

The Concept of Responsibility to Protect and the Libya Intervention

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Abstract: *The unprecedented Libya Revolution and its antidote: The Responsibility to Protect (R2P) has left the global arena a lot of misunderstandings with regards to security interventions. There have been various debates on who really need security and how to give security to insecure places in the world. This article attempts to clear some of the unanswered questions about the Libyan crisis and its security debate in the international system. In this attempt, the paper seeks to explore these questions and make an analysis based on some findings and observations to these questions. (i) What was the role played by the Africa Union (AU) and to what extent was it effective? (ii) What were the reason behind the R2P and its effects on Libya? And (iii) why did the United Nations intervene in Libya but failed to do so in Syria? The author also gives some explanations on how intervention reflect on local governance, security, and the rise of terrorist groups in Libya.*

Keywords: Libya, Responsibility to Protect, NATO, AU, Syria, intervention, crisis

1. Introduction

The Libyan crisis is one of the popular revolutions in the twenty-first century. This revolution broke out as a result of citizens' quest for governance reforms known as the Arab Spring that started from Tunisia in December 2010 and spread through the Middle East and Northern Africa. It all started when a street vendor, Mohammed Bouazizi, self-immolated after harassment from the Tunisian authorities. This spiraled into citizens demonstrating against the authoritarian regimes across the Arab region which eventually led to regime changes in Tunisia, Algeria, Egypt, and Libya. These uprisings began in various countries with street demonstrations and attacks on various government institutions. The Libyan uprising which also broke out as a result of the Arab Spring started on 17th February 2011. It later descended into a war fought between forces who were loyal to the late Colonel Muammar Gaddafi and those who were not in support of his governance. According to Erdağ (2017:29), "the Libyan revolution was primarily triggered by the socio-economic effects of an unfair distribution of power and Gaddafi's nepotism". This means that some people in the country were fed up with Gaddafi's regime and the easiest way to express their dissatisfactions was to demonstrate on the streets so as to attract the attention of the international community. The attention of the international community was drawn to Libya, legal procedures were followed for intervention as some people were expecting. Those who were demanding for the removal of Gaddafi got their mission accomplished because at the end Gaddafi died but up to date Libya is still in crisis.

The aftermath of the intervention has brought about various issues especially issues regarding the relevance of the intervention legalized by the UN Security Council. There have been other concerns expressed by researchers, academics and the general public on health, education, governance, security and economy of Libya after the intervention. This paper also aims at contributing to security studies as far as the Libya crisis is concerned. The author discusses the role played by the Africa Union (AU), the

reasons behind the Responsibility to Protect (R2P) in Libya and its effects and the final part of the article is dedicated to the discussions on why the UN Security Council intervened in Libya but have not been able to intervene in Syria.

2. The Role of the Africa Union in the Libyan Conflict

There have been public outcries on what the AU did in ensuring peace in the Libyan uprising. There have been many issues to the extent that some people make the argument that, the AU could not demonstrate that it is a regional mother organization which cares for its member states. As a result of the public view concerning this issue, the author attempts to find out some of the efforts made by the AU before the UN Security Council intervened.

According to a Pambazuka News report delivered by Jean Ping (the former chairperson of the AU), at the 275th Meeting of the Peace and Security Council (PSC) of the AU, as early as 23 February 2011, "the AU expressed its deep concern over uprisings in Libya, strongly condemning the indiscriminate and excessive use of force against peaceful demonstrators" (Pambazuka, December 2011). The AU was with the concern that anything that will bring calm to the Libyan crisis had to be focused on the fulfillment of the legal aspirations of the Libyan people for democracy, good governance and respect for human rights. (AU, 2011)

The Pambazuka News posits that at the 265th meeting of the Peace and Security Council held on 10 March 2011 by heads of states and governments of AU, the PSC agreed on a plan to find a solution to the Libyan crisis. Discussions were made to ensure; "immediate cessation of all hostilities, cooperation of the concerned Libyan authorities to facilitate the timely delivery of humanitarian assistance to needy populations; protection of foreign nationals, including the African migrant workers living in Libya; and dialogue between the Libyan parties and establishment of a consensual and inclusive transitional government". (Pambazuka News 2011). These steps made by the Union showed their concern as a regional organization.

