

Available online at <http://www.ijims.com>

ISSN - (Print): 2519 – 7908 ; ISSN - (Electronic): 2348 – 0343

IF:4.335; Index Copernicus (IC) Value: 60.59; UGC Recognized -UGC Journal No.: 47192. 1st July

Making Sense of Actors in Humanitarian Interventions and R2P: The Libyan Example

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Abstract

The need to contain the abuse or misuse of sovereign power by some states have compelled the international community to come up with innovative measures to protect citizens and other individuals that are in danger of extreme human right violations. Some of these innovative measures include humanitarian intervention and Responsibility to Protect (R2P). Over the years, the implementation of these measures has exposed some loopholes, which is often exploited by some actors for their parochial benefits. Using the Actor and Interest Clarification Framework, this study examines the complexity of actors involved in the implementation of the R2P in Libya in 2011. The study finds that oblivious to the international community is a set of politically motivated actors who often feed off the gains of interventions, much to the disappointment of the intended targets. These opportunist actors may be terrorist organizations, religious fundamentalists, saboteurs or other enemies of the state. They often lurk under the façade of civilian victims, exaggerate events and forms all forms of collaborative relationships with other actors in the intervention chain. The study recommends that these actors must be identified and dealt with within the initial strategy that underpins the humanitarian intervention or R2P.

Keywords: Humanitarian Intervention, Responsibility to Protect, Libya, NATO, Actor and Interest Clarification Framework

Introduction

History is replete with cases of military operations that were premised unquestionably on the pursuit of parochially defined national interest objectives. From the Thirty-Year War, to Napoleonic invasions and other relatively recent military operations such as the Japanese invasion of Manchuria (North-Eastern China) in 1931, Hitler's campaigns in Europe in the 1940s, and the Tanzania-Uganda war in 1978, there cannot be any uncertainty that the desire to achieve some political or economic advantages motivated these military campaigns. In recent times, however, some wars have become increasingly and expressly justified as moral and humanitarian. These types of wars allowed states or other actors to use military interventions in pursuit of moral imperatives such as the prevention of genocides, crimes against humanity and war crimes. Moore J (2007:169) defines humanitarian intervention as "actions by international actors across national boundaries, including the use of military force, taken with the objective of relieving severe and widespread human suffering and violation of human rights within states where local authorities are unwilling or unable to do so." The motivation to save, rescue, and protect vulnerable populations from ongoing or impending genocides, crimes against humanity, war crimes, and ethnic cleansing renders humanitarian intervention different from other international military combats. For Ekiyor & O'Connell, "Inherent in the idea of humanitarian intervention is the contradiction that it is acceptable to kill and injure some, even wholly innocent people, to preserve and human rights of others" Ekiyor, T., & Ellen O'Connell, M. (2008)

Humanitarian interventions became so common during the post-cold war epoch. In fact, the era has been described by Weiss (2004: 136) and Wheeler, N. J., & Bellamy, A. J. (2005:521) as the "golden era of humanitarian activism because of a dramatic increase in the number of humanitarian interventions." Just within the first decade of the post-cold war era, humanitarian

interventions took place on almost every continent. From Kosovo, Bosnia, Congo, Liberia, Haiti to East Timor. However, entering the new millennium, the concept of humanitarian intervention has added a new dimension known as Responsibility to Protect (R2P). The 2011 civil crisis in Libya once again afforded the international community a chance to experiment with this evolving humanitarian intervention and Responsibility to Protect. In the heat of that civil crises, the United Nations Security Council, (UNSC) passed Resolutions 1973, which authorized NATO to intervene to protect civilians and prevent government forces from perpetrating further carnages against the Libyan people. The eight-month Operation Unified Protector ended with the death of Muammar Gadhafi, who had ruled the North African country for 42 years. While NATO itself considers the intervention as hugely successful, there is no doubt that the intervention in Libya has left the country in a worse condition with rival governments each claiming authority over the country. Again, consequent to the intervention, terrorist organizations like the Islamic State (IS) has established a base in parts of Libya, there is also a steeply declining economy, worse forms of human rights abuse, growing slave trade, human trafficking and other types of gross insecurity. The fallouts of this NATO's military intervention in Libya further stoke up the debate about the normative viability and sustainability of humanitarian interventions—something that the skeptics see as a blatant claim of false generosity. According to the UK House of Commons, Foreign Affairs Committee Report (2016:3) “In relation to the intervention in 2011, the UK government failed to identify that the threat to civilian was overstated and that the rebels included significant Islamism elements. By the summer of 2011, the limited intervention to protect civilians had drifted into an opportunist policy of regime change. That policy was not underpinned by a strategy to support and shape a post-Gaddafi Libya. The result was a political and economic collapse, inter-militia and inter-tribal warfare, humanitarian and migrant crisis widespread human right violations and the spread of Gaddafi regime weapons across the region and the growth of ISIL in North Africa.”¹ If the Libyan intervention has taught us any new lesson, it is the fact that opportunist elements such as criminal gangs, terrorist groups, secessionist and rebel forces, could hide under the cloak of victimized and hapless civilians, to win international support and sympathy, while they galvanize their hidden but potent political will to overthrow regimes and superintend over the spoils.

