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**Libya and the Qaddafi Regime:
The Quandary of Humanitarian
Intervention**

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Abstract

This article examines the limits of intervention regarding NATO's efforts against the Qaddafi regime, unpacking the language used in the Security Council resolution 1973 and its subsequent manipulation by NATO forces in justifying the intervention in March 2011. The virtues behind such interventions tend to diminish on closer inspection, and the attack on Libya demonstrates the extent of those problems. The responsibility to protect all too often becomes one to intervene for other motivations, suggesting that the realm of the political cannot be divorced from the exercise of the human right.¹ Despite seeming plausible, at least initially, the reasoning behind such actions tends to retreat into a realm of ulterior considerations. The humanitarian basis for such engagements risks becoming static, assuming a position secondary to the logic of power politics. With a sense of chastened awareness, David Rieff's summation may be correct: there are no humanitarian solutions to humanitarian problems.²

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¹ A good discussion of this is in Andrew Schaap, "Enacting the Rights to Have Rights: Jacques Rancière's Critique of Hannah Arendt," *European Journal of Political Theory* 10, 1 (Jan., 2011): 22-45 and Jacques Rancière, "Who Is the Subject of the Rights of Man?" *South Atlantic Quarterly* 103 (Spring/Summer, 2004): 297-310.

² David Rieff, "Humanitarianism in Crisis," *Foreign Affairs* 81, 6 (Nov.-Dec., 2002): 111-121, 111. See also David Rieff, *A Bed for the Night: Humanitarianism in Crisis* (New York: Simon & Schuster, 2002).

Images and rationales

The argument around humanitarian intervention has been termed by Michael Walzer to be the “politics of rescue”.¹ A working rationale for such intervention involves a nation or group of nations that move troops into another state for philanthropic purposes, be it stopping the oppression of a group, protecting relief efforts, assisting refugees or to support incipient democratic administrations.²

NATO’s intervention in Libya was officially justified as humanitarian effort. United States President Barack Obama, in late March 2011, spoke of the need to prevent the frustration of democratic aspirations moving through the Middle East, “eclipsed by the darkest form of dictatorship.”³ “To brush aside America’s responsibility as a leader and, more profoundly, our responsibilities to our fellow human beings under such circumstances would have been a betrayal of who we are.” Libya, however, could not be a case of regime change. Iraq loomed large in the disavowal of that purpose – that adventure by US forces had taken eight years, thousands of lives, both Iraqi and American, and would not be repeated in Libya. Despite stating such a position, the NATO intervention implied an open repudiation of the Qaddafi regime as a legitimate political force

An effort early on was made to distance the attack on Qaddafi’s forces from the previously disastrous effort of the Coalition forces in Iraq. “A coalition of the willing,” explains Daniel Serwer, “attacks an Arab country; French warplanes strike armoured vehicles; American cruise missiles take down air defenses. It all sounds to some too much like Iraq redux. But it’s not.” What then, could be the proper analogy here? It’s Srebrenica, a case of military brutality against a local population by a regime that requires repulsion. “This is the international community acting under international law to prevent mass murder.”⁴ The problem here is that the intervention might well have been authorised, but exactly how the actions reveal a protective gesture towards civilians is hard to tell. For Serwer, it’s a given. There is no need to further interrogate the legitimacy of the actions. There are no other motivations.

The symbolism behind the violence in Libya was developed in most effective fashion by the French philosopher Bernard-Henri Lévy, who, at his own expense, flew to Libya in order to assess the situation. Running through his commentaries was an acute fear that a massacre was imminent, and it was a fear he was not shy in promoting. The French philosopher was present in Benghazi in March 2011 to anticipate and predict.

His techniques of persuasion, and his overall approach to drumming up attention, were praised. “Somehow, earlier this year, a philosopher managed to goad the world into vanquishing an evil villain. Perhaps more surprising was the philosopher in question: the man French society loves to mock, Bernard-Henri Lévy.”⁵ Hyperbole was never far away from the activist philosopher – he might have

¹ Michael Walzer, “The Politics of Rescue,” *Social Research* 62 (Spring, 1995): 53-66.

