THE INTERVENTION IN LIBYA:
'THE RESPONSIBILITY TO PROTECT' AS A NEW NORM?

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Samenvatting

In maart 2011 dreigde Muammer Gaddafi van Libya duizen-den onschuldige burgers van de stad Benghazi uit hun hui-zen te halen om hen te vermoorden. De Veiligheidsraad van de Verenigde Naties verwees de situatie door naar het Inter-nationaal Strafhof in Den Haag, dwong een no-flyzone af en gaf de NAVO een mandaat om burgers te beschermen *with all necessary means*, met de uitzondering van grondtroepen. Deze operatie was snel, robuust en effectief. Het principe van *The Responsibility to Protect* (R2P) –de verantwoordelijkheid van de internationale gemeenschap om genocide, misdaden tegen de menselijkheid, etnische zuivering en oorlogsmisda-den te voorkomen en te stoppen– werd voor het eerst vol-ledig toegepast. Is R2P daarmee een *norm* geworden? Dit onderzoek plaatst de casus Libië in het model van de "Norm Life Cycle" (de levenscyclus van een norm) van de Construc-tivistische theoretici Finnemore en Sikkink (1998). Libië toont aan dat R2P nu een tipping point (omslagpunt) heeft bereikt, en zich van de fase norm emergence (opkomende norm) naar de fase *norm cascade* heeft verplaatst. Er is echter een span-ning ontstaan: de terughoudendheid van de Veiligheidsraad om R2P toe te passen in Syrië (2012) wijst de andere kant uit. Er is dus nog een lange weg te gaan, voordat R2P als een *internalised norm* (vanzelfsprekende norm) kan worden beschouwd.

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With the exception of the Genocide Convention, no idea has moved faster in the international arena than 'The Responsibility to Protect'   - Thomas G. Weiss, 2012 -

As the third largest country on the African continent, with a population of 6.4 million, the North African country of Libya was ruled by Muammar Gaddafi from 1969 until 2011. Its capital Tripoli is home to 1.7 million inhabitants. The violence that broke out in Libya in January-March 2011 occurred in the context of the Arab Spring of 2011. Protests by the populations of Egypt to the east and Tunisia to the west put an end to the regimes of those countries and inspired rebels in Libya to aim for the removal of Gaddafi.

In January 2011, the rebel movement in Libya armed itself and was joined by former army members and former government loyalists. The Gaddafi regime's response was brutal. Ini-tially, the rebels achieved rapid successes, capturing the cities of Benghazi and Tobruk. By mid-March, however, Gaddafi's troops had regained most of these areas and were preparing to attack Benghazi, the rebel stronghold and home to one million people. Gaddafi threatened to 'clean up' the city 'house by house'.

The United Nations Security Council condemned the violence being committed by the Libyan regime and referred the situation to the International Criminal Court in The Hague for investi-gation. At the same time, the UN endorsed an arms embargo and financial sanctions, imposed a no-fly zone and gave NATO a mandate to protect civilians by all necessary means, with the exception of ground troops (UN, 2011c; 2011e). This operation was fast, robust and prevented the deaths of thousands of Benghazi civilians. In October 2011 Gaddafi was killed, though NATO had no mandate for a regime change.

In comparison to previous cases of mass atrocities, such as Rwanda and Darfur, the UN res-ponse in Libya was strong and decisive. It marked the first time that the third pillar of the 'Responsibility to Protect' (R2P) principle was fully implemented, being the responsibility of the international community to prevent and respond to genocide, crimes against humanity, ethnic cleansingand war crimes if the state in question is not able or not willing to protect its citizens itself. Does this mean R2P has developed into a new norm?

This article relates the case of Libya to existing scientific literature on International Relations, in particular to Constructivist theory, which stresses the role of norms and ideas in explaining the behaviour of states, in contrast to mainstream (Neo-)Realist and (Neo-)Liberalist theories that assume state behaviour to be based on self-interest. Constructivism can be used to explain the intervention of the United Nations Security Council in Libya. This study will situate the case of Libya in the 'Norm Life Cycle' developed by Finnemore and Sikkink (1998) to assess how the norm of the Responsibility to Protect has developed and in which stage it is now.

