

Department of Political Science

Master's Degree in International Relations

Major in Global Studies

Chair of International Organization and Human Rights

**A comparative analysis of the
Western and Russian approach
to Responsibility to Protect.
The case study of Syria.**

SUPERVISOR

Prof. Francesco Cherubini

CANDIDATE

Margherita Liverani

Matr. 638162

CO-SUPERVISOR

Prof. Igor Pellicciari

ACADEMIC YEAR 2019/2020

Table of contents

Introduction.....	4
Chapter 1. Responsibility to Protect: origins and dynamics	7
1.1 The historical, political and legal context of the R2P principle in the post-bipolar world.....	7
1.2 From humanitarian intervention to responsibility to protect: international peace-enforcement practice	10
1.2.1 Rwandan genocide	10
1.2.2 Kosovo war	12
1.3 International Commission on Intervention and State Sovereignty	14
1.4 2005 World Summit: UN resolution and implications	17
1.5 Secretary General's 2009 report and the General Assembly debate. The three-pillars approach	19
Chapter 2. Russia's foreign policy strategy and its approach <i>vis-à-vis</i> humanitarian intervention and R2P	22
2.1 Russia's Foreign Policy Concept evolution from 2000 to 2016	24
2.2. Acceptance of the theoretical underpinnings of pillar I and II	28
2.3 Sovereignty as a right vs sovereignty as a responsibility.....	30
2.4 R2P as a tool for pursuing Western interests: selectivity and regime change	32
2.5. Misapplication of R2P?	35
2.5.1 Russia's policy of passportization and the Responsibility to Protect <i>its citizens</i>	36
Chapter 3. R2P in Libya. A fundamental precedent	43
3.1 Historical overview of the Libyan conflict	43
3.2 UNSC Resolution 1970	44
3.3 UNSC Resolution 1973	45
3.4 A peculiar combination of strategic, political and humanitarian factors	48
3.4.1 The role of Regional Organizations.....	49
3.5 The outcome and the aftermath.....	52
3.6 Praise and criticism of NATO implementation.....	54
Chapter 4. R2P in Syria.	58
4.1. Historical overview of the Syrian conflict	58
4.2. The parties' interests in Syria	60
4.2.1 The Middle Eastern Cold War	60
4.2.2 Russian interests	62
4.2.3 Western interests.....	69
4.3 UNSC inaction: Russian and Chinese vetoes	74
4.3.1 An overview of the vetoed resolutions	75
4.3.2 Russia's explanation for its stance: the spectre of Libya	77
4.3.3 Some elements of cooperation	80

4.3.4 International criticism	82
4.3.5 Unilateral initiatives.....	84
Chapter 5: The future of R2P.....	88
5.1 Syria: the exception or the norm?	88
5.2 Is the veto power inherently bad? Pros and cons of a contested instrument	89
5.3 Other factors potentially shaping R2P's development.....	91
5.3.1 Future perspectives for Russia-West relations: cooperation or confrontation?	91
5.3.2 BRICS and R2P	92
5.4 UNSC: risk of irrelevance.....	94
5.5 Alternative proposals	95
5.5.1 Voluntary restraint of the veto power	95
5.5.2 Brazil's Responsibility while Protecting	97
5.5.3 Uniting for Peace	100
5.5.4 Removal of Pillar III.....	101
Conclusion	104
Bibliography	106
Articles and Books.....	106
Documents, Statements and Reports.....	119
Summary.....	125
Introduction.....	125
Chapter 1.....	125
Chapter 2.....	127
Chapter 3.....	128
Chapter 4.....	129
Chapter 5.....	130
Conclusions.....	131

Introduction

The concept of sovereignty as we know it nowadays can be traced back to almost four hundred years ago, when, in 1648, at the end of the Thirty Years War, the peace of Westphalia was signed, marking the beginning of the modern international system. Westphalian sovereignty means that sovereignty over a territory and the population living there belongs to the State, and the administration of internal affairs is not subject to foreign powers' interferences.

Humanitarian intervention is a much 'younger' idea: one of the first records is John Stuart Mill's 1859 essay *A Few Words on Non-Intervention*, in which he discussed the disputed question of

whether a nation is justified in taking part, on either side, in the civil wars or party contests of another; and chiefly, whether it may justifiably aid the people of another country in struggling for liberty; or may impose on a country any particular government or institutions, either as being best for the country itself, or as necessary for the security of its neighbours¹.

The concept never enjoyed significant popularity and was often used as a covert for purposes that had nothing to do with human rights: a paradoxical example is the German occupation of Czechoslovakia in 1938-39, justified by Hitler as a means of protecting ethnic Germans from the alleged persecutions that they suffered.

When, after the end of WWII, the UN Charter was written, the use of force against a sovereign state was basically forbidden, and only two exceptions were envisioned: individual and collective self-defence², and an intervention mandated by the UN Security Council³. The second half of the XX century witnessed a process of decolonization all over the 'Third World'. This process determined the emergence of many new states having in common a strong attachment to their hard-bought and highly valued sovereignty, and a general anti-Western feeling, a natural and understandable response to decades of domination. This, coupled with the USSR counterbalancing the US ambitions of democratization of the world, kept the records of humanitarian intervention low.

Some significant episodes occurred during the relatively short parenthesis of hegemony that the US enjoyed at the end of the Cold War. Strong criticism surrounded these operations – Kosovo above all – and, with the turn of the century, the international community decided that the time was ripe to explore new avenues of humanitarian protection: Responsibility to Protect was born. The concept, nicknamed 'R2P', was not intended as 'humanitarian intervention 2.0' and indeed differs from it in four key aspects: it stresses the role of the sovereign state and the importance of prevention, and considers military intervention a measure of last resort; the use of force, when necessary, is bound to the authorization of the Security Council, and not to the unilateral initiative of a state or a coalition of states; it is applicable only in the event of mass atrocity crimes (genocide, war crimes, ethnic cleansing and crimes against humanity); and, finally, it shifts the focus from the *right* to intervene to the *responsibility* to protect.

Building on these premises, Chapter 1 will outline the birth and evolution of the concept: it will take into consideration the historical and political context

¹ MILL (1859)

² UN Charter, art. 51

³ UN Charter, art. 42

of the post-bipolar world, including two episodes that had a particular impact on the global conscience and heavily influenced the debate on the matter: the genocide in Rwanda and the Western intervention in Kosovo. This will be followed by a chronicle of R2P's development: from its first formulation in 2001, to the debate at the 2005 World Summit, to the Secretary General's 2009 Report, in which the three-pillar structure was conceived.

Chapter 2 will try to explain Russia's vision of sovereignty: Moscow is very attached to the Westphalian (i.e. absolute) version of this concept, and rejects the idea that it can be conditional on the respect of certain rules. In Russia's eyes, R2P is not significantly less problematic than humanitarian intervention, to the point that the two names are sometimes used as synonyms. Surely, the fact that Russia has been a passive witness to the birth of R2P and, too busy solving its domestic problems, has not given a significant contribution to the international debate on the subject, carries its weight. The chapter will also analyse the evolution of the Russian Foreign Policy Concept from 2000 to 2016 (when the latest version was issued): the RFPC is a document published on a non-regular basis by the Russian Ministry of Foreign Affairs, essential for understanding Moscow's vision of international relations, its priorities, its intentions; particular emphasis will be given to the most significant elements that appear from time to time. Subsequently, the dichotomy between sovereignty as responsibility (core of the R2P doctrine) and sovereignty as right (as understood by Russia) will be examined. We will discuss the charges brought against the West, of using R2P as a tool for the pursuit of its own interests, that is to say replacing hostile governments with friendly ones. Finally, we will study the cases of Georgia and Crimea, two alleged humanitarian interventions that Russia has recently carried out and justified with the R2P language, despite its usual opposition to the concept.

Chapter 3 lays the foundation for the selected case study. It is impossible to study R2P in Syria without taking into account the precedent of Libya: for the first time the Security Council gave the authorization to intervene against a sovereign state, to prevent it from committing the atrocities that it had openly announced. This event was a watershed: it divided public opinion between supporters and sceptics, it became a milestone in the debate on Responsibility to Protect. Russia, initially in favour of armed intervention (or, rather, not against it), has then revised its position in the light of what has been described as a total failure, as NATO overstepping the Security Council's mandate to achieve its primary objective, that is regime change, rather than the protection of civilian population.

Thus, comes Chapter 4: Syria is particularly suitable as a case study because the US-Russian opposition in the R2P debate is also realized in their support of belligerent parties in conflict with each other. Russia, often together with China, has in fact vetoed numerous UNSC Resolutions, providing as a justification the lesson learned in Libya and the intention to counterbalance Western attempts to overthrow the Assad government (and to weaken Iran), using the defence of the civilian population as a pretext, and without taking into account that the same atrocities of which Damascus was accused were committed by the rebels - with whom the West was allied. Of course, Russia's actions, too, are to be seen not only through the lens of an ideological defence of sovereignty, but also in connection with its historical alliance with Syria, its interests in the Middle East and the attempt to avoid potential domestic repercussions in the event of an excessive destabilization of the region. A study of the broader context is necessary to understand whether the UNSC failure to implement concrete measures is due to R2P itself, irreparably

compromised by the Libyan precedent, or instead to particular circumstances related to the peculiarities of the Syrian conflict.

Finally, Chapter 5 will present Responsibility to Protect's future perspectives, the variegated contributions to the debate – that, because of the "Syrian failure" have intensified in the last decade – and the criticism towards the Security Council and the power of veto, that have been called by some, respectively, irrelevant and anachronistic. A paragraph will also be devoted to the future prospects of Russian-West relations, which could influence (and be influenced by) the fate of R2P.

Chapter 1. Responsibility to Protect: origins and dynamics

1.1 The historical, political and legal context of the R2P principle in the post-bipolar world

After the dissolution of the Soviet Union in 1991, the US went through a unipolar moment, approximatively a decade, in which it found itself “unshackled from the constraints of the Cold War, free to pursue a ‘New World order’”⁴, able to spread/impose its ideas and values all over the world. The Responsibility to Protect theory moved its first steps in this political framework, which attached on it meanings and procedures that are still visible nowadays.

The hegemonic stability theory⁵ is a useful tool for explaining certain dynamics visible in the years following the end of the Cold War: this theory suggests that, in circumstances where one single State is powerful enough to make counterbalance impossible for any other actor, the international system will result stable. For a relatively short window of time, the US met these conditions. Nevertheless, because of the values enshrined in the American vision of the world – liberalism, democracy, human rights – the US promoted an image of “a benevolent hegemon that encouraged humanitarian-focused principles to emerge”⁶. This implied, among other things, that the global agenda was heavily influenced by the normative course impressed by the US, headed towards the advancement of those ideas lying at the core of the American *weltanschauung*. It may appear paradoxical that the International Criminal Court was created in 1998, at the peak of the unipolar moment, despite Washington’s disagreement. However, a more careful analysis reveals that accepting certain limitations was valuable for the image that the US had chosen to project. Deciding to operate within a ‘democratic’ international system, where international organizations set rules of behaviour and established restrictions to one’s power, accepting that less powerful states could concur to the limitation of the hegemon’s reach, was overall beneficial for the US. Layne has argued:

The United States also supposedly can defuse other states’ fears of its hegemonic power by voluntarily exercising self-restraint and forgoing unilateral actions. As Ikenberry puts it, ‘[...] This is what makes it acceptable to other countries that might otherwise be expected to balance against hegemonic power, and it is also what makes it so stable and expansive’. That is, by exercising its preponderance through multilateral institutions and accepting externally imposed restraints on its power, the United States can demonstrate to others that its hegemony is benign, because it is based on mutual consent, and give-and-take⁷.

The Responsibility to Protect is clearly a product of this particular international configuration. Indeed, the very ideological basis of R2P perfectly overlaps with the US proclaimed values and objectives, in particular protection and promotion of human rights carried out not only domestically, but also internationally. It is undeniable that the post-Cold War scenario and the American hegemony created the conditions for R2P to emerge (and this will become clearer in the next chapters, when the consequences of multipolarity on the implementation of this theory will be discussed). At the same time, it cannot be omitted that the contribution of other (Western) States

⁴ ROTMANN, KURTZ, BROCKMEIER (2014: 362)

⁵ Among the most prominent scholars that have discussed this theory: KEOHANE (1984); GIPLIN (1987); WEBB, KRASNER (1989)

⁶ MURRAY, HEHIR (2012: 397)

⁷ LAYNE (2006: 18)

was important for the formulation and, later, the affirmation of R2P. As Murray and Hehir put it:

It was this systemic environment, dominated by Western (or American) ideals and norms, that allowed for doctrines like R2P to become popularized. This is not to suggest that the US has been a consistent supporter of the concepts of human security, humanitarian intervention or R2P, but rather that the new systemic conditions and the ascendancy of liberalism catalysed a vocal movement – championing the protection of human rights – inspired by a belief in the capacity of domestic and global civil society to alter the behaviour of the newly dominant liberal democracies⁸.

This brings us to the second feature that R2P has inherited from the period in which it emerged: the absence of a proper legal codification, the lack of new provisions in the international law. No treaty was signed, no article was added to the UN charter, and for sure it has not become part of customary law. Responsibility to Protect is rather a political concept that simply puts together already existing practices and norms, aiming to produce guidelines rather than obligations. It was thought that, given the incumbent democratisation of all the countries in the world, governments would have been receptive to the issues brought before them by civil societies and would have consequently promoted humanitarian domestic and foreign policies.

Among the scholars that vehemently supported the necessity of a different, stronger approach to the protection of human rights through humanitarian intervention and/or Responsibility to Protect, many were equally vocal in affirming the primacy of advocacy and normative pressure over laws and regulations. Luck calls it “a political, rather than a legal concept”⁹, arguing that “[v]alues shape priorities, and sometimes even political will”¹⁰. Evans notes that “ideas matter enormously”¹¹. Cosidine, in an interview, declared that Responsibility to Protect “doesn’t have to become international law for it to work” and its goals would have been better achieved through “strengthening normative consensus”¹².

In Murray and Hehir’s words:

The fact that R2P’s advocates manifestly fail to see the utility of international law, and have fashioned a ‘solution’ predicated on the capacity of moral actors to compel liberal democracies to behave ethically, stems from the structural shift at the end of the Cold War. It is a policy, therefore, which is designed to work in a particular structural context in tandem with a particular type of state. Such specificity overlooks the temporal nature of the prevailing alignment¹³.

Fukuyama’s *End of History*¹⁴ – the firm (and maybe arrogant) belief that, after the end of the Cold War, it was just a matter of time before values such as democracy, freedom, respect of human rights would have been established in each and every country of the world – is crucial in understanding the choice of non-codification of R2P. The optimistic vision of the inevitability of progress convinced R2P supporters that moral pressure would have been sufficient to exert an influence on the States’ (in particular, the P5’s) foreign policies and preferences. The global civil society, NGOs, International

⁸ MURRAY, HEHIR (2012: 388)

⁹ LUCK (2010: 363)

¹⁰ *ibidem*

¹¹ EVANS (2008: 7)

¹² Quoted in MURRAY, HEHIR (2012: 396)

¹³ MURRAY, HEHIR (2012: 397)

¹⁴ FUKUYAMA (1992)

Organizations and domestic actors would have been in charge of ‘humanitarian lobbying’ to get the States to act ethically.

At the same time, being the hegemon of the system, the US detained some sort of immunity from this moral and political pressure. Chandler argues that “[i]f states can only be guaranteed to act morally through their ‘accountability’ to international society and the threat of intervention, there can be no guarantee that major powers, immune to accountability through such coercion, will not abuse their power”¹⁵.

As a matter of fact, “[a] non-binding agreement in itself is a problematic legal mechanism, while the very idea that the P5 states would collectively have no interests in the outcome of a particular intrastate conflict was arguably quite naïve”¹⁶. In fact, it was soon clear that its moral leverage was rather weak and ineffective. Lack of codification, in fact, means no obligation to act, and, similarly, no punishment for inaction.

It has also been maintained that the absence of binding mechanisms was a choice dictated by prudence:

The deliberately cautious wording – ‘we are prepared to take collective action ... on a case-by-case basis’ – illustrates the reluctance of states to include any language that could be interpreted as creating a responsibility or duty on the part of the international community to respond to humanitarian crises¹⁷.

This interpretation is overall confirmed by the 2005 and 2009 debates on the matter (see *infra* para(s) 1.4, 1.5).

If we accept that the prominence of human rights, protection of civilians as the whole international community’s responsibility, subordination of sovereignty to certain conditions, are all products of the unipolar moment enjoyed by the US in the 90s-00s, then it comes as a natural consequence that the shift of this balance of power towards a multipolar system will bring inevitable changes in the approach to this delicate issue. R2P is inextricably connected with a certain historical and political moment, to the extent that many (non-Western) States against it do overall agree with (some of) the values underpinning the doctrine, but reject it because it represents a certain tendency of the US (and its European allies) to promote its foreign policy interest hiding behind the promotion of democracy, and to selectively label other countries as ‘good’ or ‘bad’ on the basis of its political, strategic and economic relations. To summarize, “[i]t was primarily the structure of the international system [...] that both ensured the emergence of the norm facilitating humanitarian intervention and, crucially, its specific beneficiaries and manner of (erratic) implementation”¹⁸.

A decline in both the hegemonic power of the US and the popularity enjoyed by R2P worldwide can already be observed in the 00s, when the Bush administration used (among the others) humanitarian arguments to justify his

¹⁵ CHANDLER (2004: 76)

¹⁶ MURRAY, HEHIR (2012: 391)

¹⁷ GARWOOD-GOWERS (2013: 600)

¹⁸ MURRAY, HEHIR (2012: 399)

military campaigns in Afghanistan (2001)¹⁹ and Iraq (2003)²⁰. These motivations – and, later, the means of implementation – have been firmly contested by many, including one of the ‘fathers’ of R2P, Gareth Evans:

Few misunderstandings have been more persistent, or have done more to undermine global acceptance of R2P, than the perception that the coalition invasion of Iraq in 2003 was a good example of the responsibility to protect principle at work. It was [...] rather as a classic example of how not to apply the R2P norm²¹.

Nonetheless, the by-product of this misleading propaganda was a further disaffection for R2P and a demonstration that even democratic governments can implement policies undesirable for public opinion, or worse, misuse this norm, seeking to pursue their own objectives and to disguise them behind the highest values of humanitarian protection.

1.2 From humanitarian intervention to responsibility to protect: international peace-enforcement practice

Having defined the historical and political context that shaped R2P, we now focus more in detail on two major events that shed a light on the limits of the international community’s capacity to act effectively in dramatic situations and, as a consequence, highlighted the importance of an innovative approach to protection in case of serious and widespread violations of human rights. Shortly distanced one from another, the Rwandan genocide and the Kosovo conflict were fundamental triggers for the debate on whether and how to intervene in situations of gross violations of human rights. While the former represented a case in point for the UNSC deplorable inaction, the latter opened a debate on legitimacy versus legality, the circumstances (if present) in which the former could compensate the latter, and the Western tendency to use defence of human rights as a pretext for geopolitical strategies. In short:

The issue common to both undoubtedly stems from the power of the P5; in Rwanda the P5 had no interest in intervening, resulting in inertia and outrage. In Kosovo, three members of the P5 decided to intervene unilaterally, raising questions as to the very efficacy of international law and the dangers posed by extra-legal interventionism²².

1.2.1 Rwandan genocide

Between April and July 1994, during the Rwandan Civil War, approximately 800,000²³ people were killed by the Hutu-led government: among the victims, the majority was Tutsi, but there were also Twa and even moderate Hutu. The genocide was the outcome of racial policies set up during

¹⁹ In a speech announcing US first strike on Afghanistan (7 October 2001), Bush stated: “the oppressed people of Afghanistan will know the generosity of America and our allies. As we strike military targets, we will also drop food medicine and supplies to the starving and suffering men and women and children of Afghanistan”.

²⁰ US Public law 107–243 (16 October 2002) authorizing the use of military force against Iraq, mentioned among the reasons for intervening the fact that the regime “engage[s] in *brutal repression of its civilian population* thereby threatening international peace and security in the region [...] and has demonstrated its capability and willingness to use *weapons of mass destruction against other nations and its own people* [emphasis added]”

²¹ EVANS (2008: 69)

²² MURRAY, HEHIR (2012: 392)

²³ It is obviously difficult to give an exact figure: the UNSC-established Commission of Experts’ 1994 Report stated “an estimated 500,000 unarmed civilians have been murdered in Rwanda [...] some reliable estimates put the number of dead at close to 1 million. It is unlikely that the world will ever know the exact number of men, women and children slaughtered in this holocaust”. (Source: *Preliminary report of the Independent Commission of Experts established in accordance with Security Council Resolution 935 (1994)*, UN Doc S/1994/1125, 4 October 1994, para. 43)

the colonial period and kept in place after the 1961 independence: the smaller Tutsi group was granted many privileges, to the detriment of the Hutu, constituting about 85 percent of the population. These premises created a wide social, political and economic gap, and several clashes throughout the years, that culminated in the killing of President Juvenal Habyarimana – probably by hand of extremist Tutsis of the Rwandan Patriotic Front – and the massacre perpetrated by Hutus in response.

The international community ashamedly failed to prevent this tragedy and even to acknowledge it as such in the first stages of the unfolding. In fact, “[d]uring the early weeks of slaughter, international leaders did not use the word ‘genocide’, as if avoiding the term could eliminate the obligation to confront the crime”²⁴. Indeed, using the “g-word”²⁵ would have meant acknowledging that such circumstance was ongoing: as the majority of States (152 out of 193) are parties to the 1948 Genocide Convention, they are compelled to take action in case a genocide takes place, to prevent and punish it, as per art. 1 of the Convention²⁶. By purportedly ignoring the occurring of such circumstance, States were able to avoid the fulfilment of their duties.

The US was still haunted by the ‘shadow of Somalia’²⁷ and therefore recalcitrant to take any hazardous step that could have resulted in another humiliating failure. The only concrete action that it took, together with Belgium and France, was an operation to evacuate military personnel and civilians at the very beginning of the tragedy.

Similarly, after only two weeks since the genocide had started, the UN Security Council, with Resolution 912 (1994), withdrew almost all of its peacekeeping mission (UNAMIR), and in the following months no significant contribution was given, also due to the delay of Member States to provide troops and assistance as demanded.

Morris maintains that “the UNSC’s failure to act to prevent and then stop genocide resulted not from normative concerns over infringing the sovereignty of a UN member state but from the unwillingness of those with the capacity to act to become embroiled in the conflict”²⁸. Yet, it is debatable whether we can talk of *UNSC’s* failure *stricto sensu*: the Security Council is an ‘empty body’ with no capacity to act independently; thus, “action to stop the egregious violence could only have been sanctioned by the P5. A more accurate appraisal of the response to the genocide, therefore, suggests that the P5, rather than the UN, consciously chose not to intervene”²⁹.

Back then, it was already exposed that the P5’s political will is the ultimate determinant for any kind of UN intervention. These dramatic events generated international indignation (Thakur refers to the Rwandan genocide as “one of the most shameful episodes since the Holocaust”³⁰) and the intent to remedy the situation under the banner of ‘Never Again’, and, coupled with the events in Kosovo, will prove themselves determinant for the discussion on R2P.

²⁴ DES FORGES (1999: 460)

²⁵ STRAUSS (2005: 129)

²⁶ Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948

²⁷ In 1993, 18 US marines lost their lives during the so-called battle of Mogadishu, when their helicopter was shot down by the Somali forces.

²⁸ MORRIS (2013: 1269)

²⁹ MURRAY, HEHIR (2012: 389)

³⁰ THAKUR (2016: 99)

1.2.2 Kosovo war

A few years later, in 1999, the UN suffered another “reputational blast”³¹: in the early stages of the Kosovo war, the Security Council had been able to pass a number of Resolutions³² in an attempt to stop the government’s violent repression of the uprisings for independence; however, when Western members failed to obtain an authorization for the use of force, due to the threat of veto from Russia and China, NATO decided to proceed anyway and initiated Operation Allied Force against the Federal Republic of Yugoslavia³³, in defence of Kosovo. For 78 days, a series of airstrikes was launched. Western leaders’ justifications for this unilateral action resembled one another: being the operation *de facto* illegal as non-compliant with any provision of the UN Charter³⁴ or other international treaties, they underlined its legitimacy under a moral and humanitarian point of view.

US President Bill Clinton declared that intervening in Kosovo “is not only the *morally* right thing for America, it is the right thing for our security interests”³⁵. Analogously UK Prime Minister Tony Blair affirmed that “[t]his is a just war, based not on any territorial ambitions but on values”³⁶ and also “our actions are guided by a more subtle blend of mutual self-interest and moral purpose [...]. If we can establish and spread the values of liberty, the rule of law, human rights and an open society then that is in our national interests too. The spread of our values makes us safer”³⁷. Another source of legitimization was that, being NATO “an alliance of democracies, [it is] as such a standing validation of the democratic peace thesis”³⁸.

This stance was strongly criticized by many, and Russia was particularly vocal in expressing its resentment and the feeling of betrayal in a moment when a rapprochement with the West seemed possible. There is a symbolic episode that well represents this change of route, metaphoric and non: Russian Foreign Minister Yevgeny Primakov was flying to the US for a meeting with the IMF; as soon as he was notified of NATO bombing FR Yugoslavia, he turned his plane back over the Atlantic in a spectacular gesture of protest. Russia firmly supported Yugoslavia’s sovereignty and territorial integrity over any moral concern; its stance has been effectively summarized by Ziegler:

NATO’s operation in the Balkans convinced Moscow of the utility of military force in solving ethnic conflicts (a lesson that would be employed a few months later in Chechnya), generated fears that the United States could justify intervention in Russia to defend human rights, and reinforced a Russian conviction that international law is often simply a cover for the use of military force³⁹.

Additionally, Russia saw in this episode a further advancement of NATO’s sphere of influence, parallel to the membership of three countries that used to

³¹ *ivi*, p. 101

³² Resolution 1160(1998) imposing economic sanctions and an arms embargo against FR Yugoslavia; Resolution 1199(1998), calling for a ceasefire; Resolution 1203(1998), demanding Yugoslavian authorities to cooperate with the OSCE Verification Mission.

³³ Following the breakup of the Socialist Federal Republic of Yugoslavia in 1992, Serbia and Montenegro constituted the Federal Republic of Yugoslavia, also known as FR Yugoslavia.

³⁴ Even if some members of the US administration proposed a justification based of a broad (rather stretched) interpretation of art. 51 of the UN Charter – the right of individual or collective self-defence – this does not seem convincing, as Kosovo was neither a NATO member nor it represented a direct threat to any of the members

³⁵ CLINTON (1999), emphasis added

³⁶ BLAIR (1999)

³⁷ *ibidem*

³⁸ THAKUR (2016: 102)

³⁹ ZIEGLER (2014: 6)

belong to the Warsaw Pact: Poland, Hungary and Czech Republic. If the fact that a defence pact was kept alive even after its natural ‘date of expiry’ (the end of the Cold War) had already been difficult to accept, its expansion was unbearable.

It is also worth mentioning that, referring to the intervention of Kosovo in particular, and later to other military interventions as well, the expression ‘humanitarian bombing’ was created, to highlight the stark contradiction between alleged protection of human rights and the brutal methods actually employed⁴⁰.

The following year, a report was released by the Independent International Commission on Kosovo, in charge of impartially assessing the intervention. The outcome echoed some of the above-mentioned declarations:

[...] the intervention was legitimate, but not legal, given existing international law. It was legitimate because it was unavoidable: diplomatic options had been exhausted, and two sides were bent on a conflict which threatened to wreak humanitarian catastrophe and generate instability through the Balkan peninsula⁴¹.

At the same time, the Commission acknowledged the contradiction between the protection of human rights, on the one hand, and sovereignty and territorial integrity, on the other, and urged to “clarify the conditions under which justifiable humanitarian interventions in UN member states can be undertaken in the future”⁴², bearing in mind that “sovereignty is frequently abused as a cover and justification both for abuse and for non-compliance with international norms”⁴³. Aware of the lack of international consensus on this issue, the Commission encouraged dialogue within the UN to address “the growing gap between legality and legitimacy that always arises in cases of humanitarian intervention”⁴⁴. Furthermore, a reform of the UNSC was suggested: were representativity to increase, the Council could have “regain[ed] the credibility to maintain an effective role as guardian of world security”⁴⁵.

In the same year, the UN Secretary General Kofi Annan addressed the dilemma of intervention in his Millennium Report:

Some critics were concerned that the concept of ‘humanitarian intervention’ could become a cover for gratuitous interference in the internal affairs of sovereign states. Others felt that it might encourage secessionist movements deliberately to provoke governments into committing gross violations of human rights in order to trigger external interventions that would aid their cause. Still others noted that [...] weak states are far more likely to be subjected to it than strong ones. I recognize both the force and the importance of these arguments. [...]. But to the critics I would pose this question: if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica—to gross and systematic violations of human rights that offend every precept of our common humanity?⁴⁶

Some of the guidelines provided both by the Commission on Kosovo and by Kofi Annan were clearly taken into account in 2000, when, thanks to Canada’s

⁴⁰ THAKUR (2013: 65)

⁴¹ The Independent International Commission on Kosovo (2000: 289)

⁴² *ivi*, p. 291

⁴³ *ibidem*

⁴⁴ *ibidem*

⁴⁵ *ibidem*

⁴⁶ Report of the UN Secretary General, 3 April 2000, *We the People: The Role of the United Nations in the 21st Century*, pp. 47-48

initiative, the International Commission on Intervention and State Sovereignty was created.

1.3 International Commission on Intervention and State Sovereignty

The Commission was ideologically founded on the awareness that

doing nothing was no longer acceptable to a globally sensitized human conscience [...], but doing something militarily when confronted with an impossible-to-obtain UN authorization was not legally permissible either. In other words, the existing normative consensus was no longer fit for purpose against the brutal facts of the real world⁴⁷.

The challenges the ICISS had to face were to answer Kofi Annan's question; to reconcile apparently incompatible approaches to the controversial practice of humanitarian intervention; to "build bridges – rather than burn them – between the North-perceptions and South perceptions"⁴⁸. In order to do so, it was fundamental to acquire an accurate, non-biased understanding of what was the South perception. This was achieved in two ways.

First of all, the ICISS conducted extensive consultations all over the world, with a special focus on developing countries, talking with politicians, media representatives, civil society and anyone who could enrich the debate on such a delicate topic bringing in its unique perspective. This investigation revealed "a visceral hostility across the developing world to any so-/called 'right of humanitarian intervention,' often rooted in colonialism"⁴⁹. More in detail, the following opinions were collected:

- 1) A war cannot be, by definition, 'humanitarian'; these two words should never go together.
- 2) Military intervention, even when wrapped by the highest moral intentions, can be manipulated by internal and external forces that have interest in escalating the conflict.
- 3) Individual human rights can be recognized as collective rights when it comes to protecting a population, but sovereignty as the collective right of a nation does not enjoy recognition.
- 4) Interventions dubbed as 'moral' and 'humanitarian' can be used as an excuse to pursue strategic interests, as double standard and selective application manifestly show.
- 5) There is record of Western attempts to solve a crisis situation whose final outcome was worse than the initial state of things.
- 6) An intervention is lawful only when authorized by the UN.
- 7) Regime change can never be the goal of an intervention, that, on the contrary, must be underpinned by neutrality.
- 8) Territorial integrity must be preserved⁵⁰.

Additionally, membership of the ICISS was selected so that it was as representative of all the geographic areas and ideological positions as possible: the commission was chaired by Gareth Evans (Australia) and Mohamed Sahnoun (Algeria) and composed of commissioners from Canada, the US, Russia, Germany, South Africa, Philippines, Switzerland, Guatemala and India. Nonetheless, Ziegler mentions that "Russia's sole representative on the Commission was [...] a liberal democrat whose positions arguably did not reflect those of the Russian government"⁵¹.

⁴⁷ THAKUR (2016: 95)

⁴⁸ MORRIS (2013: 1269)

⁴⁹ THAKUR (2013: 65)

⁵⁰ *ivi*, pp. 65-66

⁵¹ ZIEGLER (2014: 6)

With these premises, the Commission drafted a report that was released in 2001. In the very first chapter, the intervention dilemma is acknowledged:

‘Humanitarian intervention’ has been controversial both when it happens, and when it has failed to happen. Rwanda in 1994 laid bare the full horror of inaction. [...] That was a failure of international will – of civic courage – at the highest level. [...] Kosovo – where intervention did take place in 1999 – concentrated attention on all the other sides of the argument. The operation raised major questions about the legitimacy of military intervention in a sovereign state⁵².

The solution found to harmonize humanitarian intervention with sovereignty and territorial integrity consisted of changing the point of view, “put[ting] the needs and interests of the victims of atrocities ahead of those of the intervening powers”⁵³. Responsibility to Protect was born. To protect vulnerable populations was, as the name suggests, a *responsibility* of the international community – and no longer a *right* that any State could arbitrarily arrogate to itself. Using different names is not a purely linguistic matter: first of all, it shifts the terms of the debate from the “claims, rights and prerogatives of the potentially intervening states”⁵⁴ to the “urgent needs of the potential beneficiaries of the action”⁵⁵. Second, it widens the range of options available, reminding “the need for either prior preventive effort or subsequent follow-up assistance, both of which have been too often neglected in practice”⁵⁶. Third, it helps ‘rebranding’ the concept, whose reputation is by now compromised and delegitimised.

The Westphalian idea of sovereignty could no longer “act as an absolute shield from military intervention when mass atrocities were taking place”⁵⁷. It needed to be recharacterized: “from *sovereignty as control* to *sovereignty as responsibility* in both internal functions and external duties”⁵⁸. This concept of responsibility has a threefold articulation:

First, it implies that the state authorities are responsible for the functions of protecting the safety and lives of citizens and promotion of their welfare. Secondly, it suggests that the national political authorities are responsible to the citizens internally and to the international community through the UN. And thirdly, it means that the agents of state are responsible for their actions; that is to say, they are accountable for their acts of commission and omission.⁵⁹

The innovative element of this definition is a conditional understanding of sovereignty, which could not be given for granted anymore but was subject to the respect and active protection of the citizens’ fundamental rights. At the same time, however, the hypothesis of foreign intervention is not so immediately implementable as well. It needs to undergo a rather strict scansion to make sure that all the conditions are met.

First of all, the “just cause” threshold has to be reached: being military intervention “an exceptional and extraordinary measure”⁶⁰, either “a large-scale loss of life”⁶¹ or a “large-scale ‘ethnic cleansing’”⁶² must occur or be

⁵² Report of the International Commission on Intervention and State Sovereignty, December 2001, *The Responsibility to Protect*, p. 1

⁵³ THAKUR (2013: 65)

⁵⁴ Report *The Responsibility to Protect*, p. 16

⁵⁵ *ibidem*

⁵⁶ *ibidem*

⁵⁷ REEVES (2014: 206)

⁵⁸ Report *The Responsibility to Protect*, p.13

⁵⁹ *ibidem*

⁶⁰ *ivi*, p. xii

⁶¹ *ibidem*

⁶² *ibidem*

likely to. A quantitative definition of “large-scale” is nowhere to be found, and this obviously creates ambiguity and room for an instrumental interpretation. Ideally, an impartial body shall give a more accurate judgement; however, the fittest candidate – the International Committee of the Red Cross – is absolutely unwilling to take on such responsibility. This should come as no surprise, considering the ICRC’s absolute neutrality, that prevents it from determining which side of a conflict is right and which is wrong.

Once the existence of the “just cause” condition is verified, four precautionary principles are prescribed: right intention (i.e. to halt or avert human suffering), last resort (non-military means have already been taken into consideration and have been deemed non-sufficient), proportional means (nothing more than what is strictly necessary to achieve the objective) and reasonable prospects (the outcome cannot be worse than the initial situation). Finally, an intervention that fulfils all these conditions must nevertheless be authorized by the so-called “right authority”, namely the UN Security Council – the only body that can lawfully recommend the use of force under Chapter VII of the UN Charter. To favour the correct and smooth development of this procedure, the Permanent Members are asked to refrain from the use of their veto power unless their very national interests are at stake – especially when the other members are prone to reach an agreement. Should it be impossible to come to an arrangement, two alternative avenues are proposed: an equally lawful authorization to proceed could either be issued by the UN General Assembly with a large majority, in accordance with the Uniting for Peace procedure; or by a (sub-)regional organization, whose jurisdiction includes the target country; in the latter scenario, a subsequent authorization of the UNSC would be needed.

This being said, the ICISS warns the Security Council against the risks of a prolonged and insurmountable deadlock: “if it fails to discharge its responsibility to protect in conscience-shocking situations crying out for action, concerned states may not rule out other means to meet the gravity and urgency of that situation – and [...] the stature and credibility of the United Nations may suffer thereby”⁶³.

Military intervention is however, only a minor element in a larger spectrum of responsibilities that are encompassed by the report: responsibility to prevent, to react and to rebuild.

As it is correctly pointed out by Hoeling, “responsibility to prevent demands more awareness of the early signs of human rights abuse and support for state sovereigns to fulfil their responsibilities towards their citizens with the objective of preventing a conflict from escalating”⁶⁴. If properly enacted, prevention may indeed avoid that a critical situation escalates in an actual conflict that does require external intervention.

Responsibility to react includes any kind of coercive measure: “political, economic or judicial measures, and in extreme cases – but only extreme cases – [it] may also include military action. As a matter of first principles [...], less intrusive and coercive measures should always be considered before more coercive and intrusive ones are applied”⁶⁵.

Responsibility to rebuild, finally, is the conclusion of any intervention to be called successful: once an emergency is over, it is crucial to reconstruct both the buildings and infrastructures, and the social and political fabric, “to build a durable peace, and [to promote] good governance and sustainable

⁶³ *ivi*, p. xiii

⁶⁴ HOELING (2015: 17)

⁶⁵ Report *The Responsibility to Protect*, p. 29

development”⁶⁶. To leave this unfulfilled would probably mean a repetition of the same situation of crisis for similar causes: rebuilding is fundamental with a view to grant international peace and stability and must be done in close cooperation with the local community, “with the goal of progressively transferring to them authority and responsibility to rebuild”⁶⁷. The report also notes that among the most successful and durable examples of post-conflict rebuilding, there can be found those that favour reconciliation among adversaries through joint reconstruction efforts.

International reactions *vis-à-vis* the ICISS report were lukewarm at best. The report begins noticing that the debate on humanitarian intervention and equivalents “takes place in a historical, political and legal context of evolving international standards of conduct for states and individuals, including the development of new and stronger norms and mechanisms for the protection of human rights”⁶⁸. However, this liberal, cosmopolitan worldview, failed to be representative of the majority of the (developing) countries. The modern notion of sovereignty characterized as a “dual responsibility: externally – to respect the sovereignty of other states, and internally, to respect the dignity and basic rights of all the people within the state”⁶⁹ was and is still nowadays only formally accepted – or explicitly rejected – by many non-Western, pluralist States⁷⁰. This “little enthusiasm outside the liberal internationalist elite”⁷¹ was mainly to be explained with the fear of abuse, shared by some Western scholars and politicians as well. And, indeed, critics did not have to wait long to receive a first validation of their fears: “[a]fter failing to win Security Council approval for a ‘pre-emptive’ invasion of Iraq, [...] US and British diplomats attempted to invent a legal basis out of vaguely worded resolutions from the early 1990s”⁷². As countries hostile to this departure from Westphalian sovereignty are now emerging powers, their position cannot be dismissed as only motivated by “pragmatic self-interested reasons – although these are obviously very important. [These] states subscribe to a more pluralist conception of international society. [...] This is relevant to world order”⁷³. Additionally, developing countries and emerging powers’ vision must be taken into account because they will most likely be the target of future interventions, as any attempt to proceed against any of the P5 would be blocked by a veto in the UNSC. In other words, “R2P can all too easily be seen as a pretext for international judgements about the legitimacy of sovereignty by actors whose legitimacy can never called into question”⁷⁴. And in fact, this ‘attack’ to sovereignty had to be softened in the 2005 World Summit version, in order to gain everyone’s approval.

1.4 2005 World Summit: UN resolution and implications

Some of the issues discussed in the 2005 World Summit were anticipated by the report of the High-level Panel on Threats, Challenges and Change, issued in 2004. The Panel was nominated by the Secretary General to evaluate a

⁶⁶ *ivi*, p. 39

⁶⁷ *ibidem*

⁶⁸ *ivi*, p. 6

⁶⁹ *ivi*, p. 8

⁷⁰ NEWMAN (2013: 241)

⁷¹ ROTMANN, KURTZ, BROCKMEIER (2014: 364)

⁷² *ibidem*

⁷³ NEWMAN (2013: 243)

⁷⁴ *ivi*, p. 252

reform of the UN Charter, specifically of Chapter VII, “in light of the unilateralism’s leaps forward that had characterized the end of the 90s and the beginning of the century”⁷⁵.

The inconsistency and inefficacy of the Security Council, for example, are deplored. The UNSC is blamed of having acted “too late, too hesitantly, or not at all”⁷⁶. At the same time, however, its authority is not under discussion:

Article 51 needs neither extension nor restriction of its long-understood scope, and Chapter VII fully empowers the Security Council to deal with every kind of threat that States may confront. The task is not to find alternatives to the Security Council as a source of authority but to make it work better than it has.⁷⁷

This latter statement has been challenged by Bellamy, who underlines that this formulation may suggest that “the division and inaction of the past were a product of problematic procedures, not deep political disagreement”⁷⁸.

Similarly, the role of military intervention is present but reduced to the bare minimum: “[t]hat force can legally be used, does not always mean that, as a matter of good conscience and good sense, it should be used”⁷⁹ and five criteria are suggested for a correct application of military force. The Panel recognizes the existence of a “tension between the competing claims of sovereign inviolability and the right to intervene”⁸⁰ but also “endorse[s] the emerging norm that there is a collective international responsibility to protect”⁸¹.

On the occasion of the 60th United Nations’ anniversary, a plenary session of the UN General Assembly was held and, among other issues, the existence and the modality of R2P were discussed, on the basis of both the 2001 ICISS Report and the 2004 High-level Panel. The aim was to evaluate the Member States’ stance on the matter, and possibly, to find a common ground for universal acceptance. The outcome was uncertain, R2P was presumed dead by someone: the reason of this pessimistic view may be either “the idea itself, or the result of a broader crisis of multilateralism and the loss of Western moral authority in the eyes of the world”⁸², with the latter being most likely due to US’ ‘war on terrorism’.

Nevertheless, a compromise was reached on some basic features of R2P, but to do so, the ICISS articulation had to be watered down: while the 2001 version demanded to protect populations in any circumstance of “large scale loss of life” and “large scale ethnic cleansing”, the conditions for the 2005 version were narrowed down to “genocide, war crimes, ethnic cleansing and crimes against humanity”⁸³; just as restrictively, the criterion for transferring the responsibility to protect from the national to the international level passed from the host state being “unwilling or unable” to protect to “manifestly failing”⁸⁴; while the ICISS report proposed certain criteria that could guide the use of force (i.e. the just cause and the precautionary principles), the World Summit Outcome did not adopt them; similarly, the General Assembly

⁷⁵ SCISO (2018: 33)

⁷⁶ Report of the High-level Panel on Threats, Challenges and Change, 2 December 2004, *A More Secure World: Our Shared Responsibility*, p. 57

⁷⁷ Report *A More Secure World*, p. 53

⁷⁸ BELLAMY (2006: 156)

⁷⁹ *ibidem*

⁸⁰ *ivi*, p. 23

⁸¹ *ivi*, p. 57

⁸² ROTMANN, KURTZ, BROCKMEIER (2014: 364)

⁸³ General Assembly Resolution, 24 October 2005, *2005 World Summit Outcome*, p. 30

⁸⁴ *ibidem*

Resolution did not include the alternative proposals elaborated by ICISS to replace the UNSC authorization in case of veto. The P5 were among the main supporters of the status quo, as it is easy to imagine:

the consent of China, Russia, France, Britain and the United States depended upon a text that would not change how military force could be legitimately authorised. If the five permanent Security Council members agreed on one thing, it was preserving the freedom of the highest UN body to authorise the use of force as it saw fit, unconstrained by criteria or codes of conduct as the ICISS and reform panels had recommended⁸⁵.

