

# Implementation of the “Responsibility to Protect” Doctrine in Libyan and Syrian Civil Wars

## Suriye ve Libya İç Savaşlarında “Koruma Yükümlülüğü” Doktrininin Uygulanması

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### Abstract

The objective of this paper is to analyze the implementation of the doctrine of Responsibility to Protect in Libyan and Syrian civil wars and test to what extent this international norm is binding for the practices of states. In this context, firstly features of the Responsibility to Protect as an international norm will be explained. This norm aims to protect “human security” in the changing international arena and it assumes that when the state is unable or reluctant to protect its people, the responsibility belongs to the international community. Regarding Libyan civil war in 2011, the United Nations Security Council Resolution 1973 addressed to Responsibility to Protect doctrine and authorized member states to “take all necessary measures” to protect civilians from attacks of the Qaddafi’s government. However, same United Nations Security Council could not take any concrete step to intervene into Syria in where hundreds of thousands of people have been massacred since 2011. In this sense, this paper demonstrates that Responsibility to Protect doctrine cannot be implemented automatically when United Nations Security Council members do not give their consent which means that international norms do not have independent agency apart from states that constitute them.

### Keywords

Humanitarian Intervention, Responsibility to Protect, United Nations Security Council, Libyan Civil War, Syrian Civil War.

### Özet

Bu çalışmanın amacı, Suriye ve Libya iç savaşlarında Koruma Yükümlülüğü doktrininin uygulanmasını ve bu uluslararası normun devletlerin eylemleri açısından ne kadar bağlayıcılığı olduğunu analiz etmektir. Bu bağlamda öncelikle bir uluslararası norm olarak Koruma Yükümlülüğü’nün özellikleri açıklanacaktır. Bu normun başlıca amacı değişen uluslararası

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ortamda "insan güvenliğini" korumaktır, buna göre devletler kendi halkını koruyamadıklarında veya buna isteksiz olduklarında, bu görev uluslararası topluma aittir. 2011 Libya iç savaşında, Birleşmiş Milletler Güvenlik Konseyi 1973 sayılı kararı Koruma Yükümlülüğü'ne atıfta bulunmuş ve üye devletlere sivil halkı Kaddafi hükümetinden korumak amacıyla gerekli tüm önlemleri almak için yetki vermiştir. Ancak, aynı Birleşmiş Milletler Güvenlik Konseyi, 2011 yılından beri yüzbinlerce insanın katledildiği Suriye'ye dair somut ve kararlı bir adım atamamıştır. Bu bağlamda, bu çalışma Koruma Yükümlülüğü doktrininin, Birleşmiş Milletler Güvenlik Konseyi üyelerinin rızaları olmadan otomatik olarak uygulanamayacağını ve sonuç olarak uluslararası normların onları oluşturan devletlerden bağımsız bir varlıklarının olmadığını göstermektedir.

### Anahtar Kelimeler

İnsani Müdahale, Koruma Yükümlülüğü, Birleşmiş Milletler Güvenlik Konseyi, Libya İç Savaşı, Suriye İç Savaşı

## I. NEWLY EMERGING INTERNATIONAL NORM: RESPONSIBILITY TO PROTECT

The doctrine of Responsibility to Protect (R2P) was firstly introduced in the report of International Commission on Intervention and State Sovereignty (ICISS) in 2001.<sup>1</sup> This norm seeks to protect "human security" in the world of sovereign states and it assumes that when the state is unable or reluctant to protect its people, the responsibility belongs to the international community.<sup>2</sup> In this sense, the ICISS has an endeavor to balance between system of equally sovereign states and human rights derived from common humanity transcending state borders. It can be said that ICISS's efforts to protect human security regardless of state borders build on earlier developments in international humanitarian law based on the Universal Declaration of Human Rights (1948); the four 1949 Geneva Conventions and the International Covenant on Civil and Political Rights (1966).<sup>3</sup> In parallel with this mentality of international humanitarian law, the Commission recognizes that protection of human rights and fundamental freedoms requires "the responsibility to protect" people even from their own country's persecution.<sup>4</sup>

Kosovo crisis and the Secretary General Kofi Annan's call for reconciling the disagreement between sovereignty and fundamental

<sup>1</sup> "The Responsibility to Protect", *Report of the International Commission on the Intervention and State Sovereignty*, Ottawa, International Development Research Center, 2001, p. XI, <http://responsibilitytoprotect.org/ICISS%20Report.pdf>, (Accessed 6 December 2015).

<sup>2</sup> "The Responsibility to Protect", p. XI.

<sup>3</sup> "The Responsibility to Protect", p.XI. The devastating consequences of World War II led the international community to establish UN which commits "promoting and encouraging respect for human rights" and to adopt subsequent declarations and covenants for protecting human rights even in wartimes regardless of race, sex, language or religion. In this sense, over the last sixty years, the international humanitarian law has tried to change balance between state sovereignty and human rights for the benefit of the latter.

<sup>4</sup> "The Responsibility to Protect", p.15.

human rights accelerated the ICIS's decision to reconceptualize humanitarian intervention with its report in 2001.<sup>5</sup> As a new way of practice humanitarian intervention, the principle of "Responsibility to Protect" was unanimously accepted by United Nations (UN) member states at the 2005 World Summit.<sup>6</sup> The United Nations Security Council (UNSC) reaffirmed 2005 World Summit Outcome shortly after this summit.<sup>7</sup> However, it is significant to indicate that the R2P principle that was accepted by the 2005 World Summit has many different features from the doctrine of ICISS.<sup>8</sup> In conceptual terms, the R2P attempts to reconcile two conflicting principles governing international relations which are sovereignty of equal states on the one hand and human security in solidarist international community on the other hand.<sup>9</sup> This norm acknowledges that states have a responsibility to protect their citizens from genocide, war crimes, ethnic cleansing and crimes against humanity. If states fail to fulfill their duty to protect their population; then international society under the umbrella of the UN will undertake this role through 'timely and decisive' action.<sup>10</sup>