Constructivism has long played a part in International Relations theory, but only since the end of the Cold War has it become more mainstream. Up until then, political scientists had been able to explain the international system and current affairs, but had difficulty explaining *change*. After the Cold War, Constructivism gained ground and was further developed, reflected in a plethora of publications in international journals and books.

A key principle in Constructivist theory is that people's behaviour towards objects – including other actors – is based on the meanings the objects have for them. From a Constructivist perspective, international structure is determined by the international distribution of ideas. Conceptions of self and other are informed by intersubjective understandings and expectations of the distribution of knowledge. It is these collectively derived meanings that constitute the structures which organise our actions (Wendt 1992). Constructivist theory focuses on the ideas and beliefs that inform actors on the international scene and the shared understandings between them (Jackson & Sorensen, 2007).

Constructivism can explain states' decisions to employ military interventions for humanitarian reasons because these decisions are influenced by norms and ideas. The two other important International Relations theories – Neo-Realism and Neo-Liberalism – cannot explain these humanitarian interventions. Neo-Realism and Neo-Liberalism assume that the international system is composed of self-regarding, interest-maximising states (Sanders, 1998). According to Neo-Realism, the most important motive underlying external policy is always the attainment of national security (Sanders, 1998), or in other words 'power politics' (Nye, 1988). According to Neo-Liberalism, the fundamental goal of the state is to maximise the absolute gains it makes (Sanders, 1998).

Figure 1:   Theories of International Relations[1]

Theory	Assumptions about states	Motive
Neo-Realism	self-regarding, interest-maximising states	National security, power politics
Neo-Liberalism	self-regarding, interest-maximising states	Maximise absolute gains
Constructivism	people behave towards objects and actors based on the meanings the objects have for them	Ideas and beliefs of the actor

The collective knowledge –or what Constructivists would call intersubjective understandings– informing actors' calculations is not static, nor is it something that is just 'out there', automatically accreted by history and experiences. In many of the most politically salient strategic interactions, it is precisely the changing contours of collective knowledge that are the object of the game (Finnemore & Sikkink, 1998).

Norms are fundamental to Constructivism, which generally defines norms as 'a standard of appropriate behaviour for actors with a given identity'. Norms 'channel and regularize behavior; they often limit the range of choice and constrain actions' (Katzenstein, 1996; Finnemore & Sikkink, 1998).

Scholars identify three different types or categories of norms. Regulative norms order and constrain behaviour. Constitutive norms create new actors, interests or categories of action. Prescriptive or evaluative norms have a characteristic 'oughtness', setting them apart from other kinds of rules. Both the intersubjective and the evaluative dimension are fundamental to the discussion of norms. We only know what is appropriate by reference to the judgements of the community or society.

Conformance to norms can be driven by all sorts of motives. First, norm-based behaviour may be based entirely on material self-interest. Actors construct and conform to norms because norms help them get what they want (utility maximisation). Second, actors may internalise roles and rules as scripts to which they conform, not to get what they want but because they understand the behaviour to be good, desirable and appropriate. Habit, duty, a sense of obligation and responsibility and principled belief may all be powerful motivators for people, and indeed underpin significant episodes in world politics. This is known as 'the logic of appropriateness'. Third, even within this logic of appropriateness there is often substantial room for agent choice. Actors may face varied and conflicting rules and norms, all making claims for different courses of action. Indeed, most significant political choices are significant and difficult precisely because they involve two or more conflicting claims for action on a decision maker. Actors must choose which rules or norm to follow and which obligations to meet at the expense of others in a given situation, and doing so may involve sophisticated reasoning processes (Finnemore & Sikkink, 1998).

Methods

The core method used in the present study is 'process tracing', which traces a process in a very specific, theoretically informed way and looks for a series of theoretically predicted intermediate steps. Process tracing requires carefully mapping the process and exploring the extent to which it coincides with prior, theoretically derived expectations about its underlying mechanism. In general, the data used in process tracing is overwhelmingly qualitative in nature (Checkel, 2005; 2008).

