

GROWING NUMBERS OF CHINESE BLUE HELMETS: CHINA'S CHANGING ROLE WITHIN THE SECURITY COUNCIL

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I. INTRODUCTION

As the civil war raged on, the Assad regime began to block food and medical supplies from entering besieged Syrian villages.¹ Because many

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1. See Rep. of the Independent Int'l Comm'n of Inquiry on the Syrian Arab Republic, U.N. Human Rights Council, 25th Sess., July 15, 2013–Jan. 15, 2014, ¶¶ 13, 132, U.N. Doc. A/HRC/25/65 (Feb. 12, 2014) (outlining evidence of excessive use of force, torture, unlawful

cannot leave these areas, starvation and death have resulted because of the regime's effort to root out rebel forces.² News reports in October 2013 indicate that a Syrian state security official called it the "Starvation Until Submission Campaign."³ In August 2013, U.N. inspectors found clear and convincing evidence that sarin gas was used in Ghouta, a Syrian village near Damascus, which resulted in the death of civilians.⁴ The rise of extremist militants from the Islamic State in Iraq and Syria (ISIS) created further unrest, especially in light of the group's seizure of military bases along the Syria-Iraq border.⁵ In light of these events, all eyes are on the Security Council to take action. As a Permanent Five (P5) member, the People's Republic of China (PRC or China) exerted significant influence over the Security Council's response, or lack thereof.

In light of the PRC's veto power and changing political agenda, it is a key player within the Security Council. The situation in Syria is the latest in a series of intrastate conflicts that have left the P5 slow to respond, in large part, because of China's and Russia's⁶ non-interventionist stance. However, recent Chinese participation in U.N. peacekeeping has called into question whether the PRC still adheres to its traditional foreign policy centered upon a strict respect for state sovereignty and the non-interference in the domestic affairs of other states.

As of 2011, China was the largest troop contributor to peacekeeping missions of the P5 and the fifteenth largest troop contributor in the world.⁷ Additionally, the Security Council has employed sanctions with increasing frequency since the end of the Cold War;⁸ thus, demonstrating

killing, and attacks on civilians) [hereinafter Int'l Comm'n Report on Syria]; *Reports: Syria Using Starvation as War Tactic*, AL JAZEERA (Oct. 20, 2013, 09:25 GMT), <http://www.aljazeera.com/news/middleeast/2013/10/reports-syria-using-starvation-as-war-tactic-2013103081531929448.html>.

2. See Int'l Comm'n Report on Syria, *supra* note 1.

3. See *id.* ¶ 13; see also *Insight: Starvation in Syria: A War Tactic*, REUTERS (Oct. 30, 2013, 04:27 EDT), <http://www.reuters.com/article/2013/10/30/us-syria-crisis-hunger-insight-idUSBRE99T07I20131030>.

4. See Int'l Comm'n Report on Syria, *supra* note 1, ¶¶ 127–129; see INT'L COAL. FOR THE RESPONSIBILITY TO PROTECT, THE CRISIS IN SYRIA, <http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-syria> [hereinafter THE CRISIS IN SYRIA] (the International Coalition for the Responsibility to Protect is an organization that advocates for normative consensus for the responsibility to protect).

5. Ben Hubbard, *ISIS Tightens Its Grip with Seizure of Air Base in Syria*, N.Y. TIMES, (Aug. 24, 2014), <http://www.nytimes.com/2014/08/25/world/middleeast/isis-militants-capture-air-base-from-syrian-government-forces.html>.

6. See *infra* Part III.

7. See Robert Weiss & Steven Hill, *China as Peacekeeper: Implications for the Law and Politics of Humanitarian Intervention*, 6 YALE J. INT'L AFF. 137, 137 (2011).

8. See Enrico Carisch & Loraine Rickard-Martin, *Global Threats and the Role of United Nations Sanctions*, Friedrich Ebert Stiftung Int'l Policy Analysis, at 2 (2011) (discussing the effectiveness of sanctions generally and the types of sanctions the Security Council may apply).

the PRC's limited use of its veto power. This paradoxical relationship between classic Chinese attitudes on foreign policy and increased involvement in international organizations has raised questions regarding Beijing's perceived change of heart.

China has become a big player in the international system. For example, China is now "party to 571 conventions, 203 treaties, and 2,616 agreements."⁹ China is a rising power with growing economic and military strength. As it rises, China is becoming more cooperative in international organizations, such as the United Nations, in order to boost its international influence.¹⁰ Becoming more involved in international organizations is one of the ways in which the PRC pursues its quest to become a great power.¹¹

During the Clinton administration, the United States took an approach of "constructive engagement" in an effort to incorporate China in international institutions.¹² Scholars have argued that the goals underlying the policy include strengthening the influence of international institutions¹³ and shaping China's behavior to conform to the Western values¹⁴ these institutions represent.¹⁵ The policy was altered during the Bush administration when Deputy Secretary of State Robert Zoellick "called on China to become a 'responsible stakeholder' of the international community."¹⁶ In that speech, Zoellick listed several changes China must make to its regime and foreign policy in order to become a responsible stakeholder.¹⁷

It seems that the United States has gotten part of what it wished for; China has become highly involved in international organizations¹⁸ and, in particular, the Security Council. The PRC has sought to project an image of being a responsible power and ease any fears of China's growth

9. Julian G. Ku, *China and the Future of International Adjudication*, 27 MD. J. INT'L L. 154, 161 (2012).

10. See, e.g., SUSAN L. SHIRK, CHINA: FRAGILE SUPERPOWER 11 (2008).

11. See, e.g., *id.* at 109 (the other two strategies China uses to maintain its growth are accommodating its neighbors and using its strong economic ties to make friends).

12. See Weiss & Hill, *supra* note 7, at 138; Amitai Etzioni, *Is China a Responsible Stakeholder?*, 87 INT'L AFF. 539, 540 (2011).

13. In an effort to bind state action by making it too costly for states to disregard these institutions.

14. See *infra* Part II.

15. See, e.g., Weiss & Hill, *supra* note 7, at 138.

16. See Etzioni, *supra* note 12, at 540.

17. See *id.*

18. See Ku, *supra* note 9, at 154 (indicating that the PRC actively participates in the World Trade Organization (WTO) and has begun to accept compulsory jurisdiction for arbitration under the International Centre for Settlement of Investment Disputes (ICSID)); see also Michael Fullilove, *China and the United Nations: The Stakeholder Spectrum*, 34 WASH. Q. 63, 66 (2011) (explaining how the PRC has become highly involved in Asian institutions such as the Shanghai Cooperation Organization and the East Asia Summit).

in economic and military strength.¹⁹ In 1997, President Jiang Zemin recognized that China requires a peaceful international environment to support its development.²⁰ The term “peaceful rise” was coined by an advisor to President Hu Jintao in 2003 to explain China’s emergence on the world scene and its desire to secure a stable environment conducive to growth.²¹ However, one question remains: does this new strategy of active involvement in peacekeeping operations signal that China is conforming to Western values? This Article answers in the negative. China’s values are changing in a more nuanced way. This Article argues that Chinese values appear to be aligning more toward values underpinning the United Nations and the Security Council as expressed by the U.N. Charter, which are similar in some ways to Western values and distinct in others.²²

China behaves in conformance with self-interest, similar to many other states in the international system, including the United States. Deviations from the traditional Chinese policy of non-intervention with a strict focus on state sovereignty can partly be explained by the balance of power in the international system and China’s growing interests throughout the world. China is a rational player on the international scene and will continue to so act in the future. Therefore, analyzing Chinese values and material interests is important in understanding the PRC’s current decision-making in the Security Council and in what to anticipate in the future.

This Article proceeds as follows. Part II defines the relevant Western values this Article refers to in the study and the values underlying the United Nations and the Security Council. It will show that, although Western values and U.N. values overlap, they also differ in several ways. Part III briefly examines China’s historical relationship with the United Nations and the Security Council and the present period of increased involvement. Part IV describes recent case studies and analyzes the PRC’s support, or lack thereof, for Security Council action. Part V concludes with lessons learned from the analysis in the previous Part and explores how states generally act out of self-interest. It also argues that, based upon this foregoing analysis, China’s values are not significantly Westernizing and instead, seem to be moving more toward values

19. See INTERNATIONAL CRISIS GROUP, CHINA’S GROWING ROLE IN UN PEACEKEEPING, at i (Asia Rep. N. 166, 2009) [hereinafter INTERNATIONAL CRISIS GROUP 2009]; see generally SHIRK, *supra* note 10, at 136.

20. See Etzioni, *supra* note 12, at 541.

21. See Council on Foreign Relations, Report of an Independent Task Force, *U.S.-China Relations: An Affirmative Agenda, A Responsible Course* 36 (2007); see generally SHIRK, *supra* note 10, at 108. However, Chinese leaders now use “peaceful development” to explain China’s strategy to become a great power for fear that “peaceful rise” may be interpreted as threatening which may trigger balancing coalitions against it.

22. See *infra* Part II.

associated with the United Nations and the Security Council. Furthermore, certain conditions must be present in order for the PRC to support Security Council action in conflicts such as Syria. Finally, the Part ends with what the PRC's new pragmatic approach means for the Security Council moving forward.

II. RELEVANT VALUES²³

Defining Western values is no easy task. No general consensus exists among scholars about what "Western" truly refers to. For the purposes of this Article, the West incorporates both the United States and Europe. The relevant Western values this Article refers to include individualism,²⁴ constitutionalism, democracy, free markets, and the promotion of human rights.²⁵ Although China has increasingly embraced free markets and human rights considerations in recent decades, this Article argues that it is not undergoing a significant shift toward Western values.

The values underpinning the United Nations and the Security Council are in some ways distinct from the Western values above and in other ways similar. After World War II shocked the international system, the United Nations was created in 1945 in an effort to prevent future military conflict among Member States and to settle international disputes peacefully.²⁶ The drafters of the U.N. Charter intended to create a system of collective security to prevent future catastrophic war.²⁷ To serve that goal, one of the foundational principles of the U.N. Charter is the general prohibition on the use of force in Article 2(4). This provision was intended to be comprehensive, outlawing not only traditional war, but also other uses of physical force in armed conflict, save for particular circumstances like humanitarian intervention and situations of self-defense.²⁸

In addition, the United Nations was founded upon the values of state sovereignty and non-interference in internal affairs of Member States. According to the U.N. Charter, "[n]othing contained in the present Charter shall authorize the United Nations to intervene in matters which

23. A "value" is an underlying principle that informs state decision-making on a fundamental level. This is different than an "interest" which is a material reason that influences state behavior.

24. This refers to the focus on the individual versus any collective goals.

25. See Samuel P. Huntington, *The Clash of Civilizations?*, 72 FOREIGN AFF. 22, 40 (1993).

26. See BARRY E. CARTER & ALLEN S. WEINER, INTERNATIONAL LAW 944 (Wolters Kluwer eds., 6th ed. 2011); see U.N. Charter art. 1, para 1.

27. See JAMES CRAWFORD, BROWNIE'S PRINCIPLES OF PUBLIC INTERNATIONAL LAW 757 (Oxford Univ. Press eds., 8th ed. 2012).

28. See CARTER & WEINER, *supra* note 26, at 948.

are essentially within the domestic jurisdiction of any state. . . .”²⁹ Part III will show that there is a tension between these two values and peacekeeping missions. The values of non-interference and strict adherence for state sovereignty often get swept under-the-rug when it inconveniences state agendas, particularly those of Western states like the United States.³⁰ It is important to note that, although the United States often engages in foreign intervention, it nevertheless strongly opposes interference in its own domestic affairs.³¹

Furthermore, the drafters of the U.N. Charter believed in the promotion of human rights. This is an area where U.N. values and Western values overlap. Respect for human rights was codified in Article 1 of the U.N. Charter which lists “promoting and encouraging respect for human rights” as one of the purposes of the United Nations. Moreover, the U.N. Charter calls for “universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.”³² Pursuant to Article 56 of the U.N. Charter, all members are required to further the purposes of the United Nations both jointly and separately. Therefore, all Member States of the United Nations must take action to promote human rights. The General Assembly passed the Universal Declaration of Human Rights in 1948 to further elaborate upon the meaning of human rights and set forth a standard that all Member States agreed to abide by.³³

The Security Council is the core of the collective security system in the United Nations, which bears the responsibility to address any threat to the peace, breach of the peace, or act of aggression.³⁴ In order to resolve a threat to the international system, the Security Council may employ provisional measures,³⁵ non-forcible measures,³⁶ and the use of force.³⁷ Therefore, the Security Council is, in essence, the enforcement organ of

29. U.N. Charter art. 2, para 7.

30. See Phil C. W. Chan, *A Keen Observer of the International Rule of Law? International Law in China's Voting Behaviour and Argumentation in the United Nations Security Council*, 26 LEIDEN J. INT'L L. 875, 907 (2013).

31. This view is generally reflected by Justice Antonin Scalia of the U.S. Supreme Court in his opposition to considering foreign law in court decisions. See Ruth Bader Ginsburg, “*A Decent Respect to the Opinions of [Human]Kind*”: *The Value of Comparative Perspective in Constitutional Adjudication* 26 AM. U. INT'L L. REV. 927, 928 (2010) (discussing the value behind using foreign cases to inform decisions in domestic courts).

