Evolving Norms: How the Libyan & Syrian Conflicts Have Affected the R2P

Evolving Norms: How the Libyan Intervention and Syrian Civil War Have Affected the Responsibility to Protect

'China has used tanks to kill people on Tiananmen Square (in 1989). It is Myanmar's sovereign right to kill their own people, too. Only the U.N. Security Council can decide who can intervene.' – Professor Shen Dingli[1]

Over the past decade the norm called 'the Responsibility to Protect' (R2P, sometimes abbreviated 'RtoP') has evolved and been widely accepted by the UN and international community. The three main pillars of R2P, based upon those agreed at the 2005 UN World Summit,[2] are:

- The responsibilities of the State to protect its people from genocide, war crimes, crimes against humanity and ethnic cleansing.
- The international community's responsibility to assist other states with Pillar 1.
- The international community must take a timely, decisive and proportionate response when a state fails in its Pillar 1 responsibilities. A military response is only permitted when all other coercive tools (e.g. diplomatic and economic) have been exhausted.

These core tenets of R2P link sovereignty with responsibility which can be assumed by the international community if a state fails in its protective duty towards its own citizens. This goes against the previously prevailing belief in Westphalian sovereignty, and both this and R2P will be continuously expanded upon throughout this paper. The norm has many of its roots in Just War theory[3] (which will not be explored here due to space constraints), though a major difference is R2P's emphasis on avoiding reaching the point where military force is required.[4]

A few years prior to the Arab Spring the current UNSG stated his resolve that no genocide like Rwanda's should happen ever again, and therefore he would 'spare no effort to operationalise the responsibility to protect.'[5] Ban Ki-Moon kept his promise, and the principles of R2P were employed as a legal and moral basis for UNSCR 1973 on 17th March 2011[6] to establish a no-fly zone and arms embargo against Colonel Muammar Gaddafi's regime in response to his actions and threats against his own people.[7] On 22nd March NATO agreed to enforce the embargo, two days later it took over the military side of the resolution. By 31st March Operation Unified Protector (OUP) had begun and for the first time, NATO was at war with an Arab country.[8]

By contrast, both the continuously shifting situation within Syria and the confused response to the crisis has led many to question whether R2P really is a universally-applicable international norm. Although the idea of safeguarding citizens of other states and having a 'right' to intervene has formally existed since 2005, the world's powers (principally the UNSC) have never agreed to a 'blanket resolution' and instead still deal with humanitarian crises on a case-by-case basis.[9] After Russia and China abstained in the vote on UNSCR 1973 (effectively giving their assent) and the West then appeared to use it as a pretext for regime change, these two powers in particular have become reluctant to allow it to be used again anytime soon. As a result we see diplomatic deadlock in the UNSC,[10] and as of January 2014 the UN has suspended counting the death toll because it is now too difficult to verify sources – the

Evolving Norms: How the Libyan & Syrian Conflicts Have Affected the R2P
Written by Jonathan Webb

last official figure was 100,000 deaths by July 2013.[11]

In Libya R2P had been successfully used to prevent mass atrocities against a civilian population, though the overall assessment of OUP and UNSCR 1973 are hotly debated. One of the major accusations by the opponents of the recent uses of R2P and particularly UNSCR 1973/OUP argue that they have been distorted to provide an excuse for regime change and are further tarnished by assertions that Western powers simply wanted to secure their share of Libya's oil reserves.[12] The belief that R2P enables externally-enforced regime change and the accompanying violation of legitimate sovereignty was thus reinforced in the Libyan experience to the detriment of Syrian civilians.

This paper will primarily investigate the extent to which the Libyan intervention and Syrian conflict have influenced the evolution of R2P by analysing key policy documents from the UN and regional organisations, media articles, academic works and some quantitative evidence from this academia. Whilst some sources are well-established, owing to how contemporary this topic is (e.g. recent developments in Syria and Ukraine) many will also be recent publications. Following this introduction there is an outline of the current political and academic discourse concerning R2P. Chapter 1 will then assess developments from 2001 to the Libyan intervention to provide an overview of the advancement of R2P during that period which provides both a summary of its key components and context for assessing the extent to which the Libyan and Syrian experiences influenced its development more recently. Chapter 2 provides relevant background on Westphalian Sovereignty and New Wars theory, showing how they helped spur the initial development of R2P as an international norm and highlighting the need for R2P to develop further. Chapters 3 and 4 will analyse how and why R2P was/was not operationalised in Libya and Syria, and how they in turn have influenced its recent evolution and international credibility.

Due to its current flaws, some may question why the UN, international community and academics ought to focus on supporting and further developing R2P. This paper contends that it is one of the most important principles of 'international law' to emerge in the past couple of centuries. Westphalian sovereignty's major failing is the assumption that individual states are the best protectors of their citizens. In the 20th century 262 million people were killed by their own government – a figure that is six times higher than the number killed fighting wars against other states.[13] For instance, in just 100 days of the 1994 Rwandan genocide, 1,174,000 people out of a population of 7.3 million were killed – a rate of 7 per minute, 24 hours a day.[14] Of the widows that survived, many were subjected to rape and subsequently became HIV-positive.[15] For this reason, whilst being critical of R2P where deserved, this paper assumes that it is for the best if R2P develops further to be able to protect more innocent lives in the future. In summary, this paper will analyse how and why R2P has evolved as it has (historically and in response to the two main case studies), and will conclude with policy implications which arise in the format of/discourse surrounding R2P. However, this paper will not attempt to tackle every issue with R2P or find thorough solutions to such problems because entire books have been written on this extensive and complex subject.

ANALYSIS OF THE DISCOURSE

Although R2P is still quite young relative to most international norms and laws, there is a surprising amount of literature covering the topic which underlines both the importance people place upon perfecting it and its potential.[16] Much of the literature on this subject occurred up until, and specifically to mark, the 5th anniversary of R2P's formal adoption by the UN in 2005 – prior to the recent spate of R2P-applicable cases. Due to the rapidly changing Syrian conflict and Ukraine, it is premature to expect a comprehensive publication, but it is possible to find well-written online academia concerning events post-Libyan intervention.

Contemporary Changes in R2P Discourse

Inquiries have focused on asking basic questions like 'what is its function?', 'What kind of norm is it?', 'Has it actually made a difference, and if so how has it done so?'[17] The norm is believed to have succeeded in one of its two main purposes (to be a moral and legal source for policy-making) but not in the second (to serve as a rallying point for building the will to intervene).[18] R2P has been fairly successfully defined as a norm concerning the responsibilities

Evolving Norms: How the Libyan & Syrian Conflicts Have Affected the R2P
Written by Jonathan Webb

of states to their own populations, but the literature is more divided on defining the accompanying aspect of a state's global responsibilities and the problem of mustering the political will to act.[19]

After 2011 there was a noticeable shift in the tone of debates concerning R2P. Academics and policy-makers alike have often drawn comparisons[20] between the Libya intervention and largely successful pre-R2P Kosovo intervention.[21] After the 'victory' for R2P in Libya, cynicism has crept into the discourse due to the selective application of the norm in Syria, and arguments were made for its use in Egypt after General al-Sisi both carried out the August 2013 coup and forcibly cracked down on the Muslim Brotherhood.[22] The distinction between atrocities being committed against civilians in Libya and Syria being regarded as 'crimes' and 'massacres' but those in Egypt as a 'tragedy' and being (at least initially) termed a 'crackdown' rather than coup by Western media is complex and accusations of double-standards in applying the norm plague R2P.[23] When describing death tolls this essay attempts to find the medium for what are deemed the most credible sources, but the true figures admittedly may be much different – Al-Jazeera quotes the figures from different sources with the Rabaa mosque death toll anywhere from 578 to 2,600 civilian deaths.[24]

With regard to Syria, Russia and China have continuously vetoed action by the UNSC mostly in response to the perceived abuse of UNSCR 1973 by the West to bring about regime change and violate national sovereignty.[25] The principle of non-interference in other states affairs' is a core tenet of the Russian and Chinese governments, yet currently the Russian leadership is justifying their military intervention in Ukraine (in the same manner they did after invading Georgia in 2008)[26] by claiming they have a responsibility to protect their citizens, even if they reside in another nation.[27] As a result, a lot of the contemporary literature focuses on the gradual erosion of the Westphalian view of state sovereignty in favour of a more globalised and interdependent society, and whether this is a positive change.[28]

In light of this conflict of ideas and against the backdrop of military action in Afghanistan, Iraq and Libya over the past decade, significant parts of public and academic opinion now appear sceptical of involving the UK in foreign crises – in an early poll, the percentage breakdown of opinions sampled saying the Ukraine crisis 'should concern Britain and the West', versus those saying it 'should be a matter between Russia and Ukraine' versus those who 'don't know' was 50:33:17 respectively.[29] In contrast, in an authoritarian regime like China the media and government ultimately sided with Russia, despite its long-standing opposition to foreign intervention.[30] Even regarding Libya where a UNSCR was passed, seemingly providing the legal and moral support of the UN and international community at large, 37% of UK citizens opposed UK intervention.[31] According to the same poll 'mission creep' is a fear for four fifths of British voters which is a barrier to stronger support for R2P. Leading figures such as Ban Ki-moon attempt to push their message of 'never again' (in relation to when the international community failed to prevent the 1994 Rwandan genocide)[32] in the mass media to win over the public,[33] because R2P requires money, manpower and most importantly political willpower which is likely to be lacking in a democracy if an operation does not involve public support.

Academia

Alongside Edward Luck (ex- Special Adviser on R2P)[34] who has written much concerning R2P,[35] Gareth Evans (co-chair of the International Commission on Intervention and State Sovereignty which helped lay the intellectual groundwork for R2P itself)[36] has authored one of the best explanations of the norm which also offers solutions in response to its critics.[37] Ramesh Thakur served as both Commissioner and co-author for the same ICISS report as Evans and has collated an excellent selection of his own writing and others' with the aim of tackling the problems with R2P in a more head-on manner than Evans.[38] Alex Bellamy has written extensively on the subject, comparing the successes and failures of early R2P-driven initiatives[39] and also reviewing the evolving concept and implementation of the norm.[40] As an expert on international law, Anne Orford's many works combine political theory with the historical evolution of R2P to critically assess the subject.[41] One of her main arguments is that the power of R2P not its ability to convert 'words/promise into deeds/practice' as Ban Ki-Moon believes, but instead to do precisely the reverse of this.[42]

Evolving Norms: How the Libyan & Syrian Conflicts Have Affected the R2P
Written by Jonathan Webb

CHAPTER 1 – DEVELOPING A NORM: THE STATE OF R2P PRIOR TO THE LIBYAN INTERVENTION AND SYRIAN CONFLICTS

R2P is an international norm which has developed rapidly in a relatively short length of time and so it will be analysed in this chapter as it has developed since the ground-breaking ICISS report. Issues raised during UN debates and after R2P-applicable conflicts will be assessed to show the weaknesses and strengths of the norm prior to the 2011 Libyan intervention.

Nurturing a Norm – The ICISS

The 2001 ICISS report, of which a brief synopsis of findings/suggestions can be found in Appendix 1, put forward four key ideas. Firstly it attempted to shift the viewpoint of those debating the 'right to intervene' from that of the intervener to that of those an intervention is aimed at protecting, as to well as towards a narrative of '*responsibility* to intervene' instead. This reorientation aimed to leave behind all associations with 'humanitarian intervention' because it was now loaded with ideas about the use of military force.[43] Secondly, the ICISS report raised the debate over Westphalian sovereignty;[44] specifically that sovereignty should be viewed as 'responsibility' rather than 'control'. The state has a primary responsibility to protect those within its boundaries, and if it either refuses or is incapable of doing so, responsibility to protect those people transfers to the international community instead through whatever means are deemed suitable.[45] The commission's third contribution was the emphasis of all stages of the R2P process, not just the potential intervention stage. Prominence was given to the 'prevent' stage – maintaining the rule of law within states, resolving grievances, and building state's capacities to respond to atrocities within their territory[46] and is labelled as the 'single most important dimension of the responsibility to protect',[47] but the 'responsibility to rebuild' after a crisis is also highlighted as an important facet of R2P.[48] Finally, having stressed that military intervention should be a last resort the report then attempted to provide guidelines for exactly when intervention is permissible, which included aspects of legality in addition to five criteria relating to legitimacy: whether the harm threatened was dangerous enough to result in ethnic-cleansing or large-scale loss of life, the motivation and primary aims of any proposed intervention, whether there more peaceful alternative options, the strength of response needed, and whether more harm or good would result from military intervention.[49]

The ICISS coined the phrase 'responsibility to protect' (and used it as the report's title) in an attempt to bridge the divide between the two opposing camps supporting either the primacy of 'sovereignty' or of 'human rights' and aims to ultimately show that they ought to support one another instead of being in opposition.[50] A wide array of actions was proposed, from reforming the military and state security services[51] to encouraging better terms of trade for developing countries.[52] The report also recommended that during the 'rebuild' stage that 'perpetrators of crimes against humanity' be brought before the ICC[53] and that since the international community has a responsibility to 'build a durable peace' after military intervention,[54] staying in the country for some period of time after the initial purposes of military intervention have been accomplished' is important.[55]The report was unfortunately released only a few months after the 9/11 attacks and so the subsequent military interventions in Afghanistan and Iraq threatened to subvert the progress made by the ICISS[56] – attempts by an ICISS member to justify the Iraq conflict on humanitarian grounds certainly didn't help.[57]

2003 High-Level Panel and 2005 World Summit

In preparation for the 2005 World Summit /60th anniversary of the UN, Annan commissioned the High-Level Panel on Threats, Challenges and Change to investigate contemporary challenges to peace and how the UN might address such security issues. The Panel published a report[58] which employed a wide-ranging human security[59] methodology[60] containing 101 recommendations – one of which endorsed the emerging norm of R2P (see Appendix 2 for all the report's recommendations relating to R2P). Recommendation 54 explicitly states that there is no suggestion of usurping or avoiding the final authority of the UNSC[61] which will have allayed many member states' fears and helped to further bridge the Global North-South divide on the sovereignty vs. human rights issue debate. Recommendation 56 lays out 'five basic criteria of legitimacy' concerning the use of force[62] which is (likely deliberately) very similar to the language used in the ICISS – seriousness of threat, proper purpose, last resort, proportional means and balance of consequences.[63] In March 2005 the UNSG Kofi Annan published a 5 year

Evolving Norms: How the Libyan & Syrian Conflicts Have Affected the R2P
Written by Jonathan Webb

progress report on the implementation of the Millennium Goals.[64] This report was negotiated over the intervening 6 months for the World Summit.

The eventual form of R2P agreed upon at the World Summit is covered in three paragraphs (138-140) of the Outcome Document, as shown in Appendix 3. The general principles of R2P are consistent with the previous reports produced on the topic such as the central role of the UNSC and the emphasis on prevention of situations from escalating to the stage where military intervention is needed. One noteworthy difference is that the Outcome Document emphasises non-military/less coercive responses[65] meaning that the techniques available to implement R2P with are broad, despite the scope of what R2P can be applied to being quite narrow[66] – i.e. 'genocide, war crimes, ethnic cleansing, and crimes against humanity'.[67]

From the Summit to Libya

After the summit there was some resistance at including R2P in UN Resolutions, either in ongoing conflicts or even just accepting exactly what member states had agreed to at the World Summit[68] – Russia, China and 3 non-permanent UNSC members initially argued that they had only committed to the UNGA (not the UNSC) deliberating further over R2P.[69] After 6 months UNSCR 1674 reaffirmed what was set out in paragraphs 138 and 139 of the Outcome Document,[70] but since this resolution R2P has only been explicitly referenced once in a resolution (UNSCR 1706 in 2006 regarding the crisis in Darfur, Sudan – albeit referred to by Resolution number rather than name).[71] There are instances of UNSCRs regarding Somalia and Darfur where again the term was deliberately avoided except in thematic resolutions, which could be due to the UNSC not believing it appropriate to pre-empt the UNGA's discussions by applying such decisive terminology in advance.[72]

Eventually R2P was further refined into a basic '3 pillars' formulation in the Secretary-General's 2009 Report on Implementing the Responsibility to Protect,[73] which can be summarised as:

1. The State carries the primary responsibility for protecting populations from genocide, war crimes, crimes against humanity and ethnic cleansing, and their incitement.
2. The international community has a responsibility to encourage and assist States in fulfilling this responsibility.
3. The international community has a responsibility to use appropriate diplomatic, humanitarian and other means to protect populations from these crimes. If a State is manifestly failing to protect its populations, the international community must be prepared to take collective action to protect populations, in accordance with the Charter of the United Nations.

