

**WITH GREAT POWER COMES GREAT RESPONSIBILITY: CHINA'S DILEMMA IN
RESPONDING TO HUMANITARIAN CRISES**

by

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Abstract

The People's Republic of China has increasingly been asserting its role as a responsible power in international affairs, emphasizing its engagement in and contribution to UN peacekeeping missions and its key role as a veto-yielding Security Council member. This thesis investigates that while China continues to champion a strong conception of state sovereignty in interstate relations, it has signaled a shift from an ideological insistence on non-interference toward a more pragmatic approach to humanitarian crises. This paper demonstrates how after 2005 China has managed to position itself in a 'grey zone' of uncertainty, that is to say that China's dilemma is wanting to appear responsible on the international level but also wanting to adhere to safe principles such as non-interference and sovereignty. Therefore, it is my argument that China will never fully endorse R2P or any alternative norm that will justify foreign intervention in a sovereign state. While China continues to show support for alternative formulas for civilian protection, such as the Brazilian 'Responsibility while Protecting' (RwP), as well as develop its own version of R2P, ie. 'Responsible Protection' (RP), it is not to turn "words into deeds" but rather to keep up with appearances. China's current position on responding to humanitarian crises is ambiguous. The principles behind RP represent a very useful conceptual approach to the issue of humanitarian protection, but the probability of implementing them is virtually non-existent. RP indicates that China has been more responsive to external criticisms in recent years, but does not fundamentally help to discern where China stands on responding to humanitarian crises. Because of RP's tight criteria, China ensures that in practice no intervention can ever fully be justified, while appearing to advance more 'responsible' approaches to civilian protection as its great-power status and privileged position as a permanent member of the United Nations Security Council permit it to do so.

Preface

This thesis is original, unpublished, independent work by the author, Joëlle Skaf.

Table of Contents

Abstract	ii
Preface	iii
Table of Contents	iv
Acknowledgements.....	v
Dedication.....	vi
Introduction.....	1
Chinese position regarding civilian protection and humanitarian response to atrocities	2
R2P- 2001 to 2005 World Summit: China’s ‘responsibility vs sovereignty’ dilemma	4
<i>Birth of R2P: from ‘right to intervene’ to ‘responsibility to protect’</i>	<i>5</i>
<i>From opposition to hesitant engagement: why China endorses R2P in 2005</i>	<i>8</i>
From 2005 to 2011: China’s conceptual and practical decisions.....	12
<i>Côte d’Ivoire 2011.....</i>	<i>14</i>
<i>Libya 2011</i>	<i>15</i>
<i>The issue of regime change.....</i>	<i>18</i>
Chinese position on Syria.....	22
Responsible Protection: China’s version of R2P.....	28
Conclusion	34
Bibliography	37

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Dedication

To my parents

Introduction

Recently, the relationship between rising and traditional powers has become strained over the critical issue of civilian protection and intervention. Following the negative effect of the Libya intervention based on the ‘Responsibility to Protect’ (R2P) doctrine and the consequent inability to act in the face of the on-going civil war in Syria, there is a growing demand for alternative approaches to future interventions and civilian protection by the international community. Rising powers, increasingly demanding a stronger voice in global governance, are leading the way and exploring new approaches. Recent years of studying China’s foreign policy has led some observers to arrive at the preconceived and erroneous conclusion that China is entirely against the logic of humanitarianism. However, it is important to understand that China is very much concerned with civilian protection. While China continues to champion a strong conception of state sovereignty in interstate relations, it has signaled a shift from an ideological insistence on non-interference toward a more pragmatic approach to humanitarian crises. In fact, Ruan Zongze, former senior diplomat at the Chinese Embassy in Washington and vice president of the China Institute of International Studies (CIIS), declared that China “need[s] a strong, more dynamic, more vigorous foreign policy, [...]Great power means great responsibility¹.”

This paper argues that it is wrong to assume that China’s position on sovereignty and intervention remains inflexible and absolutist. China accepts its growing responsibilities as a rising power; however intervention will continue to be a contentious topic for Chinese foreign policy. This paper demonstrates how after 2005 China has managed to position itself in a ‘grey zone’ of uncertainty, that is to say that China’s dilemma is wanting to appear responsible on the international level but also wanting to adhere to safe principles such as non-interference and sovereignty. Therefore, it is my argument that China will never fully endorse R2P or any alternative norm that will justify foreign intervention in a sovereign state. While China continues to show support for alternative formulas for civilian protection, such as the Brazilian ‘Responsibility While Protecting’ (RWP), as well as develop its own version of R2P, ie. ‘Responsible Protection’ (RP), it is not to turn “words into deeds” but rather to keep up with

¹ Brian Spegele and Jeremy Page. ‘Beijing to Shake Up Foreign-Policy Team’, *The Wall Street Journal*, 10 March 2012.

appearances. The principles behind RP represent a very useful conceptual approach to the issue of humanitarian protection, but the probability of implementing them is virtually non-existent. Because of RP's tight criteria, China ensures that in practice no intervention can ever fully be justified, while appearing to advance more 'responsible' approaches to civilian protection as its great-power status and privileged position as a permanent member of the UNSC permit it to do so.

This paper is organized in the following way. I first examine China's position regarding civilian protection and humanitarian response to atrocities. Then, I provide a brief description of the 'Responsibility to Protect' (R2P) doctrine from its establishment in the ICISS Report in 2001 to its unanimous endorsement at the UN World Summit in 2005. There I explain more in detail China's dilemma in regards to sovereignty vs responsibility and explain why China chose to endorse R2P despite its many reservations. Next, I look at China's conceptual and practical decisions from 2005 to 2011 in responding to humanitarian crises, and I draw out China's shift from ideology to pragmatism in its foreign policy. A discussion on the 2011 controversial intervention in Libya will be provided before proceeding to analyze the Chinese position on Syria. Lastly, I examine an alternative formula for R2P put forward by China, Responsible Protection. Despite this seemingly promising change in China's foreign policy, I maintain that China remains in a 'grey zone' of uncertainty when it comes to its official stance on responding to humanitarian crises.

Chinese position regarding civilian protection and humanitarian response to atrocities

China's growing desire to be recognized as a great power and responsible international actor means that image and reputational concerns will influence Beijing's position on humanitarian intervention. As one of the most forthright promoters of a traditional understanding of sovereignty and non-interference, the emerging R2P norm would certainly prove problematic for Chinese foreign policy as the principle shifts the emphasis from sovereign state rights to responsibility and overrides a state's right to non-interference in its internal affairs in the name of human rights². In fact, Chinese foreign policy is best informed by its Five Principles of Peaceful Coexistence, which place non-intervention and sovereignty as key principles in the Chinese policy-making process. In

² Sarah Teitt. 2011. 'The Responsibility to Protect and China's Peacekeeping Policy', *International Peacekeeping*, 18 (3): 298-304.

the early 1950s, China advanced its anti-interventionist stance in a series of criteria for interstate relations known as the “Five Principles of Peaceful Coexistence.” These principles still hold up to this day as they are enshrined in China’s Constitution and continue to inform China’s political decisions³. China’s adherence to a rigid view of state sovereignty and conception of state sovereignty and persistence on the principle of non-interference in other states’ internal affairs stems from China’s longstanding history of repeated foreign interventions and infringements on its sovereignty during its ‘century of humiliation’⁴.

In June 2004, during an event commemorating the 50th anniversary of the Five Principles of Peaceful Coexistence, Premier Wen Jiabao stressed his commitment to reinforcing the principles within Chinese foreign policy. He declared that “[n]o country has the right to impose its will on others, nor can it undermine or deny other countries’ sovereignty under whatever excuse⁵.” As stated by Beijing’s leading figure, non-interference is a major principle guiding China’s foreign policy. Furthermore in China’s Independent Foreign Policy of Peace, it was established that “countries should not interfere in each other’s international affairs under any pretext, nor should they resort to the use or threat of force to resolve disputes⁶. Before proceeding to a more careful examination of the Chinese position on the development of R2P, it is clear from the beginning that the principles grounding Chinese foreign policy clash with the core assertions of R2P.

However, China’s growing international presence and its increased participation and role in multilateral institutions have indicated that China has attempted to adopt a more pragmatic approach to humanitarian crises. More specifically, its practical engagement in collective security has given China an opportunity “to contribute to operationalising R2P⁷”. Norm diffusion appears to have already begun as evidenced by China’s acceptance of the basic tenets of R2P. Moreover,

³ The Preamble to the PRC Constitution states that: China consistently carries out an independent foreign policy and adheres to the five principles of mutual respect for sovereignty and territorial integrity, mutual non-aggression, non-interference in each other’s internal affairs, equality and mutual benefit, and peaceful coexistence in developing diplomatic relations and economic and cultural exchanges with other countries.

XIANFA pmbl. Para. 12 (2004)/

⁴ Jonathan E. Davies, 2011. ‘From Ideology to Pragmatism: China’s Position on Humanitarian Intervention in the Post-Cold War Era’, *Vanderbilt Journal of Transnational Law*, 44(2).

⁵ ‘Carrying Forward the Five Principles of Peaceful Coexistence in the Promotion of Peace and Development: Speech by Wen Jiabao Premier of the State Council of the People’s Republic of China at Rally Commemorating the 50th Anniversary of The Five Principles of Peaceful Coexistence’, Ministry of Foreign Affairs of the People’s Republic of China, 28 June 2004.

⁶ ‘China’s Independent Foreign Policy of Peace’, Ministry of Foreign Affairs of the People’s Republic of China, 18 August 2003.

⁷ Sarah Teitt. 2011. ‘The Responsibility to Protect and China’s Peacekeeping Policy’, *International Peacekeeping*, 18 (3): 298-304.

China has continued to actively participate in UN peacekeeping operations and voice its political concerns over mass atrocities committed worldwide. These factors do shape China's worldview and signal a shift in Chinese foreign policy from an ideological insistence on non-interference toward a more pragmatic approach to humanitarian crises. China's P5 status and its reputation as a rising global power mean that Beijing can no longer stand idly by and fail to act in the face of mass atrocities. Indeed, China is one of the top contributors of troops to UN peacekeeping operations. China does see itself as a rising power in the international community because of its large contributions and asserts itself as being a responsible power capable of balancing its stance on sovereignty and intervention to protect civilians. Regarding civilian protection and in terms of outlining a humanitarian response to atrocities, China affirms that individual states have the primary responsibility to protect "their citizens". In turn, the international community, as necessary, can provide "constructive assistance" focusing on capacity building in accordance with the UN Charter, which includes "principles and purposes that uphold state sovereignty"⁸. As a general observation, there is no apparent consensus in the Chinese position on legitimizing intervention relevant to commitment of the four atrocities of R2P. China appears to endorse R2P rhetorically, but its ambivalence towards responsibility requiring intervention is conditioned by its own domestic insecurities. China's position on R2P can be seen as a mere "rhetorical front suggesting acceptance, but an actual policy of rejection"⁹. Ultimately, China does not wish to shed lights on its own domestic human rights issues and fears of intervention in Taiwan, Tibet, or Xinjiang.

