



Responsibility to Protect at Stake

R2P in relation to the US, NATO and the EU: the case of Syria

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Introduction

It is impossible to not be aware of the fact that in the last five years, a major conflict is causing hundreds of thousands of casualties in Syria. This is a painful development in the history of international relations, because, after the Second World War, there was a broad consensus among sovereign states all over the world that mass atrocities should be avoided in all cases. The founding of the United Nations is the living evidence of this international consensus. The concept of humanitarian intervention arose as a measure that could stand above the right of sovereignty of individual states. The focus shifted from humanitarian intervention to Responsibility to Protect (R2P) in the beginning of the new millennium, a paradigm that was created to place the emphasis on the victims instead of the interveners in response to failed or absent humanitarian interventions, in the 1990s in Somalia, Rwanda and Srebrenica.

Turning back to Syria today, it is commonly accepted by many scholars that the doctrine of R2P has failed.¹ No humanitarian intervention authorized by the United Nations Security Council (UNSC) has been initiated so far in Syria, attempts for a cease-fire between the parties involved have repeatedly failed and there is no end in sight to the massive violation of human rights in the region. Meanwhile, the conflict has become and is still becoming ever more complex, because of the many (international or regional) actors, geopolitical and strategic interests and international terrorism involved.

The concept of humanitarian intervention is closely related to the concept of sovereignty. With the emergence of humanitarian intervention as something that could overpower the sovereignty of individual states, the concept of sovereignty slowly became a concept that implied not only rights, but also duties. With the rise of R2P as a doctrine, it was explained that a duty to protect its people lies primarily with the state concerned. When, for various possible reasons, this does not suffice, the “international society” as a whole can and should take up the responsibility to protect the people of the given state.² But clearly, this is where it becomes problematic. What is the international society? Who should have the responsibility to intervene when a given state is not capable to protect its people? The first and obvious answer to this is the United Nations. However, what if they fail to live up to this responsibility?

¹ See for example Alise Coen, ‘R2P, Global Governance, and the Syrian Refugee Crisis’, *The International Journal of Human Rights*, nr. 8(2015), p. 1045, and Bessma Momani and Tanzeel Hakak, “Syria”, p. 904 in: Alex J. Bellamy and Tim Dunne, *The Oxford Handbook of the Responsibility to Protect* (Oxford 2016).

² Evans, Gareth, and Mohamed Sahnoun, ‘The Responsibility to Protect’, *Foreign Affairs*, nr. 6(2002), p. 101.

When R2P in the course of the '00s became a more commonly accepted framework, additional questions arose. These are questions that remain, up to date, topic to discussion. All these questions relate to the implementation of R2P. Should the concept be accepted as a legal norm, where states can be held responsible for a failure of living up to the doctrine? For example, Carsten Stahn (Professor of International Criminal Law) states that it is still much more of a political concept than a legal norm.³ On the other hand, Alex Bellamy (Director of the Asia Pacific Centre for the Responsibility to Protect) and Tim Dunne (Professor of International Relations and Senior Researcher at the Asia Pacific Centre for the R2P) are much more optimistic and give the concept more value. They agree that it is no proper legal concept yet, but that it “has emerged as a frame for how international society thinks about, argues over, and responds to, genocide and mass atrocities.”⁴ Or should it remain as it is now, a doctrine that actors can use to their advantage when they find it suitable, and shove it aside as Russia does with the repeated use of its veto in the UNSC when a resolution on the Syrian case is proposed?

David Chandler (Professor of International Relations) on the other hand, acknowledges that it is the problems that arise with implementation that hold back the relevance of R2P, yet states that the primary responsibility lies with the Western countries. There is a wide consensus among the Western countries of “never again” in relation to mass atrocities, but there is not enough political will and preparedness to actually take the responsibility to act on the emergence of new mass atrocities as in Syria.⁵ He criticizes both Bellamy and Gareth Evans (former Australian Foreign Minister and former co-chair of the ICISS) on the challenges that come with the scholarly turn from the emphasis on reaction to crimes in the 1990s, to the R2P doctrine, where prevention has priority. Chandler states that Bellamy and Evans do not see the consequences this implies for the concept of R2P, and that it implies questions on the definition and rules of implementation of R2P.⁶ His criticism is highly relevant to the Syrian case as well, because it offers an explanation to the repeated Russian veto, with the reason that the country is afraid that the motives for the Western countries for intervention lie primarily with regime change, not with ending mass atrocities.

As already said above, in this thesis I start with the assumption that the UN is not successful in Syria. As a logical consequence, several scholars are searching for alternatives to the UN, or advocate for a shift in the primary responsibility for dealing with cases related to R2P. It is

³ Carsten Stahn, ‘Responsibility to Protect: Political Rhetoric or Emerging Legal Norm?’, *The American Journal of International Law*, nr. 1(2007), p. 120.

⁴ Alex J. Bellamy and Tim Dunne, *The Oxford Handbook of the Responsibility to Protect* (Oxford 2016), p. 12.

⁵ David Chandler, Unravelling the Paradox of “The Responsibility to Protect”, *Irish Studies in International Affairs*, Vol. 20(2009), pp. 27-28.

⁶ *Ibid.*, pp. 33-34.

highly possible that when the UN keeps struggling with intervention and the violence continues, the UN loses parts of its legitimacy. James Pattison states that after the paradigm shift from humanitarian intervention to R2P, the concept of humanitarian intervention became a duty.⁷ However, a duty implies that there is one actor responsible for the realization of this duty. For this task, he analyses for different options, for which he finds two that are standing out. He proposes to give the duty of humanitarian intervention to the actor that is likely to be most effective in carrying the responsibility for R2P. This will be decided upon case by case.⁸ After a thorough analysis of different options, James Pattison thus rejects the option of institutionalizing the duty of intervention and carefully advocates to assign the R2P to the agent that is likely to be the most effective intervener.⁹

In this thesis I would like to enter this debate by analyzing in depth the fourth option that Pattison proposes, namely to institutionalize the responsibility to humanitarian intervention. For this purpose, the R2P doctrine is analyzed with regards to two international organizations, namely the North Atlantic Treaty Organization (NATO) and the European Union (EU). In addition, the concept is explained in the light of an important player in the Syrian conflict, the United States (US). The limitations, challenges, motives and geopolitical and strategic interests of the three different actors are discussed. In other words, the central question is to what extent the responsibility to protect doctrine is applicable to various international actors, given that the conflict in Syria has proven to be problematic for the United Nations Security Council?

In order to answer to the central question thoroughly, it is first necessary to link the R2P doctrine to the conflict in Syria. In the first chapter, a short history and explanation of the theory of the R2P concept is given, together with a brief background of the conflict in Syria. With this theoretical framework in mind, the different actors can be examined in relation to R2P. As already stated, the R2P doctrine is applied to the actors US, NATO and EU. For the US, geopolitical factors play a major role, and it is explained that the political structure and decisions of the president of the US are crucial to its choices of involvement. Regarding NATO, its limitations and legitimacy play a central role with respect to R2P, together with the historical precedent of its involvement in the conflict in Libya in 2011. Finally, the EU is described with emphasis on the institutional limitations and the normative goals that the EU sets for itself.

⁷ James Pattison, 'Whose Responsibility to Protect? The Duties of Humanitarian Intervention', *Journal of Military Ethics*, nr. 4(2008), p. 264.

⁸ *Ibid.*, p. 265.

⁹ *Ibid.*, p. 279.

For every actor, more or less the same structure is used, in order to provide a theoretical framework that allows for concluding or even comparing remarks at the end of this thesis. This means that, with the use of as much official documents related to the specific actor as possible, its relation to the conflict is described, together with its willingness to R2P, its history with humanitarian intervention and the challenges the actor faces regarding the adoption or implementation of R2P.

Finally, the developments in the conflict in Syria so far have shown that a red line has been crossed regarding the relevance and legitimacy of the R2P concept, especially in relation to the indecisiveness of the UN Security Council. How is it possible that we speak of a responsibility to protect when the international society stands by while a grave form of human suffering continues? Is it time for a revolution in the theory of humanitarian intervention, just as happened with the paradigm shift from humanitarian intervention to responsibility in the beginning of the '00s? These questions will be answered in the coming years, when it will become clear if R2P remains as it is, merely a paradigm that actors can refer to when they wish or that it revolves in the direction of a legal norm with the implication of legal consequences in the case of a violation of the doctrine.

In this thesis, both normative research and empirical research is done. Empirical sources are used in relation to the adaptation of the R2P concept by the three actors examined. This information becomes normative when it is discussed what their challenges and limits of the different actors are with regards to R2P. To conclude, it is important to note that the conflict in Syria will serve as a case study, illustration and incentive for this thesis. The conflict is too complex in order to grasp it fully and the thesis remains largely on the theoretical level and does not offer an explanation or solution to the conflict in Syria.

Chapter 1: Responsibility to Protect and the Syrian conflict

As already explained in the introduction, this thesis starts with the assumption that the UN have failed miserably with regards to the conflict in Syria. This is explained more in detail in this first chapter. In order to analyze the R2P concept in the light of the conflict in Syria, first of all a historical background of the R2P concept is given, indicating a new Revolution in Sovereignty, in the words of Philpott.¹⁰ With the historical context of the concept, the theory of R2P is also explained. A brief conceptual context is offered, together with a short indication of the challenges that have emerged relating to its implementation. In addition to an introduction to R2P, a brief historical overview of the Syrian conflict and the different parties involved, both regional and international, is given. Finally, these two aspects meet in the final paragraph of this chapter, that assesses the R2P doctrine in relation to the conflict in Syria. How is it possible that R2P has failed in Syria, while the conflict is taking lives every day and enormous violations of human rights continue to take place?

1.1 A history of the R2P doctrine

In 2001, the independent body of the International Commission on Intervention and State Sovereignty (ICISS) introduced a concept that would pave the way for a revolution in the scholarly thinking on humanitarian intervention: the Responsibility to Protect. This commission wrote a report as an answer to humanitarian tragedies in the 1990s in Somalia, Kosovo, Bosnia and Rwanda, receiving large amounts of international criticism due to either the lack of military intervention, or to the controversial nature of the intervention itself.¹¹ The ICISS thought that it was necessary to add an element of responsibility to the concept of sovereignty.

Before the publication of this report, the concept of sovereignty carried on the rights for the individual state, and the right to non-intervention had priority. Sovereignty implied control for the governing body of the state. Already with the emergence of humanitarian intervention, it became acceptable and even desirable that the sovereignty of states could be violated when it came to the protection of its citizens. However, a new element of the R2P doctrine was that in the case that a state failed to protect the rights of its citizens, the responsibility to protect moved from the individual state to the international community.¹²

¹⁰ Daniel Philpott, *Revolutions in Sovereignty: How Ideas Shaped Modern International Relations* (Princeton and Oxford 2001), p. 4.

¹¹ International Commission on Intervention and State Sovereignty, *Report of the International Commission on Intervention and State Sovereignty: the Responsibility to Protect* (Ottawa 2001), p. VII.

¹² *Ibid.*, p. VIII.

More specifically, the concept embraced three responsibilities: to prevent, to react and to rebuild. The first responsibility, prevention, has priority in all cases. In the words of the ICISS report, “prevention options should always be exhausted before intervention is contemplated, and more commitment and resources must be devoted to it”.¹³ For the responsibility to react, this meant a responsibility for the international community “to respond to situations of compelling human need with appropriate measures, which may include coercive measures like sanctions and international prosecution, and in extreme cases military intervention”¹⁴. The concept of “appropriate measures” in this quote is clarified further in the report, in a chapter that defines a list of criteria that should be met as conditions for a military intervention. The ICISS calls these criteria the “principles for military intervention”¹⁵, criteria that assemble an objective list that should have made the conditions for military intervention easier. It also makes R2P more comprehensive and practice-related.

In 2005, the concept was discussed at the UN General Assembly World Summit, and R2P was further clarified in its Outcome Document.¹⁶ In this document, an attempt was made to make the doctrine easier to implement by defining the different atrocities that would make R2P applicable. The international community (in the document referred to as the UN), has the responsibility “to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity”.¹⁷ However, this was also the only step made in the direction of implementation of the concept. The fact that the General Assembly agreed on the Outcome Document, was more unique than the content of the document itself.

It was only four years later, in January 2009, that UN Secretary General (UNSG) Ban Ki-Moon further identified the commitment made by the UN following the World Summit Outcome Document. In a report from the Secretary General, Ban Ki-Moon indicated three pillars on which the concept could rest, three pillars that did not harbor a hierarchy or prioritizing nature. The pillars are explained as follows:

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.
2. Pillar two is the commitment of the international community to assist States in meeting those obligations.

¹³ International Commission on Intervention and State Sovereignty, *the Responsibility to Protect*, p. XI.

¹⁴ *Ibid.*

¹⁵ *Ibid.*, p. XII.

¹⁶ United Nations General Assembly, *2005 World Summit Outcome Document, A/60/L.1*, 24 October 2005.

¹⁷ *Ibid.*, p. 30.

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.¹⁸

With these three pillars, Ban Ki-Moon tried to show the commitment of the UN to the principle, indicating the responsibility that lies with the UN in capacity building, together with the responsibility to intervene in case one of the four mass atrocities (genocide, war crimes, crimes against humanity and ethnic cleansing) violates the human rights of (individuals in) a population.

Turning back to the emphasis on prevention, a simple question arises. Is it not hard to determine if a case would have been applicable to R2P when prevention has been successful? A case where mass atrocities take place and the use of force has been made to end the mass atrocities can, on hindsight, more easily be defined as R2P case and it is possible to move on to the next question, namely if the intervention has been successful. But what if no mass atrocities take place? Is it the merit of circumstances or has the prevention of R2P been a success? Jennifer Welsh, Special Advisor to the UN on R2P, raises this issue in response to the military intervention in Libya, an application of the R2P doctrine that was authorized by the UNSC, stating that “the evidence of a successful preventive action is a *nonevent*: the absence of atrocity crimes.”¹⁹

In a report written by special advisors of R2P to the UN, published in 2014, the UN tried to provide an analytical framework for the issues of prevention. According to Ban Ki-Moon, “with the help of the Framework, we can better sound the alarm, promote action, improve monitoring or early warning by different actors, and help Member States to identify gaps in their atrocity prevention capacities and strategies.”²⁰ With this framework, the Secretary General expressed a serious commitment to the implementation of R2P, also because in the framework a list of risk factors is identified, all meant to clarify the doctrine and make implementation more likely and structured.

In the eyes of many scholars, the change in R2P has led to a new ‘revolution in sovereignty’ (in Philpott’s words), of sovereignty as not implying only rights, to control and the right of non-intervention, but also duties.²¹ The attempts made by the UN throughout the establishment and history of R2P seem to lead to the impression that the UN is fully committed to the

¹⁸ United Nations General Assembly, Implementing the Responsibility to Protect: Report of the Secretary General, A/63/677, 12 January 2009, pp. 8-9.

