R2P: Alive and Well or the Road to Hell?

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Recent events in Libya and Syria have brought the issue of Responsibility to Protect (R2P) back into the forefront of international discourse, more so than it ever has been before. R2P sought to synthesise the uncontested ideal of protecting human life with means for state intervention – a contested ideal – in order to avoid future genocide or mass-killings. Since its adoption in 2005 by the UN General Assembly, there have been vehement critics as well as hardened supporters[i]. With the explicit use of integral R2P concepts in Security Council Resolution 1973 – which authorized a no-fly zone in Libya in order to protect civilians, the first of it's kind – R2P became a key issue once again (Dunne and Gifkins 2011). This paper will thus seek to examine the efficacy of R2P in the preceding NATO-led operation in Libya during 2011, whilst examining whether it: a) was justified, b) was implemented correctly, and c) has achieved its aims. In light of such an examination, the paper will attempt to place the lessons learnt from Libya in a wider academic debate, by applying findings to the current events in countries such as Syria.[ii]

Imminent Bloodbath?

Before March 2011, Libya was not considered an immediate genocide risk (Bellamy and Williams 2011) but in the matter days and weeks, suddenly the international community were warned of an oncoming genocide that Gaddafi forces could perpetrate (Weiss 2011). Intervention was framed as a direct answer to this oncoming threat of war crimes, with Security Council Resolution 1973 being charged with the explicit mandate of protecting civilians. Such a mandate was designed to counter the threat that was perceived from Gaddafi's forces, in a pre-emptive fashion. The justification of the decision by the Security Council to employ R2P principles rests mainly on the supposed threat of genocide, as framed by the Obama Administration (Kuperman 2011). However, the claim of an oncoming genocide has been met with much scepticism. Mary Ellen O'Connor suggests that Libyan rebels perhaps exaggerated reports, as well as querying whether they took up arms only because they knew external intervention could be provoked (O'Connor 2011). Information on civilian deaths before NATO intervention is relatively untrustworthy but it is safe to say that there were deaths numbering in the thousands by March 2011. Whether these deaths are an example of genocide is not as clear cut as it initially seems. Alan Kuperman has argued that upon further reflection of the figures that came out of Mishrata, a main battleground city, one can see that with deaths of only 257 out of a population of 400,000, there was hardly a genocide in motion. Furthermore, he astutely points out that out of the 949 wounded, just under 3% are women, a stat that would require an almost equal ratio if it were indicative of civilians being indiscriminately targeted (Kuperman 2011). Whilst this argument is framed upon a very specific example, it poses interesting questions to mainstream suggestions that a bloodbath was on its way.

Contemporary civil wars experience an increasing blurred distinction between war and acts of human rights abuses, accompanied by the rise of non-state actors or belligerent groups (Kaldor 2006). Perhaps all that was witnessed in Libya was a civil war, which was undoubtedly brutal, but ultimately was not an example of genocide. There is no doubt that Gaddafi was devastating for many millions of Libyan civilians during his reign, but that does not legitimate external intervention under international law. Some claim that what indeed was witnessed in 2011 was a simple furthering of imperialism through the "Trojan horse" of R2P principles, an increasingly common argument (Bush, Martiniello and Mercer 2011). Worryingly in Libya's case was that international powers did not appear to give peace a chance, despite numerous offers by Gaddafi to come to the negotiating table (Agrube 2012). The fact that so much contemporary literature appears to question the overall legitimacy of the decision to intervene does not exactly shower it in glory. Perhaps, due to the pre-emptive nature of the mission, justification will never be fully decided one

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way or another. However based on the arguments presented, it seems apparent that intervention might not have been the last resort, which indicates that it should not have been justified.

Not one, but two interventions?