The objective of this article is to examine the role of these hidden opportunistic actors and how they undermined the post-intervention stability of Libya. In explicating this, I develop ‘Actor and Interest Clarification Framework’, which highlights the possible areas of opportunistic exploitation by both recognized and hidden actors in the implementation of Humanitarian interventions and the Responsibility to Protect. The article relies mostly on secondary data from peer-reviewed journals, news reports, and books relevant to the subject matter. The article also uses sources such as the House of Commons, Foreign Affairs Committee Report as well as other primary sources.

Humanitarian Interventions and the Responsibility to Protect doctrine

The practice of humanitarian intervention is not new in international politics. According to Massingham (2009:810) “Humanitarian Intervention and the Responsibility to Protect have origins in the 15th century religion and ‘just war’ theories, although the term itself was not used” Weiss (2005:8) further explains that the “literature referring to what we would today understand as Humanitarian Intervention dates from around 1840.” The doctrine of ‘Responsibility to Protect’ (R2P) is, even more, a relatively recent development. The term itself can be traced to 2005 when the General Assembly adopted the report by the International Commission on Interventions and State Sovereignty (ICISS)². This report, which was entitled “Responsibility to Protect”, looks at sovereignty as responsibility instead to a right. Better put, the concept of R2P treats state’s claim to the right of sovereignty as flowing from their inherent responsibility towards their citizens. In spite of its relative newness, the idea of R2P

¹ House of Commons, Foreign Affairs committee, (2016) Libya: Examination of intervention and collapse of the UK’s future policy options’ Third report of session 2016-17. P.3

²The Responsibility to Protect, Report of the International Commission on Intervention and State Sovereignty, 2001

was embraced by the international community who saw it as the panacea to the state-sponsored impunity that has often characterized many states across the world. Subsequently, it was adopted unanimously at the UN General Assembly in 2005³ Responsibility to Protect came as a huge innovation to balance the side effects of humanitarian interventions. According to Gareth Evans, the Director of the Commission, the ICISS report made four main contributions to humanitarian intervention. First, it “invents a new way of talking about humanitarian interventions. Thus, it turns the whole weary debate about the right to intervene on its head and to re-characterize it not as an argument about any right at all but rather about responsibility—one to protect people at grave risk—with the relevant perspective being not that of the prospective interveners but, more appropriately of those needing support.” In other words, R2P has changed the language of humanitarian intervention to place responsibility on states to protect their vulnerable citizens. Secondly, the R2P “insists on a new way of talking about sovereignty. Sovereignty, therefore, implies both rights and responsibilities” State leaders swear to protect the sovereignty of the political entities they preside over. The report, therefore, adds that rights come with responsibility. If states do not wish to compromise their rights, they should equally live up to their responsibilities. The other addition to humanitarian interventions is the fact that the “responsibility to protect was much more than humanitarian intervention and in particular, military intervention. It extends to (i) responsibility to prevent, (ii) responsibility to react, (iii) responsibility to rebuild” These additions dilute the emphasis on the military component of the humanitarian intervention. The ICISS report considers prevention as the most important component of R2P. The fourth contribution of R2P to humanitarian intervention is the guidelines it provides in deciding or embarking on interventions. These guides are based on the just war theory and include just cause or justifiable reason for the intervention, right authority to be able to carry out the military intervention if the need arises. Another guideline is that the intervention should be based on right intentions, such as to provide reliefs to the endangered and oppressed. In most cases, however, it is very difficult, if not impossible to gauge accurate intentions. In the world of international politics, real intentions can be easily concealed under cloaks of sweet sounding normative values and clichés. Another guideline is that the military intervention under the responsibility to protect should be done as a last resort. In fact, other non-military options such as sanctions could and should be explored. Another guideline is that there is a need for proportionality in response to the threat posed. Proportionality also includes reasonability of casualties that could be caught off guard. Finally, there has to be a reasonable prospect of success before the intervention is allowed to take place. It does not make enough sense if intervention produces worse conditions than the ones it sought to prevent. In explaining NATO-led military actions in Libya in 2011, the terms ‘humanitarian intervention’ and the Responsibility to Protect (R2P) are used interchangeably in this article.

