

Responding to failure: The Responsibility to Protect after Libya

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Abstract:

During its first decade in existence the Responsibility to Protect (R2P) doctrine has struggled to transcend the complexities that plague humanitarian action. This article examines the political challenges that shape the practice of R2P, as well as the discourse that informs it. It reflects on the constant presence of failure that haunts humanitarian intervention, and argues for a more humble stance on what is possible in such situations. Humility entails meditating on human limits, both physical and mental, which serves as an important guide in determining action. It promotes a more chastened position, one that acknowledges that right intentions might not lead to just outcomes, that there are real limits on the ability of external actors to understand or control events during and following an intervention, and that our ability to comprehend such complex situations should warn against premature judgements and confident conclusions. And when failure occurs, it means not denying or avoiding it, but facing it squarely and reckoning with the consequences. The value of adopting a more humble approach will be considered through examining the 2011 Libyan intervention, a significant case for the R2P doctrine. There success appears to have been exchanged for failure, leaving challenging and unresolved questions about what this experience means for Libya and R2P.

Keywords: R2P, Libya, humility, classical realism.

Introduction

Failure lies at the heart of the Responsibility to Protect (R2P) doctrine. It was borne partly in response to the failures to act in Rwanda in 1994 and Srebrenica in 1995, as well as the inability to respond within the legal framework of the United Nations (UN) in Kosovo in 1999. The hope was that R2P would overcome the *ad hoc* and inconsistent nature of humanitarian interventions in the 1990s, in the process making sovereignty conditional on respecting human rights and instituting a responsibility for the international community to protect civilians when a state is 'manifestly failing' to do so.¹ For some, it represented nothing less than a reinterpretation of the foundational principle of international relations. For others, it did little to resolve the core dilemmas of humanitarian intervention and potentially made matters worse. Following the adoption of R2P in the 2005 World Summit Outcome document, scholars and commentators have carefully tracked the development of this putative norm. With each humanitarian emergency comes a fresh round of questions about whether R2P has succeeded or failed, and in turn, what it means for the future of the doctrine. Darfur was dubbed a 'failure to protect' and 'the big let-down'; an internal report described the UN's handling of human rights abuses in Sri Lanka as a 'grave failure' and noted that during the crisis R2P's 'meaning and use had become so contentious as to nullify its potential value'; as the Libyan intervention morphed into regime change R2P was announced 'R.I.P.'; and in Syria the international community has 'dismally failed to uphold its responsibility to protect'.²

These failing suggest that during its first decade in existence R2P has struggled to transcend the complexities that plague humanitarian action. With each new case, the international community faces what could be termed 'the intervener's dilemma': if there

¹ United Nations, '2005 World Summit Outcome' (New York: United Nations, 2005), 30.

² Cristina G. Badescu and Linnea Bergholm, 'The Responsibility To Protect and the Conflict in Darfur: The Big Let-Down', *Security Dialogue* 40, no. 3 (2009): 287–309; Nick Grono, 'Briefing — Darfur: The International Community's Failure to Protect', *African Affairs* 105, no. 421 (2006): 621–31; UNSG Internal Review Panel, 'Report of the Secretary-General's Internal Review Panel on United Nations Action in Sri Lanka' (United Nations, November 2012); David Rieff, 'R2P, R.I.P.', *The New York Times*, 7 November 2011; Simon Adams, 'Failure to Protect: Syria and the UN Security Council' (New York: Global Centre for the Responsibility to Protect, 2015).

is no intervention and disaster follows, the lack of action is widely condemned; but if there is intervention and the manner in which it unfolds subsequently undermines the original humanitarian logic this is also deeply troubling.³ The contrasting cases of Srebrenica and Kosovo reflect this 'damned if you do, damned if you don't' logic. As Hopgood recalls, the former case led to the eventual resignation of the whole Dutch government, a fate that would have been highly unlikely had they chosen not to intervene at all.⁴ In contrast, Kosovo has been dogged by questions about the necessity and legality of the intervention, and has subsequently served as a useful rhetorical alibi for Russia. Yet in these and other cases, the basic problem remains that a decision – action or conscious inaction – is required sooner or later, and often sooner. To date, it appears that the R2P doctrine has not offered a way out of this dilemma.

In this context, the aim of this article is to examine in more detail the political challenges that shape the practice of R2P, as well as the discourse that informs it. In doing so, it reflects on the constant presence of failure that haunts humanitarian intervention, and argues for a more humble stance on what is possible to achieve in such situations. The R2P doctrine is considered in reference to the work of classical realism, bypassing usual arguments about self-interest and focusing instead on a more interesting set of claims centred on the dilemmas of political action. While the realist themes of tragedy and prudence are relevant, it is argued that there is value turning to Reinhold Niebuhr's call for a more humble approach. For Niebuhr, humility was a way of disciplining the use of power and lessening injustice, based on a recognition of the limits of human comprehension and how, in turn, this shapes the possibilities for action. In reference to the difficult task of 'saving strangers', a humble stance centres on limitation, emphasising how physical and mental limits condition what is achievable. This does not prevent agency, but it promotes caution and when acting it means not knowing whether good or bad will result, while still taking responsibility for what might follow. And when failure does occur, it means not denying or avoiding it, but facing it squarely and reckoning with the consequences.

³ Roland Paris, 'The "Responsibility to Protect" and the Structural Problems of Preventive Humanitarian Intervention', *International Peacekeeping* 21, no. 5 (2014): 570.

⁴ Stephen Hopgood, 'The Last Rites for Humanitarian Intervention', *Global Responsibility to Protect* 6, no. 2 (2014): 194.

The value of adopting a more humble approach will be considered through examining the 2011 Libyan intervention, a significant case for the R2P doctrine. Initially it was hailed as a great success, a clear example of how the international community could act decisively to protect civilians and use force for humanitarian ends. Yet it was not long before such optimistic prognoses were revised, with Libya falling into anarchy, split apart by competing militias. Kuperman is particularly blunt in his assessment: 'intervention in Libya was an abject failure, judged even by its own standards. Libya has not only failed to evolve into a democracy; it has devolved into a failed state.'⁵ In this regard, it will be argued that the Libyan case offers powerful evidence of our inability to properly comprehend the possible consequences that flow from the use of force. This should promote a humble stance, attuned to the vulnerabilities of those seeking protection, and the risks of further harm that come from military responses. In addition, it means reckoning with failure when it occurs, something that has not been done in the Libyan case.

R2P and failure

The R2P doctrine, as noted, emerged from the uneven experiences with humanitarian intervention in the 1990s. Reflecting on what was identified as 'a failure of international will', the International Commission on Intervention and State Sovereignty (ICISS) surmised that, 'there were too many occasions during the last decade when the Security Council, faced with conscience-shocking situations, failed to respond as it should have with timely authorization and support.'⁶ The ICISS sought to address this deficiency in political will through the language of responsibility: states and the international community have a responsibility to make sure that there would be 'no more Rwandas.'⁷ Through reframing it in this manner, the hope was that R2P could overcome politics and generate action to crises that require urgent attention. R2P was picked up and

⁵ Alan Kuperman, 'Obama's Libya Debacle: How a Well-Meaning Intervention Ended in Failure', *Foreign Affairs* 94, no. 2 (2015): 67.

⁶ ICISS, 'The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty' (Ottawa: International Development Research Centre, 2001), 70 – 73.

