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**NAVAL  
POSTGRADUATE  
SCHOOL**

**MONTEREY, CALIFORNIA**

**THESIS**

**EXPLAINING HUMANITARIAN INTERVENTION IN  
LIBYA AND NON-INTERVENTION IN SYRIA**

by

Stefan Hasler

June 2012

Thesis Advisor:  
Second Reader:

Mohammed Hafez  
Robert Springborg

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**EXPLAINING HUMANITARIAN INTERVENTION IN LIBYA AND NON-  
INTERVENTION IN SYRIA**

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Submitted in partial fulfillment of the  
requirements for the degree of

**MASTER OF ARTS IN SECURITY STUDIES  
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## ABSTRACT

The emergence of the revolutionary movements of the 'Arab Spring' in early 2011 surprised the world. For the western democracies the often-violent reaction of the ruling regimes in the concerned countries caused political and moral challenges. Different approaches are discernible when for the Libyan case the west was willing to intervene against the regime but for the Syrian case no decisive action was taken. This thesis examines the importance and influence of humanitarian interventions in comparison to national geo-strategic interests and the influence of domestic politics. The thesis argues that the three examined western states U.S., Germany and France, acknowledge and stress the normative importance of humanitarian interventions but finally prefer geo-strategic interests and domestic politics. Next to own interests the parameters of the respective conflict are of highest importance as shown by the comparison of the political, social and military framework of Syria and Libya. The thesis concludes that normative arguments in international politics are overestimated and dominated by state interests and demands of governments. For western democracies normative reasons are of theoretical importance and part of their own self-awareness but in *realpolitik* their influence is minuscule.



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## **LIST OF ACRONYMS AND ABBREVIATIONS**

AU	African Union
BRIC	Brazil, Russia, India, China
CNN	Cable News Network
CFSP	Common Foreign and Security Policy
CDSN	Conseil de Defense et de Securite nationale
EMP	Euro-Mediterranean-Partnership
EU	European Union
FDP	Free Democratic Party
FSA	Free Syrian Army
G8	Group of Eight
GCC	Gulf Cooperation Council
ICISS	International Commission on Intervention and State Sovereignty
IR	International Relations
JFC	Joint Force Command
LAS	League of Arab States
MENA	Middle East North Africa
NTC	National Transition Council
NSS	National Security Strategy
NAC	North Atlantic Council
NATO	North Atlantic Treaty Organization
NGO	Non Governmental Organization

OIC	Organization of the Islamic Conference
OPEC	Organization of Petroleum Exporting Countries
RCC	Revolutionary Command Council
RtoP	Responsibility to protect
SNC	Syrian National Council
UfM	Union for Mediterranean
UN	United Nations
UNAMIR	United Nations Assistance Mission for Rwanda
UNSC	United Nations Security Council
U.S.	United States of America
USSR	Union of Soviet Socialist Republics
UTA	Union de Transports Aeriens
WMD	Weapons of Mass Destruction
WW II	World War II

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# I. INTRODUCTION

## A. OVERVIEW AND HYPOTHESIS

On October 20th 2011, the former Libyan ruler Muammar Muhammad Abu Minyar al-Qadhafi was killed in Sirte after eight months of fighting in Libya. Regular Libyan troops, loyalists, and tribesmen fought on Qadhafi's side against the supporters of the National Transition Council of Libya (NTC), a coalition of different Libyan groups<sup>1</sup>, decisively supported by forces of a coalition lead by the North Atlantic Treaty Organization (NATO)<sup>2</sup>.

The rebellion in Libya was an event directly associated with the so-called "Arab Spring," other parts of this unprecedented series of revolts were the successful revolutionary movements of Egypt and Tunisia. Other attempts, like the protest movements in Yemen and Syria, have not succeeded yet while the Kings of Jordan and Morocco have been able to try "to stay ahead of the curve of the protest."<sup>3</sup>

The unrest in Libya was fostered by discontent with poor performance of the government, insufficient living conditions, corruption, and by the despondency of large parts of the population over failed expectations that Libya's international political rehabilitation of the recent past would improve the democratic, economic, and day-to-day life in country.<sup>4</sup>

---

<sup>1</sup> The composition and structure of the NTC has changed several times since its foundation in Benghazi on 27 February 2011. To embrace all different political and social currents, a regional contingent was established. Today's structure and influence of the NTC is not part of the discussion.

<sup>2</sup> Forces from the U.S., France, Canada, Belgium, United Kingdom, Spain, Norway, Italy, Denmark, Qatar, and the United Arab Emirates were part of the NATO-led coalition enforcing the UN resolution militarily. In total, 19 nations were engaged in the alliance to enforce the UN resolution 1973.

<sup>3</sup>Tim Lister, Gadhafi's demise and the Arab Spring, *CNN*, [http://articles.cnn.com/2011-10-21/world/world\\_gadhafi-arab-spring\\_1\\_yemen-and-syria-sidi-bouzid-arab-spring?\\_s=PM:WORLD](http://articles.cnn.com/2011-10-21/world/world_gadhafi-arab-spring_1_yemen-and-syria-sidi-bouzid-arab-spring?_s=PM:WORLD) (accessed October 26, 2011)

<sup>4</sup> Alison Pargeter, *Libya: Reforming the Impossible? Review of African Political Economy*, Vol. 33, No. 108, North Africa: Power, Politics & Promise (Jun., 2006), pp. 219-235.

Without the massive support of the coalition forces<sup>5</sup> engaged in operation “Unified Protector,” the success of the Libyan rebellion would have been impossible. The international intervention, based on United Nations (UN) Resolution 1973<sup>6</sup>, happened after an extraordinarily fast decision-making process. Humanitarian reasons were the decisive arguments of the participating nations and NATO for intervention.

Compared with the political treatment of the humanitarian situation in other countries, especially Syria, the determination and consequence of the global community participating in the coalition against Qadhafi was surprising and unique. While Qadhafi's troops were attacked only thirty-two days after the first protest began, the Syrian leader Bashar al-Assad has sought to suppress the ongoing revolt in Syria since March 15<sup>th</sup> 2011<sup>7</sup> without an international military intervention. Thereby, there is a high probability that the Syrian conflict has killed more people than the Libyan forces did before the international intervention started.<sup>8</sup> At first appearance, the different international response to these two cases is inexplicable. The protest movement in Syria has demanded rights similar to those demanded in Libya, and is based on comparable demands and needs of a young population: more democracy, the end of corruption, and a higher personnel standard of living.<sup>9</sup>

---

<sup>5</sup> The forces under NATO command flew 26,281 sorties (attacks) on Libya from March 31<sup>st</sup> until October 22<sup>nd</sup> 2011. NATO JFC Naples. NATO and Libya, Operational Media Update for October 22, 2011.

<sup>6</sup> UN Security Council, SC 10200, 17 March 2011, <http://www.un.org/News/Press/docs/2011/sc10200.doc.htm> (accessed October 19, 2011)

<sup>7</sup> The first protests started already in January but the uprising was dated on March 15, 2011.

<sup>8</sup> The number of killed civilians of the Libyan conflict before the intervention started can only be estimated. Different sources report about a number between 1,000 (Source: UN, March, 2011) and 6,000 (Source: Libyan league for human rights, March 05, 2011) killed civilians for the Libya, whereby the Libyan opposition publishes the highest numbers. The most sources estimated the number of victims between 1,000 and 5,000. For a compilation of different sources see: <http://www.skeptive.com/disputes/2217> (accessed April 10, 2012). The number of killed civilians, rebels and soldiers for the Syrian conflict can also only be estimated because of only limited and constrained information's from Syria. The numbers for the period between mid- March 2012 and mid- April 2012 range between 8,000 and 12,000. The most reliable sources of the UN estimated 8,000 killed people for mid-March. For a compilation of different sources see: <http://www.skeptive.com/disputes/4755> (accessed April 10, 2012).

<sup>9</sup> Joshua Landis, The Syrian Uprising of 2011: Why the Asad Regime is Likely to Survive to 2012, *Middle East Policy*, Vol. XIX, No. 1, Spring 2012.

Opinions and a broad discussion about the reasons why an intervention seemed to be relatively easy in Libya but nearly impossible in Syria—and the main distinctions between the two cases—are prevalent. Publicly, the most followed arguments about why the two cases are treated so differently is based almost solely on two single events: the publicly launched threats against the protestors of Qadhafi for the Libyan case, and the two-time Chinese and Russian rejection of any resolutions at the United Nations Security Council (UNSC) for the Syrian case. In scholarship, a broader and more sophisticated discussion has started.

Comparing official statements and papers, the main trigger for the UN Resolution 1973 on Libya, “authorizing all necessary measures to protect civilians”<sup>10</sup> has been “the prospect of imminent massacre,”<sup>11</sup> a “call for help,”<sup>12</sup> and the ongoing oblivion of basic human rights in Libya by the Qadhafi regime. Following this justification for the massive military intervention, the world seems to be on the edge of a new era. The idea of military intervention to enforce human rights in general and to protect a population from its own leadership, in particular, not only appears politically agreeable but, furthermore, necessary. As a result of the unique development in Libya, theoretically, every government of a sovereign country dramatically endangering the human rights of its own population has to fear the same consequences as the Libyan regime. The idea of an international “responsibility to protect” (RtoP) and a possible enforcement of human rights could prevent authoritarian governments from hurting their own populations.

On the other hand, the violent protests in Syria since 2011 with more than 8,000 protestors killed<sup>13</sup> is an example of non-intervention by the international community and an impressive example illustrating the limits to humanitarian concerns in international

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<sup>10</sup> UN Security Council, SC 10200, 17 March 2011, <http://www.un.org/News/Press/docs/2011/sc10200.doc.htm> (accessed October 19, 2011)

<sup>11</sup>*New York Times*. “Obama’s Mideast Speech.” <http://www.nytimes.com/2011/05/20/world/middleeast/20prexy-text.html?pagewanted=all> (accessed October 12, 2011)

<sup>12</sup> Ibid.

<sup>13</sup> Fn. 8.



politics.<sup>14</sup> The passive behavior of the international community is remarkable because the action taken by the Syrian regime against the uprising is also violent, often deadly, and hurts the humanitarian rights of the population. This raises questions about the international context of the intervention in Libya, and possible reasons for differences between Libya and Syria.

This thesis adopts the discussion, and evaluates the rationale for the international intervention in Libya in comparison with the enduring conflict in Syria, by answering the following questions:

- (1) What were the main reasons for the international intervention in Libya and the non-intervention in Syria and how do they fit into a broader geo-strategic context?
- (2) Why was the decision-making process of NATO, the UN, and other participating nations so fast in the case of Libya but so hesitant in Syria?
- (3) Does the intervention in Libya mean a serious implementation of the idea of a “responsibility to protect”<sup>15</sup> in international politics?
- (4) Have international norms generally changed in favor of the higher importance of humanitarian rights, or is the intervention in Libya an individual case?

To answer these questions, a precise definition of the terms "humanitarian intervention" and "responsibility to protect," and their classification and role in international politics and international relations, is necessary. Deduced from these definitions, especially from the legal status and the normative background of these concepts—including a definition of possible threshold conditions, objective criteria for an intervention, and an explanation of the decision-making process of states and organizations in general—a general argument to explain why states intervene in some

---

<sup>14</sup> In addition to the Syrian situation, several other cases demonstrate a policy of non-intervention. The long-lasting violation of human rights in the Darfur region in Sudan, the protests in Iran after the election 2009, the current developments in Yemen, and the protests in Bahrain are only some selected cases of the recent past.

<sup>15</sup> The concept of “responsibility to protect” is a part of the outcome of the 2005 UN summit in New York. It aims to protect civil populations from: genocide, war crimes, ethnic cleansing, and crimes against humanity. If these principles are endangered, the UN is empowered to take collective action to save civilians. [http://www.un.org/summit2005/presskit/fact\\_sheet.pdf](http://www.un.org/summit2005/presskit/fact_sheet.pdf) (accessed October 21, 2011).

cases, and why they do not intervene in other cases, is possible. This discussion then provides the empirical basis for any further statements about the reasons for the engagement in Libya, the non-engagement in Syria, and the importance and role of RtoP and humanitarian interventions. To define clear criteria and assess the arguments may help predict the behavior of the international community in the future. It has to be assessed if the prospective behavior of the international community can be deduced by the ongoing spread of norms and, therefore, leads to a generally increase of the likelihood of humanitarian interventions.

Comparing the arguments, the official interests, and the possible additional non-stated interests of two actively involved nations (the U.S. and France) and one non-engaged nation (Germany) for the Libyan case with the arguments and political behavior of these three nations for the Syrian case illustrates the real meaning of humanitarian interventions and the relevance of norms. The objective is to analyze each case to determine the key factors that shaped the decision-making process in each nation for both cases, Syria and Libya.

This thesis argues that the intervention in Libya is not solely driven by humanitarian concerns, but rather, that it follows national interests, geo-strategic considerations, constraints of domestic politics, and economic interests. “We will stand up for people who seek to assert their basic human rights...”<sup>16</sup> and “we must not abandon civilian populations, the victims of brutal repression, to their fate”<sup>17</sup> are statements that are surely true for Libya. Qadhafi’s announcement to “clean Libya house by house”<sup>18</sup> aroused these statements. However, comparing the Libyan engagement with the non-engagement in the ongoing Syrian domestic conflict challenges the credibility of these statements about the sole reason for the engagement against Qadhafi. To verify my

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<sup>16</sup> Susan Rice. “Rachel Madow Show on MSNBC” on 24 October 2011, <http://www.msnbc.msn.com/id/3096434/#45025263> (accessed 25 October 2011)

<sup>17</sup> Speech of French ministre d’Etat, Minister of Foreign and European Affairs, Alain Juppé, at the UN Security Council on 17 March 2011,

<sup>18</sup> Speech of Muhamar Qadhafi on Libyan TV, 17 February 2011,

hypothesis, other possible reasons have to be assessed, such as: economic motives<sup>19</sup>, a possible redemption policy of the Western states<sup>20</sup>, national interests of the Western states, domestic reasons, geo-strategic consideration within a politically unsettled region<sup>21</sup>, and the obvious weakness of the Qadhafi regime.

The UNSC adopted UN Resolution 1973 (2011), allowing all "necessary measures to protect civilians"<sup>22</sup> in Libya, by a vote of 10 in favor and 5 abstentions. By contrast, attempts to condemn the Syrian government for its violent crackdown on the protesters have failed twice<sup>23</sup>. However, Western states and NATO have proved in the past that they are able and willing to act to protect civilians without a mandate of the UN Security Council. The NATO-led operation "Allied Force" in 1999 against Yugoslavia to protect the Albanian population of Kosovo is exemplary. States themselves have different internal criteria and thresholds for a military engagement to protect human rights and, therefore, do not have comparable objective criteria that allow for a reliable predictability of their individual or common action.

This leads to my argument that the weakness of the Libyan military and the isolation of Qadhafi made an international alliance against Libya likely, while Syria's alliance with Iran and Hezbollah, its higher military level and its economic and military

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<sup>19</sup> Libya is an important oil producer. Before the conflict started, it produced 1.6 million barrels of oil per day. It was the 17th-largest producer in the world, the third-largest producer in Africa, and held the continent's largest crude oil reserves.

<sup>20</sup> Almost all the Western states misinterpreted the beginning of the Arab spring in Egypt and Tunisia and continued supporting the old regimes. Even when former Egyptian president Mubarak and former Tunisian President Ben Ali started to fight their own populations, the Western community stayed hesitant and indecisive. The start of the uprising in Libya offered an opportunity for different countries to revise this impression and to set an example that they supported the movement. Paris, for example, expressed "hope it can make a mark on whatever emerges from upheaval across the Arab world, and make up for lost diplomatic confidence." *Reuters*, "Analysis: France sees Libya as way to diplomatic redemption." [www.reuters.com](http://www.reuters.com), (accessed October 23, 2011).

<sup>21</sup> Syria and its neighboring states has been a far more unstable region within the recent past in comparison to Libya. This will have huge influence on the geo- strategic consideration of the actors.

<sup>22</sup> UN Security Council, SC 10200, March 17, 2011.

<sup>23</sup> Two attempts of the UNSC on October 04, 2011 and February 04, 2012 to adopt resolutions against Syria failed because of the veto of China and Russia.

ties with Russia and China protect the Assad regime from an intervention. The risk of military setbacks and the risk of a possible expansion of the domestic conflict into a regional conflict are examples of individual national thresholds.

Despite nations' main focus on self-interest, their adoption of a waiting attitude in cases of humanitarian crisis and the non-automatism of the "responsibility to protect" concept, some scholars argue that "the international community has grown increasingly adept at using military force to stop or prevent mass atrocities."<sup>24</sup> Finally, I argue and predict that despite the general denial of an automatism to intervene in a domestic conflict by every state, the massive exposure of human rights violations through mass media has changed the international perception of them. This led to an altering of norms and, therefore, at least may cause a significant increase in the likelihood of interventions for the near future.

## **B. LITERATURE REVIEW**

The political situation in the Middle East is one of the most analyzed and assessed topics in political literature. Nevertheless, the sudden development of the "Arab Spring" starting in December 2010 surprised scholars and politicians in the region and the world. Hence, the political literature about this revolutionary movement is relatively limited and mainly based on newspapers, magazines, and online sources. On the other hand, the concept of humanitarian intervention, which has advanced since the 1990s, and the analogous concept of "responsibility to protect," which has developed since 2005, both offer a large assortment of research papers, assessments, and different opinions. For my thesis, I will use Holzgrefe's definition of humanitarian intervention:

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<sup>24</sup> J. Western and J. Goldstein, J.: Humanitarian Intervention Comes of Age: Lessons From Somalia to Libya, in: *Foreign Affairs*, November/ December 2011.

The threat or use of force across state borders by a state (or group of states) aimed at preventing or ending widespread and grave violations of the fundamental human rights of individuals other than its own citizens without the permission of the state within whose territory force is applied.<sup>25</sup>

To establish a framework to discuss the major research questions for my thesis, I need to assess the theoretical framework of humanitarian interventions and the concept of a "responsibility to protect" and the historical and current political and economic relations between Libya, Syria, and the three examined Western countries: Germany, France, and the U.S. Therefore, I divide this literature review into three main areas: (1) Humanitarian interventions—a framework; (2) The concept of a "responsibility to protect;" (3) Political relations and national interests.

While for the first two parts, which include the review of humanitarian interventions and the responsibility to protect—most sources are obtained from books published by scholars and articles and essays in professional journals, the third part that deals with national interests and political relations relies predominately on articles in newspapers and online sources, because of its topicality. Generally, the literature review first follows the "idea of summarizing the findings"<sup>26</sup> of a research topic and then presents a large variety of quotations, statements, and assessments to illustrate where ideas presented in the third part are not "accurate and complete."<sup>27</sup>

## **1. Humanitarian Interventions - a Framework**

The UN-mandated operation "Unified Protector" that enabled Libyan rebels to seize power and prevent the announced mass murder of the Qadhafi regime, and the contrary situation in treating Syria, again place special emphasis on the topic of "Humanitarian Intervention." This topic is discussed emotionally, in general, and, in the Libyan case, in particular, on a wide scale, containing reactions from unlimited

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<sup>25</sup> J.L. Holzgreve, The humanitarian intervention debate, in *Humanitarian Intervention*, ed. J.L. Holzgreve and Robert O. Keohane, Cambridge, Cambridge University Press (2003).

<sup>26</sup> Jeffrey W. Knopf, Doing a Literature Review, *PS: Political Science & Politics* (2006), 39: pp. 127–132.

<sup>27</sup> Ibid.

endorsement to total refusal. In March 2011, it was nearly undisputed in Western media and society that the engagement in Libya is a humanitarian intervention. However, as time passed a growing number of scholars deny this assessment. Bush, Martiniello, and Mercer stated early on that "Imperialist intervention uses the language of humanitarianism to justify its use of force..."<sup>28</sup> and named the whole intervention "Humanitarian Imperialism."<sup>29</sup> Roberts disbelieves the importance of humanity in the whole intervention<sup>30</sup>, and others also argue that the mission used value-based arguments as well as interest-based arguments.<sup>31</sup>

However, as shown by the discussion, the question about the existence and necessity of humanitarian intervention is current again today. An entire assessment of all aspects of humanitarian intervention is impossible. To understand why humanitarian interventions take place, or not, requires a discussion about the most important and necessary factors framing the idea of humanitarian intervention. These are the reasonableness, the importance, the morality, the justification, the legal status and, finally, the enforceability of humanitarian interventions.

The reasonableness of a humanitarian intervention in cases of an imminent genocide is, by this time, widely accepted in scholarship. The negative experiences of the "turbulent decade"<sup>32</sup> of the 1990s, with failed humanitarian UN interventions in Somalia, Rwanda, and Bosnia, along with the UN Missions in Kosovo and East Timor, when the international community either did not intervene or did not intervene sufficiently to avoid massacres, formed this opinion. Nevertheless, the best method, the context, and also the

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<sup>28</sup> Ray Bush, Giuliano Martiniello and Claire Mercer (2011): Humanitarian imperialism, *Review of African Political Economy*, 38:129, 357–365,.

<sup>29</sup> Ibid.

<sup>30</sup> The essay of Hugh Roberts criticizes several topics of the decision-making process itself and doubts the intention of the intervention. Hugh Roberts, Who said Gaddafi had to go?, *London Review of Books*, Vol. 33, Number 22, November 17, 2011.

<sup>31</sup> Anne Marie Slaughter, "Why Libya sceptics were proved badly wrong," *Financial Times*, <http://www.ft.com/intl/cms/s/0/18cb7f14-ce3c-11e0-99ec-00144feabdc0.html#axzz1tDMRDqoq> (accessed April 26, 2012)

<sup>32</sup> J. Western. and J. Goldstein. Humanitarian Intervention Comes of Age: Lessons From Somalia to Libya, *Foreign Affairs*, November/ December 2011.

whole idea of a military humanitarian intervention, are still controversial. Pieterse opposes the whole concept of humanitarian intervention in its current form because it "reinforces authoritarianism, hard sovereignty, [and] militarization."<sup>33</sup> Furthermore, he asks for a large variety of political and economic measures. Demanding a variety of measures seem logical, and is the most common and useful approach to assess the context of a humanitarian intervention. Doyle and Sambanis share Pieterse's opinion, but constrain his radical view and note that "enforcement operations alone cannot create the conditions for a self-sustaining democratic peace."<sup>34</sup>

Additionally, the current discussion about reasonability is increasingly influenced by an economic debate. With the ongoing crisis in government budgets, the question is raised, both publicly<sup>35</sup> and in scholarship, about the relationship between monetary input and the outcome of humanitarian interventions. This debate about the relation between monetary input and saved lives seems cynical, but as Valentino concludes: "military intervention is a particularly expensive way to save lives."<sup>36</sup> His statement is based on different cost calculations of several humanitarian interventions<sup>37</sup> and describes a mounting problem.<sup>38</sup> Valentino compares alternatives to military interventions. His

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<sup>33</sup> Jan Nederveen Pieterse, *Sociology of Humanitarian Intervention: Bosnia, Rwanda and Somali Compared*, *International Political Science Review* (1997), Vol. 18, No. 1, p.71.

<sup>34</sup> Michael W. Doyle and Nicholas Sambanis, *The UN Record on Peacekeeping Operations, International Journal*, Vol. 62, No. 3, *What Kind of Security? Afghanistan and Beyond* (2007), p. 518.

<sup>35</sup> During the conference of U.S. Majors in Baltimore in June 2011 the spending of funds for projects in non-U.S. countries was heavily criticized. Michael Cooper. "Mayors see end to wars as fix for struggling cities." *New York Times*. <http://www.nytimes.com/2011/06/18/us/18cities.html?pagewanted=all> (accessed November 13, 2011).

<sup>36</sup> Benjamin A. Valentino, "The true costs of humanitarian intervention: the hard truth about a noble notion." *Foreign Affairs*, (November/ December 2011),.

<sup>37</sup> For example: For every Somali that was saved during UNOSOM, between 280,000 and 700,000 U.S.\$ were spent.

<sup>38</sup> The cost of the Libyan intervention are estimated to be up to 750 million U.S.\$ for the U.S. until the end of May and, finally, may have reached about 1,1 billion U.S.\$. Anthony Gregory. "What Price War?" *Independent Policy Report*, The Independent Institute (2011), *ABC news*, <http://abcnews.go.com/blogs/politics/2011/08/us-military-intervention-in-libya-cost-at-least-896-million/> (accessed November 13, 2011) The European cost for the intervention is estimated at 900 million Euro. Walter Haemmerle, "Schattenboxen um die Kosten" *Wienerzeitung*, [http://www.wienerzeitung.at/nachrichten/archiv/140598\\_Schattenboxen-um-die-Kosten.html](http://www.wienerzeitung.at/nachrichten/archiv/140598_Schattenboxen-um-die-Kosten.html) (accessed November 18, 2011).

discussion leads to a necessary question about most the cost-effective measures and concepts and, finally, leads back to the question of reasonableness. Other parts of the scholarship are even more pessimistic. Mandelbaum notes that future budget cuts will lead to a situation where "the feature of twenty-first-century foreign policy likeliest to be eliminated, and the one with which the country can most easily do without, is the type of the military intervention ... in Somalia, Haiti, Bosnia, Kosovo, Afghanistan and Iraq."<sup>39</sup>

Reviewing the importance, the moral aspect, and the justification, leads to a conflict between two major camps: on one hand, the discussion about a moral obligation to avoid or stop mass atrocities and their outcome; and, on the other hand, a political viewpoint with a focus on geo-strategic interests, political objectives, national interests of states—and for some nations—the preference of national sovereignty as the most important idea of international relations. The moral obligation to intervene in humanitarian conflicts is countered by some scholars who see a moral obligation not to intervene. In the first period of humanitarian interventions after the cold war, Huntington argued against any participation of U.S. forces, stating that "it is morally unjustifiable and politically indefensible that members of the [U.S.] armed forces should be killed to prevent Somalis from killing one another."<sup>40</sup> This generally adverse reaction is rarely seen in today's discussion.

However, the alleged moral obligation to support one faction in an inner-state conflict has, as Valentino mentioned, "on the ground ... a much more complicated reality."<sup>41</sup> This finally leads to a situation where "... the most important costs incurred by military interventions have been moral ones."<sup>42</sup> A foundation for this important assessment is the conclusion that in almost every inner-state conflict the supported faction, itself, hurts human rights significantly. Another aspect of the morale debate is

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<sup>39</sup> Michael Mandelbaum, Americas coming retrenchment, *Foreign Affairs*, Feature, <http://www.foreignaffairs.com/articles/68024/michael-mandelbaum/americas-coming-retrenchment?page=1> (accessed November 4, 2011)

<sup>40</sup> Samuel Huntington, "New Contingencies, Old Roles," *Joint Forces Quarterly* 2 (1993), p. 42.

<sup>41</sup> Benjamin A. Valentino, "The true costs of humanitarian intervention: the hard truth about a noble notion. *Foreign Affairs*, (November/ December 2011).

<sup>42</sup> *Ibid.*



whether a humanitarian intervention is allowed to take lives, "including innocent ones?"<sup>43</sup> On the other side of the wide spectrum of the moral aspect, Finnemore argues in a theoretical essay that "norms about multilateral action had been strengthened, making multilateralism not just attractive but imperative."<sup>44</sup>

Despite Pattison's acknowledgement of the Libyan intervention as "morally permissible,"<sup>45</sup> he recommends a "more morally defensible test,"<sup>46</sup> to avoid a case-by-case discussion about normative indicators and moral standards. The International Commission on Intervention and State Sovereignty (ICISS) provides this test<sup>47</sup>. This point of view seems reasonable. A fixed standard for a necessary intervention could theoretically simplify any discussion when a case of atrocity occurs. As I will show, in practice—obviously—not a single nation will accept an automatism for intervention, but the idea is important for my thesis.

Pattison's attempt to define a binding scale for intervention directly leads to the question of the justification for a humanitarian intervention. Because every justification is a moral argument, every argument that justifies a humanitarian intervention is also a moral argument. Finally, as Phillips Griffith argues, "moral judgment is not calculation or deduction"<sup>48</sup> and, therefore, really relies on moral authority. A discussion about the justification of a humanitarian intervention automatically goes back to the wide-ranging morale discussion.

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<sup>43</sup> Ibid.

<sup>44</sup> Finnemore, Martha. *Constructing Norms of Humanitarian Intervention*, in *The Culture of National Security: Norms and Identity in World Politics*, ed. Peter Katzenstein, New York, Columbia University Press, 1996.

<sup>45</sup> James Pattison, *The ethics of Humanitarian Intervention in Libya*, *Ethics & International Affairs*, 25, no. 3, (2011), p. 273.

<sup>46</sup> Ibid.

<sup>47</sup> The ICISS developed the concept of RtoP. As criteria, commitment to a humanitarian intervention, they require that there be circumstances of actual or apprehended: (a) "large scale loss of life" and (b) "large scale of ethnic cleansing", whether carried out by killing, forced expulsion, or acts of terror and rape. ICISS, *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001).

<sup>48</sup> A. Phillips Griffith, *Justifying Moral Principles*, *Proceedings of the Aristotelian Society*, New Series, Vol. 58 (1957 - 1958), pp. 103-124.

The whole discussion about morale standards, obligatory tasks, and justifications for intervention or non-intervention<sup>49</sup> finally depends on the will and the ability of a government to react. Therefore, as I prove in this thesis, national politics based on interests and strategies have the most important share of the discussion about humanitarian intervention.

The political viewpoint of humanitarian interventions contains a large variety of opinions. National interests play an important role and are used as a main argument against interventions. Statements of politicians can powerfully underline attitudes in relation to humanitarian interventions. At the beginning of the recently ended operation in Libya, one U.S. politician on the U.S. intervention concluded that "it is doubtful that U.S. interests would be served by imposing a no-fly zone over Libya."<sup>50</sup> Valentino argues in the same direction: "humanitarian interventions have won the country few new friends and worsened its relations with several powerful nations."<sup>51</sup> Samantha Power, currently a member of U.S. President Obama's administration, is one of the most influential advocates of pro-humanitarian interventions and a critic of the precedence of national objectives. She argues the following about former non-interventions: "American leaders did not act because they did not want to."<sup>52</sup> Simultaneously, she identifies a coincidence between humanitarian intervention and American national interests.<sup>53</sup> The political

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<sup>49</sup> In Germany, the government initially was strongly criticized for its abstention in the UN Security Council regarding UN resolution 1973. "Germany's abstention led to a public relations meltdown abroad and at home", media concludes afterwards. Constanze Stelzenmueller, "Germany's unhappy abstention from leadership." *Financial Times*, <http://www.ft.com/intl/cms/s/0/2490ab8c-5982-11e0-baa8-00144feab49a.html#axzz1e5fV3QbH> (accessed November 4, 2011)

<sup>50</sup> U.S. Library of Congress. Congressional Research Service, *Libya: Unrest and U.S. Policy*, by Christoph M. Blanchard. CRS Report RL 33142. Washington, DC: Office of Congressional Information and Publishing, September 29, 2011, p.12..

<sup>51</sup> Benjamin A. Valentino, "The true costs of humanitarian intervention: the hard truth about a noble notion." *Foreign Affairs*, (November/ December 2011).

<sup>52</sup> Samantha Power, *A Problem from Hell*, Basic Books, New York, 2002.

<sup>53</sup> Jacob Heilbrunn, Samantha and her Subjects, *The National Interest* 113, May-June (2011).

opposition to deploying forces in humanitarian interventions argues that countries may in the future be forced to intervene in domestic conflicts, "... lurching from conflict to conflict, often with little idea of how they will end ..."<sup>54</sup>

Walzer discusses the often-claimed suspicion of the imperial of force for humanitarian purposes and concludes that this is a weak argument because most powers have no geo-strategic interest in states that need a humanitarian intervention<sup>55</sup>. This opinion is directly rejected by Bello who fears that "great-power logic soon overwhelms the humanitarian rationale for intervention."<sup>56</sup>

Important to the framing of the whole discussion about the justification of humanitarian interventions is to point out that, in this thesis, the three examined countries only evaluate the Western view. This is of importance because it is the different ideas and the different understanding of political concepts that largely influences discussions on Syria. While for the Western states an intervention—a massive interference into states sovereignty—is seen as acceptable and a logical consequence of the behavior of the regime, for non-Western states, this approach is less acceptable. Therefore, for the Syrian case the Russian, as well as the Chinese governments, are distinctly less willingly to support another intervention that may violate a state's own sovereignty based on "its habit of standing [...] against encroachment on the principle of state."<sup>57</sup> This attitude is enforced by the Western interpretation of UNSC resolution 1973, which included a regime change.

As shown, many scholars and politicians doubt the national interest of humanitarian interventions or, at least, doubt the humanitarian rationale. Assessing the officially stated reasons for intervention, compared to possible additional reasons,

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<sup>54</sup> Jacob Heilbrunn, Samantha and her Subjects, *The National Interest* 113, May–June (2011).

<sup>55</sup> Michael Walzer, On Humanitarianism: Is Helping Others Charity, or Duty, or Both? *Foreign Affairs*, 90.4 (2011).

<sup>56</sup> Bello, Walden. The Crisis of Humanitarian Intervention, *Foreign Policy in Focus*, <http://www.globalpolicy.org/qhumanitarianq-intervention/50583-the-crisis-of-humanitarian-intervention.html?itemid=id#591> (accessed December 14, 2011).

<sup>57</sup> Blake Hounshell, "6 ways the U.S. has faltered on Syria.", *CNN*, <http://edition.cnn.com/2012/03/02/opinion/hounshell-syria-obama/index.html> (accessed May 3, 2012).

therefore, must be an important part of the analysis in the thesis. The definition of national interest and geo-strategic goals in relation or contrast to humanitarian interventions has significant importance for decision makers and the decisions they make. Discussing national interests, how they matter and their reliability in regard to humanitarian interventions, especially for the background of the Libyan and Syrian cases, is of highest importance for assessing the major research questions.

The literature review already shows that the implementation of national interests is sometimes difficult. Three major reasons have to be assessed:

First, states must have real national interests and promote them officially. The structure of officially defined national interests is varying in different countries. While Germany has not even defined its national interest, particularly, but defines security guidelines in its *Weissbuch*<sup>58</sup> and in the *Verteidigungspolitischen Richtlinien*<sup>59</sup> of the Ministry of Defense, the United States has published its national interest in a far more detailed way in its *National Security Strategy*<sup>60</sup>, including normative aims. The "*French White Paper on defense and national security*"<sup>61</sup> takes a middle ground by stating aims more detailed than the German papers but not as detailed as the U.S. paper. All three papers remain as superficial as possible, a procedure that will be explained in the paper.

Second, the interpretation of national interest even within a government, parliament or political environment of a state is sometimes difficult. While U.S. President Obama is not interested in additional conflicts in the Middle East, other members of both

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<sup>58</sup> The "White book," published 2006, is an erratically published paper that defines Germany's national security policy. Its definitions strictly deal with security interests. *Weissbuch 2006*, Bundesministerium der Verteidigung, Berlin

<sup>59</sup> This paper can be translated as "Defense and Security Guidelines". It defines the role of the German armed forces, but its definitions are aligned with the German Foreign ministry and build a base for a definition of German interests.

<sup>60</sup> The White House, National Security Strategy, May 2010.

<sup>61</sup> French White Paper on defence and national security (English translation) , Présidence de la République (2008) Défense et Sécurité Nationale: Le Livre Blanc, Paris.

political fractions of the Senate try to pressure him to intervene in Syria.<sup>62</sup> The same conflict is verifiable for all three countries and this thesis will discuss the outcome of this procedure.

Finally, national interests are sometimes influenced by superior external reasons. As Radu points out, an increasingly globalized modern media and the rising number of non-governmental organizations (NGO) and their political influence "have made some governments take decisions which are not directly related to national or security interests but rather are in response to public pressure."<sup>63</sup> Comparing the national interest of the U.S. and France as involved nations, and Germany as a non-involved counterexample, and then assessing the link between their officially stated interests and their actual actions, is an important but very difficult part of the thesis.

From the beginning, the legal status of humanitarian intervention has never been resolved with any finality. There are a wide range of assessments about the legal status for humanitarian intervention without the approval of the involved state. They stretch from the conclusion that the use of force in a humanitarian intervention is generally "illegal"<sup>64</sup> to Chesterman's assessment that the Libyan intervention (in particular) contradicts international law<sup>65</sup> and, finally, to the opposite end of the range with Anne Orford's view.<sup>66</sup> Hurd concludes the following about this problem in his essay: "Contemporarily international law can be read as either allowing or forbidding international humanitarian interventions, and the legal uncertainty around humanitarian

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<sup>62</sup> Senator John McCain and Joe Liebermann claimed publicly that the U.S. has strategic and national interest in an intervention in Syria. In: James Kitfield, Next Up for U.S.: Syria?, *National Journal* (Oct 2011).

<sup>63</sup> Michael Radu, Putting National Interest Last: The Utopianism of Intervention, *Global Dialogue*, Winter 2005; 7, ½.

<sup>64</sup> For the Kosovo case: Independent International Commission on Kosovo, *Kosovo Report: Conflict, International Response, Lessons Learned*, Oxford, Oxford University Press (2000).

<sup>65</sup> Simon Chesterman, Leading from Behind: The Responsibility to Protect, the Obama Doctrine, and Humanitarian Intervention after Libya, *New York University Public Law and Legal Theory Working Papers* 282 (2011).

<sup>66</sup> Anne Orford, International Authority and the Responsibility to Protect, *Cambridge: Cambridge University Press*, 2011).

interventions is fundamental and irresolvable."<sup>67</sup> This reflects the discussion about the legal aspect of humanitarian interventions and, therefore, these aspects will have to be treated superficially in the thesis. The legal situation of both cases will only be commented on, but not discussed conclusively.

After considering the legal questions of mandates and legal issues, the review will take a look into literature about the enforceability of humanitarian interventions, leading to a necessary discussion about forces, their effectiveness, their sustainability and suitability, and the different stages of a humanitarian intervention. Two different main thoughts dominate this discussion: the rejection or the acceptance of military interventions in different situations.

Wertheim, who criticizes the discounting of three challenges to intervention, represents the critical group when he states:

First, they [humanitarian activists] downplay the difficulty of halting ethnic conflicts, understanding force requirements and dismissing risks of escalation. Second, they [humanitarian activists] ignored what happens after [the] war.... Thirdly, many [humanitarian activists] thought public opinion would or should not constrain decisions to deploy troops.<sup>68</sup>

On the other side are the proponents of military humanitarian interventions. Western and Goldstein, supporting interventions, discuss the future level of military interventions and argue that the international community has to: (1) act as fast as possible, and for that purpose a standing force would be desirable; (2) equip humanitarian interventions with suitable forces and reserves; (3) stand against the opposition and pressure that may arise in case of civilian or coalition casualties; (4) organize multi-lateral coalitions based on a coalition of international, regional, and local actors; and finally, (5) have an exit strategy.<sup>69</sup>

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<sup>67</sup> Ian Hurd, Is Humanitarian Intervention Legal? The Rule of Law in an Incoherent World, *Ethics & International Affairs*, 25, no. 3 (2011), p. 311.

<sup>68</sup> Stephen Wertheim, A solution from hell: the United States and the rise of humanitarian interventionism, 1991- 2003, in: *Journal of Genocide Research* (2010), p. 166- 167.

<sup>69</sup> Western, J. and Goldstein, J.: Humanitarian Intervention Comes of Age: Lessons From Somalia to Libya, in: *Foreign Affairs*, (November/ December 2011), p. 48.

For every humanitarian intervention, including the Libyan intervention, the force provision is an important factor. Most scholars conclude, like Radu, that "the United States is ultimately the only power that can provide effective humanitarian intervention forces."<sup>70</sup> Also, less complex and limited interventions can be equipped by European powers. Parent and MacDonald contradict this assumption, and underline the minor part U.S. forces played in the Libyan intervention, finally concluding that the U.S. also can play a secondary role."<sup>71</sup> This different assessment has significant influence on the discussion of the Libyan and the Syrian cases, because in reverse, not every humanitarian intervention would depend on political positions of the U.S., as is often stated for different reasons.

## **2. The Concept of a "Responsibility to Protect"**

Since the International Commission on Intervention and State Sovereignty (ICISS) formulated the principle of the concept of "responsibility to protect"<sup>72</sup> (RtoP) in 2001, not a single international intervention has been fully based on this new concept.<sup>73</sup> With the humanitarian intervention in Libya, the debate in international scholarship about the status and the role of the RtoP concept has again intensified. Two main groups are identifiable in the discussion. One group denies nearly any importance of the RtoP concept, and the other one argues that RtoP is a milestone in humanitarian interventions. Thereby, the different groups, themselves, are heterogenic in their argumentation.

Chesterman, a supporter of RtoP, agrees with the normative importance of RtoP, but simultaneously assesses the concept as a compromise and denies any binding legal

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<sup>70</sup> Michael Radu, Putting National Interest Last: The Utopianism of Intervention, *Global Dialogue*, Winter 2005; 7, ½.

<sup>71</sup> Joseph M. Parent and Paul K. MacDonald, The Wisdom of Retrenchment, in: *Foreign Affairs*, (November/ December 2011.)

<sup>72</sup> ICISS, The Responsibility to Protect (Ottawa: International Development Research Centre, 2001).

<sup>73</sup> Thomas G. Weiss, RtoP Alive and Well after Libya, *Ethics & International Affairs*, 25, no. 3 (2011).

character<sup>74</sup>. Orford argues in the same direction, but accentuates the political importance of the concept "as conferring public power and allocating jurisdiction."<sup>75</sup> More euphoric, Kinsman considers the Libyan conflict the inaugural application of "the responsibility to protect."<sup>76</sup> Several scholars share Goldstein and Western's view that RtoP, as a main module of humanitarian interventions, "has become integrated into a growing toolkit of management conflict strategies."<sup>77</sup>

Critics primarily fault the unclear legal position, the non-binding nature of the concept, and the attempts to declare the RtoP concept a duty for the international community. Cunliffe unifies all three critiques, especially the idea of converting the concept into a "duty to care," and concludes that a consequence of implementing the concept is damage to the international relations of states.<sup>78</sup> Bellamy criticizes the general ambiguity of the concept<sup>79</sup>, and Stahn concludes that "responsibility to protect is thus in many ways still a political catchword rather than a legal norm."<sup>80</sup> Finally, the most common and useful assessment, that RtoP is an important tool, will be part of the thesis.

### **3. Political Relations and National Interests**

After reviewing the literature of two widely examined topics, the examination of any further literature about political relations should also initially rely on a number of

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<sup>74</sup> Chestham points out that, finally, either UN resolution 1973 or the RtoP concept has changed the general legal position of humanitarian interventions. Simon Chesterman, *Leading from Behind: The Responsibility to Protect, the Obama Doctrine, and Humanitarian Intervention after Libya*, *New York University Public Law and Legal Theory Working Papers* 282 (2011).

<sup>75</sup> Anne Orford, *International Authority and the Responsibility to Protect*, *Cambridge: Cambridge University Press*, 2011).

<sup>76</sup> Jeremy Kinsman, *Libya: A case for humanitarian intervention*, *Policy Options*, (October 2011), p. 82.