32. See U.N. Charter art. 55(c).

33. See generally Universal Declaration of Human Rights, G.A. Res. 217 (III) A, U.N. DOC. A/RES/217(III) (Dec. 10, 1948) (the list of fundamental human rights includes the right to life, the prohibition of slavery, the prohibition on torture, the right not to be arbitrarily arrested).

34. See U.N. Charter art. 39.

35. See *id.* art. 40.

36. See *id.* art. 41.

37. See *id.* art. 42.

the United Nations.³⁸ The Security Council has a monopoly on the legitimate use of force pursuant to Chapter VII of the U.N. Charter. Pursuant to Articles 25 and 48, the Security Council acts on behalf of Member States who, by virtue of U.N. membership, agreed to carry out its decisions that prevail over any other legal obligation.³⁹ Thus, Security Council decisions to intervene in a conflict with the physical force are exceptions to the U.N. general prohibition on the use of force.

Although not always distinguished by scholars, Western values and the values underlying the United Nations are not identical. The United Nations was created to foster an international legal order to prevent the use of physical force except in limited circumstances. Western values, however, incorporate ideas of democracy and individualism, for example. It is significant to note that there is an overlap between Western values and the values expressed in the U.N. Charter, such as the promotion of human rights. As Part V demonstrates, Chinese values are not markedly converging with Western values. Instead, China's behavior seems to be conforming more to values underpinning the United Nations and the Security Council.

III. CHINA'S RELATIONSHIP WITH THE UNITED NATIONS

China has historically kept a low profile within the United Nations. Chinese foreign policy traditionally emphasized a strict adherence to state sovereignty and the non-interference in other states' internal affairs.⁴⁰ Scholars have noted that "China emphasizes far more often than other countries the importance of sovereignty as central to management of its domestic and foreign policies"⁴¹ However, since Deng Xiaoping's open-door policy and reform, the PRC has exponentially increased its participation within the United Nations and the Security Council. In fact, the PRC actively supports multilateral peacekeeping missions. The PRC's view on the prominence of state sovereignty does not easily reconcile with peacekeeping missions that have sovereignty-eroding characteristics.

This Part of the Article proceeds as follows. Part A discusses China's history in the United Nations and its general voting behavior. Part B addresses U.N. peacekeeping missions and sanctions regimes, as well as

38. See CRAWFORD, *supra* note 27, at 759.

39. See U.N. Charter art. 103.

40. See Jonathan E. Davis, *From Ideology to Pragmatism: China's Position on Humanitarian Intervention in the Post-Cold War Era*, 44 VAND. J. TRANSNAT'L L. 217, 224 (2011).

41. Jan Wouters & Mattieu Burnay, *The EU and Asia in the United Nations Security Council* 13 (Leuven Centre for Global Governance Studies, Working Paper No. 78, 2011).

China's increased involvement therein.

A. China's History and Voting Behavior in the United Nations

Since 1949 when the Chinese Communist Party (CCP) founded the PRC, Chinese foreign policy has adhered to a strict interpretation of state sovereignty and insistence on non-interference in the internal affairs of other states.⁴² This is partly due to historic foreign invasions of China and its self-described pattern of humiliation from 1839 to 1949.⁴³ Specifically, the Opium Wars and Sino-Japanese wars remain in China's collective memory.⁴⁴ In addition, China has "an ideological mistrust of Western motivations—a legacy of historical experience as well as Communism's opposition to Western imperialism—[which] continues to color Chinese attitudes . . ." toward other states.⁴⁵

At its inception, the PRC was not formally recognized as the government of China and the Chinese U.N. seat was held by the Republic of China (Taiwan) instead.⁴⁶ China also distrusted the United Nations because of the direct clashes between Chinese troops and U.N. forces during the 1951 Korean War, which resulted in the U.N. branding China as an aggressor.⁴⁷ This only led the PRC to further resent the United Nations and see it as a means for the United States and the Soviet Union to expand their respective spheres of influence.⁴⁸

It was not until 1971 that the PRC obtained a seat at the United Nations and in the Security Council when it replaced Taiwan.⁴⁹ Between 1971 and 1980, the PRC had its own voting style, often referred to as the "fifth voting style," where it was present for each vote, but did not participate and chose to abstain.⁵⁰ This is how it reconciled being a member of the P5 and its strict adherence to state sovereignty. Additionally, this is also how the PRC voiced its opposition to peacekeeping missions and, furthermore, refused to pay its annual peacekeeping contribution and deploy troops.⁵¹

Beginning in the 1980s, the PRC's voting style began to shift within the Security Council as Deng Xiaoping led China to become open to

42. See Davis, *supra* note 40, at 224.

43. See *id.* at 277.

44. See, e.g., Wouters & Burnay, *supra* note 41, at 10.

45. Davis, *supra* note 40, at 278.

46. See, e.g., Fullilove, *supra* note 18, at 67.

47. See INTERNATIONAL CRISIS GROUP 2009, *supra* note 19, at 3.

48. See *id.* at 3.

49. See, e.g., *id.*

50. See, e.g., *id.* at 4–5.

51. See M. Taylor Fravel, *China's Attitude Toward U.N. Peacekeeping Operations Since 1989*, 36 ASIAN SURVEY 1102, 1103–04 (1996).

peaceful relations with the West.⁵² The first U.N. peacekeeping operation the PRC voted for was Resolution 495 authorizing an extension of the U.N. Peacekeeping Force in Cyprus in 1981.⁵³ Throughout the 1980s, the PRC continued to regularly abstain, but it began providing explanations for its abstentions.⁵⁴ Also during that time period, the PRC began to financially contribute to peacekeeping operations and then deployed its first personnel to peacekeeping operations in the Middle East and Africa.⁵⁵

The Tiananmen Square protests in 1989 created domestic instability within certain regions of China. The military force the PRC used against its own citizens to quell the protests shocked the world. As a result, China became the target of sanctions that individual states imposed because China's P5 status at the United Nations prevented a collective response.⁵⁶ This most likely makes the PRC more reluctant to support sanctions in the Security Council because it had once been a target of sanctions itself.⁵⁷ It is further inclined to engage in diplomacy instead of resulting to Security Council action.⁵⁸

Due to historical passivity demonstrated in the Security Council, the PRC's voting patterns are unique. Despite the uncooperative portrayal Western media accords the PRC in controversial Security Council peacekeeping and sanctions efforts,⁵⁹ the PRC uses its veto less than any other P5 member.⁶⁰ The PRC has only used its veto eight times since joining the Security Council; this is in stark contrast to the 78 resolutions vetoed by the United States between 1971 and 2012 and the 24 U.K. vetoes during the same period.⁶¹ But the PRC's infrequent use of its veto power is only part of the story.

Instead of using its veto power to demonstrate non-support, the PRC often abstains from voting. It is fair to view the PRC's abstentions as statements of non-support.⁶² When a P5 member abstains from a vote, it

52. See Fullilove, *supra* note 18, at 69.

53. See INTERNATIONAL CRISIS GROUP 2009, *supra* note 18, at 5.

54. See, e.g., *id.*

55. See Fullilove, *supra* note 18, at 69.

56. See *id.* at 75.

57. See *id.*

58. See *id.*

59. See generally *Diplomats: Russia, China Skip Talks on UN Security Council Action on Syria Humanitarian Crisis*, FOX NEWS (Feb. 10, 2014), <http://www.foxnews.com/world/2014/02/10/diplomats-russia-china-skip-talks-on-un-security-council-action-on-syria/> (arguing that the PRC and Russia refused to attend a Security Council meeting regarding the deteriorating situation in Syria and accuses both states of supporting the Assad regime).

60. See Fullilove, *supra* note 18, at 72.

61. See U.N. Security Council, *Veto List*, http://www.un.org/depts/dhl/resguide/scact_veto_en.shtml (last visited Apr. 19, 2014) [hereinafter *Veto List*]; Chan, *supra* note 30, at 889.

62. See, e.g., Ivan W. Rasmussen, *The Changing Politics of Peacekeeping: China's Impact on United Nations Peacekeeping* (Apr. 2011) 10 (unpublished Ph.D. dissertation, Tufts

“withholds from the proposed action the legitimacy that an affirmative vote from it may provide.”⁶³ This is particularly influential due to the recent practice of treating Security Council resolutions as foundations for international norms that have the potential to rapidly become customary international law. The fact that a proposed resolution does not receive a positive vote from a Member State may serve as evidence that the abstaining state does not believe the resolution complies with international law. Between 1990 and 2012, the PRC abstained from thirty-eight votes regarding Chapter VII resolutions and eighteen non-Chapter VII resolutions, which represents the most abstentions by any P5 member.⁶⁴

Any study of Chinese voting patterns in the Security Council must also take into account Russia’s voting behavior. China and Russia often look to each other for mutual support. Typically, the Security Council is separated into two different voting blocs: China and Russia on the one hand, and the United States, France, and the United Kingdom on the other hand.⁶⁵ The PRC has never exercised its veto alone and has abstained from votes alone only four times.⁶⁶ However, it is important to note that the two states have separate perspectives on the international system and distinct foreign policies.⁶⁷

The relations between China and Russia have been strained recently. Political unrest within Crimea, a dominantly Russian peninsula within Ukraine, triggered Russian intervention on behalf of the pro-Russian protesters.⁶⁸ Russian troops took control of Crimea with little bloodshed at the horror of the Ukrainian government.⁶⁹ This drew the severe condemnation from much of the international community.⁷⁰ On March 16, 2014, about ninety-seven percent of Crimeans voted to secede from

University), <http://sites.tufts.edu/ivanwr/files/2012/06/Changing-Politics-of-Peacekeeping-China-s-impact-on-UN-Peacekeeping.pdf>; see Chan, *supra* note 30, at 890.

63. Chan, *supra* note 30, at 890.

64. *See id.*

65. *See, e.g.,* Fullilove, *supra* note 18, at 72–73.

66. *See* Katie Lynch, *China and the Security Council: Congruence of the Voting Between Permanent Members*, in 5 CHINA PAPERS 1, 26–27 (New Zealand Contemporary China Research Centre ed., 2009) (noting that there are four votes that only China abstained from including once in 1999 during the Kosovo conflict, once in a resolution imposing measures against the Taliban, and twice regarding U.N. membership issues).

67. *See, e.g.,* Directorate-General for External Policies of the Union, *The Positions of Russia and China at the UN Security Council in the Light of Recent Crises*, at 4, COM (2013) 433.800 final (Mar. 1, 2013).

68. *See Timeline: Ukraine’s Political Crisis*, AL JAZEERA (Sept. 20, 2014, 05:48 GMT), <http://www.aljazeera.com/news/europe/2014/03/timeline-ukraine-political-crisis-201431143722854652.html>.

69. *Id.*

70. *Id.* (on March 3, 2014, NATO released a statement that Russia was threatening peace and security in Europe).

Ukraine and join Russia while thousands of armed Russian troops occupied the peninsula.⁷¹ Western leaders argued that this referendum was illegal under Ukrainian law and violated Ukrainian sovereignty.⁷² As a result, the Security Council considered a proposed resolution declaring the secession illegal.⁷³ Unsurprisingly, Russia vetoed the draft resolution.⁷⁴

The PRC's reaction to the Crimean situation has been interesting to say the least. Although the PRC often votes with Russia, it decided to abstain from the vote on the draft resolution.⁷⁵ The PRC's decision to abstain reflects complex interests in conflict with each other. On one hand, the PRC seems to be reluctant to oppose Russian action. But on the other hand, the PRC also has an interest in objecting to secessionist movements because of its own domestic situation, as will be discussed below. It is too early to tell what this means for the perceived Russia-China voting bloc within the Security Council, but it does show that the PRC does not blindly support Russia to the detriment of its own interests.

In line with states acting out of self-interest, which will be described in detail in Part V, the PRC and Russia work with each other to balance perceived U.S. hegemony.⁷⁶ Recently, China and Russia have further converged to balance against the West because of the aftermath of the global financial crisis that led to increased criticism of the Western value of free markets.⁷⁷ Specifically for China, this has coincided with Xi Jinping's vigorous foreign policy in pursuit of China's territorial claims and the PRC becoming more assertive in the international arena.⁷⁸

B. The Rise of Peacekeeping and Sanctions Regimes

The United Nations and the Security Council were created in response to the interstate violence of World War II. However, the rate of interstate conflicts has significantly decreased in relation to the increasing rate of intrastate conflicts. This has forced the United Nations, and the Security Council in particular, to adapt to this new reality and make more

71. See David M. Herszenhorn, *Crimea Votes to Secede from Ukraine as Russian Troops Keep Watch*, N.Y. TIMES (Mar. 16, 2014), http://www.nytimes.com/2014/03/17/world/europe/crimea-ukraine-secession-vote-referendum.html?_r=1.

72. *Id.*

73. See *UN Security Council Action on Crimea Referendum Blocked*, U.N. NEWS CENTRE, (Mar. 15, 2014), <http://www.un.org/apps/news/story.asp?NewsID=47362&Cr=Ukraine&Cr1=#.U1RuUPIdUII>.

