

As a Last Resort

The International Responsibility to Protect in a Post-Western World

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1. Introduction

The extent to which human rights protection *is* and *ought to be* a legitimate concern of international society has for long been a topic of hot debate both among International Relations (IR) scholars and international actors. A recurrent theme in this regard concerns the question if the international architecture built around human rights norms is a mere product of Western power, a form of Western neo-imperialism even, or enjoys wider legitimacy. Lately, this question has come to the fore again in the light of discussions relating to ‘a global power shift’, denoting the decline of the West in favor of new emerging powers. In this respect, scholars question the longevity of an international human rights regime in a multipolar world, where it’s no longer the West who pulls the strings. This research engages with this question, focusing on the new doctrine of the Responsibility to Protect and examining the way in which both Western and non-Western powers conceived of its implementation during United Nations Security Council debates on Libya and Syria.

Introduced in 2001 by the International Commission on Intervention and State Sovereignty (ICISS), the Responsibility to Protect (R2P) was meant to provide a new normative framework to facilitate international responses to humanitarian crises. The commission’s establishment was preceded by a decade of contrasting and inconsistent responses, during which the practice of ‘humanitarian intervention’, external military intervention inside a sovereign state for the purpose of human rights protection, proved a highly controversial issue. In 1994, no Security Council response was forthcoming in the face of genocide in Rwanda. In 1995, UN-peacekeepers lacked an adequate mandate to prevent massacre in Srebrenica. In 1999, the Security Council disagreed on how to respond to conflict in Kosovo, and unauthorized intervention was forthcoming. The ICISS, then, intended to resolve the tension between state sovereignty and humanitarian intervention by advocating an understanding of both in terms of a responsibility to protect human security. Its approach stipulated that state sovereignty implies responsibility, and that in cases where states are unable or unwilling to protect their citizens, ‘the principle of non-intervention yields to the international responsibility to protect.’¹

The R2P has subsequently been adopted in several General Assembly and Security Council resolutions, and has swiftly become part of mainstream international discourse. In its evolution, however, the doctrine has changed significantly from the original ICISS conception, and has increasingly distanced itself from the practice of humanitarian intervention. Where the ICISS report already noted that military intervention ‘should and will occur only as a last resort’², the R2P now mainly focuses on advancing a system of prevention. The current version, introduced by UN secretary-general Ban Ki-Moon in 2009, conceptualizes the R2P based on three pillars; Pillar 1: the

¹ International Commission of Intervention and State Sovereignty, *The Responsibility to Protect*, 2001, XI.

² *Idem*, 57.

protection responsibilities of states; Pillar 2: international assistance and capacity building; and Pillar 3: timely and decisive response.

Recent Security Council responses to Libya and Syria, which have been strikingly different, suggest that this third pillar, responding to mass atrocity crimes, remains a highly divisive issue in international society. Whereas events in Libya evoked strong UN Security Council reaction, constituting the first military implementation of the R2P and the first time in UNSC history that it unanimously referred a situation to the ICC, the Council remained awfully silent on Syria. This research has analysed UNSC debates on the two cases, particularly focusing on the extent to which there has been a difference between Western and non-Western states in their conception of sovereignty. I will proceed in three parts. In this first chapter, I will begin by providing a literature review that explores the nature and scope of the normative change that has occurred since the end of the Cold War, showing that scholars diverge in the way they explicate the relationship between the evolution of the R2P and Western power. I conclude that although the relationship is not unambiguous, the position of emerging powers, the BRICS: Brazil, Russia, India, China and South-Africa, deserves further study, particularly because their attitudes will be crucial for the further evolution of the norm. I proceed by laying out my methodology. Chapter two and three provide my analyses of UNSC debates on Libya and Syria. In both cases the BRICS were sitting on the Security Council, and my analysis will show that there has been considerable difference between the BRICS and Western states in the way they conceived of sovereignty during these two crises.

Literature Review

Scholars generally agree that until the 1990s humanitarian norms were deemed illegitimate to justify military intervention. A number of studies have shown that human rights protection was considered to be beyond the purview of the UN Security Council, and was not accepted as a legitimate reason to break the *grundnorms* of non-intervention and non-use of force. Neil MacFarlane and Yuen Foong Khong, in a historical study on security issues, maintain that: 'decolonization was accompanied by a strong articulation of the principle of non-intervention, and structural bipolarity impeded action within the jurisdiction of states outside the spheres of influence of the two superpowers'.³ Martha Finnemore, researching how changing ideas and beliefs alter the manner in which states employ military force, argues: 'sovereignty and self-determination norms trumped humanitarian claims during the cold war, a relationship that no longer hold with consistency.'⁴

Things changed remarkably during the 1990s, when humanitarian discourse made its inroad in Security Council deliberations. In a situation of 'virtually a humanitarian tabula rasa'⁵, the Council came to authorize a wide variety of actions with explicit humanitarian purposes, including military

³ Neil MacFarlane and Yuen Foong Khong, *Human Security and the UN: A Critical History* (Bloomington: Indiana University Press, 2006), 167.

⁴ Martha Finnemore, *The Purpose of Intervention. Changing Beliefs about the Use of Force* (Ithaca, N.Y. etc.: Cornell University Press, 2003), 54.

⁵ Thomas Weiss, "The Humanitarian Impulse," in *The UN Security Council, From the Cold War to the 21st Century* (Colorado and London: Lynne Rienner Publishers 2004), 38.

intervention. Accordingly, this decade is often referred to as a watershed, where a rebalancing of the position of the individual and the state in international society changed understandings of security, state sovereignty and the legitimate use of force. Thomas Weiss explains the expansion in Security Council activity in terms of a 'humanitarian impulse', maintaining that: 'the prominence of the humanitarian impulse altered the ethical, rhetorical, and military landscape of Security Council decision-making in the 1990s.'⁶ David Malone noted that Council decisions 'since 1990 have undermined rigid conceptions of state sovereignty and eroded the position of governments claiming the sovereign right to conduct themselves at home free of international interference...'⁷

Nicholas Wheeler, embedded in English School theory, characterizes the change as a shift from a pluralist international society, in which sovereignty and non-intervention figure as paramount principles, to a more solidarist international society, characterized by the increased legitimacy of humanitarian norms. Based on his comparative research of intervention cases before and after 1990, he shows that until 1990 pluralist norms 'constituted the space in which legitimate argumentation could take place' but that in the 1990s international society 'became more open to solidarist themes'. He argues that a solidarist international society is not impossible, but 'premature.'⁸ Similarly, Andrew Hurrell contends that we are dealing 'with a world in which solidarist and cosmopolitan conceptions of governance coexist, often rather unhappily, with many aspects of the old pluralist order.'⁹

Any such normative change is renounced by a number of scholars who stress the unipolar moment during which it occurred. Somewhat reminiscent of E.H. Carr's classical realist' argument that 'morality is the product of power'¹⁰, they maintain that the normative change of the post-Cold War period has been the result of Western dominance in the international system and will be reversed with the emergence of non-Western powers. Stephen Hopgood contends that the high point of the global human rights regime was from 1991 – 2008: 'the unipolar moment of American post-Cold War dominance' and that we are entering a world of renewed sovereignty.¹¹ He argues that the rise of the BRICS 'will radically change the alliance dynamics within global politics and international institutions', which will entail 'gridlock over norms at the global level.'¹² Norrie Macqueen makes a similar argument, describing the post-Cold War decade as an 'anomaly' and arguing that since 'the beginning of the new century is has become clear that the notion of a universal set of moral tenets is at least premature and possibly just wrong ... there has been a growing sense of a re-emergence of competing views in the security council about the basis on which interventions are decided and mandated'.¹³ He calls the idea of a new approach to sovereignty 'largely misplaced'.¹⁴ Charles A.

