

# The Geopolitics of Humanitarian Intervention: The Responsibility to Protect in Libya

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*This article analyzes the geopolitical narratives produced by France, the United Kingdom, and the United States from 15 February through 18 March 2011 as a humanitarian intervention in Libya was debated. We analyzed 146 statements and press releases, as well as official documents including the United Nations Charter, the Genocide Convention, and the doctrine of Responsibility to Protect (R2P), to gauge how the intervention was justified and how it was situated within the broader framework of humanitarianism. We argue that the thresholds for intervention are not well articulated and that the differences between the situation in Libya, which required an intervention, and others such as Bahrain, Darfur, or Syria that did not are unclear. The lack of thresholds and consistency creates a situation in which particular countries can use the cover of humanitarianism to legitimate an effort to remove a troublesome regime.*

*Keywords: genocide, geopolitics, humanitarian intervention, Libya, Responsibility to Protect*

*Cet article analyse les récits géopolitiques produits par la France, le Royaume-Uni et les États-Unis du 15 février au 18 mars 2011, durant le débat sur l'intervention humanitaire en Libye. Nous avons analysé 146 déclarations et communiqués de presse, ainsi que des documents officiels, y compris la Charte des Nations-Unies, la Convention sur le génocide et la doctrine de la responsabilité de protéger (R2P), pour comprendre la façon dont l'intervention était justifiée et comment elle a été positionnée dans le cadre plus large de l'humanitarisme. Nous soutenons que les seuils d'intervention ne sont pas bien définis et que les différences existant entre la situation en Libye, qui nécessitait une intervention, et d'autres situations telles celles au Bahreïn, au Darfour ou en Syrie, ne sont pas claires. L'absence de seuils et de cohérence crée une situation dans laquelle certains pays peuvent utiliser le prétexte d'une action humanitaire pour légitimer l'élimination d'un régime gênant.*

*Mots-clés : génocide, géopolitique, intervention humanitaire, Libye, responsabilité de protéger*

## Introduction

On 19 March 2011, France, the United Kingdom, and the United States led a military intervention into Libya, which they justified based on the need to protect civilians from the threat of violence and to assure the human rights of the population. The idea of humanitarian intervention is

rooted in the responsibility of the international community to protect vulnerable populations from politically motivated violence. After repeated tragedies such as the Holocaust during World War II and the Rwandan Genocide of 1994, situations in which the international community was aware of atrocities but failed to intervene to stop them, a new doctrine—the Responsibility to Protect (R2P)—was proposed in the early 2000s under the auspices of the United Nations. The Libya intervention in 2011 was the first test case. The decision to intervene raised more questions than answers about the threshold for intervention and the balance between demonstrated humanitarian need and the political desire to replace a recalcitrant regime.

The roots of the debate about humanitarian intervention are in the conflicting aims of the United Nations, as laid out in its charter. On the one hand, the United Nations is designed to prevent expansionary wars, and its charter requires all member states to recognize the sovereignty of other states and to refrain from meddling in their internal affairs. On the other hand, the organization was founded at the end of World War II, and an early goal was to protect vulnerable populations through peacekeeping missions and multilateral agreements, such as the 1948 Genocide Convention. These divergent aims—to simultaneously protect both the rights of the sovereign state and the right of the international community to intervene to protect civilians from political violence—perpetuate the controversies regarding humanitarian intervention (Pape 2012).

The Libya conflict was part of a wave of protests that took place throughout the Arab world that are collectively known as the “Arab Spring” (Fekete and Warf 2013). Tunisian president Zine El Abidine Ben Ali stepped down in January 2011, as did Egyptian president Hosni Mubarak in February. Unrest also began in Syria, Bahrain, and, finally, in Libya (Council on Foreign Relations 2011). The revolutions happened unexpectedly and fast, and the speed of the transition surprised outside observers as well as the leaders of these countries. In Libya, the revolution began in mid-February 2011, when protesters took to the streets and began throwing rocks at government offices in the eastern part of the country (Weaver 2011). Benghazi, Libya’s second-largest city, was the centre of the uprising. The city and its surrounding areas are much poorer than the western parts of the country around Tripoli, the base for Colonel Muammar el-Qaddafi, his tribe, and his family. In Benghazi, protesters clashed with security forces and set fire to government offices. The main protest was against the government corruption that had led to the lack of decent housing and normal living conditions in the eastern part of the country (Weaver 2011). Qaddafi’s armed forces confronted the demonstrators, and a bloody civil war began.

