

Responsibility to Protect Doctrine in International Relations: A Case Study of Libya

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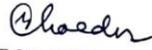
DECLARATION

I declare that the dissertation entitled "Responsibility to Protect Doctrine in International Relations: A Case Study of Libya" submitted by me for the award of the degree of Master of Philosophy of Jawaharlal Nehru University is my own work. The dissertation has not been submitted for any other degree of this university or any other university.

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CERTIFICATE

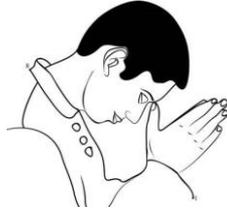
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Dedicated to My Parents.....

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I alone owe the responsibility of any shortcomings or mistakes solely lies with me.

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Abbreviations

| | | |
|--------|---|--|
| AU | : | African Union |
| AU PSC | : | African Union Peace and Security Council |
| BRICS | : | Brazil, Russia, India, China and South Africa |
| EU | : | European Union |
| GCC | : | Gulf Cooperation Council |
| HI | : | Humanitarian Intervention |
| ICC | : | International Criminal Court |
| ICISS | : | International Commission on Intervention and State Sovereignty |
| ISIL | : | Islamic State of Iraq and Levant |
| LAS | : | League of Arab States |
| NATO | : | North Atlantic Treaty Organization |
| OIC | : | Organization of Islamic Cooperation |
| OPEC | : | Organization of Petroleum Exporting Countries |
| R2P | : | Responsibility to Protect |
| ROs | : | Regional Organizations |
| TNC | : | Transitional National Council |
| UK | : | United Kingdom |
| UN | : | United Nations |
| UNGA | : | United Nations General Assembly |
| UNHLP | : | United Nations High-Level Panel Report on Threats, Challenges and Change |
| UN-ROs | : | United Nations and Regional Organizations |

| | | |
|--------|---|---|
| UNSC | : | United Nations Security Council |
| UNSG | : | United Nations Secretary-General |
| UNSMIC | : | United Nations Supervision Mission in Syria |
| US | : | United States |
| USSR | : | Union of Soviet Socialist Republics |

Chapter 1: Introduction

In 1999, the humanitarian intervention in former Yugoslavia started a significant debate on the issue of the legality of such interventions. At the initiative of former UN Secretary-General Kofi Annan for making a law which protects the populations, idea of *Responsibility to Protect* first came about in 2001. Hence, the government of Canada established a Commission “The International Commission on Intervention and State Sovereignty (ICISS)” in 2001. This Commission’s report ‘Responsibility to Protect’ advocated that the sovereignty of the state is a responsibility and the military intervention can be used as a last resort by the international community to stop ‘mass atrocities’.

In 2005, the member states, at the UN world summit, adopted the doctrine of Responsibility to Protect as its outcome document. In April 2006, The UN Security Council provided its support in formalizing the R2P doctrine by confirming the provisions of outcome document from the UN world summit. Finally, Ban Ki-Moon, the UN Secretary-General, published a report related with the R2P Doctrine, and this report was discussed in 2009 at UN General Assembly meeting, resulting in Resolution (A/RES/63/308) on Responsibility to Protect doctrine.

This study examines the evolution and application of R2P as new international security and human rights norm to address the international community’s failure to prevent and stop “genocide, war crimes, ethnic cleansing and crimes against humanity” (ICISS, 2001). It also seeks to evaluate the applicability of R2P doctrine relative to the UNSC Resolution 1970 and 1973 that uses the case of Libya to assess various strength and limitations of R2P doctrine.

Background

The idea of humanitarian intervention was first introduced in the 19th-century in international law. It started to be widely discussed in the 1970s and practice became prominent after the cold war period. Since 1945, various international principles for example domestic jurisdiction and non-intervention have been reconstructed by individual-centered laws of human rights. This process resulted in the concept that state sovereignty is not an unlimited concept; and that it was not just power but responsibility.

During 1990s, the international community and various international organizations led by the United Nations faced a big problem of humanitarian crisis including genocide, ethnic cleansing, internal mass displacement of citizens, etc. The international community often interfered and condemned such episodes using various means along with military intervention in those states which perpetrated, or sat back and watched the violations of human rights in their territory. In some of the cases like in Somalia the UN allowed military intervention for human rights protection, but in some cases like Kosovo non-sanctioned intervention also took place. And there were also some cases, for example, Rwanda, where no considerable intervention took place. So, by the decade's end, the main questions were what sovereignty is and who should have the power to intervene in such case of humanitarian crisis.

UN Secretary-General Kofi Annan called for change and reform, to prevent such atrocities. So the International Commission on Intervention and State Sovereignty was established by the Canadian government in 2001. The Commission report stated that the concept of R2P emerged because of the failure of the state in providing the proper response to human rights violations in its states own territory. The commission report was based on the premise that 'sovereignty implies responsibility.' This report recognized three pillars of intervention, titled as "prevention, reaction, and rebuilding." By late 2003, Kofi Annan in pursuit of developing the R2P principle had set up the "High-Level Panel on Threats, Challenges and Change" to respond to these recent challenges. This panel released a report titled 'A More Secure World: Our Shared Responsibility' in December 2004. In the UN World Summit 2005, states unanimously adopted paragraphs 138-140 of the R2P principle which emphasized on the primary responsibility of the state to protect its civilians and also talks about the responsibility of international community to provide help to the states to fulfill their responsibility towards the populations of their states and use of the suitable humanitarian, diplomatic measures to protect the state's population from such crimes. Like the set of pillars mentioned in ICISS report, Ban-Ki Moon also suggested three pillars: (a) protection responsibility of a state, (b) Capacity building and international assistance, and (c) Timely and decisive response. In 2010 the Secretary General's report on "Early Warning, Assessment and the Responsibility to Protect" recognized the main

problems of doctrine and provided some methods on how to improvise the use of early warning system more effectively. Report also explained how to ensure balanced responses where there is a risk of atrocities. The UNSG report of 2011 emphasized “the role of regional and sub-regional arrangements” to assist in the implementation of the R2P doctrine (UNGA, 2011). The UN Secretary-General report of 2012, talked about the idea of ‘Timely and Decisive Response,’ that if a state has failed to protect its population then what steps and tools should apply to counter the crisis (UNGA, 2012). In the report of UN Secretary-General 2013, based on State Responsibility and Prevention, the main focus was to deliver the strategies that can help states to fulfill the protection responsibility of civilians from any type of mass crimes (UNGA, 2013).

Case of Libya

During the last decade, numbers of countries in the Middle East and North of Africa have been witnessing a wave of protests and demonstrations by citizens. The series of protests, which started in December 2010, in Tunisia, also known as ‘Arab Spring’ then spread into countries like Bahrain, Libya, Syria, Egypt, and Yemen. These protests were peaceful, and some protests led to regime change for example in Tunisian, Egypt and Yemen without any violence, while in Libya, the government responded harshly and violently.

In 2011, when the people of Libya started the protest for change and demanded fundamental human rights and democratic reforms in the country, it immediately responded using a brutal state power that began to target demonstrators in the streets. Muammar Gaddafi’s extreme and fierce reaction to the demonstrators forced the African Union, the Arab League, and the United Nations to look into the matter. The regional and international diplomatic initiatives and economic sanction, which were imposed to pressurize the Libyan government to stop mass violation on its people, did not work. Libyan the government was not interested in paying heed to those recommendations and sanctions and therefore continued to target the civilians. So, the UN Security Council in response to the Libyan crisis adopted Resolution 1970 on February 26, 2011, which put economic sanctions on Gaddafi’s regime. But it didn’t produce any positive result, as the Libyan government continued violating the rights of the people of Libya despite the sanctions and pressure both from regional and international organizations and countries.

Therefore, as the last resort of the precautionary principle, military intervention was sanctioned under the R2P guidelines by the Security Council.

For this Security Council drafted and adopted Resolution 1973 in March 2011 and established 'No Fly Zone' over Libya. Just after three days of passing the Resolution 1970, the Resolution 1973 had been passed, and the NATO forces started bombing at Libya's air defense system. The military intervention took time from March-October 2011. It officially ended on 31st October 2011, when the end of the Libyan war was declared.

After the military intervention in Libya, 'Responsibility to Rebuild' was another salient feature of the R2P Doctrine, which provided full assistance with recovery, reconstruction as soon as possible, when the military intervention comes to an end. Based on this norm, as the war ended the responsibility transferred to the National Transitional Council (NTC), which was founded by Mustafa Abdul Jalil, former Justice Minister of Libya on 26 February 2011. UN Security Council adopted the resolution 2009 in September 2011 which recognized NTC as a universally accepted governing body of Libya. Resolution 2009 also established the "United Nations Support Mission in Libya (UNSMIL)" and provided it with the authority to work with the National Transitional Council to restore public security and promote the rule of law in Libya. This resolution also lifted the embargo on the arms, the asset freeze and ban on Libyan aircraft to enable normal economic activity.

By using this case study, this research examines, what were the circumstances when this doctrine was evolved and evaluates the Doctrine's role in the Libyan case as sanctioned by the UNSC's Resolutions 1970 and 1973.

Contemporary Discourses:

Contemporary discourse on R2P is introduced below under three sub-sections, namely: (a) R2P in International Relations, (b) R2P and Libya, (c) Assessment of R2P after Libya case.

(i.) R2P in International Relations

The debate begins with the ICISS report, named 'The Responsibility to Protect' in 2001. Evans and Sahnoun state that "the doctrine of R2P signifies a duty to react to the situation in which there is a compelling need for human protection" (Evans and Sahnoun, 2002). The doctrine's purpose is "to stop genocide, war crimes, ethnic cleansing and crimes against humanity" (ICISS, 2001). This report basically talks about 3 situations in which

international community can play their role to resolve the conflict: “first; states bear the primary responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. Second, R2P acknowledges that the primary responsibility rests with the state concerned and that it is only if the state is unable or unwilling to fulfil this responsibility, or is itself the perpetrator, that it becomes the responsibility of the international community to act in its place. Third the international community has a “responsibility to protect”, “responsibility to prevent” and the “responsibility to rebuild” linking this normative perspective with assistance and reconstruction” (Evans and Sahnoun, 2002).

The report also talks about the three key elements of ‘Responsibility to Protect’ principle: “the responsibility to prevent, react and rebuild.” The report redefines sovereignty as a responsibility rather than control (ICISS, 2001). So mainly this commission stressed on ‘sovereignty as responsibility’ and also to protect civilians rather than control them. This formula ‘sovereignty as responsibility’ can be seen in China’s leader Deng Xiaoping’s view as well (Deng, 1996) where he says that sovereignty is not about the state security from external threats but it also about the internal and domestic peace.

Former foreign minister of Australia, Gareth Evans who co-chaired the ICISS commission, explains the R2P by saying that every sovereign state has a responsibility to protect their population from human crises, and if they fail to do so, the responsibility gets transferred to the international community (Evans, 2006). Weiss and Groves in their studies outline the conditions under which humanitarian intervention are justified according to the report of ICISS, “first, that any military intervention must be for a just cause, second, that the intervention should be authorized by the United Nations Security Council (UNSC), third, that interventions should be carried out with the right intention through multilateral rather than unilateral means, fourth, that military intervention should be the last resort, fifth, that military intervention must have realistic prospects for success, and finally, that the intervention must be conducted by proportional means” (Weiss, 2005) (Groves, 2011). Deqiang also talks about these six criteria’s and that if a military intervention applied in a particular state, in extreme and exceptional cases, then it should be according to these criteria only (Deqiang, 2006).

Alex Bellamy underlines how not all member states accept the report. It is mentioned in the report that the UNSC would be the only body which will use the authority of military intervention in a state for human protection purposes (Bellamy, 2006). Russia and China however said that unauthorized intervention should be prohibited without any exception. The UK, US, and France were supportive in this matter. And, the ICISS report did not exclude the potential intervention by the UN General Assembly, regional organizations or coalitions of states to protect citizens. (ICISS Report, 2001).

Gareth Evans explains how the ICISS report has makes four valuable contributions towards humanitarian intervention: “A new way of talking about humanitarian intervention; it insisted upon a new way of talking about sovereignty, it clearly spelled out what responsibility to protect means and finally it provided guidelines for military intervention” (Evans, 2006). After this commissioned report, a UN High-Level Panel on Threats, Challenges and Change, 2004 released a report titled A More Secure World: Our Shared Responsibility. This report identified 6 areas which were considered as the biggest threats to global security in the 21st century. These are: “civil war, continued poverty and environment degradation, terrorism, the conflict between states, the proliferation of weapons of mass destruction (WMDs) and organized crimes” (UN Report, 2004). In the report of the Secretary-General In Larger Freedom: ‘Towards Development, Security and Human Rights for All’ in 2005, Kofi Annan highlighted that he was very well conscious of the sensitive issues of the doctrine for example in which circumstances international community should intervene in a state, but he strongly agrees with this approach and said that if we need it we must act on it (UNGA Report, 2005).

In October 2005, the UN World Summit took place. In this summit over 150 states met and discussed on the R2P principle. At the end of the summit, they unanimously adopted paragraphs 138-140 that elaborate on the R2P principle. This summit reached on the conclusion that as per UN Charter the use of military force has the limitations of requiring the approval through United Nations Security Council. The debate on the NATO’s unauthorized military intervention in Kosovo (Grey, 2008) shows how a mission’s legality and acceptability depends on the UN Security Council’s authorization. In addition, at the World Summit 2005, the member states agreed on the point that military forces should also

be used “in cooperation with relevant regional organizations” (Para 139), so that the R2P Doctrine, as Bellamy pointed out, doesn’t seem like a western nations’ “imperialist” tool. (Bellamy, 2010).

UN Secretary-General has issued two major reports on R2P: The Report on Implementing the Responsibility to Protect Doctrine in 2009 and The Report on Early Warning Assessment and the Responsibility to Protect in 2010. UN Secretary-General Ban Ki-moon, in January 2009, published a report entitled Implementing the Responsibility to Protect. This was the first time that it was clearly stated in this report of Secretary-General that the concept of Responsibility to Protect will be a policy of the United Nations. In this comprehensive document, the report emphasized the three-pillar approach of the R2P Doctrine; “the first pillar talks about the state’s prime responsibility to protect its civilians, the second pillar stresses upon the commitment of the international community to assist the states in order to build their capacity to protect the population of their state, and the third pillar focuses on the timely and decisive method of the international community to helping out the states to prevent and halt genocide, ethnic cleansing, war crimes, and crimes against humanity when a state manifestly fails to protect its populations” (UNGA, 2009).

The UN Secretary-General issued another report named Early Warning, Assessment and the Responsibility to Protect in 2010. The meeting happened on 9th August 2010, in this meeting, 49 member countries came to dialogue on emphasizing a necessity to prevent violence and atrocities, and they agreed that an effective early warning system is an essential condition for real prevention of atrocities and early action to stop this violence to be happened (UNGA, 2010). In the report of the UN Secretary-General 2011, the main contribution in R2P principle was to strengthen the R2P doctrine and seek the help of the regional, sub-regional and international community to protect human population from the crisis (UNGA, 2011). In another report of General Assembly in 2012, the main focus was on the R2P doctrine’s third pillar and the range of coercive and non-coercive measures accessible for a shared response to mass atrocity crimes (UNGA, 2012). The report of the UNGA published in 2013, titled as State responsibility and prevention. The Secretary-General focused on the responsibility of states to protect their population in a preventive

manner. This report talks about the last reports of UNGA, UNSC, and Secretary-General, and comment to enhance the power and authority of doctrine (UNGA, 2013).

The report of the UN Secretary-General in 2014, titled *Fulfilling Our Collective Responsibility: International Assistance and the Responsibility to Protect*. The report explains the decision to carry on the consideration of the R2P in its resolution 63/308, passed in the UN General Assembly, which basically focus on the UN World Summit Outcome Document's paragraphs 138 to 140. The current report pays attention to the 2nd pillar of the doctrine, starts by remembering the form and changing aspects of the brutality and violent crimes, which have been drawn in the World Summit Outcome (UNGA, 2014). The report of UN Secretary-General on R2P released in 2015 named as *A Vital and Enduring Commitment: Implementing the Responsibility to Protect, 2015*. The report evaluates the variety and effect of application of R2P under the three pillars of the R2P, counting states activities to approve appropriate legal tools and form nationwide resilience to mass atrocity; assist States in the achieving of their goal of primary responsibility to protect the citizens by providing international advantages and help (UNGA, 2015).

The report of the United Nations Secretary-General on the R2P released in 2016, as *Mobilizing Collective Action: The Next Decade of the Responsibility to Protect, 2016*. This report presented as a sight on the collective actions for advancement of the doctrine. The report also concluded in the same manner as the previous reports got concluded, which says to the member states about building consent on the R2P. The UN Secretary-General explicitly apples the member states "to reaffirm and deepen their commitment through a new General Assembly resolution" on R2P, as well as the launching of a "vigorous and comprehensive global campaign" which mainly focuses on the human rights commitment with the R2P principle (UNGA, 2016).

The United Nations Secretary-General's report on the R2P in 2017, named *Implementing the Responsibility to Protect: Accountability for Prevention, 2017* (UNGA, 2017). The report emphasizes on a new approach regarding international reconciliation and safety, and deterrence of violations of human rights is needed and sketches useful steps that can be taken by regional organizations, international organizations and UN to advance the stoppage of genocide, war crimes, crimes against humanity and ethnic cleansing.

(ii.) *Responsibility to Protect and Libya*

In Libya, Gaddafi positioned his relatives as well as reliable supporters of his community in significant places of government and the administration of the development plans and projects. This type of work led to the allegations of corruption, alleged by the Western media and gradually published by Libyan peoples with the help of digital technologies like social media and internet (Diamond, 2010). The regime deliberately tried to attack the fundamental and essential human rights of the country's peoples, as well as freedom of speech and public gatherings. Also, the living conditions started to decline significantly, with extensive joblessness and the financial negligence of countries eastern part, where the regime tried to increase the oil production, but the agricultural output exacerbated. In the east part of Libya, which was most affected by the worst economic condition and corruption, the protests started against lack of economic reforms and corruption (Hilsum, 2012).

In the globalized world of today, there is always a possibility that a domestic conflict can generate regional and international conflict. Therefore, the concept of R2P emerged and 'came of age' with its implementation in Libya (Ban Ki-moon, 2012). The UN Security Council adopted the Resolution 1970 in to respond the Gaddafi's assaults on citizens and his clear "statements of intent to commit mass atrocities" (Williams, 2012). But the government of Libya which was responsible for protecting the population of Libya, responded in a brutal way when the protest started. In the mid-February 2011, protests broke out in Libya, and by the end of 22nd of February Gaddafi promised to, as Pape mentions, "Purge Libya" and he labelled the protesters as "rats and cockroaches" (Pape, 2012). Although the protest was happening peacefully, the Libyan government responded brutally and killed many people. Bellamy and Williams state how the human rights threats made by Gaddafi against the protesters 'Libyan who takes arm against Libya, will be executed' (Bellamy and Williams, 2011). Therefore Gaddafi declared war on the opposition and as Christopher Fermor wrote the loyalists took control of Libya again, and it was possible that the protesters might be crushed in Benghazi (Fermor, 2012).

On 22nd February, UN officials said in their press announcement that the Libyan situation is a solid case of R2P. EU and other regional organizations like the Organisation of Islamic Countries, League of Arab States, and the African Union's Peace and Security Council condemned the state of Libya. The Human Right Watch published a report in 2011 on the condition of Libya, and according to this report, the death of the people reached to 233 people over the four days (HRW Report, 2011). Spence Zifcak pointed out that many regional organizations along with the UN condemned the abuses of human rights in Libya and established the grounds for upcoming intervention in response to the demeaning condition of Libyan state (Zifcak, 2012).

As the abuses of human rights increased, the UNSC passed the Resolution 1970 to protect the people of Libya. According to Pommier, "this ultimately did not deter Gaddafi, who soon declared that he would 'show no mercy and no pity for the insurgents' as he prepared to attack Benghazi" (Pommier, 2011). So it did not work, and the UNSC again passed the Resolution 1973 with '10 votes in favor and five abstentions by Brazil, Germany, China, Russia, and India' (UNSC 1973, 2011). This Resolution covers the protection of citizens, the formations of a no-fly zone, an asset freeze, the implementation of the arms embargo and a ban on flights. Because to protect the unguarded citizens, the norm of the R2P demands the application of coercive force against a foreign state. The resolution 1973 clearly emphasized the aim of military intervention, "the protection of civilians and civilian populated areas and the rapid and unimpeded passage of humanitarian assistance and the safety of humanitarian personnel" (UNSC1973, 2011).

On March 24th, NATO-led 'the Operation Unified Protector' which was launched to protect the population of Libya. NATO stated that the task would be restricted to the implementation of Resolution 1973 and would be finished once the Libyan regime fulfilled the given demands: regime should not attack further against citizen inhabited areas, all the military forces should take away to bases and allow unrestrained access to humanitarian things. Soon Gaddafi was killed in operation in October 2011, and this operation ended.

Significantly, as Bellamy and Williams pointed out that "this was the first time that force had been authorized by the UNSC 'for human protection purposes against the wishes of a functioning state (Bellamy and Williams, 2011)." Sarkin stated that the adoption of the

resolutions 1970 and 1973, expressed it clearly “the doctrine’s time had arrived” (Sarkin, 2012).

It could be concluded that though the implementation of the RtoP doctrine failed in avoiding the beginning of the Civil War in Libya; it backed to the falling of the Gaddafi government and the political shift to a system of government which was based on the human rights protection.

(iii.) Assessment of Responsibility to Protect Doctrine after Libya Case

Contemporary discourses have several critics of R2P Doctrine regarding its implementations in Libya. Some questions that whether it was according to the scope and essence of the R2P doctrine or the implementation of the Resolution 1973 was incompatible with the doctrine, which was implemented by NATO in the Libya, by going further than the citizen’s protection order of resolution and appeared as a mere government toppling operation, this all phenomena has led to the lack of trust in doctrine’s principle.

UNSC’s implementation of the doctrine in Libya was whether according to the scope and spirit of R2P or NATO’s action on ground level was incompatible with R2P, when it overstretched its mandate of protection of population and assisted in regime change, this action damaged the trust in R2P principle. R2P is repeatedly considered by adversaries and followers similarly as a military intervention doctrine, a representation which is a “travesty” according to Evans (Evans, 2007). Resolutions 1970 and 1973, both were clearly “framed... in R2P terms” (Bellamy and Williams, 2012). Resolution 1970 on Libya, raised R2P by “recalling the Libyan authorities” responsibility to protect its citizens, and the Resolution 1973 was based on Libya’s apparent failure to upright its accountability and the inability of nonviolent preventative means (Williams, 2012).