¹⁹ Jennifer Welsh, ‘The Responsibility to Protect after Libya and Syria’, *Daedalus*, nr. 4(2016), p. 83.

²⁰ United Nations, Framework of Analysis for Atrocity Crimes: A tool for prevention, 2014, p. iii.

²¹ See also Jennifer Welsh, ‘The Responsibility to Protect after Libya and Syria’, p. 77.

concept and implementation should thus be more likely. However, the next paragraphs explain that in the case of Syria, a country where atrocity crimes are committed up to date, successful implementation of the doctrine is yet to happen.

1.2 A history of the conflict in Syria

The population of Syria consists of many different ethnic groups. The majority of these groups is Sunni Muslim, but next to that there are ethnic and religious minorities, with the Kurds, Armenians, Alawis, Druzes, Isma'ilis and Christians as the most numerous minorities.²² This large diversity of groups is important to keep in mind when studying the conflict (see image I for a visualization of this diversity).²³ Because the conflict is so enduring and complex, this background analysis divides the conflict into three phases, following the division made by Bessma Momani and Tanzeel Hakak.²⁴

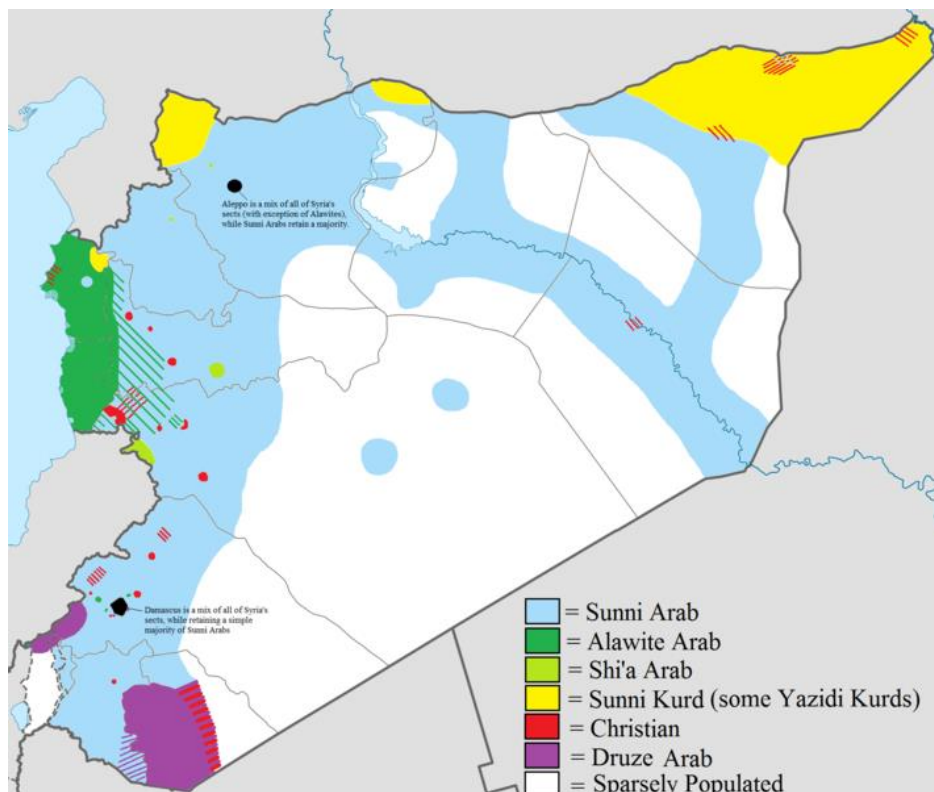


Image I: map showing an estimation of different ethno-religious groups in Syria. Both the cities of Aleppo and Damascus are a mix of all ethno-religious groups.

²² Dam, Nikolaos van, *The Struggle for Power in Syria: Politics and Society under Asad and the Ba'th Party* (London 2011), p. 1.

²³ Map on ethno-religious division of Syria, 8 October 2012, https://commons.wikimedia.org/wiki/File:Syria_Ethnoreligious_Map.png, accessed 27 October 2016.

²⁴ Bessma Momani and Tanzeel Hakak, 'Syria' in: Alex J. Bellamy and Tim Dunne, *The Oxford Handbook of the Responsibility to Protect* (Oxford 2016), p. 895.

The first phase lasted roughly from 2011 until 2013.²⁵ During the Arab Spring in 2011, a wave of demonstrations against the sitting regimes in North Africa and the Middle East that started at the end of 2010 in Tunisia, when the flame of peaceful revolt reached Syria in the end of January 2011. What started as peaceful demonstrations in February, became violent on 15 March 2011, when a non-violent protest in the city of Dar'a was shut down with force by the Syrian government, led by Bashar al-Assad of the Ba'th Party.²⁶ The protests escalated quickly and a civil war started, with growing opposition among the population against Assad on his reaction to demonstrations all over the country, leading to more uprisings that were in turn turned down violently by the government.²⁷ The escalation of the violence led to the widespread impression among Western countries that the conflict could not remain internal. The population was suffering and had to be protected from the violence, as they were stuck between the government led by Assad on one side and various opposition groups fighting Assad.²⁸

During the first phase, in response to the civil war and ever-increasing casualties among the civilian population, three serious attempts were made by the UNSC to create a resolution for action to be undertaken authorized by the Security Council, each attempt less rigorous than the previous.²⁹ The first one was brought to a vote on 4 October 2011 on the initiative of four Western-European countries and received two veto votes from Russia and China, together with four abstentions.³⁰ This resolution condemned the violence and called for pressure on the Syrian government to protect the citizens of Syria.³¹ The second resolution, voted for on 4 February 2012, tried to offer support to the Arab League Plan of Action and explicitly did not make any reference to the usage of coercive measures. Still, the resolution was vetoed by Russia and China.³² Finally, the third resolution basically just condemned the violence and

²⁵ Bessma Momani and Tanzeel Hakak, 'Syria', p. 896.

²⁶ Security Council Report, *Chronology of Events: Syria* (revised on 10 September 2016), <http://www.securitycouncilreport.org/chronology/syria.php?page=6>, accessed 27 October 2016.

²⁷ Tom Pierre Najem and Walter C. Soderlund (eds.), 'Was R2P a Viable Option for Syria? Opinion Content in the *Globe and Mail* and the *National Post*, 2011-2013', *International Journal*, nr. 3(2016), p. 436.

²⁸ Bessma Momani and Tanzeel Hakak, 'Syria', p. 898.

²⁹ Heidalari Teimouri, 'Protecting While Not Being Responsible: the Case of Syria and the Responsibility to Protect', *The International Journal of Human Rights*, nr. 8(2015), p. 1283.

³⁰ Security Council Report, *Resolution S/2011/612*, <http://www.securitycouncilreport.org/un-documents/document/syria-s2011-612.php>, accessed 27 October 2016.

³¹ United Nations Security Council, S/2011/612, France, Germany, Portugal and United Kingdom of Great Britain and Northern Ireland: draft resolution (4 October 2011), <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Syria%20S2011%20612.pdf>, accessed 27 October 2016.

³² United Nations Security Council, S/2012/77, Bahrain, Colombia, Egypt, France, Germany, Jordan, Kuwait, Libya, Morocco, Oman, Portugal, Qatar, Saudi Arabia, Togo, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution (4 February 2012), <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Syria%20S2012%2077.pdf>, accessed 27 October 2016.

would decide that the Syrian government would stop the violence, was brought to a vote on 19 July 2012. But once again, this last resolution was vetoed by Russia and China.³³

The second phase of the conflict started with the introduction of the use of chemical weapons against civilian targets, while at the same time the involvement of terrorism-related groups like Hezbollah and Al-Nusra (affiliated to Al-Qaeda) occurred, making the conflict even more complex and difficult, yet necessary, to intervene.³⁴ This was shown by US president Obama's reaction to the chemical attack on 21 August 2013 on Ghouta, near Damascus. In various speeches following the attack, he stated that a "red line" was crossed in Syria and that it was "a serious danger to our national security", indicating the international character and consequences of the conflict.³⁵ For the US, intervention became even more desirable and Obama tried to search for willing allies, but he stood alone. However, the Organization for the Prohibition of Chemical Weapons (OPCW) managed to coordinate the dismantling of chemical weapons present in Syria.³⁶

In the third phase of the conflict, from roughly 2014 to the present day, terrorist extremists proclaimed an Islamic caliphate under the name of Islamic State in Iraq and Syria (IS), entered the conflict and conquered large pieces of territory. Internationally, they caught most of the attention because of the barbaric methods they used, together with (international) suicide attacks.³⁷ For the parties involved, the first priority became to stop IS, but this did not succeed up to date. A US-led coalition was initiated, with the US offering air support to fighting groups on the ground. At the same time, the UN keeps taking initiatives to solve the conflict diplomatically and organizes international peace talks. There have been numerous cease-fires, yet none of them has managed to hold for a long time.³⁸ The war has enormously grave consequences, caused hundreds of thousands of deaths and millions of refugees, making the conflict more and more international, with more and more parties involved.³⁹

³³ United Nations Security Council, S/2012/538, *France Germany, Portugal, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution*, <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Syria%20S2012%20538.pdf>, accessed 27 October 2016.

³⁴ Bessma Momani and Tanzeel Hakak, 'Syria' in: Alex J. Bellamy and Tim Dunne, *The Oxford Handbook of the Responsibility to Protect* (Oxford 2016), p. 900.

³⁵ Yasmine Nahlawi, 'The Responsibility to Protect and Obama's Red Line on Syria', *Global Responsibility to Protect*, nr. 8(2016), pp. 79-80 and The White House, *Statement by the President on Syria* (31 August 2013), <https://www.whitehouse.gov/the-press-office/2013/08/31/statement-president-syria> (27 October 2016).

³⁶ Bessma Momani and Tanzeel Hakak, 'Syria' in: Alex J. Bellamy and Tim Dunne, *The Oxford Handbook of the Responsibility to Protect* (Oxford 2016), p. 900.

³⁷ Bessma Momani and Tanzeel Hakak, 'Syria', p. 901.

³⁸ The Guardian, 'Given repeated failures, can ceasefires pave the way to peace in Syria?', 23 September 2016, <https://www.theguardian.com/world/2016/sep/23/failures-ceasefires-pave-way-peace-syria-assad-analysis>, accessed 27 October 2016.

³⁹ Tom Pierre Najem and Walter C. Soderlund (eds.), 'Was R2P a Viable Option for Syria? Opinion Content in the *Globe and Mail* and the *National Post*, 2011-2013', *International Journal*, nr. 3(2016), p. 437.

Given these circumstances of huge human rights violations, why do Russia and China keep vetoing UNSC resolutions? The most regularly used and commonly accepted motive, both by scholars and media, is that both countries have strong commercial and strategic ties to Syria. The countries support the regime of Assad and are afraid that any military intervention would lead to a regime change, which would be unbeneficial for their relations with the country.⁴⁰ In addition, more specifically according to Sergey Lavrov, Foreign Minister of Russia, the conflict is merely a “civil war where external intervention would –as in Libya- result only in a spiral of violence and potential spillover into the wider region”.⁴¹ In other words, Russia thinks that intervention in Syria would not only lead to a regime change, but has a high possibility that other countries in the Middle East would be taken by violence as well.

A third argument why Russia and China keep using their veto right has to do with the intervention in Libya in 2011, as already pointed out by Lavrov in the previous quote. This thesis will not go deep into the comparison between the two conflicts. However, it is impossible not to mention it because, according to many scholars, the UN Security Council authorized NATO intervention in Libya in 2011 made intervention in Syria harder, if not impossible.⁴² Russia and China even interpret this intervention as an attempt by NATO to misuse its authority. The precedent set by the application of R2P in Libya resulting in a military intervention in the country and the large amount of critique that followed, make application of R2P in Syria so close after 2011 even less likely.⁴³

1.3 Responsibility to protect in Syria

The previous two paragraphs have shown the history of the R2P doctrine and the complexity of the Syrian conflict. This final paragraph brings these together and discusses R2P in Syria, examining the question why the concept failed, after which the consequences of this failure for the R2P doctrine are explained.

The fact that many scholars argue that the conflict in Libya has led to a more reluctant attitude of the UN Security Council towards unilateral action in Syria, indicates that often, the members of the Security Council let themselves to be led by precedents. As happened with

⁴⁰ For example: Graham Cronogue, ‘Responsibility to Protect: Syria The Law, Politics, and Future of Humanitarian Intervention Post-Libya’, *International Humanitarian Legal Studies*, nr. 3(2012), p. 150.

⁴¹ Averre, Derek and Lance Davies, ‘Russia, Humanitarian Intervention and the Responsibility to Protect: the Case of Syria’, *International Affairs*, nr. 4(2015), p. 820.

⁴² Graham Cronogue, ‘Responsibility to Protect: Syria The Law, Politics, and Future of Humanitarian Intervention Post-Libya’, p. 125.

⁴³ Nathalie Tocci, ‘On Power and Norms: Libya, Syria and the Responsibility to Protect’, *Global Responsibility to Protect*, nr. 8(2016), p. 74.

the emergence of the R2P concept in the beginning of the '00s being an answer to the failed or absent humanitarian interventions in the '90s of the previous century, now the UNSC members are afraid that in Syria something similar to the events in Libya could happen. An official UN-led military intervention did not receive the approval of Russia, China, Brazil, India and Germany, so as a consequence a coalition of the willing was created that eventually was carried out by NATO.⁴⁴ A paradox resulting from Libya is that, instead of making prevention, reacting or rebuilding on R2P grounds more easy after Libya, it even made it nearly impossible or at least much less likely that the UN can act in Syria⁴⁵, while by many, the Libyan case is presented as a successful R2P case.⁴⁶

In contrast, Alex Bellamy has argued that the countries blocking an intervention in Syria, are mostly driven by geopolitical and strategic reasons and do not use their veto in direct consequence of the events in Libya.⁴⁷ Moreover, in Libya, Qaddafi lost the support of his allies almost immediately after it became clear that mass atrocities were being committed and became fully isolated, while Assad in Syria can still count on the support of countries like Russia and China.⁴⁸ Although this thesis is not the place to enter this debate on the linkage between Libya and Syria, the cases are linked, something that even Bellamy would not argue against, and I state that R2P is even further away from being implemented as a legal norm after the implementation of R2P in Libya. As Graham Cronogue states, “judging from recent events, the Responsibility to Protect will only be invoked in ideal circumstances”⁴⁹, supporting the consequences that Libya has for R2P.