The UNGA passed a resolution backing the UNSG's report[74] and significantly the Non-Aligned Movement, representing many states traditionally wary of Western interference in their countries, issued a statement backing its current definition of R2P whilst highlighting the difficult but necessary task of operationalising it – though they stressed that they were still wary of R2P being misused by powerful states.[75] When Ban Ki-moon took office in 2007 R2P was not in a good state after many states retreated from the 2005 agreement, but the UNSG managed to present R2P in a form that was acceptable to the majority of member states with their reasonably solid support for further progression in the future.[76]

A few concerns were raised which were not fully resolved during the debate. R2P called for early warning systems to be put into place as part of the 'prevent' aspect of R2P, but states such as China feared that information-gathering might violate state sovereignty.[77] Other states wanted to clarify which UN bodies had which powers. Some backed giving the UNSG a mandate to normalise R2P across all UN bodies including providing biennial reports, 35 states asked that UNSC members avoid using a veto if it was clearly obvious that a state was failing to protect its citizens, some argued that the UNGA should have the power to take action if the UNSC failed to act quickly and effectively enough, whilst CARICOM pushed again to expand the membership of the UNSC to make it more legitimate and argued this as a precondition for supporting operationalising R2P.[78] Engaging regional actors (from groups of countries to civil society organisations) in operationalising R2P using local knowledge was put forward in the 2009 debate but not enough time was spent deliberating which aspects these players could help effectively with – working

Evolving Norms: How the Libyan & Syrian Conflicts Have Affected the R2P
Written by Jonathan Webb

as regional capacity builders and early warning monitors was suggested, alongside more hard power ideas like regional peacekeeping forces[79] (this already happens to an extend with the AU under UN mandates). The idea that poverty and economic inequality increase the risk of genocide/mass atrocity crimes was shown in the UNSG's report, but committing to economic development and capacity building is expensive – and the redirection of aid towards capacity building and away from supporting peoples' basic living needs is also controversial.[80] Finally, for many states the perennial worry about clarifying how the decision is taken for armed intervention, who takes it and the correct procedures for doing so also needed clarifying.[81]

Appendix 4 sets-out all the humanitarian crises from 2005-2010 which R2P was (rightly or wrongly) linked to. A brief examination of some of these cases reveals both problems and successful aspects of R2P as it stood during this period.

The Trojan Horse Fails – Georgia and Myanmar's Cyclone Nargis Disaster

After Georgia sent its military to restore order in South Ossetia (which had declared de facto independence for a second time via a referendum in 2006)[82] Russia retaliated with force and even took the Georgian city of Gori.[83] Despite Russia arguing this was a clear case of R2P it was widely accepted that this was a misuse of the norm. Russia's use of force was disproportionate to the stated aims of protecting only South Ossetia's citizens and they acted without the approval of the UNSC. Two Important facts arise from this conflict. Russia had tried to legitimise its actions with R2P thus showing at least a limited/cynical acceptance of the norm, but more importantly it showed that attempts by a great power to use R2P as a 'Trojan Horse' had failed.[84] Another instance of this happening was China and ASEAN's rejection of France's attempt to invoke R2P to forcibly distribute aid to Myanmar's citizens after the military junta refused most aid offers in the wake of the devastating Cyclone Nargis in 2008 (for fear that humanitarian agencies would distribute pro-democracy pamphlets and spark social unrest against the military).[85]

Applying R2P – Darfur and Kenya

The 2003 crisis in Darfur (Sudan) is a primary case to assess R2P's potential and it has generally been deemed a failure, largely due to a lack of political will it mobilised[86] amid allegations that powerful states simply weren't willing to commit resources and troops to a region that is not strategically important enough to merit it.[87] This is not an entirely fair assessment though because although it was initially slow at reacting the UN eventually placed sanctions against Sudan,[88] convinced the ICC to indict President Bashir[89] and launched a peacekeeping operations (UNAMID) to protect civilians.[90] Along with R2P's seeming inability to alter the focus of states from purely national interests and to generate 'compliance-pull', the hierarchy of norms was not clear which permitted China to demand the Sudanese government's permission for intervention as a prerequisite for deploying peacekeepers.[91]

By contrast the diplomatic effort to stop post- election violence in Kenya in 2007, using R2P as a key component, is widely regarded as a success because although 1,500 people died and 300,000 were displaced it bore signs similar to previous regional ethnic conflicts indicating it could have escalated into a worse conflict with many mass-atrocities.[92] Reminding Kenya's leadership that it was their responsibility to protect all their citizens, applying the threat of sanctions[93] and ICC prosecutions against leaders who allowed atrocities to happen appears to have helped persuade the president and his main opponent to reach a power-sharing agreement.[94]

Pushback and Redefining R2P

Critics of R2P have made the arguments that R2P is an empty and cynical political gesture to assuage the demand from their people for a response to humanitarian crises, as well as being a new justification for rampant unilateral military action by powerful states.[95] One thing that is agreed upon is that there has been no new legal obligation placed upon states to take action, either unilaterally or collectively, in response to a conflict[96] – this was resisted by states that would be obliged to act and those who might be subjected to an R2P-backed intervention.[97]

The collective aspect of this norm was emphasised by many states refuting any link between R2P and unilateral intervention in the formal plenary debate of the UNSG's 2009 report 'Implementing the Responsibility to Protect'[98]

which appears to have largely neutered any chance that R2P could be highjacked as a justification for solo intervention. While some have argued that R2P 'has no normative effect, introduced no conceptual innovation and merely amounts to 'political rhetoric'',[99] rather than categorise R2P as a 'law' that imposes duties, it should instead be viewed as a law that confer official powers and jurisdiction.[100] Problems with this view come from proponents of moral hazard theory[101] who argue that because of the international promise to protect those in danger, magnified by UN acceptance of R2P in 2005,[102] vulnerable groups may deliberately escalate violence in the hope of outside intervention working in their favour.[103] If proven true this would make R2P completely counterproductive and dangerous as a norm, however some empirical investigations have contested the assumption that genocidal violence is largely incited by vulnerable groups through armed rebellion.[104] Ultimately they refute the overall claim by showing that since the rise of R2P there have been fewer rebellions and periods of genocidal violence, a minor reduction (or at least little change) in the chance an uprising will escalate into armed violence (shown in the table below) and a significant reduction in the duration of genocidal conflicts.[105] Admittedly, the figures below do not involve the recent spate of interventions such as Mali, Libya, or the Central African Republic,[106] but the results are still largely applicable.

'Proportion of rebellions that escalate into armed conflict 1990-2008 (three year summary)[107]

CHAPTER 2 – HISTORICAL EVOLUTION OF SOVEREIGNTY, NEW WARS AND THE ADOPTION OF R2P

In comparison with its cousin, humanitarian intervention, R2P's history as an international norm is comparatively brief. Rather than taking an entirely chronological approach, this paper will address the evolution of two key concepts (largely driven by globalisation), how they precipitated the need for R2P and how their future changes will impact upon R2P. First, it is necessary to deal extensively with the development of the concept of sovereignty itself – whilst 'states' in various forms have existed for the majority of the past 5,000 years the sovereign state is only around 500 years old.[108] The second concept to be analysed is the changing nature of organised violence itself and its 'New Wars', as proposed by academics such as Mary Kaldor, which have led to a sharp rise in death tolls from modern conflicts. The early stages of R2P will be explored in the final section to see how these two concepts helped lead to the creation of the new international norm.

From Papal Dominion to the Treaty of Westphalia: Defining Sovereignty

Ultimately, the debate over sovereignty and the ability of outside powers to meddle in another nation's affairs date back to the medieval period.[109] Under the Christian principle of dualism, the Pope held supreme spiritual authority on earth (the Holy Roman Emperor also claimed a similar title) and had the right to rule on all jurisdictional matters even if they did not physically own a territory.[110] As papal ambitions' grew from 1050-1300 the Pope, effectively as monarch, argued that because spiritual life was more important than temporal life his spiritual power was more authoritative than monarchs' temporal power.[111] Eventually arguments erupted between Christian rulers about who had the right to claim the New World – the papal bull *Inter caetera* granted all lands beyond a line dividing the Atlantic Ocean to Castile.[112] Naturally this resulted in disputes, such as when Sir Francis Drake claimed Nova Albion for Queen Elizabeth I – the Spanish argued it was theirs by right and England was contravening the will of the Pope.[113] Some writers during the Catholic Counter-Reformation such as Thomas Hobbes argued for the subjugation of the church to the state,[114] whilst others such as John Locke pushed for the total separation of church and state.[115] Eventually, the power of outside actors to interfere in the internal affairs of a nation it did not physically rule over was restricted in the 1648 Peace Treaties of Westphalia[116] which ended the bloody Thirty Years War in Europe.[117] One of the basic norms to maintain peace between states had now been created: the integrity of territorial borders,[118] the downside of which was each state turning a blind eye to any grotesque atrocities committed in foreign lands. During the early years of the 20th century there are many examples of massacres by sovereign powers against their own subjects: Stalin's policies killed around 62 million of his own people and Chinese nationalist actions by Chiang Kai-shek led to 10 million deaths from 1927-1949.[119] Mao Zedong's Great Leap Forward killed at least 45 million from 1958-61 (by comparison 55 million died worldwide in the Second World War)[120] and his Cultural Revolution killed only marginally fewer.[121] The principle of non-

Evolving Norms: How the Libyan & Syrian Conflicts Have Affected the R2P
Written by Jonathan Webb

interference and national interests thus trumped human conscience for centuries.

The organised aspect of killing during the Holocaust captured the world's attention and collective-conscience enough to inspire some change in the face of Westphalian ideals.[122] With the Nuremburg Trials came a very brief period of successful enforcement of the new concept in international law of 'crimes against humanity'[123] along with various UN-focused agreements, beginning with the recognition of individual and group human rights in the 1945 UN Charter[124] and the 1948 Universal Declaration of Human Rights.[125] Although the human rights movement had begun, three factors still prevented states taking action to prevent atrocities abroad:[126]

- The Westphalian traditions were continued and arguably reinforced through Article 2(7) of the UN Charter – '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'.[127]
- The increase in UN membership from 51 member states in 1945 to 159 members in 1989 were mostly recently decolonised states, only just granted their independence. Fearful that interference by foreign powers would drag them backwards again, they naturally sought to retain their newly-gained autonomy by promoting a traditional view of sovereignty.[128]
- The Cold War began almost as soon as the UN was created and the competing alliances, along with the need to retain their power blocs, meant that neither the US nor the USSR would be likely to admonish their own allies lest they lose them. Essentially the infamous 'he may be a son of a bitch, but he is *our* son of a bitch'[129] attitude prevailed. Likewise, even if they voiced outrage at atrocities committed by their rival's partners they could not do anything about it without ultimately heading towards a nuclear confrontation.[130]

Combined, these problems prevented international action and thus cynicism usually triumphed. With the eyes of the world (via the new 24-hour mass media) watching and treaties on prevention signed, acts ranging from 150,000 Mayans being killed in Guatemala from 1981-1983[131] to the forcible crushing of Chinese protesters in Tiananmen Square in 1989[132] were carried out. With the end of the Cold War and the gradual stabilisation of decolonised states, the belief in a Westphalian sovereignty system between nations diminished as policy aims shift from national to human security.[133]

From the Ashes of World War: The Dangers of 'New Wars'

In the aftermath of the First World War all the major world powers signed the Kellogg-Briand pact which for the first time asserted the international norm that unilateral aggression by a state is 'illegal'.[134] After the failure of the League of Nations[135] the UN, EU and similar institutions were created to prevent wars between nations.[136] They have been reasonably successful, by comparison with the previous century's many conflicts. The number of inter-state wars has reduced significantly since 1945, with superpowers/ex-colonial powers intervening in various ways from outside to prevent the majority of them (e.g. Greece vs. Turkey and India vs. Pakistan) from escalating.[137]

Despite these positive changes, according to Mary Kaldor warfare in recent decades has changed in three key ways: in their goals, methods of warfare, and funding. 'New wars'[138] are primarily fought over identity politics, e.g. linguistic, ethnic or religious differences, rather than being geo-political or politically ideological such as democrats against communists. This in turn affects the nature of warfare because for instance instead of aiming to capture specific territory and the accompany inhabitants (who may/may not suffer) or to win 'hearts and minds', modern warfare instead aims to completely physically expel/eradicate a population of a rival identity – or at least create a climate of fear to drive them away as refugees.[139] Technology itself has advanced to be more efficient at killing – from stealth bombers and drones to lighter weapons so accurate and easy to use that children operate them.[140] Finally, warfare is globalised in our modern era which means that instead of nation states relying on their centralised and often autarchic economies to keep a war going, belligerents can receive funding through a variety of sources such as external backing (e.g. by a foreign government with national interests in the conflict or from a terrorist group like al-Qaeda).[141] These three changes mean that war can be more isolated, yet proceed for a longer period of time and with a more harmful effect on the civilian population than has usually experienced at other points in history. Near the beginning of the 20th century the military:civilian casualty rate in wars was 8:1, yet during the 1990s this figure was reversed to 1:8[142] – this substantial change is grimly reflected in the casualty rates in both Libya and

Evolving Norms: How the Libyan & Syrian Conflicts Have Affected the R2P
Written by Jonathan Webb

Syria, as examined later.

Kofi's Question: The Idea of 'Sovereignty as Responsibility'

Beginning in the early 1990s the three factors maintaining the realist approach to foreign interventions began to crumble. The Cold War ended, the nascent human rights movement was very slowly gaining momentum in the face of the Westphalian tradition and many newly independent states were witnessing an upsurge in crimes against humanity (in many cases threating state security), which they were not capable of dealing with by themselves. In response to the increased death tolls of innocent populations, humanitarian interventions began to occur more often, as displayed in Somalia, Rwanda, Bosnia and Kosovo.[143] The belief that intrastate conflicts can spill-over and lead to international destabilisation has increasingly been accepted as a valid justification for intervention.[144] Bernard Kouchner, co-founder of Médecins Sans Frontières, publically pushed the concept of a 'right to intervene' in 1987[145] whilst Tony Blair pushed for interventions to be based on humanitarian values.[146] Whilst both men rallied the 'Global North', the 'Global South' viewed the idea as an attempt to interfere in their affairs.[147] The Sudanese diplomat Francis Deng, in his role as the Special Representative of the UNSG on Internally Displaced Persons (IDPs), pointed out that IDPs 'are paradoxically assumed to be under the care of their own governments despite the fact that their displacement is often caused by the same authorities'.[148] In an effort to bridge the gap between North-South perceptions Deng suggested that it was the responsibility of a state to ensure protection for IDPs in their territory – if they were unable to provide this they then have a responsibility to ask for international assistance.[149]

With Deng's contribution the public debate over redefining sovereignty had begun. The crises of the 1990s led UNSG Kofi Annan to begin to question the status quo too. During the conflict in Kosovo he highlighted that the UN charter was created to preserve 'individual sovereignty' (i.e. the fundamental freedoms each person is entitled to) 'rather than those who abuse them.'[150] Annan also used his opening Address to the 1999 UNGA to appeal for a way of preventing atrocities[151] whilst still obeying the UN charter;[152] including Article 2(4) which forbids using force without UNSC authorisation.[153] The Canadian government took the lead in this matter and by the following year, in partnership with other states and leading academics from all world regions, the ICISS was formed.[154]

CHAPTER 3 – LIBYA: A NEW HOPE?

The 2011 NATO intervention in Libya was a momentous occasion in the history of R2P for two main reasons. The intervention was the first time the new international norm of R2P was fully militarily operationalised. It was also the first time the UNSC sanctioned the use of military force against a sovereign state without their consent.[155] This chapter will analyse how R2P was used in Libya (though the aftermath of the conflict and current situation within the country will not be analysed here) and how the norm evolved as a result of the intervention.

R2P Triumphant

As with the home of the counterrevolution, Saudi Arabia, it seemed unlikely that the 'Arab Spring' would reach Libya – a country with poor internet access and famous for its brutal dictatorship with a history of supressing opposition and stifling civil society.[156] Having learnt from the Egyptian and Tunisian revolutions, once protests surprisingly began in earnest Gaddafi cracked down hard on the protests immediately using his professional military armed with live rounds, which killed at least 1,000 unarmed protesters within the first week – a marked difference from the aforementioned states whose armies generally exercised a level of proportionality and restraint.[157] After the initial violence there was a flurry of condemnation from all quarters of the international community. The Organisation of Islamic Cooperation condemned 'the ongoing coercion and oppression in Libya as a humanitarian catastrophe which goes against Islamic and human values'.[158] The League of Arab States (LAS), the major regional body of the MENA, also condemned Gaddafi's actions and within a few days the AU joined the condemnation[159] – despite the dictator's great influence over the AU.[160] Libya was soon suspended via a UNGA vote from the Human Rights

Evolving Norms: How the Libyan & Syrian Conflicts Have Affected the R2P
Written by Jonathan Webb

Council and Ban Ki-moon invoked language about crimes against humanity, even suggesting that 'the transition to a new system of democratic governance must start now'[161] – a strong move from a UNSG often accused of being 'weak'.[162] Debates continued at breakneck speed (for the UN), with two major UNSCRs being issued in under three weeks of each other, the first in under two weeks after hostilities began. The consequences of inaction over Rwanda appeared to have been learnt and R2P was finally being fully operationalised.