⁶ Thomas Weiss, "The Humanitarian Impulse," 48.

⁷ David Malone, "Introduction," in *The UN Security Council, From the Cold War to the 21st Century*, 9.

⁸ Nicholas Wheeler, *Saving Strangers; Humanitarian Intervention in International Society* (New York: Oxford University Press, 2000), 74, 286 and 310.

⁹ Andrew Hurrell, *On Global Order. Power, Values, and the Constitution of International Society* (Oxford: Oxford University Press, 2007), 9.

¹⁰ Edward Hallet Carr, *The Twenty Years' Crisis, 1919-1939: An Introduction to the Study of International Relations* (New York: Harper & Row, 1964), 81.

¹¹ Stephen Hopgood, *The Endtimes of Human Rights* (Ithaca, N.Y. etc.: Cornell University Press, 2013), XII and 166.

¹² Idem, 18.

¹³ Norrie Macqueen, *Humanitarian Intervention and the United Nations* (Edinburgh: Edinburgh University Press, 2011), 72.

¹⁴ Idem, 88.

Kupchan also notices that 'emerging powers will want to revise, not consolidate, the international order erected during the West's watch.'¹⁵ Although he does see a future for human rights, he argues that the emerging powers adhere to the traditional practice of sovereignty: 'most of the rising rest have little interest in compromising their own or anyone else's sovereignty. The sovereign nation-state is here to stay.'¹⁶

Closer analysis of the normative change that has occurred since 1990 shows, however, that the perception of a one-dimensional relationship between Western power and the evolution of the R2P is inaccurate. This fails to grasp the nature of our current international society, where international organizations provide space for all states to participate in processes of international norm development and where non-state actors often play an important role by steering the debate. Much research has shown, for example, the pivotal role played by UN Secretary-General Kofi Annan, who has put the R2P on the international agenda and has used his authority to actively advocate new norms regarding state sovereignty.¹⁷ Moreover, several analyses of the evolution of the R2P have shown that support from several states across the 'Global South', particularly African states, has been crucial for its advancement in the UN system.¹⁸ Indeed, the R2P, which was adopted at the UN in 2005, has in a way been preceded by regional normative developments in Africa, where the Constitutive Act of the African Union, adopted in 2000, provides for the right of the Union to intervene in a member State in cases of war crimes, genocide and crimes against humanity.

At the same time, literature supports their claim that the emerging powers have tended to perceive the practice of humanitarian intervention in relation to Western power, and remain skeptical regarding the R2P. Analyses of Brazil's foreign policy show it to be embedded in a legalist and non-interventionist tradition, with particular skepticism toward the use of military force.¹⁹ Although Brazil pursues a policy of 'non-indifference' and has promoted democracy and human rights internationally, this has been 'within the limits of a strict interpretation of sovereignty.'²⁰ Monica Herz further notices that Brazil views humanitarian intervention as a 'militarization of relations between the powerful and less powerful states'.²¹ Kudrat Virk has made a similar observation with respect to India's stance, noting that 'India has tended to see the emerging norms in terms of a discourse of Western power and therefore as a threat to rule-based international order.'²²

¹⁵ Charles A. Kupchan, *No One's World. The West, the Rising Rest, and the Coming Global Turn* (Oxford, N.Y. etc.: Oxford University Press, 2012), 7.

¹⁶ Kupchan, *No One's World*, 195.

¹⁷ See for example Ralph Zacklin, *The United Nations Secretariat and the Use of Force in a Unipolar World* (Cambridge: Cambridge University Press, 2010), 91-134 and Adam Roberts, "The United Nations and Humanitarian Intervention," in *Humanitarian Intervention and International Relations* (Oxford: Oxford University Press, 2004), 86-88.

¹⁸ See for example Alex Bellamy, *Responsibility to Protect: the Global Effort to End Mass Atrocities* (Cambridge etc.: Polity Press, 2009), 35-94.

¹⁹ See for example Matias Spektor, "Humanitarian Intervention Brazilian Style?," *Quarterly Americas* (2012), <http://www.americasquarterly.org/humanitarian-interventionism-brazilian-style> and Paula Wojcikiewicz Almeida, "Brazilian View of Responsibility to Protect. From 'Non-Indifference' To 'Responsibility While Protecting'," *Global Responsibility to Protect* 6 (2014): 29-63.

²⁰ Monica Herz, "Brazil and R2P: Responsibility While Protecting," in *The International Politics of Human Rights. Rallying to the R2P Cause?* (London and New York: Routledge, 2014), 110.

²¹ Idem, 125.

²² Kudrat Virk. "India and R2P's burdens of dissent and accommodation," in *The International Politics of Human Rights. Rallying to the R2P Cause?*, 137.

He further notes that India views humanitarian intervention as selective, and as a ‘interest-governed policy of great powers.’²³ Similarly, with respect to Russia, Roy Allison maintains that there is a ‘widely held belief in Moscow, [that] during the first post-Cold War decade Western powers exploited Russia’s relative weakness in the international system ... to consolidate their structural and normative ‘hegemony.’²⁴ He further notices that Russia conserves a pluralist conception of international order.²⁵ Regarding China’s position, research suggests that although sovereignty and noninterference remain paramount principle’s in its foreign policy, its position towards the R2P has been evolving. In this respect, Liu Tiewa notices that ‘generally speaking, the Chinese government supports the concept of R2P as agreed by the World Summit.’²⁶ In his study on Chinese foreign policy, Zhongying Pang contends that: ‘China is changing its position in relation to international engagement with political and humanitarian crises and is rethinking its stance on international intervention.’²⁷ Finally, with respect to South Africa, literature suggests that although its leaders have been strongly engaged in promoting regional normative change, they are rather suspicious towards Western interventionism, perceiving it as politically motivated.²⁸

For the R2P to transcend perceptions of being related to Western power and translate itself into becoming a true ‘global effort to end mass atrocities’, the attitudes of these emerging powers are important, both because of their regional positions and because they are increasingly asserting themselves internationally. Starting as just an easy marker for emerging markets, the BRICS have become a political reality, organizing themselves in a group since 2009.²⁹ Moreover, while two of them hold permanent seats on the Security Council, the others also pursue permanent membership and are likely candidates, were the Council ever to reform. This research then, has examined their positions on Libya and Syria, scrutinizing Security Council dynamics during these two crises while placing Council behavior in the context of international society at large. My main question is: *to what extent has there been a difference between the BRICS and Western States in the way they conceived of sovereignty during UNSC debates on Libya and Syria?*

Methodology

Studying the role of norms and argumentation in international relations, this research takes a social constructivist approach. Arguing, scholars have shown, has an impact on the practice of world politics, and the Security Council provides a venue of political argumentation where Council members ‘struggle over the power to define norms.’³⁰ While my research will show that there is a

²³ Kudrat Virk. “India and R2P’s burdens of dissent and accommodation”, 137.

