

## Justification and Limits of Applying ‘Responsibility to Protect’ on the Syrian Crisis

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• Abstract •

This study begins with the question, “Why was Responsibility to Protect(R2P) not applied to the Syrian crisis, which objectively appears to be more severe than the Libyan crisis?” Based on a theoretical review of the emergence and development process of the R2P theory, it compares and analyzes the Syrian crisis against the Libyan crisis, which was the first case to apply the R2P theory. The inhumane crimes observed in the Syrian crisis had fallen within the scope of activating R2P as crimes against humanity, and Syria had reached the concept of failure. Therefore, the Syrian crisis met the conditions for R2P activation, but R2P was not invoked. The reasons for the non-activation of R2P in the Syrian crisis can be found in Russia’s willingness to intervene independently, the US’s passive behavior to intervene indirectly and structural flaws in the United Nations that render it powerless against the veto power of permanent members. This study is significant in that it examines the implications and limitations of R2P in the international community through research on the Syrian crisis.

**Key words** : Syrian Crisis, Responsibility to Protect(R2P), Humanitarian Intervention, UN

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## I. Background to the Problem

Responsibility to Protect (R2P) is an international norm that emerged in the 21st century as a reflection of humanitarian intervention. It means that while a sovereign state has the responsibility to protect its own citizens when the state is not capable of or willing to protect them, international society takes the responsibility to halt the mass atrocity crimes of genocide, war crimes, ethnic cleansing, and crimes against humanity.<sup>1)</sup> The biggest difference between R2P from humanitarian intervention is that it views sovereignty from a new perspective as responsibility rather than right;<sup>2)</sup> that is, R2P focuses on the responsibility to protect humans, not the right to interfere with other countries.

At the 54<sup>th</sup> UN General Assembly (UNGA) in 1999, then-UN Secretary-General Kofi Annan reflected on the Rwanda and Kosovo crises, requesting the entire international community take full responsibility for human security through an international agreement.<sup>3)</sup> In response, the International Commission on Intervention and State Sovereignty (ICISS) was established in 2001, and the concept of R2P emerged in the international community. R2P elicited international consensus through the UNGA and the World Summit, and its contents and implementation plan were specified in the 2009, report “Implementing the Responsibility to Protect” by then-UN Secretary-General Ban Ki-moon.

After R2P was put to the test during the Arab Spring, the pro-democracy protests that broke out in the Middle East in 2011. As Libya’s Gaddafi regime brutally attacked citizens and committed bloody suppression, the international community criticized its atrocities and massacres, urging the regime to step down to stop such war crimes. On February 26, 2011, the United Nations Security Council (UNSC) unanimously adopted Resolution 1970, condemning the Gaddafi regime’s use of force, saying it had “Responsibility to Protect its population” and calling for international cooperation. Based on Chapter 7, Article 41 of

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1) “2005 World Summit Outcome”, UN Doc. A/RES/60/1, 24 October 2005.

2) Francis M. Deng., Kimaro, Sadikie, Lyons, Terrence, Rotchild, Donald I. Zarartman, William. eds., *Sovereignty as Responsibility: Conflict Management in Africa*, Washington D.C.: The Brookings Institution, 1996.

3) “Implications of International Response To Events in Rwanda, Kosovo Examined by Secretary-General” UN Doc. GA/9595, 20 September 1999.

the UN Charter, and Resolution 1970 imposed a foreign asset freeze, arms embargo, and travel ban against Libya, and directly referred Gaddafi to the Prosecutor of the International Criminal Court (ICC).<sup>4)</sup>

However, as the Gaddafi regime did not stop its attacks against its citizens despite warnings and sanctions from the international community, the UNSC adopted Resolution 1973 on March 17, 2011, which included the imposition of a no-fly zone and permission on use of force for UN member states.<sup>5)</sup> Particularly noteworthy here, is the UNSC approved military intervention in the Libyan crisis through Resolution 1973, stating that it would 'take all necessary means to protect civilians.' The Libyan crisis was the first real case where the United Nations officially applied the R2P norms.

This drove UN-commissioned NATO forces to make military interventions in Libya on March 19, 2011 and a multinational force consisting of the U.S., UK, and French troops attacked Tripoli, the capital of Libya. On August 21, the capital fell, and on October 21, Gaddafi was killed in his hometown of Sirte by militia. Gaddafi's 41-year dictatorial rule which took over the Libyan government through a military coup in 1969, finally came to an end. On October 31, the UN announced the formal end of military sanctions. To resolve the Libyan crisis, the UNSC approved resolutions and executed various measures, marking the first instance in history where the UN authorized the use of armed force without the consent of the government to protect civilians. While the Libyan crisis did not establish R2P as a legal norm, it did contribute to shaping R2P as a practical international norm.

However, in 2011, the international community's response to the crisis in Syria, a neighboring country, was different. The Assad regime of Syria also carried out armed suppression against civilian protesters in anti-government demonstrations resulting in a continued surge in civilian casualties. According to the Syria Observatory for Human Rights (SOHR), an estimated 580,000 people had died by 2019, with about 5 million refugees and 7.6 million internally displaced persons (IDPs).<sup>6)</sup> Although Syria was

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4) UN Doc. S/RES/1970, 26 February 2011.

5) UN Doc. S/RES/1973, 17 March 2011.

6) Jung-Hyun Jo, *Theory and Implementation of Responsibility to Protect and Implications for the Korean Peninsula: Centered on the Libyan and Cote d'Ivoire crisis*, Seoul: Korea Institute for National Unification, 2011, p.44.

undergoing a more severe human rights crisis than Libya in terms of numbers, the international community represented by the United Nations, has not actively responded to the Syrian crisis. In October 2011, amid the intense development of the Syrian crisis, the agenda for applying the R2P was vetoed by China and Russia in the UNSC. While the international community showed tepid responses, the al-Assad regime reunited and overcame the threat of regime change with external support, including from Russia.

A decade has passed since the onset of the Syrian crisis, yet the international community continues to exhibit a passive response to the conflict. Meanwhile, Syria has descended into the worst intra-state conflict of the 21<sup>st</sup> century, becoming the largest refugee-producing country. This naturally raises a question: “Why was R2P not applied to the Syrian crisis, which objectively appears to be a more severe crisis than the Libyan crisis?” The study aims to explore and clarify the justifiability of applying R2P to the Syrian crisis based on a theoretical review of R2P within the scope of its activation and state failure. In this process, this study will conduct a comparative analysis of a similar case of the Libyan crisis in the Middle East, using the results to assess the potential application of R2P. In addition, unlike Libya where R2P was invoked through UNSC resolutions, the study seeks to analyze the reasons the international community, including the United Nations, did not invoke R2P in the Syrian crisis, despite a more severe crisis in terms of numbers. Through this analytical process, the study will examine the implications and limitations of R2P in the international community.

## II. Analysis of Prior Research and Theoretical Background

### 1. Analysis of Prior Research

The research outcomes on the Syrian crisis and R2P can be divided into foreign academia and domestic academia. First, notable foreign studies on the Syrian crisis and R2P include Minerva Nasser-Eddine, Muditha Halliyade, Alex Berg, and Saira Mohamed are as follows. Clarifying the reasons for R2P’s failure in Syria, Nasser-Eddine identified the lack of political will among individual countries and considered it a common

limitation in crises requiring R2P.<sup>7)</sup> He argued that regional multilateral organizations such as the Arab League and the European Union should be involved to overcome this. However, he overlooked that since they are not military alliances, regional organizations do not have any power or authority to make military interventions in implementing R2P. In essence, Nasser-Eddine failed to recognize that effective R2P implementation requires proactive engagement from the UNSC, capable of mobilizing military forces.