This study traces the development of R2P (the process) by situating it in the Norm Life Cycle developed by Finnemore and Sikkink (1998). Our main focus is on the case of Libya; namely: the factors that led to the implementation of R2P, the norm's current status in the cycle and

implications for its further development. In view of this focus, this study's historical assessment of the development of R2P since its inception until now will not be as extensive as in traditional process tracing research, such as Tannenwald's (2005) excellent research on the origins of the nuclear taboo.

Because norms like R2P by definition embody a quality of 'oughtness' and shared moral assessment, they prompt justifications for action and leave an extensive trail of communication among actors that can be studied (Finnemore, 1998). Data consist of primary sources such as verbatim records, resolutions, official statements and other documents from government bodies and international and regional organisations, as well as complementary secondary sources, including scientific journal articles, which facilitate data triangulation and validation. Whereas documents in the United Nations archive can be deemed credible and authentic, verbatim records can be unreliable sources of evidence as they provide only a summary of what has been said, tend to underestimate the wider political policy debate and ignore informal meetings. However, within the limitations of time, money and access, documentary analysis is the most accurate means of answering the present research question. To strengthen validity, the conditions under which such statements were produced was taken into account as much as possible, with a view to making sense of states' situations and intentions.

According to King, Keohane and Verba (1994), the fundamental problems of descriptive and causal inference are generally more difficult to avoid with a small-n than a large-n research design. They claim it is not possible to make generalisations by studying only one case. However, generalisations can be made on a different level. Whereas survey research relies on statistical generalisation, case studies rely on analytical generalisation, in which the investigator seeks to generalise a particular set of results to some broader theory (Yin, 2003). As such, the intervention in Libya is not only important for the development of the R2P norm, but has also implications for Finnemore and Sikkink's wider theoretical framework.

Figure 2:   The Norm Life Cycle of Finnemore and Sikkink (1998)

Norm emergence	"Norm cascade"	Internalization
	Tipping point	
Stage 1	Stage 2	Stage 3
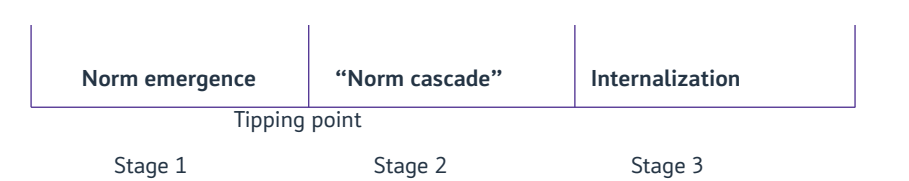
Stage 1: Norm Emergence

Norm entrepreneurs, framing and organisational platforms
Norms do not appear out of thin air; they are actively built by agents (norm entrepreneurs) with strong notions about appropriate or desirable behaviour in their community. Norm entrepreneurs are critical for norm emergence because they call attention to issues or even 'create' issues by using language that names, interprets and dramatises them. This process is called 'framing'. The construction of cognitive frames is an essential component of norm entrepre-

neurs' political strategies: when they are successful, the new frames resonate with broader public understandings and are adopted as new ways of talking about and understanding issues. In constructing their frames, norm entrepreneurs face firmly embedded alternative norms and frames that create alternative perceptions of both appropriateness and interest. New norms never enter a normative vacuum but instead emerge in a highly contested normative space where they must compete with other norms and perceptions of interest.

Norm entrepreneurs need organisational platforms from and through which to promote their norms. Such platforms can be, firstly, non-governmental organisations (NGOs) designed for one specific goal; secondly, a combination of NGOs in a larger transnational advocacy network; or, thirdly, international organisations that have wider goals and agendas but are much more powerful.

In all of these organisations, it is the professional staff who make the crucial difference: they have the expertise and the information, and if their training reflects the norm, their work will bear it out in practice. These organisations may also have access to the media and to large groups of civilians that norm entrepreneurs acting alone do not. Norm entrepreneurs therefore need international organisations to successfully persuade powerful states to adopt a norm (Finnemore & Sikkink, 1998).