UNSCR 1970 was unanimously agreed upon on 26th February with no abstentions which is significant because all five BRICS nations happened to be on the UNSC,[163] and as potential future members[164] this represented a positive advancement in international cooperation. The Resolution was authorised under Chapter VII of the UN Charter, specifically Article 41 which allowed the Council to enforce its decision upon all other UN members.[165] It condemned the 'use of force against civilians,' referred the matter to the ICC and imposed an arms embargo, travel bans and asset freezes on those considered close to the regime.[166] However, Russia's ambassador made sure that the West was unable to use this as an excuse for a full land-based intervention by reiterating the Westphalian tradition within the Resolution by reaffirming the UNSC's 'strong commitment to the sovereignty, independence, territorial integrity and national unity' of Libya.[167] Ambassador Shalgam of Libya (recently defected from the regime) convinced the BRICS to back the referral to the ICC after initial fears it might inflame matters on the ground – the support of the LAS and AU played a big part in reversing their decision,[168] as it would in the following Resolution. UNSCR 1970 was effectively a late 'Prevent' stage of R2P, where diplomacy and less intrusive (non-military) measures are employed to end a crisis early without the need for breaching national sovereignty via intervention; as the UN succeeded in doing in Kenya.[169]

The endorsement of both Resolutions by the LAS would ordinarily be quite unexpected. As Gaddafi's troops marched on to Benghazi the wider Arab world went through a difficult debate. Would they rather call on the West to save the Libyan people, even after their harmful past incursions in the MENA, if it prevented Libyans from being massacred?[170] The memory of being powerless to prevent the Iraq invasion, the seemingly unwavering Western support for Israel in the face of the Palestinians' suffering, largely unwavering support for Arab dictators who spent decades in power, double-standards stemming from an seemingly aggressive dash for Arab oil, persistent violations of sovereignty and international law (e.g. extraordinary rendition and torture) and even the slowly fading memory of European colonialism left an animosity towards the West among many Arabs – even after the election of Obama had cleansed some of this distrust.[171] Surprisingly, the Arab governments, the majority of the Arab public and intriguingly both Al-Jazeera and Saudi media (who often hold different views) gave their backing to Western intervention in Libya, though there were still some fears of Western imperialism.[172] The threatened atrocities came right after Ben Ali and Mubarak had fallen which inspired a sense of connectedness where the fortunes of neighbouring Arabs could affect their nations' struggles too.[173] The LAS meeting was chaired by the pro-US Gulf Cooperation Council, and Gaddafi was despised by the political elite of most Arab nations for his arrogance and random outbursts (e.g. claiming that Nescafe spiked by the West was to blame for the protests).[174] Additionally, leaders seized the opportunity to follow the will of their people to divert attention away from their countries and to improve their human rights image to counter domestic human rights activists.[175]

UNSCR 1973 – The Resolution That Broke Westphalia

For the first time in the modern MENA both regimes and their citizens jointly refuted the Westphalian tradition that sovereignty granted regimes impunity from outside interference, regardless of how they treated their people.[176] The acceptance of the basic principles of R2P as a norm (that sovereignty means responsibility) stands in stark contrast to the recent history of the region where the Arab states stood by as Jordan attacked Palestinian fighters in 1970, as Syria put down opposition in Hama in 1982 and as Saddam Hussein repeatedly committed atrocities against the Kurds in the 1990s – this acceptance was now written in official LAS documents for all their own people to see, and potentially hold them to similar standards.[177]

As Gaddafi's forces pushed towards the rebel stronghold of Benghazi he, to his detriment as he would discover later, employed language in his exhortations to his supporters far too similar to that used to incite violence in Rwanda for the international community to ignore[178]: 'We are coming tonight. There won't be any mercy.'[179] As the threats and violence intensified, the UNSC met again and voted through UNSCR 1973 which reiterated 'the responsibility of

Evolving Norms: How the Libyan & Syrian Conflicts Have Affected the R2P
Written by Jonathan Webb

the Libyan authorities to protect the Libyan population',[180] strengthened the previous embargoes and asset freezes and permitted no-fly zone across Libyan airspace[181] in an effort to protect civilians from potential mass atrocities – whilst still 'excluding a foreign occupation force of any form'[182] to placate fears of mission-creep or imperialistic Western ambitions.

Challenges to R2P

There are a number of issues arising from the Libyan intervention which will have bearing on how R2P evolves in the future and how R2P was (or was not) employed in the subsequent Syrian conflict. Firstly, many UN members are now keen to make the language used in UNSCRs crystal-clear and impossible to interpret too differently, as with UNSCR 1973, so as not to exceed the mandate agreed upon – this covers the strength and type of military force to be used.[183] Unlike UNSCR 1970, UNSCR 1973 was not passed unanimously (10 states voted in favour and the other 5 states abstained)[184] but it conferred significant powers to any UN member state who wished to take up the duty of enforcing the UNSC's decision. The Resolution authorised member states to 'take all necessary measures … to protect civilians and civilian populated areas',[185] which was a significant move for China especially who had traditionally been highly sensitive on breaking the Westphalian agreement of respecting other nations' sovereignty rights[186] and signalled a minor shift towards the decline of this principle in favour as sovereignty meaning responsibility. OUP forces interpreted this clause quite differently than other states such as China and Russia did by attacking regime bases, not just advancing forces.[187] Additionally, NATO armed the rebels in the face of an arms embargo placed upon the country by both Resolutions[188] which added a further interpretation of the Resolution to be contested over. Whilst tightening the wording of UNSCRs might make member states feel more comfortable with voting for (appropriate) interventions, it will make agreeing upon and implementing R2P-based Resolutions far more challenging.[189] It can also be difficult to follow guidelines precisely in a combat situation, where events on the ground change rapidly such as in Srebrenica, because 'military operations cannot be micromanaged with a 1,000 mile screwdriver'.[190] If military force is restricted to airpower only, its capacity to protect civilians must be evaluated. While airstrikes can destroy armour and artillery in the open as it was in Libya, if enemy forces move into populated areas then not only is this an ineffective means of protecting civilians, it often puts them in danger of friendly fire by inaccurate missiles. NATO's Kosovo experience supports this where heated arguments over mounting a ground invasion were resolved only by Slobodan Milosevic unexpectedly surrendering.[191]

BRICS nations like China made it clear they were against R2P being used as cover for regime change. [192] However, Evans claims that the BRICS nations were under no illusions about what the 'take all necessary measures' clause allowed when they failed to veto it, and retrospective criticism should be viewed cynically.[193] Instead, he argues the BRICS primarily disagreed with the decision of the P3 (the primary forces in OUP) to aim for total regime change, which the P3 viewed as a guaranteed way to protect Libyans for the foreseeable future[194] In situations such as Libya where the regime represents the main threat to civilians, without the mandate to attack the regime (allowing some form of regime change) it may be impossible to fully protect civilians.[195] Tying this together with the first issue, Noam Chomsky contends that there were effectively two interventions: the legal one to avert a massacre in Benghazi, and the illegal one with the aim of regime change, where once they started attacking Libyan military targets NATO and her regional allies effectively became the air force for the Libyan rebels – exceeding the mandate to protect civilians from harm.[196] Although accusations of Western national interests such as acquiring oil[197] are easily made against the 'imperialist powers' (P3), investigations have found little evidence to support such scepticism.[198] However, the very perception that there are motives other than protecting civilians makes finding common ground through R2P more difficult.[199]

Regional organisations now help form international consensus, and thus legitimacy, for R2P-based actions and play key roles by effectively acting as 'gate-keepers' to make sure the UNSC acts according to regional norms.[200] However, what happens when their members disagree either internally or with the stance of another regional group? In the Libyan intervention the LAS and AU agreed upon UNSCR 1970, but only the LAS favoured UNSCR 1973.[201] In future, UNSC members might shop around to find an organisation that matches their agenda – which undermines the whole concept of working with local actors.[202]

Brazil: Responsibility While Protecting

Evolving Norms: How the Libyan & Syrian Conflicts Have Affected the R2P
Written by Jonathan Webb

In response to the criticisms R2P suffered after OUP, especially the idea that 'even when warranted on the grounds of justice, legality and legitimacy, military action results in high human and material costs,'[203] Brazil presented RWP to the UNGA.[204] The new norm supports the concept of R2P, in particular its 'Prevent' aspect, and is intended to supplement the form of R2P agreed upon at the 2005 World Summit.[205] It suggests that specific criteria be met before coercive action is taken,[206] under Pillar III of R2P[207] and Chapter VII of the UN Charter, in order for it to be proportionate and not do more harm than good.[208] Finally, if coercive action is necessary, the UNSC must monitor the situation to 'assess the manner in which resolutions are interpreted and implemented' and to 'ensure the accountability of those to whom authority is granted to resort to force'[209] – guaranteeing responsibility whilst protecting.[210]

The emphasis RWP places upon the three pillars of R2P being followed in sequence and that all diplomatic measures must be completely exhausted prior to coercive action being taken makes sense in theory, but would impede the speed at which the international community could respond to avert an imminent/ongoing atrocity.[211] Ban Ki-moon has made it clear that all three pillars are equally important and different levels of emphasis should be given to each of them depending on the circumstances, with military action being a conceptual (not sequential) last resort.[212] RWP is gradually gaining acceptance (especially by BRICS nations), but if it is to work then states must improve regional and national early warning/assessment capacities and take the 'Prevent' aspect of both RWP and R2P seriously, rather than just as rhetoric.[213] Likewise, organisations enforcing R2P-RWP-backed mandates, such as NATO and the AU, will have to agree to subject themselves and their actions to review by the UNSC.[214] Overall, Libya demonstrated R2P's ability to bring the international community together to successfully prevent mass atrocities, avoid another Rwanda and sparked debate about how to further improve it – but it has also sown distrust and exposed some of the norm's liabilities.

CHAPTER 4 – SYRIA: THE VETO STRIKES BACK

Coming so soon after the relative successful application of R2P to protect civilians in Libya, Syria represents a severe reversal of fortune. The latest estimate by the credible UK-based Syrian Observatory for Human Rights put the total death toll at between 150,000 and 220,000 total deaths since the start of the civil war over three years ago,[215] USAID estimates there are 9.3 million Syrians needing humanitarian assistance, 6.5 million IDPs in Syria and 2.6 million have been displaced to neighbouring countries so far.[216] By initially summarising the situation in Syria and expanding upon a few main issues highlighted by Ramesh Thakur,[217] this chapter aims to analyse the difficulties in applying R2P to Syria, galvanising the international community to act to prevent further civilian casualties and what this means for the future of R2P.

Bashar al-Assad ruled Syria through fear and the extensive use of security and intelligence services to quash dissent, so the Arab Spring (and especially the NATO intervention in Libya) removed much of the fear many Syrians felt, and inspired them to keep attempting to protest.[218] The Baathist regime[219] was overly fond of using force, and ultimately this became their undoing – in a similar vein to Libya it brought the subsequent uprisings upon itself through a lack of self-restraint which drove more protesters to believe that non-violent demonstrations would not be sufficient in the case of their country.[220]

Civil War: A Fractured Rebellion

Thakur suggests key difficulties which prevent the international community taking decisive action to save Syrian lives: problems stemming from the severely divided opposition in a civil war, confusion over who is to blame for atrocities, questions over whether armed intervention would do more harm than good, the spectre of Western excesses in Libya and the paralysis of the UNSC.[221]

The political opposition has consistently struggled to be representative of Syrians actually fighting in their country, instead often being composed of long-time dissidents whose only military contact in Syria is the Supreme Military Council (SMC).[222] Mirroring the fractured political opposition there are many armed rebel groups operating in

Evolving Norms: How the Libyan & Syrian Conflicts Have Affected the R2P
Written by Jonathan Webb

Syria, largely umbrella organisations of smaller groups, all fighting against the regime but with in-fighting also an increasingly common problem – this has only increased the death toll as rival factions fight one another for control of rebel-held land.[223] The Free Syrian Army, one of the first groups formed in August 2011, eventually merged with other predominantly moderate forces (both Islamist and secular) to form the SMC.[224] The latest political group, the Syrian National Coalition, recently sacked the chief of staff of the SMC which has now split the leadership of this organisation, further weakening the influence of the SNC and their ability to force/negotiate an end to the conflict.

The Islamic Front is the largest umbrella organisation of Islamist forces which have rejected resolving the war diplomatically and benefitted from the SMC's split by absorbing defectors.[225] Rebel groups are not renowned for having entirely spotless records, but because umbrella organisations like the SMC have little to no control over their many largely autonomous member groups, instead predominantly acting as coordinators for Western and regional Arab military aid,[226] this complicates matters for external backers (especially those advocating R2P-based protection in Syria). A commander of one of the SMC's affiliated groups was recently filmed eating the lung of a regime soldier and is also known to have shelled a Shi'ite Lebanese border village.[227] This atrocity encapsulates two major complications with marking the rebels as the innocents needing R2P-based protection. Some rebels are committing crimes against humanity and also risk a wider sectarian conflagration within the region as Lebanon's equally diverse population is dragged into the conflict on opposing sides – for example 42 Sunnis were killed in a bombing in Tripoli, widely seen as retaliation for the 24 Shi'ites killed in Hezbollah-controlled Beirut the week before.[228] The paramilitary wing of the Shi'a Lebanese Islamist party Hezbollah, with the backing of Iran, currently fights for Assad[229] – foreign intervention could be the spark that initiates a much worse regional conflict.

Fundamentalist groups like Islamic State of Iraq and the Levant (ISIS) have become so extreme that even al-Qaeda-backed Islamist groups like Jabhat al-Nusra have broken off ties with them.[230] The Kurdish Popular Protection Units aim to retain and secure Kurdish territory in the north of Syria (containing oil fields) and have fought against both government and rebel forces.[231] Turkey has stated they will not allow a politically autonomous Kurdish region to exist in northern Syria,[232] likely due to fears it will destabilise the west of their country where Kurds have been fighting for independence for decades.[233] These two factions further complicate notions of intervention lest the sectarian conflict escalates even more.

The question of whether to treat civil wars as a matter for R2P and potentially intervention (as a last resort) has dogged the norm for years, especially since OUP. Rationally, regardless of whether a conflict is defined as a civil war, the fact that atrocities are committed justifies looking into applying and operationalising R2P[234] – the apparent decline in support for sovereignty meaning control further supports this argument. However, if moral hazard theory is proven to be true then rebels would seek to extend the conflict rather than surrendering in the hopes that outside forces will intervene and hand them victory. It would also create a precedent alongside OUP for minority groups in other countries to attack their governments in the hopes of triggering a response[235] – thus undermining a principle aim of R2P (preventing conflicts before they begin). The debate over the extent to which governments have a right to put down armed rebellion is being played out at the moment in Ukraine.[236] Here, President Putin is misapplying R2P because no mass atrocities have been credibly reported, the international community is attempting to prevent conflict by strengthening the Ukrainian economy and significantly Russia did not have UNSC authorisation to intervene militarily in Crimea.[237]

The second major issue is misinterpreting/misreading the facts and jumping to conclusions about the need to take military action. Even the most trustworthy statistics can be manipulated to serve the whims of a government/media outlet – e.g. total death tolls usually include government soldiers, not just rebel forces and unarmed civilians.[238] When it was widely reported that chemical weapons had been used in Syria[239] the UN eventually investigated and published a report confirming use of chemical weapons in five cases in Syria, but did not apportion blame as to who used them.[240] Obama had previously stated if proven this would be a 'red line' and that there would be 'enormous consequences' if proven.[241] This was partly due to the moral shock of mass deaths, but mostly to enforce the global norm/taboo against the use of chemical weapons including the 1925 Geneva Protocol which Syria has acceded to.[242] Some Western leaders and media outlets immediately placed the blame upon the Assad government, even after admitting they had no firm proof.[243] Last year Seymour Hersh pointed out that Obama had cherry-picked intelligence and misrepresented it, avoiding evidence of Jibhat al-Nusra's capability to commit a

Evolving Norms: How the Libyan & Syrian Conflicts Have Affected the R2P
Written by Jonathan Webb

similar attack.[244] In the past few weeks Hersh published a report, not widely picked up by major Western media, which contained potentially credible evidence that rebels could have committed the attack.[245] Had the US launched missile strikes against Assad, not only would this have been unlawful under R2P the US did not have UNSC authorisation, but it would also have been an attack on a (potentially) innocent party.

Upsetting the Regional Game of Thrones

R2P's stipulations that any action taken must be proportional to the threat and do more good than harm[246] means that regarding Syria, where these requirements are far from certain, the norm cannot be successfully applied. Regardless of the moral legitimacy of potential interventions, external military action could easily escalate into a wider regional conflict.[247] Lebanon backed UNSCR 1973 in Libya, but while still on the UNSC it vetoed a press statement condemning the regime's attacks on civilians (which allegedly even Russia and China had agreed to) for fear that Hezbollah would retaliate and destabilise Lebanon further.[248] The complex composition of the rebels with varying goals means that if Assad falls, the more extreme groups such as ISIS of Jibhat al-Nusra may gain ground and cause further suffering – especially if they got hold of Syria's large supply of chemical weapons (prior to slowly being shipped out and destroyed under the 100 day plan Assad consented to last year).[249] Even if the SMC maintained some form of control, the ethnic and religious minorities who often support the regime (e.g. Alawites and Christians) may be subject to reprisals[250] that could even deteriorate into ethnicity-focused atrocities.

