

Our Responsibility to Protect Libya & Syria

A change in thinking about military intervention

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Acknowledgements

If I have to I can do anything – Hellen Redy

The Master thesis in front of you is the final result of the Conflicts, Territories & Identities Master specialization from the Human Geography Master of the Radboud University Nijmegen. Five years ago, in September 2009, I started studying Human Geography because I have a passion for geography. Three years ago, I decided to study in Dublin for five months. During a political geography course I got a special interest in the Arab Spring and Libya. Once I was back in Nijmegen I decided to write my Bachelor thesis about Libyans in the Netherlands. It was clear to me that I wanted to study the Conflicts, Territories & Identities Master, but when I had to decide my thesis subject it was hard to make a decision, because I find too much interesting. Eventually I decided to continue my research on Libya, to elaborate my knowledge on the situation there, and start researching Syria because of my interest in the current conflict. Although I have not chosen the easiest subject, I do not regret it and still have a huge interest in the Middle East, conflicts and international politics.

Of course I want to thank some people who helped me during the writing process. In the first place I would like to thank Dr. Romain Malejacq for his supervision. Although it sometimes did not work out the way I planned it, he was always helpful by giving comments on my work and assured me that in the end it would all work out fine. I also want to thank Petra Stienen for the great internship I had with her. The different activities and her contacts for respondents have been very valuable. This research would not have been possible without the knowledge of my respondents; I want to thank them for their time and willingness to answer my questions. I also want to thank the people who could not meet in person, but were happy to answer my questions and provide me with information. Last but definitely not least I want to thank some people close to me, my family and friends. They were always willing to listen and give me advice when I felt insecure or did not know how to proceed. Thank you for your pep talks and practical advice for my thesis.

Writing a thesis can sometimes be a difficult process, but now I have finished it I am very proud of it and proud of myself. I have learned many lessons from writing this thesis, and this made me grow. I think that that is the real gain of my work and it helps me to move on to the next step.

Summary

In 2011, people in various Arab states started protesting against the oppressive dictatorial regimes in their country. On 17 December 2010 Tunisian Mohammed Bouazizi sets himself on fire because he became a victim of the dishonest and corrupt regime in Tunisia. This act served as a catalyst and all over Tunisia people started protesting. It did not take long before protests also started in other Arab states like Egypt, Libya and Syria. The latter two states are the research subjects in this thesis. In February 2011 the Libyans started protesting against the oppressing regime of Colonel Muammar Gaddafi. The peaceful protests were violently beaten down by government troops. Gaddafi's words, threatening to destroy all the protesters in Benghazi, made the United Nations Security Council (UNSC) decide to adopt Resolution 1973 and install a no-fly zone above Libya in order to protect the Libyan civilians. The resolution was based on an important principle called the Responsibility to Protect (R2P). This principle is adopted by the United Nations (UN) member states at the 2005 World Summit Outcome. In this document is stated that all UN member states unanimously accept their responsibility to protect their own populations from genocide, war crimes, ethnic cleansing and crimes against humanity. If a state fails to meet these obligations then the international community, through the UN, has the responsibility to help protect populations from these four crimes. It is of importance to mention that a military intervention approved by the UN to protect citizens in danger is also a possibility within R2P. This happened in Libya in 2011, when a NATO-led military intervention ensured that government troops could not kill peaceful citizens in Benghazi, and in other parts of Libya. After months of fighting between government troops and rebels Gaddafi was killed in October 2011. His death also marked the end of his regime. Although the military intervention prevented a massacre in Libya there was also harsh criticism about the way the UNSC and NATO implemented the intervention. Some states argued that the intervention had gone beyond protecting civilians alone, according to them NATO functioned as the air force of the rebels and violated the sovereignty of Libya by causing regime change. Also in Syria peaceful civilians started protesting against the Syrian government. Just like in Libya they were violently beaten down and still people are killed every day. The international community condemns the violence, but due to disagreement in the UNSC, no real action is taken.

The conflicts in Libya and Syria and the international decision-making regarding these conflicts is the central theme of this research. The fact that the international community reacted different to these situations shapes the central question of this research: *Why was there an international military intervention in Libya and not in Syria?* This main question is supported and further specified by the

following hypothesis: *The non-intervention in Syria can be explained by a change in thinking about military interventions that emerged after the military intervention in Libya.*

This change of thinking is important for this research. I partly base my hypothesis on Nina Tannenwald's research on the nuclear taboo. She argues that there is a change in norms after the Second World War that caused a taboo on the use of nuclear weapons. In my research I argue that there is a change in thinking about military interventions after the intervention in Libya that influenced the decision-making regarding Syria.

In order to detect this change in thinking I talk to several respondents and study documents, articles, reports and videos about UN decision-making. I see that there is a certain trend in international decision-making regarding conflict situations in the past 25 years. The start of this trend is the UN mission in Somalia in the early nineties and the consequences this mission had for the international response towards the conflict in Rwanda in 1994. Looking back at the genocide in Rwanda, the international community admits that not taking action has been a failure. The same applies to the war in Bosnia in 1995, where at that moment was an UN peace force active to prevent further escalation of the conflict. In both conflict situations the UN failed to take action and this had big consequences. In 2000, former United Nations Secretary General (UNSG) Kofi Annan admits that the international community has a problem when he poses the question how we should respond to gross violations of human rights, if a military intervention is seen as an assault to sovereignty. After these conflicts and the words of Annan there is a shift in how the international community views military interventions. R2P is established to examine how to respond to gross violations of human rights.

After the international failure in Rwanda and Bosnia the thinking about military interventions changed and when in 2001 the terrorist attacks took place in the United States (US), president Bush of the US reacts by intervening Afghanistan and Iraq. The initial arguments for these interventions were eliminating the safe haven to terrorists in Afghanistan, and stopping the danger of weapons of mass destruction in Iraq. There were also humanitarian arguments for the intervention claiming that the US would free the Afghan people from the oppressive Taliban regime in Afghanistan, and stand up against the human rights violations by Saddam Hussein's regime. These interventions show that after the failure to respond there now was a willingness to intervene. The interventions in Afghanistan and Iraq had to deal with harsh criticism afterwards, which leads to a change in thinking about military interventions again. In 2011 when the UNSC had to decide how they should respond to the situation in Libya, many member states referred to the interventions in Afghanistan and Iraq and the negative outcomes of these interventions. Based on this, these states argued that a military intervention in Libya would not be wise. However, partly due to Gaddafi's referrals to the Rwandan

genocide, the UNSC decides to take action and military intervene Libya. Although a massacre is prevented, also this intervention leads to harsh criticism, and together with the criticism on the Afghanistan and Iraq interventions the thinking about military interventions changes again.

To explain this better, this trend can be seen as a pendulum that swings from one side towards the other side. I call this the *intervention pendulum*. One side of the pendulum marks the side of non-intervention, while the other side marks the side of intervention. Just like a pendulum the thinking about military intervention moves from one side towards the other, influencing future decision-making regarding conflicts. Along the way new rules and agreements are made in order to respond better in the next conflict situation. The problem is that every conflict situation is different and therefore these new established rules and agreements do not always work. This again creates friction and ensures that the thinking about military intervention keeps on changing.

I argue in my thesis that the intervention in Libya did influence the decision for non-intervention in Syria, but I also argue that there is a bigger trend visible that also explains the non-intervention. This bigger trend includes more conflicts and interventions than solely the intervention in Libya.

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List of acronyms

AU	African Union
BRICS	Brazil, Russia, India, China and South-Africa
CPO	Causal-Process Observation
EU	European Union
FSA	Free Syrian Army
HRW	Human Rights Watch
ICC	International Criminal Court
ICISS	International Commission on Intervention and State Sovereignty
NATO	North Atlantic Treaty Organization
NLA	National Liberation Army
NTC	National Transition Council
OPCW	Organisation for the Prohibition of Chemical Weapons
R2P	Responsibility to Protect
RwP	Responsibility while Protecting
SNC	Syrian National Council
UK	United Kingdom
UN	United Nations
UNAMIR	United Nations Assistance Mission Rwanda
UNHCR	United Nations Refugee Agency
UNGA	United Nations General Assembly
UNSC	United Nations Security Council
UNSG	United Nations Secretary General
UNSMIS	United Nations Supervision Mission In Syria
UNSML	United Nations Support Mission in Libya
UPR	Uniting for Peace Resolution
US	United States

1. Introduction

1.1 Framework

In 1945, the Second World War ended and the UN were created “to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights” (United Nations, 1945, preamble). The preoccupation of the UN founders was with state security. They meant this in the traditional military sense. The High-level Panel on Threats, Challenges and Change expresses the UN as following: “a system in which States join together and pledge that aggression against one is aggression against all, and commit themselves in that event to react collectively” (High-level Panel on Threats, Challenges and Change, 2004, p. 1). 55 years and many conflicts later in 2000, UNSG Kofi Annan, asks the world community the following question in a report entitled “We the Peoples, the role of the United Nations in the 21st century”: “if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica—to gross and systematic violations of human rights that offend every precept of our common humanity?” (Annan, 2000, p. 48). It is a question that has no direct and clear answer, but it poses a serious dilemma; how to deal with situations in which the values of state sovereignty are on one side and the values of humanity on the other.

To answer this question to some extent, the UN held their World Summit meeting in New York in 2005. This meeting brought forward the 2005 World Summit Outcome Document. In this document is stated that all UN member states unanimously accept their responsibility to protect their own populations from genocide, war crimes, ethnic cleansing and crimes against humanity. They also accept that the international community, through the UN, has the responsibility to help protect populations from these four crimes. This is known as the Responsibility to Protect (R2P). It is quite easy for member states to adopt the values of R2P; each state has to consider genocide and crimes against humanity as unacceptable. However, it is not that easy to put these values into practice. This becomes clear when the international community has to deal with conflict situations in which populations are at risk to become victims of genocide, war crimes, ethnic cleansing or crimes against humanity.

In this research I focus on two states where the populations are at risk and the principles of R2P are involved. This means that the governments of these states are not able, or not willing to protect their citizens. They fail in their responsibility to protect the citizens and according to the R2P principles the international community has the responsibility to protect these people. These two states are Libya, where there was a conflict and a military intervention in 2011, and the ongoing civil war in Syria. In

Libya the ruling power belonged to Colonel Muammar Gaddafi for over forty years. He ruled the country in a dictatorial way, leaving little space for the will of the people. Until February 2011 when hundreds of Libyans marched through the streets of Benghazi and started protesting against Gaddafi's regime. This was the start of a violent and bloody conflict, and a response from the international community could not remain. On 17 March 2011 Resolution 1973 was adopted by the UNSC authorizing 'all necessary measures' to protect the Libyan civilians. This resolution included a no-fly zone above Libya. Together with the fighting rebels on the ground, it led to the defeat of Gaddafi and his regime in October 2011. This intervention is the first case where the UNSC authorized a military intervention by citing R2P. The implementation of this mission remains controversial because many states do not agree with the way NATO used the no-fly zone and the fact that it led to regime change in Libya.

In Syria the Assad family has been in charge for over forty years, first Hafez al-Assad and later his son Bashar al-Assad. The protests started in March 2011, and the international community reacted with disgust and condemned the violence government officials used on the peaceful protesters. Also in the case of Syria international action was taken. Despite repeated requests from the UN to stop the violence, the Syrian government continued beating down the peaceful protests. Several UN member states bonded and introduced three draft resolutions regarding Syria between 4 October 2011 and 19 July 2012. All three draft resolutions were vetoed by Russia and China in the UNSC. Instead other smaller and less powerful resolutions, which did not have the desired effect, were adopted. As a result the violence continued.

Both conflicts started during the so-called Arab Spring as the result of protests and a strong demand for freedom. Because the two conflicts share many similarities, it is not that strange that the Syrian people are questioning why the international community decided to intervene in Libya, but not in Syria. According to van Oosterzee the Syrians feel massively let down by the international community because just like the Libyan government, the Syrian government also responded with brute violence against civilians (26 April 2013). It is therefore interesting to compare the two states, the conflicts and the international reaction.

1.1.1 Comparing Libya and Syria

The above-mentioned information about Libya and Syria is necessary in understanding the conflicts in both states, but it does not explain why these two states are compared in this research. It is true that both states share a political history that is marked by forty years of dictatorship, but it are the recent events that make the states interesting to study.

After the military intervention in Libya the UN and NATO got a lot of criticism on their operation. One of the main arguments is well explained by Noam Chomsky. He argues that there have been two military interventions in Libya. The first one was under the auspices of Resolution 1973 and included the no-fly zone and the ceasefire. According to Chomsky (2012) this intervention should only take five minutes, everything that NATO did afterwards was a violation of that resolution. They became the air force for the rebels although there was no support for it from the African Union (AU) or the BRICS countries, which preferred a diplomatic solution of the conflict (Chomsky, 2012). The support of the AU or the BRICS countries is not a mandatory condition, but it shows that many states that adopted the resolution did not agree with the way the intervention was implemented. On the other hand, the intervention in Libya is often misleadingly labelled by media as a humanitarian intervention. According to Adams the media have misinterpreted R2P (2013, p. 11). The core idea of R2P is not a right to intervene, but a responsibility to protect citizens. He sees R2P as a concept that covers the notion of sovereignty as responsibility and seeks to respond to extreme crises in a legitimate and legal way.

Just like in Libya, the people in Syria had to suffer massive government violence at that time. Although Assad's threats against protesting civilians were not as harsh as Gaddafi's threats, he was indeed trying to stop the protests in the same violent way. One of my respondents argues that many protesters in Syria feel that when the international community helped Libya, they would also help them in Syria. Just like in Libya the international community reacts first by exerting pressure and imposing sanctions against the Syrian regime, but when it became clear that this did not help some states started discussing if an international military intervention was possible. This idea has not been adopted by the UNSC because of vetoes from Russia and China. The military intervention in Libya led to regime change and Chomsky rightly pointed out that this was not the goal of the intervention. States like China and Russia have always been good allies with Syria and do not want regime change as an outcome of a military intervention. They see Assad as the legitimate head of state and prefer that he stays in power.

The similarities between the two states on one side and the difference in international response on the other side make it interesting to research if the connection between the states goes further and if it is possible that the conflicts have influenced each other. It is interesting to research to which extent the conflict and intervention in Libya has influenced the international response to the conflict in Syria. It leads to the idea that the international community thinks different about military interventions after the intervention in Libya, and this affected a possible intervention in Syria.

This research uses Nina Tannenwald's work on the nuclear taboo to show that there has been a change in thinking about military interventions. Just like there has been a change in thinking about the use of nuclear weapons in the past decades after the dropping of nuclear bombs on Japan in the Second World War. The latter eventually leads to a taboo on and a non-use of nuclear weapons. I argue that the military intervention in Libya created a change in thinking about military interventions. This change has consequences for the conflict in Syria and can eventually lead to a taboo on military interventions.

1.2 Research aim and question

In this research I argue that there is a relationship between the decision to intervene militarily in Libya and the decision not to intervene militarily in Syria. Therefore the goal of this research is to show that the non-intervention in Syria can be explained by a change in thinking about military intervention that emerged after the military intervention in Libya. It should be made clear that this argument is one way of explaining the non-intervention in Syria. This explanation does not exclude other explanations for non-intervention, but shows how a change in thinking can affect international decision-making.

The main question in this thesis is: ***Why was there an international military intervention in Libya and not in Syria?***

This main question is supported and further specified by the following hypothesis: ***The non-intervention in Syria can be explained by a change in thinking about military interventions that emerged after the military intervention in Libya.***

To be able to answer the main question and prove the hypothesis, I analyze the conflicts in Libya and Syria. What has happened in Libya and Syria? Which parties are involved? What is the role of the international community? And why did they decide to act this way? I also explain the establishment and implementation of R2P, and I study Tannenwald's research on taboos and non-use, focusing on how her research can be used in this research. This leads to a good insight on whether there is a change in thinking about military intervention and if or how this change has led to non-intervention in Syria.

1.3 Methodology

In this paragraph I discuss the methods and research strategy I use in this research. In order to have a clear and transparent research, I explain the methods of data collection and analyze this data. The main method in this research is process-tracing. Next to that I look into Tannenwald's work and her

research on international politics and decision-making. Her work and research method can be an example for this research.

1.3.1 Process-tracing

In this thesis the main method of research is process-tracing, which is “the systematic examination of diagnostic evidence selected and analyzed in light of research questions and hypotheses posed by the investigator” (Collier, 2011, p. 832). Collier argues that it is an “analytic tool for drawing descriptive and causal inferences from diagnostic pieces of evidence— often understood as part of a temporal sequence of events or phenomena” (2011, p. 833). Simplified, it means that in process-tracing the researcher examines histories, official documents, interview transcripts and other sources to see “whether the causal process a theory hypothesizes or implies in a case is in fact evident in the sequence and values of the intervening variables in that case” (George & Bennett, 2005, p. 6).

To understand the outcome of this research it is necessary to understand and define the causal mechanisms that have caused this outcome. By studying these causal mechanisms I am able to make strong case inferences about the causal process. Derek Beach and Rasmus Brun Pedersen (2013) argue that process-tracing is an excellent method to study these causal mechanisms, but they also acknowledge that the existing literature on process-tracing is confusing and not clear about some basic questions such as the types of causal mechanisms being traced. Therefore Beach and Pedersen define three different variants of process-tracing: theory-testing, theory-building and explaining outcome which are shown in figure 1 (2013, p. 2).

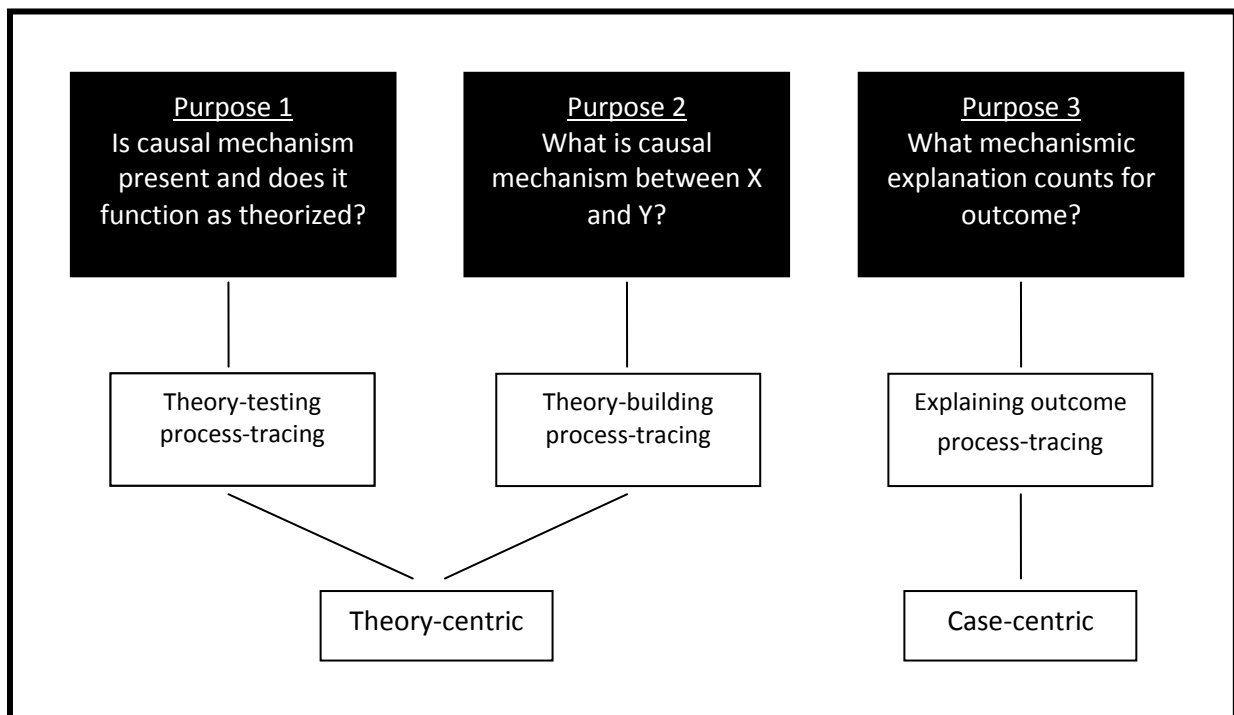


Figure 1. Three different uses of process-tracing methods (Beach & Pedersen, 2013, p. 2).

