Universiteit Leiden

"The Ghost at the Banquet of Humanitarian Intervention"

The Implicit Link Between Humanitarian Intervention and Regime Change

Thesis submitted as partial fulfilment of the requirements for the degree of

MSc Political Science

by

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June 2013

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Abstract:

One of the foremost controversies apparent following the 2011 intervention in Libya, was the outcome of regime change. Critics charge the facilitation of the Gadaffi regime's overthrow was not justifiable under the United Nations mandate, not justifiable under the prominent 'Responsibility to Protect' norm and may have undermined efforts to resolve the ongoing humanitarian crisis in Syria. However, it is asserted that in situations where intervention is undertaken to stop atrocities committed by a government, the removal of that regime is necessary in achieving its aims. In exploring this link between humanitarian intervention and regime change, this piece analyses how the academic literature can justify the enactment of regime change in instances of intervention. This relationship otherwise lacks a sustained analysis in the academic literature. Whilst regime change is often difficult to justify in instances of humanitarian intervention, and inevitably controversial, this analysis will demonstrate that it is also often a necessity in achieving an intervention's humanitarian goals.

Key Words: Humanitarian Intervention, Responsibility to Protect, Regime Change, Libya, Ivory Coast.

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Acknowledgements:

I would like to thank my advisors Danie Stockmann and Isabelle Duyvesteyn, for their guidance and assistance in developing this work. I am especially grateful to Isabelle for guiding my knowledge and perspectives on humanitarian intervention over the last year, and for Danie's patience and invaluable advice in pointing me in the right direction.

Special thanks go to Ximena Aguilar, whose loving support and encouragement maintained my enthusiasm for this work to its completion.

Humanitarian intervention has a tendency to produce intensely polarising debate. Aside from the broader legal, moral and political issues, one particularly polarising issue is rhetoric or enaction of regime change. As David Rieff saliently demonstrates, however much advocates of humanitarian intervention attempt to detach the concept from the contentious issue of regime change, they are inexplicably linked (2008). In the political fallout following the Iraq War, foreign imposed regime change has been viewed as a toxic concept in international relations. This issue is now clearly relevant in debates over humanitarian intervention, following the controversy surrounding the overthrow of the Gadaffi regime in 2011, under its auspices. These issues raise questions regarding the relationship between humanitarian intervention and regime change, as well as the emerging 'Responsibility to Protect' (R2P) norm.

When looking at examples of humanitarian intervention, the vast majority encompassed some form of regime change. Libya & Ivory Coast in 2012 and Haiti in 1994 witnessed the clear removal of the existing authorities. Kosovo, Bosnia and East Timor represented secessionist campaigns, which arguably represents regime change. Somalia 1992 and Iraq 1991 did not see regime change occur (the former because there was no regime to change). In high profile calls for intervention, regarding Darfur in the mid-2000's and Cyclone Nargis in Burma 2007, there was a demand for regime change, alongside accusations of crimes against humanity in both cases (Udombana, 2005; Economist, 2009). Furthermore, ongoing discussion of the situation in Syria is replete with similar calls for the removal of the Assad regime (Reuters, 2013).

An addressal of this implicit link would contribute to theoretical perspectives on such a contentious issue for humanitarian intervention. As Rieff shows, if the decision to intervene in a humanitarian crisis is the result of negative actions by local authorities, then logically the removal of these authorities is a necessary determinant of any successful intervention (2008). However, the recent facilitation of regime change in Libya and the Ivory Coast have demonstrated the controversy that

inevitably surrounds these outcomes (Bellamy, 2011). The issue of regime change has lacked a sustained addressal in the academic literature. This is important, as if it is a 'necessary determinant' of humanitarian intervention, exploring how regime change can be justified by dominant theory and the R2P doctrine is crucial for advancing the theoretical debate regarding perceptions of interventions like Libya. This thesis seeks to answer the question: 'How can regime change be justified in discourses of humanitarian intervention?'

In answering this question, it is recognised that there are numerous forms of justification relevant to humanitarian intervention (ethical, legal, political). This piece focuses on the justifying standards purported in the academic literature and R2P, and it will be assessed how regime change can be justifiable for scholars of humanitarian intervention.

This work will focus on the 2011 intervention in Libya, which witnessed a clear outcome of regime change. This case is suitable, as it was the first clear example of humanitarian intervention since the Iraq War, where imposed regime change and its conflation with post-facto humanitarian justifications damaged political will and support for the concept of humanitarian intervention This is poignant, as there has been a similar controversy following the application of regime change in Libya (Luck, 2011). This was also the first case of humanitarian intervention since the adoption of the Responsibility to Protect (R2P) principles in 2005, thus it can be assessed whether references to the principles justified intervention and regime change. By choosing a case where regime change occurred, this study is better able to answer the research question by analysing, in depth, the discourse surrounding regime change in this intervention.

A sustained analysis of how regime change is perceived in the academic literature makes a clear theoretical contribution on an issue of significance to the concept. This significance is demonstrated by several factors: Firstly, following the removal of the Gadaffi regime in Libya, the issue of regime change in humanitarian intervention became pronounced, being cited in discussion of not only that

case (Zenko, 2011), but a potential intervention in Syria (Luck, 2011). Secondly, despite this issue being raised, following both the Libyan intervention and following the Iraq War, the potential occurrence of regime change in instances of humanitarian intervention has not received a sustained analysis (Bellamy, 2011: 22). This emphasises the topicality of this issue, and relevance of the case study, in the midst of the current debate.

In analysing this link between humanitarian intervention and regime change, this piece analyses how regime change can be justified according to the academic literature, and applying these perspectives to the case study. This analysis makes a contribution to theoretical debates following the Libyan intervention, as Bellamy notes regime changes in the Ivory Coast and Libya has created a problem for advocates of intervention (2011). Referencing international criticism of their subsequent, indirect prevention of an international response to the crisis in Syria, he asserts, “it is incumbent on us to explore the relationship more deeply in order to ascertain whether there are ways of maintaining a clear distinction between R2P and regime change” (Ibid). By analysing when regime change is justifiable and unjustifiable in instances of humanitarian intervention, a distinction can be made between the principles put forward by R2P and regime change like that practised in Iraq.

The analysis can contribute to wider theoretical discussions of humanitarian intervention, with the prominence of this issue amply demonstrated by the controversy following the intervention in Libya. As a result, this study may facilitate further research on the connotations such a controversial issue may have for humanitarian intervention, such as the legality of regime change in instances of intervention, a debate raised in Libya on whether the UN resolution authorised an outcome of regime change (Ulfstein & Christiansen: 2013). More generally, further analysis on this issue could establish how regime change influences the likelihood of 'success' in instances of intervention.

Concepts

It is important before continuing, to define the concepts which will be being referred to. When defining humanitarian intervention, it is crucial to distinguish it from humanitarian aid or traditional peace-building, instead referring to the “forcible military intervention in humanitarian crises” (Farell, 2010: 309). Weiss argues two principles must be met for a military intervention to be appropriately termed as a 'humanitarian intervention', that is: unsolicited, against the wishes of a government, or without meaningful consent (Weiss, 2012: 7), and with a clear humanitarian motive for intervening (Weiss, 2012: 6). Acceptable humanitarian motives are restricted to ending atrocities in dominant perspectives, be they large-scale losses of life, or ethnic cleansing (ICISS, 2001: XII).

This definition therefore distinguishes humanitarian intervention from regime change. The discussion of regime change in this paper is not referring to it as a theoretical concept, but as an event. Broadly, this can be defined as the replacement of one regime (local authority or government) with another. Mahoney and Snyder show “regimes are the formal and informal institutions that structure political interaction, and a change of regime occurs when actors reconfigure these institutions” (Snyder & Mahoney, 1999: 103). Through this definition, one identifies clear examples of regime change like Libya, and also demonstrates secessionist conflicts like Kosovo represent regime change, as the institutional arrangements were reconfigured whereby Serbia no longer had authority.