²⁴ Roy Allison, *Russia, the West and Military Intervention* (Oxford: Oxford University Press, 2013), 170.

²⁵ Idem, 208-209.

²⁶ Liu Tiewa, “Is China like the other permanent members? Governmental and academic debates on R2P,” in *The International Politics of Human Rights. Rallying to the R2P Cause?*, 151.

²⁷ Zhongying Pang, “China’s Non-Intervention Question,” *Global Responsibility to Protect* 1, no. 2 (2009), 238.

²⁸ See for example Adekeye Adebajo, “Nigeria and South Africa: on the concept of ‘every African is his brother’s keeper,” *The International Politics of Human Rights. Rallying to the R2P Cause?*, 171-192.

²⁹ For the BRICS as a grouping see Fabiano Mielniczuk, “BRICS in the Contemporary World: Changing Identities, Converging Interests,” *Third World Quarterly* 34, no. 6 (2013): 1075-1090.

³⁰ 19.

significant difference between Western states and the BRICS in their conceptions of sovereignty, I have found that a mere focus on sovereignty does not capture the dynamics of Security Council debates. As Council members argue about *what the appropriate course of action is in response to a particular situation*, the effective framing of a situation is important, providing a manner in which Council members try to assert influence on Council action. Accordingly, alongside arguments about the source of sovereign authority, Council members make arguments about the cause and character of the conflict.³¹ In my analysis I have therefore distinguished between ‘intentional’ and ‘neutral’ stories, that differ with respect to the degree in which responsibility for the occurrence of violence is assigned to a particular party. Intentional stories contain a clear perpetrator and victim frame, which allocate a ‘specific actor or actors as responsible for knowingly and willingly causing harm to others.’³² In an intentional story, conflict is one-sided and human rights violations are characterized as ‘deliberate’, ‘targeted’ and ‘widespread’.³³ A neutral story, on the other hand, does not characterize violence as premeditated, and responsibility is explicitly allocated to multiple parties. The different frames that states employ, then, essentially reveals the extent to which they wish to *takes sides* in a conflict, and we will see that this provides an important point of divergence between Western states and the BRICS.

My research will show that while different conceptions of sovereignty were apparent in both cases, the prevalence of an intentional story has allowed for the Security Council to authorize military intervention in the case of Libya. Difference did surface, however, with respect to the manner in which NATO conducted its operations, whereby all BRICS objected to the institution of regime change. They have consequently been resistant to a strong Security Council response to Syria, where particularly Russia and China have impeded Council action. While it is beyond the scope of this research to fully engage with the question to what extent the positions of particular states have been inspired by political motives, I will evaluate their arguments based on my assessment of the extent to which they presented genuine concerns or mere political rhetoric.

³¹ I draw on theory from Carrie Booth Walling, *All Necessary Measures: The United Nations and Humanitarian Intervention* (Pennsylvania: University of Pennsylvania Press, 2013).

³² Walling, *All Necessary Measures*, 23.

³³ *Ibidem*.

2. From Unity to Discord: the Security Council and NATO's Campaign in Libya

The wave of uprisings that had been spreading across the Arab region since the end of 2010 landed in Libya on February 15, 2011. Protests were directed against the forty-one year old rule of Colonel Muammar Al-Qadhafi, which was resented both for political and economic reasons. These two aspects were intertwined in the Libyan system, which was based on al-Qadhafi's Jamahiriya ('state of the masses') philosophy. Proclaimed in 1978, the Jamahiriya was presented as a 'third universal theory' alternative to capitalism and communism, officially combining a structure of 'direct democratic participation' via popular conferences and people's committees with a socialist economy. In practice, it engendered a system in which Libya's economic and political spheres were largely controlled by Al-Qadhafi, his family and a network of informal brokers.³⁴

Demonstrations started in Benghazi, Libya's second largest city, and spread throughout the country on February 17, which had been announced via social media as a 'Day of Anger'. Contrary to previous uprisings in Tunisia and Egypt, the situation in Libya soon turned violent, escalating into a full-scale war. While parts of government forces responded fiercely to the protests, using live ammunition and heavy weapons, other parts defected, helping rebels to obtain weapons. The major cities of Libya quickly turned into combat zones, and Benghazi already fell into the rebels' hands on February 20. Fighting, however, continued the following months, with both sides taking turns on claiming victories. And while NATO's intervention has been instrumental in accomplishing al-Qadhafi's defeat, fighting in Libya has continued up to this day.

Unity on an Urgent Situation: Resolution 1970 and 1973

Security Council response to Libya was remarkably swift, converging with other parts of international society around an intentional story that imputed the escalating situation to al-Qadhafi's violent response to peaceful demonstrations. This story was voiced by international human rights organizations, resonated within international bodies such as the Human Rights Council and dominated regional organizations such as the Arab League, the Organization of Islamic Cooperation (OIC) and, albeit to a lesser extent, the African Union. It was voiced perhaps most strongly by some active Libyan exiles and by the rapidly increasing number of Libyans that defected from the al-Qadhafi government, who started to call for international assistance. It seems that these three elements – a clear perpetrator and victim frame, the position of regional organizations, and the call for international support by defected members of the government – have been critical for the adoption of resolutions 1970 and 1973.

³⁴ International Crisis Group, *Popular Protest in North Africa and the Middle East (V): Making Sense of Libya*, 6 June 2011, i-iii.

