NATO’s decision to intervene in Libya (2011): Realist principles or humanitarian norms?

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Abstract
This piece of work examines the 2011 NATO intervention in Libya. It assesses the relative ‘causal weight’ (MacFarlane 2002: 31) in the decision to intervene of humanitarian norms on the one hand and more narrowly defined ‘interest, defined as power’ (Morgenthau 1993: 6) on the other. In support of the proposition that Operation Unified Protector (OUP) was mounted primarily out of humanitarian concern the study considers evidence that grave human rights abuses were being committed by loyalist actors, that worse was expected and that these considerations were of central importance to decision-makers in NATO countries. The study then presents the rival view that Realist ‘self-help’ (Waltz 1979: 111) factors were of primary significance. This side of the argument is developed in three ways. Firstly, the theoretical underpinnings and background to the view are presented. Second, evidence is offered of potential geo-political, economic and electoral advantages accruing to and within intervening member states. Thirdly case studies of other R2P era emergencies are considered which shed light on the dynamics of the Libya situation and more generally across contemporary international politics. The study concludes that an intervention would not have been mounted absent significant perceived Realpolitik benefits to the participating NATO powers but that the presence of self-interest as a motivation does not vitiate Operation Unified Protector to the point of illegitimacy by just war standards (Walzer (1977), Wheeler (2002), Pattison (2008)). The study considers the implications of this for the evolving theoretical framework of international relations in which a doctrine of Responsibility to Protect (R2P) (UN 2005) is developing against a backdrop of major change in the Middle East and accelerating shifts in patterns of global political power.

Keywords: R2P; humanitarian intervention; Libya
Introduction

The ethical debate in international relations is difficult, controversial and hotly contested. It is also of the utmost importance. Its complexities are manifold. Debates often resemble dialogues of the deaf. All the while, as Marysia Zalewski puts it, “the bodies keep piling up” (Zalewski 1996). The comment is apposite. Interstate wars in the 20th Century involved the killing of around 140 million people of various states by nationals of other states (Leitenburg 2006: 14). Of the various debates, one of the fiercest takes place around the question of the ethics of intervention. Intervention may be defined as “the threat or use of force by a state, group of states, or international organization primarily for the purpose of protecting the nationals of the target state from widespread deprivations of internationally recognised human rights” (Murphy 1996: 11-12, cited in Goodman 2006: 107). Astonishingly, given the figure cited above for deaths in inter-state war, the stakes of this debate may be even higher. Rudolph Rummel considered over 8,000 estimates for his 1994 work ‘Death by Government’ and concluded that 20th Century governments killed an estimated 170 million of their own people (Freeman 1997). Leitenburg (2006), having used a method aimed at establishing a minimum reliable figure, offers a total of 89 million “with the recognition that the actual number may very well be much higher” (Leitenburg 2006: 13-14). Given that assaults by governments upon their own people can be, and historically have been, ended by intervention (Walzer 1979, Wheeler 2002, Pattison 2008), it should be no surprise that the question receives plentiful attention.

A tradition of just war thinking, which encompasses consideration of humanitarian intervention, stretches back to antiquity (Bellamy 2006: 15-30) and has remained fairly consistent. The doctrine of just war is nonetheless a problematic one. Centrally problematic is the possibility of its abuse as a legitimising tool of aggressive war. Attested precedents reach back at least as far as the Roman intervention in Saguntum in 264 BC (Lane-Fox 2006: 311). The 17th Century saw Hugo Grotius entering the discussion, drawing on the work of Seneca (c 4 BC-65AD):

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2 For example by posting all 2 million of the deaths in Cambodia 1975-78 in the war deaths column.
3 As Lane-Fox describes it, ‘Here, a turbulent faction in the non-Greek city of Saguntum called on their ‘good faith’ against pro-Carthaginian enemies. The Romans accepted the appeal and caused no end of spin and whitewash by later Roman historians who were concerned to put unjust Rome in the right’.
“Hence, Seneca thinks that I may make war upon one who is not one of my people but oppresses his own, [...] a procedure which is often connected with the protection of innocent persons. We know, it is true, from both ancient and modern history, that the desire for what is another’s seeks such pretexts as this for its own ends” (Grotius 1625, cited in Goodman 2006: 107).

A century later Emerich de Vattel contributed, challenging Grotius and defending the Westphalian norm of sovereign inviolability⁴ (discussed in Chapter 1 below). The pro- and anti- intervention dialectic would be reproduced in the 19th Century between John Stuart Mill (1859) and Montague Barnard (1860) and in the 20th between thinkers cautiously in favour (Michael Walzer and others) and those strongly against (Noam Chomsky and Edward Luttwak being representative). This present piece of work follows in this tradition of debate. It considers a case study in the NATO intervention in Libya, 2011: important in its own right, but also enlightening as an example of an intervention mounted with clear rhetorical appeal to the cosmopolitan norm that is Responsibility to Protect, though, as the study aims to show, one situated within a complex historical and contemporary international relations framework.

To define humanitarian norms for the purposes of this study, and understand the challenge presented by modern era cosmopolitan ethical and legal positivism, we must first situate them in relation to the Westphalian system and the development of humanitarian standards over time.

The basic theoretical principle of international relations since 1648 has been that of sovereign dominion. The Peace of Munster accorded rulers the inalienable right of dominion within their territories – “free exercise of Territorial Right” (Article 64, Peace of Munster, 1648), adding that those same rulers may not “be molested therein by any whomsoever upon any manner of pretence” (Article 64, Peace of Munster, 1648). At the World Summit of 2005, however, the General Assembly of the United Nations unanimously committed itself to principles of humanitarian protection which arguably challenged this as never before.

Theoretical, legal exceptions and practical challenges to the rule of Westphalian sovereignty norms had been mounted before Responsibility to Protect (R2P). Nineteenth century jurists

⁴ Stephen Krasner argues that the term Westphalian sovereignty should properly be renamed ‘Vattellian sovereignty’ such was the significance of the Swiss jurist’s contribution, see Krasner (1999), but particularly ‘Conversations with history’ interview at Berkeley (2003).
argued for a view of sovereign independence and the attendant norm of non-interference circumscribed by similar conditions to those seen in late 20th and early 21st century versions. The formulation ‘acts which shock the conscience of mankind’ is a 19th Century legal expression aimed at limiting notions of absolute sovereignty (Walzer 2002). It is repeated in the preamble to the Rome Statute establishing the International Criminal Court (1998) which declares itself ‘Mindful [of...] unimaginable atrocities that deeply shock the conscience of humanity’.

The World Summit Outcome Document of September 2005 nevertheless presented a historic challenge to the primacy of sovereignty in International Relations and may be seen as the high-water mark of a tide that began to swell at the founding of the UN and with the adoption of the Universal Declaration of Human Rights in 1945 and 1948 respectively. In the document, Heads of State and Government signed up to numerous commitments including those within the two articles reproduced below, 138 and 1395.

“138. Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability. 139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity [...]” (UN 2005)

5 The latter is presented in truncated form.
In analysing the 2011 NATO intervention in Libya, a key task of this piece of work is to consider the causal weight of humanitarian norms generally, and R2P specifically, in the decision to authorise military action. If it can be shown that such norms were indeed significant influencers we may conclude that the doctrine of ‘Territorial right’, the central norm of the Westphalian system, has been undermined. This may in turn imply that a new order, in which sovereignty is held to be conditional upon human rights compliance, is emerging not only in theory but in practice.

In Chapter 1, attention is focused on empirical evidence of atrocities committed by loyalist actors during the early phase of the Libyan revolt against the regime of Muammar Gaddafi. Evidence is presented to establish beyond reasonable doubt that violations of human rights were such as to meet the criteria for Responsibility to Protect action and thus that the potential, at least, exists that humanitarian concern featured as a motivating factor in Operation Unified Protector. The goal is to establish, on a secure basis, the seriousness of the humanitarian situation against which the decision to intervene was made. Without this analysis, claims that NATO’s endeavour was motivated solely by the pursuit ‘interest, defined as power’ (Morgenthau 1993: 6), or that short term (or indeed long term) harm outweighed benefits, may go without due challenge.

Chapter 2 examines NATO governments’ positioning regarding the situation described, the aim being to assess the ‘weight’ of humanitarian concern in the intervention debate, particularly within US corridors of power.

The chapter which follows (3) shifts focus to the Realist worldview. After unpacking its theoretical basis, a potential Realist narrative of the intervention follows, presenting evidence that the driver for the intervention was ‘interest defined as power’ (Morgenthau 1993: 6).