Halliyade analyzed the impact of R2P failure in Syria on future R2P endeavors. He asserted that the ongoing exercise of veto power by nations in the UNSC is exacerbating the Syrian crisis, further undermining the influence of R2P as a norm in the international legal system.<sup>8)</sup> However, Halliyade did not address how the veto power of permanent members was exercised in certain situations or how the members behaved in other instances of R2P activation.

Moreover, in his study on the Syrian crisis and R2P, Berg analyzed the main reasons R2P was not applied in Syria.<sup>9)</sup> Using the Syrian crisis as evidence, he sought to prove his claim that individual countries were not actively involved in implementing R2P unless there was a direct threat or economic interest at stake. However, limiting his analysis to Syria, Berg did not explain instances where R2P was implemented regardless of individual countries' interests.

In contrast, Mohamed claimed that the Syrian crisis is not a failure of R2P in a paper analyzing the relationship between R2P in Syria and the UN.<sup>10)</sup> Arguing that R2P could be implemented in different forms beyond 'UNSC' and 'military intervention,' he cited examples such as political and economic sanctions by regional and multilateral organizations such as the Arab League, the European Union, and the UNGA. However, he did not provide an answer to whether R2P without military intervention by regional organizations

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7) Minerva Nasser-Eddine, "How R2P failed Syria", *The Flinders Journal of History and Politics*, vol.28, 2012, pp.16-30.

8) Muditha Halliyade, "Syria - Another Drawback for R2P? : An Analysis of R2P's Failure to Change International Law on Humanitarian Intervention", *Indiana Journal of Law and Social Equality*, vol.4, no.2, 2016, pp.214-247.

9) Alex Berg, "The Crisis in Syria and the Responsibility to Protect", *The Interdisciplinary Journal of International Law*, vol.12, no.1, 2022, pp.93-99.

10) Siara Mohamed, "Syria, the United Nations, and the Responsibility to Protect", *American Society of International Law*, vol.106, 2012, pp.223-226.

could effectively resolve the situation.

The domestic academia significantly lacks research on the Syrian crisis and R2P. First, Shin-hwa Lee questioned in a paper analyzing R2P implementation in the Libyan crisis and the implications of R2P on North Korea “Why R2P was not applied to the more severe humanitarian crisis of the Syrian crisis, compared to the Libyan crisis,” but she failed to conduct a more thorough, and detailed analysis of the Syrian crisis and R2P.<sup>11)</sup>

Lee also analyzed in a paper examining state failure and R2P applicability whether North Korea was a failed state and could be applied to R2P.<sup>12)</sup> However, regarding R2P in Syria, a similarly failed state, she briefly pointed out only the areas where the UNSC Resolutions did not pass.

Moreover, Hee-cheol Yoon classified the factors affecting the decision-making process of humanitarian intervention into three: the interests of powerful nations, the characteristics of the target country, and the purpose of humanitarian intervention.<sup>13)</sup> While this study aims to clarify why UN humanitarian interventions are selectively carried out, it has limitations in that it has not been applied to real cases such as the Libyan and Syrian Crises.

The review of the previous studies leads to the conclusion that research on R2P’s applicability to the Syrian crisis is still incomplete. Hence, this study attempts a systematic analysis, drawing on existing research, to identify the justification for applying R2P to the Syrian crisis and why R2P was not activated here.

## 2. Theoretical Background

The discussions on R2P are rooted in the discourse on humanitarian intervention. Humanitarian intervention refers to the use of military force by individual countries or international organizations to intervene and halt large-scale human rights abuses against a

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11) Shin-hwa Lee, “The Responsibility to Protect (R2P) after Libya: Practical Implication for North Korea”, *Journal of International Politics*, vol.18, no.1, 2013.

12) Shin-hwa Lee, “State Failure and Responsibility to Protect (R2P) Practical Implication for North Korea”, *Korean Political Science Review*, vol.46, no.1, 2012.

13) Huicheol Yun “The United Nations Humanitarian Interventions: Selected Humanitarian Crisis in 1989-2014: Why Do Some Humanitarian Crisis Cases Not Experience UN Humanitarian Intervention?”, *The Journal of Northeast Asia Research*, vol.35, no.2, 2020.

country's population, despite principles of non-interference in sovereign affairs and the prohibition of the use of force.<sup>14)</sup> With the dissolution of the Soviet Union and the end of the Cold War, localized conflicts and skirmishes increased and priorities shifted toward human security over traditional notions of national security, amplifying expectations for humanitarian intervention.<sup>15)</sup> However, no international consensus existed on the clear criteria and actors of humanitarian intervention, leading to politically selective interventions and continued arguments.<sup>16)</sup>

The controversy over humanitarian intervention intensified with the 1994 Rwandan Genocide and the 1999 Kosovo conflict. The international community failed to intervene promptly in the Rwanda Genocide that massacred hundreds of thousands of civilians in such a short period, allowing the crisis to escalate. Conversely, in the Kosovo conflict, NATO forces carried out unilateral airstrikes without UN authorization, only to be unable to solve the crisis and face growing criticism from the international community including Russia and China. Such cases heightened ongoing criticism of the selectivity and effectiveness of humanitarian intervention.<sup>17)</sup>

To address the absence of precise criteria, selectivity, and limited effectiveness of humanitarian intervention, the international community introduced a new norm called the R2P. At the request of then-UN Secretary-General Kofi Annan during the 1999 UNGA to "newly discuss the issue of humanitarian intervention," the ICISS was established. By producing "The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty," ICISS explained the term R2P, its fundamental principles, justifications, implementation stages, and future directions. R2P defined sovereignty not as a 'right' but as a 'responsibility,' emphasizing that when a state fails to protect its citizens, that responsibility transfers to the international community.<sup>18)</sup> This ICISS-proposed concept was unanimously adopted during the 2005 UN World Summit

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14) S.D. Murphy, *Humanitarian Intervention: The United Nations in an Evolving World Order*, Philadelphia, PA: University of Pennsylvania Press, 1996, pp.11-12.

15) G. King & C.J.L. Murray, "Rethinking human Security", *Political Science Quarterly*, vol.585 (Winter 2002), p.588.

16) Thomas G. Weiss., *Humanitarian Intervention*, Cambridge and Malden: Polity Press, 2007.

17) J.L. Holzgrefe, and Keohane, O. Robert eds., *Humanitarian Intervention: Ethical, Legal and Political Dilemmas*, 2003, Cambridge University Press.

18) Francis M. Deng, *op. cit.*

and in 2009, Secretary-General Ban Ki-moon released a report titled “Implementing the R2P,” outlining R2P’s content and foundational principles.

The conditions to invoke R2P can be divided into its scope, actors, content, and implementation methods. First, the scope of R2P can be broadly classified into two categories: a narrow R2P, limited to inhumane situations caused by human actions, and a broad R2P, extending to include natural disasters and state collapse. The 2001 ICISS Report and the 2004 “A More Secure World” view R2P broadly, but the 2005 “In Larger Freedom” and the 2005 UN World Summit outcomes interpreted R2P narrowly, specifying its application scope to genocide, war crimes, ethnic cleansing, and crimes against humanity. Moreover, the 2009 report “Implementing the R2P” by UN Secretary-General Ban Ki-moon once again confirmed the applicability of R2P as a consensual R2P, which is classified into four: genocide, crimes against humanity, ethnic cleansing, and war crimes. Second, the primary actors in R2P are individual sovereign states, followed by the international community as secondary actors. If a state cannot fulfill its duty due to a lack of capability or willingness, the international community assumes responsibility.

