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CANADIAN LAWYERS FOR INTERNATIONAL HUMAN RIGHTS

Humanitarian Intervention, R2P and the case of Libya

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It's an honour to be asked to address the International Relations Society at its annual conference. When I first sat down to prepare for this address on humanitarian intervention, I had no idea how relevant and current the topic would be to students of international relations in 2011. As we all know now, humanitarian intervention and the responsibility to protect are concepts now reported on daily in every newspaper around the world as the situation in Libya unfolds. In my opinion, this is one of the most interesting examples of humanitarian intervention in recent history and it is an excellent example of the interplay between law and politics on the international stage.

***So let's start with some background on humanitarian intervention.***

Humanitarian intervention is when a state or group of states employs military force within another country's territory to protect civilians from atrocities and/or the consequences of a humanitarian crisis.

Humanitarian intervention has no formal legal definition. Humanitarian intervention is both immensely powerful but also a terribly imprecise idea...The fundamental premise is that outside powers have the right and perhaps, under certain circumstances, the duty to intervene to protect people in other countries who are being victimized. Humanitarian intervention is a complex undertaking that involves consideration of legal, political, ethical and international relations elements, all of which are affected by such an intervention.

***Starting with first principles – the United Nations as (in essence) the governing body of state action***



The United Nations was founded upon the basic principle that the use of force is illegal unless the purpose for it falls into a prescribed exception. In recent years, the long-standing exception to the prohibition against the use of force -self-defence. Self-defence is generally discussed from the perspective of the victim defending himself or herself, but this concept has been essentially expanded to include humanitarian intervention. At the same time, humanitarian intervention has not only defensive aspects, but also offensive elements and thus has been highly problematic in international law. In terms of the defensive characteristics, two main elements must be present; (a) the defence of one or more parties who have fallen victim to an armed attack and are not able to defend themselves and (b) the defence of human values from grave violations such as genocide<sup>1</sup>. That said, while member states agree to settle their international disputes by peaceful means and in accordance with the basic principles of the UN, nowhere in the Charter is the right to authorize military action reserved exclusively for the UN or the Security Council. Rather, the rules surmised by what the examining what the Charter disallows. The Charter sets out the three situations in which states may not use force: according to the Charter states shall refrain from the threat or use of force against the territorial integrity, political independence of another member state, or in any other manner inconsistent with the purposes of the United Nations. These purposes are outlined in Article 1 of the Charter and are

- 1) Maintenance of international peace and security
- 2) Developing friendly relations among nations based on the principle of equal rights and self-determination of peoples
- 3) Achieving international cooperation in solving international problems; and
- 4) harmonizing the actions of nations in the attainment of these common ends.

Any use of force not inconsistent with these purposes and not designed to seize territory or impose a colonial-style government on another state is thus not forbidden by the Charter.

It is generally accepted that offensive force such as humanitarian intervention is legal so long as (a) the party responding to the disturbance is not identical to the targeted party or one of its allies; (b) the aim is to

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<sup>1</sup> Senior researchers at the International Peace Research Institute in Oslo, Norway, Gregory M. Reichberg and Henrik Syse,



establish peace and security, including protecting civilians from humanitarian catastrophe, or if to establish centralized law and order in failed states and; (c) the mode of force is proportional and limited. Many also believe that for the use of force to be legal the action must be endorsed of the United Nations Security Council.

***What about situations where the Security Council chooses not to act?***

In those circumstances, I would argue that, legality aside, if intervention is required and predicated on a valid humanitarian need and there is a state willing to undertake it, then unilateral action is justifiable. Whether the intervention is authorized by the UN or undertaken unilaterally, it is critically important that the intervention be as minimalist as possible and that it cease once the danger is over, taking into consideration the stability of the state.

The Security Council has an uneven record in responding to humanitarian crises. In the 1990s, humanitarian organizations found it very dangerous to operate in conflict zones, which reignited the debate on the feasibility of such interventions in times of strife. By the end of the decade, however, following the perceived failure of the international community to stop the genocide in Rwanda and Bosnia, politicians were promoting intervention based on claims of moral action in foreign policy.

**The Sovereignty Issue**

The basis of the international order is the existence and sovereignty of states. In other words, no state is more or less sovereign than another and no state may claim the jurisdiction of another sovereign state. Humanitarian intervention is, by its very nature, a hostile act because it attacks the independence of the state that is intruded upon. If not consented to, which it generally is not, it can be fairly characterized as an act of war. However, from the point of view of the intervening state, it may in fact be an act with the purpose of preventing war.