Chapter 4 maps the limits of Responsibility to Protect, and cosmopolitan normativity in general by considering the Libya crisis in the context of other R2P-era humanitarian emergencies.
Chapter 5 reflects on the implications of the evidence produced, teasing out key themes, important issues and dilemmas raised between cosmopolitan humanitarian norms on the one side and on the other the limitations of political feasibility.

Overall, this piece of work seeks to unpack factual content and interveners’ motivations before proceeding to a normative assessment in the just war tradition. In so doing it aims to shed a measure of light on the current status of humanitarian intervention within international society. The study’s conclusion is that humanitarian norms indeed played a part in the decision to intervene in Libya. However, based on the evidence examined, concerns of this nature represent a necessary but not a sufficient cause. These concepts will be explored further as the work unfolds.

1. The nature of regime response to the 2011 uprising

In International Affairs, Alex Bellamy and Paul Williams highlight that “The roots of Libya’s crisis lie in the political upheavals associated with the ‘Arab Spring’ protests that spread from Tunisia to Egypt and beyond in the early months of 2011” (Bellamy & Williams 2011: 838). They report that protests which had begun peacefully and with the apparent intent of demanding improved civil and political rights in mid-January became increasingly violent in nature (2011: 838). The regime’s brutal response to demonstrations was one cause of this. Another was the readiness of officers and men of Colonel Gaddafi’s armed forces to desert and join the protester’s cause, turning their arms against the regime (2011: 838). The armed opposition, which termed itself the ‘Interim Transitional National Council’, was initially very successful, “establishing a firm hold over the cities of Benghazi and Tobruk” (2011: 838). By late February and early March, however, loyalist units had re-established control over much of Libya and by mid-March were threatening to crush the rebellion at its heart in Benghazi” (2011: 838). The same authors offer evidence for the credibility of the human rights threat against the rebel stronghold, Benghazi in statements made by Gaddafi on 23rd February.

“In words that bore direct echoes of the 1994 Rwandan genocide, Qadhafi told the world that ‘officers have been deployed in all tribes and regions so that they can
purify all decisions from these cockroaches’ and ‘any Libyan who takes arms against Libya will be executed’” (Bellamy & Williams 2011: 838).

The previous day, 22nd February 2011, UN High Commissioner for Human Rights, Navi Pillay had “called on the authorities to stop using violence against demonstrators, which ‘may amount to crimes against humanity’” (Bellamy & Williams 2011: 839). Ban Ki-Moon’s Special Advisers also, (22nd February) “said the regime’s behaviour could amount to crimes against humanity and insisted that it comply with its 2005 commitment to R2P” (2011: 839). The African Union was similarly clear in its condemnation, decrying “‘the indiscriminate and excessive use of force and lethal weapons against peaceful protestors, in violation of human rights and International Humanitarian Law’, in response to the ‘legitimate [...] aspirations of the people of Libya for democracy, political reform, justice and socio-economic development” (2011: 839).

Evidence that grave human rights violations were taking place was by this stage significant and compelling. To judge by contemporaneous media reports, the Gaddafi regime’s response to the challenge to its continued existence was brutal indeed. The Times reported crimes against humanity throughout the conflict. In March, Anthony Loyd, covering the siege of Ajdabiya, reporting the testimony of one Hamza Mohammed Bader who, along with 13 other men, was forced ahead of loyalist troops at gunpoint as a human shield, having been abducted for the purpose from the town’s Bate Mamur mosque (The Times 28 March 2011: 7). Deborah Haynes, reporting on conditions in Misrata, reported eyewitness accounts of pro-Gaddafi forces indiscriminately shelling civilian areas (The Times 2 April 2011: 13). Another claimed “they used tanks, rocket-propelled grenades, mortar rounds and other projectiles to hit the city [Misrata] today [...] the destruction cannot be described” (The Times 2 April 2011: 13). Other foreign journalists in Misrata “portrayed a scene of utter destruction [...] Images broadcast by CNN and al-Jazeera showed two children wounded by mortar blast, streets

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6 Both of Gaddafi’s comments quoted here are taken from ‘defiant Gaddafi issues chilling call’ ABC (Australia) 23 Feb 2011.
7 Libya attacks may be crimes against humanity: UN’, Reuters, 22 Feb. 2011.
8 UN press release, statement by the UN Secretary General Special Adviser on the Prevention of Genocide, Francis Deng, and the Special Adviser on the Responsibility to Protect, Edward Luck, on the situation in Libya, 22 Feb. 2011.
destroyed by tank and gun fire as well as cars peppered with bullet holes” (The Times 2 April 2011: 13). In Misrata’s hospital, Haynes reported that

“Between 50 and 70 patients are brought in every day. Three out of four are civilians and between five and 15 die each day in the hospital. More than 200 people are believed to have been killed including children” (The Times 2 April 2011: 13).

Similar conditions existed in Yefren during the loyalist assault and occupation during of the spring months. According to a report filed by Martin Fletcher “the high school was hit by so many shells that it is scarcely salvageable” The eyewitness account of one Rabir al-Haj, 27, appears to confirm the existence of a counter-insurgency policy of scorched earth. “What they did was against humanity. From the first day they destroyed everything, every place they entered” (The Times June 13th 2011).

The charge of crimes against humanity was raised internationally in response to these and other apparent atrocities. As early as late February a prima-facie case was established that the Libyan authorities were guilty of crimes within the remit and under the jurisdiction of the International Criminal Court 10 (The Times October 21st 2011) In June 2011, based on evidence collected over the previous months, ICC Chief Prosecutor, Luis Moreno-Ocampo sought arrest warrants for Col. Gaddafi, his son, and intelligence chief Abdullah al-Sanussi (BBC 8th June 2011). The charges were for crimes against humanity, specifically “murder and persecution” in response to the “anti-government uprising in February”, giving as an estimate that 500 and 700 people had been unlawfully killed (BBC 8th June 2011). The systematic use of rape as a weapon of war is also alleged by the same ICC prosecutor who had “collected evidence suggesting the Libyan leader had decided to punish women by using rape as a weapon in the hope that it would instil fear and curb dissent” (BBC 8th June 2011).

“Rape is a new aspect of the repression […]. Apparently, he decided to punish, using rape […] In some areas we had a number of 100 people raped.” Mr Moreno-Ocampo also said some witnesses had confirmed that the Libyan government was buying

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10 ‘Libyan government is referred to the International Criminal Court for its treatment of prisoners’ (The Times 21/10/12)
containers of Viagra-type drugs to carry out the policy and to "enhance the possibility to rape" (BBC 8th June 2011).

Such allegations appear substantiated by contemporaneous press reports. In late March, The Times reported that rebel fighter Mohammed al-Libby had taken up arms after seeing mobile phone footage which “appeared to show Gaddafi’s men had come supplied with condoms and Viagra” (The Times 27 March 2011). Hala Jaber reported on April 17th the story of ‘Leila’, a “28 year-old mother of two” who was “raped and brutalised – with one child still wrapped in her arms and the other forced to watch” on the night of March 14th 2011. “The soldiers told me they would kill my children: They sneered ‘you or your children’”. The same writer, who had been investigating cases of the use of rape during the regime’s counter-attack, continues, stating

“Leila’s ordeal [...] is one of many accounts I have heard in which Gaddafi’s forces have used rape to destroy the lives of women. In the besieged port of Misrata I was told by doctors and an official of more than a dozen cases – including gang rapes. In one case, an official from Misrata told me that four sisters were systematically raped by a group of soldiers from Tawurga” (The Times April 17th 2011).

Investigating after the fall of Gaddafi’s regime, the UN Human Rights Council’s Report of the International Commission of Inquiry on Libya paints a similar picture. The report presents evidence of atrocities including, inter alia, the systematic use of rape; the excessive and indiscriminate use of force and the widespread use of torture in the suppression of the revolt. Regarding the use of torture and rape the commission conducted a thorough investigation bearing out contemporaneous reports. The commission took testimony from 35 people subjected to torture by loyalist soldiers and militia. Their findings, verified by forensic medical reports, were that Gaddafi forces had used a grisly range of techniques all of which comfortably meet generally accepted definitions of torture. These included “severe beatings including on the soles of the feet (falaqa), electric shocks on genitalia; burning, threatening with dogs, suspension over doors, hanging from bars, and locking in small spaces or in solitary confinement for extended periods”. The same report confirms other reports that rape

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11 UN Convention Against Torture (1985) Part I, Art. 1 “For the purposes of this Convention, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person [...]”
was also in widespread use, used on males and females including those held in detention (UN 2012: 11). The summary conclusion of the report is that:

“international crimes, specifically crimes against humanity and war crimes, were committed by Qadhafi forces in Libya. Acts of murder, enforced disappearance, and torture were perpetrated within the context of a widespread or systematic attack against a civilian population. The Commission found additional violations including unlawful killing, individual acts of torture and ill-treatment, attacks on civilians, and rape” (UN 2012: 2).