This diagram starts with the purpose of process-tracing. What goal does the researcher want to achieve with this method? Applying this diagram to my research it becomes clear that the theory-testing variant applies best. "Theory-testing process-tracing deduces a theory from the existing literature and then tests whether evidence shows that each part of a hypothesized causal mechanism is present in a given case" (Beach & Pedersen, 2013, p. 3). "The purpose is to investigate whether the hypothesized causal mechanism was present in a case" (Beach & Pedersen, 2013, p. 165). In this research it would mean that with the theory-testing process-tracing method this research wants to find out if the change in thinking about military intervention after the intervention in Libya contributed to non-use of military intervention in Syria. Beach and Pedersen also argue that "explaining-outcome studies often have theoretical ambitions that reach beyond the single case" (2013, p. 19). The outcome of this research applies only to cases covered in this research, but it is possible that the theory of this research gives new insights to other conflict situations and interventions, and thus reaches beyond this single case.

Beach and Pedersen say that "in theory-testing process-tracing we deduce a theory from the existing literature and then test whether there is evidence that a hypothesized causal mechanism is actually present in a given case" (2012, p. 9). They continue by arguing that "this variant of process-tracing is often used when a robust empirical correlation between an X and a Y has been found in previous research and we can deduce a mechanism from existing theorization, but we are unsure whether there is an actual causal mechanism linking X and Y" (2012, p. 9). The next paragraph shows how a correlation in previous research from Nina Tannenwald will be deducted and used in this research. It must be made clear that in social sciences most outcomes are the product of multiple mechanisms. Therefore the "inferences that can be made with theory-testing process-tracing are however restricted to claiming that a mechanism was present in the case and that it functioned as expected" (Beach & Pedersen, 2012, p. 9). That means that there can be made no claims on the fact that the mechanism researched here is the only factor that resulted in this outcome. In this research this means that the followed method and outcome is one of the possibilities, other outcomes are not excluded.

1.3.2 Process-tracing and change in political decision-making

In "The Nuclear Taboo: The United States and the Normative Basis of Nuclear Non-Use" Tannenwald shows the existence of a taboo as scientific. She argues that a normative element like a taboo "must be taken into account in explaining why nuclear weapons have not been used since 1945" (Tannenwald, 1999, p. 433). According to Tannenwald norms shape realms of possibility. "They influence the probability of occurrence of certain courses of action" (Tannenwald, 1999, p. 435). With her research she reacts against the realist perspective "which claims that the non-use of nuclear

weapons can be explained solely on the basis of material factors” (Tannenwald, 1999, p. 434). Realists deny that a taboo exists or that it can explain the non-use of nuclear weapons. With this research she shows that a taboo has a bigger influence on this process than realists recognize. The nuclear taboo refers to a de facto prohibition against the use of nuclear weapons. The taboo is not the behaviour itself, but rather the normative belief about the behaviour. To understand it and to develop this research it is evident to understand what a norm and a taboo mean. According to Tannenwald (1999, p. 436) “a norm is a shared expectation about behaviour, a standard of right or wrong”. And a taboo is a particularly forceful kind of normative prohibition. It is stronger than a norm.

The research of Tannenwald is also used by Mahoney in his article about new methodology of qualitative research. He builds on the research of Brady & Collier and George & Bennett by distinguishing three types of theory-testing Causal-Process Observations (CPO) (figure 2). The Independent Variable CPOs play a role in this research. According to Mahoney they provide information about the presence of an independent variable (2010, p. 125). He continues by arguing that “conformation of the existence of the independent variable increases substantially the theory’s plausibility” (Mahoney, 2010, p. 126). He uses the research of Tannenwald as an example for the use of the existence of the independent variable in social science research and argues that “her analysis of foreign policy decision-making is focused on the question of whether a nuclear taboo contributed to nuclear nonuse.” (Mahoney, 2010, p. 127). Therefore her study is an effort to use independent variable CPOs to support the theory that a nuclear taboo contributed to nuclear nonuser after 1945.

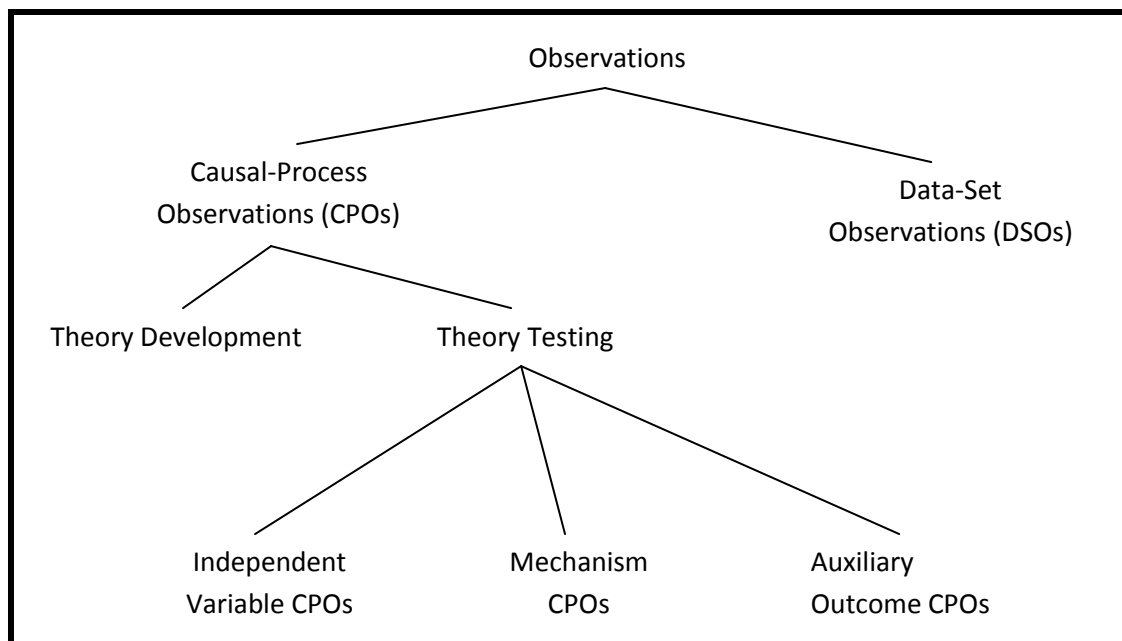


Figure 2. Types of observations (Mahoney, 2010, p. 126).

If it is possible to explain the non-use of nuclear weapons with the existence of a taboo than it is maybe also possible to explain other international military decisions with Tannenwald's taboo theory. When transferring Tannenwald's research away from the cases, it is all about norms and the effect they can have. In this research I focus on the change of norms that can lead to a taboo. Tannenwald shows that norms not only work as triggers of behaviour but rather are part of permissions and prohibitions in decision-making. To make these norms matter you need a state and a government that is highly influenced by public opinion. Therefore she suggests that if a taboo operates in the US it probably also operates in other open democracies where a change of norms is possible. Transferring these findings to this study it becomes clear that it is not focused on one single state like Tannenwald and the US government. Instead the legislative decision-making body in this research is the UN. That does not mean that Tannenwald's findings cannot be used here. Although the UN cannot be seen as an open democracy, all individual member states are allowed to give their opinions about international matters and these opinions are influenced by the public opinion of a state.

1.3.3 Theory-testing process-tracing in this research

The previous section already mentioned why the theory-testing process-tracing method fits within this research. It also explains how Tannenwald uses this variant of process-tracing to show the nuclear taboo, and how Mahoney explains why and how Tannenwald uses theory-testing process-tracing in her research. The method Tannenwald uses to prove the existence of a nuclear taboo

shows that there is a change in thinking about the use of nuclear weapons. In the decades after the use of the nuclear bomb in 1945 the thinking about the use of nuclear weapons changes which finally resulted in a taboo and a non-use of these weapons. Tannenwald's method shows that this change can also be used to show that there is a change in thinking about military intervention. As stated before it is all about norms and the effect they have. In Tannenwald's research it means that in the past decades the norm about the use of nuclear weapons changed which resulted in a taboo. In my research I will look if there also is a change in thinking about military interventions after the intervention in Libya that influenced the international decision-making regarding Syria.

In order to detect a change in norms I will use the method of process-tracing based on the work of Beach and Pedersen, Checkel and Mahoney. I start with Mahoney and his use of independent variable CPOs. According to King, Keohan, and Verba a CPO is "an insight or piece of data that provides information about context, process or mechanism, and that contributes distinctive leverage in causal inference" (in Mahoney, 2010, p. 124). For this research I will use independent variable CPOs for theory testing. It means that the theory will be tested on the basis of key observations gathered during field research and observing data (Mahoney, 2010, p. 125).

The key issue of independent variable CPOs is whether a cause occurred in that manner and at the time posited by the theory. Mahoney emphasizes that a core challenge of Tannenwald's theory involves making sure that the independent variable actually occurred at all (2010, p. 126). For this research it means that I use independent variable CPOs to show that there is a change in the thinking about military intervention. The CPOs I use consist of interviews with respondents, statements from official documents and results derived from other studies.

Next to Mahoney's research I use the practical advice of Checkel to structure and improve my research. One of Checkel's lessons involves the branching and building strategy, which means that I use the results of the first interviews to restructure the questions in the following interviews. I start with a broad interview guide, but after a few interviews I refocus my questions because I know better where the focus of my research lays. Next to that I can ask the respondents more precise questions given their expertise. When it comes to a sensitive research subject like conflict, R2P and the role of sovereignty it is important not to lose the ethics of my research. Therefore Checkel mentions that during the research I have to ask myself some normative-ethical questions (2008, p. 124). Beach and Pedersen give practical advice on how to use process-tracing. In their checklist for process-tracing analysis they come forward with a three-step method consisting conceptualization, operationalization and collecting evidence (2013, p. 15, 164). These three steps are used to develop my argument in this research.

1.3.4 Data collection

In contrast to Tannenwald, I do not have access to “specific conversations among high-level decision makers” which can be used as data for the independent variable CPOs (Mahoney, 2010, p. 127). Therefore I use interviews with respondents who are either close to, or influence high-level decision makers in this field. Their expertise can bring new insights in my research. Not all respondents were able to meet in person, in that case questions were asked via e-mail. Next to that, many respondents also helped me by sending interesting articles and reports concerning the research subject. Following Checkel’s advice, I cross-checked my respondents’ stories with other sources, mostly official documents, because triangulation is very important and it improves the credibility of the research (2008, p. 119). Another way to improve the credibility of the arguments is to use data as close to the source as possible. Because it is not possible to attend meetings of the UNSC or United Nations General Assembly (UNGA) I used video’s and literal texts of their meetings to detect the exact statements different member states made. In several cases I watched and listened to statements made by state representatives and used these statements for my argument. In some cases the video’s were restricted, which makes it hard to disentangle the different statements. In those cases I use the literal texts of the meeting.

1.4 Scope of research

Conflict and military intervention is a wide comprehensive research subject. In order to make a strong argument it is necessary to explain the scope conditions of my research. These conditions define what is researched and what not, and it ensures that the theory that is developed in this research is only applicable to cases and conflicts within these boundaries. Next to that it also helps to frame the different terms and concepts.

This research deals with military interventions as a part of R2P. Within R2P there is the option for the UN to use a military intervention in order to protect citizens in a conflict. It is important to know that this research focuses on military interventions that take place in conflict situations without the permission of the government of the state that has to deal with the conflict. Because R2P is only adopted in 2005 and the military intervention in Libya is the first military intervention that is authorized by the UNSC while citing R2P, I cannot focus only on R2P based interventions. Also conflicts and interventions that took place before 2005 are researched. These conflicts have influenced the decision-making regarding Libya and Syria, or have played a role in the establishing of R2P. Next to that the interventions had a humanitarian argument. I discuss the conflicts in Somalia, Rwanda, Bosnia, Afghanistan and Iraq. In 1993 there was an UN intervention in Somalia in order to create a secure environment for humanitarian operations. The outcome of this intervention influenced international decision-making regarding Rwanda and Bosnia. This is further discussed in

chapter three. Rwanda and Bosnia are relevant for my research because they both had UN missions during the conflicts there, but when the conflicts got heavier the international community, through the UN, failed to intervene and protect the civilians. The conflicts in Afghanistan and Iraq differ from the previous mentioned conflicts because in these two cases there was no UN mission, nor did the UN approve the interventions that took place in 2001 and 2003. The intervention in Afghanistan was led by NATO and not approved by the UNSC. Also the war in Iraq was not in conformity with the UN charter. Still they are important in this research because the interventions had underlying humanitarian motives. Next to that the outcome of these interventions influenced the decision-making regarding the conflicts in Libya and Syria.

The theory in this research is only applicable to the cases that are covered in this research. This means that the theory and findings are not transferable to other conflict situations and military interventions because the theory is based on specific data and information derived from the mentioned cases.

In this research different stakeholders are discussed. One of the most important actors is the international community. A precise definition of the international community does not exist, but in most cases it represents a broad group of governments around the world who share more or less the same opinion. It is often specified as the UNGA, or a substantial majority of it. The reason why both the words international community and UN are used is because I decided to only refer to the UN when it is about an official statement of the UN, or a statement made during a UN meeting. In other cases I refer to the international community.

1.5 Relevance

Research only matters if it is relevant for society and if it is a contribution to the academic world. Also my research contributes to theory development in my field of study. It adds to previous research and gives new insights in scientific and social fields.

My study is socially relevant because it provides more insights to the use of R2P. In 2005 R2P was adopted by the UN, but it takes more time before it has landed everywhere. In order to make a new concept like R2P work it needs time and attention. It is necessary to research situations where R2P is implemented because evaluation of these situations will show what the effects of R2P in practice are. This information can be used to improve the concept and its implementation. In my research I give insights into why a military intervention, as a part of R2P, has been implemented in one case, Libya, and not in another case, Syria. I try to show that there can be more explanations for the decision to intervene in Libya and for the non-use of military intervention in Syria. By doing this I give an insight in the functioning of politics in the international community. I also think that this research

is a contribution to the discussion if the international community acted accordingly to the UN standards in both conflicts.

Most research conducted on R2P focuses on its legal aspects, for example questioning if it fits in our system of international law or what its relationship with state sovereignty and other related principles is. Some scholars have investigated the implementation of R2P regarding a certain case like Burma (McGregor, 2010) or Iraq (Axworthy, 2011). Rarely has the connection been made between R2P and two correlating cases, like Libya and Syria. That is why this research is scientifically relevant. It adds to the ongoing debate about sovereignty, territorial integrity and the right to protect civilians through a military intervention. Besides this, this thesis can be seen as a reflection on military intervention within R2P. The concept was adopted eight years ago and it is good to look back once in a while and reflect on what has been achieved in relation to what the UN wanted to achieve when they adopted R2P.

1.6 Structure of the thesis

The structure of this thesis is as follows. In the second chapter the theoretical background for this research is explained. The focus here lays on two subjects; R2P and sovereignty. In order to understand R2P I first explain the concept of sovereignty. I describe the different interpretations of sovereignty and explain why there have been discussions about the meaning of it for many years. In the second part I explain what R2P is, why it is established and how some people see it as a violation of sovereignty. I also explain why the possibility for a military intervention is necessary within R2P. Chapter three is about the main theory of this research. I start by explaining decision-making in foreign policy and then proceed to the *intervention pendulum* theory. In this theory I describe how the several interventions and non-interventions influence each other and cause a change in thinking about military intervention. The arguments for this theory are further specified in chapters four and five. Chapter four deals with the explanation why the international community decided to intervene in Libya and in chapter five I explain how the outcome of the intervention in Libya changed the thinking about military intervention and influenced the non-intervention in Syria. Finally, in the last chapter I conclude by answering the main question and hypothesis and I give recommendations for further research.

2. Responsibility to Protect and sovereignty

In this chapter I set out the theoretical background of the research. Different theories and concepts are discussed in order to gain a better understanding of international decision-making regarding Libya and Syria. The focus hereby lays on two main concepts: R2P and sovereignty. The concept of sovereignty is mainly discussed in the light of the changes in thinking about sovereignty, showing that the concept is not that fixed as some people argue. Through this different thinking about sovereignty possibilities arise for other concepts like R2P.

In the introduction I mention former UNSG Kofi Annan and his report “We the Peoples, the role of the United Nations in the 21st century”. This report can be seen as the start of establishing the R2P concept. In it he remarks the following:

“I also accept that the principles of sovereignty and non-interference offer vital protection to small and weak states. But to the critics I would pose this question: if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica—to gross and systematic violations of human rights that offend every precept of our common humanity? We confront a real dilemma. Few would disagree that both the defence of humanity and the defence of sovereignty are principles that must be supported. Alas, that not tell us which principle should prevail when they are in conflict. Humanitarian intervention is a sensitive issue, fraught with political difficulty and not susceptible to easy answers. But surely no legal principle—not even sovereignty—can ever shield crimes against humanity. Where such crimes occur and peaceful attempts to halt them have been exhausted, the Security Council has a moral duty to act on behalf of the international community. The fact that we cannot protect people everywhere is no reason for doing nothing when we can. Armed intervention must always remain the option of last resort, but in the face of mass murder it is an option that cannot be relinquished”. (Annan, 2000, p. 48)

The question Annan poses in this piece has a great impact on the international community because it puts the finger on the salient point. It addresses a problem no state or international body has a clear answer to. There is also a second problem that comes forward in this text of Annan. The dilemma he poses is still very relevant today. It is the dilemma of what principle we should prevail when we are faced with war and crimes against humanity. Do we prevail the principle of sovereignty or do we prevail humanity? As Annan puts it: “Humanitarian intervention is a sensitive issue, fraught with political difficulty and not susceptible to easy answers” (2000, p. 48). To gain a better understanding of R2P it is necessary to explain sovereignty and understand the force field between human rights and sovereignty.

