

# **Libyan Crisis: Illusion of International Norms or Realities of Modern Humanitarian Intervention?**

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## **Abstract**

The place of norms in international affairs is a subject long discussed, but the concerns persist even in the 21st century. Indeed, the turbulence in the world never ends but shifts. Once a region is seemingly enjoying stability and peace, others struggle to deal with instability and turbulence. The affected regions, when it degenerates into uncontrollable crises or unthinkable human rights abuse, require some interventions to reduce the casualties and save lives. Therefore, the need to intervene is not a bad thing, rather the inherent motivations and justifications for the course often is. Are humanitarian interventions really driven by norms or interest? The paper attempts to interrogate this simple but complex question using the post Gaddafi Libya as an example. The paper argues that the projection of norms as the motivation for modern humanitarian interventions are more palpable and a sideshow of the great powers.

**Keywords:** International Norms, Libya, Humanitarian Intervention, Realism, Social Constructivism

## **1. Introduction and Argument**

War is an almost inevitable phenomenon, although the publications by Pinker (2011) and Mueller (2009) indicate the world has made progress. In their view, violence and wars are declining and almost ceasing to exist. Amidst the supposed decline, domestic wars (civil wars) and violence are taking place in some parts of the world, making the need for intervention necessary. These interventions often raise normative and ethical questions: for what reasons and under what circumstances must states or the international community intervene in a country? Attempts to answer these questions have led to a debate between three major philosophical schools, pacifism, just war theory, and realism.

Pacifism hovers within the realms of peace (both positive and negative). Pacifists argue for a world where cooperation, nonviolence, integration and general prohibition and resolution of

wars through nonviolent means exist (Fox 2014)<sup>1</sup>. For this school, war destabilizes, contravenes fundamental principles of morality and negates its extension to other “species and nature” (Fox 2014: xvi-xvii). Norms/morals are therefore necessary for international affairs and must not be downplayed by decision-makers. On the other hand, just war theory is based on the premise that in certain circumstances it is just to go for war to address injustices, but certain guidelines must be followed. These guidelines broadly cover *jus ad bellum*<sup>2</sup> (Justice of the war) and *jus in bello*<sup>3</sup>(Justice in the war) (Fotion 2000:21). The goal of the just war theory, to an extent, is to reduce the overwhelming and devastating impact on victims of war.

In contrast, realists are normative and moral skeptics because they see the international system as anarchic and unstable. For them, the goal is survival, with the norm playing a less important role. Realists' position on warfare takes on an amoral character. Many influential scholars<sup>4</sup> sign on to this thought. These scholars do not argue that there is no morality. Their argument strongly suggests that man's self-interest (national interests) and quest for survival override anything that has been called moral in the past, present, or future and this makes application of moral codes in international affairs untenable (Carr 1946:53; Morgenthau 1954:9; Kennan 1954:48). On the contrary, Niebuhr seems to showcase optimism with morals though he does not totally dismiss the tendency to forgo morals. For example, he noted that the core of realism and its analysis provide scope for the search for effective “political methods” that can be used to create a feasible plan for achieving the "ethical-social goal" of society (Niebuhr 1932: 233).

Beyond these schools above, some scholars view the norms in the international system from the constructivist's perspective. The fundamental argument is that actions, interests, and interactions on the world stage are socially constructed and therefore nondeterministic (Wendt 1992, Ruggie 1998, Kratochwil 1989, Friedman/Starr 1997). That is, changes in the structure and agency (identities and interests of the actors) on the world stage are shaped and influenced by norms and values in international relations (Newman 2001:241, Ba/Hoffmann,

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<sup>1</sup> Fox emphasizes the need to “dethrone war” by making peace the “primary focus and central concept” in dealing with issues of the world today. (Preface, p.xvi)

<sup>2</sup> Warfare can be justified if and only if (a) peace is the core reason (b) all other possible procedures have been exhausted without results; (c) the benefit of resorting to war must outweigh the cost or harm; (d) war is declared by a legitimate authority (e) waging war is the most effective way of addressing the issue in question; and (f) the violation of human right is grave and extraordinary (Fotion 2000: 23-25).