The R2P doctrine was established to confirm that previous year’s failure would never recur, and it also can be seen in Libya with the quick response. Resolution 1970 ‘employed a collection of a peaceful means to an end the violence like; travel bans, asset freezes and an arms embargo’ and also called the Libyan government to halt the violence (UNSC1970, 2011). According to Ban Ki-Moon, it was a successful mission, according to the point of

view of mass atrocities prevention and the coup of a dictator, as he pointed out that “tens of thousands of lives saved” (Ban Ki-Moon, 2012).

“The implementation of UNSC1973 was motivated by the international community’s willingness to press for the immediate cessation of human rights abuses that were taking place in Libya upon the onset of the civil war that unfolded in the country in January-February 2011” (Dembinski and Reinold, 2011). But O’Connell claims that not sufficient period had passed to check whether these nonviolent methods verified insufficient because the time gap between these two resolutions was three weeks. He further wrote that the sanctions had hardly been put in place when the bombs began to fly (O’Connell, 2011).

But in the words of Williams and Bellamy, the condition had worsened to such a degree that if they had waited for more days further so that the sanctions could be fully applied, it would have been reckless. There were no further possible alternatives to prevent the atrocities in Libya, so it was clear that to handle the situation military force should be used (Williams and Bellamy, 2012). Grey, stated that it was not an illegal intervention as we see in Kosovo, and also pointed out that how a mission’s legality rests on UNSC authorization (Grey, 2008). Bellamy also expressed this view and put a reason that this exercised has been done in cooperation with relevant regional organizations (Bellamy, 2010). Dunne and Gifkins also gave a full description about the role of the regional organizations like LAS, OIC, GCC, and AU in the UNSC’s response in Libya (Dunne and Gifkins, 2011).

Badescu also pointed out that “in the case of the Libyan Civil War, humanitarian intervention was directly linked to the doctrine of RtoP, attempting at validating the use of force against a sovereign state according to some principles derived from Just War theory (Badescu, 2012).” Because according to the ICISS report’s provisions, to apply the R2P doctrine against another state as a tool of military attack, may be accepted when the basis of the intervention is fair and also have the authority of a legal body (ICISS Report, 2001). Zifcak described in his work that these regional organizations were quick to find guilty the government of Libya because of the violence against citizens, and even GCC insisted the Security Council to take all essential actions to defend the citizens with military forces also. This shows that the intervention in Libya was a fully legitimate humanitarian mission (Zifcak, 2012).

The NATO's coalition forces purpose was to impose the UNSC resolution 1973's provisions about the arms embargo concentrating against the Gaddafi government. The main aim of the NATO-led Operations 'Unified Protector' and Operation 'Odyssey Dawn' was to weaken the army devoted to the Gaddafi government, which was doing violence against citizens, by ending their military abilities and applying the arms embargo (Pack, 2013). Saybolt says that the consequences of the implementations of the principle of R2P doctrine have to be evaluated from the viewpoint of the lives that were protected during the forceful involvement of NATO in Libya (Seybolt, 2007). On the other hand, Tarnogorski questioned the intervention in Libya on the ground of regime change; he said that the NATO's intervention was more about changing government and less about shielding the people of Libya (Tarnogorski, 2012).

Another controversy related to this intervention is that why the family of Gadhafi was targeted. Townsend stated in his work that an anonymous senior NATO official claimed that Resolution 1973 permits pointing Gaddafi because "as head of the military, he is part of the control and command structure and therefore a legitimate target" (Townsend, 2011). Peoples, like Prime Minister David Cameron, stated a different opinion, he said that "the UN resolution is incomplete in its possibility. It does not offer legal authority for action to generate Gaddafi's exclusion from authority by military methods" (Kuenssberg, 2011). Pommier also expressed the same thought that as the intervention proceeded the citizen protection purposes converged into with the aim of government change. It can be seen that how they targeted the Gaddafi family and supplied the arms to rebels (Pommier, 2011).

On the other side, Security Council states were uncomfortable with permitting the use of the military, but due to the harshness of the condition in Libya they did not vote against the resolution (UNSC, 2011a). "Those states put their trust in NATO and its allies to intervene in the spirit of R2P and Resolution 1973 which was designed to 'delimit the scope of intervention' to human protection purposes only (Thakur, 2011)." Thakur also said that Resolution 1973 is a solid instance of military enactment of R2P doctrine and the Libyan intervention has assured the future of the R2P.

The key point is that Gaddafi forces have also been attacked when they were withdrawing and not putting citizens at risk. Kuperman said that "NATO attacked Libyan forces

extensively, as well as some in withdrawal and others in Gaddafi's town of Sirte, where they were not doing harm to citizens" (Kuperman, 2013). Though, R2P can appear robust in two ways, First the doctrine can develop by embracing Brazil's concept of "Responsibility while Protecting", and Second, by concentrating on the "Responsibility to rebuild", and can leave a valuable legacy in Libya and can show that R2P is not exclusively about the forceful interference. As Sarkin also pointed out that the focus on Libya's rebuilding will show that the prevention and rebuilding are main characteristics of the doctrine rather than the military intervention (Sarkin, 2012).

Research Questions

This study seeks to address following research questions:

- What were the triggers and motivations for conceptualizing the R2P Doctrine?
- Who were the main players in making R2P acceptable at the UN and how did they achieve this?
- Were the measures that UN undertook sufficient to respond to the crisis in Libya in 2011?
- What are the factors that determine the involvement and non-involvement of the countries in the Libyan crisis?
- In retrospect, how could the UN have done better?
- Was NATO's role in the crisis management fair?
- What lessons can be learned from the case study of Libya?

Hypothesis

This study examines the following two hypothesis:

- Responsibility to Protect Doctrine is an instrument of power politics to sustain the hegemony of western powers in the neo-liberal world order.
- Intervention in Libya was driven by the material interest of the major powers rather than the human imperatives.

Research Methodology

The nature of study is analytic with predominance of qualitative method of research. The study follows the inductive path as the focus of the research is to narrow down the responsibility to protect doctrine in the intervention in Libya. In order to understand the matrix of data related to the death toll of civilian's pre and post UN intervention in Libya Quantitative method is being to analyses the content and case studies. The research will include studying of various sources of literature including books, journals, articles, research papers from various research institutes and think-tanks and documents related to the Libyan case study and Responsibility to Protect Doctrine.

Tentative chapters

This dissertation contains six chapter as follows will deal with these six chapters and these chapters will be looking for better understanding of Libyan case thoroughly.

1. Introduction

This chapter deals with the broad overview of the dissertation states the research questions and explains the outline of the dissertation. This also describes the Hypothesis and contemporary discourses related to the Libyan intervention and R2P.

2. R2P Doctrine and International Relations

This chapter would explain the origin and evolution of the Responsibility to Protect' doctrine, and how the international key actors played their role to make R2P acceptable among the members of the international community. This chapter also describes the role of legitimate authority to approve the intervention and the measures and tools, which can be used according to the doctrine of R2P.

3. R2P Doctrine, Arab Spring, and Libya

This chapter would talk about the conflicts raised during the Arab Spring and will examine the Libyan intervention with other interventions. Also, the chapter focus on the fact that how the principle of R2P implemented in these countries differently. It also discuss the conflicts of Tunisia, Egypt, Libya and, Syria, and what role has been played by the international community.

4. R2P Doctrine, International Organizations, and Libya

This chapter would cover the role played by the UN as well as regional organizations like the African Union, Arab League, and European Union, etc. in the Libyan intervention. The chapter also talk about the differences between the UN and ROs in Libyan matter. And finally, it will also highlight the suggestions given by some scholars that how to improve the relationship between the UN and ROs.

5. Assessment of R2P in Libya

This chapter would analysis the Libyan intervention, and will critically examine the role played by the alliance countries during intervention and post-intervention. For this assessment, this chapter would go with some criteria to check the legitimacy and legality of the intervention done by NATO countries. The chapter also evaluate that whether the intervention took place for the protection of civilians or it was just for the self-interest of the western powers.

6. Conclusion

This final chapter, will discuss the main outcomes of this dissertation and will provide the answers to the research questions and will also test the hypothesis.

Conclusion

Since 1945, various international principles for example domestic jurisdiction and non-intervention have been reconstructed by individual-centered laws of human rights. This process resulted in the concept that state sovereignty is not an unlimited concept. Then the concept of responsibility to protect introduced by the “International Commission on Intervention and State Sovereignty” (ICISS) in 2001. After this report, the principle of R2P has been accepted by the World Summit in its outcome document in 2005, and the UN Security Council adopted this doctrine in Resolution 1674 in 2006. The UN Secretary-General Ban Ki-Moon’s report mentioned the three set of pillars of R2P in 2009; (a) State’s responsibility to protect, (b) Capacity building and international assistance, and (c) Timely and decisive response.

Then this chapter also described the summary of the Libyan conflicts, like how it was started and what steps have been taken by the international community to respond to the

crisis. Gaddafi's extreme and fierce response to the demonstrators involved the African Union, the Arab League, and the United Nations to look into the matter. The regional and international diplomatic initiatives and economic sanction, imposed by the Resolution 1970, did not work out. Then Resolution 1973 has been passed by the UNSC in March 2011, and with that NATO forces intervened in Libya with the military measure. The military intervention took place from March to October 2011. It was officially ended on 31st October 2011, when the end of the Libyan war declared.

Then, this chapter discussed the Contemporary discourse on R2P under three sub-categories, as (a) Evolution of R2P in International Relations, (b) R2P and Libya, (c) Assessment of R2P in Libya. This dissertation also explains the answers of the research question, like the triggers and motivation for conceptualizing R2P, key players' role in the Resolution 1970 and 1973, factors responsible for intervention in Libya, and also about the role of NATO in Libyan intervention, was it according to the line with the concept of R2P. This dissertation is divided into six chapters, where the first chapter provides the contemporary discourses on this topic and outline of the dissertation. Second chapter deals with the origin and evaluation of R2P at the international level, and the provisions of this principle. The third chapter focuses on the violations of human rights, Arab Spring, Libya and the role of R2P. The fourth chapter explains the role of international and regional organizations in the Libyan intervention. Fifth chapter analysis of the Libyan intervention according to the language of Resolutions 1970 and 1973. Sixth and final chapter, concludes with findings and answers to research questions and tests the hypothesis.

The next chapter will focus on regarding the R2P Doctrine evolution and how did it become as an international norm, in the international community. It will also focus on the principles of prevention, reaction and rebuilding in an intervention.

Chapter 2: R2P Doctrine and International Relations

The Doctrine of Responsibility to Protect basically talks about two main concepts of sovereignty and humanitarian intervention. This chapter explains the triggers and motivations for conceptualizing this doctrine and also which players played an important role in making R2P acceptable at UN and how this work was done. This concept of sovereignty says that each state is equal and each nation-state has sovereignty over its territory and domestic affairs, so they are free to manage their matters. So this principle shows that every state has the right of non-intervention in its affairs. Sovereignty based on the notion that world order sustains only when states mutually respect this principle of non-intervention into each other's internal affairs. In the international law, sovereignty can be called as legal identity of the state.

So, intervention by a state into internal affairs of another state is against the concept of sovereignty. Two views can be seen on the intervention issue. The supporters of the non-intervention say that it is not according to the norms of the Westphalian treaty of state sovereignty, and also this type of interventions is harmful to the international peace and systematic world order. And on the other side, the supporters of the intervention says that the states which are not able and not interested in protecting the rights of their citizens, they cannot use this principle of sovereignty as their tool for violation of human rights.

The concept of the intervention is not new at all. At the time of Cold War, when the world was divided into two major power alliances- USA and USSR- and they were following certain ideologies respectively capitalist and communist. At this time the use of intervention increased very much by these two major powers to include more states in their alliances. This term can be used in numerous ways. According to the ICISS Report 2001, "Offering assistance by another state to a state whose population is in need, the preconditions proposed by the international financial institutions before providing loans to the states, economic sanctions, blockades, diplomatic and military threats etc. can also be seen as intervention by a state on the other" (ICISS Report 2001: 8).

Humanitarian interventions declared goal is to protect the population of a failed state which belonged to the violations of human rights of the citizens. Evans wrote that "the debate on

this issue of humanitarian intervention continued since the 1970's when intervention came off in several parts of the world, e.g. intervention of India in East Pakistan (1971), Tanzania in Uganda to overthrow Idi Amin (1979), support of the French government in Central Africa (1979), etc.” (Evans 2008: 135). But the interventions that were made in these countries were not given authority by the UNSC, and they were also not according to the UN charter's article 2(4), so they were announced as illegal and unauthorized by the UN.

After the Cold War, a new scenario emerged in world politics, it also changed the existing notions and took the new concepts in International Relations. However, the concept of humanitarian intervention was not new, but it came into extra motion when the cold war ended. According to the Mohammad Ayoob, in the 1990's, the notion of humanitarian intervention changed because of mainly two reasons: “first 'intervention is increasingly defined in terms of purposes or goals' and secondly; 'intervention is sought to be projected as being undertaken by or on behalf of the 'international community' rather than by a state or a coalition of states’” (Ayoob 2002: 83).

So in the 90's, when intervention happened and as well as not happened, it created a chaos in the world. Mohammed Ayoob shed lights at the two major categories of the international community on the concept of humanitarian intervention, in the category one, those states come which can protect the life of their people, and in the other category, those states come which are not able to provide security and protection to their population. Ayoob uses two terms for this type of partition as ‘civilized’ and ‘uncivilized’ zones. Further, he says that those countries which are in the civilized zone they are fully capable of using and enjoying their sovereignty, but the uncivilized countries are easily breakable to intervention, and so they are not so much capable of enjoying their sovereignty.

The nature of the conflict has also been changed since the 1990's. As Cooper described that “During the period of the cold war years the conflicts were majorly interstate in nature whereas after the end of the cold war the world observed several intrastate conflicts” (Cooper 1997). For example, the conflict in the former Yugoslavia was an intra-state conflict, which was the result of the end of the cold war. This background shows the history of the intervention at the time of the cold war and after the end of the cold war. So, it proved

that the concept of R2P does not come in any vacuum, but the concept of R2P came into existence to address the issue of the intervention.

Why R2P emerged?

The international system has become a mixed actor system rather than a state system, where non- state actors also have their role. Nowadays human rights have become a universal value like other global values for example democracy etc. that's why it is gaining importance. This elucidates the growing occurrence and legitimization of the humanitarian intervention's concept and practice of it. As mentioned before, since the cold war ended several changes came in the national and international system. These are the chief causes behind the rise of the notion of the Responsibility to Protect'. Since the USSR collapsed into many states, it also turned into the motives of the rise of the new states and these new countries have a range of diversity in their cultural and racial characteristics, for example, Serbia, and also the new balances and equations came into existence, as the bi-polarity ended.

That's why, it creates a large number of violation of human rights and mass killings and massacres because of border disputes, cultural conflicts, and ethnic hegemony over other ethnic groups. But the UN did not take any sufficient measures and as Evans wrote that which resulted in "the debacle of intervention in Somalia in 1993, pathetically inadequate response to the genocide in Rwanda in 1994, the lamentable failure to prevent ethnic cleansing in the Balkans particularly in Srebrenica in 1995 and the Kosovo in 1999 where intervention took place without the authority of the Security Council" (Evans 2006: 706)

Evans also emphasized on the facts that in Rwanda 'Hutu and Tutsi' were opposed and attacked each other and that caused in the losses of nearly 8 lacks persons, as it also happened in Srebrenica, where also 8,000 persons were killed even after the UN sent the peacekeeping forces (Evans 2008: 26). Similar in former Serbia, in 1999 where to protect the Albanian peoples NATO started bombing in Kosovo. Srebrenica and Rwanda were the outcome of the indecisiveness action of the UN and former Serbia, where NATO get involved and started bombarding were unlawful because UNSC did not give any authorization of such kind of act.

As mentioned that these conflicts were happened because of the end of the cold war when new states appeared with diverse characteristics and new religious identities and ethnicity in the same state. So it created violence between different kinds of cultural and racial groups. Thus they are the example of the intra-state violence. At that time, there was not any law regarding help in such type of situations, and that's why many of the peoples were killed in the violence. Thus a new debate started to take place for the humanitarian purposes. These events also seek the considerations of the UN to take a suitable way at the correct time, when such type of conflicts happens in anyplace in the world.

The international community started to change its focus from the state security to human rights security, after the instances of mass atrocities, violation of human rights, genocide, etc. The world community required to change the perception of the humanitarian intervention issue. Which is shifting according to the conflict's nature, and changed from inter-state to intra-state. Initially the topic of humanitarian intervention was only in the academic discipline, but after the 9/11 incident and Iraq's invasion in 2003, it presented humanitarian intervention in a different aspect, now where the humanitarian intervention did not remain a topic of the academic discipline, it started a debate on the topic of the humanitarian intervention between IR theorists, lawyers and everyone who is related to policy making and they also talked about the humanitarian intervention's pros and cons.

This was the time when entire humanity was at its risk, so the international community started to take steps to make an equilibrium between intervention and sovereignty issue. The abuse of the human rights and massacres put the burden on the UN's shoulders to take such steps so that these types of events can be stopped. In 1999, Kofi Annan called the UN member states to come up with a proposal on the issue of stopping the mass massacre, war crimes and building consent on humanitarian intervention's issue. (ICISS Report, 2001). Thus Kofi Annan tries to make the world community to come up with a new framework for humanitarian intervention.

The emergence of the concept of the R2P

At the call of Kofi Annan for the consent on the issue about humanitarian intervention, in September 2000 the Canadian government, in the United Nations' 54th session, declared the formation of the International Commission on Intervention and State Sovereignty

(ICISS) at the United Nations General Assembly. Annan said that “If humanitarian intervention is indeed an unavertable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica to gross and systematic violations of human rights offend every precept of common humanity?” (Annan, 1999). Gareth Evans, Australia’s former minister, and Mohamed Sahnoun, special adviser to Secretary-General, co-chaired the ICISS commission.

The main focus of the ICISS was to come up with a mutual ground which can become a potential way out for the worst conditions of violations of human rights. The key area of the discussion in the commission’s meeting was the humanitarian intervention’s moral, legal, political and functioning aspects. The commission’s report came in 2001, December and it was entitled as ‘*The Responsibility to Protect*,’ which shows itself the prior concern of the report of the ICISS commission. The report of the R2P was mainly focused on the thing that the responsibility to protect their populations depends on the sovereign state itself from brutal circumstances such as mass massacre, hunger, shifting of population because of the ethnic conflict, etc. but the responsibility to protect their citizens transfers to the world community, if the states are not able or reluctant to do so.

The commission’s report provided the replies to questions that were dominant in the debate related with the humanitarian intervention during the last decade before the Responsibility to Protect Doctrine came into existence that is what would be the just cause, who will be the right authority for the intervention in any affected state and the equilibrium between the sovereignty and the human rights protection, but this development of the concept of R2P also generated the new debate on the norm of R2P.

The ICISS commission came with a full-fledged document over the principle of R2P, which defined the R2P principle at its length and this report also comprised three features of R2P; “Responsibility to Prevent, Responsibility to React and Responsibility to Rebuild” which creates as entirely the scope of R2P. The R2P’s most prominent questions of the right authority and the functioning elements has also been discussed in the ICISS’s report on R2P. “The concept, for the first time, was seriously embraced by the newly emerged African Union” (Evans 2006: 334). The foremost aim of the ICISS was to protect the

citizens of the states if they are reluctant to protect them or not able to do so. Regardless of this main aim, the ICISS have its four basic aims. Also, they are:

1. To establish clear rules, procedures, and criteria for determining whether, when and how to intervene.
2. To establish the legitimacy of military intervention when necessary and after all other approaches have failed.
3. To ensure that military intervention when it occurs, is carried out only for the purposes proposed, is effective and is undertaken with proper concern to minimize the human costs and international damage that will result; and
4. To help estimate where possible the cause of conflict while enhancing the prospects for durable and sustainable peace” (ICISS Report 2001: 11).

The ICISS commission was mainly focused on the vision for the R2P, rather than the aspect of interventional right for the humanitarian purposes. Thus it is more than a notion of humanitarian intervention in this way;

1. The principle of R2P related to the “responsibility of the state to protect its population.”
2. The idea of R2P does not reflect the intervention as dominant principle, but it helps the people who are suffering because of the sovereignty principle of the state, which prevents international community to take steps in favor of suffering population.
3. In its scope R2P have- Responsibility to prevent, Responsibility to React and Responsibility to Rebuild.
4. It also adopts the military intervention as a last resort for the protection of the citizens of any state.

These four points can also be described as the features of the R2P concept. The reason behind adopting the principles of to protect, to prevent and to rebuild by the ICISS commission is because it presents the principles of R2P as “the provision of life-supporting protection and assistance to the population at risk.”

The principle of the R2P discusses ‘Mass Atrocities’ or ‘Mass Crimes,’ such as; “Genocide, war crimes, ethnic cleansing and crimes against humanity” (ICISS, 2001). These crimes also express the scope of the R2P Doctrine. The mass word, which has been used here reflects the very good amount of people in a state when their basic human rights abused or violated by the regime or other non-state actors.

The term ‘Mass atrocities’ reflects four types of crimes; Genocide, the first time it was clearly defined by UN General Assembly, 1948 where UNGA adopted the ‘Genocide Convention’ named as “prevention and punishment of the crimes of genocide.” Ethnic Cleansing does not have any proper definition, rather it can be defined as a procedure to make any state territory in such a way that only the same type of people with the same religion, history, culture, and ethnicity should be there in the state, and for this purpose the group of particular people of religious or cultural is murdered by another group of people having their particular identity.

‘Crimes against humanity’ and ‘War Crimes’ have been explained perfectly in the Rome Statute of the ICC, in the 7th and 8th article of this statute. The Rome Statute stated that ‘A widespread or systematic attack directed against any civilian population will be considered as crimes against humanity.’ The Rome Statute also defined the War Crimes, and it covers all unlawful deeds of breaking the rules and regulations of the Geneva Convention, 1949 in any international conflict, where arms have been used. The main thing in the R2P about War Crimes that this term have been used for the crimes done within the state’s territory, and it excludes the cross-border killings and atrocities. Thus, it shows that these four features have inter-connectedness with each other, and which presents a full picture of the concept of the ‘Mass Crimes.’

The UN General Assembly recognized and adopted the concept of R2P in paragraph 138 and 139 of the UN World Summit Outcome Document, published in September 2005. More than 150 heads of the member countries attended the UN World Summit 60th anniversary. The adoption of the UN World Summit Outcome Document’s principle ‘Responsibility to Protect’ labeled as “one of the few achievements of the United Nations 2005 world summit” (Bellamy 2009: 111). Here it is:

“138. Each State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act by it. The international community should as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.”

“139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, by Chapters VI and VIII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those who are under stress before crises and conflicts break out.”

“140. We fully support the mission of the Special Adviser of the Secretary-General on the Prevention of Genocide” (UN Summit Outcome Document, 2005).