² Richard B. Miller, “Humanitarian Intervention: Altruism and the Limits of Casuistry,” *Journal of Religious Ethics* 28, 1 (Spring, 2000): 3-35, 3.

³ Mimi Hall, “Obama cites ‘responsibility’ of U.S. in Libya Intervention,” *USA Today*, Mar 28, 2011.

⁴ Daniel Serwer, “The Strikes on Libya: Humanitarian Intervention, Not Imperial Aggression,” *The Atlantic*, Mar 19, 2011, <<http://www.theatlantic.com/international/archive/2011/03/the-strikes-on-libya-humanitarian-intervention-not-imperial-aggression/72740/>>.

⁵ Benjamin Wallace-Wells, “European Superhero Quashes Libyan Dictator,” *New York Magazine*, Dec 26, 2011, <<http://nymag.com/news/features/bernard-henri-levy-2012-1/>>.

been a Lawrence of Arabia, or perhaps an intrepid Don Quixote. His personal wealth enabled him to travel to Libya, where he found himself in Benghazi. Then, the comparisons, the historical twists and stretches. Benghazi might have been the Warsaw Ghetto, or Sarajevo. “Benghazi is the capital not only of Libya but of free men and women all over the world.”¹ To not intervene, he subsequently explained to President Nicolas Sarkozy, could result in a massacre, whose victims would “stain the French flag.”

The passage of UNSCR 1973, with 10 votes in favour and 5 abstentions, became the highpoint of these efforts. It established a “no-fly zone” as part of the “necessary measures to protect civilians under threat of attack in the country” stopping short of “a foreign occupation force of any form on any part of Libyan territory”.² The introduction of the resolution came from the French minister of foreign affairs Alain Juppé, who spoke of “the violent re-conquest of cities that have been released” and the intolerable situation of allowing the Security Council to “let the warmongers flout international legality.”³ Central to Juppé’s language was the brutality inflicted against the Libyan civilians, a situation that was becoming graver by the hour. It supplemented UNSCR 1970, which involved the imposition of sanctions on the Libyan regime. On March 19, 2011, a largely Anglo-French led coalition commenced attacks on targets in the country with the launch of Tomahawk cruise missiles and aerial sorties. On March 24, NATO formally assumed control of enforcing the no-fly zone, with operations formally ending on October 31, 2011.

Humanitarian Imperialism: past and present

Can the Libyan intervention be separated from the labels of imperial context of humanitarian interventionism? Jean Bricmont’s coinage of the term “humanitarian imperialism”, seeing the human right as a commodity, a commodity proffered in the name of Realpolitik rather than innate altruistic purposes is useful on various levels, though not without difficulty. For Bricmont, the humanitarian subject filled the vacuum left by the Cold war, which revolved around matters of unipolarity with US power at the helm and the foundation of a new rationale based on democracy and rights. From 1945 to 1967, no UN Security Council resolution mentions humanitarian intervention. References from the 1970s to the 1980s are also sparse.⁴ The 1990s saw a challenge to this reluctance to make mention of the concept. By the end of the 1990s, the UN Secretary General Kofi Annan was speaking about the necessity to intervene to prevent abuses against governments who could no longer rely on ‘state frontiers’ as an excuse.⁵

From the perspective of US foreign policy, the politics of rescue found voice in the intervention in Somalia in 1992, which was, according to Thomas L. Friedman in the *New York Times*, a turning point in US foreign policy because it was not based

¹ Lévy’s words to the rebel leader Abdel-Jalil Wallace Wells, “European Superhero.”

² UNSCR 1973 (2011). See release by Department of Public Information, United Nations, Security Council 6498th Meeting, SC/10200, <<http://www.un.org/News/Press/docs/2011/sc10200.doc.htm>>.

³ Department of Public Information, United Nations, Security Council 6498th Meeting, SC/10200

⁴ Thomas G. Weiss, “The Sunset of Humanitarian Intervention? The Responsibility to Protect in a Unipolar Era,” *Security and Dialogue* 35, 2 (Jun, 2004): 135-153.

