Contestations of Legitimacy in International Intervention

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Abstract

This thesis argues that the meaning of legitimacy is context-specific and materializes differently across states. The contested nature of the concept crystallizes best through practices, which are grounded in particular ideational principles. The current interpretative grid, which prevails in the United Nations emphasizes on the prevention of humanitarian disasters and the likelihood of democratic states to avoid it. While these arguments acclaim liberal democracies as instrumental for international peace, the conspicuously illiberal actors fall short on being perceived as legitimate. The research addresses this conceptual conundrum by looking at two separate theoretical frameworks that help circumscribe legitimacy.

I use the Democratic Peace theory and its contingent relevance to current UN practices illustrated in the Libyan intervention from 2011. I then turn to the Just War paradigm, which provides an alternative basis for the validation of state behavior. The purpose of the study is to position the image of Russia as an intervener in a particular theoretical framework provided by Just War theory, which could help explain why the Western internationalist view holds Russia to be illegitimate. Inevitably, the thesis asks the questions "What constitutes legitimacy today?" and "What makes Russia illegitimate?" By way of addressing this, I explore the prevailing elements within Russian foreign policy conduct, for which I use official discursive justifications that help reconstruct the interpretation of legitimacy that Russia operates with. As such, the research design seeks to illustrate the argument that the meaning of legitimacy is embedded in context and reflects dominant discourses within individual states.

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Introduction

The meaning of concepts in international relations is far from fixed and universally applicable. Most often, theoretical contestations emerge from practices that point to the existence of gaps within the currently prevailing representations. The concept which I take on in particular for the purpose of my inquiry is that of legitimacy in international intervention.

My research question engages with the current image of Russia as an illegitimate international intervener and more specifically what makes it one. I am interested in the dominant meaning of legitimacy, which allows for such a representation to consolidate in international politics, and my objective is to reconstruct certain notions of legitimacy and illustrate that it is based on different rationales that vary across state ideational frameworks. The thesis consists in three chapters. Chapter 1 lays out the conceptual elements of the inquiry. Chapter 2 engages with empirics to illustrate the interpretation of legitimacy in a particular case. Chapter 3 explores the underlying patterns in Russian political discourse and their understanding of legitimacy in practice.

I start with the premise that the meaning of legitimacy is a contextual social fact, which varies across countries. Legitimacy is constructed through the prevailing discourses in the particular context, which makes it dependent on its temporality. The theoretical contestations point toward the concept's derivative character, which is why I will not be using a strict definition, but will engage with the variability of meanings. I believe this would help me address the gap between the issue of strategic maneuvering and institutional justifications used by states in relation to international intervention.

The goal of my examination is to explore the relationship between the changing meaning of legitimacy and its effect on the image of state actors, and in particular, the Russian Federation.

Political scholars argue that legitimacy depends on the perception and approval of others,[1] and the currently held view of the Western liberal states proclaims Russia as an illegitimate intervener in its immediate neighborhood and the Middle East. By applying the critical assessment that legitimacy is a contested variable, which is subject to conceptual variations, I argue that the Western perception of Russia's illegitimate status is a result of the different meanings of legitimacy each operates with. This is not to say that one is correct, and the other is not. The purpose of my claim is to demonstrate that perceptions of legitimacy vary along the conceptual understanding of what constitutes it, and there can be no unifying criteria that could determine whether an actor is (il)legitimate without taking into account the bias of the ideational frameworks that help explain state foreign policy behavior.

In order to illustrate my argument more explicitly, I will employ two existing theoretical models of state behavior in international relations: the Democratic Peace Theory (hereafter DPT) and Just War Theory (hereafter JWT). Both Western conceptions, these ideas reflect the decision-making of states from two distinct temporal perspectives that have produced alternative readings of the meaning of legitimacy, each as much valid as the other. The exploration of these theoretical models provides guidelines for my empirical analysis, which consists of two particular cases of intervention. The theoretical frameworks contextualize the practice of legitimacy more substantively than attempts at universalizing it, since both theories have crystallized in particular historical periods that conjure up different contexts, each having an impact on the meaning of legitimacy in a distinctive manner.

Thus, the research questions I try to answer are "What is Russia's illegitimacy about? Can different actors be equally legitimate and what explains the conflicting validations?" I use the

[1] J.-G. Castel, "The Legality and Legitimacy of Unilateral Armed Intervention in an Age of Terror, Neo-Imperialism, and Massive Violations of Human Rights: Is International Law Evolving in the Right Direction?," *The Canadian Yearbook of International Law*, 2004, 25.

analytical framework of the two theories to illustrate the existence of multiple meanings of legitimacy, which expound in particular contexts and affect the representation of different states. My unit of analysis are the discursive justifications of political actors, which help me tease out certain rationales on which both Russia and the West base their legitimacies. The discourse reveals certain positions that I will be looking for in the selected cases of Libya and Syria.

In terms of structure, the thesis opens with a chapter that reviews the different meanings of "legitimacy" according to the two theories, and focuses on the conceptual relevance in international intervention, the practice of which has further produced a legality vs legitimacy debate. Proceeding from the claim that the meaning of legitimacy is a function of social practices and depends on the ideological incentives underlying state behavior, I show that the Democratic Peace Theory that prevails in the West inspires a representation of Russia as an illegitimate intervenor. In other words, the absence of legitimate attributions to Russia's behavior reflects the Western understanding of what legitimacy is. I alternatively look at the formulations of Just War Theory in the works of Michael Walzer and Paul Ramsey, where the concept acquires a different dimension that transfers onto states' performative integrity and affects the perception of their legitimacy vis-à-vis the international community.

The function of Chapter I is to lay out the conceptual framework for the definition of legitimacy. The choice of DPT is logically akin to the trend of mainstreaming democratic regimes in IR and the tendency of states to emphasize the liberal reluctance to engage in warfare. The theory helps me reconstruct the meaning of legitimacy that operates within the UN and the framework of international law that find a good example in the case of the Libyan intervention from 2011, which I review in more detail in Chapter II. The alternative theory I have chosen to illustrate my argument that the meaning of legitimacy is a contextual variable is the Just War paradigm. Although its relevance subsided toward the end of the 20th century, contemporary critical

scholars continue to refer it to today's context. For a long time, JWT provided the moral conditions for the legitimate use of force, and I believe its framework could help make sense of the Russian stance on legitimacy.

The second chapter will start dealing with empirics by examining the Libyan case as a textbook example of contemporary international intervention (praised as such by the drafters of the Responsibility to Protect doctrine, hereafter R2P).[2] I will first outline the institutional setting provided by the UN, along with the criteria for intervention listed in the text of R2P by the International Commission on Intervention and State Sovereignty on the Responsibility to Protect (ICISS) in 2001. The purpose of the Libyan case is to see intervention in context: how did the mobilized states justify it, how did they try to convey this legitimacy? The intervention was a Western-led campaign to which Russia abstained from participating, and this development would allow me to draw a neater line across the East-West spectrum and their different approaches to intervention.

The third chapter will deal exclusively with Russia and its interpretation of legitimacy. I will examine how state officials have been discursively justifying their tactics in Syria in the period after the first Russian airstrike in September 2015 until March 2016; on what grounds do they consider Russia legitimate, according to what criteria, and similar to which ideational framework. Since the evaluation of legitimacy in international interventions depends on the position of the global community, I will briefly review the dynamic between Russian political actors and their Western colleagues as a way to illustrate the ideological motivations that help fathom the different assessment of Russian practice. Then, I bring in JWT as an alternative framework of legitimization that could possibly justify Russian behavior in context.

[2] Gareth Evans on "Responsibility to Protect" after Libya, 2012, http://www.globalr2p.org/media/files/gareth-evans-on-responsibility-to-protect-after-libya.pdf.

My inquiry does not seek to advocate for the infallibility of Russia, nor does it ignore the existence of strategic maneuvering in the discourse and practice of state actors across theoretical spectrums. Instead, I argue there are no universally objective criteria of legitimacy according to which we can easily evaluate right and wrong behavior. The meaning of legitimacy is theory-laden, which presupposes the ideational framework of the theory would materialize in state practices, which in the case of Russia, do not come from a liberal angle. While my exploration of the variations in the meaning of legitimacy is far from exhaustive, it tries to make sense of the existing ideological dissonance between a more state-centric Russia and the liberal internationalist states of the West.

Finally, I argue that Russia and the liberal West cannot reconcile their differences on what constitutes legitimate intervention, because they are situated in different political contextualities, which can be theoretically motivated through Just War and the Democratic Peace theories that I have chosen to engage with. This ideological clash is not merely the result of political manipulation, but helps us as scholars and external observers to realize what understanding of legitimacy each operates with, and how that might explain their state behavior. The case of Russia is used as a well-suited example of an ideationally different state actor, the study of which might help clarify what illegitimate currently means.

Chapter 1:
Theoretical axes of legitimacy and its contestations

Scholarly assumptions point toward an understanding of legitimacy as a variable, dependent on social factors such as practice and perception. The particularity of the concept is in its reliance on validations, most of which are circumstantial and define a specific outcome as legitimate or not.[3] A closer inspection reveals that one such factor is the acceptance by the audience and another the interplay of "procedural and substantive criteria […] in apparently unforeseeable ways,"[4] which makes it hard to settle on a specific definition of the meaning of legitimacy. The "conceptual quagmire"[5] that is made evident by analytical examinations has opened the case for the difficulty to reconcile a purely legal argument with the substantive issues related to the perception of legitimate state behavior. Such contradiction has been the object of analysis among scholars and practitioners, whose critical assessment has generated a conclusion that adherence to the codified legal rules does not necessary mean that states cannot fall short on being legitimate in practice. Attempts at bridging this gap have yielded arguments that legitimacy increases when states attach their decisions to existing principles that are accepted as legitimate procedural mechanisms. In the contemporary context this is largely understood in terms of international law and its role "as an effective legitimizing force,"[6] as suggested by Thomas Franck.

Nevertheless, the more critical thinkers maintain that a congruence with legal principles could serve as guarantee for the validity of an action, but would not necessarily translate into a

[3] Friedrich Kratochwil, "On Legitimacy," *International Relations* 20, no. 3 (2006): 305.

[4] Ibid.

[5] Ibid., 303.

[6] Harold Koh, "Why Do Nations Obey International Law?," *Yale Law School Faculty Scholarship Series*, no. 2101 (January 1, 1997): 2628-2629.

collective acceptance by the larger public, which is one of the key factors in the assessment of legitimacy. The assertion that legitimacy is not a static concept undermines the attempts to universalize it, as the latter would lack the accuracy of a valid judgment.[7] Since we cannot treat legitimacy as a natural property of the law, it is better to evaluate it in its contextual use, which has led experts to rule out the possibility of putting the term in an exhaustive category with commonly shared characteristics.[8] Moreover, legitimacy is embedded in social spaces, which vary across state belief systems and the authorities that operate within them.[9]

Thus, the contestability of the concept and the current absence of objective criteria in international relations suggests that we are far from establishing a unified conceptual understanding of legitimacy. However, despite its puzzling nature, I embrace the argument that there is an existing division between the meanings of legitimacy, and it could be explored in a more compelling way through the frameworks of two particular paradigms –Just War and the Democratic Peace Theory. Both provide a valid ground that enables us to assess legitimacy in international interventions and illustrates the concept's contextual dimension. While the theories are also far from exhaustive in their interpretation of legitimacy, I believe they could effectively demonstrate the influence of distinct political dynamics on the variability of conceptual understandings.

