

## GLOBAL INSIGHTS

# Principles, Politics, and Prudence: Libya, the Responsibility to Protect, and the Use of Military Force



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RESOLUTION 1973 (17 MARCH 2011) WAS THE FIRST TIME THE UNITED NATIONS Security Council authorized the use of military force for human protection purposes against a functioning *de jure* government. As such, it represents a significant development in the international politics of military force. But what are its likely consequences and how did it come about? We submit that Resolution 1973 and the subsequent enforcement operations, *Odyssey Dawn* and *Unified Protector*, were partly facilitated by the developing principle and practice of the Responsibility to Protect (R2P).

Despite an increasing number of rhetorical commitments made by international institutions and many governments to prevent mass atrocities in the post-Cold War era, the use of force for human protection purposes remained severely constrained by principled objections rooted in international law and moral differences, the low political payoffs and potentially grave risks associated with humanitarian war, and the combination of difficult operational dilemmas and an absence of clear guidance about the strategies and tactics most likely to have positive effects in different circumstances.<sup>1</sup>

Historically, these obstacles coalesced to produce a default policy environment that was strongly averse to the use of force to prevent or end the commission of genocide, war crimes, ethnic cleansing, or crimes against humanity (hereafter, genocide and mass atrocities). We submit that R2P has helped mitigate these three types of constraints, albeit unevenly, making UN-authorized humanitarian military intervention both politically possible in Libya and more likely in other similar cases.<sup>2</sup> First, R2P has largely resolved principled debate about whether international society should become engaged in such crises and replaced it with debates about how to best protect populations from grave abuses. Within international society, this principle is underscored by a widely shared understanding of the need for Security Council authorization for any use of military force. Second, R2P has helped to change international political calculations by establish-

ing shared expectations and common interests, though of course national interests and domestic politics continue to shape decisions about using force. Third, it has provided a catalyst for more creative thinking about operational issues, most notably supporting moves toward using a broader range of measures to coerce and induce behavioral change and deepening understanding of the range of potential military measures and associated pitfalls. Nevertheless, while agreement on principles is important, reaching consensus on how to consistently apply those principles in response to specific cases is far more difficult, as the case of Syria in 2012 demonstrates only too well.<sup>3</sup> Moreover, while the use of force to protect populations from genocide and mass atrocities has become more likely, it is still rare and is likely to remain so for the foreseeable future.<sup>4</sup>

To substantiate these claims, we begin this article by summarizing the road to the use of force in Libya, focusing on the forging of international consensus around Resolution 1973. Next, we contextualize Resolution 1973 by outlining the main principled, political, and prudential obstacles to using force for human protection purposes. In the final section, we revisit these obstacles and explore R2P's role in reshaping the way they are conceptualized and, in turn, the politics of using force to protect populations from genocide and mass atrocities.

### **Libya: The Road to Humanitarian War**

On 19 March 2011, military forces from France, Canada, the United Kingdom, and the United States struck the air defenses and soldiers of Muammar Gaddafi's regime in Libya. These countries led a coalition of states with the expressed aim of enforcing the objectives set out by UN Security Council Resolution 1973, principally the operation of a no-fly zone over Libya, imposition of an arms embargo, and the protection of civilians on the ground.<sup>5</sup> Although Gaddafi's officials declared that they had put in place a cease-fire shortly after Resolution 1973 was authorized, by the morning of 18 March it was clear that this was not the case and that the regime's assault on the rebel stronghold of Benghazi was under way.

The following day, an impromptu summit was convened in Paris in which the initial modalities of Odyssey Dawn were finalized. This involved representatives of eighteen states primarily from Europe and North America, but also including Iraq, Jordan, Morocco, Qatar, and the United Arab Emirates (UAE) as well as officials from the League of Arab States (LAS) and the European Union (EU).<sup>6</sup> Just a few hours after the summit, French aircraft began a series of flights and bombing raids over Libyan territory. Predictably, Gaddafi's regime quickly denounced these strikes as the work of "crusader enemies" and claimed they had targeted civilians and fuel supplies in the rebel-held city of Misrata. On 23 March, NATO leadership took

over enforcement of the arms embargo; on 26 March, it assumed responsibility for enforcement of the no-fly zone; and, on 31 March, the alliance assumed full control of operations under what was now called Operation Unified Protector. Not all NATO states deployed forces in harm's way (notably absent were Poland and Germany), but the alliance was joined by several nonmembers, including Sweden, Jordan, Qatar, and the UAE. On 4 April, President Obama withdrew US forces from direct combat, after which the lion's share of combat missions were conducted by France, Great Britain, Italy, Denmark, Belgium, Canada, the UAE, Qatar, and Norway.<sup>7</sup>

The attack on Libya was the first time the Security Council had authorized the use of military force for protection purposes against the will of a functioning *de jure* government. Although the Council had come close in the past, it had never before crossed the line. For example, in Resolution 794 (December 1992), the Council authorized the Unified Task Force to enter Somalia to ease the humanitarian crisis, but this was in the absence of a central government rather than against one. Similarly, in Resolution 929 (June 1994), the Security Council authorized the French-led Operation Turquoise, ostensibly with the humanitarian aim to protect victims of the ongoing genocide in Rwanda. Despite many concerns over the French government's motives, Operation Turquoise enjoyed the consent of the interim government in Rwanda as well as its armed forces. In Resolution 940 (September 1994), the Security Council authorized the use of military force to oust the military junta in Haiti. But not only did this mission receive the explicit support of Haiti's *de jure* authorities (S/1994/905 Annex), it was justified primarily with reference to defending democracy. The protection of Haitian civilians was implied only in the resolution's references to the intervening force maintaining a "secure and stable environment" (operative paragraphs 4 and 9a). More recently, in Democratic Republic of Congo (DRC), Sudan, and Côte d'Ivoire, the Security Council authorized the use of all necessary measures to protect civilians, but the Blue Helmet operations in these countries all operate with the official permission of the state's *de jure* authorities.<sup>8</sup> This was not the case in Libya. The Security Council has thus entered new political terrain: using military force against a *de jure* government with the stated aim of protecting civilians.

The roots of Resolution 1973 lie in the political upheavals associated with the protests that spread across the Arab world from late 2010 from Tunisia to Egypt and beyond.<sup>9</sup> In Libya, protests quickly turned violent, partly because of the regime's crackdown and partly because an armed opposition group was quickly established under the Interim National Transitional Council (NTC). The NTC coalesced from a mixture of Libyan diplomats who publicly denounced the Gaddafi regime from their posts abroad and switched their allegiance, segments of the armed forces who also had defected, and leaders of the opposition within Libya, particularly

those in Benghazi. While the NTC enjoyed rapid successes in mid-February 2011 declaring its forces had taken control of most of the major cities, in late February and early March Gaddafi's forces tipped the balance back in their favor, and by mid-March they were threatening to crush the rebellion's eastern epicenter in Benghazi.

Almost from the outset of the crisis, senior UN officials warned of the imminent threat of mass atrocities and framed their responses in R2P terms. On 22 February, the UN's High Commissioner for Human Rights, Navi Pillay, emphasized the need to protect civilians and called on the authorities to stop using violence against demonstrators, which "may amount to crimes against humanity."<sup>10</sup> On the same day, the special advisers to the UN Secretary-General on genocide prevention and R2P also stated that the Libyan regime's behavior could amount to crimes against humanity and that the Libyan regime, which has the primary responsibility to protect its people, must exercise its R2P.<sup>11</sup> On the following day, the Secretary-General framed the ensuing debate as one about the prevention of mass atrocities and protection of vulnerable populations.