<sup>77</sup> Western, J. and Goldstein, J.: *Humanitarian Intervention Comes of Age: Lessons From Somalia to Libya*, in *Foreign Affairs*, (November/ December 2011), p. 48.

<sup>78</sup> Philip Cunliffe, *Dangerous duties: power, paternalism and the 'responsibility to protect'*, *Review of International Studies* (2010), 36, 79-96.

<sup>79</sup> Alex J. Bellamy, *Responsibility to Protect or Trojan Horse? The Crisis in Darfur and Humanitarian Intervention after Iraq*, *Ethics & International Affairs*, Volume 19, Issue 2, p. 31-54, 2005.

<sup>80</sup> Carsten Stahn, *Responsibility to protect: Political Rhetoric or Emerging Legal Norm*, *The American Journal of International Law* 101. 1 (Jan 2007): 99-120.



well-known scholars. This approach—of using basic books published by scholars and articles and essays in professional journals—is also suitable for discussing the political theory, history, national interests, and geo-strategies of all five nations that are the focus of our discussion.

The framework to connect the concept of human intervention with classical International Relations (IR) theory relies on the work of several respectable academics. Hans Morgenthau, Kenneth Waltz, et al. defined the theory of realism. The connection between realism and humanitarian interventions is not discussed conclusively in theory. To deny any leeway within realism for normative ideas is a well-known reflex; however, as Lechner points out, a connection is at least explainable.

For domestic politics, Snyder's and Putnam's papers<sup>81</sup> underline that international politics and domestic politics mutually influence each other by stating: "It is fruitless to debate whether domestic politics really determine international relations, or the reverse. The answer to that question is clearly "Both, sometimes.""<sup>82</sup> A direct connection between humanitarian intervention, RtoP, and the IR theory of domestic politics is not discussed in scholarship so far.

The connection between the normative idea of humanitarian interventions and the norm-based theory of constructivism is obvious. Although the discussion about humanitarian intervention is very widespread, the constructivist approach contributes only a few significant arguments—like the famous article of Martha Finnemore<sup>83</sup>—to the debate. The argument itself is based on norms, but widely excludes the constructivist approach.

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<sup>81</sup> Robert D. Putnam, *Diplomacy and Domestic Politics: The Logic of Two-Level Games*; *International Organization*, Vol. 42, No. 3. (Summer, 1988), pp. 427-460.; Jack Snyder, *Myths of Empire: Domestic Politics and International Ambition*, Ithaca and London, Cornell University Press, 1991.

<sup>82</sup> Robert D. Putnam, *Diplomacy and Domestic Politics: The Logic of Two-Level Games*; *International Organization*, Vol. 42, No. 3. (Summer, 1988), pp. 427-460.

<sup>83</sup> Finnemore, Martha. *Constructing Norms of Humanitarian Intervention*, in *The Culture of National Security: Norms and Identity in World Politics*, ed. Peter Katzenstein, New York, Columbia University Press, 1996

Generally, an integration of the concept of humanitarian intervention into IR is only somewhat fruitful. The classic IR scholarship has not intensively examined the idea of humanitarian interventions. Therefore, the discussion will be very brief in this thesis.

The history and development of Libya and Syria is sufficient evaluated using basic works of Dirk Vandewalle for Libya<sup>84</sup>, and Raymond Hinnebusch<sup>85</sup> for Syria. Both depict a clear picture of the political, historical, and social background of the conflict. Supplemented by official assessments of the U.S. Department of State, Research papers of the Congressional Research Service, and other academic sources like the International Crisis Group along, with additional authors, we obtain the background knowledge needed on Libya and Syria.

For the last part of this thesis, the UNSC decisions are needed foremost as basis of our discussion. The decision-making process of the UN as the sole supranational organization that can justify military action, and of NATO as the most powerful alliance to execute this action, is decisive. Basic papers of both organizations are required for this thesis. In the discussion about the recent events within Syria and Libya—the different decision-making processes, the classifications of actions (in context) and of all possible explanations why some actions were taken and others were not, and of contemporary assessments and reports—are decisive. Therefore, several newspapers and their online editions have to be analyzed and their content integrated into this thesis. The online editions of the New York Times, The Washington Post, BBC, Reuters, Al Jazeera and several others have been selected as the only reliable sources. Online sources require a confirmation by another reliable source.

#### **4. Summary**

This literature review outlined the variety of literature that deals with humanitarian interventions, the norm of a "responsibility to protect," Syria, Libya, and

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<sup>84</sup> Dirk Vandewalle, *A History of modern Libya*, Cambridge, Cambridge University Press, 2006

<sup>85</sup> Raymond Hinnebusch, Syria: from 'authoritarian upgrading' to revolution? *International Affairs* 88: 1 (2012) 95–113.

the current and ongoing events in the region. By far, not every important aspect that is discussed in this thesis is conclusively discussed in the literature.

The argument for the international non-intervention in Syria and the fast intervention in Libya, and the comparison of both topics, still lacks a comprehensive analysis in scholarship. The ongoing change in media and society in the assessment of the real reasons for the respective actions is replicable in the argumentation. This thesis seeks to provide a comprehensive analysis and explanation for the distinction between both cases and, simultaneously, assess the influence of humanitarian interventions and RtoP as political factors in current international politics.

### **C. METHOD AND SOURCES**

While the NTC leadership declared, "Libyan lands have now been completely liberated"<sup>86</sup> on October 23rd, 2011, the old Syrian regime is still in power and, despite the large number of killed people, Bashar al-Assad declares "I did my best to protect the people," and "I cannot feel guilty when you do your best. You feel sorry for the lives that have been lost. But you don't feel guilty when you don't kill people."<sup>87</sup>

The crucial factor for these opposing developments in Libya and Syria is the international assessment of the respective situations in regard to national interest and politics. An analysis of the objectives and strategies for acting and non-acting of nations, especially the influence of humanitarian reasons, can only be done in a limited framework. This thesis will particularly present a Western view on the situation. Therefore, this master-thesis will approach answering the research questions using a

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<sup>86</sup> Statement by Abdul Hafiz Ghoga, vice chairman of Libya's National Transitional Council on 22 October 2011, "Libya's new leaders declare liberation", CNN, [http://articles.cnn.com/2011-10-23/africa/world\\_africa\\_libya-main\\_1\\_misrata-mahmoud-jibril-abdul-hafiz-ghoga?\\_s=PM:AFRICA](http://articles.cnn.com/2011-10-23/africa/world_africa_libya-main_1_misrata-mahmoud-jibril-abdul-hafiz-ghoga?_s=PM:AFRICA) (accessed April 12, 2012)

<sup>87</sup> Stated by Bashar al- Assad in an interview with Barbara Walters on ABC News on 7 December 2011. Russell Goldman, "Defiant Assad Denies Ordering Bloody Syrian Crackdown." *ABCNews*, <http://abcnews.go.com/International/bashar-al-assad-interview-defiant-syrian-president-denies/story?id=15098612#.T5t9B5jrZd0> (accessed April 27, 2012)

qualitative, exploratory,<sup>88</sup> comparative case study of three nations: Germany, France, and the U.S. Within this comparison and analysis, the considered period for Libya ends with the end of the mission Unified protector on 31 October 2011. For the unsolved Syrian conflict, the examined period for all events ends with the due date of 29 February 2012, although current literature sources have been updated and used as recently as 15 May 2012.

Comparing these three countries is for several reasons useful to analyze the processes and strategies that led to the international developments in regard to Libya and Syria. The U.S., Germany and France share several similarities: all three states are democratic, are members of NATO, participate together in the military operation in Afghanistan and the Gulf of Aden, cooperated in former humanitarian interventions in Somalia<sup>89</sup> and against Yugoslavia<sup>90</sup>, were members of the UN Security Council when the Libyan Resolution 1973 was passed<sup>91</sup> and share generally common humanitarian values<sup>92</sup>.

In addition to these commonalities, the countries differ significantly in their approach to the Libyan situation. While France was a driving force in establishing an anti-Qadhafi coalition, the U.S. was more reserved but decisively involved and Germany refused any participation. Astonishingly enough, all three nations are nearly united in their strategy against the Syrian leadership.

This composition of the case study should analyze the influence of national interests, geo-strategic considerations and domestic politics in assessing the attitude

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<sup>88</sup> An exploratory case study is used to explore those situations in which the intervention being researched has no clear single set of outcome. Pamela Baxter and Susan Jack, *Qualitative Case Study Methodology: Study Design and Implementation for Novice Researchers*, *The Qualitative Report* Volume 13, Number 4, December 2008 p. 544- 559.

<sup>89</sup> UNITAF (1992- 1993)

<sup>90</sup> NATO operation "Allied Force" (1999)

<sup>91</sup> France and the U.S. are permanent members; Germany joins the Security Council as non-permanent member from 2010 to 2012.

<sup>92</sup> While France and the U.S. have adopted the UN Declaration of human rights in 1948, Germany's constitution guarantees the same rights with the exception of unlimited right for asylum.

towards a humanitarian intervention. Coincidentally, the Syrian case will underline this preference for specific interest in contrast to moral fundamentals. Additionally, the decision-making process of NATO and UN can be well assessed by this case composition.

While the discussion about humanitarian intervention in general is widespread and intensive in scholarship, books and in articles, the recently ended intervention in Libya and the still ongoing domestic conflict in Syria lack these detailed literature sources. Assessing the decision-making processes that led to different behaviors by the states in dealing with the developments in Libya and Syria, therefore, also relies on:

- (1) Comments, articles, reports, and analyses of serious newspapers, including well-approved political divisions and professional journals. The regional priority of these sources is Europe, the U.S., and the Middle East region;
- (2) Statements of—and interviews with—politicians, military personnel, and witnesses of the processes, from open media sources;
- (3) Reports and films from open media sources;
- (4) Absolute data from open sources, required for verifying the analysis:

Surveys/ opinion polls of residents from all three countries of the case study<sup>93</sup>

Different economic<sup>94</sup> data explaining the initial situation of Syria and Libya on the eve of the domestic conflicts.

#### **D. THESIS OVERVIEW**

This first chapter gives an overview of the approach taken in this thesis.

Chapter II builds up the theoretical framework for the discussion about the so-called humanitarian intervention in Libya, and the thereby discussed idea of a

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<sup>93</sup> For example: For U.S. [gallup.com](http://gallup.com) or [pollingreport.com](http://pollingreport.com), for France: [France24.com](http://France24.com) and for Germany [www.infratest-dimap.de](http://www.infratest-dimap.de).

<sup>94</sup> Different databases are available to show the economic development of those countries. Most data is estimated, because an official database is not available. For example: [www.cia.gov](http://www.cia.gov) or [www.economywatch.com](http://www.economywatch.com)

"responsibility to protect," and briefly integrates the concept of humanitarian intervention in the political theories of realism, domestic politics and constructivism.

It is important to present this theoretical discussion about both concepts to understand the action and non-action of the three examined states— the U.S., France, and Germany. The dichotomy between the later presented acknowledgement of these concepts in the national strategies and the stated interests of the three countries, and the action taken, must be understood. Especially, the demonstrated procedures and action patterns that states can use to generally deny any responsibility to act on the normative based idea of humanism—and contrarily, the ease to use the argument of humanism to intervene—are important in the discussion about the situation in Syria and Libya. Additionally, these actions are highly recurrent political patterns. A discussion of the brief integration of humanitarian interventions into international relations theories rounds out the theoretical framework. It proves that the current motives and political procedures in cases of human right violations are still similar to past procedures and arguments, and, therefore, help to explain what influence a norm-based argument really has.

After discussing the theoretical background of humanitarian interventions, Chapter III presents and discusses the historical and political background of the conflict areas in Syria and Libya, and the bilateral relations of both countries with Germany, the U.S., and France before the uprisings started. Finally, the chapter gives an overview of events since early 2011. The review of the past relationships between the different countries is of high importance to understand the behavior of the political actors and the national and geo-strategic interests that influenced their decisions in 2011. Political and economic relations of the more recent past shape the national interests and the geo-strategic approach of the actors in 2011/ 2012. The overview of events in Syria and Libya elucidates that—from a humanitarian viewpoint—the initial situation seems to be comparable and, therefore, supports the idea of this thesis that the main trigger for the decision to intervene or not is a different one.

Chapter IV explains the motives of France and the U.S. to join and pressure an intervention against Libya while Germany rejects military engagement, and illustrates the

negative conduct of all three for any engagement in Syria. With the examination of the officially stated and the non-stated reasons for or against an intervention in Libya and Syria, in comparison to the official policy of all three countries, the respective decisions will be clarified and made understandable. It is of high importance to present the existing gap between official stated policy and finally executed action. Every taken action is well considered, but differentiates within the three Western states in regard to the idea of following a long-term strategy or simply deciding on a case-by-case basis. By analyzing the action of the states, the official statements are unmasked as pure platitudes that are a necessary tool used to justify, in each case, whether to act militarily or not.

Linking the theoretical framework, the bilateral relations before the crisis, the timeline of the conflicts, and the different domestic, national, and geo-strategic interests is done in Chapter V. The application of my hypothesis clarifies the different important considerations that are necessary to give a complete overview of the argumentation of the thesis. The finding that Libya and Syria are (contrary to the first impression) quite different cases, the brief classification of the theoretical approach of the U.S., France, and Germany, the rationale of the actors, and the explanation of the real influence of norms, underline the validity of my hypothesis.

Finally, Chapter VI summarizes the findings and concludes the analysis of the differences between the international engagement in Libya and the non-engagement in Syria, predicts the future of humanitarian interventions, the "responsibility to protect," the possibility of intervention in Syria, and gives a brief argument why both concepts, and their influence on politics, are overestimated.

## II. HUMANITARIAN INTERVENTION AND THE RESPONSIBILITY TO PROTECT

### A. DEVELOPMENT AND OVERVIEW

The idea of "Humanitarian intervention" as rationale for a military intervention of one or several states within the territory of another sovereign state is more than 180 years old. Already, the Russian intervention in the Greek War for independence (1821–1827), the French intervention in Greater Syria (a part of the Ottoman Empire in the 1860s), the Russian engagement in Bulgaria (1876–1878), and the threat of force of some European powers to stop the genocide of the Armenian people in Turkey (1894–1917), have been claimed as examples of humanitarian interventions.<sup>95</sup> Justification, planning and execution of humanitarian intervention have changed since the idea of protecting civilians had emerged but the normative foundation of violating another's nation sovereignty remained unchanged.

Humanitarian norms and their evolution within and between states over the last 180 years have driven the idea of humanitarian intervention. Affecting another's state sovereignty founded by norms contradicts the usual international political pattern and behavior since its emergence. Neither realists (who would expect to gain some geopolitical or strategic self-interest by the interveners), nor liberals (who would seek economic gains or the spread of democracy for the intervening country), can finally explain interventions like Somalia (1989) or Kosovo (1999). Most likely, humanitarian intervention—and, therefore, norms—correspond to a constructivist approach<sup>96</sup>.

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<sup>95</sup> These four cases are called humanitarian intervention but their execution and motivation was decisively different from today's interventions. The definition of who was human was different and therefore the motivation of the intervening states was given by this determination. For example, the French intervention in Lebanon/ Syria 1860-1861 was motivated to help solely the Christian population. At the same time other massive violations of human rights by the same nations remained unheeded.

<sup>96</sup> Finnemore, Martha. Constructing Norms of Humanitarian Intervention, in *The Culture of National Security: Norms and Identity in World Politics*, ed. Peter Katzenstein, New York, Columbia University Press, 1996



This still ongoing development of norms explains the variety of types of interventions over time. Since the end of World War II, the general definition of who is human, and which norm violations justify an intervention, has fundamentally changed. Additionally, after the end of the cold war in 1989, "norms about multilateral action had been strengthened, making multilateralism not just attractive but imperative."<sup>97</sup> Therefore, today's humanitarian interventions obviously depend on a broad approval of the international community of states, an institutionalized mandate of the United Nations, and sometimes also needs the additional support of other supranational institutions.<sup>98</sup> Those formal institutions simultaneously shape norms that legitimize international interventions in sovereign states and frame the implementation of the intervention.

An important constraint has to be made about the binding character of norms that support the rationale for humanitarian intervention. They are still permissive norms that enable the international community to intervene under certain conditions, but they do not *require* any kind of intervention.<sup>99</sup> The advancement of norms finally created the concept of "responsibility to protect" as the bedrock for an attempted shift of humanitarian intervention from a permissive norm to an automatically binding norm.

Although the International Commission on Intervention and State Sovereignty (ICISS) had already formulated the principle of the concept of "responsibility to protect"<sup>100</sup> (RtoP) in 2001, and the UN adapted the concept at the World Summit in 2005<sup>101</sup>, not a single international intervention has fully been based on this new

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<sup>97</sup> Finnemore, Martha. Constructing Norms of Humanitarian Intervention, in *The Culture of National Security: Norms and Identity in World Politics*, ed. Peter Katzenstein, New York, Columbia University Press, 1996

<sup>98</sup> During the preparation of the NATO-led intervention in Libya (2011) the driving nations (U.S., France, Great Britain) tried to build up a broad-based coalition and, therefore, involved the League of Arab Nations as much as possible during the whole process. This was necessary to avoid the impression that the "West" arbitrary tries to intervene in an Arabic country.

<sup>99</sup> These conditions generally include multilateralism and require a UN mandate.

<sup>100</sup> ICISS, *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001.)

<sup>101</sup> UN, General Assembly, World Summit outcome, 2005. Furthermore the UN reflects on the World summit outcome in several different papers.

concept.<sup>102</sup> The normative importance of RtoP has been acknowledged in scholarship, but simultaneously, scholarship assesses the concept as a compromise and denies any binding legal character<sup>103</sup>. Finally, the assessment of RtoP as an important tool in the discussion about humanitarian interventions is an important part of the thesis.

## **B. HUMANITARIAN INTERVENTION**

Social and political science offer a multitude of different definitions to explain the concept of humanitarian intervention. Keohane's definition of humanitarian intervention<sup>104</sup> that is used in this thesis particularly excludes non-forcible interventions—such as the threat or the use of economic, diplomatic, or other sanctions and forcible interventions aimed at protecting or rescuing the intervening state's own nationals.<sup>105</sup>

A comprehensive analysis of different ethical fundamentals and theories of humanitarian intervention (like communitarianism, social contractarianism, and utilitarianism), and the question of importance and justification, is not expedient—and therefore—not part of this thesis. Rather interesting and of high importance is the legal status of humanitarian intervention. Although the intervention in Libya was backed with an UNSC mandate, some commentators and politicians doubted the legitimacy of the

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<sup>102</sup> Thomas G. Weiss, RtoP Alive and Well after Libya, *Ethics & International Affairs*, 25, no. 3 (2011).

<sup>103</sup> Chestham points out that, finally, either UN resolution 1973 or the RtoP concept has changed the general legal position of humanitarian interventions. Simon Chesterman, *Leading from Behind: The Responsibility to Protect, the Obama Doctrine, and Humanitarian Intervention after Libya*, *New York University Public Law and Legal Theory Working Papers* 282 (2011).

<sup>104</sup> "The threat or use of force across state borders by a state (or group of states) aimed at preventing or ending widespread and grave violations of the fundamental human rights of individuals other than its own citizens without the permission of the state within whose territory force is applied." J.L. Holzgreve, *The humanitarian intervention debate*, in *Humanitarian Intervention*, ed. J.L. Holzgreve and Robert O. Keohane, Cambridge, Cambridge University Press (2003).

<sup>105</sup> *Ibid.*

intervention, especially of the extended version that surely was more than establishing a 'no-fly-zone.'<sup>106</sup> Therefore, a brief discussion about the legal status of humanitarian interventions helps to build the framework for the Libyan and Syrian cases.

## 1. Legal Status of Humanitarian Interventions

From the beginning of humanitarian interventions, their legal status has not finally been resolved. The range of the assessment of the legal status for a humanitarian intervention, without the approval of the involved state, is wide. It stretches from the conclusion that such use of force in a humanitarian intervention is generally "illegal,"<sup>107</sup> the assessment that the latest intervention in Libya (in particular) contradicts international law<sup>108</sup> and, finally, to the opposite with Anne Orford's view.<sup>109</sup>

Hurd concludes the following about this problem in his essay: "Contemporarily international law can be read as either allowing or forbidding international humanitarian interventions, and the legal uncertainty around humanitarian interventions is fundamental and irresolvable."<sup>110</sup> Therefore, only some generally accepted legal aspects of humanitarian intervention are depicted here. Article 38 (I) of the Statute of the International Court of Justice defines that international norms are legally binding if they are a part of international conventions or international custom. This statute is widely accepted as the binding statement of international law.<sup>111</sup>

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<sup>106</sup> "The basis for the intervention under international law was dubious from the start", Eric A. Posner, "Outside the law." *Foreign Policy*, [http://www.foreignpolicy.com/articles/2011/10/25/libya\\_international\\_law\\_qaddafi\\_nato?page=full](http://www.foreignpolicy.com/articles/2011/10/25/libya_international_law_qaddafi_nato?page=full) (accessed April 26, 2012).

<sup>107</sup> For the Kosovo case, Independent International Commission on Kosovo, *Kosovo Report: Conflict, International Response, Lessons Learned*, (2000).

<sup>108</sup> Simon Chesterman, Leading from Behind: The Responsibility to Protect, the Obama Doctrine, and Humanitarian Intervention after Libya, *New York University Public Law and Legal Theory Working Papers* 282 (2011).

<sup>109</sup> Anne Orford, International Authority and the Responsibility to Protect, *Cambridge: Cambridge University Press*, 2011).

<sup>110</sup> Ian Hurd, Is Humanitarian Intervention Legal? The Rule of Law in an Incoherent World, *Ethics & International Affairs*, 25, no. 3 (2011), p. 311.

<sup>111</sup> J.L. Holzgreve. The humanitarian intervention debate, in *Humanitarian Intervention*, ed. J.L. Holzgreve and Robert O. Keohane, Cambridge, Cambridge University Press (2003).

Alongside to this statement, international conventions govern the exercise of forcible humanitarian intervention. The widely claimed normative necessity of a multilateral approach for those military measures underlines the importance of the UN Charter<sup>112</sup> as the most important international convention regarding to humanitarian intervention. Although the legal status of the UN charter, its commitment and its jurisdiction in inner state conflicts is also under discussion, the "most important source of international law, international conventions, seems to permit the UN Security Council to authorize humanitarian interventions by its members."<sup>113</sup> This assessment is based on Chapter VII, especially Article 39, of the UN Charta that "may authorize the UN Security Council the use of force in response to any threat to the peace, breach of the peace, or act of aggression."<sup>114</sup>

Interventions that are unauthorized by the UN are still more controversial. Examples of unauthorized interventions—like the Iraq intervention (1992 and 1993), and NATO's intervention in Bosnia (1995) and in Kosovo (1999)—prove their importance, although such interventions are generally infrequent. This decline is explained by changing norms towards multilateral and authorized interventions.

Arguments pro and against unauthorized interventions are versatile and have their origin in a large variety of reasons. Critics of unauthorized interventions almost refer to Article 2 (4) of the UN Charta stating: "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."<sup>115</sup> The discussion about the legitimacy leads to several approaches to prove the justification for unauthorized interventions. The most important approaches are:

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<sup>112</sup> Charter of the United Nations and Statute of the International Court of Justice, January 1985., *United Nations*, Department of Public Information.

<sup>113</sup> *Ibid.*

<sup>114</sup> *Ibid.*

<sup>115</sup> *Ibid.*

- Customary international law<sup>116</sup>;
- The status quo approach<sup>117</sup>;
- The "excusable breach" approach<sup>118</sup>;
- The clear legal doctrine approach<sup>119</sup>

An important element of the discussion is the normative trend towards multilateral interventions. Therefore, interventions require a broader basis of approval and hence the probability to intervene unauthorized decreases because most states are orientated towards the UN Security Council and its decisions.

For the intervention in Libya the vast majority of scholarship acknowledges the legitimacy of the intervention based on the UNSC mandate. Notwithstanding as a general ambiguity the discussion about the actual dimension of the intervention that exaggerated the mandate, as well as legal concerns for the decision-making process within some participating nations still exists.<sup>120</sup>

Conclusively, the legal status of humanitarian intervention is not finally resolved and it is highly likely that also in next future every single case has to be considered and even after intensive discussions doubts will remain within scholarship and international

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<sup>116</sup> This customary right to intervene is based on state practice during the nineteenth and early twentieth century. J.L. Holzgrefe, The humanitarian intervention debate, in *Humanitarian Intervention*, ed. J.L. Holzgrefe and Robert O. Keohane, Cambridge, Cambridge University Press (2003).

<sup>117</sup> This approach is based on the idea that an intervention only can be lawful, if its authorized by the UN Security Council or is an act of self- defense. Jane Stromseth, Rethinking humanitarian intervention: the case for incremental change, in: *Humanitarian Intervention*, ed. J.L. Holzgrefe and Robert O. Keohane, (2003)

<sup>118</sup> It acknowledges that a humanitarian intervention without mandate is illegal but argues that it may be "morally and politically justified in certain exceptional cases." Ibid.

<sup>119</sup> This most widely liberal attempt claims a right for humanitarian intervention. The supporters of these attempts argue that with a UN Charta amendment or a UN General Assembly declaration such a right should be codified in international law. Ibid.

<sup>120</sup> In the U.S. the discussion about President' Obama's decision to intervene in Libya is still ongoing. Some scholars deny the legitimacy of his decision to intervene without acknowledgement of the U.S. Congress. Michael J. Glennon, The Cost of "Empty Words": A Comment On the Justice Department's Libya Opinion† *Harvard National Security Journal Forum*, April 2011; Louis Fisher, Obama's Military Commitment in Libya A Paper Presented at the Wilson Center, "Congress, the U.N. and the War Power: From Korea to Libya," May 16, 2011.

politics. The legal review of the extensive NATO intervention in Libya will influence every new discussion and already has impact on the discussion about the possible intervention in Syria.

## **2. Incidence and Non-Incidence of Humanitarian Intervention**

After compliance with the main requirements -- widespread and grave violations of the fundamental human rights of individuals that contradict generally accepted international norms, the support of international institutions in acknowledging these violations, the buildup of a multilateral coalition and at least an inherently legal base -- humanitarian interventions theoretically can occur.

However, as the record of humanitarian intervention since 1990 (table 2) shows, the use of force across borders to defend human rights is a rare incident. Surely the structural change of norms after World War II has increased the number of major interventions but the absolute number is still low. Especially if the number of interventions is compared with the large number of civil wars and armed conflicts (figure 2) that were ongoing since 1990 the interest of the international community to engage in conflicts to protect civilians seems very limited.<sup>121</sup> Therefore the puzzle is the question "why has the international community missed most occasions to intervene?" To answer this question the political process that leads to a humanitarian intervention briefly has to be assessed again.

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<sup>121</sup> Reliable database about the number of civil wars is not available. Different definitions of the available sources and a large variety of different interpretations hamper an impartial overview. A variety of civil wars and a reliable overview of major armed conflicts underline the scarcity of humanitarian interventions in relation to armed conflicts.

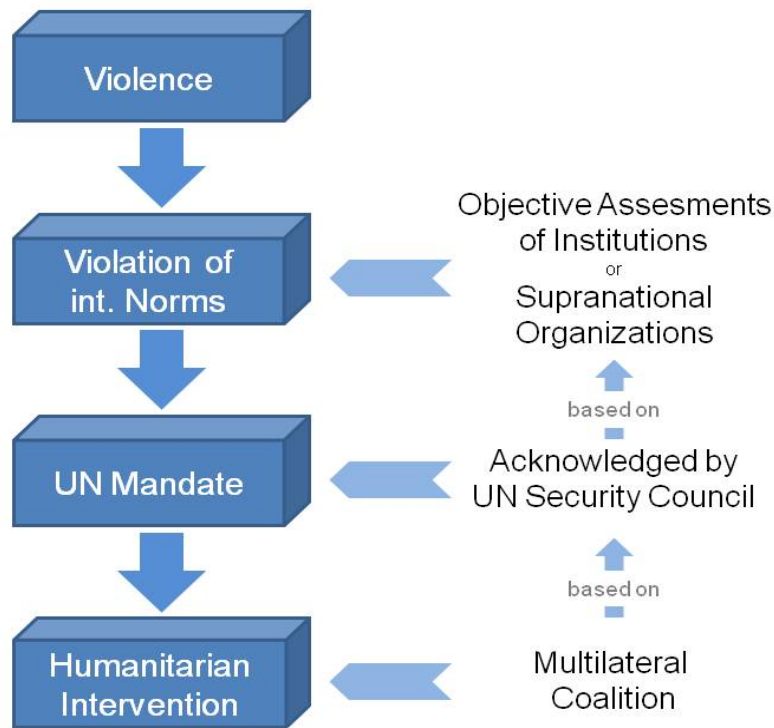


Figure 1. Political decision-making process of humanitarian intervention

As depicted in the graphic, the whole process finally depends on a single variable: The objective assessment of institutions, supranational organizations and their member states that a violation of basic human rights and norms has occurred and is currently ongoing. Unequivocally the UN Security Council is the sole institution that has the international legitimacy to justify any kind of military intervention<sup>122</sup>. Once the Security Council has confirmed a massive violation of human rights, further measures like sanctions to increase the political or economic pressure on the regime can start. In a case of an ongoing non-compliance an intervention as most powerful tool to end the conflict

<sup>122</sup> Mark S. Stein, Unauthorized Humanitarian Intervention, *Social Philosophy and Policy*, 2004. Although other supranational institutions like the European Union, African Union or the League of Arab states raise claims to be able to solve conflicts internally the final institution in regard to legitimize interventions is the UN.

can be used. Generally a pattern of political procedures in regard to massive human right violations is identifiable. States use this action pattern to justify and explain their support or rejection for requested humanitarian interventions.

The discussion about Libya and Syria in this thesis will bear reference to this pattern.

### **3. Pattern for the Non-Incidence of Humanitarian Interventions**

Although most states of the world acknowledge a basic set of human rights through a large variety of different treaties and conventions<sup>123</sup> and human rights are theoretically undisputed, a recognition of the violation of human rights through the UNSC sometimes happens only very restricted or stays out totally.

Refusing the occurrence of atrocities and violations of human rights by UNSC members, especially Security Council veto powers, is an easy and common method to stop measures against blamed states. This non-identifying and downplaying of the violation of basic human rights by members of the UN Security Council can, besides adding to the reluctance to deploy a force, lead to a non-intervention or a seriously delayed intervention, even in cases where atrocities obviously occur. The most prominent examples are: the killing of ten thousands of Tutsis in Rwanda (early 1970s); the murder of 100,000 Kurds in Iraq (1988–89); the conflict in Darfur, Sudan (2003–2011); the genocide in Rwanda (1994); and also, the current situation in Syria (since 2011), where approximately more than 8,000<sup>124</sup> people have already died in the ongoing conflict.

Generally, this argumentation of non-involved states is used to secure national interests and geo-strategic aims like:

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<sup>123</sup> For Example: The Universal Declaration of Human Rights (1948); European Convention for the Protection of Human Rights and Fundamental Freedoms (1950); African Charter on Human and Peoples' Rights (1981); United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (1984); United Nations Conventions on the Rights of the Child (1989). For more conventions and texts see J.L. Holzgrefe, , The humanitarian intervention debate, in *Humanitarian Intervention*, ed. J.L. Holzgreve and Robert O. Keohane, Cambridge, Cambridge University Press (2003) and: Mark S. Stein, *Unauthorized Humanitarian Intervention, Social Philosophy and Policy*, 2004

<sup>124</sup> Fn. 8.



- Military and political alliances;
- Economic interests and treaties;
- Political principles;
- Geo-Strategic interests;
- History and traditional practices;

Additionally, politicians also have to consider specific domestic politics<sup>125</sup> of their countries and the possible effects within their own population.

If states want to avoid any engagement in a domestic crisis of a country, the plainest justification for non-intervention is to reject the finding that a regime violates its own population human rights officially and, thereby, preventing measures of the UN. This argumentation follows a political pattern that is finally based on three main explanations:

1. Fundamental doubts or insufficient evidence for widespread and grave violations of the fundamental human rights of a population committed by the ruling regime.

Despite the wide spread of modern media also in less-developed countries the assessment of a fundamental human right violation by the ruling regime is often difficult. Often neutral observations of the areas that are concerned in the conflict are difficult because:

- They are out of the focus of politics and media<sup>126</sup> or are unidentified;

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<sup>125</sup> The role of domestic politics within the different states is of decisive importance. Politicians have to consider internal factors like the mood and attitude of the own population in regard to send troops abroad, feelings towards the country that is under suspicious to violate human rights and its own history. Additionally hard economic data is getting more attention in domestic discussions about military interventions.

<sup>126</sup> Media sometimes fail to recognize and report signs of imminent danger even if they take notice of the occurrence itself. For the U.S. media Donald R. Shanor determines a "cost of apathy" towards the international arena. Donald R. Shanor, *News From Abroad*, New York, Columbia University Press, (2003).

- Those areas possess only underdeveloped modern media technology to communicate events reliably;
- Neutral observation is aggravated by general violence in the concerned areas and sometimes technically<sup>127</sup> and politically suppressed by conflict parties;
- Different statements and reports from a variety of sources that partially have a biased agenda prevent an impartial assessment.<sup>128</sup>

Thereby not only those member states of the UN that are generally very critical towards military interventions may doubt the alleged massacres, tortures or genocides but also NGO's and scholarship often differs in their assessment of reported violations of human rights. This different assessment of events makes this argument to an easy tool to reject any requested humanitarian intervention or even more moderate sanctions by the UNSC.

For the Syrian case, China and Russia use a variety of this argument as a tool to prevent any condemnation of the Syrian leadership. Main arguments are the alleged partisanship of the resolution drafts of the UNSC and the insufficient mentioning of the crimes of the Syrian opposition.

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<sup>127</sup> Attempts and implementation of regimes to shut down communication in a crisis area and thereby prevent reports from those areas is a common tool to avoid critical reports. In the recent past the Egyptian the Libyan regime shut down the Internet in their whole countries during the rebellions in 2011 to stem critical reports. Additionally several more states regularly directly interfere in internet capacity, speed and permeability of data. Matthias C. Kettemann, *The Legality of Internet Blackouts in Times of Crisis: An Assessment at the Intersection of Human Rights Law, Humanitarian Law and Internet Governance Principles*, *GigaNet*, Sixth Annual Symposium, (2011)

<sup>128</sup> For example: The reported number of victims of the inner- Libyan conflict before the NATO-led intervention started differed between 233 (February 22, 2011, Human Rights Watch), 1000 (February 23, 2011, Italian Foreign Minister), and thousands (February 25, 2011, UN High Commissioner for Human Rights) killed by the Quadhafi regime, while the regime itself published no information about it. Some scholars doubt the whole number of victims and the matter of fact of an starting genocide because "despite ubiquitous cellphone cameras, there are no images of genocidal violence, a claim that smacks of rebel propaganda.' So, four weeks on, I was not alone in finding no evidence for the aerial slaughter story." Hugh Roberts, *Who said Gaddafi had to go?*, *London Review of Books*, Vol. 33, Number 22, 17 November 2011, and Alan J. Kuperman, "5 things the U.S. should consider in Libya." *USAToday* [http://www.usatoday.com/news/opinion/forum/2011-03-22-column22\\_ST\\_N.htm](http://www.usatoday.com/news/opinion/forum/2011-03-22-column22_ST_N.htm) (accessed January 29, 2012)

2. Deliberate negation of existing human right violations committed by the ruling regime.

Rejecting the claim that atrocities occur is the second major argument why member states of the UNSC refuse their approval to intervene militarily in a humanitarian crisis. Fueled by the argument that human right violations did not occur, the origin of the violations is vague or with the indication of only poor evidence, they try to keep the status quo in the concerned region.

Thereby the evaluation of the situation in concerned regions differs substantially within the UNSC. Because a general impartial assessment is almost impossible, a consideration on a case-by-case base has to be done to find out what happened and who is responsible. This process often is very time-consuming and resumes in delaying or sometimes preventing an intervention.

For both cases, Syria as well as Libya, this argument was not possible because the occurrence of human right violations by the ruling regimes was and for the Syrian case, is still evident.

3. Disinterest, risks and lack of a chance of success.

In addition to the deliberate and targeted attempt to prevent an UNSC mandate or resolution to intervene in a crisis area, even if the violation of human rights is obvious and proven, the international community sometimes fails to intervene adequate and in time.

Most prominent example is the genocide in Rwanda in 1994 when UN institutions, global public and politicians worldwide were aware of the atrocities that happened there and the UN had already a limited mandate to intervene and maintained a force (UNAMIR) in the country. Nonetheless the Hutu militias and also the population got the opportunity to kill hundreds of thousands Rwandan citizens.<sup>129</sup> The main reasons

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<sup>129</sup> The number of the victims of the genocide differs between 500,000 and 1,000,000, depending on the source. A reliable number of the victims do not exist. The majority of the victims were members of the Tutsi population but moderate Hutus were also killed.

for the non-intervention in Rwanda were disinterest caused by an international lack of political and economic interests in Rwanda, and the negative experience of the disastrous humanitarian intervention in Somalia in 1993.

Non-provision of forces to intervene or limited financial means to support an intervention follows the same major rationale like the cases where states deliberately refuse to recognize an incident. States have an absolute preference of national interests and governments of domestic politics and, therefore, tend to neglect responsibility towards humanity. Eventually this preference of national interests and domestic politics may lead to a political abstention and non-support of an intervention. Depending on the countries that absent from a participation this behavior is likely to prevent an intervention from the beginning because interventions are extremely difficult or impossible without the participation of some key nations.<sup>130</sup>

A Western government that considers a humanitarian intervention cannot state its political disinterest, the assessment that an intervention may be too risky or the assumption that an intervention lacks a realistic chance of a success. Norms as the definitional background for Western self-awareness prohibit this behavior. Therefore, other reasons have to be quoted. Especially for the Syrian case this behavior will be evident.

#### **4. Pattern for the Incidence of Humanitarian Interventions**

As shown above the motives and political reasons why states try to avoid humanitarian interventions are manifold. An extensive assessment of reasons why humanitarian interventions occur is easily derivable from this argument. However, additionally another major argument, a kind of undeniable obviousness, leads to an explanation why humanitarian interventions occur. Necessarily any kind of a violation of human rights as a sine qua non has to happen. The assessment of this violation again

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<sup>130</sup> James Kurth assess that interventions depend on "modern, professional, and expeditionary military forces" because without those forces is unlikely. Only the U.S., Great Britain, France, Canada and Australia maintain those forces. James Kurth , The Iraq War and Humanitarian Intervention, *Global Dialogue*, Volume 7, Number 1–2, Winter/Spring 2005.

underlies the same critical appraisal as every time when a violation is claimed. Especially since the 1990s the number of humanitarian interventions has increased significantly with the successful examples of Bosnia (1995), Kosovo (1999), East Timor (1999), Sierra Leone (2000) and Libya (2011).

1. Obvious violation of human rights leads to measures and an intervention as last resort.

The simplest explanation why interventions occur is the undeniable and publicly recognized existence of a grave violation of human rights and the resulting concern of Western populations and politicians. Despite the above-mentioned difficulties to report impartially of the proceedings in a crisis area, in some cases violations of human rights happen so publicly and allocable that finally the international community is pressured by media and public opinion to intervene (CNN-effect)<sup>131</sup>. The Rwanda case of 1994 proves this assessment but also proves the possible tremendous length of this process to subordinate national interests under humanity.<sup>132</sup> For smaller and less spectacular cases this almost media driven pressure to act never sets up.

The discussion about the announced atrocities of Qadhafi in comparison to the proven and confirmed number of victims of the events in February 2011<sup>133</sup> and the ongoing discussion about the number of victims and the perpetrator in Syria show the difficulty to base an intervention on impartial evidence.

More interesting is the question why interventions happen in uncertain situations where proves are disbelieved and the case itself is inconclusive.

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<sup>131</sup> The theory in political science and media concludes that the emergence of CNN as the first 24/7 news station and, in its aftermath, of a several more news stations influences politics and decisions of politicians substantially. In today's discussion the CNN effect is enforced by new social media networks.

<sup>132</sup> Samantha Power, *A Problem from Hell*, New York, Basic Books, 2003.

<sup>133</sup> Huge Roberts, *Who said Gaddafi had to go?* *London Review of Books*, Vol. 33, Number 22, 17 November 2011.

Alain J. Kuperman, "False pretense for war in Libya?" *The Boston Globe*, [http://www.boston.com/bostonglobe/editorial\\_opinion/oped/articles/2011/04/14/false\\_pretense\\_for\\_war\\_in\\_libya/](http://www.boston.com/bostonglobe/editorial_opinion/oped/articles/2011/04/14/false_pretense_for_war_in_libya/) (accessed April 29, 2012)

2. Non-acceptance of existing human right violations because of other than normative reasons.

Even if the UN Security Council generally acknowledges a case of atrocities against a state's own population and the media tries to pressure the international community to react, a reaction, as shown above, is not natural. Conversely sometimes interventions occur although the state of evidence seems to be uncertain and the claimed and proposed extent of the violation is possibly doubtful.

Surely, it has to be considered that nowadays the rationale for every single case of interventions is doubted by anyone. While several scholars generally reject the idea of interventions<sup>134</sup> other scholars, governments, institutions or individuals criticize the rationale or the implementation of interventions on case-by-case basis. Above all official rationale of international politics for humanitarian interventions is—without any difference between authorized and unauthorized ones—to end violations of human rights. This is normative mandatory to justify the use of military against other humans and, therefore, to accept new human rights violation.<sup>135</sup> Another major reason why the humanity rationale is always foregrounded is the necessity of democratic countries to get the approval of its own population for interventions and the use of own forces.

Humanity as the main rationale for interventions in official statements and reasons has a unique characteristic. No additional reasons seem to motivate states to intervene. However, it is undisputed that in some cases, any rationale besides humanity is difficult to find. Prominent examples are the interventions in Somalia, Bosnia and East Timor. Nonetheless, to generalize the assumption that states intervene primarily because of pure humanity is as wrong as the assumption that states only act because of self-interest.

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<sup>134</sup> For example: Jan Nederveen Pieterse opposes the whole concept of humanitarian intervention in its current form because it "reinforces authoritarianism, hard sovereignty, militarization."; *Sociology of Humanitarian Intervention: Bosnia, Rwanda and Somali Compared*, *International Political Science Review* (1997), Vol. 18, No. 1.

<sup>135</sup> The discussion in scholarship about the normative justification of humanitarian intervention is extensive but will not be expended in this thesis.

However, to follow the argument that interventions are driven by pure humanity would conclude that in every case of a massive violation of human rights an intervention would occur with the same intensity and the same will to act. Because this is not happening and interventions are more the exemption of the rule other reasons must be of major importance.

Similar to the assessment why states do not intervene, national interests and domestic politics shape the rationale why states intervene. As easy to explain as the reasons governments do not to intervene, are the reasons why they do intervene. The following national interests and geo-strategic considerations have a decisive influence on the decision-making process of states:

- Military and political alliances;
- Economic interests and treaties;
- Political principles;
- Geo-Strategic interests;
- History and traditional practices.

Additionally, politicians also consider specific domestic politics<sup>136</sup> of their governments and the effects within their own population.

For the intervention in Libya, the involved states followed this pattern.