2.1 Sovereignty

Although R2P is the leading concept in this research, it is needed to understand the principle of sovereignty in order to understand the use of military intervention within R2P. The concept of sovereignty is controversial and widely discussed because the precise meaning of sovereignty remains vague. What is the specific meaning? Does real sovereignty still exist, or has it ever existed? Cynthia Weber, for example, admits that what sovereignty means remains rather fuzzy because many interpretations and types of sovereignty occur in the literature and this makes the concept harder to theorize (1995, p. 1). In this paragraph I first discuss these different interpretations of sovereignty. In the second part the conditions of sovereignty are covered with a focus on recognition and non-intervention. The final part provides the discussion about the change of sovereignty.

2.1.1 Different interpretations of sovereignty

Scholars from different studies have been unable to set out one clear definition of sovereignty. Instead, they have attempted to communicate the concept of sovereignty by explaining how it works and how it might change or transform under particular conditions. As Badescu puts it: “Many seem to agree that since it was introduced into political science, sovereignty has never had a meaning which was universally agreed upon” (2011, p. 20). Weber sees sovereignty also as a struggle and expresses it as follows:

“sovereignty marks not the location of the foundational entity of international relations theory but a site of political struggle. This struggle is the struggle to fix the meaning of sovereignty in such a way as to constitute a particular state – to write the state – with particular boundaries, competencies and legitimacies available to it. (...) this struggle is repeated in various forms at numerous spatial and temporal locales” (Weber, 1995, p. 3).

It is not simple to find a good definition of sovereignty; therefore there are many approaches to sovereignty which are discussed in this paragraph.

One of the leading approaches is determined by Stephen Krasner (1999). He argues that sovereignty can be used in four different ways: international legal sovereignty, Westphalian sovereignty, domestic sovereignty, and interdependence sovereignty. International legal sovereignty refers to the mutual international recognition of states. Westphalian sovereignty refers to the exclusion of external actors from authority structures within a territory. Domestic sovereignty refers to the ability of public authorities to exercise effective control within the borders of their own polity, and interdependence sovereignty refers to the ability of a state to regulate the flow of information, people, capital and more across the borders (Krasner, 1999, p. 4). According to Krasner there is no logical order between these four meanings of sovereignty, but a distinction can be made in the way

sovereignty is expressed through authority and control. Westphalian sovereignty and international legal sovereignty are only about authority, a state's authority to engage in international agreements. On the contrary, interdependence sovereignty is strictly about control, whether a state can control movements across its own borders. Domestic sovereignty consists of both authority and control.

According to Krasner there are also four ways to deviate sovereignty. It can be done through conventions, contracts, coercion and imposition. With a convention both rulers are better off. A contract makes at least one ruler better off, but the other ruler is not worse off. These two ways of compromise are voluntary accords and not interesting for this research, they will not be discussed further. In contrast, the other two ways of compromise; coercion and imposition will be examined. Krasner says the following about coercion:

"In situations of coercion one ruler threatens to impose sanctions on another if the target ruler does not alter his or her policies. The target can reject these demands, in which case it suffers sanctions, or accept them. In either case the target is worse off. The status quo ante is no longer an option" (1999, p. 26).

Imposition is the sequel of coercion, with imposition the target has no other choice than accepting the demands of the initiator. The target is too weak to deny these demands. It is clear that coercion and imposition are both violations of sovereignty. In both cases the target is worse off. It is an instrument of the stronger states to use against weaker states. Only weaker states have been the targets on intervention through coercion or imposition (Krasner, 1999, p. 29). There is always some sort of power asymmetry; the initiator must have the power to make effective threats against the target. The most frequent way of coercion is a case in which the initiator uses economic sanctions as a threat. There are many examples of economic sanctions from the last decades. In all of these cases the target was worse off because it either had to suffer the sanctions or it had to change its policies. When a state is even weaker or its position untenable, imposition is possible. In that case a target is so weak that it has to accept the demands of the initiator. The target has no choice. This is often the case with a military intervention, when imposition is been used in relation to human rights.

According to Beetham the essence of sovereignty is that the state determines its own rules, as well as those of all other powers within its territory (1991, p. 122). He argues that there are two conditions of sovereignty, in the first place power, because the state is independent of any higher authority in the legal control of its own domain. In the second place vulnerability, because of the lack of a superior legal authority to which a state can appeal to confirm its own legitimacy, and to enforce its own rules if there is an intern struggle (Beetham, 1991, p. 122). Another approach of sovereignty comes from Jackson. He looks specifically at the relationship between sovereignty and weak states.

Jackson argues that “To be a sovereign state today one needs only to have been a formal colony yesterday. All other considerations are irrelevant (...) All that is required is the evident desire of the population to be independent” (Jackson, 1990, p. 17). This is only a formal-legal entitlement. Jackson also defines sovereignty into negative and positive sovereignty. “Negative sovereignty is the legal foundation upon which a society of independent and formally equal states fundamentally rests” (Jackson, 1990, p. 27). According to him, positive sovereignty goes further; “A positively sovereign government is one which not only enjoys rights of non-intervention and other international immunities, but also possesses the wherewithal to provide political goods for its citizens” (Jackson, 1990, p. 29). He continues by arguing that “positive sovereignty is a relative and changing rather than an absolute condition, unlike negative sovereignty” (Jackson, 1990, p. 29). This distinction has an important role in Jackson’s theory on quasi-states, which he sees as mostly decolonized states that only exist on paper. Quasi-states are primarily judicial and only have negative sovereignty. They acquire their sovereignty due to decolonization, but do not have the power within the state to really be a sovereign state for their population. According to Jackson it is one thing to be legally sovereign, and another thing to really be a sovereign state in practice for the citizens. Jackson also emphasizes the role of the international community in this negative sovereignty. The failure of quasi-states is partly due to the way the international community dealt with those countries after decolonization. Expecting these states to properly govern themselves after decolonization is too large a task.

Inayatullah (1996, p. 60) builds on Jackson’s theory arguing that by giving these quasi states sovereignty after decolonization there is no test for these states to demonstrate if they have the capacities to become sovereign. Weak states are granted sovereignty, while they were not able to deliver goods, not able to provide protection of human rights, nor were they able to ensure the provision of socioeconomic welfare to their citizens. These states now had the right of non-intervention and when they commit gross abuses against humanity, against their own citizens, the international community remains powerless due to the rule of non-interference as a condition of sovereignty. An interesting point Krasner brought forward in this discussion, is that states that have been decolonized have very limited resources and are now considered weak states (1988). Their existence is not based upon their material capabilities or a good institutional framework, but based on the concept of sovereignty that is agreed on in the international (Western) community. Krasner (1988, p. 89) argues that their existence is based on the willingness of other states and the absence of any alternative legitimate forms for organizing political life.

2.1.2 Conditions for sovereignty

Despite the slight differences between the several definitions of sovereignty, there are also some key elements that these definitions have in common. Relevant for this research is the combination of

internal and external sovereignty. Internal sovereignty means that a ruler has independent authority over a certain territory. This means that the people in this territory identify themselves with its ruler and territory and thus become citizens. In this case the ruler is legitimized by its citizens. Internal sovereignty thus refers to the internal affairs of a state. External sovereignty can be achieved by the mutual recognition of states. It means that states respect each other's sovereignty and that they shall not interfere in each other's domestic affairs. This is better known as the rule of non-intervention. In the UN Charter the following is stated about the rule of non-intervention: "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state" (United Nations, 1945, article 2.7). It defends sovereignty within the UN but also prohibits intervention into the domestic affairs of other states (Axworthy, 2011, p. 6).

To gain sovereignty international recognition is very important. The act of giving recognition to a certain state is thus very powerful and is often used as a strong political instrument. Governments of weak states have argued that the recognition of states and governments should be automatic. This has been rejected by stronger states that often use recognition as a political instrument by recognizing other governments even when they do not have full control over their claimed territory (Krasner, 1999, p. 15). This could happen when a revolution is taking place in a state and the revolutionaries establish their own government. Recognition as a political instrument can also be used by refusing to recognize new governments, even when they have effective control over their territory. This is often the case when a state has the idea that the elections were corrupt in another state, and they do not recognize the government of that state as legitimate. It is obvious that the act of using recognition as a political instrument is a privilege for the stronger states. Weaker states can only follow, and their recognition is seldom seen as a strong statement, except when a weaker state is involved or has important relations with the government that seeks recognition.

International recognition is thus important, as it is the basis of all international law. States can enter into treaties with each other and have more international economic and political opportunities. In short, recognition gives the ruler the opportunity to play on the international stage (Krasner, 1999, p. 18). Despite these advantages one must not forget that recognition does not guarantee the existence of a state or government. States can also be dismembered or unrecognized. This creates the impression that sovereignty and the recognition of states is something given. As first stated by Jackson and later by Biersteker and Weber, neither sovereignty nor the recognition of states should be assumed or taken as given, fixed or immutable. Biersteker and Weber argue that the whole concept of state sovereignty and recognition is socially constructed and therefore also subject of change (1996, p. 11).

Through the rule of non-intervention in international law it is illegal to intervene in domestic affairs of sovereign states. Although the rule of non-intervention is often associated with Westphalian sovereignty, it has little to do with the actual treaties of Westphalia signed in 1648. It lasted until 1760 before the principle of non-intervention was first explicitly mentioned by Wolff and Vattel. They remarked that no state had the right to intervene in the internal affairs of other states (Krasner, 1999, p. 21). It still took some time before powerful states agreed on the rule of non-intervention. Since then many states who accepted this rule have also violated it several times. This development does question the credibility of the rule of non-intervention. There is also discussion about whether intervention is really a violation of sovereignty. Weber argues that intervention raises the question of sovereignty (1995, p. 4). She emphasizes this with the following example:

“when state practices do not fit intersubjective understandings of what a sovereign state must be, then interference by a sovereign state into the affairs of an aberrant state is legitimate. Moreover, such practices rarely are referred to as interventions. On the other hand, when state practices do accord with intersubjective understandings of being or statehood, intervention is prohibited and, when carried out, condemned by the supposed community of sovereign states” (Weber, 1995, p. 4).

By this she means that if one is to discuss intervention they would also be asking questions about what sovereignty is and when a state or country is sovereign. It is important to know that when it comes to the advantages of international recognition the stronger states primarily benefit, but in the case of non-intervention the weaker states have always been the main supporters.

2.1.3 Discussions and trends in sovereignty

As mentioned in introduction, sovereignty is a highly contested concept. Discussions about what sovereignty actually is and how it has been implemented have been going on for decades. Especially the last 10, 15 years there is a new thinking about sovereignty. Is there a decline, an erosion of sovereignty where international rules and laws become the prevailing and displace sovereignty to the background? Or is it a shift in international thinking? Do we have to accept that sovereignty is no longer the standard and the most important concept in state politics and that it has to share its importance with other concepts like human rights? In the following section these new ideas, trends, and meanings of sovereignty are discussed to show that there is a change in thinking about sovereignty.

In 1984 Philip Windsor stated that:

“It is fashionable, at present, to suggest that the old Westphalian system of a world of non-interventionist states is on the decline, and that the dangers of growing intervention by different powers in the affairs of other states have been on the increase. The Westphalian system represented some remarkable achievements: the absolute sovereignty of a state rested on a dual basis whereby internal authority was matched by freedom from external interference; and in this way the principle of cuius region, eius religio, codified in the Religious Peace of Augsburg, laid the foundation of the modern states system” (Windsor in Krasner, 1999, p. 45).

Windsor argued this in the context of the Cold War and the many wars and interventions that had occurred. He raised the idea that sovereignty was not that important at all, and questioned the value of sovereignty itself. Also now, thirty years after his statement there is still a belief that the Westphalian system is on the decline when we are looking at several international interventions and global agreements on human rights, environment, and minority rights. They all seek to establish a set of rules for all people regardless the state they live in. It is evident that these agreements are seeking for unity in rules around the world and interfere in domestic rules. Does this mean a decline in sovereignty?

Berg & Kuusk (2010) also see a shift in the meaning of sovereignty. The concept of sovereignty originates from the Peace of Westphalia. For a long time this concept of sovereignty has been the cornerstone of our political society and our states, but as Berg & Kuusk (2010) conclude, the concept of sovereignty is fading away. There are situations of shared sovereignty, internal and external sovereignty, but also positive and negative sovereignty. Badescu (2011) adds to this that for a long time there has been argued that the concept of state sovereignty is a fundamental pillar of our international system. It is seen as a vast norm, as the cornerstone of our society. Since there is no consensus on the actual meaning of sovereignty, nowadays most scholars seem to agree that sovereignty is not absolute and cannot be seen as a vast norm where our modern society is built upon.

Sovereignty has always been violated and probably will always be. Therefore Krasner argues that sovereignty is best understood as an example of organized hypocrisy. “They are both defined by widely understood rules. Yet, these rules have been comprised, more frequently in the case of Westphalian than international legal sovereignty” (Krasner, 1999, p. 25). By organized hypocrisy he means that sovereignty is based on international accepted rules, but that these rules have been comprised and undermined from the beginning. It is thus hypocritical to state that sovereignty is a consensual concept.

Krasner defines his idea of sovereignty as organized hypocrisy in one way, but I identified another way to see sovereignty as hypocritical. It is about the practical use of sovereignty, about the implementation of sovereignty and the use of double standards when states discuss sovereignty. Because there is no undisputed clarity about sovereignty, states can use sovereignty to their own benefit. They use the explanation of sovereignty that suits them best at a given time. The US makes a good example. In the twentieth century they engaged in several interventions, especially in Central America and the Caribbean, during these interventions their interpretation of sovereignty is different than when their own sovereignty is violated by another state. In the first situation the rule of non-intervention is less important than in the second situation. It perfectly shows that the meaning of sovereignty is not that fixed.

2.2 Responsibility to Protect

The previous mentioned discussion about the change in the meaning of sovereignty opens doors for new concepts. R2P is one of these concepts, some see R2P as a violation of sovereignty, but it can also be seen as the example that the meaning of sovereignty is changing and is open for new international concepts. This paragraph explains the formation of R2P and discusses critiques and shortcomings of the concept.

2.2.1 Establishing R2P

The concept of military intervention for humanitarian purposes has been one of the most divisive topics in international relations in recent years. Annan's statement mentioned in the chapter's introduction is seen as the trigger for the search to produce a new prescriptive framework for the contentious humanitarian intervention debate (Badescu, 2011, p. 2). In response, the Canadian government establishes the International Commission on Intervention and State Sovereignty (ICISS), which had as their goal to find a good answer to the following question: "When, if ever, it is appropriate for states to take coercive – and in particular military – action, against another state for the purpose of protecting people at risk in that other state" (ICISS, 2001, p. VII). In December 2001, after more than a year, the commission introduced a report called "the Responsibility to Protect" and argues that there are two basic principles, which are the following:

"A. State sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself.

B. Where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect". (ICISS, 2001, p. XI)

These recommendations sound promising, but critics argue that it neglects the concept of state sovereignty entirely. Therefore the ICISS comes up with another suggestion where sovereignty and intervention are viewed as complementary, rather than at odds (Badescu, 2011, p. 46). Human rights and state sovereignty are not in a permanent opposition to each other, they are intertwined. Therefore Axworthy argues that R2P does not meddle with state sovereignty, because if a state legitimately protects its citizens' it is in full right of its sovereign power (2011, p. 12). The ICISS used three pillars in their report to protect citizens. The first pillar is to prevent, by addressing the causes of internal conflicts. The second pillar is to react, first by using political, economic and/or military sanctions before an authorized military intervention. The last pillar is rebuilding, by establishing good governance (Verdirame, 2011, p. 152).

The release time of the report was a bit unfortunate because it was just a few months after the 11 September 2001 attacks on the US. This ensured that the focus of the international community was away from the civil conflicts and humanitarian tragedies of the 1990s and terrorism became the primary focus (Axworthy, 2011, p. 13). It nevertheless remained an important topic and Annan kept the report on the agenda. In 2003 he set up a High-level Panel on Threats, Challenges and Change which came with a report in 2004 called: "A More Secure World: Our Shared Responsibility". This report no longer puts the status of the state as the primary agent in the affairs of the world, but argues that there are other threats in the world like poverty and diseases that go beyond state affairs and are far more important (Axworthy, 2011, p. 13). Just like the first R2P report of the ICISS, the report of this panel agrees that if a state fails its responsibility to protect its citizens, it becomes the responsibility of the other states to take care of these citizens.

The US invasion in Iraq in 2003 puts the human-focused approach of the R2P report in another light because the US invasion was also partly based on humanitarian grounds. If this invasion was an example of R2P, many countries were suspicious to adopt the concept. Therefore the R2P concept had been conceived with military intervention as the least desirable option and prevention was promoted (Axworthy, 2011, p. 14).

At the September 2005 World Summit R2P was brought on the agenda as part of a reform package for the UN. Many recommendations in the original ICISS report and the report of the High-level Panel fell away (Axworthy, 2011, p. 15). What could be agreed on was translated in paragraph 138 and 139 in the 2005 World Summit Outcome Document. All UN member states unanimously accepted their responsibility to protect their own populations from genocide, war crimes, ethnic cleansing and crimes against humanity, and they stated that:

“138. 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.

139. 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, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. 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, p. 30).

Of course it is promising that all member states could agree on these paragraphs, but this is just paperwork. What does it actually mean in practice? Since the 2005 World Summit several developments have occurred. There have been resolutions with references to R2P, special advisers have been appointed and there have also been discussions about using R2P in several cases. One of these cases is about cyclone Nargis which caused more than 100,000 casualties in Myanmar in 2008 (McGregor, 2010). The government of Myanmar denied the access of foreign aid workers and there were states who argued that Myanmar could not protect its own citizens and an implementation of R2P would be appropriate. In the end there was no application of R2P, but the situation in Myanmar made clear that in order to put R2P in practice, there must be a good implementation strategy for this resolution. In January 2009 the UNSG issued a report entitled “Implementing the responsibility to protect”. It contained a three-pillar strategy for a better implementation of R2P. These three pillars differ from the previous mentioned pillars in the report of the ICISS. In the report of the UNSG pillar one is the enduring responsibility of the state to protect its populations, whether nationals or not, from genocide, war crimes, ethnic cleansing and crimes against humanity, and from their

incitement. It argues that R2P, first and foremost, is a matter of state responsibility because prevention begins at home (United Nations, 2009, p. 10). Pillar two is the commitment of the international community to assist states in meeting these obligations. It argues that prevention, building on pillar one, is a key ingredient for a successful strategy for the responsibility to protect (United Nations, 2009, p. 9). The third pillar contains the responsibility of member states to respond collectively in a timely and decisive manner when a state is manifestly failing to provide such protection (United Nations, 2009, p. 9). Within this pillar they argue that: "Talk is not an end in itself, and there should be no hesitation to seek authorization for more robust measures if quiet diplomacy is being used as a delaying tactic when an earlier and more direct response could save lives and restore order" (United Nations, 2009, p. 24-25). This is including sanctions or coercive military action in extreme cases. Pillar three also separately states that the UN has a strong preference for dialogue and peaceful persuasion. In addition to more robust steps, a wide range of non-coercive and non-violent response measures is included. With this separate statement the UN wants to emphasize that a humanitarian military intervention is the least desirable option.

