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Moscow, We Have a Problem: Russia's Inconsistent Approach to the Evolving Concept of Sovereignty in the 21st Century

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CLAREMONT MCKENNA COLLEGE

**MOSCOW, WE HAVE A PROBLEM: RUSSIA'S INCONSISTENT APPROACH
TO THE EVOLVING CONCEPT OF SOVEREIGNTY IN THE 21ST CENTURY**

SUBMITTED TO

PROFESSOR EDWARD HALEY

AND

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BY

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FOR

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Abstract

The 1648 Peace of Westphalia created an understanding of state sovereignty free from external interference that remained largely unaltered until the last century. The horrors of the Holocaust and the significant humanitarian crises of the 20th century have presented the international community with a new type of threat to international peace and security and have sparked an ongoing conversation about the limitations of traditional sovereignty. Russia has positioned itself as a firm supporter of a strict adherence to the Westphalian concept of sovereignty, but my thesis argues that Russians do not value this interpretation as much as they claim to, and that in fact Moscow recognizes that this definition is a thing of the past. I examine Russian actions surrounding the 2011 UN-sanctioned intervention in Libya and the ongoing conflict in Syria, particularly focusing on the major differences between Russian decision-making in the two cases. I analyze transcripts of Security Council meetings in order to demonstrate that there is far more to Russian actions in Syria than Moscow's public position suggests, and I subsequently offer a number of alternative explanations for Russian decision-making surrounding Syria. These alternative explanations demonstrate that even the Russians, who have portrayed themselves as the great defenders of traditional state sovereignty, recognize the modern limitations to strict Westphalian sovereignty and understand that this traditional definition is a thing of the past. This conclusion is significant because in demonstrating that traditional sovereignty's greatest champion acknowledges the modern shift in the concept, I prove that the departure from strict Westphalian sovereignty is not merely a theory, but a reality.

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I. Introduction

The Oxford English Dictionary defines “sovereignty” as “a territory under the rule of a sovereign, or existing as an independent state.”¹ This definition, which implies autonomy within a given territory, can be traced back to the 1648 Peace of Westphalia. The treaties known as the Peace of Westphalia ended the Thirty Years’ War, a war between a number of powerful European states that divided Protestant powers and Roman Catholic states. While the treaties included a number of provisions specific to various regions and territories across Europe, the overall effect was political order on the continent. The European powers that signed the treaties in 1648 agreed to not interfere in each other’s internal affairs, and while not all parties immediately respected this agreement, it set a standard for the concept of nation-state sovereignty.² “Westphalian sovereignty” refers to the notion of the sole authority of a nation-state within its territory, and an important element of the Westphalian concept of sovereignty is the illegitimacy of any sort of outside interference in a nation-state’s internal affairs.³ While history indicates that such interference continued after 1648, the Westphalian system significantly altered the conception of nation-state sovereignty.⁴

The definition of sovereignty agreed upon in 1648 remained largely unaltered until the mid-20th century when, still reeling from the horrors of the Holocaust, the

¹ *Oxford English Dictionary Online*, 2013., s.v. “sovereignty, n.”

<<http://www.oed.com/view/Entry/185343?redirectedFrom=sovereignty>>.

² Dan Philpott, “Sovereignty,” in *The Stanford Encyclopedia of Philosophy* 2010.

<<http://plato.stanford.edu/archives/sum2010/entries/sovereignty>>.

³ Derek Croxton, “The Peace of Westphalia of 1648 and the Origins of Sovereignty,” *The International History Review* 3 (1999): 575, <<http://www.jstor.org/stable/40109077>>.

⁴ Philpott, “Sovereignty.”

majority of states signed the Universal Declaration of Human Rights in 1948. While not legally binding and therefore not technically affecting state sovereignty, the declaration represented a “tethering”⁵ of states to obligations regarding human rights that would theoretically affect domestic practices to a degree.⁶ Other related international treaties, such as the Convention on the Prevention and Punishment of the Crime of Genocide, soon followed, and nation-states continued to agree to alter their internal practices in order to conform to international standards.

When the Charter of the United Nations was drafted and adopted in 1945, Member States of the newly-formed international organization were primarily concerned with preventing a third world war through international cooperation. After the failure of the League of Nations and the outbreak of World War II the international community recognized that economies, infrastructure, populations, and institutions of individual states simply could not survive another massive interstate war.

Since the formation of the United Nations in 1945, there has been a global decrease in interstate wars, but a marked increase in intrastate conflicts, especially since the end of the Cold War.⁷ Such conflicts, often rooted in ethnic or political disputes and characterized by widespread violence and human rights violations,⁸ have presented the international community with an entirely new type of threat to international peace and security.

⁵ Philpott, “Sovereignty.”

⁶ Philpott, “Sovereignty.”

⁷ Suay Nilhan Ackalin, “Intra-state Conflicts as Security Threats in a Globalized World,” *Humanity & Social Sciences Journal* 6, no. 1 (2011): 23, <[http://www.idosi.org/hssj/hssj6\(1\)11/4.pdf](http://www.idosi.org/hssj/hssj6(1)11/4.pdf)>.

⁸ Ackalin, “Intra-state Conflicts as Security Threats,” 24.

At the end of the 20th century, the United Nations began to endorse interventional measures that entailed the use of external military forces to influence the internal actions and events of specific nation-states. These measures have “involved the approval of military operations to remedy an injustice within the boundaries of a state or the outside administration of domestic matters like police operations.”⁹ While UN peacekeeping operations occurred throughout the 20th century, the operations during the Cold War were generally only authorized after the invitation or consent of the state’s government.¹⁰ The interventions of the 1990’s, however, often occurred without such invitation or consent, obviously violating the Westphalian concept of sovereignty.

The final decade of the 20th century presented the world with multiple instances of humanitarian crisis, the vast majority of which remain in the not-so-distant memories of human rights activists. Estimates of the civilian death toll of the 1994 Rwandan genocide alone top 800,000 dead over the course of only three months.¹¹ The Rwandan genocide along with the war and ethnic cleansing in Bosnia, the ethnic conflict and war in Kosovo, and the Somali Civil War all represent armed conflict of international concern, but the world’s reactions to these events varied immensely. After the massive bloodshed of the 1990’s, it was clear that the international community had failed to protect innocent civilians around the globe.

⁹ Philpott, “Sovereignty.”

¹⁰ Philpott, “Sovereignty.”

¹¹ United Human Rights Council, “Genocide in Rwanda,” [unitedhumanrights.org](http://www.unitedhumanrights.org), 2013, <http://www.unitedhumanrights.org/genocide/genocide_in_rwanda.htm>.

The rise of humanitarian interventionism since the early 1990's has led to an international conversation about sovereignty.¹² One of the most important developments in this conversation has been the advent of the Responsibility to Protect (R2P) doctrine, originally proposed in 2001. R2P refers to a state's responsibility to protect its own citizens, but also suggests a responsibility on the part of the international community to protect citizens if their own state fails to do so. R2P was drafted as the result of UN Secretary-General Kofi Annan's urging and was conceived in response to the high number of mass atrocity incidents of the 1990's.

In a 1998 lecture, Annan made an important distinction between what he deemed two different sovereignties. He explained, "The UN Charter was issued in the name of 'the peoples,' not the governments of the United Nations... The Charter protects the sovereignty of peoples. It was never meant as a license for governments to trample on human rights and human dignity. Sovereignty implies responsibility, not just power."¹³ The concept of sovereignty has long been at the center of debates about the scope of the United Nations' power, and the UN Charter seems to endorse the common notion of sovereignty that can be traced back to the Treaty of Westphalia in 1648. The treaty's definition of sovereignty stipulated that countries could not interfere in the internal affairs of another country without an expressed invitation to do so,¹⁴ and the UN Charter contains similar language.

¹² James A. Caporaso, "Changes in the Westphalian Order: Territory, Public Authority, and Sovereignty," *International Studies Review* 2, no. 2 (2000): 3. < <http://onlinelibrary.wiley.com/doi/10.1111/1521-9488.00203/abstract>>.

¹³ Alyssa J. Lyon, "Global Good Samaritans: When Do We Heed 'the Responsibility to Protect'?" *Irish Studies in International Affairs* 20 (2009): 44. < <http://www.jstor.org/stable/25735149>>.

¹⁴ Lyon, "Global Good Samaritans," 42.

On the other hand, the UN Charter also contains articles suggesting an obligation to protect individuals, regardless of state sovereignty. Article 55 of the Charter states that the UN is to promote “universal respect for, and observance of, human rights and fundamental freedoms,”¹⁵ while Article 56 contains language obligating all UN member-states to take “joint and separate action”¹⁶ to ensure that the spirit of Article 55 is preserved. These elements of the UN Charter contradict the Westphalian notion of sovereignty, and Annan’s articulation of a dual definition of sovereignty demonstrates an attempt to shift the concept of sovereignty as it relates to the international system.

Annan’s “two sovereignties” reflect sovereignty as a responsibility rather than an inalienable right, and this responsibility includes a nation’s obligations to protect its own citizens. In conjunction with the Canadian Government, Kofi Annan established the International Commission on Intervention and State Sovereignty in 2001 with the goal of working to popularize the idea of a global “responsibility to protect” individuals and populations. Annan came out publicly in strong favor of the “ability to bypass state sovereignty in cases where human rights violations mandated the intervention of the international community,”¹⁷ and the ICISS’ initial report allowed for such intervention as a last resort. The Commission’s findings were revised at the 2005 World Summit, after which the edited version of R2P was unanimously approved by the General Assembly.

R2P is intended to normalize the new concept of sovereignty proposed by Annan, suggesting that if a nation fails to protect its own people, it concedes its right to sovereignty to the international community until it is deemed capable of fulfilling its

¹⁵ United Nations, Charter of the United Nations, 24 October 1945, Article LV. <<http://www.un.org/en/documents/charter/index.shtml>>.

¹⁶ Ibid., Article LVI.

¹⁷ Lyon, “Global Good Samaritans,” 44.

responsibility to its people. R2P is a complicated doctrine that has been met with significant criticism, but it has seemed to gain traction in the near decade since its official adoption in 2005. Governments around the world have begun using language associated with R2P, and the Obama Administration has notably directly acknowledged the idea of sovereignty as responsibility.¹⁸

In full practice, R2P entails a significant change in the concept of sovereignty – it suggests that sovereignty is essentially conditional, rather than absolute.¹⁹ This new sovereignty emphasizes responsibility rather than control,²⁰ and many of R2P’s critics take issue with this shift. While certainly not the doctrine’s only critic, Russia has come out as a steadfast supporter of a strict, traditional interpretation of sovereignty, and its position as a permanent member of the United Nations Security Council gives the country’s leadership a mechanism with which it can ensure its concerns are heard. Russia is perhaps the most vocal critic of R2P in the Security Council, constantly expressing opposition to any proposed action that it believes will violate a state’s sovereignty. When Russian diplomats discuss sovereignty, they speak in terms that directly reflect the traditional Westphalian definition – they generally reference states’ authority over their own domestic territories and emphasize that the international community cannot interfere with this authority.

My thesis argues that the Russians do not value this strict Westphalian interpretation of sovereignty as much as they claim to, and that in fact Moscow

¹⁸ Barack Obama, “Remarks by the President at the United States Holocaust Memorial Museum,” whitehouse.gov, April 23, 2012, < <http://www.whitehouse.gov/photos-and-video/video/2012/04/23/president-obama-speaks-preventing-mass-atrocities#transcript>>.

¹⁹ Gareth Evans and Mohamed Sahnoun. “The Responsibility to Protect,” *Foreign Affairs* 81, no. 6 (2002): 101. < <http://search.ebscohost.com/login.aspx?direct=true&db=aph&AN=7568988&site=ehost-live&scope=site>>.

²⁰ Ibid.

recognizes that this interpretation is a thing of the past. I reach this conclusion by examining Russian actions surrounding the 2011 conflict in Libya and the ongoing civil war in Syria, particularly focusing on Russia's motivations in blocking Security Council action in Syria after allowing it in Libya. After a background of the evolution of sovereignty and the development of the Responsibility to Protect, the third and fourth chapters examine the cases of the Libyan intervention and the Syrian Civil War, respectively. My next chapter addresses Russian decision-making regarding Syria and is divided into two major sections. The first section analyzes transcripts of Security Council meetings in order to demonstrate that there is far more to Russian actions in Syria than Moscow's public position suggests. The second section offers a number of alternative explanations for Russian decision-making surrounding Syria which prove that even the Russians, who have portrayed themselves as the great defenders of traditional state sovereignty, recognize the modern limitations to strict Westphalian sovereignty and understand that this traditional definition is a thing of the past. This conclusion is significant because in demonstrating that traditional sovereignty's greatest champion acknowledges the modern shift in the concept, I prove that the departure from strict Westphalian sovereignty is not merely a theory, but a reality.

II. Background

The 1648 Peace of Westphalia established a commonly-accepted definition of sovereignty that survived for several centuries. While states have clearly not always respected this definition, it has remained a core basis for the international system and has played a significant role in defining nation-states. The Westphalian concept of sovereignty is marked by the “state’s capacity to make authoritative decisions regarding the people and resources within its territory.”²¹ This principle goes hand-in-hand with the linked principle of non-intervention, or the notion that states will not interfere with the domestic affairs of other states.²²

An interesting conundrum of traditional sovereignty is the source of legitimate sovereignty – a state’s sovereignty is derived from the “domestic political legitimacy of a state,”²³ implying that a state’s sovereignty is defined by domestic elements. If sovereignty is defined by internal elements, and the international community is obligated to respect a state’s sovereignty and refrain from intervening in its domestic affairs, the traditional system of sovereignty essentially grants freedom from external intervention to states (or governments) that consider themselves legitimate. The lack of an “external authority to judge the internal legitimacy of sovereignty states”²⁴ means that states have generally exercised complete domestic authority so long as they have respected other

²¹ Evans and Sahnoun, “The Responsibility to Protect,” 102.

²² Zachary D.A. Hingst, “Libya and the Responsibility to Protect: Building Block or Roadblock?” *Transnational Law & Contemporary Problems* 22, no. 227 (Spring 2013): 239. <
<http://heinonline.org/HOL/Page?handle=hein.journals/tlcp22&collection=journals&page=227#233>>.

²³ *Ibid.*, 238.

²⁴ *Ibid.*, 239.

states' rights to do the same. In a way, this conundrum has been the basis for the shifting interpretation of sovereignty over the last century.

The formation of the United Nations in 1945 and the world's subsequent trend toward globalization have served as catalysts in the evolution of the concept of sovereignty. This background chapter will address the legal framework for UN-sanctioned interventions, a brief history of humanitarian interventionism in the 20th century, and the development of the Responsibility to Protect, which represents perhaps the most concrete evidence for the shift in the international community's definition of sovereignty.

Legal Framework for Interventions

The United Nations was founded shortly after the end of World War II and the Charter of the United Nations contains a great deal of language pertaining to interstate conflicts.²⁵ After the two wars of the early 20th century, global powers sought to institute an international framework to prevent a third world war. To this end, Chapter I of the Charter says, "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state."²⁶ The same chapter continues on to say that "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state... but this principle shall not prejudice the application of enforcement measures under Chapter VII."²⁷ Chapter VII, entitled "Action with

²⁵ Andrew Garwood-Gowers, "The Responsibility to Protect and the Arab Spring: Libya as the Exception, Syria as the Norm?" *University of New South Wales Law Journal* 36, no. 2 (2013): 596 <<http://heinonline.org/HOL/Page?handle=hein.journals/swales36&collection=journals&page=594#605>>.

²⁶ United Nations, Charter of the United Nations, Article II.

²⁷ *Ibid.*

Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression,” allows the UN Security Council to take action in situations that fit the criteria mentioned in the chapter title. Article 42 of Chapter VII says, “Should the Security Council consider that measures provided for in Article 41 [‘measures not involving the use of armed force’²⁸] would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security.”²⁹ While the Charter was written at a time when intrastate conflicts were not of primary concern to the international community, Chapter VII has become instrumental in UN action on such crises.

If the Security Council determines a conflict, interstate or intrastate, is a threat to international peace and security, it can legally approve a host of measures, including intervention by UN Member States.³⁰ While Chapter VII has been invoked many times in resolutions that take non-military action, military interventions under Chapter VII have been less frequent.³¹ Such resolutions have dealt with a range of issues, but humanitarian strife has emerged as a dominant factor in the Security Council’s use of Chapter VII to sanction interventions.³²

Humanitarian Interventionism in the 20th Century

A number of humanitarian crises in the 1990’s played a significant part in the role of the international community in intrastate conflicts with significant components of

²⁸ Ibid., Article XLI.

²⁹ Ibid., Article XLII.

³⁰ Garwood-Gowers, “The Responsibility to Protect and the Arab Spring,” 596.

³¹ Patrik Johansson, “The Humdrum Use of Ultimate Authority: Defining and Analysing Chapter VII Resolutions,” *Nordic Journal of International Law* 78 (2009): 339. <
<http://search.ebscohost.com/login.aspx?direct=true&db=buh&AN=44016993&site=ehost-live&scope=site>>.

³² Johansson, “The Humdrum Use of Ultimate Authority,” 332.

humanitarian crisis. The decade is marked by a number of failures interspersed with a few semi-successes on the part of the international community. In 1991, UN Security Council Resolution 688 condemned the Iraqi Government's repression of civilians, especially Kurds, and demanded that "Iraq, as a contribution to removing the threat to international peace and security in the region, immediately end the repression."³³ While the resolution made no mention of a no-fly zone, the United States, Great Britain, France, and a number of other nations instituted two no-fly zones over Iraq in conjunction with a multilateral humanitarian relief effort on the ground.³⁴ The legality of the no-fly zones came into question after the operation's conclusion, but there were no significant repercussions for the coalition that enforced the zones.³⁵ Even though Resolution 688 was not a robust Security Council authorization of external action and the aforementioned countries' no-fly zones were not sanctioned by the Security Council, the humanitarian relief efforts that occurred throughout Iraq pursuant to the resolution were significant because they involved external action within Iraq's borders without the permission of the Iraqi Government.³⁶

A year later, Resolution 794 invited Member States to create an operation, eventually called the Unified Task Force, to facilitate the providing of humanitarian assistance to civilians in Somalia.³⁷ There was no "centralized authority structure"³⁸ in Somalia at the time, so the operation again occurred at the sole discretion of the international community rather than the sovereign government. The task of providing

³³ Security Council Resolution 688 (1991).

³⁴ Lyon, "Global Good Samaritans," 42.

³⁵ *Ibid.*, 42.

³⁶ *Ibid.*, 43.

³⁷ Security Council Resolution 794 (1992).

³⁸ Lyon, "Global Good Samaritans," 43.

humanitarian assistance quickly expanded, eventually including military force on the ground.³⁹ While both of these operations were generally considered successful, they were quickly followed by a number of failures in situations of mass humanitarian strife.

The Rwandan genocide ultimately resulted in over 800,000 deaths and mass displacement within the country,⁴⁰ and while the “United Nations had extensive documentation of human-rights violations in [Rwanda] and was aware of the volatile nature of the conflict,”⁴¹ the United Nations’ response has been considered one of the great failures of the international community in recent history. After the mass killings began in early April 1994, the Security Council reduced the United Nations Assistance Mission for Rwanda from 2,500 peacekeepers to a mere 270 on April 21st.⁴² This move came after several Security Council members expressed strong opposition to UN involvement in Rwanda, including US President Bill Clinton. While both the United Nations and world leaders have expressed regret regarding the UN’s failure to intervene in Rwanda,⁴³ the events of 1994 showed the limits of the Security Council’s commitment to intervening in humanitarian crises.

In 1995, UN peacekeepers deployed to Srebrenica amidst the Bosnian war failed to prevent the massacre of 7,000 Muslims by Bosnian Serb paramilitary forces.⁴⁴ While UN forces had been present since the conflict began in 1993, the Srebrenica Massacre represented the shortcomings of the peacekeeping force and resulted in extensive

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Amnesty International, “The World Still Failing to Act Despite Rwanda Genocide Shame,” amnesty.org, April 7, 2014, <<http://www.amnesty.org/en/news/world-still-failing-act-despite-rwanda-genocide-shame-2014-04-07>>.

⁴³ British Broadcasting Company, “UN Admits Rwanda Genocide Failure,” BBC News, April 15, 2000, <<http://news.bbc.co.uk/2/hi/africa/714025.stm>>.

⁴⁴ Lyon, “Global Good Samaritans,” 43.

criticism of the Security Council for not immediately sending reinforcements to the city as the Serbs began to close in on the city.⁴⁵

Perhaps the most interesting case of humanitarian intervention in the 1990's for the purposes of understanding the shift in role of humanitarian strife in the international community is that of the NATO intervention in Kosovo in 1999. In an attempt to end a violent ethnic conflict between Serbian forces from the Federal Republic of Yugoslavia and Kosovo Albanian rebels, 35 NATO countries staged a military campaign against the Federal Republic of Yugoslavia in March 1999.⁴⁶ This intervention was not authorized by the United Nations and was certainly not invited by the government of the Federal Republic of Yugoslavia.⁴⁷ Using language that seems ironic given his sharp opposition to involvement in Rwanda, US President Bill Clinton "asserted that the United States had a 'moral imperative' to protect the people of Kosovo from the ethnic cleansing campaign and the wrath of Slobodan Milosevic's nationalistic regime."⁴⁸

One of the most important implications of the very different international responses in the aforementioned cases is that there were no standard operating procedures for responding to intrastate conflicts with significant humanitarian consequences.⁴⁹ The UN responses (or lack thereof) to the humanitarian crises of the 1990's were "widely perceived as too little too late, misconceived, poorly resourced, poorly executed, or all of the above."⁵⁰ The events of the 1990's set the stage for the advent of the Responsibility to

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Evans and Sahnoun, "The Responsibility to Protect," 99.

⁵⁰ Ibid., 100.

Protect and the related general shift in the international community's understanding of sovereignty.