## **5. Conclusion**

In a modern media society, where it is highly likely that reports of violations of human rights are widespread, states and their governments are trapped in a stress ratio between intervening and non-intervening. As a result, in every extensive single case that is reported, passionate proponents pro and against the respective decision will criticize the unsolicited or unacceptable decision. The modern media allows for the publishing of

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<sup>136</sup> The role of domestic politics within the different states is of huge importance. Politicians have to consider internal factors like the mood and attitude of the own population in regard to send troops abroad, feelings towards the suspicious country, history and nowadays also for financial considerations.

critiques and arguments quickly and worldwide. Nonetheless, governments finally have to make decisions that balance national interests, geo-strategic considerations, domestic constraints, and both national and international norms. The most important conclusion is that it is impossible for governments to publicly announce any rationale other than purely humanitarian ones, for the following reasons:

- The legal constraints for interventions within the UN Charter;
- The international community will not accept encroachments on the sovereignty of other states for any other reasons;
- Today's international norms preclude other reasons;
- Especially in Western and democratic states, interventions for other reasons are likely to be unacceptable because of norms, financial conditions, and the unwillingness to risk the lives of their own soldiers;
- The need to fulfill the normative claim of a multilateral base for interventions;

Consequently, states that want to intervene are forced to hide all other possible reasons other than humanity. Simultaneously, this offers the state that hurts international human law and wants to avoid any kind of intervention the opportunity to discredit the intervening states and their possibly real rationale of humanity.

The patterns presented are also applicable for discussion about the actions of the Western states with regard to the Libyan and Syrian cases. To understand their action, it must be understood that states apply established norms differently and evaluate specific incidents differently (or even contrarily).

### **C. RESPONSIBILITY TO PROTECT**

The term responsibility to protect (RtoP) was first presented in a report<sup>137</sup> by the International Commission on Intervention and State Sovereignty (ICISS) in December

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<sup>137</sup> The responsibility to protect, International Commission on Intervention and State Sovereignty, *International Development Research Centre*, Canada, 2001.



2001<sup>138</sup> and is only the title of an overall concept that also assumes other wide-ranging responsibilities of the international community than only engaging a regime that failed to protect its own population.<sup>139</sup>

In public discussion the term 'responsibility to protect' abridges the complex idea to an assumed responsibility to protect civilians when their own government endangers them. The responsibility to protect includes three different elements:

- The responsibility to prevent,
- The responsibility to react, and
- The responsibility to rebuild.

Besides the idea of protecting people against their own governments as part of the responsibility to react, the other primary reasons are not discussed, and are almost not mentioned in discussions about the concept; they, therefore, will also be excluded from this thesis.

After a period of neglect caused by the world's state of shock after the 9/11 attacks, and a general decline of the acceptance and popularity of the concept of humanitarian intervention after the Iraq invasion of the U.S.<sup>140</sup>, the importance of humanity in politics has once again increased. The UN and its General Secretary Kofi Anan were the driving forces to push RtoP, through the formation of the "High Level Panel on Threats, Challenges and Change" which is mandated to report on how the UN should engage with violations of human rights in the 21st century. In 2005, the UN World Summit included the idea of RtoP in its outcome document<sup>141</sup>. The statement includes:<sup>142</sup>

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<sup>138</sup> The formation of the ICISS served to answer the question of UN General Secretary Kofi Anan when the international community must intervene in cases of violation of human rights.

<sup>139</sup> The responsibility to protect, International Commission on Intervention and State Sovereignty, *International Development Research Centre*, Canada, 2001.

<sup>140</sup> The U.S. tried to argue that the invasion of Iraq was not only an attempt to overthrow the Hussein regime and to find WMD but also a humanitarian intervention because of Hussein's despotism and the ubiquitous violation of human rights.

<sup>141</sup> United Nations, General Assembly, 60/1. 2005 World Summit Outcome.

Heads of State and government agreed to the following:

That each individual state has the primary responsibility to protect its populations from genocide, war crimes, crimes against humanity and ethnic cleansing. And it is also a responsibility for prevention of these crimes.

That the international community should encourage or assist states to exercise this responsibility.

The international community has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means to help protect populations threatened by these crimes. When a state manifestly fails in its protection responsibilities, and peaceful means are inadequate, the international community must take stronger measures, including collective use of force authorized by the Security Council under Chapter VII.

Before 2011, the RtoP had been merely mentioned in some official UN documents, and remained relatively unheeded in international politics, even though it did have acceptance on the domestic level in several countries and regional organizations<sup>143</sup>. This changed with the Security Council Resolution 1970<sup>144</sup> and 1973<sup>145</sup> on Libya. For the first time, a responsibility to protect on the part of Libya (Res. 1970: "Recalling the Libyan authorities' responsibility to protect its population,") and of the international community (Res 1973: "...to take all necessary measures to protect civilians under threat of attack in the country...") is implied. With the Security Council resolution 1975 on Cote d'Ivoire, which also includes a passage based on a responsibility to protect civilians, the tendency to rely on RtoP has continued<sup>146</sup>. Nonetheless, even though the concept argues that states have a real political responsibility to protect, not a single international intervention has fully been based on this new concept.<sup>147</sup>

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<sup>142</sup> International Coalition for the Responsibility to Protect, "An Introduction to RtoP", <http://www.responsibilitytoprotect.org/index.php/about-rtop/learn-about-rtop> (accessed December 12, 2011)

<sup>143</sup> RtoP is mentioned in the national interests of France, Germany and also in some declarations of the African Union.

<sup>144</sup> Security Council SC/10187/Rev.1\*\*, 26 February 2011.

<sup>145</sup> Security Council SC/10200, 17 March 2011.

<sup>146</sup> Security Council S/Res/1975 (2011) 30 March 2011.

Since its emergence in 2001, the concept of 'responsibility to protect' has been discussed emotionally and passionately. Proponents and opponents of this concept desperately argue for their conviction. The intervention in Libya has increased the discussion about this concept once again, without any substantial conclusion so far. Finally, RtoP represents more of a normative idea and argument than a mandatory rule, policy, or strategy. The normative power of RtoP shapes its importance within the discussion about interventions and their rationale.

#### **D. POLITICAL THEORY AND HUMANITARIAN INTERVENTIONS**

After presenting a general overview of the idea of humanitarian intervention and generally answering the question why they sometimes occur and why at other times they do not, the theoretical framework for this case study of the U.S., Germany, and France (in regard to their behavior in the light of the incidents in Syria and Libya) necessarily needs a brief review of the relevant political theory.

As shown above, a large variety of reasons may be used to generally justify either intervention or non-intervention. An assessment of all possible theoretical frameworks for state behavior is impossible because of its large variety. For the Libyan intervention and the Syrian non-intervention, the thesis finally will focus on three major schools of thought that have a high likelihood of having influenced the decision-making processes within the three examined cases.<sup>148</sup>

First, the application of classical realism, with its focus on states and their primary interest, is investigated. Second, the influence of domestic policy upon the foreign affairs of the U.S., Germany, and France is assessed. Third, the rationale of constructivism, with its normative approach, is examined.<sup>149</sup> Thereby, a neutral observer would expect that the

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<sup>147</sup> Thomas G. Weiss, RtoP Alive and Well after Libya, *Ethics & International Affairs*, 25, no. 3 (2011).

<sup>148</sup> The consideration of liberalism will be neglected because its influence is assessed as low.

<sup>149</sup> Conditioned by the large variety of currents and trends within the definitions and explanations of these three schools of thought only a generalized overview and definition can be used to apply the behavior of states in a case of intervention. For an overview on different currents see: Stephen M. Walt; *International Relations: One World, many Theories*, *Foreign Policy*, No. 110, Special Edition: Frontiers of Knowledge. (Spring 1998).

influence of constructivism, the origin of the idea of humanitarian intervention, will almost conclusively explain the reasons why France and the U.S. intervened, and why Germany rejected this approach. The different decision-making process and the national interests of the three states are tested in Chapter V, with regard to the different approaches of these three states.

### **1. Realism and Humanitarian Interventions**

In a classical definition of realism,<sup>150</sup> with anarchy as the overarching constraint of world politics, the principles of self-help, states as the primary actors within the international system, a focus on military power and state diplomacy and the non-acknowledgement of international institutions as a real sustainable political force, humanitarian intervention appears to have even less meaning and, therefore, seems highly unlikely. An intervention means a violation of the principle foundational to the modern state system of sovereignty. Nevertheless, generally, interventions do not contradict realism—they are instead mentioned in another light.<sup>151</sup>

The necessary nexus of classical realism with humanitarian interventions leads to the assessment that states would only intervene if they could gain influence, expand their power, or could harm another competitive state—at least indirectly—through their acting. Indeed, those reproaches of "Imperialist intervention"<sup>152</sup> accompany almost every intervention and are common methods used to discredit the discussion about intervention

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<sup>150</sup> For the definition of realism see: Kenneth Waltz, *Theory of International Politics*, New York; McGraw Hill, 1979; Hans Morgenthau, *Politics Among Nations*, New York: Alfred a. Knopf, 1966; Robert Jervis, *Perception and Misperception in International Politics*, Princeton: Princeton University Press, 1976, John J. Mearsheimer, *The Tragedy of Great Power Politics*, New York: WW Norton, 2001.

<sup>151</sup> Realists justify intervention as a foreign policy tool by claiming that it serves the national interest. Silvija Lechner, *Humanitarian Intervention: Moralism versus Realism?*, *International Studies Review*, Volume 12, Issue 3, p. 437- 443, September 2010.

<sup>152</sup> For the Libyan case: Ray Bush, Giuliano Martiniello and Claire Mercer (2011): *Humanitarian imperialism*, *Review of African Political Economy*, 38:129, 357-365.

as a useful measure.<sup>153</sup> A more sophisticated reading argues that realism itself is a theory that includes ethic aspects, "postulating that an action is good only if it produces certain desirable outcomes."<sup>154</sup> Even if this seems to pave the way to assume that under realism a humanitarian intervention can occur, the conclusion that political realists are consequentialists who "treat the good of their own community as a primary good"<sup>155</sup> neglect this approach.

To assume that the foreign policy and international relations of Germany, France, or the U.S. follows a realism approach leads to the conclusion that, conversely, the motivation for a humanitarian intervention cannot be based on purely normative or ethical grounds.

## **2. Domestic Politics and Humanitarian Interventions**

In international politics, the "state as a unitary and rational actor" approach, based on realism, is still common. Therefore, the main assumption of the realism approach is that domestic politics play a subordinate role in international relations. Domestic politics includes a large variety of different branches and topics within a state,<sup>156</sup> and consequently a large number of factors influence politics and politicians. As shown in the discussion above, the only valid argument in public for an intervention is humanity; every other argument is normative, and insupportable. Therefore, especially in cases of interfering with the sovereignty of another state, it is of great importance that the interfering state does not raise the suspicion that the foreign intrusion is somehow linked

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<sup>153</sup> For the Syrian case: Russian foreign minister Lavrov repeatedly blamed Western states that seek a UN resolution against the Assad regime of "take sides" in internal conflicts where both sides act violently. Therefore, Russia will Veto every attempt to prepare an intervention like in Libya. Michael Heath, "Russia Won't Allow Libya-Style Syria Solution", Bloomberg Businessweek, February 02, 2012 <http://www.businessweek.com/news/2012-01-31/russia-won-t-allow-libya-style-syria-solution-lavrov-says.html> (accessed February 2, 2012).

<sup>154</sup> Silvija Lechner, Humanitarian Intervention: Moralism versus Realism?, *International Studies Review*, Volume 12, Issue 3, p. 437- 443, September 2010.

<sup>155</sup> Ibid.

<sup>156</sup> Domestic policy includes business and economy, education, energy, health care, law enforcement, taxation, natural resources, social welfare, monetary policy, and personal rights and freedoms. Thereby, domestic policy depends on a nation's history, its experience, its cultural background, its social system and governance, its economic conditions, and the interests and aims of the population.

with domestic politics within its own state. Nevertheless, several scholars have published theories and studies that prove the direct linkage between domestic and foreign politics<sup>157</sup>. Fearon assumes that:

If a systemic IR theory pictures states as unitary, rational actors, then a domestic-political explanation is one in which domestic-political interactions in at least one state yield a suboptimal foreign policy relative to some normative standard. Or, if a systemic IR theory pictures states as unitary, rational actors and also requires that attributes of particular states not enter the explanation, then a domestic-political explanation is any one that involves state characteristics other than relative power.<sup>158</sup>

Finally, de Mesquita points out:

"Leaders, not states, choose actions. Leaders and their subjects enjoy the fruits and suffer the ills that follow from their decisions. Alas, leaders seem to be motivated by their own well-being and not by the welfare of the state. The state's immortality beyond their own time is secondary to the quest of leaders for personal political survival."<sup>159</sup>

Although this conclusion is very disenchanting, a direct relationship between domestic politics and international relations is undeniable and, therefore, also had an impact on the decision to intervene in Libya and the still ongoing discussion about possibilities to stop the violence in Syria.

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<sup>157</sup> For example: Robert D. Putnam, within his often cited paper about the interaction between international politics and domestic politics, states: "It is fruitless to debate whether domestic politics really determine international relations, or the reverse. The answer to that question is clearly "Both, sometimes." Robert D. Putnam, *Diplomacy and Domestic Politics: The Logic of Two-Level Games*; *International Organization*, Vol. 42, No. 3. (Summer, 1988), pp. 427-460. Also see: Jack Snyder, *Myths of Empire: Domestic Politics and International Ambition*, Cornell University Press, 1991).

<sup>158</sup> James D. Fearon, Policy and Theories of International Relations, *Annual Review Political Science* 1998. 1:289-313.

<sup>159</sup> Bruce Bueno De Mesquita, Domestic politics and international relations, *International Studies quarterly* (2002),46, 1-9.

### 3. Constructivism and Humanitarian Interventions

Like all theories of international relations, constructivism contains several ideas and different approaches<sup>160</sup>. However, all of the approaches that interpret and explain international relations and politics are generally based upon two general tenets: the social construction of reality (including social facts)<sup>161</sup> and a special influence of the importance of the identity of states and state actors. One important result of this process is the emergence of norms.

As shown above, the influence of norms within international and domestic politics increased since the end of WW II, and shapes the base of the idea of humanitarian intervention. The idea of norms as the main trigger for humanitarian interventions is a main assumption for the participation and build-up of the anti-Quadhafi coalition of France and the U.S. Anyway, the question remains: why did France and the U.S. join a humanitarian intervention based on norms, and hence supports a constructivist approach in a broader sense, even though both nations are historically unsympathetic towards the strain of constructivism. At the same time Germany, another Western nation, refused to support a humanitarian intervention—although, it is true that norms are historically more important in this country.

### 4. Conclusion

Using a general classification for the foreign policy and international relations of the U.S., France, and Germany can help assess the actions of each of these states. If one state generally follows one specific political current, and then suddenly uses a normative argument to explain its action, there at least exists a need to explain this change of mind.

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<sup>160</sup> For a more liberal and current of constructivism: Alexander Wendt, *Social Theory of International Politics*, New York: Cambridge University Press, 1999; Alexander Wendt, Anarchy is what States Make of It, *International Organizations*, Vol. 46, No 2. (Spring 1992) pp. 391- 425.; John Gerard Ruggie, What Makes the World Hang Together? Neo- Utilitarianism and the Social Constructivist Challenge, *International Organizations*, Vol. 52, No. 4 (Autumn 1998), pp. 855- 885.

<sup>161</sup> Definition of social facts: "Facts that exist because all the relevant actors agree they exist. Social facts like sovereignty, property, human rights, and collective security are for constructivists the stuff of world politics, and human agency constructs those social facts." Brian Frederking; Constructing Post-Cold War Collective Security, *The American Political Science Review* 97. 3 (Aug 2003): 363- 378.

Therefore, the classification of the policy of all three states helps to explain which arguments of the three states of the case study for the Libyan and the Syrian case appear reliable, and which seem artificial to hide real intentions. Additionally, the rationale with regard to the taken action is highlighted on a broader level. Assessing the states behavior in this framework with a focus on the arguments of the governments of France, Germany, and the U.S. will embed the findings in a theoretical political framework.



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### III. LIBYA AND SYRIA

#### A. OVERVIEW OF LIBYA BEFORE THE CRISIS

Before the rebellion in Libya started, the country with its 6,400,000 inhabitants was assessed as an authoritarian regime. Its foreign relations had been determined by Qadhafi'. His "principal foreign policy goals have been Arab unity, the incorporation of Israel and the Palestinian Territories into a single nation of "Isratine," advancement of Islam, support for Palestinians, elimination of outside, particularly Western, influence in the Middle East and Africa, and support for a range of "revolutionary" causes."<sup>162</sup> Before the conflict started, Libya was—among others—a member of: the Arab League, the Arab Magharibi Union, the African Union, the Organization of the Islamic Conference, the conference of non-Aligned states, the Organization of Petroleum Exporting Countries (OPEC), and the United Nations. A Libyan "charm offensive,"<sup>163</sup> attempting to normalize the economic and political foreign relations of the country, coined the last decade. Libya sought to improve the relations to North African states, to increase its influence in Africa in general and to normalize the relations with the EU and the U.S.<sup>164</sup> Additionally, domestic economic reforms proceeded. Reasons for those attempts were above (all economic ones), but they also had a well-considered political aim.

On the international level, the Libyan oil industry was, after decades of sanctions, technically outdated and Libya needed expertise, technology, and investments from the West.<sup>165</sup> However, Libya also needed the economic improvement to reassure the Libyan population. The well-educated middle-class of the country was aware of the deficits of

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<sup>162</sup> Background Note Libya, *U.S. Department of State*, July 2011.

<sup>163</sup> Michael C. Moynihan, A Libyan Charm Offensive, *Reason magazine*, March 2010.

<sup>164</sup> The Qadhafi regime solved some troubles with the EU, supported African states financially, mediated the Darfur conflict successfully and in 2003 Libya officially dismantled its WMD program. Especially the initially compensation payments for the Lockerbie bombing (Pan Am Flight 103) of 2.7 billion U.S.\$ but also the later compensation for the victims of the La Belle bombing in Berlin in 1986 and for the victims of UTA flight 772 bombing paved the way for an agreement with the U.S. and the EU.

<sup>165</sup> Dirk Vandewalle, *A History of modern Libya*, Cambridge, Cambridge University Press, 2006.

the domestic economy and the isolated political position in world politics, and demanded modernization and an improvement of both the personal and general Libyan situation. The population would no longer accept the price for political adventures, isolation, and support of terrorism.

After more than four decades of Qadhafi's rule, the population was somehow at odds with itself. On the one hand, they saw Qadhafi with "some grudging admiration"<sup>166</sup>—but on the other hand, the Libyans expected and demanded more political freedom and better personal opportunities. Therefore, the reforms of the regime in the last decade were designed to reassure the population that things would improve. Qadhafi and his advisors were aware that their revolutionary movement—through some forms of rationalization and institutionalization over time—had become susceptible to the need for change on the part of the population. "Willy-nilly, social differentiation, and the clamor for greater participation among a new, educated generation, and for more efficient use of local wealth, has taken place in Libya."<sup>167</sup> Qadhafi's son Seif-el-Islam announced in 2005 that the first target of economic reforms would be to increase private ownership and spread the wealth of the country.<sup>168</sup>

Therefore, the reforms were also an early attempt to calm down the domestic situation that was driven by discontent about different issues,<sup>169</sup> and simultaneously tried to fulfill the demands of the population before protest movements and social unrest (like

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<sup>166</sup> Ibid.

<sup>167</sup> Ibid.

<sup>168</sup> "It is important to restructure in a way that does not repeat the mistake of concentrating wealth in the hands of a few," Qaddafi said. "The first target in this privatization will be the citizens of Libya and increasing their private ownership." This statement followed a bundle of announcement of economic reforms at the World Economic Forum 2005 in Davos. Thomas Crampton, "Qaddafi son sets out economic reforms: Libya plans to shed old and begin a new era", *New York Times*, [http://www.nytimes.com/2005/01/28/news/28iht-libya\\_ed3\\_.html](http://www.nytimes.com/2005/01/28/news/28iht-libya_ed3_.html) (accessed February 10, 2012).

<sup>169</sup> In addition to the economic situation, conflicts between radical Islamists and moderate Muslims and between different tribes and their importance in Libyan society increasingly emerged.

that from the period between 1980 and 2000) could develop<sup>170</sup>. The Libyan leadership realized the growing dissatisfaction of the citizens and tried to encounter it with careful reforms.

All approaches to reform the Libyan society and economy had mandatory constraints. Four key elements of Libyan society were sacrosanct: "Islam and the application of Sharia; Libyan security and stability; national unity; and Muammar Qadhafi."<sup>171</sup> The latter was—obviously—above all the most important element for the ruling regime. Finally, domestic politics and rising discontent with the speed of the reforms—the lack of individual freedom and the gap between promised and achieved reforms—fueled the rebellion that started in early 2011.

At the same time, Libya's initial situation seemed to be more stable on the international level. Several countries were highly interested in intensifying economic ties with the oil-rich country that obviously had a huge backlog for consumer goods, infrastructure, and services. The motives of most Western countries that renewed political relations with Libya were economic ones. The states wanted an intact political environment for their business, although the economic ties between EU member states and Libya endured even in times of political disagreements and international embargos.<sup>172</sup> The EU—especially some of its southern members—also had an interest in improved relations with the Libyan regime to stop or at least control illegal migration into

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<sup>170</sup> Between 1980 and 2000 in Libya, radical Islamic movements, especially in Eastern Libya and the Benghazi region, challenged the regime. Qadhafi's answer was a "systematic iron-fist-policy" with repression and violence but also attempts to calm down the situation with religious and economic reforms. These carrot and stick policy finally ended the open violence and was followed by a relatively quiet period between 2000 and 2010. Yehudit Ronen, Qadhafi and Militant Islamism: Unprecedented Conflict, *Middle Eastern Studies*, Vol. 38, No.4, October 2002, pp1-16; Alison Pargeter, Political Islam in Libya, *Terrorism Monitor* Volume: 3 Issue: 6, 2005; Popular Protest in North Africa and the Middle East (V): Making Sense of Libya *Crisis Group Middle East/North Africa Report N°107*, 6 June 2011.

<sup>171</sup> Popular Protest in North Africa and the Middle East (V): Making Sense of Libya *Crisis Group Middle East/North Africa Report N°107*, 6 June 2011.

<sup>172</sup> The EU and the U.S. policy towards Libya differentiated the most. The EU was less strict in the implementation of embargos and also lifted its embargos against Libya earlier than the U.S.. Already in 1999, directly after the ban of the UN sanctions, the EU invited Libya to join the Third European-Mediterranean Conference of Ministers as an observer, a status that had allowed Libya to have normal political relations with the EU. Yahia H. Zoubir, Libya and Europe: Economic Realism at the Rescue of the Qaddafi Authoritarian Regime, *Journal of Contemporary European Studies*, 17:3, 401-415 (2009).

their countries and the EU. Libya was assessed to be a strategic player for the prevention of illegal migration from African into Europe. The EU supported Libya with financial assets while Libya and Italy started to execute joint maritime patrols<sup>173</sup>.

Despite Qadhafi's attempts to reintegrate the country into the international community, and its undoubted success in improving Libya's international relations across the world, Libya still remained a politically isolated country without reliable allies. Qadhafi's notorious interference in the internal affairs of other countries, his support for terrorism, his claim to leadership, his sometimes quirky political perspectives, his sometimes weird political appearances, and his unique interpretation of Islam led to the isolation of Libya. When the revolution started, Qadhafi must have recognized very quickly that he had no reliable allies in the world. The West, Russia, and China were only acting out of their own national interests but never had any real interest in, or sympathy for, the Libyan leadership.

## **B. LIBYA AND ITS RELATION TOWARDS THE U.S., FRANCE, AND GERMANY BEFORE THE CRISIS**

### **1. Libya and the U.S.**

Relations between Libya and the U.S. were erratic before the intervention in 2011. After Libya's independence in 1951, which was supported by the U.S. at the UN, the U.S. established the Wheelus Air Force Base in Libya (in 1954). With the start of the oil boom in 1959, U.S. companies established close economic relations with Libya. After Qadhafi took power in a bloodless coup<sup>174</sup>—caused by the increasing corruption of the ruling king's entourage, the weak institutions and administrations, the growing nationalism and

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<sup>173</sup> In 2008 more than 70,000 people migrated illegal from Africa to Europe via the Mediterranean. For Europe it had been easier to fight the migration before the people start their journey at the Libyan coast. The EU granted Libya 20 million Euro in 2009 to fight illegal migration. Yahia H. Zoubir, Libya and Europe: Economic Realism at the Rescue of the Qaddafi Authoritarian Regime, *Journal of Contemporary European Studies*, 17:3, 401-415 (2009).

<sup>174</sup> A Revolutionary Command Council (RCC) organized the coup on 1<sup>st</sup> September 1969. Qadhafi was only one member of the RCC but very soon he was able to dominate it and finally he established in reality an autocracy.

pressure from outside<sup>175</sup>—relations between the U.S. and Libya deteriorated fast. In 1970, the U.S. had to close the Air Force Base—and with Qadhafi's decision in the 1970s to partially nationalize the country's oil wealth—U.S. oil companies lost influence, although they were able to avoid a total expropriation.<sup>176</sup> Libya's cooperation with the Union of Soviet Socialist Republics (USSR), ideological differences<sup>177</sup>, Qadhafi's idea of Islamic socialism and third universal theory, Libyan attempts to develop WMD and, most importantly, the Libyan support of international terrorism dominated relations with the U.S.

The level of mutual resentment varied until 2006, from attempts to overthrow or kill Qadhafi to direct attacks on Libya<sup>178</sup> by the U.S. and the classification of Libya by U.S. presidents as a "soviet satellite," the "mad dog of the Middle East," or a "rough state."<sup>179</sup> The resentment focused on the attack on the PanAm plane over Lockerbie in 1988,<sup>180</sup> by terrorists which had been supported by Libya. Economic ties have been completely banned by unilateral U.S. embargos against Libya since 1986 and by UN sanctions since 1993.<sup>181</sup>

The bilateral relations started to relax in the 1990s when Libya improved and expanded its international relations by tackling terrorism and starting to open its economy to foreign investments. The U.S. did not want to get left out, and so it also made efforts to

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<sup>175</sup> Especially the foreign oil companies that were unsatisfied with the speed of the Libyan administration, pressured for a change.

<sup>176</sup> Yahia H. Zoubir, The United States and Libya: the limits of coercive diplomacy, *The Journal of North African Studies*, Vol. 16, No. 2, June 2011, 275- 297; Dirk Vandewalle, *A History of modern Libya*, Cambridge University Press, 2006.

<sup>177</sup> Libya supported movements and states, which the U.S. government actively opposed.

<sup>178</sup> The U.S. attacked Tripoli and Benghazi in April 1986 as a response to a terror attack on a nightclub in Berlin that left several Americans killed and wounded.

<sup>179</sup> Yahia H. Zoubir, The United States and Libya: the limits of coercive diplomacy, *The Journal of North African Studies*, Vol. 16, No. 2, June 2011, 275- 297.

<sup>180</sup> The explosion of a bomb onboard the PanAm Jumbo during its flight from London to New York on 21 December 1988 killed in total 270. Eleven of the victims were inhabitants of the Scottish village Lockerbie that the Jumbo passed when the bomb detonated.

<sup>181</sup> Different embargos started already in the 1970s under U.S. President Carter who stopped the trade of dual use equipment and were enhanced several times afterwards.

improve relations. Nevertheless, the U.S. sanctions were kept until 2006, although the UN sanctions were already lifted in parts in 1999.<sup>182</sup> By accepting responsibility in the Lockerbie bombing and paying compensation to the relatives of the victims, as well as abandoning its WMD program in 2003, Libya finally seemed to be reintegrated in the international community. In 2004, U.S.-Libyan relations normalized on a low diplomatic level.<sup>183</sup>

In 2011, on the eve of the Libyan uprising, the political relations between both countries had generally normalized, but tensions about human rights, democracy and the mutual behavior in the past still existed. Finally, the relations were "free of the formal constraints that once precluded cooperation," but "the relationship remains relatively undefined after decades of tension."<sup>184</sup>

The economic ties between both countries were virtually insignificant after 24 years of U.S. embargo—until 2006—but the U.S. oil industry was very interested and, therefore, active in building up business relationships in the oil sector.<sup>185</sup> Additionally, both countries signed a 'Trade and Investment Framework Agreement' in 2010, but the implementation was not able to occur before the intervention.

## **2. Libya and France**

Both countries share a long common history. French, together with Great Britain, replaced Italy as the colonial power in 1943<sup>186</sup>. After its independence, and until Qadhafi came to power, French-Libyan relations were almost completely based on arms deals<sup>187</sup>.

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<sup>182</sup> Based on the UN Security Council Resolution 1192, S/Res/1192 (1998) some sanctions were banned after Libya delivered two suspects for the Lockerbie assault.

<sup>183</sup> The U.S. opened a Liaison Office in Tripoli in 2004 and an U.S. ambassador was established in late 2008.

<sup>184</sup> U.S. Library of Congress, Congressional Research Service, *Libya: Background and U.S. Relations* by Christopher M. Blanchard. CRS Report RL 33142. Washington, DC: Office of Congressional Information and Publishing, February 18, 2011.

<sup>185</sup> Chevron, ConocoPhillips, ExxonMobil, Marathon and other companies of the oil business founded in 2005 the U.S.-Libya Business Association, which had the aim to better mutual relationship and trade.

<sup>186</sup> The administration over Libya was given to France in 1943 after French troops occupied the country from Italy during WW II.

<sup>187</sup> French sold several Mirage 5 fighters and other military equipment to Libya.

Politically, the French participation in the occupation of the Suez Canal in 1956, and the French arms deals with Israel before and after the 1967 Israeli-Arab war, burdened relations.

After Qadhafi took power, France was one of the countries that benefited economically from the change. France was able to make major arms sales to Libya between 1970 and 1976, and to sign an agreement guaranteeing oil supplies in return for technical and financial cooperation in 1974.<sup>188</sup> While the level of mutually beneficial relations peaked in 1977, after Libya supported France to free some French citizens in Chad, the bilateral relationship deteriorated after 1977 over France's Middle Eastern policy and the French engagement in the Chad conflict—when the French government required a Libyan withdrawal from Chad in 1982. Libya finally blamed the U.S. and France for the defeat in Chad.<sup>189</sup> The conflict culminated in the Libyan attack on a French passenger plane in 1989, which killed 170 people, including 54 French citizens.<sup>190</sup>

With the Libyan attempts to reintegrate with the international community, and the opening of the Libyan economy to foreign investments, relations improved. After solving the UTA flight incident in 1999 judicially, the way was paved for improved economic relations. Libya was interested in foreign investments and France wanted to support its domestic economy. As a direct outcome of the strong French interest in economic relations with Libya, the French President Jacques Chirac flew to Libya in 2003, directly after all UN sanctions were banned, to broker the compensation for the victims of the UTA flight. This removed the last obstacle for normal political and, above all, economic relations. This development peaked with Qadhafi's visit to Paris in 2007. Although criticized by parts of the French government, Libya signed contracts worth 10 billion

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<sup>188</sup> George Joffe, Libya and Europe, *The Journal of North African Studies*, 6:4, 75-92 (2001).

<sup>189</sup> Ibid.

<sup>190</sup> A bomb destroyed the "Union de Transports Aeriens" (UTA) flight 772 on its flight from Chad to France. Afterwards, France blamed Libya for the assault and six Libyans were sentenced guilty *in absentia* at a French court in 1999. Later on, a Libyan state foundation agreed to pay 170 million U.S.\$ as compensation for the attack in 2004, and in 2007 a U.S. court found Libya guilty to be responsible for the attack.



Euros, including an atomic energy plant, a desalination plant, and 21 Airbus planes. The French Prime Minister Francois Fillon defended the contract as a "French interest,"<sup>191</sup> but nevertheless, the economic ties between both countries are at a low level. In 2009, France's exports to Libya had a volume of \$1 billion and imports from Libya were about \$3.1 billion, mostly oil and oil products, making it Libya's third largest export market after Italy and Germany.<sup>192</sup>

### **3. Libya and Germany**

Bilateral relations between Germany and Libya have been normal since the end of WWII. Mutual indifference characterized the foreign policy of both countries until the 1980s. The relationship worsened significantly after two major events. First, after the assault on the Berlin nightclub "La Belle,"<sup>193</sup> conducted by Libyan terrorists on the order of the Libyan government. Second, after the "Imhausen" scandal was published, when a German company delivered an entire chemical factory to Libya, despite the strict embargo of the 1980s<sup>194</sup>.

As a result, the mutual relations dampened significantly. The relationship improved in the course of the Libyan attempts to relax its international relations, reintegrate in international politics, and open the country for foreign investments. During the last decade, Germany's foreign policy towards Libya was embedded in the EU policy: a more central role now addressed the economic relations with Libya.

The mutual economic relations were more important for Libya. In 2009, Germany imported goods in a volume of 3.1 Billion Euro, mainly natural resources (oil and gas),

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<sup>191</sup> Nancy Isenson. "France and Italy share strong ties with Libya's Gadhafi." *Deutsche Welle*, <http://www.dw.de/dw/article/0,,14859155,00.html>, (accessed February 10, 2012).

<sup>192</sup> Ten percent of Libya's oil export was going to France in 2009.

<sup>193</sup> The attack was probably revenge by Libya for a naval clash in the Mediterranean between the U.S. and Libya. The Berlin nightclub was a popular place for members of the U.S. forces. Two U.S. servicemen were killed and 79 injured in the attack.

<sup>194</sup> The chemical plant was delivered during the 1980s and built in Rabta, but this was only detected in 1989.

and exported goods for one billion Euro, mainly vehicles and machinery.<sup>195</sup> With a mutual trade volume in 2009 of approximately 4 billion dollars (0.5% of Germany's total trade volume), Libya is only a minor trade partner for Germany, despite its position as the fifth-largest oil supplier for Germany.<sup>196</sup> Conversely, Germany was one of the most important export and import partners for Libya with an estimated 8% of Libya's trade volume in 2010.<sup>197</sup>

#### **4. Conclusion**

The bilateral relations between U.S., France, and Germany and Libya before the uprising started were very different. The U.S., as a cold war superpower, had a historically tense relationship with Libya. Coined by a full spectrum of conflicts in the last decades, the political relationship between both states was—despite Qadhafi's latest attempts to improve them—still very tense. Events of the past still had influence on the relationship with the Qadhafi regime before the uprising started. Economically, the relationship was insignificant, although U.S. companies hoped to benefit from a political detente.

While France and Libya had tensions that originate from the colonial past and the German-Libyan relationship was negatively influenced by the occurrences of the 1980s, both countries were highly interested in the economic prospects that improved after Libya liberalized its economy. The need to support their domestic economy, especially after the financial crisis started in 2008/2009, encouraged all three governments to renew or improve relations with the Qadhafi regime, even if this would mean accepting Qadhafi as a negotiating partner.

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<sup>195</sup> Libya held the 36<sup>th</sup> place as importer to Germany and the 58<sup>th</sup> place as export country for German industry in 2010. [www.tagesschau.de](http://www.tagesschau.de) (accessed 08 February 2012)

<sup>196</sup> Data: German Federal Office of Statistics. <http://www.destatis.de/jetspeed/portal/cms/Sites/destatis/Internet/DE/Content/Publikationen/Fachveroeffentlichungen/Aussenhandel/Gesamtentwicklung/ZusammenfassendeUebersichtenJendgueltig2070100097004,property=file.pdf> (accessed February 8, 2012)

<sup>197</sup> Libya's trade volume in 2010 was approximately 50 billion Euros. Central Intelligence Agency. "The World Factbook: Libya" CIA. <https://www.cia.gov/library/publications/the-world-factbook/geos/ly.html> (accessed February 8, 2012)

### C. DEVELOPMENT IN LIBYA IN 2011

The uprising in Libya started on 15 February 2011 in the east-Libyan town of Benghazi after Libyan authorities arrested a human rights activist. It escalated radically after the funeral of a victim of the three-day old protests was attacked by Libyan loyalists on 18 February. During February, a growing number of Libyan forces, diplomats and politicians defected to the opposition while several towns<sup>198</sup> fall into the hands of the rebels and violent protests and clashes started also in Tripoli. This development induced Qadhafi to start a military counteroffensive with all means of force, including artillery, tanks, and warplanes. As a direct outcome, the Qadhafi forces were able to retake several cities such as Brega and Ra's Lanuf, forcing the rebels to withdraw along the whole front, leading to the siege at Misrata.

The UN Security Council passed an initial resolution on 26 February that condemned the violence, imposed a series of international sanctions on Libya and on Qadhafi and his family, and referred Libya's crackdown on rebels to the International Criminal Court.<sup>199</sup> At about the same time, and in the following weeks (before any action was taken), several other supranational organizations like the European Union (EU)<sup>200</sup>, the African Union (AU)<sup>201</sup>, the League of Arab States (LAS)<sup>202</sup>, the

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<sup>198</sup> The rebels gained control over the second-largest Libyan town Benghazi and also of Misrata, Ra's Lanuf, Brega, Bayda, Zawiya, Zuwara, Somam, and some other smaller towns.

<sup>199</sup> UN Security's Council Resolution 1970 included an arms embargo, a travel ban for members of the regime and the freezing of several assets of Libya and the Qadhafi family. Security Council SC/10187/Rev.1\*\*, 26 February 2011.

<sup>200</sup> The EU governments approve sanctions against Libya on 28 February. Council of the European Union 7081/11, Presse 41, 28 February 2011.

<sup>201</sup> The strong statement of the AU's chief, Jean Ping, "strongly condemn[ing] the indiscriminate use of force" on was surprising because of Libya's important role within the AU. Libya was among five nations that contributed nearly two-thirds of the membership dues in the 53-state organization. He was also said to provide financial aid to poorer African countries in return for their support in AU affair. Voice of America, "AU Joins in Condemning Use of Force in Libya" Voice of America, <http://www.voanews.com/english/news/africa/AU-Joins-in-Condemning-Use-of-Force-in-Libya-116752809.html> (accessed February 4, 2012).

<sup>202</sup> The League of Arab States meeting at the Ministerial level in an extraordinary session on March 12, 2011 had the outcome that the LAS supported imposing a non-fly zone while simultaneously rejecting a military intervention. UNSC. Update Report No. 1 Libya 14 March 2011 [http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.6621881/k.63C4/Update\\_Report\\_No\\_1brLibyabr14\\_March\\_2011.htm](http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.6621881/k.63C4/Update_Report_No_1brLibyabr14_March_2011.htm) (accessed February 4, 2012).

Organization of the Islamic Conference (OIC)<sup>203</sup> and the Gulf Cooperation Council (GCC)<sup>204</sup> condemned the behavior and the actions of the Qadhafi regime, and asked for international measures like a no-fly zone and summoned the Qadhafi regime to stop the violence.<sup>205</sup> Only Turkey and Russia rejected the idea of a no-fly zone in Libya during that phase of events. While Turkey followed their own specific interests, the Russian position already characterized their general stance to deny foreign interventions into sovereign states.

March 2011 was the decisive period for international politics to shape the development in Libya. On 5 March, the NTC declared itself in a letter to the UN General Assembly to be the "sole representative of all Libya and called for the international community to protect the Libyan people without any direct military intervention on Libyan soil"<sup>206</sup>

The outcome of a meeting of NATO defense ministers on 10 March was discordant about the policy and measures towards Libya, but in accordance about the necessity of the endorsement of the UN for any kind of intervention.<sup>207</sup> The differences that were obvious within the NATO meeting as it continued one day later at the EU summit in Brussels. The EU came to an agreement to consider that "...in order to protect the civilian population, Member States will examine all necessary options, provided that

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<sup>203</sup> On March 8, 2011 the secretary-general of the Organization of the Islamic Conference (OIC) Isahnoglu announced that the OIC supported a no-fly zone over Libya and called for the UN to assume its responsibility. *Organization of Islamic Cooperation*, [http://www.oic-oci.org/topic\\_detail.asp?t\\_id=5031&x\\_key=](http://www.oic-oci.org/topic_detail.asp?t_id=5031&x_key=). (Accessed February 4, 2012).

<sup>204</sup> On 7 March the Gulf Cooperation Council (GCC) "demanded that the UN Security Council take all necessary measures to protect civilians, including enforcing a no-fly-zone over Libya," and said that "those responsible should be brought to justice." *The Free Library*. <http://www.thefreelibrary.com/Gulf+states+back+Libya+no-fly+zone-a01612432723> (accessed February 4, 2012)

<sup>205</sup> The AU was the only organization that particularly refused the idea of a military intervention in Libya.

<sup>206</sup> Emily O'Brien and Andrew Sinclair *The Libyan War: A Diplomatic History*, Center on International Cooperation, NYU, August 2011.

<sup>207</sup> While Germany and the U.S. opposed a military intervention, Great Britain and France wanted to establish a non-fly zone as soon as possible. Elisabeth Bummler, "NATO steps back from military intervention." *New York Times*, March 10, 2011, [http://www.nytimes.com/2011/03/11/world/africa/11nato.html?\\_r=1](http://www.nytimes.com/2011/03/11/world/africa/11nato.html?_r=1) (Accessed February 4, 2012)

there is a demonstrable need, a clear legal basis and support from the region."<sup>208</sup> They also decided that Qadhafi had to resign. The range of single statements afterwards was large. In contrast to the EU statement, German chancellor Angela Merkel "described herself as fundamentally skeptical" of military action and, in contrast, the French President Nicholas Sarkozy indicated that France and Britain were contemplating airstrikes in Libya.<sup>209</sup>

The idea of different approaches amongst the European powers continued also at the Group of Eight (G8) meeting in Paris on 14–15 March, when the U.S. Secretary of State Hillary Clinton had an informal meeting with the leader of the NTC, Mahmoud Jibril, and the members of the G8 were unable to find a common stand on Libya. Germany already signaled no willingness to participate in a military intervention, and the U.S. seemed to be non-committal.<sup>210</sup> With the determination of U.S. politics to demand and push for a UN Security Council (UNSC) resolution to allow the use of military force on 16 March—and the negotiations between France, Great Britain, and the U.S. over the language of a necessary resolution—the way was paved for further action.

Qadhafi's infamous reaction to the unfavorable developments for his regime was an aggressive and disturbing speech where he underlined his will to "have no mercy" with the rebels.<sup>211</sup> This speech was afterwards used as a justification for the decision of the UNSC only hours later. On 17 March, the UNSC adopted resolution 1973 that represented the legal base for an intervention in Libya by stating that it:

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<sup>208</sup> European Council, *Declaration* Extraordinary European Council, 11 March 2011, EUCO 7/1/11 REV 1, published 20 April 2011

<sup>209</sup> Emily O'Brien and Andrew Sinclair *The Libyan War: A Diplomatic History*, Center on International Cooperation, NYU, August 2011

<sup>210</sup> Ibid.

<sup>211</sup> Qadhafi announced a military offensive against Benghazi in a radio speech for the next day and simultaneously warned the rebels that his forces will find anybody and will show no mercy and no pity.

Authorizes Member States ... to take all necessary measures, notwithstanding paragraph 9 of resolution 1970 (2011), to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya...<sup>212</sup>

The UNSC resolution passed with ten votes in favor and, surprisingly, with five abstentions. Germany refused approval—along with Brazil, Russia, China, and India. In the rebel territory within Libya, the UNSC resolution led to cheers and approval.

