

Forgetting Politics: The Impossibility of Humanitarian Intervention

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Imagining War and Forgetting Politics: The Impossibility of 'Humanitarian Military Intervention' in Practice

"No treaty of peace shall be regarded as valid, if made with the secret reservation of material for a future war" (Immanuel Kant, *Perpetual Peace* 1795: 107)

"War is the continuation of policy by other means" (Carl von Clausewitz, 1995)

INTRODUCTION: What is Humanitarian Military Intervention?

Humanitarian intervention is based on the belief that power ought to enable humanity to live well. The vision of the good life expressed in the Universal Declaration of Human Rights (UNDHR) provides the foundation for humanitarian intervention as it exists today. The UNDHR proclaims the "inherent dignity" of persons and the "equal and inalienable rights of all members of the human family" as "the foundation of freedom, justice and peace in the world" (Preamble, UNDHR, 2015 [1948]). Ideally then, the purpose of humanitarian intervention is to restore dignity and rights to individuals. By extension, the idea of 'humanitarian military intervention' is premised on the belief that it is possible to end violations of an individuals' dignity and rights by the use of military force.

Thus, in broad terms, humanitarian military intervention refers to a legitimate use of force for humanitarian purpose.

The Responsibility to Protect

Provision for the legitimate use of force for humanitarian purpose that exists in contemporary international law originated in a series of high-profile debates at the beginning of the twenty-first century (Chandler, 2004: 59). In the post-Cold War period a consensus was apparent among Western nations that the framework for international order enshrined in the United Nations (UN) Charter, based on sovereign states and non-interventionism, would require revision to deal with emerging threats to international security (Chandler, 2004: 59; Charter of United Nations, 2015 [1945]). Under the rubric of a "liberal peace", a growing number of voices from Western nations pronounced the need to institutionalise an international security framework that emphasized so-called shared norms of democracy and human rights (Heathershaw, 2008: 598).[1] It was in this context that North Atlantic Treaty Organization's (NATO) military interventionist operation in Kosovo was launched in 1999. The humanitarian character of the NATO operation was a hotly contested issue; although the military intervention in Kosovo was deemed legitimate by the UN because of its humanitarian motive it was also unsanctioned and therefore illegal in international law (Roberts, 1999: 103; Henkin, 1999: 825-6). Moreover, military intervention in Kosovo exemplified growing disagreements between governments in favour of undermining sovereign states if in the service of a 'liberal peace', and those who were highly sceptical of interveners' altruistic claims (Thakur, 2013: 61). In the wake of events in Kosovo, the then United Nations Secretary General (UNSG) Kofi Annan called for a renewed unity on the appropriateness of intervening militarily for humanitarian purpose (2000, UN doc A/54/2000, paragraphs 215-219). In response, then Canadian Prime Minister Jean Chretien announced the establishment of an independent International Commission on

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Intervention and State Sovereignty (ICISS) to address the moral, legal, operational and political questions involved in “reconciling, intervention for human protection purposes and sovereignty” (ICISS, 2001: vii). The aim of the ICISS was to devise an alternative to the moralizing discourses of liberal peace proponents’ claim to the right to intervene under natural law which was being met with increasingly visceral opposition in developing nations (Thakur, 2013: 65). The ICISS released their report, the *Responsibility to Protect*, in 2001 and there proposed a new framework for international order that consisted of three pillars:

1. The State carries the primary responsibility for protecting populations from genocide, war crimes, crimes against humanity and ethnic cleansing, and their incitement;
2. The international community has a responsibility to encourage and assist States in fulfilling this responsibility;
3. The international community has a responsibility to use appropriate diplomatic, humanitarian and other means to protect populations from these crimes. If a State is manifestly failing to protect its populations, the international community must be prepared to take collective action to protect populations, in accordance with the Charter of the United Nations (UN, 2009: 8-9).

Since its inception, the *Responsibility to Protect* (R2P) has become the dominant language of legitimacy in international humanitarian intervention (Paris, 2014: 261). Having been adopted by UN Member States at the World Summit in 2005, the third pillar of the R2P now provides the measure by which state sovereignty can be legitimately contravened by international actors who claim the use of force for humanitarian purpose.

Defining ‘Humanitarian Military Intervention’

Although the concept of humanitarian military intervention is still a contentious one, the term itself has been clearly defined by Holzgrefe as “the threat or use of force across state borders by a state (or group of states) aimed at preventing or ending widespread and grave violations of the fundamental human rights of individuals other than its own citizens, without the permission of the state within whose territory force is applied” (2003: 18). Holzgrefe’s definition explicitly parallels the language of the R2P: both outline some measure of humanitarian atrocity (Holzgrefe’s “widespread and grave violations” of human rights and R2P’s categories of “genocide, war crimes, crimes against humanity and ethnic cleansing”), and both emphasise intervention as necessarily contravening state sovereignty (Holzgrefe’s “without the permission of the state” and R2P’s idea of the “manifest failure” of the state) (2003: 18; UN, 2009: 8-9). But there are crucial differences. In the R2P, the only legitimate agent of intervention is the “international community” and the only legitimate action must be “collective” (UN, 2009: 8-9). The provision for humanitarian military intervention in the R2P framework is therefore a specific form of a wider concept. Given the concern of this paper is with the recent *practice* of military intervention which has been legitimized by the language of R2P, the term, ‘humanitarian military intervention’ used here then refers to the *ideal form* as defined in the R2P framework. In assessing the possibility of ‘humanitarian military intervention’, the concept used in the paper will therefore refer to “collective action[s]” taken by the “international community” in order to “protect populations” and restore their “inherent dignity [and] inalienable rights” (UN, 2009: 8-9; Preamble, UNDHR, 2015 [1948]).[2] The practice of military intervention ought to be measured against the R2P’s definition of the term.

As is clear from the discussion of terminology, ‘humanitarian military intervention’ amounts to an internationally accepted means of regulating states. At the heart of the concept is the conviction that state power at times ought to be constrained, supplemented or ended by external agents capable of acting in accord with norms that transcend a given context of state governance. Defined in this way, ‘humanitarian military intervention’ is premised on a number of key assumptions: (1) that the international community is an actor capable of agreeing collective action for humanitarian purpose; and (2) that such actions taken by the international community are capable of achieving the humanitarian ends for which they are begun by reinstating the functions of a state. The purpose of this paper is to examine the assumptions underlying ‘humanitarian military intervention’ in the practice of post-R2P military interventionist operations in sovereign states. The research question posed is quite simply: Is ‘humanitarian military intervention’ possible?

The question is addressed through a case study of the 2011 international military intervention in Libya led by NATO

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forces. International military operations in Libya have been hailed as a “model intervention” and taken as a sign “the Responsibility to Protect has arrived” (Daalder & Stavridis, 2012: 2; Ki-moon, 23.09.2011); the case is therefore appropriate to appraise the contemporary provision for ‘humanitarian military intervention’ in international relations.

The structure of the dissertation will be as follows. The first chapter will be used to contextualise the development of ‘humanitarian military intervention’ as it exists today in the framework of the R2P. In contrast to a previous discourse of liberal-internationalist intervention, the centrality of the concept of human security as a foundation for the currently dominant justification for military interventionism is proposed. The second chapter then will be devoted to an account of the NATO-led military intervention in Libya. The events within Libya and external to the country prior to international intervention as well as the content of military operations are outlined. The third chapter will address the motivation behind the international military action in Libya and the agent of that action; the aim here is to consider the plausibility of an international community able to take collective action for humanitarian purpose as is presumed in the third pillar of the R2P framework.

A prevalent argument in support of ‘humanitarian military intervention’ recognises that international actors are inevitably driven by mixed motives but military intervention is justified regardless of lack of pure motive *if* humanitarian ends can be achieved. In the fourth chapter this consequentialist justification will be assessed in relation to Libya by exploring whether or not the use of military force has achieved the humanitarian purpose upon which it had been justified. Based on preceding analysis the final chapter will argue that the concept of ‘humanitarian military intervention’ is inherently flawed. Through a discussion of Hannah Arendt’s theory of the “right to have rights” as a necessary foundation for actualising human security, it will be posited that ‘humanitarian military intervention’ in practice undermines its own basis for justification by claiming the possibility of furthering humanitarianism by coercive means. The contemporary framework for ‘humanitarian military intervention’ will be critiqued as a de-politicizing discourse.

In the conclusion, four proposals are made for re-politicizing the language of collective international military action.

CHAPTER ONE: ‘Humanitarian Military Intervention’ in Context

‘Humanitarian military intervention’ as it is provided for today in the third pillar of the R2P emerged as a reaction to the paradigm of “liberal-internationalism” that prevailed in approaches to military intervention in Western states throughout the 1990s and early 2000s (Pugh, 2014: 313). The logic of liberal-internationalism claimed the right to intervene based on interveners’ assertions of moral superiority under natural law (Chandler, 2012: 213). Since the development of the R2P, the dominant discourse used to frame international interventionism has shifted. In the following chapter it will be argued that contemporary ‘humanitarian military intervention’ pertains to the logic of human security that emerged alongside the high profile debates that brought about the R2P framework. In contrast to the previous discourse, the logic of human security reconceptualises the relationship between intervening powers and intervened upon populations; rather than intervening saviours and victimised populations (as in a liberal-internationalist paradigm), using the framework of the R2P, the contemporary paradigm constructs intervening powers as technical facilitators of recipient agents. The Libyan intervention was the first instance of ‘humanitarian military intervention’ carried out under this new governing logic that David Chandler has termed a paradigm of “post-interventionism” (2012: 213).

Although the shift away from liberal-internationalist discourse has enabled a new level of international consensus on the appropriate purpose of humanitarian intervention, it is argued here that the reconfiguration of intervening powers as facilitators detached from the consequences of intervention obfuscates the dispersal of power in cases of ‘humanitarian military intervention’. Before moving to consider the possibility of ‘humanitarian military intervention’ in practice the R2P is here contextualised. Both the distinction between the R2P framework and the paradigm of liberal-internationalist interventionism and the significance of ‘human security’ for the development and current articulation of the R2P are outlined to demonstrate the effect framework has had on the character of contemporary military interventionism.

