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The United Nations Security Council and Humanitarian Interventions: The Case of Syria

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By

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## Abstract

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The UN was founded in 1945 with a mission that includes protecting fundamental human rights, securing international peace, respecting state sovereignty and preventing genocide. With the forces of globalization (increased movement of goods, capital, ideas and people around the world), has come a recognition by some that international relations have gone beyond state boundaries in a variety of ways that demand a more cosmopolitan or worldly approach to international politics than the established Westphalian state based model. The humanitarian disasters since the 1990s in Somalia (1993), Rwanda (1994), Kosovo (1999) and Libya (2011) was brought to public consciousness and into the United Nations to deliberate the need to protect the human rights of populations where the killing is within states not necessarily between them. This paper uses the debate of humanitarian intervention in the United Nations Security Council as it applies to Syria in 2018 to illustrate the struggles of an international institution committed to protecting fundamental human rights as well as state sovereignty.

## **I. Introduction**

In 2011, uprisings began in Syria influenced by the revolutionary wave against non-democratic regimes across the Middle East also known as the “Arab Spring.” The Syrian regime, led by President Bashar Al-Assad, responded to the protests by brutal force in an attempt to regain control of the population and within months, the country found itself in a full-fledged Civil War with several domestic, regional and major international actors involved (International Crisis Group 2012a; Leenders & Heydemann 2012).

The war’s devastating consequences have created a humanitarian disaster as the death toll in Syria has reached 400,000 people and left an estimated 14 million in critical need of humanitarian assistance (Balkozar 2017; Human Rights Watch Report 2016). More than half of Syria’s 20 million population have been displaced and civilians are exposed to various cruelties such as massacres, kidnappings, mass detention and torture (Zifcak 2012, 73-80; UNHCR 2018). The United Nations High Commissioner Filippo Grandi described the situation in Syria as “the greatest humanitarian tragedy of our times” (UNHCR 2018). Furthermore, the war has met the criteria for humanitarian intervention according to the International Commission on Intervention and State Sovereignty’s report (ICISS 2001). Yet, seven years into the civil war, the United Nations have not issued a warrant for a humanitarian intervention and the human suffering in Syria continues.

The definition of humanitarian intervention is the use of military force against another state to prevent or interrupt gross human rights violations (Bellamy and Dunne 2016, 328). The concept was introduced following the end of the Cold War which

welcomed a more liberal era where multilateral actions are commonly used to solve global issues (Coady 2002, 23). The *Responsibility to Protect* principle was adopted by the United Nations in 2001 with the purpose of holding the international community accountable to protect citizens of states who are proven unable or unwilling to protect their citizens themselves (ICISS 2001, 6-7). The demand for such policy was a result of a combination between the internationalization of human rights and the global community's failure to prevent or end the ethnic cleansings and genocides in Rwanda, Kosovo and Srebrenica during 1990s (Annan 2000, 48; Mazarr 1993, 152-152).

The concept of humanitarian intervention however, is problematic not just in legal terms, but also in practical and theoretical terms. Previous humanitarian interventions have predominantly failed to prevent genocides, ethnic cleansings or simply to produce a positive outcome by improving the humanitarian conditions (Mayroz 2012, 86-88) Most importantly, the historical record of humanitarian interventions shows that states seem more likely to engage in interventions where political or financial interests are at stake.

The aim of this paper is to use the case of Syria to demonstrate the limits of what the United Nation, as an international body, can do in regards to humanitarian intervention. The purpose is to show that despite existing in the age of globalization and human rights, international politics remain a power struggle by its nature.

## **II. The Emergence of International Peace Keeping**

The idea of constructing an international institution to preserve world peace has for centuries been a dream of philosophers, theorists and politicians. However, it was not until the world had witnessed human brutality in its worst form during World War I, that this idea became a reality in the form of the League of Nations (Henig and Sharp 2010, 1).

### **Establishment of the League of Nations & its Security Council**

The League of Nations was the global community's first attempt to establish an international institution with a mission to maintain international peace. The creation of the League of Nations was a result of the Versailles Peace Conference in 1919 following the end of WWI (Magliveras 1999, 8-11; Northedge 1998, 35-36). World War I had left the world in devastation leading to the end of four great empires, outbreaks of revolutions, human disasters and extensive financial indebtedness among states (Henig and Sharp 2010, 1-3). The political turbulence in the world as an immediate result of the war called for the immediate creation of an international institution whose principal task would be to preserve the newly created peace. The five victorious 'Great Powers of WWI' (France, Italy, the United States, the United Kingdom and Japan) initiated the formation of the organization where President Woodrow Wilson played a vital role advocating for the movement. However, the Senate did not agree with President Wilson's foreign policy approach and rejected the proposal. The rejection by the United States, one of the five Great Powers, became a major weakness for the League (Henig and Sharp 2010, 14-20).

The League was made up of an Executive Council, a General Assembly representing all members, and a Secretariat. A total of 63 nations became members of the League of Nations between 1920-1946. The victorious nations of World War I (besides the United States.); France, Italy, Japan and the United Kingdom, were the four permanent members of the Executive Council (Northedge 1986, 48-53; League of Nations 1919). Due to the lack of their own armed force, the League often depended on the five Executive Council members to enforce their sanctions and resolutions.

The League's impact in the Middle East is mostly associated with the "League of Nations Mandate," a legal status for European nations to administer certain territories in Africa and Middle East (Northedge 1986, 192-198). The Mandate for Syria was given to France together with Iraq and Lebanon, while Palestine and Transjordan were put under British Mandate (Henig and Sharp 2010, 178). Like Syria, most countries under Mandates were put under the system of tutelary rule which lasted until the dissolution of the League and resulted in the independence of the nations under the League's Mandate (Grainger 2016, 5). Several factors were responsible for the dissolution of the League; however, the main factor seems to remain the uneven representation of the world's nations. Not only did the United States never join the organization, the Soviet Union and Germany, two of the most powerful nations in the world, were not allowed to join the League. The Soviet Union was banned based on its communist political stance and its rivalry with both France and Britain. Germany was banned because the country was held responsible for World War I. Several member states such as Brazil, Japan and Italy also withdrew their membership from the League in the 1930's further weakening the organization's influence in world politics (Northedge 1986, 252-254).

The second major factor was the lack of armed forces that required the League to depend on the five Great Powers' armed resources. Britain and France were very reluctant to contribute armed forces to enforce resolutions since the vulnerability of WWI was still very present. The member states were not ready to engage in yet another war and were therefore often unwilling to provide military support. Consequently, due to the lack of military power, the League found itself unable to act in critical situations. Several failures had proven the League of Nations unable to carry out its initial mission to preserve world peace, including the failure to prevent WWII. The League was later replaced by the United Nations in 1945 (Northedge 1986, 133-135; Barnett 1972, 245).

### **Establishment of the United Nations & its Security Council**

The United Nations was established in 1945 following the devastation of World War II with the aim of preventing similar conflicts in the future (Hultman, Kathman and Shannon 2013, 59). Like the League of Nations, the UN is an intergovernmental organization whose main duty is to maintain international peace and security and further promote international cooperation (Mayall 1996, 1). At its inception, 51 nations gathered in San Francisco to sign the UN Charter in 1945, a number that has increased to 193 member states as of 2018. *The Charter of the United Nations* is a multilateral treaty committed to uphold human rights and the maintenance of international peace (UN Charter 1945; Northedge 1986, 278-289). Furthermore, the adoption of "The Universal Declaration of Human Rights" in 1948 set a milestone in the history of human rights by being the first formal document to universally protect fundamental human rights.

