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Council during the Arab Spring**

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Assessing the Influence of the Responsibility to Protect on the UN Security Council during the Arab Spring

Abstract

This article challenges those perspectives which assert first, that the Security Council's engagement with the Responsibility to Protect (R2P) during the Arab Spring evidences a generally positive trend, and second, that the response to the Arab Spring, particularly Syria, highlights the need for veto restraint. With respects to the first point, the evidence presented in this article suggests that the manner in which R2P has been employed by the Security Council during this period evidences three key trends; first, a willingness to invoke R2P only in the context of Pillar I; second, a pronounced lack of consensus surrounding Pillar III; and third, the persistent prioritisation of national interests over humanitarian concerns. With respect to veto restraint, this article argues that there is no evidence that this idea will have any significant impact on decision-making at the Security Council; the Council's response to the Arab Spring suggests that national interests continue to trump humanitarian need.

Keywords

Libya, Syria, Security Council, Responsibility to Protect, NGOs

Introduction

This article challenges two perspectives on the Responsibility to Protect (R2P) which have emerged in the wake of the Arab Spring. First, the view that the Security Council's engagement with R2P during the Arab Spring evidences a positive trend; these arguments – discussed in detail later – assert that the Security Council – though at times falling short of the ideal – has passed an increasing number of Resolutions which include references to R2P. This is held to constitute evidence that the R2P “norm” has influenced the Council and ‘begun to change the world’ (Bellamy, 2015:111). As Jess Gifkins argues in her article in this special issue, there is a perception that increased references to R2P by the Security Council during the Arab Spring demonstrates that, ‘Language on R2P has become less contentious in the Security Council over time’ (2015: ?). This is presented as an axiomatically positive development with long-term

implications. The second perspective holds that the Arab Spring, and the response to Syria in particular, demonstrates the need for veto restraint; this has manifested in the “Restrain the Veto” campaign which is vaunted as a means by which R2P can exercise greater leverage against the permanent five members of the Security Council (P5) and mitigate the influence of national interests on decision-making at the Council.

After initially outlining the centrality of the Security Council to the application of R2P, this article argues first, that references to R2P by the Security Council have been comparatively rare and, more importantly, that these references evidence a definite trend; the manner in which the Security Council has employed R2P demonstrates a willingness only to refer to the host state’s responsibility and a marked reluctance to engage with Pillar III of R2P.ⁱ Thus, the increased use of R2P does not necessarily constitute a positive development. Second, I analyse the strategy behind the “restrain the veto” campaign and argue that the Security Council’s response to Libya, Bahrain and especially Syria, demonstrates that national interests continue to determine the P5’s response to intra-state crises.

The Security Council’s Powers and R2P

In their 2001 report, *The Responsibility to Protect*, the International Commission on Intervention and State Sovereignty (ICISS) recognised the primacy of the Security Council and, cautioning against seeking alternatives, suggested that the key task was ‘to make the Security Council work better’ (2001: xii). The 2005 World Summit *Outcome Document* also stated that action to halt or prevent the four crimes under R2P’s purview – genocide, war crimes, ethnic cleansing and crimes against humanity – was permissible only if sanctioned ‘through the Security Council in accordance with the Charter’. The centrality of the Security Council has also been reiterated during subsequent key junctures in the evolution of R2P, such as the 2009 General Assembly debate on R2P (Hehir, 2013b), and the six reports published by

UN Secretary General (UNSG) Ban Ki-Moon since 2009. R2P, therefore, has not altered the laws governing the use of force or the powers of those – namely the Security Council – with the authority to sanction remedial action (Bellamy, 2015: 13; Stahn, 2007; Focarelli, 2008). As Jennifer Welsh, UN Special Adviser on R2P, notes, ‘No new legal obligations were created when R2P was endorsed in 2005’ (2013).

Despite the lack of legal or institutional reform, R2P constituted, according to Gareth Evans, ‘... a brand new international norm of really quite fundamental importance and novelty...that is unquestionably a major breakthrough’ (2009: 16). The efficacy of R2P stems from the fact, supporters claim, that it acts as a means by which pressure is coordinated, focused and exerted on states, and the P5 in particular, by those concerned with the fate of people overseas (Luck, 2010; Evans, 2008: 241; Power, 2009: x; Glanville, 2011: 471). By virtue of R2P’s official recognition in 2005 – and subsequently by the General Assembly – states can be held to account on the basis of their own commitments (Evans, 2009: 16; Slaughter, 2011). Thus Evans called on ‘civil society organizations and activists...to ensure that decision makers continue to have no excuses when it comes to knowledge of R2P situations’ (2008: 227).