The complexity of the situation in Syria increased even further with IS entering the stage. It made intervention more necessary, but did not change the paralysis of the UNSC. The involvement of IS made R2P more difficult to apply in Syria, because it is not as simply as protecting “the innocent from tyrannical brutality”.⁵⁰ IS made the conflict transnational, because it (at the moment of writing) has territory in Iraq as well. The involvement of IS triggered foreign intervention, from a coalition of the willing, leading to the impression that the

⁴⁴ Gabriele Lombardo, ‘The Responsibility to Protect and the Lack of Intervention in Syria between the Protection of Human Rights and Geopolitical Strategies’, *The International Journal of Human Rights*, nr. 8(2015), p. 1194.

⁴⁵ Graham Cronogue, ‘Responsibility to Protect: Syria The Law, Politics, and Future of Humanitarian Intervention Post-Libya’, p. 126.

⁴⁶ For example: Mohammed Nuruzzaman, ‘The “Responsibility to Protect” Doctrine: Revived in Libya, Buried in Syria’, *Insight Turkey*, nr. 2(2013), p. 57.

⁴⁷ Alex J. Bellamy, ‘From Tripoli to Damascus? Lesson Learning and the Implementation of the Responsibility to Protect’, *International Politics*, nr. 1(2014), p. 42.

⁴⁸ Graham Cronogue, ‘Responsibility to Protect: Syria The Law, Politics, and Future of Humanitarian Intervention Post-Libya’, p. 142.

⁴⁹ *Ibid.*, p. 126.

⁵⁰ Tom Pierre Najem and Walter C. Soderlund (eds.), ‘Was R2P a Viable Option for Syria? Opinion Content in the *Globe and Mail* and the *National Post*, 2011-2013’, *International Journal*, nr. 3(2016), p. 448.

UN is even more paralyzed than before. In other words, the introduction of IS as actor in Syria has contributed even more to the de-legitimization of the UN.

What does all this mean for the R2P doctrine, its legitimacy and its implementation? While scholars agree on the failure of R2P in Syria, on its consequences for the principle, scholars are utterly divided. On the one hand, a group of scholars believe that Syria has meant the end of the R2P principle: "If R2P had come of age in Libya, it has certainly seen a tragic death with the Security Council's inability to initiate actions on Syria"⁵¹, and "R2P, R.I.P. [...] If we decide not to help them, let's say so and not hide behind pious platitudes"⁵². On the other hand, scholars emphasize that even though it failed, the principle is long from dead, and just not applicable to Syria. R2P can still be applied to in the future, and according to some even still has potential to become a legal principle. This group agrees that, at least, as a normative and political principle, it is far from dead.⁵³ In the words of Bellamy: what is not in dispute is that R2P has emerged as a frame for how international society thinks about, argues over, and responds to, genocide and mass atrocities. Whatever else might be said, it is not the case that R2P is irrelevant in the theory and practice of security and diplomacy.⁵⁴

In my opinion, it might be that in Syria huge mass atrocities are being committed, but at this point the case does not meet the precautionary principles that the ICISS set as criteria for a coercive intervention in response to mass atrocities. Besides the pragmatics of the indecisiveness of the UNSC, legally, the case might not even be R2P applicable. Especially with the precautionary principle "reasonable prospects", namely "there must be a reasonable chance of success in halting or averting the suffering which has justified the intervention, with the consequences of action not likely to be worse than the consequences of inaction."⁵⁵ The argument as presented in this chapter, with the critique of fear for escalation and the complexity of the conflict, illustrates that it is not rock solid that this precautionary principle would be met in case of an intervention, thus sowing doubt as to the application of R2P in Syria.

In this chapter, the history of the failure of the R2P concept in Syria has been explained. The history of the R2P doctrine, with the UN reluctant on sharing true commitment to the concept, already paved the way for failures of the concept like in Syria. The principle is noble, but the

⁵¹ Mohammed Nuruzzaman, 'The "Responsibility to Protect" Doctrine: Revived in Libya, Buried in Syria', *Insight Turkey*, nr. 2(2013), p. 58.

⁵² Elliot Abrams, 'Pressure Points: R2P: R.I.P.' *Council on Foreign Relations*, 8 March 2012, <http://blogs.cfr.org/abrams/2012/03/08/r2p-r-i-p/>, accessed 30 October 2016.

⁵³ For example: Jennifer Welsh, 'The Responsibility to Protect after Libya and Syria', *Daedalus*, nr. 4(2016), p. 84.

⁵⁴ Alex J. Bellamy and Tim Dunne, *The Oxford Handbook of the Responsibility to Protect* (Oxford 2016), p. 12.

⁵⁵ International Commission on Intervention and State Sovereignty, *Report of the International Commission on Intervention and State Sovereignty*, p. XII.

implementation lacks decisiveness and determination from the UN side. The question is now if the UN will be able to overcome these challenges, although it seems that in Syria, a solution guided by the UN is far from becoming reality.

Furthermore, it is highly possible that the indecisiveness of the UNSC to act united in Syria, if this paralysis continues, means structural damage to the image of the organization and implies de-legitimization of the organization as a whole. Syria has turned out to be the case that demonstrates the shortcomings of the Security Council, all the more because the case receives large media coverage and is constantly in the spotlights. The involvement, strategies and priorities of not only regional players, but also international actors only further contributed to this development. In the next chapter, the UN will be left where it is, on the sideline, and the actor that is leading the coalition of the willing, the United States, is being analyzed in the light of the R2P doctrine.

Chapter 2: The United States

The United States, as one of the largest economies in the world and a permanent member of the UN Security Council, is seen by many countries, particularly Western countries, as a leading authority on humanitarian intervention. However, its history of military intervention is not the most flawless one. Some countries outside the Western world see the US as the example of a Western country that does not undertake intervention on humanitarian grounds, but as a form of neo-colonialism. As a consequence, these countries see Responsibility to Protect as a typical imperialist Western doctrine and thus have doubts about the concept.⁵⁶

In this chapter, this double image that the US has, in the light of the country as a normative leader on R2P, has a central role. Being the only actor examined in this study that is a nation, from a realistic point of view, it is interesting to discuss what the role of the US president is, especially with regards to Syria. Is it merely the president that decides whether or not to adopt R2P, or do ideas about the country play a role that stand above the president residing in the Oval Office? For this, first, the American history of humanitarian intervention after the Cold War is described, through the examination of the most influential and controversial humanitarian interventions with US participation, when necessary accompanied by the influence and preferences of the US president at the time. Afterwards, the role that the US has played and is still playing in the Syrian conflict is examined, followed by an analysis of R2P and the US in Syria. Which motives determine the choices of US policy makers, and by which factors are they limited or challenged?

2.1 A historical background of the US and humanitarian intervention

Since the Cold War, the US has been involved in many humanitarian interventions. Interestingly enough, most of them took place in the 1990s, while in the '00s, after the R2P doctrine was established, the US almost only took part in the intervention in Libya in 2011.⁵⁷ The absence of American humanitarian involvement in the '00s is described later in this paragraph, after a short overview is given of the humanitarian interventions that the US was involved in in the '90s. The first noteworthy military intervention that the US executed, was in Iraq in 1991. The US participated in Operation Provide Comfort⁵⁸, together with a resolution adopted by the UN Security Council in April of the same year that established the United

⁵⁶ Theresa Reinold, 'The United States and the Responsibility to Protect: Impediment, Bystander, or Norm Leader?', *Global Responsibility to Protect*, nr. 3(2011), p. 62.

⁵⁷ Roberta Haar, 'When Does the United States Intervene Militarily for Humanitarian Reasons?', *Politics and Policy*, nr. 2(2015), p. 290.

⁵⁸ US Air Force Historical Support Division, *Operation Provide Comfort and Northern Watch*, <http://www.afhso.af.mil/topics/factsheets/factsheet.asp?id=19873>, accessed 7 November 2016.

Nations Iraq-Kuwait Observation Mission (UNIKOM)⁵⁹. The humanitarian character of the mission was to protect the Kurds in Northern Iraq from the Iraqi government under the leadership of Saddam Hussein and provide the Kurds with safe areas in the North.⁶⁰ No-fly zones were established and, according to the US Air Force, the mission was overall successful: "Still, the operations saved the lives of thousands of Kurdish refugees and kept Saddam Hussein from operating at will in Northern Iraq. Operation Provide Comfort also set a precedent for establishing no-fly zones elsewhere."⁶¹ Even though the region was unstable and the operation was not without risk, the intervention illustrates that US president George Bush, and with him US policymakers, was not shy with stepping up and protecting civilians outside the own territory.

Approximately one year after the start of the Iraq intervention, the collapse of Yugoslavia caused a large amount of ethnic violence in the region in 1992. The US responded, although not too eagerly, by joining the UN peace operation United Nations Protection Force (UNPROFOR)⁶². Previously, Bush had hoped that the fact that the European Community and the United States recognized the establishment of the independent state of Bosnia would suffice to end the violence.⁶³ Partly because the US was occupied militarily in Iraq and another risky military involvement outside its own nation borders was not desirable for US policymakers and, according to Roberta Haar, partly because of internal political factors⁶⁴, Bush tried to focus on diplomatic measures and was not too keen on a large military intervention, although Congress advocated for it.⁶⁵ Obviously, the conflict proved much more complicated than this and president Milosevic was not stopped that easily. During a course of three years, the US contributed to UNPROFOR, while the "UN Security Council pointed fingers at the main aggressors, imposed economic sanctions, deployed peacekeepers, and helped deliver humanitarian aid."⁶⁶ Regardless of all these efforts and many signs of early warning, the US, the UN or other actors could not prevent acts of genocide occurring during the course of the war.⁶⁷

⁵⁹ United Nations, *United Nations Iraq-Kuwait Observation Mission*, <http://www.un.org/en/peacekeeping/missions/past/unikom/mandate.html>, accessed 7 November 2016.

⁶⁰ Samantha Power, *A Problem from Hell: America and the Age of Genocide* (New York 2002), p. 241.

⁶¹ US Air Force Historical Support Division, *Operation Provide Comfort and Northern Watch*, <http://www.afhso.af.mil/topics/factsheets/factsheet.asp?id=19873>, accessed 7 November 2016.

⁶² United Nations, *United Nations Protection Force*

http://www.un.org/en/peacekeeping/missions/past/unprof_p.htm, accessed 7 November 2016.

⁶³ Samantha Power, *A Problem from Hell: America and the Age of Genocide*, p. 249.

⁶⁴ Roberta Haar, 'When Does the United States Intervene Militarily for Humanitarian Reasons?', p. 290.

⁶⁵ *Ibid.*, p. 301.

⁶⁶ Samantha Power, *A Problem from Hell: America and the Age of Genocide*, p. 251.

⁶⁷ *Ibid.*, pp. 251-253.

The explosion of humanitarian interventions after the end of the Cold War continued with the US involvement in Somalia in 1993. Again, however, this did not turn out to be a very successful case for the image of the US. Initially, Somalia seemed a less risky intervention than both Iraq and Bosnia. President Bush welcomed the conflict as a military intervention that could take away the attention from the atrocities in Bosnia. A brief, successful intervention would restore a positive image of the US on humanitarian intervention.⁶⁸ Initially, the UN mandate covered the monitoring of a ceasefire, as well as the provision of humanitarian aid.⁶⁹ When this mission, UNISOM I, failed to protect the Somali citizens, the US initiated Operation Restore Hope, followed by UN authorization and the launch of UNISOM II. The mandate was expanded to a great extent, authorizing UNISOM to “take all measures necessary [...] to provide urgent humanitarian assistance to the affected population in Somalia”.⁷⁰ After 18 US soldiers lost their lives in October 1993, getting involved in fighting Somali militias, the US withdrew its troops from the mission. This supports the argument that the US foreign policymakers aimed for a quick success, and did not accept American casualties in the process. However, the mission was far from accomplished.⁷¹ In the US, this abrupt end and number of casualties, led to an increased debate about military intervention for humanitarian purposes.⁷²

A mission that occurred with less violence and evaluated as less controversial, is Haiti in 1994. The US still had the trauma of Somalia in mind, but sent nevertheless a large amount of ground troops to the island, to remove the military regime that had forcefully taken power in 1991. The mission was initiated by the US, and the UN took over with the establishment of a long-term peacekeeping mission.⁷³ During the same year, the most infamous decision of the US administration not to intervene caused one of the largest controversies on the history of humanitarian intervention. In Rwanda, a large-scale genocide took place between two ethnic groups, while the international community, and with it the US, stood aside and did nothing. It has been investigated that US policymakers under Clinton must have known about the mass atrocities, but they refused to call it a genocide.⁷⁴

⁶⁸ Roberta Haar, ‘When Does the United States Intervene Militarily for Humanitarian Reasons?’, p. 297.

⁶⁹ United Nations, *Somalia – UNOSOM I: Mandat*, <http://www.un.org/en/peacekeeping/missions/past/unosom1mandate.html> (8 November 2016).

⁷⁰ United Nations Security Council, *Resolution 794 (1992)*, <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Chap%20VII%20SRES%20794.pdf>, accessed 8 November 2016, p. 3.

⁷¹ GlobalSecurity.org, *Operation Continue Hope*, http://www.globalsecurity.org/military/ops/continue_hope.htm, accessed 8 November 2016.

⁷² Louis J. Klarevas, ‘The United States Peace Operaiton in Somalia’, *The Public Opinion Quarterly*, nr. 4(2000), p. 528.

⁷³ Mark V. Vlasic, ‘Europe and North America’ in: J. Genser, and I. Cotler (eds.), *The Responsibility to Protect: The Promise of Stopping Mass Atrocities in Our Time* (New York and Oxford 2012), pp. 163-164.

⁷⁴ Eric A. Heinze, ‘The Rhetoric of Genocide in U.S. Foreign Policy: Rwanda and Darfur Compared’, *Political Science Quarterly*, nr. 3(2007), p. 359.

The case of Kosovo in 1999 is controversial because the actual military intervention was not authorized by the UNSC, but implemented by NATO. The initiative for intervention, again, lay with the US, where president Bill Clinton strongly advocated military intervention to stop ethnic tensions in the region of Yugoslavia, more specifically in Kosovo. Clinton, and with him his European allies and consequentially NATO, took matters into his own hands and started an intervention.⁷⁵ Within US politics, this case illustrates the power the president had on foreign policy, because Clinton initiated US participation to the NATO air campaign without explicit authorization from Congress.⁷⁶ Even though the intervention is conceived as successful⁷⁷, it is subject to debate because of the legitimacy of the intervention.⁷⁸

After a pause of more than a decade, the next humanitarian intervention joined by the US, and the first intervention after the adoption of R2P as a normative principle, is Libya in 2011. The reason for this varies from a priority shift to the war on terror⁷⁹, or the lack of interest, resources or political will, to the belief that diplomatic and economic measures sufficed.⁸⁰ Although the US was, for a large part of the new millennium, occupied militarily in Afghanistan, this was not under the umbrella of humanitarian intervention.⁸¹ Especially the influence of 9/11 should not be underestimated. According to Charlie Savage, journalist to the New York Times and author on presidential power and national security issues, after 9/11 president George W. Bush, supported by his highly experienced vice president Dick Cheney⁸², had enormous influence on US foreign policy. Bush was almost blindsided by his focus on the war on terror, that any military intervention for other reason was out of the question.⁸³

Finally, the Brahimi report that was published by the Panel on United Nations Peace Operations in 2000, had set the bar of criteria for humanitarian interventions higher⁸⁴ and could thus have partly caused a US reluctance on new out-of-area missions for humanitarian

⁷⁵ Christopher R. Cook, 'The Power of International Institutions: An Examination of U.S. Policy towards East Timor and Kosovo in 1999', *Journal of Politics and Law*, nr. 2(2010), p. 26.