The international community became alarmed that thousands of people could be killed as the Libyan army surrounded Benghazi. On 17 March 2011, after a month of debate, the UN Security Council approved Resolution 1973 by a vote of 10–0, with Brazil, China, Germany, India, and Russia abstaining. The resolution demanded a ceasefire, established a no-fly zone over Libya, and authorized all means to protect civilians except a foreign occupation. Although Libya declared a ceasefire on 18 March, the siege of Benghazi continued, and on 19 March NATO began air strikes, which continued until 27 October (BBC 2011). With the help of NATO air power, the rebels slowly gained control of the country. Qaddafi was killed on 20 October 2011 by rebel forces in his home town, Sirte. The intervention was hailed as a success that protected the city of Benghazi and replaced the Qaddafi regime (Landler 2011); but the “New Libya” was left severely damaged, with thousands of deaths and substantial destruction of infrastructure through NATO air attacks. As of this writing, in February 2014, the situation in Libya is dire, with regular bombings, kidnappings, and killings as militias control the streets in large parts of the country (Nasser 2013).

This article analyzes the geopolitical narratives produced by France, the United Kingdom, and the United States from 15 February through 18 March 2011 as a humanitarian intervention in Libya was debated. Over those weeks, these three countries released 146 statements relating to the intervention in Libya. Using critical discourse analysis, we analyzed this data set as well as official documents including the UN Charter, the Genocide Convention, and the R2P doctrine, in order to gauge how the intervention was justified and how it was situated within the broader framework of humanitarianism (Fairclough 2003; Chouliaraki and Fairclough 1999; Locke 2004; Müller 2010; Richardson 2007).

Geopolitical narratives influence public consciousness and can play a significant role in major international decisions (Dalby 1990). Analyses of these narratives show how their messages are structured for public audiences. Following Müller (2008), we understand a discourse as the combination of narratives and practices. In this article we focus on the narrative constructions of humanitarian care and genocidal threat that led to the action of intervention in Libya. A critical geopolitical approach examines geographical knowledge as an inseparable part of the modern discourse of power (Barbour and Jones 2013). The specific label that is given to a place determines what kind of politics will be practised there. Dodds (2007, 1) writes that “the labeling of a particular place as ‘dangerous’ and/or ‘threatening’ can invite military assaults from land, sea, and air.” The places might not be actually problematic, but the creation of these negative narratives through categories such as

“dangerous” or “deadly” places can provoke certain actions that are often in the best interests of those with power on both internal and international levels (Coleman 2003; Dodds 2001; Ó Tuathail 1996). The importance of categorization is that it elicits public interest, because sensational descriptions contribute to public approval for humanitarian intervention (Jones 2009). Without this public approval, launching a military action in a sovereign state such as Libya would not be acceptable to the rest of the world. Analyzing these narratives helps to show how the international community framed their arguments for intervention in order to justify their actions (Sidaway 2012).

After tracing the history of the idea of humanitarian intervention, we analyze how France, the United Kingdom, and the United States described the threat posed by Qaddafi in Libya in relation to the new R2P doctrine. We argue that the thresholds for intervention are not well articulated and that the differences between the situation in Libya, which required an intervention, and others such as Bahrain, Darfur, or Syria that did not are unclear. The lack of thresholds and consistency creates a situation in which particular countries can use the cover of humanitarianism to legitimate their efforts to remove a troublesome regime.

### **The UN, Genocide, and R2P**

A number of scholars have begun to consider the geography of genocide and humanitarian intervention in recent years (Evans, Thakur, and Pape 2013; Kuperman 2013; Levinger 2009; O’lear and Egbert 2009; Pape 2012; Sidaway 2012; Tyner 2009). The idea of humanitarian intervention emerged in response to the failure to prevent ethnic cleansing and mass killings and is enforced primarily through the UN Charter and multilateral agreements. When the United Nations was founded in 1945, its primary function was to maintain peace throughout the world by establishing an international system of recognition of sovereignty (United Nations 1945). As Karns and Mingst (2010, 95) state, “the UN is, in fact, a complex system with many pieces. Among its functions are the creation of international law, norms, and principles.” The United Nations “is based on the principles of both the sovereign equality of all its members” and requires that “all Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations” (United Nations 1945). By this principle, member states are not to interfere in the affairs of other member states, and they should be in control of their own territory, thus retaining territorial sovereignty.

In the UN era, sovereignty is based on both internal control over a territory and external recognition of that control by the other states of the world (Murphy 1996). *Internal sovereignty* refers to a state's control of its own territory and of all the people within the boundaries of that territory; *external recognition* means that all other member states recognize the sovereignty of the state within that territory. The paradox of the UN Charter is that the same guarantees that prevent international wars make it difficult for the organization to maintain peace within a single country (Elden 2009). There are some exceptions to these rules and specific conditions under which the international community must intervene in the internal affairs of a sovereign state. However, over the past 60 years, a globally accepted and enforceable system to prevent atrocities and protect civilians has proved elusive.

### *The UN Genocide Convention*

Protecting civilians during times of conflict was a major issue at the time when the United Nations was established (O'leary and Egbert 2009). In the wake of Nazi Germany's systematic murder of 10 million people, there was a need for some way to prevent similar atrocities in the future. The UN's first step toward preventing such mass atrocities was "the declaration made by the General Assembly of the United Nations in its resolution 96 (I) dated 11 December 1946 that genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world" (United Nations 1948). This declaration recognized that in "all periods of history genocide has inflicted great losses on humanity" and that "in order to liberate mankind from such an odious scourge, international co-operation is required" (United Nations 1948). Responsibility was to be shared among all signatory countries, but the declaration did not set out a clear mechanism for determining when it should be enforced.