The actual implementation of SCR 1973 has been even more contested than any original justification for intervention. It was explicitly stated that ground forces could not be deployed, with the only action mandated being the enforcement of a no-fly zone to protect imperilled Libyan citizens. It is coming to light that this mandate was broken, with confirmation of US, French, British and Italian secret service operatives carrying out operations on the ground (Tandon 2012, Agrube 2012). This direct contradiction to resolution 1973 is just the start of the abuse. Noam Chomsky argued that the US, UK and French forces undertook a so-called 'second intervention', in which they fuelled, funded, and participated in the rebel uprising (Chomsky 2011a) – a far-cry from enforcing a no fly zone. Undoubtedly, this informs the argument that R2P was used for imperialistic desires, forcing regime change rather than just protecting civilians. Richard Falk has echoed this claim, suggesting that in Libya 'the responsibility to protect was quickly, and without serious debate, transformed into an opportunity to oust' (Falk 2011). The swift response by proponents of the intervention would be to suggest that such action was necessary to protect civilians, but this is beside the point. The original mandate did not account for this kind of intervention, hence its illegality. Furthermore, it only fuels the fire for any critics of R2P that merely see it as a way of furthering the interests of the powerful (Mamdami 2009).

Compounding this damning indictment, one only need look at the loss of life after NATO intervened as opposed to the deaths before, and one can see the hypocrisy. More lives were claimed after R2P principles were induced, an incredibly worrying statistic for those whom claim R2P is the humanitarian answer to protection.[iii] Whilst an estimated 9,000 of the 30,000 deaths were Gaddafi troops, the fact that NATO on numerous occasions was responsible for civilian deaths cannot be ignored (O'Connor 2011).[iv] The bombing of civilians and their homes appear to be an obvious misnomer for an principle of protection (Bush, Martiniello and Mercer 2011), whilst the link between bombing a compound that contained many members of Gaddafi's family and protecting civilians is again tenuous at best.[v] It appears that the obviously 'problematic link between military means and humanitarian ends' still remains true to form in Libya (Dunne and Gifkins: 2011:516).

Out goes one, in comes another?

As previously suggested, the Obama administration framed intervention as a means of stopping Genocide, with the ousting of Gaddafi as an admitted desired end (Dunne and Giftkins 2011). Whilst the removal of Gaddafi has been successful, it is very debateable as to whether fundamental end of protecting civilians has truly been achieved. Obviously there is a link between removing Gaddafi and protecting civilians, as one could argue that under the old regime, civilians could never truly be safe. However that was not the mandate given to NATO forces. The bombing that NATO embarked upon to protect their initial mandate has also shown to be flawed due to the high mortality rates among civilians. Furthermore, the funding and arming of opposition fighters was not only illegal, but it has created a state in which millions of small arms are available on the streets. One of the quickest ways to undermine any state apparatus is the dilute that state's monopoly over forms of violence (Kaldor 2006) – providing millions of weapons to a rebel opposition is exhibit A. Whilst it could be argued that this was the only effective way of removing the Gaddafi regime without sending in foreign troops, one has to consider where all those weapons will now go? Much of the rebel opposition was comprised of ordinary citizens or military defectors, with no laws of war to answer to (Marlowe 2011). Now that Gaddafi has been killed and the National Transitional Council (NTC) has an interim government role, will these fighters give back their weapons – unlikely.[vi]

Furthermore, the replacement government, NTC, does not exactly fill many onlookers with confidence. The current head of the NTC, Jalil Mustafa Abud, was a member of the Gaddafi regime, and was worryingly once on Amnesty International top list of human rights violators (Agrube 2012). This does not indicate a new dawn of freedom for civilians in Libya. Accompanying this, are the worrying reports that former belligerent groups and certain militias are torturing and even executing prisoners that they claim were once loyal to Gaddafi.[vii] These claims most certainly do not aid arguments that civilians are now in a safe Libya, for more often than not the use of torture will provoke and

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prolong grievances (Klein 2005). If these grievances remain and the new powers that be simply employ Gaddafi tactics of old, then one can only expect a continued civil war that could last decades. As Mahmood Mamdami suggests, the 'most likely outcome of a military resolution in Libya will be an Afghanistan-type civil war' (Mamdami 2012:154). If this is the case, which is looking ever so likely, then foreign intervention will have categorically failed. When coalition forces framed intervention in Iraq back in 2003, they touched upon humanitarian abuses to civilians, which they claimed necessitated the use of external force and whilst R2P was not directly mentioned, the principles remained the same. There is a stark similarity between the two cases, for many analysts suggest that it was only after intervention that Iraq became an R2P concern (Evans 2009), which could be argued, to a lesser extent, for Libya now.[viii] If the legacy of NATO intervention in Libya is the continuation of civil war, then one really must start to consider whether R2P is applicable in practical situations.