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Twinomugisha (2014:6) also notes that, when the Libyan crisis started, the African Union showed concern to intervene and find solution to the conflict by passing resolutions, aimed at investigating the issues involved in the conflict and forming a high-level Ad hoc committee comprising of five African Presidents and the AU Commission. Also, according to Jean Ping “the Ad hoc committee” had a meeting in Nouakchott (Mauritania) on 18 March 2011 and they were planning to fly to Libya the next day to negotiate with the Gaddafi’s government and the opposition parties. As a requirement by the resolution 1973 (2011) the committee needed authorization for the flights transporting the committee members to Libya but their request was rejected (Pambazuka News, 2011). As a result of the military campaign to enforce the no-fly zone which took effect after the “Paris Summit for the Support of the Libyan People”, held on 19 March 2011, the committee could not make their way to Libya. Jean Ping indicates that the Ad hoc committee was able to have a meeting with Gaddafi on the 10th April 2011 in Tripoli and Gaddafi confirmed his acceptance of the ceasefire plan proposed by the AU committee. On 11th April with the motive of ceasefire negotiations, the committee made a move to Benghazi to have another meeting with the National Transition Council (NTC) but they could not come to a consensus. They urged NTC to agree but they did not. According to a report by Sudan Tribune News on March 19, 2011, the “AU’s Peace and Security Council expressed solidarity with Libya and rejected any foreign military intervention but unfortunately the Arab League and the Gulf Cooperation Council (GCC) called for the imposition of a No-Fly Zone over Libya”. The news also indicates that the GCC declared Gaddafi’s government illegal so there was the need to take action against Gaddafi. (Sudan Tribune News on March 19, 2011.)

To add up, an Aljazeera report on the 12 of April 2011 notes that the Libyan opposition council rejected the Roadmap by the AU which was to serve as a mediation plan. This proposed mediation plan was a plan to ensure ceasefire and protection of the Libyan people, the supply of humanitarian need for the citizens of Libya and the other foreign workers and dialogue between the two sides of the conflict, but it could not materialize. The opposition was not in support of the AU mediation. The opposition Spokesman at the time of the crisis Mustafa Jabril stated that the demand of their people from day one of the crisis was that Gaddafi must step down and any initiative that fails to include the immediate step down of Gaddafi will not be accepted (Aljazeera April 2011). It is clear from the above points that the AU made possible attempts to offer solutions but they could not realize their desired aim of ensuring peaceful settlement of the dispute.

Despite these steps made by the AU, the anti-Gaddafi groups were only interested in the decision that will result in Gaddafi to stepping down. For instance, one protester by the name Abdullah Barud said, "Gaddafi is a big liar, so they were afraid if there is a ceasefire he won't follow it" (Aljazeera April, 2011). The protesters were also not interested in any negotiations from the AU, all their demand was the stepping down of Gaddafi.

Following the steps made the AU, the author argues that the AU did what it could as a regional organization to ensure a ceasefire in the Libyan revolution. The AU involved itself from the initial stages of the conflict. Even when it comes to the external intervention which looks like an irony because the AU indicated that they do not want any external intervention, they could have made an agreement to prevent their members from voting for the resolution 1973 to be passed. Willams (2011) cited in Aidan Hehir (2013:138), indicates that, the support of the League of Arab States (LAS), the Organization of Islamic Conference, the Gulf Cooperation Council (GCC), and the African Union (AU) although to a lesser extent, it shows that the intervention had regional support from AU and was not a unilateral western initiative. This argument also demonstrates that the AU played her role as a regional organization.

Up on all the AU measures to ensure peaceful settlement by the African community without Western or any foreign intervention, there were some opposition elements within the AU. For instance, according to De Waal (2013:11), while the AU was negotiating for a peaceful settlement of the conflict, Sudan government in connection with Qatar and NATO covertly provided military support to the Libyan opposition parties. There are other opinions concerning why the AU cooperating as one community to make negotiations failed. Bellamy and Williams (2011) argue that Gaddafi’s regime was distrusted by Africans because of his role in financing conflicts in Chad, Liberia and Sierra Leone. As the saying goes “in unity we are strong, divided we fall” since there were some elements within the AU who had their own problems with the Gaddafi regime it was difficult to cooperate. Although members at the meetings may agree on certain measures, the hidden agendas and concerns of some member states made the African Union’s efforts ineffective.

