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The Development of a New Paradigm of Humanitarian Intervention: Assessing the Responsibility to Protect

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The Development of a New Paradigm of Humanitarian Intervention

Assessing the Responsibility to Protect

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Political Science Honors Thesis
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Abstract

The Responsibility to Protect (RtoP) concept aimed to clarify the relationship between state sovereignty and humanitarian intervention, and its invocation during the recent intervention in Libya provides an opportunity to assess its impact. This project compares the events of Libya with the war in Bosnia-Herzegovina of the early 1990s, examining the framing of these conflicts as well as the perceived role of other states, the engagement of international organizations with the concept, and the effect on operations during the humanitarian interventions themselves. Providing a historical comparison more accurately situates the contributions of RtoP in the re-prioritization of human rights over states sovereignty, while also providing a chance to highlight recurring concerns with the emerging doctrine.

Chapter 1: Introduction

Shortly after the North Atlantic Treaty Organization's armed intervention in Libya in 2011, journalist David Rieff sounded the death knell for the United Nations' new intervention doctrine, the Responsibility to Protect that had justified the coalition's endeavor. He wrote that the doctrine was a threat to the international system's legitimacy as it claimed a moral high ground while perpetuating the geopolitical status quo—the Global North intervening upon the Global South.¹ The Libya case, Rieff insists, exemplifies the worst of the well-intended business of humanitarian intervention. My project arises out of a similar concern. Interested in whether a change in framing could truly result in improved practices, I sought to evaluate the Responsibility to Protect's impact. In the coming chapters, I assess the success of the newly adopted Responsibility to Protect (RtoP), by comparing the reaction to impending atrocity in Libya with an intervention that took place before RtoP had been implemented: the case of the Bosnia-Herzegovina in the early 1990s. By comparing these two cases, I hope to discover the impact of RtoP by assessing differences in the framing of these cases, the responses from important actors, and operational decisions. If RtoP has been absorbed as a norm, one would expect to see vast differences between the two cases. If, however, the Responsibility to Protect is nothing but a change in the vocabulary used to justify military action, this superficiality should also become clear through such a comparison. RtoP as a concept has undergone intense scrutiny as well as effusive praise. A subject involving multiple sectors—IGOs, NGOs, regional organizations, militaries—RtoP's impact could be enormous. In engaging with this topic, I will shed some light what, if any, effect RtoP

¹ David Rieff, "R2P, R.I.P.," *New York Times*, 7 Nov. 2011, http://www.nytimes.com/2011/11/08/opinion/r2p-rip.html?pagewanted=all&_r=0 (accessed 23 Mar. 2013).

has had on the humanitarian intervention paradigm, and whether it adequately responds to the problems of past humanitarian interventions.

In this paper, I will examine the extent to which the Responsibility to Protect has prompted any changes in the international community's response to large-scale human rights abuses and crises. While some scholars (such as Aidan Hehir) argue that RtoP is merely a rhetorical ploy without substantive reforms, others argue that it is a radical reconceptualization of state sovereignty that challenges the right to self-determination (Daniel Warner). I take a nuanced perspective by arguing that RtoP represents a significant shift in the way in which actors talk about atrocity and understand their role in mitigating it, as it is less concerned with states and their sovereignty and more interested in the preservation of lives. Nevertheless, the implementation of RtoP results in new questions about the power of the Security Council and Global North states.

I have chosen to structure this paper as a comparative study of Bosnia in the 1990s and Libya in 2011. I selected these states because of their historical significance and because each prompted intense debate over the jurisdiction of the international community in human rights crises. Bosnia's war is partly a product of Europe's deconstruction after the fall of the Soviet Union. As such, actors—namely the United Nations, NATO, and individual states—were unsure of how to react. In Bosnia-Herzegovina, the splintering of the former Yugoslavia and the ensuing tension between ethnic and religious groups prompted a campaign of ethnic cleansing against the Bosnian Muslims. The UN response was that of a traditional peacekeeping operation—a monitoring force unable to act except in self-defense. While states expressed concern about the methods used against the Bosnian Muslims, their sentiment clashed with a

reluctance to violate Bosnia-Herzegovina's right to manage its own affairs. In Libya, on the other hand, Libyan civilians requested support from NATO and the UN for their popular uprising. Much of the consternation over sovereignty, so prevalent twenty years earlier in Bosnia, seemingly vanished.

Libya is notable as the first case of armed intervention after the adoption of RtoP. Much of the debate surrounding international involvement in Libya centers on the concept's applicability; thus this case has implications for future humanitarian interventions. It must be acknowledged that the two cases are not identical. The Bosnian case is entirely more complex, even in terms of the sheer number of actors, while Libya's war was prompted by a people sick of their dictator's harsh reign. They represent, however, humanitarian intervention before and after the emergence of RtoP, which is the locus of my paper. The small number of cases from which to choose limits this study. It is difficult to make a claim on RtoP's influence with only two examples, and the use of RtoP in Libya does not guarantee its future invocation. What remains constant between these two cases, and any future conflicts, is competing national interests that dictate action. A state will never engage in entirely altruistic behavior. What RtoP did, in the case of Libya, is make it permissible to intervene for the purpose of human protection; it did not make such an intervention obligatory.

My comparison of these cases comprises three main areas for each case study. Language and the representation of the conflict by world leaders demonstrate the kinds of considerations being made by states before their involvement in the conflict. American and French perspectives are important in both cases because of their military capabilities and for their interest in humanitarian affairs. While not the only states involved, they

represent the majority of my analysis. In comparing comments from the Clinton administration with those of the Obama administration, one notes a new vocabulary full of terms like “responsibility,” which highlight the increased urgency of action. Similarly, historical influence shines through in these comparisons, with, for example, the intervention in Bosnia being severely impacted by the painful memories of American losses in Somalia. France, likewise, suffuses much of its language and framing with references to the Holocaust—an event deeply embedded in their national memory. Speeches and statements provide an insight into the national interest in humanitarian intervention; while language can sometimes just be language without any substance, its use in these situations can be indicative of a greater understanding of a state’s political role. A leader as powerful as the president of the United States has undeniable influence in shaping his or her citizens’ worldviews as well as the perceptions of other powerful states, and their language choices should not be discounted. By examining language and framing from the United States and France, I will demonstrate that an evolution has occurred in terms of the growing importance of the individual’s human rights over the state sovereignty in the discussion of mass atrocity.

The Development of the Responsibility to Protect

After the catastrophes of the 1990s, Secretary-General of the UN Kofi Annan put forth a question to the General Assembly: “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 our common humanity?”² As a response to this question, the Canadian government formed the International Committee on Intervention and State Sovereignty (ICISS) to devise a response strategy for the international community. The ICISS, a committee of academics, policy makers, heads of international organizations representing both industrial and developing states, rejects the right to intervene in favor of the responsibility to protect, because that view “implies evaluating the issues from the point of view of those needing support, rather than those who may be considering intervention.”³ The report issued by the ICISS, entitled *The Responsibility to Protect*, attempted to respond to many of the critiques of humanitarian interventions past.

The Responsibility to Protect advances the idea that sovereign states have a responsibility to ensure the protection of their own citizens from crises like large-scale human rights abuses and humanitarian crises. It breaks with tradition by making the state’s access to sovereignty a condition of whether it upheld its role of being responsible for the protection of its own people. Neglecting to protect its citizens negates a state’s sovereignty, according to this text. The ICISS also insists upon an additional responsibility belonging to the broader community of states. When a single state cannot or will not protect its citizens, the international community must take on the responsibility.⁴ It emphasizes that the international responsibility to protect holds greater importance than the principle of non-intervention.⁵ The Responsibility to Protect features three components: the responsibility to prevent, the responsibility to react, and the

² Kofi A. Annan, “‘We The Peoples’: The Role of the United Nations in the 21st Century,” (New York: United Nations Department of Public Information: 2000), <http://www.un.org/millennium/sg/report/full.htm> (accessed 12 Nov. 2012).

³ Gareth Evans and Mohamed Sahnoun, "The Responsibility to Protect," *Foreign Affairs* 81, no. 6 (2002), 2.

⁴ International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001), viii.

⁵ Ibid.

responsibility to rebuild. Remedying gaps between framing and political will, addressing root causes of conflict (like poverty), and the use of sanctions are all proposed as part of prevention. It establishes guidelines for interventions of both the military and non-military variety, adhering closely to Just War principles.⁶ Post-intervention involvement should help build a durable peace through the promotion of good governance and development.

RtoP represents a significant turning point in the evolution of humanitarian intervention, a practice that has itself undergone major transformations in the post-Cold War period. An expansion in United Nations Security Council power in the early 1990s coincided with increased humanitarian intervention and a transition away from traditional peacekeeping. Because of this period of flux, voices within the United Nations, academia, and the political sphere weighed in to create a new conception of the appropriate response to mass atrocity. The current understanding of humanitarian intervention, as encapsulated within the Responsibility to Protect, has provoked controversy and debate for its alternate understanding of sovereignty—RtoP places human security before state sovereignty. This position, already beginning to develop in the post-Cold War period, was codified with RtoP.

International organizations, namely the UN and NATO negotiate many of the terms of humanitarian interventions and, in the case of the UN, determine the legality of any armed humanitarian intervention. Complementing an analysis of language and

⁶ Dating from the time of St. Augustine, many scholars have contributed to the development of Just War theory, including Grotius, St. Thomas Aquinas, and contemporarily, Michael Walzer. *Jus ad bellum* rules require that a war that is justified will have six characteristics: Just cause, right intention, proper authority and public declaration, be the last resort, probability of success, and proportionality. “Jus ad bellum,” *Stanford Encyclopedia of Philosophy*, 28 Jul. 2005, <http://plato.stanford.edu/entries/war/#2> (accessed 14 Dec. 2012).

framing, I will look at key United Nations resolutions in order to demonstrate the inclusion of RtoP vocabulary, and thus its role in legitimizing humanitarian campaigns. Institutional support links directly with rhetorical shifts, as these bodies have the power to implement ideas and make use of the doctrine's vocabulary. Institutional choices in vocabulary surrounding the topic of humanitarian intervention, especially RtoP, determine public perceptions and influence policy. New offices and departments focused on the concept of civilian protection and RtoP indicate that institutions are taking the concept seriously and seeking to adopt it structurally. Such indications of institutional support bode well for the development of RtoP as a doctrine of international relations. By comparing these two interventions, I will measure the advancements arising out of the critiques of the Bosnia war to demonstrate that RtoP has not yet revolutionized the response to humanitarian crises though it has changed the conversation in a critical way.

Background Information

Having laid out much of this paper's agenda and having already introduced some of the vocabulary and tensions that are in play, the rest of this introduction serves to expand with more necessary vocabulary and provide a more detailed picture of the debates surrounding the subject of RtoP and humanitarian intervention. The historical conflict between sovereignty and human rights orients much of the discussion surrounding the reactions to mass atrocity. Over the past two decades, those two themes have seen a re-prioritization with human rights largely reigning supreme in the eyes of the international community.

The United States Holocaust Memorial Museum defines mass atrocity as the aggregate term for a variety of violent and murderous crimes that contradict human rights.⁷ While mass atrocity has no legal definition as of yet, the term typically refers to genocide, crimes against humanity, war crimes, and ethnic cleansing, the first three of which are legally defined in the Rome Statute of the International Criminal Court.⁸ Responses to these types of crime have varied but can include diplomatic measures, economic sanctions and penalties, military operations or the threat of military force, legal measures, or no action at all. Humanitarian interventions have been multilateral and

⁷ Scott Strauss, "Identifying Genocide and Related Forms of Mass Atrocity," *United States Holocaust Memorial Museum*, Oct. 7, 2011, <http://www.ushmm.org/genocide/pdf/identifying-genocide.pdf> (accessed 3 Jan. 2013).

⁸ Part 2, Articles 6-8 of the Rome Statute of the International Criminal Court, 12 Jul. 1999, <http://untreaty.un.org/cod/icc/statute/romeofra.htm> (accessed 20 Jan. 2013); Ethnic cleansing is defined as the "deliberate, organized, and usually violent expulsion of people from an area on the basis of their perceived ethnic, communal, sectarian, or religious identity." "Ethnic Cleansing," *Glossary of Terms for Conflict Management and Peacebuilding*, United States Institute of Peace, <http://glossary.usip.org/resource/ethnic-cleansing> (accessed 12 Nov. 2012). The United Nations Commission of Experts in 1993 defined "Ethnic cleansing" as "rendering an area ethnically homogenous by using force or intimidation to remove persons of given groups from the area." From: Roger Cohen, "Ethnic Cleansing," *Crimes of War*, <http://www.crimesofwar.org/a-z-guide/ethnic-cleansing/> (accessed 31 Mar. 2013).

unilateral, approved by the United Nations, forbidden by the United Nations, or tacitly accepted by the United Nations.

Humanitarian intervention occurs as a response to mass atrocity. Though these terms are bandied about with some frequency, the definitions of mass atrocity and humanitarian intervention, respectively, can be somewhat unclear. Humanitarian intervention, as defined by Bhikhu Parekh, is an “intervention inspired by humanitarian considerations.”⁹ Semantically speaking, the term contains conflicting connotations: “if we say *intervention*, then not humanitarian but military and forced; and if we say *humanitarian*, then not intervention but aid.”¹⁰ Intervention, in this paper, refers to military operations undertaken to stop human rights violations. Rieff points to humanitarian intervention’s definitional imprecision as the practice’s largest flaw. Because it so immensely powerful (allowing outside powers to intervene in other states’ internal affairs) and so entirely separate from realist calculations (“What matters, from the perspective of the State or group of States contemplating a humanitarian intervention, is the effect a conflict has on civilians”¹¹), human intervention is difficult to understand and to formalize. The concept of intervention for the purpose of humanitarian relief, in existence before RtoP, contradicts some central tenets of international relations. This model of humanitarian action stands in direct opposition to the idea of inviolable state sovereignty. For that reason, humanitarian intervention risks being perceived as an intervention with an agenda of political control.

⁹ Bhikhu Parekh, “Rethinking Humanitarian Intervention,” *International Political Science Review* 18, no. 1 (1997), 53.

¹⁰ Jerzy Zajadlo, “Legality and the Legitimization of Humanitarian Intervention,” *American Behavioral Scientist* 48, no. 6 (2005), 658.

¹¹ David Rieff, “Humanitarian Intervention,” <http://www.crimesofwar.org/a-z-guide/humanitarian-intervention/> (accessed 18 Jan. 2013).

United Nations Framework

Because much of the action surrounding humanitarian affairs and RtoP in particular takes place within the United Nations, I will spend a few paragraphs highlighting that body's relevant guiding principles—namely, the tradition of noninterference and the support of human rights standards. Established in Article 2 of the UN Charter, the idea of noninterference holds 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” and that “[nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter.”¹² The traditional conception of state sovereignty, then, is central to then the founding spirit of the UN: states have the right to autonomy within their own borders. Though this tradition of internal autonomy has a long history, it is not inviolable. Also present in the Charter is the ability of the UN to “determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.”¹³ Interstate war is only legal when states act in self-defense, collective self-defense, and when authorized by the United Nations Security Council acting under Chapter VII of the United Nations Charter¹⁴ In addition to the previously stated principle of noninterference,

¹² United Nations, “Article 1,” *Charter of the United Nations*, 26 Jun. 1945, <http://www.un.org/en/documents/charter/chapter1.shtml>, (accessed 2 May 2012).

¹³ *Ibid.*

¹⁴ J.S. Morton, "The Legality of NATO's Intervention in Yugoslavia in 1999: Implications for the Progressive Development of International Law," *ILSA Journal of International & Comparative Law* 9, no. 1 (2002), 4.

the UN also has the task of acting to ensure peace by whatever means they deem necessary. As the violation of human rights and humanitarian crises is not explicitly mentioned within those articles, the task of justifying such a military action requires a more inclusive and nuanced definition of international peace and security.

While the UN has one tradition of supporting autonomy for individual states, it has another equally valid tradition of upholding human rights. The Universal Declaration of Human Rights, arising out of the horrors of World War Two and adopted by the General Assembly in 1948, conflicts with the perceived right of states to do whatever they please by acknowledging the right of all human beings for freedom from persecution and violence. Member states, by signing the Declaration, “have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms.”¹⁵ The Declaration is contained within the International Bill of Human Rights, along with the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, documents “by which State parties accepted a legal as well as a moral obligation to promote and protect human rights and fundamental freedoms.”¹⁶ Additional protections favoring human rights include the Genocide Convention of 1948 and the Geneva Conventions, which further the consolidation of human rights norms.¹⁷

¹⁵ United Nations, *Universal Declaration of Human Rights*, (Washington, DC: U.S. GPO, 1949).

¹⁶ United Nations, “Fact Sheet No. 2 (Rev. 1), The International Bill of Human Rights,” (Geneva, 1996).

¹⁷ United Nations, “Convention on the Prevention and Punishment of the Crime of Genocide,” (New York, 1948). The Genocide Convention “does not establish a specific monitoring body or expert committee. It stipulates that any Contracting Party may call upon the competent organs of the United Nations to take such action under the United Nations Charter, which they consider appropriate for the prevention and suppression of acts of genocide,” entry into force Jan 12, 1951;

United Nations, “Convention relative to the Protection of Civilian Persons in Time of War,” (Geneva, 1949).

The fourth Geneva Convention, passed in August 1949, establishes the protection of civilians in times of war. Civilians should have access to medical care and basic necessities and should not be the target of any

These two competing ideals—one of autonomous states, one of a world respectful of human rights—form the central tension of RtoP.¹⁸

After the end of the Cold War, international politics changed dramatically, redefining the roles of individual states and of the United Nations as a collective. Suddenly the UN Security Council, being unhampered by an incessant rivalry, had more freedom to act. The desire to avert genocides and large-scale violence against civilians and the commitment to human rights created a tension with the UN's principle of noninterference. Intervention provokes controversy, with debates arising around the justifications for intervening, the thresholds needed to determine a humanitarian crisis, the effect of intervening on traditions of state sovereignty, and the role of the United Nations and its Security Council.

The question of reconciling state sovereignty with the need to react in some way to devastating persecution found an answer in the work of Francis Deng. Deng, formerly the Representative of the United Nations Secretary-General on Internally Displaced Persons (IDPs), developed a concept of sovereignty as responsibility in considering the plight of IDPs in Africa. He claims that in order “[t]o be legitimate, sovereignty must demonstrate responsibility, which means at the very least ensuring a certain level of protection for and providing the basic needs of the people.”¹⁹ Instead of the state's inviolable right to independence and noninterference, Deng argues that states are often

wartime activities. “When persons protected by the present Convention do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of an organization provided for in the first paragraph above, the Detaining Power shall request a neutral State, or such an organization, to undertake the functions performed under the present Convention by a Protecting Power designated by the Parties to a conflict.”

¹⁸ A tension that admittedly does not arise until much later. With decolonization comes a greater focus on sovereignty, and then the Cold War era reinforces Western support for independent, democratic states.

¹⁹ Francis M. Deng et al., *Sovereignty as Responsibility: Conflict Management in Africa* (Washington DC: Brookings Institution Press, 1996), 28.

the reason for conflicts in the area of human rights and humanitarianism, saying that while “the state, the centerpiece of the international system, is often capable or willing to provide adequate solutions or remedies . . . the government often acts as a barrier. It prevents the international community from providing protection and assistance to the needy and helping in the search for an end to destructive violence.”²⁰ States can be the problem by not working for the good of their people in an effort to cling to their independence. In such cases, Deng says, a state has a choice to either “discharge its responsibilities or otherwise risk forfeiting its sovereignty.”²¹ Deng draws from common law guiding African values, which finds that “the individual is ultimately the core of the social order . . . The protection of every individual member is as important to the group as the group solidarity is a source of security for the individual.”²² As one of the first writers to hint at a new definition of state sovereignty, Deng’s work is often held up as the inspiration for RtoP. By accepting a doctrine of conditional sovereignty—in which states can maintain their autonomy so long as they fulfill their role in protecting their populations—as proposed with the Responsibility to Protect, some states fear the forfeit of their right to act independently and without the direct interference by other states.

Where RtoP has been less effective in changing the intervention paradigm is in the actual application of its reactive capacity. In order to provide a comparison between the pre- and post-RtoP paradigms, I intend to make use of the reaction to the war in Bosnia-Herzegovina of the mid-1990s and the 2011 campaign in Libya as my two case studies. In Bosnia, humanitarian intervention fails resoundingly with the massacre in Srebrenica. Because of a widespread reluctance to enter into the fray after the Black

²⁰ Francis M. Deng et al., *Sovereignty as Responsibility: Conflict Management in Africa*, 1.

²¹ *Ibid.*, 28.

²² *Ibid.*, 7.

Hawk disaster in Somalia, the UN did not throw its whole weight behind the effort to counter genocide and the presence of peacekeepers did not deter widespread violence. The faulty response to this humanitarian crisis caused the UN and the main powers within that structure to begin to realize the shortcomings of their approach. It was from Bosnia that the debate on state sovereignty versus the protection of human rights began to take hold. Libya, an operation with the purpose of protecting the civilian population from their government's threats of mass violence, marks the most expansive application of RtoP since its inception. As this operation took place following reform efforts within the United Nations, it provides a glimpse of the new interventionist model. Comparing these two interventions, in Bosnia and in Libya, on the rhetorical, institutional, and operational levels, yields a revealing analysis of RtoP's efficacy in shifting the reaction to atrocity.

The next chapter will consist of a review of the literature. I will trace the emergence of RtoP by discussing early conceptions of humanitarian intervention. While that concept did not emerge until after the end of the Cold War, discussions of just war, humanitarian aid, and human rights provide a point of departure for understanding humanitarian intervention. Throughout the 1990s, cases like Rwanda and Kosovo challenged the status quo and prompted further reforms in the sphere of armed interventions. Chronologically organized, the literature review highlights the recurring debates and questions prompted by humanitarian intervention.

The third chapter, the case study of Bosnia-Herzegovina, will establish the post-Cold War, pre-RtoP humanitarian intervention paradigm. It contains a brief history of the dissolution of the former Yugoslavia and its ensuing nationalist tensions. Analyses of the language and framing, responses from key players, and operational decisions, give a

sense of the international community's hesitancy to act during the years of conflict in the former Yugoslavia due to a preoccupation with the preservation of noninterference.

Next, Chapter 4 contains a case study of Libya as a parallel example of a post-RtoP intervention. It follows the same structure as the previous chapter, with a look at the language and framing, responses from the main states involved and the main international organizations, and the operational decisions. Throughout this chapter, I will draw comparisons with Bosnia in order to demonstrate the impact of the RtoP in the response to atrocity. The heightened language of emergency used to frame this crisis along with the more decisive and immediate action taken indicate a decision-making process altogether different from that of the early 1990s.

Chapter 2: Review of the Literature

The debates surrounding RtoP and humanitarian intervention boil down to an uncertainty over the effects of violating state sovereignty in order to protect human rights. Without understanding the impact on autonomy and without being able to force states to engage in humanitarian interventions, the international community reaches an impasse. The case studies in this paper, that of Bosnia in the early 1990s and Libya in 2011, reflect the changing international landscape of the post-Cold War. The United Nations was no longer crippled by the rivalry between the two superpowers and therefore had new opportunities for action (just how to use that freedom was less certain). In this chapter, I will first discuss some early precursors to the contemporary humanitarian intervention. Though humanitarian intervention did not exist during the Cold War, political scientists have long debated the meaning of just wars and the role of outside states. Once we reach the 1990s, the concept of humanitarian intervention is tested and proves wanting in multiple cases. An important trigger for the re-framing of humanitarian intervention as seen in RtoP was the non-intervention in Rwanda. Non-interventions or interventions that came too late prompt a reconsideration of the role of traditional peacekeeping and the role of the United Nations. Literature from this time period indicates several structural critiques as well as the perpetual problem of lack of motivation, or political will, to respond.

These critiques become vastly important during the development of the Responsibility to Protect. The International Commission on Intervention and State Sovereignty sought to address the failings evident in the interventions of the 1990s.

RtoP's literature draws upon debates surrounding humanitarian intervention, but it also brings up a new question: is RtoP more effective as a long-term prevention strategy, or as a rallying cry for a coalition intervention? An inconsistent understanding of RtoP contributes to controversy over its invocation, particularly in Libya.