⁷ *Ibid.*, 70.

incorporated into the 2005 World Summit Outcome document, although the limited manner in which it was done so has led some to suggest that what was agreed to was 'R2P lite'.⁸ In this rendering, R2P is seen to apply when 'national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.'⁹ Yet what precisely 'manifestly failing' entails remains underspecified and has received limited attention in academic research.¹⁰

The lack of explicit consideration on what 'manifestly failing' means may seem strange given the centrality of the phrase, but it reflects a deeper unease with the way politics shapes what is possible, in this instance by determining the cases that match this wording.¹¹ By turning the protection of civilians into a responsibility, the hope is that R2P offers a way of transcending the political differences that can lead to inaction in the face of a humanitarian crisis. The problem, however, is that denying the politics that shape the possibilities of intervention do not make them disappear.¹² This discomfort with politics is further evident in the way R2P deals with the issue of the use of force. As initially envisaged, R2P had three main components: the responsibility to prevent, to react, and rebuild. The ICISS clearly identified the first of these as the most important determining that, 'intervention should only be considered when prevention fails – and the best way of avoiding intervention is to ensure that it doesn't fail.'¹³ This may be true, but it is normally even more difficult generating political will for prevention. The difficulty remains that successful prevention is reflected in a non-event, and this lack of tangibility is not well suited to winning battles for scarce resources and attention. While focusing on prevention may be more comfortable, as it is much less controversial in theory and practice, doing so avoids that it is ultimately the use of force which remains

⁸ Thomas Weiss, 'R2P after 9/11 and the World Summit', *Wisconsin International Law Journal* 24, no. 3 (2007): 750.

⁹ United Nations, '2005 World Summit Outcome', 30.

¹⁰ Adrian Gallagher, 'Syria and the Indicators of a "Manifest Failing"', *The International Journal of Human Rights* 18, no. 1 (2014): 1–19.

¹¹ Melissa T. Labonte, 'Whose Responsibility to Protect? The Implications of Double Manifest Failure for Civilian Protection', *The International Journal of Human Rights* 16, no. 7 (2012): 987.

¹² Chris Brown, 'The Antipolitical Theory of Responsibility to Protect', *Global Responsibility to Protect* 5, no. 4 (2013): 423–42; Jeremy Moses, *Sovereignty and Responsibility: Power, Norms and Intervention in International Relations* (Basingstoke: Palgrave Macmillan, 2014).

¹³ ICISS, 'The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty', 25.

the most challenging dimension of the R2P doctrine.¹⁴ Both Special Advisors to the UN Secretary General for R2P have pointed to successful cases of prevention since the appearance of the doctrine, but simply put, when people think of R2P it is not the Cote d'Ivoire, Guinea, Kenya and Kyrgyzstan that they think of.¹⁵ For better and worse, Darfur, Libya, Syria – situations where force was used or arguably should have been – these are the cases that have come to define how R2P is understood and received.

R2P has just marked its first decade in existence following its initial acceptance at the 2005 World Summit. Certainly the speed with which the doctrine has been adopted by the international community and has become the *lingua franca* for debating the protection of civilians is impressive. Scholars, policy commentators and activists have been very active in promoting R2P, as Dunne and Gelber note in highlighting 'the work of the active epistemic community' surrounding it.¹⁶ Throughout there has been a keen awareness that it is a new doctrine challenging the much older principles of sovereignty and non-intervention. Underling the discourse as a whole, however, one can detect a residual fear of failure: not simply the failure to protect civilians, but the worry that R2P's foothold is not sufficiently strong and its future is far from certain. This has led to an extensive but uneven literature.¹⁷ UN Security Council (UNSC) resolutions are considered in great detail, with regular updates on the health of R2P and hopeful discussion of whether it can now be classified as a norm. This is complemented by a considerable amount of scholarship on the philosophical, historical and legal dimensions of the doctrine. The result, as Paris recently observed, is that 'most academic writing on the subject has focused on normative and legal questions ... rather than on the practical challenges of conducting such operations.'¹⁸ This tendency has led

¹⁴ For a discussion, see: Jennifer Welsh, 'The Responsibility to Prevent: Assessing the Gap between Rhetoric and Reality', *Cooperation and Conflict* (forthcoming).

¹⁵ Edward C. Luck, 'R2P at Ten: A New Mindset for a New Era?', *Global Governance: A Review of Multilateralism and International Organizations* 21, no. 4 (2015): 499–504; Welsh, 'The Responsibility to Prevent'.

¹⁶ Tim Dunne and Katharine Gelber, 'Arguing Matters: The Responsibility to Protect and the Case of Libya', *Global Responsibility to Protect* 6, no. 3 (2014): 327.

¹⁷ For a detailed outline of the literature, see: Hugh Breakey, 'The Responsibility to Protect and the Protection of Civilians in Armed Conflicts: Review and Analysis' (Institute for Ethics, Governance and Law, Griffith University, May 2011).

¹⁸ Paris, 'The "Responsibility to Protect" and the Structural Problems of Preventive Humanitarian Intervention', 569–70.

to the literature having a strangely abstract feel to it: it may be driven by a concern with vulnerable people, but the manner in which this vulnerability is engaged with can be rather limited.

Connecting the preceding discussion to the themes of the special issue, it can be seen that there are a number of ways that failure and denial are relevant to the development of the R2P doctrine. First, there is the most obvious dimension, namely, how R2P is driven by a failure of states to protect civilians. Failure hangs over every possible intervention: both acting or choosing not to act may lead to accusations that the international community has failed in its responsibility to protect. Second, there is a denial of the centrality of force in determining what R2P means. While proponents try to emphasise the preventative dimension, ultimately it is the responsibility to react that defines the doctrine. This reflects a deeper unease with the way politics cannot be erased from R2P. Third, there is a fear of failure present in the discourse: that the doctrine will not be accepted; its potential will not be realised. The tendency to focus on the legal and normative dimensions of the doctrine has resulted in an uneven literature that is abstracted from the violence and vulnerability it is ultimately concerned with. In dealing with these failures and denials, there is value turning to insights from classical realism.

Realist themes: tragedy and humility

Most realist critiques of humanitarian intervention are well rehearsed by this point: that they are a licence for strong states to interfere in the affairs of the weak, humanitarian sentiment is a cloak for less commendable aims, and national self-interest will always determine whether and how such actions take place. Of late, a more interesting set of arguments have been developed that echo themes explored in the recent revival of classical realist thought.¹⁹ Drawing on Morgenthau, Hobbes and Schmitt, these scholars

¹⁹ Duncan Bell, ed., *Political Thought and International Relations: Variations on a Realist Theme* (Oxford: Oxford University Press, 2008); Nicolas Guilhot, ed., *The Invention of International Relations Theory: Realism, the Rockefeller Foundation, and the 1954 Conference on Theory* (New York: Columbia University Press, 2011); Michael Williams, ed., *Realism Reconsidered* (Oxford: Oxford University Press, 2007).

argue that the attempt by R2P to transcend politics is destined to fail. In this read, sovereignty and authority are not overcome through R2P's turn to responsibility, but simply displaced. In his critique of the 'anti-political theory' of R2P, Brown notes that 'intervention is inherently a political act and to work on the assumption that politics can be removed from the picture is to promote an illusion'.²⁰ Orford concurs that it is impossible to remove politics from the equation, pointing to questions that R2P raises which cannot offer neutral, unambiguous answers:

The turn to protection opens up the questions of who can rightly claim to speak in the name of the 'international community' in a given situation, what vision of protection the international community will seek to realise and on whose behalf the responsibility to protect will be exercised.²¹

More basically, the prioritisation of protection is not a politically neutral position, nor are the possible measures selected to promote this end. Echoing Brown and Orford, Moses sees the R2P doctrine as trying to use normative ideals to paper over the unavoidable reality that 'at the heart of all of these issues is the question of judgement and decision'.²² Intervention means taking sides in a conflict, and rarely are there any completely innocent parties. With the use of force, comes violence and harm, and even if one is fighting for what is considered a just cause, there may be unjust results.

For those who remain sceptical of the way the R2P doctrine attempts to deny the political nature of intervention, they instead propose squarely facing this reality. Following Morgenthau, Moses argues that it is necessary to grapple with the "permanent gaps" and "unbridgeable chasms" between reality and aspiration', rather than vainly denying they exist.²³ In making this observation, Moses introduces Morgenthau's tragic vision of politics, but appears uncomfortable about fully subscribing to it. De Waal adopts this language in noting that humanitarianism 'stems from a dark worldview, resigned to the imperfectability of the human condition', in which 'the humanitarians' tragedy is both the tragedy of goals that cannot be reconciled

²⁰ Brown, 'The Antipolitical Theory of Responsibility to Protect', 425.