Interestingly enough, the criteria for intervention were opposed by both the US and Russia (and China), because they saw them, respectively, as “overly prescriptive and restrictive”⁸⁶ and “too enabling”⁸⁷.

Russia, for its part, opposed the R2P status of ‘emerging norm’ as well. According to Andrey Denisov, the then Permanent Representative of the Russian Federation to the United Nations, R2P did not enjoy a consensus spread enough worldwide. On the contrary, if we use the scheme provided by Finnemore and Sikkink in their Norm Life Cycle theory, it seems that R2P has moved from the “norm emergence” stage to the “norm cascade” stage: the passage is determined by a tipping point defined as “a critical mass of relevant state actors adopt[ing] the norm”⁸⁸, which could be the very case of the 2005 World Summit.

If, for the aim of the present thesis, much space has been devoted to the discussion on R2P, it is also important to remember that during the 2005 World Summit, many other issues were covered as it is clear when looking at the final document: two out of 178 paragraphs were those devoted to R2P; “the Responsibility to Protect was just one issue in what was necessarily a package deal. For most delegations, it was not the most important one”⁸⁹. Thus, the enthusiasm of some R2P advocates for the unanimous endorsement⁹⁰ of this concept seems maybe an overstatement.

1.5 Secretary General’s 2009 report and the General Assembly debate. The three-pillars approach

In 2009, UN Secretary General Ban Ki-Moon produced a report that would have served as the conceptual framework of the upcoming first formal General Assembly debate on Responsibility to Protect. He approached such a delicate topic with a three-pillar structure that was meant to rebalance the excessive attention that, throughout the years, had been given to the military intervention, neglecting the other aspects of R2P, certainly not of secondary importance: “[t]here is no set sequence to be followed from one pillar to another, nor is it assumed that one is more important than another. Like any other edifice, the structure of the Responsibility to Protect relies on the equal size, strength and viability of each of its supporting pillars”⁹¹. This approach was not completely original: something similar had already been included in the 2001 ICISS Report, but it had not been given particular consideration. The Secretary General returned to the idea and elaborated it as follows:

⁸⁵ ROTMANN, KURTZ, BROCKMEIER (2014: 365)

⁸⁶ BELLAMY (2006: 168)

⁸⁷ *ibidem*

⁸⁸ FINNEMORE, SIKKINK (1998: 895)

⁸⁹ ROTMANN, KURTZ, BROCKMEIER (2014: 365)

⁹⁰ EVANS (2008: 3); THAKUR (2013: 67)

⁹¹ Report of the Secretary General, 12 January 2009, *Implementing the Responsibility to Protect*, p. 2

1) “Pillar one is the enduring responsibility of the State to protect its populations, whether nationals or not, from genocide, war crimes, ethnic cleansing and crimes against humanity, and from their incitement [...]”⁹²;

2) “Pillar two is the commitment of the international community to assist States in meeting those obligations. It seeks to draw on the cooperation of Member States, regional and sub-regional arrangements, civil society and the private sector. [...] Prevention, building on pillars one and two, is a key ingredient for a successful strategy for the responsibility to protect”⁹³;

3) “Pillar three is the responsibility of Member States to respond collectively in a timely and decisive manner when a State is manifestly failing to provide such protection. [...] A reasoned, calibrated and timely response could involve any of the broad range of tools available to the United Nations and its partners. These would include pacific measures under Chapter VI of the Charter, coercive ones under Chapter VII and/or collaboration with regional and sub-regional arrangements under Chapter VIII”⁹⁴.

Being the third pillar the most controversial, it was naturally the one requiring the most detailed formulation which would include both a ‘soft’ and a ‘hard’ version of the international response. The general goal was to “distance R2P from more militaristic notions of humanitarian intervention”⁹⁵, to encourage both acceptance and internalization of the most sceptical countries, too.

A few months later, the first formal General Assembly debate was held. Thakur interestingly notes that, in the two years preceding the debate, “four actual test case [...] demonstrated the growing understandings and clarifications of the meaning and the limits of R2P, even though at times it was abused and misapplied”⁹⁶: the Nargis cyclone in Burma, when the government rejected international assistance; Russian intervention in South Ossetia, seen by many as a misinterpretation of R2P; Israel attacks to Gaza, which, being an interstate conflict, was more appropriately covered by international humanitarian law; and the civil war in Sri Lanka, when developing countries supported the Human Rights Council resolution in which the conflict was substantially described as domestic and not in need of external interference.

In spite of, or maybe exactly because of these circumstances, the emphasis was put on the need for a narrow interpretation and application of the Responsibility to Protect. The endorsement for the 2005 Outcome was reiterated, especially for the limitation of the R2P applicability to genocide, crimes against humanity, war crimes and ethnic cleansing. Other issues were raised, particularly by non-Western countries: the unchanged importance of sovereignty, territorial integrity and non-interference; the crucial role of prevention for situations of poverty, inequality, under-development, that often constitute the foundation of humanitarian crises; the double-standard applied by the West in selecting the target countries for interventions; the risk of abuse and manipulation of R2P; the lack of representation in the body in charge of authorizing military measures. Unfortunately, no concrete solution was proposed for any of these, neither in 2009 nor in any other circumstance.

R2P has been portrayed by some scholars as a realist doctrine, both for the centrality of the UNSC (and thus of the P5 – it cannot be wielded against them, legitimising and reinforcing the inequality of the UN system) and for its

⁹² *ivi*, p. 8

⁹³ *ivi*, p. 9

⁹⁴ *ibidem*

⁹⁵ MORRIS (2013: 1270)

⁹⁶ THAKUR (2013: 67)

acceptance of “one of the founding premises of political realism”⁹⁷: war. While the former argumentation is arguably true, and indeed many UN members have been advocating different, more inclusive approaches (that will be discussed in detail in chapter 5), the latter is blatantly in bad faith: in the 2001 ICISS report, among the components of R2P, responsibility to *prevent* is already found; in the 2009 formulation by UN Secretary General Ban Ki Moon, emphasis is given to the I and II pillar, i.e. the domestic responsibility and international assistance, precisely to avoid that pillar III takes over. The argumentation goes on saying that

What hinders R2P is not its intentions, which are noble. R2P is premised upon a flawed epistemological framework that assumes states will rationally calculate humanitarian protection and human security as being part of their national interests. [...] States cannot sacrifice their relative power position in the international system and risk others taking advantage of humanitarianism. [...] Where is the benefit of these missions for states that have no choice but to be concerned about relative gains and power dynamics in an anarchic and inherently competitive international system?⁹⁸

Realism, arguably, is not the ideological foundation of R2P, which was rather conceived in a more liberal and liberalistic environment, as it has been discussed in this Chapter. However, realism constitute the basis of the ideology and, consequently, of the foreign policy of many non-Western countries. Russia is one of the most prominent examples among them: its realist approach to international relations has impacted with and undeniably influenced the formulation of R2P, its internalization and its practical applications, as we will see in the next chapters.

⁹⁷ CUNLIFFE (2014: 65)

⁹⁸ MURRAY (2014: 69-70)

Chapter 2. Russia's foreign policy strategy and its approach *vis-à-vis* humanitarian intervention and R2P

In accordance with the approach suggested by Ziegler, Russia's stance on Responsibility to Protect can be understood along two different but inevitably intertwined lines of reasoning: the domestic perspective and the international/geopolitical perspective. The former has its foundation in the "Russia's cultural antipathy, or at least unreceptiveness, to Western democratic values", which are seen as "not universal, but culturally specific, and reflect a Western intention to impose its value structure on the rest of the world"⁹⁹. The latter is related to Russia's self-awareness of its great power status and the demand to be recognized and treated as such in the international relations, especially by the West, and the US in particular, unwilling or unable to admit that the hegemonic phase is definitively over and the balance of power is shifting towards multipolarity. As many scholars – both Russian and Western ones¹⁰⁰ – have pointed out, "RtoP was born in an era when assertive liberalism was at its height, and sovereign equality looked and smelled reactionary. But as the liberal moment recedes, and the distribution of power shifts globally, the principle of sovereign equality may enjoy a comeback"¹⁰¹.

During the very first years after the end of the Cold War, Russia believed that reconciliation with the West was possible, and its policy was initially one of openness and goodwill. However, a few key events – among which Kosovo was probably the most relevant example of Western countries disregarding Russia's political preferences and interests – generated "a feeling of *obida* (injury) at perceived humiliation by the West"¹⁰² which has never been completely erased and has determined a certain confrontational attitude and mutual mistrust. The aforementioned antipathy and unreceptiveness have their roots in this context and in a process of 'emancipation' and self-determinacy. Multipolarity has consequently become one of the fundamental concepts to understand Russia's foreign policy in general and its approach to the Responsibility to Protect: multipolarity "developed as a central term in lexicon of resistance against the West"¹⁰³ and is both descriptive and prescriptive; Russia, as many other (re)emerging countries, refuses to be simply a 'norm-taker' and reclaims a role in the normative agenda setting; it stresses the importance of international law as "sole guarantor of the world order" and a source of "formal parity with the West"¹⁰⁴. Allison goes one step further in suggesting that "from its predominantly pluralist stance, Russia has expected international law essentially to regulate the competition of states, to constrain Western power as well as to provide a discursive shield for the Russian state, rather than to protect human beings"¹⁰⁵.

Russia's concerns *vis-à-vis* R2P are also connected to its hostility towards the so-called 'coloured revolutions'¹⁰⁶. In fact, these are two sides of the same

⁹⁹ ZIEGLER (2016: 348)

¹⁰⁰ MURRAY, HEHIR (2012); KUROWSKA (2014); ROTMANN, KURTZ, BROCKMEIER (2014); STEPANOVA (2016); FILIPPOV (2020)

¹⁰¹ WELSH (2010: 428)

¹⁰² SHERR (2009: 205)

¹⁰³ KUROWSKA (2014: 491)

¹⁰⁴ *ivi*, p. 494

¹⁰⁵ ALLISON (2013: 211)

¹⁰⁶ This expression is used to refer to those revolutions, allegedly financed and fomented by Western countries, that took place in the post-Soviet space, to protest against authoritarian and corrupted governments; being 'coloured revolutions' a conventional name given by outside observers, there is no official, univocal list, but generally the following are included: Rose Revolution in Georgia (2003), Orange Revolution in Ukraine (2004), Tulip Revolution in Kyrgyzstan (2005), Euromaidan in Ukraine (2014).

coin, i.e., the West's attempts to destabilize countries that it considers hostile for various reasons. The idea is the following: anti-government organizations and protests are infiltrated, fomented and funded by the West; once the sovereign government attempts to re-establish order and control, admittedly with violent means, the West intervenes to protect those people who were put in a dangerous situation by the West itself, forcefully removes the legitimate authority and dooms the country to instability. Yeltsin already supported this idea when he tried to dissuade Clinton from bombing Kosovo: "We can't let hundreds or thousands of people die to control the words and actions of one man"¹⁰⁷. Back then he referred to Milosevic, but his words well represent Russia's view of many contemporary conflicts.

Fear for instability and chaos and the solid preference for a strong statehood are easily explained by looking at Russia's recent history: during the Yeltsin era, the average Russian experienced "an almost pre-Hobbesian state in daily life where citizens were defenceless against criminal impunity"¹⁰⁸. When Putin became president, he founded a significant part of his consensus on his ability to restore order through the "dictatorship of law", even if at the detriment of individual rights and freedom. The need for an authoritarian regime, able to promote/impose stability, is also perceived in relation to nationalist and Islamic extremists, most notably in Chechnya, but in other regions of Russia as well; these centrifugal tendencies and their terroristic means represent another cause for concern, which highlights the importance of a strong man. This partly contributes to explain Russia's alignment with the Assad's regime in Syria and will be discussed in depth in Chapter 4.

Multipolarity vs unipolarity, pluralism vs solidarism, sovereign democracy vs liberal democracy, sovereignty as a right vs as a responsibility, civilizational vs universalist perspective: all these clashes are different declinations of the same rift that deeply divides Russia from the West. It would be wrong to read Russia's position on the matter only through the lens of an opportunistic attempt to justify the pursuit of its interests, or as some sort of revenge against the West. "Such normative friction does not simply express the calculations of relative power between major states. For Russian leaders and the political elite, it has been rooted in understandings of regional and domestic order"¹⁰⁹. A rather similar understanding is found in other countries, such as the BRICS, which, to a significant extent, do agree with Russian positions,

which promise a shift in global politics and the ability to constrain the previous capacity of the Western states to set global standards and rules of behaviour. Alongside the BRICS and the non-aligned states, Russia has questioned whether the norms and legal claims cited to justify Western-led interventions have been representative of the will of the international community at large¹¹⁰.

What emerges from official documents and reports, statements, interviews, etc., is that Russia "sticks to a narrower understanding of what should be considered an international (regional) threat"¹¹¹ and perceives other menaces as priorities, both for its own stability and for the international peace and security: terrorism, separatism and religious extremism, the so-called "three evils" defined by the Shanghai Cooperation Organisation. This inevitably shapes Moscow's view on R2P.

¹⁰⁷ YELTSIN (2000: 257)

¹⁰⁸ KUROWSKA (2014: 493)

¹⁰⁹ ALLISON (2013: 208)

¹¹⁰ *ivi*, p. 209

¹¹¹ BARANOVSKY, MATEIKO (2016: 57)

2.1 Russia's Foreign Policy Concept evolution from 2000 to 2016

The Foreign Policy Concept of the Russian Federation is a document issued by the Ministry of Foreign Affairs that contains Russia's views, positions, principles, values, goals and priorities *vis-à-vis* the international relations with other countries, organizations, actors. It is released at irregular intervals, when the existing one is perceived as outdated, not faithful to the path undertaken, lacking important information. By studying the different versions of this document, one can grasp a rather clear and reliable picture of the evolution of Russia's understanding of the world arena and its position within it.

The 2000 Foreign Policy Concept was surely influenced by the then recent events in Kosovo, to which many references are made more or less explicitly. Russia strongly condemns unilateral actions and the "bypassing [of] existing international legal mechanisms"¹¹², arguing that not only these methods are ineffective in removing the root causes of the conflict; they also "undermine the foundations of law and order"¹¹³ and are likely to worsen the conflictual situation that they were meant to alleviate or solve. Russia proposes instead a "[m]echanism of collective resolution of key problems"¹¹⁴ that mirrors the no-longer unipolar distribution of power. This mechanism is clearly to be found within the United Nations, whose central role in regulating international affairs must be preserved. It naturally follows that, being the Security Council the only body in charge of lawfully authorising the use of force, Russia opposes any attempt to strip it of this role: not only unilateral military interventions are unlawful; they can also represent a threat to the international system's hold and stability.

After these rather general provisions, clearer references to (and condemnation of) the bombing of Yugoslavia appear: Russia makes it clear that it will not accept any attempt "to introduce into the international parlance such concepts as 'humanitarian intervention' and 'limited sovereignty' in order to justify unilateral power actions bypassing the UN Security Council"¹¹⁵ and suggests that "responses to the humanitarian crises must be implemented in strict observance of the UN Charter"¹¹⁶. When discussing its regional priorities, Russia does recognize the importance of cooperating with NATO. However, this is made difficult by the fact that NATO's interests and objectives are often non-coincident with those pursued by Russia, and occasionally are in open contradiction. In particular, reference is made to NATO's new strategic concept, which contemplates the use of force in operations outside the territory of the organization: NATO's expansionist ambitions are perceived as a direct threat against Russia.

Finally, when referring to the settlement of the situation in the Balkans, Russia reiterates its willingness to provide assistance, but, at the same time, it stresses the "importance to preserve the territorial integrity of the Federal Republic of Yugoslavia, and to oppose the partition of this State, something that is fraught with the threat of emergence of a pan-Balkan conflict with unpredictable consequences"¹¹⁷.

¹¹² The Ministry of Foreign Affairs of the Russian Federation, 28 June 2000, *The Foreign Policy Concept of the Russian Federation*

¹¹³ *ibidem*

¹¹⁴ *ibidem*

¹¹⁵ *ibidem*

¹¹⁶ *ibidem*

¹¹⁷ *ibidem*

In 2008, a new Concept was released. The relations between Russia and the West were, overall, less tense in comparison with those in 2000. Nevertheless, several remarks are made with regard to some dangerous tendencies that the West persists in adopting. The “unilateral action strategy”¹¹⁸ is once again condemned as it “leads to destabilization of international situation, [...] endangers security of other States and fuels tensions”¹¹⁹. The role of the UN is, consistently, deemed fundamental for the maintenance of international peace and security, and the Security Council is regarded as the sole source of legitimization for the use of force against a sovereign state. The concept warns Western states against the use of force when in violation of the UN Charter. Unilateral military interventions, in Russia’s view, besides being unlawful, are in most cases incapable of addressing a conflict’s root causes (e.g. social, economic or ethnic rifts) and tend to further worsen the situation. Alternatively, for effective conflict settlement and successful post-crisis nation building, Russia proposes two non-violent approaches: international peace-making and collective efforts of political and diplomatic nature. Additionally, Moscow underlines the importance of inclusive negotiation processes where no warring parties is isolated or excluded. The Concept also denounces another trend, particularly in vogue among Western countries:

Arbitrary and politically motivated interpretation by certain countries of fundamental international legal norms and principles such as non-use of force or threat of force, peaceful settlement of international disputes, respect for sovereignty and territorial integrity of States, right of peoples to self-determination, as well as the attempts to portray violations of international law as its ‘creative’ application, are especially detrimental to international peace, law and order. Such actions erode the basis of international law and inflict a lasting damage to its authority.¹²⁰

Russia proclaims itself an unquestioned supporter of human rights, whose respect, though, should be granted in compliance with “national and historic peculiarities of each State in the process of democratic transformations without imposing borrowed value systems on anyone”¹²¹ and without applying double standards.

Finally, in discussing its relations with neighbouring countries and regional organizations, it blames the Euro-Atlantic region for the “selective and restrictive nature”¹²² of its integration processes and for its arbitrary intrusions into other states’ domestic affairs, despicable attempts to undermine the importance of sovereignty, cornerstone of international relations. Additionally,

Russia maintains its negative attitude towards the expansion of NATO, notably to the plans of admitting Ukraine and Georgia to the membership in the alliance, as well as to bringing the NATO military infrastructure closer to the Russian borders on the whole, which violates the principle of equal security, leads to new dividing lines in Europe and runs counter to the tasks of increasing the effectiveness of joint work in search for responses to real challenges of our time.¹²³

The next Concept came in 2013: Putin had returned to presidency, the conflicts in Georgia, Libya and Syria had exerted a significant influence on

¹¹⁸ The Ministry of Foreign Affairs of the Russian Federation, 12 January 2008, *The Foreign Policy Concept of the Russian Federation*

¹¹⁹ *ibidem*

¹²⁰ *ibidem*

¹²¹ *ibidem*

¹²² *ibidem*

¹²³ *ibidem*

Russia-West relations and on Russia's approach *vis-à-vis* Responsibility to Protect. All these events affected the new document.

A clear heritage of the conflicts in Libya and Syria is the condemnation of those measures "aimed at overthrowing legitimate authorities in sovereign states under the pretext of protecting civilian population", whose only outcomes are "the expansion of the conflict area, [...] tensions and arm race, [...] interstate controversies"¹²⁴.

Additionally, Russia denounces the Western effort to preserve its traditional position of prominence in the global competition, despite its ineluctable decline and a shift towards the Asia-Pacific region. These tries have the only effect of destabilizing the global arena. Russia, on the contrary, underlines the importance of "equal, partnership relations among nations"¹²⁵.

Western methods of solving crises, namely unilateral sanctions and unauthorised military interventions, represent another cause for instability. On sanctions in particular, it is argued that the decision to impose them "should be taken by the UN Security Council jointly following comprehensive discussions, primarily taking into consideration how effectively sanctions accomplish the tasks of maintaining international peace and security and preventing the deterioration of the humanitarian situation"¹²⁶. With a view to further enhance UNSC performances, Russia welcomes any attempt of reform, including the expansion of the membership, as long as the status of the P5 is not challenged.

The Concept confirms Russia's commitment to the protection of compatriots living abroad, of their rights, of their interests. Finally, Russia reaffirms its hostility *vis-à-vis* NATO's eastward expansion. These two statements echo the conduct adopted in the conflict against Georgia in 2008 (see *infra* para 2.5.1.1).

The most recent Foreign Policy Concept was published in 2016. Two years earlier, Crimea had been annexed by Russia: this had been the last straw that had led to the complete deterioration of the relations with the West, which refused to recognize the annexation, imposed sanctions against Russia and suspended its membership from G8. This accelerated Moscow's already ongoing shift from Europe to Asia and the strengthening of economic, political and military ties with China in particular. This is the context to be kept in mind when reading the document.

Many of the contents and ideas presented in this Concept are reiterated from the previous versions, with little or no modification; indeed, this validates the characteristics that Russia considers at the basis of its foreign policy: consistency, continuity, predictability, transparency, pragmatism.

An element of novelty is the connection drawn between the "growing threat of international terrorism"¹²⁷ and the West imposing its values in countries allegedly in need for political modernization. To counter this dangerous trend, Russia will oppose any attempt to meddle in a sovereign state's internal affairs, to impose regime change, or to destabilise legitimate governments

¹²⁴ The Ministry of Foreign Affairs of the Russian Federation, 18 February 2013, *The Foreign Policy Concept of the Russian Federation*

¹²⁵ *ibidem*

¹²⁶ *ibidem*

¹²⁷ The Ministry of Foreign Affairs of the Russian Federation, 1 December 2016, *The Foreign Policy Concept of the Russian Federation*

through support to non-state actors, who are often affiliated with terrorist groups.

The persistently conflictual situation with the West *vis-à-vis* the Syrian civil war and the measures (not) to be implemented are evident, as both implicit and explicit references are made. First of all, the concept stresses that

Russia stands for a political settlement in the Syrian Arab Republic and the possibility for the people of Syria to determine their future [...]. Russia supports the unity, independence and territorial integrity of the Syrian Arab Republic as a secular, democratic and pluralistic State with all ethnic and religious groups living in peace and security and enjoying equal rights and opportunities¹²⁸.

Additionally, the document indicates international peacekeeping as the most effective tool for conflict-settlement and post-conflict state building; at the same time, Russia demands clearly-formulated UNSC Resolutions establishing peacekeeping missions – to prevent any instrumental interpretation – and a rigorous supervision of their implementation. The concept also reiterates that Article 51 of the UN Charter (on the legitimacy of the use of force for individual and collective self-defence), is not subject to any kind of amendment. Significantly, “responsibility to protect” is included for the first time: R2P is seen as a pretext for “military interventions or other forms of outside interference contrary to international law, specifically the principle of sovereign equality of States”¹²⁹. In the previous concepts one could already find many references to the fact that the West justifies its attempts to destabilise legitimate governments under humanitarian pretexts. However, a direct attack against R2P appears here and not, as it was perhaps more logical to expect, in the 2013 RFPC – closer in time to the events in Libya.

In discussing more broadly the relations with the West, the Concept puts much of the blame for the jeopardized relations on EU and NATO’s geopolitical expansion and “their refusal to begin implementation of political statements regarding the creation of a common European security and cooperation framework”¹³⁰. In conclusion, the Concept laments the containment measures implemented by the West to the detriment of Russia; these policies, rather than weakening Russia, “undermine regional and global stability, are detrimental to the long-term interests of all sides and run counter to the growing need for cooperation and addressing transnational challenges and threats in today’s world”¹³¹.

Having discussed what is included in these Concepts, it is worth remarking what is *not* included, too. Mass atrocities are not mentioned once, neither in the Concepts nor in Russia’s Military Doctrine, as a security threat. This is rather telling on Russia’s sensitivity on the matter and its likeliness to consider such situations as a sufficient reason for approving a UNSC Resolution under Chapter VII. Equally significant is the refusal to indicate Russia’s preferred allies in the Middle East: this approach may be due to the desire of Moscow to build interactions with a wide range of counterparties, between which sharp tensions remain (see *infra*, para 4.2.2.2).

¹²⁸ *ibidem*

¹²⁹ *ibidem*

¹³⁰ *ibidem*

¹³¹ *ibidem*

2.2. Acceptance of the theoretical underpinnings of pillar I and II

If the approval and promotion of R2P was represented as a spectrum, Russia would not be found on the extreme end of it, where firm opposers such as Venezuela and Cuba locate themselves. While these latter completely reject the concept of Responsibility to Protect in all of its declinations, Russia's opposition is more nuanced and prone to accept (and implement) pillar I and II according to the Secretary General's 2009 formulation, i.e. responsibility of the State to protect its own population and responsibility of the international community to assist the State in performing its duties.

Most of the non-Western countries, even if at odds with liberalism and certain normative constructs it has produced, would not have the audacity to explicitly reject certain common-sense values such as the protection of helpless populations or "to assert a sovereign right to engage in untrammelled slaughter or repression of their peoples"¹³². Russia's (and others') criticism is therefore focused on and limited to pillar III and its implementation; additionally, the role of the UN Security Council is relentlessly stressed, as it allows Russia to have the final say on any military operation. Kurowska convincingly summarizes Russia's stance on the matter: it is "organised around three themes: the primacy of prevention over intervention; the state ownership of the protective process rather than external imposition; and the sequence of action in which the use of force is the last resort. Such position corresponds to the literal reading of the R2P doctrine"¹³³.

Condemnation of the military, anti-sovereignty aspects of R2P has been delivered both when debating, in general terms, on the theory, the conceptualization, the hypothetical scenarios; and when actual operations have been put in practice, even those that had received initial approval from Russia¹³⁴.

Former Minister of Foreign Affairs Yevgeniy Primakov, in 2004, framed the problem in these terms:

The world community is faced with wide-scale ethnic cleansing and mass murder. We face leaders whose policies result in hundreds of thousands, if not millions, of starving, persecuted refugees, in armed clashes with neighbouring states, and in attempts to obtain weapons of mass destruction. It is true that in many such cases, human rights and the interests of peace and security cease to be purely a state's internal affairs. Mass violations of human rights and security demand a reaction from the world community, including the possible use of force. *But how and in what form? Based on international law or despite it?*¹³⁵

Consistently, the next year, Russia contributed to the formulation of what was called a 'watered down R2P', which established the central role of the sovereign state in the protection of its population and the secondary and complementary role of the rest of the international community, in certain isolated and detailly characterized circumstances and in strict compliance with the unavoidable UNSC authorization. In that circumstance the Permanent Representative of Russia to the UN, Andrey Denisov, acknowledged that "massive human rights violations and genocide [can] be cause for intervention

¹³² ZIEGLER (2014: 18)

¹³³ KUROWSKA (2014: 490)

¹³⁴ While the theoretical criticism is addressed in the present chapter, condemnation of the operation in Libya will be discussed in para. 3.6.

¹³⁵ PRIMAKOV (2004: 51), emphasis added

by the international community”, yet he emphasized that “such action can be taken only when authorized by the Security Council”¹³⁶.

Russian diplomats and politicians have effectively outlined the country’s view of this doctrine in several other occasions, for example during the 2009 General Assembly debate. Mikhail Margelov, deputy head of the Russian delegation, stated:

We believe that the initial responsibility to protect people from genocide, war crimes, ethnic cleansing and crimes against humanity lies *with States*. States should constantly strengthen and expand *their own means* to uphold that responsibility. [...] In our opinion, the role of international community should, in the first instance, focus on providing comprehensive *assistance* to States in strengthening their own capacity and on *preventive diplomacy*¹³⁷.

Similar statements have been delivered in the following years, all of them, with different wording, calling the “protection of civilians [...] a priority for all parties to a conflict”¹³⁸; reaffirming the “exclusive and critical responsibility of states”¹³⁹ to protect their citizens; inviting to prioritize “preventive mechanisms allowing one at an early stage to highlight/detect problematic situations and prevent large scale atrocities”¹⁴⁰; and referring to the 2005 formulation of the R2P as the most accurate formulation. Russian Minister of Foreign Affairs Sergey Lavrov, in an address to the UN General Assembly in 2012, noted that the “world order is threatened by arbitrary interpretation of such essential principles as non-use or threat of force, peaceful settlement of disputes, respect for sovereignty and territorial integrity of states and non-interference in their domestic affairs”¹⁴¹.

Putin in 2012 went as far as to declare

It is often said that *human rights override state sovereignty*. No doubt about this – crimes against humanity must be punished by the International Court. However, when state sovereignty is too easily violated in the name of this provision, when human rights are protected from the outside and on a selective basis, and when the same rights of a population are trampled underfoot in the process of such “protection,” including the most basic and sacred right – the right to one’s life – these actions cannot be considered a noble mission but rather outright demagoguery¹⁴²

These statements, that may seem contradictory, are in fact underpinned by a rather simple mentality: R2P’s founding principle and, at the same time, its main objective – the protection of civilians and of their fundamental rights – has in itself few ambiguities and it is rather easy to accept (or to pay lip service to it). However, going a step further simple acceptance is much more difficult, because the norm “clashes with a bedrock principle of international relations that few countries are willing to concede”¹⁴³. Most importantly, this approach

¹³⁶ Permanent Mission of the Russian Federation to the United Nations, 7 April 2005, *Statement of the Permanent Representative of the Russian Federation at the 87th Plenary Meeting of the General Assembly* (A/59/PV.87)

¹³⁷ Permanent Mission of the Russian Federation to the United Nations, July 2009, *Statement at the General Assembly Debate on Responsibility to Protect*, emphasis added

¹³⁸ Permanent Mission of the Russian Federation to the United Nations, 12 February 2014, *Statement at the Open Debate of the United Nations Security Council on Protection of Civilians in Armed Conflict*

¹³⁹ Permanent Mission of the Russian Federation to the United Nations, 8 September 2014, *Statement at the 2014 UN General Assembly Dialogue on the Responsibility to Protect*

¹⁴⁰ Permanent Mission of the Russian Federation to the United Nations, 5 September 2012, *Statement at the General Assembly informal, interactive dialogue on the “Responsibility to Protect: Timely and Decisive Response”*

¹⁴¹ LAVROV, 28 September 2012, Statement at the 67th Session of the UN General Assembly

¹⁴² PUTIN (2012), emphasis added

¹⁴³ ZIEGLER (2014: 2)

is “neither automatically anti-humanitarian nor merely instrumental in Russia’s normative confrontation with the West. It highlights instead the clash between the state-centred security discourse and the universalist liberal principles underpinning R2P’s third pillar”¹⁴⁴.

Coherently, Russia has approved or abstained from 25 UNSC Resolutions in which either pillar I, or pillar II, or a combination of the two, were included¹⁴⁵, and even military operations, as far as the target state’s government had given its consent (e.g. Mali in 2012); on the contrary, Russia has vetoed (the majority of) resolutions that could somehow impair the sovereignty of the country, e.g. the 2007 Saffron revolution in Burma and, most notably, in Syria (see *infra* chapter 4). Libya was rather an exceptional case, as Russia did not veto a resolution encompassing use of force against the very State’s will; however, shortly after the beginning of the operation, Putin harshly criticised how NATO carried out the mandate.

In short, the methods Russia has been employing for contrasting the instrumental interpretation and employment of this liberal product have been the following:

questioning the status of R2P as a (legal) norm by emphasising the contestation of its third pillar, namely international intervention; the separation of human rights matters from the R2P dossier to curb the latter’s ‘creative proliferation’, premised on the liberal notion of the individual as the referent object of security; and the promotion of regional international organisations as legitimate interveners¹⁴⁶.

Indeed, under pillar II of the 2009 Secretary General’s version of R2P, regional organizations have an active role in capacity building; in accordance to this provision, Russia has intensively campaigned for a deeper involvement of these actors in the processes of intervention, peacekeeping, stabilization, arguably for its own strategic interests, since recognizing the role of regional organizations would mean a step further towards multipolarity and more relevance for Russia-led Collective Security Treaty Organization (CSTO)¹⁴⁷.

In conclusion, in light of what this paragraph has attempted to demonstrate, it seems relevant to address Mateiko’s claim that Russia would be “constrained by limited resources to commit itself to R2P given its modest contribution to R2P missions”¹⁴⁸. The impression is rather that Russia has no interest in employing its resources in something it deems not so relevant – or possibly dangerous – for its objectives.

2.3 Sovereignty as a right vs sovereignty as a responsibility

As we already recalled, one of the main innovations brought by the ICISS’s work was the shift in how sovereignty was intended. Starting from 1648, the Westphalian peace had shaped the way sovereignty was conceived in international relations: a sovereign State is both the supreme authority in a given territory, without any superior centre of power; and it is a formally independent actor in the global arena. The notions of humanitarian intervention in the 1990s and then, starting from 2001, of Responsibility to Protect, have blurred the distinction between these two aspects and have reduced their absoluteness; the external dimension of sovereignty is now

¹⁴⁴ KUROWSKA (2014: 498)

¹⁴⁵ ZIEGLER (2016: 348)

¹⁴⁶ *ivi*, p. 497

¹⁴⁷ CSTO is an intergovernmental military alliance: its members are Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia, Tajikistan; Uzbekistan suspended its membership in 2012.

¹⁴⁸ MATEIKO (2014:10)

subject to the international judgement. Sovereignty is therefore not anymore a State's right but also a responsibility *vis-à-vis* its citizens, whose protection becomes a measure for the legitimacy of that State; "States are now widely understood to be instruments at the service of their peoples, and not vice versa"¹⁴⁹.

On the one hand, the potential advantages of this new concept in terms of defence of human rights are clear; on the other hand, however, the potential abuses are equally evident, not only from abstract and theoretical scenarios but also from concrete practices. "For Russia, the Westphalian order has been the cornerstone of stability"¹⁵⁰. In fact Russia, more concerned about the risks than enthusiast of the upsides, has defended its inviolable sovereignty since the very first Foreign Policy Concept, where it was maintained that "attempts to belittle the role of a sovereign state as the fundamental element of international relations generate a threat of arbitrary interference in internal affairs"¹⁵¹. This is to be placed within the wider framework of Russia's self-attributed role of weaker countries' advocate, and, most importantly, of Russia's demands before the West/the US to be granted formal parity in the international relations and to be recognised as a regional centre of power; thus, as argued by Deyermond, "the challenge to the primacy of state sovereignty posed by both the reconceptualization of sovereignty and actions that reflect this shift appear to undermine the authority of – indeed, the organisational principles of – the international structures that help to constitute Russia as a great power"¹⁵²; in this view, compliance with international law and the inviolability of the UN Charter become the most effective forms of protection against Western interference in a State's internal affairs, especially if, as Russia does, the Charter is given a "restrictionist view [...], which sees sovereignty as ranking higher than human rights"¹⁵³.

In a speech held in 2006 by the then First Deputy Chief of the Russian Presidential Administration, Vladislav Surkov, considered the Kremlin's ideologue, "sovereign democracy" was named for the first time, despite the concept being already present in Russia's governmental practice. The idea is that Russia rejects Western universalizing principles and efforts to impose its alien values on Russia and other cultures and traditions¹⁵⁴: the emphasis is clearly on *sovereignty* as resistance against external influence.

Ziegler reports that "[a]ccording to one Ministry of Foreign Affairs specialist, R2P is objectionable because it poses a false dichotomy between state sovereignty and individual human rights"¹⁵⁵, as the two things are mutually exclusive. Russia maintains the exact opposite, i.e. the fact that citizens of a certain State are much more protected if the legitimate authority is kept in place and granted sovereignty rather than if external forces unilaterally operate regime change, determining instability – when not the failure of the State (Libya is the classic example for that).

While the present chapter was being drafted, a referendum to reform the Russian Constitution was held. Some of the amendments approved on July 1st, 2020 appear particularly relevant for and consistent with our discourse and will be therefore shortly presented. Sovereignty and territorial integrity are

¹⁴⁹ UN Secretary General, 20 September 1999, *Annual Report*

¹⁵⁰ KUHRT (2014: 97-98)

¹⁵¹ Russian Foreign Policy Concept 2000

¹⁵² DEYERMOND (2016: 974)

¹⁵³ KUHRT (2014: 99)

¹⁵⁴ ZIEGLER (2014:7)

¹⁵⁵ *ibidem*

addressed in the new art. 67: “The Russian Federation protects its *sovereignty* and *territorial integrity*. Actions [...] aimed at alienating part of the territory of the Russian Federation, as well as calls for such actions, are not allowed”¹⁵⁶. The status of the Constitution *vis-à-vis* international laws and treaties is the object of the first part of art. 79, which states: “Decisions of interstate bodies [...] contrary to the Constitution of the Russian Federation are not subject to enforcement in the Russian Federation”¹⁵⁷. Art. 79¹, on international peace and security, is worth mentioning too, as it includes in the Constitutional text one of the key ideas of the past Foreign Policy Concepts: “The Russian Federation takes measures to maintain and strengthen international peace and security, ensure the peaceful coexistence of states and peoples and *prevent interference in the internal affairs* of the state”¹⁵⁸.

This reform has not introduced any normative innovation worthy of note: the amendments have been derived either from the 1936 Soviet Constitution, or from other official documents (i.e. the Foreign Policy Concepts), or from the general political discourse. Indeed, the objective of the reform was certainly not to radically innovate the Constitution, but rather the opposite: to embrace tradition, reinforcing some of the founding pillars of Russian political thought (one above all, sovereignty) and giving some ideas, already deeply rooted in public consciousness, the status of constitutional norms, to reaffirm their importance and strengthen their scope.

2.4 R2P as a tool for pursuing Western interests: selectivity and regime change

Russia and other non-Western actors have contested humanitarian intervention and Responsibility to Protect also due to the fact that, rather than universal principles aimed at protecting *any* population and directed against *any* sovereign authority “unwilling or unable” to offer protection, they have been applied selectively and arbitrarily by the West; target countries have been sometimes labelled as dangerous, or instead completely ignored, on the basis of convenience and strategic interests; “terrorists [have been] perceived differently in different countries – some are ‘bad guys’ and others are ‘not so bad’”¹⁵⁹. Western countries’ implementation of R2P is charged with double standards and hypocrisy as it focuses on certain cases (e.g. Russia’s allies) and disregards others (e.g. US’ allies).

The Middle East is an effective example of the selective application of Western moral and humanitarian (double) standards. It was

most obvious in the case of intervention in northern Iraq and the imposition of no-fly zones in northern and southern Iraq. The treatment of Kurds in Turkey was hardly better than that meted out to their cousins in Iraq. However, no humanitarian intervention was ever contemplated in the case of Turkey, a NATO member and a key player in enforcing economic and military sanctions against Iraq¹⁶⁰

Ayoob refers to the 90s, but the Kurds remain a problem widely ignored by the West yet nowadays. Their fight against the ISIS terrorists in Syria has been substantially underrecognized, their struggle for self-determination and an autonomous state have not received as much attention, and Turkey’s attempts

¹⁵⁶ The Constitution of the Russian Federation (Konstitutsiya Rossiyskoy Federatsii), art. 67 (unofficial translation), emphasis added

¹⁵⁷ *ivi*, art. 79 (unofficial translation)

¹⁵⁸ *ivi*, art. 79¹ (unofficial translation), emphasis added

¹⁵⁹ PUTIN (2012)

¹⁶⁰ AYOOB (2002: 87)

to eliminate them has been almost completely ignored and certainly not condemned.

The same is true for the issue of Israel/Palestine. In 2015, a Q&A published by the International Coalition for the Responsibility to Protect, maintained that

civil society organizations and UN officials have stated that violations of International Humanitarian Law (IHL), which potentially amount to war crimes, were committed by both sides. Therefore, the international community bears a responsibility to protect Israeli and Palestinian populations affected by such war crimes¹⁶¹.

Being R2P applicable only intrastate-wise, the document debates whether the Palestinian territories could be considered occupied and controlled by Israel, or rather detaining a certain degree of autonomy. It also argues that both the occupying power – Israel – and the *de facto* authority – Hamas – had manifestly failed to protect the population, as they had been found guilty of war crimes¹⁶². Thus, the Responsibility to Protect passed into the hands of the international community, in the modalities and measures set out in pillar II and III of the 2009 Secretary General’s Report. The document reports that

[w]hile the UN Security Council expressed grave concern for the deterioration of the situation in Gaza and called for full respect of international humanitarian law, including the protection of the civilian population, it did not consider taking any kind of stronger action. Many believe that such a debate would have been void of purpose, as the USA – a staunch ally of Israel – would be sure to veto any attempt to involve the Security Council in the conflict¹⁶³.

As previously recalled (see *supra* para 1.1), out of the 16 UNSC resolutions vetoed by the US since 1991, 15 concerned the Palestinian question, either in connection with Israeli settlements, or the Second Intifada, or else. Therefore, despite explicit calls, the international community has failed to fulfil its responsibilities *vis-à-vis* the Israeli/Palestinian conflict, mainly because of the opposition of one of the P5.

The charge of double standards has been central in Russia’s arguments against the West since Putin’s first presidential mandate: he labelled it “missile-and-bomb democracy”¹⁶⁴ to underline the contradiction between the alleged humanitarian purpose and the violent means employed. Ziegler notes that “Western altruistic commitments to protect vulnerable populations are generally interpreted by Russians as simply a cover for great power goals – acquiring territory or natural resources, or effecting regime change – rather than a genuine effort to alleviate human suffering”¹⁶⁵.

Another controversial aspect of Western interventionism, widely criticised by Russian authorities, concerns NATO’s role, its threatening enlargement eastward, the way it has implemented its missions, its increasing involvement in the framework of collective security worldwide, despite being, formally, a regional organization.

This was already clear since the intervention in Kosovo, which, as reported by Kuhrt, Blair saw as a test for the Atlantic Alliance’s “credibility”¹⁶⁶. Now and

¹⁶¹ International Coalition for the Responsibility to Protect, March 2015, *Q&A: The Responsibility to Protect (RtoP) and Gaza*

¹⁶² Amnesty International, January 2009, *The Conflict in Gaza: A Briefing on Applicable Law, Investigations, and Accountability*; Human Rights Watch, April 2010, *Turning a Blind Eye: Impunity for Laws-of-War Violations during the Gaza War*

¹⁶³ *ibidem*

¹⁶⁴ PUTIN (2012)

¹⁶⁵ ZIEGLER (2016: 353)

¹⁶⁶ KUHRT (2014:101)

then, it remains true that “anything done near Russia is done against Russia”¹⁶⁷, and in fact the perception that NATO is conceived as an anti-Russian military alliance is entrenched in the most part of Russia’s military and political establishment. “Claims that it has become a political-military alliance dedicated to strengthening common security are regarded as risible and insulting”¹⁶⁸. In 2010, during an interview, Lavrov clarified that NATO itself is not seen as a threat to Russia: what is perceived dangerous is “NATO’s desire to project its power capacity onto any area of the world in violation of international law”¹⁶⁹; he explained that, as NATO tends to go beyond the borders of its area of competence, and fails to obtain a UNSC mandate to do so, “[t]his will provoke the temptation to say: if NATO can do it, why can’t we?”¹⁷⁰.

In order to contrast this dangerous tendency and to promote its alternative approach to the matter, Russia has portrayed itself as a bulwark of the sovereignty principle, a “custodian of international law”¹⁷¹ and responsible for “those who have no representation in the Security Council”¹⁷². Western interventionism is described as a disguised form of neo-colonialism, in which the international institutions are designed, justified and sustained by a discriminatory international law with the exact objective of maintaining this new domination. Coercive measures and military interventions, rather than serving the alleged purpose of halting gross violations of human rights, aim at pursuing Western interests and impose their domination¹⁷³.

Arbitrary interventions and selective enforcement of respect of human rights are based on a scale of values elaborated by the West, promoted by the West, implemented by the West: the target country has no active role in the process, no say in the adoption of the eventual UNSC Resolution; in Ayoob’s words:

only those countries that had reached a certain standard of civilized behaviour had the rights to attain sovereign status and interact with each other on the basis of mutual recognition of sovereignty. The others, being barbarians if not savages, were to remain subject to, or under the tutelage of, sovereign (European) powers. [...] The resurrection of the ‘standard of civilization’ assumption in the late twentieth century, and their application under the guise of ‘sovereignty as responsibility’ thesis, once again raises the spectre of a return to colonial habits and practice on the part of major Western powers. It also has the potential to divide the world once again into zones of civilised and uncivilized states and legitimate predatory actions by the former against the latter¹⁷⁴.

