

Responsibility to Protect after Libya

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Abstract

Academic writing about the Responsibility to Protect (R2P) frequently adopts a position of advocacy, with researchers concentrating, in recent texts, on prospects for, and modalities of, practical application of this new 'norm' in the 'international community'. Such endeavours, in both research and non-research environments, have gained impetus from the perceived success of Operation Unified Protector, the NATO mission in Libya to implement UN Security Council Resolution 1973. However, the portents are mixed, with news reports about continuing chaos in the country, and complaints that NATO exceeded its mandate. It is a moment, this article argues, for critical examination of some of the assumptions, both theoretical and methodological, underpinning scholarly research on R2P. The typical approach of what are called, in the article, 'R2P-o-philes' takes a behaviourist view of political agency, and a case-by-case, problem-solving approach to evaluating the options for and consequences of particular humanitarian interventions. These assumptions are revised, and an alternative methodology proposed, in light of Steven Lukes' three-dimensional model of power. Different views of selected cases are then put forward, drawing on the proposed methodology, and elements of the 'paths not taken' are examined, for pointers to human protection issues left out of the dispensation of global governance of which R2P is one of the key components.

Introduction

In his latest book, *Global Politics and the Responsibility to Protect*, Alex J Bellamy (2011a) pays tribute to "collaborators" in helping to develop and spread the concept as a new and rapidly accepted norm in the international community: a list that includes senior NGO personnel, policy-makers and media commentators as well as fellow academic researchers. These are the R2P-o-philes: advocates allied with analysts, and contributors of many an articulate exhortation in both printed and spoken word, as well as a considerable body of scholarly writing, nowhere more impressively represented than in the works of Bellamy himself.

In their ardour, however, they neglect some important counter-arguments. They are presently 'stuck' at 1973. Methodologically stuck, since their characteristic, case-by-case, problem-solving approach has recently seen them poring over the UN Security Council Resolution of that number – authorising the use of force to protect civilians in Libya – for portents and precedents. And stuck there, too, in their theoretical approach, which seems to exist in a prelapsarian state from before the debate over political agency summarised, elaborated and further catalysed by the publication in 1974 of Steven Lukes' landmark essay, *Power: A Radical View*.

To refresh the reader's memory, Lukes criticises the "one-dimensional view of power" as over-reliant on a "behavioural" methodology to detect its workings and effects: concentrating on the overt words and deeds of decision-makers. A "two-dimensional view... [entails] attend[ing] to those aspects of power that are least accessible to observation...

[recognising] that, indeed, power is at its most effective when least observable” (1974/2005: 1). Hidden interests may contrive to manipulate political agendas ‘in advance’, so to speak, ensuring that “decisions are prevented from being taken on potential issues over which there is an observable conflict of (subjective) interests” (ibid.: 24-25). The one-dimensional view can be misleading: notably, Lukes argues, by making it appear that power is more widely dispersed, and political structures more “pluralistic”, than they really are.

Take, by way of brief illustration, a phrase familiar from countless news reports: “the American-sponsored Middle East peace process”. Applying, in turn, Lukes’ first two views of power lead us to make opposite meanings out of this statement. A one-dimensional view would infer, from the overt words and deeds of US diplomats, engaging with Israel and the Palestinians down the years, that America is in favour of peace. Following Lukes, I ought immediately to disaggregate ‘America’, to make it clear that I am referring to dominant factions of the Washington power elite. It may serve their presentational interests to *position* the US as working for peace, in political and media discourses, and having an ongoing ‘peace process’ creates an indispensable role for America in the region, which is seen by those factions as a major strategic asset. The *attainment* of peace, on the other hand, would risk obviating this role, so, on a two-dimensional view, ‘America’ may not, in structural terms, be in favour of peace after all.

This is not the space for an exhaustive trawl of the record to attempt to ‘prove’ this proposition, but several landmarks stand out as offering at least *prima facie* support for it. The Camp David meeting brokered by President Clinton in 2000 was doomed, according to an account *a clef* by Robert Malley (Clinton’s special adviser for the talks) and Hussein Agha in the *New York Review of Books* (Malley and Agha, 2001). The White House had turned a blind eye as Prime Minister Ehud Barak disregarded interim steps provided for in the Oslo accords, with “excessive” willingness to make allowances for his domestic political predicament. Palestinian President Yasser Arafat, by contrast, was expected simply to “deliver” his people, tribal-style, to whatever was cooked up in the talks, or take the blame for their failure.

An under-pressure Clinton humiliated one Palestinian negotiator after another by shouting at them, red-faced, when they refused to offer the expected “concessions”, according to another insider, Martin Indyk, who served as US Ambassador in Tel Aviv. Washington’s “capriciousness” as a mediator is attributable, Indyk admits, to the “asymmetry” of America’s relations with the two parties (Indyk, 2009: 308). The later Taba proposals did set out a plan potentially acceptable to the Palestinians but by then the three leaders involved – Clinton, Barak and Arafat – lacked the political capital to push them through, and in any case Barak’s Chief of Staff had written secretly to the Americans expressing “reservations”, it was later revealed (in Morris, 2009): a ‘back-channel’ relying on Washington’s eventual preference, in every such case, for the interests of its ally over those of peace.