The next section presents the research methodology utilised in answering the research question, and how it will be applied in analysis.

Research Methods

This research utilises qualitative research methods, in particular in-depth analysis of the case study and discourse/text analysis. These methods are particularly appropriate in answering this question, as approaching the research question requires 'thick' analysis of the academic literature, including the identification of key themes and perspectives on regime change.

The research framework utilised will be discourse analysis, where analysis of the literature is connected to broader themes in the social sciences (Vromen 2010: 264). Discourse analysis has been previously utilised in analysis of humanitarian intervention, examples being Chandler's analysis of the evolution of 'ethical foreign policy' (2006: 53-88), or Bellamy's analysis of a growing R2P discourse (2009: 113). The methodology utilised here is more appropriate in addressing the research question, being focussed on identifying discourses in the academic literature which may justify regime change, which are then applied to the case study.

The strength of this approach is the ability to identify limitations in current perspectives, which can challenge dominant theoretical positions (Vromen, 2010: 264). The limited addressal of regime change in the academic literature presents a solid opportunity for such analysis. This interpretivist approach is effective in not merely focussing on texts and primary sources alone, but situating these statements or analysis in broader theoretical frameworks, as theory is not a tool, but object for study in itself (Campbell, 2007: 218). Furthermore, as statements and 'discourses' of relevant actor are highly relevant in analysing how foreign policy decisions are formed, focussing on these discourses is appropriate in this case (Bevir et al, 2012: 4). This explicative analysis is necessary for the case study, where the justification to enact regime change in Libya is a focus of analysis.

This method draws conclusions from the literature by linking empirical events (i.e. regime change) to scholarly discourses of humanitarian intervention. In executing the analysis, this piece will first identify the thematic discussions and discourses of regime change in humanitarian intervention in a

substantive review of the literature. This analysis will be used to establish criteria to assess the justifiability of regime change, which can then be applied to the case study, to test these theories.

A second method utilised is an in-depth case study on the Libyan intervention. This method allows theoretical positions of situations where regime change is justified to be tested, in-doing so establishing whether the Libyan intervention can be justified by R2P principles and in dominant theory. By applying and testing theoretical assumptions, the strength and validity of standards of acceptable and justifiable applications of regime change can be tested. The topicality of the Libyan case in leading to wider discussion of regime change in humanitarian intervention makes it an ideal candidate for analysis. With the use of case studies, there is a risk that the evidence gathered cannot be overly generalised, a factor which will be taken into account. Additionally, there is the question of selection bias, as Libya had a clear outcome of regime change. On this issue, as Bennett and Elman state, "reasons for choosing cases on the basis of outcomes may well outweigh the risks of that particular bias," (2006: 462) thus analysing a case study with outcomes of relevance to this research question can produce strong analysis of how regime change was justified.

Regarding sources, as this is a largely theoretical body of research, many of the sources utilised will be academic, and thus secondary sources. However in the case study, the discourses surrounding the intervention, from relevant political actors, is analysed in assessing the justifications for extending the intervention to regime change, crucial in answering the research question. Conflating academic research with these political discourses strengthens the argument.

Background

Following the Cold War, instances of humanitarian intervention have increasingly occurred. Humanitarian intervention is the external application of force for clear humanitarian purposes (Weiss, 2012: 6). This form of intervention is commonly legitimised and executed by multilateral institutions, evidenced by UN authorisation in Somalia and Libya, or through actions taken by regional organisations, such as NATO's intervention in Kosovo (Wheeler, 2000: 8). Commonly accepted examples of humanitarian interventions include the no-fly zone in Iraq 1991, Somalia 1993, Haiti 1994, Bosnia 1995, Kosovo 1999, East Timor 1999 (Pattison, 2010: 1), and both Ivory Coast and Libya in 2011 (Bellamy & Williams, 2011: 825).

Discussion of humanitarian intervention reached prominence in 2005, where the UN General Assembly established the 'Responsibility to Protect' (R2P) principle, which legitimised military intervention through the Security Council in response to serious crimes such as genocide and war crimes (Bellamy, 2008: 615). This was based on a 2001 report by the International Commission on Intervention and State Sovereignty (ICISS), which was an attempt to address controversies surrounding intervention following Kosovo. The international community is asserted to have a responsibility, “to respond to situations of compelling human need with appropriate measures” (ICISS, 2001; xi). The report sought to “establish clear rules, procedures and criteria of humanitarian intervention, especially those related to the decision to intervene, its timing and its modalities” (Acharya, 2002: 373).

The R2P document includes operational guidelines (akin to Jus-in-Bello principles), planning considerations and authorities which can legitimise intervention, such as the UN Security Council (ICISS, 2001: xii). Additionally, R2P includes the 'Responsibility to Rebuild' (R2R), the responsibility of an intervener to provide “full assistance with recovery, reconstruction and reconciliation” (ICISS, 2001: xi).

Chapter One:

Literature Review

In addressing the research question, it is prudent to begin by assessing how regime change is perceived by the dominant discourses of humanitarian intervention. In doing so, perspectives on regime change will be demonstrated in both the advocative 'schools' (Solidarist and Liberal) of humanitarian intervention, as well as critical theoretical approaches (Pluralist/Realist and Critical perspectives). By identifying dominant discourses and thematic areas within these theoretical perspectives in which regime change is addressed, analysis can identify theoretical positions which can justify regime change in humanitarian intervention. In doing so, this chapter directly addresses the research question and provides a firm base for empirical analysis of the case studies.

Analysis focuses on two areas, first the advocative literature, identifying principles which may determine whether regime change is justified, or not, in humanitarian intervention. Critical theoretical perspectives are then analysed, to establish how regime change is present in arguments against intervention. The two broad perspectives will provide a framework to assess how regime change can be justified or unjustified. Firstly, the chapter presents the 'problem' of regime change raised by Rieff, and it's contentious history in discussions of humanitarian intervention.

Problem Definition

Whilst the primary focus of humanitarian intervention is argued to be the cessation of humanitarian crisis's, Rieff validly asserts many interventions “have to be about regime change if they are to have any chance of accomplishing their stated goal” (2008) In demonstrating his point, Rieff shows, “how can the people of Darfur ever be safe as long as the same regime that sanctioned their slaughter rules unrepentant in Khartoum?” (2008). These discussions conflate with the long term success of an intervention, and R2R responsibilities, as practically, “once atrocities are stopped,

what next?" (Trim, 2011: 392). This logic most clearly applies to cases of 'classic humanitarian intervention', where the government is the party committing atrocities (Pattison, 2011a: 251). This shows the hypothetical necessity of regime change in cases of unsolicited humanitarian intervention.

These assertions raise a dilemma for advocates of intervention, as the, "contentious question of 'regime change'" (Trim, 2011: 393) has been "highly controversial" (Ibid) in recent actual and 'suggested' interventions. Additionally, following the Iraq war, Weiss shows the controversial imposition of regime change combined with post-facto humanitarian justifications meant political will for intervention in the mid-2000's "evaporated." (2004: 135). This controversy negatively influenced perceptions of the concept of humanitarian intervention, leading to it's 'sunset' (Ibid). The "humanitarian veneer" (Weiss, 2004: 149) of the Iraq war is argued by Seybolt to have 'affirmed' fears among critics that intervention is inevitably tied to intervening state's national interests (2007: 4).