In this section we have seen, via a wealth of evidence from multiple sources, that Libyan government forces were indeed engaged in precisely the manner of atrocities that the World Summit of 2005 envisaged as triggering an international response under Responsibility to Protect. We now proceed to consider responses among NATO key influencers and policy-makers to the situation leading up to, and following after, the point of the decision to intervene. By so doing the study aims to shed light on the factors in play within the considerations of alliance foreign policy actors, as well as providing insight into potential motivating forces.

2. NATO governments’ positioning regarding the human rights situation

The degree to which NATO government decision-makers were aware of the full range of abuses taking place in Libya at the time intervention was approved, and the extent to which debates centred around human rights concerns cannot be entirely known. Our proximity in time to the events limits the scope of our understanding. Further research will elucidate. It is possible to adduce some evidence and draw conclusions, however, regarding the human rights data available to NATO decision makers; how that information was interpreted and handled; and its weight in the balance.

British Prime Minister David Cameron and erstwhile President of France Nicholas Sarkozy were frontrunners among NATO leaders in calling for intervention. Without their enthusiasm it would appear unlikely that the US would have been moved to act diplomatically and militarily. Though during the NATO era both Britain and France have mounted interventions without US military backing it nevertheless appears to the present author, as well as to others (Hallams & Schreer 2012: 314, 316, 327), that diplomatically, and out of military necessity, the chances of either Britain or France acting alone, or together, without US support were
extremely slim. Without US buy-in, there would have been no Security Council Resolution 1973\textsuperscript{12}, at least not in recognisable form, and no military intervention. For this reason, the greatest attention is paid here to forces operating within the US body politic.

The inclination of many within the Pentagon and the White House in the early days of the uprising had been to avoid military involvement. “Robert Gates”, wrote Tony Allen-Mills on 27\textsuperscript{th} March (The Sunday Times, March 27\textsuperscript{th} 2011) “made no secret of his lack of enthusiasm for an open-ended Libyan campaign”. Thomas Donilon, Obama’s national security adviser, insisted that the Libyan people were going “to decide their own future”. At the House Appropriations Subcommittee hearing on 2\textsuperscript{nd} March, Defense Secretary Gates was quoted by CBS news as saying “Let's call a spade a spade. A no-fly zone begins with an attack on Libya to destroy the air defences” (Martin 2011). Tomas Valasek’s analysis of Obama administration foreign policy very much reflects this mood: ‘the US will not hesitate to lead “wars of necessity” in defence of European allies’. But it will not take the lead in “wars of choice” in or around Europe.’ (Hallams & Schreer 2012: 319). And yet, at a key meeting on March 15\textsuperscript{th}, President Obama “agreed to help enforce a no-fly zone” (The Sunday Times 27\textsuperscript{th} March 2011) , a decision reflected in the Security Council Resolution to that effect passed two days later on March 17\textsuperscript{th}.

The explanation for the change of policy, according to The Times and The Sunday Times was two-fold. On the one hand, pragmatically, the Arab league was seen to be onside, a consideration to which we shall return in Chapter 3. On the other, and of central importance to the thesis that humanitarian factors were significant in the decision, were the representations of two influential women within the US foreign policy community – Susan Rice and Samantha Power. The histories and apparent motivations of these two key figures are important in making the ‘humanitarian motivations’ case, and thus repay close attention.

Samantha Power is a Pulitzer Prize-winning former journalist, now adviser to President Obama in her capacity as Senior Director of the National Security Council. She rose to prominence with the publication of articles addressing the failure of the Clinton administration to take action to prevent the Rwandan genocide of 1994 in which an estimated one million perished. Her research into the slaughter and the policy debates occurring within and around the White House at the time are outlined in her 2003 work ‘A problem from Hell

\textsuperscript{12} The key being the inclusion of the phrase “all necessary measures” (UNSCR 1973)
– America and the Age of Genocide’ (Power 2007). In her 2001 *The Atlantic* piece (Power 2001) Power catalogues the abject failures of key figures in the Clinton administration including one Susan Rice, then a peacekeeping adviser on the National Security Council. “At an interagency teleconference in late April, Susan Rice, a rising star on the NSC who worked under Richard Clarke, stunned a few of the officials present when she asked, "If we use the word 'genocide' and are seen as doing nothing, what will be the effect on the November [congressional] election?" (Power 2001)

Rice later came to regret her approach and resolved to respond differently in future if faced with a similar challenge: ‘‘There was such a huge disconnect between the logic of each of the decisions we took along the way during the genocide and the moral consequences of the decisions taken collectively,’ Rice says. "I swore to myself that if I ever faced such a crisis again, I would come down on the side of dramatic action, going down in flames if that was required’’” (Power 2001). By the time of the Libya crisis of 2011, Susan Rice had become US Ambassador to the United Nations and, in March, according The Times (21st March 2011), took her opportunity to make good on her vow. With Secretary of State Clinton, herself mindful of the Rwanda genocide13, now in the pro-intervention camp, Rice “[...] is believed to have told Mr Obama that the Franco-British resolution before the Security Council was insufficient, but that there was a chance that a tougher alternative could pass” (The Times March 21st 2011). When President Obama asked Susan Rice to draft such a resolution, “Ms Rice replied that she already had one that she had written a week earlier, just in case” (The Times March 21st 2011). The US Ambassador went to great lengths, personally, to secure the resolution, rushing from the chamber to find the South African representative, absent at the crucial moment, “to drag him back for the vote” (The Times March 21st 2011).

As acknowledged, analysis of motives driving policy makers is a problematic exercise. Much is hidden from view and more still is obscured by deliberate smokescreen. Whatever the diplomatic fog, however, and whatever the agendas of various news sources may be, (Herman & Chomsky 1988) it may safely, I would argue, be assumed that decision-makers were aware of the propensity to atrocity of the Gaddafi regime. The briefest perusal of Amnesty International reports of the Gaddafi era make this plain (Amnesty International

13 “[...] several sources suggested last week that memories of the Rwanda genocide, which unfolded in 1994 during her husband’s presidency, may have changed her mind” (The Sunday Times 27th March 2011).
That Libya at the time of the uprising was, and for decades had operated under a logic of state terror (à la Bobbitt 2009) was beyond question in the minds of anyone prepared to examine readily available facts produced by reputable agencies. As acclaimed British journalist and war reported Kate Adie put it “‘You heard whispers, you heard rumours. Years ago, the Italian ambassador told me he had complained of the screams they could hear overnight. He said that they found rubbish skips with limbs in them in the morning. That’s the kind of place it was” (Adie 2011, via Twitter, BBC 24\textsuperscript{th} August 2011).

Security Council 1973 was adopted on March 17\textsuperscript{th}. Airstrikes began on the 19\textsuperscript{th}. The language of Responsibility to Protect was evident in the statements of Obama, Cameron and Sarkozy. In a remarkable jointly-signed statement the leaders clearly framed the intervention in terms of human rights and standards of international law.

“As Libya descended into chaos with Colonel Gaddafì attacking his own people […] the United Nations Security Council authorised all necessary measures to protect the people of Libya from attacks upon them. By responding immediately, our countries halted the advance of Gaddafì’s forces. The bloodbath that he had promised to inflict upon the citizens of the besieged city of Benghazi has been prevented. Tens of thousands of lives have been protected” (The Times April 15\textsuperscript{th} 2011).

In arguing for a continuation of armed support for the rebels, the same letter reports that “the people of Libya are suffering terrible horrors at Gaddafì’s hands […] His rockets and his shells rained down on defenceless civilians in Ajdabiya. The city of Misrata is enduring a medieval siege as Gaddafì tried to strangle its population into submission. The evidence of disappearances and abuses grows daily” (The Times April 15\textsuperscript{th} 2011).