3. The Reason Behind the R2P in Libya and its Effects

3.1 The reasons behind the R2P in Libya

The international community, particularly the United Nations (UN), has a responsibility to maintain order in the international system. As a result of that, the United Nations through its missions and observations groups have carried out various activities such as mediations, negotiations and the use of force in countries like Cyprus (1964), Haiti (2004) Sudan (2005) Democratic Republic of Congo (2010), South Sudan (2011), Mali (2013) and many others in order to ensure peaceful settlements. Despite these efforts the UN has embarked on, there have been some conflicts and wars around the globe which were more dangerous than or of equal status as the Libyan case but the international community failed as a responsible body to protect humanity. There have been worst situations of ethnic cleansing, internal displacement of people, humanitarian disasters and genocides in countries like Rwanda in (1994), Bosnia (1992-1995), and Kosovo (1999). As a result, some scholars argue that the members of the UN Security Council, especially the five permanent (P5) members of the Security Council, use the Security Council as a means of promoting their national interest. Due to this, maintenance of peace and security in needed countries delays or never happens.

The Article 2 sub-section 4 of the UN Charter, enshrines every nation a sovereignty and it refrains the international community from threat or use of force against any other states (UN Charter, 1945:4) but the introduction of Responsibility to Protect (R2P) in global politics which is in accordance with the Article 43.1 of the UN Charter has brought some limitations to states' sovereignty. The R2P was initiated by the Canadian International Commission on Intervention and State Sovereignty in 2001. The idea was on the 'responsibility of all states to protect their own people from atrocities, crimes, and to help others to do so'. Thus, "the primary responsibility to protect civilians rests on the state concerned, and that it is only if the state is unable or unwilling to fulfill this responsibility, or is itself the perpetrator, that it becomes the responsibility of the international community to act in its place" (Evans 2008: 285). This means the intervention in one's state can only occur when a particular state fails to protect its citizens from atrocities. The concept of R2P became known in the international arena after it won unanimous endorsement by more than 150 heads of state and government meeting at the UN General Assembly in 2005 World Summit (Evans 2008:286).

In order not to witness the atrocities of the past again, the UN on a general consensus adopted the Resolution 1973 in 2011 with reference to the existing principles of the R2P which demands external intervention if a particular country fails to protect its people. This resolution is the R2P (2011) established on 17th March 2011 through the agreement of the UN Security Council which demands the use of force for intervention. According to Aidan Hehir, the concept of Responsibility to Protect was established to protect people not deserving to be harmed from humanitarian atrocities such as war crimes and crimes against humanity (Hehir, 2012, 53). Michel W. Doyle argues that the R2P evolved as failures to protect the people of Rwanda in 1994 and Bosnia (1992 -1995) and the NATO's decision to intervene in Kosovo (1999) (Doyle, 2015:15). In views of Bellamy and Williams (2011:2) and Doyle (2015), "Resolution 1973 (2011) on the situation in Libya marked the first time the UN Security Council had authorized the use of force for human protection purposes against the wishes of a functioning state". The Libyan intervention was master minded by NATO specifically the US, France and the UK on the notion that Libya has failed to protect its citizens (Kuperman, 2013:1). These countries had accused the Gaddafi government of causing crime against humanity but the most prohibiting factor at the initial stage was the China and Russia's opposition to the use of force at the early stage of the uprising. Later China and Russia's decisions were changed by the quest for action from the developing world and the Interior and the Justice Minister for Libya at the time (Doyle, 2015:22) NATO was eager to intervene and according to Kuperman, two days after the authorization by Security Council NATO intervened with the imposition of the *no-fly zone* which was proposed by the Arab League. This involved launching aerial assaults on the Gaddafi military forces.