The implications for the growing 'norm' of humanitarian intervention and R2P were significant, demonstrated by a number of pessimistic predictions: Gareth Evans argued the crisis left R2P "almost choked at birth" (In: Bellamy, 2006: 32); David Clark, former advisor to the UK foreign office, stated "Iraq has wrecked our case for humanitarian wars" (In: Bellamy, 2006: 38). This debate has been 'persistent' in discussions of humanitarian intervention in the decade since the Iraq war (Moses et al, 2011: 349), and indeed, political fallout following the intervention in Libya demonstrates this persistence. Rieff argues advocates of the Libyan intervention did not consider the implications of enacting regime change in its undertaking, leading to "grave, possibly even irreparable, damage to R2P's prospects of becoming a global norm" (2011).

The controversy of regime change in Iraq and now Libya clearly have potential ramifications for humanitarian intervention and R2P. With this relationship brought into question, it is important to

address the distinction Bellamy calls for, between humanitarian intervention and regime changes like that in Iraq (2011: 22). By distinguishing the two concepts, one can identify how regime change may be acceptable *in the context of humanitarian intervention.*

Solidarist and Liberal Internationalist Perspectives

Solidarist and Liberal scholars advocating humanitarian intervention generally argue it is abusive states which trigger the criteria necessary to justify humanitarian intervention (i.e. through large scale human rights atrocities) (Wheeler, 2000: 309). There are some key themes in the advocative literature which reveal perceptions of regime change. These include the judgement of an intervention by its outcomes; whether the overthrow of an abusive regime may be 'just cause' for intervention; the question of an intervener's motivations and intentions in intervening; and discussion regarding the 'means' in achieving an intervention's goals, an argument which directly addresses Rieff's point regarding the practical necessity of regime change. The analysis begins with whether regime change can be a 'just cause' for intervention.

Just Cause

In the R2P document, a just cause for intervention is restricted to ending atrocities, be they large-scale losses of life, or ethnic cleansing (ICISS, 2001: XII). The document stipulates that there "must be serious and irreparable harm occurring to human beings, or imminently likely to occur" (Ibid). Nardin demonstrates R2P's just cause threshold arguably permits 'pre-emptive' strikes to prevent an imminent massacre (2013: 79), however he also demonstrates this argument would not justify war, or regime change, but would justify a use of force "short-of-war" to "control a possibly genocidal regime without overthrowing it" (Ibid), thus a distinction is made that pre-emptive intervention should have more constraints than an intervention ending ongoing atrocities. Such an assertion will

later prove relevant with regard to Libya. It can be determined that tyranny alone is not sufficient grounds for intervention under R2P.

Such a position reflects dominant discourses in the advocative literature. Brown argues intervention is an extreme measure, and not a suitable response to everyday human rights abuses (2003: 35). Referring explicitly to whether overthrowing a questionable regime may be justifiable as a humanitarian intervention, Nardin shows, “intervention is not permissible in the case of lesser crimes, and certainly not to remove illiberal or nondemocratic regimes” (2011: 14). Walzer concurs with such a few, showing a regime 'capable' of mass-murder is not cause for intervention (2006). This argument was made in forming a distinction between humanitarian intervention and the Iraq War, demonstrating that whilst regimes like Saddam Hussein's were brutal and unpopular, this alone cannot warrant intervention (Nardin, 2005: 26).

However, there is disagreement on this question. Teson argues the threshold of ongoing atrocities is inadequate; he argues 'severe tyranny' is a more appropriate standard, “which includes not only consummated or ongoing atrocities, but also pervasive and serious forms of oppression.” (2005: 15). The oppression under the Hussein regime and record of atrocities, made the regime change in Iraq justifiable for Teson, who states, “The notion that all mass murderers have to do to remain safely in power is to stop murdering should be rejected” (Ibid). However, Teson's position is not widely shared, with Moses et al categorising him as representing “a minority of the pro-interventionist community” (2011: 352).

It can be identified that in dominant discourses, the removal of a regime does not represent a just cause for intervention, where the focus is on preventing atrocities. However, despite his minority position, Teson does saliently add that whilst removing tyranny is not always a sufficient reason for war, it certainly “inclines us toward intervention” (2005: 10). The following section analyses

perspectives on an intervener's intentions and motives, to assess whether regime change is an acceptable goal of intervention, if there is just cause.

Intentions and Motives

Pattison argues that without a humanitarian intention, an intervention cannot be classed as humanitarian (2010: 107). Intent is often a central criteria in identifying whether an intervener's actions are 'just' or not (Teson 2005, 2). However, Teson identifies a conceptual issue with 'intent', and demonstrates a difference between intent and motive. He identifies an 'intention' as the 'contemplated act', or what the intervener 'intends' to do in the intervention (2005: 5). In contrast, a motive is a "further goal that one wishes to accomplish with the intended act" (Ibid). This definition provides a nuance to this discussion, in distinguishing our justification of these two criteria.

The dominant understanding of an acceptable intention is purported in the R2P document, which states the primary purpose of any intervention "must be to halt or avert human suffering" (ICISS, 2011: 51), i.e. to end the atrocities which constituted the 'cause' for intervention. On regime change, the document shows it, " is not, as such, a legitimate objective" (Ibid), as the primary intention should be human protection. Indeed, Acharya argues that "outright overthrow" (2002: 375) of regimes is clearly not viable under the R2P framework. Regime change would not even be justifiable under R2P to remove illegitimate regimes which have overthrown democratic governments (e.g. the purpose of the intervention in Haiti 1994) (Amneus, 2012: 243). In parallel to perceptions of just causes, this demonstrates a continued focus on addressing humanitarian crises, not the removal of local authorities.

It should be noted however, that the deliberate use of the phrase 'as such' reveals a caveat to this position. This is a recognition that in fulfilling an intention to protect civilians, it may be necessary to 'disable' the target regime's capacity to perpetuate atrocities (ICISS, 2001: 51). Therefore, there

may be legitimate justifications for regime change in fulfilling a “humanitarian mandate” (Nardin, 2011: 15), but this cannot justify an intervention where the primary intention is reforming an illiberal state (Ibid). This will be covered further in the section analysing discourses on methods.

Despite this delineation, the attempt by the US and UK government's to justify the Iraq War in humanitarian terms created a debate over whether humanitarian intervention and R2P could be used to justify the removal of authoritarian regimes, or as Bellamy states, a “Trojan horse” (2006: 32). Many advocates stressed the distinctions between the regime change in Iraq and form of intervention they are advocating. Iraq's pre-emption and imposed regime change are argued to be distinct from the rationale R2P provides for a legitimate intervention (Moses et al, 2011: 360). As humanitarian intervention is primarily concerned with ending serious atrocities, Nardin shows Iraq “takes us far away from anything recognizable as humanitarian intervention” (In: Ibid).

However, there is again disagreement over justifiable intentions, and indeed the Iraq war. Teson argues a justifiable intention includes proving 'forcible help' to “victims of severe tyranny” (2006: 99). Intervention must therefore be 'aimed' at ending this 'tyranny', of which the Hussein regime provided a sufficient rationale (Teson, 2005: 15). In addition to this justification, Feinstein and Slaughter proposed a 'Responsibility to Prevent' (in language further blurring the distinction with R2P), extending humanitarian arguments to justify coercive force preventing Weapons of Mass Destruction proliferation (2004: 137).

These arguments represented a minority of scholars and were particularly unfortunate for those attempting to demonstrate a distinction between the concepts. Nardin is particularly critical of Teson's justification of the war, describing it as an “ill-defined humanitarianism offered as a rationale for revolutionary war and imperial policy” (Nardin 2005: 26). These arguments were generally dismissed as counter to R2P principles (Burke, 2005: 76). Holmes is particularly critical,

harshly stating the US-UK governments “artfully mobilized disgust at Saddam's sickening atrocities to silence liberal critics of an intervention that had patently nonhumanitarian objectives” (2003).