⁷⁶ Charlie Savage, *Takeover: The Return of the Imperial Presidency and the Subversion of American Democracy* (New York 2007), p. 65.

⁷⁷ For example: North Atlantic Treaty Organization, *NATO's Role in Kosovo*, http://www.nato.int/cps/en/natolive/topics_48818.htm, accessed 8 November 2016.

⁷⁸ Mark V. Vlasic, 'Europe and North America', p. 164.

⁷⁹ Samantha Power, *A Problem from Hell: America and the Age of Genocide*, p. 511.

⁸⁰ Mark V. Vlasic, 'Europe and North America', p. 165.

⁸¹ James Pattison, 'Roundtable: Libya, RtoP, and Humanitarian Intervention: Introduction', *Ethics and International Affairs*, nr. 3(2011), p. 251.

⁸² Charlie Savage, *Takeover*, p. 7.

⁸³ *Ibid*, p. 313.

⁸⁴ United Nations Conferences, Meetings and Events, "'Brahimi Report': Report of the Panel on United Nations Peace Operations (2000)", http://www.un.org/en/events/pastevents/brahimi_report.shtml, accessed 20 December 2016.

purposes. The fact remains that, after the large number of military interventions for humanitarian purposes in the '90s, US policymakers seemed much less willing to jump into conflicts far from US territory.

The Obama administration took in 2011 the decision to contribute to the NATO-led military intervention in Libya. The US took part in the NATO mission by providing a majority of the military means.⁸⁵ One of the key points of Obama's presidential campaign in 2008 had been that he wanted the US to not be a bystander anymore as regards to mass atrocities. Obama took the decision to intervene regardless of the opposition in Congress, and regardless of the possible domestic opposition the intervention could provoke.⁸⁶ In this decision, he was influenced to a great extent by the advice to intervene by Secretary of State Hillary Clinton, Ambassador to the UN Susan Rice and Samantha Power, working at the National Security Council. The three women strongly pushed Obama towards intervention because of events occurring in Libya and the fear that Qaddafi could murder thousands of people.⁸⁷ However, as some kind of compromise and perhaps warned by the controversial military humanitarian interventions in the past, Obama demanded that this time, no ground troops would be sent and the duration of the mission would be limited.⁸⁸

The scholarly debate about the Libyan intervention and US policy mostly focuses on the role the Obama administration played in the international field. Was the US "leading from the front"⁸⁹, or "leading from behind?"⁹⁰ It is clear that the Obama administration was less eager to jump into a conflict first. Regarding Libya, the president did hold up to his election promise that he would act to prevent genocide worldwide, and do this more in cooperation than under the sole leadership of the US.⁹¹ The fast handover of the leadership of the mission to NATO supports this point, leaning more towards the "leading from behind" point of view.⁹²

⁸⁵ Mark V. Vlasic, 'Europe and North America', p. 166.

⁸⁶ Jocelyn Vaughn, and Tim Dunne, 'Leading from the Front: America, Libya and the Localisation of R2P', *Cooperation and Conflict*, nr. 1(2015), p. 29.

⁸⁷ The New York Times, 'Obama Takes Hard Line With Libya After Shift by Clinton', 18 March 2011, http://www.nytimes.com/2011/03/19/world/africa/19policy.html?pagewanted=all&_r=0, accessed 9 November 2016.

⁸⁸ Ibid.

⁸⁹ Jocelyn Vaughn, and Tim Dunne, 'Leading from the Front: America, Libya and the Localisation of R2P', p. 43.

⁹⁰ Simon Chesterman, "'Leading from Behind": The Responsibility to Protect, the Obama Doctrine, and Humanitarian Intervention after Libya', *Ethics & International Affairs*, nr. 3(2011), p. 283.

⁹¹ Stephanie Condon, 'Obama's 2008 promises: kept or broken?', *CBS News*, <http://www.cbsnews.com/news/obamas-2008-promises-kept-or-broken/6/>, accessed 9 November 2016.

⁹² Roberta Haar, 'When Does the United States Intervene Militarily for Humanitarian Reasons?', p. 304.

2.2 The US and the conflict in Syria

Other than in Libya, the Obama administration was much more reluctant to intervene militarily in Syria. “Defensive minimalism”⁹³ and “Obama’s avoidance strategy”⁹⁴, are two examples of terms that are used by scholars to describe Obama’s policy towards Syria. This paragraph focuses on this policy, by first indicating the US involvement, or lack of involvement in Syria, followed by an explanation of the policy in Syria, and a description of the different factors that determine US policy in Syria.

Officially, the Obama administration already proclaimed on 18 August 2011 that “the future of Syria must be determined by its people, but president Bashar al-Assad is standing in their way”⁹⁵, further stating that “the United States opposes the use of violence against peaceful protesters in Syria”, while emphasizing that “the United States cannot and will not impose this transition upon Syria”.⁹⁶

The first statement officially condemning the atrocities in Syria by the White House regarding Syria about the events going on in the country was only in August 2012. President Obama warned the Syrian government that the US had drawn a red line in the case that chemical weapons would be used by the government against its citizens.⁹⁷ However, during the next year, messages about the use of chemical weapons in the civil war kept reaching the US officials.

In April 2013, Obama stated that thorough investigations would be held to find evidence for the use of “chemical weapons against the civilian population”, because this would be a “game changer”.⁹⁸ It was only at the end of August of the same year, after the large-scale attack on civilians in the region of Ghouta, where chemical weapons were used, that Obama stated that evidence had been given by the attack in Ghouta. This attack pushed him to mention the term military intervention:

⁹³ David Rothkopf, “Obama’s ‘Don’t Do Stupid Shit’ Foreign Policy,” *Foreign Policy*, June 4, 2014, http://www.foreignpolicy.com/articles/2014/06/04/obama_dont_do_stupid_shit_foreign_policy_bowe_bergdahl, accessed 9 November 2016.

⁹⁴ Roberta Haar, ‘When Does the United States Intervene Militarily for Humanitarian Reasons?’, p. 306.

⁹⁵ Barack Obama, ‘President Obama: “the future of Syria must be determined by its people, but President Bashar al-Assad is standing in their way”’, <https://www.whitehouse.gov/blog/2011/08/18/president-obama-future-syria-must-be-determined-its-people-president-bashar-al-assad>, accessed 9 November 2016.

⁹⁶ Barack Obama, ‘President Obama: “the future of Syria must be determined by its people, but President Bashar al-Assad is standing in their way”’, <https://www.whitehouse.gov/blog/2011/08/18/president-obama-future-syria-must-be-determined-its-people-president-bashar-al-assad>, accessed 9 November 2016.

⁹⁷ Barack Obama, ‘Remarks by the President to the White House Press Corps’ (20 August 2012), *The White House*, <https://www.whitehouse.gov/the-press-office/2012/08/20/remarks-president-white-house-press-corps>, accessed 10 November 2016.

⁹⁸ Barack Obama, ‘Syria Crisis: Obama warns chemical arms use a “game changer”’, *BBC News*, 26 August 2013, <http://www.bbc.com/news/world-us-canada-22318972>, accessed 10 November 2016.

Now, after careful deliberation, I have decided that the United States should take military action against Syrian regime targets. This would not be an open-ended intervention. We would not put boots on the ground. Instead, our action would be designed to be limited in duration and scope.⁹⁹

In other words, Obama wanted to start the process for a military intervention, but did not mention the details or possible allies. The words are clear, but the statement, and the whole process leading to it, do not give the impression that the president was yearning for a military intervention in the region. The condemnation of the use of chemical weapons by Barack Obama was followed by the destruction of chemical weapons in Syria by the Organisation for the Prohibition of Chemical Weapons (OPCW) during the next year, agreed upon by the US, Russia and president Assad.¹⁰⁰

The character of the conflict and with it the policy of the US changed after Islamic State (IS) entered the stage. It was already after just one month after IS conquered the province of Raqqa, that the US started launching air strikes on IS targets. They did this in cooperation with five countries from the Arab region. After this, more and more countries, also from Western Europe, joined the international coalition, that keeps executing strikes against IS.¹⁰¹ According to US policymakers themselves, this change in attitude towards IS can be explained through “its apocalyptic ideology, its revolutionary intent toward the strategically important Middle East, and its embrace of transnational terrorism have alarmed policymakers around the world and spurred global debate over strategies and policy options for defeating the group.”¹⁰² In other words, in the eyes of US officials the ideology and ways of fighting of IS makes the issue a threat to international security, triggering the US and its Arab allies to start combatting the self-proclaimed Caliphate.

2.3 R2P and the US: motives, limitations and challenges

The international coalition is only targeting IS, placing the conflict between the Syrian government and the various opposition groups on hold. As already explained in the introduction, the UN has not been able to apply R2P or to intervene, while the US is capable of leading an international coalition specifically aimed at destroying a player that entered the game later. What motives lie behind this paradox, and what reasons do the US have to only intervene targeting Syria, and only after the threat became directly pointed at the US? And

⁹⁹ Barack Obama, ‘Statement by the President on Syria’, *The White House*, 31 August 2013, <https://www.whitehouse.gov/the-press-office/2013/08/31/statement-president-syria>, accessed 10 November 2016.

¹⁰⁰ BBC News, ‘Syria profile – Timeline’, 20 September 2016, <http://www.bbc.com/news/world-middle-east-14703995>, accessed 10 November 2016.

¹⁰¹ Ibid.

¹⁰² Christopher M. Blanchard and Carla E. Humud, ‘The Islamic State and US Policy’, *Congressional Research Service*, 27 June 2016, p. 1.

furthermore, what limitations and challenges does the US encounter when dealing with R2P? In other words, to what extent does America respect R2P, and what stimulates American policy?

According to Samantha Power, the main reason when the US, in the history of humanitarian intervention has renounced intervening or did so relatively late, is the “lack of will”. Her realistic point of view rests on the argument that “humanitarian intervention came about only on the rare occasions when the shorter term political interests of US policymakers were at stake”.¹⁰³ She states that, too often, humanitarian intervention to prevent or react to genocide has not happened because it was not seen as contributing to the “vital national interests”¹⁰⁴ of the US. I agree with her that the presidents are influenced by domestic political factors and take the threat to American national interests into account in their decision making.

Often, the president is influenced by the public opinion. This happened for example to Bill Clinton and George Bush Jr, when they changed their attitude towards intervention after pressure from within the country.¹⁰⁵ Regarding the Obama administration in Syria in 2012, the fact that he was running for president for a second term, and military involvement in another major conflict would probably have implied risks for his re-election.¹⁰⁶ And as Roberta Haar explains strikingly: “in the case of the decision to use military force for humanitarian reasons, domestic political factors [...] are more influential than the features of international environment.”¹⁰⁷

However, I think that, besides domestic influences, the Obama administration, together with the complex nature of the Syrian conflict, is influenced by at least two other factors. The first factor is a fear of escalation, combined with the fear for repetition of historical precedents. Because the conflict has so many parties involved that in turn are supported by other countries, like the nuclear tensions of the US with Iran, supported by Russia, Russia’s support of the Syrian government and the close relationship of the US with Israel. Thus, Obama was afraid that any major use of military force might have larger consequences in the region and escalation could be a realistic option.¹⁰⁸ The involvement of IS has brought a certain consensus among international actors, namely that terminating the caliphate has become a priority for many. This has led to the intervention of the coalition of the willing, but

¹⁰³ Samantha Power, *A Problem from Hell: America and the Age of Genocide*, p. 512.

¹⁰⁴ *Ibid.*, 504.

¹⁰⁵ Shadi Hamid, ‘What is Policy Research For? Reflections on the United States’ Failure in Syria’, *Middle East Law and Governance*, nr. 7(2015), p. 377.

¹⁰⁶ Bessma Momani and Tanzeel Hakak, ‘Syria’ in: Alex J. Bellamy and Tim Dunne, *The Oxford Handbook of the Responsibility to Protect*, p. 899.

¹⁰⁷ Roberta Haar, ‘When Does the United States Intervene Militarily for Humanitarian Reasons?’, p. 289.

¹⁰⁸ Shadi Hamid, ‘What is Policy Research For? Reflections on the United States’ Failure in Syria’, p. 375.

this is not because of R2P reasons and has not solved the concerns of escalation when it comes to dealing with Assad.

The second additional factor influencing the Obama administration on its policy toward Syria is the fear of damage to its international reputation, fears that are caused by historical precedents like US involvement in Iraq and Afghanistan in the '00s and specifically for Obama in Libya in 2011. American scholar Stephen Walt explains these failures as follows: "Getting rid of the bad guy and his henchman was the easy part, but we hadn't the foggiest notion of what to put in their place."¹⁰⁹ This is exactly the point that so many other countries have criticized the US for, especially with its policy in Iraq and Libya and that they are afraid of will also happen in Syria. However, Obama explained it rather differently. He presented the opportunity to overthrow Qaddafi as something additional, not as the primary motive. He described it as a unique, rare case where R2P could be applied to.¹¹⁰ It is clear, however, that in Syria, the circumstances are not as suitable for R2P as in Libya, thus creating more attention and criticism to the regime change motive.

2.4 Consequences for the US as normative authority on humanitarian intervention

The history of the US and humanitarian intervention has proved to be an opportunist one. The comparison between the humanitarian intervention on R2P grounds in Libya and the complete failure of R2P in Syria show that there is no internationally accepted norm on R2P yet. As Vlasic states: "With the exception of Libya, Western states have largely transitioned away from military humanitarian intervention, but are still active in developing the doctrine in theory."¹¹¹ As one of the leading countries on R2P, the US has a major part in this development. The conflict in Syria has only increased this development, illustrating that many circumstances have to point in the direction of intervention, before the US president takes the final decision to take part in a humanitarian intervention.

In 2011, German scholar Theresa Reinold has expressed the expectation that a second presidential term of president Obama could provide the US with the official status as normative authority on R2P.¹¹² However, the events in Syria and the initial negligence of

¹⁰⁹ Stephen M. Walt, 'The Great Myth About U.S. Intervention in Syria', *Foreign Policy*, 24 October 2016, <http://foreignpolicy.com/2016/10/24/the-great-myth-about-u-s-intervention-in-syria-iraq-afghanistan-rwanda/>, accessed 14 November 2016.

