Why Libya but not Syria?

How International Relations Theories attempt to help us understand the difference in R2P application

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Introduction

  The Responsibility to Protect (R2P), its application in Libya, and its non-application in Syria have been discussed widely. Not only scholars but also policymakers have engaged with the question if R2P should be utilized more often and, if so, how. Seeing that the Syrian and Libyan uprisings are, so far, the only two cases where a third pillar R2P response was discussed, this paper will focus on these two. It will contrast different leading international relations theories, namely liberal institutionalism/internationalism, neorealism, and constructivism, to one another and will seek to find an answer to the question which theory, if any, best explains the lack of R2P intervention in Syria while there was only limited hesitation to invoke it in the Libyan case. This will be done by the means of answering the following research question: "*Why Libya but not Syria? How international relations theories attempt to help us understand the difference in R2P application.*"

  The concept of R2P was established to protect innocent civilians from humanitarian atrocities such as war crimes and crimes against humanity, and was formally introduced through a UN Resolution in 2009 (Hehir, 2012, 52-55). R2P gives the international community the power to intervene in a state should the UN Security Council deem this appropriate. R2P was thereby the first formal concept that legitimized an intervention for purely humanitarian purposes. Furthermore, R2P allowed the overwriting of national sovereignty for the purpose of such interventions, which caused a serious debate among political leaders and academics alike. Many international relations scholars have weighed into the discussion from the beginning on, arguing either in favor of the concept and the implications it entails or opposing it vigorously. This paper will pick up these discussions, fill the gaps, and compare their argumentation in the process of forming a concluding answer to the research question. So far, this has not been done sufficiently and most of the arguments previously made revolve around the question whether or not R2P should be upheld as a concept but case studies are rarely compared.

  The three largest and most important international relations theories, or slight alterations of these, neorealism, liberal internationalism/institutionalism, and constructivism will serve as the centerpiece of this paper. These theories were chosen over other international relations theories as they are not only considered the leading theories in international relations but because they all have a strong opinion regarding R2P and provide an outline of when states decide to cooperate and when they do not. Initially a general look will be taken at neorealism. The paper will explore the understanding of international anarchy, the importance of state interest and the fear of cooperation by states, as described by neorealism. Combining that with articles written on the subject of R2P as well as the Libyan and Syrian cases by scholars who identify themselves as neorealists, will help to draw an overall picture of what actions neorealism would predict to take place. A comparison between the expected actions with the actual reasoning of states will then be possible. Underlying causes will also be considered in order to evaluate to which extend neorealism provides a sufficient explanation for R2P not being applied.

  A similar structure will be applied for liberal internationalism with the focus will be especially on what John Ikenberry describes as Liberal Internationalism 2.0 and the crisis of this particular interpretation of liberal internationalism. Ikenberry describes that due to the decline in

power of the US, the world is missing a hegemonic leader which causes the international community to be slightly lost in their doings which hinders them from fully flourishing (Ikenberry, 2009, 71-87). Once again relevant literature on R2P and the two cases studies brought forward by liberal internationalists and supporters of R2P, such as Ramesh Thakur or Aidan Gallagher, will be consulted, in order to conclude what liberal internationalists would expect to happen in the Syrian case and how they justify the failure of the Security Council to act.

To wrap up the theoretical framework, the explanation constructivism offers for the situation at hand will be examined. The methodology will be the same as with the previous two theories and a combination of general literature about constructivism with more topic specific literature will be attempted. Seeing that constructivism allows or a interchangeable interpretation of actions by actors depending on social and historical context, the contrast to the other two international relations theories will be highly interesting. Especially the identity the Russian Federation ascribes to itself will be relevant due to their role as a permanent member of the UN Security Council and the veto they consequently have. Here the paper will also factor in the relations between Russia and the two cases examined, Syria and Libya, and the impact these had on the identity projected upon the two affected nations by the Russian Federation. Seeing that the behavior of states differed greatly when dealing with R2P in Libya and Syria, a fact which the static theories of neorealism, and liberal internationalism have difficulties explaining, this paper will make an argument for constructivism as the theory which provides the best explanation for the failing of R2P in Syria.

Another important part of this paper will be a discussion about how the international community moved to the introduction of R2P. A reflection of discussions starting after the events in Rwanda and Kosovo will be undertaken to understand how the idea of interventions for humanitarian purposes came into being. As a result of Rwanda and Kosovo, the International Commission on Intervention and State Sovereignty (ICISS) was created in 2001 and laid down a first framework for what was later transformed into the current R2P concept. After discussing the outcomes of the ICISS findings, attention will go to the Outcome Document of the 2005 World Summit which, in paragraph 138 and 139, defines how R2P is viewed today as it outlines that only crimes against humanity, war crimes, ethnic cleansing, and genocide constitute enough reason for a humanitarian intervention (United Nations, 2005, 30). Having established the content of R2P, attention will be shifted to the Libyan case, which marked the first intervention in human history carried out due to R2P. The Security Council was - more or less - united on the matter and mandated NATO to enforce a no-fly zone over Libyan airspace in order to ensure that the Libyan air force can no longer attack civilians who were innocently killed during the fighting. Statements and speeches given during and after the respective Security Council discussions show the importance R2P had in the Libyan case and the paper will underline the legitimacy of the decision by showing that at least one of the four R2P criteria was fulfilled. This will be done by compiling numbers from UN reports which show the number of deaths, displaced people etc. as a result of the Libyan conflict. Following that, attention will be shifted to the Syrian case and the reluctance of the Security Council to invoke R2P. Once again, UN reports and statements by UN officials will be looked at, with some of them estimating more than 190,000 casualties due to the Syrian civil war (Cumming-Bruce, 2014, 1) wherefore the paper will argue that the formal criteria is more than fulfilled and R2P should hence be invoked.

In the final part of the paper a comparison between all three examined theories will be made and a plea in favor of of constructivism is brought forward. Constructivist thinking, being the most flexible of all three theories, allows for a feasible explanation of the quick change of mind of UN member states as they decided to not apply R2P within one to two years of time, despite the case being very similar with regard to the fulfilled criteria.

National sovereignty, power politics, and anarchy: a neorealist view on international relations

Neorealism is arguably the most known and emphasized international relations theory. (Powell, 1994, 313) Having been one of the leading ways of thought, it has influenced many scholars and has brought forward supporters and critics alike. In his article "Anarchy and the limits of cooperation: a realist critique of the newest liberal institutionalism," Joseph Grieco, who sees himself as a neorealist, vehemently argues against liberal institutionalism and tries to convince the reader that (neo-)realism offers a better understanding of state's behavior. (Neo-)realism sees international politics happened in a world dominated by international anarchy, which describes the absences of a common interstate government which would be able to stop nations from attacking one another (Grieco, 1988, 485). Similar thoughts were expressed by Kenneth Waltz, not a neorealist but a classical realism scholar, which is an older and more outdated version of neorealism which does not consider more recent happenings in its theoretical discourse, who argued that national politics and decisions directly influence international politics (Waltz, 1979, 18) This leads to Grieco's first criticism of liberal institutionalism which expresses that international institutions help states to cooperate. According to Grieco, states are egoistic actors and constantly worry about potential gains partners could have if engaged in any sort of cooperation. This could have the fatal outcome that the cooperating state becomes a more dangerous threat than before the cooperation and proceeds to risk a nation's survival.