Literature Review

The literature regarding humanitarian intervention and the responsibility to protect is diverse in character. Over the past 30 years, academic materials focus on the conflicts between sovereignty and interventions, legality and morality of interventions, the abuse of humanitarian interventions by the actors who engage in it as well as other denunciations of humanitarian interventions.

Sovereignty and Humanitarian Intervention

Since Westphalian Treaty of 1648, international politics and international law have been conceived on the basis of sovereignty and territorial integrity. An element of this sovereignty is the understanding that all states are legally equal. This sovereign equality inhibits other states from engaging in any activity that interferes in the domestic politics of other states. By this traditional notion, humanitarian intervention can be seen as an affront to sovereignty and harmonious internationalism and also legally inconsistent with the provisions of the charter establishing the United Nations. Article two of the UN charter states

³ The Responsibility to protect concept was adopted in 2005 by the UN General Assembly. It is seen as an improvement on the concept of humanitarian intervention.

unequivocally that “nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state.” Consequently, Bellamy and Wheeler (2005:480) observe that “armed humanitarian intervention was not legitimate practice during the cold war because states placed more value on sovereignty and order than on the enforcement of human rights” After the cold war, however, the story began to evolve. Concerns have been expressed about state abuse of their sovereignty and subsequently, questions began to arise about whether it is the state or the citizens that ought to be sovereign. For Teson (2006:93) “Sovereignty derives from a state’s responsibility to protect its citizens; therefore when a state fails in this duty, it should lose its sovereign rights.” This position was premised on the brutal massacre of some 800,000 Tutsis and moderate Hutus within a short period of 100 days during the Rwandan genocide, where the international community stood silent until the greater harm had been done. In the report of the Secretary-General to the Security Council in 1994, Boutros-Ghali stated, “we all must recognize that we have failed in our response to the agony of Rwanda, and thus have acquiesced in the continued loss of lives.”⁴ The events in Rwanda led to a normative rethinking of how sovereignty ought to be conceptualized. In his article to the Economist in 1999, Kofi Annan suggests sovereignty should be legitimately applied to the individuals of the state and not only the nominal passive state. In other words, the individual within the state is or ought to be seen to be as sovereign as the state is traditionally seen to be sovereign. Kofi Annan believes that “national sovereignty should be weighed and balanced against individual sovereignty.”⁵

Legal and Moral arguments

There is disagreement on the legality of humanitarian interventions. Some scholars opine that humanitarian interventions have bases in customary law. Article 5.1 of the UN Charter has given authority to the UNSC to respond in situations where the peace and security of the world are threatened. This is seen as providing some legal justification for the Security Council to authorize humanitarian interventions, especially where these interventions are perceived as providing peace and security. The international community also designed the Genocide Convention in 1948 to deal with potential cases of genocides. Moreover, the Universal Declaration of Human Rights, which sought to protect human rights across the world, seems to validate the legality of interventions especially because of the language of humanitarianism that underlies the conception and implementation of such interventions. According to Fixdal and Smith (1998:292) “not only states have rights, Individuals do also. Human rights are firmly established in international law” and ought to be protected no matter how. On the contrary, there is another school of thought, which disagrees with the argument of the legality of humanitarian interventions. These scholars believe that sovereignty, which is the foundation of international law, is paramount. The sovereignty of states guarantees nonintervention by others. Territorial sovereignty and the argument of humanitarian interventions are diametrically opposed to each other. Moreover, these scholars do not accept the expansive interpretation of the UN Charter to justify humanitarian interventions. In fact, article two of the UN charter states unequivocally that “nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state.” While the UN Charter envisages a world that fosters the protection of fundamental human rights and freedoms, it did not conceive the achievement of these through military intervention of sovereign territories. While there is no inherent agreement on the legality of humanitarian interventions, there seems to be little dispute with the fact of its morality. The moral arguments for interventions remain largely incontrovertible, at least in theory. Nardin & Williams, (2006:119) argues that “human rights are ways to express our humanity and that the duty to intervene proceeds from respect for humanity.” Similarly, in situations of gross human right violations, “neutrality is morally culpable and blameworthy”⁶ Lepard (2002) argues, “there is a moral agreement between the world’s major religions and ethical systems about a duty to prevent mass killing and punish the perpetrators.” The problem with the moral argument according to