This debate emphasised the dual importance of intentions and motives. Teson made a distinction between the US-UK's intentions and motives in Iraq. He argues the *intention* was to institute a liberal democratic regime and promote human rights, which creates positive humanitarian outcomes, regardless of their wider *motivations* for invading (2005: 10). The question of motives is heavily discussed, Bellamy demonstrates many scholars believe an intervention may only be legitimate if it is guided by humanitarian motivations/concerns, in addition to a primary humanitarian intention/purpose (2004: 223). Not all advocative scholars believe this is necessary and R2P recognises mixed motives are a 'fact of life' in international relations (ICISS, 2001: 36). Dominant perspectives do however agree the motive should be at least part humanitarian.

In cases where the motivation is humanitarian, at least in part, with an intention to halt atrocities, regime change will be more palatable and justifiable, as it can be legitimately justified in the aforementioned fulfilment of a humanitarian mandate. In contrast, Iraq demonstrates that if regime change represents an 'intervener's' non-humanitarian motives, it undermines the legitimacy of the entire intervention (Bellamy, 2006: 31). It should be noted, that despite the deleterious ramifications for humanitarian intervention following Iraq, it is argued the crisis served the effect of reinforcing the 'boundaries' of R2P and “shed light on the confusion between the emerging norm and the doctrines of pre-emptive use of force” (Badescu & Weiss, 2010: 362). It reinforced the view that humanitarian intervention is only justified in addressing humanitarian crises, not to impose political systems (Falk, 2008: 11).

To summarise, in addition to being unjustifiable as a 'just cause', dominant discourses demonstrate regime change is unjustifiable as an intervention's intention, though there are caveats to this position which will be addressed. A non-humanitarian motive to pursue regime change would also

undermine the legitimacy of an intervention. Analysis now turns to assertions that an intervention should be judged on it's humanitarian outcomes, not 'principles' like intentions and motives.

Outcomes

In advocative literature, scholars often apply what Bellamy describes as an 'outcomes orientated' approach, whereby interventions are judged by their humanitarian outcomes, opposed to criteria such as an intervener's motives/interests (2004: 224). These criteria remain important, but are not the *most* important variable in judging an intervention (Ibid). Wheeler (2000) is a notable advocate of this position. This perspective judges an intervention by its effectiveness in ending the humanitarian crisis/atrocities (Wheeler, 2000: 38). This perspective provides a frame for analysis, as these discourses may regard regime change as contributing to a positive outcome of an intervention.

This outcomes-based approach is demonstrated in discussions of the Cold War-era interventions of India-East Pakistan/Bangladesh, Vietnam-Cambodia and Tanzania-Uganda, all of which saw the target state's regime overthrown. Wheeler asserts in all of these cases the use of military force was "justifiable because the use of force was the only means of ending atrocities on a massive scale" (2000: 295). In all three cases, military action was illegal and absent of humanitarian motives, but the humanitarian outcomes are judged to justify these actions (Wheeler, 2000: 294). Walzer argues the interventions would have never been authorised by the UN, yet they were 'just' in ending atrocities (2012: 41), the Tanzanian intervention also received informal and popular support, as it "removed a barbarous regime at relatively modest cost" (Donnelly, 2003: 255).

On the question of legality, Wheeler shows that although these examples were illegal according to the UN charter, he argues "this legal stipulation ignores the political reality that ending crimes against humanity on the scale of the Bangladeshi and Cambodian cases requires such drastic actions" (2000: 75). Furthermore, the intervention in Kosovo was not approved by the Security

Council, but was widely regarded as illegal, but legitimate, as it resolved a humanitarian crisis (Chandler, 2006: 139). The primacy of humanitarian considerations over legality or ethical 'principles' could justify regime change. However, intervention is more justifiable when authorised by the Security Council, due to the commensurate legitimation and legality (Weiss, 2012: 117), but in this context, *regime change* remains contentious and unlikely to be explicitly endorsed by the Security Council.

Indeed, regime change may be regarded as a positive outcome, as Walzer asserts that intervention "radically shifts the argument about endings" (2004: 19) as the intervention needs from the beginning to be "an effort to change the regime that is responsible for the inhumanity" (Ibid). Such assertions will be expanded upon in discussions of methods and post-conflict rebuilding.

Analysis of perspectives on outcomes demonstrate that regime change may form a component of an intervention's positive humanitarian outcome, which in addition to demonstrating its potential necessity, could be justified even if the intervention is illegal and the motives for intervening mixed. It is appropriate to now analyse the question of regime change's practical necessity in an interventions *undertaking*, with regime change a practical outcome in resolving atrocities.

Means

There is an assertion with methods, that the core concern is whether they can effectively achieve the aims of the intervention (i.e. ending the atrocities) (Bellamy, 2004: 223). In judging the appropriateness of methods, many scholars apply what Weiss calls 'situational ethics' (2012: 91), in contrast to unrealistically dogmatic principles. In the pursuance of such criteria, solidarist/liberal scholars may justify regime change as a *necessity* or *by-product*, despite it being already demonstrated that regime change is not an acceptable *cause* or *primary intention*.

In general, discussion of methods in humanitarian intervention focus on the 'proportionality' of military force, in addition to the aforementioned achievement intervention's humanitarian aims. Proportionality principles are detailed in the R2P document, in a framework described by Acharya as a “minimalism in terms of the scale, intensity and duration of military action” (2002: 375). However, the pursuit of a humanitarian objective also requires the intervention is robust enough to be 'successful', and Wheeler agrees with Teson that a positive humanitarian outcome is judged by “whether the intervention has rescued the victims of oppression, and whether human rights have subsequently been restored” (In: Wheeler, 2000: 37). The 'rescue' refers to the immediate aim of the intervention, the second to the long-term prevention of atrocities, to be discussed shortly.

In fulfilling a humanitarian objective, scholarly discourses demonstrate consideration of Rieff's thesis regarding the potential necessity of regime change. By intervening in cases where government's are the party committing atrocities, regime change can be justified in achieving the long term end of atrocities. Whilst dominant perspectives and R2P do not view the removal of a regime as just cause or primary intention, it does show that 'disabling' them “may be essential to discharging the mandate of protection” (ICISS, 2001: 51). Seybolt also demonstrates that in the context of mass atrocities, it may be necessary to militarily 'defeat' the perpetrators (2007: 222). In such circumstances, interveners will *need* to alter the political order of the target state, by either: “driving the power holders from power, forcing them permanently to cede control over a piece of territory or forcing them to accept a power-sharing arrangement with the group they are oppressing” (Seybolt, 2007: 225). All options constitute some form of regime change and some scholars would justify outright regime change in this context.

Such justifications are distinct from intent, or just cause, as Nardin belies Walzer in arguing a government cannot be overthrown unless doing so is necessary to suppress the crimes (Nardin, 2013: 78). This position distinguishes these justifications from intentions or causes of intervention.

On this distinction, Nardin shows an intervention to impose democracy cannot be justified as humanitarian, “but an intervention to thwart mass murder cannot avoid calling for a new regime that respects human rights” (2013: 79). Walzer similarly states regime change follows from the purpose of human protection, and a government committing atrocities against it's people displays an 'aggressiveness' and 'murderousness' which “makes a political regime a legitimate candidate for forcible transformation” (2006). The logic of replacing the regime to ensure a long term end to the atrocities which justified intervention becomes linked with discussions of post-conflict responsibilities, a core component of R2P, to be addressed in the next section.