The first sign that the international response would be unusual also came on 22 February when the LAS—which now included postrevolution authorities in Egypt and Tunisia—suspended Libya's participation in the organization. On 23 February, the Peace and Security Council of the African Union (AU), of which Libya was a member, condemned "the indiscriminate and excessive use of force and lethal weapons against peaceful protestors, in violation of human rights and International Humanitarian Law" that was used in response to the "legitimate . . . aspirations of the people of Libya for democracy, political reform, justice and socio-economic development."<sup>12</sup>

Two days later, on 25 February, the UN Human Rights Council established a commission of inquiry to investigate the situation and urged the General Assembly to suspend Libya from the Human Rights Council—which it duly did on 1 March. On 26 February, the UN Security Council voted unanimously to pass Resolution 1970. Among other things, this condemned "the widespread and systematic attacks" against civilians, which it suspected "may amount to crimes against humanity"; welcomed the earlier criticisms of the Libyan government's actions by the LAS, the AU, and the Organization of the Islamic Conference (OIC); and underlined the Libyan government's responsibility to protect its population. Acting under Chapter VII of the UN Charter, the Council demanded an immediate end to the violence; urged Gaddafi's government to ensure safe passage for humanitarian and medical supplies; referred the situation in Libya since 15 February to the prosecutor of the International Criminal Court;<sup>13</sup> established an arms embargo on the country; imposed indefinite travel bans on sixteen individuals of the Libyan regime; froze indefinitely

the assets of six members of the ruling regime; established a sanctions committee to monitor the implementation of these measures; and called on member states to make available humanitarian and related assistance for Libya. In response, on 2 March, Gaddafi's regime wrote to the UN Security Council declaring that the Council's condemnation of Libya was premature and requesting that Resolution 1970 be suspended until the allegations against it were confirmed.<sup>14</sup>

Three days later, the NTC in Benghazi declared itself Libya's sole representative and requested that "the international community . . . fulfill its obligations to protect the Libyan people from any further genocide and crimes against humanity without any direct military intervention on Libya soil."<sup>15</sup> This declaration was given important political support from within the Arab world when, on 7 March, the Gulf Cooperation Council (GCC) released a statement calling for "the UN Security Council [to] take all necessary measures to protect civilians, including enforcing a no-fly zone over Libya" and condemning "crimes committed against civilians, the use of heavy arms and the recruitment of mercenaries" by the Libyan regime.<sup>16</sup> That same day, the Libyan mission to the UN in New York—many of whose members had by now defected from Gaddafi's regime—also urged UN member states to recognize the NTC as Libya's legitimate authorities. At this stage the UN Secretary-General appointed former Jordanian foreign minister Abdelilah Al-Khatib as his special envoy to Libya, and UN Security Council members held informal consultations about possible further measures against Libya, including the option of a no-fly zone.<sup>17</sup>

On 8 March, the OIC echoed the GCC position by calling for a no-fly zone over Libya, although it said this excluded foreign military operations on the ground.<sup>18</sup> On 10 March, the GCC claimed that Gaddafi's regime had lost all legitimacy and urged the LAS to initiate contact with the NTC. That same day, France, Italy, and EU foreign affairs head Catherine Ashton also opened dialogue with the NTC.

In Addis Ababa, however, the AU's Peace and Security Council was rather less generous to the NTC. After defining the situation in Libya as "a serious threat to peace and security in that country and in the region as a whole," the AU condemned "the indiscriminate use of force and lethal weapons . . . and the transformation of pacific demonstrations into an armed rebellion." It went on to emphasize its "strong commitment to the respect of the unity and territorial integrity of Libya, as well as its rejection of any foreign military intervention, whatever its form."<sup>19</sup>

In the transatlantic region, Great Britain and France led the call for a tougher international response, a view opposed by Germany and initially regarded with considerable caution by the United States. On 10 March, however, NATO announced that it was moving additional ships into the region to support humanitarian assistance efforts and its ability to monitor

the crisis effectively. NATO's secretary-general also revealed the alliance was discussing how an arms embargo or no-fly zone, or both, over Libya might be enforced.<sup>20</sup> But with the United States decidedly uncommitted and without authorization from the UN Security Council, the prospects for military action appeared slim.

On the diplomatic front, Gaddafi's regime rejected the demands set out in Security Council Resolution 1970 and refused to permit humanitarian aid convoys into besieged towns such as Misrata and Ajdabiya. The UN Secretary-General personally contacted the Libyan leader and in a forty-minute conversation tried—and failed—to persuade Gaddafi to comply with the Council's demands. Thus, while the search for a diplomatic solution through the UN special envoy and the AU high-level committee enjoyed widespread support, many governments, commentators, and UN officials alike were coming to the view that diplomacy alone would not prevent the commission of large-scale crimes against humanity should Benghazi fall.

It was the 12 March declaration by the LAS that proved the game changer. Specifically, the LAS called on the UN Security Council “to take the necessary measures to impose immediately a no-fly zone on Libyan military aviation, and to establish safe areas in places exposed to shelling as a precautionary measure that allows the protection of the Libyan people and foreign nationals residing in Libya, while respecting the sovereignty and territorial integrity of neighboring States,” and to “*cooperate and communicate* with the Transitional National Council of Libya and to provide the Libyan people with urgent and continuing support as well as the necessary protection from the serious violations and grave crimes committed by the Libyan authorities, which have consequently lost their legitimacy.”<sup>21</sup>

Inside the Barack Obama administration, the LAS resolution strengthened the hand of the interventionists. On 15 March, senior officials held what was described as an “extremely contentious” White House meeting that resulted in President Obama accepting the case for intervention argued by Hillary Clinton, Samantha Power, Gayle Smith, and Mike McFaul over the more cautious position expressed by Robert Gates, Tom Donilon, Denis McDonough, and others.<sup>22</sup> Having decided to support the use of force, the administration made it a priority to obtain Security Council authorization and brought significant diplomatic pressure to bear on wavering Council members.

It was in this context that the Security Council members debated whether to authorize the use of force to establish a no-fly zone and to protect civilians.<sup>23</sup> One of the central arguments made in the Council, and outside, was that the situation in Libya was both an ongoing threat to international peace and security and a humanitarian crisis that was likely to get significantly worse without urgent and decisive action. From this perspective, Gaddafi's description of the protesters as “cockroaches,” his

promise to “cleanse Libya house by house,” and his threat to attack Benghazi and show its residents “no mercy” provided clear evidence of the regime’s intent to commit mass atrocities and supported the view of senior UN officials that the crisis should be viewed through the lens of atrocity prevention.<sup>24</sup>

Within an unusually “heavyweight” Security Council, including not only the Permanent Five but also Brazil, Germany, India, and South Africa, there were a number of sticking points. Most significantly, two permanent members (China and Russia) and several nonpermanent members were unconvinced of the need to use military force. Their rationale was in part principled—for instance, China’s long-established “five principles of foreign policy” includes the nonuse of force. But they also presented prudential and pragmatic objections, including that the use of military force might exacerbate an already bad situation and that the decision to impose a no-fly zone could quickly lead to more military commitments and might prolong the conflict. An additional problem identified by China, Russia, and India revolved around procedural and pragmatic questions that were left unanswered in Resolution 1973: How would the no-fly zone be enforced? What assets would be used? What rules of engagement would the coalition adopt? And crucially, what might the endgame entail? The Russian delegation also complained that new provisions (it did not specify which) had been added to the resolution that went beyond the LAS request and opened the door to more large-scale military intervention. India’s representative also questioned the timing of the decision to use force before the UN special envoy had delivered his report to the Council. Brazil’s representative questioned whether the use of military force by external actors would change the homegrown nature of the rebellion and thereby inhibit long-term conflict resolution. With a highly skeptical domestic audience, South Africa was also deeply concerned about the potential use of force.