²¹ Ann Orford, *International Authority and the Responsibility to Protect* (Cambridge: Cambridge University Press, 2011), 138.

²² Moses, *Sovereignty and Responsibility: Power, Norms and Intervention in International Relations*, 99.

²³ *Ibid.*, 177.

among themselves and the inevitable outcome of pursuing ideals amid the most horrific constraints of war and violent social upheaval.²⁴ Turning to tragedy is understandable, as it captures the intractable nature of politics and the way harm may often be unavoidable. For Morgenthau, 'the tragic sense of life' meant an 'awareness of irresolvable discord, contradictions, and conflicts which are inherent in the nature of things and which human reason is powerless to solve.'²⁵ While there is certainly much merit in this perspective, there is also a risk of overstating its applicability. As Niebuhr observed, 'there are, of course, tragic moments and tragic choices in life', but 'a purely tragic view of life is not finally viable... destructiveness is not an inevitable consequence of human creativity. It is not invariably necessary to do evil in order that we may do good.'²⁶ In reference to humanitarian intervention, a tragic stance risks being overly passive, resigned to the inevitability of conflict and vulnerability. Here there is value in further exploring an approach present in Niebuhr's thought, but has received comparatively little attention: the notion of humility. While there is overlap between the perspectives fostered by tragedy and humility, the latter offers a more open perspective, one better suited for the challenges posed by protecting civilians.

Humility is an idea that has not fared well in modern times, closely connected to Christian theology and famously dismissed by Hume as a 'monkish virtue' of little use.²⁷ Niebuhr, however, was distinctive for continuing to strongly emphasise its value for approaching politics. The influence of St Augustine was especially strong in his thought, who Niebuhr described as 'a more reliable guide than any known thinker'.²⁸ Augustine emphasised human insufficiency, which manifested itself in ultimate dependence on and obedience towards God. Representative was his injunction that 'it is to man's advantage to be in subjection to God, and it is calamitous for him to act according to his own will, and not to obey the will of his Creator'.²⁹ Excessive self-

²⁴ Alex De Waal, 'The Humanitarians' Tragedy: Escapable and Inescapable Cruelties', *Disasters* 34 (2010): S130–1.

²⁵ Hans Morgenthau, *Scientific Man vs. Power Politics* (London: Latimer House Limited, 1947), 175.

²⁶ Reinhold Niebuhr, *The Irony of American History* (Chicago: University Of Chicago Press, 2008), 157.

²⁷ David Hume, *An Enquiry Concerning the Principles of Morals* (Oxford: Oxford University Press, 1995), 270.

²⁸ Reinhold Niebuhr, *Christian Realism and Political Problems* (London: Faber and Faber, 1953), 138.

²⁹ Saint Augustine, *Concerning the City of God against the Pagans* (New York: Penguin Books, 1984), 571.

pride and misplaced confidence in one's independence invites disaster. Given this, it is necessary to reflect on one's position in relation to God, and in doing so, accept that some parts of God's plan are impossible to comprehend. This process of reflection also provides an important foundation for compassion and mercy. In this regard, Menchaca-Bagnulo observes that for Augustine, 'to be able to experience compassion, we must love our neighbour as our self, mindful that one is not greater in God's eyes than any other human. People lose their humanity when they are unable to feel for the sufferings of another.'³⁰ Niebuhr echoed this position, regarding humility as providing the 'capacity for mercy and forgiveness'.³¹

For Niebuhr and others working in the dominant Augustinian tradition, humility entails acknowledging the limits of our comprehension and recognising the dangers posed from misplaced confidence in our capacity to shape outcomes. Writing during the Cold War, Niebuhr was equally dismissive of the two Enlightenment ideologies that defined the standoff:

Perhaps the real difficulty in both the communist and the liberal dreams of a 'rationally ordered' historic process is that the modern man lacks the humility to accept the fact that the whole drama of history is enacted in a frame of meaning too large for human comprehension or management. It is a drama in which fragmentary meanings can be discerned within a penumbra of mystery; and in which specific duties and responsibilities can be undertaken within a vast web of relations which are beyond our powers.³²

As this quote illustrates, Niebuhr maintained that there is still a responsibility to act, but in doing so one must recognise and accept our limited ability to comprehend the context in which we do so. While warning against 'pretentious idealism, which claims to know more about the future and about other men than is given mortal man to know', he also cautioned against narrow egotism and moral cynicism, positions often associated with a crude version of realism. Instead Niebuhr called for 'concern for both the self and the

³⁰ Ashleen Menchaca-Bagnulo, 'Humility and Humanity: Machiavelli's Rejection and Appropriation of a Christian Ideal', *European Journal of Political Theory* (forthcoming): 5.

³¹ Reinhold Niebuhr, *The Nature and Destiny of Man: A Christian Interpretation*, vol. 2: Human Destiny (Westminster: John Knox Press, 1996), 201.

³² Niebuhr, *The Irony of American History*, 88.

other in which the self, whether individual or collective, preserves a “decent respect for the opinions of mankind,” derived from a modest awareness of the limits of its own knowledge and power.’³³ What is particularly valuable is this suggestion that an awareness of one’s limits has an other-regarding dimension to it.

An appreciation of mental and physical limitation in turn creates a responsibility for reflection and generates a sense of caution when acting. This is not the same as justifying indecision, however. As Arthur Schlesinger Jr reflected, for Niebuhr humility ‘must temper, not sever, the nerve of action.’³⁴ In this sense, it offers a route to a more pragmatic form of action, but compared with prudence, it is an approach with the potential to be more other-regarding. For Niebuhr these conclusions were grounded in religious belief, but they need not be. As Sihra notes, ‘philosophical humility accepts that there are things we cannot know, but not because of an external authority. Instead, it relies upon characteristics we already possess, including reason, intuition, imagination, and sensations.’³⁵ One does not need to believe in a higher power to accept that there are limits on human comprehension, and that finitude works in very real ways to shape agency. Indeed, Cooper proposes that secular theorists also require a conception of humility precisely because there is no God to rely on, noting that ‘a sober appreciation of limits to human power is a necessary condition for realizing its full extent.’³⁶ This indicates it is possible to identify and extract an ‘appreciation for incompleteness, limitation, and contingency, which have long been definitive marks of humility as a virtue’,³⁷ without necessarily subscribing to the Christian faith that underwrites Niebuhr’s understanding of humility.

To summarise this discussion: a humble stance entails an appreciation of the physical and mental limits that shape us individually and collectively, which incorporates self-reflection and other-regarding behaviour, grounded in an acceptance of our mutual

³³ Ibid., 148.

³⁴ Arthur Schlesinger Jr., ‘Reinhold Niebuhr’s Long Shadow’, *The New York Times*, 22 June 1992.

³⁵ Karen Sihra, ‘Aporia and Humility: Virtues of Democracy’, *Philosophy of Education*, 2007, 225.

³⁶ Julie Cooper, *Secular Powers: Humility in Modern Political Thought* (Chicago: University Of Chicago Press, 2013), 5.

³⁷ Mark Button, ‘A Monkish Kind of Virtue? For and against Humility’, *Political Theory* 33, no. 6 (2005): 851–2.

vulnerability to harm. It is a position that commences with reflection, which generates caution about what is possible, but this does not deny the need for making decisions and acting. While it has received less attention than other themes in classical realist thought, such as tragedy and prudence, it is particularly important in Niebuhr's work and puts some of the insights of this tradition in a different light. Humility has relevance both for political actors directly engaged in making decisions, as well as for commentators and scholars analysing and advocating certain courses of action. It entails an appreciation of what we know, but also what we do not and cannot know. This brings with it a sense of responsibility, which entails squarely facing the consequences of decisions made, and accepting failure when it occurs. The kind of responsibility this suggests is one that differs from the version of responsibility that tends to manifest itself in the R2P doctrine, in which a fear of failure – of another Rwanda – tends to forestall more careful reflection about what is possible when facing a potential humanitarian crisis. This can be seen through reflecting on the Libyan intervention, a case that has raised difficult questions for the R2P doctrine and its supporters.