Alarming reports of the brutal crackdown on demonstrations started fluttering down from the first protests on, describing the use of tear gas, batons, and live ammunition to disperse protesters as well the performance of arbitrarily arrests. On 19 February Human Rights Watch reported that at least 84 people had been killed over three days, while many more been had wounded and prisoned.³⁵ On 22 February, the Arab League condemned the use of force against civilians and suspended Libya from the League. The same day, the secretary-general of the Organization of the Islamic Conference (OIC) issued a statement in which he condemned the bloody crackdown on protests, and called on al-Qadhafi's regime to stop 'targeting innocent Libyan people.'³⁶ On February 25, UN High Commissioner for Human Rights Navi Pillay noted that: '...the crackdown in Libya of peaceful demonstrations is escalating alarmingly with reported mass killings, arbitrary arrests, detention and torture of protestors ... tanks, helicopters and military aircraft have reportedly been used ... widespread and systematic attacks against the civilian population may amount to crimes against humanity.'³⁷

The intentional story was articulated particularly strongly by several prominent Libyans that defected from the Al-Qadhafi government. Within a week, several high government officials, army officers and many from the diplomatic corps turned against Al-Qadhafi, a number of which organized themselves in a National Transitional Council (NTC). This council presented itself as a unified national opposition, thereby playing a critical role in getting Western powers to support its cause. Importantly, the Libyan delegation to the UN, headed by deputy permanent representative Ibrahim Dabbashi, fiercely condemned al-Qadhafi's actions and called for international support. In a press conference on February 21, the Libyan mission publically broke from the regime and called upon the Libyan army to help overthrow 'the tyrant Muammar Qadhafi'.³⁸ On February 22, Dabbashi characterized the regime as potentially genocidal, among others in an interview with Al-Jazeera, in which he said: 'well, it's a real genocide against the Libyan people. The Colonel is shooting his own people and really the international community has to take a real position against the regime.'³⁹ A few days later, Libyan ambassador to the UN Abdel Rahman Shalgham, who had for long been a close friend of al-Qadhafi, would also defect.

The only divergent voice came from the African Union. In an analysis of Carrie Booth Walling, the AU's response coalesced with that of other regional organizations, as its communiqué of February 23 strongly condemned 'the indiscriminate and excessive use of force and lethal weapons against peaceful protestors, in violation of human rights and International Humanitarian Law ...'.⁴⁰ Closer examination, however, shows a difference in wordings from other international entities. Where they addressed only the Libyan government, the African Union called '*on all parties*, in particular, the

³⁵ Human Rights Watch, "Libya. Security Forces kill 84 over Three Days," 19 February 2011.

³⁶ Associated Press, "OIC Condemns Libya Attacks on Civilians," 22 February 2011.

³⁷ Navi Pillay, quoted in Security Council Update Report, 25 February 2011.

³⁸ Reuters, "Update 5 - Libyan U.N. Mission Urges Gaddafi's Downfall," 22 February 2011.

³⁹ Ibrahim Dabbashi, interview by Al Jazeera, 22 February 2011.

⁴⁰ Walling, 218.

Government, to desist from making statements that could escalate the situation.’⁴¹ Though the statement paid particular attention to the government, it was significant that the AU called on all parties, suggesting that the organization has been hesitant from the start to take sides in the conflict. Indeed, there was considerable disagreement among African leaders regarding their position towards Al-Qadhafi.⁴² This would become even more manifest in its second communiqué of 10 March, which articulated a neutral story and stated that the AU rejected ‘any foreign military intervention, whatever its form’. The resolution further decided on the establishment of a High-Level Committee to ‘facilitate an inclusive dialogue among the Libyan parties on the appropriate reforms’.⁴³ Seven days later, however, the three African states sitting on the Security Council would vote in favor of Resolution 1973, which authorized the use of military force to protect civilians.

Response from the UN Security Council

It was on Libya’s request that the UN Security Council convened for the first time on 22 February, in a closed session. In its press statement, the Council ‘condemned the violence and use of force against civilians’, ‘deplored the repression against peaceful demonstrators’ and evoked the R2P: ‘the members of the Security Council called on the Government of Libya to meet its responsibility to protect its population.’⁴⁴ During its second meeting on Libya, on February 25, the Council was briefed by secretary-general Ban Ki-Moon and addressed by the Libyan ambassador. Ban Ki-Moon also framed the situation in R2P terms, reminding the Council of its responsibility to step in when a state ‘manifestly fails to protect its population from serious international crimes’.⁴⁵ In his address, the Libyan ambassador conveyed disappointment with the regime and articulated a particular strong intentional story. He started his speech by drawing parallels to Cambodia’s Pol Pot and Hitler, and proceeded saying: ‘what is taking place in the Libyan Arab Jamahiriyya is indeed very dangerous’.⁴⁶ He further equated the protection of human rights with protecting Libya’s sovereignty, noting: ‘Libya is united. Libya will remain united. But I say to my brother al-Qadhafi, leave the Libyans alone ... Please United Nations, save Libya. No to bloodshed. No to the killings of innocents. We want a swift, decisive and courageous resolution.’⁴⁷

The next day, the Security Council unanimously adopted resolution 1970, which recalled the responsibility to protect and, acting under Chapter VII, decided on an ICC referral, arms embargo, travel ban and asset freeze.⁴⁸ Council members justified their vote in a public meeting. The meeting shows considerable similarities between the Council members’ statements on the cause and nature of the conflict, whereby at least nine members articulated an intentional story that condemned the

⁴¹ AU Peace and Security Council, *Communiqué of the 261st Meeting of the Peace and Security Council*, 23 February 2011: PSC/PR/COMM(CCLXI).

⁴² *Ibidem*.

⁴³ *Ibidem*.

⁴⁴ UN Security Council, Press Statement 10180, 22 February 2011: SC/10180.

⁴⁵ UN Security Council, Meeting Record 6490, 25 February 2011: S/PV.6490.

⁴⁶ S/PV.6490.

⁴⁷ *Ibidem*.

⁴⁸ UN Security Council, Resolution 1970, 26 February 2011: S/RES/1970.

'indiscriminate' and 'excessive' use of force by the Libyan authorities against 'peaceful' protesters that were exercising their 'legitimate rights'. Four of the BRICS (Brazil, Russia, India, and China), however, remained unarticulated.⁴⁹ Only South Africa characterized the resolution as 'a clear and unambiguous message to the Libyan authorities to end the carnage against their people.' All Western states, on the other hand, articulated an intentional story.

Although sovereignty arguments were not salient during the debate, statements about the preferred solution to the crisis reveal different views on the legitimacy of the Libyan government. While the United States called for regime change, noting that: '[Al-Qadhafi] has lost legitimacy to rule and needs to do what is right for his country, by leaving now', all BRICS stressed the need for political dialogue between the government and the opposition. Brazil expressed its hope 'that this resolution can contribute to an end to the violence in Libya, so that the country can quickly find a solution to the crisis through dialogue and reconciliation.' China and India both stated that they had voted in favour considering the position of the Libyan ambassador and several Arab and African states, while India noted that it 'would have preferred a calibrated and gradual approach' and China stressed the need to 'resolve the current crisis through peaceful means.' Russia did make a pluralist argument, noting: '[the resolution] does not enjoin sanctions, even indirect, for forceful interference in Libya's affairs, which could make the situation worse.'⁵⁰ Also the ambassador of South Africa noted that: 'South Africa calls on the Government and people of Libya to seek a speedy and peaceful resolution to the current crisis...'.⁵¹ We will see that these differences would later debouch into fundamental disagreement about the implementation of the second resolution.