On face value, speeches made by President Obama (Wishon 2011) and David Cameron (Cameron 2011) lend further weight to the argument. Such statements, along with others examined in this chapter may be seen as evidence to support the contention that concern for

\textsuperscript{14} AI’s 2007 report quotes Muammar al-Gaddafì on the subject of political dissent. “Mu'ammar al-Gaddafì urged his supporters to "kill enemies" if they asked for political change”. This in the aftermath of demonstrations in Benghazi in which “at least 12” were killed by security forces (Amnesty International 2007).
humanitarian standards drove the intervention, a thesis accepted by commentators such as Thomas Weiss (Weiss 2011).

In the next chapter, the alternative case is presented: that the human rights discourse of NATO decision-makers amounts to no more than justificatory propaganda; and that ‘interest defined as power’ (Morgenthau 1993: 6), not humanitarian concern, was the motivating factor behind Operation Unified Protector. To achieve this, the chapter reviews aspects of Realist thought. It then examines historical evidence and contemporary political factors suggesting that Realpolitik gains may have weighed heavily in policy makers’ minds at the time Operation Unified Protector was being considered.

3. Self-help

The argument that military interventions have been seen in international relations history only where significant self-interest factors exist for the intervening state is expounded and defended by numerous scholars including Michael Walzer and James Pattison. We have already seen, above, Lane-Fox’s exemplum from the early days of Rome’s ascent to hegemony. This chapter considers the Libya intervention with a view to unveiling possible power-political motivations for NATO states. After establishing the theoretical framework for the worldview, the study will undertake different levels of analysis of potential Realpolitik motivation starting with broad historical and strategic factors progressively narrowing down to regional alliance factors and specifics of more distant (1969-200315) and shorter term (2003-2011) relations between NATO countries and Libya within the Gaddafi era. It will then move on to consider counterpoint examples from the contemporary period which shed important light on potential motivations for the Libya intervention and indeed, more broadly, on factors to be considered in assessing the status of humanitarian intervention in the R2P era.

The Theoretical Framework

Hans Morgenthau provides the student of International Relations with valuable insights. In his Politics among Nations, first published in 1948 in the aftermath of World War II, and at the dawn of the Cold War, he argues that “Politics, like society in general, is governed by objective laws that have their roots in human nature which is unchanging: therefore it is

15 The year in which Gaddafi was ‘brought in from the cold’, benefiting from the progressive lifting of sanctions after renouncing his nuclear ambitions (after Bowen 2006). This is further discussed below.
possible to develop a rational theory that reflects these objective laws” (Morgenthau 1993: 6), adding that “the main signpost of political realism is the concept of interest defined in terms of power [...] Political realism stresses the rational, objective and unemotional” power being “the control of man over man” (Morgenthau 1993: 6).

This is not to say that Morgenthau was indifferent to the conditions of life experienced by his fellow human beings in his own or indeed foreign political communities. Politics among Nations is not the work of a man without moral scruple. However, without discounting considerations of morality, had Morgenthau been alive and writing in March 2011, his primary concern, it might be imagined, would have been the likely wider consequences of the intervention, more than the human rights of Libyans facing loyalist assault per se. “There can be no political morality without prudence; that is, without consideration of the political consequences of seemingly moral action”. The guiding star of Realism is prudence.

“Realism, then, considers prudence – the weighing of the consequences of alternative political actions – to be the supreme virtue in politics” (Morgenthau 1993: 6).

Closer to our own times, commenting on Waltz’s seminal Theory of International Politics (1979), Dunne and Schmidt identify the author’s theoretical framework as consisting of “organising principle, differentiation of units, and distribution of capabilities”. The same commentators conclude that for Waltz and other Structural Realists “the relative distribution of power is the key independent variable in understanding the important international outcomes such as war and peace, alliance politics, and the balance of power” (Dunne & Schmidt in Baylis, Smith, Owens. (Eds.) 2011: 91). It is not impossible to make a case that such considerations played their part in the NATO decision to push for SCR 1973.

Libya: Which Realism? The overcoming of initial US reluctance to intervene.
The resolution, authorising as it did “all necessary measures” to prevent further assaults on anti-Gaddafi forces and strongholds was pregnant with implications for the Libyan polity, and indeed for the wider region and the world of states writ large. The military requirement of SCR 1973 was spelt out by Robert Gates. Air strikes on loyalist anti-aircraft defences at a minimum, as seen above, were the cash value of the resolution. The practical politico-military consequences of UNSCR 1973 as perceived by Obama, Sarkozy and Cameron (“the bombing continues until Gaddafi goes”, The Times, 15th April 2011) amounted to regime change.
Given these factors, it can be seen that the embrace of humanitarian concern for the lives and rights of the people of Libya had the parallel effect of an openly stated policy of removal from power of Libya’s then Head of State. Considering this, the Realist, especially one of a ‘maximal’ stripe such as John Mearsheimer, would detect calculations of relative power, the “currency of great power politics” (Mearsheimer 2001: 12). The case may be further substantiated if credible relative gains can be seen to accrue to the intervening NATO powers. Consideration of what those gains may have been constitutes the next subsection of this enquiry.

**Potential gains accruing to NATO from Operation Unified Protector**

Beginning at the base level of analysis, we note the central importance of access to resources in the formation of foreign policy. Different commodities have succeeded one another as chief ‘prize’\(^{16}\). However, that the pursuit of resources is central, imperative and one of the main drivers, if not the main driver, of foreign policy is a key tenet of the Realist worldview (Kennedy 1989, Fischer 1961, Yergin 1991). That states use, and threaten to use, force to secure resources, never mind that those resources lie in foreign sovereign territory need not be considered a historical moot point. It has been stated quite openly. In 1980, US President Jimmy Carter laid out what was to become known as the Carter Doctrine. Faced with the invasion of Afghanistan by Soviet forces, Carter was reasonably candid in spelling out what this meant for the US, what the US response would be, and why.

“The region which is now threatened by Soviet troops in Afghanistan is of great strategic importance: It contains more than two-thirds of the world's exportable oil. The Soviet effort to dominate Afghanistan has brought Soviet military forces to within 300 miles of the Indian Ocean and close to the Straits of Hormuz, a waterway through which most of the world's oil must flow.” (Carter 1980).

Though lying 8,000 miles from its Eastern seaboard, the United States made no bones about asserting its right to the product of the wells of the Persian Gulf. “Let our position be absolutely clear: An attempt by any outside force to gain control of the Persian Gulf region will be regarded as an assault on the vital interests of the United States of America, and such an assault will be repelled by any means necessary, including military force” (Carter 1980).

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\(^{16}\) To borrow Daniel Yergin’s term.
To establish the historical pattern, ‘The Prize’ author, Daniel Yergin, makes the point that in 1903 the British Foreign Secretary of the day issued a similar warning to Germany and Russia. In markedly similar terms to those used in the Carter declaration 77 years later, Lord Lansdowne announced to Parliament’s upper chamber and the world that His Majesty’s Government would "regard the establishment of a naval base or of a fortified port in the Persian Gulf by any other power as a very grave menace to British interests [and that] we should certainly resist it with all the means at our disposal" (Yergin 1991: 140, 702).

Whilst Libya, clearly, is not to be found in the Persian Gulf, in two respects its strategic status within the calculations of US and European policy makers may be and should be considered in similar terms. Firstly it is hydrocarbon rich, figuring in the top ten of world oil reserves with 39.1 billion barrels according to the 2006 BP statistical review of World Energy, more than double the estimated reserves of Qatar (Rogers 2008 in Cox and Stokes 2008: 370). It additionally enjoys significant exploitable reserves of natural gas\(^{17}\). Both of these commodities are, it goes without saying, highly sought after\(^{18}\). European states such as Germany and Italy developed significant commercial relationships with Libya and by the 2000’s were highly dependent on Libyan hydrocarbons\(^ {19}\). It might be added that the very fact that Libya is not in the Persian Gulf makes its resources, all the more of a ‘prize’. Relative ease of access is a significant factor in cost and risk – the both being considerations dear to the hearts of industrial and strategic planners alike. Furthermore, as Yergin notes, Libyan

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\(^{17}\) “Proven natural gas reserves in 2006 were estimated to be 1.42 billion cubic metres, the third largest in Africa, and some experts suggested unexplored reserves could double that figure (World Bank 2006: 13)” (St John 2011: 104).