After the adoption of the R2P principle at the General Assembly level, UN Security-Council also clearly endorsed and confirmed the paragraphs 138 and 139 on 28th April 2006 in the Resolution 1674, which made the principle of R2P unexceptional at both levels in the UN.

UN Secretary-General has issued two major reports on R2P: in 2009 The Report on Implementing the Responsibility to Protect Doctrine in 2009 and The report on Early Warning Assessment and the Responsibility to Protect in 2010. UN Secretary-General Ban Ki-moon presented a report named as Implementing the Responsibility to Protect in 2009, January and to promote R2P Edward Luck has been appointed as a special advisor (Badescu 2011: 3). This was the first complete document on the R2P principle from the UN Secretariat, which follows the commitment of the Ban Ki-Moon's to turn the concept of the R2P into policy. In this report, three pillars approach has been suggested. These three pillars have the basics of the R2P, which can be used to know the various aspects of the R2P norm.

The first pillar of R2P mentions the state's responsibility to protect their citizens from "genocide, crimes against humanity, ethnic cleansing and war crimes" (ICISS, 2001). It refers to the World Summit Document where States agreed that "we accept that responsibility and will act by it" (UN Summit Outcome Document, 2005).

The Second Pillar of the R2P principle expresses the States' commitment to helping the other states in protecting their citizens. The Secretary-General also talks about the second pillars responsibility, which could be achieved through 4 methods:

- (a.) "Encouraging States to meet their responsibilities under pillar one;
- (b.) Helping them to exercise this responsibility;
- (c.) Helping them to build their capacity to protect; and
- (d.) Assisting States 'under stress before crises and conflicts break out'" (Ban Ki-Moon, 2005).

The third pillar of R2P is to confirm that if any state is unable to do the protection of the citizens, then it is the responsibility of member states to react on the condition in "a timely and decisive manner to provide protection" (Outcome Document, 2005). In the case of Kenya then Secretary-General Kofi Annan took a timely decision of intervention, when their ethnic violence broke out in Kenya after the election of 2008, it was the good instance of the R2P's pillar three intervention. But, at many times this pillar considered as mainly focused on the military intervention narrowly. On the other side, the Secretary-General pointed out that it is an option to use military forces but is only a last resort.

The Secretary-General presented a report Early Warning, Assessment and the Responsibility to Protect in 2010. The meeting was organised on 9th August 2010, in this meeting 49 member states came to dialogue on emphasizing a necessity to prevent violence and atrocities and they agreed that an effective early warning system is an essential condition for real-time prevention of atrocities and quick action to stop this violence to be happened (UNGA, 2010). The report talks about the present condition of the early warning system and assessment abilities in the UN, which narrates the “prevention of genocide, war crimes, crimes against humanity and ethnic cleansing.” It also highlighted the gaps in the present early warning system; it includes an overview of current gaps in early warning and assessment, specifically:

1. Between the member's states, there is a deficient allocation of facts and data analysis in the all over the United Nations.
2. The current tools for getting and evaluating the data statistics don't focus on the analyzing the fact sheets through the R2P lens, but they gather the information and view the conflicts in broader terms.
3. The UN needs “assessment methods and capability to confirm both effectiveness and system-wide rationality” in emerging reactions to RtoP situations according to the UN Charter's Chapter VI, VII, and VII.

This report concluded with the segment of following steps, which focused on the plan to include the Office of the Special Advisor on R2P with the office of the Special Adviser on the Prevention of Genocide. For developing multilateral policy options, it also has a new internal method which will help the Under-Secretaries-General in crisis situations.

In the report of the UN Secretary-General 2011, the main contribution in R2P principle was to strengthen the R2P doctrine and seek the help of the regional, sub-regional and international community to protect human population from the crisis (UNGA, 2011). In another report of General Assembly in 2012, the main focus was on the R2P doctrine's third pillar and the range of peaceful and non-coercive measures, which are accessible for a shared response to mass crimes (UNGA, 2012).

The report of the UNGA published in 2013, titled as State Responsibility and Prevention. The Secretary-General focused on the state's responsibility to protect their population in a preventive manner. This report talks about the last reports of UNGA, UNSC, and Secretary-General, and comment to enhance the power and authority of doctrine (UNGA, 2013).

The report of the UN Secretary-General in 2014, titled Fulfilling Our Collective Responsibility: International Assistance and the Responsibility to Protect. This report sketches the methods to assist the states in achieving their capabilities to protect the populations from genocide, war crimes, ethnic cleansing and crimes against humanity by other regional and international actors. The report also explains the decision to carry on the consideration of the R2P in its resolution 63/308, passed in the UN General Assembly, which focus on the UN World Summit Outcome Document's paragraphs 138 to 140. It also talks about the implementing the responsibility to protect report of 2009, in which the Secretary-General published the three pillar basis for the state's responsibilities, which have been mentioned in the R2P (UNGA, 2014).

The current report pays attention to the 2nd pillar of the doctrine, starts by remembering the form and changing aspects of the brutality and violent crimes, which have been drawn in the World Summit Outcome. This report helps the states in fulfillment their responsibilities to protect the citizens through findings of the principles, norms, and methods also shed lights on the numerous actors who can help in the fulfillment of the state's responsibility to help or to support. The central theme of this report revolves around the three sections, that is, encouragement, capacity-building and helping the states in the protection of citizens according to the second pillar. And finally, the reports not only explains the main challenges in the implementation of the R2P's second pillar but also gives solid recommendations to advance the agenda of the second pillar of R2P.

The next report of the UN Secretary-General released in 2015 named as A Vital and Enduring Commitment: Implementing the Responsibility to Protect. It talks about the relevance of the R2P principle through reconfirming it, in both ways like an expression of political commitment and also as a lesson for taking actions to stop and end "genocide, war crimes, ethnic cleansing and crimes against humanity" (ICISS, 2001). It also provides its

consent on the report of the UN Secretary-General 2009, regarding the implementation of the R2P's three-pillar framework and developing and changing the concept of the doctrine (UNGA, 2015).

The report evaluates the variety and effect of application of R2P under the three pillars of the R2P, counting states activities to approve appropriate legal tools and form nationwide resilience to mass atrocity; assist States in the achieving of their goal of primary responsibility to protect the citizens by providing international advantages and help; and by the help of world community through various methods to respond in the catastrophic situation. Also in the report one section based on the findings in the international forum since World Summit, that can affect the doctrine's future.

The report also talks about six essential priorities for the R2P in the next 10 years, that is, "(1) signalling political commitment at the national, regional and global levels to protect populations from atrocity crimes; (2) elevating prevention as a core aspect of the responsibility to protect; (3) clarifying and expanding options for timely and decisive response; (4) addressing the risk of recurrence; (5) enhancing regional action to prevent and respond to atrocity crimes; and (6) strengthening international networks dedicated to genocide prevention and the responsibility to protect" (UNGA, 2015).

The report of the United Nations Secretary-General on the R2P released in 2016, as *Mobilizing Collective Action: The Next Decade of the Responsibility to Protect*, gives a sight on the collective actions for advancement of the doctrine. It is a follow-up report, which tries to figure out the progress of the R2P doctrine's implementation for the next ten years, from the UN World Summit 2005. This report focuses on the global phenomena of mass killings prevention in the same year, which was very thought-provoking, because of a lot of people displaced in an unprecedented manner by conflict and oppression. The most disturbing thing, which was mentioned in the report, is that some member states were avoiding their responsibilities.

It was the last report of Ban Ki-moon, and the tenure of his as a UN Secretary-General shows that how it has been helpful in the development of the R2P as a main priority. The report evaluates that how the member states and the UN can provide the best facility to

protect populations from “genocide, war crimes, crimes against humanity and ethnic cleansing.”

The report also concluded in the same manner as the previous reports got concluded, which says to the member states about building consent on the R2P. The Secretary-General explicitly appealed the member states “to reaffirm and deepen their commitment through a new General Assembly resolution” on R2P, as well as the launching of a “vigorous and comprehensive global campaign” which mainly focuses on the human rights commitment with the R2P principle. As a final point, this report concluded its substance by restating the central point that the R2P is a political commitment. The report also shows the aspect of does not have an independent agency and that’s why it is reliant upon its member states for the implementation of doctrine (UNGA, 2016).

The United Nations Secretary-General’s report on the R2P in 2017, Implementing the Responsibility to Protect: Accountability for Prevention focuses mainly on the importance of solidification of the liability for the execution of R2P and the stoppage of mass crimes. This was the ninth report on the R2P, which has been published by the new Secretary-General, Antonio Guterres, and it expresses his view on the R2P as a wider preventive tool for the atrocities crimes. The report emphasizes a new approach regarding international reconciliation and safety, and deterrence of violations of human rights is needed, and sketches useful steps that can be taken by regional organizations, international organizations, and UN to advance the stoppage of “genocide, war crimes, crimes against humanity and ethnic cleansing” (UNGA, 2017).

In the end, the report focuses on the steps that will be used by the UN to sustain the doctrine: which include prevention of the human rights abuses like mass atrocities by providing a strong platform for functional and operational methods to stop the mass atrocities, and also provide support for the guidelines of the policy advisors; develop the capability of UN bodies to help more efficiently in the deterrence of mass atrocity.

R2P and Security Council

R2P has been reiterated in many resolutions by the United Nations Security Council. This type of the first incident came to see in the resolution of April 2006, when UNSC accepted

the paragraphs of the outcome document of World Summit 2005, in Resolution 1674, ratified the support for the doctrine. In the resolution 1894, Security Council again acknowledged R2P as the primary responsibility of states. Moreover, the resolutions related with the doctrine of R2P can be seen in many state-specific cases:

“Darfur: Resolution 1706 in 2006; Libya: Resolution 1970, Resolution 1973 in 2011, Resolution 2016 in 2011, and Resolution 2040 in 2012; Côte d’Ivoire: Resolution 1975 in 2011; Yemen: Resolution 2014 in 2011; Mali: Resolution 2085 in 2012 and Resolution 2100 in 2013; Sudan and South Sudan: Resolution 1996 in 2011 and Resolution 2121 in 2013.” For example in the Resolution 2389, the report of the Secretary-General implied the outlines of Peace, Security, and Cooperation for the Congo Republic. The Resolution 2389 also focused on that “the Governments of the region bear the primary responsibility to protect civilians within their territories and subject to their jurisdiction, including protection from crimes against humanity and war crimes” (Resolution 2389).

The scope of the R2P

The R2P concept mainly focuses on the three fundamentals- Responsibility to Prevent, Responsibility to React’ and Responsibility to Rebuild. Though, the concept of the R2P tries to implement these three fundamentals in such a way at three different stages that they also work as a tool for the functioning of the concept. “The concept of R2P says that the rudimentary level of the conflict preventive measures under ‘responsibility to prevent’ must be taken so that the conflict cannot escalate, actions under the ‘responsibility to react’ should be used at the time of the crisis whereas the tasks under ‘responsibility to rebuild’ must come after the crisis” (Evans and Sahnoun 2002).

This is the significant feature of the R2P that first at the domestic level, its efforts to resolve the problem but after the failure of this level, it becomes the responsibility of the international community to solve the problem which is becoming harmful for the civilians of a specific state.

(i.) *Responsibility to Prevent*

The 6th chapter of the UN Charter talks about the conflict prevention measures. In this chapter preventive principles has been mentioned to end and prevent the conflict through

non-violent and pacific methods. UN Charter's article 33 mentioned these means, which comprises: "negotiations, inquiry, mediation, conciliation, arbitration, the judicial settlement" etc. In the same way, Former UN Secretary-General Boutros Boutros-Ghali's 'Agenda for Peace', 1992 also stressed the significant of the use of "diplomacy to remove the sources of danger before violence results" and called the idea of preventive diplomacy for instance "most desirable and efficient" tool (Agenda for Peace, 1992).

It is clear that the intervention comes after the use of the principle responsibility to prevent. Effective prevention is always more efficient than the cost of the lives of several peoples who suffers after the occurrence of violence in a particular area and also it is better than reacting on the situation after the happening of the conflict. These things also mentioned in the report of the ICISS, 2001 that it is good to focus on prevention rather than thinking about the option of intervention and conflict prevention always started at the state level.

Also the report of the Summit Outcome Document, 2005 explains "Each individual state has the responsibility to protect its population from genocide, war crime, ethnic cleansing and crime against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary measures" World Summit Outcome Document, 2005: 30).

Though, there are many possibilities of the extreme consequences of the failure of the prevention method at the domestic level, because it affects the whole world. That's why the role of the international community becomes more important at the level of prevention of the conflict. The role of the international community includes: like help in development, to help in the progress of the good governance, established the rule of law, efforts for negotiation and arbitration, etc. there are three stages or levels where preventive methods can be used they are: domestic, regional and international level.

The whole idea of the preventive measures is to abolish or decrease the probabilities of intervention. The UNGA and UNSC approved numerous resolutions "recognizing the vital role of all parts of the United Nations system in conflict prevention and pledging to enhance their effectiveness" (ICISS Report, 2001: 19). Even though, the preventive actions play an important role that works on the UN Peace Operations Panel's report related with the emerging crisis in a particular state or area, where it can use its veto power to end the

catastrophic situations, but the hindrance is the deficiency of assets and resources in the accomplishment of the mission effectively.

Three things are essential for the prevention of the conflict, the first thing is ‘early warning’ that is about the exact awareness of the state and the threats related to it, the second necessary thing is ‘preventive measures’ that is helpful in considering the policy rules and methods that empower to make a change and the third and last is the ‘political will’ to execute these procedures.

At this point, ‘early warning’ works with including the data and data analysis and also the policy implementation. The other important part of the successfulness of the early warning system depends on the timely response to the situation. Present day, it has become more important that’s why many non-state actors, like NGO’s and human rights societies playing their role in the area of early warning and timely response. In spite of indulgent of the several non-state actors, regional actors are the ones who gave the significant information and knowledge of the current situation of a state. Again the ‘preventive measures’ play their important role in successfulness of the mission through recognising the ground report of the situation through cause report like economic deprivation, lack of job opportunities, social problems, ethnic problems, etc. and at last ‘political will’ is the main thing which deals with these issues, if it works properly for the good of the people it is always beneficial.

(ii.) *Responsibility to React*

At the primary level when the concept of responsibility to prevent get failed and the situation becomes more catastrophic, then it becomes the responsibility of the international community to protect the life of the citizens under the principle of the responsibility to react. Nevertheless, this principle can be sound reasonable on the ground of the previous principle, when that was fully used or ended or terminated. There are political, diplomatic, judicial and economic tools and also as a last resort military tool, under this concept of responsibility to react. These methods are also called “political, economic, legal justice and security (military)” (Evans, 2008: 106).

It is essential to realize that military intervention is not always the form of intervention. The notion demands that before picking for the military method; forcible actions like diplomatic, economic judicial, and political must be enforced. To stop state to use its resources for its bad purposes of violating human rights, Sanctions plays an important role, which can be enforced in these three zones for example; “military, economic, political or diplomatic” (ICISS Report, 2001: 30). Sanctions have been stated as a primary stage of any act under the principle of the responsibility to react.

There are two choices under the political methods of responsibility to react: first is political sanctions and incentives and second is diplomatic peace-making. The first option contains “withdrawal of diplomatic recognition, expulsion from international organizations, suspension of sporting contacts, ‘naming and shaming’ through condemnation in international forums and travel bans in case of influential individuals” (Evans, 2008: 111). Under another option of diplomatic peace-making, which has been expressed by Badescu as: “in Kenya, 2008 where several people died and displaced when the inter-ethnic violence erupted after the general elections, is the best example of diplomatic peace-making” (Badescu 2011: 140). The role in the successfulness of the mission in Kenya done by the African Union through Diplomatic efforts got worthy outcomes. Though, sometimes in spite of the good diplomatic efforts they didn’t turn out as a very good result. There are regional, international, and intergovernmental organizations, which can play a very good role in the Diplomatic negotiation.

Economic incentives and economic sanctions are the two forms of methods which can be used as a tool under the principle of the Responsibility to Reacts’ economic methods. The first tool of economic measures shed lights on the withdrawal of the incentives, if they are indulging in the violation of the human rights, such as helping in the development of the country, taking away the concession on the trade-related issue also like trade contracts, treaties, affiliation with a regional economic group, etc. on the other hand, Economic sanction comprises both the sanctions; trade and financial. Where trade related sanction obstructs the trade affairs with other trade organizations or countries, and financial sanctions withdraw the support of the financial organizations like IMF, World Bank, etc.

as well as developed countries. But sometimes it resulted in a negative part of the sanctions role when they continued for a long time, as affects the citizens of the country aversively.

Under the judicial and legal tools, Evans (2008), expresses his views about criminal trials for stopping and also giving a note to persons who work for the fulfilment of their narrow interests through massacres. The practice of trial can be completed by the state on his own or by the international actors or assistance. There are three types of such courts; National courts, Ad hoc tribunals and the International Criminal Court. The formation of the ICC is a noteworthy success in the field of judicial trials because of its beneficial placement over the national and ad hoc courts.

Under the military approaches, which cover; no-fly zones, peacekeeping doings, arms embargoes and the announcement of the safe-havens. UN has played its role in the many peacekeeping actions since its establishment. “Such operations have increased since the end of the cold war” (Cooper, 1997). As the doctrine of R2P points out that military intervention can only be used when all other options have been tried out, as the last tool. In exceptional circumstances, it was recommended that military intervention could be used as a part of the responsibility to react principle. The use of military tool occurs when state suffers through its internal problems but rather solving the problem it presents a danger to the fundamental safety of the citizens also can hinder or harm the harmony and stability at the international level.

For the military intervention, the ICISS report discussed the six main measures, which can be used. These conditions are the prerequisites before deciding for military intervention in any particular case: “right authority, just cause, right intention, last resort, proportional means and reasonable prospects” (ICISS Report 2001: 32). So; First, every military intervention must have the component of just cause, second is that UNSC should be the officially approving agency for the military intervention, third is that the element of right intention should be there, fourth is that only as a last resort military intervention can be used, fifth is that there should be a realistic scenario for the achievement of the intervention, and sixth is that the intervention must be directed by proportional means.

The forces for the intervention in any state should comprise the military forces from many countries rather than one country, to make sure about the element of right intention. “The

ideal situation will be when there is an absence of narrow self-interests” (ICISS Report, 2001: 36). Just cause, and right intention will help in reducing To avoid the debate on the issue of intervention by kept away this from all the narrow purposes like political, economic, etc., Right intention and just cause will play a significant role; however, this will be very difficult work. Military intervention will always be used as the last preference, “which meant that before using this option, peaceful and non-military measures must have been used to stop the horrific situation and it must be firmly assured that these measures are not enough to tackle the situation” (Evans, 2006: 711). The principles of reasonable prospects talk about the realistic chances of the accomplishments of the intervention. And finally, the Proportional means show the least essential scale, period and objective of the intended military interventions; which is vital for the accomplishment of the planned objective of the intervention. To check the legitimacy of an intervention, it is necessary for the UNSC to see that whether the incident is taking place at the domestic level and according to the measures and criteria. There should be another work done by the UN agencies by making a report to check the severity of the condition, reluctance of the disturbed state by an unbiased source.

(iii.) Responsibility to Rebuild

The responsibility of the doctrine does not finish as the conflict ended or halted, but it lasts till the state achieves the long-lasting peace and harmony, sustainable development and the advancement of the good governance. This section presents the rebuilding responsibility measures which come at number three after the responsibility to prevent and responsibility to react. This responsibility comprises “peacebuilding, security, justice with reconciliation and development” (ICISS Report, 2001: 39-43).

The policy committee of the UNSG presented a definition about the peace-building and said that “Peacebuilding involves a range of measures targeted to reduce the risk of lapsing and relapsing into conflict by strengthening national capacities at all levels for the conflict management and lay the foundation for sustainable peace and development.” These measures regarding the responsibility to rebuild contain work like doing plantation, renovating infrastructure, reconstruction of the houses, etc. It is a necessary effort to establish peace and harmony again because this act will work as a prerequisite of the

condition of the peaceful co-existence. The additional responsibility is giving security to the citizens of the particular area which was affected by the conflict. There are numerous instances when reverse cultural killings or massacres happened because of the revengefulness of the other ethnic or cultural groups. This is the condition where R2P acts as a safeguard for the citizens to help them by building the environment peaceful. The most significant factor of this phase is justice, which can be provided through giving punishment to the culprits of the violations of the human rights of their country. It is an essential thing because only an effective judicial system can help the people of the conflicted area.

In the same way, economic development and sustainable growth create the last peacebuilding duty. The Rebuilding responsibility of R2P can be considered successful only when it helps the conflict-affected areas in building their economic and financial infrastructure. There is also a provision regarding the building of a safe zone after the end of the conflict-prone area, which is a component of the nation-building also. Arms reduction, disarmament arms control, and restoration of the integration are important part of the responsibility to rebuild. “Security sector reform such as- strengthening armed forces, police and intelligence services must also be in the top slots of the responsibility to rebuild” (Evans, 2008: 51-58). Efficient Good governance is also a demand of each democratic nation. Thus it is a process to stabilize the condition in a conflict-prone area. Finally it can be seen that this doctrine presents a full picture of the duty and accountability towards the innocent citizens of any country, where their rights have been violated or can be violated, this is what the doctrine stands for as working with their forms of “responsibility to prevent, responsibility to react and responsibility to rebuild”.

If the citizen’s protection is the main and eventual goal of this doctrine in any circumstance, then the question comes, that who or which body of any organization or institute will be accountable for the operation of military intervention for humanitarian purposes?

Authority to Enact R2P

Responsibility to Protect Doctrine provides approval power related to the intervention in any country to the UN Security Council. The ICISS report states that “there is no better or more appropriate body than the Security Council to deal with military intervention issues for humanitarian purposes” (ICISS Report 2001:52).

The perspective of many academics appears in contradiction of the position occupied by the ICISS on the authorization. Henry Shue says that in this world there is no suitable authorizing agency. Shue tries to Question the legitimacy and supremacy in these words “UN as neither democratic nor impartial because in the Security Council veto power exists only in the hands of the few states” (Shue 1998; quoted in Badescu 2007:53). “Developing countries are more prone to humanitarian intervention, and they are much worried about their sovereignty, so they want to have the right of consent with themselves on this issue” (Jackson 1993; quoted in Badescu 2007: 55). This shows that the developing and undeveloped countries are much worried regarding the idea of their sovereignty and freedom. The states having intra-state conflict always worried about the interventional concept of the R2P if they are not able to protect their citizens on the ground of “reasonable intervention.” The notion regarding military intervention is arguable and provocative as the existing international situation reveals the abuse of the idea of R2P. It has performed as a disguise formula to complete their selfish goals or interests in Military intervention to become a powerful state to accomplish their interests in fragile states.