⁴ Report of the Secretary General, (May 31, 1994) Paragraph 43 to the Security Council

⁵ Kofi Annan, Two concepts of sovereignty. ECONOMIST, September 18, 1999. P.49

⁶ Nardin, T., & Williams, M. S. (Eds.). (2006). *Humanitarian Intervention: Nomos XLVII* (Vol. 47). NYU Press.

Wheeler and Bellamy (2005:481) is that “those who advance moral justification for intervention run up against the problem of how bad a humanitarian crisis has to be before force can be used.”

Denunciations of humanitarian interventions and R2P

In fact, the literature on humanitarian intervention is replete with criticisms of selectivity, false pretexts, unbridled pursuit of national interests and neo-colonial tendencies as potent drivers of humanitarian interventions instead of the often-stated claims of humanitarianism. Even in cases of genuine humanitarian concerns, the argument has been that the passionate desire to relieve victims of gross human right abuses, ethnic cleansing and other crimes against humanity, often translates into poorly organized and coordinated actions, which worsens the conditions of these victims.

Interventions as political smokescreens designed to conceal interests

- After the cold war, the United States, United Kingdom, France have either unilaterally or collectively under the banner of NATO extensively engaged in interventions for the explicitly stated reasons of humanitarianism. For example, the military intervention of the United States in Iraq in 2003 was as stated expressly to relief the Iraqis from the suffering that is being inflicted on them by the Saddam Hussein administration in addition to other fascinations about Saddam’s alleged development of weapons of mass destruction. It was later found out that these stated reasons for the intervention were baseless and false. As Massingham (2009:831) succinctly summarizes, “in the context of the post-Iraq war world, humanitarian intervention is arguably no longer on the agenda of many of those who once supported it.” For intervention skeptics, no state is so benevolent as to compromise its own security and safety for the sake of other people whose lives have no direct effect on the citizens of the intervening state. Consequently, the term “humanitarian intervention” is just a political smokescreen that neatly conceals the latent objectives of the intervening states. An analysis of 10 prominent interventions in the period between 1945-1990 by researchers of ICISS conclude, “Humanitarian justifications were most robust in cases where purely humanitarian motives were weakest”⁷

Neocolonial tendencies in interventions

- Secondly, some skeptics are of the view that humanitarian intervention has become a tool in the hands of the powerful states to suppress the less powerful states, especially poor post-colonial states in the third world. The UK Foreign Affairs Committee’s report on Libya reveals that France chose to champion the military intervention in Libya because of some strategic objectives, which, completely departs from their stated goals. Some of these objectives were to “increase French Influence in North Africa”, to “provide the French military with an opportunity to reassert its position in the world” and to “address the concern of his (Sarkozy) advisors over Gaddafi’s long-term plans to supplant France as the dominant power in Francophone Africa.” The other reasons according to the UK Parliament Foreign Affair Committee report on Libya were the French “desire to gain a greater share of Libya oil production” and to “improve his (Sarkozy) internal political situation in France.” The view that humanitarian interventions are neo-colonial, neo-imperial tools did not originate from the 2011 NATO’s intervention in Libya. The idea has gained much momentum in the Middle East, Africa, and Latin America in the preceding years. What makes this worse According to Rotberg and Weiss (1992:112-113) is the fact that “in the present international system those with the resources to intervene are former colonial powers or large and traditionally obstructive neighbors”