The Responsibility to Protect

After assuming office in 1997, UN Secretary-General Kofi Annan "campaign[ed] for... the ability to bypass state sovereignty in cases where human rights violations mandated the intervention of the international community."⁵¹ In 2000, Annan established the International Commission on Intervention and State Sovereignty (ICISS) and tasked it with "trying to develop ...a global political consensus on the question of humanitarian intervention."⁵² The ICISS, formed by the Canadian Government and made up by UN General Assembly members, issued a subsequent report in December 2001 in which it outlined its new Responsibility to Protect (R2P) doctrine.

The Responsibility to Protect relies on a new interpretation of sovereignty that derives state sovereignty from a state's ability to "protect and guarantee"⁵³ human rights within its territory. This interpretation suggests that if a state fails to protect its people from harm or violates its citizens' human rights, it has "relinquished its sovereign legitimacy"⁵⁴ and the international community, through the United Nations Security Council, is obligated to step in to protect those citizens. This essentially repaints sovereignty as a social contract between a state and its people,⁵⁵ and aims to resolve the conundrum of self-determined sovereignty outlined earlier in this chapter.⁵⁶

⁵¹ Lyon, "Global Good Samaritans," 44.

⁵² David Chandler, "Unravelling the Paradox of The Responsibility to Protect," *Irish Studies in International Affairs* 20 (2009): 28. <<http://www.jstor.org/stable/25735148>>.

⁵³ Hingst, "Libya and the Responsibility to Protect," 238.

⁵⁴ *Ibid.*, 240.

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*, 256.

R2P is a set of three responsibilities on the part of the international community: the responsibility to prevent humanitarian crises, the responsibility to react in the event of a crisis, and the responsibility to rebuild after intervening.⁵⁷ The ICISS Report places significant emphasis on military intervention as a last resort,⁵⁸ but it has nonetheless become a focal point of the discussion of R2P.

According to the ICISS Report, there are six principles that must be met in order to justify military intervention: just cause, right intention (including a requirement of multilateralism), intervention as a last resort, proportional means, reasonable prospects, and right authority.⁵⁹ While the ICISS Report did not create an absolute set of criteria for humanitarian intervention, it included a set of conditions that would necessitate international involvement:

Large scale loss of life, actual or apprehended, with genocidal intent or not, which is the product either of deliberate state action, or state neglect or inability to act, or a failed state situation; or large scale 'ethnic cleansing,' actual or apprehended, whether carried out by killing, forced expulsion, acts of terror, or rape.⁶⁰

The Report designates the Security Council as the primary legitimate source for authorizing interventions in such cases, but it also mentions both the UN General Assembly and regional organizations as viable alternatives.⁶¹

In 2005, representatives of every UN Member State convened at the World Summit in New York City. After significant deliberation, the Summit unanimously adopted the Responsibility to Protect, but in a much different form than the doctrine

⁵⁷ The International Commission on Intervention and State Sovereignty (ICISS), "The Responsibility to Protect," (Ottawa, 2001): v. <<http://responsibilitytoprotect.org/ICISS%20Report.pdf>>.

⁵⁸ Hingst, "Libya and the Responsibility to Protect," 255.

⁵⁹ Evans & Sahnoun, "The Responsibility to Protect," 103.

⁶⁰ ICISS, "The Responsibility to Protect," 32.

⁶¹ Garwood-Gowers, "The Responsibility to Protect and the Arab Spring," 597.

outlined in the 2001 ICISS Report. The document that came out of the World Summit did not include the six criteria for intervention outlined above, and limited the application of the R2P principle to the four categories of mass atrocity crimes (genocide, war crimes, crimes against humanity, and ethnic cleansing) as opposed to human rights violations.⁶² The new R2P document also eliminated the ICISS Report's mention of the General Assembly and regional organizations as alternative sources of legitimate multilateral intervention.⁶³ The language of the 2005 outcome document also reflected the international community's unwillingness to oblige itself to intervention, consistently repeating the phrase, "we are prepared to take collective action... on a case-by-case basis"⁶⁴ which ensures that the Security Council's hands will never be tied in determining whether to intervene in an intrastate conflict.⁶⁵ In 2006, the UN Security Council unanimously passed Resolution 1674 reaffirming Security Council's commitment to the 2005 adoption of the Responsibility to Protect.⁶⁶

R2P has not yet become an international norm or even an "accepted custom."⁶⁷

There are no set criteria for how many states must adopt a practice as a custom before it can find a place in the international legal framework,⁶⁸ but it does not seem as though this will occur for R2P anytime soon. The Responsibility to Protect is "not part of any international treaty, has not attained the status of customary international law, and is not

⁶² Chandler, "Unravelling the Paradox," 31.

⁶³ Garwood-Gowers, "The Responsibility to Protect and the Arab Spring," 598.

⁶⁴ United Nations General Assembly, "2005 World Summit Outcome Document," (New York, 2005): 30. <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/487/60/PDF/N0548760.pdf?OpenElement>>.

⁶⁵ Garwood-Gowers, "The Responsibility to Protect and the Arab Spring," 600.

⁶⁶ *Ibid.*, 599.

⁶⁷ Hingst, "Libya and the Responsibility to Protect," 249.

⁶⁸ *Ibid.*, 241.

recognized as a general principle of law.”⁶⁹ Its significance, however, lies in the unanimous acknowledgement by all UN Member States in 2005 that the United Nations has a role to play in intrastate crises.⁷⁰ While the document adopted at the 2005 World Summit was a significant departure from many of the recommendations of the original ICISS Report, its unanimous approval demonstrated a consensus that there are limits to state sovereignty, even in the domestic sphere.

⁶⁹ Garwood-Gowers, “The Responsibility to Protect and the Arab Spring,” 600.

⁷⁰ *Ibid.*, 600-601.

III. Libya

The 2011 intervention in the conflict in Libya exemplifies the evolving understanding of sovereignty in the 21st century. While the Libyan intervention was not the first international action demonstrating evolving notions of sovereignty, its rapid implementation and its reliance on regional approval as opposed to sovereign state authority demonstrate how much the Westphalian concept of sovereignty has eroded over the last several decades.

After a background of the Libyan revolution, this chapter will discuss the passages of Security Council Resolutions 1970 and 1973 as well as the legal framework behind Resolution 1973's authorization of the use of force in Libya. It will then delve into the progression of the intervention authorized by Resolution 1973 followed by a brief discussion of the military operation's aftermath. After an analysis of the implications of Resolution 1973 and the intervention, the chapter will conclude with a discussion of the relationship between the Libya intervention and the Responsibility to Protect.

Russian decisions, statements, and reactions surrounding the conflict and subsequent intervention in Libya are of particular significance for this thesis, and the background provided by this chapter plays a significant role in later chapters' analysis of Russian actions surrounding Libya.

Libyan Intervention Background

Clashes between anti-government protesters and Libyan leader Colonel Muammar Gaddafi's security forces began on February 15th, 2011, when protesters gathered in

Benghazi to oppose the arrest of human rights activist Fethi Tarbel earlier that week.⁷¹ Violence spread throughout the northern part of the country at a remarkably rapid rate, claiming a number of lives.⁷² Later that week, government forces carried out airstrikes – while the government claimed that the airstrikes were targeting isolated opposition weapons storage facilities,⁷³ witnesses reported that the airstrikes occurred throughout Tripoli, suggesting the government was targeting civilians.⁷⁴ On February 21st, members of Libya’s mission to the United Nations, including Permanent Representative Abdurrahman Mohamed Shalgham, officially sided with the rebels and requested that the UN impose a no-fly zone over the country.⁷⁵ Over the next two days, the Arab League suspended Libya’s membership and the African Union condemned the “indiscriminate and excessive use of force and lethal weapons against peaceful protesters”⁷⁶ in Libya. Gaddafi responded defiantly, publicly promising to crush a revolution.⁷⁷ He vowed to hunt down the “cockroaches” taking part in the rebellion in Benghazi and warned protesters that they would be “hunted down door to door and executed.”⁷⁸

Gaddafi’s words served as a catalyst for international action regarding the situation in Libya – the leader’s threatening language converted the “prospect of

⁷¹ Reuters, “Timeline – Libya’s Uprising Against Muammar Gaddafi,” reuters.com, March 30, 2011, <<http://www.reuters.com/article/2011/03/30/libya-idUSLDE72K0KK20110330>>.

⁷² Cable News Network, “Libya’s Civil War and UN Intervention,” CNN.com, 2011, <<http://www.cnn.com/interactive/2011/03/world/libya.civil.war/>>.

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ Reuters, “Timeline – Libya’s Uprising Against Muammar Gaddafi.”

⁷⁶ Luke Glanville, “Intervention in Libya: From Sovereign Consent to Regional Consent,” *International Studies Perspectives* 14 (2013): 333. <<http://onlinelibrary.wiley.com/doi/10.1111/j.1528-3585.2012.00497.x/abstract>>.

⁷⁷ Reuters, “Timeline – Libya’s Uprising Against Muammar Gaddafi.”

⁷⁸ Spencer Zifcak, “The Responsibility to Protect After Libya and Syria,” *Melbourne Journal of International Law* 13, no. 1 (June 2012): 60. <<http://heinonline.org/HOL/Page?handle=hein.journals/meljil13&collection=journals&page=59#60>>.

massacre and atrocity”⁷⁹ in Libya to a seemingly inevitable reality. United Nations High Commissioner for Human Rights Navi Pillay released a statement urging both the Security Council and the Human Rights Council to act, and the Human Rights Council responded by establishing a fact-finding committee.⁸⁰ Pillay also advised that the “protection of civilians should be the paramount consideration in maintain national order and the rule of law.”⁸¹ The Secretary-General’s Special Advisers on the Prevention of Genocide and the Responsibility to Protect issued a subsequent statement that said, “if the reported nature and scale of... attacks are confirmed, they may well constitute crimes against humanity, for which national authorities should be held accountable.”⁸² On February 25th, the Human Rights Council convened a special session to discuss the human rights situation in Libya, during which High Commissioner Pillay said that the “Libyan descent into violence and chaos... represented a callous and worsening disregard for the rights and freedoms of the Libyan people that had been characteristic of the Libyan leadership for more than four decades.”⁸³

The Security Council also held a meeting on the 25th, during which Secretary-General Ban Ki-moon briefed Council members on the situation in Libya. He reported that “more than 1,000 people have been killed as security forces and militiamen loyal to leader Muammar Gaddafi continued their deadly assault on civilian protesters”⁸⁴ and relayed eyewitness accounts of Gaddafi supporters entering hospitals and killing injured

⁷⁹ Ibid.

⁸⁰ Ibid., 61.

⁸¹ Ibid.

⁸² Ibid.

⁸³ Ibid., 62.

⁸⁴ United Nations Security Council, “Fundamental Issues of Peace, Security at Stake, Secretary-General Warns as He Briefs Security Council on Situation in Libya,” (Press Statement, SC/10185, 25 February 2011) <<https://www.un.org/News/Press/docs/2011/sc10185.doc.htm>>.

protesters and anti-government protesters.⁸⁵ The Secretary-General urged the Council to “consider concrete action”⁸⁶ regarding the violence.

On February 26th, the United Nations Security Council unanimously adopted Resolution 1970, the first of two major resolutions on the situation in Libya. The resolution acknowledged the condemnation of the violence by regional organizations such as the Arab League, the African Union, and the Organization of the Islamic Conference, and subsequently approved a number of non-military actions. The resolution referred the situation to the International Criminal Court (ICC), demanded an end to the violence, permitted states to “facilitate and support”⁸⁷ the return of humanitarian aid to Libyan civilians, placed an arms embargo on Libya, imposed a travel ban on a number of Libyan officials (including the Gaddafi family), and instituted an assets freeze for foreign accounts held by the government and the Gaddafi family.⁸⁸ Resolution 1970 also included provisions for a sanctions committee through which Member States were to report any unilateral sanctions imposed on the Libyan Government.

Two days later, European Union governments approved a number of sanctions that included travel bans and an arms embargo.⁸⁹ The United Nations followed by unanimously voting to suspend Libya’s membership in the UN Human Rights Council on March 1st.⁹⁰ The next week was particularly violent in Libya, with reports of pro-government forces attacking protesters with mortars and machine guns.⁹¹ On March 7th,

⁸⁵ Ibid.

⁸⁶ Ibid.

⁸⁷ United Nations Security Council Resolution 1970, UN Doc S/RES/1970 (2011).

<[<http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1970\(2011\)>](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1970(2011))>.

⁸⁸ Ibid.

⁸⁹ Reuters, “Timeline – Libya’s Uprising Against Muammar Gaddafi.”

⁹⁰ Ibid.

⁹¹ Cable News Network, “Libya’s Civil War and UN Intervention.”

both the Gulf Cooperation Council and the Organization of Islamic Conference called for the UN Security Council to institute a no-fly zone over Libya.⁹² Three days later, France became the first country to recognize the rebel-formed Libyan National Council as Libya's legitimate representative body; the Gaddafi government responded by severing diplomatic ties with France the next day.⁹³

The Arab League joined other regional organizations in calling for a United Nations-imposed no-fly zone over Libya on March 12th. Five days later, the Security Council approved Resolution 1973 which not only instituted the no-fly zone, but also authorized Member States to take "all necessary means" to protect the Libyan people. On March 19th, American, French, and British forces launched initial airstrikes targeting Libyan military facilities.⁹⁴ As NATO nations continued to target Libyan Government forces and movements, the rebels gained traction throughout the country.⁹⁵ NATO operations "quickly expanded into efforts to stymie the Libyan military's ability to engage the rebels,"⁹⁶ and NATO forces began striking supply centers, transportation routes, and other key Libyan military targets.

Resolution 1970

In addition to the aforementioned components of Resolution 1970, the document included the Security Council's plan to "keep the actions of the Libyan authorities under continuous review and [to] be prepared to strengthen, modify, suspend, or lift the

⁹² Glanville, "Intervention in Libya," 333.

⁹³ Reuters, "Timeline – Libya's Uprising Against Muammar Gaddafi."

⁹⁴ Cable News Network, "Libya's Civil War and UN Intervention."

⁹⁵ Aidan Hehir, "The Permanence of Inconsistency: Libya, the Security Council, and the Responsibility to Protect," *International Security* 38, no. 1 (2013): 137.

<http://muse.jhu.edu/journals/international_security/v038/38.1.hehir.html>.

⁹⁶ Hingst, "Libya and the Responsibility to Protect," 248.

prescribed measures in light of compliance or non-compliance with the resolution.”⁹⁷

Secretary-General Ban Ki-moon praised the resolution’s unanimous passage, saying that “while it cannot, by itself, end the violence and the repression, it is a vital step – a clear expression of the will of a united community of nations,”⁹⁸ but added that “even bolder steps might be necessary.”⁹⁹ Speaking after the Secretary-General, a number of Council members “expressed hope that the resolution was a strong step in affirming the responsibility of States to protect their people as well as the legitimate role of the Council to step in when they failed to meet that responsibility.”¹⁰⁰ French representative Gérard Araud said that the situation’s referral to the ICC would “open a new era in commitment to the protection of populations.”¹⁰¹ Council members who are not parties to the Rome Statute and therefore are not obligated to cooperate with the International Criminal Court still supported the referral, with Indian representative Hardeep Singh Puri stating that he believed the ICC’s involvement would “help to bring about the end of violence.”¹⁰² Unsurprisingly, Russian Federation representative Vitaly Churkin “stressed the importance of affirming the sovereignty and territorial integrity of Libya,¹⁰³ though this stipulation did not prevent him from voting in favor of the resolution.

Finally, Libyan representative Abdurrahman Mohamed Shalgham, freshly defected from the Gaddafi government, said that the “Council’s action represented moral support for his people and was a signal that an end must be put to the fascist regime in

⁹⁷ United Nations Security Council Resolution 1970 (2011).

⁹⁸ United Nations Security Council, “In Swift, Decisive Action, Security Council Imposes Tough Measures on Libyan Regime, Adopting Resolution 1970 in Wake of Crackdown on Protesters” (Press Statement, SC/10187/Rev. 1, 26 February 2011) <<https://www.un.org/News/Press/docs/2011/sc10187.doc.htm>>.

⁹⁹ Ibid.

¹⁰⁰ Ibid.

¹⁰¹ Ibid.

¹⁰² Ibid.

¹⁰³ Ibid.

Tripoli.”¹⁰⁴ This comment marked the first direct reference within the Security Council to regime change in Libya, a phenomenon that will be addressed in a later section of this thesis.

Resolution 1973

When Resolution 1970 did not have any noticeable effect on the Gaddafi regime’s behavior and violence toward its citizens, the United Nations Security Council reconvened on March 17th, nineteen days after the passage of Resolution 1970. The resulting document, Resolution 1973, authorized “Member States, acting nationally or through regional organizations or arrangements, to take all necessary measures to protect civilians under threat of attack in the country.”¹⁰⁵ It also “demanded that Libyan authorities comply with their obligations under international law and take all measures to protect civilians and meet their basic needs and to ensure the rapid and unimpeded passage of humanitarian assistance.”¹⁰⁶ Resolution 1973 passed with ten members approving the measures and five abstaining.

French Foreign Minister Alain Juppé introduced the resolution and said that as the world “experienced a wave of great revolutions that would change the course of history, the will of the Libyan people had been trampled under the feed of the Gaddafi regime.”¹⁰⁷ He pointed out that previous UN attempts at non-intervention measures, namely Resolution 1970, had been ignored by the Libyan Government and violence against the

¹⁰⁴ Ibid.

¹⁰⁵ United Nations Security Council Resolution 1973, UN Doc S/RES/1973 (2011).
<[<http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1973\(2011\)>](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1973(2011))>.

¹⁰⁶ Ibid.

¹⁰⁷ United Nations Security Council, “Security Council Approves ‘No-Fly Zone’ Over Libya, Authorizing ‘All Necessary Measures’ To Protect Civilians” (Press Statement, SC/10200, 17 March 2011)
<[<https://www.un.org/News/Press/docs/2011/sc10200.doc.htm>](https://www.un.org/News/Press/docs/2011/sc10200.doc.htm)>.

Libyan people had actually increased.¹⁰⁸ The Gaddafi regime had given no indication of plans to act on international demands to cease the violence against its people.

Representatives who voted in favor of the resolution explained their votes by “agreeing that the strong action was made necessary because the Gaddafi regime had not heeded the first actions of the Council... they stressed that the objective was solely to protect civilians from further harm.”¹⁰⁹

Resolution 1973 heeded the calls of regional organizations, particularly the Arab League, to institute a no-fly zone. While the Arab League has historically been a generally anti-interventionist body, its call to the United Nations demonstrated the severity of the Gaddafi regime’s departure from legitimacy.¹¹⁰ The Arab League’s suspension of Libya, as well as the Gulf Cooperation Council and the Organization of the Islamic Conference’s condemnations of the violence, played a significant role in the passage of Resolution 1973. The aforementioned organizations’ calls for a Security Council-instituted no-fly zone over Libya affirmed the clear regional consensus regarding the need for external intervention.¹¹¹

In addition to the support of regional organizations, the passage of Resolution 1973 was aided by two other clear factors. The first, which was referenced in a previous section, was the explicit language used by Gaddafi, who used terms like “execution” and “cockroaches” when speaking about protesters and members of the rebel groups.¹¹²

Gaddafi’s statements provided tangible evidence of the severity of the threat to Libyan

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

¹¹⁰ Glanville, “Intervention in Libya,” 334.

¹¹¹ Garwood-Gowers, “The Responsibility to Protect and the Arab Spring,” 608.

¹¹² Ibid., 607.

civilians, and UN officials became increasingly concerned about the urgency with which the international community needed to act.¹¹³ The second was the rapid defection of governmental figures, including Libya's Permanent Representative to the UN, from Gaddafi's government. These defections began as early as late February, and the almost immediate abandonment of the Gaddafi regime demonstrated the degree to which Gaddafi had alienated his people. These three major factors created what many analysts refer to as the "perfect storm" for intervention.

While they did not block the resolution, Russia, China, Brazil, and India all "expressed misgivings about the content of the resolution"¹¹⁴ after the vote, with Russian Federation Representative Churkin expressing concerns about the lack of explicit definitions of the methods of enforcing the no-fly zone and the limits of force.¹¹⁵

Legal Framework for the Intervention

While international law generally prohibits the use of force, chapter VII of the UN Charter states that if non-forceful means, such as economic sanctions, prove inadequate in situations like the one in Libya, the Security Council "may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security."¹¹⁶ Members of the Security Council saw the situation in Libya as a threat to international peace and security, and while it was initially surprising that Russia and the other anti-interventionist states abstained rather than voting against Resolution 1973, the passage of a resolution authorizing the use of force was "largely unremarkable"¹¹⁷ due to

¹¹³ Ibid.

¹¹⁴ Ibid., 606-607.

¹¹⁵ Ibid.

¹¹⁶ United Nations, Charter of the United Nations, Article XLII.

¹¹⁷ Garwood-Gowers, "The Responsibility to Protect and the Arab Spring," 603.

its firm grounding in the UN Charter. The decision to abstain rather than to veto demonstrates that even Russia and China, normally the strongest voices for refraining from intervention, recognized the legal framework for the resolution.

Progression of the Libya Intervention

NATO forces began air strikes only two days after the passage of Resolution 1973. As rebels continued to clash with government forces on the ground, the NATO airstrikes focused on Libyan military targets on both land and sea, with American jets targeting Libyan Government ships in Misrata.¹¹⁸ The rebels began urging NATO to take stronger action as early as April 6th, when rebel General Abdul Fattah Younes “accused NATO of tardiness and indecision,”¹¹⁹ and NATO leaders responded by increasing the rate of NATO attacks on Libyan military targets.¹²⁰ Throughout the month of April, Great Britain, France, and Italy announced that they each planned to send military advisers to assist the Libyan rebels.¹²¹

On May 4th, International Criminal Court Chief Prosecutor Luis Moreno-Ocampo reported to the Security Council that his investigation had led him to identify three individuals in the Libyan Government whom he said “appeared to bear the most criminal responsibility for crimes against humanity”¹²² in Libya. Moreno-Ocampo said that “the evidence collected has confirmed the fears and concerns expressed in Resolution

¹¹⁸ New York Times, “Events in Libya: A Chronology,” The New York Times, August 29, 2011, <http://www.nytimes.com/2011/08/29/timestopics/libyatimeline.html?_r=0&pagewanted=print>.