R2P- 2001 to 2005 World Summit: China's 'responsibility vs sovereignty' dilemma

Given that China's foreign policy rests upon traditional interpretations of sovereignty and non-interference, and following the critical Chinese response to the publication of the 2001 International Commission on Intervention and State Sovereignty (ICISS) report outlining R2P, the commonly-held assumption by most states was that China would not endorse the R2P at the 2005 World Summit. This section will first start off by providing a brief historical overview of the development of R2P, from 2001 to 2005 and will later attempt to explain the interesting change in

⁸ U.N. Doc..S/PV.5577, '*The Protection of Civilians in Armed Conflict*',(4 December 2006).

⁹ Brian L. Job and Anastasia Shesterinina. *Chapter 'China as a Global Norm-Shaper: Institutionalization and Implementation of the Responsibility to Protect'*, August 2013 (unpublished).

China's position from staunch opposition to R2P to reluctant engagement with the principle in 2005.

Birth of R2P: from 'right to intervene' to 'responsibility to protect'

The failures of the international community to prevent the mass slaughters of the late 1990s put the notion of the protection of civilians at the forefront of political discourse and promoted the view that members of the international community could no longer turn a blind eye to mass atrocities committed within the boundaries of sovereign states. Kofi Annan, the Secretary-General of the UN at the time launched a debate on humanitarian intervention by asking in his Millennium Report to the General Assembly about the necessity to bridge the gap between matters of intervention and state sovereignty as well as the future of humanitarian interventions:

If humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica--to gross and systematic violations of human rights that offend every precept of our common humanity? ... We confront a real dilemma. Few would disagree that both the defence of humanity and the defence of sovereignty are principles that must be supported. Alas, that does not tell us which principle should prevail when they are in conflict¹⁰.

In 2000, The ICISS served as a conceptual forum and attempted to find the ideal bridge between issues of intervention and state sovereignty. The Commission was composed of twelve independent members who "sought to conceive an alternative framework that would articulate dilemmas of interventions and forge some sort of consensus on when and how to intervene¹¹." The final report entitled 'The Responsibility to Protect' was put forth in December 2001 as a proposal to address the dilemmas of humanitarian interventions. The conceptualization of R2P resulted in a major change in the language of the debate on humanitarian interventions as it showed a significant effort to shift the understanding of sovereignty. The debate is not so much about the notion of a *right* of something but rather as a certain *responsibility* of everyone involved to protect vulnerable populations. The term 'right to intervene' was replaced with 'responsibility to protect' and as such, sovereignty was seen as a responsibility of a state to protect populations at risk. Only

¹⁰ Kofi Annan, "Address" ("We the Peoples: The Role of the UN in the 21st Century," United Nations Department of Public Information (2000).

¹¹ Joelle Tanguy. 2003. Redefining sovereignty and intervention. *Ethics and International Affairs*.

in the instance where the sovereign state cannot or will not assume that responsibility, it becomes the responsibility of the broader international community. Instead of focusing on the rights of states, R2P shifts the discourses towards the rights of populations in need, without undermining the principle of sovereignty “since the chief responsibility for protection still must lie with the state.”¹² R2P entails three responsibilities: the responsibility to prevent, the responsibility to react and the responsibility to rebuild. Moreover, the ICISS report established the six criteria to be met before R2P can be considered for a humanitarian intervention: just cause, right intention, last resort, proportional means, reasonable prospects and right authority¹³.

The 1990s were marked by seven humanitarian crises that stirred the debate around the international legality of humanitarian intervention: the northern and southern no-fly zones over Iraq after the first Gulf War, Somalia, Haiti, Rwanda, Bosnia, Kosovo, and East Timor. Throughout that decade, China was actively engaged in consent-based peacekeeping operations in those crises, therefore demonstrating certain flexibility in its position on non-intervention. And while China has repeatedly demonstrated an apparent support for UN peacekeeping missions, Chinese officials have made a number of contradictory statements which revolve around the issue of the use of non-consensual force by outside forces within a sovereign state. Prior to the publication of the ICISS report, in a conference held in Beijing on June 14, 2001 between the ICISS and the China Institute of International Studies, a research center tied to the Chinese Ministry of Foreign Affairs, the position of some Chinese experts on the development of R2P and humanitarian intervention was highlighted. Their critique of the West was blunt and Chinese experts stated that theoretically, the conceptualization of intervention for the purpose of civilian protection is a “total fallacy” and that the use of force for “moral or conceptual reasons” is “questionable and dangerous”. Moreover, China specified that “[i]t is clear that certain Western powers have played with noble principles to serve their own hegemonic interests¹⁴”. It refused to use the term ‘intervention’, claiming that the use of military force for humanitarian goals is best described as ‘assistance’. This debate in semantics highlights China’s opposition to non-consensual coercive intervention. In practice, humanitarian assistance differs from humanitarian

¹² Joelle Tanguy. 2003. Redefining sovereignty and intervention. *Ethics and International Affairs*.

¹³ Gareth Evans and Mahmoud Sahnoun. 2002. ‘The Responsibility to Protect’, *Foreign Affairs* 81(6): 99-110.

¹⁴ International Commission on Intervention and State Sovereignty (ICISS), 2001, ‘The Responsibility to Protect: Research, Bibliography, Background – Supplementary Volume to the Report of the International Commission on Intervention and State Sovereignty’ online: International Development Research Centre <<http://web.idrc.ca/openebooks/963-1/>>, 392..

intervention primarily because of the principle of sovereignty and the underlying issue of the use of force. Sovereignty is enshrined in the UN Charter and is the most important pillar in contemporary international law. Therefore, according to China, humanitarian actions must adhere to this fundamental principle¹⁵.

The resistance exhibited by Chinese officials to some of the ICISS Report's recommendations does not translate into China rejecting R2P entirely. The 2001 Chinese position reveals that although remaining rhetorically committed to non-interference, China acknowledges and reiterates that it is the responsibility of each state to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity.¹⁶ China has shown "firm, but cautious"¹⁷ support for the concept of R2P. Michael Fullilove summarizes China's view on R2P in simplistic terms: "China has exhibited discomfort about R2P, but it has not opposed it outright"¹⁸. Nevertheless, China has attempted to stall the development of R2P since its inception. Since 2001, China has been searching for a way to preserve its adherence to the principles of sovereignty and non-interference all the while without being considered as a passive actor in the face of mass atrocities¹⁹. Thus, China has been pursuing a strategy of 'norm containment' or norm-shaper as per Job and Shesterinina²⁰ in order to render R2P compatible with its own foreign policy norms²¹. In fact, this strategy has been popular amongst many rising powers who seek a greater role on the international level, but do not wish to adhere to norms established by the West. More precisely, it is the third dimension of R2P that China finds problematic: the responsibility to intervene. While China would support UN-authorized intervention, it opposes unauthorized coercive intervention. China concerns itself with the first two pillars, namely the responsibility to prevent atrocities and the responsibility to react diplomatically.

¹⁵ Thomas Weiss and Don Hubert, *The Responsibility to Protect: Research, Bibliography, Background - Supplementary Volume to the Report of the International Commission on Intervention and State Sovereignty*, December 2001.

¹⁶ Sarah Teitt, *China and the Responsibility to Protect*, Asia Pacific Center for the Responsibility to Protect, 19 December 2008.

¹⁷ Ibid.

¹⁸ Michael Fullilove. 2011. 'China and the United Nations: The Stakeholder Spectrum', Center for Strategic and International Studies, *The Washington Quarterly* 34 (3): 71.

¹⁹ Sarah Teitt. 2011. 'The Responsibility to Protect and China's Peacekeeping Policy', *International Peacekeeping*, 18 (3): 298-304.

²⁰ Brian L. Job and Anastasia Shesterinina. *Chapter 'China as a Global Norm-Shaper: Institutionalization and Implementation of the Responsibility to Protect'*, August 2013 (unpublished).

²¹ Jochen Prantl and Ryoko Nakano, 2011, "Global Norm Diffusion in East Asia: How China and Japan Implement the Responsibility to Protect", *International Relations* 25 (2): 209.

From opposition to hesitant engagement: why China endorses R2P in 2005

Following the above mentioned points, there appears to be a contradiction in China's simultaneous acceptance of and resistance to the R2P principle. The following section will provide a brief overview of R2P at the 2005 World Summit and will attempt to explain why China chose to endorse the principle then. In the context of R2P's rapid evolution since 2001, China was successful in transforming the norm "from the harder to the softer end of the normalization continuum²²" by abandoning the notion of intervention and instead emphasizing prevention. Thomas Weiss calls the result of this strategic move by China, a version of an "R2P-lite²³".

In the instances where governments, regional organizations and the UN refer to R2P, they are speaking not of the concept established by the ICISS but the principle unanimously endorsed by the General Assembly at the 2005 World Summit and later reaffirmed by the Security Council in 2006. The principle in 2005 is directly informed by the Commission's work in 2001 and by the UN's work on the protection of civilians, but differs from them significantly²⁴. The 2005 World Summit Outcome Document (WSOD) adopted three paragraphs relevant to R2P. Paragraphs 138-140 represent a commitment on the part of the General Assembly to the basic tenets of R2P, which will come to be formally known as R2P's three pillars in 2009. As the Outcome Document stipulates, the international community has the responsibility to protect populations against genocide, war crimes, ethnic cleansing and crimes against humanity²⁵, to prevent (address the root causes of the cause to prevent atrocities or crimes), to react (to respond to situations of human need with appropriate measures) and to rebuild (to provide assistance and recovery to the country after a military intervention). In the event that the national authorities of a State appear clearly unable or unwilling to provide such protection, or in one where they are themselves the instigators of such crimes, the member states of the United Nations will consider the measures to adopt to ensure the protection of civilians. The six criteria required for intervention laid out in the ICISS report do not appear in the 2005 WSOD. The omission of the set of criteria proposed by the ICISS in 2001 has

²² Jochen Prantl and Ryoko Nakano, 2011, "Global Norm Diffusion in East Asia: How China and Japan Implement the Responsibility to Protect", *International Relations* 25 (2): 209.

²³ Thomas Weiss. 2006. 'R2P after 9/11 and the World Summit', *Wisconsin International Law Journal*, 24: 741-750.

