

## **The Responsibility to Protect (R2P) in Libya and Syria: An Analysis of Competing Normative Discourses**

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### **Abstract**

In 2011, based on the R2P principles, the United Nations Security Council (UNSC) authorized a military intervention led by NATO in Libya to “protect civilians”. Yet, the UNSC could not agree on sanctions or military action to protect civilians in Syria. Analyzing the relevant UNSC resolutions, official documents, and formal statements of state representatives, this study aims to uncover the discursive practices around military interventions. More specifically, it explores official discourses that legitimized the NATO-led military intervention in Libya and non-intervention in Syria. A comparative analysis of the Libyan and Syrian cases presents us with an opportunity to assess where R2P currently stands as an international norm.

### **Keywords**

R2P, Norm Contestation, Discourse, Libya, Syria.

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## **Libya ve Suriye’de Koruma Sorumluluğu (R2P): Rakip Normatif Söylemlerin Analizi**

### **Özet**

2011 yılında, Birleşmiş Milletler Güvenlik Konseyi (BMGK), R2P ilkelerine dayanarak “sivilleri korumak” amacıyla Libya’da NATO öncülüğünde bir askeri müdahaleye izin verdi. Ancak BMGK, Suriye’deki “sivilleri korumak” için yaptırım ya da askeri eylem konusunda uzlaşmaya varamadı. Bu çalışma, ilgili BMGK kararlarını, resmî belgeleri ve devlet temsilcilerinin açıklamalarını analiz ederek, askeri müdahaleler üzerine söylemsel pratikleri ortaya çıkarmayı amaçlamaktadır. Daha spesifik olarak çalışma, Libya’da NATO öncülüğündeki askeri müdahaleyi ve Suriye’de müdahalesizliği meşrulaştıran resmi söylemleri araştırmaktadır. Libya ve Suriye vakalarının karşılaştırmalı analizi, gelişmekte olan bir uluslararası norm olarak R2P’nin şu anda nerede durduğunu değerlendirme fırsatı sunacaktır.

### **Anahtar Kelimeler**

R2P, Norm İhtilafı, Söylem, Libya, Suriye.

### **Introduction**

Emerging in the post-Cold War era, the idea of “human security” has challenged the well-established state-centered understanding of security. There has been an increase in the number of military interventions launched on “humanitarian” grounds over the past three decades. The international community has long been trying to resolve the conflict between the principle of “state sovereignty” and “human rights”. The indifference of the UNSC towards certain humanitarian crises and the occasional unilateral intervention of states, either by themselves or through regional and international organizations, revealed the dilemmas inherent in the principle of humanitarian intervention. It was within this context that the principle of R2P was developed to resolve humanitarian crises without referring to “the right to intervene”. In fact, Evans (2020: 364) argued that R2P achieved a global acceptance, displacing the concept of the right of humanitarian intervention, pointing to “the General Assembly’s annual debates ..., which have shown consistent, clearly articulated support for what is now widely accepted as a new political (if not legal) norm” and “more than eighty resolutions and presidential statements referencing R2P that have now been generated by the Security Council”.

R2P, adopted in 2005 by the United Nations General Assembly (UNGA), recognizes the responsibility of the international community to protect

populations from genocide, war crimes, ethnic cleansing, and crimes against humanity when states fail to protect their citizens from such crimes. The most significant novelty brought by R2P is the understanding that sovereignty is more than just a “right”; it also entails “responsibility” (Denk, 2016: 25). International intervention is, therefore, defined as “not a ‘right’ but a ‘duty’” (Keskin, 2009: 78). It is the responsibility of a state to protect its people from mass atrocities; but if a state fails to do so, then it is the responsibility of the international community to help states fulfill their responsibility.

The first military intervention, based on the R2P (pillar three), was launched in Libya in 2011. Based on the UNSC Resolution 1973, the intervention resulted in the collapse of the Libyan regime. Yet, the UNSC agreed on neither sanctions nor military action to protect civilians in Syria. R2P, which was invoked in “a timely and decisive manner” in the Libyan case, was not put into action in Syria despite the loss of hundreds of thousands of lives and the relocation of millions. Rather than focusing on *why* R2P was invoked in Libya but not in Syria, this study aims to explore *how* R2P has been contested and negotiated by certain discursive practices adopted by the two permanent members of the UNSC - the United States (US) and Russia. It examines how these great powers framed the crises in Libya and Syria, justifying their commitments or non-commitments to R2P. The study highlights how the US and Russia exercised power through discourses to legitimize or de-legitimize R2P in cases of mass atrocity crimes against civilians. Analyzing the relevant UNSC resolutions and formal statements of state representatives, this study aims to uncover the discursive practices around military interventions, pointing to the role of discourse as a source for states to justify their perspectives in their power struggles (Wodak and Meyer, 2016: 12; Van Dijk, 1993).