Security, Grieco argues, is the most important factor to a state and not, as liberal institutionalism states, the well-being of the state. Seeing that state's behavior is unpredictable, especially with changing leaders, no state can ever be sure that a former partner does not turn against them wherefore they are hesitant to engage into partnerships. Furthermore, Grieco outlines five driving forces of neorealism, which are fundamentally different from the liberal institutionalist view. Firstly, states are major actors in the international system. These states are penalized by the international environment if they fail to protect their vital duties, which leads to a sensitive cost behavior. Thirdly, international anarchy shapes motives and actions of nations, i.e. threats to survival have a direct impact on the policies of the nation. Moreover, nations, in international anarchy, are also concerned with security and power which makes it more likely for them to go to war and refuse to cooperate even when two, or more, states have common interest. Lastly, Grieco argues, international institutions only have a slight impact on the likelihood of state's cooperating. Grieco justifies the last claim with any post war event, in particular those of the 1970s. During those times, international institutions were unable to do anything about the conflicts and were often paralyzed by them and displayed an inability to act.

Grieco concludes that states are mostly defensive in nature, worry about relative and absolute gains their partners could have from co-operations and show a positional, not atomistic behavior, wherefore he objects to liberal institutionalist argumentation and finds (neo)realism to be the most appropriate approach to international relations. (Grieco, 1988, 485-507)

The claims made by neorealism, which are based on competition, focus on territorial integrity and sovereignty, as well as survival in international anarchy are challenged by other theories of international relations. This is most notably done by liberalism as scholars from both schools of thought regularly engage in debates about a variety of subject matters. In the next chapter, the perspective liberal internationalism, which is part of the liberal school of thought, offers on international relations will be examined.

Anarchy and Cooperation: understanding the world from a liberal internationalist perspective

A second influential stream of international relations theory thinking is that of liberal internationalism, which engages with the cooperation of states in international anarchy. Especially relevant for this paper will be the crisis of Liberal Internationalism 2.0, as described by John G. Ikenberry in his article "Liberal Internationalism 3.0: America and the Dilemmas of Liberal World Order." (Ikenberry, 2009, 71) In order to grasp the crisis of Liberal Internationalism 2.0, liberal internationalism as whole needs to be understood. Ikenberry argues that multiple phases of liberal internationalism can be identified. Originating from the Wilsonian-era following World War 1, liberal internationalism has been constantly shifting and changing. Liberal Internationalism 1.0, as Ikenberry calls it, had the vision of an open trade, national self-determination based world order with one central, security focused, international institution at its heart with Westphalian state sovereignty remaining in tact. (Ikenberry, 2009, 73-74) These were key priorities for the negotiating nations after the devastation the First World War had brought to the world. Reality varied slightly from Wilson's vision as Liberal Internationalism 1.0 was rather thin with regards to the international institutions, largely due to the fact that the US never engaged with the established League of Nations, and most decisions were made by means of bilateral state cooperation. (Ikenberry, 2009, 75-76)

Ikenberry then argues that following the Second World War, the world order shifted to Liberal Internationalism 2.0 which is characterized by an American led hegemonic order with open trade and a more hierarchical world order than it could be seen during Liberal Internationalism 1.0. (Ikenberry, 2009, 76) Under the threat of the Soviet Union and a spread of communism, security provided by the United States became a leading factor in shaping of alliances. Societies became more interconnected, especially in the Western World, wherefore a bigger focus was put on cooperation. In the same light the definition of national security also changed from being purely about homeland protection to also dealing with economic, political and military security. (Ikenberry, 2009, 78) During this wave of liberal internationalism, even less powerful states were able to have a say in the United Nations, such as Libya when it was fighting against the sanctions imposed upon it in the 1990s by the Security Council. (Hurd, 2005, 496) The US and the UK had brought the question of Libya to the Council in 1992

following the claim that Libya was supporting terrorist activities (United Nations, 2003, 1) in order to give any action against Libya international legitimacy. (Hurd, 2005, 523) This is crucial in liberal internationalist thinking as legitimacy gives power to international institutions to serve as forums of cooperation.This was displayed as Libya managed to challenge the legitimacy of the Security Council and thereby forcing it to remove the sanctions imposed upon it. This underlined the importance international organizations also have to powerful nations in the international system and not just to weaker nations. (Hurd, 2005, 496)

Ikenberry states that the values of Liberal Internationalism 2.0 have in recent times been changing again and Liberal Internationalism 2.0 is falling into a crisis of authority as the rise of new powers questions the status of the United States as the hegemonic world leader. The US' role in the international system is challenged and the question arises if crisis situations should be dealt with by the United States on their own or if it should be a collective effort of multiple nations. (Hoffmann, 1995, 160) With the end of the Cold War, security alliances became less crucial as no more obvious common threat could be identified henceforth starting to diminish the US' authority as security provision was not necessary any longer. Along with the crisis of authority, the Westphalian order, which was influential for both Liberal Internationalism 1.0 and 2.0, is being challenged by concepts such as the Responsibility to Protect. These norms supercede national sovereignty but lack a framework and a body that governs them properly. (Ikenberry, 2009, 79-80) The crisis of liberal internationalism is further deepened by liberal values competing directly with one another, such as the expansion of the free trade vs. human rights, as it was seen during the years of Jimmy Carter's presidency already. (Hoffmann, 1995, 159)

Ikenberry sees three possible ways out of the current crisis, which all depend on the willingness of the United States to cooperate. A first option given by Ikenberry is a shift to Liberal Internationalism 3.0. In this scenario the power of the US declines and is filled by other countries leading to a fairer participation between "the West" and "the East". The US would not have any special (voting) rights in any of the international bodies and countries would be seen as equal. Ikenberry finds this version unlikely and suggests that a Liberal Internationalism 2.5 might be more realistic. Here the US would remain the hegemonic leader but international institutions are re-negotiated with the US giving up some of its rights while retaining others. Lastly, a complete breakdown of Liberal Internationalism into regional blocs and bilateral treaties could also be a way out of the current crisis. (Ikenberry, 2009, 80-83)

The role liberal internationalism has in the international system, especially when it gets to dealing with the United Nations and other international organizations, should not be disregarded. While it agrees with neorealism that nations exist in a state of international anarchy, It's interpretation of how nations deal with that varies greatly as it sees nations cooperating instead of isolating themselves. Both theories are questioned by the third international relations theory this paper focuses on and which will be examined in the following chapter, namely constructivism.