By June 2008, Barak’s successor-but-one, Ehud Olmert, was engaged in the Annapolis process brokered by Secretary of State Condoleezza Rice, when he was summoned to the White House to meet, not Rice herself but President Bush and Vice-President Dick Cheney. When he touched back down at home, the steps of his plane were still visible in the background as he declared to waiting reporters that the “pendulum is swinging” towards an attack on Gaza (in Berger, 2008). The Goldstone report found that an Egyptian-brokered ceasefire was breached by Israeli commandoes, months later, whereupon the Bush Administration transferred “bunker-busting bombs” to Israel followed by another large consignment of arms containing 5.8 million pounds of explosive weight (Reuters, 2009, quoted in Philo and Berry, 2011: 154). Bush provided diplomatic protection for long enough for an attempt to inflict a decisive blow on Hamas – seen in Washington as a tool of Iran, a

rival potential regional hegemon – before the Obama Administration took office.

A third dimension

The two-dimensional view may afford greater insight into such episodes, but it offers only a “qualified” form of behaviourism, Lukes notes. It still attributes agentic influence to the choices of rational individual actors, albeit they may contrive to conceal their true motivations. A three-dimensional view, by contrast, allows that

“the bias of the system can be mobilized, recreated and reinforced in ways that are neither consciously chosen nor the intended result of particular individuals’ choices” (Lukes, 1974/2005: 25).

The impetus for developments in conflict can take shape around and between individuals, as well as within them. There is no evidence that Bill Clinton, Condi Rice, George Mitchell and others were knowingly insincere when they made statements in favour of peace. They may merely have lacked the self-knowledge (or access to an acceptable political vocabulary) to address the asymmetry built into the system of relations connecting the US, Israel and the Palestinians, and the glaring contradiction with America’s perceived strategic interests, which filter the options able to be openly discussed.

In a later edition, Lukes considers Michel Foucault’s contributions to the debate over political agency and, while repudiating some of the “ultra-radical” implications of the decentred self in its relation to power, clearly regards some now familiar Foucauldian ideas as complementary to his own. “There is no power that is exercised without a series of aims and objectives”, we read, in *The History of Sexuality*. “But this does not mean that it results from the choice or decision of an individual subject; let us not look for the headquarters that presides over its rationality” (Foucault, 1978: 95). While, in a particular context, “the rationality of power is characterised by tactics that are often quite explicit at the restricted level where they are inscribed (the local cynicism of power)”, Foucault tells us, this is far less significant than the existence of what Lukes calls “networked power”, which can be recognized precisely by its “context-transcending ability” (Lukes, 1974/2005: 75).

The Responsibility to Protect was adumbrated in 2001 in a report of the same name by the International Commission on Intervention and State Sovereignty, which proposed six “precautionary principles” for the non-consensual use of force to prevent “large-scale loss of life”. The first of these is “Right intention: The primary purpose of the intervention, whatever other motives intervening states may have, must be to halt or avert human suffering” (ICISS, 2001: 19).

This is to be expected in a document drawn up by policy-makers, seeking opportunities to make a difference with their own decisions. What is perhaps more notable is how far this linear notion of intentionality persists in the R2P scholarly literature. Contributions by five researchers to a recent ‘roundtable’ in the academic journal, *Ethics and International Affairs*, on ‘Libya, RtoP and Humanitarian Intervention’, for instance, are full of references to “policy-makers”, “policy analysts” and “diplomats” as agentic actors. But the insights of Lukes, Foucault and others effectively problematised the notion of intentionality, in the terms I have briefly sketched here.

A familiar term for one dominant faction of the Washington power elite is, of course, the military-industrial complex, with its potential to wield “unwarranted influence” over decision-making at “every level of government” (to quote the warning issued by President Eisenhower in his famous valedictory broadcast on leaving office in 1961). But these terms

are conspicuous by their absence from any of the writings of the R2P-o-philes (noted in Lynch 2012) – in public media, scholarly articles and books alike.

The communications scholar, Manuel Castells, made the influential contention that we now inhabit a “network society... characterized by the pre-eminence of social morphology over social action” (Castells, 1996: 500). That is to say, when individual decision-makers reach the point of taking action, their options are always already constrained by the influence of networks, “induc[ing] a social determination of a higher level than that of the specific social interests expressed through the networks: the power of flows takes precedence over the flows of power” (Castells, 1996: 500).

Something of the effect is captured in the anecdote recounted by Chalmers Johnson in the opening passage of *Blowback*, when Bill Clinton, as President of the United States, Commander-in-Chief and ostensibly the most powerful man on earth, regarded as politically impossible the call for him to sign the Ottawa Treaty banning landmines, because he “could not risk a breach with the military establishment” (Johnson, 2000: 70). The way in which prospects for a pre-emptive US military strike on Iran have entered the political agenda, via debates between candidates for the Republican nomination for the White House in 2012 (with concomitant pressure on the incumbent Obama Administration to be seen to respond in kind), supplies a further illustration. The sheer implicit overhang of military-industrial capability – especially as engagements in Iraq, Afghanistan and Libya appeared to be drawing down – was mobilizing, through political and media networks, its own strategic logic.

Lukes identifies media representations as one of the means by which the “bias of the system can be mobilized” in favour of responses to suit powerful interests, and the ICISS report itself discusses, as a phenomenon of growing importance in this context, the emergence of “media institutions with worldwide reach”. These, it says, are prime examples of

“an increasingly diverse array of new non-state actors [which] have forced the debate about intervention for human protection purposes to be conducted in front of a broader public, while at the same time adding new elements to the agenda” (ICISS, 2001: 4).

At times, indeed, the report appears to remit the job of *triage*, among all the sites with potential applicability for R2P interventions, to media coverage, by positing “conscience-shocking situations” as the trigger for action (a phrase that has endured to become something of a slogan for the R2P-o-philes). How is our conscience to be shocked, after all, except if such situations are drawn to our attention, and how are they to be drawn to our attention except by media?