Nevertheless, the skeptics were left with little diplomatic room for maneuver because the Council had accepted the legitimacy of international engagement by unanimously adopting Resolution 1970 and was confronted with advice from the UN Secretariat and elsewhere that mass atrocities were imminent. Hence, when a draft resolution calling for political dialogue was presented by Russia it secured little political momentum, in part because it seemed dangerously out of step with the rapidly evolving situation on the ground and in part because of greater support for a draft circulated by France, Great Britain, and Lebanon.<sup>25</sup>

In the end, the vote on 17 March saw Resolution 1973 pass with ten votes in favor (Bosnia and Herzegovina, Colombia, France, Gabon, Lebanon, Portugal, Nigeria, South Africa, the United Kingdom, and the United States), zero votes against, and five abstentions (Brazil, China, Germany, India, and Russia). The eight-page resolution initially reiterated the

Council's concern that crimes against humanity may have been committed, deplored the ongoing humanitarian crisis, and took note of the criticisms of Gaddafi's regime made by a variety of international organizations, particularly the LAS call for a no-fly zone and safe areas to protect civilians. Once again, it defined the situation in Libya as a threat to international peace and security and, acting under Chapter VII of the UN Charter, demanded, among other things, an immediate cease-fire and intensified efforts to find a political solution to the crisis. In operative paragraph 4, the Council authorized the use of "all necessary measures . . . to protect civilians and civilian populated areas under threat of attack . . . while excluding a foreign occupation force of any form on any part of Libyan territory." In operative paragraph 6, it established "a ban on all flights in the airspace of the Libyan Arab Jamahiriya in order to help protect civilians." The only exceptions were those flights necessary to enforce the no-fly zone and those "whose sole purpose is humanitarian" (operative paragraph 7). It also refined the arms embargo and asset freeze detailed in Resolution 1970, in part by creating a panel of experts to assist in their implementation.

Why did these five states abstain rather than vote against the draft resolution? In our view, five major factors stand out. First, a vote against would have undermined the Council's own credibility and authority. This was because the Council had already demanded "an immediate end to the violence" in Resolution 1970, there was clear evidence of continued violence more than two weeks later as well as the threat of mass atrocities, and Gaddafi's regime had consistently refused to comply with its demands. A second factor was that two of the most relevant regional organizations, the LAS and OIC, explicitly called for such a resolution and the three African members of the Council voted in support. Although the AU had rejected the use of force, it was widely believed that the African members of the Security Council were sympathetic to the UK-French-Lebanese draft. In this context, a vote against Resolution 1973 could have been construed as ignoring key regional voices, something that the Chinese in particular were usually keen to avoid. Indeed, without the call for force issued by the LAS, OIC, and GCC, it is highly unlikely that a text similar to what became Resolution 1973 would ever have been voted on. A third factor was the declaration by the United States, the United Kingdom, and France that they would use force only if authorized to do so by the Security Council, a prerequisite for R2P as agreed by UN member states. The Obama administration's obvious reticence about intervention and the insistence on a UN mandate reassured states that might otherwise have been critical of "Western interventionism." The fourth major factor was the lack of good alternative policy options. Gaddafi's public threats against his own population made it difficult to argue that the threat of mass atrocities was not real or that if Benghazi fell mass atrocities would not occur quickly. The

fifth factor was Gaddafi's lack of friends. Over the past few decades, Gaddafi had managed to insult and alienate many leaders across the Middle East and Africa; his regime's previous support for international terrorism had alienated the West; and his erratic posturing had eroded his credibility with much of the rest of international society. As a result of these factors, Council members that remained skeptical about the use of force calculated that they could not justify voting against measures designed to halt mass atrocities.

These concerns were evident in the statements of several Council members that abstained on Resolution 1973. Brazil, for example, noted that its abstention "should in no way be interpreted as condoning the behaviour of the Libyan authorities or as disregard for the need to protect civilians and respect their rights." However, its representative remained unconvinced "that the use of force as provided for in paragraph 4 of the resolution will lead to the realization of our common objective—the immediate end to violence and the protection of civilians." Russia also claimed it was a "consistent and firm" advocate of the "basic principle" of protecting civilians and stressed that it "did not prevent the adoption of this resolution." However, its representative thought "that the quickest way to ensure robust security for the civilian population and the long-term stabilization of the situation in Libya is an immediate ceasefire." Finally, China emphasized that it supported "the Security Council's adoption of appropriate and necessary action to stabilize the situation in Libya as soon as possible and to halt acts of violence against civilians," but that it was "always against the use of force in international relations." China's representative also raised procedural issues by noting that many of China's questions during the "consultations on resolution 1973 . . . failed to be clarified or answered." Consequently, China had "serious difficulty with parts of the resolution."<sup>26</sup> Each of these statements exhibited wariness about the use of force but these countries concluded that, on balance, this was better registered via an abstention than a vote against, which for Russia and China at least would have scuppered attempts to prevent imminent mass atrocities.

Interestingly, after the enforcement campaign began, it was South African president Jacob Zuma who was among its most vocal critics. Although South Africa was a member of the AU's Peace and Security Council that had earlier rejected the use of force, its representative had voted in support of Resolution 1973. South Africa's decision about which way to vote was taken at the highest level and at the last possible moment, with its permanent representative to the UN arriving late to the Council meeting because he was receiving last minute instructions from Pretoria. South Africa's statement in support of Resolution 1973 also noted its rejection of "any foreign occupation or unilateral military intervention under the pretext of protecting civilians."<sup>27</sup> Zuma's subsequent criticisms of the

enforcement campaign seemed to revolve largely around his concerns that the coalition had overstepped the terms of its mandate, about its lack of support for the AU's road map and its high-level panel of which he was a member, and because of vocal criticism of the campaign by a number of influential domestic groups within South Africa.<sup>28</sup>

With the passage of Resolution 1973, UN-authorized force against a *de jure* government for human protection purposes is no longer just a theoretical possibility. Although the resolution owes its existence to several political factors that were unique to the situation in Libya—and are therefore unlikely to be repeated often—it is difficult to imagine how it could have passed without the preceding decade of advocacy for the R2P principle. In the next section, we summarize the three main traditional challenges to the use of force for human protection purposes before discussing how advocacy on R2P helped overcome them, thereby facilitating the passage of Resolution 1973.

### **The Challenges of Using Military Force**

Historically, the use of force for human protection purposes remains the exception rather than the rule. A study of how nineteen episodes of mass killing ended during the twentieth century identified four primary factors: the perpetrators achieved their goals, local resistance reduced the rate of killing, dissension occurred among the perpetrator's elites, and external military intervention was carried out for primarily self-interested purposes.<sup>29</sup> These external interventions tended to be both more likely and more effective than interventions inspired by humanitarian concerns. Another study examined the role of military force in ending twelve cases of genocidal killing from the early twentieth century to 2008. It found that, with few exceptions, these episodes ended because the perpetrators chose to stop or were defeated militarily by local opponents.<sup>30</sup>

Although the two studies used slightly different sets of cases, they highlighted several common points. First, in more than half of the cases covered by both studies, mass killing ended only when the perpetrators chose to stop, whether because they had achieved their goals, because they had recalibrated their calculations of relative costs and benefits, or because of internal elite dissension. Second, when perpetrators were forced to stop the killing, it was most often a product of local armed resistance by actors working on behalf of the victim group. Third, external military intervention could sometimes prove decisive, but was usually inspired by self-interest rather than humanitarianism. Both studies agreed that external military intervention expressly aimed at protecting populations was among the rarest of endings. Finally, response strategies short of direct military confrontation (e.g., peacekeeping troops, safe havens, economic sanctions,

political sanctions, and criminal indictment) did little to deescalate or end mass killing.<sup>31</sup>

What accounts for the rarity of forcible human protection policies? We suggest that the answer lies in three major sets of challenges related to principled disagreements, political objections, and prudential considerations. When combined, these challenges usually make the use of military force an extremely unattractive proposition for policymakers, even those who see some merit in preventing and responding to genocide and mass atrocities abroad.