To this end a number of think-tanks and NGOs specifically focused on using R2P to influence state behaviour – such as the Global Centre for R2P, the International Coalition for RtoP, and the Asia-Pacific Centre for R2P – have been established. Indicative of the rationale underlying the strategy of these NGOs, Simon Adams Director of the Global Center for R2P notes ‘...[R2P] does not seek to impose new legal obligations...R2P is an established international norm [that] can act as a political framework for mobilising action to protect those who are otherwise marked for death’ (Konigs, Nozawa and Teeuwen, 2013). Thus, while the powers of the Security Council remain unchanged, the environment in which the Council makes decisions, and the “norms”ⁱⁱ which, post-R2P, now influence their behaviour, are ostensibly radically different.

R2P as a Commonly Referenced “Norm”

The reflections of those supportive of R2P on the efficacy of the concept during the Arab Spring have asserted that while the international response was far from ideal, the Security Council demonstrated an increased engagement with R2P and willingness to employ the concept in official statements, particularly Security Council Resolutions (Bellamy and Williams, 2012; Evans, 2013). Indicatively, Thomas Weiss defended R2P against claims that the post-intervention chaos in Libya had sounded its death knell, by arguing ‘[The Security Council] has invoked the norm three times more frequently in the three years after Libya than in the six before’ (2012: 10). Former UN Special Adviser on R2P Ed Luck similarly stated, ‘measured on the basis of the frequency of references in Security Council resolutions and statements, the quest for broad acceptance of R2P has progressed impressively over the past five or six years’ (2015: 3). Likewise, Bellamy suggests the Security Council’s record in the past five years demonstrates ‘a newly found determination to act on the responsibility to protect’ (Bellamy, 2015: 10). In this special issue Gifkins has made similar claims arguing, ‘The regular inclusion of R2P language in Council resolutions speaks to gradual normative change over time in the way the Council frames its responses to mass atrocity crimes’ (2015: ?).

Thus, despite the international community’s mixed response to the Arab Spring, R2P has ostensibly solidified its status as a “norm” through its increased use in high-level political discourse, even when states have disagreed on how to act (Dunne and Gelber, 2014). In March 2015 the Global Center for R2P published a list of every Security Council Resolution which mentioned R2P, declaring that as the figures show an increase in usage of the term, R2P’s status as a norm has grown (2015a).

Whether referring to R2P, or any term, at the Security Council is significant is a contested issue; many claim that what the Security Council says, particularly with respects to

human rights, is mere theatre and not indicative either of their collective beliefs or will (Watts, 2001: 8; Walzer, 2006: xx-xxi). Others claim that the Security Council constitutes an important forum for debate, the product of which – in the form of Resolutions and Presidential Statements – constitutes the collective expression of the organ’s constituent members (Hurrell, 2005; Johnstone, 2003). This debate illustrates the broader argument between the constructivist position which stresses the importance of normative discourse – and the language used therein – on the outcome of collective deliberation (Barnett and Finnemore, 2004; Risse, 2000), and rationalists who assert that national interests determine the position of states and the outcome of particular negotiations (Keohane and Martin, 1995; Krebs and Jackson, 2007; Hanrieder, 2011).

The strategy underpinning R2P, the importance proponents place on ‘speech acts’ (Bellamy, 2010: 159), and the positive appraisals of the concept’s role during the Arab Spring, cohere with the constructivist position; this is discussed in detail in Glanville’s contribution to this special issue. The constructivist thesis, therefore, holds that the proliferation of references to R2P is important as this illustrates the concept’s status as a “norm” which thus delineates the range of acceptable justifications that states can offer for their response to intra-state crises. Committing to R2P in 2005, and acceding to its increased usage during the Arab Spring, thus leaves states ostensibly ‘rhetorically entrapped’ (Glanville, 2015: ?). The following section outlines the highly circumscribed manner in which R2P was invoked by the Security Council during the Arab Spring.

Security Council References to R2P during the Arab Spring

R2P clearly seeks to encourage the Security Council to respond to intra-state crises in an expedient fashion if, as per the wording of Paragraph 139, host states ‘manifestly fail to protect their populations’. In the context of the international community’s subsidiary responsibility to

protect, the ICISS report called on the Security Council to ‘deal promptly’ with such crises (2001: 51) while Paragraph 139 of the World Summit *Outcome Document* calls for ‘timely and decisive’ action, a theme reiterated numerous times by the UNSG in his 2012 report (Ban Ki-Moon, 2012).

Table 1 illustrates the frequency with which the Security Council passed Resolutions related to the Arab Spring from 2011-2015, and expresses these figures as a percentage of the total number of Resolutions passed in this period.