¹¹⁹ Ibid.

¹²⁰ Ibid.

¹²¹ Ibid.

¹²² United Nations Security Council, “Chief Prosecutor of International Criminal Court Tells Security Council He Will Seek Arrest Warrants Soon Against Three Individuals in First Libya Case,” (Press Statement, SC/10241, 4 May 2011) <<https://www.un.org/News/Press/docs/2011/sc10241.doc.htm>>.

1970,”¹²³ and various Council members offered subsequent statements of support for the ICC investigation.¹²⁴

In early May, rebels in western Libya and in the city of Misrata “complained that without more intensive and extensive NATO bombardment, they lacked the firepower and military discipline to take charge on the ground.”¹²⁵ After almost six weeks of military action in Libya, NATO commanders began questioning whether they could actually fulfill Resolution 1973’s objective of protecting citizens so long as the Gaddafi regime remained in power.¹²⁶ Ultimately, the NATO leadership determined that expanding the mission to encompass an objective of regime change still fit the initial goal of citizen protection. Leaders including United States President Barack Obama, who had initially resisted the notion of regime change in Libya, came to believe that the Libyan people could only be fully protected and free to exercise political self-determination if they were freed of “40 years of tyranny... [in order to] start creating the institutions required for self-determination,”¹²⁷ a situation only possible with the removal of the Gaddafi regime.

The Libyan Government retained strongholds throughout the country as late as two months after the initial airstrikes, and NATO forces began expanding attacks to targets in the capital city of Tripoli and throughout the country.¹²⁸ This expansion included bombing of military facilities and the Gaddafi family’s residences. NATO

¹²³ Ibid.

¹²⁴ Ibid.

¹²⁵ Zifcak, “The Responsibility to Protect After Libya and Syria,” 65-66.

¹²⁶ Ibid.

¹²⁷ Ibid., 66.

¹²⁸ Ibid., 65.

publicly stated that these attacks were intended to “reduce Gaddafi’s ability to wage war.”¹²⁹

On June 27th, the International Criminal Court announced arrest warrants for Colonel Gaddafi, one of his sons, and his intelligence chief on “charges of crimes against humanity, including murder and persecution, stemming from the first two weeks of the uprising in Libya.”¹³⁰ A few days later, Gaddafi appeared on national television threatening “attacks on Europe if NATO did not halt its bombing campaign.”¹³¹ Two days later, the leader of the opposition claimed that Gaddafi had not responded to the rebels’ offer for him to step down but retain his residence in Libya.¹³²

With ongoing support from NATO forces and Western countries, rebel forces continued to make strides against government forces, gaining more territorial control throughout the summer and early fall. The military campaign lasted until late October, over seven months after Resolution 1973 was approved by the Security Council.

Aftermath of the Intervention

The countries that abstained from the vote on Resolution 1973, as well as countries who were not members of the Security Council at the time, expressed concerns with the escalation of the NATO campaign well before its conclusion in October 2011. These countries saw the “mission creep” of the military intervention, or the perceived abuse of the resolution that called for the “protection of civilians,” as a clear overextension of the statutes of Resolution 1973.¹³³ Russia, China, Brazil, and India did

¹²⁹ Ibid., 70.

¹³⁰ New York Times, “Events in Libya: A Chronology.”

¹³¹ Ibid.

¹³² Ibid.

¹³³ Zifcak, “The Responsibility to Protect After Libya and Syria,” 69.

not believe that any interpretation of the language of Resolution 1973 could permit the campaign's expansion that had been approved by NATO leadership.¹³⁴

Russia attributed this "mission creep" to the West's desire to overthrow the Gaddafi regime, accusing the NATO operation of "attacking a broad range of targets beyond those necessary for the protection of civilians."¹³⁵ Russia accused the West of instigating a "full-fledged civil war, the humanitarian, social, economic, and military consequences of which transcend Libyan borders"¹³⁶ after fighting increased between opposition forces and Gaddafi's military.

While the original language of Resolution 1973 did not limit the intervention to the city of Benghazi, it specifically mentioned the protection of civilians there. When the mission continued long after securing Benghazi, and did not conclude until Gaddafi's fall, many traditionally anti-intervention countries, with Russia's criticism remaining the sharpest, expressed the belief that the intervention was a "front for an operation actually aimed at regime change"¹³⁷ in Libya. While the expansion of NATO operations most likely did aid in limiting Gaddafi's ability to continue attacks on the Libyan people, the issue of proportional use of force remains. The question is whether NATO's actions, while stretching the resolution's objectives, still followed the Security Council's mandate, or if the extension of the military campaign overstepped the boundaries and permissions of Resolution 1973.

¹³⁴ Ibid.

¹³⁵ Garwood-Gowers, "The Responsibility to Protect and the Arab Spring," 609.

¹³⁶ Ibid.

¹³⁷ Hingst, "Libya and the Responsibility to Protect," 250.

Implications of Resolution 1973 and the Libya Intervention

The passage of Resolution 1973 was notable for a number of reasons, but one of the most important lessons of the resolution's approval was of the acceptance of regional authority as a valid substitute for sovereignty authority. There is some recent basis for this shift. The Responsibility to Protect doctrine includes emphasis on regional authority as an important source of legitimacy in any sort of UN intervention, but it is notable that even Russia acquiesced to the legitimacy of regional authority rather than insisting on the supremacy of the sovereign authority of Libya. The Arab League, along with a number of other regional organizations, not only approved of outside intervention in Libya, but requested swift Security Council action – while Russia, China, and other anti-interventionist states could not support the resolution due to their strong positions against foreign involvement in intrastate conflicts, this regional appeal and the blatant severity of the situation seemed to combine to create a situation in which the five countries felt comfortable simply abstaining.

Speaking after the vote on Resolution 1973, the Chinese representative said, “China is always against the use of force in international relations... we also attach great importance to the position of African countries and the AU... In view of this... China abstained.”¹³⁸ Russia also mentioned the Arab League's request to the Security Council in its statement regarding abstention, though it did not explicitly explain its abstention at the time.¹³⁹ In addition to the requests submitted by regional organizations, it is worth noting that three African countries, Nigeria, Gabon, and South Africa, were non-

¹³⁸ United Nations Security Council, “The Situation in Libya,” S/PV.6498, March 17, 2011, 10. <<http://responsibilitytoprotect.org/Security%20Council%20meeting%20on%20the%20situation%20in%20Lybia%2017%20March%202011.pdf>>.

¹³⁹ Ibid., 8.

permanent members of the Security Council at the time and all voted in favor of Resolution 1973, adding an additional layer of (semi) regional approval for the intervention.¹⁴⁰ While it is impossible to know for sure, it is fair to assume that the United Nations Security Council would not have been able to authorize any sort of intervention in Libya without clear regional approval for outside intervention.

The concept of regional authority as a valid substitute for sovereign authority marks a significant departure from traditional Westphalian thinking – the traditional concept of sovereignty deems any sort of external interference with a nation-state’s internal affairs as illegitimate, with the implied exception of assistance upon the request of the nation-state’s official government. If even Russia, generally viewed as the greatest champion for traditional sovereignty in the modern world, refrains from blocking international intervention on the basis of regional approval for the action, the traditional, strict Westphalian form of sovereignty has certainly lost significant traction.

Libya and R2P

Many heralded the Security Council’s passage of Resolution 1973 as proof of the success of the Responsibility to Protect doctrine. After the Security Council’s vote, UN Secretary-General Ban Ki-moon declared, “the Security Council today has taken an historic decision. Resolution 1973 affirms, clearly and unequivocally, the international community’s determination to fulfill its responsibility to protect civilians from violence perpetrated upon them by their own government.”¹⁴¹ He later said, “By now it should be

¹⁴⁰ Jennifer Welsh, “Civilian Protection in Libya: Putting Coercion and Controversy Back into RtoP,” *Ethics & International Affairs* 25, no. 3 (Fall 2011): 4. <<http://dx.doi.org/10.1017/S0892679411000207>>.

¹⁴¹ Hehir, “The Permanence of Inconsistency,” 139.

clear to all that the Responsibility to Protect has arrived.”¹⁴² R2P advocates Alex Bellamy and Paul Williams described Resolution 1973 as a sign of a Security Council shift to a “new politics of protection,”¹⁴³ and R2P architect Gareth Evans called the Libya intervention a “textbook case of the R2P norm working exactly as it was supposed to.”¹⁴⁴

One notable element of the Resolution 1973 text itself was the absence of words such as “unique” or “exceptional” to describe the situation in Libya.¹⁴⁵ Past resolutions authorizing interventions included such language, presumably to avoid setting any sort of precedent and to maintain the practice of “case-by-case” consideration for determining the legitimacy of international intervention. Resolution 794, endorsing action under Chapter VII of the UN Charter in Somalia in 1992, noted the “unique character of the present situation in Somalia,”¹⁴⁶ and Resolution 940, authorizing an intervention to reinstate Haiti’s elected president in 1994, described the situation in Haiti as “extraordinary” and “requiring an exceptional response.”¹⁴⁷ The absence of such language from Resolution 1973 may demonstrate a shift in the environment of the Security Council and the dialogue of intervention.

Resolution 1973 certainly seems to fit the spirit behind Responsibility to Protect. The final resolution repeatedly referenced the Gaddafi regime’s gross human rights violations and the clear need to aid the Libyan people. Resolution 1973 mentioned the Libyan Government’s failure to heed the warnings of the sanction-inducing Resolution

¹⁴² Ibid., 137.

¹⁴³ Ibid., 139.

¹⁴⁴ Ibid., 137.

¹⁴⁵ Garwood-Gowers, “The Responsibility to Protect and the Arab Spring,” 604-605.

¹⁴⁶ United Nations Security Council Resolution 794, UN Doc S/RES/794 (1992). <<http://www1.umn.edu/humanrts/peace/docs/scres794.html>>.

¹⁴⁷ United Nations Security Council Resolution 940, UN Doc S/RES/940 (1994). <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N94/312/22/PDF/N9431222.pdf?OpenElement>>.

1970 of a few weeks earlier, and it portrayed the no-fly zone as essential to the goal of protecting Libyan civilians. When analyzed in isolation from other factors and patterns, Resolution 1973 and the subsequent intervention seem to be exactly what Secretary-General Ban Ki-moon and R2P's advocates hoped: an ideal example of a doctrine of protection and dual-sovereignty becoming an international norm.

However, the intervention in Libya does not necessarily constitute the “textbook” case that Gareth Evans and his fellow R2P proponents seem to believe. First and foremost, neither Resolution 1970 nor Resolution 1973 made any reference to the international community's responsibility to Libya's citizens – the only mention of “responsibility” was in reference to the Libyan Government's responsibility to its own citizens. Even these statements of Libyan responsibility appeared only in the preambles of both resolutions, rather than in the main texts.¹⁴⁸

Second, when comparing Resolution 1973 to past resolutions authorizing international action in intrastate conflicts, it seems less revolutionary than many R2P supporters believe. In comparing the texts of Resolutions 1973 and 794, the two resolutions seem incredibly similar, despite Resolution 794 passing over a decade prior to the introduction of the Responsibility to Protect doctrine. Resolution 1973 reads, “...determining that the situation in the Libyan Arab Jamahiriya continues to constitute a threat to international peace and security,”¹⁴⁹ invoking the language of Chapter VII of the UN Charter. Resolution 794 reads almost identically, stating, “...determining that the magnitude of the human tragedy caused by the conflict in Somalia... constitutes a threat

¹⁴⁸ Garwood-Gowers, “The Responsibility to Protect and the Arab Spring,” 605.

¹⁴⁹ United Nations Security Council Resolution 1973 (2011).

to international peace and security.”¹⁵⁰ The phrase “international peace and security” is essentially necessary in order to clearly invoke Chapter VII of the Charter, and its prominent inclusion in resolutions in both the pre-R2P era and the post-R2P era shows the unwavering supremacy of intervention under Chapter VII. Addressing the situations themselves, Resolution 1973 says, “...expressing grave concern at the deteriorating situation, the escalation of violence, and the heavy civilian casualties,”¹⁵¹ while Resolution 794 reads, “...gravely alarmed by the deterioration of the humanitarian situation in Somalia.”¹⁵² The similarity of these two statements demonstrates that the Security Council did not suddenly start using humanitarian strife as a justification for intervention after the introduction of R2P. While R2P certainly contributed to the elevation of human rights and civilian protections as concerns of the international community, the language used in the two resolutions was very similar regardless of the introduction of R2P prior to Resolution 1973. Both resolutions mention the efforts and opinions of regional organizations including the Arab League and the Organization of Islamic Conference, and both emphasize the need for ease of access for humanitarian aid.

It is difficult to say exactly what role R2P played in the passage of Resolution 1973. The Security Council’s authorization of the use of force in Libya was certainly not the first authorization of its kind, though it was the first to pass on the basis of regional consent as a substitute for sovereign consent. It is misleading to claim Resolution 1973 as a victory for R2P or evidence of R2P’s acceptance as a norm, as there is no distinct

¹⁵⁰ United Nations Security Council Resolution 794 (1992).

¹⁵¹ United Nations Security Council Resolution 1973 (2011).

¹⁵² United Nations Security Council Resolution 794 (1992).

evidence in either the text of the resolution or the transcript of the Security Council meeting on March 17th that points to this claim.

However, it is also unwise to assume that R2P played no role in the rapid Security Council action in Libya. In the February 26th Security Council meeting during which resolution 1970 passed, many Council members “expressed hope that the resolution was a strong step in affirming the responsibility of States to protect their people as well as the legitimate role of the Council to step in when they failed to meet that responsibility.”¹⁵³ While this language is not identical to the language of the Responsibility to Protect doctrine, it echoes a similar sentiment.

The debate over whether Resolution 1973 constitutes a success for the establishment of an R2P norm, however, seems relatively moot given the significant contention regarding the direction the intervention took. Some critics of the intervention even suggested that R2P was “used as a smokescreen for regime change,”¹⁵⁴ a notion that obviously weakens R2P’s status. Even former UN Secretary-General Kofi Annan, a strong proponent of R2P since its inception, acknowledged that “the way the ‘responsibility to protect’ was used in Libya caused a problem for the concept”¹⁵⁵ in a July 2012 interview. Setbacks to the acceptance of R2P have been clearly evidenced in the handling of the Syrian crisis by the international community.

¹⁵³ United Nations Security Council, “In Swift, Decisive Action, Security Council Imposes Tough Measures on Libyan Regime, Adopting Resolution 1970 in Wake of Crackdown on Protesters.”

¹⁵⁴ Garwood-Gowers, “The Responsibility to Protect and the Arab Spring,” 609,

¹⁵⁵ *Ibid.*, 610.

IV. Syria

If the Responsibility to Protect faced a setback in the intervention in Libya, it has been nearly extinguished in the ongoing conflict in Syria. After three years of fighting, the Syrian Civil War's death toll is estimated at around 150,000¹⁵⁶ with an additional 2,662,000 registered Syrian refugees¹⁵⁷ living either in refugee camps in Egypt, Jordan, Iraq, Lebanon, and Turkey or as temporary residents of a handful of Western nations. The tragic story that is the Syrian Civil War, and the equally tragic and somewhat horrific story that is the international community's inaction, demonstrate that there is more than meets the eye when it comes to standards of sovereignty and the Responsibility to Protect.

This chapter will first outline a detailed history of the Syrian Civil War followed by an account of the Syrian refugee situation since March 2011. Next, it will describe the United Nations Security Council's activities surrounding the Syrian Civil War, including details about the two draft resolutions vetoed by Russia and China in October 2011 and February 2012. The chapter will then go into possible next steps for the international community in dealing with the Syrian crisis, and will conclude with an analysis of the relationship between the Responsibility to Protect and the civil war in Syria.

Syrian Civil War Background

Much like the mass protests and subsequent regime change in Tunisia began when a fruit vendor set himself on fire in protest of police abuse, the now three-year long

¹⁵⁶ World Post, "Syria Conflict Death Toll Surpasses 150,000: Activists," Huffington Post, April 1, 2014, <http://www.huffingtonpost.com/2014/04/01/syria-death-toll-150000_n_5070139.html>.

¹⁵⁷ United Nations High Commissioner for Refugees, "Syria Regional Refugee Response," UNHCR, April 23, 2014, <<http://data.unhcr.org/syrianrefugees/regional.php>>.

civil war in Syria began with a very small incident. Unrest had been mounting in Syria as early as January 2011,¹⁵⁸ and a number of protests began throughout Syria in mid-March 2011 when groups gathered in Damascus and Aleppo calling for democratic reforms.¹⁵⁹ However, it was a group of young boys that caused the spark to ignite a fire. In early March, a group of teenagers was arrested and imprisoned after being caught drawing political graffiti in the southern Syrian city of Daraa. As community members already unhappy with the government caught wind of the teens' ongoing imprisonment, protests broke out in Daraa and subsequently turned violent on March 18th, 2011 – just one day after the UN Security Council approved Resolution 1973 and the intervention in Libya. On that day, Syrian security forces opened fire and killed four protesters.¹⁶⁰ A little over a week later, thousands of Syrians in the capital city of Damascus and throughout the country engaged in a “Day of Dignity” on March 25th, demanding the release of political prisoners. The Assad government initially responded by announcing a series of reforms including a salary increase for state employees, the impending lifting of Syria's almost fifty-year old state of emergency, and the legal licensing of new political parties.¹⁶¹ Five days later, President Assad appeared on national television acknowledging the government's shortcomings, but failing to suggest any specific reforms – the state of emergency was not mentioned or lifted at the time.¹⁶²

¹⁵⁸ British Broadcasting Company, “Mid-East Unrest: Syrian Protests in Damascus and Aleppo,” BBC News, March 15, 2011, <<http://www.bbc.com/news/world-middle-east-12749674>>.

¹⁵⁹ Ibid.

¹⁶⁰ Dominic Evans and Suleiman Al-Khalidi, “From Teenage Graffiti to a Country in Ruins: Syria's Two Years of Rebellion,” Reuters, March 17, 2013, <<http://www.reuters.com/article/2013/03/17/us-syria-crisis-uprising-idUSBRE92G06420130317>>.

¹⁶¹ Cable News Network, “Syria Civil War Fast Facts,” CNN.com, February 24, 2014, <<http://www.cnn.com/2013/08/27/world/meast/syria-civil-war-fast-facts/>>.

¹⁶² Ibid.

During the initial weeks of unrest, the Assad government continually blamed “armed gangs and terrorists”¹⁶³ for the protests. On March 30th, Assad alleged that his country was “facing a grand conspiracy by imperialist forces... Internal conspirators were spreading lies about the government, inciting sectarian tension and using violence against government security forces.”¹⁶⁴ Throughout April, government forces were deployed throughout the country to suppress mounting protests.¹⁶⁵ In one instance, hundreds of protesters gathered in Daraa and were met by Syrian Government forces, including snipers on the roofs of buildings.¹⁶⁶ When protesters ignored a roadblock, soldiers opened fire, killing an unknown number of civilians, many of whom were said to have been carrying olive branches as symbols of peaceful intentions.¹⁶⁷ On April 21st, Assad lifted the state of emergency and declared that Syrians had a right to peaceful protest as a “basic human right guaranteed by the Syrian Constitution.”¹⁶⁸ The lifting of the state of emergency was widely regarded as a shallow reform, as Syrian forces retained significant power in containing protests.¹⁶⁹ Rather ironically, the next day was one of the bloodiest days of the young revolution, with government forces killing up to 100 protesters (reported numbers vary) in Daraa and Damascus.¹⁷⁰ These contrasting

¹⁶³ Ralph Janik, “China, Russia, and the Failure of the Responsibility to Protect in Syria: Does the Fear of Regime Change Offer a Serviceable Explanation?” *Studia Universitatis Babeş-Bolyai, Studia Europaea* 58, no. 1 (March 2013): 65. <<http://search.proquest.com/docview/1346363015?accountid=10141>>.

¹⁶⁴ Zifcak, “The Responsibility to Protect After Libya and Syria,” 73.

¹⁶⁵ Human Rights Watch, “We’ve Never Seen Such Horror: Crimes Against Humanity by Syrian Security Forces,” HRW.org, June 1, 2011: 5. <<http://www.hrw.org/node/99345>>.

¹⁶⁶ Ibid.

¹⁶⁷ Ibid.

¹⁶⁸ Cable News Network, “Syria Civil War Fast Facts.”

¹⁶⁹ Khaled Yacoub Oweis, “Syria’s Assad Ends State of Emergency,” Reuters, April 21, 2011, <<http://www.reuters.com/article/2011/04/21/us-syria-idUSTRE72N2MC20110421>>.

¹⁷⁰ British Broadcasting Company, “Syria Unrest: ‘Bloodiest Day’ as Troops Fire on Rallies,” BBC News, April 22, 2011, <<http://www.bbc.co.uk/news/world-middle-east-13167433>>; Ludovica Iaccino, “Syria Conflict Timeline: 34 Months of Civil War,” *International Business Times*, January 22, 2014, <<http://www.ibtimes.co.uk/syria-conflict-timeline-34-months-civil-war-1433301>>.

events matched an established pattern – Assad’s government consistently announced plans for reform on the day before a large-scale protest was planned in an attempt to appease protesters.¹⁷¹ Taking a slightly different angle in attempts to stop the movement, Assad announced a ban on foreign journalists in Syria, and reports flowed out of the country that “anyone attempting to film or otherwise report on events since mid-March had been subject to arrest and torture by the security forces.”¹⁷²

On April 27th, the UN Human Rights Council held a meeting to discuss the situation in Syria, at which reliable sources relayed reports of “artillery fire against unarmed civilians, door-to-door arrest campaigns, the shooting of medical personnel who attempt to aid the wounded, raids against hospitals, clinics, and mosques, and the purposeful destruction of medical supplies and arrests of medical personnel.”¹⁷³

Protests persisted and government violence against protesters increased, with army tanks arriving in Homs, Daraa, and parts of Damascus in early May.¹⁷⁴ On May 18th, the United States imposed sanctions against President Assad and six other Syrian officials. On June 4th, clashes broke out between protesters and security forces in the northern city of Jisr ash-Shugur near the Turkish border, and these clashes brought about the first reports of soldiers who refused to fire on civilians being killed by their colleagues, which caused some defections from the security forces.¹⁷⁵

¹⁷¹ Oweis, “Syria’s Assad Ends State of Emergency.”

