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Pascoal Santos Pereira

Libya: narrative construction as a driver for international intervention

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Libya: narrative construction as a driver for international intervention[1]

Pascoal Santos Pereira[2]

PhD candidate in International Politics and Conflict Resolution

Faculty of Economics and Centre for Social Studies, University of Coimbra, Portugal

Introduction

The popular uprisings commonly known as *Arab Spring* have been a challenge for analysts in the field of Political Science and International Politics. Whole populations rose against corrupt and authoritarian political elites which had controlled their lives for too long and eventually achieved their goals at least in Tunisia and Egypt, where the former rulers were removed from power. Some elements of these popular uprisings are striking: the resilience, determination, and peacefulness of the demonstrators; the virtual absence of a recognizable leader or of a defined political project; the gradual contagion effect from these two trendsetters to the whole Maghreb and Middle East; the role played by the media and individual tools of communications in the dissemination of the events; the non-direct interference of external actors on each of the uprisings, with the exception of Libya and Bahrain.

The revolution in Libya seems to be somehow dissonant in the creation of a linear narrative around this Arab Spring, since an international military intervention was necessary to stop the slaughter of Libyan civilians at the hand of its own government, which was toppled consequently. But within the framework of international interventions mandated by the United Nations (UN), this has been a unique moment as well, since this decision of the Security Council (SC) to mandate an international force referring explicitly to the a *responsibility to protect*. Although not unique in itself, this intervention eventually opens the possibility to the resort of the concept of "Responsibility to protect" (R2P) for interventions in the future.

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[1] This paper is a draft, please do not quote without the author's authorization. Please contact: pascoal-pereira@hotmail.com.

[2] PhD candidate in International Politics and Conflict Resolution at the Faculty of Economics and Centre for Social Studies, University of Coimbra (Portugal). Funded with a scholarship of the Portuguese Fundação para a Ciência e a Tecnologia (reference SFRH/ BD/ 44034/ 2008).

This double uniqueness of Libya is the main driver of this paper, which aims at understanding, on the one hand, the consequences of this intervention, in future international actions of this sort. On the other hand, this attempt to make sense of the discourse of R2P brought some other narratives to the surface which might be helpful to be explored and mapped. The first section is an outline of the world order after the end of the Cold War, as an introduction to the second section, in which we line up the main ideas behind the responsibility to protect. In the third section, I will address the use of this principle of R2P as a background for the intervention in Libya, in a UN mission mandated for the first time using this specific conceptual *corpus*. The last section will be a mapping exercise of the different narratives that meet, collide and reinforce mutually in the context of the revolutions in the Arab world and more specifically in the context of the intervention on Libya.

The end of the Cold War and a new frame for humanitarian international interventions

The end of the Cold War represented the possibility of overcoming the former geopolitical framework based on the military balance of power and nuclear deterrence between the two superpowers of the time, which had shaped the International Relations since the Second World War. The events in 1989 represented what, for some, was an *end of History*, (Fukuyama, 1992) as Western democracies and values defeated their counterpart and were therefore allowed to settle a liberal order based on rules and institutions; this liberal order would stress the priority on protecting individual rights, whereas the previous more realist framework prioritized state security (Chandler, 2004). This order was already drafted since 1945 within the United Nations (UN) system, but its potential impact in ruling international peace and security was undermined by the bipolar contention.

The international consensus on the primacy of the SC was evident if we consider its legitimizing role during the Gulf War in 1990-1; but it was soon obscured by a new set of events which impeded this procedure to be repeated. The inability of the international community in supplying a proper reply to *new wars* (Kaldor, 2007) proved that the UN structure was insufficient and inadequate for a proper response to this new kind of crises. These conflicts were not necessarily new in themselves; they rather belonged to a *new typology* of conflicts: the "classical" wars were mainly waged between states and the aggressor was external; in the post-Cold War era, conflicts are

mainly waged inside states and the repressor is internal (Kaldor, 2007: 123). These were also conflicts which rose in eroded or disintegrated states and in which *identity politics* became a central discourse (Kaldor, 2007: 180). Even though major humanitarian crisis in the 1990s such as in Yugoslavia, Rwanda and Northern Iraq were not unprecedented, the international indifference could almost be considered as immoral given the dimension of the reported violations of the human rights. But a right/obligation to intervene, even for humanitarian purposes, was undermined by the principles of sovereign equality and non-interference in domestic jurisdiction, some of the most solid principles of International Relations and actual cornerstones in the attempt to achieve a peaceful international community.