The UN has six main organs; the General Assembly, the Security Council, the International Court of Justice, the Economic and Social Council, the Trusteeship Council

and the UN Secretariat. The General Assembly is the main deliberative, policymaking organ represented by all 193 Member States where each state has one vote (Kaufmann 1980, 25-26; UN Charter 1945).

The Security Council has the primary responsibility for the maintenance of international peace in accordance with Article 24 (1) of the UN Charter and consists of 15 Member States; five permanent members with the power of veto; China, Russia, France, Great Britain and the United States, and ten non-permanent members elected for two-year terms by the General Assembly (UN Charter, chap. 5). The five permanent members of the Security Council are the victorious powers of World War II and played a significant role in the establishment of the UN. They were therefore granted the special status of Permanent Member States of the Council along with the right to veto. The power of veto allows the permanent members to block any resolution or decision with a single vote. In order to pass a resolution in the Security Council, 9 out of the 15 members must favor the vote, unless one of the five permanent members decides to vote “no” and thereby block the resolution. The original idea of the power of the veto was based on the assumption that powerful states and their special role in world politics increase the chances of real impact and acceptance of the resolutions and decisions made by the Security Council (Schermers and Blokker 2011, 561). Unlike the General Assembly which handles all matters under the UN Charter, the Security Council is only responsible for matters that concern international peace and security. However, since the formation of the UN, more than one hundred conflicts have taken place without an intervention from the UN. In majority of the cases, actions are not taken due to permanent member states using their veto power to vote down the resolution (Lowe 2007, 86-99; Northledge 1986,

278-281). The huge lack of UN interventions in conflicts around the world has raised serious questions amongst scholars whether the Security Council is able to maintain international peace or not. According to Article 2 (4) of the UN Charter;

“All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state...”

The article prohibits the use of force and calls on all Member States to respect the sovereignty and political independence of other nations. The Permanent Member States often refer to this article when using their veto to vote down a resolution suggesting military intervention based on humanitarian grounds. The prohibition of the “use of force” is a controversial matter having many incompatible interpretations. The Charter allows two exceptions for the use of force; In self-defense, and in cases authorized by the Security Council (UN Charter, Art. 51).

In addition to the two exceptions in Article 2 (4) of the UN Charter, the right to intervene in a state based on humanitarian motives has been applied to the UN regulations. This form of intervention is called “humanitarian intervention” (UN Report, the Responsibility to Protect). The right to humanitarian intervention is the most prominent attempt to create an exception rule to the UN’s Charters prohibition to the use of force against sovereign states.

### **United Nations Approach to Humanitarian Intervention**

The concept ‘humanitarian intervention’ is relatively new to international politics and entered the public consciousness in the 1990s. Before the end of the Cold War, interventions such as India’s invasion of Bangladesh in 1971, Vietnam’s invasion in Cambodia against Pol Pot in 1971 and Tanzania’s invasion of Uganda under Idi Amin in

1971, all had positive outcomes and resulted in a significant improvement for the innocent population. Yet, the interventions were never legitimized based on humanitarian grounds, but on self-defense. Despite the legitimization of all three invasions, the international community condemned the invasions as illegitimate based on their violation of the norms of sovereignty (Gray 2008, 33; Rothwell et. al. 2018, 717).

The Post-Cold War era brought tremendous changes including multilateralism and an increase in the protection of human rights. According to the UN Charter, protecting fundamental human rights is one of the United Nation's main responsibilities. The Universal Declaration of Human Rights lays out the basic framework for human rights, where the most fundamental right is the right to live. The crime of genocide and ethnic cleansing is therefore specifically emphasized and even codified as an independent crime in the UN Convention on Prevention and Punishment of the Crime of Genocide in 1948. Moreover, violations against the Crime of Genocide concerns the entire international community and requires immediate action. The need for collective action and humanitarian intervention has also been recognized by the UN. The Security Council can call for collective action in cases where peaceful solutions have proven to be insufficient to prevent genocide, war crimes and other crimes against humanity in accordance with Article 42 of the UN Charter (United Nations 1945. UN Doc. 60/1, 138-139). Despite the regulations, the international community failed to intervene in the Rwandan genocide in 1994 and failed to avoid an ethnic cleansing in Kosovo in 1999 and Srebrenica in 1995 (Orford 2003, 4-7).

Definition of "Humanitarian Intervention." The scholarly debate concerning the exact definition of humanitarian intervention is still active; however, most scholars agree on the

fact that a humanitarian intervention is when an external actor means to stop or prevent brutal violations of human rights in a targeted area, where the state is either unwilling or incapable of protecting its citizens, or actively oppressing them (Coady 2002; Orford 2003; Lang 2003).

The concept “humanitarian intervention” is a broad concept and includes different forms of support; armed intervention and humanitarian aid. The two sub-components are different in its definition. Humanitarian aid involves delivering food and medical supplies, logistical support, providing shelter and similar assistance in response to critical situations such as natural disasters. The political environment in the country must also be considered unstable and the government must lack the capacity to provide basic needs to their citizens such as food, water, safety, medical care and shelter. In such cases, the mission is to provide order and stability to an unstable situation as well as to provide humanitarian assistance through medical and logistical support. This form of humanitarian intervention is restricted to logistics and limited use of force (Mazarr 1993, 152-153; Orford 2003, 2-5). The second type of humanitarian intervention; armed intervention, is rooted in deeper political and social issues and takes a more aggressive form.

In order to define “armed humanitarian intervention”, one must divide the three words and define them separately (Garrett 1999, 1). “Armed” describes the intervening party usage of military force to achieve its objectives while “humanitarian” defines the purpose of the intervention (Scheid 2014, 3-4) In order to justify a humanitarian intervention, the purpose must involve protecting innocent people and improving the humanitarian situation in the targeted area (Lang 2003, 1-3). The word “intervention” is

broadly defined as interference by a state in another state's affairs. Interference in other states' affairs may be done through non-military measures such as diplomatic or economic sanctions. The intervention must also be performed by an external actor and cannot be carried out by domestic actors. Usually, it is performed by a coalition of multiple states (Pattison 2010, 26-27; Orford 2003, 2).

Another aspect of the debate regarding humanitarian intervention relates to the requirements to authorize such intervention. The Security Council must consider the situation serious enough to threaten international peace and security (UN Charter Art. 39-51). According to the UN Charter, gross human rights violations are considered an international matter. There is no official document defining "human right violations" and the definition itself is vague; however, it includes humanitarian crises such as genocide, ethnic cleansing, war crimes or other crimes against humanity (Hehir and Murray 2013, 18-21; UN Charter). Furthermore, a general consensus of fundamental human rights appears in the UN's *Universal Declaration of Human Rights*. A humanitarian intervention is also not meant to build or establish political order, but rather protect fundamental human rights in the targeted area. This distinguishes humanitarian intervention from peacekeeping missions; A humanitarian intervention is a short-termed mission while peacekeeping involves a long-term commitment (Seybolt 2007, 6).