The 1946 declaration helped to initiate the Convention on the Prevention and Punishment of the Crime of Genocide, which was adopted unanimously on 9 December 1948 in Paris and signed by 42 countries (United Nations 1948). Officially, the Genocide Convention "condemns genocide, whether committed in time of peace or in time of war, and provides a definition of this crime" (United Nations 1948). Article II of the convention defines genocide as

any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;

- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
  - (d) Imposing measures intended to prevent births within the group;
  - (e) Forcibly transferring children of the group to another group.
- (United Nations 1948)

Article III states that in addition to those who carry out acts of genocide, individuals who conspire in, publicly incite, or are complicit in a genocide are also subject to the convention (United Nations 1948). Article IV states that persons who have committed these crimes or atrocities will be punished no matter whether they are government officials, leaders of the country, or private individuals (United Nations 1948).

The Genocide Convention represented an important step in that it establishes the concept of genocide and clearly delineates the consequences (O'leary and Egbert 2009; Power 2007). However, its language is vague in defining both precisely when genocide takes place and when the signatories are obligated to intervene; no threshold or number is established that indicates exactly when internal violence becomes genocide. Another problem is that the Genocide Convention does not establish any kind of "monitoring body or expert committee" for such crimes; instead, "any contracting party may call upon the competent organs of the United Nations to take such action under the United Nations Charter, which they consider appropriate for the prevention and suppression of acts of genocide" (United Nations 1948). Without either a clear definition of what constitutes genocide or an independent body to determine when the signatories were obligated to intervene, it was easy for governments to avoid their obligations under the Genocide Convention by refusing to classify violence as genocide.

### *The Responsibility to Protect*

The limitations of the Genocide Convention were demonstrated in the failure to stop genocides in Bangladesh in 1971, in East Timor and Cambodia in the late 1970s, and—most conspicuously—in Rwanda in 1994 (Gourevitch 1999; Nevins 2005; Power 2007; Tyner 2009). In the years following the Rwandan Genocide there was much debate about when and under what conditions the international community should intervene in the affairs of another sovereign state to protect innocent civilians. The doctrine of the Responsibility to Protect was drafted as a result of the UN's inability to actually act in the case of crisis or potential atrocities. This new concept was developed with the intention of providing the United Nations and the Security Council with the ability to take specific actions in the face of human rights violations in areas of

unrest.

The December 2001 report of the International Commission on Intervention and State Sovereignty (ICISS), created in response to a directive by Kofi Annan, then secretary-general of the United Nations, introduced the concept of R2P. The report asked “when, if ever, it is appropriate for states to take coercive—and in particular military—action, against another state for the purpose of protecting people at risk in that other state” (ICISS 2001, vii). The report concludes that there is an international responsibility to protect civilians from atrocities:

Millions of human beings remain at the mercy of civil wars, insurgencies, state repression and state collapse. This is a stark and undeniable reality, and it is at the heart of all the issues with which this Commission has been wrestling. What is at stake here is not making the world safe for big powers, or trampling over the sovereign rights of small ones, but delivering practical protection for ordinary people, at risk of their lives, because their states are unwilling or unable to protect them ... The experience and aftermath of Somalia, Rwanda, Srebrenica and Kosovo, as well as interventions and non-interventions in a number of other places, have provided a clear indication that the tools, devices and thinking of international relations need now to be comprehensively reassessed, in order to meet the foreseeable needs of the 21st century. (ICISS 2001, 11)

The report draws on “Francis Deng’s idea of *sovereignty as responsibility* [and] the Commission addressed the question of when state sovereignty—a fundamental principle of international law—must yield to protection against the most egregious violations of humanitarian and international law, including genocide, ethnic cleansing and crimes against humanity” (ICRtoP n.d., 2). The timing of the report’s release—only a few months after the attacks of 11 September in the United States—meant that idea of sovereignty as responsibility was extended beyond simply protecting the human rights of the state’s population to include an obligation to prevent terrorist activities within the state’s territory (Elden 2009). The Office of the Special Adviser on the Prevention of Genocide states that “sovereignty no longer exclusively protects States from foreign interference; it is a charge of responsibility that holds States accountable for the welfare of their people” (United Nations n.d.-b). Elden (2009) uses the term “contingent sovereignty” to argue that sovereignty is no longer absolute but, rather, is based on adherence to global ideas of upholding human rights and preventing terrorism.