Perception of anarchy: how constructivism explains international relations

 Out of the three leading international relations theories, constructivism is by far the newest, emerging as a main theory briefly after the end of the Cold War. Disregarded and criticized by many scholars, constructivism offers a critique to the established theories of neorealism and liberal internationalism and provides its own interpretation of world affairs. (Hopf, 1998, 171) The leading theme in constructivist view is how states and their identity shapes state interests and how this impacts international relations. (Hopf, 1998, 175-176) Identity, according to one of the leading scholars of constructivism, Alexander Wendt, is defined as "relatively stable, role-specific understanding and expectations about oneself," (Wendt, 1992, 397) and it can be multifold for states. (Wendt, 1992, 398) In his 1992 piece "Anarchy is what states make of it: the social construction of power politics," Wendt argued that realism and liberalism, due to their close ties to rationalism, assume that only the behavior of a state changes, but not its interests or identity. (Wendt, 1992, 392) Constructivism opposes this claim and rather contends that identity shapes and influences the decisions states make with regards to their foreign policy and that identity is interchangeable. Furthermore, self-help and power politics, which are a centerpiece of realist and liberal internationalist thinking, are not an absolute given in constructivism but are rather institutions itself, just like anarchy. (Wendt, 1992, 395) A state's interest is what defines it decisions in anarchy but, unlike in neorealism and liberal internationalism, these are not predetermined but depend on the identity. (Wendt, 1992, 392) Identity is established through social practice and through the projections of other actors which ultimately means that identity can change if a particular actor is perceived differently or if its social practices change. While the state constructs its own identity, it has no influence over how that it is perceived by other actors and therefore does not have final control over how other states will engage with it. (Hopf, 1998, 175)

 To bring forth a better understanding of the interrelation of identity and interest, Hopf argues that the classification of countries according to certain labels, such as "superpower" or "European Union Member," (Hopf, 1998, 176) also implies a certain set of interests. This gets clearer when we look at the different objectives and policy actions of Germany, a "European Union Member," and the United States, a "superpower," with regards to Libya. Germany was the only Western Security Council member that did not vote in favor of Resolution 1973 (United Nations, *UNBISnet Voting Record Search S/RES/1973,* 2011, 1), which was spearheaded by the United States, arguably because Germany has been hesitant to match its economic power with political or military influence and hence does not see itself as a superpower. The other two European states in the Security Council, France and the United Kingdom, attribute such classification on themselves due to their colonial past which makes their yes vote, along with the United States, understandable.

 Historical context is another key factor to how a state constructs its identity and constructivism places the question of identity in such context, (Hopf, 1998, 175) which explains why Germany, one of the strongest economic powers of current times, is afraid to assume a

stronger role following the defeat in two World Wars. The aforementioned labels are, just like identity itself, socially constructed and are influenced by the "distribution of knowledge" (Wendt, 1992, 397), meaning that a certain label only has a particular meaning until society decides that the meaning of this label has changed. An example provided by Wendt is the term "university" which, should society forget about its meaning, would cause the power of a professor to vanish. (Wendt, 1992, 397) It is not just with regard to identity and labeling that a construction process takes place, but also when a state undertakes decisions. According to constructivism, the interests of a state emerge while defining a situation based on the state's identity. (Wendt, 1992, 398) A part of that process is experience states made previously, which needs to be kept in mind when looking at the two case studies of this paper and the negative perception of the intervention in Libya by, especially, Russia and China. Equally relevant in this particular case study comparison is one last layer of constructivism, which finds that we undertake different actions towards actors with different meaning to us. Actions in relation to states viewed as "friends" are different from actions in relation to "enemies," (Wendt, 1992, 397) which could be seen during the Cold War and the different perception of the United States regarding missiles owned by the Soviet Union and the United Kingdom. (Wendt, 1992, 397)

Constructivism is therefore the international relations theory which acknowledges room for change in policy of a nation the most. Due to its perception of foreign policy being directly linked to identity, an ever-changing concept, it allows for states to undertake different actions in similar cases and thereby finds a middle ground between other international relations theories which are more to the extremes, such as neorealism and liberal internationalism. According to constructivism nations can choose to cooperate or compete, depending on the situation, which is an option that is not seen often in international relations theory. The next chapter will engage with R2P and its history in order to establish some basic knowledge regarding the concept which will be relevant for the later analysis of the two case studies.

The Evolution of the Responsibility to Protect

Ever since the concept of "the state" was developed in the 1600s, sovereignty was seen as a right and not a responsibility. (Evans, 2008, 284) This perception changed in recent times with the introduction of R2P and the corresponding questioning of the Westphalian state system. In order to understand why and how R2P developed, one needs to go back to the Rwandan genocide in 1994. The international community, especially the United Nations, had only a place on the sidelines when Tutsis were subject of slaughter by members of the Hutu majority. A variety of reasons, including a lack of information, and Article 2 of the UN Charter, which enshrines every nation's sovereignty, (United Nations, 1945, 3) caused the Security Council to remain idle as UN Peacekeeping forces in Rwanda became bystanders during the mass killings. A first thought process on humanitarian intervention was initiated but did not take off fully until the 1999 intervention in Kosovo by NATO. During the Gross Human Rights Violations in the Balkans, the UN Security Council, despite a general agreement by the majority of countries in the international system that an intervention was necessary, decided against military means to resolve the conflict which led to the creation of the Kosovo Force, challenging

the credibility and functionality of the international system. (Evans, 2008, 284) It was this challenge of the international system which sparked the first serious discussions between those favoring humanitarian intervention and those valuing the traditional approach to national sovereignty (Evans, 2008, 285), who argue that sovereignty ensures that no outside actor get involved with national business, essentially making it a "license to kill." (Evans, 2008, 284) The debate, which turned out to be much of a North-South dispute, with nations in the Southern hemisphere being reluctant to succeed some of their sovereignty, led to a deadlock (Evans, 2008, 285) which was not broken until in 2001 the International Commission on Intervention and State Sovereignty, tasked by the Canadian government, published its final report entitled "The Responsibility to Protect."

The report changed the tone of the debate substantially as it changed the right to sovereignty into a responsibility that comes along with it. The report acknowledges that "the primary responsibility [to protect its civilians] rests with the state concerned, and that it is only if the state is unable or unwilling to fulfill this responsibility, or is itself the perpetrator, that it becomes the responsibility of the international community to act in its place." (Evans et al., 2001, 17) This meant that the international community would only intervene should a nation fail to fulfill the responsibility associated with its sovereignty to which the report also adds that, even in the case of such a failure, military intervention shall remain the last resort after all other means have failed. (Evans, 2008, 286) The report was not only noticed in the realms of the scholarly world but also by policy makers and politicians, even though it was deemed too idealistic by some. (Hehir, 2012, 45-46) Nonetheless the United Nations engaged with the matter during the 2005 World Summit when adding R2P to its agenda. The Summit gathered 170 Heads of State and Government in New York as they discussed a variety of pressing issues, including how to proceed with R2P. The result of the Summit, the 2005 World Summit Outcome Document, laid the ground of what is nowadays considered the Responsibility to Protect and was unanimously passed after the Summit. Paragraph 138 of the document reads:

> "*Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.*" (United Nations, 2005, 30)

This established the first two pillars of the concept.