Concerns about violating state sovereignty and territorial integrity have been the traditional stumbling blocks to intervention. In his “Millennium Report of 2000”, Kofi Annan, the former Secretary General to the United Nations challenged the UN Member States with a question: “If humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica, to gross and systematic violation of human rights that offend every precept of our common humanity?” Annan believed that the rights of the individual affected the concept of



sovereignty. Within this emerging framework, states are instruments at the service of their peoples, not vice versa. The fundamental freedom of each individual was thus enhanced by a renewed and spreading consciousness of individual rights. It follows then that sovereignty is no longer looked upon as a sort of sacred cow. The violation of sovereignty is becoming more widely tolerated in situations where the rights of individuals are being trampled.

Even with this most recent example of intervention in Libya, Russia and China are both criticizing the mission as an assault against Libyan sovereignty. At the same time, however, even Arab countries are acknowledging the danger Col. Gaddafi poses to his own citizens and at present, they are supporting this violation of sovereignty in the name of humanitarianism.

As I mentioned earlier, intervention can follow the authorization of the Security Council or it can be unilateral. Let's look at some examples.

### **UN authorized interventions**

#### *Somalia (1992)*

Following the independence of Somalia after years of colonizing rule, Somalia found itself a key property in the Cold War with its proximity in the horn of Africa to the oil rich countries of the Gulf region. First getting economic, political and military support from the Soviet Union and then the United States. This support provided the government in Somalia with a huge arsenal of deadly weapons that it did not have before. While Somalia is truly a homogenous nation, it had traditionally been divided by clan loyalties. The clan system was used by the dictator Siad Barre, who ruled Somalia for many years, to strengthen his rule. In other words, he used the clans to divide the nation with him as the unifying force. He provided clans with weapons given to him by the Soviets and then the Americans so that the civilian society became very heavily armed. This was obviously very problematic in times of interclan fighting. With the clan fighting came great displacement of people within the country leading to a great famine. Even though the government had storehouses full of food, the roving bands of militants essentially disabled the nation from feeding its people.

As the situation worsened, the international community recognized the need to act to protect the Somali people from major catastrophe. Somalis were suffering as a result of widespread famine, inter-clan fighting, the failure of the state authority and general lawlessness. In response, the UN Security Council authorized



the UN Operation in Somalia (UNOSOM II). The UN mission deployed military troops in Somalia under United States' central command in order to provide humanitarian relief. However, by 1994 troops were withdrawn based on rising violence and disturbing news footage of dead American troops being dragged through the streets of Mogadishu. As a result, a Presidential Decision Directive 25 (PDD-25), was issued (March 31, 1994), which committed the United States to not dispatching its forces anywhere except for reasons of the gravest national interest. It also instructed opposition to any intervention by other countries. This directive was issued one week before the Rwandan Genocide began.

### **UN authorization - Failure to Act in Time**

#### *Rwanda (1994)*

Following the power vacuum that resulted after the shooting down of a plane carrying the Rwandan President, the political situation in Rwanda deteriorated very quickly and brutally with assassinations and brutal killings of politicians and UN peacekeepers by the Presidential Guard. The new government was characterized as orchestrating and creating conditions for the genocide of Tutsis and moderate Hutus. Calls were broadcast on radio to kill Tutsis and the situation quickly escalated to a ruthless and bloody conflict which resulted in the death of almost 800,000 Tutsi civilians over the course of a mere 100 days. As the conflict raged, foreign aid organizations and international military assistance quickly stopped and they packed up and went home as the situation became extremely dangerous. During this time, a Canadian UN Force Commander, Lieutenant General Romeo Dallaire remained with a tiny UN peacekeeping force. They were essentially abandoned by the international community, who ignored his regular updates and calls for military support.

Much belated, and after great discussion about whether what was happening constituted a genocide, the UN SC found that the conflict constituted a “threat to international peace and security”. Of course, by that time the damage had already been done so the resolution was completely ineffective. In fact, a report by what is now the African Union following the genocide found that an international military intervention could have actually prevented the genocide.