⁵ Kofi A. Annan, “Reflections on Intervention,” Speech delivered at Ditchley Park for the Ditchley Foundation, Oxfordshire, Jun 26, 1998.

on anything strategic per se “but simply to feed starving people”.¹ By the time of the Kosovo intervention in 1999, advocates of intervention such as Vaclav Havel were suggesting that the nation state had been morally eviscerated.²

In the post-Cold War world, advocates of humanitarian intervention felt that a change of focus was needed to cloak intervention with an appropriate costume – one that would be accepted by fashionistas of human rights. New standards justifying breaches to international sovereignty had to be crafted. In the words of Gareth Evans of the International Crisis Group and Algerian diplomat Mohamed Sahnoun, “If the international community is to respond to this challenge, the whole debate must be turned on its head. The issue must be reframed not as an argument about the ‘right to intervene’ but about the ‘responsibility to protect’.”³ In other words, it was better to reshape the argument of military intervention as one of obligations rather than rights. “Changing the terminology from ‘intervention’ to ‘protection’ to gets away from the language of ‘humanitarian intervention’.”⁴ The authors suggest that such rewording has three benefits: evaluating the intervention from the perspective of those requiring support, not those seeking to intervene; that primary responsibility rests with the state in question; and that the “responsibility to protect” embraces the “responsibility to react”, the “responsibility to prevent” and “responsibility to rebuild”.⁵

That said, asserting such obligations does nothing to eliminate the sheer scope of what is expected – self interest may well form part of the motivations behind the action, and adopting a lexical trick to refocus the emphasis on intervention ends up being a mere sleight of hand. David Rieff puts it rather forcefully when he calls into question the idea of ‘good intentions’ as a basis of making policy. “It may be a cliché to say that the road to hell is paved with good intentions, but surely it is not too much to insist that good intentions are really not a sound basis for policy, nor do good intentions, or more properly, the wish to do the right thing, mean one is doing the right thing.”⁶

In 2005, the United Nations adopted the Responsibility to Protect doctrine (R2P) that reflected the slant suggested by Evans and Sahnoun. The existence of such documents as R2P and the international body of law that is being drafted around it on the subject of limited sovereignty provides the framework that has been adopted in assessing the Libyan engagement. “What has been emerging [since 1945] is a parallel transition from a culture of sovereign impunity to a culture of national and international accountability.”⁷ Where there is a systematic and extensive abuse of human rights, an obligation to intervene may be generated.⁸ That said, the political acumen of regimes who do insist on such a course of action remain conflicted. James

¹ Thomas L. Friedman, “In Somalia, New Criteria for U.S. Role,” *New York Times*, Dec 5, 1992, A1.

² Vaclav Havel, “Kosovo and the End of the Nation State,” trans. Paul Wilson, *New York Review of Books* 46, 10 (Jun 10): 4-6.

³ Gareth Evans and Mohamed Sahnoun, ‘The Responsibility to Protect’, *Foreign Affairs* 81, 6 (Nov/Dec 2002): 99-110, and <<http://www.foreignaffairs.com/articles/58437/gareth-evans-and-mohamed-sahnoun/the-responsibility-to-protect>>.

⁴ Evans and Sahnoun, “The Responsibility to Protect,” 101.

⁵ Evans and Sahnoun, “Responsibility to Protect,” 101.

⁶ David Rieff, “Humanitarian Intervention,” *World Policy Journal* (Fall, 2001), 101-2, 102, <<http://www.worldpolicy.newschool.edu/journal/articles/wpj01-3/correspondence.pdf>>.

⁷ Words of the ICISC, noted by Rieff, “Humanitarianism in Crisis,” 112.

⁸ International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa, Ontario: International Development Research Centre, Dec. 2001).

Kurth has noted a fundamental paradox. “Unfortunately, even as the theory and law of humanitarian intervention has ascended to unprecedented heights, the actual practice of humanitarian intervention has been in decline.”¹

The road travelled: consequences

The language of UNSCR 1973, in mandating a “no-fly zone” as part of the “necessary measures to protect civilians under threat of attack in the country” replicated the protection doctrine to a certain degree. But as a circumspect Rieff pointed out, it “left a bitter taste in the mouths of many governments that supported it”.² What began as a mission for protecting civilians transformed into one of regime change, the old program of replacing one regime with another. Just war theory, argues Rieff, precludes intervention where the risk of causing more harm than good is evident. R2P has been effectively co-opted into the service of the regime change advocates, explaining, to a large extent, the enormous reluctance to seeking intervention against the Assad regime in Syria.