This argument is particularly effective as Russia, contrary to the majority of the Western States, lacks a colonial past and can therefore accuse the West of imperialist ambitions, while, at the same time, recalling the USSR’s anti-colonial stance. During a General Assembly Dialogue on R2P, a Russian diplomat effectively delivered this concept by underlining that “the main aim of [coercive measures] should be to prompt the responsible state for implementing its obligations and not *supplanting its role* in so doing”¹⁷⁵.

¹⁶⁷ SHERR (2009: 204)

¹⁶⁸ *ivi*, p. 203

¹⁶⁹ LAVROV (2010)

¹⁷⁰ *ibidem*

¹⁷¹ KUROWSKA (2014:496)

¹⁷² *ibidem*

¹⁷³ INGIYIMBERE (2017: 108)

¹⁷⁴ AYOOB (2002: 84-85), emphasis added

¹⁷⁵ Statement delivered on behalf of the Permanent Mission of the Russian Federation to the United Nations General Assembly informal, interactive dialogue on the “Responsibility to Protect: Timely and Decisive Response”, 5 September 2012

Not secondarily, Inozemtsev has noted that not only military interventions are not necessarily successful in realizing their objectives; most of the times the consequences are worse than the problem that was supposed to be solved: “of the various humanitarian interventions from 1990 to 2005, not one has resulted in a relatively peaceful outcome. Such interventions merely alter the balance of power between opposing sides”¹⁷⁶ in favour of the West-backed one. In addition, the risk is that, in order to trigger an intervention, one of the warring parties may raise the level of violence – or provoke the other side to do so, thus further aggravating an existing conflict.

2.5. Misapplication of R2P?

So far, Russia has been presented as a firm opposer of Responsibility to Protect and one of the firmest defenders of sovereignty and territorial integrity. However, in order to fully understand Moscow’s approach *vis-à-vis* R2P, it is fundamental to study in detail the circumstances in which Russia has justified its actions in the name of R2P and has used arguments recalling the very arguments used by the West in similar situations, much criticised by Russia itself. The two episodes of Russia’s intervention in favour of South Ossetia (2008) and Crimea (2014) will be analysed, in order to fully appreciate the underpinning strategy.

The necessary premise to this discourse is that Russia claims a special, privileged relationship with the former Soviet republics, i.e. what is usually called “post-Soviet space”. The justification for this primacy – called “regional exceptionalism”¹⁷⁷ by Allison – is rooted in the common recent past, in their strong and stable economic and political ties, in Russia’s and regional security, etc. This has two correlated implications: first, that external actors trying to penetrate are pushed back with any means; second, that Russia has a certain behaviour and applies certain norms within this space, that differ under many aspects from the approach and the norms *vis-à-vis* other countries. Deyermond calls these two approaches “Westphalian model of sovereignty” and “post-Soviet model of sovereignty”, arguing that the latter

appears ‘post-Soviet’ not just in the sense that it applies to the other successor states of the USSR but because it appears to reflect aspects of the Soviet constitutional relationship between Moscow and the republics. At the same time, contemporary Russian government discourse on sovereignty in the region clearly draws on the language and principles of R2P regarding intervention and sovereignty¹⁷⁸

in the sense that “the sovereignty of the states is treated as inviolable in relation to ‘external’ actors but permeable in relation to Russia”¹⁷⁹.

Many scholars have tried to make sense of this apparently incongruous pattern, labelling it as contradictory¹⁸⁰, opportunistic¹⁸¹, ambiguous and volatile¹⁸². However, these explanations are not entirely convincing, as they fail to frame the single episode within the bigger picture of Russia’s strategy. Other academics have tried to read the ‘misapplication’ of R2P as an attempt to expropriate and deconstruct the norm, and then give it a new meaning that better suits its needs.

¹⁷⁶ As reported by ZIEGLER (2014: 8)

¹⁷⁷ ALLISON (2013:151)

¹⁷⁸ DEYERMOND (2016: 971)

¹⁷⁹ *ivi*, p. 962

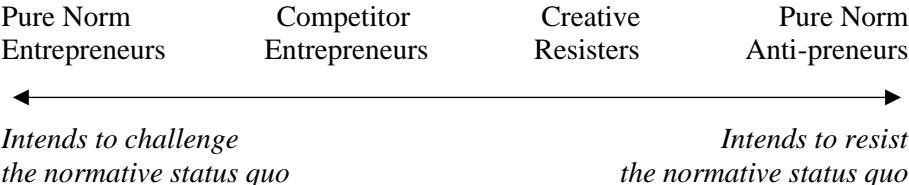
¹⁸⁰ KUROWSKA (2014: 489)

¹⁸¹ REEVES (2014: 212)

¹⁸² BARANOVSKY, MATEIKO (2016: 58)

Another hypothesis is that exploiting the norm in an un-prescribed way would serve to highlight certain contradictions and thus create a “parodic version”¹⁸³ of the Western concept to discredit its reputation and undermine its credibility. Russia is holding up a mirror to the West, presenting “what it understands the West will interpret as a bad example – the very bad example Russia has been warning of for years in its oppositional stance to the R2P norm as a threat to the UN Charter rules”. The idea is that a blatant misemployment of R2P will make the West understand that “rather than it being Russia that is trying to change international rules, it is precisely the West which seeks to overturn the global order and to undermine international law”¹⁸⁴.

According to Bloomsfield’s norm dynamics role-spectrum, Russia would probably be somewhere in between creative resisters and pure norm anti-preneurs, shifting close to one or the other position according to the contingencies, the actors involved, the interests at stake, and many other variables.



Source: adapted from BLOOMFIELD (2016: 331)

2.5.1 Russia’s policy of passportization and the Responsibility to Protect its citizens

Passportization is defined by Nagashima as “the mass conferral of Russian citizenship on the population of particular territories by distributing Russian passports”¹⁸⁵. It is a policy widely employed in the post-Soviet space since 2000s, whose application has been directed towards contested territories claiming some degree of autonomy from the main State, namely Abkhazia, South Ossetia, Transnistria, Crimea, Donbass. Not only did Russia provided them with the possibility to acquire the citizenship: it also offered concrete administrative support to the residents in order to make it happen as fast and as effectively as possible. This made it possible to “constructing them as part of the Russian political community”¹⁸⁶ and thus constituting an “expansive national identity”¹⁸⁷.

This policy must in fact be read and understood in close connection with another policy, a key instrument of Russia’s self-promotion as a strong country that is willing and able to protect its citizens and compatriots anywhere in the world – but especially in countries which are, for some reasons, particularly hostile to Russia. While ‘citizen’ is a clearly identifiable category, ‘compatriot’ has to do with a more complex discourse of ethnicity, language and culture that dates back to the Soviet Union; this will not be treated in too much detail as it is not fundamental for the present matter: it is enough to say that their health and well-being are identified as subject to protection in many official speeches held in different occasions by the President himself and by high-ranked politicians, in the Constitution (“The Russian Federation shall guarantee its citizens protection and patronage

¹⁸³ IGNATIEFF (2014)

¹⁸⁴ KUHRT (2014: 112)

¹⁸⁵ NAGASHIMA (2019: 188)

¹⁸⁶ ARTMAN (2013: 685)

¹⁸⁷ ZIEGLER (2016: 355)

abroad”¹⁸⁸); in the National Security Concept (“The foreign policy of the Russian Federation must be aimed at [...] protecting the lawful rights and interests of Russian citizens abroad, through the use of political, economic and other measures”¹⁸⁹) and in every Foreign Policy Concept, e.g. in 2000:

Russia sees its goal as being [...] to protect the rights and interests of Russian citizens and compatriots abroad on the basis of international law and operative bilateral agreements, [...] to obtain adequate guarantees for the rights and freedoms of compatriots in states where they permanently reside and to maintain and develop comprehensive ties with them and their organizations¹⁹⁰.

How passportization and protection of Russians abroad are linked is of rather easy understanding, and an effective synthesis was provided in 2004 by Valery Arshba, then Vice-President of Abkhazia: “The president of the Russian Federation is the guarantor of protection of the citizens of the Russian Federation, no matter where they live. [...] Political protection implies *military protection*”¹⁹¹. Therefore, passportization is not just an administrative or bureaucratic matter – it has a profound implication in terms of sovereignty and control over the portions of ‘passportized’ territories:

Passportization, unlike the provision of armaments, fundamentally transformed the quality of Russia’s engagement [...]. Henceforth, Russia’s stake would be much more immediate and, quite literally, more personal. The large number of Russian citizens created [...] through passportization meant that Russia could now claim some measure of jurisdiction over a significant proportion of the populations of the de facto states¹⁹².

In the next two paragraphs, justifications provided for the interventions in South Ossetia and Crimea will be analysed in detail. For the moment, it is interesting to notice how passportization, defence of Russians abroad and Responsibility to Protect created, in the political discourse and in the concrete practice, a mixture of practices and norms that is located somewhere in between R2P and self-defence. One must always keep in mind that, while R2P is not officially envisioned by the UN Charter as a legitimate exception to the use of force, self-defence is indeed allowed by art. 51 and requires no UNSC Resolution¹⁹³.

The restriction in the scope of R2P, i.e. the adding of “its citizens”, is one of the main critiques advanced against Russia from R2P advocates, who argue that whether people are in need of protection and intervention is required should not be deliberated on the basis of the passport they hold. At the same time, according to the Kremlin, “the Russian state is responsible for Russians and Russian compatriots, but the interpretation of when these rights are in jeopardy and how the state should respond is left to top officials, not the international community”¹⁹⁴.

¹⁸⁸ The Constitution of the Russian Federation (Konstitutsiya Rossiyskoy Federatsii), art. 61.2 (unofficial translation)

¹⁸⁹ The Ministry of Foreign Affairs of the Russian Federation, 10 January 2000, *National Security Concept of the Russian Federation*

¹⁹⁰ The Ministry of Foreign Affairs of the Russian Federation, 28 June 2000, *The Foreign Policy Concept of the Russian Federation*

¹⁹¹ Quoted in ARTMAN (2013: 690), emphasis added

¹⁹² ARTMAN (2013: 691)

¹⁹³ Nevertheless, the role of the UNSC stays significant also in the case of art. 51: indeed, self-defence does not require prior authorisation by the UNSC, however: the measures taken by the attacked State shall be reported immediately to the UNSC; the right to take such measures ceases as soon as the UNSC intervenes.

¹⁹⁴ ZIEGLER (2016: 353)

2.5.1.1 South Ossetia

In 2008, Russia intervened in the war between Georgia and the secessionist region of South Ossetia, in favour of the latter. The then Russian President Dmitry Medvedev claimed that Russian involvement was unavoidable, as Georgia's attack against Tskhinvali (South Ossetia's capital) constituted "an act of aggression against Russian peacekeepers located there and the civilian population in South Ossetia, [...] a gross violation of international law"¹⁹⁵; he added that "[i]n accordance with the Constitution and the federal laws, as President of the Russian Federation it is my duty to protect the lives and dignity of Russian citizens *wherever they may be*"¹⁹⁶.

The passportization programme had started only 4 years earlier and had reached more than 90 per cent of the population, who had "happily facilitated"¹⁹⁷ the process, not only for the material benefits connected to holding a Russian passport (e.g. visa-free travel to Russia) but also because it represented a further detachment from Georgia¹⁹⁸. "The Russian government would henceforth defend its citizens in South Ossetia and Abkhazia just as it would its citizens within the borders of the Russian Federation. An attack on the *de facto* states now amounted to an attack on Russia itself"¹⁹⁹, and was in fact characterised as such by Foreign Minister Lavrov, who explicitly referred to art. 51 of the UN Charter²⁰⁰. As noted by Allison, "Russia itself ha[d] created this reason for intervention through its own policy"²⁰¹.

It has been argued that, even if, for the sake of the argument, Russia could actually intervene with military means in defence of either Russian peacekeepers or Russian passport holders, this should have been done in the form of "a rapid and limited surgical operation, proportionate to urgent needs"²⁰²; on the contrary, Russian intervention was disproportionate in the scale and in the extension, aggressive and punitive. Lavrov rejected all the charges, maintaining that

Nobody can tell us what proportionate use of force really means in this specific situation. We acted quickly, effectively, and proportionately. In Georgia proper we hit only a limited number of targets, all of them military or dual-purpose. [...] We did not attack Tbilisi and did not become involved in regime change, which is not our area of expertise²⁰³.

Russia's justifications for intervention, however, were not limited to self-defence. Extreme accusations of violations of human rights, ethnic cleansing and genocide were wielded against the Georgian President Mikheil Saakashvili, who was labelled a war criminal, and against the Georgian army in general. Moscow deplored the humanitarian catastrophe and the grave infringement of international law by the Georgian authorities. To enter the conflict was for Russia the only way to "prevent further bloodshed, prevent further escalation of the conflict, and to prevent the deaths of thousands of innocent civilians"²⁰⁴. The only feasible response to these atrocities was to

¹⁹⁵ MEDVEDEV, 8 August 2008, *Statement on the Situation in South Ossetia*

¹⁹⁶ *ibidem*, emphasis added

¹⁹⁷ ARTMAN (2013: 690)

¹⁹⁸ *ivi*, p. 693

¹⁹⁹ ARTMAN (2013: 690)

²⁰⁰ LAVROV (2009: 47)

²⁰¹ ALLISON (2013: 154)

²⁰² *ivi*, p. 153

²⁰³ LAVROV (2009: 47)

²⁰⁴ MEDVEDEV, 26 August 2008, Interview with CNN

resort to Responsibility to Protect. Lavrov referred to the concept already the day after the war had begun:

According to our Constitution there is also responsibility to protect – the term which is very widely used in the UN when people see some trouble in Africa or in any remote part of other regions. But this is not Africa to us, this is next door. This is the area, where Russian citizens live. So the Constitution of the Russian Federation, the laws of the Russian Federation make it absolutely unavoidable to us to exercise responsibility to protect²⁰⁵.

Medvedev went as far as to declare that Russia “really did try throughout these 17 years to hold together a state that was in effect coming apart, and [it] encouraged all possible settlement efforts”²⁰⁶ and that Georgia’s conduct constituted an act of annexation. Despite Russia’s efforts to fulfil its role of guardian of Georgia’s territorial integrity, Saakashvili “dashed all the hopes for the peaceful coexistence of Ossetians, Abkhazians and Georgians in a single state”²⁰⁷. Deyermond also reports that “Russian government argued that Georgian independence had itself violated the Abkhaz and South Ossetian republics’ rights to determine whether or not to secede from the USSR; in other words, Georgian independence had violated Abkhaz and South Ossetian sovereignty”²⁰⁸. Russia’s recognition of the new state entities came immediately after the end of the conflict: a referendum was held in both regions, and consequently the parliaments of Abkhazia and South Ossetia presented a formal request to the Federation Council and State Duma, which passed the resolution: Moscow maintained that “the recognition of their independence was [...] grounded in both democratic practice in the regions themselves and therefore in international law”²⁰⁹; Medvedev justified his decision to sign the Decrees of recognition with reference to “the freely expressed will of the Ossetian and Abkhaz peoples and [...] the provisions of the UN Charter, the 1970 Declaration on the Principles of International Law Governing Friendly Relations Between States, the CSCE Helsinki Final Act of 1975 and other fundamental international instruments”²¹⁰.

For a full understanding of the context, one must not forget that, only a few months before these events, Kosovo had unilaterally declared independence from Serbia and had been immediately recognized by the majority of Western states (with the curious exception of Spain, worried about its internal centrifugal tendencies), but of course not by Russia, an historical ally of Serbia. Kosovo was explicitly evoked by Medvedev as constituting a precedent, despite the (arguably naïve) attempts of the West to categorize it as *sui generis*. Additionally, the unilateral bombing of Kosovo was still firmly present in Russia’s mind, after less than 10 years. Russia’s arguments for defence and later for recognition of South Ossetia (and Abkhazia) not casually mocked those advanced by the West in the aforementioned circumstances. Admittedly, the two situations had something in common, as argued by Karagiannis:

In both cases, the autonomous province is populated by an ethnic group whose rights were violated and faced ethnic cleansing. Moreover, Kosovo and South Ossetia have built embryonic institutions of a sovereign state, since they have been beyond the control of central authorities for years. Finally, the

²⁰⁵ LAVROV, 9 August 2009, Interview to BBC

²⁰⁶ MEDVEDEV, 31 August 2008, Interview given to Television Channels Channel One, Russia, NTV

²⁰⁷ MEDVEDEV, 26 August 2008, Statement on the events in South Ossetia

²⁰⁸ DEYERMOND (2016: 696)

²⁰⁹ *ibidem*

²¹⁰ MEDVEDEV, 26 August 2008, Statement on the events in South Ossetia

international community's efforts to promote reconciliation between the two sides in Kosovo and South Ossetia were equally unsuccessful²¹¹.

As for Kosovo, unilateral humanitarian intervention was allegedly needed to prevent and put an end to gross violations of human rights; territorial integrity of the main State was expendable as a form of reparation/compensation, in accordance with the right to self-determination; recognition of the new territorial entity was immediate. These parallelisms appear to support the "parodic version of R2P" theory, whose goal is to undermine the normative basis and the credibility of the concept; this emerges from Allison consideration as well: "Russian reference to validate its military action in Georgia has been *abusive and unhelpful for efforts to consolidate R2P principles in international society at large*"²¹². It is also worth mentioning that Russia made no effort to obtain a Security Council Resolution authorizing the intervention, the very condition on which Russia has insisted since the emergence of Responsibility to Protect and earlier, up until the Syrian conflict.

Another plausible argument for Russia's intervention in the conflict was Georgia's increasingly close relationship with NATO. Many have observed that Moscow wanted to send a warning to Tbilisi and to prevent the Atlantic Alliance from establishing in its close neighbourhood, while reinforcing its influence in the Caucasus.

2.5.1.2 Crimea

Under many aspects, what happened in Crimea and the way Russia justified its actions resemble the events in South Ossetia. This may be an additional evidence of a Russia's clear, defined strategy, which is difficult to label as simply deriving from hypocrisy or inconsistency.

Before moving to the analysis of analogies and differences, it is significant to briefly outline the relationship between Russia, Ukraine and Crimea. The peninsula was part of Russia's territory since the XVIII century and was transferred to the SSR Ukraine in 1954 as a symbolic gesture to celebrate the 300th anniversary of Ukraine becoming a part of the Tsardom of Russia. It was symbolic because the Soviet Union was one single country, therefore it was not so relevant whether a portion of territory belonged to one Republic or to another. During the following 60 years, Crimea was granted a certain autonomy and remained of strategic importance for Russia's Black Sea fleet.

As in South Ossetia, Crimea had been interested by the passportization practice described in para 2.5.1. The majority of Crimeans was ethnic Russian, spoke Russian and held Russian passports. Despite the numerical predominance, though, Russia argued that Kiev discriminated Crimean Russians on the basis of ethno-national and linguistic criteria. When in 2014 the Euromaidan protests forced the pro-Russia Ukrainian President Yanukovich to flee the country, thousands of Crimeans protested against the new government, backed by Russian military. On 16 March, a referendum was held: according to the official figures, more than 96% voted in favour of the reunification²¹³ with Russia; two days later, acknowledging the results, Russia

²¹¹ KARAGIANNIS (2014: 405-406)

²¹² ALLISON (2013 :159), emphasis added

²¹³ The way these events have been perceived and narrated in Russia differs substantially from the Western version of the story. This is reflected primarily in the very language used to report the facts: the West describes it as an *annexation*, which implies a violent, non-consensual process; conversely, Russians prefer to use *воссоединение* (vossoyedineniye, reunification), *присоединение* (prisoyedineniye, joining) or *возвращение* (vozvrasseniye, return), emphasizing the agreement of both sides and the restoration of a previously existing situation.

formally declared Crimea part of the Federation. Putin's address on the issue maintained that the 1954 transfer "was made in clear violation of the constitutional norms that were in place even then. The decision was made behind the scenes"²¹⁴ and the citizens of the region could not give their consent; they were simply "faced with the fact"²¹⁵. The reunification of Crimea with Russia, the argument went, represented the correction of such an unlawful decision and restored the *status quo ante*, insisting on the legal aspects of the issue; as Deyermond notes, "further justification, in this account, derived from the illegality of the temporary Ukrainian government which was unconstitutional, installed by means of a violent coup, and posed a threat to the security of the Crimean population"²¹⁶.

In a speech held at the UN Human Rights Council, Lavrov denounced the violation of fundamental human rights and liberties carried out by the Ukrainian administration and the "conditions of threats of violent action on behalf of ultranationalists, who endanger the life and legal interests of Russians and the entire Russian-speaking population"²¹⁷. Therefore, he presented as inevitable consequence the fact that

[i]n full compliance with Russian law, in view of the extraordinary situation in Ukraine, the threat to the lives of Russian nationals, our compatriots and staff of Russia's Black Sea Fleet in Ukraine, the President of Russia addressed the Federation Council to allow the use of Russian Armed Forces in the territory of Ukraine until the social and political situation in the country normalises. [...] I repeat, it is all about the *protection of our nationals and compatriots, defence of the most fundamental human right – the right to live*²¹⁸.

Most importantly, what was done by Russia was by no means unilateral: Putin underlined that "Russia did not annex Crimea by force. *Russia created conditions* [...] but only *for the free expression of the will of the people* living in Crimea and Sevastopol. It was the people themselves who made this decision"²¹⁹. The self-determination argument was one of the fundamental pillars on which the justification for intervention rested. The Kosovo precedent proved itself useful once again: unilateral separation was legitimate and did not require any permission from the central government, as stated by Putin, quoting the UN International Court's ruling: "No general prohibition may be inferred from the practice of the Security Council with regard to declarations of independence," and "General international law contains no prohibition on declarations of independence"²²⁰. He also referred to the Written Statement of April 17, 2009, submitted by the US to the UN International Court with regard to the hearings on Kosovo: "Declarations of independence may, and often do, violate domestic legislation. However, this does not make them violations of international law"²²¹.

What emerges from Putin's declaration is that R2P was not as central in the discourse around Crimea as it was in South Ossetia, despite the ethno-

The present paragraph aims at illustrating the events in the most neutral and unbiased way and the choice of one word over another is simply meant to refer one side's point of view and implies no personal judgement.

²¹⁴ PUTIN, 18 March 2014, Address to State Duma deputies, Federation Council members, heads of Russian regions and civil society representatives in the Kremlin

²¹⁵ *ibidem*

²¹⁶ DEYERMOND (2016: 970)

²¹⁷ LAVROV, 3 March 2014, Speech by the Russian Foreign Minister during the high-level segment of the 25th session of the United Nations Human Rights Council, Geneva

²¹⁸ *ibidem*, emphasis added

²¹⁹ Direct Line with Vladimir Putin, 17 April 2014, emphasis added

²²⁰ PUTIN, 18 March 2014, Address

²²¹ *ibidem*

national- and linguistic-based discrimination would have been a rather convincing basis. Baranovsky and Mateiko have explained the choice of focusing on something different in the following terms:

First of all, the actual situation did not provide any serious grounds for assessing possible atrocities in dramatic terms. [...] The law [from which discrimination ensued] was almost immediately cancelled. Secondly, even if such a threat could have been considered realistic with respect to future developments, R2P would by no means have provided a legal pretext for preventive actions, especially the use of force. Thirdly, absorbing the 'protected' territory into the country providing the 'protection' could not be legitimated by the R2P framework²²².

Probably self-determination was in fact more adapt to the events. However, the fact that R2P-based justifications have nevertheless been harshly criticized by, among the others, Ignatieff²²³, one of the 'founding fathers' of the concept, sounds to Russian ears as Western double standards and hypocrisy. When the United States and NATO have intervened unilaterally, they have always expected/forced the rest of the world to accept their actions, recurring to more or less convincing humanitarian arguments. Arguably, Russia may have interests in "undermin[ing] the very purpose of protection for those who really need it and devalu[ing] R2P in the eyes of the international community"²²⁴ and may act deliberately in this direction, to weaken the normative strength of R2P and prevent its global acceptance.

-

Summing up, Moscow's approach *vis-à-vis* Responsibility to Protect is produced by the combination of two cornerstones of Russian political thought: the importance of sovereignty and an anti-Western feeling. R2P, particularly pillar III, embodies both these elements: even if, in principle, Russia is not against pillar I and II, it prefers to reject R2P *in toto* rather than risking arbitrary applications and instrumental interpretations. In light of this, Russia's misuse of the concept is intentional and certainly does not derive from a lack of understanding, nor from simple opportunism: it is a well-structured strategy of norm antipreneurship, aimed at contrasting the process of internalization at the global level.

²²² BARANOVSKY, MATEIKO (2016: 62)

²²³ IGNATIEFF (2014)

²²⁴ MATEIKO (2014: 9)

Chapter 3. R2P in Libya. A fundamental precedent

Because of the chronological, geographic and political proximity, the events in Libya and Syria and the international community's reaction to them require to be studied in connection and, arguably, according to a cause-effect relation. Responsibility to Protect was brought to the Security Council negotiation table in both occasions; however, this chapter and the next one will describe the different outcomes and will explain the reasons for this discrepancy – including the lesson that many countries, Russia in particular, drew from Libya and applied in Syria.

3.1 Historical overview of the Libyan conflict

Starting from the end of 2010 and all along 2011, the MENA region experienced a series of popular uprisings against the political class of the respective countries, perceived as corrupted, illiberal, undemocratic, not anymore able to respond to the people's needs and requests. Demonstrators demanded new political authorities, the possibility to hold fair elections, a new Constitution (or significant amendments to the existing one), more rights and freedoms. Different countries had different, more or less successful experiences, and the results were not always those expected and wished.

Libya was not spared by this wave of unrests: on 15 February 2011, anti-government protests began in Benghazi and soon spread across the country, including Tripoli, the capital and seat of Colonel Muammar Gaddafi-led government. On 27 February, in Benghazi, the opposition set up an interim government, the National Transitional Council (NTC), which proclaimed to be the “sole representative of all Libya”²²⁵. Revolts were brutally repressed by Gaddafi, and this catalysed the international opinion's condemnation and, most importantly, the fear for further, widespread brutalities. This concern was strengthened by Gaddafi's declarations streamed by the national television: he announced that, together with the “millions” of people supporting him, he would have “cleans[ed] Libya inch by inch, house by house, home by home, street by street, person by person, until the country is clean of the dirt and impurities”²²⁶. He called his opponents “rats” and “cockroaches”, and threatened to crush them, a language that sounded disturbingly similar to the one used by the Hutus in the Rwandan genocide. Saif al-Islam, Gaddafi's second son and a leading figure of the Colonel's inner circle, made a statement of similar magnitude: if rebels did not stop fighting and a compromise was impossible to reach, thousands of people would die and “rivers of blood [would] run through Libya”²²⁷. Such brutal declarations soon made clear that violence was imminent and mass atrocities were a likely scenario, and the international community acted accordingly.

The United Nations' response to the events was remarkably rapid. On 22 February, the UN High Commissioner for Human Rights Navi Pillay, in a speech before a special session of the Human Rights Council, reminded the audience that in 2005

world leaders unanimously agreed that each individual State has the responsibility to protect its populations from crimes against humanity and other international crimes. This responsibility entails the prevention of such crimes [...]. When a state is manifestly failing to protect its population from serious

²²⁵ Founding statement of the Interim Transitional National Council, 5 March 2011

²²⁶ Quoted in PEEL (2012)

²²⁷ Quoted in ADAMS (2016)

international crimes, the international community has the responsibility to step in by taking protective action in a collective, timely, and decisive manner²²⁸.

She also warned the Libyan authorities that the kind of violence and repression they employed against demonstrators and civilian population could constitute crime against humanity and be therefore prosecuted.

On the same day, UN Secretary-General Special Adviser on the Prevention of Genocide, Francis Deng, and Special Adviser on the Responsibility to Protect, Edward Luck, released a joint declaration with almost identical content.

On 23 February, the UN Secretary General Ban Ki-Moon again condemned, “loudly and without qualification”²²⁹, violations of international humanitarian and human rights law and reiterated that “the Government of Libya must meet its responsibility to protect its people”²³⁰ and that “those responsible for brutally shedding the blood of innocents must be punished”²³¹.

On 25 February, the UN Human Rights Council issued Resolution S-15/1, which “strongly condemn[ed] the recent gross and systematic human rights violations committed in Libya [...] some of which may also amount to crimes against humanity”²³² and “strongly calls upon the Government of Libya to meet its *responsibility to protect its population*, to immediately put an end to all human rights violations, to stop any attacks against civilians, and to fully respect all human rights and fundamental freedoms”²³³; the Resolution also established an International Commission of Enquiry on Libya and asked the Libyan authorities to “fully cooperate”²³⁴.

On 26 February, the UN Security Council passed Resolution 1970.

On 1 March, the General Assembly suspended Libya from UN Human Rights Council²³⁵.

Susan Rice, then US Ambassador to the United Nations, commented: “I can’t remember a time in recent memory when the Council has acted so swiftly, so decisively, and in unanimity on an urgent matter of international human rights”²³⁶.

3.2 UNSC Resolution 1970

The Security Council was surprisingly responsive to the escalation of the crisis, and indeed after less than two weeks since the beginning of the hostilities, a first Resolution was unanimously passed by the Security Council.

In the preamble, the UNSC members condemn the violence and use of force against civilians and the repression of peaceful demonstrators and deplore the gross and systematic violation of human rights, that may amount to crimes against humanity; the Council welcomes both the “condemnation by the Arab League, the African Union, and the Secretary General of the Organization of the Islamic Conference of the serious violations of human rights and international humanitarian law that are being committed”²³⁷ and the 25

²²⁸ United Nations High Commissioner for Human Rights, 22 February 2011, Statement on the situation in Libya

²²⁹ United Nations Secretary General, 23 February 2011, Press encounter on violence in Libya and political unrest in the Middle East

²³⁰ *ibidem*

²³¹ *ibidem*

²³² Human Rights Council, 25 February 2011, Report of the Human Rights Council on its fifteenth special session

²³³ *Ibidem*, emphasis added

²³⁴ *ibidem*

²³⁵ UN General Assembly, 3 March 2011, A/RES/65/265

²³⁶ US Mission to the UN, 26 February 2011, Remarks by Ambassador Susan E. Rice, U.S. Permanent Representative to the United Nations on Resolution 1970

²³⁷ UN Security Council, 26 February 2011, S/RES/1970

February HRC Resolution, “including the decision to urgently dispatch an independent international commission of inquiry to investigate all alleged violations of international human rights law [...], and where possible identify those responsible”²³⁸; most importantly, they recall the Libyan authorities’ Responsibility to Protect their population but at the same time commit to respect the country’s sovereignty, independence, territorial integrity and national unity.

In the main body, the Security Council decides to refer the situation to the International Criminal Court; it establishes an arms embargo, i.e. prevents any direct or indirect supply, sale or transfer of weapons or other military assistance to the Libyan Arab Jamahiriya; it imposes a travel ban on Muammar Gaddafi, his relatives and some high officials, loyal to the regime, involved in violence against and repression of demonstrators; finally, it calls upon Member States to provide humanitarian assistance.

Resolution 1970 “coercive but peaceful”²³⁹ provisions did not prove particularly effective in tackling the Libyan regime’s violations, and Gaddafi kept fighting against the rebels to defeat them and take Benghazi back from the opposition. The Libyan Government stated that UN’s condemnation was premature and asked for a suspension of the measures encompassed by the Resolutions until the allegations were confirmed. Despite the Arab League calling for a no-fly zone, the Colonel proceeded unbothered and unconcerned. National television broadcasted official messages warning the citizens of Benghazi that the army was arriving “to support you and to cleanse your city from armed gangs”²⁴⁰. Three weeks later, as Resolution 1970 did not bring any concretely positive outcome, the Security Council passed Resolution 1973.

3.3 UNSC Resolution 1973

In the preamble of the Resolution, the failure of the Libyan authorities to comply with the provisions of Resolution 1970 is acknowledged. In the latter, paragraph 26 stated that “the Security Council [...] expresses its readiness to consider taking additional appropriate measures, as necessary”²⁴¹ and this is recalled in the new resolution. The Council “express[es] grave concern at the deteriorating situation, the escalation of violence, and the heavy civilian casualties”²⁴². Once again, the primary Responsibility to Protect the population is attributed to the Libyan authorities. Nevertheless, this protection is not granted, as the civilian population is victim of “gross and systematic violations of human rights, including arbitrary detentions, enforced disappearances, torture and summary executions”²⁴³; indeed, the Council warns that the “widespread and systematic attacks” perpetrated against the civilians “may constitute crimes against humanity”²⁴⁴. While Libya’s sovereignty, independence, territorial integrity, and national unity are considered, the situation in Libya is deemed “a threat to international peace and security”²⁴⁵ and therefore the UNSC recurs to Chapter VII of the Charter.

²³⁸ Ibidem

²³⁹ ADAMS (2016: 771)

²⁴⁰ As reported by USBORNE (2011)

²⁴¹ UN Security Council, 26 February 2011, S/RES/1970

²⁴² UN Security Council, 17 March 2011, S/RES/1973

²⁴³ ibidem

²⁴⁴ ibidem

²⁴⁵ ibidem

These premises being made, in the main body the Council clarifies the measures to implement for achieving a resolution of the conflict and protection of Libyans. It demands an immediate ceasefire and the end of all the attacks against civilians; for the purpose of civilian protection, the UNSC “authorizes Member States [...] to take *all necessary measures* [...] to protect civilians and civilian populated areas under threat of attack”²⁴⁶. This is the key point of the Resolution and the most debated (and prone to ambiguities) part. The Council also establishes a no-fly zone over the whole Libyan airspace (although excluding humanitarian flights from the ban), enforces the arms embargo and widens the scope of the asset freeze, both already encompassed by Resolution 1970. Finally, it promotes the creation of a Panel of Expert, in charge of monitoring the implementation of Resolutions 1970 and 1973, making recommendation to the Council and the single Member States and drafting a report on the matter.

Resolution 1973 marked an historical milestone, as for the first time the Security Council authorized a military intervention against the explicit will of the sovereign authority of the target country. One of the most similar cases was Resolution 794(1992) which, analogously, authorized “all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia”²⁴⁷; the comparison, however, does not uphold: while it did authorize a military intervention in compliance with Chapter VII of the UN Charter, it did so in the absence of a central government rather than in opposition to.

The Resolution passed with 10 votes in favour and 5 abstained: the latter were Russia, China, Brazil, India and Germany. They justified their abstention in different ways, but the prevalent argumentation was that, while condemning Gaddafi’s regime and its violent actions, they did not fully agree with the use of force and feared its degenerating potential.

It is worth underlining that, at the time of the voting, all 5 BRICS Members seated in the Security Council: Russia and China as permanent members, Brazil, India and South Africa holding a rotating seat. This “unique constellation”²⁴⁸ provides with a meaningful insight on how non-Western countries approach the issue and proves that Russia’s views are not (always) explainable as the product of selfish interests, solely aimed at obtaining a strategic and geopolitical gain; on the contrary, they reflect an understanding shared by an increasing number of relevant actors: that the Western-led world is over and a multipolar world, characterised by regional superpowers, represents the new world order.

Vitaly Churkin, then Russia's Permanent Representative to the UN, made a statement to explain his country’s decision to abstain: he reaffirmed that Russia is a “consistent and firm advocates of the protection of the civilian population”²⁴⁹ and cannot accept “any attacks against civilians and other violations of international humanitarian law and human rights”²⁵⁰; guided by these principles, he had not prevented the Resolution from passing. However, he complained, “a whole range of questions raised by Russia and other members of the Council remained unanswered. Those questions were concrete and legitimate and touched on how the no-fly zone would be enforced, what

²⁴⁶ Ibidem, emphasis added

²⁴⁷ UN Security Council, 3 December 1992, S/RES/794

²⁴⁸ STUENKEL (2014: 15)

²⁴⁹ UN SCOR, 17 March 2011, S/PV.6498

²⁵⁰ ibidem

the rules of engagement would be and what limits on the use of force there would be”²⁵¹. He warned against the “morphing” of the draft and criticized the introduction in the text of “provisions [...] that could potentially open the door to large-scale military intervention”²⁵². He argued that the excessive use of force risked to cause suffering “not only [to] the civilian population of Libya but also [to] the cause of upholding peace and security throughout the entire region of North Africa and the Middle East”²⁵³.

Interestingly enough, Morris notes, in the text of the Resolution one can find no explicit reference to pillar II or III of the R2P: it does allude to the State’s Responsibility to Protect its citizens – however, the international community’s complementary responsibility to support or supplant Libya in fulfilling its duty is not mentioned as a normative basis for authorizing a military intervention. Likewise, scarce record of R2P is found in Council members’ declarations on the matter²⁵⁴. A similar remark has been made by Garrow-Gowers, who underlines that both Resolutions do include a reference to Libya’s R2P, but only in the preamble, rather than in the operative parts. He further notices that, “[e]ven more significantly, neither resolution mentioned the *international community’s* responsibility”²⁵⁵ and concludes that “[t]his failure to expressly acknowledge any international responsibility was most likely prompted by concerns that including such a reference might imply the existence of a legal obligation to take similar action in future cases concerning mass atrocities”²⁵⁶. Morris, too, has tried to elaborate an explanation, reaching analogous conclusions:

while R2P provided a conceptual framework through which some states framed their policy options, and that for some of them it even served as a motivating factor, it was nevertheless deemed inexpedient to cite the concept, especially in pillar three guise, given the controversy which still surrounds it. [...] What this in turn suggests is that R2P remains controversial and contested, and subject to a far lesser level of norm-cascade than is often suggested in scholarly literature²⁵⁷.

Only two days after the adoption of Resolution 1973, on 19 March, Operation Odyssey Dawn was launched under the auspices of the United States. The operation’s primary goal, beside preventing government forces from attacking the civilian population, was to grant the enforcement of the no-fly zone: to this aim, the US targeted the regime’s radars and air defence systems, located in the vicinity of Tripoli, and other military facilities on the Mediterranean coast. On 31 March, the NATO-led military coalition took the lead, and initiated Operation Unified Protector, whose main objectives were: attacking, via air and sea, Gaddafi’s forces outside Benghazi and targeting any Libyan Government position that could constitute a potential threat to civilians and residential areas; enforcing the embargo in the Mediterranean area, to impede the supply of any kind of weapons to the regime.

On 27 March, NATO Secretary General Rasmussen declared that the operation’s final objective was “to protect civilians and civilian-populated areas under threat of attack from the Gaddafi regime. [...] Nothing more, nothing less”²⁵⁸. However, the coalition’s intentions soon morphed and the

²⁵¹ *ibidem*

²⁵² *ibidem*

²⁵³ *ibidem*

²⁵⁴ MORRIS (2013)

²⁵⁵ GARWOOD-GOWERS (2013: 605)

²⁵⁶ *ibidem*

²⁵⁷ MORRIS (2013: 1273)

²⁵⁸ RASMUSSEN (2011)

operation became a full-fledged effort to oust Gaddafi; as soon as 1 June, Rasmussen himself announced that the Colonel's departure was only a matter of time: "The question is not *if* Gaddafi will go but *when*"²⁵⁹.

18 States participated in the military operation, including four Arab countries: Morocco, Jordan, Qatar and the United Arab Emirates. Adams has underlined that many of the countries that participated in the operation "had an antagonistic history with Gaddafi"²⁶⁰: among them, Sarkozy in particular was accused by Gaddafi's son of having received money from the regime for his 2007 election campaign; Saif al-Islam publicly declared "It's us who financed his campaign and we have the proof. We are ready to reveal everything. The first thing we demand of this clown is to return the money to the Libyan people. We helped him become president so that he would help the Libyan people, but he has disappointed us"²⁶¹. Indeed, France had re-acquired NATO full membership two years earlier²⁶², but since its return it had not yet had the opportunity to prove its full reintegration in the Military Command Structure; the outbreak of the Libyan crisis conveniently provided Paris with such an opportunity. Some Arab countries had historical rivalries with Gaddafi as well, and it has been argued that this was a determining factor for the Arab League's call for a no-fly zone over Libya and for the military intervention that followed. (see *infra*, para 3.4.1).

Others had no significant record of hostilities with the Tripoli regime, but nonetheless had interests of strategic nature: for the UK, the Libyan operation was a chance to prove its commitment to the alliance with the US and, eventually, replace it as the campaign's leading player. As for the United States, the Libyan operation served to improve its reputation in the Arab world: when the Arab League called on the international community to intervene in the Libyan conflict, Washington could not remain idle (although it ruled out the possibility of a ground operation). Libyan oil was also a significant factor: the leaders of the opposition offered the European powers lucrative contracts in exchange for their military support.

3.4 A peculiar combination of strategic, political and humanitarian factors

What has happened in Libya has been defined a "perfect storm"²⁶³: the combination of several factors that could result irrelevant if taken singularly, but, taken together, aligned "strategic interests [...] with humanitarian values to enable the UNSC to respond swiftly and decisively"²⁶⁴. Garwood-Gowers has found three main factors²⁶⁵ that have triggered the approval of Resolution 1970 and, most importantly, 1973.

The first is the explicit threat of violence: in no way did Gaddafi try to hide his murderous intentions and the regime's blatant violations of human rights. Contrary to other authoritarian (or at least controversial) regimes, that tend to dismiss international accusations, either downplaying the scope of the alleged violations, or blaming violence and human rights violations on the opposition/the rebels/the regime's enemies, Gaddafi was absolutely explicit

²⁵⁹ As reported by Reuters, 1 June 2011, emphasis added

²⁶⁰ ADAMS (2016: 773)

²⁶¹ GADDAFI, 16 March 2011, Interview with EuroNews

²⁶² As reported by ERLANGER (2009)

²⁶³ GIFKINS, DUNNE (2011)

²⁶⁴ GARWOOD-GOWERS (2013: 609)

²⁶⁵ *ivi*, pp. 607-608

in declaring his dangerous goals and left no room to misunderstandings or alternative interpretations.

The second is the presence of a wide regional consensus on the need for an intervention, which is connected to Gaddafi's unpopularity in the Arab world and elsewhere. There was no country with clear strategic interests, neither Russia, nor the West, contrary to what happens in Syria. No one cared enough about Gaddafi maintaining his leadership – or, more unlikely, no one was able to forecast his departure: additionally, Gaddafi had several enemies in the West because of the 1990s state-sponsored terrorist attacks.

The third is the defection of Libyan officials and members of the government. One of the most prominent defectors was Libya's ambassador to the UN and his deputy. The latter, Ibrahim O. Dabbashi, labelled "genocide" what Gaddafi was carrying out against the Libyan people. He backed the implementation of a no-fly zone and explicitly called on the UNSC "to use the principle of the right [sic] to protect"; he asked the International Criminal Court to investigate as he was sure that those committed in Libya were "crimes against humanity and crimes of war"²⁶⁶. In the same days, others defected: in opposition to the brutal repression of the demonstrators, Libyan Ambassador to India Ali al-Essawi resigned; Permanent Representative to the Arab League Abdel Moneim al-Honi left his post to "[join] the ranks of the revolution"²⁶⁷; second secretary in the Libyan mission to Beijing, Hussein Sadiq al Musrati, announced his resignation and invited the Libyan Army to take the rebels' side. Garwood-Gowers argues that this worsened the regime's international isolation and further persuaded the international community to intervene²⁶⁸.

Other scholars found additional (or complementary) explanations, both at the domestic and the international/strategic level. For what concerns the latter, "the geo-strategic terrain was favourable to NATO"²⁶⁹: consequently, it cannot be ruled out that, had Russia or China blocked the adoption of Resolution 1973, the most prominent supporters of the intervention would not have proceeded anyway, aware of their military advantage and the chances of success.