This brings further problems in its wake. The sheer conventionality of news reporting skews the agenda for devising and applying measures to protect human life towards paradigmatic responses; responses, that is to say, to events that interrupt the flow of normality. It generally ignores or downplays the syntagmatic – the grinding everyday reality – even when it produces effects of equal or greater gravity for the people involved. Something that happens is a ‘story’; something that continues to happen is not (to paraphrase Galtung and Ruge, 1965).

The operation of news conventions can be glimpsed vividly in differential media responses to the Asian tsunami, of Boxing Day 2004, and the associated death toll; and a contemporaneous UN report on the number of children who perish through sheer deprivation, of basic needs such as food, clean drinking water and elementary medicine. By late the following January, the former had been established at a quarter of a million or more: a figure familiar at the time to readers and audiences of media the world over. The latter, at 11,000 per day, was described by the Harvard development economist Jeffrey Sachs as testimony to

the “silent tsunamis” devastating communities in poor countries on an ongoing basis – and yet it struggled to attain more than a modicum of passing attention from journalists (in Lynch, 2008).

The effect is directly relevant to a critique of the R2P-o-philes’ characteristic methodological and theoretical approaches. Firstly, the process by which media highlight conscience-shocking situations and the suggestion that they are, in the words of the ICISS report, “crying out for action” is the product of a complex relationship with power whose precise modalities are contested, in relevant research, but in which it is acknowledged to be much more difficult to disentangle who is responding to whom, than suggested in the ICISS formulations.

On the so-called ‘CNN effect’, in which media coverage supposedly prompts interventions that would not otherwise have taken place, the ‘centre of gravity’ of scholarly opinion is, as characterized by Balabanova, that “if it occurs it is only rarely and in situations of extremely dramatic and persistent coverage, lack of clear governmental policy and chaotic policymaking” (2010: 72). In several celebrated cases, such as ‘Operation Provide Hope’, the implementation of a no-fly zone over northern Iraq, and humanitarian aid to Kurds fleeing the vengeance of Saddam Hussein, in 1991 – identified by Shaw as journalism’s “finest hour” (Shaw, 1996) – strategic priorities had already been set, and were indeed a prime factor behind the concentration of media attention in the first place (Natsios, 1996). To interpret “conscience-shocking” news as a prompt, in a drama of prospective intervention, is to risk recursivity, since the incidence of such coverage may itself indicate that biases in systems have already been mobilized, in an ongoing drama of complicity.

An alternative model to the CNN effect, and one more attuned to Lukes’ three-dimensional view of power is supplied by Der Derian, who updates the concept of the military-industrial complex to MIME-Net, the “Military-Industrial-Media-Entertainment Network” (2009). Wars in the post-Cold War space are increasingly “virtual” in operation, he points out, as drones are controlled from thousands of miles away to bomb villages at the click of a mouse, and “embedded” journalism mimics the representations of first-person shooter computer games (a form closely associated with the military, as Ottosen (2008) has shown). They could, moreover, be presented as “virtuous”, Der Derian suggests, because of “new ethical and economic imperatives for [spreading] global democratic reform and neoliberal markets”.

These imperatives were gathered and articulated in the UN Millennium Report, *We the Peoples*, presented by then Secretary General Kofi Annan. In advocating “a more human-centred approach to security as opposed to the traditional state-centred approach” (United Nations, 2000, np), it heralded what Bellamy et al, in a standard text on peacekeeping, call a “post-Westphalian” era of intervention in conflict (2010: 4) – fashioning an R2P-shaped hole, perhaps, in the repertoire, just before its iteration in those terms (by the ICISS report, released the following year).

In this and other texts, Annan makes copious use of the term, “human capital”. These emphases – on human security and human capital – are twin faces of a neo-liberal governmentality, whose implications are made more explicit in a subsequent report, *Investing in Development*. In it, Annan argues for countries to meet the Millennium Development Goals by investing in core infrastructure and human capital, with the aim of “convert[ing] subsistence farming to market-oriented farming”, thereby “establish[ing] the basis for private sector-led diversified exports and economic growth” and “enabl[ing] a country to join the global division of labour” (United Nations, 2005: 7). The human subject now constituted as a ‘globalized’ individual first and foremost and a member of a political community second if at all, is to be secured in order to be successfully inserted into global markets – above the heads, where necessary, of states that may wish to pursue different policies.

It is in this context that R2P has been successfully implanted. It is part of a global ascendancy of neo-liberalism, challenged only at the margins, which can be denoted by Lukes' term, "the biases of the system". Humanitarian interventions are responses to perturbations in this system that occur in a time, place and manner consonant with widespread conventions of media coverage: event-driven, and closely tied to official agendas.

Reciprocal parts of the same system take effect in a myriad of ways that generally elude media attention, but they may have grave implications for human protection in general. Vandana Shiva, accepting the Sydney Peace Prize in 2010, likened the conversion of subsistence to commercial farming to:

"A war against the earth... Pesticides, which started as war chemicals, have failed to control pests. Genetic engineering was supposed to provide an alternative to toxic chemicals. Instead, it has led to increased use of pesticides and herbicides and unleashed a war against farmers..."

...The high-cost feeds and high-cost chemicals are trapping farmers in debt – and the debt trap is pushing farmers to suicide. According to official data, more than 200,000 Indian farmers have committed suicide in India since 1997" (Shiva, 2010: np).

Some of the most potentially conscience-shocking issues of human protection arising from the neo-liberal dispensation of global governance are syntagmatic, not paradigmatic.