The study is divided into four parts. The first part engages briefly with the norm research in International Relations (IR) to develop a framework to examine R2P and it identifies the methodological underpinnings of the study. This study builds on critical norm research (Wiener, 2004, 2014; Acharya, 2004; Krook and True, 2012; Deitelhoff and Zimmermann, 2013), which emphasizes the “contested” nature of norms, focusing on how an international norm is negotiated, reconstructed, or resisted. The second part overviews the emergence and development of the R2P norm while the third part provides a historical backdrop for the last part, which examines UNSC resolutions and official statements of state representatives to uncover the discourses that legitimized the NATO-led military intervention in Libya and non-intervention<sup>1</sup> in Syria, and,

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1 There have been (and still are) limited military interventions targeting radical groups such as ISIS (the Islamic State of Iraq and Syria) in Syria. Yet, these interventions have not been launched referring to R2P.

thus, to be able to assess where R2P currently stands as an international norm. The study argues that while R2P's third pillar (aspects of which range from sanctions to the use of military force) has been relentlessly debated and contested as it challenges the international normative status quo by questioning the well-established international norms (state sovereignty and the principle of non-intervention), it is subjected to applicatory contestation as the main issue is not if the norm is valid or not but rather when and how the norm's third pillar should be implemented.

### **Theoretical Framework: Norm Research and Critical Discourse Analysis**

This study draws on the work of constructivist IR scholars, who have produced substantial knowledge on the diffusion of international norms. The early norm scholarship pointed to the role of "norm entrepreneurs" who construct and advocate new norms and try to persuade states to adopt them (Keck and Sikkink, 1998; Finnemore and Sikkink, 1998). According to the "norm life cycle" model, after getting accepted by a "critical mass of relevant state actors" (Finnemore and Sikkink, 1998) "in multiple forums including official policies, laws, treaties, or agreements" (Krook and True, 2012: 103-104), these norms diffuse across borders.

More recent norm scholarship has highlighted the "contested" nature of norms (Wiener, 2004, 2014; Acharya, 2004; Krook and True, 2012; Deitelhoff and Zimmermann, 2013, 2019), proposing a "discursive" understanding of norms as "works-in-progress", rather than as "finished products" (Krook and True, 2012: 104-105). Pointing to the agency of norm contesters and/or "norm antipreneurs" (Bloomfield, 2016), critical norm studies also revealed that the life cycles of international norms "are fraught with contestation and reversals as state and non-state actors compete to identify, define, and implement these norms" (Krook and True, 2012: 106). Norm contestation refers to the conflicts around the meanings of norms as well as their validity and application (Wiener, 2004: 1-2, 219). Of the two types of norm contestation, "applicatory contestation" refers to the conflicts regarding "the application of a norm", while "justificatory contestation" challenges the norm's validity by questioning its meaning and legitimacy (Deitelhoff and Zimmermann, 2013: 1-5). Justificatory contestation might lead to non-compliance with the norm, which, in turn, might lead to the weakening of a norm or even norm decay (Deitelhoff and Zimmermann, 2013).

Two insights from the recent critical norm research are relevant for exploring the current state and the future of R2P as an international norm. The first is that norms are always "contested" by norm challengers or resisters. The

second is that norms would never be diffused into a vacuum, and thus, it is important to consider the strength of pre-existing international norms to be able to assess to what extent a new international norm will be contested, reconstructed or resisted.

Adopting a critical constructivist stance and focusing on the Libyan and Syrian cases, this article explores how R2P has been contested by certain discourses adopted by the prominent UNSC actors, the US, and Russia. The study emphasizes the role of discourse as an instrument for policy-makers to legitimize their commitment or non-commitment to R2P. This article thus offers a theoretical framework that draws from both the critical norm research and critical discourse analysis (CDA) to uncover how certain discourses on R2P have become hegemonic at a given time in international politics.

CDA focuses on the relationship between discourse and power, pointing to the role language plays in the construction of reality and the production of political power and control (Van Dijk, 1993; Fairclough and Wodak, 1997; Wodak, 2001a). Examining the discourses articulated by those in power, CDA offers tools to understand how political actors construct realities, constitute identities, and advocate certain interpretations and policies through discourses. Discourse is viewed as a group of statements that frame and structure what can and cannot be uttered about a given topic, making other ways of talking about that topic meaningless and inadequate (Hall, 1992). In other words, discourses make certain interpretations hegemonic and naturalize certain ways of doing politics. Thus, CDA challenges the naturalness of social reality and inequalities and aims to expose “the effects of power and ideology in the production of meaning” that appear as natural and indisputable (Wodak, 2001a: 3).

