



Received: 23 May 2016
Accepted: 16 October 2016
Published: 26 October 2016

*Corresponding author: Christo Odeyemi, School of Social Science & Psychology, Victoria University, Melbourne, Australia
E-mail: christocyber@yahoo.co.uk

Reviewing editor:
Marco Odello, Aberystwyth University, UK

Additional information is available at the end of the article

POLITICS & INTERNATIONAL RELATIONS | RESEARCH ARTICLE

R2P intervention, BRICS countries, and the no-fly zone measure in Libya

Christo Odeyemi^{1*}

Abstract: This paper adds value to ongoing academic debate on the emergence and evolution of the Responsibility to Protect (R2P) norm. This is achieved through the proposition that understanding the coherent position taken by Brazil, Russia, India, China, and South Africa (BRICS countries) in the case of R2P implementation in Libya in 2011 is important if we are to anticipate the development of this norm. Many studies have examined R2P within this context. But few of these focused on the interventions of BRICS countries in United Nations Security Council (UNSC) debates regarding R2P implementation in Libya. Analysis of statements made by BRICS countries—as a unified political group in those debates—has revealed that they have indeed advanced a coherent position regarding the definition and implementation of the R2P norm. More particularly, this paper finds that three distinctive features have characterised this coherent position, namely: (i) any form of intervention must refrain from preferential treatment of one party over the other, (ii) military intervention may be acceptable as a last resort only in situations where all peaceful options have been fully considered, and (iii) the criterion of reasonable prospects for success of an intervention must be met if an intervention is to be supported by BRICS countries in the future.

Subjects: International Politics; International Relations; Political Research Methods

Keywords: BRICS countries; Libyan military intervention; resolutions 1970/1973; no-fly zone; reasonable prospects for success

ABOUT THE AUTHOR

During the Asian Political and International Studies Association (APISA) Conference on Human Security in Asia (which took place at Overseas Chinese University in Taichung, Taiwan on 6 May 2016), Christo Odeyemi presented on his research from his MA thesis. Presentation title: “BRICS’ Common Positions on Syria: A Window into R2P’s Future?” Also, he has recently published in *Journal of Ethnographic & Qualitative Research*; *Defense & Security Analysis*; *Strategic Analysis*; and *Journal of Global Responsibility*.

PUBLIC INTEREST STATEMENT

This paper furthers our knowledge regarding how the R2P is evolving as a global norm. I examine the ways in which BRICS countries engaged in debates about what this norm is and how it ought to be implemented in the context of the Libyan military intervention. In this paper empirical analysis of the representations of BRICS countries is important because it broadly indicate the development of R2P norm. I analyse the ways in which BRICS countries engaged in R2P debates through the tracking and identification of their written and oral statements—recent representations—regarding R2P application in Libya. The representations of BRICS countries in these debates are worthy of analysis because they are not only clearly connected to the concrete outcomes of the Libyan intervention, but also because those representations constituted an important characteristic of the ongoing evolution of the R2P norm.

1. Introduction

This paper examines the interventions of BRICS countries in debates about R2P implementation in Libya in 2011. This is important because the introduction of R2P in 2001 by the International Commission on Intervention and State Sovereignty (ICISS) was intended to transform the way in which the international community thought about and acted in response to the most severe forms of human rights violations. As the R2P norm highlights the growing importance of BRICS countries in an increasingly pluralistic international politics (McDougall, 2014), renewed debates about its practical implementation (Tourinho, Stuenkel, & Brockmeier, 2016) shows that this norm is yet to be finalised. These debates arose in the context of international concern regarding the consequences of the Libyan conflict in the midst of the so-called Arab Spring revolutions. Libya experienced large scale armed conflict with consequences that fit the R2P criteria for intervention, especially the categories of crimes against humanity, war crimes, and their incitement. While the Libyan conflict continues to attract international attention, its consequences resulted in the passage within the UNSC of resolutions 1970 and 1973—which authorised the use of force to protect civilians from armed attack. The military intervention that followed was, for a time, considered to have successfully resolved the conflict in Libya, though in recent years this conclusion has been challenged by events on the ground.

The Libyan case has proven important for a number of reasons, and has received considerable attention from scholars interested in the development and application of the R2P. Perhaps most obviously, this has been the only direct military intervention where the use of force was explicitly authorised through reference to the R2P (United Nations General Assembly/Security Council, 2011). As such, it has been noted by many as providing evidence of the growing importance of this norm. To some degree, based on some works (like Bellamy & Williams, 2011; Evans, 2011), the Libyan case is significant because the Libyan intervention was an unprecedented military intervention in a sovereign state, the first to be specifically authorised by the UNSC under the terms of the R2P. Indeed, the Libyan military intervention exemplified the best consensual demonstration of R2P under international law (Evans, 2014). The intervention occurred at a time during which all of the BRICS countries were members of the UNSC during 2011. Indeed, and as Herz et al. (2011) noted, the position of BRICS countries was a key determinant in the intervention that was based on preventing gross violation of human rights.

Earlier, a collection edited by Carlsnaes, Risse, and Simmons (2002) notes that we should not expect a single, unified explanation about why human rights violations occur. In this context, Beth Simmons (2009) argues that international human rights law has significantly contributed to the realisation of human rights worldwide. To that end, Salvador Regilme (2014), drawing upon current scholarship in human rights research, critically examines several pathways the academy must traverse in order to extend our understanding of the causes of human rights violations in the global South. However, Emile Hafner-Burton (2013) argues that the resources needed to protect human rights are scarce. She also comments that no steward can or will try to make a difference everywhere. Despite this perspective, the prominent involvement of BRICS countries in the decision to intervene offers an avenue to examine the coherent position of BRICS countries towards the R2P. In order to undertake this examination, this paper is organised as follows.

The following section describes the research method. Next, the paper briefly describes the Libyan conflict, particularly as it played out between February and October of 2011. An understanding of this conflict is necessary because it provided the specific context in which the debates regarding the application of the R2P took place. The next section details the key meetings at which the UNSC debated matters pertaining to the R2P and the Libyan conflict, and the key resolutions that were passed throughout this period. These debates, and the representations made by BRICS countries within them, constitute the primary source of data examined in this paper. The paper then extracts and examines the specific representations made by BRICS countries in these debates, concentrating specifically on those relating to resolutions 1970 and 1973. A comparative analysis of the representations of the BRICS countries allows the paper to analyse and briefly discuss whether or not a coherent position was advanced by BRICS countries and, if so, the key features of this position. The paper then offers conclusions.

2. Method

Instead of covering the many cases where R2P has been implemented, this paper investigates the political practices of authoritative actors through the written and spoken statements made by these actors in relation to deliberations in the UNSC over R2P intervention in Libya in 2011. This facilitated examination of authoritative actors as they engage in the above practices as well as public contestation over key elements of R2P particularly the third pillar that has to do with military intervention. Here we should remember that Ban Ki-moon often expresses his personal commitment to R2P. In 2009, the UN Secretary-General proposed a strategy for clarifying the interpretation of R2P for practical purposes. Ban Ki-moon's introduction of R2P's three pillars was a hint that this norm is progressively being agreed upon among authoritative actors at the international level to perform accountability function in world affairs. In this paper, the key elements analysed for (i) certain terms and language are (ii) the written and spoken statements made by (iii) BRICS countries in the context of (iv) UNSC debates about (v) intervention in Libya. This intervention suits the paper's objectives because of the contestation within and surrounding the passage of UNSC Resolution 1973, which authorised all necessary measures and thus a no-fly zone. It is also relevant because it is a contemporary case in which there has been substantial debate about R2P.

