HUMANITARIAN INTERVENTION AND RHETORICAL PARALYSIS: SOURCES AND EFFECTS OF MORAL RHETORIC IN THE UN SECURITY COUNCIL

by

Sam Slota-Newson

B.Eng, University of Southampton, 2003

A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF

MASTER OF ARTS

in

THE FACULTY OF GRADUATE AND POSTDOCTORAL STUDIES

(Political Science)

THE UNIVERSITY OF BRITISH COLUMBIA

(Vancouver)

September 2013

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Abstract

This thesis investigates the causes and effects of moral rhetoric on the Security Council’s ability to respond to humanitarian crises. It identifies that Absolutist Moral Rhetorical Positioning (AMRP) can stem from cosmopolitan norms, reputational costs, and the structure and norms of the UN itself. When addressing humanitarian crises, these sources lead states to cross from argumentation into justification, which obscures deliberation and obstructs pragmatic outcomes. The effects of AMRP, evident in individual cases and the trajectory of intervention, are explored through analysis of Kosovo, Libya and Syria. AMRP manifests most notably through moral hazard, mission creep and Security Council deadlock; ultimately the effects are seen in the Security Council’s inconsistent responses, and consistent inability to find the most effective solution, when confronted by humanitarian crises.
Preface

This thesis is original, unpublished, independent work by the author, S. Słota-Newson
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Acknowledgements

I would like to thank Dr. Brian Job for his guidance and assistance in preparing this thesis. I am also grateful to Dr. Katharina Coleman for acting as my thesis examiner under significant time constraints. Dr. Joanna Slota-Newson also deserves my thanks for her enduring patience and support.
# 1 Introduction

“[W]hen States decide to use force to deal with broader threats to international peace and security, there is no substitute for the unique legitimacy provided by the United Nations.”

“At a time when we need – when the Syrian people desperately need action - there continues to be finger-pointing and name-calling in the Security Council… Syria can still be saved from the worst calamity – if the international community can show the courage and leadership necessary to compromise on their partial interests for the sake of the Syrian people - for the men, women and children who have already suffered far too much.”

It is easy to point to the Security Council’s failings, but it is harder to identify what it ought to do. The Security Council’s mandate is deliberately loose so that it can respond to emerging threats: “In 1945, those responsible for drafting the Charter deliberately rejected the idea that a ‘threat to international peace and security’ was amenable to definition, choosing instead to vest in the UNSC the ability to judge situations and the threat they posed as they arose.” Being definitive in identifying the Security Council’s remit would likely have led to its irrelevance over time; however, the looseness of the mandate leads to a problem. As Keohane notes, in the absence of any real structural legitimacy in the United Nations, and particularly in the Security Council with its privileged veto-wielding members, any claim about the “unique legitimacy of the United Nations” must rely on “output legitimacy”, essentially the Security Councils ability to advance the ideals of the UN Charter.

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1 Annan, *SG/SM/8378 GA/10045*.
2 “Transcript of Press Conference by Kofi Annan (Joint Special Envoy for Syria).”
4 Annan, *SG/SM/8378 GA/10045*.
The UN charter contains an inherent tension between state and individual sovereignty, this tension has become more problematic as the end of the Cold War changed the security paradigm, opening up new possibilities and placing new responsibilities on the Security Council. The Security Council must adapt and evolve over time if it is to support the UN Charter’s purpose in the new international order. Much criticism of the Security Council is focused on its failure to respond to crises, ostensibly due to member states’ putting “partial interests” first. The Security Council has undoubtedly failed to respond effectively to humanitarian crises, but often member states have failed to protect their own interests along the way. Such sub-optimal outcomes imply the possibility of improvement without impinging on state interests.

Moral language is a necessary part of discussion about the use of force for humanitarian purposes. There is however a difference between moral deliberation and moral rhetoric. Rationalist explanations posit that moral rhetoric is a means to justify inflexible preferences and identities. Within the rationalist conception of international relations we must still acknowledge that analysts and policy makers can frame the same problem in different ways. Even if they attempt to make a value-maximising rational decision, the way in which they view the problem will effect calculation. Thus, even in a rationalist explanation moral rhetoric is significant as it gives clues to how analysts and policy makers value different outcomes.

For Morris and Wheeler, re-ensuring UN legitimacy after a period of U.S. led unilateralism requires a more genuine discourse, with states open to persuasion, about the purposes of the Security Council. A similarly deliberative discourse is necessary to prevent

6 Allison, “Conceptual Models and the Cuban Missile Crisis.”
Security Council paralysis in the face of humanitarian crises; this discourse must take the form of reasoned argument rather than strategic bargaining about preferences.

Thomas Risse argues that “argumentation, deliberation and persuasion” are possible in the international realm. The possibility that states can be persuaded and reach consensus takes us beyond narrow “rhetorical action”, where actors are unlikely to change their own belief or be swayed by “better arguments”. Risse finds that in addition to norm-guided behaviour, states are capable of arguing and truth seeking. Critically Risse argues that institutions such as the UN constitute a sufficient “common life world” and that the norm of sovereignty provides a degree of equality to fulfil the necessary preconditions for argumentative rationality. ⁸ Amongst the P5, the focus of this study, veto power certainly constitutes formal parity when it comes to decisions over “legitimate” mandated intervention.

Humanitarian crises are complex and even where consensus exists they present a considerable challenge to the Security Council. However, the Security Council has often failed to meet the challenge of humanitarian crises due to internal dynamics and a failure to reach consensus, rather than due to the circumstances of the crisis or conflicting partial interests. When states enter into discourse about humanitarian intervention they face a challenge; humanitarian crises demand the use of moral language, but there is no universal source of morality in which states can base their statements. Nor does the UN provide prescriptive doctrines against which the legitimacy of a position could be measured. The unique nature of discourse around humanitarian intervention makes a transition from moral language into moral rhetoric highly likely. A focus on the causes and effects of moral rhetoric highlights obstructions to the Security Council locating and enacting optimal solutions.

⁸ Risse, “Let’s Argue!”: Communicative Action in World Politics.
I argue that when states move from argumentation and deliberation into justification, the likelihood of consensus amongst the P5 is reduced. Moral rhetoric used to justify preferences and identities will lead to “absolutist moral rhetorical positioning” (AMRP). In the absence of universally understood moral absolutes, such rhetoric will not gain traction with all actors in the international arena and so will not promote consensus. Morally founded positions are inflexible and place states in opposition to others, creating a moral divide that cannot be bridged by negotiation. Even if the state’s position reflects a genuine concern for the welfare of individuals of other countries, pragmatically this position carries no authority into the international realm. The move from using moral language for the purpose of argumentation and persuasion into rhetorical justification also ties states to absolutist positions preventing compromise and obstructing effective Security Council action.

Many non-state actors understand this danger; a number of NGOs, such as the ICRC, have a specific policy of never criticising states, governments or armed groups, as it would prevent them from providing the humanitarian relief that is their primary purpose. David Reiff warns strongly of the dangers of NGOs moralising and over simplifying complex situations, and allowing western conceptions and agendas to compromise the provision of aid.\(^9\) P5 States face a more complex task of possibly authorizing the use of force as opposed to providing only relief; thus, the problems of moral positioning are potentially even more significant.

I explore three sources of AMRP: First the rise of “moral cosmopolitanism” by which I mean the general concept that man has a duty to fellow man, this genuinely moral influence on

rhetoric can still have problematic outcomes. Second “reputation and identity”, which incorporates both domestic political considerations and international reputation. Here the more parochial influence is less morally justified but equally problematic. Third “structural constraints” where the rules and norms of the UN, as the framework within which deliberation must occur, leads states to use absolutist moral rhetoric that obstructs optimal outcomes. In this case states may not be able to avoid the paralysis for which the Security Council is being criticised, for example over Syria. These sources of AMRP are not in competition but coexist in varying degrees with circumstance effecting which is most prevalent. The effects also manifest in different ways with both immediate and enduring consequences.

These sources and effects are explored by looking at three illustrative cases. Each case forms part of the trajectory of intervention, affected by previous cases and effecting future cases. This trajectory changes both the reasons under which intervention can be justified, and the meaning of intervention itself. The cases of Kosovo, Libya and Syria provide a variance in the level of support for intervention and each highlights a particular source and combination of effects of moral rhetoric in the post cold war era.