As it has been indicated earlier on, the AU made efforts to mediate in the initial stage of the crisis but since they were delaying in their process the international community

through the UN Security Council agreed to intervene by the use of force. There were various reasons for the countries who supported the intervention. The perceived aim of NATO was to replace the dictatorial regime with the democratic regime (Kuperman, 2013:1). The US was against the action as their Secretary of Defense at the time of the crisis, Robert Gates indicated, the US lacked interest in Libya, but after the French and the Arab League proposed no-fly zone on 15th March, 2011 the decision of the US changed and joined the actions to protect Libyans against alleged atrocities caused by Gaddafi (Doyle, 2015:22). Libya was an important country for the US because of security concern and threats (Erdağ, 2017:25). The US decision to join the action was due to the threatening nature of the crisis to regional stability in Tunisia and Egypt, Gaddafi's record of extreme violence and torture on civilians and looming slaughter in Benghazi (Doyle, 2015:22). Although, there were hidden interests for some of the intervening countries the most common reason was to protect the Libyans from all threats posed to them by the Gaddafi regime.

3.2. General effects of the intervention on the Libyan state

There have been different views concerning the relevance of the R2P in Libya. In view of the rivals of Gaddafi, the intervention helped to remove their dictator. According to Doyle the R2P and the Libya precedent have solved genocide problems though not in the sense that the genocides that will happen in future have been prevented but rather means to deal with genocide issues (Doyle, 2015:26). The aftermath of the intervention resulted in Libya experiencing its first free and democratic election since 1964 (Erdağ, 2017:33). Of course, to some people, these were positive effects of the Libyan intervention but considering the atrocities during the intervention and the current situation in Libya, can we say that the intervention was rational?

The intervention has been criticized due to the atrocities that occurred during the operations and the current situation which has left Libya a stateless state. According to Walzer (2011) as cited in Doyle (2015:15) the Libyan crisis was not qualified for military intervention because it was not a genocidal massacre like Rwanda. To argue on Walzer's submission the international community need not wait for issues to become like the historical genocide of Rwanda before they take action but how the actions must be carried out is the problem. Currently, Libya is in a state of lawlessness because the governance system has become weak. There are also different ruling factions, Tripoli section and Tobruk section (Erdağ, 2017:36) and this has resulted in difficulties in maintaining law and order in the country. Erdağ also argues that the lack of central security gave rise to terrorist groups like ISIS and the Ansar al-sharia. The Ansar al-sharia was linked to the attacks of US and UK embassies and Red Cross vehicles and this terrorist group was accused of the killing of the US ambassador to Libya Christopher Stevens in September 2012 during an attack in Benghazi (Erdağ 2017:3).

Evans and Mohamed assert the responsibility to protect include the responsibility to react in the country in crisis and the responsibility to prevent and rebuild the country. (Evans and Mohamed; 2002:103). Despite this, the Libyan situation was only the responsibility to react. For instance, in 2013 because of Security reasons, the UK and the US made a decision to withdraw all their diplomats from Libya (Erdağ, 2017:34). This indicates that some of the leading members of the intervention especially, the UK and US did not make any plan secure the secure the ordinary Libyans. If they had such plans when the terrorist groups increased in the country they could have controlled them rather than withdrawing their diplomats and leaving the ordinary people they claimed to protect in the hands of terrorist groups. The lack of control over the various militia groups resulted in political instability, insecurity, and violence. Lawlessness in Libya these days has also resulted in modern slavery activities and selling of migrants in Libya which recently attracted the attention of the international media and discussions in the UK parliament (BBC, December 2017). As far as the Libyan intervention is concerned, although it was approved by the UN Security Council, the actions that transpired leading to the death of Gaddafi and innocent people is debatable. Did the UN Security Council make a rational decision? Was there any plan on how the intervention should be carried out? There are divisions in governance activities and the lack of central security which have made Libya look like the Thomas Hobbes' state of nature 'where life for the citizens are like life in the jungle where only the strong survives'. The author concludes that the intervention did more harm than good.

4. The Libyan and Syrian analysis

The R2P was adopted on the principles that the foremost responsibility to care for civilians lies on the state concerned and if the concerned state is unable to protect its citizen then it becomes the responsibility of the international community to act in its place. This principle has left debates in the international system as far as the Syrian and Libyan crises are concerned. The public debates revolve around the question, why did the international community intervene in Libya but have not been able to intervene in Syria? The Libyan and the Syrian crises started almost at the same time so the expectation was that the UN Security Council's R2P reflects in the two countries. The resolution 1973 was passed on 17th March 2011 and according to Gifkins (2012:379), a day after the resolution was passed was the day the Syrian government forces opened fire on a group of protesters in the Syrian city of Daraa. In view of this, some people argue that the UN Security Council has not been fair to some security issues around the globe. To others, the political difference within the Security Council is a problem in itself, specifically the veto powers. This debate remains one of the concerns as far as international security issues are concerned and it has also attracted the interest of the author. The author attempts to offer some explanations as to why the UN Security Council have not been able to agree to embark on collective peace and security interventions in Syria.