#### *Bosnia – Srebrenica Massacre*

Starting in 1992, following the fall of communism in eastern Europe, Yugoslav Prime Minister Slobodan Milosevic began giving speeches about the right of the Serbian people to a homeland of Greater Serbia. He



invoked memories and lore of past wars to describe what he said was the imminent danger their Croat and Bosnian neighbours posed to the Serb people. What became known as ethnic cleansing in the former Yugoslavia saw thousands of deaths on all sides, most predominantly in Bosnia and Herzegovina. While the international community waited, the citizens of Sarajevo were under siege – living without electricity, clean water, medical supplies or food. Muslims were rounded up in numerous municipalities and villages around Bosnia and either forcibly removed, killed or placed into detention camps. Finally, within spitting distance of UN forces in Srebrenica, the Bosnian Serb army rounded up 8000 muslim boys and men killed them all in a football stadium. It was this blatant act of genocide and the failure of the UN peacekeepers to prevent the atrocity, that caught the attention of the world community – at long last.

### **Intervention without UN authorization**

#### *Kosovo*

While there was evidence of mass atrocities taking place in Kosovo by the Serbs against the Kosovar Albanians in 1999, the Security Council was unwilling to send in a UN military presence or to even endorse the use of force by NATO. While intervention was not authorized by the SC and therefore deemed illegal by the UN, there are times when the SC does not directly authorize, but merely acquiesces to an intervention. The action in Kosovo can be fairly characterized as that kind of situation. Briefly, a number of Western nations, led by the US and later NATO, intervened in Kosovo to fight against Slobodan Milosevic, to end the campaign of repression against ethnic Albanians in the Serbian province of Kosovo. The intervention into Kosovo was conducted by air which saved financial costs as well as the lives of ground soldiers. The intervention was conducted without the full support of the Security Council. Both Russia and China opposed the intervention. This meant that the United States could not win a resolution with the backing of the UN. The Security Council did pass resolutions stating that what was occurring in Kosovo was a threat to peace; however, it did not authorize military force.

Following the action in Kosovo, Canadian diplomats at the UN spearheaded a committee to examine this issue and they authored a report containing a concept called “the responsibility to protect.” Responsibility to protect is premised on the precautionary principle for intervention. The concept is based on the idea that sovereign states have a responsibility to protect their own citizens from avoidable catastrophe, but that when they are unwilling or unable to do so, that responsibility must be borne by the broader community of states. Using this approach, humanitarian intervention is seen as a last resort giving the state the first



opportunity to protect its own citizens. Under this doctrine, intervention of any kind should only be undertaken in the most dire of circumstances of human suffering. It is this development within the concept of humanitarian intervention that we see playing out right now in relation to the uprising in Libya. I will return to discuss the Libyan situation in greater detail shortly.

In practical reality, it appears that occasionally intervention without UN authorization is not only tolerated, but some might argue, preferable. There are a number of reasons why states may wish to intervene without the approval of the SC. The prime reason may be timeliness. Traditionally the SC has been very slow to move in times of humanitarian conflicts as there is often a desire to see conflicts settled on their own by the state in which the conflict is taking place. Because intervention necessarily means a violation of the sovereignty of a member state, the UN does not take interventions lightly. However, there have been times when states feel compelled to act even without prior authorization from the SC. Even when the intervention is ultimately successful from the perspective of the intervening states, there is very often political fallout from the action. There is often criticism of these interventions and calls for war crimes charges after the fact. In Kosovo, there was criticism of NATO in the way it handled the intervention and a request made to the ICTY to investigate and lay charges against NATO countries for international crimes. While the UN did not sanction the intervention, the tribunal investigated NATO's actions and decided not to lay any charges against individuals who participated. Is this because no NATO actions met the definitions of international crimes as set out in the ICTY constitution? Likely not. However, the practical reality of the situation was the intervention did help to end the conflict and the NATO countries were the biggest supporters of the tribunal not only in financial support, but in terms of resourcing generally. Ultimately, while the UN did not authorize the intervention, its actions or inaction after the fact, implied a general acquiescence with NATO's actions.

### ***Only some conflicts attract intervention***

Humanitarian intervention is highly selective. History has many examples of mass atrocities where no intervention has occurred. Some examples include the East Timor massacre beginning in 1975 where the Indonesian government invaded the former Portuguese colony and killed almost one quarter of the population (100,000). Another example was the forced starvation of almost 1 million Ethiopian people by their government in the 1980s or the murder of 100,000 Kurds by the Iraqi government in 1988-9. Most recently, the violence in Darfur, which has been called a genocide by many, has yet to trigger intervention by an international military force. These are but a few examples.