That the primary responsibility lies with the sovereign state implies that the concept of national sovereignty entails a responsibility. The ICISS report specified “State sovereignty implies responsibility, and a sovereign state’s primary responsibility is to protect its own population.”<sup>19)</sup> While traditional notions of national sovereignty underscored independence from other states, the concept of state sovereignty in the R2P framework underscored the obligation that a state, as a member of the international community, must fulfill. However, when an individual state lacks the will or capacity to bring an end to a crisis, the responsibility of the international community takes precedence over the traditional principle of non-interference in domestic affairs. In other words, if a state with primary responsibility fails to protect its own citizens, the responsibility shifts to the international community. Here, the international community assumes its distinct responsibility rather than acting as a proxy for the individual state, with the authority limited to the UNSC, not the broader international community when R2P particularly entails the use of military force.<sup>20)</sup> This limitation is set forth since the use of force can violate the principle of not

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19) International Commission on Intervention and State Sovereignty (ICISS), *The Responsibility to Protect*, Ottawa: International Development Research Center, 2001.



only non-interference in domestic affairs but also the prohibition of the use of force.

The "2009 Ban Ki-moon Report" describes R2P in detail through a 'three-pillar approach': 'responsibility to prevent', 'responsibility to react,' and 'responsibility to rebuild.'<sup>21)</sup> The first step of R2P, the responsibility to prevent, emphasized the need to build early warning systems, a prevention toolbox, and political will from states to implement R2P.<sup>22)</sup> The second step, the responsibility to react, includes political, economic, legal, and military measures for the international community to intervene when the preventive measures in the first step fail. While non-military responses should be used first to solve the crisis, military intervention is permissible with justifiable reasons. Finally, R2P extends beyond military intervention to the responsibility to rebuild after the intervention ends. Maintaining regional security is crucial for sustained peace and stable development. As the situation in the affected area stabilizes, the authority and responsibility should be transferred to civilians at an appropriate time, with other nations cooperating and providing support to restore peace and stability.

### III. Justification for Applying R2P to the Syrian Crisis

#### 1. Scope of R2P Activation

In contrast to the report by ICISS which suggested that R2P could be invoked even in a state breakdown due to natural disasters and cataclysmic events, the United Nations (UN) limited the scope of R2P activation to genocide, war crimes, ethnic cleansing, and crimes against humanity.<sup>23)</sup> This analysis aims to examine the application of R2P principles to the Libyan context through UNSC Resolutions 1970 and 1973 in 2011, within the defined scope of the four R2P categories. The UNSC's use of the terms 'R2P' and 'protection of civilians' in Resolutions 1970 and 1973 in 2011 specified and delineated

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20) Ki-gab Park, Jina Park and Yejoon Rim, eds. *Responsibility to Protect under International Law*, Seoul: Samusa, 2010, p.134.

21) "Implementing the responsibility to protect", Report of the Secretary-General, UN Doc. A/63/677, 12 January 2009.

22) ICISS, *op. cit.*

23) *Ibid.*

the conceptual framework and the applicability of R2P for civilian protection.

The unanimously adopted Resolution 1970 by the UNSC on February 26, 2011, expressed regret for the violence inflicted upon civilians residing in Libya, attributing civilian deaths and refugee crises to the planned and grave violations of human rights by the Libyan government. The resolution denounced the Libyan government for its brutal actions against civilians and emphasized that the government had a responsibility to protect its population.<sup>24)</sup> The resolution defined the ongoing events in Libya as ‘the serious violations of human rights and international humanitarian law,’ attributing the violations to the Libyan government.<sup>25)</sup>

The Libyan and Syrian Crises exhibited very similar patterns. Both started with citizens rallying against autocratic regimes for democratization, and both dictator regimes resorted to inhumane crimes, such as killing civilians and exerting military pressure to suppress protests. Despite the primary responsibility of sovereign states to protect their citizens, both Syria and Libya not only failed to protect their populations but also attacked them, shirking their responsibility. The use of armed force resulted in numerous casualties, offering a secondary responsibility for the international community to intervene.<sup>26)</sup> The <Table 1> shows similarities in detail between Libyan crisis and Syrian crisis.

<Table 1> Comparison of the Libyan and Syrian Crises

| Category           | Libya   | Syria   |
|--------------------|---|---|
| Dictator           | Muammar Muhammad al-Gaddafi   | President Bashar al-Assad                           |
| Years in Power     | 42 years (1969-2011)  | 41 years (1970-Present)                             |
| Protestors         | Citizen army led by the National Transitional Council (NTC)                                   | Free Syrian Army and Citizens’ Army                 |
| Suppression Method | Armed suppression using bodyguards and mercenaries (fighter planes, tanks, helicopters, etc.) | Government forces (heavy weapons such as ship guns) |

24) UN Doc. S/RES/1970, *op. cit.*

25) UN Doc. S/RES/1973, *op. cit.*

26) Hyung-June Kim, “Responsibility to Protect(R2P) of Justness about Libya”, *A thesis for the Master degree of the University of Korea*, 2012, p.25.

| Category                    | Libya  |   | Syria   |
|-----------------------------|--|---|---|
| Military Force              | About 100,000 people   |   | About 320,000 people  |
| Relationship with Neighbors | The Gaddafi regime is isolated from the Arab League and Western countries. |   | Defenders of Arab nationalism against Israel and relatively friendly Western countries  |
| Responsibility to Protect   | Scope of Application   | ‘Crimes against humanity’ such as the murder of civilians and torture, ‘mass killings’ and ‘war crimes’ possible depending on individual circumstances, ‘R2P in the narrow sense’ | ‘Crimes against humanity’ such as the murder of civilians and torture, ‘mass killings’ and ‘war crimes’ possible depending on individual circumstances, ‘R2P in the narrow sense’ |
|                             | Actor  | Libya failed to take primary responsibility   | Syria failed to take primary responsibility   |
|                             | Implementation   | Established a no-fly zone and multinational air attack to support civil forces, per UNSC Resolution on March 1973 (China and Russia abstained).                                   | On October 4, the UNSC disapproved of military intervention due to China and Russia’s veto.   |
| Casualty                    | 1,319 (As of Feb. 2011)  |   | About 5,000 (As of Oct. 2011)   |
| Military Spending per GDP   | 1.2%   |   | 4%  |

Source: Hyung-June Kim, “Responsibility to protect(R2P) of justness about Libya”, *A thesis for the Master degree of the University of Korea*, 2012, p.28.

Although similar conflicts arose at the same time, the outcome of R2P activation differed. Both Libya and Syria suffered decades of dictatorship, which used force against their citizens and caused casualties. As for casualties, Libya witnessed over 6,000 deaths by October 2011, with 1,300 occurring before NATO intervention.<sup>27)</sup> In Syria, by

27) “Libya, Year 2011: Update on incidents according to the Armed Conflict Location & Event Data Project (ACLED)”, [https://www.ecoi.net/en/file/local/1060346/5250\\_1480341240\\_2011ylibya-en.pdf](https://www.ecoi.net/en/file/local/1060346/5250_1480341240_2011ylibya-en.pdf) (assessed on Jan. 25, 2024.)