This paper tightened its scope by limiting the overall investigation to 2011 timeframe, rather than covering all aspects of R2P within the UNSC context. This narrow framing served two purposes. Firstly, it avoided the prioritisation of UN policies and perspectives. Secondly, it is anticipated that this framing will assist this paper in extension of current knowledge regarding the nature of the positions advanced by BRICS countries in the context of the debates regarding the Libyan intervention and therefore the meaning and development of R2P. The timeframe paralleled rapid decline in humanitarian situations—which led to near-collective adoption of resolutions on Libya. Because discussions have continued throughout the period under consideration, such debates provide useful insights about the common positions adopted by BRICS countries. Examination of these positions is best done by focusing upon international political debate regarding the Libyan military intervention. I utilised a range of primary and secondary sources in order to undertake this objective. Primary materials included: written and oral statements made by BRICS countries, the ICISS report released in 2001, UNSC resolutions on the Libyan intervention, Secretary-General's statements/speeches/reports on R2P, UNSC Presidential Statements, and General Assembly documents, among others. These sources are appropriate because many of them laid out the authority and responsibility of the UNSC to maintain international peace and security. To this end we can see that they are relevant to this paper's objectives and overall findings.

In terms of theoretical framework, many theoretical traditions have contributed to the growing literature on global norms—and how these influence certain behaviours and actions of authoritative actors in world affairs. But it is constructivist's argument regarding how norms guide state behaviour that has played the most prominent role in this context. This paper particularly benefited constructivist-inspired research.

3. Background to the Libyan conflict

The history of Libya under Moammar Gaddafi began in September 1969 through a bloodless *coup d'état* that deposed the reign of King Idris I. The Gaddafi's regime abolished the monarchy and constitutional system. In an expression of support, Prince Hassan (the King's heir) renounced his rights to the throne and encouraged Libyans to accept the regime (Bloodless coup in Libya, 1969, September 1). Within a few days of the coup, Gaddafi informed the diplomatic community in Libya that the revolution was Libyan-led without external influence, and promised to uphold existing agreements with foreign governments. Several states, including the US on 6 September 1969, in a positive move extended recognition to the regime. While the UK was Libya's biggest supplier of arms, the position of key officials was that Gaddafi would not jeopardise UK-Libya relations. But the Gaddafi's regime was synonymous with controversial policies. For instance, Gaddafi demanded higher royalties and led the creation of the Organization of Petroleum Exporting Countries. In the 1980s and 1990s, he supported various rebel organisations (like the Irish Republican Army and the Palestine Liberation

Organization) which impacted on Libya's relations with the West. Libya's role in the bombing of Pan Am airliner over Lockerbie in December 1988 led to severance of diplomatic relations with the United States (US) and United Kingdom (UK).

In domestic politics, Gaddafi pursued a policy of Arab unity national changes. In the aftermath of the coup, the Libyan people welcomed these changes. With certain reforms (like employment programmes for migrant workers, government housing, public health care and education), Libya, as at 2010, had the highest standard of living in Africa. Life expectancy increased from 50 to nearly 80 years. Libya's per capita income—achieved without foreign loans income—was one of the top five in Africa. However, socio-economic reforms progressed hand in hand with political repression—an early sign of disruption that was to come. One of the most visible repressions related to press freedom. For nearly four decades, Libya's repressive media policies served Gaddafi's socio-political interests.

The Libyan conflict emerged within the context of the wider Arab Spring protests—which began on 18 December 2010. The Arab Spring contributed to the demise of a number of dictatorial regimes in the Middle East and North African region (Salamey, 2015). The onset of the Arab Spring, a product of public ambition for better integration into global political and economic order, both inspired and emboldened those who would challenge the Gaddafi's regime. Peaceful but growing disquiet started in Libya on 2 February 2011 when disgruntled minorities and migrant workers protested in Zawiyah, against the local administration. Gaddafi immediately embraced a policy that homeless Libyans may take residence in public housing which are yet to be completed. This was seen by many as an attempt to generate popular good will. On 15 February 2011, Benghazi-based relatives of people executed by regime security forces in Tripoli's Abu Salim prison in 1996 took to the street in protest. Fathi Terbil, a prominent human rights lawyer who represented relatives of more than 1,000 people who had been executed, was arrested (Libya Protests, 2011, February 16). The protests that occurred on 17 February occurred on the fifth anniversary of a brutal crackdown on public protests in Benghazi. Government security forces responded with lethal force in order to suppress these protests which had grown stronger with a demand for the departure of Gaddafi (Human Rights Council, 2011).

On 18 February, Libya's ambassador to the US and the entire Libyan delegation to the League of Arab States (LAS) resigned. French fighter jets begin enforcement of a no-fly zone over Libya. Gaddafi's public statement on 22 February threatened further bloodshed (Fahim & Kirkpatrick, 2011). On 23 February, Benghazi fell under the control of protestors following the defection of key military personnel based in Benghazi. The regime adopted a new strategy on 24 February in an attempt to end the protests occurring at a time when the Arab Spring in neighbouring Tunisia was gathering momentum. Gaddafi announced that each family in Libya would be given the equivalent of US \$400, and that salaries for certain categories of public sector employees would increase by 150%. A few days later, state banks in Tripoli started paying out the promised US \$400.

In addition to Gaddafi's statement that the armed rebellion mirrored Chinese Tiananmen Square massacre (during which national unity had been more important than the lives of civilians), rapid advancement of government forces against the militarily inferior rebels' stronghold in Benghazi emboldened Gaddafi's threat that he will show no mercy. Recalling the insufficient response to similar utterances before the 1994 Rwandan genocide, the risks of Gaddafi's threats galvanised the international community into action. Either from direct military onslaught or by cutting off their access to water, food, and other basic necessities, the grisly prospect that the protestors could be massacred en-masse no longer appeared imminent but real (Rozen, 2011; Zifcak, 2012). That prospect combined with specific interventions from BRICS countries—including a series of multilateral organisations meetings—encouraged the UNSC to decisively expedite the authorisation of military intervention under R2P framing. The establishment of the National Transitional Council (NTC) is also significant because it assisted the opposition to reach out to the international community with a coherent voice and project a political front to the revolution. It also assisted the UNSC decision to intervene for civilian protection purposes.

In a move that escalated the peaceful protests into a countrywide rebellion against the regime, the protestors officially organised themselves into the NTC of Libya on 27 February. The NTC claimed on 9 March that government troops could massacre more than half a million citizens if the troops were not prevented from reaching Benghazi. On 21 March, a multinational coalition led by North Atlantic Treaty Organization (NATO) took military command from the French. In a televised April 20 announcement, Gaddafi's son Saif al-Islam said that the government would consider constitutional reforms. Ten days later, Gaddafi became receptive to negotiating a ceasefire, but not to relinquish power. The US, NATO, and the NTC rejected the offer. Meanwhile, regime troops and NTC rebels continued armed conflict (Zifcak, 2012). On 20 August, the rebels gained control of Tripoli, Gaddafi fled the office for his life, and the NTC took power as an interim government (Libya Crisis, 2011, September 1). On 25 August, the UNSC authorised the release of US \$1.5 billion in frozen Libyan assets to the NTC (2011 Libya civil war fast facts, 2015, April 1). Four days later, US Senator John McCain led a Congressional delegation to Libya and held meetings with NTC representatives. On 20 October 2011, Gaddafi was killed after being captured by the rebels in his hometown of Sirte.