INSERT TABLE 1 HERE

From 2011 to 2015 the Security Council passed a total of 328 resolutions, 33 of which relate to the Arab Spring. These 33, however, include 12 which only tangentially relate to the Arab Spring; eight resolutions (1994; 2028; 2052; 2084; 2108; 2131; 2163; 2192) concern the United Nations Disengagement Observer Force (UNDOF) deployed to Syria in 1974 to monitor the ceasefire with Israel, while four (2004; 2064; 2131; 2172) concern the United Nations Interim Force in Lebanon (UNFIL) created in 1978 to oversee the Israeli army’s withdrawal from Lebanon.

The figures, therefore, show that only 6.4% of the total number of resolutions passed in this four-year period directly relate to the Arab Spring. By way of contrast, during this period the same number of Resolutions were passed on Somalia alone. Given the gravity and scale of the Arab Spring, the results outlined in Table 1 arguably suggest an underwhelming response by the Security Council. Table 2 provides a list of all UN Security Council Presidential Statements on the Arab Spring from 2011-2015 and again the focus appears less than commensurate with the gravity of the crises. In this four year period 13 Presidential Statements mentioned the Arab Spring some 12.9% of the 101 statements in total issued during this period.

The list of Security Council Resolutions which refer to R2P published by the Global Centre for R2P shows that 26 Resolutions mentioned the concept, 22 of which were passed since the start of the Arab Spring, and eight of which directly relate to the Arab Spring itself; these eight resolutions on the Arab Spring which mention R2P constitute 2.4% of the total number of Resolutions passed during this period. The number of Presidential Statements on the Arab Spring which mention R2P constitutes less than 1% of the total issued during this period.

INSERT TABLE 2 HERE

An analysis of the nature of the references made to R2P in Security Council Resolutions and Presidential Statements during the period assessed by the Global Centre for R2P evidences a very clear trend. Table 3 presents the eight Security Council Resolutions which mention R2P and deal with issues directly related to the Arab Spring; as outlined in the fourth column, in each the reference is exclusively to Pillar I of R2P, relating to the host state's responsibility to protect its population. There is no mention in any of these resolutions of Pillar III or the international community's responsibility to protect. Even in Resolution 1973 which sanctioned intervention in Libya, there is no mention of the external responsibility, a fact which led Welsh to suggest this was evidence that this aspect of R2P 'is still contested by some members of the Security Council' (2011: 255). This trend is replicated with respects to Presidential Statements; the single Security Council Presidential Statement on the Arab Spring which mentions R2P again only refers to the host's state's responsibility.

INSERT TABLE 3 HERE

The other Resolutions listed by the Global Center for R2P which mention R2P evidence a very similar trend; of the 35 Resolutions which refer to R2P only five acknowledge the existence of the external responsibility; only, it must be said, insofar as they mention Paragraphs 138 *and* 139. None of the resolutions invoke Pillar III as the basis for action, explain how this external responsibility is collectively understood, or clarify the circumstances under which it can be operationalized.

This very circumscribed application of R2P demonstrates that while the P5 are relatively comfortable with Pillars I and II of R2P, Pillar III remains a source of division with members holding very different views on how and when it can be applied. This is, indeed, substantiated by statements made by members of the P5; indicatively, during the seminal 2009 General Assembly debate on R2P, China stated, ‘the implementation of the responsibility to protect should not contravene the principle of state sovereignty and the principle of non-interference in the internal affairs of States’ (China, 2009). Likewise in its statement to the Security Council after the adoption of Resolution 1973 on Libya, the Chinese ambassador noted, ‘China is always against the use of force in international relations’ (Security Council, 2011: 11). Clearly this very restricted interpretation of R2P does not equate with the ethos of Pillar III which was obviously designed to legitimise external involvement in the affairs of sovereign states, including, in very extreme cases, coercive military intervention. Given the conceptual gulf between China and other P5 members, the lack of Security Council references to the external dimension of R2P is perhaps unsurprising.

There is also evidently a degree of hostility to the use of the term “Responsibility to Protect” due to it having certain negative connotations. R2P has always been seen in some quarters – rightly or wrongly – as synonymous with aggressive, Western-led interventionism (Macfarlane, Thielking and Weiss, 2004: 984). This reached its nadir over the 2003 invasion of Iraq, an intervention which, though certainly not legitimised through the invocation of R2P,

did, according to Evans, ‘undermine global acceptance of R2P’ (2009: 69). Certain states subsequently determined *not* to use the term; illustratively the Canadian government, despite being the country which established ICISS, banned the use of the term in official discourse during the 2011 intervention in Libya in which its forces took part (Nossal, 2013: 111). Additionally, the UN Panel on the 2009 crisis in Sri Lanka found that ‘making reference to the Responsibility to Protect was seen as more likely to weaken rather than strengthen UN action’ (Bellamy, 2015: 81).