With its new approach, the report represents the change from "sovereignty as control" to "sovereignty as responsibility".<sup>11</sup> "Sovereignty as control" refers to order within which states have been responsible for internal order and their domestic policies within area of their jurisdiction since the beginning of the Westphalian system of sovereign states. Even though this understanding of sovereignty has evolved as the democratic values and institutions have gradually developed, the ICISS report has been turning point for shifting to "sovereignty as control" to "sovereignty as responsibility". For principle of sovereignty as responsibility; "humanity is the *raison detre* of any legal system", and it acknowledges that Westphalia order has not fulfilled to protect basic human rights and global order

<sup>5</sup> Kofi ANNAN, *The Annual Report of the Secretary General to the General Assembly*, UN Press Release, 20 September 1999, <http://www.un.org/press/en/1999/19990920.sgsm7136.html>, (Accessed 6 December 2015).

<sup>6</sup> *2005 World Summit Outcome*, UN Fact Sheet, 14-16 September 2005, <http://www.ipu.org/splz-el/unga05/outcome.pdf>, (Accessed 6 December 2015).

<sup>7</sup> S.C.Res.1674, U.N.Doc. S/Res/1674, 28 April 2006, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/331/99/PDF/N0633199.pdf?OpenElement> (Accessed 23 May 2012)

<sup>8</sup> Alex J. BELLAMY, "*The Responsibility to Protect and the problem of military intervention*", *International Affairs*, Vol.84, No 4, 2008, p.622.

<sup>9</sup> Richard H. COOPER and Juliette Voinov KOHLER, "*Responsibility to Protect, The Global Moral Compact for the 21st Century*", New York, Palgrave Mcmillan, 2009, p.3.

<sup>10</sup> G.A. Res. A/RES/60/1, 24 October 2005, <http://unpan1.un.org/intradoc/groups/public/documents/un/unpan021752.pdf> (Accessed 25 June 2012), p.31.

<sup>11</sup> Dorota GIERYCZ, "*From Humanitarian Intervention to Responsibility to Protect*", *Criminal Justice Ethics*, Vol.29, No 2, 2010, p.113.

should be arranged so as to increase security for individuals not for states.<sup>12</sup> In accordance with this understanding, new approach of R2P changes the terminology from "right to intervene" to "responsibility to protect" since the object of focus is those needing support instead of those undertaking intervention.<sup>13</sup> In this regard, the main focus is security of human beings regardless of their country of origin and main duty for states should behave like guardians of human rights. Its ethical correspondence refers that humanitarian intervention is not only morally permissible- a right-, but it is also responsibility that should be undertaken by international community- a duty-.<sup>14</sup>

The new declaration of this doctrine, in principle, refers to justification of several forms of intervention for the sake of protecting civilians within the borders of sovereign states.<sup>15</sup> Since 1999 with the UN mission in Sierra Leone, the Security Council started to refer to Chapter VII of the UN Charter to protect civilians through using "all necessary means". Peace operations in Haiti, Burundi, Liberia, Sudan, the Democratic Republic of Congo and Côte d'Ivoire have been authorized under Chapter VII to protect civilians; however, none of these interventions were realized without consent of the government of the states at stake.<sup>16</sup> R2P incorporates three particular responsibilities which are the responsibility to prevent, the responsibility to react and the responsibility to rebuild.<sup>17</sup> The responsibility to prevent is supposed to attempt to remove the root causes and direct causes of internal conflict. The responsibility to react refers to responding to situation of human misery in any part of the world with appropriate means such as coercive sanctions, international prosecution, and as the last step, military intervention. The responsibility to rebuild includes recovery, reconstruction and reconciliation after the military intervention.<sup>18</sup>

<sup>12</sup> Francis M. DENG, Sadikiel KIMARO, Terrence LYONS, Donald ROTCHILD and I. William ZARTMAN, "Sovereignty as Responsibility: Conflict Management in Africa", Washington, The Brookings Institution, 1996, p.4.

<sup>13</sup> "The Responsibility to Protect" p. 17.

<sup>14</sup> James PATTISON, "Whose Responsibility to Protect? The Duties of Humanitarian Intervention", *Military Ethics*, Vol.7, No 4, 2008, p. 263.

<sup>15</sup> Michael NEWMAN, "Revisiting the Responsibility to Protect", *Political Quarterly*, Vol.80, no 1, 2009, p. 92.

<sup>16</sup> Chapter VII of the UN Charter is related with UN action regarding the threats to the peace, breaches of the peace, and acts of aggression. Alex J. BELLAMY and Paul D. WILLIAMS, "New politics for Protection, Cote d'Ivoire, Libya and the Responsibility to Protect", *International Affairs*, Vol 87, no 4, 2011, p. 828.

<sup>17</sup> "Responsibility to Protect", p. XI.

<sup>18</sup> "Responsibility to Protect", p.XI.

According to R2P norm, for passing the threshold of military intervention, there must be large scale loss of life or large scale 'ethnic cleansing'.<sup>19</sup> However, in 2005 World Summit Outcome which was adopted by General Assembly, the collective action is decided to be done on "case-by-case" basis which means the absence of standard for "threshold" criteria.<sup>20</sup> The outcome acknowledges that the UN has "responsibility to protect" populations from genocide, war crimes, ethnic cleansing and crimes against humanity.<sup>21</sup>

As it is inspired by the "just war tradition", R2P doctrine have five precautionary principles which are just cause, right intention, last resort, proportional means and reasonable prospects.<sup>22</sup> Regarding right authority for the military intervention, the report prescribes the UNSC as the most appropriate body; if it fails to act in a timely manner, the matter will be considered by the General Assembly under the 'Uniting for Peace' procedure as well as regional organizations can act within the area of jurisdiction under Chapter VIII of the Charter.<sup>23</sup> In theoretical base, the report also restricts UNSC members to veto R2P cases unless their vital interests are at stake.<sup>24</sup> The R2P is written as a "protection clause" in 2005 World Summit Outcome and these provisions were reaffirmed by the Security Council by resolution 1674 (28 April 2006) and resolution 1706 (31 August 2006).<sup>25</sup> In order to examine its contemporary effectiveness, this article will analyze to what extent this norm has been implemented in the cases of Libya and Syria.