### *Principled Disagreements*

Principled challenges usually question the legality and/or morality of using military force. The legal debate revolves around whether international law permits a right of military intervention in the absence of Security Council authorization. It tends to be framed around an enduring struggle between states' rights to territorial integrity, political independence, and nonintervention and basic human rights—a tension abundantly evident in the UN Charter. Because many states remain committed to the principle of noninterference, seeing it as an essential legal right that protects them from the arbitrary power of strong states and allows them to determine their own political fate, it has proved difficult to persuade the UN Security Council to authorize the use of military force against governments that perpetrate mass atrocities. In 1979, for example, the Council admonished Vietnam for invading Cambodia, even though it put an end to a genocide that killed 1.5 million people in three and one-half years and would have killed many more.<sup>32</sup> More recently, Pakistan used this line of argument to prevent the UN from employing enforcement measures in Darfur because “the Sudan has all the rights and privileges incumbent under the United Nations Charter, including to sovereignty, political independence, unity and territorial integrity.”<sup>33</sup>

Adam Roberts accurately sums up this legal debate as “there is not at present a one-word general answer to this seemingly clear question. Nor is there any chance of such an answer emerging in the near future.”<sup>34</sup> While it is widely acknowledged that the UN Security Council has the right to authorize the use of military force for any purpose deemed necessary to maintain international peace and security, the dispute centers on whether other actors could conduct such an intervention legally without the Security Council's authorization. While a small handful of international legal experts have argued that such action is permissible—largely on the basis of an interpretation of customary international law and a reading of specific treaties and sources of international humanitarian law—the majority view remains that such interventions are illegal.<sup>35</sup> The challenge for those advocating, in certain dire circumstances, for force to be used to protect civil-

ians, was that until Resolution 1973 the Council had never authorized military force to stop genocide and mass atrocities against the will of a *de jure* government.

In this context, probably the best that interveners could hope for would be to acknowledge the general perception that their action stretched the limits of international legality and to make a plea in mitigation in light of moral necessity in exceptional circumstances.<sup>36</sup> But placing the normative risks firmly on the shoulders of interveners constitutes a powerful deterrent to intervention and encourages states to consider this route only when other vital interests are also at stake.

In addition to the legal problems, the use of military force for protection purposes also faces principled moral objections. These have come in three main varieties related to its potential to encourage *instability*, *abuse*, and *selectivity*. One argument suggests that endorsing a norm of humanitarian intervention within a society of states whose members rarely agree on what counts as just conduct is a recipe for undermining the normative basis of the contemporary international order and provoking instability that will lead to greater levels of human suffering in the long run.<sup>37</sup> From this perspective, other norms, such as the principles of nonintervention and self-determination, are equally, if not more important than the protection of populations from genocide and mass atrocities. Indeed, both of these norms have attracted more persistent support within international society as a better basis on which to build a stable international order.<sup>38</sup> Moreover, the concept of humanitarian intervention has been regularly and explicitly rejected by significant numbers of states as an unacceptable breach of sovereignty that, after all, is the last line of defense against imperialism for the world's small states.<sup>39</sup>

A second objection is that, whatever altruistic motives may lie behind the desire to codify a norm of humanitarian military intervention, its practical application in contemporary world politics will always be open to abuse by powerful governments. As the recent cases of the US-led invasion of Iraq (2003) and Russian military action in South Ossetia and Georgia (2008) illustrate, powerful states remain willing to use humanitarian rhetoric as a fig leaf for the pursuit of narrow political interests. From this perspective, it is no coincidence that US military power has led the way in almost all of the most controversial cases of military intervention in the post-Cold War period, including northern Iraq (1991), Somalia (1992), Haiti (1994), Kosovo (1999), Afghanistan (2001), Iraq (2003), and now Libya (2011).

A third challenge stems from the related argument that the moral case for using force would be greatly strengthened if the military instrument was applied in a consistent manner. In practice, however, powerful governments usually make arguments to justify why the suffering of certain groups of

humans should be considered more important than others: thus during the 1990s, NATO forces were called on to act in response to the indiscriminate killing of civilians in Bosnia and Kosovo but not those in, for example, Chechnya, Turkey, or Palestine.

In summary, the use of military force for human protection purposes has traditionally faced some serious legal and moral challenges. Although they did not stop determined states or groups of states from using force when it suited them, as in NATO's intervention in Kosovo (1999), they did make intervention unattractive and potentially costly.

### *Political Objections*

Advocates of using military force to protect populations from genocide and mass atrocities must also overcome a range of tough political objections. First and foremost, "saving strangers" (read foreigners) is rarely a priority for any state's foreign policy. As a consequence, in real and potential cases of mass atrocities states can usually point to a range of more important political priorities to justify nonintervention.

The root of these political obstacles is the fact that the appeal of committing military resources to humanitarian enterprises abroad is largely based on cosmopolitan political theories and ideals of global justice.<sup>40</sup> The use of force to protect distant populations makes perfect sense if one subscribes to these starting points and assumptions. However, the most prevalent sentiments held by domestic publics about foreign policy are more nationalistic and communitarian than cosmopolitan. Even in liberal democratic states, most politicians do not see a vote-winning opportunity in sending their soldiers to fight in somebody else's complicated war. In other words, the center of political gravity in most domestic debates about the use of military force for human protection defines politicians' primary responsibility as protecting their own citizens rather than foreigners. Risking "our" soldiers to save "their" people thus requires politicians to make a set of arguments that usually run against the political grain of domestic opinion. Few votes are won by sending soldiers overseas to save strangers, but there are many to be lost if the operation goes badly.

Other political obstacles derive from this basic disconnect. Two of the most commonly asserted relate to financial costs and political capital. Military interventions will inevitably be a costly drain on the state's financial resources so, once again, politicians have to make the case for why intervention is worth the money. In addition, if one is interested in saving strangers, then the military invasion of another country is never likely to be a cost-effective method of going about it. Since literally millions of people around the world die each year from preventable diseases, it makes sense that investing in better international public health programs would save many more lives at a fraction of the cost (it would also probably "not

require killing anyone or violating any international laws”).<sup>41</sup> Moreover, even when leaders muster the necessary political capital to embark on an intervention, they will be acutely aware that it is a risky venture likely to face various complications along the way that might jeopardize their invested capital.

The result is that domestic politics tends to pull democratic governments away from using force to protect populations from genocide and mass atrocities. Where few national interests are at stake, it takes brave politicians to commit forces to such a campaign.

### *Prudential Considerations*

Prudential considerations appear most acutely once the use of force has been recognized as a legitimate policy option to stop genocide and mass atrocities or protect vulnerable populations. They suggest that, on balance, an intervention is likely to do more harm than good in the theater in question, in relation to wider international political dynamics, or both. Prudential considerations are often framed as calls to engage with the issues raised by mass killing on the assumption that the use of military force will always be a blunt tool to deal with such problems.<sup>42</sup> For example, deploying forces might provoke a wider conflict; jeopardize the search for a political solution by providing incentives for weaker parties to continue to fight; inadvertently empower local warlords; prolong conflict and suffering by increasing the magnitude of violence, thereby dragging external actors into complex wars with no easy exit; and fail to improve conditions on the ground.