The discourse-historical approach, one of the types of CDA, focuses specifically on political discourses and the socio-political and historical contexts in which these discourses are embedded (Wodak, 2001b). Following Wodak (2001b), this study asks certain questions to be able to identify the discourses surrounding R2P during the Libyan and Syrian crises. How were the relevant actors in these countries referred to? What characteristics were attributed to them? By which arguments the US and Russia justified and legitimized their positions concerning R2P’s relevance in the cases of Libya and Syria? What kinds of arguments were used by the US and Russia that led to the adoption of resolutions 1970 and 1973 on Libya? How did these arguments differ from the ones employed in the case of Syria? Thus, CDA, as a methodology, helps us identify the discourses political actors employed to frame the situation in Libya and Syria to justify their positions and actions/inactions and to persuade the international community regarding their decisions.

This study, thus, assesses the current standing of R2P by identifying the contradictions and inconsistencies in the debates around the norm's content and implementation and tracing official discourses employed by the UNSC members (in this case the US and Russia) in response to humanitarian crises.

### **Responsibility to Protect**

The debate concerning the “humanitarian” nature of an intervention revolves around two main issues. The first relates to the relationship between state sovereignty and human rights and the prohibition on the use of force by the UN Charter, and hence on the *judicial* basis of the humanitarian intervention within the international system. The second relates to the *ethical* dimension of the decision to intervene.

While the idea that the international community could/should not stay indifferent to humanitarian crises has received widespread support, humanitarian interventions have stirred much controversy. Humanitarian intervention is not a principle embedded within the UN Charter; yet an intervention without a UNSC resolution provokes debates about the legality of the intervention. In the case of humanitarian crises requiring immediate attention, the mobility of the international community is significantly diminished if the UNSC does not respond to a crisis with a resolution. The international community's silence as the Rwandan genocide (1994) unfolded as well as the NATO-led intervention in Kosovo, implemented without a UNSC resolution, revealed the paradox faced by the international community and inflamed the debates about the legality/legitimacy of interventions, leading the international community to rethink the issue of humanitarian interventions.

The *International Commission on Intervention and State Sovereignty-ICISS* introduced the principle of R2P in a 2001 report, laying out the priorities of the international community and the principles of military intervention (ICISS, 2001). R2P was included in the 2005 UN World Summit Outcome Document and member states confirmed the responsibility to protect people from mass atrocities. The Outcome Document, unanimously accepted by a UNGA resolution, was reaffirmed with UNSC Resolution 1674 (UNSC, 2006). It, however, narrowed down the scope of R2P to the crimes involving genocide, war crimes, ethnic cleansing, and crimes against humanity. Furthermore, the UNSC was recognized as the only body to authorize military interventions, the six criteria set as a precondition for military intervention in the original report were left out, and the *responsibility to rebuild* was not taken into consideration. While the ICISS report granted the UNGA and regional organizations certain roles in cases of indecision in the UNSC regarding humanitarian interventions,

the Outcome Document declared the UNSC as the only body with the executive power to invoke R2P (UNGA, 2005).

“Implementing the Responsibility to Protect”, a 2009 report, outlined standards and strategies for the implementation of R2P, establishing its “three pillars”. The first pillar is the responsibility of states to protect their citizens. The second pillar is the obligation of the international community to assist states in meeting their protection responsibility. The third pillar is the responsibility of the international community to respond timely and decisively if a state fails to fulfill its protection responsibility (UNGA, 2009).

Taking action against human rights violations through R2P is possible only if all UNSC’s permanent members refrain from using their veto power. The inaction of the international community in the face of the human tragedy in Syria exposed the unresolved issues regarding the implementation of R2P’s third pillar, especially when constrained by the veto power of the UNSC’s permanent members. It also pointed to the possibility of great powers using R2P as a tool to justify military actions that merely serve their national interests. R2P is perceived as the responsibility of the international community, albeit only when a sovereign state fails to protect its people. Yet, as the Arab Spring revealed, problems associated with the implementation of humanitarian interventions continue to plague the implementation of R2P.

### **Crises in Libya and Syria: UNSC Resolutions and R2P**

After starting in Tunisia, the Arab Spring spread to Libya with the arrest of a civil rights activist in Benghazi in February 2011 and quickly spread to other cities. The ensuing gross violations of human rights led Western powers, which pursued “wait and see” policies in Tunisia and Egypt, regional countries, and international actors to get involved in the process. As a result, Resolution 1970 by the UNSC was adopted on February 26, 2011, by the UN Charter Article 41, to impose every possible non-military measure on Libya (UNSC, 2011c). Only a few weeks later, the UNSC adopted Resolution 1973 on March 17, 2011, which allowed the declaration of a no-fly zone over Libya and the deployment of military intervention (UNSC, 2011d). The Council based its decision on the call of the Arab League, which issued a resolution on March 12, 2011, claiming that the Libyan regime had lost its legitimacy (Arab League, 2011).