<sup>3</sup> War is permitted on the grounds that (a) the use of force is tailored in accordance with objective without going overboard; (b) the cost does not exceed the gains; and (c) there is discrimination in favour of non-combatant groups (civilian casualties are minimalized—principle of double effect, if not avoided) (Fotion, 2000:25-27; Walzer, 2006: 41, 135; Moseley n.d; Johnson, 1981:198;.Green 2008:148)

<sup>4</sup> Thucydides (1981), Carr (1946), Niebuhr (1932), Kennan (1954), Kissinger (1977), Morgenthau (1954), Hobbes (1986), Machiavelli (1985), Haslam (2002)

2003, Klotz 1995, Katzenstein 1996, Finnemore 1996). This position contrasts neoliberals and realists, who argue that it is the interest: geostrategic and economic incentives that shape actions of actors and norms are irrelevant. The controversy between the realists' view and the constructivists regarding humanitarian interventions represents an interesting debate that could be examined in the light of current events within the international system. The research question to be answered is therefore: *What are the motivations for modern humanitarian interventions (HI), and do norms play a role?*

From this question, I argue that the projection of norms as the motivation for modern humanitarian interventions are more palpable and a sideshow of the great powers. That is, major decision makers of intervention not always, but mostly act for diverse reasons, which are often vitiated with egoistic self/national interests. I argue from the realist's perspective that, although decision makers of intervention may recognize the importance of norms, they are for most times used as instruments, while pursuing their interests. To achieve this, the paper draws from arguments made by Martha Finnemore in her article "Constructing Norms of Humanitarian Intervention" and I claim, interest drives "HI" but not norm, taking Libya as a case in point. Libya is chosen for this discussion because it is an example of modern multilateral intervention probably gone wrong and its deterioration is fast deepening.

The paper is divided into three sections, beside the introduction. The first, discusses the positions of the social constructivist (Martha Finnemore) and realism (a response to Finnemore) on norms in "HI". The second shows that while norms may be important, they are not the main motive for intervention in the Libyan case. And the third part will be the concluding section. The data source for this paper is secondary data: books (eBooks), journal articles, news articles, published and unpublished theses, university library resources, and academic encyclopaedias.

In this paper, *norms* should be understood as adequately accepted general principles and "collective expectations" that govern the actions and interactions of actors within a given identity (Katzenstein 1996: 3, Finnemore / Sikkink 1998: 891). Therefore, *international norms* are therefore the appropriate standards, principles, and collective expectations that govern the actions of states and the international community towards events in the world with a higher degree of shared moral assessment. Also, *humanitarian intervention (HI)*, which connotes the use of military force to supposedly correct malfunctions in a state that dehumanizes citizens and cripples their rights and freedoms without territorial permission from the country in question (implied in Holzgrefe 2003:18). Finally, *interest* is conceived as

power (Morgenthau 1978): there is no state that does not seek power, and thus interest becomes the inherent force driving state actions in the international system.

## **2. Finnemore/Social constructivism (Norms) Vs. Realism (Interests/Power)**

As I have already hinted, there is a contention between norms and interest as far as “HI” are concerned. Here, I draw lessons from Martha Finnemore while evaluating her reasoning from the realist's perspective.

Martha Finnemore in her (1996) book chapter<sup>5</sup> departs on the premise that the reverence given by Realists and Liberals’ to states as “geostrategic and/or economic” is not accurate because most of the emerging interventions are less of “geostrategic or economic importance to the interveners” (p. 1). In effect, realists and liberals fail to explain contemporary interventions where these interests are negligible (p.17). She therefore argues that “shifts in intervention behaviour correspond with changes in normative standards articulated by states concerning appropriate ends and means of military intervention” (p. 2). Finnemore used empirical cases in the 19<sup>th</sup> and 20<sup>th</sup> century<sup>6</sup> and conclude that norms have changed over the years for most probably the best (pp. 5-12).

She argued, pre-1945 “HI” was a mixture of unilateralism and multilateralism, but the definition of who is human and justifications were often narrowly constructed on identity (Christianity and identities). Relatedly, non-Western states were considered "savages, barbarians [and] a little less than humans" and could be considered humans if and only they became a reflection of European culture and norms (p. 11) through colonialism. But now, the evolution of norms has led to “humanity expansion and sovereignty”, where the use of logical coherence, general recognition of self-determination rights and the establishment of important international organizations (United Nations) have come to stay. That is, “changes in norms create only permissive conditions for changes in international political behavior” (p. 18). This observation is fair but, in my opinion, it is an “illusion of legitimacy” because in the international system power tends to make right.