December 2011, the UN High Commissioner for Human Rights estimated over 5,000 deaths, reaching a level comparable to Libya in terms of R2P application.<sup>28)</sup>

Therefore, based on the principle of the ‘seriousness of threat’ outlined in the “A More Secure World” report, attacks and killings targeting civilians, including women and children, in both Libya and Syria were evidently severe and substantial, satisfying the conditions for intervention using armed force.<sup>29)</sup> However, while the UNSC executed military intervention in the Libyan crisis through Resolutions 1970 and 1973, it failed to pass resolutions for the Syrian crisis.

## 2. Dimension of State Failure

As analyzed earlier, the inhumane crimes observed in the Libyan and Syrian Crises fall within the scope of activating R2P as crimes against humanity. Although individual nations bear the primary responsibility to protect their citizens, both Libya and Syria not only failed to protect their citizens but also ruthlessly oppressed and attacked them using state power. Therefore, due to their confirmed lack of willingness to fulfill the primary responsibility of protecting their citizens, there is a secondary responsibility for the international community to intervene.

Based on the principles outlined in the “A More Secure World” report, particularly the proper purpose/right intention for the use of force, the international community’s intervention in Libya can be regarded as justified for humanitarian reasons since Libya entirely failed to fulfill its responsibility to protect its citizens.<sup>30)</sup> In other words, according to the concept of R2P, the primary responsibility to protect citizens belongs to individual sovereign states. However, if a country neglects human rights violations or engages in indiscriminate attacks against its citizens, the international community has R2P.

Even in Syria, state-led armed attacks against civilians were carried out without protecting them. To objectively prove that Libya and Syria failed in fulfilling their responsibility to protect citizens, it is necessary to examine the concept of state failure.

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28) Jung-Hyun Jo, *op. cit.*, p.44.

29) “A more secured world: Our shared responsibility”, Report of the High-level Panel on Threats, Challenges and Change, UN Doc. A/59/565, 2 December 2004.

30) Jung-Hyun Jo, *op. cit.*, p.36.

State failure refers to a country’s inability to perform the basic functions of protecting its territory, sovereignty, and citizens from external threats or invasion, resulting in the undermining of governance.<sup>31)</sup> To measure the level of state failure, the U.S. diplomatic journal ‘Foreign Policy’ and the Fund for Peace introduced the Fragile States Index (FSI) in 2005, which classifies countries at risk of failure into four categories: alert, warning, stable, and sustainable. The FSI is determined by adding up 12 indicators, each having a score from 0 to 10 points, and the index is determined from a total of 0 to 120 points further divided into 30-point increments.<sup>32)</sup> The closer the score is to 120, the more dangerous the state is, and the closer it is to 0, the more sustainable the state is.

<Table 2> Trends of Libya and Syria’s Fragile States Index

| Country | 2010 | 2011 | 2012 | 2013 | 2014  |
|---------|------|------|------|------|-------|
| Libya   | 69.1 | 68.7 | 84.9 | 84.5 | 87.8  |
| Syria   | 87.9 | 85.9 | 94.5 | 97.4 | 101.6 |

Source: “Fragile States Index Global data”, <https://fragilestatesindex.org/global-data/> (accessed on Jan. 25, 2024.)

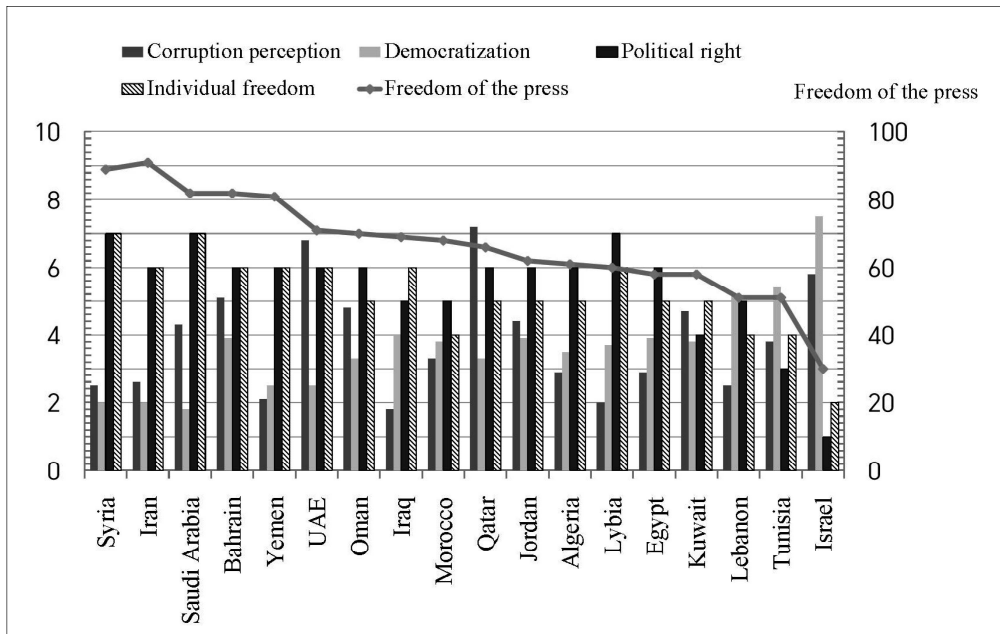
The <table 2> shows that both Libya and Syria’s FSIs continuously rose from 2010 to 2014, with the scores increasing significantly after 2012 than in 2011 before the Arab Spring. In terms of the extent of the increase, Libya may seem more severe rising more than 16 point between 2011 and 2012. However, Syria’s FSI was higher even before the rise and showed a more serious index than Libya’s even after the Syrian crisis, objectively indicating government failure. Besides FSI, various political and economic indicators also demonstrate the reality of Syria’s state failure at that time.

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31) According to Croter, state failure can be divided into various types, depending on the degree of failure: fragile state, failing state, weak state, failed state, collapsed state, crisis state, and rebuilding state. However, this paper will treat all of them as state failure. Chester A. Croter. “Engaging Failing States”, *Foreign Affairs*, vol.82, no.5, September/October 2003, pp.32-44.

32) While it was used under the name ‘Failed State Index,’ the name changed in 2014 under criticism that a state will not collapse unless its people disappear.