4. History of key R2P debates by UNSC members

The previous discussion highlighted background to the Libyan conflict. This section now turns to examine the history of specific debates within the UNSC about the application of R2P in the case of Libya. These debates constitute the specific context in which BRICS countries deployed representations about R2P and its relation to the conflict in Libya. Between 2010 and 2011, the UNSC held 24 deliberations (including one private meeting) on Libya, and adopted six resolutions. Of these, resolutions 1970 and 1973 are of the greatest relevance to this thesis. In this regard it is important to examine the procedures that resulted in the Libyan intervention. To do that one has to contextualise the key debates leading to adoption of resolutions 1970 and 1973. These resolutions, and the debates regarding them in the UNSC, UNGA and beyond, were where contestation over the R2P norm took place. The disagreement in the UNSC was largely based on “each faction’s” differing views on R2P (Silander, 2013, p. 271). The focus of this contestation was most pronounced with regard to Resolution 1973, and especially with regard to the question of whether or not a no-fly zone was an appropriate measure. To progress that broad topic, I identify key moments and outcomes of certain debates, and track relevant statements on resolutions 1970 and 1973, made by the key factors involved.

But who were these key actors? As should be clear, the first cast of key actors included UNSC members. In 2011, this included India, Brazil, South Africa (IBSA), Gabon, Lebanon, Nigeria, Portugal, Germany, Colombia, Bosnia & Herzegovina, and UNSC permanent members. However, these states were not the only actors engaged in this debate. Others able to voice opinions regarding the Libyan conflict included the UN Secretary-General, members of the UNGA, Human Rights Council (HRC), European Union (EU) and, finally, regional organisations. The geographical diversity of these actors showed that key debates over the Libyan crisis have a global reach. It is worth noting, however, that the support of relevant regional organisations can be crucial to legitimate implementation of R2P in the absence of UNSC authorisation (Brown, 2012). As such, these actors can be game changers, particularly if they can facilitate support for other key decision-makers (Bellamy & Williams, 2011). Although Wouters, De Man, and Vincent (2011) have argued that the role of regional organisations in interventions in general is yet to be accurately demarcated, the part played by regional entities in the case of Libya is important to note.

Within this chorus, certain voices stood out. The permanent three western powers seated on the UNSC—the United States, UK and France (the P3)—were highly active in these debates, and played a key role in authorising and carrying out the intervention in Libya. However, of great importance also was the part played by BRICS countries. Their positions influenced the final versions of resolutions 1970 and 1973. BRICS countries provided much needed local experience, participation and made important contributions leading to the intervention. Afterwards, they continued to be involved in debates about R2P in Libya, demonstrating their disapproval of not only the extent to which NATO enforced a no-fly zone measure in Libya, but also the supply of weapons to the Libyan rebels by France. The following discussion chronologically presents debates in the lead up to the passage of Resolution 1970, followed by those on Resolution 1973.

4.1. Demand for R2P based intervention

By mid-February 2011, civil society organisations had started calling for R2P intervention. About one week later, Ibrahim Dabbashi—Libyan Deputy Ambassador to the UN—made a startling request by urging the UNSC to impose a no-fly zone in Tripoli. At the same time, Hillary Clinton (US Secretary of State) said that the UNSC had the proper credentials to debate likely actions against Libya. The LAS, Organisation of Islamic Conference (OIC) and Gulf Cooperation Council (GCC) met in an emergency meeting in Cairo. They suspended Libya from the LAS and suggested that a no-fly zone should apply to the whole of Libya. The UNSC welcomed these developments. The Special Advisers on R2P/Genocide Prevention reminded the Libyan government of its duty to protect civilians. One day later, the French President urged the EU to quickly adopt sanctions that would make violators of human rights accountable for their actions. Germany and the UK supported the French proposal. On 25 February, representatives from Gaddafi's regime and the NTC attended an African Union (AU) meeting in Addis Ababa as part of efforts to reach a cease-fire in Libya. The US, UK and France suspended embassy operations in Tripoli. These countries also called upon the UNSC to authorise sanctions and an arms embargo against Libya. Ban Ki-moon urged the UNSC to take concrete action on Libya. On the same day, the HRC adopted Resolution S-15/2 which reminded Gaddafi about his obligations under the R2P norm and requested the UNGA to suspend Libya from the HRC.

4.2. The adoption of Resolution 1970

The following key events occurred on 26 February. Ambassador Mohamed Shalgham (Libyan Ambassador to the UN) submitted a letter to the UNSC requesting that referral of Libya to the International Criminal Court (ICC) on the grounds that doing so would discourage armed violence. The British Prime Minister and German Chancellor agreed that harsh sanctions should be adopted. Turkey's Prime Minister warned that the Libyan people would suffer most from sanctions. The UNSC convened for the second time in two days and took a decision on draft resolution S/2011/95. Despite these reservations, the draft was eventually adopted unanimously as Resolution 1970, and this resolution produced key outcomes. The resolution explicitly referenced R2P in that it stated that, while the Libyan government had primary responsibility for the protection of civilians, states were authorised to take necessary measures in this regard due to the failure of the government to meet its responsibility (United Nations Security Council, 2011b). The resolution imposed the sanctions regime, an arms embargo, and referred Libya to the ICC in response to the incitement of armed violence against peaceful protestors. On 27 February, the US, EU and NATO officials discussed potential application of a no-fly zone measure. One day later, Hillary Clinton affirmed that the US had discussed a no-fly zone with other world leaders. David Cameron said that the international community must not tolerate the Gaddafi regime using military force against civilians. In this context, Cameron declared that the UK was working with allies on plans for a military no-fly zone. That same day, the EU imposed sanctions and an arms embargo against Libya.

4.3. Key events between March and June 2011

The following events took place between 1 and 19 March because the Libyan regime stepped up violence against civilians despite the demands expressed in Resolution 1970. The UNGA in an unprecedented move suspended Libya's membership on the HRC (General Assembly Suspends Libya from Human Rights Council, 2011, March 1). The suspension was based on the Gaddafi regime's violent crackdown on civil protestors despite Gaddafi's contributions to anti-terrorism campaign during his last decade in office, including Libya's Al-Gaddafi International Prize for Human Rights (which honoured international actors like Nelson Mandela and Fidel Castro. Around the same period during which the ICC commenced an investigation into Libya, the United Nations High Commission for Refugees (UNHCR) expressed concern that civilians were being prevented from fleeing Libya whereas the LAS, OIC and GCC urged the UNSC to impose a no-fly zone in Libya. The AU condemned violence in Libya but denounced foreign military intervention. In contrast, EU member states agreed to consider all necessary means to protect Libyan civilians. The HRC postponed releasing a routine report on Libya following criticism that the text contains praise for Libya's human rights record. On 8 March, a British diplomat at the UN told reporters that the UK and France were drafting a no-fly zone resolution as a contingency plan. Four days later, China and Russia voiced objection to a no-fly zone.

A week later, UNSC members deliberated on a no-fly zone but did not reach a consensus. The UK and France were not discouraged in leading international debates on how to resolve the Libyan crisis.