R2P is essentially constructed in a multilayer-way, with each layer considered a pillar, as phrased by UN Secretary General Ban Ki-moon in 2009. (Ban, 2009, 3) First and foremost, the responsibility to protect its citizens lays with the state and nobody else. Should a state struggle to protect its civilians, the second pillar comes into place, bringing in international support to uphold human rights and other values. The third and final pillar of the concept is laid out in paragraph 139 of the World Outcome Document which reads:

"*The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action [...] through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis [...], 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. [...] We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.*" (United Nations, 2005, 30)*

By making a reference to Chapter VII of the UN Charter, which deals with "Action with respect to to threats to the peace, breaches of the peace, and acts of aggression" (United Nations, 1945, 9), the international community gave the Security Council the authority to go as far as deploying a military intervention should a government fail to live up to its responsibility to protect. This was a fundamental step towards a more liberal world order, overturning parts of national sovereignty towards an international institution. It was precisely that step that caused controversy after the World Summit. In 2008, during a debate of the budgetary committee of the General Assembly, multiple representatives declared that R2P was never endorsed by the General Assembly and that paragraphs 138 and 139 were not concerned with the concept itself but just with the protection of civilians. (Evans, 2008, 288) The underlying reasons for the rejection of R2P are ranging widely; from concerns over the misuse of the responsibility vested in the United Nations, or the perception of interventions being imperialist, to simply protecting oneself of having the international community intervene in domestic affairs. (Evans, 2008, 289)

These objections evolving around the fact that the General Assembly had not endorsed R2P were swiped aside when the General Assembly, following a report by UN Secretary-General Ban Ki-moon, passed a resolution on the matter in 2009. Ban's report, which was entitled "Implementing the responsibility to protect," (Ban, 2009, 3) addressed the UN member states with policy advice and possible ways of interpreting R2P. Ban especially stressed that UN member states need to stand united on the matter and that the United Nations needs to live up to the task given to them by the world's leaders during the 2005 World Summit. (Ban, 2009, 30) During the following debate, member states agreed on a few important principles regarding how R2P is to be utilized in the future. Firstly, member states agreed that prevention should play a key role, meaning the United Nations should focus on preventing humanitarian crises rather than stepping in when it is too late. Secondly, the General Assembly agreed that R2P should not be considered a new legal norm but rather is a follow up to already existing principles of international law. This was important as some member states disagreed initially, arguing that R2P poses a direct contradiction of already established laws. Thirdly, the General Assembly reaffirmed once again that R2P is only to be invoked in the four crimes set out in paragraph 138 and 139 of the World Summit Outcome Document. This meant that humanitarian disaster, the rejection of aid, or other factors would not be sufficient to invoke R2P.

(Hehir, 2012, 52) Anything beyond these four crimes, would have caused even wider controversy among member states as they still seek to uphold the view that the main responsibility to protect its civilians remains with the national government. (Rotmann et al., 2014, 363-364) Lastly, member states agreed that political will would have to be mobilized in order to make R2P a success and get states to support it fully. (Hehir, 2012, 53)

As it can be seen, the debate in the political playgrounds of the world was long and intense and even continues nowadays with controversies regarding R2P haunting the UN Security Council. Due to its liberal and, for some controversial, manner, R2P has also been discussed elaborately by scholars from different schools of thought. The diversity in discussion of R2P will be displayed in the next chapter of this paper as attention will be devoted to arguments scholars have brought forward both in favor and against R2P.

R2P, Libya, and Syria in a scholarly discussion: multiple viewpoints

The scholarly discussion has seen arguments coming from all sides of the international relations theory spectrum. Leading academics in the field of R2P discussion include Adrian Gallagher and Ramesh Thakur. The latter, evaluated the state of R2P after the Libyan intervention and drew a couple of important conclusions. First of all, Thakur argued that, despite Libya being almost a textbook illustration of an R2P case, the consequences are predominantly negative as NATO overstepped its mandate by pursuing regime change instead of simply protecting the civilians of Libya. Nonetheless, he finds that it would be "premature to conclude that R2P can be branded RIP," (Thakur, 2013, 61) i.e. considering it as failed. The argument is based on the fact that, historically speaking, interventions have always occurred and the question is not if interventions will take place but rather whether they will be rules and consensus driven or ad-hoc and unilateral. (Thakur, 2013, 62) It is, however, important, in order to uphold R2P, to involve all states into the decision-making process and not just powerful, developed nations. (Thakur, 2013, 64) The question if that goal can ever be achieved, needs to be viewed critically though, especially when thinking about the power structure of the UN Security Council. The P5 have a tremendous leverage compared to non-permanent members not only because they enjoy a veto power, but also because they are involved with every decision the Council takes and do not have to step back from their duties after two years. Since R2P requires Security Council approval to be invoked, it becomes nearly impossible to ever invoke it without the consent of a P5, or, taking it even further, against a P5. The neorealist critique of R2P takes this argument even further and adds that great powers would be willing to even circumvent the United Nations to continue to control how R2P will work, i.e. which country will be allowed to uphold its sovereignty and which is not. (Moses, 2013, 133)

The perception of sovereignty is a point of disagreement between scholars in general. While the liberal, R2P supporting interpretation, views it as an empty signifier which changes over time, neorealism views it as a "timeless tool of coercive power." (Moses, 2013, 114) Questioning the interpretation of neorealism is the fact that nations have written over part of their sovereignty to international institutions in the past and our view of sovereignty has changed

over time. While its power constantly remains in tact, a trend of a changing perception can be noted. Jeremy Moses acknowledges the fact that both interpretations are valid but he criticizes that R2P supporters dismiss the neorealist view of sovereignty too quickly or disregard it as a whole. (Moses, 2013, 115)

Another point of contention is the question of responsibility and what exactly it entails. R2P supporters argue that responsibility needs to be understood as a responsibility for all to the well-being of everybody. (Moses, 2013, 115) Hence they believe that it is of utmost importance that R2P is upheld as it puts the needs of the victims, which are mostly civilians, at the center of attention and encourages nations living in "zones of safety to care for those trapped in zones of danger." (Thakur, 2013, 64) It needs to be clear, however, that R2P can not be used as a coat for hidden agendas, such as bringing forth regime change. Here a clear line is drawn between sovereignty as a responsibility, and not as a shield for nations to do whatever they like. Along with that it is crucial that the international system has regulations, like R2P, which make it possible to help affected civilians in cases of emergency. (Thakur, 2013, 66) Opposing that view is the Weberian interpretation of responsibility adhered to by neorealism which outlines that nations are only responsible to their own well-being and do not have to worry about civilians in other nations. (Moses, 2013, 115)

R2P criticism does not only come from a neorealist viewpoint, though. One of the main points of criticism of R2P is its vague nature, or rather the unspecified phrasing of the 2005 World Summit Outcome Document. Adrian Gallagher, for instance, provides the term "manifest failing" in paragraph 139 (United Nations, 2005, 30) as an example for such. He consequently blames the failure of R2P application in Syria on the unclear language of the document. This is, at least in Gallagher's view, only a follow up to other vague documents, such as the UN Charter. Gallagher identifies the unwillingness of states to load the implications and responsibilities associated with terms, like genocide, on their shoulders. Hence, nations decide about the exact interpretation of particular rules on a case-to-case basis. Gallagher rejects that notion and argues that only the application should be discussed on a case-to-case basis while the interpretation remains the same. (Gallagher, 2014, 6) With his argumentation he address a very obvious flaw in the current mindset the international community has regarding R2P. Regulations should not be subject of constant re-interpretation but need to be defined clearly for all instances. In the case of R2P a certain room for case-to-case decision-making can be given for the question of how the response to violations should look like, i.e. does the UN Security Council want to invoke a militar intervention or do they consider sanctions sufficient? There should not be, however, a reassessment of the criteria of R2P over and over again. Since this is not the case however, and the UN Security Council has to judge and assess R2P fully on a case-to-case basis, scholars have another point of discussion about what the Council needs to consider when making its decision. Gallagher does so, for instance, and connects his arguments directly to the Syrian case when he provides five key elements that should be considered when deciding whether or not a government is manifestly failing in its responsibility to protect.