While specialists such as Evans describes that the “ICISS was not searching for other alternatives to authorize military intervention rather the focus was on to make the Security Council more accountable and workable” (Evans, 2006: 712). To maintain and stabilized the peace in the existing international order the UNSC can work according to the UN Charter's provisions only.

It firmly forbids the members of the UN to intervene in the interior problems of another member state, although the UN charter talks about preservation of the international order and peace and it has developed as a tool for the protection of human rights so thus it provides extraordinary powers to the UNSC for fulfilment its work. “If the Security Council could not take any action it will be the responsibility of the general assembly to take appropriate action under the banner of 'Uniting for Peace' and discuss the matter among the members in the assembly” (ICISS Report 2001: 53).

Regional organizations can also do the assignment of applying R2P, but this type of action must be issue to former approval by the UNSC. However, it is mentioned in the report that “the regional and sub-regional organizations are better placed to understand the causes of the conflict yet they are not given a favorable position in conducting military intervention

because their interest in maintaining peace as well as their capacity is limited” (Acharya 2002: 376).

It is essential to know the operational aspect of the R2P, after the aspect of Authorisation. The operational feature of the concept states that “it started with the anticipation of the conflict and continued until the peaceful atmosphere achieved.” The call for such a long duration by the concept makes it a challenging and problematic exercise, i.e. the concept of R2P is facing numerous difficulties in its practical execution.

Conclusion

This chapter deals with the origin of the R2P doctrine. The 1990s is often labeled as the “decade of humanitarian intervention” (Kaldor 2001), because of the violence and sufferings of humans. The international community started to change its focus from the state security to human rights security, after the instances of war crimes, genocide, and ethnic cleansing, etc. Thus, the nature of conflict changed from inter-state to intra-state.

So, to establish an equilibrium between intervention and the state sovereignty, the need for the new international law raised by the UN Secretary-General Kofi Annan, in 1999 and called the international community to come up with a proposal on the issue of stopping mass massacre, war crimes and to build a consensus on an agreement about humanitarian intervention’s issue. (ICISS Report, 2001). At the call of Kofi Annan, for the consent on the issue of humanitarian intervention, in September 2000 the Canadian government, in the United Nations’ 54th session, declared the formation of the International Commission on Intervention and State Sovereignty (ICISS) at the United Nations General Assembly. And this commission formulated the R2P principle.

The principle of the R2P discusses ‘Mass Atrocities’ or ‘Mass Crimes,’ such as; Genocide, war crimes, ethnic cleansing and crimes against humanity. The mass word, which has been used here reflects the very good amount of people in a state when their basic human rights abused or violated. The UN General Assembly recognized and adopted the concept of R2P in paragraph 138 and 139 of the UN World Summit Outcome Document, published in September 2005. UNSC formally accepted the principle of R2P in 2006, in the resolution 1674, for the first time.

The R2P concept mainly focuses on the three fundamentals- Responsibility to Prevent, Responsibility to React' and Responsibility to Rebuild. Though, the concept of the R2P tries to implement these three fundamentals in such a way at three different stages that they also work as a tool for the functioning of the concept. The preventive responsibility talks about the tools, such as 'negotiations, inquiry, mediation, conciliation, arbitration, judicial settlement, etc.' when the preventive approach did not work, then the second approach responsibility to react deals with the situation. In this principle, there are political, diplomatic, judicial and economic tools and also as a last resort military tools. The responsibility of the doctrine does not end, as the conflict ended or halted, but it lasts till the state achieves the long-lasting peace and harmony, sustainable development and the advancement of the good governance. This section presents the rebuilding responsibility measures. This responsibility comprises "peacebuilding, security, justice with reconciliation and development" (ICISS Report, 2001: 39-43).

And finally, this chapter points out the authority to sanction the intervention in any state, which is the UN Security Council. The ICISS report states that "there is no better or more appropriate body than the Security Council to deal with military intervention issues for humanitarian purposes" (ICISS Report 2001:52).

Chapter 3: R2P, Arab Spring, and Libya

Arab spring was the series of events which took place in West Asia and northern Africa and included both violent as well as peaceful demonstration. The origin of Arab spring is marked by Tunisian Revolution in Tunisia on 17 December 2010, and later its effect was intensely felt in 5 countries: Libya, Egypt, Yemen, Syria, and Bahrain. It resulted in a collapsing regime or major uprisings, social violence which included riots, civil war, and the rise of insurgent groups.

The chain of events and demonstration across the Arab peninsula and Northern Africa that commenced after 2010 became to be known as Arab spring and also Arab spring and winter, Arab awakening or Arab Uprisings even though all the participants were not Arab countries. The ignition was provided by protests in Tunisia on 18 Dec 2010 in Sidi Bouzid. After that Algeria, Jordan, Egypt, and Yemen were also engulfed with protests on seeing the success of Tunisian protests.

Arab spring major change in power as the Tunisian President Zine El Abidine escaped to Saudi Arabia on 14 Jan 2011. Following this was the collapse of the three-decade long regime of President Hosni Mubarak in Egypt after his resignation on 18 Dec 2010 after eighteen of massive protests against the government. The National Transitional Council (NTC) took control of Bab al Azizia by deposing Libyan dictator Muammar Gaddafi on 23 Aug 2011 and was killed in his hometown Sirte on 20 Oct 2011. Yemen saw new government on 27 Feb 2012 of Abd al Rab Mansur al Hadi through presidential election after the resignation of Yemeni President Ali Abdullah Saleh by signing the GCC power transfer in which new elections were held. Many demonstrations and protest of the Arab Spring got faded away after mid-2012 as authorities responded violently as well as pro-militia responses and pro-government responses.

Causes

(a.) Internal pressures within Countries

Arab Spring saw to the world in a clear manner “gripped by the narrative of a young generation peacefully rising against oppressive authoritarianism to secure a more democratic political system and a brighter economic future” (Hassan &Dyer, 2017). The

Arab Spring is usually understood as prompted by disappointment, mainly from the young generation and the unions, which have been working as a local body of governance, however, some people have estimated Great Recession played an important role in the instigating revolution because it has created wide gaps between people regarding income level.

Many reasons led to the demonstrations, for example, despotism or totalitarianism, violation of human rights, exploitation, deterioration of the economic condition, joblessness, a great scarcity of resources, increasing poverty and also some structural aspects related with the population like a big number of people educated but unhappy and disappointed. The other reasons also can be described as that concentration of wealth in the hands of dictators have a lot of money concentration in their hands and also the power and administration since a long time, lack of transparency, fraud and dishonesty of the autocrats, and above all the rejection of the youth to admit the current situation.

(b.) Arab Spring and the role of Social media

During the demonstrations in Arab states, the use of social media increased rather before the Arab Spring, the use of social media increased rather than a previous decade. In the instigating of protests in Tunisia and Egypt social media networks like Facebook, Twitter, etc. played an important role. “Nine out of ten Egyptians and Tunisians responded to a poll that they used Facebook to organize protests and spread awareness” (Fadi, 2011). “During the Arab Spring, people created pages on Facebook to raise awareness about alleged crimes against humanity, such as police brutality in the Egyptian Revolution” (Mellen, 2013).

For connectivity and coordination between rebels, these networking sites were not the only tool. “In the countries with the lowest Internet penetration and the limited role of social networks, such as Yemen and Libya, the role of mainstream electronic media devices: cell phones, emails, and video clips (e.g., YouTube) was very important to cast the light on the situation in the country and spread the word about the protests in the outside world” (Ekaterina, 2011).

Many issues came into light in the proceedings of the Arab Spring regarding the civil rights, human safety, and security from violence and representative regimes, and issues regarding

the protection of the human rights. These all themes can be concluded at one level under the R2P doctrine, in which the states recognise their responsibility to protect the citizens of their state against the abuse of human rights and if the state is not able or reluctant to fulfil their primary responsibility to protect their people then it becomes the international community's responsibility to take some step to protection of that country's people. Undeniably, the Libyan and Syrian crisis has developed the references for the doctrine particularly in discourse upon the catastrophic humanitarian situation.

The objective of this chapter is to evaluate the doctrine's role regarding the Arab Spring and especially with the reference of Libyan civil war.

Responsibility to Protect Doctrine

The R2P doctrine first officially came out in the ICISS's report in 2001 and was recognized by the UN General Assembly in 2005. In the concluding words, primary responsibility is related with the states and if they are not able to do or itself doing harm or violations of the human rights then it "becomes the responsibility of the international community."

The ICISS report tries to reconceptualize the notion of sovereignty as "responsibility", and recapitulates the principle of the R2P doctrine in the "idea that sovereign states have a responsibility to protect their citizens from avoidable catastrophe...but that when they are unwilling or unable to do so, that responsibility must be borne by the broader community of states." The R2P has been mentioned as three stages like; the responsibility to prevent, the responsibility to react, and the responsibility to rebuild.

For military intervention, it has been recognized that it is necessary to be committed one of the international crimes of "genocide, war crimes, ethnic cleansing, or crimes against humanity." Significantly, though, this doctrine does not imply to shake the current rules of international law regarding the deployment of force. On the other hand, the report of the ICISS clearly says that there is "no better or more appropriate body than the Security Council to deal with military intervention issues for human protection purposes."

Regarding the decision making on the issue of applying the R2P, there are many problems in the UN Security Council, for instance, the decision taken by the Security Council members are every time affected by political and materialistic purposes, and they interpret

the incident of human rights violations or any other event according to their subject, and they do not essentially at all times have consensus with one another. With the consideration of these problems, this chapter would try to see the application of RtoP doctrine in the context of the Arab Spring and especially Libya.

Egypt

Arab Spring has impacted less rather than Libya and Syria, in comparison with peaceful terms. Revolutions took place on January 25 against the long-lasting rule of Hosni Mubarak, for reformation in the system and resignation of Mubarak' regime. On February 11, Mubarak finally coup from his regime, due to failing to fulfill the demands of the demonstrators and also when he lost the backing of his military. Thus, the military rule established before the pending elections for democratic government. The election held in June 2012, Mohammed Morsi from the 'Freedom & Justice Party' related with the Islamist Muslim Brotherhood, was elected, as a president, and his party became the largest party in the parliament.

It is challenging with respect to the effects of the Arab Spring in Egypt as demonstrating an example of the implementation of the doctrine of R2P. The Mubarak government was fall over in a non-violent 'revolution' mostly free of outer pressures. Though the Mubarak government was extensively held to be guilty for the action of human rights violations throughout its regime since three decades, for the application of the R2P, these could not convincingly serve as the basis, which was undoubtedly considered to apply to the situation of a large-scale massacre and mass atrocities.

The result of the events was very clear that it has not been much influenced by the external pressures and has not reached such a point that R2P can be applied there, although there were rivalries between the regime and the opposition, but since the protests and removal of Morsi was more peaceful rather than the other countries of West Asia. Thus it has not been suggested that there is a need of R2P is essential or the International Community should interfere. But there can be seen as a part of the doctrine can be applied for example responsibility to prevent, if the situation becomes more and more vulnerable.

After the regime change, the present scenario shows some incidents of the human rights violations. “Since 2010 there has been a marked increase in religious intolerance and sectarian attacks in Egypt targeting Coptic Christians (or Copts). The armed extremist group the so-called Islamic State of Iraq and the Levant (ISIL) has claimed responsibility for four recent bombings targeting Copts, killing over 100 people, and has publicly called for systemic attacks upon the Christian community.”

The international community called for the extensive security for the Coptic Christian Minority, and UNSC and UNGA also condemned the ISIS attacks on the people. And the world community also stated that it is the primary responsibility of the Egyptian government that it should provide protection to the citizens and advance its efforts for the safety of the Copts from ISIS, and other terrorist groups under the R2P doctrine’s principle. The regime must also confirm that it should constantly uphold their responsibilities for the protection of the people under international human rights law.

Libya

The demonstrations against the Gaddafi government started in February 2011, and the whole country soon involved in the state of civil war, because the rebellion groups started to control the state’s most of the parts. The regime responded in a counter-offensive way by deploying the military forces, this type of action of the Libyan Regime instigated international concern over the use of military forces against citizens of the countries, human rights abuses and the subsequent humanitarian crisis, which shows in the report of some organisation that it has resulted in over half million refugees from Libya. These all incidents have been condemned by the international community, and also Human Rights Council said that if Libyan government is not going to protect its population and does not stop the crimes of violation of the human rights, then its membership could be suspended from the HRC. After all of this, the Arab League also suspended Libya from its membership.

After watching the condition of the human rights in Libya, the UNSC, in the beginning, found guilty the regime and said that “the violence and use of force against civilians must be stopped,” and a lot of sanctions has been imposed on the Libyan government. On the

issue of finding guilty and imposing charges against the Libyan regime, the whole case was also referred to the International Criminal Court to check the violations of the human rights was how much serious. Consequently, ICC said that the condition of Libya is very dangerous for the international peace and stability, and posing a threat to the security of their population, so the Council said to take all the essential measures to the UNSC “to protect civilians and civilian populated areas under threat of attack”, also establish a no-fly zone over Libya. After the recommendation of the UNSC, NATO forces started air strikes against government targets, indirectly helping the rebellions in the successful coup of Gaddafi ultimately.

The UNSC gave a fast and determinedly responded to the violence, when it started in Libya in February 2011. After the Gaddafi regime’s early suppression on demonstrators, the UNSC presented a report on 22 February 2011 in which it finds guilty the regime and condemned the abuses of power and “called on the Government of Libya to meet its responsibility to protect its population” (UNSC, 2011). On 26 February 2011, the UN Security Council embraced the Resolution 1970 over Libya under UN Charter’s Chapter VII, where it is again explicitly mentioning the R2P by “recalling the Libyan authorities” for the protection of its population under R2P (UNSC 1970, 2011).

Implementing the UN Charter’s article 41 with the resolution 1970, it imposed a travel ban, restrictions on the Libyan assets and an arms embargo, and also this condition of Libya referred to the ICC. Even after the implementation of the Resolution 1970, the Libyan Government was ignoring it fully, and that’s why the level of violence intensified, so the other regional organizations like Arab League, African Union has been called for help to establish a no-fly zone over Libya to protect the citizens of the country. When Gaddafi made a clear threat to the citizens of Libya on 17th March 2011, it started to pressurize the international community to take a step for the safety of the people. After this, the Security Council approved the Resolution 1970, “with ten votes in favor and five absentees; Russia, China, Brazil, Germany and India” (UNSC, 2011). This resolution indicated that the “situation in the Libyan Arab Jamahiriya” carries a threat to “international peace and security.” (UNSC 1973, 2011)

The resolution established a no-fly zone and approved the UN member states to take “all necessary measures ... to protect civilians and civilian populated areas under threat of attack”, though clearly “excluding a foreign occupation force of any form on any part of Libyan territory” (UNSC 1973, 2011). On 19 March, after passing the Resolution 1973, an alliance of United States, France, and Britain started military action against regime forces. By August 2011 Libyan rebel forces had removed the Gaddafi from its power and took control of Tripoli.

Both resolutions 1970 and 1973, reminded Libya to consider “responsibility to protect its population.” The transfer of the condition in Libya to the ICC established an insight that crimes against humanity types of crimes had been committed there, the Council shows the possibility in both resolutions 1970 and 1973 that “widespread and systematic attacks...against the civilian population may amount to crimes against humanity.” Significantly, the R2P doctrine has been invoked at the first time by the UN Security Council as military intervention. The former Secretary-General Ban Ki-Moon also said that resolution 1973 showed the clear determination of the international community to “fulfill its responsibility to protect civilians from violence perpetrated upon them by their government.” (Ban Ki-Moon, 2011)

There was a role of many factors so that it became possible to intervene on the ground of human rights violations in Libya. However, the implementation of the action at the ground level was not supported by indisputably and unanimously. Though China and Russia showed a mark of carefulness by not voting against military intervention, clearly took the assessment that NATO’s activities eventually went too far. As Helal said that, “In essence, the military operations undertaken by the international community in Libya exceeded the protection of civilians and expanded to include the overthrow of a ruler and his regime” (Helal, 2012).

UNSC Resolution 1973

Though the acceptance of the Resolution 1973 was a political astonishment, because most of the scholars had anticipated that China and Russia would use their veto power over any plan for military intervention, but from a legal viewpoint it is just an ordinary thing. Resolution 1973 was according to the UN Charter’s Chapter VII framework, which

provided a strong authorized basis for the commencement of military intervention against the Libyan regime. Hence, at this point, however, the intervention in Libya was lawfully unquestionable.

The most important point about the intervention in Libya is not that it was for the first time that in an intra-state crisis force would be used for human security purposes in a country. “Before the emergence of R2P, the UNSC had, on several occasions, sanctioned military action in response to situations of internal conflict” (Hehir, 2013). For the humanitarian protection and security of citizens’ rights, there are some examples of former resolutions allowing ‘all necessary means’ includes Resolution 794 on Somalia (UNSC Res. 794, 1992) and Resolution 940 on Haiti (UNSC Res. 940, 1994).

Bellamy claims that these previous circumstances were substantially unlike from Libya since they involved the ‘consensus of the host state’ (Bellamy, 2011). On the contrary, “Libya, represents the first time that the UNSC has mandated the use of force for humanitarian purposes against the wishes of a host state” (Bellamy, 2011).

Though, there is a more remarkable and theoretically important feature of Resolution 1973. This arises from what it neglected and forgot to say rather than what the resolution stated about. The Resolution 1973 did not show any reference that the Libyan situation is ‘different’ or ‘unique’ in its form. This is different from the prior Haiti and Somalia resolutions. Resolution 794 explicitly mentioned to “the unique character of the present situation in Somalia” (UNSC Res. 794, 1992). The same thing was contained within the Resolution 940 on Haiti, which also defined the state of Haiti as “extraordinary nature, requiring an exceptional response” (UNSC Res. 940, 1994). China and Russia would not permit if the resolutions did not include these phrases in the prior resolutions. Resolution 1973 was accepted lacking the necessity for such language may point out the fact that now there is not as much of opposition between the UNSC member states on the issue of sanctioning the intervention for human security at an intrastate crisis. This progress might be understood as part of a larger tendency in the direction of the “growth of Council authority, and the shrinking of domestic autonomy” that has been happening for a few decades.

R2P Doctrine and Libyan Intervention

By analyzing the UNSC resolution of 1970 and 1973 on Libya, the statements have clearly expressed the protection responsibility of Libya; it is to be noted that these declarations are only in the preamble part of the resolutions, not in the operative parts. In clear words, neither resolution 1970 nor 1973 mentioned the responsibility of the international community. In spite of, seeming a case of reluctant to protect its people, the UNSC did not acknowledge the international responsibility openly to protect the citizens under the third pillar of R2P. Welsh takes this oversight as a sign that “the latter notion of the international community’s responsibility was still contested by some members of the UNSC as an appropriate rationale for military action” (Welsh, 2015).

This type of failure to recognize any international responsibility was most probably provoked by concerns that with such references they might indicate the presence of a legal duty to take same action in upcoming cases regarding mass massacres or violence. There also can be seen the clear disputed things between UNSC member states regarding Resolution 1973, from the announcements made in the outcome of its acceptance (UNSC meeting 6498, 2011). Dialogue after the UNSC voting, Brazil, Russia, China and India, four out of five countries stated objections about the resolution’s content.

China expressed that it had “serious difficulty with parts of the resolution’ and its preference was to resolve ‘the current crisis ... through peaceful means” (UNSC meeting 6498, 2011). Russia felt sorry about the point that it had not received any answers to its queries about “how the no-fly zone would be enforced, what the rules of engagement would be and what limits on the use of force there would be” (UNSC meeting 6498, 2011). Brazil also expressed its views on the resolution that “the text of resolution 1973 ... contemplates measures that go far beyond that call for a no-fly zone” (UNSC meeting 6498, 2011). The main concern for India was about the scope of the command in Resolution 1973, and expressed the “lack of clarity about the details of enforcement measures... and how these measures will exactly be carried out” (UNSC meeting 6498, 2011). Initially, even South Africa seemed slightly uncomfortable and decided to join India, Brazil, and Russia, but ultimately voted in favor of the resolution 1973. South Africa cautioned against “unilateral military intervention under the pretext of protecting civilians” and stated, “Hope that this

resolution will be implemented in full respect for both its letter and spirit” (UNSC meeting 6498, 2011). By observing these above statements, it clearly shows that there were many disputable and questionable divisions between the non-western and western countries over the issue of implementing the Resolution 1973 through NATO’s military operation.

Though, there were many political and factual aspects along with the security of the people of Libya, which helped as a perfect cause for the humanitarian intervention in Libya. So, there are three key features of this convergence of factors are considered by the Garwood; the first main aspect which played an important role in the provoking international action in Libya was the clearness and proximity of the risk to the citizens. The threat of massacre crimes was recognized by senior UN representatives in February-March 2011 and said that the Gaddafi forces encircled the town of Benghazi with its military capacity. It was afterward confirmed by Gaddafi’s announcements that “officers have been deployed in all tribes and regions so that they can purify all decisions from these cockroaches,” and that “any Libyan who takes arms against Libya will be executed” (Garwood, 2012). Such clear intimidations of violence were very uncommon and formed a strong, crucial necessity for international action.

The second most important trigger to push the military action in Libya was that the regional organizations gave their consensus on the requirement for external intervention. Gaddafi’s disrespect in the Arab world seemed when the Organization of the Islamic Conference, the Gulf Cooperation Council, and Arab League all condemned the violation of human rights of the Citizens in Libya, and also all these organizations suspended Libya’s membership in the respective organization. Subsequently, this resulted in passing a resolution for a no-fly zone over Libya to protect the populations on March 12th, 2011, by Arab League. Though the African Union is not supporting for the international military intervention, the three member states of Africa South Africa, Nigeria, and Gabon did not oppose it. This regional consent played the role as ‘political game-changer,’ which ‘framed the issues and defined the range of feasible international action.’

The third and most decisive factor that provided the push for military intervention was the disloyalty of the members of the Gaddafi regime. Many scholars and prominent figures, even the ambassador of Libya at UN, condemned the violence of the Gaddafi’s government

against demonstrators and asked UNSC for a ‘decisive, rapid and courageous resolution.’ These defections played a role in the isolation of the Gaddafi and put pressure for the intervention in Libya, on the international community.

Syria

Revolutions in Syria against the Assad government also started in March 2011. In Libya, this protest heightened at a big level resulted into civil war between regime forces and rebel groups, which can be seen in this whole decade. In the 2013 summer, this conflict got international attention over the issue of using the chemical weapons against people of the country (The Guardian, 2013). Regardless of international community’s condemnation of violence committed in Syria, there was very least support for some sort of military intervention, but this viewpoint was reconsidered after use of chemical weapons, which provides the perfect situation for the use of the r2p doctrine in Syria.