Kosovo is an important case because it occurred soon after the end of the Cold War and demonstrated, after the failures of the international community in Bosnia and Rwanda, that intervention was possible. The NATO mission in Kosovo is also judged to be a case of “illegal

10 It is not necessary for this work to make the distinction between strict and moderate forms, where strict cosmopolitanism sees no distinction between duty to foreigner and duty to compatriot, nor to move into political cosmopolitanism.

11 Finnemore, *The Purpose of Intervention: Changing Beliefs About the Use of Force*. 
but legitimate\textsuperscript{12} intervention and so demonstrated the shortcomings of the Security Council. While legitimate it still led to a sub-optimal result. I argue that the same geostrategic outcome could have occurred with fewer civilian deaths and smaller outlay of materiel by NATO, if Russia and the West could have better coordinated their resources. Moral rhetoric in part prevented this coordination.

Libya is a useful focus because it appears to be a successful intervention where rapid cooperation of the Security Council led to a swift clinical intervention. A more detailed analysis of Libya in isolation reveals that the “mission creep” from protection of civilians into regime change has led to sub-optimal outcomes in both the short and long-terms. It also demonstrates that while states have generally resisted being “rhetorically entrapped” by doctrines such as RtoP, preferring to maintain autonomy, they may make a conscious decision to entrap themselves by using moral rhetoric which exacerbates mission creep.

Syria has undoubtedly cast doubts on the legitimacy and efficacy of the Security Council. Though it is easy to point to interests as the stumbling block, closer scrutiny reveals that Russian interests are not necessarily being well served by supporting Assad. Instead a focus on the discourse around intervention and the moral language employed reveals structural constraints that prevent coordination within the Security Council. States are led by UN norms to use AMRP, which ultimately runs counter to their interests.

I have focussed on the language of Western leaders, Russian and Chinese leaders also employ moral language and can be susceptible to AMRP, but they often represent a more consistent and conservative position in the Security Council. As such the more variable rhetoric

\textsuperscript{12} Independent International Commission on Kosovo, \textit{The Kosovo Report: Conflict, International Response, Lessons Learned}. 
of Western leaders is better able to highlight the effect of AMRP, though Russian and Chinese rhetoric at times provide a useful rebuttal and counter logic.
2 Kosovo: The end of the Cold War and emergence of ethical foreign policy

During the Cold War foreign policy was dominated by concern for spheres of influence and balance of power. Any ethical dimension was largely absorbed into the ideological battle of East versus West, illiberal versus liberal, and communism versus capitalism. UN-mandated interventions were rare, and held different expressions of justification than the humanitarian interventions of the post-Cold War era.\(^{13}\) In the 1990s the possibility of superpower cooperation and interventionist action without upsetting the balance of power emerged. The macro level stability afforded by the end of the Cold War allowed space for the concept of “Ethical Foreign Policy” to emerge. Although states have often incorporated ethical dimensions, or at least justifications, into their foreign policy, there has been resurgence in Western enthusiasm for moral causes and a switch from purely realist based approaches to a declared “ethical dimension” in foreign policy. Those declaring an “ethical dimension’ to their foreign policy argued that they were offering something new. Foreign Secretary for the newly elected Labour Government Robin Cook described “an age of internationalism” in which:

Our foreign policy must have an ethical dimension and must support the demands of other peoples for the democratic rights on which we insist for ourselves… It supplies an ethical content to foreign policy and recognises that the national interest cannot be defined only by narrow realpolitik.\(^{14}\)

A self declared ethical dimension is not evidence of de facto ethical behaviour, true ethical behaviour would be ethically motivated not ethically justified. As E.H. Carr noted, theories of social morality are always the product of a dominant group, which identifies itself with

\(^{13}\) Wheeler, *Saving Strangers: Humanitarian Intervention in International Society*.

\(^{14}\) “Robin Cook’s Speech on the Government's Ethical Foreign Policy.”
community as a whole, and therefore we should be suspicious of any powerful actor that claims a “harmony of interests” with those who are weaker.\textsuperscript{15} We can question the integrity of the moral language used, and interests doubtless played a role in the Kosovo intervention but we do see ethical claims being increasingly made since the 1990s, which suggests that political actors, or their audiences, are amenable to such justifications. It is impossible to fully isolate the factors generating moral language but in Kosovo a solidification of cosmopolitan principles and guilt over failures to relieve suffering in Rwanda and Bosnia certainly contributed.

\textbf{2.1 \textit{AMRP from cosmopolitan norms}}

The claimed ethical dimension to policy in part reflects the concerns of liberal democratic populations as human rights regimes, with their roots in the Nuremberg trials, have solidified and expanded cosmopolitan norms in the space afforded by the end of the Cold War. Having won the ideological battle against communism, the West may have gained a boost in confidence about its moral superiority giving rise to the vocalizing of the humanitarian concerns in the domestic arena.\textsuperscript{16} It is right for leaders to vocalize the concerns of their population in the international arena; however, Chandler observes that human rights NGOs, which play a key role in informing public opinion, tend to concentrate on the abuse of human rights without offering explanations for root causes. This is done to avoid diluting the significance of the offence but it can lead to oversimplification and a “moral divide” in terms of good and evil.\textsuperscript{17} Despite this bottom up formation of the position having some moral integrity, I argue that the moral divide becomes a

\textsuperscript{15} Carr, \textit{The Twenty Years’ Crisis 1919-1939: An Introduction to the Study of International Relations}, 79.

\textsuperscript{16} Chandler, “Rhetoric Without Responsibility: The Attraction of ‘Ethical’ Foreign Policy.”

\textsuperscript{17} Ibid.
stumbling bock in the international arena obstructing compromise. Even if a state’s position reflects a genuine concern for the welfare of individuals of other countries, pragmatically this position carries no authority into the international realm. Pro-intervention states did not use moral language for the purpose of argumentation and persuasion, but as rhetorical justification. In this way, NATO states tied themselves to absolutist positions preventing compromises and coordination with Russia.

2.2 Predetermined positions reduce pragmatic options

The West, particularly the U.S. and the UK, took a stark moral position regarding Slobodan Milosevic’s handling of Kosovar Albanians’ desires for a reinstatement of the autonomy lost in 1989. Absolutist positions were taken from the outset, in part motivated by guilt over failures in Srebrenica, the desire for simplification and moral certitude are particularly evident in early statements from U.S. policy makers. James Rubin of the U.S. State Department declared, “in order to move towards military action, it has to be clear that the Serbs were responsible.” Secretary of State Madeline Albright stated “it is now up to the Kosovar Albanians to create this black or white situation… to make clear that a NATO implementation force is something that they want.” In this instance policy makers are calling on others to act in order to add legitimacy to a predetermined decision to use force.

In Tony Blair’s Chicago speech, given during NATO’s Operation Allied Force bombing missions, the rhetoric is more sophisticated as he attempts to link morality and interests.

Now our actions are guided by a more subtle blend of mutual self interest and moral purpose in defending the values we cherish. In the end values and interests merge.

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Interests are accommodated but moral claims are at the forefront of the justification. This is a just war, based not on any territorial ambitions but on values. We cannot let the evil of ethnic cleansing stand. We must not rest until it is reversed…

It is not uncommon in interstate conflicts to paint the enemy as morally repugnant and to assume the moral high ground, such behaviour is understandable when attempting to galvanize a whole nation to action against another. However a consequence of such absolutes is that it becomes impossible to treat or negotiate over a settlement, as one cannot reliably conclude a treaty with an evil degenerate whose word is worthless. Such absolutism in regard to intervention has some considerable detrimental effects.

2.3 The effect of AMRP in Kosovo

By creating absolutes the possibility of accommodation was cut off and at best AMRP allowed only for “forced negotiation”. Moral absolutes lead to a spiral; once you have declared your opponent to be morally corrupt you cannot logically accommodate its preferences. In lieu of accommodation you must threaten in order to reach a compromise, this reduces the number of negotiable settlements possible, likely obscuring any political solution.

Once force is on the table credibility also becomes an issue; this is a challenge for states and intergovernmental actors such as NATO. The Kosovo report identifies this “threat diplomacy” and the limitations it places on the range of outcomes.