²⁴ Alex J. Bellamy. 2008. 'The Responsibility to Protect and the problem of military intervention', *International Affairs* 84 (4): 622-623

²⁵ UN General Assembly, *2005 World Summit Outcome : Resolution / adopted by the General Assembly*, 24 October 2005, A/RES/60/1. Paragraphs 138 and 139

been criticized by some supporters of R2P who claim that the principle that was accepted in the World Summit was inadequate and weak. They claimed that it lacked to specify the circumstances in which coercive military intervention would be justified and failed to provide a solution for instances where the Security Council is deadlocked²⁶.

In accordance with the Chinese view of R2P, Andrew Gardwood-Gowers outlines four major evolutions of the norm: First, the use of force lies exclusively under the Security Council's authority thereby blocking any initiative for intervention proposed by the ICISS, the UN General Assembly or any regional organization. Second, the criteria and the principles of intervention have been removed. Third, the type of violence allowed in the context of R2P is limited to the four crimes recognized by international law²⁷. Lastly, the international community has a 'responsibility' to react not in a "failing" state, but rather in a state who is "manifestly failing" to protect its population from mass atrocities. Overall, there must be some consideration for the possibility of consent for intervention by the host state²⁸. Another interesting difference is that there was no more mention of R2P as implying responsibilities or obligations on the part of the international community and the Security Council. The Outcome Document simply puts it as the Council's commitment to "standing ready" to act when necessary. As Bellamy argues, the subtle change in semantics was a sophisticated attempt at "water[ing] down the Security Council's responsibility to protect"²⁹, which could have been just the push that China needed for endorsing.

China's primary concern with the introduction of the concept of R2P in 2001 was the potential for abuse by states. China feared that R2P would be used to justify coercive intervention and violate state sovereignty. However, in 2005, China's position seems to have tempered, but this is mostly a consequence of the differences between the two documents. It did not wish to obstruct the UN endorsement of the principle so as to appear as condoning violence committed in mass atrocities or as disregarding human suffering. Chinese scholar, Pang Zhongying, notes that in endorsing R2P at the 2005 World Summit, China is moving towards a "new paradigm" that

²⁶ Alex J. Bellamy. 2008. 'The Responsibility to Protect and the problem of military intervention', *International Affairs* 84 (4):617.

²⁷ Security Council Report, *Update Report: Protection of Civilians in Armed Conflict*, (8 March 2006).

²⁸ Andrew Garwood-Gowers. 2012. 'China and the "Responsibility to Protect": The Implications of the Libyan Intervention', *Asian Journal of International Law*, 2: 375-393.

²⁹ Alex J. Bellamy. 2008. 'The Responsibility to Protect and the problem of military intervention', *International Affairs* 84 (4):623.

“sometimes accepts international intervention in the domestic affairs of states to respond to humanitarian crises”, yet he emphasizes that China “does not endorse the new Western-initiated and promoted idea of the ‘Responsibility to Protect’³⁰.” In short, China chose to endorse R2P in 2005 because it divorced the principle from non-consensual force. It preferred to view R2P not as a legitimization of military action in response to widespread violence but to delineate each state’s responsibility for preventing and responding to mass atrocities³¹.

In its Position Paper on UN Reform in 2005, the Chinese Ministry of Foreign Affairs publishes its official position on R2P, which stipulates that “when a massive humanitarian crisis occurs, it is the legitimate concern of the international community to ease and defuse the crisis³².” However, the Paper indicated that any type of response to a crisis must adhere to the UN Charter and “respect the opinions of the country concerned and regional organizations”. It is only until the end of the section that R2P in the context of military response is addressed where China merely calls for “more prudence in considering enforcement action”. Thus, it is clear that the Position Paper does not reflect a big change in China’s official position on military intervention to protection populations especially in the context of any action being taken against the will of the host state. The Chinese position on R2P, according to Rosemary Foot, differs on a case-by-case basis³³. Essentially, China’s participation on issues regarding R2P showcases how China has been “proactively” seeking ways to contain R2P³⁴ by managing its application as well as its development. In all instances where R2P is invoked, China puts up a resistance and cautions for “vigilance” against the idea of “human rights over sovereignty³⁵”. Nevertheless, there is indication that China wishes to move past its ‘century of humiliation’ and “keep an ordinary mentality as a great power should do instead of swinging between low self-esteem and confidence³⁶.” This desire for more responsibility would require China to continuously reevaluate its commitments and its attitude towards humanitarian intervention.

³⁰ Pang Zhongying. 2005. ‘China’s changing attitude to UN peacekeeping’, *International Peacekeeping* 12 (1): 87-104.

³¹ Marc Lanteigne and Miwa Hirono. 2013. *China’s Evolving Approach to Peacekeeping*. Routledge. p.59-61.

³² Position Paper of the People’s Republic of China on the United Nations Reforms, June 7, 2005,

³³ Rosemary Foot. ‘China, Humanitarian Intervention and the ‘Responsibility to Protect’’, Asia Centre Conference entitled *China’s Foreign policy and its non-interference principle: farewell or renewal*. 8 June 2012. Paris.

³⁴ Jochen Prantl and Ryoko Nakano, 2011, “Global Norm Diffusion in East Asia: How China and Japan Implement the Responsibility to Protect”, *International Relations* 25 (2): 204-223.

³⁵ Jochen Prantl and Ryoko Nakano, 2011, “Global Norm Diffusion in East Asia: How China and Japan Implement the Responsibility to Protect”, *International Relations* 25 (2): 204-223.

³⁶ Bernard Yudkin Geoxavier. 2012. ‘China as Peacekeeper: An Updated perspective on Humanitarian Intervention’, *Yale Journal of International Affairs* 7 (2):98-101.

Since R2P's emergence in 2001 and its endorsement in 2005, China has been reluctant to accept the association between R2P and coercive intervention. In fact, China draws but a "vague link between R2P and the use of force for human protection³⁷", which allowed China to nevertheless maintain its position on non-consensual intervention all the while endorsing R2P formally. This has allowed China to remain in a 'grey zone' of uncertainty, meaning its stance on a response to humanitarian crises remains unclear and varies depending on the circumstances of each situation. Undoubtedly, from 2005 to 2011, China has been very active in efforts pertinent to humanitarian assistance. Precedents from the 1990s demonstrate a more lenient China in the area of humanitarian response. In most cases where China does support UN action or intervention, it has made it very clear that it was due to "exceptional" circumstances and that the world should not take it as China setting a precedent. For instance, despite its initial resistance to UN action in Somalia, China accepted the invocation of Chapter VII in a peacekeeping operation in Somalia (1992-1993) as an "exceptional action" due to the "unique situation" in that state³⁸. Despite the absence of a legitimate and functioning Somalian government and the impossibility of obtaining host state consent, China nevertheless voted in favor of the intervention. The Somalian case demonstrated a certain willingness on the Chinese part to allow humanitarian intervention where there was no legitimate state authority to approve or reject foreign humanitarian action³⁹. In Haiti (1993-1994), China pushed for an intervention because it was desired by the Organisation of American States, thereby reinforcing the importance of regional actors⁴⁰. In East Timor (1999), the approval of intervention by the Indonesian president was enough to justify intervention for China. Practically then, China's decisions are indirectly informed by the core tenets of R2P. In conceptual terms, China has sought to constrain the definition of along with the expectations set by R2P and not to openly denounce the principle. The reason behind this logic is that China accepts the idea that "state sovereignty entails not only external rights but also internal obligations⁴¹", ie. that the primary responsibility lies with the state. From 2005 onward, China has abandoned its rigid concept of sovereign inviolability and has shown temperance for some international response in the face of humanitarian crises. Nonetheless, China has done so carefully: China appears as a

³⁷ Marc Lanteigne and Miwa Hirono. 2013. *China's Evolving Approach to Peacekeeping*. Routledge. p.62

³⁸ U.N. Doc. S/PV.3145, Security Council Meeting 3145 (3 December 1992).

³⁹ U.N. Doc. S/RES/814 (26 March 1993).

⁴⁰ U.N. Doc. S/RES/841 (16 June 1993).

⁴¹ Marc Lanteigne and Miwa Hirono. 2013. *China's Evolving Approach to Peacekeeping*. Routledge. p.62

responsible actor in the face of ongoing atrocities, yet continues to honor its stance on non-interference as a key component of its foreign policy as evidenced by its position of making intervention conditional on host state approval as well as with UN authorization⁴².

From 2005 to 2011: China's conceptual and practical decisions

China's shift from ideology to pragmatism in its foreign policy and more appropriately in response to humanitarian crises becomes more evident following the 2005 World Summit. As a result of its endorsement of R2P in 2005, China's conceptual and practical decisions have begun to reflect a more tempered Chinese position regarding the protection of civilians in humanitarian distress. In addition, from the period of 2005 to 2011, China did support UN actions in various countries- albeit not under any R2P mandate per se. As Foot observed, following 2005, China has proceeded to support UNSC resolutions that reaffirmed the World Summit provisions on R2P articulated by paragraphs 138-139⁴³. Yet while it is evident that China does not veto all UNSC resolutions that imply intervention, it does not seem to be committed to all of the components of R2P. China diligently and selectively gives supports for the implementation of R2P. China's actions haven't been particularly consistent. For example, in Darfur, China welcomed cooperation between the UN and the African Union and supported the creation of the peacekeeping mission, UNAMID, yet opposed any international intervention in Burma during the Cyclone Nargis catastrophe in 2008. Most recently, China supported Resolution 1970 in Libya but refused to accept any resolution in Syria⁴⁴.

The Chinese position regarding the implementation and application of R2P varies on a case-by-case basis. As a general observation, China might vote on resolutions referencing R2P on the condition that the resolution does not explicitly link R2P with military action. Such was the case with Resolution 1674 (2006) on the protection of civilians armed conflict. After much deliberation and negotiation, China accepted the inclusion of R2P in Resolution 1674 (2006) with condition that the resolution would not reference R2P as justifying coercive intervention. With

⁴² Marc Lanteigne and Miwa Hirono. 2013. *China's Evolving Approach to Peacekeeping*. Routledge. p.62.

⁴³ Rosemary Foot. 'China, Humanitarian Intervention and the 'Responsibility to Protect'', Asia Centre Conference entitled *China's Foreign policy and its non-interference principle: farewell or renewal*. 8 June 2012. Paris.

⁴⁴ Brian L. Job and Anastasia Shesterinina. *Chapter 'China as a Global Norm-Shaper: Institutionalization and Implementation of the Responsibility to Protect'*, August 2013 (unpublished).

respect to the aforementioned resolution, China's affirmative vote was limited to a reaffirmation of paragraphs 138-139 of the WSOD. This was quite a significant step for China as it voted in favor of the first official Security Council Resolution to reference R2P. Nevertheless, China abstained on Resolution 1706 (2006) on Darfur, which was the first resolution to reference R2P in a specific country.