¹⁷² Iaccino, “Syria Conflict Timeline: 34 Months of Civil War.”

¹⁷³ Zifcak, “The Responsibility to Protect After Libya and Syria,” 74.

¹⁷⁴ Anup Kaphle, “Timeline: Unrest in Syria,” The Washington Post, January 20, 2014, <<http://apps.washingtonpost.com/g/page/world/timeline-unrest-in-syria/207/>>.

¹⁷⁵ Zifcak, “The Responsibility to Protect After Libya and Syria,” 79; Joseph Holliday, “The Struggle for Syria in 2011: An Operational and Regional Analysis,” The Institute for the Study of War, 2011: 15. <http://www.understandingwar.org/sites/default/files/Struggle_For_Syria.pdf>.

In early July, a mass protest in Hama province resulted in a civilian death toll of 220, which combined with deaths elsewhere in the country to create a death toll of 287, making July 12th the bloodiest day in the uprising by more than one hundred deaths.¹⁷⁶ The next day, Syrian state television reported on the massacre, blaming “armed terrorists groups... shooting indiscriminately at the people... after calls from the people of the village, the security forces clashed with the terrorist groups, arresting a number of them...”¹⁷⁷

This massacre occurred only a day after the defection of Syrian diplomat Nawaf al-Fares, the former Syrian ambassador to Iraq and a high-profile member of the Assad government. Al-Fares told Al Jazeera that he had always sympathized with the revolution, but had not yet publicly voiced his support because he still “had hope” as he maintained contact with President Assad.¹⁷⁸ The defected official went on to call Assad the “former Syrian president, because he is a criminal and he is killing the Syrian people.”¹⁷⁹

At the end of July, some of the aforementioned defectors from the Syrian army formed the Free Syrian Army, which began operations in August with around 10,000 forces aimed at overthrowing the Assad regime.¹⁸⁰ This marked the first formation of an official opposition group, and sealed any doubts that the uprisings had become a full revolution in the months since a group of teenagers were arrested for political graffiti.

¹⁷⁶ Cable News Network Wire, “Syrian Opposition Reports ‘Massacre’ in Hama Province,” CNN.com, July 12, 2012, <<http://www.cnn.com/2012/07/12/world/meast/syria-unrest/>>.

¹⁷⁷ Ibid.

¹⁷⁸ Ibid.

¹⁷⁹ Ibid.

¹⁸⁰ International Business Times, “The Free Syrian Army: Is the Anti-Assad Movement Splitting, Turning Violent?” International Business Times, August 2011, <<http://www.ibtimes.co.uk/the-free-syrian-army-is-the-anti-assad-movement-splitting-into-different-branches-226196>>.

Two days after the leadership of the Free Syrian Army announced its formation, government forces cracked down on protesters nationwide in what was called the Ramadan Massacre, which left 142 people dead and hundreds injured.¹⁸¹

The international community became increasingly concerned with the situation in Syria throughout the month of August. On the 18th, United States President Barack Obama publicly called for President Assad to step down, remarking that “we [the American Government] have consistently said that President Assad must lead a democratic transition or get out of the way. He has not led. For the sake of the Syrian people, the time has come for President Assad to step aside.”¹⁸² President Obama added that the United States:

...cannot and will not impose this transition upon Syria. It is up to the Syrian people to choose their own leaders... What the United States will support is an effort to bring out a Syria that is democratic, just, and inclusive for all Syrians. We will support this outcome by pressuring President Assad to get out of the way of this transition.¹⁸³

Obama then announced sweeping economic sanctions in addition to a freeze of all Syrian Government assets on American soil and a ban on new American spending, including investments and spending on Syrian petroleum products.¹⁸⁴ Coordinating with the United States, British Prime Minister David Cameron, French President Nicolas Sarkozy, and German Chancellor Angela Merkel issued a joint statement echoing Obama’s call, adding that “Assad should face the reality of the complete rejection of his regime by the Syrian

¹⁸¹ Al Jazeera, “‘Scores Dead’ as Syrian Tanks Storm Hama,” Al Jazeera America, July 31, 2011, <<http://www.aljazeera.com/news/middleeast/2011/07/2011731183142996341.html>>.

¹⁸² Barack Obama, “Statement on the Situation in Syria,” whitehouse.gov, August 18, 2011, <<http://www.whitehouse.gov/blog/2011/08/18/president-obama-future-syria-must-be-determined-its-people-president-bashar-al-assad>>.

¹⁸³ Ibid.

¹⁸⁴ Ibid.

people.”¹⁸⁵ By the end of August, almost six months after the initial violence in Syria, at least 1,583 civilians and 369 security troops had been killed in the country.¹⁸⁶

In September, the European Union expanded on previous economic sanctions by banning the import of Syrian oil – in 2010 EU Member States imported about 95% of all the oil exported by Syria.¹⁸⁷ In early October, a number of Syrian opposition groups formed the Syrian National Council, established to “offer a credible alternative to the Syrian government and... serve as a single point of contact for the international community.”¹⁸⁸ Two days later, Russia and China cited references to economic sanctions as cause for vetoing the first of two major UN Security Council draft resolutions.¹⁸⁹ The draft condemned human rights violations in Syria, called for a new, peaceful political process, and demanded an end to violence in the country.¹⁹⁰ As violence and death tolls increased over the next month, the Arab League announced on November 12th that it had voted to suspend Syria’s membership. The League gave Syria three days to comply with a set of demands, including an immediate end to violence, the withdrawal of troops from cities throughout the country, the release of political prisoners, and the acceptance of Arab League observers to monitor the situation and ensure the completion of accelerated

¹⁸⁵ Jason Ukman and Liz Sly, “Obama: Syrian President Assad Must Step Down,” *The Washington Post*, August 18, 2011, <http://www.washingtonpost.com/blogs/checkpoint-washington/post/obama-syrian-president-assad-must-step-down/2011/08/18/gIQAM75UNJ_blog.html>.

¹⁸⁶ *International Business Times*, “Is Syria Sliding into Civil War?” *International Business Times*, September 2011, <<http://www.ibtimes.co.uk/as-the-regime-crackdown-continues-is-syria-sliding-into-civil-war-190179>>.

¹⁸⁷ *British Broadcasting Company*, “EU Steps Up Syria Sanctions with Ban on Oil Imports,” *BBC News*, September 2, 2011, <<http://www.bbc.co.uk/news/world-middle-east-14759416>>.

¹⁸⁸ *British Broadcasting Company*, “Syria Crisis: Guide to Armed and Political Opposition,” *BBC News*, October 17, 2013, <<http://www.bbc.co.uk/news/world-middle-east-15798218>>.

¹⁸⁹ Neil MacFarquhar, “U.N. Resolution on Syria Blocked by Russia and China,” *The New York Times*, October 4, 2011, <http://www.nytimes.com/2011/10/05/world/middleeast/russia-and-china-block-united-nations-resolution-on-syria.html?_r=1&ref=syria>.

¹⁹⁰ *Ibid.*

political reform.¹⁹¹ After three days of noncompliance, the Arab League officially suspended Syria, urged its members to remove their ambassadors from Damascus, and imposed a set of economic sanctions and travel bans. Syrian officials rejected the sanctions, accusing the Arab League of taking part in a “Western-inspired conspiracy.”¹⁹²

The International Commission of Inquiry on Syria, established by the UN Human Rights Council in August, released a report on its fact-finding mission on November 23rd. The report concluded that the human rights violations committed by the Syrian military since March were severe enough that the Commission determined that the Syrian Government was “responsible for the commission of crimes against humanity.”¹⁹³ The report noted that in the not-yet-over month of November alone, the Syrian military had used force in operations in five major cities, including Damascus and Homs, and had targeted events such as funeral processions and peaceful public assemblies.¹⁹⁴ The report included extensive reports of arbitrary detainment, interrogation, and torture, including accounts of children being tortured to death.¹⁹⁵ The Commission’s diagnosis read, “...the sheer scale and consistent pattern of attacks by military and security forces on civilians and civilian neighborhoods and the widespread destruction of property could only be possible with the approval or complicity of the state.”¹⁹⁶ The UN Human Rights Council subsequently adopted Resolution S-18/1, which condemned the Syrian Government’s

¹⁹¹ Zifcak, “The Responsibility to Protect After Libya and Syria,” 79.

¹⁹² Anissa Haddadi, “Syria: ‘Arab League is Part of a Western Conspiracy,’” *International Business Times*, November 28, 2011, <<http://www.ibtimes.co.uk/syria-arab-league-western-conspiracy-257233>>.

¹⁹³ Zifcak, “The Responsibility to Protect After Libya and Syria,” 79.

¹⁹⁴ *Ibid.*

¹⁹⁵ *Ibid.*, 80.

¹⁹⁶ *Ibid.*

violence and referred the report to all UN bodies with the hopes of “appropriate action.”¹⁹⁷

A week later, Turkey followed the example set by the Arab League and announced a series of sanctions against Syria. On December 19th, Syrian Foreign Minister Walid Moallem announced that the Syrian Government had signed an Arab League proposal that established an observer mission to Syria in an attempt to reach an end to the violence.¹⁹⁸ Three days later, 150 Arab League monitors arrived in the country, but there was no evidence that the mission had any effect on the violence in Syria and the mission was suspended a month later.¹⁹⁹

On February 4th, 2012, a second UN Security Council resolution failed to pass due to another double-veto by Russia and China. This draft resolution called on both the Syrian Government and the opposition to immediately cease all violence – the inclusion of the opposition in this call was meant to placate Russia’s concerns with UN action disproportionately targeting the Syrian Government despite the opposition’s use of violence.²⁰⁰ Two days after the draft resolution’s failure, the United States closed its embassy in Syria and brought all of its diplomats back to Washington. The Gulf Cooperation Council followed suit a day later, announcing that its six states would all be recalling their ambassadors from Syria and subsequently expelling Syrian diplomats from their own capitals.²⁰¹ Proving itself more responsive than the Security Council, the UN

¹⁹⁷ Ibid.

¹⁹⁸ Cable News Network Wire, “Syria Signs Arab League Plan, Minister Says,” CNN.com, December 19, 2011, <<http://www.cnn.com/2011/12/19/world/meast/syria-unrest/>>.

¹⁹⁹ Zifcak, “The Responsibility to Protect After Libya and Syria,” 79; Cable News Network, “Syria Civil War Fast Facts.”

²⁰⁰ Garwood-Gowers, “The Responsibility to Protect and the Arab Spring,” 611.

²⁰¹ Cable News Network, “Syria Civil War Fast Facts.”

General Assembly passed a nonbinding resolution on February 16th endorsing the Arab League's plan for Assad stepping down.²⁰²

On April 1st, a group of countries (including the United States, France, and Turkey) known as the "Friends of the Syrian People" held a conference in Istanbul where the group announced its recognition of the Syrian National Council as the legitimate voice of the Syrian people.²⁰³ A few days later, the Syrian Government announced that it had succeeded in regaining control over the whole country and would participate in a Kofi Annan-proposed ceasefire, but spokespeople for rebel groups reported that "government forces continue[d] to slaughter civilians and attack rebel strongholds."²⁰⁴

In May, the UN Human Rights Council released an updated report, warning of an "increasingly militarized"²⁰⁵ conflict that had transitioned from government forces attacking protesters to Syrian forces facing "armed and well-organized fighters."²⁰⁶ At the end of the month, Syrian forces attacked towns near Homs, massacring hundreds including at least 32 children under the age of 10.²⁰⁷

On June 13th, the UN Security Council authorized an unarmed military observer mission in Syria, tasked with monitoring the supposed ceasefire in place since mid-April.²⁰⁸ Originally intended to last ninety days, the UN suspended the mission after only three days due to escalating violence.²⁰⁹ The next week, Syrian Government forces shot

²⁰² Ibid

²⁰³ Ibid.

²⁰⁴ Kaphle, "Timeline: Unrest in Syria."

²⁰⁵ Janik, "China, Russia, and the Failure of the Responsibility to Protect in Syria," 67.

²⁰⁶ Ibid.

²⁰⁷ Vasudevan Sridharan, "UN Confirms Syria Child Massacre," International Business Times, May 27, 2012, <<http://www.ibtimes.co.uk/syria-violence-bloodshed-homs-president-assad-syrian-345755>>.

²⁰⁸ Cable News Network, "Syria Civil War Fast Facts."

²⁰⁹ Ibid.

down a Turkish jet, which resulted in an emergency NATO meeting but no external action.²¹⁰

The month of July marked a turning point in the Syrian conflict, when the International Committee of the Red Cross determined that the conflict was no longer limited to only parts of Syria but had spread throughout the entire country.²¹¹ At the end of July, Khaled al-Ayoubi, a top Syrian diplomat in London, defected from the Assad government, saying that “he [was] no longer willing to represent a regime that has committed such violent and oppressive acts against its own people.”²¹² Exactly one week later, Syrian Prime Minister Riyad al-Hijab resigned and announced his defection from Assad’s government.²¹³ Massacres continued throughout the country, with individual events boasting death tolls in the hundreds. The UN Human Rights Council labeled the Syrian military’s aforementioned May massacre in Homs that claimed the lives of many children as a war crime.²¹⁴ In October, the Syrian Government agreed to a ceasefire, but the short-lived agreement lasted only four days according to reports of violence throughout the country.²¹⁵

In another attempt to organize, various opposition factions united in November to form the National Coalition for Syrian Revolutionary and Opposition Forces. As rebels continued to persist in clashes with government forces, opposition forces captured a number of military bases near Damascus in December.²¹⁶

²¹⁰ Kaphle, “Timeline: Unrest in Syria.”

²¹¹ Janik, “China, Russia, and the Failure of the Responsibility to Protect in Syria,” 68.

²¹² Cable News Network, “Syria Civil War Fast Facts.”

²¹³ Ibid.

²¹⁴ Kaphle, “Timeline: Unrest in Syria.”

²¹⁵ Iaccino, “Syria Conflict Timeline: 34 Months of Civil War.”

²¹⁶ Kaphle, “Timeline: Unrest in Syria.”

Massacres of civilians continued throughout December and while members of the international community continued to condemn the Syrian Government's use of violence, Russian Foreign Minister Sergey Lavrov told the new UN Special Envoy Lakhdar Brahimi that "there was no way to persuade Assad to resign."²¹⁷

On January 6th, 2013, Assad confirmed Lavrov's statement by announcing that he would not step down, but rather sought to institute a new constitution and eliminate support for the opposition, which he again referred to as "terrorists."²¹⁸ The discovery of 65 bodies in Aleppo on January 29th and the massacre of over a hundred civilians in attacks on two villages provided proof that Assad's government showed no signs of ceasing its violence against its people.²¹⁹ In early February, the Security Council released a statement estimating the civilian death toll to be nearing 70,000.²²⁰

In April, the United States announced that it had evidence of small scale usage of the chemical weapon sarin in Syria, a claim echoed by Great Britain and France in a formal message to the United Nations.²²¹ In mid-May, thousands of Hezbollah fighters traveled to Syria from Lebanon to aid the Syrian military in the struggle against the rebel groups.²²² On May 27th, the European Union lifted its arms embargo against the Syrian rebels, enabling a surge in foreign arms supply to opposition fighters.

The month of June marked an important shift in the fighting in Syria, as reports reached the international community of rebel groups killing civilians.²²³ On June 13th, President Obama announced that the United States had determined that the Syrian

²¹⁷ Janik, "China, Russia, and the Failure of the Responsibility to Protect in Syria," 69.

²¹⁸ Cable News Network, "Syria Civil War Fast Facts."

²¹⁹ Kaphle, "Timeline: Unrest in Syria."; Iaccino, "Syria Conflict Timeline: 34 Months of Civil War."

²²⁰ Cable News Network, "Syria Civil War Fast Facts."

²²¹ Ibid; Kaphle, "Timeline: Unrest in Syria."

²²² Kaphle, "Timeline: Unrest in Syria."

²²³ Iaccino, "Syria Conflict Timeline: 34 Months of Civil War."

Government was responsible for the use of sarin against rebel groups and stated that the Assad regime had “crossed a red line” by employing chemical weapons.²²⁴ The Obama Administration subsequently increased its support for rebel groups, including direct US military support.²²⁵ On the same day, the United Nations reported that almost 93,000 people had been killed in Syria since the outbreak of violence over two years earlier.²²⁶

In August, the UN sent a group of weapons inspectors to Syria to investigate the claims made by the United States, Great Britain, France, and the Syrian opposition that the government had employed chemical weapons against rebels and civilians. Three days after the team’s arrival in Syria, activist groups in the country reported that an August 21st chemical weapons attack on civilians in Damascus resulted in the deaths of over 1,300 people.²²⁷ These claims were substantiated by video footage, witness reports, and Doctors Without Borders’ announcement that hospitals near Damascus treated thousands of people suffering from “neurotoxic symptoms” on the day of the attack.²²⁸ UN Secretary-General Ban Ki-moon and US officials alike called for accountability in the attacks.

In late August, the United States prepared for a possible strike on Syria in response to the Syrian Government’s use of chemical weapons. A day after the UK Parliament voted against taking military action in Syria, US Secretary of State John Kerry announced that the death toll of the August 21st chemical weapons attack had reached 1,429, including over 400 children.²²⁹ The next day, President Obama asked Congress to authorize US military action in Syria. After intense international negotiations, the Syrian

²²⁴ Cable News Network, “Syria Civil War Fast Facts.”

²²⁵ Kaphle, “Timeline: Unrest in Syria.”

²²⁶ Ibid.

²²⁷ Ibid.; Cable News Network, “Syria Civil War Fast Facts.”

²²⁸ Cable News Network, “Syria Civil War Fast Facts.”

²²⁹ Ibid.

Government agreed to give up control of its chemical weapons per a Russian request on September 9th, and President Obama appeared on national television the next day stating that he would no longer put “American boots on the ground in Syria,” though he would not eliminate other possible military options.²³⁰ A few days later, the US and Russia announced a joint plan to remove chemical weapons from Syria. The UN chemical weapons inspectors’ report was released on September 16th and included “clear and convincing evidence”²³¹ of the suspected use of sarin on August 21st.

On September 27th, the Security Council succeeded in passing its first resolution regarding Syria, requiring the Assad regime to eliminate its chemical weapons stockpile.²³² Over the next few weeks, the Syrian Government began eliminating its chemical weapon production facilities as well as its arsenal under the supervision of the Organization for the Prohibition of Chemical Weapons, which announced the completion of the facility elimination on October 31st.²³³

The UN announced in November that a conference referred to as “Geneva II” would convene on January 22nd in Geneva, where the Syrian Government and a set of opposition groups were to meet with international mediators to negotiate an end to the violence. At the beginning of December, the UN announced that a fact-finding team found “massive evidence that the highest levels of the Syrian government are responsible for war crimes.”²³⁴ In early January 2014, the United Nations announced that it would

²³⁰ Ibid.

²³¹ Ibid.

²³² Ibid.

²³³ Ibid.

²³⁴ Ibid.

discontinue its death toll count, as it no longer felt it could verify its data.²³⁵ Opening the Geneva II conference on January 22nd, US Secretary of State Kerry insisted that President Assad would have no role in a transitional government in Syria.²³⁶

Despite Syria's timely completion of the destruction of chemical weapons facilities in October 2013, the Organization for the Prohibition of Chemical Weapons announced on February 13th that Syria had only shipped 11% of its stockpile out of the country, despite a February 5th deadline for complete removal of chemical weapons.²³⁷ On February 22nd, 2014, the United Nations Security Council unanimously adopted Resolution 2139, demanding an increase in the ease of delivery of humanitarian assistance, a safe passage for civilians wishing to leave Syria, and the respect of the "principle of medical neutrality."²³⁸

Syrian Refugees

As the violence on the ground in Syria raged on, the Syrian refugee situation continued to grow and place an increasing burden on Syria's neighbors. Refugees began fleeing to Lebanon, Turkey, and Jordan as early as April 2011,²³⁹ and by March 2012, there were over 14,000 registered refugees in Turkey.²⁴⁰ In that month, the United Nations Human Rights Council appointed a Regional Refugee coordinator for Syrian

²³⁵ Iaccino, "Syria Conflict Timeline: 34 Months of Civil War."

²³⁶ Cable News Network, "Syria Civil War Fast Facts."

²³⁷ Ibid.

²³⁸ United Nations Security Council, "Security Council Unanimously Adopts Resolution 2139 (2013) to Ease Aid Delivery to Syrians, Provide Relief From 'Chilling Darkness'" (Press Statement, SC/11292, 22 February 2014) <<http://www.un.org/News/Press/docs//2014/sc11292.doc.htm>>.

²³⁹ Migration Policy Centre, "Syrian Refugees: Timeline," European University Institute, April 4, 2014, <http://syrianrefugees.eu/?page_id=163>.

²⁴⁰ Iaccino, "Syria Conflict Timeline: 34 Months of Civil War."