Two points made by Finnemore are striking for me: (a) “Unilateral intervention certainly still occurs, but... it cannot now be justified even by high-minded humanitarian claims” (p. 12); and (b) "contemporary multilateralism is political and normative, not strategic" because legitimacy is paramount (p. 17). The first is interesting, as it suggests that norms could not be the motivation for an intervention if cooperation (multilateralism) is the most important factor. Of course, it can be argued that multilateralism reduces the chances of pursuing parochial

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<sup>5</sup> Constructing Norms of Humanitarian Intervention.

<sup>6</sup> Armenia case; the Greek war of Independence; Bulgaria Agitation; Lebanon/Syria crises (5-9)

state interest, but this assumption is incorrect because states could join others with converging interests to initiate intervention using norms as cover for interests<sup>7</sup>. On the second point, I argue that an action cannot be political without it being strategic and international participation cannot guarantee legitimacy because it is about primacy of power: almost every action that is related to power is motivated by interest. Of course, Finnemore tries as much as possible to separate strategic (geostrategic) and economic interests from modern “HI” to stay in line with the normative claim, but unfortunately, she is unable to demonstrate fully how norms have prevented states from acting to serve their interests.

Finally, I agree with Finnemore’s claim that “motivations” are more important than “justification” (p. 4). The question here is, are states motivated to intervene because of ‘norm’ or states are motivated to intervene because of ‘interest’? I argue in support of the latter that the real motive behind intervention is *interests*, and *norms* merely become justification. For instance, if the intervention in Somalia was purely on norms, why has the commitment of the US and its allies faded with time? One would have expected the US to fight along until the norms were imposed. However, this has not been the case.

Contrary to Finnemore’s position on norms, realists contend interests/power are more important than norms, irrespective of the patterns they take. I commence with propositions from Kenneth Waltz in 1979, who observed that the international system is characterized by turbulent anarchy and without an overarching political authority. This directs and drives state actions necessarily towards *self-help* because even if they do not, others will (Waltz 1979). The perpetuity of the self-help system leads to security dilemmas, reducing decision makers to skilful pretenders and dissemblers (Machiavelli 1985:70). States will therefore want to survive, and their survival is guaranteed by interest and power— not necessarily norms.

Moreover, international norms have undoubtedly evolved, but for whom and by whom? In a realist’s sense, these norms are made by the most powerful under the guise of universality. Carr (1939) remarked that powerful states could believe in international norms because it reflects the values they preach, until interests are invoked. He argued, what are considered normative principles is nothing more than “the unconscious reflections of national policy based on a particular interpretation of national interest at a particular time” (Carr 1939: 111). In this vein, shifts in interests tend to alter the shells of norms. So, we are more likely to see patterns of norms other than interests because they are embedded.

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<sup>7</sup> Wheeler/Justin (2007:448) observed that history has categorical records that “states intervened when there were no vital interests at stake” and the evidence lies in highly selective patterns of intervention.

Finnemore rightly states that norms have changed, but what she does not fully recognize is that norms are the constructions of agency (strong states), but not a given. This explains why the powerful always project the cover (norms) and impose them directly or indirectly and ensure compliance: in these norms are their interests. Wendt's (1999: 285-290) definition of norms as military impositions achieved through "coercion", "self-interest" and "legitimacy", suggests that although all states are the same (e.g. sovereignty), some tend to be more equal than others—I call this the *drivers of international normative socialization* vs. the *partakers relationship*. The existence of global networking through norms (multilateralism) does not imply states will not wage war: might tends to make right.

Notably, the literature shows when the United States makes certain intervention decisions it almost always focuses on *realpolitik*—where its interests, whether security or autonomy, are best preserved (Paterson 2018; Drezner 2008; Moravcsik 2001). To illustrate, the following treaties were never ratified even though intentions were made to sign on: Rome Statute of The International Criminal Court (ICC), 2002; Convention on the Rights of Persons with Disabilities, 2008; International Convention for the Protection of All Persons from Enforced Disappearance, 2010; UN Arms Trade Treaty (ATT), 2014; Paris Climate Accord, 2015; and Responsibility to Protect (R2P). Thus, it dilutes the argument that norms are the motivations for intervention when the powerful states are very selective in choosing which normative principles to comply with.