If Assad is replaced with a majority pro-Sunni/Shia group then the entire balance of power in the region will change. Sunni powers like Saudi Arabia are competing for influence against Shia ones like Iran and the increasingly sectarian Prime Minister Maliki of Iraq is already using the Syrian civil war as an excuse to crackdown on Sunnis in his own country which has led to a sharp increase in violence.[251] Meanwhile Turkey, a secular country despite a Sunni majority, is being undermined by threats from the pro-Iranian Maliki government because of their sheltering of the exiled Iraqi Vice-President (condemned to death back home).[252] Iran, Iraq and Syria secretly back independence for the Kurds in Eastern Turkey and if Turkey takes a sectarian side within Syria it may cause the Alevi[253] community in Turkey to rebel.[254] The temporary sense of Arab unity displayed in the LAS vote on the Libyan conflict is long gone. Many commentators have therefore concluded that the survival of the Assad regime in some form is the best way to guarantee regional peace and stability after the civil war ends.[255]

Diplomatically, China and Russia continue to veto UNSC Resolutions containing any condemnation of the Assad regime for fear that it will serve as a pretext for another Western military intervention (ostensibly to save civilians) which will escalate to full regime change[256] – as happened in Libya after NATO exceeded its mandate in the eyes of many UNSC members during OUP.[257] R2P absolutely must retain the use of military force as an ultimate resort; conceptually in regards to the three pillars, rather than sequentially as early iterations of RWP suggested.[258] At present, R2P cannot be used to permit military action to protect Syrian civilians primarily because of the inability to prove that in the balance of consequences the overall local and regional aftereffects of military action will be more positive than negative (which is a key criterion). The distrust created among the UNSC from OUP has paralysed the council so that it cannot even agree upon beneficial non-coercive action – if this suspicion can be overcome then headway may be made towards saving lives.[259] Aspects of R2P can develop to aid in this, but ultimately as acknowledged by the US Ambassador to the UN, blame for the current diplomatic stalemate lies at the feet of the UNSC members and the UN system itself.[260]

CONCLUSION: RETURN OF THE NORM?

As the world has become increasingly globalised and with the advent of New Wars leading to increased fatalities of civilians in conflicts, the support for upholding the traditional Westphalian view of sovereignty as power is slowly giving way to a new definition – one where sovereignty means responsibility. As Westphalian sovereignty wanes, our common humanity compels us to find a way to protect innocent civilians from mass atrocities, whose suffering we can now see on the internet and 24-hour news channels. R2P was refined by the international community until North-South consensus was reached to meet these needs when the norm was accepted by UN member states at the 2005

Evolving Norms: How the Libyan & Syrian Conflicts Have Affected the R2P

Written by Jonathan Webb

World Summit. The UNSC responded successfully (in the primary aim of protecting civilians) to the 2011 humanitarian crises in Libya and the less contentious intervention in Côte d'Ivoire.[261] However, the manner in which OUP exceeded its mandate has caused lasting friction among the UNSC and is largely to blame for the deadlock over Syria.

Down But Not Out

To conclude the primary research question, the Libyan intervention and Syrian conflict have greatly affected R2P, arguably altering it as much as defining the norm itself did in 2005. R2P has evolved rapidly over the past two decades; given that it is such a young norm this is not surprising. Despite its failure to protect civilians in Syria R2P should not and hopefully will not be discarded, but will develop to overcome these challenges similarly complex situations in future. Ban Ki-moon has warned against letting past disagreements on these conflicts prevent advancing the norm to save civilians in the future.[262] His belief that the UN must turn its words into deeds and 'uphold its core responsibilities'[263] was certainly vindicated during the Libyan crisis. The threat of 'another Rwanda' led the UNSC to define and sanction the intervention as one of human protection, showing the Council is capable of authorising military force to protect civilians without the approval of the targeted state, set-up regional organisations as 'gate-keepers' vital for creating legitimacy/consent in any R2P-based action and reinforced the norm of gaining consensus for military action from the UNSC[264] (unlike the Iraq war which was therefore illegal under international law).[265] These are significant advances in both operationalising R2P and setting solid precedents.

Unfortunately, OUP negatively affected R2P by setting a precedent for regime change – fear of which has paralysed the UNSC over Syria. UN inaction to prevent atrocities in the Syrian civil war does not mean that R2P is dying though. Since UNSCR 1973 the UNSC has actually authorised 17 other resolutions which have directly referenced R2P to help prevent atrocities in South Sudan, Yemen, Libya, Mali, Sudan, and the Central African Republic.[266] Also included is UNSCR 2117 which dealt with 'Small Arms and Light Weapons'[267] and the recent UNSCR 2150 published on 16th April 2014 which reaffirmed the UN's commitment to R2P.[268]

Breaking the Deadlock

As examined earlier, Brazil's proposal of supplementing R2P with RWP, rather than replacing it, was created to help resolve (largely BRICS-nations') fears that R2P would be used for regime change in Syria. Furthermore, two permanent members of the UNSC (who hold veto powers) have put forward plans to reform R2P and the way the UNSC operates, whilst a third has publically begun to show a willingness to engage. France has suggested that the five permanent UNSC members voluntarily suspend their veto rights if fifty or more member states petition the UNSG to decide whether a situation can be designated as one of the UN's four pre-defined mass atrocities – with the exception of any cases relating to the permanent UNSC members.[269] Whilst devolving power from the UNSC may prove problematic, this proposal does transfer authority to the UNSG and UNGA to avoid future UNSC paralysis.

In October 2013 a think tank belonging to China's foreign ministry voiced support for 'Responsible Protection',[270] an idea comparable to R2P and RWP which emphasises the need for UN members who enact a UN-granted mandate for intervention to be responsible for the aftermath in a country targeted by intervention: 'the United Nations should establish mechanisms of supervision, outcome evaluation and post factum accountability to ensure the means, process, scope and results of "protection".'[271] Similarly, a Russian academic conference held during the same month actually invited Western experts and the UN Special Adviser on R2P to discuss R2P, as well as the Chinese-proposed RWP, and appeared to show support for developing R2P along these lines.[272] After experiencing a long impasse over Syria, France's UNSC reformation plus China and Russia's consultations represent positive steps towards 'co-ownership' of R2P[273] and potential future international consensus for preventing mass atrocities in the future.

APPENDIX

Appendix 1. – ICISS The Responsibility to Protect, page xi.[274]

Evolving Norms: How the Libyan & Syrian Conflicts Have Affected the R2P

Written by Jonathan Webb

Appendix 2. – High-Level Panel on Threats, Challenges and Change, A More Secure World, annex 1, part 3, page 106-107.[275]

Appendix 3. – 2005 UN World Summit Outcome Document, paragraphs 138-140, page 30.[276]

Appendix 4. – R2P and Humanitarian Crises 2005-2010, The Responsibility to Protect – Five Years On, Bellamy, pages 149-150.[277]

References

Abdelaziz, Maged A. *Statement by Maged A. Abdelaziz, Permanent Representative of Egypt, on behalf of the Non-Aligned Movement, on Agenda Item 44 and 107*. New York: Chair of the Coordinating Bureau of the Non-Aligned Movement, 2009. Available here: responsibilitytoprotect.org/NAM_Egypt_ENG(1).pdf.

Akbar, Arifa. "Mao's Great Leap Forward 'killed 45 million in 4 years'". *The Independent,* 17th September 2010. Accessed 22nd April 2014. http://www.independent.co.uk/arts-entertainment/books/news/maos-great-leap-forward-killed-45-million-in-four-years-2081630.html.

Al-Gharbi, Musa. "Collapse of Syrian Opposition: Disaster or Opportunity?". *Al-Jazeera,* 28th February 2014. Accessed 25th April 2014. http://america.aljazeera.com/opinions/2014/2/syrian-national-counciloppositionwar.html.

Al-Jazeera, "Egypt's Brotherhood to hold 'march of anger'". *Al-Jazeera,* 16th August 2-13. Accessed 21st April 2014. http://www.aljazeera.com/news/middleeast/2013/08/201381522364486906.html.

Aloyo, Eamon. "The Responsibility to Protect and the Use of Force in Syria". *The Hague Institute for Global Justice,* 28th January 2014. Accessed 25th April 2014. http://thehagueinstituteforglobaljustice.org/index.php?pid=176&id=170.

Annan, Kofi. "Two Concepts of Sovereignty". *The Economist,* 16th September 1999. Accessed 23rd April 2014. http://www.economist.com/node/324795.

Annan, Kofi. *We the Peoples: The Role of the United Nations in the 21st Century*. New York: United Nations, 2000.

Associated Press. "Syria death toll rises from rebel infighting". *Al-Jazeera,* 11th April 2014. Accessed 25th April 2014. http://www.aljazeera.com/news/middleeast/2014/04/report-syria-rebel-infighting-kills-scores-2014410224234461619.html.

Associated Press. "UN suspends Libya from human rights council over violence against protesters". *The Guardian,* 2nd March 2011. Accessed 24th April 2014. http://www.theguardian.com/world/2011/mar/02/un-suspends-libya-human-rights-council.

Associated Press in New York. "Central African Republic: UN security council approves EU force intervention".*The Guardian,* 29th January 2014. Accessed 21st April 2014. http://www.theguardian.com/world/2014/jan/29/central-african-republic-security-council-eu-force.

Avezov, Xenia. "'Responsibility while protecting': are we asking the wrong questions?",*Stockholm International Peace Research Institute,* 13th January 2014. Accessed 24th April 2014. http://www.sipri.org/media/newsletter/essay/Avezov_Jan13.

Axworthy, Lloyd. "Human Security: An Opening for UN Reform." In *The United Nations and Global Security*, edited by Richard M. Price and Mark W. Zacher, 245-260. New York: Palgrave Macmillan, 2004.

Evolving Norms: How the Libyan & Syrian Conflicts Have Affected the R2P
Written by Jonathan Webb

Axworthy, Lloyd. "RtoP and the Evolution of State Sovereignty." In *The Responsibility to Protect: The promise of Stopping Mass Atrocities in Our Time*, edited by. Jared Genser, Irwin Cotler, Desmond Tutu and Vaclav Havel, 3-16. New York: Oxford University Press, 2012.

Baker, Aryn. "Exclusive: 'We Will Slaughter All of Them.' The Rebel Behind the Syrian Atrocity Video". *Time,* 14th May 2013. Accessed 25th April 2014. http://world.time.com/2013/05/14/we-will-slaughter-all-of-them-an-interview-with-the-man-behind-the-syrian-atrocity-video/?iid=gs-main-lead.

Baodong, Li. "Statement by H. E. Ambassador Li Baodong, Permanent Representative of China to the United Nations, at the Security Council Open Debate on the Protection of Civilians in Armed Conflict" *Permanent Mission of the People's Republic of China to the UN,* 10th May 2011. Accessed 24th April 2014. http://www.china-un.org/eng/gdxw/t823976.htm.

Baraki, Spencer. "The New Humanitarian Precedent: Bosnia, Kosovo, and the Libyan Intervention of 2011." *The Lyceum* Vol. 1 Issue 1 (2011): 5-21.

BBC News. "Iraq war illegal, says Annan". *BBC News,* 16th September 2004. Accessed 26th April 2014. http://news.bbc.co.uk/1/hi/world/middle_east/3661134.stm.

BBC News. "Libya: UK Apache helicopters used in NATO attacks". *BBC News,* 4th June 2011. Accessed 24th April 2014. http://www.bbc.co.uk/news/uk-13651736.

BBC News. "Profile: Syria's Ruling Baath Party". *BBC News,* last modified 9th July 2012. Accessed 25th April 2014. http://www.bbc.co.uk/news/world-middle-east-18582755.

BBC News. "South Ossetia Profile". *BBC News,* 17th October 2013. Accessed 22nd April 2014. http://www.bbc.co.uk/news/world-europe-18269210.

BBC News. "Syria chemical weapons allegations". *BBC News,* 31st October 2013. Accessed 25th April 2013. http://www.bbc.co.uk/news/world-middle-east-22557347.

BBC News. "Syria Crisis: Guide to armed and political opposition – Guide to the Syrian Rebels". *BBC News,* last modified 13th December 2013. Accessed 25th April 2014. http://www.bbc.co.uk/news/world-middle-east-24403003.

Bellamy, Alex. *Global Politics and the Responsibility to Protect: From Words to Deeds.* Abingdon: Routledge, 2011.

Bellamy, Alex. *Responsibility to Protect: The Global Effort to End Mass Atrocities.* Cambridge: Polity Press, 2009.

Bellamy, Alex J. "The Responsibility to Protect." In *Security Studies: An Introduction*, edited by Paul D. Williams, 486-582. Abingdon: Routledge, 2013.

Bellamy, Alex J. "The Responsibility to Protect – Five Years On." *Ethics and International Affairs* Vol. 23 Issue 2 (2010): 143-169. Accessed 20th April 201. doi 10.1111/j.1747-7093.2010.00254.x.

Bellamy, Alex J. "The Responsibility to Protect and the Problem of Military Intervention." *International Affairs* Vol. 84 Issue 4 (2008), 615-639.

Bellamy, Alex, and Paul D. Williams. "The new politics of protection? Côte d'Ivoire, Libya and the responsibility to protect." International Affairs Vol. 87 Issue 4 (2011): 825-850. Accessed 24th April 2014. doi: 10.1111/j.1468-2346.2011.01006.x.

Biddle, Stephen. "The Libya Dilemma: The Limits of Air Power". *Council on Foreign Relations,* 25th March 2011. Accessed 24th April 2014. http://www.cfr.org/libya/libya-dilemma-limits-air-power/p24499.

Evolving Norms: How the Libyan & Syrian Conflicts Have Affected the R2P
Written by Jonathan Webb

Bosco, David. "France's Plan to Fix the Veto". *Foreign Policy,* 4th October 2013. Accessed 27th April 2014. http://bosco.foreignpolicy.com/posts/2013/10/04/frances_plan_to_fix_the_veto.

Camilleri, Joseph. "Sovereignty Discourse and Practice – Past and Future". in*Re-Envisioning Sovereignty: the End of Westphalia?,* edited by Trudy Jacobsen, Charles Sampford and Ramesh Thakur, 33-50. Hampshire: Ashgate, 2008.

Charbonneau, Louis. "U.S. gives up on U.N. Security Council in Syrian crisis, blames Russia". *Reuters,* 5th September 2013. Accessed 26th April 2014, http://www.reuters.com/article/2013/09/05/us-syria-crisis-un-usa-idUSBRE9840W420130905.

Chomsky, Noam, interview by Eric Bailey. "Nothing Can Justify Torture". *Asian Human Rights Commission*, last modified 14th December 2012. Accessed 24th April 2014. http://www.humanrights.asia/news/ahrc-news/AHRC-ART-146-2012/?searchterm=noam%20chomsky.

Chothia, Farouk. "What does Gaddafi's death mean for Africa?". *BBC News,* 21st October 2011. Accessed 24th April 2014. http://www.bbc.co.uk/news/world-africa-15392189.

Chumley, Cheryl K. "French president accuses Syria's Assad of gassing his own citizens". *The Washington Times,* 21st April 2014. Accessed 26th April 2014. http://www.washingtontimes.com/news/2014/apr/21/french-president-accuses-syrias-assad-gassing-own.

Cohen, Jean L. *Globalization and Sovereignty: Rethinking Legality, Legitimacy and Constitutionalism*. New York: Cambridge University Press, 2012.

Crawford, Charles. "Why did Russia veto the UN Security Council resolution on Syria?", *The Telegraph,* 6th February 2014. Accessed 21st April 2014. http://blogs.telegraph.co.uk/news/charlescrawford/100135155/why-did-russia-veto-the-un-security-council-resolution-on-syria.

Curley, Edwin. "Hobbes and the Cause of Religious Toleration". In *The Cambridge Companion to Hobbes's Leviathan,* edited by Patricia Springborg, 309-336. New York: Cambridge University Press, 2007.

Deng, Francis M. "Divided Nations: The Paradox of National Protection."*The Annals of the American Academy of Political and Social Science* Vol. 603 (2006): 217-225.

Dewaal, Alex. "The African Union and the Libyan Conflict of 2011". *World Peace Foundation,* 19th December 2012. Accessed 24th April 2014. http://sites.tufts.edu/reinventingpeace/2012/12/19/the-african-union-and-the-libya-conflict-of-2011.

Doyle, Michael W. "The Folly of Protection: is Intervention Against Qaddafi's Regime Legal and Legitimate?". *Foreign Affairs*, 20th March 2011. Accessed 21st April 2014. http://www.foreignaffairs.com/articles/67666/michael-w-doyle/the-folly-of-protection.

Dunbar-Ortiz, Roxanne. *Blood on the Border: A memoir of the Contra War.* New York: South End press, 2005.

Edwards, David. "Massacres That Matter – Part 2 – The Media Response on Egypt, Libya and Syria".*Media Lens,* 22nd November 2013. Accessed 20th April 2014. http://www.medialens.org/index.php/alerts/alert-archive/alerts-2013/740-massacres-that-matter-part-2.html.

Egin, Oray. "The Game Changer: Syria, Iran and Kurdish Independence". *World Affairs,* May/June 2013 Accessed 25th April 2014. http://www.worldaffairsjournal.org/article/game-changer-syria-iran-and-kurdish-independence.

Encyclopaedia Britannica. "Kellogg-Briand Pact". *Encyclopaedia Britannica*, 17th May 2011. Accessed 23nd April

Evolving Norms: How the Libyan & Syrian Conflicts Have Affected the R2P
Written by Jonathan Webb

2014. http://www.britannica.com/EBchecked/topic/314413/Kellogg-Briand-Pact.

Encyclopaedia Britannica. "Thirty Year's War", *Encyclopaedia Britannica*, 23rd January 2014. Accessed 22nd April 2014. http://www.britannica.com/EBchecked/topic/592619/Thirty-Years-War.

Encyclopaedia Britannica. "Tiananmen Square incident". *Encyclopaedia Britannica*, 29th May 2009. Accessed 23nd April 2014. http://www.britannica.com/EBchecked/topic/594820/Tiananmen-Square-incident.