Human Security and the Move from Liberal-Internationalism to Post-Interventionism

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Throughout the 1990s and the early years of the 21st century, the reigning justification for military intervention in sovereign states was premised on claims made by intervening powers that their actions could transform recipient societies (Heathershaw, 2008: 599). Based on their belief in liberal peace, governments in the West declared faith in the ability of liberal institutions such as democracy, the rule of law and neoliberal economic structures to beget global stability and an order that would uphold human rights (Chandler, 2004: 60). Western politicians and academics argued that 'problem' societies could be improved by the import of liberal state institutions – by force if necessary (Heathershaw, 2008: 598; for examples of the liberal peace argument see: Archibugi, 2000; Booth, 1991; Linklater, 1998; Robertson, 1999). Faith in the liberal peace rationale enabled a "liberal-internationalist" paradigm of international military intervention in which problem societies were depicted as abusers and their victims and intervening powers were cast as both judges and saviours (Chandler, 2012: 214). Western politicians claimed both the ability and duty to enlighten and transform "implacable" regimes in "evil" and "failing" societies (see Bush 2002; Straw 2002 and Blair, 2003). Throughout the period, international military interventions in Bosnia, Kosovo, Afghanistan and Iraq were framed in the moralizing discourse of liberal-internationalism (Pugh, 2011: 308; Pugh, 2014: 314-5). The strategic priority of interventionist operations was therefore to transform state institutions in recipient societies (Pugh, 2014: 315). Advocates of interventionism had concluded that in order to beget a world of universal human rights and global security, the sovereignty of (some) states ought to give way. A traditional understanding of global security that derived from a system of territorially bounded and sovereign states was thought to have enabled corrupt and oppressive governing elites to continue to enjoy unchecked powers (Chandler, 2012: 214). Therefore the liberal-internationalist aspiration was promoted of a community of liberal states operating under the regulatory gaze of global sovereigns (i.e. the United Nations Security Council, UNSC) deemed to represent the emerging cosmopolitan structure (Chandler, 2012: 215). Such a vision can be clearly likened to a modern configuration of Immanuel Kant's ideal for international order that he outlined in his 1795 essay *Perpetual Peace: a Philosophical Sketch*, and endowed its proponents with an *a priori* moral legitimacy justified in natural law. Realising the ideal of liberal-internationalists was costly. As the reality of international interventions increasingly contradicted the claim that liberal force would bring peace and human rights, the outcries from opponents and sceptics began to grow. It was in the shadow of operational failures that R2P emerged and set the stage for the contemporary discourse of 'humanitarian military intervention'.

Alongside international debates over the legitimacy of military intervention that followed NATO's operation in Kosovo, there were parallel and corresponding discussions over the adequacy of traditional definitions of international security. An emerging concept of 'human security' reflected an attempt by sections of the academic and policy community to broaden and redefine the traditional meaning of security in the international system (Acharya, 2004: 355). The endeavour was seen as a "response to the complexity and the interrelatedness of both old and new security threats" (United Nations Development Programme, UNDP, 2009: 6). Under the rubric 'freedom from want' and 'freedom from fear', proponents argued that threats such as civil war, persistent poverty, ethnic violence, climate change, health pandemics, international terrorism, sudden financial downturn and cross-border criminal networks ought to be added to traditional understandings of insecurity derived from external military threats (UNDP, 2009: 6). At the crux of the human security debate was the view that international security ought to be orientated towards the protection of *individuals* and not states. Human security was seen by some as a potentially transformative idea capable of challenging the traditional agenda of state power (Grayson, 2004: 357). The concept suffered however from its perceived ambiguity. The theoretical expansiveness of human security led to unresolved debate over its definition; the disagreement was seen by many to undermine its potential policy impact (Thakur, 2004: 347; see Paris, 2004; Buzan, 2004; Mack, 2004). Definitions oscillated between the advocates adopting a broad understanding of human security as 'freedom from want' (associated with 'softer' security concerns of economic and social wellbeing), and those who supported a narrower definition focused on 'freedom from fear' (associated with 'harder' concerns of human rights abuse and military intervention) (Martin and Owen, 2014: 3/4). Human security was therefore perceived as the least significant strand to come from the same high profile debates that had birthed the R2P (Chandler, 2012: 214). The rise of the R2P has also been assumed by the United Nations (UN) and prominent academics as a signal that human security's unresolved broad-narrow dichotomy has been dealt with. It is the view of the UN, among others, that having legitimised the use of force to protect populations through the R2P, policies which would have been associated with the narrow definition of human security are no longer necessary. The same perspective suggests the policy role of human security is now being articulated in its broad sense of 'freedom from want' and informing the policy area of development and not security. Articulating this perspective in his 2010

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report to the General Assembly, UNSG Ban Ki-moon stated:

The use of force is not envisaged in the application of the human security concept. The focus of human security is on fostering Government and local capacities and strengthening the resilience of both to emerging challenges in ways that are mutually reinforcing, preventive and comprehensive.

Meanwhile the responsibility to protect, as agreed upon by Member States in paragraphs 138 to 140 of the World Summit Outcome, focuses on protecting populations from specific cases of genocide, war crimes, ethnic cleansing and crimes against humanity. (Ki-moon, UN, 2010: paragraphs 23-4)

Here the human security agenda is detached from the R2P's provision for international intervention underpinned by humanitarian convictions. A clear distinction is made between the 'narrow' use of force embodied in the R2P and human security defined as a broader idea that pursues societal reform through the strengthening of community resilience. Academics Mary Martin and Taylor Owen, in an influential article in *International Affairs*, supported UNSG Ki-moon's view that the influence of human security has been removed from the realm of security policy and the legitimate use of international force (2010: 211). Martin and Owen found the terminology of human security had "all but vanished" from high-level UN reports; they concluded therefore that security discourses are now entirely dominated by the R2P (2010: 211). The prevalent perspective of the UNSG, Martin, Owen and their supporters is however misleading. As David Chandler has argued, the duality depicted between the R2P and human security is over-reliant on the association of human security with socio-economic concerns (2012: 215). The separation proposed between human security (as underpinning development policy) and the R2P (as the framework for legitimate force), ignores the crucial role of human security in the discursive frame of 'humanitarian military intervention' which was used to justify military intervention in Libya. In focusing the material associations of human security, Martin and Owens and the UNSG have overlooked the significance of the concept in a rationale that has made 'humanitarian military intervention' possible.

At the heart of human security is the idea of self-transformation. As the initial UNDP report that began the international debate had stated, the "concept of human security stresses that people should be able to take care of themselves" (UNDP, 1994: 24). If the idea of human security were to be used to justify 'humanitarian military intervention', the purpose of that intervention would logically be posed as a means of enabling the recipient population to take care of themselves. This is precisely how the NATO-led operation in Libya was framed. Speaking of the decision to intervene, UK Prime Minister David Cameron stated:

I think Libya needs to get rid of Gaddafi. But in the end we are responsible for trying to enforce this Security Council resolution. The Libyans must choose their own future...the UN resolution is limited in its scope. It explicitly does not provide legal authority for action to bring about Gaddafi's removal from power by military means (cited in *BBC News*, 22.03.2011).

Rather than shifting human security concerns away from the use of force, in the Libyan case – the first instance of intervention governed by the R2P – force was justified to enable Libyan people to transform themselves. As Cameron's statement suggests, the military intervention in Libya was portrayed as a means of applying international law, detached from the political dynamics of Libyan governance. In a discursive frame wholly distinct from liberal-internationalist interventionism, the R2P framework thus enables intervening powers to be constructed as the providers of technical support: facilitators but not saviours. In shifting a human security agenda into the policy arena of the international use of force, the context for state regulation via 'humanitarian military intervention' has been fundamentally altered. In ceding the paternalism of liberal-internationalism, the most powerful agents of intervention are able to frame preventive military intervention as acceptable without having to assume legal or normative responsibility for the consequences of intervention in the recipient state.

The significance of this paradigm shift from liberal-internationalism to what Chandler terms "post-interventionism" is considered in the following chapters in light of the NATO-led military action in Libya in 2011 (2012: 214). The claims implicit in the 'humanitarian military intervention' concept, namely that humanitarian ends can be achieved through the collective use of international force, will be appraised following a factual account of the Libyan case.

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CHAPTER TWO: The Libyan Case

The NATO-led military operation in Libya in 2011 was the first time the third pillar of the R2P framework was used by international actors to agree military action against an existing state without the standing government's permission (Bellamy & Williams, 2012: 273). The language of the UNSC Resolution that enabled the intervention cited "civilian protection" as the purpose for military action and the mandate for all necessary means (UNSC, S/RES/1973, 17.03.2011). The Libyan intervention was therefore hailed as a "textbook case" of the R2P which signified a "new era" of international humanitarianism (Evans, 2011: 40; Axworthy, 23.08.2011). Libya was also the first time the international community justified foreign intervention in human security terms; the military action was depicted as a means of enabling Libyan people to *choose their own future*.

The NATO-led intervention in 2011 is therefore a very appropriate case from which to address the practice of 'humanitarian military intervention' as it is provided for in international relations today. In this chapter, a factual account of the intervention and the events that led to the international military operation in Libya is outlined. Subsequent chapters will consider the significance of these events in relation to the research question.