\(^{18}\) I give, however, three brief examples of its perceived value. In the years leading up to World War I, Winston Churchill noted, regarding the struggle to control access to oil, that “mastery itself was the prize of the venture” (Yergin 1992: 156). In 1924 US President Calvin Coolidge write to oil tycoon Harry Doherty “The supremacy of nations may be determined by the possession of available petroleum and its products” (Yergin 1992: 222). In 1933 Franklin Roosevelt’s Public Works Administrator Harold Ickes went so far as to say that “We have passed from the stone age, to bronze, to iron, to the industrial age, and now to an age of oil. Without oil, American civilisation as we know it could not exist” (Yergin 1992: 254).

\(^{19}\) With the Western Libya Gas Project in full operation, Libyan gas “was expected to some 30 percent of Italy’s energy needs” (MEED: 17/8/01). (St John 2011:104). Meanwhile, in 2004 “Wintershall, the oil arm of [German] chemical giant BASF accounted for 10 percent of Libyan oil production, making it the third largest oil producer in the country (Werenfels 2004: 1-2) (St John 2011: 138).
crude oil is particularly ‘sweet’ (low in sulphur, thus high quality), making it a still greater prize, particularly in an era of growing environmental concern (Yergin 1992: 529).

Secondly, Libya may be seen as playing if not a central part, a part nonetheless in an ongoing ‘Cold War’ that divides the Persian Gulf Arab monarchies and their protector, the United States, on the one hand and Iran and its allies on the other. Fearing the popular appeal, and potential effect, of revolutionary Iranian-inspired political Shi’ism on their own Shi’ite populations, and possible consequences regarding their personal positions of power, the conservative monarchs of the Gulf have long been wary of Gaddafi’s Libya. Given the potential threat of a nuclear Iran to stability in the Gulf, it could be argued that this new arrangement of forces mirrors rather closely, albeit with different players, the ‘original’ Cold War of 1946-91 in terms of the battle lines drawn over oil and dominance of the Persian Gulf. It may be a stretch to claim for Libya the status of ally of Iran. However its positioning under Gaddafi as a troublesome and destabilising force in world affairs generally and a moderately influential antagonistic element friendlier by far to Iran than to the Gulf monarchies may have placed Gaddafi’s Libya on the wrong side of the line as far as the conservative powers were concerned.

Regardless of relations with Iran, Saudi Arabia certainly considered Gaddafi a foe. It is also beyond doubt that the majority of the Arab nations were keen to see the back of the Colonel.

20 Russia has, nevertheless, been supportive of Iran, providing significant nuclear technology. In this regard it may further be argued that the original Cold War continues between the original protagonists, minus the ideological posing (for justification of this latter claim, see Yergin (1992: 239-240, 644 and 659) regarding free enterprise in the Soviet Union and 1992: 254 regarding US economic management under FDR’s New Deal).

21 Taking as a start date Kennan’s ‘long telegram’ regarding Soviet intentions.

22 Numerous examples may be cited to support this claim. To give but one, in 2011, Iran was accused by the US and Saudi Arabia of attempting to assassinate the Saudi Ambassador to the USA, widely reported including by CNN (2011).

23 Some go further. Speculation appeared in Le Monde on July 6th 2011 that ‘Iran may be secretly arming Gaddafi in anti-west alliance’, the piece claiming that “Despite dissent among top Iranian leaders, Tehran appears to be now throwing its weight behind Gaddafi’s regime rather than the rebels” adding that “Iran hopes the West gets bogged down in Libya and can’t pursue Syria or Iran's own nuclear program”.

24 “In the summer of 2004, Saudi Arabia accused Libya of being involved in a plot to assassinate then Saudi Crown Prince Abdullah bin Abdulaziz and other members of the Saudi government (Ronen 2008: 69, 139) (St John 133). The Saudis are key influencers within the Gulf Cooperation Council, a body described by Alex Bellamy as ‘pro-US’ (Bellamy 2011: 4). Also we note that “At an Arab summit in 1988 he wore a white glove
It was, after all, the declaration of the Arab league in favour of the no-fly zone that proved so influential in the thinking of Hilary Clinton, as reported by the Times, and also according to Alex Bellamy who claims for the GCC\textsuperscript{25}, OIC\textsuperscript{26} and LAS\textsuperscript{27} enthusiasm for a no-fly zone the status of “diplomatic game changer”, adding that “without their support, China and Russia would have certainly vetoed Resolution 1973” (Bellamy 2011: 4).

Taking these twin considerations into account, it may be argued, as \textit{Le Monde} effectively did, that influence over Libya is a prize that the US and Western European powers had eyes for (Nougayrède 2011). One version of the Realist account might therefore be that policy makers in NATO countries Britain, France and eventually the US came to realise that an opportunity to effectively install a more reliable and pliable regime in Tripoli\textsuperscript{28} had presented itself, with all the benefits that might bring in terms of reliable access to high quality, easily exploitable hydrocarbons. Further, such a move would be anything but unhelpful in the project of containing Iran. Further still, it would please and support key allies represented among the Gulf monarchies. Being seen as midwife at the birth of a potential new democracy among the Arab states to sit alongside Tunisia would be a pleasant bonus in tune with President Obama’s declared policy of support for democracy and human rights (Obama 2009).

on his right hand to avoid shaking "bloodstained hands", and the following year he blew smoke from a fat cigar into the face of the late King Fahd of Saudi Arabia”. At a later meeting Gaddafi railed at (now King) Abdullah. “You are always lying and you're facing the grave and you were made by Britain and protected by the United States," Gadhafi told Abdullah in front of 15 other leaders attending the annual gathering”. (Total War Center 2009). According to St John (2011:133), Gaddafi viewed Arab League meetings as an opportunity to “berate, cajole and belittle his fellow members”, adding that “he mocked the very idea of the Middle East, claiming that it was normally considered the ‘Dirty East’” (Gaddafi 2005: 10).

\textsuperscript{25} Gulf Co-operation Council
\textsuperscript{26} Organisation of the Islamic Conference
\textsuperscript{27} League of Arab States
\textsuperscript{28} See Yergin 1992: 577-580 for details of the worldwide impact of the regime’s hardball negotiations – the ‘Libyan squeeze’ - on international oil companies and western economies in general. One US negotiator, preparing to acquiesce in a deal giving Libya a 20% income hike on exports, went so far as to comment that “everybody who drives a tractor, truck, or car in the Western world will be affected by this” (Yergin 1992: 580). At later points Gaddafi’s tactics were to include outright nationalisation, for example of holdings of BP and Italian oil giant ENI. On expropriating the operations of US firm Bunker Hunt Gaddafi “proudly announced that [...] he had given the United States ‘a big hard blow’ on ‘its cold insolent face’ (Yergin 1992: 585).
It might be added that, in the context of a rising China and a more assertive Russia, NATO countries’ leaders might have cause to consider again the benefits of democratic enlargement à la Clinton. A democratically-governed Libya, if such a polity were to be established, might be less inclined to seek to develop mutually beneficial trade with fellow non-democracies Russia and China and instead direct economic advantages westward. Power being fungible (Kennedy 1989), and economics being perhaps a particularly pressing concern in the post-crash West, such considerations may have weighed heavier than first meets the eye.

Realists do not always agree. Self-declared Realist Michael Lind argues for the necessity of the US involvement in Vietnam whilst others including Lippmann, Kennan and Morgenthau (Gordon 2000), opposed it. It has been argued that Realists around President Obama resisted the call to intervene in Libya. Could it be, based on the material adduced above, that calculations regarding the intervention included considerations of a form of maximal Realism, not unlike those approved by Lind in regards to US involvement in Vietnam?

“Maximal realists . . . stress the extent to which the world of interstate politics is organized as a hierarchy of power and function . . . [they] believe that it is not only possible, but likely that a single superpower or great-power alliance will dominate the hierarchical, specialized global system” (50-51)” (Gordon 2000).