⁷ ICISS Report, p.67

Selectivity in the application of interventions

- Humanitarian interventions have been criticized for the selectivity that seems to be characteristic of its application. The Security Council, which authorizes interventions in many cases, have not been very fair and objective in the application of interventions. The conspicuous failure of the international community to intervene in Rwanda in the face of massive evidence of an impending catastrophe, according to Kofi Annan, will continue to haunt the conscience of those who could have acted but failed to do so. The inability of the international community to decisively intervene in the unending conflict within Palestine, which regularly produces casualties, is another case in point. The quick decision of NATO to militarily intervene in Libya in 2011 in spite of the shady evidence of the possible success of the intervention also raises questions about the selection criteria in deciding humanitarian interventions. According to the United Kingdom's House of Commons Foreign Affairs Committee, "by the summer of 2011, the limited intervention to protect civilians had drifted into an opportunist policy of regime change." On the same question of selectivity, Fixdal and Smith (1998:301) ask, "Why did the international community intervene in Bosnia, but not in other war-torn countries? This type of selectivity undermines the claims that the motivation driving the intervention is humanitarian" Moreover, as Stedman succinctly put it, "if the humanitarian concerns-measured by deaths and genocidal campaigns, Bosnia would rank below Sudan, Liberia and East Timor" (Stephen J. Stedman, 1993:14)

Great Powers and Humanitarian Interventions

The controversy around the humanitarian intervention and the Responsibility to Protect is not limited to the third world. Many of the fastest growing economies are growing increasingly skeptical about its utility and consequences for the evolving international community. For many of the powers within the western hemisphere, however, interventions are a necessary component of a peaceful world. The United States, Canada and the European powers such as United Kingdom, France, and Italy are mostly in favor of projecting the benefits of interventions. Many of these countries also happen to be past colonial powers. This fact reinforces the already prevalent perception that humanitarian intervention is a neo-colonial tool designed to re-suppress the once colonized countries. Germany is more careful with the application of humanitarian interventions and prefers to look at it on a case by case basis. China has been consistently skeptical about the real motives behind the rhetoric of humanitarian interventions. In line with this skepticism, China pursues a policy of non-intervention and has largely remained either neutral or opposed to decisions to militarily intervene in many parts of the world. China abstained from the United Nations Security Council's vote to pass Resolution 1973, which authorized the military intervention in Libya in 2011. China also vetoed the UNSC resolution to militarily intervene in Syria in 2013. Chris Brown summarizes that "China's vetoes on actions in Syria are an important marker that it does not subscribe to the view that force should be used to promote human rights over the norms of sovereignty and non-intervention." (Chris Brown, 2015:129-146) Russia, on the other hand, bears some similarities with China in terms of their posture towards humanitarian interventions. Just like China and India, Russia abstained from the voting that led to the adoption of Resolution 1973. However, Russia does not see interventions as necessarily antithetical to its foreign policy objectives. In fact, Russia has had a long history of embarking on interventions in the past. Apart from Russia's forays into it's near abroad, Russia (The Soviet Union then) also militarily intervened in Afghanistan. Today, Russian forces are intervening in Syria upon the invitation of the embattled Syrian government led by Assad. Russia also vetoed the UN resolution to intervene in Syria in 2013. India on the other hand, is indirect and unclear with her position with respect to humanitarian interventions. It is expected that China, Russia, and India would be instrumental in shaping the post-western world politics, which has been dominated by the United States and her allies in Europe. Brazil has also made tremendous contributions to humanitarian intervention and Responsibility to Protect doctrine. The former president of Brazil believes that interventions for humanitarian reasons should be exercised with the maximum element of caution and circumspection by exercising 'responsibility while protecting.'