At the initial level of the protest and conflict in Syria, the advisors of the UN Secretary-General recommended that violation of the human rights may have been done in Syria, and advised the regime of Syria to do its responsibility to protect its citizens. Syrian regime found guilty for the crimes of human violence by an Independent Commission of Inquiry, and also Syria has been suspended by the Arab League from its membership with League and League also imposed some sanctions.

The Human Rights Council criticized the Syrian regime for its action against humanity, but the Assistant Secretary General of the UN on Political Affairs, said that both the regime and the rebellions were liable for actions taken by Syrian regime forces, although the UN Assistant Secretary-General for Political Affairs, noted that both government and rebel forces were at fault for not being able to protect citizens.

It was very clear, irrespective of the attribution of fault that at a very large scale the crimes against humanity can be seen in Syria. UN data states that “by the beginning of 2014, 9.3 million Syrians were dependent upon humanitarian assistance, 6.5 million were internally displaced, and 2.3 million had fled the country. It is estimated that at least 100,000 deaths have been caused by the conflict” (Ban Ki-Moon, 2012). Although after looking at the harsh realities of the condition in Syria, it has been proved challenging for giving robust to

the application of R2P. In late 2011, Security Council rejected a draft resolution over criticism of Syrian regime regarding abuses of human rights and recalling its responsibility to protect its citizens, because of Russian and Chinese vetoes in the Security Council, while four other countries were an abstainer from voting. They considered the resolution as biased only and as the worst part of the intervention principle.

In February 2013, another draft resolution vetoed, provoked a fault line between the permanent members of the UN. To stimulate non-violent settlement of the conflict, former UN Secretary-General Kofi Annan was sent as the UNSG's special representative, but when he saw the very less progress in the pursuit of the aim, he resigned (The Guardian, 2013). Progress in the proceedings occurred in August 2013, after a new sense of necessity with the exposes that "there had been an alleged chemical weapons attack, killing hundreds of civilians, in a suburb of Damascus" (Washington Post, 2013). This triggered new announcements from US, France, and the UK like big international players, all of which "lay the responsibility at the door of the Assad regime and entertained the prospect of military intervention in terms unspoken previously" (The Guardian, 2013). On August 26th, 2013 UN supervisors went there to find out the evidence. In the report of the UN inspectors, they confirmed that the fact that chemical weapons were used there in Syria. Awaiting for the result of this report, the parliament of the Britain voted against to any participation in the military intervention (BBC News, Aug. 2013) France stated about its inclination for taking part in US-led operation and US President Obama indirectly proposed that "any US action would be limited in nature and that congressional approval would be sought" (BBC News, Sep. 2013).

It was much unexpected for Russia not to oppose the military intervention being carried out under the United Nations. After all of this, to deal with the chemical weapons matter, a new consensus seemed to be reached at international level, after a proposal of a Russian engineer, which stated that chemical weapons of Syria should be possessed by the international community. UN Security Council endorsed this type of action. On January 22th, 2014, a Peace Conference in Geneva was held to address the issue of conflict and strategy about this, which was led by the Russia and US and involved other relevant parties.

There was a much more cautious approach in the Syrian Case, about the approval of methods for supporting the values of R2P. The caution showed by the main players of the international community, can be seen in several political reflections. “Within the Arab world itself, the conflict has served as a ‘cockpit for regional rivalries’ (Carpenter, 2013), with both the Assad regime and opposition factions enjoying close relationships with major regional powers”. Russia, “not only was concerned at the prospect of Security Council resolutions in purported support of the R2P serving as cover for military action taken with the objective of regime change, particularly in light of the outcome of NATO’s intervention in Libya” (Charap, 2013), but also had the close bond with the Assad regime in the area of political and economic matter.

Questionably, even the US was suspicious about being engaged as a part of the military intervention in Syria, because it can bring a post-war fatigue after the involvement in the military operation, as like Iraq and Afghanistan, but there is one thing also about the successor of the Assad regime, because there are chances for the fragmented rebellion forces, that they can create an instability in the Syrian state, which includes organisations and peoples linked with terrorist organisations like Al-Qaida and other extremist Islamist groups. On the contrary to Libya, UNSC has failed to embrace the efficient measures in Syria to stop the crimes. On April 2012, it was the first time that all UNSC members have agreed on the issue of deployment of an ‘unarmed observer mission’ since the conflict in Syria started, but it resulted unproductively.

In the UN Security Council, China and Russia vetoed three draft resolutions supported and proposed by Western countries, which entailed non-forcible methods to deal with the Assad regime. Between the western and non-western countries, there were differences mainly on the two issues; first is how to take the happenings on the Syrian ground, and second is how to react to the violence. Initially, the Assad regime’s action was alleged as a cruel suppression of pro-democracy demonstrators by the western powers. On the contrary, Russia and China highlighted on the fact that violence was going on because of the armed rebellion groups who attacked the infrastructure of the state, and that’s why the Assad government is giving its respond to them.

These different standpoints on the real state of Syria at the ground level weakened the efforts to have a settlement on suitable responses. Whereas the Western countries and afterward the Arab League told Assad to leave his position, but on the other side Russia and China have opposed to any outer pressure, which aimed to change the Assad regime in Syria.

On 4 October 2011, the first time in the UNSC, China and Russia obstructed a proposed resolution by France, UK, Portugal, and Germany using their veto power on it (UNSC Meeting 6627, 2011). Though the draft resolutions were not so strong in its language, rather it was vetoed; it just condemned the continuing violence and cautioned the Syrian government of potential sanctions if any other violence done by it. The reason given by the Russia and China for their using the power of veto on this resolution, they said that this draft did not address the casualties doing by the rebellion groups, with a want to change the regime, and intensify the tension in Syria.

The strongest response came from Russia, which says that “the international community is alarmed by statements that compliance with UNSC resolutions on Libya in the NATO interpretation is a model for the future actions of NATO in implementing the responsibility to protect.” Russia cautioned all the UN members and said that “it is easy to see that today’s ‘Unified Protector’ model could happen in Syria and that these types of models should be excluded from global practices once and for all.” China on the issue of intervention said that any type of intervention should act by the UN Charter and the according to the principle of non-interference.

When the Arab League’s observer mission get failed in Syria, UNSC tried to respond again to the violence happening there in Syria. A draft resolution was proposed for a vote on February 4, 2012, supported by western countries talked about the plan of Arab League for President Assad “to step aside in a Syrian-led political transition to a democratic, plural political system.” (UNSC, 2012). This draft does not have anything on the issue of military action just to satisfy the concern of Moscow and Beijing, which it did not have ulterior motives. Still, Russia and China vetoed the projected resolution, because they were prepared to veto even though if it received the support from all the remained 13 UNSC members.

The next use of the second double veto by the Russia and China happened when Kofi Annan has been appointed as a Joint Special Envoy to Syria by the UN and the Arab League. This time Syrian government accepted the Six-Point Plan of the former Secretary-General and after it was proposed by the UN Security Council, and the Council authorized the 'UN Supervision Mission in Syria (UNSMIS)' to observe the progress of the plan. Though, because of the continuation of the violence and conflict, this mission was suspended. After some time, the fault line re-emerged once again between China and Russia and the western countries, when it became clear that the plan will not be successful.

On July 19th, 2012, the third draft proposed by the western countries to vote in the UNSC. This draft talks about to imply the sanctions if the Syrian regime did not work according to the Annan's Six-Point Plan and the extension of the UN Supervision Mission in Syria for next 45 days. This time again, Russia and China vetoed the draft, criticized that this draft failed to express the violation done by the rebel groups in Syria effectively, and also did not talk about the withdrawal of the proposal of the military intervention (UNSC Meeting 6810, 2012).

The UNSC's failure to reach an agreement can be understood by some viewpoints on it. First, the instance of Libyan regime change and intervention, it has damaged the reliance and belief between both of the groups in UNSC. As Kotlyar said about the lesson from Libyan, "the way the R2P and the UNSC mandate were abused during the Libyan operation has taught Russia and many other states a lesson, which they will not forget easily" (Kotlyar, 2013). So the use of veto power on the Syrian resolutions by Russia and China can be considered as a diplomatic answer to the western countries for using the resolution 1973 as a tool to coup the Gaddafi regime. As Mead stated that these vetoes were like a process of saying that "we will not fall for that trick again" (Mead, 2011). This type of system and proceedings in the UN Security Council hindered the way to build a consensus on the Syrian matter.

Another perspective on the Syrian case is that the Libyan intervention does not represent the clarification of the UNSC's inability to do the work. They say that if the Libyan intervention had not been occurred by UNSC, there are chances that it would not have been

simple to agree on the Syrian crisis in UNSC. This is because “strategic and geopolitical factors intervene in Syria a far more complex proposition than it was in Libya.”

BRICS states always remained unwilling for the use of force in any country. When such type of conflict happens in any country, for example, intrastate, then these countries always try to seek peaceful means like negotiation and dialogue between two opposite groups, rather than using force. So they are just different from what western countries tries to focus on the forceful intervention on the humanitarian ground because of their historical and reasonable explanations.

And finally, the current UNSC blocked over Syria recommends that Libyan intervention at the timely and decisive manner just was an exception, it is not that the new era started on the cooperation between international communities for the safety of the civilians. The Libyan model is going to remain an exception only, whereas there are more chances of the happening of the ‘Syrian-type Paralysis’ because of the narrow and self-centered interests of the states.

Conclusion

Thus, the intervention in Libya can be seen as slightly with strategic interests in the name of securing the humanitarian values and also highlighted the way, by which UNSC responded to the situation in Libya. Still, there were a lot of fault lines on the issue of appropriateness and relevance of the measures used in the Libyan intervention between the Western and Non-western countries.

Those differences relatively increased, when NATO’s military intervention crossed its limits in some way or other through attacking the family of Gaddafi, and retreating forces. The BRICS countries criticized this intervention on three key issues. The first allegation was that the intervening powers surpassed Resolution 1973’s mandate by providing arms to rebels and also it attacked beyond of what has been mentioned in the resolution and essential for the safety and security of the citizens. Russia clearly said that “any act going beyond the mandate established by that resolution in any way or any disproportionate use of force is unacceptable.” China also said that “we are not in favor of any arbitrary interpretation of the Council’s resolutions or any actions going beyond those mandated.”

South Africa also raised a question of “whether the actions of the implementing states have been consistent with the letter and the spirit of the arms embargo imposed by resolution 1970.” The second basis of criticism was also related with the first basis of criticism, that western countries have used the R2P doctrine and military intervention for their own strategic and materialistic purposes by removing the Gaddafi government (UNSC Meeting 6627, 2011). It was mainly expressed by the Russians that regime change was the main motive of the west, but all the other countries of BRICS also criticized, throughout 2011, NATO’s military campaign. The third theme at which NATO criticized, was the priority given to the military intervention, which did more harm than good. Particularly, Russia explicitly “drew a link between the West’s military intervention and the outbreak of full-fledged civil war, the humanitarian, social, economic and military consequences of which transcend Libyan borders.” In the meeting of UNSC, the other BRICS countries also gave priority to the political method, rather than forcible methods like military intervention in Libya (UNSC Meeting 6528, 2011).

And finally, the intervention done by NATO in Libya spoiled the trust between Western and non-Western countries of the Security Council, and this thing easily and seen in the debate over the case of intervention in Syria. The viewpoint that the doctrine was used, in Libya as a disguise for changing the Gaddafi regime, absolutely challenged the concept’s reliability. India’s ambassador in June 2011, said in the UN that “Libya has given R2P a bad name” (Bolo pion, 2011). Kofi Annan also said exactly this type of statement and confessed that “honestly, the way the ‘responsibility to protect’ was used in Libya caused a problem for the concept” (Nougayrede, 2012).

Chapter 4: R2P Doctrine, International Organization, and Libya

The *'Responsibility to Protect'* principle aims to protect people from severe violence and damage. There is common pact about the principle that “the concept covers situations of genocide, ethnic cleansing, or other large-scale or systematic killing in peacetime or the context of armed conflict” (Glanville, 2011). Barber explains the basics of the doctrine of R2P that “the concept places the primary responsibility of protection on the territorial state, but allows for collective external intervention, in the last resort, in the event of a failure on the part of the territorial state” (Barber, 2009). Bellamy also talked about the changing nature of the state’s sovereignty and found it as a responsibility, which means that “sovereignty entails responsibility so that non-intervention is contingent on the territorial state fulfilling its duty to protect its population” (Bellamy, 2009).

The UN Charter of 1945 admit the intervention collectively in the internal matters of a state as legal, and the UN Security Council talks about the situations at which basis they can intervene, for example, an act of violence, mass atrocities and a threat to the global peace. Chesterman further said that “During the 1990s, it interpreted a ‘threat to the peace’ broadly to include humanitarian crises, including gross and systematic violations of human rights and international humanitarian law” (Chesterman, 2001). “The Security Council authorized an intervention to protect civilians in Bosnia Herzegovina (1992), Somalia (1992-1995), and Haiti (1994)” (Berdal and Economides, 2007).

On the other hand, UNSC also failed in some situations to authorize the intervention within the state, or it came out as ineffective. Franck pointed out that “in the case of post-Gulf War Iraq (1991), the Security Council did not authorize intervention because of the threat of a veto by one or more of its permanent members” (Franck, 2002). Also Wippman and Adebajo & Keen pointed out the inaction of the UN due to the reluctance of its permanent members to establish a peace enforcement mission in the cases of Liberia (1990), Sierra Leone (1991 and 1997), and Democratic Republic of the Congo (1996 and 1998) (Wippman, 1993) (Adebajo and Keen, 1999). Rwanda is also the example of the same reluctance of the UN permanent members (UN Doc. S/1999/1257) and also can be seen in the case of Srebrenica in 1995, when UN failed to establish the suitable troops in the ‘safe

area' (UN Doc. A/54/549), the result of these cases same out as failure of the UN and with tragic consequences.

The lack of the UN response to establishing peace and stability in these countries led to the intervention by many state and non-state actors. As Holzgrefe and Keohane mentioned that "The Economic Community of West African States intervened in Liberia (1990), and Sierra Leone (1998), France, the UK and the US intervened to protect the Kurds in northern Iraq from attacks by the Iraqi government (1991) and set up a no-fly zone to protect the civilian population in southern Iraq (1992), Also, NATO intervened in Kosovo to protect the Kosovar Albanians from ethnic violence and massacres perpetrated by Serbian forces (1999)" (Holzgrefe and Keohane, 2003). UNSC did not authorize any of these interventions. When it became clear that UN would not be able to take any action to establish any peace and security in Iraq and Kosovo, these incidents occurred, because Russia and China were going to use the veto power on these issues.

There is a prohibition in the international law for using the force in any unilateral intervention by states itself or by any organizations expect the authorized one UNSC. UN Charter's Article 2(4) stated the same thing that "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations." There is another article of the UN Charter which provides the authority to take action as an individual or collectively for their protection, which works as an exception.

Even though, UN Charter's Chapter VIII also provides authority to the regional organizations under Article 53, to use force if it required and had been authorized by the Security Council. "NATO's intervention in Kosovo in particular divided the international community as to the legality of intervention to prevent an imminent humanitarian catastrophe carried out without UN Security Council authorization" (Bellamy, 2006).

The new understanding of intervention, developed after the Kosovo intervention case by NATO. Kofi Annan also helped in the advancement of the understanding about the international law on intervention, he also explained about the actions of NATO in the Economist 1999, as: "Has cast in stark relief the dilemma of so-called 'humanitarian

intervention’, on the one hand, is it legitimate for a regional organisation to use force without a UN mandate? On the other, is it permissible to let gross and systematic violations of human rights, with grave humanitarian consequences, continue unchecked? The inability of the international community to reconcile these two compelling interests in the case of Kosovo can be viewed only as a tragedy” (Annan, 1999).

After the analysis of the interventions, in the Millennium report of March 2000, Kofi Annan presented a subsequent question in the UN General Assembly that, “If humanitarian intervention is indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human rights that offend every precept of common humanity? We confront a real dilemma; few would disagree that both the defense of humanity and the defense of sovereignty are principles that must be supported, alas, that does not tell us which principle should prevail when they are in conflict, ... but surely no legal principle, not even sovereignty can ever shield crimes against humanity” (UNSG Report, 2000). This above question put a question mark and the need for significant reconsideration of the case for intervention.

In September 2001, the government of Canada established a commission named “International Commission on Intervention and State Sovereignty (ICISS)” as a response to help in finding common ground for the international community for intervention on the humanitarian purposes, which presented its report in December 2001 (ICISS Report, 2001). The ICISS report explained the role of international community in the intra-state crisis and the development in the principle of the intervention from ‘duty to intervention’ to ‘responsibility to protect.’ Generally, it tries to establish the balance between the issue of sovereignty of a state and responsibility of the international community to protect the citizens of a country. So, mainly the focus of the principle of R2P is that it is the primary responsibility of the state to fulfill its duty towards the population of its own, but it fails, or itself is the source of threat to the citizens then secondary responsibility come to the international community.

The report talked about to apply the intervention when it was a result of massacres at a large scale in a civil war, or environmental and natural calamities. The principle of the R2P states that to check the government’s ability to work might be legitimate, but it did not

accept the change in regime as a legitimate objective of intervention. There are other restrictions also mentioned in the doctrine that the use of military intervention should be restricted to 'extreme and exceptional cases', also it should be used as a last resort, after all, other methods like political, economic, diplomatic have been used or discovered, and if become necessary to take military actions then there should be the reasonable prospect of the success of the mission for the safety of the population and it should also use the minimum methods to complete the mission.

The report of the ICISS stated that the use of military force by the international community, should be according to the principle of 'just cause,' as has been mentioned in the report; "to halt or avert ... large-scale loss of life, actual or apprehended ... which is the product either of deliberate state action, or state neglect or inability to act, or a failed state situation, or large-scale ethnic cleansing, actual or apprehended, whether carried out by killing, forced expulsion, acts of terror or rape". Also, the ICISS commission authorized the UNSC as a 'right authority' to authorize intervention.

On 4th November 2003, UN Secretary-General Kofi Annan established a High-Level Panel on Threats, Challenges, and Change. This panel presented a report named A More Secure World: Our Shared Responsibility in 2004, in this report the panel discussed the risks to international peace and stability through "internal conflict including civil war, genocide and large-scale atrocities" (HLP Report, 2004). It also labeled the R2P in the form of developing a norm that "there is a collective international responsibility to protect." This panel also acknowledged the duty of the international community but if the state is not able to fulfill its responsibility to protect the civilians, as it was also mentioned in the ICISS report. It also mentioned the same thing as it was expressed in the ICISS report about the military intervention, that the military intervention should be used a last resort when all other measures have been taken into account, the forceful intervention should a just cause and reasonable prospects (UNGA, 2004).

The report of the panel also stated as it was in the ICISS report that in the crucial cases, regional organisations should act as soon as possible to handle it, then they should try to seek the UNSC's authorisation after the action they made to secure the peace and stability of the country and the region, but the report did want to provide the authority to UNGA as

a substitute body to authorize the intervention. The next report of the UN Secretary-General In Larger Freedom, presented in the March 2005 by Kofi Annan in the UN General Assembly, specifically, Annan called the General Assembly to “embrace the ‘responsibility to protect’ as a basis for collective action against genocide, ethnic cleansing and crimes against humanity”, and asked for the backing on the issue of military intervention, that it should be used as a last resort. Annan clearly said in the General Assembly that the report tries to seek the measures to make UNSC as a better authority to legitimize the intervention rather than to find the substitution of it. Thus the source of authorization should be one and only Security Council (UNGA, 2005).

In the World Summit Outcome Document of the UN General Assembly on 24 October 2005, resolution 60/1 adopted unanimously, to embrace the R2P concept, and also dealt with the concept according to the HLP report (UNGA Resolution, 2005). The HLP report was accepted almost as it is on major issues, like the source of authority, forceful intervention, but the big difference between these two was about the role of regional organizations in the intervention. At this point, the summit outcome document clearly said that although the intervention can be done by the regional organization it should be prior authorized by the Security Council rather than after it sought for authorization. This thing also approved in the other two reports of the Secretary-General, in 2009 titled as Implementing the Responsibility to Protect (UN Report, 2009) and in 2011 titled as The Role of Regional and Sub-regional Organizations in Implementing the Responsibility to Protect (UN Report, 2011). It is a crucial and serious restriction on the principle of R2P, because if their violence is occurring in any state, then regional organizations can’t play their role through intervention, they should be prior authorized by the UN Security Council.

Libyan Case

Libyan protest started on mid-February 2011, as the Arab Spring was going on in the West Asian region. The rebellions took control of most of the part of the country. Gaddafi government started to crush the rebel groups and violation of human rights, which turned out as a civil war in Libya. At the international level, all the organizations like Arab League & UNSC, European Union and NATO respectively held the meeting on the issue of Libya on 22nd, 24th, and 25th February.

The Adoption of Resolution 1970

British and French representatives played their role in the deployment of assets on the ground. On 22nd February 2011, the resolution passed to condemn the sufferings and violence against civilians and called for an instant end of it. Both French and UK delegates started hard to make consent on the resolution among the international community. One of the representatives said that it was not possible to get the consent of China and Russia, at the time of passing the resolution. That's why, the diplomates of UK and France, actively tried to present themselves as a leader country in the mission, and suggested the whole language of the draft resolution and the ground level action.

The UNSC passed the Resolution 1970 on 26th February 2011, which promote the end of violence in Libya, and any type of sufferings of humans also referred the case to ICC and established the travel ban, arms embargo, and assets freeze, etc. (UN Doc. S/RES/1970). It has also been mentioned in the resolution that UNSC can consider other extra measures if the previous ones did not work.

The important aspect related with the resolution is that it was not implemented on the ground level. As one representative also said that, "Resolution 1970 was passed on a Saturday. But on Sunday it had already been put in the dustbin." It also has been stated that they the UK and French delegates used this resolution to build 'momentum' for the next level.

The adoption of Resolution 1973

The most significant role in the negotiation regarding the intervention took place when the Arab League proposed a no-fly zone over Libya, on March 13th, 2011. This unique request to create a no-fly zone over Libya provided a prospect for the UK to lead and draft a new resolution, though, US was not very happy with this. Initially, in the dialogue, American position was not very much clear, it was looking like it wanted to push the draft so far that there remained fewer chances to get involved, and further it can also use the veto.

When it appeared that the US would also agree with this, the British mission found a negotiable formula, which would not offend the objectives of Arab League and the US that denied to have Western intervention in Libya. The language used in the resolution is ‘no foreign occupation,’ recommended by Lebanon. At this point, one of the Western representatives said the wording of this resolution is not usual but very political. Although, this helped to bring Russia with the resolution.

The US representatives used the presence of Bosnia and Herzegovina on the Council to cast Libya according to the Balkans model. The turning point is the council was when a US representative asked the council, that “Do you want another Srebrenica?” then at that time in the UNSC there was a representative of the Bosnia and Herzegovina, who said in the council that “I know what the airstrikes can do, I was there, but eventually it did bring peace.” After this everyone just became quiet.