Refugees.²⁴¹ In April 2012, the new Domiz Refugee Camp opened in Iraq, which eventually became the largest refugee camp in the country.²⁴²

At the beginning of July 2012, increased fighting in Aleppo caused almost 200,000 Syrians to flee the country, many of whom went to Turkey.²⁴³ Two weeks later, fighting in Damascus led to a mass movement of Syrian refugees across the border into Lebanon, with estimates ranging from 18,000 to 40,000 individuals leaving the country over the course of just a few days.²⁴⁴ Anticipating further demand for refugee space, Jordan opened the Za'atari Refugee Camp, which has since become Jordan's fourth largest city with 104,494 registered refugees in the camp as of April 10th, 2014.²⁴⁵

In September 2012, the UN Human Rights Council reported that more than 11,000 Syrian refugees arrived in Turkey, Jordan, and Lebanon in a 24 hour period.²⁴⁶ Late that year, the Syrian refugee situation only continued to worsen, with reports of tuberculosis among refugees in Lebanon and a UN Refugee Agency request for \$1 billion to assist Jordan, Iraq, Lebanon, Turkey, and Egypt in supporting the half a million Syrian refugees who had fled the violence.²⁴⁷

The United Nations Human Rights Council estimated that by February 2013, the conflict was driving 5,000 people out of Syria each day, with a total of almost 800,000 refugees occupying refugee camps in neighboring countries.²⁴⁸ This number was revised

²⁴¹ The United Nations High Commissioner for Refugees, "Fact Sheet: Timeline and Figures," UNHCR, September 2013, <<http://www.unhcr.org/5245a72e6.pdf>>.

²⁴² Migration Policy Centre, "Syrian Refugees: Timeline."

²⁴³ Ibid.

²⁴⁴ Ibid.

²⁴⁵ United Nations High Commissioner for Refugees, "Zaatari Refugee Camp" UNHCR, April 10, 2014, <<http://data.unhcr.org/syrianrefugees/settlement.php?id=176&country=107®ion=77>>.

²⁴⁶ Migration Policy Centre, "Syrian Refugees: Timeline."

²⁴⁷ Ibid.; The United Nations High Commissioner for Refugees, "Fact Sheet: Timeline and Figures."

²⁴⁸ Janik, "China, Russia, and the Failure of the Responsibility to Protect in Syria," 69.

only five weeks later, with the number of Syrian refugees passing the 1 million mark.²⁴⁹ Just a few months later, on July 16th, the UN High Commissioner for Refugees announced that the refugee flow out of Syria, averaging around 6,000 people per day, was the most significant rate since the Rwandan genocide in the 1990's.²⁵⁰ A month later, almost 20,000 refugees poured out of Syria into Iraq over the course of only a few days and an additional 30,000 in the subsequent week and a half.²⁵¹

On September 1st, 2013, UNICEF announced that in just seven months, the number of Syrian refugees had doubled and passed the 2 million mark, including almost 1 million children – one year earlier, the total number was a seemingly small 230,000.²⁵² Throughout the fall of 2013, a number of European and North American countries announced plans to house refugees in a variety of manners, ranging from temporary resettlement to permanent residency.²⁵³ On December 16th, 2013, the United Nations estimated that the Syrian need for humanitarian aid will expand to three-quarters of the country's 22.4 million citizens by the end of 2014, and that this expanded need will require an additional \$6.5 billion.²⁵⁴ In February 2014, UNICEF issued an urgent plea for donor support to aid the almost 10,000 Syrian children suffering from malnutrition in refugee camps in Lebanon.²⁵⁵

Syria and the United Nations Security Council

Since the conflict in Syria began in March 2011, the United Nations Security Council has only been able to agree on three actions. The first was the short-lived

²⁴⁹ The United Nations High Commissioner for Refugees, "Fact Sheet: Timeline and Figures."

²⁵⁰ Migration Policy Centre, "Syrian Refugees: Timeline."

²⁵¹ Ibid.; The United Nations High Commissioner for Refugees, "Fact Sheet: Timeline and Figures."

²⁵² Ibid.

²⁵³ Migration Policy Centre, "Syrian Refugees: Timeline."

²⁵⁴ Ibid.

²⁵⁵ Ibid.

observer mission in June 2013, which lasted only three of an intended ninety days. The second was the September 2013 resolution that required the Syrian Government to eliminate its chemical weapons stockpile, and the third was the humanitarian aid-focused Resolution 2139 that passed in February 2014. This minimal action cannot be attributed to a single factor, but one important element of the Security Council's general inability to act has been conflicting views of the conflict within the Permanent 5 members.

From the beginning of the conflict, the West has viewed the events in Syria in a manner distinct from the views of Russia, China, and other Security Council members. Starting in March 2011, the West viewed the Syrian situation as “brutal repression of pro-democracy protesters by the Assad regime,”²⁵⁶ while Russia and China “emphasized that violence was occurring in the context of a legitimate government response to attacks on state infrastructure by armed opposition groups.”²⁵⁷ These initial appraisals have had an obvious influence on the two groups' handling of the developing conflict – while the West has repeatedly called for Assad to step down, Russia and China have remained steadfast in their opposition to external pressure for regime change.²⁵⁸ These stances are apparent throughout the narrative of the uprising in Syria that has become a full-fledged civil war, and the Security Council's failure to take any sort of real action is largely a result of these conflicting and unwavering views within the P5.

The Security Council first met to discuss the worsening situation in Syria on April 27th, 2011, when each Council member expressed deep concern but with different

²⁵⁶ Garwood-Gowers, “The Responsibility to Protect and the Arab Spring,” 610.

²⁵⁷ Ibid.

²⁵⁸ Ibid., 611.

emphases and solutions.²⁵⁹ Russia used its time to remind the Council that the violence in Syria did not constitute a threat to international peace and security, demonstrating a clear concern about the possibility of attempts to intervene.²⁶⁰ Two days later, the UN Human Rights Council convened a special meeting on Syria and produced Resolution S-16/1, which “strongly condemned the use of lethal violence against peaceful protesters.”²⁶¹ The resolution also called on the Syrian Government to immediately cease human rights abuses, which included violations of political and civil rights in addition to violence and force.

First Security Council Draft Resolution (Vote on October 4th, 2011)

On May 25th, 2011, France, Germany, Portugal, and Great Britain submitted a draft resolution on Syria. The resolution would condemn the Syrian Government’s crackdown on protesters and civilians, while also attempting to remind the Syrian Government of its “responsibility to protect” its citizens.²⁶² The draft “stressed the need for those responsible for government-sponsored violence to be brought to account and called for an end to killings, arbitrary detention, disappearances, and torture.”²⁶³ The draft also demanded that restrictions on communications and media in Syria be lifted and that the Syrian Government cooperate with the Human Rights Council’s independent investigative mission. The BRIC nations along with South Africa expressed reservations regarding any Security Council resolution that “seeks to dictate the nature of the reform

²⁵⁹ Zifcak, “The Responsibility to Protect After Libya and Syria,” 74.

²⁶⁰ Ibid., 74-75.

²⁶¹ Ibid., 75.

²⁶² Ibid.

²⁶³ Ibid.

program that the Syrian Government should undertake.”²⁶⁴ As the members of the Security Council discussed an amended form of the original draft resolution, Russia and China continued to raise concerns about any language that could allow for broad interpretation – an obvious attempt to prevent repetition of Resolution 1973 and the perceived mission creep of the NATO intervention in Libya.²⁶⁵

As time went on however, the second major part of Russia’s opinion of the situation in Syria seemed to lose traction. Russia continually made a point to remind the rest of the Security Council that the situation in Syria did not constitute a threat to international peace and security, but as refugees poured over Syria’s borders onto the land of its neighbors, the conflict became an international concern.²⁶⁶

Negotiations remained unproductive for several months, until the President of the Security Council, Hardeep Singh Puri of India, issued a presidential statement on August 3rd. The statement condemned human rights violations in Syria and called on both the Syrian Government and the opposition to immediately end violence. The statement insisted that the only real solution to the conflict would be an internal political process aimed at representing the Syrian people in a legitimate fashion.²⁶⁷

Nearly six months after the draft resolution’s initial introduction, France, Germany, Portugal, and Great Britain introduced the final amended draft of their resolution on October 4th, 2011. This draft was the result of months of negotiations and made clear compromises in an attempt to appease Russia and its fellow skeptics,

²⁶⁴ Ibid., 76.

²⁶⁵ Ibid.

²⁶⁶ Ibid.

²⁶⁷ Ibid., 76-77.

including the elimination of sections regarding sanctions.²⁶⁸ The new draft did not authorize any sort of Security Council action and instead focused on statements of demands. The resolution:

...recalled the Syrian Government's responsibility to protect its population; regretted the Government's lack of progress in introducing its promised reforms; and expressed its deep concern with respect to the deteriorating political situation in Syria and the prospect of a further escalation of violence. [The resolution] demanded an immediate end to the violence; the restoration of freedom of expression and assembly; the cessation of the use of lethal force against civilians; and the government's support for the alleviation of the humanitarian crisis that had resulted from the continuing conflict. It called for an inclusive Syrian-led political process, conducted free from fear and intimidation, to address the legitimate concerns of Syria's population. As in the Libyan case, the resolution called for the Arab league to use its influence to end the violence.²⁶⁹

The draft resolution failed to pass after a double-veto from China and Russia, despite the resolution's relatively weak language and lack of direct action.

Russian Representative Vitaly Churkin outlined a number of reasons for Russia's veto. First, he insisted that the resolution ignored the "logic of respect for the national sovereignty and territorial integrity of Syria as well as the principle of non-intervention, including military, in its affairs."²⁷⁰ He also complained that "his country's emphasis on the non-acceptability of military intervention had not been taken into account,"²⁷¹ even though the resolution's only reference to Article 41 (Chapter VII) was in a section discussing a review of the resolution's effectiveness after thirty days.²⁷² Second, Russia saw the resolution as confrontational rather than based on a "clear preference for even-

²⁶⁸ Ibid., 77.

²⁶⁹ Ibid.

²⁷⁰ United Nations Security Council, "The Situation in the Middle East," S/PV.6627, October 4, 2011, 3. <<http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Golan%20Heights%20S%20PV%206627.pdf>>.

²⁷¹ United Nations Security Council, "Security Council Fails to Adopt Draft Resolution Condemning Syria's Crackdown on Anti-Government Protestors, Owing to Veto by Russian Federation, China" (Press Statement, SC/10403, 4 October 2011) <<http://www.un.org/News/Press/docs/2011/sc10403.doc.htm>>.

²⁷² Ibid.

handed dialogue amongst Syrian parties aimed at achieving peace and national agreement concerning the reforms necessary to advance the country's social and political life."²⁷³ Churkin's third point directly reflected Russia's initial reaction to the conflict and the view of the opposition evenly sharing the blame for violence being inflicted on Syrians – Russia felt that the resolution disproportionately targeted the government rather than the opposition.²⁷⁴ Finally, Churkin made a passionate statement about the role of the Libyan intervention in the consideration of action in Syria, expressing deep concern that the generous interpretation of Resolution 1973 employed by NATO in Libya was to set an example for future Security Council resolutions.²⁷⁵ He said,

...Our proposals for wording on the non-acceptability of foreign military intervention were not taken into account [in the final version of the draft resolution], and, based on the well-known events in North Africa, that can only put us on our guard...The international community is alarmed by statements that compliance with UNSC [UN Security Council] resolution on Libya in the NATO interpretation is a model for the future actions of NATO in implementing the responsibility to protect. It is easy to see that today's "Unified Protector" [NATO's Libyan operation] model could happen in Syria... these types of models should be excluded from global practices once and for all.²⁷⁶

American Representative Susan Rice responded with noticeable anger and disappointment, saying, "Others claim that strong Security Council action on Syria would merely be a pretext for military intervention. Let there be no doubt: this is not about military intervention; this is not about Libya. That is a cheap ruse by those who would rather sell arms to the Syrian regime than stand with the Syrian people."²⁷⁷

²⁷³ Zifcak, "The Responsibility to Protect After Libya and Syria," 77-78.

²⁷⁴ *Ibid.*, 78.

²⁷⁵ Garwood-Gowers, "The Responsibility to Protect and the Arab Spring," 611.

²⁷⁶ United Nations Security Council, "The Situation in the Middle East," 4.

²⁷⁷ United Nations Security Council, "The Situation in the Middle East," 8.

Second Security Council Draft Resolution (Vote on February 4th, 2011)

Several weeks passed and as violence increased and the Human Rights Council's fact-finding commission returned with a very grim diagnosis of the situation in Syria, the Human Rights Council adopted Resolution S-18/1 on December 2nd, recommending that all UN bodies examine the commission's report and commending the recent Arab League initiative aimed at promoting peaceful resolution in Syria.

The Security Council reconvened on the issue of Syria on December 12th, when the High Commissioner for Human Rights updated the Council members in an informal, informational session regarding the situation on the ground.²⁷⁸ Over the next month, Security Council members began discussing the development of a new resolution based a draft resolution submitted by the Arab League. The Arab League resolution was aggressive and included a step-by-step outline for governmental transition in Syria.²⁷⁹

Unsurprisingly, such a blatant example of attempted external influence on regime change in Syria was unacceptable to Russia, but Russia's criticism of the Arab League draft extended to its concerns about the possibility of Western countries interpreting the language to justify further measures against the Assad regime.²⁸⁰ Despite these significant concerns, Russia did not reject the Arab League resolution completely. Morocco subsequently introduced a new resolution loosely based on the Arab League proposal – the new draft eliminated the aforementioned plan for power transition and instead included a “general statement of support” for the League's actions regarding

²⁷⁸ Zifcak, “The Responsibility to Protect After Libya and Syria,” 81.

²⁷⁹ Ibid.

²⁸⁰ Ibid., 82.

Syria.²⁸¹ The new resolution also eliminated the Arab League’s suggestion of economic sanctions and included “explicit [language] stating that the resolution did not authorize any sort of coercive action.”²⁸²

On the night before the vote, government forces launched rocket attacks on Homs, shelling surrounding rebel-heavy areas “without regard for any distinction between rebel fighters and civilians.”²⁸³ In the conflict’s bloodiest weekend to date, over 200 people were killed and hundreds were wounded at the hands of the Assad Government.²⁸⁴ The next day, thirteen members of the Security Council voted in favor of Morocco’s draft resolution, but Russia and China blocked its passage with a second double-veto. Unlike the case of the last double-veto, Russia did not provide a robust explanation – Churkin simply said that the resolution was unbalanced due to its failure to explicitly assign equal blame to both the Syrian Government and to the rebel forces.²⁸⁵ Also unlike previous vetoes/abstentions, Russia and China were no longer joined by countries like Brazil, India, and South Africa. Instead, these countries all voted in favor of the resolution as they each felt that their own concerns about Syrian sovereignty had been alleviated with the newest draft.²⁸⁶

What Can Be Done?

It is difficult to offer any sort of prescription for UN action in Syria, as there are relatively limited options. On a non-military level, the Security Council could mimic its initial actions in Libya and refer the Syrian case to the International Criminal Court, but

²⁸¹ Ibid.

²⁸² Ibid.

²⁸³ Ibid., 83.

²⁸⁴ Ibid.

²⁸⁵ Ibid.

²⁸⁶ Ibid.

Syria is not party to the Rome Statute and therefore neither Assad nor any of his top officials could be prosecuted.²⁸⁷ On the military side, there seem to be no innovative options available. While a no-fly zone could contribute to a reduction in the Assad regime's ability to attack from the air,²⁸⁸ the vast majority of the violence targeting civilians has been on the ground and perpetrated by troops with firearms rather than with heavy machinery from the air. Another difficulty in dealing with Syria is that the Syrian opposition ranges from secular, pro-democracy groups to religious extremists, so while the West has previously provided small arms to opposition groups, it would be extremely difficult to ensure that any more effective or advanced weaponry provided by the international community actually remained in the hands of the secular groups.²⁸⁹ Violence in Syria has escalated to a point that seems to necessitate boots-on-the-ground should an intervention occur. However, the significant criticisms of the intervention in Libya render NATO involvement on the ground extremely unlikely.²⁹⁰

Unfortunately, it appears that Russia will not allow any of the aforementioned actions – Moscow remains opposed to any solution that extends beyond direct diplomatic resolutions with special care taken to respect Syrian sovereignty. In an interview with private Russian news agency Interfax on December 18th, 2013, Russia's Deputy Foreign Minister and Special Representative for Middle East Settlement Mikhail Bogdanov attacked the West for continuing to solely blame the Syrian Government for the violence in the country. He said,

²⁸⁷ Ian Williams, "Libya a Cautionary Tale for International Intervention in Syria," *The Washington Report on Middle East Affairs*, May 2013, <<http://ccl.oclc.org/login?url=http://search.proquest.com/docview/1434715252?accountid=10141>>.

²⁸⁸ Ibid.

²⁸⁹ Ibid.

²⁹⁰ Ibid.

Attempts to find some pretext [for external intervention] have been observed repeatedly over the nearly three years of the crisis. First, they were saying that the regime had been using heavy weapons and aviation and that this was absolutely unacceptable, so measures had to be taken... this was an attempt to repeat the Libyan scenario, that is to give legitimacy to outside interference in Syrian affairs. Some forces, unfortunately, still believe that the parity and balance that emerged in the military sphere as result of military confrontation can only be resolved with the help of outside interference.²⁹¹

These statements, made at the end of 2013, reflect the Russians' unwavering opposition to essentially anything that remotely resembles the Libya intervention – they view any attempt to intervene as an attempt to repeat Libya. In describing the conflict in Syria in simple terms, Bogdanov said,

The opposition is engaged in a power struggle with the current leadership and, in theory, of course, criticism of the government in any country is based on some real arguments: Someone does not like something. But that is a different question. That is a question of their own constructive socioeconomic and political programs – what they bring to the negotiations, what they bring as they enter the political struggle, and how they see the future of Syria.²⁹²

This statement takes the Russian insistence on equally shared blame between the two sides to an extreme – Bogdanov reduces the conflict between opposition forces and the Syrian Government to a matter of “someone not liking something.” The argument that such a conflict is really just a matter of internal political decisions seems invalidated by the government's excessive use of force against civilians. While Russia maintains that the West simply automatically jumps to conclusions about the Assad regime's culpability, United Nations investigations and fact-finding missions have consistently confirmed the West's assertions that the government is to blame for the majority of the violence and deaths in Syria.

²⁹¹ Mikhail Bogdanov, interviewed by Kseniya Baygarova and Andrey Baranovskiy, Moscow, Russia, December 18, 2013.

<<http://ccl.idm.oclc.org/login?url=http://search.proquest.com/docview/1470677103?accountid=10141>>.

²⁹² Bogdanov Interview.

Bogdanov's statements exemplify the core problem with any sort of United Nations action in Syria – Russia and the West simply cannot see eye-to-eye on the nature of the situation in Syria. The two entities truly hold vastly different concepts of the reality of the situation, and their respective solutions to the conflict in Syria do not fit with each other's understandings of the conflict.

Syria and R2P

The conflict in Syria broke out during the same week when the Security Council passed Resolution 1973 and the NATO airstrikes began in Libya. The NATO mission in Libya continued for several months, occurring at the same time as escalating violence in Syria. From the outset, Russia and China took on a, “fool me once, shame on you; fool me twice, shame on me” public approach to talk of Security Council action in Syria. These countries' abstentions from the vote on Resolution 1973 marked a significant departure from their traditional foreign policy of non-intervention and diplomatic resolutions to intrastate conflicts.²⁹³ However, the outcome of the intervention in Libya seems to have demonstrated to Russia and China that they were right all along – that the Responsibility to Protect is a Western tool to justify military interventions and sometimes regime change.²⁹⁴

The only reference to the notions of Responsibility to Protect occurred after the double veto by Russia and China blocking the second draft resolution based on the Arab League resolution when Security Council members expressed their disappointment in the Council's failures. Portuguese Representative José Filipe Moraes Cabral said, “Today, yet again, the Council had failed to meet its responsibilities towards the Syrian people

²⁹³ Garwood-Gowers, “The Responsibility to Protect and the Arab Spring,” 613.

²⁹⁴ *Ibid.*, 594-95.

and to fulfill its mandate as the primary body responsible for the preservation of peace and security.”²⁹⁵ The reference to the Council’s responsibility to the people of Syria is much closer to the spirit of the Responsibility to Protect than the more common place statements of governments’ responsibilities to protect their own peoples, but the aforementioned statement was simply that of an individual representative and was not a part of any formal document, meaning the R2P was essentially absent from Security Council considerations regarding Syria.

²⁹⁵ United Nations Security Council, “Security Council Fails to Adopt Draft Resolution on Syria as Russian Federation, China Veto Text Supporting Arab League’s Proposed Peace Plan,” (Press Statement, SC/10536, 4 February 2012) <<https://www.un.org/News/Press/docs/2012/sc10536.doc.htm>>.

V. Comparing Libya and Syria

Thirty-one days passed between the first riot in Benghazi on February 15th and the first NATO airstrikes against Libyan military targets on March 19th. During those thirty-one days, the United Nations Security Council passed two distinct resolutions dealing with the human rights abuses in Libya: Resolution 1970 condemning the Libyan Government's use of force and imposing sanctions on the government, and Resolution 1973, instituting a no-fly zone over Libya and authorizing Member States to use "all necessary means" to protect civilians in Libya.

As of April 28th, 2014, it has been three years, one month, and thirteen days since the first protests occurred in the southern Syrian city of Daraa. The United Nations Refugee Agency's official data shows that over 2.7 million²⁹⁶ Syrians have become refugees since March 2011, and the European Commission estimates that there are approximately 6.5 million²⁹⁷ Internally Displaced Persons within Syria as of early April 2014. While the United Nations discontinued its Syria death toll tracker in January 2014 because the numbers could no longer be verified,²⁹⁸ most current death toll estimates attribute approximately 150,000 casualties²⁹⁹ to the civil war between Bashar al-Assad's government and a variety of opposition groups. Despite these horrific statistics, the

²⁹⁶ United Nations High Commissioner for Refugees, "Syria Regional Refuge Response."

²⁹⁷ ReliefWeb, "Syria – Internally Displaced Persons and Syrian Refugees in the Region," United Nations Office for the Coordination of Humanitarian Affairs, April 10, 2014, <<http://reliefweb.int/map/syrian-arab-republic/10-april-2014-syria-internally-displaced-persons-and-syrian-refugees-region>>.

²⁹⁸ John Heilprin, "UN Decides to Stop Updating Syria Death Toll," Huffington Post, January 7, 2014, <http://www.huffingtonpost.com/2014/01/07/un-stops-updating-syria-death-toll_n_4554226.html>.

²⁹⁹ World Post, "Syria Conflict Death Toll Surpasses 150,000: Activists."