On 17 March, Alain Jupp (the French Minister for Foreign and European Affairs) briefed reporters about the deteriorating situation in Libya. Adopted on the same day under Chapter VII of the UN Charter, without the consent of Libya, Resolution 1973 authorised all necessary measures including the use of force to protect civilians, banned all flights in Libya's airspace (a no-fly zone), and extended the sanctions imposed in Resolution 1970. Resolution 1973 was passed with ten votes in favour (one more than was required), none against, and five abstentions—Brazil, Russia, India, China and, lastly, Germany (United Nations Security Council, 2011a). The historic importance of this resolution—which authorised the use of force through direct reference to the R2P—was quickly recognised. Ban Ki-moon immediately released a statement emphasising the historic authorisation of the military intervention and how Resolution 1973 unequivocally affirms the international community's resolve to fulfil its R2P obligation. A few hours later, Ban Ki-moon and the Spanish Prime Minister met in Madrid and urged Gaddafi to support moves toward a verifiable cease-fire.

Forty-eight hours after the adoption, the Paris Summit—in support of the Libyan people—took place. Co-chaired by the European Council President and the High Representative of the EU for Foreign Affairs, the European Council promised its full support for implementation of Resolution 1973. Ban Ki-moon told the Paris Summit that Libya's Prime Minister tried to convince him to stop international military action against Libya. Later Ban informed reporters that he could no longer trust the Gaddafi's regime. The P3 commenced airstrikes in Libya on the same day.

On 20 March, Russia voiced concern about indiscriminate attack on Libya allegedly conducted by western forces. One day later, NATO took command of UNSC-mandated military operations in Libya. In a related development, China voiced regret about the use of force in Libya. President Barack Obama spoke with his Russian counterpart on 25 March and expressed appreciation for Russia's support on the adoption of Resolution 1973. A meeting was convened on 27 March during which actors (like UNSC permanent members, UN Secretary-General, EU, LAS, AU, IBSA and OIC) called for a democratic transition period leading to appointment of elected officials in Libya. Barely a week later, China's President warned (at a press conference in Beijing with the French President in attendance) that military airstrikes in Libya could violate the mandate of Resolution 1973 if civilian casualties resulted from the bombardment. In early April, the ICC investigations into Libya reported evidence that the Gaddafi regime planned to suppress protests by killing civilians even before the unrest broke out. On 27 June, the ICC issued three arrest warrants against Gaddafi, Saif al-Islam (son of Gaddafi), and Abdullah al-Senussi (Intelligence Chief) for crimes against humanity allegedly committed across Libya from 15 February 2011 until at least 28 February 2011 (Pre-Trial Chamber I issues three warrants of arrest for Muammar Gaddafi, Saif Al-Islam Gaddafi & Abdualla Al-Senussi, 2011, June 27).

4.4. International recognition of the NTC

Many states accorded recognition to the NTC between March and September. France led this process and became the first country to recognise the NTC as the sole repository of governmental authority in Libya. The US extended recognition in July, followed by the LAS in August. Russia accorded recognition on the premise that existing contracts signed with the Gaddafi's regime would be honoured. China, India and the UNGA also conferred legitimacy to the NTC as the ruling authority and representative of the Libyan people. On 20 September, the AU and South Africa—following Pretoria's prior criticism of recognition—officially accepted the legitimacy of the NTC. Two features characterised the recognition process—which ultimately contributed to authorised intervention. Firstly, some states only accorded recognition as the legitimate representative of Libya whereas the majority granted recognition as the sole legitimate representative. Secondly, the recognition is not universal. Brazil, for instance, remains one of the few countries that has not recognise the NTC. This recognition process was important, nonetheless, as it resulted in the emergence of a new regime in Libya. Hours before NATO officially ended its mission in Libya, the NTC elected Abdel-Rahim el-Keab as the country's interim Prime Minister, on 30 October 2011.

During the period under consideration, many authoritative actors, especially regional organisations played crucial roles in the debates leading to the Libyan intervention. The UNSC adopted six resolutions during these debates, including resolutions 1970 and 1973. BRICS countries made important contributions in the adoption of these resolutions. Later, they disapproved of the extent to which NATO enforced Resolution 1973. The following section examines specific interventions from BRICS countries in these debates.

5. Analysis of the representations of BRICS countries

The discussion above highlighted the history of key debates among UNSC members. Whilst these debates have received academic attention, however, insufficient attention has so far been paid regarding the interventions in these debates made by BRICS countries. How did these countries interpret the meaning and operationalisation of the R2P norm? The present section examines the involvement of BRICS countries in order to see if there is a coherent, distinctive interpretation of R2P constructed through the statements of BRICS countries. In order to conduct this task, specific statements made by BRICS countries in the context of discussion regarding resolutions 1970 and 1973 were evaluated (Table 1).

Table 1. Key statements on Resolutions 1970 and 1973 [Adapted from UNSC S/RES/1970 and S/RES/1973]

	Resolution 1970	Resolution 1973
India	Supportive. But preferred a calibrated and gradual approach with regard to ICC referral	Abstained. The resolution has far-reaching measures under Chapter VII with little credible details about enforcement process
Brazil	Supportive. Expressed strong reservation about exemptions of certain categories of individuals from the jurisdiction of ICC. This is unhelpful to advancing the cause of justice and accountability	Abstained. The measures would cause more harm than good to the very same civilians that needed protection
China	Supportive. The safety and interests of foreign nationals in Libya must be assured throughout this process	Abstained. Against the use of force in IR. The UNSC should follow the UN charter and the norms governing state sovereignty. Many questions remained unanswered
Russia	Supportive. Criticised manifestations of violence, the use of military force against peaceful demonstrators	Abstained. Draft resolution diverged from UNSC practice. Various questions remained unanswered. The draft contained provisions that could potentially lead to large-scale military intervention
South Africa	Supportive. Confident that the measures in resolution 1970 will contribute to the long-term objective of bringing peace and stability to this sisterly nation	Supportive. A no-fly zone is an important element for the protection of civilians. Holistic political solution should preserve the territorial integrity of Libya
P3	Supportive. The adoption of resolution 1970 is a powerful signal of the determination of the UNSC to stand in unity with the people of Libya and defend their right to determine their own future	Supportive. The measures in resolution 1970 have been insufficient to protect civilians. The LAS has called for a no-fly zone measure. Resolution 1973 is a powerful response to that call
Nigeria	Supportive. The decisive package of sanctions in the resolution to the extent that their impact is targeted and does not exacerbate the burden upon Libyan citizens	Supportive. The emphasis of resolution 1973 on R2P is rooted in the need to ensure the availability of humanitarian assistance for a population in need
Germany	Supportive. Pleased by the UNSC's swift, decisive and united action	Abstained. There are great risks upon careful consideration of the implications and limitations of using military force
Other members of the UNSC	Appeared satisfied that the adopted measures will effectively protect civilians	Appeared satisfied that the measures will protect the Syrian people

In order to examine the positions of BRICS countries regarding these resolutions, it is worth noting the key points of contestation that emerged regarding the drafting and interpretation of each of these resolutions. After doing so, this section considers the emergence of the features that are found within the representations of all of the BRICS countries.

5.1. Key points of contestation

A first such point of contestation related to the referral of the Gaddafi regime to the ICC, which was a key outcome of Resolution 1970. In relation to this resolution, Russia castigated the Gaddafi regime for the use of military force against peaceful protestors while Nigeria and Germany commended the UNSC for its unified, swift and decisive action. Other members of the UNSC appeared satisfied that the measures in Resolution 1970 would effectively protect civilians in Libya. The extent to which states were prepared to implement the authorised measures in Resolution 1970 rested on two issues. The broader question of how the ICC should achieve the relocation of Gaddafi to The Hague was important; so too was the related question of whether or not the invocation of “necessary measures” authorised the forceful arrest of Gaddafi. While some states believed that the necessary measures provisions could be interpreted as allowing the forceful arrest and transfer of Gaddafi to the ICC, the AU and BRICS countries certainly did not share this interpretation.

