

5-1-2013

Oil as a Silent Factor in the Responses to the Arab Spring Uprisings

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Recommended Citation

Hon, Kristina Marie, "Oil as a Silent Factor in the Responses to the Arab Spring Uprisings" (2013). *Law School Student Scholarship*. 351.
https://scholarship.shu.edu/student_scholarship/351

The events of 19 December 2010, when Mohamed Bouazizi set himself afire to protest the Tunisian dictatorial regime, have since provoked a stunning response across the Middle East and North Africa. The uprisings that have swept across the region have been swift and strong, and have shaken leaders to the core, as they decide how to respond to the overwhelming show of popular discontent. Some of the uprisings have achieved their desired results, such as the overthrows of Tunisian leader Ben-Ali, Egyptian president Mubarak, and eventually Libyan dictator Qaddafi. Others have been less successful, with protests still raging in Syria, Bahrain and Yemen.¹

In the face of such violent and sudden upheavals in a region that seemed more or less firmly in the grip of repressive autocratic governments, the international community, including the United States, has scrambled to coordinate its foreign policy and establish the defensible positions vis-à-vis each tumultuous country. The United Nations Security Council has taken little action, except for its authorization of a humanitarian intervention in Libya;² the leading voice of the otherwise silent UN has been its Human Rights Commissioner, Navi Pillay, who has been swift in condemning the violent reactions of the Arab Spring governments.³ The United States, for a while, had remained aloof from the protests, and once it decided to engage, has had to make up for lost time. Its response, therefore, has been belated, cautious, and also selective.⁴

¹ See Garry Blight, Sheila Pulham and Paul Torpey, *Arab spring: an interactive timeline of Middle East protests*, THE GUARDIAN (Nov. 29, 2011), <http://www.guardian.co.uk/world/interactive/2011/mar/22/middle-east-protest-interactive-timeline>.

² See e.g. S.C. Res. 1970, U.N. Doc. S/RES/1970 (Feb. 26, 2011) and S.C. Res. 1973, U.N. Doc S/RES/1973 (March 17, 2011).

³ See e.g. *Syria should be referred to ICC, UN's Navi Pillay says*, BBC NEWS (Dec. 13, 2011), <http://www.bbc.co.uk/news/world-middle-east-16151424>; *Libya protests: Thousands of foreigners flee violence*, BBC NEWS (Feb. 22, 2011), <http://www.bbc.co.uk/news/world-africa-12535883>; *UN human rights chief Navi Pillay condemns Cairo deaths*, BBC NEWS (Nov. 23, 2011), <http://www.bbc.co.uk/news/world-africa-15854418>; *Bahrain unrest: UN rights chief criticizes crackdown*, BBC NEWS (Mar. 17, 2011), <http://www.bbc.co.uk/news/world-middle-east-12769168>.

⁴ Ian Black, *Barack Obama signals selective US response to 'Arab Spring'*, THE GUARDIAN (May 19, 2011), <http://www.guardian.co.uk/world/2011/may/19/barack-obama-response-arab-spring>.

US policy towards the individual countries in the rebelling Middle East has primarily highlighted human rights and humanitarian concerns.⁵ Yet in affirming unyielding support for “Arab human rights,” President Obama, in a big policy speech in May, also said that “America could not ‘prevent every injustice perpetrated by a regime against its people.’”⁶ This unwieldy dichotomy of principles—the result of “long years of US support for the[...] now deposed [Middle Eastern] dictators”⁷—has been reconciled in the US’ response to the Libyan war by participation in the United Nations intervention; the US’ response to the Syrian violence through symbolic sanctions and strong condemnation; and the US’ response to the Bahraini repression with tepid statements of admonition and potential withholding of an arms deal.

Despite President Obama’s declaration, there is, however, an unspoken and unacknowledged reason that is better able to provide the rationale for the difference in policy that permeates the US’ responses towards the rebelling countries and that can, in fact, explain for their differences. That reason is oil.⁸ This paper will explore how the presence of oil, or lack thereof, as well as the safety of the world oil market, is the one factor that can consistently account for the policies of the United States in its response towards the Arab Spring uprisings.

Part I will examine general US policy towards the oil-producing countries of the Middle East. Part II discusses the first case study of Libya. Part III delves into the circumstances surrounding Syria. Part IV turns to Bahrain. Part V links all three countries’ rebellions to the global oil market. Part VI re-states and re-affirms the thesis and concludes.

⁵ Black, *supra* note 4. The United States’ policies would reflect the “core principles” of “opposing the use of violence and repression.” *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ “If I could speculate, I would say that oil plays an important role in how the international community reacts to certain situations.” Sophie Douez, *West confronts double standards in Arab response*, SWISS INFO (Oct. 19, 2011), http://www.swissinfo.ch/eng/specials/the_arab_spring/West_confronts_double_standards_in_Arab_response.html?cid=31383238.

I. US Policy Toward the Oil-Producing Middle East

As the world's largest consumer of oil, with 4.7 billion barrels coming from overseas out of 7.1 billion barrels consumed yearly, the United States' foreign oil dependence is an incredibly significant variable to which it must pay great attention when it creates its foreign policy.⁹ As such, it is a hindrance because it restricts available options that the US can pursue in dealing with its supplier countries. The US pays out around \$1 billion a day to foreign countries for their oil exports, totaling about 16% of total US import expenditures.¹⁰ This has created a situation of "an unprecedented and unsustainable transfer of wealth to other countries" whose interests often diverge from those of the US.¹¹ Additionally, consumption of oil by the United States is expected to keep increasing; much of this increase will have to be supplemented by imports in the near future, as domestic production is likely to stagnate.¹² So foreign oil dependence by the United States, then, could rise up to 62% of total consumption by 2020.¹³

Such a state of affairs thus "holds [the US] hostage" to the caprices of the oil market as controlled by OPEC, as well as to the political and economic security of the supplier countries.¹⁴ This overdependence would not be such a major problem were it not for the fact that much of the energy imports flowing into the US are from countries in the Middle East (and North Africa) with unstable societies and totalitarian governments.¹⁵ All the money with which the US floods

⁹ *Id.*; Jonathan Powers, *Oil Addiction: Fueling Our Enemies* 1, TRUMAN NATIONAL SECURITY PROJECT (Feb. 17, 2010), available at <http://www.trumanproject.org/posts/2010/02/oil-addiction-fueling-our-enemies>. This data is from 2008.; Keith Crane et. al, *Imported Oil and U.S. National Security* 8, RAND CORPORATION (2009), available at <http://www.rand.org/pubs/monographs/MG838.html>.

¹⁰ Powers, *supra* note 9.

¹¹ *Id.* (quoting Vice Admiral Dennis McGinn).

¹² *Oil Diplomacy: Facts and Myths Behind Foreign Oil Dependency*, hearing before the H. Comm on International Relations, 107th Cong. second session 5 (2002) (statement of the Honorable Spencer Abraham, Secretary, US Department of Energy).

¹³ *Id.* at 6.

¹⁴ *Id.* at 1.

¹⁵ *Id.* at 1; Thomas D. Kraemer, *Addicted to Oil: Strategic Implications of American Oil Policy* 5, STRATEGIC STUDIES INSTITUTE (May 2006).

the oil market “enriches hostile governments, funds terrorist organizations, and props up repressive regimes.”¹⁶ Some of those countries have regimes in power that are “actively hostile to the United States,” such as Iran, Iraq (under Saddam Hussein), and Libya (under Qaddafi).¹⁷ Others are unsteady and autocratic, with “regimes beholden to Islamic fundamentalists like Saudi Arabia.”¹⁸ Just as the totalitarian governments in those oil states have been able to repress their people and keep themselves in power by sharing their oil wealth, they—and other major supplier states such as Russia, Iran, and Venezuela—have learned that oil is an effective bargaining chip against importers like the US.¹⁹ This has made them more willing and able to use their exports of oil and other energy resources “to pursue their strategic and political objectives.”²⁰

The US must grudgingly employ maintenance of the unsavory ties it has with numerous countries in order to feed its overdependence and prevent those countries from using that dependence against the US. The gingerly tiptoeing that the US engages in due to the sensitive nature of its suppliers decreases its international leverage and empowers those types of repressive governments because the United States is hampered in its ability to pressure them to change.²¹ Such dependence—which is continuing to grow—is “increas[ing] the [...] strategic vulnerability [of the US] and constrains [its] ability to pursue a broad range of foreign policy and national security objectives.”²² Any type of political, diplomatic, or military action that the US

¹⁶ Powers, *supra* note 9 at 2.

¹⁷ Oil Diplomacy hearing, *supra* note 12 at 3 (quoting Ranking Member, Mr. Lantos).

¹⁸ *Id.*

¹⁹ Kraemer, *supra* note 15 at 5; John Deutch and James R. Schlesinger, *National Security Consequences of U.S. Oil Dependency* 3, Independent Task Force Report No. 58, COUNCIL ON FOREIGN RELATIONS (2006).

²⁰ Deutch and Schlesinger, *supra* note 19 at 3.

²¹ *Id.* at 3.