Such risks encourage states that are already risk averse (thanks to the principled and political objections discussed above) to judge that they lack the capacity to intervene effectively. Debates in 2004–2005 over potential intervention in Darfur highlighted each of these problems. Opponents argued that it would do more harm than good; might jeopardize other priorities (especially the so-called Comprehensive Peace Agreement between the Government of Sudan and the Sudan People’s Liberation Movement, which brought a longer-running and more deadly civil war to an end); and that with ongoing commitments in Iraq, Afghanistan, and the Balkans, Western governments lacked the political capital and military capacity to assist. Thus, one respected commentator concluded that “however attractive it might be from a distance, actually providing physical protection for Darfurians with international troops is not feasible.”<sup>43</sup> Likewise, Francis Deng, currently the UN Secretary-General’s special adviser on the prevention of genocide, argued that coercive measures would “complicate and aggravate” the crisis by increasing the level of violence.<sup>44</sup>

There is also a real challenge related to the lack of appropriate and tested military doctrine in relevant states and international organizations on how to perform the core tasks of civilian protection.<sup>45</sup> As one recent analysis put it, at the strategic level there has been a lack of systematic “thinking about *how*

military forces might respond” to situations of mass killing.<sup>46</sup> Put another way, asking soldiers trained to defeat enemies and capture territory—the basis of most traditional military training—may sometimes be sufficient for responding to episodes of mass killing, but not always.

In sum, even when states are genuinely concerned about the commission of mass atrocities abroad, principled disagreements, political objections, and prudential considerations have elevated the moral, political, and material risks and reduced the potential payoffs of using force to protect populations in danger. It is therefore hardly surprising that the use of military force by outsiders for human protection has been rare. And yet while the civilian bodies kept piling up, the issues raised in these debates would not go away. It was this stubborn fact that spurred R2P’s advocates to shift the debate from whether actors had a right to intervene to stop atrocities to how states should exercise their responsibility to protect populations in danger—the central theme advanced by the international commission that first coined the phrase “R2P” in 2001.<sup>47</sup> In the next section, we examine the extent to which the R2P principle changed the prospects for overcoming these challenges and thereby helped enable Resolution 1973.

### **The “R2P Effect”**

In 2005 the world’s governments acknowledged their responsibility to protect their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity as well as their incitement.<sup>48</sup> They also said they would assist each other to meet their responsibilities and that, should any state be found to be “manifestly failing to protect their populations” from these four crimes, external actors would “take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter.”<sup>49</sup> Since then, the R2P principle has been endorsed in Security Council resolutions, General Assembly statements, and several reports of the UN Secretary-General and has generated a new Joint Office of the Secretary-General’s Special Advisers on Genocide Prevention and R2P.<sup>50</sup>

But while R2P calls for the strengthening of capacities to prevent and respond effectively to mass atrocities, it does not prescribe appropriate courses of action for specific contexts or resolve political and prudential disputes about the most effective courses of action in particular situations. The challenge for us in this section is to assess the extent to which R2P has overcome the principled, political, and prudential challenges to the use of force discussed above.

#### *Principle*

R2P has succeeded in changing the terms of international debates about mass atrocities from questions about whether external actors should be engaged to how they should be engaged. In contrast to the tenor of debates

in the 1990s and early 2000s, the statements made by those states that abstained on Resolution 1973 gave no hint of being guided by concerns about the Council's jurisdiction. Indeed, after being such a large part of the debates in the 1990s, it was notable that the phrase "*international peace and security*" was aired only by Colombia, which put forth one of the most robust defenses of Resolution 1973 and pointed specifically to R2P.<sup>51</sup>

This R2P-related shift is significant for two principal reasons. First, by focusing on the prevention of mass atrocities and protection of would-be victims, international actors have become more familiar with a wider range of policy options short of military force and have adopted new tactics such as lending political support to regionally led efforts. Since 2007, these have had some impact, most notably the AU-UN efforts in Kenya (2007–2008), the initiative in Guinea led by the Economic Community of West African States (ECOWAS) and backed by the UN Security Council, and UN and other efforts to prevent the January 2011 referendum in Sudan from sparking a new wave of mass killing. Sometimes, however, a degree of military force was deemed necessary to protect civilians, as reflected in the Council's robust mandates for peacekeepers in eastern DRC, Sudan, and Côte d'Ivoire.

Second, once states accept that international actors have a responsibility to protect foreign civilians from mass atrocities, it is harder—though not impossible—for them to remain indifferent in the face of compelling evidence of such crimes. Of course, real cases are sufficiently complex to allow states to accept the need for action but to demand a response short of military force on prudential grounds. This has been evident in the international debates over how to respond, for example, to mass atrocities in Sudan and Syria. But on rare occasions, the nature of the situation makes it difficult to plausibly sustain such a position. In Libya, the impending fall of Benghazi, the regime's overt threats to commit atrocities, evidence that it had already targeted civilians, and its long track record of abuses left little room to doubt the credibility and the urgency of the threat. In the end, in the absence of plausible alternative policies for preventing a massacre in Benghazi, even those members of the Security Council that remained deeply skeptical about the use of force felt unable to vote against those calling for a forceful response. With this in mind, it is worth noting that neither of the draft resolutions on Syria vetoed by Russia and China (5 October 2011 and 4 February 2012) contained clear pathways to resolve the crisis or specific measures designed to prevent atrocities. Furthermore, on both occasions, Russia and China argued that—in the absence of such clear linkage between Council action and atrocity prevention—the resolution's passage would inflame the situation and increase the overall risk to the population. Indeed, after vetoing the 4 February draft resolution, Russia's permanent representative emphasized that Moscow was actively employing diplomatic means to end the crisis and that its proposed amendments to the

text were designed to improve the situation, notably by insisting that Syrian government forces withdraw from cities "in conjunction" with the withdrawal of rebel forces.<sup>52</sup> Thus, one of several key differences between the Libya and Syria cases was that the former provided little scope for doubting the threat and few alternative strategies while the latter saw Council members disagree on the nature of the problem (especially the role of non-government forces) and the most appropriate way forward.

How do we explain this shift? To be clear, state leaders have certainly not decided to jettison their commitment to noninterference in favor of R2P. Many UN members explicitly reaffirmed the principles of noninterference and territorial integrity even as they supported or acquiesced in decisions to enforce Council resolutions. Instead, the transformation of the principled terrain in the Security Council can be explained by reference to two theories. The first suggests that some governments remain skeptical about R2P and prefer the norm of noninterference, but attempt to conceal this by "mimicking" support for R2P.<sup>53</sup> They do this, so the argument goes, because while they do not support R2P, they are unwilling to publicly argue against the principle's goal of preventing genocide and mass atrocities. Having repeatedly affirmed the R2P principle in the General Assembly and thematic Security Council resolutions, such governments might be expected to offer rhetorical support for R2P in principle but offer a raft of prudential reasons to stymie international activism. Occasionally, however, these states become trapped by their own rhetorical commitments and, in the absence of plausible alternatives, face a choice between either acquiescing in behavior they find deeply uncomfortable or contradicting themselves so obviously as to potentially undermine the credibility of other rhetorical commitments to which they are more wedded.

A parallel process is that of norm localization. From this perspective, the consensus about R2P that led to Resolution 1973 derived from processes of norm localization that are producing an accommodation between the principles of R2P and noninterference.<sup>54</sup> This entails the subtle realignment of each in order to make them compatible. During the process of negotiating R2P at the UN General Assembly, revisions were made that limited its capacity to legitimize coercive interference, excluding entirely the potential for enforcement without UN Security Council approval (i.e., decoupling R2P from efforts to develop a legal norm supporting humanitarian military intervention).<sup>55</sup> On the other hand, the norm of noninterference has also been recalibrated to permit expressions of concern, offers of assistance, and even the application of diplomatic pressure and coercive force in response to major humanitarian crises. This shift was evident within the LAS, OIC, and GCC, but is also evident in other parts of the world.<sup>56</sup> In the Libyan case, the compatibility was evident inasmuch as traditional R2P skeptics acknowledged that international society should adopt

measures to prevent mass atrocities while interventionist states conceded that they would use military force only if granted a mandate by the UN Security Council.