Popular Uprising in Libya

On the 15th February 2011, protests began in Libya's second largest city of Benghazi, a traditional centre of anti-regime sentiment. Popular frustrations manifested in demonstrations after the arrest of human rights lawyer and political activist, Fathi Terbil (*BBC News*, 16.02.2011).[3] On February 16th, protests continued, as crowds of demonstrators (estimated at about 2,000 people) used rocks and petrol bombs, and set vehicles alight outside government buildings and marched through the city to Benghazi's central square where they clashed with riot police (*BBC News*, 16.02.2011; Cowell, 16.02.2011). Although some demonstrations were initially peaceful, excluding Tripoli, popular protests quickly escalated in Libya to include violence within the first four days. Violence was a feature in four of the five sites of initial protest and was concentrated in the east (see Kuperman, 2013: 116). The unrest quickly spread. February 17th was designated a "day of revolt" or "day of rage" by leading activists in an attempt to motivate thousands of Libyans onto the streets in protest against the Libyan government regime under Colonel Muammar Gaddafi (*Al Jazeera*, 19.11.2011). Major demonstrations were reported in Benghazi, Ajdabiya, Darnah and Zintan (*Al Jazeera*, 19.11.2011). At first, the government forces used non-lethal means to control and disperse crowds by employing rubber bullets and water cannons, but on the "day of revolt" they began firing live rounds into groups of protestors and using excessive force to break up non-violent marches and sit-ins; demonstrators were killed on February 17th in what was swiftly becoming a significant internal conflict (*BBC News*, 16.02.2011; Healy, 17.02.2011). The regimes' approach to protests quickly changed from reactive defence to proactive prevention; in Tripoli, government forces were patrolling the streets by February 21st, shooting freely at demonstrators and receiving air support from government planes dropping "small bombs" (Kirkpatrick & El-Naggar, 21.02.2011). In the following few weeks, rebel groups advanced rapidly across Libya. Anti-Gaddafi forces took Benghazi on February 20th the smaller cities of Baida and Tobruk already being in their control (*Al Jazeera*, 19.11.2011). At the high point of the oppositions' advance on March 5th, rebel forces were in control of the entire coastal region of Libya, from Egypt to Ras Lanuf (notably the main port for exporting oil). They had gained control of Misurata and its surrounding towns on the central coast, of Zawiya and Zuwara west of the capital, and of Gharyan, Yafran and Nalut in Nafusa Mountains (Kuperman, 2013: 116-7). At the peak of the initial uprising at least half of Libya's populated areas were controlled by groups that were opposed to the existing Col. Gaddafi regime.

The initial success of the opposition movement was however, short-lived. On March 7th the Libyan government began a substantial counteroffensive military operation. In just two days, Col. Gaddafi's troops had regained control of Ras Lanuf in the east, the biggest mountain town of Gharyan in the west and Zawiya near the capital. Seven days later, Libyan government forces had recaptured most of the significantly populated areas west of the rebels' final stronghold of Benghazi. Although a small part of Misurata was still contested, the resistance here was not likely to last as the government had regained control of access routes to the city and were therefore blocking the communications and supplies of their opponents (Kuperman, 2013: 117). With opposition forces in retreat and the

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government preparing to attack the last bastion of protest, Col. Gaddafi's son, Saif al-Islam, declared on March 16th that "everything will be over in 48 hours" (*The Telegraph*, 16.03.2011). Without intervention he would probably have been right.

International Condemnation and Resolution 1970

Soon after the unrest began in Libya, international actors had begun publicly criticizing the Libyan regime's handling of protests and warned of potential mass humanitarian atrocities. At the time, international statements consistently used the language of the R2P to condemn Col. Gaddafi's government. On February 22nd, United Nations High Commissioner for Human Rights, Navi Pillay, made a statement that emphasized the importance of protecting civilians in Libya and called on the authorities to end the use of violence against demonstrators which may, she suggested, "amount to crimes against humanity" (quoted in Nebehay, 22.02.2011). The UNSG's special advisors on genocide prevention and the R2P on the same day also publicly suggested that Libyan authorities' behaviour may amount to crimes against humanity and called on Col. Gaddafi to uphold the conditions of sovereignty under the first pillar of the R2P (Deng & Luck, 22.02.2011). Concurrently, the League of Arab States (LAS), then including the post-revolution representatives of Tunisia and Egypt, suspended Libya's participation in the organization in light of the growing number of condemnations of the regime's handling of the situation (*Reuters*, 22.02.2011). The following day, the Peace and Security Council of the African Union (AU) added their voice by criticizing "the indiscriminate and excessive use of force and lethal weapons against peaceful protestors", stating these to be "violation[s] of human rights and International Humanitarian Law" (AU, 23.02.2011). As the situation on the ground was intensifying, two days later on February 25th, the UN Human Rights Council (UNHRC) established a commission of inquiry to investigate events in Libya and also urged the General Assembly to suspend the country's position on the Human Rights Council which it did on March 1st (OHCHR, 25.02.2011). On February 26th, the United Nations Security Council passed Resolution 1970 related to the Libyan situation by unanimous vote. The Resolution: (1) condemned the "widespread and systemic attacks" against civilians which, "may amount to crimes against humanity"; (2) welcomed criticism of Gaddafi's regime by the LAS, the AU and the Organization of Islamic Conference (OIC); and (3) underlined the Libyan government's responsibility to protect its population (UNSC, 26.02.2011). Resolution 1970 agreed international interventionist action against the Libyan regime by invoking Chapter VII of the UN Charter (which enables the legitimate use of force) but stopped short of legitimising a substantial military operation. In Resolution 1970, the UNSC had also: demanded an immediate end to the Libyan regime's use of violence; urged Col. Gaddafi's government to ensure the safe passage of humanitarian and medical supplies in the country; referred the handling of protests since February 15th to the prosecutor of the International Criminal Court; established an arms embargo on the country; imposed an indefinite travel ban on sixteen individuals within the Libyan government; indefinitely froze the assets of six members of the ruling regime in Libya; established a sanctions committee to monitor the implementation of these measures; and called on Member States to make humanitarian aid and related assistance available for the Libyan people (UNSC, 26.02.2011). Col. Gaddafi's government wrote to the UNSC on March 2nd declaring their judgment to be premature and requesting that Resolution 1970 be suspended until the allegations against the government had been confirmed (Security Council Report, 14.03.2011).

International Intervention and Resolution 1973

Soon after the uprising began in Libya, the leaders of the opposition formed the Interim Transitional National Council (NTC) based in the east of the country. The Council became a central actor in the lead up to the decision of the international community to intervene militarily. The NTC claimed to be, and came to be recognised by international actors as, representatives of the protest movement and therefore as the voice of the Libyan people. The NTC was made up of the leaders of Col. Gaddafi's political opposition in the eastern regions of Libya, diplomats who had publicly switched allegiance and segments of the armed forces that had defected from the regime (*BBC News* 25.08.2011; Bellamy & Williams, 2012: 276). The NTC acted as a referent for international discussion of events and a focal point for the international community's attempts to interpret the will of Libyan people. On March 5th, the NTC in Benghazi declared themselves Libya's new legitimate body of political representation and requested that "the international community...fulfil its obligation to protect the Libyan people from any further genocide and crimes against humanity without any direct military intervention on Libya soil" (NTC, 05.03.2011). The statement gained significant backing on March 7th when the Gulf Cooperation Council (GCC) called for "the UN Security Council [to] take all

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necessary measures to protect civilians, including enforcing a no-fly zone over Libya” and simultaneously condemned “crimes committed against civilians, the use of heavy arms and the recruitment of mercenaries” by the Libyan regime (Gabbatt & Quinn, 07.03.2011). Members of the Libyan mission to the UN in New York, many of whom had now defected, also urged UN member states on March 7th to recognise the NTC as the Libyan state’s new legitimate authority (Security Council Report, 14.03.2011). At this point the diplomatic case for substantial military intervention was gaining momentum. Informal discussions about the possibility of instituting a no-fly zone had begun among members of the UNSC and the OIC were echoing the GCC on March 8th by also calling for international militaries to institute a no-fly zone (Security Council Report, 14.03.2011; OIC, 08.03.2011). On March 10th, the GCC claimed Col. Gaddafi’s government had lost all legitimacy and thus urged the LAS to initiate contact with the NTC. Meanwhile, Catherine Ashton, Head of European Union Foreign Affairs, opened dialogue with the NTC and NATO announced their decision to move additional ships into the region to monitor the crisis more effectively (Security Update Report, 14.03.2011; European Council, 20.04.2011). NATO’s Secretary-General also revealed that the Alliance was discussing possible means of enforcing Resolution 1970’s arms embargo and the potential strategy of a no-fly zone (European Council, 20.04.2011). Despite the rising cacophony of international condemnation and seeming progression towards international military action, support from the United States (US) government for military action was still in doubt; arguably this meant the prospect for actualizing international military intervention was still slim.

In their analysis of the intervention in Libya, Alex Bellamy and Paul Williams have suggested that it was the declaration of the LAS on March 12th that initiated a shift in the US government’s position regarding potential military actions (2012: 278). In language that was subsequently used in the formal resolution, the LAS called on the UNSC:

to take the necessary measures to impose immediately a no-fly zone on Libyan military aviation, and to establish safe areas in places exposed to shelling as a precautionary measure that allows the protection of the Libyan people and foreign nationals residing in Libya, while respecting the sovereignty and territorial integrity of neighbouring States (LAS, 12.03.2011).

The LAS statement is said to have strengthened the pro-interventionist argument being put forward by high profile figures in the US administration (Rogin, 18.03.2011). On March 15th, senior White House officials held what they described as an “extremely contentious” meeting that ended with President Barack Obama accepting the case for intervention that was advocated by Hilary Clinton, Samantha Power, Gayle Smith, Mike McFaul and opposed by Robert Gates, Tom Donilon, Denis McDonough among others (Rogin, 18.03.2011). Being therefore resolved to support the use of interventionist force, the US administration sought to obtain UNSC authorization, meaning that significant diplomatic pressure was brought to bear on any still wavering members of the Security Council (Bellamy & Williams, 2012: 278). Two days after heated debates in the White House, Resolution 1973 was passed by the UNSC with ten votes in favour, five abstentions and zero against (fig.1).