A military operation was launched under the leadership of France, Britain, and the US on March 19, 2011. The intervention decision was taken at the UNSC, with Russia and China abstaining from the decision. There was much debate, however, about its implementation, the extent of the military force employed, and the balance between humanitarian and political motives (regime change). The

phrases “no-fly zone” and “take all measures” used in the UNSC Resolution 1973 indicated a serious policy change. Although no-fly zones were declared for humanitarian assistance in Iraq (1991) and Bosnia (1992), a no-fly zone was clearly stated in a UNSC resolution for the first time to protect civilians in Libya (Dunne and Gifkins, 2011: 522-523). Similarly, the “take all measures” phrase was used before in resolutions regarding Haiti, the Democratic Republic of Kongo, and the Ivory Coast, but this was done with the consent of the government hosting the intervention (Bellamy, 2011: 264). In the Libyan case, the UNSC decided to deploy a military intervention for the first time against the ruling government to protect its citizens (Bellamy, 2011: 263). Thus, the idea that when basic human rights are at stake, the erosion of state sovereignty would necessarily follow, has been one of the main points in the debates on military interventions. Also, as the phrase “all necessary measures” lacked clarity, it may have provided justification for actions that fell beyond the objective prescribed by the resolution. Also, the intervention resulted in the killing of Gaddafi and regime change<sup>2</sup>, casting doubt on R2P as a developing international norm.

Shortly after the Libyan crisis, the Arab Spring spread to Syria in March 2011, and the protests around the country met with the Assad government’s harsh response. The ensuing civil war in Syria put a spotlight on R2P and exposed, once again, the dilemma between state sovereignty and human rights. Large-scale loss of life and a refugee crisis on a global scale drew the attention of the international community. On July 21, 2011, a declaration, made by the Special Advisers of the UN Secretary-General on the Prevention of Genocide, Francis Deng, and on the Responsibility to Protect, Edward Luck, highlighted the responsibility of the Assad government to protect its people, underlining the necessity to evaluate the events in Syria as “crimes against humanity” (UN Press Release, 2011). Also, the UN Human Rights Council established “the Independent International Commission of Inquiry on the Syrian Arab Republic” through resolution S-17/1 and made several declarations condemning gross human rights violations in Syria since 2011, arguing that the government “failed in its responsibility to protect the population”, and issued a call to the Asad government to put an end to these practices (UNGA, 2012). On 12 November 2011, the Arab League revoked the membership of Syria and imposed economic sanctions on the country (MacFarquhar, 2011).

The differences in opinion about how to handle the Syrian crisis became apparent when several resolutions drafted to condemn the human rights violations by the Syrian government were vetoed by Russia and China (UNSC

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2 While Libya declared a ceasefire on March 18, the NATO-led air strikes, which started on March 19 and continued until the 27th of October, helped the rebels to take over the country. Gaddafi was killed on October 20.

Draft Resolution, 2011, 2012). The six-point peace plan submitted by Kofi Annan<sup>3</sup> -the joint special envoy to Syria appointed by the UNSC and the Arab League- was accepted by the Assad government and unanimously approved by the UNSC with Resolution 2042, which authorized a team of thirty unarmed military observers to monitor a ceasefire in Syria (UNSC, 2012b). Soon followed Resolution 2043, where a call for a bilateral ceasefire was issued and the deployment of the UN Supervision Mission in Syria (UNSMIS) to watch over the ceasefire for 90 days was announced (UNSC, 2012c). Since these resolutions failed to end the Syrian civil war, a new resolution was drafted in July 2012 to broaden the jurisdiction of UNSMIS and to allow sanctions to be enforced if violence did not stop. However, Russia and China cast their third joint veto and blocked another draft resolution on Syria (UN Press Release, 2012).

The international community reacted to the claims of the use of chemical weapons in Damascus by the Assad regime, and Resolution 2118 was unanimously adopted by the UNSC in August 2013, which stated a consensus on the elimination of chemical weapons in Syria (UNSC, 2013). In May 2014, more than 50 states drafted a resolution, which proposed the referral of human rights violations in Syria to the Prosecutor of the International Criminal Court but was vetoed by Russia and China while Brazil, India, and South Africa abstained (UNSC Draft Resolution, 2014). This was the fourth veto Russia used in the UNSC on the Syrian crisis, but not the last. Between October 2016 and April 2018, Russia used its veto power eight more times.

Adopted unanimously, Resolution 2235 of August 2015 decided to establish a mechanism to identify the responsible parties involved in the usage of chemical weapons back in 2013 (UNSC, 2015a). The Resolution 2254 of December 2015 called for a ceasefire and engagement in official talks for political transition, underlined that the transition would be a Syrian-led process, and declared support for free and fair elections to be held under UN supervision (UNSC, 2015b). In February 2016, Resolution 2268, adopted unanimously, issued a call to the Syrian regime and its allies, as well as the armed opposition groups, to end the armed conflict (UNSC, 2016).