74. *Id.*

75. *Id.*

76. See Directorate-General for External Policies of the Union, *supra* note 67, at 10.

77. See *id.* at 12.

78. See *id.*

decisions regarding internal conflicts and human rights violations.⁷⁹

Due to the increase in intrastate conflicts, the United Nations has become involved in more peacekeeping missions. Peacekeeping missions occur when a group of states employ the use of force in another state's sovereign territory to protect the host state's people from mass atrocities, crimes against humanity, genocide, or human rights abuses.⁸⁰ Between 2003 and 2011, the U.N. peacekeeping budget increased from about 2 billion dollars to 8 billion dollars per year.⁸¹ The statistics gathered by the Office of the U.N. High Commissioner for Refugees (UNHCR) are telling. In June 2013, the UNHCR reported that global forced displacement⁸² was at an 18-year high with more than 45.2 million people displaced by the end of 2012.⁸³

The Security Council has a monopoly over the use of force pursuant to Chapter VII of the U.N. Charter, which is binding upon all members.⁸⁴ Chapter VII is an exception to the principle of non-interference in other state's internal affairs outlined in Article 2(7) of the U.N. Charter because it authorizes the Security Council to use physical force in a conflict which it deems a threat to international peace and security.⁸⁵ Therefore, peacekeeping missions are an exception to the general prohibition on the use of force codified in Article 2(4) of the U.N. Charter.

The Security Council has used sanctions regimes more frequently since the end of the Cold War.⁸⁶ Sanctions are often used in situations where diplomacy alone does not resolve the conflict and military intervention is unavailable due to political dissent and financial cost.⁸⁷ Although "sanctions" are not mentioned by name in the U.N. Charter, Article 41 has been interpreted to give the Security Council the right to impose sanctions in reaction to a threat to international peace and security.⁸⁸ In addition to authorizing peacekeeping missions, Chapter VII also encompasses sanctions regimes. Different forms of sanctions include asset freezes, commodity bans, travel bans, arms embargoes, and no-fly

79. Cf. Lynch, *supra* note 66, at 26–27 (arguing that China and Russia cooperate the most out of any other member in the Security Council).

80. See Davis, *supra* note 40, at 221; see also *infra* note 233 (discussing the right to protect).

81. See INTERNATIONAL CRISIS GROUP 2009, *supra* note 19, at 1.

82. This includes both refugees and internally displaced persons.

83. See The U.N. Refugee Agency (U.N.H.C.R.), Displacement: The New 21st Century Challenge, June 19, 2013, U.N.H.C.R./B. Sokol (2013), available at <http://www.unhcr.org/51c071816.html>.

84. See CRAWFORD, *supra* note 27, at 758.

85. See, e.g., Davis, *supra* note 40, at 222–23.

86. See Carisch & Rickard-Martin, *supra* note 8, at 2.

87. Cf. *id.*

88. See, e.g., *id.* at 2–3.

zones.⁸⁹ Sanctions regimes, combined with the option of the use of physical force in peacekeeping missions, provide the Security Council with mechanisms to persuade states to behave a certain way and enforcement measures if states do not comply.

The changing landscape of the international system has created tension for both Russia and China who have experienced, and are currently dealing with, separatist movements and problematic human rights records.⁹⁰ The fear the PRC and Russia share is foreign intervention in separatist movements, which both states tend to handle with domestic military presence. For example, the largest, and often most violent, secession movements in China are in Tibet, Xinjiang, and Inner Mongolia.⁹¹ The PRC's reluctance to interfere in the internal affairs of other states stems, in part, from the ongoing ethnic and religious violence in China itself.⁹² During the 2008 Olympics in Beijing, the PRC showed resentment in Western scrutiny of its treatment of minorities.⁹³ The PRC's own internal struggle for domestic stability and fear of outside intervention shape the way it approaches other states' that experience similar conflict.

Taiwan remains an especially sensitive issue for the PRC. Although relations between mainland China and Taiwan have eased over the years, the PRC unequivocally adheres to the One China policy. During the 1990s, the PRC either vetoed or threatened to veto peacekeeping missions in Haiti, Macedonia, and Guatemala because those states formally recognized Taiwan as separate from China.⁹⁴ However, the fact that a state recognizes Taiwan does not automatically mean the PRC will try to thwart any peacekeeping mission within that state.⁹⁵ Yet, Taiwan still serves as a limit for Chinese behavior within the Security Council.⁹⁶

Both the PRC and Russia have worked to prevent the Security Council from significant consideration of human rights violations in areas including Darfur and Zimbabwe.⁹⁷ That is not to say that the PRC and Russia have a complete disregard for human rights violations, as will be

89. *Id.* at 6–7.

90. Lynch, *supra* note 66, at 26–27.

91. See SHIRK, *supra* note 10, at 58.

92. See Bernard Yudkin Geoxavier, *China As Peacekeeper: An Updated Perspective on Humanitarian Intervention*, 7 YALE J. INT'L AFF. 98, 99 (2012).

93. See Kevin Zickterman, *Worse Than "Chinese Water Torture:" The Second Step in Straightening Out North Korea May Include Pressuring China to Stop Its Repatriation Campaign of North Korean Refugees*, 25 DCBA BRIEF 30, 35 (2013).

94. See Fullilove, *supra* note 18, at 70.

95. See *id.* (noting that the PRC now supports the U.N. peacekeeping mission in Haiti (MINUSTAH) established in 2004).

96. See Stefan Stähle, *China's Shifting Attitude Towards United Nations Peacekeeping Operations*, 195 CHINA Q. 631, 653 (2008).

97. See Fullilove, *supra* note 18, at 78.

discussed in Part IV; however, it does indicate that the states' internal conflicts influence their behavior in the Security Council. The potential for widespread domestic instability influences China to "generally behave[] like a cautious, responsible power preoccupied with its own domestic problems and intent on avoiding conflicts that would disrupt economic growth and social stability."⁹⁸

The PRC adheres to a strict interpretation of state sovereignty and non-interference in foreign domestic affairs.⁹⁹ In combination with Russia, the PRC strongly supports the idea that "states are the 'exclusive masters of their internal affairs.'"¹⁰⁰ Recently however, the PRC has become highly involved in the United Nations. Although the PRC's core interests remain domestic in nature,¹⁰¹ it has gradually increased its participation in peacekeeping since the early 1990s.¹⁰² As of 2011, China had deployed more than 12,000 police units, medical and engineering troops, and military observers to U.N. peacekeeping missions.¹⁰³ The individuals China sends to these missions are considered some of the most professional troops in the world.¹⁰⁴ China was contributing a total of 2,177 troops and personnel to U.N. peacekeeping missions as of March 2014.¹⁰⁵ This is in stark contrast to the 120 total personnel from the United States and the 357 contributions from the United Kingdom.¹⁰⁶ China's increased participation in peacekeeping has added to its prestige at the United Nations, thereby affecting the level of influence China can exert over other members at the United Nations.¹⁰⁷ This is exemplified by the fact that the PRC's heavily supported candidates are being appointed to key posts throughout the United Nations.¹⁰⁸

98. SHIRK, *supra* note 10, at 10.

99. See, e.g., Weiss & Hill, *supra* note 7, at 137.

100. Alexander Benard & Paul J. Leaf, *Modern Threats and the United Nations Security Council: No Time for Complacency: A Response to Professor Allen Weiner*, 62 STAN. L. REV. 1395, 1414 (2010) (quoting Ivo Daalder & James Lindsay, *Democracies of the World, Unite*, AM. INT., Jan.-Feb. 2007, available at <http://www.the-american-interest.com/article.cfm?piece=220>). In fact, China and Russia have halted American action to address internal affairs in Kosovo, Darfur, and Burma. *Id.* at 1415.

101. See, e.g., Fullilove, *supra* note 18, at 66.

102. See Weiss & Hill, *supra* note 7, at 137.

103. *Id.*

104. See *id.* at 138.

105. *Troop and Police Contributors Archive*, UNITED NATIONS PEACEKEEPING, http://www.un.org/en/peacekeeping/resources/statistics/contributors_archive.shtml (last visited Apr. 20, 2014). But although this number is high compared to all of the other P5 members, it is still small in relative terms to the Chinese military, which has over two million personnel. Fullilove, *supra* note 18, at 70.

106. *Troop and Police Contributors Archive*, *supra* note 105.

107. See, e.g., Fullilove, *supra* note 18, at 67, 70.

108. For example, the PRC heavily supported Dr. Margaret Chan's appointment as Director-General of the World Health Organization in November 2006. The PRC also strongly backed the

While China's involvement in peacekeeping missions has grown, Western countries have seemed to take an opposite approach. Since the end of the Cold War, Western states have reduced troop contributions to peacekeeping missions and almost exclusively provide financial support.¹⁰⁹ These states are more sensitive to casualties in peacekeeping missions, especially when missions do not support direct strategic interests.¹¹⁰ As a general matter, there is less emphasis on the human cost of sending troops in developing countries.¹¹¹

In addition to added prestige at the United Nations, China also receives money from the United Nations for personnel and equipment it contributes to peacekeeping.¹¹² In many respects, China is "filling a conspicuous physical vacuum left by Western members of the [P5], who contribute financially to peacekeeping, but do not commit to significant troop deployment."¹¹³

China's recent increase in participation at the United Nations, and in particular in peacekeeping operations, seems contradictory to the traditional Chinese value of non-interference. Therefore, this Article will next analyze the particular situations where China participated in peacekeeping missions and draw insight from China's new involvement. As the Part below will show, there are certain patterns that emerge that reflect larger Chinese policy considerations.

IV. CASE STUDIES

A study of the PRC's recent cases of support for peacekeeping missions and sanctions regimes shows several common threads that influence its decision-making in the Security Council. Because the PRC acts out of self-interest, like many other states, it does not engage in peacekeeping operations for purely humanitarian reasons. The PRC's self-interest will also be discussed in Part V of this Article, however it is necessary to consider when analyzing case studies in this Part.

According to several scholars, there are three principles that China uses when deciding whether to support peacekeeping operations: (1)

appointment of Ban Ki-moon of South Korea as the U.N. Secretary-General. Bonny Ling, *China's Peacekeeping Diplomacy*, 17 CHINA RIGHTS F. 47, 48 (2007).

109. See INTERNATIONAL CRISIS GROUP 2009, *supra* note 19, at 8 (reporting that the United States paid nearly 28.38% of the total U.N. peacekeeping budget, which is almost 8 billion a year. France paid 7.4% of that same budget and the United Kingdom paid 7.8%).

110. See, e.g., *id.* at 8.

111. Heather Timmons & Neha Thirani Bagri, *Poor Nations Fight, Rich Nations Pay*, N.Y. TIMES (Apr. 10, 2013), http://india.blogs.nytimes.com/2013/04/10/poor-nations-fight-rich-nations-pay/?_php=true&_type=blogs&_r=0.

112. See *id.*

113. Ling, *supra* note 108, at 48.

host-country consent, (2) the use of force only in self-defense, and (3) the involvement of relevant regional actors.¹¹⁴ China has created an exception to the general requirement of host-country consent that applies when there is a complete lack of government in the host country.¹¹⁵ Furthermore, China generally supports peacekeeping missions where there is an internal settlement of the conflict between parties involved.¹¹⁶ In addition, China is much more likely to support military intervention to end humanitarian crises if there is Security Council authorization because Chapter VII represents the only exception to the non-interference principle within the U.N. Charter.¹¹⁷ Chapter VII can be triggered only by Security Council action. Therefore, the use of force must be used as a last resort.¹¹⁸ China is also more likely to become involved in a peacekeeping mission that has the support of relevant regional organizations.¹¹⁹ Regional organizations have “a unique political, moral and geographical advantage in handling conflict prevention and resolution,” in their particular region.¹²⁰

In addition to the principles listed above, this Article asserts there are other considerations at play in China's decision to engage in peacekeeping operations or impose sanctions regimes through the Security Council. The PRC also takes into account its economic interests, regional interests, and level of international pressure to act. This Part will analyze China's participation, or lack thereof, in conflicts such as Darfur, Zimbabwe, North Korea, Iran, and Libya. What emerges is a pattern of China acting out of self-interest. For example, in Darfur, Zimbabwe, North Korea, and Iran, China has economic and regional interests. The material interest at play in the PRC's support for actions against the Qaddafi regime in Libya was its fear of isolation on the issue, which would in turn draw outside criticism of China's own human rights record. The lack of international attention paid to the conflict in Zimbabwe and the PRC's willingness to veto any resolution regarding the situation provides support for this theory. This Article will take each case study in turn.

114. See Fullilove, *supra* note 18, at 69–70; INTERNATIONAL CRISIS GROUP 2009, *supra* note 19, at 19.

115. China supported the U.N. peacekeeping mission in Somalia pursuant to Resolution 794 without Somalia's consent. China made it clear that its support for intervention was exceptional due to the lack of a functioning government in Somalia. See Davis, *supra* note 40, at 231–32.

116. See Rasmussen, *supra* note 62, at 15.

117. See Davis, *supra* note 40, at 220–23.

118. See U.N. Charter art. 33 (requiring Member States to try to resolve all disputes peacefully).

119. See, e.g., INTERNATIONAL CRISIS GROUP 2009, *supra* note 19, at 23.

120. *Id.* at 24 (quoting *Statement by H.E. Ambassador Liu Zhenimin on Prevention and Resolution of Conflicts at the Open Debate of the Security Council*, Permanent Mission of the People's Republic of China to the UN, Aug. 28, 2007 available at <http://www.china-un.org/eng/zghlhg/hphaq/t357122.htm>).