First and foremost, the private interest for Russia and China. Eminiue and Monday (2013), posit China and Russia had voted against several drafts aimed to solve a possible

escalation of the Syrian crisis. The position of China and Russia have brought about division among the members of the UN Security Council. Since these two countries have veto powers coming to an agreement is difficult. Russia and China's collaboration is due to their own national interest in Syria. It can also be stated that China's decision to side with Russia in vetoing at the UN Security Council against the Syria intervention is to demonstrate their mutual determination to prevent the US from dominating in issues in the Middle East. This can be considered as an important reason that makes the two countries for not agreeing to the collective approach of the United Nations. , Garwood-Gowers (2013:603) also notes that the Russian and Chinese governments are determined not to allow Resolution 1973 to become a legal means through which the Western countries can use to intervene against any regime they do not like. This means that unless Russia and China agree with the other members of the Security Council in terms of common interest and common agenda for peace and security in Syria agreement to intervene will never be achieved.

Another important factor to consider is Syria's geo-strategic relevance to Russia. According to CNBC (September 2013), "Syria's port of Tartus is the last Russian military base in the Middle East and the only Mediterranean fuelling spot for Russian naval vessels". This port helps Russia to transport its weapons. Since Russia uses this port for most of its exports in the Middle East it tries all means to block any plan for the Syria intervention by the UN, because if it allows any intervention the port can also be affected. The news also indicated that the Russia-Syria axis is rooted in a strong political and economic relationship that has been cultivated since the late 1950s. The bond has deep cultural elements for which many Syrians go to Russia to study, while Russians go to Syria as holidaymakers, advisors or investors. This means that Russia benefits from trades, exports and investments as far as the geographical location of Syria is concerned. Considering these views Russian continues to avoid any intervention which will destroy the benefits they derive from Syria.

Furthermore, the US claim of clearing ISIS from the Middle East. Since the US claim that ISIS is a serious threat to the security of the Middle East and other parts of the world they are hiding under the Syrian scene to fight their other rivals. For instance, the US is worried about the support Iran is providing for the Assad government since they are of the view that Iran is producing nuclear. Iran and the Syrian governments have been accused of supporting ISIS to fight the opposing parties to the Assad regime and this has made the US aiming to strengthen its military power to monitor Iran's activities. (New York Times March 2012). Russia's collaboration with Iran in the Syria war makes it difficult for the US penetration thereby making it difficult for the international community to cooperate. The allies of the Assad regime are fighting for their hidden interest without looking at the interest of the international community. The alleged Russian and Iran common interest for the support of the Assad regime makes Assad stronger, unlike Gaddafi who did not get support from any country. Adding to the interest of the America and Russia in the Syrian, it is alleged that these two countries are using the terrorist groups to sell their weapons. Russia and the US claim fighting ISIS but in

reality, they are doing their own business. If these allegations are true these two countries will never come together to allow common security intervention through the UN Security Council. In case a common agreement is achieved, to whom will they sell their arms to? This means that they are focusing on their national interest but not a global interest for peace and stability in Syria.

To add up, the external support for the government of Syria and its armed forces makes Assad stronger than the Gaddafi government who lacked supports outside his loyal armies. In the Libyan case, Gaddafi did not get military support from any other country so it made his military forces weak in defending his government. This made the Gaddafi's air defense weaker since they lacked military resources which will help them to defend themselves against any external intervention. However, the Assad government had military support from Russia and Iran and this makes his army stronger in fighting against his opponents. Doyle (2015:28) also notes that unlike Gaddafi, the Assad government retained the support of the bureaucracy, the army and the majority of the Syrian population. More so, the veto power of China and Russia for not allowing the UN to embark on collective intervention has been also a major prohibiting factor. With these, the author argues that the allied forces make the Assad government stronger and in Libya, it weakened the Gaddafi's government.