Early Understandings of Intervention

The perceived duties and responsibilities of states in cases of atrocities outside their own borders have been expressed in several iterations, and here we will look at some relevant philosophies that emerged after World War II and began the debate between state sovereignty and human security. Michael Walzer, in his 1977 book *Just and Unjust Wars*, articulated a view that states do have a right to intervene when faced with mass atrocity. He holds that states have the right to try to halt any slaughter despite the fact that the “legalist paradigm indeed rules out such efforts, but that only suggests that the paradigm, unrevised, cannot account for the moral realities of military intervention.”²³ Traditional conceptions of sovereignty, according to Walzer, are outdated and flawed. In his text, Walzer rejects the Millsian concept that people get the government they deserve²⁴ and that assistance is an unworthy exercise. He puts forth a few cases in which interventions can be legitimate and useful: after a secessionist movement has begun and is shown to be representative, to balance previous interventions by other major powers, and to guard against massacres. In these instances, “we permit or, after the fact, we praise or don't condemn these violations of the formal rules of sovereignty, because they uphold the values of individual life and communal liberty of

²³ Michael Walzer, *Just and unjust wars: a moral argument with historical illustrations*, (New York: Basic Books, 1997), 107-108.

²⁴ *Ibid.*, 88.

which sovereignty itself is merely an expression.”²⁵ This concept, aligning with the *droit d'ingérence* (the right to interfere), holds that states should not expect free license to enact their will within their borders. Without internal liberty, a state’s right to sovereignty within its borders is void. Assaults on human rights can be met with an active response by the other states, and the international legal framework must reflect that reality.

The “right of interference” is one of the more controversial interpretations of the contract between states. René Cassin, an author of the Universal Declaration of Human Rights, insisted upon that member states of the United Nations had a “right to intervene and a duty to act” when confronted with violations of human rights that threaten international security.²⁶ Cassin’s assertion that the international community could and should involve themselves in another state’s domestic affairs indicates an early awareness of the preeminence of human rights over sovereignty.

Interference is a term with negative connotations in both in English and French, but, as Bernard Kouchner asserts, “nothing is more consensual insofar as intervention is always a response to a cry for help.”²⁷ Such a perspective assumes sound intelligence and good judgment on the part of the interveners and says little of the “host” country or its inhabitants. This model of the right to interfere fails to consider the perspectives of the group on the receiving end of the intervention. Gareth Evans calls it “inherently one-sided, not in any way acknowledging the anxieties of those in the global South who had all too often been the beneficiaries of *missions civilisatrices* in the past.”²⁸ Critiques of

²⁵ Walzer, *Just and unjust war*, 108.

²⁶ René Cassin, *Free World*, “The United Nations and human Rights,” 16, <http://www.unz.org/Pub/FreeWorld-1946sep-00016> (accessed 12 Jan. 2013).

²⁷ Bernard Kouchner, *Les guerriers de la paix: du Kosovo à l'Irak* (Paris : Grasset, 2004), 22.

²⁸ Gareth Evans, “The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All,” *Irish Studies in International Affairs* 20, no. 1 (2009), 33.

re-colonization easily emerge if other states have the right to interfere without the input of that area's population on the mission's mandate, length of stay, and methods. For developing countries and those not represented on the Security Council, the prospect of humanitarian interventions is reminiscent of colonial periods past. With the philosophy of the "right to interfere," it is hard to say whether an intervention occurs for humanitarian protection or for a state's economic or power-hungry interests.

Post-Cold War Humanitarian Intervention

With the fall of the Berlin Wall came new power for international bodies like the UN. While during the Cold War the UN had been hampered by bipolarity and the veto power of the Security Council member states, it now had greater capacity to act decisively.²⁹ The Cold War period had been married to the concept of nonintervention, with the General Assembly, the Organization of African Unity and the Organization of American States all condemning armed intervention as akin to aggressive, coercive behavior.³⁰ Human rights law and international humanitarian law, though in existence and codified within international governing bodies, did not yet take precedence over the all-important guarantee of state sovereignty.

A new emphasis on multilateralism pervaded the humanitarian interventions of the 1990s. The UNSC, "intoxicated by the cooperative euphoria of the Gorbachev era,"³¹ became more actively engaged against threats to international peace and security. Boutros Boutros-Ghali, in a report to the Secretary-General of the UN, found that structural

²⁹ S. Neil MacFarlane, "Intervention in Contemporary World Politics," *The Adelphi Papers* 42 no. 350 (2002), 35.

³⁰ MacFarlane, "Intervention in Contemporary World Politics," 35.

³¹ *Ibid.*, 49.

changes and the new prevalence of democracy lessened the importance of sovereignty.³² He notes that since 1988, the United Nations established fourteen new operations and that within the first six months of 1992, the number of UN soldiers and police officers quadrupled.³³ Boutros-Ghali writes of the need to expand peacekeeping to include the delivery of humanitarian aid, as well as the necessity of accelerating the timeline of deployment. He proposes that the UN's role in maintaining collective security could also be expanded to include the enforcement of ceasefires, allowing UN troops to use force "to ensure respect for the ceasefire."³⁴ More critically, Boutros-Ghali expresses an expanded understanding of sovereignty: "While respect for the fundamental sovereignty and integrity of the state remains central, it is undeniable that the centuries-old doctrine of absolute and exclusive sovereignty no longer stands, and was in fact never so absolute as it was conceived to be in theory."³⁵ Instead of placing all importance on noninterference, Boutros-Ghali suggests that the rights of the individual deserve the same respect that had been granted to states.³⁶ Moving beyond the struggle between democracy and communism, the underlying intervention philosophy centered on the alleviation of human pain and the encouragement of more stable governments.

Walzer took up the question of intervention again in 1995, contradicting the feasibility of Boutros-Ghali's proposed intervention philosophy. Instead, he argues that intervention is at its core a negative action—that it has the goal of mitigating violence, not of spreading industrialization or democracy.³⁷ Its basic goal is to remove whatever

³² MacFarlane, "Intervention in Contemporary World Politics," 52.

³³ Boutros Boutros-Ghali, "Empowering the United Nations," *Foreign Affairs* 71, no. 5 (1992), 90.

³⁴ *Ibid.*, 94.

³⁵ *Ibid.*, 98-99.

³⁶ *Ibid.*, 99.

³⁷ Michael Walzer, "The Politics of Rescue," *Social Research* 62, no. 1 (1995), 55.

tyrant is oppressing his people and then vacate the territory. He argues that in a case like Bosnia, where there are many actors and few clear “good guys,” that model of humanitarian intervention loses its strength. When the problem is internal and the actors are not all states, leaving quickly after deposing one leader could do more to upset security than taking no action at all. For Walzer, the concept of an all-encompassing intervention that brings a regime into the realm of a western democracy misses the point entirely. The aim, he writes, is “not to alter power relations on the ground, but only to ameliorate their consequences—to bring food and medical supplies to populations besieged and bombarded, for example, without interfering with the siege or bombardment.”³⁸

The framing of intervention as “humanitarian,” too, seemed problematic to some academics. By calling armed intervention “humanitarian” from the onset, “it did not take into account the need for either prior preventive action or subsequent follow-up assistance . . . it tended to trump sovereignty with intervention at the outset of the debate by implicitly de-legitimizing dissent as anti-humanitarian.”³⁹ If the humanitarian thing to do is invade a country, then calling for civil society solutions or further diplomacy would seemingly fall into the anti-humanitarian category—a shortsighted conclusion. The issues surrounding this framing of the response to mass atrocity, not only the terminology but also its operationalization, is a powerful catalyst for RtoP’s genesis. From the unwillingness to engage with the genocide in Rwanda to the violation of safe areas in Bosnia, this response to atrocity demonstrated how a little bit of action can prevent larger

³⁸ Walzer, “The Politics of Rescue,” 53.

³⁹ Michael Newman. *Humanitarian intervention: confronting the contradictions* (New York: Columbia University Press, 2009), 189.

scale solutions.⁴⁰ Humanitarian intervention is more likely to evoke an image of inaction and or, at least, ineffectual action than to be considered a helpful model.

Several events stick out in history as crucial junctures in the birth of a new version of intervention—Somalia discourages the United States from engaging in further interventions, and Rwanda and Bosnia serve as markers of the transition between an expanded peacekeeping and humanitarian intervention. The manmade famine in war-torn, anarchic Somalia, resulted in the death of 250,000 people by the end of 1992⁴¹ and prompted the US to engage in peace operations—airlifting food in and providing logistical support to the Pakistani security troops in Mogadishu under Chapter VI of the UN Charter.⁴² The US military pursued a solely humanitarian objective initially but began to target warlord Mohamed Farah Aideed in June 1993. In October 1993, a battle in Mogadishu resulted in the death of 18 US soldiers.⁴³ Public support for this mission in a far-off country deteriorated, and US involvement ceased.⁴⁴ Although a complex story that cannot be done justice with a few lines in a paper, the international community's lack of involvement in the conflict in Rwanda led to a genocide in 1994 during which at least 500,000 Rwandans died.⁴⁵ The slaughter was meticulously planned and carried out despite the in-country presence of a United Nations peacekeeping force (UNAMIR). The following extract from Howard Adelman is referenced in the African Union's report on

⁴⁰ By engaging in some forms of relief efforts, western consciences feel better about their ultimate inaction. See Rieff's definition of "humanitarian alibi" in *A Bed for the Night: Humanitarianism in Crisis* (New York: Simon & Schuster, 2003), 132.

⁴¹ Jonathan T. Howe, "The United States and the United Nations in Somalia: The Limits of Involvement," *The Washington Quarterly* 18, no. 3 (1995).

⁴² Howe, "The United States and the United Nations in Somalia: The Limits of Involvement."

⁴³ "Chronology: The US/UN in Somalia," *Ambush in Mogadishu*, PBS, <http://www.pbs.org/wgbh/pages/frontline/shows/ambush/etc/cron.html> (accessed 23 Mar. 2013).

⁴⁴ Louis T. Klarevas, "Trends: The United States Peace Operations in Somalia," *The Public Opinion Quarterly* 64, no. 4, (2002), 527.

⁴⁵ Howard Adelman, "Rwanda revisited: in search for lessons," *Journal of Genocide Research* 2 no. 3 (2000), 431.

the genocide, entitled “The Preventable Genocide”: “This was the most easily preventable genocide one can imagine. There was advance notice. The UN was in military control of the key center--the airport. International law had already sanctioned intervention in the case of genocide and, in any case, the UN had already been given a mandate to protect civilians in Rwanda.”⁴⁶ All evidence pointed to the need for outside involvement to stem the killing. World leaders received eyewitness reports from multiple sources, including UNAMIR Force Commander Romeo Dallaire, detailing the slaughter, knew it to be more than just tribal warfare, but still reduced their presence.⁴⁷ An intervening force of 5,000, according to Dallaire and as well as other US Army leaders, could have mitigated the genocide. Because some states were unwilling to call the situation in Rwanda “genocide,” action was not deemed necessary.⁴⁸ Dallaire attributes the unwillingness of the Department of Peacekeeping Operations to act a result of “that paranoia of Somalia coming back.”⁴⁹ States preferred not to put their troops at risk unless absolutely necessary, and so Dallaire was forced to stick to the “classic Chapter VI mandate . . . the rules of engagement were to be strictly self defense, and nothing more.”⁵⁰ His troops were there, according to the United Nations, to keep the peace and not to implement it. By insisting on adherence to an old strategy of peacekeeping—observance and little more—the international community allowed the massacre of

⁴⁶ Adelman, “Rwanda revisited: in search for lessons,” 432.

⁴⁷ African Union, *Rwanda: The Preventable Genocide*, Jul. 2002, <http://www.unhcr.org/refworld/docid/4d1da8752.html> (accessed 23 March 2013).

⁴⁸ United Nations, *Report of the Independent Inquiry into the actions of the United Nations during the 1994 genocide in Rwanda*, 15 Dec, 1999, <http://daccess-ods.un.org/TMP/4105054.73613739.html>, 38 (accessed 23 Mar. 2013).

⁴⁹ “Interview: General Romeo Dallaire,” *Ghosts of Rwanda*, PBS, <http://www.pbs.org/wgbh/pages/frontline/shows/ghosts/interviews/dallaire.html> (accessed 23 Mar. 2013).

⁵⁰ *Ibid.*

hundreds of thousands Rwandans. An inadequate mandate, a lack of political will, little military resources, and miscommunication served as barriers to adequate protection.

To be further developed in a later chapter, the prolonged inaction in the former Yugoslavia had similarly disastrous for results for the region's civilians as well as for the UN's credibility. Thousands of Bosnian Muslims were slaughtered within UN-designated safe areas. Though the force commander had wished to demilitarize the safe areas, "UNPROFOR had the capacity neither to demilitarize nor to defend the safe areas. Of the 34,000 troops the force commander requested to implement the protection scheme, only 7,600 had materialized after one year."⁵¹ As a result, these towns were used as bases for the Bosnian military and thus served a pretext for attacks by Bosnian Serbs. A weak mandate and little manpower, again, contributed to the massacre of thousands.

The fear surrounding diminished state sovereignty does not go away despite the move away from the "right to interfere" framing. The interveners are typically highly developed, powerful states, and the intervened-upon are typically of the diametric category. As Clifford Owen wrote of the practice, humanitarian intervention is most commonly

an encounter between Western or Westernized nations and non-Western ones, between lands where liberal democracy and technology have triumphed and lands where they have not . . . It is the white man's burden purged of its inconvenient whiteness. Precisely because it passes for nonpolitical, the relief of suffering affords a uniquely noncontroversial ground of political action.⁵²

Owen's point should be qualified, however: the prevalence of Western states intervening in non-Western states could be a result of the contrast between their military arsenals and economic power, and there is a history of non-Western, undeveloped states intervening in

⁵¹ Fiona Terry, *Condemned to Repeat* (Ithaca: Cornell University Press, 2002), 31.

⁵² Clifford Orwin, "Humanitarian Military Intervention: Wars for the End of History?" *Social Philosophy and Policy* 23, no. 1(2006), 203.

other non-Western, undeveloped states.⁵³ This phenomenon is not exclusively propagated by the white man upon the brown man, but there is no doubt that the more economically and militarily strong state is more likely to act to “save” the weaker state.

Scholars frequently reinforce this fear of a new imperialism cloaked in humanitarian concern. In an updated version of Kouchner’s *droit d’ingerance*, Michael Ignatieff subscribes to a right to intervene and makes no pretensions about the implications intervention has on state sovereignty. For Ignatieff, the goal of an intervention is not to restore a failed state (one that has lost the monopoly over the means of violence⁵⁴ and engages in systemic, gross, repeated violence against its own people⁵⁵) to power, but instead to create a smoothly integrated state that cooperates with the international system through regional organizations and economic treaties. In so doing, he advocates for a hybrid sovereignty, pointing to NAFTA and the OSCE as examples of organizations that do not align with strict Westphalian sovereignty but which serve to stabilize states—human rights being better served by the elimination of chaos. Like Kouchner, Ignatieff points to WWII as a turning point in the sovereignty debate, saying that the development of the Universal Declaration of Human Rights arose after WWII in a response to “the abomination that could occur when the Westphalian state was accorded unlimited sovereignty, when citizens of that state lacked normative grounds to disobey legal but immoral orders.”⁵⁶ Before the Declaration, he argues, only states had rights and any attempt to abrogate those rights was illegal. Now these rights have become

⁵³ See India’s invasion of East Pakistan in the 1970s as described in: International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, 56.

⁵⁴ Michael Ignatieff, “State Failure and Nation-building,” in *Humanitarian Intervention: Ethical, Legal and Political Dilemmas*, ed. J. L. Holzgrefe and Robert O. Keohane, (New York: Cambridge University Press, 2003), 306.

⁵⁵ *Ibid.*, 307.

⁵⁶ Michael Ignatieff and Amy Gutmann, *Human rights as politics and idolatry*. Princeton, NJ: Princeton University Press, 2001), 4-5.

normalized in the international system and are, in fact, a prerequisite to admission to “the family of nations.”⁵⁷ Nation building, part of the intervention continuum, is a replacement for *les mission civilisatrices*. The author calls it “a form of temporary rule that reproduces the best effects of empire.”⁵⁸ Ignatieff does not shy away from privileging human rights over those of states. He acknowledges that enforcing human rights through armed intervention can conflict with one’s right to select one’s own government.⁵⁹ Of course, in insisting upon the right to intervene, Ignatieff engages a central debate of humanitarian intervention: without state sovereignty, there is no self-determination; without intervention, there may be no human rights.

Fears of a new imperialism gained some traction with NATO’s intervention in Kosovo in 1999. In 1989, the regime of Slobodan Milosevic altered the traditional autonomy of Kosovo within the former Yugoslavia. Exacerbating disagreement over autonomy, Kosovo’s ethnic composition was 90 percent Albanian and 10 percent Serbian.⁶⁰ In 1998, conflict between Serbian military and police and Kosovar Albanian groups forced 400,000 people from their homes. 2000 people were killed in Kosovo between March 1998 and March 1999.⁶¹ NATO began a 78-day bombing campaign in the former Yugoslavia aiming “to stem Belgrade’s expulsion of ethnic Albanians from Kosovo and block a gross violation of international law.”⁶² NATO’s stated objectives were “a verifiable stop to all military action and the immediate ending of violence and

⁵⁷ Ignatieff and Gutmann, *Human rights as politics and idolatry*, 7.

⁵⁸ Ignatieff, “State Failure and Nation-building,” in *Humanitarian Intervention: Ethical, Legal and Political Dilemmas*, 320-321.

⁵⁹ Ignatieff and Gutmann, *Human rights as politics and idolatry*, 22.

⁶⁰ Norman Naimark. *Fires of Hatred: Ethnic Cleansing in Twentieth-Century Europe* (Harvard University Press, 1999), 180.

⁶¹ “NATO’s role in relation to the conflict in Kosovo,” 15 Jul. 1999, <http://www.nato.int/kosovo/history.htm> (accessed 23 Mar. 2013).

⁶² Louis Henkin, “Kosovo and the Law of ‘Humanitarian Intervention,’” *The American Journal of International Law* 93, no. 4 (1999), 828.

repression; the withdrawal from Kosovo of the military, police and paramilitary forces . . . the unconditional and safe return of all refugees and displaced persons and unhindered access to them by humanitarian aid organisations”⁶³—all ostensibly noble and moral causes. NATO did not, however, ask permission from the United Nations Security Council for this operation. Louis Henkin suggests that the threat of a Security Council veto prompted the independent action, writing that “after the Cold War, geography and politics rendered unanimity by the permanent members in support of military action (especially in the Balkans) highly unlikely.”⁶⁴ Though Henkin points to the illegality of intervening without the Security Council’s backing, he offers a possible argument in support of NATO’s actions: “Human rights violations in Kosovo were horrendous; something had to be done. The Security Council was not in fact ‘available’ to authorize intervention because of the Veto. Faced with a grave threat to international peace and security within its region, and with rampant crimes reeking of genocide, NATO had to act.”⁶⁵

Despite the risk of an even higher death toll without NATO’s help, the decision to act without the Security Council made the operation suspect for many academics. The socialist publication, *Monthly Review*, wrote of the intervention in Kosovo, “Forget humanitarian motives. This is about U.S. global hegemony. And more immediately, it is about the role of NATO as the U.S. conduit to Europe, at a time when the European Union is developing as a major pole of global capitalism that the United States needs to

⁶³ “NATO’s role in relation to the conflict in Kosovo.”

⁶⁴ Louis Henkin, “Kosovo and the Law of ‘Humanitarian Intervention,’” 825.

⁶⁵ *Ibid.*, 826.

control.”⁶⁶ With the end of the Cold War, western capitalism had the opportunity to dominate another continent. Kosovo’s location in an oil and mineral rich territory only fueled such criticisms. The journal suggests that humanitarian intervention actually served as an economic imperialism in order to universalize capitalism.⁶⁷ Others declare that NATO created the conflict between the Serbian government and KLA forces in order to force an intervention.⁶⁸ The prevalence of differing accounts illustrates the difficulty of engaging in a military operation without unanimous support. Had all Security Council members agreed to this mission, perhaps the operation would have appeared less suspect.

Furthermore, the intervention in Kosovo creates problematic implications for the authority of the Security Council, and the aftermath of the intervention does not provide much clarification either. The Kosovo Commission deemed NATO’s actions as “‘illegal but legitimate’ in the sense that the Western countries had performed a legitimate rescue of oppressed Kosovars likely to suffer ethnic cleansing under Slobodan Milosevic’s leadership but had done so without the Security Council’s legal sanction (unavailable due to the threatened Russian and Chinese vetoes).”⁶⁹ If NATO can act independently, technically breaking international law, but remain beyond international reproach, what weight does the Security Council actually hold? Without assurance that the United Nations will act when faced with a humanitarian crisis, looming genocide or ethnic

⁶⁶ Ellen Meiksins Wood, “Kosovo and the New Imperialism,” *Monthly Review* 51, no. 2 (June 1999), <http://monthlyreview.org/1999/06/01/kosovo-and-the-new-imperialism> (accessed 23 Mar. 2013).

⁶⁷ *Ibid.*

⁶⁸ Brendan Stone, “The U.S.-NATO Military Intervention in Kosovo: Triggering Ethnic Conflict as a pretext for intervention,” 29 Dec. 2005, *Global Research*, <http://www.globalresearch.ca/the-u-s-nato-military-intervention-in-kosovo/1666> (accessed 23 Mar. 2013).

⁶⁹ Michael W. Doyle, “The Folly of Protection: Is Intervention Against Qaddafi’s Regime Legal and Legitimate?,” *Foreign Affairs* 20 Mar. 2011, <http://www.foreignaffairs.com/articles/67666/michael-w-doyle/the-folly-of-protection?page=show>, (accessed 23 Mar. 2013).

cleansing, it is difficult to perceive the body as the proper authority nor is there any assurance that states or regional organizations are acting altruistically.

Towards the Responsibility to Protect

The Responsibility to Protect emerged as a response to the inadequacy of protocols associated with the practice of humanitarian intervention and the difficulty of resolving sovereignty with human rights. Aforementioned critiques of humanitarian intervention practice and theory—the step backwards towards imperialism, the inability to ensure self-governance, a focus on the intervener and not on the intervened—informed the discussion and development of RtoP. With RtoP, the ICISS hoped to “bridge the gap between so-called legitimate (ethically justifiable) and legal (legally authorized) intervention.”⁷⁰ The error of holding fast to a traditional peacekeeping method became painfully obvious with Rwandan and Bosnia, and Kosovo highlighted the problem of right authority in carrying out military operations.

Recognizing the lack of regulation surrounding humanitarian interventions, RtoP attempts to re-frame and refine the idea of militarily intervening for the purpose of human security. Sovereignty concerns, RtoP proponents assert, are second to the “protection of individuals against threats to life, livelihood, or dignity that can come from within or without.”⁷¹ RtoP reformulates human rights-based interventionism, arguing that

The issue must be reframed not as an argument about the ‘right to intervene’ but about the ‘responsibility to protect.’ And it has to be accepted that although this responsibility is owed by all sovereign states to their own citizens in the first instance, it must be picked up by the international community if that first-tier responsibility is abdicated, or if it cannot be exercised.

⁷⁰ Michael W. Doyle, “The Folly of Protection.”

⁷¹ Gareth Evans and Mohamed Sahnoun, “The Responsibility to Protect,” 2.

That report insisted on a dual responsibility of sovereignty: “externally—to respect the sovereignty of other states, and internally, to respect the dignity and basic rights of all the people within the state,”⁷² utilizing the philosophy that sovereignty hinges on the behavior of the sovereign. RtoP, while not giving states the explicit right to intervene militarily in cases of mass atrocities, acknowledges the responsibility of the international community to respond when a government is unwilling or unable to protect its own citizens. The ICISS panel intended for the reactive component of RtoP to remain limited: “the responsibility to react—with military coercion—can only be justified when the responsibility to prevent has been fully discharged.”⁷³ The Commission reiterated Just War principles as key to determining the legitimacy of an intervention. Whatever action taken, once preventive measures have been exhausted or are unlikely to work, must be motivated by noble intentions, be the last resort, use proportional means to achieve its goals, and have reasonable prospects of success.⁷⁴ Put briefly, RtoP as written by the ICISS, “proposes a new international default setting”⁷⁵ with its codification of prioritizing human security over state sovereignty, but its concept of prevention, reaction and rebuilding has been seen before.