²² Deutch and Schlesinger, *supra* note 19 at 3. The Report identified five ways in which oil dependence is affecting US foreign policy: 1. “the control over enormous oil revenues gives exporting countries the flexibility to adopt policies that oppose U.S. interests and values;” 2. “oil dependence causes political realignments that constrain the ability of the United States to form partnerships to achieve common objectives;” 3. “high prices and seemingly scarce supplies creates fear that the current system of open markets is unable to ensure secure supply ... result[ing] in oil and gas deals that include political arrangements in addition to commercial terms;” 4. “revenues from oil and gas exports can undermine local governance;” 5. “a significant interruption in oil supply will have adverse political

might consider pursuing against these nations—for whatever reason—could jeopardize the security of the oil market by threatening the potential disruption of oil flow, whether as a result of a tactical decision on the part of the supplier country or as a consequence of international action.²³ Thus “fearing another embargo, [we bend] to the Middle Eastern autocrats and permit their anti-democratic and anti-American practices to go unanswered.”²⁴

Ensuring a “reliable and affordable supply of oil” has become an increasingly unavoidable and prominent feature of US foreign policy and has a direct bearing on its effectiveness.²⁵ This has resulted in careful diplomacy that has led to some strange alliances and unintended and unwanted but unavoidable associations with, and support for, leaders whose policies towards the United States are less than friendly, coloring other countries’ views of the United States. Precisely because of this reason, there is a deep-seated mistrust of American motives in foreign policy.²⁶ In pursuing the spread of Western liberal ideals around the world, there is a greater perceived sense of self-interest in the policies of the US than a sense of altruism.²⁷ Other countries whose large economies run substantially on imported oil—Western Europe, Japan, India, and China for example—face similar suspicions about their motives but on a much smaller scale.²⁸ This is because they do not bear the same foreign policy responsibilities as those assumed by the United States as the world’s largest power.²⁹ The true objectives of the United States—bringing freedom and democracy to those countries that do not have them—are

economic consequences in the United States and in other importing countries.” The Report also highlighted that there may be a direct relationship between US dependence on oil (particularly from the Persian Gulf) and the size of its defense budget. *Id.* at 26-29.

²³ *Id.* at 29; Kraemer, *supra* note 15 at 3.

²⁴ Oil Diplomacy hearing, *supra* note 12 at 3 (quoting Ranking Member, Mr. Lantos).

²⁵ Deutch and Schlesinger, *supra* note 19 at 3.

²⁶ Kraemer, *supra* note 15 at 4.

²⁷ *Id.*

²⁸ Deutch and Schlesinger, *supra* note 19 at 5.

²⁹ *Id.*

seen as being “contaminated” by the pervasive need to maintain oil supply.³⁰ So much is this a concern that in 2003, when the United States went to war in Iraq, it had to change the original name of the operation from “Operation Iraqi Liberation” to “Operation Iraqi Freedom” because the acronym of the former was O.I.L.³¹ Additionally, there were some countries that did not believe that the US war on terror was a sincere effort to fight international terrorism; rather that “control[... of] Middle Eastern oil supplies” was the prevailing motive.³² Such an unsavory suspicion accompanying US foreign policy actions is unfortunate because the US will continue to play a role in the Middle East, especially in the Persian Gulf—which, in addition to containing more than half of the world’s oil reserves, is important to the US also for “nonproliferation, combating terrorism and encouraging political stability, democracy, and public welfare.”³³

Given the highly sensitive and strategic role that oil plays in US foreign policy, it is not surprising to see that it has played a strong role in tailoring the responses to the Arab Spring uprisings. Many of the rebellions are occurring in precisely those oil-supplying countries that the US has been loath to antagonize. In order to protect those countries’ supplies of oil—and maintain the stability of the global oil market—the US has intervened in Libya but declined to do so in Syria and Bahrain.

³⁰ Kraemer, *supra* note 16 at 5.

³¹ See e.g. Press Briefing by Ari Fleischer, Office of the Press Secretary, Mar. 24, 2003, available at <http://georgewbush-whitehouse.archives.gov/news/releases/2003/03/20030324-4.html>.

³² Kraemer, *supra* note 15 at 4. One such country was Syria, whose president Bashar al-Asad declared that the United States “is interested only in gaining control over Iraqi oil and redrawing the map of the region in keeping with its worldview.” Eyal Zisser, *Syria and the United States: Bad Habits Die Hard*, MIDDLE EAST QUARTERLY 31-2 (Summer 2003).

³³ Deutch and Schlesinger, *supra* note 19 at 30; Crane, *supra* note 9 at 11.

II. The Libyan Spring

The paradigm of blithely supporting totalitarian oil regimes was, to a large extent, abandoned when it came to Libya, at least from the time that President Reagan assumed office.³⁴ Prior to that, the US had had no qualms about being heavily invested in the country—over the 50 year period between 1927 and 1977, imports of oil from Libya to the United States increased tenfold, and exports to Libya tripled.³⁵ Beginning in 1973 with the withdrawal of the US ambassador to Libya and the placement of Libya on the terrorism list in 1979, the United States began to change its position and ostracize the country and its dictator Muammar Qaddafi.³⁶ Qaddafi's support for terrorism and pursuance of weapons of mass destruction, along with various attacks on American targets led to an intensification of Libya's isolation.³⁷

The US had enacted a whole spectrum of sanctions against the Libyan regime over the years, covering a wide range of economic, financial, and military areas.³⁸ Among them were bans on the importation of crude and refined oil from Libya, the exportation of oil production and refining equipment from the US, and travel to Libya on a US passport.³⁹ These effectively halted any and all US oil investment in the country. After the bombing of the PanAm flight over Lockerbie, Scotland, the United States was finally vindicated in its isolation of the country and the rest of the international community became convinced that Qaddafi was a threat. As a result, the United Nations passed comprehensive sanctions, which were in place for 7 years.⁴⁰ The US

³⁴ Jason Pack, *Libya is Too Big to Fail*, FOREIGN POLICY (Mar. 18, 2011), available at http://www.foreignpolicy.com/articles/2011/03/18/libya_is_too_big_to_fail.

³⁵ *Id.*

³⁶ Clyde R. Mark, Cong. Research Serv., 1B93109, LIBYA 1, 4 (May 23, 2002). Such attacks on US targets included the US embassy burning in 1979 and the Berlin disco bombing in 1986. *Id.* at 5.

³⁷ Pack, *supra* note 34.

³⁸ Mark, *supra* note 36 at 5.

³⁹ *Id.*

⁴⁰ From 1992 to 1997. Pack, *supra* note 34. Those resolutions were numbers 731 and 748 and required that the sanctions be in place until Libya turned over the Lockerbie bombing suspects. Mark, *supra* note 36 at 4.

also added the Iran-Libya Sanctions Act in 1996, which barred all contacts between the US and foreign companies that were invested in Libya's oil industry.⁴¹

The US' and international outlook on Libya slowly began to change as Qaddafi turned over suspects of the bombing and made overtures for shutting down his nuclear weapons program.⁴² President George W. Bush made Libya a key foreign policy priority during his two terms in office, seeking to reintegrate it back into the international community.⁴³ This would not only be beneficial to Qaddafi, but also to US oil companies, who had been banned from investing in the country during the time of sanctions. In February 2004, Bush took the unprecedented step of rescinding the travel ban that had long been in place, allowing US companies to begin individual negotiations on reentrance into the Libyan market.⁴⁴ Two months later, Bush again eased the sanctions on Libya, thus letting companies begin to buy or invest in Libyan oil products.⁴⁵ The final step was taken in September of 2004, when Bush lifted the vast majority of the remaining sanctions, fully opening up the Libya to US investment and granting complete access to its markets.⁴⁶ Companies began to rush in to "secure new [oil] contracts [and] revive old ones" to help to modernize the Libyan oil infrastructure in order to take advantage of the technological advances that had since taken place, particularly in deepwater drilling.⁴⁷ At the time that the momentum from the surrounding Arab Spring uprisings reached Libya, it was producing 1.6 million barrels of crude oil per day.⁴⁸

⁴¹ Mark, *supra* note 36 at 4.

⁴² *Id.*

⁴³ Michael Klare & Daniel Volman, *The African 'Oil Rush' and US National Security*, 27 THIRD WORLD QUARTERLY 4, 614 (2006).

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*; Neil Ford, *US Firms back in Libya*, THE MIDDLE EAST 36 (Feb. 2006).

⁴⁸ *Libya oil output to return to pre-war levels next year*, BBC NEWS (Nov. 13, 2011), <http://www.bbc.co.uk/news/business-15712718>.

A. *The Responses to the Uprising*

The protests in Libya began slowly in January 2011, as demonstrations took place across the country showing solidarity for the events happening in Tunisia.⁴⁹ They picked up in size and intensity in mid-February, when a human rights activist was arrested.⁵⁰ On February 18, Qaddafi forces occupied various Libyan towns, attempting to secure them, but they were met with rebel resistance, particularly in Benghazi.⁵¹ The violence grew as “troops and mercenaries sh[ot] unarmed demonstrators” in Benghazi; the death toll continued to rise each succeeding day.⁵² The protests spread to Tripoli, even as Qaddafi tried to rally his supporters and exhort various entities (like al-Qaeda and the Islamists) for fomenting the rebellion.⁵³ On 27 February, scarcely 10 days after the uprisings began, the rebel opposition groups formed the anti-Qaddafi Transitional National Council, to begin their appeals to the international community.⁵⁴ Despite that—or because of that—the protests continued to grow, as did the violence of Qaddafi’s response to them, until the country was engulfed in a civil war, pitting the Libyan rebels against the army and Qaddafi sympathizers.

President Obama’s first response to the escalation was to enact harsh sanctions against Qaddafi and others in his government to restrict his access to funds and other resources, as well

⁴⁹ Matthew Weaver, *Muammar Gaddafi condemns Tunisia uprising*, THE GUARDIAN (Jan. 2011), <http://www.guardian.co.uk/world/2011/jan/16/muammar-gaddafi-condemns-tunisia-uprising>.

⁵⁰ *Libyan protesters clash with police in Benghazi*, THE GUARDIAN (Feb. 16, 2011), <http://www.guardian.co.uk/world/2011/feb/16/libyan-protesters-clash-with-police>.

