The Libyan Intervention,
Triumph and Downfall of the Responsibility to Protect in One

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Abstract

This thesis examines the 2011 intervention in Libya, focusing on the distinct influences of the national, regional and international levels of governance on the decision-making process. Although the locus of power in decision-making still resides mainly within the permanent members of the Security Council, a substantial role is reserved for regional organizations in their role as *gatekeepers* and *policy catalysts.* The article questions the generally accepted notion that the intervention should be viewed as a success for the *Responsibility to Protect*. Although the intervention and resolutions on Libya can be seen as a triumph for the Responsibility to Protect doctrine, the actors involved still vary widely in their commitment to the doctrine, which is clearly seen in the way the Libyan no-fly zone was prepared, implemented and subsequently evaluated. Finally, the article relates the Libyan intervention to the current stalemate concerning the humanitarian crisis in *Syria*, in which it plays a crucial role, especially through the critical way Libya was evaluated in Russia and China.

Multilevel Governance and international decision-making

In the relatively short period that has passed since the imposition of a no-fly zone over Libya, scholars of international relations have given quite a number of analyses on the intervention, many of them viewing it as a triumph of the 'Responsibility to Protect' (R2P) (Kinsman 2011; Pattison 2011; Henderson 2011). Scholars point to the fact that United Nations (UN) Security Council (SC) Resolution 1973 was the first time the Security Council authorized an intervention *before* large scale violations of human rights had taken place. Although the authors make a sound argument to view the intervention as a whole as a triumph for Responsibility to Protect, I propose to analyze the intervention at a deeper level, taking into account the distinctive role and rationale each actor has in the decision-making process leading up to an intervention. Scholars might agree that Libya was a huge step forward in the application of the Responsibility to Protect doctrine in cases where the international community is faced with a severe crisis, can the same be said at the individual level of all the involved actors, acting within different policy arenas?

In case of an international intervention, decisions are made at roughly three levels of governance; the national, the regional and the international. These three levels can each be subdivided into a sizable number of actors. In an analysis aimed at determining the extent to which an intervention *complies* with the norms set by the Responsibility to Protect doctrine and the extent to which the actors involved are also *motivated* by the values these norms represent, we have to take into account the various roles and policy-formation processes the actors involved have. In the following section, I will first elaborate on the distinctive role each type of actor has in the international decision-making process, after which we will focus on the internal position-formation processes within the various actors.

States

Concerning the specific role states have in the decision-making process and possible execution of a humanitarian intervention, two characteristics make state-level actors unique; firstly, for an intervention to be accepted as legitimate by the international community and the doctrine of the Responsibility to Protect, the Security Council is the organ most qualified to provide international legitimacy ((ICISS) 2001, p. 7). As a result, member states of the Security Council are crucial in the process of providing international legitimacy for an intervention. In the Libyan case, those states that were both permanent members of the Security Council and became the protagonists of an intervention are most important; France, the United Kingdom and the United States. On the other side, we have those states that took a skeptical or even negative stance on an intervention in Libya. Again, those most important are the

permanent members of the SC; China and Russia, but also Brazil, Germany and India, who abstained from voting on the resolution authorizing an intervention. Finally, we have those states that did not position themselves as very critical, but were still indispensable to achieve the required support for the resolution in the Security Council; Lebanon, Bosnia and Herzegovina, Colombia, Gabon, Nigeria, Portugal and South Africa.

Secondly, because regional alternatives such as the 'European Security and Defense Policy' are still failing to provide a viable alternative for the hard power states can offer, as was once again shown in the Libyan intervention, states, often the great powers represented in the UN SC, are indispensable in providing the military power needed to put an intervention into practice (Menon 2011, p. 75).

UN Secretary-General

I shall now turn to those actors operating exclusively at the international level. Hereby, I am not referring to the Security Council members, since they are operating *within* an international framework, but essentially remain *national* actors. More relevant are the organs of the United Nations itself, specifically the Office of the Secretary-General and the 'Special Advisers to the Secretary-General on the Prevention of Genocide and Responsibility to Protect', hereafter 'Special Advisers'. Although in the end, it is up to the states represented in the UN SC both to decide whether or not an intervention is legitimized and to provide at least a substantial part of the hard power necessary to put into practice a resolution legitimizing intervention, the office of the Secretary-General has significant capabilities when it comes to placing a crisis on the agenda of the worlds' large powers.

Moreover, the Secretary-General and its Special Advisers are not hindered by any national interest and can act purely upon the moral imperative they find the international community has according to the Responsibility to Protect doctrine. Bellamy and Williams argue that in the case of the Libyan intervention, it is because of this unique role that the Office of the Secretary-General and it's special advisors have in the international community, that they have been able play an immensely important role in creating an international focus on the impending atrocities in Libya (Bellamy and Williams 2012, p. 826).

Regional organizations

As already noted above, regional organizations are generally unable to provide the hard power necessary to execute a humanitarian intervention[1]. At the same time, they are not a member of the Security Council and thus play no *formal* role in legitimizing an intervention. What then makes these organizations relevant for humanitarian intervention? It is argued that regional organizations function more and more as 'gatekeepers'; "influencing which issues get debated in the Council, how they are framed and the range of possible Council responses" (Bellamy and Williams 2012, p. 843), if the organizations of the region where an intervention is planned do not support the act, it will be far more difficult to harvest support for an intervention. In the case of Libya, Bellamy and Williams point to the 12 March declaration by the League of Arab States, calling for the UN Security Council "to impose immediately a no-fly zone on Libyan military aviation", after which the Security Council shifted into higher gear; "resolution 1973 would have been unthinkable without the LAS resolution" (Bellamy and Williams 2012, p. 843). It seems as though positions taken by regional organizations can act as 'game changers' in the position formation process of other actors.

Although formally an intervention is legitimized when the Security Council has come together on it, it seems it is unwilling to do so unless an organization of the region where the intervention is to take place demands or at least endorses the action. This seems logical; intervening in Libya without the consent of states in the direct periphery of the planned intervention would put huge stress on relations between the intervening states and the region intervened upon. Libya is a member state of the League of Arab States (LAS), the Organization of the Islamic Conference (OIC) and the African Union (AU). Furthermore, it is in the direct neighborhood of the European Union and the Gulf Cooperation Council (GCC)

It has to be noted that, just as is the case with the main state-actors involved in the Libyan intervention, there are significant differences between the regional organizations involved in the Libyan intervention. As one state has more power and influence in the international system, regional organizations also differentiate in the extent to which they succeed in being an aggregation of their member states' power. It is argued that the League of Arab States represents a 'bleak' experience of regional cooperation (Schulz and Lindholm Schulz 2005, p. 187), focusing on their achievements considering conflict resolution, Pinfari states that the Arab league, as well as the Gulf Cooperation Council, have been mildly successful in the resolution of small conflicts within its own territory (Pinfari 2009, p. 2). It is undisputed

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[1] One might point to the role NATO played in the Libyan intervention, the operation was indeed under NATO command, the actual intervening force however, was an aggregation of various national air forces.

that the regional organizations of which Libya is a member state, are in no way as well integrated and effective as for example the European Union and NATO. The reasons for the limited level of economic and military integration these organizations have reached can be sought in a multitude of factors, which are beyond the scope of this thesis. It is however important to reflect on the consequences this reality has for regional organizations' influence on international peace-processes. As we shall see below, the limited level of integration limits the military capabilities of these regional organizations. However, as I will argue later on, the influence of the *position* regional organizations' take may still have significant influence on those actors which do possess the hard power to intervene.

International, regional and national position formation

In the above section we have given an introduction on the distinct roles of actors in the decision-making process. We will now turn to the manner in which actors come to formulate their position on an impending intervention, paying special attention to how Responsibility to Protect might fit in this process.

United Nations

If we move from the international, to the regional, to the national level in the position formation process concerning the intervention in Libya, I argue that we will find that the 'purest' normative reasoning, based on those norms advocated by Responsibility to Protect, within the United Nations, represented by the Office of the Secretary-General and his Special Advisors. Actors operating at this level are, compared to the other levels, least distracted by ulterior motives based upon for instance national, economic and political interests. It is no coincidence that Secretary-General Kofi Annan started the discussion on the responsibility the international community has in cases of severe violations of human rights (Annan 1999), which eventually led to the 2001 International Commission on Intervention and State Sovereignty Report (ICISS), introducing the concept of the 'Responsibility to Protect' ((ICISS) 2001).

Regional

Going down to the regional level, the number of factors that influences an organizations' position has increased significantly. Because a regional organization by definition represents a finite number of states all located within a certain geographical area, the organizations' member states will have far greater influence on the organizations' position than is the case with the UN. Furthermore, it is often possible to identify certain policies which are in the interest of the region represented by an organization. These regional interests need not necessarily be in contradiction with the principles of Responsibility to Protect; regional stability for instance, can be very much in line with Responsibility to Protect and is also

in the interest of the region itself. However, economic or more nationally orientated interest might also trickle through into the policies of regional organizations, 'distracting' the organization from taking a position based on a purely 'humanitarian' rationale.

This places regional organizations in a complex position, because of the limited formal influence they have on the policy-formation process, they may feel like they have more stretch in the positions they are willing to adopt. Furthermore, it can be argued that the ending of violence and promotion of regional stability are positions that fit well within the Responsibility to Protect framework. One could argue that this may lead to regional representatives being 'ambitious' in the positions they wish to take on these kinds of matters. On the other hand, these organizations are also restrained in their flexibility because they have to take into account the positions of their member states, which are to a certain extend also held accountable for the positions taken by their overarching organization.

National

Finally, at the national level numerous factors can be identified which might influence states' foreign policy decisions. In the Libyan case it is possible that the intervening states acted because they genuinely believe in the norms on humanitarian intervention set forth by the Responsibility to Protect. However, the fact that there have been five states who absented from voting on resolution 1973 is an argument that at the national level, states which have subscribed to the Responsibility to Protect, are not always capable of acting upon these norms because of ulterior factors influencing their foreign policy, whatever these may be. To illustrate just one of the many alternative influences on foreign policy at the national level we can point to Germany; a modern state which can be seen as having the same moral foundations as the protagonists of the Libyan intervention. Because of its historical inheritance however, the German administration felt unable to support an intervention in Libya. At the national level, moral impetuses certainly do not rule alone.

Similar to the unique roles national, regional and international actors have in international relations, they also each have u unique set of factors influencing their position formation process. In general I would argue that as the power an actor has becomes larger and the constituency it represents becomes more clearly identifiable, the number of factors attempting to influence its policy increase. Focusing on the actors we will examine in this article, this would mean that, moving down from the international, to the regional to the national level, more and more factors will start attempting to exert their influence on policy makers.

Theoretical Cadre

In the above section I have given an overview of the factors that might influence actors' policy formation and the role these actors might play, focusing specifically on the Libyan intervention. The main themes of this thesis; multilevel governance, the role of norms in international relations and the sovereignty - intervention dichotomy, can however also be viewed upon in a more general approach through some of the most influential theories of international relations; Realism, neoliberalism and constructivism. As we will see, the theories diverge immensely on their consequences for these themes. In the later analysis of the Libyan intervention, we will see that in different parts of the intervention, different theories seem to have more explanatory power than others.

Realism

Starting with the theme of multilevel governance, we need to focus on the assumptions realism makes about the international system. The most important of these assumptions are (1) the state-centric assumption; i.e. that states are the most important actors in the international system, (2) that they act in such a way as to maximize their national interest, the rational-actor assumption, and finally (3) that the international system is in a state of anarchy (Goldstein and Pevehouse 2006, p. 57). Furthermore, realists accept that one of the best ways to measure power, "the ability to get another actor to do what it would otherwise not have done" (Dahl 1963), is through the *Gross Domestic Product* of an actor. This underlines realisms' commitment to the state as the most important actor in international relations; most regional organizations are far from being able to exert power through their combined GDP. Considering multilevel governance, a realist would thus argue to leave regional and international organizations out of the equation, since neither of these levels of governance have any power worth mentioning and will therefore not have had much influence in the decision-making process concerning the Libyan intervention.

Interestingly, although realism assumes there is anarchy in the international system, and states, due to this anarchy, do not need to answer to any higher authority, realism does not deny the existence of international norms. According to Finnemore, "Rationality cannot be separated from any politically significant episode of normative influence or normative change, just as the normative context conditions any episode of rational choice" (Finnemore 1998, p. 888). Realists do however place rational-acting states at the center stage of international relations, they will therefore argue that norms safeguarding the rights of these states, such as the state-sovereignty norm, will be among the most important.