Finally, the UNSC Resolution 1973 passed on the 17th March 2011, and it authorized the member states to take all necessary measures to protect the Libyan citizens, with ten votes in favor of the resolution and five abstentions (Russia, Germany, China, India, and Brazil). This resolution was the outcome of the expert framing of the words and the ethical highness. During the negotiation, the representatives of the UK and France used their “their institutional privileges, bureaucratic expertise, and reputation” and made it successful.

Role of NATO

Just after the adoption of the Resolution 1973 on 17th March, France called a meeting on the 19th March and called it as crisis meeting on Libya. The agreement passed with the name of the operation in Libya ‘Operation Odyssey Down’, because the situation in Libya was worsening with days after days and also with the risk of mass atrocities crime by the regime. The agreement stated that the operation would start on 19–20 March, to protect the citizens of Libya and also to stop the resistance of the Libyan government putting a no-fly zone over Libya.

Initially, in the March 2011, many of the member states of the NATO were not in the favor to play their part in the intervention in Libya. Countries like Germany, France, and Turkey expressed their reasons for not taking part in the intervention. The intervention of NATO

according to principles of the ‘Leslie criteria,’ in which there are three criteria for the intervention of NATO presented, First is a noticeable necessity for the military intervention, Second is the legitimate basis and last is regional support.

During the operation, America asserted that the North Atlantic Council (NAC) should play the main role in decision making in the intervention. But French diplomats refused and said that NATO is ‘a purely military organization.’ Germany said that it would not be any part of the mission but also would not hamper the mission. Turkey preferred to change the mission for humanitarian purposes. Libyan Contact Group was set up in late March, to solve the differences between the NATO members about the leadership of the mission, this group included the representatives of the Arab League, members of NATO and the Secretary-General of the UN. The representatives of France said that according to the criteria of the regional support, the LCG seemed more appropriate than NAC. Though, numerous sources say that the main problem with the issue of intervention in NATO was that, ‘France has to accept US leadership.’

Role of African Union

AU’s guarded response pattern reflected in support of incumbent regime related with the ‘Arab Spring’ of late 2010 and early 2011. These incidents can be seen in the matter of Egypt and Tunisia. The trend to support the incumbent regimes by AU, regardless of their behavior, was again obvious in the case of Libya. This whole incident of involvement of the Gaddafi put the difficulty in front of AU because Gaddafi played a major role in the struggle against apartheid in South Africa and anti-colonialism. He had also played an influential role in the establishment of the AU from 1999 onwards.

The AU has proved unwilling to act against incumbent leaders committing human rights violations. In particular, “the AU refused to contemplate armed intervention in the conflict in Darfur from 2003 onwards, when Sudanese government forces and militias carried out attacks on civilians, preferring, instead, to make peacekeeping forces available, when that was provided for by ceasefire agreements between the government of Sudan and the other main protagonists” (AU Doc. 2004).

“Starting on 15 February 2011, peaceful anti-government protests began in the eastern region city of Benghazi and quickly spread to other cities across the country” (Black, 2011). Libyan military started firing on the protestors in Benghazi on 17 February. From 18 February, the Libyan forces started firing and bombarding against vulnerable citizens. In Tripoli, on 21 February, the Libyan military forces used fighter jets to bomb demonstrators. At the end of the month, the demonstrations had changed into civilian conflict, and rebellions had gained control of several cities, including Benghazi and Misrata. “It is estimated that 1000 were killed and thousands injured across Libya within the first two weeks of the violence” (UN News Service, 2011).

International community immediately gave a response to these events. “On 22 February 2011, the Arab League suspended Libya from participation in its meetings until the regime guaranteed the security and safety of its people” (Agence France Presse, 2011). The UN Security Council accepted the Resolution 1970, which said that it is the primary responsibility of the Libyan regime to protect its population from violation of human rights of the citizens. Resolution 1970 put “an arms embargo on Libya, and imposed a travel ban, and an assets freeze upon high-ranking officials of the Libyan government and members of Gaddafi’s family” (UNSC Res. 1970, 2011). The UNSC referred all the events to the International Criminal Court for investigation since the protest has been started.

The EU also imposed some sanctions on the equipment’s trade, on 28 February, which can be used to suppress the protestors violently. The AU’s instant reaction in the case of Libya was far more muted. In a communique on 23 February 2011, the African Union’s PSC condemned the extreme use of force against citizens and said to require “an end to the violence and repression, and gave support to the people’s democratic aspirations” (AU Doc. PSC/PR/Comm. (CCLXI), 2011). But unlike the Arab League and UN & EU, African Union neither suspended it from membership not imposed any ban of traveling and freezing of assets.

Initially, the international community’s response to the Libyan regime was not very clearly seen. After the increasing violence in the Libya, Arab League issued a statement and announced that “it would not stand with its hands tied while the blood of the brotherly Libyan people is spilt and that it was willing to consider enforcing a no-fly zone over

Libyan airspace, provided that was done in cooperation with the AU”. But after this event, African Union presented a statement on 10th March and said about the ‘rejection of external military intervention in Libya, whatever its form’ (AU Doc. PSC/PR/Comm.2 (CCLXV), 2011). So, the Arab League unanimously passed a resolution to ‘no-fly zone’ over Libya to protect the citizens (LAS, Res. No. 7360, 2011).

“The Arab League initiative proved crucial in generating political support for outside military intervention.” When Gaddafi encouraged his followers to “go out and cleanse the city of Benghazi and to go ‘alley by alley, road by road’ to cleanse the opposition in Benghazi” (Al Jazeera, 2011), the UNSC passed a resolution 1973 on 17th March 2011 over Libyan conflict. It was for the first time that UNSC invoked the R2P principle to authorize the use of military intervention in Libya when it failed to fulfill its responsibility to protect the citizens of Libya. Resolution 1973 authorized member states “acting nationally or through regional organizations or arrangements to use ‘all necessary measures’ to protect civilians and civilian populated areas in Libya, including through the imposition of a no-fly zone” (UNSC, 2011). The resolution got wide support from all over the world in UN and AU also gave its support to establish a no-fly zone over Libya, by passing a resolution on 23rd March 2011.

For the implementation of the R2P in Libya, NATO-led a coalition of 18 states, with three Arab states, and none of the African states. “The coalition states were Belgium, Bulgaria, Canada, Denmark, France, Greece, Italy, Jordan, the Netherlands, Norway, Qatar, Romania, Spain, Sweden, Turkey, the United Arab Emirates, the UK, and the USA. S. Rogers, ‘NATO Operations in Libya.’ (Guardian, 22 May 2011).

“NATO assumed command of the operation to establish an air blockade on Libyan airspace from 23 March 2011, and overall control of that operation from 31 March. By 31 May, NATO had conducted some 3,400 air strikes, with the majority of attacks being in Tripoli and Misrata. NATO targeted tanks, armored personnel carrier, air defense and military command and control centers, to degrade the military capability of Gaddafi’s regime. In line with the policy, NATO repeatedly bombed Gaddafi residences in a presumed attempt to assassinate the Libyan leader” (Guardian, 2011). Also, in the Libya, US, France and UK forces provided the military guidance, weapons and economic help to the rebellions.

African Union was not so happy with these developments of events undertaken by the NATO. “On 26 April 2011, the AU’s Peace and Security Commissioner, Ramtane Lamamra, complained that ‘the pursuit of other agendas in Libya, by non-African actors’ prevented AU attempts to promote a peace settlement.” The African Union also complained that the operation in Libya was fully contrary to the Resolution 1973, on 25th May 2011, because it placed a risk to the citizens, and “that it complicated the transition to a democratic dispensation.” It was also condemned in the resolution that African Union has been marginalized in the case of Libya.

After some time, the African Union supports the solution that the power should be shared between the Gaddafi government and the Transitional National Council (TNC), which had been created on 28th February 2011. To initiate a dialogue between TNC and regime a High-Level Ad Hoc Committee established on 10th March by African Union. “The PSC provided the Committee with a Roadmap, which provided for an immediate ceasefire, the facilitation of humanitarian assistance to the population by the Libyan government, the protection of foreign nationals, political dialogue between the government and the TNC, and the adoption and implementation of political reforms that would bring an end to the crisis.”

On 10th April 2011, this proposal has been proposed to the Gaddafi, and the next day it was put to the TNC. Although the “Gaddafi regime signaled its acceptance of the plan, the TNC rejected it” (New York Times, 2011). The Chairman of the TNC, Mustafa Abdel Jalil, said that “The African Union initiative does not include the departure of Gaddafi and his sons from the Libyan political scene. Therefore it is outdated.”

Then African Union tried to find a political solution of the Libyan case, by approving a Framework agreement, comprehensive version of the previous proposal, which was proposed, on 1 July 2011, That Framework Agreement projected “an immediate ceasefire to be monitored by a credible international peacekeeping force” (Al Arabiya News, 2011). This Framework also talked about a negotiation between the regime and TNC, will be finished under one month of the negotiation, for democratic election and the formation of a transitional government with the help of UN and African Union. The agreement also stated about the lifting of no-fly zone until the dialogue was going on, and the ceasefire

proposal came into effect, between the Gaddafi government and TNC. This time also Gaddafi wanted to be a part of the dialogue with TNC, but the TNC remained same that Gaddafi should abandon the regime.

“On 21 August 2011, the TNC took control of Tripoli.” And after this, the Arab League declared the TNC as a legitimate government of Libya, on 25th August 2011. “On 16 September, the UN General Assembly recognized the TNC as the sole representative of Libya at the UN, voting 114-17 in favor” (UNGA, 2011). The states which opposed this government and did not recognize as a representative body of Libya said that this is not a government of national unity. Since it was established undemocratically, and the African Union also said that it would not give consent to the regime if it did not form a government with the former Gaddafi regime. Until the 20th October AU did not recognize the government, but till that time the conflict was almost ended and Gaddafi also was killed on that day itself.

On 27 October 2011, the UN Security Council adopted the Resolution 2016 on 27th October 2011, which expressed the termination of the military intervention in Libya, from 31st October 2011 (UNSC Res. No. 2016, 2011). On 31 October 2011, “NATO ended its operation in Libya and declared its mission a success” (The Guardian, 2011). On the same day, the “TNC elected Abdel-Rahim al-Keep to be the transitional Prime Minister of Libya, and he was sworn in on 24 November 2011” (Associated Press, 2011).

Role of United Nations through Reports on Regional and sub-regional arrangements

The UN is constantly trying in the advancement of the principle of R2P, since it was adopted in 2005, at World Summit. The United Nations has specifically emphasized the important role that regional organizations can play, and has stressed that for the good implementation of the principle, the most important thing is that relationship between UN and other regional organization should be strong and durable.

UNGA passed many resolutions, starting from the Summit Outcome Document 2005, and later in 2009, 2010, and 2011 to discuss the relationship and cooperation between the international organization and regional organizations. The resolution passed in 2011, was the most important resolution regarding the role of regional organizations, in implementing

the R2P principle, and the title of the report was, *The Role of Regional and Sub-regional Arrangements in Implementing the Responsibility to Protect 2011*.

Alagappa pointed out that in a theoretical perspective, the role of the regional organizations can be justified through some qualities of them to establish peace and stability, they are; proximity to the region, knowledge of the region, the experience of the regional situation and emergency deployment of the resources. “Their geographical **proximity** to the region prone to disorder implies a deeply vested interest in curbing crises and managing conflicts since adverse spill-over effects are likely to affect the region at large. Regional actors tend to have a comprehensive **knowledge** of their region’s history and culture, which offers them a more thorough understanding of the causes of conflict. Their **experience** in the region can, in turn, provide legitimacy to their action. This especially holds true when the peace process is headed by respected regional personalities. At the same time, regional organizations are likely to be efficient in swift deployments, which are required in situations of **emergency**, as they have resources and personnel based on the ground” (Alagappa, 1977: 422). Moller expressed his concern about the disadvantage of geographical proximity, because it can become difficulty in the matter of fairness related to the actors, “and to adopt a common stance at the regional level” (Moller 2009a, 2).

Suominen also focused on the regional organizations’ role and said that “Regional organizations’ strengths and weaknesses, therefore, open the path to an effective task sharing with the United Nations, as the primary responsible for international peace and security, in which they are expected to ease the burden on the UN by undertaking a number of interventions” (Suominen 2005, 3).

In 1945, the term of the UN-ROs cooperation created when the United Nations anticipated that regional organizations could play a very important role in the establishment of peace and stability in any region, which made them more efficient and useful in this manner. At many times this bond between the UN and relevant ROs is getting stronger through treaties or contracts and also their role in a mission on ground level.

The R2P principle was introduced in Libya when the state failed to fulfill its duty to protect the lives of citizens of the country, so the responsibility to protect the civilians referred automatically to the international community according to the principle of R2P. Edward

Luck also pointed out about the situation of Libya and the necessity of the implementation of the principle of the R2P, and said that “there was a good reason to believe that a bloodbath in Benghazi was imminent” and also said that “We don’t want to wait until dead bodies pile up and we can clinically prove exactly what happened. Instead, we seek to intervene soon enough to prevent mass violence” (Luck 2011). Many organization not only international like the UN but regional organizations like the Arab League, GCC, gave their significant support in the Libyan case.

In March, Arab League’s Secretary General, Amr Moussa, “officially requested the UN Security Council to impose a no-fly zone to protect the Libyan people against military attacks” (Aljazeera 2011b). As Luck pointed out, this implementation of the R2P in Libya, is important from the two perspective, First is that it was the first time when no-fly zone was established without the prior consent or any consent of the state, and the second is that in the recommendation for the no-fly zone over Libya proposed by the Arab League, which shows the same responsibility and concern about the security and protection of the civilians.

Just after the violence started by the regime in Libya, Arab League took a timely and decisive step by suspending Libya from its membership form the organization. “Regarding R2P, the League responded to the failure of the government to protect its peoples by a political sanction, which falls under the pillar three’s peaceful measures. It, however, did not elicit any significant response on the part of the Libyan authorities”.

When the Arab League, showed their determination regarding the conflict resolution in Libya, by playing a role to implement the Resolution 1973, that’s why the UN also promoted the active participation of the regional organization in Libyan conflict to resolve it. Especially, the UN recognized the Arab League as the main actor to establish the peace and stability in Libya. “It also predisposed the League’s Secretary-General to a key role by requesting member states to inform him when taking measures related to the implementation of the no-fly zone” (UNSC 2011b).

Cody pointed out that the Arab League’s proposal to impose a no-fly zone over Libya, itself shows that it played a very important role to prevent mass atrocities in Libya, through activating the international community’s responsibility to protect the civilians of Libya.

“The League’s request provided the regional support, regarded by Western states as a pivotal factor in their decision to intervene” (Cody 2011). The organization like NATO and EU also stressed that the regional organizations support essential for the success of the mission. And China also expressed that it “attached great importance to the requests of the Arab League and the African Union” (UNSC 2011c).

Since the conflict started in Libya, African Union was trying to establish a peaceful treaty between the regime and the opposition parties in Libya, along with this AU also wanted to provide the help to bring the peace in Libya. African Union also convened a meeting between the Libyan Regime, rebellions and international partners, named as AU high-level ad hoc Committee to resolve the conflict politically.

UNSC also mentioned the African Union’s ad hoc committee in the resolution 1973 and praised the efforts of it (UNSC 2011b). This committee made a peace proposal, which mentioned four necessities “(a) the immediate end of the fighting, (b) the collaboration of the Libyan administration to enable a prompt and efficient delivery of humanitarian assistance, (c) the assurance of safety for foreign nationals and migrants in Libya, and (d) the endorsement and implementation of reforms aimed at tackling the roots of the present crisis” (AU high-level committee 2011a).

To implement the plan, approved by the Ad hoc Committee of AU, they wanted to go to Libya to start a negotiation between both of the parties. At that time, in Libya, there was a ban on flights implied by the UNSC, so they (ad hoc Committee) seek permission to land in Libya (UNSC 2011b), but it UN denied the request due to security reasons (AU high-level committee 2011a). As Mulondo stated that “the meetings were canceled, and the ad hoc committee decided to restart its mission once the international coalition would have disabled Gaddafi’s air defenses” (Mulondo 2011).

In April, again the ad hoc committee started its meeting to see if the condition improved or not since its first meeting. The committee again approved its ‘four point’s mission and was ready to fulfill its duty to resolve the conflict’ (AU high-level committee, 2011b). Next day, the ad hoc committee of AU visited Libya for two days. The first day they met Gaddafi and proposed the four-point plan. Gaddafi approved it and also appraised the AU’s “efforts to enforce an effective ceasefire” (AU 2011a). After meeting the Gaddafi, the next day

Committee met the TNC, and also presented the same proposal before them, but in contrary, the TNC denied to engage in dialogue with Gaddafi and demanded to abandon his power and regime (Aljazeera 2011c).

In April, the ad hoc Committee convened meetings with the representatives of the Libyan government and rebellions, AU PSC, neighboring states, and Arab League, Organization of Islamic Council, EU and United Nations, where it provides the information about the efforts made by it. They all understood that the political solution of this conflict was the only way to established peace and security in Libya to stop the human rights violations. The committee wanted a statement released by the Libyan regime, which should explain “their respective position and requirements regarding the aspects contained in the roadmap and promised to pursue its interactions with regional and international partners to coordinate their actions” (AU 2011b).

In a concluding way, although the role of the African Union regarded as weak because its reluctance to support the UN initially, it tried to put all the opposition parties as well as international actors, to bring out a political solution of the situation or crisis. Its work was directed by the values of fairness and objectivity. That’s why, it engaged with the Libyan regime, rebellions, regional states and international actors, to fulfil the stated aim of the AU’s ad hoc Committee meeting “promote democratic principles and institutions, popular participation and good governance” (OAU 2000), it stressed on the democratic solution of the crisis by Libyan people itself. The vision of the African Union was that “the determination of the leaders considered as legitimate to rule the country eventually belongs to the Libyan people” (AU high-level committee 2011c).

Analysis of the ROs in Libya

United Nations is strongly focusing on the bond between UN and ROs since the Doctrine was adopted in 2005. In this term, the Libyan case presents the insight of the cooperation between the UN and Regional Organisations on the ground. Evaluating the Arab League’s contribution in the Libyan Crisis, it can be said that the request of the no-fly zone over Libya to UNSC, made its role very significant. United Nations and Arab League, unanimously responded to the crisis regarding the need for timely and decisive measures. They both were having the same thinking that the Gaddafi’s government is violating the

human rights and deteriorating the peace and stability of the region, so, this should be stooped and countered.

The previous analysis of the cooperation between the UN and AU shows that they both adopted different approaches in the Libyan case, to solve it. Moreover, the way they were trying to coordinate between them was also not good, because the first meeting was organized between UN and AU on 15th June 2011, after the four months of conflict, which is ridiculous. Uganda's permanent representative to the UN, Ruhakana Rugunda, said about the same problem that "ignoring the AU for three months and going on with the bombings of the sacred land of Africa has been high-handed, arrogant and provocative" (Rugunda 2011). He also condemned the biasness of the UN and warned that it would not be good to interfere in the African states internal matters. Also, the AU wanted the political solution of the conflict in a very peaceful manner.

Conclusion

After all, the all worth of the principle would be determined by its practice on the ground. When the doctrine is practiced somewhere, it matters that if they were successful or not, because, on that ground, the UN can make reforms in the doctrine to make it better. The Libyan intervention was the first example of its type, where military forces were deployed to imply the doctrine of R2P, without any consensus of Libya.

Though the UN is reiterating in its resolution again and again that there should be cooperation between the UN and ROs. But in the Libyan conflict, particularly with African Union, UN did not seem much concerned about the regional organization's cooperation's, as the first meeting between them took place after the four months of crisis. This demonstrates that there is a big need for the cooperation between UN and Regional Organisations in the future. The effort to advance the cooperation between the UN and ROs, one thing is much needed, and that is capacity building programme. Providing them with an institutional framework to UN-RO cooperation, this programme would encourage constant collective efforts. This will bring a positive effect in the many areas of cooperation, even in the joint implementation of the responsibility to protect. Finally, the continuing effort to build functional and operative cooperation between the UN and ROs are likely to support and encourage each other.

Chapter 5: Assessment of R2P Doctrine in Libya

In March 2011, when UNSC approved the resolution 1973, Libya was the litmus test for enacting R2P. To halt the violence in the Libya, the international community got agree at some fundamentals of the situation in Libya for intervention. Success would make R2P a model international norm and failure could end its fate.

The three vital parts of examining the intervention are the criteria of legitimacy is first, i.e., the was intervention decision according to the norms, accepted in the High-Level Panel by the UN Secretary-General, the second is legality, which means that was the intervention overstretched rather than its provisions in the resolution, and the third criteria basically talks about the third pillar of the R2P, i.e., responsibility to rebuild, named as security and stability after Gaddafi's death in Libya. Some argue the legitimacy of the intervention which was at least partly illegal. This chapter will examine whether the current condition of Libya can be said to be worse than before, regarding security and stability. Also, it will find out from the perspective of R2P, about the intervention in Libya, that it is a case of success or failure. Thus, to examine this question, this chapter will talk about first the fundamentals of the R2P principle and then will find out the outcome of the Libyan intervention.

The was the first time in 2005 when the UN World Summit unanimously adopted the principle of R2P, which has been created to prevent the violence and violation of human rights in the sovereignty of a state. In this Outcome Document of the Summit, 2005 it talks about the responsibility of a state to protect its population from 'genocide, war crimes, ethnic cleansing, and crimes against humanity' (UN General Assembly, 2005:30). This document also highlighted the responsibility of the international community to "encourage and help States to exercise this responsibility," and the authority lies in the United Nations (World Summit Outcome Document, 2005). Paragraph 139 of this report, clearly mentions that the UNSC has authority to intervene in any state's internal affairs, if they did not fulfil their responsibility to protect the people of their country, which also can be as an addition in the UN Charter's Chapter VII, which is also about the UN power to intervene through military forces to protect the peace and stability of the world. In case UNSC decides to take mutual action under the R2P umbrella (viz. the state is failing to safeguard their population

and non-military, and passive means are insufficient), is called an intervention on the humanitarian ground.

There is a lot of disagreements, between NGOs, scholars, and governments, about the definite definition of the humanitarian intervention. For this Holzgrefe's defined the humanitarian intervention, according to his perspective, as, "The threat or use of force across state borders by a state (or group of states) aimed at preventing or ending widespread and grave violations of the fundamental human rights of individuals other than its own citizens, without the permission of the state within whose territory force is applied" (Holzgrefe, 2003:18). If one put Holzgrefe's definition in context of Libyan intervention, it can be classified as a human intervention (even though some speculation have been made of pursuing perverted goals), Example of French intervention in Mali cannot be labelled same as Libya as it was done with the mutual consent of the Malian government in 2013.

