

CLARISSA RENÉE WINTER BEATTY PODBIELSKI

THE RESPONSIBILITY TO PROTECT:
RHETORIC AND REALITY IN THE INTERVENTION IN LIBYA

Thesis supervised by:

Prof. Carmen Márquez Carrasco

In the framework of:

E.MA – European Master's Degree in
Human Rights and Democratisation

First Semester:

Venice, Monasterio di San Niccolò
EIUC – European Inter University-Centre
for Human Rights and Democratisation

Second Semester:

Sevilla, Universidad de Sevilla

Academic Year:

2010/2011

ABSTRACT

This thesis examines the normative development of the principle of Responsibility to Protect (R2P) from its initial conception, formulated by the International Commission on Intervention and State Sovereignty, to its final endorsement in the 2005 World Summit Outcome Document. The evolution of R2P has precipitated the debate on the responsibilities of both individual states and the international community to protect populations against genocide, war crimes, crimes against humanity and ethnic cleansing. The notion of R2P has been accepted as an umbrella term that is not limited to military intervention alone but includes a responsibility to prevent, react and rebuild.

The military intervention in Libya has shown that the rhetoric of R2P when put into practice, has had to face the controversies surrounding the reality of the use of force as a legal and legitimate instrument of protection. The implementation of the R2P principle sought to avoid the challenges posed by the problematic legacy of humanitarian interventionism. However, these issues persist and must be constantly debated if the commitment to strengthen the legitimacy and the authority of the international community to end atrocity crimes is to be translated into effective protection of civilians.

LIST OF ABBREVIATIONS

AU	African Union
CAAT	Campaign Against Arms Trade
EU	European Union
GAOR	General Assembly Official Records
GCR2P	Global Centre for the Responsibility to Protect
HLP	High-Level Panel
HRC	Human Rights Council
ICC	International Criminal Court
ICG	International Crisis Group
ICISS	International Commission on Intervention and State Sovereignty
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
ICRtoP	International Coalition for the Responsibility to Protect
IHL	International Humanitarian Law
LAS	League of Arab States
MS	Member States
NATO	North Atlantic Treaty Organisation
NGOs	Non Governmental Organisations
OIC	Organisation of the Islamic Cooperation
R2P	Responsibility to Protect
TNC	Transitional National Council
UN	United Nations
UNGA	United Nations General Assembly
UNHCR	United Nations High Commissioner for Refugees
UNSC	United Nations Security Council
US	United States
WMD	Weapons of Mass Destruction

TABLE OF CONTENTS

1. Introduction.....	6
2. A Long Way Home, R2P and its Founding Documents.....	13
2.1 The International Commission on Intervention and State Sovereignty.....	13
2.1.1 Responsibility to Prevent.....	17
2.1.2 Responsibility to React.....	19
2.1.3 Responsibility to Rebuild.....	23
2.2 The High Level Panel Report: “A more secure world: Our shared responsibility”	25
2.3 Report of the Secretary General: “In Larger Freedom: Toward Development, Security and Human Rights for All”.....	27
2.4 The 2005 World Summit Outcome Document.....	29
3. The Operationalisation of R2P, From Words to... More Words?.....	35
3.1 Reports of the Secretary General: “Implementing the R2P” and “Early warning, assessment and the responsibility to protect”.....	35
3.2 The debate on the UN’s authorisation of military intervention.....	41
4. R2P in Action: The Libyan Testing Ground.....	46
4.1 UN Resolution 1970, responding to calls for action.....	46
4.1.1 R2P and the ICC: converging and diverging responsibilities.....	50
4.1.2 In R2P we trust, or not?.....	55
4.2 UN Resolution 1973: opening R2P’s Pandora’s Box.....	59
4.2.1 The African Union: left out in the cold or unwilling to act?.....	64
4.2.2 The military intervention in Libya: legal, but legitimate?.....	68
5. Conclusion.....	76
Bibliography.....	79
Table of Principal Documents.....	95