2.6.2 Shortcomings of R2P

Although these three pillars seem very clear, the report does not contain explicit conditions that states or situations must meet. The pillars are too general which means that in every specific conflict situation where there may be a case of one of the four specified crimes and violations and action based on R2P is needed, the same discussion about the conditions arises over and over again. The pillars are no decisive answer to the implementation problem. Back in the beginning of R2P in 2001, the ICISS acknowledged in their report the importance of clear conditions and criteria for a possible intervention. The commission argued that "Any new approach to intervention on human protection grounds needs (...) to establish clearer rules, procedures and criteria for determining whether, when and how to intervene" (ICISS, 2001, p. 11). Also the UN itself acknowledges that within the third pillar there are some shortcomings. They argue that: "Despite years of study and public discussion, the United Nations is still far from developing the kind of rapid-response military capacity most needed to handle the sort of rapidly unfolding atrocity crimes referred to in paragraph 139 of the Summit Outcome".

The above-mentioned problem is one of the pitfalls of R2P. Bellamy shares this concern (2006, p. 164). He emphasizes that there was strong disagreement about the place these conditions should have to guide the use of force. Several African states and former UNSG Annan argued that these conditions are an essential component in making the UNSC's decisions more transparent, whereas the US, Russia and China opposed these criteria, which would limit their freedom of interference and action. In addition, there is no clear point at which R2P is transferred from state responsibility itself

to the responsibility of the international community. Although Bellamy mentions it very briefly, this is one of the core shortcomings of R2P (2006, p. 165). Without good criteria about these conditions, it will be very hard to draw a line in practice and argue that the responsibility of the state to protect its citizens is no longer in the hands of the state itself (United Nations, 2009a, p. 27).

Evans and Sahnoun state in 2002 that the primary purpose of an intervention is to stop human suffering (p. 104). They question why the bar for a possible intervention needs to be set so high. Why does a military intervention have to be 'very exceptional'? According to Evans and Sahnoun an international intervention only takes place when there is a large-scale loss of life. In other words, we have to wait until the genocide begins and then can take action, but that is too late. Evans and Sahnoun have a point here, but if we would follow their line it would mean that an international intervention should take place earlier and faster. Such intervention stresses the sovereignty of a state and this is the critical point in the sovereignty versus humanity debate.

3. The intervention pendulum

In this chapter I set out the main argument of this research. I explain why there has been an international military intervention in Libya and not in Syria. In order to make a strong argument I first explain decision-making in foreign policy and how it is relevant for the situation in Libya and Syria. I then explain the pendulum theory I developed for this research, showing that there is a certain cycle in thinking about military intervention. I conclude by arguing that the *intervention pendulum* fits within foreign policy decision-making.

3.1 Decision-making in foreign policy

Should we intervene in Libya, or not? Should we take action in Syria, or not? These are main questions in foreign policy decision-making and also in this research. To answer and understand these important questions it is necessary to look at decision-making in foreign policy. A classic in this field is Graham Allison and Philip Zelikow's "Essence of Decision – Explaining the Cuban Missile Crisis" (1999). They have studied decision-making in foreign policy through different models. The Organizational Behaviour model is relevant for this research. Allison and Zelikow emphasize that a government is an organization, not an individual. Therefore its behaviour and outcomes are "explained in terms of organizational purposes and practices common to the members of the organization. Not those peculiar to one or another individual" (Allison & Zelikow, 1999, p. 144). The bureaucracy of governmental organizations is essential here. Allison and Zelikow quote March & Simon who write about logic of appropriateness to use as logic of action. By this they mean that actions of a government are chosen by recognizing a situation and match this situation to a set of rules (March & Simon, 1993, p. 8). It is clear that their logic of appropriateness refers to the bureaucracy where decision-making in governments has to deal with.

Also Allison and Zelikow (1999) argue that when decisions regarding foreign policy must be made, governments and government leaders often determine their behaviour by previously established rules, procedures and decisions. Because in most cases it is safer, cheaper, and more efficient. Alex Mintz and Karl DeRouen call this the bureaucratic politics model. They argue that "foreign policy decisions emerge through an abstract political space rather than a formal decision on procedure that relies on a formal chain of command. The actors in the bureaucratic politics model are key individuals sitting atop key organizations, each of which is trying to maximize its interests, agendas and goals" (Mintz & DeRouen, 2010, p. 71).

Although Mintz and DeRouen argue that the bureaucratic politics model is best applied to midlevel policy decisions, it is also very applicable to international decision-making on the level of the UN and

the decision-making with R2P (2010, p. 75). The UN also characterizes itself by slow decision-making because there are so many legislative bodies, and also because there are many states involved which all have their own agenda. Next to that the permanent members of the UNSC can use their veto if a certain decision does not suit their agenda. Resulting in the fact that decision-making regarding a conflict can take months or in the case of the veto, it does not happen at all. In this research I show that the decision-making regarding the conflicts in Libya and Syria is to a large extent based on the bureaucratic politics model of Mintz and DeRouen because the decisions are partly determined by looking at previous conflicts and decisions.

3.2 Pendulum theory

The argument of Allison and Zelikow, and March and Simon that foreign policy decisions are often based on previous behaviour is important in this research. Transferring this theory to the international decision-making regarding Libya and Syria I detect a certain tendency. This tendency is not only visible during the conflict in Libya, but looking at the past 25 years international decision-making regarding military intervention based on humanitarian arguments has changed over time. Interventions and non-interventions influence each other and this creates a trend that is recurring over the years. This trend is also seen by one of my respondents who suggest the idea of a pendulum theory.

3.2.1 Explaining the pendulum

The pendulum has its origin in physics, a weight suspended at the end of a string so it can freely swing around. In this research the pendulum is applicable in a more abstract way, looking only at the core concepts of a pendulum. The core principle of a pendulum is that it swings from one side towards another side and back, until it is resting in its equilibrium position. This is shown schematically in figure 3. In this research I develop a variant named *the intervention pendulum*. Here, one side of the pendulum represents the side of non-intervention and the other side represents the intervention side. In the middle there is the equilibrium point, it is the point where the thinking changes and moves from military intervention to non-military intervention, or the other way around. It is hard to tell when this point is reached. In practice there is no clear point where the thinking about military intervention changes from one day to another. The change in thinking takes place gradually and derives from negative outcomes of a certain intervention or failure to intervene. When the effects of an intervention turn out to be negative, the thinking about military intervention moves towards non-intervention. It also works the other way around, if non-intervention turns out to be a failure, as a logical consequence the thinking moves towards using military intervention. The equilibrium point is thus actually the point where the thinking about military intervention is not in favour or against, it is neutral.

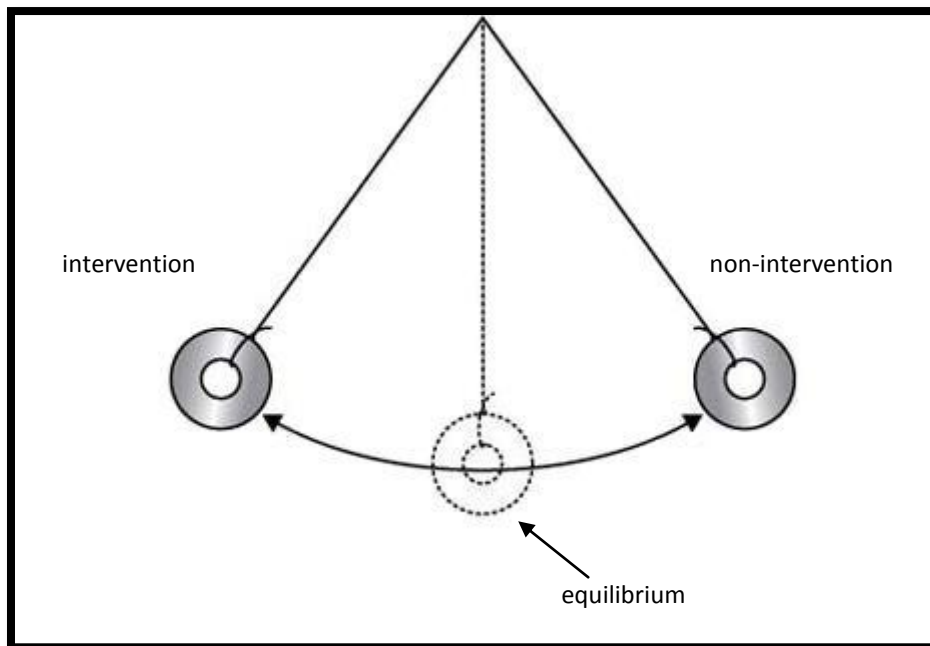


Figure 3. Schematic representation of pendulum.

It is hard to measure when the pendulum swings from one side towards the other side. As also argued by Tannenwald (1999) the public opinion is very important, it influences if a certain intervention succeed or not. In order to measure when the pendulum moves it is necessary to research multiple resources.

3.2.2 Explaining the intervention pendulum

It is good to have a theory about an *intervention pendulum*, but it is better to prove the theory in practice. Although the *intervention pendulum* is perhaps visible before the 1990s, in this research I focus on the past 20-25 years because this period marks the beginning of R2P, and the conflicts that take place during this period have the most influence on the situation in Libya and Syria. In this paragraph I explain how these conflicts and (non-)interventions influenced the decision-making regarding Libya and Syria.

Looking at the practice it becomes clear that several interventions in the past decades have influenced each other. There is a trend visible which shows that in some cases the international community reacts to conflicts with military interventions and in other cases they do not. The conflict and genocide in Rwanda can be seen as a starting point of this trend since it is remarked by Annan as the starting point of R2P and thus has a major role in the evolution of R2P and military intervention. In order to understand the international decision-making regarding Rwanda it is necessary to look at the UN missions that took place in the years before the Rwandan genocide. In the beginning of the 1990s the international community had missions in Somalia, Angola and Yugoslavia among others.

Next to that there was a US led intervention in Iraq, the Gulf War. Especially the mission in Somalia and the share of the US army there influenced decision-making regarding Rwanda.

In April 1994 ethnic violence broke out in Rwanda between two groups. At that moment the UN had an assistance mission in Rwanda (UNAMIR), but due to disagreement in the UNSC the UN failed to take action in Rwanda. UNAMIR was only established to oversee the implementation of the peace agreement to end the three-year civil war between the Rwandan government and the rebels. UNAMIR and the implementation of the peace agreement started in 1993, but with the start of the genocide the peace agreement was no longer in place. Because UNAMIR was established as an assistance mission it was not able to take action when the violence started. A large part of the international community was also not willing to reinforce the troops and take action. The US was not willing to intervene in Rwanda mostly due to the failed UN nation-building mission in Somalia and the losses of American soldiers in Mogadishu in 1993. US domestic politics demanded the withdrawal of US forces from Somalia and prohibited American personnel from serving in UN operations (Barnett, 2002, p. 37). Next to that other states were already involved in the UN mission in Yugoslavia and these states were not eager to get involved in another UN intervention in Rwanda either. Afterwards the decision not to intervene in Rwanda is seen as a major failure to respond of the UN. As stated in introduction, the international failure to the genocide in Rwanda raised questions on how the international community should respond to crimes against humanity like the genocide in Rwanda. These questions and concerns led to the establishment of the ICISS which finally resulted in the adoption of R2P in 2005. The genocide in Rwanda may be the starting point, it is not the only conflict that influences today's decision-making. Also the Srebrenica massacre in 1995 during the Bosnian war, where more than 8000 Bosnian Muslims died while they were under the protection of UN peacekeepers, ensured that the international community had to (re)think about the protection of civilians. The fact that these two massacres happened one year apart and in both cases the UN was involved but failed to act ensured that the international community declared that this should not happen ever again. R2P was established to make sure that this does not happen ever again, and that in future conflicts and crimes against humanity the international community knows how to respond and take action.

When the international community concluded that they failed in Rwanda and Bosnia, the following years the focus of the UN was all on human rights and human security. As a part of this focus Annan wrote a report in which he makes humans and human security a priority. Next to this the ICISS was established to find out when it is legitimate to take military action against another state in order to protect civilians. One thing that was clear is that the international community should respond sooner to crimes against humanity. This became first visible during the NATO intervention in Kosovo in 1999 when the UN approved a military intervention in order to protect the civilian population. Two years

later, on 11 September 2001, terrorist attacks took place in the U.S and this event totally changed the focus of the international community. Instead of human security the focus was now on terrorists and terrorist attacks. As an answer to these attacks president of the US George W. Bush started his war on terror by intervening Afghanistan in 2001 and Iraq in 2003. Although the interventions in Afghanistan and Iraq are most related to the terrorist attacks, and their main goal was eliminating safe havens to terrorists in Afghanistan and disarm Iraq of weapons of mass destruction, the interventions are also related to the conflicts in Rwanda and Bosnia. When the evidence concerning weapons of mass destruction in Iraq was discredited, the humanitarian arguments for the intervention became the focus point. These humanitarian motives are derived from the failure in Rwanda and Bosnia and the fact that this should not happen ever again. The violations of human rights by the Taliban and Saddam Hussein's regime became the justification for the intervention, and the idea that the intervening forces would bring peace and democracy in Afghanistan and Iraq became the new direction. After ten years in both Afghanistan and Iraq there is concluded that the predefined goals have not been achieved. Indeed, evaluation reports on both missions show harsh criticism, remaining little support for military interventions (Larson & Savych, 2005). The criticism on the interventions in Afghanistan and Iraq has also negatively influenced the humanitarian motives that were used to legitimise the interventions.

When the conflict in Libya started in 2011, Gaddafi was clearly referring to the Rwandan genocide in his speeches. The referral was also remarked by several Western states. In the mindset of the Americans and the French the failure of Rwanda and Bosnia caused a certain trauma. Therefore Western states claimed that we must prevent a second Rwanda or a second Srebrenica in Libya. This idea was not only ventilated in the media, but also by President Obama who linked the conflicts in Rwanda and Libya together on the 17th anniversary of the genocide in Rwanda, stating that: "Rwanda reminds us of our obligations to each other as fellow human beings, and our shared responsibility to prevent attacks on innocent civilians, as the international community is doing today in Libya" (The White House, 7 April 2011). On the other hand the impact of the interventions in Afghanistan and Iraq is also still noticeable and especially Obama is not willing to start a new war while he declared that during his terms the US would withdraw from Afghanistan and Iraq. The US is still dealing with the legacy of Afghanistan because there are still troops in Afghanistan to train the Afghan soldiers. The US role in Afghanistan is turning into a quagmire; they cannot stay any longer and they cannot leave either because there is a big chance that the state will then fall back in another civil war (Filkins, 20 September 2012).

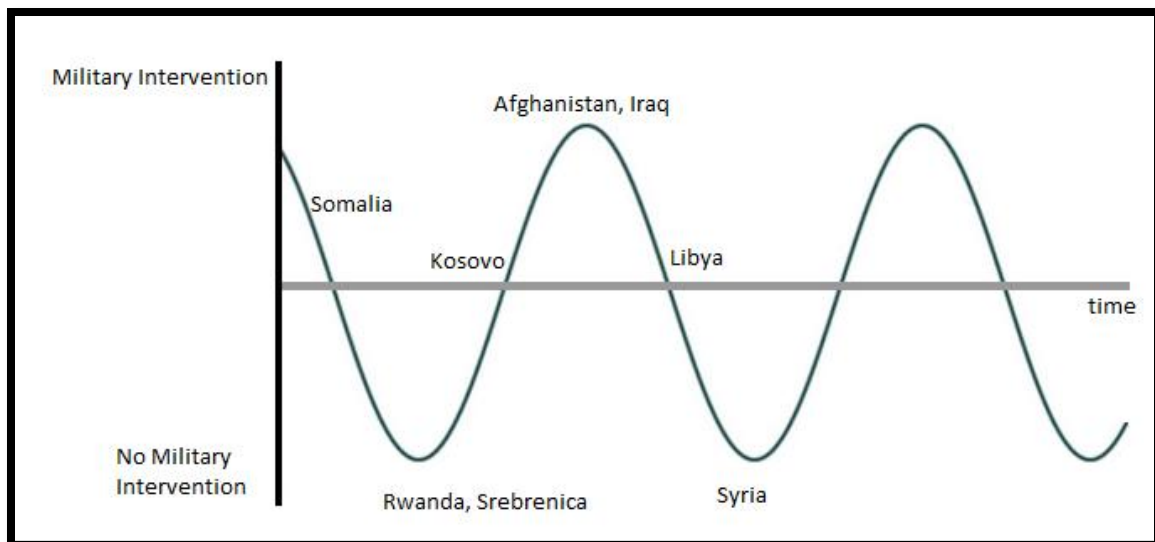


Figure 4. Schematic representation intervention pendulum

The conflicts in Somalia, Rwanda, Bosnia, Afghanistan and Iraq, and the international decision-making in these conflicts have influenced the decision-making regarding Libya and Syria. I explain this as the *intervention pendulum*. To express this visually, figure 4 shows a schematic representation of the *intervention pendulum* where the trend in intervention is clearly visible during a given period of time. It represents the thinking of the international community about military intervention at that time. In this pendulum I start with the UN intervention in Somalia in 1993. At that moment the *intervention pendulum* is on the side of military intervention. The intervention in Somalia is relevant for the *intervention pendulum* because it had consequences for the conflict in Rwanda. As stated before, the UN mission in Somalia suffered losses in the battle of Mogadishu and ensured that the US and other states decided to withdraw their forces from Somalia. In the US domestic politics harsh criticism was ventilated about this intervention and the US turned their back against UN led missions. As a result, the willingness to militarily intervene in other states in order to protect civilians there decreased and the *intervention pendulum* moves to the other side, the side of non-intervention.

At that moment the civil war in Rwanda is already going on for several years, a ceasefire accord has been signed and there is a UN mission to monitor the ceasefire. When the violence breaks out in Rwanda in April 1994, the UN losses in Mogadishu are still fresh in the memory of the international community. This had the effect that at the moment that the international community had to decide how to respond to the genocide in Rwanda, they did not support reinforcement of the UNAMIR troops who were monitoring the ceasefire. The decision to not take action and even withdrawal a part of the forces led to terrible consequences.

The same applies to the situation in Srebrenica, Bosnia. Almost within a year the Rwandan genocide and the massacre in Srebrenica took place. Although the international community realised that they failed to act in Rwanda they led the same thing happen in Srebrenica. When the massacre in Srebrenica took place the thoughts about military intervention did not changed yet and military support in order to protect the citizens of Srebrenica remained, allowing a massacre to happen. In both conflicts the UN failed to intervene and protect the civilians. Afterwards the international community argued that this should not happen ever again and R2P was established to ensure that in coming conflict situations civilians would be better protected. An important aspect within R2P is the option for the international community to use a military intervention if a state is not able to protect its own citizens. In 2000 Annan argued that: "Armed intervention must always remain the option of last resort, but in the face of mass murder it is an option that cannot be relinquished" (p. 48). The fact that military intervention is explicitly mentioned in R2P as an instrument to protect civilians shows that the thinking about military intervention has changed in favour. This means that the *intervention pendulum* moved to the side of military intervention again. The thinking about military intervention has changed and it is seen again as a useful instrument to protect civilians.