## II. THE CASE OF LIBYA AND THE RESPONSIBILITY TO PROTECT

In order to deal with the situation in Libya, UNSC passed Resolution 1973 on 17 March 2011 which corresponded to the first time that Council had authorized military intervention for human protection objectives against the sovereignty of functioning state.<sup>26</sup> Before this crisis, the Council had authorized the Unified Task Force to intervene in Somalia in the situation of absence of central government and in 1994; the French-led Operation

<sup>19</sup> "Responsibility to Protect", p.XII

<sup>20</sup> G.A.Doc.A/63/677, 12 January 2009, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/206/10/PDF/N0920610.pdf?OpenElement> (Accessed 20 June 2012).

<sup>21</sup> G.A.Doc.A/63/677, 12 January 2009

<sup>22</sup> Gierycz, p. 113.

<sup>23</sup> "The Responsibility to Protect", p. XIII

<sup>24</sup> GIERYCZ, p. 113.

<sup>25</sup> G.A. Res. A/RES/60/1, 24 October 2005, <http://www.ifrc.org/docs/idrl/I520EN.pdf> (Accessed 3 December 2015); S.C.Res.1674, U.N.Doc. S/Res/1674, 28 April 2006, <http://www.responsibility-toprotect.org/files/final%20poc%20resolution.pdf> (Accessed 3 December 2015); S.C.Res. 1706, U.N.Doc. S/Res/1706, 31 August 2006, <http://www.globalr2p.org/media/files/resolution1706.pdf> (Accessed 3 December 2015).

<sup>26</sup> BELLAMY and WILLIAMS, p. 825.

Turquoise intervened into Rwanda with the consent of interim government and its armed forces.<sup>27</sup>

The origin of Libya's crisis traced back to political unrests which has been the part of 'Arab Spring' protests that had domino effect from Tunisia to Egypt and beyond in the early months of 2011. Following the protests in mid-January 2011, violence erupted quickly due to the repressive measures of the regime and partly defections from the government. This resulted in establishment of opposition armed group under the Interim Transnational National Council (referred to as the Interim Council). Even though the rebels achieved in having control over the cities of Benghazi and Tobruk, in late February and early March in 2011, Gadhafi's forces recaptured much of the country and number of casualties has dramatically increased within the short time. As a reminiscence of Rwandan genocide in 1994, Gadhafi threatened the rebels during his speech on radio and television by saying 'we will show no mercy and no pity to them'<sup>28</sup> and 'any Libyan who takes arms against Libya will be executed'.<sup>29</sup> The following day the Secretary General characterized this crisis as a human protection problem and demanded both the Libyan authorities and the Security Council to undertake their responsibilities. On 25 February 2011, the UN Human Rights Council warned the General Assembly to exclude Libya from the Human Rights Council—which actualized on 1 March 2011. The Council of the League of Arab States also held an emergency meeting suspended Libya's membership with an emergency meeting.<sup>30</sup>

The Council unanimously passed Resolution 1970 which condemned 'the widespread and systematic attacks' against civilians, which, it noted, 'may amount to crimes against humanity'; acknowledged the earlier criticisms of the Libyan government's actions by the AU and the Organization of the Islamic Conference (OIC); and emphasized the Libyan government's responsibility to protect its population.<sup>31</sup> As part of R2P doctrine, the Security Council firstly applied sanctions against Libya through establishing an arms embargo on the country; imposing indefinite travel bans on 16 individual members of the Libyan regime; suspending indefinitely the assets of six members of the regime; establishing sanctions committee in order

<sup>27</sup> Ibid, p. 825.

<sup>28</sup> "Gadhafi Tells Rebel City, Benghazi, 'We will Show No Mercy' ", Reuters, 17 March 2011, [http://www.huffingtonpost.com/2011/03/17/gaddafi-benghazi-libya-news\\_n\\_837245.html](http://www.huffingtonpost.com/2011/03/17/gaddafi-benghazi-libya-news_n_837245.html), (Accessed 3 December 2015).

<sup>29</sup> Ibid, p.838.

<sup>30</sup> Matt BRADLEY and Charles LEVINZON, "Arab League Urges Libya 'No-Fly' Zone", The Wall Street Journal, 14 March 2011, <http://online.wsj.com/article/SB10001424052748704838804576196681609529882.html#> (Accessed 20 June 2012).

<sup>31</sup> BELLAMY and WILLIAMS, p. 839.

to control the implementation of these measures. For instance, the United States suspended \$30bn in assets possessed by Gaddafi and his officials.<sup>32</sup>

Resolution 1970 and its coercive measures were uncontroversial among the Council members since various Council members expressed their reluctance to adopt more coercive measures. Russian government argued that only political means could resolve the situation of Libya, this argument was supported by China, India and Brazil at the time.<sup>33</sup> However, Resolution 1970 and sanctions against Libya government could not contribute to the end of the violence in Libya. The Gadhafi regime continued to make counterattacks to opposition forces through using military airplanes and indiscriminate air strikes against the civilian population.<sup>34</sup> Under these circumstances, establishment of no-fly zone over Libya became inevitable and France and the United Kingdom expressed that they did not ignore using military force in Libya.<sup>35</sup> Moreover, the Senate's Resolution of the United States pushed the UNSC to adopt no-fly zone.<sup>36</sup> The Secretary General of the Organization of the Islamic Conference also reminded the Security Council to undertake its responsibility of creating no-fly zone over Libya in order to protect civilians.<sup>37</sup> The European Parliament emphasized the concept of the "Responsibility to Protect," for protecting the civilians which referred to establishment of a no-fly zone by the Security Council.<sup>38</sup>