This reluctance to engage with Pillar III of R2P has arguably increased in the wake of the intervention in Libya. In response to the operational evolution of the “no-fly zone” in Libya into “regime change” certain states – Russia, China and South Africa in particular – determined to be more forthright in their opposition to external involvement in intra-state affairs (Adams, 2014; Johnson and Mueen, 2012; Beresford, 2015). In the wake of Libya, Brazil’s idea of ‘Responsibility While Protecting’ (Brazil, 2011) and the Chinese notion of ‘Responsible Protection’ (Zonze, 2012) are indicative of the growing contestation surrounding Pillar III. Others challenged this view (Bellamy, 2014) but statements from then Russian President Dmitry Medvedev (Thornhill, Buckley and Clover, 2011), Russian Foreign Minister Sergei Lavrov (Homsy, 2012) and President Jacob Zuma of South Africa (Zuma, 2012) attest to this post-Libya fallout. Evans indeed lamented that ‘consensus *has* simply evaporated’ since Libya noting, ‘there has been some infection of the whole R2P concept by the perception, accurate or otherwise, that the civilian protection mandate granted by the Council...was manifestly exceeded by that military operation (2012).

Achieving consensus on the application of Pillar III of R2P, therefore, today appears less likely than before the Arab Spring began. Much of the power of R2P derives, supporters claim, from the fact that it changed the discourse from the “right to intervene” and “humanitarian

intervention” – pejorative terms in the developing world in particular – to something more benign and universally acceptable (Evans, 2008: 33). If the term is today not invoked because it too has become a rhetorical liability, then clearly its efficaciousness has been compromised. Naturally, it will be employed only with respects to those issues which are uncontroversial, namely the host state’s responsibility.

R2P did not invent the principle that states have a responsibility to protect their own people; since the inception of the Charter myriad international laws, judicial findings, and Security Council and General Assembly Resolutions have affirmed that states cannot treat their citizens with impunity (Chesterman, 2011; Focarelli, 2008). Likewise, each of the four crimes proscribed by R2P were illegal long before the 2005 World Summit *Outcome Document* (Stahn, 2007; Reinold, 2010). The existence of these laws contrasted markedly, of course, with their widespread – and invariably unpunished – violation. The problem, therefore, was enforcing these laws, a problem which directly relates to Pillar III.

The fact that the Security Council never once mentioned the external dimension of R2P in any of the Resolutions on the Arab Spring must raise questions as to the manner in which R2P is employed, and crucially, its added value. The use of R2P in this way may, in fact, constitute a negative development as it points towards the term being employed to legitimise inaction. Indeed, prior to the Arab Spring some observers cautioned that R2P was being used, paradoxically, to legitimise non-involvement in cases where one or more of the four crimes were demonstrably being committed; Carsten Stahn described this as the ‘complementarity trap’ whereby the host state’s primary responsibility to remedy internal crises is used by external actors to evade their own responsibility (2007: 116). Indeed, in the context of the crisis in Darfur, Bellamy noted that R2P language related the primary responsibility of states to resolve internal crises was used by the international community to actually evade their responsibility to protect (2005: 45). Invoking R2P exclusively in the context of Pillar I – as

was the case during the Arab Spring – does not, therefore, necessarily constitute grounds for celebration. Any term’s putative status as a “norm” derives from more than just its repeated use; how the term is used when invoked is obviously important. As Finnemore and Sikkink caution, we must, ‘think seriously about the microfoundations on which theoretical claims about norms rest’ (1998: 890), and so in assessing the efficacy of R2P we must do more than simply chart the frequency of its use in high-level discourse, and both relate these rhetorical invocations to actual state practice, and interrogate the manner in which the term is used.

In their seminal work on the evolution of norms – which is regularly cited in the R2P literature - Martha Finnemore and Kathryn Sikkink warn against labelling one term a norm when in fact it constitutes a collection of norms (1998: 891). R2P very clearly comprises two (potential) norms; the internal responsibilities of states and the external responsibilities of the international community. Bellamy, indeed, acknowledges that R2P ‘is not a single norm but a principle that contains at least two sets of norms’ (2015: 72) while Luke Glanville also accepts that R2P comprises ‘two distinct’ norms (2015, ?). The fact that R2P comprises these two norms – though whether each actually comprises a “norm” is of course debatable – coheres with the manner in which it has been invoked during the Arab Spring; the record suggests that there is a *degree* of consensus around Pillar I of R2P but not Pillar III. This must, therefore, temper the claims made about the increased use of the term “responsibility to protect” signifying the increased acceptance of this “norm”; it is more accurate to identify an increased rhetorical innovation of *one* of R2P’s norms. The consensus around Pillar I has manifested, it must be noted, in Resolutions and Presidential Statements which evidence agreement within the Security Council that the host state has a responsibility to protect its own population; the R2P language employed to justify this may well be new but this principle certainly isn’t and thus the significance of these references must be questioned, especially as they were made in

contexts – namely Libya, Syria, and Yemen – where the host state was manifestly failing to protect its population.