Implementing the principle is the main area of concern for China: "there are no uniform criteria or model for applying R2P, and countries should choose their own policies and mechanisms in light of their own conditions and needs"⁴⁵. China continues to stress the importance of peaceful means and the political settlement of disputes, even as it acknowledged that major interventions are "often productive" and argues that use of force only be considered as a last resort. China's overall concern is preventing the abuse of R2P by primarily Western states who will use the concept to justify military intervention in the internal workings of a sovereign state. In 2009, Ambassador Liu Zhenmin urged the General Assembly that diplomatic measures should first be exhausted and that all crises should be addressed according to UN principles. Moreover, he stressed the importance of preventing any state from acting unilaterally in implementing R2P⁴⁶: "no state should expand on the concept", in other words, the abuse of R2P must be limited at all cost in order to ensure that it does not morph into "another version of humanitarian intervention"⁴⁷. Chinese officials have emphasized the immaturity of the norm, claiming in turn that R2P is merely a "concept" and is not at the right stages yet for implementation. In its statements at the Security Council Open Debate on the Protection of Civilians in Armed Conflict, China has repeatedly urged the international community to continue to study the practicality and the enforceability of R2P so that its application could be feasible⁴⁸. Ultimately, China maintains that member states "should not expand or interpret this concept at will, even as there are still differences among the about its application and implementation"⁴⁹. According to Chinese Ambassador Li Junhua, the UN Security

⁴⁵ *Statement delivered on behalf of the Permanent Mission of the People's Republic of China to the United Nations*. General Assembly informal, interactive dialogue on the "Responsibility to Protect: State Responsibility and Prevention" (11 September 2013).

⁴⁶ *Ibid.*

⁴⁷ Ambassador Liu Zhenmin, Statement at the Plenary session of the General Assembly on the Question of *Responsibility to Protect*, (24 July 2009).

⁴⁸ Jochen Prantl and Ryoko Nakano, 2011, "Global Norm Diffusion in East Asia: How China and Japan Implement the Responsibility to Protect", *International Relations* 25 (2): 204-223

⁴⁹ *Statement delivered on behalf of the Permanent Mission of the People's Republic of China to the United Nations*. General Assembly informal, interactive dialogue on the "Responsibility to Protect: State Responsibility and Prevention" (11 September 2013).

Council should not consider adopting R2P because of the many “differing understandings and interpretations of this concept among Member States⁵⁰”. Again in 2009, Ambassador Liu Zhenmin supported that statement and indicated that since member states could not reach a consensus on the concept then it “so far” remains a matter of divergent views and “does not constitute a rule of international law⁵¹”.

The year 2011 was very significant for Chinese foreign policy as China steps up its commitment to peacekeeping operations. China voted in favor of Resolution 1975 (2011) on Côte d’Ivoire, Resolution 1996 (2011) on South Sudan, as well as Resolution 1970 (2011), the first resolution on Libya. The Chinese position on all of these resolutions highlight the growing importance of the position taken by regional states and organizations and China’s appreciation of the role played and influence exerted by these actors.

Côte d’Ivoire 2011

Côte d’Ivoire had been in turmoil following the 2010 election that put President Ouattara in power. The United Nations stated that the fighting “changed the game⁵²”, and proceeded to take sides with the movement aligning with Ouattara, the victor of the elections. In response to the escalating violence against the population of Côte d’Ivoire , the UN Security Council adopted Resolution 1975 unanimously on 30 March 2011, “condemning the serious abuses and violations of international law in Côte d’Ivoire, including humanitarian, human rights” committed by supporters of both ex-President Laurent Gbagbo and President Ouattara. The resolution cited “the primary responsibility of each State to protect civilians”, and called for the immediate transfer of power to President Ouattara, and reaffirmed that the UN Operation in Côte d’Ivoire (UNOCI) was permitted to use “all necessary means to protect life and property”⁵³. As the situation deteriorated in 2011 and an increase in civilian casualties was evident, UNOCI began a military operation in April, which resulted in the overthrow of ex-President Gbagbo. UN action was backed by the Economic Community of West African States (ECOWAS). While there were some divisions with

⁵⁰ U.N.Doc. S/PV.5703, 5703rd Meeting, ‘*Protection of Civilians in Armed Conflict*’ (22 June 2007)

⁵¹ Ambassador Liu Zhenmin, Statement at the Plenary session of the General Assembly on the Question of *Responsibility to Protect*, (24 July 2009)

⁵² International Crisis Group, ‘CrisisWatch 91’, (1 March 2011).

⁵³ S/RES/1975 (2011)

the African Union (AU) on the issue of civilian protection and regime change, both ECOWAS and AU held a common position with encouraged China and other BRICS countries to support Resolution 1975. China did take issue with the fact that the UN took sides in the conflict. By aligning themselves with the forces loyal to Outtara, UNOCI troops, according to China, did not “abide by the principle of impartiality⁵⁴” as set out by the Council. Nevertheless, UN Secretary General Ban Ki-Moon spoke in defense of the mission and claimed that the UN only acted in self-defense once it came under attack or needed to conduct operations to protect civilians. Ultimately, the use of force was used as a last resort in Côte d’Ivoire⁵⁵.

The Permanent Representative of China explained China’s decision on Resolution 1975 (2011) on Côte d’Ivoire: China voted in favour of this resolution because of its serious concern “at the continuing deterioration in the security situation in Côte d’Ivoire” and called for an immediate cease to “all violence and armed confrontations”. Most importantly, as in all cases, China advocates primarily non-coercive means in conflict resolution. The Permanent Representative of China called for the settlement of differences “through dialogue and consultations” and affirmed his country’s continued support for the “efforts made by the African Union and the Economic community of West African States to find a political settlement to the crisis⁵⁶.”

Libya 2011

In order to understand the Chinese position on Syria since 2012, it is important to examine the Chinese response to the 2011 Libyan crisis. Chinese behavior has been somewhat consistent up until the development of Resolution 1973 (2011) on Libya. Prior to Libya, China voted in favor of Resolution 1975 (2011) on Côte d’Ivoire, which led analysts to question China’s decision to abstain on Resolution 1973 (2011), the second Security Council resolution on Libya.

As in Côte d’Ivoire, UN authorities framed Libya as the problem of civilian protection, warning of the imminent threat to its population. Both were framed in the spirit of R2P. Also in both cases, it is important to recognize the importance of the regional organizations involved in

⁵⁴ S/RES/1975 (2011)

⁵⁵ Quoted in ‘Ivory Coast: UN forces fire on pro-Gbagbo camp’, *BBC News*, 4 April 2011.

⁵⁶ S/RES/1975 (2011)

playing a “gatekeeping” role by putting pressure on the Security Council and imposing the conditions necessary to adopt enforcement strategies⁵⁷. Côte d’Ivoire and Libya illustrate the importance of regional support for China’s backing of R2P-related actions. Up until Libya, China has been carefully conforming to international norms, but ultimately Libya would prove problematic for Chinese foreign policy and have direct consequences for China’s decisions on the crisis in Syria.

China supported the passage of Security Council Resolution 1970 (2011), the first resolution on Libya, claiming to be “deeply concerned over the turbulent situation in Libya”, however it abstained on Resolution 1973. Resolution 1970 (2011) “refers the situation to the International Criminal Court, imposes an arms embargo and other arms restrictions, imposes targeted sanctions on key regime figures, provides for humanitarian assistance [and] commits to review the measures”. Both resolutions were adopted under Chapter VII of the UN Charter which focuses on the action of the Security Council in the event of a threat against the peace, breach of the peace and acts of aggression. It also stipulates that the Council has the task of making recommendations and deciding what measures should be taken in accordance with Articles 41 and 42 “to maintain or restore international peace and security”. Article 42 authorizes the use of force⁵⁸.

Among many things, Resolution 1973 (2011) “authorizes states to take all necessary measures to protect civilians, imposes a no-fly zone, authorizes states to take all necessary measure to enforce the arms embargo [and] provides for freezing assets of the Libyan authorities”. Interestingly, Resolution 1970 and 1973 both reference R2P as expressed in the following passages: “Recalling the Libyan authorities’ responsibility to protect its population,” (Resolution 1970) and “Reiterating the responsibility of the Libyan authorities to protect the Libyan population and reaffirming that parties to armed conflicts bear the primary responsibility to take all feasible steps to ensure the protection of civilians,” (Resolution 1973). Oddly enough, China voted in favor of the first resolution and abstained on the second. At least prior to the Resolution, the Chinese rationale for voting in favor was centered on regional states’ approval. China had reservations about the “all the necessary means” clause in Resolution 1973 but decided to abstain (not veto) as

⁵⁷ Alex Bellamy and Paul Williams. 2011. ‘The new politics of protection? Côte d’Ivoire, Libya and the responsibility to protect.’ *International Affairs* 87(4): 825-850.

⁵⁸ UN Charter, Chapter VII, articles 39-42.

a way of accepting and respecting the interests of the League of Arab States (LAS) and the African Union (AU). As the Chinese Ambassador to the UN, Li Baodong, stressed, China was not violating its axiomatic foreign policy principles, but was in fact reacting to the growing pressure coming from the LAS primarily. In reality, China's 'yes' to Resolution 1970 does not mark a turn towards compliance with the perspective of Western democratic states. As one Chinese op-ed puts it, China's support of the sanctions on Libya and its decision not to block the resolution of a no-fly zone was a 'responsible' move, since "it took into consideration the positions of Arab countries and the African Union". This strategic move proves that "China once again insisted on consistent principles and showed the image of a responsible country"⁵⁹.

Early on in the Libyan crisis, it was notably the AU and the LAS who publicly condemned Gaddafi's dictatorship and the brutal treatment of his own people. These regional organizations could not enhance the military effectiveness of the intervention or its legality but their relevance lays in their ability to affect the campaign's international legitimacy by announcing support for it. Although the LAS and the AU both had opposing views on the questions of imposing a no-fly zone in Libya in terms of which organization should be recognized as representing the region, the agreement was that the Libyan civilians needed protection from Gaddafi's reign of terror. They joined the US, France and the UK in voicing support for a no-fly zone over Libya. The AU calling on diplomatic solutions to the Libyan crisis was opposed to any foreign intervention. However, it remained active in voicing its desire "for an immediate ceasefire and for the implementation of political reforms"⁶⁰. Both the Organization of Islamic Cooperation (OIC) and the LAS called on the UNSC to enforce a no-fly zone over Libya and shortly after, Resolution 1973 was successfully passed. In short, China's decision to abstain on Libya was "the product of very particular circumstances", and ultimately it found itself "boxed in"⁶¹ and incapable of surmounting the responsibility to intervene that was authorized in Resolution 1973. Since the beginning, China has expressed caution with regards to the use of force permitted in the resolution, citing its evident challenge with the principle of non-interference. Moreover, China was concerned that the use of force would only escalate the violence in Libya. It felt "boxed in" because there was a growing

⁵⁹Xinhua, 'Do not abandon hope for peaceful resolution to Libyan crisis', *People's Daily*, 21 March 2011.

