

# **INTERVENTIONISM AND THE FAILING OF R2P: SYRIA AS A SYMBOL OF A CHANGING WORLD ORDER**

IS THE CURRENT POLITICAL DEADLOCK IN SYRIA, FEATURED BY INTERVENTIONISM AND THE FAILING FOR AN AGREEMENT ON R2P, PART OF A BROADER SHIFT IN POWER AND THE LIBERAL WORLD ORDER?

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## ABSTRACT

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De praktijk van de 'Responsibility to Protect' (R2P), aan het begin van de 21<sup>e</sup> eeuw ontstaan met de bedoeling om internationale interventies te legitimeren als reactie op humanitaire drama's, werd voor de eerste keer succesvol toegepast tijdens de Libische burgeroorlog in 2011. De nasleep ervan zorgde echter voor twijfel bij veel opkomende landen en een vertrouwensbreuk tussen diezelfde landen en de Westerse liberale landen, in Libië verenigd onder de NAVO-vlag. Dit in die mate dat, na zes jaar burgeroorlog in Syria, de VN-Veiligheidsraad er nog steeds niet in geslaagd is om een akkoord te vinden rond R2P om een einde te maken aan de menselijke vreselijkheden die zich in het conflict voordoen. In 2013 schreven Tim Dunn en Matt McDonald dat de 'liberal internationalists'-wereldorde aan het vervagen is ten voordele van andere structuren. Deze thesis onderzoekt of de situatie in Syria, gekenmerkt door een internationale politieke impasse, kan gelden als een symbool voor een veranderende wereldorde. Meer bepaald worden er vier verschillende indicatoren geïdentificeerd waarmee wordt aangetoond dat de Syrische burgeroorlog wel degelijk een impact heeft op de internationale machtsbalans en dat de relevantie en invloed van Westerse landen in het Midden-Oosten aan het veranderen is. Aan de hand van het weergeven van de theoretische achtergrond van interventies, de controverses bij het ontstaan van R2P, de nasleep en impact van Libië en de huidige interventies en verhoudingen in Syrië wordt de these rond de liberale wereldorde van Dunn en McDonald versterkt.



## PREFACE

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Graduating at the UGent is a merit that I am truly proud of and which I call a milestone in my life as a young adult. Five years of studying in one of the most beautiful cities of Belgium, five years having the time of my life. Therefore, I look upon this dissertation as the closing piece of a very pleasant, educational and challenging period, but also as the starting point for an equally challenging and beautiful future. Of course, none of this would have been possible without the help and support of many people surrounding me.

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Second, there is my family. Despite the fact that I've regularly tested my parents' patience the past few years, they unconditionally continued to support me. I'm incredibly grateful for everything. Furthermore, Christine, Amélie and Yves, saying that you are the best sisters and brother I could wish for sounds quite pathetic, but sometimes things are as they are.

And the beat goes on.

Sometimes the light's all shining on me  
Other times I can barely see  
Lately it occurs to me  
What a long strange trip it's been

*(Truckin' - Grateful Dead)*



# INHOUD

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## LIST OF ABBREVIATIONS

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AU	African Union
BRIC	Brazil, Russia, India, China
EU	European Union
ICC	International Criminal Court
ICISS	International Commission on Intervention and State Sovereignty
ICRtoP	International Coalition for the Responsibility to Protect
IS (or ISIS)	Islamic State
FSA	Free Syrian Army
GCC	Gulf Cooperation Council
HNC	High Negotiations Committee
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
OHCHR	Office of the UN High Commissioner for Human Rights
OPCW	Organisation for the Prohibition of Chemical Weapons
PKK	Kurdistan Workers' Party
PYD	Democratic Union Party
R2P	Responsibility to Protect
RwP	Responsibility while Protecting
SNC	New Syrian National Council
UN	United Nations
UNHCR	UN High Commissioner for Refugees
UNSC	United Nations Security Council
US	United States
YPG	People's Protection Unit

## INTRODUCTION

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In 2013, Tim Dunn and Matt McDonald, both connected to the School of Political Science and International Studies at the University of Queensland, wrote in a publication on the politics of liberal internationalism that “*the notoriety of internationalism today concerns its association with interventions in the name of the common good. This includes most obviously humanitarian interventions, but also measures taken to enforce disarmament on a state that could threaten peace and security, or even to prevent a so-called failed state or terrorist network from acquiring weapons with massive destructive capability.*” However, liberal internationalism as a project to legitimate international intervention is said to be vanishing in favour of other structures to justify intervention to prevent human suffering and end mass atrocities. More specifically, in their article, Dunn and McDonald mention humanitarianism as a concept to deliver the right conditions and limitations to the use of force to protect civilians and ensure their human rights. The choice of humanitarian protection and human security over national security and state sovereignty, especially after dramatic humanitarian events in the 1990’s, touched the core of international relations and is to date cause of numerous debates between academics, politicians and political observers, leading to today’s complexity and impasse in Syria’s civil war. To this extent, critics of liberalism understand the 2001 report of the International Commission on Intervention and State Sovereignty (ICISS), giving birth to the notion of ‘Responsibility to Protect’ (R2P), to be a contemporary form of interventionism merging the need to respond on humanitarian demands and protect liberal interests (International Commission, 2001; Dunne & McDonald, 2013).

However, several peace talks already passed in Syria but still did the involved local actors and the international community not succeed in finding a solution for the ongoing conflict. What started as a revolution in 2011, part of the broader Arab Spring, degenerated in a conflict including local actors, international organisations as well as the major powers who all have their interests at stake. The growing number of actors and thereby the growing complexity has the potential to make this conflict a turning point in international relations and the balance of power. Significant in this case is the disagreement on the international doctrine of ‘Responsibility to Protect’ and the current international interventions despite the dissension on R2P. The main goal of the ICISS was to develop a consensus on when and how it was allowed for states to intervene in another country, a question that became urgent after the genocide in Rwanda and the ethnic cleansing in former Yugoslavia during the 1990s. However, six years of civil war, international interventions and numerous reports on human rights abuse and war crimes later, the United Nations Security Council still fails to reach a consensus to invoke the R2P to legitimate an international coalition to find a solution for the ongoing atrocities (Background information, 2014; UN Security Council

Resolutions, 2016). Sixteen years after ICISS' report giving birth to a new international mechanism, the definition of R2P is still unclear. What is the real content? What is the real purpose of this principle? Even in academic debates, many still wonder what the main conditions are to invoke R2P to legitimate international intervention.

*“To make this point perfectly clear, let’s take the example of a preventive military intervention which is currently ongoing, that being undertaken by the Us-led international alliance, including both European and Arab states, which is currently waging a preventive military intervention against Islamic State (ISIS) targets in Syria and Iraq. Considering the mass atrocities alleged to have been carried out by ISIS forces – as well as the claims that the intervening powers are acting out of humanitarian sensibilities rather than self-interested geo-political concerns and the popular support for the intervention in the countries committing troops and resources – this intervention could easily have been mobilized under the banner of R2P. Why wasn’t it?” (Chandler, 2015)*

The fact that the doctrine of R2P has not been used as legitimizing tool for interventions yet, does not mean many state leaders and high-profile individuals have not mentioned “the responsibility” of the Syrian government and the international community to protect civilians and limit loss and damage. Many Resolutions from the UN Security Council on the Syrian conflict refer to R2P and warn for the disastrous consequences for the Syrian civilians (“UN Security Council Resolutions”, 2016). But the fact that R2P has not been invoked yet, does not mean there have not already a lot of international interventions been taken place. International coalitions, some directed by the United States, have conducted many airstrikes on Islamic State (IS) in different parts of Syria and actively support counter-militia’s and other rebellion groups. Also individual states like Russia, Turkey or Iran are currently active in Syria. It’s clear that many (inter)national interests have to be protected, all by different actors, and that there is not one common goal to achieve. Some may wonder if finding a peaceful solution is the real purpose of interventions and the so-called peace talks.

A theoretical and practical discrepancy is clearly visible. On one hand, there is the will to intervene in conflicts, in many ways and for many reasons. Protection of human rights and prevent mass atrocities is one, but the protection of national and regional interests also. On the other hand, there is the international system, based on state sovereignty, international law and the UN Charter, that collides with the notion of international intervention, except in certain circumstances and when legally justified. Liberal internationalism, as a doctrine of world order promising peace and freedom and used as a strategy by the United States and its Western allies to spread their universalist ideas over the world, thus comes under heavy pressure. This raises the question if today’s complexity of

Syria's conflict might thus be seen as a challenge to liberal internationalism and the global balance of power, which will be examined in this dissertation.

To understand what's going on in Syria's civil war and understand its impact on international relations and political affairs, this thesis is divided into two main parts. The first part is structured to draw a general picture on the different elements involving international interventions and the responsibility of the international community to react on humanitarian emergency situations. To head off, a compact overview of the ongoing conflict will be described. What has happened so far and what are the peaceful measures to end the violence? This will be followed by a theoretical disquisition of international interventionism, its ways and its means. The Responsibility to Protect (R2P) will be explained in the next subchapter, since it's the most influential contemporary international concept on interventionism. The rise of R2P, but also the controversy, the successes and the failures will be mentioned, as well as its role and implementation in Syria since 2011. After this summary on theories, their implementation and implications, the current involvement of parties in the Syrian complexity will be described. In which way do they intervene, what's their perspective on the events and how do they react and interact on this?

The second part of this dissertation is a personal analysis, trying to figure out what the implications and impact on the Syrian impasse mean for the global balance of power and the current world order. The first subchapter will handle liberal internationalism and its importance in international affairs but also the way how this political theory and policy shaped foreign conduct and relations between Western states, former colonies and what is called the Global South. This will be followed by a comprehensive analysis on the foregoing, which will lead to the subjective perspective and personal answer on the question if the Syrian conflict, in which the contrast between ideological ideas, the pursuit of states for international significance and political answers on humanitarian needs causes immense complexity, shows a shift in the global balance of power. Will the world look different when peace in Syria is found or are we running ahead on the facts?

The outcome of this thesis will contribute to a broader debate on the future of the doctrine of liberal internationalism and its world order, discussing the impact of the recently emerged concepts on intervention and the Syrian civil war on the same order. Is liberal internationalism really vanishing, as Dunn and McDonald claimed, and is this evolution reflected in Syria's complexity and impasse? Starting from academic contributions on this topic, theoretical tendencies and empirical data, this thesis will move over in a personal analysis on current global movements and shifts of state power.

# **I. INTERVENTIONISM, THE ‘RESPONSIBILITY TO PROTECT’ AND CURRENT INTERFERENCE IN SYRIA**

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To describe current and past interventions and interference of nation states, international organizations and other parties in the ongoing Syrian conflict, it's necessary to outline the history of events since 2011 until now and appoint some milestones leading to today's complexity. Before heading off, it's important to note that the selection of events and turning points is very subjective, since it's impossible to list every event in a six year timespan and to mention every party and all actors involved in the conflict. The following subchapters contain the information required to draw a general picture, relevant to the purpose of this thesis and distilled from a variety of sources. The used sources are also all subject to subjectivity and describe the events from a certain perspective and for a certain purpose. Pure objectivity in this matter is practical and ideological impossible, though nuance and a critical attitude are necessary.

## **1. A brief summary of events**

Syria's unrest began in March 2011 when protesters took the streets in Damascus demanding the release of several prisoners. Generally peaceful at first, the atmosphere struck when security forces reacted aggressive in Daraa killing several civilians who were holding a "Day of Rage". Soon, the protests turned to anti-governments rallies upon which President Bashar al-Assad decided to deploy the army to suppress the sequence of events. Noteworthy, at this point the United States tightened their sanctions they already opposed to Syria before 2011. In 2002, President of the United States George W. Bush, listed Syria as one of the "axis of evil" for supporting terrorism and in the following years tensions between the two countries rose leading to economic sanctions which were renewed in 2010 ("Syria profile", 2017). Atrocities began in July when hundreds were reported to be killed during mass demonstrations causing the West to call on Assad to step down and the League of Arab States to suspend Syria's membership (Kaphle, 2014). In the meantime, the New Syrian National Council (SNC) was founded meant to unite opposition and activists and the Free Syrian Army. Composed from deserted Syrian soldiers and officers, it began to fight the formal Syrian army.

Early 2012, the first steps were taken to negotiate on peace. As an envoy, former United Nations Secretary General Kofi Annan presented a 6-point plan to end violence in February, while the Security Council discussed a possible resolution on the situation. While Annan's plan, endorsed

as a non-binding UN Presidential Statement, was accepted by Syrian President Assad and opposition forces, the UN Security Council's resolution was vetoed by Russia and China. Part of the 6-point plan was the establishment of a ceasefire, which took effect in April, though occasional fighting continued. The difficulty to end fighting and violence became clear in June when Annan's plan was scrapped following further vetoing of UNSC Resolutions on weapon trades and sales and dangerous situations in certain Syrian areas. The same month, the Geneva Peace Talks took off, organized to arrange a transitional government in Syria, including members of the current regime and members of the opposition. Representatives of all five UNSC permanent members were present but interestingly, no representatives of the Syrian regime and opposition groups participated as well as Iran (Syria's closest ally) and Saudi Arabia (leading backer of opposition groups). However, no solution was found and Annan resigned as an envoy, being replaced by Lakhdar Brahimi, Algerian diplomat, until 2014 (Shaw, 2017). The escalating violence prompted the United Nations to suspend their mission in Syria. International involvement increased when the Syrian army shot down a Turkish jet on the Syria-Turkey border leading to an emergency meeting of the North Atlantic Treaty Organization (NATO) and some escalating tension between the two countries. The longer the conflict evolved, the more it became clear the involvement of international actors was not only in peace talks and negotiations. Rebel forces and the Free Syrian Army became heavily equipped with foreign weapons shifting the advantage against the Syrian regime. The influx of weaponry happened via the Lebanese border and it was assumed they've been provided by Saudi Arabia with support of European countries and the United States, along with Turkey, the United Arab Emirates, Saudi Arabia and Qatar. Although the appearance of anti-tank weapons and recoilless rifles were (and still are) showed by secrecy, the fact that mostly moderate Islamist units and secular forces turned out to be rearmed enforces claims of Western interference, since those countries expressed their concern about the dangers of Islamist groups like Jabhat al-Nusra earlier that year (DeYoung & Sly, 2013). This concern was well founded because in the first half of 2013, the al-Nusra front, an Islamist group linked to Al Qaida, became dominant in some rebel-held areas. In 2016 they changed their name into Jabhat Fateh al-Sham, stressing their affiliation with Al Qaida was ended.