“Restrain The Veto” and the Arab Spring

As Bellamy acknowledged, ICISS ‘sidestepped the question of Security Council reform almost entirely’ (2009: 63) and the 2005 World Summit likewise did not alter the Security Council’s powers (Ban Ki-Moon, 2009: 25). While many acknowledge that the P5 have historically been responsible for some of the Security Council’s more shameful instances of inaction, reforming the body has been deemed unrealistic (Evans, 2008: 137).

R2P ostensibly addresses this issue, however, by helping to impel a new disposition towards, and responsiveness to, intra-state mass atrocities amongst the P5. This idea received its most coherent expression with the idea of a “code of conduct” first advanced by ICISS in 2001. ICISS recommended that , ‘...a permanent member, in matters where its vital national interests were not claimed to be involved, would otherwise not use its veto to obstruct the passage of what would otherwise be a majority resolution’ (2001: 51). The ‘code of conduct’ was not recognised at the 2005 World Summit and thus has no legal standing or official status (Bellamy, 2006: 155; Buchanan and Keohane, 2011: 51). Indeed, as Evans acknowledged, by 2009 the idea had ‘little support’ (2009: 137).

Yet, in the wake of the Arab Spring this idea has been increasingly vaunted as a means by which R2P can be leveraged against the P5 intransigence so evident during the crisis in Syria (Evans, 2015). In response to the double veto by Russia and China in May 2014 – the fourth time both states had vetoed a draft resolution since the crisis began – a coalition of NGO’s and think tanks – including the International Coalition for RtoP and the Global Centre for R2P – issued a statement asserting;

Today’s use of the veto by Russia and China...is a shameful illustration of why voluntary restraint on the use of the veto in mass atrocity situations is essential to

the Council's ability to live up to the UN charter's expectations (Global Centre for R2P, 2014).

In 2015 the Global Centre for R2P launched the "Restrain the Veto" campaign which asserts, '...it is incumbent upon the P5 not to veto a draft Security Council resolution aimed at halting the perpetration of mass atrocity crimes' (Global Centre for R2P, 2015b). The aim is not to change the powers of the Security Council but rather to encourage them to change their behaviour; according to Simon Adams, the initiative 'will not remove the Permanent Members' right to veto. But it does seek to restrict it when it comes to confronting mass atrocity crimes, regardless of when and where they may be occurring' (Adams, 2015). France has also launched a parallel campaign which more closely echoes the original ICISS proposal; French Foreign Minister Laurent Fabius noted that the French proposal would not involve any formal change to the Charter or Security Council procedures, and would not apply to situations where one or more of the P5 had 'vital national interests' at stake (Fabius, 2013).

While Russia and China's use of the veto may well be morally dubious, they did not break any laws; the P5 are constitutionally entitled to *choose* whether, and how, to enforce international laws proscribing atrocity crimes. Their power to act constitutes merely a 'discretionary entitlement' (Berman, 2007: 161). The logic of the veto restraint proposal, therefore, coheres with the constructivist position discussed earlier and clearly rests on the premise that the P5 can be convinced to change their foreign policy priorities so that they give more consideration to the protection and promotion of human rights. The following sections examine whether the P5's response to the Arab Spring, particularly to the crises in Libya, Bahrain and Syria, provides evidence that the national interests of the P5 have evolved towards a greater concern for human rights and a receptiveness to moral advocacy.

Many of R2P's more prominent supporters loudly hailed the response to Libya as, '...a textbook case of the R2P norm working exactly as it was supposed to' (Evans, 2011) and 'a

triumph for R2P' (Thakur, 2011). Philip Cunliffe's article in this special issue also credits to R2P as a causal factor, albeit as a means to critique the concept (2015). Yet, it has also been noted that the causal factors which led to the decision to intervene were not related to R2P; these include the unique unpopularity of Gaddafi, the proximity of Libya to mainland Europe, Libya's oil reserves, and most particularly, the statement made by the Arab League on the 12th March calling for military action against Libya (Bellamy and Williams, 2011: 833-835). This statement convinced the US to support action, and Russia and China not to oppose it; the Arab League statement was, Evans accepts, 'absolutely crucial' (Evans, 2011). Likewise, Bellamy and Williams note the intervention would have been 'unthinkable' without it (2011: 833). The aberrant alignment of a number of precipitous factors relating to national interests – described by Bellamy as 'unlikely to be often repeated' (2011: 267) – best explains, therefore, the Security Council's sanctioning of action.