This second resolution, resolution 1973, was adopted only three weeks later, on March 17. By that time, tides had turned in the conflict and, where the beginning of the conflict was marked by several successes for the rebels, government forces had launched a large counter offensive and were winning ground. There were an increasing number of reports of Al-Qadhafi's forces using heavy weapons against civilians, including highly imprecise weaponry, such as cluster or spider bombs.⁵² On March 12, during an extraordinary meeting on Libya, the League of Arab States adopted a resolution that called on the Security Council to 'impose an no-fly zone on Libyan military aviation.'⁵³ The Arab request was important, both for the west that was hesitant to intervene without Arab support as well as for the acquiescence of the states that abstained on the resolution. The immediate catalyst for Resolution 1973 was the possible take-over by government forces of Benghazi, which raised considerable concern about the possibility of a humanitarian catastrophe. This worry derived partly from statements that Al-Qadhafi and his son Saif al-Islam had been making in a number of TV appearances. Seemingly disregarding his international image, Al-Qadhafi, among others, had

⁴⁹ UN Security Council, Meeting Record 6491, 26 February 2011: S/PV.6491.

⁵⁰ *Ibidem*.

⁵¹ *Ibidem*.

⁵² Ethan Chorin, *Exit Gaddafi. The Hidden History of the Libyan Revolution* (London: Saqi Books, 2012), 207.

⁵³ League of Arab States, Resolution 7360, 12 March 2011.

threatened that ‘... I and millions will cleanse Libya inch by inch, abode by abode, house by house, alley by alley, person by person, until you have cleaned the country from filth and contaminants.’

Resolution 1973 again acted under Chapter VII, decided on the establishment of a no-fly zone and authorized member states ‘to take all necessary measures ... to protect civilians’.⁵⁴ Ten states voted in favour, while Brazil, China, Germany, India and Russia abstained. Only China, however, explicitly evoked state sovereignty to justify its abstention, noting that: ‘China has always emphasized that, in its relevant actions, the Security Council should follow the United Nations Charter and the norms governing international law, [and] respect the sovereignty, independence, unity and territorial unity of Libya...’.⁵⁵ Brazil, India and Russia all expressed concern that the use of force could exacerbate the situation on the ground, and stressed the importance of political efforts. In this respect, Brazil stated that: ‘we are also concerned that such measures may have the unintended effect of exacerbating tensions on the ground and causing more harm than good ...’.⁵⁶ Their vote, then, indicates two things. While it reaffirms their hostility toward the use of military force, it also shows that, in the face of an impending mass atrocity, it is difficult to justify non-intervention.⁵⁷ The intentional narrative had become even more pervasive in the council, now conveyed by all council members except for India, Russia and China. The prevalence of the intentional frame, combined with the position of the Arab League and the concrete danger presented by the take-over of Benghazi have created the momentum in which resolution 1973 could be adopted.

Discord on NATO’s actions: militarization and regime change

Responding to Resolution 1973, Western states started carrying out military operations in Libya on March 19. In addition to several NATO states, Qatar and the United Arab Emirates participated in the operations by supplying aircraft. What was announced as a ‘limited military action’, however, would become an operation that lasted 222 days, sparking wide controversy in international society about the way in which NATO interpreted Resolution 1973. Particularly, NATO’s interpretation of the provision ‘to take all necessary measures ... to protect civilians and civilians populated areas’, which it took to include active support for the rebels’ military advance and the effectuation of al-Qadhafi’s defeat, has been criticized by many states, including all BRICS, as exceeding Resolution 1973.

NATO leaders argued that the continuing of military operations was in line with Resolution 1931, as pushing back al-Qadhafi’s forces was necessary to protect civilians. For example, Secretary General Anders Fogh Rasmussen noted in August that ‘our goal throughout this conflict has been to protect the people of Libya, and that is what we’re doing.’⁵⁸ Western leaders insisted that the relinquish of power by al-Qadhafi was a precondition for a political process to start, making repeated calls upon him to step down. Following a contact group meeting on 9 June in Abu Dhabi, Hillary

⁵⁴ UN Security Council, Resolution 1973, 17 March 2011: S/RES/1973.

⁵⁵ *Ibidem*.

⁵⁶ *Ibidem*.

⁵⁷ In this respect, I concur with Walling.

⁵⁸ Anders Fogh Rasmussen, Press Conference 15 August 2011.

Clinton restated this position, noting that: 'we reaffirmed there was only one way forward for Libya. Attacks against civilians must stop, Qadhafi must go...'.⁵⁹ Accordingly, NATO employed its aircraft to assist the rebels in their fight over Tripoli, Misrata, and other cities, playing a crucial role in accomplishing their victory. France and Qatar also supplied the rebels with weaponry, while the UK has provided non-lethal material. NATO operations continued until opposition forces captured the last regime stronghold of Sirte, on October 20, which resulting in al-Qadhafi's death. NATO concluded its last sortie on October 31.

The military path pursued by NATO and, particularly, the issue of regime change have provoked criticism from all the BRICS. In UNSC debates, critique of NATO's interpretation of Resolution 197 was firstly expressed by Russia and China, in a meeting on May 4. Russia said that: 'unfortunately, it must be noted that actions by the NATO-led coalition forces are also resulting in civilian casualties ... We emphasize once again that any use of force by the coalition in Libya should be carried out in strict compliance with resolution 1973 (2011).'⁶⁰ China reaffirmed its commitment to sovereignty norms, and further noted that: 'we are not in favour of any arbitrary interpretation of the Council's resolutions or of any actions going beyond those mandated by the Council.'⁶¹ During discussions on May 10, they were joined in their critique by the other BRICS. Brazil noted: 'we must avoid excessively broad interpretations of the protection of civilians, which could link it to the exacerbation of conflict, compromise the impartiality of the United Nations or create the perception that it is being used as a smokescreen for intervention or regime change.'⁶² South Africa maintained: 'we are concerned that the implementations of these resolutions [on Libya and Cote d'Ivoire] appears to go beyond their letter and spirit. It is important that, as international actors and external organizations provide constructive assistance, they should nonetheless comply with the provisions of the United Nations Charter, fully respect the will sovereignty and territorial integrity of the country concerned, and refrain from advancing political agendas that go beyond the protection of civilians mandates, including regime change.'⁶³ China concurred: 'there must be no attempt at regime change or involvement in civil war by any party under the guise of protecting civilians.'⁶⁴ India stated: 'there is a considerable sense of unease about the manner in which the humanitarian imperative of protecting civilians has been interpreted for actual actions on the ground.'⁶⁵ South Africa reiterated its position again on a UNSC meeting on 28 July, stating: 'taking sides in any internal conflict situation in an effort to institute regime change sets a dangerous precedent...'⁶⁶

The intervention in Libya also prompted Brazil to put forward a new proposal with respect to the R2P: the Responsibility While Protecting. The idea was shortly referred to by Dilma Rousseff in her 2011 General Assembly address, in which she emphasized that 'the use of force must always be a

⁵⁹ Hillary Clinton, Press Conference 9 June 2011.