1.1 The Democratic Peace Theory

In the contemporary context, legitimacy is largely understood in terms of international law and the Charter of the UN, but this has not precluded alternative interpretations from existing. The

[7] Kratochwil, "On Legitimacy," 305.

[8] Ibid.

[9] Jonathan Hearn, "The Strength of Weak Legitimacy: A Cultural Analysis of Legitimacy in Capitalist, Liberal, Democratic Nation-States," *Journal of Political Power* 4, no. 2 (2011): 200, doi:10.1080/2158379X.2011.589179.

conceptual debate is enhanced by the irreconcilable juxtaposition between "legality" and "legitimacy," or otherwise, the procedural and substantive aspects of state behavior, which acquired more traction with the expansion of international law in the new millennium.[10] Prior to that, the international community was undergoing systemic changes within states, which shifted the overall balance of power. The last period of decolonization after World War II and the fall of the Soviet regime in 1989 led to a rapid increase in the number of new states on the world map, a large part of which democratized. The years after 1989 had a significant effect on the rise of the Democratic Peace theory to which scholars refer to as "the closest thing we have to an empirical law in the study of International Relations."[11] The theory builds upon the Kantian view that peace is best ensured in republican states, which attend to individual liberties and whose actions are subject to constitutional checks and balances.[12] In his essay, "On Perpetual Peace," Kant advocated for the expansion of republican states as a way to ensure peace on an international scale, inspired by the belief that an increased domestic scrutiny would guarantee a weakening in interstate warfare. The Kantian argument thus laid the foundations of DPT, whose main contention is that democracies do not fight each other,[13] which automatically makes liberal democracy the most desirable state system when it comes to safeguarding peace and limiting the use of force.

The subsequent rise of non-governmental organizations and the role of public opinion in domestic affairs opened non-democratic states to the scrutiny of the international community, which had become especially vulnerable to human rights violations after the end of the Second

[10] Richard Falk, "Legality and Legitimacy: The Quest for Principled Flexibility and Restraint," *Review of International Studies* 31 (2005): 36.

[11] Jack S. Levy, "Domestic Politics and War," *The Journal of Interdisciplinary History* 18, no. 4 (1988): 662.

[12] Immanuel Kant, *Toward Perpetual Peace and Other Writings on Politics, Peace, and History*, ed. Pauline Kleingeld (Yale University Press, 2006).

[13] Levy, "Domestic Politics and War,"661.

World War. The solution for many within the supranational structures of the predominantly liberal West was to advocate for the spread of democracy and the expansion of liberal values such as freedom of speech, self-determination of peoples and limited government as a way to preclude authoritarian regimes from abusing power. The support for democratic values, built on the premises of DPT, entered the discourse of state actors as a way to validate the promotion of democratic systems in illiberal states. The endorsement of particular beliefs and state structures largely reflects DPT's argument for democratic superiority, and inevitably undermines the confidence in other political systems and their association with peace and stability.[14] The vast spread of the principles of DPT encouraged many states to democratize voluntarily, but the biggest challenge remained those that were opposing regime change, such as the Former Republic of Yugoslavia, which had been a conflict zone until the 1999 NATO campaign in Serbia and the unauthorized intervention in Kosovo. The fact that the intervention was motivated on the principles of humanitarian concern and the urgent necessity to contain the regime responsible for the war led to the conclusion of the established Independent International Commission on Kosovo that while the intervention was illegal, it was legitimate on the precedent of humanitarian emergency.[15] The pro-liberal discourse of the NATO coalition was instrumental in raising the question of exceptional cases that could justify an intervention.[16] The peculiarity of the case also led to the so-called "interpretative rigidity,"[17] which casted law

[14] Michael W. Doyle, "Liberalism and World Politics," *The American Political Science Review* 80, no. 4 (December 1986): 1156-57.

[15] Richard Falk, "Legality to Legitimacy: The Revival of the Just War Framework," *Harvard International Review*, 2004, 42.

[16] Ibid., 46.

[17] Richard Falk, "Legality and Legitimacy," 36.

as irrelevant to the reality of changing circumstances, and called for more flexibility in practical criteria through a necessary "external domain of exception, labelled legitimacy."[18]

Furthermore, while DPT has been praised for its accuracy through statistical examinations, some scholars dispute the lack of consistency in the definitions of democracy, peace and war.[19] It is argued that the existence of multiple interpretations weakens the credibility of the theory and its potential to accumulate widespread support.[20] This view is expanded by the scholarly critique of the exclusively liberal endorsement, which undermines the sovereignty of states with different regimes[21] that resist externally imposed systemic changes. Since the Treaty of Westphalia in 1648, sovereignty has been established as a fundamental right of states, which prohibits arbitrary external intervention in domestic affairs and decision-making matters. The legally codified principle of sovereign equality is directly inspired by this basic characteristic of the modern state, and represents one of the peremptory norms of the UN as both a right and responsibility. It sets a standard according to which all states need to be treated as equal legal entities and equal participants regardless of their economic or military capacities. Within the UN, state autonomy and territorial integrity are further reinsured through the principles of non-intervention and the prohibition of the threat or use of force outside the specified exceptional cases.[22]

This plethora of guidelines seeking to protect state sovereignty has been labelled the "equalitarian regime"[23] of international law, which rests upon the conceptualizations of DPT.

[18] Ibid.

[19] Michael J. Owen, "How Liberalism Produces Democratic Peace," *International Security* 19, no. 2 (1994): 87.

[20] Ibid.

[21] Christian Reus-Smit, "Liberal Hierarchy and the Licence to Use Force," *Review of International Studies* 31 (2005): 71, doi:10.1017/S0260210505006790.

[22] Ibid.

[23] Ibid.

However, in reality, the regime cannot reconcile the differences in material capacity between states, nor the inclination of powerful states to dictate the outcomes within the international institutions. A clear example of the latter is the exclusive veto power of the five permanent members in the UN Security Council, which grants them the procedural capacity to block a decision even in the presence of majoritarian approval. The imbalance of power undermines the premises of the equalitarian regime, and the reality of political dynamics has raised an argument among liberal scholars of the necessity of a "rehierarchisation of the international society," which would attribute exclusive rights to democratic states to rule on the legitimate use of force.[24] The proposition resonates precisely with the Democratic Peace Theory and the belief in liberal supremacy as the necessary nexus towards international peace. However, instead of resolving the current issue in global relations, which at best requires a reform within the Security Council, a new hierarchy of this kind would only exacerbate the already existing inequalities and could antagonize illiberal states against their ideological counterparts.[25] Despite a rising backlash, liberal scholars remain deeply committed to the idea of democratic superiority, and tend to emphasize its inseparable link to the protection of individual human rights, which pushes forward the line of arguments underlined in DPT.

One of the most prominent manifestations of this contention is in Francis Fukuyama's seminal work, which was inspired by Kant's theory of perpetual peace and the concurrent economic liberalization with the rise of capitalism.[26] His famous proclamation of the "end of history" rested upon an argument that the fall of the Soviet Union represented the victory of liberalism over totalitarian and authoritarian regimes, and its triumph implied that no truly significant

[24] Ibid., 72.

[25] Ibid.

[26] Francis Fukuyama, *The End of History and The Last Man* (New York: The Free Press, 1992), xii.

change could take place in the international system.[27] This idea has acquired a status of political truism that is used as a validation for the pro-liberal arguments. While being widely promoted, this argument also undermines the importance of sovereign equality and the all-inclusive structure of the UN.[28] The novel type of hierarchy envisaged by liberalists puts democracies on top of the decision-making apparatus in the role of guarantors of global economic prosperity. Such extension of the principles of DPT weakens the very idea of equality and justice, which are fervently rooted in the liberal ideology. The existence of alternative regimes, which would not be part of this new international order points at the latter's resemblance to an elitist organization, which has given itself the authority to rule on universal matters. In that way, the belief in democratic ascendancy bears analogy with neo-imperialist and colonial strives, where the civilized nations are represented by the liberal democratic states who hold the power to define what could be considered legitimate use of force for all members of the international community.[29]

By way of promoting general well-being, liberal states employ the discourse of humanitarian emergency and harm prevention, emphasizing on the state's responsibility to protect its population from injury. The cases when the state itself is the culprit due to its illiberal political system only gives more ground for democracies to advance the principles of DPT. In the critical studies of these so-called neo-imperialist urges, states and scholars alike argue that the sole goal of armed intervention is regime change led by a coalition of powerful, most often liberal states.[30] The US for one is often criticized for seeking to expand its cultural and economic

[27] Ibid.

[28] Reus-Smit, "Liberal Hierarchy and the Licence to Use Force,"78.

[29] Allen Buchanan and Robert Keohane, "The Preventive Use of Force: A Cosmopolitan Institutional Proposal," *Ethics & International Affairs* 18, no. 1 (2004): 20, doi:10.1111/j.1747-7093.2004.tb00447.x.

[30] Castel, "Legality and Legitimacy,"6.

hegemony on a global scale, to shape a new world order on the basis of its domestic political model, and thus, preserve free trade, accelerate globalization and the liberalization of markets as a way to perpetuate its own hegemonic status. Neo-imperialism, thus, is not about territory, but about expansion of "the principles of democratic capitalism."[31] The pursuit of liberal expansion, which has been taking place in the cases of authoritarianism in the former Yugoslav Republic, Libya and now Syria, follows the logic of the democratic peace theory and once again tries to reassert the belief in democracy as the most suitable system for the preservation of international peace, which effortlessly lends itself in support of regime change as peace enforcing mechanism.

One popular contention that has held on in relations to this, is the view of the legality-legitimacy spectrum as directly linked to the issue of exporting democracy,[32] and the contingent infallibility of democratic states, who are often "free of international criminal accountability."[33] Generally, the design of the state system after an intervention reflects the governance schema of the interveners,[34] which in the recent history of the UN have been primarily liberal states. This tendency illustrates the pervasiveness of the Democratic Peace and its instrumental role in legitimizing democratic expansion, while leaving little room for questioning the morale and legality of liberal states. However, the self-entitlement of the liberal West is far from being a phenomenon in international affairs. The historical legacies of Marxism, Communism and the variations of dictatorial regimes have empowered liberal states with an unbound confidence to seek expansion of liberal values where the latter are missing, or when authorities fail to ensure

[31] Ibid., p. 5.

[32] Daniele Archibugi and Mariano Croce, "Legality and Legitimacy of Exporting Democracy," in *Legality and Legitimacy in Global Affairs* (Oxford University Press, 2012), 37.

[33] Ramesh Thakur, "Law, Legitimacy and the United Nations," in *Legality and Legitimacy in Global Affairs* (Oxford University Press, 2012), 18.

[34]Roland Paris, "States of Mind: The Role of Governance Schemas in Foreign-Imposed Regime Change," *International Relations* 29, no. 2 (2015): 161, doi:10.1177/0047117815587774.

them. The historical examples of the previous century indicate a general trend that the inept states are usually those with illiberal regimes, much like in the historical cases in the Western Balkans, Japan, Vietnam and the contemporary Middle East. However, regime change is rarely a consensual practice, which increases the likelihood of the use of force and the engagement of military capabilities, the majority of which are currently owned by the Western liberal democracies.[35] The fact that the very advocates of peace have to resort to intervention by force undermines the foundational principles of democracy and provokes the critiques of ideologically opposite actors who question the latter's right "to impose a democratic freedom on peoples that have not previously had it."[36]

Although the role of individual states is unarguably essential to the perceptions of legitimate behavior, the contemporary multiplicity of actors and alternative communities represents an added variable to the conceptual predicament. When we factor in international organizations like the UN and its currently entrusted responsibility to govern state actions, DPT acquires an even more problematic dimension for its proclivity to undermine the existing internationalist order and the sovereign equality of the illiberal states.[37] Although preserving independence across states has been the commitment of the UN in the first place, in the end of the 20th century the proponents of the democratic peace and the founders of the UN came to the belief that the world should be moving away from the Westphalian commitment to individual sovereignty in favor of a more cooperative international community that values peace and human rights more than the exclusive authority over individual territory.[38] The establishment of international law

[35] Williams, Liberalism and War, 3.