Evans, Gareth. "R2P down but not out after Libya and Syria". *openDemocracy, 9th September 2013.* Accessed 26th April 2014. www.opendemocracy.net/openglobalrights/gareth-evans/r2p-down-but-not-out-after-libya-and-syria.

Evans, Gareth, "R2P and RwP After Libya and Syria". Speech, Rio de Janeiro, 23rd August 2012, GCR2P/Stanley Foundation Workshop. Accessed 24th April 2014. http://www.gevans.org/speeches/speech485.html.

Evans, Gareth. "The Consequences of Non-Intervention in Syria: Does the responsibility to Protect Have a Future". In *Into the Eleventh Hour: R2P, Syria and Humanitarianism in Crisis,* edited by Robert W. Murray and Alasdair McKay, 19-25. Bristol: E-International Relations, 2014.

Evans, Gareth. *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and For All.* Washington: The Brookings Institution, 2008.

Falla, Ricardo. *Massacres in the Jungle: Ixcan, Guatemala 1975-82.* Boulder, Colorado: Westview Press, 1994.

Gaub, Florence. "The North Atlantic Treaty Organisation and Libya: Reviewing Operations UNIFIED PROTECTOR". *The Letort Papers,* Strategic Studies Institute, U.S. Army War College, 28th June 2013.

Global Centre For The Responsibility To Protect. *Implementing the Responsibility to Protect – The 2009 General Assembly Debate: An Assessment.* New York: Global Centre for the Responsibility to Protect, 2009.

Global Centre For The Responsibility To Protect. "UN Security Council Resolutions Referencing R2P". *Global Centre For The Responsibility To Protect*, last modified 23rd April 2014. Accessed 27th April 2014. http://www.globalr2p.org/resources/335.

Grigorian, Arman. "Third-Party Intervention and Escalation in Kosovo: Does Moral Hazard Explain it?," *Ethnopolitics*, Vol. 4 Issue 2, (2005), 195-213. Accessed 21st April 2014. doi: 10.1080/17449050500147333.

Grove, Thomas., and Gabriela Baczynska. "Separatists tighten grip on east Ukraine, EU agrees to more sanctions on Moscow". *Reuters,* 14th April 2014. Accessed 25th April 2014. http://www.reuters.com/article/2014/04/14/us-ukraine-crisis-idUSBREA3A1B520140414.

Gutterman, Steve. "Russia says will veto Syria aid resolution in current form". *Reuters,* 12th February 2014. Accessed 26th April 2014. http://www.reuters.com/article/2014/02/12/us-syria-crisis-russia-aid-idUSBREA1B0HN20140212.

Hart, H.L.A. *The Concept of Law.* Oxford: Clarendon Press, 1961. Cited in Orford, *International Authority*.

Hehir, Aiden. "Introduction: Libya and the responsibility to Protect". In *Libya the Responsibility to Protect and the Future of Humanitarian Intervention,* edited by Aiden Hehir and Robert Murray, 1-14. New York: Palgrave Macmillan, 2013.

Heilprin, John. "UN Decides To Stop Updating Syria Death Toll". *The Huffington Post,* 7th January 2014. Accessed 19th April 2014, http://www.huffingtonpost.com/2014/01/07/un-stops-updating-syria-death-toll_n_4554226.html.

Evolving Norms: How the Libyan & Syrian Conflicts Have Affected the R2P
Written by Jonathan Webb

Hersh, Seymour M., "The Red Line and the Rat Line". *The London Review of Books* Vol. 36 No. 8 (2014): 21-24. Accessed 26th April 2014. http://www.lrb.co.uk/v36/n08/seymour-m-hersh/the-red-line-and-the-rat-line.

Hersh, Seymour M.. "Whose Sarin?." *London Review of Books* Vol. 35 No. 24 (2013): 9-12. Cited in Thakur, "Syria and the responsibility to Protect." In *Into the Eleventh Hour*.

Holmes, James R. ""Responsibility to Protect" Can't Save Syria". *The Diplomat,* 1st February 2014. Accessed 21st April 2014, http://thediplomat.com/2014/02/responsibility-to-protect-cant-save-syria.

Holmes, Oliver., and Nazih Saddiq, "Bombs kill 42 outside mosques in Lebanon's Tripoli". *Reuters,* 23rd August 2013. Accessed 25th April 2014. http://www.reuters.com/article/2013/08/23/us-lebanon-explosion-deaths-idUSBRE97M0FL20130823.

Hudson, Wayne. "Fables of Sovereignty". In *Re-envisioning Sovereignty: The End of Westphalia?,* edited by Trudy Jacobsen, Charles Sampford and Ramesh Thakur, 19-32. Hampshire: Ashgate, 2008.

International Coalition for the Responsibility to Protect. Last modified 18th December 2009, accessed 22nd April 2014. http://www.responsibilitytoprotect.org/index.php/component/content/article/136-latest-news/2675-obama-reflects-on-just-war-and-adherence-to-standards-on-the-use-of-force-61st-anniversary-of-hr-declaration.

International Coalition for the Responsibility to Protect. "Core Documents: Understanding RtoP". *International Coalition for the Responsibility to Protect. A*ccessed 21st April 2014. http://www.responsibilitytoprotect.org/index.php/about-rtop/core-rtop-documents.

International Coalition for the Responsibility to Protect. "Media Coverage of the responsibility to Protect and the UN Summit Outcome", *International Coalition for the Responsibility to Protect,* (no publishing date). Accessed 21st April 2014. http://www.responsibilitytoprotect.org/index.php/component/content/article/35-r2pcs-topics/322-un-must-never-again-be-found-wanting-on-genocide-the-right-to-protect-intervention-to-stop-mass-murder-may-well-be-the-summits-lasting-legacy.

International Coalition for the Responsibility to Protect. "The Crisis in Côte d'Ivoire".*International Coalition for the Responsibility to Protect,* (no modified date given). Accessed 26th April 2014. http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-ivory-coast.

International Commission on Intervention and State Sovereignty. *The Responsibility to Protect*. Ottawa, ON: International Development Research Centre, 2001.

International Criminal Court. "ICC-02/05-01/09, The Prosecutor v. Omar Hassan Ahmad Al Bashir". Accessed 22nd April 2014, http://www.icc-cpi.int/en_menus/icc/situations%20and%20cases/situations/situation%20icc%200205/related%20cases/icc02050109/Pages/icc02050109.aspx.

Jurado, Elena. "A responsibility to protect?". *New Statesman,* 15th August 2008. Accessed 21st April 2014. http://www.newstatesman.com/asia/2008/08/russia-international-georgia-2.

Kaiser, Rob D., and Michael McGuire. "Blair Unveils Bold Intervention Doctrine". *Chicago Tribune*, 23rd April 1999. Accessed 23rd April 2014. http://articles.chicagotribune.com/1999-04-23/news/9904230097_1_blair-third-world-debt-cold-war.

Kaldor, Mary. *New and Old Wars: Organized Violence in a Global Era.* Cambridge: Polity Press, 2006.

Kersten, Mark. "Does Russia have a 'responsibility to protect' Ukraine? Don't buy it". *The Globe and Mail,* 4th March 2014. Accessed 21st April 2104. http://www.theglobeandmail.com/globe-debate/does-russia-have-a-responsibility-to-

protect-ukraine-dont-buy-it/article17271450.

Ki-moon, Ban. "Secretary-General's remarks to General Assembly Informal Interactive Dialogue on "The Responsibility to Protect: Timely and Decisive Response". Statement, New York, 5th September 2012. *United Nations. A*ccessed 26th April 2014. http://www.un.org/sg/statements/index.asp?nid=6271.

Ki-moon, Ban. "Viewpoint: Central African Republic 'must not become another Rwanda'". *BBC News,* 11th April 2014. Accessed 21st April 2014. http://www.bbc.co.uk/news/world-africa-26982136.

Kirkpatrick, David D., and Kareem Fahim. "Qaddafi Wans of Assault on Benghazi as U.N. Vote Nears".*The New York* Times, 17th March 2011. Accessed 22nd April 2014. http://www.nytimes.com/2011/03/18/world/africa/18libya.html?pagewanted=all&_r=0.

Kuru, Ahmet T. "Turkey, Iran and the Sunni-Shiite tension". *Today's Zaman,* 4th October 2012. Accessed 26th April 2014. http://www.todayszaman.com/news-294321-turkey-iran-and-the-sunni-shiite-tension-by-ahmet-t-kuru*.html.

Locke, John. "A letter Concerning Toleration", in *A Letter Concerning Toleration,* edited by James H. Tully, 23-58. Indianapolis: Hackett Publishing, 1983.

Luck, Edward C. "Sovereignty, Choice and the Responsibility to Protect." *Global Responsibility to Protect*, Vol. 1, Issue 1, (2009): 10-21 Accessed 21st April 2014 doi: 10.1163/187598409X405451.

Luck, Edward C. "The Responsibility to Protect: Growing Pains or Early Promise?," *Ethics and International Affairs* Vol. 24 Issue 4 (2010)*: 349-365. Accessed 20th April 2014. doi 10.1111/j.1747-7093.2010.00276.x.

Luck, Edward C. "The United Nations and the Responsibility to Protect: Policy Analysis Brief". The Stanley Foundation, August 2008. Accessed 21st April 2014. www.stanleyfoundation.org/publications/pab/LuckPAB808.pdf.

Lund, Aron. "The Non-State Militant Landscape in Syria". *Combating Terrorism Centre at West Point,* 27th August 2013 Accessed 25th April 2014. https://www.ctc.usma.edu/posts/the-non-state-militant-landscape-in-syria.

Lynch, Colum. "U.N. votes to impose sanction on Gaddafi". *The Washington Post,* 26th February 2011. Accessed 24th April 2014. http://www.washingtonpost.com/wp-dyn/content/article/2011/02/26/AR2011022603386.html.

Lynch, Marc. *The Arab Uprising: The Unfinished Revolutions of the New Middle East .* New York: Public Affairs, 2013.

McCain, John. "The Right War for the Right Reasons". *The New York Times*, 12th March 2003. Accessed 23rd April 2014. http://www.nytimes.com/2003/03/12/opinion/the-right-war-for-the-right-reasons.html.

McLeod, Calum. "China not likely to rebuke Burma". *USA TODAY,* 2nd October 2007, Accessed 22nd April 2014. http://usatoday30.usatoday.com/news/world/2007-10-02-burmachina_N.htm.

Milne, Seumas. "There's nothing moral about Nato's intervention in Libya". *The Guardian,* 23rd March 2011. Accessed 19th April, 2014. http://www.theguardian.com/commentisfree/2011/mar/23/nothing-moral-nato-intervention-libya.

Morgan, Robert. "WikiLeaks documents shed light on US-backed intervention in Libya". International Committee of the Fourth International, 27th July 2011. Accessed 24th April 2014. https://www.wsws.org/en/articles/2011/07/wiki-j27.html.

Musavuli, Kambale. "Syria, the DRC, and the 'Responsibility to Protect': the US double standard". *openDemocracy,* 8th November 2013. Accessed 21st April 2014. http://www.opendemocracy.net/openglobalrights/kambale-

Evolving Norms: How the Libyan & Syrian Conflicts Have Affected the R2P
Written by Jonathan Webb

musavuli/syria-drc-and-responsibility-to-protect-us-double-standard.

New Times. "A Genocide that could have been avoided". *New Times,* 3rd February 2012. Accessed 19th April 2014. http://newtimes.dk/nt/portfolio/a-genocide-that-could-have-been-avoided.

Nichols, Michelle. "Syria submits new 100-day plan for removal of chemical weapons". *Reuters,* 21st February 2014. Accessed 26th April 2014. http://www.reuters.com/article/2014/02/21/us-syria-crisis-chemicals-idUSBREA1K1D220140221.

Obama, Barrack. "Remarks by the President to the White House Press Corps". Speech, Washington, D.C., 20th August 2012. *The White House. A*ccessed 26th April 2014. http://www.whitehouse.gov/the-press-office/2012/08/20/remarks-president-white-house-press-corps.

O'Neill, Jim. "Building Better Global Economic BRICs." *Global Economics Paper 66.* New York: Goldman Sachs, 2001.

Orford, Anne. *International Authority and the Responsibility to Protect.* New York: Cambridge University Press, 2011.

Organisation of Islamic Cooperation. "OIC General Secretariat Condemns Strongly the Excessive Use of Force Against Civilians in the Libyan Jamahiriya". *Organisation of Islamic Cooperation,* 22nd February 2011. Accessed 24th April 2014, http://www.oic-oci.org/oicv2/topic/?t_id=4947&ref=2081&lan=en&x_key=libya

Rafizadeh, Majid. "For Syria's Minorities, Assad is security". *Al-Jazeera,* 16th September 2011. Accessed 26th April 2014. http://www.aljazeera.com/indepth/opinion/2011/09/2011912135213927196.html.

Reuters in Beirut. "Syria death toll over 150,000, says human rights body". *The Guardian,* 1st April 2014. Accessed 25th April 2014. http://www.theguardian.com/world/2014/apr/01/syria-civil-war-death-toll-150000.

Rudolph, James P. "How Putin Distorts R2P in Ukraine". *Canadian International Council,* 7th March 2014. Accessed 25th April 2014. http://opencanada.org/features/the-think-tank/comments/how-putin-distorts-r2p-in-ukraine.

Sard, Mike. "'A Game of Thrones' in Damascus". *Reuters,* 8th May 2013. Accessed 26th April 2014. http://blogs.reuters.com/great-debate/2013/05/08/a-game-of-thrones-in-damascus.

Sayers, Freddie. "***First Poll on Ukraine*** 50% Say it is our business". *YouGov,* 4th March 2014. Accessed 21st April 2014. http://yougov.co.uk/news/2014/03/04/ukraine-crisis-50-say-it-our-business.

Sherlock, Ruth. "Al-Qaeda cut links with Syrian group too extreme even for them", *The Telegraph,* 3rd February 2014. Accessed 25th April 2014. http://www.telegraph.co.uk/news/worldnews/middleeast/syria/10614037/Al-Qaeda-cuts-links-with-Syrian-group-too-extreme-even-for-them.html.

Slackman, Michael. "Dislike for Qaddafi Gives Arabs a Point of Unity". *The New York Times,* 21st March 2011. Accessed 24th April 2014. http://www.nytimes.com/2011/03/22/world/africa/22arab.html.

Srinivasan, Sharath. "A Reluctant Responsibility to Protect? UK Attitudes Towards Libya Intervention". *The Huffington Post,* 19th August 2011. Accessed 21st April 2014. http://www.huffingtonpost.co.uk/yougov-cambridge/a-reluctant-responsibilit_b_930548.html.

Stanford Encyclopaedia of Philosophy. "War". *Stanford Encyclopaedia of Philosophy*, last modified 28th July 2005. Accessed 22nd April 2014. http://plato.stanford.edu/entries/war.

Tabler, Andrew J. "Hezbollah Involvement in Syria fans Flames of Sectarian War". *The Washington Institute.* 1st April

Evolving Norms: How the Libyan & Syrian Conflicts Have Affected the R2P
Written by Jonathan Webb

2014. Accessed 26th April 2014. http://www.washingtoninstitute.org/policy-analysis/view/hezbollah-involvement-in-syria-fans-flames-of-sectarian-war.

Thakur, Ramesh. "Syria and the responsibility to Protect." In *Into the Eleventh Hour: R2P, Syria and Humanitarianism in Crisis,* edited by Robert W. Murray and Alasdair McKay, 38-44. Bristol: E-International Relations, 2014.

Thakur, Ramesh. *The Responsibility to Protect: Norms, Laws and the Use of Force in International Politics*. Abingdon: Routledge, 2010.

The Economist. "The lessons of Libya". *The Economist, 19th May 2011. Accessed 24th April 2014,* http://www.economist.com/node/18709571.

The Guardian. "United Nations: weak leaders wanted". *The Guardian,* 14th August 2011. Accessed 24th April 2014. http://www.theguardian.com/commentisfree/2011/aug/14/united-nations-leadership-ban-ki-moon.

Tisdall, Simon. "Can the Brics create a new world order?". *The Guardian,* 29th March 2011. Accessed 24th April 2014. http://www.theguardian.com/commentisfree/2012/mar/29/brics-new-world-order.

Today's Zaman. "Turkey's Alevi community concerned about Erdogan's wiretapped remarks. *Today's Zaman,* 4th March 2014. http://www.todayszaman.com/news-341155-turkeys-alevi-community-concerned-about-erdogans-wiretapped-remarks.html.

Tripoli (Agencies). "Gaddafi tells Benghazi his army is coming tonight". *Al Arabiya News,* 17th March 2011. Accessed 24th April 2014. http://www.alarabiya.net/articles/2011/03/17/141999.html.

Welsh, Jennifer., Patrick Quinton-Brown and Victor MacDiarmid. "Brazil's "Responsibility while Protecting" Proposal: A Canadian Perspective". *Canadian Centre for the Responsibility to Protect,* 12th July 2013. Accessed 26th April 2014, http://ccr2p.org/?p=616.

Williams, Phil. *From the New Middle Ages to a New Dark Age: The Decline of the State and U.S. Strategy.* Carlisle, Pennsylvania: Strategic Studies Institute, U.S. Army War College, 2008.

Wolff, Charles (Jr.). "Financial Crises and the Challenge of Moral Hazard." *Society*, Vol. 36 Issue 5 (1999), 60-62. Accessed 21st April 2014. doi: 10.1007/BF02686153.