Also, the Gaddafi government did not get support from the Arab League, the Gulf Cooperation Council (GCC) and the Organization of Islamic Cooperation. This is because Gaddafi was seen as a dictator within the Arab family. According to Bellamy and Williams (2011) Gaddafi's government had a distrust in both Africa and the Middle East, because of his role in supporting conflicts in Chad, Liberia, and Sierra Leone, as well as the radical Popular Front for the Liberation of Palestine. Gaddafi was also a prominent rival for regional influence with Saudi Arabia and the other Gulf States and his proclaimed as king of Africa and Arab strongest man annoyed most of the leaders in Africa and the Arab family. Also, Bellamy and Williams as cited in Aidan (2011:154), indicates that the meeting among the League of Arab States on March 12, 2011, concerning the UN resolution was not attended by all members and those who attended were the US loyalist which helped them to influence the decision of the meeting. They also argue that some of the regional governments wanted international attention on Libya in order to turn aside from their own problems. Although the League has given a suspension to Syria, there are some members who support UN resolutions against Assad government and there are some who are shy of internationalizing Arab matter again (BBC, August 2017). This has created division with regards to the Syrian intervention, unlike Libya's case where members of the Arab League were united to proposed no-fly zone. It has also been argued that Gaddafi was a problem for most members of the league if not all before the Arab Spring but it is not the same with Assad. This suggests Gaddafi lost support from the Arab family devoid of any diplomatic negotiations and mediations and he was only depending on his loyal army which was not enough to prevent his regime from external intervention.

Last but not least, the author would like to argue that Libya's natural resource was major a factor that attracted the interest of the intervening parties. Since natural gas and other mineral resources are essential commodities in the global economy, the intervening parties did their calculations to the extent that removing Gaddafi and creating of chaos will help them get access to the oil fields or smuggling through internal forces. For instance, according to Reuters News, in February 2017 there was "an attempt to illicitly export 11,500 metric tons of heavy fuel oil from eastern Libya to Malta" (Reuters, 2017). In August 2017, The Libyan navy detained 20 Filipino crew members near Tunisian waters after intercepting their oil tanker an oil tanker carrying 6 million liters of fuel from Libya (Calcuttawala, August 2017). There are also more other smuggling cases since the country lacks central security. Gaddafi was seen as a threat to the Western countries from getting close to Libya's oil so his suppression was the only way for the West to smuggle Libya's natural resources. From the author's interreaction with some people from Syria, although Syria has some amount of oil, it is in small quantity and even many countries are not aware that they do have oil so it could not attract the interest of the other countries to intervene in their crisis since their losses might be more than what they will gain. The author also argues that Gaddafi's strong position in the Africa Union was a major hindrance to some of the Western countries in influencing internal issues in the union since he was anti-West. Gaddafi could be relied upon to serve as a consistent and vocal pole of opposition to Africa's dependence on former colonial powers and the United States (De Waal, 2013). This indicates that the West was fed up with Gaddafi long regime and his claimed title "the Arab Powerful Man" so the Arab Spring which spread to Libya presented an opportunity for the West and also the Arab family to do away with him.

5. Conclusion

It can be deduced that there are complex factors that transpired as far as the Libyan crisis is concerned. The African Unions started as a concerned regional organization with the proposed roadmap to find a solution to the crisis at the initial stage but division within the AU and National Transition Council of Libya's demand for only the removal of Gaddafi put their efforts in vain. The international community responsibility to protect can be seen as a based on political interest rather than legal duties of member states of the Security Council as far as the failure to intervene in Syria is concerned. This means that the interventions are based on the political wills of the respective countries and their national interest but not the interest of the international community. In the case of Syria, there might be fear for Russia that if it allows UN Security Council intervention their only naval port in the Middle East would be lost and their economic relations with Syria may collapse. Also, intervening countries do their cost and benefit analysis before they embark on international peace and security missions and since intervening states do not want to lose they follow their rational choice.

Although the Resolution 1973 is seen as stepping ground for the Security Council to ensure protection in the international system, the political nature of the Security Council may

always create problems during decisions to embark on global peace and security efforts. The atrocities occurred in Libya, the current political instability and the lack of central security indicates that the Libya intervention caused more harm than good. The author would like to suggest that any future intervention must consider rebuilding the country but not just intervene for intervening sake.

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