This becomes evident when the US intervene Afghanistan in 2001 and Iraq in 2003. Although these interventions were not part of a UN mission nor they were legitimised by the UN, the interventions belong in the *intervention pendulum* because they proof that the thinking about military intervention changed. The initial reason for these interventions was international security, but there was also a claim of the intervening states to bring peace and democracy to Afghanistan and Iraq. Afterwards both the interventions had to deal with harsh criticism which influenced the willingness to intervene in future conflict situations. As a result the *intervention pendulum* moved towards the side of non-intervention. Before it entirely shifted to the side of non-intervention the conflict in Libya started in February 2011 and the world sees how Gaddafi violently oppresses the civilians. The international community decides that it has to take action and protect the civilians of Libya. To a large extent this also had to do with the references Gaddafi made to the Rwandan genocide by saying that he would destroy the people of Benghazi by comparing them with rats and cockroaches (van Oosterzee, 2013). Although a massacre in Benghazi was prevented, also this intervention had to deal with harsh criticism. This ensured that the thinking about military intervention definitely moved to the side of non-intervention. The military intervention in Libya was probably the last intervention on the pro intervention side of the pendulum, and this has consequences for the ongoing conflict in Syria where the government is not able to protect its own citizens. A possible military intervention has been discussed in the UNSC several times, but due to disagreement among the member states they could not reach an agreement for an intervention.

3.3 Conclusion

In this *intervention pendulum* I show that the mentioned conflicts are all linked to each other and have an influence on the decision-making regarding Libya and Syria. It is not without reason that during the conflict in Libya many times the reference is made to the inability of the international community to act in Rwanda, while in the case of Syria there is often the referral that an intervention in Syria would lead to the same negative outcomes as the interventions in Afghanistan and Iraq. It shows that the attitude towards these conflicts is very different. However, it also shows that there is a relationship between the interventions and non-interventions of the past 25 years. Yet, we also have to be aware of these comparisons; the several conflicts are all very different and have their own background. As I mention in the introduction, I want to emphasize that the boundaries of this research are very relevant here. It is important that these conflicts are not lumped together without good arguments to compare them. There is definitely a link between Iraq, Afghanistan, Rwanda and Bosnia, but this link and the causality that is often been made between the different interventions is not always justly¹. The four conflicts and (non-)interventions are sometimes all mixed up and this only complicates the discussion. Therefore it is important to be careful with making assumptions and look at the facts.

Taking this *intervention pendulum* back to the theory of the first paragraph about decision-making in foreign policy some overlap between the two theories is visible. I mention March and Simon and their logic of appropriateness to use as logic of action. The decision-making regarding Libya and Syria and thus the *intervention pendulum* are partly based on a logic of appropriateness. By which I mean that the actions of the international community are chosen and decided by looking at previous situations and conflicts. By recognizing elements from these conflicts, actions regarding the present situation are shaped. In addition, the UN is known for their bureaucratic system because of their many legislative bodies and the many member states. In order to regulate everything in the right way many rules and procedures are needed. The situation in Libya and Syria is recognized by the UN as another conflict situation and matched to an existing set of rules from the UN. The problem is that these existing rules and procedures do not always fit a given situation and this causes friction. This is what happened with Libya and Syria. The already established rules, procedures and agreements of the UN are not the right answer to the situation in Syria. As a result no clear decision is taken. Once the failure of not taking action is recognized the thinking about the established set of rules, procedures and agreements is changed which leads to discussion and redefining these rules in order to respond better in the next situation. In this way a certain cycle occurs where there is a change in thinking about the established rules after a conflict. By repeating this cycle, this swing of the

¹ Interview conducted with Christ Klep on 9 April 2014.

pendulum, the reaction of the international community on conflicts and crises is subject of change. With every swing of the pendulum they learn from previous military interventions, one of my respondents also noticed that within several NGOs they also see a certain change. The importance of human security and R2P has grown within government bodies. If representatives of NGOs were talking about this at the Ministry of Foreign Affairs or Ministry of Defence 10 years ago, they would not be taken seriously, but that has changed over time because today the importance of human security and R2P is more commonly accepted. This means that in conflict situations to a larger extent the focus is on human security and how to protect the civilians in a conflict. In other words, there is more awareness for the civilian population.

In the next two chapters the theory about the *intervention pendulum* is further elaborated. In chapter four I explain how and why the interventions in Afghanistan and Iraq have influenced the decision-making regarding Libya and in chapter five I give arguments that support the idea that the intervention in Libya influenced decision-making regarding Syria.

4. Implementing R2P in Libya

In this chapter I show how and why R2P and the decision to military intervene in Libya fits with the argument and theory I explain in the previous chapter. I start by explaining the history and geopolitical situation of Libya, followed by the explanation of the 2011 conflict and the UN decision-making regarding that conflict. In the second part international reactions and debates about the decision-making regarding Libya are discussed. The third part explains how this affects the thinking about military intervention.

4.1 History of Libya

This study deals specifically with the situation of Libya. To understand Libya and the future of the country it is important to get a better insight in the history of the country. This mainly concerns the late history, from the Italian domination until now. Historically Libya is a very interesting country because it is on the edge of three worlds. The Arab, the African and the Mediterranean worlds all have influenced the country (St John, 2008). In around 500 BC the first cities in the current Libya were founded. This is the Tripolitania region located in north-western Libya.² Through the years the area has been inhabited by various rulers. These include the Greeks, the Romans, the Arabs and finally also the Turkish Ottoman Empire. Under the Ottoman Empire the various regions of Libya were more united. This unification was complete when in 1911 the Italians conquered the three provinces, Tripolitania, Cyrenaica, and Fezzan in the Italian–Turkish war and merged them together into the Italian colony of Libya (Bearman, 1986). This colony remained the same until 23 January 1943 when the British defeated the Italians in Libya and took possession of the colony together with the French (St John, 2008). The British and French hegemony stayed until December 1951 when the independence of Libya was declared by the Libyans. It is of importance to notice that during the struggle for independence (1943-1951) the country was not unified, the inhabitants rather preferred to call themselves after the three distinct areas then calling themselves Libyans. Ultimately on 24 December 1951, the sovereign and independent state called United Kingdom of Libya is proclaimed by the brand new King Idris I. According to researchers and critics it is a miracle that this kingdom lasted for eighteen years since it was based on fragile agreements, deals, and compromises (St John, 2008). During this period there was a huge socio-economic change in Libya. The state went from a predominantly agricultural country to a country that lived off the oil exports. Only a small part of the population benefited from the oil export. The vast majority of Libya remained poor. This inequality between rich and poor motivated some Libyans to commit a coup. On 1 September 1969 a small

² See map of Libya in annex 1.

group of Libyan army officers took over power and formed a council. Soon Captain Muammar Gaddafi was appointed to become Colonel Muammar Gaddafi. He also became the leader of the council (Bearman, 1986). Priorities of this council were Islamism, a great support for Arab nationalism, and the pursuit of a socialist state with control over the Libyan economy (St John, 2008). Soon the trade in oil was flourishing and Libya became one of the major oil producing countries in the world. In contrast the relationship with the West deteriorated. This was partly due to changes in Libya's foreign policy. Especially the US were affected by Libya's policies. With the result that in the 1980s all American (oil) firms left Libya one by one. Not all foreign companies had to leave, Libya kept strong ties with the Soviet Union, the enemy of the US. The relationship between Libya and the West came to the deepest point when the country was increasingly associated with terrorism because of Gaddafi's support for several terroristic attacks. In the 1990s Libya became a bit more liberal thanks to a number of changes introduced by Gaddafi. Yet, its relationship with the West remained poor. This all changed in 2004 and 2005 when Libya wanted to cooperate with the European Union (EU) and eventually several Western terrorism sanctions on Libya were lifted. This also flourished trade with the West again. The reasonably good and stable situation of Libya remained intact until the start of the protests on 14 January 2011.

4.1.1 Conflict and UN decision-making

On 17 December 2010 Tunisian Mohammed Bouazizi set himself on fire because he was a victim of the dishonest and corrupt regime in Tunisia. His act did not stay unnoticed and in the entire country people started protesting against the dictatorial regime (Helfont & Helfont, 2012). The protests in Tunisia appeared to be an example for citizens in Egypt, Libya, and Syria as soon people in these countries also started protesting against their regimes. The so-called "Arab Spring" is born. On 16 February 2011 hundreds of Libyans in Benghazi marched through the streets, protesting against the regime. They clash with the police and government supporters and it marks the beginning of a violent and bloody struggle between the rebels and the regime of Gaddafi. The latter uses strong words to explain what will happen with the rebels if they continued their fight. In Gaddafi's speech on 22 February 2011 he referred to the protesters as rats, mercenaries and cockroaches who need to be attacked, he continued by saying that he would "cleanse Libya house by house" (BBC, 22 February 2011). This threatening language is a direct reference to the genocide in Rwanda in 1994 and shows that Gaddafi dehumanized the protesters in Benghazi (Hassan, 1 March 2011). It is one of the main reasons why the UNSC decided that action regarding Libya was needed. The first resolution against Libya was adopted on 26 February 2011. The resolution demanded the end of violence in Libya and directed the situation to the International Criminal Court (ICC). This Resolution 1970 also included a weapon embargo, travel bans for several high level Libyans and freezing the accounts of Gaddafi and

his family (United Nations, 2011a). After the implementation of this resolution the violence against civilians continued and new measures were necessary. In March France, Lebanon, and the United Kingdom (UK) proposed a UNSC resolution for the establishment of a no-fly zone above Libya, as well as an immediate ceasefire and a legal basis for military intervention in Libya. On 17 March, Resolution 1973 was adopted by 10 in favour with 5 abstentions in the UNSC, authorizing 'all necessary measures' to protect civilians (United Nations, 2011b). Among those 5 abstentions were Russia and China. Although Gaddafi announced that he would comply with the resolution, a day after the implementation of the ceasefire it quickly became clear that the troops of Gaddafi were still attacking civilians. The UNSC decided to take action and maintain the no-fly zone to protect the civilians. The military contribution eventually encompassed eighteen states, including three Arab states. The fights between governmental troops and rebellions, who have organized themselves under the National Liberation Army (NLA), last the whole spring and summer. On 27 June, an ICC arrest warrant was issued against Gaddafi, his son Saif al-Islam, and the head of intelligence services for responsibility for alleged crimes against humanity committed since mid-February (Adams, 2012, p. 11). In September the NLA gains ground and the UNSC decides that it is time for a political mission in Libya to restore public security, rebuild rule of law and promote the protection of human rights among others. This mission was adopted under Resolution 2009 and became known as the United Nations Support Mission in Libya (UNSMIL) (United Nations, 2011c). Important changes adopted in this resolution were the ending of the weapon embargo and unfreezing the accounts of Libyan oil companies established in Resolution 1970. The no-fly zone remained in place until Resolution 2016 adopted on 27 October 2011 (United Nations, 2011d). The National Transition Council (NTC) declared Libya to be free after the death of Gaddafi on 20 October 2011. The military mission in Libya ended, leaving only a political mission to rebuild the country. This political mission started in September 2011 and was first established as a mission for three months. Since then it has been extended several times. The last extension for a further year was on 14 March 2014 (United Nations, 2014b).

4.2 International discussions

In my theory about the *intervention pendulum* I explain that there is a trend in international decision-making regarding military interventions. Military interventions and non-interventions influence each other and future decision-making regarding conflicts. This is also the case with the intervention in Libya. In this paragraph I argue that the interventions in Afghanistan and Iraq have influenced the decision-making regarding the implementation of R2P. This implementation has consequences for the intervention in Libya and caused debate about the role of the UNSC and NATO.

4.2.1 Influence of Afghanistan and Iraq on the implementation of R2P

In order to detect a change in the way the international community thinks about military intervention as a part of R2P after the intervention in Libya, the debate about R2P that took place before 2011 must be researched. In July 2009 there was a UNGA meeting to discuss the implementation of R2P. The meeting and discussion were based on the report of the UNSG which was published in January 2009 and is called "Implementing the Responsibility to Protect". Statements derived from this meeting show that among many states there is scepticism on how to translate the R2P concept into collective action. Although no state questions the need for a concept like R2P and most states do not have problems with the first two pillars of R2P, the difficulty lies within the third pillar, especially with the use of military intervention in order to protect populations from the four most serious human rights violations. The main sceptic view on military intervention comes from non-Western states. According to the Nigerian representative, the emphasis in R2P should be placed on prevention rather than intervention. Pakistan's representative argues that:

"It should be recognized that this responsibility rests, first and foremost, with the individual State in which those affected live. The sovereignty of the State must remain an overarching principle of current international relations. R2P should not become a basis either for contravening the principles of non-interference and non-intervention or for questioning the national sovereignty and territorial integrity of any State" (United Nations, 2009b, p. 3).

Not only is there discussion if intervention should be a part of R2P, but also the way the UN decides to intervene is cause for debate. Ecuador's representative believes that it is important to discuss if the current decision-making mechanism is responsible for military intervention, in other words: Is the UNSC the right UN body to decide if there should be a military intervention (United Nations, 2009b)? The Bolivian representative argues that "the decision to intervene to stop a mass crime should not be in the hands of the Security Council" (United Nations, 2009c, p. 9). Cuba's representative also questioned the UNSC, according to her there is no international humanitarian law that justifies a humanitarian intervention by the UNSC. Next to that R2P requires a deeper analysis in the UNGA because the UNGA is the appropriate forum to discuss these crimes against humanity (United Nations, 2009c). The Solomon Islands' representative rightly points out that it will not be easy to find a common interpretation and approach to translate the R2P concept into action. He also puts the issue into the broader discussion about UNSC reform, especially on the reform of the use of veto (United Nations, 2009c). This critical point is also mentioned by one of my respondents who argues that it is not actually a problem of the implementation of R2P, but more a problem with the functioning of the UNSC.

The above-mentioned criticism about the implementation of R2P shows that even before the intervention in Libya there was discussion and criticism on how R2P should be implemented. This can be explained by the misuse of humanitarian intervention. This misuse has caused discussions and raised doubts about the use of military intervention as a part of R2P. By misuse I mean the use of the concept of humanitarian intervention for an intervention that in practice has little to do with humanitarian motives. This problem is also raised by one of my respondents, who remarked that the military missions in Afghanistan and Iraq were also partly presented on humanitarian grounds. In 2003 several Western states intervened in Iraq with the motivation that Iraq was building weapons of mass destruction and was threatening the world. Next to this motivation these states also had the pursuit to bring freedom, peace, and democracy in Iraq. Soon it became clear that it was not that easy to impose democratic values from the outside. The intervention did not have the desired result and questions were raised about the motivations for the intervention. Was it really on humanitarian grounds or was the human rights argument used as a pretext to cover the true motives? Human Rights Watch (HRW) argues in their World Report 2004 that: “the invasion of Iraq failed to meet the test for a humanitarian intervention” (Human Rights Watch, 2004, p. 33). They continue by saying that the “intervention was not motivated primarily by humanitarian concerns” because the needs and protection of the Iraqi civilians were not put first in the design of the intervention (Human Rights Watch, 2004, p. 33). Beside the Iraq intervention, the Afghanistan intervention did also not have the approval of the UNSC. The US presented the mission in Afghanistan as an act of self-defence and claimed they wanted to free the Afghan people from the Taliban regime, while in fact it was an extensive military intervention with regime change as main goal.

It is interesting to see that both the interventions in Afghanistan and Iraq are mentioned in the discussion about R2P’s implementation. It shows that the interventions have influenced the decision-making regarding R2P’s implementation. The representative of Venezuela argues that the report of the UNSG about implementing R2P ignores the suffering of the Iraqi people during the intervention in Iraq. According to him the Iraqi people have not been protected against the genocide that has been committed against them, especially not by the Western states who claim that they defend the principles of R2P (United Nations 2009c). Just like the representative of Venezuela, Qatar’s representative also criticizes the double standards within R2P and the fact that noble humanitarian principles have been used as a cover for pursuing political ends. He argues that “The recent events in Gaza and, before that, in Somalia, Iraq and Afghanistan highlighted the international community’s reluctance to implement the responsibility to protect principle fairly, justly and without politicization” (United Nations, 2009c). North Korea’s representative doubts if military intervention is an effective instrument for saving the lives of people. According to him the wars in Afghanistan and

Iraq are the testimony to the fact that military interventions have always caused even more serious human rights violations and have thus further devastated the situation (United Nations 2009d).

The Sudanese representative also poses some interesting issues. He strongly believes in the notion of non-interference as stated in the UN Charter, and only if this non-interference is violated international peace and security are threatened (United Nations, 2009e). The interventions in Somalia and Iraq, for example, have shown this. He also has an interesting point of view on the genocide in Rwanda. By arguing that if Rwanda had been one of the countries where some members of the UNSC had economic and political interests, the genocide would have been stopped promptly by the UNSC. Sudan believes that R2P is used as a pretext for military intervention and they are scared that R2P can be misused by some powerful countries to achieve imperial hegemony over less powerful countries.

The statements and point of views from these countries are very relevant for the discussion about R2P and its implementation. It perfectly shows how some states see the concept of R2P differently than most Western states. Smaller and less powerful states, like Sudan and Venezuela, see the possibility for a military intervention as a threat to their sovereignty and do not want that the power to military intervene a state is in the hands of the UNSC. According to them reform of the UNSC is needed in order to guarantee that decisions made in the UNSC regarding R2P are fair because recent events in Afghanistan and Iraq have shown them that the concept of human security can be misused in order to legitimize the interventions in these states.

It is true that the interventions in Afghanistan and Iraq were not based on R2P principles. Also they were not permitted based on UN Charter agreements or UNSC resolutions. Therefore they are not directly linked to R2P, but the recollection of interventions based on false humanitarian grounds remains. It is evident that the negative experience from these interventions had its effects on future decision-making regarding military intervention. In 2004 HRW saw the danger of the humanitarian aspect of the intervention in Iraq:

“The result is that at a time of renewed interest in humanitarian intervention, the Iraq war and the effort to justify it even in part in humanitarian terms risk giving humanitarian intervention a bad name. If that breeds cynicism about the use of military force for humanitarian purposes, it could be devastating for people in need of future rescue” (Human Rights Watch, 2004, p.14).

This statement shows that already in 2004, even before R2P was adopted, some see the consequences the Iraq war may have on future decision-making regarding humanitarian interventions. The statements of several states and HRW show that even though the interventions in

Afghanistan and Iraq were not legitimized by the UN and had little to do with humanitarian arguments they do have influenced the decision-making regarding military interventions as a part of R2P.

