Up to this point, this study indicates that the cited ineffectiveness of international intervention is not related to the framework; it has to do with the attitude of the international community. Using the Libyan case, one can confidently conclude that R2P based military intervention are effective when applied in the recommended manner. The recommended method of applying is the one that follows the R2P guideline. That means, first intervening in a crisis only to support the affected nation to safeguard the rights of the citizens. If the State is not interested in safeguarding the interests, non-coercive measure to address the humanitarian crisis may be adopted. The international community can finally resort to use coercive measures immediately after it is clear that other non-coercive measures cannot be effective in the case at hand. Emphasis should be on implying military intervention in a timely manner.

The intervention was applied in a timely manner in the case of Libya. But same consistency was not applied in the case of Syrian. The international community did not intervene early enough. They allowed the situation to aggravate, resulting in massive human right violations, before taking any form of military intervention. The inconsistency in timely application of the military intervention greatly undermined the effectiveness of the model. That is precisely why, at the time of writing this research, the international community is yet to solve the humanitarian crisis in the country. The brutal force recently applied, such as bombing are arguably not effective in Syria, because they were not adopted in the early stages of the crisis.

4.6 REALISM VERSUS INTERNATIONAL LIBERALISM IN R2P APPLICATION: CONCEPTUAL FRAMEWORK

The voting pattern adopted by great powers regards to Libya and Syrian case can be understood using the realism and international liberalism conceptual framework. The concepts relating to the theories can explain how the great powers applied the R2P framework.

The great powers interests that came into play in these cases were in form of political dominance and economic self-interest. The interest determines the degree to which the framework is applied. Realism theory is more effective in explaining the behavior of international community since in both the Syrian and Libya crisis the action of the international community was driven by the self-interest of the great power. The powers did not intervene with the objective of protecting human rights or promoting collaboration.

The speed of execution is one of the main attributes distinguishing the Libya and Syrian intervention. At first glance, one could say that the timely response in the Syrian case was in accordance with the R2P framework. However, going to the extent of demanding regime change casts doubt on the international community interest. Analysis indicates that EU largely depended on the Libya oil reserve. The instability was straining the reserves, prompting timely reaction. The tables below summarized how self-interest of great power influenced the application of R2P framework

Table 1: Realism Analysis Libyan case

Nation	Motives	Reaction	Outcome desired
US	Advance control in middle east region	Timely support of military action	Overrun the regime and quickly achieve stability
EU	Self-interest: Safe guard oil Reserves	Timely military response	Stability of the country
Russia	Self-interest: Regulated western power	Reluctantly resist military action	Non-interference in domestic issue
China	Self-interest: Block liberal agenda	Reluctantly resist military action	Non-interference in domestic issue

Table 2: Realism Analysis Syrian Case

Nation	Motives	Reaction	Outcome desired
US	Demonstrate its power over Russia. Also defeat ISIS	Reaction intensifies as competing powers declare interest in the nation	Overrun the regime confirming its power and interest in middle east
EU	Support U.S., Push for liberal agenda	Merely condemn and do not take a leading role in implementing R2P framework	Ensure stability in country and hence prevent the spread of global terrorism
Russia	Demonstrate power over US, Economic interest	Block UNSC advocated military action	Preserve the Assad regime. Its ally in the region for geopolitical interests.
China	Block the advancement of liberal world order to prevent any intervention to its new silk road. Economic interest	Block UNSC advocated military action	Preserve the Assad regime

A thematic analysis was used to conduct the finding and analysis. The finding was arranging in themes that fit a theoretical framework that took into account the R2P framework, realism and international liberalism. The finding established that they were great disparity in the application of the R2P framework due to great nation self-interests. Therefore, it concluded that the application of the R2P is in accordance with realism theory, since it is determined the self-interests of great nations.

CHAPTER 5: CONCLUSIONS

Preliminary research on literature covering the application of R2P framework led to the development of the hypothesis that purports ‘States only operationalize R2P framework according to their national interests’. From the hypothesis the following research question was established. “Do the ulterior motives of the UN and other key members of the international community affect the application and consequent outcome of the humanitarian intervention and R2P?”

Past studies have established that international relation is influence by four main great powers, namely the US, EU, China, and Russia. EU and US are usually allies because they promote liberal like agenda. On the other hand, China and Russia usually support each other to resist the global influence of western countries. Despite EU and US striving to promote liberal agenda, their actions are usually driven by self-interest. Therefore, their behavior could best be explained using realism theory.

US interest is to extent its global dominance, advocate democratic system, and enhance its national security. Similarly, the EU policies are driven by political and economic reason. Same case applies to China and Russia. China international policies are shaped by its economic interest. Russia interests are driven by the need to dominate and influence its neighboring countries. Worth noting is that China and Russia share the same interest of blocking western powers when it comes to international politics. The two countries do not want western powers amassing excessive powers because these western countries may use the power to influence their governance system. Russia and China do not subscribe to the democratic ruling system subscribe by western nations.