From haste to humility: R2P and Libya

A defining characteristic of Libya since 2011 has been speed: the rapid appearance of political unrest, followed by an emerging humanitarian emergency, surprisingly forthcoming agreement in the UNSC, an international coalition mobilising to prevent predicted atrocities, a no fly zone quickly expanding into NATO support for the rebels, Gaddafi's forty-two years in power abruptly ending, followed by high hopes for a new democratic Libya that were soon dashed as the country descended into chaos. Likewise, it did not take long for the initial verdicts that the intervention was a resounding success for R2P to be revised, replaced by pessimistic conclusions that Libya is becoming a failed state, one that is increasingly serving as a magnet for Islamic State (IS) fighters.³⁸ Reporting on a recent trip, Anderson observes that 'there is no overstating the chaos of post-Gaddafi Libya' and 'what has followed the downfall of a tyrant – a downfall encouraged by NATO air strikes – is the tyranny of a dangerous and pervasive

³⁸ Eric Schmitt, 'U.S. Scrambles to Contain Growing ISIS Threat in Libya', *The New York Times*, 21 February 2016.

instability.³⁹ Success appears to have been exchanged for failure, leaving challenging and unresolved questions about what this experience means for Libya and R2P. Speed and haste have been central to a reality that has consistently defied expectations and judgments. As will be seen, if there is one conclusion that can be decisively reached from the Libyan intervention it is that our ability to comprehend such complex realities is unavoidably incomplete and fraught, and that failing to appreciate these limitations can have very real, physical consequences for people in vulnerable, unstable situations. This should generate a more humble stance towards intervention, cognisant of the danger that good intentions may be unravelled by unforeseen consequences.

The Arab Spring commenced in Tunisia in December 2010, with discontent quickly spreading. Protests and unrest soon appeared in Libya in February 2011, where Colonel Muammar Gaddafi had ruled since 1969.⁴⁰ The dictator responded by cracking down, threatening to eradicate his opponents and those who supported them. This is one feature that marked it as an exceptional situation, as Bellamy notes: 'not since Rwanda has a regime so clearly signaled its intent to commit crimes against humanity.'⁴¹ The UNSC acted with unusual speed, with Resolution 1970 being unanimously adopted on 26 February 2011, which demanded 'an immediate end to the violence and calls for steps to fulfil the legitimate demands of the population'.⁴² It was soon followed by Resolution 1973 being adopted on 17 March 2011, although notably China, Russia, India, Brazil and Germany all abstained from the vote. This resolution called for the creation of a no-fly zone and authorised member-states working with the UNSC 'to take all necessary measures ... to protect civilians and civilian populated areas under threat of attack'.⁴³ While there is scholarly disagreement over whether R2P had a direct, causal impact in these deliberations, what is certainly clear is that the response of the

³⁹ Jon Lee Anderson, 'The Unravelling', *The New Yorker*, 23 February 2015.

⁴⁰ For a more detailed outline of the way the crisis unfolded in reference to R2P, see the summary provided by the International Coalition for the Responsibility to Protect: <http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-libya>

⁴¹ While Kuperman disputes how grave a threat Gaddafi posed to unarmed civilians, it is reasonable to accept that there was a genuine fear amongst those calling for action that without external intervention atrocities would follow. Alex J. Bellamy, 'Libya and the Responsibility to Protect: The Exception and the Norm', *Ethics & International Affairs* 25, no. 3 (2011): 265; Alan J. Kuperman, 'A Model Humanitarian Intervention?: Reassessing NATO's Libya Campaign', *International Security* 38, no. 1 (2013): 108–113.

⁴² United Nations Security Council, 'Resolution 1970', (2011).

⁴³ United Nations Security Council, 'Resolution 1973', (2011).

UNSC was closely associated with the doctrine by many advocates, including UN Secretary-General Ban Ki-Moon who announced that 'Resolution 1973 affirms, clearly and unequivocally, the international community's determination to fulfill its responsibility to protect civilians from violence perpetrated upon them by their own government.'⁴⁴ The decision to intervene to prevent Gaddafi massacring civilians at Benghazi was generally regarded as legal and legitimate, with the action initially being undertaken by a coalition of eighteen states. NATO took the lead with Operation Unified Protector commencing in the second half of March 2011. The intervention soon expanded from preventing the state attacking civilians to supporting rebel forces seeking the overthrow of the Gaddafi regime. This led to misgivings that intervening forces were overstepping their mandate, but these were not sufficient to bring about any change in policy. With the support of NATO, the rebels took the capital Tripoli in August, signalling the end of the Gaddafi regime. The former dictator would reach an ignominious end in October, captured and summarily killed by rebels. On hearing this news, US Secretary of State Hillary Clinton quipped: 'we came, we saw, he died.'⁴⁵ One may caution against making too much of a casual remark, but it is precisely this casualness that captures the manner in which an intervention meant to stop an immanent humanitarian emergency transmogrified into something much more expansive and consequential.

The initial response was that the outcome was a significant victory for those advocating the use of force to protect human rights, and specifically the R2P doctrine. Writing in August 2011, 'success, vindication, satisfaction, optimism' is how Paul Heinbecker described the Libyan intervention, with 'satisfaction' referring to the UNSC acting for the 'the first time in conformity with this norm [R2P]'.⁴⁶ These sentiments were echoed by Nicholas Kristof in *The New York Times*: 'this was a rare military intervention for

⁴⁴ United Nations Secretary-General, 'Secretary-General Says Security Council Action on Libya Affirms International Community's Determination to Protect Civilians from Own Government's Violence', 18 March 2011, <http://www.un.org/press/en/2011/sgsm13454.doc.htm>.

⁴⁵ Corbett Daly, 'Clinton on Qaddafi: "We Came, We Saw, He Died"', *CBS News*, 20 October 2011, <http://www.cbsnews.com/news/clinton-on-qaddafi-we-came-we-saw-he-died/>.

⁴⁶ Paul Heinbecker, 'Plenty of Credit to Go Around in Gadhafi's Fall', *The Ottawa Citizen*, 23 August 2011, <https://www.cigionline.org/articles/2011/08/plenty-credit-go-around-gadhafis-fall>.

humanitarian reasons, and it has succeeded. So far.⁴⁷ While making sure to include a qualifier at the end, the tone of the article was overwhelmingly congratulatory. Another significant example was Anne-Marie Slaughter,⁴⁸ an influential liberal scholar who was previously Dean of the Woodrow Wilson School at Princeton and also served as Director of Policy Planning in the US State Department until February 2011, shortly before the Libya crisis erupted. Slaughter pushed strongly for the US to intervene, both publicly through prominent media outlets and behind the scenes through personal email correspondence with her former boss, Hillary Clinton.⁴⁹ Notably, Clinton would play a decisive role in convincing President Obama to intervene in Libya, which Slaughter commended in a private email entitled 'bravo!': 'turning POTUS [President of the United States] around on this is a major win for everything we have worked for.'⁵⁰ Writing in *The Financial Times* in August 2011, Slaughter remained confident this had been the right course of action, announcing that 'Libya sceptics were proved badly wrong'.⁵¹ Fighting was still ongoing, but she was already willing to draw conclusions, arguing that the experience demonstrated the West has the responsibility and capacity to successfully intervene in support of putatively pro-democratic revolutions. The following month Simon Adams, executive director of the Global Center for the Responsibility to Protect, penned an opinion piece in *The Los Angeles Times*, noting that 'R2P became entangled with the regime-change agenda of some of those enforcing the U.N.'s mandate', before justifying this shift through claiming that 'NATO's action was clearly the lesser of two evils' and advising that 'we can't be distracted by the obfuscation of those who think that Kadafi should have been left to his own devices'.⁵² While Adams was more careful than the aforementioned commentators in proclaiming

⁴⁷ Nicholas Kristof, 'From Libyans: "Thank You, America!"', *The New York Times*, 31 August 2011.