Under these conditions, Resolution 1973 was adopted by the Security Council on 17 March 2011 by vote of 10 in favor with 5 abstentions (Russian Federation, China, Germany, Brazil, and India).<sup>39</sup> Given the fact that there were serious human right violations, the United Nations

<sup>32</sup> Julian BORGER, Patrick WINTOUR and Martin CHULOV, "US tightens military grip on Gadhafi", *The Guardian*, 28 February 2011, <http://www.guardian.co.uk/world/2011/feb/28/us-military-gaddafi-libya>, (Accessed 23 July 2012).

<sup>33</sup> BELLAMY and WILLIAMS, p. 840.

<sup>34</sup> Mehrdad PAYANDEH, "The United Nations, Military Intervention, and Regime Change in Libya", *Virginia Journal of International Law*, Vol 52, No 2, 2012, p.376.

<sup>35</sup> Alistair MACDONALD, "Cameron does not rule out military force for Libya", *The Wall Street Journal*, 1 March 2011, <http://online.wsj.com/article/SB10001424052748704615504576172383796304482.html>, (Accessed 23 August 2012).

<sup>36</sup> S.Res.85. ATS, 1 March 2011, <http://thomas.loc.gov/cgi-bin/query/z?c112:S.RES.85>: (Accessed 12 March 2012)

<sup>37</sup> "Ihsanoglu Support No-Fly Decision At Oic Meeting On Libya, Calls For An Islamic Humanitarian Programme In And Outside Libya", *Organization of Islamic Conference*, 8 March 2011, [http://www.oic-oci.org/topic\\_detail.asp?t\\_id=5031&x\\_key=no-fly zone](http://www.oic-oci.org/topic_detail.asp?t_id=5031&x_key=no-fly+zone), (Accessed 21 June 2012).

<sup>38</sup> PAYANDEH, p. 377.

<sup>39</sup> Press Release, "United Nations Response to Violence against Civilians in Libya Sends Strong Message, There Is 'No Impunity' for Crimes against Humanity, Secretary-General Says", *UN Press Release*, 1 March 2011, <http://www.un.org/News/Press/docs/2011/sgsm13425.doc.htm> (Accessed 23 May 2012).

Security Council Resolution 1973 established a no-fly zone over Libya and gave authority to the member states of the UN to take all necessary measures to protect civilians and civilian populated areas under threat of attack.<sup>40</sup> In Resolution 1973, the Security Council mainly expressed its concerns regarding worsening humanitarian situation in Libya and defined systematic attacks of Libyan Arab Jamahiriya against civilians as "the gross and systematic violation of human rights".<sup>41</sup> Furthermore, it regarded the violence of Libyan Arab Jamahiriya as a threat to international peace and security and it demanded the immediate cease-fire in Libya through acting under Chapter VII of the Charter of the United Nations. UN Secretary-General Ban Ki-moon stated that "the Security Council today has taken an historic decision. Resolution 1973 (2011) 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."<sup>42</sup> Following the Resolution 1973, Libyan government announced ceasefire and immediately violated it with an attack on Benghazi.<sup>43</sup> On March 19, 2011, coalition of Western states started to launch missiles against Libyan air defense systems and make air strikes against troop units outside Benghazi which resulted in annihilation of Libyan air defense and air force.<sup>44</sup> Libya was under several military attacks of NATO between March and October 2011.<sup>45</sup> With the help of NATO, opposition forces seized power in Libya and took the control over the capital, Tripoli and Sirte in where Gadhafi was killed.<sup>46</sup> Following the kill of Gadhafi during the struggle for Sirte on October 20, 2011,<sup>47</sup> the National Transitional Council announced the liberation of Libya.<sup>48</sup> On October 27, the Security Council decided to end "NATO civilian protection mandate"

<sup>40</sup> S.C.Res.1973, U.N. Doc. S/RES/1973, 17 March 2011, <http://daccess-dds-ny.un.org/doc/UN-DOC/GEN/N11/268/39/PDF/N1126839.pdf?OpenElement>, (Accessed 6 December 2015).

<sup>41</sup> Ibid.

<sup>42</sup> Press Release, "Secretary-General Says Security Council Action on Libya Affirms International Community's Determination to Protect Civilians from Own Government's Violence", UN Press Release, 18 March 2011, <http://www.un.org/News/Press/docs/2011/sgsm13454.doc.htm> (Accessed 23 May 2012).

<sup>43</sup> "Libya: Pro-Gadhafi Forces 'to observe ceasefire'", BBC News, 18 March 2011, <http://www.bbc.co.uk/news/world-africa-12787739>, (Accessed 24 May 2012).

<sup>44</sup> "Libya: Gadhafi's Air Force 'has been destroyed'", The Telegraph, 23 March 2011, <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8402281/Libya-Gaddafis-air-force-has-been-destroyed.html> (Accessed 13 June 2012).

<sup>45</sup> PAYANDEH, p. 379.

<sup>46</sup> Ibid. p.358.

<sup>47</sup> "Libya's Col Muammar Gadhafi killed, says NTC", BBC News, 20 October 2011. <http://www.bbc.co.uk/news/world-africa-15389550> (Accessed 20 June 2012).