The dead-lock in which the international community was trapped was evident at its outmost during the Kosovo crisis in 1999, when a group of states undertook a joint military action against Yugoslavia in order to force Belgrade to stop the severe violations of human rights on the Albanian population in Kosovo. This war was waged in the name of the protection of human life and was even considered by the then British Prime-Minister Tony Blair, to be fought, not for territory, but for values (Chandler, 2004: 75), and thus a *moral war* to be fought for. Even if the intervening states justified their action with its moral legitimacy, this intervention was illegal since it lacked the formal authority of a SC resolution (Chandler, 2004: 59).[3]

Legitimacy and legality could not remain in such a pronounced opposition; an exact definition and framework for the application of this obligation to intervene became a priority. Thus, in his annual report to the General Assembly in 2000 (UN Secretary General, 2000), the UN Secretary-General Kofi Annan challenged the international community to define the exact terms of such a framework. The challenge was taken by the Canadian government which formed an International Commission on Intervention and State Sovereignty (ICISS) for that purpose.

[3] Even though this argument was not used as a justification for this intervention, the fact that it was backed by a significant number of democracies helped to the conception of a "limited intervention" theory in which one of the legitimating criteria for intervention was the total number and the level of democracy of the intervening States (Ortega, 2001)

A Responsibility to Protect Human Lives

The ICISS brought its final report *The responsibility to protect* to Kofi Annan one year later. The title of the report points at two important elements: first, this responsibility to protect seems to spin from the "sovereignty as responsibility" proposed by Francis Deng and Roberta Cohen in the 1990s, concerning the protection of the internally displaced (Bellamy, 2008). On the one hand, this sovereignty as responsibility assumes that the sovereign state is responsible for protecting the life of the population living in its territory. On the other hand, this would imply that the state would lose its legitimate sovereignty in case it could not protect its own population. The second element is the calculated move from a *right to intervention* to a *responsibility to protect* (Bellamy, 2008: 622). As a "right", it would have been too easily associated to unilateralism or to violation of the principle of non-intervention, jeopardizing the purpose of the report by the skepticism it would raise (ICISS, 2001: 11). The same argument may be used for justifying the focus on "protection" instead of "intervention" (Evans, 2008).

The report, explicitly based on human security, presents four basic objectives for a new approach on interventions for humanitarian protection: to establish rules, procedures and criteria to determine whether, when and how to intervene; to legitimize military interventions when necessary, when all alternative actions have failed; to ensure that intervention is carried out only for the purposes proposed and is undertaken with proper concern to minimize human costs; and to help to remove the causes of conflict and to establish the conditions for a durable and sustainable peace (ICISS, 2001: 11).

The document is divided in three central components which form the broader concept of responsibility to protect: the responsibility to prevent, the responsibility to react and the responsibility to rebuild. Interventions were also bound to a set of six criteria for justifying them in extreme situations: right authority, just cause, right intention, last resort, proportional means and reasonable prospects.

The ICISS emphasized two of these criteria, namely just cause and appropriate authority, the two most controversial when it comes to intervention. Interventions with a just cause would take place to stop large scale loss of life, as a product either of: deliberate state action; state neglect or inability to act; a failed state situation; or to avert large scale ethnic cleansing, carried out by killing, forced expulsion, acts of terror or rape, either actual or apprehended (ICISS, 2001: 32). As to the decision and

implementation of interventions, the central role and first instance is undoubtedly assigned to the SC, as a proper, authoritative and credible institution (ICISS, 2001: 49). Any humanitarian intervention aiming at protecting endangered human lives should be mandated by the SC.