Uncertainty of Actors in Humanitarian Interventions and R2P

Since the end of the cold war, in 1989, there has been an upsurge of humanitarian crises in many parts of the world. From Bosnia (1990), Somalia (1992), Rwanda (1994), East Timor, Liberia, Sudan, Congo, Haiti, Kosovo (1999). One of the key questions regarding humanitarian interventions is about the actors who should legitimately do it. The International Commission on Interventions and State Sovereignty (ICISS) lays this responsibility primarily on the ‘international community’ with a primary focus on Security Council. The vital question however is, who is this ‘international community? Whose responsibility is it to do the intervention especially considering the fact that the UN does not have a standing military force? The amorphous coinage ‘international community’ implies that the responsibility to protect lies with all states and no state in particular. In reality, however, the strong and powerful Western states are more active in enforcing humanitarian interventions, giving credence to ‘might is right’ cliché. This opens the well-intended norm to much abuse. When the US intervened in Iraq in 2003 with the expressed purpose of freeing the innocent Iraqis from human right abuses and removing weapons of mass destruction, the support for the operation was high. However, when it turned out that those pretexts were false and were mere smokescreens to implement latent objectives, the skepticism for humanitarian interventions grew spontaneously. The UNSC has only five permanent members. In all fairness, these five permanent members cannot represent the international community when there are over 200 states with a population four times that of the current composition of the Security Council. Moreover, as we have already seen, China (especially) and Russia are usually skeptical about the utility of interventions. According to Ayoob (2002) “Humanitarian intervention always has the potential of becoming a tool for the interference by the strong in the affairs of the weak, with humanitarian considerations providing a veneer to justify such intervention.” It is a fact that the experience of humanitarian interventions generally has raised serious doubts about the legitimacy of actions taken by interveners. As Massingham explains, “the reality is that only when and where it meets the self-interest criteria of those nations with the capacity to protect vulnerable populations will such population be protected.”⁸

Following the unrests in Libya, many actors showed interest. The African Union quickly set up a high-level AU Panel on Libya made up of Mauritania, South Africa, Mali and Congo and Uganda. On March 20, the day after the international military action began, the ad-hoc High-Level AU Panel on Libya said it opposed any foreign military intervention in Libya. According to the Mauritanian president, Ould Abdel Azia, “Our desire is that Libya’s unity and territorial integrity be respected as well as the rejection of any kind of foreign military intervention...The situation in North Africa demands urgent action so that an African solution can be found.”⁹ In spite of the road map that was developed to deal with the Libyan crisis by the AU, other more powerful states coalesced around NATO, with the support of the UNSC and engaged in what is now known as the responsibility to Protect in Libya.

Another area of actor uncertainty is the clear identification of the actors on whose behalf the intervention is taking place. In many instances, it is the helpless civilians whose sympathy calls for the intervention in the first place. However, there are other opportunist elements, who could end up being the beneficiaries of humanitarian interventions and Responsibility to Protect. These opportunist elements could be secessionist forces, terrorist organizations, militant religious groups; the failure to identify these hidden actors could compromise the success of interventions by the international community. Perhaps one of the recent interventions that this actor uncertainty became very conspicuous was the 2011 Libyan intervention. Following NATO’s intervention, the Libyan state degenerated into sectarian conflicts, with rival governments each claiming control over the state, gross human right violations, Islamic State terrorist organizations, a complete breakdown of law and order, a broken economy

⁸ Eve Massingham, Selected articles on international humanitarian law. “Military intervention for humanitarian purposes: does the responsibility to protect doctrine advance the legality of the use of force for humanitarian ends? P. 831

⁹ <http://www.ips.org/africa/2011/03/african-union-at-a-loss-over-libya-2/>

and living standards drastically falling etc. In short, the situation in Libya today is worse than 2011 when NATO intervened. The only Libyan beneficiaries are the opportunist elements and terrorist groups, which are feeding off the Libyan resources much to the dismay of the rest of the population. This study develops the Actor and Interest Clarification Framework (AICF) to explicate the actors that are engaged in a humanitarian intervention and the relationship that exists among them.

Actor and Interest Clarification Framework (AICF)

Actor and Interest Clarification Model is a tool to identify all the actors (both latent and conspicuous) that are engaged in a typical intervention chain. The framework seeks to make sense of the actors that are involved in the intervention in Libya, and how this knowledge helps us to understand the nature of evolving dynamics of the twin norms of humanitarian intervention and Responsibility to Protect. AICF classifies actors into four distinctive compartments as Intervening Actors (states), Opportunist Elements, Intervened State and the Civilian citizens. Figure 1.0 depicts graphically these actors. All these actors are important to determine the outcome of humanitarian interventions. In many cases, just like Libya in 2011, the international community may focus more on one or two of the actors and thereby jeopardize the effectiveness of the intervention. The 2011 humanitarian intervention in Libya produced interesting lessons for understanding the complexity of actors and their latent interests in humanitarian interventions or Responsibility to Protect.