⁶⁰ 'South Africa calls for immediate ceasefire in Libya', *Daily News Egypt*. 31 May 2011.

⁶¹ Michael Fullilove. 2011. 'China and the United Nations: The Stakeholder Spectrum', Center for Strategic and International Studies, *The Washington Quarterly* 34 (3): 71.

demand from the other members on the Security Council to act swiftly in the face of mass atrocities. Among many factors, China had strategic economic interest in close cooperation with the African region and ultimately had an interest in stability in the region as a major Chinese investment and high number of Chinese citizens present in Libya led to the arrival of Chinese ships in the Mediterranean to evacuate thousands of citizens during the 2011 uprising.

The issue of regime change

The operations in Côte d'Ivoire and Libya were legitimate as they were UNSC-authorized. Both acted under Chapter VII resolutions which permitted the use of force for the protection of civilians. It is clear then that R2P and regime change are distinct. The fact that the use of force resulted in regime change does not imply that the Security Council itself authorized regime change. As the Special Advisor the Secretary-General on R2P, Edward Luck, said “ [...] it isn't the goal of the responsibility to protect to change regimes. The goal is to protect populations. It may be in some cases that the only way to protect populations is to change the regime, but that certainly is not the goal of the R2P per se⁶².” Luck's statement seems to imply that in some cases where governments are responsible for mass atrocities against their own populations, only regime change is the viable solution. This logic nevertheless poses a dilemma for countries like China who continue to call for objectivity and neutrality in UN operations and who are skeptical of the whole R2P enterprise.

The Chinese reaction to Libya was the fear of dangerous precedent regarding intervention. According to Chinese officials, the intervention in Libya led by NATO exceeded the mandate of the implementation of a no-fly zone and was used by the West as a way of initiating regime change. Broadly speaking, “China opposes the use of threat or force to achieve regime change in other countries. This is consistent with China's long-standing diplomacy principle⁶³,” as put forward by Chinese scholar He Wenping. She goes on to argue that “[o]n Libya, NATO misused the rights given by the UN resolution about setting up the no-fly zone, which was then turned into regime change”. Backed by Brazil, Russia and India-who also spoke out against the NATO-led

⁶² Edward C. Luck, 2011. “The Responsibility to Protect: The First Decade,” *Global Responsibility to Protect* 3 (4).

⁶³ Jaime A. FlorCruz. ‘Why China didn't back U.N. plan for Syria’, *CNN*, 9 February 2012.

intervention in Libya- China continued to urge the respect of “the independence, sovereignty, unity and territorial integrity of the country concerned” and that all parties involved must be objective and neutral in handling the situation. More explicitly, China firmly stated that “[t]here must be no attempt at regime change or involvement in civil war by any party under the guise of protecting civilians⁶⁴”. Clearly, China fears the increased involvement of foreign powers in a sovereign state. This is largely due to its deep-seated fear of regime change in relation to autonomy. China fears the capacity that the international community may have in overthrowing a government resulting in the autonomy of that country. This fear goes back to China’s traditional sensitivity to interference in the internal affairs of sovereign states and its desire not to invite foreign intrusion on its own ongoing separatist disputes with Taiwan, Tibet, or Xinjiang.

In Libya, while both resolutions were framed in R2P terms, China, among other states, was suspicious of the justifications given for the intervention. More concretely, China was concerned with the fine line that exists between on the one hand, military action to protect civilians from mass atrocities, and on the other, going as far as evoking a regime change, which is obviously beyond the scope of R2P. Moreover, there was a lack of unanimity among the major powers regarding who falls under the categorization of ‘civilian’ and ‘civilian population’ and whether that justified military support for the rebels⁶⁵. Ultimately, the problem lies in the ambiguity of the doctrine, that is to say its lack of consensus on the proper use of force. The events that led to the NATO military campaign in Libya would not have been possible had it not been for Russia and China abstaining on voting for Resolution 1973 which authorized the use of force in Libya. The two permanent Security Council members were expecting civilian protection in Libya but they believed that the resolution would severely limit NATO’s efforts. It is one of the reasons for which they abstained. Nevertheless, the controversy over the Libyan case begs the question “how much was the intervention for the protection of civilians, as opposed to a push for regime change?” Throughout the course of the operation, China accused NATO of supplying the Libyan rebels with arms and weaponry despite an arms embargo being in effect⁶⁶. Indian Ambassador Puri verbally expressed his lack of support for the intervention by saying “[w]e did not realize that the punitive measure

⁶⁴ Statement by H. E. Ambassador Li Baodong, Permanent Representative of China to the United Nations, at the Security Council Open Debate on the Protection of Civilians in Armed Conflict (10 May 2011).

⁶⁵ ‘Arms and the responsibility to protect: Western and Chinese involvement in Libya’, *Saferworld*, November 2013, www.saferworld.org.uk/.../089-arms-and-the-r2p-english-version.pdf

⁶⁶ Qu Xing, “The UN Charter, the Responsibility to Protect, and the Syria Issue”, *China International Studies*, March/April 2012

of the arms embargo would be selectively interpreted⁶⁷.” Not only did Germany and India abstain from voting on the Resolution, but so did all the BRICS countries (with the exception of South Africa).

The use of force for the protection of civilians is a contested norm and abstentions on Resolution 1973 only amplified the divergences between states on its actual mandate. Events that have now unraveled show that the idea of civilian protection was extended beyond its initial conception as outlined in the resolution, “applying military and political objectives that had only an indirect link to threats to the civilian population⁶⁸.” Opponents to the NATO-led military intervention argue that it appeared that some of the military operations were aimed at facilitating the rise of the rebels which were assembled by the National Transition Council (NTC) in the hopes of deposing Gaddafi’s regime. NATO persisted in its operations even once the threat of a massacre in Benghazi was ruled out, “with an increasingly blurred line between the prevention of massacres on the one hand and, on the other, a systematic air campaign that aimed to dismantle the military apparatus and whose ultimate goal was regime change⁶⁹.” After the implementation of the no-fly zone, the official Chinese position radicalized and heavy criticism was expressed regarding the military intervention now authorized. During his visit with the French President in Beijing, then Chinese President Hu Jintao boldly stated, in reference to the events in Libya, that “[h]istory has repeatedly shown that the use of force is not an answer to problems, but only makes them more complicated [...] If military action brings disaster to civilians and causes a humanitarian crisis, then it runs counter to the purpose of the UN resolution⁷⁰”. In the Security Council Debates, the Chinese representative, Ambassador Li Baodong restated its firm position, noting that

China calls for the complete and strict implementation of the relevant resolutions of the Security Council. The international community must respect the sovereignty, independence, unity and territorial integrity of Libya. The internal affairs and fate of Libya must be left up to the Libyan people to decide. We are not in favour of any

⁶⁷ Quoted in Mark Leon Goldberg. “How Libya’s Success Became Syria’s Failure”, *UN Dispatch*, 19 January 2012.

⁶⁸ Bruno Pommier. 2011. The use of force to protect civilians and humanitarian action: the case of Libya and beyond. *International Review of the Red Cross*, 93.

⁶⁹ Bruno Pommier. 2011. The use of force to protect civilians and humanitarian action: the case of Libya and beyond. *International Review of the Red Cross*, 93.

⁷⁰ Xinhua, Use of force no solution to problems like Libyan issue”, *People’s Daily Online*, March 30, 2011, <http://english.cri.cn/6909/2011/03/30/2821s629563.htm>

arbitrary interpretation of the Council's resolutions or of any actions going beyond those mandated by the Council⁷¹.

For Russia and China at least, Resolution 1973 unintentionally provided a good cover for NATO's military operation to dismantle Gaddafi loyalist forces. The Resolution only provided the perception of the legitimacy of the use of force to 'protect civilians'.

On 17 September 2013, at the opening of the 68th Session of the United Nations General Assembly, UN Secretary-General Ban Ki-moon reiterated the urgency to meet the Millennium Development Goals and stressed the need to find a resolution to the Syrian crisis. Not surprisingly then during the session, the Chinese delegation did not mention R2P anywhere. Instead, the focus was on the traditional notion of the protection of civilians in armed conflicts and reiterating that "China opposes external military intervention or pushing for a 'regime change'"⁷². After Libya, China has hardened its position and has retreated in a way to its traditional stance on sovereignty and non-interference. Chinese statements highlight China's opposition to the "willful interpretation of the resolutions, exceeding the mandate, and departing from the 'original intention' of Resolutions 1970 and 1973 on Libya"⁷³. The Libyan precedent and the Syrian crisis help to explain China's reaffirmation of its traditional commitment to non-interference. The handling of the Libyan crisis by the international community has been a major cause of anxiety and fear for Chinese authorities who saw a transgression of power and mandate in Resolution 1973. Fundamentally, China does not wish for the Libyan scenario to be reproduced in Syria or anywhere else for that matter. China's reluctance with respect to R2P in the aftermath of Libya directly influences how the Chinese react to and engage with the conflict in Syria. Having determined that R2P can be used indirectly to overthrow a regime, China has shown hesitation in referring to the concept and fears any resolution in Syria that would authorize its implementation.

After abstaining on Resolution 1973, China felt somewhat betrayed by the West and unappreciated by the Libyan National Transitional Council (NTC). It perceived the aftermath of the abstention as having "gained nothing while losing everything" in Libya. China did not want to

⁷¹ Security Council Report, S/PV.6528, (4 May 2011)

⁷² Position Paper of the People's Republic of China at the 68th Session of the United Nations General Assembly, (9 September 2013)

⁷³ *Explanation of Vote by Ambassador Li Baodong after Adoption of Security Council Resolution on Libya*, Permanent Mission of The People's Republic of China to the UN, (17 March 2011).

see a reprise of Libya, therefore it chose to veto all of the resolutions involving sanctions on Syria. The bitter lesson from Libya pushed China to adopt a more “sophisticated hedging strategy” when it relates to Syria. China is not choosing to side with one party over the other; rather it is betting on both. It is currently actively building relations with the Syrian opposition, while equivocally playing a mediation role both inside and outside of Syria⁷⁴.

Chinese position on Syria

The Syria crisis began in 2011 with a series of attacks pitting pro-government forces against rebels who seek to overthrow President Bashar Al-Assad, who in turn is violently attempting to suppress widespread and peaceful protests through military force. The political turmoil in Syria has not ceased and has resulted in a full-blown civil war, causing many casualties and displacements of its population into neighboring countries. Both government and rebel forces have been accused by international organizations of severe human rights violations. Calls for foreign action have been ongoing since the beginning of the uprising, however, no consensus regarding a solution has been reached among the international community and any form of intervention in Syria is at an impasse. The most vehement opposition to any kind of resolution on Syria comes from China and Russia. Although they voted in favor of resolutions related to the destruction of chemical weapons and to the delivery of humanitarian assistance, together they have vetoed all Security Council resolutions threatening sanctions against Syria on four instances.