The alignment of these factors need not, of course, render the intervention in Libya somehow less "humanitarian" or laudable but they do diminish the role R2P played in the decision-making. References to R2P during the Security Council debates which preceded Resolutions 1970 and 1973 are negligible; neither Resolution 1970 or 1973 refer to the external dimension of R2P as the basis for action (Chesterman, 2011). None of the key statements made by President Obama, President Sarkozy or Prime Minister Cameron mention R2P (Hehir, 2013a: 147-149). Justin Morris notes the paucity of references to R2P in official statements and his analyses also illustrates that the concept was hardly mentioned in the meetings preceding these statements; he argues that even with respects to the UK – historically relatively supportive of R2P – 'the concept played little part in determining policy' (Morris, 2013: 1273). The UK Defence Committee's report on Libya affords no importance to R2P in influencing the decision to act and any references to the term were added to the report, according to the Chair of the Committee, 'as an afterthought' (Ibid: 1274). Therefore, that the intervention in Libya

was “timely and decisive” may be incontrovertible but that it was in anyway indicative of R2P’s influence on the Security Council – and a diminution of the priority afforded to national interests – is much less clear (Chesterman, 2011). In his seminal work on norms Jeffrey Legro warned against ‘...a neglect of alternative explanations, particularly ideational ones, for the effects attributed to norms’. The fact that a particular norm is held by observers to be a catalyst for state behaviour leads, he notes, to these observers focusing only on exaggerating the influence of this norm; ‘One risks spuriously crediting international norms with consequences...that are better explained by other types of factors’ (Legro, 1997: 34). This is particularly apposite with respects to analysing the factors which led to the intervention in Libya; even if R2P is a “norm” this does not mean it automatically had the influence supporters suggest.

While the crucial Arab League’s statement on the 12th March championed the right of the Libyan people ‘...to fulfil their demands and build their own future and institutions in a democratic framework’ (League of Arab States, 2011: 2), two days later Saudi Arabia and Qatar sent troops into Bahrain to help the embattled Sunni Monarchy crush protesters calling for democratic change. While the crackdown was condemned by human rights organisations as ‘brutal repression’ (International Crisis Group, 2011: 1; see also, Human Rights Watch, 2011; Amnesty International, 2011), the Security Council essentially ignored the situation; no Security Council Resolution or Presidential Statement has ever mentioned Bahrain since the crisis began. The Bahrain Centre for Human Rights (BCHR) has claimed that this desultory international response emboldened the Khalifa Monarchy; ‘the authorities in Bahrain, due to the lack of international consequences, have no incentive to stop the human rights violations’ (BCHR, 2012: 7).

The lack of any collective reaction from the Security Council led to accusations that the close relationship between Bahrain’s Sunni Monarchy and geo-politically important Saudi

Arabia had shielded Bahrain from censure, as the P5 – particularly the US – sought to maintain cordial relations with the Saudis (International Crisis Group, 2011: 21). The US certainly has direct interests in Bahrain; it has continued to sell millions of dollars' worth of arms to the Monarchy since 2011, and in 2015 increased the size of its naval fleet based in the country (Abrams, 2015). The UK also announced in 2014 that it was starting construction on a new £15 million naval base in Bahrain (BBC, 2014). A report by the UK Foreign Affairs Committee was critical of both the tactics employed by the Bahrain authorities in 2011 and the lack of political reform since, but ultimately accepted that the country's strategic importance had to take precedence; 'Defence cooperation and sales with Bahrain have proved controversial since the violent events of 2011. However, we are persuaded that Bahrain provides an immensely valuable home in the Gulf for UK naval assets which would be difficult to find elsewhere' (Foreign Affairs Committee, 2013: 5). This constitutes an admission that in this case, and indeed others, national interests take precedent over humanitarian concerns. This is, of course, hardly revelatory, but the persistence of this disposition has grave implications for the notion that the P5 can be persuaded to change their behaviour, and thus the very efficacy of the "restrain the veto" campaign.

The crisis in Syria arguably illustrates most vividly how the Security Council remains hamstrung by the respective national interests of the P5. The crisis began in mid-March 2011 and to date it is estimated that over 220,000 people have died, while over 11 million people – more than half of Syria's total population – have been displaced either within Syria or abroad. Syria became, according to Ban Ki-Moon, 'the biggest peace and security [challenge] in the world' (2013).