United Nations. *A More Secure World – Our Shared Responsibility: Report of the High-level Panel on Threats, Challenges and Change*. New York: United Nations Department of Public Information, 2004.

United Nations. "Chapter I: Purposes and Principles". In *Charter of the United Nations,* 24th October 1945, 1 UNTS XVI. Accessed 22nd April 2014. Available at: https://www.un.org/en/documents/charter/ chapter1.shtml.

United Nations. "Chapter VII: Action with respect to Threats to the Peace, Breaches of the peace and Acts of Aggression" in *Charter of the United Nations,* 24th October 1945, 1 UNTS XVI, Accessed 22nd April 2014. Available at: http://www.un.org/en/documents/charter/chapter7.shtml.

United Nations. "Chapter IX: International Economic and Social Cooperation". In *Charter of the United Nations,* 24th October 1945, 1 UNTS XVI. Accessed 22nd April 2014. Available at: https://www.un.org/en/documents/charter/chapter9.shtml.

United Nations. "Preamble" in *Charter of the United Nations,* 24th October 1945, 1 UNTS XVI. Accessed 22nd April 2014. Available at: https://www.un.org/en/documents/charter/preamble.shtml.

Evolving Norms: How the Libyan & Syrian Conflicts Have Affected the R2P
Written by Jonathan Webb

United Nations. "The United Nations: an Introduction for Students". *United Nations*. Accessed 23rd April 2014. https://www.un.org/cyberschoolbus/unintro/unintro3.htm.

UN Department of Public Information, (2008) *[Secretary-General, Addressing African Union Summit, Underlines Kenyan leader's Responsibility to Resolve Sources of Conflict Peacefully]*, – (SG/SM/11396).

UN General Assembly. *Universal Declaration of Human Rights,* 10th December 1948 217 A (III). Accessed 23rd April 2014. Available at: http://www.un.org/en/documents/udhr.

UN General Assembly, 59th Session. *Agenda Items 45 and 55, (2005), [In Larger Freedom: Towards Development, Security and Human Rights for All – Report of the Secretary General]* – (A/59/2005).

UN General Assembly 60th Session. *Agenda Items 46 and 120 (2005), [2005 World Summit Outcome]* – (A/RES/60/1).

UN General Assembly, 63rd Session. *Agenda Items 44 and 107 (2009), [The Responsibility to Protect]* – (A/RES/63/308).

UN General Assembly, 63rd Session. *Agenda Items 44 and 107 (2009) [Implementing the responsibility to protect: Report of the Secretary-General]* – (A/63/677).

UN General Assembly 66th Session and UN Security Council 66th Year, *Agenda Items 14 and 117 (2011) [Responsibility while protecting: elements for the development and promotion of a concept],* (A/66/551–S/2011/701).

UN General Assembly 67th Session and UN Security Council 68th Year. *Agenda Item 33 (2013) [Report of the United Nations Mission to Investigate Allegations of the Use of Chemical Weapons in the Syrian Arab Republic on the alleged use of chemical weapons in the Ghouta area of Damascus on 21 August 2013, Note by the Secretary-General]*, (A/67/997 – S/2013/553).

UN Members. Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva, 17th June 1925. *United Nations Office for Disarmament Affairs.* Accessed 26th April 2014. http://disarmament.un.org/treaties/t/1925.

UN News Centre. "Appointment confirmed of UN special adviser on responsibility to protect". *UN News Centre,* 11th December 2007. Accessed 21st April 2014. http://www.un.org/apps/news/story.asp?NewsID=25010&Cr=appoint&Cr1=.

UN News Centre. "'Re-energized diplomatic effort' needed to break deadlock over Syria – new Security Council President". *UN News Centre,* 4th September 2013. Accessed 19th April 2014. http://www.un.org/apps/news/story.asp?NewsID=45774#.UxSFkIVFX58.

UN Secretary-General. "Secretary-General Defends, Clarifies 'Responsibility to Protect' at Berlin Event on 'Responsibility Sovereignty: International Cooperation for a Changed World'". *UN Press Release* SG/SM/11701, 15th July 2008. Accessed 21st April, 2014. www.un.org/News/Press/docs/2008/sgsm11701.doc.htm.

UN Security Council, 5015th Meeting. *Resolution 1556 (2004), [Security Council imposes sanctions over Darfur]* – (S/RES/1556).

UN Security Council, 5151st Meeting. *Resolution 1590 (2005) [The Security Council decides to establish the United Nations Mission in Sudan (UNMIS)]* – (S/RES/1590).

UN Security Council, 5430th Meeting. *Resolution 1674 (2006) [Protection of civilians in armed conflict]* –

(S/RES/1674).

UN Security Council, 5519th Meeting. *Resolution 1706 (2006)*, *[Reports of the Secretary-General on the Sudan]* – (S/RES/1706).

UN Security Council, 6491st Meeting. *Resolution 1970 (2011), [Peace and security in Africa]* – (SC/RES/1970).

UN Security Council, 6498th Meeting. *Resolution 1973 (2011), [The situation in Libya]* – (SC/RES/1973).

USAID, "Disaster Assistance: Syria". *USAID,* last modified 14th April 2014. Accessed 25th April 2014. http://www.usaid.gov/crisis/syria.

Weitz, Richard. "Global Insights: In Ukraine Crisis, China Chooses Russia Ties Over Principles".*World Politics Review,* 11th March 2014. Accessed 21st April 2014. http://www.worldpoliticsreview.com/articles/13621/global-insights-in-ukraine-crisis-china-chooses-russia-ties-over-principles.

Wilgenburg, Wladamir van, "Syrian Kurdish Militia Takes Over Oil Fields". *Al-Monitor,* 7th March 2013. Accessed 25th April 2014. http://www.al-monitor.com/pulse/originals/2013/03/power-vacuum-oil-fields-syria-kurdish-militia-pyd.html.

Zongze, Ruan. "Responsible Protection: Building a Safer World". *China Institute of International Studies,* 15th June 2012. Accessed 27th April 2014. http://www.ciis.org.cn/english/2012-06/15/content_5090912.htm.

Endnotes

[1] Calum McLeod, "China not likely to rebuke Burma", *USA TODAY,* 2nd October 2007, accessed 22nd April 2014, http://usatoday30.usatoday.com/news/world/2007-10-02-burmachina_N.htm.

[2] UN General Assembly, 63rd Session. *Agenda Items 44 and 107 (2009) [Implementing the responsibility to protect: Report of the Secretary-General]* – (A/63/677).

[3] For a summary of Just War theory, see: Stanford Encyclopaedia of Philosophy, "War",*Stanford Encyclopaedia of Philosophy,* last modified 28th July 2005, accessed 22nd April 2014, http://plato.stanford.edu/entries/war/.

[4] International Coalition for the Responsibility to Protect, last modified 18th December 2009, accessed 22nd April 2014, http://www.responsibilitytoprotect.org/index.php/component/content/article/136-latest-news/2675-obama-reflects-on-just-war-and-adherence-to-standards-on-the-use-of-force-61st-anniversary-of-hr-declaration.

[5] UN Department of Public Information, (2008)*[Secretary-General, Addressing African Union Summit, Underlines Kenyan leader's Responsibility to Resolve Sources of Conflict Peacefully]*, – (SG/SM/11396).

[6] Michael W. Doyle, "The Folly of Protection: is Intervention Against Qaddafi's Regime Legal and Legitimate?", *Foreign Affairs*, 20th March 2011, accessed 21st April 2014, http://www.foreignaffairs.com/articles/67666/michael-w-doyle/the-folly-of-protection.

[7] David D. Kirkpatrick and Kareem Fahim, "Qaddafi Wans of Assault on Benghazi as U.N. Vote Nears",*The New York Times,* 17th March 2011, accessed 22nd April 2014, http://www.nytimes.com/2011/03/18/world/africa/18libya.html?pagewanted=all&_r=0.

[8] Florence Gaub, "The North Atlantic Treaty Organisation and Libya: Reviewing Operations UNIFIED PROTECTOR", *The Letort Papers* (Strategic Studies Institute, U.S. Army War College), 28th June 2013, vii.

[9] James R. Holmes, ""Responsibility to Protect" Can't Save Syria", *The Diplomat,* 1st February 2014, accessed 21st

Evolving Norms: How the Libyan & Syrian Conflicts Have Affected the R2P
Written by Jonathan Webb

April 2014, http://thediplomat.com/2014/02/responsibility-to-protect-cant-save-syria/.

[10] UN News Centre, "'Re-energized diplomatic effort' needed to break deadlock over Syria – new Security Council President", *UN News Centre,* 4th September 2013, accessed 19th April 2014, http://www.un.org/apps/news/story.asp?NewsID=45774#.UxSFkIVFX58.

[11] John Heilprin, "UN Decides To Stop Updating Syria Death Toll", *The Huffington Post,* 7th January 2014, accessed 19th April 2014, http://www.huffingtonpost.com/2014/01/07/un-stops-updating-syria-death-toll_n_4554226.html.

[12] Seumas Milne, "There's nothing moral about Nato's intervention in Libya", *The Guardian,* 23rd March 2011, accessed 19th April, 2014, http://www.theguardian.com/commentisfree/2011/mar/23/nothing-moral-nato-intervention-libya.

[13] Alex J. Bellamy, "The Responsibility to Protect," in *Security Studies: An Introduction*, ed. Paul D. Williams (Abingdon: Routledge, 2013), 487.

[14] New Times, "A Genocide that could have been avoided", *New Times,* 3rd February 2012, accessed 19th April 2014, http://newtimes.dk/nt/portfolio/a-genocide-that-could-have-been-avoided.

[15] Ibid.

[16] Edward C. Luck, "The Responsibility to Protect: Growing Pains or Early Promise?,"*Ethics and International Affairs* Vol. 24 Issue 4 (2010)*:* 349, accessed 20th April 2014, doi 10.1111/j.1747-7093.2010.00276.x.

[17] Ibid.

[18] Alex J. Bellamy, "The Responsibility to Protect – Five Years On," *Ethics and International Affairs* Vol. 23 Issue 2 (2010): passim., accessed 20th April 201, doi 10.1111/j.1747-7093.2010.00254.x.

[19] For a good summary see Gareth Evans,*The Responsibility to Protect: Ending Mass Atrocity Crimes Once and For All,* (Washington: The Brookings Institution, 2008), Chapter 10 – Mobilising Political Will.

[20] For examples of comparisons see Gaub, *The North Atlantic Treaty Organisation* op. cit. and Marc Lynch, *The Arab Uprising: The Unfinished Revolutions of the New Middle East* , (New York: Public Affairs, 2013), Chapter 7 – Intervention and Civil War.

[21] Spencer Baraki, "The New Humanitarian Precedent: Bosnia, Kosovo, and the Libyan Intervention of 2011,"*The Lyceum* Vol. 1 Issue 1 (2011): 1.

[22] David Edwards, "Massacres That Matter – Part 2 – The Media Response on Egypt, Libya and Syria",*Media Lens,* 22nd November 2013, accessed 20th April 2014, http://www.medialens.org/index.php/alerts/alert-archive/alerts-2013/740-massacres-that-matter-part-2.html.

[23] Kambale Musavuli, "Syria, the DRC, and the 'Responsibility to Protect': the US double standard", *openDemocracy,* 8th November 2013, accessed 21st April 2014, http://www.opendemocracy.net/openglobalrights/kambale-musavuli/syria-drc-and-responsibility-to-protect-us-double-standard.

[24] Al-Jazeera, "Egypt's Brotherhood to hold 'march of anger'", *Al-Jazeera,* 16th August 2-13, accessed 21st April 2014, http://www.aljazeera.com/news/middleeast/2013/08/201381522364486906.html.

[25] Charles Crawford, "Why did Russia veto the UN Security Council resolution on Syria?", *The Telegraph,* 6th February 2014, accessed 21st April 2014, http://blogs.telegraph.co.uk/news/charlescrawford/100135155/why-did-

russia-veto-the-un-security-council-resolution-on-syria.

[26] Elena Jurado, "A responsibility to protect?", *New Statesman,* 15th August 2008, accessed 21st April 2014, http://www.newstatesman.com/asia/2008/08/russia-international-georgia-2.

[27] Mark Kersten, "Does Russia have a 'responsibility to protect' Ukraine? Don't buy it", *The Globe and Mail,* 4th March 2014, accessed 21st April 2104, http://www.theglobeandmail.com/globe-debate/does-russia-have-a-responsibility-to-protect-ukraine-dont-buy-it/article17271450.

[28] Phil Williams, *From the New Middle Ages to a New Dark Age: The Decline of the State and U.S. Strategy,* (Carlisle, Pennsylvania: Strategic Studies Institute, U.S. Army War College, 2008), 48-49.

[29] Freddie Sayers, "***First Poll on Ukraine*** 50% Say it is our business", *YouGov,* 4th March 2014, accessed 21st April 2014, http://yougov.co.uk/news/2014/03/04/ukraine-crisis-50-say-it-our-business.

[30] Richard Weitz, "Global Insights: In Ukraine Crisis, China Chooses Russia Ties Over Principles",*World Politics Review,* 11th March 2014, accessed 21st April 2014, http://www.worldpoliticsreview.com/articles/13621/global-insights-in-ukraine-crisis-china-chooses-russia-ties-over-principles.

[31] Sharath Srinivasan, "A Reluctant Responsibility to Protect? UK Attitudes Towards Libya Intervention",*The Huffington Post,* 19th August 2011, accessed 21st April 2014, http://www.huffingtonpost.co.uk/yougov-cambridge/a-reluctant-responsibilit_b_930548.html.

[32] International Coalition for the Responsibility to Protect, "Media Coverage of the responsibility to Protect and the UN Summit Outcome", *International Coalition for the Responsibility to Protect,* no publishing date, accessed 21st April 2014, http://www.responsibilitytoprotect.org/index.php/component/content/article/35-r2pcs-topics/322-un-must-never-again-be-found-wanting-on-genocide-the-right-to-protect-intervention-to-stop-mass-murder-may-well-be-the-summits-lasting-legacy.

[33] For instance, Ban Ki-moon, "Viewpoint: Central African Republic 'must not become another Rwanda'",*BBC News,* 11th April 2014, accessed 21st April 2014, http://www.bbc.co.uk/news/world-africa-26982136.

[34] UN News Centre, "Appointment confirmed of UN special adviser on responsibility to protect", *UN News Centre,* 11th December 2007, accessed 21st April 2014, http://www.un.org/apps/news/story.asp?NewsID=25010&Cr=appoint&Cr1=.

[35] For instance, Edward C. Luck, "The United Nations and the Responsibility to Protect: Policy Analysis Brief", The Stanley Foundation, August 2008, accessed 21st April 2014, www.stanleyfoundation.org/publications/pab/LuckPAB808.pdf.

[36] The ICISS report and other key R2P documents are available here: International Coalition for the Responsibility to Protect, "Core Documents: Understanding RtoP", *International Coalition for the Responsibility to Protect,* accessed 21st April 2014, http://www.responsibilitytoprotect.org/index.php/about-rtop/core-rtop-documents.

[37] Evans, *Ending Mass Atrocity Crimes Once and For All*, op. cit.

[38] Ramesh Thakur, *The Responsibility to Protect: Norms, Laws and the Use of Force in International Politics* , (Abingdon: Routledge, 2010).

[39] Alex Bellamy, *Responsibility to Protect: The Global Effort to End Mass Atrocities,* (Cambridge: Polity Press, 2009).

[40] Alex Bellamy, *Global Politics and the Responsibility to Protect: From Words to Deeds* , (Abingdon: Routledge,

2011).

[41] Her most relevant book on this topic is Anne Orford, *International Authority and the Responsibility to Protect* (New York: Cambridge University Press, 2011).

[42] Ibid, 2.

[43] Bellamy, *Global Effort to End Mass Atrocities,* op. cit., 39-42.

[44] This norm will be explored in the follow chapter.

[45] Ibid., 42.

[46] Ibid., 42-43.

[47] See 'Priorities' section of the ICISS report Synopsis in Appendix 1.

[48] See 'Elements' section of the ICISS report Synopsis in Appendix 1.

[49] Bellamy, *Global Effort to End Mass Atrocities,* op. cit., 43.

[50] Alex J. Bellamy, "The Responsibility to Protect," in *Security Studies*, op. cit., 491.

[51] International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, (Ottawa, ON: International Development Research Centre, 2001), 23.

[52] Ibid.

[53] Ibid., 24.

[54] Ibid., 39.

[55] Ibid., 39.

[56] Lloyd Axworthy, "RtoP and the Evolution of State Sovereignty," in *The Responsibility to Protect: The promise of Stopping Mass Atrocities in Our Time*, ed. Jared Genser et al. (New York: Oxford University Press, 2012), 14.

[57] John McCain, "The Right War for the Right Reasons", *The New York Times*, 12th March 2003, accessed 23rd April 2014, http://www.nytimes.com/2003/03/12/opinion/the-right-war-for-the-right-reasons.html.

[58] United Nations, *A More Secure World – Our Shared Responsibility: Report of the High-level Panel on Threats, Challenges and Change*, (New York: United Nations Department of Public Information, 2004).

[59] A term used to shift focus away from 'state security' towards a meaning aimed at international cooperation: Jean L. Cohen, *Globalization and Sovereignty: Rethinking Legality, Legitimacy and Constitutionalism*, (New York: Cambridge University Press, 2012), 3.