A. Darfur

Beginning in 2003, government-allied Arab Janjaweed militias in Sudan committed large-scale atrocities against civilians in the western region of Darfur.¹²¹ The conflict was so violent that an agency within the United Nations declared it to be “one of the worst humanitarian crises in the world.”¹²² The Janjaweed militias engaged in a scorched-earth campaign to achieve ethnic cleansing of Darfur’s black African population.¹²³

The Security Council took action in July 2004 by adopting Resolution 1556, which declared the situation in Darfur to be a threat to international peace and security and a threat to the stability of the entire region.¹²⁴ Resolution 1556 was adopted under Chapter VII and endorsed the African Union’s (A.U.) deployment of troops to the region and demanded that the leader of the Sudan, Khartoum, disarm the Janjaweed militias.¹²⁵ In addition, an arms embargo was imposed on the Janjaweed militias.¹²⁶

The PRC first approached the crisis with a hardline stance. The Chinese representative argued that resolving the crisis required the consent of the Sudanese government, thereby respecting its sovereignty over its own territory.¹²⁷ The PRC abstained in the vote to adopt Resolution 1556.¹²⁸ The PRC did not agree with the obligatory nature of the Chapter VII powers exercised in Resolution 1556 and took the position that the resolution would make matters worse.¹²⁹ The PRC reiterated this reasoning when it abstained in voting for Resolution 1672, which imposed financial sanctions and travel bans on certain individuals involved in the conflict.¹³⁰ Although not specifically mentioned by Chinese representatives as reasons for its non-support, the principles of non-interference and state sovereignty were evidently at play.¹³¹ This position is supported by the fact that the PRC did support the regional organization peacekeeping mission, the A.U. Mission in Sudan (AMIS),

121. See Davis, *supra* note 40, at 265.

122. *Id.* (quoting *Humanitarian and Security Situations in Western Sudan Reach New Lows*, UN Agency Says, U.N. NEWS CENTRE (Dec. 5, 2003), <http://www.un.org/apps/news/story.asp?NewsID=9094&Cr=sudan&Cr1=&Kw=Humanitarian+and+security+situation+in+western+Sudan+reach+new+laws&Kw2=&Kw3=>).

123. Davis, *supra* note 40, at 265.

124. See S.C. Res. 1556, ¶ 21, U.N. Doc. S/RES/1556 (July 30, 2004).

125. See *id.* ¶ 6.

126. See *id.* ¶ 7.

127. See Davis, *supra* note 40, at 266.

128. U.N. SCOR, 59th Sess., 5015th mtg. at 3, U.N. Doc. S/PV.5015 (July 30, 2004).

129. See Davis, *supra* note 40, at 266.

130. See *id.* at 266 n.270.

131. See *id.* at 267.

which was deployed with Khartoum's consent.¹³²

However, in May 2006, the PRC's position began to shift. It supported the A.U. transition into a U.N. peacekeeping force by voting in favor of Resolution 1679.¹³³ Despite Resolution 1679 invoking Chapter VII powers, the PRC conditioned its support on receiving consent from the Sudanese government.¹³⁴ This is also why the PRC abstained from voting on Resolution 1706 in August 2006, which expanded the mandate of the U.N. Mission in Sudan (UNMIS) by sending troops to enforce the Darfur Peace Agreement of May 2006 and the N'djamena Ceasefire Agreement.¹³⁵ Resolution 1706 contained a clause inviting the consent of the Sudanese government for the deployment because China threatened to use its veto if the language was omitted.¹³⁶

In the face of escalating violence that was beginning to affect neighboring Chad, the PRC became subject to international pressure to become more involved in the crisis.¹³⁷ The PRC reacted to this pressure by working closely with the Sudanese government to obtain acceptance of the hybrid U.N.-A.U. peacekeeping force in Darfur.¹³⁸ In fact, President Hu Jintao visited Khartoum to attempt to ensure his cooperation.¹³⁹ Further negotiations were conducted with Khartoum in April 2007, which resulted in an agreement for the deployment of 3000 U.N. peacekeepers to Darfur, including a group of Chinese military engineers.¹⁴⁰ Finally after receiving Khartoum's consent, the PRC voted with a unanimous Security Council to adopt Resolution 1769, which authorized U.N.-A.U. peacekeeping force, the U.N. Assistance Mission in Darfur (UNAMID).¹⁴¹ However, the relatively weak language in the

132. *See id.*

133. *See id.*; *see also* S.C. Res. 1679, ¶ 3, U.N. Doc. S/RES/1679 (May 16, 2006).

134. *See, e.g.*, U.N. SCOR, 61st Sess., 5439th mtg. at 3, U.N. Doc. S/PV.5439 (May 16, 2006) (“[O]ur country’s Minister for Foreign Affairs, Mr. Li Zhaoxing, laid out China’s position [that] . . . [w]e believe that, if the United Nations is to deploy a peacekeeping operation in Darfur, the agreement and cooperation of the Sudanese Government must be obtained.”).

135. *See* Davis, *supra* note 40, at 268.

136. *See* S.C. Res. 1706, pmbl. ¶ 3, U.N. Doc. S/RES/1706 (Aug. 31, 2006); *see also* Davis, *supra* note 40, at 268.

137. *See* Davis, *supra* note 40, at 269.

138. *See* Colum Lynch, *China Filling Void Left by West in U.N. Peacekeeping*, WASH. POST (Nov. 24, 2006), <http://www.washingtonpost.com/wp-dyn/content/article/2006/11/23/AR2006112301007.html>.

139. *See* Howard W. French, *Chinese Leader to Visit Sudan for Talks on Darfur Conflict*, N.Y. TIMES (Jan. 25, 2007), <http://www.nytimes.com/2007/01/25/world/asia/25china.html?n=top/News/W>.

140. *See* Davis, *supra* note 40, at 269; *see also* Stephanie Kleine-Ahlbrandt & Andrew Small, *China’s New Dictatorship Diplomacy: Is Beijing Parting with Pariahs?*, 87 FOREIGN AFF. 38, 47 (2008).

141. *See* U.N. SCOR, 62d Sess., 572th mtg. at 10, U.N. Doc. S/PV.5727 (July 31, 2007) (“The consensus reached by the United Nations-African Union-Sudan tripartite dialogue

resolution reflects the PRC's influence and the principle of state sovereignty.¹⁴²

The PRC's initially cautious approach toward the crisis in Darfur and gradual support can be explained by China's relationship with Sudan and the building up of international pressure. Sudan is a key oil supplier to China, representing a core Chinese economic interest.¹⁴³ As a growing economy, China has a thirst for a stable energy supply and, therefore, the PRC has an interest in maintaining good relations with the Sudanese government.¹⁴⁴ Most likely, this is one of the major reasons why the PRC initially displayed unwillingness to intervene in Darfur. By denying support to several early resolutions regarding the conflict, the PRC delayed the formation of UNAMID.¹⁴⁵ UNAMID was not created until July 2007, even though the world community recognized the situation in Darfur to be one of the most violent conflicts in the world by December 2003.¹⁴⁶ The PRC's abstentions denied Security Council action the legitimacy it would have received by a unanimous front, thereby weakening initial support of a peacekeeping mission in Darfur.¹⁴⁷ This reflects the unlikelihood of the PRC's support for foreign intervention when not only the host government is opposed, but the international community is also divided.¹⁴⁸

On the flip side, there were several factors that caused the PRC to change its mind. First, the PRC also has an interest in a stable environment within Sudan to secure the oil supply. Also, the PRC has an interest in achieving a peaceful and stable international environment to

mechanism on the hybrid operation is the political prerequisite on the basis of which this resolution is adopted.”).

142. For example, the clause describing the protection of civilians stated “without prejudice to the responsibility of the Government of the Sudan.” S.C. Res. 1769, ¶ 15, U.N. Doc. S/RES/1769 (July 31, 2007).

143. See Geoxavier, *supra* note 92, at 99; see also Wouters & Burnay, *supra* note 41, at 12.

144. See, e.g., China-Africa Economic and Trade Cooperation 12 (2013), at <http://www.safpi.org/sites/default/files/publications/China-AfricaEconomicandTradeCooperation.pdf>. Note however, that recent studies have called into question the growing economy's need for natural resources. See generally *No Need to Dig*, *ECONOMIST* (Nov. 2, 2013), <http://www.economist.com/news/finance-and-economics/21588849-many-africas-fastest-growing-economies-have-not-relie-d-oil-or-mining-no-need>; International Monetary Fund, *Regional Economic Outlook: Sub-Saharan Africa* (Oct. 2013), at <http://www.imf.org/external/pubs/ft/reo/2013/afr/eng/sreo1013.htm> (analyzing the growth of sub-Saharan African countries that are not dependent upon resources).

145. See Rasmussen, *supra* note 62, at 17–18.

146. *Humanitarian and Security Situations in Western Sudan Reach New Lows*, *UN Agency Says*, U.N. NEWS CENTRE (Dec. 5, 2003), <http://www.un.org/apps/news/story.asp?NewsID=9094&Cr=sudan&CrI=&Kw=Humanitarian+and+security+situation+in+western+Sudan+reach+new+Lows&Kw2=&Kw3=>.

147. See *supra* text accompanying note 63 (explaining why abstention denies legitimacy to Security Council action).

148. See Rasmussen, *supra* note 62, at 21.

prevent internal social unrest¹⁴⁹ and sustain economic growth.¹⁵⁰ Moreover, the PRC has an interest in maintaining an image of being a responsible power so as not to invoke counterbalancing¹⁵¹ efforts from other countries.¹⁵² It is the combination of these reasons that led the PRC to ultimately have a change of heart and become more involved in securing Khartoum's consent and cooperation.

The PRC faced a significant amount of international pressure to use its close relationship with the Sudanese government to secure its authorization to conduct a peacekeeping mission. The PRC would have faced severe scrutiny if it had not done so.¹⁵³ It is this international scrutiny that the PRC desires to shield itself from because of its own historic, and present-day, record of human rights abuses in the separatist movements in Tibet, Xinjiang, Inner Mongolia. Therefore, the "Chinese [are] willing to accept even undesired elements in [a] comprehensive package rather than damage their reputation among developing countries by standing on the sidelines."¹⁵⁴

As the weak language in Resolution 1769 demonstrated, however, the PRC did not completely alter its strategy. The PRC participated in the peacekeeping operation because it was able to secure Khartoum's consent. In addition, there was an internal peace agreement, the Darfur Peace Agreement of May 2006, signed by both the Sudanese government and the Sudan Liberation Army,¹⁵⁵ which had support from the African Union. Both of these factors are significant when the PRC decides whether to support a peacekeeping mission or sanctions regime. Therefore, the right circumstances existed to lend support for the PRC's decision to intervene.

B. Zimbabwe

Since 2000, the government of Zimbabwe, led by President Robert Mugabe, has been committing violence against civilians who support the

149. This refers to the separatist movements in Tibet, Xinjiang, and Inner Mongolia, as well as a general level of contentment amongst the Chinese population.

150. See SHIRK, *supra* note 10, at 11.

151. For the purposes of this Article, "counterbalancing" is analogous to international push-back.

152. See generally SHIRK, *supra* note 10, at 136 (discussing how increased Chinese presence throughout the world creates political backlash that Chinese policymakers must be cautious of in order not to tarnish China's reputation as a responsible power).

153. See generally Davis, *supra* note 40, at 269 (explaining how the PRC initially did not want to get involved in Darfur, but increasing international pressure to participate led the PRC to engage in talks with the Sudanese government).

154. Stähle, *supra* note 96, at 650.

155. See Council on Foreign Relations, Darfur Peace Agreement, May 5, 2006, available at <http://www.cfr.org/sudan/darfur-peace-agreement-2006/p11020>.

opposing political party, the Movement for Democratic Change (MDC).¹⁵⁶ The state-sponsored violence spiked in 2008 both before and after the two political elections held that year.¹⁵⁷ The violence against civilians represented mass human rights abuses and crimes against humanity, including mass rape, torture, and killing.¹⁵⁸ Even after winning the presidential election in June 2008, where he was the only candidate running, President Mugabe did not relent on the use of violence against political opposition.¹⁵⁹

In response to the conflict, the African Union passed a resolution in 2008 where it expressed concern over the deteriorating humanitarian environment in Zimbabwe and encouraged political leaders to enter into a dialogue to promote peace and democracy.¹⁶⁰ However, the African Union did not support imposing sanctions against Zimbabwe and warned all states concerned not to engage in behavior that would negatively impact the conflict.¹⁶¹ In July 2008, a draft resolution was sent to the Security Council for a vote but was vetoed by both China and Russia.¹⁶²

There were a few factors at play in the PRC's veto of the draft resolution. The joint China-Russia veto is another example of both states trying to prevent serious consideration of human rights violations due to their own internal struggle for domestic stability.¹⁶³ As noted in Part III, the PRC always ensures that it does not exercise its veto power alone; therefore, the fact Russia was also willing to veto the draft resolution is another factor to consider in the case study. The traditional Chinese principles of strict adherence to state sovereignty and non-interference in another state's domestic matters influenced the PRC's decision to veto.¹⁶⁴ The PRC felt as though the draft resolution far exceeded the scope of the Security Council's Chapter VII powers because the conflict in Zimbabwe was not recognized as a threat to international peace and security by

156. See Robert I. Rotberg, *Africa's Mess, Mugabe's Mayhem*, 79 FOREIGN AFF. 47 (2000); INT'L COAL. FOR THE RESPONSIBILITY TO PROTECT, CRISIS IN ZIMBABWE, <http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-zimbabwe> (last visited Apr. 21, 2014) [hereinafter CRISIS IN ZIMBABWE].

