



Scan to know paper details and
author's profile

The Repercussions of the Humanitarian Intervention in the Libyan Crisis in 2011 in Terms of the Responsibility to Protect

Nesma Tarek

ABSTRACT

This article aims to assess the role of Responsibility to protect based on its repercussions after its implementation in the Libyan crisis in 2011. This can be tackled by examining its legal aspect and enforcement mechanism from an offensive realism perspective. Moreover, it shows the main clarifications of the different implementation of international humanitarian law, humanitarian intervention, and responsibility to protect. The article focuses on the case of Libya as it is considered the first case for the implementation of R2P. Thus, the examination of the Libyan case can be considered for testing the results of R2P and on what bases it was implemented for instance its implementation was as a political tool to achieve the required interests and ends of the states or for the protection of human rights.

Keywords: responsibility to protect, humanitarian intervention, libya, offensive realism.

Classification: DDC Code: 341.584 LCC Code: KZ6369

Language: English



London
Journals Press

LJP Copyright ID: 146422
Print ISSN: 2633-2299
Online ISSN: 2633-2302

London Journal of Research in Management and Business

Volume 22 | Issue 6 | Compilation 1.0



© 2022, Nesma Tarek. This is a research/review paper, distributed under the terms of the Creative Commons Attribution-Noncommercial 4.0 Unported License <http://creativecommons.org/licenses/by-nc/4.0/>, permitting all noncommercial use, distribution, and reproduction in any medium, provided the original work is properly cited.

The Repercussions of the Humanitarian Intervention in the Libyan Crisis in 2011 in Terms of the Responsibility to Protect

Nesma Tarek

ABSTRACT

This article aims to assess the role of Responsibility to protect based on its repercussions after its implementation in the Libyan crisis in 2011. This can be tackled by examining its legal aspect and enforcement mechanism from an offensive realism perspective. Moreover, it shows the main clarifications of the different implementation of international humanitarian law, humanitarian intervention, and responsibility to protect. The article focuses on the case of Libya as it is considered the first case for the implementation of R2P. Thus, the examination of the Libyan case can be considered for testing the results of R2P and on what bases it was implemented for instance its implementation was as a political tool to achieve the required interests and ends of the states or for the protection of human rights.

Keywords: responsibility to protect, humanitarian intervention, Libya, offensive realism.

I. INTRODUCTION

Responsibility to protect can be considered as a tool to prevent any violation of human rights and to avoid any atrocities. It emerged due to the failure of international forces to respond to the genocides in Rwanda and Yugoslavia in the 1990s.

Thus, it was developed in the 2000s to enhance the sovereignty of the states under the notion of “responsible sovereignty” which is not only focusing on the sovereignty of the states over its territory but to protect its population. Thus, R2P emerged based on moral and political considerations (Welsh, 2016).

However, the concept of R2P was used as a tool to achieve the interests of the states based on humanitarian reasons. In order to assess the role of R2P, it is important to assess its repercussions.

Thus, the purpose of this paper is to discuss the repercussions of the R2P in Libya in 2011 and whether it achieved the required outcomes or not.

This can be tackled through the research question which is “why responsibility to protect in Libya was controversial?”. This paper argues that responsibility to protect in Libya was controversial due to the lack of its legality and the political interests of the states that can be shown in the repercussions of the intervention which are the tribal and ethnic divisions. This paper is divided into two sections. The first section discusses the concept of R2P and its pillars based on the legal perspective. In addition, it includes discussing R2P from traditionalists’ perspective specifically offensive realism. The second section discusses the case of the Libyan crisis in 2011 and the impact of R2P on it.

II. THE NOTION OF THE RESPONSIBILITY TO PROTECT AND OFFENSIVE REALISM

The core notion of responsibility to protect is that the sovereignty of the state is not only specified to its political and physical jurisdiction but in the protection of its citizens from any atrocities or human rights violations. This can be shown in the definition of R2P as “an emerging international security and human rights norm which seeks to enhance the state’s ability to protect civilians from four mass atrocity crimes: genocide, crimes against humanity, ethnic cleansing, and war crimes.” (UNA-UK, 2016).

The R2P started to be adopted unanimously in 2005 at the UN World Summit and it was articulated in paragraphs 138 and 139 of the World Summit Outcome Document. On one hand, paragraph 138 emphasized the responsibility of the states to protect their citizens from war crimes, ethnic cleansing, genocides, and crimes against humanity. On the other hand, paragraph 139 emphasized the responsibility of the international community in protecting the citizens from atrocities whether genocides, ethnic cleansing, war crimes, or crimes against humanity (Global Centre for the Responsibility to Protect, 2005).

The R2P is mainly based on three pillars that can be used to assess its outcomes. These pillars are; first, emphasize the responsibility of states in protecting its population against the four atrocities, second, the responsibility of the international community in assessing the states in achieving that responsibility and third, in case the state failed to protect its population, the international community must take a collective action based on the UN charter (Renshaw, 2021).

In addition, the International Commission on Intervention and State Security defined and specified three pillars for the concept of responsibility when the state is unable to protect its citizens in the cases of humanitarian crisis.