⁵¹ *Violence in Bahrain and Libya – Friday 18 February*, THE GUARDIAN NEWS BLOG (Feb. 18, 2011 03:41), <http://www.guardian.co.uk/world/blog/2011/feb/18/middle-east-protests-live-updates>. Benghazi has special significance in Libyan history. During the time of the Kingdom of Libya, created in 1951, Benghazi was the cultural center, even as Tripoli was the capital. As such, there was a tremendous rivalry between the two cities. Thus, it was from Benghazi that Qaddafi launched his coup in 1969. Erzsebet N. Rozsa and Laszlo Tuske, *Libya: The Other Way or Are the Tribes Ruling the Agenda?* 5, 7, HUNGARIAN INSTITUTE OF INTERNATIONAL AFFAIRS (Oct. 12, 2011); *Profile: Muammar Gaddafi*, BBC NEWS (June 27, 2011), <http://www.bbc.co.uk/news/world-africa-12488278>.

⁵² Ian Black, *Libya on brink as protests hit Tripoli*, THE GUARDIAN (Feb. 20, 2011), <http://www.guardian.co.uk/world/2011/feb/20/libya-defiant-protesters-feared-dead>.

⁵³ *Id.*

⁵⁴ Christian Pippan, *The 2011 Libyan Uprising, Foreign Military Intervention, and International Law* 159, JURIDIKUM (2/2011).

as against the National Oil Corporation and its subsidiaries.⁵⁵ American oil companies, however, were outspokenly opposed to those types of unilateral sanctions, arguing that such a measure cannot succeed on its own and that the US should seek to work through the UN and implement a multilateral strategy.⁵⁶ Of course, such a statement is highly self-serving, given that such sanctions make it more difficult for oil companies to do business in Libya. The US was also adamant about pursuing multiple non-military avenues for ameliorating the situation in Libya. The US made available \$47 million to international and regional humanitarian organizations to ensure that aid gets to those who need it.⁵⁷ The Obama administration also “ratchet[ed] up pressure and further isolate[ed] Colonel Qadhafi and his associates” by making it explicitly clear that he “ha[d] lost the legitimacy to lead, and must go.”⁵⁸ As a parallel strategy, the US also immediately began “supporting the legitimate aspirations of the Libyan people,” by sending Secretary Clinton to meet with a representative from the Transitional National Council to discuss strategy.⁵⁹

Nevertheless, imposing sanctions was the only unilateral action that Obama took⁶⁰—after that, and even during that time, he ardently pursued an international approach through the United Nations.⁶¹ In the case of Libya, the United Nations—with the active participation of the United

⁵⁵ *Libya: Oil Industry Group Opposes Obama's Sanctions*, MOTHER JONES (Mar. 4, 2011), <http://motherjones.com/politics/2011/03/libya-qaddafi-usa-engage-sanctions>; Exec. Order 13566, *Blocking Property and Prohibiting Certain Transactions Related to Libya*, Feb. 25, 2011, available at <http://www.whitehouse.gov/the-press-office/2011/02/25/executive-order-libya>; *Libya: Defining US National Security Interests*, March 31, 2011, Testimony by Deputy Secretary of State James Steinberg before the House Foreign Affairs Committee, <http://www.state.gov/s/d/former/steinberg/remarks/2011/169301.htm>.

⁵⁶ *Libya: Oil Industry Group Opposes Obama's Sanctions*, *supra* note 55.

⁵⁷ Steinberg testimony, *supra* note 55.

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ The sanctions were tightened in June. *OFAC Tightens Libya Sanctions*, Press Release, US Department of Treasury (June 21, 2011), <http://www.treasury.gov/press-center/press-releases/Pages/tg1213.aspx>.

⁶¹ “Both President Obama and Secretary Clinton are avoiding unilateral decisions, continually emphasizing that the Libyan actions are under the UN auspices.” Lisa M. Ruth, *Does the U.S. policy on Libya signal a shift in foreign policy implementation?*, WASHINGTON TIMES (Mar. 29, 2011), <http://communities.washingtontimes.com/neighborhood/life-lisa/2011/mar/29/does-us-policy-libya-signal-shift->

States—became involved in the Libyan conflict very soon after the violence in Libya escalated to outright war. As early as 24 February, six days after the regime’s crackdown in Benghazi, Security Council members were informally discussing the use of Chapter VII of the UN Charter to take deterrent action against the regime.⁶² The following day, the Human Rights Council convened a special meeting to discuss the deteriorating humanitarian conditions in Libya; it issued a resolution condemning the widespread human rights abuses and authorized the creation of a commission to conduct an inquiry into the situation.⁶³

A day later, the Security Council passed Resolution 1970.⁶⁴ The resolution called for an immediate cessation of hostilities and referred the situation—dating back to 15 February—to the International Criminal Court.⁶⁵ It also instituted an arms embargo, travel ban, and asset freeze, to try to inhibit Qaddafi from accessing the resources necessary to continue fighting.⁶⁶ Further action by the UN was urged upon it by the Libyan Transitional National Council, but the Security Council remained passive until the Arab League appealed to it to immediately implement a no-fly zone over Libya, leading to Resolution 1973 passed on 17 March.⁶⁷ The

foreign-policy-*i*. It is interesting to note this change in foreign policy tactics. Over the past decade, the United States has never hesitated to use harsh words and sharp actions to signal its discontent with an international situation, often asking individual countries to join it, bypassing the United Nations framework. An example of this may be the coalition-of-the-willing in Iraq. It may be that the US has learned its lesson, that unilateral actions often have unacceptably high costs, financially and in human lives. (“The move from costly and ineffective bullying to balanced international participation is actually a savvy way to demonstrate US concerns without the enormous expense and human cost of a ground intervention.” Ruth.) The 2003 war in Iraq may be one such example.

⁶² *Update Report: Libya*, SECURITY COUNCIL REPORT 1 (Feb. 25, 2011), available at http://www.securitycouncilreport.org/site/c.gIKWLeMTIsG/b.6586331/k.D62C/Update_Report_No_3brLibyabr25_February_2011.htm.

⁶³ *Id.*; *Update Report: Libya*, SECURITY COUNCIL REPORT 3 (Mar. 14, 2011), available at http://www.securitycouncilreport.org/site/c.gIKWLeMTIsG/b.6621881/k.63C4/Update_Report_No_1brLibyabr14_March_2011.htm; Human Rights Council Res. S-15, Feb. 25, 2011, U.N. GAOR 15th special Sess., A/HRC/S-15/L.1 (Feb. 23, 2011).

⁶⁴ March Update Report, *supra* note 63 at 2.

⁶⁵ S.C. Res. 1970, *supra* note 2; see generally March Update Report, *supra* note 63.

⁶⁶ S.C. Res. 1970, *supra* note 2.

⁶⁷ Richard Leiby and Muhammad Mansour, *Arab League asks U.N. for no-fly zone over Libya*, WASHINGTON POST (Mar. 12, 2011), http://www.washingtonpost.com/world/arab-league-asks-un-for-no-fly-zone-over-libya/2011/03/12/ABoie0R_story.html; March Update Report, *supra* note 63 at 1; Christopher M. Blanchard, Cong. Research Service, RL33142, LIBYA: UNREST AND U.S. POLICY 3 (March 29, 2011).

resolution called for a cease-fire, no-fly zone, and invoked the Responsibility to Protect doctrine in authorizing UN member states, whether acting nationally or within the sphere of a regional organization, to take “all necessary measures ... to protect civilians and civilian-populated areas under threat of attack.”⁶⁸

On 19 March, the United States (and other countries) “began military operations against Libyan targets.”⁶⁹ By the 28th, a coalition had formed of European, North American, and Middle Eastern countries contributing efforts to maintain the military operations, no-fly zone, and arms embargo.⁷⁰ That coalition was then subsumed under NATO command and control under Operation Unified Protector.⁷¹ In these ways, by working through and with the UN (and NATO in the military aspect of the multilateral response to Libya), the US has been able to retain a fairly low profile while at the same time promoting its values internationally.⁷²

B. The Spectre of Libyan Oil

Yet we would be remiss not to recall the close associations that the US has had with oil-producing regimes. Such associations have led to a general wariness of US intentions in its foreign policy, coloring its actions. As much as nobody wishes to acknowledge that fact, protecting the investments of US companies in Libya is a consideration that must inevitably be taken into account. This concern is apparent in no less than a State Department cable released by WikiLeaks, which indicated that over the past few years, Qaddafi had gotten considerably

⁶⁸ S.C. Res.1973, *supra* note 2; Pippin, *supra* note 54 at 159-60.

⁶⁹ Blanchard, *supra* note 67 at 6.

⁷⁰ *Id.*

⁷¹ *Id.* at 7.

⁷² *Id.*

tougher in his negotiations with oil companies.⁷³ He had “threatened to dramatically reduce Libya’s oil production and / or expel ... U.S. oil and gas companies.”⁷⁴

This belligerent posturing was in addition to Qaddafi’s increasing emphasis on “Libyan resource nationalism.”⁷⁵ Qaddafi had begun verbally attacking the foreign oil companies, demanding that having made billions off of Libyan oil, they give back to the people.⁷⁶ Oil companies were forced to rename their local subsidiaries to “Libyanize” them; and oil companies were pressured to hire Libyan personnel, including managers, financial analysts, and human resources directors.⁷⁷ These very strict and nationalistic measures were in fact counter-productive to the production of oil as they “jeopardize[d] efficient exploitation of Libya’s extensive oil and gas reserves.”⁷⁸

As the conflict began to rage around him in February, Qaddafi closed the country’s ports, thereby suspending oil exports.⁷⁹ With the suspension, foreign oil companies scaled back some of their operations.⁸⁰ Qaddafi then ratcheted up his rhetoric by threatening, a day later, that now that “the oil flow has been stopped, how are the people going to sustain a living? Will Bin Laden provide for them?”⁸¹ He backed up his words by turning his forces loose on the oil fields,

⁷³ Steven Mufson, *Conflict in Libya: U.S. oil companies sit on sidelines as Gaddafi maintains hold*, WASHINGTON POST (June 10, 2011), http://www.washingtonpost.com/business/economy/conflict-in-libya-us-oil-companies-sit-on-sidelines-as-gaddafi-maintains-hold/2011/06/03/AGJq2QPH_story.html

⁷⁴ *Id.* (quoting Cable 08TRIPOLI214, “GOL Still Bristling Over Victims of Terrorism Legislation,” 12 March 2008 09:57, WIKILEAKS, <http://wikileaks.org/cable2008/03/08TRIPOLI214.html#>).