⁴⁸ Anne-Marie Slaughter, 'Was the Libyan Intervention Really an Intervention?', *The Atlantic*, 26 August 2011, <http://www.theatlantic.com/international/archive/2011/08/was-the-libyan-intervention-really-an-intervention/244175/>; Anne-Marie Slaughter, 'Intervention, Libya, and the Future of Sovereignty', *The Atlantic*, 4 September 2011, <http://www.theatlantic.com/international/archive/2011/09/intervention-libya-and-the-future-of-sovereignty/244537/>.

⁴⁹ Branko Marcetic, 'New Hillary Clinton Emails: Anne-Marie Slaughter, Sidney Blumenthal Urged Libya Military Action', *In These Times*, 7 October 2015, <http://inthesetimes.com/article/18485/hillary-clinton-emails-anne-marie-slaughter-sidney-blumenthal>.

⁵⁰ Joshua Yasmeh, 'Libya Was Hillary's War. Here's The Proof.', *Daily Wire*, 15 February 2016, <http://www.dailywire.com/news/3398/libya-was-hillarys-war-heres-proof-joshua-yasmeh>.

⁵¹ Anne-Marie Slaughter, 'Why Libya Sceptics Were Proved Badly Wrong', *Financial Times*, 24 August 2011, <http://www.ft.com/cms/s/0/18cb7f14-ce3c-11e0-99ec-00144feabdc0.html>.

⁵² Simon Adams, 'R2P and the Libya Mission', *Los Angeles Times*, 28 September 2011, <http://articles.latimes.com/2011/sep/28/opinion/la-oe-adams-r2p-20110928>.

victory, his writing shared a sense of assuredness that the course of action taken was necessary and justified.

Most R2P proponents were more cautious in identifying Libya as a success, with many pointing to the problems created by NATO overstepping its UNSC mandate and supporting regime change.⁵³ They were, however, all part of a more general rush to assess the significance of the Libyan case for the wider fortunes of the R2P doctrine. Despite the limited duration of the conflict, *Ethics and International Affairs* still managed to publish a roundtable before the Gaddafi regime had been overthrown.⁵⁴ The intervention has since been followed by a slew of publications, with most focused on what it means for R2P: whether it was proof that the doctrine was influencing the behaviour of states, if R2P had now established itself as an international norm, and what the consequences of the Libyan intervention would be for responding to future emergencies.⁵⁵ Given the ongoing crisis in Syria, and the significance of the doctrine for state sovereignty and human rights, it is understandable that there is a desire to update our assessments. Nonetheless, it is hard not to notice the disparity between the mushrooming of work on what Libya has meant for R2P, compared with the much more limited focus on what R2P has meant for Libya. This imbalance is all the more

⁵³ See many of the contributions from key R2P figures in Alex Stark, *The Responsibility to Protect: Challenges & Opportunities in Light of the Libyan Intervention* (e-International Relations, 2011), <http://www.e-ir.info/2011/11/21/the-responsibility-to-protect-challenges-opportunities-in-light-of-the-libyan-intervention/>.

⁵⁴ James Pattison, 'Introduction - Roundtable: Libya, RtoP, and Humanitarian Intervention', *Ethics & International Affairs* 25, no. 03 (September 2011): 251–54.

⁵⁵ In addition to the other references cited in this paper, see also: Aidan Hehir and James Pattison, 'Introduction: The Responsibility to Protect after the Arab Spring', *Cooperation and Conflict* (forthcoming); Aidan Hehir and Robert Murray, eds., *Libya, the Responsibility to Protect and the Future of Humanitarian Intervention* (Basingstoke: Palgrave Macmillan, 2013); Tim Dunne and Jess Gifkins, 'Libya and the State of Intervention', *Australian Journal of International Affairs* 65, no. 5 (2011): 515–29; Daniel Silander, 'R2P—Principle and Practice? The UNSC on Libya', *Journal of Applied Security Research* 8, no. 2 (1 April 2013): 262–84; Ramesh Thakur, 'R2P after Libya and Syria: Engaging Emerging Powers', *The Washington Quarterly* 36, no. 2 (1 April 2013): 61–76; Luke Glanville, 'Intervention in Libya: From Sovereign Consent to Regional Consent', *International Studies Perspectives* 14, no. 3 (1 August 2013): 325–42; Luke Glanville, 'Gaddafi and Grotius: Some Historical Roots of the Libyan Intervention', *Global Responsibility to Protect* 5, no. 3 (1 January 2013): 342–61; Marie-Eve Loiselle, 'The Normative Status of the Responsibility to Protect after Libya', *Global Responsibility to Protect* 5, no. 3 (2013): 317–41; Paul D. Williams and Alex J. Bellamy, 'Principles, Politics, and Prudence: Libya, the Responsibility to Protect, and the Use of Military Force', *Global Governance: A Review of Multilateralism and International Organizations* 18, no. 3 (1 July 2012): 273–97; Justin Morris, 'Libya and Syria: R2P and the Spectre of the Swinging Pendulum', *International Affairs* 89, no. 5 (2013): 1265–83.

significant because of the way the Libyan intervention has turned into a failure, with severe consequences for the very civilians that were meant to be protected.

The Libyan experience has proven to be much more complex and fraught than most expected, which should generate more careful reflection on how it went so wrong. An important step is asking whether this failure could have been predicted. Here it is useful to return to UNSC Resolution 1973 that authorised the use of force. That it passed suggests greater consensus than actually existed. Within the UNSC, the British and the French mobilised their resources to frame the way the issue was understood. They were aided by the speed at which events unfolded, as it left more sceptical members with less opportunity to challenge the position advanced by the P3 powers (France, UK and USA).⁵⁶ Notably, they were able to sway South Africa to support the resolution, which had remained uncertain until the last minute.⁵⁷ This also provided the Nigerian vote and was decisive in the resolution passing. Meanwhile, the five countries that abstained were significant ones: permanent members China and Russia, as well as three major non-permanent members: Brazil, Germany and India. Choosing neither to support nor go against the resolution reflected their ambivalence towards the proposed course of action.⁵⁸ In the case of the permanent members, it appears that the speed of events pushed them towards abstaining, seeing little benefit in supporting the isolated Gaddafi regime and wanting to avoid being blamed if a massacre at Benghazi did occur.⁵⁹ There was even public disagreement over the resolution between the Russian Prime Minister Vladimir Putin and President Dmitri Medvedev, which suggests that the country's stance was in flux. The manner in which the P3 were able to successfully frame the crisis in the UNSC, resulting in the passing of 1973 with a majority and no veto, conceals the extent to which there were clear divisions over how to respond to the unfolding emergency.

⁵⁶ Rebecca Adler-Nissen and Vincent Pouliot, 'Power in Practice: Negotiating the International Intervention in Libya', *European Journal of International Relations* 20, no. 4 (2014): 898–9.

⁵⁷ *Ibid.*, 904.

⁵⁸ Sarah Brockmeier, Oliver Stuenkel, and Marcos Tourinho, 'The Impact of the Libya Intervention Debates on Norms of Protection', *Global Society* 30, no. 1 (2016): 120.

⁵⁹ Marcin Kaczmarek, 'Russia on the Military Intervention in Libya', 23 March 2011, <http://www.osw.waw.pl/en/publikacje/analyses/2011-03-23/russia-military-intervention-libya>; Yun Sun, 'China's Acquiescence on UNSCR 1973: No Big Deal', *PacNet*, 31 March 2011, <http://csis.org/files/publication/pac1120.pdf>.