[36] Ibid., p. 151.

[37] Nathaniel Berman, "Intervention in a 'Divided World: Axes of Legitimacy"," *The European Journal of International Law 17,* no. 4 (2006): 744.

[38] Castel., "Legality and Legitimacy," 4.

decreased the immunity of states against external influences and channeled all actions toward the goal of burden sharing and peace.

However, it has been argued that due to its lack of textual clarity, in practice international law is treated as a political tool, which means that individual states can interpret it in a way that favors their national interest. The double-edged effect of international law positions the UN at a stalemate, especially when confronted with a powerful state with so-called imperial aspirations. Facing a perplexity of that sort, an irresolute international law has the potential to create competing notions of legitimacy, the axes of which lead to a rift in the cohesion of legal principles and exacerbate the clash between national and international interests. In the words of a legal expert, "Internationalism, especially in its legal dimension, consists of a body of rules and institutions in which 'self-determination' must always confront 'sovereignty', 'minority protection' must face 'individual rights', 'free trade' must always confront the 'right to development', the equality-principle that governs the General Assembly must always face the power-principle that governs the Security Council, and so on."[39] The persistence of such observations alludes to the changing faces of the meaning of legitimacy and the discontinuity in the power of international law to regulate state behavior. One of the major results is inconsistence in the understanding of state commitments, and indicates a turn to a more state-centric stance to which Russia serves as a good example.

Thus, the importance of state sovereignty resurfaces in a way that redefines the perception of legitimate international intervention for the more individualistic actors on the international scene, and reiterates the existence of contestations over the meaning of legitimacy. This is revealed in a way that suggests the latter could be subject to the ideas of alternative theories,

[39] Berman, "Axes of Legitimacy," 746.

which include the principle of sovereignty in the formulation of individual state interests. The theoretical model that I consider to be of this kind is Just War Theory, which I turn to next.

1.2 Just War Theory

I suggest JWT as a paradigm, which might add an alternative perspective to Russia's current il(legitimacy) as an international intervener. The theory's relevance reflects the more critical views on the UN and its pursuit of international peace at the expense of individual sovereignty. However, its applicability becomes clearer through a short historical survey of the latest developments in the world.

First, the bipolar global order of the Cold War aimed at illustrating the importance of an international society with no single hegemon. At the same time, the endemic rivalry between the liberal US and the communist Soviet regime emphasized the durability of ideological antagonism even in a supposedly balanced world. The multiplication of independent states after 1989 and the move toward multilateralism also increased the potential sources of threats, of which the rise of non-state actors, nuclear proliferation and authoritarian regimes with questionable political methods became most instrumental for the design of the new pro-humanitarian global order. As outlined above, it was believed that this was most feasible in liberal states, which gave rise to the argument of humanitarian interventions and deterrence of authoritarian rulers.[40] The two-fold effect of this occurrence lies within the ideological clash between the proponents of liberal democracy who stress on the supremacy of the political model, while others turned their attention back to the principle of sovereignty as a fundamental entitlement to all states. The paradoxical event most often given as the occurrence that made

[40] Susan J. Atwood, "From Just War to Just Intervention," *New England Journal of Public Policy* 19, no. 1 (2003): 56.

the international community question the idea of an internationalist global order was the 2003 unilateral US intervention in Iraq, labelled a pre-emptive war on terror by the Bush Administration. [41] It prompted a discussion about the existence of exceptional causes under which a state's decision to use force against another could be seen as just due to complex humanitarian emergencies. It subsequently initiated scholarly inquiries into the relevance of the Just War paradigm[42] and the applicability of its principles for the contemporary world order where some state actors still give prevalence to their national over international interests. [43]

Whereas law provides a sound basis for evaluating the legality of the use of force, the Just War paradigm specifies a set of ethical criteria that could help justify the legitimacy to do so. While law forbids the use of force in all but two exceptional cases, the principles of Just War try to extend an approval to these cases that carry an attached ethical reasoning and could justify an armed undertaking. The theory is grounded in three aspects of morally defensible warfare, each governing the different stages of war: the decision to go to war (*jus ad bellum)*, the appropriate conduct in war (*just in bello),* and the responsibilities after the end of the war (*jus post bellum).* In practice, scholars and JWT supporters have been primarily concerned with the first two aspects,[44] which hints at the theory's intrinsic conviction that the legitimacy of war relies on the prior justification and requires a moral validation.

Historically, JWT originated from Christianity and the Biblical interpretation that certain situations constitute just causes for war. The first formal conveyance of the theory came from St. Augustine around 400 A.D. who complemented the Christian ethics of love and harm

[41] Castel, "Legality and Legitimacy," 10.

[42]Ian Holliday, "Ethics of Intervention: Just War Theory and the Challenge of the 21st Century," *International Relations* 17, no. 2 (2003): 116, doi:10.1177/00471178030172001.

[43]Atwood, "From Just War to Just Intervention," 56.

[44]Gary J. Bass, "Jus Post Bellum," *Philosophy & Public Affairs* 32, no. 4 (2004): 384, doi:10.1111/j.1088-4963.2004.00019.x.

prevention by saying that "killing human beings is *sometimes* justified."[45] In the 13th century, St. Thomas Aquinas provided a more systematic articulation of the theory specifying it to general warfare by outlining the justifications of war and the proper conduct in armed conflict, which framed the first official version of the theory.[46] Aquinas contributed to JWT's original formulation by adding three distinct criteria to determine whether a war is just: competent authority, right intent and just cause.[47] In its modern final form, the theory includes several other conditions, whose emergence came as a result of the changing historical developments. These principles require that war should only be used as a method of last resort, that the harm should not outweigh the good it aims to achieve (the proportionality principle),[48] that engaging in warfare has reasonable chances of success, and that inaction would cause greater injury than war itself.[49] Although it conceptually rests upon the utmost value of justice and preservation of the biggest number of human lives, the theory gives more freedom to states in their approach to self-defense with attention to sovereign rights. At the same time, it recognizes that a less restrained procedure of decision-making could leave room for misinterpretation and manipulation, which is what the set of conditions strives to circumvent.

While war is seen as a legitimate political tool and occasionally even the moral duty of states, the paradigm does not deny war's perilous nature, and encourages the individual to realize its disastrous potential.[50] The first principle of competent authority is closely linked to legitimacy and credibility, but is diversely interpreted by the supporters of different IR theories: realists

[45] Atwood, "Just Intervention," 57.

[46] Alexander Moseley, "Just War Theory," *Internet Encyclopedia of Philosphy*, n.d., http://www.iep.utm.edu/justwar/.

[47] Atwood, "From Just War to Just Intervention," 56.

[48] David Fisher, "The Just War Tradition," in *Morality and War: Can War Be Just in the Twenty-First Century?* (Oxford University Press, 2011), 5.

[49] Moseley, "Just War."

[50] Fisher, "Just War," 4.

believe the legitimate authority rests within individual states, while the more internationalist school considers this to be the function of the United Nations.[51] In the recent history, the absence of UN authorization in the Kosovo intervention encouraged a discussion on the overall efficiency of the UN Security Council, which had abstained from granting approval fearing a possible veto by Russia or China. In the meantime, the pronounced legitimacy of the campaign and the majoritarian support for its efforts to protect the Kosovar population from ethnic cleansing raised the counterargument that the requirement of UN authorization on every instance is not only a cumbersome process, but also does not guarantee the successful accomplishment of the mission.[52] The absence of consensus and the suggestions for more ad hoc decision-making alludes to my opening argument that the meaning of legitimacy is subject to multilateral interpretations and contextual factors.

In addition, the definition of just cause represents another difficult process, as each side believes they are right in their own reasoning. The duality between good and evil in men means our arguments consist of both right and wrong deductions, thus implying that we cannot conclude with certainty what or who is correct.[53] Given the theory's contextual historical formation, many philosophers have had a chance to contribute their views on this issue. Much like the majority of political concepts, the principle has been contested and reformulated to reflect the changes in international relations. In that spirit, the founder of the Salamanca School, Francisco de Vitoria, believed that only wars in self-defense constitute just cause and people had the right to lawful defense even in the absence of official authorization when used as a countermeasure

[51] Ibid., 6.

[52] Ibid.

[53] Ibid., 7.

to harm.[54] To a degree, this argument has entered the formation of contemporary international law and the principle of self-defense. While the legal positivist view holds that the most explicit answer to what constitutes a just cause is in the principles of international law, critics have pointed to the arbitrary application of legal principles, which creates a "moral disparity" between the coalitions of the willing, which decide to intervene in sovereign states but deny the opportunity of the local population to defend itself.[55] The principle of war as last resort is logically linked to that of just cause, since all other methods need to have been exhausted before one can resort to armed force.[56]

The bloodshed of the Second World War had made states genuinely opposed to warfare, and ignited a wave of support for international law, peace and the protection of human rights. The world order in the immediate post-Soviet aftermath gave liberal states the ground to use democratization as an argument for just cause, underlying the Democratic Peace Theory and its aversion to human rights infringements. Nevertheless, the interventions in Kosovo, Iraq, Libya and now Syria have all brought back the discussion of military intervention as a tool to preserve both order and justice in the international system. The recurrence of Just War principles among the more state-centric proponents has led them to argue of "just intervention,"[57] a term rooted in the works of scholars Michael Walzer and Paul Ramsey and is based on a similar set of conditions. Ramsey has further suggested the element of intervention by invitation, which I refer to later. The third interlinked element of right intent is often problematic for its dependence on discursive justifications, which leave room for state manipulation in their search of

[54] Francisco de Vitoria, "On the American Indians," in *Vitoria: Political Writings*, ed. Anthony Pagden and Jeremy Lawrence (Cambridge University Press, 1991), 288.

[55] Fisher, "Just War," 10.

[56] Atwood, "From Just War to Just Intervention," 57.

[57] Ibid., 58.

legitimacy. For example, the practice of intervention shows illiberal states are the most likely targets of external interference in the process of democratic expansion. However, the rhetoric of regime change and the cognitive rigidity in the belief that evolution happens from the West to the rest[58] provide no solid ground to qualify as right intent.

By way of addressing these concerns, critics have contended that the Just War paradigm raises a question of whether impartial intervention can offer reasonable chances for success, which the war and peace expert, Richard Betts, has discarded as a delusion.[59] He explains the UN failure to prevent the ethnic cleansing in Bosnia as a result of its "irrational strategy" and the prolonged process of the intervention,[60] which resulted from the lack of cohesion within the policies of the great powers that governed the operation. Betts thus raises the question of how one can decide on a course of action without actually taking a side. In his study, the author argues that the UN strategy of impartiality has not yielded proportionate results, and has in practice favored the more powerful side.[61] The rhetorical evasion of declaring war explicitly has not precluded the latter from happening, but has created a stigma over those that resort to it as irrational and illegitimate.

Given the contradiction between practice and theory and the persisting conceptual quandary on the meaning of legitimacy, one could draw the argument that the interpretation of concepts depends on the character of the actors involved and the contextual factors that influence their decision-making. With legitimacy being hard to establish in practice, even less can be said with certainty in terms of its definition. The reluctance to agree on the term's vulnerable and more

[58] Thakur, "Law, Legitimacy," 19.