157. See CRISIS IN ZIMBABWE, *supra* note 156.

158. See Press Release, Security Council, Security Council Fails to Adopt Sanctions Against Zimbabwe Leadership as Two Permanent Members Cast Negative Votes, U.N. Press Release SC/9396 (July 11, 2008) [hereinafter U.N. Press Release SC/9396].

159. See CRISIS IN ZIMBABWE, *supra* note 156.

160. See U.N. Press Release SC/9396, *supra* note 158.

161. See *id.*

162. The draft resolution called for a plethora of sanctions against Zimbabwe that included travel bans and an asset freeze on President Mugabe and other high profile individuals. See *No Consensus in Security Council on Zimbabwe Sanctions*, U.N. NEWS CENTRE (July 11, 2008), <http://www.un.org/apps/news/story.asp?NewsID=27358#.VOpoRHZF8nk>.

163. See Fullilove, *supra* note 18, at 78.

164. See Chan, *supra* note 30, at 891.

neighboring states.¹⁶⁵ The PRC cited the A.U. opposition to sanctions as a significant determining factor in their analysis.¹⁶⁶ However, it is curious to note that the violence in Zimbabwe and ensuing refugee migration have not been considered a threat to international peace and security.¹⁶⁷

Moreover, China has economic interests in Zimbabwe, although not as many as it does in Sudan.¹⁶⁸ President Hu Jintao announced the states' continued "strong and deep friendship" when President Mugabe personally visited China in 2010.¹⁶⁹ The PRC and Russia were able to veto the draft resolution and effectively block any further Security Council action, in part, due to the low public awareness of the conflict in Western countries.¹⁷⁰ Unlike the international pressure the PRC received to intervene in Darfur, China has been able to veto draft resolutions on Zimbabwe with relatively scant reputational cost.¹⁷¹ Thus, the worry of public scrutiny of the PRC's human rights abuses against its own citizens is not present.

C. Patterns of Inaction in States Seeking Nuclear Proliferation

North Korea and Iran have been rogue states within the international system for decades. Although there has been no peacekeeping mission sent to either state, the sanctions regimes imposed against them provide insight into China's recent engagement within the Security Council. North Korea and Iran are two states with which China has strong security ties and economic relationships. Both North Korea and Iran actively engage in illegal weapons of mass destruction (WMD) proliferation.¹⁷² The PRC has evinced a hesitation in imposing sanctions against these regimes because of its material interests and Chinese counterbalancing against Western influence.¹⁷³

165. See INTERNATIONAL CRISIS GROUP 2009, *supra* note 19, at 25.

166. See *id.*

167. See Directorate-General for External Policies of the Union, *supra* note 67, at 7 (implying that other political considerations are at play in the A.U. decision not to support sanctions against Zimbabwe).

168. See, e.g., Wouters & Burnay, *supra* note 41, at 12.

169. See *Zimbabwe's Mugabe Visits China, Meets Hu*, REUTERS (Aug. 13, 2010, 09:16 EDT), <http://www.reuters.com/article/2010/08/13/ozatp-china-zimbabwe-idAFJOE67C0H520100813>.

170. See Wouters & Burnay, *supra* note 41, at 12.

171. A reputational cost is a negative consequence to a state's behavior that affects the state's overall reputation amongst the international community. For example, "the state with a poor reputation is either excluded from deals or it is charged a high price of admission. . . ." Rachel Brewster, *Unpacking the State's Reputation*, 50 HARV. INT'L L.J. 231, 245 (2009).

172. See, e.g., Benard & Leaf, *supra* note 100, at 1397, 1409.

173. See *id.* at 1406.

1. North Korea

North Korea has drawn severe criticism from the international community for years. The Six Party Talks began in 2003 in an effort to end North Korea's nuclear program.¹⁷⁴ The negotiations were derailed in July 2006 when North Korea fired several long-range missiles in violation of a 1999 moratorium on such testing.¹⁷⁵ This alarmed much of the international community and several P5 members called for a strong response. A draft resolution was presented to the Security Council that required North Korea to stop the development and deployment of ballistic missiles, mandated that other states work to prevent the transfer of such technology to North Korea, and invoked Chapter VII authority.¹⁷⁶

However, the PRC and Russia did not share the outrage the other P5 members displayed. Both states issued press statements that argued any resolution should not invoke Chapter VII and be left to Member States to decide what actions to take.¹⁷⁷ Shortly thereafter, the PRC and Russia offered a rival draft resolution that did not invoke Chapter VII and instead, introduced voluntary measures states may take in limiting the technology accessible to North Korea.¹⁷⁸ In order to avoid a joint Chinese/Russian veto, the Security Council passed Resolution 1695 which lacked reference to Chapter VII and, therefore, lacked any enforcement mechanism.¹⁷⁹

In October 2006, North Korea detonated a nuclear weapon that again shocked the world community.¹⁸⁰ A few days later, the Security Council passed Resolution 1718 using its Chapter VII powers, which represented a compromise between Western powers and China and Russia.¹⁸¹ The PRC ensured that any mention of the use of force against North Korea was excluded.¹⁸² This represented one of the first times China publically

174. The negotiations involved North Korea, China, the United States, South Korea, Japan, and Russia. See Jayshree Bajoria & Beina Xu, *The Six Party Talks on North Korea's Nuclear Program*, COUNCIL ON FOREIGN RELATIONS, <http://www.cfr.org/proliferation/six-party-talks-north-koreas-nuclear-program/p13593> (last updated Sept. 30, 2013).

175. See, e.g., Benard & Leaf, *supra* note 100, at 1415.

176. See, e.g., *id.* at 1418; Warren Hoge, *U.N. Council, in Weakened Resolution, Demands End to North Korean Missile Program*, N.Y. TIMES (July 16, 2006), http://www.nytimes.com/2006/07/16/world/asia/16nations.html?_r=0.

177. See Benard & Leaf, *supra* note 100, at 1418.

178. See *id.* at 1418–19.

179. See *id.*; see also S.C. Res. 1695, U.N. Doc. S/RES/1695 (July 15, 2006).

180. See Press Release, Security Council, Security Council Condemns Nuclear Test by Democratic People's Republic of Korea, U.N. Press Release SC/8853 (Oct. 14, 2006).

181. For example, the clause imposing a thirty-day deadline for North Korea to comply with Resolution 1695 was removed. See Benard & Leaf, *supra* note 100, at 1420.

182. See *id.* However, the resolution did contain an arms embargo, an assets freeze, and a ban on the sale of all luxury goods to North Korea. See S.C. Res. 1718, ¶8, U.N. Doc. S/RES/1718 (Oct. 14, 2006).

criticized its trading partner's behavior.

During this time period, the PRC had a policy of engagement with North Korea which fostered growing North Korean economic dependence upon China. In 2007, there was a significant increase in North Korean exports into China and more than half of North Korean trade was conducted through Chinese companies.¹⁸³ The high levels of trade between the two countries, which have a common border, have resulted in "the creation of dense business networks that include major Chinese and North Korean enterprises, smaller Chinese and North Korean business, and North Koreans with relatives in China who are permitted to travel."¹⁸⁴

The two resolutions passed by the Security Council proved unsuccessful in constraining North Korean behavior as demonstrated when North Korea fired a long-range ballistic missile into Japanese airspace in April 2009.¹⁸⁵ Despite seething Western condemnation, the Security Council took no action because the PRC and Russia argued that the missile launch did not violate Resolution 1718.¹⁸⁶ The lack of Security Council action with teeth again failed to constrain North Korean behavior exemplified by another detonation of a nuclear device in May 2009.¹⁸⁷ Finally, in June 2009, the Security Council, acting under Chapter VII, unanimously adopted Resolution 1874 which went beyond the scope of Resolution 1718 and also included new means to enforce sanctions.¹⁸⁸

The unanimous vote in favor of Resolution 1874 evinces the PRC's growing disapproval of North Korea's behavior. According to the Chinese representative to the Security Council, the PRC supported the resolution because North Korea had violated previous resolutions and negatively impacted international peace and stability.¹⁸⁹ But to ensure Chinese support, the resolution made clear that the Security Council

183. See Stephan Haggard & Marcus Noland, *Sanctioning North Korea: The Political Economy of Denuclearization and Proliferation* 15 (Peterson Institute for International Economics, Working Paper No. 09-4, 2009).

184. *Id.* at 9.

185. See Benard & Leaf, *supra* note 100, at 1422.

186. See *id.*; see also *Defiant N Korea Launches Rocket*, BBC NEWS, (Apr. 5, 2009, 10:09 GMT), <http://news.bbc.co.uk/2/hi/7982874.stm>.

187. Adding insult to injury, North Korea nullified the Korean War truce agreement and shot short-range missiles into the Sea of Japan within the same week. See Benard & Leaf, *supra* note 100, at 1423.

188. See Haggard & Noland, *supra* note 183, at 19. The resolution strengthened the import-export ban created in Resolution 1718 on various types of arms, called on Member States to inspect all vessels going into North Korea, and imposed more stringent monitoring on North Korean compliance. See *id.*

189. See Press Release, Security Council, Security Council Acting Unanimously, Condemns in Strongest Terms Democratic People's Republic of Korea Nuclear Test, Toughens Sanctions, U.N. Press Release SC/9679 (June 12, 2009).

would resolve the issue peacefully.¹⁹⁰ As a result of Resolution 1874, North Korea has in fact altered its economic relations with other states to reduce the impact of the sanctions; thus, signaling that Resolution 1874 has had some success.¹⁹¹ The level of Chinese dissatisfaction, reflected by the passage of Resolution 1874, signaled to the North Korean government that the PRC may enact further sanctions if it did not alter its behavior. China accounts for about one-third of North Korea's overall trade and provides significant amounts of foreign aid.¹⁹² Upsetting the Chinese would negatively impact the North Korean economy perhaps by cutting-off Chinese oil shipments.¹⁹³ Therefore, Chinese cooperation is critical to have any chance of successfully constrain North Korean behavior.

The PRC's demonstrated ambivalence toward taking action against North Korea reflects regional and economic interests. As noted above, China is North Korea's largest trading partner and, therefore, has an economic interest in maintaining good relations with North Korea. Supporting sanctions regimes that would cripple the North Korean economy would also negatively impact the Chinese economy. Moreover, having good relations with a state such as North Korea also benefits China's efforts to counterbalance U.S. power,¹⁹⁴ particularly within China's geographic region. Some officials in China believe North Korea could act as China's proxy in communication with Iran and Pakistan.¹⁹⁵ One of the PRC's main goals within the United Nations is to maintain regional stability. China and North Korea, share an almost 900 mile long border. Therefore, any instability in North Korea may spill over into China.

Respect for human rights is deteriorating in North Korea. The North Korean government has a history of committing crimes against humanity against its population through the use of concentration and labor camps.¹⁹⁶ Historically, North Koreans subject to such severe conditions would flee into China, and both state's governments "turned a blind eye to these 'defectors.'"¹⁹⁷ However, beginning in the early 2000s, the PRC changed its policy of ignorance by intercepting these "defectors" and sending them back to North Korea.¹⁹⁸ The defectors are subject to severe

190. *See id.*

191. *See* Haggard & Noland, *supra* note 183, at 23.

192. *See id.*

193. *See id.*

194. In this context, "power" refers to a state's military capability, economic might, and general influence within the international system.

195. *See* Haggard & Noland, *supra* note 183, at 23.

196. *See* Zickterman, *supra* note 93, at 31; *see also* Human Rights Council Resolution H.R.C. Res. 19/13, U.N. Doc. A/HR/RES/19 (Apr. 3, 2012).

197. *See* Zickterman, *supra* note 93, at 31.

198. *See id.*

punishment upon returning to North Korea and in extreme cases face execution.¹⁹⁹ The PRC's forced repatriation, most likely, is violating several multilateral treaties to which it is party.²⁰⁰

The PRC maintains this controversial practice because of the fear that allowing too many defectors across its borders will take away jobs for Chinese workers in those regions.²⁰¹ Moreover, the PRC has a significant interest in preventing the collapse of the North Korean regime that would destabilize the entire region with an influx of migrants. The PRC is also reluctant to change its policy because of the resentment it has against the West's consistent criticism regarding the treatment of its own citizens.²⁰² Thus, the PRC cannot support strong sanctions placed upon North Korea for fear of the consequences on the ground. Despite the harsher sanctions the PRC approved in Resolution 1874, it is unlikely China would support more severe Security Council action, especially when Russia maintains a similarly ambivalent position. In summation, China's deep economic ties with North Korea and interest in preventing the collapse of the regime are why the PRC has worked to dilute any Security Council action taken against North Korea. Essentially, a stable nuclear North Korea is more preferable for the PRC than an unstable North Korea, whether or not armed with nuclear capabilities.