One of the lingering problems is that the current version of compatibility between R2P and the principle of noninterference requires that the use of force to prevent or stop genocide and mass atrocities be mandated by the UN Security Council. This leaves in place difficult questions about where the responsibility to protect lies if the Security Council agrees such crimes have been committed, but fails to agree on how to respond. While states were willing and able to find common ground on Libya, this will not always be the case.

### *Politics*

Political will is malleable: it can “be built or destroyed by actions over time.”<sup>57</sup> In some states advocacy efforts associated with R2P centers, coalitions, and activists have influenced national politics by subtly shifting the political balance in favor of using military force to protect civilians in certain circumstances. In the United States, for example, R2P has been part of the development of an epistemic community of experts, practitioners, and activists working on atrocity prevention and response. Motivated in large part by the catastrophes in Rwanda and Darfur, these groups have sought to build an antigenocide constituency within US domestic politics—including institutions like the United States Institute of Peace, the US Holocaust Memorial Museum, the Enough Project, and the Genocide Intervention Network—but also to alter the government’s decisionmaking structures so that mass atrocity prevention is always given a seat in the key decision-making processes. They have recently enjoyed some success. Not only was R2P included in the May 2010 US National Security Strategy, but President Obama established a new position on the National Security Staff—director for war crimes, atrocities, and civilian protection—who is responsible for coordinating and supporting the administration’s policies on preventing, identifying, and responding to mass atrocities and genocide. In August 2011, this was followed up with the creation of an Interagency Atrocities Prevention Board and a corresponding interagency review under Presidential Study Directive 10. This board met for the first time in April 2012.

This epistemic community has at times played an activist role, when its members demand that the government take steps to protect vulnerable populations overseas. Its members have also provided critical commentary about the effectiveness of extant policies and, in some respects, served a policy advising function by identifying practical and plausible steps to alleviate human suffering.<sup>58</sup> It is difficult to know where the call for a no-fly zone in Libya originated, but it appears that experts and activists in the United States and United Kingdom were somewhat ahead of political lead-

ers in this regard.<sup>59</sup> Finally, the US epistemic community serves as a repository of expertise from which governments can draw. Within the Obama administration, two of the principal advocates of military action over Libya were well-known members of the atrocity prevention epistemic community: namely, Samantha Power, senior director for multilateral affairs at the National Security Council, and the US permanent representative to the UN, Susan E. Rice.

All these activities have helped shape domestic expectations and, hence, the context in which political will is generated. It needs to be stressed however that the US antigenocide epistemic community is much more advanced than in most other countries and that its capacity to influence government behavior is likely to vary considerably across cases and administrations. Moreover, it does not alter the fact that domestic politics usually creates powerful incentives for political leaders to be risk averse in the face of mass atrocities abroad. Nevertheless, it has helped insert atrocity prevention into foreign policy deliberations, and centrally so when the threat is obvious and imminent.

### *Prudence*

Assuming that the various principled and political challenges can be overcome, advocates of using military force to protect populations from genocide and mass atrocities still confront serious prudential considerations. Even in Libya, where the threat of mass atrocities was exceptionally clear and imminent, there was considerable uncertainty about what a no-fly zone should entail and where to draw the line between missions carried out to protect civilians and those to hasten regime change.<sup>60</sup> There was also deep skepticism about the capacity of aviation operations to protect civilians on the ground—in part because of the history of previous air campaigns in Iraq, Bosnia, and Kosovo. It is notable that not only did NATO struggle to maintain the tempo of sorties it had originally planned (conducting about 150 rather than 300 a day), but the air campaign was augmented by the delivery of armaments to the rebels (violating the Security Council's own arms embargo, according to some members of the Council); the provision of basic training to anti-Gaddafi forces; and the covert deployment of special forces into Libya, including by Great Britain, France, Italy, Qatar, and the UAE, first to evacuate foreign nationals and then to coordinate with the rebels, aid the air campaign, and secure key installations.<sup>61</sup>

Proponents of R2P must therefore develop more systematic responses to these questions. Although much work remains to be done, some progress has been made in (1) identifying and applying a broader continuum of measures and (2) sharpening doctrinal thinking about the use of military force to protect civilians. On the first point, it clearly makes no sense to rely exclusively on a policy (military force) that deals with only the symp-

toms of mass atrocities rather than the underlying conditions that make such episodes more likely.<sup>62</sup> Good policy must begin “with anticipation and prevention, early engagement, and keeping as many reasonable options open as possible.”<sup>63</sup> In other words, the use of military force tackles only part of the mass killing equation and represents only one potentially useful instrument among a larger toolbox of policy options aimed at prevention as well as response.

R2P, on the other hand, demands a much wider range of policy tools, including diplomacy, early warning, prevention, peacekeeping, sanctions, and judicial measures as well as coercion.<sup>64</sup> One of the difficulties for any preventive agenda is that R2P crimes can occur in contexts of armed conflict as well as during peacetime, although most occur in the former scenario. This means that policymakers concerned with preventing R2P crimes require an “atrocities prevention lens” to assess which contexts might generate atrocities and to tailor their responses to the different challenges posed by wartime and peacetime environments.<sup>65</sup> To some extent, the UN’s newly formed joint office for genocide prevention and R2P reflects precisely these concerns.

While a useful start, policymakers are still in the early stages of understanding, let alone effectively wielding, the full range of preventive instruments. As a consequence, they must continue to try to overcome the difficult prudential questions about the use of military force in circumstances like those in Libya where there were few viable alternatives.

This has stimulated efforts to develop doctrine relevant to civilian protection operations. To date, this has come in two main strands. The first is what has become known as the Protection of Civilians (PoC) agenda within contemporary peace operations. Given its setting within peace operations, this strand relates only to scenarios where forces are deployed with the consent of the host government, are able to operate impartially, and are able to conduct protection tasks with minimum force. This has influenced documents setting out guidelines, principles, and to some extent doctrine within the UN, AU, and EU in particular. In these scenarios the principal threats to civilians usually come from a combination of insurgents, predatory government soldiers, and criminal gangs, and the principal protection activities involve positioning military forces between the civilian population and those that threaten them and taking measures designed to eliminate or restrict the activities of armed groups that threaten civilians.<sup>66</sup>

The second strand has emerged from attempts to develop new doctrine for the US armed forces that might help them function effectively in situations of mass atrocities.<sup>67</sup> Arguably the most useful example of this type of approach has been the Mass Atrocity Response Operations (MARO) military planning handbook. A collaborative effort between the Carr Center for Human Rights Policy at the Harvard Kennedy School and the US Army’s Peacekeeping and Stability Operations Institute, this project aims to per-

suade the US government to enshrine the MARO concept into its military doctrine. A MARO “describes a contingency operation to halt widespread and systematic use of violence by state or non-state armed groups against non-combatants,” which is distinguished in military terms by its “primary objective of stopping the killing of civilians.”<sup>68</sup> MAROs take place in contexts characterized by multiparty dynamics between victims, perpetrators, and bystanders rather than traditional contexts between enemy and friendly forces, where the intervening force will inevitably be seen as siding with the victims against the perpetrators, and where there is a tendency for the mass killings to rapidly escalate once begun. The handbook has significantly advanced the wider international debate on how to protect civilians through its discussion of seven approaches to direct military intervention: the saturation, “oil spot,” separation, safe areas, partner enabling, containment, and defeat perpetrators approaches.

R2P has thus been associated, if sometimes only indirectly, with attempts to address prudential questions about how to operationalize the prevention of mass atrocities agenda and employ military force to protect vulnerable populations when needed. But as Libya demonstrates, policymakers and military planners still have to make difficult decisions with little information about what works, and military commanders have to develop ad hoc operational concepts and strategies.