However, some advocates of intervention view regime change with more caution, even in the circumstances demonstrated above. Pape argues the success of an intervention should not be dependant upon the replacement of the target regime, he states “the threatened population may subsequently seek to overthrow the government, [but] the success of the international mission does not hinge on foreign-imposed regime change” (2012: 56). Stewart similarly argues an intervention should focus on human protection, and avoid 'risky' and maximalist goals (2012: 78). It is argued regime change may create a power vacuum, leading to a complicated and unpredictable 'quagmire' for an intervener and may subsequently blur the distinction between 'liberator' and 'occupier' (Ibid). One could add that regime change may also cause significant criticism internationally.

It is clear that regime change can be justified as a practical necessity in fulfilling a humanitarian mandate, in ending atrocities and preventing their recurrence, particularly in situations where the government is committing atrocities, which is of relevance to the Libyan case study. However, it is also clear that whilst theoretically justifiable, a level of caution is also advised. With reference to the long term prevention of atrocities, this discussion leads to analysis of post-conflict responsibilities.

'Responsibility to Rebuild'

Following from a discussion of methods during intervention, is that of post-conflict responsibilities. The R2P document identifies a 'responsibility to rebuild', which stipulates an intervener should assist in post-conflict reconstruction, to address the “causes of the harm” the intervention was intended to end (ICISS, 2001: XI). It should however be noted, that this 'responsibility' was not officially endorsed by the UN's 2005 World Outcome document, which endorsed various aspects of R2P (Amneus, 2012: 246).

This responsibility is rooted in two primary assertions. Firstly, by intervening an actor takes on responsibilities after the conflict's conclusion, whereby it's success is determinant on restoring order and stability (Bass, 2004: 386). Walzer shows particularly in the context of regime change, the intervener takes a “degree of responsibility for the creation of an alternative government” (2006b: 104). Even in Iraq, the coalition is argued, in spite of questionable motives, to have taken on “certain responsibilities to the Iraqi people” (Bellamy, 2008b: 620). These assertions are crucial as Bass shows “a failure to commit to reconstruction is indicative of an absence of genuine humanitarian intent behind the original intervention” (In: Bellamy, 2008b: 615). Fulfilling R2R responsibilities are important in justifying an intervention which removes an existing regime.

The second element of this responsibility, is the prevention of atrocities from recurring in the future, conflating with previous discussion on regime change's 'necessity'. Wheeler shows a primary test is ensuring the withdrawal of intervening forces does not lead to a resumption of killing, requiring the intervener to establish a political order “hospitable to the protection of human rights” (2000: 37). He argues an intervention draws upon long and short-term aims: firstly ending the 'humanitarian emergency'; secondly, the long term need to address the underlying causes of the atrocities (Ibid). Therefore, an ethically justifiable intervention must ensure a conflict will not resurge, otherwise the original intervention will be in question (Bass, 2004: 412).

Indeed, this latter responsibility may be an understated justification for regime change, stipulated by R2P. In situations where the government is responsible for the humanitarian crisis, the intervention must early on view regime change as necessary to ensure long term success in ending atrocities. Indeed, Nardin shows these considerations are crucial in informing perspectives on when regime change is necessary, to prevent victims from being future suffering if a regime maintains power (Nardin, 2013: 75). Bellamy shows that even minimalist perspectives on post conflict responsibilities, “permits the removal of a government and transformation of a state and society in cases where the nature of the state and/or society themselves gave just cause for war” (2008b: 617). This responsibility is a clear justification of regime change, and parallels Rieff's thesis.

On post-conflict rebuilding responsibilities, Bellamy identifies two 'schools' of thought, 'maximalist' and 'minimalist' perspectives. In maximalist perspectives, Bellamy shows that there is a belief that following an intervention the intervener must fulfil certain responsibilities for the intervention to be 'just' (2008b: 602). The intervener is argued to be responsible for governing, “until the conditions for self-determination have been established” (Nardin, 2013: 76). Long term measures may necessitate 'nation-building' and sovereign responsibility over the target state, demonstrated by the UN's assumption of 'sovereign responsibility' in four territories in the late 1990's, (Bosnia, Kosovo, East Timor and Eastern Slavonia) where it had considerable authority (Bellamy, 2009: 170). Nardin demonstrates long term commitments of 'trusteeships' and 'protectorates' may be necessary following regime change (2013: 78).

However, these measures are somewhat controversial, as critics argue humanitarian intervention may become a loose justification for altering states in the pursuit of an intervener's self-interests (Bellamy, 2008b: 621). R2P advises interveners to avoid actions akin to “neocolonialism” (ICISS, 2001: 45), but Pape shows the R2R responsibilities make the problem 'intractable', and extensive

rebuilding responsibilities may make humanitarian intervention 'indistinguishable' from “foreign imposed regime change” (2012: 52).

Minimalists believe post-conflict responsibilities should be limited. Minimalists argue there should not be long-term obligations that “interventions are always followed by multi-annual nation-building measures” (Knaus, 2012: 191). India's invasion of East Pakistan is put forward as a minimalist example, as India imposed no control following the intervention, as Bangladesh was a “strong and unified people” (2013: 76) and able to rebuild without foreign supervision. Indeed, Bellamy argues that if an intervener has successfully ended mass atrocities, their actions may be “regarded as legitimate irrespective of the aggressor’s commitment to maximalist *jus post bellum*” (2008b: 621). This is part practical necessity, as not all states have capacity to undertake extensive rebuilding measures. However, Nardin saliently reminds us that some circumstances may require a level of post-conflict reconstruction to ensure a positive humanitarian outcome (2013: 76).

R2R obligations therefore provide both a justification for regime change, as a requirement to stop the recurrence of the humanitarian crisis, and also further criteria for judging such an action, as if fulfilling a humanitarian mandate may dictate a commitment to rebuilding the target state.

Summary

To summarise discourses from the advocative literature, there are clear nuances in discussion of regime change. The R2P document and dominant perspectives show an abusive regime alone cannot be a justifiable 'cause' for intervention, nor can regime change be an intention per say. However, in what Chandler describes as significant caveats (2004: 70), regime change can be legitimate, as both a means to achieving a humanitarian objective, and a positive outcome of an intervention. Indeed, with regard to methods, including long-term rebuilding responsibilities, regime change is justified in certain contexts, particularly those where the government is committing the atrocities triggering

intervention. The need to end atrocities, and prevent their recurrence may also make regime change necessary in fulfilling the aims of an intervention. These positions provide a basis for analysis of the case studies, in identifying the extent to which they may be justified by the advocative literature.

More critical perspectives on humanitarian intervention will now be assessed, as analysing the arguments against intervention, and regime change in this context, can ascertain conditions and factors which may de-legitimise such action.

Pluralist/Realist and Critical Perspectives

Sceptical theoretical perspectives produce a more straightforward critique of regime change in instances of humanitarian intervention, being averse to the concept in general. Whilst some critics recognise the moral strength of the concept, or potential utility in extreme case like genocide, it is generally unacceptable (Bellamy, 2004: 19). A principle common to most critical perspectives is that whilst civilian protection *may* be legitimate in particular context, “it must not become synonymous with regime change” (Bellamy & Williams, 2011: 846). The various arguments against intervention are not mutually exclusive to theoretical schools, although “different theories afford different weight to each of the objections” (Bellamy & Wheeler, 2008: 526). The analysis begins with the legal critique of intervention, which addresses and warns against regime change.

Legality and Sovereignty

A common criticism is that intervention is illegal under international law. 'Restrictionist' legal perspectives, argue that aside from self-defence, there are no other exceptions to the UN Charter's restriction of force unless authorised by the Security Council (Bellamy & Wheeler, 2008: 527). Underlying these arguments is respect for state-sovereignty, including non-intervention as the the foundation of international order (Ayoob, 2010: 81). Critics therefore identify the dangers of any 'license' of intervention legitimising regime change, which is a “primary concern for contemporary

opponents of legalizing humanitarian intervention" (Goodman, 2006: 119). Regime change puts particular emphasis on arguments against intervention's legality.