The Responsibility to Protect concept was endorsed at the 2005 United Nations World Summit, but the RtoP concept originally conceived by the Commission has some distinct differences from the ideas expressed in the UN document. The Commission favors a broad interpretation of what constitutes an emergency requiring international action, stating that RtoP exists

⁷² International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, 8.

⁷³ *Ibid.*, 36.

⁷⁴ *Ibid.*, xii.

⁷⁵ Thomas G. Weiss, *Humanitarian Intervention: War and Conflict in the Modern World* (Cambridge: Polity Press, 2012), 120.

in order to halt or avert: large scale loss of life, actual or apprehended, with genocidal intent or not, which is the product either of deliberate state action, or state neglect and 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.⁷⁶

Though they seem analogous, the version espoused by the United Nations in 2005 narrows the scope of RtoP to four specific cases: genocide, war crimes, ethnic cleansing, and crimes against humanity. The UN's negotiation of RtoP limited its applicability and reiterated the necessity of Security Council agreement. From 2001 to 2005, the document underwent a few significant changes. What follows is the entirety of the endorsement of RtoP at the 2005 World Summit:

138. Each individual 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 in accordance with 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, in accordance with Chapters VI and VIII of the Charter, to help to 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 are manifestly failing 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 which are under stress before crises and conflicts break out.

⁷⁶ United Nations General Assembly, "2005 World Summit Outcome," 15 Sep. 2005, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/487/60/PDF/N0548760.pdf?OpenElement> (accessed 23 Mar. 2013).

140. We fully support the mission of the Special Adviser of the Secretary-General on the Prevention of Genocide.⁷⁷

Three points emerged from the World Summit Outcome document: sovereigns are responsible to their people, institutional commitments to the prevention of mass atrocity and improved peacekeeping measures are necessary, and the Security Council is the right body to legitimize intervention.⁷⁸ Gareth Evans, one of the doctrine's primary authors, feels that the changes to in the World Summit Outcome RtoP do not diminish the quality of the endorsement and that the concept "survived almost unscathed."⁷⁹ The two versions are, however, noticeably different. The ICISS report is a small book, while this endorsement is only a few paragraphs and describes a more sedate version of RtoP. As evidenced by the initial reference the responsibility of individual states, the need to win over developing, less powerful states required some concessions. Of additional importance is the emphasis on prevention as opposed to reaction. It speaks to the need for early warning capability and commits the international community to "helping States build capacity to protect their populations." These two paragraphs reaffirm the sovereign power of states and designate the UN as a resource and support for states. It can "encourage and help States," but the paragraph reassures smaller states that their borders have not become meaningless.

The responsibility to react still figures into the UN version of RtoP, but it does not resolve key issues surrounding the legitimation of an active response to atrocity. The document places the threshold for international action at "manifest failure" to protect

⁷⁷ United Nations General Assembly, "2005 World Summit Outcome."

⁷⁸ Alex J. Bellamy, *Global Politics and the Responsibility to Protect: From Words to Deeds* (New York: Routledge, 2011), 24.

⁷⁹ Gareth Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and For All* (Washington, DC: The Brookings Institution, 2008), 47.

populations, but at what point does a lack of protection become a manifest failure? No definition exists for that term, and as the document suggests that collective action should be considered on a case-by-case basis, no firm answer emerges from this dialogue either. Similarly, the World Summit fails to address the possibility of a Security Council gridlock. In their text, the ICISS suggests that if the Security Council does not act in a timely fashion, the General Assembly should have an emergency procedure or that regional organizations take action under Chapter VIII of the Charter. The committee also warns that the UN's stature and credibility are risked by Security Council inaction.⁸⁰ There is no mechanism in place to surpass the veto power within the Security Council, and the World Summit leaves the response to atrocity little changed. Instead of providing other options if the conventional path fails, the World Summit points solely to the Security Council (who should act in a timely and decisive manner). Giving the Security Council the sole power to authorize a reaction puts the international community in the same position as before: powerless to force the 15 member states into action.

Conflicting views on RtoP

RtoP is either hailed as a groundbreaking new conception of sovereignty and response to atrocity or as a repackaging of old principles in humans rights language, serving little purpose other than to disguise the realpolitik goals of the major powers. Much of the literature questions the likelihood of RtoP hastening or facilitating the response to humanitarian crises, while other authors fear that the concept allows easy exploitation of weak states for non-humanitarian purposes. This paper will argue that a nuanced combination of these ideas is the reality. In examining in greater detail the cases

⁸⁰ International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, 55.

of Bosnia in the 1990s and Libya in 2011, one can find evidence that the rhetoric and focus of intervention as well as the structural process by which the UN evaluates these crises has changed drastically, but that the reality of the intervention's operationalization remains much the same.

Examining the Security Council for evidence of a shift in the importance of human rights enforcement, at first glance, reveals few structural changes. The Council is still dominated by the world's most powerful states and the threat of veto power is still relevant. The ICISS, with their initial proposal, had no definitive answer to the problem of a reluctant Security Council. They warned, instead, that the UN's reputation could suffer if the Security Council failed to act and also that states would be likely to act independently without the approval of the Security Council. As a remedy, they recommended a sort of accord by which the Permanent Five members agree to withhold their veto powers when the rest of the group is in agreement on a matter of humanitarian concern. The ICISS agreed on the importance of the Security Council, but noted that if that body fails, "humanitarians and victims are left where the Secretary-General himself was in September 1999 when he queried his diplomatic audience about their reactions had there been a state or a group of states willing to act in April 1994 even without a Security Council imprimatur."⁸¹ Aidan Hehir points to the lack of codified change in the UNSC to argue that RtoP represents a means by which major powers can manipulate international law for their own benefit. While acknowledging the need for a response to atrocity, Hehir finds that RtoP creates little substantive change from previous practice, in part due to the inherent structural problems of the Security Council—structurally unequal due to veto powers and a slow-moving body. Without a prescription to ensure that the

⁸¹ Thomas G. Weiss, *Humanitarian Intervention: War and Conflict in the Modern World*, 83.

international community absorbs the responsibility of protecting a population in danger, the concept remains informal and difficult to operationalize.⁸²

Similarly, Daniel Warner's discomfort with RtoP comes from its inability to operate outside of the statist system. RtoP as a concept remains at once paradoxically rooted in the concept of state sovereignty—it is the worldview by which the concept is imagined—and opposed to it. By allowing or actively participating in intervention, the international community is effectively removing and replacing the government of the territory with another sovereign. The protection of human life is important, but, Warner argues that “by emphasizing human security and human rights as priorities, it has weakened the state's sovereignty without finding a responsible alternative. The ‘international community’ cannot protect individuals over a long period of time.”⁸³

Without a strong state system, how can people expect long-term stability and protection let alone democratic rule? The question of sovereignty remains a prime stumbling block for RtoP's actualization. How can its proponents argue for a prioritization of human security without any real guarantee of a return to independence for the “host” state?

If pre-RtoP sovereignty was not so limitless, as Hehir suggests, then RtoP does not mark a wildly new direction.⁸⁴ Sovereignty, he writes, had little to do with the sluggish response to atrocity in the past; instead, political will determines collective intervention.⁸⁵ RtoP adds a new way of discussing humanitarian crises, but little else. For Kouchner, too, RtoP hardly differs from his conception of the right to interfere. He

⁸² Aidan Hehir, “The Responsibility to Protect: ‘Sound and Fury Signifying Nothing?’” *International Relations* 24, no. 218 (2010), 231.

⁸³ Daniel Warner, “The Responsibility to Protect and Irresponsible, Cynical Engagement,” *Millennium Journal of International Studies* 32, no.1 (2003), 114.

⁸⁴ The Nuremberg Trials are an example that states could not do as they wished with their own citizens. Hehir, “The Responsibility to Protect: ‘Sound and Fury Signifying Nothing?’” 230.

⁸⁵ *Ibid.*, 229.

observes from the name of the Report that “diplomacy clings to its sense of propriety; it prefers to speak of ‘intervention for humanitarian protection’ and the ‘responsibility to protect’ rather than the ‘right to interfere.’ Be that as it may, there is no difference.”⁸⁶ The two ideas both imply the violation of borders for the purpose of saving lives.

Gareth Evans, one of the main authors of the Report, finds ample misconceptions and misinformation surrounding RtoP. The view that the concept re-packages the humanitarian intervention model strikes him as false, saying that humanitarian intervention was “coercive military intervention for humanitarian purposes—nothing more or less,”⁸⁷ whereas RtoP represents a wide swath of activities and seeks to prevent atrocity. To critics who argue that RtoP will give states excuses to engage in modern-day imperialism, he argues that they are, in fact, addressing humanitarian intervention not RtoP and have not kept up with the debate.⁸⁸ The failure to respond to tragedy in the past, Evans argues, has little to do with the United Nations, but more to do with the lack of political will from individual states. A relatively low budget in the UN for peacekeeping has not prevented missions from having a high success rate. For him, the development of RtoP marks a conceptual victory that has also generated more responsive institutions. The third and indispensable challenge, he writes, is that of political preparedness and generating will.⁸⁹ For Evans, fears of a new imperial machine are too cynical and give the international community too little credit, while fears that RtoP is too strong give the doctrine more power than it is capable of harnessing.

⁸⁶ Bernard Kouchner, *Les guerriers de la paix: du Kosovo à l'Irak*, 25.

⁸⁷ Gareth Evans, “Implementing the Responsibility to Protect: Lessons and Challenges,” *Alice Tay Lecture on Law and Human Rights*, 5 May 2011, <http://www.gevans.org/speeches/speech437.html> (accessed 23 Mar. 2013).

⁸⁸ *Ibid.*

⁸⁹ Evans, “Implementing the Responsibility to Protect: Lessons and Challenges.”

While in some of his writings Bellamy insists upon the revolutionary quality of this emerging doctrine, he also acknowledges the difficulty of gauging its efficacy. The language of RtoP, he writes, now frames the discussion surrounding these humanitarian emergencies, but whether “RtoP is adding value or whether the same (or better) results are being achieved by alternative routes (such as regional security architectures) or whether (as seems most likely) it is a combination of the two.”⁹⁰ Perhaps RtoP has prevented instances of mass atrocity through its prevention efforts, but testing that hypothesis is a difficult proposition. How can one measure what atrocities were prevented due to the call for strong diplomatic efforts and early warning systems? Though it does not directly reply to that dilemma, this paper searches for rhetorical cues to understand how embedded the concept has become in international relations. If the vocabulary of RtoP is present in the dialogue of states considering intervention efforts, we know at the very least that the concept is on its way to becoming a norm. Despite its unclear effect, Bellamy maintains that RtoP has caused a new international consensus that the international community can legitimately concern itself with war crimes and atrocities within other states.⁹¹ Whatever the incidental interests of a state in pursuing a military response to a humanitarian crisis, it is acceptable as long as the primary motivation is that of saving lives.⁹²

The crisis in Darfur unfolded at the same time as RtoP’s UN endorsement; as a result, much of the surrounding literature measures RtoP’s success by the outcome in Darfur. On one hand, the many steps taken by the UN to express disapproval of the

⁹⁰ Bellamy, *Global Politics and the Responsibility to Protect: From Words to Deeds*, 69.

⁹¹ *Ibid.*, 142 .

⁹² Alex J. Bellamy, “Motives, Outcomes, Intent, and the Legitimacy of Humanitarian Intervention,” *Journal of Military Ethics* 3, no. 3 (2004), 222.

genocide and massive displacement indicate that the UN is taking more seriously its role of human protection; on the other hand, no military force made its way into Darfur to put an end to the violence. Max W. Matthews asserts that, despite criticisms that the international community did not act to prevent genocide in Darfur, “its resolutions . . . demonstrate support of the R2P framework. While it is perhaps too early to call these resolutions a trend, the references to R2P suggest that the Security Council may be taking its responsibility to protect seriously and will continue to act accordingly.”⁹³ In fact, by working with the Sudanese government to negotiate a peace, the international community aligns with RtoP in all of its complexities and adds credibility to the RtoP doctrine.⁹⁴ On the other hand, Alex de Waal considers the case of Darfur to spell out demise of RtoP. The international community did not act to stem the violence, de Waal says, and its response “consisted chiefly of ad hoc steps rather than a systematic or strategic approach to the crisis.”⁹⁵ Embarrassingly, the State Department of United States declared that genocide had been committed in Darfur while simultaneously declared that this finding would not impact US policy.⁹⁶ Such a statement surely demonstrates that no real commitment to RtoP existed.

These criticisms of action/non-action in Darfur are well summed up by a debate between Bellamy and Weiss. Should RtoP function as a standing policy of prevention, or should it be used to rally the troops (literally) in instances of mass atrocity? In 2010, Bellamy issued a re-examination of RtoP considering these two opposing viewpoints.

⁹³ Max W. Matthews, “Tracking the Emergence of a New International Norm: The Responsibility to Protect and the Crisis in Darfur,” *Boston College International & Comparative Law Review* 31, no.1 (2008), 150.

⁹⁴ *Ibid.*

⁹⁵ Alex de Waal, “Darfur and the failure of the Responsibility to Protect,” *International Affairs* 83, no. 6 (2007), 1041.

⁹⁶ *Ibid.*

Ultimately, he sides with the RtoP of prevention policy. RtoP applies to all states at all times; the question is how to implement that concept.⁹⁷

⁹⁷ Alex J. Bellamy, “The Responsibility to Protect—Five Years On,” *Ethics & International Affairs* 24, no. 2 (2010), 158.

Chapter 3: Bosnia and Herzegovina

Historical background

The wars permeating the Balkan region in the 1990s significantly impacted the legitimacy of the UN's peacekeeping model and have come to be held up as a textbook example of the wrong way to react to a humanitarian crisis. Many of the subsequent reforms efforts, ultimately including RtoP, within the UN were prompted by the uncertainty demonstrated in the broader response to Bosnia-Herzegovina. A particular problem with the war in Bosnia was an international reluctance to get involved in a conflict that was not perceived to be directly related to their own state interests (despite its European location). The conflict seemed interior to that region and unrelated to American, British, French, or other European interests. In this chapter, I will provide a brief history of the conflict in the former Yugoslavia, and then examine a few key speeches from heads of state outside of Yugoslavia—namely, President Clinton and President Chirac—to better ascertain the understanding of the role of the international community and the reasons for a sluggish response to that crisis. Structural uncertainties within international organizations impacted the response to atrocity, too. The United Nations and NATO had not yet fully transitioned out of Cold War strategies and structures and so were unable to react effectively.

How did a multicultural entity like the former Yugoslavia descend into genocide? The multinational nature of the former Yugoslavian state in combination with the instability following the death of a dictator, economic restructuring, and the disintegration of the region's leading power, the Soviet Union, contributed to hostilities between Yugoslavia's member nations. Following the Second World War, Bosnia-

Herzegovina became part of the Yugoslav Socialist Federation, a multicultural entity consisting mainly of Serbs, Croats and Muslims, as well as Slovenes, Macedonians, and Montenegrins.⁹⁸ President-for-life Josip Broz Tito ruled over the Federation, which began as a centralized entity,⁹⁹ but then grew to emphasize autonomy for its different ethnic groups under what Gary Bertsch refers to as the Yugoslav ideology of self-managing socialism.¹⁰⁰ Each group had control of a republic within the Federation in which they could speak their respective languages. Bosnia-Herzegovina, unlike other former Yugoslav states, was marked by its multiculturalism and was home to Serbs, Croats, and Bosnian Muslims. Within that group, religion was the sole distinguishing factor, since the Muslims, Serbs, and Croats were racially identical as white Eastern European Slavs.¹⁰¹ The capital of Yugoslavia's location in Serbia, at Belgrade, meant that, despite the Federation's many nationalities, Yugoslavia was "essentially ruled and run by Serbs."¹⁰²

Tito held this union together as President-for-life until his death in May 1980, at which time nationalistic politicians came to power throughout the country.¹⁰³ Following Tito, power rotated between presidents from each of Yugoslavia's republics and autonomous regions.¹⁰⁴ In 1989, newly elected President Slobodan Milosevic used state-

⁹⁸ "Yugoslavia: Society" Library of Congress Country Studies, Dec. 1990, [http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field\(DOCID+yu0006\)](http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field(DOCID+yu0006)) (accessed 23 Mar. 2013).

⁹⁹ Gary K. Bertsch, "Ethnicity and Politics in Socialist Yugoslavia," *The Annals of the American Academy of Political and Social Science* 433, no. 1 (1977), 89.

¹⁰⁰ *Ibid.*, 90-91.

¹⁰¹ David Rohde, *Endgame* (New York: Farrar, Straus and Giroux, 1997), xi.

¹⁰² "Talking about Genocide: Bosnia 1995," Peace Pledge Union Information, http://www.ppu.org.uk/genocide/g_bosnia.html (accessed 23 Mar. 2013);

See also Bertsch, "Ethnicity and Politics in Socialist Yugoslavia," 97: Serbs comprised about 67 percent of all federal employees, though at the leadership level Serbs represented only about 39 percent of federal administrators.

¹⁰³ Rohde, *Endgame*, xii.

¹⁰⁴ Stathis N. Kalyvas and Nicholas Sambanis, "Bosnia's Civil War: Origins and Violence Dynamics," *The World Bank*, Jul. 1, 2005, 192.

controlled television to gin up nationalist sentiment and to increase public fears of a return to a period of Serb suffering.¹⁰⁵ Serbian Academy of Sciences released a statement corroborating Milosevic's rhetoric that denounced Tito for his anti-Serbian policies.¹⁰⁶ This trend of hyper-nationalism in combination with the political and economic restructuring eventually fractured Yugoslavia and, with the end of Soviet dominance, the region further destabilized.

Elections in 1990 continued Yugoslavia along the same trajectory, as nationalistic politicians were elected in Slovenia and Croatia. These states seceded from Yugoslavia in 1991; Bosnia followed suit in 1992.¹⁰⁷ Croatia's secession prompted an outbreak of violence in June 1991 between the Yugoslav Army (JNA) and Croatia militias, the first sign of the coming war.¹⁰⁸ Though the majority of Bosnians voted for independence in 1992, the population was sharply divided by ethnic group. While most Bosnian Muslims voted for independence, Bosnian Serbs wished to remain part of Yugoslavia ("Greater Serbia").

In Bosnia, Serbian aggression began almost immediately after the results of the secession vote, causing the UNSC to impose economic sanctions in April 1992.¹⁰⁹ Nationalist paramilitary groups from Serbia seeking to expel Bosnian Muslims captured the town of Srebrenica in April 1992. Though Muslims attempted to retake the town a few weeks later, the Serbs had far greater military resources with tanks and artillery.¹¹⁰ By March of the following year, 60,000 Bosnian Muslims lived in Srebrenica and its

¹⁰⁵ Rohde, *Endgame*, xii.

¹⁰⁶ Kalyvas and Sambanis, "Bosnia's Civil War: Origins and Violence Dynamics," 192.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid., 193.

¹⁰⁹ Ibid.

¹¹⁰ Rohde, *Endgame*, xv.

surrounding areas. Eventually, Bosnian Serbs forces, led by Ratko Mladic, edged out the Muslim populations, surrounded Sarajevo, and controlled the majority of Bosnia. Non-Serbs bore the brunt of the displacement, were cut off from access to humanitarian organizations by the Bosnian Serbs until mid-1993.¹¹¹

As hostilities increased, the United Nations became involved with the whole of the Yugoslav region. The United Nations Protection Force (UNPROFOR), first based in Croatia in 1992, continued to expand as the fighting grew more intense. UNPROFOR was originally tasked with creating the peace and security necessary for a negotiated settlement of the conflict in the former Yugoslavia and with protecting three UN Protected Areas in Croatia from armed attack.¹¹² The operation endured for three years, from February 1992 until March 1995. On May 30, 1992, the Security Council acted under Chapter VII to impose sanctions on the Federal Republic of Yugoslavia and demand the free movement of humanitarian aid to Bosnia and Herzegovina.¹¹³ In June 1992, the mission grew to include the maintenance of the security of Sarajevo's airport. By the end of that summer, UNPROFOR was supporting the United Nations High Commissioner for Refugees (UNHCR) with the delivery of humanitarian relief in Bosnia-Herzegovina, its mandate had expanded to allow the use of force when responding to attacks against its designated safe areas, and it was enforcing a no-fly zone and controlling six safe areas.¹¹⁴ Because UNPROFOR had fewer military capabilities, NATO was on hand to provide air support to UN peacekeepers if needed; the threat of air

¹¹¹ Human Rights Watch, *Human Rights Watch World Report 1994 - Bosnia-Herzegovina*, 1 Jan. 1994, <http://www.unhcr.org/refworld/docid/467fca8ab.html> (accessed 4 November 2012).

¹¹² "United Nations Protection Force: Profile," United Nations, 31 Aug. 1996,

¹¹³ http://www.un.org/en/peacekeeping/missions/past/unprof_p.htm (accessed 1 Apr. 2013).

¹¹⁴ Ibid.

¹¹⁵ Ibid.

strikes helped to relieve Sarajevo for a short period of time.¹¹⁵ More peacekeepers were deployed that summer to assist in the humanitarian aid process.

The cities of Srebrenica and Sarajevo are now known as the locations of war crimes and massive civilian losses. Sparked by the shooting deaths of several protesters by Serb gunmen, soon Serbs troops were shooting down at Sarajevo from its surrounding hills, with Bosnian fighters unable to mount a successful counterattack.¹¹⁶ The attacks against Sarajevo are infamous for their purposeful targeting of civilians: “Sniper Alley” forced Sarajevans to chance their lives by crossing the street, and market bombings killed or injured hundreds.¹¹⁷ The siege of Sarajevo led to the deaths of over 10,000 people over the course of three and a half years, a shocking refutation of the city’s lauded image of cosmopolitan Europe, a city that defied extreme nationalism with its multicultural society. Bernard Henri-Levy, a French public figure and intellectual,¹¹⁸ decried the city’s bombardment and pointed to Sarajevo as “the essence of Europe: tolerance and coexistence”¹¹⁹ and says that it “stands for a universalist, open, and tolerant Europe, the Europe of Maastricht.”¹²⁰ That Sarajevo was gone for the better part of four years.

¹¹⁵ “Bosnia’s Civil War,” 193.

¹¹⁶ John F. Burns, “Bosnian Troops Fail to Break Serbs’ Tight Siege of Sarajevo,” *New York Times*, 1 Aug. 1992, <http://www.nytimes.com/1992/08/02/world/bosnian-troops-fail-to-break-serbs-tight-siege-of-sarajevo.html> (accessed 12 Oct. 2012).

¹¹⁷ “Sarajevo 1992-1995: looking back after 20 years,” *BBC News*, 9 Apr. 2012, <http://www.bbc.co.uk/news/world-europe-17617775> (accessed 23 Mar. 2013).

¹¹⁸ BHL, as he is usually abbreviated, is also a frequent object of public derision and mockery. Renaud, a well-known French musician, recorded “L’entarté” after an incident in which BHL was hit in the face with a pie. The song describes him as a “Jean-Paul Sartre dévalué” and decries BHL’s attempts “de jouer les héros, les Hemingway” in Bosnia.

¹¹⁹ Bernard Henri-Levy, “Sarajevo: Europe’s Final Resting Place,” *New Perspectives Quarterly* 10, no. 2 (Spring 1993), 60.

¹²⁰ *Ibid.*

UN commander Phillipe Morillon gained access to besieged Srebrenica by crossing Serb lines and announced that the UN would protect the area.¹²¹ The UN named Srebrenica a safe area on April 16, 1993, and several other cities were similarly declared in May 1993.¹²² The existence of UN protected towns did not prevent atrocity and, in the war's great tragedy the Bosnian Muslim men and boys of Srebrenica were murdered by Serb forces: "two years later, a Serb flag flew where the UN's once did and 7,709 Muslim men were missing."¹²³ By 1993, it became clear that "all parties to the conflict were guilty of the practice of 'ethnic cleansing'—the forcible deportation and displacement, execution, confinement in detention camps or ghettos, and the use of siege warfare, to force the flight of an 'enemy' ethnic population."¹²⁴ Civilians in Srebrenica and Sarajevo were hunted and died for their ethnic identities and religious affiliations.