R2P was codified in 2005 at the World Summit as heads of state set up guidelines regarding the responsibilities of each state “to protect their population from genocide, war crimes, ethnic cleansing and crimes against humanity” (United Nations 2005). In the case of a state’s failing



to perform the above-mentioned responsibilities, the international community is to take “collective action, in a timely and decisive manner ... should peaceful means be inadequate and national authorities are manifestly failing to protect their populations” (United Nations 2005, 200). The summit “aimed at providing a legal and moral basis for assisting civilians in the event of State failure to do so” (United Nations 2009b). Generally, the responsibility is mandatory within the state itself, but once the state fails to provide security for its citizens, there is a need for the international community

to assist sovereign States, and to step in and engage in other necessary ways if a State was failing to protect its own people. In those cases, there was a need to consider an array of options, including military options, as a last resort and with the Security Council’s support. (United Nations 2009b)

The doctrine of R2P clearly states that the military option is “a last resort.” However, it does not explain what specific actions on the part of a state would lead to military actions by UN member states. Therefore, there is substantial debate as to what the steps are and what kind of approach needs to be taken to address mass atrocities appropriately and protect human rights rather than overextending the power of the international community. In this sense, R2P suffers from the same limitations as the Genocide Convention, as it lacks clear thresholds that obligate member states to act.

R2P does outline what steps need to be taken before making the decision to intervene into the territory of a sovereign state. As Joseph Deiss, president of the UN General Assembly, stated in his opening remarks on 12 July 2011, “we cannot apply a single standard, benchmark, or template to all regions,” and when there is conflict, there is a need to incorporate “the views of neighboring States and regional bodies,” which “may be taken into account by members of the Security Council when determining which course of action to take in particular situations” (United Nations 2011). According to this statement, the Security Council should refer to the states that are in the vicinity of the state in conflict and should rely on those states’ expertise in and knowledge of the issue in question (United Nations 2011).

### *The Security Council*

The Security Council is the organ of the UN that attempts to balance the divergent imperatives of promoting peace, respecting borders, and guaranteeing sovereignty. The R2P agreement requires the Security Council to address conflicts in a tiered system: first attempting to resolve



conflict through negotiation and mediation, then through the implementation of an array of different sanctions, while at the same time ensuring that military force, as the most demanding in terms of people and finances, remain only as a last resort. One of the primary steps in this process is to “recommend to the parties to try to reach agreement by peaceful means”; if that does not have a positive result, then “the Council itself undertakes an investigation and mediation” (United Nations n.d.-a). If none of these measures work, the Security Council might send in its own investigators to try to find a peaceful solution. When everything fails and the dispute ends in conflict or war, the Security Council might issue “cease-fire directives” and send in peacekeeping forces in order to stop further conflict (United Nations n.d.-a). Finally, “the Council may decide on enforcement measures, economic sanctions [such as trade embargoes] or collective military action” (United Nations n.d.-a). Yet, in taking these actions, the Security Council must comply with articles VI, VII, VIII, and XII of the UN Charter which dictate that certain steps must be followed first. Specifically, an attempt must be made to negotiate, mediate, and use every available peaceful method to resolve the dispute prior to the use of any kind of force.

When the situation goes beyond the negotiation level, the Security Council must first try “measures not involving the use of armed force ... and it may call upon the Members of the United Nations to apply such measures” (United Nations 1945). These measures could include “complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations” (United Nations 1945).

One lingering concern about R2P is “anxiety about misuse of the concept,” which arises from the possibility of stronger states’ intervening in the affairs of weaker states on the premise of humanitarian actions because the bar for intervention is relatively low (Pape 2012; United Nations 2009a). Examples exist in which diplomacy using R2P was productive, as in the case of Kenya, where “the responsibility to protect had been well articulated in diplomatic rather than military means,” or that of Sri Lanka, where “diplomacy also had a significant effect on the Sri Lankan Government” (United Nations 2009a). There is no doubt that R2P has improved stability and the protection of human rights in some cases. However, the lack of substantial intervention in Darfur, where there was clear evidence of mass killings, after diplomacy failed (Levinger 2009), as well as the decision to intervene in Libya without clear evidence of atrocities and without a substantial diplomatic effort first, raises questions about why some cases result in negotiated solutions, others are ignored, and in still others there is a rush to war.

### **The Geopolitics of Humanitarian Intervention**

In the case of Libya, France, the United Kingdom, and the United States strongly supported the R2P concept, while other UN member states such as Russia, Brazil, and China looked at it much more sceptically and, in the end, abstained from the vote to intervene. Our analysis of the different statements by France, the United Kingdom, and the United States reveals that in addition to geo-economic concerns, both positive and negative arguments led to the humanitarian intervention. The positive narratives emphasized the responsibility of the international community to protect the Libyan people, who were demanding democracy and basic human rights. The negative narratives portrayed Qaddafi as a dictator whose regime had lost its legitimacy by using weapons against its own people. Analyzing the positive and negative narratives about Libya helps us to better understand how these public statements gained approval from the rest of the world and set the stage for military action in a UN member state. It also allows us to consider the evidence used to justify the intervention and to consider whether appropriate thresholds were met.