Legal Framework. The legality regarding the doctrine of humanitarian intervention is one of the most controversial issues in international law because of its direct interference with one of the oldest and most fundamental norms in international politics; the principle of

state sovereignty. The principles of sovereign equality, prohibition of the use of force and non-intervention are laid out in Article 2 (1), (4) and (7) of the UN Charter;

- Article 2 (1) “The organization is based on the principle of the sovereign equality of all its Members”
- Article 2 (4) “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.”
- Article 2 (7) “Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state....”

Any use of force against a sovereign state, including humanitarian intervention, is a direct violation of Article 2 (4). However, the Charter also provides two important exceptions to the prohibition on the use of force, in self-defense and authorization by the Security Council;

- Article 51 “Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations....”
- Chapter VII of the UN Charter covers Articles 39-51 and provides the framework within which the Security Council may enforce actions, including armed intervention. “If the Security Council determines the existence of any threat to the peace, breach of the peace, or act of

aggression” they may allow military or non-military action to maintain or restore international peace and security.

Article 51 is not of relevance for this study as humanitarian intervention cannot be performed based on self-defense (International Court of Justice 1986). The prime focus is therefore on the remaining exception; authorization by the Security Council. The Charter allows the Council to authorize humanitarian intervention if the situation is proven to threaten international peace and security (UN Charter 1945, Chapter VII). Traditionally, the term “international peace and security” has been narrowly defined as maintaining the peace between nations and avoiding inter-state conflicts. Since the end of the Cold War, however, the concept has been modified to include humanitarian crises (Moore and Pubantz 2005,169-171).

Even though fundamental human rights are recognized internationally, they lack legal protection in the UN Charter. There is an absence of mechanisms for the *protection* of human rights in the UN Charter, while the mechanisms for the protection of international peace and security is existent according to Article 2(4). The UN has the *right* to intervene in humanitarian crises but not the *obligation* to take such actions, for the exception of genocide. According to the Genocide Convention, the United Nations is obligated to undertake actions to prevent or end such crimes (Peterson 1998, 872-878).

### **III. The Case of Syria**

Western media outlets have paid substantial attention to the situation in Syria since the uprisings in 2011 which quickly escalated into the currently ongoing civil war. The media coverage mainly portrays the Syrian civil war as a struggle between the undemocratic al-Assad regime and noble freedom fighters seeking to overthrow the al-Assad regime and establish a new democratic order. In reality, the situation is far more complex and involves not only Syria, but the Middle East and the whole international order (Carpenter 2013, 1; Habets 2016, 75-85). The war will have long-term implications for Middle Eastern politics, as well as determine the position and influence of the United States and Russia in the region (Carpenter 2013, 7). In order to grasp the situation and its complexity, one must trace Syria back to its establishing years following independence.

#### **Syria after World War I, 1946–1963**

Syria emerged after the end of WWI following the fall of the Ottoman Empire which created a huge power vacuum and marked the beginning of European imperialism in the Middle East. The Mandate for Syria was given to France and was authorized by the *League of Nations*. The country had an established government under French rule that existed as a system of tutelary rule for 26 years, up until their independence in 1946 (Grainger 2016, 5). The French presence in the country for a quarter century had seriously damaged the relationship between religious and ethnic groups (Zisser 2006, 180-191).

In order to prevent a rising Arab nationalism during the French mandate (based on the fear of a strong opposition movement) the French favored minorities since they distinguished themselves from the political ideology of Arab nationalism. The privileges

of Christian Alawites over Muslims in the military and government, would automatically set the conditions for an Alawite-dominated regime (Van Dam 1979). The superiority of Alawites exposed the sectarian differences in the country and further intensified them. After the declaration of independence in 1946, a weakened Syria was characterized by frequent coup attempts seeking government reform. During this time, Syria was categorized as a third world country as basic institutional elements such as infrastructure, access to clean water and transportation facilities were non-existent, not to mention the bad economy (Collelo 1988, 52-52).

In 1963, the Arab Socialist Baath Party seized power in Syria in a coup called the “Baath revolution”. The Baath Party faced both internal and external issues within their first years as a group of army officials performed a successful intra-party coup in 1966, followed by the Six Day War in 1967. Syria’s involvement in the Six Day War and “Black September” created clashes within the party between a more extreme military wing and the less extreme, moderate civilian side of the Baath Party (Siegman 2000, 3). The military wing had an extreme anti-Israel standpoint and the disagreements eventually led to a second intra-party coup, carried out by the appointed Minister of Defense at the time, Hafez al-Assad, which would mark the start of the infamous al-Assad regime (Grainger 2016, 278; Phillips 2015, 362-365).

### **Syria under Hafez al Assad, 1971- 2000**

Hafez al-Assad was born to a poor Alawite family and was the first one to attend high school where he faced anti-Alawite bias in the predominantly Sunni populated region. As a result, Assad approached political organizations that welcomed Alawites and joined the Arab Socialist Baath Party at the age of 16 (Reich 1990, 52). Assad later joined

the Air Force and quickly climbed the ladder within the military. He later participated in the 1963 Baath coup d'état which brought the Baath Party to power (Tucker and Roberts 2008, 168). Al-Assad was promoted from Commander of the Air Force to Minister of Defense after the intra-party coup in 1966 (Seale 1990, 104). After the Arab defeat in the Six Day War which resulted in Syria losing territory to Israel, the tensions between the military and the government intensified as they both blamed each other for incompetence. The rising tensions led to the second, this time long standing, successful intra-party coup led by Hafez al-Assad in 1970 where he appointed himself the new President of Syria (Seale 1990, 164).

Assad's first years in power was looked upon positively by the Syrian people as he tried to unify the country and give the people hope for change as his political approach differed from those before him. Although Assad did not democratize the system, he got rid of repressive policies and was celebrated for the rapid growth in Syria's economy, accompanied by a series of socioeconomic reforms intended to improve the nation's educational and social level (Zisser 2006, 190-195; Phillips 2015, 350-380).

When al-Assad first entered office, he institutionalized a system centered around himself (Hinnebusch 2001, 61). Al-Assad made changes in the constitution strengthening his position in the government as well as reassuring the Baath Party's central role in Syrian politics (Grainer 2016, 280). Al-Assad expanded the presidency from simply "head of state" to an extended control over the government and military. The party, together with the president, completely dominated the political scene and obtained all forms of power and authority. The changes allowed the president to appoint and dismiss the Prime Minister, members of the Council of Ministers, and military officials. The

president is the Commander in Chief for the military and according to the Syrian constitution, the president must be nominated by the parliament and approved by the people through elections held every seven years (Hinnebusch 2001, 61-65). This may have a democratic undertone, however, majority of the seats in the parliament are reserved for the Baath Party, which automatically set the conditions for a Baath dominant government. The president has unlimited power and cannot be questioned by either the Parliament or the people despite regular elections (Lesch 2011, 421-425; UN General Assembly 2005). For most of the years between 1970 until his death in 2000, the official Syrian rhetoric frequently used the slogan “Souria al-Assad,” translated to “Assad’s Syria” which refers to the national identity created by Assad himself (Yassin and Al-Shama 2016, 163). Assad named institutions and public places after himself and students started their school day by singing “Our Eternal Leader, Hafez al-Assad.” The country revolved its national identity around Assad, who was portrayed more or less as “the chosen one” (Pipes 1995, 15-16). Hafez al-Assad ruled the country up until his death in 2000 and the presidency post was passed on to his son, the current president of Syria, Bashar al-Assad.