On 19 March, the first strikes conducted by French forces against Libyan forces began. NATO officials declared that the mission was not under the leadership NATO, but rather under the lead of Great Britain and France<sup>213</sup>. An international response to the attacks followed on 20 March. Qadhafi called the attacks a "blatant colonialism,"<sup>214</sup> and several states and organizations also disagreed with the decision to attack targets actively in Libya, instead of taking the more passive role of imposing a no-fly zone. The LAS, the AU, China, Germany, and Russia expressed their concerns about the intervention and warned that the attacks may have exceeded the UN mandate.

Two days into the intervention in Libya, a discussion about the leadership of the coalition of the 19 participating states had already begun. The U.S. did not want to lead the mission because of international relations and for domestic reasons, and other single nations did not have the military capacity to lead it. Therefore, the idea to give the lead to NATO emerged immediately despite some doubts about whether a NATO-led operation in a Muslim country may cause new resentments.<sup>215</sup> After several days of discussion, NATO announced on 24 March that they would take over the responsibility for the no-fly zone from the U.S., but initially rejected leadership of the whole operation.

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<sup>212</sup> Security Council SC/10200, 17 March 2011.

<sup>213</sup> The majority of assets (planes, intelligence, cruise missiles) and the whole operational planning suggest the assumption that U.S. forces in fact led the operation during its beginning.

<sup>214</sup> Emily O'Brien and Andrew Sinclair *The Libyan War: A Diplomatic History*, Center on International Cooperation, NYU, August 2011.

<sup>215</sup> While the British Prime Minister David Cameron wanted NATO to lead, the French foreign minister refused that idea with consideration of the LAS and Turkey was undecided. Emily O'Brien and Andrew Sinclair *The Libyan War: A Diplomatic History*, Center on International Cooperation, NYU, August 2011.

Especially Turkey, France, and Germany opposed this idea.<sup>216</sup> After long negotiations, NATO finally took over the full implementation of resolution 1973 with the aim to protect civilians on 24 March, through the NATO mission "Unified Protector" that would be effective on 01 April 2011.<sup>217</sup>

The international response to this decision was varied. While Germany started to withdraw its officers from the NATO Joint Force Command (JFC) Naples that had the operational lead for Unified Protector as a consequence of the declared non-participation<sup>218</sup>, Turkey tried to broker a new cease-fire and the BRIC (Brazil, Russia, India, and China), along with others, once again criticized the whole mission.<sup>219</sup>

During the months that followed, criticism of "Unified Protector" emerged regularly, partially because of a lack of efficiency<sup>220</sup>, partiality because of bias related to the arms embargo,<sup>221</sup> and because of the killing of noninvolved civilians.<sup>222</sup> The most important criticism, which had great importance and influence for the development in

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<sup>216</sup> Kim Wilsher, "Sarkozy opposes Nato taking control of Libya operation." *The Guardian*, <http://www.guardian.co.uk/world/2011/mar/22/sarkozy-nato-libya-france> (accessed February 6, 2012)

<sup>217</sup> The aims of the NATO mission "Unified Protector" were not clear when NATO took command. Not earlier than on 14 April 2011 the NATO foreign minister committed on a common goal during their meeting in Berlin. NATO, "NATO and Libya." [http://www.nato.int/cps/en/natolive/topics\\_71652.htm](http://www.nato.int/cps/en/natolive/topics_71652.htm) (accessed February 3, 2012)

<sup>218</sup> Finally this decision was not changed over completely. Despite the official announcement the German forces were involved in the planning and execution of the Libya campaign. Mathias Gebauer. "Are German Soldiers Secretly Helping Fight Gadhafi?" *Der Spiegel*, <http://www.spiegel.de/international/world/0,1518,781197,00.html> (accessed April 14, 2012)

<sup>219</sup> On a BRIC state summit in China they stated that the resolution 1973 "was being interpreted arbitrarily". Emily O'Brien and Andrew Sinclair *The Libyan War: A Diplomatic History*, Center on International Cooperation, NYU, August 2011.

<sup>220</sup> Especially after successful attacks of the Libyan forces against the rebels, criticism emerged; but when the mission started to take longer than generally expected even the U.S. secretary of defense Robert Gates criticized NATO for operational woes.

<sup>221</sup> Critics claimed that the arm embargo possibly was not universal. While NATO consequently observed the embargo against the regular Libyan forces reports were published that the rebels got several arms deliveries also from NATO states without being hampered. David Bosco. "NATO's not enforcing the Libyan arms embargo – should it be?" *Foreign Policy*, [http://bosco.foreignpolicy.com/posts/2011/05/25/natos\\_not\\_enforcing\\_the\\_libyan\\_arms\\_embargo\\_should\\_it\\_be](http://bosco.foreignpolicy.com/posts/2011/05/25/natos_not_enforcing_the_libyan_arms_embargo_should_it_be) (accessed February 6, 2012).

<sup>222</sup> NATO killed civilians several times accidentally during the campaign. For example: the killing of probably nine civilians on 19 June. Ernesto Londono. "NATO confirms strike hit wrong target, killing Libyan civilians." *The Washington Post*. [http://www.washingtonpost.com/world/middle-east/nato-says-strike-may-have-killed-libyan-civilians/2011/06/19/AGL7VdbH\\_story.html](http://www.washingtonpost.com/world/middle-east/nato-says-strike-may-have-killed-libyan-civilians/2011/06/19/AGL7VdbH_story.html) (accessed February 4, 2012).

Syria, were the supposed attempts to kill Qadhafi in opposition to the UNSC resolution.<sup>223</sup> The Russian foreign minister Sergei Lavrov criticized that NATO had exceeded the coverage of the resolution and announced for the future that "if somebody would like to get authorization to use force to achieve a shared goal by all of us, they would have to specify in the resolution who this somebody is, who is going to use this authorization, what the rules of engagement are and the limits on the use of force."<sup>224</sup>

After more than seven month of fighting, the NTC declared its victory on 23 October 2011 and NATO officially ended its mission on 31 October 2011<sup>225</sup>. Finally, without the massive support of the coalition forces<sup>226</sup> engaged in operation "Unified Protector," the success of the Libyan rebellion would have been impossible. After the killing of up to 30,000 people, the conflict ended.<sup>227</sup>

Despite several criticisms, discord on all international levels (and within the UN and NATO), and in spite of emotional discussions in politics and scholarship, the international coalition enforced the UNSC resolution 1973. The assessment of the resolution has been exceeded and, therefore, the West's support for the rebels until they

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<sup>223</sup> Neither NATO as an organization or any single nation ever stated that the aim of single attacks or the whole mission was to kill Qadhafi or his family. The fact that NATO airstrikes hit Qadhafi's private accommodations several times (which were obviously without any tactical relevance) suggests the assumption that the coalition at least approved an eventual killing of the Libyan leader and his family. Attempts to kill Qadhafi are not covered by the UNSC resolutions 1973 or 1970.

<sup>224</sup> Russia criticized NATO on 01 May for bombing Qadhafi directly one day earlier. During that airstrike one of his sons was killed and Russia stated that the attack raised "serious doubts about coalition members' statements that the strikes in Libya do not have the goal of physically annihilating Mr. Gaddafi and members of his family" Kareem Fahim and Mark Mazzetti. "Allies Defending Actions in Libya After Airstrike.: *New York Times*. <http://www.nytimes.com/2011/05/02/world/africa/02libya.html?ref=libya> (accessed February 4, 2012). One month later he repeated and elucidated his criticism in an interview with Bloomberg TV. Bloomberg TV. "Russia's Lavrov Interview." <http://www.bloomberg.com/video/70404146/> (accessed February 4, 2012).

<sup>225</sup> NATO JFC Naples. NATO and Libya, Operational Media Update for October 31, 2011.

<sup>226</sup> The forces under NATO command flew 26,281 sorties (attacks) on Libya from 31 March until 22 October 2011. NATO JFC Naples. NATO and Libya, *Operational Media Update* for 22 October 2011.

<sup>227</sup> Reliable data about the number of killed civilians, soldiers, and rebels are not available. The highest estimations reach a death toll of 30,000 to 50,000 but these numbers, provided by the rebels are questionable. NTC officials estimate 25,000 to 30,000 killed in the conflict. The latest estimates originate from September 2011; no current numbers are available. The Red Cross doubts this number in general because it seems to be exaggerated largely. Rod Nordland. "Libya Counts More Martyrs Than Bodies." *New York Times*. <http://www.nytimes.com/2011/09/17/world/africa/skirmishes-flare-around-qaddafi-strongholds.html?pagewanted=all> (accessed February 7, 2012).



finally defeated, captured, and killed Qadhafi is still under discussion. Several single states and supranational organizations rejected NATO's interpretation of UNSC resolution 1973. They argue that the establishment of a no-fly zone and the protection of civilians would have been possible without massive bombardments. A direct impact of this extreme interpretation of a UNSC resolution is the difficulty in reaching international agreement on a statement towards the Syrian leadership. Especially Russia and China, as UNSC veto nations, are concerned about the consequences that a resolution against Syria could have.

#### **D. OVERVIEW SYRIA BEFORE THE CRISIS**

Syria, a multi-ethnic state with approximately 22.5 million inhabitants, has been ruled by different Arab Ba'ath Party regimes since 1963—and since a bloodless coup by Hafez al-Assad in 1970, by the al-Assad family. The state, officially a parliamentary republic, is governed autocratically with a leading role of the Baath party that establishes the basis for the rule of the al-Assad family. After Hafez al-Assad's death in 2000, his son Bashar al-Assad took power as a result of a deliberately prepared process. Very soon after Bashar al-Assad's takeover, hopes were dampened that the Western-educated ruler would sustainably reform the country. Instead, he followed the idea to "modernize or upgrade authoritarianism," which means to improve the system without real changes or a more democratic approach towards domestic Syrian policy.<sup>228</sup> The ruling family has an Alawite background, an offshoot of Shiism, and is thus part of a religious minority group in Syria (which majority is Sunni).<sup>229</sup> Therefore, the conflict between the ruling Alawite's and the revolting Sunni majority also represents another chapter in the long-lasting history of tensions and conflicts between Shia and Sunni Muslims in the whole region.

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<sup>228</sup> Volker Perthes, *Syria under Bashar al-Asad: Modernisation and the Limits of Change*, Oxford University Press, 2004.

<sup>229</sup> Sunnis Muslims make up 74 percent of Syria's population, Alawites 12 percent, Christians 10 percent and Druze 3 percent. Ismailis, Yezidis and a few Jews make up the rest. In: *Syria's Alawites*, a secretive and persecuted sect.

Before the conflict started, Syria was—among other groups—a member of the Arab League<sup>230</sup>, of the Organization of Arab Petroleum Exporting Countries, of the Organization of Islamic Cooperation, and the United Nations.

The primary goals of Syria's foreign policy are "ensuring regime survival, maintaining influence among its Arab neighbors, and achieving a comprehensive Arab-Israeli peace settlement, which includes the return of the Golan Heights..."<sup>231</sup> The frequent interferences in its neighbor's affairs are a result of Syria's historic formation, and the thereof resulting Arab nationalism that dominates Syria's identity and politics to this day.<sup>232</sup> The different attempts to influence its neighbors—both directly and indirectly—caused several conflicts in the past and tensions with its neighbors to this day. An instrument of influence in the development in the region is the active support of terrorism and Islamic organizations by the Syrian regime, especially by supporting and influencing Hamas<sup>233</sup> and Hezbollah<sup>234</sup>. In addition to militant attempts of regional power projection, Syria also uses political negotiations to achieve its goals.

To ensure its primary goal of returning the Golan Heights, Syria negotiated with Israel in the late 1990s, but the attempt failed. As a direct result, Syria shifted its focus of foreign policy increasingly to the East and improved its economic and political relations

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<sup>230</sup> Syria is actually suspended from the Arab League.

<sup>231</sup> Background Note Syria, *U.S. Department of State*, January 2012,.

<sup>232</sup> Raymond Hinnebusch, What does Syria Want?, Presentation for the Center for Naval Analyses and the Forum Du Futur (France), 2008, Raymond Hinnebusch, Syria: from 'authoritarian upgrading' to revolution?, *International Affairs* 88: 1 (2012) 95–113.

<sup>233</sup> "In March 2011, Israel intercepted a Liberian-flagged container ship named the Victoria that contained 50 tons of Iranian smuggled weaponry on its way to Hamas, including Chinese-designed C704 anti-ship missiles. According to Israeli sources, the cargo was loaded at the Syrian port city of Latak." U.S. Library of Congress. Congressional Research Service, *Syria: Issues for the 112<sup>th</sup> Congress and Background on U.S. Sanctions* by Jeremy M. Sharp. CRS Report RL 33487. Washington, DC: Office of Congressional Information and Publishing, April 28, 2011.

<sup>234</sup> Syria has several times delivered arms and ammunition to Lebanon in support for the Hezbollah or trained Hezbollah members. Ibid.

with Iraq in 2000. This brought Syria on a collision course with the U.S. after the 2003 Iraq invasion when the Assad regime decided to oppose the invasion politically<sup>235</sup>.

Disputes with Lebanon, where Syria has permanent interests<sup>236</sup>, led to a tighter relationship with Iran, and to increased support for and influence on the Hezbollah in Lebanon to counterbalance Israel and the U.S.. Despite the assumed Israeli bombing of Syrian nuclear facilities in 2007, Syria and Israel started new peace negotiations in 2008, mediated by Turkey.

Syria has maintains close connections to Russia for more than four decades. These close ties are highlighted by the Russian navy base in the Syrian city of Tartus that was founded in 1971. Currently, the Russian forces are expanding the Tartus naval base to allow larger warships to enter the only Russian base in the Mediterranean.

After the first attempts of Hafez al-Assad in the mid-1980s and late 1990s to reform the Syria's economy because of domestic pressure, the economic situation for the majority of the population has remained unchanged, tense, and difficult.<sup>237</sup> The last decade was crucially impacted by Bashir al-Assad's attempts to modernize the Syrian economy under the premise of its own retention of power on a 'middle' way by expanding the private sector, while reforming the public sector, and maintaining social protection through a concept of a 'social market' economy.<sup>238</sup> This attempt failed and Syria's political support for Iraq since 2002/ 2003 had a significant economic cost caused by U.S. embargos. Syria's entanglement in the murder of the former Lebanese Prime Minister

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<sup>235</sup> Syria was a main logistic base, hosted insurgency training camps and was the most important supplier for the Iraq insurgency after the U.S. invasion in 2003. Ryan Mauro, Has Discus stopped supporting Terrorists?, *Middle East Quarterly*, Summer 2009, Volume XVI: Number 3.

<sup>236</sup> Lebanon is seen as a detached part of historic Greater Syria: Syria wants to use Lebanon as a military base like before its 2005 withdrawal; the close connection with the Hezbollah brings benefit to Syria, therefore, Hezbollah gets Syrian support; Economic interests within Lebanon; Lebanon as a lever to negotiations with Israel; Raymond Hinnebusch, What does Syria Want?, *Presentation for the Center for Naval Analyses and the Forum Du Futur* (France), 2008.

<sup>237</sup> Raymond Hinnebusch, Modern Syrian Politics, *History Compass* 6/1 (2008): 263-285.

<sup>238</sup> Raymond Hinnebusch, Syria: from 'authoritarian upgrading' to revolution? *International Affairs* 88; 1 (2012) 95-113.

Rafic Hariri in 2005<sup>239</sup> also deteriorated political and economic relations with the EU. As a result of political and economic isolation by the West, Syria improved its economic relations with China, Iran, Turkey, and the Arab world. Nevertheless, in "2010 the European Union (EU) was Syria's biggest trading partner, accounting for 22.5% of Syrian trade, followed by Iraq (13.3%), Saudi Arabia (9%) and China (6.9%.) Turkey was in fifth place with 6.6% and Russia was ninth with 3%."<sup>240</sup> Syria's most important export good is oil and oil products. Syria produces approximately 400.000-barrels of oil per day and 250.000 of those barrels are exported.<sup>241</sup>

Although the economic ties to Russia and China represent only 10% of Syria's trade volume, these connections have a special meaning. Since 2006, Russia increased its arms exports to Syria substantially, from 16 million U.S.\$ in 2006 to 162 million U.S.\$ in 2010<sup>242</sup> and additional future contracts, including modern weaponry, worth 4 billion U.S.\$ are already signed<sup>243</sup>, underlining the importance of Syrian-Russian relations. For China, Syria is an important export market with a volume of exports of more than 2.2 billion Euros, while Syria's exports to China only had a volume of 27.8 million Euros.<sup>244</sup>

Similar to Qadhafi's attempts to reintegrate Libya in the international community, Bashar al-Assad also wanted to improve Syria's political and economic relations after he came to power. After his unsuccessful attempts previous to 2008, he changed his focus

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<sup>239</sup> A bomb in Beirut murdered the former Lebanese Prime Minister Rafic Hariri on 14 February 2005. He was a strong critic of Syrian policy with regard to Lebanon. An investigation by the UN International Independent Investigation Commission based on UNSC resolution 1595 assessed that the Hezbollah was responsible for the murder and probably were ordered by Syria. United Nations. Report of the International Independent Investigation Commission established pursuant to Security Council. <http://www.un.org/news/dh/docs/mehlisreport/> (accessed February 10, 2012).

<sup>240</sup> Background Note Syria, *U.S. Department of State*, January 2012,

<sup>241</sup> U.S. Department of Energy, "Syrian oil production in 2010." <http://www.eia.gov/cfapps/ipdbproject/iedindex3.cfm?tid=5&pid=53&aid=1&cid=regions&syid=2006&eyid=2011&unit=TBD> (accessed March 10, 2012)

<sup>242</sup> Thereby Syria has been the seventh biggest market for Russian arms in 2010. Data by: Stockholm International Peace Research Institute (SIPRI), [http://armstrade.sipri.org/armstrade/html/export\\_values.php](http://armstrade.sipri.org/armstrade/html/export_values.php) (accessed 15 February 2012).

<sup>243</sup> James O'Toole. "Billions at stake as Russia backs Syria." *CNN Money*. [http://money.cnn.com/2012/02/09/news/international/russia\\_syria/index.htm](http://money.cnn.com/2012/02/09/news/international/russia_syria/index.htm) (accessed February 15, 2012).

<sup>244</sup> Data by: Eurostat, Main Economic Indicators Syria. published 01/12/2012, [http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc\\_113451.pdf](http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_113451.pdf), (accessed February 15, 2012).

from the West to the East, but failed with his attempts to create sustainable independence from the West. Syria's opaque connections with terrorism in Iraq, its support for Hezbollah, and its close ties with Iran finally isolated Syria not only from the West, but also from parts of the Arab community. When the uprising in Syria started, al-Assad had to realize that his allies are few and far between. In addition to Iran and the Hezbollah in Lebanon, only Russia and China seemed to be reliable allies—because of their own domestic interests in Syria and the political aim of counterbalancing U.S. influence in the region.

## **E. SYRIA AND ITS RELATION TOWARDS THE U.S., FRANCE, AND GERMANY BEFORE THE CRISIS**

### **1. Syria and the U.S.**

U.S. President Barack Obama started a political initiative in 2010 to improve the U.S.-Syrian relationship<sup>245</sup>. After a five-year absence, the U.S. appointed a new ambassador in Damascus and attempted to intensify the diplomatic contacts between both countries. As a symbol for the normalization of the bilateral contacts, additionally, the official travel advisory for U.S. citizens to Syria was removed. A fundamental change in the bilateral relations seemed possible.

Despite this political offensive, Barack Obama has not removed the economic sanctions on Syria. This was a distinct sign that there are still too many unsolved conflicts between both countries, historically caused by the Syrian support for the Warsaw block during the cold war. Although Syria is listed on the U.S. list of State Sponsor of terrorism since 1979, during the Gulf War of 1990/1991, Syria had been a member of the anti-Iraq coalition and the mutual relationship had been normalized in the 1990s after some disputes in the past.

Nevertheless, the relations between the U.S. and Syria during the last decade had steadily deteriorated again. After the U.S. started the 'war on terror' in September 2001,

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<sup>245</sup> The Obama administration argued that the Bush administration's efforts to isolate Syria had done nothing to wean it from the more dangerous Iran or encourage Middle East peace efforts. Additionally the U.S. had to face the fact that especially the efforts to improve its economic relations with Syria of some European states finally subverted the U.S. embargos.

Syria initially supported the U.S. in its attempts to fight al-Qaeda actively.<sup>246</sup> However, the unsolved dispute about the Golan Heights and the breakdown of the negotiations between Israel and Syria<sup>247</sup>, Syria's opposition to the U.S. campaign against Iraq,<sup>248</sup> disagreements about Syria's role in Lebanon, Syria's close connections with Iran, and its support for Hamas and Hezbollah burdened the relationship between the countries.

After the U.S. engagement in Iraq started in March 2003, Syria continued to support terrorism in the region and was held accountable by the U.S. for active support of the insurgency in Iraq<sup>249</sup>. As a reaction, the U.S. designated Syria as a sponsor of international terrorism and U.S. President George W. Bush signed the Syria Accountability Act<sup>250</sup> that allows specific sanctions against Syria. This act was finally imposed in May

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<sup>246</sup> In 2002, Syria denounced al-Qaeda terrorists that were in Syria. FBI agents travelled to Syria in 2002 to investigate the case. As an outcome U.S. President George W. Bush thanked Syria in 2002 for their support. Eyal Zisser, Syria and the war in Iraq, *Middle East Review of International Affairs*, Vol. 7, No. 2, (June 2003).

<sup>247</sup> The U.S. opposed the peace talks in 2008 because they wanted to isolate Syria and U.S. President Bush interpreted the talks as negotiations with "terrorists and radicals." Therefore, the breakdown of the negotiations was also caused by U.S. influence on the process. Eytan Bronner, Israel holds peace talks with Syria, *New York Times*, published May 22, 2008, <http://www.nytimes.com/2008/05/22/world/middleeast/22mideast.html> (accessed February 16, 2012).

<sup>248</sup> Syria, itself long hostile to Saddam Hussein's Iraq, improved its economic ties substantially after being disappointed by the West. Between 2000 and 2003 especially the import of oil from Iraq, in violation of UN sanctions against Iraq, was an important business for Syria. In addition to economic reasons, the Syrian idea of Arab nationalism led to opposition against the U.S. mission 'Iraqi Freedom' in 2003.

<sup>249</sup> It is undisputed that fighters infiltrated Iraq via Syria but the question if Syria is accountable or at least supports these fighters is still under discussion. Stephen Zunes,; U.S. Policy Towards Syria and the Triumph of Neoconservatism. *Middle East Policy*, Vol. XI, No. 1, Spring 2004 and Alfred B. Prados, Syria: U.S. Relations and Bilateral Issues, *CRS Report for Congress*, Congressional Research Center, June 22, 2006.

<sup>250</sup> The Syria Accountability Act, H.R. 1828, as P.L. 108-175, imposes additional sanctions against Syria unless it fulfills some conditions. These are stopping support for terrorism, withdrawing troops from Lebanon and end the occupation of Lebanon, ceasing the development of WMD and end support for terrorist activity in Iraq. The implementation banned the export of ammunition and dual use goods, banned exports to Syria other than food and medicine and denied Syrian aircrafts to overfly or land in the U.S.

2004, and it expands the already existing general applicable sanctions. Altogether the U.S. issued a large number of different sanctions based on a variety of laws during the last decade.<sup>251</sup>

Despite the large number of sanctions on Syria, the volume of bilateral trade did not reduce significantly between 2005 and 2007; it even increased in 2008 and 2009, and peaked in 2010 with a mutual trade volume of about 934.9 million U.S.\$.<sup>252</sup> Although the U.S. sanctions also hampered business between Syria and other countries, Syria's economy did not suffer under the restrictions because Syria was able to substitute the no longer available economic relations with the U.S. through intensified business with other states.

Based on Barack Obama's new attempts to renew bilateral relations, mutual political and economic relations seemed to improve steadily. This process stopped with the start of the unrest in Syria and the violent crackdown of the protests.

## **2. Syria and France**

France and Syria have shared common relations since the end of World War I when France had a political mandate over Syria. Since Syria's independence in 1946, the bilateral relations generally remained close and also personal<sup>253</sup>, although the Syrian policy in Lebanon sometimes strained the bilateral relationship<sup>254</sup>. The political relations have distinctly deteriorated since 2003, caused again by the Syrian policy in Lebanon and

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<sup>251</sup> These sanctions include targeted financial sanctions against persons and institutions; import bans for European countries that use U.S. parts within their products, sanctions against banks and further more. For detailed information see: U.S. Library of Congress. Congressional Research Service, *Syria: Issues for the 112<sup>th</sup> Congress and Background on U.S. Sanctions* by Jeremy M. Sharp. CRS Report RL 33487. Washington, DC: Office of Congressional Information and Publishing, April 28, 2011

<sup>252</sup> United States Census Bureau. Trade in goods with Syria. <http://www.census.gov/foreign-trade/balance/c5020.html> (accessed February 16, 2012)

<sup>253</sup> The French president Jacques Chirac was the only Western head of state to attend the funeral of the Syrian president Hafez al- Assad in 2000.

<sup>254</sup> Lebanon was a French colony until 1943, although French troops remained there until 1946. The French- Lebanese relationship remained special since this time and France was actively involved in Lebanon. The Syrian attempts to influence Lebanese politics with political, military and terroristic means were generally doomed by France.

the French attempts to improve their own relations with the U.S.<sup>255</sup>. After the assassination of Rafic Hariri in 2005, the relations were at a low point and did not recover until 2008.

With the signing of the Doha Agreement and the Syrian attempt to negotiate a peace treaty with Israel, the bilateral relationship improved significantly and a "succession of contacts and bilateral visits (President Bashar al-Assad's visit on the occasion of the summit of the Union for the Mediterranean on 13 July 2008, visits to France of the Syrian Ministers of Culture and Foreign Affairs, and that of the Vice Prime Minister of Economic Affairs, emissaries sent by the French President to Damascus, Bernard Kouchner's visit to Syria in late August and then President Nicolas Sarkozy's visit on 3 and 4 September 2008)"<sup>256</sup> followed. In 2010, the French Prime Minister Francois Fillon met his Syrian counterpart Naji Otri in Damascus to expand the bilateral economic relations, and in late 2010 Bashar al-Assad met with the French President Nicolas Sarkozy to improve mutual relations.

The mutual economic relationship was modest. In 2007, Syria was only 71<sup>st</sup> among consumers of French products, and in 57<sup>th</sup> place as supplier. The trade balance for France showed a deficit in 2007 because of a sharp drop in French exports (-39%, to 310 million Euro) and an increase in imports (+36%, to 416 million Euro). The French market share in Syria moved from 3.5% in 2006 to 1.8% in 2007.<sup>257</sup>

### **3. Syria and Germany**

Traditionally, Germany and Syria have had close and mutually friendly relations. They established diplomatic relations in different stages in the 1950s through 1960, until the German Embassy was finally opened in 1961. Only the between 1965 and 1974 the

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<sup>255</sup> In 2002 France and Syria agreed in their opposition to the U.S. engagement in Iraq. In 2003 France changed its mind because the relations with the U.S. were substantially damaged through this policy. Attempts to convince Syria to adopt this policy towards the U.S. failed and led to an open discourse between Syria and France.

<sup>256</sup> France Diplomatie. Political relations with Syria. [http://www.diplomatie.gouv.fr/en/country-files/syria-295/france-and-syria/political-relations-6414/#sommaire\\_2](http://www.diplomatie.gouv.fr/en/country-files/syria-295/france-and-syria/political-relations-6414/#sommaire_2) (accessed February 17, 2012).

<sup>257</sup> France Diplomatie. Economical relations with Syria <http://www.diplomatie.gouv.fr/en/country-files/syria-295/france-and-syria/economic-relations-6853/>; (accessed March 5, 2012).



diplomatic relations were suspended. In the recent past, relations have improved and intensified rapidly. With a large number of top politicians of both countries officially visiting each other,<sup>258</sup> and Syria's status as a partner country for German development politics since 2002, the last decade has been the most intensive and best period of bilateral relations in the common history of both countries. The mutual relationship was described as friendly.

The main impulse for the intensive relations in the recent past was the idea to tie Syria closer to the West and to improve bilateral economic relations<sup>259</sup>. In addition to a 'bilateral investment promotion and protection agreement' that has existed since 1980, in 2010 the Syrian-German Business Council was opened in Damascus and a bilateral taxation agreement was signed in 2010 (and has been in force since 1 January 2011).

The bilateral trade volume increased from 2009 to 2010 for more than 42% on 1.81 billion Euros, and also for the first six months in 2011 the volume increased more than 16%<sup>260</sup> before the violence decreased the volume dramatically. Germany has a significant trade deficit with Syria because of its oil imports. Syria is Germany's eighth-largest oil supplier, and Germany is Syria's largest oil demander<sup>261</sup>. Therefore, these economic relations are significant for both countries.

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<sup>258</sup> Visits in Syria: 2006 F.W. Steinmeier, German Federal Foreign Minister; 2007 Anne Marie Wiczorek- Zeul, German Federal Development Aid Minister; 2009 Wolfgang Schaeuble, German Federal Minister of the Interior, 2009 F.W. Steinmeier, German Federal Foreign Minister, 2010 Guido Westerwelle German Federal Foreign Minister; 2011 Peter Ramsauer, German federal Transport Minister. Additionally several Members of the German Bundestag visited Syria. Visits in Germany: 2007 and 2009 Abdullah Dardari, Syrian Deputy Prime Minister. Auswaertiges Amt. Beziehungen zu Deutschland. [http://www.auswaertiges-amt.de/DE/Aussenpolitik/Laender/Laenderinfos/Syrien/Bilateral\\_node.html](http://www.auswaertiges-amt.de/DE/Aussenpolitik/Laender/Laenderinfos/Syrien/Bilateral_node.html) (accessed February 16, 2012).

<sup>259</sup> Sven Afhueppe. "Regierung treibt Handel mit Syrien und Libanon an." *Handelsblatt*. <http://www.handelsblatt.com/politik/deutschland/aussenwirtschaft-regierung-treibt-handel-mit-syrien-und-libanon-an/3374600.html> (accessed February 16, 2012).

<sup>260</sup> Auswaertiges Amt. Beziehungen zu Deutschland. [http://www.auswaertiges-amt.de/DE/Aussenpolitik/Laender/Laenderinfos/Syrien/Bilateral\\_node.html](http://www.auswaertiges-amt.de/DE/Aussenpolitik/Laender/Laenderinfos/Syrien/Bilateral_node.html) (accessed February 16, 2012). and Germany Trade & Invest, Economic Data. [http://www.gtai.de/GTAI/Content/DE/Trade/Fachdaten/PUB/2011/11/pub201111248005\\_16515.pdf](http://www.gtai.de/GTAI/Content/DE/Trade/Fachdaten/PUB/2011/11/pub201111248005_16515.pdf) (accessed February 16, 2012).

<sup>261</sup> Syrien als Wirtschaftspartner (Syria as Economic Partner), *Euro- Mediterranean Association for Cooperation and Development*, June 2010.

#### **4. Conclusion**

The bilateral relations between Syria and the U.S., France, and Germany are very different. The respective bilateral relations follow a pattern similar to the bilateral relations with Libya.

The U.S., as a cold war superpower, and based on its close political ties with Israel, has a historically tense relationship with Syria. Events of the recent past had already had a huge negative influence on the relationship with the al-Assad regime before the uprising started. Syria possibly could have been a main profiteer of Barack Obama's attempts to improve the U.S. relations within the whole Middle East region, but missed the opportunity. Economically, the relation was insignificant, although U.S. companies hoped to benefit from a political detente.

Germany and France's mutual political relations were unremarkable during the past. While France and Syria had tensions that originated from the colonial past of France in Lebanon, the German-Syrian relationship was free of such significant political occurrences. Germany and France were highly interested in the economic prospects that grew after Syria liberalized its economy.

Similar to the situation with Libya, the need to support their domestic economy, especially after the financial crisis started in 2008/2009, encouraged all three governments to renew or improve the relations towards Syria. Only the U.S. had a further strategic political interest in Syria.

#### **F. DEVELOPMENT IN SYRIA IN 2011–2012**

While on 14 January 2011 President Ben Ali in Tunisia was already ousted, and on 11 February 2011 the Egyptian population forced President Hosni Mubarak to resign, Syria was still not even superficially affected by the uprising of the 'Arab Spring' that hit the Middle East at this time. The first protests against the ruling Baath party and President Bashar al-Assad had already started in February 2011, but Syrian security forces hopelessly outnumbered the protestors and were able to suppress the first protests.

After the Friday prayer on 18 March, large-scale protests took place in several cities across Syria with a focus on Dara'a, a southern town near the Jordan border, where security forces weeks before had arrested 15 teenagers that had sprayed anti-regime slogans on walls in the city.<sup>262</sup> The rough treatment of the teenagers led to a demonstration, during which the security forces killed at least six protestors. This event triggered a spiral of violence that finally led to violence and the killing of 15 to 50 protestors within one week by the police.<sup>263</sup> On Friday 25 March, the protests broke out over the country and the uprising started that finally led to more than 8,000<sup>264</sup> killed civilians and security forces and brought Syria close to a civil war.

President al-Assad replied to the protest movement with a speech before parliament on 30 March, in which he accused foreign powers of being responsible for the uprising and announced his intention to "defeat those behind the 'plot'."<sup>265</sup> Although the security apparatus tried to suppress protests with extremely violent measures, al-Assad also tried to calm down the situation by announcing limited reforms. On 19 April, the Emergency Law<sup>266</sup> was lifted after 48 years, Assad ordered an investigation of police killings, the state security court (which handled the trials of political prisoners) was abolished, and a new law allowing the right to peaceful protests was approved. Nevertheless, the violence culminated during the week and preliminarily peaked on 22

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<sup>262</sup> Rania Abouzeid, "Syria's Revolt: How Graffiti stirred an Uprising", 22 March 2011, <http://www.time.com/time/world/article/0,8599,2060788,00.html> (accessed February 17, 2012).

<sup>263</sup> U.S. Library of Congress. Congressional Research Service, *Syria: Issues for the 112<sup>th</sup> Congress and Background on U.S. Sanctions* by Jeremy M. Sharp. CRS Report RL 33487. Washington, DC: Office of Congressional Information and Publishing, April 28, 2011.

<sup>264</sup> Fn. 8.

<sup>265</sup> Assad stated, "Syria is a target of a big plot from outside," and accused protestors to follow "an Israeli agenda." U.S. Library of Congress. Congressional Research Service, *Syria: Issues for the 112<sup>th</sup> Congress and Background on U.S. Sanctions* by Jeremy M. Sharp. CRS Report RL 33487. Washington, DC: Office of Congressional Information and Publishing, April 28, 2011.

<sup>266</sup> The Emergency Law had huge impact in Syria because it gave the government a free hand to arrest people without charge and extended the state's authority into virtually every aspect of citizens' lives.

April when at least 81 people were killed.<sup>267</sup> First indications of resistance within the forces occurred when soldiers refused to fire upon protestors and affiliated themselves with the protest movement.

In a political response to the violence on 25 April, the UN high commissioner for human rights, Navi Pillay, condemned the violence and the U.S. government warned that it was considering imposing sanctions. On 28 April, attempts by the UNSC members France, Britain, Germany, and Portugal to condemn the Syrian approach against the protests in the UNSC failed because of the veto of Russia and China, and the denial of India and Lebanon. While the violence continues and the Syrian forces attack Homs, Dara'a, and other cities with artillery and tanks, the EU enforced an arms embargo, a travel ban, and the freezing of assets against 13 members of the Syrian leadership on 9 May that was expanded on 23 May, now including Bashar al-Assad and several others.<sup>268</sup>

The following months were defined by international political silence, the unchanged continuation of violence in Syria (including a steadily rising death toll)<sup>269</sup> and attempts of the Syrian leadership to calm down the political situation with announcements of domestic reforms like the allowance of new parties<sup>270</sup>. However, the Syrian opposition and large parts of the international community evaluate the reform announcements as false promise designed to gain time for the regime. Attempts by al-Qaida to use the Syrian uprising as a vehicle to gain international attention were rejected

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<sup>267</sup> Anthony Shadid. "Security Forces Kill Dozens in Uprisings Around Syria." *New York Times*. <http://www.nytimes.com/2011/04/23/world/middleeast/23syria.html?pagewanted=all> (accessed February 17, 2012). The assessment of victims differs regularly. Reliable data about the number of killed civilians and security forces are not available. For this day the published number varies between 81 and 109.

<sup>268</sup> The travel ban initially does not include the Syrian president and the foreign minister because some members of the EU want to leave an opportunity for direct negotiations. European Commission. European Union Restrictive measures (sanctions) in force, updated 18 January 2012, [http://eeas.europa.eu/cfsp/sanctions/docs/measures\\_en.pdf](http://eeas.europa.eu/cfsp/sanctions/docs/measures_en.pdf) (accessed February 17, 2012).

<sup>269</sup> For the development of the numbers of victims see different UN reports and open media sources.

<sup>270</sup> On 25 July Syria announced that new parties would be allowed in future. Nevertheless the rules for the new parties are strict and exclude large parts

by the rebels on 28 July<sup>271</sup>. One day later, the Free Syrian Army (FSA) announced its formation<sup>272</sup>, a reservoir of deserted Syrian soldiers that tries to organize the military resistance against the Syrian regime and has a growing importance in the conflict. A valid estimation of the total strength of the FSA is not possible, however, and the data presented by the FSA about itself seems overstated.<sup>273</sup>

The development of a political response to the situation in Syria remained unusually slow and meaningless. Without the backing of the UNSC, the different diplomatic attempts remained a political patchwork. On 2 August, the EU expanded their embargo on 30 more members of the Syrian leadership. On 6 August, the GCC condemned the escalating violence in Syria and use of excess force and two days later Saudi Arabia recalled its ambassador from Syria. Envoys from different countries traveled to Syria on 9 August to convince al-Assad to end the violence, but their mission failed. Under lead of the U.S., Great Britain, and Germany, the U.S. and the EU prompted al-Assad to resign and announced a new attempt to impose sanctions against Syria in the UNSC. On 2 September, the EU—Syria's most important trading partner—imposed an oil embargo on Syria starting on 14 October 2011<sup>274</sup> that continues to seriously hurt the Syrian economy.

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<sup>271</sup> Al- Qaida Ayman al- Zawahiri praised the uprising as an Islamic battle against the U.S. and Israel and offered al- Qaida's support for the rebels. Nour Ali. "Syrian activists reject al-Qaida leader's support for uprising." *The Guardian*. <http://www.guardian.co.uk/world/2011/jul/28/syria-rejects-al-qaida-support> (accessed February 17, 2012). He renewed this offer on 15 February 2012 but again the Syrian rebels refused the offer. Ulrike Putz. "Foreign Extremists a Danger to Syria's Revolution." *Der Spiegel*. <http://www.spiegel.de/international/world/0,1518,815415,00.html> (accessed February 19, 2012).

<sup>272</sup> Joshua Landis. "Free Syrian Army founded by seven officers to fight the Syrian Army." <http://www.joshualandis.com/blog/?p=11043> (accessed February 19, 2012).

<sup>273</sup> In December 2011 the U.S. government estimated that the FSA has between 1000 and 3,500 members, while the organization itself claimed to have more than 20,000 fighters under arms. Nada Bakri. "Syrian Army Defectors Reportedly Kill 27 Soldiers." *New York Times*. [http://www.nytimes.com/2011/12/16/world/middleeast/syria-army-defectors-said-to-kill-soldiers-in-coordinated-assault.html?\\_r=2](http://www.nytimes.com/2011/12/16/world/middleeast/syria-army-defectors-said-to-kill-soldiers-in-coordinated-assault.html?_r=2) (accessed February 19, 2012). U.S. Library of Congress. Congressional Research Service, *Unrest in Syria and U.S. Sanctions Against the Asad Regime* by Jeremy M. Sharp and Christopher M. Blanchard. CRS Report RL 33487. Washington, DC: Office of Congressional Information and Publishing, February 16, 2012.

<sup>274</sup> European Council. European Council Regulation (EU) No 1011/2011 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:269:0018:0020:EN:PDF> (accessed February 17, 2011).

In opposition to that decision, Russian President Dmitry Medvedev warned the Western states not to increase pressure on Syria because this was "absolutely not needed."<sup>275</sup> Therefore, Barack Obama's new attempt on 21 September to urge the UNSC to impose sanctions against Syria was without success. As an outcome, Russia and China on 4 October vetoed a European-backed UNSC resolution that threatened sanctions against the Syrian regime if it did not immediately halt its military crackdown against civilians. Within Syria domestic politics, the different major opposition groups agreed to work together in the Syrian National Council (SNC), an important step to end the paralyzing fragmentation of the Syrian opposition.<sup>276</sup>

The diplomatic game of threat by the EU, the U.S. and the Arab League—and the ignorance and the counter-threat of the Assad regime<sup>277</sup>—went on during the year with several attempts to move al-Assad to resign or reform the country.<sup>278</sup> Simultaneously, al-Assad tried to gain time by accepting attempts for political solutions like the LAS peace plan from 02 November, but finally not implementing them. As an outcome of this behavior, Syria was excluded from the LAS on 12 November, and sanctions by the LAS were announced. On 18 November 2011, Bashar al-Assad agreed to allow the LAS to

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<sup>275</sup> Ian Black. "Russia refuses more Syria sanctions." *The Guardian*. <http://www.guardian.co.uk/world/2011/sep/12/russia-refuses-more-syria-sanctions> (accessed February 17, 2012).

<sup>276</sup> The Syrian opposition consists of a variety of groups with differing ideologies, including Islamists and secularists. Most popular member organizations are the Syrian Muslim Brotherhood, the SFA, the Kurdish National Bloc and the Damascus Delegation. The SNC was already founded on 15 March (some sources report that it had already been founded in 2005; the SNC webpage does not makes any statements) but stayed meaningless because the main opposition groups have not been involved until 2 October 2011. It started as an opposition group in exile without claiming to be an alternative government but they changed their approach and now claim to build a new government of Syria during the transition phase to democracy. Reuters. "Syrian council wants recognition as voice of opposition." *Reuters*. <http://www.reuters.com/article/2011/10/10/us-syria-opposition-idUSTRE7993NF20111010> (accessed February 18, 2012).

<sup>277</sup> Assad warned the West not to create a second Afghanistan in Syria on 30 October.

<sup>278</sup> The Arab League condemned the violence on 28 October, sending the "urgent message ... to the Syrian government expressing its severe discontent for the continued killing of Syrian civilians" Jo Adetunji. "Syrian forces kill 40 as Arab League denounces attack" *The Guardian*. <http://www.guardian.co.uk/world/2011/oct/29/syria-40-dead-security-forces> (accessed April 24, 2012).

send observers into Syria but then rejected this decision nine days later. Finally, the Syrian president again agreed to allow observers to come to Syria on 19 December 2011, and the observer mission started on 27 December 2011.

The outcome of the observer mission was disastrous. Members of the mission ended their duty prematurely because of the violence and the whole mission was suspended by the end of January 2012. The LAS finally asked the UN for help on 12 February 2012, resigning because of the failure of their own attempts to solve the crisis.<sup>279</sup> However, the UNSC also remained helpless in the face of Syria. The double veto of Russia and China on 11 February 2012 against a resolution that backed a LAS peace plan demonstrated that Syria still has reliable allies.