The first factor are government intentions to neglect their responsibility to protect, meaning a government purposely refuses to protect its civilians. This, according to Gallagher, needs to be judged on actions and policies of the government and should not be based on

second guessing about the thoughts and intentions of leaders. Gallagher clarifies that both sides have committed war crimes in the Syrian case while the one's of the Syrian government are more intense and far reaching. (Gallagher, 2014, 6-7)

The second key element is the death toll of a conflict. Gallagher reflects on scholarly discussion regarding when a death toll is too high and when a conflict can be considered a genocide, and concludes that multiple thousands of deaths is the most common definition amongst scholar. Besides that quantitative definition, the "qualitative" definition, i.e. the way of killing, is also relevant. According to the UN both definitions are fulfilled and Gallagher blames mostly the Assad regime. (Gallagher, 2014, 7-9)

The third element, "displacement of people" is not part of the original R2P framework but should be considered as an indicator for a manifest failing. The Syrian government, according to Gallagher, has failed both its internal, meaning the protection of safety and welfare of its population, and external, meaning causing a destabilization of the greater region, duties with regards to the displacement of people. (Gallagher, 2014, 9)

The last two key elements are "intentional targeting of women, children, and elderly" and "weapons used". The first has recently been more of an issue in Syria, despite the UN initially being unsure if the killings of children were intentional, as reports emerged of children being used as human shields in conflict. Gallagher acknowledges that the large amount of child deaths is most likely a combination of intentional targeting and the outcome of the fighting. With respect to the weapons used, Gallagher presents an argument saying that the more qualitative, i.e. sophisticated, a weapon is, the easier it is to prove a manifest failing. Hence, the argues that the use of chemical weapons in Syria constitutes a manifest failing of the Assad government to protect its civilians. He concludes by arguing that not all elements need to be fulfilled at all time and that some, such as death toll, are more relevant than other, such as displacement of people. He says all elements apply in the Syrian case, though, which brings geopolitics, such as relations between involved actors, to the forefront of why R2P has not been invoked. (Gallagher, 2014, 10-12)

Gallagher, while criticizing the way R2P is phrased, makes a strong argument in favor of an intervention in Syria. The facts he provides are strong and should be sufficient to convince a reader of his argumentation. Yet, a neorealist would oppose the notion of an intervention in the Middle Eastern nation. This objection can be built on multiple grounds, such as the previously discussed contention over sovereignty and responsibility, as well as the opinion that the role a foreign nation can play in another country is overrated, even if consent is given to an intervention, because the chances of an intervention being successful are limited. (Morgenthau, 1967, 1) Furthermore, Moses argues that power-sharing might work in regular times but will always fail in light of a crisis. (Moses, 2013, 133) This means that R2P will never function properly since it will only be invoked during a crisis and states would be reluctant to share power in those times. That claim might be reaching further than what is true because history has witnessed multiple instances of successful cooperations during crises before, be it in the fight against terror and the ISAF mission which involved nations from all around the globe, or, in very recent history, the coalition against the Islamic State.

As discussed in this chapter, arguments in favor and against R2P are wide ranging in the academic realm. Arguments revolve around the fundamentals of R2P, such as the wording of

the World Outcome Document, as well as different viewpoints driven by multiple schools of thought. Especially scholars of neorealism and liberal internationalism have a particularly grave divide on the issue as they disagree on points such as seeing sovereignty as a responsibility of the state or other nations having a responsibility for the well-being of citizens of foreign nations. Discussion has also been focused on the cases of Libya and Syria, which this paper will address in the next two chapters, beginning with how the situation in Libya unfolded, why the facts support the intervention by the United Nations and NATO, and why such a response should, technically, also be invoked in the case of Syria.

Assessing the situation: was applying R2P in Libya justified?

As elaborated upon earlier, there are four main criteria, out of which one has to be met, in order to justify a third pillar response of R2P. The international community invoked such a third pillar response in Libya based on the "crimes against humanity" which were committed. (United Nations, *Resolution 1973*, 2011, 1) The International Criminal Court lists actions such as murder, torture, enforced disappearance, and similar factors as crimes against humanity[1] (International Criminal Court, n.d., 1) The conflict in Libya began to unfold after the arrest of human rights campaigner Fethi Tarbel (Cutler, 2011, 1) in February 2011. Multiple reports emerged of violence escalating during a day of rage, during which the Gaddafi regime began to suppress the anti-government protests. (Freedom House, 2011, 1) UN Secretary-General Ban Ki-moon stated during a press conference on the 21st of February, 2011 that he has "seen very disturbing and shocking scenes, where Libyan authorities have been firing at demonstrators from warplanes and helicopters," (Ban, 2011, 1) which gave a first indication of the violence carried out by the Gaddafi regime. Ban's press statement was followed up to by UN High Commissioner Navy Pillay four days later, during a speech to the UN Human Rights Council, where Pillay stated: "As the Secretary-General noted, the reported 'nature and scale of the attacks on civilians are egregious violations of international humanitarian and human rights law.' He condemned them without qualification and stated that those responsible for brutally shedding the blood of innocents must be punished." (Pillay, 2011, 1) During her speech, Pillay also reminded the Council of the responsibility to protect and thereby introduced the international community to idea of invoking a third pillar response in Libya only four days after the beginning of the violence. During the same meeting the Human Rights Council, as a result of the ongoing violence against civilians, suspended Libya's membership and the Libyan representative to the Council proclaimed he would no longer represent Gaddafi but rather the Libyan people. (United Nations Human Rights Council, 2011,1)

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[1] The full ICC definition labels "murder, extermination, enslavement, deportation or forcible transfer of population, imprisonment, torture, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity, persecution against an identifiable group on political, racial, national, ethnic, cultural, religious or gender grounds, enforced disappearance of persons, the crime of apartheid, and other inhumane acts of a similar character intentionally causing great suffering or serious bodily or mental injury," as crimes against humanity. (International Criminal Court, n.d., 1)

The topic was picked up by the United Nations Security Council one day after the meeting of the Human Rights Council as the UNSC passed Resolution 1970, which brought up the issue of committed crimes against humanity, as the 6th preambulatory clause reads: "Considering that the widespread and systematic attacks currently taking place in the Libyan Arab Jamahiriya against the civilian population may amount to crimes against humanity." (United Nations, *Resolution 1970*, 2011, 1) With Resolution 1970, the Security Council set the tone for any future discussions on the topic of Libya. It should therefore not be a surprise that, when the Council discussed the issue the next time on 17 March 2011, it passed one of its most important and impacting resolutions of the current millenium, Resolution 1973. The debate was immediately dominated by Libya's failure to protect its citizens as the sponsors of the draft resolution, France, Lebanon, the United Kingdom, and the United States, accused Gaddafi and his authorities of crimes against humanity. (Baodong et al., 2011, 2-5) While there was opposition from multiple countries, especially the Russian and Chinese delegations, regarding the use of force in a foreign nation, the appeal by the Arab League to the Security Council to establish a no-fly zone in Libya caused these nations to abstain from the vote on the Resolution, (Baodong et al., 2011, 8-10) allowing it to pass.