<sup>48</sup> "Libya's new rulers declare country liberated", BBC News, 23 October 2011, <http://www.bbc.co.uk/news/world-africa-15422262> (Accessed 21 June 2012).



in Libya with the Resolution 2016.<sup>49</sup> In line with the Resolution 2016, NATO ended its mission in Libya on October 31.<sup>50</sup> The military operation of NATO forces which included assistance of rebel forces and bombing of military building and residences led to condemnns of China, Russia and Arab/African organizations,<sup>51</sup> Even Gareth Evans, intellectual father of the R2P, stated that NATO operations stretched Security Council mandate on Libya "to the absolute limit".<sup>52</sup>

From the perspective of R2P, the international community firstly implemented non-military measures such as diplomatic efforts, economic sanctions, travel bans and arms embargo, and referral of this case to International Criminal Court. Following the failure of these measures for ending the violence in Libya, UNSC carried out more severe measures such as air attacks and adoption of no-fly zone over Libya.<sup>53</sup> However critics of "BRICS" (Brazil, Russia, India, China and South Africa) have continued since they have thought that the United States, the United Kingdom and France did military intervention for regime change of Libya. Furthermore, they argued that the Western powers and some Arab States provided weapons to rebel side by ignoring arms embargo in the process.<sup>54</sup> Large number of Latin American states – led by Venezuela, Cuba and Bolivia- condemned the military intervention of NATO in Libya.<sup>55</sup> According to Mehrdad Payandeh, recognition of National Transitional Council as the government of Libya by the UN General Assembly, European Council, and most of the states indicate that the regime change has been emerged.<sup>56</sup> One of his reference points was final

<sup>49</sup> Press Release, "Security Council Votes Unanimously to End NATO Civilian Protection Mandate in Libya, Following Authorities' Formal Declaration of Liberation", UN Press Release, 27 October 2011, <http://www.un.org/News/Press/docs/2011/sc10424.doc.htm> (Accessed 01 August 2012).

<sup>50</sup> Press Release, "NATO Secretary General Statement on End of Libya Mission", NATO Press Release, 28 October 2011, [http://www.nato.int/cps/en/natolive/news\\_80052.htm?mode=pressrelease](http://www.nato.int/cps/en/natolive/news_80052.htm?mode=pressrelease), (Accessed 1 August 2012).

<sup>51</sup> Sonia RODRIGUES, "Somewhere between Civil War and Regime Transition: The Responsibility to Protect Response to Libya and Syria", Small Wars Journal, 12 June 2012. <http://smallwarsjournal.com/jrnl/art/somewhere-between-civil-war-and-regime-transition-the-responsibility-to-protect-response-to> (Accessed 23 July 2012).

<sup>52</sup> "NATO stretching UN Libya Mandate: Evans", The Sydney Morning Herald, 4 May 2011, <http://news.smh.com.au/breaking-news-national/nato-stretching-un-libya-mandate-evans-20110504-1e7zj.html> (Accessed 21 May 2012).

<sup>53</sup> "The Crisis in Libya", International Coalition for the Responsibility to Protect, <http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-libya#lessons>, (Accessed 23 August 2012).

<sup>54</sup> Gareth EVANS, "Responsibility While Protecting", Project Syndicate, 27 January 2012, <http://www.project-syndicate.org/commentary/responsibility-while-protecting>, (Accessed 21 June 2012).

<sup>55</sup> "Latin America Condemns US/UN Invasion of Libya", COTO REPORT, 22 March 2011 <http://coto2.wordpress.com/2011/03/22/latin-america-condemns-usun-invasion-of-libya/> (Accessed 21 June 2012).

<sup>56</sup> PAYANDEH, p. 357-358.

communiqué of the Group of Eight summit on May 26 and 27 which said: "Gaddafi and the Libyan government have failed to fulfill their responsibility to protect the Libyan population and have lost all legitimacy. He has no future in a free, democratic Libya. He must go."<sup>57</sup> It can be said that the extension of UN mandate by NATO operations in Libya is discouraging experience for international community to take an action against Syrian regime.<sup>58</sup>

### III. THE CASE OF SYRIA AND RESPONSIBILITY TO PROTECT

The Syrian crisis started on March 15, 2011, when the residents of small southern city began to protest the torture of students by the government on the grounds that they had posted anti-government graffiti. The Assad government responded these protests by using disproportional violence and this led to the spreading of demonstrations across the country. Following this date, the government sent tanks to opposition cities and did not refrain from opening fire on demonstrations.<sup>59</sup> During the summer of 2011, thousands of soldiers defected to opposition movement and launched a counter attack against the government which would resulted in the UN's identifying Syria as being verge of civil war.<sup>60</sup> As an important human rights violation, Syrian government also used chemical weapons against opposition groups in Ghouta near Damascus in August 2013 which created important international pressure that resulted in Assad government's consent to Chemical Weapons Convention about eliminating its chemical weapons; however it has been argued that Syrian government have used to use chlorine gas even though it has been banned by the Chemical Weapons Convention.<sup>61</sup>

Across the country, the opposition forces have been divided among Free Syrian Army (FSA), Islamic Front, Syrian Islamic Liberation Front, Jihadist Groups and Kurdish Groups.<sup>62</sup> The war has become more complicated with conflict between Islamic State in Iraq and Syria (ISIS) and FSA in 2013. Al Qaeda's Syrian bloc 'Al-Nusra Front' and FSA have been in conflict with

<sup>57</sup> " G8: Libya's Gadhafi 'should go': say world leaders", BBC News, 27 May 2011 <http://www.bbc.co.uk/news/world-africa-13572830> (Accessed 24 May 2012).

<sup>58</sup> Rodrigues, "Somewhere between Civil War and Regime Transition: The Responsibility to Protect Response to Libya and Syria"

<sup>59</sup> "Syria", The New York Times, 29 August 2012, <http://topics.nytimes.com/top/news/international/countriesandterritories/syria/index.html>, (Accessed 30 August 2012).