Interestingly, in the case of Syria, the states favoring a regime change and pointing to the gross human rights violations in the country, including the US, France, and Britain, as well as the states opposing a regime change such as Russia and China, left out R2P from their discourses. The possibility of a regime change enforced by a military intervention undermined the UN taking effective action in Syria. While many draft resolutions on the Syrian conflict, including proposals to impose sanctions or launch an intervention, were vetoed by Russia and China,

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3 See “Six-Point Proposal of the Joint Special Envoy of the United Nations and the League of Arab States”, 2012.

calls for a ceasefire were always approved by the UNSC. All these steps, however, failed to end the armed conflict.

The conflict in Syria revealed that humanitarian crises may remain unresolved when there is a lack of consensus among the permanent members of the UNSC. The Syrian case also showed that R2P is surrounded by important problems in terms of the implementation of its third pillar. As there has been no clear desire on the part of states to create a legal standard, R2P has failed to occupy a stable place in the practices of states (Stahn, 2007: 101; Keskin, 2009: 77-78; Evans, 2020: 365). As Gözen Ercan argued (2016: 81), “[a]t the current state of its institutionalisation, R2P is not ... [‘a viable and consistent legal norm’] yet, and it is not possible to interpret the ‘collective responsibility’ as a legal one”.

### **A Comparison of Normative Discourses on Libyan and Syrian Crises**

In the UNSC resolutions, the actions of Gaddafi and Assad were evaluated within the scope of “crimes against humanity”.<sup>4</sup> Both leaders were blamed and demonized for being responsible for the human tragedy and viewed as dictators/tyrants. The rhetoric on the Gaddafi administration changed shortly after the beginning of the Libyan crisis. “In the UNSC Resolution 1970, the Gaddafi administration was described as the ‘Libyan authority or government’, while Resolution 1973 referred only to ‘authority’” (Kelleci and Bodur Ün, 2017: 100). In both resolutions, there was no mention of the Libyan “state” and rather than referring to the Libyan government. In the case of Syria, the resolutions of the UNGA referred to the “Syrian government” despite the long civil war. The phrase “Syrian government” could be found in early UNSC resolutions (Resolution 2042, 2043, 2118). However, in subsequent resolutions, the phrase “Syrian authorities” was preferred.

Moreover, the most critical part of the UNSC resolutions regarding the situation in Libya and Syria was that while UNSC resolution 1970 openly “recall[ed] the Libyan authorities’ responsibility to protect its population”, UNSC resolutions 2042, 2043 and 2118 regarding Syria did not in any way refer to “the responsibility to protect”. Instead, it simply called upon all parties in Syria to cease all armed violence whereas in Libya the Resolution 1970 did not refer to any form of ceasefire. When Resolution 1973, which laid the legal basis for the implementation of the R2P’s third pillar, called for a ceasefire in Libya, it was

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4 Regarding the Syrian case, the claim that the Syrian security forces may have committed “crimes against humanity” was first articulated by the UNSC at its 6627th meeting on 4 October 2011 (see UNSC, 2011b). Then it was reported on 23 November 2011 and declared at a press conference in Geneva on 28 November 2011 by “The Independent International Commission of Inquiry on Syria”. See UNGA, 2011; UNHCR, 2011.

already too late for this call to have any meaningful effect on the ground. Thus, it can be argued that the successive UNSC resolutions regarding Libya discursively constructed the path to the implementation of the third pillar of the R2P.

While the international community gave a “timely and decisive” response in Libya, the R2P principle was not invoked in Syria. As far as similarities regarding these two cases were concerned, permanent Western members of the UNSC adopted discourses that held the leaders of both Libya and Syria responsible for the humanitarian crises in their respective countries. They viewed both crises as a threat to international peace and security and emphasized the need to replace both leaders, pointing to a better future without Gaddafi in Libya and Assad in Syria. Russia and China adopted discourses against military intervention in both Libya and Syria, highlighting the well-established international norm of state sovereignty. Thus, it is important to explore the discursive practices of the very same actors, who decided to adopt different policies on R2P.

Regarding the Libyan intervention, President Obama stressed that the US was part of a broad coalition and that his administration responded to “the calls of a threatened people” in Libya (The White House, 2011b). In his statement dated March 28, 2011, Obama declared that Libya was ruled by a “tyrant” for over forty years, that Gaddafi took away his own people’s freedom, and murdered opponents. For Obama, Gaddafi, who lost the trust of his people because of his oppressive policies, could no longer stay in power (The White House, 2011a). With these remarks, Obama brought regime change to the agenda of the international community, pointing to the wide-scale human rights violations in Libya. Moreover, he argued that the situation in Libya may hurt the peaceful but fragile transitions in Egypt and Tunisia as “the darkest form of dictatorship” would overshadow democratic progress in the region. While Obama stated that the regime change might be “a mistake”, he made clear that Libya would be better off without Gaddafi in power (The White House, 2011a).