⁷⁵ *Id.* (quoting Cable 07TRIPOLI967, “Growth of Resource Nationalism in Libya,” Nov. 15, 2007 14:47, WIKILEAKS, <http://wikileaks.org/cable/2007/11/07TRIPOLI967.html#>).

⁷⁶ Mufson, *supra* note 73.

⁷⁷ *Id.*

⁷⁸ *Id.* (quoting Cable 07TRIPOLI967, *supra* note 75).

⁷⁹ Charles Levinson et. al., *Dictator loses grip in desert*, WALL STREET JOURNAL (Feb. 23, 2011), <http://online.wsj.com/article/SB10001424052748703529004576159821865690988.html>.

⁸⁰ *Id.*

⁸¹ Gus Lubin, *Qaddafi Speaks: The protestors are teenagers who are taking drugs handed out by al-Qaeda*, BUSINESS INSIDER (Feb. 24, 2011), http://articles.businessinsider.com/2011-02-24/news/30043213_1_protesters-libyan-tv-oil-flow.

bombing various oil installations over the course of the war.⁸² While the NATO airstrikes authorized by the UN Security Council in Resolution 1973 would help protect the civilians who were being killed by their own leader, they could also potentially help to depose the ruler who had made oil investment so onerous, thereby securing the oil flow.⁸³ Had the Qaddafi regime somehow survived despite the international community's response, it is not inconceivable that, given his previous rhetoric, he may have retaliated against the countries supporting the rebels by shutting down and closing off foreign investment in Libyan oil.

Even with Qaddafi still at large, the Transitional National Council (TNC) began to take steps to normalize oil exports, in which it was helped by the United States. As early as June, the US had begun publicly encouraging countries to buy oil from the Council.⁸⁴ The US Treasury Department also enacted a new licensing policy to ease companies' restrictions from sanctions.⁸⁵ The Council took a major step on 11 September, announcing that oil production would resume, mainly in eastern Libya.⁸⁶ With Qaddafi gone, the interim government of the Transitional National Council has announced that it will honor all the contracts signed under the former regime, and that in fact, it will shortly seek out new contracts.⁸⁷ The TNC has also signaled that while it will adjudge proposals based on the same objective criteria as before—technical

⁸² See e.g. *Gaddafi's scorched earth: Libya's skies turn black as desperate dictator blows up oil pipes and turns his tanks on civilians*, DAILY MAIL (Mar. 10, 2011), <http://www.dailymail.co.uk/news/article-1364469/Gaddafi-blows-Libyas-oil-pipes-tanks-turned-civilians.html>; NATO Joint Force Command Naples, *Qaddafi attacks Libyan oil field*, NATO (Apr. 7, 2011), http://www.nato.int/cps/en/natolive/news_72118.htm; David Smith, *Gaddafi forces kill 17 at oil refinery*, THE GUARDIAN (Sept. 12, 2011), <http://www.guardian.co.uk/world/2011/sep/13/gaddafi-forces-kill-17>.

⁸³ Taqqiyastar, *LIBYA Today not a humanitarian war but oil and Qaddafi*, YOUTUBE, (March 19, 2011), <http://www.youtube.com/watch?v=Lq1ks3LeKmk>. It was an interview on RT of Michel Chossudovsky, President and Director of the Centre for Research on Globalisation.

⁸⁴ *Transitional National Council Oil Sales*, Taken Question at Daily Press Briefing, US Department of State (June 20, 2011), <http://www.state.gov/r/pa/prs/ps/2011/06/166573.htm>.

⁸⁵ *Id.*

⁸⁶ Borzou Daragahi, *Libya resumes oil production*, FINANCIAL TIMES (Sept. 11, 2011), <http://www.ft.com/intl/cms/s/0/e8adb44-dcbd-11e0-8654-00144feabdc0.html#axzz1fOvZ62me>. The announcement was met with an attack on an oil refinery by pro-Qaddafi forces. Smith, *supra* note 82.

⁸⁷ Richard Anderson, *Libya oil: The race to turn the taps back on*, BBC NEWS (Sept. 8, 2011), <http://www.bbc.co.uk/news/business-14806100>.

expertise and quality of labor—those companies based in countries that actively helped the rebels “are likely to get preferential treatment.”⁸⁸

While the United States could not have been aware of this additional incentive to get involved in the humanitarian intervention, this subjective picking of new contracts is very likely to benefit US companies such as ExxonMobil and the consortium of Amerada Hess, ConocoPhillips and Marathon Oil.⁸⁹ This will in turn help to remedy stagnant oil production, which, due to Qaddafi’s tough negotiation stance and resulting capped off at around 1.5 to 1.6 million barrels per day, in contrast to the peak of 3 million in the early 1970s.⁹⁰ The TNC’s liberal and hands-off approach to the oil market in Libya will have the dual benefit of increasing the profits of those companies lucky enough to be awarded a contract, and help to increase oil production, thereby increasing revenues for rebuilding and helping drive global oil prices down.

The fundamental bottom line is that oil from Libya is an extremely valuable asset, and in many ways, irreplaceable. Libyan oil is very strategically located as it is close to Europe; it is also comparably easily extracted and is of fine quality (so-called “sweet crude”).⁹¹ There are special refineries built and equipped to exclusively refine sweet Libyan crude. The refineries would be hard-pressed to modify their equipment in order to process, for example, heavier Saudi crude.⁹² Libya also has the largest discovered reserves in Africa.⁹³ The disruption of oil production in Libya—where one of the main basins surrounds Sirte, Qaddafi’s hometown, and

⁸⁸ *Id.* (quoting Teymur Huseynov). However, interim Oil Minister Ali Tarhouni has said that he does not expect any such decisions to take place until after elections are held to replace the transitional government. Margaret Coker, *World News: Libyans see hurdles as oil output rises*, WALL STREET JOURNAL (Nov. 11, 2011), *via Proquest*.

⁸⁹ *See generally* Ford, *supra* note 47.

⁹⁰ Mufson, *supra* note 73.

⁹¹ Pack, *supra* note 34. “Sweet” means that it contains very little sulfur and other contaminants. Crane, *supra* note 9.

⁹² Pack, *supra* note 34.

⁹³ Liam Pleven and Benoit Faucon, *The Fight for Tripoli: Oil Producers Take Steps to Return --- Foreign Firms Face Uncertainty Over Libya’s Governance and Infrastructure After Months of Absence*, WALL STREET JOURNAL (Aug. 23, 2011), *via ProQuest*.

where much of the later fighting was concentrated⁹⁴—would not only (and has not only) impact exports to Europe, but would also have negative consequences for the recovering world economy.⁹⁵ Indeed, repercussions have already been felt. The war severely damaged more than 10% of Libya’s oil production infrastructure and the “pipelines may be clogged with waxy crude oil after remaining stagnant for months.”⁹⁶ While it only provides about 2% of the global oil output, the reduction from 1.6 million barrels per day to little more than a trickle (about 50,000 barrels a day) has had a noticeable effect on the world oil market, and it may be a while before Libyan oil production returns to full capacity.⁹⁷ Nevertheless, oil production now having resumed in earnest, it has actually been recovering faster than expected.⁹⁸ The refineries are already producing 600,000 barrels a day—up from the 50,000 they were producing during the conflict—and the International Energy Agency estimates that this number could increase to near half of its pre-war levels of 1.6 million by the end of the year.⁹⁹

Thus the forceful responses by the United States and the United Nations, while predominantly fueled by concerns of the grave humanitarian conditions in Libya, were also motivated by the need to secure the supply of oil from Libya in order to preserve calm global oil markets.

⁹⁴ The Sirte basin provides for approximately 80% of Libya’s total oil production. Anderson, *supra* note 87.

⁹⁵ Pack, *supra* note 34.

⁹⁶ Plevin and Faucon, *supra* note 93.

⁹⁷ *Id.* Comparisons are being made to Iraq, which required more than four years to reach pre-US invasion levels of oil production. *Id.* Some experts estimate it may take Libya two years or more, depending on the peaceful nature of its transition. Clifford Krauss, *As Oil Production Rises, Libya Expects to Hit Prewar Levels by June*, NEW YORK TIMES (Nov. 10, 2011), <http://www.nytimes.com/2011/11/11/business/energy-environment/libya-sees-return-to-prewar-oil-production-levels-by-june.html>.

⁹⁸ Krauss, *supra* note 97.

⁹⁹ *3rd Update: Libya Oil Output Resuming Far Faster Than Expected - IEA*, WALL STREET JOURNAL (Nov. 10, 2011), <http://online.wsj.com/article/BT-CO-20111110-708984.html>.