During Hafez al-Assad’s presidency, the Alawite dominance in the system increased as the president appointed and promoted Alawites in the government and the military branch. The replacement of previous high ranked Sunni officials created tensions in the country amongst predominantly the Sunni majority who felt discriminated and unrepresented in the Syrian government (Lefevre 2013, 109-111). Alawites, who dominated the governmental system only made up 12% of the Syrian population. Furthermore, Alawites belong to the branch of Shia Muslims while 70% of the Muslim

population in Syria are Sunnis. Both Bashar and his late father, Hafez al-Assad, have been accused of suppressing Sunni opposition groups and jailing Sunni journalists. In a famous rebellion against the regime organized by the Muslim Brotherhood in 1982, Hafez al-Assad responded by executing, mass arresting and torturing political rebels. The exact number of casualties is uncertain but reports and experts estimates the retaliation took approximately 20 000 civilian lives (Lefevre 2013, 109-115).

### **Syria under Bashar al Assad, 2000- present**

When Bashar al-Assad entered office in 2000 after his father's death, he expressed a more democratic rhetoric (in the beginning of his presidency) and released 600 political prisoners belonging to mainly the Muslim Brotherhood and other opposition groups. In his inauguration speech, Bashar promised to be a different leader than his late father and said:

"I shall try my very best to lead our country towards a future that fulfils the hopes and legitimate ambitions of our people" (Assad Inauguration Speech 2000).

His new approach gave Syrians hope for a more democratic future as Bashar increased the number of independent newspapers and private institutions such as universities. He focused on reforming the country both socially and economically and even fought corruption within the system. While some of Bashar's promises were fulfilled, his politics slowly shifted from a more democratic perspective to one similar to his father's as he started to respond to pro-reform activism in the country with threats and arrests (Wedeen 1999, 90; Al-Saleh 2016, 143-147). According to Human Rights Watch, internet and media outlets in the country are heavily controlled and censored by the government (Human Rights Watch, 2016). President Bashar al-Assad continued to suppress any

forms of opposition and kept the Syrian government heavily dominated by Alawites, which only worsened the sectarian tensions in the country and ultimately led to the uprising in 2011 (Habets 2016, 78-84; Musarurwa and Kaye 2016).

The uprisings in Syria in 2011 was influenced by a wave of democratic revolutions across the Middle East that later came to be known as the “Arab Spring”. The uprisings gave Arabs the courage and spirit to stand up against their authoritarian rulers and demand political reform. The uprisings successfully overthrew the Egyptian and Libyan regime in North Africa (Baaz 2017, 212). The success in North Africa gave the oppressed minorities in Syria hope to overthrow the Assad regime (Lesch 2011, 422). Protests increased rapidly in both size and force and quickly spread across the nation in March 2011, after a 15-year-old boy was detained and tortured for writing anti-government graffiti. As the opposition towards the government grew, so did the brutality of the force used against anti-regime protesters. The regime responded to the protests with massive force including mass killings, arrests, raids of mosques, hospital and other institutions. After only a couple months, thousands of innocent people had been killed and unlawfully detained (Gifkins 2012, 390).

In July 2011, the Free Syrian Army was created aiming to overthrow the current al-Assad regime and the country slowly fell into civil war. The sectarian differences and tensions in the country that had been boiling for decades exposed themselves in the civil war as there was a clear alliance of Sunni Muslims on one hand, and Shias on the other. Sunni majority countries such as Saudi Arabia, Qatar and Turkey supported the Free Syrian Army while the Assad regime found support in the Shia branch of the Iran, Iraq and Lebanon based organization, Hezbollah (Carpenter 2013, 2; Habets 2016, 78-80).

Christian groups in Syria make up about 10% of the total population and consist of an ethnic mix of Armenians, Assyrians, Arab Christians and Greek Christians. A dominant portion of the Christian population support the Assad regime, mainly because Christians have been well protected under Assad's rule. The presence of ISIS & ISIL in the country however, has forced millions of Christian Syrians to leave the country or face devastating consequences (Musarurwa and Kaye 2016, 34-38).

The tensions between the Syrian people and the regime that eventually led to the protests in 2011 can be better understood through a demographic perspective. The al-Assad family belongs to the Alawite minority group, which only make up 12% of the Syrian population. Alawites belong to the branch of Shia Muslims, while majority of the Syrian population are Sunni Muslims. The Muslim population in Syria consists of 58% Sunni Muslims and 30% different Shia religious groups, which clearly indicates that the government does not represent the demographic profile of the country. Furthermore, Alawites are privileged in the Syrian society and have been so for decades. Their superiority has created tensions in the Syrian society and was one of the main motives for the protests and uprising against the Assad regime in 2011 (Habets 2016, 78-80).

Syria's weakened position also attracted the Islamic State of Iraq and Levant, known as ISIL and ISIS, into its territories as they saw an opportunity to expand the Islamic State in Syria. ISIL's settlement in Syria slowly turned the country into a target for the Western "war on terror" and drew anti-ISIL coalitions led by the United States to the region. Furthermore, a handful of additional terrorist groups are actively operating in Syria and more than 80 suicide bombings have been carried out since 2012. The radical Islamist terror organization Al-Nusra Front, has taken responsibility for more than 55 of

those attacks, making it apparent that Islamic terror is highly present in the country. The sectarian tone coming from Islamist groups has repeatedly threatened the Alawite minority in retaliation for mass killings of the Sunni population. The Islamist groups in Syria are not massive in size and are divided in several sub-groups. Many of the groups, such as the Muslim Brotherhood, Al- Nusra and Hezbollah are also found across the Middle East and African countries. Israel is another country that took advantage of Syria's weakened position and attacked government facilities, and pro-government fighters within the Syrian border (Habets 2016, 80-82; Carpenter 2013, 2-5).

In the process, Syria has become a battlefield for geopolitical rivalries between Sunni and Shia Muslims, Israel and Iran, not to mention the United States against Russia. The United States has heavily criticized the Russian-backed Assad regime and has threatened to intervene in connection with Assad's alleged use of chemical weapons. In 2013, the American CIA reportedly spent \$500 million on a program to arm, train and fund Syrian rebels but the program got shutdown shortly thereafter (Mazetti, Goldman and Schmidt 2017; McKelvey 2015; Buncombe 2017).

The civil war has caused millions of Syrians to flee the country leading to the worst refugee crisis in recorded history. An estimated number of five million Syrians have sought refuge in neighboring countries and Europe (Human Rights Watch 2017).

### **Syria's Position in International Politics**

Syria first gained attention in international politics as the Cold War began to escalate in the early 1950s. The Middle East was in the geopolitical spotlight as the Arab leader Gamal Abdul Nasser led a rising popular pan-Arab movement which threatened the European presence in the Middle East. The Soviet Union saw an opportunity to

expand their influence as Nasser's anti-colonial rhetoric was potentially compatible with its own communist views. As a strategic move, the Soviet Union decided to back the already pan-Arabic government of Syria, which suffered both internal instability and war with neighboring countries, by supplying the Syrian military with modern Soviet equipment. The Soviet Union's close relationship with al-Assad later led to the construction of 'Tartus,' Russia's only naval port in the Middle East that still exists today (Carpenter 2013, 9; Adams 2015, 14-15).