Adopting a similar rhetoric for Assad, President Obama brought up the idea of a limited military operation against the Syrian regime. Yet, he stressed that the crisis in Syria could not be solved only by military means. In the discourses adopted by both the US and France, the military intervention in Syria was justified by referring to the need to hold the Assad regime accountable for violating international norms (The White House, 2013a, 2013b, 2013c, 2013e). Both countries also emphasized that the political transformation in both Libya and Syria would take place in line with the demands of the people of these countries. With this discourse, they created the impression that under Gaddafi and Assad, the people of Libya and Syria had no right to shape their futures.

In his remarks, President Obama avoided any references to an American unilateral intervention (The White House, 2013a, 2015), stating that the US would act within a coalition and in cooperation with regional organizations, including the Arab League (The White House, 2012b). Also, Obama stressed his determination to not send any ground troops to Libya or Syria to solve the crises. Pointing to the responsibility of states to protect their people (R2P's first pillar), the Obama administration argued that since both Gaddafi and Assad governments massacred their people, they could no longer rule their respective countries. The administration also pointed to the international community's role in protecting these peoples, particularly by delivering humanitarian aid and imposing sanctions against both states (The White House, 2012b).

Interestingly, President Obama's speech delivered after the start of the military intervention in Libya, reveals the dilemmas embedded in the US government's discourses. In this speech, Obama referred to the term "responsibility" six times and stated that the "US has played a unique role as an anchor of global security and as an advocate for human freedom. ... when our interests and values are at stake, we have a responsibility to act" (The White House, 2011a). The US, acting as a norm entrepreneur, promoted R2P as an international norm. Yet, it also associated its promotion of the norm with its national interests. Thus, as a discursive strategy, the US government employed the term "responsibility" not only to refer to its responsibility to protect civilians in Libya but also to its global interests. As far as the Syrian case was concerned, the Obama administration avoided referring to the terms "responsibility" as well as "protect", although it reiterated that "Assad must go." While the US adopted a discourse referring to R2P with an attempt to both promote the norm and, thus, legitimize the military intervention in Libya, it adopted a different discourse in Syria based on its national security interests, calling for Assad to step down. In the case of Syria, concerns were raised regarding the possible destabilizing effects of the civil war on neighboring countries, particularly on the US allies including Turkey, Israel, Jordan, and Lebanon. The Syrian civil war was regarded as posing a security threat not only to the countries of the region but also to the US and its allies (The White House, 2013d).

While the Obama administration also demonized both leaders, it pointed to the negative consequences of a possible intervention in Syria might result in. The discourses of the administration rested on the argument that the Americans were tired of years of war (see Goldberg, 2016). Even though Obama described the use of chemical weapons as its administration's "red line" (The White House, 2012a) and chemical weapons were used in Syria, the US preferred a diplomatic solution, agreeing with Russia on this issue, and called out the UN Organization for the Prohibition of Chemical Weapons. In Syria, unlike in Libya, the increasing strength of ISIS, which started to control a significant part of the Iraqi and Syrian

territories at the time, led to an important change in the discourses adopted by the US, which viewed not only Assad but also ISIS as a great threat. Before the emergence of ISIS, the discourses on both Libya and Syria pointed to the violence perpetrated by the Libyan and Syrian authorities against their people. After the emergence of ISIS, the discourse on Syria identified ISIS as a security threat to Syria, to the region, and to the globe (The White House, 2014). It is possible to trace the use of phrases such as “national interest” and “security of the US” in the discourses adopted by the US. While the Obama administration harshly criticized Gaddafi, Assad, and ISIS, it followed a policy to undertake the purge of Libya of Gaddafi and Syria of ISIS.

The US, Britain, France, and Germany launched a military intervention in Syria that was different from the one carried out in Libya. It was not based on an anti-regime discourse but rested on a discourse on the threats posed by the radical groups in Syria, e.g. ISIS, and on anti-terrorism. Thus, while the military intervention in Libya was directed at the Gaddafi administration, the Assad administration was not directly targeted in Syria. Nevertheless, the focus on the threat posed by ISIS did not mean that the accusations against the Assad administration simply disappeared. The Secretary of State John Kerry expressed that Assad was responsible for the rise of ISIS in Syria (Darweesh and Muzhir, 2016: 40-48). In sum, while the discourses on Libya pointed to the human tragedy in Libya and argued that to end human suffering a regime change might be needed, the discourses on Syria highlighted both the humanitarian crisis and security concerns and played down the idea of military intervention for humanitarian purposes.

Russia, another global power and a permanent member of the UNSC, constructed a discourse against military intervention in both Libya and Syria. In both cases, Russia stated that it would act together with the international community to prevent humanitarian crises but argued that a military intervention could harm the purpose of protecting civilians (Putin, 2013b). Pointing to the common human values and the international norm of state sovereignty, Russia stated that the UNSC Resolution 1973 failed to clarify how a no-fly zone would be established and the extent of the use of military force and, thus, decided to abstain (UNSC, 2011a).