The 29 operative clauses strong Resolution 1973 was set-up in multiple layers. First and foremost, the Resolution called for an immediate ceasefire and a peaceful settlement of the dispute. (United Nations, *Resolution 1973*, 2011, 2) This in itself is very common for the Security Council to call for as it is the principal organ of the UN for the maintenance of peace and security and does not take a lot of diplomatic effort to agree upon. The clauses that make Resolution 1973 special are those relating to the establishment of a no-fly zone over Libyan airspace and those sanctioning individuals involved with the attacks on civilians in Libya, namely operative clauses 6 through 12 as well as operative clauses 17 to 21. (United Nations, *Resolution 1973*, 2011, 3-5) By including clauses with direct actions against Libyan sovereignty, the Security Council decided that it was now time for the international community to take over the Libyan responsibility to protect and invoke a third pillar response of R2P. The tone of debate within the Council on the Libyan question had been clearly guided by R2P previously, but it was nonetheless a big first step towards establishing the responsibility to protect as an internationally accepted, and relied upon, tool and norm. The importance of this Security Council decision was underscored by Ban Ki-moon who stated shortly after the Security Council debate: "The Security Council today has taken a historic decision. Resolution 1973 reaffirms, clearly and unequivocally, the international community's determination to fulfil its responsibility to protect civilians from violence perpetrated upon them by their own government." (Hehir, 2012, 12) For the first time in history the international community had decided to intervene in a conflict due to purely humanitarian reasons which sparked hope for future conflicts to come.

NATO took up the mandate of the Security Council to establish a no-fly zone through Operation Unified Protector shortly after the Resolution was passed and half a year later Tripolis was liberated by NATO and Gaddafi was removed from power and killed by Libyan opposition forces. In the meantime bloodshed continued in Libya but multiple attacks by NATO against government forces equaled out the fights, giving citizens who are not involved in the fighting more security, (NATO, 2012, 1) and thereby ultimately proving the mission to be, at least on paper, successful. NATO celebrated its success and praised R2P (Daalder and Stavridis, 2012,

2-7) but quickly faced criticism from non-members, most notably Russia and China who claimed that NATO had overstepped their mandate and were seeking regime change instead of simply protecting the Libyan population from humanitarian disaster. This brought forth suspicion towards future R2P debates as the criticising nations were now doubting the intentions NATO has. (Shestakov, 2011, 1)

The evidence in the Libyan case was clear, yet slight hesitation could be noticed in the United Nations. Despite clear documentation of committed crimes against humanity, multiple nations were reluctant to fully support an intervention in the Northern African nation. R2P was invoked nonetheless due to the brutality the Gaddafi regime used to suppress its population and the gross human rights violations committed against innocent civilians in Libya. The willingness of the international community to use R2P was put to the test again shortly after the Libyan case when a debate regarding the application of R2P in Syria erupted. Again the Security Council picked up the matter and discussions sparked despite evidence on the matter again being very clear and to this very day no major decision has been taken. The discussion in the Security Council will be subject of the next chapter of this paper.

Assessing the situation: does R2P apply in Syria?

In order to make a correct assessment of the situation in Syria, it is crucial to define all four criteria of R2P. A definition of the term "crimes against humanity" was previously presented in this paper, leaving "genocide," "war crimes," and "ethnic cleansing" to be defined now. Out of those three, genocide is the one that has been used the most in the past and therefore a clear legal definition is available. Article 6 of the Rome Statutes states that "genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing members of the group [or] causing serious bodily or mental harm to members of the group.[2]" (United Nations, 2002, 3) Genocide therefore very closely relates to ethnic cleansing which, according to the final report of the Commission of Experts established pursuant to Security Council Resolution 780, is defined as " rendering an area ethnically homogenous by using force or intimidation to remove persons of given groups from the area." (Boutros-Ghali, 1994, 33) Seeing that these two definitions are very similar, it is important to make a clear differentiation, which can be found in the ruling of the European Court of Human Rights in the case of Jorgic v. Germany as it states in §45:

"*The term 'ethnic cleansing' has frequently been employed to refer to the events in Bosnia and Herzegovina which are the subject of this case [...] It [i.e., ethnic cleansing] can only be a form of genocide within the meaning of the Convention, if it corresponds to or falls within one of the categories of acts prohibited by Article II of the Convention. Neither the intent, as a matter of policy, to render an area 'ethnically homogeneous', nor*

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[2] The Rome Statutes list further sub-criteria which are not entirely relevant for this analysis but for the sake of completion are listed nonetheless: "(c)Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group." (United Nations, 2002, 3)

the operations that may be carried out to implement such policy, can as such be designated as genocide: the intent that characterizes genocide is 'to destroy, in whole or in part' a particular group, and deportation or displacement of the members of a group, even if effected by force, is not necessarily equivalent to destruction of that group, nor is such destruction an automatic consequence of the displacement. [...] As the ICTY has observed, while 'there are obvious similarities between a genocidal policy and the policy commonly known as "ethnic cleansing"' (Krstić, IT-98-33-T, Trial Chamber Judgment, 2 August 2001, para. 562), yet '[a] clear distinction must be drawn between physical destruction and mere dissolution of a group. The expulsion of a group or part of a group does not in itself suffice for genocide." (European Court of Human Rights, 2007, 1)

From the ECHR judgement one can draw the conclusion that a genocide requires the intend to destroy a group, meaning harm to a group is done deliberately, while ethnic cleansing does not require such criteria and refers to the act of removing a certain group of people, possibly by force, from a particular area. The last R2P criteria is war crimes, which is defined as "breaches of the Geneva Convention [or] other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law," (United Nations, 2002, 6) in Article 8 of the Rome Statutes of the International Criminal Court. Examples for other serious violations are " intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities [or] intentionally directing attacks against civilian objects, that is, objects which are not military objectives." (United Nations, 2002, 6)