The ghosts of failed interventions past were present in deliberations over how to respond in Libya. In this regard, Müller and Wolff point to the way that, 'largely independent from the empirical event, "Rwanda 1994" has been misused as a signifier to justify an almost unlimited international agenda of liberal interventionism and social engineering.'⁶⁰ A similar status could be ascribed to 'Srebrenica'. This framing played a role in determining how to respond to the deteriorating situation in Libya and contributed to the sense of haste that shaped deliberations. One diplomat involved in the UNSC discussions recalled that, 'the Americans came out to say in the Council: "Do you want another Srebrenica?"'. When this warning was endorsed by the Ambassador of Bosnia and Herzegovina the debate turned decisively in favour of the P3 position.⁶¹ This rhetorical strategy was also used publicly, with White House Middle East strategist Dennis Ross justifying the initial decision to intervene in the following terms: 'we were looking at "Srebrenica on steroids" – the real or imminent possibility that up to a 100,000 people could be massacred.'⁶² The reflexive invocation of 'Srebrenica' and 'Rwanda' worked to shut down discussion and prevent a full consideration of the alternatives. The fear of failing to act and being responsible for what might follow helped to generate sufficient momentum to authorise the use of force. This was despite the lack of a clear plan as to what would follow, with Robert Gates, then US Secretary of Defense, expressing frustration that they 'were playing it by ear.'⁶³ One European diplomat involved in the decision to intervene voiced a similar complaint: 'how did we move from protecting civilians to the decapitation of the entire military and the state? I don't know the answer.'⁶⁴ Relevant here is Chesterman's suggestion that the real significance of the R2P doctrine revealed by the Libyan case is in it 'making it harder to

⁶⁰ Harald Müller and Jonas Wolff, 'The Dual Use of an Historical Event: "Rwanda 1994", the Justification and Critique of Liberal Interventionism', *Journal of Intervention and Statebuilding* 8, no. 4 (2014): 281–2.

⁶¹ Adler-Nissen and Pouliot, 'Power in Practice', 901.

⁶² Laura Rozen, 'Averting "Srebrenica on Steroids": White House Defends Libya Operations', *Yahoo News*, accessed 22 February 2016, <http://news.yahoo.com/blogs/envoy/averting-srebrenica-steroids-white-house-defends-libya-operations-20110323-120730-415.html>.

⁶³ Nancy Youssef, 'Hillary's Libya Post-War Plan Was "Play It by Ear," Gates Says', *The Daily Beast*, 20 October 2015, <http://www.thedailybeast.com/articles/2015/10/20/hillary-s-libya-post-war-plan-was-play-it-by-ear-gates-says.html>.

⁶⁴ Kevin Sullivan, 'A Tough Call on Libya That Still Haunts', *The Washington Post*, 3 February 2016, <http://www.washingtonpost.com/sf/national/2016/02/03/a-tough-call-on-libya-that-still-haunts/>.

do the wrong thing or nothing at all', but the problem is that 'do something, do *anything*, is not a military strategy.'⁶⁵ To develop Chesterman's point further, the pressure to 'do something' can work to forestall serious reflection over whether that specific 'something' is better than 'nothing' or could actually become 'the wrong thing'.

While most accept that NATO went beyond what 1973 mandated in pursuing regime change, some suggest that this was the logical conclusion of supporting the use of force. Representative of this position is Michael Ignatieff who observed, 'buyer's remorse is an understandable response to the Libyan operation. But it may also be naïve. How else were Libyans to be protected than by regime change?'⁶⁶ Such a stance, which is the one the P3 powers effectively took after 1973, is overly stark and dismisses the possibility of a political settlement. On this point, Doyle argues that the intervention suffered from 'a lack of strategic doctrine on how to design protection', which resulted in the P3 pursuing a course of supporting the rebels and pushing for regime change when faced with the unpalatable alternative of a stalemate between regime forces and rebels.⁶⁷

While Doyle suggests a stalemate would have been problematic, it is unclear why this would have been such a bad outcome. With the immediate risk of a massacre averted, it would have bought more time for negotiating a political settlement, such as the peace plan being proposed by the African Union in April 2011. Even if negotiations subsequently failed, the pause would have allowed for deeper reflection on the consequences of pushing ahead with military action and considering the full ramifications of regime change. Considering the sense of haste that had shaped the initial response, more time at this juncture could have been worthwhile, especially as there were already clear warning signs that the rebel forces were not united and that a jihadi element was present.⁶⁸ Pausing and reflecting further on the possible

⁶⁵ Emphasis in original. Simon Chesterman, "'Leading from Behind": The Responsibility to Protect, the Obama Doctrine, and Humanitarian Intervention after Libya', *Ethics and International Affairs* 25, no. 3 (2011): 282–4.

⁶⁶ Michael Ignatieff, 'The Libya Case, A Teachable Moment', *Süddeutsche Zeitung Special Supplement*, 2012, Munich Security Conference edition, 3.

⁶⁷ Michael W. Doyle, 'The Politics of Global Humanitarianism: The Responsibility to Protect before and after Libya', *International Politics* 53, no. 1 (2016): 23.

⁶⁸ Jon Lee Anderson, 'Who Are the Rebels?', *The New Yorker*, 4 April 2011, <http://www.newyorker.com/magazine/2011/04/04/who-are-the-rebels>.

consequences of pushing ahead with using force, this is what a more humble position would have entailed at this moment.

NATO's support for the rebels seeking regime change was premised on Gaddafi being identified as a permanent threat to the human rights of Libyans. Given this, the fact that rebels forces were responsible for widespread human rights abuses raises difficult questions for those who supported the intervention. In March 2012 the UN Human Rights Council released an inquiry on Libya. In addition to detailing war crimes committed by regime forces, they charged that rebels committed similar serious offences, including 'unlawful killing, arbitrary arrest, torture, enforced disappearance, indiscriminate attacks, and pillage.'⁶⁹ The report further indicated concern over the lack of attention to protecting human rights shown by the National Transitional Council, and a general sense of impunity around crimes committed by anti-Gaddafi forces. Amnesty International raised similar issues in a report dated September 2011, which detailed abuses committed both by regime forces and the rebels.⁷⁰ These concerns were echoed by Sarah Leah Whitson from Human Rights Watch, who observed that, 'the Friends of Libya relied on the international Responsibility to Protect to justify intervening in Qaddafi's crimes against humanity, but now ignore it when those committing the crimes are the militias they supported last year.'⁷¹ This was not simply an issue identified afterwards, both Amnesty International and Human Rights Watch raised concerns during the conflict over human rights abuses by rebels, including revenge killings, torture and attacks on civilians.⁷² In addition to NATO aiding rebel groups that engaged in human rights abuses, there is also evidence that NATO bombing was directly responsible for the death of at least 72 civilians, a third of which were under eighteen

⁶⁹ UN Human Rights Council, 'Report of the International Commission of Inquiry on Libya' (United Nations, 8 March 2012), 1.

⁷⁰ Amnesty International, 'The Battle for Libya: Killings, Disappearances and Torture' (London: Amnesty International, September 2011).

⁷¹ Sarah Leah Whitson, 'Libya's Human Rights Problem', *Human Rights Watch*, 15 May 2012, <https://www.hrw.org/news/2012/05/15/libyas-human-rights-problem>.

⁷² Human Rights Now, 'Oral Statement - U.N. Follow Up Libya Special Session', *Human Rights Watch*, 9 June 2011, <https://www.hrw.org/news/2011/06/09/oral-statement-un-follow-libya-special-session>; Human Rights Now, 'Libya: All Sides Obligated to Protect Civilians', *Human Rights Watch*, 22 August 2011, <https://www.hrw.org/news/2011/08/22/libya-all-sides-obligated-protect-civilians>.

years old.⁷³ While this is a relatively low figure, concerns have been raised that these deaths have not been accounted for and explained by NATO, a troubling situation considering the mission's humanitarian rationale.