For the cases of contemporary humanitarian interventions, there are typically four actors involved. The intervening states, the state being intervened, the opportunist elements and the civilian populations

The Intervening actor(s)/state(s)

The intervening states are those who are directly or indirectly engaging or collaborating with activities relating to the intervention. Intervening states could be unilateral or multilateral with a single or multiple command structure. In the case of Libya, NATO was the main intervening actor. The intervening states could be aided by logistical, financial, or reconnaissance intelligence support from their collaborators. Thus, in the case of the Libyan intervention, the Arab League, Australia and many other states were collaborators, and provided support in diverse kinds towards the intervention. Over the years, there have been lots of controversy regarding the capacity, legitimacy, propriety and in some cases, moral authority of the intervening actors or states. As indicated earlier, this complexity is partly attributable to the non-availability of a standing military force that can act on behalf of the 'international community' and command legitimate international support. Because of this loophole, the role of the international community has been assumed, in many cases, by the economically and militarily strong states or a coalition of such states. It is within this framework that NATO assumed the responsibility of the intervention in Libya, even though there were initial attempts by African Union (AU) to deal with the situation. The problem with strong and powerful states always assuming the Responsibility to Protect, (without regard to the concerns of smaller states, who probably knows more about the culture, terrain, and dynamics of the conflict, is the consequent legitimacy crisis that the intervention may suffer.

The Intervened State

The intervened state is the state whose territorial sovereignty is being breached for humanitarian reasons of protecting the hapless citizens. For example, Libya is the intervened state in the 2011 NATO's intervention. All states are enjoined to protect their citizens and all persons within their territories. However, when these states fail this responsibility, they lose their right to nonintervention according to the norm of R2P. Intervened states usually lose their international appeal and support due to their inability to protect their own citizens. The intervened states are usually the targets of the humanitarian interventions, as in the case of Libya. There is a clear antagonism between the intervener and the intervened. On the other hand, it is crucially imperative to note that the intervened state could in some cases, enjoy international sympathy and support. However, this only happens when

these states invite the intervening actors to help in restoring law and order. In this case, these intervened states act in addition as collaborators in the intervention. Thus, intervened states could in some cases function as collaborators for the intervention. In other words, when the intervening actors are intervening on the side of the government, that government becomes a collaborator. For example, in the case of the French intervention in Mali in 2013, the state of Mali was a collaborator because they called for the intervention and acted on the side of the intervening actors. The French intervened in Mali on the invitation of the host government.

The Opportunists (Rebel Groups/Terrorists, saboteurs)

One of the areas that the international community have become increasingly oblivious to, over the years, has been the dynamics of opportunists during an intervention. Opportunists are often hidden political actors whose primary objectives are to feed off the benefits of humanitarian interventions or responsibility to protect, for their parochial interests. Their interests may in some instances, run parallel with the objectives of the intervening actors, but in most cases diverge from it. These Opportunists may show as insurgents, opposition rebel groups, terrorist organizations and sometimes enemies or saboteurs of the state. In some cases, these opportunists are discontented current or former government officials, religious fundamentalists, or peeved opposition groups whose objective is to topple the current regime to establish their own. In the case of Libya, there was a mixture of these elements within the opportunist bracket. For example, during the NATO's intervention of Libya in 2011, it became clear that the National Transitional Council (NTC) which was composed of elements with a questionable reputation with respect to the Libyan state. For example, Abdul Hakim Belhaj, the commander of the 17th February Brigade and head of the Tripoli military council had a well-known history of organizing failed coups in Libya. In 1992, he formed the Libya Islamic Fighting Group- a group that was formed purposely to overthrow Gaddafi. Since the formation of this group in 1992, Abdul Hakim Belhaj had led three unsuccessful assassination attempts on Gaddafi. Similarly, Hisham Buhagiar, who was the commander of the Tripoli Brigade during the intervention in 2011, was also another rebel who had organized a failed coup against the Gaddafi regime in 1981. The list of opportunist elements goes on. People like Abdul Hakim Belhaj and Hisham Buhagiar are some of the opportunist elements that undermine the effectiveness of humanitarian interventions and the Responsibility to Protect. It is important to point out that opportunist elements in humanitarian interventions could be domestic or foreign-based. In the realist world of international politics, however, there is a practical possibility of collaboration between the opportunists and intervening actors, especially when their interest converge. This only happens when parochial interests compel the intervening states to engage in the intervention. The relationship between the opportunist component and the intervening states is essential in deriving the legitimacy of humanitarian interventions. Similarly, there is the need to distinguish between the opportunists and the civilian citizens in the calculations leading to the decision to intervene. Understanding this relationship will also help to reduce the view that humanitarian interventions are tools of regime change to establish more friendly regimes to the intervening states.