#### *The Positive Case for Intervention: Democracy, Freedom, and Human Rights*

One of the main positive terms used by France, the United Kingdom, and the United States in the month before the intervention was the phrase “fighting for democracy.” The people’s desire for democracy was identified as the main reason for unrest and was the primary justification for supporting the demonstrators in Libya and in other “Arab Spring” revolutions. At the early stages of the conflict, the situation on the ground was not well known, but the language of democracy and freedom framed the revolution as acceptable. This narrative took the chaotic and uncertain events on the ground and translated them into a narrative that the broader public in the United States and Europe would understand (Goffman 1979).

Although few people knew the internal politics of Libya, many people were familiar with the name Muammar el-Qaddafi (Sidaway 2012). In the 1980s, Libya was linked to a number of bombings, including one at a discothèque in Berlin in 1986 that prompted a U.S. bombing raid in Libya and the 1988 bombing of Pan Am Flight 103 over Lockerbie, Scotland. Qaddafi was a staunchly pro-Arab leader who worked for the unity of the Arab countries and against the involvement of Western countries in Arab economies and cultures (Vandewalle 2006). One of the world’s main oil-producing countries, Libya was inaccessible to most international oil companies after Qaddafi nationalized its oil production and participated in the 1973 oil embargo, which added even more tension

to Libya's already fragile relationship with European countries and the United States (Sono 1984).

The United Kingdom was economically involved with Libya through oil companies and other forms of business. A year before the unrest, British investments in Libya were valued at £377 million; after the conflict began, the majority of these businesses began pulling out of Libya (Rainey 2011). Royal Dutch Shell, an Anglo-Dutch oil multinational company with its registered office in London, had "billion-dollar oil exploration projects" in Libya (Rainey 2011). Mike Pullen, a partner at DLA Piper, a global U.K. law firm positioned to help companies with their legal needs in Libya, said, "We have close historical links with the country and have been very instrumental in the change of regime" (qtd. in Rainey 2011).

France also had economic ties with Libya. Libya and France signed a "Declaration of Intent" in October 2010, a "strategic partnership" that included the building of a nuclear power plant in Libya as well as projects in other sectors such as "banking, gas and oil and refined products as well as renewable energy" ("Libya, France" 2010). Direct investments and economic ties between European countries and Libya clearly show why there was more interest in the Libyan conflict than in others in the region (e.g., Bahrain) and a desire to resolve the conflict in a way that was best suited to the economic interests of France and the United Kingdom.

While a rapprochement occurred in the early 2000s after Libya turned over its chemical weapons and accepted responsibility for the Lockerbie bombing, before the 2011 intervention Qaddafi's relationship to the international community was strained again (Sidaway 2012). Consequently, as the conflict began the public was already familiar with the "crazy Qaddafi" narrative. The antipathy of governments in the United States and Europe meant that even without clear evidence, public sympathies were already with the rebels. The idea that it was "peaceful demonstrators" fighting for democracy against their tyrannical leader made sense. In this narrative, any response by Qaddafi looked more like a violent crackdown than the legitimate right of the state to reinstate its internal sovereignty within its territory.

At the beginning of the conflict, the three governments released very similar statements about need for the Libyan government to allow peaceful demonstrations and to respect the human rights of the population. On 16 February, Alistair Burt, minister for the Middle East for the U.K. government, said, "I call on the Libyan Government to respect the right of peaceful assembly and freedom of expression." On 20 February, U.S. assistant secretary of state Philip Crowley called for the protection of "universal rights, including freedom of speech and peaceful assembly." On 22 February, Rosemary DiCarlo, U.S. deputy permanent

representative to the United Nations, said, “We believe that governments must respect these rights, the right to assemble peacefully, to protest, to speak, and to form political organizations.” On the same day, British prime minister David Cameron explained that the unrest stemmed from the failure of the Libyan government to protect “the right to peaceful protest, in freedom of speech and the internet, in freedom of assembly and the rule of law.” On 21 February, the French Foreign Ministry released a statement that made the same case: “President Sarkozy condemns the unacceptable use of force against Libyans, who are simply exercising their fundamental right to freedom and assembly and expression.”

These similar statements sent a clear message to the Libyan government that these basic human rights were important and that the Libyan government should respect the rights of their people. With such narratives about the need for freedom, democracy, and human rights, the international community justified the unrest on the ground as the people fighting for their basic rights rather than a rebellious overthrow of their government. On 22 February, the French government referenced R2P directly by calling “on the Government of Libya to meet its responsibility to protect its population” and “to respect human rights and international humanitarian law, and to allow immediate access for international human rights monitors and humanitarian agencies.” These narratives set the stage for intervention in Libya by establishing the expectation that the Libyan government had a responsibility to protect its citizens.