¹¹⁰ Barack Obama, 'Remarks by the President in Address to the Nation on Libya', The White House, 28 March 2011, <https://www.whitehouse.gov/the-press-office/2011/03/28/remarks-president-address-nation-libya>, accessed 14 November 2016.

¹¹¹ Mark V. Vlasic, 'Europe and North America', p. 167.

¹¹² Theresa Reinold, 'The United States and the Responsibility to Protect: Impediment, Bystander, or Norm Leader?', p. 62.

intervention of the US, have shown that this thought was much too optimistic. At the time, she stated that Obama had announced a departure from Bush's "dogmatic foreign policy".¹¹³ It is not a surprise that she expressed this hope, because in 2010, the White House had released its National Security Strategy, containing an explicit reference to R2P and expressing commitment to applying the principle for mass atrocity prevention. The strategy even prescribed a proactive attitude for itself, expressing the desire to become something even more than a normative authority.¹¹⁴ However, the description of US policy regarding Syria indicates more a period of continuity than of change.

In other words, Reinold's prediction that the second Obama administration would finally mean a proper implementation of R2P and the emergence of a norm leader, has not been fulfilled. This makes R2P still a concept that a government can opt for, without any legal boundaries or duties. The US position is largely determined by the president, but at least Obama and Bush have shown that implementation with legal commitment to the principle is not something that they aim for. So it is possible that the US in general has a tendency to not commit itself too much into more duties, and prefers to keep dealing with R2P on a case-by-case basis without making any legal commitments. In Libya, the US government has used R2P as justification, but that does not necessarily imply any "strategy of moral advocacy that accepts the responsibility for the welfare of people suffering human rights violations abroad".¹¹⁵ Or in other words, mass atrocity prevention is not something that US presidents would risk their political position for.

Moreover, at the moment of writing, Donald J. Trump has just been elected president of the US. Other than Obama, he does have the majority in both chambers of the US Congress with the Republican Party. Trump claims that his foreign policy will "end the current strategy of nation-building and regime change"¹¹⁶, implying that he is against the policy of humanitarian intervention as followed by Obama during the past eight years. The next four years will thus give more clarity on the question to what extent the US president can, and will, live up to his promise made during the campaign.

¹¹³ Theresa Reinold, 'The United States and the Responsibility to Protect: Impediment, Bystander, or Norm Leader?', p. 62.

¹¹⁴ The White House, *National Security Strategy*, May 2010, p. 48.

¹¹⁵ Roberta Haar, 'When Does the United States Intervene Militarily for Humanitarian Reasons?', p. 306.

¹¹⁶ Donald J. Trump, 'Foreign Policy and Defeating ISIS: Donald J. Trump's Vision', <https://www.donaldjtrump.com/policies/foreign-policy-and-defeating-isis>, accessed 9 November 2016.

Chapter 3: The North Atlantic Treaty Organization

Originally, NATO was founded as an organization of collective defense. Because it defends a specific territory, NATO is considered a regional organization. In the bipolar world of the Cold War, NATO was the organization to organize the defense of 'the West', without ever having to fire a shot. With the end of the Cold War, a discussion about the future and legitimacy of NATO emerged, because there was no "East" anymore to defend the allies of NATO against.¹¹⁷ Just as the UN experienced an increasing amount of humanitarian interventions, NATO began to develop itself in that direction as well. In NATO-terms, the emphasis of the organization went from collective defense to "collective security"¹¹⁸. This originated from the ambition "to create something better than the balance of power"¹¹⁹, becoming the "support for international security beyond the immediate defense of the Allies"¹²⁰, concretely resulting in peacekeeping missions led by NATO, some of whom for humanitarian purposes.

Although NATO has expanded after the end of the Cold War, it still largely consists of members from North America and Europe, without membership of important regional and global powers like the BRICS-countries (Brazil, Russia, India, China and South Africa).¹²¹ This makes the organization a regional organization, which has consequences for its legitimacy. That legitimacy is a factor that can create frictions for its military interventions for humanitarian purposes. Furthermore, NATO is more than the US acting as a military power, while the US is seen by many as a normative power on R2P. These topics are discussed in this chapter, preceded by a historical background of the military interventions for humanitarian purposes carried out by NATO. The history of NATO humanitarian intervention offers part of the explanation for NATO's passive attitude towards Syria, described in the second paragraph. Finally, the consequences of the conflict in Syria for NATO, but just as much the interventions it undertook in the area of collective security, are analyzed with regards to NATO's attitude on R2P.

3.1 A historical background of NATO and humanitarian intervention

During the Cold War, NATO functioned as a defender of collective security for its member states. On hindsight, the existence of a bipolar world guaranteed that a mutual status quo was in place, with hardly any interference of the NATO-dominated territory in the territory

¹¹⁷ Serena Simoni, 'Understanding NATO in the 21st Century. Alliance Strategies, Security and Global Governance', *Journal of Strategic Security*, nr. 3(2013), p. 124.

¹¹⁸ David Yost, 'The New NATO and Collective Security', *Survival: Global Politics and Strategy*, nr. 2(1998), p. 135.

¹¹⁹ *Ibid.*, p. 137.

¹²⁰ *Ibid.*, 135.

¹²¹ North Atlantic Treaty Organization, 'NATO Member Countries', 30 June 2016, http://www.nato.int/cps/en/natohq/nato_countries.htm, accessed 18 November 2016.

dominated by the Warsaw Pact, and vice versa. The “first major crisis response operation”¹²² carried out by NATO after the collapse of the bipolar world took place in Bosnia and Herzegovina from 1995 and lasted until 2004. Although the primary incentive for the mission was not humanitarian, the mission was officially called a “peace enforcement operation”.¹²³ This implied the aim of protecting the civilian population, making the mission a somewhat vague mixture between humanitarian, military and state-building. It operated with the consent of the UN Chapter VII as approved in Resolution 1031¹²⁴, authorizing the use of military force in order “not just to maintain peace, but also, where necessary, to enforce it.”¹²⁵ It was one of the first missions that did have humanitarian goals although it did not carry this name initially, where military coercive means were used to protect civilians and that looked after the enforcement of the Dayton Peace Agreement.¹²⁶

More controversial than the one in Bosnia, yet more related to the development of R2P, was the mission in Kosovo in 1999. The mission was, as already explained in the previous chapter, not authorized by the UN. However, NATO presents the mission and mandate less controversial on its website, claiming that the operation “derives its mandate from UNSCR 1244 (1999)”¹²⁷. On its website, NATO mentions the air campaign, Operation Allied Force, that preceded the UN Resolution, but does not explain the controversy of the non-authorization by the UN of that campaign. This is also the major cause of the controversy around the military air campaign. It was not the fact that a military intervention took place without the consent of the given country, thus violating the sovereignty of that state, but the fact that NATO undertook the intervention unilaterally.¹²⁸ As a consequence, at the time of the Kosovo crisis, the first steps toward consensus on the principle of Responsibility to Protect were already taken. It explains why, only six years later, at the World Summit in 2005, such a broad international consensus was reached on R2P. Additionally, it also implies the controversy and debate about the responsible party to implement R2P and the lack of suitability of NATO in this matter.

¹²² North Atlantic Treaty Organization, ‘Peace support operations in Bosnia and Herzegovina’, 7 September 2015, http://www.nato.int/cps/en/natohq/topics_52122.htm, accessed 21 November 2016.

¹²³ Ibid.

¹²⁴ United Nations Security Council, ‘S/RES/1031, 15 December 1995’, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N95/405/26/PDF/N9540526.pdf?OpenElement>, accessed 21 November 2016.

¹²⁵ North Atlantic Treaty Organization, ‘Peace support operations in Bosnia and Herzegovina’, 7 September 2015, http://www.nato.int/cps/en/natohq/topics_52122.htm, accessed 21 November 2016.

¹²⁶ Carl Cavanagh Hodge, ‘Full circle: two decades of NATO intervention’, *Journal of Transatlantic Studies*, nr. 4(2013), p. 353.

¹²⁷ North Atlantic Treaty Organization, ‘NATO’s role in Kosovo’, 6 September 2016, http://www.nato.int/cps/en/natolive/topics_48818.htm, accessed 21 November 2016.

¹²⁸ Alex J. Bellamy, ‘Kosovo and the Advent of Sovereignty as Responsibility’, *Journal of Intervention and Statebuilding*, nr. 2(2009), p. 174.

Parallel to the policy of the US during the first decade of the new millennium, NATO was less focused on interventions for humanitarian purposes in this decade. In the words of David Yost, scholarly authority on international security and consultant of various (inter)national organizations, the mission in Afghanistan, where the International Security Assistance Force (ISAF) was led by NATO from 2003 onwards, can be seen as an expeditionary operation. However, the motive and nature of this mission was fundamentally different. According to NATO itself, ISAF's mission was "to enable the Afghan authorities to provide effective security across the country and ensure that it would never again be a safe haven for terrorists. ISAF helped build the capacity of the Afghan national security forces."¹²⁹

Although in a certain way you could state that the mission in Afghanistan had a civilian protection element in it, the mission contained counter-terrorism elements and can be seen as a consequence of the 9/11 terrorist attacks on the US. The out-of-area missions of the '00s had a strong character of anti-terrorism and, even though they took place outside NATO territory, they were more focused on collective defense than the missions in Bosnia and Kosovo, for example.¹³⁰ Nonetheless, the mission in Afghanistan does deserve a place in this historical overview, because the mission contained humanitarian components. According to Carl Cavanagh Hodge, the fact that ISAF had an emphasis on nation-building, implies a more humanitarian nature of the mission than is often perceived.¹³¹

During the second decade of the millennium, so-called "out of area missions" did not diminish. However, they had a completely different nature and were not very much related to R2P. As already explained in the previous chapters, the intervention in Libya in 2011 was the first and - so far - only military intervention for humanitarian purposes officially carried out under the R2P umbrella. There was less to no objection to the legitimacy of the mandate, but the fact that the implementation of the mission was done by NATO and the potential overstepping of the mandate raised critique on NATO's work in Libya. The controversy originates from the mandate. Regarding the protection of civilians, the UNSC Resolution 1973 "authorizes Member States [...] to take all necessary measures, [...] to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi".¹³²

¹²⁹ North Atlantic Treaty Organization, 'NATO and Afghanistan', 13 October 2016, http://www.nato.int/cps/en/natohq/topics_8189.htm, accessed 23 November 2016.

¹³⁰ Tal Dingott Alkopher, 'From Kosovo to Syria: the transformation of NATO Secretaries General's discourse on military humanitarian intervention', *European Security*, nr. 1(2016), p. 58.

¹³¹ Carl Cavanagh Hodge, 'Full circle: two decades of NATO intervention', p. 356.

¹³² United Nations Security Council, S/RES/1973, 17 March 2011, 'Resolution 1973 (2011)', http://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2011_03/20110927_110311-UNSCR-1973.pdf, accessed 25 November 2016, p. 3.

In other words, the resolution authorized NATO to use “all means necessary” to protect a group of civilians in a designated area. In addition, the resolution did not authorize a regime change, or “general human rights protection”.¹³³ This was probably done to make the mandate more specific and to designate specific geographical areas. But, in NATO eyes, the expression of “all necessary means to protect civilians”, this could only be achieved by taking down of Qaddafi.¹³⁴ It seems that this was the result of the lack of communication during the conflict itself between the international organization, thus illustrating the need of thorough communication between the various parties taking part in such a mission.

Moreover, another subject of controversy was that NATO was also accused of the violent way it handled the conflict.¹³⁵ The installment of a no-fly zone kept the risk of casualties on NATO-side low, while the risk for collateral damage¹³⁶, casualties on the Libyan population side, was higher. A second explanation for the debate on the methods used by NATO, was that, the mission, in light of the R2P criteria, could have overstepped one or two steps. Was military force the only option left? Did NATO respect the precautionary principles “last resort”, and “proportional means”¹³⁷ of the ICISS report defining R2P? Or in other words, had NATO not overstepped its authority and threw over Qaddafi while the organization was not in the right place to do so? These questions were, and are subject to much debate.

The largest consequence of the controversy surrounding the intervention, is the credibility of NATO. Countries like Russia and China have seen their suspicions about NATO’s motives confirmed in Libya, while others evaluate Libya as a successful first case and a good example of the implementation of R2P. Or, in the words of Geir Ulfstein and Hege Føsum Christiansen, “Operation Unified Protector in Libya showed the commitment of the international community to the protection of civilians. [...] But the claims of military overreach of the UN mandate by NATO states may represent a threat to the viability of the responsibility to protect.”¹³⁸

3.2 NATO and the conflict in Syria

Already since the beginning of the conflict in Syria, NATO is a passive bystander on the sidelines of the conflict. However, a development in the attitude of NATO has taken place,

¹³³ Geir Ulfstein and Hege Føsum Christiansen, ‘The Legality of the NATO bombing in Libya’, *International and Comparative Law Quarterly*, nr. 1(2013), p. 169.

¹³⁴ *Ibid.*, p. 168.

¹³⁵ Mohamed S. Helal, ‘Middle East’, in: J. Genser, and I. Cotler (eds.), *The Responsibility to Protect: The Promise of Stopping Mass Atrocities in Our Time*, p. 229.

¹³⁶ Al Jazeera, ‘Collateral damage: Victims of NATO’s war’, 15 May 2012, <http://www.aljazeera.com/programmes/insidestory/2012/05/20125158443890940.html>, accessed 25 November 2016.

¹³⁷ International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, p. XII.

¹³⁸ Geir Ulfstein and Hege Føsum Christiansen, ‘The Legality of the NATO bombing in Libya’, p. 169.

leading from a completely passive attitude to a player that expresses its strong condemnation of the atrocities, to (military) support for the international coalition that is now fighting IS. The only sign of concrete NATO involvement in the first years of the conflict had the form of military support of Turkey. After a request from Turkey at the end of 2012, NATO offered its support to “augment Turkey’s air defense capabilities”¹³⁹, with the emphasis on the defensive character of the support.

Besides military support for Turkey, one of its members, the Secretaries General Anders Rasmussen (until 2014) and Jens Stoltenberg (from 2014 onwards) repeatedly expressed their concern about the development of the situation in Syria. During official press moments, at talks behind closed doors, and at conferences and congresses they urged their desire of a diplomatic solution. On 2 July 2012, Rasmussen said that “we condemn the escalating spiral of killing, destruction and human rights abuses in Syria.”¹⁴⁰ He urged for a non-military response: “the right response to this crisis remains a political response. And a concerted response by the international community against a regime that has lost all humanity and all legitimacy.”¹⁴¹ He thus implicitly referred to R2P and the responsibility of the international community to act upon the crisis, but with diplomatic measures.

