

## The Flip Side of International Intervention

Something beautiful has happened in the Arab world. The air of revolution stepped inside, lingered and decided to extend its visit in an attempt to leave a permanent footprint in the consciousness of all Arabs. Since January 2011, the Arab world witnessed revolutionary uprisings among all segments of the population, demanding equality, accountability, an end to the culture of impunity and justice. What started as uprisings among the civilian Libyan population, on the 17<sup>th</sup> of February, took a grave turn, under the dictatorship of Colonel Muammar Gadhafi, into what was described by multiple media outlets worldwide as a ‘civil war’, as opposed to the course of events in Tunisia and Egypt that ended in the ousting of their dictatorial leaders through nonmilitary means.

Without denying the negative aspects of intervention, including the possibility of both occupation and interests in natural resources, I would argue that international intervention in Libya has occurred within the framework of a human security approach. That is, there has been an approach to security defined on the lines of emphasizing the importance of people’s security versus state security: serving as an advantage to Libyan citizens by prioritizing their safety first. I would also argue that the urgent plea on the United Nations Security Council by the Arab League to enforce a “no-fly zone” over Libyan airspace, essentially calling for military intervention, as well as the call for intervention on behalf of opposition forces within Libya serve as legitimate grounds for the justification of international intervention.

One may ask why importance is placed on the Arab League if they fail to intervene themselves? Without getting into the specifics Middle East and North African (MENA)

regional politics, although the Arab League serves as the regional power in addressing concerns that affect peace and order within the region, the Arab League recognizes that intervention cannot afford to happen without it being based in compliance with international law and in consensus of the international community. However, as argued by prominent journalists, this does not eliminate the fact that with the involvement of military intervention, a poor precedent is set up among the international community, one that serves as a shaky base for future interventions. Nonetheless, with the recent tight hold of the capital, Tripoli, intervention within Libya has so far served as an advantage in aiding the opposition forces in their struggle for justice. If the opposition is successful in bringing down Gadhafi, perhaps intervention will not be tinged with skepticism, but shine under an ideal mandate based on the premise of humanitarian aid and the responsibility to protect citizens.

Over the years of Gadhafi's rule, countless lives have been mercilessly taken under his instruction. This butchery accompanied the justification that any opposition against the government in the form of protests was a direct threat to his own rule. As quoted by Mohammed al-Abdallah, the deputy secretary-general of the National front for Salvation of Libya, 'In the 1970's Gadhafi reacted with brutality by publicly hanging students who were marching, demonstrating and demanding rights in Benghazi, Tripoli and many other squares. He executed 1200 prisoners in the Abu Salim prison where civilians were unarmed and already in jail, in less than three hours.' In retrospect, it makes sense that the February uprisings started in Benghazi since this city has been the epicenter of activity. It should firstly be known that with the start of the uprisings, Libyans did not go to the

extent of demanding their leader to step down, they merely demanded rights that they knew should have been guaranteed within a sovereign country. However, Gadhafi has been known to react in a relentless manner and this only fueled outrage across the country. Soon enough, Gadhafi appeared on state television ‘repeatedly blaming the unrest on al-Qaeda and a ‘colonialist plot’. He called those opposed to him ‘rats’, and alleged that ‘hallucinogenic drugs’ had influenced them.’<sup>1</sup> His actions soon starting to take a turn for the worse when he hired mercenaries from Eastern Europe and Africa to ‘shoot at anything that moves’<sup>2</sup>, infamously stating on state television that he will not step down and fight until ‘his last drop of blood’.

In terms of arguing that international intervention in Libya has occurred within the framework of a human security approach, I would like to assess the viability of human security as a framework by determining to what extent this framework exists within SR 1970 (2011) and 1973 (2011). SR 1970 essentially ‘considers that the widespread and systemic attacks currently taking place in the Libyan Arab Jamahiriya against the civilian population may amount to crimes against humanity’. It issues an arms embargo, a referral to the prosecutor of the ICC, a travel ban, asset freeze, and a sanctions committee to ‘monitor implementation of the measures’. Clause 26 ‘calls upon all Member states, working together and acting in cooperation with the Secretary General, to facilitate and support the return of humanitarian agencies...’. The SR ‘welcomes the condemnation by the Arab League, the African Union, and the Secretary General of the Organization of the Islamic Conference of the serious violations of human rights and international

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<sup>1</sup> <http://english.aljazeera.net/indepth/2011/02/201122117565923629.html>

<sup>2</sup> <http://www.allvoices.com/contributed-news/8279566-gaddafi-hired-mercenaries>

humanitarian law that are being committed in the Libyan Arab Jamahiriya'. It can be argued that although SR 1970 takes the appropriate measures in accordance to international law to institute a framework to address the security concerns in Libya, it proved to be ineffective in addressing the direct concerns of the Libyan people, hence SR 1973. SR 1973 'deplores the failure of the Libyan authorities to comply with resolution 1970 (2011), expressing grave concern at the deteriorating situation, the escalation of violence, and the heavy civilian casualties'. A focus that I would argue reflects a human security approach is the SR's 'determination in ensuring the protection of civilians and civilian populated areas and the rapid and unimpeded passage of humanitarian assistance and the safety of humanitarian personnel'. Another prime indicator of a human security approach within SR 1973 is the fact that it:

'Takes note of the decision of the Council of the League of Arab States of 12 March 2011 to call for the imposition of a *no-fly zone* on Libyan military aviation, and to establish safe areas in places exposed to shelling as a precautionary measure that allows the protection of the *Libyan people* and foreign nationals residing in the Libyan Arab Jamahiriya'.