In 2013, the Syrian war reached a new milestone, when France and the United Kingdom accused the Syrian regime for regularly using chemical weapons since December 2012. This claim was repeated in June by the United States concluding chemicals were used against rebel forces. These events made US President Obama, who warned the Syrian regime in August 2012 to not cross the 'red line' of using biological and chemical weapons, to officially support rebels with military aid (CNN Wire Staff, 2012; Kaphle, 2014). Interestingly the 'crossing of the red line' by

the Syrian regime did not lead to an US intervention which visualized the war's complexity, as will be explained further on. On 21 August, the international community was shocked when media reported explicitly about the use of chemical weapons in Ghouta, suburbs of Damascus. The attacks are believed to have killed about 1300 civilians although exact numbers aren't known. The occurrence led UN Secretary General Ban Ki-moon to talk about war crimes and made US President Obama call for a Congress vote on military intervention in Syria. Russia on the other hand proposed Syria to give up and hand over all their chemical ammunition. By the end of October, Syria declared to have destroyed their production facilities for chemical weapons. A few months later, the Geneva II Middle East peace conference was initiated by the United Nations aiming to discuss a transitional government, however no agreement was reached. Despite international efforts to ease the ongoing violence, reports about atrocities continued to appear (Kaphle, 2014).

A new chapter in the Syrian civil war was entered by the end of 2013 and beginning of 2014 with the rise of the Islamic State, also known as ISIS, ISIL or Daesh. On 29 June 2014, the founding of a caliphate, stretching from Aleppo (Syria) to Diyala (Iraq), was announced by Abu Bakr al-Baghdadi, the leader of the Sunni militant terrorist organization. From now on, new perspectives were opened, since international proponents and opponents of Assad, as well as the Syrian regime and some rebel groups themselves, fought a new common enemy. The takeover of Raqqa, Tikrit, Mosul and many other strategic cities, infrastructures and facilities prompted many actors to fight the organization. The United States began airstrikes in 2014 naming their campaign 'Operation Inherent Resolve' while Russia began airstrikes in September 2015, but also other Western and Arab countries became involved in the battle against ISIS and by this in the Syrian tangle (Cameron, 2016). The exact interventions, coalitions, interferences and alliances will be pointed out further in this chapter. Besides the enlarging of the Islamist caliphate, the Islamic State became infamous because of the terror they spread. The murder of minorities, trades in sex slaves, gruesome executions, the vanishing and destroying of cultural heritage but also their influential media campaign and propaganda make them have a significant impact in the world (Issa, 2016).

The ongoing atrocities by the regime's military, rebel groups and jihadist organizations set massive refugee flows in motion. From March 2011, the first refugees entered Lebanon, Turkey, Jordan and other surrounding countries. Early 2012, Kurdish Syrians crossed the Iraqi border and started settling in Iraqi Kurdistan in the north of the country. The following months, a terrific exodus initiated and led to the United Nations High Commissioner for Refugees opening gigantic refugee camps, like Za'atari in Lebanon in the summer of 2012 hosting over 80,000 people. Former UN High Commissioner for Refugees Antonio Guterres, currently Secretary General of

the UN, called the outflow in 2013 the largest one since Rwanda in the mid-1990s. Nearly 6,000 left Syria avoiding the violence making almost 1 in 5 people in Lebanon a Syrian refugee by April 2014. The growing influx of refugees in Europe led to chaotic and disastrous events. Mid-2015, EU leaders held an emergency meeting after refugee tragedies on the Mediterranean Sea. In the second half of 2015, a “refugee crisis” arose in Europe because member states could not find an answer on organizational issues and on the unclarity of responsibility of implementation. The fact that Hungary decided to close their borders while at the same time Germany decided to open theirs, showed the European discord and ideological fragmentation. The absence of a global arrangement and strategy to find solutions on the refugee crisis has tremendous consequences since humanitarian initiatives, by the United Nations World Food Program for example, have to be suspended due to a lack of funds, insecurity during executing those initiatives and broken commitments (“Syrian Refugees”, 2017).

To this date, numerous peace talks were organized trying to assemble the various actors and interests. The League of Arab States, the UN Special Envoy on Syria, Western states and Russia have been the moderators of these conferences. The first one was the Geneva Peace Talks in 2012, meant to establish a transitional government with or without current President Assad. However, some key actor were absent and the conference failed because of the United States kept on insisting on the removal of President Assad and China and Russia vetoed an UNSC resolution to stop fighting. Following the failing of the Geneva Talks and the implementation of then Special Envoy Kofi Annan’s peace plan, Lakhdar Brahimi proposed a new but similar peace plan after being appointed as the new UN-Arab League Special Envoy. However, the intended ceasefire failed too. Early 2013, Syrian President Assad outlined his own ideas to end the violence. A national reconciliation conference, elections and a new constitution had to bring back peace. The condition to only open dialogues with those who did not betray Syria made the plans lost in advance (Shaw, 2017). In January 2014, the Geneva II Peace Talks took place, trying to implement the Geneva Communiqué. This Communiqué was based on Annan’s six-point peace plan. However, at the end of the conference the different sides did not manage to reach an agreement. Lakhdar Brahimi resigned and Secretary-General Ban Ki-moon appointed Italian-Swedish diplomat Staffan de Mistura as the new Special Envoy. De Mistura head off with the Geneva Consultations, organizing 232 meetings to find a political solution. Following these meetings, the Vienna Peace Talks were organized. The first round took place in October with foreign ministers of 20 countries. Together, they stressed the urgency to begin negotiations between the Syrian regime and opposition, which resulted in a second round in November. The participants included the same 20 countries, but also international organizations and the International Syria Support Group (“Intra-Syria talks”, 2017).

This last institution was established during the Vienna Talks and consists of Australia, Canada, China, Egypt, France, Germany, Iran, Iraq, Italy, Japan, Jordan, Lebanon, The Netherlands, Oman, Qatar, Russia, Saudi Arabia, Spain, Turkey, the United Arab Emirates, the United Kingdom, , the United States, the Arab League, the European Union, the Organization of Islamic Cooperation and the United Nations. The ISSG is co-chaired by Russia and the United States (Note to Correspondents, 2016). The transitional plan introduced by the ISSG in December 2015 setting out a timetable for negotiations was endorsed by the UNSC by Resolution 2254. The 2012 Geneva Communiqué and its implementation were also endorsed by this resolution. On the first of February 2016, the Special Envoy announced the start of the Intra-Syrian Talks with the objective to bring the two sides together and start discussions on a transitional government. Over the months several meetings were organized and led to the Geneva IV Peace Talks in February (Intra-Syria talks, 2017). Generally speaking, this most recent meeting was the most successful UN-led conference since cautious rapprochement was made (“Syria talks may surprise”, 2017).

Besides the talking rounds under the direction of the United Nations, other parties also held formal and informal encounters. Russia and Turkey, key players and connected to both sides of the conflict, organized several meetings on Syria in Astana in the fall of 2016. Although being on opposing sides, Ankara and Moscow started to cooperate more often and are currently implementing a policy of rapprochement to each other. Together, they agreed on a ceasefire in the city of Aleppo and formed a foundation for further negotiations (Agence France-Presse, 2016). These began at the end of January 2017, also in Astana and coordinated by Russia, Turkey and also Iran. The choice for the Kazakh capital was made because of its neutrality by all parties (Pasaylo, 2017). Unlike previous peace talks, the negotiations were attended by a military delegation representing the opposition while during UN-brokered peace talks the opposition was represented by Syrians living in exile, leading to less successful outcomes. Many analysts and media argue that the Astana Peace Talks could be a turning point, since parties have effectively come to talking terms and are dedicated to guarantee possible agreements. Weighty absentees were the United States, only represented by the US ambassador to Kazakhstan as an observer, and the PYD, the pro-Kurdish Democratic Union Party (Collins & Tahhan, 2017). In March 2017, the third Astana-round was organized leading to Iran become a guarantor state next to Turkey and Russia (Intra-Syria talks, 2017). The necessarily implementation and enforcement of a ceasefire and also the need to end violence was reaffirmed and participating countries stressed the compatibility of the Astana-talks and Geneva-talks (Orazgaliyeva, 2017).

## 2. Interventionism and its ways and means

### 2.1 *Interventionism and sovereignty: conflicting concepts*

In an 1999 article on interventionism and international law in Foreign Affairs, Michael J. Glennon asked himself the question how long-term consequences of interventionism best can be reviewed. “*Would it be better to rethink collectively and comprehensively when intervention ought to be expected, rather than to make decisions on the fly in a melee of international violence?*” This remark fits in the debate on when intervention is allowed and what intervention does contain. To formulate a comprehensive answer on this matter, the elements defining interventionism must first be clarified laying the foundation for further research. According to the online Merriam-Webster dictionary, interventionism means “*governmental interference in economic affairs at home or in political affairs of another country*”. Thus in international affairs, intervening by a certain state might be carried out in different ways, as long as it effects the political affairs of the targeted country. The action taken might include the use of force, however it’s not an inherent part of intervention. *Peaceful and diplomatic interventions* are also substantial instruments to influence certain events and evolutions in international relations. As military interventions are mostly endorsed by the United Nations Security Council, except during unilateral initiatives, *economic intervention* does not demand international approval. The imposition of sanctions and boycott of trade flows, financially as well as the flow of goods, can be arranged by a single or a cluster of states. International financial institutions can also choose for a policy to intervene, for example to impose a certain degree of market liberalization to a state. In this case, we talk about coercive acts of intervention (Pugh, 2009). Some consider Structural Adjustment Policies, consisting of loans granted by the Bretton Woods institutes after which borrowing states have to implement certain policies and market conditionalities, as globalization imperatives and thus forms of international intervention (Conteh-Morgan, 2001). As mentioned previously, non-violent interventions can also be established through preventive diplomacy and deployment, through the use of ‘peace teams’, humanitarian relief work and mediation by United Nations officials or other international institutions. These peaceful settlements always sound promising, but as M. C. Pugh (2009) mentioned, this assumption is contested by “*its failure to distinguish the voluntary surrender of political autonomy from forcible challenges to domestic jurisdiction*”, which brings us to the controversial debate on the biased dichotomous and allegedly incompatible concepts of state sovereignty and international intervention.

The Peace of Westphalia, signed in 1648 to end the Thirty Years’ War and the Eighty Years’ War in Europe, gave birth to the so-called Westphalian Sovereignty, a principle in international law

stating that each nation-state is sovereign in their territory and domestic affairs, which implicates the prohibition for other states to interfere. The Westphalian model thus seems to be irreconcilably with international intervention (Conteh-Morgan, 2001). However, the extraordinary violence in modern conflicts and the military power and influence of certain – mostly Western – states stresses the needs of *military intervention*. The paradox often confronted with is the distinction and separation of *legality* and *legitimacy*, making the decision by states to intervene very hard, especially since they're bound to international law. The use of armed force, trespassing domestic jurisdiction or the possible absence of legal authority for military intervention have dramatic implications since jurisdictional boundaries are crossed and relations are affected (Pugh, 2009). Nevertheless, new questions arise about the nature of military intervention. Are military aid and support to opposition groups and rebels considered as violating sovereignty? Are engaging in peacekeeping operations or humanitarian relief considered as intervention? Nowadays, there seems to be consensus on the legitimacy of military intervention, when its authorized by regional organizations, the Security Council or the broad international community (Conteh-Morgan, 2001).

## 2.2 *Humanitarian interventionism*

The controversy surrounding sovereignty, international intervention and the failing by the international community to respond adequately, effectively and unanimously on mass abuses, atrocities, genocides and war crimes, led to the debate and rise of 'humanitarian intervention' at the end of the 1990's. The nature of the post-Cold War era caused academic and political debates on the moral grounds of military intervention for humanitarian reasons, questioning the dilemma who has the right to intervene and on what conditions. Although humanitarian interventions can also occur in non-military ways, for example through relief workers, it's mostly identified as military action nowadays (Tirman, 2004). This is contradictory to the UN Charter which does not mention humanitarian intervention as a measure to solve humanitarian crises, neither it makes notion of peacekeeping. Both concepts were designed ad hoc for instance during the Korean War in the early 50's. But is it possible to implement the concept of humanitarian intervention in international law? In 1999 NATO intervened, without UN Security Council authorization, in Kosovo and in 2000 British Special Forces carried out an intervention to save five British soldiers who were part of the UN Peacekeeping Mission but were held hostage by a militia. Those two cases both might be justified by the argument of peacekeeping or 'peace support', an euphemism for 'pacification', although they violated jurisdictional boundaries and international law (Tirman, 2004). So on what provision is intervention legit? Who's authorized and who will control the right and limited use of force? And even more, what distinguishes the idea of 'humanitarian

intervention' from other forms of intervention? What is the humanitarian purpose? The focus on military action as the most proper way to respond on humanitarian needs often excludes poverty, famine and other humanitarian emergencies, caused by ideologically based convictions (Tirman, 2004). How does the international community have to respond on such cases, and when push comes to shove, do they? In an article published in Focus on the Global South, Walden Bello, as political analyst and activist, defines humanitarian intervention as "*military action taken to prevent or terminate violations of human rights that is directed at and is carried without the consent of a sovereign government*". Furthermore, he claims intervention legitimated by humanitarian needs became controversial, especially in the South after experiences in Afghanistan and Iraq and many other cases. Geopolitics as driving force, increasing human rights violations and violations of sovereignty causes distrust and contumacy in many countries (Bello, 2006). The small line of demarcation, separating national interests, humanitarian needs, international law, emotional repercussions and eventually intervention, is quickly exceeded. The need for international standards, principles and guidelines on how and when to intervene took a new turn by the new millennium. Many international mechanisms and ideas, justifying (humanitarian) interventions, shaped the international relations and political decision making in the past, but none of them has been subject of discussions and questions as much as the 'Responsibility to Protect' (R2P).