### *Why do some conflicts attract interventions while others do not?*

Resources are generally the reason behind the decision to intervene or not. I'm using the word resources specifically as it can be simply a matter of financial resources to engage in an intervention, natural resources or lastly, military resources. It is very costly, both financially and politically, to engage in military conflicts. There are also only so many engagements that a military can engage in at one time or even consecutively if it is going to be successful or make a meaningful contribution to the situation. On a more uncomfortable, but very realistic note, there is also the obvious consideration of **natural resources**. The East Timor example is one where this was patent. The East Timor straight has vast oil and gas reserves under the seabed and many states did not want these reserves to fall into the hands of an unknown entity (being the East Timorese) and thus were essentially complicit with the atrocities committed by the Indonesians. Reality requires that states be selective in where they put their resources and when to intervene in the affairs of another state. It is impossible to intervene in every humanitarian crisis. Real politik rules against such an approach. No country in the world is able to intervene so often. Whether because of a resourcing issue or the political reality. Thus, states will only do so when it is in their direct interest.

### **The Conflict in Libya.**

#### *Background*

Libya was declared an independent nation in 1951 after a long history of colonial control.

For the next 19 years, the Kingdom of Libya was ruled by a monarch, King Mohammed Idris. The economy was very poor and it wasn't until the discovery of oil in 1959 was Libya able to become less dependent on foreign aid and more financially independent. In fact, Libya not only has oil, it has the largest reserve of crude oil in all of Africa. It has been speculated that the reserves are close to 40 billion barrels. With the discovery of oil, the country finally was able to climb out of poverty.

King Idris moved at a very slow pace and the negotiations to have foreign troops leave Libya took almost 10 years. Finally, in 1969, on a trip to Turkey, the King was deposed by a bloodless coup led by the 27 year old of army captain, Muamar Gaddafi. The new regime promoted Arab unity, the liberation of Palestine, the removal of foreign militaries and social justice after eighteen years of corruption under the king. Gaddafi immediately became commander-in-chief of the armed forces and chairman of the Revolutionary



Command Council which now governed Libya. Almost immediately, Gaddafi expelled all Italians and Jews from Libya.

Through the 1970s, Gaddafi developed his own political theory called *Jamahiriya*, which means “government through the masses”. According to the Green Book, authored by Gaddafi and which contains the only acceptable political theory in Libya, the Jamahiriya system is the final evolution of democracy. Jamahiriya rejects the need for political parties and political representatives because it empowers citizens to participate directly in local congresses called Basic People’s Congresses where people can debate government policies themselves – therefore they do not need political representation. However, this direct democracy occurs under the stipulation that free expression must only be in support of the revolution and opponents will be arrested. History has further shown that people who do speak out in opposition to this political theory are considered a danger to the state and are imprisoned and tortured.

In 1977 Gaddafi changed the name of the country to the People's Socialist Libyan Arab Jamahiriya. The inclusion of the word “Jamahiriya” and according to this theory, implied that power was to be transferred to some 1500 local committees. But the reality has always remained very much a personal rule by a single man.

Gaddafi soon acquired a reputation as one of the world's more eccentric and unpredictable dictators

Until recent years, Gaddafi remained unpopular on the world stage for a number of reasons, not the least of which was his use of Libya's oil wealth to meddle in the affairs of other nations. There are also examples of the assassination of Libyan opponents living abroad and the use of Libyan funds to support terrorist activities in far-flung parts of the world. One example is the support of Libya in 1972 of the IRA in Northern Ireland. It is also widely believed that Libyan cash has helped to back the Black Panther and Nation of Islam activities in the USA, as well as funding terrorist acts by extremist Palestinian groups.

In 1988, Libya’s status as an international pariah was exacerbated by the bombing of Pan Am Flight 103 as it flew over Lockerbie, Scotland killing all 259 passengers onboard and an additional 11 on the ground. The evidence showed that two Libyans were responsible for planting the bomb on the airplane in Paris, however, Gaddafi resolutely refused to hand the two suspects over for trial. This refusal led to UN-approved sanctions in 1993. An embargo was placed on trade and air contact with Libya, followed by a ban on the sale of equipment needed for Gaddafi's oil industry.



In the 1990s, Libya became one of the most isolated countries on earth and Gaddafi became increasingly paranoid. Despite his longstanding support of the Palestinian cause, in 1995 he threw out all Palestinians along with citizens from neighbouring north African nations saying he doubted their loyalty to Libya.

At the beginning of the new millennium, Gaddafi released the two suspects of the Lockerbie bombing to stand trial in the Netherlands by Scottish judges and the UN sanctions were finally lifted.

The Libyan regime has enjoyed relatively good relations with western nations in recent years since it abandoned its nuclear weapons program and very little attention has been paid to the brutal practices of the despotic regime. In fact, the treatment has been so light despite the evidence of brutality that it earned a seat on the UN Security Council and was even appointed a seat on the UN human rights council in 2010.