Nevertheless, the members of the ICISS were critical of the SC at the same time and mapped a set of objections to its legitimacy, to the way it operates and to its structure; even some recommendations for reform were suggested in the report. Their major remark concerns the fact that the SC is not representative of the current world and that it lacks democratic legitimacy: on the one hand, the current permanent members of the SC have a veto power, but there are no permanent members from Latin America or Africa; on the other hand, it has proven to be ineffective too often, when its prompt reaction might have saved many lives. Beyond this suggested ambitious reform and a reminder on alternatives to a blockade of the SC, within the UN institutions and by the use of the *Uniting for Peace* procedure (UN General Assembly, 1950), the Commission also opened the way to interventions led by regional international organizations or *ad hoc* coalitions of neighboring states (out of area interventions would be more controversial), which can be legitimized by the UN afterwards (ICISS, 2001: 49-52). At this point, the ICISS gives the SC two recommendations: its inaction would push towards interventions by *ad hoc* coalitions, outside of the UN discipline and rules and possibly far from its guiding principles; and any successful intervention out of its authority would jeopardize the UN and its credibility (ICISS, 2001: 55).

The *timing* of the formal presentation of the report in 2001 has not been fortunate since it coincided with the launching of the "war on terror", after the terrorist attacks on the US in September that same year, and overshadowed all other issues in the international agenda. Coincidently, some of the *acquis* of the responsibility to protect was partially used to legitimize the occupation of Iraq in 2003 (Hehir, 2010), for one of the arguments for this preemptive war was the protection of human lives. But, at the same time as it was justified with a responsibility to protect, this intervention also corroborated all the objections it has been subjected to, for several reasons. First, it could be used as an instrument of external imposition of the Great Powers' will in vulnerable states. Second, it opens the way to the possibility of legitimate but illegal actions and prevents the necessary authorization from the SC (Chandler, 2004: 60). Third, the set of criteria for intervention on the final report of the ICISS can be

isolated from its context, becoming valid juridical criteria for any intervention, since meeting these criteria would be formally more important than the need for intervention; besides, each one of these criteria is subjective and may have different interpretations.

The Outcome Document that emerged from the World Summit in 2005 (UN General Assembly, 2005), in its paragraphs 138 and 139, introduced for the first time a reference to a "responsibility to protect" in a document produced by the UN. First, it is explicitly stated that each state is responsible for the protection of its population from genocide, war crimes, ethnic cleansing and crimes against humanity. Second, the international community is committed to support populations from the enunciated international crimes, using preferably peaceful means, or collective action when peaceful means are inadequate or when the state failed in its particular responsibilities; any action is supposed to be taken in accordance with the UN Charter and through the SC, on a *case-by-case* basis. Yet the vigorous and unquestionable stress on the central role of the SC (Luck, 2008) is remarkable. With these two paragraphs, the Outcome Document was able to nullify the controversies over the two most problematic criteria presented by the ICISS (just cause and appropriate authority, as already mentioned).

The inclusion of R2P[4] in the Outcome Document has nonetheless generated divergent opinions on the importance of this achievement. Some, such as Nicholas Wheeler, were concerned that the Outcome Document did not give a proper answer on what would happen when the SC is unable or unwilling to authorize the use of force (Wheeler, 2005: 102). Some other were rather enthusiastic, such as Alex Bellamy, who considered the inclusion of R2P in an UN document as one of the most important developments achieved on the issue of humanitarian crisis, as it simultaneously formally recognized the responsibilities of the states to their own citizens and reaffirmed the authority of the SC when it comes to intervention (Bellamy, 2009: 91).

[4] *R2P* is used here in reference to the whole conceptualization of the responsibility to protect within the ICISS report.