Weiss has focused his analysis on the internal factors that facilitated the positive outcome of the intervention: firstly, the opposition was sufficiently cohesive and spoke with one voice; it was run from the inside of the country and not from exiled groups or emigrants; the presence of a single ethnic group, rather than a multitude of minorities, clans and religions favoured this internal unity. Secondly, the geography and territorial conformation of Libya played a role, too: a large desert with few isolated cities, three-quarters of which were in the area controlled by the rebels, made 'surgical' air-strikes possible. Finally, the citizens and the public opinion were overall on the opposition's side and not particularly loyal to Gaddafi, whose small mercenary army was quickly defeated or departed²⁷⁰.

3.4.1 The role of Regional Organizations

14 out of 15 UNSC Members mentioned one or multiple regional organizations in their statements following the voting of Resolution 1973. Some of them simply acknowledged the organizations' approaches and stances; others explicitly linked their consent/non-opposition to the approval

²⁶⁶ As reported by The New York Times, 21 February 2011

²⁶⁷ As reported by The Hindu, 22 February 2011

²⁶⁸ GARWOOD-GOWERS (2013)

²⁶⁹ GIFKINS, DUNNE (2011)

²⁷⁰ WEISS (2016: 240-241)

of the resolution to the regional organizations' 'lobbying' in favour of a military intervention. This appears as a concrete evidence of the role played by regional actors in shaping the outcome of this decision, and, in particular, of the significant influence on some of the most sceptic countries, too. For example, Dunne and Gifkins report that "a factor that was critical to the tipping of the balance in favour of military action on the part of the United States was the degree to which a coercive response was supported by regional organisations"²⁷¹.

The Gulf Cooperation Council was among the first organizations that asked the UNSC to establish a no-fly zone over Libya, as part of the measures necessary to ensure the protection of civilian population. The GCC countries initially tried to deliver aid to the civilians in Libya, but, according to Sheikh Abdullah bin Zayed, the UAE's Minister of Foreign Affairs, they "faced absolute refusal from Libyan authorities on receiving and delivering this aid to those with a desperate need for it"²⁷². When the intervention was launched, Abdul Rahman bin Hamad al-Attiyah, secretary general of the GCC, positively commented the deployment of the events and framed it as protecting people from bloodshed rather than an actual intervention. Qatar was the first country to recognize the National Transitional Council and to provide it with financial and military support, and one of the most active states within the GCC vis-à-vis the Libyan issue.

A few days before Resolution 1970 was passed, the Arab League suspended Libya's membership: the significance of this measure must not be understated, considering that such a step had been taken only once prior to 2011²⁷³. To the suspension followed, three weeks later, the endorsement of the no-fly zone over Libya. It has been argued that this decision may have been influenced by those Member States that detain a seat in the GCC, too. Alaadin reports that

There was no unanimity, with some members abstaining from the decision. Endorsement followed, despite the divisions, and the League found itself partnering with the NATO-led coalition to enforce UNSC 1973. However, only eleven of the twenty-two members of the League were present at the meeting. Of the eleven, a majority were members of the GCC, suggesting that the intervention was, effectively, a GCC move imposed on the League²⁷⁴.

Syria and Algeria, in particular, opposed the endorsement, fearing that external intervention could cause further destabilization. An additional evidence would be that the League's rotating presidency was at the time held by Qatar, that, as we have mentioned above, was particularly active in the framework of the GCC, too.

While it cannot be ruled out that the GCC did play a role, other factors came into play as well. First of all, the League's members would have not missed the chance to exert an influence over the changing balance of power in their region and present themselves as active decision-makers in the geopolitical scenario rather than passively accept a UNSC-imposed destiny. Secondly, it may also have been the case that they tried to please their public opinions, hoping that this would have been satisfactory enough to prevent similar uprisings at the domestic level. Alaadin reports how the need for an intervention in Libya was perceived by the rest of the Arab world, and explains that

²⁷¹ DUNNE, GIFKINS (2011: 526)

²⁷² as reported by SHAHEEN (2011)

²⁷³ when the Egyptian president Sadat signed the Egypt-Israel Peace accord in 1970

²⁷⁴ ALAADIN (2016: 112)

whilst [the Arab League members] may have their own home-grown democratic movements, the League's involvement in the promotion of democratic rights elsewhere, albeit for more cynical reasons and reasons related to political expediency, can still be welcomed by the people of the region, and it was. In other words, populations can welcome decisions taken by the government in matters of regional and international affairs even if their reasons for such support may not be the same reasons their governments have²⁷⁵.

Thirdly, it was rather easy to go against Libya's regime, as Gaddafi's relationship with the majority of the Arab world was severely compromised by years of Libya's financial and military support for several paramilitary and rebel groups, territorial disputes, etc.

The Organization of the Islamic Conference took a position on the matter in the document issued after an emergency meeting on 8 March 2011. In the *communiqué*, the Member States "condemned the excessive use of force against civilians in Libya, considering that the repression and intimidation used in Libya amount today to humanitarian tragedy which contravenes Islamic values, human rights and international humanitarian law"²⁷⁶. The document urged the Libyan authorities to immediately cease any form of repression against civilians and supported the international calls to establish no-fly zone over Libya; at the same time, it underlined the importance of a peaceful settlement of the conflict and "emphasized the imperative of respecting the sovereignty, territorial integrity of Libya and non-interference in its internal affairs stressing the principled and firm position of the OIC against any form of military intervention to Libya"²⁷⁷.

The African Union's stance was even more cautious and lukewarm: while it did call for an immediate end of violence at the beginning of the hostilities, it later tried to push in favour of a dialogue between the government and the rebels to reach a peaceful settlement, arguably because the secretariat was generally funded by Libya and President Abdel Aziz of Mauritania – member of the delegation that proposed a road map to put an end to the conflict – owed Gaddafi a favour, as the Colonel had cancelled Mauritania's \$100 million debt. Will Ross supports this version of the story:

The African Union does not have a good reputation when it comes to solving crises [...] any intervention which does not involve the removal from power of Col. Gaddafi will be seen by some as the AU saving the Libyan leader. It has often been accused of standing up for the incumbents and is criticised as being a club which serves the interests of the continent's presidents more than the people. The situation is muddled by money. Col. Gaddafi has bankrolled the AU for years and he has bought friends in Africa²⁷⁸.

The National Transitional Council in fact rejected the AU plan as it seemed too biased in favour of Gaddafi.

In contrast with this view, other scholars have also argued that AU's roadmap was not biased but simply taking into better account the potentially disastrous consequences of a rash intervention. Levitt, for example, recalls art. 4(h) of the African Union's Constitutive Act²⁷⁹ and notes that the protocol confers "on the African Union more powers and coherent legal authority to engage in

²⁷⁵ *ibidem*

²⁷⁶ Final Communiqué Issued by the Emergency Meeting of the Committee of Permanent Representatives to the Organization of the Islamic Conference on the Alarming Developments in Libyan Jamahiriya, 8 March 2011

²⁷⁷ *ibidem*

²⁷⁸ Ross (2011)

²⁷⁹ Stating "the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity".

peace enforcement than the UN Charter does the Security Council”²⁸⁰. It can be argued that the tools at AU’s disposal are not perfectly functioning due to technical, financial and logistical obstacles; nonetheless, they remain relevant mechanisms, created for addressing crisis in that very continent, and ignoring or dismissing these achievements on the basis of alleged bias of the organization risks to undermine their effectiveness: as a *regional* organization, it can occasionally be more effective in its region of competence than an international body. AU’s roadmap was meant to prevent the collapse of Libya’s institution and avoid the chaos at the domestic level and the spillover of instability at the regional level, which indeed was the intervention’s final outcome (see *infra* para 3.5).

De Waal calls the AU’s inability to present itself as a credible interlocutor for peace in Libya “regrettable”, as he recognizes that the organization’s diagnosis of the situation was fundamentally correct. However, he also acknowledges the unignorable limits of the AU’s proposal: “Africa did not present a united position, and did not provide the financial, military or diplomatic resources necessary for the AU initiative to appear a genuine alternative, let alone to prevail”²⁸¹. Division among Member States was remarkable: a small number of them supported the “Brother Leader”, either for ideological affinities or because they feared spillovers; Algeria was strictly non-interventionist; others wanted the Colonel gone at any cost and did not even consider the possibility of negotiating with him; Tunisia and Sudan were openly in favour of the National Transitional Council; the Ethiopian Prime Minister had personal and political antipathy for Gaddafi, given the latter’s support for Eritrea.

In conclusion, regional organizations emerged as “gatekeepers”²⁸² or even “diplomatic game-changers”²⁸³, able to tip the balance in favour of what was for sure a controversial solution, to the point that Alaadin has written that “in the absence of League endorsement, it is *almost certain* that Russia and China would have vetoed UNSC 1973”²⁸⁴. The events in Syria have largely proven this assumption wrong, as regional organizations did condemn Assad but Russia nevertheless wielded its veto on a whole range of resolutions enjoying the support of regional actors. However, it is relevant to see the impact – real or perceived – that these actors have had on the international arena: given the shift towards multipolarity and regionalism that the world is experiencing, the episode is unlikely to represent an isolated case and must therefore be fully understood with a view to future implementations: international responses to crisis of various nature are most likely to prove themselves effective when delivered in partnership with relevant regional organizations.

3.5 The outcome and the aftermath

The assessment of the effectiveness of Resolution 1973 and the military intervention cannot be carried out properly without including an overview of the events that followed the initial operations: how and whether the NATO-led coalition fulfilled its duties, what was the impact of the regime change over the country, how and whether the responsibility to rebuild was honoured, and so on.

²⁸⁰ Quoted in ZAMBAKARI (2016: 52)

²⁸¹ DE WAAL (2013: 379)

²⁸² BELLAMY, WILLIAMS (2011)

²⁸³ BELLAMY (2011)

²⁸⁴ ALAADIN (2016:114), emphasis added

With the help of external forces, the opposition prevailed over the regime in a relatively short time: by August, rebels had entered the capital, Tripoli, and by October they had attacked and conquered Sirte, Libyan Army's last stronghold, marking the symbolic end of the civil war and the defeat of Gaddafi. The Colonel was captured and killed in that occasion, although the exact circumstances remain unclear.

If, on the one hand, the short-term, civilian protection purpose had been achieved through the elimination of the very perpetrator of those atrocities, on the other hand it is difficult to determine “[w]hat if anything has Libya got in exchange for all the death and destruction that have been visited on it”²⁸⁵ since 2011. Indeed, infrastructures were severely damaged; bureaucracy collapsed; Islamist terrorism was on the rise despite Gaddafi's warning of an Al-Qaeda involvement had been ignored; the conflict had acquired a tribal tinge due to the involvement of Tuareg groups in the southern part of the country, the closest to Mali; anti-Gaddafi forces, depicted by the Western media as genuine democracy advocates, pursuing peace, justice and freedom, were found guilty of war crimes and breaches of international human rights law by the International Commission of Inquiry on Libya²⁸⁶; Gaddafi's loyalists were persecuted, imprisoned and tortured; different militias competed for influence in the new-born Libya; revenge killings and kidnappings were common occurrence; this widely-spread lawlessness starkly conflicted with the transitional government's declared attempt to solve the country's stability problem, to promote reconciliation, to initiate a state-building process, etc. As for the proportionality of the operation, extensive field investigations conducted by The New York Times and Human Rights Watch have found that many of the sites targeted by NATO strikes were non-military sites and did not pose any immediate threat; due to the air strikes taken into account by the report, 72 civilians were killed and dozens were wounded²⁸⁷. It is undeniable that sceptics had raised similar concerns even before the intervention, without the benefit of hindsight.

Nonetheless, the following years were possibly even worse: in 2014, elections were held. The turnout was very low (18%) and two conflicting factions emerged: the newly elected Parliament, forced to flee to Tobruk, headed by Khalifa Haftar, appointed commander in chief of the Libyan National Army, versus the Government of National Accord, led by Prime Minister Fayeza Al-Sarraj. Reconciliation between the two parties was attempted by UN-sponsored negotiations and through the United Nations Mission to Libya, but no effort brought concrete results. Additionally, the conflict has affected all the Middle East, both in the form of conflict spillover in neighbouring countries, and as yet another chance of confrontation for competing actors in the region: Egypt and the United Arab Emirates supported the government in Tobruk; Sudan, Turkey, and Qatar backed the GNC in Tripoli.

Apart from the above-mentioned feeble attempts to find a peaceful compromise between Haftar and Al-Sarraj, the international community has put no concrete effort, nor shown particular commitment, to engage in its Responsibility to Rebuild – a fundamental step in any post-conflict reconstruction to ensure that the root-causes of the first crisis are extirpated and there are no favourable conditions for the emerging of a new one.

²⁸⁵ ROBERTS (2011)

²⁸⁶ A/HRC/19/68

²⁸⁷ CHIVERS, SCHMITT (2011); Human Rights Watch (2012: 6-8)

The war in Libya is still rampant and the rivalry between the two leaders has exacerbated, to the point that it is difficult to think of a close-in-time resolution. O'Connell correctly concluded that "Gadhafi may have fled Tripoli but this fact cannot lead to the conclusion that the pro-democracy revolution was a success. The successful revolutions of the Arab Spring have been the nonviolent ones"²⁸⁸. Zambakari has summarised much of the conclusions reached in the present paragraph in an understandably harsh judgement:

[The] short-sightedness and lack of long-term planning obscured the fact that any intervention in Libya had to contend with a prolonged process involving long-term involvement in nation- and state-building, in addition to a power vacuum that has been filled by various competing forces. The long-term prospects for peace in Libya were sacrificed at the altar of political expediency couched in humanitarian language. The outcome has been disastrous for Libyan people and the region. The descent of Libya into chaos was not inevitable; it was preventable²⁸⁹.

3.6 Praise and criticism of NATO implementation

The operation sparked a lot of controversy, and public opinion split over the results: while many States and scholars, mainly Western ones, were enthusiastic about the results of the operation, other were more critical: Russia was the most prominent and vocal representative of the latter category. In this paragraph, an overview of both positions will be presented: by taking into account both the positive and the negative sides of the operation, one can grasp a clearer understanding of the operation and, most importantly, of different views on R2P.

The core argument of the supporting side consisted in the fact that Responsibility to Protect had been applied "exactly as it was supposed to"²⁹⁰, and could be therefore considered an example for the future, a reference for further application of the doctrine: in short, a "textbook case"²⁹¹. Moreover, the enthusiasts argued that Resolution 1973 demonstrated that R2P enjoyed almost universal acceptance. A triumphant but scarcely farsighted declaration of Bellamy followed the UNSC passing Resolution 1973: "Where it was once a term of art employed by a handful of likeminded countries, activists, and scholars, but regarded with suspicion by much of the rest of the world, RtoP has become a commonly accepted frame of reference for preventing and responding to mass atrocities"²⁹². Stuenkel celebrated that Responsibility to Protect, once "an abstract idea, [had turned] into a highly visible foreign policy instrument"²⁹³. Williams and Popken proclaimed that, when Resolution 1973 was approved, "the world witnessed a brief moment of legal and moral clarity"²⁹⁴. Here it is relevant to point out that, as already mentioned in para 3.3, Responsibility to Protect is only mentioned in the preambles of the two resolutions, and given this substantial omission, it is more appropriate to talk of partial endorsement, rather than common acceptance of the doctrine.

On the other hand, the majority of criticism developed around three core themes: that the West had overstepped the Resolution 1973 mandate, going well beyond what was strictly necessary to protect civilians, taking sides in the conflict, and violating the arms embargo to provide the rebels with military

²⁸⁸ O'CONNELL (2011: 16)

²⁸⁹ ZAMBAKARI (2016: 55)

²⁹⁰ EVANS (2011)

²⁹¹ *ibidem*

²⁹² BELLAMY (2011: 263)

²⁹³ STUENKEL (2014:16)

²⁹⁴ WILLIAMS, POPKEN (2011: 225)

equipment; that Responsibility to Protect and defending civilians had been used as excuses to put in place a *coup d'état* and eliminate an unwanted leader, in yet another Western-style democracy promotion; that peaceful solutions alternative to a military intervention, such as the promotion of dialogue between the parties to achieve a non-violent transition and a peaceful settlement, were not even on the table of negotiations, and the consequences of the intervention had been completely overlooked, disregarding the reasonable prospects principle, i.e. do not cause more harm than good.

It is not difficult to imagine that Russia stood out as one the harshest critics of the operation, despite its choice of not recurring to the veto power. Vitaly Churkin, right after his abstention in the Resolution 1973 voting, complained that Russia's "concrete and legitimate questions"²⁹⁵ remained unanswered, despite similar doubts being raised by other Security Council Members, and despite the important matters at stake: "how the no-fly zone would be enforced, what the rules of engagement would be and what limits on the use of force there would be"²⁹⁶. Putin famously stated that the resolution was defective and flawed, and it resembled "medieval calls for crusades"²⁹⁷. On the contrary, Medvedev, then President of the Russian Federation, expressed a different view, significantly closer to the West's: following the G8 Summit of May 2011, he endorsed the final document, specifically when "it says that Gaddafi's regime has lost legitimacy and he must leave – we were unanimous on that"²⁹⁸.

One may legitimately wonder why Russia decided to abstain, despite its concerns over the Resolution and the NATO-led implementation. It is difficult to believe that Russia took such decision because was too naïve to foresee the potential consequences of a "all necessary means" authorization. That Russia was fully aware and not 'tricked' to avoid its veto is confirmed by a statement delivered by Medvedev only a few days later. He declared: "We made these decisions *consciously* in the aim of preventing an escalation of violence"²⁹⁹, and, below, "the consequences of this decision were obvious. It would be wrong for us to start flapping about now and say that we didn't know what we were doing. This was a conscious decision on our part"³⁰⁰.

A rather immediate explanation is that Russia's interests in Libya were not of particular significance (which is also partially confirmed when looking at how Russia has acted *vis-à-vis* Syria), or, to put it differently, "the absence of sufficiently good reasons to use its power of veto"³⁰¹. Alternatively, or additionally, Russia did not want to be the sole responsible of not preventing a tragedy waiting to happen, given the clarity of Gaddafi's threat and the predictable outcome. Moreover, Russia claims to have a tradition of listening to regional parties when tackling critical situations, so the Arab League's declaration may have been helpful in this sense.

In Larssen's opinion, "by consistently maintaining that the mandate for the operation had been misused, Russia succeeded in softening the impression that

²⁹⁵ UN SCOR, 17 March 2011, S/PV.6498

²⁹⁶ *ibidem*

²⁹⁷ As reported by BRYANSKI, 21 March 2011

²⁹⁸ News conference following the G8 Summit, 27 May 2011

²⁹⁹ MEDVEDEV, 21 March 2011, emphasis added

³⁰⁰ *ibidem*

³⁰¹ LARSEN (2016: 82)

it had in practice accepted a clear breach of the principle of non-intervention by military force”³⁰².

In the academic circles, criticism was and is still nowadays more focused on the States’ perceptions and R2P future perspectives, rather than the immediate effects of the UN-mandated NATO intervention. According to Thakur, “[t]he R2P consensus underpinning Resolution 1973 on Libya was damaged by gaps in expectation, communication and accountability between those who mandated the operation and those who executed it”³⁰³. Tocci comments the events as follows:

Had the NATO operation come to a halt when the Libyan forces ended attacks against civilian populated areas, withdrew to bases and permitted unhindered humanitarian access, the BRICS would have likely been comfortable with the implementation of UNSC Resolution 1973. NATO would have done a great service to R2P³⁰⁴.

With a pinch of cynicism, de Waal notices that “[t]he Libyan campaign may indeed become an exemplar of the practice of R2P, but one that illustrates the limits of the doctrine, not its unalloyed success”³⁰⁵. Morris maintains that “despite the very limited use of R2P as a basis for action in Libya, NATO’s chosen means of implementing its UN mandate has been seized upon by those sceptical towards R2P in order to delegitimize the concept”³⁰⁶. Paris has exposed the doctrine’s inner contradiction, that risks to hunt any future usage:

R2P failed because it worked; using the doctrine exposed its underlying flaws. Indeed, the more it is employed as a basis for military action, the more likely it is to be discredited. The same will likely hold true, however, if its coercive tools go unused. R2P is thus trapped by its own internal logic. It may not be destined to fail, but it does seem fated to flounder³⁰⁷.

Rijke has gone as far as to identify the intervention in Libya as a crime of aggression, making reference to the signalled legality problems of the intervention³⁰⁸. Thakur’s opinion is somehow both of approval and condemnation: he notes that Resolution 1973 was specific in determining and limiting the purpose of military action, i.e. humanitarian protection; consequently, he acknowledges that these limitations were overtly ignored by NATO, which disregarded any ceasefire proposal coming from the regime, took sides in the civil war, armed the rebels despite the embargo and directly targeted Gaddafi; he admits that this was necessary in order to obtain the fastest, cleanest and less bloody outcome, and it is justifiable in light of military strategy and efficiency; however, he denounces the countries participating in the intervention that tried to pass the idea that no mandate was overstepped and that they were fully compliant with the UNSC instructions. “Given this significant omission [of explicit reference to international community’s R2P], the UNSC’s resolutions on Libya represent, at most, only a partial endorsement of R2P”³⁰⁹.

-

In conclusion, the lesson drawn from Libya is not completely negative; Resolution 1973 and the ensuing intervention, despite presenting manifest and

³⁰² *ivi*, p. 86

³⁰³ THAKUR (2013: 72)

³⁰⁴ TOCCI (2014: 12)

³⁰⁵ DE WAAL (2013: 373)

³⁰⁶ MORRIS (2013: 1265-1266)

³⁰⁷ PARIS (2014: 593)

³⁰⁸ RIJKE (2014)

³⁰⁹ GARWOOD-GOWERS (2013: 605)

undeniable criticalities, have had a twofold significance: they did succeed in preventing an announced massacre and, above all, they showed that, despite rivalries, interests and power games, the international community is nevertheless capable of coming together and delivering tangible results. *This* ‘Libyan precedent’ should serve as future reminder as well.

Chapter 4. R2P in Syria.

“If Libya created hopes for renewed R2P in the outset, Syria returned us to point zero”³¹⁰.

4.1. Historical overview of the Syrian conflict

As in Libya, popular demonstrations in the wake of the Arab Spring sparked a bloody civil war. The trigger episode was a minor one: in the city of Daraa, in March 2011, a 14-year-old boy wrote on a wall “it’s your turn, Doctor” – referring to the fact that soon president Assad would have suffered the same fate of other authoritarian leaders in the region. The author of the graffiti and his friends were arrested and the citizens organized demonstrations to demand their release. By April, demonstrations were staged throughout the whole country, including the capital Damascus; people asked for democratic reforms, more rights and freedoms, the end of state-level corruption, the lifting of the emergency law, and, at some point, Bashar al-Assad’s resignation. The regime’s response was brutal: demonstrators were labelled as “terrorists”, protests were violently repressed with military means, many were arbitrarily arrested and reportedly tortured; nonetheless, this was not enough to stop the uprising, which at that point had become a fully-fledged conflict. Equally insufficient were the political reforms and policy changes promised by the government in an attempt to appease the protesters and alleviate the unrest: many of those promises were never enacted, the national dialogue promoted by the regime was boycotted by the opposition, and the abolition of the 50-years-long emergency rule was deemed meaningless by many opponents, as the state still retained a multitude of tools of repression at its disposal.

As the conflict escalated in brutality and geographical coverage, the opposition decided to give itself a proper structure: the Free Syrian Army (FSA) was created by a group of defectionist Syrian Army officers with the precise purpose of overthrowing Bashar al-Assad’s regime. The FSA was able to maintain a centralized, unitary structure for one year approximately; at the end of 2012, it started to fragmentate in smaller, often disconnected armed groups, some of whose were infiltrated by terrorists; the FSA identity was increasingly used on an *ad-hoc* basis, to the point that one commentator called it “more of a franchise than a true army”³¹¹.

In November 2011, the Arab League decided to suspend Syria’s membership and adopted a set of sanctions, including travel ban and asset freeze; immediately after, it sponsored a monitoring mission, which was however suspended after two months, as foreign observers were prevented the access to many areas of the country and violence continued despite their presence. Kofi Annan, former Secretary General of the UN, was appointed as a joint UN and Arab League peace envoy for Syria; his peace plan, formally subscribed by the Syrian government, soon resulted in a failure as well: the UN-sponsored ceasefire was violated several times by both sides and Annan eventually resigned. Lakhdar Brahimi replaced him.

Suicide bombings and house-to-house raids kept claiming hundreds of civilian lives from both sides. In July 2012, the International Committee of the Red Cross (ICRC) formally classified the conflict as a civil war³¹², which implies that the warring parties were subject to international humanitarian law and

³¹⁰ NIKOGHOSYAN (2017)

³¹¹ TABLER (2018)

³¹² As reported by NEBEHAY, 14 July 2012; BBC News, 15 July 2012

may be prosecuted for war crimes³¹³. In March 2013, a chemical weapons attack was launched against a town near Aleppo: each side blamed the other for the event, the international community expressed condemnation, but the responsibility was never clearly attributed. By June, the death toll was estimated to be of 93,000 victims³¹⁴. In the suburbs of Damascus, chemical weapons were used once again, and the international community was able to strike a deal with Assad to place Syria's chemical weapons stockpile under its control³¹⁵.

In January 2014, a round of peace talks was held in Geneva under the auspices of the United Nations; the outcome was largely disappointing, mainly due to the Syrian authorities' rejection of the transitional government hypothesis. A few months later, the Islamic State in Iraq and the Levant (ISIL) proclaimed itself a caliphate, led by Abu Bakr al-Baghdadi: the extremist group exerted control over approximately one third of Syria – the north-eastern part, bordering Iraq. This prompted the US intervention, which in September launched air strikes against the Islamic State near Aleppo and Raqqa. In 2015 Russia joined the conflict as well, to fight the caliphate and to help Assad regain control on rebel-held areas of the country. By the end of 2016, the Syrian government had recaptured Palmyra and, most importantly, Aleppo.

In January 2017, a round of talk in Kazakhstan saw the participation of delegations both from the opposition and from the government. The Astana process resulted in a ceasefire enforced by Russia, Iran and Turkey. In April, the newly elected US President Donald Trump launched an airstrike against the government-held Shayrat Airbase, identified as the source of the chemical weapons attack carried out against the town of Khan Sheikhoun, under rebels' control. The attack was not authorised by the UNSC and "President Putin considers the US strikes against Syria an act of aggression against a sovereign country violating the norms of international law"³¹⁶, referred Russian Presidential Spokesman Dmitry Peskov. The fact that the US decided to support the Kurdish-dominated Syrian Democratic Forces certainly did not ease the tensions. Thanks to its powerful ally, in October the SDF was able to drive ISIL away from Raqqa, its *de facto* capital. In April 2018, after another alleged chemical weapons attack against the city of Douma, government facilities were targeted by a punitive strike executed by US, UK and France forces. By summer, Assad had reconquered the southern part of the country, including Daraa, the birthplace of the uprisings. In the following months, Russia and Turkey reached an agreement and established a buffer zone around Idlib, the last rebels' stronghold. In October, Abu Bakr al-Baghdadi, Caliph of ISIL, died during a raid conducted by the US.

In late 2019, Trump abruptly announced its decision to withdraw US forces from Syria, leaving the Kurdish field open to Turkey's announced attack against Rojava. Forced to choose between a compromise with Assad (and Russia) and a potential genocide, the Kurds reached an agreement with the Syrian government, putting at risk their autonomy and independence. In the first months of 2020, Turkey commenced an operation to prevent the Syrian army from taking Idlib: Putin and Erdogan reached an agreement on a ceasefire, and an equilibrium was momentarily re-established.

³¹³ Non-international armed conflicts (i.e. civil wars) are regulated by Article 3 common to the four 1949 Geneva Conventions and by the 1977 Additional Protocol II.

³¹⁴ Report of the Human Rights Data Analysis Group, 13 June 2013, *Updated Statistical Analysis of Documentation of Killings in the Syrian Arab Republic*

³¹⁵ UN Security Council, 27 September 2013, S/RES/2118

³¹⁶ As reported by TASS News Agency, 7 April 2017

4.2. The parties' interests in Syria

As it has emerged from the historical overview, the Syrian conflict was initially a civil war between two domestic actors; however, the situation has substantially changed over the years: due to the involvement of several foreign actors, it has first assumed a regional dimension, and, thereafter, an international one³¹⁷. The intertwining of these players' economic and political interests and their geopolitical strategies concur to explain why the events have unfolded in a certain way.

4.2.1 The Middle Eastern Cold War

The 1979 Islamic Revolution in Iran is conventionally used to mark the beginning of the deterioration of the relation between Iran and Saudi Arabia (and, in a minor way, the other Gulf countries), that, over the years, has turned into a regional cold war: the ideological (in this case in particular, religious) difference becomes at the same time the spark and the pretext for a wider confrontation and a struggle for dominance; direct clashes, especially of military nature, are not sought: in fact, third States' domestic conflicts are exploited – and, if necessary, purportedly fomented – to exert strategic influence, weaken the adversary and pursue geopolitical goals; at the same time, diplomatic relations between Iran and Saudi Arabia remained in place for several decades and were suspended only in 2016, following an attack against the Saudi embassy in Tehran.

Aside from the most obvious means, i.e. supporting minorities, opposition groups and proxies, both Philips and Berti, Guzansky, have underlined the importance of soft power and the role of State-owned mass media (namely, Al Arabiya) in mutual incitement and psychological warfare³¹⁸. Saudi media's editorial line is typically anti-Iran and anti-Assad. Even the clerics have expressed anti-Shi'a and anti-Alawite stances, although carefully avoiding an overt call for jihad, and preferring to insist on a sectarian understanding of the conflict.

Once allies, the two countries represented the founding pillars of the US strategy in the region, aimed at counterbalancing the communist threat, emerging from the Ba'ath party in Iraq and, more widely, from the Soviet Union's expansionist ambitions. The 1979 Revolution represented a game changer, not because it created from scratch a struggle for power over the region, which was already present in Iran's foreign policy, but due to the emphasis on the religious character that permeated every and each aspect of its political conduct³¹⁹. In that moment, more than any time before, the Sunni-Shia rift acquired relevance in terms of identity-building: "Iran adopted and, in some cases, manufactured an altered identity that best fitted the changes that the new regime envisaged for its national foreign policy. The conceptualization of threats and opportunities towards its neighbours was drawn upon the new religious doctrine"³²⁰.

Iran's main allies in the region – the so-called "Axis of Resistance" – are Assad's government in Syria, and the militant group Hezbollah in Lebanon. These two countries are among the theatres of conflict in which Iran has imposed its presence through economic aid, military assistance, etc; equally relevant are Iraq, Yemen, and Bahrain. Iran and Saudi Arabia back either the

³¹⁷ CARPENTER (2013); BERTI, PARIS (2014); HOKAYEM (2014)

³¹⁸ BERTI, GUZANSKY (2014: 30-31); PHILIPS (2015: 49)

³¹⁹ TZEMPRIN, JOZIC, LAMBARE (2015: 190)

³²⁰ *ibidem*

government or the rebels in accordance with the players' affiliation with one of the two Islamic branches: therefore, they either defend or challenge the *status quo*, without particular concern for the sides' specific claims.

In Syria in particular, Assad and his inner circle are Alawites – a sect of Shia Islam that accounts for 11-16% of the Syrian population – while the opposition is mostly Sunni (approximately 75% of the Syrian population). The alliance between Syria and Iran dates back to the Iran-Iraq war, despite the ruling parties in both Damascus and Baghdad were the two fellow Ba'ath parties, of socialist and secular inspiration, while Iran had just become an Islamic Republic.

Saudi Arabia's positioning as the defender of Sunnism appears equally instrumental: its primary concern was the pursue of strategic interests and the containment of the Iranian threat, and, secondarily, the prevention of potential domestic uprisings in the wake of the Arab Springs, and it found sectarianism to be a useful tool. This pragmatic approach is suggested also by Saudi's attempts of *détente* with Assad prior to 2011: an anti-Iranian *realpolitik*, rather than an anti-Shi'a ideology, seemed to underpin Riyadh's moves³²¹. Berti and Guzansky have found that, since the beginning of the Arab Spring, Saudi Arabia's course of action "is both more assertive than in the past and more forceful in its attempt to reshape the map of alliances in the region in accordance with its interests"³²².

However, Philips notes, Saudi Arabia's renewed and somehow sudden aggressiveness has inevitably brought along some negative consequences: on the one hand, Iran has consolidated its alliance in Syria over decades; aiming at domestic legitimacy and long-term stability, Teheran involved its Revolutionary Guards in the process, provided its proxies with financial support as well as expertise³²³. On the other hand, the Saudis "are relative newcomers to this underhand game, and their inexperience showed"³²⁴: they tried to take the shortcut and massively financed a loosely formed opposition, made of different factions and armed groups; in order to maximize their investment, they "were willing to switch allegiance to other groups relatively swiftly, given that it was mostly only money being invested, not time, troops or equipment – a sharp contrast to Iran's patient experience building militias in Lebanon and Iraq"³²⁵. This approach has played a major role in further fragmenting the anti-Assad front and preventing it to converge in one structured coalition with clear, defined political and military strategy. "Certainly that opposition is not one that would attract confident external intervention"³²⁶.

And indeed, to Riyadh's undeniable disappointment, Washington's intervention was arguably timid: Saudi Arabia hoped and asked for a stronger military involvement in order to counterbalance Russia's support for Assad – and therefore, indirectly, for Iran.

At the same time, the amount and scope of resources deployed to ensure the Syrian regime's survival cannot surprise either: Assad's downfall would have disruptive consequences on Hezbollah's hold in Lebanon and, more widely, on the regional "resistance front"; Syria's assistance to the Lebanese militant group, while certainly inferior if compared to Iran's, has nonetheless "not only

³²¹ PHILIPS (2015: 50)

³²² BERTI, GUZANSKY (2014: 27)

³²³ PHILIPS (2015: 47)

³²⁴ *ibidem*

³²⁵ *ivi*, p. 51

³²⁶ *ibidem*

enabled it to develop a sophisticated military arsenal, but also to become a ‘state within a state’ in Lebanon”³²⁷. The latter, for its part, did not prove ungrateful and sent combat troops to help Damascus.

In concluding this paragraph, it is meaningful to acknowledge McManus’s analysis of the outcome generated when a civil war assumes a regional (or international) dimension:

When big powers turn a local conflict into a proxy war, they can have three terrible effects. They make the war more destructive, by pumping in more advanced weapons than were there before. They often make the war longer, by making it possible for each side to keep fighting indefinitely. And they create spillover effects in neighbouring countries, including refugee crises, an increased flow of weapons and the recruitment and training of insurgents³²⁸.

The war in Syria, as it will become clearer throughout the present chapter, checks all three boxes.

4.2.2 Russian interests

Some US scholars have tried to explain Iran and Russia’s support for Assad in purely anti-US terms. This is incorrect under two different points of view: first of all, Moscow and Tehran have separated interests that cannot be conflated together; second, these respective interests are much more nuanced and pertain to different concerns – and contrasting the US does not rank first among their priorities. Crosston argues that downplaying the role of real priorities is damaging for both Iran and Russia, and the US itself: apart from “[relegating] two major players as mere reactionary stereotypes [...] its tendency to make itself the sun in a Copernican foreign policy universe handicaps the United States by impairing its diplomatic vision and retarding options for real interaction”³²⁹.

While the reasons behind Iranian positioning in the conflict have been discussed in the previous paragraph, the present will be devoted to explain Russia’s stance according to three different dimensions: a long-lasting bilateral relation with Syria; Moscow’s interests in the region and the instrumentality of Syria in this regard; the potential domestic repercussions in the event of instability, turmoil and propagation of terrorist activities.

The Kremlin has moved in these three fields with a certain degree of flexibility, playing a multidimensional game on the bilateral level (with Syria and with each of the main actors in the Middle East, see *infra* para 4.2.2.2), in the framework of the United Nations, and in various collective formats³³⁰; when necessary, it has also engaged in dialogue with the rebels, reaching agreements over critical situations (e.g. Eastern Aleppo 2016³³¹ and Douma 2018³³²).

4.2.2.1 An historical alliance

Russia’s relation with Syria dates back to the Soviet times. During the Cold War, one of the key areas of US-USSR confrontation was the Israeli-Palestinian conflict: Syria was, together with Egypt, one of Moscow’s fundamental allies against Israel (and the West); when in 1972 Sadat switched

³²⁷ HUGHES (2014: 526)

³²⁸ MCMANUS (2014)

³²⁹ CROSTON (2014: 95)

³³⁰ Action Group for Syria (2012), International Syria Support Group (2015), Lausanne talks (2016), Astana process (2016-2019).

³³¹ As reported by BBC News, 28 December 2016

³³² As reported by Reuters, 8 April 2018

to the US side and expelled Soviet military advisors, Damascus acquired further importance, to the point that Primakov calls Assad's Syria "the mainstay of Soviet policy in the Middle East"³³³.

The Soviets provided Damascus with economic, political, and, above all, military support: virtually the entire Syrian arsenal was Soviet-made, and in fact Kreutz reports that Syria was "the largest non-communist recipient of Soviet weapons"³³⁴; thousands of Soviet citizens were hosted as military advisers, technicians, and specialized personnel sharing their expertise; Soviet universities hosted tens of thousands of Syrian students; but despite this significant level of assistance, cooperation with Hafez al-Assad (Bashar's father) was not always untroubled: "he remained a full master in his own house and in Syria's own 'near abroad'"³³⁵. Indeed, episodes of tensions occurred as well: in 1976, for example, half of the Soviet military advisors was expelled, due to Moscow's support of the Lebanese Communist Party, opposing Syrian intervention in the Lebanese civil war in favour of the Maronite Christians. Relations were soon restored, as both the Soviet Union and Syria had to gain from the alliance: in fact, just five years earlier, Assad had authorized the opening of a naval military base in the Tartus sea port, which Moscow intended to use to strengthen its presence in the Mediterranean and counterbalance Washington's influence.

In 1980, the two countries signed a Treaty of Friendship and Cooperation (still in force to this day), which granted further stability to their relation. Among the treaty's provisions, the parties committed to: holding regular consultations on issues of mutual interests; cooperating to remove any threat jeopardizing one of the parties' peace and security; exchanging experience in a range of fields, such as industry, communication, transport, and military – the latter intended exclusively for defensive aims; not participating in alliances or other kind of activities directed against the other party. The treaty had primarily a symbolic value – even if, according to a series of studies sponsored by the US Department of the Army between 1986 and 1998, it had a secret protocol attached, which committed the Soviet Union to intervene in defence of Syria, in case of an Israeli invasion.

Starting from mid-80s, Gorbachev's Perestroika led to, among the other things, a slow rapprochement with Israel (diplomatic relations were officially re-established only two months before the Soviet Union dissolution); this obviously compromised the relation with Syria, though not irreparably.

In fact, during Putin's first presidential term, the new Syrian President Bashar al-Assad paid an official visit to Moscow. In that circumstance, Putin subtly criticised US foreign policy in a declaration that still sounds very actual: he stated that Moscow and Damascus favoured "a stable, democratic world, based on norms of international law, precluding power pressure or interference in the affairs of a sovereign state"³³⁶. In the same occasion, Putin forgave Syria 73%, or \$9.6 billion, of its \$13.4 billion Soviet-era debt: this was part of his effort to project an image of Russia as a steadfast ally – an approach that he still applies nowadays; thanks to this reconciliatory move, Moscow granted itself a strategic access to the Mediterranean (Tartus is nowadays the sole Russian naval military base outside the former USSR space), a solid foothold in such a key region as the Middle East, a consistent

³³³ PRIMAKOV (2009: 240)

³³⁴ KREUTZ (2010: 7)

³³⁵ TRENIN (2013: 8)

³³⁶ Quoted in KREUTZ (2010: 14)

international reputation. These are probably more valuable than the strictly economic aspect, which, according to the Russian think-tank CAST (Centre for Analysis of Strategies and Technologies) is not particularly relevant: in 2011, Syria represented only 5% of the total Russian arms export³³⁷. These data match those provided by the general director of Russia's largest state arms exporter Rosoboronexport, Anatoly Isaykin: according to him, Syria ranks 12th or 13th in terms of Rosoboronexport's deliveries³³⁸.

In Allison's understanding, another reason for this rather solid Russian-Syrian relation, especially in the context of the present crisis, would be a sense of shared identity, rooted in the historical alliance but strengthened by the common approach Putin and Assad have towards "territorial sovereignty and rejection of the normative basis of the solidarist, human-focused agenda of many Western states"³³⁹. As these ideas are present in every Russian Foreign Policy Concept since 2000 (see *supra* para 2.1), their importance must not be underestimated.

4.2.2.2 Regional interests

The Middle east is arguably one of the most significant regions in the world: crossroads between continent, rich in history and culture, hosts approximately 2/3 of the world's proven oil reserves, theatre of some of the bloodiest conflict of the 21st century, place of birth of the majority of the terrorist organizations currently operating in the area and worldwide. With so many interests at stake, it is no surprise that every state wanting to have a say in global affairs tries to consolidate its presence through diplomatic relations and alliances. Russia is no exception: Moscow had initiated this process already during the Cold War; after the forced retreat in the years following the dissolution of the Soviet Union, Putin's presidency gave the impetus for a gradual comeback, that was boosted by Russia's intervention in Syria in 2015 and, in parallel, US' withdrawal and abdication of the "indispensable nation" role.

The idea that supporting Assad has severely damaged Moscow's relations with the rest of the Middle East has enjoyed some popularity among scholars. However, as correctly argued by Katz

just as American support for Israel has not prevented the United States from enjoying reasonably good relations with most Sunni-dominated governments in the Middle East in recent years, Russian support for the Assad regime has not prevented Moscow from also maintaining good relations with most (though not all) such governments³⁴⁰.

On the contrary, Syria has provided Russia with an opportunity to (re)build a network of relations, alliances, partnerships of diverse nature: diplomatic, military, economic. The idea is not to replace the US and its role of policeman – which, in Russia's eyes, has mainly downsides: the deployment of a disproportionate amount of resources, a long-term involvement that risks to become a quagmire, and, above all, the need to take sides in the Israeli-Iranian and the Saudi-Iranian confrontations, among the others. Russia prefers having friendly, but not committing, relations with as many countries as it can. The idea is to enjoy the advantages of being a key player in the region, one with whom regional and international actors *must* interact in order to address any

³³⁷ As reported by CLOVER, 26 June 2012

³³⁸ As reported by ALLISON (2013a: 805)

³³⁹ ALLISON (2013a: 801)

³⁴⁰ KATZ (2013)

issue, but at the same time to avoid getting bogged down in a new Afghanistan – also to prevent the internal public opinion’s discontent.

Rumer has summarised this approach with the popular figure of speech “jack of all trades, master of none”³⁴¹. He argues that the military intervention in Syria was a “game changer”³⁴², as it allowed Russia to show not only its military capabilities, managing to rescue Assad from an imminent defeat, but also “that it was a reliable partner willing and able to rescue friends in need. Against the backdrop of the Obama [and Trump] administration’s desire to minimize US commitments in the Middle East, Russia’s assertive posture projected the image of confidence and reliability”³⁴³. At the same time, another kind of message was delivered to international players involved in the conflict on the rebels’ side: “that they would no longer be able to meddle in Syrian affairs at will, and would have to take Russia’s position and preferences into account”³⁴⁴. This is all part of Putin’s greater plan of ‘making Russia great again’: an overview of the relations built (or strengthened) by Russia over the past 5 years follows.

Israel surely represents the most remarkable achievement in terms of diplomatic rapprochement. As mentioned above, Moscow supported the Palestinian cause during almost all the Cold War years. However, things changed when Putin and Sharon became, respectively, President and Prime Minister in their own countries: mutual exchange of official visits occurred, and ties were gradually restored. This positive trend has peaked in recent times, as Benjamin Netanyahu has become Prime Minister. Despite their views significantly diverging on some key issues of their foreign policies – above all, the relation with Iran and the US – Putin and Netanyahu have traits in common as well: a strong nationalism based on a functional WWII narrative, being the target of frequent international criticism, and the understanding that “power and influence are about more than mere economics”³⁴⁵. Israel’s demographic composition has been another determinant factor in this reconciliation: the Russian-speaking population represents a significant minority, accounting to approximately 12 percent of the total population and 16 percent of the electorate³⁴⁶. To balance these aspects with the conflicting interests in the Syrian conflict has requested a mix of diplomacy, mutual understanding and a significant degree of coordination; the nature of their agreement is rather simple: Russia tolerates Israel’s attacks directed towards Iranian targets in Syria – as long as they do not provoke Russian casualties. Additionally, Israel has allegedly lobbied to prevent Russia from selling Syria the whole range of sophisticated weapons it requested.