The ongoing call by NATO for a political solution continued with Stoltenberg as Secretary General. On 8 October 2015, he said: “there is a renewed need for political initiatives to find a political solution to the crisis in Syria. Because in the long term there is no military solution.”¹⁴² Interestingly enough, only two months later, the focus that Stoltenberg always had for a political solution, now shifted towards the need for military means as well: “And we have to do that by using many different means, we need military means and I welcome that several NATO allies are stepping up their contributions to the global coalition fighting ISIL.”¹⁴³ Moreover, the last year, the indirect involvement of NATO has grown. NATO now supports the international coalition fighting IS and has expanded its military support to Turkey. Stoltenberg, nonetheless, does not stop to emphasize NATO’s distance to the conflict: “But NATO as an Alliance is not present in Syria.”¹⁴⁴

¹³⁹ North Atlantic Treaty Organization, ‘NATO agrees to augment Turkey’s air defense capabilities’, 4 December 2012, http://nato.int/cps/en/natohq/news_92861.htm?selectedLocale=en, accessed 25 November 2016.

¹⁴⁰ North Atlantic Treaty Organization, ‘Monthly press briefing’, 2 July 2012, http://nato.int/cps/en/natohq/opinions_88848.htm?selectedLocale=en, accessed 25 November 2016.

¹⁴¹ Ibid.

¹⁴² North Atlantic Treaty Organization, ‘Doorstep statement’, 8 October 2015, http://www.nato.int/cps/en/natohq/opinions_123518.htm, accessed 25 November 2016.

¹⁴³ North Atlantic Treaty Organization, ‘Joint press conference’, 10 December 2015, http://nato.int/cps/en/natohq/opinions_125859.htm?selectedLocale=en, accessed 25 November 2016.

¹⁴⁴ North Atlantic Treaty Organization, ‘Joint press point’, 9 November 2016, http://www.nato.int/cps/en/natohq/opinions_137476.htm?selectedLocale=en, accessed 25 November 2016.

To summarize NATO's involvement in Syria, it has since the beginning played a role in the background. There is no direct NATO presence in Syria, but NATO has made substantial efforts to express its condemnation of the violence and call for a political solution. Additionally, different parties are being supported by NATO with military means. At the moment, it is also highly unlikely that this will change anytime soon. If this conflict had taken place in the '90s in another international climate, NATO would perhaps have been willing and prepared to, like in Libya, have taken up the implementation of the responsibility to protect the Syrian population. However, in the current international climate and era, this is neither desirable, nor likely to happen, for the following reasons.

First and probably foremost, NATO involvement in Syria will not be initiated because of previous experiences of NATO interventions and the reactions of the international community, especially Kosovo and Libya. In 2011, a Russian representative explicitly stated that "the situation in Syria cannot be considered [...] separately from the Libyan experience. [...] It is easy to see that today's Unified Protector model could happen in Syria."¹⁴⁵ He added that Russia did not possess "any kind of special ties with the Al-Qadhafi regime"¹⁴⁶, trying to emphasize that Russia had no special connection with the Libyan regime, other than the relationship Russia now has with Assad and his governmental forces. These statements still count for Russia's and China's attitude today as regards to their judgement of NATO. In addition to Russians and Chinese, it is also other people from NATO member states themselves that have doubts regarding the legitimacy and consequence of a NATO military intervention on R2P grounds.

The Associate Professor of Public Affairs at the University of Texas Alan J. Kuperman even claims that "NATO's action in Libya escalated and prolonged the violence, and its resulting humanitarian costs, not just there but probably also in Syria."¹⁴⁷ He has no confidence at all in a possible NATO intervention, stating that the operation in Libya made the consequences even worse than when no intervention would have taken place. I do not support this line of thought, but fact is that few people, even among NATO allied countries themselves, would trust NATO with an operation in a situation like Syria that has similarities to the Libyan case.

¹⁴⁵ United Nations Security Council, 'S/PV.6627: 662th meeting', 4 October 2011, <http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Golan%20Heights%20S%20PV%206627.pdf>, accessed 25 November 2016, p. 3.

¹⁴⁶ United Nations Security Council, 'S/PV.6627: 662th meeting', 4 October 2011, <http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Golan%20Heights%20S%20PV%206627.pdf>, accessed 25 November 2016, p. 3.

¹⁴⁷ Alan J. Kuperman, 'A Model Humanitarian Intervention? Reassessing NATO's Libya Campaign', *International Security*, nr. 1(2013), p. 134.

Second, NATO's legitimacy as authority on R2P is a large limitation for a possible NATO intervention in Syria. With the absence of a UNSC resolution, recognition or even acceptance of a military intervention by NATO in Syria would not be an option. The next paragraph will discuss this argument more in detail. Third, a problem that NATO encounters and which makes intervention even less likely and desirable, is that in essence the alliance is a military organization. This means that, unlike organizations like the UN, it does not offer a wide variety of possible measures. And although the situation in Syria has drifted so far away that economic or diplomatic measures would not bring improvement, the fact that the only possible solution would in fact be military sends an aggressive signal to the different parties involved in the conflict.

3.3 R2P and NATO: NATO as R2P authority

NATO has never claimed to be a leading authority on R2P. However, with the assumption of a failing UN in Syria and the huge human rights violations that take place in Syria every day, the urge for decisive action only grows, but becomes more difficult and unlikely at the same time. Is there any possibility, from a historical perspective, that NATO would fill this gap and intervene in Syria? What is its history with the concept of R2P, what are its complications and motives?

As explained above, the organization shifted its strategy slightly towards R2P as a concept, during the expeditionary interventions during the '90s. The idea of NATO as collective defender made a short trip to the concept of NATO as a safeguard of collective security, expanding its reach beyond its territory. However, after the rise of a new threat for NATO allies in the form of international terrorism after 2001, the strategic purposes of the organization returned towards collective defense.¹⁴⁸ Indeed, the only time that a NATO member has called upon Article 5 ("an armed attack against one or more of them in Europe or North America shall be considered an attack against them all"¹⁴⁹) of the NATO Charter, after the attacks in the US on 9/11.¹⁵⁰

The return to an emphasis on the core function of NATO is also reflected in its Strategic Concept of 2010. In respect to the Concept of 1999, the 2010 Strategic Concept was much more detailed regarding new threats. In 1999, "new risks" like "terrorism, ethnic conflict, human rights abuses, political instability, economic fragility", were mentioned, but did not

¹⁴⁸ David Yost, 'NATO's evolving purposes and the next Strategic Concept', *International Affairs*, nr. 2(2010), p. 489.

¹⁴⁹ North Atlantic Treaty Organization, 'The North Atlantic Treaty', Washington D.C. – 4 April 1949, http://www.nato.int/cps/en/natohq/official_texts_17120.htm, accessed 28 November 2016.

¹⁵⁰ Koelé, Theo, 'Kalmte en zorgen op het NAVO-hoofdkwartier', *De Volkskrant*, 26 November 2016, p. 8.

present a clear strategy to tackle them.¹⁵¹ This was improved in the 2010 Concept, when the new threats were further specified. Both Concepts contain the introduction of crisis management as one of its fundamental goals, but the 2010 Concept is more specific when it comes to conflict management outside NATO territory: “Crisis and conflicts beyond NATO’s borders can pose a direct threat to the security of Alliance territory and populations. NATO will therefore engage, where possible and when necessary, to prevent crises, manage crises, stabilize post-conflict situations and support reconstruction.”¹⁵² Already the title of the 2010 Concept indicates a combination of continuity with the defense strategy while keeping the door open for expeditionary humanitarian intervention: “Active Engagement, Modern Defence”.¹⁵³

The first argument against NATO as R2P authority is that it has a lack of legitimacy in the broader international community, originating from its history of humanitarian interventions. I have already explained that the NATO interventions in Kosovo and Libya have had strong consequences for any possible NATO involvement in Syria. Secretary General Rasmussen said the following in this regard: “We took on the responsibility for the operation in Libya because there was a clear UN mandate, and there was strong support from the region and none of these conditions are fulfilled as regards to Syria or any other country.”¹⁵⁴ Although Rasmussen does not mention the controversy surrounding NATO’s intervention in Libya, he acknowledges the fact that an intervention without UNSC support is highly undesirable.

A second strong argument against the option of NATO as normative authority on R2P are its motives for a given military intervention. There are many scholars that are skeptical about the humanitarian motives of NATO. For example, Marjorie Cohn, former president of the US National Lawyers Guild, is very critical about the legality of the NATO air campaign on Kosovo. She even calls the campaign a “crime against humanity”, while NATO presented it as a humanitarian intervention. According to Cohn, the motives of NATO for the intervention were not humanitarian, but economic, geopolitical and strategic.¹⁵⁵ Furthermore, according to Cohn it is questionable whether NATO is representing the interests of all its members. She

¹⁵¹ North Atlantic Treaty Organization, ‘The Alliance’s Strategic Concept’, 24 April 1999, http://www.nato.int/cps/en/natolive/official_texts_27433.htm, accessed 28 November 2016.

¹⁵² North Atlantic Treaty Organization, ‘Strategic Concept For the Defence and Security of the Members of the North Atlantic Treaty Organization: Active Engagement, Modern Defence’, <http://www.nato.int/lisbon2010/strategic-concept-2010-eng.pdf>, accessed 28 November 2016, p. 6.

¹⁵³ North Atlantic Treaty Organization, ‘Strategic Concept For the Defence and Security of the Members of the North Atlantic Treaty Organization: Active Engagement, Modern Defence’, <http://www.nato.int/lisbon2010/strategic-concept-2010-eng.pdf>, accessed 28 November 2016.

¹⁵⁴ Anders Rasmussen, ‘Towards NATO’s Chicago Summit: speech by NATO Secretary General Anders Fogh Rasmussen at the European Policy Centre, Brussels’, 30 September 2011, http://www.nato.int/cps/en/natolive/opinions_78600.htm, accessed 28 November 2016.

¹⁵⁵ Marjorie Cohn, ‘NATO Bombing of Kosovo: Humanitarian Intervention or Crime against Humanity?’, *International Journal for the Semiotics of Law*, nr. 1(2002), p. 81.

states that the interventions in the Balkans were merely an attempt by the US to remain dominant in world politics.¹⁵⁶ This might be a little exaggerated, but it does contribute to the doubts about the legitimacy of NATO as authority on R2P.

The third argument against NATO as normative authority on R2P is that the organization is very limited in its means and methods. As Jamie Shea (NATO Deputy Assistant Secretary General for Emerging Security Challenges) explains: “the problem is that NATO does not do economic deterrence or sophisticated civil society information campaigns or strategic energy policy.”¹⁵⁷ In other words, NATO does not have the freedom of presenting different strategic methods to deal with a conflict, because of its nature. This leads to problems for the R2P criteria, because it is crucial that a variety of possible measures can be presented. This NATO shortcoming was what went wrong in Kosovo. Because the air campaign was carried out by NATO alone, without the involvement of other international or regional organizations that did have the opportunity of less violent means of intervention. Already after a few diplomatic efforts had failed, NATO officials felt that they had no other means to refer to but to launch an air campaign.

Furthermore, Alex Bellamy discusses the issue of Kosovo as a catalyst for the development of R2P. He states that the most striking issue was the question of intervention, not the party that eventually carried it out.¹⁵⁸ However, to me it seems paradoxical that, when you see Kosovo as a catalyst for the development of R2P as a normative doctrine, the largest controversy regarding Kosovo is the legitimacy of the intervener, while the R2P guidelines do not assign this responsibility to a specific party.¹⁵⁹ The conflict in Syria and NATO’s reluctant stance thus far have shown that the longer R2P is not related to an actor that is responsible for the implementation, the less likely it becomes that R2P will be acted upon in the not too distant future.

Given all the limits that NATO contains for being an R2P authority, are there any arguments that would indicate its potential? An argument that supports the further development of NATO as authority on R2P, is that the organization contains the means and the opportunities for undertaking humanitarian intervention on R2P grounds in its Strategic Concepts. NATO has this opportunity to act upon R2P, in cooperation with other organizations. This would possibly overcome the objection of a lack of legitimacy, especially in the case of cooperation with an organization like the African Union (AU). In its strategic plan from 1999, this idea is

¹⁵⁶ Marjorie Cohn, ‘NATO Bombing of Kosovo: Humanitarian Intervention or Crime against Humanity?’ p. 81.

¹⁵⁷ Jamie Shea, ‘NATO: the challenges ahead’, *Global Affairs*, nr. 2(2015), p. 122.

¹⁵⁸ Alex J. Bellamy, ‘Kosovo and the Advent of Sovereignty as Responsibility’, p. 179.

¹⁵⁹ *Ibid.*, pp. 177-178.

mentioned concretely in one of its “fundamental security tasks”: “To promote wide-ranging partnership, cooperation and dialogue with other countries in the Euro-Atlantic area, with the aim of increasing transparency, mutual confidence and the capacity for joint action with the alliance.”¹⁶⁰

In addition to partnership in the near surroundings or within NATO territory, in 2008, NATO Secretary General De Hoop Scheffer explained NATO’s view on cooperation with actors outside NATO territory as follows: “Could NATO do even more? Should it do more? This is a question that is first of all for the African Union to answer. [...] We do not see ourselves as a global policeman”.¹⁶¹ This quote refers to the NATO support to the AU in Darfur from 2005-2007, where De Hoop Scheffer emphasizes the NATO desire for international cooperation and the role of NATO as supporter of other international organizations’ initiatives at humanitarian intervention.¹⁶² A far-reaching cooperation between NATO and other organizations could also overcome the last resort-argument, namely the concern that NATO is primarily a military entity that can basically only step in with military means. If NATO would work together more closely with organizations like the AU, NATO could provide the military means while actors like the AU or EU would make use of other, less harmful means of intervention.

After the Cold War, NATO has developed its position in the international community from a sole emphasis on collective defense, to a shared emphasis on collective defense and security in the ‘90s and then to a more hybrid position after 9/11 where defense has absolute priority, but where interventions in the name of collective security remain an option. For a short period, with the intervention in Libya, it seemed that a re-attempt was made for NATO to function as normative authority on R2P. However, the widespread critique on the overstepping of the UN mandate by NATO and the small chance that the organization will act under the name of humanitarian intervention soon, has made this a near impossibility. The continued emphasis of NATO on maintaining security for its member states without mentioning human rights protection once, makes R2P a principle that NATO can merely support, but not act upon.

I think that, even if NATO would show preparedness to do more than just support the international coalition with reinforcements in Syria, the critique from the international

¹⁶⁰ North Atlantic Treaty Organization, ‘The Alliance’s Strategic Concept’, 24 April 1999, http://www.nato.int/cps/en/natolive/official_texts_27433.htm, accessed 28 November 2016.

¹⁶¹ J.D.H. Scheffer, ‘Speech at the Kofi Annan International Peacekeeping Training Center, Ghana’, 20 November 2008, http://www.nato.int/cps/en/natolive/opinions_48230.htm?selectedLocale=en, accessed 28 November 2016.