<Figure 1> Major Political Indicators of 18 Middle Eastern Countries (as of 2011)



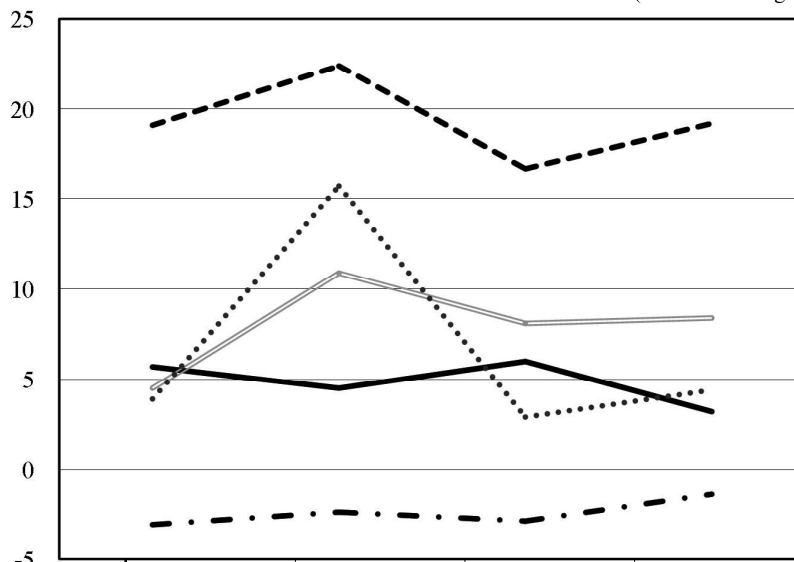
Source: “Corruption Perceptions Index”, *Transparency International*, <https://www.transparency.org/en/cpi/2011>  
 “Democracy Index 2011”, *Economist Intelligence Unit*, <https://www.eiu.com/n/campaigns/democracy-index-2011>  
 “Freedom in the World 2011”, *Freedom house*, [https://freedomhouse.org/sites/default/files/2020-02/Freedom\\_in\\_the\\_World\\_2011\\_complete\\_book.pdf](https://freedomhouse.org/sites/default/files/2020-02/Freedom_in_the_World_2011_complete_book.pdf)(accessed on Jan. 25, 2024.)

First, The <Figure 1> shows Major Political Indicators of Middle Eastern Countries. Politically, in 2011, Syria’s perceived corruption index ranked 129<sup>th</sup> out of 183 countries, democracy index ranked 157<sup>th</sup> out of 167 countries, and press freedom index ranked 189<sup>th</sup> out of 197 countries, considered at the lowest international levels and extremely low within the Middle East region.<sup>33)</sup>

33) Kwon-hyung Lee and Ja Eun Park, *op. cit.*, p.6

<Figure 2> Trends in Syria’s Key Economic Indicators

(Unit: Percentage)



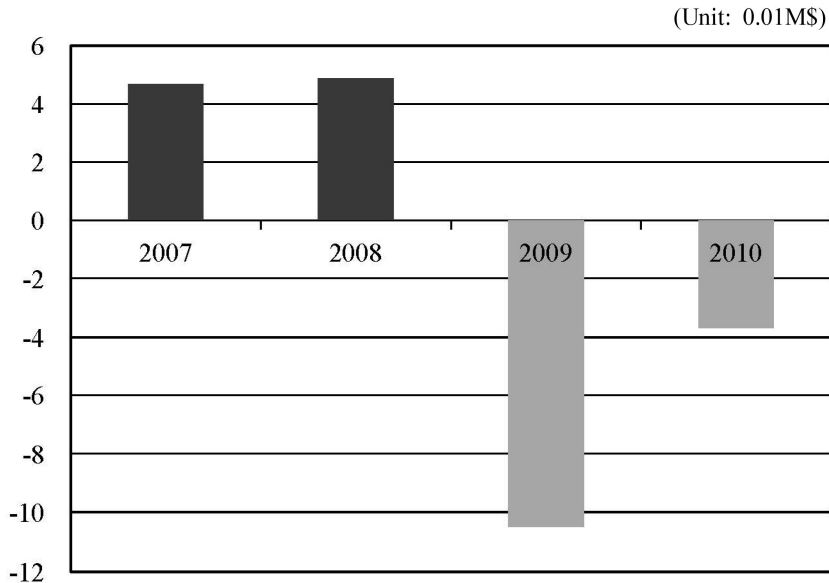
|                                | 2007 | 2008 | 2009 | 2010 |
|--------------------------------|------|------|------|------|
| — Real GDP growth              | 5.7  | 4.5  | 6.0  | 3.2  |
| ==== Overall unemployment rate | 8.4  | 10.9 | 8.1  | 8.4  |
| - - Youth unemployment rate    | 19.1 | 22.4 | 16.7 | 19.2 |
| ..... Inflation rate           | 3.9  | 15.7 | 2.9  | 4.4  |
| — . Fiscal balance             | -3.1 | -2.4 | -2.9 | -1.4 |

Source: “Syria Indicators”, *Trading Economics*, <https://tradingeconomics.com/syria/indicators> (accessed on Jan. 25, 2024.)

And according to the <Figure 2>, economically, Syria’s economic growth rate dropped to 3% in 2010, and youth unemployment remained around 20% from the mid-2000s, resulting in the accumulation of economic discontent among the youth.<sup>34)</sup> Furthermore, the U.S. imposed sanctions on Syria from 2004 with a ban on U.S. companies operating or investing in Syria, a ban on exports to Syria, and a freeze on Syria’s asset transactions.<sup>35)</sup>

34) Kwon-hyung Lee and Jaeun Park, *op. cit.*, p.6.

<Figure 3> Trends in Syria's Balance of Payments



Source: "Syria Indicators", *Trading Economics*, <https://tradingeconomics.com/syria/indicators> (accessed on Jan. 25, 2024.)

Although Syria had been meeting a significant portion of its fiscal revenue through petroleum exports, it had to import oil from the 2000s, as both oil and refined oil exports fell to 44<sup>th</sup> place in 2009 due to a lack of refining facilities and aging infrastructure.<sup>36)</sup> The balance of payments began recording deficits in 2009 as well. This drove around 3 million people, or 14% of the total population to poverty, intensifying economic polarization in Syria.<sup>37)</sup> This shows in the <Figure 3>. Altogether, these figures indicate that both Libya and Syria have fallen close to the concept of state failure. Thus, since sovereign nations fail to ensure the safety of their citizens amid such complex crises as state failure, the international community is responsible for support and intervention.

35) Following the enactment of the U.S. Syria Accountability and Lebanese Sovereignty Restoration Act in December 2003, the United States has imposed trade sanctions against Syria since 2004.

36) Kwon-hyung Lee and Jaeun Park, *op. cit.*, p.7.

37) *Ibid.* p.7.



## IV. Reasons for Non-R2P Activation on the Syrian Crisis

### 1. The United States' Middle East Policy

In the Middle East located along the Mediterranean coast, the countries that the United States has long been closely monitoring are Israel and Iran as well as the pro-American nation Saudi Arabia. Israel is a traditional ally of the United States while Iran can be considered the biggest adversary. Syria's Assad regime maintains a strategic alliance with Iran through a Shia regiment while forming a hostile relationship with Sunni-majority Saudi Arabia. Even for the sake of maintaining relations with Arab countries involved in the Syrian crisis, the United States had no choice but to keep an eye on Syria. Furthermore, securing influence and ensuring security in the Middle East and the Mediterranean region are directly linked to U.S. interests. It was essential for the U.S. to relieve the instability in the Middle East, such as preventing the use of massive chemical weapons, suppressing the emergence of terrorists, and revitalizing the economy by securing energy sources in the region. Presenting itself as the guardian of liberal democracy and the world's policeman, the United States could not turn a blind eye to the brutal human rights abuses and military attacks against civilians taking place in Syria.

For these reasons, the United States indirectly supported anti-government factions in Syria in the early stages of the crisis, expressing political support and seeking the overthrow of the Assad regime. The Obama administration believed that the replacement of the Alawite Assad regime with the Sunni regime would isolate Iran for the United States to gain an advantage in nuclear negotiations with Iran.<sup>38)</sup>

However, despite these motives, the United States did not actively intervene in the Syrian crisis, first due to its concerns about the spread of Islamic extremism. Although the Assad regime was an autocratic Alawite authority, it always feared the resistance of the Sunni majority in Syria due to the national and religious composition of the country. Therefore, despite being an Islamic regime, it did not promote extreme Islamic ideologies. However, most of the Syrian anti-government forces against the Assad regime were Sunni

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38) Jasmin Gani, "US Policy towards the Syrian conflict under Obama: Strategic Patience and Miscalculation", Paymond Hinnebusch and Adham Saouli, eds, *The War For Syria: Regional and International Dimensions of the Syrian Uprising*, London and New York: Routledge, 2020, p.215.