### **3. The 'Responsibility to Protect': its rise and controversy**

#### *3.1 A short history*

In 2001 the ICISS, set up by the Canadian government, published their report addressing the question when and how the international community has to intervene in conflicts threatening civilians and human rights. The matter became urgent after the Security Council failed to react in a collective manner on the ongoing atrocities in Rwanda and former Yugoslavia. Kofi Annan, then Secretary-General of the United Nations, stated in his Millennium Report of 2000: "*If humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how we respond to a Rwanda, to a Srebrenica, to gross and systematic violation of human rights that offend every precept of our common humanity?*" (Background information, 2014).

The outcome of the ICISS was a report named 'The Responsibility to Protect', wherein they made clear it's the State's primary responsibility to keep people within their borders safe but that it's also a right for a State to control its domestic affairs. If a state is not able to protect its

people, the international community has the responsibility to react and intervene (Background information, 2014). The ICISS report proposed three elements where R2P had to be constructed upon, three specific responsibilities to protect civilians. The first one was ‘the responsibility to prevent’, where the international society has the responsibility to address the causes, both rooted and direct, and other decisions made by men that indicate a risk for the population. The second one was ‘the responsibility to react’, by which the international community has to respond with appropriate measures selected from a wide range of possibilities. Economic sanctions and international prosecution, but ultimately also military interventions are coercive actions. The third element was ‘the responsibility to rebuild’. This embraces the urge and duty, especially after a military intervention, to assist in recovery, reconciliation and rebuilding. Although the report describes ‘the responsibility to prevent’ as ‘the single most important dimension of the responsibility to protect’, the first basic principle is that state sovereignty implies responsibility and thereby the state itself has the primary responsibility to protect its population. When the state fails to protect the population and the people are suffering serious harm, ‘the principle of non-intervention yields to the international responsibility to protect’ (International Commission, 2001).

One of the most critical and divisive elements in the report was military intervention, as part of the responsibility to react. The importance to describe the right ‘just cause threshold’, ‘the precautionary principles’, ‘the right authority’ and ‘operational principles’ is reflected in the volume this subject got in the report, a fact Alex Bellamy also noticed. ‘Despite protestations to the contrary, the ICISS report was indeed primarily concerned with humanitarian intervention’, seen in the number of pages the report dedicated to the question of intervention (32 pages), compared to 9 pages addressing the responsibility to prevent. A remarkable fact whereas the report describes prevention as the single most important dimension (Bellamy, 2010). The ICISS discerned four precautionary principles other states have to abide before military intervention. The first principle is *right intention*, where the goal of intervention must be to halt further human suffering. *Last resort* is the second principle, every non-military option must be explored and exercised ‘with reasonable grounds for believing lesser measures would not have succeeded’. *Proportional means* is necessary to frame the military intervention and to limit the action in duration, intensity and scale. The objective is to secure the defined civilian protection and military intervention must be limited to the minimum to achieve this purpose. At last, by the principle of *reasonable prospects*, any military intervention can only be right if there is ‘a reasonable chance of success in halting or averting the suffering which has justified the intervention, with the consequences of action not likely to be worse than the consequences of inaction’ (International Commission, 2001).

The most important achievement of this report was the reframing of the debate to a wider continuum. Kofi Annan went further with his efforts to find basic criteria that would legitimize an intervention by the United Nations Security Council, and therefore created the High-level Panel on Threats, Challenges and Change. The outcome of this High-level Panel, a list of proposed criteria, was included in “*In Larger Freedoms, Towards Security, Development and Human Rights for All*”, the five-year progress report presented in 2005 on the implementation of the Millennium Declaration. During the United Nations World Summit in September 2005, on the sixtieth anniversary of the UN, member states agreed with the responsibility of a State to prevent genocide, war crimes, ethnic cleansing and crimes against humanity, and thereby protect its population. However, although the Outcome Document from the World Summit did not differentiate that much from the original *ICISS report*, some remarkable changes and nuances were made. In this way, the *Outcome Document* was less comprehensive than the *ICISS* intended, tied to already existing international legal norms. The negotiations and discussions leading up to the World Summit, meant a revision of the original R2P-concept’s meaning but also the only possible way to reach a global consensus. Only, can we really talk about a consensus concerning the ways and means of R2P? As will be described in the next subchapter, the meaning, commitments and principles of R2P still are very ambiguous, forcing governments and academics to discuss the concept in relation to specific crises (Bellamy, 2010). The 2005 *Outcome Document* is considered to have the highest authority of all R2P-publications which means all references by governments, regional organizations and the UNSC on R2P are based on this document rather than the initial *ICISS* report. The vague form and content, but also the absence of clearly defined criteria also proves the lack of agreement concerning the meaning of R2P (Kantareva, 2011).

Ban Ki-moon, UN Secretary-General since 2007 following Kofi Annan, issued a report entitled “*Implementing the Responsibility to Protect*”, as an attempt to move the R2P’s concept into a global policy and implement R2P within the UN system. The strategy outlined in this report, based on the Outcome Document of 2005, is based on three pillars (About R2P, 2017):

Pillar One: Every state has the Responsibility to Protect its populations from four mass atrocity crimes: genocide, war crimes, crimes against humanity and ethnic cleansing.

Pillar Two: The wider international community has the responsibility to encourage and assist individual states in meeting that responsibility.

Pillar Three: If a state is manifestly failing to protect its populations, the international community must be prepared to take appropriate collective action, in a timely and decisive manner and in accordance with the UN charter.

In July 2009 during the subsequent General Assembly meeting, Ban Ki-Moon gained much support for his focus on prevention and capacity building as the basis for implementation of R2P. Ban's strong will for implementation came as no surprise, as he said after his appointment as Secretary-General 'to spare no effort to operationalize the responsibility to protect' (Orford, 2011). The 2009 report can be seen as a significant step forwards, since it outlined the need 'not to reinterpret or renegotiate the conclusions of the World Summit but to find ways of implementing its decisions in a fully faithful and consistent manner' and presented a range of measures for doing so (Bellamy, 2010; United Nations General Assembly, 2009). During the General Assembly's debate in July 2009 on Ban's report and the following consensus resolution (A/RES/63/308), member states reaffirmed the 2005 commitments (About R2P, 2017). In 2008, Edward Luck was appointed as the Special Adviser on the Responsibility to Protect by the Secretary-General (succeeded in June 2013 by Jennifer Welsh), given the task to further develop and refine the concept and provide a forum for dialogue between member states and other stakeholder for implementation of elaboration of R2P (Background Information, 2014). Since 2009, the Secretary-General released reports on the Responsibility to Protect on an annually base, to guide the debates of the General Assembly Informal Interactive Dialogue (About R2P, 2017).

### *3.2 R2P: subject to critic in many ways and forms*

The United Nations General Assembly may have reaffirmed R2P in 2009 and started the process for implementing the concept in global policy, but that does not mean the significance and purpose is clear. What are the underlying implications for international relations and conflict-solving? Can we talk about a new moral milestone in handling humanitarian catastrophes and if so, is R2P the new 'international norm' to deal with such situations? Also, the vague and ambiguous description and criteria are subject to numerous discussions and debates, in governmental circuits and academic research.

In the run-up to the 2005 World Summit, many expected a lot of controversies since R2P, the way Secretary-General Kofi Annan proposed, was heavily associated with human rights and humanitarian intervention. Disagreement rose about the specific decision making role of the Security Council and the veto power of the permanent members, as a way to constrain Western neo-imperialism and interventionism, but also about the criteria for intervention and the fear it would become a legitimation tool for Western interference, a concern publicly stressed by India. Annan's proposition for strict criteria on intervention, based on the High-level Panel's report, received strong opposition by UNSC member states, especially the United States, China and Russia.

Transparency and accountability in the Security Council was not warmly welcomed (Bellamy, 2010). Even drafting the 2009 General Assembly resolution was conceived with resistance. Many expressed caution, facing the fact a resolution could weaken the 2005 agreement and so the initial principle and meaning of the concept. Miguel d'Escoto Brockmann, Nicaraguan diplomat and then President of the UN General Assembly, tried to persuade other member states to take a critical stance against R2P and even attempted to block the discussion from the General Assembly agenda. Eventually, the General Assembly debate reached a broad consensus, following the Secretary-General's approach on R2P. Only four member states, Cuba, Venezuela, Sudan and Nicaragua, called for renegotiations. Although the 'three pillars'-procedure gained overwhelming support, six key points were stressed by national governments from Asia, Africa and Latin-America, as the way they understood R2P, respectively that (1) *the R2P is a universal principle that should be applied equally and fairly in a non-selective fashion*, (2) *the R2P lies first and foremost with the state*, (3) *the R2P applies only to the four specified crimes and their prevention*, (4) *the R2P must be implemented and exercised in a manner consistent with international law and the UN Charter*, (5) *measures related to R2P's third pillar include more than simply coercion or the use of force* and (6) *prevention is the most important element of the R2P* (Bellamy, 2010). Illicit and exorbitantly Western interference in other states' sovereignty and domestic affairs, based on allegedly humanitarian motives and legitimated by the Responsibility to Protect, seemed to be the consequence they wanted to avoid the most. In advance of 2009 General Assembly Debates on Responsibility to Protect, Noam Chomsky expressed his concern for the abuse of the R2P by powerful states, more specifically the five permanent members of the Security Council, seeking to engage in unilateral military action under the pretext of 'humanitarian intervention' (Chomsky, 2009).

David Chandler, professor of International Relations at the University of Westminster, London, even concludes in that "*the separation between the R2P and the use of coercive force continued the shift of focus of the ICISS report; moving further away from a Western state responsibility to intervene and instead towards an emphasis on the responsibilities of the 'failing' state*" (Chandler, 2009). By this, Chandler means and makes clear that the initial purpose of R2P, preventing mass atrocities, appears to be shifted towards a new understanding of 'the right for humanitarian intervention'. Framed in the institutionalist perspective of R2P, he distinguishes the evasion of Western responsibility before and after intervention both conceptually and institutionally. Responsibility to Protect as a concept denies the economic, social and political implications of Western intervention in developing or post-colonial states. Institutionally, the direct responsibility for Western states before and after responding on crisis situations is substituted by policy mechanisms, specifically by the UN Security Council. Operationalizing the R2P therefore also demands a bottom-up approach, gathering all

humanitarian actors involved, directly and indirectly, in the conflict (Ramesh & Weiss, 2009). The current understanding of R2P means a shift away from the direct Western responsibility towards indirect Western commitment responding on crises situations (Chandler, 2010).

### 3.3 *R2P and the controversy of its underlying components and sense*

Even Chandler's previous distinction of R2P has never been fully clear and widely accepted. Gareth Evans, co-chair of the International Commission on Intervention and State Sovereignty and later member of the UN Secretary General's High Level Panel on Threats, Challenges and Change, argued in 2008 that establishing and implementing R2P involves three challenges to turn 'the idea' into 'a practice'. Conceptual defining, institutional framing and political will are necessary to give meaning, weight and relevance to R2P (Evans, 2009). This observation is striking, given the fact the ICISS report was published in 2001 and the UN Member States endorsed 'the responsibility to protect', as formulated in Kofi Annan's *'In larger Freedom'* publication during the 2005 World Summit.

Alex J. Bellamy argues in his 2009 publication *'Responsibility to protect: the global effort to end mass atrocities'* that "*most governments refer to the R2P as a concept*" by which they mean it's rather an idea than a norm. This way, the Chinese government, for example, argued in 2007 that there's no agreement on the operationalization or no agreed norm or principle, thus Bellamy. By labelling R2P as a 'principle', Bellamy claims this implies common understanding and broad consensus legitimizing further action by the international community. However, this does not mean it gives the ability to challenge the Westphalia-principle of 'state sovereignty' and so territorial integrity (Bellamy, 2009). This questions the international behavior for the future, because does R2P has the potential of altering the meaning of sovereignty itself or will the 'idea' rest in the shadow of non-intervention and integrity of the state sovereignty? Currently, R2P is still floating between theory and practice, between consensus and dissension, between being an elaborated 'idea' and becoming an international 'norm'. Especially this last theorem is a challenge, as for being significant and becoming a 'norm' the meaning of R2P has to be widely supported, conceptually, institutionally as well fundamentally, by governments, non-governmental organizations (NGOs), multilateral institutions and other interest groups.