The positive justification for the intervention continued throughout the month. On 6 March, the French Foreign Ministry stated, “Our worry, our concern, is—just as we’ve always said—to support Libya on the path toward democracy.” France, the United Kingdom, and the United States emphasized that democracy and the right to gather and protest peacefully should be protected by all states. These positive statements do not include threats, but they do imply that sovereignty is contingent on these basic protections of human rights and free assembly (Elden 2009). At first it was an unstated implication that failure to protect these rights could result in military intervention, but it was less than a week after the protests began that France first called for the ouster of Qaddafi. On 23 February, the French Foreign Ministry issued a statement that concluded, “The international community cannot stand idly by in the face of these massive human rights violations.” On 25 February, French president Nicolas Sarkozy said in a press conference that “Mr. Qaddafi must leave.”

*The Negative Case for Intervention: Tyranny, Killings, and Atrocities*

As time passed, the emphasis in the narratives became more negative; public statements by France, the United Kingdom, and the United States spoke more and more about the atrocities, tyranny, and mass murders that were said to be happening on the ground in Libya. There was no clear picture of how many victims there actually were—just assumptions and suppositions about the numbers of dead, injured, and tortured. In general, the statements described it as an “unacceptable” and “horrific” situation that involved significant “violence” and “bloodshed.” These terms were used to describe the urgency of the situation on the ground, but the sources for the information were vague and unnamed: for example, Crowley said in one of his daily press briefings that the number of victims was in the “hundreds” and that the United States was “working to ascertain the facts.”

The Libyan government’s wrongdoing became the focal point of narratives concerning the humanitarian situation. Discussing the situation in Libya, Susan Rice, U.S. permanent representative to the UN, said on 26 February that “outrageous and heinous crimes ... are being committed by the government of Libya against its own people.” Similarly, U.S. secretary of state Hillary Clinton commented that “we’ve received reports of hundreds killed and many more injured. This bloodshed is completely unacceptable.”

The statements began as calls to Qaddafi to give his people freedom and basic human rights but shifted toward an ultimatum warning Qaddafi to resign before he was militarily removed. For example, on 3 March, Alain Juppe, France’s minister of foreign and European affairs, held a joint press conference with William Hague, the United Kingdom’s first secretary of state for foreign and Commonwealth affairs, at which he stated that “we utterly condemn the attitude of Colonel Gaddafi, who has discredited himself by using violence against his people. So we’re very clearly demanding that he go.”

Transitions from “Qaddafi must step down” to “we need to intervene” happened fairly quickly—within a few weeks. The first consequence was the suspension of Libya from the UN Human Rights Council, following a unanimous decision by the member states of the UN General Assembly on 1 March 2011. Calls to stop violations of human rights within Libya were followed by requests to the European and international communities to implement certain sanctions and to ensure that everyone responsible for the unrest (in this case, Qaddafi and his regime) would have to deal with specific consequences. For example, Sarkozy requested on 23 February that “concrete sanctions should be swiftly adopted in order to ensure that all those involved in the ongoing violence are aware that they must accept the consequences for their actions.” The idea of a military intervention soon entered the debate.

Juppé expressed this possibility during his meeting with Hague on 3 March when he said that they “agree about thinking and even acting to plan a no-fly zone over Libya.”

*Lack of Evidence and Failure to Mediate*

From the beginning of the unrest in Libya, the attention of the world was on Qaddafi and his regime’s abuses, but as time went on there was not much more evidence—instead, there were primarily anecdotes. There was no clear picture of how many victims there actually were—only assumptions and suppositions about the numbers of dead, injured, and tortured. The uncertainty was represented as evidence that something must be happening, and the Libyan government’s restrictions on the media seemed to be proof that there was something to hide.

On 23 February, Hillary Clinton stated that “it is difficult to get a clear understanding of everything that is happening everywhere throughout the country.” On 9 March, Mark Toner, acting deputy spokesman for the U.S. State Department, stated in a daily briefing that the United States was “monitoring human rights abuses. I mean, we continue to collect and monitor.” When asked by a reporter how they were monitoring, however, he answered,

Well, through a variety of means. Obviously, we don’t have eyes and ears on the ground, which is limiting to us. But we continue to ... talk to people within and without—and outside of Libya to get a better sense of what’s going on there.

On 28 February, in reference to the evidence that Qaddafi had bombed civilians, Clinton said, “I’m cautious in how we talk about this.” So far most of the stories about attacks on the ground were “anecdotes,” and “we don’t want to make any decisions based on anecdotes.”

Just as there was uncertainty about the exact situation on the ground, there was also uncertainty about who the opposition to Qaddafi was and what they wanted. As late as 9 March, Toner stated, “I wish we had a better sense of what the opposition was and what’s emerging there. I think it still is emerging.” Although the narratives focused on the Libyan people’s struggle for freedom and democracy, there was a lack of knowledge about who or what would take the place of Qaddafi. From all the statements, it was clear that the international community was focusing on getting rid of Qaddafi and his regime and had not thought much about Libya’s future after Qaddafi.