In the case of R2P, a number of norm entrepreneurs and organisational platforms can be distinguished. The intellectual groundwork of the Responsibility to Protect traces back to the early 1990s, when the then Representative of the UN Secretary-General on Internally Displaced Persons, Francis M. Deng, proposed a new concept of sovereignty as responsibility. This principle stated that if states are unable to provide life-supporting protection and assistance to their citizens, they are expected to request and accept outside offers of aid. Should they refuse or deliberately obstruct access to their displaced or otherwise affected populations and thereby put large numbers of civilians at risk, there is an international responsibility to respond. Sovereignty, then, means accountability; both internally towards citizens and internationally towards the community of responsible states (Deng, 1993).

Deng's concept influenced the thinking of Kofi Annan, Secretary-General of the United Nations from 1997 until 2006, who in a famous article stated, 'State sovereignty, in its most basic sense, is being redefined [...] States are now widely understood to be instruments at the service of their peoples, and not vice versa. [..] When we read the charter today, we are more than ever conscious that its aim is to protect individual human beings, not to protect those who abuse them' (Annan, 1999). Annan explicitly called for new international guidelines for humanitarian intervention.

Instead of laying down guidelines for humanitarian intervention, however, which was highly controversial, the International Commission on State Intervention and Sovereignty framed the Responsibility to Protect (2001), conceived not as a right but as a responsibility. The name for this concept was invented by one of the co-chairs of the eponymous report, Gareth Evans, who was also to become the most energetic and determined norm entrepreneur of R2P (Luck, 2010). A former Foreign Minister of Australia (1988-1996), Evans was also President of the Brussels-based International Crisis Group (2000-2009), a conflict prevention and resolution NGO.

Kofi Annan welcomed the emerging norm and promoted it during his term as Secretary-General. His successor, Ban Ki-Moon (2007-present), likewise made R2P one of his main priorities (Ban Ki-Moon, 2012). Both were able to put R2P on the agendas of the Security Council and the General Assembly. As a consequence, the UN Secretariat became an important organisational platform for the concept's further operationalisation. Moreover, as professionals at the Secretariat and other departments at the UN are progressively trained in R2P, the norm will slowly be integrated and strengthened in the organisation's formal procedures.

During the crisis in Darfur, Sudan, between 2003 and 2007, in which more than 300,000 civilians lost their lives, the International Crisis Group, Human Rights Watch and Amnesty International lobbied the Security Council member states directly to respond and implement R2P (e.g. Human Rights Watch, 2005; International Crisis Group, 2005; Amnesty International, 2006; UN, 2008). After all, it is not the Secretary-General of the UN who makes the final decisions but states like the United States, China, Russia, the United Kingdom and France, which, as permanent members of the Security Council, have veto power to block any council decision.

Table 1:   The Responsibility to Protect, list of norm entrepreneurs and organisational platforms

Norm entrepreneur	Function	Mechanism (action & framing)
Kofi Annan	• Secretary-General of the United Nations (1997-2006)	Proposed a new concept of sovereignty, focused on people (Annan, 1999), supported R2P
Francis M. Deng	• Representative of the UN Secretary-General on Internally Displaced Persons (1992-2004) • UN Special Adviser on the Prevention of Genocide (2007-2012)	Proposed a new concept of sovereignty as responsibility (Deng, 1993)
Gareth Evans	• Director of the International Crisis Group (NGO) (2000-2009) • Australian minister of foreign affairs (1988-1996) • Head of International Commission on Intervention and State Sovereignty (ICISS)	The International Commission on Intervention and State proposed The Responsibility to Protect (ICISS, 2001).
Ban Ki Moon	• Secretary-General of the United Nations (2007-present)	Prominent supporter of R2P
Policy advocats	• Amnesty International • Human Rights Watch • International Coalition for the Responsbility to Protect • Global Centre for the Responsibility to Protect (GCR2P)	Lobby states, regional and international organisations to react to conflicts where R2P should be implemented
State leaders	France, United States, Australia	Convince international organisations (and their member states)

In the international arena, reports of conflicts published by Human Rights Watch and Amnesty International are considered credible; states rely on them and find them trustworthy. The field research carried out by these organisations provides information that cannot be found elsewhere. This status gives them the additional power to advocate their other, normative causes (Keck & Sikkink, 1998), such as R2P. Though the UN Secretariat supports this norm, its acceptance is influenced by other norms, goals, agendas, actors and employees, as described by Finnemore and Sikkink, and as is characteristic of the international state system built around the traditional norm of (Westphalian) sovereignty.