In addition to the larger, geo-strategic question explored above, it could be argued that more ‘local’ factors may have carried some weight in the scales. Colonel Gaddafi’s regime had proved more than a minor irritant to NATO powers Britain, France and the USA over its 42-year existence and continued to cause difficulties even in the post-December 2003 period of improved relations. For France, Gaddafi’s meddling in the affairs of Chad and in other areas of Africa historically within France’s sphere of influence (St John 2011: 122-125) caused considerable consternation and led the Fifth Republic to lend significant military support to Chad and indeed to engage directly against Libyan forces during the 1980s. The Wadi Doum air raid conducted by France against Libyan forces in 1986 is an obvious case in point. France suffered the loss of an aircraft, Flight UTA 772, as a result of a Libyan bomb which destroyed the aircraft over Niger with the loss of all 171 persons on board. Britain, for its part had plentiful cause, based on conflict with the Colonel’s regime, to desire to see its demise. The UK suffered terrorist attacks at the hands of an IRA supplied with guns and explosives

29 Likewise the Americans (St John 2011: 124-5, 141).
by the Libyan regime, including the attack on the government itself in the bombing of the Grand Hotel in Brighton in 1984 during the Conservative Party conference. Briton Yvonne Fletcher was killed by a bullet fired from the Libyan embassy as she policed a protest in 1984. Both the USA and Britain suffered heavy losses in the Libyan bombing of Pan Am flight 103 over Lockerbie, Scotland in 1988 and may be said to have been humiliated by scenes following the release of the convicted bomber in 2009. The US itself was sufficiently concerned at Gaddafi’s foreign policy in general, and support for international terrorism in particular, to conduct numerous military operations against Libya during the Reagan years and beyond (St John 2011: 125-128; Vandewalle 2006: 169). The rapprochement of late 1990s onwards, which saw compensation paid to victims of Libyan terrorist acts, the surrender of the chief suspects in the Lockerbie case and the 2003 cessation of the Libyan regime’s nuclear programme eased tensions and provided grounds for viewing Gaddafi as tolerable. Nevertheless, his continued unpredictability and designs for prestige and power within Africa may be seen as factors leading even the ‘minimal’ Realist to consider his removal from power to be a potentially advantageous development.

This chapter has sought to present the case that the pursuit of ‘interest defined as power’ (Morgenthau 1993:6), conceived of in maximal Realist terms, may have provided impetus for NATO’s Libya intervention, an argument which challenges a purely humanitarian interpretation of Operation Unified Protector. In the following chapter, a further line of argument challenging the ‘humanitarian-only’ interpretation of NATO’s motivations is set out, in this case through an examination of other R2P era humanitarian crises. In so doing, the aim is to show that aspects of the R2P-based rhetoric employed by NATO leaders at the time of the Libya intervention, if applied consistently and without regard to other factors, arguably

30 Though failing in its aim to kill Prime Minister Margaret Thatcher and members of her cabinet, the bomb killed five and caused serious and permanent injury to many in the hotel on the night of the explosion.
31 British and American prestige were not enhanced by jubilant scenes at Tripoli airport as Abdelbaset al-Megrahi, convicted of carrying out the Pan Am bombing returned to Libya on compassionate grounds. Then UK Foreign Secretary David Milliband told the BBC “Obviously the sight of a mass murderer getting a hero’s welcome in Tripoli is deeply upsetting, deeply distressing,” President Barack Obama described the release as “a mistake” (Fraser 2009). Upon news of al-Megrahi’s death, some relatives of those killed continued, unsurprisingly, to condemn the release which preceded the former intelligence agent’s death by nearly three years. “What the British and American governments did in his release was despicable” (BBC 2012a). Such developments may have presented prestige-based and electoral incentives for intervention.
32 With destructive effect in, for example, Sudan (see Flint & De Waal ‘Darfur’ (2005).
would have led to intervention in Sri Lanka in 2009, and may have heralded intervention in Syria in 2011 or early 2012. By assessing the other factors that were relevant in Sri Lanka, and are in play in the Syrian crises, we gain insight into NATO’s analysis of the Libya crisis, and indeed of policy-makers’ considerations around humanitarian intervention and prudence in the R2P era more generally.

4. The limitations of R2P.

_Crises in the Responsibility to Protect era_

i) Sri Lanka

According to the UN Secretary General’s expert panel report tens of thousands of Tamil civilians were killed in the final stages alone of the conflict between Tamils fighting under the banner of the Liberation Tigers of Tamil Elam (LTTE) and forces of the Sinhalese government (UN 2011). Starting in around 1983, Sri Lankan armed forces had waged a brutal counter-insurgency which ended the Tamil revolt against effective Sinhalese rule of the island nation, a revolt which had begun after the denial of civil rights to the Tamil population, for example through the passing of the 1956 ‘Sinhala Only Act’. In the early days of the conflict, the Sinhalese government incited a pogrom in Colombo resulting in the killing of hundreds or perhaps thousands of Tamil civilians. “[...] nobody really knows how many Tamils died in that one week in July 1983. Estimates vary from 400 to 3,000 dead” (Harrison 2003). Whilst recognising that both sides in the conflict were guilty of committing grave human rights abuses, nevertheless the scale of the killing of Tamil civilians in 2009 was astonishing. In the final stages of a conflict which had begun with a deliberate state policy of repressing an ethnic group before progressing to a counter-insurgency marked by collective punishment by massacre and rape, up to 40,000 Tamil civilians are estimated to have been killed (UN 2011: 40). Violations included such notorious acts as the shelling of various hospitals during the spring of 2009 (UN 2011: 31, 34).

Given that the International Committee of the Red Cross, among other observers, was on the ground and issuing press releases via internet and other media, it would be difficult to argue that this appalling situation was beyond the knowledge of decision-makers among the world’s

33 “[...] multiple sources of information indicate that a range of up to 40,000 civilian deaths cannot be ruled out at this stage”
governments. Furthermore, indeed, the FCO’s own 2009 Sri Lanka report refers to satellite imagery showing shell damage to the hospital at Puthukuduirrippu.

“We were gravely concerned by reports of persistent heavy shelling of civilian areas and by the satellite images that confirmed damage to civilian sites, including the hospital at Puthukuduirrippu” (FCO 2009)

A question presents itself therefore. Why no intervention in Sri Lanka? Credible evidence of very grave human rights violations and mass killings,\(^{34}\) arguably more serious than those seen in Libya two years later, were available to decision-makers, a truth acknowledged by the same.

According to the Times of India, March 22\(^{nd}\) 2012 (Times of India 2012), Western governments pushed for Sri Lanka to be investigated by the UN Human Rights council long before the resolution to investigate was finally passed in March 2012. Even then, China and 14 other states voted against. “China [...] firmly backed Sri Lanka against the US-sponsored resolution at the UNHRC on alleged war crimes, saying it is against any country putting pressure on others in the name of rights violations”(Times of India 2012). Passing at this time of asking, the motion nevertheless might have failed for reasons similar to those that prevented success on the first. The Sri Lankan government on this occasion was simply unable to rally the same level of support among non-Western states for its resistance to the calls for an enquiry (Times of India 2012).

Given the apparent difficulty encountered by Western nations in securing even a resolution to press a UN member state to investigate its own human rights failures, the chances of securing a vote at the Security Council, in the teeth of Chinese (and likely Russian) resistance would appear slim to the point of invisibility. It is possible that this provides at least a partial explanation for the non-emergence of draft resolution on military intervention in Sri Lanka.

\(^{34}\) In Libya, estimates of numbers killed in the conflict overall vary considerably. According to a report made by Cherif Bassiouni’s UN Human Rights Council mission after visiting Libya in late April 2011 between 10,000 and 15,000 had been killed by that stage (Reuters 2011). At the point of the decision to intervene however, estimates of casualties were far lower. From examining multiple reports a reasonable estimate of fatalities may be around 2,000.
Other potential factors may have been ambivalence regarding the prospect of Tamil independence of decision-makers within NATO countries and hostility towards the LTTE, listed by the US State Department as a terrorist organisation. Relations with India may also have been considered a factor. India had significant issues in play including its Tamil population in Tamil Nadu.

Sri Lanka was also very much ‘out of area’ for NATO, being far from the Atlantic. The coast of Libya by contrast is at points less than 400 miles from that of Sicily. In this regard, Article 52 (1) of the UN Charter (Regional Arrangements) is operative:

“Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations” (UN 1945).

Lastly it might be mentioned that for all its sins, the Sri Lankan government had not caused undue problems to the West either in terms of trade or regarding overall geo-strategic interests. Sri Lanka’s Sinhalese government had neither advocated oil embargos against the West nor sponsored sub-state actors intent on the destruction of a significant Western ally\textsuperscript{35}. Colonel Gaddafi’s regime possessed none of these saving graces. Given the finite nature of economic and military resources and diplomatic capital, NATO powers were unlikely to expend very much of them in defence of Tamil civilians even though they were aware that thousands of them, if not how many thousands, were perishing in appalling conditions in the Spring of 2009.

\textbf{ii) Syria}

At the time of writing (August 2012) a probable 10,000 civilians have been killed by the al-Assad regime in the space of 17 months. This would amount to possibly five times the number killed in Libya at the time SCR 1973 was passed. Government efforts have been targeted at crushing what was, at least in the first half of 2011, essentially a peaceful

\textsuperscript{35} i.e. Israel
movement of protest against what without doubt for decades has been a corrupt and brutal (Amnesty International 2002) Ba’athist regime.