After more than eleven months of fierce fighting and a death toll of more than 8,000 <sup>280</sup> killed, the conflict in Syria is still unsolved and ongoing. Bashir al-Assad has impressively proven that with the support of at least one strong ally within the UNSC, attempts to force the regime to change its inhuman policy are doomed to fail. There is also the still-existing fragmentation of the Syrian opposition, even though "Syrian opposition groups have grown more organized as the uprising has unfolded, but remain divided over strategy, tactics, coordination, and leadership."<sup>281</sup> These opposition groups needed more than six month after the conflict started to unite somehow in the SNC,<sup>282</sup> and the slow-moving approach of the LAS, the EU, and the U.S. to the situation also helped support the regime. Empty diplomatic gestures like expelling ambassadors and calls to stop the violence are senseless against a resolute leader.

The question remains if a UN resolution would have changed anything as long as military means are not included. The resolution drafts that were vetoed by Russia and

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<sup>279</sup> Several members, as well as the head of the observer mission, left the mission in February 2012.

<sup>280</sup> Fn. 8.

<sup>281</sup> U.S. Library of Congress. Congressional Research Service, *Unrest in Syria and U.S. Sanctions Against the Assad Regime* by Jeremy M. Sharp and Christopher M. Blanchard. CRS Report RL 33487. Washington, DC: Office of Congressional Information and Publishing, February 16, 2012.

<sup>282</sup> The SNC tries to secure political support and recognition for their organization. Until now no country does recognize them officially. Even the Arab states refuse recognition because the SNC lacks the support of all Syrian opposition groups.

China contained diplomatic gestures, but did not contain real sanctions—although crimes against humanity have been proven several times, even in an UN report accusing Syria of gross violations of human rights.<sup>283</sup>

Bashir al-Assad's game of cat and mouse with the UN, the LAS, and the West—and his delaying tactics—have been very successful until now. In addition to the missing UNSC resolution that still seems highly unlikely, even the supposition of a humanitarian intervention is a long way away. Not a single government had sustainably and intensively discussed the idea of an intervention like the in Libya during the past year. Finally, it seems like the al-Assad regime is able to survive the revolution at least for the near future based on the strong military, the weak opposition, and the hesitant international community.<sup>284</sup> The behavior of the West displays political awkwardness in handling the Syrian conflict. A total suppression of the revolt by the Syrian security apparatus is not unlikely.

#### **G. THE DECISION-MAKING PROCESS OF THE UN AND NATO**

As explained in the second chapter, a military intervention without a UN mandate is in nowadays highly unlikely. The only military powers that would have the ability to intervene in Syria are the U.S. or NATO with the U.S. as necessary ally. Therefore, the focus of the decision-making process has to be on the UN and NATO. Regional organizations like LAS or EU may have the power to influence developments but, finally, without decisive character. In the Libyan case, the interaction between NATO and UN finally led to the intervention; for the Syrian case this interaction has not started because of the slow or hampered decision-making processes caused by political reasons.

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<sup>283</sup> United Nations General Assembly, Report of the independent international commission of inquiry on the Syrian Arab Republic, *Human Rights Council*, A/HRC/S-17/2/Add.1.

<sup>284</sup> Joshua Landis, *The Syrian Uprising of 2011: Why the Asad Regime is Likely to Survive to 2012*, *Middle East Policy*, Vol. XIX, No. 1, Spring 2012.



## **1. Rapid Decision-Making Process in the Libyan Case**

### *a. United Nations*

Only eleven days after the protests started in Libya on 15 February 2011, the UNSC unanimously passed Resolution 1970, proposed by Germany, the U.S., Great Britain, and France, including tough measures against the ruling regime. As the last speaker at the UNSC meeting, Ibrahim Dabbashi endorsed the sanctions against Libya. Dabbashi had repudiated the leadership of Qadhafi and joined the rebel camp on 21 February. Conceding the right to speak in front of the UNSC to a defected diplomat and, contrarily, the non-existing right of Libya to defend itself was surprising and unusual. Neither was Libya a member of the UNSC, nor did he, as the active deputy ambassador of Libya at the UN, defend his home country against a military sanction. This highlighted the line of thought within the group of supporters for an intervention in the UNSC.

As the next main step, the UNSC on 17 March 2011 passed 'Resolution 1973 on Libya' but this time with five abstentions; China, Russia, India, Brazil, and Germany refused the approval.

The whole diplomatic process within the UN happened fluently, mainly influenced by the Libyan delegation at the UN, that had defected from Libya and started to work against the Qadhafi regime actively, and caused by the support of the LAS for the resolution. Especially the support of the Arab states prevented China, Russia, Brazil, and

India from denying the Resolution, although they had emerging doubts and concerns about the real intentions.<sup>285</sup>

**b. NATO**

The decision-making process within NATO to intervene in Libya was, even for the experts, extraordinary fast.<sup>286</sup> During the whole political process to create and adopt the resolution at the UN, NATO stressed that it was not preparing itself for a military mission, and thus the NATO General Secretary Anders Fogh Rasmussen stated on 24 February 2011:

I do not consider the situation in Libya a direct threat to NATO or NATO Allies, but, of course, there may be negative repercussions. Such upheaval may have a negative impact on migration, refugees, etc., and that also goes

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<sup>285</sup> "Russia's specific and absolutely logical questions concerning the maintenance of the no-fly zone regime and rules for the use of force" were left unanswered, Russia's envoy to the UN, Vitaly Churkin, stated. He also remarked that the Resolution offers the possibility of a full-scale military intervention. RiaNovosti. "UN Security Council adopts resolution on Libya." *RiaNovosti*. <http://en.rian.ru/world/20110318/163067336.html> (accessed February 20, 2012).

The Chinese foreign ministry spokes man Jiang Yu stated that "Considering the concern and stance of Arab countries and the AU as well as the special situation in Libya, China and some countries abstained from voting on the draft resolution," but "we oppose the use of force in international relations and have some serious reservations with part of the resolution". Saihal Dasgupta. "China opposed UN resolution on Libya." *The Times of India*. [http://articles.timesofindia.indiatimes.com/2011-03-18/china/29144182\\_1\\_libya-resolution-countries](http://articles.timesofindia.indiatimes.com/2011-03-18/china/29144182_1_libya-resolution-countries) (accessed February 20, 2012).

Ambassador Maria Luisa Viotti Permanent Representative of Brazil to the U.N. remarked: "We are not convinced that the use of force as contemplated in the present resolution will lead to the realization of our most important objective – the immediate end of violence and the protection of civilians." CNN. "Obama's potentially awkward Brazilian arrival." CNN. <http://whitehouse.blogs.cnn.com/2011/03/18/obamas-potentially-awkward-brazilian-arrival/> (accessed February 20, 2012).

India's deputy permanent representative to the UN Manjeev Singh Puri explained India's abstention by stating: "There must be certainty that negative outcomes were not likely before such wide-ranging measures were adopted." Sanjeev Kumar Shrivastav, India's Response to the Libyan Crisis, *IDSA Issue Brief*, 13 April 2011.

<sup>286</sup> U.S. defense secretary Leo Panetta remarked: "After the UN Security Council Resolution was passed, it took only ten days for NATO to decide to act. For those familiar with the complexities of getting 28 nations to decide on anything, this was a stunning achievement." United States Mission to NATO." Secretary Panetta at Carnegie Europe." <http://nato.usmission.gov/panetta-carnegie-2011.html> (accessed February 19, 2012).

for neighboring countries. But I would like to stress that NATO as such has no plans to intervene.<sup>287</sup>

Already on 9 March, NATO started to extend its air surveillance in Mediterranean on a 24/7 basis, although Rasmussen again denied any planning for an intervention at this time<sup>288</sup>. Ten days after the UNSC resolution 1973 was passed, the NATO North Atlantic Council (NAC), the principal political decision-making body of NATO, agreed to take over the different military missions of the U.S., France, Canada, Great Britain, and others.<sup>289</sup> On 27 March, five days after NATO took control about the arms embargo and three days after taking control of establishing the no-fly zone, both measures were included in resolution 1973. The NATO General Secretary stated:

NATO Allies have decided to take on the whole military operation in Libya under the United Nations Security Council Resolution. Our goal is to protect civilians and civilian-populated areas under threat of attack from the Gaddafi regime. NATO will implement all aspects of the UN Resolution. Nothing more, nothing less.<sup>290</sup>

NATO was successful in hiding its planning and preparation of mission 'Unified Protector' because it was unsure if the NAC would achieve the necessary voting result. Any decision of the NAC is subject to the NATO principle of consensus. This means that all 28 single member states of NATO have agreed to execute the mission 'Unified Protector,' including Germany—that had not supported the UNSC resolution 1973 against Libya ten days earlier—and France, which tried to avoid the leadership of NATO.

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<sup>287</sup> This statement was made in response to a question asked by Reuters at a press conference in Kyiv, during the Secretary General's visit to Ukraine. NATO. "NATO Secretary General's statement on the situation in Libya." [http://www.nato.int/cps/en/natolive/news\\_70790.htm](http://www.nato.int/cps/en/natolive/news_70790.htm) (accessed February 19, 2012).

<sup>288</sup> Interview with NATO General Secretary Anders Fogh Rasmussen on NATOchannel.tv on 09 March 2012. NATO. "NATO extends air surveillance in Mediterranean." <http://www.natochannel.tv/?uri=channels/454282/1245809> (accessed February 19, 2012).

<sup>289</sup> All four nations started their interventions as independent missions, although the U.S. had the final lead. France named it 'Operation Harmattan, Canada called it Operation Mobile', Great Britain's name was 'Operation Ellamy' and the U.S. conducted the 'Operation Odyssey Dawn'.

<sup>290</sup> NATO. "Taking responsibility." [http://www.nato.int/cps/en/natolive/news\\_71808.htm](http://www.nato.int/cps/en/natolive/news_71808.htm) (accessed February 20, 2012)

The approval of the U.S. to hand over the leadership of the Libya mission to NATO was natural because they were the driving force for the change of command because of domestic politics,<sup>291</sup> and to avoid another conflict with a Muslim country under U.S. leadership. Germany's approval after abstaining during the UN resolution was more surprising, but was constrained by the German policy not to block NATO. After extensive criticism within German domestic politics and on international level for the decision to abstain from the UNSC resolution against Libya, Germany did not want to risk another political scandal. Germany's approval under the constraint of not participating with its own troops was guaranteed, and this position was well known at the NAC before the vote.<sup>292</sup>

France resisted the full takeover of NATO because the French President Nicholas Sarkozy apprehended that NATO will not act determined enough and will be unable to integrate non-NATO states like United Arab Emirates and Qatar in the military anti-Libya coalition. Sarkozy preferred a political committee of those eleven nations that actively took part in the mission, to coordinate the mission politically, while NATO should frame the military action without any decision-making power.<sup>293</sup> Finally, the U.S. secretary of state Hillary Clinton convinced Sarkozy to support the NATO approach and enabled a unanimous decision at the NAC.

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<sup>291</sup> The U.S. was already involved in two major conflicts in Afghanistan and Iraq and the majority of the U.S. population did not want to see the U.S. forces involved in another conflict. President Barack Obama was well aware of this and therefore pressured to hand over the leadership to NATO.

<sup>292</sup> During a telephone press conference after the decision of the NAC, about the transfer of Libya operation control to NATO, U.S. senior administration officials stated: "With respect to the Germans, Germans have made from the very beginning a very clear – a clear statement that they would not participate militarily with their own troops in any operation. But they've also made clear that they would not block any activity by NATO to move forward. So Germany has joined the consensus at each and every stage, while making clear that it is not participating in the operation itself." Embassy of the United States- Brussels, Belgium. "U.S. officials on handover of Libya operations to NATO." <http://www.uspolicy.be/headline/us-officials-handover-libya-operations-nato> (accessed February 19, 2012).

<sup>293</sup> Sarkozy attempts to prevent NATO leadership were unusual straightforwardly. He even warned that a NATO takeover would "be playing in Colonel Qadhafi's hands." Ian Traynor. "Libya: Nicolas Sarkozy reignites row over NATO military role." *The Guardian*. <http://www.guardian.co.uk/world/2011/mar/25/nicolas-sarkozy-nato-libya-row?INTCMP=SRCH> (accessed 20 February 2012).

## 2. No Decision-Making Process in Syria

### a. *United Nations*

Since the uprising in Syria started, two attempts to adopt resolutions against the Syrian leadership failed. The first attempt on 4 October 2011, which had been heavily watered down during month of negotiating within the UN, was proposed by Great Britain, France, Germany and Portugal—in cooperation with the United States. The draft resolution, which had voiced deep concern over the recent violence in Syria and strongly condemned “the continued grave and systematic human rights violations and the use of force against civilians by the Syrian authorities,” was vetoed by Russia and China.<sup>294</sup> Russia argued that the “draft would not promote a peaceful solution of the crisis,” although Russia does not support the Syrian leadership.<sup>295</sup> Russia especially criticizes that the resolution “did not take into account the violence directed by extremists against the government in Syria.”<sup>296</sup> China’s Ambassador Li Baodong underlined that his country is highly concerned about the violence in Syria. However, the text of the resolution draft would only complicate existing tensions because it was overly focused on exerting pressure on Syria, and included the threat of sanctions, which would not resolve the situation.<sup>297</sup>

The second attempt failed on 4 February 2012, when the draft resolution backed an LAS plan of 22 January to try to resolve and end the crisis in Syria. Before being drafted, this resolution draft of the origin Arab League plan has been watered down, too. Nevertheless, China and Russia again vetoed the resolution in the UNSC that condemned “all violence, irrespective of where it comes from, and in this regard demands

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<sup>294</sup> UN News Centre. “Russia and China veto draft Security Council resolution on Syria.” <http://www.un.org/apps/news/story.asp?NewsID=39935> (accessed February, 20 2012).

<sup>295</sup> Ibid.

<sup>296</sup> Neil McFarquhar. “U.N. Resolution on Syria Blocked by Russia and China.” *New York Times*. “<http://www.nytimes.com/2011/10/05/world/middleeast/russia-and-china-block-united-nations-resolution-on-syria.html?pagewanted=all> (accessed February 20, 2012).

<sup>297</sup> UN News Centre. “Russia and China veto draft Security Council resolution on Syria.” <http://www.un.org/apps/news/story.asp?NewsID=39935> (accessed February, 20 2012)

that all parties in Syria, including armed groups, immediately stop all violence or reprisals, including attacks against State institutions."<sup>298</sup> This time the draft also

condemned all violence, irrespective of where it comes from, and in this regard demands that all parties in Syria, including armed groups, immediately stop all violence or reprisals, including attacks against State institutions,<sup>299</sup> to accommodate the Russian position.

Despite this new passage within the resolution draft, Russia rejected it because it would have "sent an unbalanced signal to the Syrian parties."<sup>300</sup> The Chinese ambassador supported the amendments proposed by Russia and, therefore, refused their approval.

The double veto of China and Russia triggered loud criticism by the UN itself, by almost all Western states and also by most Arab states. As a backlash, the general Assembly of the UN on 17 February "strongly condemned the continued "widespread and systematic" human rights violations by the Syrian authorities and demanded that the Government immediately cease all violence and protect its people."<sup>301</sup> The resolution of the General Assembly, which has no binding character, backed the peace plan of the LAS that has been the origin for the failed draft resolution in the UNSC on 4 February. Only 12 states voted against the condemnation of the Syrian leadership, with 17 abstentions and 137 states in favor for the resolution.

Despite this strong moral support for the uprising in Syria, the process within the UN in regard to Syria is without any success to this day. Even the first attempt to condemn the action taken by the regime in Syria and to adopt sanctions took more than seven month. The UN is currently not able to support the rebels in Syria with more than

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<sup>298</sup> UN News Centre. "Syria: Ban voices deep regret after Security Council fails to agree on resolution." <http://www.un.org/apps/news/story.asp?NewsID=41144&Cr=Syria&Cr1=> (accessed February 20, 2012).

<sup>299</sup> Ibid.

<sup>300</sup> Ibid.

<sup>301</sup> UN News Centre. "General Assembly demands Syria halt violence without delay." <http://www.un.org/apps/news/story.asp?NewsID=41265> (accessed February 20, 2012).

professions of sympathy. Other organizations like the EU or the LAS have been more successful and faster in implementing sanctions against the Syrian government, but these measures lack any decisive character. As long as Russia and China will not relent, the UN will remain helpless.

**b. NATO**

Similar to the development during and before the NATO intervention in Libya, NATO General Secretary Anders Fogh Rasmussen stated that the alliance has no intention of intervening in Syria. After NATO prepared its mission against Libya, almost unrecognized by the public, political observers may expect that the approach to Syria would be the same. However, the denial for a NATO mission in Syria is broader, and based on a very specific argument. The NATO General Secretary also doubts the possibility of a NATO intervention, even with a UN mandate, and instead urges the Arab states to find a regional solution. Main reasons for this political position (that constitutes a strong distinction to the Libyan intervention) are that "Syria is also a different society, it is much more complicated ethnically, politically, religiously. That's why I do believe that a regional solution should be found," stated Rasmussen on 17 February 2012.<sup>302</sup>

In addition to the current political displeasure to intervene, a confidential NATO report after mission 'Unified Protector' makes clear that an engagement of NATO in Syria also contains military risks and preconditions that have a large influence on the whole decision-making process.<sup>303</sup> First, the military intervention against the weak Libyan forces revealed several military flaws within NATO and, second, proved the dependence of the alliance on the active contribution by U.S. forces. This knowledge finally influences the whole decision-making process of NATO for the Syrian case and contains two uncomfortable truths for NATO: first, without a large U.S. contribution a

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<sup>302</sup> Simon Cameron Moore. "NATO to stay out of Syria even if U.N. mandate emerges." *Reuters*. <http://www.reuters.com/article/2012/02/17/us-syria-nato-idUSTRE81G0ZF20120217> (accessed February 20, 2012).

<sup>303</sup> Eric Schmitt. "NATO Sees Flaws in Air Campaign Against Qaddafi." *New York Times*. [http://www.nytimes.com/2012/04/15/world/africa/nato-sees-flaws-in-air-campaign-against-qaddafi.html?pagewanted=2&\\_r=1&hp](http://www.nytimes.com/2012/04/15/world/africa/nato-sees-flaws-in-air-campaign-against-qaddafi.html?pagewanted=2&_r=1&hp) (accessed April 15, 2012).

mission is not possible; and second, even with these contributions the advanced Syrian forces may cause some major problems for the Western forces.

Ultimately, the NATO General Secretary is only presenting the position of the NAC. Therefore, the non-existing will and the lack of enthusiasm of the NATO member states to start a new military mission against a Muslim state are easy to recognize. Reading the General Secretary's statement carefully reveals that the members of NATO clearly recognize the higher military and political risks of an intervention in Syria and, therefore, prefer not to intervene.

## **H. THE ROLE OF THE EU**

Although the EU announces its "unique range of instruments"<sup>304</sup> for a common foreign policy and the enforcement of human rights, and imagines itself "recognized as an important contributor to a better world,"<sup>305</sup> it remained nearly invisible when the military options of an intervention in Libya were discussed and also remains invisible with regard to the Syrian case. Despite its security structures of the Common Foreign and Security Policy (CFSP) that was established after the Nice summit in 2000, particularly including military capabilities, the EU was not able to use any of these tools during either crisis.<sup>306</sup>

To this day, the influence of the EU on both cases is reduced to political measures like sanctions, declaration, travel bans, and the freezing of assets. As for robust military measures, the EU remained without participation,<sup>307</sup> and any discussion about the possibility to use military structures and capabilities for Libya or Syria did not even begin.

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<sup>304</sup> European Council, Report on the Implementation of the European Security Strategy - Providing Security in a Changing World -, Brussels, 11 December 2008 S407/08.

<sup>305</sup> *ibid.*

<sup>306</sup> The EU implemented a European Union Military Committee, the European Union Military Staff and the Civilian Planning and Conduct Capability to be prepared to engage in military missions.

<sup>307</sup> The EU officially launched on 1 April 2011 the Common Security and Defence Policy (CSDP) mission Eufor in Libya, a military mission that should coordinate humanitarian help equipped with a budget of 8 million Euro. The mission finally never started.



This has significant consequences for all EU members. The missing common policy forces every member state to follow its own national interests, instead of acting collaboratively. For Germany and France, this development had sweeping consequences. Both countries filled the existing political vacuum that resulted from the political silence of the EU with their own very different national and domestic interests.

## **I. COMPARISON OF THE MILITARY CAPABILITIES AND MILITARY ALLIANCE OF LIBYA AND SYRIA**

The military strength and capabilities of the regular forces and militant supporters of a country on the brink of being targeted by an intervention play an important role. Before an intervention can take place, the military alliance against the country that is accused of hurting human rights and conducting atrocities will necessarily consider the military abilities of the possible target. Any political decision on an intervention necessarily depends on the assessment of the military, because starting (or just threatening) an intervention without having the military capabilities to execute them would create a political stalemate.

This process had been accomplished very quickly for Libya within the complex military decision-making process of NATO,<sup>308</sup> although the necessary "consensus is rarely immediately achieved on complex undertakings, and working groups meet regularly to troubleshoot and work through issues."<sup>309</sup> Additionally, some single member states of "Unified Protector" were very swift in their own national decision that the Libya mission was feasible.

For Syria, NATO is less optimistic to achieve a fast solution. In addition to the current non-existing formal legal requirements, additionally, the difficult assessment of

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<sup>308</sup> Before NATO is able to analyze a situation and generate a military mission, a difficult process between politicians of all 28-member countries has to be finished. The whole political process of the North Atlantic Council, the military and political committee's and the International Military Staff of NATO is based on consensus.

<sup>309</sup> NATO. "The International Military Staff." [http://www.nato.int/nato\\_static/assets/pdf/pdf\\_publications/20120117\\_nato-military-committee2011.pdf](http://www.nato.int/nato_static/assets/pdf/pdf_publications/20120117_nato-military-committee2011.pdf) (accessed March 22, 2012).

the military capabilities of Syria, and the possible military effects on NATO of an intervention, are hampering the speed of any decision-making process.

A brief comparison of the main military data shows the decisive difference between the Libyan and Syrian forces, which plays an important role in the decision to intervene or not.

	<b>Libya</b>	<b>Syria</b>
<b>Forces</b>		
Active Personnel	80,000	292,400*
Reserves	45,000 (Militia)	352,500
Tanks	530	4950
Infantry fighting vehicle	2840	6610
Artillery	650	2160
Anti air weapons	580	3310
Aircraft	480	830
Navy Ships	21 (2 Frigates) (2 Submarines)	19 (2 Frigates)
Long range strike systems	--	Existing, number unknown
Force Readiness	Low	Low-media
Sustainment	Poor	Poor
<b>Country</b>		
Population	6,400,000	22,500,000
Geography	Mainly desert	Stony desert Mountains

\*Other estimates range from 300,000 to 400,000.

Table 1. Comparison of important military data of Libya and Syria before an intervention<sup>310</sup>

The influence of possible allies of Syria and Libya also plays an important role in the military assessment. While Libya was militarily and politically isolated in 2011, for

<sup>310</sup> Sources: Jane's Military and Security Assessments; <http://www.janes.com> ; Pieter D. Wezeman. "Conventional strategic military capabilities in the Middle East." *Sipri*. [http://www.sipri.org/research/armaments/transfers/publications/other\\_publ/other%20publications/conventional-strategic-military-capabilities-in-the-middle-east](http://www.sipri.org/research/armaments/transfers/publications/other_publ/other%20publications/conventional-strategic-military-capabilities-in-the-middle-east) ; CIA The world factbook, <https://www.cia.gov/library/publications/the-world-factbook/index.html> (all accessed on March 22, 2012). All numbers estimated by the sources.

Syria the situation is different. With Hamas and Hezbollah as non-state actors, and Iran and Russia as state actors, the military analysis of Syria contains several unknown variables.

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## **IV. NATIONAL INTERESTS, THE RELEVENCE OF HUMANITARIAN INTERVENTIONS AND STRATEGIC INTERESTS OF U.S., FRANCE, AND GERMANY**

### **A. OVERVIEW**

The traditional definition of national interest is divided into two main basic schools of thought. The first one "holds that national interests should be defined in terms of a state's tangible power and sphere of influence relative to those of other states."<sup>311</sup> Thereby the use of military and balancing political power are main elements. The second one "holds that national interests should be defined more broadly to encompass intangible, but nevertheless highly prized, values like human rights, freedom from economic deprivation, and freedom from disease."<sup>312</sup>

As James F. Miskel explains in his paper<sup>313</sup>, today states tend to find a middle way in-between these two definitions. An important element of state definition of national interest is that states tend to define them as broadly as possible for a simple reason: if national interests leave enough space for interpretation, the actions of their own government is not dependently constrained by the interests and leaves enough scope for other action. For research this broadness generates some difficulties.

Therefore, this chapter will first research and present the official national interests of the U.S., France, and Germany towards Libya, Syria, humanitarian rights and interventions. Then, it will additionally discuss the influence of domestic politics and non-stated national geo-strategic interests in regard to the willingness to participate in humanitarian interventions in Libya or Syria. In some cases, an analysis of very special single events in domestic politics is necessary to explain the foreign policy of the actors.

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<sup>311</sup> James F. Miskel, National interests - Grand Purposes or Catchphrases? Naval War College Review, Autumn 2002, Vol. LV, No. 4.

<sup>312</sup> Ibid.

<sup>313</sup> Ibid.

## **B. U.S. INTERESTS IN LIBYA AND SYRIA**

### **1. U.S. National Interest and Geo-Strategic Objectives**

The White House released the most recent official U.S. paper that defines the general political and geo-strategic objectives of the United States of America in May 2010. This paper, the National Security Strategy (NSS) <sup>314</sup>, clearly underlines the unconditional focus of U.S. foreign policy on the safety and security of American people<sup>315</sup>, the strengthening of the U.S. economy, and the maintenance of U.S. military supremacy. The strategic approach emphasizes the following four major strategic approaches:

- The security of the United States, its citizens, and U.S. allies and partners;
- A strong, innovative, and growing U.S. economy in an open international economic system that promotes opportunity and prosperity;
- Respect for universal values at home and around the world; and
- An international order advanced by U.S. leadership that promotes peace, security, and opportunity through stronger cooperation to meet global challenges.<sup>316</sup>

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<sup>314</sup> National Security Strategy, The White House, Washington 2010,

<sup>315</sup> Including a large variety of vital and national interests. For example: Prevent, deter, and reduce the threat of nuclear, biological, and chemical weapons attacks on the United States or its military forces abroad; Ensure U.S. allies' survival; prevent the regional proliferation of WMD; suppress terrorism. Graham Allison. Belfere Center for Science and International Affairs, JHU/APL Rethinking Seminar Series, 2010, [https://outerdnn.outer.jhuapl.edu/videos/021810/Allison\\_ppt.pdf](https://outerdnn.outer.jhuapl.edu/videos/021810/Allison_ppt.pdf) (accessed December 26, 2011).

<sup>316</sup> National Security Strategy, The White House, Washington 2010.

The NSS enhances this commitment to universal values<sup>317</sup> and the necessity of international cooperation, with a focus on the UN and NATO, with several statements. The U.S. claims a moral leadership and, therefore, supports attempts of the international community to spread basic human rights.

Humanitarian interventions themselves are not mentioned by name in the NSS. However, the possibility or necessity to enforce human rights and international norms is discussed conclusively and clearly. While the paper states that the U.S. "will not seek to impose these values through force"<sup>318</sup> and will not promote its principles through an "effort to impose our system on other people,"<sup>319</sup> it, coincidentally, explicitly allows the deployment of U.S. forces "to preserve broader peace and security, including by protecting civilians facing a grave humanitarian crisis."<sup>320</sup> In this context also, the RtoP and the resulting measures are mentioned. The U.S.

have recognized that the primary responsibility for preventing genocide and mass atrocity rests with sovereign governments, but that this responsibility passes to the broader international community when sovereign governments themselves commit genocide or mass atrocities, or when they prove unable or unwilling to take necessary action to prevent or respond to such crimes inside their borders.<sup>321</sup>

Within a multilateral or bilateral context, the U.S. announces its intent to use military means to prevent and respond to genocide and mass atrocities, if all other measures fail to stop it.

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<sup>317</sup> The idea of universal values is not defined in detail. Those values are not defined conclusively as "certain values" are explained using examples like individual freedom, assemble without fear, worship as they please, tolerance and some more.

<sup>318</sup> National Security Strategy, The White House, Washington 2010,

<sup>319</sup> Ibid.

<sup>320</sup> National Security Strategy, The White House, Washington 2010; In an assessment of the National Security Strategy, the Commission on America's National Interests extends and specifies this definition and defines "prevention of genocide" and "promotion of the acceptance on international rules of law and mechanisms for resolving or managing disputes peacefully;" as extremely important U.S. national interests. Graham Allison. Belfere Center for Science and International Affairs, JHU/APL Rethinking Seminar Series, 2010, [https://outerdnn.outer.jhuapl.edu/videos/021810/Allison\\_ppt.pdf](https://outerdnn.outer.jhuapl.edu/videos/021810/Allison_ppt.pdf) (accessed December 26, 2011).

<sup>321</sup> National Security Strategy, The White House, Washington 2010.



Therefore, the NSS prefers peaceful measures to force nations that breach agreed international norms to accept and guarantee those universal norms, but simultaneously leaves the possibility to use U.S. forces to enforce human rights militarily. The necessary decision-making process within the U.S. is specific to every individual case.

The fact that the White House publishes the official position paper of U.S. foreign policy underlines the extraordinary influence of the U.S. President on this important topic. Although the making and carrying out of America's foreign policy involves all three branches of government<sup>322</sup> and a complex array of governmental institutions and agencies<sup>323</sup>, the U.S. foreign policy is determined above all by the President. The U.S. Department of State is only an administration that assists the White House to demand its standards. Therefore, the Obama doctrine<sup>324</sup> also has a large influence on the decision-making process with regard to humanitarian interventions. Although Barack Obama has the constitutional power to deploy troops into a crisis region and utilize military force, this power is limited by some conditions.<sup>325</sup> Therefore, any use of forces has to be considered carefully and at best based on the approval of the Congress.

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<sup>322</sup> The judicial branch is only very tangentially involved into this process; the focus is on the executive and the legislative branch.

<sup>323</sup> Constitutional Rights Foundation. "War and International Law; America's Foreign Policy: A Brief History." <http://www.crf-usa.org/war-in-iraq/foreign-policy.html> (accessed February 27, 2012).

<sup>324</sup> Since WW II nearly every U.S. President, with the exception of Gerald Ford and George H.W. Bush was responsible for a doctrine that characterized their foreign policy and was assessed as a 'Grand Strategy'. Political analysts who kept trying to define an Obama doctrine in terms of foreign policy and national security already since he had been a Presidential candidate created the Obama doctrine.

<sup>325</sup> After discussions about the legitimacy of Barack Obama's decision to participate militarily in the Libyan intervention, the Justice Department's Office of Legal Counsel (OLC) published an assessment that backed Obama's decision by stating: (1) the President has a "broad constitutional power" to order the use of force without congressional approval, particularly when the use of force isn't really a war; (2) the existence of a United Nations Security Council resolution expands that power because the President has a responsibility to preserve the Council's credibility and to ensure that its edicts do not turn out to be "empty words"; and (3) in any event, Congress has allowed the President to undertake this action through the War Powers Resolution, which permits him to use force for up to 60 days without specific, advance approval. This assessment is doubted by parts of scholarship. See: Louis Fisher, Obama's Military Commitment in Libya, A Paper Presented at the Wilson Center, "Congress, the U.N. and the War Power: From Korea to Libya," May 16, 2011; Michael J. Glennon, The Cost of "Empty Words": A Comment On the Justice Department's Libya Opinion† Harvard National Security Journal Forum, April 2011; Justice Department's Office of Legal Counsel (OLC); *Opinions of the Office of Legal Counsel in Volume 35*, Authority to use military force in Libya, 01. April 2011.

Barack Obama's foreign policy approach differs from his predecessor's approach in several tasks. Although some critics tried to conclude that his strategy is nearly similar to George W. Bush's doctrine of 2002, the 'Obama doctrine' differs decisively. Based on two major speeches in 2011, one regarding Libya<sup>326</sup> and the other one the Middle East in general<sup>327</sup>, his doctrine is described by Dimitrova<sup>328</sup> as 'smart power strategy.' 'Smart power' is defined as the combination of soft and hard power,<sup>329</sup> and this definition describes the U.S. approach to combine defense, diplomacy, and development. For the Libyan case, the approach is evident by Obama's statement in an address to the nation:

American leadership is not simply a matter of going it alone and bearing all of the burden ourselves. Real leadership creates conditions and coalitions for others to step up as well, to work with allies and partners so that they bear their share of the burden and pay their share of the costs; and to see that the principles of justice and human dignity are upheld by all<sup>330</sup>

This statement shows a new importance of humanity, common responsibility, and burden sharing.<sup>331</sup>

The specific national interests and geo-strategic aims of the U.S. in regard to the Middle East are shaped by the recent past since the end of WWII. As the only existing political and military 'Superpower,' the U.S. still tries to balance the power in the region and, therefore, follows some long-standing U.S. policy goals like "regional security,

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<sup>326</sup> "Remarks by the President in Address to the Nation on Libya", *The White House*, Washington D.C., March 28, 2011

<sup>327</sup> "Obama's Speech on U.S. Policy in the Middle East and North Africa", *The White House*, Washington D.C., May 19, 2011

<sup>328</sup> Cultural Diplomacy. "Obama's Foreign Policy: Between Pragmatic Realism and Smart Diplomacy?" Participant paper of the ICD Academy for Cultural Diplomacy, June Session, Institute for Cultural Diplomacy, 2011; [www.culutraldiplomacy.org](http://www.culutraldiplomacy.org) (accessed March 1. 2012).

<sup>329</sup> Joseph Nye, "The U.S. Can Reclaim Smart Power", *Belfer Center for Science and International Affairs*, Harvard University, January 21, 2009.

<sup>330</sup> "Remarks by the President in Address to the Nation on Libya", *The White House*, Washington D.C., March 28, 2011.

<sup>331</sup> Additionally the selection of his staff, riddled with personnel that already worked under U.S. President Bill Clinton, scholars like Samantha Powers and the U.S. ambassador at the UN Susan Rice, underlines the new approach in U.S. foreign policy

global energy supplies, U.S. military access, bilateral trade and investment, counter-proliferation, counterterrorism, and the promotion of human rights."<sup>332</sup> This U.S. policy includes:

- Discouraging interstate conflict that can threaten allies (including Israel) and jeopardize other interests;
- Preserving the flow of energy resources and commerce that is vital to the U.S., regional, and global economies;
- Ensuring transit and access to facilities to support U.S. military operations;
- Countering terrorism (CT);
- Stemming the proliferation of conventional and unconventional weapons; and
- Promoting economic growth, democracy, and human rights.<sup>333</sup>

The stressed importance of the Middle East region for U.S. interests is also mentioned in the NSS that states nonproliferation, counterterrorism cooperation, access to energy, and integration of the region into global markets as main general aims for the Middle East. Thereby, the U.S. is willing to support a partnership with states in the region and, therefore, appealing to the Middle East peoples' aspirations for justice, education, and opportunity. Deduced from this officially stated policy, the history of the cold war, and the role as last remaining superpower, the U.S. interests within the region have to be considered broader than those of France or Germany.

Balancing the priorities mentioned above necessitated the willingness to cooperate with friendly Arab regimes and Israel in the region to reach the political aims. In the world of today, the U.S.'s most important objectives are the containment of:

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<sup>332</sup> Christopher M. Blanchard, Alexis Arieff, Zoe Danon, Kenneth Katzman, Jeremy M. Sharp, Jim Zanotti U.S. Library of Congress. Congressional Research Service, Change in the Middle East: Implications for U.S. Policy by Christopher M. Blanchard, Alexis Arieff, Zoe Danon, Kenneth Katzman, Jeremy M. Sharp, Jim Zanotti. CRS Report R 42393. Washington, DC: Office of Congressional Information and Publishing, March 7, 2012.

<sup>333</sup> Ibid.

- Radicalizing forces such as Al Qaeda and affiliated extremist Islamist movements,
- Hamas and Hezbollah,
- Iran, especially with regard to the possible development of WMD, and
- Syria and its influence in the region.

Defining the U.S. interest within the region requires a close look at these overriding political aims, and any taken action has to be examined in relationship to them. The interactions that are caused by any political or military action by the U.S. in the region have to be considered by the government carefully and, therefore, also have to be considered as an important part of the U.S. decision-making process with regard to Libya and Syria. Thereby, the negative experience of U.S. military interventions of the recent past in Iraq and Afghanistan created a mindset within U.S. politics that generally reduced the readiness to use forces as a first choice when strategic U.S. interests are threatened.<sup>334</sup>

Conclusively, the national interests and geo-strategic goals generally classify the role and relevance of humanitarian interventions as an important part of foreign policy. Defined in the NSS, and supported by Obama's partly liberal staff, the U.S. is able to promote and theoretically also willing to enforce the idea of humanitarian interventions by the use of U.S. forces for defending human rights. After showing that the normative idea of a humanitarian intervention is implemented in official U.S. foreign policy, and connecting this approach with the general strategic goals for the Middle East, we must now examine the feasibility and the will for interventions in cases like Libya in 2011, or for the ongoing Syria conflict.

Since it is obvious that the national interest and the geo-strategic goals of U.S. foreign policy particularly allow and support a military humanitarian intervention, it is

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<sup>334</sup> Marc Landler, Iraq, a War Obama Didn't Want, Shaped His Foreign Policy, NY Times, A 16, December 18.

also obvious that the implementation of such military missions for every case depends on political constraints caused by domestic politics and an advanced interpretation of geo-strategic goals.

## **2. Geostrategic Goals and Domestic Politics in Regard to Libya**

### ***a. Domestic Politics***

From a domestic point of view, several reasons run counter to a military engagement of the U.S. in Libya. In early 2011, the U.S. population was war-weary. After eight years of conflict in Iraq and nearly 10 years of war in Afghanistan, with costs of more than 1,283.3 billion U.S.\$<sup>335</sup> in times of economic crisis and more than 6,000<sup>336</sup> U.S. soldiers killed in both conflicts, the enthusiasm of the public for military conflicts by U.S. forces was limited. An opinion poll in mid-March 2011—where only 32% of the population was in favor of a military engagement by the U.S. Air Force in Libya, only 22% favored the use of ground forces, and only 23% of the interviewed U.S. citizens favored an U.S.-led role in this upcoming conflict—showed this strong popular refusal for new military operations.<sup>337</sup> Therefore, from a domestic point of view, Obama should have avoided any new military intervention in general. A sometimes-offered argument that Obama used the Libya conflict to show his own strong leadership and vigor was baseless, as proven by polling results after the conflict ended. Although the U.S. had no own victims and the whole mission was assessed a military success, only 37% of the interviewed U.S. citizens supported the engagement, while 49% answered that the U.S. "should not have gotten involved."<sup>338</sup>

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<sup>335</sup> U.S. Library of Congress. Congressional Research Service, *The Cost of Iraq, Afghanistan, and Other Global War on Terror Operations Since 9/11* by Amy Belasco. CRS Report RL 33110. Washington, DC: Office of Congressional Information and Publishing, March 29, 2011.

<sup>336</sup> Icasualties.org. <http://icasualties.org/> (accessed March 2, 2012).

<sup>337</sup> CNN/Opinion Research Corporation Poll. March 11-13, 2011. N=1,023 adults nationwide. Margin of error  $\pm 3$ ., Source: <http://www.pollingreport.com/libya.htm>, (accessed February 26, 2012).

<sup>338</sup> CBS News Poll. Nov. 6-10, 2011. N=1,182 adults nationwide. Margin of error  $\pm 3$ . Source: <http://www.pollingreport.com/libya.htm> (accessed 03 March 2012).

***b. Geo-Strategic Interests***

Some U.S. politicians state that the U.S. had no direct vital interest in Libya.<sup>339</sup> This is worth repeating in any discussion about the direction of U.S. national security because the uprising created no military threat for the U.S. and did not threaten the security of the U.S. or its citizens. However, two main arguments contradict this view. First, reading the NSS carefully shows that promoting democracy and peace are also official parts of the national interest of the U.S. More important is the second consideration about U.S. foreign policy. Assessing the U.S. interests for Libya requires a close look into the political environment of the whole region and the possible political interactions. The national interest and geo-strategic aims of the U.S. in Libya can be explained by implementing the officially stated aims of the NSS and, in a broader approach, the additional geo-strategies interests of the U.S. in Libya.

***c. Humanitarian Situation***

Two of the four general U.S. strategic goals mentioned in the NSS were obviously applicable with Libya. The aims of 'respect for universal values around the world' and the idea of an 'international order advanced by U.S. leadership that promotes peace, security, and opportunity through stronger cooperation' could explain the engagement very clearly, while U.S. President Obama additionally saw a threat for U.S. Allies caused by refugees from Libya that "put a strain on the transitional governments in Egypt and Tunisia and on American allies in Europe."<sup>340</sup> Finally, three of four U.S. strategic goals were applicable to Libya; only the strategic goal to avoid a direct threat for the U.S. was denied. Therefore, the norm-based arguments justify an intervention from a

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<sup>339</sup> Henry A Kissinger, James A Baker III, The grounds for U.S. intervention, The Washington Post, 10 April 2011.

<sup>340</sup> Christi Parsons and Paul Richter. "Obama defends Libya Mission." *Los Angeles Times*. <http://articles.latimes.com/2011/mar/29/world/la-fg-obama-libya-20110329> (accessed March 2, 2012).

US perspective. Parts of the scholarship agreed in this belief that norms were the driving force for the intervention, although often, additional interests are at least recognized.<sup>341</sup>

Although humanity has been the strongest argument that could be announced from the beginning of the considerations to intervene in Libya, the Obama administration tried to deliver the message that the situation that existed in Libya in March 2011 was unique. U.S. President Obama explained this uniqueness of the Libyan situation in his address to the nation on 28 March 2011 by stating:

It is true that America cannot use our military wherever repression occurs. And given the costs and risks of intervention, we must always measure our interests against the need for action. But that cannot be an argument for never acting on behalf of what's right. In this particular country - Libya; at this particular moment, we were faced with the prospect of violence on a horrific scale. We had a unique ability to stop that violence: an international mandate for action, a broad coalition prepared to join us, the support of Arab countries, and a plea for help from the Libyan people themselves. We also had the ability to stop Gaddafi's forces in their tracks without putting American troops on the ground.<sup>342</sup>

The early definition of the Libyan situation as unique followed the geo-strategic calculus that with the 'Arab Spring' rebels groups in other Arab countries could also make claims for military support like the rebels in Libya. The public consideration of the uniqueness attempts to underline the officially stated argument that only humanitarian reasons were the driving force for the Libyan intervention, and simultaneously tries to blight any new demands for support in other countries within MENA. U.S. President Obama could only explain the intervention using normative reasons in public, and

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<sup>341</sup> Anne Marie Slaughter assessed that the "strategic interest of helping the Libyan opposition came from supporting democracy and humanitarian rights". She constrains her opinion by acknowledging that value-based argument and interest-based arguments finally are inextricable from each other. Anne Marie Slaughter, "Why Libya sceptics were proved badly wrong." *Financial Times*. <http://www.ft.com/intl/cms/s/0/18cb7f14-ce3c-11e0-99ec-00144feabdc0.html#axzz1tDMRDqoq> (accessed April 26, 2012).