## Conclusion

Ultimately, it was the combination of the popular protests across the Arab world, the behavior of Gaddafi’s regime, and the unusual international politics surrounding his regime that catalyzed the process that ultimately produced Resolution 1973. But the resolution was made more likely because of a decade of advocacy on R2P that had laid much of the political groundwork by: (1) helping to establish the principle that foreign governments have a responsibility to stop mass atrocities; (2) helping to clarify how military means might support humanitarian outcomes; and (3) supporting the development of epistemic communities that are slowly warming domestic politics to the idea of saving strangers. Progress in each of these areas has been uneven and has been subject to a degree of backtracking, partly as a result of events in Libya. But an important threshold has been crossed with the Security Council determining that it will not be inhibited *as a matter of principle* from authorizing the use of force against states that kill and terrorize their own populations. While agreement on principle is an important step, agreeing how to apply that principle in the face of complex crises and competing demands is another matter entirely. Military force should be used only if R2P advocates can also make a persuasive case that the political objections are overstated and the prudential considerations can be overcome. ☉

## Notes

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1. In February 2011, UN Secretary-General Ban Ki-moon defined *human protection* as “a subset of the more encompassing concept of human security. The latter reminds us that the security of ‘we the peoples’ matters every bit as much as the security of states. Human protection addresses more immediate threats to the survival of individuals and groups.” Ban Ki-moon, “Human Protection and the 21st Century United Nations,” Cyril Foster Lecture, Oxford University, 2 February 2011, [www.un.org/apps/news/infocus/speeches/search\\_full.asp?statID=1064](http://www.un.org/apps/news/infocus/speeches/search_full.asp?statID=1064).

2. We define *humanitarian military intervention* as the use of military force by external actors without host state consent aimed at preventing or ending genocide and mass atrocities.

3. We emphasize this point in Alex J. Bellamy and Paul D. Williams, “The New Politics of Protection: Côte d’Ivoire, Libya and the Responsibility to Protect,” *International Affairs* 87, no. 4 (2011): 825–850.

4. See Alex J. Bellamy, “Military Intervention,” in Donald Bloxham and Dirk Moses, eds., *The Oxford Handbook of Genocide Studies* (Oxford: Oxford University Press, 2010), pp. 597–616.

5. According to US sources, by early March fifteen states had agreed to participate in a US-led coalition to enforce Security Council demands. *Libya: Operation Odyssey Dawn* (Suffolk, VA: Joint and Coalition Operational Analysis, 4 October 2011), p. 2.

6. Paris Summit for the Support of the Libyan People, 19 March 2011, <http://blogs.wsj.com/dispatch/2011/03/19/declaration-issued-after-paris-summit>.

7. Ben Barry, “Libya’s Lessons,” *Survival* 53, no. 5 (2011): 6.

8. See Victoria Holt and Glyn Taylor, with Max Kelly, *Protecting Civilians in the Context of UN Peacekeeping Operations* (New York: UN Department of Peacekeeping Operations and Office for the Coordination of Humanitarian Affairs, November 2009); Siobhan Wills, *Protecting Civilians: The Obligations of Peacekeepers* (Oxford: Oxford University Press, 2009).

9. The best overview of these protests is Marc Lynch, *The Arab Uprising* (New York: Public Affairs, 2012).

10. “Libya Attacks May Be Crimes Against Humanity: UN,” Reuters, 22 February 2011, [www.reuters.com/article/2011/02/22/us-libya-protests-rights-idUSTRE71L4Z020110222](http://www.reuters.com/article/2011/02/22/us-libya-protests-rights-idUSTRE71L4Z020110222).

11. See [www.un.org/en/preventgenocide/adviser/pdf/OSAPG,%20Special%20Advisers%20Statement%20on%20Libya,%2022%20February%202011.pdf](http://www.un.org/en/preventgenocide/adviser/pdf/OSAPG,%20Special%20Advisers%20Statement%20on%20Libya,%2022%20February%202011.pdf).

12. AU Doc. PSC/PR/COMM(CCLXI), 23 February 2011.

13. On 3 March, the International Criminal Court prosecutor, Luis Moreno-Ocampo, said his office was investigating crimes against humanity that may have been committed by Gaddafi’s regime.

14. Cited in Security Council Report, Update Report No. 1 Libya, 14 March 2011, [www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.6621881/k.63C4/Update\\_Report\\_No\\_1rLibyabr14\\_March\\_2011.htm](http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.6621881/k.63C4/Update_Report_No_1rLibyabr14_March_2011.htm).

15. Founding statement of the Interim Transitional National Council, 5 March 2011, <http://ntclibya.org/english/founding-statement-of-the-interim-transitional-national-council>.

16. Wissam Keyrouz, "Gulf States Back Libya No-Fly Zone," Agence France-Presse, 7 March 2011, [www.google.com/hostednews/afp/article/ALeqM5jRu1VXz2KQyUHQOAAUYFhCgRCKg?docId=CNG.49104d077a72cbffea9e92793.ba1](http://www.google.com/hostednews/afp/article/ALeqM5jRu1VXz2KQyUHQOAAUYFhCgRCKg?docId=CNG.49104d077a72cbffea9e92793.ba1).

17. Security Council Report, Update Report No. 1 Libya, 14 March 2011.

18. At [www.oic-oci.org/topic\\_detail.asp?t\\_id=5031](http://www.oic-oci.org/topic_detail.asp?t_id=5031).

19. AU Doc. PSC/PR/COMM.2(CCLXV), 10 March 2011.

20. EU Doc. EUCO 7/11, Brussels, 11 March 2011, paras. 6 and 7.

21. Council of the League of Arab States, Res. No. 7360, 12 March 2011, paras. 1 and 2.

22. Josh Rogin, "How Obama Turned on a Dime Toward War," 18 March 2011, [http://thecable.foreignpolicy.com/posts/2011/03/18/how\\_obama\\_turned\\_on\\_a\\_dime\\_toward\\_war](http://thecable.foreignpolicy.com/posts/2011/03/18/how_obama_turned_on_a_dime_toward_war).

23. See S/PV.6498, 17 March 2011.

24. "Libya Protests: Defiant Gaddafi Refuses to Quit," BBC News, 22 February 2011, [www.bbc.co.uk/news/world-middle-east-12544624](http://www.bbc.co.uk/news/world-middle-east-12544624).

25. Lebanon was acting as the representative of the LAS.

26. All quotes from S/PV.6498, 17 March 2011.

27. S/PV.6498, 17 March 2011, p. 10.

28. A good indicator of the South African domestic debate on Libya is the public letter released in August 2011 and supported by some 300 mainly South African public intellectuals and activists, including Thabo Mbeki. This accused the Security Council of "subverting" and "repudiating" the "rule of international law" and "undermining the legitimacy of the UN in the eyes of the African people" and NATO of "rewriting" resolution 1973 and engaging in a "war of aggression in Libya." The text and details are at [www.concernedafricans.co.za](http://www.concernedafricans.co.za).

29. Alex de Waal and Bridget Conley-Zilkic, "Reflections on How Genocidal Killings Are Brought to an End," *Social Science Research Council*, 22 December 2006.

30. Bellamy, "Military Intervention," pp. 599–601.

31. See de Waal and Conley-Zilkic, "Reflections"; Bellamy, "Military Intervention."

32. Nicholas J. Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (Oxford: Oxford University Press, 2000), pp. 90–91.

33. S/PV.4988, 11 June 2004, p. 4.

34. Adam Roberts, "The So-called 'Right' of Humanitarian Intervention," *Yearbook of International Humanitarian Law* 3 (Summer 2001): 3.

35. See, for example, the series of articles on the Kosovo crisis in *International and Comparative Law Quarterly* 49, no. 4 (2000): 876–943; Simon Chesterman, *Just War or Just Peace? Humanitarian Intervention and International Law* (Oxford: Oxford University Press, 2001).