Entreaties for peace came in conjunction from the European Community and the UN. Lord David Owen of the European Community and Cyrus Vance of the United Nations drafted a peace plan early in 1993 for the region that called for Bosnia's division in ten regions—the three ethnic groups would have a majority in three of these regions, with the last region being mixed.¹²⁵ Both the Americans and the states in question met the Vance-Owen proposal with intense criticism. This compromise would have divided Bosnia-Herzegovina into

a series of cantons, delineated according to their ethnic majorities . . . The Bosnian government balked though, at first unable to accept a division that legitimized ethnic cleansing, and still under the false impression that there would

¹²¹ Rohde, *Endgame xv*; Morillon was replaced in April by French Defense Minister Francois Leotard, see: Human Rights Watch, *Human Rights Watch World Report 1994 - Bosnia-Herzegovina*.

¹²² Kalyvas and Sambanis, "Bosnia's Civil War: Origins and Violence Dynamics," 193.

¹²³ Rohde, *Endgame*, xvi.

¹²⁴ Human Rights Watch, *Human Rights Watch World Report 1994 - Bosnia-Herzegovina*,

¹²⁵ Anthony Lewis, "Abroad at Home; Lord Owen's Argument," *New York Times*, 5 Feb. 1993, <http://www.nytimes.com/1993/02/05/opinion/abroad-at-home-lord-owen-s-argument.html> (accessed 23 Mar. 2013).

be an American intervention. And the Americans, though they had no intention of intervening, were unwilling to be seen publicly sanctioning a Bosnian defeat . . . which . . . sacrificed the principle of the right of Bosnia, a legal government, to assert itself as a state.¹²⁶

The Bosnian Serb parliament reluctantly approved the plan on January 20; Bosnian-Croats accepted the plan without hesitation; Muslims challenged the proposed borders of the regions.¹²⁷ By May, however, the plan was dead after being rejected again by Bosnian Serb leader Radovan Karadzic.¹²⁸ For Karadzic, the ideal solution seemed to be a straight division of the territory in three. In his rejection of the Vance-Owen plan, he asked, ““Why are you pushing us together, like a dog and a cat in the same box? . . . We can’t live together. We should be separated to be good neighbors.””¹²⁹

The second market bombing in Sarajevo on August 28, 1995, the most deadly attack during the siege of Sarajevo, spurred NATO into action. As Croatian-Bosnian forces took back territory from Serbs, NATO launched airstrikes around the capital, targeting Bosnian Serb forces.¹³⁰ Finally, after 3 years of intense fighting, the 1995 Dayton Agreement established a ceasefire and created two independent regions within Bosnia—the Bosnian Serb Republic and the Muslim-Croat Federation. Bosnian Serbs

¹²⁶ David Rieff, *Slaughterhouse: Bosnia and the Failure of the West* (New York: Simon & Schuster, 1996), 118.

¹²⁷ John F. Burns, “Hemming and Hawing, Bosnia Serbs Back Peace Plan,” *New York Times*, 21 Jan. 1993, <http://www.nytimes.com/1993/01/21/world/hemming-and-hawing-bosnia-serbs-back-peace-plan.html> (accessed 23 Mar. 2013).

¹²⁸ John Darton, “Conflict in the Balkans; Serbs Again Reject Vance-Owen Peace Proposals,” *New York Times*, 25 Apr. 1993, <http://www.nytimes.com/1993/04/25/world/conflict-in-the-balkans-serbs-again-reject-vance-owen-peace-proposals.html> (accessed 23 Mar. 2013).

¹²⁹ Darton, “Conflict in the Balkans.”

¹³⁰ Martin Bell, “Sarajevo: Another market massacre,” *BBC News*, 4 Apr. 2012, <http://www.bbc.co.uk/news/uk-17402772> (accessed 23 Mar. 2012); Ivo H. Daalder, “Decision to Intervene: How the War in Bosnia Ended,” Dec. 1998, <http://www.brookings.edu/research/articles/1998/12/balkans-daalder> (accessed 23 Mar. 2013).

were granted close to half of the territory of Bosnia.¹³¹ Outside involvement within the region continued, with NATO implementing the peace agreement's particulars and the UN establishing a new mission in Bosnia and Herzegovina (UNMIBH) focused on reconstructing the country through better law enforcement, aid for refugees, and election monitoring.¹³²

Throughout this history, the role of the international community does not become clear until several years have passed. The following sections will take a closer look at the reticence to become involved in this crisis of human rights. As a case study, Bosnia provides a closer look at the lack of clarity surrounding humanitarian intervention after the end of the Cold War. Despite new freedom to act, the United Nations and its more powerful member states were not sure how best to reconcile the question of respect for state sovereignty with upholding human rights. War in the former Yugoslavia demonstrates many problems of antiquated peacekeeping and intervention protocols and sets up the emergence of RtoP. The rest of this chapter will establish the status quo of humanitarian intervention in order to explain the need for reform and a means by which to assess the efficacy of those reforms.

Language and Framing

In determining what sources to analyze, I first considered which actors had the most influential roles during the conflict. As the main source of military might in the eventual intervention in Bosnia, NATO's language in its related documents represents the

¹³¹ Raymond Bonner, "Bosnian Serb Leader Signals Acceptance of Peace Plan," *New York Times*, 25 Nov. 1995, <http://www.nytimes.com/1995/11/25/world/bosnian-serb-leader-signals-acceptance-of-peace-plan.html> (accessed 23 Mar. 2013).

¹³² "Timeline: Break-up of Yugoslavia," *BBC News*, 22 May 2006, <http://news.bbc.co.uk/2/hi/europe/4997380.stm> (accessed 23 Mar. 2013).

combined intelligence on the conflict. Its statement in 1992 reveals the depth of knowledge surrounding the conflict at its early stages. American foreign policy in many cases dictates the response of other Western, developed countries; as such, President Clinton's press conferences on Bosnia and his formal speeches required examination. Additionally, as a strong member of NATO, France's position on Bosnia influenced the international response. France also has a less isolationist tradition than the United States. Because of its central location in Europe and its role as a leading economic power in that region, its rhetorical choices may demonstrate a broader European position.

Specific speeches were chosen for analysis due to their content and the need for representative sample. For example, President Clinton's press conferences did not all mention the former Yugoslavia, and some did so only in passing. I chose to focus on a few examples wherein the President spent a majority of his time discussing the war. I also aim to provide analysis of statements from different stages of the war, mainly from 1992 to 1995's Dayton Accords. NATO's official publications on the mission are critical, too, since it played a large role in the operation. In France's case, we will see some bold choices in language, with several comparisons between the war in Bosnia and World War Two—a history with which the French continue to grapple.¹³³ These choices attempt to provide a broad range of time period and the most accurate representation of each actor's views in order to establish a generalization on the language and framing surrounding the response to atrocity, though of course the sample is limited by my inability to dissect each mention of Bosnia by in the international media over a five year period.

¹³³ Anne Karpf, "France and the Holocaust: A Return of the Repressed," *The Guardian*, Aug. 5, 2011, <http://www.guardian.co.uk/commentisfree/2011/aug/05/france-holocaust-sarahs-key> (accessed 8 Apr. 2013).

While these examples have import in and of themselves, the main purpose of their analysis is to better understand the international norms surrounding what constitutes an appropriate response to atrocity. RtoP's contribution purports to be a new sense of urgency and of a commitment to act for the preservation of peace and human rights, without a strict fidelity to norms of state sovereignty. An examination of these speeches and statements reveals that the crisis in Bosnia was not consistently framed with any sense of urgency or duty to react. Of the four sources of framing examined in this chapter—the Clinton administration, President Chirac, NATO, and the UN—the Americans and the UN are the most unwilling to use strong language condemning the atrocities or implicating themselves in any response.

In reading the words of these influential organizations and leaders, I looked for phrases that indicated any sense of obligation to intervene. If the language focused on the interiority of the conflict, by speaking of it as distant problem exclusive to the former Yugoslavia (a matter of state sovereignty), this would be a cue that the actor felt less motivated to engage directly. If, however, the impact of the ethnic cleansing on other states was mentioned or war crimes revealed, we would expect to see the conflict framed in terms of human rights standards that surpass borders. While, as we will see in NATO's statement below, the atrocities committed against the Bosnian Muslims were well known, the American position prefers to remain somewhat neutral, instead calling for an internal settlement to the conflict. It is not until President Chirac's speech that we see a real indictment of the international community for their inaction. On the whole, the rhetoric used in the following speeches or statements portrays little sense of a moral obligation to protect human life and is very much rooted in the state system.

NATO's Humanitarian Perspective

NATO's official position towards war in the former Yugoslavia in 1992 opposes its "carnage and lawlessness" and frames the matter largely in terms of human protection. While war in that region had spillover potential for the rest of Europe and needed to be quickly contained, the risk to "full human rights" is what requires serious negotiations.¹³⁴ The organization's strongly worded statement stands out among speeches by individual politicians for its early understanding of the conflict and is quick to point to the crimes committed against Bosnian Muslims by Serbia and the Bosnian Serbs. NATO's position paper specifically names their crimes, writing that they

have sought territorial gains by force and engaged in systematic gross violations of human rights and international humanitarian law, including the barbarous practice of 'ethnic cleansing'. There is the systematic detention and rape of Muslim women and girls. Relief convoys are being harassed and delayed. All such acts must cease. Those individuals responsible for atrocities, whatever party they belong to, are accountable for their actions and liable to be judged accordingly. To this end, we welcome consideration of the creation of an ad hoc tribunal.¹³⁵

At the end of 1992, NATO was already able to name many of the atrocities of this war which would continue on for three more years. Serb actions, NATO points out, break international conventions on human rights, IHL, and disregard the territorial sovereignty of Bosnia. NATO attributes the atrocities to the Serb groups and calls for an international process of some sort in the form of a tribunal, the first hint of consequences. NATO also calls for international observers and preventive forces in the region, indicating that the international community has some role to play in mitigating violence, particularly because of the interstate nature of the war. An explosion of violence, according to this

¹³⁴ "Statement on Former Yugoslavia," *NATO*, 17 Dec. 1992, http://www.nato.int/cps/en/natolive/official_texts_23974.htm (accessed 23 Mar. 2013).

¹³⁵ *Ibid.*

document, “would require an appropriate response by the international community,”¹³⁶ likely encompassing international conflict prevention measures, peacekeeping forces in neighboring states, and embargoes. NATO’s document demonstrates the new emphasis on international involvement present in the post-Cold War period, particularly when they “urge the Security Council to consider further measures as soon as possible.”¹³⁷ The Alliance gives an impression of a complete commitment to the cause of protecting human life in Bosnia, with little concern for any sovereignty questions.

Individual States

American political rhetoric surrounding the Bosnian War paints a different picture, one of less urgency and gravity. Previous discussions of the United States’ role within Bosnia focused on the need for containment of the crisis and protecting the security of the region as a whole, a perspective informed by the disastrous American involvement in Somalia. Images of that defeat had no small impact on the hesitancy of the Clinton administration.

In September 1993, President Clinton met with President Alija Izetbegovic of Bosnia, the leader of the Bosnian Muslims, to discuss involvement in the war effort. Clinton’s rhetoric during the ensuing press conference again demonstrates a cautious approach and an unwillingness to become too involved or to promise more than he can deliver. He emphasizes the adequate work of the United States on this issue, saying that “The United States has done what it could to mobilize the forces of NATO.”¹³⁸ He places the most responsibility on the Serbs and the Croats to reach a “reasonable” decision for

¹³⁶ Statement on Former Yugoslavia,” *NATO*.

¹³⁷ *Ibid.*

¹³⁸ William J. Clinton, "Remarks and an Exchange With Reporters Prior to Discussions With President Alija Izetbegovic of Bosnia," 8 Sep. 1993, *The American Presidency Project*, <http://www.presidency.ucsb.edu/ws/?pid=47045> (accessed 23 Mar. 2013).

peace; if they can accomplish an agreement, President Clinton would support “the United States participating along with the other NATO nations in trying to help keep the peace.”¹³⁹ Underlining the coalition aspect of NATO involvement shifts responsibility away from the United States. President Clinton continues on to discuss the need for Congressional support before the U.S. contributes to peacekeeping in Bosnia (“Of course in the United States, as all of you know, anything we do has to have the support of the Congress”¹⁴⁰). The primary parties for establishing a peace agreement in Bosnia are the direct participants in the conflict. Clinton states, “if there is an agreement that is not forced on them but one that is willingly entered into and is fair [we ought to support that process]. And if we can get the Congress to support it, then I think we should participate.”¹⁴¹ Clinton conditionalizes all of the American commitments to a Bosnian peace, placing a primary responsibility on the Serbs, Croats, and Bosnians, then on Congress to approve of American involvement. His response belies no responsibility to react, instead portraying the sentiment that any American effort on the part of Bosnia would be an immense favor.

After the first market bombing of Sarajevo in February 5, 1994, little changed in the response of President Clinton. In a press conference on February 6, President Clinton continued to stress the need for a peace agreement to originate from within Bosnia, saying that “the ultimate answer to all this killing is for the three parties to reach an agreement that they can live with and honor,”¹⁴² placing all parties on the same level and

¹³⁹ William J. Clinton, "Remarks and an Exchange With Reporters Prior to Discussions With President Alija Izetbegovic of Bosnia."

¹⁴⁰ Ibid.

¹⁴¹ Ibid.

¹⁴² William J. Clinton: "Remarks and an Exchange With Reporters on Bosnia," 6 Feb. 1994, *The American Presidency Project*, <http://www.presidency.ucsb.edu/ws/?pid=49354> (accessed 23 Mar. 2013).

giving them the same responsibility to create peace. Clinton's rhetoric suggests that states outside the conflict are powerless to effect change.¹⁴³ His plan moving forward from the bombing in Sarajevo was to have "the Secretary of State and Ambassador Albright continue their consultations with our allies about what next steps should be taken in response to this particular incident."¹⁴⁴ Little changed from 1993 to 1994 for the Clinton administration—the importance of multilateral agreement among NATO countries and the UN as well as the insistence on a Balkan solution for a Balkan problem serve to insulate the international community from the war in Bosnia. Sovereignty concerns serve as an alibi with which to forgo a reaction.

After just a few days, on February 9, Clinton took on a more aggressive tone in his assessment of the bombing in Sarajevo. The humanitarian crisis of the war, particularly the targeting of Sarajevo, takes on greater importance—perhaps indicating that, with the very visible atrocity of the market bombing, more political will to react had been generated.¹⁴⁵ Clinton tells of his outrage "by the brutal killing of innocent civilians" and of his belief "that more must be done to stop the shelling of Sarajevo and the murder of innocents."¹⁴⁶ To that end, he relays NATO's promise to conduct air strikes against Serb locations if attacks on the city continue.¹⁴⁷ His statement accentuates national interests, too, with the President discussing a compelling interest in maintaining NATO's

¹⁴³ A sentiment perhaps informed by his reading of *Balkan Ghosts* by Robert D. Kaplan, a book which emphasizes the centuries-old ethnic conflicts of the region. See: Michael T. Kaufman, "The Dangers of Letting a President Read," *New York Times*, 22 May 1999, <http://www.nytimes.com/1999/05/22/books/the-dangers-of-letting-a-president-read.html?src=pm> (accessed 23 Mar. 2013).

¹⁴⁴ William J. Clinton, "Remarks and an Exchange With Reporters on Bosnia," 6 Feb. 1994.

¹⁴⁵ Senator Bob Dole indicated that air strikes would be appropriate and would have strong bipartisan support. See: Elaine Sciolino, "Clinton rules out a quick response to Bosnia attack," *The New York Times*, Feb. 7, 1994.

¹⁴⁶ William J. Clinton, "Remarks Announcing the NATO Decision on Air Strikes in Bosnia and an Exchange With Reporters," 9 Feb. 1994, <http://www.presidency.ucsb.edu/ws/index.php?pid=49509&st=&st1=> (accessed 23 Mar. 2013).

¹⁴⁷ *Ibid.*

role as a force for peace in the post-Cold War era, the precarious status of refugees, and the need to stem “the continuing slaughter of innocents.”¹⁴⁸ While President Clinton speaks more forcefully of the humanitarian crisis, he also reiterates the limitations of the US when acting within NATO and the UN and insists that the role of outside states is to facilitate negotiations. As William Perry, the Secretary of Defense stated, “These are real interests, and we take them seriously, but they are limited interests, and they have different priorities in terms of what is at stake for America. Our actions need to be proportional to these interests.”¹⁴⁹ No one actor can “impose a peace” within Bosnia,¹⁵⁰ leaving the cessation of hostilities very much in the hands of the Serbs and Bosnians.

In the midst of the Bosnian War, the Clinton administration was developing a new policy on peacekeeping. Presidential Decision Directive 25 was released in May 1994; in its preface, it reveals that “Peace operations are not and cannot be the centerpiece of U.S. foreign policy. However, as the policy states, properly conceived and well-executed peace operations can be a useful element in serving America’s interests.”¹⁵¹ Issues that directly affect American interests, according to this policy, are worthy of response—humanitarian crises are a consideration, but not of utmost import. Furthermore, PDD 25 sought to reduce American contributions to peacekeeping missions from 31 percent to 25

¹⁴⁸ William J. Clinton, “Remarks Announcing the NATO Decision on Air Strikes in Bosnia and an Exchange With Reporters,” 9 Feb. 1994.

¹⁴⁹ “United States Military Objectives,” US Secretary of Defense William J Perry, *Vital Speeches of the Day* 60, no.12 (1994). 364.

¹⁵⁰ William J. Clinton, “Remarks Announcing the NATO Decision on Air Strikes in Bosnia and an Exchange With Reporters,”

¹⁵¹ “Clinton Administration Policy on Reforming Multilateral Peace Operations (PDD 25),” Bureau of International Organizational Affairs, U.S. Department of State, 22 Feb. 1996, <http://www.fas.org/irp/offdocs/pdd25.htm> (accessed 23 Mar. 2013).

percent.¹⁵² With such a precedent for US involvement, it is no great surprise that the American president preferred not to take a leading role in mitigating the crisis in Bosnia.

From Secretary of State Warren Christopher, rhetoric veers much more closely to humanitarian concerns as opposed to Clinton's reticent commitment to NATO (perhaps a function of their differing roles as diplomat versus commander-in-chief). For Christopher, not participating in the establishment of a Bosnian peace would result in "more massacres, more concentration camps, more hunger, a real threat of a wider war, and immense damage to our leadership in NATO, in Europe, and the world."¹⁵³ He evokes the horrors of the Holocaust as an analogous horror, one that Americans of this era knew well. The American role in this war is to help establish a lasting peace, ensuring that "the people of Bosnia see no more days of dodging bullets, no more winters of freshly dug graves."¹⁵⁴ Christopher's discourse does not include the artful dodging of an explicit commitment to the people of Bosnia; it underlines their bleak and fearful lives in a state of war. Such a speech breaks with President Clinton's established talking points of local responsibility for the cessation of violence; instead, Christopher appeals to a common sense of horror at the outrage that was the Holocaust to provoke an emotional response.

In France, a new president in 1995, Jacques Chirac, advocated a stronger French effort in the Bosnian war. In a Bastille Day speech at the memorial of the Vel d'Hiv deportation site,¹⁵⁵ President Chirac addressed the plight of the "30000 Musulmans de

¹⁵² "Clinton Administration Policy on Reforming Multilateral Peace Operations (PDD 25)," Bureau of International Organizational Affairs, U.S. Department of State.

¹⁵³ Christopher Warren, "Bosnia—We Must be the Leaders of Peace," *Vital Speeches of the Day* 62, no. 5 (1995).

¹⁵⁴ *Ibid.*

¹⁵⁵ At the Velodrome d'Hiver, in July 1942, over 13,000 Jewish refugees were arrested and held here. Nearly 5,000 of them were sent to Drancy. See: "Soixante-dix ans après le Vél d'Hiv, cérémonie en mémoire de la Shoah à Paris," *Le Pointe*, 9 Sep. 2012, <http://www.lepoint.fr/societe/soixante-dix-ans-apres->

Srebrenica qui ont été chassés de leur ville dans des conditions parfaitement contraintes aux exigences les plus élémentaires des Droits de l'Homme, qui ont été victimes d'un phénomène d'épuration ethnique."¹⁵⁶ He is explicit that the crimes committed in this war, particularly that of ethnic cleansing, contradict established human rights law.¹⁵⁷ Chirac continues on to compare the contemporary situation in Bosnia with the problem facing Daladier and Chamberlain before the onset of the Second World War,¹⁵⁸ thereby accusing the Western governments of a policy of appeasement toward Milosevic and the Serb forces. He exhorts the great democracies to act against this tragedy, calling out their hypocrisy in Bosnia: "Nos grandes démocraties font des discours, donnent des leçons aux autres en matière de Droits de l'Homme, en matière de démocratie. Et puis, face aux événements, elles sont étrangement silencieuses et modestes."¹⁵⁹ This critique, which could very well be aimed at the United States, points to the neglect of a universal commitment to human rights. Even as they speak of the outrage occurring in Bosnia, these great democracies do little to halt the occurrence of atrocity.

United Nations Resolutions

When assessing the role of the United Nations, Security Council resolutions give a clear understanding of the body's real power and priorities. Two resolutions, one from

le-vel-d-hiv-ceremonie-en-memoire-de-la-shoah-a-paris-09-09-2012-1504228_23.php (accessed 23 Mar. 2013).

¹⁵⁶ "30,000 Muslims of Srebrenica who were chased from their town in conditions perfectly contrary to the existence of the most elementary of the Rights of Man, who were victims of an ethnic cleansing phenomenon" Jacques Chirac, "*Conférence de presse*," 14 Jul. 1995, <http://www.veronis.fr/discours/transcript/1995-07-14/Chirac> (accessed 17 Nov. 2012).

¹⁵⁷ With the language of human rights being particularly salient in a country where the "Declaration of the Rights of Man and the Citizen," defining the universal, natural rights of all men, was published in 1789.

¹⁵⁸ Edouard Daladier and Neville Chamberlain negotiated the Munich agreement of 1938, allowing Hitler to take territory in the Sudetenland. See: "Munich Agreement," *Encyclopedia Britannica*, <http://www.britannica.com/EBchecked/topic/397522/Munich-Agreement> (accessed 23 Mar. 2013).

¹⁵⁹ "Our great democracies give speeches and lessons to others on the subject of the Rights of Man, on democracy. And then, faced with the facts, they are strangely silent and modest." Jacques Chirac, "*Conférence de presse*," 14 Jul. 1995.

the beginning of UN involvement in Bosnia and one preceding the massacre at Srebrenica, indicate an unwillingness to impose any real limitations on the Bosnian Serbs. Firstly, Resolution 743 of February 1992 establishes UNPROFOR for a 12-month period. The Security Council writes of their concern that “the situation in Yugoslavia continues to constitute a threat to international peace and security,” which would fall under the “primary responsibility under the Charter of the United Nations for the maintenance of international peace and security.”¹⁶⁰ These lines establish the Security Council’s authority to act as the crisis in Bosnia clearly impacts international peace and security. Continuing on, the resolution conveys an amazing confidence in the peacekeeping plan: “Convinced that the implementation of the United Nations peacekeeping plan . . . will assist the Conference on Yugoslavia in reaching a peaceful political settlement.”¹⁶¹ The resolution focuses on the role of the Yugoslav parties to bring their conflict to a close while UNPROFOR’s main role is to create the requisite peaceful conditions for the negotiation. International cooperation is implied but not explicitly demanded—other states are named “all others concerned”—and the responsibility to forge a political settlement belongs to the parties directly involved.¹⁶²

A later document, Resolution 1004, was written during the crisis of Srebrenica. It begins, however, not with a statement of outrage for abuse of civilians, but with a reaffirmation of the United Nations Security Council’s “commitment to the sovereignty, territorial integrity and political independence of the Republic of Bosnia and Herzegovina;” the second clause remarking on the body’s grave concern “at the

¹⁶⁰ “Security Council Resolution 743 (1992),” Feb. 21, 1992, <http://www.nato.int/Ifor/un/u920221a.htm> (accessed 21 Mar. 2013).