Two forms of framing were used to introduce R2P. First, 'sovereignty as responsibility' was advanced as a new frame of sovereignty, challenging the frame of 'Westphalian sovereignty' (Rademaker, 2008). Second, the 'responsibility to protect' as proposed by the ICISS challenged 'humanitarian intervention', understood as a right to intervene. In fact the two principles are not that far apart: both legitimise (as a last resort) military intervention for humanitarian reasons by the international community. Humanitarian intervention was already a topic of much debate – the manner of intervention in Kosovo, why it went wrong in Somalia, why it did not take place in Rwanda. Not all sides agreed on the inherent advisability of humanitarian intervention, associating it with a breach of international law and abuse by powerful states for reasons of self-interest. This was regarded as Western and imperialistic and as leading to more victims. Thus, despite the efforts at reframing and the emphasis on states' responsibility to protect their own populations, R2P remained controversial for a number of developing countries in particular.

End of stage 1: institutionalisation
The Responsibility to Protect was adopted unanimously by state leaders at the 2005 World Summit (UN, 2005) and was reaffirmed twice thereafter by the UN Security Council (UN, 2006; 2009c). The institutionalised version was further developed by Secretary-General Ban Ki-Moon (2009a) and rests on three equally important and nonsequential pillars:
1.   the primary responsibility of states to protect their own populations from the four crimes of genocide, war crimes, ethnic cleansing and crimes against humanity, and from incitement to these crimes;
2.   the international community's responsibility to assist a state;
3.   the international community's responsibility to take timely and decisive action, in accordance with the UN Charter, in cases where a state has manifestly failed to protect its population from any of the four crimes.

In resolutions relating to actual conflicts, the Security Council has only rarely referred to the World Summit Outcome, one instance being during the situation in Darfur (UN, 2007). In August 2007, Ban Ki-Moon appointed UN expert Edward Luck as his special advisor on R2P and established the Joint Office for the Responsibility to Protect and the Prevention of Genocide. The first debate on R2P in the General Assembly in 2009 revealed a broad consensus on the secretary-general's approach. The real challenge lay not in renegotiating R2P, but in determining how to implement it (UN, 2009b).

The Tipping Point: from Norm Emergence (stage 1) to Norm Cascade (stage 2)

The emerging norm enters the second stage of its development when norm entrepreneurs have persuaded a critical mass of states to become norm leaders and adopt the new norm. This is called the *threshold* or *tipping point*. What constitutes a critical mass of states? Empirical studies suggest that at least one third of the totality of states must adopt the norm, but this will vary depending on the issue. Where a norm is embodied in a treaty, the tipping point is the moment states ratify the treaty. Also important is which states adopt the norm; certain states may be individually critical because they have a certain moral stature. Critical states are those without which the achievement of the substantive norm goal is compromised (Finnemore & Sikkink, 1998).

Critical mass of states

In the case of R2P, the first sign of reaching the tipping point was its unanimous adoption at the World Summit Outcome of the General Assembly (UN, 2005) and its reaffirmations by the Security Council (UN, 2006; 2009c). The first major debate about R2P between all 170 states in the General Assembly in 2009 again led to its adoption (UN, 2009b), as described above. While the support of the General Assembly is critical, it is the Security Council that is responsible for acting in the event of mass atrocities in conflict situations – and, ultimately, it is actions that matter, not words. The Security Council's reaction to the crisis in Darfur suggested that attitudes towards the implementation of R2P were at the least ambivalent: a number of states appealed to R2P, but others voiced concerns about sovereignty. As a consequence, the mandated peacekeeping missions lacked the capacity to be effective (Rademaker, 2008). Veto members France, Russia, the United States, the United Kingdom and China are the critical states for the actual implementation of the norm.

A crucial factor in the Security Council's rapid response in Libya was the strong statements from many state leaders and international and regional organisations condemning the violence and calling for its immediate end. Among them were the League of Arab States (22 February), the European Union (23 February, 11 March), the Human Rights Council (25 February), the Representative of the Libyan Jamahiriya (26 February) and the African Union (23 February & 10 March). The World Food Programme (7 March) and the United Nations High Commissioner for Refugees (UNHCR, 22 February) also voiced concerns about Libya's food supplies and the steady exodus of refugees.