Islamists with strong extremist tendencies. Western countries, including the United States, feared that actively supporting Syrian anti-government groups could lead to the collapse of the relatively moderate Assad government and the rise of an extreme Islamic regime in Syria. This would, in turn, prompt a reassessment of relations among Middle Eastern countries including Israel and Saudi Arabia, friendly to the United States. The United States judged that the growth of extreme Islamic forces would ultimately pose a threat to U.S. national security.

The second reason is anti-war public opinion in the United States. The U.S. had already engaged in multiple wars in the Middle East, including Iraq and Afghanistan, in the early 2000s, and the public had expressed fatigue and discontent with numerous deployments and wars. The cost of war was also a hindrance. A 2013 report submitted by U.S. Joint Chiefs of Staff Chairman Martin Dempsey estimated that deploying ground troops to Syria would cost over \$1 billion per month.<sup>39)</sup> Hence, pursuing a policy that would involve continuous costs with no favorable domestic opinion on war presented a significant burden for the Obama administration.

Amid this situation, the United States did not react strongly even when the Syrian government used chemical weapons in 2013. At the time, President Obama stated the U.S. would intervene directly if the Assad regime used chemical weapons, but it did not even after the use of chemical weapons was confirmed. In 2014, President Obama announced the “New Foreign Policy Concept of the United States.” The key points were, first, the U.S. would unilaterally make military interventions if its national security interests were directly infringed upon, and second, if the entire international community was at risk, the U.S. would intervene using the cooperation of allies and friends, reconfirming the ‘principle of limited and multilateral intervention.’<sup>40)</sup> According to President Obama’s New Foreign Policy Concept, the U.S. did not need to make a direct military intervention in the Syrian crisis as it did not directly threaten U.S. national security interests. Thus, from the U.S. perspective, the best method was to indirectly intervene and support Syria through the UN and international organizations.

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39) Hanzhee Kim, “A Study on the Reasons for the Protracted Syrian Civil War”, *Korean Journal of Middle East Studies*, vol.34, no.4, 2014, p.79.

40) Sangryul Jung, “Arab Spring and the Structure of Middle Eastern International Relations in the Process of Syrian Civil War”, *Annals of Korean Association of the Islamic Studies*, vol.24, no.2, 2014, p.257.

## 2. Russia's Middle East Policy

Per earlier analysis, the United States sought to resolve the Syrian crisis through collaboration with the United Nations and allied nations rather than unilateral military intervention. Thus, intervention through the UNSC appeared appropriate for the Syrian crisis like the Libyan crisis. However, unlike Resolution 1973 authorizing the use of force for Libya, the resolution to sanction Syria did not pass as China and Russia, which abstained in Resolution 1973, vetoed three times on the Syria Resolution.

One reason for Russia's veto on the resolution was Syria was the only Russian ally in the Middle East. Their long-standing alliance has continued since the Soviet era with a close partnership today. For example, Russia maintains naval bases in Tartus and uses the Latakia air force bases to strategically overcome its geographic limitations as a landlocked country by cooperating with Syria.<sup>41)</sup> By installing its major military base in Syria, Russia secured a military stronghold projecting into the Mediterranean Sea and its influence in the Middle East.

Similarly, Russia held strategic importance for Syria, which relied on Russian military support during the four Middle East wars including arms imports. Syria stands as Russia's largest arms importer, benefiting from substantial Russian investments across various sectors such as social infrastructures.<sup>42)</sup> The Stockholm International Peace Research Institute estimated Russia supplied approximately 70% of Syria's arms imports from 2007 to 2011.<sup>43)</sup> Russia could not afford to relinquish the benefits derived from this cooperation with Syria, its sole cooperative partner in the Middle East that helped Russia overcome its geographical limitations. The perception that losing Syria could isolate Russia in the international community led it to veto the sanctions resolution against Syria.<sup>44)</sup>

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41) The Hmeimim Air Base located in Latakia is used by the Russian Air Force, and Syria's second-largest port Tartus serves as a Russian overseas military station. Russia invests in the Tartus Naval Port, the only Russian naval base built outside Russian territory, for modernization. Both Latakia and Tartus, located in the west of Syria, are strategic assets for Russia due to favorable accessibility to the Mediterranean.

42) The Assad government has maintained a close relationship with Russia, entering into a weapons import contract worth around \$5 billion and discussing receiving assistance including loans from Russia.

43) Radio Free Europe, "In Syria, Russia Seeks To Preserve Middle East Foothold", 21 March 2012, [https://www.rferl.org/a/in\\_syria\\_russia\\_seeks\\_to\\_preserve\\_middle\\_east\\_foothold/24523022.html](https://www.rferl.org/a/in_syria_russia_seeks_to_preserve_middle_east_foothold/24523022.html) (accessed on Jan. 25, 2024.)

44) Sangryul Jung, *op.cit.*, p.263.

Second, Russia's veto can be explained not only by the fear of losing its only allied nation but also by the perspective of securing Russia's influence in the international community. Before the Syrian crisis, Russia abstained from voting against the sanctions resolution for Libya, resulting in a military intervention led by NATO. Russia felt excluded from these military interventions and learned a lesson from the Libyan crisis.<sup>45)</sup> This led Russia to actively exercise its veto power for the Syrian crisis. It argued that intervention could be perceived as interference in the Islamic world by the West and that the use of force for regime change in Libya did not lead to peaceful outcomes. Russia feared that Syria's regime change due to U.S. influence would undermine international security and potentially threaten its regime stability as well.<sup>46)</sup> Consequently, Russia consistently opposed external intervention in Syria and argued against regime change through foreign interference—a stance that aligned with the Assad government.

In addition, Russia yearned for a transition to a multipolar world order, viewing that the U.S.-dominated unipolar world order in the post-Cold War era did not serve its national interests. With a new goal of restructuring the U.S.-centered global order, Russia sought to solidify its status as a great power by emerging as a prominent player in international conflict resolution.<sup>47)</sup> This meant rather than resolving international conflicts through passive cooperation with the West, Russia would actively intervene and resolve the conflict on its own as in the Libyan crisis. This policy orientation was evident in its response to the Color Revolution in Eastern Europe in the early 2000s. Russia feared democratization movements and U.S.-led regime changes in bordering countries of Eastern Europe, which could engender spillover effects and demands for independence among Chechen factions within Russia. Thus, Russia displayed opposition to the establishment of pro-democracy forces in the Middle East, led by the U.S. government.

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45) Seongjin Kim, "Russia in Syria Crisis: International and Domestic Considerations", *JNDS*, vol.56, no.4, 2013, p.176.

46) Charap Samuel, "Russia, Syria and Doctrine of Intervention, Survival: Global Politics and strategy", *Institute of Foreign Affairs & National, Feb.-Mar.*, vol.55, no.1, 2013, pp.35-41.

47) A report from the Russian International Affairs Council points out that "a country's involvement in resolving international conflicts has been traditionally perceived as evidence of its status as a 'leading world power,'" and that Russia's core interest in the Syrian crisis is to act as a mediator in international disputes. Russian International Affairs Council, *Russia and the Greater Middle East*, vol.9, Moscow, 2013, pp.16-17.