¹⁶¹ Ibid.

¹⁶² Ibid.

deterioration in the situation in and around the safe area of Srebrenica, Republic of Bosnia and Herzegovina, and at the plight of the civilian population there.”¹⁶³ The placement of these two clauses indicates a prioritization of state sovereignty over human rights, as do the consistent references to the duty of the parties to the conflict to cease hostilities. There is no mention of any international responsibility or designated function, except to demand that UNPROFOR be granted safety and the space to do their work.¹⁶⁴

The framing of the crisis in Bosnia reveals the lack of an established response to atrocity. Four of the most important actors internationally were saying very different things in terms of the situation’s urgent nature and in terms of the international obligation to react. In the case of the American decision-making process, an initial reticence to engage with the impending crisis in the Balkans, a holdover from the failed intervention in Somalia, eventually subsided. In the beginning months of the conflict, “Scant information emanated from the conflict to contradict the legitimacy of the administration’s judgment, and in the face of a proliferation of ‘objective’ reports from Bosnia, influence on American public opinion suggesting a more forceful U.S. response was effectively indiscernible.”¹⁶⁵ These reports did not inspire moral concern and compassion, and therefore sustained the status quo of non-intervention. Only in France, with the election of President Chirac, did the international community see a new approach, one that avoided the pretense of neutrality and called for an immediate end to genocide. While France seems to have understood that it had a role to play in stopping the violence, other states and the organizations that represent them had not yet reached that conclusion.

¹⁶³ “Security Council Resolution 1004 (1995),” Jul. 12, 1995, <http://www.nato.int/Ifor/un/u950712a.htm> (accessed 21 Mar. 2013).

¹⁶⁴ *Ibid.*

¹⁶⁵ Jon Western, “Sources of Humanitarian Intervention: Beliefs, Information, and Advocacy in the U.S. Decisions on Somalia and Bosnia,” *International Security* 26, no. 4 (2002), 122.

Actors

United Nations

The peacekeeping function of the United Nations has always counter to the basic role of armed forces and lacked definition; it follows that peacekeeping efforts in Bosnia were not clearly defined. While peacekeeping takes the same form as military operations—uniformed, armed soldiers occupying a geographical area—it rejects traditional characteristics of war.¹⁶⁶ Former Secretary General Dag Hammarskjöld said, “Peacekeeping is a job not suited to soldiers, but a job only soldiers can do.” While it requires a trained military force, peacekeeping also limits that force’s ability to do follow its training and engage with a uniformed enemy. The new international system that emerged following the Soviet Union’s demise began to shift expectations for the typical peacekeeping mission. Creating additional complications, the UN’s reliance on member states to furnish adequate troop numbers limits the response power. If member states do not wish to contribute human capital, the organization’s desire to effect change lacks teeth. Despite the continual deficit of manpower, UN peacekeeping became much more focused on peace enforcement at this time—creating the peace as opposed to observing its progress.

What is clear from the literature surrounding this transitory state of peacekeeping versus peace enforcement is that little was clear within the United Nations. Both Chapter VI and Chapter VII of the Charter governed these new interventions, which were

¹⁶⁶ Thierry Tardy, “The UN and the Use of Force: A Marriage Against Nature,” *Security Dialogue* 38, no 1 (2007), 56.

characterized to varying degrees by coercion.¹⁶⁷ According to Tardy, the use of force in some of these operations (including that of Bosnia) reveals “the absence of conceptual and doctrinal reflection on the significance of the use of force.”¹⁶⁸ While the United Nations of the 1990s recognized that it had an expanded role to play in world politics, it had not yet determined the extent of their responsibility (much like NATO). This uncertainty was evident in the failure to protect Srebrenica when intervening forces proved reluctant to strike against the Serbs.¹⁶⁹ A holdover from peacekeeping’s non-intervention tradition, UN troops were unable to engage except in self-defense. Tradition still reigned supreme, despite the new world order and the new form of conflict being addressed.

The United Nation’s peacekeeping function began just after the organization itself was founded, but its infrastructure was never clearly codified. In May 1948, military observers were sent into the Middle East to monitor the conflict between Israel and Palestine, acting as go-betweens and working to contain the conflict from escalating.¹⁷⁰ Later, in Kashmir, the UN Military Observer Group in India and Pakistan, helped local officials to supervise a ceasefire, avoiding direct intervention and maintaining strict standards of neutrality and impartiality.¹⁷¹ Until the 1980, missions of this kind were directed by the UN Office of Special Political Affairs with relatively few staff working on peacekeeping affairs. In 1992, the Department of Peacekeeping Operations was formed and now does the entirety of the planning. Military control of a mission belongs

¹⁶⁷ Tardy, “The UN and the Use of Force: A Marriage Against Nature,” 57.

¹⁶⁸ Ibid.

¹⁶⁹ Ibid., 59.

¹⁷⁰ “UNTSO Background,” *United Nations*,

<http://www.un.org/en/peacekeeping/missions/untso/background.shtml> (accessed 23 Mar. 2013).

¹⁷¹ “Observing the Ceasefire in Jammu and Kashmir,” *United Nations*,

[un.org/peacekeeping/missions/unmogip/background.shtml](http://www.un.org/peacekeeping/missions/unmogip/background.shtml) (accessed 23 Mar. 2013).

to the appointed Force Commander.¹⁷²

United Nations Structure

UNPROFOR bore the brunt of UN's growing pains. That mission "developed into the largest, most expensive, and most complex peacekeeping operation in the history of the UN . . . In addition to its military forces, the UNPROFOR had a civil department that dealt with political, legal, and humanitarian issues."¹⁷³ As evidenced in the inclusion of multiple diplomatic tools in UNPROFOR, the traditional peacekeeping model of sending in some troops to observe the situation would not have been adequate.

Numerous problems plagued the peacekeeping mission in Bosnia and Herzegovina and Croatia and chief among them is the mission's status as a strictly peacekeeping one. As such, peacekeepers were limited in the use of force. Initially, the UN had 14,000 peacekeepers, which "achieved some objectives" but these troops "did not prevent ethnic cleansing, detention camps, refugees, killing, and atrocities, particularly in neighboring Bosnia and Herzegovina."¹⁷⁴

The peacekeeping model during this period did not allow for enforcement measures or the use of force, and "missions were established in situations where the guns had not yet fall silent, in areas . . . where there was no peace to keep."¹⁷⁵ Though the mission did change from a Chapter VI peacekeeping mission to a Chapter VII mission for the benefit

¹⁷² N. Bowen, "The Future of UN Peacekeeping," *International journal on World Peace* xiv no. 2 (1997), 20.

¹⁷³ Larry Wentz, "Lessons from Bosnia: the IFOR Experience," Department of Defense Command and Control Research Program, http://www.dodccrp.org/files/Wentz_Bosnia.pdf (accessed 23 Mar. 2013), 16.

¹⁷⁴ Thomas G. Weiss and Jarat Chopra, "The UN Should Enforce Peace," *The Christian Science Monitor*, 2 Feb. 1993, <http://www.csmonitor.com/1993/0202/02181.html> (accessed 23 Mar. 2013).

¹⁷⁵ "Post Cold-War surge," *United Nations Peacekeeping*, <http://www.un.org/en/peacekeeping/operations/surge.shtml> (accessed 23 Mar. 2013).

of international security, without a commitment from member states to act strongly the mission was unlikely to effect significant change. Weiss writes that

The situation in the Balkans demonstrated that the United Nations can also provide the means for governments to pretend to do something without really doing very much . . . It can be argued that, ironically, the half measures in Bosnia were worse than no action at all. Given their traditional operating procedures and constraints, UN soldiers were not strong enough to deter the Serbs. But they deterred the international community from the possibility of more assertive intervention under Chapter VII because the troops, along with humanitarian workers, were vulnerable targets.¹⁷⁶

The creation of safe areas for Bosnian Muslims guarded by peacekeeping forces backfired, with the infamous massacre at Srebrenica resulting in the loss of thousands of men and boys.¹⁷⁷ By corralling a large population of Bosnian Muslims in one town and leaving them with guards who lacked the permission to protect them, the coalition contributed to the ethnic cleansing.

Putting boots on the ground necessarily involves greater risk to soldiers and therefore remains reserved for matters of acute national interest. For the Clinton administration, the fear of public opinion prevented the deployment of ground troops, as Americans would “not support the spilling of American blood to stop Bosnians killing Bosnians.”¹⁷⁸ As a result, air strikes and safe zones defined the peacekeeping approach. The safe areas arose as an attempt to compromise with the American approach of arming Bosnian Muslims as well as bombing Serbian targets and with the non-aligned group on the Security Council.¹⁷⁹ Establishing the safe areas, created a new problem—the UN had to maintain an appearance of impartiality, so safe areas were demilitarized. An

¹⁷⁶ Thomas G. Weiss, David P. Forsythe, Roger A. Coate, and Kelly-Kate Pease, *The United Nations and Changing World Politics* (Boulder: Westview Press, 2010), 64.

¹⁷⁷ “Bosnia-Herzegovina timeline,” *BBC News*, 12 Jan. 2012, http://news.bbc.co.uk/2/hi/europe/country_profiles/1066981.stm (accessed 11 Nov. 2012).

¹⁷⁸ Nicholas J. Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (New York: Oxford University Press, 2000), 252-253.

¹⁷⁹ *Ibid.*, 253.

inadequate number of troops could not defend against Serbian forces and proved that air strikes cannot adequately replace boots on the ground.¹⁸⁰

Gareth Evans finds several problems with the UNPROFOR mandate. Its ambiguous nature impacted the show of force and indicated a lack of political will. By requiring the force commander and the secretary-general to agree on any coercive responses, reaction time stalled. The impartial nature of peacekeeping operations at the time forced the UN to work within the failed state—asking permission to operate and cooperating with the local government.¹⁸¹ Permission of the state as a prerequisite for international action diminished the likelihood of a swift end to violence. While the UNPROFOR mission provided needed food aid, “critics argue that even if the UN prevented starvation by feeding people in besieged towns and cities, it did little or nothing to stop the Bosnian Serbs from shelling these areas and ethnically cleansing them of Muslims.”¹⁸² Of what utility is food aid when it prolongs war and creates what David Rieff refers to as “well-fed corpses?”

Bosnia reveals many problems of the international response to atrocity. Initial UN involvement in the former Yugoslavia, “achieved some objectives, but there was massive ethnic cleansing, detention camps, refugees, killings, and atrocities.”¹⁸³ Only with the disclosure of the concentration camps did the discourse change by mobilizing political opposition:

This view of a well-coordinated, systematic campaign of violence was reinforced in early August with the disclosure of Serb-controlled concentration-style camps in Bosnia. The images were haunting and, for many, conclusive proof that the

¹⁸⁰ Wheeler, *Saving Strangers*, 255.

¹⁸¹ Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and For All*, 28-29.

¹⁸² Wheeler, *Saving Strangers*, 252.

¹⁸³ Weiss et al., *The United Nations and Changing World Politics*, 63.

Bush administration was deliberately distorting the events in Bosnia, especially given its initial response to downplaying the reports on the camps.¹⁸⁴

Appealing to the moral concern and sense of humanity worked for the liberal interventionists, though not until after the dissolution of the former Yugoslavia and targeted violence had begun.

NATO

A number of institutions suffered crises of legitimacy and purpose as a result of the war in the former Yugoslavia, NATO and the UN chief among them. Eliminating the crisis in Bosnia was not, however, the sole task of these organizations: a previously binary world order had been upended, throwing into question the role of these institutions. With little clarity of vision, both institutions produced a muddled and slow response to the genocide in Bosnia. At its conclusion, however, they both entered into a period of reflection and reform that changed their goals and operating procedures to better reflect the political realities of the post-Cold War environment. In order to determine if RtoP represents a change in the international response to atrocity, we must first examine the previous model, looking for the original criticisms and whether the experience of Bosnia shifted internal structure and emphases.

NATO's original purpose as a check to the Soviet influence required re-assessment after the fall of the Soviet Union. Without the looming threat of the eastern bloc, many member states decreased their budget and military personnel allotments.¹⁸⁵ While NATO was sorting out its new philosophical underpinnings, the war in the former Yugoslavia was raging on. NATO, as seen in the earlier section, knew of the war's

¹⁸⁴ Western, "Sources of Humanitarian Intervention," 126.

¹⁸⁵ John R. Deni, *Alliance Management and Maintenance: Restructuring NATO for the 21st Century* (Burlington: Ashgate, 2007), 33.

atrocities early on and acted in a supporting role to UNPROFOR. The Alliance contributed a variety of support missions for UNPROFOR, including a maritime enforcement operation to support the embargo and air operations to monitor the no-fly zone, but it was not until the conclusion of the Dayton Accords that NATO took a lead role, creating the Implementation Force (IFOR).¹⁸⁶ IFOR was the manifestation of NATO's new focus areas—out-of-area deployment, shifting headquarters, and lighter and faster forces. This mission was its first peace support operation.¹⁸⁷

An assessment by the Command and Control Research Program praises NATO's involvement because it effectively followed through with its threats, in contrast with the UN:

The threat of force, if it is to be effective, will sooner or involve the use of force. For example, the same UN soldiers in Bosnia under a different command and mandate essentially turned belligerence into compliance over night, demonstrating that a credible threat of force can yield results. Unlike UNPROFOR, the NATO-led Implementation Force was a military success and helped to bring stability to the region and to provide an 'environment for hope' in which a nation can be reborn.¹⁸⁸

IFOR, beginning after the Dayton Accords, certainly helped rebuild the area. And it is also true that NATO's air strikes against Bosnian Serbs attacking Sarajevo hastened the end of the war, but these efforts did not come until late in the war (and after the Dayton Accords, in the case of IFOR). Additionally problematic, the number of troops necessary to get the job done far exceeded the number of troops that could realistically be attained.

Why did NATO's intervention occur so late in the game? Peter Barschdorff attributes the lag to five factors: the changing nature of NATO, the high risk of an intervention for soldiers, the need for a stronger UNSC mandate, the goal of containment,

¹⁸⁶ Deni, *Alliance Management and Maintenance: Restructuring NATO for the 21st Century*, 40.

¹⁸⁷ *Ibid.*, 41.

¹⁸⁸ Wentz, "Lessons from Bosnia: the IFOR Experience," xix.

and the tension between the UN and NATO.¹⁸⁹ At the time of the war, NATO was “mutating from a defense alliance to a multi-functional security institution,”¹⁹⁰ and its Cold War defense strategies proved outdated in the Bosnian war. Instead of a focus on territorial defense, in which units “were characterized by their large, heavy equipment and . . . their lack of deployable combat support and combat service support capabilities.”¹⁹¹ With the Cold War over, NATO began to restructure with the creation of NATO Rapid Deployment Corps (NRDCs).¹⁹² These new forces were lighter, more quickly reactive, and able to operate outside of member states. Though NATO was deploying some troops in this new peacekeeping capacity, it was operating in what De Wijk referred to as a ‘conceptual vacuum.’ The United States had to take on a lead command role because “NATO lacked a doctrine for out-of-area operations, which caused problems with regard to formulation of both political objectives and the military means to achieve.”¹⁹³ NATO found it impossible to react properly to unorthodox confrontations with the Serbs (like the taking of hostages and their militia system).¹⁹⁴

While NATO was supporting UNPROFOR, the framework in which the organizations operate differs vastly—the UN’s impartiality necessarily conflicts with NATO’s tendency to throw its weight behind one party.¹⁹⁵ Conflicting understandings of authority contributed to tension between the UN and NATO. The authorization of air strikes, in particular, problematized their interactions. As a result of both sides desiring control over these strikes, the dual-key concept was created and required both institutions

¹⁸⁹ Peter Barschdorff, “Can NATO Deliver?” *SALS Review* 18, no. 2 (1998), 189-190.

¹⁹⁰ *Ibid.*, 189.

¹⁹¹ Deni, *Alliance Management and Maintenance: Restructuring NATO for the 21st Century*, 45.

¹⁹² *Ibid.*, 1.

¹⁹³ *Ibid.*, 65.

¹⁹⁴ *Ibid.*, 66.

¹⁹⁵ Barschdorff, “Can NATO Deliver?” 187.

to agree on air strikes.¹⁹⁶ With internal disagreement on the use of air power, “the warring factions realised that the ‘dual-key’ arrangements prevented an immediate and effective response to violations of the exclusion zones . . . The threat of airstrikes was effectively neutralised as a result of UNPROFOR’s vulnerability and natural reluctance to compromise its own mission.”¹⁹⁷

The mission in Bosnia proved to be altogether different from its previous mode of operation. NATO’s “focus was on providing for immediate and collective self-defence, rather than on setting political objectives, operating under a UN or OSCE mandate and integrating operations with those of other organisations,”¹⁹⁸ but it realized after working with UNPROFOR that such a philosophy would not succeed in the post Cold War environment. It began to cooperate militarily as well as politically.¹⁹⁹ NATO’s structure, as a result of their experiences in Bosnia, became more conscious of the need for civil-military cooperation and “reconfirmed that military success alone cannot guarantee overall success in a peace-support operation.”²⁰⁰

While the philosophical divide between NATO and the UN did complicate the mission’s progress, their overall relationship was “characterised by a desire for mutual understanding and common solutions.”²⁰¹ NATO had never interacted with other intergovernmental institutions, and due to its involvement in Bosnia became better partners with the Organization for Security and Co-operation in Europe (OSCE) and the Western European Union. NATO continued to expand in 1994 with its Partnership for

¹⁹⁶ Barschdorff, “Can NATO Deliver?” 194.

¹⁹⁷ G.L. Schulte, “Former Yugoslavia and the new NATO,” *Survival: Global Politics and Strategy* 39 no. 1 (1997), 23.

¹⁹⁸ Schulte, “Former Yugoslavia and the new NATO,” 33.

¹⁹⁹ *Ibid.*, 36.

²⁰⁰ *Ibid.*, 36.

²⁰¹ Schulte, “Former Yugoslavia and the new NATO,” 28.

Peace program that allowed individual states to deepen their relationship with the Alliance. This system was practical as well as idealistic: “it made good military sense to build upon existing forces and infrastructure in theatre . . . [NATO] also wanted to demonstrate that not just NATO, but a broad segment of Europe and the international community was committed to implementing a peace agreement.”²⁰²

In a speech by Richard Holbrooke, the vision for a new NATO indicates some fundamental changes—a lighter, more agile, and less Eurocentric force. The role of the United States, despite the extinction of its longtime adversary, continued to be relevant. Holbrooke paints a picture of a united Europe and United States, saying that, “The United States has become a European power, an enduring and essential element of a stable balance.”²⁰³ NATO’s role, however, has changed drastically. It no longer operates directly against Russia nor follows a strategy of containment.²⁰⁴ Instead, the new NATO’s purpose is the defense of peace in Europe as a whole, “either on NATO territory or—pursuant to a mandate from either the UN or the OSCE—in areas of instability or crisis.”²⁰⁵ The onset of the Bosnian crisis occurred before NATO could reform its Cold War strategies, or perhaps before it knew that such strategies would be irrelevant. With the new emphasis on partnerships with non-member states and a more reactive military force, the organization seeks to avoid another failure like the one resulting from the prolonged inaction in Bosnia.

Twenty years later, the international community has learned from many of the mistakes of Bosnia. Different criticisms have become more prominent, however, and the

²⁰² Schulte, “Former Yugoslavia and the new NATO,” 31.

²⁰³ Richard Holbrooke, “The future of NATO and Europe's changing security landscape,” U.S. Department of State Dispatch 6, no. 16, 17 Apr. 1995.

²⁰⁴ Ibid.

²⁰⁵ Ibid.

following chapter will provide a parallel analysis of Libya—its framing, the actions of key players, and the operations—to determine to what extent RtoP has made an impact on the response to atrocity.

Chapter 4: Libya

Historical Background

International involvement in Libya did not begin and end with the intervention of 2011. This country has figured prominently in international relations for decades. The eccentric despotism of its former leader, Col. Qaddafi, a tradition of state-sponsored terrorism and antagonism towards the U.S., as well as a recent détente period during the Bush administration's War on Terror all secured Libya a place in world happenings. While many states have abysmal human rights records, not all undergo interventions. Understanding the quick international response to Qaddafi's threats requires some knowledge of his regime's operations. Here follows a brief history of Qaddafi's rule over Libya, before the discussion of the international community's response. This chapter will follow a similar format as the preceding one, with sections devoted to the framing of events, the role of international organizations and state actors, and with commentary on the operations.

A history of foreign rule had impacted the national consciousness and its effects can be seen in Qaddafi's rule. After colonization at the hands of Italy, Libya was liberated with the help of the Allied troops in World War II. The presence of foreign troops, however, did not improve life for the average Libyan: only 6 percent of the population was literate, the economy was in shambles, infant mortality rates rose significantly, and no infrastructure existed.²⁰⁶ This history of foreign rule and its impoverishing effects created a distrust of Western power and strong anti-colonial sentiments.

²⁰⁶ John Wright, *Libya: A Modern History* (Baltimore: The Johns Hopkins University Press, 1982), 48.

Colonel Muammar Qaddafi took power in 1969 as part of a group of military junior officers. They were known as the “Revolutionary Council” but Qaddafi quickly emerged as its leader. He created an environment of repression, with severely restricted civil liberties and political action only permissible when in support of the regime. Qaddafi even altered Islam, molding it to fit his model for Libya. The Great Socialist People’s Libyan Arab Jamahiriya, as he renamed the state, espoused a system of direct democracy through its General People’s Congress but it was anything but democratic in practice. Civil society groups were extremely weak due to internal repression and fear of reprisal, and religious groups were subject to governmental supervision. While the government did release over one hundred political prisoners in 2010,²⁰⁷ other reports of torture and arbitrary arrest abound. Human Rights Watch mentions the “hundreds of disappearance cases in connection with a massacre at the Abu Salim prison in 1996,”²⁰⁸ an occurrence that would play an important role in 2011. Libya severely restricted civil liberties, specifically the freedom of expression. Laws technically condoned free speech, however, speech had to fall “within the limits of public interest and principles of the Revolution.”²⁰⁹ Government ownership of all print and broadcast media made absolutely concrete the inability to speak out against government actions.

In terms of its foreign affairs, Libya had antagonistic relationships with Western states, particularly the U.S., for most of Qaddafi’s rule. Qaddafi used oil embargoes to challenge the West in the 1970s and aligned Libya with the former Soviet Union. A

²⁰⁷ “2010 Human Rights Report: Libya,” Bureau of Democracy, Human Rights, and Labor, 8 Apr. 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/nea/154467.htm> (accessed 24 Mar. 2013).

²⁰⁸ “League of Arab States and The Humanitarian Forum Conference for Libya,” *AlertNet*, 25 Mar. 2011, <http://www.trust.org/alertnet/news/league-of-arab-states-and-the-humanitarian-forum-conference-for-libya> (accessed 24 Mar. 2013).

²⁰⁹ “2010 Human Rights Report: Libya,” Bureau of Democracy, Human Rights, and Labor.

common association made with Libya is state sponsored terrorism, with the 1988 Lockerbie bombing over Scotland being preeminent in most people's minds. Two years prior, Libya had targeted American military personnel with a 1986 bombing in a Berlin nightclub. The Reagan administration reacted strongly, bombing several sites in Libya, including Qaddafi's own residence. The explosion over Lockerbie, Scotland, resulted in the deaths of 270 people—many American. Investigations quickly faulted Libya for the attack. The UN enacted an air and arms embargo in 1992 but it was not until 1999 that Libya the two suspects.²¹⁰ While the Libyan government did eventually pay reparations to victims of the attack in 2003, the convicted bomber returned home to a hero's welcome in 2009, indicating that, despite its growing moderation, Libya maintained its unpredictable nature.

The new millennium began a trend towards greater regional and international involvement for Libya. Qaddafi announced an end to his country's weapons of mass destruction program in December 2003, prompting the United States to lift the trade embargo in September 2004.²¹¹ With all embargoes and sanctions lifted, Libya's oil economy grew drastically. Before 2011, Italy relied on Libya to supply over 20 percent of its oil supports; Switzerland, France, Ireland, and Austria all imported large quantities of oil from Libya, as well.²¹² The state was able to improve its economy while forging ties with developed states. Within Africa, Qaddafi encouraged economic and political development by establishing "a \$5bn fund that invested in hotels, mobile phone

²¹⁰ "Timeline: Libya sanctions," *BBC News*, 15 Oct. 2004, <http://news.bbc.co.uk/2/hi/africa/3336423.stm> (accessed 24 Mar. 2013).