United Nations Security Council remains unable to pass any resolutions authorizing collective action to intervene in Syria.

The question is obvious – what changed? The Security Council acted swiftly and decisively in the case of Libya, but has been stuck in a three year-long stalemate regarding Syria. It is essential to understand the differences between the Libyan case and the Syrian case in order to analyze each situation’s implications for the evolving concept of sovereignty. This chapter will first outline the concrete differences between the Libyan and Syrian situations and will then briefly discuss the combined effect of the Libyan and Syrian conflicts on the Responsibility to Protect as well as the Libyan intervention’s effect on the international community’s handling of the Syrian Civil War.

Concrete Differences

There are a number of tangible differences between the conflict in Libya and the ongoing civil war in Syria, and these differences play an important role in understanding the vastly different international reactions to the two conflicts.

The Libyan and Syrian Governments occupied two very different places in the international community when violence broke out in each country. Gaddafi was very isolated – his government did not enjoy particularly close relations with many governments in general, but especially lacked close allies in the region.³⁰⁰ Assad, on the other hand, was well-connected and led a government that was not only perceived as “strong and stable” by its neighbors, but also played an important role in the region.³⁰¹

³⁰⁰ Zifcak, “The Responsibility to Protect After Libya and Syria,” 85-86.

³⁰¹ Ibid., 85, 89.

Syria also possessed “substantial military resources”³⁰² and maintained alliances with such powers as Iran and Russia.

The most significant catalyst for action in Libya was Colonel Gaddafi’s public statements regarding his people. His use of the word “cockroaches” as well as his blatant threats to “hunt down” and “extinguish” those who opposed him translated to a declaration of war on the protesters and the civilian population, which is exactly how the international community interpreted his statements.³⁰³ Assad, on the other hand, has maintained a far calmer and more strategic public persona throughout his country’s civil war. While his government has issued public statements accusing the opposition of being under the control of foreign influences, terrorists, and “armed gangs,”³⁰⁴ Assad never directly threatened his own citizens in a public manner. Throughout the initial months of violence, the Syrian Government utilized a calculated pattern of repression and violence combined with regular promises of reform and constitutional changes that essentially tricked some Syrians into believing that their voices were actually being heard.³⁰⁵

Once violence broke out in Libya in February 2011, many high-ranking officials defected from the Gaddafi regime almost immediately, and this large-scale exodus from the regime sent a powerful message to the international community.³⁰⁶ Perhaps the most notable defection was Libya’s Permanent Representative to the United Nations, Abdurrahman Mohamed Shalgham, who remained at UN Headquarters and participated in the Security Council meetings that resulted in the passages of Resolutions 1970 and

³⁰² Ibid., 89.

³⁰³ Ibid., 84-85.

³⁰⁴ Ibid.

³⁰⁵ Ibid.

³⁰⁶ Ibid., 85.

1973. Shalgham accompanied Secretary-General Ban Ki-moon to brief the Security Council on the situation in Libya on February 25th, 2011, when he “compared Gaddafi’s actions to those of infamous dictators such as Cambodia’s Pol Pot who were willing to sacrifice large portions of their population for their own glory.”³⁰⁷ In a statement after the passage of Resolution 1970 on February 26th, 2011, Shalgham said that the “Council’s action represented moral support for his people and was a signal that an end must be put to the fascist regime in Tripoli.”³⁰⁸ Shalgham’s rapid defection and strong condemnations of Gaddafi added legitimacy to any Security Council action regarding Libya.

In Syria, on the other hand, defections were scattered and did not occur in the early days of the conflict like they did in Libya.³⁰⁹ The first defection by a high-profile official didn’t occur until July, nearly four months after the beginning of the conflict.³¹⁰ While a number of high-ranking members of the Assad government did defect at various times, their disorganized and sporadic defections did not send a powerful message like the defections in Libya.

When government officials defected in Libya, they tended to publicly join in the collective voice speaking against the regime – the Libyan opposition was generally well-organized and discernible from average citizens.³¹¹ In Syria, however, the opposition has always been extremely fragmented despite attempts to organize through the formation of opposition coalitions.³¹² When Syrian officials defected, they did not all head in the

³⁰⁷ United Nations Security Council, “Fundamental Issues of Peace, Security at Stake, Secretary-General Warns as He Briefs Security Council on Situation in Libya.”

³⁰⁸ United Nations Security Council, “In Swift, Decisive Action, Security Council Imposes Tough Measures on Libyan Regime, Adopting Resolution 1970 in Wake of Crackdown on Protesters.”

³⁰⁹ Zifcak, “The Responsibility to Protect After Libya and Syria,” 85.

³¹⁰ Cable News Network Wire, “Syrian Opposition Reports ‘Massacre’ in Hama Province.”

³¹¹ Zifcak, “The Responsibility to Protect After Libya and Syria,” 85.

³¹² Janik, “China, Russia, and the Failure of the Responsibility to Protect in Syria,” 65.

direction of a cohesive opposition movement the way Libyan defectors did, so the Syrian defections simply did not have the same effect on the conflict as a whole.³¹³

Libya, Syria, and R2P

The conflicts in Libya and Syria have revealed some important lessons about R2P's current status in the international community. First, the most significant obstacle currently standing in the way of further global acceptance of R2P is the "lack of trust in the aftermath of Libya."³¹⁴ While the intervention in Libya was certainly not an R2P-instigated intervention in its entirety, the doctrine's proponents made a conscious effort to associate R2P with the passages of Resolutions 1970 and 1973, which they perceived as victories for the concept. However, the "political damage caused by gaps in expectation, communication, and accountability between those who mandated the operation and those who executed it"³¹⁵ has been a setback to R2P and will take some time to repair. This setback demonstrated R2P's fragility despite its initial perceived success, and the concept's instability has been further proven by the international community's failure to respond forcefully to the civil war in Syria. The Security Council's stalemate suggests that "the world has not yet accepted the responsibility to protect as a binding norm of customary international law."³¹⁶

Finally, the experiences of Libya and Syria have demonstrated the difficulty inherent in decision-making regarding international intervention. The United Nations has always maintained that it evaluates situations and conflicts on a case-by-case basis, but this practice may not be entirely compatible with the concept of the Responsibility to

³¹³ Zifcak, "The Responsibility to Protect After Libya and Syria," 85.

³¹⁴ Garwood-Gowers, "The Responsibility to Protect and the Arab Spring," 614.

³¹⁵ Ibid.

³¹⁶ Hingst, "Libya and the Responsibility to Protect," 263.

Protect. Many international actors and analysts alike have called for the addition of specific criteria for cases for which the Responsibility to Protect notion can be “invoked,” and the inconsistency of the responses to Libya and Syria prove the necessity of such criteria. Currently, a question of intervention is really a question of “adherence to sovereignty versus prevention of atrocity,”³¹⁷ and this is a question for which there is no “right” answer. However, the establishment of “consistent criteria [to be] applied across cases, criteria that placed the necessity to protect citizens from genocide and crimes against humanity at their core,”³¹⁸ would alleviate the need to choose between sovereignty and atrocity prevention on a case-by-case basis. If the Member States of the United Nations accept a list of quantifiable criteria for intervention for the protection of civilians, the world could likely avoid another Syria.

Libya as an Explanation for Inaction in Syria

The most obvious and visible cause for the lack of robust Security Council action in Syria is Security Council members’, and the international community’s, bitter memories of the intervention in Libya. The mission creep of the Libya intervention continues to haunt traditionally anti-interventionist countries, and the events that occurred in Libya have been constantly referenced in both Security Council discussions of Syria and in outside analyses of the situation. Events in Syria and Libya unfolded more or less simultaneously, and while it is extremely difficult to compare the two conflicts in 2014, they seemed fairly similar in early-mid 2011. This perceived similarity likely added fuel to the fire of anti-interventionist states fearing Syria becoming “another Libya.”

³¹⁷ Zifcak, “The Responsibility to Protect After Libya and Syria,” 88.

³¹⁸ Ibid.

The international community's experience with the Libyan intervention, however, is not enough to explain the gridlock over Syria in the Security Council. The next chapter will delve into the national interests, geopolitical factors, and other elements of Russia's blocking of Syrian resolutions.

VI. Russian Decision-Making in Syria

Russia's opposition to external intervention in Syria has remained steadfast over the last three years despite the conflict's climbing death toll and the seemingly exponential growth of refugee populations in neighboring countries. Moscow maintains that Russia will not permit what happened in Libya to happen in Syria, constantly echoing fears of a repeated situation of "mission creep." As the conflict escalated, Russia became adamant regarding the need for any Security Council action to place equal (if not more) blame for the violence and bloodshed on the opposition as opposed to targeting the Assad government.³¹⁹ Russia has been able to use this argument as a justification for vetoing Security Council draft resolutions regarding Syria because the conflict has evolved into a full-fledged civil war – opposition fighters are heavily armed and have been reported to use excessive violence on some occasions, and neither side seems to possess a significant advantage over the other.³²⁰

Throughout the conflict in Syria, Russia has insisted that it was misled regarding the intervention in Libya and that the West had orchestrated the NATO military campaign in order to overthrow the Gaddafi government. However, upon close examination of transcripts from the March 2011 Security Council meetings about Libya, it is apparent that Russia was not as blindsided as Moscow has claimed over the last three years. Russia's public rhetoric throughout the conflict in Syria has been one of anti-interventionism and pro-sovereignty, but it is apparent that Moscow's blockage of

³¹⁹ Roy Allison, "Russia and Syria: Explaining Alignment with a Regime in Crisis," *International Affairs* 89, no. 4 (2013): 819. < <http://onlinelibrary.wiley.com/doi/10.1111/1468-2346.12046/abstract>>.

³²⁰ *Ibid.*

Security Council action in Syria is about far more than a desire to allow Syria to resolve its own internal conflict. This chapter will offer a brief background on Russian-Syrian relations and then analyze Security Council transcripts from March 2011 in order to prove that Russia was generally not deceived by other Security Council members regarding the Libya intervention. It will then offer a number of alternative explanations for Russian actions concerning Syria.

History of Russian-Syrian Relations

While Syria and Russia have not always maintained a close alliance, Russia has generally seemed content with any sort of regional influence it can exercise in the Middle East, even if only through Syria.³²¹ When current Syrian President Bashar al-Assad's father, Hafez al-Assad, assumed power in 1971, the Syrian Ba'ath regime "emerged as the USSR's only steadfast ally among the major states of the Middle East."³²² On October 8th, 1980, the two governments signed a treaty of "friendship and cooperation,"³²³ but upon the Soviet Union's collapse, Syria aligned itself with the United States and relations between Syria and Russia grew more distant throughout the 1990's.³²⁴ In 1999, however, Assad visited Moscow and laid the groundwork for a renewed friendship between the two nations.³²⁵ Bashar al-Assad succeeded his father in 2000 and five years later met with Vladimir Putin in Moscow, after which the two governments announced plans to renew the close relationship of the Soviet-era.³²⁶ This relationship became especially apparent in the military coordination between the two

³²¹ Ibid., 801-802.

³²² Ibid., 801.

³²³ Agence France-Press, "Timeline: Syria's Relations with Russia," Special Broadcasting Service, February 7, 2012, < <http://www.sbs.com.au/news/article/2012/02/07/timeline-syrias-relations-russia>>.

³²⁴ Ibid.

³²⁵ Ibid.

³²⁶ Ibid.

countries, with over 10,000 Syrian officers receiving training at Russian military academies by 2006.³²⁷

When Russian troops intervened on Georgia soil in August 2008, Syria was only the second country to publicly support Russia in the conflict.³²⁸ Assad visited Moscow only a few days after the beginning of the hostilities and publicly “rejected attempts to distort the facts to portray Russia as an aggressor country,”³²⁹ and subsequently offered to host Russian missile systems on Syrian territory after rumors surfaced of possible American missile installations in Eastern Europe.³³⁰ Two years later, Russian President Dmitry Medvedev became the first Russian president to visit Damascus, where he pledged Russian aid to the development of Syria’s oil and gas infrastructure.³³¹

Russian Public Position on Syria

Russia has consistently justified its opposition to Security Council action in Syria by referring to the intervention in Libya. Moscow has tended to portray itself as more or less tricked into abstaining from the vote on Resolution 1973 concerning the Libyan intervention, insinuating that the West intended for the intervention to result in regime change all along.³³² Speaking after vetoing the October 2011 draft resolution, Russian Representative Vitaly Churkin said, “it is easy to see that today’s ‘Unified Protector’ model [NATO’s Libyan operation] could happen in Syria... these types of models should be excluded from global practices once and for all.”³³³ Since the first veto, Russia has

³²⁷ Allison, “Russia and Syria,” 802.

³²⁸ Ibid., 803.

³²⁹ Ibid.

³³⁰ Ibid.

³³¹ Agence France-Press, “Timeline: Syria’s Relations with Russia.”

³³² Allison, “Russia and Syria,” 797.

³³³ Garwood-Gowers, “The Responsibility to Protect and the Arab Spring,” 611.

sent a blatant message to the international community regarding its intention to block any resolution that even contains a loophole allowing for external intervention in Syria.

While Moscow continues to cite the development of the Libyan intervention as its central concern with Security Council action in Syria, it seems unlikely that Russian leadership was as surprised as they claim when the NATO mission in Libya extended the definition of “protection of civilians.” This section will analyze the meeting transcripts from a number of UN Security Council meetings before and during the NATO intervention in Libya in order to demonstrate that Russia could hardly have been shocked when NATO forces took on an enhanced role in Libya.

Security Council Meeting #6490, 25 February 2011

On February 25th, 2011, Secretary-General Ban Ki-moon briefed the Security Council on the situation in Libya, urging Council members to take swift action and reminding the Council that “the loss of time means more loss of lives.”³³⁴ The Secretary-General recounted specific allegations of government-perpetrated violence and human rights abuses, and pointed out that the UN Human Rights Council’s decision to convene a special session on Libya earlier the same day marked the first meeting of its kind about one of its members.³³⁵

He was joined by defected Libyan Representative Abdurrahman Mohamed Shalgham, who “called upon the embattled leader [Gaddafi] to leave the Libyan people in peace and expressed his country’s determination to be free,”³³⁶ and asked the United

³³⁴ United Nations Security Council, “Fundamental Issues of Peace, Security at Stake, Secretary-General Warns as He Briefs Security Council on Situation in Libya.”

³³⁵ Ibid.

³³⁶ Ibid.

Nations to, “Please... save Libya.”³³⁷ Shalgham’s defection in and of itself demonstrates his position regarding the Gaddafi regime’s future in Libya, but his call to the Security Council also contained undertones of regime change.

Security Council Meeting #6491, 26 February 2011

A day later, the Security Council reconvened and unanimously adopted Resolution 1970 on Libya. The Secretary-General called the vote a “vital step,” but reminded Council members that the actions of Resolution 1970 did not present a full solution to the conflict, warning of the possibility for the need of “bolder steps.”³³⁸

Abdurrahman Mohamed Shalgham took his insinuations of regime change a step further, remarking that the resolution’s passage “was a signal that an end must be put to the fascist regime in Tripoli.”³³⁹

Security Council Meeting #6498, 17 March 2011

On March 17th, the Security Council approved Resolution 1973, which not only instituted a no-fly zone over Libya but also authorized UN Member States to take “all necessary measures” to protect Libyan civilians. Ten Council members voted in favor of the resolution, while Brazil, China, Germany, India, and Russia abstained. A number of representatives spoke after the vote, and many referenced that the Gaddafi regime’s time was over, despite the language of the resolution including nothing about regime change.

³³⁷ Ibid.

³³⁸ United Nations Security Council, “In Swift, Decisive Action, Security Council Imposes Tough Measures on Libyan Regime, Adopting Resolution 1970 in Wake of Crackdown on Protesters.”

³³⁹ Ibid.

French Foreign Minister Alain Juppé said that the “will of the Libyan people had been trampled under the feet of the Gaddafi regime,”³⁴⁰ pointing out that the Libyan Government had ignored Resolution 1970 and that there had actually been an increase in violence against civilians since its passage.³⁴¹ Juppé acknowledged the positions of regional organizations, referencing the Arab League’s March 12th call for a no-fly zone over Libya as well as the African Union’s call for an end to violence against civilians in Libya.³⁴²

Lebanese Representative Newaf Salam said that “the Libyan authorities had lost all their legitimacy.”³⁴³ British Representative Mark Lyall Grant immediately echoed the statement, describing the Gaddafi government as a “violent, discredited regime that has lost all legitimacy [and] using weapons of war against civilians.”³⁴⁴ He described the purpose of the resolution as “to end the violence, to protect civilians, and to allow the people of Libya to determine their own future, free from the tyranny of the Al-Gaddafi regime.”³⁴⁵ The last element of this statement carries definite connotations of political transition or regime change, despite the resolution’s lack of explicit mention of this goal.

While Germany abstained from voting due to concerns about the possibility of a prolonged military effort on the ground, German Representative Peter Wittig noted that the Gaddafi regime’s “time is over” and had “lost all legitimacy and can no longer be an

³⁴⁰ United Nations Security Council, “Security Council Approves ‘No-Fly Zone’ Over Libya, Authorizing ‘All Necessary Measures’ To Protect Civilians.”

³⁴¹ Ibid.

³⁴² United Nations Security Council, “The Situation in Libya.”

³⁴³ United Nations Security Council, “Security Council Approves ‘No-Fly Zone’ Over Libya, Authorizing ‘All Necessary Measures’ To Protect Civilians.”

³⁴⁴ United Nations Security Council, “The Situation in Libya.”

³⁴⁵ Ibid.

interlocutor for us.”³⁴⁶ He spoke of the need to “promote political transition” in Libya, specifically calling for measures that would end Gaddafi’s rule.³⁴⁷

Colombia’s Néstor Osorio spoke of a “regime that has lost all legitimacy”³⁴⁸ and pointed out that the Libyan Government had “shown that it was not up to protecting and promoting the rights of its people.”³⁴⁹ Moraes Cabral of Portugal said that “the regime that has ruled Libya for more than 40 years has come to an end by the will of the Libyan people.”³⁵⁰

While Resolution 1973 did not contain language explicitly outlining an objective of political transition, the statements of many Security Council members shared a connotation of a goal of political transition in Libya. The repeated comments regarding the Gaddafi regime’s loss of legitimacy certainly seem to beg the question of whether Libyan civilians could actually be protected so long as the “illegitimate” Gaddafi regime remained in Tripoli.

Russian Representative Vitaly Churkin brought up concerns that “work on the resolution was not in keeping with Security Council practice, with many questions having remained unanswered, including how it [the no-fly zone] would be enforced and by whom, and what the limits of engagement would be.”³⁵¹ Despite these relatively significant concerns, Churkin abstained rather than vetoing. He went on to say that “we [Russia] are consistent and firm advocates of the protection of the civilian population.

³⁴⁶ Ibid.

³⁴⁷ Ibid.

³⁴⁸ Ibid.

³⁴⁹ United Nations Security Council, “Security Council Approves ‘No-Fly Zone’ Over Libya, Authorizing ‘All Necessary Measures’ To Protect Civilians.”

³⁵⁰ United Nations Security Council, “The Situation in Libya.”

³⁵¹ United Nations Security Council, “Security Council Approves ‘No-Fly Zone’ Over Libya, Authorizing ‘All Necessary Measures’ To Protect Civilians.”

Guided by this basic principle as well as by the common humanitarian values that we share with both the sponsors and other Council members, Russia did not prevent the adoption of this resolution.”³⁵² Russia made it clear in subsequent statements that it chose not to block the resolution in light of the Arab League’s request for the no-fly zone. Churkin’s concerns reflect a significant level of skepticism regarding the resolution, yet he did not block its passage.

Security Council Meeting #6509, 4 April 2011

Approximately two weeks after the initial Security Council-approved airstrikes, the Secretary-General’s Special Envoy for Libya, Abdul Ilah al-Khatib, updated the Security Council on the conflict and the intervention. Al-Khatib reported on his separate meetings with both Libyan Government officials and members of the interim Transitional National Council, indicating that the Transitional National Council was willing to implement a ceasefire, but that media reports had surfaced suggesting that the government had rejected the plan.³⁵³ The Transitional National Council had presented al-Khatib with a “vision of a democratic Libya” and pledged to work closely with the Human Rights Council’s Commission of Inquiry.³⁵⁴ The meeting concluded with an update on the fighting itself – al-Khatib reported that while the NATO efforts to enforce a no-fly zone had been effective, fighting had moved to the ground with clashes between Gaddafi loyalists and opposition forces.³⁵⁵ He also mentioned unconfirmed reports of

³⁵² United Nations Security Council, “The Situation in Libya.”

³⁵³ United Nations Security Council, “Difficult to Know How Long Resolving Libya Conflict Might Take, But Responsibility For Finding Solution Lay with Libyan People Themselves, Security Council Told,” (Press Statement, SC/10217, 4 April 2011) <<https://www.un.org/News/Press/docs/2011/sc10217.doc.htm>>.

³⁵⁴ Ibid.

³⁵⁵ Ibid.

government forces shelling towns near Tripoli,³⁵⁶ nearly four hundred miles of Benghazi, where the majority of the violence against civilians had previously occurred.

Security Council Meeting #6528, 4 May 2011

After another month, the Chief Prosecutor of the International Criminal Court reported to the Security Council regarding Resolution 1970's referral of the situation in Libya to the Court. Chief Prosecutor Luis Moreno-Ocampo announced his plan to seek arrest warrants against three Libyan officials who "appeared to bear the greatest criminal responsibility"³⁵⁷ for crimes against humanity in Libya. He recounted evidence of "shooting peaceful demonstrators, as well as ongoing violent repression and systematic persecutions, together with murder, imprisonment, rape, and torture.... civilians had been used as human shields and targeted with heavy weapons and cluster munitions... Libyan forces had blocked delivery of humanitarian supplies."³⁵⁸ Moreno-Ocampo noted that there had been blatant efforts made to cover up the crimes, which included doctors being prohibited from documenting details or numbers of patients.³⁵⁹ The Chief Prosecutor assured the Council members that each case he planned to present to the Court involved victims who were unarmed civilians shot by security forces with no evidence of provocation.³⁶⁰ While no mention was made of the identities of the three officials, Moreno-Ocampo said that their arrests would "deter ongoing crimes, remove those who had ordered them, and send a serious message to other potential perpetrators."³⁶¹

³⁵⁶ Ibid.