So, how does 'an idea' become 'a norm'? When does 'a concept' transform into a globally accepted 'principle'? Would the 'responsibility to protect' as a norm mean the international community has the responsibility to intervene as a reaction on mass atrocities or does it first and foremost mean a state has the responsibility to protect its population? In this regard, David

Chandler indicates the R2P was primarily clarified as a moral principle and normative duty for a sovereign state to protect its own citizens (Chandler, 2009). A first indication for a normative discourse might be the fact R2P has become part of the official dialogues and negotiations between governments, commissions and international organizations. Egypt, Russia and India have all used Responsibility to Protect as a tool to legitimize intervention (military as well diplomatic) in respectively Gaza, Georgia and Sri Lanka, although they initially were skeptical about the whole idea (Bellamy, 2010). However, the unclarity and indeterminacy of the 'third pillar' strengthens the unwillingness and inability for politicians to involve and respond on humanitarian crises. There is no clear guideline telling what to do in any specific case, which complicates the implementation and legal use of R2P in practice. The vagueness of the third pillar in relation to the first one makes it difficult to approach R2P as a norm, since 'a norm' indicates "*collective understandings of the proper behavior of actors*" (Bellamy, 2009). Contrasting, the UN High-level Panel on Threats, Challenges and Change endorsed in their 2004 report "*the emerging norm that there is a collective international responsibility to protect, exercisable by the Security Council authorizing military intervention as a last resort, in the event of genocide and other large-scale killing, ethnic cleansing or serious violations of international humanitarian law which sovereign Governments have proved powerless or unwilling to prevent*" (United Nations, 2004). This dichotomy emphasizes the fact that the gaping cleft between theory and practice and between idealistic desire and political reality has not been closed yet.

Accordingly to Anne Orford, a second indication to mark R2P as a new international norm is the proposition that "*the concept should be understood as normative in the former sense of providing legal authorization for certain kinds of activities*". This does not mean it's a form of law which implies certain duties. The legal value is the allocation of jurisdiction granting power in a more public nature and thus becoming part of the broader international legal tradition. The incorporation of R2P and the conferred privilege on decision-making to the United Nations Security Council thus makes the concept a new norm in juridical dealing on international affairs (Orford, 2011). This upshot is partly contradicted by Carsten Stahn, arguing in '*The Responsibility to Protect: Political Rhetoric or Emerging Legal Norm?*' that the R2P is "*still a political catchword rather than a legal norm*". To become an organizing *principle* for the international community and legal affairs, concretizing and materializing by states and governments is necessary (Stahn, 2007). This last observation is shared by the Working Group on the Responsibility to Protect, established by the United States Institute of Peace (USIP), the United States Holocaust Memorial Museum and the Brookings Institution. Purpose of the Working Group is to create a broader understanding of R2P and to influence US decision makers by identifying concrete cases and thus formulate suggestions on implementing the doctrine in foreign policy. They conclude the R2P's implementation may know some obstacles, yet it's not impossible

to overcome these hurdles. “*An improved U.S. structure for implementing R2P is vital, but so too are international measures. No country acting alone has the resources, information, or authority to fulfill more than a modest portion of what R2P requires. Accordingly, U.S. officials should consult regularly with other governments and international NGOs to share information and coordinate policies and actions.* (Albright & Williamson, 2013)”. Crucial in the evolution is to not let R2P become a new framework for international and philosophical debates rather than a true guide for action, as expressed in the Working Group’s conclusion. Furthermore, early warning and prevention are identified as the *norm*’s key components. This strengthens their belief R2P is, or at least should be, an emerging norm in international affairs.

Although the Responsibility to Protect has come a long way since the ‘birth’ of the idea, its final form and significance is not fully clear. Its fast rise, marked by four milestones (the ICISS report in 2001, the High-level Panel on Threats, Challenges and Change report in 2004, the World Summit Outcome Document in 2005 and the reaffirming by the General Assembly of Kofi Annan’s *In larger Freedom* publication in 2009), has not resulted in common understanding, global consensus and binding international law yet (Pupparo, 2015). Therefore, it would be premature to define R2P as an international standard and use the doctrine as a normative guideline in justifying international humanitarian intervention. As Carsten Stahn (2007) concludes: “*The concept of responsibility to protect may gradually replace the doctrine of humanitarian intervention in the course of the twenty-first century. [...] Further fine-tuning and commitment by states will be required for it to develop into an organizing principle for international society.*”

### 3.4 *The quest for further development of R2P: ‘Responsibility while Protecting’*

In September 2011 following the intervention by NATO in Libya, then Brazilian President Dilma Rousseff introduced the concept of ‘Responsibility while Protecting’ (RwP) to the United Nations General Assembly. The proposition on this new approach followed the concern about military measures in response to humanitarian crises situations, assuming prevention should be the primary policy and military response should be monitored and minimized to effect on civilians (The Crisis in Syria Turns Four, 2015). Following this proposal, the Permanent Mission of Brazil organized an informal meeting and discussion on 21 February 2012, co-chaired by Brazil’s Minister of External Relations Ambassador Antonio de Aguiar Patriota and UN Special Adviser for the Responsibility to Protect Edward Luck. Several Member States, NGOs and civil organizations attended the meeting and gave remarks. Soon it was clear the R2P, as defined during the 2005 World Summit, wouldn’t be renegotiated but RwP would function as a possible improvement for

R2P's implementation in practice (United Nations Informal Discussion, 2012). Special Adviser Edward Luck (2012) therefore reminded the attendees in his opening statement of the necessity to first “[...] *sharpen all of the instruments for implementing the Responsibility to Protect. All of the tools of Chapters VI, VII, or VIII of the Charter - whether diplomatic, political, economic, or military - need to be wielded responsibly. As I have said many times, we must take care to do no harm in the name of doing good.*”

Similar remarks were made by Gareth Evans (2012), noting that running through all three pillars is indispensable to prevent further escalation of violence and to ensure enhancement of implementation, so not only to focus on the military force. Furthermore, Evans acknowledges Brazil's initiative as questioning the UN Security Council methods and legitimation, rather than R2P's flaws and legal base itself. The International Coalition for the Responsibility to Protect (ICRtoP) added in a statement (2012) that “*discussions on ‘responsibility while protecting’ can provide a forum for actors at the local, national, regional and international levels to engage in dialogue on the broad range of tools within the RtoP framework and assess best practices in preventing and responding to the threat of mass atrocities*”, but on the other hand they emphasize, in contrast to Evans, that “*the chronological sequencing of the three pillars would risk impeding timely and decisive action by limiting the array and flexibility of measures available and establishing required actions to be taken regardless of the needs of those under threat of mass atrocities*”.

Although ‘Responsibility while Protecting’ did never become a new international doctrine or an extension on already existing concepts, its significance was stressed by Secretary-General Ban Ki-moon in his 2012 report ‘*Responsibility to protect: timely and decisive response*’. RWP requires a right judgment on conflict situations, neutral identification of atrocities and understanding what is happening, by which preventive action is essential to avoid escalation and further human suffering. However, the report recognises the controversial role and methods of the UNSC, especially after the military intervention, legitimized by R2P, in Libya as we'll see in the next subchapter. Yet Ban Ki-moon also notices that the international community should learn from previous events and allow the Security Council to determine which course of action is appropriate in specific situations. Final, he considered Brazil's ‘Responsibility while Protecting’ initiative to be valuable because of the useful pathway it provides for pursuing further debates and taking different perspectives in account (International Coalition, 2012).

### 3.5 *The ‘third pillar’ in practice: R2P in Libya*

The violence accompanying the uprising of the ‘Arab spring’ late 2010 and early 2011 had their effect on the practical impact of R2P also, especially since extreme governmental violence

and mass civilian casualties in Libya legitimized the real first international military intervention, motivated by the Responsibility to Protect. The fact the United Nations Security Council agreed to authorize an international coalition to intervene for humanitarian purposes, without assent of the sovereign Libyan government, makes this situation even more unique (Kersavage, 2014). However, the Libyan case wasn't the first time the UNSC invoked R2P to prevent mass atrocities. In 2007, the outbreak of ethnic violence following presidential elections in Kenya led to the killing of 1,200 people and the displacement of more than 600,000 people. Immediate diplomatic intervention by UN Secretary-General Kofi Annan, supported by the African Union (AU) and the Security Council, tempered tensions and averted further atrocities. Ethnic origins and thereto linked tensions still deeply divide the Kenyan society many years later, though 'pillar two' as endorsed during the 2005 World Summit showed military intervention is not the only possible solution. Peaceful measures were also adopted in the Republic of Côte d'Ivoire in 2010. Again, dispute over the results of the presidential election originated in violence between opposition groups loyal to candidate Alassane Ouattara and supporters of incumbent president Laurent Gbagbo. A coalition, including the United Nations, the Economic Community of West African States (ECOWAS) and the African Union, explicitly invoked R2P to impose international sanctions. The alliance of regional organizations and major powers (like France) led to the restoration of peace and the prosecution of Laurent Gbagbo at the International Criminal Court in The Hague (Albright & Williamson, 2013).

When the League of Arab States explicitly asked the United Nations Security Council to intervene in Libya's ongoing conflict, it became almost unavoidable that international military intervention would be executed. The abstinence of Russia and China during the UNSC vote on Resolution 1973 on 17 March 2011, rather than vetoing it, paved the way for NATO to authorize a no-fly zone and take "necessary measures" via military force (United Nations Security Council, 2011). Brazil, Germany and India also distinguished themselves by not voting, whereby ten out of fifteen Security Council Member States favored Resolution 1973. Besides this, the BRIC countries (Brazil, Russia, India and China) called for a peaceful settlement warning for the tedious side effects of military intervention and the African Union even proposed a roadmap for peace in Libya ("The Crisis in Syria Turns Four", 2015). Commenting on the endorsement of the Resolution, Secretary-General Ban Ki-moon called for an immediate cease-fire and expected a timely and effective response. The outcome of the voting was also heavily supported by the Office of the UN High Commissioner for Human Rights (OHCHR) and the UN High Commissioner for Refugees (UNHCR), given the atrocities and many fugitives that fled the country (UN News Centre, 2011). Thus, one might assume the Resolution gained wide support. But in his 2012 report '*Responsibility*

*to protect: timely and decisive response*’, Ban Ki-moon mentioned that “*the Security Council decided to authorize the use of force after most of its members had come to the conclusion that a series of peaceful measures had proven inadequate. Some Member States, however, have contended that non-coercive measures were not given sufficient time to demonstrate results in Libya*”. Ban’s statement is interesting, certainly when its placed in the light of earlier discussions about the legitimization and methods of the Security Council within the implementation of R2P in international affairs and the role, weight and importance of the so-called ‘three pillars’. It’s for this reason then Brazilian President Dilma Rousseff proposed the concept of ‘Responsibility while Protecting’ as an extension on R2P.

In the aftermath of the NATO-led intervention in Libya, the practice and effectively of R2P obviously became a highly debated issue. Obviously, because of the controversy the doctrine caused in its first decade but even more because of the post-intervention circumstances in Libya itself. Violent instability, caused by a civil war between loyalists of former national leader Colonel Muammar Gaddafi and the National Transitional Council, the *de facto* government after the civil war supported by NATO, tortured the country and its surroundings (Brockmeier, Stuenkel & Touringho, 2016a). Scholars, policy makers and civil society organizations wondered if the P3, the three Western Permanent Members of the Security Council (France, United Kingdom and the United States), went beyond their UNSC-granted mandate, considering if they took the right measures, and if they hadn’t a hidden political agenda. Even more, many agree the real challenge for the international coalition arose after the violence (The Crisis in Syria Turns Four, 2015). NATO’s intervention in Libya functioned as a test-cast and example for the international community on how to properly implement R2P in practice but also for intervening states to find out what’s commonly acceptable. A few important lessons were learned.

First of all, Amnesty International and Human Rights Watch impeached the coalition of killing many civilians by airstrikes. Independent inquiry into the whole operation was called by NATO Watch, a think-tank analyzing NATO’s actions and impact, and the ICC’s Chief Prosecutor, Louis Moreno-Ocampo, announced the institution was going to be investigate the accusations. Formal and legal research on civilian casualties was considered to be a highly necessary consequence, regarding the concern of many countries about the use of armed force in implementing R2P (The Crisis in Syria Turns Four, 2015). However in 2012, the International Commission of Inquiry on Libya, mandated in by the UN Human Rights Council, announced that NATO “*conducted a highly precise campaign with a demonstrable determination to avoid civilian casualties*” (Human Rights Council, 2012). This international response warns future intervening states their steps and measures are closely watched.

Second, as mentioned above, many states reasonably believed NATO overstepped the UNSC boundaries and misused their mandate in pursuing regime change. Rather than offering protection for civilians, their real goal was to overthrow Gaddafi's regime (The Crisis in Syria Turns Four, 2015). Discussions about the absence of clear guidelines and criteria in the 2005 World Summit Outcome Document regarding the use of military force for international intervention and the implementation of R2P, which was initially presented in the 2001 ICISS report, resurfaced during post-intervention debates and marks the importance and relevancy of Brazil's 'Responsibility while Protecting' proposal. The ongoing debate on R2P's ways and means are thus far from over, announcing heated discussions on when and how to intervene and the rights and duties of the intervening power. The need of the establishment of an independent monitoring mechanism will maintain proper scrutiny over the granted mandate (Evans, 2012).