Citing 'The condemnations by the League of Arab States, the African Union and the Secretary General of the Organization of the Islamic Conference of the serious violations of human rights and international humanitarian law that have been and are being committed in Libyan Arab Jamahiriya', Security Council Resolution 1973 imposed a no-fly zone in the airspace over Libya (UN, 2011e). The verbatim transcripts of the meeting of the Security Council show that the support from these regional organisations persuaded the Council to take this decision (UN, 2011f). In them, US Secretary of State Hillary Clinton confirms that the United States, at first reticent on interventionist action in Libya, changed its policies on the basis of the Arab appeals (CNN, 2011). Also of major importance were entreaties made by the Gulf Cooperation Council (7 March), the Organisation of Islamic Conference (8 March) and the League of Arab States (12 March) at the UN to immediately impose a no-fly zone (Bellamy & Williams, 2011).

The support of the permanent members of the UN Security Council is necessary for any resolution to be adopted. The United Kingdom and France were initiators of the no-fly zone, and the United States was persuaded by the appeals from Arab states. All three Security Council members are supporters of the Responsibility to Protect. By contrast, China and Russia have longstanding non-intervention policies and often vote against sanctions and military operations. From the perspective of Finnemore and Sikkink's (1998) Norm Life Cycle, they are the critical states without which the achievement of the norm's substantive objective is compromised. China, Russia, India, Brazil and Germany remained sceptical about the use of force in Libya, but did not vote against Resolution 1973. Instead, they chose to abstain because, as their statements in the meeting about this Resolution show, they could not legitimise inaction in the face of mass atrocities (UN, 2011f; for statements by China and Russia see below).

All five permanent member states supported (or refused to vote against) the no-fly zone to protect Libyan civilians, marking the first full, timely and effectively implementation of the Responsibility to Protect. Considered in the light of the framework of Finnemore and Sikkink, the international response to the crisis in Libya suggests that a critical mass of states is indeed necessary for a norm to progress. In the case of Libya, this critical mass consisted of the permanent members of the UN Security Council. However, these states were only persuaded to act following appeals from a large number of Arab, African and Islamic states. This points up the fact that the intervention of powerful Western states in developing countries is still a very sensitive issue, despite the framing of R2P as a 'responsibility' rather than a 'right' to intervene and the reformulation of 'sovereignty as responsibility'.

Stage 2: Norm Cascade

Stage 2 is characterised more by a dynamic of imitation, as norm leaders attempt to socialise other states to become norm followers. According to Constructivist theory, socialisation works for reasons that relate to states' identities as members of an international society. State identity fundamentally shapes state behaviour, and state identity is, in turn, is shaped by the cultural-institutional context in which states act (Katzenstein, 1996). States that adopt norms in this stage are motivated by a pressure for conformity, a desire to enhance international legitimation and the desire of their leaders to enhance their self-esteem. The primary mechanism driving norm cascades is 'an active process of international socialization of new members into the ways of behaviour that are preferred in a society' (Barnes, Carter & Skidmore, 1980, p. 35). Socialisation occurs through emulation of heroes, praise for behaviour that conforms to group norms and ridicule of deviation (Waltz, 1979). This can be done by states, but also by networks of norm entrepreneurs and international organisations. For example, there are costs that come with being labelled a 'rogue state' in international interactions, since this entails loss of reputation, trust, credibility and domestic legitimacy, and ultimately the ability to stay in power.

Norms such as human rights, human security, sovereignty as responsibility and R2P are increasingly serving to reinforce each other. International decision-making on Libya has shown that the international community is now explicitly focused on civilian protection. Thus, the debate has shifted from whether to act to protect civilians to questions about how to engage (Bellamy & Williams, 2011).

In the meeting of the Security Council on Resolution 1973, Russia stated: 'We are consistent and firm advocates of the protection of the civilian population. Guided by this basic principle as well as by the common humanitarian values that we share [...] Russia did not prevent the adoption of this resolution' (UN, 2011f, p. 8). Though China affirmed that it 'is always against the use of force in international relations', it too abstained because 'we support the Security Council's adoption of appropriate and necessary action [...] to halt acts of violence against civilians' (UN, 2011f, p. 10). While it is difficult to assess the role of peer pressure, it is clear that in addition to the support of the Arab and African states, all Security Council members had humanitarian concerns and supported the goal of the Resolution.