[59] Richard K. Betts, "The Delusion of Impartial Intervention," *Foreign Affairs* 73, no. 6 (1994): 20.

[60] Ibid., 25.

[61] Ibid., 22.

tentative nature[62] creates further impediment toward an effective international strategy in the area of intervention. In turn, such conceptual obscurity means that state actors are also subject to conflicting judgments from external observers when looked at from different perspectives with equally contested set of characteristics.

Having this in mind, my research question engages with the discussion on the meaning of legitimacy and its interpretations in two particular scenarios. Assuming that the concept does not have a universal interpretation but is context-specific and ideationally embedded, how is it understood in the practice of intervention, and more specifically in the Libyan case and the praxis of Russian interventionism in Syria? I approach this comparatively through the frameworks of the Democratic Peace Theory and the Just War paradigm, each carrying particular patterns that inform the analysis. The fervent conviction in the supremacy of liberal democracies makes the Democratic Peace a theory that ascribes legitimacy according to regime type. The assertion that democracies do not fight each other and are therefore more likely to guarantee international peace leads to the validation of interventions for the purpose of democratizing the regime of the target state and a perception of the latter as illegitimate if not sustaining liberal politics. In order to illustrate this, I have chosen to examine the intervention in the civil war in Libya, and more specifically the discourse between the members of the UN Security Council who supported a military intervention in reference to the domestic regime. What makes this case compelling for my research is that it materialized through a coalition of liberal states, and the outcome was applauded by the majority of political leaders and legal

[62] Berman, "Axes of Legitimacy," 746.

scholars as "a textbook example of the doctrine working as it was supposed to,"[63] which gave it a great degree of international legitimacy.

The civil war in Syria, while regarded as another example of a state failing to protect its population from harm, has been subject to several vetoes from Russia and China at the outset of the conflict, which made their role more relevant in the discussion of international intervention. The difference is that both states are manifestly not perceived as liberal by the democracies in the West. Thus, if the first case in Libya allows me to examine an intervention characterized as exemplary and given a great degree of institutional legitimization, the case in Syria would help me survey an intervention where the role of an illiberal actor, namely Russia, is far more pronounced by virtue of launching the first airstrike in the Arab country in 2015. Given that the action was largely condemned by the participants in the Libyan intervention,[64] I am particularly interested in the discourse of the Russian political leadership. In order to ground my analysis, I use the framework of the Just War Theory, which unlike the Democratic Peace Theory, does not associate legitimacy with a particular political system. Instead, the recognition of an actor as legitimate depends on cause and intent with respect to sovereign rights and individual state interest. Thus, for Just War theorists the notion of legitimacy rests within the decision-making of the particular state and its reasoning behind the decision to intervene.

Throughout the thesis, I use these analytical patterns to illustrate my claim about the contested meaning of legitimacy. I first examine the narrative of regime change and humanitarian protection that resonate with the principles of democratic peace and find reflection in the UN military intervention in Libya. If the latter is indeed a typical example of the Democratic Peace

[63] "The Responsibility to Protect After Libya and Syria" (Annual Castan Centre for Human Rights Law Conference, Melbourne, July 2012), http://www.gevans.org/speeches/speech476.html.

[64] Shaun Walker, "Russian Parliament Grants Vladimir Putin Right to Deploy Military in Syria," *The Guardian*, September 30, 2015, http://gu.com/p/4cpyk/stw.

theory in practice, I would expect to find in the political discourse the elements of universal human rights protection, the affiliation of democratic systems with peace and a great emphasis on the will of the local population. I then move to the tenets of Just War theory, which remain committed to the right of sovereignty and entail reluctance toward forceful regime change from outside. I will explore the primary justifications of Russian foreign policy actors in discussing the Syrian question and examine whether they correspond to the principles of Just War. If so, I would expect to tease out the state-centric motives of national interest and the reluctance to undermine the sovereign authority of the target state. In this respect, the theoretical analysis laid out in this chapter helps set the exploratory benchmarks for the empirical investigations in the remaining two.

Chapter 2:
Intervention in practice and the legitimacy of a UN authorization

The existing literature suggests that the meaning of legitimacy in international intervention is best revealed in practice.[65] It allows us to make better sense of the entire complexity of interventions, because "practices have [at least] a 'social life' of their own that is irreducible to the agents that set them in motion or the structural preconditions that make them possible."[66] It is important to add dimension to the theoretical contestations by showing how states operate and on what basis they build their rhetoric. As I have argued above, the larger part of the contemporary international community has grounded its cognition of world order on the premise of the Democratic Peace theory, which links legitimacy with democratic forms of governance. The current discourse on intervention follows the rationale that supports regime change in authoritarian states and advances an argument for limited sovereignty bounded by the commitment to humanitarian protection.

As a reflection of these processes, the UN framework of rules has subsequently changed in a way that resonates with the trends in state values. The empirical case I will be using to address the current political dynamics is that of the Libyan intervention from 2011, which is often given as a textbook example of the present-day understanding of legitimate intervention in the interplay of the "Responsibility to Protect." However, before going into contextual details, I will first outline the institutional criteria of the UN, which have shaped the contemporary

[65]Christian Olsson, "Intervention as Practice: On 'Ordinary Transgressions' and Their Routinization," *Journal of Intervention and Statebuilding* 9, no. 4 (2015): 426, doi:10.1080/17502977.2015.1089664.

[66] Ibid.

discourse on intervention and thus, systematized the set of conditions that guide the actions of the international community.

2.1 Institutional criteria and the emergence of "The Responsibility to Protect"

The multiplicity of meanings of legitimacy is tied to the presence of multiple sources claiming authority on the regulation of the use of force. In the present international order, 193 states have willingly given up part of their sovereignty to the UN in exchange for the latter's commitment to bestow peace and security. Its status as the recognized collective body gives it the power to decide how and if military intervention can be considered legitimate. In relation to the latter, the language of the UN rests primarily within Article 2(4) on the prohibition of the threat or use of force and Article 51, which envisages individual or collective self-defense in case of prior armed attack.[67] Although the articles presume a principle of proportionality in the case of armed response, the use of force has been generally frowned upon within the UN practice. The post-colonial memories of violence between the indigenous population and the colonizers had brought up the endorsement of humanitarian intervention mostly in the form of relief missions and medical aid, leaving the use of force as a method of last resort. At the same time, Chapter VII permits the use of force after an explicit UN authorization in specific circumstances where it is considered to increase the chances of success.

At the turn of the century and in the immediate aftermath of the Kosovo war, the practice of humanitarian intervention that had gained prominence after the end of the Cold War gave way to an understanding that all intervening states share a responsibility not to cause unnecessary harm to the civilian population of the host state. The effects of the Kosovo campaign on the inconsistency between practice and existing legal constraints led to the deepening of the debate

[67] United Nations, *Charter of the United Nations*, 1945, https://treaties.un.org/doc/Publication/CTC/uncharter.pdf.

on the circumstances under which the international community should intervene. In 2000, the Canadian government proposed the establishment of an International Commission on Intervention and State Sovereignty (ICISS) to develop a framework that facilitates the global consensus on intervention. In the foreword of their final report, the group of Commissioners specify the reasoning behind the formation of ICISS, which denoted the recent challenges that the international community had failed to respond at and in particular, the question asked by then Secretary-General, Kofi Annan, "…if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human rights that affect every precept of our common humanity?"[68] In their own worlds, the chief task of the group was "to wrestle with the whole range of questions – legal, moral, operational and political,"[69] which surround the debate on the use of military means. The Commission presented its finalized report, "The Responsibility to Protect," in 2001 before the UN Member States, but came to an effect in December 2004 after the fervent campaign of the Secretary-General, advocating state-shared responsibility toward *A More Secure World,*[70] referring to the work of the High-level Panel on Threats, Challenges and Change formed in 2003.[71] The ICISS report generated a more streamlined and modernized manner to judge upon the legality of international intervention, and weighed in on the debates on the legitimacy of state behavior and the motivations to engage in armed action. The report also addressed the issue of lawful authority acting on the part of the international community. Although recognizing the rights to non-interference in domestic affairs, the ICISS text cleared

[68]"The Responsibility to Protect" (Canada: International Commission on Intervention and State Sovereignty, 2001), http://responsibilitytoprotect.org/ICISS%20Report.pdf., viii.

[69] Ibid.

[70] High-level Panel on Threats, Challenges and Change, "A More Secure World: Our Shared Responsibility" (United Nations General Assembly, 2004), https://documents-dds-ny.un.org/doc/UNDOC/GEN/N04/602/31/PDF/N0460231.pdf?OpenElement.

[71] Ibid.

all ambiguity as to the responsibility for international peace and security, reasserting the existing position of the UN and its Security Council, which "determines the existence of any threat to the peace, breach of the peace, or act of aggression' (Article 39)."[72] However, the report clearly postulated that the final decision resides within the authority of the UNSC, which also gives it the ultimate right to undermine sovereignty: "should the Council consider that such [other] measures are likely to be inadequate, 'it may take such action by air, sea or land forces as may be necessary to maintain or restore international peace and security' – in other words, it may resort to or permit the use of military force (Article 42)."[73] While the report managed to produce a consensus that the world needs to have a position in the face of atrocities, the purported positive effects of R2P are still subject to contestation on the part of academics and practitioners. Nevertheless, along with the codified rules of the UN, the R2P doctrine now serves as a moral benchmark that authorizes collective military action vis-à-vis international interventions.

As mentioned, the official institutionalization of R2P became a fact shortly after the 2004 report of Secretary General, Kofi Annan with the help of the High –level Panel on Threats, Challenges and Change. In 2005, the Outcome Document of the UN World Summit officially recognized that a state has the responsibility to protect its population from genocide, ethnic cleansing, war crimes and crimes against humanity.[74] Any failure to do so transfers that responsibility to the international community, which could act only after official Security Council authorization.[75] The enhanced scrutiny over the protection of human rights called for the "mainstreaming of

[72] "The Responsibility to Protect," 47.

[73] Ibid.

[74] United Nations, "Background Information on the Responsibility to Protect," *UN Org*, n.d., http://www.un.org/en/preventgenocide/rwanda/about/bgresponsibility.shtml.

[75] "The Responsibility to Protect," 47.

human rights throughout the United Nations system,"[76] and pointed at the fundamental state responsibility to protect. Paragraphs 138 and 139 of the Outcome Document refer specifically to R2P, recognizing the UN endorsement of the ICISS report. The drafters of R2P strongly believed in its ability to prevent from mass atrocities of the type that had taken place in Rwanda and Srebrenica.[77] The legacies of war had transformed the nature of humanitarian intervention from being an exceptional right to becoming a legal benchmark for the state's inherent responsibility to protect the population from grave crimes. Gareth Evans, one of the co-chairs of ICISS, describes the evolution of the concept as an instrument to move the attention from the character of the interveners to "those needing support."[78] By inference of the text, R2P implies a conviction that the emphatic plea toward saving human lives could increase support for the doctrine and would encourage a favorable stance on interventions aimed at eliminating the real culprits of the humanitarian disasters, namely oppressive political regimes and catastrophic civil wars.[79] Here is the moment to mention another conclusion of the 2005 Summit Outcome Document that is the establishment of a Democracy Fund with the purpose of "strengthening countries' capacity to implement the principles and practices of democracy,"[80] while simultaneously "reaffirm[ing] that democracy is a universal value."[81] While one cannot claim with the certainty that the logic of sequence in the report is of particular importance, it is

[76]United Nations General Assembly, *2005 World Summit Outcome*, *A/RES/60/1*, 2005, http://www.un.org/womenwatch/ods/A-RES-60-1-E.pdf, 28.