Third, Libya showed the international society that the 'Responsibility to Protect' lasts longer than the use of force. Capacity-building after the conflict is needed in order to prevent violence to erupt again. The initial ICISS report addressed three key elements R2P had to be built upon, whereof the 'responsibility to rebuild' was the third one and also the only one absent in Libya. The installation of sustainable governmental institutions and the creation of a lasting capacity to enforce peace and stability never happened (International Coalition, n.d.). The necessity of avoiding troubling political, ideological and social post-intervention situations, as currently still keeping the country in a tight grip, characterizes the long way debates on R2P still have to go. The actual responsibility of the international community once rebuilding and reconciliation begins demands further honest and genuine discussion about the long term costs and benefits of humanitarian intervention (Foust, 2012).

It's an understatement Libya's civil war and subsequent international intervention had a significant impact on R2P's implementation in international affairs, its so-called norms, ways and means and the doctrine's future application. Not at least in Syria, as the next subchapter will indicate. Mistrust in the Security Council and the blockage it poses gave rise to statements as like the Syrian population paying the highest price for Libya's intervention. Although severely criticized, it's hard to say Libya was the deathblow for the 'Responsibility to Protect' neither it marked a clear victory for the doctrine's norms and principles. The added value can be distinguished in the controversy and international debates it created regarding the use of armed force, the given mandates, the role of the UNSC and the monitoring mechanisms, during as well as after a military intervention. Therefore, suspicious minds, skeptical opinions and optimistic voices all contribute to a further debate on the utility and effectiveness of R2P (Brockmeier, Stuenkel & Tourinho, 2016b). The events in Libya might be seen as a missed chance to fully and definitive anchor the

'Responsibility to Protect' in international legal affairs and behavior, but as David Chandler (2015) points out: "[...] *the Libya intervention was the first success for the R2P and in being its first full and successful adoption it reveals the 'structural limitations', which are inherent to the doctrine*".

### 3.6 *Syria: R2P as a failure of international cooperation and the Security Council?*

Despite the annual reports of the Secretary-General on the implementation of R2P, much progress has not been made which is remarkable considered the world has known many conflicts since 2005. Some could wonder if the ultimate implementation of R2P has clearly failed in global policy and as a way to respond on humanitarian crises. In the General Assembly's 2009 report '*Implementing the Responsibility to Protect*', Ban Ki-moon stressed the following text, from chapter "The way forward":

*"Indeed, it would be counterproductive, and possibly even destructive, to try to revisit the negotiations that led to the provisions of paragraphs 138 and 139 of the Summit Outcome. Those provisions represent a remarkably good outcome, which will well serve the ultimate purpose of the responsibility to protect: to save lives by preventing the most egregious mass violations of human rights, while reinforcing the letter and spirit of the Charter and the abiding principles of responsible sovereignty."*

Paragraphs 138 and 139 of the 2005 World Summit Outcome Document may be vague and ambiguous in formulating the right action for specific cases and situations, but the purpose is clear, which is the responsibility of each individual state to protect their civilians from genocide, war crimes, ethnic cleansing and crimes against humanity. Furthermore, paragraph 139 literally says (United Nations General Assembly, 2005):

*"In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity."*

In Libya, crimes against humanity and governmental cruelties against the population lead to the endorsement of UNSC Resolution 1973 and the permission for international intervention. However, since 2011 over 456,000 people were killed in Syria by governmental force or rebellious groups and according to the UN Office for the Coordination of Humanitarian Affairs (OCHA) the conflict led to 5 million refugees and at least 6,3 million people are internally displaced causing

an immense humanitarian crises, exceeding Libya's massacres (Streitfeldt-Hall, 2017). Although several high-profiled people, panels and institutions called for coercive action, peaceful or military, since the uprising of violence, intervention legitimized by R2P still has not been invoked yet. In 2012, Secretary-General Ban Ki-moon addressed the Security Council and the international community numerous times about the need for a political solution. The UN Human Rights Council condemned the atrocities and human right violations and the UN High Commissioner for Human Rights suggested to bring the Syrian situation to the International Criminal Court (Background Information, 2014). On 18 December 2012, Adama Dieng, UN Special Adviser of the Secretary-General on the Prevention of Genocide, declared in a statement: "*The Government of Syria is manifestly failing to protect its populations. The international community must act on the commitment made by all Heads of State and Government at the 2005 World Summit to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, including their incitement.*"

Generally speaking, there is an international consensus that the Syrian government, but also other involved parties, are not able to protect the Syrian population against human suffering, war crimes and other atrocities. This is demonstrated in many Resolutions passed by the Security Council and Presidential Statements reflecting the Council's position. However, the problem is that those Resolutions and Statements are all limited to condemning governmental violence and brutalities committed by opposition groups. The latest formal Resolution adopted by the UNSC on 21 December 2016 (S/RES/2332) reaffirmed "*the primary responsibility of the Syrian authorities to protect the population in Syria and, reiterating that parties to armed conflict must take all feasible steps to protect civilians [...]*". Also, they expressed their concern on the failed implementations of previous resolutions regarding the responsibilities and obligations of all parties to protect civilians and spare crucial humanitarian facilities and infrastructure. We can deduce that since the first Presidential Statement published on 2 October 2013 and the latest UNSC Resolution on 21 December 2016 only the 'first pillar' of the 'Responsibility to Protect' has officially been invoked ("UN Security Council Resolutions", 2016). This prevents the overinvolvement of certain states and the international community in the ongoing conflict or getting caught up in a complexity often seen as too ambiguous for taking abstract measures. The pinnacle of this deadlock, this incongruous and incompatible situation, was reached in 2013 and more recently in April 2017 after gas attacks killing numerous civilians. On 21 August 2013, nerve gas was used by the Syrian Republic in the suburbs of Damascus, although they acceded to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases. In Resolution 2118 (2013a), the Security Council made the statement they were "*deeply outraged*" and underscored that "*no party in Syria should use, develop, produce, acquire, stockpile, retain, or transfer chemical weapons*". Concretely was agreed that the

Organisation for the Prohibition of Chemical Weapons (OPCW) had to be granted full access to any and all chemical weapons sites, that the OPCW special procedures for the destruction of Syria's chemical weapons should be fully implemented and on top, more crucially, that *“in the event of non-compliance with this resolution, including unauthorized transfer of chemical weapons, or any use of chemical weapons by anyone in the Syrian Arab Republic, to impose measures under Chapter VII of the United Nations Charter”* (United Nations Security Council, 2013b; United Nations Security Council, 2013a). Chapter VII of the United Nations Charter, as signed on 26 June 1945 in San Francisco, clearly mentions in Article 42 that armed action over air, sea or land *“may be necessary to maintain or restore international peace and security”* if the peaceful and diplomatic measures as mentioned in Article 41 are inadequate, considered by the Security Council (United Nations, n.d.).

However, on 4 April 2017, international media reported a new chemical weapons attack on the rebel-held town Khan Sheikhun in the Idlib-province in Syria (Graham-Harrison, 2017b). To this day of writing, it's still not clear what specific kind of material was used and who's responsible for the attack. The OPCW has recently begun an investigation on the chemicals used, while allegations on who has carried out the attack are still going back and forth. For Western parties, it's obvious Syrian President Bashar al-Assad is the main responsible for the events, prompting US President Donald to carry out a retaliation bombing on a Syrian airbase on 7 April 2017, while Assad himself claims the chemical attack is a fabrication as a feint to carry out the missile attack. Interestingly, Russia who has always been a strong supporter and defender of the Syrian president did not deny the incident but instead claimed airstrikes by the Syrian army hit a rebellion stockpile causing the release of lethal gas (Graham-Harrison, 2017a). Yet, Russian President Vladimir Putin compared the events, including the US airstrikes, as a similar situation as in 2003 when the United States claimed Saddam Hussein, former President of Iraq, was hiding illegal chemical weapons, followed by an invasion and the overthrow of the Iraqi head of state (Ackerman, Borger & Graham-Harrison, 2017). Russia's ambiguous position on this event creates new tensions since it complicates the investigations and the identifying and punishing of the potential perpetrator. Additionally, this contestation and disagreement is strongly manifested by the Security Council Members' failing to adopt a Resolution condemning the use of chemical weapons and requiring a Fact Finding Mission by the OPCW. On 12 April, Russia vetoed the UNSC draft Resolution, telling the resolution would pre-judge the Syrian government. This event remarks the eight time Russia vetoes a resolution on Syria since the beginning of the civil war in 2011. The United States, the United Kingdom and France backed the draft Resolution, supported by seven other states, while China, Ethiopia and Kazakhstan abstained. Bolivia also voted against but does not have veto power as non-permanent member (United Nations Security Council, 2017).

These two different approaches and consequences on similar events as explained above illustrate the dichotomous, inconsequent and ineffective methods of the United Nations Security Council, leading to a state of paralysis and the inability to function as intended as written down in the Charter of the United Nations and the 2005 World Summit Outcome Document. The Council's powerlessness is encouraged by the Permanent Members' veto power which ensures those countries can protect their national interests and international allies even though humanitarian crises are raging in certain countries and regions. Implementing the June 2015 'fACT Sheet' of The Accountability, Coherence and Transparency Group, a cross-regional group of small and mid-sized countries working to make the Security Council's measures more satisfactory and consistent, advocating "*the voluntary suspension of the use of the veto in cases of atrocity crimes*", might be a historical step in a new direction ensuring the prevention or ending of war crimes and crimes against humanity (fACT Sheet, 2015).

The UNSC Permanent Members' veto power is also strongly connected to the implementation, use and effectiveness of the Responsibility to Protect. The utility and vitality of the doctrine is therefore often questioned. Yet, R2P is not yet dead and buried, as Gareth Evans notes in an opinion piece. And best evidence of the doctrine still being alive is the general acceptance in annual debates on the subject during General Assembly meetings since 2009 (Evans, 2013). Arguments are common, but the principles have never been seriously questioned. The real challenge is how consensus in the Security Council can be restored. This question entails the concretization of a red line, regarding to violence, and defining the appropriate measures to such violence. What's the seriousness of the harm and does it justify military action and thereby also violation of state sovereignty? The lack of formal legal authority on intervention when resolutions are vetoed is a problem requesting more debate, openness to suggestions and the will to reform. The aftermath of the Libya experience, where veto power was not used, aroused distrust on the legitimation of armed intervention and the sincerity of intervening states. Even the inability of the Syrian government to protect its population leading to mass atrocities currently proves to be insufficient to overcome this suspiciousness. As the report of the Working Group on the Responsibility to Protect mentions (Albright & Williamson, 2013): "*For R2P to be effective, nations and institutions must cooperate to achieve its purposes, without being distracted by polarizing discussions about past events.*"

Next to the abuse of veto power, Syria's civil war and immense complexity demands a whole different international approach than Libya. The possible destabilizing effects of Bashar al-Assad's removal in the Arab region is feared by Syria's neighbors, where Gaddafi's downfall was mostly welcomed by the same Arab states. Also, economically, intervention in Libya caused more

economic advantages for Western states than will be the case in Syria. On top, there is the difference between the Syrian and Libyan military in terms of technological advancement which would make intervention more sophisticated, costly and deadly (Holmes, 2012).

However, until now it's clear the international community as well as the Syrian government failed in their responsibility to protect Syrian civilians and in their duty to prevent. To overcome this negligence, mainstreaming R2P, articulating a comprehensive strategy on prevention, deepening the engagement of Member States and systematic monitoring by the Security Council are necessary. The current deadlock shows the importance of (hidden) political agendas over humanitarian concerns, shaping the Security Council debates and therefore damaging the credibility of the R2P concept and principles (Kersavage, 2014). The success of the initial purpose of R2P, as formulated by the ICISS, to avoid events like Kosovo and Rwanda in the future, is disputable. A real practical answer to "never again" has not been found yet, leading to the failing of the replacement of "humanitarian intervention" by "sovereignty as responsibility" in international affairs' vocabulary. As Kahtryn Kersavage (2014), Iraq Program Officer at the US Department of State, points out: *"It is counterproductive to call R2P a success or failure. [...] This does not mean the ultimate failure of R2P, or even that a reinterpretation of the norm is needed. Instead, we must continue work on developing operational and strategic guidelines."*

#### **4. Untangling the knot: where key countries stand and their interventions**

Since the 'Responsibility to Protect' has not been invoked yet by the United Nations Security Council to legitimate foreign intervention in Syria, what role does the international community play in Syria's civil war? The interference by many countries is well known, but what are their activities and how do they avoid to be accused of violating international law? By which prerogative and on which conditions are they involved in an conflict with international scope? What's limiting their interventions and what's, whether or not, withholding involved actors to fully military engage? In the following subchapters, different key actors will be examined on their interests and intervening intentions.