2. Iran

Iran has been considered to be a rogue state by the international system for decades in its vying for nuclear technology. During the early years of the presidency of Mahmoud Ahmadinejad, the International Atomic Energy Agency (IAEA) announced that Iran failed to comply with obligations under the Non-Proliferation Treaty (NPT).²⁰³ In February 2006, the matter was referred to the Security Council with the IAEA claiming that Iranian government exhibited a lack of transparency of its uranium enrichment activities and a general "absence of confidence that Iran's nuclear program[] is exclusively for peaceful purposes. . . ."²⁰⁴ Despite the urging of the United States, the United Kingdom, and France, the PRC and Russia announced that they would not support any resolution that imposed binding sanctions against Iran.²⁰⁵

199. See *id.*; see also Kyu Change Lee, *Protection of North Korean Defectors in China and the Convention Against Torture*, 6 REGENT J. INT'L L. 139, 156 (2008).

200. One of these treaties is the Convention Relating to the Status of Refugees, art. 33, opened for signature July 28, 1951, 189 U.N.T.S. 150 (entered into force Apr. 22, 1954).

201. See Zickterman, *supra* note 93, at 35.

202. See *id.*

203. See Int'l Atomic Energy Agency, *Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran*, IAEA DOC. GOV/2006/14 (Feb. 4, 2006).

204. *Id.*

205. See Benard & Leaf, *supra* note 100, at 1427.

After five months of negotiations, the PRC and Russia agreed to support Resolution 1737 in December 2006. The resolution called upon Iran to suspend proliferation efforts and required all states to take action to prevent Iran from attaining the materials needed for enrichment-related activities.²⁰⁶ Earlier that same month during the negotiations over Resolution 1737, the PRC executed a sixteen billion dollar deal to help Iran develop a gas field.²⁰⁷ Not so coincidentally, Resolution 1737 did not contain any reference to fuel sanctions.²⁰⁸ Although the PRC and Russia both ended up agreeing to impose sanctions upon Iran, both states drew out the negotiation process and were able to effectively water-down sanctions.²⁰⁹

Following another report from the IAEA that described Iran's continued noncompliance, the Security Council passed Resolution 1747,²¹⁰ which calls upon states "to exercise vigilance and restraint" in the supply, sale or transfer of conventional arms, but does not impose any punitive sanctions against Iran.²¹¹ Similar to Resolution 1737, this predecessor resolution was too weak to coerce Iran into compliance with the NPT. In 2008, the Security Council passed Resolution 1803 which extended assets freezes and called upon states to monitor activities of individuals involved with the nuclear proliferation program.²¹² Although Resolution 1803 is more comprehensive than previous resolutions, it was still subject to the same dilution effect because of the PRC's and Russia's influence.²¹³

It was not until June 2010 that the PRC and Russia supported the most comprehensive sanctions regime to date by voting in favor of Resolution 1929. This shift in position can be attributed to Iran's continued noncompliance with previous resolutions and escalating behavior. In the period between 2009 and 2010, the international community became aware of Iran's secret underground uranium enrichment facility, which proved to be a catalyst for the resolution.²¹⁴ Resolution 1929 tightened

206. See S.C. Res. 1737, ¶¶ 2–3, U.N. Doc. S/RES/1737 (Dec. 27, 2006).

207. See Orde F. Kittrie, *Emboldened by Impunity: The History and Consequences of Failure to Enforce Iranian Violations of International Law*, 57 SYRACUSE L. REV. 519, 539 n.178 (2007).

208. See *id.*

209. See *id.* For example, the resolution did not contain any reference to the possible use of force against Iran, which was key to receiving Chinese support. See Benard & Leaf, *supra* note 100, at 1428.

210. The original draft resolution called for travel bans on Iranian officials and an arms embargo. Because of Chinese and Russian opposition, however, these provisions were later removed. See Kittrie, *supra* note 207, at 541.

211. See S.C. Res. 1747, U.N. Doc. S/RES/1747 (Mar. 24, 2007).

212. See S.C. Res. 1803, U.N. Doc. S/RES/1803 (Mar. 3, 2008).

213. See Fullilove, *supra* note 18, at 74.

214. See *id.* at 75.

the arms embargo and travel bans associated with individuals involved with Iranian nuclear programs.²¹⁵ Chinese support for such strengthened sanctions surprised many, but the PRC wanted to avoid isolation on the issue due to Russia's shift in policy to support further sanctions.²¹⁶

The newest rounds of sanctions imposed against Iran can be explained by increasing international pressure to act. The PRC's fear of foreign scrutiny into its own state practices made it unlikely for China to stand alone in opposing Resolution 1929. Despite the recent rounds of resolutions, in October 2010 the Obama administration concluded that Chinese firms were helping Iran develop nuclear technology and asked the Chinese government to stop helping those companies.²¹⁷ This is indicative of China's economic relationship with Iran.

The PRC protects Iran at the Security Council by diluting the strength of resolutions because of material self-interest. Iran is China's third largest oil supplier, which China's growing economy desperately needs.²¹⁸ As stated above, the PRC has invested millions of dollars in developing Iranian oil and gas fields to feed Chinese consumption.²¹⁹ In addition, the PRC plans to invest over 200 million dollars to help build a new highway connecting Tehran to the Caspian coast, as well as allowing Chinese firms to construct Tehran's new subway system.²²⁰ In many respects, the PRC cannot afford to distance itself from Iran.

The PRC's traditional adherence to strict state sovereignty affects the way it views Iran's quest for nuclear proliferation. The status of China as an emerging great power itself does not make it automatically suspicious of Iran's quest to develop nuclear technology for peaceful purposes.²²¹ Similar to the Chinese relationship with North Korea, having strong ties with Iran serves as a counterbalance to U.S. power. Moreover, Iran's military buildup distracts the United States and the world community, from China's growing military strength.²²² Therefore, despite Iran's poor reputation in the international community, Chinese economic and regional interests in maintaining good relations prove too valuable for the PRC to sacrifice.

215. In addition, the resolution invoked an assets freeze of certain Iranian organizations and called on Member States to inspect Iranian cargo and prevent Iranian banks from opening on their territory. *See* S.C. Res. 1929, U.N. Doc. S/RES/1929 (June 9, 2010).

216. *See* Fullilove, *supra* note 18, at 75.

217. *See id.*

218. *See* James Phillips & Peter Brookes, *Iran's Friends Fend Off Action at the U.N. Security Council: Here's Why*, HERITAGE FOUNDATION (May 11, 2006), <http://www.heritage.org/research/reports/2006/05/irans-friends-fend-off-action-at-the-un-security-council-heres-why>; *but see* International Monetary Fund, *supra* note 144, at 31, 52 (arguing that growing economies do not necessarily need natural resources to flourish).

219. *See* Phillips & Brookes, *supra* note 218.

220. *See id.*

221. *See* Fullilove, *supra* note 18, at 75.

222. *See* Phillips & Brookes, *supra* note 218.

D. R2P and Libya

The Libyan crisis was birthed in the wake of the Arab Spring. The democratic demonstrations held in Tunisia and Egypt incited similar protest movements within Libya against Colonel Qaddafi's oppressive regime in February 2011. However, the Libyan conflict quickly took a more violent turn than in Tunisia and Egypt due to differences in the Libyan political system.²²³

The protests generated popular support in Libya, and the Qaddafi regime responded by using military force.²²⁴ In February 2011, the Arab League suspended Libya's participation in the organization because of the brutal use of force against civilians.²²⁵ A few days later, the Human Rights Council passed a resolution regarding the human rights abuses in Libya and called for the deployment of an independent international commission of inquiry.²²⁶ The Security Council unanimously adopted Resolution 1970 on February 26, 2011 urging the end of violence in Libya and referring the situation to the International Criminal Court (ICC). Furthermore, the resolution implemented a sanctions regime against the Libyan government with an assets freeze, travel ban, and arms embargo.²²⁷

Using Resolution 1970 as a catalyst, the leadership of the opposition movement organized into the Interim Transitional National Council located in Benghazi.²²⁸ The Arab League noted that the Libyan government primarily used military aircrafts against civilians.²²⁹ Therefore, the Arab League called on the Security Council to impose a no-fly zone to cripple the Libyan government's ability to commit human rights abuses.²³⁰

223. When Presidents Mubarak and Ben Ali came to power in both Egypt and Tunisia respectively, the states had been well-established prior to their ascension to power and would be able to survive without the respective rulers. After overthrowing the monarchy in 1969, Qaddafi created a regime dependent upon his role, which is why the conflict in Libya took such a violent turn. See International Crisis Group, *Popular Protest in North Africa and the Middle East (V): Making Sense of Libya* (June 6, 2011), <http://www.crisisgroup.org/en/regions/middle-east-north-africa/north-africa/libya/107-popular-protest-in-north-africa-and-the-middle-east-v-making-sense-of-libya.aspx>.

224. See SECURITY COUNCIL REPORT, *Libya Chronology of Events* <http://www.securitycouncilreport.org/chronology/libya.php?page> (last revised Jan. 30, 2015) [hereinafter *Libya Chronology of Events*].

225. See *id.*

226. See Office of the High Comm'r for Human Rights, *Human Rights Council Passes Resolution on Libya in Special Session* (Feb. 25, 2011), <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10768&LangID=E>.

227. See S.C. Res. 1970, U.N. Doc. S/RES/1970 (Feb. 26, 2011).

228. See *id.*; see also *Libya Chronology of Events*, *supra* note 224.

229. See *Libya Chronology of Events*, *supra* note 224.

230. See *id.*

After hearing rumors that the Security Council may impose a no-fly zone, Qaddafi issued a chilling threat to civilians in Benghazi that an attack was imminent.²³¹ Among further reports of torture, rape, and mass civilian casualties, the Security Council adopted Resolution 1973 which employed the language of “all necessary measures,” excluding a ground troop deployment, to protect civilians in Libya and enforce Resolution 1970.²³² This is the first resolution passed by the Security Council that explicitly used the responsibility to protect (R2P)²³³ civilians as the reason for intervention against the host state government.²³⁴ Resolution 1973 imposed a no-fly zone over Libyan airspace and strengthened the sanctions regime.²³⁵ The PRC chose to abstain from voting on Resolution 1973.

In March 2011, air strikes led by the United Kingdom, United States, and France began to dismantle the Qaddafi regime.²³⁶ The North Atlantic Treaty Organization (NATO) then took over all military operations to enforce Resolution 1973.²³⁷ At a meeting in Beijing, leaders of China, Russia, Brazil, South Africa, and India began to express dissatisfaction with the NATO intervention, claiming that Resolution 1973 was “being interpreted arbitrarily.”²³⁸ The next day, heads of state from the aforementioned Western states announced that a Libyan future with Qaddafi was no longer an option.²³⁹ After months of NATO-led military intervention, the mission terminated in October 2011.²⁴⁰ The Security Council unanimously adopted Resolution 2009 which created a peacekeeping mission in Libya (UNSMIL) and modified the sanctions regime.²⁴¹ The Qaddafi regime was effectively ousted from power.

The PRC’s support for Resolution 1970 and later abstention in the vote for Resolution 1973 is telling. Before the Libyan crisis, China’s relationship with Libya had its ups and downs. Both states disapproved of Western imperialism; however, the PRC distrusted the Qaddafi

231. See David D. Kirkpatrick & Kareem Fahim, *Qaddafi Warns of Assault on Benghazi as U.N. Vote Nears*, N.Y. TIMES (Mar. 17, 2011), <http://www.nytimes.com/2011/03/18/world/africa/18libya.html?pagewanted=all>.

232. See S.C. Res. 1973, U.N. DOC. S/RES/1973 (Mar. 17, 2011).

233. Generally, the responsibility to protect (R2P) refers to circumstances when a state’s population is “suffering serious harm, and the state in question is unwilling or unable to avert it or is itself the perpetrator, the principle of non-intervention yields to an international ‘responsibility to protect.’” Davis, *supra* note 40, at 258.

234. See Carisch & Rickard-Martin, *supra* note 8, at 3.

235. See S.C. Res. 1973, *supra* note 232.

236. See *Libya Chronology of Events*, *supra* note 224.

237. See *id.*

238. See *id.*

239. See *id.*

240. See *id.*

241. See S.C. Res. 2009, U.N. DOC. S/RES/2009 (Sept. 16, 2011).

regime.²⁴² Despite Libya's vast oil and gas reserves, the PRC remained suspicious of the Libyan government due to disrupted business plans and its criticism of China's presence in Africa.²⁴³ In a speech in February 2011, Qaddafi declared he would defeat all rebels and idealized the way the Chinese government handled the Tiananmen Square Riots to defeat political unrest.²⁴⁴ The PRC quickly tried distancing itself from Qaddafi's remarks and censored the speech in Chinese media.²⁴⁵ It was not surprising that the PRC supported Resolution 1970 in the same month, especially considering the A.U. support for Security Council action.

However, the PRC changed its position on the Libyan crisis when it abstained from voting on Resolution 1973. When it came time to vote for Resolution 1973 the international community lacked consensus, especially with the A.U. opposition to any NATO intervention.²⁴⁶ However, the "support of the Arab League and African Union for [the] no-fly zone was plainly critical to China's willingness not to block [Resolution] 1973."²⁴⁷ Therefore, the regional support and public outcry against the mass atrocities committed by the Qaddafi regime made Resolution 1973 too costly to veto. As noted above, the PRC is extremely reluctant to remain politically isolated on an issue involving human rights abuses to prevent serious consideration of its own less-than stellar record.