Libya's relationship with the US also warmed for a time. Following the 9/11 attacks, Gaddafi spoke out against the attacks and encouraged Libyans to donate blood to help the victims and he further provided the CIA with information on Libyans with ties to international terrorism. Intelligence ties continued to grow between the two countries.

### **Libya's Human Rights Record**

While in recent years there have been some minor reforms and improvements in Libya's human rights record, the government still bans political parties and groups, non-state run media and independent civic organizations working on human rights or political affairs. To ensure the Gaddafi regimes grip on power, freedom of expression and freedom of association are strictly stifled. During the latest trip to Libya by Human Rights Watch in 2005, in order to assess the human rights situation, a Libyan official explained why freedom of association and assembly were not needed in Libya:

“The right to demonstrate is a right in the traditional sense. But that implies there are two sides, the rulers and the ruled. But when we talk about one group, there is no need.”

In Libya, citizens are not allowed to question or criticize the government or Col. Gaddafi or even the unique *Jamahiriyah* style of government. Those who do dare to criticize the regime risk arrest, detention and lengthy prison sentences following unfair trials. The government is also known to use torture as a method of dealing with political opponents and obtaining confessions. Libyan law specifically calls for the death of



anyone involved in a group opposed to the ideology of the revolution in 1969 that brought Gaddafi to power.

There have been some advances in human rights such as the release of political prisoners, improved prison conditions and expanded human rights training for police. Although there are increasing numbers of citizen's groups, such as unions, professional associations and charitable groups, they are all controlled to varying degrees by the government. As with the media, the human and civil rights groups that do exist are linked and also controlled by the government.

The media is not free. The law states that individuals may express their opinions only in the people's congresses and in the state-controlled mass media, and only if the views are not contrary to the "people's authority" or the principles of the revolution. Political prisoners remain in jail for having peacefully expressed critical views.

### **The current conflict**

Following the wave of popular uprisings in the Arab world and specifically, following the initial insurrection in Tunisia and then the large and successful rebellion in Egypt to oust Prime Minister Mubarak, Libyans launched their own rebellion against the bizarre and long standing regime of Muammar Gaddafi.

At last count – which was about a month ago, Roughly 1000 people had been killed and 140,000 people have fled to neighbouring countries. The UNSC has acted unusually quickly in its resolution calling for an end to the violence against civilians and in calling on the government of Libya to protect its citizens. The rebels had been asking for the west to intervene and impose a no-fly zone and after much discussion, the UN finally agreed late on March 17 to do so. The resolution calls for an immediate ceasefire, while imposing a no fly zone for Col. Gaddafi's military aircraft. The US, France, Britain and Lebanon were in support.

The actions or presumed delayed reaction of the international community to respond to the violence in Libya demonstrates how the responsibility to protect works. Prior to the meeting of the G8 foreign ministers meeting, the international community had been waiting for input from regional actors – specifically the Arab League and the African Union. The international community first allowed the Libyan state to protect its people and then when it failed to do so, the west then waited for their approval by



Libya's neighbours before they decided to act. According to Secretary of State Hillary Clinton, it was the support of the Arab League for a no-fly zone that pushed the Americans to support such a move. Not surprisingly, Amr Moussa, the Secretary General of the Arab League and the Prime Minister of Egypt began to express concerns about the civilian casualties within days of the intervention, albeit in a waffling manner. The following day, in a press conference with UN Sec. Gen Ban Ki Moon, Moussa re-stated that he supported the UN resolution. In fact, what has made this intervention most interesting is that both the United Arab Emirates and Qatar have now committed war planes to this effort. And this is a significant precedent. By calling on the international community to secure a no fly zone over Libya, the Arab League for the first time voted to sanction a fellow Arab state. It is also significant because the NATO action, at least in relation to the no fly zone, can now not be characterized as western interference. However, with the growing pressure mounting in many Arab nations with prodemocracy protests, I predict that there will be great pressures on the Arab League to distance themselves from this action before too long. Again, though this is such an interesting time in international affairs that the future is anyone's guess.

What is unique about this intervention at this stage is the agreement by all sides, including the Libyan rebels, that there should be no international ground troops. The rebels have no interest in turning Libya into another Iraq and foreign governments have neither the will nor the military resources at this point to engage in active fighting on the ground. The intervention has been planned as consisting of airstrikes on key military targets. NATO has now not only taken control and command of the no fly zone, but with aggressive strikes against Gaddafi's ground troops.