Because realism defines the national interest in terms of power and in security, a realist will always insist on the importance of the sovereignty norm in international relations. Norms are at the service of the national interest, and as long as security is central to the national interest, there is no reason for realism to let go of the sovereignty norm.

Neoliberal institutionalism

Similar to realism, neoliberalism sees states as rational actors. A crucial difference between the two theories is that where realism sees states as unitary actors, maximizing their interests in terms of power, with a strong focus on the military, neoliberalism argues that there is a large variety of factors influencing what constitutes the national interest. State behavior is shaped by a process of internal bargaining among and within bureaucracies, NGO's, IGO's, non-state actors, interest groups and individuals, making it much more difficult to predict and explain why states behave in the way they do.

The national interest for neoliberals is not necessarily a maximization of power. For neoliberalism, long-term economic prosperity and regional stability are two concepts which seem more central to the national interest than power. In the process of pursuing these long-terms goals, neoliberalism stresses the importance of international institutions in reducing the stress in the international system which might prevent states from achieving these goals. It is through international institutions that states institutionalize mutual rules and norms through which the possibility of behavior that fosters mutual gain is enhanced. This is based on the core liberal idea that seeking long-term mutual gain is often more rational than realizing individual short-term goals (Nye 1988, p. 240). In our analysis of the Libyan intervention, a neoliberal would thus not downplay the importance of regional and international organizations in the process leading up to the Libyan intervention. According to neoliberalism, regional and international organizations are highly relevant in coordinating and promoting certain types of state behavior, even if we adopt the realist assumption that states are rational and self-interested actors (Axelrod and Keohane 1985, p. 228; Keohane 2005, p. 14).

Similar to realism, neoliberalism assumes that through their foreign policy, states attempt to maximize their utility, which is defined by their national interest. Where realists define the national interest in terms of security issues, neoliberalists acknowledge the complexity of the process that precedes the formation of the national interest, after which they come to the conclusion that it is generally better to formulate it in terms of a long-term goal to maximize a states' wealth (Florini 1996, p. 364). Also, both theories do not deny the existence of norms in the international community. However, both theories

come to a different set of norms as being dominant in the international community. As stated above, the state-sovereignty norm is a central to realists, it directly serves the short-term interest states have in maximizing their homeland security. In the international regimes literature, a definition of norms is given which seems much more suited to the processes that dominate international relations according to neoliberalism: Norms are considered to be part of a regime. Regimes are "principles, norms, rules, and decision-making procedures around which actor expectations converge in a given issue area" that serve to "*constrain immediate, short-term power maximization [italics added]*" (Krasner 1983, p. 3). This norm definition leaves room for a broader set of international norms, especially because neoliberalism acknowledges that part of the function of international norms is to encourage states to look beyond their short-term interests. Still, neoliberalism does not allocate too much influence to international norms, since they are still in service of the national interest.

What stance would a neoliberalist then take in the sovereignty-intervention debate? Neoliberalism is certainly not as tilted towards the sovereignty side of the debate as realism is. A neoliberal would argue that a states' foreign policy, and thus its position on an intervention as we have seen in Libya, is influenced on the one hand by the dominant norms and rationales in the international community, and on the other hand by the many interests and values advocated by all of the domestic factors involved in formulating the national interest. If the predominant norms and interests within these ranks are in alignment towards an intervention, this may become reality, even if an intervention would be counteracting the short-term national interest.

Social constructivism

The final strand of international relations theory we will discuss is constructivism. Contrary to realism and neoliberalism, constructivism does not assume the national interest to be able to explain state action. For constructivists, institutions, regimes, norms, and state-identity are more suited to explain state action (Checkel 2001, p. 557). As opposed to the *logic of consequences*, in which state behavior is influenced by the direct consequences of action, constructivism advocates a *logic of appropriateness*, in which state action is largely determined by what is internationally accepted as being appropriate. State action is thus very much placed within a social context.

Within the constructivist approach, international organizations have an extensive role in influencing state behavior; It is through these kinds of organizations that norms are formulated and advocated. Furthermore, since constructivism argues that foreign policy is largely socially constructed, international

organizations play a leading role in strengthening the social context between states by advocating further interstate cooperation.

In the rationalist approaches we discussed above, realism and neoliberalism, we have seen that norms were present, but always in service of achieving the goals set by the national interest. In constructivism, we see that norms are taking a leading role in defining state action. Norms which are strongly advocated by international organizations, NGO's, IGO's and other actors become a force on their own. States derive social gain from adhering to these norms, which may very well translate indirectly into a more tangible result in the long term. The national interest has shifted from being an independent variable, to a dependent variable: "norms shape both the goals of states – their perceptions of their interests – and the means they use to achieve these goals" (Florini 1996, p. 366).

How then can we best place the sovereignty – intervention dichotomy in relation to the constructivist approach? Compared to the discussed rationalist theories, constructivism is progressive; although there is room for change in realism and neoliberalism, it seems hard to imagine that an international norm such as the Responsibility to Protect will become dominant in a world which is dominated by the national interest. Of the three international relations approaches we have discussed, it is within the social constructivist approach that there is the most room for the development of an international norm such as the Responsibility to Protect.

Hypothesis

In the above section we have introduced the research subject of this thesis: the role of the different levels of government in the decision-making process preceding the intervention in Libya and the extent to which international norms, such as the Responsibility to protect, have been spread throughout these various levels. Hereafter we gave an introduction to the various roles these national, regional and international actors might have in the international decision-making process, where after we focused on the way these levels come to their position concerning a possible intervention. Finally, we placed the general themes of this thesis: multilevel governance, norms and the sovereignty – intervention dichotomy into the theoretical perspective of three dominant international relations theories. I shall will now move on to the hypothesis, after which we will start with the actual analysis of the Libyan crisis.

I argue that (h1), as we move down from the international, to the regional, to the national level in the case of the Libyan intervention, the leading role of international norms on humanitarian intervention,

specifically those formulated by the Responsibility to Protect, will steadily decrease as more and more other factors gain influence on policy decisions.

Secondly (h2), because of the division of tasks between international, regional and national actors in the event of a humanitarian intervention, each actor is essential if the intervention is to be internationally accepted as legitimate, have international support and be militarily feasible. Therefore, if an operation is to be successful, the actors will have to come together on the conditions set at all the various levels of governance. At the more internationally orientated podia, the actors will have to reach agreement on the normative legitimacy of an intervention, while at the national level the intervention should adhere to international norms, as well as be in line with the other factors that influence national foreign policy, or at very least not contradict these; making it increasingly difficult to come to a coherent broad-based approach to an international crisis.

If we wish to have a complete understanding of why the intervention took place as it did, we cannot solely focus either on international norms on humanitarian intervention, or the national interests that states might have in intervening. The multilevel governance involved in the decision-making concerning interventions requires us to take into account the specific roles of actors at the various levels, as well as the different factors that influence their position on whether or not to intervene.

Methodology

I will make an argument for the above proposed hypotheses by making an in-depth case-analysis of the intervention of Libya. Because it is beyond the scope of this research to analyze the role played by all the actors involved in the Libyan intervention, we will focus on those actors, identified as most relevant in the below literature review. The analysis will focus on the extent to which we can place the actors within the internationally constructed norm of the Responsibility to Protect, and the extent to which each level of actors has been indispensable for the international community to come to an agreement on the question of intervention in Libya.

At the international level, we will focus upon the Office of the Secretary-General and the Special Advisers to the Secretary-General on the Prevention of Genocide and Responsibility to Protect.

 At the regional level we will take a birds view of the organizations who took an active stance towards an intervention in Libya. We will turn to regional organizations of which Libya is a member state; the League of Arab States (LAS), the Organization of the Islamic Conference (OIC) and the African Union (AU).

However, we will also analyze the position taken by the European Union, for two of its member-states initiated the intervention, the no-fly zone was maintained from its territory and Libya is part of the European 'Neighborhood'.

Finally, at the national level, we will focus on the main protagonists of the intervention; France, The United Kingdom and the United States, but also those of the 'P5+1' states that abstained from voting in the Security Council and later on voiced strong critique against the Libyan intervention; Germany, China and Russia.

As is already noted above, the number of factors that can be said to have an influence on national foreign position formation is enormous. It is therefore inevitable no narrow down the scope of possible factors which might influence states' policy. In the Libyan case, is seems to be that states were heavily influenced by regional organizations' position on an intervention; it was only after the League of Arab States called for the imposition of a no-fly zone that the Security Council member states started to shift into higher gear concerning such a no-fly zone (Bellamy and Williams 2012, p. 843). The LAS-communiqué seems to be one of the turning points in national position formation on Libya. In analyzing how states have come to their position on Libya, we will pay special attention to the relation between regional organizations' statements and state policy-formation; can the change in US-policy from initially being reluctant, to being one of the frontrunners of an intervention be explained through this perspective? Does the fact that there was support for an intervention within the region itself provide an explanation for China, always having state-sovereignty paramount to all else, to abstain from voting on resolution 1973?

System- vs. State-level analysis

Because, using the methodology described above, we do not only analyze the role state, regional and international actors have played in the Libyan intervention, but also interrelate these different levels of analysis, our research is a combination of a system- and state-level analysis. The advantage of such a research method is that we should be able to circumvent the blind-spots either of these research methods has.

The most important advantage of the systemic level of analysis is that it allows us to examine the field of international relations as a whole. This results in larger comprehensiveness, but also a necessary loss in detail. In its explanatory capability, it is argued that system-level suffers from a serious bias: "it tends to lead the observer into a position which exaggerates the impact of the system upon the national actors

and, conversely, discounts the impact of the actors on the system" (David Singer 1961, p. 80). Secondly, David Singer argues that a system-level assumes a "high degree of uniformity in the foreign policy operational codes of national actors", however, "Just as individuals differ widely in what they deem to be pleasure or gain an loss, nations may differ widely in what they consider to be the national interest" (David Singer 1961, p. 81).

The advantages of the state-level of analysis flow forth from the system-level disadvantages, since it stands diametrically opposite to it. The most important difference is that it allows for significant differentiation between actors in the international system because they are scrutinized in a much more intensive manner. Arguably, this results in far more trustworthy generalizations, "as it is only when the actors are studied in some depth that we are able to make really valid generalizations of a comparative nature" (David Singer 1961, p. 83). This more in-depth type of analysis however also bears with it the greatest drawback of a state-level analysis. It may lead to an over-exaggeration of the differences between sub-systemic actors. Furthermore, "the observer is prone to attribute many of what he conceives to be virtues to his own nation and the vices to others, especially the adversaries of the moment" (David Singer 1961, p. 83).

By taking into account the separate actors in the Libyan intervention, but also paying attention to the international system and the way actors operate within this context, we avoid becoming too fixated upon the specifics of each actor, or attributing to much of what we observe to the deterministic regularities of the international system; we are seizing the middle ground.

An intervention in context

Before we move to the analysis of the Libyan intervention, we will first place it into context. In the section below we will give an overview of Libya's modern history under the Leadership of Muamar al-Gaddafi, focusing on the Gaddafi regime within the context of international relations. Hereafter, we turn to the escalation of violence in 2011 and a factual overview of the intervention. Finally, a review of the scholarly debate already underway on the intervention will be given, in which we will focus mainly on the discussion considering the legitimacy of the intervention, multilevel governance and the motivation of the interveners.

Libya under Muamar al-Gaddafi

Muammar Muhammad Abu Minyar al-Gaddafi, hereafter Gaddafi[2], has been the authoritarian leader of Libya since the peaceful September 1969 Libyan coup d'état in which king Idris was deposed. Reason for the 1969 coup d'état was the excessive wealth of the Libyan elite, financed by the countries' large oil reserves, while the Libyan population was living in poverty (BBC 1969; Bruce St John 2008, p. 93). Since the beginning of the Gaddafi regime, the quality of relationship between the West and Libya has varied widely.

Towards the end of the Kingdom of Libya, the United States had close relations with the country. The Wheelus Air Force base, located in Libya, was a vital link in the US' military strategy for the region (Zoubir 2011, p. 277), furthermore US oil companies, such as ESSO, made considerable profits through the exploitation of Libyan oil. Although the Gaddafi regime quickly after its installment made clear that it would not choose sides in the Cold War, the Libyan relationship with the Western world fell into a steady decline after the '69 coup d'état (Zoubir 2006, p. 49).