⁶⁰ UN Security Council, Meeting Record 6528, 4 May 2011: S/PV.6528.

⁶¹ Ibidem.

⁶² UN Security Council, Meeting Record, 10 May 2011: S/PV.6531.

⁶³ Ibidem.

⁶⁴ Ibidem.

⁶⁵ Ibidem.

⁶⁶ UN Security Council, Meeting Record, 28 July 2011: S/PV.6595.

last resort', and further developed in a letter to the secretary-general. The proposal points out the painful consequences of 'interventions that have aggravated existing conflicts' and 'the growing perception that the concept of the responsibility to protect might be misused for purposes other than protecting civilians.'⁶⁷ Accordingly, Brazil argued that: 'as it exercises its responsibility to protect, the international community must show a great deal of responsibility while protecting.'⁶⁸ Ban Ki-Moon has integrated the RWP in his 2012 report on the R2P. Importantly, the proposal demonstrates an ongoing concern that the R2P is too easily used to further political objectives and shows that Brazil is claiming a place in global rule-making.

Legitimate Objections?

While different conceptions of state sovereignty were not salient in the debates preceding the adoption of resolution 1970 and 1973, with only China explicitly evoking state sovereignty to justify its abstention on 1973, sovereignty concerns surfaced in relation to the manner in which NATO conducted operations. As noted in the introduction, it is beyond the scope of this research to offer a comprehensive analysis of all motives that might have spurred the BRICS to challenge NATO's actions. I will, however, evaluate them based on my assessment of the extent to which they presented genuine concerns or mere political rhetoric. In this respect, I argue that the BRICS objections to NATO's actions were legitimate and that NATO should have been more receptive to their demands.

While some academics argue that humanitarian interventions 'have to be about regime change if they are to have any chance of accomplishing their stated goal'⁶⁹, I would argue that, at least in the case of Libya, it would have been both possible and desirable to intervene in a way as to foster a political solution. Several analyses of events in Libya rebut NATO's allegation that al-Qadhafi was unwilling to negotiate, pointing out several instances at which he had accepted mediation proposals.⁷⁰ In this respect, Alex de Waal argues that the AU peace initiative has been unfairly ignored by Western powers, while 'a combination of African access to al-Qadhafi and NATO leverage over the TNC could have provided the basis for a negotiated settlement.'⁷¹ From a consequentialist perspective, pursuing negotiation would have been desirable, as externally instituted regime change rarely accomplishes its desired objectives. Instead, it tends to foster civil war.⁷² As Mary Kaldor notes: 'rather than support one side militarily, creating conditions for long-term violence, the aim should have been to reduce violence so that protests could be peaceful.'⁷³ As early as June, this critique has also been voiced by the International Crisis Group, stating: 'to insist that he [al-Qadhafi]

⁶⁷ Brazil, Letter to the UN Secretary-General: A/66/551.

⁶⁸ Ibidem.

⁶⁹ See for example Thomas G. Weiss, "Military Humanitarianism: Syria Hasn't Killed It," *The Washington Quarterly* 37, no. 1 (2014): 11 and David Rieff, "The Way we Live now. Humanitarian Vanities," *The New York Times*, 1 June 2008.

⁷⁰ See for example Alan J. Kuperman, "A Model Campaign for Humanitarian Intervention?: Reassessing NATO's Libya Campaign," *International Security* 38, no. 1 (2013), 105-136.

⁷¹ Alex de Waal, "The African Union and the Libya Conflict of 2011", 19 December 2012.

⁷² See: Alex B. Jownes, "Regime Change doesn't Work", *Boston Review* 1 September 2011.

⁷³ Mary Kaldor, reply to Alexander B. Downes, 12 September 2011.

must go now, as the *precondition* for any negotiation ... is to render a ceasefire all but impossible and so to maximise the prospect of continued armed conflict.⁷⁴

It is deplorable that NATO leaders have not given due account to the BRICS' objections, also because, to the extent that humanitarian intervention already was perceived as a Western affair, NATO's actions in Libya have only strengthened this perception. In this respect, I concur with Ramesh Thakur, who has noticed: 'the debate over R2P is not, and should not become, a North-South issue. But it can turn into one, either because of wilful – and sometimes self-serving – obstinacy on the part of key emerging countries or because of calculated neglect of their legitimate concerns by a declining West.'⁷⁵ Obstinacy will become apparent in the next chapter, where we will look at UNSC debates on Syria.

⁷⁴ International Crisis Group, *Making Sense of Libya*, 2011.

⁷⁵ Ramesh Thakur, "R2P after Libya and Syria: Engaging Emerging Powers," *The Washington Quarterly*, 36, no. 2 (2013): 62.

3. Painful Silence: Division and Security Council Inaction on Syria

Although some observers already spoke of a ‘Syrian exception’, slowly but surely the Syrian population also began to move against its government in the first months of 2011. While particular grievances varied across Syria’s regions and social groupings, they shared in a general sense of fatigue with the corruption and repression that characterized the Al-Assad regime. The level of corruption had grown particularly since 2000, as a result of economic liberalization policies that benefitted a small business class, largely dependent on the political elite, and neglected rural areas.⁷⁶ The state security apparatus played an important role in the Syrian society, consisting of multiple security forces and intelligence agencies. As one analyst observed: ‘ [the government] relied on total suppression of any public dissent, a pervasive security and intelligence presence, and the enforcement of fear.’⁷⁷

Signs of resistance became apparent first in the behavior of Syrians, which began to show ‘subtle expressions of insubordination’, before evolving into street protests.⁷⁸ Not dissimilar from Libya, it seems that the regime’s brutal response to opposing voices has only contributed to the growth of the protests, dragging in friends, family, colleagues and others. While the massive deployment of security forces largely succeeded in smothering the first demonstrations in Damascus in February and March, their violent crackdown of protests in the Southern village of Dar’a, following the detainment of fifteen schoolchildren for spraying anti-government graffiti, would become the trigger for a ‘violence-mobilization dynamic’ that expanded quickly over large parts of Syria.⁷⁹

In sharp contrast to its swift acting over Libya, Security Council responding to Syria was marked by inaction. The only response forthcoming until 21 March 2012, when Council members finally united in support of Special Envoy Kofi Annan’s peace plan, would be the issuing of a Presidential Statement on August 3. For reasons of scope and feasibility, I have analyzed Security Council discussions during this first year, up to February 2012, when Russia and China vetoed a second draft resolution on Syria.