On 12 July 2011, the UN General Assembly held an annual dialogue on R2P, which consisted in the voicing of concern over NATO’s use of force to implement Resolution 1973 in Libya. During that dialogue, China boldly claimed that “no party should engage in regime change or get involved in civil war in the name of protecting civilians. The implementation of the [relevant] Security Council resolution must be strict and accurate⁷⁵.” Even prior to that event, Russian President Medvedev assured that Russia would veto a Security Council resolution on Syria just like it did in Libya “because it is my deep conviction that a good resolution has been used to

⁷⁴ Quoted in Holly Yan. ‘Why some countries stick with Syria’, *CNN*, 29 August 2013.

⁷⁵ Quoted in Kevin Boreham. “Libya and the ‘Responsibility to Protect’ Doctrine”, *On Line opinion*, 26 August 2011.

provide cover for a military operation⁷⁶.” It is not a question of not wanting to protect civilians, but rather about weighing all the possible outcomes that may derive from the intervention.

Most scholars contend that Syria is not a crisis in itself; it is a regional crisis. As Gareth Evans put it, “Syria is a proxy war”. Therefore, it provokes two types of confrontation: confrontation between regional powers, on the one hand the major powers in the Gulf (Saudi Arabia, Qatar etc) and Iran and Hezbollah on the other, and an implicit confrontation between China and Russia and the West led by the United States. Geopolitically, an intervention in Syria is likely to have a spillover effect in other countries in the region. In short, a military intervention is likely to destabilize the region, resulting in more casualties and consequently, discrediting the whole foundation behind R2P and UN action. As the Syrian context is quite complex, cries from the international community to apply the ‘Libyan model’ in Syria is likely to result in an increase in irreversible humanitarian disasters⁷⁷. China recognizes the severity of the situation for Syria and its surrounding countries, however, it continues to call for diplomatic and political actions to resolve the situation.

In vetoing all the resolutions on sanctions on Syria, China has sought to reaffirm the principle of non-intervention. In doing so, China is standing firmly by its traditional commitment to territorial integrity and is affirming to the international community that it would continue to uphold the principle of non-interference in the Security Council⁷⁸. Most importantly, China is stressing that Libya was an exceptional case and that the international community should not come to regard R2P as a norm worthy of legal consideration.

In October 2011, China and Russia vetoed a resolution drafted by Europe condemning Syria, which called for sanctions. A UN Security Council resolution calling for Syrian President Al-Assad’s step-down from government was shot down on February 2012. A month later, China and Russia vetoed a UN Human Rights Council draft Resolution condemning crimes in Syria. Lastly, in July 2012, they vetoed a UN Security Council resolution led by the UK to impose economic sanctions on the Syrian regime. As of most recent news, in May 2014, China and Russia

⁷⁶ Quoted in Kevin Boreham. “Libya and the ‘Responsibility to Protect’ Doctrine”, *On Line opinion*, 26 August 2011.

⁷⁷ Ruan Zongze. ‘Responsible Protection: Building a Safer World’, *China Institute of International Studies*, 15 June 2012.

⁷⁸ United Nations Document, *Security Council Fails to Adopt Draft Resolution on Syria as Russian Federation, China Veto Text Supporting Arab League’s Proposed Peace Plan*, UN Doc SC/10536, 6711th Meeting, (4 February 2012).

veto a resolution for the referral of Bashar Al-Assad and some of the rebels of opposition groups to the International Criminal Court (ICC). Both P5 members have continuously stated that they will be opposed to any resolution on sanctions in Syria for many reasons. Primarily, they do not see the Security Council as the legitimate body to dictate the internal affairs of a state and its politics of succession; they believe that a solution to the Syrian crisis can only be the result of a careful and constructive engagement between opposition groups and the government. Moreover, they both agree that the draft resolutions will only exacerbate the tensions on the ground and will not serve to calm the situation. To put an end to the crisis, “an inclusive, Syrian-led process to address the legitimate aspirations of the people in an environment free of violence and human rights abuses⁷⁹”, is the only possible alternative advanced by Chinese officials. As ideal as this solution would be, no external actor has as of yet assumed any real responsibility in designing this process.

Instead of focusing on foreign military action, China and Russia have systematically called for political and diplomatic measures to be undertaken-through the framework of the UN- and to “discard violence” and address the crisis with dialogue and peaceful means⁸⁰. On its position in Syria, China is quite confident in justifying its vetoes and endorsements. Since the beginning of the Syrian crisis, the official Chinese position is best informed by the following passage:

Our fundamental point of departure is to safeguard the purposes and principles of the UN Charter as well as the basic norms governing international relations, including the principles of sovereign equality and non-interference in others' internal affairs, to safeguard the interests of the Syrian people and the Arab states, and to safeguard the interests of all countries, small and medium-sized in particular. This is China's consistent stance in all international affairs. It is not targeted at a particular issue or time⁸¹.

The most powerful statement explaining the Chinese position on the most recent veto of 19 July 2012 comes from UN Ambassador Li Baodong. He explains diligently:

During consultations on this draft resolution, the sponsoring countries failed to show any political will of cooperation. They adopted a rigid and arrogant approach to the

⁷⁹ United Nations Security Council Draft Resolution on Syria [Vetoed], S/2011/612. (4 October 2011).

⁸⁰ *Explanatory Remarks by Ambassador Wang Min after General Assembly Vote on Draft Resolution on Syria*, Permanent Mission of the People's Republic of China to the UN, (3 August 2012)

⁸¹ Ibid

reasonable core concerns of the relevant countries, and refused to make revisions [...] a few countries made statements that confused right and wrong, and made unfounded accusations against China. This is utterly wrong. It is out of ulterior motives, and firmly opposed by China [...] a few countries have been intent on interfering in other countries' internal affairs, fanning the flame and driving wedges among countries. They are eager to see tumult in the world [...]⁸²

Simply put, China does not see any relevancy for applying R2P in Syria and has actively avoided mentioning the norm in this context. Syria will necessarily imply an abuse of the norm, according to the above stance. All political means must be exhausted within the context of UN leadership and clearly the case in Syria would not be an appropriate invocation of R2P. Chinese sources are quick to point out that push for military intervention in Syria is a cloak for 'regime change' advanced by the West. Apart from the above-cited statement made by Ambassador Li Baodong, other high-ranking Chinese diplomats have expressed their views publicly regarding China's stance on Syria. Le Yucheng, adjunct of the minister of foreign affairs in Hong Kong, told the China Institute of International Studies on 10 April 2012 that the reason behind China's vetoes on Syria is a direct consequence of the West's overreach in mandate in Libya. He made the following claim:

Obviously, some countries sought to replicate the Libya model in Syria under the pretext of the 'Responsibility to Protect'. To put it bluntly, this is an attempt to bring about regime change through force, which is a far cry from this concept of the 'Responsibility to Protect'. We cannot afford to endorse such attempts. We must not forget the lesson from Libya. On the first day of the NATO-led multinational forces' 'protection' mission in Libya last year, 64 civilians were killed and 150 were injured.

The entire 'protection' mission resulted in the deaths of over 20,000 civilians and the displacement of 900,000 people without bringing the country together or ending violence there. One region even declared autonomy. Such 'protection' has been likened to a 'successful surgery that kills the patient'. Obviously, it has failed completely. It is irresponsible 'protection' and in truth, intervention under the name of 'protection'. The developments of the Syrian situation further demonstrate that what we need is not only the 'Responsibility to Protect', but also 'responsible protection'⁸³.

Chinese vetoes on resolutions calling for sanctions on Syria highlight Beijing's feeling of unease and betrayal following the Libyan intervention. China does not want to feel "boxed in" anymore

⁸² *Explanation of Vote by Ambassador Li Baodong after Vote on Draft Resolution on Syria Tabled by the United Kingdom*, (19 July 2012).

⁸³ LE Yucheng, 'Ten Observations on China's Relations with the World', Speech at the China Institute of International Studies, April 10, 2012, Beijing.

and did not want to be misled in accepting a solution that may potentially lead to regime change. Vetoing the resolutions on sanctions on Syria has presented an opportunity for China to interpret the R2P norm in its own way. Rising powers such as Brazil and India have been working towards developing alternative approaches to civilian protection. Notably, Brazil's reformulation of 'R2P' as 'RwP' - Responsibility while Protecting- is a prominent example of a move to consider R2P in another light. Nevertheless, there is no unanimous BRICS position on Syria. As a P5 member, there is more pressure on China to be seen and to act as a 'responsible' global power while confronting mass atrocities such as in Syria. The abovementioned statement by Yucheng calls for a complementary norm to R2P and not its abolition. Therefore it is clear that China is, at the very least, superficially trying to develop its own version of R2P and the Syrian crisis was that profound reactionary moment of opportunity.

The Chinese position on Syria is presented clearly in the six points established by the Ministry of Foreign Affairs March 2012 report. Ambassador Li Huaxin met personally with Syrian officials on 7 March 2012 and exchanged views with the concerned parties on a possible settlement of the crisis. The director of the Chinese Institute of International Studies (CIIS) resumed China's position in six objectives: ending violence, promoting dialogue with all parties of the conflict, providing humanitarian assistance, refraining from any military intervention, coordinating with the international community and uniting the Syrian population⁸⁴.

Interestingly enough, China supported the international community's efforts to provide "humanitarian aid" to Syrians and was willing to contribute to such aid as well. Even after Syria's June 2014 presidential elections, Chinese president Xi Jinping has continued to express China's willingness to provide aid for Syria as well as its neighbouring countries to help alleviate the flow of refugees⁸⁵. However, the assistance should be led by the UN as it is the main neutral body authorized to oversee such humanitarian relief initiatives. Other than the deliverance of humanitarian aid to Syrians, China also supported the Council resolution calling for the "verification and destruction of Syria's chemical weapons stockpiles", as well as for the "convening of the Geneva II peace talks" and the creation of "a transitional governing body in

⁸⁴ Qu Xing, 'The UN Charter, the Responsibility to Protect, and the Syria Issue', *China International Studies*, March/April 2012

⁸⁵ Ben Blanchard and Li Hui, 'China's Xi repeats call for political resolution for Syria', *Reuters*, 5 June 2014.