<sup>60</sup> Nada BAKRİ, "U.N says action needed to prevent civil war in Syria ", The New York Times, 2 December 2011, [http://www.nytimes.com/2011/12/03/world/middleeast/un-says-action-needed-to-prevent-civil-war-in-syria.html?\\_r=1](http://www.nytimes.com/2011/12/03/world/middleeast/un-says-action-needed-to-prevent-civil-war-in-syria.html?_r=1), (Accessed 2 May 2012).

<sup>61</sup> "World Report 2015: Syria", Human Rights Watch, <https://www.hrw.org/world-report/2015/country-chapters/syria>, (Accessed 23 November 2015).

<sup>62</sup> "Guide to the Syrian Opposition", BBC News, 13 December 2013, <http://www.bbc.com/news/world-middle-east-24403003> (Accessed 23 November 2015).

the ISIS since 2014 which put Syrian civil war into more bloody and vague situation. The number of casualties as of August 2014 which was more than 191,000 people showed the severity of situation in Syria.<sup>63</sup> As of today, there are 6.5 million of internally displaced people in Syria and approximately 4.5 million people have been struggling for becoming refugees in other countries.<sup>64</sup>

When we look at policies of UNSC, we can see that the UNSC firstly attempted to condemn President Assad's unchecked crackdown on the revolts in February 2012, however it met with veto of China and Russia.<sup>65</sup> Kofi Annan who was the former UN Secretary General, had acted as the joint United Nations and Arab League envoy to Syria, proposed a six-point peace plan to the UNSC on 16 March 2012 in order to halt the violence in Syria. It asked Syrian government to cooperate with the Envoy to address the concerns of Syrian people; to stop the fighting under the supervised cease-fire under the UN; to guarantee "timely provision of humanitarian assistance" to the all regions under the fighting; to accelerate the efforts of "release of arbitrarily detained persons" in the country; to guarantee freedom of travel throughout the country for journalists; to respect "freedom of association" and freedom of peaceful demonstration.<sup>66</sup> Syrian government declared its acceptance of peace plan; however as Secretary General Ban Ki-moon said, it failed to follow "almost every aspect of a peace plan".<sup>67</sup> International community had started to make more pressure on Syria following the slaughter in which the 108 villagers were murdered<sup>68</sup>; however, in June 2012, the United Nations decided to suspend the United Nations Supervision Mission in Syria (UNSMIS) due to escalating of violence which is estimated that 12,000 or 14,000 people have been murdered since the crackdown of Assad government.<sup>69</sup> After

<sup>63</sup> "World Report 2015: Syria", Human Rights Watch

<sup>64</sup> "Syrian Refugees: A Snapshot of the Crisis", Migration Policy Center, [http://syrianrefugees.eu/?page\\_id=513](http://syrianrefugees.eu/?page_id=513) (Accessed 23 November 2015).

<sup>65</sup> Press Release, "Security Council Fails to Adopt Draft Resolution on Syria As Russian Federation and China Veto Text Supporting Arab League's Proposed Peace Plan", UN Press Release, 4 February 2012, <http://www.un.org/News/Press/docs/2012/sc10536.doc.htm> (Accessed 2 July 2012).

<sup>66</sup> "Kofi Annan's six-point plan for Syria", AlJazeera, 27 March 2012, <http://www.aljazeera.com/news/middleeast/2012/03/2012327153111767387.html/> (Accessed 24 June 2012).

<sup>67</sup> Steven ERLANGER, "Pressure Builds for Tougher Line as Syria is said to Shun Peace Plan", The New York Times, 19 April 2012, [http://www.nytimes.com/2012/04/20/world/middleeast/syria-united-nations-secretary-general-ban-ki-moon-cease-fire.html?\\_r=2&ref=syria](http://www.nytimes.com/2012/04/20/world/middleeast/syria-united-nations-secretary-general-ban-ki-moon-cease-fire.html?_r=2&ref=syria) (Accessed 23 June 2012).

<sup>68</sup> Neil MACFARQUHAR, "International Pressure on Syria Grows After Killings", The New York Times, 28 May 2012, <http://www.nytimes.com/2012/05/29/world/middleeast/syria-pressed-on-peace-plan-after-un-condemnation.html?ref=syria> (Accessed 24 June 2012).

<sup>69</sup> "U.N. suspends observer mission in Syria due to uptick in violence", The CNN, 16 June 2012, [http://articles.cnn.com/2012-06-16/middleeast/world\\_meast\\_syria-unrest\\_1\\_local-coordination-committees-syrian-government-president-bashar?\\_s=PM:MIDDLEEAST](http://articles.cnn.com/2012-06-16/middleeast/world_meast_syria-unrest_1_local-coordination-committees-syrian-government-president-bashar?_s=PM:MIDDLEEAST) (Accessed 21 July 2012).

suspension of UNSMIS, "Geneva Communique" was signed which created international "Action Group" consisting of the secretaries-general of the UN and Arab League, and foreign ministers UNSC permanent members as well as Turkey and other regional states, however it also failed to halt the Syrian war.<sup>70</sup> In the same month, the UN's head of peacekeeping acknowledged for the first time that Syria was in state of civil war.<sup>71</sup> In the month of July, the US government decided to leave diplomatic efforts for peace in Syria and instead it increased to assist opposition groups and unite coalition of countries in order to overthrow Assad government.<sup>72</sup>

As the militarization escalated in the area, Kofi Annan resigned from his duty of being special envoy to Syria due to "lack of unity in the Security Council" on 2 August 2012, he expressed his complaints about the Security Council when he said that "when the Syrian people desperately need action, there continues to be finger-pointing and name calling in the Security Council".<sup>73</sup> On 11 August 2012, Turkey and the United States decided to create formal bilateral team in order to assist the opposition in Syria and make humanitarian assistance to refugees. The statements of two Foreign Ministers demonstrated that two states have been planning to coordinate operational planning on Syria. According to UNHCR report, since the beginning of the conflict, the Syrian refugee population has grown day by day; the number of Syrian refugees, who registered or were in the process of registration in regional countries including Turkey, Lebanon, Iraq and Jordan has risen to the number of 4,289,792 until the date of 17 November 2015.<sup>74</sup>

As UNSC permanent members, Russia and China were opponents to military intervention of the UN into Syria from the outset, they have demonstrated it with their veto on the UNSC Resolutions on Syria.<sup>75</sup> On July 19, 2012, Russia and China again vetoed British-backed resolution that would have applied economic sanctions toward Syrian government for not implementing the peace plan. This was the third time that Russia and China

<sup>70</sup> Simon ADAMS, "Failure to Protect: Syria and the UN Security Council", Global Center for the Responsibility to Protect Occasional Paper Series, No.5, 2015, p.12.