[T]he reliance on threat diplomacy was at odds with any wavering on the part of NATO—a threat to use force so as to achieve an outcome that is non-negotiable, i.e. NATO peacekeeping force in Kosovo, is inconsistent with any indication that some alternative

19 “The Blair Doctrine.”

compromise is possible. Negotiations in the sense of actual bargaining would seem inconsistent and costly to the credibility of NATO as apolitical actor.\textsuperscript{21}

An additional result of this threat diplomacy is that it introduces the moral hazard of exacerbating the violence that it is intended to stop. A threat against Milosevic must necessarily bolster the position of the Kosovo Liberation Army.

The NATO threat of force had certainly played a role in getting Milosevic to discuss the issue at all. At the same time, it made the KLA less and less interested in negotiations and compromises. The stronger the threat was, the less inclined was KLA to yield. That was the real dilemma of enforced negotiations.\textsuperscript{22}

Ultimately the use of force was not as effective as had been expected. Operation Allied Force did not cause Milosevic to “see sense” and agree to a settlement. Instead it initially exacerbated the situation. The NATO bombing did not cause abuses but provided a cover for them, ultimately worsening the immediate plight of Kosovar Albanians. This forced negotiation was obstructive to a political solution between NATO and Milosevic, but it also obstructed cooperation and coordination between the pro interventionists and anti-interventionists, in this case Russia.

Russia had its own concerns about separatist movements and saw the integrity of Yugoslavia as key to stability in the area. This was not in conflict with the Western view, that a return to the pre 1989 arrangement of an autonomous Kosovo within Yugoslavia was the appropriate outcome. Nor was Russia pro Milosevic, in fact

Russia was extremely ambivalent about Serbian excesses during the 1990s and about Milosevic in particular. Russia had cooperated with the West repeatedly on sanctioning Yugoslavia, and had supported UN expressions of concern and censure short of authorizations to threaten or use force… This combination of sympathy with and


\textsuperscript{22} Ibid., 152.
ambivalence toward the Belgrade approach gave Russia a potentially crucial negotiating role: Russia had Milosevic's ear, and Milosevic needed Russia, while at the same time Russia was in general agreement with Western goals.  

Where Russia differed from the West was in regards to the appropriateness of the use of force to resolve the situation. Moral rhetoric on the part of the West was problematic because once a moral imperative was claimed all necessary means become justifiable. Thus Russia would have viewed the use of force as the likely result of Western moral rhetoric. In order to oppose the possibility of the use of force, Russia had to oppose the moral rhetorical justification claimed by the West. To do this it employed its own moral rhetoric, which implied a degree of support for Milosevic. Not only did this intractable division in the P5 provide a sense of security to Milosevic, as he rightly assumed he could rely on a Russia veto, it caused the U.S. and UK to look outside the UN for support closing of possible negotiated settlements.

[A]n either/or choice existed for NATO with respect to negotiating with Milosevic. A process of negotiating through effective communication over the real interests of all parties demanded Russian participation as the essential diplomatic link to the FRY. Negotiation premised principally on ultimate and credible threats of military force depended either on Russia's approval (which the USA pushed for behind the scenes) or its exclusion (by relying on NATO over the UN), since such threats could not be credible as long as the FRY could count on a Russian veto.  

The international community certainly failed to bring all the available diplomatic resources available to bear on the situation. The limitations on Russian diplomacy in the face of Western moral rhetoric is most significant. The Kosovo report argues that Milosevic was open to the Rambouillet political deal but wanted to avoid the military element that came with it because “he felt that the true intention of the force was to eliminate him — and/or detach Kosovo from Serbia. In fact there was nothing in the political agreement that was unsellable to the Serbs.” The United States, then, was fully

23 Ibid., 143.
24 Ibid., 145.
aware of these serious personal power concerns on Milosevic's part. The use of the UN, and especially the participation of Russia in the military implementation, might have assuaged these concerns. So far as is known, no such offer was made.\textsuperscript{25}

As stated the room for cooperation between the West and Russia so soon after the end of the Cold War was always going to be limited, but ultimately having bypassed the UN NATO did have to rely on Russia to broker a deal with Belgrade and bring the conflict to an end.\textsuperscript{26} The above analysis demonstrates there was potential for greater cooperation that was in part obstructed by the West's moral rhetoric. In this case the moral rhetoric was grounded in cosmopolitan norms and was non-partial, however in the context of the Security Council it led to a spiral into threat diplomacy and ultimately paralysis and bypass.

As well as demonstrating the possibilities of intervention, Kosovo also demonstrated the limitations of the Security Council when confronted by humanitarian crisis. It brought in to question the normative legitimacy of the organisation in the post Cold War era and has led to attempts to overcome Security Council paralysis. The most notable and developed attempt to overcome this paralysis, and resolve the tension between individual and state sovereignty, is the RtoP concept. RtoP is significant for this work because it provides a focus which helps illuminate moral rhetoric and its limits, this along with other factors illustrated above recur in the Libya and Syria analysis demonstrating the consistent impact of rhetoric in different circumstances.

\textsuperscript{25} Ibid., 157.
\textsuperscript{26} Harland, “Kosovo and the UN.”
3 Libya: Constellation of interests accommodated AMRP

Superficially the intervention in Libya represents the Security Council, and particularly the P5, rapidly reaching a consensus for action resulting in a successful UN mandated military intervention. Another aspect in analysing the Libya intervention as an isolated case and within the progression of intervention by the Security Council is the significance, or insignificance, of RtoP in the decision making process. Some commentators credited RtoP as significantly impacting the Security Council’s ability to reach a rapid and decisive consensus over Libya. At the time some lauded Libya as a triumph for RtoP.27 With hindsight it is not clear how significant RtoP was in the adoption of Resolution 1970 or 1973; as Hehir argues, “The evidence to support the claims made regarding R2P’s influence, however, is correlative rather than causal.”28 The significance of RtoP may be questioned, but it does provide a useful lens by which to assess rhetoric in the Libya case, in the context of a differing constellation of interests to Kosovo and in its enduring impact as seen in Syria.

The development of RtoP represents an attempt to improve and formalise the practices of the UN regarding intervention, but it should be noted that none of the P5 wish to see RtoP formalised to the point of a binding declaration. In the 2005 World Summit output document leaders acknowledged the international community’s responsibility to individuals of other nations, but were reluctant to commit to binding statements and ultimately reinforced the primary responsibility of the state to protect their population.

27 Evans, “The Responsibility to Protect Comes of Age”; Ki-moon, “Responsibility to Protect” Came of Age in 2011: Secretary-General Tells Conference.
[W]e are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. [emphasis added]  

We should expect self-interested states to preserve their autonomy wishing to assess each case relative to interests and not allowing themselves to be “rhetorically entrapped” through commitment in advance to legal requirements or prescriptive doctrines.  

We can contrast the general unwillingness to be entrapped with the willingness, under certain circumstances, of leaders to voluntarily “rhetorically entrap” themselves. This voluntary entrapment can be with the domestic audience, such as Fearon’s “audience costs” explanation or by putting ones international reputation at stake as NATO and Blair did in Kosovo: “If NATO fails in Kosovo, the next dictator to be threatened with military force may well not believe our resolve to carry the threat through.”  

3.1 AMRP from the need for identity  

Chandler offers an alternative explanation for the appearance of an “ethical dimension” to foreign policy that is more problematic than the consolidation of human rights regimes and cosmopolitan norms. With the end of the Cold War Western governments have lost a central ideational focal point around which to generate consensus but have gained space in which to explore alternatives:  

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30 Hehir, “The Permanence of Inconsistency: Libya, the Security Council, and the Responsibility to Protect.”  
31 Fearon, “Domestic Political Audiences and the Escalation of International Disputes.”  
32 “The Blair Doctrine.”
This new flexibility, in terms of freedom from cold war threats, has allowed foreign policy to be driven more directly by a search for policy initiatives seen to symbolise a clear projection of values... Governments, like many gap-year students, seek to define and find themselves through their engagement with the problems experienced by those in far-off countries. \(^{33}\)

Chandler argues that governments are attracted to foreign policy as a rallying point because it is relatively easy to propose ethically motivated action and hard to contest it. Additionally it is difficult, if not impossible, to measure the success of a given intervention in isolation, while also being impossible to truly predict the counterfactual of what would have happened had the intervention not taken place. Here AMRP stems from self-serving motivations rather than cosmopolitan norms; the pragmatic problem of obstructing compromise remains the same. In the case of Libya, France was the quickest to rhetorically entrap itself and referenced RtoP (though not strongly) in the process. The UK was more circumspect though quickly formed an absolutist position under centralised leadership. The U.S. was relatively slow to take an absolutist position, which (unlike the UK and France) eventually occurred due to non-domestic influences, this delay and international influence was causally significant.