### **3. Libyan Crisis.**

The year 2011 marked the time when citizens in three Arab-African countries, including Libya, raged for political and economic freedom, leading to unrest. As such, the Resolution 1970 was passed on February 26, 2011, but a report of deterioration in the Libyan crisis appealed to the UN Security Council to approve Resolution 1973 on March 17, 2011, based on Chapter 7. This to a large extent, meant the interventionist/NATO could take all necessary measures to protect civilians and civilian-populated areas under threat of attack. The literature shows the situation in Syria was far worse at the time of the Libyan (Pattison 2011). But, Libya was invaded for supposedly humanitarian and normative reasons—political freedom and human rights violations. James Pattison accounts that while Libya appeared to have reached the levels of "lack of life" and "large-scale ethnic cleansing" at the time of the intervention, he believed these conditions may be exaggerated, therefore insufficient to force regime change (Pattison 2011: 272). What could have been the drive? The motivations for the intervention in Libya can be understood, in my opinion, from two standpoints—norms and interests. Obviously, it is reasonable for the world to believe the interventions were driven by

more of norms than interest, as articulated by Finnemore. However, this section of the paper argues the reverse, using ideas from the realists to show that interventions in Libya were immensely motivated by interest rather than norms.

### *3(a.) Why Libya's "HI" was motivated by Western Interests*

The first argument focuses on *Political and ideological Interest*. Among other things, the threshold values set by the UN Security Council for no flight zones were arguably a trap. Roberts (2011) claimed that Gaddafi was found guilty of a massacre of defenceless civilians and punished for a crime that had not yet been committed, but the Western Powers continued to press for the invasion process despite Gaddafi's repeated offers to suspend military action. Further, Downie (2011) noted that the death toll in Libya at various levels are often incomprehensible and mostly untrue. I, therefore, suggest that the UN Security Council responded to a threat and atrocity that did not exist, and made it a full cause for a so-called "HI", knowing that Gaddafi would fall for the power games. Also, Buchanan/Keohane (2011:51) maintain that so long as veto power as a constitutive feature of the United Nations persists, the chances of significant progress are limited because "self-abnegation is highly unlikely." This means an intervention in any state could not be devoid of parochial and egoistic national interest because might often make right in the international system—there are norms, but national interest often comes first.

It follows, the "HI" was probably staged for ideological expansion and regime change. For Kuperman (2013:1), the Western powers and "NATO's intervention *did not aim mainly to protect civilians*, but rather to *overthrow Qaddafi's regime*, even at the expense of increasing the harm to Libyans." (emphasis added)<sup>8</sup>. The disregard for para 9 of Resolution 1970, 2011 makes the intervention less of norms and more of political interest. To illustrate, the cease fire calls made by Gaddafi were ignored (Roberts 2011, Terry 2015), resulting in unjustified chaos and abuses. In fact, Kuperman (2013:1) argues that "NATO's action magnified the conflict's duration about sixfold and its death toll at least sevenfold, while also exacerbating human rights abuses, humanitarian suffering, Islamic radicalism, and weapons proliferation in Libya and its neighbors." Norms could not be the motivations since they were not considered a priority. Thus, explaining why the realists contend norms are irrelevant when they meet up with interests: they are instruments of war defined by the powerful since norms are made but not given.

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<sup>8</sup> This claim is held by other scholars such as Roberts, 2011; Ulfstein/Christiansen 2013:168; and McKinney 2012: 51-52

The *Geostrategic Interests* argument begins with the question: why was Gaddafi a target? The simple answer is geostrategic interests, and his presence was a stumbling block in the western powers' interests. In fact, spaces such as trade routes, seas, islands, mineral resources, and location, often have prospects that must be guarded (Rogers) / Simon, 2010). The critical importance of these spaces makes them an area of international interest, and Libya is a good example. Libya occupies a strategic interface of the Mediterranean, African, and Arab world and has a strong influence in these regions (economically and militarily). For instance, Libya had received a substantial amount of money from US, British and French as military basing rights since 1951 due to its location (Chengu 2011). The control over Libya is important to further exert western influence in the regions Libya dominates. Moreover, Libya's ardent support for the Arab world and the supposed continuous links of terror and religious fundamentalism were perceived a threat to the West, and Gaddafi had to be stopped.