Many causes can be identified when explaining the deterioration of the relationship between Libya and the West, the most notable however, are the regime's increasing nationalization of natural resources in the 1970's (Robert and Kourides 1981, p. 476), Gaddafi's support for international terrorism, an increasing political and military alignment with the Soviet Union and disagreement over a range of political issues, such as the Israeli-Palestinian conflict (Zoubir 2006, p. 49).

From the end of the 1970´s onwards, a chain of events was set in motion that lead to a severe deterioration of the relations between Libya and the West. In 1979, during the Iranian hostage crisis, the Libyan authorities failed to protect the US embassy when it was attacked by students. In the eyes of newly elected president Reagan, the Libyan regime in this way aligned itself with Ayatollah Khomeini in Iran. Reagan started to systematically increase "diplomatic, economic, and military pressure on Libya" (Bruce St John 2008, p. 98). In 1983 the US took part in a failed attempt to overthrow and assassinate Gaddafi (Tyler 12-07-1987) and continued to bomb Libyan centers of 'terrorist activity and training' near the Libyan cities of Benghazi and Tripoli in 1986 (Bruce St John 2008, p. 96).

As a result of the American bombings, the situation deteriorated even further; the Libyan regime retaliated on December 21, 1988, with the *'Lockerbie Bombing'* of Pan-Am flight 103 and with the

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[2]Due to translations issues, there are a number of ways in practice to spell Gaddafi, in this paper, we will stick to the former.

explosion of a French UTA airplane over Niger on September 19, 1989 (Zoubir 2006, p. 49). As a result of the terrorist attacks, France, The United Kingdom and the United States issued a statement demanding the extradition of those responsible for the airplane bombings. When the Gaddafi regime refused to extradite the terrorist suspects, the United Nations Security Council passed resolution 748 in March 1992, imposing multilateral sanctions on Libya which would lead to a further international isolation of Libya, as long as it did not comply with the earlier demands made by France, the UK and the US. (UN SC Resolution 748, 1992).

Since the start of Libya's dispute with the US, international and regional isolation began to take a toll on the countries' economy. In an economy where 95% of all export earnings consisted of crude oil revenues, export dropped from $21.387 billion in 1980 reaching an all-time low of $6.442 billion in 1986. Although Libyan oil-exports started to recover somewhat after 1986, this recovery stagnated completely after the 1992 sanctions were imposed and would not start to show recovery up until the sanctions were completely lifted. (Bruce St John 2008, p. 97). In the course of the 1990's, the economic sanctions were starting to take a significant toll on Libya as the socio-economic situation deteriorated more and more. In April 1999, Libya finally decided to extradite the two suspects of the Lockerbie bombings to be judged under Scottish law in The Hague.

In reaction the UN finally suspended the sanctions regime it had imposed seven years earlier, although the US maintained its own unilateral sanctions. The Libyan decision to finally extradite the suspects of the Pan-Am Flight 103 bombing, was seen by many members of the international community "as a major turning point in Libya's relations with the rest of the world" (Deeb 2000, p. 146). In explaining this U-turn in foreign policy, Deep argues that one of the main reasons for Gaddafi to wait such a long time with the extradition of the internationally alleged terrorists was that he first needed to get the domestic Libyan opposition under control. Only after he had accomplished this in 1998, could he start to accommodate international demands made on his regime (Deeb 2000, p. 146).

In the years that followed this major shift in Gaddafi's foreign policy, Gaddafi became "an enthusiastic recruit to the so-called war on terror, condemning the [9/11] attacks and expressing sympathy for the victims" (Bruce St John 2008, p. 101). Furthermore, in 2003 and 2004, Libya agreed to take responsibility for the actions of the Pan-Am flight 103 and UTA flight 772 bombers and agreed to pay respectively $2.7 billion and $170 million to compensate the victims' families. In December 2003, Libya announced that it had decided on its 'own free will' to renounce all unconventional weapons, including nuclear weapons, and related delivery systems. This final step eventually lead to removal of American bilateral sanctions

and the removal of Libya from the State department's list of state sponsors of terrorism (Bruce St John 2008, p. 101).

Halfway through the first decennium of the new millennium, it seemed Libya had had appeased itself with the west once again. Political relations were normalized, the Gaddafi administration had explicitly denounced international terrorism and oil exports were once again on the rise ((EIA) 2011).

Socio-economic situation in Libya anno 2011

In December 2010, a series of uprisings, known as the *'Arab Spring'* began in northern Africa, which at the time of this writing, have led to regime change in Tunisia, Egypt, Libya and Yemen. On February 15, 2011, protests also broke out in the Libyan city of Benghazi, marking the beginning of the Libyan civil war.

In the section above, we have seen that since the new millennium, relations between Libya and the outside world had improved; domestically however, corruption was rampant. Libya outranked Egypt and Tunisia, both cradles of the Arab Spring, in corruption (*Corruption Perceptions Index* 2010). Furthermore, more than 20% of Libyan citizens were unemployed and over 40 % of Libyan families had but one member with a stable income (Reuters 02-03-2009). The Freedom of the Press index rated Libya the most censored state in Middle East and North Africa, again performing worse than the other states where the Arab Spring had started (Freedom House 2010).

Gaddafi in the meantime, had accumulated enormous wealth; in 2009, a US State Department Cable described Libya as "a kleptocracy in which the regime — either the al-Qadhafi family itself or its close political allies — has a direct stake in anything worth buying, selling or owning", the cable went on to state that "The wealth that Colonel Qaddafi's family and his government accumulated with the help of international corporations in the years since the lifting of economic sanctions by the West helped fortify his hold on his country" (Lichtblau 24-03-2011).

Escalation of violence and imposition of No-Fly zone

Serious uprisings in Libya began on the 15th of February 2011, when between 500 to 600 people demonstrated in Benghazi in response to the arrest of a human rights lawyer. The police reacted fiercely with tear gas, water cannons and rubber bullets (AlJazeera 16-02-2011). Hereafter, inspired by the other protest movements of the Arab Spring, protests started to expand to many more Libyan cities, calling for an end to the Gaddafi government. On February 17th, a *'day of rage'* was held; large scale protests took place in Benghazi, Ajdabija, Derna, Zintan and Bayda. During the protests, Libyan security forces fired

with live ammunition on the protesters and killed at least 61 protesters (Raghavan and Fadel 21-02-2011). Despite the casualties, the protests went on, and on February 18th, Libyan security forces were forced to leave Benghazi because of the overwhelming protests.

The Libyan rebels, now in control of large parts of East Libya, organized themselves in the *'National Transitional Council'* (NTC) of Libya on February 27th in order to present a 'political face' to the revolution ((NTC) 05-03-2011). On the 9th of March, the NTC warned the international community that if Gaddafi's troops were to reach Benghazi, they would cause a massacre of more than half a million people. One day later, after having met with the head of the NTC, France recognized the NTC as the legitimate government of Libya and called for immediate action by the international community against the Gaddafi regime. The next day, France found support in the UK as Cameron also underlined the need for international action in response to Gaddafi. In the days that followed, more and more states, among which nine Arab-League states, emphasized the need for a no-fly zone over Libya (AlJazeera 12-03-2011).

The growing international support culminated in United Nations Security Council Resolution 1973, on March 17, 2011. Resolution 1973 demanded an immediate "cease-fire and a complete end to violence and all attacks against, and abuses of, civilians", it imposed a no-fly zone over Libya and increased the strength of the arms-embargo over Libya. Most importantly, the resolution also authorized member-states to take "all necessary measures (…) to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory" ((UNSC) 17-03-2011). This last section is especially important, for it allowed the intervening forces to go beyond the mere imposition of a no-fly zone, and allowed them to engage Libyan troops, although only from the sky, when they could be seen as threatening the civilian population of Libya.

Development of Civil War after imposition no-fly zone

The day after resolution 1973 was adopted, the Libyan government immediately announced a ceasefire and expressed its intention to fully comply with the demands set by the resolution (BBC 18-03-2011). Libyan forces however, continued to shell liberated cities and forces continued to approach the rebel-stronghold of Benghazi. The next day, the French army started to uphold the no-fly zone over Libya and was quickly joined by American, British, Italian and Canadian forces. After the initial installment of the no-fly zone over Libya, NATO took over all military operations by March 29th, under the umbrella of 'Operation Unified Protector'.

Because the Security Council resolution allowed the intervening forces to go beyond a 'mere' no-fly zone, the intervening forces were successful in stopping the Libyan siege of Benghazi. In the months that followed the imposition of the no-fly zone, rebel forces gained more and more ground on Gaddafi and were able to seize the Libyan capital Tripoli on August 24, 2011. With the capture of Tripoli, Libya was now mostly under control of the NTC. Less than two months later, Gaddafi was captured by NTC forces and died the same day under dubious circumstances (Reuters 20-10-2011).

After the reported death of Gaddafi, NATO decided to end Operation Unified Protector by the end of October 2011; on October 31, 2011, 222 days after the operation began, a NATO AWACS concluded the final flight of the operation (NATO 28-03-2012).

Placing the intervention into perspective

In the above section we have given a fairly sec overview of Libya under Gaddafi, the events that led up to the imposition of the no-fly zone and the intervention itself. In the relatively short time span that has gone by since the adoption of UN SC resolution 1973, scholars have already given a considerable number of analyses of the intervention. Much of the scholarly debate focuses on the legitimacy of the Libyan intervention, often assessing the extent to which the intervention can be placed within the normative framework set forth by the Responsibility to Protect. Since our analysis of the intervention will also include these norms, though applied not to the intervention as a whole, but more specifically at the individual actors involved, in the coming literature review we focus on those scholars arguing for or against the placement of the intervention within a Responsibility to Protect framework.

Humanitarian intervention theorists

In case of an international humanitarian crisis, international relations theorists and political philosophers have construed numerous norms to assess whether or not an intervention is desirable and legitimate. Michael Walzer provides us with a stringent definition of what counts as a 'just' intervention, one of his core statements being that intervention must be in response to actions that have 'shocked the conscience of mankind' (Walzer 2002). According to this very basic criterion, Walzer would therefore not have approved of the intervention in Libya, since these actions had yet been committed at the time of the intervention.

Fernando Tesón, in contrast to Walzer provides us with a more lenient approach of justifying humanitarian intervention. His wide conception of human rights and liberal internationalist approach

lead him to state that "a justifiable intervention must be aimed at ending severe tyranny or anarchy (...) this standard does not necessarily require that genocide or a similar massive crime should be afoot" (Tesón 2011, p. 194). Using this criterion, the intervention would most certainly be justified. Gaddafi, in a speech on March 16, 2011, announced in certain terms the rebels' fate were he to succeed in taking back Benghazi: "We will march to cleanse Libya, inch by inch, house by house, home by home, alley by alley, person by person, until the country is cleansed of dirt and scum." (Thomasky 17-03-2011). In the days that followed he announced that he would show 'no mercy' , according to Kinsman, "Few mass murderers have so clearly telegraphed their intentions" (Kinsman 2011, p. 84).

Finally, Nicholas Wheeler, places himself in the middle ground between the conservative Walzer, and progressive Tesón. Like Tesón, Wheeler allows for a preventive humanitarian intervention, distilling between human rights *protection* and *restoration.* He does however link intervention to a number of stringent conditions; the hope of saving lives should be dependent upon outside intervention, the intervention should address major issues such as genocide, mass-murder and mass population expulsion and in case of a preventive intervention, there should be 'clear evidence of an impending massacre', the intervention should be a last resort and finally, decision makers should be convinced that the intervention will have a humanitarian outcome (Wheeler 2000, p. 34). Although Wheeler is less lenient than Tesón, it can be argued that the Libyan intervention also satisfied his conditions, mainly because of the Gaddafi's March 16 speech, in which he clearly stated his intentions and intervention was clearly the last resort to prevent large-scale atrocities.