Syria with full executive powers⁸⁶”. China has been consistent in urging the adoption of a political resolution for Syria that does not involve the use of military force. In order to “end violence”, China’s breadth of condemnation over the acts of violence against the Syrian population continue to be a major part of its discourse. China urges all involved parties to stop the use of force in order to stop civilian casualties. For China, the first step to a political settlement of the Syrian crisis is through “dialogue”. The Chinese authorities urge all concerned parties to “immediately launch an inclusive political dialogue with no preconditions attached or outcome predetermined”. The main priority for all involved should be to stop the bloodshed and begin negotiations for peaceful settlement. This means that no political party should be excluded from the process and everyone should be given a chance at being heard. Furthermore, China continues to push for non-coercive measures to be undertaken in Syria and uses the UN Charter’s principles to justify its position. Syria’s territorial integrity must be observed according to China and the use of force for invoking regime change should be strictly prohibited. In Syria’s case, China does not believe that sanctions are an effective attempt at resolving the issue. Similar to its position regarding the importance of regional actors in previous cases such as Côte d’Ivoire and Libya, China endorses the participation of the Arab states and the regional bodies and urges further “coordination” with the international community. Regional organizations such as the League of Arab States are encouraged to play a role in promoting a political solution to the Syrian crisis. As for “unity”, China strongly affirms that P5 members should engage in “equal-footed, patient and full” consultation before deciding on a Resolution. This preserves the unity and legitimacy of the Security Council, according to China. Nevertheless, while China supported Resolution 2139 (2014)⁸⁷ for the delivery of aid and humanitarian assistance in Syria, it has vetoed the most recent resolution bidding the referral of Syrian president Bashar Al-Assad to the ICC to face punishment for war crimes. Chinese Deputy Ambassador Wang Min spoke strongly of China’s decision to veto, defending the move by saying that China has always had reservations about the Security Council referring cases to the ICC. According to Min, a referral to the ICC would not “lead to an early resumption of peace talks.”⁸⁸ In a briefing in Beijing on 22 May 2014, Chinese Foreign Ministry spokesperson Hong Lei stated

⁸⁶ S/RES/2118, (27 September 2013).

⁸⁷ S/RES/2139 (22 February 2014), states that “This Resolution demanded that all parties, in particular the Syrian authorities, allow humanitarian access in Syria across conflict lines, in besieged areas and across borders and expressed the intent to take further steps in the case of non-compliance.”

⁸⁸ ‘Russia, China veto UN Security Council bid to refer Syria to ICC’, *Haaretz*, 22 May 2014.

that “[t]he Security Council submitting the Syria issue to the International Criminal Court will only make the situation even more complex and the problem even more difficult to solve”⁸⁹.

Despite these efforts, China has come under much scrutiny by the international community for exercising its veto against all the resolutions on sanctions on Syria. However, China is proceeding in its own way, and will take any measure to oppose resolutions that will be used as a pretext to wage war on Syria. China says there is still hope for dialogue and intervention is off the agenda. Chinese officials continue to defend China’s vetoes and applaud the rising power for being more honest in its interactions at the Security Council. As foreign affairs expert Ruan Zongze wrote, “[t]oday, China, because of its rapidly rising strength, sits at the main table on the global stage, and needs to get used to newly being in the limelight. The international community also needs to adjust to China’s new role⁹⁰”. This is where the notion of ‘Responsible Protection’, a term coined by Ruan Zongze himself, comes in. Interestingly enough, China has its own idea on the issue of humanitarian protection and responsibility. Whether or not this points to a less ambivalent China in respect to those issues remains to be uncovered.

Responsible Protection: China’s version of R2P

With the exception of South Africa, all of the BRICS countries abstained on Resolution 1973 on Libya. After the controversial intervention in Libya, there has been a more pronounced concern about the conflation of R2P with regime change. Because of the sensitivity around the Libya case, emerging powers have been attempting to create alternative formulas for R2P, ones that would require concerned parties to be more diligent when it comes to the contentious issue of foreign intervention for humanitarian purposes.

Brazil’s proposal, ‘Responsibility while Protecting’ (RwP), marks a new stage in the evolution of the R2P norm. It proposes a set of criteria for military intervention, a monitoring-and-review mechanism to assess the implementation of Security Council mandates, and a renewed emphasis on capacity building to avert crises before they happen. The Brazilian initiative of

⁸⁹ Quoted in Michelle Nichols and Louis Charbonneau. ‘Russia, China veto U.N. bid to refer Syria to international court’, Reuters, 23 May 2014.

⁹⁰ Ben Blanchard. ‘China says may send envoy to discuss Syria crisis’, *Reuters*, 7 February 2012.

‘Responsibility while Protecting’ has recently gained traction in UN discussions and among rising powers. In essence, therefore, RwP stresses three major ideas: accountability, assessment, and prevention. While Brazil has not indicated how it will further advance its proposal within the UN system, its initiative has inspired other countries to engage in the same process. The idea behind China’s ‘Responsible Protection’ derives from the Brazilian model, but has yet to gain the same momentum internationally or formally within the UN.

Between 2005 and 2011, Brazil had been mostly against the invocation of R2P in humanitarian crises arguing that it was “*droit d’ingérence* [. . .] in new clothes.”⁹¹. As a general standpoint, Brazil is critical of intervention, but recognizes that sovereignty does not give states legitimate power to commit mass atrocities against their own populations. Brazil recognizes that the international community has a collective duty to respond to humanitarian crises and that the use of force may be necessary in the face of the four specific crimes for R2P. Nevertheless, Brazil advocates for more prevention and more accountability for the use of military force. As a rising power, Brazil takes pride in its increasing moral and political influence on the international front. Its development from a market economy to a regional powerhouse has made Brazil a progressive model for other Latin American countries. By proposing an alternative formula for humanitarian intervention such as RwP, Brazil aids in helping to “refute persistent, and inaccurate myths that the UN debate on R2P comes down to a struggle between the Global North and Global South”⁹². Essentially, RwP calls for more stringent conditions for its implementation: the three pillars of R2P must be undertaken in a chronological order, therefore the use of force and intervention should always be a last resort after the exhaustion of political and non-coercive measures. RwP mandates the Security Council with the responsibility of formulating a set of criteria to ensure monitoring, assessment, and accountability of all parties who are authorized to carry out military initiatives. Most importantly, constant monitoring and a review of operations should be standard procedure⁹³.

⁹¹ Statement by Brazilian Foreign Minister Celso Amorim.

⁹² Jennifer Welsh, Patrick Quinton-Brown and Victor MacDiarmid. ‘Brazil’s “Responsibility While Protecting” Proposal: A Canadian Perspective’, *Canadian Centre for the Responsibility to Protect*, 12 July 2013.

⁹³ Brian Job. ‘Between a Rock and a Softer Place: China and India Confront the Dilemmas of Responsibilities of Protection’, Draft paper prepared for presentation at International Studies Association Annual Convention, 25 March 2014. p.16
Also see A/66/551, S/2011/701, UN Security Council, “Responsibility while Protecting: Elements for the Development and Promotion of a Concept.”

While China has major reservations about R2P, it has nonetheless proposed a modified version of the norm: ‘Responsible Protection’. China continues to actively pursue a political solution to the Syrian crisis. In sticking firmly to saying ‘no’ to any form of military intervention in Syria, China has nevertheless engaged in finding a resolution to the crisis. As noted previously, Le Yucheng’s statement is crucial in understanding China’s role in the Syrian case. As a rising power, China has brought forward a new concept, a new envisioning of R2P worthy of consideration. ‘Responsible Protection’ is this form of R2P-lite that has allowed China to reposition R2P by reaffirming the principle but seeking to modify it at the same time to prevent future abuse⁹⁴.

It was Ruan Zongze, a Chinese scholar, who first coined the concept of ‘Responsible Protection’ (RP) in a 2012 journal article. Zongze was writing in response to the Brazilian RWP proposal, which had attracted much discussion among Chinese policy-makers and scholars. In fact, the China Institute of International Studies rallied together a small group of international experts and scholars mainly from BRICS countries to explore the topic of China’s approach to civilian protection at a two-day conference in Beijing in October 2013. During that conference, explicit support and interest was expressed for the principle of RP. Of course, many Chinese scholars remained skeptical of the entire R2P concept, claiming it to be just another form of interventionism under a different name (‘old neo-interventionist wine in a new bottle’). However, this view was only held by a minority of scholars and it did not affect the flow of discussion in terms of finding ways to make the R2P doctrine more effectively implementable in practice⁹⁵.

During the conference, the core components of RP were articulated by Chinese scholars and were welcomed with strong support by the other participants. Essentially, RP sought to implement even tighter regulations to the logic of interventionism. Because of the complexities of the Syrian crisis, it is imperatively a good time for China to propose the idea of responsible protection. Given that China will never endorse a military intervention in the name of humanitarianism in Syria, it must act prudently and take a responsible approach and stand on the issue. Specifically, there are six main points to RP as per Zongze’s article. First, RP means that

⁹⁴ Ruan Zongze. ‘Responsible Protection: Building a Safer World’, *China Institute of International Studies*, 15 June 2012.

⁹⁵ Gareth Evans, ‘The Consequences of Syria: Does the Responsibility to Protect Have a Future?’, *E-international Relations*, 27 January 2014.

any response to a conflict should have the objective of ‘protecting’ civilians and achieving stability in the relevant region. Under need of ‘protection’ are primarily the innocent civilians and not any specific political parties or rebel forces. Only this kind of protection is deemed to be right and indicates legitimate intention. Second, only within the context of the UN Security Council is ‘protection’ considered legitimate. Building on R2P here, RP prohibits any state from acting unilaterally in intervening. This means that the primary responsibility to protect civilians remains with the sovereign state in question and any action must be authorized by the Security Council. Third, RP places limitations on the means of ‘protection’ which means that diplomatic solutions must be fully exhausted before any robust or coercive measures can be considered. Fourth, RP signifies that the goal of ‘protection’ must be clearly articulated. As such, the goal of ‘protection’ must be to alleviate the political turmoil and the humanitarian crisis in question. Invoking ‘protection’ for regime change is strictly prohibited. Fifth, RP implies that the intervening states must be willing to share the burden of rebuilding the weakened state after the act of ‘protection’ has been completed. Lastly, RP calls on the UN to establish better methods of supervision and accountability to achieve and to assess the outcomes of ‘protection’. Globally, RP focuses more on the preventative aspect, hence implying that it is a more ‘responsible’ method towards ‘protection’ since the prevention of mass atrocities (both their occurrence and their recurrence) remains at the heart of its conception⁹⁶.

China has stated that RWP is of great significance and worthy of consideration. Similarly, China’s reformulation of R2P as ‘Responsible Protection’ has followed that logic. Both approaches indicate that normatively speaking, the emphasis is on “defining and delimiting ‘responsibility’ as it applies to potential interveners” which would in turn give “little attention to the priority of ‘protection’”⁹⁷. Ultimately, alternatives to international responses to humanitarian crises place heavier conditions on the use of external force prior to, during and after any potential intervention. With much scrutiny, China has outlined its principles of ‘Responsible Protection’ as a way of superficially demonstrating its adaptation to the evolving norms of collective security to the international community. In conceptual terms, some scholars may see China’s RP as a step forward in terms of the evolution of norms relevant to humanitarian protection. However, practically its

⁹⁶ Ruan Zongze. ‘Responsible Protection: Building a Safer World’, *China Institute of International Studies*, 15 June 2012.