During the Cold War, both the United States and Russia established military bases throughout the Middle East in attempts to gain influence and secure their power position. Tartus is therefore of major importance to Russia as it is the country's only naval base left in the Middle East, and therefore seen as a security measure with keeping the balance with the United States who has military bases in the region (Carpenter 2013, 7). The Soviet Union, which later developed into Russia, kept a close relationship to President al-Assad, a relationship mainly based on their shared anti-Western views. The United States' strong relationship to Israel threatened both Syria's sovereignty and Russia's influence in the region. Their relationship is also based on economic factors, Russia having sold arms to the Syrian government for decades in exchange for access to the Mediterranean (Adams 2015, 10-16). The Russian-Syrian relationship continues to be strong today and will be explored further in the analysis as a possible factor as to why an intervention from the international community continues to be absent, despite the *Responsibility to Protect* principal.

#### **IV. Evolution of Humanitarian Policy in the United Nations**

The debate to internationalize human rights was present before 1945. However, it was primarily through the establishment of the United Nations that human rights were truly internationalized. Promoting and protecting human rights lies within the heart of UN's entire existence. Member States have a legal obligation to cooperate, advocate and protect human rights according to Articles 55 and 56 of the UN Charter. The Universal Declaration of Human Rights (UDHR 1948) adopted by the UN in 1948, covers the rights and freedoms every person is equally entitled to. The UDHR consist of 30 Articles and is used as a common standard for fundamental human rights for all people and nations. In 1966, an addition of detailed civil, social, economic, cultural and political rights was added as a supplement to the UDHR (Thakur 2017, 279-285; UN Charter 1945; Universal Declaration of Human Rights 1948).

The concept of humanitarian intervention entered public consciousness following the tragedies in Rwanda, Somalia and the Balkans in the 1990's. The term "humanitarian intervention" refers to an external actor intervening a state with military force based on humanitarian grounds (Bellamy and Dunne 2016, 328). The international community began seriously debating their responsibility when fundamental human rights are violated, most importantly the right to live. Considering the tendency to use humanitarian rhetoric to justify any use of force, it is crucial to separate humanitarian intervention from unlawful military operations (Amnéus 2008, 444-446). Although the concept of humanitarian intervention has been debated for nearly three decades, no accepted definition of the concept exists. The controversy over the definition led ICISS

(International Commission on Intervention and State Sovereignty) to leave the term out of their report *The Responsibility to Protect* (ICISS 2001, 9; Amnéus 2008, 323).

Three cases discussed in the debate surrounding humanitarian interventions have further influenced policy making with regards to the concept; Somalia (1993), the Rwandan genocide (1994) and NATO's intervention in Kosovo (1999). The three cases are mainly used as examples of the international community's inability to successfully prevent these sorts of crimes and further reflects on the UN's deficiencies when it comes to military capabilities and resources. The outcome of all three tragedies later influenced the adoption of the 'Responsibility to Protect' principle. They may be the most influential cases to the evolution of humanitarian policy; however, they are not the only times the United Nations failed to prevent a human disaster.

### **Somalia**

In 1991, Somalia's President Said Barre was overthrown in a coup, resulting in a power struggle between different ethnic groups at the unfortunate same time as an extreme drought hit the nation. The intense fighting between different groups and warlords made it difficult to deliver food to the starving civilian population. As the humanitarian situation continued to worsen, the Security Council was forced to take more drastic action and declared the situation a "threat to international peace and security" (Crawford 1993, 277-280; Moore and Pubantz 2005, 228). The UN and the US sent troops to Somalia to secure the situation and establish an environment for humanitarian assistance. The mission took a drastic turn when US troops were attacked in a Blackhawk helicopter and three marine soldiers were killed. As a result, the US Congress called for

an immediate withdrawal of American troops and President Clinton announced the termination of UN's operation in Somalia by March 1995 (Crawford, 279).

## **Rwanda**

The Rwandan genocide is deeply rooted in the country's colonial legacy which divided the Rwandan people into two major groups 'Tutsis' and 'Hutus', where the Tutsi population was given privileges in the society (Krosiak 2008, 2-5; Prunier 1995, 27-39). The superiority of the Tutsi population created tensions in the country which escalated when the Hutu President Habyarimana was murdered in 1994. When the conflict began, the UN had a peacekeeping troop, UNAMIR (United Nations Assistance Mission in Rwanda) present in the country of 2500 soldiers whose mission was to monitor the implementation of a peace treaty signed the year before (Dallaire 2003, 99; Barnett 2002, 100-153). As a result of the escalating civil war, ten Belgian soldiers were killed in the clashes which caused the UN Security Council to reduce the UNAMIR troops from 2500 to 270 men (Dallaire 2003, 219-220). The Security Council did not once consider changing the mission of the UNAMIR troops in the direction of a humanitarian intervention and expressed no willingness to interrupt the mass executions in Rwanda (Barnett 2002, 3). The United States in particular, was specifically reluctant to risk the lives of their own soldiers in the wake of what happened in Somalia in 1993. The Security Council did not advocate for the international community to take actions, although the extent of the massacres had reached the level of genocide within just a few weeks. Four months into the genocide, France offered to intervene together with African allies, which the Security Council authorized two days later in Resolution 929 in June 1994. At this point however, over 800,000 innocent people had been killed in the

genocide, and another three million Rwandans were displaced while two million people had been forced to flee as refugees to the neighboring countries (Moore and Pubantz 2005, 230-232).

The Rwandan genocide is an important milestone in the evolution of the concept “humanitarian intervention”. The importance in this case lies in the international community’s decision not to intervene in Rwanda and let such brutal crimes against humanity happen right under the eyes of the UN. The case can be interpreted as an example of the international community’s failure to save lives, but also as a major setback for humanitarian and moral ideals that seemed to have gained greater significance after the end of the Cold War.

### **Kosovo**

NATO’s intervention in Kosovo in 1999 has been declared illegal because it was not authorized by the UN Security Council and therefore lacked legal basis. The intervention failed horribly to protect minorities in the region and has further raised questions regarding unilateral actions conducted by a coalition of states to intervene on humanitarian grounds (Human Rights Watch 2004).

Tensions between different ethnic groups had been rising during the 90’s in Kosovo and escalated in 1998 when Serbian police began to attack the Albanian population. The Security Council strongly condemned the attack and introduced Resolution 1160 which called for a peaceful solution in March 1998. Despite the Resolution, the situation continued to worsen and led to the adoption of another Resolution 1199 in September 1998. The second Resolution acknowledged the conflict as a threat to international peace and called for the international community to act in order

to improve the humanitarian situation in the country. What form of action, however, was never specified. In 1999, Serbia refused to sign a peace agreement given as a final proposal for a peaceful solution. When all diplomatic efforts and previously adopted resolutions failed, the UN began to threaten President Milosevic with military intervention. However, China and Russia used their veto in the Security Council to vote against the use of military force and thereby blocked the Resolution. Despite the UN's decision, NATO decided to launch an air bombing campaign on March 24<sup>th</sup>, 1999 (Moore and Pubantz 2005, 224; Krieger 2001, 90).