Responsibility to Protect

The above proposed norms on intervention demonstrate that within the academic community, *if* we accept that there should be a norm on humanitarian intervention, there is a wide range of possibilities. Crucial to the above discussed norms on humanitarian intervention is that they reside mainly, if not exclusively, within the ivory tower of academics. The Responsibility to Protect however, introduced by the *International Commission on Intervention and State Sovereignty* (ICISS) in December 2001, has been endorsed by the 2005 UN World Summit ((UNGA) 2005). Although this endorsement does not provide us with a hard guarantee that states act in accordance with the Responsibility to Protect, it does provide us with an explicit commitment of the international community to the norms presented by the doctrine; a level of international commitment that has certainly never been reached by the theories of Tesón, Wheeler or Walzer. Because of the relatively widespread international endorsement of the norms set

forth by the Responsibility to Protect doctrine, I shall focus on these norms in the following analysis of the Libyan intervention.

In order for an intervention to be legitimate, the Responsibility to Protect doctrine sets a number of 'Principles for Humanitarian intervention', the most important of which, I will discuss below.
Firstly, there should be "large scale loss of life, actual or apprehended, with genocidal intent or not, which is the product either of deliberate state action, or state neglect or inability to act, or a failed state situation" ((ICISS) 2001, p. 7). It is easily argued that this was certainly the case in Libya, mainly due to the intentions ousted by Gaddafi's speech of March, 16th.

Secondly, the primary intention of the intervening states should be 'to halt or avert human suffering'. In order to safeguard the pure intentions of the intervening forces, interventions should preferably be multilateral. Although we can reasonably state that the Libyan intervention averted human suffering in the short term, it is another issue all together to state with certainty the long-term effects of the intervention, and the primary *motives* of the intervening forces.

The remainders of the principles set forth by Responsibility to Protect are all met; it is hard to argue that the intervention was not *proportional,* since the operation consisted mainly of the imposition of a no-fly zone and there have been no boots on the ground. Also, it is undisputed that the consequences of inaction would have been worse than those of action. Finally, the 'Right Authority' criterion is also met, since Responsibility to Protect prescribes that "There is no better or more appropriate body than the United Nations Security Council to authorize military intervention for human protection purposes." ((ICISS) 2001, p. 7)

As a result, UNSC resolution 1973 is seen as the first resolution to put this new norm into practice. The adoption of such a resolution is unprecedented in the history of the Security Council, it marks the first time that "the UN ordered international military action against a member state to prevent an expected massacre of civilians within its borders, rather than after a mass atrocity had occurred"(Kinsman 2011, p. 82).

Critics of Libya as Responsibility to Protect
In the following section I shall discuss a numbers of criticasters who argue against the Libyan intervention as an example of the Responsibility to Protect put into practice.

Pattison argues that although the situation in Libya was so dire that a humanitarian intervention on the grounds of Responsibility to Protect was justified, *"forcible regime change by an external party in support of a rebel movement"*, was not (Pattison 2011, p. 272). Pattison argues that the track record of forced regime change has shown that it often does more harm than good. This leads him to the question of whether the "intention of the intervention is predominantly the protection of civilians – a humanitarian objective – or the removal of Qaddafi" (Pattison 2011, p. 273).

If the intervening forces' primary intention was in fact the deposition of Gaddafi, this would be an argument for the theorem that the intervening forces used the Responsibility to Protect doctrine to gain international legitimacy for an intervention which in fact did not have a humanitarian end goal. Also, it is interesting to distinguish between the UN, the regional and the national level. What were the different actors positions concerning a possible regime change, and to what extend can we state that in this way they went beyond the range of possibilities that resolution 1973 legitimately provided them with?

On a more general note, Allin and Jones argue, that it is impossible in many cases to conduct a successful humanitarian intervention without 'choosing sides', and thus without having the implicit goal of the deposition of the leader of the opposition; "The experience of Bosnia and Kosovo showed that humanitarian intervention cannot be neutral without creating contradictions; it only becomes coherent once it accepts to take sides" (Allin and Jones 2011, p. 206). Following this line of argument, the intervening forces had to take sides in the Libyan conflict in order to prevent the impending human rights violations. This does not affect the humanitarian nature of the intervention.

A second critique against the Libyan intervention as evidence of a prevailing Responsibility to Protect doctrine follows from an argument based on the inconsistency of the situations in which the international community decides to act. The Libyan intervention is seen as illegitimate because the United States, France and Britain are not also intervening in states such as Bahrain, the Democratic Republic of Congo, Syria, and Saudi Arabia, where authoritarian regimes and violations of human rights are also clearly present (Allin and Jones 2011, p. 208). The international community's decision not to intervene in these cases, while being equally grave as Libya, is seen as evidence that the 'Responsibility to Protect' is not the primary motive for the international community to intervene. It follows from the argument that ulterior motives are decisive in deciding when to intervene, disqualifying the Responsibility to Protect as the leading principle on which humanitarian intervention is based.

A twofold counterargument against the above is presented by Allin and Jones, their first argument focuses on the importance of the feasibility of an intervention: "the set of problems amenable to military intervention is a small one. The urgent problem in Libya was not to create a democracy, which is not practical at gunpoint, but to prevent a massacre". Their second argument lies in the extension of the first. It focuses on the limited resources of the international community, and even that of the United States; 'Nowhere are those limits more evident than when the military is involved' (Allin and Jones 2011, p. 208). Although many more interventions might be legitimized, states will always have to make a choice considering where to intervene and where not to, this does not affect the legitimacy of an intervention.

The analysis

We will now turn to the actual analysis of the Libyan intervention, more specifically, the run up of the intervention. In order to keep the analysis manageable, we will divide it in three separate periods, each one representing a clear phase in the Libyan crisis. We will start our analysis at February 15th; which marked the start of the Libyan uprisings when more than 500 people protested against the Gaddafi regime in the Libyan city of Benghazi. The first period culminates in the adoption of UN SC Resolution 1970 on February 26th, condemning the use of force by the Gaddafi regime and imposing international sanctions on the regime ((UNSC) 25-02-2011). Hereafter, we focus on the period in between the international community's first broad-based condemnation of the Gaddafi regime and the adoption of the UN SC resolution 1973, legitimizing the imposition of a no-fly zone over Libya ((UNSC) 17-03-2011). Finally, we focus on the period after the start of the no-fly zone to examine how the international community responded to the way the intervening forces gave substance to the no-fly zone and the way actors interpreted the mandate given by UN SC Resolution 1973.

In the analysis, we will focus upon the various roles the actors take upon them in the international community and constantly examine how well actors positions and actions are to be placed within the framework of Responsibility to Protect.

The initial escalation of violence and Resolution 1970

After the initial protests on February 15th and the 'Day of Rage' on the 17th, it took the international community a number of days to present its first statements on the escalating situation in Libya. On February 20th, Both the United States and Europe presented their first views on the situation. The High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton stated that "We

condemn the repression against peaceful demonstrators and deplore the violence and the death of civilians" (Ashton 20-02-2011). The United States, in a similar declaration stated that "We reiterated to Libyan officials the importance of universal rights, including freedom of speech and peaceful assembly. Libyan officials have stated their commitment to protecting and safeguarding the right of peaceful protest" (Crowley 20-02-2011). Although both declarations clearly condemn the situation in Libya and ask for the Libyan government to respect human rights, the notion of any international consequence is nowhere to be found. Already in this relatively early stage of the crisis the contrast between the above statements and the February, 21 statement by Ban Ki-moon following the images of Libyan forces firing on demonstrators is striking: "This is unacceptable. This must stop immediately. This is a serious violation of international humanitarian law. There has already been bloodshed in Libya. This violence against demonstrators must immediately stop.(…) I urged him [Gaddafi] that human rights and freedom of assembly and freedom of speech must be fully protected. This is a fundamental principle of democracy" (Ban 21-02-2011). Given that this is the first official communiqué on the situation, it is remarkable that the UN Secretary-General immediately decides to qualify the situation as a 'serious violation of international humanitarian law'.

On the 22nd, the strength of the condemnations stepped up the next level. The catalyst of these new developments were two statements, one by the League of Arab States (hereafter the Arab League or LAS), the other by the Secretary-Generals Special advisor on the Prevention of Genocide and the Responsibility to Protect on the eve of the first Security Council meeting on the situation. In a statement, the Special Advisor pointed out that if the reports about Libya were true, these atrocities "may well constitute crimes against humanity", he furthermore reminded the international community of its commitment to "protect populations by preventing genocide, war crimes, ethnic cleansing, and crimes against humanity" (United Nations Press Release 22-02-2011). On the same day, the Arab League suspended Libya's membership until the violence stopped, marking the first concrete action undertaken against the Gaddafi regime.

Encouraged by the UN Special Advisor and the Arab League, the Security Council presented its first official press statement on Libya. In the statement the Council explicitly welcomes the action and statements made by the Arab League, expresses its grave concern for the situation in Libya and calls upon the Libyan Government to live up the *responsibility it has to protect* its citizens (*Security Council Press Statement on Libya* 22-02-2011).

Within a day after the Security Council had voiced its initial opinion on the situation in Libya, all involved regional organizations (the Arab League, the African Union and the Organization of Islamic Cooperation)

came with a statement on the matter. Although the organizations all came together on condemning the violence the Libyan government used against its population, they differed widely in their classification of the situation as a purely domestic matter, or a situation which should lead to international consequences. The Arab League clearly preferred an active stance by the international community; itself had set the tone by being the first international organization to take action and suspend Libya's membership (Bellamy and Williams 2012, p. 839). The OIC also condemned the actions of the Libyan state against its peoples, and urged them to stop, but in no way referred to any action that should be undertaken ((OIC) 22-02-2012). Finally, on the other end of the spectrum, there was the African Union. Just as all other parties it condemned the Libyan situation and even welcomed the Security Council Statement, however it was also the first actor to emphasize the "need to preserve the territorial integrity and unity of Libya" ((AU) 23-02-2011), labeling the Libyan crisis as an internal affair and closing the door for any 'classical' kind of foreign intervention.

The EU, as a direct neighbor of Libya also issued a number of statements in the days that followed. The EU welcomed the UN SC statements and directly referred to the Responsibility to Protect of the Libyan government and the international community. Finally, the EU urged the international community to take concrete action against the Libyan regime, mainly in the form of restrictive measures such as arms embargos, travel bans and an asset freeze (Ashton 23-02-2011).

Then, one day before the Security Council would meet again on the Libyan issue and come to resolution 1970, Secretary-General Ban Ki-moon made another statement in which he urged the international community, in no uncertain terms, to come to concrete action (Ban 23-02-2011). After the resolution was passed, the Secretary-General immediately proved to be an ambassador of further international action; he of course welcomed the sanctions taken by the latest UN resolution, but immediately continued to look forward, stating that "in itself, it cannot end the violence and oppression" and "in the coming days, if needed, even bolder action may become necessary" (Ban 23-02-2011).

Finally, on February, 26th, resolution 1970 was adopted, it was proposed by France, the UK, the US and, interestingly, Germany, who would later abstain from voting on resolution 1973. The resolution was adopted unanimously. The resolution recalled and welcomed all the above mentioned regional statements, condemned the Gaddafi regime's committed atrocities in Libya, while interestingly not mentioning any similar statements made by national actors. The resolution demanded an immediate end to all violence in Libya and imposed an arms embargo, a travel ban and an asset freeze ((UNSC) 25-02-2011).

Policy ambassadors and regional support

In the above section we have given a more detailed overview of the interplay of actors in the first phase of the Libyan crisis, leading up to UN SC resolution 1970. From the first moment on, UN Secretary-General Ban Ki-moon, urged the international community in no uncertain terms to take action and strongly condemned the Libyan authorities. He is also the first actor to, after only five days, label the actions of the Gaddafi regime as serious violations of international humanitarian law.

Focusing more on the Security Council members, we see that they are willing, individually and through the statement made by the Security Council on February 22nd, to condemn the Libyan situation, but are only capable of coming to more concrete sanctions when they feel they have the support of relevant regional organizations; in the four days between the Security Council's initial statement on the developments in Libya and the adoption of resolution 1970, two major factors will have influenced the formation of resolution 1970. Firstly, there has of course been intense contact between the various members of the Security Council among themselves and with the UN Secretary-General, in which actors such as France, the UK and SG Ban Ki-moon will have acted as 'policy entrepreneurs' for further international sanctions. The other factor that I believe to have had a strong influence on resolution 1970, is that since February 22nd, four regional organizations had spoken out against the atrocities occurring in Libya, giving more legitimacy to the imposition of international sanctions.