Back to stage 1
As soon as the NATO operation in Libya started, states started to disagree about the mandate's interpretation. NATO interpreted it as providing the basis for a wide range of military activities, including the suppression of Libya's air defences, the use of force against Libya's fielded forces and its command and control capabilities, on the basis that Libya's armed forces constituted a threat to civilians. Several prominent international lawyers deemed this to be consistent with a plain reading of the text of Resolution 1973. However, noting that NATO bombing had also caused civilian casualties, Russia regarded any act exceeding the mandate or any disproportionate use of force as unacceptable. China also stated that it wanted to see an immediate ceasefire and was not in favour of any arbitrary interpretation of the Resolution or of any actions beyond those mandated (Bellamy & Williams, 2011). While the military action was initially presented as having a humanitarian objective, it ultimately shifted into a campaign primarily aimed at regime change, with the NATO operation ending immediately after Muammar Gaddafi was killed in October 2011 (Johnson & Mueen, 2012).

Russian and Chinese disagreement with the expansive interpretation of Resolution 1973 was to have negative consequences for the Security Council's response towards the crisis in Syria. According to Russian Foreign Minister Sergei Lavrov, 'The international community unfortunately did take sides in Libya and we would never allow the Security Council to authorise anything similar to what happened in Libya' (Reuters, 2012).

Thus, although the international intervention in Libya was a military success, it has come at a high price, making future R2P missions less likely. In future operations, China and Russia will assume the objective to be regime change under the cloak of R2P, and therefore will be more likely to issue vetoes. This is exactly what we have seen in Syria (Johnson & Mueen, 2012). Clearly, there is no longer a critical mass of states.

Stage 3: Internalisation

In stage 3, norms are taken for granted and become extremely powerful. Conformance with the norm is almost automatic and behaving in accordance with the norm is not questioned. The professional world often serves as a powerful and pervasive agent promoting the internalisation of norms among its members. Professional training does more than simply transfer technical knowledge; it actively socialises people to value certain things above others. Given the increasing professionalisation of state bureaucracies and international organisations

over the course of the twentieth century, we should expect to see policy that is increasingly reflective of the normative biases of the professionals that staff decision-making agencies (Finnemore & Sikkink, 1998).

Though R2P is not yet in stage 3 of the Norm Life Cycle, some elements of internalisation can be expected in the coming years. The Joint Office in the United Nations for Special Advisers on the Prevention of Genocide and on the Responsibility to Protect is working to mainstream or integrate R2P in the broader work of the UN. Even at this early stage, the institutional resistance that was so pervasive at the outset has largely disappeared, replaced by a general willingness to explore how a clear perspective on atrocity prevention could help inform a wide range of UN operational activities. Demand for training programmes keyed to this objective is high – from member state capitals, the UN secretariat and civil society. The fact that Ban Ki-Moon has identified R2P as one of the top priorities will also contribute to its internalisation in the UN's constituent bodies (Luck, 2011).

Conclusion

The intervention in Libya was the first time the Responsibility to Protect principle was fully employed by the international community in a timely and effective manner. It was also the first time that the entire Security Council unanimously referred a violent conflict to the International Criminal Court (ICC), even including the states that are not 'members' of the ICC, such as the United States. Here, it is eminently clear that the behaviour of the international community was being influenced by a norm. It resulted in one of the few occasions when a military operation in a country was mandated by the UN without the consent of the country itself (or in this case, its leader: Gaddafi), another instance being the intervention in Iraq in 1991.

Some commentators have concluded that the intervention in Libya proves that the Responsibility to Protect and civilian protection are now important international political norms (Bellamy and Williams, 2011). The emphasis on civilian protection is the result of a long process of evolution cementing the importance of human rights in the international system. However, civilian protection is not the same thing as the Responsibility to Protect, which legitimises international action when states are not able or willing to protect their citizens against war crimes, crimes against humanity, ethnic cleansing or genocide. International commentators frequently misunderstand this principle, which is aimed equally at prevention and rebuilding; military action may only be taken as a last resort.