[77] "R2P - A Short History," *United Nations Regional Information Centre for Western Europe*, n.d., http://www.unric.org/en/responsibility-to-protect/26981-r2p-a-short-history.

[78]Gareth Evans, "From Humanitarian Intervention to the Responsibility to Protect" (Symposium on Humanitarian Intervention, University of Wisconsin, Madison, 2006), http://www.crisisgroup.org/en/publication-type/speeches/2006/from-humanitarian-intervention-to-the-responsibility-to-protect.aspx.

[79] Mehrdad Payandeh, "The United Nations, Military Intervention, and Regime Change in Libya," *Virginia Journal of International Law* 52, no. 2 (2012): 365.

[80]United Nations General Assembly, *2005 World Summit Outcome*, 31.

[81] Ibid.

worth noting that the commitment to democracy as a common value comes right before the recognition of the state responsibility to protect.

The overall underlying effect of this new policy orientation entails the argument that internal conflicts represent a threat to international peace. The responsibility to protect then becomes inevitably associated with the concept of sovereign autonomy and the right to non-interference in domestic affairs. The concerns about potential peremptory norm violation have been in the center of discussion since the emergence of the report with some states fearing that the assessment of the capability to protect depends on the international community, which is often dictated by the will of the powerful states that could initiate an intervention on questionable grounds.[82] By way of addressing these concerns, Evans explains that R2P has given a new dimension to the meaning of state sovereignty, which in addition to constituting a right also implies responsibility.[83] The increased scrutiny over domestic political action is thus understood as necessary to reflect the growing importance of human rights. For that purpose, the limits of sovereignty need to be bounded by the norms of the international community as an arbiter to the protection of the overall peace and security.

The most important aspect of R2P, Evans argues, is its 3-pillar structure of legal commitments: responsibility to *prevent*, responsibility to *react* and responsibility to *rebuild*, of which the first is of utmost importance.[84] While the report also envisages diplomatic and humanitarian means among the methods of protection, the most contested approach remains the doctrine's stance on interventions involving the use of force.[85] The absence of clear-cut consensus on the matter has

[82] Jennifer M. Welsh, "Norm Contestation and the Responsibility to Protect," *Global Responsibility to Protect* 5, no. 4 (2013): 370.

[83] Evans, "From Humanitarian Intervention to the Responsibility to Protect."

[84] Ibid.

[85] Miles Kahler, "Legitimacy, Humanitarian Intervention, and International Institutions," *Politics, Philosophy & Economics* 10, no. 1 (2011): 30, doi:10.1177/1470594X10386570.

drawn a midpoint between the majority of the international community: while liberal states are willing to endorse a more coercive intervention, developing countries, along with Russia and China, remain cautious over its effects on state sovereignty and the reaction of the target state,[86] given that UN interventions have been primarily carried out without the latter's consent.[87] By way of establishing a rightful cause to initiate an intervention, the ICISS has outlined five criteria for legitimacy, which are inspired by the Just War principles: just cause, right intention, last resort, proportional means and reasonable prospects.[88] However, the underlying "liberal interventionism captured in the R2P principle"[89] is more akin to the Democratic Peace Theory, which rules out the legitimization of war due to the liberal commitment to pacifism. This is a principled contradiction, which has been labeled by some "the problem of political will"[90] and grounds itself in the legality vs. legitimacy conflict, which the drafters had hoped to alleviate through the mechanisms of international law and the outlined standards of rightful authority.

While the campaigns of intervention are usually set within the executive mechanisms of the Security Council, many actors have openly questioned its institutional efficiency because of the presence of five veto powers with exclusive rights. In legal terms, legitimacy is defined by virtue of its institutional origin, but the stance is less clear when it comes to the legitimacy of institutions themselves.[91] For the latter to be considered legitimate, a relevant set of actors must believe it should be complied with. This view, however, does not rule out the possibility of an

[86]Evans, "From Humanitarian Intervention to the Responsibility to Protect."

[87]Anthony Clark Arend, "International Law and the Preemptive Use of Military Force," *The Washington Quarterly* 26, no. 2 (2003): 100, doi:10.1162/01636600360569711.

[88]Evans, "From Humanitarian Intervention to the Responsibility to Protect."

[89] Ibid.

[90] Ibid.

[91] Kahler, "Legitimacy, Humanitarian Intervention, and International Institutions," 32.

uneven obedience, and begs for a definition of who those relevant actors are[92] and what justifies labeling others as illegitimate. The prevalence of liberal discourse in the current methods of intervention alludes to the principles of the Democratic Peace theory and its relevance in the contemporary context. If this argument holds, it should be possible to tease out the patterns of regime change and limits of sovereignty inferred by DPT in the existing practice to which I turn to in the next section. I examine the case of Libya from 2011 as a manifestation of the application of R2P and an example of the use of force as a mechanism to protect the local population from the crimes of an illiberal political regime. What I consider important are the discursive justifications of the UNSC members and the ideas that motivated the positions of the parties involved in the intervention.

2.2 R2P in context and the legitimacy of a UN authorization

By February 2011, the wave of protests known as the Arab Spring had reached Libya. What began as manifestations against the oppressive Gaddafi regime had escalated to the disastrous force of a civil war. The continuous reports about the growing number of civilian casualties was intensifying the fears over a potential spillover effect that could threaten international peace and security. On the premise of ongoing grave violations of human rights, the UN Security Council (UNSC) passed Resolution 1970 in February 2011, enforcing an arms embargo on Libya and freezing the assets of everyone associated with Gaddafi's regime. In its 6490th meeting, the UNSC addressed the necessity of taking swift and concrete action to "the clear and egregious"[93] infringements on human rights, recalling in particular the Responsibility to Protect

[92]Ian Hurd, *After Anarchy: Legitimacy and Power in the United Nations Security Council* (Princeton University Press, 2007), 30.

[93] United Nations Security Council, "Security Council 6490th Meeting," February 25, 2011, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Libya%20S%20PV%206490.pdf, 3.

and the obligation bestowed upon the international community to avoid an escalation of civilian death tolls in a "collective, timely and decisive manner."[94] The only speaker on the meeting, the representative of Libya, Mr. Shalgham, expressed the protesters' desire for a democratic state and the ousting of Colonel Gaddafi: "Libyans are asking for democracy; they are asking for progress; they are asking for freedom; and they are asking for their rights… I say to my brother Al-Qadhafi, leave the Libyans alone. "[95] Reasserting that the people of Libya demand freedom that they are willing to fight for, Mr. Shalgham called upon the UN to protect his ravaged country: "Please, United Nations, save Libya. No to bloodshed. No to the killing of innocents. We want a swift, decisive and courageous resolution."[96] The endorsement of a representative speaking on behalf of the local population is a facilitating benchmark in the mechanism of legitimizing the collective response, which could have been one of the factors that moved forward the quick UN authorization. Sounding like a transferal of responsibility, Shalgham's words intensified the discussions about putting the military element of R2P to use. In its consecutive decision, the UNSC unanimously passed a resolution that first sanctioned the enforcement of diplomatic and humanitarian measures suggested in the text of the doctrine. The February outcome, however, did not halt the atrocities, and necessitated Resolution 1973 from March 17, which was the first ever UN authorization of the use of force in the context of R2P. The enforcement of a no-fly zone was part of the "all necessary measures" package entrusted to the member states in their mission to protect the civilian population.[97] Prompted by the enduring bloodshed, the historical move was built on a regionally motivated argument that the

[94] Ibid.

[95] Ibid., 4.

[96] Ibid., 5.

[97] United Nations Security Council, *Resolution 1973 Adopted by the Security Council at Its 6498th Meeting*, *S/RES/1973*, 2011, http://www.nato.int/nato_static/assets/pdf/pdf_2011_03/20110927_110311-UNSCR-1973.pdf, 3.

Libyan regime had lost its legitimacy due to its inability to contain violence and safeguard its people, which had been the goal of the previous resolution.[98] Urging for an end to Gadaffi's authoritarian regime, the drafters argued that Libya was a clear example of a state failing to protect the population.[99] The further deepening of the crisis reflected in the new resolution, asserted that "the situation in the Libyan Arab Jamahiriya continues to constitute a threat to international peace and security,"[100] therefore, instigating the collective responsibility of the international community. The authorized military intervention began on March 19 and lasted until March 31, before the UN passed the command to NATO forces until the end of Gaddafi's regime in October.

The February resolution had already stirred up a discussion on the mobilization of armed forces as a solution to the crisis. The drafters of the resolution considered the approval of economic sanctions to be the necessary first step toward the establishment of a democratic system with the participation of people,[101] but the open endorsement of "even bolder action"[102] made by Secretary-General, Ban Ki-moon in February 2011, had given a green light to the initiation of collective military response. However, the straight advocacy for regime change did not sit well with the more state-centric states such as Russia and China, which were part of the 5-state group of countries that abstained in the vote for the final resolution.[103] Earlier, the Russian representative, Ambassador Vitaly Churkin, had reasserted his country's preference on

[98] United Nations Security Council, "Security Council 6491st Meeting," February 26, 2011, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Libya%20S%20PV%206491.pdf, 7.

[99] Ibid., 8.

[100] United Nations Security Council, *Resolution 1973 Adopted by the Security Council at Its 6498th Meeting*, 2.

[101] Ibid.

[102] Ibid.

[103] United Nations Security Council, "Security Council Approves 'No-Fly Zone' over Libya, Authorizing 'All Necessary Measures' to Protect Civilians, by Vote of 10 in Favour with 5 Abstentions," *UN Org*, March 17, 2011, http://www.un.org/press/en/2011/sc10200.doc.htm.

preserving the sovereignty and territorial integrity of Libya, which from a Russian perspective "does not enjoin sanctions, even indirect, for forceful interference in Libya's affairs,"[104] but advocates a more political solution to the crisis. The abstention signified the country's reluctance toward the use of force within sovereign states, which the intervening coalition considered the most effective solution after the exhaustion of all other measures.

The strong sense of righteousness emanating from the coalition of Democratic Peace supporters exposes the enduring ideological rift between the states in the international community, and reignites the discussion on the contested meaning of legitimacy among the intervening actors. The latter was also evident through the exchange in the meeting held at the adoption of the Resolution. Churkin reprimanded the use of force as a method that could increase the violence as opposed to containing it. He raised the question of the little time given for the implementation of the previous sanctions, and openly regretted the outcome as an example of "the passion of some Council members for methods involving force"[105] that had prevailed in the UNSC. The Russian vote in favor of the February resolution had pressured it not to use its veto power, which could have been the case in the absence of help requests from the League of Arab States.[106] However, Russia's four consecutive vetoes on the use of force in Syria several months later indicate the country's sincere disinclination to armed force as opposed to other UNSC members that are generally predisposed to launch a military campaign against illiberal regimes. For this reason, the trend in the discursive exchange between Western SC members and their ideologically opposed colleagues from Russia and China often follows a polemic thread. The

[104] United Nations Security Council, "Security Council 6491st Meeting," 4.

[105]United Nations Security Council, "Security Council 6498th Meeting," March 17, 2011, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Libya%20S%20PV%206498.pdf, 8.

[106] Carrie Booth Walling, "Human Rights Norms, State Sovereignty, and Humanitarian Intervention," *Human Rights Quarterly* 37, no. 2 (2015): 411, doi:10.1353/hrq.2015.0034.

lack of consensual agreement on the use of force suggests that the support for armed interventions remains a divisive political and ethical issue.