Fig.1: Table of United Nations Security Council Votes on Resolution 1973

For **Abstain** **Against** **France** **China** **United Kingdom** **Russia** **United States of America** **Brazil** **Bosnia and Herzegovina** **Germany** **Columbia** **India** **Gabon** **Lebanon** **Nigeria** **Portugal** **South Africa** **Total: 10**

(Note: P5 in **bold**) **5 0**

As well as mandating a no-fly zone and authorizing member states to take “all necessary measures” to protect civilians, Resolution 1973: reiterated the Security Council’s concern that crimes against humanity may have been committed by the Libyan government; deplored the ongoing humanitarian crisis; noted the various criticisms of international organizations; again defined the Libyan situation as a threat to international peace and security; demanded an immediate cease-fire; and increased efforts between parties to find a political solution to the crisis (UNSC, 17.03.2011, paragraphs 4 and 6). Despite the remaining scepticism among some

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members, international military intervention had been agreed.[1] Given that the authorisation of the potential use of Chapter VII force had already been agreed to impose Resolution 1970, there was little room left for reticent Member States on the UNSC to manoeuvre, and with the added urgency of high level predictions of a potential humanitarian atrocity in Benghazi, Resolution 1973 had passed.

The NATO-led Intervention: 'Operation Unified Protector'

Two days after the UNSC vote, international military action in Libya began. On the 31st March, NATO assumed full control of operations under the mission title 'Operation Unified Protector' (*NATO.int*, 2015). In a matter of days, American, British and French aircraft had targeted government troops, eradicated the threat of pro-regime forces entering Benghazi and removed possible threats to NATO war-planes by targeting air defence systems across the country (Paris, 2014: 581). The effect of NATO's airstrikes soon created a military stalemate on the ground. Rebels were without the military might or organization to dislodge regime forces; neither could Libyan government troops cross open ground to engage the opposition without being attacked by NATO aircraft (Paris, 2014: 582). Political pressure then began to mount on NATO commanders and the heads of government in states lending significant military weight to the operation to end the mission as soon as possible. Russia and China turned against the operation, as did South Africa, a previous supporter (fig.4) and the Italian Prime Minister publically stated his dissent (South Africa, 104; Berlusconi cited in Chikhi, 07.07.2011). Russian, Chinese and South African leaders all expressed their concerns over the intention and conduct of the NATO-led coalition and their suspicions of a strategy beyond civilian protection (Paris, 2014: 581). Facing political pressure and military stalemate, NATO commanders seemed to expand the civilian protection mandate to provide more direct support to the Libyan opposition. Although the operation's commander, Canadian Lieutenant-General Charles Bouchard, insisted during and after operations that NATO was solely guided by the aim of civilian protection, NATO's bombing campaign and other military tactics visibly expanded suggesting a very aggressive and questionable interpretation of Resolution 1973's mandate (*NATO.int*, 2015; Paris, 2014: 581). Virtually any Libyan military asset seemed to have become a target, including buildings that housed senior political officials within the Libyan government's chain of command (Berry, 2011: 5). NATO countries began providing direct support to opposition fighters despite the clear contravention of Resolutions 1970 and 1973 this entailed (see UNSC, Res 1970, para.9; Res 1973, para.13). France admitted to air-dropping light weapons and ammunition to rebels in the mountains south-west of Tripoli, thereby disregarding the arms embargo (Landauro & Gauthier-Villars, 30.06.2011; Gelie, 28.06.2011). In addition, Qatar reportedly provided "hundreds of troops" to support opposition fighters and supplied 20,000 tons in weaponry "with the blessing of Western intelligence agencies" (Dagher & Levinson, 17.10.2011; Black, 26.10.2011). Resolution 1973's prohibition of "foreign occupation force[s] of any form on any part of Libyan territory" was apparently open to interpretation (UNSC, Res 1973, 2011: para.4). It was therefore with NATO's substantial assistance that the Libyan opposition gained control of the capital Tripoli in late August and, a number of weeks later, conquered the last bastion of strength of troops loyal to Col. Gaddafi's government. On 20th October 2011, Col. Muammar Gaddafi was captured and later killed. 'Operation Unified Protector' was officially over on 31st October 2011 ('NATO and Libya',

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NATO.int).

Libya as a Textbook Case of ‘humanitarian Military Intervention’

NATO’s operation in Libya has rightly been hailed as a model intervention. The Alliance responded rapidly to a deteriorating situation that threatened hundreds of thousands of civilians rebelling against an oppressive regime. It succeeded in protecting those civilians (Daalder & Stavridis, 2012: 2).

In the above quotation, the views of Permanent Representative from the US to NATO Ivo Daalder and Supreme Allied Commander to Europe James Stavridis are typical of official assessments of the military intervention in Libya that dominated commentary in the West (Kuperman, 2013: 103). The flexibility, openness and strength of NATO’s forces, the R2P’s triumph as a humanitarian framework for international governance, the successful aversion of genocide, and the victory of democracy over dictatorship were all the subject for political commentary and the focus of the media in leading NATO states that had provided the majority of the military support (Kuperman, 2013: 105; Thakur, 2011: 13). In the minds of supporters, the Libyan operation had marked an unprecedented moment for the history of international relations (Williams, 2011: 149); the stated purpose of Resolution 1973 being civilian protection was taken as a sign “the Responsibility to Protect [had] arrived” (Ki-moon, 23.09.2011). The dawning of a “new era” of international humanitarianism was pronounced on the basis of the international community having demonstrated their “determination to fulfil its responsibility to protect civilians from violence perpetrated upon them by their own government” (Axworthy, 23.08.2011; Ki-moon, 17.13.2011). The framework of conditional state sovereignty was supposed to have become a reality. Commentators argued that in time the intervention in Libya would be seen to mark a new epoch in international relations in which the world’s major powers were primarily motivated by a “new politics of protection” (Bellamy and Williams, 2011: 826).

The NATO-led operation in Libya was the first example of ‘humanitarian military intervention’ that pertained to the concept set out in the R2P. Military intervention had been taken against an existing sovereign state deemed to have lost its legitimacy, and the action was “collective” and initially agreed by a majority of international actors, including the UNSC. Libya therefore provides the best and so far only, case by which to assess the assumptions underpinning the idea of ‘humanitarian military intervention’ as it is articulated in the language of the R2P.

CHAPTER THREE: Who intervenes & why?

The premise of the justification for ‘humanitarian military intervention’ in the R2P framework is contingent on the humanitarian motives of intervening powers. The narrow mandate for the use of force to protect civilians from the four stated atrocities of genocide, war crimes, crimes against humanity and ethnic cleansing has achieved wide consensus among international actors on what ought to be the purpose of forceful intervention (Thakur, 2011: 13). Yet the motivations of

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intervening powers are still a source of significant tension. The sole agent recognised as legitimate in the current framework is the international community, portrayed as capable of acting with unanimity. In the following chapter, the appropriateness of the depiction of the international community's agency in the rhetoric of 'humanitarian military intervention' is analysed in relation to its practice, through the case-study of Libya. First, the stated motive of the international community – civilian protection from genocide – is considered in light of evidence of the situation in Libya at the time; and secondly, the portrayal of the military operation as the project of a singular agent is critiqued.

Was the Purpose of Military Intervention in Libya to Prevent Genocide?

In making a case for military intervention, proponents emphasized the perceived urgency of the situation in Libya following Col. Gaddafi's radio address to the last rebel stronghold of Benghazi on March 17th. Retrospectively, the speech was seen as a "decisive factor" motivating military operations and has been the primary factor cited in subsequent justifications of intervening powers (Thakur, 2011: 13). The aggressive language used by Col. Gaddafi was interpreted as a declaration of his intent to authorize humanitarian atrocities:

We'll clean Benghazi, all of Benghazi, of the deviants and of anyone who tries to harm our leader and our revolution...We will show no mercy to collaborators...Tomorrow the whole world will watch Benghazi and see what will happen in it (quoted in Raghavan, 18.03.2011).

Gaddafi's incendiary speech has been cited by US President Obama, UK Prime Minister Cameron and French President Hollande (Obama et. al. 14.04.2011) as the reason to believe the military intervention "prevented a bloodbath" and protected "tens of thousands of lives" (Obama, 18.03.2011). It is the view of the architects of the R2P, Gareth Evans and Ramesh Thakur, that "tens of thousands of lives, in Benghazi and elsewhere, were almost certainly saved" through Operation Unified Protector (Evans et. al. 2013: 205). Given the importance of the Libyan government's public threat to Benghazi residents in the reasoning of intervening powers prior to intervention, and its significance in retrospective analyses, it is remarkable that the stated intention of the government *not* to use indiscriminate force has been ostensibly overlooked. Although generally sidelined by international actors, in his address Col. Gaddafi promised amnesty to those in Benghazi "who throw their weapons away" (Kirkpatrick & Fahim, 17.03.2011; see also 'Update1' *Reuters*, 17.03.2011). On March 17th, the same day of the radio address, Col. Gaddafi's son, Seif al-Islam, publically stated the official position towards the citizens of Benghazi:

We don't want to kill, we don't want revenge. But you, traitors, mercenaries, you have committed crimes against the Libyan people: *leave, go in peace to Egypt*...Within 48 hours everything will be finished. Our forces are almost in Benghazi (Kirkpatrick & Fahim, 17.03.2011, emphasis added).