III. The Syrian Spring

The relationship that the United States has had with Syria has often been contradictory and fluctuating. In 1979, the State Department placed Syria on its State Sponsors of Terrorism list, a move that triggered already-enacted sanctions against the regime.¹⁰⁰ The sanctions forbade foreign assistance to those countries determined to be aiding and abetting international terrorism, and they limited exports to those countries to less than \$7 million.¹⁰¹ These measures effectively terminated all US aid to Syria, which from 1950 to 1981 had totaled some \$627.4 million, going mainly towards projects such as “water supply, irrigation, rural roads and electrification, and health and agricultural research.”¹⁰²

But the strategic geographic location of Syria—“situated between the current flashpoint of Iraq and the perennial hotspots of Israel-Palestine, Lebanon and Iran”¹⁰³—has made it almost impossible for the United States to maintain its strict stance. As such, foreign policy towards Syria has swung between “engagement and dialogue” and “isolation and monologue.”¹⁰⁴ Relations with Hafez al-Asad, the late father of current Syrian ruler Bashar al-Asad, were fairly pragmatic as the United States sought to balance the influence of the Soviet Union in the region.¹⁰⁵ Once the Cold War paradigm became irrelevant, the US nevertheless continued to engage Syria as a “critical partner for maintaining a balance of power in the Middle East.”¹⁰⁶

¹⁰⁰ Jeremy M. Sharp, Cong. Research Service, RL33487, UNREST IN SYRIA AND U.S. SANCTIONS AGAINST THE ASAD REGIME 21-22 (Aug. 9, 2011).

¹⁰¹ *Id.*

¹⁰² *Id.* at 21.

¹⁰³ Mir H. Sadat and Daniel B. Jones, *U.S. Foreign Policy Toward Syria: Balancing ideology and National Interests*, 16 MIDDLE EAST POLICY 2, 95 (Summer 2009).

¹⁰⁴ *Id.* at 96 (quoting William Rugh, former U.S. ambassador to the United Arab Emirates, from Theodore Kattouf et. al., *When We Meet with Syria, What Should We Say? What Should We Hope to Hear?*, 14 MIDDLE EAST POLICY 2, 1 (Summer 2007)).

¹⁰⁵ *Id.* at 94.

¹⁰⁶ *Id.*

Therefore, the US ensured that Syria was part of the US-Arab coalition of forces that was assembled to oppose Saddam Hussein's invasion into Kuwait in 1991.¹⁰⁷

The change in Syrian leadership from father Hafez to son Bashar and the attacks of September 11, 2001 completely altered the foreign policy landscape the US had been pursuing with Syria for some 20 years. Despite the valuable intelligence that Syria provided on al-Qaeda and unprecedented cooperation with the FBI, President George W. Bush heightened his harsh rhetoric against the regime and demanded that Syria pursue those same anti-terrorist policies against Hamas and Hezbollah, two groups it had been not-so-secretly harboring.¹⁰⁸ Additionally, the accusation by the United States that Syria was pursuing nuclear capabilities and chemical and biological weapons with the aid of Iran and North Korea, strained relations.¹⁰⁹ In response, Bashar broke with the non-confrontational policies of his father and grew bolder and more belligerent in challenging US involvement in the region.¹¹⁰ The "severe fracture, ... almost to the point of a complete break" in US-Syrian relations occurred with Syrian support for Iraq's Saddam Hussein prior to his downfall and the safe passage Syria granted to al-Qaeda and Palestinian activists flooding into Iraq.¹¹¹

In December 2003, and in accordance with the increasingly icy policies towards Syria, the US enacted the Syrian Accountability and Lebanese Sovereignty Restoration Act.¹¹² The Act required that the President sanction Syria until "it ceases support for international terrorist groups, ends its occupation of Lebanon, ceases the development of weapons of mass destruction,

¹⁰⁷ *Id.*

¹⁰⁸ *Id.* at 95; Zisser *Bad Habits Die Hard*, *supra* note 32, at 31-2.

¹⁰⁹ Zisser *Bad Habits Die Hard*, *supra* note 32 at 31; Eyal Zisser, *Syria's Diplomatic Comeback: What Next?*, 14 MEDITERRANEAN POLITICS 1, 111 (March 2009).

¹¹⁰ Zisser *Bad Habits Die Hard*, *supra* note 32 at 29.

¹¹¹ *Id.* at 35; Zisser *Syria's Comeback*, *supra* note 109 at 109.

¹¹² Sadat and Jones, *supra* note 103 at 96.

... and has ceased supporting or facilitating terrorist activity in Iraq.”¹¹³ Additional general and individual sanctions continued to be imposed on the country and some of its ruling members, particularly in the aftermath of the assassination of former Lebanese Prime Minister Rafik Hariri in February 2005, in which Syria was heavily—though without much proof—implicated.¹¹⁴

A. *The Responses to the Uprisings*

The new administration under President Obama sought to pursue a “guarded but genuine diplomacy with Syria,” as it recognized that Syria “links the Israeli, Lebanese and Iraqi issues together,” and so “any breakthrough in any one of them” will take active US engagement.¹¹⁵ The uprisings that began in March in the Syrian city of Dar’a have brought an abrupt end to that policy. A few weeks before the city erupted in protests, the police had arrested 15 schoolboys who had sprayed anti-government graffiti onto buildings, echoing the Egyptian and Tunisian slogans.¹¹⁶ Large demonstrations protested their detention and the police opened fire, killing six protestors.¹¹⁷ The funeral procession the next day became a political rally and the security forces responded once again with force and succeeded in sealing the city.¹¹⁸ Tensions kept escalating, protests growing, and casualties mounting.

Calls for reform were met with some partial concessions made by the regime. On April 19, the Emergency Law—in place since 1963—was lifted and various promises were made to “loosen media restrictions, abolish state security courts, release political prisoners, and allow

¹¹³ Sharp, *supra* note 100 at 24.

¹¹⁴ *Id.* at 26.

¹¹⁵ Sadat and Jones, *supra* note 103 at 93; Zisser *Syria’s Comeback*, *supra* note 109 at 109.

¹¹⁶ Sharp, *supra* note 100 at 3; Steve Coll, *The Syrian Problem*, 87 THE NEW YORKER 15 (May 30, 2011), available at http://www.newyorker.com/talk/comment/2011/05/30/110530taco_talk_coll. One such slogan was “The people want the regime to fall.” Sharp, *supra* note 100 at 3.

¹¹⁷ Sharp, *supra* note 100 at 3.

¹¹⁸ *Id.*

‘approved’ demonstrations.”¹¹⁹ Yet the most consistent response to protests has been increased heavy-handed repression by the police and security / military forces. By June, Syrian forces had forcibly taken control of various rebellious cities, including Jisr al Shoghour, Homs, Hama and Deir El Zour.¹²⁰ The death toll, as currently estimated by the United Nations, is over 4000 and could be significantly over that number.¹²¹

The United States initially responded very similarly to the way it did with the protests in Libya, as the two countries have been treated similarly by the US in the past: by imposing sanctions. However, the response was more delayed and far more timid and hesitant. The first step that President Obama took was on 29 April, over a month after the first crackdown, and was to block the property and assets of three high-ranking Syrian officials and two entities.¹²² But even before that, Secretary of State Clinton made clear that military intervention was not presently being contemplated as an option.¹²³ More sanctions were enacted in May, this time targeting President Asad along with six other close officials.¹²⁴ However, given that the United States has very few economic interests in Syria, the sanctions are much more of a symbolic nature, and ones geared more towards persuading other countries—who have more significant ties—to take action.¹²⁵ Indeed, the swath of unilateral sanctions in place since 1979 have left

¹¹⁹ *Id.* at 4, 6.

¹²⁰ *Id.* at 8-9.

¹²¹ Ian Black, *Syria death toll is ‘more than 4,000’, says UN*, THE GUARDIAN (Dec. 1, 2011), <http://www.guardian.co.uk/world/2011/dec/01/syria-death-toll-4000-un>.

¹²² Sharp, *supra* note 100 at 11. Those persons were Maher al-Asad, Ali Mamluk and Atif Najib; the entities were the General Intelligence Directorate and Iran’s Islamic Revolutionary Guard Corps – Quds Force. *Id.*; Exec. Order 13572, *Blocking Property of Certain Persons with Respect to Human Rights Abuses in Syria*, April 29, 2011, available at <http://www.whitehouse.gov/the-press-office/2011/04/29/executive-order-blocking-property-certain-persons-respect-human-rights-a>.

¹²³ Sharp, *supra* note 100 at 11 (see footnote 18).

¹²⁴ *Id.* at 12.

¹²⁵ *Id.* at 11.

“US adversaries and even allies ... eager to fill the economic vacuum left by American companies,” at the expense of US loss of trade and investment.¹²⁶

As such, the US has also employed a heavy regimen of rhetoric, urging such countries to use their economic leverage and increase the pressure on the Syrian government in order to stop the violence.¹²⁷ With the United States not pursuing as active a role in the Syrian uprising, the Arab League—as in Libya—has taken over the reins. In early November, it suspended Syria from the organization and several weeks later imposed a strong set of sanctions on the regime after it failed to allow international observers into the country, as previously agreed upon.¹²⁸ The various measures include an asset freeze, an investment embargo, a ban on commercial flights, and a halt on funding from Arab governments for Syria development projects.¹²⁹ The United Nations has tried to be as involved in the affairs of Syria as it has in Libya, but so far without success. In early October, the Security Council had attempted to pass a resolution condemning the Syrian repression of anti-government protests, but the resolution failed to pass as China and Russia used their veto.¹³⁰

B. *The Spectre of Syrian Oil*

There are, arguably, even more forces at work in the international community’s response to the Syrian uprising than in Libya. Any response, by whichever country, must take into “account the Israeli-Palestinian divide, the Sunni-Shia divide, the Muslim-Christian divide, widespread anti-Semitism, Iran’s nuclear ambitions, the security of oil supplies pumped by weak

¹²⁶ Sadat and Jones, *supra* note 103 at 99.

¹²⁷ Stephen Kaufman, *U.S. Wants More International Pressure to End Syrian Violence*, Embassy of the United States – Brussels, Belgium (Aug. 12, 2011), <http://www.uspolicy.be/headline/us-wants-more-international-pressure-end-syrian-violence>.

¹²⁸ *Syria unrest: Arab League adopts sanctions in Cairo*, BBC NEWS (Nov. 27, 2011), <http://www.bbc.co.uk/news/world-middle-east-15901360>.