The debut of R2P in practical terms: Libya

The recent and current events in Libya seem to add new important elements to the discussion on the international community's responsibility to protect. The Resolution 1973 (Security Council, 2011b) of the SC authorizes, for the first time, member states "*to take all necessary measures* […] *to protect civilians*" (Security Council, 2011b), after having reiterated that it was the Libyan authorities' responsibility to protect its citizens. In a previous resolution, Resolution 1970 (Security Council, 2011a), the SC already warned the Libyan authorities that it was their responsibility to protect their own population and that the "*widespread and systematic attacks currently taking place in the Libyan Arab Jamahiriya against the civilian population may amount to crimes against humanity*" (Security Council, 2011a). This particular reference to crimes against humanity does not seem to be a minor one, since it refers directly to one of the crimes settled at the 2005 World Summit Outcome Document as legitimizing international action when the state fails to protect its population. Since the Resolution 1973 was based on the previous Resolution 1970, there is no doubt that they are in line with the concept of the responsibility to protect and constitute already a landmark on the application of this controversial concept.

However positive the inclusion of this concept in a SC Resolution is, some remarks arise so as to how this particular event may be determinant on the forthcoming debate on the responsibility to protect. First, it seems to be a relative victory for those who support a minimalist version of a "responsibility to protect" instead of the broader approach sponsored by the ICISS in its final report. On the one hand, this constitutes a conceptual appropriation of and a clear recognition of the central role the SC in having the responsibility to protect actions and repels the possibility of a "responsibility to protect" action to be taken by a non-UN actor, which was not completely repudiated in the ICISS report (ICISS, 2001a). On the other hand, the ICISS final report stressed the importance of a comprehensive approach of the concept which would contain three different responsibilities: to prevent, to react and to reconstruct. Even though the academic discussion on R2P has derived gradually towards a more preventive approach (Hehir, 2010: 226), the reference to a international community's responsibility to protect in the 2005 World Summit Final Outcome was self-speaking for its emphasis on the reaction aspect of R2P.

Second, the issue of the set of criteria deemed useful by the ICISS in 2001 was completely sidelined. This trend was visible already in the 2005 World Summit Final

Outcome, when it stated that any collective action under the scope of the responsibility to protect was to be decided "*on a case-by-case basis*" (UN General Assembly, 2005). The SC Resolutions on Libya confirm a practice in which too narrowly defined criteria can undermine the SC's decisions and actions. It finally confirms that, no matter what reason leads to a collective action, the decision by the SC is still based on political reasons rather than on legal grounds (Hehir, 2010: 226). Yet, these criteria were always controversial: on the one hand, a list of criteria would always be ambiguous, vague and erode the SC's role in international security (Chandler, 2004: 69). On the other hand, the noncompliance with the criteria could more easily justify 'inhumanitarian non-intervention' than 'inhumanitarian intervention" (Chesterman, 2003: 54), overemphasizing the role of the host state on the responsibility to protect (Chandler, 2009).

Third, this practical application of the concept of a responsibility to protect is not particularly innovative. According to Aidan Hehir, even if it has changed the discourse on humanitarian interventions, the way the discussions on R2P evolved has gradually undermined key issues, such as the reform of the SC, the legitimacy of unilateral interventions and the threshold for intervention (Hehir, 2010: 218). One can even speculate on whether this international intervention in Libya would have been possible anyway, without ten years of debates around R2P; actually, there is no significant normative, legal or major institutional development since the crisis in Kosovo in 1999, a previous pressing situation in which the SC was bypassed since no political agreement could be attained among the permanent members with veto power.

Mapping narratives

Having briefly analyzed the centrality of a principle such as the R2P in legitimizing the intervention in Libya, regardless of the genuine concern of the international community on saving lives, and regardless of its future as an international norm, the history of R2P will always be told with a reference to Libya as its first major practical test. Hence reflecting upon Libya, and more generally on the Arab Spring, it is striking to realize that these events have a considerable potential in becoming part of existing narratives, or even in shaping them. I will now in a few words map some of the narratives which seek to make sense of themselves using the specific mind frame of such outstanding phenomenon as the Arab Spring, in registering how this specific story is told, and in finding out how each of these narratives appropriates the legacy of the Arab Spring.