In that regards, the same power struggles came into play in the application of R2P framework in the case of Libya and Syrian. The realism form of self-interest dominated the application of R2P framework even in the case of Libya. To be precise, the ulterior motives the European nation had towards Libya led to the adoption of appropriate interventions. Nonetheless, the EU was quick to apply R2P framework in the case of Libya, not because it wanted to protect the rights of the citizens, but because the conflict was interfering with oil reserve. Interference with oil reserve affected EU economy. Similarly, some members of EU and US over extended the application of EU in Libya

by advocating for democratic governance. They aimed to overthrow Qaddafi because his policy did not favor their interests.

In the case of Syria, lack of compelling motives by European States and US in the case of Syria on other hand delayed the adoption of the right strategy. The western nation became interested in intervening in the case after it became apparent Syrian was of strategic interest to Russia. The interest of Russia and US came into play in this case. The two countries used Syrian as a platform for demonstrating their power. China also participated in the struggle, blocking aggressive application of R2P framework because the Assad regime served its interest effectively. In essence, R2P framework is not being used to protect the interest of the civilians, but rather as framework for legitimizing the advancing great powers interests.

5.1 RECOMMENDATION

The self-interest of greater powers influences the implementation of R2P framework. Great powers are using the framework to legitimize selfish interference on other nation's states affairs. While interference in the Libya and Russia case was appropriate, the great power did not apply the R2P framework to protect the citizen. They applied it to justify their actions. Therefore, it is recommended for the UN to formulate a new model or system of checking the ulterior motives of its member's States. The new model and system should aim to regulate the interest of members' States to ensure it does not affect the implementation of appropriate intervention strategies.

5.2 CONTRIBUTION TO IR FIELD

The study supports the upholding of each country's sovereignty. It also offers support to the current R2P framework. Particularly, it confirms that the current R2P framework is effective. Its inefficiencies are caused by poor implementation; implementation that is affected by the self-interest of the great nations. The major contribution of this study is highlight how self-interest, as described by realism theory, affect the implementation of R2P framework.

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APPENDIX 1: ORIGINALITY REPORT



HACETTEPE ÜNİVERSİTESİ
SOSYAL BİLİMLER ENSTİTÜSÜ
YÜKSEK LİSANS TEZ ÇALIŞMASI ORJİNALLİK RAPORU

HACETTEPE ÜNİVERSİTESİ
SOSYAL BİLİMLER ENSTİTÜSÜ
ULUSLARARASI İLİŞKİLER ANABİLİM DALI BAŞKANLIĞINA

Tarih: 08/05/2018

Tez Başlığı: Kitleleşen İnsan Hakları İhlallerine Cevap Vermek: Koruma Sorumluluğu'nun Oryantasyonu ile Kabulünün Ardından BM ve İnsani Askeri Müdahale: Libya ve Suriye Örnekleri

Yukarıda başlığı gösterilen tez çalışmamın a) Kapak sayfası, b) Giriş, c) Ana bölümler ve d) Sonuç kısımlarından oluşan toplam60..... sayfalık kısmına ilişkin, ...08.../...05.../2018..... tarihinde şahsım/tez danışmanım tarafından Turnitin adlı intihal tespit programından aşağıda işaretlenmiş filtrelemeler uygulanarak alınmış olan orijinallik raporuna göre, tezimin benzerlik oranı % ...9.. 'dir.

Uygulanan filtrelemeler:

- 1- Kabul/Onay ve Bildirim sayfaları hariç
- 2- Kaynakça hariç
- 3- Alıntılar hariç
- 4- Alıntılar dâhil
- 5- 5 kelimedenden daha az örtüşme içeren metin kısımları hariç

Hacettepe Üniversitesi Sosyal Bilimler Enstitüsü Tez Çalışması Orijinallik Raporu Alınması ve Kullanılması Uygulama Esasları'nı inceledim ve bu Uygulama Esasları'nda belirtilen azami benzerlik oranlarına göre tez çalışmamın herhangi bir intihal içermediğini; aksinin tespit edileceği muhtemel durumda doğabilecek her türlü hukuki sorumluluğu kabul ettiğimi ve yukarıda vermiş olduğum bilgilerin doğru olduğunu beyan ederim.

Gereğini saygılarımla arz ederim.


Tarih ve İmza

Adı Soyadı: Aminath Minna
Öğrenci No: N12129024
Anabilim Dalı: uluslararası ilişkiler
Programı: yüksek lisans


08/05/2018

DANIŞMAN ONAYI

UYGUNDUR.