Russia’s relation with Iran is nuanced: apart from the – most obvious – common goal of ensuring that Assad stays in power, their alliance has also been based on the fact that both countries have been targeted by US (and European) sanctions, and have therefore benefitted from economic exchange. However, their regional views do not always coincide – and are sometimes openly conflicting. Russia does not look favourably on Iran’s hegemonic ambitions: Moscow would rather opt for a more balanced regional order that benefits its other partners as well. Russia perceives Iranian strong presence in

³⁴¹ RUMER (2019)

³⁴² *ivi*, p. 11

³⁴³ *ibidem*

³⁴⁴ *ibidem*

³⁴⁵ *ivi*, p. 14

³⁴⁶ KRASNA (2018: 10)

Syria and its expansionism in the Middle East as a mixed blessing: they can be helpful for its short-term goal of winning the Syrian conflict, but they may represent an obstacle in the long run – as they may diminish the scope of Russia’s ability to decide Syria’s future and hamper the interests of the rest of Russia’s allies in the region – Israel in particular.

Russia-Turkey relations are worth a mention, too. One of the main pillars on which they are founded is arms trade: in December 2017, Ankara purchased from Moscow the S-400 air defence system, and in August 2020 Rosoboronexport announced that a contract for the delivery of a second batch of anti-aircraft missile systems had been signed³⁴⁷. This was perceived as a gesture of rupture by the US, Turkey’s long-term ally and fellow NATO member: after multiple warnings about the consequences of this deal, including sanctions and a ban on the access to advanced US weaponry, Washington decided to exclude Ankara from the development programme of fifth-generation F-35 fighter-bomber. However, Rumer argues, the symbolic value was much more relevant: it was a demonstration of both strategic relevance to and independence from the West³⁴⁸. Despite this apparent convergence of interests, one must not forget that Russia and Turkey support opposing sides in the Syrian conflict: indeed, one of the lowest points in their relation was reached in this context, when in November 2015 a Turkish F-16 plane shot down a Russian Su-24 aircraft that had allegedly entered Turkish airspace (although Moscow claimed it was over Syria); Putin declared that the “tragic event will have significant consequences for Russian-Turkish relations”³⁴⁹, and in fact economic sanctions were imposed by Moscow. Relations were partially restored the following year, when the Turkish President sent Putin a letter of apology, expressing “his deep regret for what happened”³⁵⁰ and assuring to be “ready to do all possible to restore the traditionally friendly ties between Turkey and Russia”³⁵¹. A further improvement occurred when, during the attempted golpe in Turkey, Putin proposed to send Russian special forces to provide Erdoğan with military assistance.

As for Saudi Arabia, two major events have determined Riyadh’s interest in engaging with Russia: first of all, the latter’s intervention in Syria and its increasing importance in Middle East dynamics – in case Assad does prevail in the end, the Saudis certainly prefer dealing with Moscow rather than Teheran (and the former could easily serve to counterbalance the latter); additionally, the so-called shale revolution (i.e. the US reaching energy self-sufficiency and becoming a major oil exporter) has demanded a significant degree of coordination between oil and gas producers, to tackle oversupply and a consequent reduction in prices. Agreement on this issue has been possible through bilateral dialogue and within the framework of OPEC+³⁵². Russia’s relations with other Gulf countries has improved as well, though not (yet) achieving significant results.

³⁴⁷ As reported by TASS News Agency, 23 August 2020

³⁴⁸ RUMER (2019: 23)

³⁴⁹ PUTIN, 24 November 2015

³⁵⁰ As reported by the Kremlin’s official website, 27 June 2016

³⁵¹ *ibidem*

³⁵² OPEC+, sometimes also referred to as the “Vienna Group”, is an international cartel of oil-producers countries composed by OPEC members (Algeria, Angola, Equatorial Guinea, Gabon, Iran, Iraq, Kuwait, Libya, Nigeria, Republic of the Congo, Saudi Arabia, United Arab Emirates and Venezuela) and ten additional oil-exporting countries (Russia, Azerbaijan, Bahrain, Brunei, Kazakhstan, Malaysia, Mexico, Oman, South Sudan, Sudan). Altogether, they control 55 percent of global oil supplies and 90 percent of proven reserves.

Moscow has also engaged with some North-African countries, namely Egypt, Libya and Algeria: however, the scope of these relations remains overall limited, at most symbolic, and appears as a timid attempt to secure a foothold in the area – rather than a long-term, stable commitment.

Besides from the regional interests that have been discussed in the present paragraph, being able to position itself as an unavoidable interlocutor and an undisputed winner, would allow Russia to show the West that “their policy of isolating Russia, marginalizing it in world affairs, and forcing it to retreat under the weight of US-EU sanctions was doomed to fail; Russia could be neither marginalized nor isolated, and it would not retreat”³⁵³: on the contrary, its stance must be taken into account for the to create a more just and inclusive world order.

4.2.2.3 Fear of spillover in the North Caucasus

Russia is particularly interested in keeping Assad in power also because it sees him as a “bulwark of international and regional order against the threat of state collapse, chaos and the spread of transnational Islamist networks”³⁵⁴: hence, it has repeatedly emphasized the inadmissibility of an unconstitutional regime change and the importance of solving the crisis within the framework of the international law. Moscow’s entrenched aversion for instability in the Middle East is easily explained with reference to Chechnya and the North Caucasus in general. Trenin stresses the proximity of large-scale violence that ordinary Russians witnessed in relatively recent times: “for almost a decade at the turn of the present century, Chechnya was a bleeding wound [... and] even today, the North Caucasus – from Dagestan in the east to Kabardino-Balkaria in the west – remains restless”.³⁵⁵

Russia maintains that the overthrow of the regime would not bring along the end of the civil war, together with freedom and democracy: on the contrary, different factions would start fighting for supremacy, Islamist radicals could easily infiltrate the conflict, that would most likely spillover in neighbouring areas – for example, North Caucasus. Libya is, in this sense, a textbook case: Gaddafi’s removal resulted in a country split in two, where Tuaregs took advantage of the large number of weapons circulating to foment the rebellion in Mali.

In Russian eyes, “Syria is the latest battleground in a global, multi-decade struggle between secular states and Sunni Islamism, which first began in Afghanistan with the Taliban, then moved to Chechnya, and has torn a number of Arab countries apart”³⁵⁶. Iran’s concern over the perspective of the Muslim Brotherhood gaining increasing influence in the Middle East is shared by Russia, which in fact in 2003 included the Muslim Brotherhood in the list of organizations recognized as terrorist³⁵⁷, for its supposed involvement in the Chechen war.

Moscow’s fear that radical groups fighting in Syria could be affiliated with extremists in the North Caucasus was supported by Syrian Minister of Foreign Affairs and Expatriates Walid al-Muallem, who, during a meeting with his Russian counterpart, declared that terrorist organizations operating in Syria

³⁵³ RUMER (2019: 4)

³⁵⁴ ALLISON (2013a: 810)

³⁵⁵ TRENIN (2013: 11)

³⁵⁶ HILL (2013)

³⁵⁷ Federal Security Service (FSB), Unified Federal List of Organizations, Including Foreign and International Organizations, Recognized as Terrorist in Accordance with the Legislation of the Russian Federation (available in Russian).

had recruited “militants from 28 countries of the world, including from Chechnya”³⁵⁸. For the record, Syria is a steady supporter of Moscow’s policy *vis-à-vis* such a volatile region and has always expressed condemnation for the Chechen insurgents³⁵⁹. Muallem’s statement further confirms that, once the conflict is over, those extremists may go back to their countries of origin and take advantage of the combat experience they acquired on the Syrian field. This scenario, however, could regard European countries as well, as suggested by the Russian military intelligence chief Igor Sergun³⁶⁰.

Various degrees of concern over the threat represented by radical Islamist groups are to be found in many high-level scholars and politicians’ declarations: as early as March 2011, even before the Libyan crisis reached its climax, Lavrov argued that “[t]he more the Middle East gets unstable, the higher is the risk of people with malicious purposes causing us trouble”³⁶¹. He explained that this “infiltration of negativity”³⁶² was perpetual; however, “when the structure responsible for the functioning of the state is breaking apart, this wave can expand the stream”³⁶³. The following year, in an interview for a Russian TV channel, he stated:

I think intervention in Syria would be disastrous for the region. Syria is a multi-ethnic, multi-confessional country, whose different confessional groups have close relations to sister confessional groups in other countries. Lebanon has already been influenced by the Syrian developments. Inter-ethnic clashes and strife can take place very fast and can embrace the entire region³⁶⁴.

Valery Gerasimov, chief of the Russian General Staff, held the same pessimistic view: “ISIS would have continued to gather momentum and would have spread to adjacent countries. We would have had to confront that force on our own territory. They would be operating in the Caucasus, Central Asia, and the Volga region”³⁶⁵.

Ruslan Kurbanov, senior researcher at the Institute of Oriental Studies, sees the conflict in Syria as “direct path to the radicalization of young people”³⁶⁶; the war in Chechnya, initially a movement of liberation, resulted in a widespread network of terrorist cells, and the situation in Syria could follow the same trajectory. He warns that “[i]f the bloody conflict is not resolved soon, it will ricochet to the Russian regions, primarily, the North Caucasus”³⁶⁷. Alexander Aksenyonok called this gathering of groups and factions a “Green International”³⁶⁸, a reference to the colour of the Muslim Brotherhood logo. Putin himself addressed the issue, clarifying that the only possible strategy was “to take the initiative and fight and destroy the terrorists in the territory they have already captured rather than waiting for them to arrive on our soil”³⁶⁹.

Russia’s fear of conflict spillover and destabilization of the wider Middle East may appear inconsistent in light of the concrete risk that the weaponry it sells to Syria can be easily acquired by Hezbollah, and thus contribute to the

³⁵⁸ As reported by TASS News Agency, 25 February 2013

³⁵⁹ ALLISON (2013a: 813)

³⁶⁰ As reported by RIA Novosti, 23 May 2013

³⁶¹ As reported by Interfax News Agency, 2 March 2011

³⁶² *ibidem*

³⁶³ *ibidem*

³⁶⁴ LAVROV, 21 June 2012

³⁶⁵ As reported by CHARAP (2019: 4)

³⁶⁶ BAKLANOV, SYKIAINEN, KURBANOV (2013)

³⁶⁷ *ibidem*

³⁶⁸ AKSENYONOK (2013)

³⁶⁹ As reported by the Kremlin’s official website, 30 September 2015

spreading of sectarian warfare in the region. Allison finds this not only contradictory *per se*, but also in the face of Russia's complaints about arms delivery to the anti-Assad forces:

To the extent that such sectarianism offers scope for transnational terrorist organizations, Russia warns that the delivery of sophisticated 'illegal' arms to the Syrian opposition through third countries is particularly dangerous. So 'legal' arms supplies are stabilizing, or at least 'balancing', while 'illegal' ones supposedly have the opposite effect³⁷⁰.

Lavrov has answered this critics saying that Russia has never hidden the contracts it has stipulated with Syria for the supply of arms, and there would be no reason to do that: in fact, “[t]hose armaments are entirely defensive and they mostly consist of air defence systems, which cannot be used against the population and can only be used to respond to outside aggression”³⁷¹.

4.2.3 Western interests

While Russian goals are easier to identify and frame within a long-term rational foreign policy strategy, Western interests in Syria are not so clearly defined. Despite having many in common, EU and the US do not pursue identical objectives and this can result in contradictory approaches. Sometimes, however, the inconsistency is also found in the policies implemented by one single actor over time – and this is mainly the case of the US.

4.2.3.1 The US: democracy promotion, Iran, Israel

A good synthesis of the two core reasons behind the US's involvement in the Syrian conflict can be found in an answer former US President Obama gave during a press conference in 2013: “I think that we have both a *moral obligation* and a *national security interest* in, A, ending the slaughter in Syria, but, B, also ensuring that we've got a stable Syria that is representative of all the Syrian people, and is not creating chaos for its neighbours”³⁷².

America is famous for its ‘democracy promotion’ policies, which, particularly since the 9/11 terrorist attacks, have mainly targeted the MENA region. Such policies have been subject to widespread criticism due to their frequently unsuccessful outcomes, their inconsistent application, their simplistic, one-size-fits-all approach. Aware of the domestic and international public opinion's negative judgement, Obama tried to distance his administration from Bush's patronizing and intrusive practices. He underlined this difference in various circumstances, among which his 2010 speech at the UN General Assembly: “The ultimate success of democracy in the world won't come because the United States dictates it; it will come because individual citizens demand a say in how they are governed”³⁷³.

Nonetheless, with regard to Syria, he, too, fell into the temptation of proclaiming America's unicity, its sense of responsibility towards people demanding democracy, its duty to promote certain values, its capacity to meet unthinkable challenges. When he announced his intention to seek Congressional authorization for a military action against Syria, he declared:

[W]e are the United States of America, and we cannot and must not turn a blind eye to what happened in Damascus. Out of the ashes of world war, we built an international order and enforced the rules that gave it meaning. And we did so

³⁷⁰ ALLISON (2013a: 811)

³⁷¹ LAVROV, 21 June 2012

³⁷² OBAMA, 7 May 2013, emphasis added

³⁷³ OBAMA, 23 September 2010

because we believe that the rights of individuals to live in peace and dignity depends on the responsibilities of nations. We aren't perfect, but *this nation more than any other* has been willing to meet those responsibilities³⁷⁴.

A few days later, in an address to the nation, he delivered similar concepts: while acknowledging that “America is not the world’s policeman. Terrible things happen across the globe, and it is beyond our means to right every wrong”, he also maintained that “when, with modest effort and risk, we can stop children from being gassed to death, and thereby make our own children safer over the long run, I believe we should act. *That’s what makes America different. That’s what makes us exceptional.* With humility, but with resolve, let us never lose sight of that essential truth”³⁷⁵.

The next year, in discussing the threat posed by ISIS and his intention to destroy it, he initially remarked the difference from the wars in Iraq and Afghanistan. Nonetheless, he did recall the US’ uniqueness and its exclusive capacity to deal with extra-ordinary problems and its obligation to protect those in need:

Abroad, American leadership is *the one constant in an uncertain world*. It is America that has the capacity and the will to mobilize the world against terrorists. [...] It is America that helped remove and destroy Syria's declared chemical weapons so they cannot pose a threat to the Syrian people – or the world – again. And it is America that is helping Muslim communities around the world not just in the fight against terrorism, but in *the fight for opportunity, tolerance, and a more hopeful future*. [...] When we helped prevent the massacre of civilians trapped on a distant mountain, here's what one of them said. “We owe our American friends our lives. Our children will always remember that there was someone who felt our struggle and made a long journey to protect innocent people”³⁷⁶.

Unsurprisingly, the tone and the content of Susan Rice’s speeches at the UNSC, particularly when confronting with Russia’s (and sometimes China’s) vetoes, are very similar; for example, in October 2011 she manifested her resentment for the Council’s failure to pass draft resolution S/2011/612:

[T]he courageous people of Syria can now clearly see who on this Council supports their yearning for liberty and universal human rights – and who does not. And during this season of change, the people of the Middle East can now see clearly which nations have chosen to ignore their calls for democracy and instead prop up desperate, cruel dictators. Those who oppose this resolution and give cover to a brutal regime will have to answer to the Syrian people – and, indeed, to people across the region who are pursuing the same universal aspirations³⁷⁷.

It worth mentioning that in its 2010 National Security Strategy the US has endorsed Responsibility to Protect and has committed to engage “in a strategic effort to prevent mass atrocities and genocide. In the event that prevention fails, the United States will work both multilaterally and bilaterally to mobilize diplomatic, humanitarian, financial, and – in certain instances – military means to prevent and respond to genocide and mass atrocities”³⁷⁸.

Aksenyonok has argued that the international media have given their contribution in depicting the US as “the champion of democratic ideals”³⁷⁹

³⁷⁴ OBAMA, 31 August 2013, emphasis added

³⁷⁵ *ibidem*, emphasis added

³⁷⁶ OBAMA, 10 September 2014, emphasis added

³⁷⁷ UN SCOR, 4 October 2011, S/PV.6627

³⁷⁸ US National Security Strategy 2010

³⁷⁹ AKSENYONOK (2013)

and in remarking the difference with Russia, “the backer of the bloody regime”³⁸⁰.

Nevertheless, despite these glorious proclaims in favour of democracy and human rights, many have argued that the US’ interests in Syria are of a different nature: much of the job done to overthrow Assad would be aimed at weakening Syria’s closest and stronger ally, Iran, which happens to be the US’ main opponent in the region. Also Israel, the US protégé, perceives Teheran as a significant regional threat: Benjamin Netanyahu, Israeli Prime Minister, declared in 2018 that “73 years after the Holocaust, there is still a country in the Middle East, Iran, which openly calls for the destruction of the state of Israel”³⁸¹. Thus, it is clearly in the US’ interests to promote, on the one hand, Israel’s safety and stability and, on the other, a setback for Iranian influence – that may affect Russia as well.

Barnes-Dacey has called the US regional policy against Teheran and Moscow a “maximum pressure campaign” in the sense that “[the] broader US goal [is] denying Russia and Iran a win in Syria and doing everything to ‘raise the cost and inflict maximum pain on them’”³⁸².

America’s further motives have obviously been acknowledged and exposed by Russia, whose Foreign Minister Lavrov has charged the West of shadow-boxing: the alleged defence of human rights and promotion of peace and democracy “are a cover for a grand geopolitical game [...]. Many have in mind not so much Syria as Iran. They openly say that it is necessary to deprive Iran of a very close ally”³⁸³. Similarly, Cambanis and Wahid Hanna blame US policies in Syria as they reflect a “monomaniacal focus on Iran”³⁸⁴.

Another US’ goal in the region was to make sure that neither Assad nor other parties to the warfare detained or used chemical or biological weapons. In a (in)famous 2012 speech, Obama explained that such issue

doesn’t just concern Syria; it concerns our close allies in the region, including Israel. It concerns us. We cannot have a situation where chemical or biological weapons are falling into the hands of the wrong people. We have been very clear to the Assad regime, but also to other players on the ground, that a *red line* for us is we start seeing a whole bunch of chemical weapons moving around or being utilized³⁸⁵.

Nonetheless, when the red line was crossed and chemical weapons were actually used in Homs and in the suburbs of Aleppo and Damascus – as confirmed by US and France intelligence assessments and, later, by the UN investigation team – the US stalled, and eventually Russia’s plan represented a turning point: Lavrov proposed that Syria’s arsenal of chemical weapons was placed under international control and that Damascus joined the Organization for the Prohibition of Chemical Weapons (see *infra* para 4.3.3). This was arguably the most effective solution: Manfreda suggests that

[i]t was also unlikely that a limited bombing campaign lasting a few days would really impair Assad’s ability to use chemical weapons again. The US would most likely have had to target a wide range of Syrian military facilities to

³⁸⁰ *ibidem*

³⁸¹ As reported by the Kremlin’s official website, 9 May 2018

³⁸² BARNES-DACEY (2020: 7)

³⁸³ As reported by ALLISON (2013a: 808)

³⁸⁴ CAMBANIS, WAHID HANNA (2019)

³⁸⁵ OBAMA, 20 August 2012, emphasis added

significantly degrade Assad's fighting capacity, sending a clear message that more damage could be inflicted at a later stage³⁸⁶.

It has been maintained that the so-called Arab Springs may have jeopardised US influence in the region. According to Buckley, “[d]espite the fact that the protests are fuelled by the desire for democracy and more freedoms, the United States is not gaining allies in the region, and its influence there may be waning. While governments are being overturned and replaced, the United States is withdrawing its forces”³⁸⁷. Goodspeed is of the same opinion: “The US and Israel are witnessing their influence and power deteriorate in the Middle East as the Arab Spring robs them of old allies and shatters old assumptions. [...] As Washington struggles with the region's new realities, it sees the containment of Iran as an essential element of its Middle East foreign policy”³⁸⁸.

Obama's successor, Trump, has pursued an arguably stronger anti-Iranian policy than his predecessor; however, his approach has been characterized by an increasingly direct confrontation with Teheran – sanctions, the withdrawal from the JCPOA nuclear deal, the killing of Soleimani – and a parallel disengagement from Syria, where the plan was “to get out of endless wars, to bring our soldiers back home, to not be police agents all over the world”³⁸⁹. During a joint press conference with the Emir of Kuwait, the US President declared that “we have very little to do with Syria other than killing ISIS”³⁹⁰ – and in fact in October 2019 he withdrew American troops from the country. As for the fate of the Syrian president, in 2017 Nikki Haley, then US Ambassador to the UN, declared that “[the US] priority is no longer to sit there and focus on getting Assad out”³⁹¹. Indeed, Trump's policies *vis-à-vis* Syria could well suggest that he is not particularly interested in regime change: as tough as they may be, sanctions alone cannot produce any similar outcome, that would instead require “a massive invasion using ground troops, an unthinkable option given the war-weary US public. Plus, many policymakers in Washington warned that a victory for Islamist elements among the Syrian rebels would be equally dangerous for US interests”³⁹².

According to Hanauer, a continuing stalemate could be in Israel's interests as well, much more than any definitive solution: the two most likely options are either Assad's victory and the consequent strengthening of Iran and its Lebanese proxy Hezbollah, or the fragmentation of Syria, partitioned by Sunni extremists, Iranian-backed militias, Alawites, and other actors, and the resulting instability. “Thus, continued conflict in Syria – a situation in which Sunni extremists and Iranian proxies continue to focus their fire on each other rather than on Israel – might be the most advantageous outcome for Israel”³⁹³.

4.2.3.2 Europe: refugee crisis and terrorism

The primary consequence of the war in Syria that Europe experienced on its land was the sudden inflow of asylum seekers either through Turkey towards Greece and then along the Western Balkan route, or across the Mediterranean Sea, from Libya to Italy. Syria was the first country of origin, accounting for roughly 50 percent of those attempting to reach either Greek or Italian

³⁸⁶ MANFREDA (2017)

³⁸⁷ BUCKLEY (2012: 92)

³⁸⁸ GOODSPEED (2011)

³⁸⁹ TRUMP (2019)

³⁹⁰ TRUMP (2017)

³⁹¹ NICHOLS (2017)

³⁹² MANFREDA (2017)

³⁹³ HANAUER (2016: 3)

shores³⁹⁴. In order to address this issue, two controversial deals were struck: the so-called EU-Turkey agreement³⁹⁵ (2016) and the Italy-Libya Memorandum of understanding (2017), both aimed at ending “illegal migration”, i.e. preventing immigrants from arriving in Europe.

The natural consequence is that Europe’s main interest in Syria is to re-establish stability and to promote reconstruction: this would eliminate a major push factor, thus limiting further inflows of migrants, and would possibly create the conditions for refugees to go back to their country, reducing the burden on EU Member States. Consistently, European involvement in the conflict has been mainly focused on humanitarian aid. Asseburg reports that

the EU and its member states have been by far the biggest donors. From 2011 until late autumn 2019, they provided over €17bn in humanitarian aid for Syrians inside the country and in neighbouring states. This aid is being mostly rolled out locally by UN organisations and international non-governmental organisations and it has been, in principle, restricted to emergency aid to the local populations, refugees and IDP³⁹⁶.

However, it is not clear anymore whether a victory of the opposition could actually grant such stability.

Just a few months after the beginning of the hostilities, both the EU collectively and some of the Member States had condemned “in the strongest terms the brutal campaign Bashar al-Assad and his regime are waging against their own people”³⁹⁷. In the statement issued by the High Representative of the Union for Foreign Affairs, Catherine Ashton, “the EU [noted] the complete loss of Bashar al-Assad's legitimacy in the eyes of the Syrian people and the necessity for him to step aside”³⁹⁸. Similarly, a joint UK, French and German statement, affirmed that “Assad, who is resorting to brutal military force against his own people and who is responsible for the situation, has lost all legitimacy and can no longer claim to lead the country”³⁹⁹; the three countries declared that, as the Syrian people had completely rejected his regime, he had “to step aside in the best interests of Syria and the unity of its people”⁴⁰⁰.

Despite this initial hard line, it has been argued that Member States may not be a united front against Assad anymore. On the one hand, France, the UK and Germany stand still; on the other, some southern and eastern countries would reconsider negotiations with Damascus, since Assad has now substantially prevailed on the opposition and has become an unescapable interlocutor. Poland, for example, belongs to this latter category of ‘moderates’: in 2018, Polish deputy Foreign Minister Andrzej Papierz visited Damascus and met with some members of the Syrian government. According to Barnes-Dacey, “[t]his isn’t a solely cynical turn – it also represents competing analytical assessments of what is now possible”⁴⁰¹. It may be

³⁹⁴ As reported by CLAYTON, HOLLAND (2015)

³⁹⁵ The European Court of Justice has officially ruled out that this is an act of the European Union or an EU agreement (Judgement of the European Court of Justice, 28 February 2017, Case T-192/16, *NF v European Council*).

³⁹⁶ ASSEBURG (2020)

³⁹⁷ Declaration by the High Representative, Catherine Ashton, on behalf of the European Union on EU action following the escalation of violent repression in Syria, 18 August 2011

³⁹⁸ *ibidem*

³⁹⁹ Joint UK, French and German Statement on Syria, 18 August 2011

⁴⁰⁰ *ibidem*

⁴⁰¹ as reported by VOHRA (2019)

necessary for the EU to acknowledge that the removal of Assad is increasingly unlikely and therefore its position may need an update.

Al-Hussein, too, has suggested that it may be in EU's interests "to re-focus on Syria, exploring pragmatic means of engagement while not compromising on its principles. [...] the EU must begin exploring such avenues now, before a new escalation breaks out or spillovers from Syria again reach Europe's borders"⁴⁰². He argues that "a concerted European effort to reassess its policy strategy in Syria would not only improve the EU's image as an independent and principled actor that is 'here to stay' in the region, but could also help convince Washington to implement a more balanced and sensitive policy *vis-à-vis* the Middle East"⁴⁰³.

ISIS, too, represents, or at least represented, a threat for Europe. Numerous terrorist attacks have occurred on European soil in 2015-2018⁴⁰⁴. Some of the perpetrators were returning foreign fighters that had fought and had been radicalised in Syria; others had received online instruction from members of IS's networks; others had no direct contact with the organization, nor official affiliation and were simply inspired by the Islamic State's principles and goals. Overall, 38 out of 42 well-documented plots in 2014-16 were somehow linked to IS⁴⁰⁵. Many of the States who suffered such attacks had some degree of involvement in the Syrian conflict.

Therefore, stability would be welcomed by Europe also because it would prevent (further) spillover and terrorist plots. Again, EU's interests do not really coincide with American ones and are much more similar to Russia's (see *supra* para 4.2.2.3). Despite this agreement in principle, however, there are

deep and critical differences over the mutual interpretation of meaningful stability. [...] Whereas Russia appears to be betting on the Assad-led Syrian government to re-cement stability, Europeans see the current system as the fundamental source of ongoing instability. Assad's ruthless ongoing policies towards detainees and returnees are seen as prime examples, with current government policies likely to feed ongoing polarisation and block any pathway to national reconciliation⁴⁰⁶.

4.3 UNSC inaction: Russian and Chinese vetoes

Tozzi has described Libya and Syria as "opposite ends of the R2P spectrum"⁴⁰⁷. The idea is that, while in the first case the UNSC reacted "rapidly and consensually"⁴⁰⁸, as never seen before, international response to the second case has not been of significant scope, despite "[t]he magnitude of the Libyan uprising pales into insignificance when compared to Syria"⁴⁰⁹. This has been due to Russia and China's recalcitrance to approve any Resolution that could be manipulated and used as a basis for military intervention and regime change. The events in Libya – and, particularly, NATO's (mis)implementation of the UNSC mandate – have indisputably contaminated

⁴⁰² AL-HUSSEIN (2020: 5)

⁴⁰³ *ibidem*

⁴⁰⁴ France was the worst hit country, suffering 18 attacks, including the one at Charlie Hebdo's offices in January 2015, the one in Paris in November 2015, that claimed the highest number of victims (138), and the second deadliest in Nice, in June 2016 (87 victims); Germany, Belgium and the UK were hardly hit as well, with 6 attacks each.

⁴⁰⁵ NESSER, STENERSEN, OFTEDAL (2016: 4)

⁴⁰⁶ BARNES-DACEY (2019)

⁴⁰⁷ TOZZI (2014: 4)

⁴⁰⁸ *ibidem*

⁴⁰⁹ *ivi*, p. 5

the discussion on Syria. Morris has called it “the price of excess”⁴¹⁰; Bellamy has argued that “Libya taught Russia and China that granting the West ‘an inch’ on human protection by allowing the Council to adopt limited measures against the al-Assad regime in Syria would encourage it to take ‘a mile’, leading inevitably to Western-inspired forcible regime change”⁴¹¹.

4.3.1 An overview of the vetoed resolutions

The first veto was wielded by both China and Russia on 4 October 2011, against draft resolution S/2011/612. In the preamble, the Syrian Government is reminded its primary responsibility to protect its population. The reference was only to pillar I of R2P, and arguably it was not the main element of controversy: in fact, the same reference can be found also in resolutions that received unanimous approval (see *infra* para 4.3.3). Emphasis was put on the Council’s strong commitment to the sovereignty, independence, unity, and territorial integrity of the Syrian Arab Republic (and will be included in – virtually – every other resolution concerning Syria). These two elements are telling of the lesson learned from Libya, the renewed approach to the concepts of R2P and state sovereignty, and the much higher threshold established by Russia and other non-Western countries to reach a consensus. In the operative section, Syrian authorities were the main target of the Council’s condemnation: the draft demanded that they immediately cease the use of force against civilians, violations of human rights and restrictions on freedom of expression and peaceful assembly; the Syrian government was also asked to allow the access of human rights monitors and humanitarian agencies. The opposition was addressed as well, when both sides were urged to reject violence and extremism and were encouraged to take part in an inclusive political process; in conclusion, reference was made to Article 41 of the UN Charter (i.e. measures not involving the use of armed force), should the Syrian authorities fail to follow up.

Meanwhile, in November 2011, the Arab League had reached an agreement with the Syrian government on an Action Plan prescribing the suspension of military repression on peaceful demonstrations, a dialogue with the opposition and the deployment of a League’s mission to monitor the implementation. However, as Damascus was not meeting these objectives, the League first decided to suspend Syria’s membership, and eventually, as violence further escalated, it suspended the mission. In draft S/2012/77, voted on 4 February 2012, the preamble praised the efforts of the League of Arab States, which had produced an action plan and deployed an observer mission; one of the preambulatory clauses was also devoted to specify that the resolution by no means authorized action under Chapter VII of the UN Charter. In the main body, Syrian authorities’ continued widespread and gross violations of human rights and fundamental freedoms are condemned and the government is demanded to cease such attacks and are its population; the draft included a more widespread condemnation of all violence, irrespective of where it comes from, thus addressing all armed groups; in conclusion, the draft considered to implement further measures in the event of non-compliance.

Bellamy notices that “[t]here were clear signs that this second draft resolution sought to accommodate some of the concerns expressed by more cautious Council members”⁴¹², including the fact that violence was condemned regardless of its source and that no reference was made to art. 41 in particular,

⁴¹⁰ MORRIS (2013 :1274)

⁴¹¹ BELLAMY (2014: 25)

⁴¹² *ivi*, p. 28

but more generally to “further measures”. Nonetheless, China and Russia vetoed it.

In the preamble of draft S/2012/538 (19 July 2012), an increasingly bipartisan condemnation is found, targeting both Syrian authorities and armed opposition groups, both responsible of the continued escalation of violence and human rights violations; the presence of terrorist groups is acknowledged for the first time; the preamble ends with the classification of the situation in Syria as a threat to international peace and security and the consequent decision to act under Chapter VII. The operative part demands that the conditions are created for the immediate implementation of the Envoy’s six-point plan regarding political transition: this include the ceasing of armed violence from both sides and the Syrian authorities’ visible and verifiable commitment toward this aim; the mandate of UNSMIS (United Nations Supervision Mission In Syria) is renewed for 45 days to promote political dialogue and to conduct fact-finding tasks; the draft also includes a reference to art. 41, should the Syrian authorities refuse to comply. Both Moscow and Beijing voted against its approval.

Draft S/2014/348, voted on 22 May 2014, again determined that the situation in Syria constituted a threat to international peace and security and action was thus to be taken under Chapter VII. Condemnation for the widespread violations of human rights and international humanitarian law targets both Syrian authorities and pro-government militias, as well as non-State armed groups, all committed in the conflict. As the situation was to be referred to the International Criminal Court (ICC), both parties were strongly urged to cooperate with the investigations – although the Council is aware that Syria is not a member of the ICC and thus not obliged to comply. The referral to the ICC was, as Churkin explained, unconceivable for Russia, which thus vetoed the draft, together with China.

Russia vetoed alone draft S/2016/846 (8 October 2016). In the preamble, for the first time, condemnation targets ISIL, the Al Nusrah Front and Al Qaeda, designated as terrorist groups. Also, emphasis is put on the need for a political solution, that cannot be achieved through military means. In the operative section, all the parties to the conflict are asked to immediately implement the provisions of several previous Resolutions that had not been effectively enforced. The parties are also requested to end aerial bombardments of Aleppo, in order to facilitate humanitarian access, and to avoid any kind of support to or cooperation with terrorist groups. In conclusion, the draft reiterates the need to establish a transitional governmental body on the basis of mutual consent and institutional continuity.

Draft S/2016/1026, vetoed by both countries, established a ceasefire in Aleppo in order to allow humanitarian access; however, action against terrorist groups was not included in this provision; the draft also condemned the attacks against medical personnel and wounded and sick and asked that evacuation of the latter two is facilitated on the basis of urgency and need; at the same time, anyone who wishes to leave Aleppo should be allowed to do so; parties were called upon to refrain from providing terrorist groups with any form of support and from collaborating with them, and were reminded that they should carry out their fight against such groups in full compliance with international law.

In the preamble of draft resolution S/2017/172, reference is made to Resolution 2118 (2013), which had constituted a positive and fruitful example of cooperation, also thanks to Russia’s intermediation: Resolution 2118 established that no party should produce, acquire or use chemical weapons and that, in the event of non-compliance, measures under Chapter VII would

be implemented. The draft therefore strongly condemns the use of chemical weapons by the Syrian Armed Forces and ISIL; the former is thus asked to comply with the obligations deriving from its membership to the Organization for the Prohibition of Chemical Weapons (OPCW); as for the latter, States are urged to ensure that chemical weapons are not produced or acquired by any terrorist group operating in the region; additionally, the draft establishes punitive measures targeting individuals responsible for use or production of chemical weapons, namely asset freeze, travel ban and an embargo on supply of chemical weapons and related material. Both China and Russia opposed it.

Draft S/2017/315 and S/2018/321 were vetoed by Russia only: they both condemned chemical weapons attack (in the Khan Shaykhun area of southern Idlib and in the area around Douma), reminded the Syrian authorities their obligation to comply with OPCW's recommendations; the second one also established the UN Independent Mechanism of Investigation in order to carry out an unbiased, accountable and professional investigation.

Draft S/2017/884, S/2017/962 and S/2017/970 all extended the Joint Investigative Mechanism's (JIM) mandate, to investigate additional allegations of chemical weapons attack. Russia vetoed them as the JIM had not yet produced a report and thus its work could not be evaluated.

Draft S/2019/756 and S/2019/961, vetoed by both countries, were very similar: the preamble reiterated condemnation for attacks against civilians and concern for the lack of humanitarian access in several parts of the country. The operative clauses included the demand to all Member States and parties to the conflict, particularly to the Syrian authorities, that the fight against terrorism was carried out in compliance with international law, and similarly that the same criteria were applied with respect to civilian protection, including the immediate halting of air bombing against civilian populated areas; the cessation of hostilities and a ceasefire monitoring mechanism; the reaffirmation of the need of a Syrian-led political process to produce any significant humanitarian improvement and to decide the future of the country.

The most recent draft encountering the same fate is S/2020/657 (7 July 2020), where specific reference is made to the impact of the COVID-19 pandemic. The provisions encompassed in the operative section are not new, including a specific reference to the Syrian authorities' obligations; the need for humanitarian assistance and medical supplies is even more acute due to the critical risks posed by the pandemic.

4.3.2 Russia's explanation for its stance: the spectre of Libya

Allusions to the events in Libya are to be found in a significant number of statements by Russian representatives throughout the years – either in the form of implicit denounces against the “Western capitals’ anti-regime doctrine”⁴¹³, or openly referring to the “monstrous experiment”⁴¹⁴ in Libya. These are clear evidences of the extent to which the way R2P was implemented in Libya has damaged any future employment of this potentially useful concept: in Russia's view, the same script has been followed in Libya, Syria, and other (mainly Middle Eastern) countries, i.e. “false guardians of humanitarian principles [...] destroying the country, generously sponsoring terrorists [...] in order to implement their plans in the region”⁴¹⁵. In Moscow's view, the West has an

⁴¹³ UN SCOR, 28 February 2017, S/PV.7893

⁴¹⁴ *ibidem*

⁴¹⁵ UN SCOR, 5 December 2016, S/PV.7825

“obsession”⁴¹⁶ for regime change: it tries to sell it as democracy promotion and defence of human rights but pursues it with ruthless means – including support for terrorist groups.

In September 2011, in an interview to a Russian newspaper, Foreign Minister Lavrov, accused the opposition in Syria of deliberately refusing to find a compromise and “boycotting the calls for dialogue in the hope that ‘the West will help us,’ as in Libya”⁴¹⁷, and referred again to that infamous circumstance when he clarified that “[t]here is no predetermination for a repeat of the Libyan or other scenarios in Syria. On the contrary, there is room for peaceful nonviolent overcoming of the internal Syrian crisis”⁴¹⁸. In the same interview, when asked a question about the Arab Springs in general, he stressed Russia’s support for Arab people’s aspirations and their right and capability to shape their own fate. For this reason, he argued, Russia firmly opposed

interference in internal affairs [and] the imposition from the outside of ready-made development precepts and scenarios. It is important that the concepts of democratic reforms should be generated by the peoples of the Middle East and North Africa themselves with due respect for their civilizational traditions from outside players⁴¹⁹.

Russian Permanent Representative to the UN was of the same opinion: in justifying its veto on draft S/2011/612, Churkin made explicit reference to the intervention in Libya and the risks that further application of R2P could bear. He emphasized the “vital importance”⁴²⁰ of territorial integrity and non-intervention in a sovereign state’s internal affairs. He condemned the wording of the draft, which levelled criticism solely against the Syrian authorities and did not take the distance from the opposition’s extremisms. He also underlined that Russia was not Assad’s advocate: Moscow had openly condemned the violent repression of peaceful protests and had pushed Damascus to implement reforms, but responsibilities of both sides had to be addressed. “The well-known events in North Africa”⁴²¹ had taught Russia to be wary of one-sided accusations. He stressed that “[t]he situation in Syria cannot be considered in the Council separately from the Libyan experience”⁴²² and referred that the international community feared that NATO’s (creative) interpretation of the Security Council mandate in Libya could be taken as a model for future R2P implementations (for example in Syria); the fact that some Western politicians already talked about Assad’s loss of legitimacy was an additional indicator of a plot for yet another regime change. He suggested that the Yemeni model was instead followed, that is to say, a process of mediation that brings together all the parties’ requests: this approach could be more effective in consideration of the significant number of Syrians not agreeing with a quick regime change, preferring a more gradual and non-violent process.

Churkin’s explanation for Russia’s veto on draft resolution S/2012/77 was based on similar remarks but the tone was tougher: he accused “some influential members of the international community, including some sitting at this table, [to] have undermined any possibility of a political settlement, calling for regime change, encouraging the opposition towards power,

⁴¹⁶ UN Security Council, S/2017/172

⁴¹⁷ LAVROV (2011)

⁴¹⁸ *ibidem*

⁴¹⁹ *ibidem*

⁴²⁰ UN SCOR, 4 October 2011, S/PV.6627

⁴²¹ *ibidem*

⁴²² *ibidem*

indulging in provocation and nurturing the armed struggle”⁴²³. The draft resolution was biased in favour of the opposition, that had failed to take the distance from its extremist and violent fringes. With regard to the Arab League’s mission, he claimed that the lack of flexibility and inclusivity *vis-à-vis* all the parties had decreased its chances of success and called for renewed effort in that direction.

In vetoing draft resolution S/2012/538, the Russian ambassador used harsh words and insisted on the unacceptability of military intervention against a sovereign State. He clarified that no reference to Chapter VII of the UN Charter would have been met with Russia’s approval. UNSC Western members are called “Pharisees” and accused of putting their geopolitical intentions in Syria ahead of the legitimate interests of the Syrian people, but, Churkin warns, “[t]heir calculations to use the Security Council of the United Nations to further their plans of imposing their own designs on sovereign States will not prevail”⁴²⁴.

Veto on draft S/2014/348 followed the same script: Churkin accused France, sponsor of the resolution, of seeking once again a pretext for armed intervention in the Syrian conflict, and Western states in general of supplying weapons to the terrorist group Al Nusrah. In explaining why Russia vetoed the referral of the Syrian case to the International Criminal Court, the ambassador charged the US with double standards and hypocrisy, as Washington is not part of the Rome Statute but nevertheless invoked the ICC judgement for others. The outcome of Resolution 1970(2011) served as additional justification for the dissenting vote: back then, the referral of the situation in Libya to the ICC did not help to solve the crisis, nor it restored normalcy or justice, but “added fuel to the flames of the conflict”⁴²⁵; Churkin also reinforced the criticism towards NATO’s conduct in that circumstance.

Libya is also present in Churkin’s declaration of veto against the following draft, S/2016/846, when he stated: “After destroying Libya and considering that a great success, the troika of the three Western permanent members of the Security Council turned on Syria”⁴²⁶.

Putin himself criticised the fact that “military intervention in internal conflicts in foreign countries has become commonplace for the United States. [...] Millions around the world increasingly see America not as a model of democracy but as relying solely on brute force”⁴²⁷; in explaining Russia’s position *vis-à-vis* Assad’s regime, he maintained: “We are not protecting the Syrian government, but international law”⁴²⁸.

Another critique, coming also from scholars and commentators, is that the US do not take into due consideration the aftermath of their intrusions, that often brings destabilization, if not the emergence of full-fledged terrorist groups. ISIS itself was the by-product of “the United States’ destabilizing invasion of Iraq and premature withdrawal, which left behind a broken country”⁴²⁹. Embracing this narration, Russia is able to portray its support for the Syrian government as part of its fight against international terrorism. Accusations of political short-sightedness have been moved, among the

⁴²³ UN SCOR, 4 February 2012, S/PV.6711

⁴²⁴ UN SCOR 19 July 2012, S/PV.6810

⁴²⁵ UN SCOR, 22 May 2014, S/PV.7180

⁴²⁶ UN SCOR, 8 October 2016, S/PV.7785

⁴²⁷ PUTIN (2013)

⁴²⁸ *ibidem*

⁴²⁹ RUMER (2019: 8)

others, by Aksenyonok, who provocatively asks: “Does the West have a strategic vision of Syria ‘after Assad’? Are the United States and the European Union capable of controlling the behaviour of such an ill-assorted opposition at all?”⁴³⁰.

All these comments, critiques, remarks, attacks, seem to point in one same direction, that Reiff summarised in the epitaph “R2P, RIP”⁴³¹. Chapter 5 will address in detail the issue of Responsibility to Protect’s future perspectives. Surely, for the moment we can conclude that “Libya has served less as a showcase for the potential of R2P and more as a warning of its dangers. Among R2P-sceptics it has stoked the embers of long-held suspicions over the trustworthiness of Western powers with neo-imperial proclivities”⁴³². Among the enthusiasts, it has sparked (excessive?) enthusiasm, setting the threshold too high and convincing them that NATO’s operation irrevocably constituted the new standard reference.