⁹⁷ Brian Job. ‘Between a Rock and a Softer Place: China and India Confront the Dilemmas of Responsibilities of Protection’, Draft paper prepared for presentation at International Studies Association Annual Convention, 25 March 2014. p.16

implementation is just not feasible under RP conditions. This may be a deliberate move by China since it remains ambivalent about responsibility, but does not want to appear as non-conformist. Strategically enough, RP's flaw is that it does not comment on the international community's options when the Security Council fails to act when mass atrocity crimes are occurring. The Brazilian approach does comment on this and gives the General Assembly possibility of action if the Security Council is stalled. This marks a significant change to the R2P principle developed in 2005.

With their stringent criteria for intervention, it could be argued that concepts such as R_wP and RP indicate a reprise of the six criteria that were outlined in the 2001 ICISS Report yet purposely omitted in the 2005 World Summit Outcome Document to the insistence of countries such as China, India, most developing states, and even the United States. RP draws on R_wP as it echoes R_wP's desire for a written document to guide future decision making, as well as more accountability for parties doing the intervening, including measures to ensure that post-conflict restoration is part of the process. RP challenges the normative foundations of R2P and the issue of the protection of civilians; focusing primarily on the preventative aspect of a possible response. Therefore practically, it is difficult to envision a situation in which any timely response can be delivered with such stringent criteria and with a lack of attention to the four stated crimes of R2P. RP seems to be more about the prohibition of intervention than its permissibility.

In my view, 'Responsible Protection' may be a deliberate ploy by China to impede intervention or to reinterpret it. The criteria to implement RP are so static and stringent that it would inevitably delay humanitarian action, if any. RP is thus a conceptual alternative to humanitarian protection, but is practically incompatible with the idea of stopping mass atrocities and imminent crimes. Hence, from the Chinese perspective, there is no real response to the commitment of the four crimes of R2P. Indeed, if any state were to follow the restrictions set out by RP, there is practically no type of response possible. It seems as though this approach has been deliberately conceived as a way to "obviate any immediate intervention on behalf of populations suffering from mass killing (and/or the four crimes specified in the R2P)".⁹⁸

⁹⁸ Brian Job. 'Between a Rock and a Softer Place: China and India Confront the Dilemmas of Responsibilities of Protection', Draft paper prepared for presentation at International Studies Association Annual Convention, 25 March 2014. p.16

A general observation of Chinese behavior in international relations, especially in matters of R2P, proves that in most cases China chooses to stick to the status-quo by evading some of the responsibilities established by the international community mainly by requesting further discussion and deferring to the Security Council. However, Chinese diplomacy in Syria has been anything but complacent. As a Chinese Foreign Ministry official stated, China standing up against the other major powers and saying ‘no’ to some countries’ actions against Syria is “a responsible move⁹⁹”. Moreover, as adjunct of the minister of foreign affairs Le Yucheng vividly asserts, “[b]eing responsible means keeping to principles and saying ‘no’ to what is wrong [...] China does not do things just to please certain countries¹⁰⁰.” It seems that, whereas China felt itself “boxed in” in the aftermath of Libya, it was not going to make the same mistake in Syria. Therefore, China has managed to assert itself against the West on the Syrian crisis, which has in turn highlighted China’s “more active, vigorous and productive¹⁰¹” diplomacy, affirms Yucheng. To support his statement, he outlined that China has proposed a six-point political plan for the resolution of the Syrian crisis and was among the top countries concerned with finding diplomatic and political measures to dissipate the humanitarian catastrophe. With RP, China has proposed a Chinese version to the issue of intervention and civilian protection. Moreover, Yucheng observes that “China is conducting more vigorous and productive diplomacy and engaging in more intensive interactions with the international community¹⁰².” This will undoubtedly contribute to making China a more influential and prominent global player, which of course entails great responsibility to come.

As Ramesh Thakur observes, in terms of China playing a bigger role and taking on more responsibilities on the international scene, the idea of RP is bound to complicate things for the Security Council’s P3 since any resolution under the guise of R2P will be nearly impossible to pass in the future¹⁰³. Whereas China argues that R2P violates principles of state sovereignty and non-interference, it proudly asserts that ‘Responsible Protection’ is a better embodiment of the principles and values enshrined in the UN Charter as well as the basic norms governing

⁹⁹ Xinhua, ‘China saying “no” on Syria issue is responsible move: FM Official’, *People’s Daily Online*, 11 April 2012.

¹⁰⁰ Quoted in Xinhua, ‘China saying “no” on Syria issue is responsible move: FM Official’, *People’s Daily Online*, 11 April 2012.

¹⁰¹ *Ibid.*

¹⁰² *Ibid.*

¹⁰³ Quoted in Xinhua, ‘China saying “no” on Syria issue is responsible move: FM Official’, *People’s Daily Online*, 11 April 2012.

international relations. Beijing's RP proposal in response to Syria demonstrates that China is making strides toward standing up to norms established by the West and emerging as a global responsible player with a desire to set its own norms on its own terms. If pushed forward formally, RP has the potential to be the diplomatic tool that China needs to balance its traditional commitment to sovereignty and non-interference while gaining more responsibility in norm-shaping as a rising power. As Zongze states, "China must have the courage to speak out and contribute ideas to the world." Accordingly, the notion of 'Responsible Protection' will push China towards building "a just and reasonable new international political order¹⁰⁴". As I have advanced throughout my paper, it is unclear as to how China will choose to proceed in future humanitarian crises, and that, for now at least, RP seems to be a dead-end. It is not to imply that China will stand idly when mass atrocities are occurring, however it is still ambivalent about responsibility.

Conclusion

This paper has attempted to demonstrate how China's foreign policy has shifted from ideology to pragmatism in regards to humanitarian crises. By examining China's position on R2P from 2005 onwards, I have attempted to provide a brief overview of China's conceptual and practical response to humanitarian responsibility. Despite this seemingly promising change in China's foreign policy, I maintain that China remains in a 'grey zone' of uncertainty when it comes to its official stance on responding to humanitarian crises. It is my view that China's behavior in the area of humanitarian response has been ambiguous to say the least. On the one hand, it is clear that China has made significant steps in terms of adopting a more pragmatic approach to humanitarian crises and renounce its static and absolute view of sovereignty and non-interference. On the other hand, China's proposal of an alternative formula for R2P, 'Responsible Protection', makes any attempt at legitimizing a foreign intervention for humanitarian purposes an institutional and operational dead-end.

While initially resistant to the R2P principle, its practical engagement in collective security has given China an opportunity "to contribute to operationalising R2P¹⁰⁵". Norm diffusion appears to

¹⁰⁴Quoted in Xinhua, 'China saying "no" on Syria issue is responsible move: FM Official', *People's Daily Online*, 11 April 2012.

¹⁰⁵ Sarah Teitt. 2011. 'The Responsibility to Protect and China's Peacekeeping Policy', *International Peacekeeping*, 18 (3): 298-304.

have already begun as evidenced by China's acceptance of the basic tenets of R2P, culminating in it being party to its endorsement in 2005 at the UN World Summit. At least in the beginning, it seemed that China had come to recognize the responsibilities that come with sovereignty on the issue of the protection of civilian populations and to understand that the use of external force may possibly be used. The starting point of this paper has attempted to draw out China's shift from ideology to pragmatism in its foreign policy and more appropriately in response to humanitarian crises as becoming more evident following the 2005 World Summit. As a result of its endorsement of R2P in 2005, China's conceptual and practical decisions have begun to reflect a more tempered Chinese position regarding the protection of civilians in humanitarian distress. In addition, from the period of 2005 to 2011, China did support UN actions in various countries- albeit not under any R2P mandate per se. China did not veto all UNSC resolutions that imply intervention. It is my view that the outcome of the Libyan crisis radicalised China's position vis-à-vis humanitarian crises and further pushed China into this 'grey zone' where it began to seek a return of its traditional position on sovereignty and non-intervention. The Chinese reaction to Libya was the fear of dangerous precedent regarding intervention: mission creep, in other words, regime change. After Libya, China had to find a way to keep up with appearances on the international level, meaning that it had to find a way to appear as the innovative rising power capable of acting in the face of humanitarian crises, yet find a way to prevent any efforts that could be made to justify foreign interventions.

It is my view that China has done well in terms of developing its façade and keeping up with appearances on the international level. To the developing countries and to the members of BRICS, China is acting as a responsible power and advancing alternative methods to the management of humanitarian crises. Nevertheless, for the time being it is very difficult to discern China's position regarding future interventions. By outlining the Chinese version of R2P, Responsible Protection, China has only pushed itself into a 'grey zone' insofar as its approach makes intervention impossible because of stringent criteria. An alternative approach to intervention such as RP means that China will continue to be a very hesitant actor on the international level and will most likely not take the lead in championing any type of coercive intervention. On a more general note, approaches such as RWP and RP inform the position of emerging actors regarding the changing global order. More precisely, the debate between RP and R2P shows that the concept of

sovereignty is no longer absolute. This in turn highlights the growing difficulty of defining clear international parameters for intervention amid the competing interests of an increasingly multipolar world.

Perhaps it is premature to completely discredit the foundation behind RP. After all, it is relatively early to ponder the effectiveness of RP since it is clearly a very recent concept. It may take another major humanitarian crisis to see China more in action. It is for that reason that I find it more appropriate to place China's current position on the issue of humanitarian protection in a 'grey zone'. It remains to be seen how far China will go as to promote the principle of RP in a formal way. China will always be ambivalent about responsibility primarily because it does not want to draw attention to its own internal disputes. China stays in this 'grey zone' purposely- that is to say that China chooses to stay in that position because it allows it to approach the issue of humanitarian intervention on a case by case basis. The 'grey zone' is China's comfort zone. Ultimately, RP should not be seen as a notion designed to undermine R2P, but rather an effort to complement it. The issue is that RP remains conceptually important, not practically. Conceptually, RP sits in the middle ground between modern humanitarian principles and strict state sovereignty. This is to say that China wishes to appear as though it is a 'responsible' actor but is finding it difficult to let go of the firm vestige of its more traditional foreign policy. RP indicates that China has been more responsive to external criticisms in recent years, but does not fundamentally help to discern where China stands on responding to humanitarian crises. My current understanding of R2P and Chinese response to humanitarian crises is that China is merely superficially conforming to international norms. Practically, RP is very difficult to implement and this is by design. Yes, China is in favor of intervention- but with conditions. And those conditions are so stringent that no intervention relevant to the commitment of the four atrocities of R2P can be possible. In short, China remains ambivalent about responsibility.

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