<sup>342</sup> President Obama's speech on Libya at the National Defense University in Washington, March 28, 2011 *The White House*, Washington D.C., May 19, 2011.

simultaneously, the U.S. government needed to prevent new desires for the support of other groups in Middle East by underlining the exceptionality of the humanitarian situation in Libya.

To stop the discussion at this point and conclude that these three norm-based geo-strategic goals solely shaped the decision for the intervention in Libya would create a wrong impression. Concerns about the humanitarian situation may have influenced the U.S. decision-making process in part, but additional geo-strategic considerations that recommended an intervention in Libya are also of importance.

#### *d. Redemption Politics*

Like almost all the Western states, the U.S. misinterpreted the beginning of the Arab spring in Egypt and Tunisia, and continued their support for the old regimes. Even when former Egyptian president Mubarak and the former Tunisian President Ben Ali started to fight their own populations, the U.S. stayed hesitant and indecisive.<sup>343</sup> Finally, the U.S. distanced itself from the old leadership in Egypt because they simply saw no other possibility, and not because of any understanding or support for the new movement. Quickly after the failure of long-time established U.S. politics became obvious, the start of the uprising in Libya offered an opportunity for the U.S. to revise this impression and to set an example that they supported the new movement within the Middle East.<sup>344</sup>

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<sup>343</sup> For Egypt the U.S. supported his long-term ally President Mubarak at least until 03 February, a time when the fighting's at the Tahrir square in Cairo had started and the whole revolutionary process seemed irreversible. The U.S. tried to negotiate a transition process with Mubarak as an interim President until 03 February and until that day they do not demanded Mubarak to step down. This position was strongly criticized in Egypt and worsened the mutual relationship between the Obama administration and the new leadership. Amongst others: U.S. Library of Congress. Congressional Research Service, *Egypt: The January 25 Revolution and Implications for U.S. Foreign Policy* by Jeremy M. Sharp. CRS Report RL 33003. Washington, DC: Office of Congressional Information and Publishing, February 11, 2011.

<sup>344</sup> "This was an opportunity for the United States to respond to an Arab request for help. It would increase U.S. standing in the Arab world, and it would send an important signal for the Arab Spring movement." Unnamed governmental source; Joby Warrick, "Clinton's efforts in Libyan war called vital." *The Washington Post*, October 31, 2011.



Additionally, the special situation that had been caused by the 'Arab Spring'—the intervention in Libya—also created a good opportunity to demonstrate the support and goodwill of the U.S. to the Muslim world. Although the U.S. was aware that the Libyan NTC was mainly influenced by radical Muslim groups, and that the outcome removing Qadhafi would probably not be as democratic or pro-U.S. as the U.S. wanted, Obama decided to intervene.

*e. Economics*

The mutual U.S.-Libyan economic ties were limited before the intervention. Before Qadhafi came to power, the U.S. oil-industry had a position of importance for the Libyan oil industry. With the economic reforms of the regime in the 2000s and the mutual political rapprochement, the U.S. oil-industry was able to increase its share of Libyan oil-production very fast and several new projects were pre-planned.<sup>345</sup> With Libya's large oil reserves of 43.66 billion barrels,<sup>346</sup> the Libyan oil-industry is a worthwhile and promising economic partner, and one of the largest suppliers in the world. The U.S. not only had an interest in maintaining the established contracts and expanding the mutual relationship, but also, in a broader context, in stabilizing Libyan oil production. A long-lasting conflict within Libya without any significant oil production, or sprawling economic embargos that remove the Libyan oil production from the world market, can damage the world economy through an increased oil price and, therefore, hurt the already battered U.S. economy as the world's largest economy and the second biggest export nation.<sup>347</sup>

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<sup>345</sup> Reuters. Factbox: U.S. oil companies' interests in Libya; *Reuters*. <http://www.reuters.com/article/2011/02/22/us-libya-usa-oilcompanies-idUSTRE71L5Y820110222> (accessed March 11, 2012).

<sup>346</sup> This makes the Libyan oil reserves to the ninth largest in the world. U.S. Energy Information Administration. "Libya: Country Analysis Brief." <http://www.eia.gov/countries/country-data.cfm?fips=LY&trk=> (accessed March 11, 2012).

<sup>347</sup> The size of the economy is based on the total gross domestic product (GDP). Both data: <https://www.cia.gov/library/publications/the-world-factbook/index.html> (accessed 14 April 2012) Although Libya contribution to the international oil market was only 2% in 2010, the worldwide oil price increased between February and April 2011 by about 25%. For the world economy and, therefore, especially for the U.S. economy as the largest one in the world, any oil price increase that lasts longer means a reduction of the worldwide growth rate.

*f. Summary*

A humanitarian background for the participation of the U.S. in the intervention is comprehensible. The ideals of Barak Obama, the composition of his administration—that has the historical Rwanda example at the back of its mind—and the defensive U.S. policy during the intervention with the claim "to lead from behind," suggest that the intervention has been fueled by the will to prevent a massacre. Nevertheless, other reasons also have an important share of the U.S. decision-making process.

After several military conflicts with Muslim countries, the Libyan case gave the U.S. an opportunity to prove that values like democracy, freedom, and humanity are valid for every group and religion. The unnecessarily long adherence on established political connections within the Middle East made a strong signal for the U.S. to act with urgent necessity. The weak Libyan government and their small and bad-equipped forces offered a good opportunity to send this strong signal to the Muslim population in the region without any significant military risk. Nonetheless, the intervention was only possible because of Libya's international isolation and inner weakness. Without being in the center of gravity for U.S. foreign policy, and without any large impacts of an intervention to other important actors or the region, the U.S. could join the mission and thereby state the willingness to intervene because of normative reasons, and thereby send a signal to the changing Middle East society. As a matter of prudence, President Obama stressed the uniqueness of the Libyan case early.

Although the U.S. had an economic interest in Libya, this rationale had only a minor part in the geo-strategic considerations that finally led to engagement in Libya.

Finally, authors like Roberts, Slaughter, and Kuperman, who doubted the importance of the idea of humanism for the U.S. engagement in Libya in part or in

total—and additionally demonstrated that U.S. politics, motivated by the aim to create a regime change<sup>348</sup> "grossly exaggerated the humanitarian threat to justify military action in Libya,"<sup>349</sup>—end up being right.

### **3. Geostrategic Goals and Domestic Politics in Regard to Syria**

#### *a. Overview*

Although the development of the humanitarian situation in Syria would seem to signal the need for a U.S. engagement against the al-Assad regime based on the NSS, the U.S. has taken only diplomatic action to this day. While the Pentagon has already started to prepare preliminary military options in Syria<sup>350</sup> —a routine step for military contingency planning during crises overseas—the Obama administration attempts to avoid any military involvement by offensive efforts to promote the strength of the regular Syrian forces while simultaneously downplaying the relevance of the Syrian opposition. The aim of this method, called "politicizing intelligence," is to "justify doing

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<sup>348</sup> Huge Roberts, Who said Gaddafi had to go? *London Review of Books*, Vol. 33, Number 22, 17 November 2011

<sup>349</sup> Alain J. Kuperman, "False pretense for war in Libya?" *Boston Globe*. [http://www.boston.com/bostonglobe/editorial\\_opinion/oped/articles/2011/04/14/false\\_pretense\\_for\\_war\\_in\\_libya/](http://www.boston.com/bostonglobe/editorial_opinion/oped/articles/2011/04/14/false_pretense_for_war_in_libya/) (accessed 13 April 2012).

<sup>350</sup> Eric Schmitt. "NATO Sees Flaws in Air Campaign Against Qaddafi" *New York Times*. <http://www.nytimes.com/2012/04/15/world/africa/nato-sees-flaws-in-air-campaign-against-qaddafi.html?pagewanted=2&r=1&hp>, (accessed April 15, 2012).

nothing.”<sup>351</sup> The Pentagon, warning that the Syrian forces are very capable and own biological and chemical weapons, also supports this approach of bringing out the high military risks and the possible sacrifices of an intervention.<sup>352</sup>

At a first glance, this political strategy appears uncommon, because every measure that harms Syria finally also weakens al-Assad’s close ally Iran. Therefore, further isolating Iran, the state that probably has the greatest tensions with the U.S., would be rational and support the threatening posture of the U.S.<sup>353</sup> The policy of the Obama administration to avoid a conflict with Syria consequently must be based on several arguments that overtrump the idea of harming Iran through an engagement in Syria. Domestic reasons, national interest, and geo-strategic motives are recognizable to explain why an intervention in Syria is much more unsolicited than in Libya.

#### ***b. Domestic Politics***

Similar to the situation in Libya in early 2011, the U.S. population in early 2012 is also still war-weary. Despite the end of the Iraq conflict, and the already-ongoing reduction of troops in Afghanistan, opinion polls document that the population has no

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<sup>351</sup> As Elliot Abrams defines "politicizing intelligence" its aim is "Using intel, or more often partial intel, to produce an effect in line with White House policies rather than giving a full picture of a particular situation." With using this method of leaking knowledge to the media, the Obama administration tries to prevent any kind of military interventions by U.S. forces in Syria. Main idea is that it is hopeless to attack the Syrian forces while simultaneously the opposition lacks the necessary strength and coordination. Elliot Abrams, "Politicizing Intelligence on Syria." *The Weekly Standard*. [http://www.weeklystandard.com/blogs/politicizing-intelligence-syria\\_633443.html?page=1](http://www.weeklystandard.com/blogs/politicizing-intelligence-syria_633443.html?page=1) (accessed April 15, 2012).

<sup>352</sup> The U.S., Chairman of the Joint Chiefs of Staff, Martin Dempsey stated in an interview with Fareed Zakaria on CNN: " I mean Syria is a very different challenge. It's a different challenge, as you described it, geographically. It's a different challenge in terms of the capability the Syrian military. They are very capable. They have a very sophisticated, integrated air defense system, for example. They have chemical and biological weapons. Now, they haven't demonstrated any interest or any intent to use those. But it is a very different military problem". Fareed Zakaria, "GPS." Broadcasted 19 February 2012, <http://transcripts.cnn.com/TRANSCRIPTS/1202/19/fzgps.01.html> (accessed March 23, 2012). .

<sup>353</sup> Iran and the ongoing discussion about their development of WMD are in the main focus of U.S. foreign policy. In his state of the union address on 24 January U.S. President Barack Obama warned Iran that he will "take no options off the table to achieve that goal" of preventing that Iran will develop nuclear weapons. Before meeting with the Israeli Prime Minister in March 2012 the U.S. President in his speech on 2 March warned Iran again that his announcement of using military options is not "a bluff". Mark Landler, "Obama Says Iran Strike Is an Option, but Warns Israel." *New York Times*.<sup>3</sup><http://www.nytimes.com/2012/03/03/world/middleeast/obama-says-military-option-on-iran-not-a-bluff.html?pagewanted=all>, (accessed April 26, 2012).

major interest in any engagement in Syria. Only 25% of the population agree that the U.S. has a responsibility "to do something" in the Syrian crisis, while 73% reject any responsibility.<sup>354</sup>

However, based on the experience of the Libyan intervention in 2011, U.S. President Obama has to be aware that a military engagement in Syria would not support his political reputation with the U.S. public. 2012 is an election year in the U.S. and, therefore, the U.S. President will try to avoid any unnecessary political and military risks. An intervention in Syria contains several risks for Obama's domestic politics, and to repeat a positive result (with only a minor effort as in Libya) is highly unlikely because of the more advanced and better-equipped Syrian forces.

Of much importance for U.S. domestic politics is the status of Israel. An engagement against Syria very likely will have some side effects that concern Israel. Any outcome of a U.S. engagement that somehow harms Israel would have drastic domestic consequences. The pro-Israel lobby within the U.S. is an important power factor and is able to damage Obama's election campaign 2012 substantially. Israel, as a direct neighbor of Syria and an enemy of the Hamas in Gaza and the Hezbollah in Lebanon (which are closely connected to Syria), can get entangled in the conflict very easily with different possible political and military outcomes<sup>355</sup>. As long as the Israeli position towards the situation in Syria is not clearly defined, Obama also has to domestically balance the demands of the pro-Israeli Lobby within the U.S. with its different political currents. Barack Obama needs to avoid any far-reaching political disagreements with the pro-Israeli lobby in the U.S.

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<sup>354</sup> CNN/ORC Poll. Feb. 10-13, 2012. N=1,026 adults nationwide. Margin of error  $\pm 3\%$ . Source: <http://www.pollingreport.com/syria.htm>, (accessed February 29, 2012).

<sup>355</sup> For different arguments see: Joel Greenberg. "Israel in quandary over turmoil in Syria." *Washington Post*. [http://www.washingtonpost.com/world/israel-in-a-quandary-over-turmoil-in-syria/2011/04/22/AFcV3eRE\\_story.html](http://www.washingtonpost.com/world/israel-in-a-quandary-over-turmoil-in-syria/2011/04/22/AFcV3eRE_story.html) (accessed May 3, 2012). and: Feras Abu Helal, The Israeli Position towards the Syrian Intifada, Case study, The Arab Center for Research & Policy Studies, May 11, 2011.

Finally, similar to the assessment of the Libyan intervention, from a domestic viewpoint the U.S. President will absolutely avoid any new military engagement in 2012.

*c. Geo-Strategic Interest*

In distinction to the Libyan rebellion, the uprising in Syria affects the geo-strategic interest of the U.S. in several political areas. In addition to the superficial argument of defending humanitarian rights, other interests of the U.S. are concerned with the events in Syria. Syria's political ties with Hezbollah and Hamas, U.S.-Israeli relations, the role of Iran, relations to the old cold war foe Russia, and the risk of a long-lasting civil war in a highly unstable region with its economic effects—all shape the special interests of the U.S., although the violence in Syria itself does not create a direct military threat for the U.S. or U.S. forces.

*d. Humanitarian Situation*

The assessment of the situation in Syria by different sources<sup>356</sup> and by an independent international commission of the UN infers that the Syrian government is responsible for “gross human rights violations” and that “such violations originated from policies and directives issued at the highest levels of the armed forces and the Government.”<sup>357</sup> This assessment is acknowledged by the U.S. government. The condemnation of Syria by the UN General Assembly on 16 February underlines that the

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<sup>356</sup> Different sources report about massive violations of human rights in Syria by Syrian regular forces. For example: UN Secretary Ban Ki-moon speaks of “grisly reports” that Syrian government forces were arbitrarily executing, imprisoning and torturing people on March 3, 2012. Reuters. “U.N. chief speaks of “grisly reports” from Syria.” <http://www.reuters.com/article/2012/03/03/us-syria-idUSL5E8DB0BH20120303> (accessed March 3, 2012). Another example is the statement of Navi Pillay the UN high commissioner for human rights, that the civilian population suffers from countless atrocities committed against them. Rick Gladstone. “U.N. Official Rebukes Syria Over Violence. *New York Times*. [http://www.nytimes.com/2012/02/14/world/middleeast/syrian-forces-continue-attack-on-homs.html?\\_r=1&ref=departmentofpeacekeepingoperations](http://www.nytimes.com/2012/02/14/world/middleeast/syrian-forces-continue-attack-on-homs.html?_r=1&ref=departmentofpeacekeepingoperations) (accessed March 12, 2012).

<sup>357</sup> Report of the independent international commission of inquiry on the Syrian Arab Republic, Human Rights Council, Nineteenth session, A/HRC/19/69, 22 February 2012. The report also mentions that the FSA had also committed abuses, but those were “not comparable in scale and organization to those carried out by the state.”

humanitarian situation in Syria is dramatic and simultaneously the Syrian leadership is unwilling to end the crisis. Therefore, similar to the Libyan case, an engagement by the U.S. for purely humanitarian reasons as stated in the NSS<sup>358</sup> would be justified and possible.

Two of the four general U.S. strategic goals mentioned in the NSS with regard to human rights are obviously applicable to Syria. The aims of 'respect for universal values around the world' and the idea of an 'international order advanced by U.S. leadership that promotes peace, security, and opportunity through stronger cooperation' could explain a U.S. engagement very easily. To avoid this conclusion, shortly after the Libyan intervention started, Barack Obama already made clear that the situation in Libya was unique and, therefore, could not be transferred to other cases. To this day, this assessment is officially stated to explain why the U.S. does not attempt to pressure the international community to intervene in Syria.<sup>359</sup> Following this argument, humanitarian reasons are only of minor importance. Unlike the Libyan case, Obama has acknowledged that following humanitarian ideals contain unpredictable risks for domestic politics.

Therefore, in addition to these very general and very ambitious normative strategic goals of the NSS, some other, more important strategic interests have to be considered. These interests for the U.S. are the indirect effects that would emerge from the conflict in Syria and influence U.S. strategic interests.

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<sup>358</sup> "...but that this responsibility passes to the broader international community when sovereign governments themselves commit genocide or mass atrocities, or when they prove unable or unwilling to take necessary action to prevent or respond to such crimes inside their borders." National Security Strategy, *The White House*, Washington 2010,

<sup>359</sup> Barack Obama underlined the differences between both cases in a press conference on 6 March, stating: "What happened in Libya was we mobilized the international community, had a U.N. Security Council mandate, had the full cooperation of the region, Arab states, and we knew that we could execute very effectively in a relatively short period of time. This is a much more complicated situation" *The White House*, Office of the Press Secretary, Press Conference by the President, 06 March 2012

*e. Syria's Political Ties*

The geographic location of Syria in the center of the Middle East and sharing a border with Turkey, Israel, Iraq, Lebanon, and Jordan, and its close political ties with Iran and the close connection with Hezbollah in Lebanon and Hamas in Palestine, broadens the importance of Syria. Different strategic implications result from Syria's foreign policy relations.

Israel and the U.S. are unconditional allies and an expanded conflict in Syria would have a large influence on the U.S. policy in Middle East with regard to Israel:

- A regime change has an uncertain effect on Israel. Israel could be strengthened by the fall of the Syrian regime if a stable democratic is established instead of the existing autocratic one, but could be weakened if the conflict turns into a civil war, the Syrian arms fall into extremists hands, or the new leadership follows a more radical anti-Israeli approach;
- Their long-time foe Iran could use an intervention in Syria to blend into the conflict and try to use a larger conflict to increase its hostilities against Israel;
- Hamas and Hezbollah could be strengthened by a conflict and use an intervention as pretense to increase its military and political pressure on Israel;



- A civil war in Syria would "be a nightmare" for Israel because the anarchy of civil war could leave Israel without any political counterpart and without reliable authorities to threaten reprisals against.<sup>360</sup> Simultaneously, it is highly likely that other extremist organizations would try to use the unstable situation within the region to increase its military and terroristic attacks against Israel.

Although some experts and politicians already assess that Israel could perhaps benefit from an intervention and the regime change that follows because "his [al-Assad] departure is still preferable to all alternative scenarios"<sup>361</sup> and simultaneously Israel's current foreign policy seems to support this assessment<sup>362</sup>, this approach contains several unknown variables with regard to Israel. As long as the political implications are unclear, there is a high probability that these different scenarios could cause a destabilization of the whole region, a development that the U.S. urgently wants to avoid.

Iran and Syria's close political alliance has a huge influence on the geo-strategic interests of the U.S.. Based on the religious proximity between Alawites and Shii, Syria is the only important state that is allied with Iran in the Middle East. More important than Syria, Iran is in the political focus of the U.S. Based on recent history since the Iranian revolution in 1979, mutual reluctance, the past and still ongoing Iranian interference and support for terrorism in Iraq and Afghanistan and its direct consequences

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<sup>360</sup> Meir Jafedanvar. "Why Iran eyes a Syrian Civil war." *The Diplomat*. [http://the-diplomat.com/2011/09/02/why-iran-eyes-syrian-civil-war/?utm\\_source=feedburner&utm\\_medium=feed&utm\\_campaign=Feed%3A+the-diplomat+%28The+Diplomat+RSS%29](http://the-diplomat.com/2011/09/02/why-iran-eyes-syrian-civil-war/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+the-diplomat+%28The+Diplomat+RSS%29) (accessed April 14, 2012).

<sup>361</sup> Itamar Rabinovich, in: Tobias Buck. "Israel feels mixed emotions over Syria." *Financial Times*. <http://www.ft.com/intl/cms/s/0/a3361736-7431-11e1-9951-00144feab49a.html#axzz1u28sHyl3> (accessed May 5, 2012).

<sup>362</sup> Israel seems to change its traditional position towards Syria and started to engage politically into the conflict. Allyn Fisher- Illan, "Israel urges end to Syria bloodshed, offers aid." *Reuters*. <http://www.reuters.com/article/2012/03/04/us-israel-syria-idUSTRE82305R20120304> (accessed May 4, 2012)

for U.S. troops<sup>363</sup>, the assumed Iranian attempts to develop nuclear weapons, and the active support for the al-Assad regime during the ongoing rebellion,<sup>364</sup> the mutual relations between Iran and the U.S. are hostile.

The close connections between Syria and Iran lead to the situation that every action of the U.S. against Syria and every development within Syria have a huge impact on U.S.-Iranian relations. Therefore, the domestic Syrian conflict projects the conflict between Iran and the U.S. As a consequence, the U.S. has to act very carefully because a Western military intervention in Syria could cause a direct involvement of the Iran or at least enforced support for Syria to repel intervention forces.

Although U.S.-Russian relationship seems to have normalized since the cold war ended twenty-one years ago, the Syrian conflict reveals several unsolved political disputes and a lack of political similarities. The still-unsolved disputes about the missile defense project and the still-dense NATO-Russia relations, as well as the common political goals of arms control, counterterrorism, and the global economy could experience a significant setback if the conflict between these countries escalates in future. The different interests in Syria are manifold. For Russia, Syria is an important economic partner (including arms contracts and a planned nuclear cooperation), and also a provider of the latest Russian naval base in the Mediterranean. However, in addition to these specific interests, there are also geo-strategic considerations. Although the Russian government has no interest in risking a civil war in Syria, and a spread of the conflict into the region, they do not want the U.S. to take away Iran's last strong ally and they fear an increased influence sphere of the U.S. in Middle East. The conflict in Syria is a new chapter in the geo-strategic conflict between a former super power and the last remaining super power.<sup>365</sup>

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<sup>363</sup> Iran is accused by several sources for supporting terrorism actively in Iraq and Afghanistan with weapons, logistics and training.

<sup>364</sup> Iran sent two warships in February 2012 to the Syrian Mediterranean coast and the harbor of Tartus to symbolize the Iranian support for the al- Assad regime.

<sup>365</sup> Dimitri Tremin. "Russia's Line in the Sand on Syria." *Foreign Affairs*.  
<http://www.foreignaffairs.com/articles/137078/dimitri-tremin/russias-line-in-the-sand-on-syria> (accessed April 16, 2012).

The Russian-U.S. relationship already deteriorated when U.S. Secretary of State Clinton called the February veto "despicable," and laid at Moscow's feet the "murders" of Syrian "women, children, [and] brave young men." and the Russia prime minister Putin blamed the U.S. policy for its "bellicose itch."<sup>366</sup> This deterioration is also based on the different political ideas behind their foreign policies. While Russia emphasizes the importance of state sovereignty in general, and for Syria particularly, U.S. foreign policy is determined by another emphasis between state sovereignty and human rights.

Well aware that Russia plays an important role for the still unsolved situation in Afghanistan, and is also needed to contain Iran's nuclear ambitions, the U.S. administration is reserved about a military intervention in Syria, especially without a UN mandate, because they want to stop the ongoing alienation of mutual relations. A further deterioration of U.S.-Russia relations should be avoided from U.S. perspective and, therefore, Obama's policy towards Syria has to integrate, and is influenced by, the Russian political sensitivities.

#### *f. Civil War in Syria*

Despite the fact that large parts of the mass media already call the Syrian conflict a civil war, the level of violence has not reached the status of an all-out civil war, but depending on the duration of the conflict, the risk rises.<sup>367</sup>

Syria, the multi-ethnic country, could blunder into a civil war fueled by different reasons. A civil war caused by sectarian conflicts and fueled by foreign

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<sup>366</sup> Howard La Fanchi, "A cold-war chill? U.S.-Russia relations falter over Libya and Syria." *The Christian Science Monitor*. <http://www.csmonitor.com/USA/Foreign-Policy/2012/0303/A-cold-war-chill-US-Russia-relations-falter-over-Libya-and-Syria> (accessed April 16, 2012).

<sup>367</sup> For the discussion about the question if the conflict in Syria is a civil war, see: Voice of America. "Debate Rages: Is Syria Conflict Civil War?" *Voice of America*. <http://www.voanews.com/english/news/middle-east/Debate-Rages-Is-Syria-Conflict-Civil-War-139528873.html>, (accessed April 16, 2012).

powers<sup>368</sup>, a foreign intervention that would cause military, financial, or logistical support for the al-Assad regime by its allies and a slow transition of the existing conflict in a full-scale conflict—these are all realistic scenarios.

For U.S. foreign policy, which has tried to balance its own interests and political stability in the region since more than four decades, an uncontrolled and all-out civil war would be the worst case for U.S. foreign policy and its geo-strategic interests in the Middle East region. Three major reasons underline this assessment:

First, the different groups are supported by different Arab states, China, and Russia. The involvement of different sects and their supporting states could turn the domestic Syrian conflict into a regional conflict that could destabilize the whole region. Consequences for the U.S. ally Israel, an oil-price shock that hurts the world economy (and especially the already battered U.S. economy), the emergence of Syria as another failed state that could be used as a base for militant extremist groups and could lead to an increase in worldwide terrorism—these are scenarios that contradict U.S. geo-strategic interests.

Second, if the U.S. participates in a military intervention on Syria that expands into a civil war, they automatically would be involved in ending this conflict. After the experience with the sectarian civil war in Iraq from 2006-2008, and the difficulties to hand over authority in Afghanistan, the U.S. wants to avoid a new similar scenario in Syria.

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<sup>368</sup> The government is supported by the Alawite, an offshoot of Shiism, by the Shia itself and by the Christians, while the majority of the rebels are Sunni, which are the largest religious group in Syria. The minorities in Syria fear that they could face the same fate like the minorities in Iraq, if the Sunni take power. Reports facilitate that a sectarian conflict between both groups already had started. For example: Tim Arango. "Syria's Sectarian Fears Keep Region on Edge." *New York Times*. <http://www.nytimes.com/2012/02/29/world/middleeast/syria-crisis-highlights-paradoxes-of-assad-support.html?ref=syria> (accessed February 03, 2012); Aram Nerguizian, Assad's hidden strength, *Los Angeles Times*, March 2, 2012: A. 19.

Third, the U.S. has dedicated a huge effort to stabilize the Middle East and support Israel during the last four decades. An uncontrolled civil-war would finally undermine all U.S. approaches to stabilize the region. The influence of Iran could rise, and it could try to use a larger conflict to accelerate its possible nuclear ambitions.

***g. Summary***

The U.S. policy towards Syria is shaped by geo-strategic considerations. Although the humanitarian crisis and the need to stop the violence are obvious, and the U.S. has particularly stated in the NSS that this justifies an engagement, the U.S. is not interested in engaging in Syria. Domestically, an intervention is not desirable and on a geo-strategic level an intervention could drag the whole region into a conflict. This would have serious effects on the ongoing tensions between the U.S. and Iran, on the situation with Israel, and is, in the end, likely to destabilize the whole Middle East. The U.S. is not interested in an ongoing destabilization of Syria for political and economic reasons. Nevertheless, this assessment may be considered again and the calculation may change, when domestic or geo-strategic interests change because of political pressure within the U.S.

While the U.S. had no clear-cut course on how to handle the situation in the initial phase of the conflict<sup>369</sup> the Obama administration finally, mid-course, changed its policy into a waiting attitude and now seems to seek to avoid an intervention. Currently, the U.S. can easily blame Russia and China for preventing a UNSC resolution with their veto, while at the same time, this veto prevents a discussion about the measures that may be included in a resolution against the al-Assad regime and a deeper involvement of the U.S. Even if both countries would change their opinion, it is still

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<sup>369</sup> The U.S. strategy for Syria has been very hesitant in the first period of the conflict. Only after six month of conflict U.S. President Obama called Assad to step down while simultaneously U.S. officials expressed their hope that the Assad regime will not be able to remain in office over time., U.S. Library of Congress. Congressional Research Service, *Unrest in Syria and U.S. Sanctions Against the Assad Regime* by Jeremy M. Sharp and Christopher M. Blanchard. CRS Report RL 33487. Washington, DC: Office of Congressional Information and Publishing, February 16, 2012.

highly unlikely that the U.S. would participate in an intervention in Syria at this time.<sup>370</sup> Based on the insight that a regime change that is orchestrated from the outside contains the highest political and military risks for the whole region and constitutes the worst case for U.S. geo-strategic interests, the U.S. now tries to downplay the utility of an intervention.

Keeping the status quo with a non-democratic al-Assad regime ruling the country, a peaceful transition into democracy based on al-Assad's will to change the situation, or the disempowerment of the ruling regime by the Syrian opposition without intervention from outside are solutions that promise the best outcome for U.S. interests. In awaiting those developments, the U.S. tries to gain time by downplaying the chance for success and emphasizes the strength of the regular Syrian forces.

## **C. FRENCH INTERESTS IN LIBYA AND SYRIA**

### **1. French National Interests and Geo-Strategic Objectives**

Believing it has a special role in the world marks the French self-awareness. France's assumed rank and influence in the world are important to French policymakers. Permanent membership on the UNSC, close relations with parts of the Arab world and former worldwide colonies, aspects of power such as nuclear weapons, and evocation of human rights are central to France's self-identity in international affairs.<sup>371</sup>

In this context, the French government has published its "French White Paper on defense and national security"<sup>372</sup> in 2008, the first strategic paper since 1994. The focus of French national interests is on responding to "all the risks and threats, which could endanger the life of the Nation."<sup>373</sup> The paper defines the French strategy in a 15-year perspective focused on defense and national security. The emphasis of the paper is a

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<sup>370</sup> *The New York Times*. "Crushing Homs." 03 March 2012: A.18.

<sup>371</sup> U.S. Library of Congress. Congressional Research Service, *France: Factors Shaping Foreign Policy, and Issues in U.S.-French Relations* by Paul Belkin. CRS Report RL 32464. Washington, DC: Office of Congressional Information and Publishing, April 14, 2011.

<sup>372</sup> French White Paper on defence and national security (English translation) , Présidence de la République (2008) Défense et Sécurité Nationale: Le Livre Blanc, Paris.

<sup>373</sup> *ibid.*

definition of five strategic functions<sup>374</sup> that are based on the idea of multilateralism, self-defense, and an equal status of military and civilian measures to encounter crisis—including an explicit reference to intervention. The White Paper also underlines the priority of the European ambitions of France with the aim of "Making the European Union a major player in crisis management and international security,"<sup>375</sup> but remains very tentative.

The idea of interventions as a pillar to prevent conflicts is generally defined for special geographical areas. Nevertheless, the included "guidelines governing the commitment on French armed forces abroad" explicitly state:

- The substantial and serious character of the threat to our national security or to international peace and security;
- The consideration, prior to the use of armed force, of other possible measures, without prejudice to emergency situations involving legitimate defense or the responsibility to protect (R2P);
- Compliance with international rule of law;
- Democratic legitimacy, entailing the transparency of the goals pursued and the support of the nation's body-politic, expressed in particular by its parliamentary representatives;<sup>376</sup>

Although the paper stresses the importance of a responsibility to protect, it does not emphasize or even mention any kind of humanitarian intervention and human right protection measures.

Conclusively, the French strategy only mentions the possibility to intervene within the framework of responsibility to protect as a last resort, when other measures

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<sup>374</sup> These functions are: Knowledge and anticipation, prevention, deterrence, protection and intervention.

<sup>375</sup> French White Paper on defence and national security (English translation) , Présidence de la République (2008) Défense et Sécurité Nationale: Le Livre Blanc, Paris.

<sup>376</sup> Ibid.

have not succeeded. A commitment to intervene in cases of violations of human rights is not included. The decision about a military intervention will finally depend on decisions made on the basis of individual cases.

From a geo-strategic perspective, the French national strategy focuses on the geographical axis from the Atlantic to the Mediterranean, the Arab-Persian Gulf, and the Indian Ocean. Generally, "France's focus is shifting away from sub-Saharan Africa to the Horn of Africa and the Persian Gulf, illustrated by its closing its military base in Senegal and opening one in Abu Dhabi."<sup>377</sup>

For the Middle East, the paper describes a high risk of war that results from growing interconnection and conflicts about energy raw materials and food. Preventive measures are the tool that is recommended to stop conflicts in the region. However, the French White Paper explicitly emphasizes the use of the military in an approach of "increased freedom of action for France" <sup>378</sup> within the geographical axis. French geo-strategic goals are:

- To defend our population and territory;
- To contribute to European and international security;
- To defend the values of the republican compact which binds together the French and their state: the principles of democracy, including individual and collective freedoms, respect of human dignity, solidarity, and justice.<sup>379</sup>

In the context of this paragraph, the economic interests of France are mentioned in the paper. The geo-strategic goals have to be achieved by defense policy, domestic

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<sup>377</sup> Brinton Rowdybush and Patrick Chamorel, *The Washington Quarterly* 35:1, p. 163- 177, 2012 Quarterly, Aspirations and Reality: French Foreign Policy and the 2012 Elections.

<sup>378</sup> French White Paper on defence and national security (English translation) , Présidence de la République (2008) Défense et Sécurité Nationale: Le Livre Blanc, Paris.

<sup>379</sup> Ibid.



security, and other public policies, including economic policy. For economic policy, additionally, the amendment is made that it only of interest when it "contributes directly to national security."<sup>380</sup>

The French president chairs the "Defence and National Security Council" (Conseil de Defense et de Securite Nationale, CDSN) that gives the policy guidance for the use of French forces.<sup>381</sup> The structure of the CDSN that is composed of different national ministers and the National Intelligence Council is clearly dominated by the French President.

Conclusively, the national interests and geo-strategic goals of France are stated very generally but in total classify the role and relevance of humanitarian interventions as an important part of French foreign policy. Following the definition of the 'White Paper,' France is theoretically also willing to enforce the idea of humanitarian interventions by the use of forces, although some terms are stipulated.

After having proven that the national interest and the geo-strategic goals of French foreign policy particularly allow and support a military humanitarian intervention, it is obvious that the implementation of every military mission depends on political constraints created by domestic politics and an advanced interpretation of geo-strategic goals. The theoretical influence of the EU (with its different tools to create a common policy and strategy and finally even to engage with own assets) has not influenced the French decision-making process. For both cases, the EU was unable to find a common position or policy to this day. The EU, thereby, had not balanced France's ambitious policy goals in regard to Libya, and President Sarkozy could pursue French objectives. Thereby, the geo-strategic approach of France is generally less ambitious than the approach of the U.S. The feasibility and the will of interventions in the cases of Libya in 2011, and for the ongoing Syrian conflict, have to be examined.

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<sup>380</sup> Ibid.

<sup>381</sup> The CDSN is not only responsible for the military but for all public policy issues involved in the areas of defense and national security.

## 2. Geostrategic Goals and Domestic Politics in Regard to Libya

### a. Domestic Politics

The ruling government and the French President Nicholas Sarkozy were under huge political pressure in early 2011. The failure in handling the emerging 'Arab Spring,' the dismissal of the French Foreign Minister because she was suspected of corruption, and controversial links to the Tunisian Ben Ali regime before the revolution<sup>382</sup> and general discontent with the government politics<sup>383</sup> led to a large decrease in the popularity of Nicholas Sarkozy. An interim peak of this development was reached when an opinion poll predicted on 5 March 2011 that Sarkozy had fallen back to position three for the 2012 Presidential election, beaten by the far-right candidate and the socialist candidate.<sup>384</sup> Especially, the popularity of the right-wing candidate was politically dangerous for Sarkozy, because Sarkozy's own party constantly lost its supporters to them.

In 2010/ 2011, large parts of the French population were dissatisfied with French immigration politics<sup>385</sup> and the secular France had an "Islam debate,"<sup>386</sup> fueled by the French right-wing party. At this time, Qadhafi played an important role in European

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<sup>382</sup> Edward Cody. "Sarkozy fires foreign minister over vacation at Tunisian resort." Washington Post. <http://www.washingtonpost.com/wp-dyn/content/article/2011/02/27/AR2011022702972.html> (accessed March 5, 2012).

<sup>383</sup> Large spending cuts caused by the financial crisis, liberal market reforms and the discussion about immigration and the status of religion led to discontent within large parts of the population.

<sup>384</sup> Opinion poll published by the newspaper Le Parisien on 5 March, Le Parisien. Sondage : "Marine Le Pen arrive devant Sarkozy, DSK et Hollande." *Le Parisien*. <http://www.leparisien.fr/election-presidentielle-2012/sondage-marine-le-pen-devance-dsk-sarkozy-et-hollande-08-03-2011-1348346.php> (accessed March 3, 2012).

<sup>385</sup> France had suffered large riots initiated by immigrants in 2005 and in 2007. In 2005 more than 9,500 cars were burned in French cities and thousands were arrested. The reasons for the problems are a failed immigration and integration policy. To this day violent conflicts and riots erupt from time to time.

<sup>386</sup> The question if Islam and its symbols endanger the French culture is existent since decades. France defines itself particularly as a secular state. Only a few weeks after the Libyan intervention Sarkozy started a debate about Islam in France with the aim to gain votes from the right political spectrum. The Independent. "France's Islam debate attacked." *The Independent*. <http://www.independent.co.uk/news/world/europe/frances-islam-debate-attacked-2257348.html> (accessed March 10, 2012).

BBC. "Islam debate in France sparks controversy." BBC. <http://www.bbc.co.uk/news/world-europe-12969641> (accessed March 10, 2012).

refugee politics because most African refugees started their attempts to reach Europe illegally in Libya. Knowing about the fears of the Europeans in regard to an uncontrolled immigration to Europe, Qadhafi tried to blackmail the EU to pay money to his regime<sup>387</sup> or his Libya would not stop the illegal human trafficking to Europe. In this situation, the French minister for European affairs warned on 2 March that up to 300,000 illegal immigrants from North Africa could come to Europe during 2011.<sup>388</sup> The ongoing and increasingly hysterical discussion in the French public about Islam and the problem of Muslim refugees damaged Sarkozy's reputation and benefited the right-wing party.

With his popularity at a record low, and facing an election in 2012, the ongoing dispute over domestic policy, the rise of the right-wing opposition, and the failure in reacting appropriate to the development in Egypt and Tunisia, Sarkozy urgently needed to demonstrate leadership.

At this time of Sarkozy's political weakness, Bernhard Henri Levy, an influential French philosopher, commentator, and human rights activist, additionally pressurized Sarkozy. In personal phone calls in early March 2011, he argued that the "blood of the massacred will stain the French flag,"<sup>389</sup> and thereby underlined the normative obligation of France to intervene in Libya and single-handedly brokered the first meetings between Sarkozy and the Libyan rebels. Sarkozy followed his interference into French foreign policy and came to conclusions very fast, without even integrating the Minister of foreign affairs.

The uprising in Libya, therefore, was a good opportunity to show strength, contain the right-wing party, and show resoluteness in regard to possible immigrants. As

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<sup>387</sup> "During a visit to Italy in August 2010, Gaddafi demanded €5 billion a year from the European Union to stop illegal immigration" Soeren Kern. "Why France Was So Keen to Attack Libya." *Gatestone Institute*. <http://www.stonegateinstitute.org/1983/france-libya-attack> (accessed March 04, 2012).

<sup>388</sup> Le Monde. "Wauquiez qualifie de "risque pour l'Europe" l'afflux de migrants en provenance de Libye." *Le Monde*. [http://www.lemonde.fr/afrique/article/2011/03/02/wauquiez-qualifie-de-risque-pour-l-europe-l-afflux-de-migrants-en-provenance-de-libye\\_1487117\\_3212.html](http://www.lemonde.fr/afrique/article/2011/03/02/wauquiez-qualifie-de-risque-pour-l-europe-l-afflux-de-migrants-en-provenance-de-libye_1487117_3212.html) (accessed March 4, 2012).

<sup>389</sup> Benjamin Wallace Wells. "European Superhero Quashes Libyan Dictator." *NYPMagazine*, Dec 26, 2011 and: Steven Erlanger. "By His Own Reckoning, One Man Made Libya a French Cause." *New York Times*. <http://www.nytimes.com/2011/04/02/world/africa/02levy.html?pagewanted=all> (accessed May 4, 2012).

an outcome of this domestic situation, France was the first country that recognized the Libyan NTC on 10 March 2011, the French Air Force hasty attacked Libyan troops before the mission officially started (and without informing the allies),<sup>390</sup> and later on, France also supported the rebels with arms without informing its allies.<sup>391</sup>

***b. Geo-Strategic Interest***

On a geo-strategic level, a direct French interest based on official papers and statements in Libya is only discernible for the aims to spread human rights and the idea of humanism. Apart from that, no officially stated vital French interest was threatened by the domestic development in Libya in early 2011. No military or security threat for France was created, the economic relations with Libya and its proposed collapse were too small to endanger the country or "[contribute] directly to the national security"<sup>392</sup> of France, and the illegal immigration situation was also not sufficient to fit into the broad definition of the French paper.

Nevertheless, France had additional motives and reasons that could be classified under French geo-strategic interest in Libya.

***c. Direct Influence in North Africa***

France had been a colonial power in North Africa until 1962. Its former colonies in North Africa were Algeria, Morocco, Tunisia, and Libya (administrated by

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<sup>390</sup> The French President Sarkozy announced the attacks on Libya in media before he had full informed his allies. This led to short time tensions between France, Great Britain and the U.S. and within NATO. Daniel Dombey. "Rift over command of Libya campaign." *Financial Times*. <http://www.ft.com/intl/cms/s/0/14be41f4-53f8-11e0-8bd7-00144feab49a.html#axzz1oGiF0IM5> (accessed March 5, 2012).

<sup>391</sup> On 29 June 2011 the spokesman of the French General Staff confirmed latest reports about French forces airdropping arms and ammunition to Libyan rebels. This measure caused large criticism by Russia because the UNSC resolution 1970, the base for UNSC resolution 1973 and the following attack against Libyan forces, prohibited arms supply to whole Libya and all conflict parties. The arms shipment was assessed as another prove that the NATO engagement exceeded the decision of the UNSC. BBC. "Libya conflict: France air-dropped arms to rebels." BBC. <http://www.bbc.co.uk/news/world-africa-13955751> (accessed April 17, 2012).

<sup>392</sup> French White Paper on defence and national security (English translation) , Présidence de la République (2008) Défense et Sécurité Nationale: Le Livre Blanc, Paris.

the UN); additionally, several other colonies in Africa were established in the 1900s. The relations with some of the former colonies remained close after their independence, and France has tried to influence the domestic and foreign policy within its former colonies in the past, and also still tries to influence the development to this day.<sup>393</sup> This is a result of the still-existing post-imperial ambitions of France and the historical claim to be an important power in the world.