##### *4.1 The Syrian Ba'ath regime*

The most prominent actor in the Syrian conflict is obviously the Syrian regime of President Bashar al-Assad, who belongs to the Alawite minority, a Shi'ite branch making up to about ten percent of the Syrian population. As a successor of his father Hafiz al-Assad and

secretary-general of the ruling Ba'ath Party, Assad's election as Syrian president was received with cautious optimism abroad. Although economic liberalization and certain political reforms, policies that might challenge the authority of the Ba'ath Party would not be allowed (Bashar al-Assad, n.d.). The socialist party, known for its nonalignment, opposition to imperialism and pan-Arabism, was inspired by a more secular Islam and leads the Syrian government since 1970 (Ba'ath Party, n.d.). When unrest broke out inspired by the Arab Spring in 2011, President Assad offered opposition some concessions, however escalating violence against protestors by the Syrian security forces made the situation soon turn worse. Despite atrocities and reports of massacres by the Syrian regime, Assad claimed he was the victim of foreign conspiracies overturn the government and establish regime change. The arms support by Iran and militants sent by Hezbollah, as well as Russian military support, helps the Syrian army in their fight against the diverse group of opposition troops, who are broadly supported by Saudi Arabia, Turkey, Qatar and many Western countries (Bashar al-Assad, n.d.). President Assad got into the eye of the storm when international observers, media and governments accused the Syrian regime for the use of chemical weapons. Allegations in 2013 brought the United States to the edge of a military intervention, when the Syrian regime crossed the so-called 'red-line'. The Russia-US proposition to control and eliminate Syria's chemical weapons initially seemed successful since the Syrian regime cooperated willingly, but by the end of 2014 and mid-2015, reports mentioned the re-use of chlorine and sarin gas by the regime as well as by Islamic State. A chemical attack in April 2017, allegedly perpetrated by the Syrian army, caused the United States to carry out a missile attack on a Syrian airbase (Kawashima & Sanders-Zakre, 2017). These events marked a new milestone, since Syria's foreign minister Walid al-Moallem pointed out in November 2015 that any foreign intervention must be coordinated with the Syrian regime, otherwise it would contravene the principles of the UN Charter. Those statements were publicized after the United States planned to deploy troops in Syria against Islamic State (Goodenough, 2015). Assad's strong opposition on foreign intervention and fear for repercussions is motivated by the mortal threat for Assad and his entourage and thereby also the possible retribution against the Alawite minority. This causes Assad to fight on with all possible methods, since an elegant exit for the regime does not seem to be an option (Walt, 2015). The fate of President Bashar al-Assad is widely seen to be the key for a peaceful and political solution to end mass atrocities and thus the conflict, but is in this regard also one of the main reasons for the current impasse.

## 4.2 *Opposition and rebel forces*

The diverse and divergent characteristics of the Syrian opposition are one of the main elements leading to today's complexity and forces all international actors to restrain their interferences. The diversity is first of all due to religious differences, more specifically the divergence between Sunni and Shi'ite Islam. Despite the majority of Sunni Muslims in Syria (more or less 80 percent of the population), the Alawites dominate the regime since the 1960's. When the crisis broke out in 2011, the contradictory religious dynamics unfolded opportunities to break the Alawite monopoly. The Sunni Muslim Brotherhood and other Islamist groups gave full support to opponents of the Syrian regime, lighting up social discrepancy and injustices (Pierret, 2014). On the other side, the prominent reason why most moderate and nationalist rebel groups are being wiped out is because of the growing presence of the uprising of Jihadi and hardline Islamist groups. The ideological divergence is thus another parameter contributing to the diverse rebellion landscape. The Free Syrian Army (FSA) is an important faction, originated from deserted officers and soldiers of the Syrian army, and claims to be the military wing of the people's opposition adopting guerrilla-style tactics to fight the regime. The FSA, along with many other moderate militias who are internally also deeply divided, faces fierce danger and suppression from Jihadi and fanatic Islamist groups. The Islamic State and Jabhat al-Nusra, affiliated to Al Qaeda, causes Syria's rebellion to fight a war on many fronts. Russian intervention in 2015 changed the rebel landscape even more, since the regime could make significant advances and imposed the fractured opposition to merge. In this respect, al-Nusra was reinvented as Jabhat Fateh al Sham and became more integrated in previously moderate rebellion. On the other side, the rise of Jihadi groups and the dangerous dominance, especially Islamic State, gives the United States the ultimate opportunity to intervene through airstrikes and weapon shipments on behalf of the moderate opposition (Roche, 2016). This last aspect thereby reflects the difficulties the international community is faced with. The risk and fear of delivered weapons to support opposition falling in the wrong hands is very plausible and present. A report published by Conflict Armament Research (2014) claims that many foreign-made weapons, including anti-tank rockets, transferred by the United States, Saudi Arabia and other countries, are deployed on the battlefield by other militia and opposition groups as they were intended to. It is proved that Islamic State for example uses a significant number of US-made weapons. The implications of this kind of international intervention thus might not be underestimated, since it's changing the evolution and outcome of the conflict in many ways.

Finally, next to the religiously and ideological internal divide, there is the exceptional situation regarding the Kurdish minority in the region. The People's Protection Units (YPG), a

Kurdish militia in the north of Syria, has become one of the most effective parties fighting against Islamic State and is enthusiastically backed by the United States. However, being an extension of the Kurdistan Workers Party (PKK), they're targeted by Turkey who treats them as a terrorist organization. Currently, they've established a self-declared autonomous region in the north of Syria, known as Rojava, but are entangled between receiving arms support by the United States and other European countries and being the target of military operations by their NATO-ally, Turkey ("Turkey v Syria's Kurds", 2016). This complex issue heavily influences international relations and thereby interventions, leading to rising tensions and the conflict moving back and forth.

#### 4.3 *Russia and Iran: President Assad's closest allies*

For a long time, until the Arab Spring, Russia's policy in the Middle East was based upon constraining the Islamic threat coming from this region. Controlling the inflow of jihadi and Muslim fundamentalists, while protecting and extending national and economic interests, determined the behavior of the Russian government regarding the Arab countries. Political stability is thereby essential, since the export of natural resources like oil and gas through this region must be ensured. Next to this incentive, the trade of weapons and material facilities between Russia and regional actors like Syria and Iran, must be maintained (Malinkin). For this reasons, Russia managed to establish a vast and strategic alliance with Iran after the collapse of the Soviet Union and supported the country when the West imposed economic sanctions following alleged security threats. However, even before the 1990's both countries were already linked: the Soviet Union was the first state to acknowledge the Islamic Republic of Ayatollah Khomeini after the revolution in 1979 (Goodarzi, 2013). The trade relations between them both, marked by the exchange of material and knowledge, strengthens their friendly ties. For this reasons, Iran is completely set on Russia for the purchase of weapons and armaments ("Iran air safety hit", 2005). These elements contribute to the position in which they are located regarding the Syrian civil war. Both enthusiast supporters of the regime, they cooperate regularly on behalf of President Assad.

Since Russian President Putin decided in 2015 to intervene through airstrikes alongside the Syrian army, until its drawdown in March 2016, the war has got a new boost. Although the official goal is to fight and wipe out Islamic State, in which they find a common enemy with the United States and many other involved actors, they are criticized a lot because of their regular attacks on moderate militia. But they do not only influence the evolution of the conflict through military ways, firm political support for the Syrian regime is also one of the reasons leading to today's deadlock. By using their veto power in 2011, 2012 and 2014 in the UN Security Council, blocking resolutions on peace propositions or condemnations of certain violent acts, often in combination with China's

veto, they favor President Assad and make sure he stays in power (Suchkov, 2016; Dag Hammarskjöld Library, n.d.). The rivalry between Russia and the United States, reinforced by measures described above, does the Syrian conflict tend to a 21st century proxy war. However, their interventions and interference are not in violation of international law and treaties. The illegality of armed interventions in other states, as described in Article 2(4) of the UN Charter, has three significant exceptions. The use of military force is allowed in self-defense situations, by authorization of the Security Council and, the one that matters in this case, when based upon 'intervention upon invitation'. Since President Assad never formally requested Russia for military support, Russia does not seem to fulfill one of the two legal conditions regarding 'intervention on invitation'. The validity of the invitation thereby might be contested. However, the joint coordination between regime troops and Russia's Air Force can be considered as measuring up to the first condition. Meeting the second condition though, which is the legitimacy of the inviting authority, raises controversy by different institutions and organizations claiming the regime can't be considered as the legitimate government anymore, since they violated pre-emptive norms of international law, by attacking hospitals for example. As long as the Syrian regime is proven to be the rightful governing actor, Russia's interventions can legally be justified and Russia is thus able to exercise its powerful influence leading the conflict in a certain direction (Ocampos, 2016).

Next to Russia, another country is significantly involved in the conflict on the regime's side. Iran, with a Shi'ite majority, can be considered as another important ally of the President Assad and plays a significant role in regional affairs. However, its active role is somewhat limited and can thus rather be seen as a pivotal actor, especially since Russia's military intervention in 2015. Strategic interests, being the maintaining of an ally, the support of Hezbollah in Syria, and the elimination of jihadist groups, are the main driving forces for its involvement. Despite the backing role, the Syrian regime favors Russian support since religious motives are absent. Though tensions between Damascus and Teheran are recurrently present, both prioritize cooperation given the mutual interests. Also, the relationship between Iran and Russia is whatsoever non-conductive caused by different goals on the outcome and the competition for regional influence. In the meantime, Iran is internally also confronted with contradictions. For one thing, it's trying to open up for the rest of the world, seeking external investments to stimulate its economy, while on the other hand it wants regionally be seen as a strong power. Also, the aims of the Iranian government might differ on certain issues from the powerful Islamic Revolutionary Guard Corps, which is looking to preserve its control over the Iranian policy on Syria (Pantucci & Tabrizi, 2016). Whatsoever, Iran can be regarded as a more moderate ally of the Syrian regime, which is reflected in their perspectives on certain events. In 2012, Ali Akbar Salehi, head of the Atomic Energy Organization, encouraged

President Assad to protect its population and to meet the need of its people and in April 2017, they condemned the use of chemical weapons in an attack in a rebel-held area whoever was the perpetrator or the victim (Salehi, 2012; Sharafedin, 2017). As one of the organizers of the Astana Peace Talks, they are aware of the need for a political solution and the establishment of stability in the region.

#### *4.4 Western and Arab states supporting the resistance movement*

In 2012, then US President Barack Obama announced a “strategic pivot” from the Middle-East to south-east Asia. This turn in focus was necessary to stimulate trade, economy and investments in Asia and to contain China, who has become the US’ main economic challenger. However, this did not mean the attention on the Middle-East would weaken given the national interests in the region (Hillary, 2011). First of all, there is the strong relationship with Israel, built on mutual benefits. Each year, the United States grants several billion dollars in economic support to its ally and provides advanced military armaments. But above all, the political protection should be seen as the most important profit for Israel. Being one of the five permanent members of the UNSC, the United States uses its veto power a lot in votes on procedures and resolutions, withholding Israel from international sanctions and repercussions. For the United States, this means it has a stable and trustworthy ally in a region that’s notably anti-Western and anti-interference. Israel functions in this way as a base to protect other national interests, being oil and other resources. The exploitation and the safeguarding of it is one of the most political economical concerns, causing a fragile balance of power in the region (Jones, 2012). This is liaised to the other national interest, being the political and military influence it has and uses in the Middle-East. In this, the United States forms a stable alliance with Saudi Arabia with the common interests of restraining the power of Iran, Iraq and other Arab states. This common interest places them in the opposite of Russia and Iran who are also trying to be the main influential power (Byman, 2016). The necessity of the United States to democratize and thus politically influencing the region can be traced back to President G.W. Bush’s ‘Freedom Agenda’, determining the US foreign policy regarding the Middle-East. Through financial aid, material assistance, development programs and even military support it tries to spread its “universal” values and norms, which leads us to the Syrian civil war. The relationship between Syria and the United States have been moving back and forth in the past fifty years and can’t be considered as very consistent. The US intervention in Iraq and the refusal by the Syrian government to cooperate in the international coalition cooled down their fragile friendship (Cobain, 2013). This enforces the claims by Wikileaks that, already since the Bush

administration and thus way before the beginning of the civil war, big amounts of money were transferred to opposition movements in Syria encouraging unrest (Whitlock, 2011).

Since the events started in 2011, the United States therefore took a clear position against Syrian President Assad and his regime. On the one hand, this is reflected by repeatedly calling President Assad to step aside, and on the other hand by the interventions the US executed. Airstrikes on Islamic State and other fundamentalists groups in Syria are very regular, but they carefully avoid any benefits for the Syrian army from the new situations that arise (“Syria crisis”, 2015). Also, by supporting rebels through money, weapons and information, transferred over the Jordan border, and military training on behalf of the Free Syrian Army, it’s difficult for the Syrian regime to make progress (Bowman & Fordham, 2014). The use of chemical weapons and thereby the crossing of the so-called ‘red line’, led the US Senate to endorse a resolution, called “Authorization for the Use of Military Force Against the Government of Syria to Respond to Use of Chemical Weapons”, authorizing President Obama to intervene for sixty days. However, boots on the ground were strictly forbidden. Interestingly, against common belief, the US-led coalition against Islamic State and Jabhat Fateh al-Sham has never been authorized by any UNSC resolution, contravening the UN Charter and questioning the legal base of their military involvement. The absence of consent by the Syrian regime and more specifically the lack of an “intervention upon invitation” makes the interventions highly controversial. To justify their actions the coalition invokes Article 51 of the UN Charter, which permits states to use armed forces on the basis of collective self-defense against a non-state actor. Therefore, it must be proved that the state in which the non-state actor is found, the fundamentalist militia in this case, can’t assure the protection of other states for attacks by this actor. The fact of the Syrian regime being unable to destroy Islamic State on its own, theoretically justifies the coalition’s intervention, however the sincerity of the use of this loophole is very arguable (Ocampos, 2016). The interventions against Islamic State being creatively justified, the foregoing arguments do not legitimate the military support of moderate rebel groups, which questions the US’ true intentions and interests in the region.