4.3.3 Some elements of cooperation

Paragraphs 4.3.1 and 4.3.2 seem to suggest a total irreconcilability and stalemate within the Security Council: while this is overall true, it is also worth mentioning those times when an agreement was reached, and Resolutions were passed with everyone’s consensus. It could be argued that these resolutions were not determinant and that, after 9 years, the conflict is still ongoing and has produced hundreds of thousands of victims; however, in order to achieve an effective, durable solution to the Syrian war, one should not underestimate the importance of analysing the elements on which common ground was found, so that they can possibly constitute a reference for future agreements.

Adopted in April 2012, within a week from each other, Resolutions 2042 and 2043 are a good example in this sense. The former supported and endorsed Kofi Annan’s Six-Point Plan, called all parties to halt violence and manifested the intention to deploy a monitoring mission; the latter, sponsored by Russia, concretely established such mission (UNSMIS) and reiterated the call for the implementation of Annan’s plan. Churkin applauded these outcomes, arguing that Russia had voted in favour because the Resolutions were unbiased, as both sides were asked to comply with the provisions; he nonetheless seized the opportunity to underline that “only the Security Council has the prerogative to take a decision regarding the settlement of a regional crisis”⁴³³ and to reaffirm that “[t]he Libyan model should remain forever in the past”⁴³⁴.

In June 2012, Annan promoted an Action Group for Syria in Geneva, to which, among the others, US Secretary of State Hillary Clinton and Russian Foreign Minister Lavrov participated. The final *communiqué* issued by Secretary General Ban Ki-Moon recommended an immediate cessation of armed violence from both sides, the establishment of a transitional governing body, an inclusive national dialogue involving both sides of the conflict and all segments of society, and the implementation of the Six-Point Plan.

In September 2013, another important result was achieved: in the previous months, chemical weapons attacks had produced major casualties and international outrage, and the US was about to intervene against Assad’s

⁴³⁰ AKSENYONOK (2013)

⁴³¹ RIEFF (2011)

⁴³² MORRIS (2013: 1280)

⁴³³ UNSC meeting record S/PV.6756

⁴³⁴ *ibidem*

regime, to deter future actions and hamper the government's capacity to deploy its arsenal; Russia sponsored Resolution 2118, to which Assad gave its consent, that envisioned the destruction of Syria's chemical stockpile under the supervision of the Organization for the Prohibition of Chemical Weapons. Tocci notes that the war had been conducted mainly with traditional weapons, and thus this Resolution had marginal impact on the overall conflict⁴³⁵. However, it had not insignificant symbolic value, as it showed how peaceful cooperation between opposing sides could replace military intervention and accomplish even more; additionally, it created momentum that led to the opening of a second negotiation table in Geneva in 2014, to which the Syrian regime and the opposition participated, with the mediation of UN Special Envoy Lakhdar Brahimi⁴³⁶.

Throughout the duration of the conflict, the UNSC was able to find unity and consensus around Resolutions of strictly humanitarian content, that called upon the parties to fulfil their duties under international law, condemned violence from both sides, provided humanitarian assistance, established ceasefires and so on; unfortunately, despite the agreement in principle, many of those failed to receive proper implementation, due to the lack of measures envisaged in case of non-compliance. All references to Responsibility to Protect are to be found in the preambles, and only concern pillar I⁴³⁷ – the least controversial, as previously discussed – as, otherwise, they would have never met with the approval of the most sceptics member states. Other chemical weapons attacks occurred, to which the Security Council responded with reiterations of the concepts and provisions expressed in Resolution 2118 (2013), extensions of the JIM's mandate (sometimes controversies arose around this issue, too), condemnations of those bearing responsibility, but not much else.

Resolution 2249, unanimously adopted in November 2015, is worth a mention too: if, on the one hand, it “calls upon Member States that have the capacity to do so [...] to take all necessary measures to prevent and suppress terrorist acts”⁴³⁸, on the other it does not make any reference to Chapter VII, therefore implicitly ruling out military (and non-military) measures.

Another relevant initiative was the International Syria Support Group (ISSG), also known as the Vienna peace talks. Co-chaired by Russia and the US, it saw the participation of several important states (China, Egypt, France, Germany, Iran, Iraq, Italy, Jordan, Lebanon, Oman, Qatar, Saudi Arabia, Turkey, UAE, the UK) and organizations (the Arab League, the EU and the UN), but not that of a Syrian delegation, neither from the government nor from the opposition. The goal of this round of negotiations was to agree on a national ceasefire and a process of political transition, and on Assad's role in the latter. Participants were able to find common ground on some relevant key points, including the importance of Syria's unity, independence and territorial integrity, the need to defeat ISIS, a Syrian-led, Syrian-owned political process that includes a new constitution and elections, a nationwide ceasefire; the issue of Assad remain unsolved, due to the irreconcilability of US and Russian positions on that. Resolution 2254 (2015) unanimously endorsed this effort.

⁴³⁵ TOCCI (2014 :6)

⁴³⁶ the former Special Envoy Annan had resigned in August 2012, due to the refusal of the Syrian government to implement his Six-Point Plan and the profound division within the international community and the UN Security Council

⁴³⁷ UN Security Council Resolutions 2165 (2014), 2254 (2015), 2258 (2015), 2332 (2016), 2393 (2017), 2449 (2018)

⁴³⁸ UN Security Council, 22 November 2015, S/RES/2249

US-Russia bilateral initiatives were pursued as well, both under the Obama and the Trump administration. In October 2015, the two countries set up a deconfliction hotline to prevent unintentional encounters between their forces in Syrian air space. In September 2016, Russia and the US found an agreement and established a ceasefire between the Syrian forces and the US-backed mainstream opposition groups; obviously the ceasefire did not include the fight against Jabhat Fateh al-Sham (former al-Nusra Front) and ISIL. Unfortunately, this praiseworthy initiative was short-lived: roughly 10 days later, Assad declared the end of the ceasefire as a consequence of the US-led coalition attack against Syrian forces; at the beginning of October, Washington suspended negotiations with its counterpart, claiming that “Russia failed to live up to its own commitments [...] and was also either unwilling or unable to ensure Syrian regime adherence to the arrangements to which Moscow agreed”⁴³⁹. In July 2017, Trump and Putin agreed to a ceasefire in southwestern Syria and put in place another deconfliction hotline to prevent their ground forces from clashing while fighting ISIS in the eastern part of the country.

4.3.4 International criticism

Russia and China’s frequent vetoes on UNSC Resolutions concerning Syria have been perceived by many in negative terms: they have been called, in various occasions, “arbitrary”⁴⁴⁰, “abusive”⁴⁴¹, “despicable and dangerous”⁴⁴², “a cheap ruse”⁴⁴³, and so on. The two countries’ negative votes have produced periods of stalemate within the Security Council, preventing it from adopting effective measures in several occasions. Alternatively, in order to gain the two countries’ approval, many drafts have been submitted in a watered down version, featuring no elements that could give rise to controversies, but, arguably, resulting less functional. This has produced strong criticism from a large part of the international community, both in the diplomatic and institutional environment, and in the civil society.

In August 2012, after Russia and China had exercised their veto power for the third time on Syria, the United Nations General Assembly adopted Resolution 66/253B, which “[deplored] the failure of the Security Council to agree on measures to ensure the compliance of Syrian authorities with its decisions”⁴⁴⁴. What Nahlawi describes as “deep-seated frustrations by States on the UNSC’s inability to take concrete action”⁴⁴⁵ was apparently shared by many, as the Resolution passed with a large majority: China and Russia were, significantly, among those countries that voted against.

In December 2013, the General Assembly adopted Resolution 68/182, concerning the situation of human rights in Syria. The Security Council was, again, directly addressed and reminded “its primary responsibility for the maintenance of international peace and security and to take measures to put an end to all serious violations of international humanitarian law and all serious violations and abuses of international human rights law committed in

⁴³⁹ As reported by GORDON, KRAMER (2016)

⁴⁴⁰ Syrian Network for Human Rights (2020)

⁴⁴¹ NAHLAWI (2019)

⁴⁴² TADROS (2020)

⁴⁴³ UNSC meeting record S/PV.6627

⁴⁴⁴ UN General Assembly, 7 August 2012, A/RES/66/253 B

⁴⁴⁵ NAHLAWI (2019: 127)

the Syrian Arab Republic”⁴⁴⁶. This resolution, too, was opposed by Moscow and Beijing.

Discontent for UNSC’s lack of action emerged equally from the text of Resolution 71/130, adopted in December 2016. The General Assembly, in compliance with art. 10 of the UN Charter, drew UNSC’s attention on the ongoing and unsolved crisis in Syria: in this respect, the body “[expressed] alarm that the responsibility of the Security Council to ensure prompt and effective action has not been further discharged with regard to the Syrian Arab Republic”⁴⁴⁷ and thus “[urged] the Security Council to further exercise its responsibility for the maintenance of international peace and security by taking additional measures to address the crisis in the Syrian Arab Republic, in particular the devastating humanitarian crisis”⁴⁴⁸. China and Russia voted against this resolution as well.

In more recent times, UN Secretary General Antonio Guterres described the dynamics of power within the Council in negative terms, depicting the relations between Russia, China, and the US as “more dysfunctional than ever”⁴⁴⁹;

Criticism against Russia’s (and China’s) decision to veto several Resolutions came from outside the UN as well. Various representatives of NGOs voiced their disapproval for the Security Council’s inability to produce concrete results and fulfil its duty to maintain international peace and security. In the aftermath of October 2011 veto, Malcolm Smart, Amnesty International’s Middle East and North Africa Director, noted that using the events in Libya as a justification for their (in)action was “utterly irresponsible”⁴⁵⁰; he argued that political disagreements could not result in the suffering of many innocents and that “[Russia and China’s] veto was nothing short of a betrayal of the Syrian people”⁴⁵¹.

Simon Adams, Executive Director of the Global Centre for the Responsibility to Protect, commented:

Today’s veto is a new low. Action to stop crimes against humanity should not be held prisoner to sectional political interests and convenient alliances. This veto will cost lives in Syria. In preventing the UN from upholding its Responsibility to Protect, China and Russia have placed themselves on the wrong side of history. Today’s veto is a victory for impunity, inaction and injustice. The long-suffering people of Syria deserve better than this⁴⁵².

David Miliband, CEO of the International Rescue Committee, called the historical moment in which we are living “the age of impunity”, referring to the lack of consequences that face those who commit war crimes (or fail to prevent them): “because they can get away with anything, they do everything”⁴⁵³. Hardeep Singh Puri, a former Indian permanent representative who is now vice-president of the International Peace Institute, labelled the Security Council’s Stalemate over Syria as its “most serious failure”⁴⁵⁴.

With a similar feeling of condemnation, Kraus wrote:

⁴⁴⁶ UN General Assembly, 30 January 2014, A/RES/68/182

⁴⁴⁷ UN General Assembly, 19 December 2016, A/RES/71/130

⁴⁴⁸ *ibidem*

⁴⁴⁹ WINTOUR (2020)

⁴⁵⁰ As reported by Amnesty International, 5 October 2011

⁴⁵¹ *ibidem*

⁴⁵² As reported by Global Center for the Responsibility to Protect, 4 October 2011

⁴⁵³ WINTOUR (2020)

⁴⁵⁴ As reported by International Peace Institute, 25 October 2016

By using their veto power, Russia and China are not meeting their responsibility to protect and are also preventing the rest of the world from doing so. [...] It is clear that the two governments have put national interests ahead of their international responsibility. Perhaps they are more concerned with the continuation of Syrian arms deals [...] than basic human rights for the Syrian public⁴⁵⁵.

Due to the impossibility to find an agreement within the Security Council's collective framework, both sides took autonomous initiatives and acted on their own.

4.3.5 Unilateral initiatives

4.3.5.1 Russia's support of the regime: intervention by invitation

Chapter 2 of the present work has been devoted to analyse Russia's role of bulwark in defence of state sovereignty, and its hostility towards unauthorized military interventions. Consistently, Russia's intervention in Syria in September 2015 came at the formal invitation and with full consent of a UN member state. Russia has justified its support for Assad in terms of "a legitimate form of assistance to a friendly government under assault from illegal, foreign-inspired, and foreign-supplied opposition groups and terrorist cells"⁴⁵⁶.

In September 2015, the Federal Council, Russia's upper house of the parliament, unanimously gave formal consent to send Russian military forces in Syria to fight against terrorist groups; in that circumstance, presidential spokesman Dmitry Peskov remarked: "As a matter of fact Russia will be the sole country that will be carrying out that operation on the legitimate basis at the request of Syria's legitimate authorities"⁴⁵⁷; earlier that day, chief of the presidential staff, Sergey Ivanov, had made a similar comment, explaining that "in order to observe the international law, one of the two conditions has to be met - either a UN Security Council resolution or a request by a country, on the territory of which an airstrike is delivered, about military assistance"⁴⁵⁸, underlining the difference between Russian and Western approaches. The same concept has been stressed multiple times by other high-rank officials and politicians, to underline the legitimacy of Russia's presence in contrast with the West's unauthorised operations, and to "[reinforce] Moscow's position on regime change and intervention: Moscow acted to assist a sitting government to enforce its writ over its own territory"⁴⁵⁹. Putin himself has stressed the importance of proceeding in strict accordance with international law, either "on the basis of UN Security Council resolutions or at the request of the country in need of military assistance. Our partners' operations in Syria have neither of these things as their basis"⁴⁶⁰.

While an official document outlining a formal request from the Syrian authorities seems unavailable, scholars have argued that Assad's consent is deducible from the full coordination of the military operations carried out by Russian Air Force and Syrian ground troops⁴⁶¹. Additionally, during a press conference held in Moscow the day after the Federal Council's vote, the Syrian ambassador in Moscow Riyad Haddad stated: "Those who want the law of the jungle can sit on their hands [...] and those who want the

⁴⁵⁵ KRAUS (2011)

⁴⁵⁶ RUMER (2019: 8)

⁴⁵⁷ as reported by TASS Russian News Agency, 30 September 2015

⁴⁵⁸ *ibidem*

⁴⁵⁹ CHARAP, TREYGER, GEIST (2019: 8)

⁴⁶⁰ PUTIN (2015)

⁴⁶¹ ILDEFONSO OCAMPOS (2016), KASSAB (2016)

international law honoured and the prestige of the international organization kept up should side with Russia and Syria⁴⁶².

In order to better serve its purposes, Russia was also granted the permission to use Syrian facilities and infrastructures (ports, air bases, etc.) that would be necessary to carry out military operations. Charap reports that, according to a Russian government advisor, “if Assad had been overthrown, Moscow would not have intervened, in part because there would not have been a request from the new authorities in Damascus and thus no permission to use these facilities”⁴⁶³.

4.3.5.2 The West: sanctions against the regime, support for the opposition

Despite failing to obtain an authorization from the Security Council, the US decided to intervene anyway in support of the Syrian rebels and the Syrian Democratic forces; initially it only provided them with non-lethal aid, but after a short time Washington started to send military support as well: training, equipment, money and intelligence. US presence in Syria was initially meant to help the opposition fight IS, Al Nusrah Front and other terrorist groups producing further destabilization and chaos in the country; however, starting from April 2017, Trump launched a series of airstrikes targeting Assad’s forces and his allies as well.

These operations have attracted much criticism, mainly built around the fact that US military intervention was in violation of international law. Indeed, none of the exceptions to the prohibition of the use of force envisioned in the UN Charter seems to be invocable. As mentioned above, Russia and China blocked any UNSC Resolution containing even the most implicit reference to external intervention. Syria did not attack the US directly, therefore self-defence does not hold either; collective self-defence against ISIS is the most plausible justification: however, to pursue this track, it is necessary to demonstrate that terrorist group’s host state (i.e. Syria) is unwilling or unable to prevent it from attacking other states. This justification has been contested by Haque with a slightly twisted, but convincing, argumentation:

Simply put, why should international law permit the intervening state to prefer its own safety to that of the territorial state, but forbid the territorial state from doing so in turn? If the armed attack is not attributable to either state, then why should international law permit the intervening state to use defensive force rather than suffer armed attack? And why should international law require the territorial state to suffer armed attack rather than use defensive force?⁴⁶⁴

Finally, intervention by invitation does not work as well, because, for the invitation to be valid, it must come from a legitimate inviting authority, and the Syrian opposition, arguably, does not match the description. This criterion was established by the International Court of Justice, back in 1986, in the well-known case Nicaragua v. US: ICJ declared US intervention inadmissible, and motivated as follows:

it is difficult to see what would remain of the principle of non-intervention in international law if intervention, which is already allowable at the request of the government of a State, were also to be allowed at the request of the opposition. This would permit any State to intervene at any moment in the internal affairs of another State, whether at the request of the government or at

⁴⁶² As reported by Syrian Arab News Agency, 1 October 2015

⁴⁶³ *ibidem*

⁴⁶⁴ HAQUE (2018)

the request of its opposition. Such a situation does not in the Court's view correspond to the present state of international law⁴⁶⁵.

The US have also imposed sanctions against Assad's regime. The most recent, the Ceasar act, entered into force in June 2020 and targets non-US entities that provide "significant support" to the government or forces acting of its behalf. Previous sets of sanctions included a ban on the supply of products, services and investments – with the exception of those serving humanitarian purpose – asset freeze, a ban on imports and other oil-related transactions, travel ban, etc.

EU has followed its ally's example, imposing comprehensive sanctions, targeting those within the Syrian government who are responsible for violent repression of peaceful demonstration and for the use of chemical weapons to sanction their actions; additionally, the sanctions aim at weakening the regime by reducing its revenues and diminishing its means of oppression. These sanctions consist of arms embargo, oil embargo, travel ban, asset freeze and restrictions over the exports of goods that can serve for internal repression (so-called "dual use goods").

Criticism for these sanctions has not been spared. Many contest that, while failing to actually harm the regime, they have produced high inflation, unemployment, poverty, damaging the civilian population, already worn out by years of war. China's Permanent Representative to the UN has blamed unilateral sanctions imposed by the US and EU "for exacerbating the country's humanitarian situation, and urged they be lifted"⁴⁶⁶. According to Barnes-Dacey, this perception is shared by European officials as well, who "fear that the US is intent on bringing Syria to its knees with a 'disregard for the Syrian people and wider regional stability'"⁴⁶⁷. Hinnebusch has called "unrealistic" and "unethical" the strategy of "inflict[ing] pain on the population in the hope that this will pressurize the regime or generate revolt against it"⁴⁶⁸. A similar comment has been made by Al-Hussein: "The US's obsessive campaign against Damascus, Tehran and Moscow has abandoned all considerations for morality and has ended up hurting the very people Washington claims to be supporting"⁴⁶⁹. Russian Foreign Minister Lavrov has described the issue of unilateral sanctions as "a very slippery slope", arguing that they can result counter-productive: "In principle dealing with any international issue you need to include partners with whom you have difficulties, not isolate them. Isolation never works"⁴⁷⁰.

-

Far from showing different – not to say contradicting – attitudes adopted by the Kremlin *vis-à-vis* R2P, Libya and Syria are consistent – both in themselves and if observed together – with Moscow's preferences on humanitarian matters. Despite the reputation Russia has in the West, it is not completely disinterested in human rights protection (see, for example, Putin's declaration in para 2.2); however, it considers other interests as priorities. If the defence of human rights does not affect these interests – as in the case of Libya – Russia shows itself open to dialogue and more willing to take measures of a

⁴⁶⁵ Judgement of the International Court of Justice, 27 June 1986, *Case Concerning Military and Paramilitary Activities in and Against Nicaragua (Nicaragua v. United States of America)*, para 246

⁴⁶⁶ As reported by Al-Jazeera, 8 July 2020

⁴⁶⁷ BARNES-DACEY (2020: 2-3)

⁴⁶⁸ HINNEBUSCH (2020: 120)

⁴⁶⁹ AL-HUSSEIN (2020: 3)

⁴⁷⁰ LAVROV (2012)

certain kind; if, on the contrary, it perceives that its vital interests are at stake – as in the case of Syria – and that the defence of human rights can be used instrumentally to harm these interests, then it firmly opposes any attempt to take action and further reinforces the discourse on sovereignty.

At the same time, it would be naïve to think that Western powers' sole driving force is of humanitarian nature: as discussed, they have their own strategic interests and goals, which they tend to present in a way that is more acceptable for the public opinion – both domestic and international. Nevertheless, admitting that geopolitics are the primary trigger of action does not completely rule out the possibility for cooperation in certain fields, areas of intersections of the respective sets of interests – such as the fight against terrorism, the destruction of chemical weapons stockpiles, and so on – which can also produce a positive impact on civilian population.

Chapter 5: The future of R2P

In September 2011, Ban Ki Moon declared: “I would far prefer the growing pains of an idea whose time has come, to sterile debates about principles that are never put into practice”⁴⁷¹. The present chapter will be devoted to understanding whether R2P’s time has actually come or whether the debate around it can be, rather than sterile, functional to put R2P into practice in the future.

5.1 Syria: the exception or the norm?

In light of what was discussed in Chapter 4, one may conclude that, indeed, Syria was R2P’s gravestone. Intuitively, looking at Russia’s adamant defence of the principle of non-intervention, future perspectives for Responsibility to Protect are not promising.

Murray and Hehir have argued that, as the unipolar moment inevitably fades away, so does the possibility to implement such concept⁴⁷². The new poles of the emerging multipolar system seem much less prone to take proactive action in order to defend human rights and promote democratic values abroad. They give two explanations for this reluctance: first of all, the increasing difficulties to forecast the outcome of any operation: “[w]hen interventions did take place, they were rationally calculated as being likely successes with little hard power resistance. Calculating such decisions in a multipolar era becomes far more difficult, as powers need to pay attention to their own capabilities and those of their rivals”⁴⁷³; secondly, China and Russia’s different approaches to humanitarianism and spread of values: the two powers are “wedded to a narrow set of foreign policy priorities far removed from the expansive idealism of R2P”⁴⁷⁴. As their influence in international relations will grow in importance and their capacity to dictate the global agenda will strengthen, Murray and Hehir conclude that “the future of the norm is bleak”⁴⁷⁵.

Other scholars, however, do not share this opinion. Bellamy, for example, gives more importance to the specifics of the Syrian case, and less to the – real or presumed – hostility of Russia (and other non-Western countries) towards R2P: “factors associated with Syria itself played a more significant role in shaping the international response than more generalised concerns about international norms stemming from the Libya experience”⁴⁷⁶. Doyle proposes an analogous explanation, suggesting that “Russia would have vetoed sanctions against its Syrian [...] no matter how immaculate the Libyan intervention had been. Nor is it the case that the general principle of R2P has significantly lost its attraction. The principle has continued to gain large majorities in support”⁴⁷⁷. Morris, too, stresses the need to contextualise

[s]uch blocking behaviour [...] in terms of both its chronological proximity to NATO’s action in Libya and the specific strategic links which Russia in particular has with the Assad regime. It is possible, therefore, that Russia and

⁴⁷¹ UN Secretary-General, 23 September 2011, *Remarks at Breakfast Roundtable with Foreign Ministers on ‘The Responsibility to Protect: Responding to Imminent Threats of Mass Atrocities’*

⁴⁷² MURRAY, HEHIR (2014: 401)

⁴⁷³ *ibidem*

⁴⁷⁴ *ivi*, p. 402

⁴⁷⁵ *ibidem*

⁴⁷⁶ BELLAMY (2014: 40)

⁴⁷⁷ DOYLE (2016: 686)

China will relent in their attitude to R2P, at least when being asked to support – or at least not block – resolutions built upon its first and second pillars⁴⁷⁸.

Indeed, after the intervention in Libya, other resolutions featuring the notion of R2P have received unanimous approval. This is the case of many Resolutions regarding Syria, as seen in para 4.3.3; this is also the case of Resolutions concerning the situation in Cote d'Ivoire, South Sudan, Yemen, Mali, the Central African Republic, Somalia, Liberia, Gambia.

Controversy did not arise in those situations because only pillar I and II of Responsibility to Protect were included: the problem with R2P is not R2P *in toto*, but only the threat to sovereignty and political independence that pillar III constitutes. Therefore, it seems fair to conclude that Libya, not Syria, was the exception. Adams warns against “the mistake of overstating Libya’s singular significance to the overall development of the R2P norm”⁴⁷⁹. It is unlikely that, at least in the near future, the Security Council will authorize foreign intervention in a country against the will of the legitimate government (and it is even more unlikely that this will happen if this government enjoys one of the P5’s protection). On the contrary, it happened several times, and will most likely happen again, that references to the responsibility of a State to protect its own population will be included in SC Resolutions – as pillar I strengthens, rather than weakens, the attributes of a sovereign State. International responses to crisis will be focused on prevention and reconstruction, rather than reaction.

Tocci has proposed a different interpretation – that Libya (and Syria) may, in the end, represent a constructive contribution to the debate around R2P and intervention:

while intra- and inter-state divisions on how to react to crises are likely to persist, the normative ambiguity regarding how not to react may have diminished significantly. Counterintuitively perhaps, the Libya-Syria dynamic, by narrowing the space for ambiguity, may have moved forward the global normative conversation on the adequate international response to mass atrocities. [...] This is not to say that military intervention under the third pillar of R2P is to be ruled out. But the global conversation post-Libya and Syria is likely to focus on the enhanced prudential conditions to be met in order for military action to take place.⁴⁸⁰

Following the same logic, the “contested yet ‘open’ nature of R2P”⁴⁸¹ may represent an advantage for the survival and acceptance of this norm. Future implementations and the way they will be perceived by the group of sceptics will shape the international understanding and increase or decrease the chances of further employment of Responsibility to Protect.

5.2 Is the veto power inherently bad? Pros and cons of a contested instrument

The Security Council’s stalemate has produced frustration, criticism and condemnation, (see *supra* para 4.3.4); with regard to the uselessness of a body that cannot serve its purpose, three additional statements are worth a mention. In August 2013, Cristina Fernandez, the Argentinian Head of State, holding the rotating presidency of the Council for that month, seized the opportunity of her first address to criticize the anachronism of the veto power in relation to contemporary issues: “we can’t deal with the problems in this new world

⁴⁷⁸ MORRIS (2013: 1278)

⁴⁷⁹ ADAMS (2016: 780)

⁴⁸⁰ TOCCI (2014: 14)

⁴⁸¹ *ibidem*

with old instruments and methods”⁴⁸². The following month, Australian Ambassador Gary Quinlan took over the presidency and, in turn, made a statement in the same vein: “most of us [non-permanent members] have concluded that, just for the moment, it would not be productive or useful to have a Security Council discussion of this in a more formal way, because it leads nowhere”⁴⁸³. In November of the same year, for the first time in the history of the United Nations, a seat in the Security Council was rejected by its designated occupier, Saudi Arabia, elected in October. The Ministry of Foreign Affairs issued an official statement to motivate this decision:

[...] the Kingdom of Saudi Arabia believes that the manner, mechanisms of action and double standards existing in the Security Council prevent it from performing its duties and assuming its responsibilities towards preserving international peace and security as required, leading to the continued disruption of peace and security, the expansion of the injustices against peoples, the violation of rights and the spread of conflicts and wars around the world. [...] Allowing the ruling regime in Syria to kill and burn its people with chemical weapons while the world stands idly by, without applying deterrent sanctions against the Damascus regime, is [...] irrefutable evidence and proof of the inability of the Security Council to carry out its duties and responsibilities⁴⁸⁴.

These three statements concerned UNSC irrelevance in the Syrian crisis. However, aside from Syria, the Council’s conduct – and, specifically, the P5 veto power – in general has been subject to growing and widespread disapproval. Many share the opinion that the veto constitutes an impediment to the Council’s “primary responsibility for the maintenance of international peace and security”⁴⁸⁵ and that reforms should be implemented. Another – related – source of criticism stems from its lack of procedural transparency, and, perhaps, of accountability.

Webb has proposed a countertrend interpretation of the controversial concept of accountability, and, more widely, of the purpose of the veto: she argues that the veto was created for a specific purpose, which is still useful to this day, that is precisely restraining the Council from an ‘over-maintenance’ of international peace and security.

Accountability – a slippery concept – is usually understood as requiring the Security Council to act and the action typically called for in situations of crisis is the passing of robust resolutions under Chapter VII. But accountability may also involve the Security Council holding back, reflecting or taking incremental steps. In some circumstances, that restraint may be imposed by a P5 member wielding the veto. Such restraint may ultimately generate a more durable peace than the authorization of military action under Chapter VII⁴⁸⁶.

What have been interpreted by some as fallback solutions, to make up for the Security Council's inability to act, can also be interpreted as alternative and peaceful routes, which perhaps the states would not have taken, or not even considered, had Russia and China voted in favour or abstained. The agreement reached in 2013 by Russia and the US for the destruction of Syrian chemical weapons stockpile is, as previously stated, a positive example of peaceful and

⁴⁸² As reported by CBC, 6 August 2013

⁴⁸³ UN Security Council President, 4 September 2013, *Press Conference on Work Programme for September*

⁴⁸⁴ Statement of the Ministry of Foreign Affairs on Saudi Arabia’s apology for not accepting Security Council membership, Annex to the letter dated 12 November 2013 from the Permanent Representative of Saudi Arabia to the United Nations addressed to the Secretary-General, UN Doc A/68/599

⁴⁸⁵ Art. 24(1) of the Charter of the United Nations

⁴⁸⁶ WEBB (2014: 473)

transparent cooperation between opposing sides, being able to replace military intervention and accomplish even more (see *supra* para 4.3.3).

A looming veto may force Member States to think ‘outside the box’, the box being R2P’s pillar III, and, in general Chapter VII of the UN Charter. While a non-military measure can be – at worst – completely useless and ineffective, “there is no humanitarian crisis so grave that an outside military intervention cannot make it worse”⁴⁸⁷.

Here, again, Libya and Syria can be seen as opposite ends of a spectrum: while for the former, criticism arose against intervention being “too much”, in the latter case intervention was deemed “too little”. In both cases, however, the Security Council did nothing but using the tools at its disposal. Discussing the 1999 intervention in Kosovo, Falk had maintained that “the function of the veto is precisely to prevent uses of force in the absence of a political consensus among the permanent members”⁴⁸⁸.

A ‘lawful versus morally right’ debate is beyond the reach of the present chapter. However, it seems fair to conclude that “the veto is a *technique* – it is not inherently ‘good’ or ‘bad’”⁴⁸⁹. Notably, nowhere in the Charter a restriction on the use of the veto power can be found; similarly, no reference to a system of checks and balances or to some form of accountability is present⁴⁹⁰. Thus, while a reform of the Council is desirable for greater representation of emerging powers, the elimination of the veto power is not recommendable, nor respectful of the UN Charter’s founding principles – besides being extremely unlikely: it would certainly be easier to dissolve the UN than to convince the P5 to be deprived of their prerogative.

5.3 Other factors potentially shaping R2P’s development

5.3.1 Future perspectives for Russia-West relations: cooperation or confrontation?

US-Russia relations are currently at one of their lowest points since Cold War, to the point that some scholars have called it a “new Cold War”⁴⁹¹. They have accumulated grievances *vis-à-vis* each other, due both to unequivocally negative, easy-to-spot episodes (such as Crimea), and to smaller, more subtle background tensions. It is unlikely that this situation will improve overnight, especially due to all the unresolved issues to be tackled and to the quasi-ideological sentiment of reciprocal hostility. However, as it used to happen in the ‘old’ Cold War too, a more intense dialogue will most likely revive at some point: not necessary as a consequence of a *détente*, but rather because “for great powers, the world is a small place. The U.S. and Russia cannot help but run into each other”⁴⁹². There are too many areas of common interests for Moscow and Washington not to engage. Syria and the wider region’s dynamics represent, on a smaller scale, this unavoidable interaction that can become cooperation in some extreme cases. As Shapiro has explained:

they both share a desire to limit the spread of Islamist ideology and to prevent any country or group in the Middle East from rising to challenge their interests. They will continue to compete in some ways – supporting groups in Syria that

⁴⁸⁷ THAKUR (2013: 73)

⁴⁸⁸ FALK (1999: 850)

⁴⁸⁹ WEBB (2014: 486), emphasis in original

⁴⁹⁰ MELLING, DENNET (2018: 289)

⁴⁹¹ SHAKLEINA (2016)

⁴⁹² SHAPIRO (2017)

are fighting groups the other supports, for instance – but they ultimately want the same thing: for the Middle East’s problems to stay in the Middle East⁴⁹³.

As for the relation with Europe and single States, the debate is possibly even more complex, involving contrasting but intertwining geopolitical interests and converging economical ones. This is not the place for an in-depth discussion of the issue, which in some respects can be traced back to what has been said about US-Russia relations. Sakwa has described the state of affairs as “bad relations are the default normal position”⁴⁹⁴ and the well-known slogan ‘business as usual’ seems by now outdated. The election of a new US President could somehow constitute a game-changer not only for Washington: if elected, Biden would probably pursue a more favourable policy *vis-à-vis* NATO and Europe in general; on the contrary, should Trump win his second mandate and remain consistent with his ‘anti-Atlantic’ attitude, Europe may attempt a reconciliation eastwards.

The future of R2P is – partially but unescapably – connected with the future of Russia-West relations. Cooperation could determine a greater propensity for dialogue on both sides, also resulting in an open and unprejudiced discussion on R2P. Both sides should take a step towards the other, putting prejudices aside. According to Baranovsky and Mateiko, there can be “avenues of agreement if and when Russia perceives itself treated as an *equal* partner and *indispensable* party in defining the R2P related rules and in negotiating measures in particular cases”⁴⁹⁵. The United States should recognize Russia its actual status and avoid depicting it always as the bad guy, admitting that its concerns about foreign intervention in the affairs of a sovereign state have a legitimate basis. Russia, for its part, should, on a case-by-case basis, take a more positive view on interventions in defence of human rights, even if, occasionally, this means going against the legitimate government of a country. Sometimes these operations can indeed be motivated by good intentions and are not always instrumental in obtaining a strategic or geopolitical advantage. Russia should also show greater openness towards R2P, whose potential should not be underestimated, and above all, contribute more to the fruitful debate that is being created thanks to the increasing involvement of non-Western powers: Moscow has very effectively played the role of *pars destruens* but has never made proposals and contributions worthy of note.

5.3.2 BRICS and R2P

Having analysed the way the interplay between Russia and the West may affect R2P’s fate, we also have to devote a paragraph to another factor that cannot be overlooked when speaking about the future of Responsibility to Protect: the role that non-Western (emerging) powers will have in determining its survival or pronouncing it dead. Arguably, the BRICS’ view well represent that of the non-Western world in general, thanks to the geographical, historical, political and cultural diversity that characterizes this group; additionally, they make up for more than 40 percent of the world’s population⁴⁹⁶, which also contributes to determine their weight in the discourse.

⁴⁹³ *ibidem*

⁴⁹⁴ SAKWA (2020)

⁴⁹⁵ BARANOVSKY, MATEIKO (2016: 66), emphasis in original

⁴⁹⁶ STUENKEL (2014: 8), BOKERIYA (2020: 345)

Relevantly, both R2P and the BRIC⁴⁹⁷ were born in 2001. Bokeriya comments that this occurrence is not simply a coincidence, but instead

reflected a double-natured transformation in international relations: with the advent of the R2P idea, the role of sovereignty was redefined; while BRICS, whose participants came to be known as hawks of ‘sovereignty’ or ‘sovereignty bloc’, became a clear example of multipolarity in world politics. Since then, the two trends have developed in parallel⁴⁹⁸.

Ten years later, in 2011 – arguably one of the most significant years in R2P’s history – the BRICS all held a seat in the UN Security Council, and thus had an active role in the passing of Resolutions 1970 and 1973: they unanimously endorsed the former, while the latter was approved by South Africa only – all the others chose to abstain. They have motivated their decision with a wide range of argumentations, showing that their positioning on the topic is not monolithic, but rather nuanced, consistently with their diverse backgrounds.

In light of this, two correlated questions arise: first, are the BRICS able to match, or even replace, Western dominance in setting the global agenda? Second, what kind of influence will they have on R2P’s future development? Surely, in order to have their voice heard, they have to adopt a more coordinated strategy, relying on their shared values: security as the top challenge to be confronted; the unavoidableness of independence and non-intervention in opposition with the west’s redundant liberalism; the centrality of the UN to address the most relevant global issues. At the same time, a more proactive participation both in the debate and in the actual implementation would certainly help their cause: Patrick argues that emerging countries “are often inclined to enjoy the privileges of power without assuming its obligations. They prefer to free ride on the contributions of established nations”⁴⁹⁹.

The primary role that the BRICS attribute to the UN could be translated in more frequent and structured activities of preventions and in an increased centrality of the Security Council, not only in the decision-making process, but in the implementation phase as well: in the (remote) event of a military intervention, goals could be clearly and detailly outlined in the Resolution already – to avoid instrumentalizations – and any change on the ground would need an *ad hoc* new Resolution – to prevent overstepping. Laskaris and Kreutz suggest that “future developments of the RtoP may actually involve moves that effectively reconnect the concept with its original roots, emphasizing non-violence and multilateralism over military force”⁵⁰⁰.

Some of these ideas are indeed present in two of the BRICS’ contributions to the debate: China sketched a six-point proposal called Responsible Protection, which basically enumerates some key elements to be taken into account: a clearly-defined target, legitimacy of the executors, the exhaustion of non-military means, a response that does not create more harm than good, a focus on post-conflict reconstruction and the supervision of the UN⁵⁰¹. Brazil, too, advanced a proposal, called Responsibility while Protecting: it is more structured and has received a considerable degree of attention, especially in 2011, thus it is fully eligible as one of the alternative proposals discussed in detail in para 5.5.

⁴⁹⁷ South Africa joined the organization in 2010.

⁴⁹⁸ BOKERIYA (2020: 337)

⁴⁹⁹ PATRICK (2010: 47)

⁵⁰⁰ *ivi*, p. 156

⁵⁰¹ ZONGZE (2012)

5.4 UNSC: risk of irrelevance

In justifying its hostility for unilateral interventions, Russia always refers to the key role the Security Council has in conferring legitimacy to any operation involving the use of force, and the need to preserve its integrity by sparing it instrumentalizations. The reason for this ‘devotion’ is very simple: as a permanent member of the UNSC, Russia is able to exert its control over the potential interventions and can oppose the adoption of the ones it considers ill-conceived, instrumental, contrary to its interests. However, this apparently linear reasoning does not take into proper account a major pitfall: the very use of the veto may determine a progressive disaffection with the Security Council of the most ‘interventionist’ Member States that, facing a veto or the threat of it, may decide to bypass the body and act unilaterally. The distinction between lawful and legitimate can be blurred at will, as it happened in Kosovo – when Russia blocked a UNSC-authorized intervention and the Western countries acted anyway, justifying their intervention on moral grounds – and, on a smaller scale, in Syria too.

Morris has convincingly argued that

[a]s highly adept diplomatic actors, neither Beijing nor Moscow will be blind to the fact that such [blocking behaviour] is particularly unwelcome where thousands are dying, for, as the ICISS declared, ‘it is unconscionable that one veto can override the rest of humanity on matters of grave humanitarian concern’. A veto-blocked Council devoid of moral standing and potentially sidelined by states choosing to act outside it serves the interests of neither China nor Russia⁵⁰².

That the UNSC is increasingly irrelevant and unable to fulfil its role is an opinion shared by many. Contestation stems not only from contingent inefficacy but also from more structural causes, such as the Council’s restricted membership and the privileges granted to a handful of countries, the most powerful ones back in 1945 but barely representative of today’s global balance of power. Germany, India, Japan, and South Africa (the “G4”), for example, have been lobbying for a permanent seat for years.

Many voices have been raised to stress the importance of a change. In an interview with the Guardian, former UNSG Kofi Annan has described a Council finding itself at the crossroad: “I think those in privileged positions will have to think hard and decide what amount of power they are prepared to release to make the participation of the newcomers meaningful. If they do that, they will get cooperation; if they don’t, we risk confrontation”⁵⁰³

The ambassador of New Zealand, in a statement during the meeting for the 70th anniversary of the UN, underlined some of the UNSC’s most critical aspects: “the use of the veto or the threat of the veto is the single largest cause of the Security Council being rendered impotent in the face of too many serious international conflicts [...] – to the huge detriment of the Council’s effectiveness and credibility”⁵⁰⁴.

A few months later, Samantha Power, US Ambassador to the UN in 2013-2017, after yet another Russian veto, told the Guardian:

It’s a Darwinian universe here. If a particular body reveals itself to be dysfunctional, then people are going to go elsewhere. And if that happened for more than Syria and Ukraine and you started to see across the board paralysis, it would certainly jeopardise the Security Council’s status and credibility and

⁵⁰² MORRIS (2013: 1278)

⁵⁰³ GRANT (2015)

⁵⁰⁴ UN SCOR, 23 February 2015, S/PV.7389

its function as a go-to international security arbiter. It would definitely jeopardise that over time⁵⁰⁵.

A reform of the UNSC and a reform of R2P are both necessary, on different scales, and, under certain aspects, interconnected. In the next sections, some of the attempts to address the most problematic aspects of R2P will be outlined.

5.5 Alternative proposals

Over the years, and particularly in recent times, several proposals have been made by Member States, organizations, high officers, scholars, for alternative ways to deal with humanitarian crises, while remaining within the Responsibility to Protect framework. R2P's fate may depend by both the outcome of these processes and the very way they are conducted: the concept has been for too long perceived as a prerogative of the West, and it will survive only if the West shows the ability and the willingness to second the shift towards multipolarity; an increased participation of emerging powers will be of fundamental importance, meaning, for 'old' powers, more efforts towards inclusivity, and for 'new' ones, "to seek to shape global normative guidelines rather than looking only to their own national ambitions"⁵⁰⁶.

5.5.1 Voluntary restraint of the veto power

In October 2010, during a Security Council session discussing the Palestinian question, the Venezuelan ambassador famously called the UNSC "a prisoner of the right of the veto"⁵⁰⁷. This happened one year before the beginning of the long sequence of vetoes on draft resolutions concerning Syria and demonstrates that the veto power was considered a problem long before the Syrian conflict: one should take into account that, in comparison with the Cold War, a descending trend in the use of veto is observable throughout the last 30 years (even if, of course, these statistics cannot take into account the so-called 'pocket veto', i.e. the threat to use it that blocks a draft resolution even before it is put to the vote and thus does not appear in the official records); during the Cold War years, the Security Council experienced longer stalemates and deeper disagreements between its permanent members. The Uniting for Peace resolution, passed by the General Assembly in 1950, was, as para 5.5.3 will explain, an attempt to overcome one of these prolonged crises, namely the one concerning intervention in the war in Korea.

Flash forward to 2001, the ICISS report, for the first time, proposed a limitation to the use of this powerful tool, solely based on the P5 consensus, when human rights were to be defended:

The Permanent Five members of the Security Council should agree not to apply their veto power, in matters where their vital state interests are not involved, to obstruct the passage of resolutions authorizing military intervention for human protection purposes for which there is otherwise majority support⁵⁰⁸.

In 2004, a report released by the Secretary-General-appointed High-Level Panel on Threats, Challenges and Change made an analogous request for analogous circumstances:

the institution of the veto has an anachronistic character that is unsuitable for the institution in an increasingly democratic age and we would urge that its use

⁵⁰⁵ BORGER, INZAURRALDE (2015)

⁵⁰⁶ THAKUR (2013: 73)

⁵⁰⁷ UN SCOR, 18 October 2010, S/PV.6404 (Resumption 1)

⁵⁰⁸ Report of the International Commission on Intervention and State Sovereignty, December 2001, *The Responsibility to Protect*, p. xiii

be limited to matters where vital interests are genuinely at stake. We also ask the permanent members, in their individual capacities, to pledge themselves to refrain from the use of the veto in cases of genocide and large-scale human rights abuses⁵⁰⁹.