Beyond this, oil is not the only important resource available to Libya, but also access to the Nubian Sandstone Aquifer, a huge underground freshwater sea (Chengu 2011). This means Libya could become a power plant for water when the global water crisis begins. Garikai Chengu (2011) further noted that the reasons for the intervention could be nothing other than (a) weapons (United Kingdom), (b) water (French) and (c) counterterrorism and reconstruction contracts (United States). However, all were interested in Libya's Oil wealth. According to Lubura-Winchester/Jones (2013:254-255) Libya being an influential producers of world oil "was inaccessible to most international oil companies after Qaddafi nationalized its oil production and participated in the 1973 oil embargo...[straining the ] already fragile relationship with European countries and the United States". The "HI" was their best shot.

### *3(b.) Why Libya's "HI" was not motivated by norms*

Politically, Libya enjoyed high levels of "stability" (stable dictatorship) before the intervention. At least, Libya could not have been categorized as a failed state in recent times. Yet, the volatile political atmosphere and fragmented power on different sides of the country as a result of the "HI" has brought Libya closer to a failed state since there is chaos and the center cannot hold. The disputes between Western powers and Gaddafi were, to an extent, the existence of human rights violations, no political rights, no transparency, no rule of law, no peace and no social capital. One would expect an improvement, unfortunately, the "post Gaddafi hopes" is no more and the impact of institutional dysfunction in Libya is illustrated by a significant drop in government effectiveness which has resulted in the furtherance of political instability, poor regulatory policies, overcrowded public office staff and deterioration of rule of law (World Bank 2015; World Governance Indicators 2012 and 2017). Relatedly,

the intervention rather unlocked and opened the gates for terrorist and militants' groups who were suppressed by Gaddafi, and their refusal to disarm has sustained the violence, racial cleansing which were non-existing under Gaddafi (Kuperman 2013). The harm done to Libyans far outweighs what existed before the intervention and this could not have been motivated by norms.

Socially, Libya had fewer problems with infrastructure development, since the oil revenue was used to build apartments (shelter) for citizens, schools, markets and hospitals. The evidence shows that revolutionary leadership adopted friendly policy towards women, often a vulnerable group, and largely eliminated gender discrimination, while emphasizing the importance of women for security, health, the economy, and education (Schnelzer 2015: 51, Roberts 2011). Additionally, the BIT 2010 Libya Country Report affirms that "social exclusion due to poverty and lack of access to education is practically non-existent because health, education and social equality are high priorities" (BIT Report 2010: 10). Beyond this, staple foods and fuels were subsidized under the government's welfare and social security initiative, which every Libyan enjoys (BIT Report 2010: 15). However, all these structures have been destroyed by interveners. The intervention could therefore not be a motivation of norm due to this injustice towards the Libyan citizens.

#### **4. Summary and Conclusion**

Based on the theoretical and practical evidence discussed in this paper, the realist's explanation for "HI" is more convincing than that of social constructivism represented by Martha Finnemore. Specifically, I have argued that norms are mere instruments or justifications that are used by dominant powers to wage war or to initiate an intervention that safeguards their interests. The real motivation for "HI" is interest. As shown in the case of Libya, normative concerns that were allegedly used for the "HI" in Libya, were the same committed by interveners in higher proportions: the political and social life of the Libyan population is worse off than before the intervention. That should tell us that norms were not the motivation of Libya's "HI".

Thus, in Libya geo-strategic and political-economic interests served as a motivation for the "HI" with norms playing their natural role as justifications for wars in the interests of the powerful states. For instance, Amid the political crises and human rights abuses, the Oil and resources in Libya are still being tapped in higher proportions. As Finnemore (2003:12) rightly observed "If states say they are intervening to save lives and their militaries act accordingly, then I count that as a humanitarian intervention." , theIt follows that "HI" in

Libya could not have been motivated by norms though it was multilateral. Norms exist, but they are nothing at all, if not a political catchword and instrument used by the powerful states to achieve their national interests. The libyan example suggests the existence of an illusory international norm and showcases the realities of modern humanitarian intervention (driven by interests).

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