²¹¹ Kelsey Davenport, "Chronology of Libya's Disarmament and Relations with the United States," *Arms Control Association*, Jan. 2013, <http://www.armscontrol.org/factsheets/LibyaChronology> (accessed 24 Mar. 2013).

²¹² Clifford Kraus, "The Scramble for Access to Libya's Oil Wealth Begins," *New York Times*, 22 Aug. 2011, <http://www.nytimes.com/2011/08/23/business/global/the-scramble-for-access-to-libyas-oil-wealth-begins.html?pagewanted=all> (accessed 24 Mar. 2013).

companies, mosques and mining companies across Africa. He also did more than any other leader to ensure the creation of the African Union (AU) in 2002.”²¹³ The country also became more involved in transnational bodies, with Qaddafi serving as chair of both the African Union in 2009 and in the U.N. Human Rights Commission in 2003 (despite outcries from human rights organizations). Libya applied for World Trade Organization membership, indicating a willingness to privatize some industries and become more capitalistic. During his time in AU leadership, Qaddafi signaled a desire to create a unified African continent, though other African leaders rejected the haste with which he wished to proceed.²¹⁴

With such stark conditions domestically and with diminished international pressure on the Qaddafi regime to reform, few people expected the revolution of 2011.²¹⁵ But when Mohammed Bouazizi of Tunisia set himself on fire in December of 2010 to protest his inability to find work,²¹⁶ he provided the catalyst for a series of protests (now called the Arab Spring) that spread throughout the Middle East and Northern Africa in protest of government corruption and economy misery. By mid-January of 2011, President Zine al-Abidine Ben Ali of Tunisia had fled; by late January, Egypt erupted in protests. Yemen, Bahrain, Syria all followed suit.²¹⁷ In Libya, the Arab Spring erupted following the arrest of a human rights activist and lawyer, Fathi Terbel. Terbel was

²¹³ Adekeye Adebajo, “Gaddafi: the man who would be king of Africa,” *The Guardian*, 26 Aug. 2011, <http://www.guardian.co.uk/commentisfree/2011/aug/26/gaddafi-legacy-meddling-africa> (accessed 24 Mar. 2013).

²¹⁴ Lydia Polgreen, “Qaddafi, as New African Union Head, Will Seek Single State,” *New York Times*, 3 Feb. 2009, <http://www.nytimes.com/2009/02/03/world/africa/03africa.html> (accessed 10 Feb. 2013).

²¹⁵ Seth Asumah, “Islam, Rentier States and The Quest for Democracy in Africa,” *Western Journal of Black Studies* 34 no. 4 (2010); Larbi Sadiki, “Wither arab ‘Republicanism’? The Rise of Family Rule and the ‘End of Democratization’ in Egypt, Libya, and Yemen,” *Mediterranean Politics* 15, no. 1 (2010).

²¹⁶ “Tunisia suicide protester Mohammed Bouazizi dies,” *BBC News*, 5 Jan. 2011, <http://www.bbc.co.uk/news/world-africa-12120228> (accessed 24 Mar. 2013).

²¹⁷ “Timeline-Arab Spring: a year that shook the Arab World,” *Reuters*, 14 Jan. 2011, <http://in.reuters.com/article/2012/01/13/tunisia-revolution-anniversary-idINDEE80C0IT20120113> (accessed 24 Mar. 2013).

arrested in mid-February because of his representation of the families of the Abu Salim victims—a massacre of 1,300 prison inmates on the order of Col. Qaddafi’s brother-in-law and the head of military intelligence, Abdullah al-Senussi.²¹⁸ Libyans began demonstrating on February 17, sparking a riot and a harsh response from government forces. At least a dozen civilians died from military gunfire, and Gadhafi threatened to death to all who rebelled against his government. As fighting raged on between government forces and the civilian fighters, rebel leaders in Benghazi “called on Western powers to conduct airstrikes against the ‘strongholds of the mercenaries’²¹⁹ and any equipment ‘used against civilians and people.’”²²⁰ Demonstrations continued to gain in numbers and in intensity, and the cities of Misrata and Benghazi were both under the control of anti-government rebels by February 24.²²¹ An interim government, known as the National Transitional Council (NTC), released its founding statement on March 5, 2011, which concludes with the following statement: “We request from the international community to fulfill its obligations to protect the Libyan people from any further genocide and crimes against humanity without any direct military intervention on Libya soil.”²²²

²¹⁸ “Libyans in first Abu Salim jail massacre remembrance,” *BBC News*, 29 Jun. 2012, <http://www.bbc.co.uk/news/world-africa-18641761> (accessed 24 Mar. 2013).

²¹⁹ Gadhafi brought in mercenary troops to quell the rebellion, many from Mali. Peter Gwin, “Former Qaddafi Mercenaries Describe Fighting in Libyan War,” *The Atlantic*, 31 Aug. 2011, <http://www.theatlantic.com/international/archive/2011/08/former-qaddafi-mercenaries-describe-fighting-in-libyan-war/244356/> (accessed 24 Mar. 2013).

²²⁰ David E. Sanger and Thom Shanker, “Gates Warns of Risks of a No-Flight Zone,” *New York Times*, 2 Mar. 2011, http://www.nytimes.com/2011/03/03/world/africa/03military.html?pagewanted=all&_r=0 (accessed 24 Mar. 2013).

²²¹ Martin Chulov, “Libyan city dubbed ‘Free Benghazi’ as anti-Gaddafi troops take control,” *The Guardian*, 23 Feb. 2011, <http://www.guardian.co.uk/world/2011/feb/23/libya-free-benghazi-anti-gaddafi-troops> (accessed 24 Mar. 2013).

²²² “Founding Statement of the Interim Transitional National Council,” 5 Mar. 2011, <http://www.ntclibya.org/english/founding-statement-of-the-interim-transitional-national-council/> (accessed 24 Mar. 2013).

Despite many defections from the Libyan military, loyalist forces continued to press on at the behest of Gadhafi. In a radio address on March 16, Gadhafi told rebels in Benghazi that his soldiers would search every house in the city for them and promised “no mercy and no pity.”²²³ By March 17, the country was still in upheaval and Libyan forces were attempting to take back lost territory with tanks and artillery. Saif al-Islam Gadhafi, the Col. Gadhafi second son, threatened that “Everything will be over in 48 hours.”²²⁴ The BBC reported that calls for a no-fly zone from the civilian rebel armies were growing more desperate. The NTC’s representative in Benghazi said that without any intervention, there would be a massacre, a perspective corroborated by the Libyan representative to the UN who had defected. State TV gave the people of Benghazi a deadline of midnight on March 16 to abandon all rebel strongholds in the city.²²⁵

The weeks of fighting and the Qaddafi regime’s commitment to the extermination of all dissenting civilians prompted the international community to step in. The Security Council passed Resolution 1970 on February 27, a first step in limiting Qaddafi. UN Security Council Resolution 1970 made use of the RtoP vocabulary (“*Recalling* the Libyan authorities’ responsibility to protect its population”²²⁶) and demanded an end to the violence, gave the International Criminal Court jurisdiction, imposed an arms embargo, a travel ban, and an asset freeze on the Qaddafi family and associates.²²⁷ The UN General Assembly suspended Libya’s membership in the Human Rights Council on

²²³ “Gaddafi tells Benghazi his army is coming tonight,” *Al Arabiya News*, 17 Mar. 2011, <http://www.alarabiya.net/articles/2011/03/17/141999.html> (accessed 24 Mar. 2013).

²²⁴ Mohammed Abbas, “Gaddafi pummels rebels as war outpaces diplomacy,” *Reuters*, 16 Mar. 2011, <http://www.reuters.com/article/2011/03/16/us-libya-idUSTRE7270JP20110316> (accessed 24 Mar. 2013).

²²⁵ “Libya: US urges tough United Nations resolution,” *BBC News*, 17 Mar. 2011, <http://www.bbc.co.uk/news/mobile/world-africa-12768695> (accessed 24 Mar. 2013).

²²⁶ “Security Council Resolution 1970 (2011),” UN Security Council, 26 Feb. 2011, <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=4d6ce9742> (accessed 24 Mar. 2013).

²²⁷ *Ibid.*

March 1, and aid agencies began to send in workers. As violence grew, it proved to be a threat to international stability: neighboring states found themselves burdened with a massive influx of refugees.²²⁸ President Obama demanded that Qaddafi step down from power in early March. After the Arab League's March 12 request for a no-fly zone, On March 17, the Security Council approved Resolution 1973, marking the beginning of a multilateral military effort to halt the conflict in Libya.²²⁹

Extremely important for justifying international action in Libya were the multiple requests for assistance from rebel forces and the Arab League's request for a no-fly zone in Libya's airspace.²³⁰ Resolution 1973 authorizes member states to "take all necessary measures . . . to protect civilians and civilian populated areas" and establishes a no-fly zone in Libya's airspace.²³¹ To fulfill this mandate, first the US and then NATO (represented militarily by the US, Great Britain, France, Italy, and Canada) undertook Task Force Odyssey Dawn and Operation Unified Protector, a mission "designed to cripple Muammar Gaddafi's air defenses."²³² While the US deferred to European command for the majority of the operation, most aircraft, tankers, and military hardware

²²⁸ An estimated 180,000 people fled Libya for Tunisia, many of whom had been migrant workers within Libya.

Scott Sayare and Alan Cowell, "Libyan Refugee Crisis Called a 'Logistical Nightmare,'" *New York Times*, 3 Mar. 2011, <http://www.nytimes.com/2011/03/04/world/africa/04refugee.html> (accessed 24 Mar. 2013); USAID assisted the transport of refugees by chartering planes.

Mark Landler, "Obama Tells Qaddafi to quit and Authorizes Refugee Airlifts," *New York Times*, 3 Mar. 2011, <http://www.nytimes.com/2011/03/04/world/africa/04president.html> (accessed 24 Mar. 2013).

²²⁹ "Libya: Timeline of key events since February 2011," *IRIN*, 8 Apr. 2011, <http://www.irinnews.org/Report/92410/LIBYA-Timeline-of-key-events-since-February-2011> (accessed 24 Mar. 2013).

²³⁰ "Libya: Ban welcomes Security Council authorization of measures to protect civilians," *UN News Centre*, 18 Mar. 2011, <http://www.un.org/apps/news/story.asp?NewsID=37809&Cr=libya&Cr1#.UJa4Qml2751> (accessed 24 Mar. 2013).

²³¹ "Security Council Resolution 1973," UN Security Council, 17 Mar. 2011, <http://www.un.org/News/Press/docs/2011/sc10200.doc.htm#Resolution> (accessed 24 Mar. 2013).

²³² "U.S. says five-nation coalition launching Libya strikes," *Reuters*, 19 Mar. 2011, <http://www.reuters.com/article/2011/03/19/us-obama-libya-idUSTRE72I2Z520110319> (accessed 24 Mar. 2013).

came from American resources.²³³ A US Department of Defense press release from March 19 says that Task Force Odyssey Dawn's goal is to "protect the Libyan people from the country's ruler . . . the coalition also wants to degrade the ability of Moammar Gadhafi's regime to resist a no-fly zone being implemented."²³⁴ The coalition utilized air strikes, targeting the Western part of the country; specifically, the attacks targeted Libyan defense systems with the aim of opening up access for humanitarian organizations.²³⁵ According to Navy Admiral Samuel J. Locklear III, the American commander of the mission, the coalition considered "Gadhafi's forces that are not complying with the U.N. Security Council resolution" when determining the locations of their air strikes in order to "produce more of an effect."²³⁶

The rebels advanced with the help of the air strikes, taking Misrata on May 15, and eventually surrounding Gadhafi in Tripoli in late July. By June 2011, 13 states recognized the NTC as the legitimate representative of the Libyan people (though not as the legal representative of Libya).²³⁷ On October 20, rebel forces captured and killed Gadhafi near his hometown of Sirte, ending the rebels' struggle to depose their authoritarian leader and beginning the country's struggle towards a new government.²³⁸

²³³ Thom Shanker and Eric Schmitt, "Seeing Limits to War in Libya," *New York Times*, 21 Oct. 2011, <http://www.nytimes.com/2011/10/22/world/africa/nato-war-in-libya-shows-united-states-was-vital-to-toppling-qaddafi.html> (accessed 24 Mar. 2013).

²³⁴ Jim Garamone, "Coalition Launches 'Operation Odyssey Dawn,'" *American Forces Press Service*, 19 Mar. 2011, <http://www.defense.gov/news/newsarticle.aspx?id=63225> (accessed 24 Mar. 2013).

²³⁵ "DOD News Briefing with Vice Adm. Gortney from the Pentagon on Libya Operation Odyssey Dawn," 19 Mar. 2011, <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=4786> (accessed 24 Mar. 2013); Karren Parrish, "Pentagon Tallies Coalition Actions in Libya," *American Forces Press Service*, 23 Mar. 2011, <http://www.defense.gov/news/newsarticle.aspx?id=63269> (accessed 24 Mar. 2013).

²³⁶ "DOD News Briefing with Vice Adm. Gortney from the Pentagon on Libya Operation Odyssey Dawn."

²³⁷ Stefan Talmon, "Recognition of the Libyan National Transitional Council," *American Society of International Law* 15, no. 16, 16 Jun. 2011, <http://www.asil.org/insights110616.cfm> (accessed 15 Feb. 2013).

²³⁸ "Battle for Libya: Key Moments," *Al Jazeera*, 19 Nov. 2011, <http://www.aljazeera.com/indepth/spotlight/libya/2011/10/20111020104244706760.html> (accessed 24 Mar. 2013).

This mission is commonly considered the first usage of RtoP to justify military action due to Resolutions 1970 and 1973's mention of Libya's responsibility to protect the Libyan population.²³⁹ The Office of the UN High Commissioner for Human Rights called Resolution 1973 an important demonstration of the international dedication to RtoP.²⁴⁰ The Resolutions do not, however, explicitly mention the RtoP doctrine's other facets—including the responsibility of other states to react—indicating a partial rejection of the concept. As Libya continues on its path to a more democratic government, numerous questions remain over NATO and the UN's actions and what they mean for the future of the responsibility to protect. Analyzing the events of 2011 with an understanding of a pre-RtoP reaction to large-scale human rights violations highlights two main points: the growing importance of RtoP with the diminishing emphasis on state sovereignty, and that the concept is not infallible.

In order to better assess to what extent Libya fulfilled the RtoP paradigm, thereby marking a clear distinction from the peacekeeping and intervention paradigm of the 1990s, this chapter follows a similar format as the previous one: a discussion of the ways in which political actors frame the crisis and their role in it, the institutional developments, and the actual events. Throughout this chapter, I will draw comparisons to the previous discussion of the war in the former Yugoslavia in order to assess any

²³⁹ Alex J. Bellamy and Paul D. Williams, "The new politics of protection? Côte d'Ivoire, Libya and the responsibility to protect," *International Affairs* 87, no. 4 (2011): 825-850. (accessed February 5, 2013).; Jason Dominguez Meyer, "From paralysis in Rwanda to boldness in Libya: has the international community taken 'responsibility to protect' from abstract principle to concrete norm under international law?" *Houston Journal of International Law* 34 no. 1 (2011) (accessed February 5, 2013).

²⁴⁰ "Libya: Ban welcomes Security Council authorization of measures to protect civilians," *UN News Centre*, 18 Mar. 2011, <http://www.un.org/apps/news/story.asp?NewsID=37809&Cr=libya&Cr1#.UJa3Wml275k> (accessed 24 Mar. 2013).

changes. Such comparisons do not intend to suggest that the cases are identical, but rather that they represent two different epochs of humanitarian intervention philosophies.

Language and Framing

In the coming pages, I will highlight some main framing themes present in the discussion leading up to and during the intervention in Libya. Two decades after Bosnia, the discussion of an impending atrocity garners much more urgent debate with many of the phrases indicative of RtoP present in speeches. While much has changed in the world since the war in Bosnia, France and the United States are still two key players militarily. Rhetoric from both the American and the French presidents reveals an emphasis on the moral obligation to assist in the humanitarian crisis unfolding in Libya. France, firstly, is a consistent participant in humanitarian operations and interventions and played a large part in motivating the U.S. and other European countries to contribute military resources in Libya. And, as the main military power, American rhetoric surrounding the crisis in Libya must be considered. Many more states were involved in the decision-making process, but not all will be discussed here.²⁴¹

France's Allegiance to Humanitarian Intervention

President Sarkozy, in March 2011, explained his administration's support for the NATO operation by citing the democratic zeitgeist of the Arab Spring: "Des peuples arabes ont choisi de se libérer de la servitude dans laquelle ils se sentaient depuis trop longtemps enfermés. Ces révolutions ont fait naître une immense espérance dans le cœur de tous ceux qui partagent les valeurs de la démocratie et des droits de l'homme . . . ces

²⁴¹ One notable absence in this chapter is the United Kingdom, a state that rallied support for the intervention amongst its peer states.

peuples arabes ont besoin de notre aide et notre soutien. C'est notre devoir.”²⁴² Because of the overwhelming pull of democratization in the region, the Libyan people had a new will to pursue a regime of human rights. According Sarkozy, western states like France, because of their status as bastions of human rights and democracy are obligated to help them succeed in their efforts.

Despite international involvement in the struggle, Sarkozy insists on the Libyan ownership of the conflict. The revolution belongs to the Libyan people and is not an effort to re-colonize or exert undue influence over a smaller state: “L’avenir de la Libye appartient aux Libyens. Nous ne voulons pas décider à leur place. Le combat qu’ils mènent pour leur liberté est le leur. Si nous intervenons aux cotés des pays arabes, ce n’est pas au nom d’une finalité que nous cherchions à imposer au peuple libyen, mais au nom de la conscience universelle qui ne peut tolérer de tels crimes.”²⁴³ The motivation for the state of France to participate in this campaign is purely moral, according to this address. It is a universal conscience that guides their foreign policy. Sarkozy’s rhetoric is keenly conscious of Bosnia’s legacy and of France’s role before history [son rôle devant l’histoire]. France, as a key supplier of military force and leadership in both Bosnia and

²⁴² “The Arab people have chosen to liberate themselves from the servitude in which they have long been confined. These revolutions brought to life a new hope in the hearts of all who share the values of democracy and human rights . . . these Arab people need our help and our support. It is our duty” “Verbatim—Sarkozy justifie l’intervention militaire en Libye,” *Le Point*, 19 Mar. 2011, http://www.lepoint.fr/monde/verbatim-sarkozy-justifie-l-intervention-militaire-en-libye-19-03-2011-1308723_24.php (accessed 24 Mar. 2013).

²⁴³ “The future of Libya belongs to the Libyan people. We do not want to decide for them. The combat that they bring for their liberty is their own. If we intervene on the side of the Arab countries, it is not in order to impose our will on the Libyan people, but in the name of the universal conscience that cannot tolerate such crimes” Ibid.

Rwanda, very publicly failed to save lives in the early 1990s.²⁴⁴ Libya would perhaps prove that they could do better.

With a political culture steeped in humanitarian intervention, it is not surprising that France would have taken a lead on advocating an intervention in Libya. In addition to the historical French support for international involvement, there are several contemporary explanations for the state's strong call for action. France's insistence on intervention stems, in part, from a desire to atone for previous missteps during the Arab Spring. Sarkozy's administration, in particular French Foreign Minister Michele Alliot-Marie, "offered the Tunisian government official help in dealing with protesters"²⁴⁵ and the same minister had vacationed in Tunisia the previous winter. This blunder affected French domestic politics as well as its international reputation. With a competitive election looming the following, President Sarkozy needed to advance a strong image. Tumultuous financial crises within the Eurozone during the same period also affected intra-E.U. relations. Germany took the lead on all matters financial and abstained from the UN Security Council vote on taking action in Libya,²⁴⁶ leaving France with the need to reassert its dominance in the realm of foreign policy.²⁴⁷ As seen from the miscalculation on the commencement of the Arab Spring in addition to the financial

²⁴⁴ In addition to the previously discussed inaction in Bosnia, it must be mentioned that France's role was at least complicit in the massacre, with its "Operation Turquoise" helping the Rwandan government instead of the victims. For more, see: Vivien Jaboeuf, "French Complicity in the Rwandan Genocide: An Interview with Jean-Paul Gouteux," *World Politics Review*, 15 Apr. 2008, <http://www.worldpoliticsreview.com/articles/1940/french-complicity-in-the-rwandan-genocide-an-interview-with-jean-paul-gouteux?page=2> (accessed 24 Mar. 2013).

²⁴⁵ "France, U.K. Have Differing Motives for Intervening in Libya," *Stratfor*, 29 Mar. 2011, <http://www.forbes.com/sites/energysource/2011/03/29/france-u-k-have-differing-motives-for-intervening-in-libya/> (accessed 24 Mar. 2013).

²⁴⁶ Judy Dempsey, "Germany Officially Recognizes Libyan Rebel Government," *New York Times*, 13 Jun. 2011, <http://www.nytimes.com/2011/06/14/world/europe/14libya.html> (accessed 24 Mar. 2013).

²⁴⁷ "France, U.K. Have Differing Motives for Intervening in Libya," *Stratfor*.

tension with Germany, contemporary happenings in Europe influenced the extent to which France took the lead on the Libya issue.

France's history of public intellectualism further complicates their involvement. President Sarkozy was the first head of state to acknowledge the legitimacy of Libya's National Transitional Council (NTC). Bernard-Henri Levy, a cultural commentator and philosopher whom we encountered during the previous chapter, revealed his role in this decision by acknowledging that he arranged the decisive meeting on March 10, 2011, between the president and the NTC at Elysée, wherein President Sarkozy granted 'diplomatic recognition' to these unelected members of the NTC. Levy lauds this move as a "powerful political act, this decisive act of sovereignty, this act that would break with all custom."²⁴⁸ This move does indeed break with traditional understandings of sovereignty. While RtoP does hold that a sovereign who abuses his people loses legitimacy, it does not define the process for replacing that sovereign. Returning to Sarkozy, his rhetoric seems to allow for a return to normal relations with Qaddafi: "La porte de la diplomatie se réouvrira au moment où les agressions cesseront."²⁴⁹

Levy places the purpose of the mission of the Libya intervention strictly as that of civilian protection, but he too equivocates on the role of regime change. International action is required to "prevent the bloodbath Gadhafi is anticipating. And, beyond that, to break the military machine that Gadhafi . . . had turned against his own people. Protecting civilians, then, is putting the army and the power of Gadhafi out of commission."²⁵⁰ Levy

²⁴⁸ Bernard Henri-Levy, "Behind the Scenes of France's Lead on Libya," *New Perspectives Quarterly* 28, no. 2 (2011), 49.

²⁴⁹ Diplomacy will return as soon as aggressions cease.

"Barthélemy Gruot, "Libye: 'nos forces aériennes s'opposeront à toute agression des avions du colonel Kadhafi,'" 19 Mar. 2011, <http://www.defense.gouv.fr/actualites/articles/libye-nos-forces-aeriennes-s-opposeront-a-toute-agression-des-avions-du-colonel-kadhafi> (accessed 24 Mar. 2013).

²⁵⁰ Bernard Henri-Levy, "Behind the Scenes of France's Lead on Libya," 49.

stresses the need to remove Qaddafi despite RtoP's insistence that regime change is outside its purview. He goes on to proclaim that the reason for the operation's legitimacy is its strict adherence to the legal framework and its UN mandate.²⁵¹ If regime change is necessary to the completion of the mission, and regime change does not reside within the legal framework, what is the effect on the operation's legitimacy?

Also supporting the Sarkozy administration's tendency to intervention, cabinet member Bernard Kouchner, the former head of MSF known for his bombast and direct action in humanitarian matters, served as the foreign minister. The 'right of intervention' remains Kouchner's famous contribution to the humanitarian intervention debate and, as such, Kouchner encouraged a French foreign policy centered on a value-based system of diplomacy. He argued that France's objective "is not only about defending France's interests and guaranteeing its security, but also about 'the image we have of ourselves', and the promotion of human rights."²⁵² Kouchner was vocal in his desire to expansively apply the responsibility to protect, notably in Burma (Myanmar). While the RtoP does not include natural disasters, Kouchner argued that "nothing can possibly justify disaster victims seeing themselves denied the basic right to benefit from the necessary aid and stresses her commitment to the implementation of the 'responsibility to protect' principle under all circumstances."²⁵³ A Sarkozy administration, then, favored an expansive understanding of RtoP and the possibility of intervention.