Meanwhile, the Syrian conflict escalated, Russia and China opposed several draft resolutions, attracting the condemnation of a large portion of the international public opinion, and the idea was revived. In 2012 the Small 5 group (S5), composed by Costa Rica, Jordan, Lichtenstein, Singapore and Switzerland, put forward a draft resolution aimed at “enhancing the accountability, transparency and effectiveness of the Security Council”⁵¹⁰. The proposal was aimed, widely, at improving UNSC performances, and touched different aspects. Among the provisions, the self-limitation of veto-wielding members in cases of genocide, war crimes and crimes against humanity was coupled with another request: to “[explain] the reasons for resorting to a veto or declaring its intention to do so, in particular with regard to its consistency with the purposes and principles of the Charter of the United Nations and applicable international law”⁵¹¹. The rationale behind this was probably to force the States to justify an action deemed by many unjustifiable, hoping that this would dissuade them to proceed. However, Russia and China have always had no difficulty in motivating their vetoes in the debate preceding or following the vote, and the international community’s negative opinion has never represented an obstacle in this sense.

In 2013, in an article published on the New York Times, entitled *A Call for Self-Restraint at the UN*, the then French Minister of Foreign Affairs Laurent Fabius, argued that “a United Nations stalemate that lasts for two years, entailing dramatic human consequences, cannot be accepted by the global conscience”⁵¹². In order to overcome the impasse, he advanced “an ambitious yet simple proposal”⁵¹³: in cases when the Security Council had to decide on mass crimes situations, the P5 would voluntarily suspend their veto power. For this to be enacted, the request of at least 50 Member States and the UNSG’s consenting opinion would suffice. Aware that his request would not have attracted the enthusiasm of those directly concerned, he excluded “cases where the vital national interests of a permanent member of the Council were at stake”⁵¹⁴. The proposal was applauded by, among the others, some important NGOs (Amnesty International, Global Centre for R2P, Human Rights Watch and International Coalition for the Responsibility to Protect), which, in a letter to then French President Hollande suggested to go one step further, “[e]nsuring [that] the code of conduct is operationalized regardless of whether the national interests of the permanent members of the Security Council are at stake”⁵¹⁵.

In 2015, France, together with Mexico, issued a political statement on the suspension of the veto in case of mass atrocities, reiterating that “the Security Council should not be prevented by the use of veto from taking action with the aim of preventing or bringing an end to situations involving the

⁵⁰⁹ Report of the High-level Panel on Threats, Challenges and Change, 2 December 2004, *A More Secure World: Our Shared Responsibility*, p. 68

⁵¹⁰ UN General Assembly, 15 May 2012, A/66/L.42/Rev.2

⁵¹¹ *ibidem*

⁵¹² FABIUS (2013)

⁵¹³ *ibidem*

⁵¹⁴ *ibidem*

⁵¹⁵ *Joint Letter to President François Hollande on the Voluntary Restraint of the Use of the Veto by UN Security Council's Permanent Members*, 13 March 2014

commission of mass atrocities”⁵¹⁶ and introducing the idea of the veto not as a “privilege but [as] an international responsibility”⁵¹⁷. The same year, the Elders issued, in turn, a statement called *Strengthening the United Nations*, a sort of to-do list aimed at preventing the “UN [from] wither[ing] into irrelevance, as the League of Nations did in the 1930s”⁵¹⁸. Among the other things, States were asked to pledge

not to use, or threaten to use, their veto in such crises without explaining, clearly and in public, what alternative course of action they propose, as a credible and efficient way to protect the populations in question. This explanation must refer to international peace and security, and not to the national interest of the state casting the veto, since any state casting a veto simply to protect its national interests is abusing the privilege of permanent membership⁵¹⁹.

In 2017 the Accountability, Coherence and Transparency (ACT) Group (which had supplanted and enlarged the P5 in 2013), published a Code of Conduct, very similar to the French one: the Security Council members – including the non-permanent ones – were asked to “not vote against a credible draft resolution before the Security Council on timely and decisive action to end the commission of genocide, crimes against humanity or war crimes, or to prevent such crimes”⁵²⁰. In contrast with Fabius’ proposal, no formal mechanism of activation was envisioned: “[t]he application of the code of conduct would be triggered by any situation involving those crimes”⁵²¹.

None of the attempts listed has had remarkable appeal among the P5 – with the obvious exception of France, and, partially, of the UK: London has signed the ACT’s Code of Conduct and has not exercised its right of veto since 1989. Beside Russia, whose veto record was already analysed in para 4.3.1, it is also worth mentioning that the US, too, did not hesitate to veto the implementation of UNSC resolutions when directed against its allies, i.e. Israel⁵²², even if such draft resolutions expressed generic condemnation (for illegal settlements and military attacks against Palestinian civilians), without including any reference to Chapter VII of the UN Charter or else.

5.5.2 Brazil’s Responsibility while Protecting

In November 2012, in the aftermath of Gaddafi’s death and the end of NATO operation in Libya, Brazil’s Permanent Representative to the UN submitted a concept note entitled *Responsibility while Protecting: Elements for the Development and Promotion of a Concept*. The idea was to introduce some guidelines aimed at improving the UNSC procedure when mandating a military intervention, and the States’ performances when implementing it. RWP was not conceived to replace R2P, but, as the title itself suggests, to develop and promote it.

The document acknowledges the “growing perception”⁵²³ that R2P can be manipulated, to pursue regime change rather than civilian protection: it therefore calls on the international community to “show a great deal of

⁵¹⁶ *Political Declaration on Suspension of Veto Powers in Cases of Mass Atrocity*, presented by France and Mexico, 7 August 2015

⁵¹⁷ *ibidem*

⁵¹⁸ Statement by The Elders, 7 February 2015, *Strengthening the United Nations*

⁵¹⁹ *ibidem*

⁵²⁰ A/70/621–S/2015/978

⁵²¹ *ibidem*

⁵²² Out of the 17 UNSC resolutions vetoed by the US since 1991, 15 concerned the Palestinian question.

⁵²³ Annex to the letter dated 9 November 2011 from the Permanent Representative of Brazil to the United Nations addressed to the Secretary-General (A/66/551–S/2011/701)

responsibility while protecting”⁵²⁴. To this end, Brazil proposes that the three pillars are enforced “follow[ing] a strict line of political subordination and chronological sequencing”⁵²⁵. It makes a distinction between “collective responsibility”⁵²⁶, i.e. the set of non-coercive measures, and “collective security”⁵²⁷, referring to coercive (both military and non-military) measures. The transition from the former to the latter can only occur in presence of a threat to international peace and security and it must be evaluated on a case-by-case basis.

The concept argues that military interventions, even when built on “justice, legality and legitimacy”⁵²⁸, can nevertheless produce a high number of victims, and observes that “the world today suffers the painful consequences of interventions that have aggravated existing conflicts, allowed terrorism to penetrate into places where it previously did not exist, given rise to new cycles of violence and increased the vulnerability of civilian populations”⁵²⁹; in light of this, the use of force must always be the last resort, when any other option has failed, and an assessment of the possible (negative) consequences must be done first.

In addition, the document recommends a list of “fundamental principles, parameters and procedures”⁵³⁰ to be taken into account when authorizing a military intervention: first of all, prevention is always preferable; secondly, all non-military solutions must have been given a chance; any intervention must be characterized by proportionality, reasonable prospects of success, strict compliance with international law and, in particular, with the UNSC’s mandate; the document proposes to establish a monitoring mechanism, in order to ensure compliance with the proposed criteria, the correct implementation of the Resolution and the accountability of the State or coalition in charge: the evaluation would be carried out “throughout the entire length of the authorization, from the adoption of the resolution to the suspension of the authorization by a new resolution”⁵³¹. Remarkably, Brazil includes a reference to the role of the General Assembly, as outlined by Resolution 377 (V), i.e. *Uniting for Peace* (see *infra* para 5.5.3).

In his 2012 follow-up to the Millennium Summit, the UN Secretary General presented a report, in which various aspects of Responsibility to Protect were discussed. He acknowledged Brazil’s initiative, whose purpose was, recognisably, “doing the right thing, in the right place, at the right time and for the right reasons”⁵³². He applauded RWP as it constituted, in his view,

a useful pathway for continuing dialogue about ways of bridging different perspectives and forging strategies for timely and decisive responses to crimes and violations relating to RtoP. Suggestions for improving decision-making in such circumstances and reviewing implementation are useful catalysts for further discussion⁵³³.

UNSG’s appreciation aside, Tocci refers that RWP “was met with scepticism both by Western actors – that found it too restrictive – and the rest of the

⁵²⁴ *ibidem*

⁵²⁵ *ibidem*

⁵²⁶ *ibidem*

⁵²⁷ *ibidem*

⁵²⁸ *ibidem*

⁵²⁹ *ibidem*

⁵³⁰ *ibidem*

⁵³¹ *ibidem*

⁵³² UN Secretary General, 25 July 2012, *Follow-up to the Outcome of the Millennium Summit: Responsibility to Protect: Timely and Decisive Response*, A/66/874

⁵³³ *ibidem*

BRICS – that found it too permissive⁵³⁴. Russia, in particular, did not appreciate the reference to the General Assembly⁵³⁵: Moscow has always maintained that the use of force can be authorised *exclusively* by the UNSC.

During the 2012 UN Informal Discussion on RWP, the International Coalition for the Responsibility to Protect expressed dissatisfaction for the concept:

The Secretary-General never called for the chronological sequencing of the pillars but rather established them together as representative of the full scope and range of measures necessary to protect. [...] All actors must have the full range of tools available when operating to prevent or halt crimes under [R2P]. Restructuring the three-pillar framework would risk creating a system for prevention and reaction that fails to consider the particular elements of a crisis. Furthermore, the chronological sequencing of the three pillars would risk impeding timely and decisive action by limiting the array and flexibility of measures available and establishing required actions to be taken regardless of the needs of those under threat of mass atrocities⁵³⁶.

UNSC Western members have mainly perceived the Brazilian proposal as a spoiling tactic, seeking to undermine R2P efficacy and to make its employment more cumbersome and intricate. To this day, the academic debate on R2P has been carried out mainly by Western scholars; humanitarian intervention, R2P's 'precursor', was exclusively invoked and implemented by Western countries. However, this is exactly the kind of 'patronizing' attitude that should be avoided at any cost, as it reinforces the idea that R2P falls within the exclusive competence of the West. On the contrary, the survival of R2P heavily depends on the fact that emerging powers will take an active role – what Evans calls "co-ownership"⁵³⁷ – in the debate, so that they can put forward and address all of their legitimate and constructive concerns: the rift between R2P enthusiasts and R2P sceptics can only be bridged through an inclusive process, a collective dialogue where every opinion is unbiasedly taken into account and not dismissed as an attempt to hamper Responsibility to Protect; indeed, excluding emerging powers from the debate would produce much more damage: the concept would remain uncontaminated in its original form, but completely disconnected from the evolving reality of international relations and thus useless and perpetually unapplied.

Admittedly, RWP was not particularly detailed in elaborating on the proposed mechanisms and clarifying the practical aspects. Stuenkel has explained this shortcoming as follows: "Brasília conceived it *less as a finished doctrine and more as a broad message to the international community*: if humanitarian interventions in the future remain loosely regulated and big power coalitions intervene as they please, then R2P will divide the international community"⁵³⁸. Having been formulated primarily as a denounce of certain particular and contingent events (i.e. NATO's operation in Libya), RWP has lost its momentum over the years, and Brazil itself has not put significant effort in further developing the concept and in keeping the debate alive around it. It remains, however, a significant example of how non-Western countries are willing and able to bring their contribution to the table. If an 'inclusive R2P' is to be achieved, effort has to come from both sides: BRICS should not only play the *pars destruens*, criticizing anything that comes from the West without suggesting an alternative. At the same time, as Tocci has argued, if the West

⁵³⁴ TOCCI (2014: 14)

⁵³⁵ BARANOVSKY, MATEIKO (2016: 56)

⁵³⁶ Statement by Megan Schmidt, International Coalition for the Responsibility to Protect, 21 February 2012

⁵³⁷ EVANS (2014: 22)

⁵³⁸ STUENKEL (2014: 22), emphasis added

really wants to advance the debate on R2P, it has to “signal [its] willingness to cede ground on R2P’s extant form”⁵³⁹. She concedes that RWP may not be the optimal solution: however, it has on its side the fact that it puts together many of the most critical and criticized aspects of Responsibility to Protect, such as politicization and manipulation. These controversial features are, arguably, not congenital: they have emerged throughout the years and have “at least partially been fed by the West’s implementation of R2P. If the norm, which originated in the West, is to flourish in a polycentric world, the onus is on Western leadership to engage relevant non-Western actors in the refinement of the norm’s specification and its ensuing implementation”⁵⁴⁰.

5.5.3 Uniting for Peace

In 1950, frustrated by the Security Council deadlock over the war in Korea, the General Assembly adopted Resolution 377 (known as Uniting for Peace or U4P) by a vote of 52-2. The Resolution stems from the assumption that the failure of the Council to discharge its responsibilities “does not deprive the General Assembly of its rights or relieves it of its responsibilities under the Charter in regard to the maintenance of international peace and security”⁵⁴¹: it thus envisions a procedure of referral to the UNGA, should the UNSC be unable to fulfil its primary responsibility due to the opposition of one of the P5, “in any case where there appears to be a threat to the peace, breach of the peace or act of aggression”⁵⁴²; the Assembly could then recommend the adoption of measures that could include, if necessary, the use of force.

Significantly, this Resolution does not create anything new in terms of powers attributed to the General Assembly: UNGA resolutions are, by nature, non-binding, and in fact “its provisions largely derive from the UN Charter and thus do not, in the strictest sense, establish ‘new’ norms. Rather, [U4P] repackages existing rules within the UN Charter and consolidates them into an identified procedure”⁵⁴³.

The first step of the procedure, i.e. the referral from the UNSC, finds its legal basis in articles 20, 27 and 18 of the UN Charter. Article 20 envisages the possibility for the UNGA to meet in special sessions, besides its regular annual sessions: “[s]pecial sessions shall be convoked by the Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations”⁵⁴⁴. How the UNSC and the majority of the Member States (i.e., the General Assembly) should issue this request is detailed, respectively, in articles 27 and 18: in the former case, the calling for a special session of the General Assembly and the referral of a matter to it conventionally require a procedural vote as per art. 27(2), which does not contemplate the permanent members’ veto; in the latter, “a majority of the members present and voting”⁵⁴⁵, that is to say, a simple majority, is needed, because the convocation of a UNGA special session is not part of the “important questions”⁵⁴⁶ listed in art. 18(2), nor is the referral of an issue from the UNSC.

As for the controversy around the potential ‘usurpation’ of the UNSC prerogatives, articles 24, 11 and 12 of the Charter attribute to the UNGA some

⁵³⁹ TOCCI (2014: 15)

⁵⁴⁰ *ibidem*

⁵⁴¹ UN General Assembly, 3 November 1950, A/RES/377

⁵⁴² *ibidem*

⁵⁴³ NAHLAWI (2019: 113)

⁵⁴⁴ UN Charter, art. 20

⁵⁴⁵ UN Charter, art. 18 para 3

⁵⁴⁶ UN Charter, art. 18 para 2

room for manoeuvre in specific circumstances. According to art. 24, the Security Council has “primary”⁵⁴⁷, not exclusive, responsibility for the maintenance of international peace and security, and thus a residual, subsidiary responsibility can be taken by the UNGA without altering the ‘constitutional’ balance between the two bodies. This interpretation seems to be confirmed by art. 11, which states: “The General Assembly may discuss any questions relating to the maintenance of international peace and security [...] and, except as provided in Article 12, may make recommendations with regard to any such questions”⁵⁴⁸; the exception provided by art. 12 is the following: “While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests”⁵⁴⁹. It seems reasonable to conclude that, if a veto causes a stalemate, the Security Council is not “exercising”, and thus the Assembly can take the reins.

Having analysed the lawfulness of the Uniting for Peace procedure, it is also significant to discuss its legitimacy. This would derive, first of all, from the high threshold necessary for its activation: a first vote in the Security Council or in the General Assembly, to refer the issue, and then a second one, with a large majority (two thirds) in the UNGA, to make recommendations on the matter. “Attaining such a level of State consensus”, has argued Nahlawi, “can presumably be achieved only in the most compelling situations”⁵⁵⁰. Secondly, even if any measure recommended by the General Assembly is non-binding, actions under its mandate would definitively enjoy a higher degree of legitimacy in comparison with any unilateral humanitarian intervention – by many considered the primary alternative when the UNSC fails to authorize an intervention – that cannot count on the approval of, roughly, 129 states⁵⁵¹ (two thirds of the UNGA membership).

In conclusion, with reference to what was discussed in paragraph 5. 2, another objection could be made to the U4P option, not so much related to its legal aspects as to its ability to push for a more accountable Security Council:

the General Assembly’s intervention would not necessarily increase the accountability of the Council if we accept that accountability is not identical to action. In a situation where accountability is realized through restraint and reflection, pressure coming from the General Assembly may in fact be counter-productive⁵⁵².

This being said, an employment of U4P seems, overall, unlikely, given the fact that, to this day, it has been invoked only once, almost 70 years ago, for the constitution of peacekeeping forces (A/RES/498), and a few other times for other matters.

5.5.4 Removal of Pillar III

It has been reiterated multiple times that, while a significant degree of consensus can be found worldwide with regard to pillar I (State’s responsibility to protect its population) and II (international community’s responsibility to assist the State in its task), non-Western countries’ criticism

⁵⁴⁷ UN Charter, art. 24 para 1

⁵⁴⁸ UN Charter, art. 11 para 2

⁵⁴⁹ UN Charter, art. 12 para 1

⁵⁵⁰ NAHLAWI (2019: 120)

⁵⁵¹ To have a term of comparison, UNGA resolution 66/235B, condemning UNSC’s inaction over Syria, passed with 133 votes in favour.

⁵⁵² WEBB (2014: 486)

of R2P is mostly oriented towards pillar III (collective response, which can imply recourse to military measures).

According to Stuenkel, this hostility is partially due to the fact that “[c]ontrary to Pillar I, which is quite specific in nature, Pillar III is indeterminate and open-ended. [...] The lack of determinacy of Pillar III holds a significant risk that Western powers could misinterpret and overextend the norm”⁵⁵³. Another reason why emerging powers tend to prefer diplomatic means over coercive ones is that the latter can – and they did in the past – escalate and aggravate the crisis; plus, a conflict, even if momentarily placated with a military intervention, will most likely re-emerge in the future, unless its root causes are addressed; this, again, can be achieved through prevention rather than reaction. However, Stuenkel notes, these countries often fail to “address the question about what should be done once diplomacy and preventive efforts have failed to prevent violence”⁵⁵⁴.

Morris has proposed a quite radical solution in this regard: removing military intervention from the R2P set of tools. His argument is the following: ‘soft’ pillar III (coercive but non-military measures) has good chances to be – at least – tolerated by China and Russia, while ‘hard’ pillar III (military intervention) will most likely be opposed and rejected again; consequently,

the excision of hard pillar three responses from the R2P repertoire offers the best prospect for the future, removing a moribund element which carries with it little more than the danger of wider normative contamination. [...] This severance will serve to assure those who harbour concerns over the use of force that R2P cannot, in itself, offer the potential for ‘pillar-creep’, ultimately resulting in coercive military action⁵⁵⁵.

The ability of the Council to authorize military intervention under Chapter VII of the UN Charter would not be compromised by this operation, and could be resorted to in cases when the permanent members manage to reach an agreement; at the same time, R2P would be preserved from both instrumentalization and charges of. This would diminish the risk to contradict the 2005 World Summit Outcome document, which, in paragraph 139, explicitly mentions Chapter VII. Probably some provisions could be left in, as non-violent measures are also included (art. 42 of the UN Charter).

Morris is aware that his proposals does not constitute a “guaranteed panacea”⁵⁵⁶, because some problematic aspects would nevertheless remain: first of all, States will continue to push their agenda and pursue their interests with the means at their disposal; second, as warned by the Secretary General himself in his 2009 report, “[i]f the three supporting pillars were of unequal length, the edifice of the responsibility to protect could become unstable, leaning precariously in one direction or another. Similarly, unless all three pillars are strong the edifice could implode and collapse⁵⁵⁷; third, “R2P’s genesis in the inadequacies of the international responses to Kosovo and Rwanda encourages us to think that the essence of the concept lies in its ultimate ability to facilitate resort to force and hence to believe also that to take this away is to rob R2P of its core content”⁵⁵⁸.

Despite the highlighted problems, the risk would probably be worth taking, if it could guarantee not only R2P’s survival, but also its widespread

⁵⁵³ STUENKEL (2014: 23)

⁵⁵⁴ *ivi*, p. 24

⁵⁵⁵ MORRIS (2013: 1282)

⁵⁵⁶ *ivi*, p. 1283

⁵⁵⁷ UN General Assembly, A/63/677

⁵⁵⁸ MORRIS (2013: 1282)

employment and the achievement of significant results: Morris has gone as far as to define it “the best prospect we have of avoiding the back-swing of the humanitarian pendulum which the UNSG implored the international community to guard against in the combined wake of events in Libya and Syria”⁵⁵⁹.

-

In light of what has been said, R2P’s time has probably not come yet, but only under certain conditions. Responsibility to Protect has to remedy the bad reputation that it has among many non-Western, emerging powers. Given the shift towards a multipolar world that we are currently witnessing, their consensus is increasingly fundamental and their participation in the process of norm internalization can really make a difference for R2P’s survival. Wider participation to the debate can prove to be a very effective remedy, but this has to go hand in hand with more inclusivity in certain formats and bodies – namely, the UNSC: the outcome of the long-standing proposal to reform the Security Council is intertwined with the fate of Responsibility to Protect. Brazil’s RWP is maybe the most remarkable example in this sense: an emerging power, joining the debate, addressing what is felt by many as the most problematic aspects of R2P (i.e. pillar III), proposing a concrete solution. Uniting for Peace is also good, because it involves the General Assembly into the process, much more representative than the Security Council, but will never meet with the P5 approval: they have no intentions to be deprived of the possibility to veto a Resolution they do not like. Interestingly, Russia is somehow in a limbo: it shares emerging powers’ scepticism *vis-à-vis* R2P, but finds itself on the ‘old’ superpowers’ side when its *status quo* and its veto power within the UNSC are challenged. Addressing all of these aspects at the same time is not easy, but the alternative is probably the complete dismissal of Responsibility to Protect.

⁵⁵⁹ *ibidem*

Conclusion

The present analysis has attempted to outline the evolution of Responsibility to Protect by comparing two different approaches, the Western and the Russian one: fairly convergent in the early years of the R2P, they became progressively more and more conflicting in the 2010s, when R2P was applied in Libya and not applied in Syria – generating, in both cases, very heated debates and harsh accusations of each side against the other.

R2P has emerged in the post-bipolar world, when the US felt and acted like the world's hegemon, trying to impose democracy as it was some sort of panacea, and exerting a certain influence on other states' preferences and on the global agenda. The Rwandan genocide and the intervention in Kosovo made the international community scream "never again", and Responsibility to Protect was developed in 2001 by ICISS. Some hint of controversy was already present during the discussion at the 2005 World Summit, generating debate around, among the other things, the circumstances in which R2P was applicable, and the criteria for the use of military force. Consensus was found on a watered-down version of the ICISS' R2P, and further debate arose when the Secretary General presented its 2009 report.

Much ado about nothing? Russia is the most prominent example among the R2P sceptics, and the best spokesperson for their instances. It has been selected as it well represents all non-Western countries opposing the Western tendency to meddle all too easily in the domestic affairs of a sovereign state. We have gone through its Foreign Policy Concept, a paramount tool for understanding its thinking *vis-à-vis* international relations: Russia's stance has remained adamant over the years on topics that it regards as being of vital importance, namely the danger of unilateral actions; the inadmissibility of interfering in the affairs of a sovereign state, even and especially when disguised as operations in defence of human rights; sovereignty as a right and not as a responsibility. This strong positioning would seem in open contradiction with Russia's interventions in Georgia (2008) and Crimea (2014), justified with the same rhetorical tools used by the West in Kosovo and elsewhere: it has been concluded that Russia decided to employ the language of R2P not much to avoid the international community's condemnation or because it has actually internalised the notion, but rather to purportedly weaken the normative strength of the concept and prevent its global acceptance.

Having laid the theoretical foundations, we have analysed the practical implications of Responsibility to Protect, taking into account Libya and Syria. Despite initially sharing several features, the two situations resulted in completely different outcomes; while in the former case, the UNSC responded swiftly and decisively, authorizing the use of military means to halt the slaughter of civilian population, in the latter it was not possible to reach an agreement between the P5 and the conflict is still ongoing after more than 9 years. While the chronological, geographic and political proximity suggested a cause-effect relation, a closer analysis revealed in fact that contingent and circumstantial factors probably played an equally important – if not decisive – role.

In Libya, the so-called 'perfect storm' occurred. A fortuitous combination of strategic, political and humanitarian factors made it relatively straightforward to recur to military means: the unambiguity of Gaddafi's violent intentions, the endorsement from regional organizations, a compact opposition, Libya's geographic conformation, the likelihood of a successful intervention. However, despite these promising premises, NATO's implementation of the

UNSC mandate was seen by many as deeply problematic: an orchestrated regime change that had little to do with civilian protection.

A few months later, when the Syrian situation was brought to the Security Council's attention, a perfect storm of *negative* factors determined the beginning of a long stalemate. Russia had all the interests to block anything that could vaguely resemble a call to intervene against Assad: an historical alliance with the regime, the desire to balance certain dangerous regional dynamics, the fear that chaos and extremist tendencies could spill-over in the North Caucasian tinderbox. The US, in turn, had good reasons for intervening that went beyond the selfless defence of human rights, namely weakening Iran and protecting Israel, and Russia was well aware of these ulterior motives. This interplay determined a deadlock in the Security Council that was able to agree only on Resolutions of lesser importance. Russian representative to the UN did use the Libyan precedent to justify his numerous vetoes; however, while not completely extraneous, the Libyan precedent's relevance was certainly overinflated. The fact that the factors having determined the UNSC's impasse were mainly of strategic nature and R2P-unrelated does not make them less influential for the purposes of this analysis, because it reveals that Responsibility to Protect and the defence of human rights will always rank second when strategic interests are at stake: obviously this is not only the case of Russia – the eternal 'bad guy' – but also of the United States (and the West in general).

In light of this perennial subordination, does Responsibility to Protect still make sense? Does it have any prospect of survival? The outcome of the Syrian conflict, whatever it may be, is relevant up to a certain point: it is easy to predict that R2P will never find application in that theatre, unless there are dramatic plot twists or black swans. We should shift our attention to other hypothetical scenarios where the Responsibility to Protect may prove useful and necessary. But which version of it? Brazil's Responsibility while Protecting? China's Responsible Protection? R2P without pillar III? And in which countries? For a military intervention to be acceptable to all the UNSC permanent members, at least a couple of the following circumstances has to verify: the consent of the sovereign state; no special interest of the P5; no ambiguity about who is perpetrating mass atrocities; certainty of success of the intervention.

Could a partial restore of the US-Russia relations serve the cause of R2P? Perhaps, diminished background tensions and hostilities may determine an overall improvement also for the climate of humanitarian negotiations; on the other hand, an agreement on some specific matters in a contingent situation (in the vein on the deal that led to the destruction of Syria's chemical stockpile under the OPCW supervision) could pave the way for a broader *détente* that would also involve other aspects of their bilateral relation.

It is also possible that R2P simply stops being applied, shall the consensus around it be unable to recover due to an exacerbation of the already tense relations between Western and non-Western actors. Or, maybe, that something similar emerges at a regional level – as it is already the case of the African Union – in consistency with the shift towards a multipolar world that will characterize the near future. Subsidiarity could have some advantages, as it would give such a delicate tool in the hands of actors that possibly know the context of deployment better than the UNSC and its members, that risk sometimes to have a distorted and inaccurate perception of the target State, due to the (not only geographical) distance and to considerations of strategic nature.

Bibliography

Articles and Books

AARONSON (2014), *Syria and the Crisis of Humanitarian Intervention*, in in MURRAY, MCKAY (ed.), *Into the Eleventh Hour. R2P, Syria and Humanitarianism in Crisis*, Bristol, pp. 56-61

ADAMS (2016), *Libya*, in BELLAMY, DUNNE (ed.), *The Oxford Handbook of the Responsibility to Protect*, Oxford, pp. 769-785

ADEBAJO (2016) *The Revolt Against the West: Intervention and Sovereignty*, in *Third World Quarterly*, pp. 1187-1202,

AKSENYONOK (2013), *Syria as a Mirror of the Changing World Order*, in *Russia in Global Affairs*, available online

ALAALDIN (2016), *Libya and the Arab League*, in HENRIKSEN, LARSEN (ed.), *Political Rationale and International Consequences of the War in Libya*, Oxford, pp. 105-117

AL-DUAIJ, AL-ANZI (2019). *The Broken Rules of Armed Conflicts and the UN Constrains in Syrian Conflict*, in *Indonesian Journal of International Comparative Law*, pp. 25-54

AL-HUSSEIN (2015), *EU Policy and the Humanitarian Crisis in Syria: Time for a Reassessment*, in *IAI Commentaries*

ALJAGHOUB, ALJAZY, BYDOON (2013), *The Arab League*, in ZYBERI (ed.), *An Institutional Approach to the Responsibility to Protect*, Cambridge, pp. 289-311

Al-Jazeera, 8 July 2020, *Russia and China veto UN Extension of Cross-Border Aid to Syria*, available online

ALLISON (2013a), *Russia and Syria: Explaining Alignment with a Regime in Crisis*, in *International Affairs*, pp. 795-823

ID (2013b), *Russia, the West and Military Intervention*, Oxford

Amnesty International, 5 October 2011, *Blocking of Security Council Resolution on Syria a 'shocking betrayal'*, available online

ARTMAN (2013), *Documenting Territory: Passportisation, Territory, and Exception in Abkhazia and South Ossetia*, in *Geopolitics*, pp. 682-704

ASSEBURG (2020), *The Eu Needs a New Syria Strategy*, in *International Politics and Society*, available online

ATAACK (2002), *Ethical Objections to Humanitarian Intervention*, in *Security Dialogue*, pp. 279-292.

AVERRE, DAVIES (2015), *Russia, Humanitarian Intervention and the Responsibility to Protect: the Case of Syria*, in *International Affairs*, pp. 813-834

AYOOB (2002), *Humanitarian Intervention and State Sovereignty*, in *The International Journal of Human Rights*, pp. 81-102

BADESCU, WEISS (2010), *Misrepresenting R2P and Advancing Norms: An Alternative Spiral?*, in *International Studies Perspectives*, pp. 354-374

- BAKLANOV, SYKIAINEN, KURBANOV (2013), *Syria as a Terrorism Hub: Potential Threats to Russia*, in *Valdai Discussion Club*, available online
- BARANOVSKY (2000), *The Kosovo Factor in Russia's Foreign Policy*, *The International Spectator*, pp. 113-130
- ID (2001), *Humanitarian Intervention: Russian Perspectives*, in *Pugwash Occasional Papers*
- ID (2018), *Evolution of Russia's Approaches to the Responsibility to Protect*, in *Pathways to Peace and Security*, pp. 115-128
- BARANOVSKY, MATEIKO (2016), *Responsibility to Protect: Russia's approaches*, in *The International Spectator*, pp. 49-69
- BARNES-DACEY (2019), *A Framework for European-Russian Cooperation in Syria*, in *Russian International Affairs Council (RIAC)*, available online
- ID (2020), *Society Max: How Europe can Help Syrians Survive Assad and Coronavirus*, in *European Council of Foreign Relations Policy Brief*
- BBC News, 15 July 2012, *Syria in Civil War, Red Cross Says*, available online
- ID, 28 December 2016, *Syria conflict: Turkey and Russia 'agree ceasefire plan'*, available online
- BELLAMY (2006), *Whither the Responsibility to Protect? Humanitarian Intervention and the 2005 World Summit*, in *Ethics & International Affairs*, pp. 143-169
- ID (2009), *Realizing the Responsibility to Protect*, in *International Studies Perspectives*, pp. 111-128
- ID (2011), *Libya and the Responsibility to Protect: the Exception and the Norm*, in *Ethics & International Affairs*, pp. 263-269
- ID (2014), *From Tripoli to Damascus? Lesson Learning and the Implementation of the Responsibility to Protect*, in *International Politics*, pp. 23-44
- BELLAMY, WILLIAMS (2011), *The New Politics of Protection. Côte d'Ivoire, Libya and the Responsibility to Protect*, in *International Affairs*, pp. 825-850
- BERTI, GUZANSKY (2014), *Saudi Arabia's Foreign Policy on Iran and the Proxy War in Syria: Toward a New Chapter?*, in *Israel Journal of Foreign Affairs*, pp. 25-34
- BERTI, PARIS (2014), *Beyond Sectarianism: Geopolitics, Fragmentation, and the Syrian Civil War*, in *Strategic Assessment*, pp. 21-34
- BLANK, SAIVETZ (2012) *Playing to Lose? Russia and the Arab Spring*, in *Problems of Post-Communism*, pp. 3-14
- BLOOMFIELD (2016), *Norm Antipreneurs and Theorising Resistance to Normative Change*, in *Review of International Studies*, pp. 310-333
- BOKERIYA (2020), *Key Aspects of Combined Thinking of the BRICS Countries on the Responsibility to Protect*, in *Global Responsibility to Protect*, pp. 336-354
- BORGER, INZAURRALDE (2015), *Russian Vetoes are Putting UN Security Council's Legitimacy at Risk, Says US*, in *The Guardian*, available online

- BORGIA (2015), *The Responsibility to Protect Doctrine: Between Criticisms and Inconsistencies*, in *Journal on the Use of Force and International Law*, pp. 223-237
- BRUNNSTROM, 1 June 2011, *NATO Hopes for Libya Solution Within Four Months*, in *Reuters*, available online
- BRYANSKI, 21 March 2011, *Putin Likens UN Libya Resolution to Crusades*, available online
- BUCKLEY (2012), *Learning from Libya, Acting in Syria*, in *Journal of Strategic Security*, pp. 81-104
- BURKE (2009), *Replacing THE Responsibility TO Protect: the Equitable Theory of Humanitarian Intervention*, in *Amsterdam Law Forum*, pp. 61-87
- CAMBANIS, WAHID HANNA (2019), *A Return to American Restraint Begins in Syria*, in *The Century Foundation*, available online
- CARMENT, LANDRY (2014), *R2P in Syria: Regional Dimensions*, in in MURRAY, MCKAY (ed.), *Into the Eleventh Hour. R2P, Syria and Humanitarianism in Crisis*, Bristol, pp. 50-55
- CARPENTER (2013), *Tangled Web: The Syrian Civil War and Its Implications*, in *Mediterranean Quarterly*, pp. 1-11
- CARSWELL (2013), *Unblocking the UN Security Council: The Uniting for Peace Resolution*, in *Journal of Conflict and Security Law*, pp. 453-480
- CBC, 6 August 2013, *Security Council Veto Power Attacked*, available online
- CHANDLER (2004), *The Responsibility to Protect? Imposing the 'Liberal Peace'*, in *International Peacekeeping*, pp. 59-81
- CHARAP (2013), *Russia, Syria and the Doctrine of Intervention*, in *Survival*, pp. 35-41
- ID (2015), *Is Russia an Outside Power in the Gulf?*, in *Survival*, pp. 153-170
- CHARAP, TREYGER, GEIST (2019), *Understanding Russia's Intervention in Syria*, in *RAND Corporation*
- CHIVERS, SCHMITT (2011), *In Strikes on Libya by NATO, an Unspoken Civilian Toll*, in *The New York Times*, available online
- CLAES (2012), *Protecting Civilians from Mass Atrocities: Meeting the Challenge of R2P Rejectionism*, in *Global Responsibility to Protect*, pp. 67-97
- CLAYTON, HOLLAND (2015), *Over One Million Sea Arrivals Reach Europe in 2015*, in *UNHCR News*, available online
- CLOVER, 26 June 2012, *Think-tank Questions Russia Backing for Syria*, in *Financial Times*, available online
- CORNELL, STARR (2009), *The Guns of August 2008: Russia's War in Georgia*, New York
- CROSTON (2014), *Cold War and Ayatollah Residues: Syria as a Chessboard for Russia, Iran, and the United States*, in *Strategic Studies Quarterly*, pp. 94-111

- CUNLIFFE (2014), *The Responsibility to Protect and the New Liberal Dystopianism*, in MURRAY, MCKAY (ed.), *Into the Eleventh Hour. R2P, Syria and Humanitarianism in Crisis*, Bristol, pp. 62-65
- DANNREUTHER (2015), *Russia and the Arab Spring: Supporting the Counter-Revolution*, in *Journal of European Integration*, pp. 77-94
- DE WAAL (2013), *African roles in the Libyan conflict of 2011*, in *International Affairs*, pp. 365–379
- DES FORGES (1999), “*Leave None to Tell the Story*”: *Genocide in Rwanda*
- DEYERMOND (2016), *The Uses of Sovereignty in Twenty-first Century Russian Foreign Policy*, in *Europe-Asia Studies*, pp. 957-984
- DOYLE (2016), *The Politics of Global Humanitarianism: R2P Before and After Libya*, in BELLAMY, DUNNE (ed.), *The Oxford Handbook of Responsibility to Protect*, Oxford, pp. 674-690
- DUNNE, GIFKINS (2011), *Libya and the State of Intervention*, in *Australian Journal of International Affairs*, pp. 515-529
- EVANS (2008), *The Responsibility to Protect. Ending Mass Atrocity Crimes Once and for All*, Washington DC
- ID (2014), *The Consequences of Non-Intervention in Syria: Does the Responsibility to Protect Have a Future*, in MURRAY, MCKAY (ed.), *Into the Eleventh Hour. R2P, Syria and Humanitarianism in Crisis*, Bristol, pp. 18-25
- ID (2009), *Russia, Georgia and the Responsibility to Protect*, in *Amsterdam Law Forum*, pp. 25-28
- ID (2011), *Ending Mass Atrocity Crimes: The Responsibility to Protect Balance Sheet After Libya*, speech given at the Leo Baeck Centre, Melbourne
- FABIUS (2013), *A Call for Self-Restraint at the UN*, in *The New York Times*, available online
- FALK (1999), *Kosovo, World Order, and the Future of International Law*, in *American Journal of International Law*, pp. 847-857
- FILIPPOV (2020), *S – Sovereignty*, in *Russia in Global Affairs*, available online
- FINNEMORE, SIKKINK (1998), *International Norm Dynamics and Political Change*, in *International Organization*, pp. 887-917
- FRANCIONI, BAKKER (2013), *Responsibility to Protect, Humanitarian Intervention and Human Rights: Lessons from Libya to Mali*, in *Transworld Working Papers*
- FUKUYAMA (1992), *The End of History and the Last Man*, New York
- GARWOOD-GOWERS (2013), *The Responsibility to Protect and the Arab Spring: Libya as the Exception, Syria as the Norm?*, in *UNSW Law Journal*, pp. 594-618

GELOT (2016), *The Role and Impact of the African Union*, in HENRIKSEN, LARSEN (ed.), *Political Rationale and International Consequences of the War in Libya*, Oxford, pp. 270-285

GERANMAYEH, LIK (2016), *The New Power Couple: Russia and Iran in the Middle East*, in *European Council on Foreign Relations – Policy Brief*, London

GIFKINS, DUNNE (2011), *Libya and R2P: Norm Consolidation or a Perfect Storm?*, in *openDemocracy*, available online

GIPLIN (1987), *The Political Economy of International Relations*, Princeton

GLANVILLE (2014), *Syria Teaches Us Little About Questions of Military Intervention*, in in MURRAY, MCKAY (ed.), *Into the Eleventh Hour. R2P, Syria and Humanitarianism in Crisis*, Bristol, pp. 44-49

Global Centre for the Responsibility to Protect (2011), *China/Russia Veto a Victory for 'Impunity, Inaction and Injustice'*, in *International Coalition for the Responsibility to Protect*, available online

GOODSPEED (2011) *As Arab Spring Topples Dictators, Iran's Influence Grows*, in *National Post*, available online

GORDON, KRAMER (2016), *Tension with Russia Rises as US Halts Syria Negotiations*, in *The New York Times*, available online

GRANT (2015), *UN Security Council Must Be Revamped or Risk Irrelevance, Kofi Annan Warns*, in *The Guardian*, available online

HANAUER (2016), *Israel's Interests and Options in Syria*, in *RAND Corporation*, available online

HAQUE (2018), *Self-Defense against Self-Defense, in Syria and Beyond*, in *Just Security*, available online

HEHIR (2013), *The Responsibility to Protect as the Apotheosis of Liberal Teleology*, in HEHIR, MURRAY (ed.) *Libya, the Responsibility to Protect and the Future of Humanitarian Intervention*, London, pp. 34-57

ID (2019), *Hollow Norms and the Responsibility to Protect*, London

HILL (2013), *The Real Reason Putin Supports Assad: Mistaking Syria for Chechnya*, in *Foreign Affairs*, available online

The Hindu, 22 February 2011, *Three Libyan Diplomats Resign*, available online

HINNEBUSCH (2020), *The Battle over Syria's Reconstruction*, in *Global Policy*, pp. 113-123

HOELING (2015), *Can R2P Practice what it Promises? A Case Study on the Syrian Civil War*, Hamburg

HOKAYEM (2014), *Iran, the Gulf States and the Syrian Civil War*, in *Survival*, pp. 59-86

- HUGHES (2014), *Syria and the Perils of Proxy Warfare*, in *Small Wars & Insurgencies*, pp. 522-538
- ILDEFONSO OCAMPOS (2016), *The Legal Basis for Foreign Military Intervention in Syria*, in *The Middle East Eye*, available online
- IGNATIEFF (2014), *Is the Age of Intervention Over?*
- INGIYIMBERE (2017), *Domesticating Human Rights: A Reappraisal of their Cultural-Political Critiques and their Imperialistic Use*, Boston
- Interfax News Agency, 2 March 2011, *Arab Power Crisis Will Echo in Russia – Lavrov*, available online
- International Peace Institute, 25 October 2016, *Puri: Stalemate over Syria Is Security Council’s “Most Serious Failure”*, available online
- KARAGIANNIS (2014), *The Russian Interventions in South Ossetia and Crimea Compared: Military Performance, Legitimacy and Goals*, in *Contemporary Security Policy*, pp. 400-420
- KASSAB (2016), *Russian Airstrikes in Syria: a Violation of International Law?*, in *Michigan Journal of International Law*, available online
- KATZ (2012), *Moscow and the Middle East: Repeat Performance?*, in *Russia in Global Affairs*, available online
- ID (2013), *Russia and the Conflict in Syria: Four Myths*, in *Middle East Policy Council*, available online
- KENNY, BUTLER (2018), *The Legality of ‘Intervention by Invitation’ in Situations of R2P Violations*, in *International Law and Politics*, pp. 135-178
- KEOHANE (1984), *After Hegemony: Cooperation and Discord in the World Political Economy*, Princeton
- KHOURI (2018), *The Implications of the Syrian War for New Regional Orders in the Middle East*, in *MENARA Working Papers*, pp. 1-17
- KISSINGER (2012), *Syrian Intervention Risks Upsetting Global Order*, in *The Washington Post*, available online
- KOFMAN (2017), *A Tale of Two Campaigns: U.S. and Russian Military Operations in Syria*, in *Pathways to Peace and Security*, pp. 163-170
- KOROSTELEV (2015), *“Responsibility to Protect” as a Political and Legal Rationale of Uses of Force in International Relations*, in *Administrative Consulting*, pp. 26-31
- KORTUNOV (2012), *Between Polycentrism and Bipolarity*, in *Russian International Affairs Council (RIAC)*, available online
- KOZAK (2017), *The Strategic Convergence of Russia and Iran*, in *Institute for the Study of War*, available online