The situation in Syria applies to, arguably, two, possibly even three, criteria of R2P, depending on the interpretation of the actions by the Assad regime. The amount of evidence showing the atrocities in Syria is immense and indisputable, though, allowing the careful observer to draw up clear arguments in favor of invoking a third pillar R2P response in the Middle Eastern nation. The conflict in Syria began shortly after the uprisings in Libya when anti-government protests unraveled in March 2011. Syrian President Bashar al-Assad had these protests suppressed violently which led to the killing of 100 protesters on the 23rd of March 2011. In August of the same year, the Syrian National Council, the first formal group of the Assad opposition, is founded (Al-Jazeera, 2014, 1) while Syria's membership of the Arab League is suspended due to the continuing human rights violations of the Syrian regime. (Batty and Shenker, 2011, 1) Human Rights Watch listed multiple of these violations in their 2014 report on Human Rights in Syria. Spearheading that report is the use of chemical weapons against civilians on August 21, 2013 by, allegedly, the Assad government. The report concludes that hundreds of civilians, including many children, were killed during the attack, which appears to not be the only unlawful use of weapons. From the use of cluster bombs to incendiary weapons in populated areas as well as airstrikes targeted at civilians, the list of violations of international laws is long. (Human Rights Watch, 2014, 1) The list also includes accusations of torture, executions, arbitrary arrests, and forced disappearances, which are all serious crimes which are committed by the Syrian government. (Human Rights Watch, 2014, 1)

It is not just the Syrian government however, which is committing atrocious crimes, but also the opposition forces which engage in indiscriminate attacks, extrajudicial executions,

kidnapping, and torture. (Human Rights Watch, 2014, 2) Seeing that R2P can also be invoked if a government fails to protect its citizens from attacks against them, the Assad regime can be held accountable as well for the crimes committed by opposition forces. The crimes mentioned in the Human Rights Watch report are backed by a 2013 report published by the US Department of State. The US report lists violations such as unlawful killings, disappearance, torture, and life threatening conditions in prisons for inmates (United States State Department, 2013, 3-8) By now, the Syrian conflict has become one of the most violent and brutal ones, with more than 190,000 persons killed and 7.6 million internally displaced. (United Nations Office for the Coordination of Humanitarian Affairs, n.d., 1) Based on these reports, the international community should have no problem with making a quick decision with regard to the application of R2P in Syria, seeing that the criteria of war crimes, crimes against humanity, and arguably even ethnic cleansing, are fulfilled.

Despite the facts being undisputed and the Syrian case arguably being worse than the Libyan one, the international community has been reluctant to invoke a third pillar response of R2P. To this day, the only intervention from outside was a mission of the Organization for the Prohibition of Chemical Weapons (OPCW) to assist the Assad government in dismantling its chemical weapons stockpile. The inactiveness of the Security Council has been largely due to a lack of unity of the P5 leading to multiple Russian (and sometimes also Chinese) vetoes on resolutions concerning Syria. Russia's reasoning behind these vetoes is very simple: they do not want regime change which might occur if an intervention takes place, as we saw in the Libyan case. On 22 May 2014, Russian permanent representative to the UN, Vitaliy Churkin, elaborated on that matter during a Security Council debate on Syria and explained the Russian veto.

> *"Pursuing regime change by force in Syria at all costs will prolong the crisis and undermine the Geneva negotiations. [...] What are our Western colleagues proposing [...]? [...] Their list of good guys now includes the Al-Nusra Front, which has openly confessed to a series of brutal attacks […]. I would note that our Western colleagues are demanding that cross-border humanitarian deliveries to Syria be conducted through border crossing controlled by the Front. At the same time they have blocked any condemnation by the Security Council of the numerous terrorist attacks committed in Syria."* (Joon et al., 2014, 12-13)

It can be noted from these statements that not only the events in Libya are influencing the Russian Federation in their decision to veto but also the different interpretation of the role of certain groups within Syria. Especially the first point appears to make sense when considering the close relations Russia and Syria have been enjoying since the 1950s. The excellent relations hinge on multiple factors and the partnership is lucrative to both sides. Russia has been exporting around 4% of their weapons and arms exports to Syria between 2011 and 2012, as well as other trading goods, and have a vested geopolitical interest in the nation due to its access to the Mediterranean Sea with Russia even having a naval base in the Syrian port of Tartus. (El-Din, 2013, 1) Obviously, these relations would be at stake should Syria have a new

government take the place of Bashar al-Assad and the cards on the tables would be mixed again, potentially leaving Russia on the losing end of the deal.

Explaining the R2P non-application: which theory does it best?

Russian behavior is clearly spurred by the fear of regime change in Syria, as elaborated upon in the previous section of this paper. All three international relations theories this paper examines provide a sufficient analysis of this behavior but it is the fact that there is such a sudden change in Russian policy that makes constructivism the theory which is applicable the best to the situation at hand. While Russian behavior is the main factor for the failure of R2P in the Syrian case, other factors and the behavior of other nations will also be considered in this analysis.

The fear of Russia to lose a trading partner and thereby income for the state, as well as possibly having a direct competitor, namely NATO, gaining influence just off their borders, is a very neorealist approach. As outlined in previous paragraphs, neorealism argues that states are mainly concerned about territorial integrity and sovereignty in order to uphold themselves in an anarchic order, making survival their primary goal. (Grieco, 1988, 498) Should an intervention following R2P principles take place, chances are that the new Syrian government will be "pro Western," i.e. favors making deals with NATO instead of Russia. Seeing Russia's fear of a encirclement by NATO, it makes sense for Moscow to block any sort of action with regard to Syria. The danger to its territorial integrity would be too big if NATO were to gain access to Syria for military bases or other sorts of (military) engagement. Besides that, Russia might lose its naval port in Tartus, which would further weaken the Russian position in the anarchic system and in their struggle for survival. Geopolitics in general play a big role in Russia's behavior, (Gallagher, 2014, 10-12) as it can be observed in the situation in the Ukraine where the Russian Federation intervened once the European Union was extending its relations with Russia's neighbor. Furthermore, a loss of income, regardless the amount, would currently hurt Russia tremendously with the Rubel dropping in value and sanctions causing Russia to struggle in economic terms, hence a gamble on the export deal with Syria is not a feasible option for the Kremlin.

Neorealism scholars predicted an occurrence like the current one in Syria with R2P not being invoked in their previous academic discourse, as discussed during the Jeremy Moses article earlier in this paper. (Moses, 2013, 133) Neorealism predicted that it would be the powerful nations deciding over the sovereignty of weaker nations. This can clearly be observed in Russia's behavior but also possibly when considering the power the respective governments of Libya and Syria had (or still have) over their countries. Due to its Russian support, which certainly is not the only nation backing Syria as other nations such as Iran also look favorably upon it, the Assad regime has arguably more influence and power than the Gaddafi regime, making it harder for the international community to overturn its sovereignty and invoke a third pillar R2P response.

What puts realism in question as the most appropriate theory to explain the policy change of Russia with regard to R2P since the Libyan intervention, is the fact that Russia

should have potentially acted the same in both cases, i.e. agree or oppose to a R2P intervention regardless of the context. According to neorealism, international anarchy is a constant factor which does not change wherefore states are constantly struggling to survive and never (or very, very rarely) cooperate through the form of an international institution such as the UN and thereby also refuse to accept international regimes such as R2P. (Grieco, 1988, 485) While the threat to Russia's survival might be less severe in Libya than during an intervention in Syria, according to neorealism R2P should have never been invoked nonetheless, ruling out neorealism as the international relations theory explaining the failure of R2P in Syria the best.

With neorealism out of the picture, attention needs to be shifted to the other two remaining international relations theories and it needs to be examined how these manage to explain the situation at hand. Liberal internationalism will be looked at closer next.