A few consequences can be suggested by the intervention in Libya. One is a diminished role of the US in terms of military engagements even if they be of a humanitarian character, though this may simply be a short term stance. The shift in US congressional sentiment to such an intervention from the belligerence shown towards Iraq in 2003 was evident. Spokesman for House Speaker John Boehner (R-Ohio) kept pressing the president: “what does success in Libya look like?” Sen. Rand Paul (R-Ky) asked what “imminent threat” the Qaddafi regime posed to the United States.³ Such congressional attitudes must be taken seriously. Obama, being cognisant of this fact, has tried a compromise: to provide US support, on the caveat that the US not ‘go it alone’.

The other notable consequence, in line with scepticism from such individuals as Boehner, is how to gauge the success of such actions justified by broad readings of Security Council resolutions. Success in Libya, in fact, is a difficult concept to patch together, if one is taking the brutal, realist line. As a report from Christopher Blanchard for the Congressional Research Service claims, the transition “may prove to be as complex and challenging for Libyans and their international counterparts as the 2011 conflict.”⁴ Such bland, even insincere language conceals the monumental difficulties that have been shown to have taken place. As the long term writer and commentator for the *New York Times* George F. Will pondered, Obama had “neglected to clarify a few things, such as: Do the armed rebels trying to overthrow that government still count as civilians?”⁵ For Will, the great worry was reducing the US armed forces to a wing of the Red Cross, intervening in a campaign with unknown actors and variables.

The language of the coalition has been obtuse and at times self-contradictory. The British effort has been marred by conflicting remarks by the leading commanders

¹ James Kurth, “Humanitarian Intervention After Iraq: Legal Ideals vs. Military Realities,” *Orbis* (Winter, 2005), 87-101, 88, <<http://fpri.org/orbis/5001/kurth.humanitarianinterventionafteriraq.pdf>>.

² David Rieff, “As Syrians Suffer, Do We Stand By or Send in the Troops?” *Sydney Morning Herald*, Mar 5, 2012.

³ Comments in Hall, “Obama cites ‘responsibility’.”

⁴ Christopher M. Blanchard, “Libya: Transition and US Policy,” Congressional Research Service, Mar 28, 2012, <<http://www.fas.org/sgp/crs/row/RL33142.pdf>>.

⁵ Will, “Obama’s humanitarian imperialism in Libya.”

on the one hand, and the Prime Minister on the other, showing that any coherent reading of ‘humanitarian intervention’ is problematic. This has not bothered certain commentators as Serwer, who find any such contradictions non-existent. Whatever the US Secretary of State Hillary Clinton might have claimed – that the intervention took place to protect civilians, as opposed to regime change, it was “a distinction without a difference”. “It is up to [Qaddafi] to convince the coalition that he is prepared to change his behaviour, as he successfully did in 2003 when he gave up his nuclear weapons.”¹

The intervention in Libya can hardly be said to have worked its intended magic, an all-curing panacea that has brought stability. The report of the late Anthony Shadid from Libya for the *New York Times* on February 9 highlighted the role played by the militias and the use of torture.² Such actions demonstrate the dangers of picking horses and gambling on outcomes in civil conflicts, whatever the stated grounds. The dangers of doing so, historically, are all too present. As Chomsky claimed, the grounds on bombing the Serbs to pre-empt their plans to expel Kosovar Albanians was a dangerous ploy that was based on knowledge the authorities did not know at the time.³ There is an argument to be made that such attacks intensified the campaign by the Serbs against the Kosovar Albanians. Accusations can be made that scenarios must be guessed and pondered. Too many hypotheticals are entertained. The pre-emptive element of humanitarian intervention in the context of Benghazi is similarly problematic, based as it were on the desperate calls of the Transitional National Council, the urgings of such philosopher figures as Lévy, and the tailoring of various European ambitions – Great Britain, France and the need for NATO to show more ‘muscle.’ Other members of the UN, notably China, Russia and India, suggested that the no-fly zone mandate had been violated, harming the very civilians the measure was designed to protect. The words of a Chinese Foreign Ministry spokeswoman were to the point. “We’ve seen reports that the use of armed forces is causing civilian casualties, and we oppose the wanton use of armed force leading to more civilian casualties.”⁴