The most influential actors within the international community disregarded the regime's conciliatory offer and rather viewed the threat posed to civilians as "chillingly credible" (Paris, 2014: 586). Defending the military operation in hindsight, UNSG Ki-moon cited the "clear threat to

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civilians” in eastern Libya posed by a regime that had “demonstrated its readiness to carry out large-scale killings” (Ki-moon in UN doc. S/PV.6790, 25.06.2012). Although the Libyan government had quickly escalated the force used in response to violent protest, the portrayal of events at the time by the media in the West was misleading.[5] As noted, Libyan government forces initially responded with non-lethal force, yet Western media sources reported that authorities had fired live ammunition on peaceful protestors, citing an amateur video posted online which was subsequently found to have been uploaded more than a year previously. Only the BBC retracted the erroneous information (*BBC News*, 16.02.2011).[6] The prevalent view in contemporaneous reporting that Libyan forces were employing indiscriminate force has been traced in part to the exaggerated estimated death toll of a French physician in Benghazi who incorrectly extrapolated from a very small sample in his own hospital (Kuperman, 2013: 110). After returning home, Dr. Gerard Buffet estimated “more than 2000 deaths” had occurred in Benghazi on February 20th; in reality Human Rights Watch (HRW) documented only 233 deaths in all of Libya before the 21st February when Dr. Buffet left the country (Dr. Gerard Buffet in *Agence French-Presse*, 20.02.2011; HRW, 20.04.2011). Moreover, in the weeks prior to the passing of Resolution 1973, the Libyan government had retaken four significantly populated cities *without* inflicting the kind of mass genocidal violence that intervening powers predicted for Benghazi (see figure 4). Some of the most persuasive evidence that suggests the Libyan government forces were not targeting civilians is found in HRW’s reporting of the fighting in Misurata, Libya’s third largest city and the site of some of the most intense fighting (Kuperman, 2013: 111). HRW reported that 949 people were wounded in the first seven weeks of fighting in Misurata, of which only 22 were women and 8 children (10.04.2011). The comparatively small number of women and children who received wounds would suggest the violence in Misurata was a conflict between government forces and armed rebels and *not* a state ordered campaign against the population. If civilians in Misurata were being targeted, the percentage of women and children wounded would have been considerably higher – not 3%. According to the HRW report, 257 people had been killed in Misurata since the conflict began meaning that in nearly two months of conflict, less than 0.0006% of Misurata’s total population of 400,000 lost their lives (HRW, 10.04.2011; *World Cities*).[7] Similar evidence was found in Tripoli where the government used significant force over a two day period (February 20th-21st) to suppress groups of protestors who were burning government buildings (Kirkpatrick & El-Naggar, 21.02.2011). Libyan doctors subsequently told United Nations Human Rights Council (UNHRC) commission of inquiry of the 200 corpses observed in the city’s morgues on February 20th-21st.

Almost all of the bodies received were male. [The doctors] could only recall the bodies of two women killed – one shot and one stabbed – during the period of protests (2012:54).

The number of female fatalities accounted for 1% of the total number killed in Tripoli which supports the suggestion that the Libyan government were not targeting civilians on mass but rather employing force to suppress violent protestors, the vast majority of whom were male (Kuperman, 2013: 111). In light of the regimes’ offer of amnesty and the existing evidence that Libyan troops had retaken cities without targeting civilians it is unclear why prominent members of the international community were convinced of the Libyan forces intent to radically change their

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tactics in Benghazi on the basis of Col. Gaddafi's inflammatory statement.

Fig.2: Table of Effect of Libyan Government Forces' Advance

Ranking by Size City Population* Date Captured by Rebels Date Retaken by Government Massacre When Retaken?

1	Tripoli	1,150,989	– – –	2	Benghazi	650,629	
	February 20	– –	3	Misurata	386,120	February 23	March 20 No
4	Tarhuna	210,180	– – –	5	Al Bayda	206,180	February 23
– –	6	Al Khums	201,943	– – –	7	Zawiyah	186,123
February 26	March 9 No	8	Zuwara	180,310	February 23	March 14 No	9
Ajdabiya	134,358	February 26	March 16	No			

Key:

“–” City that was not captured by rebels or retaken by the government prior to NATO intervention

*Source for population data http://www.worldcities.us/libya_cities/ and <http://population.mongabay.com/population/Libya> Accessed 25.08.2015

International condemnations of the Libyan government's response to the uprising were consistently framed in the language of the R2P, meaning that the events in Libya were interpreted as a conflict between a manifestly failing state and its population. As President Obama stated, the intervention was to “support the aspirations of the Libyan people” by enabling their “transition to a legitimate government” understood as a “task for the Libyan people themselves” (Obama, 28.03.2011). By way of emphasising the international narrative of the situation in Libya as the state versus the people, in the lead up to Resolution 1973 international commentaries had frequently likened events in Libya to historic instances of genocide in Rwanda and Bosnia.[1] Yet the use of force by the Libyan government was very different. State sanctioned violence on a mass scale was *not* happening (O'Connell, 2011: 16), rather the Libyan conflict had borne the character of a civil war from the beginning (O'Connell, 2011: 16). Unlike the popular protest movements in Egypt and Tunisia which preceded Libya's “day of revolt,” the majority of public demonstrations in Libya had been violent from the outset (*BBC News*, 16.02.2011). Moreover the uprising began in Benghazi, the traditional centre of Col. Gaddafi's political opposition who sought to coordinate the rebellion throughout (ICG, 06.06.2011). The Libyan uprising was an internal political conflict. Yet the dominant way in which the events on the ground were characterised internationally was of a binary conflict between the Libyan people (represented by the NTC) and the Libyan state. International commentary thus re-interpreted the reality to align with the prevailing provision for the legitimate use of international force in the language of the R2P. Although presented as protecting the people against the state, the purpose of Operation Unified Protector was to enable one side to win in a civil war.

By depicting the situation as a pending humanitarian atrocity, the military action in Libya began on the false premise that it is possible to use force to protect civilians without also becoming involved in the political dynamics of the conflict.[9] In this, the operation suffered from what Roland Paris terms the “end state problem” inherent in the R2P (2014: 576). After stopping Libyan troops' advance into Benghazi, the NATO-led forces could not withdraw without the situation regressing

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(Paris, 2014: 582). Facing a strategic dilemma between continuing to prevent the mass atrocity predicted for Benghazi and a justifiable context for ending intervention, NATO chose regime change. The bombing campaign was expanded, and new weapons systems were introduced (including American armed 'Predator' drones and French/British ground-attack helicopters) and used to provide close-air support to rebel forces (Chivvis, 2012-13: 9). British, French and Italian military advisors were sent to "improve [rebels'] military organizational structures, communications and logistics" so they could better "organize the protection of the civilian population" (Cowell & Somaiya, 20.04.2011) and a blind eye was turned to the shipment of weapons to rebels through Libya's naval quarantine (Pugliese, 21.02.2012). The official position remained unchanged all the while (Paris, 2014: 583). Rhetorically, 'Operation Unified Protector' was solely engaged in the protection of civilians but NATO's decision to expand military action was the decisive factor determining the outcome of a civil war in the Libyan state. By framing the context primarily as a humanitarian crisis and casting themselves as the technocratic facilitators of local agency, the international community *de-politicized* an undeniably political act of choosing who would win in Libya's internal conflict.

In comparison to previous cases of military interventionism, the consensus for using international force in Libya had been widespread. Yet, as NATO commanders faced the inevitable strategic challenge of Resolution 1973's narrow mandate, this consensus disintegrated. President Jacob Zuma of South Africa who had hesitantly supported the operation declared in June 2011 his government's strong belief "that the resolution is being abused for regime change, political assassinations and foreign military occupation" (quoted in *Reuters* 14.06.2011; see also Mbeki, 05.11.2011). Evident collateral damage of NATO bombing also led to the Arab League withdrawing their support (Traynor, 21.06.2011; Carey and Jarry 25.06.2011). As NATO's military strategies adapted, the operations' credibility crumbled.

The Libyan example suggests that by legitimizing intervention against a 'manifestly failing' state in order to reinstate the conditions of state sovereignty, humanitarian force in practice can quickly become regime change (Bellamy, 2011: 20-1). Regardless of Resolution 1973's stated aim of civilian protection, from the outset this had been linked by international actors to regime change; in US Secretary of State Hilary Clinton's words, "we want to support the opposition who are standing against the dictator" (quoted in Kirkpatrick and Fahim, 17.03.2011). In the context of state 'failure', regime change can inevitably be construed by intervening powers as a requirement for 'humanitarian military intervention', thereby diminishing the degree of support from international actors. Strengthening the Libyan opposition against Col. Gaddafi became the NATO commanders' chosen strategy for humanitarian intervention. Ambiguity over the possible means of implementing 'humanitarian military intervention' which is often ignored in debate over the legitimacy of intervention, in the case of Libya, allowed the use of international force to remove Col. Gaddafi's government to be "humanitarian".

Who Were the Agents of Military Intervention in Libya?

Before Resolution 1973 had passed, politicians in sub-Saharan Africa had argued that the situation in Libya ought to be understood more as a contest between Gaddafi and his rivals than

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as an assault on civilians (de Waal, 2013: 369). Yet it was the state versus people frame adopted by the UN and prominent members of the UNSC Permanent 5 (P5) that ultimately led to military action. In a statement issued at the end of February 2011, the AU confirmed its “strong commitment to the respect of the unity and territorial integrity of Libya, as well as the rejection of any foreign military intervention, whatever its form” (AU, 23.02.2011). Although Resolution 1973 did ultimately obtain relatively broad international support, the alternative perspectives of African leaders highlight the problem of assuming the ‘international community’ to be a unitary agent capable of united collective action. As Aidan Hehir has discussed at length, although the R2P is discussed as a universal norm, the division of power in the international arena is still disproportionately weighted in favour of Western nations (2011, 18; 2013: 137). In the Libyan example, as Jonathan Eyal noted in a commentary that largely favoured NATO’s operation, the five states on the UNSC who abstained from supporting Resolution 1973 are representative of nearly half the global population (2012: 56). This being so, arguably the events in Libya suggest that a language of ‘humanitarian military intervention’ obfuscates the ongoing truth that ‘collective action’ in practice is more dependent on the interest of a select few powerful states than on gaining the majority support of an ‘international community’.