³⁵⁷ United Nations Security Council, "Chief Prosecutor of International Criminal Court Tells Security Council He Will Seek Arrest Warrants Soon Against Three Individuals in First Libya Case."

³⁵⁸ Ibid.

³⁵⁹ Ibid.

³⁶⁰ Ibid.

³⁶¹ Ibid.

Speaking after Moreno-Ocampo's presentation, German Representative Peter Wittig stated that "the Gaddafi regime had lost its legitimacy and a new government would work to open Libya to democracy, which would require national reconciliation and clarity about the injustices committed."³⁶² This marked the first explicit reference to a new Libyan Government in the Security Council meetings on the conflict. United States Representative Susan Rice described increasing reports of widespread attacks by Libyan Government forces as further proof of Gaddafi's loss of "any and all legitimacy to lead Libya."³⁶³

Analysis

In its March 12th appeal to the United Nations Security Council, the Arab League "urged the Security Council to set in place measures to protect the civilian population from widespread human rights abuses and declared that the existing Libyan authorities had lost all legitimacy."³⁶⁴ The Arab League's assessment of the Gaddafi regime's loss of legitimacy clearly influenced the Security Council's actions, as is evident both in the rapid passage of Resolution 1973 and Council members' statements regarding the resolution.

When Russia (and four other countries) abstained from voting on Resolution 1973, they each acknowledged that the regional organizations' requests to the Security Council. Russia, in particular, noted significant concerns about the resolution, but

³⁶² Ibid.

³⁶³ Ibid.

³⁶⁴ Zifcak, "The Responsibility to Protect After Libya and Syria," 64.

attributed its choice to not veto the measure to its belief in protecting the civilian population.³⁶⁵

Historically, Russia has brought up the positions of regional organizations as justification for blocking measures. For instance, in 2008, Russia vetoed a draft resolution that sought to institute an arms embargo in response to the increasing violence and humanitarian violations in Zimbabwe surrounding the country's unstable elections.³⁶⁶ Explaining its veto, Russia pointed out that the resolution was against the wishes of regional organizations, stating that "the sponsors of the draft resolution have not considered the opinions of the States of the region... the draft ignores the consensual decision of the African Union appealing to States to refrain from any act that could have a negative impact on advancing the dialogue between Zimbabwean parties."³⁶⁷ Along with a handful of other similar situations, the case of Russia's veto based on regional organizations in 2008 seems to demonstrate Moscow's consistent respect for the value of regional organizations' wishes. This is the basis for the "rhetorical entrapment" explanation used to describe Russia's abstention from voting on Resolution 1973 – the concept that Russia had previously demonstrated a high level of respect for regional organizations and therefore could not blatantly act against the wishes of the Arab League and the African Union, among others, in the case of Libya.³⁶⁸

While the rhetorical entrapment argument is convincing in the case of Libya, the subsequent situation in Syria has disproven the theory. Russia has continually vetoed UN Security Council efforts in Syria despite strong, repeated calls from the Arab League and

³⁶⁵ United Nations Security Council, "The Situation in Libya."

³⁶⁶ Glanville, "Intervention in Libya," 332.

³⁶⁷ Ibid.

³⁶⁸ Ibid., 336.

other regional organizations for Security Council action. In the case of Libya, Russia prioritized regional legitimacy and consent over state sovereignty, but Moscow has proven itself “loath to endorse any measure that might form a basis for the replacement of Assad’s regime,”³⁶⁹ despite the Arab League’s criticism of Assad and suspension of Syria. This contradiction between Russia’s actions in Libya and Syria suggests that Russia may not actually value regional consent but rather is willing to acquiesce to regional opinion in situations that do not affect Moscow’s own interests (the next section will explain these interests in the case of Syria).

Russia became vocally critical of the intervention within days of its initial airstrikes, almost immediately protesting the perceived shift in focus to regime change.³⁷⁰ However, it is unlikely that this shift came as the surprise Russia claimed it to be. Discussing the effect of the Libyan intervention on the situation in Syria, UN-based journalist Ian Williams writes,

It is true that the West bypassed both the formal and the diplomatic niceties of consulting other UN members over the course of the [Libya] intervention, but [current Russian Foreign Minister] Sergei Lavrov was Moscow’s permanent representative at the UN when the US was abusing resolutions against Iraq, so unless he had a very conveniently short memory, he does not have too many excuses for not foreseeing the outcome.³⁷¹

Veteran Russian leaders are hardly naïve or easily fooled – they were present for all of the Security Council meetings in which countless Council members referenced the Gaddafi regime’s “loss of legitimacy” or the need for a new Libyan Government. Even Russian President Medvedev began acknowledging the regime’s failures, joining with his fellow G8 leaders at the G8 summit in May in an unanimous agreement that Gaddafi’s

³⁶⁹ Allison, “Russia and Syria,” 799.

³⁷⁰ Ibid., 797.

³⁷¹ Williams, “Libya a Cautionary Tale.”

regime had “lost legitimacy and he [Gaddafi] must leave.”³⁷² Despite this admittance, however, the Russian Government’s criticism of the intervention continued to increase as the conflict raged on in Libya.

Moscow took particular issue with the NATO coalition (and therefore the United Nations) siding with one side of the conflict, an action that Foreign Minister Lavrov insisted violated the UN Charter.³⁷³ However, Resolution 1973, which Russia chose to abstain from voting on, explicitly condemned the violations of human rights and the acts of violence against journalists committed by Libyan authorities.³⁷⁴ The resolution itself expressed the Security Council’s position countering the Libyan Government, which suggested that any intervention would do the same.

Russia’s government is not naïve, nor is it easily surprised, but Moscow certainly played the role of an anti-interventionist state tricked into allowing the passage of Resolution 1973 by the Western powers intent on regime change. There were many signals, albeit sometimes subtle, during Security Council meetings leading up to the NATO intervention that pointed to the desire for a new Libyan Government at the conclusion of the intervention. While Russia continually claims that its actions regarding Syria are motivated by a desire to avoid “another Libya” and an insistence on the international community’s acknowledgement of the shared culpability of the Syrian Government and the opposition forces, there is far more to Moscow’s position in the Syrian crisis. The following section will discuss a number of alternative explanations for Russia’s position on Syria.

³⁷² Allison, “Russia and Syria,” 797.

³⁷³ Ibid.

³⁷⁴ United Nations Security Council, “Security Council Approves ‘No-Fly Zone’ Over Libya, Authorizing ‘All Necessary Measures’ To Protect Civilians.”

Alternative Explanations

Political Payback

The first, and perhaps most cynical, alternative is that of political payback, which suggests that the intervention in Libya did play a central role in the blockage of Syria-related resolutions, but for reasons different from those publicly stated by Russia (and China).³⁷⁵ While these countries publicly expressed a “fear of using the Responsibility to Protect as a pretext for regime change,”³⁷⁶ they actually viewed vetoing the Syria resolutions as an ideal opportunity for political payback.

This theory requires a slightly different assumption regarding Russia’s decision to abstain from voting on Resolution 1973. Prior to the resolution’s passage, a number of NATO powers expressed that they would consider taking action in Libya regardless of the Security Council’s vote,³⁷⁷ and Russia and China chose not to block the “legal stamp on a military intervention that would have occurred either way.”³⁷⁸ In abstaining, Russia risked a number of economic interests tied to the Gaddafi regime that, while not substantial in the grand scheme of the Russian economy, still represented a sacrifice from Moscow. The political payback theory suggests that Russia “gambled on Western miscalculation that would benefit or at least not harm its interests,”³⁷⁹ but when the Gaddafi regime fell, Russia lost \$10 billion worth of military arms, railroads, and oil contracts.³⁸⁰ When the operation ran “smoothly and cost-effective,”³⁸¹ Russia gained nothing in the new era of Libyan politics. Shortly after the fall of the Gaddafi regime,

³⁷⁵ Janik, “China, Russia, and the Failure of the Responsibility to Protect in Syria,” 64.

³⁷⁶ *Ibid.*, 80.

³⁷⁷ *Ibid.*, 79.

³⁷⁸ *Ibid.*, 79-80.

³⁷⁹ *Ibid.*, 80.

³⁸⁰ *Ibid.*

³⁸¹ *Ibid.*

when multinational corporations and governments alike rushed to access Libya's oil reserves, the largest in Africa, Libyan oil company AGOCO told the media that the company "[did not] have a problem with western countries like Italians, French, and UK companies. But we may have some political issues with Russia, China, and Brazil."³⁸²

This not only represented a major setback for Russian economic interests, but also meant that Russia had risked its own interests in Libya and left the intervention empty handed.

The political payback theory suggests that Russia felt as though it countered its very public anti-intervention stance for nothing in return in Libya.³⁸³ A very wary Russia saw an opportunity to get back at those states advocating swift action in Syria, even though neither major draft resolution on Syria would have approved any sort of external intervention. The implications of this theory vary, but perhaps most striking is what this explanation says about Russia's position on state sovereignty.

Russia has repeatedly posited a very strict interpretation of state sovereignty, generally speaking strongly against outside intervention in a sovereign nation's internal affairs.³⁸⁴ Russian diplomats constantly raise the country's concern for respecting the sovereignty of nations in turmoil, and this trend continued during Security Council meetings surrounding both the Libya conflict and the Syrian Civil War. The foreign policy of Putin-era Russia has clearly focused on state sovereignty and the maintenance of the status quo in the international system,³⁸⁵ but the political payback theory seems to suggest that this position on sovereignty is less rigid than Russia has made it seem. This

³⁸² Svetlana Kovalyova and Emma Farge, "ENI Leads Libya Oil Race, Rebels Warn Russia, China," Reuters, August 22, 2011, <<http://www.reuters.com/article/2011/08/22/ozatp-libya-oil-idAFJOE77L0DN20110822>>.

³⁸³ Janik, "China, Russia, and the Failure of the Responsibility to Protect in Syria," 80.

³⁸⁴ Garwood-Gowers, "The Responsibility to Protect and the Arab Spring," 597.

³⁸⁵ William Lind, "Russia's Right Turn," *The American Conservative*, January/February 2014, 9.

interpretation of Russia's choices regarding Libya and Syria demonstrates that Russia is very much willing to make exceptions regarding its position on sovereignty. In the case of Libya, Russia's traditional emphasis on sovereignty was hardly steadfast – based on the political payback theory's interpretation of the abstention on Resolution 1973, Russia's motivations remained focused on Moscow's own political calculations. While this interpretation provides no explicit alternative to the concept of Russia as a champion of traditional state sovereignty, it certainly demonstrates that Russia's commitment to respecting the sovereignty of other states is not universal.

Economic Interests

Russia's economic interests in Syria are not substantial enough to serve as a stand-alone explanation for Russian actions surrounding the conflict in Syria, but it can certainly be assumed that these interests have played some role. The primary focus of discussions surrounding Russia's economic interests in Syria is always Russian arms sales to the Syrian Government. When Russia vetoed the October 2011 draft resolution regarding Syria, American Representative Susan Rice made a passionate statement, referring to the Russians as “those who would rather sell arms to the Syrian regime than stand with the Syrian people.”³⁸⁶ However, the Russian-Syrian arms trade is “not substantial enough to offer a credible explanation for the Russian stance in the Syrian crisis.”³⁸⁷ While Russian-supplied arms accounted for 72 percent of Syria's arms imports between 2007 and 2011, the same trade only accounted for 5 percent of Russia's arms exports during the same time span.³⁸⁸ Not only does Syria represent only a very small

³⁸⁶ Zifcak, “The Responsibility to Protect After Libya and Syria,” 78.

³⁸⁷ Allison, “Russia and Syria,” 805.

³⁸⁸ Ibid.

portion of Russian arms exports, but the Assad government is very behind on payments for these arms – as of February 2012, Syria had reportedly only paid for less than half of what it owed for the arms it had contracted from Russia and there has been no clear indication that the Assad government can afford to complete the payments anytime soon.³⁸⁹ While the future arms contracts in Syria worth \$4 billion certainly represent a substantial sum for some Russian companies,³⁹⁰

The other major Russian economic interest in Syria is the energy industry, with many Russian companies engaging in oil exploration and extraction (though Syria's oil supply is limited compared to its neighbors),³⁹¹ natural gas processing and petroleum processing. The Russian government has also made plans to build an extension of the Arab Gas Pipeline through Syria that would ultimately connect Egyptian natural gas as far north as Turkey.³⁹²

Estimates vary as to the total value of Russian investments in Syria, but in 2009 the Moscow Times reported total investments equaling around \$19.4 billion.³⁹³ While that amount is likely higher due to ongoing projects and investments, it still demonstrates that Syria is not of vital economic interest to Russia, whose trade with Syria totaled less than its trade with either Tunisia or Estonia in 2011.³⁹⁴ After experiencing economic repercussions after the fall of the Gaddafi regime in Libya, Russia is wary of the potential consequences of regime change in Syria. A new Syrian Government based on the current

³⁸⁹ Ibid.

³⁹⁰ James O'Toole, "Billions at Stake as Russia Backs Syria," CNNMoney, February 10, 2012, <http://money.cnn.com/2012/02/09/news/international/russia_syria/>.

³⁹¹ Allison, "Russia and Syria," 807.

³⁹² Ibid.

³⁹³ Yousef Gamal El-Din, "What's At Stake for Russia in Syria," CNBC, September 3, 2013, <<http://www.cnbc.com/id/101004539>>.

³⁹⁴ Ibid.

opposition movement would likely hold less-than-favorable views of Russia due to Moscow's support for Assad and might act on these views by weakening its economic ties with Russia and instead focusing more on relations with Western powers. While economic relations with Syria do not account for a large portion of the Russian economy, the loss of Russian contracts in Syria would negatively affect many Russian companies, especially those with energy investments in Syria, and the Russian Government would naturally wish to avoid such a problem. It is therefore in Russia's economic interests to retain the status quo in Damascus and in doing so preserve its economic ties with Syria.

Geopolitical/Strategic Interests

While economic interests likely play only a small role in Russian decision-making regarding Syria, geopolitical/strategic interests represent a significant consideration for Moscow. While these interests are generally broad and intangible, one cannot ignore the Russian naval facility located in the Syrian port city of Tartus. The Tartus facility is fairly small and "exists as little more than three floating piers (only one of which is in service), a repair vessel on loan from the Black Sea fleet, warehouses, and barracks to house some 50 personnel."³⁹⁵ In June 2013, Russia's Defense Ministry removed military personnel from the facility, leaving only civilian workers in Tartus.³⁹⁶ It is obvious that the small facility in Syria is not of great tactical significance, but it does play an important strategic role – as Russia's only military base outside of the former Soviet Union,³⁹⁷ it serves as a symbol of Russian "geopolitical influence and geostrategic reach."³⁹⁸ Even a limited

³⁹⁵ Allison, "Russia and Syria," 807.

³⁹⁶ Ibid.

³⁹⁷ Janik, "China, Russia, and the Failure of the Responsibility to Protect in Syria," 82.

³⁹⁸ Allison, "Russia and Syria," 807.

Russian presence in the Middle East is Moscow's way of reminding the region and the world that its influence reaches beyond the former Soviet Union.

However, Russian strategic interests extend beyond the symbolism of the Tartus naval facility. Moscow's unwavering support for Assad could very well be intended to send a message to other governments, particularly those that are not already closely aligned with the West, that Russia is a reliable, strong ally.³⁹⁹ By standing by Assad, Russia demonstrates that it is a "more trustworthy ally than Western leaders, who are known for shaking hands with dictators only to let them fall over human rights or democracy-related concerns at the next occasion."⁴⁰⁰ Russia's insistence that the Security Council place equal blame for the bloodshed in Syria on the Syrian opposition sends a powerful message to governments throughout the world that an alliance with Russia ensures protection in the international system.

Russia's support for the Syrian Government also represents the important Russian geopolitical goal of influence in the Middle East. Moscow's relationship with Damascus is stronger than with any other Middle Eastern government, and Russia seems to believe that the fall of Assad would also mean the fall of Russian influence in the region.⁴⁰¹ Russia has repeatedly called for a political solution to the conflict in Syria – in a December 2013 interview, Russian Special Representative for the Middle East Settlement and Deputy Foreign Minister Mikhail Bogdanov perfectly summarized the Russian position in insisting that the Syrian crisis "has no military solution as there is no

³⁹⁹ Ibid., 804.

⁴⁰⁰ Janik, "China, Russia, and the Failure of the Responsibility to Protect in Syria," 82.

⁴⁰¹ Mark N. Katz, "Russia and the Conflict in Syria: Four Myths," *Middle East Policy* 20, no. 2 (Summer 2013): 43. <<http://onlinelibrary.wiley.com/doi/10.1111/mepo.12018/abstract>>.

alternative to a political settlement.”⁴⁰² As a vocal supporter of a non-interventionist, political solution, Russia is setting itself up to be involved in such a solution. In doing so, Russia may hope to “enshrine continued Russian influence in the region as a whole,”⁴⁰³ ensuring its geopolitical reach with or without Assad.

Russian Fear/Paranoia

Perhaps the least obvious explanation for Russian actions surrounding Syria is that of the Russian Government’s paranoia concerning its own status within its borders. This paranoia is not limited to the Syrian conflict, as Russia’s continued commitment to preserving the status quo in the international system can be “partly explained by its own domestic system and the internal threats they [the Russian Government] are facing themselves.”⁴⁰⁴ However, there are several elements of the civil war in Syria that may have contributed to a heightened concern on the part of Moscow regarding possible domestic effects.

Russian statements calling for an absolute respect for state sovereignty are not new, nor are they simply a reflection of engrained political values. After Russia and China blocked the February 2012 draft resolution on Syria, a spokesman for Russian President Putin issued a public statement on Putin’s behalf. The statement read, “Russia is strictly against a situation when a group of countries can play the role of a global judge, judging whose leader is legal and whose is non-legal, and the Russians were deeply worried over the possibility of having the Security Council decide to get rid of wanted or

⁴⁰² Bogdanov Interview.

⁴⁰³ Allison, “Russia and Syria,” 822.

⁴⁰⁴ Janik, “China, Russia, and the Failure of the Responsibility to Protect in Syria,” 82.

unwanted leaders.”⁴⁰⁵ A year later, the Russian Foreign Ministry published its foreign policy concept, which strongly condemned “ideas aimed at overthrowing legitimate authorities in sovereign states under the pretext of protecting the civilian population.”⁴⁰⁶ Russia portrays itself as a defender of state sovereignty, but some of this rhetoric is rooted in a place of fear for the Russian Government’s own legitimacy. Top Russian leaders are aware of “challenges to central political control”⁴⁰⁷ within Russia and fear the effects that the UN-sanctioned overthrow of an authoritarian regime could have on those domestic challenges.⁴⁰⁸

After a meeting with British officials in London in February 2011, Russian Foreign Minister Sergei Lavrov told a group of reporters that “calls for revolutions are counterproductive... we believe we don’t need to impose revolutions on others.”⁴⁰⁹ This statement seemed out of place at the time, especially because the first Security Council meeting regarding Libya did not occur until nine days after Lavrov’s visit to London. A day before the first Security Council meeting, then-President Medvedev told the Russian National Counterterrorism Committee that “the scenario unfolding in the Arab States ha[s] been prepared for Russia too by certain script-writers... but the organization of the Middle East scenario in Russia will fail.”⁴¹⁰ These statements, delivered with a defensive undertone, seem to reflect a Russian fear of revolution and regime change in Libya. One explanation for this preemptive fear cites the February 2011 ousting of Hosni Mubarak in Egypt as the catalyst for heightened concern in Moscow. In observing the Egyptian

⁴⁰⁵ Ibid., 73-74.

⁴⁰⁶ Allison, “Russia and Syria,” 796.

⁴⁰⁷ Ibid., 817.

⁴⁰⁸ Ibid.

⁴⁰⁹ Ibid.

⁴¹⁰ Ibid.

revolution and subsequently the Syrian conflict, Russian leadership witnessed firsthand the consequences of a “highly personalized political system characterized by a strong centralization of real political power.”⁴¹¹

Moscow’s fears were not a matter of simply paranoia. A poll conducted by the independent Levada Centre during the first weeks of the Syrian conflict showed that “38 percent of Russians think the so-called ‘Egypt scenario’ possible in Russia,”⁴¹² while a simultaneous Public Opinion Foundation survey revealed that a striking 49 percent of Russians “[were] prepared to participate in protest demonstrations.”⁴¹³ Members of Russian opposition parties have also played a role in fanning the flames of the Kremlin’s paranoia by publicly pointing out a “lack of electoral legitimacy” as a common trait between Russia and the Middle Eastern nations experiencing uprisings.⁴¹⁴ Russia’s relatively steadfast stance in Syria serves many purposes, not least of which is as a reminder to the Russian people of the strength of Putin’s government. By blocking yet another Western-led regime change, the Kremlin believes it can reign in challenges to its own legitimacy and prevent opposition elements within Russia from feeling as though the international community supports the overthrow of authoritarian regimes as a rule.⁴¹⁵

One of Russia’s main concerns regarding Syria is the potential for the spread of sectarian warfare throughout the region.⁴¹⁶ In a June 2012 interview, Russian Foreign Minister Lavrov warned that “inter-ethnic/inter-religious strife could rapidly spill over to

⁴¹¹ Ibid.

⁴¹² Ibid.

⁴¹³ Ibid.

⁴¹⁴ Ibid., 817-818.

⁴¹⁵ Ibid., 818.

⁴¹⁶ Ibid., 811.

embrace the entire region,”⁴¹⁷ highlighting one of Russia’s central problems with the Syrian opposition. As the Syrian conflict has developed, Moscow has voiced increasing concern regarding religious radicals within the fragmented Syrian opposition. While these concerns are certainly valid in the context of a potential new Syrian Government borne of the current opposition, Russia’s concerns derive from the Kremlin’s own security concerns.