The uprisings in the Middle East might be understood, for instance, in a larger narrative of the popular reaction to the financial crisis in 2007-8. The specific position of most of the Arab countries in the economic world-system as oil producers, a world-system externally shaped and locally preserved by powerful elites which profit from that system, turned them more vulnerable to the crisis and its long-lasting consequences. Therefore, the massive demonstrations in Tunis and Cairo might be read at the same foot as the ones in Athens for instance (Michael-Matsas, 2011); in both cases, the upheavals happened precisely in some of the more fragile, weakest links of that world-system. The struggle of Wikileaks towards transparency is another narrative that might have new developments as substantial proofs of corruption in the regime turned to be a trigger for the revolution in Tunisia (Saideman, 2012).

In a different perspective, the Arab Spring may be a new phase of the "waves of democratizations", according to a narrative proposed by Samuel P. Huntington (1991). In case the revolutions lead to more repressive regimes than the starting point, the Arab Spring may fit this narrative of waves, as the ebb of the third wave of democratization (Huntington, 1991), a common trend with the precedent waves. But in case they lead to more liberal regimes, this Arab Spring can also be seen as a part of the third wave itself or even be the origin of a brand new fourth wave of democratization. More realistically, we might have to consider the possibility of facing both successful and defeated revolutions; Tunisia and Egypt got rid of their former rulers and are paving their way towards democracy, while the revolution in Syria and Libya is/has been endangered by the real threat of civil war and political chaos. The presence of given economic and political pre-conditions for democracy might have a role in explaining the different outcomes of the revolution in those states, as the modernization theory would claim for explaining successful processes of democratization (Lipset, 1991). A variation of the theory of the waves might be the claim of a supposed "regional tsunami" (Muravchik, 2002) the invasion of Iraq might have provoked (Berger, 2012). This tsunami has actually not taken place and one cannot convincingly argue that the regime change in Iraq in 2003 was a spark to the Arab Spring in 2011 or that change was conceivable only with some sort of external intervention. Anyway, claims that democracy in the Arab world would not be possible, for cultural, religious or systemic reasons, were badly shaken by these events (Berger, 2012).

One common feature to all these narratives is the existence of a contagion effect from one place to another (Alimi and Meyer, 2011; Mansfield and Snyder, 2012), either a direct or indirect sort of diffusion (Saideman, 2012). Though there were common fragilities in each of these societies, the local circumstances were very diverse (Gamson, 2011) and this diversity might explain the variation of intensity of the revolutions in the region (Goodwin, 2011); in short, the Arab Spring was less of a systemic concussion than a process of emulation from one country to the other.

But this diffusion seems to have an epidemic background, which turned the Arab Spring into an *inevitable* fact. I would therefore consider that the strongest narrative that has taken shape following the popular upheavals in North Africa and the Middle East is the one that introduces it as a *single event* under the name of "Arab Spring", instead of a *sum of events* sharing some common features or influenced one by another. In other words, one might say that "Arab Spring" is more a constructed narrative on a perceived single event than the whole set of events themselves. This epidemic feature is present in some others narratives of the past, in some specific moments of European History that greatly influenced its current shape, such as the liberal revolutions in 1848 (known as Spring of the People, in the whole continent) and the fall of the Communist regimes in 1989 (in East and Central Europe). History would be repeating itself: just like in these two revolutionary periods, the Arab Spring would be characterized by the domino effect each specific revolution has on the other, as if it became inevitable once it started. Robert Springborg (2011) finds more similarities between the Arab Spring and 1848 than with 1989, either because there is no common external threat that has been lifted (such as the Soviet Union and its new doctrine on sovereignty in 1989) or because there is no "carrot", an incentive for the transformation (such as the promise of membership in the European Community) (Springborg, 2011).