[60] Bellamy, *Global Effort to End Mass Atrocities,* op. cit., 44.

[61] See Appendix 2, recommendation 54.

[62] See Appendix 2.

[63] See Appendix 2, recommendation 56.

[64] UN General Assembly, 59th Session. *Agenda Items 45 and 55, (2005), [In Larger Freedom: Towards Development, Security and Human Rights for All – Report of the Secretary General]* – (A/59/2005).

[65] Luck, *The United Nations and the Responsibility to Protect,* op. cit., 5-6.

[66] UN Secretary-General, "Secretary-General Defends, Clarifies 'Responsibility to Protect' at Berlin Event on 'Responsibility Sovereignty: International Cooperation for a Changed World'", *UN Press Release* SG/SM/11701, 15th July 2008, accessed 21st April, 2014, www.un.org/News/Press/docs/2008/sgsm11701.doc.htm.

[67] See Appendix 3, paragraph 139.

[68] Alex J. Bellamy, "The Responsibility to Protect," in *Security Studies*, op. cit., 493-4.

[69] Bellamy, *The Responsibility to Protect – Five Years On*, op. cit., 145.

[70] '*Reaffirms* the provisions of paragraphs 138 and 139 of the 2005 World Summit Outcome Document regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity', UN Security Council, 5430th Meeting. *Resolution 1674 (2006) [Protection of civilians in armed conflict]* – (S/RES/1674), Paragraph 4.

[71] '*Recalling also* its previous resolutions … 1674 (2006) on the protection of civilians in armed conflict, which reaffirms inter alia the provisions of paragraphs 138 and 139 of the 2005 United Nations World Summit outcome document', UN Security Council, 5519th Meeting. *Resolution 1706 (2006)*, *[Reports of the Secretary-General on the Sudan]* – (S/RES/1706).

[72] Bellamy, *The Responsibility to Protect – Five Years On*, op. cit., 145.

[73] UN General Assembly, *Implementing the responsibility to protect, op. cit.*

[74] UN General Assembly, 63rd Session. *Agenda Items 44 and 107 (2009), [The Responsibility to Protect]* – (A/RES/63/308).

[75] Maged A. Abdelaziz, *Statement by Maged A. Abdelaziz, Permanent Representative of Egypt, on behalf of the Non-Aligned Movement, on Agenda Item 44 and 107*, (New York: Chair of the Coordinating Bureau of the Non-Aligned Movement, 2009), available here: responsibilitytoprotect.org/NAM_Egypt_ENG(1).pdf.

[76] Bellamy, *The Responsibility to Protect – Five Years On*, op. cit., Page 148.

[77] Bellamy, *Global Politics,* op. cit., 44-45.

[78] Ibid., 46.

[79] Ibid., 45.

[80] Ibid., 47.

[81] Ibid., 46.

[82] BBC News, "South Ossetia Profile", *BBC News,* 17th October 2013, accessed 22nd April 2014, http://www.bbc.co.uk/news/world-europe-18269210.

[83] Bellamy, *Global Politics,* op. cit., 55.

[84] Ibid., 56.

[85] Ibid., 56-57.

[86] Ibid., 53.

[87] Bellamy, *The Responsibility to Protect – Five Years On*, op. cit., 153.

[88] UN Security Council, 5015th Meeting. *Resolution 1556 (2004), [Security Council imposes sanctions over Darfur]* – (S/RES/1556).

[89] International Criminal Court, "ICC-02/05-01/09, The Prosecutor v. Omar Hassan Ahmad Al Bashir", accessed 22nd April 2014, http://www.icc-cpi.int/en_menus/icc/situations%20and%20cases/situations/situation%20icc%200205/related%20cases/icc02050109/Pages/icc02050109.aspx.

[90] UN Security Council, 5151st Meeting. *Resolution 1590 (2005) [The Security Council decides to establish the United Nations Mission in Sudan (UNMIS)]* – (S/RES/1590).

[91] Bellamy, *The Responsibility to Protect – Five Years On*, op. cit., 154.

[92] Bellamy, *Global Politics,* op. cit., 54.

[93] Evans, *Ending Mass Atrocity Crimes Once and For All*, op. cit. 107.

[94] Bellamy, *Global Politics,* op. cit., 54-55.

[95] Orford, *International Authority*, op. cit., 22.

[96] Ibid., 23-25.

[97] Edward C. Luck, "Sovereignty, Choice and the Responsibility to Protect," *Global Responsibility to Protect*, Vol. 1, Issue 1, (2009): 10-19, accessed 21st April 2014, doi: 10.1163/187598409X405451.

[98] Global Centre for the Responsibility to Protect, *Implementing the Responsibility to Protect – The 2009 General Assembly Debate: An Assessment*, (New York: Global Centre for the Responsibility to Protect, 2009), 2.

[99] Orford, *International Authority*, op. cit., 25.

[100] H.L.A. Hart, *The Concept of Law* (Oxford: Clarendon Press, 1961): 28-32 cited in Orford, *International Authority*, op. cit., 25-26.

[101] Moral Hazard Theory comes from economics (though is transferrable to the social sciences) where it explains that because of the protection offered by third parties, individuals/groups will engage in riskier activities than they would normally would: Charles Wolff (Jr.), "Financial Crises and the Challenge of Moral Hazard," *Society*, Vol. 36 Issue 5 (1999): 60, accessed 21st April 2014, doi: 10.1007/BF02686153.

[102] Bellamy, *Global Politics and the Responsibility to Protect,* op. cit., 73.

[103] Arman Grigorian, "Third-Party Intervention and Escalation in Kosovo: Does Moral Hazard Explain it?," *Ethnopolitics*, Vol. 4 Issue 2, (2005): 143, accessed 21st April 2014, doi: 10.1080/17449050500147333.

[104] Bellamy, *Global Politics and the Responsibility to Protect,* op. cit., 73.

[105] Ibid., 78.

[106] Associated Press in New York, "Central African Republic: UN security council approves EU force intervention", *The Guardian,* 29th January 2014, accessed 21st April 2014, http://www.theguardian.com/world/2014/jan/29/central-african-republic-security-council-eu-force.

[107] Bellamy, *Global Politics and the Responsibility to Protect,* op. cit., 77.

[108] Joseph Camilleri, "Sovereignty Discourse and Practice – Past and Future", in*Re-Envisioning Sovereignty: the End of Westphalia?,* ed. Trudy Jacobsen et al. (Hampshire: Ashgate, 2008), 33.

[109] Orford, *International Authority*, op. cit., 143

[110] Ibid., 27.

[111] Ibid., 149-150

[112] Ibid., 143-146

[113] Ibid., 146

[114] Edwin Curley, "Hobbes and the Cause of Religious Toleration", in*The Cambridge Companion to Hobbes's Leviathan,* ed. Patricia Springborg (New York: Cambridge University Press, 2007), 309.

[115] 'I esteem it above all things necessary to distinguish exactly the Business of Civil Government from that of Religion': John Locke, "A letter Concerning Toleration", in *A Letter Concerning Toleration,* ed. James H. Tully (Indianapolis: Hackett Publishing, 1983), 26.

[116] Wayne Hudson, "Fables of Sovereignty", in *Re-envisioning Sovereignty: The End of Westphalia?,* ed. Trudy Jacobsen et al. (Hampshire: Ashgate, 2008), 28.

[117] Encyclopaedia Britannica, "Thirty Year's War", *Encyclopaedia Britannica*, 23rd January 2014, accessed 22nd April 2014, http://www.britannica.com/EBchecked/topic/592619/Thirty-Years-War.

[118] Axworthy, "RtoP and the Evolution of State Sovereignty," in *The Responsibility to Protect, op. cit.,*3.

[119] Evans, *Ending Mass Atrocity Crimes Once and For All*, op. cit., 16

[120] Arifa Akbar, "Mao's Great Leap Forward 'killed 45 million in 4 years'", *The Independent,* 17th September 2010, accessed 22nd April 2014, http://www.independent.co.uk/arts-entertainment/books/news/maos-great-leap-forward-killed-45-million-in-four-years-2081630.html.

[121] Evans, *Ending Mass Atrocity Crimes Once and For All*, op. cit. 16-17.

[122] Ibid., 17.

[123] Ibid., 19.

[124] Which reaffirms the 'faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women' (United Nations, "Preamble" in *Charter of the United Nations,* 24th October 1945, 1 UNTS XVI, , accessed 22nd April 2014, available at: https://www.un.org/en/documents/charter/preamble.shtml) and

which also commits UN members to promoting 'universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion'. (United Nations, "Chapter IX: International Economic and Social Cooperation" in *Charter of the United Nations,* 24th October 1945, 1 UNTS XVI, accessed 22nd April 2014, available at: https://www.un.org/en/documents/charter/chapter9.shtml).

[125] UN General Assembly, *Universal Declaration of Human Rights,* 10th December 1948 217 A (III), accessed 23rd April 2014, available at: http://www.un.org/en/documents/udhr/.

[126] Evans, *Ending Mass Atrocity Crimes Once and For All*, op. cit.., 21.

[127] United Nations, "Chapter I: Purposes and Principles" in *Charter of the United Nations,* 24th October 1945, 1 UNTS XVI, accessed 22nd April 2014, available at: https://www.un.org/en/documents/charter/ chapter1.shtml.

[128] Evans, *Ending Mass Atrocity Crimes Once and For All*, op. cit. 21.

[129] Generally attributed to President Franklin D. Roosevelt describing President Anastasio Samoza of Nicaragua in 1939: Roxanne Dunbar-Ortiz, *Blood on the Border: A memoir of the Contra War,* (New York: South End press, 2005), Prologue.

[130] Evans, *Ending Mass Atrocity Crimes Once and For All*, op. cit. 21-22.

[131] Ricardo Falla, *Massacres in the Jungle: Ixcan, Guatemala 1975-82* (Boulder, Colorado: Westview Press, 1994), 8.

[132] Encyclopaedia Britannica, "Tiananmen Square incident", *Encyclopaedia Britannica*, 29th May 2009, accessed 23nd April 2014, http://www.britannica.com/EBchecked/topic/594820/Tiananmen-Square-incident.

[133] Axworthy, "RtoP and the Evolution of State Sovereignty," in *The Responsibility to Protect*, op. cit., 3.

[134] Encyclopaedia Britannica, "Kellogg-Briand Pact", *Encyclopaedia Britannica*, 17th May 2011, accessed 23nd April 2014, http://www.britannica.com/EBchecked/topic/314413/Kellogg-Briand-Pact.

[135] United Nations, "The United Nations: an Introduction for Students", *United Nations*, accessed 23rd April 2014, https://www.un.org/cyberschoolbus/unintro/unintro3.htm.

[136] 'We the peoples of the United Nations determined to save succeeding generations from the scourge of war' – United Nations, "Preamble" in *Charter of the United Nations,* op. cit.

[137] Mary Kaldor, *New and Old Wars: Organized Violence in a Global Era,* (Cambridge: Polity Press, 2006), 31.

[138] This term is used to distinguish these conflicts from the traditional perception of what 'war' means, i.e. for Kaldor these are effectively 'old wars': Kaldor, op. cit., 1-2.

[139] Kaldor, op. cit., 9.

[140] Ibid.

[141] Ibid., 10.

[142] Ibid., 9.

[143] See Evans, *Ending Mass Atrocity Crimes Once and For All* , op. cit. 27-30 for an overview of these crises and the significance of their humanitarian interventions (or lack off).

[144] Lloyd Axworthy, "Human Security: An Opening for UN Reform," in *The United Nations and Global Security*, ed. Richard M. Price et al. (New York: Palgrave Macmillan, 2004), 249.

[145] Evans, *Ending Mass Atrocity Crimes Once and For All*, op. cit. 32-33

[146] Rob D. Kaiser and Michael McGuire, "Blair Unveils Bold Intervention Doctrine", *Chicago Tribune*, 23rd April 1999, accessed 23rd April 2014, http://articles.chicagotribune.com/1999-04-23/news/9904230097_1_blair-third-world-debt-cold-war.

[147] Evans, *Ending Mass Atrocity Crimes Once and For All*, op. cit. 33-34.

[148] Francis M. Deng, "Divided Nations: The Paradox of National Protection," *The Annals of the American Academy of Political and Social Science* Vol. 603 (2006): 218.

[149] Alex J. Bellamy, "The Responsibility to Protect and the Problem of Military Intervention," *International Affairs* Vol. 84 Issue 4 (2008), 619.

[150] Kofi Annan, "Two Concepts of Sovereignty", *The Economist,* 16th September 1999, accessed 23rd April 2014, http://www.economist.com/node/324795.

[151] "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?": Kofi A. Annan, *We the Peoples: The Role of the United Nations in the 21st Century*, (New York: United Nations, 2000), 48.

[152] Bellamy, *Global Politics and the Responsibility to Protect,* op. cit., 15.

[153] United Nations, "Chapter I: Purposes and Principles" in *Charter of the United Nations,* op. cit.

[154] Bellamy, *Global Politics and the Responsibility to Protect,* op. cit., 16.

[155] Alex J. Bellamy, "The Responsibility to Protect," in *Security Studies*, op. cit., 499.

[156] Lynch, *The Arab Uprising*, op. cit., 112.

[157] Ibid.

[158] Organisation of Islamic Cooperation, "OIC General Secretariat Condemns Strongly the Excessive Use of Force Against Civilians in the Libyan Jamahiriya", *Organisation of Islamic Cooperation,* 22nd February 2011, accessed 24th April 2014, http://www.oic-oci.org/oicv2/topic/?t_id=4947&ref=2081&lan=en&x_key=libya.

[159] Aiden Hehir, "Introduction: Libya and the responsibility to Protect", in *Libya the Responsibility to Protect and the Future of Humanitarian Intervention,* ed. Aiden Hehir et al. (New York: Palgrave Macmillan, 2013), 4.

[160] Farouk Chothia, "What does Gaddafi's death mean for Africa?", *BBC News,* 21st October 2011, accessed 24th April 2014, http://www.bbc.co.uk/news/world-africa-15392189.

[161] Associated Press, "UN suspends Libya from human rights council over violence against protesters", *The Guardian,* 2nd March 2011, accessed 24th April 2014, http://www.theguardian.com/world/2011/mar/02/un-suspends-libya-human-rights-council.

[162] The Guardian, "United Nations: weak leaders wanted", *The Guardian,* 14th August 2011, accessed 24th April 2014, http://www.theguardian.com/commentisfree/2011/aug/14/united-nations-leadership-ban-ki-moon.

Evolving Norms: How the Libyan & Syrian Conflicts Have Affected the R2P
Written by Jonathan Webb

[163] A group comprised 5 major emerging economies: Brazil, Russia, China, India and South Africa, coined in: Jim O'Neill, "Building Better Global Economic BRICs," *Global Economics Paper 66* (New York: Goldman Sachs, 2001).

[164] Simon Tisdall, "Can the Brics create a new world order?", *The Guardian,* 29th March 2011, accessed 24th April 2014, http://www.theguardian.com/commentisfree/2012/mar/29/brics-new-world-order.

[165] United Nations, "Chapter VII: Action with respect to Threats to the Peace, Breaches of the peace and Acts of Aggression" in *Charter of the United Nations,* 24th October 1945, 1 UNTS XVI, accessed 22nd April 2014, available at: http://www.un.org/en/documents/charter/chapter7.shtml.

[166] UN Security Council, 6491st Meeting. *Resolution 1970 (2011), [Peace and security in Africa] –* (SC/RES/1970).

[167] Ibid., 1-2.

[168] Colum Lynch, "U.N. votes to impose sanction on Gaddafi", *The Washington Post,* 26th February 2011, accessed 24th April 2014, http://www.washingtonpost.com/wp-dyn/content/article/2011/02/26/AR2011022603386.html.

[169] See Appendix 1, paragraphs 3A, 4A and 4B.

[170] Lynch, *The Arab Uprising*, op. cit., 162.

[171] Ibid., 162-163.

[172] Ibid., 163.

[173] Ibid., 168.

[174] Michael Slackman, "Dislike for Qaddafi Gives Arabs a Point of Unity", *The New York Times,* 21st March 2011, accessed 24th April 2014, http://www.nytimes.com/2011/03/22/world/africa/22arab.html.

[175] Alex J. Bellamy, "The Responsibility to Protect," in *Security Studies*, op. cit., 500.

[176] Lynch, *The Arab Uprising*, op. cit., 164.

[177] Ibid.

[178] The Economist, "The lessons of Libya", *The Economist, 19th may 2011, accessed 24th April 2014,* http://www.economist.com/node/18709571.

[179] Tripoli (Agencies), "Gaddafi tells Benghazi his army is coming tonight", *Al Arabiya News,* 17th March 2011, accessed 24th April 2014, http://www.alarabiya.net/articles/2011/03/17/141999.html.

[180] UN Security Council, 6498th Meeting. *Resolution 1973 (2011), [The situation in Libya]* – (SC/RES/1973), 1.

[181] Ibid., 2-5.

[182] Ibid., 3, paragraph 4.

[183] Alex Bellamy and Paul D. Williams, "The new politics of protection? Côte d'Ivoire, Libya and the responsibility to protect," International Affairs Vol. 87 Issue 4 (2011): 847, accessed 24th April 2014, doi 0.1111/j.1468-2346.2011.01006.x.