V. LESSONS LEARNED FROM CHINA'S RECENT BEHAVIOR AND LOOKING FORWARD

History and the case studies above illuminate many lessons for future use. Part A of this Section shows that there are several themes emerging in the PRC's policy of participation in peacekeeping operations and sanctions regimes. This Article argues that China is a rational actor, pursuing its self-interest, which is the same way virtually all other states behave. The PRC's traditional value of non-interference in other state affairs arose out of Chinese self-interest; however, China's increasing presence throughout the world has altered those interests and changed the leadership's foreign policy accordingly. Part B argues that China is not experiencing a significant shift toward Western values. Instead, China's values seem to be shifting in a different direction toward values

242. See Andrew Higgins, *For China, Relations with Libya a Balancing Act*, WASH. POST (Aug. 26, 2011), http://www.washingtonpost.com/world/middle-east/libya-policy-a-balancing-act-for-china-as-moammar-gaddafis-rule-collapses/2011/08/26/gIQAmlKKgJ_story.html.

243. See *id.*

244. See *id.*

245. See *id.*

246. See Carisch & Rickard-Martin, *supra* note 8, at 3.

247. Fullilove, *supra* note 18, at 71.

underpinning the United Nations and the Security Council. Part C discusses the potential for Security Council action in the unfolding Syrian crisis. And finally, it provides insight in how to move forward with China's developing case-by-case approach to Security Council sanctions regimes and peacekeeping missions.

A. Emerging Patterns and China's Self-Interest

States are inherently self-interested. Each state's particular interests serve as the primary motivation for its behavior.²⁴⁸ "International law emerges from states' pursuit of self-interested policies on the international stage. International law is, in this sense, endogenous to state interests. It is not a check on state self-interest; it is a product of state self-interest."²⁴⁹ It is not uncommon for states to want more power²⁵⁰ than what they already have.²⁵¹ The acquisition of power is a high priority for great powers and aspiring great powers alike. Because power is limited within the international system, the ascension to power of one state, often results in another state's decrease in power.²⁵² This phenomenon is a reason why there has been concern in the United States over China's rise to great power status.²⁵³ And naturally rising great powers, like China, would welcome the emergence of a multipolar system where the United States possesses less relative power.²⁵⁴

The international system is a self-help world because states cannot depend upon each other for security. "States operating in a self-help world almost always act according to their own self-interest and do not subordinate their interests to those of other states."²⁵⁵ States may have a plethora of different goals at any given time. Many goals, such as promoting human rights, often have very little to do with security-related goals. Often, a state will pursue these types of desires as long as it does

248. See JOHN J. MEARSHEIMER, *THE TRAGEDY OF GREAT POWER POLITICS* 2 (2001). Note that the Author of this Article is citing Mearsheimer for his theory that centers upon the belief that all states act out of self-interest and possess aspirations to acquire more power in particular circumstances. Other theories proposed by Mearsheimer are outside the scope of this study.

249. JACK L. GOLDSMITH & ERIC A. POSNER, *THE LIMITS OF INTERNATIONAL LAW* 13 (2005).

250. See *supra* note 194 for definition of "power."

251. See MEARSHEIMER, *supra* note 248, at 2; see also GOLDSMITH & POSNER, *supra* note 249, at 3.

252. For example, there was a bipolar system during the Cold War period with the United States and Russia exercising dominance over their respective spheres of influence. When the Soviet Union collapsed, it left the United States in a more powerful position than it was in before the collapse.

253. See, e.g., John F. Ikenberry, *The Rise of China and the Future of the West*, 87 FOREIGN AFF. 23 (2008) (arguing that the rise of China may trigger a "hegemonic transition" unless the United States actively tries to bind China to the existing Western order).

254. See Benard & Leaf, *supra* note 100, at 1405.

255. MEARSHEIMER, *supra* note 248, at 33.

not negatively impact its place in the international balance of power.²⁵⁶ For example, despite the high level of U.S. involvement in the Libyan crisis, the United States has not taken serious action in the Congo where mass atrocities are being committing against the civilian population.²⁵⁷ The lack of a U.S. response to the death of millions within the Congo may be explained, in part, by the fact that two of its allies, Rwanda and Uganda, are perpetrating the violence.²⁵⁸

This reflects the larger conclusion that a state often possesses mixed motives when engaging in foreign intervention. The decision to intervene, through the Security Council for example, may reflect several different interests regarding the promotion of human rights, humanitarianism, economic gain, reputational costs, or strategic concerns.²⁵⁹ Thus, concern over human rights or humanitarian intervention is often not the only reason why a state will participate in peacekeeping missions or sanctions regimes.

Certain patterns are emerging in the instances of Chinese support for peacekeeping missions and sanctions regimes, as well as commonalities between the situations where the PRC has not provided support. The recent increase in involvement in peacekeeping operations seems paradoxical to the traditional Chinese values of state sovereignty and non-interference in the internal affairs of other states. The PRC now adopts a case-by-case approach when determining whether to lend support to peacekeeping operations or sanctions regimes.²⁶⁰ The PRC's balancing of its traditional values and its growing material interests throughout the world helps explain the PRC's current voting pattern.

According to several scholars, when three specific principles are present in a conflict, the PRC is more likely to intervene and support Security Council action.²⁶¹ As described in Part IV of this Article, these three principles are host-country consent, the use of force for self-defense, and the cooperation of regional actors. However, this Article also adds three other considerations to the mix. These factors are Chinese economic interests, regional interests, and a high level of international pressure to act. The fact that China is a rising great power with growing

256. *See id.* at 46.

257. *See* Kambale Musavuli, *Syria, the DRC and the 'Responsibility to Portect': the US Double Standard* (Nov. 14, 2013), http://www.huffingtonpost.com/kambale-musavuli/syria-the-drc-and-the-res_b_4248673.html.

258. *See id.*

259. *See generally* GOLDSMITH & POSNER, *supra* note 249, at 110.

260. *See* INTERNATIONAL CRISIS GROUP 2009, *supra* note 19, at i (describing how China's approach to peacekeeping is determined on a case by case basis); *see also* Geoxavier, *supra* note 92, at 98 (discussing that China will continue to address crises through a pragmatic case by case analysis).

261. *See, e.g.,* Fullilove, *supra* note 18, at 69; INTERNATIONAL CRISIS GROUP 2009, *supra* note 18.

economic, regional, and reputational interests further supports this conclusion.

The PRC's economic interests were implicated in four of the five case studies. For example, both Sudan and Iran are two of China's largest oil suppliers. This added another level to the PRC analysis in deciding whether to impose sanctions or engage in peacekeeping operations. As mentioned above, China's growing economy requires a stable source of oil and, therefore, the PRC has a significant interest in maintaining good relations with the Sudan and Iran.²⁶² A similar dynamic plays out in the PRC's ambivalence toward North Korea because of the large amount of trade between the two states.

The North Korean case study also exemplifies the influence China's regional interests have on its decision making within the Security Council. By virtue of having a common border, a pattern emerged of North Koreans crossing into Chinese territory to flee from human rights abuses committed by the North Korean government. Since the 2000s, the PRC has forcefully repatriated these "defectors" in a protectionist effort to preserve jobs for Chinese citizens. It is highly likely that Chinese officials understand that any collapse of the North Korean regime would create an influx of migrants into China which would destabilize the region. This is a reason why the PRC must be more cautious than other states in their relations with North Korea.

The level of international pressure to act in humanitarian crises coincides with reputational interests the PRC has in maintaining an image of being a responsible power.²⁶³ The lower the level of international pressure on the PRC to act, the more likely it will adhere to the traditional principle of non-interference. This is supported by the PRC's lack of willingness to intervene in Zimbabwe. There has been less international pressure for the PRC to support peacekeeping efforts within Zimbabwe because many of the neighboring states within the region do not recognize the conflict as a threat to international peace and security. Because the conflict has not received a high level of international condemnation, the PRC's veto of the July 2008 draft resolution had scant reputational costs.²⁶⁴

However, the situation in Libya represented the flip-side of this factor. The international community mobilized into action after Qaddafi blatantly threatened civilians in Benghazi. Although the PRC, along with a handful of other states, voiced reservations about establishing a no-fly

262. See International Monetary Fund, *supra* note 144.

263. The Author does not believe that the PRC would succumb to international pressure in situations regarding internal disputes that threaten domestic stability. The Chinese Communist Party's number one priority is to maintain one-party control over China. See SHIRK, *supra* note 10, at 8.

264. See *supra* note 171 for the definition of a reputational cost.

zone, vetoing Security Council action would have imposed high reputational costs. Specifically, it may have drawn intense scrutiny from a variety of states, potentially undermining the image of China being a responsible power. In addition, the PRC's reluctance to veto a Security Council resolution without Russian support also may have influenced its decision to abstain from voting on Resolution 1973. Thus, the high level of international pressure surrounding the Libyan crisis was likely influential in the PRC's decision to support Resolution 1970.

But, one may wonder just how much influence the international community's sentiments have on the PRC's decision making. Determining how much Chinese leaders care about what other states think is no easy task. Nevertheless, the fact that the PRC has continued to foster an image of being a responsible power indicates that officials are influenced by external pressure.²⁶⁵ According to one scholar, the PRC is following a strategy of "power maximization" and "threat minimization."²⁶⁶ The PRC works to prevent any counterbalancing against its growing power that would damage its relationship with Western powers, especially the United States, and jeopardize the Chinese economy.²⁶⁷ President Hu Jintao's coining the phrase "peaceful rise" reflects an understanding that promoting a peaceful external environment will kill two birds with one stone—continued economic success while discouraging social unrest.²⁶⁸

Becoming a cooperative member within the Security Council furthers the PRC's goal to cultivate a non-threatening image. Peacekeeping is one of the most prominent U.N. activities. China's increased participation in peacekeeping missions adds to its level of prestige within the United Nations and its reputation abroad.²⁶⁹ The provision of Chinese peacekeepers "serve[s] to counter fears of China's growing power . . . by deploying military personnel for peaceful ends."²⁷⁰ Thus, it is critical to incorporate the PRC's self-interest within the equation; China's increased participation in the Security Council is a function of diversified interests that continue to adapt with China's increase in power.

Due to the domestic nature of the PRC's primary policy goals, international pressure is not always an influential factor in the decision-making process. The CCP's survival depends upon domestic stability, which precludes international considerations from becoming a priority

265. See SHIRK, *supra* note 10, at 136.

266. Andrew C. Blandford, *Reputational Costs Beyond Treaty Exclusion: International Law Violations As Security Threat Focal Points*, 10 WASH. U. GLOBAL STUD. L. REV. 669, 722 (2011).

267. See INTERNATIONAL CRISIS GROUP 2009, *supra* note 19, at 13.

268. See SHIRK, *supra* note 10, at 108.

269. See Fullilove, *supra* note 18, at 70.

270. See INTERNATIONAL CRISIS GROUP 2009, *supra* note 19, at i.

for the PRC.²⁷¹ When the CCP feels threatened, Chinese leaders are much less cautious about quashing the perceived threat in an effort to maintain one-party rule. For example, the PRC sent its military into Tiananmen Square to violently quell protesters despite large reputational costs. Leading up to that decision, many CCP members showed ambivalence toward sending the army for fear of jeopardizing economic interests around the world.²⁷² However, senior CCP leadership, who supported military involvement, won out after the protesters refused to cease the demonstrations.²⁷³ This exemplifies how the PRC will use all means necessary to neutralize perceived threats without paying much heed to its international reputation. In situations that are perceived to be non-threatening to CCP rule, it is much more likely that the PRC is influenced by international pressure.

B. China's Shifting Values

The traditional Chinese value of non-interference in the internal affairs of other states has given way to a more nuanced and pragmatic approach. As described in Part III, the PRC regularly abstained from voting in the Security Council during the 1970s and 1980s. The PRC refused to contribute, financially and physically, to peacekeeping missions due to its strict adherence to state sovereignty. However, today we see a much different dynamic within the Security Council. China contributes more troops to peacekeeping missions than any other P5 member. The PRC no longer categorically abstains from voting and analyzes each conflict on a case-by-case basis. Chinese values are not remaining static over time, but scholars are conflicted over how exactly they are changing.

Some scholars have classified China's active engagement within the United Nations as a reflection of the convergence of Chinese values to Western values as defined in Part II. This conclusion is often based upon China's rapid modernization and desire for continued economic growth. Specifically, the PRC understands that it must work within the capitalist system to continue on its growth trajectory.²⁷⁴ Therefore, China is working within the Western order and conforming to the values of the system as time goes on.²⁷⁵ Other scholars proffer more generalized

271. See SHIRK, *supra* note 10, at 8.

272. See Larry M. Wortzel, *The Tiananmen Massacre Reappraised: Public Protest, Urban Warfare, and the People's Liberation Army*, in CHINESE NATIONAL SECURITY DECISIONMAKING UNDER STRESS 55, 55 (Andrew Scobell & Larry M. Wortzel eds., 2005), available at <http://www.strategicstudiesinstitute.army.mil/pdffiles/PUB623.pdf>.

273. See *id.*

274. See Ikenberry, *supra* note 253, at 32.

275. See *id.*; see also David Gosset, *From Threat to Trust: China's Role in UN Peacekeeping*, WORLD POST (Oct. 23, 2012), <http://www.huffingtonpost.com/david-gosset/china->

assumptions of Chinese values conformance with “the rules of the international community,” without any further elaboration on what those values are.²⁷⁶ This Article contends that those arguments are over-generalized. Although there are some Western values that China has seriously considered more than in previous decades, such as issues relating to human rights and free markets, Chinese values are not significantly converging toward Western values.