In the formal deliberation over resolution 1970 and 1973 France made the strongest RtoP reference.

In its resolution 1970 (2011), which was adopted unanimously, the Security Council recalled the Libyan authorities’ responsibility to protect the Libyan people... Every hour and day that goes by increases the burden of responsibility on our shoulders. \(^{34}\)

Sarkozy was very quick to take a firm stance on the Libya issue. It is fairly straightforward to demonstrate domestic and international level motivations that make Sarkozy’s “grandstanding” a self-interested act. Sarkozy was undoubtedly considering the impending election against an


opposition standing on a strong anti immigration policy; a flood of refugees from the relatively close Libya would have undoubtedly been damaging. Likewise France’s recent reintegration into NATO, under Sarkozy’s leadership, and his desire to be seen as a dynamic and decisive international leader encouraged him to take an absolutist stance on Libya. France was one of the first states to call for a no fly zone and the first to recognize the Transitional National Council as the legitimate government of Libya. As early as 25 February Sarkozy declared that “Mr Gadaffi must leave”.

Cameron’s response to Libya was initially mores circumspect than that of Sarkozy, with statements calling on Gadaffi to change course rather than calling for his removal.

I call on them [the Libyan regime] even at this late stage to stop. People's aspirations for greater democracy, for greater freedom, for greater rights should be met with reform, not repression.

While publicly circumspect, within Whitehall Cameron was decisive and pushed hard for action. Michael Clark’s assessment of the strategy making process for Libya describes a “top down” process.

The impetus to get involved – to ‘do something’ in the face of Qadhafi’s escalating brutality – came from Downing Street directly.

Clark also describes disagreement between Downing Street and the Chief of the Defence Staff, General Sir David Richards over the use of military force in Libya. Richards

35 Zetterlund and Lindstrom, Setting the Stage for the Military Intervention in Libya: Decisions Made and Their Implications for the EU and NATO.
36 Irish, “France’s Sarkozy Says Gaddafi Must Go.”
37 “Libya Unrest: David Cameron Condemns Violence.”
reportedly raised serious concerns about the unknown consequences of military intervention. It should be noted that Richards is no stranger to intervention. While leading the evacuation of British Nationals in Sierra Leone in 2000 he switched his task to assisting the UN mission there essentially defending Freetown from the RUF, initially without sanction from London. Not only did Richards believe in the potential of liberal intervention to be a force for good, he did not believe in half measures:

“I remain particularly fond of what we achieved in Sierra Leone, It was a successful and blood-free operation that allowed the people of Sierra Leone a better future.” It was also an example of his philosophy of fighting, which he sums up as “clout, never dribble.”

Despite significant voices raising concerns Downing Street forged ahead and after Resolution 1973 was passed there was a public and somewhat embarrassing debate between Richards and Downing Street over whether the Resolution allowed for the direct targeting of Gadaffi. Richards was adamant that it did not: “Gaddafi is "absolutely not" a target. It is not something that is allowed under the UN resolution and it is not something that I want to discuss any further.” An hour later Downing Street sources stated that targeting Gaddafi would be legal and that Richards was wrong.

The key point is that the drive for action overreached the formation of a consolidated strategy and consideration of the implications of intervention. This drive for action is a necessary consequence of a leader taking an absolute moral position. It is also noteworthy that Richard’s position was more in line with the initial U.S. response and particularly that of senior military officers.

39 Con Coughlin, “A Last Salvo from General Sir David Richards.”
40 “Libya: Key Quotes on Targeting Gaddafi.”
Many were surprised by the initial reticence of the U.S. over Libya; however, once the U.S. engaged it did so decisively. Although Obama was keen for others to take the lead publicly the vast majority of military muscle came from the U.S. There are two key aspects to the U.S. decision to engage in Libya. One is where the political impetus came from and the second is the timing of and circumspect nature of the commitment.

Three members of the U.S. establishment are particularly credited with pushing for U.S. action on Libya. As the U.S. Ambassador to the UN, the usual expectation is for Susan Rice to convey the U.S. position into the international realm. In this instance she brought the UN perspective back into the domestic realm where she met scepticism from the establishment. Samantha Power’s pro intervention stance was unsurprising considering her journalistic and academic background. Her role as head of the Office of Multilateral Affairs and Human Rights brings a perspective insulated from the domestic political concerns, which she has long argued are a barrier to the U.S. fulfilling its responsibilities in the international community.\(^41\) Finally Clinton, who as Secretary of State, is more directly concerned with U.S. interests abroad, was initially resistant to U.S. intervention in Libya. Her change of tack to promoting a stronger pro intervention stance, was in part motivated by the Arab League calls for a UN mandated no-fly zone; Clinton said that the Arab League statement "changed the diplomatic landscape."\(^42\) This more circumspect and slower consolidation of the national position formed through interaction with the UN and Arab League and less governed by domestic considerations may have gone some way to assuage Russian and Chinese concerns of U.S. interest driven interventionism. The slowness of the U.S. to take a firm position also allowed time for the Arab League to reach their

\(^{41}\) Power, "A Problem from Hell": America and the Age of Genocide.

\(^{42}\) Labott, “How Clinton Got Behind the Military Coalition - CNN.com.”
own consensus and present their request to the UN, a request they may not have been prepared to make if it simply echoed the U.S. position. The U.S. was relatively consistent that regime change was not in the cards. The Chairman of the Joint Chiefs of Staff Admiral Mike Mullen acknowledged that intervention predicated on air power alone was "very uncertain", but also made clear that regime change was not the goal. "The goals are limited. It's not about seeing him go. It's about supporting the United Nations resolution which talked about eliminating his ability to kill his own people." 

Despite RtoP advocates having initially declared a great triumph for the “doctrine” closer scrutiny reveals that states were not constrained or significantly influenced by RtoP. Rather states were able to decide whether and when to rhetorically entrap themselves. The timing of key actors committing to an absolute moral rhetorical position was significant in the Security Council adopting a mandate for the use of force.

3.2 AMRP not preventative but still problematic

Interests are significant in Libya in so far as they were sufficiently aligned to allow intervention, but moral rhetoric was still influential within those bounds. Gadaffi’s almost universal pariah status meant that Western moral statements about Gadaffi did not bring the West into opposition with Russia or China. If anything moral statements made about Gadaffi were an embarrassment to the governments who had recently welcomed him back into the international fold, particularly the UK under Blair’s leadership. Russia and China were not

43 Zetterlund and Lindstrom, Setting the Stage for the Military Intervention in Libya: Decisions Made and Their Implications for the EU and NATO, 47.

44 Spillius, “Libya: Mike Mullen Admits Stalemate Could Leave Gaddafi in Charge.”

45 Evans, “R2P and RWP After Libya and Syria.”
under the spotlight and so in no way needed to be defensive about their own actions or position. Instead they could concentrate on their concerns about how action might be taken rather than what action might be taken.

Arab league support also contributed to reassuring Russia and China that Libya was not part of a larger Western liberal interventionist agenda. The significance of the Arab League position is evident in the statements made by Russia and China at the adoption of Resolution 1973. The Russian Ambassador stating:

Given this situation [the failure of Gadaffi to abide by Resolution 1970], the League of Arab States turned to the Security Council with a request that it take immediate measures to ensure the protection of the civilian population in Libya, including the establishment of a no-fly zone in Libyan airspace.\(^4^6\)

The Chinese Ambassador made the link between regional support and the abstention explicit:

China attaches great importance to the relevant position by the 22-member Arab League on the establishment of a no-fly zone over Libya. We also attach great importance to the position of African countries and the African Union. In view of this, and considering the special circumstances surrounding the situation in Libya, China abstained from the voting on resolution 1973 (2011).\(^4^7\)

It is important to note however that the Chinese and Russian statements contained clear caveats, making explicit their concerns and the potential consequences should those concerns be realized.

China is always against the use of force in international relations. In the Security Council’s consultations on resolution 1973 (2011), we and other Council members asked specific questions. However, regrettably, many of those questions failed to be clarified or answered. China has serious difficulty with parts of the resolution.