<sup>71</sup> "Syria in civil war, says UN official Herve Ladsous", the BBC News, 12 June 2012, <http://www.bbc.co.uk/news/world-middle-east-18417952>, (Accessed 25 August 2012).

<sup>72</sup> Eric SCHMITT and Helene COOPER, "Stymied at U.N., U.S. Refines Plan to Remove Assad", the New York Times, 21 July 2012, <http://www.nytimes.com/2012/07/22/world/middleeast/us-to-focus-on-forcibly-toppling-syrian-government.html?pagewanted=all>, (Accessed 21 August 2012).

<sup>73</sup> "Syria Crisis: Kofi Annan resigns as peace envoy", the Guardian, 2 August 2012, <http://www.guardian.co.uk/world/middle-east-live/2012/aug/02/syria-crisis-damascus-massacres-live>, (Accessed 7 August 2012).

<sup>74</sup> "Syrian Regional Refugee Response: Regional Overview", the UN Refugee Agency, <http://data.unhcr.org/syrianrefugees/regional.php>, (Accessed 23 November 2015).

<sup>75</sup> Press Release, "Security Council Fails to Adopt Draft Resolution on Syria As Russian Federation and China Veto Text Supporting Arab League's Proposed Peace Plan"

had opposed to resolutions on Syria and had prevented the Security Council from acting in concert.<sup>76</sup> Moreover, they recently vetoed draft resolution which intended to refer Syrian case to International Criminal Court.<sup>77</sup>

As a regional organization, the Arab League took the lead to stop Assad Regime's slaughter and implemented diplomatic and economic sanctions against Syria; it suspended Syrian membership from the League; banned travel of high-level Syrian officials to Arab states; froze their bank accounts; terminated transactions with Syrian Central Bank and commercial exchanges with Syria.<sup>78</sup> The United States and the European Union followed the League's measures and implemented diplomatic and economic sanctions which show that R2P was active but still insufficient to stop the violence. The doctrine's framers propose "other means" in case of deadlock in UNSC; the "other means" do not refer to duplication of Libya case since the international community does not want to divide Syria along ethnic and sectarian lines.<sup>79</sup> Despite the "large scale of loss of life", non-intervention to Syria shows that R2P has not been implemented in Syria appropriately. Gareth Evans stated that the situation in Syria has passed the threshold of making military intervention since the diplomatic and economic coercions have been inadequate to halt the violence in Syria.<sup>80</sup>

As the war in Syria has continued to affect other countries with terrorist actions of Jihadist groups and increasing numbers of refugees, regional and international powers came together on 22 January 2014 and started "Geneva II" talks with the aim of bringing Syrian government and opposition representatives together in order to achieve implementation of international "Action Group". Besides death of 1,900 Syrian people during the conference, there was no progress regarding peace prospects for the future.<sup>81</sup> As another international attempt to stop Syrian mass atrocity, international and regional states including Iran and Saudi Arabia again came together in Vienna to find a common solution to Syrian war. Even though they agreed on supporting "a political process leading to credible,

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<sup>76</sup> Rick GLADSTONE, "*Frictions at the U.N. as Russia and China Veto Another Resolutions on Syria*", The New York Times, 19 July 2012, <http://www.nytimes.com/2012/07/20/world/middleeast/russia-and-china-veto-un-sanctions-against-syria.html>, (Accessed 12 August 2012).

<sup>77</sup> ADAMS, p. 3

<sup>78</sup> "*Syria Unrest: Arab League adopts sanctions in Cairo*", the BBC News, 27 November 2011, <http://www.bbc.co.uk/news/world-middle-east-15901360>, (Accessed 23 August 2012).

<sup>79</sup> Bennett RAMBERG, "*Applying the Responsibility to Protect to Syria*" Yale Global Online, 5 March 2012, <http://yaleglobal.yale.edu/content/applying-responsibility-protect-syria> (Accessed 2 June 2012).

<sup>80</sup> Gareth EVANS, "*Saving the Syrians*", Project Syndicate, 23 March 2012, <http://www.project-syndicate.org/commentary/saving-the-syrians>, (Accessed 23 June 2012).

<sup>81</sup> ADAMS, p. 19.

inclusive, non-sectarian governance, followed by a new constitution and elections" under UN guardianship,<sup>82</sup> they did not agree on Bashar Assad's future.<sup>83</sup> Recent meeting on 14 November 2015 determined the target date of formal agreement between Syrian government and opposition as 1 January 2016.<sup>84</sup>

The case of Syria demonstrates that human rights and solidarism of international community have no privilege over the national and geopolitical concerns of the nation states. Even though the initial steps of R2P were implemented, there has been no concrete attempt to halt the slaughter in Syria. UNSC members have different conceptions of justice and their positions in international order make their interests and attitudes toward humanitarian intervention diversified. For instance, Russia vetoed UN resolutions on Syria, because Assad government enabled Russia to increase its influence throughout the region; intervention to Syria would eliminate last ally of Russia in the Middle East and it would further undermine Russia's status as a great world power. Russia's concerns of increasing unilateral interventions and domino-effect of Islamist extremism in the Caucasus region are also significant factors for Russian persistent opposition to intervention to Syria.<sup>85</sup> China strictly adheres to the principle of pluralist international society which is based on non-interference and self-determination.<sup>86</sup> Besides the trade volume between China and Syria, the potential impact of the Arab Spring on China's internal affairs due to the situation in Sichuan and Tibet and potential Western interference into China's domestic affairs have led to consecutive vetoes from China.<sup>87</sup> The reason of the reluctance of West about mobilization NATO forces for Syria crisis is likely to be related with regional position of Syria. Syria was stable and predictable regime for the United States and Israel. According to Joshua Landis, unwillingness of US administration in intervention into