### 3. Structural Problems of the United Nations

In the early days of the Syrian crisis, the UNSC member countries also agreed on the crisis' severity with a consensus on the peaceful resolution of the situation. However, as the UNSC member countries' disagreements complicated, the crisis remained unresolved and prolonged. Article 24 (1) of the UN Charter explicitly states, "In order to ensure prompt and effective action by the United Nations, its members confer on the Security Council primary responsibility for the maintenance of international peace and security and agree that in carrying out its duties under this responsibility, the Security Council acts on their behalf." Therefore, the UNSC is the highest authority with responsibility for international peace and security, but it failed to exercise them effectively in the Syrian crisis.

Although the first resolution denouncing the Syrian government was presented in the UNSC after the outbreak of the Syrian crisis on October 4, 2011, it failed to pass due to the veto exercised by permanent members Russia and China. The Arab League suspended Syria's membership on November 12, 2011, and the UNSC attempted to pass a supporting resolution the following year, only to be vetoed by Russia and China again. Due to the continuous exercise of veto power by two permanent members, Russia and China, none of the 12 Syria-related sanction resolutions discussed since the Syrian crisis outbreak were adopted, preventing the imposition of any sanctions, including military interventions.

Having failed to reach a consensus on the sanctions of the Syrian crisis, the UNSC unanimously adopted Resolution 2254 in December 2015, nearly four years after the crisis erupted. Resolution 2254 outlines a roadmap for a ceasefire and political resolution in Syria and was passed unanimously without the veto power of the permanent members, due to the unrealistic and abstract content. Expressions such as "Syrian-led," "for Syrians," and "radical terrorist groups" were subject to different interpretations by each permanent member, with no agreement on specific interpretations.<sup>48)</sup> the permanent members could derive different conclusions from the resolution. As of 2023, no substantial progress has been made in implementing the resolution.

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48) Eunsook Chung, *Syrian Civil War: US-Russia Military Intervention and Conflict*, Seoul: the sejong institute, 2019, p.91.

Despite having the authority and responsibility to intervene in resolving international conflicts, the UNSC failed to intervene in the Syrian crisis effectively through the above processes, leading the situation to intensify and prolong. No institution with higher authority than the UNSC exists in resolving international conflicts, yet even the UNSC with its binding solutions has been unable to resolve the Syrian crisis due to structural issues. Since one permanent member's decision can influence the entire UNSC's decisions, veto power has primarily been used to serve the interests of major powers. In resolving international conflicts, major powers have politically exercised their veto power for their national interests. This has created beliefs that the exercise of veto power especially in regional conflicts undermines the advent of multilateralism and global governance after the end of the Cold War.<sup>49)</sup>

The Syrian crisis is considered a glaring example of the UNSC's ineffective role in international conflict resolution. Since 2011, not a single sanctions resolution on the Syrian civil war has passed. Russia, a permanent member, has consistently exercised its veto power to provide absolute political support to the Assad regime, and China sided with the regime to show support as well.

Such continued exercise of veto power by these two permanent members blocked efforts for economic and military sanctions on Syria, and the UNSC protected the Assad regime under the guise of respecting national sovereignty, criticized as deteriorating into a 'helpless bystander.'<sup>50)</sup> In response, then-US Secretary of State Tillerson remarked in February 2018, "Russia must stop vetoing future UNSC votes on the Syrian crisis and at least abstain," arguing other UNSC member countries should show a will to impose sanctions if not fully supporting sanctions against the Syrian government.<sup>51)</sup> However, Russia countered and criticized the West, claiming "We must prevent external intervention by the international community such as military intervention that violates international law,

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49) Sebastian von. E., David M. Malone and Brusio Stagno Ugarte, "The UN Security Council in an Age of Great Power Rivalry", *United Nations University Working Paper Series*, no.4, February, 2015, p.4.

50) Debidatta Aurobinda Mahapatr, "The Mandate and (in)Effectiveness of the United Nations Security Council and International Peace and Security The Contexts of Syria and Mali.", *Geopolitics*, no.21, vol.1, 2016, pp.43-68.

51) The Washington Post, "Tillerson blames Russia for gas attacks on civilians in Syria", 23 January 2018, [https://www.washingtonpost.com/world/national-security/tillerson-blames-russia-for-gas-attacks-on-civilians-in-syria/2018/01/23/d0275550-005a-11e8-bb03-722769454f82\\_story.html](https://www.washingtonpost.com/world/national-security/tillerson-blames-russia-for-gas-attacks-on-civilians-in-syria/2018/01/23/d0275550-005a-11e8-bb03-722769454f82_story.html) (accessed on Jan. 25, 2024.)

especially the principle of sovereign equality, under the pretext of implementing the Responsibility to Protect.”

“The ICISS Report” claims that permanent members cannot exercise veto power unless their significant national interests are involved and have an obligation to approve military intervention, and it is crucial not to veto in the case of military intervention for human rights protection.<sup>52)</sup> The UN High-Level Panel also reiterated the request to refrain from exercising veto power in the UNSC, but this issue was not mentioned at the World Summit, and it seemed impossible for permanent members to relinquish the politically significant veto power.<sup>53)</sup> As long as veto power exists for permanent members, the solution appears ambiguous unless the resolution related to the R2P can be passed.

Not only the UNSC but also the UNGA strived to find solutions to the Syrian crisis. By adopting a resolution in February 2012, the UNGA appointed former UN Secretary-General Kofi Annan as the United Nations-League of Arab States Joint Special Envoy for the Syrian crisis and deployed him to Syria on March 10 to cooperate with stakeholders for the peaceful resolution.<sup>54)</sup>

Special Envoy Kofi Annan proposed a “Six-point Peace Plan” to the Syrian government forces and anti-government forces, but neither party adhered to the agreement, and hostilities continued.<sup>55)</sup> In April 2012, to oversee the implementation of the peace plan, the UNSC dispatched the UN Supervision Mission in Syria (UNSMIS), yet still ineffective in protecting civilians due to its lack of authority to restrict the government’s use of force.<sup>56)</sup> Syrian government forces executed civilians under the pretext of contacting the UNSMIS, making it challenging to assess the local situation. Given these circumstances, the UNSMIS was unable to carry out its roles actively and ended up withdrawing on August 19.<sup>57)</sup> In a July 2012 interview with the French media, Kofi

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52) ICISS, *op. cit.*

53) UN Doc. A/59/565, *op. cit.*

54) UN Doc. A/RES/66/253, 16 February 2012.

55) According to the Syrian Network for Human Rights, government forces seem to have carried out more than 10,000 attacks in the month since the ceasefire.

56) The UN Security Council unanimously adopted Resolution 2042, which authorizes the dispatch of an advance team to Syria to monitor compliance with the ceasefire environment in Syria and Resolution 2043 to increase the size of the observer team.

57) Reuters, “U.N. Syria mission to end, new blow to peace efforts”, 17 August 2012, <https://www.reuters.com/>

Annan admitted the failure of the Peace Plan, stating that “International efforts to resolve the Syrian crisis peacefully and politically failed and were unlikely to succeed.”<sup>58)</sup> He also emphasized the necessity of Russia and Iran’s efforts to resolve the Syrian crisis.<sup>59)</sup>

Ultimately, Special Envoy Kofi Annan announced his resignation on August 2, 2012, criticizing the UNSC’s major powers for “blaming and reproaching each other within the UNSC for the Syrian crisis” without taking responsibility for a solution.<sup>60)</sup> Despite his efforts, the Crisis aggravated further. However, as the UNSC failed to activate R2P for Syria, the UNGA worked to protect civilians and condemned the neutralization of R2P by permanent UNSC members, especially Russia and China.