¹⁶² David Yost, ‘NATO’s evolving purposes and the next Strategic Concept’, p. 493.

community and countries like China and Russia would stop them, given the experiences in the past. Another Kosovo is not likely to happen, and another Libya, with a UN mandate, even in the unlikely case that a resolution for a military humanitarian intervention will be adopted, will probably not be carried out by NATO, given its history.

Chapter 4: The European Union

After having examined the relation of NATO with R2P, this final chapter discusses a second regional organization and one that also has a history in humanitarian intervention. The European history of missions for humanitarian purposes is very limited, yet present. In the history of the European Union, various attempts have been made to establish a common defense policy. A common defense policy that, as the word implies, is primarily focused on the defense of its own territory. However, the EU is seen by many as a normative power¹⁶³, and human security¹⁶⁴ is part of the political agenda as well, introducing the possibility of (military) interventions for humanitarian purposes to the agenda of the EU.

Moreover, on the topic of R2P, the doctrine envisaged an important role for regional organizations in the implementation of R2P.¹⁶⁵ They can fulfill an important role through bridging the gap between the global and the local field. Although the report primarily aimed at the regional organization that is geographically related to the conflict situation, some scholars, especially those with a Eurocentric point of view, think that the EU could function as normative power and intervene in the case of mass atrocities, because the institution has the luxury of having a large plate of different measures at its disposal. This thesis is not the place to examine this friction more closely. Rather, the role that the EU plays in the conflict in Syria and its relation with the R2P doctrine, are placed in a historical perspective. This allows conclusive remarks to be made regarding the role of the EU as authority on R2P and its options in the Syrian conflict.

4.1 A historical background of the EU and humanitarian intervention: the European Security and Defence Policy (ESDP)

With the origins of the European integration and the establishment of the European Coal and Steel Community (ECSC) in 1951, the issue of military cooperation on a supranational level is not a completely new policy field. Although extensive European cooperation was established with the purpose of keeping peace in Europe, the European Economic Community was never originated containing a military component. However, already at the time of the establishment of the ECSC, there was a European initiative for a European

¹⁶³ Ian Manners, 'Normative Power Europe? A Contradiction in Terms', *Journal of Common Market Studies*, nr. 2(2002), p. 235.

¹⁶⁴ George Christou, 'The European Union's Human Security Discourse: where are we now?' *European Security*, nr. 3(2014), p. 364.

¹⁶⁵ International Commission on Intervention and State Sovereignty, *the Responsibility to Protect*, p. 22.

Defense Community, which would create a European army.¹⁶⁶ However, the initiative was never implemented because of a French refusal to ratify the treaty. As an alternative, West Germany was admitted to NATO, and the Western European Union (WEU) was created, but without the integration of military means.¹⁶⁷

Over the next forty years, European integration continued but without any military integration. In 1992, two important developments on EU foreign policy took place. The first is the Maastricht Treaty, when the European Common Foreign and Security Policy (CFSP) was created as one of three pillars of the European Union, followed by the European Security and Defense Policy (ESDP), that paved the way for military missions to be carried out under the EU umbrella.¹⁶⁸ More specifically related to humanitarian issues and the second important event in 1992, was the establishment of the Petersberg Declaration. In this declaration, the Petersberg tasks were defined. It was decided that they could be carried out by the WEU. These tasks were “military units of the WEU member States”¹⁶⁹, to be used for “humanitarian and rescue tasks, peacekeeping tasks, and tasks of combat forces in crisis management, including peacemaking.”¹⁷⁰

The use of the WEU as instrument of the EU’s defense policy was controversial, however. On a case-by-case basis, the EU member states had to agree on the military action of the WEU. And this, in practice, appeared to be not so easy.¹⁷¹ Moreover, after the end of the Cold War, the WEU gradually lost its importance because of the enlarged EU, that was not limited to Western Europe anymore. Its duties, and with it the responsibility for the Petersberg tasks, were transferred to the CSDP. After the Lisbon Treaty entered force in 2009, the body that would carry out the EU’s security and defense policy, became the European External Action Service.¹⁷²

Regarding R2P, the EU has, in an obvious parallel to for example the UN, repeatedly expressed its support for the principle. Especially after the World Summit in 2005, when it was clear that there was broad international support for the doctrine, various member states

¹⁶⁶ European Defense Community Treaty, 26 May 1952, <http://aei.pitt.edu/5201/1/5201.pdf>, accessed 13 December 2016.

¹⁶⁷ Karen E. Smith, *European Union Foreign Policy in a Changing World* (Cambridge 2014), p. 23.

¹⁶⁸ *Ibid.*, pp. 30-31.

¹⁶⁹ Western European Union, *Petersberg Declaration*, Council of Ministers, Bonn, 19 June 1992, <http://www.weu.int/documents/920619peten.pdf>, accessed 13 December 2016, p. 6.

¹⁷⁰ *Ibid.*

¹⁷¹ Karen E. Smith, *European Union Foreign Policy in a Changing World*, pp. 34-35.

¹⁷² European Union External Action, ‘Creation of the EEAS’, 14 June 2016, https://eeas.europa.eu/headquarters/headquarters-homepage/3648/creation-eeas_en, accessed 14 December 2016.

and EU institutions showed a positive attitude towards R2P.¹⁷³ For instance, the European Commission (EC) advocated that the EU should also commit to the implementation of the doctrine, and indicated the International Criminal Court as a useful instrument in the matter.¹⁷⁴ Besides the EC, the European Parliament is an even stronger advocate of R2P and its implementation. The body has repeatedly discussed the issue and expressed its support. The Parliament even indicated specific possible R2P cases, like piracy near Somalia and violence in the Democratic Republic of Congo.¹⁷⁵

Regardless of all this debate and calls for implementation, the EU remains reluctant when it comes to actually acting upon R2P. The Global Security Strategy, presented in June 2016 by High Representative of the EU Foreign Affairs Federica Mogherini, offers an insight on the current attitude of the EU towards R2P. The report only mentions R2P, stating that “the EU will also promote the responsibility to protect”¹⁷⁶, without any reference to further explanation on how the EU will accomplish this support for the concept. But, earlier on in the report, references are made to the EU’s role in conflict prevention and crisis management, and even out-of-area missions:

We will therefore act promptly to prevent violent conflict, be able and ready to respond responsibly yet decisively to crisis, facilitate locally owned agreements, and commit long-term. We will take responsibility foremost in Europe and its surrounding regions, while pursuing targeted engagement further afield. We will act globally to address the root causes of conflict and poverty, and to champion the indivisibility and universality of human rights.¹⁷⁷

In my opinion, it seems that the EU is increasingly trying to act like a normative power at least on conflict prevention, and not specifically but implicitly, on R2P. The report offers a reaction to the critique of Matthias Dembinski and Theresa Reinold, both connected to the Peace Research Institute Frankfurt, that EU missions are present, yet most of them do not have specific humanitarian motives, are “short-term, have a clear exit-option and involve only limited resources and risks.”¹⁷⁸ In the Global Strategy an implementation of R2P is not explained, but it does contain references to an emphasis in foreign policy on the global promotion of human rights, conflict prevention and conflict management.

¹⁷³ Chiara de Franco, Christoph Meyer, and Karen E. Smith, ‘Europe and the European Union’, in: Alex J. Bellamy and Tim Dunne, *The Oxford Handbook of the Responsibility to Protect*, p. 394.

¹⁷⁴ Ibid.

¹⁷⁵ Jan Wouters and Philip de Man, ‘The Responsibility to Protect and Regional Organizations: The Example of the European Union’, *Leuven Centre for Global Governance Studies*, Working Paper No. 101 (February 2013), p. 17.

¹⁷⁶ European Union Global Strategy, *Shared Vision, Common Action: A Stronger Europe. A Global Strategy for the European Union’s Foreign and Security Policy*, June 2016, p. 42.

¹⁷⁷ Ibid., p. 18.

¹⁷⁸ Matthias Dembinski and Theresa Reinold, ‘Libya and the future of the responsibility to protect: African and European perspectives’, *PRIF-Report No. 107* (Frankfurt am Main 2011), p. 20.

From 2003 onwards, the EU has indeed participated in or carried out various interventions with military instruments. Yet, most of them were not carried out unilaterally, in cooperation with the UN or to prepare a UN mission, and with consent of the government in the country.¹⁷⁹ It is neither possible nor desirable to discuss all missions with EU involvement, but to give an indication of the EU military involvement in interventions, a handful is discussed. In 2004 in Bosnia, the EU Operation Althea took over the operation that NATO had been leading. It was a noteworthy mission when it comes to the number of troops involved, but the way for the mission was already paved by NATO. The objectives were to “maintain the safe and secure environment”, and to “provide capacity-building and training”¹⁸⁰ to local troops. In other words, this mission was about maintaining stability and further conflict prevention, more than conflict management or specifically humanitarian purposes.

More closely related to R2P were the two EU missions to the Democratic Republic of Congo (DRC) in 2003 and 2006. The missions were carried out in close cooperation with the UN. In 2003, Operation Artemis had to make sure that the Bunia region was secured before the arrival of UN troops. In 2006, EU troops supported the UN in providing a secure environment for a fair election process.¹⁸¹ Again, these interventions were relatively limited in their size and impact. Research Fellow Catherine Gegout even went as far as to state that the impact that the EU had two years after Operation Artemis, in the DRC, with financial means, was larger than the impact the mission had at the time.¹⁸²

In 2008 and 2009, the intervention that most closely related to the protection of civilians from violence and mass atrocities, was the EUFOR mission in Chad and the Central African Republic. Up to date, it has been the largest mission under the umbrella of the ESDP.¹⁸³ The mission facilitated humanitarian aid and focused on the protection of civilians. Still, scholars argue that for the EU, this was merely the official mandate. The actual interest of the EU, according to these scholars, was in the interest of the EU itself, beneficial for EU politics and its institutes.¹⁸⁴ Similar critique is expressed with regards to the contribution of the EU to the military intervention in Libya.¹⁸⁵ Troops carrying the name of ESDP were never even sent to

¹⁷⁹ Karen E. Smith, *European Union Foreign Policy in a Changing World*, pp. 60-63.

¹⁸⁰ European Union Common Security and Defence Policy, ‘EU military operation in Bosnia and Herzegovina (Operation EUFOR Althea)’ http://eeas.europa.eu/archives/docs/csdp/missions-and-operations/althea-bih/pdf/factsheet_eufor_althea_en.pdf, accessed 14 December 2016, p. 2.

¹⁸¹ Karen E. Smith, *European Union Foreign Policy in a Changing World*, pp. 60-61.

¹⁸² Catherine Gegout, ‘Causes and Consequences of the EU’s Military Intervention in the Democratic Republic of Congo: A Realist Explanation’, *European Foreign Affairs Review*, nr. 10(2005), p. 442.

¹⁸³ David Styan, ‘EU power and humanitarianism in Africa: evaluating ESDP in Chad’, *Cambridge Review of International Affairs*, nr. 4(2012), p. 651.

¹⁸⁴ David Styan, ‘EU power and humanitarianism in Africa’, p. 652.

¹⁸⁵ Anand Menon, ‘European Defence Policy from Lisbon to Libya’, *Survival*, nr. 3(2011), p. 75.

Libya, due to concern from the UN and internal EU member state division. The only contribution of the EU was in the form of diplomatic and economic sanctions.¹⁸⁶ It thus seems that the EU was desperate to not miss the boat, but was held back by a couple of reasons, and that in the only intervention initially carried out under the name of R2P, and so close to the borders of the EU territory.

4.2 The EU and the conflict in Syria

Before the war in Syria, the country was part of the European Neighborhood Policy (ENP). Although limited, it was one of the countries that the EU cooperated with that is geographically situated relatively close to the borders of the EU.¹⁸⁷ In this regards, the EU had the opportunity to act in reaction to the conflict with other means than military measures, unlike NATO for example. It did also make extensive use of this possibility targeting individuals and the government with different measures.¹⁸⁸

Relatively quickly after the outbreak of the conflict, on 10 May 2011, the EU imposed its first series of sanctions at Syria. These sanctions were “an arms embargo, a ban on sales of equipment which can be used in internal repression, and a travel ban on thirteen members of Bashar al-Assad’s inner circle for their part in the crackdown.”¹⁸⁹ Peter Seeberg, a Danish professor connected to the Centre for Contemporary Middle East Studies, identifies two phases in the history of sanctions imposed on Syria by the EU.¹⁹⁰ During the first phase, lasting from 2011 roughly until 2014, the EU quickly imposed almost a wide range of sanctions on the Syrian government. Explicitly, the EU denounced the regime of Assad.¹⁹¹ The sanctions varied from travel restrictions on a large number of individuals, to bans on trade, like on oil export or trade in weapons.¹⁹²

The second phase, as identified by Seeberg, was characterized by a more cautious attitude of the EU towards the regime of Assad. He states that this is because of the increasing intensity of the conflict, the nature of the conflict changed from one of the uprisings that took

¹⁸⁶ Jan Wouters and Philip de Man, ‘The Responsibility to Protect and Regional Organizations: The Example of the European Union’, pp. 23-24.

¹⁸⁷ Peter Seeberg, ‘The EU and the Syrian Crisis: The Use of Sanctions and the Regime’s Strategy for Survival’, *Mediterranean Politics*, nr. 1(2015), p. 18.

¹⁸⁸ Chiara de Franco, Christoph Meyer, and Karen E. Smith, ‘Europe and the European Union’, p. 401.

¹⁸⁹ Global Centre for the Responsibility to Protect, ‘Timeline of International Response to the Situation in Syria’, <http://www.globalr2p.org/media/files/timeline-of-international-response-to-syria-1.pdf>, accessed 15 December 2015, p. 2.

¹⁹⁰ Peter Seeberg, ‘The EU and the Syrian Crisis: The Use of Sanctions and the Regime’s Strategy for Survival’, p. 18.

¹⁹¹ *Ibid.*, pp. 19-20.