¹²⁹ *Id.*

¹³⁰ *Syria unrest: Western anger at UN vetoes*, BBC NEWS (Oct. 5, 2011), <http://www.bbc.co.uk/news/world-middle-east-15181794>.

regimes, al-Qaeda and related radicals, tribalism, corruption, and a picturesque lineup of despots.”¹³¹ Oil has, however, been a largely ignored factor in the uprising, whether in the form of Syrian oil or the supply of oil flowing from other countries (especially Iraq) through Syria. But the uprisings have had an effect on oil in the country in many ways and fears of disturbing Iraqi (and potentially Iranian and Saudi) oil flow have dampened the international community’s willingness to intervene.

Revenue from Syrian oil exports comprises three-quarters of Syria’s economy.¹³² Syrian oil production has been falling over the years, dropping from 580,000 barrels per day in 2001 to 387,000 barrels per day in January 2011.¹³³ Given that oil is such a large percentage of its economy, even though production is comparatively low, the oil sector has been an easy target for sanctions. Both the United States and the European Union have done so, to try to reduce the revenue filling the pockets of the Asad regime.¹³⁴ New sanctions by the Obama administration, enacted in August, specifically prohibit any US entity from conducting any transactions in Syrian petroleum products.¹³⁵ The EU sanctions have been particularly devastating for the regime, as the bulk of its exports flow to European countries; Syria has had to reduce production from 380,000 barrels to approximately 250,000 and this number may continue to fall.¹³⁶ But while the export of oil from Syria has gotten more difficult, Syria is likely to continue exporting, even though it has to turn to “alternative” countries, such as “Russia, China or Malaysia.”¹³⁷

¹³¹ Coll, *supra* note 116.

¹³² Zisser *Bad Habits Die Hard*, *supra* note 32 at 36.

¹³³ *UPDATE 3 – INSTANT VIEW – U.S. imposes fresh sanctions on Syria oil sector*, REUTERS AFRICA (Aug. 18, 2011), <http://af.reuters.com/article/energyOilNews/idAFL5E7J12XT20110818?sp=true>.

¹³⁴ *See e.g. Id.*; Javier Blas, *E.U. sanctions force Shell to leave Syria*, WASHINGTON POST (Dec. 2, 2011), http://www.washingtonpost.com/world/eu-sanctions-force-shell-to-leave-syria/2011/12/02/gIQA92R8LO_story.html.

¹³⁵ *Update 3*, *supra* note 133.

¹³⁶ Blas, *supra* note 134.

¹³⁷ Abigail Fielding-Smith and Camilla Hall, *Syria seeks ‘alternative’ crude oil importers*, FINANCIAL TIMES (Sept. 7, 2011), <http://www.ft.com/intl/cms/s/0/39c7c870-d969-11e0-b52f-00144feabdc0.html#axzz1fWKM3kpM>.

Additionally, in order to be able to find just the right buyer, “Syria will [probably] have to offer a discount of up to 20 per cent to attract buyers.”¹³⁸ If Russia and China are going to be the primary beneficiaries of such a discount, it is highly unlikely they will consider taking any type of action that would jeopardize cheaper oil supply—even as their preliminary objections to intervention in the Security Council have been on grounds of territorial sovereignty and illegal expansion of the Libyan military mandate.¹³⁹

The very small percentage that Syria contributes to the crude oil market has had only a negligible effect on global prices, even though the market is very tight.¹⁴⁰ Unlike Libyan oil production, which was reduced to almost nothing because of the raging conflict, Syria is still able to produce at over 50% of its capacity, even if the reduction is due to sanctions. Yet there are other, far more pressing, oil concerns in Syria, aside from domestic production. “Syria ... occup[ies] the most strategic position [geographically] in the transit” of regional oil; in fact, it is “indispensable.”¹⁴¹ As such, it has served as the transit country for oil from Iraq and Saudi Arabia.¹⁴² The 500,000 barrel a day Trans-Arabian pipeline that transported Saudi oil closed in 1976 for financial reasons, but there have been proposals to rehabilitate it.¹⁴³ Syria also houses a second pipeline from Kirkuk to the Syrian port of Baniyas which, constructed in 1952, is about 500 miles long and is able to carry about 300,000 barrels of Iraqi oil a day.¹⁴⁴ Closed originally

¹³⁸ *Id.*

¹³⁹ *Western anger at UN vetoes, supra* note 130.

¹⁴⁰ Blas, *supra* note 134.

¹⁴¹ George Leuczowski, OIL AND STATE IN THE MIDDLE EAST 25-26 (1960).

¹⁴² *Id.*

¹⁴³ *Syria: Country Analysis Brief 4*, U.S. ENERGY INFORMATION ADMINISTRATION (last updated August 2011), available at <http://www.eia.gov/countries/country-data.cfm?fips=SY>.

¹⁴⁴ *Maliki, Russians discuss Kirkuk-Baniyas pipeline repair*, IRAQI NEWS (no date), <http://www.iraqnews.com/economy/maliki-russians-discuss-kirkuk-baniyas-pipeline-repair/>; *Iraq and Syria in pipeline repair deal*, AFP (Apr. 22, 2009), <http://www.google.com/hostednews/afp/article/ALeqM5gzalDNP-IOWVmCNpVr8ybgIWFvYw>.

in 1982, in 2000, Syria and Iraq agreed to resume pumping oil through it.¹⁴⁵ Oil flow was shut off again in 2003 when it was damaged during the US invasion of Iraq, but in August 2007, the two countries agreed to repair and re-open it.¹⁴⁶ While it has yet to re-open, Iraq has new plans to build three pipelines through Syria, to allow for the export of heavy and light oil, and natural gas.¹⁴⁷ Towards that end, in August, Iran, Iraq and Syria agreed to build one such pipeline through Syria to access new European markets.¹⁴⁸ The deal, worth \$10 billion, will carry Iranian gas and should take between three to five years to complete.¹⁴⁹

Countries intervening in Syria would be paying a high price, as any threats to physical security would effectively postpone these new projects potentially by years. In addition, any attempt at regime change could also make finalization of the pipeline agreements more uncertain. As a more important transit country than production country, the security of Syria and the pipelines that run through it, are undoubtedly of very large concern to the international community. The failure to repair the old pipelines and construct the new ones would prevent the reduction of transit costs and increase diversification of oil flow, which would be very beneficial in the event of a disruption of oil supply elsewhere.¹⁵⁰ The precariousness and importance of such security was heightened in July when a portion of a function cross-border pipeline was

¹⁴⁵ Zisser *Bad Habits Die Hard*, *supra* note 32 at 33; Maliki, *Russians*, *supra* note 144.

¹⁴⁶ *Iraq and Syria in pipeline repair deal*, *supra* note 144.

¹⁴⁷ *Syria says Iraq oil, gas pipeline tenders to be issued soon*, DINAR RUMOR (Jan. 25, 2011), <http://www.dinarrumor.com/showthread.php?19958-Syria-says-Iraq-oil-gas-pipeline-tenders-to-be-issued-soon>.

¹⁴⁸ *Iran, Iraq and Syria sign on for pipeline to Europe*, PIPELINES INTERNATIONAL (Aug. 3, 2011), http://pipelinesinternational.com/news/iran_iraq_and_syria_sign_on_for_pipeline_to_europe/062853/.

¹⁴⁹ *Id.*

¹⁵⁰ Diversifying oil flow by building new or repairing old pipelines is a similar concept to increasing the capacity of already-existing ones. In a study conducted members of the Center for Naval Analysis and Rice University Department of Economics, it was shown that this type of increase in capacity has the benefits of maintaining oil supply in the event of a crisis (in the study, a closure of the Strait of Hormuz), reducing the economic impact of such a closure, and allowing for a measured response by the international community. M. Webster Ewell, Jr., Dagobert Brito, and John Noer, *An Alternative Pipeline Strategy in the Persian Gulf* 1, JAMES A. BAKER III INSTITUTE FOR PUBLIC POLICY AT RICE UNIVERSITY (Apr. 1, 1997), *available at* http://bakerinstitute.org/publications/TrendsInMiddleEast_AlternativePipelineStrategy.pdf; *See generally World Oil Transit Chokepoints*, U.S. ENERGY INFORMATION ADMINISTRATION (last updated February 2011), <http://www.eia.gov/countries/regions-topics.cfm?fips=WOTC>.

blown up in Mosul, Iraq.¹⁵¹ The damaged pipeline was shut off until it could be repaired.¹⁵² The Syrian rebels have already adopted this technique as a way to force the government to listen to their demands. On 8 December, an “armed terrorist group”—what the Syrian government has termed the rebels—blew up a pipeline in Homs.¹⁵³ This was apparently the third time that oil installations have been attacked—one had been bombed in July in Deir al-Zour and another, also in July, again near Homs.¹⁵⁴

The situation in Syria is less than clear and very complicated because Syria occupies a delicate—but important—position geostrategically in the Middle East. Internal disruptions of oil production and redirecting of exports to different markets has had some, but not too profound, effect on world oil markets. Even further disruption of the comparatively small scale of oil production will still not likely have as harsh an effect on global oil prices as Libya has. Thus the links between oil and international intervention in response to its Arab Spring uprising are more tenuous. However, Syria is also a very important oil transit country, and as such has several new pipeline projects under completion. The need to maintain sufficient security to allow the construction of those three new pipelines—as well as the need to maintain political stability and a diplomatic environment friendly to such investment deals—is a consideration that may well influence those countries resisting international intervention. The two most opposed, Russia and China, in fact stand to benefit from the status quo of no intervention, given that they are receiving a discounted supply of Syrian oil. But the United States, too, has been coy about the prospects for intervention. The apprehension that disruption of the production and transit of oil

¹⁵¹ *Iraqi Oil Pipeline to Syria Blown Up*, IRAQI BUSINESS NEWS (July 12, 2011), <http://www.iraq-businessnews.com/2011/07/12/iraqi-oil-pipeline-to-syria-blown-up/>.