At US’ side, the European Union and its member states are also involved in the Syrian conflict but are failing in playing a prominent role. In the EU 2007 Strategy on Syria, they identified the country as essential for regional stability and stressed its functioning as connection between Europe and Asia. This strategy stimulated the EU to take political and economic measures in the early stage of the civil war. The support granted as part of the Euro-Mediterranean Partnership and the European Neighborhood Policy thus was contradicted by this new evolution of sanctions. The involvement of European countries expresses itself in three ways; politically, economically and military. First, since the start of violence in 2011, the then head of states of Great Britain, France

and Germany, respectively David Cameron, Nicolas Sarkozy and Angela Merkel, all demanded an immediate withdrawal of Syrian President Assad. Several transitional programs and resolutions on peace settlements, proposed by the United Nations and other international organizations, were backed by the European Union. Secondly, the European Union has a toolbox of instruments to take economic measures to intervene. Association agreements, bilateral cooperation programs and issuing sanctions are all used to put the regime under pressure and encourage compliance (Turkmani, 2016). Third, many member states are militarily involved as part of the broader international coalition against Islamic State and Jabhat Fateh al-Sham. But lessons learned from the 2011 NATO intervention in Libya and different perspectives than Turkey, an important NATO member, causes the European countries to act through an ad hoc alliance rather than intervene through the organization since UNSC authority is absent. Denmark, France, Germany, the Netherlands, Belgium and the United Kingdom, all member states of the NATO, support the US army operations and are thus considered as intervening countries. Despite their military operations, the European Union recognizes that a solution on the conflict is not possible in armed ways. A peaceful and inclusive political transition is believed to be the only potential path leading to an end of the civil war (Pierini, 2016).

Finally, an important regional role has been taken by the Gulf States, especially Saudi Arabia, supporting the US-led international coalition. Together with the other members of the Gulf Cooperation Council (GCC), Bahrain, Kuwait, Oman, Qatar and the United Arab Emirates, their influence on the evolution of the council is reasonable but not decisive. The supply of arms and other material support to rebel groups, transferred over Jordan borders, has changed the course of the war significantly. Though, Saudi Arabia's efforts to assemble the different rebel fractions and form a coherent actor, the High Negotiations Committee (HNC), can be considered as the country's most substantial input. The diplomatic endeavor and the role it thus has taken makes Saudi Arabia a leading party, as regarded by the GCC and HNC. The hostile attitude of Saudi Arabia towards the Syrian regime is partly motivated by a different religious denomination, the Sunni Islam being the state religion. This aspect matters in the light of the headed regionally rivalry with Iran. Therefore, the longer Assad remains, the more the situation is considered as a victory for Teheran. Saudi Arabia's preferences are clear: the resignation of President Assad and the establishment of the HNC as the new Syrian government, and this contravenes to Iran's interests. The Shia militia, backed by Iran and Hezbollah, thus must be constrained since there are a threat for Saudi Arabia's aspirations. However, the military superiority of other countries, especially Russia and the United States, ensures that Saudi Arabia cannot play a dominant role as it does in

Yemen (Pantucci & Tabrizi, 2016). The absence of Saudi Arabia in Astana by the end of 2016, in contrast to Iran, Russia and Turkey, reflects their submissive position.

#### 4.5 *A deviating role: Turkey as regional power*

Being one of Syria's neighbors, they are anything but on the sideline of the conflict. Officially, the relationship with the Syrian regime was middling good the past decades, though certain events caused mutual nervousness and irritation. The support of the Ba'ath Party during the formation of the Kurdistan Workers' Party (PKK) in the 1970's, wasn't welcomed by Turkey who considers, as well as the NATO, the party as terrorists and with whom they have been fighting since 1984 (Suri, 2005). After the Syrian army shooting down a Turkish jet over the Syrian-Turkey border in 2012, the involvement of Turkey grew significantly. While President Assad regrets the incident, President Erdogan reacted furiously and stated that "*a short-term border violation can never be a pretext for an attack*". In 2015 however, the Turkish army shot down a Russian jet after crossing the Turkish border for just 17 seconds making the previous statement double-faced (Galeotti, 2015). Repeatedly, President Erdogan announced plans to military intervene in Syria, which was effectively authorized by the Turkish parliament in 2014. The official doctrine is to remove President Assad and fight Islamic State but in practice they attack Kurdish rebels, which they consider as terrorists, regularly (Şahin, 2014). The facts of Turkey being a NATO partner and the United States supporting Kurdish rebels actively causes tensions between the international coalition and between the NATO member states. As for the legal base of Turkey's military intervention, the same argument of the absence of "intervention upon invitation" the United States is faced with goes up for Turkey. The national threat of Islamic State and the, in their perspective, inability and unwillingness of the Syrian regime to restrain this treat, is invoked as the legal justification for their operations. The argument of self-defense however contradicts the International Court of Justice's (ICJ) jurisprudence, based on Article 51 of the United Nations charter, clearly forbidding the use of military force on other state's soil and thus the obligation to respect their territorial sovereignty. Therefore, Turkey's intervention might be seen as a violation of international law and contrary to general principles of non-intervention (Bagheri & Karimabad, 2017). The sum of the previous elements, being Erdogan's firm stand on Assad's future, their perspective on Kurdish rebels in Syria and their military intervention despite the dispute of the legal base, makes Turkey a main actor in Syria's conflict and ensures that they are indispensable in the negotiations regarding a possible peaceful solution.

## **5. International responsibility to protect through intervention: present or absent?**

So after this research on current interventions in Syria, can we conclude that foreign powers are intervening because of humanitarian concerns? Despite the unsuccessful efforts of some states to invoke the principle of R2P, is there interference because of a shared feeling of responsibility? Or do we have to interpret the interference as expressions of other incentives? As previously mentioned, over 456,000 people are killed during the civil war since 2011 and a multiple of this number has fled the country or has been internally displaced. Although many resolutions and formal statements, by the UNSC or other high-profile agencies and officials, have stressed the responsibility of the Syrian regime and the international community to be responsible for the Syrian people and to find a peaceful political solution. Observations on international activity in Syria and their exercised operations however, suggest some other purposes and interests. Though humanitarian crises certainly may be invoked as a motive to legitimate international intervention, practice shows that many other reasons can be regarded as the driving forces of interference. The political stability or instability of the region, economic interests, religious incentives or the balance of power, even on global scale, all stimulate actors to be present or absent. This gives rise to the question what the future of 'Responsibility to Protect' might be. As objective data on war crimes and mass atrocities proves to be insufficient to intervene on the legal base of R2P, what is the real value of the so-called humanitarian rhetoric exclaimed by many national leaders during speeches at the UN General Assembly or during emergency meetings by members of the Security Council? The credibility of the international system of the United Nations and its Security Council, based on dialogues and negotiations, is affected by political agendas, whether or not hidden but certainly preferred over humanitarian concerns. Notwithstanding this remarks, as the Syrian war evolves, it must be believed that many requests on the invocation of R2P are genuine and honestly. For instance, declarations by Adama Dieng, UN Special Adviser of the Secretary-General on the Prevention of Genocide, to protect the Syrian population, or condemnations by the UN Human Right Council, surely can be categorized and labeled as humanitarian concerns.

This being said, one can wonder if the reasons of the UNSC impasse and the inability of international actors to act under jurisdiction legitimated by the Responsibility to Protect may be considered as a broader shift in the global balance of power. As easy as NATO was granted a mandate by the Security Council to impose a no-fly zone in Libya in 2011, so difficult it is to achieve international unity in the Syrian case. The determination of many key players to protect their national interests, whatever they may be, challenges the moral and military authority of certain

countries and confronts them with a never-seen firmness. Is Western hegemony in international affairs waning or is the complexity of the conflict to that extent that formulating conclusions on this matter is quasi impossible? What does the international controversy and disagreement regarding the formulation of a solution on the humanitarian drama in Syria tell about the relationships and ratios in international institutions like the Security Council? What's the meaning of the progress made in the Astana peace talks, where the United States and other Western countries are excluded? The impact of the foregoing will be examined in the next chapter.

## II. THE IMPACT OF INTERNATIONAL INTERVENTIONISM IN SYRIA ON THE GLOBAL BALANCE OF POWER

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### 1. The old idea of liberal internationalism that shaped the current world order

Liberal Internationalism, according to Tim Dunne and Matt McDonald, has been underdeveloped and underexposed as a political theory and a perspective on global order for far too long, despite the long road the concept has come in international relations and affairs. By the end of the 19<sup>th</sup> century, liberal voices argued already for the requirement of international institutions to merge the idea of liberalism and national sovereignty, which influenced politicians all over the world and inspired US President Woodrow Wilson after World War I for his League of Nations Covenant. However, the institutionalizing of the League of Nations failed and liberal internationalism was proved to be a very vulnerable principle. Things changed during World War II when the US got involved and its former foreign and domestic strategies of unilateralism and isolationism came to an end. The idea of liberal internationalism reemerged with the establishment of the United Nations and other international organizations and even became ‘American internationalism’ as the US institutionalized their hegemony (Dunne & McDonald, 2013). Notwithstanding the Cold War-period and challenges from the former Soviet Union, the United States managed to establish a liberal dominance in international affairs, characterized by free trade, military assistance to other nations, security alliances like NATO and a leading position in international institutions governing global affairs (London, 2016). Next to the United States, the European Union is also seen as actor pursuing the liberal internationalists’ idea. The support of liberal values, the engagement in multilateral institutions, extending democracy over the world and investment in development projects gives the EU a very liberal foreign agenda. This conduct is represented by NGO’s, media, politicians and so on, what makes the policy highly influential. Contemporary liberal internationalism however, is more associated with the United States through their presence in global political affairs (Jørgensen, 2015). Though never really used in academic environments before, the label of ‘liberal internationalism’ became popular during the Vietnam War and emerged an element in the rethinking of US’ relationship with the rest of the world. This evolution on the global political scene even caused Francis Fukuyama to call the downfall of the Soviet Union and the advent of Western liberal democracy as “*the end point of mankind's ideological evolution and the universalization of Western liberal democracy as the final form of human government*” in his 1989 publication “The End of History?” in *The National Interest*.

However, almost thirty years later, history has proven to be different. The process of direct intervention, as was the case in Vietnam, devolving into a more humanitarian justified intervention, as is the case with the 'Responsibility to Protect', reached a turning point with the 9/11 attacks and the following unilateral decision-making. By leaving international institutions like the Security Council on the sideline through direct intervention to protect national interests, their self-claimed ideal and universal values of self-determination, personal freedom and moral responsibilities were compromised (Moyn, 2017). Internally, liberal internationalists are faced with a theoretical divergence causing a reformulation of the goals and limits of the doctrine. Antonio Franceschet, professor at the Department of Political Science at the University of Calgary, identifies this divergence as a reaction on the question how state autonomy is limited in current global conditions. Human freedom and state sovereignty are questionable and one side, there are the conservatives stressing and deepening the domesticating effects through democratic representation. On the other side, there is the cosmopolitan view that seeks to decrease the territorial sovereignty of states and limits the individual emancipatory desire. The confrontation with alternative frameworks on individual independence is thus and thereby the biggest challenge for liberal internationalists (Franceschet, 1999).

So to what extent do we have to interpret the NATO intervention in Libya in 2011, justified by R2P and by an UNSC mandate, regarding the role and position of liberal internationalism as a doctrine of world order? Generally speaking, the Libya intervention is being considered as a highlight of liberal internationalism. Executed by UNSC mandate, endorsed by the League of Arab States and negotiated by diplomats, it could not be more different than US President Bush's unilateral 'coalition of the willing' in Iraq 2003 (Douthat, 2011). The alleged humanitarian purpose, at least as officially mentioned, emphasized by the implementation of the 'Responsibility to Protect', made the invasion publicly acceptable. The Libyan intervention also clearly showed the EU's liberal agenda, given the fact that most European countries supported the French involvement and criticized the German government for their absence (Jørgensen, 2015). Though, this relative "success" is open to interpretation and critical observations. A first remark is the abstention of the BRIC countries in the UNSC voting on Resolution 1973. India and Brazil, next to Russia and China, are regarded as the future emerging superpowers, which makes their abstention and scepticism of UN institutions remarkable and significant. Second is the discussion on President Gaddafi's overthrow by the coalition and its contradiction with Resolution 1973. The protection of both human rights and liberal interests through intervention, which liberal internationalists seek to achieve, is not likely to be favoured by non-liberal internationalists. If the UNSC mandate literally had mentioned regime change as an inherent element of the intervention's

purpose, the chances that the Resolution had passed would be minimal (Brown, 2011). NATO's initial claim of victory seems thus be limited by the aftermath and the consequences of their operations on international affairs and global policy. The international suspicion towards the use and the exact forms of application of R2P after Libya has its effect on 'humanitarian intervention' and international cooperation, especially between the permanent members of the Security Council. Nonetheless Ban Ki-moon's jubilant statement on the 'historic step' the UNSC has taken by endorsing R2P, the future of liberal internationalists' agendas and the effective practical implementation of R2P seems to be unclear, as will be explained in the next subchapter.

## **2. Syria's civil war: symbol of a shift in the global balance of power?**

From the foregoing, it's clear that the liberal world order, featured by Western dominance and with the aim of spreading the liberal values, is under pressure. The aftermath of the intervention in Libya showed the world a struggle between NATO member states and their interests on one side and the BRIC countries, backed by other emerging powers, on the other side. International interference and pursuing its own interests is not evident anymore. Understanding what's going on in Syria and figuring out what the impact is on the global balance of power and international affairs is necessary to understand the further evolution and policy decisions. Of course, evolutions in international affairs and foreign policies of states and the impact of these changes on the interconnected relations always have to be looked upon in the *longue durée*. A shift in dominance and power does not happen overnight, which causes that the following must be understood as the elements and characteristics that contribute to a possible change.