Although it is internationally accepted and emphasized by the Responsibility to Protect doctrine that the Security Council is the organ of choice to legitimately impose international sanctions on another state ((ICISS) 2001, p. 7), I would argue that the Security Council members find that they can only come to such a decision in case of clear regional support. There is a crucial difference between that what is necessary to achieve the legitimacy to use force according to international law, and the requirements that are set by the political process that precedes such a decision. International law requires nothing more than a Security Council resolution to authorize the use of force. Even in the first phase of the Libyan crisis in which relatively mild sanctions were imposed, we witness that Security Council members find regional support a political prerequisite if they wish to come to a resolution.

Important in explaining the relatively quick adoption of resolution 1970, in the light of the importance of regional support, is also that it can in no way be seen as breaching the territorial sovereignty of Libya; all of the sanctions imposed by the resolution are operationalized outside of the boundaries of the Libyan state. It should be noted that the international sanctions imposed by resolution 1970 and the suspension

of Libya's membership of the League of Arab States can be seen as a violation of Libya's sovereign *rights*, I would argue however that this is a less sensitive issue in the international community, not in the last place because it was the Arab League who suspended Libya's membership before resolution 1970 came to be.

Although the measures imposed by resolution 1970 significantly increased the pressure on the Libyan government, it can also be seen as a relatively weak resolution since no hard power comes into play. It is because of this mildness that it was relatively easy to argue that the resolution had regional support; any actor who condemns the military misconduct in Libya would logically be in favor of an arms embargo against the Libyan state. Reservations as were made by the African Union, stressing the territorial sovereignty of Libya, can hardly be seen as contradictory to the sanctions imposed by resolution 1970. In the next section, as the international community moves towards the imposition of harder sanctions against Libya, the stalemate between those actors advocating the international community's responsibilities, and those emphasizing Libya's sovereignty, will harden.

Direct run-up to Resolution 1973

By the time the Security Council had passed resolution 1970, the Libyan rebels had come to control most of East-Libya, had established their headquarters in Benghazi and had organized themselves in the National Transitional Council. Unfortunately, it the sanctions imposed by resolution 1970 did not have the desired effect; The Libyan army was about to begin the siege of Benghazi and it seemed that a large-scale massacre would occur if the international community would not swiftly come to action. It is against this background that the international community came to resolution 1973.

In reaction to the adoption of resolution 1970 and SG Ban Ki-moon's statement that 'even bolder action may become necessary' (Ban 23-02-2011), the positions of relevant states on potential 'bolder action' became clear. Russia was quick to communicate that according to them, the limits of forceful intervention had already been reached with resolution 1970: "a settlement of the situation in Libya is possible only through political means. In fact, that is the purpose of the resolution (...) it does not enjoin sanctions, even indirect, for forceful interference in Libya's affairs, which could make the situation worse" (Bellamy and Williams 2012, p. 840). The Chinese permanent representation to the UN was also quick to make clear that the only way forward in the Libyan peace progress was 'Through peaceful means, such as dialogue' (Li 26-02-2011).

On the other side of the policy spectrum we have the Obama administration, which stated that the Gaddafi regime had lost all its legitimacy and must leave (Huffington Post 26-02-2011). France and the UK went another step further; both of them also stated that the Gaddafi regime had to step down and endorsed the importance of having Gaddafi appear before the International Criminal Court. Only two days after the adoption of resolution 1970, on February 27th, the UK officially proposed the idea of a no-fly zone above Libya, which was quickly endorsed by the French only a day later.

The permanent five were perfectly divided; on pro-intervention side we have the UK and France, both advocating the imposition of a no-fly zone in order to prevent the Gaddafi-forces from causing a massacre in Benghazi. On the other extreme we have China and Russia, both advocating non-interference in Libya's domestic affairs and finally the United States, on the one hand advocating that the Gaddafi regime must leave and that Libyan civilians must be protected, on the other hand unwilling to provide the military power needed to effectuate these goals.

By the end of February, everything seemed to indicate that a new Security Council resolution, imposing harder sanctions, or even a no-fly zone, would never accumulate the necessary support in the Security Council. What then were the decisive factors resulting in the US's decision to 'lead from behind' and China and Russia's to abstain from voting on resolution 1973 instead of vetoing it? I argue that it was once again the regional organizations and France, the UK and eventually the US's policy entrepreneurship that made the difference in securing the necessary majority for resolution 1973. The crucial difference between the two resolutions however is that the stakes were significantly higher in comparison to resolution 1970. Questions of sovereignty quickly come into play when discussing the imposition of a no-fly zone.

As we have seen in the above section, it was relatively quickly after the adoption of resolution 1970 that France and the UK started to advocate the possibility of a no-fly zone. It took regional organizations significantly more time to endorse such a no-fly zone as a possibility. Also, they were much less unified in their position a no-fly zone than they had been in their condemnation and support for resolution 1970, a few weeks earlier.

The OIC was the first to come with a position on a no-fly zone, on March 2nd, the Secretary-General of the OIC, Ekmeleddin Ihsanoglu underscored "OIC's principled position with regard to settlement of dispute through peaceful means warning the international community against any possible military intervention in dealing with the situation in Libya" (Ihsanoglu 20-03-2011), interestingly, Ihsanoglu in the

same communication highlighted the range of human rights violations in occupied Palestinian territories to justify the OIC's position on intervention in Libya. Apparently, if an intervention in Libya was to derail into western domination, the Palestinian situation is the worst scenario it could result in.

Five days later, on March 7th, the Gulf Cooperation Council (GCC) asked the UN SC to "take all necessary measures to protect civilians, including enforcing a no-fly zone over Libya" (Bellamy and Williams 2012, p. 841). Within a matter of days the OIC completely turned around, aligning themselves with those asking for the imposition of a no fly zone and asking the 'Security Council to assume its responsibility in this regard' (Ihsanoglu 08-03-2011).

After these two calls for the imposition of a no-fly zone, a number of important actors moved towards what one could call a half-way step; on 9 and 10 March, France, Italy and the European Union officially opened contact with the Libyan National Transitional Council (NTC), on the 10th of March, after meeting with representatives of the NTC in Paris, France even recognized the NTC as the legitimate Libyan authority and called for immediate action (BBC 10-03-2011)

Then, on 11 and 12 March, the last two regional organizations, the African Union and the League of Arab States took position on the escalating situation in Libya, after which the developments leading up to resolution 1973 picked up momentum. This is quite interesting, since the two organizations were certainly not aligned with each other; on the 11th of March, the African Union made a cautious statement on the situation; it defined it as "a serious threat to peace and security in that country and in the region as a whole", it condemned "the indiscriminate use of force and lethal weapons … and the transformation of pacific demonstrations into an armed rebellion". Finally it also emphasized 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" (Bellamy and Williams 2012, p. 843; Kabau 2012)

The next day, another statement appeared, issued by the Arab League and content wise diametrically opposite to the African Unions' statement. The LAS asked the UN SC "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". Although this cannot be read in any other way than direct request for the imposition of a no-fly zone over Libya, it seems as though the LAS is also attempting to account for some of the criticisms ousted a day earlier by the AU; while the LAS is

explicitly asking for a no fly zone, it also stresses that it rejects any "foreign military" intervention in Libya and underlines that the no-fly zone has to be lifted as soon as the crisis is ended. In this way the LAS seems to be balancing between the AU's call for the respect of the sovereignty of Libya, and its own goal of a quick intervention in Libya (Arab states seek Libya no-fly zone 12-03-2011).

Several authors have called the 12 March League of Arab States statement a turning point in the run-up to resolution 1973, concluding that 'LAS activism had more impact at the UN Security Council than AU caution' for it was only after the LAS statement that the decision making process went into overdrive (Jones 2011, p. 54; Bellamy and Williams 2012, p.841). It seemed that the perceived regional support for a no-fly zone was the push that skeptical states such as Russia and China needed to come to an abstention on resolution 1973: 'Both Russia and China place rhetorical emphasis on the importance of regional organizations' (Jones 2011, p. 54). In the explanation China gave for its abstention vote on the no-fly resolution, ambassador to the UN Li underlined the importance of regional organizations, stating that 'China attaches great importance to the decision made by the 22-member Arab League on the establishment of a no-fly zone over Libya. We also attach great importance to the positions of African countries and the African Union' (Li 17-03-2011)

In the final days before the adoption of resolution 1973, France, the UK and the US also welcomed all regional support in favor of a no-fly zone, paying special attention to the League of Arab States. On March, 17th, the resolution was adopted and two days later the French air force started to maintain the no fly-zone.

Reformulating the consequences of the no-fly zone for Libyan Sovereignty

It is argued that the impact Arab League statement of March 12th is often overrated because the protagonists of an intervention simply went 'policy shopping' and found the Arab League best suited their needs (Bellamy and Williams 2012, p. 848). The forum shopping argument downplays the influence regional organizations have in international relations. In cases such as Libya, there are multiple regional organizations to be identified which can be said to represent the interests of the states in the periphery of Libya. According to the argument, policy entrepreneurs advocating an intervention will go looking for the regional organization with the position easiest to be reconciled with their advocated policy to intervene. In this way policy entrepreneurs will be able to claim regional support by pointing towards one of the regional organization involved, in this case the League of Arab States, while the majority of organizations involved may well be opposed to an intervention.

It is certainly the case that many states referred to the LAS for regional support, however, there are also quite a number of statements in which regional support in general for the intervention is welcomed and other organizations, such as the OIC, the GCC and even the AU are mentioned. This seems strange, most of all in case of the AU, since it emphasized 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" (Bellamy and Williams 2012, p. 843). I argue that the effects of the LAS's statement are twofold, firstly, it provided support for an intervention by an important regional organization. Secondly, it reformulated the debate on the consequences a no-fly zone would have for Libya's sovereignty in such a way, that the earlier statements made by other regional organizations, including the AU, are much less in conflict with the imposition of such a no-fly zone.

In the preamble of the statement, the Arab League starts by stating its commitment to preserve "Libyan unity, territorial integrity, political independence as well as civil peace, and to ensure the safety and security of Libyan citizens, the national unity of the Libyan people and their independence and sovereignty over their territory, and to reject all forms of foreign intervention in Libya, and to emphasize that the failure to take necessary actions to end this crisis will lead to foreign intervention in internal Libyan affairs" ((LAS) 12-03-2011). By highlighting these commitments , the LAS automatically makes its position clear that its demand 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" ((LAS) 12-03-2011) does not constitute a violation of the above commitments according to their point of view. The LAS disqualifies the imposition of a no-fly zone as *any form of intervention*, since it, just as the AU, would reject such an action.

Not qualifying a no-fly zone as an intervention of any kind allows for a different reading of the AU's earlier statement on the Libyan situation. On could now argue that a no-fly zone in no way violates the AU's "strong commitment to the respect of the unity and territorial integrity of Libya" (Bellamy and Williams 2012, p. 843). A point underlined by the final amble of the LAS's statement, which states it will continue "to coordinate with the United Nations, African Union, the Organization of Islamic Conference, as well as the European Union on the situation in Libya" ((LAS) 12-03-2011), insinuating that it is very much aligned with these other organizations. As a result, a statement of support by one regional organization succeeded in having widespread consequences.

No-fly zone

Once the no-fly zone had been put into place, the tension between sovereignty and intervention, that resolution 1973 so carefully circumvented once again became evident. The three states accounting for the bulk of the military material needed to impose the no-fly zone had all stated that Gaddafi had to go, a goal it seemed they were attempting to achieve through an interpretation of resolution 1973, which would certainly go beyond its strict mandate. On the other hand, regional organizations, Russia and China were keen to ensure that the territorial sovereignty of Libya would not be violated and therefore preferred a strict reading of the resolution.

In the first weeks, many of the actors who had initially been skeptical about the imposition of a no-fly zone voiced serious critique on the way it was being implemented. The first reservations were already to be heard on the day the no-fly zone started. The OIC stated that "it supported the provision in the resolution which excludes a foreign occupation force of any form on any part of Libyan territory, and called for the adoption of a new resolution by the Security Council to annul the provisions of Resolution 1973 as soon as the motives standing behind its adoption have disappeared" ((OIC) 19-03-2011). Although this statement cannot be characterized as a critique on resolution 1973, it certainly voices the OIC's wish that the international community restrains itself in the enforcement of the resolution and expresses its demand for the mandate to be terminated as soon as possible. Four days later the OIC iterated this demand, calling upon "all parties taking part in the on-going military operations in Libya to exercise maximum restraint, avoid targeting civilians and housing areas and preserve the resources and capabilities of the Libyan people" (Ihsanoglu 23-03-2011).