[Russia] Responsibility for the inevitable humanitarian consequences of the excessive use of outside force in Libya will fall fair and square on the shoulders of those who might undertake such action. If this comes to pass, then not only the civilian population of Libya


\(^{4^7}\) Ibid.
but also the cause of upholding peace and security throughout the entire region of North Africa and the Middle East will suffer.\textsuperscript{48}

It is possible to argue that regime change is an appropriate extension of resolution 1973 however Russia and China made it explicit, in advance, that they did not condone such action and NATO knew this. The constellation of interests, and timing of AMRP, having allowed cooperation in the Security Council voluntary rhetorical entrapment of France and the UK ultimately led to questionable outcomes in Libya as AMRP seeded an ends justifies the means mentality and “mission creep” from protection of civilians to regime change.

3.3 The effect of AMRP in Libya

Russia and China abstained on the vote to pass Resolution 1973 which allowed the use of force to impose a no-fly zone over Libya:

Authoriz[ing]: Member States that have notified the Secretary-General, acting nationally or through regional organizations or arrangements, and acting in cooperation with the Secretary-General, to take all necessary measures, notwithstanding paragraph 9 of resolution 1970 (2011), to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya\textsuperscript{49}

Though Russia and China raised concerns about how this resolution would be enacted withholding the veto does demonstrate a notable readiness to put a strict adherence to sovereignty aside. In a narrow sense the Libya intervention can be seen as a clean, limited successful intervention; however, critical voices are starting to appear raising questions over the efficacy of the intervention itself and its impact on the trajectory of intervention.

\textsuperscript{48} Ibid.

Chandler observes that moral rhetoric leads to an “ends justifies the means” mentality.\(^{50}\) It is impossible to know what state Libya would be in if a more gradual transition from autocracy to democracy could have been orchestrated; however, it is reasonable to question whether the ends have justified the means. I argue that we can trace some of the problems of the Libyan intervention back to moral rhetoric. Though the rhetoric was not sufficient to prevent consensus in the Security Council, it complicated the moral hazard of intervention and seeded inevitable mission creep once action began rupturing the consensus over Resolution 1973.

An early disappointment for the variously named missions in support of Resolution 1973 was the withdrawal of Arab League support.

[F]ollowing Saturday’s missile launches and jet strikes, the Arab League's Secretary General, Amr Moussa said: “What has happened in Libya differs from the goal of imposing a no-fly zone and what we want is the protection of civilians and not bombing other civilians. “From the start we requested only that a no-fly zone be set up to protect Libyan civilians and avert any other developments or additional measures.”\(^{51}\)

The Western justification for this mission creep into aggressive targeting, rather than defensive screening of civilian areas, was the supposedly genocidal intent of Gadaffi. Alan Kuperman questions the accuracy of Western reporting that portrayed Gadaffi as vengeful and bloodthirsty. This is not to say that Gadaffi had not committed atrocities nor does it doubt that the Libyan people are better off with Gadaffi gone, Kuperman’s point is that the foundation on which action was grounded is not as solid as the Western media and leaders might have us believe.

During the first seven weeks of fighting, according to Human Rights Watch, 949 people in Misurata were wounded, of whom only 22 were women and 8 children. This means that

\[\text{\textcopyright Chandler, “Rhetoric Without Responsibility: The Attraction of ‘Ethical’ Foreign Policy,” 310.}\]

\[\text{\textcopyright Beckford, “Libya Attacks Criticised by Arab League, China, Russia and India.”}\]
less than 3 percent of the wounded were female, which is strong evidence that government forces strove to target only combatants.\(^{52}\)

Kuperman acknowledges the violent rhetoric of the Gadaffi regime but highlights the fact that revenge killings did not occur when the opportunity arose.

From March 5 to March 15, Libyan government forces re-took all but one of the major rebel-held cities, including Ajdabiya, BaniWalid, Brega, Ras Lanuf, Zawiya, and most of Misurata. In none of those cities did the regime target civilians in revenge, let alone commit a bloodbath.\(^{53}\)

Though Gadaffi did make genocidal statements there is little evidence that they would have been carried through. The basis on which “all necessary means” was translated into aggressive targeting of loyalist troops as opposed to solely defensive operations is questionable. Mission creep is an ever-present danger in military operations yet the problem is compounded by leaders making moral statements, which “rhetorically entrap” them, and the subsequent need to appear decisive and dynamic in the face of shifting circumstances. In the Libya case the irony being that a mission to protect civilians became a mission to remove Gadaffi, which resulted in the harming of civilians. Such logic might have moral integrity in the face of a real and significant threat to the humanitarian population, which could only be mitigated by actions incurring collateral damage, but that level of threat is unproven in the Libya case. Additionally the end of operations and NATO expenditure of resources also raises doubts as it coincided more with the death of Gadaffi than the assured security of civilians.

We also see the same moral hazard emerge that was evident in Kosovo; NATO support allowed the rebels to push for a better negotiating position, or as was the case to reject totally the possibility of negotiation.


\(^{53}\) Ibid., 112.
NATO and its allies kept providing such military aid even as the rebels repeatedly rejected the government’s cease-fire offers, which could have ended the violence and thereby spared civilians… if NATO had sought primarily to protect civilians, it would have conditioned its aid to the rebels on their sincerely exploring the regime’s offers.\textsuperscript{54}

The enduring moral hazard is that the West, having long promoted democratic progress, has now substantially furthered the political aims of rebel groups who pursue democratic change. This sends a signal to other groups who seek similar change and may encourage them to embark on “speculator uprisings” in the hope of provoking an intervention. This effect poses a normative dilemma as it runs counter to the UN ideal of helping states maintain order. It also runs counter to Western interests. The West having encouraged democratisation is expected to respond when democratic hopes are met with excessive force. The West, not even the U.S. has sufficient resources to intervene in every popular uprising, but failure to support democratisation undermines the Western identity, and the U.S. as the global hegemon.

If one were to characterise the UK, French and U.S. behaviour from the Russian and Chinese perspective, we could say that Russia and China withheld the veto, despite concerns, giving the rest of the P5 some leeway. This leeway may only have been granted because interests allowed but it was leeway nonetheless. In response to this leeway France, the UK and the U.S. took full advantage, even if they believed their own logic, that regime change was the only way to protect civilians, they pursued a course of action which China and Russia had expressly warned them against and which lost them the support of regional organizations. Not only does this demonstrate a disregard for Russian and Chinese wishes, reducing the likelihood of accommodation in the future. Here we see a repeat of the Kosovo failure to marshal all available resources to achieve the optimal outcome, the immediate impact for the people of

\textsuperscript{54} Ibid., 115.
Libya is evident in the damming 2013 Amnesty International report.\textsuperscript{55} There is also an enduring and broader effect in terms of the trajectory of intervention; Michael Clark provides a succinct analysis:

President Putin reportedly feels personally duped and angry at the outcome in Libya. Certainly, neither he nor the Beijing leadership will put themselves in a similar position over Syria. By vetoing a strong Arab League resolution over Syria at the UN in February 2012, Russia has walked itself into a political blind alley and ensured that the Syrian city of Homs suffers the fate that was prevented in the Libyan city of Benghazi.\textsuperscript{56}

Moral rhetoric and an “ends justifies the means” mentality caused the West to exceed its mandate bringing it into opposition with Russia and China. In taking an oppositional position Putin has also entrapped himself as his reputation becomes linked to his ability to resist the West, thus the possibility of cooperation over Syria is greatly reduced.


\textsuperscript{56} Michael Clarke, “The making of Britain’s Libya Strategy,” In Johnson and Mueen, “Short War, Long Shadow: The Political and Military Legacies of the 2011 Libya Campaign.”
4 Syria: AMRP emerges despite not serving interests

At the time of writing the death toll in Syria is over 100,000, far in excess of the Libyan total. In addition to these deaths and the use of chemical weapons against civilians has been confirmed. Huge numbers have been displaced both internally and across borders; the UN estimates some 6.8 million Syrians require urgent humanitarian assistance.\(^{57}\) With the approach of winter displaced persons and refugees face even greater hardship and potentially fatal consequences. The scale of the humanitarian crisis in Syria is substantial as is the case for international action of some sort. All members of the UN have now been clear in their condemnation of violence; yet, consensus over an appropriate course of action remains elusive.

