HOW TO GET HUMANITARIAN INTERVENTION RIGHT:
WHAT LIBYA TEACHES US ABOUT RESPONSIBILITY TO PROTECT

A comment piece by Professor Mervyn Frost and Dr David Rodin

A peaceful demontration in the Middle East

The Libya crisis of early 2011 represents a moment of considerable danger, but also of great potential for the international community and its nascent doctrine of Responsibility to Protect. Critics of the Libya operation often lump it together with the Iraq and Afghanistan invasions as "liberal interventionism." Yet there is a critical difference. While those interventions were explicitly aimed at regime change, this operation is conceived under a UN mandate that is strictly limited to one goal: civilian protection. If we can get the balance entailed by this limited mandate right, it could have a transformative effect far beyond Libya.

The difference is subtle but fundamental. The goal we are mandated to pursue in Libya is not to act as an air force for the rebel insurgency, about whose politics and broader intentions we know next to nothing. It is not to take down the Gaddafi regime or determine its successor. It is solely and exclusively to protect Libyan civilians from attack by armed forces; and we should make it clear that this includes attacks by rebel forces as well as governmental forces.

The purpose of the air campaign is therefore nothing less – and nothing more – than to open up and protect a space for peaceful politics in

Libya. If that space could be opened, there is little doubt it would have profound effects. The indications are that if the people of Tripoli felt sufficiently secure to exercise their rights of peaceful protest, then the Gaddafi regime would quickly go the way of the Tunisian and Egyptian regimes before it. This would be the outcome Western leaders so desperately desire, but potentially achieved without the debilitating costs and risks of a ground invasion and with that most precious of political commodities: legitimacy.

The big question is whether it is possible to provide this kind of protection for massed

civilians in an urban setting from the air, and to do so with tolerable safety for both aircrew and civilians. It must be conceded that we are in uncharted territory here. Our ability to gather airborne surveillance and conduct accurate air to ground attacks on individual targets has increased enormously since the Iraq no-fly zone in the '90s. Yet there are still limitations. We can probably provide no effective protection against snipers hiding in buildings or armed personnel mingled within a crowd. But through the use of drones and manned aircraft it should be possible to protect civilians from artillery, armoured vehicles, and the deployment of columns of armed forces. Gaddafi's air force has already been crushed.

We should be clear, however, that using airpower in crowded urban settings will inevitably lead to the accidental killing of civilians. This is a gut-wrenching dilemma. Yet throughout the region ordinary citizens have shown a courageous readiness to face mortal danger in pressing their legitimate political demands. It seems reasonable that they will bear the risk of accidental air strike, provided that we keep our side of the bargain by doing everything humanly possible to minimise that risk.

Would this form of aerial protection be sufficient to empower democratic protesters in Western Libya? No one knows for sure. But among all the risks and uncertainties of this rapidly evolving crisis, it seems a reasonable supposition. Moreover such a limited strategy would be morally and politically defensible and it would help to solidify the one incontrovertible interpretation of Responsibility to Protect; the principle that civilians should be protected from the threat of mass violence, no matter where that threat comes from.

There are those who would go further and argue for following the no-fly zone with a ground invasion to impose a democratic political settlement. But there are good reasons for rejecting such an expanded mandate:

- First, a functioning democracy requires of citizens that they recognise one another in specified ways. These forms of recognition cannot be imposed on a people by force. The emergence of such forms of mutual recognition can be nurtured and supported, as was done in by the international community of states in South Africa when apartheid ended. The mere presence of a foreign states' military apparatus can thwart this.
- Second, the internal political groups that rely on the support of the foreign military forces will be portrayed by their opponents as stooges of the occupying power. These argument will sap the legitimacy enjoyed by the parties supporting democratic reform. President Karzai suffers this problem in Afghanistan at the moment.
- Third, it is all too easy for the opponents of democratic reform to portray the foreign military forces as an imperial force threatening the autonomy of the sovereign state. This in turn can be used as a justification for a resort to force to expel the foreign forces.
- Fourth, the involvement of foreign military forces claiming to be fighting for the establishment of democracy will have the effect of internationalising the internal political disputes in the target state. Anti democratic extremist forces (fundamentalists of one kind or another) are likely to be drawn into the internal politics of the state in question, making it increasingly difficult for it to act as an autonomous state on the global practice of sovereign states.
- Fifth, the various foreign military actors will find themselves increasingly drawn into the internal politics of the state within which they are engaged. They are highly likely to find themselves forced to take up partisan positions in the party politics of the state concerned.

In the light of the above, it is clear to us that military action should be strictly limited to the protection of civilians from the threat of armed attack from any party to the conflict. In particular we should clearly articulate our readiness to take decisive action to protect citizens in any part of the country who wish to engage in peaceful protest.

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