The OIC was not alone in its critical position on the way substance was given to Libyan no-fly zone, on March, 20st, the Arab League Secretary-General, Amr Moussa, "Deplored the broad scope of the US-European bombing campaign in Libya and said Sunday that he would call a league meeting to reconsider Arab approval of the western *military intervention* [italics added]" (Cody 20-03-2011). Although this statement was revoked the next day, it did mark the second regional organization which voiced serious objections on the way the no-fly zone was being upheld.

On April 26th, remarkably late for one of the biggest criticasters of an intervention in Libya, The African Union publicised an official communiqué on the situation in Libya. The AU once again reminded the international community that the *sole* objective of Resolution 1973 is "to ensure the protection of the civilian population", continuing to urge all involved "to refrain from actions, including military operations

targeting Libyan Senior Officials and socio-economic infrastructure, that would further compound the situation and make it more difficult to achieve international consensus on the best way forward" ((AU) 26-04-2011). This communiqué, in line with earlier statements given by other African regional organizations, highlights the limited mandate given by resolution 1973; the protection of the Libyan civilian population. This stands in striking contrast to the pro-active position the US, the UK and France took on the Libyan intervention. Resolution 1973 did not mandate the removal of Colonel Gaddafi, only the protection of civilians and civilian populated areas under attack of *any* force, all of the large contributors to the intervention however had explicitly taken sides in the conflict and stated that 'Gaddafi must go', none of the regional organizations ever explicitly referred to the abdication of Gaddafi.

Perhaps one of the best arguments which seem to indicate that one of the main objectives of the intervening forces in Libya was not the protection of civilians, but had escalated into enforcing a regime change, is that *Operation Unified Protector* ended only ten days after Gaddafi was captured and killed. NATO explicitly relates the death of Gaddafi to the end of the mission (NATO 28-03-2012).

If we place the above reactions of African regional organizations into Russian and Chinese perspective, they seem to be only mild condemnations of the way the no-fly zone was upheld. Since the implementation of the no-fly zone, both Russia and China have explicitly voiced their regret over having abstained from voting on Resolution 1973, claiming that the intervening forces have overstepped their mandate for enforcing a no-fly zone into one of explicit regime change (Emerson 2011, p. 1). As I will argue later, the consequences for the current situation in Syria of this critique can hardly be overestimated.

Responsibility to Protect

In the previous section we have given an extensive analysis of the roles the various actors involved in the Libyan intervention had. We will now continue to relate this to the Responsibility to Protect doctrine and give an analysis of the extent to which the Libyan case fits within the framework set out by this doctrine. This is best done in three separate sections in which we will firstly discuss the Responsibility to Protect in relation to Resolution 1973, secondly, we relate it to the positions the various actors involved in the decision making on the no-fly zone had and finally test the actual proceedings in Libya during the period NATO was upholding a no-fly zone to the conditions the Responsibility to Protect doctrine sets for an intervention.

Resolution 1973

Focusing strictly on the text of United Nations Security Council Resolution 1973, we have to conclude that, in broad lines, this can indeed be seen as a 'victory' for the Responsibility to Protect doctrine in international Relations, however, a number of remarks need also be made.

The Resolution focuses exclusively on 'the protection of civilians and civilian populated areas', it does not choose sides. This fits perfectly within the Responsibility to Protect doctrine's primary commitment to the protection of civilians. However, the 2001 ICISS report also writes of a '*Responsibility to prevent:* to address both the root causes and the direct causes of internal conflict' ((ICISS) 2001, p. 7), one could argue that it is difficult to address the root causes of the atrocities which were being committed by the Gaddafi regime, with a mandate which does not allow the military intervention to choose sides in the conflict. This argument that has also been made by the intervening states as we will see below. Given a strict interpretation of the UN resolution, the root causes of the Libyan conflict were to be resolved through peaceful negotiations, arms embargo's and economic sanctions.

At the core of Resolution 1973 is the imposition of a no-fly zone over Libyan territory 'in order to help protect civilians'. Considering that the Responsibility to Protect doctrine attaches great value to both national sovereignty and proportional means, stating that 'the scale, duration and intensity of the planned military intervention should be at the minimum necessary to secure the defined human protection objective' ((ICISS) 2001, p. 13), it is hard to think of a way of intervening militarily that would fit better within the responsibility to protect framework; having no boots on the ground minimizes both the breach to Libyan territorial sovereignty and the intrusiveness of an intervention.

NATO versus Russia and China

Both in the period leading up to resolution 1973 and during *Operation Unified Protector* we can argue that there were roughly two camps. On the one hand we have the intervention-skeptical camp, on the other the pro-interventionists. The most important actors in the skeptical camp are the two permanent Security Council members Russia and China and, to a lesser extent, regional organizations of which Libya is a member-state; the OIC, the AU and the LAS. The most influential members of the pro-interventionist camp are the remaining permanent members of the Security Council; France, the UK and the US, supported to a certain extent by the UN Secretary-General Ban Ki-moon.

One of the most important achievements of the Responsibility to Protect doctrine is that it is supposed to have overcome the dichotomy between state-sovereignty and non-intervention on the one hand and

the responsibility the international community has to intervene in cases of severe (impending) violations of human rights on the on the other. The 2001 ICISS report and Resolution 1973 are both a fine example of balancing these two seemingly contradictory positions. What the Libyan case has shown us however, is that while the foundational documents upon which actors act, may be very well balanced, the actors themselves are quite the contrary.

In the above section we have seen that Russia and China have emphasized time and again the importance they attach to Libyan state sovereignty, this notion of sovereignty seemed to be paramount to all other considerations. It was only after a number of regional organizations, most notably the Arab League, had made clear that they would support the imposition of a no-fly zone by the international community that they were convinced they need not veto a resolution mandating such a no-fly zone. It has to be said however, that although African regional organizations eventually asked for a no-fly zone, they never seized to underline the importance of the limited nature of such a no-fly zone and the necessity to remove it as soon as possible, i.e. as soon as the direct threat to Libyan civilians had gone. None of the actors in the 'skeptical-camp' ever explicitly stated that Gaddafi had to be abdicated.

The 'pro-interventionist' camp seemed much less concerned with questions Libyan territorial sovereignty; The French, the English and the Americans had all explicitly stated that Gaddafi had to go. Such an example in which states, that would later provide NATO with the bulk of its intervening force, so explicitly choose sides in what is supposed to be a humanitarian intervention, very much trespasses the boundaries set by the Responsibility to Protect doctrine. An intervention *should* be focused solely on the prevention or cessation of human rights violations, it seems hard to believe that actors, which have so explicitly aligned themselves with one of the belligerents, will show so much restraint that they strictly abide to the boundaries prescribed by resolution 1973.

The proceedings of the intervention

The above sketched relationship indeed had its resonance in the way the various actors gave substance to the intervention. During the intervention it is argued that the intervening forces constantly moved beyond the strict mandate they had been given by resolution 1973. On the other hand, Russia and China later expressed their regret for not having used their veto on resolution 1973 when they had the chance. According to them, the Libyan intervention is proof that western states cannot be trusted to stay within the limits of a mandate (Yun 2012; Emerson 2011). Similar criticisms, although formulated in far less explicit terms, could be heard from regional organizations such as the African Union and the Arab league.

On April 26th, the African Union iterated its commitment to Resolution 1973, but immediately continued to stress "the need for all countries and organizations involved in the implementation of Security Council resolution 1973 (2011) to act in a manner fully consistent with international legality and the resolution's provisions, whose objective is solely to ensure the protection of the civilian population" ((AU) 26-04-2011). This can only be interpreted as a more subtle way of stating that the African Union also considered the intervening states, who were upholding the no-fly zone for more than a month at the time, to be moving beyond their mandate.

In analyzing the claim that intervening forces went beyond their mandate in Libya, we have to recognize that there are two ways in approaching this question. The first, which is used by the 'criticasters' follows from a very strict interpretation of resolution 1973 and argues that in the often aggressive way the no-fly zone was implemented, the intervening forces went beyond their mandate. The second line of reasoning, which will suit the intervening states much better, pays more attention to the actual situation on the ground and argues that in order to provide a lasting peace in Libya, one cannot focus solely on a cessation of violence, but also has to pay attention to the root causes of the situation. Since we have already given extensive attention to the Russian and Chinese critique on the intervention, the first argument should be clear.

The logic of the *situation on the ground* argument goes as follows; at the beginning of *Operation Unified Protector,* the genuine ambition of the intervening forces was to stop Gaddafi from causing a large-scale massacre among the Libyan population through the imposition of the no-fly zone. Alongside the no-fly zone, the international community had also taken a number of other measures, such as an arms embargo, a ban on flights for the Libyan regime and an 'asset freeze' for certain members of the Gaddafi clan. These measures were designed to put pressure on the Gaddafi regime, to lead it to the negotiation table and to provide a lasting peace in Libya.

As the conflict evolved further it became obvious that there was no chance that the Gaddafi regime could be trusted or be lead to the negotiation table in a peaceful manner. Illustrative is that the Libyan authorities announced an immediate cease-fire the day after resolution 1973 was adopted, but continued the shelling of liberated cities and the march upon Benghazi. Because the Gaddafi regime proved unwilling to negotiate a truce and had made it its foremost objective to "to cleanse Libya, inch by inch, house by house, home by home, alley by alley, person by person, until the country is cleansed of dirt and scum" (Thomasky 17-03-2011), the coalition was unable to achieve the main goal of resolution

1973 "to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi" ((UNSC) 17-03-2011), without stretching the strict mandate it was given. Had the intervening forces not taken a pro-active stance in the Libyan Civil war and not explicitly chosen the side of the National Transitional Council, it is reasonable to state that civilian casualties would have been much higher and Libyan situation would have deteriorated into deadlock.

In short, the situation on the ground argument would argue that, had the intervening forces kept themselves to a strict interpretation of Resolution 1973, the humanitarian outcome in Libya would have been far worse, which would not have been in the *spirit* of the resolution; regime change was not a *goal* of the intervening forces, it merely proved *necessary* to achieve the goals of Resolution 1973.

Conclusions

In the above section I have given an extensive analysis of the intervention in Libya and the international decision making process leading up to resolution 1973 and 1970. Taking a step back, what are the more general findings that we can distill from what we have learned from the Libyan crisis, specifically on the functioning of the Responsibility to Protect doctrine, the international norms actors operating at the various levels of the international community adhere to and finally the role and indispensability actors may or may not have in the international decision making process.

On the pervasiveness of norms in international intervention

At the 2005 United Nations World Summit, the Responsibility to Protect was officially endorsed. In our analysis of the actors involved in the Libyan intervention however, it has once again become clear that despite such an en endorsement, actors are often on opposite sides of the policy spectrum concerning humanitarian intervention.

Within the United Nations offices however, we have seen that norms on humanitarian intervention are very persistent. The office of the Secretary-General pushed the issue of the Libyan civil war on the agenda of the international community and continually argued in favor of the international community taking action. This seems logical; the UN itself has no self-interest in pursuing certain policies and the Responsibility to Protect was founded within the ranks of the UN.

Regional Organizations

As we move down to the level of regional organizations, we start to find a differentiation in the positions actors take on intervening in Libya. All regional organizations of which Libya is a member-state have the tendency to iterate, time and again, the importance of Libyan national sovereignty. At the beginning of the Libyan crisis, the protection of human rights in Libya seemed to be subordinate to the preservation of Libyan territorial sovereignty. It was only after the deterioration of the situation and the initiative taken by the Arab league that regional organizations started to embrace the call for the imposition of a no-fly zone over Libya, while at the same time stating that there should be no military intervention in Libya, whatever its form ((AU) 23-02-2011). During the imposition of the Libyan no-fly zone, many of the international organizations voiced strong critique on the way it was being upheld. The Organization of Islamic Cooperation, for example, stated that it had no problem with Resolution 1973, but underlined that it attached great value to Libyan territorial sovereignty and that the no-fly zone should be removed as soon as the reason for its imposition had disappeared (Ihsanoglu 20-03-2011).