President Putin argued that the fact that Gaddafi was not a democratic leader and that there was a military conflict in the country did not give any foreign country the right to interfere in Libya’s internal affairs. Criticizing the expression of “taking all kinds of measures”, Putin emphasized that this rhetoric against a sovereign state reminded him of the calls for “crusades” (Sputnik, 2011). Thus, Russia announced that it supported the first UNSC resolution (1970) but later abstained (Resolution 1973) in order not to escalate the conflict in Libya

(Medvedev, 2011b). It also underscored that Russia would not be a part of a no-fly zone implementation operation or a possible ground operation in Libya and that it would keep supporting peacekeeping efforts (Medvedev, 2011b). The Russian abstention in the UNSC and Putin's criticisms of Resolution 1973 as "defective and flawed" coupled with the toppling of the Gaddafi regime provided a fertile ground for Russia's subsequent criticisms and contestations of the R2P's third pillar.

From the very beginning, the Russian authorities, especially Putin, not only constructed a discursive position against the use of military force in both Libya and Syria but also occasionally used harsh and critical language against the US. While Russia's Ambassador to the UN, Vitaly Churkin, placed more emphasis on the protection of civilian lives in the debates on Libya, Putin was unequivocal in his statements defying and contesting the third pillar of R2P, defining it as an illegal use of military power against Libya (Putin, 2022).

As far as the Syrian crisis was concerned, Putin (2013a) pointed to the interventions in Afghanistan, Iraq, and Libya, arguing that the use of force did not bring peace to these countries; thus, he emphasized the need to find solutions to the crisis via diplomatic means. Russia maintained that airstrikes on Syria could result in the death of innocent civilians and that the clashes could spread throughout Syria. Unlike the US, Russia claimed that in Syria there was not a struggle for democracy but rather an armed conflict between the government and its opponents (Putin, 2013b). In sum, in both cases, Russia adopted a discourse that emphasized American interventionism and its negative consequences.

Russia seemed to have engaged in a discursive struggle with the US over how to handle the situation in both Libya and Syria, where the US seemed to have acted as the ultimate norm promoter when it came to intervening in these cases militarily. While the US tried to de-legitimize both the Libyan and the Syrian regimes, Russia attempted to de-legitimize the US efforts to have the discursive upper hand in terms of implementing R2P. It is, thus, no coincidence that Russia avoided framing the situation in Libya and Syria in R2P terminology, which seems to be a deliberate discursive silence<sup>5</sup>. Russia's discursive tactics included a heavy emphasis on the possible civilian losses and its intention to end the bloodshed as well as an avoidance linking the terms "responsibility" and

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5 However, Russia tried to legitimize its intervention in Georgia with R2P, even basing it on the Russian Constitution. Sergey Lavrov (2008), the Russian foreign minister, stated that "According to our Constitution there is also the responsibility to protect – the term which is very widely used in the UN when people see some trouble in Africa or in any remote part of other regions. But this is not Africa to us, this is next door. This is the area, where Russian citizens live. So the Constitution of the Russian Federation, the laws of the Russian Federation make it absolutely unavoidable to us to exercise responsibility to protect."

“protection” with the US or any other great power. In the words of then President Medvedev, Russia was doing everything in its power to prevent those states, who were using R2P as a tool to further their interests (i.e. the US), from “pursuing their goals through military force”, accusing them of adopting simple “pseudo-legal tricks”. Medvedev argued that Russia defended its position by relying on the UN Charter and, thus, Russia’s stance on the issue was legitimate. Russia viewed the position adopted by the US with regards to Libya and Syria as illegitimate, and self-interested, accusing the US of using R2P as a tool for its strategic interests (Medvedev, 2011a).

Russia opposed the toppling of the leaders and regime change in both cases. Yet, in the case of Syria, it followed a more open and persistent policy for opposing the overthrow of Assad. While articulating Russia’s position on the Syrian crisis, Churkin adopted a discourse that criticized the calls of some states for regime change, their encouragement of the opposition against the Syrian government, and their attempts to undermine political solutions by supporting the armed struggle in Syria (UNSC, 2012a). Russia emphasized that it opposed to military intervention in Syria, referring to the existing international norms and the need for regional stability.

Russia approved the UNSC resolution 1970 on Libya and, in a sense, paved the way for Gaddafi’s prosecution in the International Criminal Court (ICC). Yet, it vetoed the UNSC decision in 2014, which called for Assad to be sent to the ICC. Similarly, Russia opened the way for intervention in Libya by abstaining from the decision, but it even vetoed sanctions against Assad. It established the discursive backdrop of its position by drawing attention to the radical groups in Syria and the intervention that ended up with regime change in Libya. Russia viewed ISIS as a much greater threat to the region, urging the international community to act jointly against this threat and to support Assad, who was fighting against terrorist groups.<sup>6</sup>

Concerning chemical weapons, Putin expressed that Russia was categorically opposed to the use of chemical weapons and that these weapons were used by groups that wanted to include powerful members of the international community in the Syrian crisis, particularly the US (Putin, 2013b). The US claimed that chemical weapons were used by the Assad regime, while Russia claimed that these weapons could have been used by groups fighting against the Assad leadership.