¹⁹² European Commission: Service for Foreign Policy Instruments, *European Union: Restrictive measures (sanctions) in force*, 7 July 2016, http://eeas.europa.eu/archives/docs/cfsp/sanctions/docs/measures_en.pdf, accessed 15 December 2016, pp. 60-61.

place in the Arab spring into a much broader threat, to European security itself.¹⁹³ Seeberg does not mention it explicitly, but this is clearly also caused by the geographical proximity that the conflict implied with the refugee crisis in Europe. The refugee crisis suddenly turned the conflict from an out-of-area conflict into a conflict that had implications for the security in Europe,¹⁹⁴ together with the complexity of the Islamic State entering the conflict and committing terrorist attacks, also in Europe.¹⁹⁵

Besides sanctions, the EU has, like the UN, been paralyzed to act with other means. I do not argue that this is desirable, but at least any military involvement of the EU in the region has been restricted by division among the EU member states themselves. Among the three largest EU member states of France, the UK (for now), and Germany, the first has been the most favorable of intervention. France supported the actions of the US to launch airstrikes on Syria, while the public opinion in England is slowly growing tired of its involvement in military interventions. Germany favors a strong cooperation on the European level, but is not taking the initiative in expanding the sanctions or taking the lead in advocating military involvement.¹⁹⁶

In other words, the EU is doing little else than imposing economic and individually targeted sanctions on the Assad regime. But what impact did these sanctions have so far? This thesis is not the place to go deep into this issue, but it can be argued that this is very difficult to say with certainty.¹⁹⁷ The direct connection of EU sanctions to the ongoing events in Syria is not something that can be proven and the fact that we even attempt this perhaps illustrates an over-estimation of the possible impact that the EU can have. But given the history and the nature of the EU, at the moment, sanctions are all the EU can do and most suitable for its qualities.¹⁹⁸

Additionally, Seeberg is quite negative about the impact of the sanctions. Parallel to the sanctions, Syria became more and more isolated in the region.¹⁹⁹ It is possible that the sanctions had a hand in this, but this could also have been caused by the actions of the

¹⁹³ Peter Seeberg, 'The EU and the Syrian Crisis: The Use of Sanctions and the Regime's Strategy for Survival', p. 31.

¹⁹⁴ Jan Wouters and Philip de Man, 'The Responsibility to Protect and Regional Organizations: The Example of the European Union', p. 26.

¹⁹⁵ Peter Seeberg, 'The EU and the Syrian Crisis: The Use of Sanctions and the Regime's Strategy for Survival', p. 31.

¹⁹⁶ Sarah Brockmeier, Gerrit Kurtz and Julian Junk, 'Emerging norm and rhetorical tool: Europe and a responsibility to protect', *Conflict, Security and Development*, nr. 4(2014), pp. 449-450.

¹⁹⁷ Karen E. Smith, *European Union Foreign Policy in a Changing World*, p. 167.

¹⁹⁸ Chiara de Franco, Christoph Meyer, and Karen E. Smith, 'Europe and the European Union', p. 401.

¹⁹⁹ Peter Seeberg, 'The EU and the Syrian Crisis: The Use of Sanctions and the Regime's Strategy for Survival', p. 29.

Assad government itself. Moreover, the fact that the EU did nothing proactive to support the scattered opposition to Assad's regime, may even have led to an increased lack of cooperation among the different groups.²⁰⁰ And finally, it is possible that the sanctions have only contributed to a stronger adaptability of the Syrian government, just because it had to deal with this enormous range of sanctions.²⁰¹ It probably has also driven the government further in the direction of its allies Russia and Iran, and thus caused the opposite effect of what the EU may have hoped to achieve with the sanctions.

4.3 Responsibility to Protect and the EU: the EU as R2P authority

This last paragraph discusses the suitability of the EU as (normative) authority on R2P. As one of the strongest and oldest regional organizations that, within its own borders, has known peace for over half a century and manages to protect its own citizens to a great extent, at the first sight the EU appears a fitting candidate for the role. However, the limitations that the EU has in this regard, are more numerous.

The first and important limitation that the EU has on R2P, is the problem of implementation. As already explained in the first paragraph of this chapter, various EU institutions have repeatedly expressed their support on the principle, but none has made serious commitment to institutionalizing the concept or assigning it to a specific body.²⁰² This last issue, of assigning the responsibility for R2P to a specific body, is made more difficult because of the fact that the EU already has systems in motion that deal with conflict prevention and -management.²⁰³ Regardless of the official documents that were published outlining specific criteria, it remains a principle without clear regulations for implementation, also because the crimes vary in nature.²⁰⁴ Even though R2P is, by now, an internationally accepted doctrine, taking on the bureaucratic willingness to actually implement it, appears for the EU a step too far.

The second limitation that the EU encounters, is the difference in attitude of its member states. Comparing the visions on R2P of the three largest EU member states, Germany merely sees R2P merely as a norm, a rhetoric principle, not as a legally binding principle around which a whole institutional structure should be built around.²⁰⁵ On the other hand, the

²⁰⁰ Peter Seeberg, 'The EU and the Syrian Crisis: The Use of Sanctions and the Regime's Strategy for Survival', p. 30.

²⁰¹ Ibid., p. 31.

²⁰² Sarah Brockmeier, Gerrit Kurtz and Julian Junk, 'Emerging norm and rhetorical tool: Europe and a responsibility to protect', p. 340.

²⁰³ Chiara de Franco, Christoph Meyer, and Karen E. Smith, 'Europe and the European Union', p. 397.

²⁰⁴ Ibid., p. 403.

²⁰⁵ Sarah Brockmeier, Gerrit Kurtz and Julian Junk, 'Emerging norm and rhetorical tool: Europe and a responsibility to protect', p. 341.

imperial history of both France and the United Kingdom shows that they have a different perception on humanitarian intervention in general, an attitude that is reflected in the proactive attitude of both countries regarding participation in military humanitarian interventions, like France in Libya. An additional problem of the EU is that decision-making can take a long time, because of the internal differences of the opinions of the member states. Where NATO announced in three days that it wanted to take on the intervention in Libya, the EU decision-making takes much longer,²⁰⁶ especially when it comes to a possible military intervention and the use of the EEAS.

Furthermore, now that the population of the UK has voted to step out of the EU, it is unlikely that the EU will commit itself further into common military intervention for humanitarian purposes. The EU will probably focus on restoring and strengthening the Union itself, before taking its European integration any steps further. The difficult period that the EU entered with the Brexit probably has consequences for the power balance in the EU. Of course, this cannot be said with certainty, but it is highly possible that the opinion of Germany will weigh more, now that the UK does not stand next to France anymore on its position on R2P.

A third limitation of the EU as authority on R2P is that military intervention does not suit the nature of the European Union. Its primary purpose is still economical, and that is the way the European Economic Community has evolved over the years. "Military intervention 'out-of-area' without the consent of the foreign government is normally seen as an activity where the EU is and maybe should remain marginal."²⁰⁷ This quote supports my argument that the EU is, especially at this critical moment in European integration history that so much critique is expressed on the EU, not ready for intervention on third countries. At least not until it has its own internal issues solved and the EU is ready for the next step in integration. For now, the nature of the EU only allows for economic sanctions,²⁰⁸ and "hard power Europe" is still in the future.²⁰⁹ The very limited impact the economic measures of the EU has had in Syria proves that in grave mass atrocity situations with influential international actors involved, this only helps with isolating the country in the region. In the broader international field, this does not make enough of a difference.

On the other hand, there are arguments to support the idea of the EU as a moral and normative authority on R2P. The first argument is already repeatedly mentioned above,

²⁰⁶ Anand Menon, 'European Defence Policy from Lisbon to Libya', p. 83.

²⁰⁷ Chiara de Franco, Christoph Meyer, and Karen E. Smith, 'Europe and the European Union', p. 400.

²⁰⁸ Ibid.

²⁰⁹ David Styan, 'EU power and humanitarianism in Africa: evaluating ESDP in Chad', p. 667.

namely that the EU has a large number of measures at its disposal.²¹⁰ The economic means of leverage it imposes on Syria illustrate this. It does, in theory and to a limited extent in practice, also have the potential to intervene militarily. However, in practice, this does not happen easily, not with the purpose to protect civilians, and not in grave cases like Syria.

Moreover, in some cases, the EU has a large potential of meeting one of the most important criteria of the precautionary principles of R2P: that of right authority. The EU is a regional organization that has the economic, financial and military means to intervene. The original text of the ICISS identifying the R2P gives a role to regional organization in case the UNSC fails to act.²¹¹ Yet, the World Summit in 2005 rejected the potential unilateral action of a regional organization, but with UNSC support there are still options.²¹² Of course, in the case of Syria, the EU is geographically speaking not the regional organization that primarily has to deal with the conflict, but the spill-over of the refugee crisis has made the geographical proximity more imminent for the EU.

In conclusion of this last chapter, the EU is a regional organization that has potential of becoming a normative authority on the area of R2P. However, the first requirement for this, is that the Union itself takes important steps in the implementation of the principle. Policy commitments are an important condition. The poor record of the EU's actions regarding the conflict in Syria only supports this argument. Moreover, at this moment, the existence of the EU is too much at a crossroad in history. The EU is primarily occupied with more existential problems like dealing with the Brexit and thus protecting its own citizens, before it can think about protecting civilians elsewhere.

Finally, another question is if it is even desirable that the EU should join the field of humanitarian interventions with military force. Many countries in Asia, Africa and South America may think that this is just another expression of dominance of Western countries. In my opinion, it is possible that the EU fulfills a role in R2P in the future, but in the case of conflicts outside European territory, only in cooperation or preferably support of another regional organization that has the right geographical authority.

²¹⁰ Anand Menon, 'European Defence Policy from Lisbon to Libya', p. 77.

²¹¹ International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, pp. 53-54.

²¹² Jan Wouters and Philip de Man, 'The Responsibility to Protect and Regional Organizations: The Example of the European Union', pp. 8-9.

Conclusion

In this study various international actors have been discussed regarding their record on the Responsibility to Protect doctrine, with the specific case study of the ongoing conflict in Syria, where the UNSC is consequently failing to intervene. In the first chapter, the origins of the principle itself were outlined, together with an introduction to the conflict in Syria, and an explanation of the paralysis that the UNSC is in, when trying to react to the conflict, or at least provide humanitarian aid. The chapter described the origins and the fast rise of the R2P doctrine, and the promising World Summit in 2005, where the United Nations General Assembly accepted the doctrine. However, still further commitment was needed from the UN Secretary General in 2009, giving an indication that implementation of R2P appeared to be the most striking aspect. It was also argued that this complexity of implementation could already have been foreseen when it was proposed, because of the emphasis on prevention. It makes the success of the doctrine hard to measure, making the concept more of a normative principle than an empirical tenet.

The complexity of the conflict in Syria is an indication that, for implementation of the concept, a revision of the UN Security Council is needed, or an alternative solution has to be brought up, like the establishment of an independent body that has been given the green light from the UNSC to take the decision on activating an R2P case to prevent and react to the gravest of mass atrocities: genocide, war crimes, crimes against humanity and ethnic cleansing. The involvement of a large number of actors, both at the site of the conflict, like the Syrian government, moderate opposition groups, more extremist opposition groups, and Islamic State, as at the international level (Russia, China, Iran, the US) has forced the option of action in the name of R2P to the background. First and foremost, the actors are looking at the actions of one another and act out of fear for the consequences, with the civilians always becoming the victims.

The second chapter focuses on the only national actor examined in this study, the United States. The US is taking part in an international coalition of the willing, which is only focused on defeating IS. In general, the country picked the side against president Assad, making it indirectly stand opposite Russia, a country that is actively supporting the current Syrian government in fighting the opposition groups. The history of American military intervention for humanitarian purposes does not have a specific continuing character. The differences in its reaction towards Rwanda, Kosovo and Libya for example illustrate that the president can have a decisive vote in the matter. The US policy on R2P is largely on a case-by-case basis. More specifically towards R2P, the US in the past has expressed large plans, for example

with Obama when his second term was about to begin, indicating the wish to become a leading normative authority on the matter. However, the 'big words' attitude that the US can have on the conflict in Syria, contradicts its hesitant attitude and actions. The US involvement in Libya has shown that it appeared very convenient that R2P could be used as justification, while the actual motives of the US cannot be appointed to the mass atrocity prevention camp. Finally, the fact that Donald Trump will become the next president and that it is still completely unclear what his policy will be on R2P, is another argument supporting the lack of consistency in US foreign policy.

In the third chapter, the regional organization of NATO was discussed. Its history of controversial interventions in Kosovo and Libya has not contributed to the legitimacy of NATO on R2P. NATO does not have the intention of becoming an authority on R2P, and has also not acted supporting this. On the other hand, the alliance does have unique capacity of military reaction to a conflict, something that became clear in Libya. It can decide on a short notice, and has the military capacity to act with large force. This makes the prospect of success high, one of the criteria for R2P intervention with military force. On the other hand, this is also the only measure it has. NATO has offered diplomatic solutions, but unlike the US or the EU, it cannot impose economic sanctions upon Syria, for example. The R2P criteria that a measure should be in proportion to the conflict, does not support the eligibility of NATO regarding R2P.

The final chapter examined the applicability of the EU on R2P. Although the EU is a regional organization as well, it has legitimacy when it comes to the conflict in Syria because with the refugee crisis, the consequences literally reached EU territory. Moreover, unlike NATO, because it is in principle an economic body, the EU has many options before reaching to the sword. The developments in Syria have shown that this proved to be insufficient. The EU has imposed all the possible sanctions on Syria and besides isolation in its trade with Western countries, these sanctions have not proved to influence the conflict in a positive way. For the EU, the largest restriction is, that, internally, it might not be ready for common military interventions for humanitarian purposes without the consent of the concerned government. With the Brexit and a rise of Euroscepticism all over Europe, the Union probably has other priorities right now than expanding the duties of the CSDP or protecting civilians from mass atrocities outside its own borders.

To return to the central question of this study, it can be concluded that none of the international actors described has a great potential of becoming a leading normative authority on R2P. The history of humanitarian intervention of all three actors indicate that

none of them has a consistent attitude, nor made extensive efforts to implement the principle. Especially the US and the EU have repeatedly expressed their support with big words, but the practice has shown that from these big words, no action has followed. They all face different challenges, not like the UN of legitimacy, but their interest does not appear to be primarily with protecting civilians from mass atrocities worldwide.

However, the conflict in Syria has made visible that action is needed. The international community is paralyzed and lets atrocities like humanitarian crises like in Aleppo, when the Syrian government fought to take back the city from various opposition groups, happen without action. But, I think that none of the actors described in this study, are capable of undertaking action on their own. Perhaps, if they would combine their strengths, a legitimate action plan could be made. The involvement of a regional organization in the region of the Middle East, like the Arab League, is in my eyes the key in this. The report of the ICISS specifically mentioned the potential of regional organizations because they have the legitimacy in the region. If this were to be supported with the military means of NATO and the US, and the EU would act more proactively as well, R2P still has potential to be applied to in Syria.

This last issue, the possible involvement of the concerned Arab League, could also be an interesting subject of further research. If this regional organization were to establish a military component like the UN and the EU are still developing, action could possibly be undertaken in Syria, with the support resources and knowledge of institutes like the UN and the EU. Furthermore, the topic of an independent body acting parallel to the UN that primarily focuses on R2P, could possibly be a solution to the paralyzed nature of the UNSC with the repeated veto of Russia and China. If this were to happen, or if future interventions will be made by the UN in other conflicts, R2P still has a future. But with the knowledge about the way the conflict in Syria is being handled by the international community, it seems that R2P will slowly vanish from the international stage.

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