¹⁵² *Id.*

¹⁵³ Anthony Shadid, *Blast Hits Pipeline in Syrian City*, N.Y. TIMES (Dec. 8, 2011), <http://www.nytimes.com/2011/12/09/world/middleeast/blast-hits-pipeline-in-syrian-city.html?ref=middleeast>.

¹⁵⁴ *Id.*

in Syria would have consequences—though the scale is unknown—not only for the prices of crude oil but also on the supplies of those countries that rely on Syrian, Iraqi, Iranian, and potentially even Saudi exports, could be a factor arresting US action; indeed, it may even be the uncertainty of the effect of the disruption urging caution.

IV. The Bahraini Spring

Unlike with Libya and Syria, the United States and Bahrain have had a very close relationship since 1948. That was the year that Bahrain agreed to the presence of a U.S. naval command, in exchange for a security guarantee, to protect it from its more powerful neighbors.¹⁵⁵ Since then, the military and diplomatic ties between the two countries have only increased. The US opened an embassy in the capital of Manama in 1971, and Bahrain now also houses the US Naval Fifth Fleet and hosts about 2300 military personnel from the United States.¹⁵⁶ In 2002, President George W. Bush made Bahrain a “major non-NATO ally,” a legal designation that allows the United States to sell the country weapons.¹⁵⁷ With such a close strategic partnership, Bahrain and the US have cooperated in combating terrorism and piracy in the Persian Gulf, checking the nuclear expansion of Iran, and addressing various threats from Iraq and Afghanistan.¹⁵⁸ Thus when the Arab Spring winds blew into the little Gulf monarchy, the United States paid very close attention.

¹⁵⁵ Kenneth Katzman, Cong. Research Service, 95-1013, BAHRAIN: REFORM, SECURITY, AND US POLICY 11 (March 21, 2011).

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

¹⁵⁸ *Id.*

A. *The Responses to the Bahraini Spring*

Immediately following the success of the Egyptian people in toppling the regime of Hosni Mubarak, Bahraini Shiites took to the streets on 13 February to protest the Sunni-dominated government.¹⁵⁹ The Bahraini king, in anticipation of the Arab Spring momentum, had tried to appease his citizens with a \$2700 payment, but this failed to stop the protests.¹⁶⁰ The government then turned the security forces out onto the protesters, who had gathered in Pearl Square by the thousands.¹⁶¹ Several people were killed and many wounded as rubber bullets and tear gas were used.¹⁶² The US began to feel unease and urged the Bahraini government to refrain from using force to dispel the protesters.¹⁶³

Heeding the warnings of the United States, the king switched tactics by ordering the security forces to stand down and proposed the opening of a dialogue with Shiite leaders for reforms.¹⁶⁴ This tack looked promising, at least on the side of the government, as the king released and pardon 25 political prisoners and changed several of his cabinet posts.¹⁶⁵ However, with the dialogue not forthcoming, protests erupted again and grew to overwhelm the security forces.¹⁶⁶ As a result, Bahrain turned to the Gulf Cooperation Council (GCC) and requested that its members send it assistance in suppressing the rebellion.¹⁶⁷ On 14 March, 1200 troops from Saudi Arabia and 800 from the United Arab Emirates crossed into Bahrain and were immediately

¹⁵⁹ *Id.* at 5.

¹⁶⁰ *Id.*

¹⁶¹ Katzman, *supra* note 155 at 6.

¹⁶² *Id.*

¹⁶³ Adam Quinn and Phil Stewart, *U.S. concern grows over Bahrain, a key Gulf ally*, REUTERS (Feb. 17, 2011), <http://www.reuters.com/article/2011/02/17/us-bahrain-usa-idUSTRE71G5IM20110217>.

¹⁶⁴ Katzman, *supra* note 155 at 6.

¹⁶⁵ *Id.*

¹⁶⁶ *Id.*

¹⁶⁷ *Id.* at 7.

placed around Manama to help “protect key sites.”¹⁶⁸ This protection, however, effectively allowed the king to declare a state of emergency and, with the help of the GCC forces, forcibly remove protesters from Pearl Square.¹⁶⁹ There were more protester deaths attributed to this crackdown, and many other opposition figures were arrested and detained.¹⁷⁰

The violence of the repression has deeply disturbed the United States, which has nevertheless continued to merely “chide” Bahrain.¹⁷¹ The US has not “called on [the Bahraini government or even the king to step down] as it had on beleaguered autocratic leaders in Egypt, Tunisia, Syria and Yemen.”¹⁷² On the contrary, after the king released the political prisoners, Secretary Clinton praised the move and encouraged the opposition groups to acquiesce to the king’s proposal for a dialogue on reform.¹⁷³ The US has also continued to make statements supporting the king’s lukewarm attempts to reform and even sent over an envoy to help with the process.¹⁷⁴

The only action that the US has taken that is even somewhat commensurate with the strict sanctions that the US imposed on Libya and Syria is that it has delayed a \$53 million arms deal with Bahrain pending the publication of a report into the alleged human rights abuses committed during the crackdown.¹⁷⁵ The report was requested by Bahrain—and will be paid for by that country—as a response to the international criticism in the way it handed disbanding of its protests.¹⁷⁶ The report was originally due in October, but has since been pushed back to 23

¹⁶⁸ Ethan Bronner and Michael Slackman, *Saudi Troops Enter Bahrain to Help Put Down Unrest*, N.Y. TIMES (Mar. 14, 2011), <http://www.nytimes.com/2011/03/15/world/middleeast/15bahrain.html?pagewanted=all>.

¹⁶⁹ Katzman, *supra* note 155 at 7.

¹⁷⁰ *Id.*

¹⁷¹ *US arms deal for Bahrain hangs in the balance*, ARABIAN BUSINESS (Nov. 17, 2011), <http://www.arabianbusiness.com/us-arms-deal-for-bahrain-hangs-in-balance-430435.html>.

¹⁷² *Id.*

¹⁷³ Katzman, *supra* note 155 at 8.

¹⁷⁴ *Id.* The envoy was Assistant Secretary of State for the Near East Jeffrey Feltman, sent on 14 March.

¹⁷⁵ *US arms deal*, *supra* note 171.

¹⁷⁶ *Id.*

November. Once published, Congress and the Obama administration have pledged to “review the report’s findings on allegations of torture and repression against the Bahrain government.”¹⁷⁷ The 500-page report, released on 23 November, found that the security forces deployed to subdue the rebellion “used excessive force,” and that those arrested were subject to torture and deprived of their basic human rights.¹⁷⁸ The grave charges contained in the report will need to be taken very seriously by Congress in its deliberation over the arms deal, the status of which is as yet undetermined. Congress also has to take into account both the fact that agreeing to the deal would “highlight[...] a double standard in US policy toward popular Arab uprisings,” and be unjustifiable “if the stage seems to be set for another crackdown.”¹⁷⁹ The multitude of sensitive US national security interests that are intertwined in Bahrain are making it extremely difficult for the US to pursue a policy more in line with those it has adopted towards Libya and Syria.

B. *The Spectre of Bahraini Oil*

The title of this section is somewhat of a misnomer. Bahrain is not a major oil producing country, as it has, for the most part, exhausted its crude oil reserves.¹⁸⁰ But Bahrain is very strategically located and it occupies a very delicate position in the Middle East. It is a very small island in the Persian Gulf surrounded on three sides by Saudi Arabia, Iran, and Iraq. The impact that a strong US response to Bahrain’s own internal discontent would have on oil and the oil market—ignoring all the other interests that the US has in the country—could have reverberations throughout the entire region. This effect is discussed in more detail in the section on the global oil market, *infra*.

¹⁷⁷ David Kenner, *The Forgotten Uprising*, THE MIDDLE EAST CHANNEL (Nov. 18, 2011), http://mideast.foreignpolicy.com/posts/2011/11/18/the_forgotten_uprising.

¹⁷⁸ *Bahrain used excessive force during unrest – report*, BBC NEWS (Nov. 23, 2011), <http://www.bbc.co.uk/news/world-middle-east-15850509>.

¹⁷⁹ *US arms deal*, *supra* note 171; Kenner, *supra* note 177.

¹⁸⁰ Katzman, *supra* note 155 at summary.

V. The Global Oil Market

Just as the security of individual countries' oil supplies is an important factor in the United States' and international community's responses to the Arab Spring uprisings, so too is the effect that disruption of those oil supplies will have on the global oil market. The slightest fluctuation in supply to the market is almost guaranteed to cause a sharp fluctuation in price—"the price of oil ... tends to be more volatile than prices of manufactured goods ... due in great part to the inelasticity of demand for and supply of oil."¹⁸¹ Because countries have fairly few options when a major source of their oil fails to deliver, they have little choice but to pay the increased prices.¹⁸² Therefore, with Arab Spring uprisings raging primarily in oil-producing countries, the rebellions—and even war—has the potential to affect oil production. Indeed, the conflicts have already affected oil production and the global oil market has felt the squeeze.

The United States, in particular has a big stake in the world oil market, because it must increasingly import oil from overseas to compensate for its lack of domestic production. But it does not have very much influence over it. This is especially because the Organization of Petroleum-Exporting Countries (OPEC) produces 38% of the world's oil and has "the potential to exercise market power rather than just respond to market signals."¹⁸³ In other words, it can act as a cartel. While it does not itself import much—or any—oil from Libya or Syria, "disruption of supplies ... anywhere in the world will be distributed across the world market."¹⁸⁴ Thus losing the 2% of world oil that comes from Libya, even though it doesn't have a direct impact on US imports, has the overall effect of raising oil prices globally.

¹⁸¹ Crane, *supra* note 9 at 14.