Either way, the international community (among all, Europe as a close neighbor) tried not to be too interventive in the development of this Arab Spring, expecting the whole domino game to perform by itself until the end. But here, the question arises: why did the international community decide to intervene so promptly in Libya, with the active support of the UK and France (Saideman, 2012)? Why not in Syria? How can we conceive that such a prudent approach to the events across the Mediterranean switched so swiftly to such assertiveness? Gaddafi's Libya was not a security threat in 2011 anymore; although it has been a pariah in the international system in the 1980s, it gradually sided with the US, united against a common enemy during the "War on

Terror" (Zimmerer, 2011) and eventually became a key ally of Europe in containing the massive immigration coming from Africa, through the Libyan shores (Zimmerer, 2011). Greed over the Libyan resources were not a driver neither, since some of the largest Western oil companies were already present in the exploration of those resources (EIA, 2011-2). In this context, I would claim that Gaddafi's resistance to the rebels in Libya soon became a material *spoiler* in the whole narrative of an Arab Spring which some weeks before succeeded in Tunisia and Egypt, and a sudden obstacle to the inevitable domino effect of the Revolutions in the remaining Arab world. The course of this narrative could also be undermined by the destabilization potential which massive flows of refugees escaping from the civil war in Libya could represent to its more immediate neighbors, precisely the two first leading characters of the Arab Spring. This collective action against this former pariah would not have been possible if Libya had strong, committed allies to back its deeds. In fact, there was no single vote against the SC Resolution 1973 (2011). That was not the case of Syria: on the one hand, the regime is strongly backed by Russia and China (Alimi and Meyer, 2011); on the other hand, the narrative of the Arab Spring as a contagious linear domino game does not sustain itself anymore…

Concluding remarks

As to the current situation in Libya and the illations it may have on the evolution of the concept of responsibility to protect, the R2P *corpus* as a whole seems strikingly inflated and diverted from the initial challenge made by the Secretariat-General in 2000 "*if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica — to gross and systematic violations of human rights that offend every precept of our common humanity?*" (UN Secretary General, 2000). The ICISS final report was as comprehensive as it could be, highlighting not only the importance of a responsibility to react, but also the responsibilities to prevent and to reconstruct. As important as these two components can be, this created a too holistic R2P *corpus*, missing a pressing and very precise answer the ICISS was requested for. The international reaction to the events in Libya demonstrates that, apart from an important rhetoric input, the contribution of R2P to this outcome is quite reduced.

Nevertheless, a largely non-opposing SC allowed for a timely international reaction in Libya, while a similar legally framed reply has not been possible either in Rwanda or in Darfur in the 1990s. The creation of a narrative of political liberation in Maghreb and

the fact that Muammar Gaddafi has been a spoiler in the regular course of this narrative may have pushed for this unusual international mobilization towards a "responsibility to react" action. Ten of the 15 members of the SC voted for that resolution, with the abstentions from Brazil, China, Germany, India and Russia. On the one hand, it can be interesting to analyze why these particular states did not vote in favor of the Resolution, in the case of Brazil, Germany and India. But, on the other hand, it can be even more interesting to find out why they did not vote against the Resolution, in the case of China and Russia, both permanent members of the SC with veto power. These two states are considered to have been the stumbling stones that impeded a SC mandate for a military intervention in Yugoslavia in 1999 (Alexander, 2000), concerned by a similar *droit de regard* or even intromission on their domestic ethnic conflicts by the international community. Given that there is a certain similarity between Kosovo in 1999 and Libya in 2011, one can wonder on how to understand this shift and perhaps naively argue that even if the responsibility to protect rhetoric has not been unequivocally embraced by these two major powers, the insistence and intensity around this concept since 2001 made these major actors realize that it has become a fact, if not a norm yet.

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