Contrasting to Libya, the French intervention in Mali was basically about to established peace. Because there is a difference between intervention under R2P and intervention to establish a long-lasting peace under the UN principles of a peace operation, like peacekeeping, peace building, and peacemaking. Because the first one is just about to stop the violence in any state to protect the civilians, whereas the other one talked about to establish the long-lasting peace.

Seybolt also pointed out about the partly the role of intervention to establish the peace, and said that "it is a short-term activity with limited political objectives...not intended to establish a lasting peace or to put a new, or renewed, political system in place...Explicitly political objectives follow but are distinct from, humanitarian objectives. This distinction becomes blurred when policymakers want an intervention to alleviate human suffering and promote a political resolution to the crisis" (Seybolt, 2007:6).

The responsibility to rebuild has also been pursued in the report of ICISS, what has been stated in Saybot's last point of political resolution of the crisis, but the peaceful transition and rebuilding are required under R2P umbrella after human intervention, as it's not been mentioned in the outcome document of 2005. Pape said that it could not consider the success of any intervention, even if intervention is successful in saving a life but failed to stabilize the situation of state rather than leave this into chaos (Pape, 2012:49). This

question and the situation of post-intervention will work as a gauge to measure the effectiveness of any intervention according to the principle of R2P.

The conclusion on the effectiveness of R2P in Libyan intervention can be different from one person to other, the importance of Libyan intervention can be seen through the success of R2P which was a major step towards a global standard (Bergman and Michaelsen, 2012:349). But it would have resulted at the end of doctrine if it failed in line with principles of R2P. To conclude that if R2P in Libya was fruitful or not, we will have first to define the parameters of success to rate the degree of effectiveness. Since there are no definite 'measures of success' to evaluate peace operations, there is disagreement between analysts who have reached conclusions differing to evaluate human intervention in Libya by different parameters (Smith, 2006:7). To protect the civilians from 'genocide, war crimes, ethnic cleansing and crimes against humanity' is the central theme of the principle of R2P. The UNSC resolution 1973 also expressed the same thing, "to take all necessary measures...to protect civilians" (UNSC, 2011).

But the Seybolt's definition can be consider as a parameter of success in any intervention related context, where he talks about "success as saving lives" and describes in addition that any forceful intervention can be considered as a success if it achieves to save the lives of people, which might have died due to the absence of intervention, but quantification and "analysis of non-event" is rather impossible as Seybolt pointed out (Seybolt, 2007:30). There it is needed to set some standard to know the effectiveness of such human intervention. These criteria's are; Legitimization of the intervention, Legality of such intervention, and post-interventional security and stability.

According to the first criteria of the legitimacy of intervention, Gareth Evans and the ICISS councils talked about the five points, which can serve as a yardstick for such humanitarian intervention. These criteria's are mentioned in the Just war theory and the report of High-Level Panel of 2005, named as In Larger Freedom report, and presented by the UN Secretary-General in the General Assembly. The necessary of legitimacy for any intervention is essential, as R2P basically talks about the legal structure for intervention, this measure can play a role as a deciding factor to know the success or failure of the R2P.

The parameters given by Kofi Anan and Evans can be used to determine the legitimacy of the Libyan intervention.

The second criterion is legality. Posner argues that the measures used in the Libyan intervention was not in line with the resolution 1973's mandate and NATO also violated the international intervention law (Posner, 2011). The R2P principle needs to critique at some level because it sanctions the international community with the legal structure for safeguarding the civilian population. An illegal intervention can cause detriment R2P principle significantly. The only thing that is needed fundamentally to inspect the legality of such intervention is the language of the Resolution because it will help to know that what was allowed and what was not permitted in the Libyan intervention. So, this will examine the question that has the intervention encroached or overstretched its limits. Building on that it will explore the question whether the mandate provides by Resolution 1973 (2011) has been overstretched. To find out the answers of these question, this criterion will examine three criteria; first, the attack of Gaddafi military when the rebels advanced, second is the airstrikes on the Gaddafi's house, and regimes non-military sites and the third and last is Gaddafi as a main target of the airstrikes.

Security and stability in post-Gaddafi is the final parameter that is used to assess the success of intervention from the R2P viewpoint. Chorin highlights that "a successful transition in Libya is of significant value to R2P proponents" as it, among other things, it prevents Libya to pose a threat to the civilians of Libya and the world order. (Chorin, 2013:381). Subsequently, this criteria will focus on the positive and negative effect of the post-Libyan intervention, in Libya as well as the whole region. R2P has its pedigrees in the human security concept, so it becomes important to find out that what were the outcomes of the intervention, did they improved the condition or situation of human security. Thus, the parameter of stability and security will comprise this facet. To examine the effect of the intervention on the stability and security of Libya, this chapter will also focus on the reports of human rights council and other NGOs.

Criteria's to check the success and failure of the doctrine of R2P

(i.) Legitimacy or Conceptual Aspect of the Intervention

(a.) Seriousness of Harm

This criterion has been mentioned in the report of the UN High-level Panel on Threats, Challenges and Change, “Is the threatened harm of a kind, and sufficiently clear and serious, to justify prima facie the use of military force? In the case of internal threats, does it involve genocide and other large-scale killing, ethnic cleansing or serious violation of international humanitarian law, actual or imminently apprehended?” (UNHLP, 2004: 67). To check whether the intervention in Libya was according to the fact of the seriousness of harm, can be evaluated by putting these criteria to the situation of Libya that was there any violation of human rights going on or not?

The whole instance can be framed I two questions; the first question is that was there ample proof to have a clear picture that there was the intention of crime and the next question is the intention of crime carried out there, were of a very large scale so that it invited the intervention? The Libyan government was charged ‘Crimes against humanity,’ out of four crimes mentioned in the R2P, according to the resolution 1973 (UNSC, 2011), they all are clearly defined in the ICC’s Rome Statute.

Pape mentioned that Gaddafi clearly said in public statement, which displayed that he wanted to “Purge Libya inch by inch, house by house, household by household, alley by alley and individual by the individual until I purify this land” (in Pape, 2012:63). Even just before the resolution 1973, Gaddafi said the citizens of Libya that “we will search every house and flat...we will find you in your closets...we will have no mercy and no pity” (Al Jazeera, 2011).

Subsequently, no one can answer the question that what would be the result if the Gaddafi’s military forces had not been stopped by the intervention, to stop the loss of lives in the country, and there is no one who can convincingly answer about the possible human crimes. The US administration revealed the number of more than one million and Obama pointed out that “if we waited one more day, Benghazi...could suffer a massacre that would have ... stained the conscience of the world” (Pape, 2012:64; Whitehouse, 2011).

Overall, the condition of Libya, purely demonstrated that there was a situation of the seriousness of harm to the human rights. Gaddafi's speech shows his commitment and readiness to do the mass atrocities, what has been presented by him in the past also. In the meeting of UN High-Level Panel, the criteria of 'large-scale killing' had been set by them, and this condition is applied in the case of Libyan city, Benghazi, and so it came into the category of 'large-scale.' However, it has not been quantified in any manner.

(b.) Just Cause

The second benchmark to define the validity of the forceful intervention is also characterized as 'Just Cause' or 'Right Intention,' and also it demands that humanitarian purpose should be the only criteria, simply means that to stop the violation of human rights and killings. High-Level Panel also defined it that "Is it clear that the primary purpose of the proposed military action is to halt or avert the threat in question, whatever other purposes or motives may be involved?" (UNHLP, 2004:67). This was mentioned above also that in any humanitarian intervention, there can be included other motives also. Evans also stated it that "mixed motives, in international relations as everywhere else, are a fact of life" (Evans, 2008:143). So the Libyan case was also not an exception. It is not that hard to find the other motives behind the humanitarian motives of intervention. Therefore, it clearly becomes a question, which is essential to be answered that whether the aim of the intervention in Libya was purely done for humanitarian assistance or was there any other motives like coup the government or it was related with to take control of the oil reserve. It will also help to understand the intervention motives that Libya is a country with its 9th largest reserves in the world, and its reserves are between according to the data of US Department for energy is 47 billion barrels (U.S. Department for Energy, 2013), and according to OPEC it is around 48-49 billion barrels (OPEC, 2012) at the time when intervention took place.

The data of oil reserve displays that it was a major oil reserve country and also before the intervention it was 3rd and 6th largest supplier of oil and gas respectively for the European countries. (Eurostat, 2012). So, at first instance, it shows that the intervention was done clearly for the access of oil supplies. Fidel Castro also said the same thing that "cynicism

of the West in using the cover of a humanitarian intervention to wage war to gain control of Libyan resources, particularly oil” (Castro, 2011:309).

Authors like Bellamy and Williams and Chorin put the fact that intervention in Libya was not motivated by the access to oil (Chorin, 2013:374; Bellamy and Williams, 2011:848). The US Department for energy in its report on Libya oil production, 2013(U.S. Department for Energy, 2013), explained that there was a fall of 0.2 million barrels per day in production, the conflict caused a quick drop in production of oil.

On the other side, some academicians emphasized the fact that Gaddafi did not want that foreign corporations would not exploit Libyan resources. The US did not have an issue with Libya, till this point. Even they worked together, in West Asia to implement the principle of ‘war against terrorism.’ Scholars pointed out that at the time when the Libyan regime nationalized the oil, is the time when US media labeled the Gaddafi as a dictator. The corporate media of US promote this idea, which is directly linked to money and materialistic purposes, and also helped in the intervention to make it possible.

Another allegation about the intervention is that the regime change was the main motive behind this. There are two different perspectives, to look into this, first is all about the fact that intervention’s primary purpose was only to secure the civilians from atrocities of the regime. The supporters of this angle said that Gaddafi had been a good ally of the western countries actually, in some ways. Gaddafi not only provided oil to European states, but it also helped the counter-terrorism mission of US. This nature of assisting in Europe and US is also mentioned by Fidel Castro that “Western European countries, notoriously Britain, France, Germany, and Italy, took the lead in making the Libyan dictator an accepted member of the international community since 2004. In the process, Gaddafi became a major investor in Europe, secured strategic oil exports to the continent, and became an ally in the ‘war against terror’ and in the control of migration flows to Europe from African countries” (Castro, 2011:309). At this basis, the supporters of this perspective want to the point that maybe the at the time of intervention, there were some other motives, who played their role to make decision possible, but according to them, it was not sufficient that they would play their role as a primary purpose. Authors like Hehir and Bellamy and Williams

said that the intervention was also supported by the Arab League, OIC and GCC, along with the peoples of Libya (Bellamy and Williams, 2011:841; Hehir, 2013:138).

The fact over support from Libyan people, according to Fadel, Moynihan, and Lucas, reflected in appeal to the UNSC for establishment of a no-fly zone over Libya, which has been put forward by the representative of Libya in UN, who also said that the “Libyan delegation does no longer represent the Gaddafi government but only the Libyan people” (Fadel and Sly, 2011; Lucas, 2011; Moynihan, 2011). Evans said that “by people for whose benefit the intervention is intended,” and by the regional states this has been ensured that the ‘Just Cause’ condition is fulfilled (Evans, 2008:143). On the other side, Pattison argues however that when humanitarian motives were the initial primary purpose, this may have changed to regime change as the intervention went on (Pattison, 2011:273).

(c.) Last resort

To check the legitimacy of the Libyan intervention, the third criteria is the most significant in knowing that this step was taken by after tried all other measures. The High-Level Panel explains it that “has every non-military option for meeting the threat in question been explored, with reasonable grounds for believing that other measures will not succeed?” (UNHLP, 2004:67).

Evans added in this phrase further and explained that it’s not about that “every non-military option ... must have been tried and failed”, but that there have to be acceptable causes to trust that non-military arrangements will not be helpful (Evans, 2008:144). Here, time is the very important aspect, because many non-military measures like sanctions, flights and trade ban need some time to work properly, and they don’t produce the instant result. The provision of an immediate ceasefire was accepted by the regime initially, according to the Resolution 1973 (2011). Still, in Benghazi, the use of heavy weapons and forces continued (Al Jazeera, 2011). That’s why on the next day, the fighter jets of France started bombarding, just two days after the resolution 1973 was adopted (Williams and Bellamy, 2012:274).

This was a very serious problem for the civilians of Libya as the “Gaddafi’s forces had entered the city’s perimeter, and was heavily engaged with Benghazi militias by the time

the initial (French) strikes hit parts of the convoy” (Chorin, 2013:370). So, this was the time, when it became necessary to take the step of military intervention as a measure of last resort. Bellamy and Williams pointed out that there was not any alternative to use military intervention as a last resort to halt the violence and massacre in the city of Benghazi, “The fourth major factor was the lack of good alternative policy options. Gaddafi’s public threats against his population made it difficult to argue that the threat of mass atrocities was not real or that if Benghazi fell mass atrocities would not occur quickly (Williams and Bellamy, 2012:280).”

However, some scholars say that not all non-military measures were taken by the international community to stop this situation of Libya (Chorin, 2013:372). Dewall also said that African Union did not get any chance to solve the problem through their initiative of ad hoc Committee on Libya, because the UN rejected their request to come to Libya and initiate a dialogue between both opposition groups (Dewall, 2012).

(d.)Proportional means criteria

The fourth criteria to check the legitimacy of the intervention again follows the definition used by High-Level Panel, which states that: “Are the scale, duration, and intensity of the proposed military action the minimum necessary to meet the threat in question?” (UNHLP, 2004:67). Views on the question whether proportional means were properly used in Libya, answered vary from all the other measures of checking the legitimacy. It was not controversial when the no-fly zone established and also the Gaddafi forces were stopped to enter in Benghazi. But, when the intervention started, many writers and scholars claimed that the intervention forces went well beyond than what was written in the resolution and was according to the principles of R2P, and Sovereignty of a state. The language of the resolution also stated that “all necessary measures...to protect civilians and civilian populated areas under threat of attack” (UNSC, 2011).

The debate can be divided into two sections of supporters. In the first camp, there are people who say that it was essential, adequate and reasonable to take a step to protect the population because Gaddafi and his loyal supporters continued the violation of human rights and threats to the citizens. So, it was proportional to the use of the military measures to protect the civilians in Libya by NATO and its coalition countries. On the contrary, many

people presented the other perspective that the measures used by NATO was disproportional and also showed the other motives of their interests, they also pointed out that their action went beyond the mandate of the resolution.

US President Barak Obama said on the eve of the first attack on Libya, as he was also talking about the definition of the proportional means, “we are not going to use force to go beyond a well-defined goal, specifically, the protection of civilians in Libya” (Whitehouse, 2011). As NATO mentioned in its report that, “the Operation Unified Protector, which took over command of the campaign on the 23rd of March 2011 and finished on the 31st of October a good week after Libya was announced ‘liberated’ by the National Transition Council (TNC) involved over 26,000 sorties, destroying or damaging over 6000 military targets” (NATO, 2012). During, the whole mission, as NATO said that it “always guided by the principle of using the minimum necessary force” (NATO, 2011).

Though, the definition of ‘necessary’ can vary according to the people as Reinold highlighted that, “NATO’s campaign in Libya was justified by such a purposive reading of necessity” (Reinold, 2013:91). Gaddafi would never stop and “always continue to pose a threat to civilians” (Reinold, 2013:103). Therefore, it was necessary to continue the strikes against Gaddafi and his regime, until he killed and his regime ended, because it was essential and reasonable. There are some people also who disagreed at this point. There the main point of disagreement was that the coalition of NATO forces went beyond, what was mentioned in the mandate, and what was essential to protect the citizens of Libya. As Berman and Michaelsen pointed out that “they also condemn the alliance for taking a clear side in the conflict up to a point where NATO effectively acted as the rebels’ air force” (Berman and Michaelsen, 2012:349).

Representatives of Russia, China, and South Africa criticised the alliance’s targeting of command and control centers of Gaddafi, for example, his palace, and also the Gaddafi’s forces when they retreated. Russian President, Dmitry Medvedev said that it was his “deep conviction that a good resolution has been turned into a piece of paper that is being used to provide cover for a meaningless military operation” (Berman and Michaelsen, 2012:355).

Another Russian President Vladimir Putin also responded in the same way and said that who gave the right NATO to kill Gaddafi (Russia Today, 2011). Li Baodong, the

representative of China, said clearly rather than being as aggressive as Russians that, “There must be no attempt at regime change or involvement in the civil war by any party under the guise of protecting civilians...The original intention of resolutions 1970 (2011) and 1973 (2011) was to put an end to violence and to protect civilians. We are opposed to any attempt to wilfully interpret the resolutions or to take actions that exceed those mandated by the resolutions” (Baodong, 2011).

On the other side, being an abstainer in voting, South Africa gave his affirmative reaction later. But as the intervention advanced, the President of South Africa Jacob Zuma expressed his dissatisfaction with the execution of this action, and said that “We have spoken out against the misuse of the good intentions in Resolution 1973...We strongly believe that the resolution is being abused for regime change, political assassinations and foreign military occupation” (Zuma, 2011).

These speeches prove the great divergence of thought in the matter of the application of Resolution 1973 (2011) and so with the proportionality of tools used by the alliance. While, the officials of NATO and alliance governments try to present that why the act during the intervention was essential, it's not easy to trust that they were the ‘minimum necessary.’ Eventually, the alliance went beyond the mandate and its principle of ‘minimum necessary,’ because they did not stop even when the atrocities and crimes against humanity were halted or even the Gaddafi forces retreating to their way. “There is no clear first-hand protection of civilians in the bombardment of Gaddafi’s car convoy, his palaces or TV stations.” May be the action that has been used in Libya legal, but they were not according to the mandate or essence of Resolution 1973. Thus, the actions were disproportional, because the measures used by the alliance and NATO surpassed the principle of ‘the minimum necessary to meet the threat in question,’ which was not good for the future of the R2P.

(e.) Realist aspects for Success

The main theme of this criteria is ‘probability of success’ in any humanitarian intervention because it is based on the question that the intervention will be more harmful than good or it will be beneficial for the civilians and unity of the state. It is centered on the cost and benefits analysis and the High-Level Panel also talks about the question that, “Is there a

reasonable chance of the military action being successful in meeting the threat in question, with the consequences of action not likely to be worse than the consequences of inaction?” (UNHLP, 2004:67). Since it has been stated above that it not possible to know that what would have been the scenario if the intervention had not happened. But, there are some people who say that casualties and crimes done by intervention were more harmful rather than it would have been done by the regime.

Through an example, one can understand that it is not possible to know that what would have been the outcome if the intervention had not happened in Libya. Kuperman says that if the forces of Gaddafi had retreated and if they had recaptured the strongholds of the rebellions, then the dead trolls would have been less than 1100 (Kuperman, 2013:120. On the other hand, Pape says that “although 2,000 to 25,000 Libyans died after international intervention, credible government and other estimates expected Qaddafi to do far worse” (Pape, 2012:73). Hence, the question remained unanswered.

(ii.) Legal aspects of intervention

“R2P is commonly referred to as a concept, principle or norm and there has been some discussion on this terminology and which is used best to reflect the current acknowledgment of R2P in the international community” (Bellamy, 2009:4-7). The important point about the R2P is that it has not been considered as international law, because it does not enforce the legal obligation. Even after this, the R2P has a very substantial role in the authorization of any forceful intervention in internal matters of any state through UNSC.

The utility of this criterion of legality is to assess the legality of the intervention in Libya. The assessment of the legality of the intervention becomes a pertinent issue in assessing the success or failure of the R2P principle because an intervention deemed illegal has rarely been considered a success. It also became essential because this principle was basically formulated to assist with the security of Citizens with a legal framework, by the international community. Since the UNSC authorizes the intervention under the R2P, it can never be illegal, because the legal basis has been provided by the council itself. Although, the example of Libya is a case which represents the different viewpoint about this assumption and some say that the intervention action was illegal and unlawful, even it has

also been authorized by the UNSC. Posner and Christiansen mentioned that “it has been argued that the intervention in Libya was in part illegal as intervening forces overstretched the mandate given to them in the form of Resolution 1973 (2011)”.(Christiansen, 2012:39; Posner, 2011). This chapter will evaluate the language of the resolution 1973 and will examine that which type of actions was approved in the resolution and which were prohibited.

UNSC Authorization

Though there is a debate over the issue of interpretation of the language of the Resolution 1973 between experts, that how to understand this in legal terms and how to differentiate between legal and illegal aspects of actions, but on the issue of what had not been permitted, there is some consensus. The first issue is about the form of military, was it an occupation force or not? Because the language of the Resolution 1973 suggests to “take all necessary measures...excluding a foreign occupation force of any form on any part of Libyan territory” (UNSC, 2011). Cowell said that thus this is not permitted in Libya as the language specifically talked about and “even though Britain, France, and Italy did send troops to Libya in the form of military advisors, it is somewhat clear that these do not amount to an occupation force” (Cowell, 2011). Because in the ‘Hague Convention’ it has been stated that “territory is considered occupied when it is placed under the authority of the hostile army.” Thus, they can’t be regarded as an occupation military force. (ICRC, 2012:8).

Resolution 1973 (2011) reemphasized the arms embargo, which was also mentioned in the resolution 1970 “that all Member States should immediately take the necessary measures to prevent the direct or indirect supply...to the Libyan Arab Jamahiriya...of arms and related materiel of all types” (UNSC, 2011). It was forbidden by the UNSC to deliver the arms to the regime and the rebels. However, the supply of the arms was not stopped, and some members of the alliance continued to deliver the arms to rebels. Abu-Aun and Nordland pointed out the same thing and said that France and Qatar clearly acknowledged the supplying of the arms to the rebels, and it seems unbelievable that some of the officials of the alliance announced that the arms delivery to the rebels was in accordance with the resolution (Abu-Aun, 2011; Nordland, 2011). So simply, it placed the NATO members

outside the international law, by providing the arms to rebels, even it was not mentioned in the mandate, so it was unlawful and openly against it.

The scope of the resolution 1973

This part will explain that what were the steps authorized by the UNSC Resolution 1973 to take in the Libyan case. The language of the Resolution that ‘all necessary measures’ is common because it almost used by UNSC in any military intervention under article 42 of Chapter VII. (UNSC, 2010). The point that Resolution 1973 (2011) has been made for the whole state is also can be seen in the language of the resolution 1973 which states that “including Benghazi.” To explain this word, Eyal pointed out that, “The word ‘including’ can only be interpreted as signifying that the real aim of the drafters of the Resolution was to protect the country’s entire population, rather than merely that of one city” (Eyal, 2012:59).

If it has been presented legally, the alliance was given the authority to run its operation in the whole region of Libya as long as its population was under threat as per the mandate of the UN. Military means were not intended to be work as an occupation force.

Did it encroach its authority?

This part will examine whether (a) Gaddafi’s forces attack when the rebels advanced, (b) the attack on the Gaddafi’s house and regime’s non-military sites, (c) Muammar Gaddafi as the main target of air strikes, were legally in accordance with the Resolution 1973 (2011) and interventional law.