Russia’s warnings regarding regional spillover do not just apply to Syria’s immediate neighbors, but also to surrounding regions, particularly the North Caucasus, an embattled region that is legally part of the Russian Federation but is more or less occupied by a de facto separatist militia. While Putin publicly asserts that Moscow is in full control of the North Caucasus, the region has actually become less stable in recent years and remains a significant security concern for Russia.⁴¹⁸ The most contentious part of the North Caucasus is Chechnya, a self-declared republic that acquired de facto independence from Russia in 1996 but was reclaimed by Russia in 2000.⁴¹⁹ The Russian military spent the next nine years reasserting civil control in Chechnya despite significant and violent challenges from the remaining separatist movement.⁴²⁰ The Chechen separatists were predominately Sunni Muslims, and Syria’s Alawite (Shia) regime has always supported Moscow’s efforts in the North Caucasus.⁴²¹ Should the Assad regime be overthrown by Sunni opposition forces, the new government would likely take a

⁴¹⁷ Ibid., 812.

⁴¹⁸ Ibid., 813.

⁴¹⁹ British Broadcasting Company, “Chechnya Profile,” BBC News, March 18, 2014, <<http://www.bbc.com/news/world-europe-18188085>>.

⁴²⁰ Ibid.

⁴²¹ Allison, “Russia and Syria,” 813.

different stance regarding the North Caucasus, a change in policy that the Kremlin would like to avoid.⁴²²

The conflict in Syria is not entirely based in sectarian differences, but there is a sizeable portion of the opposition that identifies with radical Sunnism and has taken up arms against the Alawite Assad regime.⁴²³ While as of 2013 there were not significant numbers of Chechen fighters in Syria, there has been some evidence of Chechens slowly arriving in Syria from other countries in the Middle East in order to fight alongside the Sunni opposition.⁴²⁴

Despite Moscow's completed claims that Chechnya and the rest of the North Caucasus are stable and fully under Russian control, Russian leaders' fears of Chechen fighters are still evident. Shortly after two ethnic Chechens perpetrated the Boston Marathon bombings in April 2013, a member of the Russian foreign ministry International Law Council warned that "Chechens fighting in Syria on the side of the insurgents, suggested most implausibly to number between 600 and 6,000, and described as carrying out terrorist acts in Syria, might in the future turn their hand to completely different countries."⁴²⁵ This statement, riding on the tails of a terrorist attack conducted by Chechens in the United States, demonstrated Russia's anxiety regarding Chechen rebel forces and reflected the Russian leadership's fear of "opposition reciprocity." Russian leaders have expressed concerns that "Islamist [Sunni] opposition groups in Syria, given sustenance by western states' policy towards the Assad regime, might... feed

⁴²² Ibid., 814.

⁴²³ Syria in Crisis, "Syria's Armed Opposition: A Brief Overview," The Carnegie Endowment for International Peace, 2013, <<http://carnegieendowment.org/syriaincrisis/?fa=50896&reloadFlag=1>>.

⁴²⁴ Allison, "Russia and Syria," 814.

⁴²⁵ Ibid.

back to Russia's North Caucasus,"⁴²⁶ but they have also sought to imply that these groups will not stop in the North Caucasus and will eventually pose a threat to Western Europe.⁴²⁷

A victory for the Syrian opposition and a new Sunni government in the country would not bode well for Russian interests – Moscow would take an economic hit as the new government distances itself from the Kremlin, lose the patch of influence it so desperately seeks in the Middle East, and risk a spillover of sectarian violence as Sunni Islamist fighters shift their focus elsewhere. Russia sees the sectarian element of the conflict in Syria as a “microcosm of a wider challenge,”⁴²⁸ viewing the overthrow of the Alawite Assad government and the ascension of a new Sunni government as a move in the direction of a complete Sunni domination of the region.⁴²⁹ Russia has not generally enjoyed strong relations with Sunni states,⁴³⁰ and the Kremlin's own struggles against Sunni militants in Chechnya has inclined Russian leadership to favor Shiia governments in the Middle East. Russian actions surrounding the conflict in Syria cannot be explained by Moscow's commitment to a strict definition of state sovereignty or by the results of the Libya intervention. Instead, the Russian position on Syria is based on Russia's desire to protect its economic and strategic interests in the country, as well as its own concerns about the future stability of its central political control and the challenges posed by Sunni fighters in the North Caucasus.

⁴²⁶ Ibid., 815.

⁴²⁷ Ibid.

⁴²⁸ Ibid., 809-810.

⁴²⁹ Ibid.

⁴³⁰ Janik, “China, Russia, and the Failure of the Responsibility to Protect in Syria,” 81.

VII. Conclusion

The drastically different international responses to the conflict in Libya and the ongoing civil war in Syria demonstrate that the international community is still grappling with the “legal, political, and moral”⁴³¹ standards for humanitarian intervention in intrastate conflicts. While the humanitarian crises of the last several decades have been characterized by inconsistencies in international responses, the discussion surrounding these crises points to a distinct departure from the Westphalian interpretation of state sovereignty and a shift to an understanding of the limitations of the traditional system of sovereignty. Russia has vocally resisted this trend, but its reactions to the intervention in Libya and subsequent actions surrounding the ongoing conflict in Syria tell a story of Russia’s true motivations surrounding the two events, and demonstrate that even the Russians, who paint themselves as great defenders of traditional sovereignty, recognize that the strict Westphalian definition is a thing of the past.

The UN Security Council-sanctioned intervention in Libya has been subjected to significant criticism, but nevertheless demonstrated the international community’s shift away from the traditional definition of sovereignty. As the previous chapter points out, several Security Council members spoke of the Gaddafi regime’s loss of legitimacy during Security Council meetings surrounding Resolutions 1970 and 1973. This loss of legitimacy, resulting from the Libyan Government’s violence against its citizens, demonstrates, at least on some level, the acceptance of the association between

⁴³¹ Garwood-Gowers, “The Responsibility to Protect and the Arab Spring,” 616.

legitimacy, and therefore sovereignty, and respect for human rights.⁴³² This relationship is at the core of the social contract-style sovereignty of the Responsibility to Protect,⁴³³ and while R2P itself did not play a central role in the intervention in Libya, the acknowledgement of the association between sovereignty and human rights in the case of Libya demonstrates the international community's departure from strict Westphalian sovereignty.

Unlike the rapid progression of the intervention in Libya, robust international response to the civil war in Syria has been almost nonexistent. After over three years of violence, more than 150,000 casualties,⁴³⁴ and over 2.6 million registered Syria refugees,⁴³⁵ the Security Council has only managed to pass three resolutions concerning Syria – the first authorized an observer mission that lasted for less than a week, the second required the Syrian Government to give up its chemical weapons stockpile, and the third demanded that “all parties allow delivery of humanitarian assistance”⁴³⁶ in Syria. While the differences in the Security Council's responses to the two conflicts can be largely explained by examining Russia's interests and actions in the two situations, the inconsistency of the international community's reactions demonstrated one of the greatest challenges for humanitarian interventionism and the Responsibility to Protect in particular.

When the International Commission on Intervention and State Sovereignty released its Responsibility to Protect report in 2001, it included criteria for determining

⁴³² Hingst, “Libya and the Responsibility to Protect,” 256.

⁴³³ Ibid.

⁴³⁴ World Post, “Syria Conflict Death Toll Surpasses 150,000: Activists.”

⁴³⁵ United Nations High Commissioner for Refugees, “Syria Regional Refugee Response.”

⁴³⁶ United Nations Security Council, “Security Council Unanimously Adopts Resolution 2139 (2013) to Ease Aid Delivery to Syrians, Provide Relief From ‘Chilling Darkness.’”

whether a situation requires international involvement as well as a set of six principles that must be met to justify external military intervention in an intrastate conflict.⁴³⁷

However, the World Summit Outcome Document on R2P that was unanimously adopted in 2005 made no mention of these provisions. While R2P advocates, including UN Secretary-General Ban Ki-moon, have pushed for concrete standards like those in the original ICISS Report, the drastically different reactions to Libya and Syria have reinforced the need for objective criteria for all three pillars of R2P.⁴³⁸

In November 2011, Brazil, one of the five countries that abstained from the vote on Resolution 1973, submitted a document to the General Assembly entitled “Responsibility While Protecting.” As a vocal skeptic of infringements on traditional sovereignty and external intervention in states’ domestic affairs, Brazil stressed “accountability, assessment, and prevention”⁴³⁹ in what can be best described as a supplement to the 2005 World Summit document on the Responsibility to Protect.⁴⁴⁰ The proposal advocates an increase in active prevention in line with the first pillar of the Responsibility to Protect and seeks to institute a set of objective criteria for military intervention.⁴⁴¹ The Brazilian proposal for this set of criteria included language either

⁴³⁷ ICISS, “The Responsibility to Protect,” 32.

⁴³⁸ Hingst, “Libya and the Responsibility to Protect,” 264.

⁴³⁹ Jennifer Welsh, Patrick Quinton-Brown, and Victor Macdiarmid, “Brazil’s ‘Responsibility While Protecting’ Proposal: A Canadian Perspective,” International Coalition for the Responsibility to Protect, July 12, 2013, <<http://responsibilitytoprotect.org/index.php/crises/178-other-rtop-concerns/4915-jennifer-welsh-patrick-quinton-brown-and-victor-macdiarmid-ccr2p-brazils-responsibility-while-protecting-proposal-a-canadian-perspective>>.

⁴⁴⁰ Gareth Evans, Ramesh Thakur, and Robert A. Pape, “Correspondence: Humanitarian Intervention and the Responsibility to Protect,” *International Security* 37, no. 4 (Spring 2013): 207. <http://muse.jhu.edu/journals/international_security/v037/37.4.evans.html>.

⁴⁴¹ United Nations General Assembly, “Responsibility While Protecting: Elements for the Development and Promotion of the Concept,” UN Doc A/66/551-S/2011/701 (2011). <<http://www.un.int/brazil/speech/Concept-Paper-%20RwP.pdf>>.

reminiscent of or identical to the language of the original ICISS Report, such as requirements of proportionality and balance of consequences.⁴⁴²

The Responsibility While Protecting proposal also suggested “enhanced Security Council procedures... to monitor and assess the manner in which resolutions are interpreted and implemented.”⁴⁴³ This element of the Brazilian proposal, a clear reaction to the criticisms of mission creep in the Libyan intervention, would “ensure that it [the Security Council] has a reasonable chance to maintain consensus throughout the duration of an implementation operation.”⁴⁴⁴ The proposal has not been pushed past the introductory stages in the General Assembly, but has still managed to draw significant (and polarized) attention. Opponents of the Brazilian proposal, most of whom are also supporters of R2P, see the proposal as a “deliberate ploy by states aligned with China and Russia to impede intervention.”⁴⁴⁵

While the Responsibility While Protecting document is largely a reaction to criticisms of the Libyan intervention’s shift in focus from civilian protection to regime change, some see the two focuses as linked, questioning whether civilians can be truly protected so long as the regime they need protection from remains in power.⁴⁴⁶ This argument suggests that there is no clear line between civilian protection and regime

⁴⁴² Evans, Thakur, and Pape, “Correspondence,” 207.

⁴⁴³ United Nations General Assembly, “Responsibility While Protecting: Elements for the Development and Promotion of the Concept.”

⁴⁴⁴ Evans, Thakur, and Pape, “Correspondence,” 207.

⁴⁴⁵ Xenia Avezov, “Responsibility While Protecting: Are We Asking the Wrong Questions?” Stockholm International Peace Research Institute, January 2013, <http://www.sipri.org/media/newsletter/essay/Avezov_Jan13>.

⁴⁴⁶ Michael Ignatieff, “Libya, Syria, and R2P” (Third Annual Gareth Evans lecture, Global Centre for R2P, New York, NY, September 12, 2013), <<http://www.irpp.org/en/po/vive-montreal-libre/libya-syria-and-r2p/>>.

change,⁴⁴⁷ as the “Security Council is in no position to make minute by minute, strategic military decisions,”⁴⁴⁸ even with the hypothetical implementation of the monitoring element of the Responsibility While Protecting proposal. While regime change should never be the objective of a consensus-based intervention, there may be cases, like that of Libya, when it becomes evident to those executing the intervention that regime change is the “only viable strategy to prevent the commission of governmental atrocities.”⁴⁴⁹ This side of the debate brings up an additional difficulty in the R2P principle, as it suggests that a Security Council resolution may not always be able to anticipate what the “minimum force required to achieve... the core objective of the protection of the civilian population from genocide, crimes against humanity, and other gross human rights abuses.”⁴⁵⁰ However, the Libyan intervention demonstrated that the international community, and especially Russia, China, and other states that tend to object to violations of traditional sovereignty, is far from willing to allow “conditions on the ground [to] trump all other considerations.”⁴⁵¹

These developments in the conversation surrounding R2P since the intervention in Libya show that while there is still no global consensus regarding the role or implementation of R2P,⁴⁵² the international community as a whole has accepted the shift away from Westphalian sovereignty. However, a number of countries, largely led by Russia, have continued to publicly affirm their commitments to the strict interpretation of traditional sovereignty. Russia consistently raises concerns regarding respect for state

⁴⁴⁷ Zifcak, “The Responsibility to Protect After Libya and Syria,” 70.

⁴⁴⁸ Ibid.

⁴⁴⁹ Ibid.

⁴⁵⁰ Ibid.

⁴⁵¹ Ibid.

⁴⁵² Evans, Thakur, and Pape, “Correspondence,” 200.

sovereignty in Security Council meetings regarding intrastate conflicts, and Russian President Vladimir Putin especially places significant emphasis on respect for state sovereignty.⁴⁵³

This thesis argued that Russian statements regarding concern for state sovereignty and the Russian public position regarding Syria do not represent the true motivations behind Russia's decision-making throughout the Syrian Civil War, and that these true motivations demonstrate that contrary to their public fixation with a traditional interpretation of sovereignty, the Russians recognize that strict Westphalian sovereignty is a thing of the past. While these motivations include the traditional justifications of economic and strategic interests, the final piece of the puzzle is Moscow's concerns regarding its own stability and longevity.

An examination of the transcripts from the Security Council meetings surrounding the Libyan intervention shows that Russia was not the victim of an underhanded deception by the West regarding the goals of the intervention. Instead, it seems as if Russia's vocal indignation regarding the intervention in Libya was extremely calculated – the Russian leadership is not naïve, and Russian Foreign Minister Sergei Lavrov, in particular, is well-versed in the “wheeling and dealing”⁴⁵⁴ of the United Nations after serving as the Russian Representative to the UN for a decade prior to assuming his current office.⁴⁵⁵ The constant refrains of the Gaddafi regime's loss of legitimacy during the Security Council meetings prior to the passage of Resolution 1973 seem to send a rather blatant message, and it is unlikely that top Russian officials were really as

⁴⁵³ Lind, “Russia's Right Turn.”

⁴⁵⁴ Janik, “China, Russia, and the Failure of Responsibility to Protect in Syria,” 79.

⁴⁵⁵ Ibid.

surprised as they claimed after the NATO intervention expanded its operations in Libya.⁴⁵⁶ In reality, it seems, Russia has taken advantage of the fortuitous shift of focus in Libya in order to warn the rest of the world of the West's crusade of regime change, particularly in authoritarian states.⁴⁵⁷ Given the Russian Government's awareness of domestic challenges to its centralized authority,⁴⁵⁸ Russia's constant and repetitive statements about respecting sovereignty and "legitimate" governments certainly seem to be intended much more for its own benefit than it is intended to defend Assad. By objecting to intervention in Syria, Russia is able to actively protect its own sovereignty. Putin "identifies with Assad, former Libyan president Moammar Gaddafi, and former Egyptian president Hosni Mubarak,"⁴⁵⁹ and he fears a continuing trend of Western democracies leading UN-sanctioned interventions in non-democratic nations that result in regime change.

Moscow witnessed what happened when a population rose up against a government with a "highly personalized political system characterized by a strong centralization of real political power"⁴⁶⁰ in Egypt. The Syrian conflict has presented the Russian Government with an opportunity to prevent the overthrow of an authoritarian regime, thereby simultaneously protecting Russia's own interests in Syria and depriving potential opposition movements within Russia of an additional example of Western-backed regime change.

⁴⁵⁶ Ibid.

⁴⁵⁷ Allison, "Russia and Syria," 815/818.

⁴⁵⁸ Ibid., 817.

⁴⁵⁹ Ibid., 815.

⁴⁶⁰ Ibid., 817.

Despite its continued public position regarding a strict interpretation of state sovereignty, Russia is well aware of the departure from this traditional interpretation that has occurred over the last several decades. As the United Nations demonstrated a growing concern for violent intrastate conflicts throughout the 1990's, it became increasingly clear that humanitarian crises contained within individual states presented the international community with a moral dilemma – strict respect for state sovereignty versus external intervention to end human rights violations within sovereign territory.⁴⁶¹ As the world witnessed gross human rights violations and significant bloodshed in Somalia, Rwanda, Bosnia, and Kosovo, the international community “increasingly accepted that governments ought to be answerable for the treatment of their populations.”⁴⁶² With the advent of the Responsibility to Protect, it became clear that this notion of limitations to traditional sovereignty represented a shift in the general interpretation of sovereignty.

Russia demonstrated its awareness of this new development in the concept of sovereignty after its 2008 war against Georgia when, in a thinly-veiled attempt to justify its movement into Georgia, Moscow claimed that its invasion intended to stop a genocide and protect Russian citizens there.⁴⁶³ The Independent International Fact-Finding Mission on the Conflict in Georgia revealed that these “Russian citizens” were separatists in the Georgian territories of Abkhazia and South Ossetia who had received military training and Russian passports from the Russian Government in the years leading up to the

⁴⁶¹ Glanville, “Intervention in Libya,” 327.

⁴⁶² Ibid.

⁴⁶³ Ellen Barry, “E.U. Report to Place Blame on Both Sides in Georgia War,” *The New York Times*, September 28, 2009, <http://www.nytimes.com/2009/09/29/world/europe/29georgia.html?pagewanted=all&_r=0>; Mohammed Nuruzzaman, “The ‘Responsibility to Protect’ Doctrine: Revived in Libya, Buried in Syria,” *Insight Turkey* 15, no. 2 (Spring 2013): 62. <<http://search.proquest.com/docview/1350533876>>.

August 2008 conflict.⁴⁶⁴ Russian claims of civilian death tolls in the thousands from Georgia attacks were also refuted by local doctors, who placed the death toll in the dozens.⁴⁶⁵

The ongoing conflict spurred by Ukraine's position at a crossroads between alignment with Russia or closer ties with the European Union provides robust evidence of Russia's recognition of the limitations on state sovereignty that have evolved over the last several decades. After several months of protests in Ukraine marked by violent clashes between pro-European Union protesters and government forces, the Russian Parliament approved President Putin's request for authorization to use Russian military forces in Ukraine to "protect Russian interests."⁴⁶⁶ As Russian troops moved into Crimea, Putin claimed that the action was at the request of ousted Ukrainian President Viktor Yanukovich, who Russia still recognized as the legitimate leader of the country as he was "not properly removed from power in a formal impeachment."⁴⁶⁷ Speaking from outside Moscow, Putin explained, "we have received a request from a legitimate president. Also we have historical and cultural ties with those people [Russian-speakers in Crimea]. And this is a humanitarian mission."⁴⁶⁸ This attempt to portray Russian invasion of Crimea as a "humanitarian mission" was not taken particularly seriously by the international community, but it did further demonstrate Russia's recognition of the humanitarian

⁴⁶⁴ Ellen Barry, "E.U. Report to Place Blame on Both Sides in Georgia War."

⁴⁶⁵ Andrew Osborn and Jeanne Whalen, "Evidence in Georgia Belies Russia's Claims of 'Genocide,'" *The Wall Street Journal*, August 15, 2008, <<http://online.wsj.com/news/articles/SB121874784363742015>>.

⁴⁶⁶ British Broadcasting Company, "Ukraine Crisis Timeline," *BBC News*, April 24, 2014, <<http://www.bbc.com/news/world-middle-east-26248275>>.

⁴⁶⁷ Kathy Lally and Will Englund, "Putin Defends Ukraine Stance, Cites Lawlessness," *The Washington Post*, March 4, 2014, <http://www.washingtonpost.com/world/putin-reserves-the-right-to-use-force-in-ukraine/2014/03/04/92d4ca70-a389-11e3-a5fa-55f0c77bf39c_story.html>.

⁴⁶⁸ Ian Traynor, "Vladimir Putin and Barack Obama Engage in War of Words Over Ukraine," *The Guardian*, March 4, 2014, <<http://www.theguardian.com/world/2014/mar/04/ukraine-crisis-putin-obama-war-of-words#start-of-comments>>.

limitation to state sovereignty. Rather ironically, Putin used a term heavily associated with the Responsibility to Protect and UN-sanctioned interventions to justify a blatant, unilateral violation of Ukraine's sovereignty.

Russia subsequently stated its support for Crimea should a referendum show desire to leave Ukraine and join Russia, and official results of the referendum vote on March 16th said that 97% of voters support joining Russia.⁴⁶⁹ Putin officially absorbed Crimea into Russia two days later, though the vast majority of the international community has refused to recognize Russian control of Crimea.⁴⁷⁰

The situation in Ukraine provides a concrete example of Russia's true understanding of modern sovereignty. Moscow's annexation of Crimea and Putin's claims of humanitarian justifications for its movement into Crimea in the first place demonstrate a significant departure from the constant refrains of respect for state sovereignty heard from Russia in the Security Council. Russia's consistent opposition to multilateral intervention in Syria coupled with its own unilateral interference in Ukraine paint a picture of Russia as manipulating the concept of sovereignty. In the case of the Syrian Civil War, Russia has taken advantage of the "mission creep" of the Libyan intervention to defend Syrian sovereignty from external intervention, while in Ukraine, and in Georgia in 2008, Moscow has barely attempted to convincingly justify its unilateral violations of state sovereignty.

⁴⁶⁹ British Broadcasting Company, "Ukraine Crisis Timeline."

⁴⁷⁰ Ibid.

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