Statements made by President Jacques Chirac during the prolonged crisis of inaction in Bosnia do not differ drastically from these words of 2011. He drew parallels

²⁵¹ Bernard Henri-Lévy, "Behind the Scenes of France's Lead on Libya," 50.

²⁵² "Kouchner's Kingdom; French Foreign Policy," *The Economist*, 13 Oct. 2007, <http://www.economist.com/node/9946947> (accessed 24 Mar. 2013).

²⁵³ "Burma-Cyclone Nargis," French Embassy in London, 25 May 2008, <http://www.ambafrance-uk.org/Bernard-Kouchner-on-Burma-disaster.html> (accessed 24 Mar. 2013).

to Srebrenica with the horrors of World War Two and called out those great democracies that spoke in favor of human rights but refused to act to enforce them. Measuring the impact of RtoP on the French government is not so clear-cut, especially with their history of supporting similar ventures. The Sarkozy administration, in several instances, wanted an even more expansive RtoP, suggesting that the concept acted as a justification for an intervention they would have participated in anyways.

The American Perspective

From the beginning stages of civil unrest in Benghazi until the present, the Obama administration has indicated a general support for the plight of the civilian protesters and rebels. The administration's rhetoric grew stronger as the conflict dragged on. President Obama gave a speech on February 23, 2011, exhorting the Libyan government to refrain from the use of violence against its people. He reminded the regime of its responsibility to uphold the human rights of its people and insisted that the government "be held accountable for its failures to meet those responsibilities."²⁵⁴ This speech aligns with RtoP's philosophy because it does not allow a sovereign to maintain legitimacy when disregarding the well being of its people. Obama points out that all governments share an equal responsibility to their citizens and that when the government is unable to aid its people, it must "allow humanitarian assistance to reach those in need."²⁵⁵ As a warning to Qaddafi, Obama's speech seeks to remind him of his obligation as a leader to safeguard the civilian population and be responsive to their wishes—the central tenet of the RtoP doctrine. President Obama structures his speech in such a way that he addresses all three

²⁵⁴ Jesse Lee, "President Obama speaks on the Turmoil in Libya," *The White House*, 23 Feb. 2011, <http://www.whitehouse.gov/blog/2011/02/23/president-obama-speaks-turmoil-libya-violence-must-stop> (accessed 24 Mar. 2013).

²⁵⁵ *Ibid.*

facets of RtoP—prevention, reaction, and rebuilding. A resounding theme of his February 23 speech is reconciling national interest with what is just. Though intervention involves major risks and costs, those factors “cannot be an argument for never acting on behalf of what’s right.”²⁵⁶ A policy of isolation cannot be considered morally tenable, though the President also acknowledges that intervention is not always possible. In the case of Libya, he points to widespread support to legitimize military action—a multilateral intervention with a UN mandate as well as requests for assistance from a large segment of the Libyan civilian population and insists that “we have a responsibility to act.”²⁵⁷

As the conflict in Libya raged on and international involvement became possible, President Obama’s initial reluctance to involve the United States militarily gave way and public commentary shifted to the justification of the use of force. In a likely reference to the disastrous non-interventions of the 1990s, Obama says that “as President, I refused to wait for the images of slaughter and mass graves before taking action.”²⁵⁸ This refusal speaks not only to the President’s priorities, but also to the input of his advisers. During the Oval Office meeting to discuss the looming massacre in Benghazi, the president called for input from each of his advisers. Samantha Power, National Security Council senior aide and human rights advocate, and Susan Rice, ambassador to the United Nations and former Africa adviser to the Clinton administration during the Rwanda genocide, favored stronger action than the implementation of a no-fly zone.²⁵⁹ Power had made her name with a book about the American government’s tendency to ignore modern

²⁵⁶ “Remarks by the President in Address to the Nation on Libya,” National Defense University, 28 Mar. 2011, <http://www.whitehouse.gov/photos-and-video/video/2011/03/28/president-obama-s-speech-libya#transcript> (accessed 24 Mar. 2013).

²⁵⁷ Ibid.

²⁵⁸ Ibid.

²⁵⁹ Helene Cooper and Steven Lee Myers, “Obama Takes Hard Line With Libya After Shift by Clinton,” *New York Times*, 18 Mar. 2011, <http://www.nytimes.com/2011/03/19/world/africa/19policy.html?pagewanted=all> (accessed 24 Mar. 2013).

genocides, and several other staffers had been in the Clinton administration during the Rwandan genocide. As a result, ““The ghosts of 800,000 Tutsis were in that room””²⁶⁰ informing the deliberations. With the Secretary of State Hillary Rodham Clinton pushing for intervention, the three women were able to secure both the President’s approval and support from the UN Security Council.²⁶¹ Instead of the no-fly zone that the President viewed as “a show to protect backsides, politically,”²⁶² he decided to push for a U.N. backed intervention. Not intervening, he said, was ““not who we are.””²⁶³” President Obama’s language differs drastically from that of President Clinton during the early 1990s. Whereas the ghosts of Rwanda visited Obama’s oval office, ghosts of American servicemen haunted the Clinton administration. Clinton’s press conferences and speeches showed a hesitancy to involve American troops in any military operation not directly affecting national security, a perspective informed by the disaster in Somalia.

By highlighting the intermediary steps taken by the US and NATO member states, Obama speaks to the preventive action requisite of any intervention. On March 28, after the approval Resolution 1973 allowing all necessary means of civilian protection in Benghazi, the president details the escalating international response, from an evacuation of American citizens, to the freezing of the regime’s assets, sanctions, and an arms embargo, all while making “it clear that Qaddafi had lost the confidence of his people and the legitimacy to lead.”²⁶⁴ This speech emphasizes the military response as a last resort action, only taken after having exhausted all other options. Central in creating a moral

²⁶⁰ Michael Lewis, “Obama’s Way,” *Vanity Fair*, Oct. 2012, <http://www.vanityfair.com/politics/2012/10/michael-lewis-profile-barack-obama> (accessed 24 Mar. 2013).

²⁶¹ Helene Cooper and Steven Lee Myers, “Obama Takes Hard Line With Libya After Shift by Clinton.”

²⁶² Michael Lewis, “Obama’s Way.”

²⁶³ *Ibid.*

²⁶⁴ “Remarks by the President in Address to the Nation on Libya,” National Defense University.

impetus to respond are the accounts of atrocities by the regime. Qaddafi's escalation of hostilities is the most important justification in this speech, with imagery focusing on the attacks against innocent civilians. In the following excerpt, Obama portrays a ferocious madman with an unyielding dedication to punishing dissidents:

In the face of the world's condemnation, Qaddafi chose to escalate his attacks, launching a military campaign against the Libyan people. Innocent people were targeted for killing. Hospitals and ambulances were attacked. Journalists were arrested, sexually assaulted, and killed. Supplies of food and fuel were choked off. Water for hundreds of thousands of people in Misurata was shut off. Cities and towns were shelled, mosques were destroyed, and apartment buildings reduced to rubble. Military jets and helicopter gunships were unleashed upon people who had no means to defend themselves against assaults from the air.²⁶⁵

Obama returns to two points in this speech: that Qaddafi is a very bad man in violation of internationally recognized core principles of governance, and that the use of force is one agreed-upon measure to remedy that infraction. With his speech, the President acknowledges that America should not act unilaterally on matters of humanitarian crisis, though he reserves the right to do so, but he also acknowledges the difficulty of ensuring a humanitarian solution without a political one. While he would prefer that Qaddafi were out of power, "broadening our military mission to include regime change would be a mistake."²⁶⁶ Finally, Obama continues to emphasize the importance of the popular voice in Libya, mentioning several times the opposition group's request for external assistance. By including their perspective, the civilian opposition perspective becomes a legitimating factor for the international community's response. While Obama makes use of the word "responsibility" in his address, the context differs from RtoP's original intention. Responsibility in RtoP refers to the responsibility of the international community to take action when a state fails its people;

²⁶⁵ "Remarks by the President in Address to the Nation on Libya," National Defense University.

²⁶⁶ Ibid.

responsibility in this context refers to the willingness to act in favor of well-established norms that correspond with American interests.

In a piece that demonstrates the conflicting understandings of international involvement in a humanitarian crisis, the executives of the U.S., the U.K. and France united in an op-ed explaining their involvement in Libya in April 2011. While the authors assert that their duty is “to protect civilians . . . It is not to remove Qaddafi by force,”²⁶⁷ they continue on to say that “it is impossible to imagine a future for Libya with Qaddafi in power.”²⁶⁸ Such a statement risks affirming fears that RtoP is a regime change mechanism. Libya’s path to peace, as asserted by Obama, Cameron, and Sarkozy, begins with the end of violence against civilians and ends with a “genuine transition from dictatorship to an inclusive constitutional process.”²⁶⁹ Within the U.S., the support of groups like the Foreign Policy Initiative lends credence to the fears of regime change. These heads of state pronounce their eagerness to remove an abusive leader under this now-possible justification of human protection.

In order to get a clearer understanding of the RtoP’s impact on the language and framing of the Libyan crisis, I would like to return to some of the statements from President Clinton concerning the role of the United States in Bosnia. Where President Obama insists, “We have a responsibility to act,”²⁷⁰ President Clinton holds that “the United States has done what it could to mobilize the forces of NATO.”²⁷¹ While

²⁶⁷ Barack Obama, David Cameron, and Nicolas Sarkozy, “Libya’s Pathway to Peace,” 14 Apr. 2011, <http://www.whitehouse.gov/the-press-office/2011/04/14/joint-op-ed-president-obama-prime-minister-cameron-and-president-sarkozy> (accessed 24 Mar. 2013).

²⁶⁸ Ibid.

²⁶⁹ Ibid.

²⁷⁰ “Remarks by the President in Address to the Nation on Libya,” National Defense University.

²⁷¹ William J. Clinton, “Remarks and an Exchange With Reporters Prior to Discussions With President Alija Izetbegovic of Bosnia,” 8 Sep. 1993.

President Obama lists the crimes of Qaddafi—targeting civilians, attacking hospitals, abusing journalists, cutting off food and water²⁷²—President Clinton places all the parties to the conflict in Bosnia on the same level and gives them the same responsibility to “reach an agreement that they can live with and honor.”²⁷³ Instead of a sense that outside actors should only provide peripheral support for the peace process, NATO states and the Security Council insist upon a proactive response for the greater good. As seen with the American position during much of the war in the former Yugoslavia, a deference to state sovereignty and internal control does not ensure the protection of human lives. A more forceful involvement on the part of the Obama administration indicates a higher prioritization of human life rather than a perpetual consternation over the violation of sovereignty.

UN Resolutions

In the UN Security Council Resolutions related to the intervention in Libya, a few framing cues communicate a perceptible shift in the understanding of the both the role of the state and of the international community. Firstly, UNSCR 1970, from February 26, 2011, serves as a warning to the Qaddafi regime that its actions will not be tolerated. It calls for the urgent inquiry into human rights violations in the country, suggesting that such attacks against civilians “may amount to crimes against humanity.”²⁷⁴ UNSCR 1970 points out the international impact of the crisis in Libya in terms of the destabilizing effect of large amounts of refugees. The document makes use of RtoP language by

²⁷² “Remarks by the President in Address to the Nation on Libya,” National Defense University.

²⁷³ William J. Clinton, “Remarks and an Exchange With Reporters Prior to Discussions With President Alija Izetbegovic of Bosnia.”

²⁷⁴ “Security Council Resolution 1970 (2011),” UN Security Council.

“*[r]ecalling* the Libyan authorities’ responsibility to protect its population.”²⁷⁵ By indicating the initial responsibility of the state to ensure the safety of its people, the Security Council references the entirety of RtoP, though it makes no further claim about the responsibility of other states to become involved. There is a recommendation that member states assist foreign nationals who wish to leave and a request that “all Member States, working together and acting in cooperation with the Secretary General . . . facilitate and support the return of humanitarian agencies and make available humanitarian and related assistance.”²⁷⁶ The Council does take some concrete steps with this resolution; it imposes an asset freeze and travel ban for key members of the regime as well as an arms embargo.

A few weeks later, on March 17, 2011, the Council released Resolution 1973, allowing for robust international action to stem the crisis. Again, the Council refers to RtoP, by “*Reiterating* the responsibility of the Libyan authorities to protect the Libyan population and *reaffirming* that parties to armed conflicts bear the primary responsibility to take all feasible steps to ensure the protection of civilians.”²⁷⁷ Because of the impact on other countries, “the situation in the Libyan Arab Jamahiriya continues to constitute a threat to international peace and security.”²⁷⁸ While excluding a foreign occupation, UNSCR 1973 requests civilian protection through “all necessary measures.” This text makes clear the importance of regional partners by pointing to Libya’s condemnation by the League of Arab States, the African Union, and the Organization of the Islamic Conference, as justification for UN action. What’s most important in this document,

²⁷⁵ “Security Council Resolution 1970 (2011),” UN Security Council.

²⁷⁶ *Ibid.*

²⁷⁷ *Ibid.*

²⁷⁸ “Security Council Resolution 1973,” UN Security Council.

however, is the emphasis on human rights law. The UN is not taking this action solely because of the impact of a refugee spillover—the repeated motif throughout the text is civilian protection. Human rights law and international humanitarian law take greater precedent here than any other concern.

As compared with the previously analyzed resolutions from the Bosnian war era, we see a much more forceful sentiment from the Security Council. Instead of merely expressing concern at the plight of Libyans in Benghazi, the Security Council states that the Qaddafi regime may be committing crimes against humanity. Such an assertion establishes definitively the gravity of the situation and positions the Council for an immediate reaction in correspondence with RtoP (the UN applies RtoP to four types of crimes—crimes against humanity, war crimes, ethnic cleansing, and genocide). The protection of international peace and security was present in the Bosnian resolutions and re-appears with Libya in the form of concerns over the massive influx of refugees in neighboring states. International security is not the sole reason for Security Council involvement, however. The conditional sovereignty communicated by RtoP informs these resolutions—Qaddafi’s targeting of his population renders his authority null and void. The sense of urgency, the emphasis on human protection, and the use of RtoP vocabulary all indicate the adoption of RtoP principles within the Security Council.

Institutional Advancements

Kofi Annan first posed the question of how to reconcile the inviolable concept of state sovereignty with situations seen in Rwanda, Bosnia, and Kosovo, and current Secretary-General Ban Ki Moon has gone to great lengths to implement the concept. These institutional advancements helped to solidify RtoP as an emerging doctrine. Ban’s

Berlin address on July 15, 2008, begins his campaign for the acceptance of RtoP. By choosing to speak on this matter in Berlin, Ban hoped to draw parallels between the “irresponsible sovereignty” of Nazi Germany with the contemporary debate.²⁷⁹ Ban appointed Edward Luck that year to serve as Special Adviser on the Responsibility to Protect, with the goal of fleshing out the two paragraphs on RtoP featured in the 2005 World Summit Outcome Document. His report, “Implementing the responsibility to protect,” focuses on the protection responsibilities of the state, international assistance and capacity-building, and timely and decisive response. The report makes a variety of recommendations, including stressing prevention as the most important aspect of RtoP, strengthening the International Criminal Court, promoting development, and increased consistency from the Secretary-General and Member States.²⁸⁰ Luck’s report goes a long way in providing the international community with an RtoP toolbox with which to implement preventive measures, react to situations of large-scale human rights violations, and help societies move forward after such an event. His suggestions, however, are not mandates and cannot be implemented without political will.

The Office of the Special Adviser on the Prevention of Genocide, working in conjunction with the Special Adviser on the Responsibility to Protect, was quickly active in the Libyan crisis. Francis Deng, the Special Adviser on the Prevention of Genocide, and Edward Luck issued a statement of alarm on February 22, 2011, in which they use the phrase “crimes against humanity” to describe the attacks against civilians. They warn that if reports of these events prove to be accurate, that “national authorities should be

²⁷⁹ Jason A. Edwards, “Redefining Sovereignty: An Analysis of U.N. Secretary General Ban Ki Moon’s Rhetoric on the Responsibility to Protect Doctrine,” *Peace and Security* 19, no.1, 48.

²⁸⁰ Edward Luck, “Implementing the responsibility to protect: Report of the Secretary-General,” United Nations General Assembly, 12 Jan. 2009

held accountable.”²⁸¹ Deng and Luck’s role is obviously to advance the RtoP agenda, but the high profile of their joint office and their quick reaction to hostilities in Libya demonstrate the seriousness with which the UN is treating RtoP. Needless to say, no Special Adviser on the Responsibility to Protect existed during the wars of the former Yugoslavia, and no Special Adviser on the Prevention of Genocide was in place either. In fact, the Department for Peacekeeping Operations (DPKO) was not formally established until 1992, when Boutros Boutros-Ghali became Secretary-General of the United Nations.²⁸² The debacle that was humanitarian intervention in the 1990s prompted the Secretary-General to order a study of peacekeeping operations. Known informally as the “Brahimi Report,” the *Report of the Panel on United Nations Peace Operations* suggested many reforms to improve institutional responsiveness to atrocity, and it appears that much of the advice was heeded.²⁸³ While this project will not go into detail on the Brahimi Report, it is important to note the organization’s internal reforms helped support the emergence of RtoP and expand beyond the traditional peacekeeping paradigm.

Operations

International involvement in Libya very quickly turned to military means. Before military operations began, humanitarian groups and coalitions attempted to reach the civilians of Libya. On March 12, the Arab League released its decision on the events in

²⁸¹ United Nations Press Release, “UN Secretary-General Special Adviser on the Prevention of Genocide, Francis Deng, and Special Adviser on the Responsibility to Protect, Edward Luck, on the Situation in Libya,” 22 Feb. 2011, <http://www.un.org/en/preventgenocide/adviser/pdf/OSAPG,%20Special%20Advisers%20Statement%20on%20Libya,%2022%20February%202011.pdf> (accessed 5 Apr. 2013).

²⁸² “Department of Peacekeeping Operations,” United Nations Peacekeeping, <http://www.un.org/en/peacekeeping/about/dpko/> (accessed 7 Apr. 2013).

²⁸³ William J. Dutch et al., “The Brahimi Report and the Future of UN Peace Operations,” *The Henry L. Stimson Center*, <http://www.stimson.org/images/uploads/research-pdfs/BR-CompleteVersion-Dec03.pdf> (accessed 7 Apr. 2013).

Libya. In addition to the call for a no-fly zone, the League also called on its Member States and all allies and international organizations to “provide support and urgent humanitarian assistance to the Libyan people.”²⁸⁴ The Arab League held a humanitarian coordination meeting on the matter on March 16 with equal representation from multilateral systems, western NGOs, Islamic INGOs, and Egyptian and Libyan NGOs,²⁸⁵ demonstrating local involvement and support for humanitarian aid in Libya. A second meeting in May resulted in a collaborative aid convoy with 20 agencies from Egypt, Libya, and the UK participating. The Libyan NTC joined in, as well, calling for increased aid and support for humanitarian actors.²⁸⁶ This conference implies a regional ownership of the crisis, as seen when The Humanitarian Forum’s president Dr. Hany El Banna concluded the meeting by saying ““The OIC [Organisation of Islamic Cooperation] and LAS [League of Arab States] are the real forces that will lead the Arab organisations to save civilians in Libya.””²⁸⁷

Secretary-General Ban Ki-moon and Under-Secretary General for Humanitarian Affairs and Emergency Relief Coordinator, Valerie Amos “called for an immediate temporary cessation of hostilities to allow access for humanitarian assistance, on 8 April.”²⁸⁸ Many humanitarian efforts were directed at evacuating Third Country Nationals (TNCs)—about 10,000 people from other states resided in Misrata alone, frequently there in the capacity

²⁸⁴“The implications on the current events in Libya on the Arab position,” League of Arab States, 12 Mar. 2011, [http://responsibilitytoprotect.org/Arab%20League%20Ministerial%20level%20statement%2012%20march%202011%20-%20english\(1\).pdf](http://responsibilitytoprotect.org/Arab%20League%20Ministerial%20level%20statement%2012%20march%202011%20-%20english(1).pdf) (accessed 24 Mar. 2013).

²⁸⁵ “League of Arab States and The Humanitarian Forum Conference for Libya,” *AlertNet*.

²⁸⁶ “The implications on the current events in Libya on the Arab position,” League of Arab States.

²⁸⁷ Ibid.

²⁸⁸ “Humanitarian Overview—Misrata,” OCHA, http://northafrica.humanitarianresponse.info/sites/default/files/110414_OCHA_Misrata_Factsheet.pdf (accessed 24 Mar. 2013).

of temporary laborers.²⁸⁹ According to the Office for the Coordination of Humanitarian Affairs, in mid-April the International Organization for Migration delivered 400 tons of aid and evacuated 800 people; MSF evacuated 135 individuals to Tunisia.²⁹⁰

The effort to protect civilian lives in Libya quickly became a military coalition effort with little division between the United Nations, NATO, and individual states (Canada, Italy, Spain, Belgium, Qatar, and the United Arab Emirates).²⁹¹ The intervention in Libya began as Operation Odyssey Dawn (OOD) on March 19, 2011, following the Security Council's passage of Resolution 1973. OOD was led by the United States and supported militarily by the United Kingdom, France, Italy, and Canada. Its main strategy was to take out Libya's integrated air and missile defense systems through the use of cruise missiles and electronic attacks.²⁹² OOD purpose was to implement a no-fly zone over Libya in accordance with UNSCR 1973, halting the violence against civilians, and bring the crisis to a close.²⁹³ The U.S. led the initial charge but soon relinquished control to NATO. According to Secretary of Defense Robert Gates, "During the first phase of Operation Odyssey Dawn, U.S. forces provided the bulk of military assets and firepower, logistical support and overall command and control . . . The U.S. focus as the operation continues will be electronic attack, aerial refueling, lift, search and

²⁸⁹ "Humanitarian Overview—Misrata," OCHA.

²⁹⁰ "Humanitarian efforts continue despite heavy shelling," OCHA, 18 Apr. 2011, <http://www.unocha.org/top-stories/all-stories/libya-humanitarian-efforts-continue-despite-heavy-shelling> (accessed 24 Mar. 2013).

²⁹¹ "Libya no-fly zone: Coalition firepower," *BBC News*, 21 Oct. 2011, <http://www.bbc.co.uk/news/world-africa-12806112> (accessed 24 Mar. 2013).

²⁹² Jim Garamone, "Coalition Launches 'Odyssey Dawn' to Implement No-fly Zone," *American Forces Press Service*, 19 Mar. 2011, http://www.navy.mil/submit/display.asp?story_id=59190 (accessed 24 Mar. 2013).

²⁹³ *Ibid.*

rescue, and intelligence, surveillance and reconnaissance support,²⁹⁴ with a persistent emphasis that no American troops would have “boots on the ground.”

NATO had been involved in Libya since the passage of UNSCR 1970. The Alliance increased its surveillance efforts and deployed ships to Mediterranean Sea as a precautionary measure. With UNSCR 1973, the Alliance expanded its role, working to enforce the arms embargo put in place by the Security Council and assisting with enforcement of the no-fly zone.²⁹⁵ On March 31, 2011, NATO assumed control, launching Operation Unified Protector (OUP). This mission had three main components: (1) enforcement of arms embargo; (2) enforcement of the no-fly zone to prevent the bombing of civilian targets; (3) Air and naval strikes against Libyan military forces that target or threaten civilians and civilian populated areas.²⁹⁶ OUP continued until October 31, 2011—11 days after Qaddafi’s capture and death by Libyan rebels. NATO’s operation, in total, destroyed about 6,000 Libyan military targets.²⁹⁷

The United Nations Support Mission in Libya (UNSMIL) was established to assist in the transition out of war. Its mandate is to assist Libya in defining a rebuilding strategy, manage the democratic transition process, promote the rule of law and human rights standards, restore public security, counter illicit arms proliferation, and coordinate humanitarian assistance.²⁹⁸ 15 UN agencies currently operate in Libya,²⁹⁹ indicating that

²⁹⁴ Karen Parrish, “Gates Outlines U.S. Role as NATO Takes Libya Mission,” *American Forces Press Service*, 31 Mar. 2011, <http://www.defense.gov/news/newsarticle.aspx?id=63378> (accessed 24 Mar. 2013).