Along with Russia, Brazil, China and India also openly expressed their deep-seated disapproval of the use of force. For example, India's Manjeev Singh Puri said his country "deplore the use of force" and considers it unacceptable; Brazil found it unconvincing that "the use of force will lead to the realization of our common objective, and may have the effect of exacerbating tensions on the ground," while China reprimanded the lack of answers to its inquiries, which had left the country generally puzzled about parts of the resolution.[107] The empirical examination discovers several elements that unite the statements of the abstaining countries:[108] first, the overt expression of solidarity with the sufferings of the local population; second, a commitment to finding a solution that does not breach the sovereign rights of Libya; and last, the solidarity to regional actors such as the Arab League states and the African Union. In this case, the pleas of the local stakeholders acted as a major factor in the final vote despite the abstaining states' ideological predisposition toward rejection.

On the other hand, the coalition of supporting actors praised the resolution for its decisiveness and firm stance against humanitarian atrocities. The text as such was a product of British, French and Lebanese states, who were also the first to begin the military campaign.[109] The US, while claiming an observer's position, launched its Operation Odyssey Dawn and joined forces in the NATO-led coalition that took control at the end of March. In reference to the failure of the current regime and its instrumental role in perpetrating the mass atrocities, the representatives of the coalition used fervent pro-democratic language favoring a new type of

[107] United Nations Security Council, "Security Council 6498th Meeting."

[108] Ibid.

[109] Ian Pannell, "Libya: UN Backs Action against Colonel Gaddafi," *BBC*, March 18, 2011, http://www.bbc.com/news/world-africa-12781009.

political system. The French Prime Minister at the time, Alain Juppé, applauded the previous outcomes of the Arab Spring, which represented "the Arab people's clamour to breathe the air of liberty and democracy,"[110] and constituted a mature and responsible transition, which was a desired solution for Libya as well. Juppé's discourse emphasized on the will of the people to overturn a dictator as a crucial element for the decision-making mechanism of the UNSC. Such frequent reference to the popular participation is an intrinsic characteristic of the political organization within democracies and as such, resonates with the principles of the Democratic Peace theory.

The *vox populi* motive is one of the key elements in the speeches of the Western representatives who considered the intervention to be the necessary response to the plea of the local population, and additionally validated their campaign to vilify the regime. The British representative to the UN, Sir Mark Lyall Grant, employed a similar motive in his statement that "A violent, discredited regime that has lost all its legitimacy is using weapons of war against civilians" who just want "to take control of their own future."[111] In her words that the US stands firmly behind the will of Libyans, Representative Condoleezza Rice was also pitching the argument that "The future of Libya should be decided by the people of Libya,"[112] and their cry for help necessitates an international response. The lack of popular support for Gaddafi's regime logically prompted arguments about his illegitimacy as the sovereign leader. In a statement, President Obama argued "When a leader's only means of staying in power is to use mass violence against his

[110]United Nations Security Council, "Security Council 6498th Meeting," 2.

[111] Ibid., 4.

[112] Ibid., 5.

own people, he has lost the legitimacy to rule and needs to do what is right for his country by leaving now."[113]

However, the call by the coalition to take down an authoritarian regime and replace it with a democratic government instead is by no means the only viable solution that could materialize in Libya. In fact, research shows that very few countries in the Arab world democratized in the aftermath of forced regime change.[114] [115] Instead, this argument exposes the determination of liberal states to advance the belief in democratic supremacy, following a conviction of the latter's alleged legitimacy by virtue of popular participation. What is even more remarkable is the coalition's clever use of the humanitarian discourse, which serves to suppress the feel of an outright declaration of enforced regime change. The latter, while being far from democratic, is vested in the overall argumentative thread for preventing large-scale loss of life as means to international peace and security. However, the credence given to the benefits of democratic systems serves the principles of the Democratic Peace theory and all those state and non-state actors who believe in the ideational preeminence of liberalism. The discourse thus shows a correlation between the patterns of the Democratic Peace Theory outlined in the previous chapter and the prevailing understanding of legitimacy with which some particular, manifestly liberal actors operate. In the meantime, the continuing opposition from Russia and like-minded states reasserts the absence of ideological consensus on the meaning of legitimacy, and the subjective criteria that could ascertain whether an actor is legitimate. The overall examination,

[113] Fred Dufour, "Obama: Gadhafi's Time Is up as Libya's Leader," *USA Today*, February 27, 2011, http://usatoday30.usatoday.com/news/washington/2011-02-27-obama-gadhafi_N.htm.

[114]Holger Albrecht and Oliver Schlumberger, "'Waiting for Godot': Regime Change Without Democratization in the Middle East," *International Political Science Review* 25, no. 4 (2004): 372, doi:10.1177/0192512104045085.

[115] Alexander B. Downes and Jonathan Monten, "Forced to Be Free?: Why Foreign-Imposed Regime Change Rarely Leads to Democratization," *International Security* 37, no. 4 (2013): 91, doi:10.1162/ISEC_a_00117.

however, demonstrates some recurring patterns in the discourse of the different actors. While France, the UK and the US are more willing to overcome sovereign rights to ensure peace on an international scale, Russia and China emphasize on the inviolability of territorial integrity and the importance of local authorities. The speech selection identifies a difference in their ideological standpoints, which by itself decreases the chances of coming to a consensual interpretation of legitimacy.

Nonetheless, the backlash that followed the Libyan intervention has not precluded states from employing the argument of regime change, and a similar situation is on the rise in war-torn Syria. While Libya constitutes a case where assessment is already available, the situation in Syria remains under discussion in terms of the practicality of a fully-fledged military intervention. In the next chapter, I use the case of Syria as an example of an international crisis where Russia's association with the Assad regime is giving it a more participatory function as opposed to its abstention in the case of Libya. By looking at Russian discursive justifications and their overall argumentative thread, I test the validity of my assumption that Russia operates from a different ideological perspective, which unlike the West, emphasizes state sovereignty and shapes an understanding of international legitimacy in accordance with the sovereign rights of individual states. By way of demonstrating the multiplicity of interpretations, I use the analytical framework of Just War Theory laid out in Chapter I and argue that its interpretation of legitimacy upholds the argument that distinct contextualities shape the behavior of different state actors, and particularly, Russia.

Chapter 3:
An alternative legitimacy: A look at Russian foreign policy conduct

The formation of Russian national identity is a long-term process, embedded in its unique historical development. While the latter is far greater than the scope of this thesis, there are several particular elements that are arguably most often pronounced within the discourse of state officials. First, their geopolitical view of international relations understands the world as "states seeking power and pursuing their national interests, while subject to a balance of power."[116] The sought after equilibrium is an expression of the Russian stimulus to revive its superpower status,[117] and resist the hostility of the West.[118] By favoring a system of great power management, Russia seeks to reassert a dominant position by increasing its influence in the immediate neighborhood, which, however, produces tension on an international scale.[119] This has ultimately impaired the image of Russia, and has in turn intensified the latter's pursuit of resistance.

In this chapter, I use two key elements that motivate Russian foreign policy behavior and participate in its interpretation of legitimacy. While the Russian conceptual understanding differs from that of the West, this does not logically imply that Russia is inherently illegitimate. Instead, I contend that the criteria of evaluation are different, and that is a direct consequence of the contested nature of legitimacy itself. While DPT provides a framework that fits within

[116] Jeffrey Mankoff, "Contours of Russian Foreign Policy," in *Russian Foreign Policy: The Return of Great Power Politics* (Rowman & Littlefield Publishing Group, 2009), 13.

[117] Olga Oliker et al., "Russian Foreign Policy," in *Russian Foreign Policy: Sources and Implications* (RAND Corporation, 2009), 134.

[118] Ibid., 128.

[119] Ibid., 135.

the liberal democratic worldview, the Russian idea of sovereign democracy necessitates an examination from an alternative and equally valid theoretical perspective. I thus, bring in the Just War paradigm, which I reviewed in Chapter I. Apart from the five criteria that compose the traditional design of the theory, contemporary critical scholars such as Michael Walzer and Paul Ramsey have further analyzed JWT in reference to intervention. Ultimately, I use their arguments to reconstruct an ideational framework, which could resolve the Russian illegitimacy by consolidating their view of foreign policy.

3.1 Constitutive elements of Russian foreign policy behavior

The idea that Russia and the West represent different political entities is a legacy of the Cold War that continues to manifest itself in international relations today. With the collapse of the Soviet Union, the former bipolar order was replaced by the unipolar hegemony of the United States, and served as an inspiration for the seminal work of Francis Fukuyama, who was quick to proclaim the triumph of Western liberalism.[120] For Russia, the immediate post-Cold War period was "when most Russians came to associate democracy with economic hardship and social disorder, and liberal values were seen as being imposed from the West."[121] The bystander status it was awarded did not sit well with the former great power, and ever since, Russia has sought to challenge the Western attempts to isolate its role in global relations.

The first straightforward case of marginalization crystallized in the unauthorized NATO campaign in Kosovo. The coalition forces had curbed the official institutional procedure of the UN out of fear that Russia's sensitivity toward the use of force would compel it to veto the

[120] Francis Fukuyama, "The End of History," *The National Interest*, Summer 1989, https://ps321.community.uaf.edu/files/2012/10/Fukuyama-End-of-history-article.pdf.

[121] Viatcheslav Morozov, "Modernizing Sovereign Democracy? Russian Political Thinking and the Future of the 'Reset'" (PONARS Eurasia, 2010), https://www.gwu.edu/~ieresgwu/assets/docs/pepm_130.pdf, 1.

resolution and prolong the war.[122] The neglect of the Russian position demonstrated that the new order was one with an unfavorable balance of power for Russia, which did not want to be sidelined by a unipolar hegemony of the US. Demanding to be at par with its ex-adversary, Russia pursued the idea of multipolarity in international relations,[123] which acknowledges the existence of diverse state interests and shared power between multiple state actors. The idea became a policy goal in the text of the official Russian Foreign Policy Doctrine in 2000,[124] and is often present in the discursive argumentation of Russian officials today. The multipolarity concept was a logical extension of the Russian eagerness to reclaim its position of power, and the latest display of this was in a recent article by Russian Foreign Minister, Sergey Lavrov. He takes on the "Many different opinions […] that we have a distorted view of the international situation and Russia's international standing,"[125] and describes them "as an echo of the eternal dispute between pro-Western liberals, and the advocates of Russia's unique path."[126] As a way to rebut the critics who think Russia lags behind in international processes, Lavrov engages with an overview of the historical processes and past developments that have put Russia on the path of its unique evolution. He claims that history contains examples that refute "the widespread belief that Russia has always camped in Europe's backyard and has been Europe's political outsider."[127] The defensive tone of the article reflects a long-kept nuisance with the scorn of Western liberals, and a necessity to reassert the global role of the Russian Federation.

[122] Derek Averre, "From Pristina to Tskhinvali: The Legacy of Operation Allied Force in Russia's Relations with the West," *International Affairs* 85, no. 3 (2009): 577, doi:10.1111/j.1468-2346.2009.00815.x.

[123] Andrey Makarychev and Viatcheslav Morozov, "Multilateralism, Multipolarity, and Beyond: A Menu of Russia's Policy Strategies," *Global Governance* 17, no. 3 (2011): 353.

[124] Ibid., 355.

[125] Sergey Lavrov, "Russia's Foreign Policy in a Historical Perspective," *Russia in Global Affairs*, March 30, 2016, http://eng.globalaffairs.ru/number/Russias-Foreign-Policy-in-a-Historical-Perspective-18067.

[126] Ibid.

[127] Ibid.