Some claim that the situation in Syria is too complex to allow intervention; however, this complexity is directly linked to consequences that make a resolution to the situation in the mutual interest of the P5. The Levant is strategically significant in a way that the Maghreb is not. Syria has repeatedly clashed with Israel over the Golan heights and the current unrest has raised tension further. The Alawite Sunni division in Syria reflects the broader divisions between Shite and Sunni across the Middle East making Syria a regional concern. The sectarian element also brings Iran into play raising the threats to international security still further. A failure to resolve the Libya issue would not have led to significant regional instability. The conflict in Syria on the other hand, is already affecting regional stability and could have a global impact. Despite the considerable humanitarian and strategic imperative to act, Security Council member states have been hedging their bets and avoiding decisive action. Whereas Libya was notable for the rapid consensus and resolve in the Security Council, Syria has been defined by

\(^{57}\) “UN News - Syria: UN Officials Urge Humanitarian Access to Thousands Trapped by Intense Fighting.”
an impasse between the West and Russia and China. The major tragedy is that the impasse, ostensibly driven by interests, has neither protected innocents in Syria nor served states’ perceived interests.

4.1 Interests insufficient to explain inaction in Syria

Western media and politicians have been quick to point to Russia as obstructing progress in order to protect its interests. The assessment that states will follow interests is true, but simplistic. I argue that there is more to the Russian and Chinese positions than self-serving, material interests. The following analysis focuses on Russia. Though China has an enduring general interest in the norm of sovereignty, Russia has more specific interests in Syria. I argue that it is not primarily interests that prevent greater cooperation in the Security Council; instead moral rhetoric highlights more significant causes for the opposition between Russia and the West. Russia does not benefit from instability; and, as its economic prospects are increasingly aligned with West, its interest in a stable Middle East also becomes more closely aligned. It is possible to identify specific interests that are pertinent to Russia and not the West; however, in each case rigidly backing Assad does not represent good policy.

The Russian Naval Base in Tartus is often cited as one motivation for Russia supporting Assad. Some analysts claim this is greatly overstating the significance of the base.

In terms of material investments, the loss of the facilities would be negligible - most of it can be simply towed away… [I]n the context of the general state of the Russian navy and the balance of power at sea, currently both the Russian activities in the Mediterranean and the importance of the ramshackle station are of purely symbolic, rather than strategic value. 58

Russia’s interest in Tartus may be symbolic and this may still constitute a real interest, however

symbolic interests are long-term interests and Assad a high-risk long-term bet.

Some point to Russia’s arms exports to Syria as an interest that is motivating support for the Assad regime. Russian economist Vladislav Inozemtsev argues that Assad is not a good economic bet as Russia’s economic interests are about oil, and the Russian oil industry is not well served by support for the likes of Assad.

From the perspective of the economist, Syria is our long-standing debtor. Following two debt write-offs by 2005, it owed Russia $13.5 billion. We then signed with it a treaty, according to which we forgave 73% of the debt. [In respect of subsequent arms shipments] No more than 20% of all this has been paid for in hard cash. Once again, why? Whose interests have been engaged in these “arrangements”?  

Inozemtsev questions whether the Russian leadership has considered:

[a] scenario in which we are prepared to surrender the “Damascus inmate” in exchange for a normalization of relations with the Saudis and Qataris? To reserve for ourselves a seat at the table at which Syria’s future is decided — and to obtain, finally, from this erstwhile friendly country if only some of the old debts?  

Russia may wish to protect interests and influence but backing Assad carries many risks and provides no grantees.

A more credible explanation relates to enduring influence and reputation, this ties into the recent trajectory of interventionism. Walter Russell Mead offers “influence” as a partial explanation for Russia intransigence over Syria. Russia may wish to signal that it stands by its allies and that it will not turn on its pet autocrats as the West is want to do. After AMRP in Libya led to mission creep, and the West ignoring Russia’s explicit warnings, Putin is reminding the world that Russia matters and that he will not be “duped” again.

Of course reputations are only useful in so far as they help to realize interests. Why then is Russia not using its position, as Assad’s trusted friend, to engineer a resolution, better able to

59 “Russia’s Syria Support Said to Be a Losing Proposition | JOHNSON'S RUSSIA LIST.”

60 Mead, “Russia’s Syrian Bet Explained.”
accommodate its long-term interests, than rigidly backing what is increasingly likely to be a losing horse? A tidy transition is in Russia’s interests, as the longer the struggle lasts the messier it gets and the more influence Russia looses to Iran and various non-state actors.

None of the P5’s interests have been served by the impasse, in the meantime other interested parties, such as Iran and Hezbollah, wield greater influence in the Syria conflict complicating the situation and making any resolution let alone a UN solution more difficult. Why then have powerful states allowed a situation to develop counter to their apparent mutual interests? In Syria we can see that Russia and the West (particularly the U.S.) encounter a coordination problem to which moral rhetoric is central.

4.2 Leaders reluctant to use AMRP

The profile of the internal abuses in Syria and its connection to regional stability grew fairly quickly. The UN Human Rights Council was quick to pass a resolution in April 2011 condemning the violence in Syria, a process simplified because unanimity is not required, Russia and China were amongst nine states to vote against the resolution while seven abstained. Amongst the P5 the U.S. was initially hesitant regarding Syria, offering general statements such as Hillary Clinton’s remarks after the International Conference on the Libya Crisis in London (29th March 2011):

So I think that we’re, like the Syrian people, waiting and watching to see what comes from the Syrian Government… It is up to the Syrian Government, it is up to the leadership, starting with President Bashir Assad, to prove that it can be responsive to the needs of its own people.  

62 Clinton, “Remarks After the International Conference on the Libyan Crisis.”
The UK and France (accompanied by Germany and Portugal) initially pushed hardest for a strong Security Council resolution on the Syria issue. The Western position hardened during June as the number of civilian deaths increased, but it still stopped short of AMRP. The UK, U.S. and France all called for a Security Council resolution on the issue\(^\text{63}\) in support of the Secretary Generals statement made at the end of June.\(^\text{64}\) On 11\(^\text{th}\) July, in a statement made after the attacks on the French and U.S. Embassies in Syria, Hillary Clinton intimated that Assad’s future was in doubt:

[I]f anyone, including President Assad, thinks that the United States is secretly hoping the regime will emerge from this turmoil to continue its brutality and repression, they are wrong. President Assad is not indispensible, and we have absolutely nothing invested in him remaining in power. Our goal is to see that the will of the Syrian people for a democratic transformation occurs.\(^\text{65}\)

When pushed by the press to make an explicit call for Assad to go, as the U.S. had done for Gadaffi in Libya, Clinton resisted:

I think that it is a mistake, albeit a very tempting one, to equate countries one to the other and assume that there is one template that fits all. That’s obviously not the case, and there are significant differences in the situation in Syria from Libya.\(^\text{66}\)

On 13\(^\text{th}\) July in remarks after a meeting with Clinton Russian Minister for Foreign Affairs Sergey Lavrov explained Russian reluctance to support an official condemnation of Assad.

And speaking about Syria, you are asking why Russia is blocking the resolution that would condemn Assad. Diplomacy does not exist to condemn and start putting on political scores [sic]; our goal is to solve problems, but just condemning people without any solution will not lead us to anything.\(^\text{67}\)

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\(^{64}\) United Nations Security Council, “S/PV.6572 The Situation in the Middle East.”

\(^{65}\) Clinton, “Remarks With European Union High Representative for Foreign Affairs and Security Policy Catherine Ashton After Their Meeting.”

\(^{66}\) Ibid.

\(^{67}\) Lavrov, “Remarks With Russian Minister of Foreign Affairs Sergey Lavrov After Their Meeting.”
On 3rd August 2011 a Security Council Presidential Statement was published. It condemned the use of force against civilians and called for all sides to exercise restraint, refraining from reprisals including attacks against state institutions. While a presidential statement does not carry the weight of a resolution, it does represent the possibility of consensus and the accommodation of the different political approaches of the West and Russia alongside China.