<sup>82</sup> "Joint Statement", European Union External Action, 30 October 2015, [http://eeas.europa.eu/statements-eeas/2015/151030\\_06.htm](http://eeas.europa.eu/statements-eeas/2015/151030_06.htm), (Accessed 23 November 2015).

<sup>83</sup> "Powers attending Syria talks urge truce, U.N. -backed talks", Reuters, 30 October 2015, <http://www.reuters.com/article/2015/10/30/us-mideast-crisis-syria-statement-idUSKCN0S02DA20151030>, (Accessed 23 November 2015).

<sup>84</sup> "Statement of the International Syria Support Group", European Union External Action, 14 November 2015, [http://eeas.europa.eu/statements-eeas/2015/151114\\_03\\_en.htm](http://eeas.europa.eu/statements-eeas/2015/151114_03_en.htm), (Accessed 23 November 2015).

<sup>85</sup> Ruslan PUKHOV, "Why Russia is Backing Syria", The New York Times, 6 July 2012 [http://www.nytimes.com/2012/07/07/opinion/why-russia-supports-syria.html?\\_r=1](http://www.nytimes.com/2012/07/07/opinion/why-russia-supports-syria.html?_r=1), (Accessed 12 July 2012).

<sup>86</sup> M.Taylor FRAVEL, "China's Attitude Toward U.N. Peacekeeping Operations since 1989", Asian Survey, Vol.36, No 11, 1996, p. 1106.

<sup>87</sup> Osman EROL, "China's Concerns over Syria, What is the Reason for Insisting Support?", Today's Zaman, 12 February 2012, [http://www.todayszaman.com/newsDetail\\_getNewsById.action?newsId=271160](http://www.todayszaman.com/newsDetail_getNewsById.action?newsId=271160), (Accessed 23 July 2012).

Syria demonstrates that the US has no important national security interest in being involved in Syria war.<sup>88</sup>

## CONCLUSION

Humanitarian intervention is a disputed subject of international politics that maintains its popularity among the international public, as the circumstances require it have never come to an end. It has led to everlasting debates, which have been shaped by the different moral positions of the participants. The idea of the "Responsibility to Protect" has been introduced by some academics and politicians with a hope to resolving the problems and contradictions associated with humanitarian intervention in the post-Cold War era. However, the analysis of these two humanitarian crises shows that the R2P doctrine did not meet the expectation of those who were optimistic that it would make the international community more solidarist. As the ethical philosopher, Tzvetan Todorov indicated "individual human beings still get much more as citizens of a state than they do as citizens of the world"<sup>89</sup> because countries have been reluctant to sacrificing their own soldiers for the sake of protecting the citizens of other states.

It can be said that R2P doctrine has no independent agency without political will of states which has still crucial sovereignty in international politics. Contemporary international society still gives privilege to national security and geopolitical considerations. Nation states feel obliged to obey certain rules and institutions; they tend to find loopholes in international law in order to preserve their positions. Even though the aim of R2P is to evoke solidarist and cosmopolitan elements with its shift from "right to intervene" to "responsibility to protect", these two cases show the limits and deficiencies of R2P doctrine to protect human security in our pluralist international society. On the other hand, the proponents of the R2P argue that assessing the R2P by only concentrating on the military intervention pillar cannot provide insight about the effectiveness of the doctrine, since it also contains extensive measures for resolving conflict such as prevention and post-conflict building strategies. While this is a sensible argument, the current conflicts in Libya and Syria show that these strategies of the R2P have not been influential for ceasing the civil wars: the internal violence in Libya could be ended only by using coercive power and the conflict in Syria

<sup>88</sup> Jonathan MARCOS, "Analysis: Option for Military Intervention in Syria", BBC News, 12 June 2012, [http://www.bbc.co.uk/news/world-middle-east-17356556#story\\_continues\\_2](http://www.bbc.co.uk/news/world-middle-east-17356556#story_continues_2) (Accessed 23 August 2012).

<sup>89</sup> Jennifer M. WELSH, "Taking Consequences Seriously: Objections to Humanitarian Intervention", *Humanitarian Intervention and International Relations*, ed. Jennifer M. Welsh, Oxford, Oxford University Press, 2004, p. 53.

has not been under control yet, and the diplomatic strategies of the UNSC have been futile until now.

What is required instead is to transform the existing institutions more effective and humanistic in order to maintain security of civilians; one can start with reforming the United Nations itself. The internal reforms of the UN are crucial since the United Nations is an institution that has been the platform for collective action and the representative of international society. However, the majority of its members, which constitute almost the two-thirds of the United Nations, have been skeptical about the UN's operating mechanism. The privileged position of the UNSC members in taking a decision about military intervention has been regarded as unfair among the UN members and identifies with the North-South disparity in international politics. The important task is to develop mechanisms that allow the UN member states to have more voice in the decision-making process of the UNSC with respect to sensitive international issues.<sup>90</sup> The struggle for creating global empathy for human suffering is a challenging task that is encircled with the national interests of states. However, it is worth to make further research to contribute to the efforts of resolving the controversial aspects of humanitarian intervention for the sake of our common humanity that transcends state borders.

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<sup>90</sup> For instance see Gareth Evans, "*Responsibility While Protecting*"



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