The Civilian citizens

The civilian populations are normally the ordinary citizens on whose behalf the intervening actors act. Normally, these are unarmed protestors and demonstrators who are either dissatisfied with a certain government action or are demanding that their government behaves in a certain way. They are normally the victims that the international community seeks to protect with the R2P norm. In the case of an intervention in Libya in 2011, these civilians were those on the streets of Benghazi and other cities calling for certain political changes. Normally, when their government fails to respond appropriately to the concerns of these citizens that things get to degenerate. Secondly, when armed police or military personnel act unprofessionally or are under political instruction to do so, resulting in deaths and or injury of these civilian populations that the protests can spiral out of control. Following the early protests in Libya in February 2011, for example, the Libyan security personnel were reported to have

acted unprofessionally by shooting live bullets into the crowd of protesters. This resulted in the massive international condemnation of the Libyan government and spontaneously increased the appeal for the military humanitarian intervention.

It is also vitally important to point out that this category is the most easily manipulated by the other actors (especially the opportunist actors) in the humanitarian intervention chain. The opportunists can blend imperceptibly into the fold of the civilian populations, cause damage and blame it on the government, misreport events in the international media, magnify or exaggerate events to win international support for the military intervention. It became clear that during the 2011 conflict in Libya, the opportunists used this tactic effectively. The UK House of Commons, Foreign Affairs Committee Report (2016) put this better. It found that "In relation to the intervention in 2011, the UK government failed to identify that the threat to civilian was overstated and that the rebels included significant Islamism elements."¹⁰ It is also true that in the world of realist international politics, intervening forces could either instigate, incite or overstate the concerns of civilians or citizens to justify their intervention, which in reality, may be hinged on the attainment of their parochially defined national interest objectives. For the broader international community who are interested in genuine international peace and security through the R2P or Humanitarian Interventions, it is important to identify who the citizens are and be wary of the manipulators. A clear identification of the four main actors, their roles, and interests is the sine qua non to achieving legitimacy and success for humanitarian interventions and R2Ps.

Recommendation and Conclusion

From the above discussion, it is clear that there are imperfections, especially with the implementation of Humanitarian interventions or the R2P. The case in Libya has demonstrated that the international community ought to be very passionate not only about the normative ideals of Responsibility to Protect and Humanitarian Intervention but also about the legitimacy, interests, and abuses of actors that are engaged in implementing it. This can be done by the clearly clarifying the actors and their interests. In doing this, there is the need for the broader international community to examine the possible areas of opportunistic intrusion and manipulation of the intervention process and enforce counteractive measures.

Again, the international community must also be thorough in investigating the veracity of the allegations that informs in intervention. This is necessary to reduce the extent to which opportunists can exaggerate events to win an international appeal for the intervention. Additionally, imbued with the strategy of the intervention should be a well thought through plan to reduce the potency of opportunism that is likely to negatively affect the outcome of the interventions.

Libya's experiment of humanitarian intervention or responsibility to protect has brought to limelight many lessons for the growing international norms. Utilizing these lessons will increase the legitimacy and appeal of these growing norms. The intervention has also shown that opportunism can take place at any stage by any of the four actors identified in this paper. However, paying close attention to the hidden elements would go a long way to improve credibility and sustainability of humanitarian interventions as well as the Responsibility to Protect.

¹⁰ House of Commons, Foreign Affairs committee, (2016) Libya: Examination of intervention and collapse of the UK's future policy options' Third report of session 2016-17. P.3



Figure 1: Complexity of actors involved in the Libyan R2P in 2011

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