His main issue with the West seems to be the latter's reluctance to acknowledge Russia as relevant in European affairs because of the specificity of its cultural code. The Foreign Minister contends that the world is moving in a direction where global challenges need to be addressed collectively on principles "based on cultural and civilizational diversity,"[128] and more precisely, on the notion of shared power management.[129]

However, being in an ideational opposition to the West has undermined the Russian international legitimacy and its ambitions for equal power status. Respectable scholars in the field have argued, "Moscow's relentless quest for equal status prompted quixotic practices that were often dismissed by Western countries,"[130] and as such have affected the representation of Russian legitimacy. In order to understand what inspires them to act in their certain way, one needs to look at the relevant elements of Russian identity and how they have been articulated in the Russian political discourse. It is important to note that Russia has always seen itself as distinct in comparison with other state actors.[131] By examining discourse, I seek to identify the recurring elements that motivate Russian foreign policy conduct, and could explain their understanding of the meaning of legitimacy.

The emphasis on a distinct Russian identity type has led some scholars to suggest, "Western theory is incapable of accounting for this uniqueness, and therefore, the Russian academic community needs to develop specifically Russian social theory,"[132] which is tailored to its particularity. In its vision of a pluralist world order, Russia sees itself as a non-Western great

[128] Ibid.

[129] Makarychev and Morozov, "Multilateralism, Multipolarity, and Beyond," 353.

[130] Iver B. Neumann and Vincent Pouliot, "Untimely Russia: Hysteresis in Russian-Western Relations over the Past Millennium," *Security Studies* 20, no. 1 (2011): 105, doi:10.1080/09636412.2011.549021.

[131] Andrei P. Tsygankov and Pavel A. Tsygankov, "Russian Theory of International Relations," in *International Studies Encyclopedia*, ed. Robert A. Denemark, vol. X, 12 vols. (Wiley-Blackwell Publishers, 2010), 6375.

[132] Makarychev and Morozov, "Multilateralism, Multipolarity, and Beyond: A Menu of Russia's Policy Strategies,"329.

power,[133] which defies the cultural hegemony of the West and develops on its own terms. This freedom ultimately empowers it to interpret norms independently from the Western analytical grid. Academics have argued that the persisting difference in the political languages of the two is a result of the fact that "no universal frames for understanding behavior can really exist,"[134] because behavior is effectively explained when looked at from the particular state's frame of reference. Not only is the latter strictly individual, but also encompasses the "state's perceptions and assessment of its own past and future, of its resources and capacities, place and role in the world, its identity and mission."[135] In this sense, the overview of Russian political discourse suggests several elements that constitute its domestic frame of reference.

First, in 2006, the deputy chief of the Russian presidential administration, Vladislav Surkov, used the term "sovereign democracy" to explain the Russian state as "an autonomous political subject,"[136] which has the power to decide how to administer democratic values on its own.[137] The declaration was another form of resistance to the rising Western domination, and demonstrated Russia's refusal to be denied the position of a fully-fledged member of the international community. Subsequently, the notion of pre-eminent sovereign rights became embedded in the Russian discourse as a rationale that determined its position vis-à-vis foreign policy decisions. The commitment to sovereignty became an important constitutive element of

[133] Iver B. Neumann, "Russia as a Great Power, 1815–2007," *Journal of International Relations and Development* 11 (2008): 128–51, doi:10.1057/jird.2008.7.

[134] Yulia Nikitina, "Lost in Translation: Is There a Way to Overcome the Different Political Languages of Russia and the West?" (PONARS Eurasia, September 2011), http://www.ponarseurasia.org/node/5275, 1.

[135] Ibid., 2.

[136] Andrey S. Makarychev, "Russia's Search for International Identity Through the Sovereign Democracy Concept," *The International Spectator* 43, no. 2 (2008): 49, doi:10.1080/03932720802057125.

[137] Andrey Makarychev and Viatcheslav Morozov, "Is 'Non-Western Theory' Possible? The Idea of Multipolarity and the Trap of Epistemological Relativism in Russian IR," *International Studies Review* 15 (2013): 329, doi:10.1111/misr.12067.

the Russian perception of legitimacy,[138] and suggested that cases of potential violation of sovereign rights would follow the Kremlin's straightforward rejection.[139] The four-time use of veto power on the UN resolutions in Syria illustrated Russia's objection to the Western arguments for enforced regime change, and drew attention to the increasingly state-centrist rationale in Russian political discourse.

Arguably, in the face of an expansive West, the former Cold War power is trying to endorse an international acknowledgment that a new world order has been formed where "the material basis of the Western supremacy in global politics has been shaken,"[140] because the unipolar world has created instability. The existing research suggests that in the discourse of powerful states world order is often shaped in the way that reflects their understanding of international relations.[141] Thus, in order to validate their position, states tend to cultivate a meaning of legitimacy that supports the power dynamic they favor, which makes the concept heavily dependent on contextual factors.[142] With this in mind, the prominent scholar of identity politics, Mark Haas, has argued that powerful states belong to different ideological groups, which reflect the number of powerful states in the international system.[143] Haas has entitled the phenomenon "ideological polarity," and uses it to illustrate the variety of interpretations that powerful states can operate with. The core state interests and preferences in security policies determine the polarity they belong to, which implies that each state verbalizes legitimacy based on its

[138] Makarychev, "Russia's Search for Identity," 49.

[139] Averre, "From Pristina to Tskhinvali," 578.

[140] Sergey Lavrov, "Remarks by Foreign Minister Sergey Lavrov during an Open Lecture on Russia's Current Foreign Policy" (The Ministry of Foreign Affairs, October 20, 2014), http://archive.mid.ru//brp_4.nsf/0/28BF39A9DFD8DDE544257D77005CCE7B.

[141] Stacie E. Goddard and Ronald R. Krebs, "Rhetoric, Legitimation, and Grand Strategy," *Security Studies* 24, no. 1 (2015): 9, doi:10.1080/09636412.2014.1001198.

[142] Ibid.

[143] Mark L. Haas, "Ideological Polarity and Balancing in Great Power Politics," *Security Studies* 23, no. 4 (2014): 715, doi:10.1080/09636412.2014.964991.

individual identity. His argument finds particular resonance with the Russian claim of multipolar world order and their persisting allegiance to sovereign independence as parts of their national identity, which I would expect to crystallize in their discourse in practice.

I argue that the Russian Federation uses an alternative frame of reference on which it interprets the meaning of legitimacy and justifies its behavior in international affairs. I have chosen to review the Russian discourse surrounding the Syrian peace process, because of the state's decisive role in the overall decision-making. However, I do not seek to illustrate its ideational opposition to the West as this has already been validated in previous studies. Instead, I review whether the constitutive foreign policy elements that I outlined are present in the Russian discourse in a way that would justify their policy preferences and delineate an understanding of legitimacy. In order to provide a theoretical grounding of the Russian behavior in the instances of war, I bring in the framework of Just War theory as an alternative to the Democratic Peace examined earlier.

3.2 The Syrian Gambit

The first recognition of the Syrian civil war as a potential threat to international peace and security came in 2011 shortly after the NATO-led campaign in Libya. The general Russian stance on external military interventions prompted it to use its veto power in a joint campaign with China, which essentially discouraged other Security Council members that a consensus could be reached anytime soon. However, the expansive wave of Syrian refugees in 2015 fleeing from the escalating civil war in Syria turned the conflict into an international humanitarian crisis that spread across three continents and necessitated an immediate response from the UNSC. The close association of Russia with the regime of Syrian President, Bashar al-Assad, preconditioned it to play a major part in the decision-making process, and represented an opportunity to reclaim its equal relevance as an international power.

On Sept 30, 2015, Russia delivered its first airstrike in Syria without the authorization of the UNSC, and with that intensified the Western critical views of the Putin-Assad alliance.[144] Nevertheless, the airstrikes were validated through an official authorization from the upper house of the Russian Duma. Shortly after, the presidential spokesperson, Dmitry Peskov, declared, "Russia will be the sole country that will be carrying out that operation on the legitimate basis at the request of Syria's legitimate authorities,"[145] using an argument that military intervention is considered legal on two particular grounds: UNSC resolution and request from the country's legitimate government. Peskov pointed out that all armed operations carried out by the pro-rebel coalitions so far had been a blatant violation of international law and lagged behind on the UN principles of justification. Several weeks later at the annual meeting of the Valdai International Discussion Club, President Vladimir Putin used a similar rhetoric by reiterating the inviolability of peremptory international norms and the importance of national interests as just cause in military engagements: "Our service members in Syria, of course, are fighting terrorism and in this respect, protect the interests of the Syrian people, but not only that. First and foremost, they protect the interests of Russia and the Russian people."[146]

A more substantive look into the Russian discourse indicates that Russia's reasoning about military interventions has centered on preserving the sovereign rights of the host government. The Western support for the opposition forces from the Syrian National Coalition have put an

[144] David Lawler, Andrew Marszal, and Barney Henderson, "France 'Opens War Crimes Inquiry against Assad Regime' in Syria: UN Debate," *The Telegraph*, September 29, 2015, http://www.telegraph.co.uk/news/worldnews/11895857/Vladimir-Putin-and-Barack-Obama-speak-at-UN-General-Assembly-live.html.

[145] "Kremlin: Only Russia to Take Part in Operation against Islamic State on Legal Grounds," *TASS Russian News Agency*, September 30, 2015, http://tass.ru/en/politics/824824.

[146] Vladimir Putin, "Meeting of the Valdai International Discussion Club" (Societies Between War and Peace: Overcoming the Logic of Conflict in Tomorrow's World, Sochi, October 22, 2015), http://en.kremlin.ru/events/president/transcripts/statements/50548.

additional strain on the relations with Russia, whose outright support for Assad is representative of the country's insistence on sovereignty. When asked whether his country considers Assad to be the legitimate authority, President Putin argued that "the government seeks to secure its sovereignty" and as such, Assad is "simply fighting those who rose up against him with deadly force."[147] The answer to such a particularly framed question suggests that in the Russian political space legitimacy depends on the position of the actor, which gives him the right to act in a certain way. By inference, the sovereign authority is justified in using what it deems necessary to defend state territorial integrity from internal and external threats. In this aspect, the Russian motives for the initial strike are consequential by virtue of respecting the will of the Syrian government and its voluntary request for assistance. The position also finds resonance with the arguments of President Putin, who often contends that Russia "will never agree with the idea of a third party, whoever it is, imposing its opinion about who governs who,"[148] thus, illustrating his preference for political solutions to international crises.

However, the rise of the Islamic State (ISIS) on a global scale diverted the attention of the international community from the legitimacy of Assad's regime to the goal of combatting the spread of terror. The arbitrary geographic dispersion of the attacks and the imminent need for containment were specifically addressed by UN Resolution 2249 from November 2015, which "unequivocally condemned" ISIS[149], and determined it represented an "unprecedented threat" to international peace and security. The resolution called for member states to adopt "all

[147]Vladimir Putin, Interview to German newspaper Bild, Part 2, January 12, 2016, http://en.kremlin.ru/events/president/news/51155.

[148] Vladimir Putin, "Vladimir Putin's Annual News Conference" (Conference, Annual Press Conference of the Russian President, Moscow, December 17, 2015), http://en.kremlin.ru/events/president/news/50971.