Although in Libya intervening powers depicted their role as facilitators of the Libyan people, their portrayal diminished the *radical* inequality in the relationship of interveners to the intervened. In reality, the crucial event that enabled international condemnation to be translated into military action against the Col. Gaddafi regime was President Obama’s decision to support the use of force following a “contentious meeting” in the White House (Rogin, 18.03.2011). Moreover it is sadly ironic that the decisive moment in a military intervention that sought to enable Libyans to choose their own future came from a choice made by NATO commanders to back Gaddafi’s opponents; unelected military experts, unaccountable to the population, they endeavoured to help.

CHAPTER FOUR: Military Action & Humanitarian Ends

In discussion over the legitimacy of military intervention “right intention”, the first principle of Just War Theory’s *jus ad bellum* criteria for the permissible use of force is a very frequent topic of debate (Orend, 2008; see also Walzer, 2006 [1977]). However, despite extensive debates some commentators recognise the inevitability of mixed motives behind any intervention (Paris, 2014: 572). There is an influential argument that although the intention to reduce human suffering ought to be a prominent reason motivating ‘humanitarian military intervention’, it is unrealistic to expect moral purity of intervening powers (Weiss, 2007: 7). Theorists propose therefore that “motives are not discredited just because they are shown to be mixed” (Ignatieff, 2003:23). Rather than moral correctness then this perspective relies on a consequentialist assessment of military operations – if humanitarian ends are achieved then the use of interventionist force is justified. In this chapter such a consequentialist justification for ‘humanitarian military intervention’ will be assessed in relation to events in Libya and the contemporary paradigm for ‘humanitarian military intervention’. The humanitarian consequence of NATO’s strategy to support the Libyan

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opposition will be discussed before considering the overall effect of military operations on the human security of the Libyan people and its impact on regional stability.

Did Military Support Given to the NTC Achieve Humanitarian Ends?

The international community's strategy for 'humanitarian military intervention' in Libya following the military stalemate was to provide military support to rebel groups who opposed Col. Gaddafi's regime. Events on the ground were characterised by international actors as a binary conflict between the Libyan state and its people, with international action depicted as a means of enabling Libyans to "choose their own future" (Prime Minister Cameron quoted in *BBC News*, 22.03.2011). Given the approach adopted by intervening powers, the NATO operation became heavily dependent on working with the Interim Transitional National Council (NTC) who claimed to represent the Libyan people against the Libyan government.[10] The formation and character of the NTC was thus pivotal in the lead up to Resolution 1973 and in its aftermath.

As outlined in Chapter Two, prior to military operations, the NTC were assumed to be a politically representative body able to articulate the wishes of the Libyan people; the NTC's appeal for external military support was taken as a sign of the wider population's desire. Yet analysis at the time queried the extent of the NTC's control over the uprising and their claims to be politically representative (Gritten, 25.08.2011 ICG, 06.06.2011). Although NTC members were able to co-ordinate a military rebellion in the east of Libya, through a network of experienced opposition politicians and commanders, their influence was limited to these eastern regions (International Crisis Group, 2011: ii). Initially, the NTC were focused on obtaining *international* support and did not prioritise, nor were they capable of, establishing a substantial presence beyond their eastern heartland. Armed uprisings in central and western Libya were only encouraged from afar – they were not led by the NTC (ICG, 2011: ii). The national campaign against Col. Gaddafi was therefore dependent on mobilising a host of entrepreneurial militia forces, a largely under-emphasised reality at the time. This legacy of entrepreneurial militia groups continues to cripple Libya (*Amnesty International*, 2014/15 Report). Before, during and after NATO's operation the behaviour of some of Libya's rebel groups cast serious doubt over their humanitarian credentials.[11] NATO authorities were accused of complicity in alleged humanitarian atrocities committed by rebel forces during ground assaults on pro-regime forces (*Amnesty International*, Sept 2011: 9). The accusations made against Libyan rebel groups have included the torture and abuse of opponents and an incident of "apparent mass execution" of Gaddafi forces in Sirte (*Amnesty International*, Sept 2011: 7-10; HRW, 24.10.2011). Critics argue that such actions took place 'under the cover' of NATO support (*Human Rights Investigations*, 31.08.2011). The circumstance of Gaddafi's death has led perhaps most clearly to questions regarding the character of rebel forces and the wisdom of the international community's strategy; reports and amateur video footage from the scene suggest the 69 year old died as a result of torture and grotesque mistreatment of his body before and after death (*BBC News*, 31.10.2011). In characterising the conflict as citizens versus state, rather than a civil war, intervening powers avoided dealing with the political complexity of actors leading the uprising, and in so doing undermined the possibility of humanitarian ends.

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Furthermore, framing the situation in these terms as a dissent between the regime and its people, the international community legitimised the expansion of the use of force to remove Col. Gaddafi's government. In so doing, the strategy of NATO's intervention enabled the deconstruction not merely of the Libyan *government* but of the Libyan *state*. In 1969, eight years after overthrowing the monarchy, Gaddafi had instituted the 'Jamahiriya' or "state of the masses" in Libya; the state-building process enacted was a highly personal endeavour resulting in a centralized state that depended chiefly on his own role (ICG, 06.06.2011). An axiom of the Jamahiriya, "representation is fraud", reflected the legal custom that it was an act of treason to form political parties of any kind under Gaddafi. The approach led to an exceptionally low level of institutionalization in the Libyan state and severely limited the development of civil society (ICG, 2011: 7). The moribund Jamahiriya state was therefore heavily reliant on tribal solidarities to secure the regimes' power base; patrimonialism was inherent and distrust between military forces and central government consistent (ICG, 2011: 10). This historic state structure elucidates why the logic of civil war was so rapidly evident after the first popular demonstrations on February 15th. In demanding the removal of Gaddafi, the opponents of the regime both inside and outside Libya were *not* pursuing mere regime change but the revolutionary overthrow of an entire order that had been established under Gaddafi's personal rule (ICG, 2011: ii). These dynamics were overlooked in the international progression towards 'humanitarian military intervention'. The structure of the Libyan state was such that, while the declared rationale of intervention was civilian protection by supporting regime change, NATO elongated the conflict, exacerbated the humanitarian situation and left the post-Gaddafi Libyan authorities with a near impossible task (ICG, 2011: iii). Insisting throughout the intervention that "Gaddafi must go" before negotiations were entertained as an option, intervening powers confused two objectives: to insist Gaddafi ought not to have a role in a post-revolution Libyan state *did not necessitate his removal as a precondition of negotiation or ceasefire* (ICG, 2011: 29). The position adopted by the NTC and their NATO allies towards the Gaddafi regime effectively removed the possibility of a political solution after intervention had begun (ICG, 2011: 29). Moreover, having insisted in Resolution 1970 that Col. Gaddafi must leave Libya and face trial in the International Criminal Court, the international community had virtually secured his residence in the state and a fight to the bitter end.

Overall, Long Term Humanitarian Cost

The logic of 'humanitarian military intervention' relies on the assertion that the temporary use of force will lead to long term humanitarian gain (ICISS, 2001b: 21). In Libya, this did not happen. Based on the position of the Libyan governments' troops and opposition forces on the eve of intervention, had this been the case, Alan Kuperman posits that the conflict would likely have ended in 6 weeks and the total number killed from the beginning of protests to the end would have been approximately 1,100 (fig.3). In stark contrast, the factual account of the human cost of the conflict with international intervention estimates that between 8,000 and 11,500 Libyans were killed (fig.4).[12] Kuperman's analysis gives persuasive testimony to suggest the initial outcome of international intervention in Libya was detrimental in humanitarian terms for the Libyan people.

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Fig.3 Breakdown of Estimated Human Cost of Libyan Conflict without NATO Intervention

City Estimated number of deaths Benghazi & Eastern Regions 500 Misurata 200 Tripoli 200 Zawiya 170 Central Coast 10's Total 1,100

Information adapted from Kuperman, 2014 CATO Institute

Fig.4 Breakdown of Libyan Governments' Estimated Human Cost of Conflict and NATO Intervention

Demographic Group Estimated number of deaths Civilians and Rebels Killed 4,700 Government Forces Killed 4,700 Missing From Both Sides 2,100 Total 11,500

Information adapted from Kuperman, 2014, CATO Institute

The idea of 'humanitarian military intervention' and the premise of the Libyan case was the possibility of facilitating the transition to a society in which the inherent dignity of the individual is given greater respect. Yet this has not been the outcome of international military interventionism. Later analyses of the Libyan example have been more nuanced and less positive than during and in the immediate aftermath of 'Operation Unified Protector'. Commentators have criticised the exit strategy of intervening powers, using the phrase "Western disengagement" to refer to a lack of international support given to Libya in the aftermath of military action (Mezran & Pack, 02.04.2013; also Chorin, 2013: 365). In a poignant reflection, the operation commander Lt-Gen Bouchard observed that the international role in Libya after the regime's fall was "insufficient to accomplish the stability objective that we set ourselves" (in Mas, 29.07.2014). The failure of intervening powers to support the reconstruction of the Libyan state is a primary cause of Libya's current chaotic state of governance. Libya today has two parliaments, two governments and virtually no state (ICG, 2015: 1). Enduring lawlessness in the country is at the very least an indirect cost of the NATO-led intervention (Kuperman, CATO Institute, 2014). Libya's nascent government was given full responsibility but left with little capacity to manage the chaotic struggles for power among the myriad of competing militia forces formed during the uprising (Mezran & Pack, 04.05.2013; Amnesty International, 2012: 63-5; ICG, 17.04.2013). Moreover, the fabric of Libyan society is increasingly fragmented. Groups that united to overthrow Gaddafi now vie for external support from regional patrons, casting their causes in reductionist terms of Islamism versus anti-Islamism, revolution and counter-revolution (ICG, 2015: 3). But the reality is a much more complex political landscape than oppositional narratives suggest. In truth, the Libyan states' nascent political and economic structures are reeling in a multi-layered struggle for power.