There is logic to Russia’s position, as explained by Minister Lavrov “condemning people without any solution will not lead us to anything.” Calling for Assad to go closes out a lot of options especially a political solution, which the West like Russia claims is the only viable one. The anti-Assad position may be justified on moral terms. He has no legitimacy and has clearly abused his position of power; however, stating that he must leave power does not achieve very much. Firstly, it cuts out the possibility of a negotiated settlement and backs Assad into a corner from which he has no other choice than to fight more viciously and determinedly. Stating that he should leave will not cause him to leave; options for Assad outside of Syria are limited and are reduced further by moral rhetoric. Should Switzerland’s request that the Security Council refer the Syria case to the ICC be granted, his options would be reduced even further. Notably the request was supported by 56 countries but not the U.S. The U.S. doubtless wished to avoid accusations of hypocrisy (not having ratified the Rome statute) but it may also indicate that the U.S. is not ignorant of the problem of reducing options to zero.

For Syria to reach a reasonable level of stability there must be considerable reform. Assad is too entrenched to make credible offers to the Syrian National Council (SNC), nor is the

68 United Nations Security Council, “S/PV.6590 The Situation in the Middle East, Including the Palestinian Question.”
SNC likely to be receptive, their primary principal being “Working to overthrow the regime using all legal means.” The SNC’s absolutist aim is also encouraged by the moral hazard that is inherent in supporting revolutions. A stable Syria cannot realistically involve Assad, but there are limited options available to remove him from Syria’s political landscape. Removal of Assad and his cronies by discrete, forcible decapitation of the regime would have a limited effect as the violence increasingly reflects the deep sectarian divisions in Syrian society. Even if Russia and China gave their consent for a well placed smart weapon or precision munitions to decapitate the regime; it is neither ethically acceptable nor likely to have a substantive impact.

There appears to be a consensus amongst analysts that the Syria conflict is a stalemate. Circumstances can change and the balance may tip one way or another, but neither side is currently able to force an outcome. There is a danger, which is arguably already manifesting in the use of chemical weapons, that as sides become bogged down they will resort to more and more extreme forms of violence in attempts to gain the upper hand. Such escalation often comes with increased civilian suffering.

At the time of writing the cooperation between the U.S. and Russia, in the form of the Geneva conference, appears to offer the greatest chance of ending the violence in Syria. As Ban Ki-moon has stated:

There is no military solution to Syria. There is only a political solution, and that will require leadership in order to bring people to the table. Yesterday I had a conversation with Foreign Minister Sergey Lavrov of Russia. We remain committed to the effort to bring the parties to a Geneva 2 to implement Geneva 1, and we will try our hardest to make that happen as soon as is possible.

70 “Syrian National Council: Principles.”

71 Since September 2013 chemical disarmament of the Syrian regime has replaced the Geneva Conference as the primary focus of cooperation.

72 Kerry and Ki-Moon, “Remarks With United Nations Secretary-General Ban Ki-moon.”
Minister Lavrov has declared some hope for cooperation between Russia and the U.S. through the Geneva initiative:

I hope that when the United States and Russian Federation take this kind of initiative, the chances for success are bigger, and we will do everything in our power to use those chances and to make them realize… And we discussed how we can proceed with the kind of division of labor which (inaudible) Moscow to persuade various Syrian parties and the foreign countries to cooperate with us in the efforts to make this conference convene.[emphasis added]⁷³

If Geneva proves successful and the violence is stopped, with or without the removal of Assad, the Security Council could claim a degree of success. However, the criticism remains that it has taken over two years to reach this point of cooperation, and there has been no substantive change in the circumstance that have suddenly made it possible. In that time a significant number of people have been killed, and the conflict has become more complex and harder to resolve. If it is the case that time has allowed Russia and the U.S. to realise their interests can be mutually accommodated, and that cooperation is the key to realising them, then there is hope for effective Security Council action. Unfortunately Russia and the U.S. still face a coordination problem related to moral rhetoric and credible signalling. This coordination problem, rooted in the structure and norms of international society, explains why AMRP has appeared in Syria but ultimately remains obstructive.

4.3 AMRP from structural constraints

Though AMRP was not initially present in statements regarding Syria, it became prevalent after the 3rd August 2011 Presidential Statement. Division in the Security Council also

⁷³ John Kerry and Lavrov, “Remarks With Russian Foreign Minister Sergey Lavrov After Their Meeting.”
deepened, coming to a head in Russia and China’s use of the veto in October against a draft resolution put forward by France, Germany, Portugal and the UK. Between August and October France, the UK and the U.S. made absolutist calls for Assad to leave power. On the 18th August President Obama stated:

What the United States will support is an effort to bring about a Syria that is democratic, just, and inclusive for all Syrians. We will support this outcome by pressuring President Assad to get out of the way of this transition.\(^74\)

Here the U.S. rhetoric has moved into an absolutist position, with predetermined outcomes attached. On the same day in a joint statement the UK, France and Germany called for Assad to go:

Our three countries believe that President Assad, who is resorting to brutal military force against his own people and who is responsible for the situation, has lost all legitimacy and can no longer claim to lead the country. We call on him to face the reality of the complete rejection of his regime by the Syrian people and to step aside in the best interests of Syria and the unity of its people.\(^75\)

These statements were accompanied by tighter economic and arms sanctions. In the Syria case the transition to absolutist positions is not wholly consistent with the sources of moral absolutism addressed above.

The blossoming of cosmopolitan norms so evident in the Kosovo case is also relevant in Syria; however, the slow formation of AMRP over Syria raises questions about their significance. Even though the number of civilian deaths mounted rapidly in Syria, Western states were slow to condemn Assad and slow to recognise the Syrian National Council. The first military strike in Libya occurred after 1300 civilians had been killed. Yet a much larger number of deaths in Syria was not been sufficient to prompt the West to offer more than condemnation

\(^{74}\) Obama, “Obama on the Situation in Syria.”

\(^{75}\) Cameron, Merkel, and Sarkozy, “UK, Germany and France Call for President Assad to Stand Down.”
and minimal material support to the rebels. If AMRP stemmed from a deep seated cosmopolitan regard for human rights, then absolutist moral position taking should have emerged as quickly, if not quicker, than it did in Libya, and we should see more determination amongst Western leaders to find a resolution.

Reputational costs do not provide sufficient explanation. Obama has endured considerable domestic scorn over his reluctance to commit, even if only rhetorically, to a position on Syria. His aides expressing concern at “the perception that the world’s sole superpower was standing by while European allies shouldered the burden of trying to stop a dictator from murdering thousands of his own people.” Furthermore evincing AMRP yet remaining inactive makes a politician’s reputation vulnerable rather than protecting it. Obama’s setting of a “redline” in April 2013 regarding chemical weapons and subsequent failure to act on it has caused a degree of embarrassment internationally and domesticly. Although domestic and international reputations matter, they are rarely sufficient to constrain states, as demonstrated by Bush and Blair driving through the 2003 Invasion of Iraq despite considerable international and domestic opposition.

With neither cosmopolitan norms nor reputational costs sufficient to explain the Security Councils paralysis over Syria, I advance a third cause of AMRP. Even when they pursue coordinated outcomes motivated by interests and pragmatism, the UN context places structural constraints on states compelling them to justify actions with statements that lead to AMRP.

In terms of resources available to the Security Council and the “division of labour” which

76 Thrush and Epstein, “Syria Chemical Weapons: President Obama’s Forced Hand.”
Lavrov referred to, the U.S. (or a U.S. led coalition) remains the most credible coercive means. Russia has the most diplomatic leverage in Syria. Most nations having severed diplomatic ties and recognised the transitional government. In a coordinated pragmatic solution, Russia is best placed to offer Assad alternatives to a bloody last stand in Damascus. Russia could provide Assad with a way out of Syria, access to his international accounts and a quiet but amenable retirement location. To provide further incentive, Russia can point out that if Assad doesn’t take the deal, the U.S. is likely to intervene militarily and, as Gadaffi did in Libya, he will lose everything. This coordination of carrot and stick would avoid the path dependency of pure “threat diplomacy” as seen in Kosovo, and the tendency for “mission creep” to emerge once a mandate to use force has been given. Within such an arrangement the interests of P5 members could be accommodated by side payments and bargains over strategic concerns. I argue that in Syria despite strong incentives for the U.S. and Russia to coordinate, to do so legitimately within the context of the UN, requires the use of AMRP ultimately leading to paralysis.