Although Brazil and India expressed reservations about Resolution 1970 in terms of the referral of Libya to the ICC, BRICS countries largely agreed with the P3 that Libya should be investigated by ICC given the allegations of human rights violations. This position, characterised by both concern regarding the potential overreach of the UNSC resolution and a desire to see the ICC play an effective role, is more easily understood once it is contextualised within the broader picture of the relationship between the ICC, AU and BRICS countries. Sudanese President Omar al-Bashir, for instance, travelled around the Middle East and Africa despite the fact that the ICC had issued an arrest warrant for him in 2009. Al-Bashir’s freedom of movement, including his attendance at the 2015 AU Summit in South Africa, was made possible by the AU who refused to support the arrest warrant and requested that the referral of Kenyan to the ICC be delayed. This could be interpreted that some members of the BRICS group (South Africa in this instance) are not fully supportive of referral to the ICC. The inability of Resolution 1970 to hold accountable all of those who may have violated human rights norms was reinforced by a provision in this resolution which had been included at the insistence of the US. This controversial provision excluded personnel involved in international peacekeeping operations from ICC’s jurisdiction. Notwithstanding these reservations, the UNSC voted unanimously to refer the situation in Libya to the ICC, and this demonstrates that BRICS countries and the P3 are not always at odds over the implementation of R2P.

A key lesson here is that Gaddafi was hardly given any chance to bargain for a mutual resolution to end the conflict. Dictators forced into such corners might well choose to make a stand, and to wreak as much havoc as possible before the situation eventually catches up with them. Furthermore, the ICC referral may be one of the reasons why Gaddafi refused to even contemplate taking safe haven in another country—which could have ended the conflict much earlier and thus reduced the number of casualties. In this sense China’s affirmative vote for Resolution 1970 may well evidence Beijing’s concern for the safety of foreign nationals.

Another point of contestation was caused by the perceived departure from the text of Resolution 1970 by some western states: BRICS countries criticised the supply of weapons to the rebels by some western states on the basis that it flouted the terms of arms embargo. They did so on the grounds that the supply of arms challenged the supposedly impartial nature of the intervention. They also questioned the implementation of the no-fly zone that had been authorised by Resolution 1973. NATO’s military actions visibly gave preferential support to the rebels, which encouraged some to recall the similar partial application of force by NATO in Kosovo in 1999.

Despite having questioned the partiality of the actions of western states following Resolution 1970, China remained willing to “support” Resolution 1973 by abstaining from voting. It did so,

according to Beijing, due to the “special” context of the situation in Libya and the importance that Beijing “attaches” to the positions put forward by the AU and the 22-member LAS, both of which had expressed support regarding a no-fly zone measure (United Nations Security Council, 2011a, p. 10). On the one hand, this willingness of Beijing to support the AU and LAS might be explained in terms of the economic interests of China in the Middle East and Africa. India’s assertion that financial sanctions could adversely impact trade and investment activities in Libya (United Nations Security Council, 2011a) alluded to the possibility of this interpretation. China’s second-largest source of crude imports in 2013 was Africa, and research by the US Energy Agency has showed that more than half of China’s imported crude, over the past years, stems from the Middle East and African regions. On the other hand, however, Beijing has justified its support for the positions adopted by these institutions on the grounds that such regional organizations hold a particular capacity to legitimise interventions in states local to those regions.

5.2. The positions of BRICS countries regarding Resolution 1973

On the face of it, there is a mixture of coherence and diversity amongst the positions adopted by BRICS countries regarding Resolution 1973. Firstly, it is important to note the significance of the fact that four of the BRICS countries (all bar South Africa) abstained from voting on the passage of Resolution 1973 (Evans, 2011). As is widely understood, abstention in UNSC decision-making processes is best interpreted as a measure of qualified support, especially for the permanent members that possess the power of veto. It is therefore worth asking what ultimately restrained these countries from voting against a resolution drafted in Chapter VII language. According to interviews conducted in December 2011 by Daisaku Higashi with diplomats from IBSA and high-ranked UN officials, deliberations between Sino-Russia on the one hand, and India, Brazil and South Africa on the other prior to the vote signified BRICS countries’ commitment to abstain from voting on Resolution 1973 (Higashi, 2012). This exemplified a coordinated approach among BRICS countries with regard to Resolution 1973. A 2011 interview conducted by Adler-Nissen and Vincent Pouliot with 13 members of the UNSC also revealed that some NATO and UN diplomats were of the view that BRICS countries, through this show of coherence, had made a real change in how policies were made in the UNSC. The interview showed that the coordination of between BRICS countries—coordination that had been the subject of meetings prior to the passage of Resolution 1973—altered the balance of power during UNSC debates (Adler-Nissen & Pouliot, 2014).

What, then, should we make of the fact that South Africa seemingly challenged this coordinated position by voting in favour of Resolution 1973? In Thomas Renard’s view, this confirmed that there was no coordinated voting strategy among BRICS countries; their vote was instead the result of different reasoning (Renard, 2011). Closer examination, however, suggests both that South Africa had a good reason to be seen to actively support this Resolution, and that the position that it adopted regarding R2P and intervention was much closer to those held by other BRICS countries than the vote on this resolution itself might suggest. The implications of the voting decision for “South Africa’s foreign policy” are undeniable (Borer & Mills, 2011, p. 1; Moore, 2011, para. 15). Nomfanelo Kota (a South African diplomat in New York) told *Mail & Guardian* that support of Resolution 1973 was an attempt to avoid further criticism (Rossouw, 2011). South Africa’s previous blockages of UN’s actions on human rights in places like Myanmar, East Timor, Tibet and Zimbabwe have attracted criticism.

South Africa had other reasons to adopt a position somewhat at odds with the other BRICS countries. Often seen as a continental powerhouse by external powers, South Africa’s affirmative vote occurred within the broader context of Pretoria’s aspiration to become an unrivalled African voice in international politics. This may also help to explain why South Africa’s position was more closely aligned with the P3 than those of the other BRICS countries.

In addition, however, there is no doubt that Pretoria shared with other BRICS countries reservations about the precise limits of the no-fly zone proposed in Resolution 1973. While these reservations were not strong enough to discourage Pretoria from voting for the resolution, they are worth noting. South African diplomats emphasised that the vote was not an implicit approval of military

intervention; rather it was meant to protect civilians from Gaddafi's forces. As such, Pretoria expressed confidence that the implementation of a no-fly zone measure would help to protect civilians and would contribute to the stabilisation of security in Libya on a long-term basis. The support to Resolution 1973 offered by South Africa was qualified—Pretoria believed that Resolution 1973 provided a political solution, one that must be implemented not only in accordance with its textual framing but in a way that would preserve Libyan unity (United Nations Security Council, 2011a).

Although not much evidence regarding the reason for South Africa's vote has come to light (Moore, 2011); Verhoeven, Murthy, and Soares de Oliveira (2014) have found that South African diplomats did appear surprised that NATO was tasked to enforce the no-fly zone. In voicing its regret over the vote, Pretoria said—during a UNSC meeting on 28 July 2011—that the primary intention of resolutions 1970 and 1973 was to find a political solution to the Libyan crisis and not to enforce regime change. This, along with other statements, can be read as a critique of the positions taken by the P3; South Africa effectively suggested that the protection of Libyans from mass atrocities ought to justify neither their pursuit of regime change nor their taking of sides within the context of an ongoing armed conflict (Kurtz & Rotmann, 2016).