These pillars are; the responsibility to prevent which can be implemented via the early warnings and direct prevention or by tackling the root causes of conflicts, the responsibility to react which is considered the most controversial pillar as it could use coercive actions, and finally the responsibility to rebuild which refers to the assistance that could be provided for the states after conflicts especially after the military interventions such as the reconstruction (Borgia, 2015).

The legality of R2P can be shown through its ground in international law. It is not legally binding which represents the main difference between it and international humanitarian law. It emerged to resolve the humanitarian issues and respect the sovereignty of the states. Thus, it

considered the use of force as the last resort, and its use is related to the four atrocities. Therefore, R2P is considered a preventive mechanism, on the other hand, humanitarian intervention refers to the use of military force and is used in any humanitarian emergencies (Australian Red Cross, 2011).

Consequently, the notion of R2P is ambiguous and confusing due to the lack of its legality and its use by the international community which weakens its application as a result of allowing states to use it as a fragile foreign policy tool. This ambiguity arises due to the concept of “responsibility” as it does not have a legal definition in international law or any of its conventions which made it close to the concept of legitimacy instead of legality (Sulaeman, 2018).

The notion of R2P is considered by the traditionalists specifically offensive realism as a tool used by the state to gain power for achieving security in the anarchic international system.

Thus, its use to R2P is not by coincidence “humanitarian and strategic concerns are not merely coincidental [but] indistinguishable” (Sulaeman, 2018). Based on the assumptions of offensive realism, the R2P is used by states to employ their military capability due to the uncertainty among states about the intentions of the other states.

Moreover, as great powers are considered rational actors, it uses R2P to achieve their survival (Johnson & Thayer, 2016). Thus, governments considered R2P as nonbinding to contribute to achieving their interests. This can be shown in the second and the third pillars of R2P as they were viewed as foreign policy decisions which can be decided based on the cost-benefit analysis “decision-makers seek to preserve their position and further their constituents’ interests; utilizing, ignoring, or blocking R2P are different ways to achieve these goals, as is recourse to the normative shield of sovereignty” (Sulaeman, 2018). Also, in the third pillar, it was mentioned that it should “carried out only for the purposes proposed” which is unrealistic as Kenneth Waltz mentioned, “It can be safely assumed that rulers

want to remain in power and promote the security of their position and constituents – if the third pillar furthers these objectives and the major institutional powers at the UN (the P5) concur, R2P will be applied.” (Sulaeman, 2018). In order to show the selectivity of the cases based on the interests of states, there are some cases that meet the criteria of R2P, however, there was no action from the international community such as in the cases of Darfur and Syria.

III. THE LIBYAN CRISIS IN TERMS OF R2P

The Libyan case is considered the only case that witnessed the implementation of R2P as a response to what Qaddafi declared in February 2011 against the anti-government protestors whether by “cleanse Libya house by house” or for attacking the protestors as he described them as “cockroaches”. Thus, the security council gave permission to NATO to intervene to prevent any mass killings and to protect the citizens as the state itself was not able to protect them which refers to the first pillar of R2P. Therefore, the security council applied the second and third pillars which are related to the responsibility of the international community to assist and intervene via collative action (Renshaw, 2021).

The Libyan crisis under R2P can be analyzed by offensive realism as a tool to achieve the interests of states rather than being a protective tool. This was represented in achieving their interests which is primarily the security, especially the US in order to guarantee its existence in the Middle East particularly with the increasing presence of Russia in the Middle East. In this regard, the assumption of offensive realism about uncertainty among states can be shown due to the fears of the US from the Russian intentions in the Middle East.

Moreover, R2P was a chance for Britain after Brexit to extend and maintain its global abilities (Ferguson, 2017). Also, Libyan energy specifically the Libyan oil represented an important element for Britain and France “The British and French governments have worked “hand in glove” with the big energy companies in the war to rid Libya of Gaddafi and secure access to future energy supplies” (Thakur, 2011).

There is no concern about the implementation of the first and the second pillars of R2P. However, the main concern is in the third pillar, 1970 and 1973 resolutions. These resolutions represented a merger between the political considerations and the humanitarian objectives. Although the 1970 resolution emphasized on arms embargo and the travel ban for those who violate human rights and 1973 reemphasized the protections of the civilians, their implementation under the third pillar of R2P was specified as “collective action based on the UN charter”. Thus, the two resolutions were implemented under Chapter VII of the UN Charter, “which was provided for the use of coercive means ‘in case of any threat to peace, breaches of the peace or acts of aggression” (Pommier, 2011).

Although humanitarian collective action was described as being “Humanitarian” and based on the main role of R2P for not using force only as a last resort. However, this was not implemented in Libya due to the explicit legitimization for using force. Thus, there are concerns raised regarding this issue which are; international humanitarian law and the use of armed force to protect civilians and the politicization of protecting the civilians.