According to the ‘Uniting for Peace, Resolution No. 377’ mechanism adopted on November 3, 1950, the UNGA can recommend that member states take collective action to maintain and restore international peace and security if the UNSC fails to fulfill its responsibilities by exercising veto power when it is determined that a threat, destruction, or aggression to peace exists.<sup>61)</sup> Therefore, as for the Syrian crisis, if the UNSC cannot exercise R2P due to the veto power, the UNGA could step in on behalf of the UNSC. However, since UNGA actions faced constraints from permanent members and lacked enforceability and binding force, they were ineffective in influencing the Syrian crisis in practice.

Nevertheless, the UNGA continued its efforts to resolve the Syrian crisis. In December 2016, the Assembly launched the “International, Impartial and Independent Mechanism” (IIIM) to support investigations and prosecutions related to serious crimes under international law committed in the Arab region since March 2011.<sup>62)</sup> This was on behalf of the UNSC which could not address the responsibility for war crimes during the ongoing civil war due to Russia’s persistent exercise of veto power. The IIIM functions

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article/idUSBRE87F0XL/ (accessed on Jan. 25, 2024.)

58) CBS NEWS, “Kofi Annan blames Syrian peace plan failure on President Bashar al-Assad”, 7 June 2012. <https://www.cbsnews.com/news/kofi-annan-blames-syrian-peace-plan-failure-on-president-bashar-al-assad/> (accessed on Jan. 25, 2024.)

59) *Ibid.*

60) The Guardian, “Kofi Annan resigns as Syria envoy”, 2 August 2012, <https://www.theguardian.com/world/2012/aug/02/kofi-annan-resigns-syria-envoy> (accessed on Jan. 25, 2024.)

61) “Uniting for peace”, UN Doc. A/RES/377, 3 November 1950.

62) Eunsook Chung, *op. cit.*, p.88.



as a judicial facilitation institution that primarily collects, preserves, and analyzes information and evidence to ascertain accountability for core international crimes such as war crimes, crimes against humanity, and mass atrocities committed in Syria since March 2011.<sup>63)</sup> However, its roles had limitations due to the absence of prosecutorial authority.

Although the efforts at the UNGA level to address the Syrian crisis as explained above garnered international attention and support, they ultimately had no significant impact on alleviating the situation. The lack of political will from UN member states, especially permanent members, made it practically impossible to enforce the implementation of R2P even for the countries in need of intervention.

## V. Conclusions

In the 21<sup>st</sup> century, the international community reached a consensus on the emergence of new norms to address issues such as the legitimacy of using force in humanitarian intervention, violation of sovereignty, and selectivity in intervention. The R2P emerged as a principle stating that both nations and the international community share a collective responsibility for large-scale and systematic human rights abuses, presenting a new assertion of interference in domestic issues as both an “obligation” and a “responsibility.”

As the wave of democratization swept through the Middle East in 2010, R2P faced a litmus test. Civil movements swept across various Middle Eastern countries including Libya and Syria, where their governments used force to suppress and oppress citizens. In response, the UNSC intervened in Libya in February 2011 with the unanimous passage of Resolution 1970, explicitly stating the R2P to Libyan citizens. In March 2011, Resolution 1973 was adopted, authorizing military intervention of UN member states and the establishment of a no-fly zone. Marking the first official application of R2P by the UN, the Libyan crisis provided a significant precedent in international practice. The explicit mention of R2P in the resolutions and obtaining prior approval from the UNSC for the use of military force established procedural legitimacy, making it a crucial case for the

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63) “International, Impartial and Independent Mechanism”, <https://iiim.un.org/> (assessed on Jan. 25, 2024.)

application of R2P.

However, the UNSC failed to take any measures on the Syrian crisis that erupted in the Middle East in the same year. Due to persistent vetoes by Russia and China, no resolution to impose sanctions on the Syrian crisis has been passed as of 2023. According to analysis, the severity of government-led military suppression and the number of casualties in the Syrian crisis within the scope of R2P were comparable to the turmoil in Libya. Various indicators also revealed that Syria had reached state failure both politically and economically. Therefore, although the Syrian crisis met the conditions for R2P activation like Libya, R2P was not invoked despite its grave humanitarian crisis.

Despite the international community's agreement on the emergence and development of R2P norms, R2P has not been successfully activated due to the failure to reach a consensus among nations. The major hindrance to R2P activation is undeniably the veto power granted to permanent members of the UNSC. The failure to limit the veto power of permanent members during discussions on developing R2P has posed challenges to finding alternatives when the UNSC fails to implement R2P, even raising a sense of skepticism that the UNSC cannot effectively fulfill its fundamental function and role in R2P.<sup>64)</sup>

In theory, if the UNSC fails in R2P implementation, the UNGA may be poised to assume its role. However, in practice, it is difficult to garner the support of two-thirds of UNGA members, especially considering the influence of major powers. Beyond UNGA, regional organizations could serve as an alternative for R2P implementation. Nonetheless, to implement R2P involving the use of force, the UNSC's approval is required essential under Article 53 of the UN Charter. Ultimately, within the UN framework, no entity seems to exist other than the UNSC capable of carrying out R2P effectively. The UNSC is mandated by the UN Charter to determine the existence of threats to peace, breaches of peace, and acts of aggression, and to take corresponding measures, binding member states to its decisions. However, adherence to UN Charter provisions faces challenges due to a "lack of political will among nations" and selective invocation of R2P in the current global political landscape, with no apparent solution to address ineffective R2P implementation. To resolve humanitarian crises worldwide due to ideological conflicts,

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64) Ki-gab Park, Jina Park and Yejoon Rim, eds., *op. cit.*, p.167.

countries must make concerted efforts to gather political will.

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【국문요약】

## 시리아 사태에 대한 보호책임의 적용 당위성과 한계

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이 연구는 “리비아 사태보다 객관적으로 상황이 더 심각해 보이는 시리아 사태에 왜 보호책임이 적용되지 않았는가?”라는 질문에서 시작한다. 보호책임론의 등장과 발전과정  
에 대한 이론적 검토를 바탕으로, 시리아 사태를 보호책임이 최초로 적용된 사례인 리비  
아 사태를 준거로 비교 분석한다. 시리아 사태는 보호책임의 발동 범위인 ‘인도에 반한  
죄’에 해당하고, 국가 실패의 개념에 근접하여 보호책임의 발동 당위성을 가진다. 따라서  
보호책임이 적용되어야 마땅하나 그렇지 못하였다. 시리아 사태에 대한 보호책임의 미발  
동 원인은 시리아에 간접적으로 개입하고자 했던 미국, 국제사회와의 협력이 아닌 주체적  
인 행동을 원한 러시아, 그리고 상임이사회의 거부권에 무력한 UN의 구조적 문제에서  
찾을 수 있다. 이 연구는 시리아 사태의 연구를 통해 국제사회에서 보호책임이 갖는 함의  
와 한계에 대해 고찰할 수 있다는 점에서 의의를 갖는다.

주제어 : 시리아 사태, 보호책임, 인도적 간섭, 유엔