36. See Michael Byers and Simon Chesterman, "Changing the Rules About Rules? Unilateral Humanitarian Intervention and the Future of International Law," in J. L. Holzgrefe and Robert O. Keohane, eds., *Humanitarian Intervention* (Cambridge: Cambridge University Press, 2003), pp. 199–200.

37. See Robert Jackson, *The Global Covenant* (Oxford: Oxford University Press, 2000).

38. See Martha Finnemore, "Paradoxes in Humanitarian Intervention," in Richard Price, ed., *Moral Limit and Possibility in World Politics* (Cambridge: Cambridge University Press, 2008), pp. 197–224.

39. See, for example, Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States, UN General Assembly, A/RES/36/103, 9 December 1981.

40. See, for example, Mary Kaldor's notion of "cosmopolitan law enforcement" in *New and Old Wars* (Oxford: Polity, 1999), especially chapter 6. See also Simon Caney, *Justice Beyond Borders* (Oxford: Oxford University Press, 2005).

41. See Benjamin Valentino, "The Perils of Limited Humanitarian Intervention: Lessons from the 1990s," *Wisconsin International Law Journal* 24, no. 3 (2006): 734ff.

42. For example, Ken Booth, "Military Intervention: Duty and Prudence," in Lawrence Freedman, ed., *Military Intervention in European Conflicts* (Oxford: Blackwell, 1994), pp. 56–75; and, in relation to Syria, Marc Lynch, *Pressure Not War: A Pragmatic and Principled Policy Towards Syria* (Washington, DC: Center for a New American Security, 2012).

43. Alex de Waal, "No Such Thing as Humanitarian Intervention," *Harvard International Review*, 21 March 2007, <http://hir.harvard.edu/no-such-thing-as-humanitarian-intervention>.

44. *Report of the Representative of the Secretary-General on Internally Displaced Persons: Mission to the Sudan The Darfur Crisis*, UN Doc. E/CN.4/2005/8, 27 September 2004, paras. 36–37.

45. For attempts to overcome this gap, see Victoria K. Holt and Tobias C. Berkman, *The Impossible Mandate? Military Preparedness, the Responsibility to Protect, and Modern Peace Operations* (Washington, DC: Henry L. Stimson Center, 2006); Sarah Sewall et al., *Mass Atrocity Response Operations: A Military Planning Handbook* (Cambridge: Harvard Kennedy School and Peacekeeping and Stability Operations Institute, 2010); Alison Giffen, *Addressing the Doctrinal Deficit: Developing Guidance to Prevent and Respond to Widespread or Systematic Attacks Against Civilians*, A Workshop Report (Washington, DC: Henry L. Stimson Center, Spring 2010).

46. Sewall et al., *Mass Atrocity Response Operations*, p. 5.

47. International Commission on Intervention and State Sovereignty (ICISS), *The Responsibility to Protect* (Ottawa: International Development Research Center, 2001).

48. The principle was first advanced by the ICISS. Its genesis is discussed in Gareth Evans, *The Responsibility to Protect* (Washington, DC: Brookings Institution Press, 2009).

49. *2005 World Summit Outcome*, UN Doc. A/60/L.1, 24 October 2005, paras. 138–140.

50. See Alex J. Bellamy, "The Responsibility to Protect—Five Years On," *Ethics and International Affairs* 24, no. 2 (2010): 143–169.

51. S/PV.6498, 17 March 2011.

52. See informal comments to the media by Vitaly I. Churkin, permanent representative of the Russian Federation to the UN, 4 February 2012, [www.unmultimedia.org/tv/webcast/2012/02/h-e-mr-vitaly-i-churkin-russian-federation-on-the-situation-in-syria-security-council-media-stakeout-2.html](http://www.unmultimedia.org/tv/webcast/2012/02/h-e-mr-vitaly-i-churkin-russian-federation-on-the-situation-in-syria-security-council-media-stakeout-2.html).

53. See Alistair Iain Johnston, *Social States: China in International Institutions, 1980–2000* (Princeton: Princeton University Press, 2007).

54. See Amitav Acharya, *Whose Ideas Matter? Agency and Power in Asian Regionalism* (Ithaca: Cornell University Press, 2009).

55. Report of the UN Secretary-General, *Implementing the Responsibility to Protect*, UN Doc. A/63/677, 12 January 2009, par. 3. See, for example, Michael W.

Doyle, "International Ethics and the Responsibility to Protect," *International Studies Review* 13, no. 1 (2011): 82.

56. For example, regarding Africa and Southeast Asia, see Paul D. Williams, "From Non-intervention to Non-indifference: The Origins and Development of the African Union's Security Culture," *African Affairs* 106, no. 423 (2007): 253–279; Alex J. Bellamy and Catherine Drummond, "The Responsibility to Protect in Southeast Asia: Between Non-interference and Sovereignty as Responsibility," *Pacific Review* 24, no. 2 (2011): 179–200.

57. Edward C. Luck, "The Responsibility to Protect: Growing Pains or Early Promise?" *Ethics and International Affairs* 24, no. 4 (2010): 359.

58. The International Crisis Group and Refugees International were both born of this belief. See Mark Malloch-Brown, *The Unfinished Global Revolution* (Harmondsworth: Penguin Press, 2011).

59. To our knowledge, the first significant reference came on 21 February 2011, when Libya's defecting permanent representative to the UN called for a no-fly zone. On 22 February, the Global Center for R2P preceded both the British prime minister and French president with its "Open Statement on Libya," 22 February 2011, [www.globalr2p.org/media/pdf/Open\\_Statement\\_on\\_the\\_Situation\\_in\\_Libya.pdf](http://www.globalr2p.org/media/pdf/Open_Statement_on_the_Situation_in_Libya.pdf).

60. Arguably the most blatant indicator that the coalition had crossed the line between civilian protection and regime change at the strategic/political level was the op-ed by Barack Obama, David Cameron, and Nicolas Sarkozy, "Libya's Pathway to Peace," *New York Times*, 14 April 2011, [www.nytimes.com/2011/04/15/opinion/15iht-edlibya15.html](http://www.nytimes.com/2011/04/15/opinion/15iht-edlibya15.html).

61. See Barry, "Libya's Lessons," pp. 8–9; *Accidental Heroes: Britain, France and the Libya Operation*, RUSI Interim Campaign Report, (London: Royal United Services Institute for Defence and Security Studies, September 2011), pp. 10–11; David Roberts, "Behind Qatar's Intervention in Libya," *Foreign Affairs*, 28 September 2011, [www.foreignaffairs.com/articles/68302/david-roberts/behind-qatars-intervention-in-libya](http://www.foreignaffairs.com/articles/68302/david-roberts/behind-qatars-intervention-in-libya).

62. See Edward Luck, "A Response," *Global Responsibility to Protect* 2, nos. 1–2 (2010): 181.

63. *Ibid.*, p. 181.

64. See, for example, the measures proposed in the Report of the UN Secretary-General, *Implementing the Responsibility to Protect*, pars. 14, 17, 22, 24, 27, 30, 32, 38, 42, 43, 45, and 48.

65. See Alex J. Bellamy, *Mass Atrocities and Armed Conflict*, Stanley Foundation Policy Analysis Brief (Muscatine, IA: Stanley Foundation, February 2011).

66. See, for example, Holt and Taylor, *Protecting Civilians*; Giffen, *Addressing the Doctrinal Deficit*.

67. See Genocide Prevention Task Force (GPTF), *Preventing Genocide: A Blueprint for US Policymakers* (Washington, DC: United States Institute for Peace, 2008); Sewall et al., *Mass Atrocity Response Operations*.

68. Sewall et al., *Mass Atrocity Response Operations*, p. 21.

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