Despite – or perhaps because of – the free-market policies adopted by the Indian government since the early 1990s, according to the Multidimensional Poverty Index (developed by Oxford Poverty and Human Development Initiative with UN support), eight Indian states were home in 2010 to more of the world's poorest people than the 26 poorest African countries combined (BBC, 2010: np). The nutrition available to the poor had actually fallen, in absolute terms, during India's years of market-driven growth: according to Patnaik (2008: np), the proportion of the rural population unable to access 2,400 calories a day climbed from 75% in 1993-94 to a record high of 87% by 2004-05.

Between them, the reforms of the neo-liberal era of global governance can be seen as an implicit 'grand bargain'. At the start of the period in the 1970s, switching responsibility for setting the terms of trade from UNCTAD to the GATT and then the WTO instituted a bias in favour of free trade, with its supposed trickle-down effect. That superseded calls for implementation of managed-trade agreements with compensatory terms, for countries disadvantaged by colonial legacies, built in (Bello, 2005).

The free trade system overrode state prerogatives where these offered barriers to capital accumulation, so minimum standards of welfare and protection (the Millennium Development Goals and R2P) were offered as a 'safety net' by way of compensation for the citizens of countries now being left further behind by the growing gap between rich and poor. This offers a potential political utility analogous to that of 'social safety nets' in a constitutional order that Bobbitt called the "market state" (2003). By reassuring us that departures from normality that shock our conscience will be met with effective action – and victims preserved from falling too far into degradation or peril – it may serve to drain political impetus from alternative, more avowedly redistributive agendas.

A new methodology for R2P research

Bellamy presents the forward-oriented agenda for R2P research in the following terms:

“Working out what combination of measures works best in different circumstances, and precisely where available and willing capacity lies, is a major and as yet unmet challenge for researchers” (2011b: 268).

It typifies an approach labelled, by Robert W Cox, as “problem-solving”, which:

“Takes the world as it finds it, with the prevailing social and power relationships and the institutions into which they are organised, as the given framework for action. The general aim of problem-solving is to make those relationships and institutions work smoothly by dealing effectively with particular sources of trouble” (1981: 128-129).

Drawing on Lukes’ three-dimensional model of power, I have identified, and provided reasons to revise, certain theoretical commitments inscribed in such an approach when applied to R2P. That done, I now propose some concomitant methodological changes, the better to assess particular developments against criteria of general human protection via the reduction of all forms of violence: structural, as in the experience of Indian farmers, as well as direct. Then I re-examine some well-rehearsed cases, to show how different conclusions can be drawn from the application of a revised theoretical and methodological approach.

1. Much more critical scrutiny is warranted, of the hidden agendas of the would-be intervening powers, not just ‘tactically’, in the here-and-now and the identified conflict arena, but in general, and with a conception of power as networked, and able to transcend context.
2. Research needs to find ways of exploring the ‘path not taken’: the options for response kept off the agenda by the tacit advance operation of power which is most effective when least visible. Pattison justifies the Libya intervention, for example, on the grounds familiar from the ICISS document that “it is a response to a sufficiently serious situation and thus has sufficient scope to do enough good to outweigh the harms of military force” (2011: 253). This is the familiar ‘bomb-or-do-nothing’ dyad, but it excludes meaningful consideration of other alternatives for action, as I discuss in detail below.

Common to the Afghanistan and Libya cases has been the exclusion of what is called, in the jargon, a ‘heavy footprint’ for the UN, as implied by, for instance, the formation of a Transitional Administration with a peacekeeping mandate. In Afghanistan, the Organisation reluctantly accepted a ‘light footprint’ – confined to a monitoring role – and in Libya the job of protecting civilians was devolved to NATO. Discussion of a more extensive role for troops and other personnel directly under UN auspices and command was forestalled in both cases because such provisions are seen by dominant factions in Washington, and allied capitals, as unacceptable constraints on the scope for military operations.

3. Discussions of the consequences of military interventions, both actual and prospective, need likewise to be conducted across a much broader canvas of conflict formation, in space and time. This needs to include an acknowledgement that what are presented as humanitarian interventions may also act as periodic reminders of capacity and willingness to – as Rogers puts it – “keep the lid on dissent” (2008: 154) from the global system of market-driven economic relations, at the expense of calls for system-level reforms.

Bellamy quotes an international coalition of NGOs as opposing the inclusion of measures to address poverty and inequality, in discussions of how the Responsibility to Protect could be operationalised, as “unhelpful” because they risked “subordinat[ing] R to P to decades-old political disagreements” (2011a: 93).

Attempts to assess the consequences of any particular third-pillar R2P ‘episode’ must include its ‘gravitational pull’ on global attention; not only towards itself but also thereby away from critical scrutiny of the effects on people of immersion into global systems, in the forms of violence – both structural and direct – experienced away from the ‘spotlight’.

How, then, could some of the familiar case studies be revisited in light of these proposals, and what assessments could be made?

Kosovo

The International Commission on Intervention and State Sovereignty was set up by the British and Canadian governments: two of the protagonists, through NATO, of Operation Allied Force, the 78-day campaign of aerial bombardment against the rump federal state of Yugoslavia in 1999.

Pattison briefly references what has become received wisdom among the R2P-ophiles, that this was an “intervention... to protect the Kosovar Albanians from ethnic cleansing” (Pattison, 2011: 251). But there is abundant evidence of hidden interests, and of agendas being set in advance to produce predetermined outcomes. In the process, viable alternative responses were crowded out and suppressed, with war turned into an inevitable outcome as system biases were mobilized.