The actions of the NATO-led mission in Libya have also had a corrosive effect on the stability of the region. Failure to secure the Libyan governments' arsenal of weaponry – a result of NATO's approach to disengagement – has enabled a substantial stock of arms previously belonging to the Libyan government to find their way into neighbouring Egypt and Mali (UNSC, 2013). According

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to a report presented to the UNSC in 2013, Libyan weapons are now “fuelling existing conflicts in Africa and the Levant and enriching the arsenals of a range of non-state actors, including terrorist groups” (UNSC, 2013; Nicholls, 09.04.2013). If the idea of ‘humanitarian military intervention’ is premised on the possibility of achieving long term humanitarian gains as a consequence of the use of disciplinary force against a wayward government, ‘*humanitarian* military intervention’ in Libya has failed. The population, on whose behalf the intervention was justified, are today in a more vulnerable position after surviving a longer conflict than would likely have occurred without interventionist force.

In the fifth and final chapter the implications of the Libyan intervention on the future use of international military force are considered, after analysing the inherent contradiction in the idea of ‘humanitarian military intervention’.

CHAPTER FIVE: The Impossibility of ‘Humanitarian Military Intervention’

In *The Origins of Totalitarianism*, Hannah Arendt proposed the universal need for the “right to have rights” as a means of abolishing the denuded existence of those who live beyond law (1968a). Contemporary international policies underpinned by a concern for human security seek to address the same type of suffering Arendt emphasised in arguing for the right to have rights (Oman, 2010: 279). As a referent for action, human security policies appeal to the inherent dignity of individuals, even when these are not self-evident, and in this they correspond to the right to rights. Yet, despite the clear conceptual parallel contemporary, ‘humanitarian military intervention’ does not in practice recognise the necessity of a right to have rights as a necessary basis for humanitarian ends.

One of the perplexities of the human rights discourse is the relationship between rights and states. Human rights developed as a contingent means of defending individuals against the uncertainty of excess state power and they are therefore held as universal and independent of any specific institution. Yet precisely because of their independence of authority, in a world governed by states, human rights can only become a meaningful source of protection *if enshrined in the laws of a state* (Arendt, 1968a; Benhabib, 2006: 32). The development of the R2P framework is itself a testament to the perplexity of human rights vis-à-vis state power. By re-imagining state sovereignty as conditional on states guaranteeing the human security of their citizens, the R2P attempts to recognise a right to have rights as the *sine qua non* of legitimate authority, circumventing the particularity of state law. *Theoretically*, the R2P is a framework by which individual human rights trump the rights of sovereign states (ICISS, 2001b: 136). Rhetorically the provision for human security or the right to rights is re-imagined in the R2P as the defining feature of statehood and measure for international legitimacy. “Sovereignty as responsibility” is held as a fundamental “enabling right” for the possibility of human rights (Shue, 1980). The perplexity here is that, while the regulation of state sovereignty is the means of securing universal human rights, responsible statehood is the ideal guarantor of those rights. The paradoxical position of states in relation to rights is a fatal flaw of ‘humanitarian military

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intervention'. Actions justified by the R2P framework are based on the claim that individuals *are* the primary referent of international security policies which obfuscates the reality that they are not. Military intervention in Libya was justified in order to strengthen the people against the state. Yet, in a clear demonstration of the perplexities of rights, the military intervention reduced the human security of Libyans by deconstructing the Libyan state. In addition, framed in a paradigm of post-interventionism, the responsibility for rebuilding an improved state was left to the least powerful actors with severely diminished capacities to succeed.

The R2P framework is incorporated into contemporary discourse on the false premise that the status quo of the international system is based on and orientated towards human security. In so doing, the inherent inequality of the existing international order is able to be obfuscated by a discourse that claims humanitarian purpose. It therefore becomes possible to use the language of 'humanitarian military intervention' to construct problematic roles – evidenced in the Libyan case – whereby intervening powers are responsible for the use of force and the intervened upon population for humanitarian ends. By adopting the *ideal* of human security as the basis for the legitimate use of force, the concept of 'humanitarian military intervention' acts as a *de-politicizing discourse*. At the same time, that military action is portrayed as a response to the recipient populations' sovereign choice – the decision to use coercive force and the military strategy of an 'international community' remain at the behest of the most powerful military states who still lead the charge of interventionism. While abdicating the responsibility for justifying *how* the use of force will increase human security, intervening powers retain the means of dictating its ends.

The human security agenda of re-orientating security policy to recognise the inherent dignity of individuals has been *rhetorically* achieved in the R2P's first pillar. Yet the paradigm shift to 'humanitarian military intervention' in the R2P enables intervening powers to be depicted as technical facilitators complying with an agreed normative order and depoliticizes the fundamentally political choice to intervene.

CONCLUSION: Imagining War & Forgetting Politics

War Without Politics

Humanitarian intervention – military or otherwise – is an example of Immanuel Kant's "imperfect duty" meaning that *if* it is in our power to intervene in order to alleviate the suffering of another, there is a universal but non-binding moral obligation to do so (1785 [1977]: xii; Johnson, 2014). What is essential however is the means by which one seeks to alleviate that suffering. Even if the motives of intervening powers are predominantly magnanimous – a coalition of international actors responding to the "imperfect duty" to act – 'humanitarian *military* intervention' is founded on the *presumed possibility* of securing long term humanitarian ends by force (1785 [1977]: xii); a presumed possibility which has not yet been proven in practice. This being so, it is not the intention of this paper to argue a pacifist position, but rather to emphasise the problematic effect of the discourse of 'humanitarian military intervention' that enables the *politics of war* to be forgotten.

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As has been demonstrated through the case-study, the two founding assumptions of 'humanitarian military intervention' set out in the R2P framework – (1) that the international community is an actor capable of agreeing collective action for humanitarian purpose and (2) such actions can achieve the humanitarian ends by which they have been justified – are not evidenced in practice. As a consequence the discourse enables, or indeed encourages, actions which are counter-productive to the cause of furthering human security. The first premise constructs a false view of the international community as a unitary agent, and in so doing diminishes the political dynamics inherent in exchanges between international actors operating in a system of inequality. The second premise rests on an idealised vision of the possible fruitfulness of coercive force.

By way of concluding the paper four suggestions are made for addressing the counter-productive effects of the discourse of 'humanitarian military intervention'.

Imagining War

(1) Give greater attention to military strategy

Although a significant section of international relations theory is devoted to the discussion of 'humanitarian military intervention', the question of *how* the use of force can protect the human rights of vulnerable groups has received comparatively little attention. The majority of scholarship has focused rather on the legality and ethics of intervention.[13] Despite the wealth of scholarship now devoted to the *Responsibility to Protect*, methodological and strategic issues have been a rare subject of analysis (Paris, 2014: 569).[14] A dearth in academic analysis has practical consequence. In their 2006 study of the military strategies of the UN, NATO and selected Western governments, Holt and Berkman found "little well-developed or well-known doctrine addressing operations authorized to use force to protect civilians under imminent threat" (2006: 103). It is unsurprising given the lack of policy and academic analyses concerned with the pragmatic implications of 'humanitarian military intervention' that the uncritical discourse has flourished regardless of the absence of successful historical demonstration of the use of force for humanitarian ends imagined in the R2P.

A renewed focus on the lack of appropriate military strategy would enable the dominant yet flawed understanding of the possibility of securing human rights by force and perhaps in so doing may also beget valuable contributions to more transparent and just international theory, and practice regarding the use of force.

(2) Recognise the high cost of military means

The discursive shift in military interventionism documented here that has transferred responsibility for the long-term consequences of intervention from intervening powers to intervened upon has had a corresponding effect in international military tactics. In comparison to previous military interventions, the low risk to military personnel of intervening states in Libya was highly praised by supporters and hailed as a new model for international force (Rhodes in Cooper

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and Myers, 28.08.2011). High acclaim for the military tactics of intervening powers in Libya is problematic in humanitarian terms. Relying on bombing campaigns, as Operation Unified Protector did, lowers the risk for intervening military personnel – avoiding the so-called “body-bag effect” on the morale of intervening states (Wheeler, 2000: 3003). However, predominantly aerial campaigns *increase the risk of collateral damage* for the recipient population, thereby confounding the humanitarian purpose of intervention and increasing the corrosive effect on the infrastructure of recipient societies. Once again, if the capacity of a state is the fundamental basis guaranteeing the rights of citizens, a move towards intervention from the air under the guise of ‘humanitarian military intervention’ is cause for much concern.

Since 2011, there has been a tendency among leading NATO states to advocate similar military methods to those used in Libya elsewhere. The concept of ‘humanitarian military intervention’ has enabled an association between military air campaigns and humanitarian ends, regardless of the paucity of supporting evidence. A survey conducted by the polling organisation, YouGov in February 2015 would suggest this kind of cognitive dissonance is prevalent in the population of the UK, a traditionally interventionist state. When asked in the poll, only 30% of UK adults believed the UK’s military intervention in Libya had been right and 70% believed it to be wrong or they were unsure either way (YouGov 2015).[15] Yet, in the same weighted sample of 1500 respondents, a clear majority (59%) would have supported British military bombing against Islamic State/ISIS/Daesh targets in Libya today. Although taking action against an existing state is clearly distinct from acting with that state’s permission, the possibility of preventive military action does appear to be morally and logically accepted by majorities in Western states. While the ends of military intervention in Libya in 2011 were perceived by the majority as wrong or unknowable, trying the same again is considered to be a good idea.

The high humanitarian cost of military interventionism has been marginalised by the dominant language of the R2P. *If* humanitarianism is to be progressed, there must be a re-emphasis on the unavoidably devastating impact of military action regardless of the motives and intentions of actors.