The conclusion that BRICS countries—despite the willingness of South Africa to vote in favour of Resolution 1973—had developed a coordinated position regarding this resolution is particularly apparent if we distinguish it from the position advanced by the P3. For the P3, Resolution 1973 was understood to be a powerful response to the call for a no-fly zone by the LAS, and this was necessary because the measures in Resolution 1970 had proven insufficient to protect civilians. The P3 projected a common position in this regard and generally held that the principle of sovereignty ought not to impede R2P implementation—even if it required the use of force—in situations where atrocities have been committed. In contrast, BRICS countries emphasised that the UNSC should follow the UN Charter and the norms governing state sovereignty (United Nations Security Council, 2011a).

5.3. Emerging features of a coherent position

If we can conclude that BRICS countries gradually developed a coordinated position regarding R2P as it applied to Libya, what were the key features of this position? In terms of Resolution 1970, it is clear that BRICS countries had no problem with the R2P's objective; that is that any state alleged to have violated human rights on a gross scale should be referred to the ICC for further investigation. What did emerge in the context of debates about Resolution 1970, however, was a concern regarding the appropriate application of this referral power. Brazil and India raised this issue in relation to the referral of Libya, with Brazil in particular commenting that the exemption of certain categories of people from the jurisdiction of ICC is unhelpful to advancing the cause of justice and accountability in the international system (Table 1). India too said that referral to the ICC ought to be done in a calibrated and gradual way. The dilemma with ICC referral is that only sovereign states and their representatives may be brought before this international court. For BRICS countries, this posed a particular problem in the Libyan case: what to do in situations where both state actors and non-state actors (Libyan rebels in this instance) have been accused of human rights violations? Although other matters were at issue here—including the exclusion of peacekeeping personnel from the ICC's jurisdiction—BRICS countries were more interested in the failure of Resolution 1970 to apply equally to the Libyan regime and the rebels. In this sense, what was visible in the representations of BRICS countries was an emphasis on the importance of impartiality in the application of R2P in cases of civil conflict.

A second feature of the representations of BRICS countries regarding R2P and Libya related to their reluctance to authorise use of military force. In terms of Resolution 1973, few commentators expected that a draft resolution proposing the use of force would be passed; instead, it was widely expected that China and Russia would offer what was seen as a near-inherent resistance to the authorisation of military interventions in sovereign states. That prediction was only partly validated. China and Russia, as well as Brazil and India, all chose to abstain from voting on Resolution 1973 rather than voting against it. Brazil's abstention was made on the basis that this resolution would neither facilitate immediate protection of civilians nor end the armed violence, and this paralleled

India's statement that the resolution has far-reaching implications under Chapter VII with little or no credible details about the procedures through which enforcement would proceed. These reservations transformed into criticisms following the use of force in Libya. BRICS countries, and others (including Germany and Nigeria) observed that the arguments preferred in support of the use of force in support of Resolution 1973 tended, firstly, to underestimate the great risks and potential large-scale loss of life associated with a military intervention and, secondly, to be overly optimistic in terms of the effectiveness of force. In general, what emerged here was a common concern regarding the speed with which the P3 appeared willing to settle on military force as a means to pursue R2P intervention.

Finally, it is clear that the statements by BRICS countries in explanation of their abstention from voting on Resolution 1973 shared a common focus on the reasonable prospects criterion. For these actors, Resolution 1973 did not clarify the exact procedures for a no-fly zone measure, such as by addressing the question of which states would participate in the operation and with what assets. Furthermore, the UNSC adopted far-reaching measures under Chapter VII, without substantial credible information about the situation on the ground. To this end the reasonable prospects for success of specific measures emerges from the analysis as an important issue to BRICS countries. The evaluation of reasonable prospects for success, for BRICS countries, has emerged as a key factor in determining whether or not to support intervention. Furthermore, and as Table 1 shows, the interpretation of the reasonable prospects criterion favoured by BRICS countries differs from that referred to by the P3. For the P3, the idea of an intervention have a reasonable prospect of achieving success is understood in terms of short-term outcomes. In this sense, it may well be that the no-fly zone could be seen as a measure that held a reasonable chance of saving lives. BRICS countries abstained from voting on the basis that the implementation of a no-fly zone would cause more harm than good to the very people that needed protection, and this argument rested on the adoption of a long-term approach to the definition of "success." While BRICS countries readily accepted the measures of Resolution 1970, their main concern had to do with the ambiguous procedures for the implementation of a no-fly zone. Hence the position of BRICS was that diplomatic measures would have been more likely to produce success than would a no-fly zone enforced by military means. For BRICS countries, the reasonable prospect for success of the Libyan military intervention was of great importance.

6. Discussion

The deliberations prior to and after the adoption of resolutions 1970 and 1973 offer important insights into the ongoing evolution of the R2P norm. That evolution has not been a smooth affair. Although contestation over how these resolutions have being implemented continues to plague the development of R2P, ongoing debate also suggests that the norm is here to stay—something that is sadly linked to the ongoing human rights violations worldwide. Yet uncontested acceptance of R2P as a tool for addressing these violations is dependent on how its three pillars (particularly Pillar III that has to do with military measures) are defined by authoritative actors who often have competing interests. Scholars (like Higashi, 2012) have argued that BRICS countries have an opposing influence to that of the P3. Within this context many of the statements made by BRICS countries tell us something about this group's coherent position on R2P. More importantly, three key features about the coherent position emerged from the analysis.

Firstly, BRICS countries believed that choosing sides in a conflict would both damage the UNSC's reputation and hinder future implementation of R2P. This representation constituted an early sign of what would later become a broader focus on the need for impartiality in the treatment of combatants engaged in civil conflict. For BRICS countries, the goal of R2P intervention is conflict resolution between parties, rather than support for one or more parties against other disputants.

Secondly and on the one hand, much stronger support is evident in their position that military intervention should be a last resort; that is, an option that should be turned to only after others have been attempted. In this light, concern about the implementation of a no-fly zone arose because BRICS countries deemed that not every available diplomatic option had been tried. However, this should not be interpreted as meaning that BRICS countries expect that every possible diplomatic measure must

have been fully applied and exhausted before recourse to military intervention, a position that would seem unrealistic as the time and resources are often not there for such a process to play itself out. But it does imply that there must be widespread acceptance that alternative diplomatic measures, had they been applied, would likely have failed. BRICS countries believed that their willingness to support Resolution 1973 had resulted in a military intervention that targeted regime change through the use of military force and in a manner that did not produce lasting positive outcomes.

On the other hand, an interesting observation is that BRICS countries could actually be convinced—in the absence of prior case—to embrace the use of force for the purposes of R2P-authorized intervention. This was a lesson for these countries. Following the regime change in Libya, BRICS countries remain averse to any resolution or peace process that hinted at Chapter VII language. They often respond to this position with two explanations, namely: the UNSC adopted far-reaching measures under Chapter VII, without substantial credible information about the situation in Libya to support a no-fly zone measure. And also, NATO's enforcement of a no-fly zone went beyond the mandate's terms. That excessiveness, in the opinion of BRICS countries, was made possible by the imprecise nature of the use of language in Resolution 1973. Both of these explanations highlight the practical value of the delaying of military intervention until other options have been applied and found to be insufficient to protect civilians.