A further legal criticism focuses on ethically-based *legitimisation* of previous interventions, such as 1999 Kosovo, where judgements of 'illegal, but legitimate' are criticised as setting a dangerous precedent (Chandler, 2006: 139). Following its adoption by the UN in 2005, it has been suggested that R2P "'legalizes' or 'legitimises' non-consensual intervention potentially without the sanction of the UN Security Council" (Bellamy, 2008: 616). Critics identify the dangers of ethically-based justifications, as Chandler shows they both undermine sovereignty, and "usher in a more coercive, Western dominated, international order" (2004: 87). He therefore argues there is no 'right' of intervention, especially not a 'right' of 'regime change' akin to Iraq, despite advocates 'ethical' arguments (2006: 251). This demonstrates only interventions sanctioned by the Security Council can be legitimate, purporting the importance of international law, despite 'ethical' arguments.

These critics do not solely focus on intervention un-authorised by the Security Council, as it is argued interveners have previously relied upon 'implied authorisation' of UNSC resolutions, whereby a limited mandate may be stretched to justify unauthorised action (Bellamy & Wheeler, 2008: 527). This argument has become particularly elevated following Libya, where interpretation of Security Council Resolution 1973 was particularly controversial (Rieff, 2011). This will thus be a focus of analysis in the case study.

The issues of legality and 'un-authorised' regime change are of particular relevance in justifying intervention, as shadows of illegality will provide cause for criticism. As unauthorised actions are often argued to demonstrate an intervener's interests, interests are the next focus of analysis.

Self-Interest and Non-Humanitarian Motives

The influence of intervener's self-interests are purported as a prominent issue, though in different

veins. Pluralist/realists argue intervention is imprudent, as they do not serve an intervener's national interests (Jackson, 1993: 603). As a result, these critics assert that intervention to 'save strangers' is unjustifiable in either resources or soldiers lives, as without sufficient national interests to justify action, “human and material costs easily can be seen as unaffordably high by domestic constituents” (1995: 71). Therefore regime change, which likely requires sustained military efforts and the aforementioned post-conflict responsibilities, is unlikely to be justifiable.

Furthermore, states acting out of altruism are likely to only commit to 'half-hearted' measures, likely to leave the situation worse off and political situation more intractable (Ayoob, 1995: 71). Somalia is commonly cited, where the US intervention lacked the political will to be effective, a fact exposed following a disastrous attempt to remove local authorities in Warlord Aidid (arguably an attempt for regime change) (Wheeler, 2000: 204). Ayoob critically shows advocates of intervention may accordingly link ethical concerns with national interests, which he argues only makes intervention more 'suspect', as it provides cover for the sole pursuit of national interests (2002: 86). This position identifies intervention as imprudent, and regime change (with its commensurate high costs and long-term obligations) unjustifiable and unsustainable.

In contrast, critical scholars argue that through intervention, states seek to *advance* their national interests, using humanitarian justifications as a 'tool' to this end (Chandler, 2000: 60). Should self-interests influence the decision to undertake an intervention, critics argue it is “tainted” (Szende, 2012: 69). These 'purists' argue only solely humanitarian motives are legitimate (Ibid). However, Ayoob shows the decision to intervene is often “blatantly politically motivated” (1995: 70) and dictated by economic and strategic considerations, even if they are “justified with reference to [humanitarian] ideals” (Ayoob, 2002: 86). The purported action in the name of 'international will' being a “fig leaf” (Ayoob, 2002: 88) to hide interest-based interests. To critics, Iraq was the epitome of these concerns, demonstrating the malleability of 'humanitarianism', as a “cloak of convenience

for an ill-conceived US foreign policy adventure" (Moses et al, 2011: 350). As a result, an intervention which imposes regime change would be viewed with suspicion, as it may reflect the primary motive for intervening.

It is argued the selectivity of intervention demonstrates underlying interests, as intervention often takes place when equally deserving humanitarian crisis's are ignored (Szende, 2012: 63). For example, NATO intervened in Kosovo, but ignored far worse humanitarian situations in Rwanda and Darfur (Brown, 2003: 32). As those situations 'requiring' intervention are usually determined by the West alone (Ayoob, 1995: 71), these concerns are "ultimately a worry about sinister reasons operating under the cover of humanitarian reasons" (Szende, 2012: 71). Whilst generally accepted that motives for intervention are never solely humanitarian, the presence of interests, and selectively applied intervention reinforce fears that R2P and intervention are a 'trojan horse'.

These positions inform the next debate, which argues R2P and humanitarian intervention are open to abuse, providing moral/ethical justification for the pursuit of patently non-ethical interests.

A 'Blank Slate'

Fears that R2P and intervention are open to abuse are the reason the influence of self-interest is of such concern. Moses et al illustrate the concern that states may 'abuse', 'manipulate', or 'misappropriate' the moral justifications of R2P (2011: 349). It is indeed argued that in a post-Cold War framework with little check on Western action, R2P is an "easily abused framework" (Hehir, 2010: 223), and facilitates, not restricts, powerful state's actions, removing weaker state's "sovereign immunity" (Moses, 2013: 134). The unspecific threshold justifying intervention in R2P, and allowance of 'pre-empted' human protection, leads Pape to argue it 'sets the bar' too low, giving intervener's freedom to choose 'suitable' situations for coercive action (2012: 12). Therefore, many third-world governments (particularly the Non-Aligned Movement), view R2P with suspicion, as a

'sophisticated' way of legitimising intervention (Bellamy, 2008: 616). This abusable framework has the potential to loosely justify regime change under the auspices of humanitarianism and R2P.

These arguments naturally parallel accusations of imperialism, particularly intervention followed by the imposition of liberal ideology. Indeed, the inherent standard of governance dictated by 'sovereignty as responsibility' revokes the 'standards of civilisation', dictating 'civilised' and 'uncivilised' regions (Ayoob, 2002: 85). The appeal to the illegitimacy of third world governments "raises the spectre of a return to colonial habits and practises on the part of major Western powers" (Ibid). Parekh argues intervener's ideology influences their actions, with inevitable "external imposition" (1997: 56), emphasising Pape's concern that R2R carries inevitable questions of neocolonialism (2012: 52).

Many scholars therefore frustratedly argue the USA and West should not be viewed as benign or benevolent powers. Holmes stingingly argues that by elevating humanitarianism and ethical politics to justify any government action, advocates have "implicitly licensed" the US and its allies to pursue whatever action they wish, providing "a new legitimacy for the exercise of US power" (Chandler. 2004: 71). Such 'licence' also carries unexpected implications, demonstrated by the Russian government's justification for invading Georgia in 2008 as a "human protection exercise" (2013: 134). This argument demonstrates R2P may be a malleable framework, and advocates should not automatically assume action with a humanitarian outcome is necessarily justified or benevolent.

Summary

The various critiques of intervention stipulate clear issues to be addressed in cases of regime change. The pervasive issue of state interests, combined with an abusable 'ethical' framework would require a just intervention to disprove charges of non-humanitarian motivations, particularly as pluralists/realists demonstrate states rarely act from pure altruism. These charges will have to be

addressed for regime change in an intervention to be ethically justified. Legal stipulations for intervention and regime change to be authorised by the UN Security Council are also important. Additional criticism of 'loose interpretations' of Security Council resolutions to impose regime change is relevant to the Libya case study.