First of all it needs to be noted that R2P is a liberal concept in itself and should therefore fit into liberal internationalist discourse nicely. In liberal internationalist thinking, nations cooperate to ensure survival in international anarchy. (Ikenberry, 2009, 76-78) This means that cooperation is always an alternative for states, unlike in a neorealist view. The Libyan intervention can be explained easily by liberal internationalist thinking. The role states assign to an international institution like the United Nations and its norms and regimes is crucial in this form of international relations theory. States do not just cooperate on matters directly affecting them but also on matters affecting other states - a simple system of "give and take," so to say. Libya was no exception with the UN Security Council gathering to uphold R2P as an international regime and introduce it as a new, soon-to-be mobilized more often, concept in the world of international relations. Nations were not afraid to work together as essentially there would be a gain for all involved actors and be it simply the continuation of the importance of the United Nations as a forum for cooperation, which directly contradicts neorealist thinking. What liberal internationalism fails to explain is the non-application of R2P in Syria. According to this school of thought, countries should not be reluctant to work with international regimes such as R2P at any time as, in opposition to neorealism, international relations are not a zero-sum game and no nation would have an absolute gain from an intervention in Syria - all would have a proportional gain from the intervention. In liberal internationalist thinking, Russia should not be afraid of a potential NATO involvement in Syria as long as the mandate is channelled through the Security Council or a similar international forum. The fact that there is reluctance nonetheless troubles liberal internationalist thinking.

Furthermore, liberal internationalism sees nations do their very best to uphold the legitimacy of international organization, as the Security Council did when they overturned the sanctions imposed on Libya in 2003. (Hurd, 2005, 496) Currently the Security Council and its ability to act are questioned all around as the Council is incapable of reaching consensus on pressing matters such as the situation in Syria. This directly undermines the legitimacy of not only the Council but also the United Nations as a whole, just like the Kosovo Force did in 1999. (Evans, 2008, 284) According to liberal internationalist thinking nations should not allow such a damage to be brought to an international organization. This does not only apply to Russia but also other member of the UN Security which abstain from resolutions, which can also be applied to the case of Libya, as the abstaining nations already displayed a certain divide of the Council. An important decision such as a foreign intervention should not be carried out with multiple

abstentions in the Council, which raises further questions regarding the legitimacy of the Security Council. Therefore, liberal internationalist thinking is also challenged and troubled by the behavior of the UN Security Council with regard to R2P and appears to be less likely to provide a valid explanation.

The unexplainable fear by nations, namely Russia and China, to cooperate, as well as the willing undermining of the legitimacy of the United Nations, could be connected to the current Crisis of Liberal Internationalism 2.0, which leaves states lost in the current international system. (Ikenberry, 2009, 79-80) The established norms of the past decades are crumbling with the hegemonic leader, the US, declining in power and new actors arising. States are currently attempting to find a new way of engaging in international institutions and this crisis might very well explain the Syrian R2P fiasco. The US, however, has been declining in power for a longer period than just two to three years, hence states should have also been uncertain in their decision-making process in the Libyan case. The hesitation there was minimal though and not a single veto disrupted the workings of the UN Security Council, rendering liberal internationalism ineffective as well when attempting to explain the change in R2P application from Libya to Syria.

The only remaining theory is constructivism, which best explains why R2P was invoked in Libya but not in Syria and along with that provides an explanation for the sudden change in policy by states towards R2P. Constructivist thinking, as previously explained, sees foreign policy as historically constructed and context dependent. (Hopf, 1998, 175-176) Highly important for the case at hand is the identity Russia gave to Libya, and the identity Russia currently assigns to Syria. While Russian-Libyan relations were not of bad nature, they were not overwhelmingly good either, making Libya a neutral player to the Russian Federation. Syria on the other hand has been designated as a friend in Russia's view, meaning its policies in relation to Syria greatly differ from those in relation to Libya. Surrounding oneself with friends and non-hostile actors is a reassuring feeling and no apparent threat can be felt. This could drastically change when the current Syrian government is replaced. Russia often identifies itself, or its friends, as victims of NATO, even 20 years after the Cold War ended. The label of enemy, or at least that of a hostile actor, remains with NATO in Russia's eyes and opening up the possibility for the alliance to get a grip on another Middle Eastern state near Russia is unacceptable to the Kremlin. Russia has also had bad experience with R2P intervention, as they saw NATO overstepping its mandate in Libya and toppling the Gaddafi regime instead of simply protecting civilians. Hence, the context of R2P is a particularly bad one in the eyes of the Russian Federation, causing it to take very cautious steps when dealing with R2P at the moment and blocking any sort of possible intervention from the outside. (Wendt, 1992, 392)

Further, Russia is perceived, and views itself, as a modern state, meaning its policy actions correspond with that of a sovereignty embracing state, which is in direct contrast to the post-modern states in Europe or Northern America. When coupling that with the negative image Russia has of R2P ever since Libya, constructivism emerges as the most feasible theory to explain the non-application of R2P in Syria. Libya, a nation Russia did not value dearly enough to block an intervention, was an experiment for the Russian Federation with regard to R2P and that experiment has failed, making it very hard for Russia to allow any actions in correlation with the concept. (Hopf, 1998, 175-176)

It is not just the behavior of the Russian Federation, though, which can be explained by constructivist thinking, but also why other nations do not push harder for an intervention. After all, the other P5 nations hold a significant diplomatic power and could offer Russia a trade off for not blocking actions of the United Nations and the Security Council with regard to Syria. First and foremost responsible for that is, once again, the identity assigned to Syria. None of the P5, except for Russia, assign a particularly positive or negative identity to the Middle Eastern nation. The United States, arguably the nation which would have the worst perception of Syria due to the US' close ties to Israel and the continuing hostilities between Israel and Syria, has worked together with the Assad regime in the past, giving Syria a neutral identity. Would there be a serious threat or a serious gain for the United States, or any other powerful nation for that matter, which would cause Syria to carry the identity of an enemy, the Council would have already acted or the acting nation would have circumvented the UN and intervened, like the United States did in Iraq in 2003, for instance.

Conclusion

Concluding it can be noted that constructivism clearly offers the best explanation of why R2P failed in Syria while being invoked in Libya. The paper examined what three of the leading international relations theories, namely neorealism, liberal internationalism, and constructivism, bring forth as their main arguments towards how international politics work. Afterwards, the development of the Responsibility to Protect was traced to its early beginnings and the academic discourse regarding the concept was discussed before examining the case studies of Libya and Syria closer. In both case studies evidence suggests that R2P was rightfully invoked or should be invoked as at least one of the criteria set out in the 2005 World Summit Outcome Document is fulfilled in both cases. Based on that evidence and those conclusions, all three international relations theories were contrasted to real life happenings and the conclusion was drawn that constructivism provides the best explanation for the failure of R2P in Syria as it not only explains the sudden change of policy of some nations but also explains how nations perceive different nations and how that perception influences foreign policy decisions. Hence, the answer to the initial research question "*Why Libya but not Syria? How international relations theories attempt to help us understand the difference in R2P application,*" is that constructivism offers the best attempt of helping us understand the difference in R2P application between Libya and Syria.

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