During the period Russian *Realpolitik* has been only thinly disguised, manifested in strong resistance to any UN Security Council Resolution on the subject of the Russian client regime’s response to the uprising. Even a motion of censure that might open a crack to intervention had to be opposed. It has been suggested that Russian stonewalling on a human rights motion was born out of a sense of having been outplayed\(^{36}\), perhaps cheated, by the West in the very case of Libya studied here. Moscow-based journalist Konstantin von Eggert writes, “as I heard one of Russia's most senior diplomats say recently: "We cannot prevent them [read - Western allies and rich Arab states of the Persian Gulf] from trying. But we will never give them a UN resolution cover" (von Eggert 2012).

Responsibility to Protect, which limits sovereignty and renders its enjoyment conditional on human rights observance, poses an ideological threat to Putin’s method of government based as it is on similar principles to those of Assad’s. Von Eggert is again instructive. “By standing up for Damascus, the Kremlin is telling the world that neither the UN, nor any other body or group of countries has the right to decide who should or should not govern a sovereign state”. The same author adds helpful historical background for the genesis of this post-Cold War Kremlin foreign policy worldview:

> “Since the fall of Slobodan Milosevic in 2000, but especially after the 2004 "Orange Revolution" in Ukraine, the Russian leadership has been obsessed with the idea of America and the EU engineering the overthrow of governments [...] they find unsuitable. [...] Putin and his team seem to be convinced that something like that could happen to Russia. Russia's political class never accepted concepts like "responsibility to protect"[...] Moscow [...] deeply mistrust[s] Western humanitarian rhetoric and sees it as nothing but a camouflage for a policy of regime change.”

\(^{36}\) “The 2011 Libyan crisis revived these fears [of Western influence-extension by human rights stealth]. Many Russian leaders, and Mr Putin himself, see then President Dmitry Medvedev’s decision to abstain during a vote on UN Security Council Resolution 1973, which authorised a "no-fly zone" over Libya, as a disaster” (von Eggert 2012)
Moscow’s listening post and Mediterranean naval base at Tartus weigh heavily in Russian calculations, along with the benefits of a significant trade relationship (von Eggert 2012). Such factors combine to count for more in the mind of Russia’s leader than the lives of many thousands of Syrian civilians.

At the time of writing the crisis continues to rage. Appeals to humanitarian norms, such as those proposed by Kofi Annan’s six-point peace plan, appear to be falling on deaf ears (CBS 2011). In addition to being of profound import for the people of Syria, who are suffering so hideously, developments surrounding the conflict are of great significance for our understanding of the shape of contemporary international relations. Could it be that Russia’s ire at what it perceives as the West’s Libya ‘deception’ has heralded a new Cold War in earnest, with Syria the first of its proxy wars? Suggestions of Kennedy-Khrushchev style horse-trading emerging from the Obama-Putin side meeting at Los Cabos on 18th June 2012 suggest the possibility (BBC 2012b). Either way, it would seem that from a study of the Syria crisis we may, as a minimum, assert that the severity of human suffering in a given crisis is not alone sufficient to trigger an overt R2P armed response.

Having investigated in the foregoing chapter the insufficiency of grave, ongoing human rights violations alone to produce an intervention, we now move to further consider the reasons behind, and the implications of, the limitations on the exercise of R2P.

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37 Critics of Western policy might reasonably offer the riposte that during the Cold War NATO tolerated or perpetrated all manner of atrocities. A rather wide view of national security led to the overthrow of popular governments the world over in favour of tyrants whose sole virtue was to be loyally inclined toward Washington (see Chomsky & Herman 1979: Frontispiece and 361, Chomsky 1991: 14). Even post-Cold War, the US, Britain and France have arguably been as indulgent toward NATO member and ally Turkey in its repression of its Kurdish population as Russia has been toward its ally Syria.

38 “on the issue of missile defence, the two sides said they would work to resolve a dispute over US plans to deploy a shield in Europe.” (BBC 19/6/12).

39 At the time of writing, the arming and bankrolling the Free Syrian Army, undertaken by Saudi Arabia and Qatar with US support (Marcus 2012a, Chulov, MacAskill and Densky 2012), along with provision of ‘non-lethal’ equipment including “medical supplies and radio and satellite equipment” (Marcus 2012c), and potentially a measure of intelligence support (Sky News 2012), would appear to be the extent of support for the anti-Assad insurgency.
5. Reflections on ‘The Art of the Possible’

In their 2008 study ‘Selective Security: War and the United Nations Security Council since 1945’ Adam Roberts and Dominik Zaum ask the question “what are the underlying reasons for the selectivity of the Security Council?” (Roberts & Zaum 2008: 28). Their question is relevant to our present study. From our examination of the crises in Libya, Sri Lanka and Syria, especially when viewed together as a means of highlighting rhetorical inconsistency, we may draw the conclusion that where economic, geographic, military and diplomatic difficulties outweigh likely economic and strategic advantages Britain, France and the US (the three NATO members with permanent seats on the UN Security Council) are unlikely to press for or undertake military intervention. In some cases, the shadow of the Chinese and Russian vetoes would make even the attempt a vain and possibly (in terms of the affront to those powers) counterproductive gesture as regards human rights. Roberts and Zaum answer the question they pose by stating that “The Council’s selectivity is rooted in the Charter as well as in the political realities within which the Council operates” (Roberts and Zaum 2008: 28), adding that “The Council is not intended to maintain the rule of law: it was intended to maintain international peace and security [...] Selectivity is an inherent, and prudent, aspect of this role” (Roberts and Zaum 2008: 28). As the co-authors aptly comment, “‘Selective security’ is hardly an inspiring slogan. Indeed it represents an admission that older kinds of power politics still survive in the UN era, albeit often in new forms. The two systems, that of the UN and that of various forms of power politics, operate in parallel, neither entirely trumping the other” (Roberts and Zaum 2008: 74).

The analysis seems fair and is to a degree substantiated by later events in Libya, Sri Lanka and Syria. We might go further and claim that positive international law itself offers contradictory accounts of international normativity (a factor of the inevitably political bargaining process that brings it into existence) allowing states to, as it were, pick and choose. Where sufficient other factors weigh in favour of the intervention of a regional

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40 Attributed to Otto von Bismarck

41 Regarding the nature and role of law within international politics we note the observations of Realist grandees Morgenthau and Carr. From the former: “Where there is neither a community of interest nor balance of power there is no international law”. For his part, EH Carr opines that law (whether domestic or international) cannot “be understood independently of the political foundation on which is rests and of the political interests which it serves” (Reus-Smit 2004: 16). Addressing the same question in ‘Man the State and War’ Kenneth Waltz makes
actor, NATO in the case of the Libya intervention, and where resistance on the part of other powers (in the Libya case Russia and China) is insufficiently strong, an intervention may be mounted. Absent sufficient additional factors, or present sufficient resistance, there may very well not. In the Sri Lanka case a lack of support in the West for the aims and methods of the LTTE, coupled with a lack of perceived benefit-to-cost in pressing for intervention by any Security Council actor, resulted in Tamil civilians in their tens of thousands being abandoned to their fate. In Syria, the countervailing factor of Russia’s diplomatically robustly-asserted national interest is, at the time of writing, producing much the same effect for the Sunnis living under the Alawite minority regime of Bashar al-Assad. This despite US geopolitical interests, as apparently identified and defined by the current-administration, being served by a change of regime.

Taking such considerations into account one can be forgiven for considering Morgenthau’s assessment of international political reality, in particular the difference between the ethically based pronouncements and underlying motivations to hold equally valid for the calculations of statesmen in the 2010s as when they were penned in 1948.

"The statesman must think in terms of the national interest, conceived as power among other powers. The popular mind, unaware of the fine distinctions of the statesman’s thinking, reasons more often than not in the simple moralistic and legalistic terms of absolute good and absolute evil" (Morgenthau 1993: 165).

It is however important to note, from the work of Hans Morgenthau, Kenneth Waltz and Michael Walzer that the Realist credo does not rule out of humanitarian concern. As Morgenthau comments “Political realism does not require, not does it condone, indifference

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42 Reinforced by Chinese diplomatic support. At the time of writing the two nations have vetoed three UNSC resolutions on Syria.