NATO's military actions dramatically worsened the humanitarian situation in the country and the ethnic cleansing by Serbian troops intensified. Within a few weeks, thousands had been murdered and over one million people displaced in neighboring countries. The war finally ended in June 1999 as President Milosevic was forced to sign the peace agreement he had previously refused to sign (Kosovo Report 2006, 1-4).

The Kosovo case is interesting because it reveals the problem surrounding the justification of humanitarian interventions. What level of humanitarian crimes will justify a military led humanitarian intervention? Before NATO decided to intervene in Kosovo, the number of human casualties had not reached the level of other cases where military intervention had been discussed or previously implemented. Scholars also argued that in terms of after Kosovo, the human casualties were not serious enough to "shock the conscience of mankind." China and Russia opposed every Resolution suggesting the use of force, claiming respect for the principle of sovereignty, which is considered the most significant norm in international politics (Kosovo Report 2006, 34-35). NATO found legitimacy in UN Resolutions 1160 and 1199 to justify a military intervention motivated by

humanitarian concerns. NATO's intervention had two purposes; to protect the Kosovo Albanians being exposed to ethnic cleansing and to overthrow the Milosevic regime. Instead, the intervention had the opposite impact. The ethnic cleansing of Kosovo Albanians intensified as a direct result of NATO's intervention. China strongly opposed an intervention in Kosovo and criticized the United States for trying to increase its influence in the region through an intervention carried out by NATO (Moore and Pubantz 2005, 220-230; Kosovo Report 2006, 58-66)

### **A Shift in Humanitarian Politics, 2000**

*"...If humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica, to gross and systematic violation of human rights that offend every precept of our common humanity?" (Kofi Annan 2000).*

It was those words by former UN Secretary General Kofi Annan in 2000, that marked the start of a new phase regarding the right of military intervention based on humanitarian grounds. The issue of military intervention has been a highly relevant issue for the last two decades following humanitarian disasters that have cost the world hundreds of thousands of innocent lives. This was especially the case during the 90s that saw a genocide in Rwanda, another genocide in Bosnia and the beginning of an ethnic cleansing in Kosovo. These dramatic events questioned the world community's responsibility to protect citizens of another state. The discussions regarding NATO's intervention in Kosovo, which took place without the Security Council's approval, was not justified from a legal standpoint but considered justified from a moral perspective (Dunne and Wheeler 2001, 176-177; Kosovo Report 2006).

One of the most controversial issues in international politics is the legitimacy of military intervention in a sovereign state. Although the international community carried out humanitarian interventions, both successful and unsuccessful ones, there was no clear framework around the concept which led to an uncertainty among states of how and what rules should apply for such action. Following NATO's intervention in Kosovo in 1999, the concept became highly relevant and widely discussed. The intervention in Kosovo, which was carried out without the approval of the United Nations Security Council, might have not been justified by international law, but on the other hand, considered justified on humanitarian grounds (Amneus 2008, 181; Kosovo Report 2006).

### **ICISS and the Emergence of “Responsibility to Protect”**

Following the intervention in Kosovo and genocide in Rwanda, the former UN Secretary General Kofi Annan addressed the need to once and for all find a consensus in the dilemma of humanitarian interventions in the international community (Fenton 2004, 125; Thakur 2017, 280). In response to this, the International Commission on Intervention and State Sovereignty (ICISS) was established in 2000. The ICISS was initiated by the Canadian government but consist of Members from the UN General Assembly. The Commission has one specific task; promote the concept of humanitarian intervention and global responsibility (Amnéus 2008, 310-311). The ICISS report is based on the fundamental issues surrounding the debate on humanitarian intervention and was released by the Commission, which was responsible for investigating how humanitarian intervention relate to moral, legal, political and operational issues. The report, which itself is based on global consultation, also includes research on humanitarian interventions (Weiss 2005, 234; ICISS Report 2001).

The term “Responsibility to protect” (R2P) was for the first time introduced in the Commission's report and was later adopted by the UN in 2005. The very idea of R2P was not based solely on the concept of human security. It also considered the need of the international community to carry out humanitarian efforts in order to protect the security of people internationally. R2P also addressed the issue of a wider security perspective. When the term R2P was drafted, a change of terminology was introduced based on the idea of the Commission's report. ICISS chose to disregard the *right* to humanitarian interventions (which has previously been used as a broad and general term) to instead refer to it as “The Responsibility to Protect”. By changing the term, the Commission intended to switch the focus on states in need of help, instead of states expressing a willingness to intervene (Amnéus 2008, 260-270; ICISS Report 2001, 32).

In the introduction of the report, two principles are presented that largely form the basis of the entire commission's work. These core principles are based on the idea that sovereignty of states not only entails rights, but also includes obligations in the form of an internal and an external responsibility. The modern definition of sovereignty is, according to the Commission, a dual responsibility, respecting the sovereignty of other states as well as respecting human rights (ICISS Report 2001).

Internal responsibility means that it is the state in question which carries the primary responsibility for protecting its citizens from being exposed to cruelty. The external responsibility is given to states automatically for being members of the United Nations. The Commission argues that the international community is responsible for protecting people in other states if they suffer serious damage as a result of civil war, rebellion or state failure (Amnéus 2008, 323; Bellamy and Dunne 2016, 915)

In their report, the Commission emphasizes that the principle of non-intervention (which is fundamental to international law) may sometimes be overlooked in favor of R2P. On the other hand, the Commission points out that the basic prerequisite for the use of external responsibility is; if the state is unable or unwilling to stop the suffering of its people, or in some cases, when the state itself is the perpetrator (Fenton 2004, 214; ICISS Report 2001, 15).

According to the Commission's proposal, the "duty to act" means that the international community has the responsibility to take appropriate measures, non-military or military, when required in humanitarian crises. Such measures will only be taken if a state fails to carry out its main responsibilities and is unwilling, or unable to restore the situation. Both military and non-military measures will be considered, depending on the situation in the country (Thakur 2017, 288; Bellamy and Dunne 2016, 3-11). However, the ICISS proposal also emphasizes that interventions with military means are limited to emergencies and should only be authorized in extreme cases. According to the report, such interventions may also be justified if the threat towards international security is obvious and unavoidable. In order to justify an intervention or be considered justified to carry out an intervention in question, a large-scale ethnic cleansing and/or a large-scale of killings must exist in the country. The purpose of interventions of this sort is to stop or prevent human suffering. The report states that military interventions aiming to protect human rights are justifiable only if the decision meets the following requirements; the decision must be taken by a legitimate authority, it must be justified, have proper intentions, be proportionate, be used as a last resort, and have a reasonable prerequisite for success (ICISS Report 2001).

The guidelines as to when and what constitutes a humanitarian crisis, or a scenario where a humanitarian intervention is warranted are vaguely defined in the ICISS report “The Responsibility to Protect”. A “large scale of ethnic cleansing” or a “large scale loss of life, with genocidal intent or not” carried out by “killing, forced expulsion, acts of terror or rape” (ICISS 2001, Sec. 4.19). Moreover, the situation must involve gross violations of the most fundamental human rights, widespread human suffering and the responsible government considered unable or unwilling to end the violence.