Bloc Formation in 2011

The Security Council convened on Syria for the first time on 27 April, over a month after protests had started and the first deaths had been reported. Although the intentional story dominated international society, two stories have been articulated in the Security Council, showing that sovereignty claims are not the only way in which Council members attempt to exert influence on

⁷⁶ International Crisis Group, *Popular Protest in North Africa and the Middle East (VI): the Syrian People’s Slow Motion Revolution*, 6 July 2011, 13-17.

⁷⁷ Marc Lynch, *The Arab Uprising: the Unfinished Revolutions of the New Middle East* (New York: Perseus Books Group, 2012), 179.

⁷⁸ International Crisis Group, *The Syrian People’s Slow Motion Revolution*, ii.

⁷⁹ Marc Lynch, *The Arab Uprising*, 183.

Council actions. The way in which conflicts are represented tells a great deal on the international action desired. The lack of a dominant story, then, reveals fundamental disagreement among Council members on the appropriate course of action. Throughout 2011, all BRICS were opposed to measures against the Syrian government. Several authors have suggested a link with Libya, arguing that the BRICS' dissatisfaction with NATO actions in Libya made them averse to any action on Syria. Ramesh Thakur has noted that '... the Libyan operation proved particularly controversial among the emerging powers, and the price of exceeding the mandate there has been paid by the Syrians.'⁸⁰ Analysis of UNSC discussions and actions suggests indeed that animosity in the Council caused by Libya was a factor in hampering quick action. The start of protests in Syria coincided with NATO's intervention in Libya and several states have referred explicitly to Libya in their statements. In this respect, I would argue that events in Libya have affected Security Council dynamics on Syria, instigating the emergence of a BRICS alliance that challenged the Western stance. This alliance has, however, not persisted, as voting patterns and statements between the BRICS diverged in 2012.

During its first meeting the Council was briefed by the under-secretary-general for political affairs. He reported that despite al-Assad's promises for reform, government crackdown had intensified dramatically, with the Syrian army carrying out major military operations against various villages and cities. The majority of the Council members, however, remained unarticulated on events in Syria. Only six members elaborated on the cause and character of the conflict, whereby the intentional story articulated by the US, UK, France and Germany was countered by a neutral story articulated by Russia and India. The UK spoke of 'systematic attempts to stifle the legitimate demands of the Syrian people' and 'repeated and deliberate targeting of civilians...'.⁸¹ Russia, on the other hand, argued that violence came from two sides, noting: 'one cannot disregard the fact that the violence does not originate entirely from one side. Inter alia, an army column was fired upon the Latakia-Tartus road, and there have been armed attacks on military facilities and posts and the killing of police personnel followed by the abuse and desecration of their bodies.'⁸² India concurred: 'there have been reports of armed extremist elements mingling with the demonstrators and using the demonstrations to attack security personnel and damage government property, and there is an apparent lack of information regarding those responsible for those violent attacks.'⁸³ All BRICS stressed the need for a political solution. Brazil stated: 'we hope that the crisis can be addressed through dialogue. The legitimate aspirations of the populations in the Arab world must be addressed through inclusive political process, and not by military means.'⁸⁴ China connected its stance with the pluralist rules of international society: 'we hope that the international community will offer constructive help in line with the purposes and principles of the United Nations Charter.'⁸⁵

⁸⁰ Ramesh Thakur, "R2P after Libya and Syria: Engaging Emerging Powers," 61.

⁸¹ UN Security Council, Meeting Record 6524, 27 April 2011: S/PV.6524.

⁸² *Ibidem.*

⁸³ *Ibidem.*

⁸⁴ *Ibidem.*

⁸⁵ *Ibidem.*

The struggle over stories has remained apparent in Council discussions throughout the year, and was displayed in the Presidential Statement issued on August 3, which gave utterance both to an intentional and a neutral story. While the Council stated that it ‘condemns the widespread violations of human rights and the use of force against civilians by the Syrian authorities’, it also noted that it ‘calls for an immediate end to all violence and urges all sides to act with utmost constraint, and to refrain from reprisals, including attacks against state institutions.’⁸⁶ This Presidential Statement would remain the sole Council response until March 2012, while two draft resolutions have been vetoed by Russia and China.

The first draft resolution lay before the Council on October 4. In addition to the two veto’s, Brazil, India, Lebanon and South Africa abstained. Story-telling on the cause and nature of conflict remained largely the same as in April, although the intentional story was now also articulated by Colombia and Portugal. Three states (Russia, China and Lebanon) invoked pluralist rules to justify their vote. China stressed: ‘Most important, [a Council resolution] should depend upon whether it complies with the Charter of the United Nations and the principle of non-interference in the internal affairs of States - which has a bearing upon the security and survival of developing countries, in particular small and medium-sized countries, as well as on world peace and stability.’⁸⁷ Two states (Russia and South Africa) explicitly referred to NATO’s actions in Libya to justify their vote. Russia noted: ‘Our proposals for wording on the non-acceptability of foreign military intervention were not taken into account, and, based on the well-known events in North-Africa, that can only put us on our guard ... The situation in Syria cannot be considered in the Council separately from the Libyan experience.’⁸⁸ Similarly, South Africa stated: ‘With regard to the draft resolution ... before us, South Africa was concerned about the sponsors’ intention to impose punitive measures that would have prejudged the resolution’s implementation. We believe that these were designed as a prelude to further actions. We are concerned that this draft resolution not be part of a hidden agenda aimed at once again instituting regime change, which has been an objective clearly stated by some.’⁸⁹ The Indian ambassador rearticulated the neutral story to justify its vote, arguing that the resolution did not sufficiently address the violence perpetrated by the Syrian opposition. He somewhat reversely used a R2P frame to defend Syria’s actions: ‘we recognize the responsibility of all States to respect the fundamental rights of their people, address their legitimate aspirations ... At the same time, States also have the obligation to protect their citizens from armed and militant groups and militants. While the right of people to protest peacefully is to be respected, States cannot but take appropriate action when militant groups - heavily armed - resort to violence against State authority and infrastructure.’⁹⁰ Brazil’s vote seems to have resulted largely from alliance strategies, as it did not make any objections to the resolution’s text, but based its vote on the lack of Council unity, noting

⁸⁶ UN Security Council, Presidential Statement 16, 3 August 2011: S/PRST/2011/16.

⁸⁷ UN Security Council, Meeting Record 6627, 4 October 2011: S/PV.6627.

⁸⁸ Ibidem.

⁸⁹ Ibidem.