The intervention served a double and even circular justification: providing NATO with a *raison d’être* far beyond the European theatre while serving as a justification for its expansion. This process was already well underway in the 1990s. By the mid-1990s, NATO forces were being deployed in assistance roles for the UN. In August and September 1995, NATO launched airstrikes against Serbian positions to lift the siege of Sarajevo. NATO’s move towards the concept of Combined Joint Task Forces (CJTFs) enlarges its scope, and incorporates non-EU countries in operations. It continues to, somewhat incongruously, operate as part of the International Security Assistance Force (ISAF) in Afghanistan.

What this means is that, by default, NATO can make up the numbers in terms of a combined assault to legitimise humanitarian intervention. The more consensus-driven muscle, the better – at least in terms of deciding whether an intervention is

¹ Serwer, “The Strikes on Libya.”

² Anthony Shadid, “Libya Struggles to Curb Militias as Chaos Grows,” *New York Times*, Feb 8, 2012, <<http://www.nytimes.com/2012/02/09/world/africa/libyas-new-government-unable-to-control-militias.html>>

³ Noam Chomsky, “Humanitarian Imperialism: The New Doctrine of Imperial Right,” *Monthly Review* (Sep., 2008), <http://www.chomsky.info/articles/200809--.htm>.

⁴ *New York Times*, “China Blasts Obama’s Libya War as Humanitarian Catastrophe,” Mar 22, 2011.

legitimate by a collective of powers. The illusion of a united front will always be sought. The coalition against Qaddafi, Serwer points out, included “several Arab countries as well as the U.S., France and the United Kingdom.” Add to this collection the Italians. What Serwer ignored were the qualified pledges given to the effort and the deeply problematic attitudes organisations such as the Arab League have with the use of force to resolve domestic crises.¹

Blurring motivations: The Syrian context

The Libyan intervention had the potential of triggering a series of other interventions modelled on the obligation to protect. Syria has emerged as a prospect, though the will to intervene against the Assad regime has been far more lukewarm. On March 6, US Senators John McCain, Joe Lieberman and Lindsey Graham stated their position in favour of intervention, adopting the humanitarian arguments wholesale. “The Syrian people are outmatched. They are outgunned. They are confronting a regime whose disregard for human dignity and capacity for sheer savagery is limitless.” The “people” here are a mere abstraction, entangled with the battling forces of a civil conflict. Not that it bothers individuals such as Senator Lieberman, who has gone on record saying that the United States has the means, and the record, to “settle” civil wars successfully.

Long time human rights commentator Anne-Marie Slaughter of Princeton University has called for an intervention based on the principle of protection, adopting the language of Evans and Sahoun. She has proposed the establishment of enclaves (“no-kill zones”) around the Turkish, Lebanese and Jordanian borders for members of the population most effected by the Assad regime. Those enclaves would be, in turn, protected by drone aircraft and be accessibly via humanitarian corridors manned by the Red Cross. What is troubling about Slaughter’s analysis is that it slides with little effort into the area of regime change, ignoring the sectarian troubles Sunni states such as Qatar and Saudi Arabia would (and are already) causing Syria. Seeing another Sunni state is not necessarily in the interest of Western powers who might also be involved. The Free Syrian Army has become, in this analysis, anointed freedom fighters. It is also interesting to note in this regard that Slaughter has previously used the principle of a responsibility to protect to extend to a forceful “duty to prevent” the acquisition by certain regimes of weapons of mass destruction, citing such reasoning as “entirely humanitarian”.² The limitless nature of such doctrines should, however, make them untenably dangerous.

Professor Robert Pape of the University of Chicago puts forth the stock standard line on humanitarian intervention (he doesn’t even question that, as a concept, it is dangerously problematic), that “a coalition of countries, sanctioned by major international and regional institutions, should intervene to stop” campaigns of mass homicide “as long as they have a viable plan, with minimal risk of casualties for

¹ Laaska News, “Russia and Arab League say ‘no’ to use of force in Libya,” Mar 22, 2011, <<http://laaska.wordpress.com/2011/03/22/russia-and-arab-league-say-%E2%80%9Cno%E2%80%9D-to-use-of-force-in-libya/>>.