Years of non-violent civil disobedience by the Kosovar Albanians was ignored by the international community, and the issue was sidelined in the 1995 Dayton talks to resolve the Bosnian civil war. Then when the Kosovo Liberation Army emerged in 1998, the CIA was quick to step in with training, and weapons payments were funneled through German bank accounts (Judah, 2002). The ‘Kosovo Verification Mission’ of the Organization for Security Cooperation in Europe was handed a lopsided brief, which oversaw a ceasefire and a withdrawal of Yugoslav army units from the province, but did nothing to stop the KLA from taking over their revetted positions, and using them to step up attacks on Serb officials including postal staff and police officers.

Investigative journalism by a team from the BBC’s *Panorama* programme revealed that the North Atlantic Council of NATO ambassadors was briefed that the KLA was responsible for most breaches of the ceasefire, but in public, leaders of NATO countries gave the opposite impression (BBC, 2000). When the Rambouillet talks failed because the KLA demurred from a draft agreement that threatened to deprive them of their arms, and stopped short of promising independence, then US Secretary of State Madeleine Albright wrote a codicil, providing for a referendum on Kosovo’s constitutional status within three years, and re-classifying the guns as ‘personal protection weapons’.

So when the talks reconvened in Paris the KLA signed up, and the bar was simultaneously set too high for the Serbs to surmount. This, Ms Albright told the BBC, was to create “clarity” (BBC, 2000) – that the ‘intransigent’ Slobodan Milosevic, pulling strings from Belgrade, was to blame for the impasse, and must now be punished. Lord Gilbert, at the time a Defence Minister in the British government, told a committee of MPs:

“I think certain people were spoiling for a fight in NATO at that time. I think the terms put to Milosevic at Rambouillet were absolutely intolerable: how could he possibly accept them? It was quite deliberate” (in Wintour, 2000: np).

Why should certain people in NATO be spoiling for a fight? A clue is to be found in *Defense Planning Guidance*, a 46-page Pentagon policy brief leaked to the *New York Times* in 1992, which set out a new strategic posture for the United States in the post-Cold War world (Tyler,

1992: np). Success in this new era would entail finding new ways to retain American dominance in three key regions, this said: Europe, the Middle East and the Far East. Above all, “we must seek to prevent the emergence of European-only security arrangements which would undermine NATO” (in Tyler, 1992: np). And why? “It is of fundamental importance to preserve NATO as the primary instrument of Western defense and security as well as the channel for US influence and participation in European security affairs” (in Tyler, 1992: np).

If the break-up of Yugoslavia could be managed successfully as a political problem, then the European Union, now becoming more assertive after successive rounds of enlargement, could be the prime candidate for the job: to the exclusion of the Americans. If, on the other hand, the issue could be turned into a military problem, then this would permit, indeed require US involvement, as the *de facto* leader of NATO.

Eventually, as the war meandered on inconclusively, NATO turned to the UN and the Russians for help, with twin mediators appointed to contrive an ‘end game’ to the crisis: former Finnish president Martti Ahtisaari, and former Russian Prime Minister Victor Chernomyrdin. Agreement came at the price of two significant NATO climb downs. UN Security Council Resolution 1264, which sealed the deal, provided for a separate Russian area in the north of Kosovo, where K-FOR troops would be under Russian command in what was effectively a partitioned province; and there was no explicit mention of any provision for Kosovo’s independence. Peace proposals circulating before the bombing, including a ‘Cantonisation plan’ (European Stability Initiative, 2004: 10) drawn up by the Serbian Orthodox Church, belong in the ‘path not taken’ category, and advocated what were, in effect, similar arrangements, without the bombing, and the bitterness and enmity it created.

The direct, linear consequences included a diversion of aid budgets away from situations of arguably greater need, but away from media focus (in Vidal, 1999: np). And they included the displacement of up to 200,000 non-Albanians from their homes in Kosovo, in a large-scale act of ethnic cleansing. This was the non-reversible exodus triggered by the end of NATO’s bombing – in contrast with the rapidly reversed exodus, of hundreds of thousands of ethnic Albanians, triggered by its onset. Before NATO started bombing, there were no displaced Kosovans of either Albanian or non-Albanian descent; those few thousand who had left their homes as the violence spiked in mid-1998 had all returned by then.

The indirect, extra-linear consequences included knock-on effects on political relations, with significant implications for mobilizing consensus around issues of human protection. Chinese and Russian resentments had faded by the time of Resolution 1973, on Libya, enough to forbear from using the veto. (In spite of the double standards Moscow perceived over the refusal in Western capitals to see the Abkhazian struggle for self-determination in the same light as that of the Albanian Kosovars).

But the manner in which NATO discharged the Libya mandate caused renewed anger, with Prime Minister Vladimir Putin telling reporters that in “taking the side of one of the warring parties, [NATO] had committed a crude violation of the UN resolution” (in Dejevsky, 2011: np). Russia’s subsequent manoeuvrings at the UN in thwarting moves to issue a reproach to Syria, then proposing a weak and divisive Security Council Resolution, can be traced, in part, to a revival of fears transmitted from Kosovo, which arguably polluted the R2P concept from the outset by associating it with regime change and threats to internationally recognized borders.

How so? Gareth Evans, who co-chaired the ICISS and later became R2P’s chief ‘norm entrepreneur’, has recalled how he had to go into a separate room, alone with the US representative, Congressman Lee Hamilton, for an “arm-wrestle” (Evans, 2008: 5) over the wording of the report about the indispensability of legal cover from the Security Council, eventually contriving a ‘fudge’ to avoid giving the Kosovo intervention a retrospective ‘red card’.

Libya

There was a problem in Libya: the repressive regime of Colonel Muammar Gaddafi and its stated willingness to kill large numbers of its own citizens: the most candid statements of the kind from any government, Bellamy observes, since the Rwandan genocide of 1994 (2011b: 265).

