

**China's stance on Syria, informed by use of responsibility to protect doctrine in Libya**

Diane Marie Amann dianemarieamann.com 10 May 2013 *Aman n is the Emily & Earnest Woodruff Chair in International Law at the University of Georgia Law School, is the International Criminal Court Prosecutor's Special Adviser on Children in Armed Conflict, and previously Professor of Law at the University of California-Davis, Visiting Professor at University of California-Berkeley, the University of California- Los Angeles, the National University of Ireland-Galway, and Université de Paris (Panthéon-Sorbonne).*

Did regime-change overreach in Libya steal the awful fate that civilians have endured these last years in Syria? A new article in a Beijing-based law journal, China Legal Science, strongly argues "Yes."

Among the 5 permanent members of the U.N. Security Council, (...) China and Russia (...) have incurred much criticism for blocking Council action on Syria. (...) Criticism has tended to center around Russia's commercial and geopolitical relationships with Syria. But the new article, "Responsibility to Protect: A Challenge to Chinese Traditional Diplomacy" (no. 1-2013, pp. 97-120), indicates that other concerns also have been at play. Asserts Dr. Zhu Wenqi, Professor of International Law at Renmin University (...):

'The Council's failure to take action in the Syrian case is because of reflections by China and Russia upon what happened after the resolutions adopted by the Security Council in the case of Libya.'

Zhu cites Resolution 1970 (Feb. 26, 2011), which imposed certain sanctions against Libya and referred the situation to the International Criminal Court, and Resolution 1973 (Mar. 17, 2011), which authorized member states "to take all necessary measures ... to protect civilians." China voted in favor of 1970 and abstained from voting on 1973. (...)

What happened right after adoption of Resolution 1973? NATO mounted a many-month military operation, which ended only after Libya's longtime ruler, Muammar Gaddafi, was deposed, put on the run, and ultimately killed. The Security Council had not made regime change an explicit aim in either (resolutions) (...) however, an op-ed by the leaders of the Western P-5 members insisted that Gaddafi "must go, and go for good." Zhu writes that this ouster effort led China to criticize the resolutions as "pretextual" and as costly in the numbers of civilians harmed.

The Libya lesson has prompted China to resist calls for intervention in Syria, Zhu states. What's more, it has led China to revert to skepticism toward the doctrine of responsibility to protect. (...) Zhu writes that China's opposition to regime change in Syria is seen as reinforcing the Charter:

'In the eyes of many Chinese evaluators, China's attitude toward the Syrian issue actually demonstrated that China "is assuming more responsibilities and obligations" in international affairs.'

Amid this week's reports that the United States may be backing off from demands for the resignation of Syria's President, Bashar al-Assad, the article is timely – and its explication of the Chinese legal perspective on global security has value any time.

[Read Amann's full post.](#)