(a) Gaddafi’s forces attack when the rebels advanced

Gaddafi’s loyal forces had recaptured most of the part of Libya when the Resolution 1973 was passed, and military intervened in the country. And in the next few weeks, the rebellion forces moved towards the western part of the country, with the military support of the alliance, as former NATO general also pointed out, that, “the alliance has played a decisive role in helping the rebels push forward” (Ramms, 2011). Gaddafi’s forces targeted by NATO, even when they were retreating, and not doing any harm to citizens. This point also raised by Kuperman, who says that “NATO attacked Libyan forces indiscriminately,

including some in retreat and others in Qaddafi's hometown of Sirte, where they posed no threat to civilians (Kuperman, 2013:2).” This proves that the real purpose of the NATO was not to protect the citizens of Libya but to ensure the victory of the rebellion group over the regime's forces. Christiansen pointed out that “approaching rebel forces posed a greater threat to the civilian population of towns held by Gaddafi loyalists and that assisting those rebels was thus contradictory to the mandate” (Christiansen, 2012:39).

Thus, to show the airstrikes as ‘protection of civilians,’ is logically too weak as there is no link between the retreating of Gaddafi's army and a threat of violence to the civilians. Therefore, Christiansen also said the same thing that, “The airstrikes carried out while the rebels advanced on Qaddafi-held territories constitute a breach of resolution 1973 and are therefore illegal” (Christiansen, 2012:39).

(b) the attack on the Gaddafi's house and regime's non-military sites

At the time of military intervention, NATO also attacked the sites of the Gaddafi government, which were not serving as their military tools. NATO started airstrikes on the TV stations and other sites of Gaddafi regime when they helped to assist the Gaddafi's forces to organize their attack on the civilians. NATO targeted the TV station on July 30th, 2011, and NATO official Colonel Lavoie said that “Was conducted in accordance with the UN Security Council Resolution 1973, with the intent of degrading Qadhafi's use of satellite television as a means to intimidate the Libyan people and incite acts of violence against them” (Lavoie, 2011). It was very disputable that whether this was by the Resolution 1973.

Borger and Traynor highlighted the fact that Gaddafi's second youngest child and three grandchildren died in the attack on his house, which was considered by NATO as a control and command centre, but the reports pointed out that it was not associated with any military activity of regime and was home of Gaddafi's family (Borger and Traynor, 2011). Denyer and Fadel stated about the attack that has been done by NATO forces on the house of Gaddafi as illegal and non-military and civilian target and condemned this action by saying that it was not in line with the Resolution 1973 (Denyer and Fadel, 2011).

(c) Muammar Gaddafi as a main target of the air strikes

Gaddafi was captured and killed by the rebellions, when he was trying to escape from Sirte by road, and stopped by the French Jets. Townsend said that a UN officer said that Gaddafi “as head of the military, he is part of the control and command structure and therefore a legitimate target” (Townsend, 2011). Whereas, the UK PM David Cameron conveyed a different opinion. He said that “The UN resolution is limited in its scope. It explicitly does not provide legal authority for action to bring about Gaddafi's removal from power by military means” (Kuenssberg, 2011).

It looks like that NATO was intentionally avoiding blame for Gaddafi’s murder. Whatever happened in the city of Sirte according to NATO was between Gaddafi and rebels. Thus, NATO says on this matter that, “At the time of the strike, NATO did not know that Qadhafi was in convoy... As a matter of policy, NATO does not target individuals (NATO, 2011).”

In a concluding manner, the NATO alliance forces encroached its mandate, to protect the Libyan citizens. It was illegal to deliver the arms to rebel groups, attack on Gaddafi’s palace and family and on retreating forces, which was also not in line with the language of Resolution 1973, because it was not permitted.

(iii.) Libya: the question of stability after Gaddafi?

The fundamental purpose of the R2P and Resolution 1973 was to protect the civilian population, rather establish the peace and stability in Libya. The appropriate outcome of any intervention should always be the establishment of Peace and Security of the civilians. Because, if the country has been left without any proper protection of civilians and stability, in ungovernable chaos, after the intervention then it can pose a grave threat to human security and human rights. So, this criteria will examine that whether the Libyan intervention was worth it or not and will also focus on the point that what was the situation of human rights since the Gaddafi regime ended?

After the intervention, most of the parts of Libya were governed by the armed militias. Chivvis illustrated one instance of the kidnapping of Libya’s Prime Minister Ali Zeidan, which shows the anarchy and weakness of the regime in the state (Chivvis, 2013). Rand Report on Libya’s transition period after the Gaddafi analyzed the situation and said that

“Sovereignty belongs at least in part to the militias and other groups that still control the streets, coordinating loosely or not at all with authorities in Tripoli. The Libyan state still needs to establish a monopoly on the legitimate use of force within its territory if it is to become truly sovereign” (RAND, 2012:2).

RAND report found out that the reason behind the weakness of the government in Libya was the anarchy in the state and the territorial sovereignty issue, where militias were ruling some parts of the state rather than government (RAND, 2012:4). Fetouri said that there was lack of central Libyan authority, which was on the verge of the disintegration of the country because two regions of the country declared themselves as a semi-autonomous part of Libya out of three (Fetouri, 2013).

Beaumont answered the question of Libyan’s intervention by NATO on the terms of outcome that whether it was good or harmful for the peace and stability of Libya, he said that the current Libyan situation of security is not such as what was desired by intervention, and this prevents Libya to be ideal example of the intervention (Beaumont, 2012). The peace and stability of the region widely affected by the uncertainty of the condition of Libya. As Patrick highlighted the importance of stability of any state that it determines the peace and stability of the wider region (Patrick, 2006). The Experts found out that how the states like Mali, Niger, and Algeria affected by the proliferation of arms and weapons from Libya after the Gaddafi has been killed (Laremont, 2013). Moussa pointed out about the reports which stated about the moving of arms and troops to Syria from Libya (Doornbos and Moussa, 2013). Human rights can be considered as both reasons for the intervention and aim of the intervention because Gaddafi was blamed for crimes against humanity and this intervention also called as an intervention for humanitarian purposes. The issue of human rights violation will always be remained in Libya, till militias will govern the region according to their will.

Conclusion

These all criteria help to find out the answer to the most important question that was the intervention in Libya successful or not regarding R2P? The evaluation of the first criteria was about the question of the legitimacy of the intervention, that whether it should be considered as legitimate or not according to some of the criteria of the HLP report. This

chapter shows that the seriousness of harm was obvious because Gaddafi was saying again and again about ‘purify’ Libya and to ‘purge’ Libya. There also may be other non-humanitarian motives, but the primary motive of the intervention was to protect the civilians. And on the question of the last measure, it had been cleared that other non-military measures were not sufficient to protect the citizens of Libya, so the military intervention was the last and only resort to use in the situation. The other criteria for the balance of consequences showed its complexity because this question cannot be answered that what would have been the result of the inaction of the international community in the Libyan crisis. The tools used by the alliance were not the ‘minimum necessary,’ and thus the criteria of the proportionality of means did not fulfill by the means used in intervention in Libya. But this does not prove the intervention fully illegitimate but put a mark on the legitimacy according to this criteria.

The second criteria for the legal execution of the intervention in Libya present that Resolution 1973 provided a major consent and legal mandate to the alliance. In spite of this, the alliance forces encroached the Resolution’s mandate, and the intervention in Libya was carried out in a different way that violated the rules of Resolution 1973. Gaddafi’s forces attacked when the rebels advanced, the attack on the Gaddafi’s house and other civilian sites related with Gaddafi and regime and Gaddafi as the main target of air strikes, and finally, the arms deliveries to the rebellions were the clear instances of the crossing the line of the legality of any intervention. The claim of the UNSG Ban Ki-Moon came under the question that the intervention is fully according to the resolution 1973 (UNSG, 2011). Under the garb of the principle of R2P the alliance embarked upon fulfilling its sinister motives, and so it was, in fact, an illegal military intervention in the name of civil protection which was supposedly to be a legal intervention having a broad legal mandate.

The last criteria examine that current situation of Libya, is far from being a peaceful and established state, after the Gaddafi’s era in Libya. This cannot be a measure of the success of any intervention that after the operation the country is still in the state of anarchy, as it did not have the responsibility to rebuild, and also unstable security condition with chaos in the country.

The regional instability has been caused by the Libyan security crisis. Due to the proliferation of weapons and rebel groups of Libya, it created instable conditions in the region. This can be deduced that the intervention led to the improvement of human rights condition in post-Gaddafi Libya even though some cases of human rights violation were reported.

Through analyzing the three criteria, it can be concluded that the intervention in Libya was unsuccessful from the perspective of R2P. On the contrary, Rasmussen said the intervention was undoubted “one of the most successful missions in NATO history” from the perspective of the alliance of the intervening states (in NATO, 2011). Regime change has always been a motive behind the humanitarian intervention and the implementation of the Resolution 1973 revalidated this criticism. It was not good for the R2P principle, and it has also been criticized by the international community, as the alliance forces violated the rules of international law, and tried to change the regime in Libya.

Chapter 6: Conclusion

The doctrine of R2P has been generated to respond properly to the mass violation of human rights when the international community was not adequately playing its role. The examples of inaction in Rwanda in 1994, lack of proper intervention in Bosnia and Herzegovina, and in 1999, the unauthorized UN intervention in Kosovo presented a very bad picture of that decade. Therefore the need to evolve a principle, which authorizes the use of military in any internal affairs of state, was considering by Kofi Annan, the Secretary-General of UN. He called upon the international community to build a consensus about making a new law. The principle of Responsibility to Protect was created to respond the situations like, how to build consensus to intervene to protect the civilians of any state, how to develop the efficient structure for intervention and how to make effective UN response overcome the rivalry of veto powered nations on any issue related with humanitarian intervention.

During the last decade of 20th century, some academicians advocated the sovereignty of a state and notion of non-intervention, and on the other hand, some supported the idea of humanitarian intervention, as a duty to protect the civilians in a conflict situation and to provide them a stable and peaceful environment. The first time, when the Canadian Government established a commission named International Commission on Intervention and State Sovereignty (ICISS) in 2001, it presented a report and the notion of Responsibility to Protect, to approach the humanitarian intervention in a new significant way. This report's central theme is that 'sovereignty implies responsibility,' and how to answer the humanitarian crisis by building a consensus among the members of the international community.

The R2P doctrine can be summarized as, a military intervention to protect the civilians of a state without the prior consent of its government, so the death trolls and violation of human rights can be prevented. So, the difference between previous intervention and the intervention through new doctrine can be seen in three aspects. The first difference is basically about the scope between the humanitarian intervention and the doctrine of R2P, where the scope of previous one is larger than the new one, because humanitarian intervention's aim is to prevent the suffering or death of civilian's at large scale, it doesn't matter that it is made by human or not, but on the hand R2P's focus is only limited to stop

these four crimes, namely; genocide, war crimes, crimes against humanity and ethnic cleansing.

Second difference is about using the measures during intervention, as the humanitarian intervention solely focus on the military means to protect the population, without the consent of state, by one state or a group of some states, whereas the R2P doctrine mainly focus on the non-military and diplomatic and political means to protect the civilians, and as a last resort it uses the military forces to intervene in any state. And the third and last difference is the basis on which intervention can take place. The previous one is fully based on the assumption that it doesn't need any legal authorization to proceed its mission in any state, but the R2P doctrine changed its focus and moved it from the 'right to intervene' to 'responsibility to protect.'

The commission had stated that the concept of sovereignty no longer can be treated as a state privilege and the R2P will work to protect the civilians in any state's boundary. R2P is now transforming the approach towards the humanitarian sufferings and violation of rights. Most significantly, the doctrine's part of prevention is playing a major role than to intervene in any country, that's why the R2P principle has become a broadly accepted notion in the members of international community.

In 2005, a UN World Summit took place to formalize the principle of R2P, through world leaders. The Summit Outcome Document adopted R2P regarding the cases of genocide, war crimes, ethnic cleansing and crimes against humanity. The report published by World Summit embrace the principles of R2P, which was later adopted by the UN General Assembly in 2006. In this multilateral framework, they mentioned that first they would try the non-military measures and then as a last resort they will use the military intervention., according to UNN Charter's Chapter VII, in the area of conflict where state government failed to protect its civilians or unable to protect them or itself perpetrating the crimes. This report also talks about the authorization power of the UN Security Council to take the military action to intervene in a state, where mass atrocities are going on and need to take action.

In the last decade, there are instances that prove that the doctrine's time had arrived, which can be seen through the resolution passed by the UN Security Council that shows that the concept of R2P has been accepted both practically and conceptually. This doctrine is all

about duties to protect the civilians rather than the right to intervene. The state has the primary duty to protect and secure the citizens from the four mass crimes of violence, and this is the duty of international community also that they should also assist and provide support to fulfill their responsibility. If the state is unwilling or unable to fulfill its primary responsibility to protect the citizens then the responsibility shifts on the shoulder of the international community, which should take, in a timely and decisive manner, proper and suitable action, according to the principles of doctrine.

The dichotomy between the state's sovereignty principle and responsibility to intervene in a case of mass atrocities crimes is the most significant achievement of this R2P doctrine. The report of ICISS and the Libyan Resolution 1973, both are a good example of balancing between these two contrary situations. For instance, in Libya, Gaddafi regime was doing mass atrocities crimes against Libyan population, which is the obvious case of R2P to protect civilians. Muammar Gaddafi, himself told his loyal forces to go out and attack demonstrators, which he branded as 'rats and cockroaches' and to 'cleanse Libya house by house.' He showed his intent by saying that the forces would show 'no mercy' to rebels, itself proves that he was going to continue the violation of human rights and crimes against humanity.

The debate between the UN was about how to protect the civilians in the best way rather than to act or not to act in Libya. Since the protests and violence started in February, many non-violent and forcible means had been adopted in Libyan situation, like political negotiation, travel bans, asset freezes, an arms embargo and exclusion from regional organizations, and the case also referred to ICC. The UNSC pointed out in Resolution 1970 that there are instances of systematic attacks and mass atrocities against the people in Libya, on 26th February. The resolution 1970 highlighted the fact that the violation of human rights and the atrocity crimes going on because of the Libyan regime. Many regional and international organizations, like the League of Arab States, the Gulf Cooperation Council, African Union, Human Rights Council, UNGA and UNSC condemned and criticized the Gaddafi government.

Gaddafi's unwillingness to accept the provisions of Resolution 1970 and his further dose of violence against citizens led to the next level, which was approval of Resolution 1973. This resolution talks about to use all necessary measures to protect the citizens and the

civilian-populated area from crimes of the regime, and to fulfill this purpose; the UNSC authorized a no-fly zone and attacks on Gaddafi's loyal forces to protect civilians through airstrikes. Regional organizations also provided their support to imply these sanctions on Libya. This was a significant moment that it was for the first time, when military intervention took place, under the principle of R2P in Libya.

Some scholars say that NATO was not doing its duty according to the mandate, but the intention was to change the regime in Libya, as alliance forces stated that precondition for a ceasefire is the removal of Gaddafi from power. Russia and China regretted about not being present at the time of the adoption of resolution 1973 and said that NATO forces encroached the aim of mandate and changed the regime in Libya. They also argued that NATO countries were trying to convert the R2P principle into a tool for regime change.

Thus, the Libyan intervention is more than a primary goal to protect the civilians, but it is also about the materialistic interests. This difference of interest seen not only in the motives of the intervention but the appropriateness of measures also between Western and Non-western countries. Those differences relatively increased, when NATO's military intervention crossed its limits in some way or other through making an attack on the family of Gaddafi, and retreating forces.

The BRICS countries criticized this intervention on three key issues. The first allegation was that the intervening powers surpassed Resolution 1973's mandate by providing arms to rebels and also it attacked beyond of what has been mentioned in the resolution and essential for the safety and security of the citizens. Russia clearly said that "any act going beyond the mandate established by that resolution in any way or any disproportionate use of force is unacceptable." China also said that "we are not in favor of any arbitrary interpretation of the Council's resolutions or any actions going beyond those mandated."

The second basis of criticism was also related with the first criticism, that western countries have used the R2P doctrine and military intervention for their own strategic and materialistic purposes by removing the Gaddafi government (UNSC Meeting 6627, 2011). It was mainly expressed by the Russians that regime change was the main motive of the west, but all the other countries of BRICS also criticized, in 2011, NATO's military campaign. The third theme at which NATO has been criticized was the priority given to the military intervention, which did more harm than good. Particularly, Russia explicitly

“drew a link between the West’s military intervention and the outbreak of full-fledged civil war, the humanitarian, social, economic and military consequences of which transcend Libyan borders.” In the meeting of UNSC, the other BRICS countries also gave priority to the political method, rather than forcible methods like military intervention in Libya (UNSC Meeting 6528, 2011).

In the case of cooperation between the UN and ROs, United Nations emphasized again and again that they should assist mutually in the matter of conflict and disturbance. But in the Libyan conflict, particularly with African Union, UN did not seem much concerned about the regional organization's cooperation's, as the first meeting between them took place after the four months of crisis. This demonstrates that there is a big need for the cooperation between UN and Regional Organisations in the future.

The final chapter of this dissertation examines the intervention, through 3 lenses, first is, legitimacy, and second is legality, and the third is stability and peace post-intervention. These all criteria helped to find out the answer of the most important questions like was the intervention in Libya successful or not regarding R2P, was it illegal or according to the norms and whether NATO overstretched its mandate or not? The evaluation of the first criteria was about the question of the legitimacy of the intervention, that whether it should be considered as legitimate according to the criteria of the HLP report of 2004. This chapter presented that the seriousness of harm was obvious because Gaddafi was saying, again and again, to ‘purify’ Libya, and to ‘purge’ Libya. There also may be other non-humanitarian motives, but the primary motive of the intervention was to protect the civilians. The tools used by the alliance were not the ‘minimum necessary,’ and thus the criteria of the proportionality of means did not fulfill by the means used in intervention in Libya. But this does not prove the intervention fully illegitimate but put a mark on the legitimacy.

The second criteria for the legal execution of the intervention in Libya present that Resolution 1973 provided a major consent and legal mandate to the alliance. In spite of this, the alliance forces encroached the Resolution’s mandate, and the intervention in Libya was carried out in a different way that violated the rules of Resolution 1973.

Gaddafi’s forces attacked when the rebels advanced, the attack on the Gaddafi’s house and other civilian sites related with Gaddafi and regime and Gaddafi as the main target of air

strikes, and finally, the arms deliveries to the rebellions were the clear instances of the crossing the line of the legality of any intervention. Under the garb of the principle of R2P the alliance embarked upon fulfilling its sinister motives, and so it was, in fact, an illegal military intervention in the name of civil protection which was supposedly to be a legal intervention having a broad legal mandate.

The last criteria examine that current situation of Libya, is far from being a peaceful and established state, post-intervention. This cannot be a measure of the success of any intervention that after the operation the country is still in the state of anarchy, as it did not have the responsibility to rebuild, and also unstable security condition with chaos in the country.

The regional instability has been caused by the Libyan security crisis. Due to the proliferation of weapons and rebel groups of Libya, it created instable conditions in the region. This can be said, in conclusion, that the intervention led to the improvement of human rights condition in post-Gaddafi Libya, even though some cases of human rights violation were reported.

Through analyzing the three criteria, it can be concluded that the intervention in Libya was unsuccessful from the perspective of R2P. Regime change had always been a motive behind the humanitarian intervention and the implementation of the Resolution 1973 revalidated this criticism. It was not good for the R2P principle, and it has also been criticized by the international community, as the alliance forces violated the rules of international law, and tried to change the regime in Libya. And finally, the intervention done by NATO in Libya spoiled the trust between Western and non-Western countries of the Security Council, and this thing easily and is seen in the debate over the case of intervention in Syria.

This research started with some research questions and in this concluding chapter these questions are being answer to an extent. The first question of what were the triggers and motivations for conceptualizing the R2P of doctrine is answered by the fact that the previous interventions for illegal and legitimate to school because the aim of these interventions were materialistic and they had the objective such as changing the region and controlling the oil Reserves under the Garb of humanitarian help. The other question of

how could the UN have done better regarding the r2p doctrine can be answered by the finding that you when did not take into account the capability of regional organizations which had a better understanding of Libyan conflict at that moment and they could have been proved much effective in resolving the issue but those organizations were undermined and the picture got worse. The next question of NATO's role in the crisis management and the lessons learnt from the case study of Libya and answer of this question lies in the fact that illegal intervention of NATO created an environment of mistrust among the Nations. The role of NATO in the crisis management cannot be accepted as fair because it crossed the early amended and proved to be very harmful for the very sacred intention of R2P doctrine.

Future of Responsibility to Protect Doctrine

The doctrine of R2P is all about the prevention of violence against humans, and not related to the different forms of government, for example, democracy and dictatorship. There are many non-democratic states, who supports the concept of Responsibility to Protect. So it is not an issue of difference of regimes. It cannot be seen as tool for promoting democracy. As, the concept of R2P is very new, so there is a necessity in the international community to provide it their support so that it can work as a legally binding norm.

There is a risk of undermining the concept of R2P because the selective implementation of this doctrine will create double standards. The question can be asked that why intervention in Libya but not in other countries like Syria, Bahrain, Yemen, etc. It could be harmful to international law if R2P is used lopsidedly. Selective military intervention flagged their concern over double-standards. Hence, every case should be discussed clearly that whether it suits as a case of R2P or not. Else, the international community won't be accepted the principle of R2P.

The UNSC should act according to the norms of R2P consistently to prevent violation of human rights and must calculate the risks and threats of the crisis, to authorize the perfect and suitable measure to resolve this. It should be clear that the R2P is about the protection of civilians and prevention of conflict, not about the redistribution of power, and changing of the regime. The purpose of intervention should be considered according to described criteria in the doctrine of R2P, and they are; genocide, war crimes, ethnic cleansing and crimes against humanity.

There can also be some ways to protect the population in crisis; some scholars said to provide authority to the UN General Assembly, Some emphasized to use the regional organization as a resort to establish safe-haven, and a no-fly zone. Some authors like Weiss, stressed to modify the veto provisions when it faces a deadlock situation in the cases of implementing the R2P.

Recommendations for future research

The Libyan intervention was a unique example of military intervention. It was implemented according to the new conceived doctrine of R2P and based on the R2P principles. There will be more R2P intervention cases in near future probably. Now a decade later, it would be very useful to undertake a comparative research on how all the interventions can be related with each-other, and what is their significance in this new paradigm of the R2P, and mainly when it comes to the notion of state building and what should be the ways in restoring the peace and stability in the region. Issues like state-sovereignty, human rights violations, human security, military intervention, and R2P itself are the most significant topics and very dynamic, so future will see more material becoming available to undertake comprehensive research on these topics, especially the R2P doctrine.

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