43 The considerable extent of US diplomatic efforts, approval of third party ally support for the Free Syrian Army and the US’s long-standing opposition to Syria’s close ally, revolutionary Iran, which would be weakened by Assad’s fall (Reynolds 2012, Marcus 2012b), being offered, inter alia, as evidence. Concerns for the wider region and the security of Syrian WMD stocks are additional relevant factors. Shifting values within this complex diplomatic equation, combined with developments on the ground, render the current situation (as at submission, 22/8/12) liable to change - possibly dramatic in nature - within the coming days and weeks.
to political ideals and moral principles”. What it does demand is “a sharp distinction between the desirable and the possible – between what is desirable everywhere and at all times and what is possible under the concrete circumstances of the time and place” (Morgenthau 1993: 6).

Neither should it be overlooked that in his six-point definition-manifesto, the same author makes clear that the Realist is not an immoral actor, operating without regard to ethical standards. Rather, he seeks to consider the probable consequences of his actions, abstaining from assertive action where such action would be imprudent. As he aptly states “Realism is aware of the moral significance of political action. It is also aware of the tension between moral command and the requirements of successful political action” (1993: 6).

A more recent commentator, S Neil MacFarlane, has drawn attention to the balance between solidarity and prudence in calculations made with specific reference to intervention. His thoughts are of sufficient relevance to this enquiry to warrant quotation at some length:

“At times, intervention had an important normative content. In the Thirty Years War, in the period of the Holy Alliance and in the inter-war period, intervention reflected normative or ideological preference [...]. In these cases, however, the ideological dimension was closely tied to the power-political. The interweaving of motivations makes it difficult to assess the causal weight of normative propositions. With the exception of the intervention in the nineteenth century on behalf of the Christian subjects of the Ottoman Empire, there was little evidence of any serious consideration of the liberal solidarist norms that have been so prominent in discussion of intervention in the post-Cold War period. And a closer examination of that example reveals once again the close connection between normative arguments and political interests and the insufficiency of humanitarian motives alone to produce coercive action”. (MacFarlane 2002: 31, 32).

The political ethicist seeking to keep open the door to humanitarian intervention faces an essential, but challenging task given the long and tragic history of the misuse of moral discourse as a mask for Realpolitik. The Scylla of hubristic political, cultural and ethical monism and the Charybdis of an extreme ethical relativism must both be avoided. So should
the notion that absolute purity of motives and an exemplary history of human rights observance must be established as qualification to intervene.

In this chapter we have reflected on differing views of normativity, and the placement of human rights concerns within the context of an anarchical society (Bull 2002) where prudential factors must be, and are, weighed alongside the value system expressed in Responsibility to Protect. In our conclusion we now draw to a view on the implications, political and ethical, of these insights, derived from the study of NATO’s Libya intervention - set, as it was, in the context of the R2P era and the wider just war tradition.

**Conclusion**

For the Realist, perceiving relative power gains at the heart of statesmen’s motivations, it is the forces outlined in Chapters 4 and 5 that drive the currents of international politics - currents which flow deep and irresistibly beneath normative rhetorical foam. In the present author’s view, however, such factors are insufficient to accept a unitary, power-political explanation for NATO’s decision to invoke R2P, press for UNSCR 1973 and intervene in the Libya crisis of 2011.

Whilst taking on board the Realist identification of “…liberal-idealism's perennial weakness, namely ‘the almost total neglect of power’ (Carr 2001)” (Hyde-Price 2006), it is the contention of this study that Operation Unified Protector was motivated to a significant extent by humanitarian concerns and that furthermore, the effect produced, at least in the short term, was arguably normatively justifiable. Based on information available to decision-makers at the time and an assessment of the foreseeable merits of military intervention versus non-intervention the standard of ‘sufficient legitimacy’ (Pattison 2008) is met. In the confluence

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44 Plentiful historical evidence exists to substantiate EH Carr’s remark that the English speaking peoples are regarded as “masters in the art of concealing their selfish national interests in the guise of the general good” and that “this kind of hypocrisy is a special and characteristic peculiarity of the Anglo-Saxon mind” (Carr 1939: 79). There are, I would argue, elements of this to be found in the various NATO leaders’ comments in the intervention we have examined. Stephen Krasner’s thesis reference to Westphalian sovereignty as a norm is mere ‘organized hypocrisy’ is apposite. He rightly argues that a state is only sovereign in so far as it is strong enough to resist outside pressures, which are ever present, as Thucydides’ Melian Dialogue illustrated over 2,000 years ago. States under such pressures themselves, and those seeking to divert pressure bring applied to others, find it helpful to invoke the concept which perhaps has a more noble ring than does that of bare national interest (Krasner 1999).
of self interest and humanitarian concern we see a continuation of the *leitmotiv* of intervention throughout international relations history. Compassion bears a measure of causal weight, without being sufficient cause. The Libya intervention extends a long tradition. As regards the status of sovereignty in the era of R2P and the Libya intervention, here too, we may observe more continuity than change (Krasner 1999, Walzer 2006: 105-7, Wheeler 111-112).

In the context of an anarchical international system, to insist on total disinterestedness on the part of a would-be intervener is to set the ethical standard too high, with arguably negative human rights effect. “Circumstances”, indeed “sometimes make saints of us all” (Walzer 1977: 105).

As regards the selectivity argument we may agree with Stewart Patrick that "there is bound to be selectivity and inconsistency in the application of the Responsibility to Protect norm given the complexity of national interests at stake in [...] the calculations of other major powers involved in these situations”, but that nevertheless "Just because the international community can't or chooses not to act everywhere doesn't mean that it shouldn't act anywhere when there is sufficient political will to be mobilized” (Bajoria 2011).

Western hypocrisy and colonialism; the justice of the principle of self-determination and the affronts to Arab honour experienced over many decades are factors within the present case example that the researcher in IR ethics must take into account. As a minimum, a less hubristic attitude is required among many in the West. However, a sense of historical perspective and recognition of past wrongs should not preclude the possibility of humanitarian action. To choose not to intervene carries moral consequences and signals a willingness to acquiesce in atrocity where crimes are committed which ‘shock the conscience of mankind’ (Walzer 2002). Such acquiescence represents not only a failure to fulfil the rightly conceived international Responsibility to Protect but is also damaging to the national cohesion and international reputations of capable states. This in turn negatively impacts the winning of hearts and minds to the project of human rights defence globally.

Without minimising the tragedy of the loss of even a single life, loyalist or rebel, soldier or civilian, occurring as a result of the direct military actions of an intervener, there needs to be recognition of the nature of the politics of power. The argument of critics who would see the
West as morally disqualified from intervention action is ultimately flawed (Wheeler 2002: 38). Voices challenging neo-imperialism represent a vital check against exploitation and hubris. However, to argue against the feasible prevention of massacres is to argue that two wrongs make a right.

The notion that a ruler of the stripe of a Colonel Gaddafi, faced with overthrow, might be persuaded by moral suasion, international laws and civil sanctions to desist from violence appears to the present author, and more importantly young Libyans such as those interviewed by Mabroka al-Werfalli (2011:127), to be born of vain hope. As Cicero recognised, challenging power itself requires the exercise of power. “For what can be done against force without force?” (Waltz 1959: 159) Where the position faced by such a ruler amounts to do-or-die, and sides are unevenly matched, the choice becomes stark.

The world of international politics is coloured in shades of grey. It may well be that in the case of Libya, significant advantages accrued to the intervening powers by way of the intervention, or at least that such gains were perceived. Regardless of the existence of such benefits, the likelihood is that the intervention prevented greater loss of life and offered Libya an opportunity to be free of a tyrannical ruler. Whether such freedom can be realised remains to be seen. It may be argued, though, that a chance is better than no chance.

To develop Walzer’s observation we might conclude that, for peoples under brutal assault from their own governments, as were the Libyans in 2011, rescue by circumstantial saints ranks as considerably preferable to no rescue at all.

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NATO decided to intervene in Qaddafi’s Libya in 2011, but has largely decided against intervening against Bashar al Assad in Syria. Understanding why that is the case is important to understanding how we got to where we are today. What We Knew Then. There were many factors contributing to NATO’s decision against intervening in Syria. Despite using the same Liberal values-based rhetoric and human rights justifications, the situation in Syria elicited a different response. However, as argued then by Eben Coetzee, from a structural Realist perspective, supporting Liberal democracy and freedom during the Arab Spring had been harmful to security interests and specifically NATO’s as it had already led to gains for militant Islamism in the region.