The problematic features of the rebels – disunity and human rights abuses – were a warning sign of what was to come, as these soon became permanent features of the political landscape. If indeed humanitarian concerns motivated the response to Libya, these should not dissipate once the military intervention was complete. Yet it was not long before attention shifted elsewhere, most notably to Syria. This is not to downplay the considerable suffering there, but to note that there was considerable reason to pay on-going attention to the situation in Libya. To the extent that Libya has been considered, it has generally in relation to the way NATO's behaviour in overstepping their mandate has made finding agreement on Syria in the UNSC even more challenging. Meanwhile, the power vacuum created by the fall of Gaddafi was quickly filled by competing militias, which were heavily armed after gaining access to the old regime's stockpiles. Instead of transitioning to democracy, the country descended into lawlessness, torn apart by militias struggling for power and territory. This has had serious humanitarian consequences, with the most recent UN human rights report identifying that all sides have been 'committing gross violations or abuses of international human rights law including torture, enforced disappearance, and unlawful killings.'⁷⁴ In December 2015, warring factions signed an agreement to form a unity government, but whether this can be achieved remains in serious doubt. In this regard, it is worth quoting this recent assessment by Bernardino León, Head of the UN Support Mission in Libya:

The country's economic and finances are already showing signs of fatigue and rapid decline. The absence of effective authority is manifesting itself in growing insecurity and criminality across many parts of the country. The growing influence of terrorist and other extremist groups is posing a direct threat to the very authority of the Libyan State. ... Equally important is the scale of the

⁷³ Human Rights Watch, 'Unacknowledged Deaths: Civilian Casualties in NATO's Air Campaign in Libya', May 2012, https://www.hrw.org/sites/default/files/reports/libya0512webwcover_0.pdf.

⁷⁴ UNSMIL, 'Report on the Human Rights Situation in Libya' (United Nations, 16 November 2015), 31.

human suffering. The political and military conflict has exacted a heavy toll on the Libyan people. Death and displacement have become an all-too common theme....⁷⁵

Gaddafi may no longer be able to commit human rights abuses, but his regime has been replaced by an array of predatory militias and jihadi groups, which hardly represents a better situation for most Libyans. R2P proponents may respond that Libya subsequently lapsing into chaos reflects the failure of the international community to uphold its 'responsibility to rebuild', which was originally incorporated in the ICISS formulation, but missing from the 'R2P lite' adopted in 2005. This is hardly satisfactory, however. In most cases there should be enough evidence to be able to reach a reasoned conclusion about what some of the consequences of intervening might be. As De Waal observes, many in Africa were wary of the instability that removing Gaddafi would likely bring, as conveyed in the warning of Chad's President Déby in March 2011: 'beware of opening the Libyan Pandora's box.'⁷⁶ In this regard, the disagreement in the UNSC over whether to intervene was less about defending a strict conception of sovereignty and more about whether the use of force was necessary and wise. The possible dangers of intervening are only amplified if there are insufficient resources available for rebuilding after the conflict, as will likely be the case. On this point, Rieff has attacked the architects of R2P for wishing for 'commitments and resources that do not exist and that it is unreasonable to suppose ever will exist.'⁷⁷ And on the rare occasions when these are available, it certainly does not guarantee success, as has been demonstrated in painful detail in Afghanistan and Iraq.

Combined, what these observations suggest is that there should have been a more careful reckoning of what the possible consequences of intervening might be before force was used. Certainly there were some elements that could not be predicted, but this is precisely what a humble approach recognises. There are limits to what we can

⁷⁵ United Nations Security Council, 'The Situation in Libya' (New York: United Nations, 5 November 2015), 2–3.

⁷⁶ Alex De Waal, 'African Roles in the Libyan Conflict of 2011', *International Affairs* 89, no. 2 (2013): 370.

⁷⁷ David Rieff, 'Saints Go Marching in', *The National Interest* 114 (2011): 12.

understand and see, and there are possible outcomes that we cannot possibly fathom until they occur. The remarkable rise of IS and its spread to parts of Libya offers perhaps the strongest example of our inability to comprehend the potential consequences of our actions, which in turn should encourage a much more cautious position on the use of force. This is related to what Paris identifies as the 'end-state problem' that bedevils such actions: 'military interventions undertaken for narrow purposes may have destabilizing second- and third-order effects that cast doubt on the effectiveness of an operation, even if the initial goal of averting a mass atrocity is met.'⁷⁸ Nonetheless, there are also many things that can be predicted or expected. There was evidence that Libya lacked the structural conditions necessary to transition to democracy, that the rebel forces were not necessarily reliable or united, that there were considerable dangers from removing Gaddafi without a clear idea of what would follow, and that it would be unlikely that the international community would heavily commit resources to make up for these significant deficiencies. In this sense, a humble approach is not only accepting the limits of what is knowable, but also acknowledging and working within the limits that can be readily identified. This certainly did not happen in the Libyan intervention.

Humility also has value for commentators and scholars working on R2P. Those who advocated intervening have a responsibility to seriously reflect on the consequences that this path of action brought. This goes well beyond the blithe assertions of Slaughter that Libya would have unfolded in a manner similar to Syria and that 'Libyans are better off than they would have been had we not intervened'.⁷⁹ The speed with which people like Slaughter have forgotten about Libya has led Greenwald and Hussain to caustically surmise, 'what's most notable is how brazen these war advocates were about completely ignoring Libya once the exciting bombs fell and their glorious war victory dances were

⁷⁸ Paris, 'The "Responsibility to Protect" and the Structural Problems of Preventive Humanitarian Intervention', 577.

⁷⁹ Al Jazeera, 'Anne-Marie Slaughter Talks to Antonio Mora', 11 December 2014, <http://america.aljazeera.com/watch/shows/talk-to-al-jazeera/articles/2014/12/11/anne-marie-slaughtertalkstoantoniomora.html>.

over.⁸⁰ While Libya may no longer present itself as the most pressing humanitarian crisis, reckoning with the failures of the intervention there is a necessary step in determining how to deal with Syria and future emergencies. More generally, those working on R2P should reflect further on what the doctrine has meant for Libya. In doing so, there is a need to face the complexities of the situation, and consider not only the crimes of the Gaddafi regime, but the harms that have followed from intervening. What does it mean if the people that were meant to be protected by enacting R2P now find themselves in a much more vulnerable position than before the intervention took place? This is not an easy question to grapple with, but before calling for intervention elsewhere, there is a need to humbly reflect on what has happened.

Fostering a humble vision of humanitarian intervention

A humble stance is one that meditates on human limits, both physical and mental, which serves an important guide in shaping action. It promotes a more chastened position, one that acknowledges that right intentions might not lead to just outcomes, that there are real limits on the ability of external actors to understand or control the course of events during and following an intervention, and that our ability to comprehend such complex situations should warn against premature judgements and confident conclusions. This is directly relevant for the current debate around R2P, which as Kurtz and Rotmann note, 'is not between caricatures of "absolute" vs. "responsible" sovereignty but about what makes for effective and responsible intervention.'⁸¹ Emphasising the limits of comprehension promotes caution, but this is not the same as justifying indecision or passivity. In some cases, military intervention may be justified, but the threshold for doing so will be much higher than that used in Kosovo or Libya. This position is attuned to problems over verifying claims about actual and threatened human rights abuses, and the considerable incentive some actors might have to exaggerate the extent of the

⁸⁰ Glenn Greenwald and Murtaza Hussain, 'What Happened to the Humanitarians Who Wanted to Save Libyans With Bombs and Drones?', *The Intercept*, 11 November 2014, <http://theintercept.com/2014/11/11/happened-humanitarians-wanted-save-libyans-bombs-drones/>.