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(3) Distinguishing between governments and states

Provision for legitimate military intervention in the R2P does not distinguish between governments and states. Yet one of the problems of military interventionism in practice is the near impossibility of targeting wayward governments without deconstructing states. Using the Libyan example, intervening powers reduced the political complexity of a civil war to fit the provision for military intervention in the R2P’s third pillar – state versus people. The use of force was legitimised only to discipline Col. Gaddafi’s regime and protect civilians from his government’s repression of the opposition. Once begun, military stalemate led to an expanding mission to win a civil war. While NATO’s air support enabled the opposition to remove Col. Gaddafi’s regime, it also destroyed the existing order of the Jamahiriya state.

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'Humanitarian military intervention' characterises wayward governments as failing states. In practice, humanitarian motives for military intervention are confounded by the conflation between government and state. Of course governments and states are inherently intertwined *but* recognising *aggressive governments* as the appropriate targets of international interventions and emphasising the centrality of *states as guarantors of rights* would reduce the likelihood of the kind of flaws exhibited by the international community's actions in Libya.

(4) *Jus ad bellum* and *just post bellum*

Within the burgeoning field of literature devoted to 'humanitarian military intervention', a considerable number of scholars have written on the limits and possibilities of relating Just War Theory (JWT) to the theories and practice of humanitarian intervention. Giving just voice to the dynamics of the debate that has ensued is beyond the scope of this paper. However, two specific aspects of the dialogue between the theories of just war and 'humanitarian military intervention' are appropriate to note in concluding this discussion.

The first relates to the paucity of references to the six principles of *jus ad bellum* in mainstream debate over legitimate military action for humanitarian purpose. In the initial formulation of the R2P, the exercise of military force was to be subjected to circumstances fulfilling all six criteria of JWT's *jus ad bellum* (ICISS, 2001a: 32). In practice, however, the three criteria pertaining to the means of intervention (last resort, probability of success, and proportionality) are often sidelined. Instead, the criteria that relate to the accepted process towards military action are the most frequently discussed in interventionist discourse. Such a trend is likely a symptom of intervening agents' need to prioritise self-reflexive criteria to justify military action on foreign soil to domestic constituencies. However, as was apparent in Libya, the lack of attention given to the principles of last resort, probability of success and proportionality undermine the humanitarian intent of interventionist force (O'Connell, 2011: 15). Probability of success and proportionality are both directly relevant to issues of strategy; increasing their presence in international debate therefore ought to coincide with a refocus on the possibilities and limits of preventive force in practice.

The second possibility for drawing on JWT addresses *jus post bellum* responsibility. Also included in the initial ICISS report was the claim to the collective responsibility to provide "full assistance with recovery, reconstruction and reconciliation" after military intervention (2001, XI). However, it was not stated which agent ought to be tasked with this duty to rebuild. A lack of clarity surrounding *jus post bellum* responsibility after intervention has been noted by Alexandra Gheciu and Jennifer Welsh who find international law to be generally vague on the issue (2009: 126). Addressing the question of reconstruction, James Pattison recently proposed the need to move away from what he terms the "Belligerents Rebuild Thesis" which asserts that those involved in the fighting – either the victor, just belligerent, unjust aggressor or humanitarian intervener – should be singularly or necessarily tasked with a duty to rebuild (2015: 636). Rather, Pattison argues, the international duty to rebuild ought to be given to the agent most capable of justifiably discharging the duty which is likely in practice to be the UN (2015: 638). Thus, rather than interventionist powers enacting their vision to transform "failing" states (as in liberal-internationalism) or leaving *jus post bellum* reconstruction to a population with severely

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diminished capacities (as in post-interventionism), the “imperfect duty” of humanitarian aid in post-conflict states ought to be a requirement on all UN Member States pursued via the organisation. In this respect, the UN’s Peace-building Commission, set up in 2005 as a co-ordinating forum for dealing with post-conflict situations, which aims to marshal resources and to co-ordinate strategies for rebuilding in post-conflict contexts, is an encouraging development (Fleck 2012: 96; Jubilut, 2011: 36). Positive as it may be however, as Arendt’s theory would caution, any collective framework for *jus post bellum* responsibility is only progressive for human dignity if it can be actualised.

The Impossibility of ‘Humanitarian Military Intervention’

Notwithstanding the preceding recommendations for improving the exercise of international military force in humanitarian terms, the possibility of achieving humanitarian ends by interventionist military action has not yet been proven in reality. By creating an international epoch in which the responsibility for reconstructing states after they have been deconstructed by collective international force is left ostensibly to the populations judged too vulnerable to have defended themselves, the likelihood of recognising the inherent dignity and inalienable rights of individuals through ‘humanitarian military intervention’ is almost non-existent.

Despite rhetoric to the contrary, the framework of the *Responsibility to Protect* has allowed the potentially transformative concept of human security to be incorporated into the realm of traditional security policy. However, presenting violations of human rights as a *security* issue, as the provision for ‘humanitarian military intervention’ does, is a *political* choice (Oman, 2010: 295). Moreover, as has been evidenced in the provision for humanitarian military intervention in the R2P, when a concern for human security is incorporated into a legal discourse of rights its transformative power becomes contingent on *political dynamics* that enable the actualisation of legal claims.

Clausewitz famously stated that war is the continuation of politics by other means, but in claiming the possibility of humanitarian military intervention, we are enabling war but forgetting the politics.

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Endnotes

[1] The liberal peace thesis emphasised shared international moral norms; its origin is often traced to the Enlightenment period and specifically Immanuel Kant's 1795 essay *Perpetual Peace: A Philosophical Sketch*. Kant argues that liberal states emerge as 'democratic consciousness' develops; he posits a 'league of peace' will form, the members of which aim to protect their own security and to encourage the spread of liberal ideas and human rights globally (Kant, 1795).

[2] Unless otherwise stated, from this point forward 'humanitarian military intervention' refers to the concept as it has been articulated in the R2P; for the sake of clarity single quotation marks will be used to indicate the particular definition of 'humanitarian military intervention' as collective action by an 'international community'.

[3] Fathi Terbil was the legal representative for the relatives of over 1,000 prisoners who were

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allegedly killed by security forces in Tripoli's Abu Salim prison in 1996 (*BBC*, 16.02.2011).

[4] See United Nations Security Council Doc S/PV.6498 from 6498th meeting on 17th March 2011 for detailed statements of representatives that document the reason for reticence among the UNSC Member States who abstained (10).

[5] Evidence given by a former high-profile Libyan military commander to the UN Human Rights Council International Commission of Inquiry confirmed that it was "only after demonstrators acquired arms [that] the Qadhafi forces begin using live ammunition" (UNHRC, A/HRC/19/68: 2012: 53).

[6] According to the *BBC* "footage purporting to show the unrest, with protestors fleeing gunfire and a man being shot, was later posted on the internet and used by the BBC and other news organisations. However, subsequent inquiries suggested this was footage originally uploaded more than a year ago." (16.03.2011).

[7] The number of fatalities cited by HRW included both members of government forces and opposition groups; these were based on reports given to the organisation from the medical facilities in the city (10.04.2011). It ought to be noted that HRW's reports were highly critical of the Libyan government from the beginning of protests throughout. In their report they condemned the authorities of "targeting of civilians and civilian objects" but their figures also suggest the use of unprovoked violence against civilians was not widespread (HRW, 10.04.2011).

[8] Col. Gaddafi's reference to protestors as "cockroaches" in his radio address to Benghazi was for example said to be of "special resonance to those who remembered how Tutsis were described before the 1994 genocide in Rwanda" (Evans 31.07.2011). The US administration particularly used historic comparisons in statements justifying military operations in Libya; Secretary of State Hillary Clinton spoke of learning the lessons of the 1990s, "We saw what happened in Rwanda...It took a long time in the Balkans, in Kosovo to deal with a tyrant" (quoted in Lipton 27.03.2011; see also Obama's Remarks on the intervention, 28.03.2011).

[9] For an example of this logic see Thakur's commentary, 'R2P, Libya and International Politics as the Struggle for Competing Normative Architectures' (2011).

[10] Interview with Lt-Gen. Charles Bouchard, NATO Commander of Operation Unified Protector demonstrates NATO's perspective on the NTC and the extent of their strategic reliance (in *The Telegraph*, 24.10.2011).

[11] *Human Rights Investigations* give an overview of the condemnation of rebel groups and accusations made to NATO forces and their response, available here: <http://humanrightsinvestigations.org/2011/08/31/amnesty-racist-rebel-atrocities-libya/> (Accessed 22.08.2015)

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[12] The figures cited are the US government estimate in November 2011 (8,000) and Libyan government estimate (11,500) of January 2013 (CATO Institute, 2014)

[13] It would be remiss not to note some exceptions to a trend in IR scholarship to focus on principle over pragmatism in dealing with 'humanitarian military intervention'. These include: Robert Pape, (2012) 'When Duty Calls: A Pragmatic Standard of Humanitarian Intervention', *International Security*, 37, 1: 41 – 80; Alan Kuperman, (2008) 'The Moral Hazard of Humanitarian Intervention: Lessons from the Balkans', *International Studies Quarterly*, 52, 1: 49 – 80; Taylor B. Seybolt, (2007) *Humanitarian Military Intervention: The Conditions for Success and Failure*, Oxford: Oxford University Press; Thomas G. Weiss, *Humanitarian Crises and the Responsibility to Protect: Intervening in Humanitarian Crises*, 2nd ed. Lanham, MD: Roman & Littlefield, 2005; Alan Kuperman, (2001) *The Limits of Humanitarian Intervention: Genocide in Rwanda*, Washington, DC: Brookings Institution.

[14] For a comprehensive overview of R2P scholarship, see Hugh Breakey, (2012) 'The Responsibility to Protect and the Protection of Civilians in Armed Conflict: Overlap and Contrast'; Chapter 3 in, *Norms of Protection: Responsibility to Protect, Protection of Civilians and Their Interaction*, edited by Charles Sampford, Angus Francis and Vesselin Popovski, (Geneva: United Nations University): 62-81.

[15] Survey Results of 1548 GB adults surveyed on February 16th-17th 2015

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