¹⁸² *Id.*

¹⁸³ *Id.* at 9, 15.

¹⁸⁴ *Id.* at 14.

In the past, when various events¹⁸⁵—including OPEC supply reductions—“reduced supply and pushed up prices, the U.S. economy suffered a fall in its terms of trade and U.S. consumers have suffered a loss in purchasing power.”¹⁸⁶ Thus limiting the decrease of oil production from the various conflicts, in order to limit the shocks to the oil market, is a very real concern for the US. For good reason, too, as the suspension of oil exports from Libya in late February had an immediate impact on oil prices. When the fighting began, crude oil was being sold for \$84 a barrel.¹⁸⁷ Prices quickly rose above \$93 and spiked at over \$110 in April.¹⁸⁸ Much of this increase had to do with Qaddafi’s attack on the town of Ras Lanuf, an extremely important oil port.¹⁸⁹ The highest price recorded over the course of the Arab Spring was \$127 in April.¹⁹⁰

Equally important, however, in the determination of oil prices is “pure fear in the markets.”¹⁹¹ Therefore, the anticipation of shocks to the oil market can have a large impact on prices. When Qaddafi announced that he was digging in for a “long, drawn-out war,” prices rose in response, because the implication of such a long war was reduction of oil supply and particularly a long recovery period before supplies could be resumed.¹⁹² Such considerations were likely in the minds of the diplomats as the United Nations Security Council authorized the

¹⁸⁵ Such events include the 1973 Arab oil embargo; 1980 Iran-Iraq War; and 1990 Persian Gulf War.

¹⁸⁶ *Id.* at 23.

¹⁸⁷ *Oil prices should fall with Moammer Gaddafi’s overthrow*, ECONOMIC TIMES (Aug. 22, 2011), <http://economictimes.indiatimes.com/news/politics/nation/oil-prices-should-fall-with-moammer-gaddafis-overthrow/articleshow/9699064.cms>.

¹⁸⁸ *Id.*

¹⁸⁹ James Kirkup et. al., *Libya: oil price surges as Gaddafi forces gain ground and storm key town*, TELEGRAPH (Mar. 7, 2011), <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8367548/Libya-oil-price-surges-as-Gaddafi-forces-gain-ground-and-storm-key-town.html>.

¹⁹⁰ *Libya: oil price drops on hopes of end to conflict*, TELEGRAPH (Aug. 22, 2011), <http://www.telegraph.co.uk/finance/newsbysector/energy/oilandgas/8715374/Libya-oil-price-drops-on-hopes-of-end-to-conflict.html>.

¹⁹¹ Kirk Kardashian, *Rising Oil Prices: The Libya Factor*, TUCK BUSINESS SCHOOL AT DARTMOUTH COLLEGE (March 2011), <http://www.tuck.dartmouth.edu/news/articles/rising-oil-prices-the-libya-factor/> (quoting Dirk Vandewalle).

¹⁹² Javier Blas, *Libya attacks spark oil price surge*, FINANCIAL TIMES (March 21, 2011), <http://www.ft.com/intl/cms/s/0/5408eb3a-5389-11e0-a01c-00144feab49a.html#axzz1ffjtY5Or>.

humanitarian mission into Libya. The sooner the conflict could be ended, the sooner oil production could resume and prices drop. In response to the tremendous price hikes, in late June, the United States and 27 other countries of the International Energy Agency coordinated to release 60 million barrels of oil from their strategic reserves, in order to lessen the pressure on prices.¹⁹³ The announcement itself—not even the actual release—had the immediate impact of “accelerat[ing] the drop in prices ... taking them to levels not seen since Libyan oil exports were virtually halted by political turmoil four months ago.” 60 million barrels, compared to the amount of oil produced every day, is “relatively trivial” but it sent a strong message to markets that the United States and other countries were not going to let the reduction in supply cause prices to spiral out of control.¹⁹⁴ It also helped calm the markets after OPEC failed to reach an agreement, in early June, that would have increased member states’ production quotas easing the supply.¹⁹⁵ As the Libyan rebels began to push towards Tripoli in late August, there was widespread speculation that the war would soon be over.¹⁹⁶ The hope that Qaddafi’s regime would be overthrown within a few days, which would lead to a resumption of oil exports and production soon thereafter, led to a drop of more than \$3 in the price of crude oil, trading below \$106.¹⁹⁷

As events progressed, the world oil market generally became “increasingly concerned about a cascade of events in the [Middle East] regime, ... which hit oil-rich Libya ... and is now engulfing Bahrain” and has also spread to Syria.¹⁹⁸ With Syria and Bahrain, the concern is less about the impact full-scale conflict and potential intervention may have, than about the ripple

¹⁹³ John M. Broder and Clifford Krauss, *Global Oil Reserves Tapped in Effort to Cut Cost at Pump*, N.Y. TIMES (June 23, 2011), <http://www.nytimes.com/2011/06/24/business/24oil.html>.

¹⁹⁴ *Id.*

¹⁹⁵ *Id.*

¹⁹⁶ *Oil prices should fall, supra* note 187.

¹⁹⁷ *Libya: oil price drops, supra* note 190.

¹⁹⁸ *Blas Libya attacks spark surge, supra* note 192.

effect it may have on neighboring countries and their oil. Thus the impact on the market and on prices has been more indirect, as output in those countries has not been suspended. Syria is already invested in the construction of several new pipelines that will transport Iraqi and Iranian oil to the Mediterranean. The potential loss or long-term disruption of a significant portion of the 2.7% of world oil output that Iraq produces and the 4.9% that Iran produces bode ill and would deeply impact oil prices.¹⁹⁹ This may be a consideration deterring international intervention.

The situation in Bahrain is even more sensitive given that it borders Saudi Arabia, the OPEC country that produces 12.1% of the world's oil.²⁰⁰ Bahrain's request for assistance from the Gulf Cooperation Council in quelling its protests, which resulted in 1200 Saudi troops being landed in the Gulf island, has already involved the large oil-producing country in its Arab Spring affairs.²⁰¹ Thus any new confrontation between protesters and Bahraini security forces, or in the extreme eventuality, between Bahraini security forces and an international intervention coalition, would be very likely to entangle Saudi Arabia as well. Given that Saudi Arabia has had to boost oil production in order to compensate for the Libyan shortages, it would highly counter-productive, and potentially catastrophic, for the international community to threaten either Bahrain or Saudi Arabia in such a way as to force the country to scale back its production. This would roil the world oil market and prices would skyrocket.²⁰²

¹⁹⁹ *Geopolitical unrest and the impact world oil markets*, CNN (Jan. 31, 2011), <http://finance.fortune.cnn.com/2011/01/31/geopolitical-unrest-and-the-impact-world-oil-markets/>.

²⁰⁰ Crane, *supra* note 9 at 9.

²⁰¹ Bronner and Slackman, *supra* note 168.

²⁰² When in 1973 and 1974, oil producing countries in the Middle East embargoed the United States and cut back production by 25%, prices almost doubled. The Iran-Iraq War in 1980 caused prices to jump exponentially yet again, and prices did not return to pre-1973 levels until 2000. Crane, *supra* note 9 at 13 (see graph).

In addition, Bahrain is very strategically placed in the Persian Gulf. It is close to the Strait of Hormuz, through which 15.5 million barrels of oil pass every day.²⁰³ This makes up about 17% of all oil traded worldwide daily.²⁰⁴ Escalation of violence requiring a renewed Saudi presence or triggering an international intervention would severely jeopardize the security of these oil shipping lanes. The US naval presence quartered in Bahrain could potentially be asked to secure the lanes in order to maintain the flow of transit, but with a conflict raging in Bahrain, it is likely that the military installation there would be obliged to withdraw. If the security deteriorates enough, the oil will have to find an alternate route by which to reach its destination, increasing its transportation costs.²⁰⁵ Even the threat or fear of a disruption in the shipping conducted through the Persian Gulf could easily send prices flying again. Intervention is therefore a step that clearly the international community has to take very seriously, as it would have far-reaching repercussions, not merely on Bahrain itself, but on Saudi Arabia and the world oil market.

The stability and security of the global oil market is of great importance to the United States as it is heavily reliant upon it but exercises little influence over it. The numerous Arab Spring uprisings, which have largely occurred in oil-producing countries, have put the US on notice that any action it takes should be done after an analysis of the repercussions it will have on oil prices.

²⁰³ *World Oil Transit Chokepoints*, *supra* note 150. Data is from 2009.

²⁰⁴ *Id.*

²⁰⁵ *Id.*

VI. Conclusion

The Arab Spring uprisings that have gripped the Middle East since late December 2010 have been championed as the people rebelling against oppressive regimes to finally assert their right to freedom. But the United States' responses—which theoretically should be fully supportive—have been more tempered, as the Middle East is a very sensitive area embedded with US national security interests. Many of the rebelling countries are those with which the US has pursued unholy alliances—one, to protect against the spread of communism by the Soviet Union (as in Syria) and two, to protect its supply of oil.

The presence of oil in these countries, as well as the roles that they play in stabilizing the world oil market, has complicated matters for the United States. Given that the US is increasingly reliant on foreign oil imports to fuel its oil consumption, balancing oil and humanitarian interests in its foreign policy towards the Arab Spring countries has been an important task. But in fact, oil has been the one factor underpinning the whole spectrum of responses. The US and the international community intervened in Libya for the same reason that it has not done so in Syria and Bahrain: namely, oil. In order to re-secure production in Libya, the US and the international community intervened early; to forestall disruptions in Syria and Bahrain, the US and its allies have so far declined to intervene. Only time will tell if these considerations get outweighed by others, such as humanitarian concerns. Thus, while US and international policy may seem divergent depending on the country, in fact it is all bound by the same considerations for oil supplies and the steadiness of the global oil market.