This perspective differs from that of the P3 in an important way. It is widely held that R2P implementation requires the balancing of human security with the demands of state sovereignty (Brooks, 2014). However, where that balance should lie is harder to determine. The P3's willingness to use R2P to justify military intervention implies that the balance should tip heavily in favour of human security. Alternatively, a reliance on diplomatic means—as favoured by BRICS countries—requires an implicit respect for sovereignty in general, and an acceptance of the basic legitimacy of a country's regime in particular, because such an approach depends upon engagement with such a regime. If R2P is interpreted as supporting notions of sovereignty, then this implies that action against non-state actors (and not repressive regimes) ought to be prioritized (Kurtz & Rotmann, 2016). In Libya, and to the concern of BRICS countries, collective actions were mainly directed against the regime.

The third feature of the coherent position was the emphasis placed upon the reasonable prospects of success as a criteria that must be met if intervention is to be justified. This feature was evident in a range of the representations produced by BRICS countries in the drafting of Resolutions 1970 and 1973, and also in the statements that these countries used to question the implementation of these resolutions following their passage. BRICS countries deemed that careful assessment of the prospects for success was lacking in the drafting of Resolution 1973. This is an important finding: it suggests that, in the future, gaining support for R2P intervention from the BRICS countries will require, among other things, the careful presentation of evidence suggesting that a given intervention has a reasonable prospect for success both in the short-term and in the long-term. BRICS countries have consistently advanced this argument, though it is most visible in their representations regarding the Syrian conflict—which is not the focus of this paper. The key point here is that, for BRICS countries, the successful outcome of an R2P-authorized intervention ought not to be regime change. This point is by no means consistent with the position advanced by the P3 because BRICS countries have criticised the latter of being content with nothing less than regime change. Evans (2014) asserted that the criticism had considerable justification.

The concern of BRICS countries, that the no-fly zone authorised through Resolution 1973 would cause more harm than good to the people in need of protection, is well-founded. Aside from their complaint that many questions remained unanswered about enforcement of the no-fly zone, BRICS countries expressed reservation that Resolution 1973 contained provisions that could potentially lead to large-scale military intervention (Table 1). The raising of these concerns, even though they were not deemed great enough to justify opposing the passage of Resolution 1973, are illustrative of the particular emphasis placed by BRICS countries on there being reasonable prospects of success before an intervention should be supported. Compared with the existing but often overlooked assumption that

R2P becomes more meaningful when the UNSC or relevant states fails to carry out their duty to protect civilians, the reasonable prospects criterion ensures that consensus on R2P implementation, at the very least, is not contrary to the basic tenets of the UN Charter. While this perspective may not be seen as a definitive, it does indicate the influence of BRICS countries with respect to the evolution of R2P, and gives us reason to pay attention not only to the fact that these countries have no problem with the basic principles of the R2P but also to the details of what they say about R2P and intervention.

7. Concluding remarks

This paper examined the coherent position advanced by BRICS countries regarding what the evolving R2P norm is and how it ought to be implemented. As discussed above, three key features characterised the coherent position on resolutions 1970 and 1973. The debates that surrounded adoption of these resolutions showed that the R2P is struggling to continue its evolution as an international norm. Those who debate this evolution however attest that R2P is here to stay, courtesy of existing human rights violations worldwide. Yet uncontested acceptance of R2P as a tool for addressing violations is dependent on the political practices of authoritative actors, including BRICS countries. Within this context, this paper demonstrated that whether the R2P does or does not help to protect civilians is ultimately at the mercy of how it is constructed through political contestation among authoritative actors.

The paper attempted to achieve this by profiling how BRICS countries have sought to construct R2P. In general, what has been opposed by BRICS countries is an approach to the implementation of the R2P that sees successful intervention as that which produces regime change. Instead, what BRICS countries have argued in favour of is the balanced pursuit of conflict resolution in situations where conflict between multiple parties threatens the well-being of civilians. This perspective has differed significantly from the positions advanced by P3. However, recent evidence suggests that the P3 is now receptive to the idea that political solutions—which have been consistently advocated by BRICS countries—now appear to have been recognised as the most realistic solution to future R2P interventions, and thus substantiates this paper's findings. We should take this conclusion as an indication that the coherent position of BRICS countries is likely to have a real bearing on the ongoing evolution of the R2P norm. More generally, this conclusion further emphasises why we should take what BRICS countries say about R2P more seriously.

The Libyan military intervention has contributed to the development of R2P norm and also revealed contestation on the meaning and implementation of that norm. It is therefore not surprising that the key features of a coherent position regarding R2P only begin to emerge in the contestation over the military intervention. Future research should examine contestation over the application of R2P in the Syrian case. In one sense, this is another case in which the representations of BRICS countries can be examined. In another sense, however, the contestation over R2P application in Syria represents the continuation of a conversation about the meaning and operationalisation of R2P that had occurred in the case of Libya.

Acknowledgement

This paper draw upon my Master of Arts (Research) programme. I would like to thank Victoria University (Melbourne) for funding the research programme. I also express great thanks to Dr Edward Lock and Professor Michael Hamel-Green for the time spent in discussion about my dissertation, and the blind reviewers for their comments on this paper. All errors are the author's own.

Funding

This work was financially supported by Victoria University (AU) [grant number VU Diversity Graduate Research Scholarship].

Author details

Christo Odeyemi¹

E-mail: christocyber@yahoo.co.uk

¹ School of Social Science & Psychology, Victoria University, Melbourne, Australia.

Citation information

Cite this article as: R2P intervention, BRICS countries, and the no-fly zone measure in Libya, Christo Odeyemi, *Cogent Social Sciences* (2016), 2: 1250330.

References

- Adler-Nissen, R., & Pouliot, V. (2014). Power in practice: Negotiating the international intervention in Libya. *European Journal of International Relations*, 20, 889–911. doi:10.1177/1354066113512702
- Bellamy, A., & Williams, P. (2011). The new politics of protection? Côte d'Ivoire, Libya and the responsibility to protect. *International Affairs*, 87, 825–850. doi:10.1111/j.1468-2346.2011.01006.x
- Bloodless coup in Libya. (1969, September 1). *British Broadcasting Corporation*. Retrieved from www.news.bbc.co.uk/onthisday/hi/dates/stories/september/1/newsid_3911000/3911587.stm