A first indication of a changing world order that can be distinguished, is the difficulty to reach an international agreement on intervention. Determining the right jurisdictional tools, conditions and limits to legitimate military action in other states still is a hard nut to crack. This became clear with the controversy surrounding the negotiations on humanitarian intervention and the 'Responsibility to Protect'. The fear of creating a new tool to conduct neo-imperialistic interventions was stressed by India, while Brazil proposed the concept of 'Responsibility while Protecting' after the Libya intervention. This last proposition was based on the need for international neutrality and the concern on identifying the right military measures. Furthermore, it's remarkable that the majority of countries expressing their concerns on R2P were emerging countries and countries situated in the global south. This was also reflected during the UNSC voting on Resolution 1973 to endorse a military operation. Russia and China, both permanent members, chose not to vote, as did India and Brazil. In the end, the demanded 'responsibility' in regarding Libya was taken by the international community, the war was ended and the further mass

atrocities were avoided. However, unclarity about the so-called 'third pillar' of R2P still stresses the gap between theory and practice and makes the concept more like a liberal dream rather than a political reality and international norm.

Second is the absence of unity in the United Nations Security Council and its implications on the progress of the conflict. This is highly connected to the Libyan case and the controversies afflicting the implementation of the 'Responsibility to Protect'. Although violence arose the same year in Syria as in Libya, leading to a plurality of death civilians and a severe violation of human rights, the Security Council still does not manage to make progress in adequately responding on the conflict. The need for a political solution was stressed many times, as was the demand of international intervention. The multiple and growing number of draft resolutions, vetoed by Russia (and sometimes by China) prevented the endorsement of the 'Responsibility to Protect' and thereby the avoidance of further mass atrocities. Distrust about the true intentions of Western states, caused by overstepping their mandate in Libya, led to an impasse regarding Syria. The only thing to date that the Security Council could agree upon was the statement on the responsibility of the Syrian government to protect its population, which was repeated several times. Even the gas attacks in April 2017, leading to a great number of civilian deaths, did not lead to a UNSC Resolution, backed by the United States, the United Kingdom and France, to condemn the involved parties and the use of chemical substances in warfare. The ineffective methods of the Council, and so the paralysis surrounding the use of R2P, thus comes to surface emphasizing the tensions and the struggle for power between the Permanent Members. The inability to intervene on the basis of an internationally recognized doctrine, stresses the desire for global relevance and dominance above the need to respond on mass atrocities. Humanitarian intervention, a concept that emerged in the aftermath of the horrors in the 1990s, is used as a legitimation for intervention against Islamic State and other fundamentalist groups, and thus only non-state actors. The same legal basis and justification is absent in regard to the Syrian government, prevented by allies and other states who see their national interests threatened. The political agendas and aspirations of UNSC members thus lead to an internal impasse and the contestation of the balance of power.

A third indication is the international relevance of organizing peace talks and the possible outcomes of those events. The first diplomatic steps to negotiate a peaceful outcome were taken in February 2012 with the presentation of Kofi Annan's 6-point plan to end violence. However, vetoed by the Security Council, the proposed establishment of a ceasefire failed. The following months and years, different meetings with various actors, known as the Geneva Peace Talks, were organized. Backed by the United Nations and moderated by the United States and Russia, the two major parties, the meetings in Geneva were meant to bring the involved actors together and

establish a transitional government and eventually peace. Though these events were organized with good intentions, they all failed due to the absence of key parties, like certain opposition groups or the Syrian regime, and conflicting ideas about the future of the Syrian president. The Astana Peace Talks however, organized by Russia, Turkey and later Iran in the fall of 2016, managed to make progress on a possible ceasefire and effectively brought the involved parties to talking terms. In subsequent meetings in the spring of 2017, the different actors reaffirmed the establishment of a ceasefire and the need to make further diplomatic progress. Although the compatibility with the Geneva Peace Talks was stressed, the fact that Western countries were not involved in the organization of the events and that the United States only were represented through their ambassador in Kazakhstan, is a sign that Russia, Iran and Turkey succeeded to shift the balance and gain more relevance in international affairs. The limited influence of Western diplomats in the negotiations shows a fading dominance of the West, which is also a result of the lack of concrete plans, elements that are present in Astana. The acknowledgement of the Syrian opposition on this fact, and their hopeful and positive feelings regarding the diplomatic measures proposed in Astana, make those peace talks more promising and increases the influence of Russia, Iran and Turkey in the region. The difference between Western focus on Assad's removal in Geneva and the focus on an actual peace process in Astana diminishes the role of Western countries (Ersoy, 2017).

The various performed interventions and on what legal base these operations happened can be considered as the fourth indication. Russia, as an ally of President Assad, decided in 2015 to intervene through airstrikes on Islamic State, legitimated by "intervention upon invitation" as described in the UN Charter. As previously explained, the legal base however is contested since non official request for support from the Syrian regime was issued and the legitimacy of the regime as the rightful government is questioned. On the other side, the joint cooperation between the Russian army and the regime's troupes justifies the military presence of Russia in Syria. The United States invoked collective self-defense against a non-state actor, also Islamic State, as the legal basis for the international coalition's intervention, which makes their argument less acceptable in the aspect of international law. But what's more important, was the choice of not to intervene after the gas attacks in 2013. Although President Obama's so-called 'red line' was crossed by the regime's use of chemicals against civilians, the US chose not to bomb Damascus as a repercussion. The change of mind contrasts with the liberal internationalists values of bringing global justice and protecting human rights. Obama's decision to stay away from the battlefield and prefer diplomatic pressure may be driven by the backlash of Iraq and Afghanistan, but has significant consequences for its dominance and relevance in the region (Bajoria, 2013). The agreement with Russia to collectively destroy Syria's stock of chemical weapons can be interpreted as a *détente* in the rivalry

between the two countries but is by political observers also seen as a loss of international credibility. What would have happened if President Obama chose to military intervene in 2013 is obviously unsure, but the Administration's move was not warmly welcomed by longstanding allies of the United States. Arab countries blamed him for a lack of decisiveness and refused to publicly support him in his decision, while France felt openly humiliated, as they were the only country that declared to be ready to conduct a military intervention on the US' side (Chollet, 2016).

Next to these events, the relationship between Turkey and other Western countries have gone worse over the years. Turkey, as an important NATO member, became more involved after the Syrian army shot down a Turkish jet in 2012. Although Turkey granted the US Air Force access to the Incirlik air base and did they cooperate against Islamic State, tensions between the NATO partners are growing over the Kurdish militia. US military support for the Kurdish YPG goes against the national interests of Turkey, that is actively battling Kurdish rebels under the guise of the fight against Islamic State and other Muslim fundamentalist groups. Preventing the creation of a united and sovereign Kurdish territory in the region is high on the Turkish agenda. Besides this, Turkey's ambivalent relationship with Islamic State, who are also Sunni's, and the domestic problematic rule-of-law situation drives them even further from the Western liberal standard (Pierini, 2016). Also, the renewed rapprochement between Turkey and Russia strengthens this feeling. The cooperation in counterterrorism, but more significant the co-organization of the Astana Peace Talks, also moderated by Iran, where Western parties are left on the sideline, makes Turkey's position on the liberal Western side not for granted. Russia, Iran and Turkey functioning as the regional enforcers of the agreed ceasefire instead of the United States and other Western countries, clearly shows a shift in relevance on the international political scene.

The four indications as described above do not explicitly mean the end of the liberal internationalists world order as we know it. Nonetheless, the shifts in relationships, relevance, allies and military engagement must be understood as elements in a broader movement whereof the outcome is not known. The statement of Russian foreign minister Sergey Lavrov in February 2017, hoping the world will choose for a new world order, is an indication of a changing balance of power and rising possibilities for other parties. In his speech, Lavrov openly said that he hopes that the future will be characterized as a "*democratic world order in which each country is defined by its sovereignty*" ("Sergey Lavrov", 2017). Although sovereignty is also a key element in liberal internationalists' definition of the Westphalian state, it contradicts with their vision on humanitarian intervention and the incentives to spread liberal values and protect human rights over the world. Of course many other elements play a role in shaping the world order. Economic relevancy and dominance, as well as domestic political policies, in which US President Trump's tendency towards isolationism

is interesting, all influence international relations and affairs and strengthen or weaken the current liberal order. In this regard, Tim Dunn's and Matt McDonald's (2013) conclusion on a possible changing liberal world order and its consequence on the study of international relations seems to be applicable: *“As we look to the future re-ordering of the world, captured by the over-simplistic slogans that foretell ‘the decline of the west’ and the ‘rise of the rest’, these questions about the resilience of liberal internationalism will become increasingly prominent in theoretical and empirical inquiry in IR.”*

## CONCLUSION

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The introduction of this dissertation head off with the notion by Tim Dunn and Matt McDonald saying that liberal internationalism, as a doctrine legitimating foreign interventions, is vanishing and being replaced by other structures to justify interference, humanitarian intervention being an example. Living in turbulent times, this statement rose the question if the current pressure on the international world order could be visible in international affairs. More specifically, is it possible that Syria's civil war, characterized by a political impasse but nevertheless subject to many military interventions, could function as symbol of a changing balance of power, moving away from a liberal internationalists world order that featured international affairs for a long time.

To understand the ongoing evolution in foreign affairs, it is necessary to determine what military intervention and the 'Responsibility to Protect' mean and how this concepts manifests themselves in practice. In this research, intervention was used as interference in a military way, targeting another country and endorsed by the United Nations Security Council. This conflicts with the Westphalian notion of sovereignty, being a state's territorial and political integrity. In current international affairs, international intervention thus struggles with the legality and legitimacy of its actions and thereby the implications of violation jurisdictional boundaries. After serious humanitarian disasters and cases of human rights being violated in the 1990's, new concepts legitimating international intervention arose. Humanitarian intervention to respond on mass atrocities and prevent such events became a popular legitimating tool, but was questioned by many countries after its use in Iraq and Afghanistan, exposing the thin line between national interests and humanitarian needs. The need for clear standards on intervention by creating a possible international norm or principle was fulfilled by the emergence of the 'Responsibility to Protect'.

After being invented by the ICISS in 2001, the 2005 United Nations World Summit Outcome Document officially agreed on R2P as an incentive to prevent genocide, war crimes, ethnic cleansing and crimes against humanity. The principle was built upon three pillars; the responsibility of a state to protect its population, the responsibility of the international community to encourage states to meet the first pillar and the responsibility of the international community to take collective action after violations on the foregoing humanitarian war crimes. However, consensus on the implementation of the principle lead to a lot of controversy and disagreement about the specific decision-making role complicated the use of R2P in practice. The uprising of the 'Arab Spring' in 2011, leading to a civil war in Libya, caused

the Security Council to endorse a mandate to NATO legitimizing a military intervention to impose a no-fly zone. This first implementation of R2P in international affairs was initially being considered as a success story, but the aftermath proved different. Many states claimed that NATO violated their mandate by overthrowing Gaddafi and that regime change was the hidden liberalist agenda. The aftermath of the intervention in Libya also had significant consequences for a possible solution in Syria's civil war. Distrust about the decision-making procedure and the practical implementation of R2P caused an international political impasse leading to a humanitarian crises that's already raging for six years. Nevertheless this deadlock, international intervention legitimated by different arguments is conducted in Syria causing many states to be involved in the conflict. The international community is strongly divided on President Assad's political role and future in Syria, but is united in their fight against Islamic State and other fundamentalist rebel groups. This exceptional situation has led to a complexity and international cautiousness exposing different ideologies and contrasting political interests.

The dissection of this complexity has led to the distinguishing of four indications why one might argue that the liberal internationalists world order is challenged today and why Syria might function as a symbol of this changing balance of power. The first indication is the controversy surrounding the 'Responsibility to Protect' and its determined conditions and standards. International intervention and its humanitarian incentive conflicts with the notion of sovereignty, which is stressed by BRIC-countries and other emerging states. The concern regarding the assumed neo-imperialistic agenda of the liberal West is regularly emphasized by these states and resurfaced in the aftermath of Libya. Despite the humanitarian disaster in Syria, international intervention on the basis of R2P is still not invoked yet. This is heavily connected to the second indication, being the absence of unity in the Security Council. The five permanent members can still not agree on the invocation of a Resolution to intervene and end the human atrocities. The political agendas and interests of the major power prevents international action, which causes the international community to question the validity and legitimacy of the Security Council and their impact on decision-making. The structure of international institutions, based upon Western dominance, is under pressure and challenged by other initiatives, like the Brazilian idea of 'Responsibility while Protecting'. Third are the organized peace talks and the differences between Geneva and Astana. The Geneva Peace Talks, organized by the United Nations and moderated by the United States and Russia, does not manage to find a peaceful and sustainable solution. The unclarity of an intended purpose, the firm stand of the West on President Assad's future and the absence of certain key actors affects the relevancy of these events and thereby also the position of Western countries in

the conflict. This in contrast to the Astana Peace Talks, moderated by Russia, Iran and Turkey. Although just recently being initiated, the negotiations in Astana managed to agree on a ceasefire and brought the different parties and fighting sides on talking terms. This evolution strengthens the position and relevancy of regional countries and increases their dominance in international affairs. The limited influence of Western diplomats in Astana characterizes this changed influence. Finally, the interventions being executed and their legal base are the fourth indication. President Obama's decision in 2013 to not intervene after the 'red line' being crossed lead to Arab countries blaming him for a lack of decisiveness and is seen as a loss in international credibility. Also, the relationship between Turkey and the other NATO member states has grown worse since the beginning of the conflict, caused by President Erdogan's flirt with Russia, the ambivalent relationship with Islamic State and their aggressive stand against the Kurd rebels. The alliance seems not be for granted, Turkey's aspirations for a more dominant and independent course is reflected by these evolutions.

The foregoing concludes that liberal internationalism and the global challenge of power are indeed challenged by different evolutions and forces. Dunn and McDonald's claim about a vanishing liberal world order is thus strengthened by the Syrian case and the growing complexity in international affairs.

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