4.2.2 Implementing the pillars of R2P

In the report of the UNSG about the implementation of R2P the three pillars of the concept are further developed. The focus lays on the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity. In the first place the UNSG argues that this prevention is a matter of state responsibility, because the protection of civilians is a state affair and part of the sovereignty of a state. Of course this prevention is a very important and prominent part because it is the first step in R2P and if prevention of a crime is achieved it shelters a state against further measures. However, putting too much emphasis on the prevention against the four specified crimes and violations leads to a gap on what to do if the prevention does not work out sufficiently. In the report of the UNSG on the implementation of R2P is repeatedly indicated, even mentioned by the UNSG himself, that “the use of force should be considered a measure of last resort” (United Nations, 2009a, p. 18). Therefore a clear implementation on how to impose a military intervention when it is necessary remains vague. This is also argued by Jennifer Welsh from the Oxford Institute for Ethics, Law and Armed Conflict. She notes that: “Ban Ki-Moon has chosen to focus the UN’s efforts on preventing humanitarian catastrophes from occurring. (...) The assumption appears to be that these actions represent a less controversial and potentially more effective way of advancing R2P than discussing military intervention” (Welsh, 2009, p. 8). She also argues that plans on military intervention need to be more concrete:

“He may have paid too much deference to the opponents of R2P. This can be seen in the lack of specificity over how the UN will mobilize resources (both financial and military) to respond to crises when more peaceful means have failed. As Ban Ki-Moon notes in his report, proposals for creating a rapid response military capacity for humanitarian crises have been discussed and debated at length – but with no tangible results. Yet, if the international community is serious about exercising its responsibility to protect civilians, then more concrete solutions are required in terms of how collective military missions should be funded, how its personnel should be trained and what tasks they should perform, and how command and control structures might be organized” (Welsh, 2009, p. 7).

Welsh sees that some important questions remain unanswered in the UNSG’s report. By putting too much emphasis on the first two pillars there becomes a possibility for institutional overlap. Pillar one and two are already well represented in agenda’s about conflict prevention and capacity-building, while especially the third pillar makes R2P unique and renewing, namely the right of the international

community to respond actively to mass atrocities when state authorities fail to protect their populations. This third pillar is also an answer to Annan's question asking how the international community should respond to gross violations of human rights like the genocide in Rwanda. With these statements and comments on the UNSG's report, Welsh shows that also in 2009 there were signs that there are holes in the concept of R2P. These holes become visible in any situation where R2P should be implemented.

4.2.3 Discussions about actions in Libya

When the violence in Libya broke out in 2011, the first UN action against Libya was taken ten days later. In Resolution 1970 the UNSC is recalling the Libyan authorities' responsibility to protect its population. Next to that, the UNSC is referring the Libyan case to the ICC, a weapon embargo is installed, there is a travel ban on 16 Libyan individuals and all financial assets of Muammar Gaddafi and his five sons and daughter will be frozen. The sanctions adopted in this resolution are clear and strong. Yet there is no mention of a possible military intervention. According to one of my respondents it was already clear that Gaddafi and his troops would not comply with the resolution. Subsequently Resolution 1973 is adopted on 17 February, only 20 days after Resolution 1970. In this resolution the increased violence against the Libyan population is seen as a crime against humanity. A few days earlier the UNSG urged all parties in this conflict to accept an immediate ceasefire and to abide by UNSC Resolution 1970 (Ban Ki-moon, 2011). This call is repeated in the resolution and in order to achieve this ceasefire the UNSC established a no-fly zone above Libya.

In Resolution 1973 there is no word about a possible military intervention, although it has been discussed in the meeting prior to the adoption. The final text of the resolution does not mention a military intervention, only the possibility for 'all necessary measures'. Germany's representative warned for great risks and argued that: "The likelihood of large-scale loss of life should not be underestimated. If the steps proposed turn out to be ineffective, we see the danger of being drawn into a protracted military conflict that would affect the wider region" (United Nations, 2011b). This is the reason why Germany decided not to support the resolution and also decided that it would not contribute German forces to a possible military mission derived from the resolution. Next to Germany, also Brazil had its concerns about the resolution and its implementation. The representative of Brazil emphasized that Brazil stood in solidarity with the Libyan civilians and that they had taken into account the strong call for a no-fly zone. Yet they believed that the resolution went beyond that call.

"We are not convinced that the use of force as provided for in paragraph 4 of the resolution will lead to the realization of our common objective — the immediate end to violence and the

protection of civilians. We are also concerned that such measures may have the unintended effect of exacerbating tensions on the ground and causing more harm than good to the very same civilians we are committed to protecting” (United Nations, 2011b).

According to Brazil the situation in Libya demanded a political process in order to protect civilians, ensure lasting settlement, and address the legitimate demands of Libyan citizens. These statements made by member states of the UN do not yet prove that there is change in thinking about military interventions, but shows that during the conflict in Libya and prior to it, several member states have difficulties with using an eventual military intervention as a measure in order to protect civilians.

In the reactions from representatives of member states during the UNSC meeting comes forward that most states are not entirely positive about a possible intervention. Concerns are not only given by the states that abstained from voting, but also states which voted in favour of the resolution emphasized that the mission should have its limits. The Nigerian representative supported the resolution, but also believed “that foreign occupation is not an option to secure peace in Libya” (United Nations, 2011b). Lebanon’s representative, also as a member of the Arab League, stressed that the resolution is aimed at protecting Libyan civilians. And underscores “the fact that it will not result in the occupation of any parts of Libyan territory” (United Nations, 2011b). These statements indicate that most member states did not want an extensive intervention in Libya.

According to one of my respondents Resolution 1973 was needed because of Gaddafi’s actions. The language used by Gaddafi made clear that he was planning to eliminate the protesters. It was a way of ultimate dehumanization that referred to the genocide in Rwanda. On top of that, the international community already had some experience with Gaddafi and his incredible unpredictability and his unimaginable cruelty against his own people. Taken this into account it made sure that the international community had to do something. The signals were so evident that international action was needed. This is also reflected in the statements of several government officials made in response to the speech of Gaddafi on 22 February. Dutch Minister of Foreign Affairs Rosenthal called it: “one of the worst dictatorial verbal outbursts in history” (NOS, 23 February 2011). And also German chancellor Merkel reacted and called the speech “very frightening” (Black, 22 February 2011). On the same day the Arab League suspended Libya’s delegation (Reuters, 22 February 2011). At that point the international community realized that the situation in Libya demanded serious international action, but the content of this mission remained rather vague.

As previously mentioned, the implementation of Resolution 1973 has not been well received by all member states. One of my respondents argued that several African states and the AU, who agreed to adopt the no-fly zone, were shocked that this no-fly zone also immediately led to regime change in

Libya. They realized that a humanitarian decision to protect civilians can lead to a political outcome. These arguments came also forward in a speech by South Africa's Deputy Minister Ebrahim Ebrahim on July 22, 2011. He argues that South Africa:

"supported the adoption of these resolutions to the extent that it preserves the sovereignty and territorial integrity of Libya, and also explicitly rejected any foreign occupation or unilateral military intervention under the pretext of protection of civilians. Subsequent to our support for these two resolutions, we as a country have been concerned by continued attacks on Tripoli from NATO airstrikes on a daily basis. This has and continues to be done under the pretext of resolution 1973, which ironically is meant to protect civilians. Colonel Gaddafi's regime has continuously called for a ceasefire; however NATO and its alliance partners have continuously rejected these appeals. To complicate matters, the landscape of the conflict has changed due to NATO's mandate no longer being about the protection of civilians but "regime change"" (Ebrahim, 2011, p. 6-7).

Ebrahim continues by arguing that NATO is bringing a military solution to a political problem while South Africa agreed on bringing a political solution. These statements show that while the NATO mission in Libya was still going on and the no-fly zone was still in place, South Africa was not pleased with the implementation. Ebrahim also argues that these actions of Western powers in Libya have consequences for Syria:

"The manner in which the Western powers have misinterpreted and misused UNSC processes and decisions has seriously undermined the credibility of the multilateral system. This has actually affected the attempt by Western powers to pass through a resolution on Syria. Many countries, including South Africa, feel betrayed by Western powers on resolution 1973, and would be very much reluctant to support any resolution sponsored by the United Kingdom, United States of America, and France on Syria" (Ebrahim, 2011, p. 8).

Ebrahim adds to this that the above-mentioned criticism does not mean that they changed their opinion about the violent conflict in Syria. It only strengthened the belief that in the case of Syria, the conflict requires an inclusive dialogue process in order to resolve the situation. He emphasizes that it is of great importance that this process is led by Syrian people, without interference of Western powers. This speech by Ebrahim shows perfectly that during the international intervention in Libya states started to question the way NATO and thus Western powers interfered in Libyan domestic politics. Not only did they reject the way NATO was partly responsible for regime change in Libya, they immediately derived consequences from it and specifically implemented these consequences on the concept of R2P and on future conflict situations, like the situation in Syria.

The fact that especially South Africa is critical is not surprising since a delegation of the AU, including the presidents of Uganda, Congo-Brazzaville, Mali, Mauritania and South Africa argued for a negotiated settlement between Gaddafi and the rebels (Adams, 2012, p. 9). Their plan, presented on 10 April 2011, called for an immediate ceasefire and asked for political negotiations to end the conflict. The NTC rejected the plan because they saw the AU as protectors of Gaddafi's interest, especially because President Zuma of South Africa and President Museveni of Uganda had already criticized the NATO intervention and backed Gaddafi by offering him asylum and calling him "Brother Leader" (Denyer & Fadel, 10 April 2011). It is therefore not surprising that the NTC rejected the AU's proposal and repeated that it demanded Gaddafi's leave. Although these developments put the statements of Ebrahim in another light, it does not weaken the fact that many states had problems with the way NATO led the military intervention in Libya and the fact that the intervention led to regime change.

4.3 Military intervention and regime change

In the introduction I already mention Chomsky and his critique on the military intervention in Libya. He condemned the fact that this intervention eventually led to regime change and he referred to NATO as the air force for the rebels. Also India's Ambassador to the UN remarked the shift in NATO's role in Libya, by calling NATO the "armed wing" of the UNSC (Plett, 8 November 2011). Also other BRICS states had problems with the military action within R2P. The Brazilian UN ambassador argued that Brazil's doubts about military intervention as a measurement of R2P "is not a matter of protecting national sovereignty, it's a conviction that we should develop efforts to promote political solutions rather than going immediately into coercive measures" (Plett, 8 November 2011). According to Ralph and Gallagher these states express the concern that states involved in the NATO mission were abusing the mandate to pursue their own goal of regime change, while they should have implemented the protection of civilians mandate and avoid regime change (2013, p. 13). The statements of India and Brazil are a reaction to statements of France, the UK, the US and other states who actively joined the intervention in Libya and who made clear, even before the intervention started, that it would be impossible for Gaddafi to stay in power. France even recognized the NTC as the legitimate representation of Libya in the beginning of March (Adams, 2012, p. 13). Adams also remarks that for these states it was very clear that when a government is the primary perpetrator of constant atrocities, changing this leadership and thus changing the regime is sometimes the only effective way to stop these crimes (2012, p. 14).

4.3.1 Damage of the military intervention in Libya on R2P

The above-mentioned critiques are dated during the conflict and intervention in Libya. The proponents of the military intervention, France, the UK and the US, should also have sensed the

change in support for the intervention. Journalist Colum Lynch argues that these states should have anticipated on this change in support for the mission (4 April, 2013, 4:50). The goal of Resolution 1973 and the international military intervention derived from this resolution was protecting Libyan civilians. Regime change was not necessary and the violent death of Gaddafi was also unnecessary. Lynch argues that the intention of the resolution was not to overthrow a regime, but to protect civilians. In that sense it is strange and damaging that after the fall of the regime and the death of Gaddafi American, British and French government leaders were triumphing this regime change. Why triumph regime change when the original goal of the intervention was the protection of civilians? US Secretary of State Hillary Clinton laughed and shouted "We came, we saw, he died," when she heard the news of Gaddafi's death (CBS News, 20 October 2011). David Cameron argued that it was a Libyan triumph, and that the Libyans themselves got rid of their dictator. In contrast he also emphasized that Britain played a very important role in the intervention and said that: "Gaddafi was a monster. He was responsible for appalling crimes, including crimes in this country and I think the world will be much better off without him" (Mulholland, 2 September 2011). The fact that these leading states in the intervention celebrated the death of Gaddafi and the change of the regime as a victory was repugnant to some states that supported the intervention in the beginning. It was a confirmation to other states that the military intervention was not a good idea from the beginning. Shortly after the death of Gaddafi permanent representative of Russia in the UNSC, Vitaly Churkin commented that "numerous violations of Resolution 1973 have taken place in the course of the past few months. (...) Serious lessons must be learned from the experiences of Libya in order for the Security Council to continue to perform its duties in terms of international peace and security effectively" (United Nations, 27 October 2011, 3:30). He argues that Russia "will continue those discussion around military intervention because they believe that the international community in cases of internal conflicts must act in order to help to resolve it peacefully and must act in accordance with international law" (United Nations, 27 October 2011, 4:10). In the end he makes a comment that is important for the situation in Syria. He argues that Russia has grievances in terms of the effectiveness and legality of the work of the UNSC and that they will keep that in mind in their future activity. These words are important because they literally tell that the outcome of the intervention in Libya has consequences for future UNSC decisions, which means that it has consequences for the situation in Syria.

Criticism about UNSC activities also comes from African states. Former Namibia's president Sam Nujoma blames NATO for the death of Gaddafi. He strongly condemns the fact that NATO bombed Libya and is thus the one who killed Gaddafi, changed the regime and have wreaked havoc Libya. He continues by stating that "It's ironic that the Security Council, which is charged with the responsibility

of maintaining global peace, is actually the one that allowed the military attacks on Libya” (Ndjebela, 26 October 2011). These statements by an African political leader do not stand alone, but are an example of the way many African states think about military intervention as a part of humanitarian protection. Also outside Africa there was harsh criticism on NATO’s actions. In February 2012 the permanent representative of Guatemala in the UNSC argued that in the eyes of R2P sceptics the NATO mission in Libya confirmed their worst fears, “in the sense that invoking the protection of civilians was just a new pretext to meet darker objectives, such as intervening by force to overthrow a regime” (Rosenthal, 2012, p. 2). He sees the implementation of Resolution 1973 as traumatic and it has poisoned the environment regarding R2P. Except harsh criticism, this statement also expresses concern over the fact that the powerful states in the UNSC can thus claim how they want to implement a certain resolution. From their perspective regime change was necessary, but that has not been perceived the same way by many other states. Ralph and Gallagher (2013) argue that this can be seen as a failure to maintain consensus on how the resolution regarding Libya should be implemented. Although many civilians have been protected, the negative side effects of the intervention should not be belittled. The criticism is not only damaging for R2P as a concept, it also affects following R2P situations. The non-consensus about the intervention in Libya has cost the international community legitimacy, this has a negative effect on the quality of international society’s performance. By this they mean that during UNSC decision-making regarding Syria not only Russia and China, but also many other states were suspicious of the approach and intentions of France, the UK and the US. This has impacted the response on Syria negatively (Ralph & Gallagher, 2013, p. 16). It fits with the arguments of Lynch that the intervention in Libya was damaging for R2P. Gareth Evans thinks that this could have been prevented if a better process had been followed. If there would be more common ground in the UNSC the BRICS states, among others, would not have to feel ‘bruised’ because they were not given sufficient information by France, the UK and the US during the Libyan mission. According to Evans these bruises need to be healed before there can be consensus on Syria (October 2012).

4.4 Conclusion

The international decisions that were made regarding the conflict in Libya show that there is still much discussion on how the international community should respond to conflicts where there is a chance of gross human rights violations. The situation in Libya shows us for the first time how a military intervention based on R2P is implemented in practice. This experience caused more debate and inequality in the international community. Important for this research is the link between the interventions in Afghanistan and Iraq and the intervention in Libya. By showing that there is a link and that the interventions in Afghanistan and Iraq influenced the decision-making regarding R2P and

Libya strengthens my argument of the *intervention pendulum*. According to the *intervention pendulum* the thinking about military intervention changed after the interventions in Afghanistan and Iraq. The idea that a military intervention is a sufficient measurement to protect citizens decreased. There are doubts about military interventions based on humanitarian arguments. These doubts were expressed even before the intervention in Libya; during the discussion on the implementation of R2P where several states criticized the way a military intervention was used in Afghanistan and Iraq. They argued that there was a misuse of a military intervention on humanitarian grounds which made them extra critical about the option for a military intervention in R2P.

This criticism is reflected in the *intervention pendulum*. The pendulum shows that the thinking about military interventions shifted to the side of non-intervention, but before it moves entirely to that side the conflict and intervention in Libya takes place. The conflict in Libya reminded many states of the genocide in Rwanda and the failure of the international community to act. This should not happen again and thus international action was needed. Although a massacre in Benghazi is prevented, many states did not agree with the way NATO implemented Resolution 1973. The debate that emerged focused on the role of NATO in Libya, but also the role of military intervention within R2P was again discussed. The discontent by these states about this military intervention ensured that the thinking about military interventions moved entirely to the side of non-intervention in the *intervention pendulum*. Mainly smaller states were unpleasantly surprised by the fact that NATO caused regime change in a way that was legitimized by the UN. This was not the way they intended a military intervention as a part of R2P to happen. The idea that a military intervention like this could happen to Libya and that it also could happen to other smaller states raised again doubts about the approval of military intervention in R2P.

These findings show that previous interventions and non-interventions influenced the decision-making regarding an intervention in Libya. Next to that, the intervention in Libya changed the way the international community thinks about intervening and this has consequences for the following conflict situation. In other words, it has consequences for the situation in Syria.

5. From intervention in Libya to non-intervention in Syria

At the moment that Resolution 1973 regarding Libya was adopted in the UNSC, the Syrian people also got inspired by the protests in other states and started protesting in their own state as well. There was a different response of the international community to the uprisings in Libya and in Syria. In order to understand the decision-making regarding Syria I first explain the history and geopolitical situation of Syria, followed by the conflict and the UN decision-making concerning the conflict. In the second part I explain how the intervention in Libya influenced the international decision-making, and how this led to a change in thinking about military interventions and about UNSC reform.

5.1 History of Syria

According to Patrick Seale (1986) every country in the Middle East claims to be at the centre of something. Syria's centrality derives from the fact that it lays at the heart of the Arab Asian power system where it affects every political relationship in the region (p. xvii). To understand what is going on in Syria right now, understanding the history of Syria is essential. Path dependency plays a big role here.