As a heritage of the colonial history, up to 240,000 French nationals still live in Africa, almost all in its former colonies. Between 1962 and 1995, French forces intervened nineteen times in Africa—and the majority of the interventions aimed to protect French nationals or subdue uprisings against legitimate governments.<sup>394</sup> The character of the interventions changed after the Rwanda disaster<sup>395</sup> to multilateral interventions, and the influence of France has decreased significantly since the mid-1990s, although France still has approximately 6,000 troops in Africa.

However, France never stopped its attempts to increase its political influence in the region. In addition to the EU initiative of the Euro-Mediterranean Partnership (EMP) that was established in 1995 and included all EU members, Nicolas Sarkozy presented the idea of a “Mediterranean Union” during his election campaign in 2007, founded on the idea “to help resurrect France’s historic position as a mentor of Islamic territories in northern Africa and the Levant.”<sup>396</sup> The project should first place be understood in the context of President Sarkozy’s global diplomatic ambition, and as an

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<sup>393</sup> The most prominent example is Algeria. After a bloody independence war between France and Algeria the relation astonishingly remained close. To this day France supports Algeria’s military regime. Another example is Ivory Coast where French forces have intervened several times in the past and currently the opted out government of President Laurnet Gbago only resigned after massive political intervention of France.

<sup>394</sup> Andrew Hansen, *The French Military in Africa*, Background, Council on Foreign Relations, 2008.

<sup>395</sup> French forces saved French nationals and selected Rwanda nationals when the crisis emerged in 1994 but did not tried to stop the genocide. In June 1994, after the genocide killed hundred thousands people, French intervened and helped to end the genocide. Brinton Rowdybush and Patrick Chamorel, *The Washington Quarterly* 35:1, p. 163- 177, 2012 Quarterly, Aspirations and Reality: French Foreign Policy and the 2012 Elections.

<sup>396</sup> Jacques Richardson, *Union for the Mediterranean: how realistic an exercise in foresight?* *foresight*, Vol. 11 No. 2 2009.

example of the French method to impose a sovereign vision and deal selectively with foreign partners. Escribano and Rodriguez additionally argue that "the proposal also reflected a view widely shared in France as to the country's strategic position in the Mediterranean region."<sup>397</sup>

After the attempt failed to keep some EU members<sup>398</sup> out of the new organization as the French proposed it, the EU founded the "Union for Mediterranean" (UfM). However, the reduced version also satisfied France, because the country still defined itself as the most important link between the EU and North Africa, and this new project underlined the French post-imperial ambitions in the Maghreb. Sarkozy himself acted as one out of two co-presidents of the UfM, while the other one was Egyptian President Husni Mubarak, and the President of the organization was from Jordan. This initial structure of the UfM underlines the attempt of Sarkozy to take the political lead in EU-MENA relations.

Another important factor behind French interest in North Africa is the economy. Although French businesses have longstanding operations in Africa, the whole continent accounts for only 5 percent of France's exports.<sup>399</sup> While many experts expect a phase of economic boom in Africa, France wants to participate and turn "Africa's promising economic growth and development into a greater opportunity to promote French economic interests."<sup>400</sup>

Therefore, the geo-strategic aim to stop the decrease of influence, or to increase the French influence in the traditional French sphere of interest, is an argument as to why France was one of the driving forces to intervene in Libya. The change in

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<sup>397</sup> Gonzles Escribano, Laura Rodrigues, After partnerships, neighborhoods and advanced status... who fears the union for the Mediterranean? *Papeles de Europa*, 19 21 (2010): 19-41.

<sup>398</sup> Only Mediterranean neighbors should be allowed to enter this union, particularly excluding the North European EU members. This approach failed because of German resistance against the idea of developing two different Unions and huge criticism, seeing the danger of doubling EU structures, a marginalization of the EMP and a reduction of EU effectiveness in the region.

<sup>399</sup> Andrew Hansen, The French Military in Africa, Background, Council on Foreign Relations, 2008.

<sup>400</sup> Brinton Rowdybush and Patrick Chamorel, *The Washington Quarterly* 35:1, p. 163- 177, 2012 Quarterly, Aspirations and Reality: French Foreign Policy and the 2012 Elections

leadership in many African countries through democratic elections and uprising and the replacement of a generation of African leaders, has shown that the cozy relations France had established with Africa—what has been called "la Francafrique"—must be replaced by new modern relations, which are probably more balanced between the states. Nevertheless, France wants to be able to control and influence the political process that has taken root in its traditional influence sphere. The haste that France's President Sarkozy showed in his attempts was caused by the failure of France's assessment regarding Egypt and Tunisia, and the derived need to show engagement.

*d. Redemption Politics*

Like many other countries, France was surprised by the emergence of the 'Arab Spring' that started with the suicide of a Tunisian street vendor on 17 December 2010, and reacted very slowly on it.<sup>401</sup> In contrast to the governments of most Western countries, the French reaction to the violent attempts of the Tunisian regime to suppress the anti-regime demonstrations was not refusal and condemnation, but support for the Tunisian regime. On 12 January, the French Foreign Minister Michèle Alliot-Marie refused to "pose as a lesson giver in a situation we realize is complex" and suggested that French police forces could help their Tunisian counterparts "appease the situation through law enforcement techniques."<sup>402</sup> This attitude was based on the French self-awareness as a regional power, the close connections between France and several Maghreb states, and the idea of not risking good bilateral relations by supporting rebels.

One day later, French Prime Minister François Fillon made the first critical comment on the situation in Tunisia when he denounced what he called "a disproportionate use of force" by Tunisian authorities.<sup>403</sup>

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<sup>401</sup>Ibid.

<sup>402</sup> Perrine Moutedere, "France faces criticism over soft touch with Tunisia." France 24 <http://www.france24.com/en/20110113-france-faces-criticism-over-light-touch-with-tunisia-unrest-diplomacy> (accessed March 4, 2012).

<sup>403</sup> Ibid.

While the EU, the UN, and the U.S. criticized the Tunisian regime and made firm statements, France was isolated in international politics nearly one month after the protests had started because of their support for the Tunisian regime. The reaction was massive criticism by the French opposition, as well as by human rights organizations and scholarship, and it damaged the reputation of France and particularly that of the French President Sarkozy.<sup>404</sup> Any new attempts to improve the French international standing during the Tunisian uprising failed because the Tunisian President was already ousted on 14 January 2011.

Therefore, the uprising in Libya was a welcome opportunity for the French government to show to the MENA region—and also to their own population and French allies—that France is willing and able to support regime change in Middle East. Taking a lead role in the Libyan mission was the strongest possible symbol to demonstrate this will, and France finally hoped that "it can make a mark on whatever emerges from upheaval across the Arab world, and make up for lost diplomatic confidence."<sup>405</sup>

*e. Preventing Immigration*

As described above, the French government is involved in a domestic discussion about illegal immigrants and the role of Islam within France. With 4-6 million Muslims in France,<sup>406</sup> the country has the highest rate of Muslims within the European population. Parts of the traditional French establishment have started to protest against the uncontrolled immigration and the increasing number of Muslims in the country. Therefore, in addition to the domestic aim of the intervention to show the population that the government cares for their concerns, Sarkozy indeed wanted to prevent uncontrolled immigration into the EU.

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<sup>404</sup> Ibid.

<sup>405</sup> Reuters. "Analysis: France sees Libya as way to diplomatic redemption." *Reuters*. [www.reuters.com](http://www.reuters.com), (accessed October 23, 2011).

<sup>406</sup> France has no exact overview about the real number of Muslims in the country. The relatively high number of approximately 6- 10% of the population is founded on the colonial heritage of France. Only 33% of the Muslims say that they really practice their religion.



*f. Summary*

Summarized, the main reason for the Libya intervention, and the French struggle for leadership in this military mission, was based on domestic and geo-strategic considerations. For domestic politics, the French President Sarkozy desperately needed to significantly strengthen his political position, especially on the right. An intervention in a former colony, against an unpopular dictator who threatens the EU with an uncontrolled flow of immigrants was an ideal opportunity to show determination.

The political aim to intervene out of a responsibility to protect is quoted several times by Nicholas Sarkozy, who stated "France had "decided to assume its role, its role before history" in stopping Colonel Qaddafi's "murderous madness;"<sup>407</sup> but these arguments seem to have little credibility. In addition to the domestic reasons, geo-strategic reasons to regain credibility in North Africa and the Muslim world (and a habitus as traditional power in the region) are also reasons that shaped the decision to intervene.

France risked national solo efforts to succeed at all costs. These political risks, including non-arranged actions and doubtful measures like the arm shipment to rebel groups, followed domestic and geo-strategic interests. Finally, the idea of a humanitarian intervention was only a useful vehicle for France to demand its own aims.

**3. Geostrategic Goals and Domestic Politics in Regard to Syria**

*a. Domestic Politics*

Nicholas Sarkozy's attempt to distract the French population from domestic problems and to underline his leadership skills—and using the intervention to gain popularity—has failed. Different opinion polls of April 2011, four weeks after the intervention started, saw a significant deterioration of the results. Sarkozy gained 20% of votes, and the right-wing candidate only 19%, but the socialist candidate reached 27%

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<sup>407</sup>Steven Erlanger. "Sarkozy Puts France at Vanguard of West's War Effort." New York Times. <http://www.nytimes.com/2011/03/21/world/europe/21france.html> (accessed March 5, 2012).

and was able to increase the gap with Sarkozy.<sup>408</sup> In another poll in May 2011, the right-wing candidate got more approval and Sarkozy's results were at a historical low.

Syria is generally of less importance than Libya in French domestic politics. While both countries are relatively unimportant for the majority of the French population, Libya was automatically linked with the idea of human trafficking and illegal immigration, while Syria is unsuspecting in this regard.

The French population is war-weary after ten years of continuous military engagement in Afghanistan.<sup>409</sup> Opinion polls show the decline of approval for the mission in Afghanistan.<sup>410</sup> Nevertheless, a narrow majority (51%) of the French population would back a U.N.-authorized military intervention in Syria,<sup>411</sup> but this is easily explained by the outstanding ease of the operation "Unified Protector." In this situation of this general war-weariness, and reinforced further by the fact that the Libyan intervention had no positive effect on his reputation, the French President will avoid additional military engagements that contain risks in an election year. It would be highly unlikely to have a positive result in Syria with only a minor effort, as in Libya. It is foreseeable that the thin majority of supporters for a Syrian intervention will change its mind as soon as a new operation leads to the killing of French soldiers. In conclusion, an intervention in Syria contains several political risks for Sarkozy that he will have to avoid until after the elections in April and May 2012.

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<sup>408</sup> Paris Match. Opinion poll of IFOP for Paris Match, SONDAGE PRÉSIDENTIELLE 2012. SAUF POUR DSK, RIEN N'EST JOUÉ, *Paris Match*. <http://www.parismatch.com/Actu-Match/Politique/Actu/Sondage-presidentielle-2012.-Sauf-pour-DSK-rien-n-est-joue-275751/> (accessed March 5, 2012).

<sup>409</sup> Especially the killing of four French soldiers by an Afghan soldier in January 2012 increased the anti-war mood of the population.

<sup>410</sup> Institut français d'opinion publique (IFOP) opinion polls showed growing opposition to France's presence in Afghanistan—rising from 64 percent in August 2009, to 70 percent in August 2010, and to 74 percent in August 2011. Institut français d'opinion publique (IFOP), <http://www.ifop.fr> (accessed March 5, 2012).

<sup>411</sup> In a survey of 1,200 French people carried out by pollster IFOP for right-leaning information website Atlantico, 51 percent said they would support U.N.-backed military action in Syria; Reuters. "Most French favor U.N. military action in Syria" Reuters. <http://www.reuters.com/article/2012/02/10/us-france-syria-poll-idUSTRE8190N820120210> (accessed March 9, 2012).

***b. Geo-Strategic Interest***

Similar to the assessment of the France geo-strategic interest in Libya, the official statements and papers would only allow for an intervention in Syria based on the aim to spread human rights, democracy, and the idea of humanism. Apart from that, the Syrian uprising does currently not threaten vital French interests.

The development in Syria does not have any impact on French security and, similar to the Libyan case, the economic relations and their proposed collapse were too limited to endanger the country or to "[contribute] directly to national security." While the French geo-strategic interest in North Africa is obvious, the French connections and interests in Syria are of less importance. In contrast with the U.S., France's foreign policy and geo-strategic approach is much more limited, and is focused on special areas of interest rather than the whole world. Nonetheless, it is possible to consider the geo-strategic interests of France in Syria.

***c. Economy, Lebanon, and 'Arab Spring'***

Although France had a mandate over Greater Syria between 1920 and 1943, and the relations were still close after the split of the country, the last decades were dominated by divergences. The French support for Lebanon especially constrained the mutual relationship.

After the foundation of the UfM in 2008, relations improved, and in 2010 an important trade agreement worth 10 billion Euros was signed. Besides the interest in keeping and expanding the economic relations, especially in the oil-industry<sup>412</sup>, no real

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<sup>412</sup> The French Total Company has produced 39.000-barrel oil per day in Syria. Since 2008 the amount of exploited oil has increased significantly after new contracts were approved. Source: Jan Willem van Gelder, Anna van Oijk, Profundo economic research, Investments of European companies in Syria, 13 May 2011

geo-strategic aims are recognizable. The importance of Syrian oil imports to France is low. France only imported approximately 25.000-barrel oil per day from Syria; this is less than 2% of France's daily oil consumption.<sup>413</sup>

France's traditional sphere of interest in the region is Lebanon and North Africa. The conflict in Syria has had no huge impact on Lebanon to this day. After the successful military operation in Libya, there is no longer any visible need to show affinity to the 'Arab Spring,' for any kind of redemption politics or to demonstrate the French will to contain or expand its still existing post imperial ambitions in Syria.

*d. Summary*

The French President condemns the action taken by the government in Syria and threatens "that the Syrian authorities will have to explain their crimes before international penal courts"<sup>414</sup> and proposes to found a "Friends of Syria" group after the second UNSC veto against a resolution on Syria in February 2012. Nevertheless, the French engagement on Syria is only ordinary diplomatic business. Neither the statements of the French President nor its claims to end the violence have the same dramatic impact as the preparation for the Libyan mission.

The French interest to intervene in Syria is only minor. This is underlined by four main arguments. First, the large Syrian Forces and their sophisticated abilities are a real threat to the French Forces. An intervention with a calculated risk like in Libya is not possible. Second, domestic politics are in the focus of Sarkozy. An engagement in a new military mission could additionally endanger his already difficult reelection. Third, no French interests are threatened by the situation in Syria. The mutual economic relations are only small and the aims to claim regional leadership and show support for revolutionary movements have already been achieved in Libya. And the fourth reason—

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<sup>413</sup> U.S. Energy Information Administration, Country Brief France and U.S. Energy Information Administration, Country Analysis France, [www.eia.gov](http://www.eia.gov) (accessed March 10, 2012).

<sup>414</sup> Maia de la Baume. "French Journalists Return Home After 9 Days Trapped in Syria." *New York Times*. <http://www.nytimes.com/2012/03/03/world/middleeast/french-journalists-home-after-being-trapped-in-syria.html> (accessed March 10, 2012).

although France claims to be an important power in the world, the French sphere of interest is actually small. Syria and the Middle East is an area that has traditionally been dominated by the U.S. since the cold war. Therefore, President Sarkozy is well aware that every action within the Middle East needs the approval and support of the U.S. as the decisive and stronger ally.

Finally, the idea of spreading and defending human rights, the principles of democracy, respect of human dignity, solidarity, and justice—as stated in the French "White Paper"—would allow an intervention on a multilateral approach. As long as Russia and China block a UNSC resolution, France will not take any military action because President Sarkozy is not willing to act, and a justification for an unauthorized intervention is more difficult. It is also questionable if he would be willing to lead France in a new military adventure before the French elections—even with a UN mandate.

After the French presidential election, the situation may change. It is highly likely that the French President, backed by the French claim to be an important power, will not stand aside when a multilateral force under a UNSC mandate is willing to engage against Syria. Then he will probably underline France's assumed international importance by joining a coalition against Syria. However, France will not retake the role as a driving force for intervention again.

#### **D. GERMAN INTEREST IN LIBYA AND SYRIA**

##### **1. Germany's National Interest and Geo-Strategic Objectives**

The discussion about national interest and geostrategic goals in Germany is a complicated social and political process that usually proceeds behind closed doors and without any perception by a broader audience.<sup>415</sup> National interests and geostrategic

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<sup>415</sup> Attempts of German politicians and political parties to engage more actively and offensive in questions of foreign policy are sometimes very difficult. Any attempt to define and establish national interests that differ from a multilateral approach and somehow include the use of force to enforce German interests is proscribed and suddenly triggers strong political reactions. The German President Horst Koehler resigned in May 2010 after his statements that the Bundeswehr could also be used to secure German national economic interests and protect maritime routes that are of importance for German trade sparked indignation and passionate debates in media and politics.

goals are defined only roughly in the 'White Paper on German Security Policy' (Weissbuch der Bundeswehr)<sup>416</sup>, published in 2006, and the 'Defence Policy Guidelines' (Verteidigungspolitische Richtlinie)<sup>417</sup> of the German Armed Forces (Bundeswehr), published in 2011.

Both papers underline the defensive character of German foreign policy. Main tasks are to preserve justice, freedom, democracy, and security for the German citizens in a multilateral framework and within a comprehensive concept of security; but also:

- "To prevent, whenever possible, regional crises and conflicts that may affect Germany's security and to help manage such crises"<sup>418</sup>;
- "To help uphold human rights and strengthen the international order on the basis of international law;"<sup>419</sup> and
- "Advocating the universality of human rights and principles of democracy, promoting global respect for international law and reducing the gap between the rich and the poor regions of the world."<sup>420</sup>

While humanitarian intervention is not mentioned directly, the concept of a responsibility to protect (and its seemingly growing importance) is mentioned in the extended German version of the 'White Paper.' However, although the German papers extensively refer to the importance of human rights and international law, no one of these papers finally gives a mandatory guidance or offers a binding principle. German participation on any kind of intervention in the case of humanitarian crisis finally needs an assessment on a case-by-case basis.

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<sup>416</sup> Federal Ministry of Defence, *White paper on German Security Policy and the Future of the Bundeswehr 2006*, 2006

<sup>417</sup> German Ministry of Defence, The Minister Thomas de Maiziere, *Defence Policy Guidelines*, 27 May 2011

<sup>418</sup> Federal Ministry of Defence, *White paper on German Security Policy and the Future of the Bundeswehr 2006*, 2006

<sup>419</sup> *ibid.*

<sup>420</sup> German Ministry of Defence, The Minister Thomas de Maiziere, *Defence Policy Guidelines*, 27 May 2011.

Possible geo-strategic goals of Germany are defined only very generally. The core elements of German foreign policy are multilateralism, integration into European politics, the emphatic references to the trans-Atlantic value system, a civilian focus (including the widespread abandonment of military instruments), and the trans-Atlantic partnership.<sup>421</sup> As a consequence, Germany formulates strategic interests without defining any special spheres of strategic interest and, then, only universally.<sup>422</sup> The government stated in 2012 that:

Freedom and human rights, democracy and rule of law, peace and prosperity and sustainable development, sustainable bilateral relationships and effective multilateralism are the principles from which we derive our goals.<sup>423</sup>

Astonishingly, for the third-largest export nation in 2011 that was responsible for 8.3% of worldwide exports in 2010, economic interests are not particularly mentioned in the definitions of German interest.

Germany's geo-strategy is finally not defined for specific regions and has to be defined on case-by-case basis in close coordination with the EU and the parliament. The close integration of Germany's foreign policy with the EU (as a part of recent German history) hampers the development of an independent and appropriate political position, prohibits the development of individual German political positions, and simultaneously limits its political influence. This self-marginalization and dependency on the EU leads to a slow decision-making process and a voluntary limitation of Germany's own strategic options.<sup>424</sup> The missing common policy of the EU for both cases, and the necessity to find its own independent solution and approach, has hampered the German decisiveness.

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<sup>421</sup> Eberhard Sandschneider, *Deutsche Aussenpolitik: Eine Gestaltungsmacht in der Kontinuitaetsfalle*, Essay, in: *Aus Politik und Zeitgeschichte*, 62. Jahrgang, 10/2012, 5 March 2012.

<sup>422</sup> Klaus Naumann, *Wie strategiefähig ist die deutsche Sicherheitspolitik?* Essay, in: *Aus Politik und Zeitgeschichte*, 48/2009, 23 November 2009.

<sup>423</sup> Deutscher Bundestag, *Unterrichtung durch die Bundesregierung*, Drucksache 17/8600, 8. 2. 2012, online: <http://dipbt.bundestag.de/dip21/btd/17/086/1708600.pdf> (accessed 06 March 2012).

<sup>424</sup> -Ulrike Guérot and Mark Leonard, *The New German Question: How Can Europe Get The Germany it Needs*“, April 2011, *ECFR Policy Brief*; Ulrich Speck, *Macht gestalten, Internationale Politik*, Januar/ Februar 2012.

In contrast with the dominant political position of President Sarkozy and the far-reaching authority of President Obama to use forces, the German chancellor Merkel does not have the authority to use German forces. The German chancellor has generally less direct influence on foreign policy because the German foreign ministry is responsible for diplomacy and foreign relations. Although Angela Merkel has the policy-making power, her influence in regard to geo-strategy is limited because she has to rely on several different ministries and administrations within the government in her decision-making process.<sup>425</sup> For any missions of the German forces, the approval of the German Parliament is mandatory.<sup>426</sup>

In addition to the reduced assertiveness for geo-strategic considerations of the German head of government, Germany's foreign policy generally follows no "Grand Strategy." As a consequence of its past, Germany tries to avoid any open action that can be considered as aggressive or a geo-strategic approach that seems to search for political or economic advantages. Its modest foreign policy is not comparable with the geo-strategic approach of a super power or the aspirations of a former colonial power.

## **2. Geostrategic Goals and Domestic Politics in Regard to Libya**

### ***a. Domestic Politics***

Since the end of WW II, the German population has thought of the German Armed Forces as a defensive force with a focus on Germany and Europe, and the alignment of German foreign policy was still based on self-awareness as a "civilian power."<sup>427</sup> Based on this knowledge, the then-chancellor Schroeder was able to adopt a

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<sup>425</sup> In formulating the Afghanistan- strategy in 2008 four different ministries were directly involved and were equally responsible for the strategy. Klaus Naumann, *Wie strategiefähig ist die deutsche Sicherheitspolitik?* Essay, in: *Aus Politik und Zeitgeschichte*, 48/2009, 23 November 2009.

<sup>426</sup> For small reconnaissance units and in emergency cases a short- time mission is possible without the approval of the parliament.

<sup>427</sup> Ulrich Krotz, *National Role Conceptions and Foreign Policies: France and Germany Compared*, Program for the Study of Germany and Europe Working Paper 02.1, Center for European Studies Harvard University, 2002.



strict anti-war position in 2002 when Germany refused to join the coalition of the willing. This political gambit damaged trans-Atlantic relations sustainably, but secured Schroeder's endangered reelection in 2002.

In early 2011, the Free Democratic Party (FDP), the political party of the German foreign minister Guido Westerwelle, was under massive domestic pressure because of several unpopular political decisions and, additionally, he himself as the "party leader looked shaky amid internal opposition."<sup>428</sup> In opinion polls the FDP got only 4% of the votes, a historical low and below the necessary 5% threshold of the German parliament. Only weeks after the decision, very important state elections in Baden-Wuerttemberg were scheduled. Simultaneously, the population was war-weary as the limited support for the still ongoing Afghanistan mission showed that a majority of 71% of the population voted against the mission.<sup>429</sup>

Westerwelle, as Foreign Minister, takes responsibility for German foreign affairs, and he surely had to influence the important decision about Libya with the chancellor. Chancellor Merkel herself had two strong arguments to support Westerwelle's approach. First, she needs the FDP as junior partner in several coalitions on state and on federal level and needs to avoid its marginalization. Second, the chancellor and the whole government were well aware that the population was war-weary after ten years of war in Afghanistan and, therefore, did not want to pull Germany into another mission.<sup>430</sup> Third, this argument also has an international aspect since Merkel and Westerwelle agreed that

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<sup>428</sup> Severin Weilland and Roland Nelles. "Germany has marginalized itself over Libya." *The Guardian*. <http://www.guardian.co.uk/commentisfree/2011/mar/18/libya-germany-un-security-council> (accessed March 7, 2012).

<sup>429</sup> The German population generally denies offensive military operations. The Afghanistan mission is a good example for this attitude. Only directly after the 9/11 attacks in 2001 a majority of the population supported the mission, since 2002 there is a stabile trend against the mission that peaked in 2010. Opinion poll May 2010 Question: The Bundeswehr should leave Germany now? Answer Yes: 66 % Source: Infratest-Dimap, Opinion Poll <http://www.infratest-dimap.de/umfragen-analysen/bundesweit/umfragen/aktuell/afghanistan-einsatz-der-bundeswehr-mehrheit-fuer-sofortigen-abzug-der-deutschen-soldaten/> (accessed February 23, 2012). Since the government presented this decision the rejection of the mission has increased slightly to 60% while only 23% supported the mission. Source: *ibid.*

<sup>430</sup> Richard Rousseau. "Why Germany abstained on UN Resolution 1973 on Libya." *Foreign Policy Journal*, <http://www.foreignpolicyjournal.com/2011/06/22/why-germany-abstained-on-un-resolution-1973-on-libya/> (accessed March 6, 2012).

the time has come to emancipate German foreign policy and to no longer subordinate national interests for the sake of allies.<sup>431</sup> The German defense minister Thomas de Maiziere underlined this new position by stating:

We reserve the right, in Germany's interests, not to participate this time around. We cannot remove all the dictators in the world with international war.<sup>432</sup>

Therefore, the surprising abstention at the UNSC (together with China, Russia, Brazil, and India) followed the same pattern of domestic maintenance of power, as in 2002, out of a new German self-awareness. The trans-Atlantic relations were initially fraught in order to support domestic politics, but at this time also the relations with Germany's most important partners within the EU (France and Great Britain), were compromised for a short time, and the decision constituted a major break with Germany's foreign policy tradition of generally voting with its traditional partners.

If the aim had only been not to send forces into a new mission, Germany also could have voted for the resolution, but then reject a direct participation—but Germany additionally wanted to send a signal of political strength to its partners.

#### ***b. Geo-Strategic Interest***

Germany has not defined any direct geo-strategic interest with regard to Libya, and not even with the region; therefore, the German geo-strategic interest in regard to Libya in 2011 was a very universal, normative one. Although the crisis in Libya surely has not influenced Germany's security, the emphasis within the German security strategy to prevent and support human rights, the rule of law, and democracy could have been a sustainable rationale for an intervention.

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<sup>431</sup> Steven Erlanger. "Germany Steps Away From European Unity." *New York Times*, <http://www.nytimes.com/2011/03/24/world/europe/24germany.html?pagewanted=all> (accessed March 7, 2012).

<sup>432</sup> Der Spiegel. "Libya Crisis Leaves Berlin Isolated." *Der Spiegel*. <http://www.spiegel.de/international/germany/0,1518,753498-2,00.html> (accessed March 9, 2012).

However, Germany's decision to abstain from the UNSC resolution could also be explained by its limited geo-strategic interest in Libya, and the non-enforceability of any national interests other than humanitarian ones in the German population. Germany's leadership disbelieved the humanitarian argument of its allies and had reasons to fear that the population would also reject this argument.

*c. Economy*

Although economic motives are not mentioned in the official German documents, Germany had an economic, geo-strategic interest in Libya in 2011. While Libya was a generally unimportant trade partner for Germany, it had some importance as an oil supplier. Approximately 6% of the German oil consumption was provided by Libya in 2010.<sup>433</sup> This amount of oil is easily substitutable on the international oil market. However, as long as the German consumer does not realize any impact of the oil embargo and the outage of Libyan oil-imports does not have any significant influence on German industry or society, the economy is inappropriate to consider as a reason for intervention. Finally, the importance of the mutual economic relationship is too minuscule to justify an intervention.

By considering foreign policy, the government's interest was to keep Germany out of the mission without stopping the resolution completely, and without damaging the close alliance with the EU and the U.S. The inducement for the rejection of the mission on international level was based on the general rejection of the political role and constitution of the NTC, and on the risks of a military intervention. This main idea of standing in-between seemed to work as long as the U.S. was also skeptical with regard to a military intervention, because as long as Germany could vote with the U.S., its own position was sustainable. However, the German assessment of the U.S. position was flawed. When the U.S. shifted its position on 15 March from rejection and skepticism to

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<sup>433</sup> U.S. Energy Information Administration. "Country Brief Germany". U.S. Energy Information Administration. "Country Analysis Libya". [www.eia.gov](http://www.eia.gov) (accessed March 11, 2012)

support and engagement, no one informed the German leadership.<sup>434</sup> Therefore, the very difficult attempt of German politicians to find a middle course finally failed and left Germany isolated.

#### *d. Summary*

In conclusion, the German position to abstain on the Libya vote was dominated by domestic interests. Nevertheless, Germany tried to muddle through the situation by hoping that the resolution would be denied, postponed, or abstained by some other partner nations. Before the vote on 17 March, however, it was obvious that Germany would be isolated in the Western hemisphere after the vote. From the geo-strategic view, Germany only had reasons to engage in Libya based on the high self-imposed claim to protect human rights and, to a minor degree, the economy. However, the idea of protecting human rights by the use of force is also generally rejected by the population.

The very universal concepts of German foreign policy and the necessary decision on a case-by-case basis finally unmasked the difference between making statements about protecting human rights and acting to protect them. The main German argument, that an intervention could contain risks, is probably valid for *any* possible intervention. If it stands upon this argument, Germany could never enforce the stated geo-strategic goals of promoting humanity and justice.

### **3. Geostrategic Goals and Domestic Politics in Regard to Syria**

#### *a. Domestic Politics*

The German abstention in the UNSC in regard to the Libyan resolution had two major effects:

First, German foreign relations with some long-time allies have been stressed in 2011, although the conflict has been brief and the foreign relations of

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<sup>434</sup> Andreas Rinke, Srebrenica or Afghanistan? Why Germany abstained on the Libya vote - tracing the history of a decision, *IP Journal*, Deutsche Gesellschaft fuer auswaertige Politik, June 14, 2011.

Germany recovered quickly.<sup>435</sup> However, the reactions to the German decision were harsh, especially in Germany when critics from members of the ruling parties, the opposition, and political scholarship rejected the decision and statements like the "decision is a serious mistake of historic dimensions, with inevitable repercussions"<sup>436</sup> were common. Surprisingly, criticism in the international sphere of politics was comparatively serene. Although the criticism was only short-lived, the German government wants to avoid any new concerns about the German position.

Second, the goals of domestic politics—which led to the surprising decision in the Libyan case—were not reached. The FDP could not gain any advantage out of the abstention, in contrary; the party reached with only 3% of the votes a new historic bottom in opinion polls in 2012.<sup>437</sup> As an outcome—and with relation to many urgent domestic problems that concern the German population<sup>438</sup>—the government will avoid any decisions that infuriate the population. Opinion polls show an overwhelming majority of 66% against any military intervention in Syria, and especially of any German participation (with 76% rejection).<sup>439</sup>

Finally, domestic politics in Germany conveys the impression that new military missions are highly unlikely at this time, although the government wants to avoid an isolated position in international politics (as with the Libya resolution). Therefore,

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<sup>435</sup> As compensation for the non- participation in Libya and as a prove of reliability, Germany offered NATO additional troops for the Afghanistan mission, especially for the Airborne Warning and Control System, to relieve the allies. NATO General Secretary Rasmussen agreed and was satisfied with this solution. Andreas Rinke, Srebrenica or Afghanistan? Why Germany abstained on the Libya vote - tracing the history of a decision, *IP Journal*, Deutsche Gesellschaft fuer auswaertige Politik, June 14, 2011.

<sup>436</sup> The former German Defense Minister Volker Ruehe in: *Der Spiegel*. "Libya Crisis Leaves Berlin Isolated." *Der Spiegel*, <http://www.spiegel.de/international/germany/0,1518,753498-2,00.html> (accessed March 9, 2012).

<sup>437</sup> Infratest dimap Sonntagsfrage (Opinion poll); <http://www.infratest-dimap.de/umfragen-analysen/bundesweit/sonntagsfrage/> (accessed March 9, 2012).

<sup>438</sup> The political discussion in Germany is focused on the EU debt crisis and its effects on German finances.

<sup>439</sup> N24. "N24 opinion poll for Syria crisis: majority of Germans against any kind of intervention (N24-Emnid-Umfrage zum Syrien-Konflikt: Mehrheit der Deutschen gegen militärisches Eingreifen in Syrien)". *N24*, <http://www.ad-hoc-news.de/n24-emnid-umfrage-zum-syrien-konflikt-mehrheit-der--/de/News/22334332> (accessed March 11, 2012).

German support for an intervention based on Chapter 7 of the UN Charta may be likely, but would probably exclude the use of military force for enforcement of the peace.

***b. Geo-Strategic Interest***

Germany has no particular strategic concept for Syria because it has not defined any direct geo-strategic interest with the country or the region; therefore, the German geo-strategic interest in regard to Syria in 2012 is (similar to the Libyan case) a very universal, normative one. The uprising in Syria surely does not influence Germany's security. Only the emphasis within the German security strategy to prevent and support human rights, the rule of law, and democracy could be used as a sustainable rationale for an intervention.

Besides this possible normative argument for an intervention, Germany has little geo-strategic interest in the Syrian economy.

***c. Economy***

The mutual relations are mainly based on economics. Thereby, Syria was Germany's eight-largest oil supplier before the crisis, although Syria generally was an unimportant trade partner for Germany. Surely, Germany has an interest to reestablish economic ties after the conflict has ended, although other countries have divvied up the ousted oil imports from Syria. Economic motives for the use of force are not enforceable in Germany.

***d. Summary***

Finally, the German decision-making process in regard to a possible military intervention follows the same pattern as it did with the abstention to UNSC resolution 1973. Again, the discussion is dominated by domestic politics and the reluctance of the German population for any military interventions. Only a major dramatic change in Syria and a significant deterioration of the humanitarian situation could possibly trigger a shift in opinion. Thereby, the majority of the German population

will generally not support any kind of military intervention and the necessary German decision-making process on a case-by-case basis will at least lead to intensive discussions and domestic protests.

The moderate reactions of the German allies after the abstention have not changed the basic position in Germany's domestic politics. After the attempt to gain support for domestic politics by taking an isolated position in the international community failed, it is unlikely that the German government will repeat this procedure.

This time Germany is willing to support a UNSC resolution against Syria. In both failed attempts at the UNSC in October 2011 and February 2012, Germany voted in favor of the resolutions and, furthermore, has also been a driving force in drafting the October 2011 resolution.<sup>440</sup> This support for a resolution is not driven by a change of German foreign policy, but is instead a response to the harsh criticism after the abstention on UNSC resolution 1973, and is a “way back” to its role as a reliable ally. Germany needs to avoid any new isolation and, therefore, will follow its traditional allies U.S., France, and Great Britain.

Simultaneously, a German vote in favor for a resolution does not mean that Germany is willing to support any kind of military intervention. The self-imposed claim to protect human rights and defend and promote democracy (that is stated in the very universal concepts of German foreign policy) is based on the idea of a civil society. German participation in a military intervention is still highly unlikely.

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<sup>440</sup> BBC. “China and Russia veto UN resolution condemning Syria.” *BBC*; <http://www.bbc.co.uk/news/world-middle-east-15177114> (accessed March 11, 2012).

## V. APPLICATION OF HYPOTHESIS

After considering and discussing the initial political situation within Libya, Syria, and the three exemplary case countries of Germany, France, and the U.S.—and evaluating specific reasons for acting or restraining in both cases—the necessary connection between the theoretical framework of military interventions in general (Chapter II), the different political motives (Chapter IV), and the real influence of norms as the basis for humanitarian interventions has to be considered (Chapter II and III).

Both cases are often assessed as similar ones in public, a perception that is understandable when even the rhetoric of the Western governments is all but identical for both cases. U.S. President Obama stated on Libya:

...the violence must stop; Muammar Gaddafi has lost the legitimacy to lead and he must leave<sup>441</sup>

He made very comparable comments on Syria:

I strongly condemn this brutality, including the disgraceful attacks on Syrian civilians in cities like Hama and Deir al Zour... For the sake of the Syrian people, the time has come for President Assad to step aside.<sup>442</sup>

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<sup>441</sup> The White House Blog. "The President on Libya: "The Violence Must Stop; Muammar Gaddafi Has Lost the Legitimacy to Lead and He Must Leave" *The White House*. <http://www.whitehouse.gov/blog/2011/03/03/president-libya-violence-must-stop-muammar-gaddafi-has-lost-legitimacy-lead-and-he-m> (accessed March 26, 2012).

<sup>442</sup> The White House. "Statement by President Obama on the situation in Syria." *The White House*. <http://www.whitehouse.gov/the-press-office/2011/08/18/statement-president-obama-situation-syria> (accessed March 26, 2012).



For France and Germany, the official statements in both cases are also be interchanged<sup>443</sup>, nevertheless, the conclusions of these similar statements are different and the crucial claims are not enforced with the same consequences. The assessment of the humanitarian situation in both cases, Syria and Libya, supports the conclusion that the dramatic extent of violation of human rights is mainly caused by the ruling regimes, although for the Syrian case rebels also fuel the violence by committing atrocities and acts of inhumanity.<sup>444</sup>

Discussing the situation within Libya and Syria conclusively and briefly, the general conditions of the international political framework that existed directly before the uprisings started, the particular national interests of the three case countries, and the classification of norms in the context of humanitarian interventions for Libya and Syria, will support my argument.

#### **A. LIBYA AND SYRIA -TWO DIFFERENT CASES?**

In public discussions, a direct comparison between the situation in Libya and Syria is very common, and leads to demands like "Next stop, Damascus; After Libya,

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<sup>443</sup> For example: Nicholas Sarkozy in a statement with Great Britain's Prime Minister David Cameron on Libya on 10 March 2011: "It is clear to us the (Libyan) regime has lost any legitimacy that it could have," the statement said, "To end the suffering of the Libyan people, Moammar Gadhafi and his clique must leave." Reuters. "Sarkozy, Cameron: Gaddafi must step down now." *Reuters* <http://www.reuters.com/article/2011/03/10/france-britain-libya-idUSPISAE74J20110310> (accessed March 28, 2012). For Syria, Nicolas Sarkozy declared in a statement with German chancellor Angela Merkel and David Cameron: France, Germany and the United Kingdom reiterate their utter condemnation of this bloody repression of peaceful and courageous demonstrators and the massive violations of human rights which President Assad and his authorities have been committing for months.", and further, "We urge the Syrian regime to stop all violence immediately..." and finally, "Our three countries believe that President Assad, who is resorting to brutal military force against his own people and who is responsible for the situation, has lost all legitimacy and can no longer claim to lead the country." British Prime Ministers Office. "Joint UK, French and German statement on Syria." <http://www.number10.gov.uk/news/joint-uk-french-and-german-statement-on-syria/> (accessed March 28, 2012).

<sup>444</sup> A Human Rights Watch report "depicts a decentralized, disparate guerrilla structure in which armed groups seem to operate with complete autonomy, sometimes acting on sectarian motives to kidnap and kill security force members and civilians considered pro-government." Patrick J. McDonnell. "Syria rebels committed serious abuses, Human Rights Watch says." *Los Angeles Times*. <http://articles.latimes.com/2012/mar/20/world/la-fg-syria-rights-report-20120321> (accessed April 12, 2012). Several other sources report about crimes against humanity by the rebels of the FSA. Ulrike Putz. "The Burial Brigade of Homs- An Executioner for Syria's Rebels Tells His Story." *Der Spiegel*. <http://www.spiegel.de/international/world/0,1518,824603,00.html> (accessed April 10, 2012).

Egypt and Tunisia, it's time to end the brutal reign of President Bashar Assad in Syria"<sup>445</sup> without considering the distinction between the cases. Simplifying the facts by merely contrasting two authoritarian rulers and the number of victims of a conflict does not meet the necessary basis for comparing the cases. Furthermore, a more detailed view on the framework condition already proves that both cases are not very comparable.

Despite the proximity of time and place for these political events, the general political situation in the whole Middle East North Africa (MENA) region had already changed decisively when the Syrian uprising started. Two main factors shaped the different intervention decisions in these two countries: the timeline of both uprisings in connection with the 'Arab Spring,' and differences in the country's positions in world politics, economics, society, and militarily (which taken alone is sufficient to explain the "otherness" between these cases).

### **1. Time of Occurrence**

As extensively analyzed, the close relation between public demands and decisive action for the Libyan case, and the gap between demanding and enforcing change in Syria, is obvious. The timeline of the two uprisings in Syria and Libya is of particular interest for explaining the international political framework and the rationale of the international community not to intervene.

When the Syrian uprising had its first peaks with the "Day of Dignity"<sup>446</sup> on 15 March 2011, and the violent reaction of the security forces after the Friday prayer on 18 March 2011, the Arab Spring had already endured four months. The Tunisian and Egyptian leaders Ben Ali and Mubarak has already been forced to step back and the military intervention on Libya had started one day before. Therefore, the events in Syria

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<sup>445</sup> Next stop, Damascus; After Libya, Egypt and Tunisia, it's time to end the brutal reign of President Bashar Assad in Syria; *Los Angeles Times*, 27 Oct 2011: .28.

<sup>446</sup> The "Day of Dignity" protests begin in Damascus on 15 March 2011, demanding the release of political prisoners. At least 35 people are arrested. Simultaneous demonstrations take place in cities including al-Hassake, Deraa, Deir al-Zor and Hama. On 18 March 2011 the protests reached its first violent peak and were notified by world public. Aljazeera. "Interactive Timeline." *Aljazeera*. <http://www.aljazeera.com/indepth/interactive/2012/02/201225111654512841.html> (accessed 30 March 2012).

lacked the undivided interest of the media and international politics. Especially the full-scale engagement in Libya reduced the attention on every other case regarding the 'Arab Spring' in the MENA region (including the Syrian case), because the media, politicians, and finally the population were focused on the military intervention in Libya.

In addition to the lack of the necessary public attention, this unfortunate timing of the start of the uprising in Syria had another disastrous consequence for the rebels. After Russia and China had accepted the military engagement for the Libyan case at the UNSC, the NATO interpretation of the mandate prevented any approval of effective UNSC resolutions against Syria (and continues to do so to this day). The Russian government uses its own assessment that the NATO campaign "in many cases go beyond the framework set by the Security Council"<sup>447</sup> and that the use of "excessive military force would lead to further additional casualties among civilians"<sup>448</sup> to conclude that Russia will "never allow the Security Council to authorize anything similar to what happened in Libya."<sup>449</sup> Thereby, the prospect for a UN mandate for an intervention in Syria is highly unlikely. The undesired outcome of the Libyan conflict for the Russian government finally prevents a similar decisive action by the UNSC.

However, the nations that were engaged in Libya are also (for several domestic and geo-strategic reasons, as described in this paper) less euphoric about another intervention in the MENA region. Additionally, the unclear political outcome of the uprising from the beginning of the intervention in Libya is another reason to be more cautious for an engagement in Syria. The Western hopes to establish a democratic regime in Libya have not still been fulfilled and the domestic conflicts in Libya are still ongoing.