Regarding which political body to hold the power to authorize military interventions on humanitarian grounds, the Commission presented a proposal in the form of a hierarchical arrangement. In addition to the Security Council, which according to the Commission is best suited for the task, the General Assembly was suggested in cases when the Security Council is deadlocked (ICISS 2001, 31). The General Assembly may, according to the *Uniting for Peace* Resolution, authorize a humanitarian intervention when the Security Council is deadlocked and has failed to accomplish its primary mission, to maintain international peace and security (ICISS 2001, chaps. 7,8).

## V. Analysis

### **Theoretical Discussion- Cosmopolitan vs. Realism**

Similar to the legal framework, the scholarly debate surrounding humanitarian intervention is mainly divided between the norms of sovereignty and the protection of fundamental human rights (Ramsbotham and Woodhouse 1996, 57). The Principle of Sovereignty is one of the most fundamental principles of modern international law and considered a key factor in the maintenance of international peace. On the other hand, the promotion and protection of human rights is one of the core principles of the United Nations and heavily emphasized by the UN Charter.

The development of human rights norms and humanitarian law has slowly changed the traditional concept of sovereignty. Gross human rights violations that were previously considered a domestic concern based on the principles of sovereignty, non-intervention and self-determination; are now considered an international matter. Since the beginning of the Post-Cold War era, the UN has adopted a series of resolutions expanding the definition of threats to international peace and security to legitimize humanitarian interventions in response to humanitarian crises (UN Charter, Art. 39). Since the beginning of its introduction, humanitarian intervention has caused controversy in contemporary international relations. The critique is predominantly coming from the realist scholarship in international relations arguing “humanitarian” concerns and other ethical issues have no place in international politics and are instead damaging to rational foreign policy (Lang 2003, 2-4).

Structural realism views the international system as anarchic with no central authority governing international politics. The principle of sovereignty is therefore

extremely central as sovereign states are considered the principal political unit in the international system. International institutions (such as the United Nations), non-governmental organizations and other transnational organizations are considered to have little influence over domestic matters. Kenneth Waltz, a leading scholar of structural realism, argues that a state's foreign policy is based on national interests and states do not have an obligation to citizens of another state (Waltz 1979, 109). Furthermore, Waltz argues that states ensure their survival in the anarchic international system by continuously making efforts to preserve their power and interests. As a state gains more power in the international system, its interests expand. The government has the primary responsibility for the wellbeing of its citizens and should not risk the lives of their soldiers to protect the citizens of other nations if it is not compatible with the national interest. The state is considered the only sphere of morality and therefore, the concept of humanitarian intervention is unconceivable. According to the realist scholarship, a state will only intervene in another state if there is a national interest involved, such as the expansion of power. Intervening in other states is also seen as violating an obligation related to the principle of sovereignty, the most important norm in international politics in the last 300 years (Waltz 1979; Telbami 2012, 161). Since the Cold War, however, this traditional view of sovereignty has been challenged as globalization has intensified and the concept of fundamental human rights has spread internationally.

### **Cosmopolitan Approach**

The cosmopolitan approach provides an interconnected view of international politics and questions whether the traditional view of sovereignty is applicable in contemporary international politics. David Held, one of the main thinkers of the

cosmopolitan theory, argues that realism is important to understand the dynamic of the international system as well as wars in 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> century. In contemporary politics, however, realism fails to capture the complexity of today's reality. Power is indeed an important variable to consider; however, power relations are not only found in between states but also in other dimensions. Power is considered a multidimensional concept including economic, technological and social power. The power of the state is only one of many existing power relations in contemporary international politics and citizens of different states are connected to each other through different power dimensions. Held speaks of global citizenship and argues that many complex issues in international politics that affect all people on a the global, regional and national level can be regulated democratically. People must therefore obtain multiple citizenships as both global citizens and citizens of their own state. This would require an international acceptance of a comprehensive democratic law that overrules the principle of sovereignty (Held 2003).

We exist in an era where the political sphere is characterized by the ideological norms of multilateralism and global governance. Following the Cold War, a shift in balance of power and political thought in the world welcomed a more "liberal" era where nations are expected to act multilaterally to solve common issues. Following the genocides in Rwanda and Bosnia in the 1990s, the discussion for a formal policy binding the international community to intervene and be held accountable in future human right violations increased. As a result, the R2P (Responsibility to Protect) principle was adopted by the UN in 2005. The principle calls for the international community to collectively identify, understand, and in some cases, address international concerns that

go beyond the capacity of an individual state to solve on its own. Existing in a Post-Cold War paradigm, the general expectation is that the United Nations should engage in humanitarian intervention in Syria based on its current state. The R2P principle adopted by the UN in 2005 clearly states that the international community has a responsibility to intervene in states that do not protect their citizens and carry out terror attacks on innocent civilians. Although the Post-Cold War paradigm we exist in has an expectation of multilateralism, there is a much greater complexity behind the Syrian Civil War that makes it impossible for the UN Security Council to reach an agreement to intervene militarily.

The R2P principle and the concept of humanitarian intervention is problematic in several aspects; in terms of legality, its theoretical and practical method, and the historical record of previous attempts. There is no question that an internationalization of human rights has led to an increased respect for fundamental rights globally; however, it continues to be a major issue regarding its justification of humanitarian intervention. Legal scholars condemn human right violations yet disapprove of the use of military force to put an end to such violations. NGOs and international organizations disagree with this standpoint as their focus is on moral responsibilities rather than legal. The main issue regarding its legality is that humanitarian intervention lacks a clear legal basis in international law. The protection of non-intervention and sovereignty on the other hand, has a strong legal basis in the UN Charter.

The criteria for humanitarian intervention as stated in the ICISS report has been met in Syria by not only one, but multiple counts. According to the ICISS report, the requirements for humanitarian intervention are “large scale ethnic cleansing” or a “large

scale loss of life, with genocidal intent or not” carried out by “killing, forced expulsion, acts of terror or rape.” With a death toll of over 400,000 people, it is undeniable that large scale killings, or possibly even an ethnic cleansing have taken place in Syria in the last seven years. Given the fact that the Syrian regime has attacked civilians on multiple occasions and furthermore failed to provide basic needs such as food and water to over 50% population, the Security Council is expected to take actions against the Assad regime in the form of humanitarian intervention. Yet, the Council has been unable to reach a decision regarding the Syrian Civil War, resulting in an absence of an intervention despite the criteria’s being met by multiple counts. UN’s absence in Syria shows that the cosmopolitan idea of a global community with a comprehensive humanitarian law that overrules the principle of sovereignty, is not applicable nor realistic in contemporary international politics.

### **Structural Realist Approach**

The structural realist approach argues that sovereignty shall be respected and that a state should be able to take care of itself, which is the opposite of what the R2P principle argues. According to structural realism, international institutions such as the UN do not have a major function and can therefore not influence events like Syria, as these institutions are based on the multipolar society we live in today. Furthermore, an intervention is only to be authorized if its compatible with the national interest (Waltz 1979). However, some realists may agree to engage in humanitarian interventions if it does not threaten the national security or require high military spending because a government can only tolerate loss and cost when it serves the national interest (Bull 1977, 8-10).