Although many of the regional organizations involved did partake in criticizing the manner in which the intervention was implemented, they did not evaluate the intervention in such an explicitly critical manner as Russia and China, nor have there been any statements communicating that they regretted their call for the imposition of a no-fly zone in the first place. I argue that this can be interpreted as a latent approval of the final outcome of the intervention. This puts regional organizations in quite a notable position; on the one hand they put effort into underlining the great value they attach to the territorial sovereignty of their member states, on the other they do not reject an intervention, which has trespassed these sovereign rights, in the strongest terms possible. An explanation for this apparently ambivalent position regional organizations seem to occupy should be sought in the inherently ambivalent position in which regional organizations find themselves in case of a severe (impending) humanitarian crisis within one of their member states.

In a situation such as the Libyan crisis, regional organizations have a number of incentives leading them to underline the importance of the territorial sovereignty of their member states. Firstly, they have an obligation towards all their member states to advocate their interests, a central national interest for all states being respect for states' territorial sovereignty. Secondly, regional organizations have the tendency to firstly attempt to resolve conflicts peacefully and within their own ranks. In the case of Libya, it was the regional organization most critical on foreign intervention, the African Union, which

proposed its own peace plan on Libya (Coles 11-04-2011). Finally, it should not be forgotten that in Africa there is an extra aversion towards foreign intervention because of the relatively recent close encounter many African states, including Libya, have had with European imperialism.

Regional organizations however also have an interest in preserving stability within their own region. In a situation where it has become apparent that peace initiatives from within the region itself will not have the desired result of achieving a lasting peace, as was the case in Libya, these organizations can also come to the conclusion that it is not possible to reach their goal of regional stability with means available to them from within their own territory, leading them to endorse a foreign humanitarian intervention. Furthermore, a sincere concern for the preservation of human rights will also have influenced regional organizations' eventual call for the imposition of a no-fly zone over Libya by a foreign force.

Given these interests, it seems to fit that regional organizations on the one hand put great emphasis on the sovereignty of their members-states, while also calling for a (minimalist) intervention in case a humanitarian crisis spins out of hand.

States

At the level of the United Nations, the Secretary-General and his team seem to be acting in full accordance with the Responsibility to Protect. At the regional level, although there are quite a number of differences between the various organizations involved, all actors can be said to have within the confines set by the Responsibility to Protect doctrine. This can definitely not be said of the main state-actors involved in the Libyan intervention.

As we have seen in the above section, France, the UK and the US, by explicitly stating that the Gaddafi regime had to go, voiced their preference for regime change in Libya even before the intervention had begun. One could argue that this was not in the spirit of the Responsibility to Protect or the then future resolution 1973 since neither of these justifies regime change. The French took it a step further by receiving members of the National Transitional Council and recognizing them as the legitimate authority of Libya, while the country was still in the midst of a civil war.

Although Resolution 1973 authorized the use of 'all means necessary' to protect civilians and civilian populated areas, it does not foresee a lasting solution for the conflict through military means. In its preamble, the resolution calls for an immediate ceasefire and a complete end to all violence and all attacks against, and abuses of, civilians and to the sending of a Special Envoy in cooperation with the African Union (Collins 2011). It is through this diplomatic path that the resolution sought to facilitate a

dialogue which was to lead to 'the political reforms necessary to find a peaceful and sustainable solution' ((UNSC) 17-03-2011). The resolution text implies that the crisis should come to a lasting solution through peaceful means and certainly does not choose one of either sides in the conflict. By explicitly taking the side of the NTC in such an early stage of the crisis, one could make a good argument that this was neither in compliance of Resolution 1973, nor the Responsibility to Protect doctrine.

As the crisis escalated further, and it became apparent that the Gaddafi regime could not be lead to the negotiation table, even though this may partly have been a result of the harsh position France , the UK and the US took in the beginning of the crisis, which may have led the Gaddafi clan to also harden its position, I argue that the intervening forces attitudes and actions started to become more and more legitimized by the Responsibility to Protect and Resolution 1973 as the conflict intensified. By the end of the intervention, it can be argued that no more were France, the UK and the US too progressive in their application of the Responsibility to Protect, rather, Russia and China were being over-conservative and were still focusing too much on Libyan state sovereignty.

This position is based on two combined arguments. Firstly, although Resolution 1973, in line with the Responsibility to Protect, prefers a peaceful solution to the Libyan conflict to an armed one, it does mandate the use of all means necessary to protect civilians and civilian populated areas. Secondly, assuming that Resolution 1973 is in line with the Responsibility to Protect, the international community should also focus on the *responsibility to prevent*, meaning that extensive attention should also be paid to the sources of violence in a humanitarian crisis. Considering that the Gaddafi regime had made its intentions more than clear for those who had rebelled against it, and any peaceful attempts to come to a ceasefire, let alone a lasting solution had led to nothing, one could make an argument that regime change at this stage of the intervention, although still not explicitly mandated by the resolution, was the only realistic way to take away the source of the conflict and provide for a situation which might result in a lasting peace.

While Russia and China may have been right to point to the territorial sovereignty of Libya in the beginning of the crisis, when it could not be said that all peaceful means to solve the crisis had been explored, it is misplaced to so convulsively hold on to the sovereignty norm, stating that the intervening forces trespassed their mandate in the operationalization of the no-fly zone, when it is evident that it would have been nearly impossible to reach a lasting peace had they not done so.

How well have the values advocated by the Responsibility to Protect been spread through the different levels of international decision-making? Within the ranks of the United Nations, specifically the Office of the Secretary-General, the answer is unambiguous; the UN SG serves as an ambassador for the Responsibility to Protect doctrine.

In the case of Libya, regional organizations can be characterized as being conservative actors, focused very much on the territorial sovereignty of their members states. However, they do seem to be operating within the boundaries of the Responsibility to Protect. In the case of Libya, this is exemplified by the fact that once the situation became truly troublesome, a number of the regional organizations subscribed to the Arab League's call for the imposition of a no-fly zone. And although some critique was voiced over the method of implementation of Resolution 1973, al organizations stood by their endorsement of UN SC resolution.

Finally, at the state level, the dispersion of the values advocated by the Responsibility to Protect differs widely per state. As we have seen, there are very skeptical states, states that see themselves as being at the forefront of advocating the Responsibility to Protect, and those in a more balanced position. Characteristic for the way states position themselves in situations such as the Libyan crisis, is that they permit themselves the most outspoken positions, placing themselves at one of either ends of the sovereignty-intervention dichotomy.

The first hypotheses I presented in this thesis was that, as we move down from the international, to the regional, to the national level in the case of the Libyan intervention, the leading role of international norms on humanitarian intervention, specifically those formulated by the Responsibility to Protect, will steadily decrease as more and more other factors gain influence on policy decisions. This hypothesis should not be completely rejected; an amendment would be more in place. When we move down from the international, to the regional, to the national, what we find is not necessarily that actors diverge more from the Responsibility to Protect, we see that the policy spectrum within which they place themselves becomes broader. As a result, we find actors take more extreme positions at the national level then at the regional or international one. Such a position can however also be very much in favor of humanitarian intervention, or, as was the case with Russia and China, in favor of the preservation of state-sovereignty.

As I argued above, the Responsibility to Protect is a well-balanced doctrine in which both actors which are focused on state-sovereignty as well as actors which are more concerned with the duty to intervene can align themselves with. If we transform these three positions into a policy spectrum we find state-sovereignty at one extreme, intervention at the other and the Responsibility to Protect Doctrine in the middle. In figure 1 I have placed the analyzed actors on this policy-spectrum in which we can clearly see that as we move down to the national level, actors diverge more from the middle ground, though not necessarily towards one of either ends of the policy spectrum.
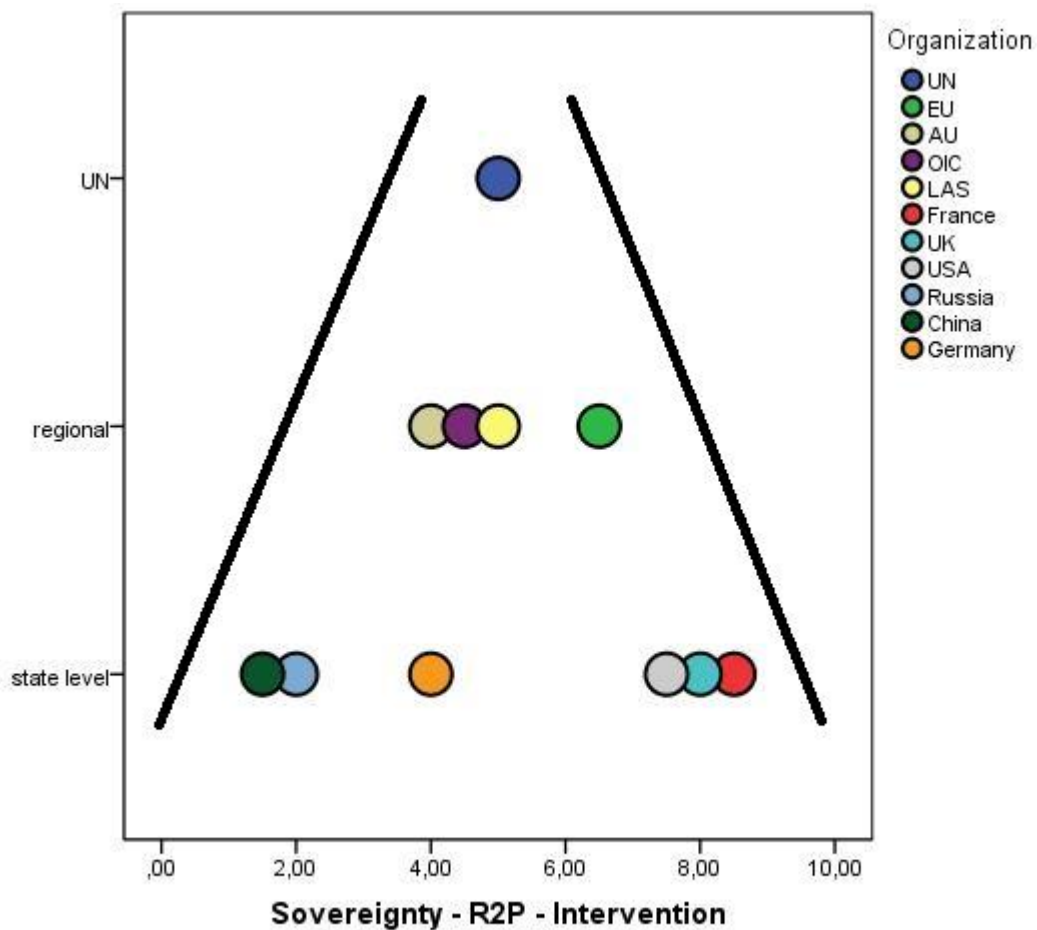

Figure 1

On actors' role in the decision making process

Following the analysis of the positions the involved actors took during the decision-making process leading up to Resolution 1973, how should we characterize the roles each group of actors had and assess the decisiveness of their contribution?

As we have seen in the above section, the leading morale within the Office of the Secretary-General of the UN is that of the Responsibility to Protect. The influence of the SG in the Libyan crisis can best be characterized as that of ´*agenda setter'* and to a certain extent policy entrepreneur. In the early stages of the intervention, the UN SG was among the first parties to characterize the situation in Libya as 'a grave violation of international humanitarian law' (Ban 21-02-2011). He continued to advocate an active stance on the matter to the Security Council; when Resolution 1970 was adopted, he welcomed the resolution, but immediately pointed out that in the period to come, the international community might even have to come to harsher measures (Ban 23-02-2011). By constantly underlining the need for action in combination with his direct access to Security Council members and the media, the SG is able to push items on the agenda and put Security Council members under pressure to come to action. Although this is a significant contribution in the process, this is also where it 'ends' for the Secretary-General, since he has no other formal powers to influence the Security Council.

Regional organizations can best be characterized as *'gatekeepers'* and '*policy catalysts'* in case of an international intervention. The Responsibility to Protect and the UN charter both appoint the United Nations Security Council as the pre-eminent institution to legitimize an intervention. In the Libyan intervention however, it was only after the Arab League had officially requested the international community to move towards a no-fly zone, that the Security Council went into higher gear.

As I pointed out earlier, there is a crucial difference between the requirements set by international law to come to the legitimate use of force, and the conditions set by the political process which precedes such an intervention. If we strictly follow international law, all that is required to legitimize an intervention is an authorization by the Security Council. Before the Security Council comes to such a resolution however, it follows an extensive political trajectory in which there is room not only for the members of the Security Council, but also a multitude of other actors, not in the last place regional organizations. I argue that the Libyan case shows us that in this political process preceding a resolution, regional organizations play a crucial role in creating the political support necessary to come to such a resolution. Both in the run-up to resolution 1970 as well as the run-up to resolution 1973, is was only

after regional organizations had expressed their support for the international community to come to action, that the Security Council was willing to come to a resolution.