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<sup>447</sup> Radio Free Europe Radio Liberty. "Russia Says NATO Exceeds Libya Mandate, Political Fix Urgent." *Radio Free Europe. Radio Liberty.* [http://www.rferl.org/content/russia\\_says\\_nato\\_exceeds\\_libya\\_mandate\\_fix\\_urgent/4745764.html](http://www.rferl.org/content/russia_says_nato_exceeds_libya_mandate_fix_urgent/4745764.html) (accessed March 30, 2012).

<sup>448</sup> Ibid.

<sup>449</sup> Michael Heath. "Russia Won't Allow Libya-Style Syria Solution, Lavrov Says." Bloomberg. <http://www.bloomberg.com/news/2012-01-31/russia-will-never-allow-libya-style-syria-solution-lavrov-says.html> (accessed March 30, 2012).

Finally, the earlier beginning of the Libyan uprising in comparison to the Syrian rebellion had a high importance for the attention and the support by the Western states and the world public. The rebels in Syria started their protests too late. Already, the timeline itself distinguishes both cases deeply.

## **2. Syria and Libya: A Brief Comparison**

The political, social, and military framework in Syria and Libya is very different in almost every aspect. Comparing the initial situation for the likelihood of an intervention, without regard for the development of the 'Arab spring' or geo-strategic interests of the nations, the probability that Libya would have been attacked was much higher from the beginning.

### *a. Leadership and Society*

While Muammar Muhammad Abu Minyar al-Qadhafi was a highly unpopular leader in world politics and discredited himself during his 42-year dictatorship with his support of terrorism, his unpredictability, and his aggressive anti-Western rhetoric, the Syrian president Bashar al-Assad was assessed as a well-educated pro-Western politician. Despite his political disputes with the West and his policy of modernizing authoritarianism, he was still perceived as reform-orientated leader. In contrast to Qadhafi's very centralized system of mistrust, al-Assad's leadership is based on a broader ground, and is much more stable.

The Libyan society, with its 6,400,000 citizens, was comparatively homogenous before the conflict. The roots of Libya are Arabic and Islamic, with 97% of the population being Sunni Muslim and 97% of the population being Arabic or Berber.<sup>450</sup> Libya, in its artificial post-colonial borders, is home to about 140 different tribes,<sup>451</sup> but

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<sup>450</sup> Central Intelligence Agency. "The World Factbook: Libya." CIA. <https://www.cia.gov/library/publications/the-world-factbook/geos/ly.html> (accessed November 12, 2011).

<sup>451</sup> Varun Vira , Anthony H. Cordesman, The Libyan Uprising: An Uncertain Trajectory, *Center for Strategic & International Studies*, 20 June 2011.

with 70% of Libyans living in urban areas, tribal identity was not the primary one before the conflict started. Nevertheless, the tribal structure, especially the conflict between eastern and western tribes, still influenced the events within Libya before, during, and after the conflict.

Severe conflicts between the regime and different Muslim organizations during his reign resulted in a growing religiosity during Qadhafi's reign,<sup>452</sup> and increasing numbers of the population sympathized with a "Brotherhood-type of ideology and aspired to the kind of Islamic alternative promoted by the Brotherhood."<sup>453</sup> The Libyan society is very conservative and religious.

The Syrian state, with its 20,200,000 inhabitants, is much more heterogenic than Libya. The ruling family has an Alawite background and is thus part of a religious minority group in Syria, where Sunnis Muslims make up 74 percent of Syria's population (Alawites make up 12 percent, Christians 10 percent, Druze 3 percent, while Ismailis, Yezidis, and a Jews make up the rest). While 90% of the population has Arabic roots, the rest of the population belongs to other fractions like Kurds or Armenians. The different religions, ethnicities, and nations make it very difficult to find a common ground for a rebellion. Additionally, experience from other domestic conflicts in the Middle East demonstrates that the minorities have to fear political marginalization, or even being expelled from the country, when a new regime replaces the current one.

#### ***b. Military***

As soon as the rebellion started, Qadhafi tried to contain the movement and used his security apparatus to violently crack down on the uprising. However, his forces were unreliable and weak. Based on Qadhafi's mistrust against his own military, he kept the power of the regular army small to avoid the emergence of military commanders

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<sup>452</sup> See: Yehudit Ronen, Qadhafi and Militant Islamism: Unprecedented Conflict, *Middle Eastern Studies*, Vol. 38, No.4, October 2002, pp1-16, Sammut, Dennis, Libya and the Islamic challenge, *The World Today*, Vol. 50, No. 10 (1994), pp. 198- 200; El-Khawas, Mohamed A., Qaddafi and Islam in Libya?, *American journal of Islamic studies*, Vol. 1, Spring 1984, p. 61- 82.

<sup>453</sup> Alison Pargeter, Political Islam in Libya, *Terrorism Monitor* Volume: 3 Issue: 6, 2005.

who might rival himself and his family.<sup>454</sup> Additionally, the various embargoes against Libya within the last two decades had weakened the military. The defection of large parts of the regular forces in eastern Libya was an obvious result of this development. Qadhafi was then forced to respond to the quick spread of the rebellion caused by lack of troops available in the region—and he had to rely on mercenary troops that lacked every kind of loyalty.

In comparison to the Libyan security apparatus, the Syrian forces are in a much better condition. Outnumbering the Libyan forces, the Syrian forces are equipped and trained mainly by Russia (and also by China and Iran). There is some uncertainty about the weaponry of the regular Syrian forces, and the country's actual military capability is difficult to predict. The better organization, with much higher loyalty<sup>455</sup>, structure, and equipment in comparison to the Libyan forces in early 2011; the size of the Syrian forces and the strong allies is another reason to explain why the Western states are hesitant to act as quickly as they did for the Libyan case.

### *c. Geography*

The geography of Libya, with 95% dessert and its major population centers along the Mediterranean, is much more suitable for fast and decisive military maneuvers than the mountainous Syrian hinterland with its large population centers.

### *d. Conclusion*

While Qadhafi's personnel unpopularity in world politics and his eccentric leadership increased the probability of an intervention, the Libyan social structure, the geography of the country, and the strength, size, and leadership of the Libyan military

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<sup>454</sup> Reuters. "Factbox: Libya's military: what does Gaddafi have?" Reuters. <http://www.reuters.com/article/2011/03/08/us-libya-military-idUSTRE7274QI20110308> (accessed March 16, 2012.)

<sup>455</sup> The minority of the Alawite controls the military-intelligence apparatus. Approximately 70% of the career soldiers within the forces are Alawite's while the majority of the conscripts are Sunni. Reva Bhalla. "Making Sense of the Syrian Crisis." *Stratfor*. <http://www.stratfor.com/weekly/20110504-making-sense-syrian-crisis> (accessed April 4, 2012).

influenced the willingness to intervene in Libya decisively. Libya was, in comparison to Syria, a military and political objective that gave reason to expect only limited resistance and offered the opportunity for a quick and decisive success. Syria—with its larger and more heterogeneous population, its strong allies, its larger military, and the rugged terrain—poses a much higher military and political risk. Additionally, the unfortunate point of time when the Syrian uprising started (in contrast to the Libyan uprising) severely influenced the respective decision-making processes.

Finding that both cases are only comparable in the sweeping violation of human rights and violence against civilians, but not in the framework conditions, underlines the first and the second hypothesis of this thesis. The intervention cannot be solely or predominantly seen as a result of humanitarian considerations—because, if it was, then the international community would have had to act in Syria as they did in Libya before. The second hypothesis—that it was only the Libyan weakness that resulted in the action against Qadhafi, while the Syrian military strength (including its allies) has prevented a Western engagement—is also supported by the assessment that both cases are similar with regard to the humanitarian question, but very different with regard to the political, geographical, and military starting conditions.

## **B. THE POLITICAL RATIONALE OF THE U.S., FRANCE, AND GERMANY**

Although all three governments rhetorically condemn the leadership of Libya and Syria for their actions against their own populations, the reaction has already shifted between that given in the recent past and today.

The officially stated advocacy for human rights, humanity, and democracy by all three states is a political credo that is an essential part of a modern democracy. When it came to this point in Libya and Syria, surely, the idea of defending human rights played an important role for some politicians but, as analyzed in this thesis, those ideals did not play the major role for the Libyan case and still do not play the major role for the Syrian case. All three states followed (and still follow) national interests and superordinate these interests to general norms.

The U.S., as the most powerful state within this case study, initially hesitated to engage in the Libyan conflict, and also transferred responsibility and leadership to NATO, in an attempt to "lead from behind"<sup>456</sup> once the intervention started. Driven by domestic reasons and geo-strategic non-interest, the U.S. favored a non-military solution. Finally, the assessment that an intervention may be very helpful to gain trust and sympathy within the new movements in the Middle East, the hope of economic opportunities for the battered U.S. economy, and the tendency within Barack Obama's administration to evaluate humanity as an important norm led to the engagement. Thereby, the assessment that the Libyan regime will not endure the military and political pressure for a long time and cannot endanger the alliance troops was crucial.

For Syria, the situation is different. Three main arguments are of importance. First, with the experience of the Libyan intervention (that an intervention has no pay-off for domestic politics)<sup>457</sup> a main trigger for Obama's engagement has vanished. Second, neither the assessed positive impacts of the Libyan intervention for the U.S. image in the MENA region, nor for U.S. economics, have happened. Third, based on the assessment that an intervention in Syria is much more difficult than in Libya, contains the risk of a civil war and a regional conflict, is likely to influence U.S.-Israeli and U.S.-Iranian relations significantly in an unwanted manner, and in general, could damage the results of a century of U.S. foreign policy in the Middle East, an intervention is not wanted.

It is very difficult to classify U.S. foreign policy into one classical IR theory, and the discussion in scholarship about this classification is currently ongoing. Reality catches up with the idea that the U.S. acted out of humanism, and early attempts to glorify the intervention in Libya and the whole 'Arab Spring' as a paradigm change are now assessed as premature. The assessment of the motives for the Libyan intervention in

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<sup>456</sup> The famous phrase was first used by a White House adviser in a New Yorker article by Ryan Lizza and describes the balance that U.S. President Barack Obama tries to find between engagement and restraint. Ryan Lizza, The Consequentialist, *The New Yorker*, May 2, 2011

<sup>457</sup> For the Syrian conflict opinion polls in the U.S. shows only minor support for any engagement in Syria. 62% of the interviewed U.S. citizens rejected bombing of Syrian military, 63% are against sending weapons to the Syrian rebels and 64% state that the U.S. has no responsibility to engage in Syria. Sara Sorcher, Pew: Majority of Americans Don't Support Intervention in Syria, *National Journal*, 15 March 2012.



scholarship by Walt<sup>458</sup> or Kaplan<sup>459</sup> underlines the reality that considerations about intervening (or not) finally followed U.S. national interests as opposed to normative arguments.

For the U.S., that traditionally follows a realism approach in its overall foreign policy; the behavior for both cases fits into this approach. By having proved in this thesis that not humanitarian reasons, but different political interests, shaped the decision-making process of the U.S. to intervene in Libya and the still ongoing attempt to avoid any action in Syria, U.S. policy finally followed superior regional interests. Maintaining the status quo in the region by assuring the population that the U.S. is willing to support change in the region—while simultaneously avoiding any escalation in the different conflicts—is an example of this policy. The domestic and normative reasons that are discernible in the U.S. decision-making process finally played only a minor role. Therefore, the classification of U.S. foreign policy as one of realism supports my first and second hypothesis.

France, which still defines itself as the 'Grande Nation,' including the claim that it is still an important political power, had similar experiences as the U.S., in that the pay-off both for domestic politics and foreign politics was very limited. The attempt by President Sarkozy—to support his election campaign by a military operation—failed, the outcome of the regime change in Libya is disappointing, and the attempt to regain influence in the traditional sphere of influence in North Africa has not worked out. Finally, for France, the intervention had no decisive positive effect at all. Libya, however, was most likely a one-off intervention: France would not wish to consider a military intervention in the Middle East or North Africa only for humanitarian or democratic

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<sup>458</sup> Stephen M. Walt. “Learning the right lessons from Libya.” *Foreign Policy*. [http://walt.foreignpolicy.com/posts/2011/08/29/learning\\_the\\_right\\_lessons\\_from\\_libya](http://walt.foreignpolicy.com/posts/2011/08/29/learning_the_right_lessons_from_libya) (accessed April 18, 2012).

<sup>459</sup> Robert Kaplan. “Libya, Obama and the triumph of realism.” *Financial Times*. <http://www.ft.com/intl/cms/s/0/a76d2ab4-cf2d-11e0-b6d4-00144feabdc0.html?ftcamp=rss#axzz1WQRx35NM> (accessed April 18, 2012).

reasons any more than the United States or any other state would.<sup>460</sup> The costs and risks of further engagements would be too high. Libya—as an only sparsely populated country of mainly desert landscapes just across the Mediterranean, just some hundred miles from France—facilitates military operations. It contained a calculated risk, one that the French government was willing to take.<sup>461</sup>

The French assessment for Syria (and the derived consequences) is also similar to the U.S. assessment. The political insignificance of the Libyan intervention, and the knowledge that an intervention in Syria contains a much higher military risk, does not fit into the interests of the government in Paris. France cannot gain any strategic advantage through an intervention in Syria.

France's will to intervene in Libya, and its unwillingness to do so in Syria, cannot be assessed as a realism approach. Although Sarkozy, before and during the Libya intervention, acted arbitrarily several times, he consequently found a stressed position for France and his government, and has attempted to improve the standing of France (especially in the MENA region). French security policy, in general, is embedded in the common European foreign and security policy and a European security and defense policy. This policy follows a more liberal institutional approach that has emerged during the last twenty years. While "a growing number of scholars claim that European foreign and security policy, like Europe's power and influence more broadly, is on the rise,"<sup>462</sup> the slow speed of the development of a common European security policy allows France to "[provide] the French with an opportunity to continue to assert themselves."<sup>463</sup>

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<sup>460</sup> Brinton Rowdybush and Patrick Chamorel, *The Washington Quarterly* 35:1, p. 163- 177, 2012 Quarterly, Aspirations and Reality: French Foreign Policy and the 2012 Elections.

<sup>461</sup> Brinton Rowdybush and Patrick Chamorel, *The Washington Quarterly* 35:1, p. 163- 177, 2012 Quarterly, Aspirations and Reality: French Foreign Policy and the 2012 Elections.

<sup>462</sup> Ulrich Krotz and Richard Maher, International Relations Theory and the rise of European Foreign and Security Policy, *World Politics*, July 2011 63 : pp 548-579.

<sup>463</sup> Brinton Rowdybush and Patrick Chamorel, *The Washington Quarterly* 35:1, p. 163- 177, 2012 Quarterly, Aspirations and Reality: French Foreign Policy and the 2012 Elections.

Leading the anti-Qadhafi coalition, finally, is one manifestation of this attitude. France's stressed position within the EU and NATO during the Libyan crisis is an expression of France's claim for leadership within these organizations.

Germany, still trapped in its defensive political role of the cold war era, muddled through the conflict in Libya hoping not to damage its political position seriously and is not interested in any military action in Syria, as well. Germany's foreign policy is generally based on loyalty to its close allies within the EU and NATO, denoted by a foundation of Germany's policy in international relations that has remained very stable over the recent decades, or as Joffe states, a "wonder of continuity."<sup>464</sup> Finally, Germany's position has been shaped by domestic considerations for the Libyan case, also based on the lack of a common EU position. For the Syrian situation, Germany will probably join an NATO- or EU-led alliance if one of these organizations decides to take action. This participation would happen not because of a new interest in defending human rights, but only to avoid new criticism, and to regain the traditional image of reliability. Germany had only limited political interests in Libya, and has even smaller interests in Syria. The population in general does not want a German participation in an intervention, and the still very reserved German foreign policy would prevent an offensive participation in an intervention in Syria. Probably, Germany would not again abstain from voting at the UNSC, but simultaneously, they would not engage in an offensive intervention. The non-existing accordance between the political approach to defend human rights as a 'civilian power,' and simultaneously giving domestic reasons the preference, underlines my first hypothesis.

## **1. Conclusion**

The political rationale of all three countries includes human rights, but for every one of these countries other arguments outweigh the claim to defend human rights and democracy with military means. Realism or domestic politics dominate the decision-

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<sup>464</sup> Jochen Steinhilber, *Compass 2020, Germany in international relations: Aims, instruments, prospects*, Friedrich Ebert Stiftung 2008.

making process within all three countries, distinguished by political power and political claims. The behavior and the political rationale of all three countries support my first and second hypothesis.

### **C. THE FRAMEWORK OF HUMANITARIAN INTERVENTIONS IN SYRIA AND LIBYA**

A brief classification of the theoretical framework of the intervention in Libya, in comparison to the current situation on Syria<sup>465</sup>, will underline that less humanitarian reasons than other political arguments can explain the different storyline of the development in both countries.

From a legal perspective, the intervention in Libya, coming with a UNSC mandate, has to be assessed as legal, while the current considerations of engaging Syria without a mandate is highly controversial in international jurisprudence. As long as the UNSC is unable to find a common ground and mandate for an intervention against Syria, this point distinguishes both cases deeply. The missing mandate for the Syrian case acts as a decisive reason (and excuse) for most Western nations to not even consider an intervention seriously.

For the Libyan case, the incidence of the intervention is based on the existing UNSC mandate, the reports about atrocities, and finally, can be explained as a result of several different national and geo-strategic interests. In deep distinction to this very stringent argument why the intervention in Libya occurred, the non-incidence in Syria can be explained by the missing UNSC mandate and the commonly occurring argument of disinterest (no national interest in the country), risks (unpredictable risks and the danger of a conflict that is getting out of hand) and the lack of a chance of success (difficulties to determine a desired outcome) as explained in this thesis.

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<sup>465</sup> Due date: 29 February 2012

Additionally, all three nations suffer from an economic crisis and significant budget problems. The limited resources additionally hamper the will to intervene, and the dependency on U.S. forces challenges the whole enforceability of further humanitarian interventions.

#### **D. THE POWER OF NORMS**

The normative arguments to protect humanitarian rights and to save civilians are the basis for any rationale that supports an intervention, and serves as the only valid explanation for military intervention against a sovereign state. The conflict between state sovereignty and humanitarian rights, both important norms and values, has been fueled by the intervention in Libya. Large parts of the scholarship argue that the Libyan intervention finally expresses the submission of sovereignty to human rights. To deduce from the intervention in Libya that this subordination of human rights is lasting would be wrong, because "the principle of non-intervention still stands strong, but the exception for humanitarian is supported by the events in Libya."<sup>466</sup>

Norms are generally are of the highest importance for any rationale for an intervention. The vast number of normative statements in support of the Libyan intervention, and also against the Syrian leadership, underlines the importance of norms. They are needed as a basis for any military intervention, but as proven by the non-intervention in Syria, they are not sufficient to cause military action. Normative arguments supported the Libyan intervention, while for the Syrian case the same arguments have less importance; although, from a normative viewpoint both cases are very similar.

Although norms seem to be very important in democratic societies, the relevance of norms is only minor when other interests exist, or when the norm violation does not

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<sup>466</sup> Jason Dominguez Meyer. From Paralysis in Rwanda to Boldness in Libya: Has the International Community Taken 'Responsibility to Protect' from Abstract Principle to Concrete Norm Under International Law? *Social Science Research Network*. <http://ssrn.com/abstract=2035083> or <http://dx.doi.org/10.2139/ssrn.2035083> (accessed April 24, 2012).

concern one's own population. Norms have generally shaped politics, and have obviously had a growing influence over the last century, but their influence is still not decisive in international politics.

Nevertheless, the reserved Western policy for the Syrian case underlines the fact that the often-assumed importance of norms in foreign policy is finally not evident. Norms were used as an argument to justify and explain the engagement in Libya, but were not the driving force. The example of non-engagement in Syria also demonstrates this fact. The influence of norms may continue to increase in the future, but the gap between the theoretical importance of norms as a kind of Western-society consensus, and "*realpolitik*," will probably not diminish in near future. Singular state interests are of higher importance than common norms.

The still ongoing spread of norms within all societies will keep up the political pressure to defend international norms. Nevertheless, the longer the violence in Syria persists without an intervention, and the longer the subordination of norms under political and military constraints and interests continues, the more the importance of norms will be reduced.

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## VI. CONCLUSION

### A. POLITICAL DISTINCTIONS AND HUMANITARIAN SIMILARITIES

Following the justification for the intervention in Libya and according to several comments and prospects in scholarship and politics<sup>467</sup>, the world seemed to be on the edge of a new era when the coalition airplanes started to attack Qadhafi's forces in March 2011. Only one year later, disillusionment about the role and importance of norms, humanitarian interventions, and the responsibility to protect has become prevalent.

Chapter III gave an overview of the characteristics and intensity of the bilateral relations between Syria, Libya, and the three Western countries Germany, U.S., and France; and, an account of the diplomatic action when the crisis emerged. With the examination of the official policy of France, Germany, and the U.S. in regard to humanitarian interventions—and its comparison to the actual actions and the non-stated domestic, national, and geostrategic interests in Libya and Syria—Chapter IV built up the base to conclude that the first hypothesis is applicable.

With both chapters, this thesis proved that the fast decision-making process for the Libyan intervention—and the simultaneously upcoming belief that the international community is willing and able to react fast and decisively when a non-democratic regime starts to use violence within its country to secure its own power—is still an illusion. The comparison of these events (both part of the 'Arab Spring') proved that geo-strategic interests, national interests, domestic politics, and a very accurate risk assessment all work to checkmate the widely announced and assumed importance of humanity and norms. The political restraint of the Western countries when the first uprisings of the 'Arab Spring' started in Tunisia and Egypt already showed the preference of the nations to contain their own interests instead of supporting new, probably more democratic movements.

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<sup>467</sup> See chapter I, Literature Review,



The developments in Libya and Syria, and Western reactions to them, finally proved this policy when, within one year, the two normative similar cases of Libya and Syria (in the same region) led to two totally different political outcomes. Although for both cases the official papers of all three states provided the normative ground for a military intervention, only the U.S. and France intervened in Libya, and all three states remained inactive for Syria.

The U.S., France, and Germany had different reasons for their specific actions in the Libyan case, and they also have their own specific national interests for the Syrian case. Domestic politics and geo-strategic interests dominate the discussion about norm-based humanitarian interventions. When the UNSC paved the way for a military intervention against Libya, all three states necessarily had to state their different interests for the Libyan case in public. The only possible justification for military intervention against a sovereign state that is possible—and that can find acceptance in broader public and international politics—is the norm-based argument for a humanitarian intervention, and further, for a somehow-existing responsibility to protect. Any other argument—like geo-strategic considerations, specific economic or other national interests—cannot be used because norms prohibit any kind of intervention caused by national interests or strategies in our days—and therefore, the real arguments have not been used.

Consequently, the U.S. and France made normative arguments, well aware that this argumentation works for the Libyan case, where a politically isolated and eccentric dictator ruled for more than forty years. Therefore, the only short-dated and finally moderate international criticism of Germany's abstention at the UNSC fits into the political landscape. It was a result of the understanding by international politicians that the political position to reject a military intervention when crimes against humanity occur may be a strategic necessity to avoid any kind of automatism for interventions, and a process to prevent lurching from conflict to conflict. Germany, with only limited interests in Libya and pressured by a pacifist civil society, refused participation in Libya. This action may serve as an example for other states in upcoming cases that are supported by the UNSC.

The vast distinction between the strong Syrian and the weak Libyan regime in every single area that is of importance for a military action—military strength, allies, geography, society—is another major reason why Qadhafi was ousted and al-Assad is still in office. As shown by the exposition of the international political situation before the crisis emerged, and the shift that came with the spread of violence in Chapter III, enhanced by the direct military comparison of both states and proved by the application of the hypothesis in Chapter V, the military intervention in Libya was primarily based on an extensive geo-strategic and military risk assessment. The same assessment for Syria led to the insight that a military conflict with Syria contains large military risks, and the jeopardy of crisis for the whole region. This argument proves the second hypothesis, that the different initial situation for both cases made the decisive difference. The intervention in Libya promised to be a bargain for the U.S. and France to achieve their goals, because the ratio between risk and aims was fairly good. In contrast, Syria's strength prevents the country from a military intervention and the relation between the assessed risks and the only limited strategic and political aims, was unfavorable.

**B. THE MISUNDERSTANDING OF THE IMPORTANCE OF THE CONCEPTS OF HUMANITARIAN INTERVENTION AND "THE RESPONSIBILITY TO PROTECT"**

In public, and also in scholarship, the non-intervention of the international community in cases of crimes against humanity by ruling regimes (like in Syria) often causes lack of comprehension and levels criticism against the democratic leaders of the West, with arguments like: "President Obama has an opportunity to apply the principles of international humanitarian intervention in a manner that will restore confidence in his leadership and set a clear example of consistency and stability"<sup>468</sup> for the Syrian case, or the characterization of the German chancellor as "Merkel in Miniature",<sup>469</sup> and attempts

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<sup>468</sup> Guiora, Amos N., Intervention in Libya, Yes; Intervention in Syria, No: Deciphering the Obama Administration (January 27, 2012). SSRN Working paper series.

<sup>469</sup> Roger Cohen. "Merkel in Miniature." *New York Times*. [http://www.nytimes.com/2011/04/19/opinion/19iht-edcohen19.html?\\_r=1](http://www.nytimes.com/2011/04/19/opinion/19iht-edcohen19.html?_r=1) (accessed April 9, 2012).

to explain "Germany's stumbling foreign policy on Libya"<sup>470</sup> after not supporting the idea of a military intervention against Libya. These comments represent an astonishing simple approach towards the idea of humanitarian interventions and RtoP.

Based on the wrong assessment that the intervention in Libya demonstrated the beginning of a new era in international politics by some scholars, the impression was conveyed that humanitarian interventions would become the rule and not the exception. This approach overestimates the importance of both ideas in the '*realpolitik*' of international politics by far. As shown in this thesis, states today—as in the past—care first about their own interests. Normative ideals and standards are a political necessity and essential parts of democratic self-conception. However, when the decision-making process of states has to be concerned with the idea of waging a war for normative reasons, several other reasons will be considered and assessed as more important than normative infringements somewhere in the world.

In competition with domestic politics, geo-strategic interests, the economy, and state budgets, the importance of humanitarian interventions shrinks very fast. The uniqueness of the Libyan situation has no exemplary character for a somehow increased importance of humanitarian interventions at all.

Surely the general importance of norms, as outlined especially by Martha Finnemore, has increased during the last centuries. Nevertheless, the Syrian case (along with several other examples of non-intervention in the recent past) demonstrates that a fundamental change of the role and importance of humanitarian interventions in world politics has not occurred yet. Other reasons are more important. After outlining in Chapter II that humanitarian interventions are based on norms, this leads to the conclusion that the third hypothesis is not valid. Although international norms, human rights, and the idea of political self-determination are widely accepted and taken for

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<sup>470</sup> Centre for European Politics. Germany's stumbling foreign policy on Libya. *Centre for European Politics*. <http://cep.rhul.ac.uk/cep-blog/2011/8/26/germanys-stumbling-foreign-policy-on-libya.html> (accessed April 8, 2012).

granted in the Western hemisphere, this acknowledgement, until now, has not led (and probably will not lead) to an increase in the likelihood of humanitarian interventions in the future, as proven by the Syrian case.

### C. THE FUTURE OF BOTH CONCEPTS IN INTERNATIONAL POLITICS

The interpretation of mission "Unified Protector," and the assumed impact of this military intervention on the future of humanitarian interventions and RtoP, is very wide. While some authors in scholarship explain

Security Council action to forestall atrocities in Libya in March 2011 represented a new upswing in the implementation of R2P,<sup>471</sup>

others argue that

R2P is now at risk because those already hesitant to support it will say, "See? It was only used as an excuse to get into Libya—from the start it was to overthrow Gadhafi." They wonder who will be next. The concern is magnified because of the lack of action by the UN in Syria.<sup>472</sup>

After a first wave of enthusiasm when the 'Arab Spring' emerged and Western society seemed to support this movement with the military intervention in Libya, only one year later the political atmosphere has gloomed. The Syrian conflict and other ongoing conflicts—like the suppressed uprising in Bahrain and even the uncertain future outcome of the intervention in Libya—makes it clear that the role of both concepts to enforce normative standards will at least remain of lower importance than several scholars expected or desired in the spring and summer of 2011.

The Libyan case has illustrated the impression that a normative rationale is necessary to justify a military intervention, but simultaneously, is not the driving force for any action. The unimportance of norms (in comparison to "*realpolitik*") was proven by the non-engagement in Syria, and by the avoidance of ongoing occurrences in other countries.

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<sup>471</sup> Thomas G. Weiss, *Humanitarian Intervention*, Cambridge. Polity Press, 2012.

<sup>472</sup> Martha Hall Findlay, Can R2P survive Libya and Syria?, *Strategic Studies Working Group Papers*, Canadian International Council, November 2011.

Very soon after the Libyan intervention began, political commentators and politicians started to conjecture that the aim of the mission was much more than humanitarian support, but that it also included regime change.<sup>473</sup> Thereby, criticisms about the whole intervention being solely based on the aim to oust Qadhafi are equally overstated, like the assumption that the intervention was solely humanitarian.

Undeniably, "Unified Protector" ended the violent and arbitrary rule of the Qadhafi regime and surely the lives of several opposition activists in Libya in early 2011. Despite this success, three major reasons finally lead to the conclusion that (in a retrospect) the coalition against Qadhafi has, in the end, harmed the noble idea of humanitarian interventions:

1. To find a common ground within the UNSC for a humanitarian intervention will surely become more difficult after "Unified Protector." By exaggerating the mandate, and with the obvious aim to topple Qadhafi, the humanitarian component of the whole mission was marginalized.

2. The UNSC, especially the nations that were engaged against Libya, illustrated solid evidence for the imperfection of the mission. Without having a mission transition strategy after the intervention, the short-term success in stopping a possible humanitarian catastrophe has been replaced by a destabilized and insecure country that is struggling with violence and insecurity caused by a mixture of reawakened tribalism, religious fundamentalism, regional separatism, and personal desperation of the people.

3. The whole rationale of humanitarian interventions itself, to protect human beings and save lives, has been counteracted by the long duration and the thereby

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<sup>473</sup> For example: Michael Elliot, Humanitarian Intervention: Whom to Protect, Whom to Abandon, *Time Magazine*, International Edition, 18 April 2011.

resulting high number of casualties in the Libyan case. Already at the beginning of the Libyan intervention, critics raised the question if the rebellion would cost more lives than Qadhafi's reign.<sup>474</sup>

This discussion about the humanity of the intervention, a generally very selective application of humanitarian interventions, and the implied regime change in Libya have all strengthened the critics of both concepts. A direct outcome will be a higher risk that further violations of human rights will not be stopped by intervention because of early refusal at the UNSC.

Therefore, the influence of both concepts in the near future on international politics will not improve at all. Based on a case-by-case assessment of every single nation that considers joining a coalition to enforce humanitarian rights, both concepts will frame military interventions against cruel regimes. Thereby, the experience of failed or doubtful international interventions like in Afghanistan, Iraq, or Libya without a clear end state, the enormous cost of sending troops, the economic situation, national interests, geo-strategic considerations, a general rejection of any use of force within several Western societies and Western domestic politics—will all finally shape the willingness of every single state to join an intervention.

This war-weariness of Western societies has a direct outcome for both concepts. Only NATO has the necessary military capabilities to enforce a humanitarian intervention, and NATO itself depends on U.S. forces that are urgently needed for a

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<sup>474</sup> The number of victims of the eight-month conflict differs significantly. Different sources estimate between 30,000 and 50,000 (NTC), 25,000 and 30,000 (Libyan Health Minister Naji Barakat). Before the intervention started, the number of killed civilians was estimated between 1,000 and 6,000 (see Fn.8). Critics argue that the intervention and its outcome caused more victims than Qadhafi's behavior did and probably would have caused. This discussion is hypothetical but finally the high number of victims damaged the image of humanitarian intervention sustainably, especially for the background of doubts in scholarship on the predicted effects if Qadhafi had suppressed the rebellion. See: Huge Roberts, Who said Gaddafi had to go? *London Review of Books*, Vol. 33, Number 22, 17 November 2011; Seumal Milne. "If the Libyan war was about saving lives, it was a catastrophic failure." *The Guardian*. <http://www.guardian.co.uk/commentisfree/2011/oct/26/libya-war-saving-lives-catastrophic-failure> (accessed May 6, 2012). Alain J. Kuperman. "False pretense for war in Libya?" *Boston Globe*. [http://www.boston.com/bostonglobe/editorial\\_opinion/oped/articles/2011/04/14/false\\_pretense\\_for\\_war\\_in\\_libya/](http://www.boston.com/bostonglobe/editorial_opinion/oped/articles/2011/04/14/false_pretense_for_war_in_libya/) (accessed May 05, 2012).

successful intervention.<sup>475</sup> Every claim for an intervention can be stopped in Washington or in Brussels, and the likelihood for further military interventions by NATO and the U.S. for humanitarian reasons after a decade of war is limited.

After the 'clean' intervention in Libya, it can be expected in the future that publically, the assumed importance of the role of norms and the call for interventions will endure whenever a regime is accused of atrocities against its own population. However, in international politics, an unemotional assessment of every single nation and its sensitivities will shape the decision-making process, especially with regard to the anticipated outcome. U.S. Defense Secretary Leon Panetta underlined this position when he stated: "People who urge military action have to understand that before you take that step, you'd better understand where this kind of action leads."<sup>476</sup>

Although the U.S., France, and Germany (as well as many other Western states), mention the idea of defending human rights abroad and support humanitarian interventions in their national strategies and policy papers, no state will mandatorily assure an overriding importance to these ideas in their daily political business. Any self-commitment of a Western government to automatically intervene is an illusion, and would be tantamount to a letter for resignation of the respective government.

The 'Arab Spring,' with its multitude of rebellions, has emphasized that the concept of a 'Responsibility to Protect' is already in its abridged version of *just intervening in case of human right violations when the undertaking is not too ambitious*. The absolute number of cases makes the universal implementation of the concept impossible. Every time the concept is considered, and then not executed, for a specific

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<sup>475</sup>Eric Schmitt. "NATO Sees Flaws in Air Campaign Against Qaddafi,." *New York Times*. <http://www.nytimes.com/2012/04/15/world/africa/nato-sees-flaws-in-air-campaign-against-qaddafi.html?pagewanted=all> (accessed April 15, 2012). and: New York Times. "NATO After Libya." *New York Times*. <http://www.nytimes.com/2012/04/19/opinion/nato-after-libya.html> (accessed April 20, 2012).

<sup>476</sup> U.S. Defense Secretary Leon Panetta on Alhurra on March 16, 2012. Radio Free Europe. Radio Liberty. "Explainer: The Pros And Cons Of Possible Military Intervention In Syria." *Radio Free Europe. Liberty* [http://www.rferl.org/content/explainer\\_pros\\_cons\\_possible\\_military\\_intervention\\_in\\_syria/24525222.html](http://www.rferl.org/content/explainer_pros_cons_possible_military_intervention_in_syria/24525222.html) (accessed April 19, 2012).

instance of violation—the importance and influence of the concept will shrink. The concept includes well-sounding ideas that have the theoretical power to change the world, but in daily politics they are not always viable.

Humanitarian interventions and the responsibility to protect are, finally, undeniably useful tools to silence the conscience of democratic states, and at least have a regulating character to prevent excesses of atrocities by ruling regimes against their own population. Despite this importance, the enormous number of past cases where human rights were violated without international humanitarian interventions will be updated in the future.

Finally, the extraordinarily swift action of the international community for the Libyan case has to be assessed as a single case without exemplary character. To assume that the importance of norms overtrumps national interests is still an illusion. The hesitant and biding behavior in the case of the Syrian conflict is still main stream; fast action as in Libya is only the exception. The outcome of the Libyan intervention can be assessed as a political success because Qadhafi is no longer in charge, but at the same time, the intervention left behind a politically destabilized country with an uncertain future. From a normative viewpoint, it is questionable if the intervention, with its large number of victims, served the ideals of humanity and the idea of humanitarian interventions.

#### **D. A HUMANITARIAN INTERVENTION IN SYRIA?**

The still ongoing and deliberate political confusion about Syria, and the categorical refusal of any condemnation of the Syrian regime by the UNSC (caused by Russia and China), simplifies the position of the Western states at this time. Backed by the certainty that a UNSC mandate will not emerge, all three states can condemn the behavior of the Syrian regime without fear of any real involvement in the conflict. As described in Chapter II—in connection with Chapter III, IV and V of this thesis—the political stalemate at the UNSC and the impossibility and non-willingness to intervene unilaterally (or even multilaterally) without a UNSC mandate has arrived at the right moment for the Western states. Neither the U.S., Germany, or France are currently



interested in an unpredictable international conflict in Syria with its high risks for the whole region. Thereby, all parties concerned ignore the fact that the "current preference for inaction, while perhaps understandable, threatens to lead to precisely the outcomes that its advocates want to avoid,"<sup>477</sup> namely a conflict that expands and could lead into chaos not just within Syria, but also with drastic effects for the political stability for the whole region.<sup>478</sup>

Therefore, the three states will wait and not intervene. Only if the conflict is worsening significantly in the near future—or if neighboring states, especially Turkey, are getting sucked into the conflict—might the situation change. A change of the positions of China and Russia in the UNSC—without any dramatic change within Syria—is highly unlikely, and an intervention without a UNSC mandate in the Middle East is impossible.

If, notwithstanding, any engagement of the international community in the Syrian conflict does happen, it will not be decisively fueled by humanitarian concerns. The decision-making process of all three examined nations, just like the decision-making process of every nation, will follow a detailed consideration of their own interests above all else. This leads to the conclusion that even if an intervention in Syria occurs, it will not be a humanitarian one.

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<sup>477</sup> Itamar Rabinovich. "The Anarchy Factor in Syria." Project Syndicate. <http://www.project-syndicate.org/commentary/the-anarchy-factor-in-syria> (accessed May 6, 2012).

<sup>478</sup> Ibid.

## APPENDIX

### A. HUMANITARIAN INTERVENTION SINCE 1990

Country	Year	Intervention by	Authorized by
<b>Iraq</b> "Operation Provide Comfort"	1991-1996	U.S., United Kingdom, France, Australia, Netherlands, Turkey	UNSC
<b>Somalia</b> "Unified Task Force"	1992/1993	Australia, Belgium, Canada, France, Germany, Greece, India, Italy, Malaysia, Pakistan, Saudi Arabia, Spain, United Kingdom, U.S.	UNSC
<b>Haiti</b> "Uphold Democracy"	1994/1995	U.S.	--
<b>Rwanda</b> "UNAMIR II"	1994-1996	Argentina, Australia, Austria, Bangladesh, Canada, Chad, Congo, Djibouti, Ethiopia, Fiji, Ghana, Guinea, Guinea Bissau, India, Jordan, Malawi, Mali, Niger, Nigeria, Poland, Russian Federation, Senegal, Tunisia, United Kingdom, Uruguay, Zambia, Zimbabwe	UNSC
<b>East Timor</b> "UNTAET"	1999-2002	Australia, New Zealand, France, Argentina, Brazil, Chile, Denmark, Fiji, Ireland, Japan, Malaysia, Russia, Singapore, South Korea, Thailand, Philippines, Portugal, Sweden, United Kingdom	UNSC
<b>Yugoslavia</b>	1999	NATO	NATO
<b>Libya</b> "Unified Protector"	2011	U.S., France, Canada, Belgium, United Kingdom, Spain, Norway, Italy, Denmark, Qatar, United Arab Emirates, Greece, Turkey, Netherlands, Romania, Jordan, Sweden, Bulgaria,	UNSC

Table 2. Humanitarian intervention since 1990

**B. ARMED CONFLICTS 1987–2010**

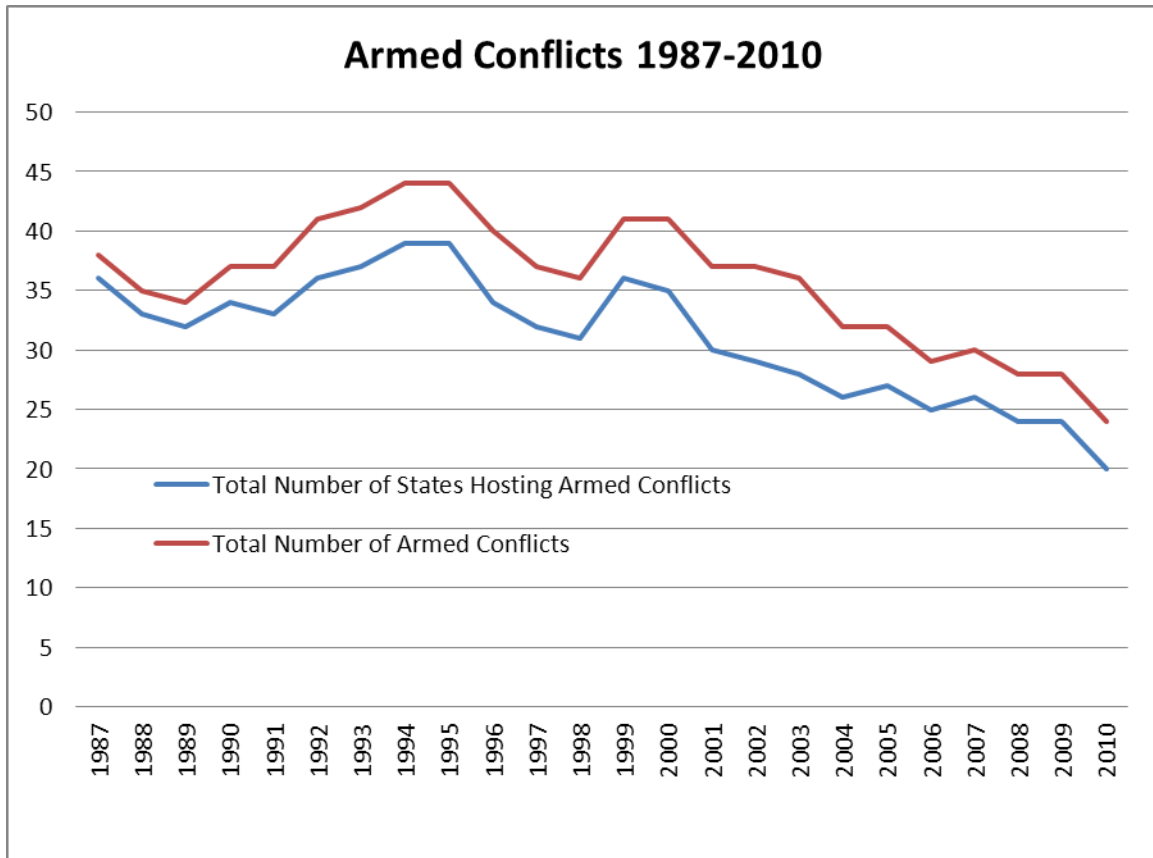


Figure 2. Armed conflicts between 1987 and 2010<sup>479</sup>

<sup>479</sup> Graph 1 by: Ploughshares. ACR 2011 Summary. Ploughshares. <http://www.ploughshares.ca/content/2011-armed-conflicts-report> (accessed April 24, 2012).

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