China is, however, undergoing a marked shift toward the values underpinning the United Nations and the Security Council as expressed in the founding U.N. documents. These values, described in Part II, include the general prohibition for the use of force except as a last resort,²⁷⁷ the requirement of Security Council authorization for the use of force, non-interference in domestic matters of states, and the promotion of human rights. Traditional Chinese values have included non-interference in the internal matters of states for decades. But, it is a different story for the other three foundational values of the United Nations and the Security Council.

Chinese values are seemingly harmonizing with the values underlying the United Nations and the Security Council. Because of the traditional Chinese values of non-interference and a strict adherence to state sovereignty, it makes sense that the PRC would resort to the use of force only as a last resort.²⁷⁸ Furthermore, the PRC's predominant focus is on internal matters, namely the preservation of the Communist Party, and therefore, will be less likely to focus attention on foreign intervention.²⁷⁹ The PRC also objects to the unilateral right of humanitarian intervention²⁸⁰ and instead requires Security Council authorization for the use of force.²⁸¹

In regard to the promotion of human rights,²⁸² the PRC has increasingly supported peacekeeping missions as demonstrated by China's increase in troop contributions. The PRC's questionable record with human rights, as described in Part III, has not precluded it from supporting peacekeeping missions throughout the world. Thus, the PRC's initial refusal to fund peacekeeping missions in the 1970s and its current status as the largest troop contributor of the P5 demonstrates that Chinese

us-relations_b_1998484.html.

276. See, e.g., Rasmussen, *supra* note 62, at 28.

277. This includes situations of self-defense and humanitarian intervention.

278. See INTERNATIONAL CRISIS GROUP 2009, *supra* note 19, at 22.

279. See SHIRK, *supra* note 10, at 8.

280. See Davis, *supra* note 40, at 273.

281. See *id.* at 221; see also INTERNATIONAL CRISIS GROUP 2009, *supra* note 19, at 3. For example, one of the reasons the PRC objected to NATO intervention in Kosovo was because the mission lacked Security Council authorization. Davis, *supra* note 40, at 248.

282. This is also a Western value as described in Part II.

values have begun to include human rights considerations.²⁸³ Overall, China's values appear to be aligning more with values underlying the United Nations and the Security Council than with the values that represent the Western order.

C. Implications for Possible Action in Syria

Syria is in a state of crisis. The current civil war between the Assad regime and the rebel movement began in March 2011 when the first major protests began in Damascus.²⁸⁴ The Syrian government first deployed its army in May 2011 in an attempt to quell anti-regime protesters. In November 2011, the Arab League suspended Syria's membership because of the Assad regime's violence against its own people.²⁸⁵ Former General Secretary of the United Nations, Kofi Annan, brokered a ceasefire between the Assad regime and opposition groups in March 2012 in a six-point proposal.²⁸⁶ However, the violence continued and the Security Council reacted by passing Resolution 2042, which authorized the deployment of unarmed observers to monitor the ceasefire in Syria (UNSMIS).²⁸⁷

In April 2012, the United Nations had to withdraw its personnel because of the escalating violence.²⁸⁸ The opposition forces incorporated into one formal body called the National Coalition for Syrian Revolutionary and Opposition Force in November 2012, which has been recognized by several states as the legitimate representative of the Syrian people.²⁸⁹ As of June 2013, the U.N. Human Rights Office estimated that nearly 93,000 were killed in the civil war between March 2011 and April 2013.²⁹⁰ To add to the bleak situation in Syria, U.N. inspectors found

283. See generally Universal Declaration of Human Rights, *supra* note 33.

284. See Anup Kaphle, *Timeline: Unrest in Syria*, WASH. POST (Jan. 20, 2014), <http://apps.washingtonpost.com/g/page/world/timeline-unrest-in-syria/207/>.

285. See Neil MacFarquhar, *Arab League Votes to Suspend Syria Over Crackdown*, N.Y. TIMES (Nov. 12, 2011), http://www.nytimes.com/2011/11/13/world/middleeast/arab-league-vote-s-to-suspend-syria-over-its-crackdown-on-protesters.html?pagewanted=all&_r=0.

286. See Press Release, Security Council, Security Council Unanimously Adopts Resolution 2042 (2012), Authorizing Advance Team to Monitor Ceasefire in Syria, U.N. Press Release SC/10609 (Apr. 14, 2012).

287. See *id.*; see also S.C. Res. 2042, ¶ 7, U.N. DOC. S/RES/2042 (Apr. 14, 2012).

288. See THE CRISIS IN SYRIA, *supra* note 4; see also David Rieff, *R2P, R.I.P.*, N.Y. TIMES (Nov. 7, 2011), <http://www.nytimes.com/2011/11/08/opinion/r2p-rip.html?pagewanted=all>.

289. See *id.* (the states include France, the United Kingdom, and the United States, in addition to the Arab League).

290. See *Nearly 93,000 People Killed in 'Vicious' Syria Conflict – UN Human Rights Chief*, U.N. NEWS CENTRE (June 13, 2013), http://www.un.org/apps/news/story.asp?NewsID=45162#Uzotm_IdUII. A recent report issued by the Syrian Observatory for Human Rights puts the death toll at over 150,000 people. *Syria: War Deaths Top 150,000, Human Rights Group Says*, N.Y. TIMES (Apr. 1, 2014), <http://www.nytimes.com/2014/04/02/world/middleeast/syria-war-deaths->

evidence of sarin gas used in a Syrian village and uncovered the “Starvation Until Submission Campaign” in October 2013.²⁹¹ Sarin gas is twenty-six times more deadly than cyanide gas and has been used only a few times in history.²⁹²

The difference of opinions among the P5 caused the Security Council to initially take limited action against the violence. The PRC and Russia have both vetoed three draft resolutions regarding the situation in Syria.²⁹³ For example, the July 2012 draft resolution invoked Chapter VII powers and called for the renewal of the UNSMIS, the implementation of the six-point proposal discussed above, and threatened measures under Article 41 of the U.N. Charter if Syria did not comply.²⁹⁴ The PRC decided to veto these resolutions, in part, because it believed the resolutions would breach Syrian state sovereignty.²⁹⁵

After a period of non-action, the Security Council unanimously adopted Resolution 2118 in September 2013 as a response to the reports that sarin gas was used against civilians. According to the current U.S. Representative to the United Nations, Samantha Powers, “the United States, all members of the Security Council and 98% of the world” believed that the sarin gas must be eradicated.²⁹⁶ Pursuant to Resolution 2118, the Assad regime must destroy its stockpile of chemical weapons.²⁹⁷ Furthermore, the resolution mandated the Organization for the Prohibition of Chemical Weapons (OPCW) to oversee Syrian compliance with the resolution and invoked measures under Chapter VII if Syria fails to cooperate.²⁹⁸ As of April 2014, the OPCW reported that the Assad regime removed almost eighty-six percent of its chemical weapon stockpile and remained in compliance with Resolution 2118.²⁹⁹

Nevertheless, the violence committed by the Assad regime remains

top-150000-human-rights-group-says.html.

291. See *infra* Part I.

292. Saddam Hussein used sarin gas in 1988, killing about 5000 Kurds. *What is Sarin? A Lethal Nerve Gas that Kills in Minutes*, WORLD POST (Sept. 1, 2013), http://www.huffingtonpost.com/2013/09/01/what-is-sarin_n_3853044.html.

293. See *Veto List*, *supra* note 61. These draft resolutions include S.C. Draft Res. 612, U.N. Doc. S/2011/612 (Oct. 4, 2011), S.C. Draft Res. 77, U.N. Doc. S/2012/77 (Feb. 4, 2012), and S.C. Draft Res. 538, U.N. Doc. S/2012/538 (July 19, 2012).

294. See S.C. Draft Res. 538, paras. 3, 10, 14, U.N. Doc. S/RES/538 (July 19, 2012).

295. See Chan, *supra* note 30, at 892.

296. See U.S. Permanent Representative to the United Nations, Remarks by Ambassador Samantha Power, U.S. Permanent Representative to the United Nations, at the Security Council Stakeout Following Consultations in Syria (Sept. 26, 2013), <http://usun.state.gov/briefing/statements/214832.htm>.

297. See S.C. Res. 2118, ¶ 2–4, U.N. Doc. S/RES/2118 (Sept. 27, 2013).

298. See *id.* ¶¶ 7, 21.

299. *Removal of Syrian Chemicals Passes 86% of Total*, ORG. FOR THE PROHIBITION OF CHEMICAL WEAPONS (Apr. 22, 2014), <http://www.opcw.org/news/article/removal-of-syrian-chemicals-passes-86-of-total/>.

steady.³⁰⁰ In regards to the regime's starvation campaign, the Security Council adopted Resolution 2139 that demanded all fighting parties to allow the delivery of humanitarian aid and allow civilians to move freely about the country.³⁰¹ The resolution also expressed grave concern at the rising amount of refugees fleeing Syria, totaling more than 2.4 million people.³⁰² However, the resolution does not include language regarding possible sanctions in case of noncompliance.³⁰³ In July 2014, the Security Council, by unanimous vote, authorized U.N. access to the Syria-Iraq border to deliver humanitarian aid without Syria's consent.³⁰⁴

Possible Security Council action in Syria moving forward is complicated to say the least, in part, due to China. The PRC originally did not support three draft resolutions addressing the crisis in Syria. Some scholars believe that the PRC's veto, along with the Russian veto, evinces the PRC's displeasure with Libya. Specifically, the PRC expressed serious concern over the regime change caused by NATO intervention in Libya.³⁰⁵ Resolution 1970 and 1973 authorized action in Libya because of R2P, but did not permit NATO air strikes to support the rebellion against Qaddafi.³⁰⁶ Thus, the PRC is wary of extending R2P to another international conflict because of a slippery slope; namely, the potential for R2P to be used as a cover for regime change in other states with oppressive regimes, such as Syria.³⁰⁷

In perceived accordance with one of the factors proposed by this Article, the PRC curiously changed its position after the bad press it received after vetoing draft resolutions regarding Syria.³⁰⁸ It is likely that the PRC felt that the reputational cost of another veto would be too high to withstand since the severe atrocities committed against the Syrian people received near universal condemnation from the international community. The PRC's support of Resolutions 2118 and 2139 attest to this Article's argument that increasing international pressure to act will

300. See Salma Abdelaziz, *Syrian Peace Talks Going Nowhere; Violence, Military Buildup Resumes*, CNN NEWS (Feb. 14, 2014), <http://www.cnn.com/2014/02/14/world/meast/syria-peace-talks/>.

301. See S.C. Res. 2139, ¶¶ 5–8, U.N. Doc. S/RES/2139 (Feb. 22, 2014).

302. See *id.*

303. See *Russia, China Vote for UN Humanitarian Resolution on Syria*, AL JAZEERA (Feb. 22, 2014), <http://america.aljazeera.com/articles/2014/2/22/syria-un-securitycouncil.html>.

304. See S.C. Res. 2165, U.N. Doc. S/RES/2165 (July 14, 2014). Pursuant to Resolution 2165, U.N. convoys may enter Syria through two routes in Turkey that are beyond Syrian government control.

305. See Rieff, *supra* note 288; see also Directorate-General for External Policies of the Union, *supra* note 67, at 6.

306. See Rieff, *supra* note 288.

307. See Geoxavier, *supra* note 92, at 100.

308. See *id.* This Article has not incorporated recent Chinese support for Resolutions 2118 and 2139.

make it more likely for the PRC to support sanctions regimes or peacekeeping missions. The finding that sarin gas had been used on civilians led to the unanimous passage of Resolution 2118. The blocking of food and medicine to civilians in certain villages served as the impetus for Resolution 2139. In essence, the high reputational cost the PRC would have suffered from blocking either of these resolutions more than likely influenced its decision to proffer its support.

It is too soon to tell what Security Council actions are possible in Syria. It would depend upon continued Syrian compliance with Resolution 2118 in destroying chemical weapon stockpiles and also compliance with Resolution 2139. Most likely, the PRC and Russia³⁰⁹ will remain opposed to any resolution invoking R2P because of the regime change effected by it in Libya. However, if conditions worsen in Syria, there may be room for further action as demonstrated by the high reputational costs associated with blocking Resolutions 2118 and 2139 as discussed above. The fact that the Arab League, the relevant regional organization, condemns the high level of violence may also increase the chances for future PRC support. Essentially, the forecast is bleak. The conflict in Syria would have to worsen for the PRC to support future Security Council action that has some real teeth.

One question remains to be answered by this Article: so what does this all mean for the Security Council? Many people within the United States are skeptical over China's rising great power status because of the fear of the unknown. However, this Article demonstrates that the PRC is not a loose cannon on the international scene. In fact, China is acting rationally and will continue to act according to its self-interest within the Security Council. Therefore, an understanding of the PRC's material interests, as well as its underlying values, is necessary to garner Chinese support for future sanctions regimes and peacekeeping operations. It is certain, though, that the PRC has its own agenda and will not subjugate its interests for the interests of other states. This is truly no different than any other state in the international community.

309. Especially in light of the recent Russian invasion of Crimea which remains highly controversial amongst the international community. *See supra* text accompanying notes 65–78.