Conclusion

This chapter identifies thematic discourses in the theoretical literature which provide criteria for judging whether regime change can be justified in humanitarian intervention. Rieff's assertion that regime change has not been aptly considered by advocates of humanitarian intervention is somewhat justified, as it remains fleetingly addressed by 'abstract' theory.

In the advocative literature, regime change is seemingly legitimated only as a 'caveat' or 'exception' in non-specific situations, where it 'may' be necessary. Situations where these caveats may apply (i.e. in protecting civilians from regime-committed atrocities) can be distinguished from more unsuitable circumstances (i.e. where there is no humanitarian crisis). The question of means and R2R are important in addressing Rieff's argument regarding regime change's practical necessity. These discourses show a 'classic humanitarian intervention' to end government atrocities would surely need to alter the political order, necessitating regime change. As Libya is such a case, this is highly relevant.

The critical perspectives on intervention assert that self-interested action is common, showing however seemingly justifiable instances of regime change may be, practically and theoretically, it will inevitably be the subject of criticism. The accusations that R2P and humanitarian intervention are open to abuse, ensure such outcomes will come under severe scrutiny.

This evidence provides a form basis in addressing the research question, as it identifies criteria which can justify or illegitimate regime change in cases of humanitarian intervention. These criteria

can now be applied to the case study, to determine whether these theoretical justifications have practical applicability. The identified criteria can be used to judge whether the justifications for regime change in Libya would be legitimised by theoretical perspectives and consistent with R2P.

Libya: 'Between Two Stools'

On the 17th March 2011, the UN Security Council passed Resolution 1973, authorising a no-fly zone and 'all necessary measures' to protect civilians in Libya. This was the first unambiguous case of humanitarian intervention since the adoption of R2P, and the first case of 'classic' humanitarian intervention for over a decade (Pattison, 2011: 251). The events which followed have led to severe debate over the alleged pursuance of regime change by the interveners. Following both military success of the intervention some commentators have viewed the intervention as buoying the R2P norm, putting "new wind in the sails of humanitarian intervention" (Patrick, 2011b). However, critics show the political fallout of enacting regime change has caused potentially irreparable damage to R2P (Rieff, 2011).

This chapter addresses this debate. By assessing perceptions of the regime change in Libya using evidence gathered in the last chapter to ascertain whether the intervention can be justified in the literature and R2P.

Chronology of Events

Pre-Intervention

Preceding the Libyan intervention were a series of nationwide protests beginning in January and February 2011, which were met with immediate violent repression by the Gadaffi regime (Graubart, 2013: 70). As these demonstrations grew it was reported that Gadaffi forces were utilising brutal military force against protesters (Pape, 2012: 63). Several hundred people had been killed in late February, a number revised to 2,000 in 'knowledgeable estimates' (Ibid). On the 26th February the UN Security Council passed Resolution 1970, which condemned Gadaffi's actions; referred Libya to the International Criminal Court (ICC); approved sanctions and an arms embargo, but stopped short of authorising military action (Ibid). Gadaffi's actions were condemned and Western

governments called for him to step down (BBC News, 2011; The Huffington Post, 2011).

An impending crisis in Benghazi was the driver in creating an impetus for intervention. When Gadaffi's forces approached the rebel-held city, his words suggested atrocities were imminent, declaring to 'show no mercy' to the protesters, whom were described as 'rats' and 'cockroaches', chillingly echoing language of the Rwandan genocide (Pape, 2012: 63). This provoked fears of an impending massacre. Regional groups LAS and the Gulf Cooperation Council (GCC) called for the UN to intervene and, "'take all necessary measures to protect civilians" (Bellamy & Williams, 2011: 840). The Obama administration declared that as many as 100,000 civilians may die without intervention, either directly or through the subsequent humanitarian crisis (Pape, 2012: 64).

The Security Council subsequently passed Resolution 1973, authorising a no-fly zone and 'all necessary measures' to protect civilians (Bellamy & Williams, 2011: 845). The Obama administration immediately began distancing the forthcoming intervention from any goal of regime change (Pape, 2012: 68).

During Intervention

Following the resolution's approval, the immediate goal of protecting Benghazi was achieved (Economist, 2011). However, differences emerged as to how 'all necessary measures' in Resolution 1973 should be interpreted (Bellamy & Williams, 2011: 845). Sceptical states like Russia and China warned acting beyond the mandate of the resolution would be "unacceptable" (Ibid).

Commentators questioned what the ultimate goal of the intervention was and whether the resolution authorised regime change (Massie, 2011). The rhetorical calls for Gadaffi to step down were compared to the limited UN mandate. Obama made clear the resolution was not for on regime change, and intervention would not go beyond "a well-defined goal, specifically the protection of civilians in Libya" (Tapper et al., 2011). However, questions regarding the long term practicality of

regime change were raised, in Prime Ministers Questions, James Arbuthnot MP asked “while regime change is not the aim of these resolutions, in practice there is little realistic chance of achieving their aims without regime change?” (House of Commons, 2011). Prime Minister Cameron responded that the aim of the intervention was strictly human protection, but he also stated that Gadaffi does has to leave power as, “It is almost impossible to envisage a future for Libya that includes him” (Ibid). Such an answer identifies an early problem of differing political and military goals.

The conflict continued, and the crisis had morphed into civil war (Economist, 2011). On April 14th Obama, Cameron and Sarkozy published a widely discussed op-ed piece in several newspapers, stating their intention to continue military operations “so long as Qaddafi is in power” (Obama et al., 2011). The piece reinforced that intervention is to protect civilians, but that it is “unthinkable that someone who has tried to massacre his own people can play a part in their future government” (Ibid). The leaders warned of 'fearful vengeance' in the future if Gadaffi stays in power, therefore arguing that to fulfil the long-term aims of the mandate, they dedicated to maintain operations until he leaves, “so that civilians remain protected and the pressure on the regime builds” (Ibid). It was argued the intervention had now merged into a policy of regime change (Black, 2011).

The campaign subsequently dragged into stalemate, with little development of a political solution or Gadaffi being removed after 4 months (Birnbaum & Londono, 2011). To break this stalemate, it was argued the nature of the operation began to shift, with escalating air strikes, deploying attack helicopters and US Predator drones (Williams & Popken, 2011: 235). It was perceived the intervener's goals were 'dovetailing' with the rebels in attempting to disable Gadaffi's military (Lister, 2011). France & Qatar began supplying rebels with arms, despite the embargo (Williams & Popken, 2011: 235) and NATO air-strikes began targeting Gadaffi (Joshi, 2011). Tripoli fell in August, and two months after the fall of Tripoli, Gadaffi was killed on 20th October after the rebel

forces took the town of Sirte, and the intervention ended on October 27th (Gladstone, 2011).

Post-Intervention

Following the intervention, Western leaders and advocative commentators lauded the success of the intervention (Patrick, 2011b; Daalder & Stavridis, 2011). David Cameron argued the reasons for this success were adherence to limited goals, the legality of working through the UN, the support of the Libyan people, which allowed the intervention to prevent atrocities in Benghazi and assist "the Libyan people to liberate themselves" (Evening Standard, 2011). Obama similarly asserted the success in protecting Libyan civilians and "helping them break free from a tyrant" (Bohan, 2011).

Analysis

The intervention in Libya brought the issue of regime change sharply into focus. Many initial advocates of the intervention questioned the pursuance of this outcome and critics similarly argued regime change was primary motivation for intervening (Evans, 2011: 41; Graubart, 2012: 69). Analysis will attempt to determine whether the regime change can be justified by theoretical perspectives and R2P, to test whether the theoretical justifications for regime change gathered in the previous chapter are practically applicable.