The situation in Syria is of course very complex; the Security Council have not behaved, however, like a coalition seeking to find an answer. Rather they are deeply divided by the self-interest and obfuscation of certain members, most notably Russia and China. The first

Resolution on Syria (2042) was not passed until April 2012, over a year after the crisis began. The Security Council has more regularly played host to openly divisive meetings on Syria and on four occasions Russia and China have vetoed draft Resolutions seeking to impose punitive sanctions on Assad's regime.

This P5 division over Syria led to outrage in many quarters; in early August 2012 Kofi Annan stepped down as Special Envoy for the Syrian Crisis decrying the 'finger-pointing and name-calling in the Security Council' which had impeded his efforts (UN News Centre, 2012). As the situation continued to deteriorate, on the 3rd August 2012 the General Assembly took the unusual step of condemning the Security Council's inaction (General Assembly, 2012). In her final speech to the Security Council as UN High Commissioner for Human Rights, Navi Pillay stated, 'greater responsiveness by this council would have saved hundreds of thousands of lives' (2014). The Security Council's response to Syria has certainly deflated the optimism which abounded after the 2011 intervention in Libya; as Evans noted, 'the shame and horror of Syria' has led to 'a real sense of disappointment' (2014b).

One could argue, of course, that the Security Council's response to Syria was in fact prudent. This indeed is asserted by Glanville in his article in this special issue (2015: ?). Yet, it is important to reiterate that the Resolutions Russia and China vetoed did not call for anything approaching military intervention; they aimed only to impose economic and political sanctions. The range of action available to the Security Council under Pillar III is not limited to military intervention; as outlined by the UNSG in his 2012 report there are myriad forms of non-military censure available to the P5 under Chapter VII (2012: 9). The choice was not, therefore, between potentially counter-productive military intervention and inaction.

The "restrain the veto" idea advises that the P5 should show 'self-restraint' echoing the ICISS 'code of conduct idea' where the P5 were urged not use their veto in situations where their 'vital national interests' are not involved (2001: 51). Clearly parochial interests amongst

the P5 impeded coordinated efforts to stop the slaughter in Syria, however, and R2P did not appear to mitigate Russia and China's narrow focus on supporting Assad's regime. Russia's national interests are clear; its only Mediterranean naval base is at the Syrian port of Tartus, it has continued to sell offensive weaponry to Syria (Harding 2013), and Russian oil company Soyuzneftgas has signed huge contracts with the Syrian Oil Ministry since the crisis began (Saul, 2014). Russia can certainly claim that it *does* have vital national interests at stake in Syria, and thus the code's injunction is redundant. Either way, whatever justification Russia advances, the response to Syria clearly suggests that Russia, and indeed China, have little qualms about provoking the anger of global civil society when they fail to abide by R2P; it is unclear why the idea of voluntary veto restraint will have any traction in the wake of this emphatic illustration of the limits of moral advocacy.

The P5 have always refused to accede to any commitment to automaticity, self-restraint or to accepting any legal duty to act in response to an intra-state crisis (Chesterman, 2011; Buchanan and Keohane, 2011; Reinold, 2010: 67). Paragraph 139 of the 2005 World Summit *Outcome Document*, indeed, promises international action 'on a case-by-case basis' which clearly allows for a wide spectrum of responses (Stahn, 2007: 109). The Security Council's response to the Arab Spring highlights the practical application of this, leading to charges of "selectivity", and demonstrates the persistent influence of narrow national interests on P5 deliberations, and, as Morris notes in his article in this special issue, the difficulty of ever invoking Pillar III coercive action at the Security Council. In the case of Libya there *was* coordinated Security Council action but this was a function of a unique coincidence of factors which cohered with the P5's national interests; Bahrain and Syria highlight the manner in which national interests more commonly impede remedial action. In light of this, the future efficacy of the "restrain the veto" campaign appears in doubt.

Finally, in purely practical terms, this campaign has not been supported by the P5; while France has voiced support for veto restraint – albeit with the crucial proviso that ‘vital national interests’ remain legitimate grounds upon which to employ the veto – the other members of the P5 have been unsupportive. In 2015 the Global Centre for R2P published a list of all references by states to the ‘restrain the veto proposal’; while these statements were positive, the final sentence of the last endnote reads, ‘Four additional states have spoken on the veto, but did not express support for the French initiative: China, Russia, United Kingdom and United States’ (Global Centre for R2P, 2015c). With four of the P5 opposed to the idea it arguably has little future.

Conclusion

The evidence presented in this article suggests that the manner in which R2P has been employed by the Security Council in relation to the Arab Spring, evidences three key trends; first, a willingness to invoke R2P only in the context of Pillar I; second, a pronounced lack of consensus surrounding Pillar III; and third, the prioritisation of national interests over humanitarian concerns.