In history Syria has played an important role. For thousands of years it has been one of the most strategically important regions in the world (BBC, 5 April 2013). Cities like Damascus and Aleppo became very wealthy through trade. Back in those days Syria covered a much larger area, also Lebanon, Israel and parts of Iraq, Jordan and even Turkey were part of ancient Syria³. During the Roman period Syria became Christian and for long Syria has been the centre of the Christian world. It lasted until the 7th century when Islam came to Syria and the country became the beating heart of the first Islamic Arab dynasty, also known as the Umayyad Caliphate. Therefore Syria is also seen as the heart of Arabism and many Syrians see themselves as guards of the Umayyad legacy, but not all Syrians see themselves like this and this is a crucial point in today's conflict. Understanding the ancient conflict between Sunni's and Shiites is crucial to understand the Middle East and today's war in Syria. The Sunni Muslims, who make up a majority of the Syrian population, look back on the Umayyad period as the golden age. The religious divisions and revolutions back then helped shape present day Syria and play an important role in Syria's current conflict (BBC, 5 April 2013). In present day Syria Sunni Muslim Arabs account for proximally 2/3 of the Syrian population. Several religious and ethnic minorities make up the rest. The most powerful is the Alawites minority. For centuries the Alawites have been oppressed by the Sunni majority (BBC, 5 April, 2013).

³ See map of Syria in annex 2.

The story of modern Syria begins with the First World War. In 1914 Syria was part of the Turkish Ottoman Empire. The British fought against the Ottoman Turks and joined forces with rebel Arab nationalists. They deliberated Damascus and Syria, but instead of a free Syria the British had promised Syria to their ally France. Once arrived in Syria, the French defeated the Arab Nationalists. They ripped Greater Syria apart. The vital ports of Greater Syria were given to Christian allies of France and it became the state known as Greater Lebanon. Further division of Syria and the harsh French occupation ruined the country and its people. In 1925 the Syrian Sultan Pasha led an uprising which started in his hometown but soon led to two years of fighting in the entire country of Syria. It is known as the Greater Syrian Revolution and it is seen as a moment of national awaking in Syria. Although the revolution did not end in a success, many Syrians regard today's revolution as an extension of the Greater Syrian Revolution. In both conflicts they fight against harsh and unequal leadership and the goal has not been changed: A free Syria. Like the current Syrian government the French used brutal tactics to put down the revolt. They noticed the divide between the religious groups and took advantage of it. The French did not want to support the Sunnis because they were nationalists. Instead they focused on minorities by putting the Alawites in a special militia to keep order, and especially to keep the Sunnis in order. This was the stepladder to power for the Alawites.

After the Second World War there finally was an independent and free Syria, but there was a lack of powerful political ideas or great statesmen. Several different coups took place but the power remained within the military. In the night of 7 to 8 March 1963 some high officers in the Syrian army and members of the Ba'ath party committed a coup and took over power in Syria. One of these officers was the Alawite Hafez al-Assad (Seale, 1988, p. 76). Finally Syria had its strong leader; Assad became the ultimate Arab strong man and leader of the Ba'ath party who believed in a strong Arab state including minorities. The Ba'ath party stood for a secular state, equality between men and women and justice. It was a leftwing socialist party but when Assad had the power he made Syria one of the most oppressive police states in the world.

The way Hafez al-Assad ruled Syria for thirty years has had a great influence on the current conflict in Syria today. The Islamic (Sunni) Muslim Brotherhood was forbidden, but in February 1982 there was an uprising against Assad's regime in the conservative city of Hama. First the Muslim guerrilla forces were winning and took over the city, but as soon as Assad heard about this, troops were sent to Hama to take back the city. It resulted in a massacre where thousands of civilians lost their lives. Assad restored control but the impact of the battle remained (Seale, 1988, p. 333). The need for revenge for what the people of Hama had suffered was big and partly explains what is happening in Syria today.

In June 2000 Hafez al-Assad died and a month later elections were held with Bashar al-Assad, the son of Hafez as the only candidate. According to the government 99,7% of the voters voted in favour of Assad. The election of Bashar was also the start for the Damascus Spring. There was hope that the 'modern' Bashar al-Assad who studied in London would reform the state and make it more democratic. For a while it looked like things would change and among many prominent intellectuals in Syria there was true optimism. This all changed in the autumn of 2001 when the reforms stopped and released political prisoners were thrown back in jail.

5.1.1 Conflict and UN decision-making.

In March 2011 the protests in several states in the Middle-East were already very intense. In Tunisia, Egypt and Libya, civilians were protesting for several months when in Syria the first civilians went into the streets. In several Syrian cities like Daraa, Homs and Damascus large-scale demonstrations erupted on Friday 18 March 2011. Just like in Libya and Egypt these Syrians wanted more freedom. But the demonstrations were violently beaten down and civilians got arrested and murdered immediately (New York Times, 18 March, 2011). In the following months the protests got heavier and the Syrian regime's violent crackdowns also became heavier. In May 2011 the EU imposed sanctions on Syria in response to these violent repressions. "The sanctions included an embargo on the supply of arms, military equipment and equipment which might be used for internal repression" (SIPRI, 13 November, 2013). In July started the establishment of formal military resistance against the Assad regime, the Free Syrian Army (FSA) (Boxx, 2013, p. 152). The protests changed into a real civil war between the government and anti-government groups led by the FSA. A coalition of anti-government groups was formed in August 2011. This Syrian National Council (SNC) is based in Turkey and tries to organize the opposition against the government, but it is very hard since the opposition consists of many different groups and forces. According to HRW since the outbreak of the violence in Syria, "2.23 million Syrians had registered or were pending registration as refugees with the United Nations Refugee Agency (UNHCR), the vast majority of them in Lebanon, Jordan, Turkey, Iraq, and Egypt" (Human Rights Watch, 2014, p. 612). Another 4.25 million Syrians are internally displaced (Human Rights Watch, 2014, p. 611). According to the UNSG in July 2013, 100.000 Syrians have died in the conflict and "every day brings more death and destruction" (Ban Ki-moon, 8 July, 2013). In addition "since the beginning of the uprising security forces have subjected tens of thousands of people to arbitrary arrests, unlawful detentions, enforced disappearances, ill-treatment, and torture using an extensive network of detention facilities throughout Syria" (Human Rights Watch, 2014, p. 606).

Since the outbreak of the protests in Syria there have been introduced several draft resolutions which demanded the end of violence. The first was introduced in October 2011 and rejected because

of vetoes from Russia and China (United Nations, 2011d). In February 2012 another draft resolution was introduced and again vetoed by Russia and China (United Nations, 2012b). In both cases Russia and China vetoed because they did not agree with the sanctions that would be imposed if Syria would not comply with the conditions in the resolution. A year after the start of the violent conflict in Syria, in March 2012, the UN launched the Kofi Annan peace plan for Syria. The plan consisted of six points including a ceasefire, which would start on 10 April, and a team of observers that would go to Syria to monitor the ceasefire (United Nations, 2012e). The team of observers was extended by resolution 2043 on 21 April (United Nations, 2012f). In the resolution was decided to establish a United Nations Supervision Mission in Syria (UNSMIS) for an initial period of 90 days, raising the unarmed military observers up to 300. On 4 April, Assad and his government announced that he “would immediately start pulling back his forces and complete a military withdrawal from urban areas by 10 April” (Human Rights Watch, 2013, p. 614). Already in the same month this ceasefire was violated and the fighting continued. A new resolution with stricter sanctions was made in June, but again Russia and China used their veto to stop the resolution. In the same month an Action Group conference was held in Geneva to argue about a transitional government body (United Nations, 2012h). All five permanent members of the UNSC agreed. However, the US and Russia could not agree on the role of Assad in this transitional government. The US argued that it would be unthinkable that Assad would stay in power concerning the bloodshed that was taking place, but Russia did not see the need for Assad to step down. The conference was overshadowed by the division in the Action Group (Cumming-Bruce & Nordland, 30 June 2012). This conference was followed by another UN peace plan, led by Lakhdar Brahimi, but again it did not have the desired success. In the end of August 2013 it became clear that a chemical weapon attack had taken place on a suburb of Damascus. Before there could be agreed on an international military intervention in Syria, Russia suggested that Syria had to relinquish all its chemical weapons. This led to the Framework for Elimination of Syrian Chemical Weapons adopted under resolution 2118 (United Nations, 2013). Syria agreed to hand over all its chemical weapons and a mission led by the Organisation for the Prohibition of Chemical Weapons (OPCW) started. However, this mission did not end the fighting and there was still no political solution for the conflict. In February 2014 the UNSC adopted Resolution 2139 demanding that all parties, in particular the Syrian authorities, allow humanitarian access in Syria (United Nations, 2014a). In the mean time the country is further devastated by the civil war.

5.2 International discussions

As mentioned in the previous chapter the intervention in Libya caused many discussions about the way NATO implemented the intervention and about military interventions as a part of R2P in general.

It raises the question what the consequences would be for R2P and future conflict situations. These consequences become evident when the situation in Syria is discussed in the UNSC and direct references are made to the intervention in Libya. There are also more indirect consequences that caused a change in thinking about military intervention and R2P which makes sure that the debate about military intervention and reform of the UNSC becomes very active again. These debates are explained in the following paragraphs.

5.2.1 Direct influence of the intervention in Libya on the conflict in Syria

The intervention in Libya prevented a massacre of Libyan civilians, it was the main goal of the intervention and in that regard the intervention was successful. Nevertheless, at the same time the implementation of the intervention revealed weaknesses which could have negative effects on proposals for coercive incursions in the future. This becomes evident in the case of Syria. Even before Gaddafi was killed and the military intervention in Libya ended the outcome of the intervention influenced UNSC decision-making regarding Syria.

On 4 October 2011 France, Germany, Portugal and the UK introduced their draft resolution regarding a peaceful solution for the Syrian conflict in the UNSC. In the debate following the draft resolution the intervention in Libya was mentioned several times. The Russian representative said that:

“The situation in Syria cannot be considered in the Council separately from the Libyan experience. The international community is alarmed by statements that compliance with Security Council resolutions on Libya in the NATO interpretation is a model for the future actions of NATO in implementing the responsibility to protect. It is easy to see that today’s “Unified Protector” model could happen in Syria” (United Nations, 2011e).

He continued by arguing that the UNSC turned into the opposite of how the resolution regarding Libya should be implemented. Also China did not agree with the draft resolution. The Chinese representative, argued that the international community should fully respect Syria’s sovereignty and territorial integrity, and that threatening to impose sanctions on Syria would not help to facilitate a solution for the situation in Syria (United Nations, 2011e). Eventually the draft resolution was vetoed by Russia and China and thus rejected. A similar situation took place when the second draft resolution was vetoed by Russia and China and a less impressive resolution was adopted on 21 April 2012. When this Resolution 2043 was adopted and discussed in the UNSC the Russian representative referred to the intervention in Libya by stating that “the Libyan model should remain forever in the past” (United Nations, 2012g, p. 2). Not only Russia and China used the intervention in Libya as an argument for not taking coercive measurements against Syria, also smaller states like South Africa used the intervention in Libya to formulate their opinion about Syria. On 9 November 2011 the UNSC

meets to discuss the protection of civilians in armed conflict. The South African representative expresses the concerns of South Africa:

“the manner in which efforts employed by the Security Council to protect civilians have been exploited in the recent past. In particular, my delegation has expressed its condemnation of recent NATO activities in Libya, which went far beyond the letter and spirit of resolution 1973 (2011). Abusing the authorization granted by the Council to advance a political regime-change agenda does not bode well for the future action of the Council in advancing the protection of civilians agenda. That could lead to a permanent state of paralysis within the Council in addressing similar situations in the future. Such actions could undermine the Council’s credibility in protecting civilians” (United Nations, 2011g, p. 22).

South Africa affirms its opinion on 31 January 2012 in the UNSC when they discuss the situation in Syria. They again argue that a military intervention to resolve political conflicts, like the recent intervention in Libya, has unintended consequences for the state in question and also for the wider region of that state and they emphasize that the unstable Middle East cannot afford another military intervention (United Nations, 2012a). On 13 February 2012 the UNGA discussed the situation in Syria. The Venezuelan representative referred to the intervention in Libya when he made his statement about Syria. “As clearly demonstrated in the case of Libya the use of foreign forces to overthrow a legitimate government only creates chaos, more violence and more violations of human rights” (United Nations, 13 February 2012a, 10:51). It is interesting that he also refers to the intervention in Afghanistan and Iraq when he argues that “we cannot allow the disastrous history of imperialist interventions in Libya, Iraq, Afghanistan, and in many countries in Asia, Africa and Latin-America and the Caribbean to happen again in Syria” (United Nations, 13 February 2012a, 11:15). This shows that these interventions influence the point of view of Venezuela. He ends with a question, asking: “Why insist on promoting chaos and violence instead of peace and fraternity in Northern Africa and the Middle East” (United Nations, 13 February 2012a, 11:32). In the same meeting the representative of Nicaragua demanded a political solution to the crisis in Syria, a solution that respects the sovereignty and territorial integrity of Syria. Just like Venezuela they also referred to the intervention in Libya.

“Today we are witnessing a repetition of the same script that the forces of NATO and their allies implemented in Libya. Nicaragua warned at that time that in Libya we were witnessing a new model of foreign interference, of military intervention, which could then be replicated in other developing countries. Today, we have a sense of déjà-vu were the scenario of military intervention and regime change is occurring in Syria, in flagrant violation of the UN Charter and specifically article two” (United Nations, 13 February 2012b, 1:15:31).

These statements are important because they show that while the UNSC was discussing how to act in Syria the intervention in Libya is clearly mentioned in the UNSC and in the UNGA as a reason for some states to reject the draft resolution. It means that there is a direct link between the intervention in Libya and the non-intervention in Syria.

The above-mentioned arguments show the link between the intervention in Libya and the decision-making regarding Syria. Next to these direct mentions of the intervention in Libya in the UNSC and UNGA debate about the situation in Syria there are also referrals that are more indirect and express criticism about military interventions and UN decision-making. These referrals show that the thinking about military intervention changed. In February 2013, in a meeting of the UNSC, Brazil's representative argues that a military intervention should always be an exceptional measure because events in the recent past have shown that a military intervention can worsen the situation for civilians by further instability and more violence. Although Libya is not directly mentioned here it is quite clear that the referral is being made to the intervention in Libya. She also emphasizes that there is no military solution to the conflict in Syria (United Nations, 2012c). In the same meeting the representative of China also argues that military measurements can more often lead to bigger crises and will not result in a peaceful solution of the conflict (United Nations, 2012c). Harsh words are coming from Nicaragua's representative who argues that the humanitarian arguments used for the intervention in Libya were a pretext for a war that changed the existing regime, killed the head of state and destroyed a sovereign state. She argues that these recent events show that the outcome of this intervention is the opposite of protection and she warns for international interference in Syria (United Nations, 2012d). These statements are interesting because they show that for several states the outcome of the intervention in Libya is important for the way they look at future conflicts. The intervention in Libya thus changed their ideas about military intervention, and this has consequences for the way they look at the conflict in Syria.

5.2.2 Change in thinking about military intervention

In September and October 2013 the UNGA meets to discuss R2P in relation to Syria among others. 154 states mention the grave situation in Syria. Many states including Afghanistan, Australia, Germany, Egypt and Italy "strongly support a political solution, reached through a broad-based national dialogue that meets the aspirations of all Syrians" (Global Centre for R2P, 2013, p.9). The representative of Finland expresses strong criticism to both the Syrian government and the international community because they have failed to implement R2P. Harsh criticism also comes from Botswana's representative who is disappointed with the permanent members of the UNSC because they "continue to frustrate resolutions aimed at interventions that could find a lasting solution to the ongoing carnage in Syria. Despite the ever worsening humanitarian situation in that

country, it is extremely saddening that the international community continues to turn a blind eye to that situation” (Global Centre for R2P, 2013, p.11). It is not surprising that this criticism comes from a state like Botswana; small member states of the UN see the eternal disagreement in the UNSC as a big frustration. Still, many states like Brazil and the Czech Republic, but also Germany do not believe in a military solution of the conflict. Guyana’s representative explicitly argues that it is an illusion to believe that a military intervention will bring peace to Syria. In all the statements of these nations it becomes very clear that a possible international intervention in Syria is not a desirable measure at all. Only the Slovenian representative carefully poses the question if a military intervention is the only way to stop the violence. These statements show that since the intervention in Libya there is a change in thinking about military intervention as a part of R2P. The willingness to intervene declined and this directly influences the conflict in Syria. Next to that, these statements also show that the overall feeling is that the international community failed to act properly in Syria and especially the disagreement and vetoes in the UNSC are criticized. It makes the discussion about veto reform and thus UNSC reform very relevant again.

5.2.1 Reform of the UNSC

The fact that the UNSC was able to agree on measurements against Libya, but failed to agree on measurements against Syria has made many member states rethink the decision-making model of the UNSC. The approach to both conflicts in the UNSC has been very different. As mentioned in the chapter’s introduction there was a glaring difference between the international response to Libya and the response to Syria. According to Adams, the UNSC reacted timely and effective in Libya, but towards Syria the response was tardy and underwhelming (2012, p. 15). This has also been noticed by the representative of Bolivia who questioned why it is possible that there was such rapid action to protect civilians in Libya, but not in Syria. According to him the decision-making model of the UNSC plays a crucial role in it and it is urgent to reform the UNSC in order to become more democratic and legitimate.

As I mentioned before, Russia and China vetoed several UNSC resolutions because they did not want Syria to become “the next Libya”. It would be too simplistic to argue that the intervention in Libya and its aftermath are the only reasons there is no intervention in Syria. The vetoes were also based on the geopolitical relationship between Russia and Syria, the stakes in Libya for Russia are totally different than the Russian stakes in Syria. Russia has great interests in keeping everything the same in Syria, mainly because of strategic interests. This becomes a problem when the conflict in Syria is discussed because the principles of R2P place human security in first place and not strategic interests. It is a challenge for R2P to compete with these strategic interests and it gives a new impulse to discussions about the decision-making process of R2P. It brings the debate that also took

place in 2009 during the decision-making on how to implement R2P back alive. In this debate is questioned several times if the UNSC is the right body to decide on issues that call for R2P, because permanent members can use their veto for state interests. It is not the first time that the mechanism of veto in the UNSC is subject of debate, but with the crisis in Syria and the inability of the UNSC to take decisive measurements there have been proposed new actions to reform the UNSC. In September 2013 during the sixty-eighth session of the UNGA, French President Hollande, argues that “the UN has a responsibility to take action”, not making decisions can be a great mistake (24 September 2013, p. 5). He also argues that when the UN proves to be powerless, it is peace that pays the price. He continues by proposing “that a code of good conduct be defined by the permanent members of the Security Council, and that in the event of a mass crime they can decide to collectively renounce their veto powers” (Hollande, 24 September 2013, p. 5). The proposal is followed by a call for self-restraint at the UN by French Minister of Foreign Affairs Laurent Fabius in the New York Times. He proposes a concrete plan arguing that:

“if the Security Council were required to make a decision with regard to a mass crime, the permanent members would agree to suspend their right to veto. The criteria for implementation would be simple: at the request of at least 50 member states, the United Nations secretary general would be called upon to determine the nature of the crime. Once he had delivered his opinion, the code of conduct would immediately apply. To be realistically applicable, this code would exclude cases where the vital national interests of a permanent member of the Council were at stake” (Fabius, 4 October 2013).