The lack of evidence about atrocities on the ground and about the demands of the anti-Qaddafi forces is troubling. Before any militaristic action is taken by regional agencies, the UN Security Council is supposed

to have exhausted all possible measures to achieve peace. According to chapter VII, article 52, of the UN Charter, these measures include recommendation of peace plans, negotiation, and mediation or the incorporation of “*pacific settlements of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council*” where “*pacific*” refers to the passive processes of mediation and negotiation (United Nations 1945). The international community did begin planning solutions for Libya with an emergency UN Security Council session on 22 February, and agreed to do everything to stop bloodshed in Libya, but offered no specific settlement or negotiation plan to Qaddafi besides sending the message to step down from his position of power in Libya.

Although the Security Council guidelines place intervention as a last resort and require that all forms of mediation be pursued first, when Venezuelan president Hugo Chávez offered “*his good offices to try to defuse the crisis*” on 3 March, Alain Juppé responded that he “*can see nothing [in it]*” and that “*no mediation aimed at enabling Colonel Gaddafi to remain in power is welcome.*” When asked about what other options besides stepping down were offered to Qaddafi, Mark Toner stated that by no means should any action of force be taken “*by regional agencies without the authorization of the Security Council*” unless all other “*pacific*” efforts to settle a dispute in question fail (Toner 2011). Further, chapter VIII, article 54, of the UN Charter states that “*the Security Council shall at all times be kept fully informed of activities or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security*” (United Nations 1945).

The United States was somewhat hesitant when it came to the question of whether Qaddafi should resign as a head of state. For example, on 25 February, when asked what he thought about the legitimacy of Qaddafi, assistant secretary of state Philip Crowley answered, “*I believe, from a legal standpoint, he is still the head of state and head of government. But clearly, he has lost legitimacy in the eyes of his people, and that obviously influences our perceptions of him as well.*” Here, Crowley distanced the United States from the implication that Qaddafi was no longer legitimately recognized as head of state, but emphasized that “*he has lost legitimacy in the eyes of his people.*” The narrative implied that Americans should doubt his legitimacy, as the Libyan people already had. The French and American statements aim at delegitimizing Qaddafi in Libya, but with mixed messages.

As late as 10 March, when asked “*is there an actual trigger for military action,*” Hillary Clinton responded, “*it’s very challenging, and I think we ought to be—have our eyes open as we look at what is being*



bandied about and what is possible in order to make good decisions.” There was still uncertainty and a lack of concrete answers regarding the plans and steps taken toward peacekeeping efforts in Libya. There was also uncertainty and confusion as to the reasons for intervention, and many diplomats, when asked directly about what would trigger military action, appeared to evade the question. Further, according to the UN Charter, the international community must first try peaceful negotiation and open dialogue between the two sides of a conflict prior to any decision to intervene. The narratives outlined above show a lack of any intent to resolve the conflict by means of a peaceful dialogue.

### *The Decision to Intervene*

What began as a call to protect the Libyan people quickly turned into an international conflict. The responsibility to protect human rights was the main premise used to justify the decision to intervene militarily in Libya, but there was not a similar threshold for other countries experiencing “Arab Spring” rebellions. For example, on 17 March, when asked about the situation in Bahrain, the U.S. undersecretary for political affairs, William J. Burns, responded, “we will continue to urge serious political reform as well as urgent peaceful dialogue between governments and opposition leaders.” When asked the same question regarding the Libyan situation, however, Burns responded more decisively: “in the sad and violent case of Libya, we are working hard to maximize international pressure for Qadhafi’s departure, and to support the courageous Libyans who have risen up to regain their rights.” Hillary Clinton stated that with Bahrain the United States has “a decade-long relationship ... that we expect to continue long into the future. Our goal is a credible political process.” While Qaddafi must go with no chance of negotiation and no indication that the international community was ready to resolve the conflict through peaceful means, in Bahrain, a political solution is the only option. It is apparent that, although these are similar conflicts, there are different standards for dealing with them.

On 18 March, on the eve of the intervention into Libya, U.S. president Barack Obama explained the decision to intervene. His speech mirrored the language of official statements by the French, British, and American governments in the month before the intervention. President Obama stated that the intervention was necessitated by “Qaddafi’s refusal to respect the rights of his people, and the potential for mass murder of innocent civilians.” Obama stated that there was a “potential for mass murder,” but did not cite actual atrocities on the ground. Thus, the positive narratives were reinforced—there is a responsibility to protect the Libyan people—but the negative narratives were abandoned

for a more benign threat of violence, not claims of specific mass killings and actions of Qaddafi and his regime. Obama finished his speech by saying that he had made “this decision with the confidence that action is necessary, and that we [the United States] will not be acting alone. Our goal is focused, our cause is just, and our coalition is strong.”