Then, there was another problem in Libya: “We have hundreds of little Gaddafis now. There is no one to stop them, and they are convinced that because they suffered in the war, they should be able to do what they like”, one Tripoli resident told a British journalist weeks after the fall of the old regime (in Meo, 2011: np), among a growing number attesting to the arbitrary and violent nature of ‘revolutionary justice’. At the time of writing, armed militias showed no sign of leaving the territory they had now marked out, and international monitoring groups were raising the alarm (Amnesty International, 2011: np) over the large numbers of Libyans held without trial and, in some cases, tortured; with sinister overtones of racial profiling in that most were of black African origin.

These concerns added to unease over the death toll from the war itself, estimated as early as September 8th, by the National Transitional Council itself, at 30,000 (in Spencer and Sherlock, 2011: np). This was some weeks before the siege of Sirte, where at one point Medecins Sans Frontieres estimated that up to 10,000 civilians were trapped.

It should pique researchers’ curiosity over what, in this case, lay along the path not taken. UNSCR 1973 was momentous because it brought about what many had thought never to see: an authentic, non-consensual military intervention under the so-called “third pillar” of the Outcome Document of the World Summit in 2005, when the UN General Assembly, meeting at Head of State and Government level, adopted the R2P principle by consensus. Unlike in the ICISS document, however, the indispensability of Security Council approval was now spelt out with absolute clarity. The declaration, Bellamy notes, “disappointed those who wanted to see greater progress on questions concerning non-consensual intervention” (2009: 67) and for a while that cause had seemed to be stymied.

It is worth revisiting the wording of Resolution 1973 itself. It does indeed authorise member states to use “all necessary measures” under Chapter VII of the Charter to protect “civilians and civilian populated areas under threat of attack”. But it begins by “Demand[ing] the immediate establishment of a cease-fire” and noting – apparently with approval – the “decisions of the Secretary-General to send his Special Envoy to Libya and of the Peace and Security Council of the African Union to send its ad hoc High Level Committee to Libya with the aim of facilitating dialogue to lead to the political reforms necessary to find a peaceful and sustainable solution” (UN, 2011: np).

It makes no mention of overthrowing Gaddafi, and indeed, Gareth Evans, in a newspaper column welcoming the resolution, emphasised that:

“Legally, morally, politically and militarily it has only one justification: protecting to the extent possible the country’s people from the kind of murderous harm that Gaddafi inflicted on unarmed protesters four weeks ago, has continued to apply to those who oppose him in the areas he controls and has promised to inflict on anyone against him should his forces recapture Benghazi and other rebel-held ground. And when that job is done, the military’s job will be done. Any regime change is for the Libyan people themselves to achieve” (Evans, 2011: np).

Within a matter of weeks, however, a jointly bylined article by Presidents Barack Obama and Nicolas Sarkozy and UK Prime Minister David Cameron declared that in order for civilians to be protected, and “a genuine transition from dictatorship to an inclusive constitutional process... led by a new generation of leaders” set in train, “Qaddafi must go and go for good” (Obama et al, 2011: np). Hence the campaign sided openly with the forces attempting to bring about regime change, perhaps, at least in part, because NATO was under pressure to be seen to ‘win’.

Such is the logic of war, as Mary Kaldor observed, in a column calling for an alternative approach to assist the nonviolent protests against the regime whilst attempting to avoid sowing divisions and bequeathing a situation of violent instability. Once the immediate threat, to the city of Benghazi, had been lifted:

“The first task should have been to declare Benghazi and the liberated areas a UN Protected Area or safe haven. International peacekeepers would have had to be deployed to help protect the liberated areas. Humanitarian and reconstruction assistance and support for a democratic political process would also have to be provided so that the liberated areas could provide poles of attraction for other parts of the country” (Kaldor, 2011: np).

What is perhaps most important is that highlighting, and exploring the implications of, such alternatives, need not be seen as a merely opposite position to that of the R2P-o-philes (‘R2P-o-phobia’, perhaps). Kaldor goes on to argue:

“The peace-keepers would defend the protected areas robustly; they would not attack Gaddafi forces but, given the opportunity, they would try to arrest those indicted by the International Criminal Court. They would, of course, need air protection and indeed what has happened already helps to provide conditions for a safe haven. But this is different from relying on military attacks from the air alone” (ibid.).

The Resolution stipulated that there were to be no foreign occupation forces, but, Kaldor maintained, UN peace-keepers, especially if drawn from countries in the (broadly defined) region, could be seen differently. Above all, if this path had been taken, there would, after the fall of Gaddafi, be an obvious answer to the question, ‘who is running Libya?’ – pregnant as it is with perils to human protection. The deployment of a *bona fide* UN peacekeeping mission could then have been fleshed out, as in Eastern Slavonja in the 1990s, into a full-scale Transitional Administration, with a mandate to oversee the decommissioning of military units and the disarming of irregular forces.

Hugh Roberts recounts the submission, in an open letter to the UN Security Council, of “an active, practical, non-violent alternative” to military action, sent on the eve of the debate that led to the adoption of Resolution 1973. This scheme, from the International Crisis Group – a well-connected International NGO, headed by Gareth Evans himself, where Roberts also worked at the time – provided for:

- (i) “The formation of a contact group or committee drawn from Libya’s North African neighbours and other African states with a mandate to broker an immediate ceasefire;
- (ii) Negotiations between the protagonists to be initiated by the contact group and aimed at replacing the current regime with a more accountable, representative and law-abiding government...
- (iii) The deployment under a UN mandate of an international peacekeeping force to secure the ceasefire” (Roberts, 2011, np).