Regarding the IHL and the use of force, its main aim is to regulate how the war was waged and to limit the number of casualties of civilians. It permits the use of armed forces based on the UN charter which contradicts its role as being “Humanitarian”. Therefore, it could be used by states for justifying the use of force. Although humanitarian organizations such as the International Committee of the Red Cross provided memorandums about the rules of IHL to all the parties include NATO and the armed opposition, it was not taken into consideration.

On the other hand, the issue of protection was politicized due to state interests and intentions. Thus, it was linked to political and military actors.

As was stated in offensive realism that states are rational actors and aim to achieve their survival, states used the notion of civilians’ protections to justify their armed force. This can be shown in the 1973 resolution which was mainly based on a

political decision that led to confusion for ICRC (Pommier, 2011).

The implementation of R2P in Libya was controversial with regard to achieving its aim or not, however, it can be assessed based on the consequences of R2P that showed how its main role contradicted its actual application in Libya.

As it achieved the triumph for the citizens' soldiers and the triumph of R2P in terms of working through an organized multilateralism. However, it ruined and destroyed the political infrastructure which led to the current ethnic and tribal divisions. It did not apply the responsibility to rebuild and reconstruct which require more intervention from external powers (Thakur, 2011).

In addition, the role of NATO was not neutral as it declared that Operation Unified Protector would be ended after the Libya government accept the following demands "ending attacks against civilian-populated areas, withdrawing to bases all military forces and permitting unlimited humanitarian access" (Dembinski & Reinold, 2011). However, NATO was not a neutral protector for the civilians as its main aim was to overthrow the Libyan government.

IV. CONCLUSION

In conclusion, R2P can be used mainly for protecting civilians in times of atrocities. However, its role was abused by the states due to their interests. This can be shown in the case of Libya in 2011. Although R2P can be treated as the first to be implemented in Libya and was successful. However, it did not achieve the required outcomes due to the lack of its legality, enforcement mechanisms, and the states' interests. This can be assessed based on its three pillars and how the ambiguity in the third pillar was used based on states' intentions which represented in using the military force although it uses force as a last resort. Also, its role in Libya can be assessed based on the outcomes which can be shown in the current situation in Libya that is represented in the tribal and political divisions besides the involvement of external actors in order to reach a political solution.

BIBLIOGRAPHY

1. Australian Red Cross. (2011). International Humanitarian Law and the Responsibility to Protect. Retrieved from <https://www.redcross.org.au/getmedia/d0338aa5-27c9-4de9-92ce-45e4c8f4d825/IHL-R2P-responsibility-to-protect.pdf.aspx>.
2. Borgia, F. (2015). The Responsibility to Protect doctrine: between criticisms and inconsistencies. Retrieved from http://www.merg.ac.in/RLS_Migration/Reading_List/Module_C/10.Borgia,%20Fiammetta,%20The%20Responsibility%20to%20Protect%20Doctrine.pdf
3. Dembinski, M., & Reinold, T. (2011). Libya and the Future of the Responsibility to Protect – African and European Perspectives. Retrieved from https://www.hsfk.de/fileadmin/HSFK/hsfk_downloads/prif107.pdf
4. Ferguson, K. (2017, March 16). Did the Libyan intervention give R2P a bad name? Retrieved from <https://una.org.uk/did-libyan-intervention-give-r2p-bad-name>.
5. Global Centre for the Responsibility to Protect. (2005, October 25). 2005 World Summit Outcome A/60/L.1. Retrieved from <https://www.globalr2p.org/resources/2005-world-summit-outcome-a-60-l-1/>.
6. Johnson, D., & Thayer, B. (2016). The evolution of offensive realism. Retrieved from [file:///C:/Users/Nesma%20Tarek/Downloads/the-evolution-of-offensive-realism-survival-under-anarchy-from-the-pleistocene-to-the-present%20\(1\).pdf](file:///C:/Users/Nesma%20Tarek/Downloads/the-evolution-of-offensive-realism-survival-under-anarchy-from-the-pleistocene-to-the-present%20(1).pdf)
7. Pommier, B. (2011, December). The use of force to protect civilians and humanitarian action: the case of Libya and beyond. Retrieved from <https://www.corteidh.or.cr/tablas/r29540.pdf>
8. Renshaw, C. (2021, Jun 2). R2P: An idea whose time never comes. Retrieved from <https://www.lowyinstitute.org/the-interpreter/r2p-idea-whose-time-never-comes>.
9. Sulaeman, F. H. (2018, April). The Responsibility to Protect through the Realist Lens: Strategic Choice, Inconsistency, and Delegitimation. Retrieved from <http://yris.yira.org/essays/2383>.

10. Thakur, R. (2011). Libya and the Responsibility to Protect: Between Opportunistic Humanitarianism and Value-Free Pragmatism. Retrieved from <https://www.jstor.org/stable/pdf/26467113.pdf>
11. UNA-UK. (2016). The Responsibility to Protect. Retrieved from <https://una.org.uk/r2p-detail>.
12. Welsh, J. (2016). The Responsibility to Protect after Libya & Syria. Retrieved from https://www.amacad.org/sites/default/files/publication/downloads/Fa16_Daedalus_07_Welsh.pdf

This page is intentionally left blank