The problem with these narratives is that they failed to show clear evidence about the crimes and atrocities that Qaddafi had supposedly committed. This left room for debate about the legitimacy of the decision to intervene militarily into the sovereign territory of Libya under the label of humanitarian intervention. The failure to negotiate with Qaddafi on a peaceful plan to defuse the crisis demonstrates that the international community did not follow the UN Charter’s rules, which require every other option to be exhausted prior to launching a military intervention. Specifically, there was a failure to provide concrete proof of mass atrocities in Libya; to quote President Obama, there was only the “potential for mass murder.” By invoking a lack of democracy, a ruthless dictator, and possible atrocities, France, the United Kingdom, and the United States decided that Qaddafi must go and launched their humanitarian intervention without supporting it with actual numbers or clear information about what was really happening on the ground.

### **Conclusion: Responsibility to Protect or Regime Change?**

The UN Charter, the Genocide Convention, and the Responsibility to Protect doctrine address the need for possible intervention into other sovereign states when certain crimes that trigger possible intervention, such as genocide, war crimes, crimes against humanity and ethnic cleansing, occur. There is no doubt that there is a global need for such safeguards. However, the failure to establish explicit guidelines under which R2P should be employed leads to speculation concerning the motives of those who use it. There are some general guidelines for when to intervene, but ambiguity exists as to the exact actions covered by these definitions of genocide and crimes against humanity and what thresholds must be crossed in order to justify military intervention. There are also loopholes throughout the system that enable manipulation by the Security Council, with the result that the rules are not applied equally to all member states. For these reasons, during the debate on the Libya resolution, 40 delegates expressed scepticism about the use of R2P, worrying that it could “become a basis for contravening the principles of non-interference and non-intervention” (United Nations 2009b).

In the case of Libya, three permanent members of the UN Security Council—France, the United Kingdom, and the United States—created the geopolitical narratives that became the cornerstone for public

approval of the decision to intervene militarily in Libya. Positive narratives supported the people's right to demand human rights and democracy and the idea that these are basic conditions that each sovereign state must provide for their citizens; negative narratives described atrocities on the ground and portrayed Qaddafi as a tyrant killing his own people. Both narratives contributed to the public's belief in the need to act quickly to support human rights and protect the people of Libya from violence perpetrated by their own government.

There are three main issues with these narratives. First, in the month prior to the intervention, France, the United Kingdom, and the United States repeated that there was an oppressive regime in Libya and massive killings on the ground, which Qaddafi had to stop immediately; but there was no concrete evidence of the exact number of victims and no documentation regarding where in Libya these atrocities were happening. There was also uncertainty as to who the opposition was, what they wanted, and whether information they provided was reliable. It is implausible to argue that the opposition was demanding democracy if there was little knowledge about who the opposition was. Indeed, the lack of information and the restrictions on media became central elements of the case for intervention.

Second, not all Libyans were fighting against Qaddafi for democracy and human rights. There were people in Libya who truly supported Qaddafi and his regime, and they fought on the side of Qaddafi. A large number of Qaddafi's supporters, especially in the area around Tripoli, where Qaddafi resided with his close political and familial circle, opposed those in Benghazi, where the original demonstrations started (Kafala 2011).

Third, according to the UN Charter, there should have been peaceful plans to resolve the conflict in Libya before a military intervention was considered, but the few third-party attempts at mediation were dismissed. The ultimatum that "Qaddafi must go," which had become French policy less than a week into the conflict, did not open up space for discussion or negotiation regarding the conflict, as R2P requires. Instead, there was constant pressure on Qaddafi and his followers to step down from their positions, and he was given no alternative, as he had already been deemed illegitimate as a leader by the international community.

As a result of the intervention, the international community is now playing an instrumental role in rebuilding the infrastructure in Libya that they destroyed through the military campaign. This rebuilding includes loans through the International Monetary Fund and the World Bank, which come with certain austerity measures that affect Libyan internal politico-economic policies. This puts Libya in the position of having to give up certain sovereign rights in order to gain assistance, leaving it

vulnerable to more powerful influences over its natural resources (Watts 2001). What was portrayed as a quick air strike to help freedom fighters gain human rights turned into an ongoing turmoil with major international involvement in Libya's post-conflict era.

Statements by France, the United Kingdom, and the United States demonstrate that in the lead-up to the intervention there was substantial uncertainty about whether there were atrocities on the ground and what the opposition movement wanted. Nevertheless, the governments of these countries represented the opposition as fighting for human rights and democracy and Qaddafi as a tyrannical leader poised to murder his own people. Thus we see that the moral justification for R2P plays at best an ambivalent role in international peacekeeping generally and in the specific case of the humanitarian intervention in Libya. This intervention demonstrated that despite R2P's language requiring mediation and negotiation phases and making military intervention a last resort, the UN Security Council can act fairly quickly to remove a regime when several permanent members support the action. This test case of R2P did not clarify the thresholds that result in an intervention; instead, the evidence suggests that the primary goal was to remove Qaddafi from power and that the "Arab Spring" uprising in Libya provided the necessary circumstances to invoke R2P to justify a military intervention.

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