The adoption of such a plan would have been in keeping with the views of both the African Union and of several influential non-African states, he argues (such as Russia, China, Brazil, India, Germany and Turkey) and would have “set out the main elements of an orderly transition to a more legitimate form of government, one that would avoid the danger of an abrupt collapse into anarchy” (Roberts, 2011: np).

Why were such expedients kept off the agenda at the UN? Safe havens have a bad name, Kaldor admits, from the massacre at Srebrenica in 1995, but that merely argues for a more robust mandate for the troops defending them. There is a longstanding problem with deployability, and the standard UN target timeline of a minimum 30 days to get peacekeepers on the ground would have allowed significant developments in the conflict to pass by in the meantime. Evans points out (2008: 217) that some rapidly deployable resources do exist – such as the Multinational Standby High Readiness Brigade – even if they are currently confined to standard Chapter VI peacekeeping missions, as opposed to Kaldor’s imagined scenario which would be better conceived as “peacekeeping plus”.

Perhaps the strategic interests in creating and seizing the opportunity for a successful NATO war made it feel as if detachments of blue helmets would simply get in the way. They might have ‘frozen’ a division of Libya, which might have created space for the UN and African Union mediation efforts to bear fruit, in the shape of dialogue leading to political reforms – but that might have delivered an outcome lacking in ‘clarity’, without the unequivocal defeat of Gaddafi and his regime.

Cote d’Ivoire and Sierra Leone

Would-be intervening parties are accustomed to disavowing any selfish strategic agenda behind their actions. In sending troops to Sierra Leone, in 2000, the British reversed the pattern by inventing a pretend one – standing by to evacuate UK nationals – as cover for a more altruistic ‘real’ motivation: shoring up a legitimate government in the face of well-resourced and ruthless opponents bent on its destruction. The subterfuge was deemed necessary, by then Foreign Secretary, the late Robin Cook, to forestall objections that soldiers were being expected to risk their lives in a part of the world far from the apparent preoccupations of most UK voters.

The deployment was conceived to support an existing UN mission, which had succumbed to “panic”, in the words of one Indian officer serving with the peacekeepers, after several incidents in which blue-helmeted troops from various national contingents were captured and held hostage by the Revolutionary United Front (Raman, 2003: np). Charged principally with overseeing the Lomé peace accord, which brought Sierra Leone’s civil war to a belated end, the UN mission scored some notable early successes in persuading large detachments of RUF troops to demobilize and disarm. Its mandate was extended in 2000, to include “providing security” at government buildings and strategically important transport links – which brought it into implicit conflict with the irredentist RUF. The Brigadier in command of the British force commented laconically: “In fact, it did what UN missions often do, by deciding to try to appear ‘neutral’ in defiance of its mandate” (Riley, 2006: np).

British paratroopers held Freetown against an RUF advance, and scoured rebel areas with controversial help – an Australian television documentary revealed – from mercenaries flying helicopter gunships. The commander of the UN Assistance Mission even went so far as to commend this unorthodox method as a model for future operations: “I think in some countries perhaps a smaller, well equipped, well trained mercenary force would probably be the answer” (ABC, 2000).

The British commander made two telling comments, in retrospect, of significance in the context of this study. He was left in no doubt, he said, that the essence of his task was to

ensure that the UN was not seen to fail: “The British government’s expressed aim was ‘the establishment of sustainable peace and security, a stable democratic government, the reduction of poverty, respect for human rights, the establishment of accountable armed and police forces, and the enhancement of the UN’s reputation in Africa and more widely’” (Riley, 2006: np). He also emphasised the need for willingness to engage ‘on the ground’ in pursuit of such aims: “When looking at what was achieved with the Sierra Leone Army, it must be obvious that in these situations, there is little use in throwing money at a problem without also providing expertise. That will mean exposure” (Riley, 2006: np).

Special forces had to rescue British soldiers who had exposed themselves by deploying deep in territory held by a rebel splinter group, the West Side Boys – a task accomplished, to relief in London, with the loss of only one British life. The UN mission was bolstered in 2001 when a well-trained contingent of Pakistanis turned up; the newly formed Peacebuilding Commission subsequently brought “an unprecedented level of coordination and integration of peace-building activities across sectors” (Lambourne and Herro, 2008: 283), and the RUF leader, Foday Sankoh, was arrested and brought before the UN-backed Special Court for Sierra Leone (though he died of natural causes before his trial could take place).

The episode has one significant factor in common with the later intervention in Cote d’Ivoire: unlike Muammar Gaddafi, a leader accused of command responsibility for atrocity crimes was not murdered but taken into custody. In another resemblance, a small, professional unit from a European army – the French *Operation Licorne*, in this case – arrived to reinforce a UN mission and, between them, the two contingents managed to keep rival forces apart and prevent another episode of full-blown civil war.

In the end-game for the regime of Laurent Gbagbo, French and Ukrainian helicopter gunships (the latter seconded to the UN mission itself) destroyed artillery batteries positioned ominously within range of civilian areas of Abidjan, and stood by to forestall trouble as Gbagbo, who had refused to accept defeat in a presidential election, was arrested along with some 50 members of his entourage. Alive and under UN guard, he issued an order to his forces to cease fighting.