For the carrot and stick approach to work Russia has to be able to offer sufficiently attractive incentives, much of this is easily arranged, but immunity from prosecution is most critical. To credibly offer immunity Russia must oppose any action seeking to condemn Assad. Not only formal actions like Switzerland’s request for ICC jurisdiction in Syria, but any statements that lead in that direction.

At the same time the U.S. needs to signal that the threat is credible. Because in the UN context the use of force against another sovereign state is not acceptable, except in self-defence or when mandated by the Security Council, certain steps must be taken before a state can “legitimately” threaten to use force against another. The U.S. must make formal statements that it no longer regards Assad as the legitimate leader, and make calls for UN mandates and
resolutions to the same effect.

Any formal condemnation of the regime undermines Russian assurances of immunity from the ICC; and as outlined above, Russia must oppose such condemnation with its own moral rhetoric and the use of veto. This prevents the threatening state from acquiring the legitimacy it requires, and so the threat is less credible. Within the UN context with its narrow conception of sovereignty and the prohibition on the use of force, it is not possible for Russia and the U.S. to credibly signal a package of incentive and coercion. Where Russia and NATO eventually cooperated over Kosovo, with Russia interceding with Belgrade to withdraw troops, they did so without a UN mandate restricting the roles they could play.

4.4 The effect of AMRP in Syria

Instead of being able to cooperate and reach the mutually preferred outcome of a political solution, ideally a smooth negotiated transition in Syria, both the U.S. and Russia have to hedge. We see Russia attempt to retain influence by preventing others from intervening and continuing to support the regime with arms shipments, but distancing itself from the Assad family.

The U.S. will not intervene, but nor can it allow a genocide to occur; instead it arms the rebels (or turns a blind eye to arms shipments) enabling them to defend themselves. This action turns a potential genocide that would oblige intervention, into a civil war that does not. This also allows the U.S. to avoid some of the moral hazard of encouraging uprisings elsewhere. By offering only limited “life support” to the rebels, rather than substantially furthering their political aims, aspirant rebels are discouraged from expecting interventionist support should they unsuccessfullly take on the state.
However, this course of action further frustrates any political solution in Syria, as Lavrov points out:

The message the opposition is getting is, 'Guys, don't go to Geneva, don't say you are going to negotiate with the regime, soon things will change in your favor…It's either the conference or the instigation of the opposition not to be flexible. I don't think it's possible to do both at the same time.'

This hedging behavior does not resolve the humanitarian suffering or address the security threat of an unstable Syria, which threatens both U.S. and Russian long-term interests. It has led to stalemate within Syria, and a stalemate as Russia and the U.S. arm opposing sides.

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77 John Kerry and Lavrov, “Remarks With Russian Foreign Minister Sergey Lavrov After Their Meeting.”
5 Conclusion

The Security Council remains pluralistic with states taking differing positions on intervention. Humanitarian interventions are easier to judge on their outcomes than their intention, as the counterfactual of what might have occurred cannot be proven. States will justify their position by focusing on the problems of past interventions, or the disastrous results of failures to intervene. To do this they employ AMRP. AMRP also obscures the complexity of humanitarian intervention, as it leads to the use of over simplified analogies to past cases, making it harder to discern the best course of action. In combination these factors prevent effective deliberation and progress toward more consistent humanitarian responses. As a result we see a variance in the response to humanitarian crises, in part predicated on the success or failure of previous attempts rather than the imperative of the current case.

The above analysis also warns against expecting too much from the Security Council and the UN as a “uniquely legitimate” institution. It is well understood that the UN Charter places competing demands on member states to protect individual sovereignty, while also respecting state sovereignty. These competing demands impose structural limitations on states as agents, preventing them from coordinating resources. This structural limitation, highlighted by analysing moral rhetoric, is ultimately obstructive to both fulfilling the UN ideal and protecting state interests. Multilateralism, ideally through a UN mandate, is considered by some to impart legitimacy on an intervention. However, the above analysis regarding Syria and Kosovo suggests that a formal and universally agreed mandate can obstruct the best coordination of member state resources to resolve the situation.

There is an inherent moral hazard in intervention. This moral hazard is exacerbated by AMRP as leaders tie themselves to a course of action that others can exploit for gain. In the short
term the group on whose behalf intervention occurs (or may occur) will be inclined to solidify or extend their demands and reject a political solution as the intervention swings the odds of victory in their favour. Particularly Machiavellian revolutionary leaders may even orchestrate scenarios, where egregious crimes are likely to be committed by the regime, in order to provoke an intervention. In the longer run aspirant revolutionaries may be encouraged to launch a non-viable revolution in the expectation of an intervention coming to their rescue.

The inherent moral hazard poses a problem for the Security Council as a body, because it runs counter to the normative purpose of preserving order and security. The issue of Kosovo’s status after the NATO intervention took a long time to resolve, with genuine concerns within the UN that if Kosovo were given independence a series of declarations of independence would tear the Balkans apart. Thus a reluctance to intervene despite a genuine humanitarian imperative can be consistent with the spirit of the UN charter. As long as attempts to resolve this tension in the UN remain conceptual rather than doctrinal, moral hazard will contribute to inconsistency independently of the interests and concerns of individual states.

No state has sufficient resources to intervene in all cases and so will be judged as inconsistent and partial in their response to humanitarian crises. States will oscillate in their involvement during periods of upheaval such as the Yugoslav Wars or the Arab Spring. Even strict cosmopolitanism cannot demand that states do more than they are materially capable of; yet there remains a pressure on powerful states to act. From the perspective of the international community, arming the rebels in Syria changes the quality of the conflict from genocide to civil war. However, it does not change the quality of the suffering of those being killed. Furthermore, by generating a stalemate it may encourage the use of more extreme violence on both sides.

78 Harland, “Kosovo and the UN.”
placing civilians and vulnerable groups in even greater danger. The U.S. will claim that arming the rebels is a disinterested act to “level the playing field”. However, in the long term it has the benefit for the U.S. of reducing the moral hazard of encouraging further “speculatory” uprisings. The above analysis may appear a pessimistic critic of the Security Council’s ability to deal with humanitarian crises however it identifies obstructions which are not due to individual state interests and at times run counter to collective interests. These obstructions require a more complex explanation than narrow self-interest, but they also suggest better humanitarian outcomes ought to be possible without impinging on state interests.
6 Impact of recent events: Chemical weapons attacks

Chemical weapons attract absolutist rhetoric, Kerry describing their use as a “moral obscenity”.79 However, the recently confirmed use of chemical weapons in Syria has also reinvigorated discussion in the Security Council. The U.S.-Russia deal over destruction of Syrian chemical weapons is likely ad hoc opportunism by Russia, in light of Kerry’s remark that military action could be averted if, Assad were to “turn over every single bit of his chemical weapons to the international community in the next week.”80 Opportunism it may be, nonetheless it has provided a focal point around which the U.S. and Russia may be able to coordinate.

Limited coordination is possible because of the exceptional nature of chemical weapons. Their strictly codified prohibition under the Chemical Weapons Convention has enabled Obama and Putin to escape paralysis, because they can abandon former absolutist positions without incurring reputational costs. Putin has created for Russia a central role in the international effort, building bridges to Syria’s opposition without fully abandoning the Assad regime. Obama can demonstrate that the U.S. will not tolerate the use of chemical weapons, without having to resort to the use of military force.

The challenge of locating, securing and destroying the weapons is huge and it is by no means clear whether the endeavor will successfully rid Syria of all chemical weapons. Some experts claim the plan is audacious but possible; and that alongside the stated aim, it may have additional benefits.81 Even if the initiative fails to destroy all of Syria’s chemical weapons, the presence on the ground of an international team of inspectors is bound to at least curb the Syrian

80 Kerry, “Remarks With United Kingdom Foreign Secretary Hague.”
81 Joshi, “RUSI - Controlling Syria’s Chemical Weapons: Why the US Should Call Putin's Bluff.”
regimes’ excesses. Chemical weapons inspectors may have a narrow remit’ but they may also
deter other regime violence’ as they will be morally compelled to report any atrocities they
witness. Having backed the plan and vouched for Assad, any additional use of chemical weapons
would be embarrassing for Russia. Therefore, there is a strong incentive for Russia to try and
control Assad and steer him toward a negotiated settlement. Whether the initiative will have a
substantive impact remains to be seen, but it has opened the possibility of escaping AMRP
derived paralysis in the Security Council and of bringing all key players to the negotiating table.
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