The norm of the Responsibility to Protect was implemented in Libya, albeit with abstentions, but not with vetoes, meaning that *a critical mass of states* embraced the principle that there is an international responsibility to protect citizens from mass atrocities. In the Norm Life Cycle, *the emerging norm* has reached a *tipping point*. In this case, international political decision making included 'states without which the achievement of the substantive norm is compromised'. Russia and China are crucial in the Security Council, as all veto powers are. With its long-term policy of non-intervention, the fact that China did not veto this intervention can be seen as a breakthrough.

The case of Libya suggests that the R2P norm is now in stage 2 – *norm cascade* – gaining ground in international society through peer pressure, as Constructivist theory predicts. The fact that all countries agreed that civilian protection was important and called on the norm to legitimise action in Libya signals that a certain process of socialisation has taken place.

However, NATO's stretching of the mandate to include regime change in Libya has come at a high price, making future R2P missions less likely. In future operations, China and Russia will assume the objective to be regime change under the cloak of R2P, and therefore will be more likely to issue vetoes. This is exactly what we have seen in Syria. There is no longer a critical mass of states that support R2P and, as such, there is no norm cascade. At present, R2P is still in the stage of *norm emergence* as described in Finnmore and Sikkink's model. It most certainly cannot be taken for granted, is not above questioning, and has not become habituated. It is still as controversial as ever, especially for non-Western states.

A possible way forward for R2P was proposed by Brazil in November 2011. It introduced "The Responsibility While Protecting" (RWP), to supplement R2P by a set of criteria (last resort, proportionality) to be taken into account before a military operation is mandated by the Security Council, and to establish procedures to monitor and assess the manner in which resolutions are interpreted and implemented (Permanent Representative of Brazil to the UN, 2011).

Epilogue

Was the operation in Libya successful? This question is impossible to answer as we do not know what the alternative might have achieved. Most governments regard the intervention in Libya as having been effective. It is commonly believed that Benghazi would have been attacked by Gaddafi, causing tens of thousands of deaths. International action prevented this from happening.

The fall of the Gaddafi regime had a number of mixed consequences. It led to the spread of a large quantity of uncontrolled weapons, also to other countries. It supplied rebel groups in Mali with enough guns to overthrow their elected government in March 2012. Weapons looted in Libya have also turned up in Nigeria in the hands of Boko Haram, a terrorist group affiliated with al-Qaeda.

This international support sends a positive message to the population of Libya and to democratic protesters in other Arab countries, such as the deeply oppressed people of Syria. However, the Syrian people are still waiting for an international intervention. Russia and China are not willing implement a R2P operation again, having become very wary after the stretching of the Libyan mandate. We may well wonder whether intervention in Syria might have come earlier or been more concerted without the history of the intervention in Libya. ∎

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(Endnotes)

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[1] This is a simplification. For a good introduction to all the theories and sub-theories related to international relations, see Walt (1998), Snyder (2004), Jackson and Sorensen (2007) and Heywood (2011).

Abstract

In March 2011, Muammar Gaddafi of Libya threatened to pull thousands of civilian protesters in the city of Benghazi out of their homes and kill them. The Security Council of the United Nations referred the crisis to the International Criminal Court, imposed a no-fly zone and provided NATO with a mandate to protect civilians by all necessary means, with the exception of ground troops. This operation was fast, robust and effective. It also marked the first time that the Responsibility to Protect (R2P) principle was fully implemented, being the responsibility of the international community to prevent and respond to genocide, crimes against humanity and war crimes if the state in question is not able or not willing to protect its citizens itself. Has R2P become a new norm? This study situates the case of Libya in the 'Norm Life Cycle' model of Constructivist theorists Finnemore and Sikkink (1998). It suggests that R2P has reached a tipping point and has moved from the stage of norm emergence to the stage of norm cascade. However, a certain tension still exists: the reluctance of the Security Council to implement R2P again in the crisis in Syria (2012) points in the opposite direction. This suggests there is still a long way to go before R2P becomes an internalised norm in the international community.