[149]United Nations Security Council, "Security Council 'Unequivocally' Condemns ISIL Terrorist Attacks, Unanimously Adopting Text That Determines Extremist Group Poses 'Unprecedented' Threat," *UN Org*, November 20, 2015, http://www.un.org/press/en/2015/sc12132.doc.htm.

necessary measures"[150] in the ISIS-controlled territories of Syria and Iraq to prevent the further proliferation of terror, and came days after an International Syria Support Group (ISSG) co-chaired by the US and Russia, was formed in Vienna.[151] The establishment of ISSG marked the beginning of a series of talks between US Secretary of State, John Kerry, and Russian Foreign Minister, Sergey Lavrov, which put the two former Cold War rivals in a joint decision-making seat. For Russia, the cooperation provided an opportunity to regain its equal power status in the international community and gave substance to its claim for multipolarity. Additionally, it represented a chance to redeem itself historically after being excluded from Kosovo and abstained voluntarily from participating in Libya.

The discourse of the Russian representative to the UN was reflective of the constitutive elements within Russian foreign policy – sovereign rights and recognition of power parity. In discussing the text of Resolution 2249, Mr. Iliichev argued for the importance of global and regional cooperation in the form of "close dialogue with local Governments and communities,[152] and reasserted it is "still convinced that the United Nations presence must seek to assist the host country only on the basis of the priorities identified by its Government."[153] The support for the will of the Syrian government relates to the element of sovereignty, while the call for international cooperation reflects Russia's ambition for equal power status. From

[150]United Nations Security Council, *Resolution 2249 Adopted by the Security Council at Its 7565th Meeting, S/RES/2249*, 2015, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2249.pdf, 2.

[151] Frederik Pleitgen, "Syria Peace Talks: 5 Things That Need to Happen in Vienna," *CNN*, November 13, 2015, http://cnn.it/1Prw0c3.

[152]United Nations Security Council, "Security Council 7564th Meeting," November 20, 2015, http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.7564.

[153] Ibid.

this perspective, the position of the Russian state resonates with the Russian foreign policy interests, and suggests consistency in their international conduct.[154]

On February 19, 2016, Russia presented the UNSC with a draft resolution aiming at measures against Turkey for allegedly violating Syrian sovereignty by intending to send troops to Syria.[155] The official spokesperson of the Russian Foreign Ministry, Maria Zakharova, announced, "Russia intends to convene a UN Security Council meeting to discuss the issue and introduce a draft resolution containing demands that all actions eroding the sovereignty and territorial integrity of Syria…should be stopped."[156] However, the proposal was immediately voted down by France and the US on the premise that it was merely a distraction from the real issues.[157] Nevertheless, several days later, the UNSC successfully passed a resolution enforcing an immediate ceasefire in Syria. The text was a joint effort of Russia and the US as co-chairs of the ISSG, and was praised as such by virtue of its collective initiative. Foreign Minister Lavrov noted, "for the first time in our work, the document that we have adopted today stipulates the need to cooperate and coordinate… This is a qualitatively new change in the approaches and we welcome it. We have been calling for it."[158] As such, the cooperative character of the decision-making process represents a novelty in post-Cold War relations, and indicates the formation of an environment where Russia can catch up with its former rival.

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[154] "Russia's Operation in Syria Destroyed Plans for Military Solution to Crisis — Ambassador," *TASS Russian News Agency*, February 9, 2016, http://tass.ru/en/politics/855395.

[155] "Russia to Initiate UN Security Council Meeting over Turkey's Plans to Send Troops to Northern Syria," *Russia Today*, February 19, 2016, http://on.rt.com/74yc.

[156]"Foreign Ministry Spokesperson Maria Zakharova's Response to a Media Question," *The Ministry of Foreign Affairs of the Russian Federation*, February 19, 2016, http://www.mid.ru/en/web/guest/foreign_policy/international_safety/conflicts/-/asset_publisher/xIEMTQ3OvzcA/content/id/2104490.

[157] "Russian Resolution on Syria Sovereignty Rejected at UN Security Council," *France 24*, February 20, 2016, http://f24.my/20KPJV4.

[158] John Kerry, Sergey Lavrov, and Staffan de Mistura, "Russian Foreign Minister Sergey Lavrov, United Nations Special Envoy Staffan de Mistura" (Meeting, International Syria Support Group, Munich, February 12, 2016), http://www.state.gov/secretary/remarks/2016/02/252431.htm.

Lavrov's words echo an observation that praised "Putin's journey from a pariah to an indispensable Middle Eastern power broker."[159] Evaluations of this kind represent a triumph of Russian foreign policy efforts not only for the resolution of the Syrian crisis, but also for its individual state interest as it gives practical dimension to the ideational commitment to multipolarity.

From a theoretical perspective, the suggested elements within the Russian foreign policy find particular resonance with the principles of Just War and their vision of international intervention. One of the most prominent 20th century Just War scholars, Michael Walzer, has often spoken about just intervention in the framework of Just War theory, and has suggested several criteria for consideration. While Walzer sees intervention as just in cases of extreme humanitarian endangerment as in the genocide in Rwanda,[160] he is critical of missions that aim at regime change in foreign countries, and has often reprehended the American war in Iraq for trying to transform the power dynamics within the state.[161] He argues "[i]ndividual leaders may be brought to trial after the war; the governmental system is not at issue."[162] In his work, Walzer recognizes the important role of domestic culture and acknowledges the existence of "other traditions of legitimacy in the invaded country,"[163] that should be respected. His reasoning finds analogy in the Russian objection to democratization through political transformation in Syria, and reflects their view of the primacy of sovereign rights.

[159] Owen Matthews, "Putin's Bloody Logic in Syria," *Newsweek Global*, December 4, 2015, Business Source Premier, 36.

[160] Michael Walzer, "Just and Unjust Wars" Author Critical on Iraq, National Public Radio, December 29, 2005, http://www.npr.org/templates/story/story.php?storyId=5073836.

[161] Ibid.

[162] Michael Walzer, "Regime Change and Just War," *Dissent*, Summer 2006, https://www.sss.ias.edu/files/pdfs/Walzer/RegimeChange.pdf, 103.

[163] Ibid.

In a similar fashion, the Russian foreign policy conduct finds a theoretical rationalization with another Just War scholar, theologian Paul Ramsey. The earlier factual inquiry revealed that Russia justified the airstrikes from September 2015 as a response to a request of the Syrian government. This motive finds place in Ramsey's work, who sees intervention as just in two cases: counter-intervention or intervention with invitation.[164] In order to create freely developing states, "it is better not to begin from scratch but by invitation,"[165] which comes from the local government. In his analysis on ultimate and penultimate justifications, Ramsey claims that an invitation adds certain degree of legitimacy in cases that lack the explicit legal authorization.[166] He is pursuant of a political reality where "The use of political power of a nation state should not always stick by the legal boundaries," and authorities should be vigilant of the potentially detrimental consequences from inaction.

Notably, the ties to the local regime have increased the diplomatic leverage of Russia in the overall peace process in Syria. The Just War paradigm offers an alternative perspective on the Russian involvement, which subsequently inspires a reassessment of its legitimacy. Even though the legality of the operations conducted by the Russian state might remain questionable, the empirical testimony suggests that its actions could be regarded as legitimate on the grounds provided by Just War theory. Certainly, if the West holds Russia to the criteria of Democratic Peace theory, it would fail. However, the parallel study between Russian discursive justifications and Just War principles adds another dimension to the evaluations of its legitimacy as an international intervener. However limited in number, the examples demonstrate that the Russian conduct in the Syrian conflict has been consistent with its state

[164] Paul Ramsey, "The Ethics of Intervention," *The Review of Politics* 27, no. 3 (1965): 304–306.

[165] Ibid., 307.

[166] Ibid., 301.

foreign policy interests. While the voluntary entry into partnership with the US represents its aspiration toward equal power status in a multipolar world order, Russia's objection to unsolicited military intervention in Syria indicates respect for the latter's sovereignty. Both elements participate in the formation of the collective framework of Russian foreign policy and as such, affect its conduct and perception of legitimacy in cases of international intervention.

This political realization illustrates that the meaning of legitimacy varies across contexts and depends on the ideational factors implied by the particular contextuality within the state. The most pronounced elements within Russian foreign policy discourse reflect the principles underlying its self-perception and as such, pre-condition the formation of a state-specific interpretative framework, which produces an alternative, but equally valid meaning of legitimacy, tailored to the Russian context.

Conclusion

This thesis has tried to illustrate that the meaning of legitimacy is a contextual social fact, which crystallizes differently across ideational paradigms. As each state operates with a particular ideological rationale that motivates its decision-making, the interpretation of legitimacy varies in accordance with the respective state value system. With this in mind, the research engages with the notion of legitimacy valid in the Russian context and the factors that have shaped its contemporary understanding of the concept. In particular, the project makes sense of the Russian legitimacy through the parallel study of the Western conceptual assessment, which is inferred from their respective ideational frameworks.

The thesis has addressed the question "What is Russia's illegitimacy about?" and specifically, why it is perceived as such in the West. By arguing that the notion of legitimacy is contested and varies across context, the objective of the thesis has been to reconstruct the particular understandings of legitimacy that operate in Russia and the West and examine the root of their difference. Having this in mind, I selected the theoretical frameworks of Democratic Peace and Just War theories as ideational bases on which I could build the inquiry of state practices. The selection of Democratic Peace theory is relevant to the discourse of Western liberal states that democratic systems are war-averse, therefore, most likely to guarantee international peace. By way of examining the argument for democratic supremacy, I selected the case of the UN intervention in Libya from 2011, which successfully overthrew an authoritarian regime after several Western officials raised the concern over the necessity of regime change. On the other hand, Just War theory allows to reconstruct an alternative interpretation of legitimacy, which I have tried to link with the ideational underpinnings within the Russian foreign policy practices in Syria. Given that the Russian explanation for the use of force in Syria was justified as a response to the Syrian Government's request for assistance, when formulated as such, the

argument resonates with the idea of "just intervention by invitation" stipulated in the Just War framework.

In this manner, the thesis suggests that the West sees Russia as illegitimate, because it holds it against the criteria of Democratic Peace theory, where Russia would clearly fail. The latter's rhetoric focuses on the importance of sovereign rights and national interest, which finds little resemblance with the Western arguments favoring regime change and enforced democratization. However, this does not make the country inherently illegitimate, but points to the contested nature of the meaning of legitimacy. With this in mind, the thesis has argued that if held against an alternative set of criteria, Russia could be perceived as legitimate, and the principles of Just War provide one viable example of this. However, the persisting contestations of the meaning of legitimacy perpetuate the conflicting tone of the dialogue between Russia and the West, which further indicates that ideational frames of reference and state self-perception have a manifest effect on the evaluations of state behavior.

Certainly, this research is far from exhaustive in illustrating the entire conceptual debate, which is much more complex. The limited scope of the thesis has provided an equally limited space for reviewing other empirics, which would have allowed greater depth into the question of Russian (il)legitimacy. I considered an exploration of Russian state identity to be of particular importance due to the specific worldview of Russian IR scholars. However, an examination of Russian identity constitutes a dissertation on its own, and a short overview would not have sufficed to give an accurate representation of its character, and would have potentially taken the thesis into a different direction.

In terms of empirics, the contemporaneity of the Syrian crisis and its spillover effect across the globe make it all the more relevant to the study, but also create a technical difficulty to keep up with the constantly emerging information. Additionally, the join decision-making function of the US and Russia represented a fresh and very prolific empirical platform to examine the

manifestation of their ideational differences, while purportedly being in cooperation. The exploration of these cases has brought up ideas for further research, which focus on the notion of multipolarity as part of Russian policy objectives, and how it can materialize through an alliance with its former rival. The currently established partnership in Syria is an important breakthrough in the history of both states and represents a step forward in the process of Russian legitimization. A more detailed academic study on its implications could produce a compelling analysis of the post-Cold War power balance in international relations.

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