Interestingly, although not uncharacteristically, this move by the UN has been criticized as having begun after the time when it could be most effective. Last month, the rebel forces were capturing towns across the country and were even getting much closer to encircling the capital Tripoli. The Libyan government demonstrated its agitation by using airpower against crowds of civilians. The loyalty of the Libyan army was wavering and whole units were going over to the rebel cause. Western intervention at that point could have been decisive. Had the west acted then, the psychological effect on Gaddafi could have been powerful. His army was at a low point and commentators were predicting he would be dead or go into exile imminently. Now, Gaddafi has hired mercenaries and they have been winning back towns that had been lost to the rebels. Gaddafi has stabilized his military units and regained control of the capital, Tripoli.

International intervention is thus now much more complicated and dangerous. Whether or not the intervention will be strong enough to topple Gaddafi without costing the civilians of Libya too many lives



is a huge question mark. By delaying the decision to act, some media commentators have suggested that the west has missed its moment to make a positive difference in conflict and in fact, international participation may exacerbate the situation for Libyan civilians. However, as the intervention continues, Gaddafi's forces appear to be losing their strength and the rebels appear to be gaining momentum so the success of this intervention is looking better as days go on.

### **The goal of the intervention**

If one focuses on UN resolution 1973, the goal of the intervention, is to protect Libyan civilians. However, it is also clear that many of the coalition members are also hoping for regime change as a desired outcome whether or not this is one of the publicly stated goals of the action. President Obama has stated that Gaddafi must go. Up to now the US has essentially been leading the UN mission which is ostensibly being done in order to protect civilians. But, can this goal be meaningful and successful without the removal of Gaddafi and his regime from power? So, officially the goal needs to be to protect the Libyan people and allow humanitarian aid to get through. However, if Gaddafi remains in power, this will make the US and now NATO's leadership look ineffective if Gaddafi remains in place. In fact, the limited scope of the intervention may set the action up for failure as it is. It will be almost impossible to leave with Gaddafi still in power with any kind of credible assurance that the same civilians will remain protected.

Consider for a moment that Gaddafi is unseated, killed or sent into exile. There is no plan yet spoken of that speaks to what might happen in Libya. Would democracy suddenly take root? Would a new dictator from the ranks of the rebel forces merely take over? What role would coalition forces play in keeping the peace should regime change actually occur? Aside from civilian casualties, which are always the biggest challenge (or should be anyways) for intervening states, the political fallout is something that needs to be considered as well. What responsibility will fall to the intervenors should this occur? It has been suggested that the current standoff between the east and west in Libya falls along traditional tribal lines and therefore, are a natural divide. Perhaps the wisest move might be for the coalition to support the rebels create an alternative government structure with a capital in Benghazi so that they can manage their own affairs should regime change become a reality. Part of this could be getting the oil production and exports in the east of the country up and running so that this alternative power structure can maintain itself without foreign assistance.



As experience in Iraq has shown, unseating a hostile government requires a prolonged and massive commitment of military force. And this commitment was specifically not made by any of the coalition members – all the more reason to make sure the rebels are put in a better position to fend for the country should this possibility become a reality. One option might be to create an independent state in eastern Libya, similar to what happened in Kosovo. This way, a peace could be found that allows Gaddafi to remain in the west. However, the outcome may not be so peaceful and could always end up like Somalia with a violent fracturing of the country. This would leave open the very real possibility of groups like Al Qaeda or other menaces to use the disunity in Libya as a staging ground for international terrorism. Of course, the other option is to truly adhere to the UN Resolution and simply focus on protection of civilians – which is probably the easier option.

## **Conclusion**

Humanitarian intervention is a highly controversial practice that asks more questions than it answers. So I leave you with a few questions to consider: Knowing that timing is key to the success of a military intervention, at what point should a decision be made to intervene? When we disagree with a powerful and violent regime? Or a powerful and violent uprising that the state is unable to deal with occurs? How much do our political values play into the decision to intervene?

Humanitarian intervention is always political. It is often used as a justification for states to act in conflicts when there is no domestic support for more direct political intervention. It allows states to intervene in the name of a higher purpose.

The decision to intervene is heavily weighted by the values and political position of the intervening states. Thus, I believe that intervention can never be completely altruistic. Intervention is much too costly, both financially and politically, for this to be the case. We can't be everywhere all the time. The intervention in Libya is a prime example and one of the most interesting for international relations in recent memory.