According to Waltz (1979), nations will not engage in an intervention if there is no political or financial gain involved. The main concern surrounding humanitarian interventions is whether the intervener has humanitarian intentions or other intentions based on individual political interest (Bull 1977, 51-55). The historical record of previous humanitarian interventions has shown this claim to be true (Morgenthau 1993, 10-19). Since the establishment of the United Nations in 1945, there have been more than one hundred conflicts that have taken place in the world without an intervention from the UN. In a majority of the cases, actions are not taken due to Permanent Member States using their veto power to vote down the resolution. The historical record also shows that Western nations seem more likely to authorize an intervention if their own interests are at stake which indicates further that states' self-interest have played a significant role in the decision-making process (Hehir and Murray 2013, 51).

The last attempt of humanitarian intervention authorized by the UN was during the Arab Spring in 2011 when the UN authorized a Western-led NATO coalition to militarily intervene in Libya following reports of Khaddaffi's use of deadly force against protestors. As discussed earlier, the outcome of humanitarian intervention is expected to better the current humanitarian situation in the country. The intervention in Libya failed horribly in many aspects as the Libyan people were left in worse humanitarian conditions post-intervention than under the rule of Khaddaffi. Since the death of Muammar Khaddaffi in 2011, Libya has not been able to pick itself up and is currently considered a "non-functioning state" (Lynch 2016, 24). Libya is currently facing serious economic, political, socio-political and sectarian issues domestically. Eric Goldstein, Deputy Middle East and North Africa director at Human Rights Watch described the current situation as;

*“Libya today couldn't be further away from respect for the rule of law and human rights” (Human Rights Watch 2017).*

The decision to adopt *Resolution 1973* was taken by the Security Council within four weeks of the uprisings, followed by an intervention two days later. NATO's primary goal in entering Libya was initially to protect civilians from government attacks. However, within two weeks of entering the country, NATO's primary goal for the mission changed from protecting civilians to overthrowing the Khaddaffi regime. The international intervention in Libya has been heavily criticized in the scholarship and raise further questions regarding the practical use of the veto power and the implementation of *Responsibility to Protect* (Hehir and Murray 2013). Muammar Khaddaffi was also an outspoken enemy of the West who often provoked other African and Arab nations to stand against Western influences. The bigger question is whether humanitarian intervention has been used as a modern justification of traditional war. Since the end of the Cold War, the number of traditional wars has decreased while “humanitarian interventions” have increased. According to structural realism, the structure of international politics remains anarchic however widespread democratic changes may be. The question is whether “humanitarian intervention” is a window-dressing term to justify traditional war in contemporary international politics?

The Rwandan genocide in 1994 claimed 800,000 lives as the United Nations stood by and watched for three months. In contrast, the UN authorized an intervention in Libya within two weeks, with no sign of genocide. As the realist approach argues, states only involve themselves in matters where there is political or financial gain (Morgenthau

1993, 10). The absence of the international community in Rwanda is arguably an example of such scenario, since there is no financial or political gain in Rwanda concerning Western nations. Muammar Khaddaffi on the other hand, was a well-known threat to the Western order, specifically to America, whose hostile relationship with President Khaddaffi dates back to the 1970s. The critique against the practical method regarding humanitarian intervention therefore mainly refers to the Security Council and the use of veto seeing how the veto holding powers have used it as an advantage to implement policies favoring their national interest.

The Syrian conflict is no exception as Syria's strongest ally, Russia, has blocked multiple resolutions and sanctions directed at the Syrian regime. Russia clearly stated at an early stage that they intended to reject all motions for resolutions concerning Syria, making it extremely hard to implement any sort of action against the Assad regime. Since Israel and the United States are strong allies, it has always been important to Russia to keep good relations with Syria to balance out the Western power in the Middle Eastern region. Moreover, Russia's only naval base in the Middle East is located in Syria. The country therefore intends to keep Bashar al-Assad in power and reject any sort of intervention that could possibly lead to regime change. In contrast, the United States has imposed sanctions, engaged in multiple military strikes and strongly advocated for regime change in Syria. This may be a reflection of the United States' close relationship with Israel.

The relationship between Syria and the United States have previously been unstable for decades, mainly because of America's stance in the Arab-Israeli conflict. Since the establishment of Israel in the 1950s, Israel and Syria have been in a state of

war. The countries have fought three major wars against each other in 1948-1949, 1967 and again in 1973. Syria also assisted Lebanon in fighting the Israeli army in the 1980s. Throughout the Arab-Israeli conflict, the United States has sanctioned Syria numerous times for various reasons including accusing the country of assisting terrorist groups in Palestine, a clear indication of how the Permanent Members use their position in the Security Council to influence policies according to their own, or their allies' interests. Syria's geographical location is of great importance for both the United States and Russia and has therefore turned the Syrian Civil War into a battleground between the two superpowers. According to the realist school of thought, states ensure their survival in the anarchic international system by continuously making efforts to preserve their power and interests (Waltz 1979, 117; Morgenthau 1993, 5). In Syria's case, many efforts have been made by both the United States and Russia to ensure their political influence in the region. The international community's absence in the Syrian conflict may therefore be interpreted through a realist approach.

Another important aspect to consider in the humanitarian intervention debate is the failure of previous attempts. Since the introduction of the concept in the beginning of the 1990's, there have been several humanitarian interventions, but none of them actually considered successful. The intervention in Libya failed horribly and the nation is currently considered a "non-functioning" state. Besides Libya, the UN's intervention in Somalia in 1993 also failed as the nation is in a full-fledged Civil War and lack a central government until this day. NATO's intervention in Kosovo in 1999 is also considered to have failed as the ethnic cleansing escalated following the intervention. The interventions

in Iraq and Afghanistan have also been defined as humanitarian interventions, while the success of such action is debatable.

## VI. Conclusion

Syria has been described as “the biggest humanitarian and refugee crisis of our time” by the UNHCR High Commissioner. Serious human rights and international humanitarian law violations have taken place as the international community continues to be absent despite the requirements for humanitarian intervention being met by multiple counts. The Syrian crisis has exposed the weaknesses of R2P because of its inability to serve its basic purpose. The legal status of the principle is a persistent problem which in many cases has let the political and economic interests of Permanent Member States be the decisive factors for whether or not an intervention will be carried out. The Cosmopolitan idea of an overruling humanitarian law is therefore not applicable, nor realistic in contemporary international politics. An alternative approach that offers a better understanding of the necessity of power politics is the Structural Realist approach.

Many interests are at stake in the Syrian conflict, including the power balance in the Middle East between the United States and Russia. The Syrian conflict has over the course of seven years grown into a complex multi-dimensional war with powerful regional and international actors. Considering Syria’s geopolitical position, an intervention in Syria with intentions to remove the Assad regime could lead to a World War between the United States and their ally Israel against Russia in alliance with Syria and Iran. A potential World War is undesirable not only for Russia and the United States, but for every nation involved and may therefore be a strong contributing factor as to why a humanitarian intervention in Syria is unlikely to be authorized. Furthermore, the situation in Syria reflects on the importance of multipolarity in contemporary international politics. While some scholars suggest a reform of the Security Council to

decrease the influences of geopolitical interests, this will not change the anarchic nature of international politics. A reformation will therefore not hinder states to act according to their national interest. For this reason, it is significant for each member of the UN Security Council to continue to have the power of the veto when it comes to humanitarian intervention. The veto system in the Security Council is key to upholding a multi-polar world order in an anarchic international system.

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