- Borer, T., & Mills, K. (2011). Explaining postapartheid South African human rights foreign policy: Unsettled identity and unclear interests. *Journal of Human Rights*, 10, 76–98. doi:10.1080/14754835.2011.546278
- Brooks, R. (2014). Civilians and armed conflict. In J. Genser & B. Ugarte (Eds.), *The United Nations Security Council in the age of human rights* (pp. 35–67). New York, NY: Cambridge University Press. <http://dx.doi.org/10.1017/CBO9781139626972>
- Brown, C. (2012, February 9). Difficult decisions lie ahead over Syria. *London School of Economics and Political Science*. Blog Entry. Retrieved from www.lse.ac.uk/researchAndExpertise/Experts/cj.brown%40lse.ac.uk
- Carlsnaes, W., Risse, T., & Simmons, B. (Eds.). (2002). *Handbook of international relations* (2nd ed.). Thousands Oaks, CA: Sage Publications.
- Evans, G. (2011, July 31). Ending mass atrocity crimes: The responsibility to protect balance sheet after Libya. *Paper presented at the Second Renate Kamener Oration at Leo Baeck Centre*, Melbourne, Australia. Retrieved from www.gevans.org/speeches/speech443.html
- Evans, G. (2014, October 22). The limits of sovereignty: The case of mass atrocity crimes. Keynote Address to Research School of Asia and the Pacific Symposium, *Landscapes of Sovereignty in Asia and the Pacific*. Canberra: Australia National University. Retrieved from www.gevans.org/speeches/speech554.html
- Fahim, K., & Kirkpatrick, D. (2011, February 23). Qaddafi's grip on the capital tightens as revolt grows. *New York Times*. Retrieved from www.nytimes.com/2011/02/23/world/africa/23libya.html?pagewanted=all&r=0
- General Assembly Suspends Libya from Human Rights Council. (2011, March 1). *United Nations Press Release*. Retrieved from www.un.org/press/en/2011/ga11050.doc.htm
- Hafner-Burton, E. (2013). *Making human rights a reality*. Princeton, NJ: Princeton University Press. <http://dx.doi.org/10.1515/9781400846283>
- Herz, M., Perez, L., Ruy de Almeida, A., Coutinho Lage, V., Bittencourt, A., Aguiar, L., & Brito, M. (2011). *BRICS and the revolts in the Middle East and North Africa* (Policy Brief). Rio de Janeiro: BRICS Policy Center.
- Higashi, D. (2012, June 25). Battle at the UN Security Council on peace enforcement in Libya and Syria: Focusing on the strategies of BRICS. *Paper presented at the Doshisha 2nd International Conference on Humanitarian Intervention*, Kyoto, Japan. Retrieved from www.gdoshisha.files.wordpress.com/2012/06/daisaku-higashi-paper.pdf
- Human Rights Council. (2011). *Report of the International Commission of inquiry to investigate all alleged violations of international human rights law in the Libyan Arab Jamahiriya* (No. A/HRC/17/44). Retrieved from www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.44_AUV.pdf
- International Commission on Intervention and State Sovereignty (ICISS). (2001). *The responsibility to protect: Report of the international commission on intervention and state sovereignty*. Ottawa, Canada: International Development Research Centre.
- Kurtz, G., & Rotmann, P. (2016). The evolution of norms of protection: Major powers debate the responsibility to protect. *Global Society*, 30, 3–20. doi:10.1080/13600826.2015.1092425
- 2011 Libya civil war fast facts. (2015, April 1). *CNN*. Retrieved from www.edition.cnn.com/2013/09/20/world/libya-civil-war-fast-facts/
- Libya Crisis. (2011, September 1). Col Gaddafi vows to fight a 'long war'. *British Broadcasting Corporation*. Retrieved from www.bbc.com/news/world-africa-14753645
- Libya Protests. (2011, February 16). Second city Benghazi hit by violence. *British Broadcasting Corporation*. Retrieved from www.bbc.com/news/world-africa-12477275
- McDougall, D. (2014). Responsibility while protecting: Brazil's proposal for modifying responsibility to protect. *Global Responsibility to Protect*, 6, 64–87. doi:10.1163/1875984x-00601004
- Moore, C. (2011, July 26). South Africa's about-turn on Libya: Is speaking with the AU/BRIC majority defending the indefensible? *Blog Entry, London School of Economics and Political Science*. Retrieved from www.blogs.lse.ac.uk/ideas/2011/07/south-africa%E2%80%99s-about-turn-on-libya-is-speaking-with-the-aubric-majority-defending-the-indefensible/
- Pre-Trial Chamber I issues three warrants of arrest for Muammar Gaddafi, Saif Al-Islam Gaddafi and Abdulla Al-Senussi. (2011, June 27). International Criminal Court. *Press Release*. Retrieved from www.icc-cpi.int/EN_Menus/icc/situations%20and%20cases/situations/icc0111/related%20cases/icc01110111/press%20releases/pages/index.aspx
- Regilme, S. (2014). The social science of human rights: The need for a "second image reversed"? *Third World Quarterly*, 35, 1390–1405. doi:10.1080/01436597.2014.946255
- Renard, T. (2011). *Libya and the post-American world: Implications for the EU* (Policy Brief No. 20). Brussels, Belgium: EGMONT, Royal Institute of International Relations.
- Rossouw, M. (2011, March 25). SA's 'no-fly' vote hits turbulence. *Mail & Guardian*. Retrieved from www.mg.co.za/article/2011-03-25-sas-nofly-vote-hits-turbulence
- Rozen, L. (2011, March 23). Averting 'Srebrenica on steroids': White House defends Libya operations. *The Envoy*. Retrieved from www.news.yahoo.com/blogs/envoy/averting-srebrenica-steroids-white-house-defends-libya-operations-20110323-120730-415.html
- Salamey, I. (2015). Post-Arab spring: Changes and challenges. *Third World Quarterly*, 36, 111–129. doi:10.1080/01436597.2015.976025
- Silander, D. (2013). R2P—principle and practice? The UNSC on Libya. *Journal of Applied Security Research*, 8, 262–284. doi:10.1080/19361610.2013.765340
- Simmons, B. (2009). *Mobilizing for human rights: International law in domestic politics*. New York, NY: Cambridge University Press. <http://dx.doi.org/10.1017/CBO9780511811340>
- Tourinho, M., Stuenkel, O., & Brockmeier, S. (2016). "Responsibility while protecting": Reforming R2P implementation. *Global Society*, 30, 134–150. doi:10.1080/13600826.2015.1094452
- United Nations General Assembly/Security Council. (2011). *The role of regional and sub-regional arrangements in implementing the responsibility to protect* (No. A/65/877–S/2011/393). Retrieved from www.un.org/en/ga/president/65/initiatives/Report%20of%20the%20SG%20to%20MS.pdf
- United Nations Security Council. (2011a). *Libya* (No. S/RES/1973). Retrieved from [www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1973\(2011\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1973(2011))
- United Nations Security Council. (2011b). *Syria* (No. S/RES/1970). Retrieved from www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Libya%20S%20RES%201970.pdf
- Verhoeven, H., Murthy, C., & Soares de Oliveira, R. (2014). "Our identity is our currency": South Africa, the responsibility to protect and the logic of African intervention. *Conflict, Security & Development*, 14, 509–534. doi:10.1080/14678802.2014.930594
- Wouters, J., De Man, P., & Vincent, M. (2011). *The responsibility to protect and regional organisations: Where does the EU stand?* (Policy Brief No. 18). Leuven: Leuven Centre for Global Governance Studies.
- Zifcak, S. (2012). The responsibility to protect after Libya and Syria. *Melbourne Journal of International Law*, 13(1), 1–35. Retrieved from www.austlii.edu.au/au/journals/MelbJIL/2012/3.html



© 2016 The Author(s). This open access article is distributed under a Creative Commons Attribution (CC-BY) 4.0 license.

You are free to:

Share — copy and redistribute the material in any medium or format

Adapt — remix, transform, and build upon the material for any purpose, even commercially.

The licensor cannot revoke these freedoms as long as you follow the license terms.

Under the following terms:

Attribution — You must give appropriate credit, provide a link to the license, and indicate if changes were made.

You may do so in any reasonable manner, but not in any way that suggests the licensor endorses you or your use.

No additional restrictions

You may not apply legal terms or technological measures that legally restrict others from doing anything the license permits.



Cogent Social Sciences (ISSN: 2331-1886) is published by Cogent OA, part of Taylor & Francis Group.

Publishing with Cogent OA ensures:

- Immediate, universal access to your article on publication
- High visibility and discoverability via the Cogent OA website as well as Taylor & Francis Online
- Download and citation statistics for your article
- Rapid online publication
- Input from, and dialog with, expert editors and editorial boards
- Retention of full copyright of your article
- Guaranteed legacy preservation of your article
- Discounts and waivers for authors in developing regions

Submit your manuscript to a Cogent OA journal at www.CogentOA.com