Another reason why regional support has proven to be important for the Security Council, although subordinate to the former, concerns the practical feasibility of an intervention. Without the support of states in the direct neighborhood of the state in which an intervention supposed to take place, practical obstacles might arise in the implementation of a resolution authorizing the use of force. In the Libyan case, because most of the actions were coordinated from the European mainland or the Mediterranean, considerations of this order may however have been less important in securing regional support.

In the beginning of this article I underlined the significant differences in the level of coherence and effectiveness among the various regional organizations involved in the Libyan intervention, noting that none of the African organizations has reached the same level of integration and effectiveness as for example the EU or NATO. Although they do not possess the hard power to intervene themselves, nor seem able to come to a solution through peaceful means, I argue that through the above described processes, regional organizations are still a factor not to be neglected, if the international community is to come to action.

Finally, we have to conclude that without a doubt, in the decision making process and the implementation of Resolution 1973, it have been the state-actors, specifically the permanent members of the Security Council, which have proven crucial. These are still the only actors which have the power to *make or break* a Security Council resolution and the military resources to carry the bulk of the weight necessary for an intervention of substantial scale.

The second hypothesis we presented was that, because of the division of tasks between international, regional and national actors in the event of a *humanitarian intervention*, each actor is essential if the intervention is to be internationally accepted as legitimate, have international support and be militarily feasible. Therefore, if an operation is to be successful, the actors will have to come together on the conditions set at all the various levels of governance. This hypothesis is partially confirmed; support of the permanent five of the Security Council, or at least no use of the veto, is indeed crucial. It also seems to be the case that if the SC is to come together on a resolution considering humanitarian intervention, it will see regional support as a condition. However, it is unclear whether one regional organization qualifies as regional support, or that more or even all are necessary; we have to point to the risk of policy entrepreneurs going 'forum shopping'. Finally, although the United Nations Secretary-General can

indeed put an international crisis on the agenda and push for swift action, his role in the endgame of authorizing an international intervention seems limited.

On the Responsibility to Protect

What we have seen in the Libyan case, in our analysis of the original 2001 ICISS document on the Responsibility to Protect, Resolution 1970 and 1973 (((ICISS) 2001; (UNSC) 25-02-2011, 17-03-2011) and the position the various actors involved had in the intervention, is that the documents on the Responsibility to Protect and those that legitimize the intervention, are well balanced texts which are formulated in such a way that every actor will be able to find its own argument in them. The actions that follow from these texts and the positions individual actors take on a conflict are much less precarious.

The resolution texts on the Libyan no-fly zone strike a delicate balance between respecting territorial integrity and the need for international intervention. The texts appeared to safeguard Libyan state sovereignty in such a way that states which have always attached great value to this international norm, China and Russia, could be brought to refrain from using their veto on resolution 1973. The states that were to impose the no-fly zone on Libya, mainly France, the UK and the US, seemed to attach less value to the state-sovereignty norm, and felt it was necessary to intervene in such a way that it was perceived, by among others, Russia and China, as going beyond the strict resolution mandate. The intervening states themselves have argued that this was necessary to stop the clearly horrific intentions of Colonel Gaddafi, China and Russia felt that the intervention had escalated into naked regime change (Emerson 2011, p. 2). Several authors have argued that, whatever the motivation for intervening in the way they did, if we adhere to a strict reading of Resolution 1973, we have to conclude that the intervening forces indeed moved beyond their mandate, which may have severe consequences for the future application of the Responsibility to Protect doctrine, not in the last place in Syria (Garwood-Gowers 2012; Hall Findlay 2011, p. 6).

How extraordinary Resolution 1973 is, is underscored by the fact that it was the first time in the 66 years the Security Council existed, that it decided to intervene to *prevent* an expected massacre. The resolution marked the first time Russia and China did not decide to veto such a resolution. Keeping this in the back of our mind it is not hard to imagine that these skeptical states would be scrutinizing rigorously the way the international community and the intervening states in particular operationalized this unprecedented mandate to intervene. In its evaluation of the intervention, China has indeed come

to the conclusion that it lost everything and gained nothing by abstaining on Resolution 1973, which "significantly contributed to its decision to veto the Syria resolution" (Yun 2012).

Because the intervening states in Libya decided to stretch their mandate, whatever their motivation for doing so, an intervention which was seen as a triumph for the Responsibility to Protect was evaluated in an extremely critical way by two permanent members of the Security Council. It may therefore very well be that the Libyan intervention will remain the only example of the Responsibility to Protect brought into practice. In the foreseeable future, Russia and China will argue that western powers cannot be trusted to act within the confines of a mandate.

The truth about the intervention in Libya may very well be, that by moving beyond Resolution 1973 and choosing the side of the National Transitional Council, the intervening forces have indeed stopped Gaddafi from marching on Benghazi and saved thousands of lives. The bitter consequence of an intervention which can be seen as successful in the above sense, is that it is also responsible, for a sizable part, for the current stalemate within the Security Council on the question of Syria. The fate of Libyan and Syrian citizens has proven strangely connected, as I will shortly reflect on in the final section.

Did R2P influence actors' position formation?

After having made such an extensive analysis of the intervention in Libya, what can we conclude when we ask whether the Responsibility to Protect actually influenced the actors in their decision to intervene? In the case of Libya the answer is: yes. However, it has to be acknowledged that the international commitment to the Responsibility to Protect still differs widely and that an extensive array of enabling circumstances were present in Libya.

The intervention in Libya remains the first Security Council mandated intervention *preventing* an impending humanitarian crisis. It seems hard to imagine that the international community could have come to such a step without the years of discourse following the 2001 introduction of the Responsibility to Protect.

The Responsibility to Protect doctrine however is far from a 'hard' principle in the international community. If the surrounding circumstances of an international crisis allow for an intervention to be successful, international norms can give the international community the final push needed to come to an intervention. These norms on humanitarian intervention however still reside within the endgame of decision-making, a point which will be substantiated in the following afterthought on Syria.

Syria

Reflecting on the conclusions we have made on the Libyan intervention, let us shortly turn to the situation in Syria, which is often seen as similar to that in Libya; both conflicts are domestic in nature, both impetuses are historical. Gaddafi has ruled Libya since a successful military coup in 1969, Hafez el-Assad and his son Bashar have ruled Syria since 1970. Why, so shortly after the intervention which was widely appreciated as a triumph for the Responsibility to Protect, does the international community now so miserably fail to act in Syria?

In the Libyan crisis, some actors have proven to be more indispensable then others. Focusing on the decision making process on Resolution 1973, the important role of regional organizations is especially striking. Although these organizations have little to no military power, nor a seat in the Security Council, they seemed to be indispensable for the Security Council to come to a resolution on Libya. We should be careful however in making bold statements advocating the gatekeeping function of regional organizations in cases of humanitarian intervention. It is possible to make such an argument, but one should also acknowledge surrounding circumstances of the Libyan crisis, which were largely responsible for the role regional organizations were able to claim.

Turning to Syria, one might doubt the importance of regional organizations in coming to a Security Council mandate, especially since the last resolution that was vetoed by both Russia and China explicitly embraced the Arab League's peace plan for Syria. One should understand however, that regional support does not automatically lead to a Security Council resolution, however, if the Council is already *moving towards* a resolution, it enhances the chances of success and acts as a catalyst. This does not necessarily make regional organization less relevant in policy formulation process; it does mean however that they are a factor which comes into play during the 'endgame' of the policy formation process, a stage that any resolution on Syria has yet to reach.

Changing context on Responsibility to Protect

As we have already shortly touched upon earlier, one of the reasons Russia and China have vetoed two resolutions on Syria, the last of which called for the Syrian President Assad to step down and backed the Arab League Peace Plan, may been very much connected to the Libyan intervention. As in Libya, France, the UK and the US were the proponents of the resolution, China and Russia the opponents. The stated reason for the Russian and Chinese veto on Syria, is that they perceived the resolution as being "a

potential violation of Syria's sovereignty, which could allow for military intervention or regime change" (Harris 04-02-2012).

In the initial reservations Russia and China voiced over Resolution 1973, they underlined their concern for, in that case, Libya's sovereignty. At the time they did not however so explicitly voice their concern for the intervention to degrade into military intervention and regime change (Li 17-03-2011). The Russian and Chinese post-facto view that the intervening forces had trespassed their mandate in Libya, transforming the no-fly zone into a military intervention with naked regime change as its ultimate goal, resonates directly in their explanation of why they vetoed a resolution on Syria. The international community, specifically states such as Russia and China who were already skeptical on the implementation of the Responsibility to Protect, has become even more reticent in their authorization of humanitarian intervention since in their view, the international community through the intervention in Libya has proven incapable or unwilling to intervene in such a way that state sovereignty is safeguarded and the intervention does not degrade into regime change. The Arguments Russia and China used to explain why they regretted not having vetoed Resolution 1973, are now used directly as motivations for vetoing a resolution on Syria.

Complexity of decision making

In the analysis of Libya that I made in this article, I have focused on two factors I believe to have had an influence on the formation of resolution 1973: the pervasiveness of norms advocated by the Responsibility to Protect and the influence of multilevel governance in the international policy process. As we have argued above, the changed international situation on norms of humanitarian intervention since Libya might have had a significant impact on the international community's failing to act in Syria. The decisive role regional organizations have played in Libya has yet to be witnessed inSyria, I argue because this is part of the endgame in international decision making, a stage which Syria has yet to reach.

It should be acknowledged that this research has covered only a small section of factors which might explain why an intervention took place in Libya while not in Syria. Firstly, the ethnic and religious constellation of Syria is much more diverse than the Libyan one. In Libya, 97% of the population consists of Sunni Muslims (*The World Factbook - Libya* 2012). In Syria, the population is much more ethnically diverse; 74% of the population consists of Sunni Muslims, 14 % are Shia and 10 % are Christians. Furthermore, the ruling class in Syria, consisting of Bashar al-Assad and his entourage, are part of the

Syrian Shia minority (*The World Factbook - Syria* 2012). Because of the fragmentation of the Syrian population, and the locus of power being within one of the ethnic minorities, it will be much more difficult for an intervention to be successful, let alone ease the path to lasting peace.

With regard to the feasibility of an intervention in Syria, Guiora makes an argument which is closely related, and might be a consequence of the above sketched Syrian demographic constellation; he points out that in Libya there was an armed and well organized opposition, whereas the same cannot be said of the Syrian opposition. "An organized rebel group is receiving significant international military assistance; an unorganized opposition has barely received the traditional platitudes that accompany non-intervention in the face of extraordinary violations of human rights" (Guiora 2012, p. 16). Guiora thus argues that the international community might also be acting on account of a feasibility argument; in Libya a solid basis for intervention was already present, increasing the chances of success for an intervention, while in Syria this is absent. Ironically, in a situation where the opposition is not well-organized, there might be a more dire need for intervention then one where this is not the case.

Besides the demographic of Syria and presence or absence of a well-organized armed opposition, there are a multitude of other factors which might influence the feasibility of successful military intervention. One could also point to the explosive geopolitical situation in Syria and the in comparison to Libya much stronger Syrian army (Bhardwaj 2012). Finally, the domestic political situation in Europe and the United States should also not be disregarded; administrations might be less inclined to support yet another intervention within the foreseeable future with elections coming up on the short term.

Concerning Syria, I argue that the failing so far of the international community to effectively handle the situation does not necessarily disqualify the findings of the analysis on Libya. Although the two cases are comparable in the sense that grave violations of human rights are being committed by corrupt dictators for decades, there are many more surrounding factors, a few of which I have touched upon in the above, in which the two cases differ significantly. Also the changed Russian and Chinese attitude towards the implementation of the Responsibility to Protect as a result of Libya does not facilitate a Syrian intervention.

Unfortunately, the values on humanitarian intervention, as advocated by the Responsibility to Protect doctrine are not so widespread and dominant in the international community that they trump all other military, socio-economic and political interests. A wide array of factors continues to influence whether or not the international community comes to action in cases international humanitarian crisis. In this thesis,

I have focused on a niche of these factors in attempting to come to a greater understanding of the whole.

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