Evolving Norms: How the Libyan & Syrian Conflicts Have Affected the R2P
Written by Jonathan Webb

[184] Hehir, "Introduction: Libya and the responsibility to Protect", in *Libya the Responsibility to Protect,* op. cit, 5.

[185] UN Security Council, 6498th Meeting. *Resolution 1973 (2011),* op. cit., paragraph 4, page 3.

[186] Gareth Evans, "R2P and RwP After Libya and Syria" (speech, Rio de Janeiro, 23rd August 2012), GCR2P/Stanley Foundation Workshop, accessed 24th April 2014, http://www.gevans.org/speeches/speech485.html.

[187] BBC News, "Libya: UK Apache helicopters used in NATO attacks", *BBC News,* 4th June 2011, accessed 24th April 2014, http://www.bbc.co.uk/news/uk-13651736.

[188] Evans, "R2P and RwP After Libya and Syria", op. cit.

[189] Bellamy and Williams, "The new politics of protection", op. cit., 847.

[190] Evans, "R2P and RwP After Libya and Syria" (speech), op. cit.

[191] Stephen Biddle, "The Libya Dilemma: The Limits of Air Power", *Council on Foreign Relations,* 25th March 2011, accessed 24th April 2014, http://www.cfr.org/libya/libya-dilemma-limits-air-power/p24499.

[192] 'There must be no attempt at regime change or involvement in civil war by any party under the guise of protecting civilians.' – Li Baodong, "Statement by H. E. Ambassador Li Baodong, Permanent Representative of China to the United Nations, at the Security Council Open Debate on the Protection of Civilians in Armed Conflict", *Permanent Mission of the People's Republic of China to the UN,* 10th May 2011, accessed 24th April 2014, http://www.china-un.org/eng/gdxw/t823976.htm.

[193] Gareth Evans, "R2P and RwP After Libya and Syria" (speech), op. cit.

[194] Ibid.

[195] Bellamy and Williams, "The new politics of protection", op. cit., 847.848-

[196] Noam Chomsky, interview by Eric Bailey, "Nothing Can Justify Torture", *Asian Human Rights Commission*, last modified 14th December 2012, accessed 24th April 2014, http://www.humanrights.asia/news/ahrc-news/AHRC-ART-146-2012/?searchterm=noam%20chomsky.

[197] Robert Morgan, "WikiLeaks documents shed light on US-backed intervention in Libya", International Committee of the Fourth International, 27th July 2011, accessed 24th April 2014, https://www.wsws.org/en/articles/2011/07/wiki-j27.html.

[198] Bellamy and Williams, "The new politics of protection", op. cit., 848.

[199] Ibid.

[200] Ibid.

[201] Alex Dewaal, "The African Union and the Libyan Conflict of 2011", *World Peace Foundation,* 19th December 2012, accessed 24th April 2014, http://sites.tufts.edu/reinventingpeace/2012/12/19/the-african-union-and-the-libya-conflict-of-2011.

[202] Bellamy and Williams, "The new politics of protection", op. cit., 848.

[203] UN General Assembly 66th Session and UN Security Council 66th Year, *Agenda Items 14 and 117 (2011) [Responsibility while protecting: elements for the development and promotion of a concept],*

(A/66/551–S/2011/701), 2, paragraph 7.

[204] Ibid.

[205] 'Both concepts should evolve together, based on an agreed set of fundamental principles, parameters and

Procedures' – Ibid., 3, paragraph 11.

[206] 'Limited in its legal, operational and temporal elements' – Ibid., 3, paragraph d.

[207] See Appendix 1, paragraphs 3 and 4.

[208] UN General Assembly 66th Session and UN Security Council 66th Year, *Agenda Items 14 and 117 (2011) [Responsibility while protecting]*, op. cit., 3, paragraphs e and f.

[209] Ibid., 4, paragraph h.

[210] Ibid., paragraph i.

[211] Xenia Avezov, "'Responsibility while protecting': are we asking the wrong questions?",*Stockholm International Peace Research Institute,* 13th January 2014, accessed 24th April 2014, http://www.sipri.org/media/newsletter/essay/Avezov_Jan13.

[212] Jennifer Welsh, Patrick Quinton-Brown and Victor MacDiarmid, "Brazil's "Responsibility while Protecting" Proposal: A Canadian Perspective", *Canadian Centre for the Responsibility to Protect,* 12th July 2013, accessed 26th April 2014, http://ccr2p.org/?p=616.

[213] Ibid.

[214] Ibid.

[215] Reuters in Beirut, "Syria death toll over 150,000, says human rights body", *The Guardian,* 1st April 2014, accessed 25th April 2014, http://www.theguardian.com/world/2014/apr/01/syria-civil-war-death-toll-150000.

[216] USAID, "Disaster Assistance: Syria", *USAID,* last modified 14th April 2014, accessed 25th April 2014, http://www.usaid.gov/crisis/syria.

[217] Ramesh Thakur, "Syria and the responsibility to Protect," in *Into the Eleventh Hour: R2P, Syria and Humanitarianism in Crisis,* ed. Robert W. Murray et al. (Bristol: E-International Relations, 2014).

[218] Lynch, *The Arab Uprising*, op. cit., 180.

[219] For an overview of the Baath Party see: BBC News, "Profile: Syria's Ruling Baath Party", *BBC News,* last modified 9th July 2012, accessed 25th April 2014, http://www.bbc.co.uk/news/world-middle-east-18582755.

[220] Lynch, *The Arab Uprising*, op. cit., 183.

[221] Thakur, "Syria and the responsibility to Protect," in *Into the Eleventh Hour*, op. cit., 39.

[222] Musa al-Gharbi, "Collapse of Syrian Opposition: Disaster or Opportunity?", *Al-Jazeera,* 28th February 2014, accessed 25th April 2014, http://america.aljazeera.com/opinions/2014/2/syrian-national-counciloppositionwar.html.

[223] Associated Press, "Syria death toll rises from rebel infighting", *Al-Jazeera,* 11th April 2014, accessed 25th April

2014, http://www.aljazeera.com/news/middleeast/2014/04/report-syria-rebel-infighting-kills-scores-2014410224234461619.html.

[224] BBC News, "Syria Crisis: Guide to armed and political opposition – Guide to the Syrian Rebels", *BBC News,* last modified 13th December 2013, accessed 25th April 2014, http://www.bbc.co.uk/news/world-middle-east-24403003.

[225] Al-Gharbi, "Collapse of the Syrian Opposition", op. cit.

[226] Aron Lund, "The Non-State Militant Landscape in Syria", *Combating Terrorism Centre at West Point,* 27th August 2013, accessed 25th April 2014, https://www.ctc.usma.edu/posts/the-non-state-militant-landscape-in-syria.

[227] Aryn Baker, "Exclusive: 'We Will Slaughter All of Them.' The Rebel Behind the Syrian Atrocity Video", *Time,* 14th May 2013, accessed 25th April 2014, http://world.time.com/2013/05/14/we-will-slaughter-all-of-them-an-interview-with-the-man-behind-the-syrian-atrocity-video/?iid=gs-main-lead.

[228] Oliver Holmes and Nazih Saddiq, "Bombs kill 42 outside mosques in Lebanon's Tripoli", *Reuters,* 23rd August 2013, accessed 25th April 2014, http://www.reuters.com/article/2013/08/23/us-lebanon-explosion-deaths-idUSBRE97M0FL20130823.

[229] Andrew J. Tabler, "Hezbollah Involvement in Syria fans Flames of Sectarian War", *The Washington Institute,* 1st April 2014, accessed 26th April 2014, http://www.washingtoninstitute.org/policy-analysis/view/hezbollah-involvement-in-syria-fans-flames-of-sectarian-war.

[230] Ruth Sherlock, "Al-Qaeda cut links with Syrian group too extreme even for them", *The Telegraph,* 3rd February 2014, accessed 25th April 2014, http://www.telegraph.co.uk/news/worldnews/middleeast/syria/10614037/Al-Qaeda-cuts-links-with-Syrian-group-too-extreme-even-for-them.html.

[231] BBC News, "Syria Crisis: Guide to armed and political opposition – Guide to the Syrian Rebels", op. cit.

[232] Wladamir van Wilgenburg, "Syrian Kurdish Militia Takes Over Oil Fields", *Al-Monitor,* 7th March 2013, accessed 25th April 2014, http://www.al-monitor.com/pulse/originals/2013/03/power-vacuum-oil-fields-syria-kurdish-militia-pyd.html.

[233] Oray Egin, "The Game Changer: Syria, Iran and Kurdish Independence", *World Affairs,* May/June 2013, accessed 25th April 2014, http://www.worldaffairsjournal.org/article/game-changer-syria-iran-and-kurdish-independence.

[234] Eamon Aloyo, "The Responsibility to Protect and the Use of Force in Syria", *The Hague Institute for Global Justice,* 28th January 2014, accessed 25th April 2014, http://thehagueinstituteforglobaljustice.org/index.php?pid=176&id=170.

[235] Thakur, "Syria and the responsibility to Protect," in *Into the Eleventh Hour*, op. cit., 39.

[236] Thomas Grove and Gabriela Baczynska, "Separatists tighten grip on east Ukraine, EU agrees to ore sanctions on Moscow", *Reuters,* 14th April 2014, accessed 25th April 2014, http://www.reuters.com/article/2014/04/14/us-ukraine-crisis-idUSBREA3A1B520140414.

[237] James P. Rudolph, "How Putin Distorts R2P in Ukraine", *Canadian International Council,* 7th March 2014, accessed 25th April 2014, http://opencanada.org/features/the-think-tank/comments/how-putin-distorts-r2p-in-ukraine.

[238] Thakur, "Syria and the responsibility to Protect," in *Into the Eleventh Hour*, op. cit., 39.

[239] BBC News, "Syria chemical weapons allegations", *BBC News,* 31st October 2013, accessed 25th April 2013, http://www.bbc.co.uk/news/world-middle-east-22557347.

[240] UN General Assembly 67th Session and UN Security Council 68th Year, *Agenda Item 33 (2013) [Report of the United Nations Mission to Investigate Allegations of the Use of Chemical Weapons in the Syrian Arab Republic on the alleged use of chemical weapons in the Ghouta area of Damascus on 21 August 2013, Note by the Secretary-General]*, (A/67/997 – S/2013/553), passim.

[241] Barrack Obama, "Remarks by the President to the White House Press Corps", (speech, Washington, D.C., 20th August 2012), *The White House,* accessed 26th April 2014, http://www.whitehouse.gov/the-press-office/2012/08/20/remarks-president-white-house-press-corps.

[242] UN Members, Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva, 17th June 1925*, United Nations Office for Disarmament Affairs,* accessed 26th April 2014, http://disarmament.un.org/treaties/t/1925.

[243] Cheryl K. Chumley, "French president accuses Syria's Assad of gassing his own citizens",*The Washington Times,* 21st April 2014, accessed 26th April 2014, http://www.washingtontimes.com/news/2014/apr/21/french-president-accuses-syrias-assad-gassing-own.

[244] Seymour M. Hersh, "Whose sarin?," *London Review of Books* Vol. 35 No. 24 (2013): 9-12, cited in Thakur, "Syria and the responsibility to Protect," in *Into the Eleventh Hour*, op. cit., 40.

[245] Seymour M. Hersh, "The Red Line and the Rat Line", *The London Review of Books* Vol. 36 No. 8 (2014): 21-24, accessed 26th April 2014, http://www.lrb.co.uk/v36/n08/seymour-m-hersh/the-red-line-and-the-rat-line.

[246] See Appendix 2, paragraph 56 parts d and e.

[247] Thakur, "Syria and the responsibility to Protect," in *Into the Eleventh Hour*, op. cit., 40.

[248] Bellamy and Williams, "The new politics of protection", op. cit., 848-849.

[249] Michelle Nichols, "Syria submits new 100-day plan for removal of chemical weapons", *Reuters,* 21st February 2014, accessed 26th April 2014, http://www.reuters.com/article/2014/02/21/us-syria-crisis-chemicals-idUSBREA1K1D220140221.

[250] Majid Rafizadeh, "For Syria's Minorities, Assad is security", *Al-Jazeera,* 16th September 2011, accessed 26th April 2014, http://www.aljazeera.com/indepth/opinion/2011/09/2011912135213927196.html.

[251] Mike Sard, "'A Game of Thrones' in Damascus", *Reuters,* 8th May 2013, accessed 26th April 2014, http://blogs.reuters.com/great-debate/2013/05/08/a-game-of-thrones-in-damascus.

[252] Ahmet T. Kuru, "Turkey, Iran and the Sunni-Shiite tension", *Today's Zaman,* 4th October 2012, accessed 26th April 2014, http://www.todayszaman.com/news-294321-turkey-iran-and-the-sunni-shiite-tension-by-ahmet-t-kuru*.html.

[253] A Shia sect who form around 25% of the Turkish population: Today's Zaman, "Turkey's Alevi community concerned about Erdogan's wiretapped remarks, *Today's Zaman,* 4th March 2014, http://www.todayszaman.com/news-341155-turkeys-alevi-community-concerned-about-erdogans-wiretapped-remarks.html.

[254] Kuru, "Turkey, Iran and the Sunni-Shiite tension", op. cit.

[255] Thakur, "Syria and the responsibility to Protect," in *Into the Eleventh Hour*, op. cit., 40.

Evolving Norms: How the Libyan & Syrian Conflicts Have Affected the R2P
Written by Jonathan Webb

[256] Steve Gutterman, "Russia says will veto Syria aid resolution in current form", *Reuters,* 12th February 2014, accessed 26th April 2014, http://www.reuters.com/article/2014/02/12/us-syria-crisis-russia-aid-idUSBREA1B0HN20140212.

[257] See the previous Chapter for a full analysis of this.

[258]Thakur, "Syria and the responsibility to Protect," in *Into the Eleventh Hour*, op. cit., 41.

[259] Gareth Evans, "R2P down but not out after Libya and Syria",*openDemocracy, 9th September 2013, accessed 26th April 2014,* www.opendemocracy.net/openglobalrights/gareth-evans/r2p-down-but-not-out-after-libya-and-syria.

[260] Samantha Power, US Ambassador to the UN: "Unfortunately for the past 2-1/2 years, the system devised in 1945 precisely to deal with threats of this nature did not work as it is supposed to": Louis Charbonneau, "U.S. gives up on U.N. Security Council in Syrian crisis, blames Russia", *Reuters,* 5th September 2013, accessed 26th April 2014, http://www.reuters.com/article/2013/09/05/us-syria-crisis-un-usa-idUSBRE9840W420130905.

[261] A summary of the conflict and R2P-based response may be found here: International Coalition for the Responsibility to Protect, "The Crisis in Côte d'Ivoire", *International Coalition for the Responsibility to Protect,* (no modified date given), accessed 26th April 2014, http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-ivory-coast.

[262] Ban Ki-moon, "Secretary-General's remarks to General Assembly Informal Interactive Dialogue on "The Responsibility to Protect: Timely and Decisive Response" (statement, New York, 5th September 2012), *United Nations,* accessed 26th April 2014, http://www.un.org/sg/statements/index.asp?nid=6271.

[263] Ibid.

[264] Bellamy and Williams, "The new politics of protection", op. cit., 847.

[265] BBC News, "Iraq war illegal, says Annan", *BBC News,* 16th September 2004, accessed 26th April 2014, http://news.bbc.co.uk/1/hi/world/middle_east/3661134.stm.

[266] For a full list with link to the relevant UNSCRs see: Global Centre For The Responsibility To Protect, "UN Security Council Resolutions Referencing R2P", *Global Centre For The Responsibility To Protect*, last modified 23rd April 2014, accessed 27th April 2014, http://www.globalr2p.org/resources/335.

[267] Ibid.

[268] Ibid.

[269] David Bosco, "France's Plan to Fix the Veto", *Foreign Policy,* 4th October 2013, accessed 27th April 2014, http://bosco.foreignpolicy.com/posts/2013/10/04/frances_plan_to_fix_the_veto.

[270] Gareth Evans, "The Consequences of Non-Intervention in Syria: Does the responsibility to Protect Have a Future", in *Into the Eleventh Hour: R2P, Syria and Humanitarianism in Crisis,* ed. Robert W. Murray et al. (Bristol: E-International Relations, 2014), 22.

[271] Ruan Zongze, "Responsible Protection: Building a Safer World", *China Institute of International Studies,* 15th June 2012, accessed 27th April 2014, http://www.ciis.org.cn/english/2012-06/15/content_5090912.htm.

[272] Gareth Evans, "The Consequences of Non-Intervention in Syria", op. cit., 22.

[273] Ibid.

Evolving Norms: How the Libyan & Syrian Conflicts Have Affected the R2P
Written by Jonathan Webb

[274] International Coalition for the Responsibility to Protect, "Core Documents: Understanding RtoP", op. cit., xi.

[275] United Nations, *A More Secure World*, op. cit., 106-107, annex 1, part 3.

[276] UN General Assembly 60th Session, *Agenda Items 46 and 120 (2005), [2005 World Summit Outcome]* – (A/RES/60/1), 30, paragraphs 138-140.

[277] Bellamy, *The Responsibility to Protect – Five Years On*, op. cit., 149-150.

Written by: Jonathan Webb
Written at: The University of Exeter
Written for: Dr Omar Ashour
Date written: May 2014