Doç. Dr. Murat Önsay 
(Unvan, Ad Soyad, İmza)



HACETTEPE UNIVERSITY
GRADUATE SCHOOL OF SOCIAL SCIENCES
MASTER'S THESIS ORIGINALITY REPORT

HACETTEPE UNIVERSITY
GRADUATE SCHOOL OF SOCIAL SCIENCES
INTERNATIONAL RELATIONS DEPARTMENT

Date: 08/05/2018

Thesis Title : Responding to Mass Violations of Human Rights: the UN and Humanitarian Military
Intervention after R2P's Unanimous Adoption; Case study of Libya and Syria

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Department: International Relations
Program: Masters



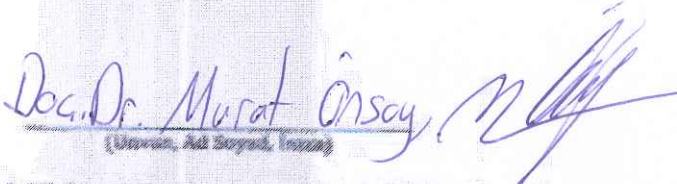

08/05/2018

ADVISOR APPROVAL

APPROVED,

Doc. Dr. Murat Onsey, 
(Title, Name Surname, Signature)

APPENDIX 2: ETHICS COMMISSION FORM

	HACETTEPE ÜNİVERSİTESİ SOSYAL BİLİMLER ENSTİTÜSÜ TEZ ÇALIŞMASI ETİK KOMİSYON MUAFİYETİ FORMU
HACETTEPE ÜNİVERSİTESİ SOSYAL BİLİMLER ENSTİTÜSÜ ULUSLARARASI İLİŞKİLER ANABİLİM DALI BAŞKANLIĞI'NA	
Tarih: 02/10/2018	
Tez Başlığı: Küresel İnsan Hakları ihlallerine Cevap Vermek: Koruma Sorumluluğu'nun Oybirliği ile Kabulünde Ardından BM ve İnsani Askeri Müdahale: Libya ve Suriye Örnekleri	
Yukarıda başlığı gösterilen tez çalışması	
<ol style="list-style-type: none"> 1. İnsan ve hayvan üzerinde deney yapılması yapılmamaktadır. 2. Biyolojik materyal (kan, idrar vb. biyolojik sıvılar ve numuneler) kullanılmasını gerektirmemektedir. 3. Beden bütünlüğüne müdahale içermemektedir. 4. Gözlemsel ve betimsel araştırma (anket, mülakat, ölçek/skala çalışmaları, doku taramaları, veri kayıtları taraması, sistem-model geliştirme çalışmaları) niteliğinde değildir. 	
Hacettepe Üniversitesi Etik Kurulları ve Komisyonlarının Yönergeleri ile inceledim ve bunlara göre tez çalışmamın yürütülmesi için herhangi bir Etik Kurul/Komisyonuna izin alınmasına gerek olmadığını aynı zamanda dağıtılacak her türlü hukuki sorumluluğu kabul ettiğimi ve yukarıda verilen bilgilerin doğru olduğunu beyan ederim.	
Gereğini saygılarımla arz ederim.	
Tarih ve İmza	
Adı Soyadı: Aminah Mirza	
Öğrenci No: 812129024	
Anabilim Dalı: uluslararası ilişkiler	
Programı: yüksek lisans	
Statüsü: <input checked="" type="checkbox"/> Yüksek Lisans <input type="checkbox"/> Doktora <input type="checkbox"/> Bitirimsiz Doktora	 02/10/2018
DANISMAN GÖRÜŞÜ VE ONAYI	
 [Unvan, Ad Soyad, İmza]	
Telefon: 0-312-2976060	Detaylı Bilgi: http://www.sosyalbilimler.hacettepe.edu.tr
	Faks: 0-3122993147
	E-posta: sosyalbilimler@hacettepe.edu.tr



HACETTEPE UNIVERSITY
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ETHICS COMMISSION FORM FOR THESIS

HACETTEPE UNIVERSITY
GRADUATE SCHOOL OF SOCIAL SCIENCES
INTERNATIONAL RELATIONS DEPARTMENT

Date: 02/10/2018

Thesis Title Responding to Mass Violations of Human Rights: the UN and Humanitarian Military Intervention after R2P's Unanimous Adoption; Case study of Libya and Syria.

My thesis work related to the title above:

1. Does not perform experimentation on animals or people.
2. Does not necessitate the use of biological material (blood, urine, biological fluids and samples, etc.).
3. Does not involve any interference of the body's integrity.
4. Is not based on observational and descriptive research (survey, interview, measures/scales, data recording, system-model development).

I declare, I have carefully read Hacettepe University's Ethics Regulations and the Commission's Guidelines, and in order to proceed with my thesis according to these regulations I do not have to get permission from the Ethics Board/Commission for anything; in any infringement of the regulations I accept all legal responsibility and I declare that all the information I have provided is true.

I respectfully submit this for approval.

Name Surname: Arinayn Minar
Student No: N12129024
Department: International Relations
Program: Masters
Status: MA Ph.D. Combined MA/ Ph.D.

Date and Signature

02/10/2018

ADVISER COMMENTS AND APPROVAL

Doc. Dr. Murat Örsayın
(Title, Name Surname, Signature)