²⁹⁵ “Statement by the NATO Secretary General on Libya Arms Embargo,” NATO, 22 Mar. 2011, http://www.nato.int/cps/en/natolive/news_71689.htm (accessed 24 Mar. 2013).

²⁹⁶ *Ibid.*

²⁹⁷ *Ibid.*

²⁹⁸ “UNSMIL Mandate,” UNSMIL, <http://unsmil.unmissions.org/Default.aspx?tabid=3544&language=en-US> (accessed 24 Mar. 2013).

²⁹⁹ “UN in Libya,” UNSMIL, <http://unsmil.unmissions.org/Default.aspx?tabid=5110&language=en-US> (accessed 24 Mar. 2013).

the international community will continue to be involved in Libya's rebuilding for the foreseeable future.

As clear from this case study, the uncertainty surrounding the roles of the institutions during the war in the former Yugoslavia has diminished significantly. Instead of competing with each other as they did during that conflict, NATO and the UN worked in tandem to advance Security Council Resolution 1973's goals. The relative efficiency of the coordinated efforts between the UN and NATO left both institutions with relatively unscathed reputations. The "gentleman's agreement," Security Council members abstaining from a vote rather than using their veto power, seems to have worked, with Russia and China allowing the Security Council to advance with their resolutions.

Internal divisions inside the EU occurred, with (as seen in the case of Germany) many of their members loathe to participate in the military action. The lack of a cohesive response from EU countries demonstrates the difficulty of forging a common foreign policy among the 27 countries. American involvement in this crisis, too, differed sharply from the foreign policy actions of the previous decade. Widespread hope that President Obama would pursue a more collaborative international agenda was met with this operation. U.S. military might, while present and of extreme value to the operation, led from behind and allowed the NATO Alliance to command. OUP/OOD should be viewed as consistent with Obama's assertions that "a post-Bush United States would not rush to intervene unilaterally in crises, would seek to mobilise the international community, would partner with regional actors and would prioritise multilateralism."³⁰⁰ NATO's

³⁰⁰ "War in Libya: Europe's confused response," *Strategic Comments* 17, no. 4 (2011).

OUP was “portrayed as an objectively non-American command structure”³⁰¹ supporting an image of a less controlling and imperialistic U.S.

Though the intervention rapidly took off, internal division persisted throughout EU member states. Few countries agreed on the enactment of a no-fly zone, and EU leadership declined to make a forceful stance. High Representative Catherine Ashton

was effectively silent while she sought to define what amounted to the lowest political common denominator among member states. Thus, while European leaders were making many proposals for action, she was among the last to call for sanctions, to make a statement that Gadhafi should go, to make contact with the Benghazi-based Transitional National Committee and to support military action.³⁰²

Italy’s trade partnership with Libya made them reluctant initially to participate in any military action, while the UK’s David Cameron was the first European head-of-state to call for a no-fly zone. In the end, 10 of 21 EU member states also belonging to NATO contributed to the mission. Six countries in total participated in air strikes (the UK, France, Belgium, Canada, Denmark and Norway) and some other states (The Netherlands, Spain, Italy, Greece, Sweden, Turkey, Jordan, Qatar and the United Arab Emirates) could only engage in air-air combat.³⁰³ This lack of universality may be an insurmountable challenge, since some measure of reticence toward intervening militarily will always exist.

³⁰¹ “War in Libya: Europe’s confused response,” *Strategic Comments*.

³⁰² Ibid.

³⁰³ Ibid.

Analysis of operations

It is clear that the international community successfully harnessed the language of RtoP in the case of Libya in an effort to stem the violence inflicted upon the civilian population; what is less clear is the operation's adherence to the broader principles of RtoP. In this section, I will analyze the application of RtoP in Libya, with an eye toward changes in policy and practice.

A highly collaborative project that took great pains to involve other countries besides the United States, Operation Odyssey Dawn/United Protector had widespread support and was legal because of the UN Security Council's support. In Resolution 1973, the Security Council explicitly applies the responsibility to protect as a justification for military action in Libya, but avoids mention of the responsibility to prevent or rebuild that are central components within the original concept. Instead, the text underscores the "responsibility of the Libyan authorities to protect the Libyan population and [reaffirms] that parties to armed conflicts bear the primary responsibility to take all feasible steps to ensure the protection of civilians."³⁰⁴ Western powers widely view the intervention in Libya as a successful humanitarian operation, but some of its characteristics indicate that civilian protection was not consistently the primary goal. While some attributes of the military operation in Libya match RtoP ideals and values, criticism of the Libyan operation runs deep and tends to fall along three categories: the executed mission far exceeded the stated mandate, there was a lack of international support particularly among Arab states, and the international community made little effort at upholding the responsibility to prevent. The most salient of these three points is the first one—the question of mandate. The ICISS expressly dissuaded any use of RtoP for the purposes of

³⁰⁴ "Security Council Resolution 1973 (2011)," UN Security Council.

regime change, but regime change is what happened in Libya despite of statements to the contrary. This section of the paper will investigate these criticisms.

Regime Change

First, let us examine the critique of regime change, both in its actualization in Libya and its absence in RtoP. Though the actors deny the presence of regime change, I argue that it informed their operations and was, in fact, necessary for the ultimate goal of civilian protection. NATO's three main goals for Operation Unified Protector—enforcing the arms embargo and the no-fly zone and eliminating the threat to civilians from the Libyan military—indicate that human protection was to be achieved through the weakening of the government and its related branches (like the military). Instead of creating safe zones, as seen in the Bosnian war, international forces conducted a proactive strike against potential aggressors. Operation Unified Protector was not limited to Benghazi, the city at the origin of the uprising, but sought out military targets throughout the country. In this sense, the intervention had at its core, the goal of weakening the Qaddafi regime in order to protect the citizens of Libya. As the preservation of human life was the stated goal of this mission, the question becomes not whether regime change was part of the unstated mission goals, but whether regime change should be part of the Responsibility to Protect as a whole. As the Global Centre for the Responsibility to Protect stated,

there is no doubt countries that were actively supporting the Libyan intervention stretched their interpretation of Resolution 1973 regarding 'all necessary measures' to its limit. But, on the other hand, questions regarding protection of civilian cannot neglect political and military realities. Given the well-founded fear that if Qaddafi were to regain control of rebel-held territory he would perpetrate

further mass atrocities, assisting the rebels in preventing him from doing so was, arguably, a legitimate part of the protection mandate.³⁰⁵

A long-term solution would have been all but impossible without the removal of Qaddafi, and it was clear from his statements that he would be unwilling to negotiate with the rebels. Ultimately, regime change ensured the survival of thousands of Libyan civilians.

For David Rieff, RtoP's refusal to accept or promote regime change as a viable strategy for the preservation of human rights and life represents a significant structural failing. Rieff, as we know from his outspoken criticisms of states' inaction during crises of epic proportions, generally approves of humanitarian interventions. Yet, he predicted the death of RtoP following the Libya intervention. Due to RtoP's insistence that it not include regime change, the norm, Rieff argues, is fundamentally incapable of effecting real change. The idea's proponents have ignored the fact that "in the midst of rebellions such as the one in Libya, people cannot be protected without regime change."³⁰⁶ Without acknowledging the need for regime change, RtoP is simply a re-packaging of previous humanitarian intervention models, such as the one seen in Kosovo. RtoP, in its basic form, differed from the humanitarian intervention model because of its continuum of action—prevention, reaction, rebuilding—but, according to Rieff, the Libya operation adheres more closely to the previous model. The mission, he states, "puts the old wine of Kosovo-style intervention in a new U.N.-sanctioned bottle."³⁰⁷

The protection of Benghazi, central to the mandate, did not also include the authorization of air support during the continuing battle. Because the mission expanded beyond simply providing a safe haven for the civilians of Benghazi, Rieff argues that it

³⁰⁵ Dr. Simon Adams, "Libya and R2P Occasional Paper," Global Centre for the Responsibility to Protect (2012), 13.

³⁰⁶ David Rieff, "R2P, R.I.P."

³⁰⁷ Ibid.

has broken with RtoP (a flawed concept to begin with). That is not to say, however, that Rieff disagreed with intervening—he simply finds the RtoP justification dishonest and ultimately self-destructing. A non-RtoP mission aimed at the removal of Qaddafi, Rieff suggests, would be a more productive means of going about the cessation of atrocity.

The inability to articulate that regime change's necessity put the mission in an awkward position: it could not discuss reasons why regime change was necessary for that case, thereby calming the fears of proponents of a traditional state sovereignty or developing states. Instead, these criticisms of an overly expansive, stretched mandate have not received proper responses. That lack of clarity led Michael Walzer, an early proponent of humanitarian interventions, to question the implementation of RtoP in Libya. Primarily, he sees little clarity in terms of mission purpose and endgame.³⁰⁸ As written, UN Security Council Resolution 1973 does not indicate whether the international coalition have been satisfied only once Qaddafi had been removed from power, or whether establishing a safe environment for civilians for a certain period of time would have satisfied the coalition. For the Arab League and the African Union, the stretching of Resolution 1973, only clear after the operation began, was unacceptable and proved a threat to their own sovereign status. In a criticism that seems highly unrealistic given the political environment at the time, Walzer comments that Egypt and Tunisia would have been essential participants in a legitimate humanitarian intervention in Libya. Walzer notes that the Arab League, which had originally supported the creation of a no-fly zone,

³⁰⁸ Michael Walzer, "The Case Against our Attack on Libya," *The New Republic*, 20 Mar. 2011, <http://www.tnr.com/article/world/85509/the-case-against-our-attack-libya?id=DFpiAHgILRaR7W8vDGJCSnhKII0ob0KQ24uof2PXR0nP6QrGDHgiXvGf6bgfeaz/> (accessed 20 Feb. 2013).

is “already criticizing the attacks required to make it work.”³⁰⁹ Russia’s foreign minister, additionally, criticized the effort, ““We think that intervention by the coalition in what is essentially a civil war has not been sanctioned by the U.N. Security Council resolution.””³¹⁰

Walzer’s critique reflects an adherence to the original philosophy of RtoP: “the overthrow of tyrants and the establishment of democracy has to be local work, and in this case, sadly, the locals couldn’t do it.”³¹¹ While he acknowledges that there would have been a swift reaction from Qaddafi’s government against the protesters and rebels, he argues that the international community could have acted in other ways to limit the death toll (helping rebels escape the country, for example). Finally, Walzer writes that a military operation of this sort would have been acceptable in a situation like that of Rwanda or Darfur, but not in Libya.³¹² Walzer’s writings indicate that he would have preferred a standing policy of prevention with intervention only possible for strict human protection purposes (a view consistent with his early work). If the international community were to heed that critique and leave regime change to local actors, one can imagine that a very different scenario would be playing out in Libya.

Sustaining that critique, the international community transferred sovereignty to the rebel groups after a few months of fighting. Endorsement of the rebel groups as legitimate political leaders occurred, in large part, due to the involvement of French philosopher and public figure, Bernard-Henri Lévy. Present at a meeting of the Libyan rebels in Benghazi in the midst of fighting, Lévy sympathized with their plight and

³⁰⁹ Walzer, “The Case Against our Attack on Libya.”

³¹⁰ “Libyan rebels facing tough fight for Sirte,” *Al Jazeera*, 28 Mar. 2011, <http://www.aljazeera.com/news/africa/2011/03/201132681812362552.html> (accessed 24 Mar. 2013).

³¹¹ Walzer, “The Case Against our Attack on Libya.”

³¹² *Ibid.*

offered to connect the groups with the French President Nicolas Sarkozy. They accepted the offer, and “began making demands about official recognition. More phone calls to Sarkozy followed. The demands were met and the French president launched himself into getting European and UN approval for military action against Gaddafi.”³¹³ This haphazard validation of the rebel armies and their leaders represents a shift in action for the operation. At that point, removing Qadhafi from power became the primary goal and took precedence over stabilizing the country for the safety of its population.

Questions of Prevention

Another criticism of the intervention in Libya was its hasty escalation into a military operation, introducing the question of preventative measures. The ICISS expressed strong views about the importance of prevention over reaction or rebuilding (“Prevention is the single most important dimension of the responsibility to protect”³¹⁴), but evidence of preventive action remains elusive. The timeline of the intervention in Libya differs significantly from that of the war in Bosnia. While the international community was, for years, wringing its hands over sovereignty issues and an unwillingness to risk their own troops for the good of the Balkan states, the turnaround time from Qaddafi’s first threats until the passage of Security Council Resolution 1973 allowing for air strikes and a no-fly zone was little over a month. To be sure, a lack of swift action in Bosnia contributed to the high body count. A swift response, I argue, aligns with RtoP’s intentions more closely than prolonged negotiations with an unresponsive regime.

³¹³ Kim Willsher, “Bernard-Henri Lévy dismisses criticism for leading France to Conflict,” *The Guardian*, 26 Mar. 2011, <http://www.guardian.co.uk/world/2011/mar/27/libya-bernard-henri-levy-france> (accessed 24 Mar. 2013).

³¹⁴ International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, xi.

Margaret O'Brien Steinfels expresses reservations about the motivations of the U.S. in Operation Odyssey Dawn, focusing on the limited period of inquiry prior to the launching of an international campaign. She writes that “calls for humanitarian intervention in Libya required only the threats of a madman, the ardent pleas of the rebels, and the cooperation of the Arab League,”³¹⁵ in contrast to cases like Rwanda and Bosnia where little action was taken very late in the game. She points out the moral hazard of interventions, arguing that they can foster rebellion by lowering the potential cost to the rebels who believe that they will be aided by other powerful states.³¹⁶ Steinfels asserts that the President’s decision to engage in Libya is more based on practicalities than on moral values:

Why did President Barack Obama finally agree? Consider the following: (1) pressure from advisers who feared another Rwanda; (2) a quid pro quo for British and French support in Iraq and Afghanistan; (3) a promise to the Pentagon of ‘no boots on the ground’ to quiet military objections; (4) an opportunity to support multilateralism in which the United States did not have to take the lead; (5) everyone hates Qaddafi.³¹⁷

Peer pressure combined with little cost to the U.S.’s reputation allowed President Obama to join the effort without engaging in any real diplomatic measures.

Steinfels seemingly would have preferred a longer period of waiting or tangible evidence of a massacre before international intervention, a viewpoint that brings to the forefront an ongoing debate on RtoP’s purpose and utility. While Steinfels’s argument disregards the historical impetus to react quickly in the face of impending massacres, her critique links to the inherent problems of preventative action within RtoP itself. This

³¹⁵ Margaret O’Brien Steinfels, “Hazardous Means: Libya and the Ambiguity of Humanitarian Intervention,” *Commonweal*, 17 Jun. 2011, 6.

³¹⁶ *Ibid.*

³¹⁷ *Ibid.*, 6.

project has not dealt extensively with questions of prevention, though the ICISS held it up as the most critical aspect of RtoP. A central debate concerning RtoP and its operationalization is how to approach preventive action while still allowing for the ability to intervene. The ensuing lack of clarity is in part due to the identity crisis present within RtoP itself. Returning to the debate between Bellamy and Weiss mentioned at the very beginning of this paper, one must consider the ultimate goal of RtoP. Is the concept meant to put in place a standing commitment to the prevention of atrocity, or is it most effective as a rallying cry to motivate other states into action? These two competing conceptions lead to two very different conclusions about the operation in Libya. If you prefer RtoP as a policy of preventive action and early warning, then RtoP failed due to its quick descent into military action, its endorsement of a new leading group, and its tacit approval of the execution of the head of state. However, if RtoP is more logically situated as a rhetorical tool to garner support and force action, then it may have made the transition from concept to doctrine with Libya. Herein lies the ultimate question about the long-term viability of RtoP.

Bellamy's 2010 re-examination of RtoP investigates these two conflicting agendas among the doctrine's proponents and ultimately settles on the need for a long-term policy agenda of prevention. The two concepts cannot coexist—if RtoP catalyzes an international response to a crisis, it cannot also represent a sustained commitment to genocide prevention.³¹⁸ Bellamy's interpretation holds the possibility of creating sustained change through a greater effort at early-warning systems and diplomacy. The result, paradoxically, would be the disappearance of the RtoP idea in international

³¹⁸ Alex J. Bellamy, "The Responsibility to Protect-Five Years On," *Ethics & International Affairs* 24, no. 2 (2010), 160.

dialogue. Bellamy advances a version of RtoP that would eliminate the need for the responsibility to react or the responsibility to rebuild. If Bellamy's RtoP were to succeed, there would be no discussion of RtoP except within the halls of the UN.

Conversely, Weiss maintains that RtoP should be reserved as a means to spur states into action, so as to avoid the dilution of the concept. Eli Stamnes summarizes that perspective, saying that the "intention behind the RtoP principle is to generate a speech act . . . which has the effect of elevating certain issues above normal politics as a catalyst for decisive action."³¹⁹ From this angle, RtoP would be used as it was in Libya: a vocabulary system designed to convey a sense of urgency and solemnity. This strategy appears to have succeeded in Libya, with many states coming together to protect civilian lives over a matter of a few months. Weiss says that a successful campaign in Libya "will put teeth in the fledgling RtoP doctrine"³²⁰ because it demonstrates that the UN can follow through on its threat of reaction. Because of the international response, abusers of power like Qaddafi will take more seriously the guidance of the United Nations. Prevention of atrocity through development, education, improved monitoring, and cooperative efforts between governments, remains critical to a diminished body count worldwide, but the credibility of these diplomatic efforts depends on a readiness to use military force. Without the threat of armed intervention in Libya, the other measures (like the arms embargo and asset freeze) would have been much more difficult decisions.³²¹ The UN World Summit Outcome document which endorsed RtoP in 2005 says little about armed humanitarian intervention, but instead mentions the use of "appropriate diplomatic, humanitarian and other peaceful means . . . to help to protect populations

³¹⁹ Bellamy, "The Responsibility to Protect-Five Years On," 159.

³²⁰ Thomas G. Weiss, "RtoP Alive and Well after Libya," *Ethics & International Affairs* 25, no. 3 (2011).

³²¹ Weiss, "RtoP Alive and Well after Libya."

from genocide, war crimes, ethnic cleansing and crimes against humanity.”³²² As Weiss points out, “armed force was absent from the international RtoP agenda until Libya.”³²³ Without the ability to use armed force in these humanitarian crises, or at least a credible threat of force, protection is unlikely and conflict will endure.³²⁴ With this strengthened version of RtoP, Weiss suggests that we can use the rhetoric of ‘never again’ and “occasionally mean it.”³²⁵

The inability to assign straightforward and predictable roles to the international community seems to be an insurmountable problem for the continued strength of RtoP. The doctrine’s innovation can be located in its insistence on the obligation of all states to “assist and encourage their peers in the fulfillment of their RtoP . . . and third, “take timely and decisive action in cases where a state has manifestly failed in its RtoP,”³²⁶ however, the roles assigned to all states when dealing with crises in other states, remain highly unclear. If RtoP is a catalyzing speech act, the division of labor will need to be re-hashed and doled out at the commencement of each new case of mass atrocity, slowing down response time and inviting questions of political agendas. Treating RtoP as a policy agenda, however, would remain true to the ICISS’s vision for the doctrine—focused on prevention efforts. As prevention becomes more successful, “the more difficult it is to demonstrate RtoP’s impact; yet this is where the principle might have its greatest effect if it succeeds in galvanizing efforts to strengthen early warning, build preventive capacity, and minimize root causes.”³²⁷ If this were to succeed, the proof would be in the decrease

³²² United Nations General Assembly, “2005 World Summit Outcome.”

³²³ Weiss, “RtoP Alive and Well after Libya.” Weiss uses the example of the prolonged conflict in Cote D’Ivoire between Outtara and Gbago.

³²⁴ Ibid.

³²⁵ Ibid.

³²⁶ Bellamy, “The Responsibility to Protect-Five Years On,” 160.

³²⁷ Ibid., 164.

of mass atrocity events.³²⁸

While the ICISS's version of RtoP focuses on prevention as the most essential element, it was not central to international involvement in Libya in 2011. The effect of a quick and decisive intervention on the doctrine of RtoP is unclear. Weiss points out that emphasizing the prevention of genocide, as the ICISS did in their initial document, was "politically correct but counterproductive."³²⁹ The trifecta of action—prevention, reaction, rebuilding—made more palatable the option of military intervention, particularly for states fearing threats to their sovereignty. After all, the addition of the first and last elements marked a departure from the murky waters of humanitarian intervention.

³²⁸ Bellamy, "The Responsibility to Protect-Five Years On," 163. Bellamy refers to the Uppsala Conflict Data Program that has discovered a reduction in violence from 2004-2008.

³²⁹ Weiss, "RtoP Alive and well after Libya," 287.

Chapter 5: Conclusion

While deciphering the appropriate response to atrocity will likely be debated anew at each instance of atrocity, the Responsibility to Protect has shifted the international community's expectations for individual states and for themselves as a collective. In this thesis, I have discussed two examples of armed humanitarian intervention in response to large-scale human rights violations—one before and one after the emergence of RtoP. I structured the cases of both Bosnia and Libya to give insight into three issues: the language and framing used to engage with these events, the engagement by international organizations, and the ensuing operations. By choosing these three foci, I intended to assess whether, firstly, a change in the language with which we discuss these types of atrocities had occurred, and whether that change resulted in different policy at the domestic level and for international organizations like NATO and the UN. In sum, did the Responsibility to Protect have an impact on the response to atrocity? By examining two instances of international intervention, we can determine a clear influence of RtoP in the case of Libya, though it remains difficult to extrapolate that case into an all-encompassing prediction.

My thesis has demonstrated a discernable transformation in the framing of these large-scale atrocity events and in the reaction from states and international organizations, but it also brings to light new problems in the application of RtoP. As demonstrated throughout my exploration of humanitarian intervention, actors have accepted, relatively quickly, the prioritization of human rights over state sovereignty. Taking the United States as an example, the hesitancy to involve American troops with the war in Bosnia

displayed by President Clinton was nearly nonexistent in the case of Libya and the Obama administration. One can hope that, disregarding RtoP, the problems of the languid reaction in Bosnia would have influenced contemporary leaders and prompted a more active response, but the codification of RtoP solidified an international (though not universal) commitment to mitigating large-scale human rights violations. Similarly, world leaders seem to express a greater sense of obligation to mitigate conflict in cases of atrocity in accordance with RtoP's new understanding of sovereignty.

While humanitarian intervention has a vibrant and broad literature, the addition of Libya to the list of humanitarian intervention cases prompts new exploration of this topic. With Libya, we saw a fortified and determined UN Security Council call for prompt action and garner support from regional organizations, and we saw NATO respond with an effective military campaign. A few questions arise from this version of humanitarian intervention. The fear of a new imperialism has not been assuaged with RtoP and criticisms of regime change in Libya threaten to discredit the concept. Initial support from the Arab League waned when it became clear that NATO would not strictly limit its campaign to civilian protection within Benghazi. Admitting that the removal of Qaddafi was an objective from outset may have gone a long way in gaining the trust of all Member States.

The critique of regime change brings us to some internal conflicts within RtoP in need of further exploration and research. Despite ICISS insistence that regime change be excluded from the RtoP umbrella, it is hard to imagine a military reaction to a tyrant that did not conclude with some sort of transition in state leadership. The uncertainty over the ultimate role of RtoP, whether to emphasize prevention or reserve RtoP for rallying a

robust response to atrocity, will prevent the emerging doctrine from being fully incorporated into the practices of the international community. The ICISS may have insisted upon a trifecta of action to protect civilian populations, but the implementation of a full-scale prevention or early-warning system carries its own concerns. Practitioners and academics will have to weigh the feasibility of those two conflicting interpretations of RtoP. While the interpretation of RtoP as a long-term prevention plan may be more in line with the ICISS's report, prevention may stretch sovereignty beyond its breaking point. In order for RtoP to succeed in further interventions, practitioners will need to decide where to focus their efforts—either in prevention or in reaction—and adjust political expectations accordingly.

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