This proposal of Fabius is well received and supported by several organizations like HRW, Amnesty International, Global Centre for R2P and International Coalition for R2P (Human Rights Watch, 13 March 2014). States like Chile, Mexico, Liechtenstein, New Zealand and the Netherlands also agree with France that reform of the UNSC is needed. Liechtenstein argues in the UNGA that: “Our inability to respond to the crisis in Syria demonstrates a crucial weakness in the system: the use of the veto, or its threat, in a manner incompatible with the purposes of the United Nations. This can make the Security Council irrelevant at times when it is most urgently needed” (Global Centre for R2P, 2013, p. 60).

Of course these words by the different states sound very promising, but in practice they cannot change anything unless the five permanent members of the UNSC are willing to make a change. Fact is that this discussion revives because of the situation in Syria and the inability of the international community to do something about it. It shows that states realize that there has been made a mistake by not taking action. This is also argued by one of my respondents who says that at a certain moment

the international community, and thus also the UNSC shall realize that the non-action in Syria is awful and should not have happened. Adams expresses it as follows: “we need to be mindful of the fact that the most catastrophic and ignoble decision of the UN in its entire history was not the result of misplaced action, but of inaction” (2012, p. 17). The discussion on decision-making regarding R2P is another step forward in establishing R2P and shows that there still are some snags in the R2P concept which need to be resolved. It can be seen as the following step in the process of establishing R2P. I also see it as the next step or better, the next swing in the *intervention pendulum*. Because, just like in the case of Rwanda and Srebrenica the international community realizes that this was not the right way to act and a swing has been made to the other side. In the case of Syria there is also a swing, not directly a swing to military intervention, but more a swing towards a better understanding and thus a better answer to conflicts like the conflict in Syria. By changing the thinking about decision-making in the UNSC and changing this system, the UNSC can deal with future conflicts in a better way. As a result action regarding a conflict can be taken earlier and more precise.

As stated before, almost all states do believe in the R2P principles, but the conflicts in Libya and also Syria have proven that in order for R2P to hold its credibility in every state there has to change something. The process of implementing R2P needs rethinking. Brazil, who has been critical about the implementation of R2P a long time, introduced the initiative called the Responsibility while Protecting (RwP) in November 2011. The initiative is not a rejection of R2P, but rather can be seen as a complement to the concept. They argue that “there is a growing perception that the concept of the responsibility to protect might be misused for purposes other than protecting civilians, such as regime change. This perception may make it even more difficult to attain the protection objectives pursued by the international community” (United Nations, 2011h, p. 3). RwP focuses on the third pillar, central point is that if the UNSC decides to military intervene in a certain conflict situation, the intervening forces must also show their responsibility. RwP introduced guidelines which must be observed throughout the entire length of the authorization of a military mission. In that way there can be consensus about the mission and disagreement about the implementation in a later stadium can be prevented. RwP can be seen as the example that the thinking about R2P and also the thinking about military intervention as a part of R2P is changing. It shows that this young concept is still developing itself and moving forward. This proposal by Brazil shows that the relations within the UN are changing. It is not for granted anymore that the power for making important decisions is reserved for the permanent members of the UNSC. As stated before, many states are in favour of UNSC reform. They see the UNGA as a more representative body of the whole international community. A decision to use military force as in the case of R2P, shall carry more legitimacy if it is made by the UNGA.

That is also why the Uniting for Peace Resolution (UPR), which was adopted in 1950, gains renewed interest. Back then it is decided that if the UNSC cannot agree on their responsibility to maintain international peace and security by a lack of unanimity, the UNGA is allowed to take the matter under consideration and make recommendations in order to maintain or restore peace. The UPR is an option, but Karin Wester argues that the decisions made in the UNGA do not have the same binding status as decisions from the UNSC. In the case of a possible military intervention this can be problematic (11 February 2012). On the other hand, the UPR could be used to direct the situation in Syria to the ICC, but instead there is a stalemate in the UNSC and this undermines their credibility as guardians of R2P. According to Wester this can only lead to one conclusion, the methods and decision-making procedures should be revised properly (6 September 2013).

5.3 Conclusion

In this chapter I show that there is a link between the intervention in Libya and the non-intervention in Syria. For the credibility of the *intervention pendulum* it is important that there is a relationship between the intervention in Libya and the decision of the UNSC to not intervene in Syria. When the situation in Syria is discussed in the UNSC direct references are made to the intervention in Libya. Russia, China, Venezuela and also South Africa argued against a military intervention in Syria and used the outcome of the intervention in Libya as an argument to show the negative sides of a possible intervention in Syria. It shows that the situation in Syria cannot be considered separately from the intervention in Libya. Not only Libya is mentioned as a reason for non-intervention in Syria, also the interventions in Afghanistan and Iraq are mentioned by some states to warn for the possible negative outcomes of an intervention in Syria. Also statements by other states prove that they do not see a military intervention in Syria as a solution to the conflict. It shows that the willingness to intervene militarily in Syria is very low.

Comparing these findings with the *intervention pendulum* it shows that before the intervention in Libya there was already a shift in thinking about military interventions due to the interventions in Afghanistan and Iraq. Because of the intervention in Libya this trend evolved and the thinking about military intervention moved entirely to the side of non-intervention. This takes place during and directly after the intervention in Libya, when the conflict in Syria is starting and gradually changes into a heavy civil war. The intervention in Libya did influence decision-making regarding Syria and partly caused that the *intervention pendulum* moved to the non-intervention side. Although the outcome of the intervention in Libya does not entirely explain the non-intervention in Syria, it did have its influence.

On the other hand, when the conflict in Syria got heavier and the international community turned out to be unable to take collective action many member states seemed to realize that they failed to act in Syria and they are looking for ways to prevent this failure in the future. The pendulum is perhaps moving away from the non-intervention side now many states seem to realize that coercive measures like military intervention are needed in order to protect human security.

The UNSC is criticized because they were not able to agree and take collective action to stop the heavy violence in Syria. According to many states this should be different in future situations where collective action of the UNSC is necessary. This indicates that in the *intervention pendulum* the thinking about military intervention is perhaps shifting away from the non-intervention side and moving to the side of intervention again. It is too soon to conclude this, but the latest discussions show that there once again is a change detectable.

6. Conclusion

6.1 Research conclusion

While I was working on my research, the conflict in Syria is going on in full force; it got heavier and even more complex because of the many parties that are involved. Also in Libya the situation remained turbulent because of new developments. Several militias and army officers are trying to take over control, which ensures that the country stays unsafe and unstable. It means that this research remains very interesting and relevant, but on the other hand it also means that the unstable situation can complicate the research because within a few days the situation in both Libya and Syria can change drastically and this has its influence on the approach of the international community. This can jeopardize the relevance of my research. Because I choose such a current research subject, I have the advantage that almost every week interesting new articles and reports are written and published. It ensures that the research stays dynamic and interesting.

I started this research with the main question: *Why was there an international military intervention in Libya and not in Syria?* To specify this question the following hypothesis is tested: *The non-intervention in Syria can be explained by a change in thinking about military interventions that emerged after the military intervention in Libya.*

When I created the above-mentioned hypothesis I assumed that the intervention in Libya and its outcome were the main reason for the non-intervention in Syria. During my research I discovered that not only the intervention in Libya has an impact on the decision-making regarding Syria, but also other interventions and non-interventions have their influence. I show this in the *intervention pendulum*. According to the *intervention pendulum* there is a constant shift in thinking about military intervention. This shift depends on previous interventions and non-interventions. In other words; there is a recurring cycle of conflicts where there is alternately an intervention and non-intervention based on experiences with previous conflicts. When the international community failed to take action in Rwanda and Bosnia there was agreed that this should never happen again and that the international community has a responsibility to protect citizens. Interventions in Afghanistan and Iraq showed that the thinking about military intervention has changed since Rwanda and Bosnia. I also explain that this cycle is formed because there is friction between the existing international agreements and procedures, and the conflict situations in practice. The situation in Libya and Syria is an outcome of that friction, but also in previous conflicts this friction caused problems and discussion on the international level. It means that when a conflict emerges somewhere in the world the international community first reacts by condemning the violence, but when taking decisive action is

needed they cannot agree which action they should take despite of the many established rules and agreements that should facilitate this decision. In cases there is agreement over the action taken, it often leads to harsh criticism afterwards which also ensures (further) division within the international community. This procedure applies to almost every conflict situation where there has been a discussion about an intervention in the past 25 years. In some cases there has not been an intervention, like in Rwanda, and the criticism is about the failure of the international community to react. In other cases, like Libya, the international community decides to intervene and the criticism is about the fact that the intervention went beyond its resolution. In all of these cases there is a lot of criticism about the decision of the international community, whether there has been a military intervention or not. This criticism leads to discussion about military interventions, and a division in the international community. In the case of Libya, the division in the UNSC emerged between Russia and China on one side and the US, France and the UK on the other side. This division has repercussions on other conflict situations, for instance Syria or Ukraine. The intervention in Libya did not only directly influence the decision to not intervene in Syria, but the division in the international community that occurred after the intervention in Libya also ensured that they could not agree on actions against Syria or other future conflict situations.

It is uncertain what the thinking and decision-making in the next conflict situation will be, but by following the *intervention pendulum* there comes a point where the thinking about military intervention shifts again towards the intervention side. It is not possible to give the exact time, but given the fact that now, while the conflict in Syria is still going on, a big part of the international community is realizing that they have failed to act in Syria indicates that the pendulum is moving away from the non-intervention side. They realize that in the next situation they need to be more in one line in order to come forward with actions. One thing that is clear is the fact that the *intervention pendulum* keeps on moving, swinging from one side towards the other side. In the mean time new agreements and procedures are being made, which means that in the next conflict situation better decisions can be made. It also means that the thinking about interventions changes constantly.

It is interesting to see in which way the thinking about sovereignty and the role of sovereignty changes because of these interventions. As I explain in chapter two, sovereignty is a highly contested concept, but the last decades we see that there is a shift in the meaning of sovereignty. It is no longer the fundamental pillar of our society. Although it still is very important, there is a trend visible that the claim of sovereignty increasingly has to deal with extra conditions. The trend 50 years ago when decolonized and weak states were granted with sovereignty without meeting any conditions is not possible anymore. The international community now realizes that sovereignty has to be earned by proving that a state can protect and take care of its own citizens. Internal sovereignty, and thus the

fact that the ruler is legitimized by its citizens, becomes more important. This change of thinking about sovereignty is partly due to the fact that the individual human and human security is becoming more important. As stated before, since the Second World War the importance and acceptance of human rights has grown tremendously. In most states around the world human rights are common and part of society. This is because we value the lives of humans much more; the value of an individual human life has become much higher. It is not for granted anymore that people die for their state. It also means that the value of the state is decreasing. This means that in the case of an internal conflict, like the conflict in Libya, the international community values the lives of the citizens who are in danger higher than the rule of non-intervention and thus the sovereignty of Libya. For the future and evolution of sovereignty it means that it is probably going to change further. R2P proves this because within this concept the security of humans comes first instead of the interests of the state. The focus is more on human security than on state sovereignty and this will probably elaborate in the future

As I mention in the introduction Tannenwald shows that a norm can affect international decision-making. She shows that it are not only material factors that explain the non-use of nuclear weapons, but that also a shared expectation about behaviour, an expectation about what is right and what is wrong, can influence international decision-making. This is also the case in her decision-making regarding Libya and Syria. To a large extent the shared expectation about what is right or wrong influenced how the international community reacts to the conflicts in Libya and Syria and which decision is made. The fact that Gaddafi threatened to kill all the civilians in Benghazi was seen as wrong and a reason to intervene in Libya, while in the case of Syria other expectations about right or wrong were put forward. It shows that a normative belief can influence international decision-making. Tannenwald also proves that there is a change in norms in her research. In my research I argue that there is a change in thinking about military intervention. I assumed that the change in thinking started after the intervention in Libya, but this change is much broader. After the non-intervention in Rwanda and Bosnia R2P was established. This shows that the thinking about military intervention changed. The way the international community looked at military interventions changed. The difference with Tannenwald's research is the fact that the non-use of nuclear weapons becomes the norm and leads to a taboo, while in my research there is not a change of the norm yet. It is true that the thinking about military intervention changed, but not far enough that we can speak of a change of the norm, especially not because I show with the *intervention pendulum* that the thinking about military intervention changes constantly from intervention to non-intervention and back.

6.2 Recommendations for future research

Because this research has to deal with very recent events there are many possibilities for future research. The shift from state interest to human interest I mentioned before can be a subject for further research. Also the other mentioned developments and concepts, like R2P, are interesting to research because they are in their infancy. It means that in the coming decades these developments will further evolve. The intervention in Libya was the first intervention where R2P was cited, in the future there will probably be more interventions based on the principles of R2P. It would be interesting to research how these interventions relate to each other and what it means for R2P. The *intervention pendulum* I theorized in this research only covers the past 25 years. What would it look like if it would be researched again in 25 years and it covers 50 years of conflict situations and international action? Then there can be made stronger arguments about this *intervention pendulum* and possible the link with Tannenwald's research on norms and taboo is also more visible.

It is not only interesting to look at this specific research in the future. Taking the research broader, the developments of human security and sovereignty are also subject to change, and this has consequences for decision-making at the international level. At this moment research involving human security, international relations, military intervention, sovereignty, and of course R2P is very dynamic. The shown pendulum and trend in this research indicates that the thinking about these subjects is changing. Next to that, I think that the current situation in Libya also provides a lot of material for further research, especially when it is about nation building and how to move further after a military intervention.

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Figures

Figure 1: Derived from: *Beach, D. & Pedersen, R.B. (2013). Process-tracing methods: foundations and guidelines. University of Michigan Press. p. 2.*

Figure 2: Derived from: *Mahoney, J. (2010). After KKV: The New Methodology of Qualitative Research. World Politics 120-147. p. 126.*

Figure 3: Own figure, based on figure derived at 22 Juli 2014, from:
<http://www.nsta.org/publications/news/story.aspx?id=53301>.

Figure 4: Own figure.

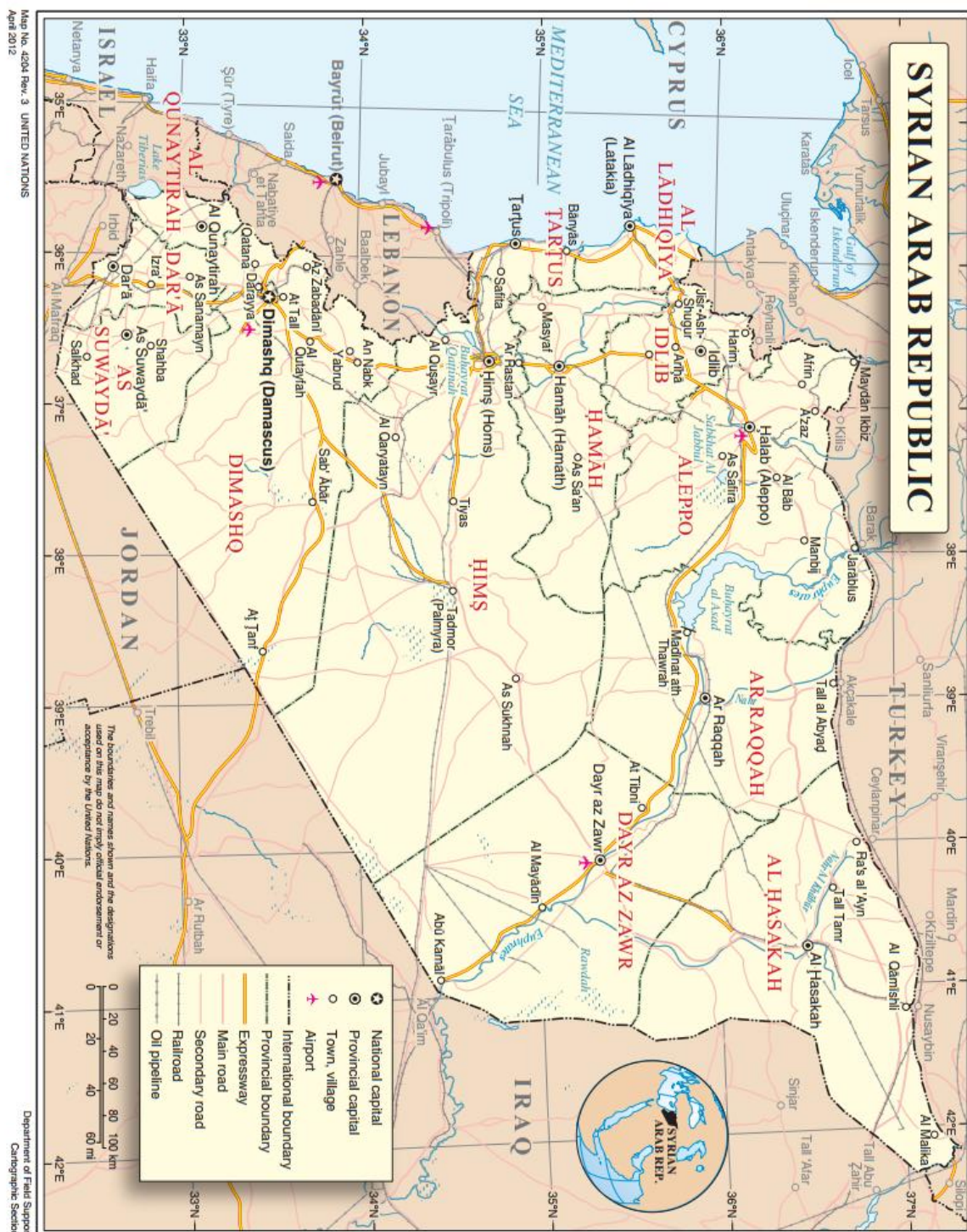
Map of Libya: UN (March 2013). Derived at 16 July 2014, from:
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Map of Syria: UN (April 2012). Derived at 16 July 2014, from:
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Annex 1. Map of Libya



Annex 2. Map of Syria



Annex 3. List of respondents

Name	Function	Date of interview
Jan Jaap van Oosterzee	Policy and public affairs consultant Middle East and Caucasus at PAX.	8 April 2014
Christ Klep	Military historian	9 April 2014
Jorja Kotsires	Employee of the Dutch Ministry of Foreign Affairs, Department Middle East, Taskforce Syria and Lebanon.	11 April 2014
Aldrik Gierveld	Deputy Director of the Direction Multilateral Institutions and Human Rights at the Dutch Ministry of Foreign Affairs.	22 April 2014
Guusje Korthals Altes	Policy Coordinator, Multilateral Organizations and Human Rights Department at the Dutch Ministry of Foreign Affairs.	22 April 2014

There are also some other respondents who provided me with information and need to be mentioned.

Name	Function
Petra Stienen	Dutch Arabist, writer and former diplomat in Egypt and Syria.
Karin Wester	Department Head Humanitarian Aid and Reconstruction Division Stabilisation and Humanitarian Aid Department at Dutch Ministry of Foreign Affairs. Currently PhD researcher: Promise and pitfalls of the responsibility to protect and lessons to be learned from the case of Libya
Adrian Gallagher	Lecturer in Security Studies and Research Methods at the School of Politics and International Studies, University of Leeds
Casey Karr	Research Analyst at Global R2P.