⁸¹ Gerrit Kurtz and Philipp Rotmann, 'The Evolution of Norms of Protection: Major Powers Debate the Responsibility to Protect', *Global Society* 30, no. 1 (2016): 15.

danger.⁸² A humble appreciation of the limits of knowledge is more likely to accept the difficulty for outsiders to properly understand complex local politics at work or to accurately assess what is taking place. In this regard, Rieff argues that in most cases external actors lack the requisite knowledge to intervene successfully. While noting that there will be exceptions, he proposes instead: 'maybe the honorable thing to do is to witness these situations, to try to learn lessons in one's own society, one's own life, from the horrors and the tragedies one sees.'⁸³

There is value in adopting a more humble stance, cognisant of the physical and mental limitations that shape our ability to comprehend and respond to emergencies. Careful reflection resists the simplistic thinking encouraged by the use of signifiers like Rwanda or Srebrenica, which work to shut down critical thought. It is necessary to go beyond the simplistic good and evil narratives often present, such as the one offered by Simon Adams: 'hesitation and inaction remain a recipe for complicity with evil'.⁸⁴ Such a response may be understandable when encountering images of horrible human suffering, but indignation and moral certitude cannot resolve a political conflict. As Conley-Zilkic and de Waal note, 'casting violence in terms of moral absolutes confers upon those who would intervene a saviour status that pre-empts critical analysis of what interventions achieve and the effects they produce.'⁸⁵ Manichean framing obscures the much more ambiguous and complicated realities of conflict. Facing this complexity means accepting that optimal outcomes to humanitarian crises are rarely, if ever, achieved and 'perhaps even more dangerous than the failure to achieve such [optimal] endings is the way its very conception blocks understanding of what actually has been (and might be) achieved.'⁸⁶ This perspective is wary of the use of force, which may work to block a political settlement, and will almost certainly bring with it more harm and vulnerability.

⁸² Kuperman, 'A Model Humanitarian Intervention?'

⁸³ 'The Exchange: Joshua Oppenheimer and David Rieff on Genocide', *Foreign Policy*, 10 September 2015, <https://foreignpolicy.com/2015/09/10/the-exchange-joshua-oppenheimer-and-david-rieff-on-genocide-act-of-killing-look-of-silence/>.

⁸⁴ Adams, 'R2P and the Libya Mission'.

⁸⁵ Bridget Conley-Zilkic and Alex de Waal, 'Setting the Agenda for Evidence-Based Research on Ending Mass Atrocities', *Journal of Genocide Research* 16, no. 1 (2014): 56.

⁸⁶ Alex De Waal, Jens Meierhenrich, and Bridget Conley-Zilkic, 'How Mass Atrocities End: An Evidence-Based Counter-Narrative', *Fletcher Forum of World Affairs* 36, no. 1 (2012): 27.

Instead there is a need to carefully consider the case at hand, understanding in its own light, while avoiding the comfort of easy analogies and speculation.

A humble stance also entails reckoning with what R2P means in practice, and when failure occurs, this needs to be accepted, owned and examined. The existing literature on R2P is too self-concerned, it does not reflect enough on what it means on the ground for those who the doctrine is supposed to protect. Moses makes this claim strongly: 'dealing in woefully inadequate abstractions revolving around the theme of "human protection" allows little serious analysis of political conflict to penetrate the humanitarian narrative of the RtoP [R2P].'⁸⁷ A different kind of engagement is required, one that steps back and meditates more deeply on the consequences of intervention for those in need of protection. This means coming to terms with the harm being responded to, but also that is created or exacerbated through these actions. On this point, Wilcox suggests that the R2P doctrine works with a limited and hierarchical understanding of vulnerability, one that fails to recognise the harms caused through intervening.⁸⁸ It is necessary to develop a nuanced understanding of how vulnerability operates, for as Sylvester reminds us, the 'distinction between death under humanitarian intervention and death under oppressors can become emotionally illegible or insignificant. The grief from loss is all, no matter who claims to save whom or what from greater harm.'⁸⁹ In this sense, there is a pressing need to reckon in a much more immediate and direct sense with the violence and vulnerability central to R2P but often absent from the discourse surrounding it. Doing so offers the possibility of developing a more nuanced understanding of harm, one that avoids the comfortable binary tendencies in the R2P framework which separate protector and protected, aggressor and victim, right and wrong. Here there is value in reflecting on Judith Butler's injunction that, 'the fact of enormous suffering does not warrant revenge or legitimate violence, but must be

⁸⁷ Moses, *Sovereignty and Responsibility: Power, Norms and Intervention in International Relations*, 120.

⁸⁸ Lauren Wilcox, *Bodies of Violence: Theorizing Embodied Subjects in International Relations* (Oxford: Oxford University Press, 2015), 177.

⁸⁹ Christine Sylvester, 'The Art of War/The War Question in (Feminist) IR', *Millennium* 33, no. 3 (2005): 877.

mobilized in the service of a politics that seeks to diminish suffering universally, that seeks to recognize the sanctity of life, of all lives.'⁹⁰

Conclusion

Imagine we were sitting here and Benghazi had been overrun, a city of 700,000 people, and tens of thousands of people had been slaughtered, hundreds of thousands had fled...

Hillary Clinton, US Secretary of State, 27 March 2011⁹¹

When I think of Benghazi, in my mind I am counting the dead: How many today, how many the week before, how many this year, how many since 2011?

Hanan Salah, Human Rights Watch, 6 June 2014⁹²

These contrasting reflections on Libya point to the difficult and unknowable 'what ifs' that have come to define the 2011 intervention and its subsequent fallout. While such counterfactuals can never be resolved, the consequences of the failed intervention are all too real for the people of Libya. It is certainly understandable to want to focus on Syria instead, or reflect on the future prospects of the R2P doctrine, but there is also a pressing need to carefully reflect on what went wrong in Libya. In doing so, the dangers of misplaced expectations and unforeseen consequences can be seen, which in turn suggests the value of adopting a more humble stance. Building on the work of Niebuhr, it has been argued that humility commences with an internal orientation, focusing on the limits of comprehension, which in turn provides the foundation for cautiously engaging with the rest of the world. The emphasis on reflection and knowing – on meditating on one's self and impact on others – is also what differentiates it from related themes explored by classical realists, such as tragedy and prudence. Humility shares with tragedy an acceptance of 'the limited ability of either knowledge or power to protect us

⁹⁰ Judith Butler, *Precarious Life: The Powers of Mourning and Violence* (London: Verso, 2004), 104.

⁹¹ US Department of State, 'Interview With Jake Tapper of ABC's This Week', Interview, *U.S. Department of State*, (27 March 2011),

<http://www.state.gov/secretary/20092013clinton/rm/2011/03/159207.htm>.

⁹² Hanan Salah, 'Counting the Dead in Benghazi', *Human Rights Watch*, 6 June 2014, <https://www.hrw.org/news/2014/06/06/counting-dead-benghazi>.

from suffering',⁹³ but offers a more open perspective insofar as it does not assume that a conflict of values or the pursuit of good must necessarily result in harm or injustice. Rather, a humble stance accepts an inability to comprehend what might happen, while assuming responsibility for the consequences, whatever they may be. And through advocating a greater awareness of one's limits, it can offer a route to a more pragmatic form of action, one that is more other-regarding than prudence.

Given the way liberal confidence in intervening has translated into shattered dreams and broken lives, it is time to explore other approaches that do not necessarily abandon the humanitarian sentiment present in the R2P doctrine, but meditate much more slowly and carefully on the consequences of such actions. The Libyan intervention was undertaken in the name of protecting civilians, but by this measure, it has failed terribly with the country now in a state of near anarchy and human rights abuses being widespread. Certainly some of this could have been predicted, but other features – such as the remarkable rise and spread of IS – were beyond what anyone expected. Acknowledging such difficulties, humility entails both accepting and working within the limits we can see, while also appreciating that there are simply things that we cannot possibly comprehend until they occur. In turn, this should promote a more cautious position, wary of what may follow from intervening in conflicts where the capacity of external actors to understand what is happening is inevitably incomplete. In this context, the Libyan case strongly suggests that as scholars, and as people, there is value in seriously reflecting on the way vulnerability and violence operate in world politics, and coming to grips with our limited capacity to understand and respond to it.

⁹³ Richard Ned Lebow, *The Tragic Vision of Politics: Ethics, Interests and Orders* (Cambridge: Cambridge University Press, 2003), 60.