And the French interest in becoming involved? Diplomatic cables disclosed by Wikileaks suggest that, by the time of the fall of Gbagbo, Paris regarded the entanglement as a relic of a previous concept of diplomacy towards Africa – the paternalistic approach associated with former President Jacques Chirac. “The French are quite bitter about Cote d’Ivoire, once a crown jewel of France-Afrique”, one cable said,

“...which spiralled into chaos after the death of one of France-Afrique’s biggest advocates and beneficiaries, [former President Felix] Houphouet-Boigny, reaching a nadir with the November 2004 bombing by Cote d’Ivoire of French forces in Bouake. *Operation Licorne* in Cote d’Ivoire, perhaps France’s last unilateral military intervention in the old style, has cost France about €250 million per year, or well over a billion euro in total, without yielding decisive results” (Wikileaks, 2011: np).

Auguries in both countries are mixed, of course. The new Ivoirian president, Alassane Ouattara, appears to have been at the top of a direct chain of command when troops loyal to his cause allegedly shot hundreds of men in cold blood at the town of Duekoue, as they bore down on Gbagbo strongholds in the south of the country, but he has disavowed any prospect of investigations into the incident that might implicate senior political leaders (Doyle, 2011: np). And Jonathon P Riley, the British commander in Sierra Leone, has reflected that his work in reforming the country’s military may “simply have prepared it for the next coup d’état” (op. cit.).

Upstream factors

For all the reservations, the two episodes at least imply that a combination of circumscribed deployment on the ground by a highly-trained, well-equipped force, and an adjacent fully-fledged UN mission to take over security – and even, on a transitional basis, administrative functions – can, in certain circumstances, protect human lives, prevent chaos and bequeath an acceptable level of stability for inclusive peacebuilding. It leads on to several questions. In what circumstances are such deployments proposed and approved? By whom, and in pursuit of what interests, both overt and tacit? Why and how, in other situations, are they kept off the agenda of possible responses?

The last of these acquires further resonance if the UK mission in Sierra Leone is considered in the context of Britain's other policies towards sub-Saharan Africa, and of partnerships by the New Labour government with major aid agencies and nongovernmental organizations. The year 2005, when the World Summit adopted the R2P principle by consensus, also saw the culmination of the Make Poverty History campaign – championed by the UK as Chair of the G8 industrialised countries – for the unconditional forgiveness of debt owed to the rich world by Highly Indebted Poor Countries.

It was conceived and intended to address what are called, in the R2P context, “upstream factors”, which, it is argued, predispose societies afflicted by economic injustice towards disorder and violence. The issues involved in such a campaign are unavoidably processual, rather than event-driven, and therefore a more difficult ‘sell’ to media. However, a broad coalition of NGOs, with cooperation from authorities in cities in each G8 country, overcame such difficulties by dint of organising a series of high-profile ‘Live 8’ rock concerts in public parks.

Campaign demands included reversing one of the signature policy ploys of the neo-liberal hegemony: the application of ever more extensive and tightly defined conditions on bank lending by International Financial Institutions. The average IMF program from 1952–73 had only four conditions, rising to seven between 1974–82 and 12 between 1983–95. The same holds true for the World Bank, which averaged 34 conditions from 1980–82, increased to 35 in 1983–86, and rose again to 56 in 1987–90 (Dreher, 2003: np). Conditions typically include lowering tariffs on imports, implementing health sector ‘reforms’, controlling government spending, bank restructuring and privatization of public services – all simultaneously lowering barriers to capital accumulation by business in donor countries.

Official communiqués from the G8 Summit at Gleneagles, in Scotland, gave the impression that poor countries’ debts would indeed be written off unconditionally, but news seeped out over subsequent weeks – as media focus switched abruptly elsewhere – that the opposite was the case: “Even the crustiest sceptics have been shocked by the speed with which promises have been broken” (Monbiot, 2005: np).

This was, perhaps, a swing of what Stuart Rees, following Lukes, calls the “power pendulum”, between forms of domination, exerting “power over others”, on the one hand, to “creativity towards liberation” on the other (Rees, 2003: 66-67). At the time of Make Poverty History – with its explicitly anti-neo-liberal slogan of “trade justice” – and the world’s acceptance of the R2P principle, it arguably swung in the latter direction. However, this was undermined by a collocation of factors, including the nature of the G8 itself (commonly reported by journalists as if it is a *bona fide* institution of global governance, but essentially a self-selected club) and perhaps by “disingenuous” humanitarian justifications in the invasion of Iraq, which acted, Weiss observes, as a “conversation stopper” on how to implement R2P (2011: 290).

Conclusion

These, then, would be points of potential significance in any effort to operationalise the R2P research agenda put forward in this article: examining case studies to reveal the tacit interests involved, especially by identifying and considering turns of the ‘path not taken’; perhaps with an additional analytical factor as supplied by Stuart Rees’s power pendulum. That would enable distinctions to be drawn, between attempts at domination, and acts by intervening parties so “at ease with their own sense of identity that they have no need to compete with others” (Rees, *op. cit.*).

This would supply an alternative approach in academic research to the questions implicit in the Responsibility to Protect. It is significant, in this context, that the four-point pledge by members of the International Coalition for the Responsibility to Protect contains two (half the total) emphasising the dangers of misappropriating a cherished principle:

- “Defend against RtoP being interpreted as a new version of military humanitarian intervention.
- Guard against the abuse of the norm by governments, regional organizations or international organizations” (ICR2P, *nd*).

Researchers following the methodology set out in this article would be in a position to add further layers to the debate over how best to respond to particular conflicts and crises, and therefore equip us with safeguards against misuse: such as the “poorly and inconsistently argued humanitarian justification for the war in Iraq”, which, Evans recalls, “almost choked at birth what many were hoping was an emerging new norm justifying intervention on the basis of the principle of responsibility to protect” (Evans, 2004: 63). Not an R2P-o-philiac agenda, to be sure, but neither R2P-o-phobic; perhaps meriting the title of R2P-o-sceptic, instead.

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