² Anne-Marie Slaughter, “How to Halt the Butchery in Syria,” *New York Times*, Feb 23, 2012; Lee Feinstein and Anne-Marie Slaughter, “Duty to Prevent,” *Foreign Affairs* 83, 1 (2004): 136-150, 149.

the interveners.”¹ Neither is the case in Syria, and even Pape feels a reluctance to take that stand. Such a position was also taken by China and Russia.

Max Boot, who writes in the conservative American magazine *Commentary*, provides the text book example of how the principle of protection proves to be the most minor consideration behind intervention. Boot first claims that “Syria seems to be a case in point of exactly the kind of situation where Pape would justify intervention.”² But more to the point, “This is a huge opportunity to strike an indirect blow against Assad’s patrons in Syria and to change the balance of power in the Middle East.” For Boot, templates are not that relevant in the context of intervention – outside powers can still interfere; broader strategic considerations can still come into play. Boot’s arguments demonstrate the complexity, or rather the seeming redundancy of the protection doctrine, showing that it so often morphs into something it doesn’t claim to be. Some of his suggestions are not as extreme as a mere bald application of force: a total isolation of his regime, embargoing any further arms to his regime, creating ‘humanitarian safe zones’ along the Turkish border with troops friendly to the Syrian opposition. Yet Boot’s suggestions come dangerously close to the unilateral, anarchy inflicting use of force by the United States and its allies in the 2003 assault on Iraq.

Charles Krauthammer follows a similar line, showing how talk of protection tends to be subsidiary to broader political considerations of regime change and an alteration in the geopolitical balance. For Krauthammer, long time conservative columnist of the *Washington Post*, Iran was the key strategic consideration here as this was “not just about freedom”. The Iranian state has created an anti-Israeli “mini-Comintern” comprising Hezbollah and Hamas. It was proving influential in Afghanistan. It was meddling in the affairs of Latin America. Dealing with the Assad regime would effectively deal a blow to a dangerous power in the Middle East. Human rights in the Krauthammer discussion seems an afterthought – “a reason enough to do everything we can to bring down Assad”, but not as significant as the “strategic opportunity.” “Make clear”, he concluded, “American solidarity with the Arab League against a hegemonic Iran and its tottering Syrian client.”³ Krauthammer proves casual about the murderous consequences of intervention, and the implications about what a Syrian state dissolving into sectarian violence would look like.

Similarly bloodless calculations are offered by the associates of the Henry Jackson Association in Britain, suggesting that an incursion into Syria would be mere child’s play. More importantly, sides in a civil conflict can indeed be picked and backed. Michael Weiss has already set his heart on the Free Syrian Army (FSA). For one, he claims they are doing well, having ‘made great strides’.⁴ Invariably, there is a plea for help – we, the rebels, are making gains, but need an interfering force. ‘If no one helps us,’ claims Alaa al-Sheikh of the Khaled Bin Waleed Brigade in Rastan, ‘we can hit the regime painfully but we can’t topple it, not [when it has] jets and tanks.’

¹ Robert Pape, ‘Why We Shouldn’t Attack Syria Yet?’ *New York Times*, Feb 3, 2012, <http://www.nytimes.com/2012/02/03/opinion/why-we-shouldnt-attack-syria-yet.html?_r=1>.

² Max Boot, ‘A Syrian Intervention Scenario’, *Commentary Magazine*, February 3, 2012, <<http://www.commentarymagazine.com/2012/02/03/syria-intervention-assad/>>.

³ Charles Krauthammer, ‘Syria: Its not just about Freedom’, *Washington Post*, February 3, 2012.

⁴ Michael Weiss, ‘Break the Stalemate! A Blueprint For a Military Intervention in Syria’, *The New Republic*, Feb 9, 2012, <<http://www.tnr.com/article/world/100599/syrian-intervention-humanitarian-alawite-assad-crisis>>.