The number of human-rights orientated Resolutions passed by Security Council in the 1990s – prior to the emergence of R2P – increased dramatically when compared to the Cold War period and thus that the Security Council engaged with intra-state crises during the Arab Spring was certainly not a novel post-R2P phenomenon (Bass 2008: 81; Morris, 2013: 1267; Stahn, 2007: 115). It was, however, precisely the inconsistent and highly politicised nature of this new Security Council activism in the 1990s which fomented the frustration that impelled the emergence of R2P (Chesterman, 2011: 2). The paucity of evidence that R2P has mitigated the Security Council’s disposition, as particularly apparent during the Arab Spring, should,

therefore, constitute a sobering assessment of R2P's influence and cast significant doubt over the efficacy of the "restrain the veto" campaign.

In a speech to the UN General Assembly in September 2014, Simon Adams, Director of the Global Centre for R2P stated; '...the failure to halt mass atrocities in Syria is not a failure of the Responsibility to Protect, but a failure of the Security Council to live up to its most fundamental responsibilities' (Adams, 2014). This is a debatable claim; from its inception R2P has been presented not as a new law but as a norm comprising a recommendation as to how states should behave. In judging the efficacy of any such prescription we must look at the extent to which it positively altered the behaviour of those it sought to influence. If these actors, ignore and/or act in contravention of it, then surely we can reasonably conclude that the prescription has failed. Those subject to the new prescription are subject to it precisely because their behaviour prior to its establishment was deemed to be unacceptable; if, after its proliferation their behaviour continues to be unacceptable then they have not "failed" as Adams suggests, rather, they have not changed their behaviour. The new guidelines, in fact, have failed to influence them.

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Table 1

Year	Number of Resolutions Passed	Resolutions on Arab Spring	Resolutions on Arab Spring excluding UNDOF & UNIFIL
2011	66	10	7
2012	53	8	5
2013	47	5	2
2014	62	10	7
Total	328	33 (10.1%)	21 (6.4%)

Table 2

Statement (Date)	Issue	Mentions R2P?
S/PRST/2011/16 (3 rd August 2011)	Middle East/Syria	No
S/PRST/2012/6, (21 st March 2012)	Middle East/Syria	No
S/PRST/2012/8, (29 th March 2012)	Middle East/Yemen	No
S/PRST/2012/10, (5 th April 2012)	Middle East/Syria	No
S/PRST/2012/20, (26 th September 2012)	Middle East/Syria/Israel	No
S/PRST/2013/03, (15 th February 2013)	Middle East/Yemen	No
S/PRST/2013/09, (10 th July 2013)	Middle East/Lebanon	No
S/PRST/2013/15, (2 nd October 2013)	Middle East/Syria	Yes
S/PRST/2013/21, (16 th December 2013)	Middle East/Libya	No
S/PRST/2014/10, (29 th May 2014)	Middle East/Lebanon	No
S/PRST/2014/13, (29 th May 2014)	Middle East/Gaza	No
S/PRST/2014/18, (29 th August 2014)	Middle East/Yemen	No
S/PRST/2014/19, (19 th September 2014)	Middle East/Syria	No

Table 3

Date	Resolution	Situation	Relevant Text
26/02/11	1970	Libya	“Recalling the Libyan authorities’ responsibility

			to protect its population”
17/03/11	1973	Libya	“Reiterating the responsibility of the Libyan authorities to protect the Libyan population”
21/10/11	2014	Yemen	“Recalling the Yemeni Government’s primary responsibility to protect its population”
27/10/11	2016	Libya	“...underscores the Libyan authorities’ responsibility for the protection of its population”
12/03/12	2040	Libya	“...underscores the Libyan authorities’ primary responsibility for the protection of Libya’s population”
12/03/13	2095	Libya	“...underscores the Libyan government’s primary responsibility for the protection of Libya’s population”
22/02/14	2139	Syria	“...the primary responsibility to protect its population lies with the Syrian authorities”
14/07/14	2165	Syria	“Reaffirming the primary responsibility of the Syrian authorities to protect the population of Syria”

ⁱ In his 2009 report, UN Secretary General Ban Ki-Moon outlined three “Pillars” of R2P; Pillar I: ‘...the enduring responsibility of the State to protect its populations’ (Ban Ki-Moon, 2009: 8); Pillar II: ‘...the commitment of the international community to assist States in meeting those obligations (ibid: 9); Pillar III: ‘...the responsibility of Member States to respond collectively in a timely and decisive manner when a State is manifestly failing to provide such protection’ (ibid: 9).

ⁱⁱ The generally accepted, and widely cited, definition of a norm is ‘a standard of appropriate behaviour for actors with a given identity’ (Finnemore and Sikkink, 1998: 891)