⁹⁰ Ibidem.

that 'we would have wished that further efforts had been made to muster broader support before it was put to vote.'⁹¹

Continued Resistance

The second draft resolution followed a request of the League of Arab States for the Council to endorse a new peace plan adopted on 22 January 2012, which aimed for a political peaceful settlement of the crisis and provided for the formation of a national unity government. The Council convened twice to discuss the Arab request, on 31 January and 4 February. On 31 January the Council was first briefed by the Chairman of the Arab League Ministerial Committee and the Secretary-General of the Arab League, who informed the Council of their efforts so far, outlined their peace plan and requested the council to adopt a resolution. Both were very critical about the lack of cooperation of the Syrian regime. The Chairman stated: 'our efforts and initiatives, however, have been completely in vain, for the Syrian government has regrettably failed to make any sincere effort to cooperate with us. It is unfortunate that its only effort towards a solution has been to kill its own people.'⁹² Both stressed that they were not calling for a military intervention, and that they were not after regime change.

This was also underlined during council discussions by several Western states. France noted: 'some have drawn an analogy with the conflict in Libya. That is a pretext. It is alleged that there is a plan for military intervention in Syria. That is a myth.'⁹³ Great Britain emphasized: 'this is not the West telling Syria what to do ... This is the Arab nations calling on the Security Council ...'.⁹⁴ It is at this meeting that Russia and China diverged from India and South Africa. Although they all stressed similar things in their statements - the need for a peaceful solution, non- interference etc. - India and South Africa stated that the resolution met their demands, whereas China and Russia used those arguments to justify their veto. India noted: 'the international community, including the Security Council, should play a constructive role in the process of political dialogue among the Syrians. In this context, we welcome the submission of a draft resolution to the Security Council.'⁹⁵ China, on the other hand, argued: 'we firmly oppose the use of force to resolve the Syrian issue, as well as practices, such as forcibly pushing for regime change, that violate the principles and practices of the United Nations Charter and the basic norms that govern international relations.'⁹⁶ On February 4, Russia and China would reiterate their position. Russia accused the West from obstructing international efforts: 'from the very beginning of the Syrian crisis some influential members of the international community, including some sitting at this table, have undermined any possibility of a political settlement, calling for regime change ... indulging provocation and nurturing the armed struggle.'⁹⁷

⁹¹ Ibidem.

⁹² UN Security Council, Meeting Record 6710, 31 January 2012, S/PV.6710.

⁹³ Ibidem.

⁹⁴ Ibidem.

⁹⁵ Ibidem.

⁹⁶ Ibidem.

⁹⁷ UN Security Council, Meeting Record 6711, 4 February 2012: S/PV.6711.

China contended: 'China maintains that under the current circumstances, to put undue emphasis on pressuring the Syrian government for a prejudged result of the dialogue or to impose any solution will not help resolve the Syrian issue.'⁹⁸ Accordingly, Russia and China vetoed the resolution, while thirteen states voted in favor.

Legitimate Objections?

As the text of the resolution reveals enormous compromise on the part of Western states, which for example would have preferred the imposition of sanctions, and effectively met all demands put forward by Russia and China, the objections put forward seem political rhetoric. The text of the of the draft resolution called for 'an inclusive, Syrian-led political process', explicitly excluded the possibility of a military intervention ('nothing in this resolution authorizes measures under Article 42 of the Charter') and addressed both the Syrian government and the opposition ('demands that all parties in Syria, including armed groups, immediately stop all violence or reprisals, including attacks against State institutions...').⁹⁹

While this research is not the place for a profound analysis of the Russian and Chinese rationales, it is important to dwell a bit further on the question why it has been possible for Russia and China to consistently block any UNSC effort. As I have argued with respect to Libya that their acquiescence on Resolution 1973 stemmed partly from the normative context in which they did not want to be perceived as blocking an international effort to prevent an apprehended mass atrocity, why was this different in Syria? As the difference lay not in the position of the Arab League, which in both cases demanded Council support, I would argue that the main difference lay in the apparent frames about the Libyan and Syrian conflict, whereby the clear perpetrator and victim frame of 'al-Assad' against 'the Syrian people' has not taken root in Syria as it has in Libya. This was complicated by the character of the Syrian opposition, which remained fragmented and incoherent, while minorities remained largely silent. Also, while in the Libyan case officials that defected were most vocal in articulating an intentional story, in the case of Syrian government, army and security forces largely closed ranks. By the time the resolution lay before the council, the Syrian conflict had become diffuse and complex, whereas in the case of Libya the clear-cut danger presented by the possible fall of Benghazi combined with a prevalent intentional narrative made it difficult to challenge the international effort.

⁹⁸ Ibidem.

⁹⁹ UN Security Council, Draft Resolution 77, 4 February 2012: S/2012/77.

Conclusion

This research has shown considerable differences between the BRICS and Western states in the way they conceived of sovereignty during crises in Libya and Syria. My research shows, however, that different stances toward the practice of humanitarian intervention do not only derive from different conceptions of sovereignty, but also from different views regarding the use of force as a means of conflict resolution. In this respect, all BRICS have argued on a number of occasions that the use of force can have unintended consequences and exacerbate conflict. On Libya, this position was also voiced by Germany, showing that it is not a Western vs. non-Western difference.

Regarding conceptions of state sovereignty, in the case of Libya differences have been apparent in the UNSC debates preceding the adoption of Resolution 1970 and 1973, but surfaced particularly with respect to the way in which NATO implemented Resolution 1973. In this respect, NATO's actions evoked disagreement between the BRICS and Western leaders on the issue of regime change. During debates on the adoption of the resolution, this difference had been apparent as Western leaders no longer recognized the Libyan government as legitimate authority but conceptualized sovereignty as vested in 'the Libyan people'. The BRICS, on the other hand still vested the source of sovereign authority in the Libyan government. These differences became manifest in their discussions about the issue of regime change, where even South Africa, who had voted in favor of Resolution 1973, argued that NATO's actions violated Libya's sovereignty. All BRICS raised similar arguments, arguing that although the resolution provided a mandate for intervening *in* a sovereign state, this did not amount to taking sides in a conflict and intervening *against* a sovereign state. I have argued that the objections put forward by the BRICS were legitimate demands and that it is deplorable that NATO has not paid due attention to them, particularly because hostility caused by Libya has affected Security Council dynamics on Syria.

On Syria, different conceptions of sovereignty have been manifest during Security Council debates and impeded a Council response. My analysis has showed that sovereignty arguments have been complemented by different stories about the cause and character of the conflict, whereby an intentional story put forward by Western states has been countered by Russia and India who articulated a neutral story, and put blame for the occurrence of violence on two sides. Whereas the emergence of a BRICS alliance seemed apparent in 2011, the BRICS diverged in 2012. Vetoes from Russia and China have, however, continued to obstruct Council action. Their objections to the draft resolution of February 4 have been mere political rhetoric, as the text of the resolution accommodated their demands.

My research, then, reveals that the effective implementation of the R2P's third pillar has been impeded partly due to differences between Western and non-Western powers, and that both sides should engage more constructively to transcend differences.

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