To conclude, the situation in Libya and Syria was framed differently by the US and Russia. While the US adopted discourses holding both Libyan and Syrian leaders responsible for wide-scale human rights abuses in their respective

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6 For Putin’s statement at the 70th session of the UNGA, 28 September 2015, see Putin, 2015.

countries, calling them “tyrants” and thus, bringing regime change to the agenda of the international community, Russia pointed to the importance of safeguarding the international normative status quo by upholding the norm of state sovereignty. While the US legitimized its position concerning R2P’s relevance in Libya by viewing the crisis as a threat to international peace and security, Russia adopted discourses against military intervention in both Libya and Syria. When discussing the possibility of a military intervention in Syria, the US took a more cautious approach, considering the negative consequences of a broad military response to the humanitarian crisis in Syria. Yet, it viewed military intervention as inevitable to prevent a humanitarian crisis in Libya. Furthermore, although the US argued that leadership in Libya and Syria lost their legitimacy and thus the right to govern, the US aimed at regime change in Libya but moved away from the idea of intervention as well as regime change in Syria, taking into account the emergence of ISIS. Russia strengthened its position against military intervention in Syria after the fall of Gaddafi in Libya and became an important actor in shaping policies in the region.

### **Conclusion**

Resolution 1973 of the UNSC was adopted to protect the Libyan people. While a deeper and more severe humanitarian crisis was witnessed in Syria, the international community remained silent as many related UNSC draft resolutions were vetoed and those that were adopted did not produce any substantial outcome. The selective attitude of the UNSC to these two crises cast doubt on the R2P as an evolving international norm.

Rather than identifying the reasons behind the selective attitude and the lack of consensus at the UNSC on implementing R2P, this study has focused on *how* the Libyan and Syrian crises were discursively constructed in ways whereby certain policies implying intervention and/or non-intervention are enabled or disabled within this discursive context. This study, thus, has focused on the contestation that continues to surround R2P. There are competing discourses on R2P articulated by different actors, who are struggling for power and hegemony in the international system. Through these discourses, states justified their actions/inactions in the face of humanitarian crises in Libya and Syria.

Comparing the discourses that legitimized the NATO-led military intervention in Libya and non-intervention in Syria, we found that the US demonized both Gaddafi and Assad, blaming both leaders for being responsible for the human tragedy in their respective countries. The Obama administration developed discursive control over the Libyan crisis, but it failed to do so in the Syrian case because other states and non-state actors resisted the formation of

such discursive control. Russia, for instance, constructed discourses against military intervention in both Libya and Syria, emphasizing well-established international norms such as state sovereignty and the principle of non-intervention. Arguing that the interventions in Afghanistan, Iraq, and Libya failed to bring peace to these countries, President Putin emphasized the need to solve the Syrian crisis through diplomatic means. In both cases, Putin adopted a discourse that criticized American interventionism, emphasizing its negative consequences. Russia also opposed military intervention in Syria, referring to the existing international legal norms and the need for regional stability.

The analysis has revealed that the existence of well-established norms, which are widely recognized and viewed as legitimate and just (Wiener, 2014: 24), influences and constrains the evolution of an emerging norm. While R2P has been developed “to strike a balance between unilateral intervention and institutionalized indifference” (Thakur, 2011), it has competed with the established norms of global governance and thus it is highly contested as its third pillar challenges two well-established international norms: state sovereignty and the principle of non-intervention (Bloomfield, 2017: 32). Thus, the norm has been challenged by states such as Russia, China, Brazil, and India. Yet, it is important to state that these powerful norm-challenging states have been engaged in “applicatory contestation” as they challenge the application of R2P (i.e. the appropriateness of the norm and the kinds of actions to be taken in specific circumstances), rather than the norm’s validity, which might lead to the weakening and even erosion of the norm. Furthermore, as Welsh (2019: 56) argues, R2P is a “complex norm” including three pillars and while the third pillar of R2P has been contested, the norm’s first and second pillars have been accepted by the international community. As Evans (2020: 3) aptly states R2P is “a new norm of international behaviour which, overwhelmingly, states feel ashamed to violate, compelled to observe, or at least embarrassed to ignore”. To conclude, like other international norms, R2P remains as a “work-in-progress” and, indeed, the recent proposals of China and Brazil to reformulate the third pillar of R2P reveal both the debates regarding R2P’s implementation as well as non-Western powers’ willingness to be norm-shapers in the international system.

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