- KRASNA (2018), *Moscow on the Mediterranean: Russia and Israel's Relationship*, in *Russia Foreign Policy Papers*, Foreign Policy Research Institute
- KRAUS (2011), *Russia and China: UN-Responsible on Syria*, in *HuffPost*, available online
- KREUTZ (2010), *Syria: Russia's Best Asset in the Middle East*, in *Russie Nei Visioni*
- KUHRT (2014), *Russia, the Responsibility to Protect and Intervention*, in FIOTT, KOOPS (ed.), *The Responsibility to Protect and the Third Pillar: Legitimacy and Operationalization*, London
- KUROWSKA (2014), *Multipolarity as Resistance to Liberal Norms: Russia's Position on Responsibility to Protect*, in *Conflict, Security & Development*, pp. 489-508
- LARSEN (2016), *Russia: The Principle of Non-Intervention and the Libya Case*, in HENRIKSEN, LARSEN (ed.), *Political Rationale and International Consequences of the War in Libya*, Oxford, pp. 68-85
- LASKARIS, KREUTZ (2015), *Rising Powers and the Responsibility to Protect: Will the Norm Survive in the Age of BRICS?*, in *Global Affairs*, pp. 149-158
- LAVROV (2009), *Face to Face with America*, in *Russian Politics & Law*, pp. 45-60
- ID (2019), *World at a Crossroads and a System of International Relations for the Future*, in *Russian International Affairs Council (RIAC)*, available online
- LAYNE (2006), *The Unipolar Illusion Revisited*, in *International Security*, pp. 7-41
- LUCK (2010), *The Responsibility to Protect: Growing Pains or Early Promise?*, in *Ethics and International Affairs*, pp. 349-365
- LUKYANOV (2011), *E la Russia Resta a Guardare*, in *Limes*
- LUTTA (2018), *How Russian Intervention in Syria Redefined the Right to Protect in Armed Conflicts*, in *Russian Law Journal*, pp. 4-38
- MACFARLANE, WEISS (2000), *Political Interest and Humanitarian Action*, in *Security Studies*, pp. 112-142
- MANFREDA (2017), *Reasons for US Intervention in Syria*, in *ThoughtCo.*, available online
- MAROUDA, SARANTI (2016), *From Ukraine and Yemen to Car, Mali and Syria: Is Third Country Intervention by Invitation Reshaped in the Aftermath of Recent Practice?*, in *Ordine Internazionale e Diritti Umani*, pp. 556-581
- MASON (2018), *Russia in Syria: an Unequivocal Return to the Middle East?*, in *Middle East Policy Council*, available online

- MATEIKO (2014), *Russia's Stance on the Responsibility to Protect: Congruence, Sources of Scepticism and the Problem of Abuse*, presented during a conference at MGIMO Foreign Policy Club
- MCMANUS (2014), *Syria and the Perils of Proxy War*, in *Los Angeles Times*, available online
- MEIERHENRICH (2020), *How Many Victims Were There in the Rwandan Genocide? A Statistical Debate*, in *Journal of Genocide Research*, pp. 72-82
- MELLING, DENNET (2017), *The Security Council Veto and Syria: Responding to Mass Atrocities through the "Uniting for Peace" Resolution*, in *Indian Journal of International Law*, pp. 285-307
- MENEGAZZI (2012), *China Reinterprets the Liberal Peace*, in *IAI Working Papers*
- MENKISZAK (2013), *Responsibility to Protect...Itself? Russia's Strategy Towards the Crisis in Syria*, in *FIIA Briefing Paper*
- MILL (1859), *A Few Words on Non-Intervention*, in *Fraser's Magazine*
- MOMANI, HAKAK (2016), *Syria*, in BELLAMY, DUNNE (ed.), *The Oxford Handbook of Responsibility to Protect*, Oxford, pp. 896-910
- MOROZOV (2013), *Subaltern Empire? Toward a Postcolonial Approach to Russian Foreign Policy*, in *Problems of Post-Communism*, pp. 16-28
- MORRIS (2013), *Libya and Syria: R2P and the Spectre of the Swinging Pendulum*, in *International Affairs*, pp. 1265-1283
- MURRAY, HEHIR (2012), *Intervention in the Emerging Multipolar System: Why R2P will Miss the Unipolar Moment*, in *Journal of Intervention and Statebuilding*, pp. 387-406
- MURRAY (2014), *Rationality and R2P: Unfriendly Bedfellows*, in MURRAY, MCKAY (ed.), *Into the Eleventh Hour: R2P, Syria and Humanitarianism in Crisis*, Bristol, pp. 66-71
- NAGASHIMA (2019), *Russia's Passportization Policy toward Unrecognized Republics: Abkhazia, South Ossetia, and Transnistria*, in *Problems of Post-Communism*, pp. 186-199
- NAHLAWI (2019), *Overcoming Russian and Chinese Vetoes on Syria through Uniting for Peace*, in *Journal of Conflict & Security Law*, pp. 111-143
- NANDA (2013), *The Future under International Law of the Responsibility to Protect after Libya and Syria*, in *Michigan State International Law Review*, pp. 1-42
- NEBEHAY, 14 July 2012, *Exclusive: Red Cross Ruling Raises Questions of Syrian War Crimes*, in *Reuters*, available online
- NESSER, STENERSEN, OFTEDAL (2016), *Jihadi Terrorism in Europe: the IS-Effect*, in *Perspectives on Terrorism*, pp. 1-24

NEWMAN (2013), *R2P: Implications for World Order*, in *Global Responsibility to Protect*, pp. 235-259

The New York Times, 21 February 2011, *Libya's UN Diplomats Break with Qaddafi*, available online

NICHOLS, 30 March 2017, *US Priority on Syria no Longer Focused on 'Getting Assad out': Haley*, in *Reuters*, available online

NIKOGHOSYAN (2017), *Great Power Interventions and the Future of Responsibility to Protect*, in *Valdai Papers*, available online

NURUZZAMAN (2013), *The "Responsibility to Protect" Doctrine: Revived in Libya, Buried in Syria*, in *Insight Turkey*, pp. 57-66

O'CONNELL (2011), *How to Lose a Revolution*, in *The Responsibility to Protect: Challenges & Opportunities in Light of the Libyan Intervention*, pp. 15-17

PANAGIOTOU (2011) *The Centrality of the United Nations in Russian Foreign Policy*, in *Journal of Communist Studies and Transition Politics*, pp. 195-216

PARIS (2014), *The 'Responsibility to Protect' and the Structural Problems of Preventive Humanitarian Intervention*, in *International Peacekeeping*, pp. 569-603

PATRICK (2010), *Irresponsible Stakeholders? The Difficulty of Integrating Rising Powers*, in *Foreign Affairs*, pp. 44-53

PATTISON (2014), *The Case for Criteria: Moving R2P Forward After the Arab Spring*, in MURRAY, MCKAY (ed.), *Into the Eleventh Hour. R2P, Syria and Humanitarianism in Crisis*, Bristol, pp. 26-33

PEEL (2012), *The Colonel's Last Stand*, in *Financial Times*, available online

PHILIPS (2015), *Gulf Actors and the Syria Crisis*, in *The New Politics of Intervention of Gulf Arab States*, pp. 41-51

PRIMAKOV (2004), *Rather the United Nations than US Unilateralism*, in *New Perspectives Quarterly*, pp. 49-59

ID (2009), *Russia and the Arabs. Behind the Scenes in the Middle East from the Cold War to the Present*, New York

PROSVIRYAKOVA (2013), *Responsibility to Protect and Syria*, in *Russian International Affairs Council (RIAC)*, available online

PUTIN (2012), *Russia and the Changing World*, in *Moskovskiya Novosti*, available online

ID (2013), *A Plea for Caution from Russia*, in *The New York Times*, available online

RAMANI (2018), *How Strong is the Iran-Russia 'Alliance'?*, in *The Diplomat*, available online

- RAMSDEN (2016), "*Uniting for Peace*" and Humanitarian Intervention: The Authorising Function of the U.N. General Assembly, in *Washington International Law Journal*, pp. 267-305
- REEVES (2014), *To Russia With Love. How Moral Arguments for a Humanitarian Intervention in Syria Opened the Door for an Invasion of the Ukraine*, in *Michigan State International Law Review*, pp. 199-229
- Reuters, 8 April 2018, *Rebels Reach Final Deal with Russia to Evacuate Douma – Negotiators*, available online
- RIA Novosti, 23 May 2013, *Russian Intelligence Agency Warns of Rise in Terror Threat*, available online
- RIEFF (2011), *R2P, R.I.P.*, in *The New York Times*, available online
- RIJKE (2014), *Intervention in Libya: A Crime of Aggression?*, in *ICD Brief 4*, pp. 1-9
- ROBERTS (2011), *Who Said Gaddafi Had to Go?*, in *London Review of Books*, available online
- ROSS (2011), *Libya: Benghazi rebels reject African Union truce plan*, in *BBC News*, available online
- ROTMANN, KURTZ, BROCKMEIER (2014), *Major Powers and the Contested Evolution of a Responsibility to Protect*, in *Conflict, Security & Development*, pp 355-377
- RUMER (2019), *Russia in the Middle East: Jack of all Trades, Master of None*, in *Carnegie Endowment for International Peace*, available online
- SAZONOVA (2012), *The Responsibility to Protect Concept in United Nations Peacekeeping Activities*, in *Legal Science*, pp. 96-100
- SCISO (2018), *I Crimini in Siria, la Responsibility to Protect e l'Esercizio del Veto nel Consiglio di Sicurezza*, in RONZITTI, SCISO (ed.), *I Conflitti in Siria e Libia: Possibili Equilibri e le Sfide al Diritto Internazionale*, Torino
- SAKWA (2020), *The Future of EU-Russia Relations*, in *Institut Für Sicherheit*, available online
- SHAHEEN (2011), *GCC Wants No-Fly Zone Over Libya*, in *The National UAE*, available online
- SHAKLEINA (2016), *Cold War as Part of American Global Strategy*, in *International Trends*, pp. 39-46
- SHAPIRO (2017), *Russia-US Relations and the Future of Syria*, in *Russia in Global Affairs*, available online
- SHERR (2009), *The Implications of the Russia-Georgia War for European Security*, in CORNELL, STARR (ed.), *The Guns of August 2008: Russia's War in Georgia*, Oxon, pp. 196-224
- SOKOLSKY, RUMER (2020), *US-Russian Relations in 2030*, in *Carnegie Endowment for International Peace*, available online

STAMATIS, KREUTZ (2015), *Rising Powers and the Responsibility to Protect: Will the Norm Survive in the Age of BRICS?*, in *Global Affairs*, pp. 149-158

STEPANOVA (2016), *Russia*, in BELLAMY, DUNNE (ed.), *The Oxford Handbook of Responsibility to Protect*, Oxford, pp. 410-428

STRAUSS (2015), *Darfur and the Genocide Debate*, in *Foreign Affairs*, pp. 123-133

STUENKEL (2014), *The BRICS and the Future of R2P: Was Syria or Libya the Exception?*, in *Global Responsibility to Protect*, pp. 3-28

Syrian Arab News Agency, 1 October 2015, *Syria's Ambassador to Russia Urges all Countries to Join Syria and Russia against Terrorism*, available online

TABLER (2018), *How Syria Came to This: a Story of Ethnic and Sectarian Conflict, International Connivance, and Above All Civilian Suffering*, in *The Atlantic*, available online

TARNOGÓRSKI (2012), *Libya and Syria: Responsibility to Protect at a Crossroads*, in *PISM Strategic File*

TASS News Agency, 25 February 2013, *RF Urges Damascus to Seek Dialogue With Opposition – Lavrov*, available online

Id, 30 September 2015, *Kremlin: Only Russia to Take Part in Operation against Islamic State on Legal Grounds*, available online

Id, 7 April 2017, *Putin Calls US Strikes Against Syria 'Aggression Against Sovereign Country'*, available online

Id, 23 August 2020, *Russia Signs Contract with Turkey on 2nd Batch of S-400 Air Defense Systems*, available online

THAKUR (2013), *R2P after Libya and Syria: Engaging Emerging Powers*, in *The Washington Quarterly*, pp. 61-76

ID (2014), *Syria and the Responsibility to Protect*, in MURRAY, MCKAY (ed.), *Into the Eleventh Hour. R2P, Syria and Humanitarianism in Crisis*, Bristol, pp. 38-43

ID (2016), *Rwanda, Kosovo, and the International Commission on Intervention and State Sovereignty*, in BELLAMY, DUNNE (ed.), *The Oxford Handbook of the Responsibility to Protect*, Oxford, pp. 94-113

TOCCI (2014), *Europe, the United States and the Global Human Rights Governance: the Responsibility to Protect in Libya and Syria*, in *Transworld Working Papers*

ID (2016), *On Power and Norms: Libya, Syria and the Responsibility to Protect*, in *Global Responsibility to Protect*, pp. 51-75

TOURINHO, STUENKEL, BROCKMEIER (2016) "Responsibility while Protecting": *Reforming R2P Implementation*, in *Global Society*, pp. 134-150

TRENIN (2013), *The Mythical Alliance: Russia's Syria Policy*, in *The Carnegie Papers*

TURKMANI, HAID (2016), *The Role of the EU in the Syrian Conflict*

TZEMPRIN, JOZIĆ, LAMBARÉ (2015), *The Middle East Cold War: Iran-Saudi Arabia and the Way Ahead*, in *Croatian Political Science Review*, pp- 187-202

USBORNE (2011), *'This Will All Be Over in 48 Hours': Gaddafi's Son Vows to Crush Revolution*, in *The Independent*, available online

VISSER (2015), *Russia's Intervention in Syria*, in *European Journal of International Law*, available online

ID (2019), *May the Force Be with You: The Legal Classification of Intervention by Invitation*, in *Netherlands International Law Review*, pp. 21–45

VOHRA (2019), *Europe Doesn't Even Agree on Assad Anymore*, in *Foreign Policy*, available online

WEBB (2014), *Deadlock or Restraint? The Security Council Veto and the Use of Force in Syria*, in *Journal of Conflict & Security Law*, pp. 471-488

WEBB, KRASNER (1989), *Hegemonic Stability Theory: An Empirical Assessment*. *Review of International Studies*, 15(2), 183-198

WEISS (2014a), *After Syria: Whither R2P*, in MURRAY, MCKAY (ed.), *Into the Eleventh Hour. R2P, Syria and Humanitarianism in Crisis*, Bristol, pp. 34-37

ID (2014b), *Military Humanitarianism: Syria Hasn't Killed It*, in *The Washington Quarterly*, pp. 7-20

ID (2016), *Libya, R2P and the United Nations*, in HENRIKSEN, LARSEN (ed.), *Political Rationale and International Consequences of the War in Libya*, Oxford, pp. 228-244

WEISS, NG (2019), *Collision Avoidance: Lessons From US and Russian Operations in Syria*, in *Carnegie Endowment for International Peace*, available online

WELSH (2013), *Norm Contestation and the Responsibility to Protect*, in *Global Responsibility to Protect*, pp. 365–396

WESTERN, GOLDSTEIN (2013), *R2P After Syria: to Save the Doctrine, Forget Regime Change*, in *Foreign Affairs*, available online

WILLIAMS, POPKEN (2011), *Security Council Resolution 1973 on Libya: a Moment of Legal & Moral Clarity*, in *Case Western Reserve Journal of International Law*, pp. 225-250

WILLIAMS, WORBOYS, ULBRICK (2012), *Preventing Mass Atrocity Crimes: The Responsibility to Protect and the Syria Crisis*, in *Case Western Reserve Journal of International Law*, pp. 473-503

WINTOUR (2020), *What is the Future of the UN in the Age of Impunity?*, in *The Guardian*, available online

YELTSIN (2000), *Midnight diaries*, New York

ZAMBAKARI (2016), *The Misguided and Mismanaged Intervention in Libya: Consequences for Peace*, in *African Security Review*, pp. 44-62

ZIEGLER (2014), *Contesting the Responsibility to Protect*, in *International Studies Perspectives*, pp. 1-23

ID (2016), *Russia on the Rebound: Using and Misusing the Responsibility to Protect*, in *International Relations*, pp. 346-361

ZIFCAK (2012), *The Responsibility to Protect after Libya and Syria*, in *Melbourne Journal of International Law*, pp. 1-35

ZONGZE (2012), *Responsible Protection: Building a Safer World*, in *China Institute of International Relations*, available online

Documents, Statements and Reports

Amnesty International, January 2009, *The conflict in Gaza: A Briefing on Applicable Law, Investigations, and Accountability*

Annex to the letter dated 9 November 2011 from the Permanent Representative of Brazil to the United Nations addressed to the Secretary-General (A/66/551-S/2011/701)

BLAIR, 22 April 1999, *Doctrine of the International Community*, speech given to the Economic Club of Chicago,

CLINTON 13 May 2009, *Saluting America's Veterans and Reaffirming our Commitment to Freedom in Kosovo*, speech given in Washington

Charter of the United Nations (1945)

Convention on the Prevention and Punishment of the Crime of Genocide (1948)

The Constitution of the Russian Federation (1993)

Direct Line with Vladimir Putin, 17 April 2014

EU High Representative for Foreign Affairs and Security Policy, 18 August 2011, *Declaration on Behalf of the European Union on EU Action Following the Escalation of Violent Repression in Syria*

EU-Turkey Statement, 18 March 2016

Final Communiqué Issued by the Emergency Meeting of the Committee of Permanent Representatives to the Organization of the Islamic Conference on the Alarming Developments in Libyan Jamahiriya, 8 March 2011

Founding Statement of the Interim Transitional National Council, 5 March 2011

GADDAFI, 16 March 2011, *Interview with EuroNews*

High-Level Panel on Threats, Challenges and Change, 2 December 2004, *A More Secure World: Our Shared Responsibility*

Human Rights Data Analysis Group, 13 June 2013, *Updated Statistical Analysis of Documentation of Killings in the Syrian Arab Republic*

Human Rights Watch, April 2010, *Turning a Blind Eye: Impunity for Laws-of-War Violations during the Gaza War*

Human Rights Watch, May 2012, *Unacknowledged Deaths: Civilian Casualties in NATO's Air Campaign in Libya*

The Independent International Commission on Kosovo (2000), *The Kosovo Report: Conflict, International Response, Lesson Learned*, Oxford

International Coalition for the Responsibility to Protect, March 2015, *Q&A: The Responsibility to Protect (RtoP) and Gaza*

International Commission on Intervention and State Sovereignty, December 2001, *The Responsibility to Protect*

International Court of Justice, Case Concerning Military and Paramilitary Activities in and Against Nicaragua (Nicaragua v. United States of America), 27 June 1986

Joint Letter to President François Hollande on the Voluntary Restraint of the Use of the Veto by UN Security Council's Permanent Members, 13 March 2014

Joint UK, French and German statement, 18 August 2011, *on Syria*

Judgement of the European Court of Justice, 28 February 2017, Case T-192/16, *NF v European Council*

Judgement of the International Court of Justice, 27 June 1986, *Case Concerning Military and Paramilitary Activities in and Against Nicaragua (Nicaragua v. United States of America)*

LAVROV, 9 August 2009, *Interview to BBC*

ID, 28 September 2012, *Statement at the 67th Session of the UN General Assembly*

Letter from President of Turkey Recep Tayyip Erdogan to Vladimir Putin, 27 June 2016

MEDVEDEV, 8 August 2008, *Statement on the Situation in South Ossetia*

ID, 26 August 2008, *Interview with CNN*

ID, 26 August 2008, *Statement on the Events in South Ossetia*

ID, 31 August 2008, *Interview given to Television Channels Channel One, Russia, NTV*

ID, 21 March 2011, *Remarks on the Situation in Libya*

ID, 21 September 2011, *Interview to the Newspaper Rossiyskaya Gazeta*

ID, 21 June 2012, *Interview to Russia Today*

Memorandum d'Intesa sulla Cooperazione nel Campo dello Sviluppo, del Contrasto all'Immigrazione Illegale, al Traffico di Esseri Umani, al Contrabbando e sul Rafforzamento della Sicurezza delle Frontiere tra lo Stato della Libia e la Repubblica Italiana, 2 February 2017

The Ministry of Foreign Affairs of the Russian Federation, 28 June 2000, *The Foreign Policy Concept of the Russian Federation*

The Ministry of Foreign Affairs of the Russian Federation, 12 January 2008, *The Foreign Policy Concept of the Russian Federation*

The Ministry of Foreign Affairs of the Russian Federation, 18 February 2013, *The Foreign Policy Concept of the Russian Federation*

The Ministry of Foreign Affairs of the Russian Federation, 1 December 2016, *The Foreign Policy Concept of the Russian Federation*

National Security Strategy of the United States of America, May 2010

News Conference Following the G8 Summit, 27 May 2011

OBAMA, 23 September 2010, Remarks by the President to the United Nations General Assembly

ID, 20 August 2012, Remarks by the President to the White House Press Corps

ID, 7 May 2013, Remarks by US President and President Park of South Korea in a Joint Press Conference

ID, 31 August 2013, Statement by the President on Syria

ID, 10 September 2014, Statement by the President on ISIL

Permanent Mission of Russia to the United Nations, 7 April 2005, Statement of the Permanent Representative of the Russian Federation at the 87th Plenary Meeting of the General Assembly (A/59/PV.87)

Permanent Mission of Russia to the United Nations, July 2009, Statement at the General Assembly Debate on Responsibility to Protect

Permanent Mission of the Russian Federation to the United Nations, 12 February 2014, Statement at the Open Debate of the United Nations Security Council on Protection of Civilians in Armed Conflict

Permanent Mission of the Russian Federation to the United Nations, 8 September 2014, Statement at the 2014 UN General Assembly Dialogue on the Responsibility to Protect

Permanent Mission of the Russian Federation to the United Nations, 5 September 2012, Statement at the General Assembly Informal, Interactive Dialogue on the “Responsibility to Protect: Timely and Decisive Response”

Political Declaration on Suspension of Veto Powers in Cases of Mass Atrocity, presented by France and Mexico, 7 August 2015

PUTIN, 18 March 2014, Address to State Duma deputies, Federation Council members, Heads of Russian Regions and Civil Society Representatives in the Kremlin

ID, 30 September 2015, Meeting with Government Members

ID, 24 November 2015, Statement During the Meeting with King Abdullah II of Jordan

ID, 9 May 2018, Talks with Prime Minister of Israel Benjamin Netanyahu

Report of the XI Annual VALDAI Discussion Club Meeting, March 2015, New Rules or No Rules?

Syrian Network for Human Rights, 17 July 2020, Russia and China’s Arbitrary Veto Use 16 Times Contributed to Killing Nearly a Quarter of a Million Syrians, the Arrest of 150,000 Others, and the Spread of Impunity

Statement by Megan Schmidt, International Coalition for the Responsibility to Protect, 21 February 2012

Statement delivered on behalf of the Permanent Mission of the Russian Federation to the United Nations General Assembly informal, interactive dialogue on the “Responsibility to Protect: Timely and Decisive Response”, 5 September 2012

Statement of the Ministry of Foreign Affairs on Saudi Arabia’s Apology for not Accepting Security Council Membership, Annex to the letter dated 12 November 2013 from the Permanent Representative of Saudi Arabia to the United Nations addressed to the Secretary-General, A/68/599

Treaty of Friendship and Cooperation between USSR and Syria, 1980

TRUMP (2017), *Remarks by US President and Emir Sabah al-Ahmed al-Jaber al-Sabah of Kuwait in Joint Press Conference*

ID (2019), *Remarks by US President and President Mattarella of the Italian Republic Before Bilateral Meeting*

UN-Arab League Special Envoy to Syria, March 2012, *Six-point Peace Plan*

UN General Assembly, 3 November 1950, A/RES/377

Id, 1 February 1951, A/RES/498

Id, 24 October 2005, A/RES/60/1

Id, 3 March 2011, A/RES/65/265

Id, 15 May 2012, A/66/L.42/Rev.2

Id, 7 August 2012, A/RES/66/253 B

Id, 30 January 2014, A/RES/68/182

Id, 19 December 2016, A/RES/71/130

UN High Commissioner for Human Rights, 22 February 2011, *Statement on the Situation in Libya*

UN Human Rights Council, 25 February 2011, A/HRC/S-15/1

UN SCOR, 18 October 2010, S/PV.6404 (Resumption 1)

Id, 17 March 2011, S/PV.6498

Id, 4 October 2011, S/PV.6627

Id, 4 February 2012, S/PV.6711

Id, 19 July 2012, S/PV.6810

Id, 22 May 2014, S/PV.7180

Id, 23 February 2015, S/PV.7389

Id, 8 October 2016, S/PV.7785

Id, 5 December 2016, S/PV.7825

Id, 28 February 2017, S/PV.7893

Id, 7 April 2017, S/PV.79.19

UN Secretary General (1999), *Annual Report*

Id (2000), '*We the Peoples*': *the Role of the United Nations in the 21st Century*

Id, 12 January 2009, *Implementing the Responsibility to Protect*

Id, 23 February 2011, *Press Encounter on Violence in Libya and Political Unrest in the Middle East*

Id, 23 September 2011, *Remarks at Breakfast Roundtable with Foreign Ministers on 'The Responsibility to Protect: Responding to Imminent Threats of Mass Atrocities'*

Id, 25 July 2012, *Follow-up to the Outcome of the Millennium Summit: Responsibility to Protect: Timely and Decisive Response, A/66/874*

UN Security Council, 3 December 1992, S/RES/794

Id, 21 April 1994, S/RES/912

Id, 31 March 1998, S/RES/1160

Id, 23 September 1998, S/RES/1199

Id, 24 October 1998, S/RES/1203

Id, 26 February 2011, S/RES/1970

Id, 17 March 2011, S/RES/1973

Id, 4 October 2011, S/2011/612

Id, 4 February 2012, S/2012/77

Id, 19 July 2012, S/2012/538

Id, 20 December 2012, S/RES/2085

Id, 27 September 2013, S/RES/2118

Id, 22 May 2014, S/2014/348

Id, 14 July 2014, S/RES/2165

Id, 22 November 2015, S/RES/2249

Id, 18 December 2015, S/RES/2254

Id, 22 December 2015, S/RES/2258

Id, 8 October 2016, S/2016/846

Id, 5 December 2016, S/2016/1026

Id, 21 December 2016, S/RES/2332

Id, 28 February 2017, S/2017/172

Id, 12 April 2017, S/2017/315

Id, 24 October 2017, S/2017/884

Id, 16 November 2017, S/2017/962

Id, 17 November 2017, S/2017/970

Id, 19 December 2017, S/RES/2393

Id, 10 April 2018, S/2018/321

Id, 13 December 2018, S/RES/2449

Id, 19 September 2019, S/2019/756

Id, 20 December 2019, S/2019/961

Id, 7 July 2020, S/2020/657

UN Security Council President, 4 September 2013, *Press Conference on Work Programme for September*

US Department of State, 17 June 2020, *Caesar Syria Civilian Protection Act*

US Mission to the UN, 26 February 2011, *Remarks by Ambassador Susan E. Rice, US Permanent Representative to the United Nations on Resolution 1970*

Summary

Introduction

The concept of sovereignty as we know it nowadays can be traced back to almost four hundred years ago, when, in 1648, at the end of the Thirty Years War, the peace of Westphalia was signed, marking the beginning of the modern international system. Westphalian sovereignty means that sovereignty over a territory and the population living there belongs to the State, and the administration of internal affairs is not subject to foreign powers' interferences. The idea of humanitarian intervention is more recent, being born approximately in the XIX century.

When, after the end of WWII, the UN Charter was written, the use of force against a sovereign state was basically forbidden, and only two exceptions were envisioned: individual and collective self-defence, and an intervention mandated by the UN Security Council.

During the relatively short parenthesis of hegemony that the US enjoyed at the end of the Cold War, humanitarian intervention enjoyed a certain degree of popularity in the West – Kosovo being the most famous example – but the international community soon understood that such practice could be easily instrumentalized. In order to prevent abuses, Responsibility to Protect was conceived: sovereignty was not absolute anymore, but instead conditional to the ability and willingness to protect the population; at the same time, prevention and other non-violent options were given more significance, to the detriment of military intervention, that became a measure of last resort.

Chapter 1

It is undeniable that the post-Cold War scenario and the American hegemony created the optimal conditions for R2P to emerge: indeed, the very ideological basis of R2P perfectly overlaps with the US proclaimed values and objectives. Responsibility to Protect has inherited another feature from the period in which it emerged: the absence of a proper legal codification, the lack of new provisions in the international law. It was thought that, given the incumbent democratisation of all the countries in the world, governments would have been receptive to the issues brought before them by civil societies and would have consequently promoted humanitarian domestic and foreign policies. Being R2P inextricably connected with a certain historical and political moment, it comes as a natural consequence that the shift of this balance of power towards a multipolar system will bring inevitable changes.

Having defined the historical and political context that shaped R2P, we chose to focus more in detail on two major events that shed a light on the limits of the international community's capacity to act effectively in dramatic situations and, as a consequence, highlighted the importance of an innovative approach to protection in case of serious and widespread violations of human rights. Shortly distanced one from another, the Rwandan genocide and the Kosovo conflict were fundamental triggers for the debate on whether and how to intervene in situations of gross violations of human rights.

Between April and July 1994, during the Rwandan Civil War, approximately 800,000 people were killed by the Hutu-led government. The international community ashamedly failed to prevent this tragedy and even to acknowledge it as such in the first stages of the unfolding. Back then, it was already exposed that the P5's political will is the ultimate determinant for any kind of UN intervention. These dramatic events generated international

indignation and the intent to remedy the situation under the banner of ‘Never Again’, and, coupled with the events in Kosovo, proved themselves determinant for the discussion on R2P.

A few years later, during the Kosovo war, the UN suffered another “reputational blast”: when Western members failed to obtain an authorization for the use of force, due to the threat of veto from Russia and China, NATO decided to proceed anyway and launched a series of airstrikes against FR Yugoslavia. Western leaders justified their unilateral action (*de facto* illegal as non-compliant with any provision of the UN Charter or other international treaties) underlining its legitimacy under a moral and humanitarian point of view.

This stance was strongly criticized by many, and Russia was particularly vocal in expressing its resentment and the feeling of betrayal in a moment when a rapprochement with the West seemed possible. Additionally, Russia saw in this episode a further, unacceptable advancement of NATO’s sphere of influence eastwards.

The Independent International Commission on Kosovo called the intervention “legitimate but illegal” and underlined the contradiction between the protection of human rights, on the one hand, and sovereignty and territorial integrity, on the other, asking the international community to address the issue. The UN Secretary General, too, addressed the dilemma of intervention in his Millennium Report.

Building on these premises, the International Commission on Intervention and State Sovereignty was established: in 2001, it released a report, where R2P appeared for the first time. To protect vulnerable populations was, as the name suggests, a *responsibility* of the international community – and no longer a *right* that any State could arbitrarily arrogate to itself. The full range of responsibilities attributed to States consisted of: responsibility to prevent, to react and to rebuild. Military intervention was not completely ruled out, but needed to meet certain criteria: just cause, right intention, last resort, proportional means, reasonable prospects, right authority’s mandate. International reactions *vis-à-vis* the ICISS report were lukewarm at best, due to its unescapably liberal, anti-sovereign orientation.

Indeed, in 2005, some of the most problematic aspects were softened: both the circumstances and the conditions for an intervention were restricted (respectively, from large scale loss of life to genocide, war crimes, ethnic cleansing and crimes against humanity; and from the target state being “unwilling or unable” to protect its population to “manifestly failing” to do that). After these amendments, R2P gained unanimous approval.

In 2009, the UN Secretary General produced a report that would have served as the conceptual framework of the upcoming first formal General Assembly debate on Responsibility to Protect. He articulated R2P in a three-pillar structure: the first pillar was the State’s responsibility to protect its population; the second was the international community’s responsibility to assist the State in its duties; the third was the international community’s responsibility to intervene when the State did not provide such protection.

Chapter 2

Russia's stance on Responsibility to Protect can be understood along two intertwined lines of reasoning: the domestic perspective and the international/geopolitical perspective. The former has its foundation in Russia's cultural antipathy *vis-à-vis* Western democratic values that do not represent those of the rest of the world. The latter is related to Russia's self-awareness of its great power status and the demand to be recognized as such by the US in particular, unwilling or unable to admit that the balance of power is shifting towards multipolarity. During the very first year after the end of the Cold War, Russia believed that reconciliation with the West was possible; however, a few key events – Kosovo above all – made Moscow realise its mistake. Russia's concerns *vis-à-vis* R2P are also connected to its hostility towards the so-called 'coloured revolutions': the West infiltrates and encourages anti-government protests against leaders it does not like and then, when the government tries to restore order, the West intervenes to protect those people who were put in a dangerous situation by the West itself, forcefully removes the legitimate authority and creates instability in the country and in the region. Fear for instability and chaos and the solid preference for a strong statehood are easily explained by looking at Russia's recent history, Chechnya in particular. Thus, it would be wrong to read Russia's position on R2P only as an opportunistic attempt to justify the pursuit of its interests, or as some sort of revenge against the West: Moscow's approach is shaped by a diametrically opposite view on certain fundamental topics.

This view is found in each Russia's Foreign Policy Concept from 2000 to 2016. RFPC is a document issued by the Ministry of Foreign Affairs that contains Russia's views, positions and goals *vis-à-vis* international relations. It is released at irregular intervals, when the existing one is perceived as outdated or not faithful to the path undertaken. By studying the different versions of this document, one can grasp a rather clear and reliable picture of the evolution of Russia's understanding of the world arena and its position within it. While one can clearly observe that certain issues receive particular consideration in accordance with the historical and political contingencies, there are several recurring themes that appear all the times. Russia strongly condemns unilateral actions because they are, at best, ineffective, and, at worst, likely to worsen the conflictual situation that they were meant to solve. The alternative is granting that the UN, and the Security Council in particular, maintain their central role in regulating international affairs. The Concepts also denounce attempts to overthrow legitimate governments under the pretext of protecting civilian populations and criticize NATO's geographical enlargement and its frequent involvement in controversial operations.

Russia, in principle, has no problems with R2P's pillar I and II, but it does not accept the interpretation suggested by pillar III of sovereignty not as a right but as a responsibility, not absolute but conditional. The hostility *vis-à-vis* the concept is reinforced by what Moscow perceives as a selective and arbitrary application of R2P carried out by the West. In contrast, Russia has presented itself as a bulwark of the sovereignty principle, a guardian of international law.

In light of this, Moscow's interventions in South Ossetia (2008) and Crimea (2014) may appear incoherent with its defence of sovereignty, territorial integrity and independence, especially considering that R2P was invoked as a justification. However, a closer analysis reveals, first of all, that Russia gives particular importance to the protection of *its* citizens, and indeed both South Ossetia and Crimea has been targeted by an aggressive passportization policy

in the years and months preceding the respective interventions: this is one of the strategies adopted by the Kremlin to maintain a certain degree of influence over the post-Soviet space; moreover, Russia has played the role of norm anti-preneur, in the sense that it has purportedly misused the norm in order to highlight certain contradictions and make a parody of it, aiming at undermining R2P's reputation and credibility, and prevent its internalization at the international level.

Chapter 3

Because of the chronological, geographic and political proximity, the events in Libya and Syria and the international community's reaction to them require to be studied in connection and, arguably, according to a cause-effect relation.

As in many countries of the MENA region, at the beginning of 2011 anti-government protests began in Benghazi and soon spread across the country. Almost immediately, the opposition set up an interim government, the National Transitional Council (NTC). Revolts were brutally repressed by Gaddafi, and this catalysed the international opinion's condemnation and, most importantly, the fear for further, widespread brutalities.

The United Nations' response to the events was remarkably rapid. The Security Council, in particular, was able to approve Resolutions 1970 and 1973, shortly distanced one from another. The former referred the situation to the International Criminal Court, established an arms embargo and a travel ban on Gaddafi and his circle and called upon Member States to provide humanitarian assistance. Resolution 1970's non-violent provisions were not sufficient to prevent Gaddafi from brutally suppressing the protests; thus, Resolution 1973 was passed by the UNSC: the Council demanded an immediate ceasefire, established a no-fly zone, but, most importantly, it authorized Member States "to take *all necessary measures*" to protect civilians in danger. This was an historical milestone, as for the first time the Security Council authorized a military intervention against the explicit will of the sovereign authority of the target country. The Resolution passed with 10 votes in favour and 5 abstained (Russia, China, Brazil, India and Germany).

At the end of March, the NATO-led military coalition launched Operation Unified Protector, whose *de facto* goal soon became to overthrow Gaddafi, which it managed to do in October.

What has happened in Libya has been defined a "perfect storm": several factors that could result irrelevant if taken singularly, but, combined together, were able to produce international consensus and a quick, resolute response. Many explanations have been found for this positive coincidence: first of all, the fact that Gaddafi was absolutely explicit in declaring his dangerous goals and he did not try to blame the opposition for human rights violations; second, the presence of a wide consensus, both among States and regional organizations, on the need for an intervention, which is explicable with Gaddafi's unpopularity in the Arab world and elsewhere; third, Libyan officials and members of the government's defections; fourth, NATO's strategic advantage; fifth, domestic factors such as the geographical conformation, the ethnic homogeneity, etc.

The operation sparked a lot of controversy, and public opinion split over the results: while many States and scholars, mainly Western ones, were enthusiastic about the results of the operation, other were more critical. The core argument of the supporting side consisted in the fact that Responsibility to Protect had been applied rigorously and could be considered a "textbook

case” for future implementations. Moreover, the enthusiasts argued that Resolution 1973 demonstrated that R2P enjoyed almost universal acceptance. On the other hand, the majority of criticism developed around three core themes: that the West had overstepped the Resolution 1973 mandate; that Responsibility to Protect had been used as excuses to put in place a *coup d'état* in yet another Western-style democracy promotion; that peaceful solutions alternative to a military intervention had been completely overlooked.

Chapter 4

As it had happened in Libya, popular demonstrations in the wake of the Arab Spring sparked a bloody conflict in Syria. Initially a civil war between two domestic actors, the situation has substantially changed over the years: due to the involvement of several foreign actors, it has first assumed a regional dimension, and, thereafter, an international one.

Iran and Saudi Arabia are using Syria as a proxy war to pursue their respective policies of regional supremacy. Russia’s interests are quite articulated: Moscow has an historical alliance with Damascus, and has all the intentions to project the image of a consistent, reliable ally; it has had the opportunity to build a network of alliances, becoming a key player in the region, one with whom regional and international actors *must* interact in order to address any issue – partially replacing the US; it wants to prevent instability and chaos from spilling over in the North Caucasus. US’ interests mainly concern the protection of Israel and the weakening of Iran’s most important ally in the area. Europe is more interested in curbing migration flows and preventing radicalization phenomena and terrorist attacks on its soil.

Due to these interests, Russia has all the intentions to keep Assad in place: in order to do so, together with China, it has vetoed any Resolution that could be manipulated and used as a basis for military intervention and regime change. Moscow has used its veto power 15 times, and has justified its actions with several references to the Libyan case; it has pushed for peaceful solutions; it has emphasized the importance of territorial integrity and non-intervention in a sovereign state’s internal affairs; it has condemned the West’s tendency to overthrow legitimate regimes without taking the consequences into account.

At the same time, some episodes of cooperation between Washington and Moscow have occurred as well. The most remarkable was the approval of Resolution 2118(2013): in the previous months, chemical weapons attacks had produced major casualties and international outrage, and the US was about to intervene against Assad’s regime, to deter future actions and hamper the government’s capacity to deploy its arsenal; Russia sponsored the destruction of Syria’s chemical stockpile under the supervision of the Organization for the Prohibition of Chemical Weapons, and Assad gave his consent. This episode had a significant symbolic value, as it showed how peaceful cooperation between opposing sides could replace military intervention and accomplish even more; additionally, it created momentum that led to the opening of a negotiation table in Geneva.

Russia’s blocking behaviour generated significant international criticism, coming from States, the civil society and the General Assembly. The UNGA reminded the Security Council its primary responsibility for the maintenance of international peace and security and expressed alarm for the lack of prompt and effective action.

Meanwhile, as the stalemate protracted, Member States took unilateral initiatives outside the United Nations’ framework. Russia deployed its

military forces in support of Damascus: this intervention was authorised by the legitimate government of Syria, thus perfectly compliant with the UN Charter. On the other hand, the West (the US in particular) intervened in favour of the opposition, and, at the same time, put in place a regime of sanctions against Assad

Chapter 5

In light of what was discussed in Chapter 4, one may conclude that, indeed, Syria was R2P's gravestone. Intuitively, looking at Russia's adamant defence of the principle of non-intervention, future perspectives for Responsibility to Protect are not promising.

However, rather than considering Syria a spot on an otherwise immaculate record of R2P implementation: it is reasonable to conclude that Libya, not Syria, was the exception. It is unlikely that, at least in the near future, the Security Council will authorize foreign intervention in a country against the will of the legitimate government. On the contrary, it happened several times, and will most likely happen again, that references to the responsibility of a State to protect its own population will be included in UNSC Resolutions – as pillar I strengthens, rather than weakens, the attributes of a sovereign State. International responses to crisis will be focused on prevention and reconstruction, rather than reaction.

Russia-West relations need to be taken into account when discussing the fate of R2P, as each element can influence the development of the other, either in positive or in negative terms. Cooperation could determine a greater propensity for dialogue on both sides, also resulting in an open and unprejudiced discussion on R2P. The United States should recognize Russia its actual status and avoid depicting it as the bad guy, admitting that its concerns about foreign intervention in the affairs of a sovereign state have a legitimate basis. Russia, for its part, should, on a case-by-case basis, take a more positive view on interventions in defence of human rights and, at the same time, increase its participation and contribution in the normative debate on Responsibility to Protect.

One should also keep an eye on the role that the BRICS (and, more in general, non-Western emerging powers) will have in determining R2P's survival or pronouncing it dead. Two questions remain, for now, unanswered: first, are the BRICS able to match, or even replace, Western dominance in setting the global agenda? Second, what kind of influence will they have on R2P's future development? Surely, in order to have their voice heard, they will have to adopt a more coordinated strategy, relying on their shared values. At the same time, a more proactive participation both in the debate and in the actual implementation would certainly help their cause.

Another challenge to be taken into account is the increasing irrelevance of the UN Security Council: the very use of the veto may determine a progressive disaffection with the Security Council of the most 'interventionist' Member States that, facing a veto or the threat of it, may decide to bypass the body and act unilaterally. The perception that this body needs a reform is increasingly shared: permanent membership should be adjusted to the current balance of power, and a mechanism to prevent deadlocks in the face of humanitarian crisis should be envisioned.

R2P probably needs a reform as well: both the academic literature and some States have advanced a number of proposals for reforming the most controversial aspects of Responsibility to Protect, in an attempt to save it from

oblivion. The most relevant are: France's code of conduct, that is a voluntary restraint of the veto power in certain delicate situations; Brazil's Responsibility while Protecting, that suggests a strictly consequential implementation of R2P's three pillars and puts an emphasis on the fact that military means have to be a measure of *last* resort; the Uniting for Peace resolution, allowing the General Assembly to authorise an intervention when the Council is blocked by someone's veto; the removal of pillar III.

Conclusions

The present analysis has revealed that Responsibility to Protect and the defence of human rights will always rank second when strategic interests are at stake: in light of this perennial subordination, does Responsibility to Protect still make sense? Does it have any prospect of survival? The outcome of the Syrian conflict, whatever it may be, is relevant up to a certain point: it is easy to predict that R2P will never find application in that theatre, unless there are dramatic plot twists or black swans. We should shift our attention to other hypothetical scenarios where the Responsibility to Protect may prove useful and necessary. For a military intervention to be acceptable to all the UNSC permanent members, at least a couple of the following circumstances has to verify: the consent of the sovereign state; no special interest of the P5; no ambiguity about who is perpetrating mass atrocities; certainty of success of the intervention.

It is also possible that R2P simply stops being applied, shall the consensus around it be unable to recover due to an exacerbation of the already tense relations between Western and non-Western actors. Or, maybe, that something similar emerges at a regional level – as it is already the case of the African Union – in consistency with the shift towards a multipolar world that will characterize the near future. Subsidiarity could have some advantages, as it would give such a delicate tool in the hands of actors that possibly know the context of deployment better than the UNSC and its members, that risk sometimes to have a distorted and inaccurate perception of the target State, due to the (not only geographical) distance and to considerations of strategic nature.