Weiss is typical in dismissing the very concerns that have come to pass every time military intervention has been embraced. He lists them himself: proliferation of jihadist groups; regional destabilisation; the spike in sectarianism (he is genuinely blind to the way differences between the Alawite, Sunni and Christian groups have been historically resolved in the state, often brutally and remorselessly). And besides, the Iranians are intervening in Syrian affairs on a daily basis, deploying, according to a Syrian defector Mahmoud Haj Hamad, ‘thousands’ of ‘military consultants’ to become snipers.

Blind spots, then, are easily found in such arguments. For one thing, the motley collection of the FSA has shown no inclination to resist the urge to wreak vengeance on the minority Alawites, a sect from which Assad hails. Their complement of atrocities grows, as, incidentally, do their mendacious reports. Then, just to prove a point, al-Qaeda’s Ayman al-Zawahiri has decided to throw his hat into the ring, urging the rebelling ‘Lions of Syria’ to slaughter their despotic quarry. Not for the first time, al-Qaeda and their opponents find themselves snuggling up on the same page in perverse harmony.

Another aspect, something Weiss makes cursory reference to, is that the army itself is divided and ripe for mass defection. 75 percent of personnel are confined to barracks; some two-thirds of army reservists have simply not turned up when called for duty. The result: an army of 550,000 of which only 300,000 are available. The rot, it seems, has truly set in, but pro-interventionists would like to dampen the wood further.

Then there is a good body of opinion pointing out the gulf between the actual Libyan intervention and its modest success and what an intervention in Syria might look like. There are differences in topography that make having safe havens difficult to patrol. The Syrian air defences are a more formidable proposition than anything Gaddafi’s regime could ever come up with. There are chemical weapons in Assad’s arsenal ready for deployment. There is the spectacle of a drawn out conflict taking place in an election year in the US.

The NATO Secretary-General Anders Fogh Rasmussen, who has made no secret about his views on a more muscular use of the alliance’s forces to engage in police actions, sees Syria as a very different case from Libya. In the Libyan intervention, a “very clear United Nations mandate” had been obtained, with “active support from a number of countries in the region.” Not so in the Syrian case.¹ The Security Council has failed to agree on two resolutions that were proposed dealing with forcing Assad to step down. While being noisy in declaring that hostilities must end, China and Russia show no willingness to see a repeat of any Libyan styled humanitarian intervention. The doctrine, if it can be called that, is dead before it can be practiced.

End Results

In the post-Iraq War climate, the situation on the subject of humanitarian interventions is unclear. The marriage between human rights activists of the left, and neoconservatives of the right, has been an awkward one. Divorces have taken place.

¹ Quoted in *The Journal*, “Why has the world not intervened in Syria?” Mar 18, 2012, <<http://www.thejournal.ie/why-has-the-world-not-intervened-in-syria-376287-Mar2012/>>

Opinion in the United States has cooled to an active interventionist stance in the wake of the disasters in Iraq, and congressional opinion over Libya suggests that the US is more cautious about such open-ended engagements. (Human rights can be inscrutable things.) NATO's role seems to have expanded.

The concept of humanitarian intervention remains inchoate, despite its reframing as a strategy of "rescue" in the name of a doctrine of protection. In a sense, this inchoate tendency may be the unavoidable outcome of associating human rights with specifically human beings as apolitical subjects. One should protect humans as humans and nothing else. Philosophers such as Rancière suggest that such identification is false. Politics is inescapable. It is, however, fundamental that those who seek to traffic in the rhetoric of human rights when adopting a military posture reflect that reality. Ironically, conservative columnists such as Krauthammer do that to a certain degree. The Libyan case, however, demonstrated the reluctance of the intervening states to identify a genuine political platform that would protect civilians while assisting the rebels, of whom little was known. Regime change, after all, was a phrase to be avoided.

The Libyan intervention indicates that humanitarian intervention, dealing with sovereignty modified by human rights abuses, can become a matter of regime change that exceeds dry legal prescripts made in Security Council resolutions. A no-fly zone is a legal redundancy. This is where the critics of humanitarian intervention have a case – or what the German jurist Carl Schmitt deemed a "trick": humanitarian intervention potentially cloaks broader strategic goals.