The most evident clause of the entrenchment of a human security framework within the resolution is in clause four and five focusing on the protection of civilians. It clearly 'Authorizes Member States that have notified the Secretary-General, acting *nationally* or through *regional organizations* or arrangements, and acting in cooperation with the Secretary-General, *to take all necessary measures*, notwithstanding paragraph 9 of resolution 1970 (2011), to protect civilians and civilian populated areas under threat of attack in Libya'.

It can be argued that a detriment to the clause is the ambiguity in terms of what it means 'to take all necessary measures' when it translates to policy implementation. The implementation of this clause is essential in that it can either support or undermine the framework of a human security approach. However, I believe that another precedent has been set, one irrespective of military intervention, in terms of intervention within Libya

invoked within a clear framework of a human security approach, through SR's 1970 and 1973. Although it can be argued that these resolutions have proven to be ineffective in bringing forth an *immediate* ceasefire, it is quite evident that without the invocation of these resolutions, including the involvement of NATO, the international community would have stood by helplessly as civilian casualties increased and systemic violation of human rights ensued against the civilian population, possibly leading to crimes against humanity.

Advocates of the human security approach argue that it is up to United Nations to continue to provide leadership on human security. It is evident that when it comes to decisions on behalf of the Security Council, whom in comparison to the General Assembly hold the real decision making power in terms of global governance, they are only efficient when their interests work within a framework that supports the status quo for which powerful states remain in control of. Libya's status quo deemed international intervention necessary in order to save lives. Although there has been a perceived paradigm shift in terms of how security is defined and dealt with in the international arena, most notably through the 1994 United Nations Development Report which 'introduced a new concept of human security, equating security with people rather than territories and development rather than arms'<sup>i</sup>, military intervention in Libya on behalf of NATO and with the approval of the UN Security Council is arguably a form of dominant state powers using the rhetoric of human security to legitimize their own security concerns, be that economic or political security. This in turn demonstrates that intervention in the name of human security is ultimately achieved and executed through a realist framework, where

state-centric security remains the referent object and the shift to focusing on a people-centric security only works if it serves the interests of the states that hold the ball in their side of the court. A major question that must be addressed is who among the United Nations is truly providing leadership when it comes to instituting the concept of human security. I would argue that the actions of the Security Council form the basis of international legitimacy for intervention, simply because that is what our international system has deemed necessary.

Now, it must be pointed out that Gadhafi's actions were paralleled among other leaders in the MENA region. Over the past decade, if not longer, innocent lives have been brutally massacred by the security agencies of totalitarian regimes across the region along with the lives of doctors, lawyers, journalists and students that have been killed in Bahrain and Syria through the recent uprisings. Nonetheless, what has differed in Libya and to an extent justifies foreign intervention on behalf of the international community was Gadhafi's sheer willingness, as well as the evidence of civilian casualties that were on the rise, to make it clear to both his own people as well as the world that he was ready to massacre his own people. In the past months, Libya launched into a civil war where forces loyal to Gadhafi along with mercenaries took up positions across Tripoli and other major cities launching a fight against the rebels. Gadhafi has not shied away from punishing his own people by cutting off basic supplies of food and water, purposefully cutting off electricity and oil as well as throwing protestors into jails that were knowingly death cells in the making. The evident brutal actions against his own people is a testament that the

consciousness of the international community must be awakened to take action and set the course of history in the right direction, towards maintaining international peace and order.

In ‘swift, decisive action, the Security Council (SC) of the United Nations imposed tough measures on the Libyan regime adopting resolution 1970 in the wake of the crackdowns on protestors.<sup>3</sup> One must remember that the key to SR 1970 was the fact that it invoked Article 41 of the UN Charter’s Chapter VII. When it was obvious that Gadhafi neglected to conform to SR 1970, the SC issued SR 1973, again acting under Chapter VII of the Charter of the United Nations. SR 1973 differed in the most important way, under *Protection of Civilians*, in that it authorized:

“4. Member States that have notified the Secretary-General, **acting nationally or through regional organizations or arrangements, and acting in cooperation with the Secretary-General, to take all necessary measures, notwithstanding paragraph 9 of resolution 1970 (2011), to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya**, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory, and requests the Member States concerned to inform the Secretary-General immediately of the measures they take pursuant to the authorization conferred by this paragraph which shall be immediately reported to the Security Council;

As well as,

“5. *Recognizing the important role of the League of Arab States in matters relating to the maintenance of international peace and security in the region*, and bearing in mind Chapter VIII of the Charter of the United Nations, requests the Member States of the League of Arab States to cooperate with other Member States in the implementation of paragraph 4”

Essentially, it must be remembered that Security Council Resolutions are legally binding if they are made under Chapter VII of the United Nations Charter, which is the case with SR 1970 and 1973. Therefore, when skepticism arises in terms of the legitimacy of

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<sup>3</sup> <http://www.un.org/News/Press/docs/2011/sc10187.doc.htm>

international law and how ‘real’ it is in enforcing legal action in the international realm of politics, it is clear that the law is only as legitimate as the participating actors self-interests deem it to be. In the case of Libya, I believe that the function of law has been appropriately determined through the United Nations SR’s, fully taking into account the ambiguity of what it means, “to take all necessary measures”. International law has been used as a means of judging the actions of the Libyan state in an appropriate manner. With the power behind SR 1970 and 1973, there is an assumed compliance of state actors adhering to international law, therefore allowing the law to function as the highest form of legitimacy for intervention.

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<sup>i</sup> <http://hdr.undp.org/en/reports/global/hdr1994/>