Conclusions

Thomas Weiss suggested that on the back of intervention in Libya, R2P is indeed 'alive and well', claiming that Libya was about protecting civilians, an aim that upon writing, he considered fulfilled (Weiss 2011). The evidence and argument provided in this essay seem to counter this assertion somewhat, suggesting that whilst intervention did not only break original mandates, it may actually have contributed to a state in which civil war will become commonplace (Hedges 2011). This leads to some interesting questions about the future of R2P.

The current case of Syria, in which the government is undertaking a brutal crackdown on opposition fighters and indeed civilians, has many of the components that provided justification for intervention in Libya. Indeed some argue that the situation in Syria is even graver than that of Libya in March 2011 (Guiora 2012). However, due to the obvious failures in Libya it seems that there is a much more cautious approach in Syria, as countries such as China and Russia do not want another intervention that has an imperialistic grounding.[ix] As Richard Falk claimed, the use of R2P in Libya sets a dangerous precedent (Falk 2011), a precedent that may be the undoing of the notion entirely. If the example of Libya is held up as a beacon of success, then R2P could soon be irrelevant. The continued failure of humanitarian interventions framed upon protection notions will continually undermine any further claims – an experience potentially being witnessed in Syria today. Even if Libya does indeed emerge from its current volatile situation, and a regime that is both law abiding and public-spirited is implemented, the intervention will still have the high number of civilian deaths to answer for. Whether such a government will grace Libya remains to be seen. Nonetheless, it is safe to say that the use of R2P in Libya will almost certainly inform protection politics in the future (Bellamy and Williams 2011) and more likely than not, this "informing" will hold Libya up as an example of what not to do, rather than a blueprint of what to do.

With no real indication that R2P can claim any successes in Libya, bar the removal of Gaddafi, one finds it hard to advocate any future uses of this norm. Too often militaristic means are framed as an ideal way of achieving humanitarian ends, and as suggested earlier in the paper, the oxymoronic combination of the two more often exacerbate issues rather than ameliorate them. With torture reportedly rife, tens of thousands of Libyans in early graves, and a government instilled that could be as bad as the last, the people of Libya are far from protected. Sadly it seems that R2P, in the case of Libya, is just another well intentioned step down the road to hell. The international community must keep those good intentions but look towards other methods for realisation, for it appears that although R2P is currently alive, it is not well.

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[i] For an overview of the concept of R2P see Evans 2008, Thakur 2006, Weiss 2004. Whilst criticisms can be found in Kuperman 2008, Belloni 2006, as well as numerous other sources.

[ii] This paper will not be an exhaustive study, and will also refrain from addressing the debated topic of whether R2P is needed in Syria. Such a discussion would not do justice to such a question if it was just in a précis form.

[iii] Some sources suggest there were approximately 30,000 deaths in the fighting in 2011, whilst others place their estimate at around 13,000. All have higher casualties for post-March than pre-March.

[iv] Mary Ellen O'connor correctly suggests that intervention had high civilian casualty rates that likely could have been avoided.

[v] In the bombing referenced, Gaddafi's son and three grandchildren were killed – an act in which British Prime Minister deplorably claimed was in line with NATO's mandate. http://www.guardian.co.uk/world/2011/may/01/gaddadi-family-deaths-reinforce-doubts (date accessed 29/03/2012)

[vi] Worryingly Libya already appears to show signs of fragmentation – http://www.guardian.co.uk/world/2012/mar/07/libya-vows-nation-together-force (date accessed 29.03.2012)

[vii] http://www.cbc.ca/news/world/story/2012/02/16/libya-torture-amnesty.html (date accessed 29.03.2012) and http://www.bbc.co.uk/news/world-africa-16771372 (date accessed 29.03.2012)

[viii] Whilst both regimes obviously were tyrannical by nature – the aftermath of each intervention may have left worse suffering due to poverty and a prolonged civil war. Whilst this is hypothetical for Libya at the moment, it appears to be following a similar pattern to Iraq.

[ix] This of course is hotly contested, as many claim that Syria is different to Libya because in Syria, China and Russia have many more economic interests, and rely upon the Assad Regime for oil and other commodities.

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