Several thematic issues will be addressed. A foremost criticism of the intervention was the illegality of 'stretching' the UN mandate to enact regime change. There are also doubts there was 'just cause' for such an outcome. Whether the intentions of the interveners was really protecting civilians was also questioned. The analysis will address these principled criticisms, but then analyse the more practical criteria of means and R2R.t. The analysis will begin with analysis of the regime change's legality under Resolution 1973.

Legality

Whilst this paper is not focussed on legal arguments, the perceived 'stretching' and 'breaking' of Resolution 1973 was a forceful criticism of the intervention. This issue was a key reason for the diplomatic fallout following the intervention (Johnson & Mueen, 2012: 3; Ulfstein & Christiansen, 2013). This section will analyse the assertion that regime change could not be enacted under Resolution 1973, and how this influences the interventions justifiability.

It is pertinent to first establish the content of Resolution 1973, which authorised: the no-fly zone, and 'all necessary measures' to protect civilians and 'civilian populated areas' from 'threat of attack', excluding a foreign occupation force; demanded an end to hostilities; maintained an arms embargo (a later point of controversy); imposed measures against the regime including asset freezes and travel bans (UN Security Council, 2011).

No Authorisation for Regime Change

The basis for legal criticism was that the resolution only authorised civilian protection, with no basis for pursuing a political goal of regime change (Thakur, 2011: 3). Therefore NATO was widely criticized for “what some states see as an overly expansive interpretation of Resolution 1973” (Bellamy & Williams, 2011: 846). When this end-goal supposedly became obvious, there was widespread criticism of the interveners, South Africa's UN Ambassador stating the resolution authorised only the no-fly zone, not “regime change or anything else” (Ulfstein & Christiansen, 2013: 167). These criticisms were a response to the way NATO aggressively enforced the mandate, which amounted to disabling Gadaffi's military capability, which had no explicit basis in the resolution (Ibid).

The intervening forces interpreted 'all necessary measures' broadly. Whilst the resolution provided no elaboration on the extent of 'all necessary measures', it was argued it did not permit targeting of Gadaffi's forces who posed no immediate risk to civilians, including 'command and control centres'

which were targeted to reduce Gadaffi's ability to coordinate his forces (Ulfstein & Christiansen, 2013: 169). The Russian foreign minister stated “we see actions that in a number of cases go beyond the framework drawn by the UN Security Council” (Russia Today, 2011). The 'legal litmus test' is whether these measures were aimed for the purpose of human protection (Ulfstein & Christiansen, 2013: 167). Critics believed these measures were not indicative of human protection, but an intention of regime change (Ulfstein & Christiansen, 2013: 169).

There were several other distinct criticisms. It was charged that the intervener's actions amounted to intervening on the rebels side in a civil war which could not be justified by the resolution, and did not amount to protecting civilians (Thakur, 2011: 3). Support and collusion with the rebels became increasingly clear, providing direct air support and pursuing aims which “dovetailed with those of the rebels -- with the aim of making pro-Gaddafi forces incapable of offensive action” (Zenko in: Lister, 2011). This was problematic, as the resolution did not permit military support for the rebels (Payandeh, 2012: 381). Rebel consent could not legitimate such action, as though many intervening states had recognised the rebel's National Transitional Council as the legitimate government of Libya, an 'intervention by invitation’ cannot apply in civil wars (Ulfstein & Christiansen, 2013:169).

A second distinct issue was arming the rebels. Critics argue Resolution 1970 had imposed arms ban to all areas and parties within Libya, thus arming the rebels was a violation (Ulfstein & Christiansen, 2013: 168). However, advocates note Resolution 1973 authorised “all necessary measures, notwithstanding paragraph 9 of resolution 1970 [which implements the arms embargo]” (Trevelyan, 2011) to protect civilians. This amendment was argued by the UK and USA to provide a legal basis for arming the rebels, if it could be framed as protecting civilians under threat of attack (Ibid). However, this stipulation was not widely accepted, and the legal technicality further antagonised sceptical states in the Security Council, adding to the notion that the primary intention was regime change (Ibid).

A 'Loose Justification'

However, some advocates argue a broad mandate – encompassing regime change – was legitimised in Resolution 1973 (Williams & Popken, 2011: 233). The phrase 'all necessary measures' blurred the line between 'lawful' disabling of the regime's capacity to harm civilians, and general conflict with Gadaffi's forces (Ulfstein & Christiansen, 2013: 167). For example, the targeted command and control centres arguably enhanced Gadaffi's capabilities to attack his own people (Ulfstein & Christiansen, 2013: 167). The wide provision of 'all necessary measures' meant the argument could be made that whilst regime change not an appropriate *goal,* it was a legitimate *means* in pursuing the mandate of protecting civilians (Payandeh, 2012: 388).

Indeed, Ban Ki-Moon argued following the intervention that the mandate of the resolution was strictly enforced (Ulfstein & Christiansen, 2013: 167). Furthermore, it can be argued the resolution did take sides, and recognised the "democratic dimension of the conflict" (Payandeh, 2012: 387), as it dictated any solution to the crisis must "respond to the legitimate demands of the Libyan people" (Ibid). These demands clearly couldn't be achieved with Gadaffi still in power and nor would civilians couldn't be safe until he was removed (Ulfstein & Christiansen, 2013: 167). Welsh indeed views the resolution itself is a move away from the UN's traditional impartiality, not just its execution, in recognising Gadaffi as a 'wrong-doer' (Welsh, 2011: 5).

However, despite these arguments, they are generally considered insufficient in legitimising Gadaffi's overthrow. Most importantly, stretching the mandate to justify the interveners to directly enact regime change cannot be justified by the Resolution (Payandeh, 2012: 388). Despite the blurred line between conflict and protection, direct air support for Libyan rebels clearly went beyond the mandate (Ulfstein & Christiansen, 2013: 169). However, as the resolution did not provide a clear military solution, merely an end to the violence (Chatham House, 2011: 2), it was asserted that whilst not a *legally* justifiable, regime change could arguably be *legitimate* as a means

in fulfilling the mandate. This was to be the foremost argument of the interveners, thus whilst not legal, the intervention *may* be justifiable under R2P and the academic literature.

Just Cause

As demonstrated in the previous chapter, tyranny alone is not regarded as legitimate cause for intervention under the R2P doctrine. The human rights abuses in Libya committed from February-March, and 'imminent' atrocities in Benghazi were the cause for intervention in Libya (Pattison, 2011b: 2). Just cause in Libya is subject of debate, as it raises the contentious issue of preventing 'imminent' abuses, and thus counter-factual evidence. It is crucially asserted that there may have been just cause for intervening, but not just cause for regime change, which requires addressal.

An Initial Just Cause?

As demonstrated, to meet R2P's standards, there must be on-going atrocities, or such atrocities "imminently likely to occur" (ICISS, 2001: XII). In Libya, these standards are argued to be met, as whilst R2P stipulates no 'threshold' (number of casualties), Gadaffi's actions provided 'ample justification' due to the indiscriminate force and massacres inflicted by his troops (and African mercenaries) (Patrick, 2011). Indeed Pape, who has asserted R2P's standards are too permissive, argued just cause had been met even prior to the Benghazi crisis, by his own stringent threshold of a minimum of 2,000 deaths to justify intervention, in addition to a clear refugee crisis (2012: 63).

However, it has been argued that despite just cause for the initial intervention, the severity of the situation "did not seem to be serious enough to provide just cause for regime change" (Pattison, 2011b: 2). One should recall that Nardin specifically stated intervention justified in preventing 'imminent' atrocities would not permit full-scale war, but to 'control' a regime without overthrowing it (2013: 79). Pattison shows the drastic nature of regime change ensures it's justification would have to be "more serious than that is required for humanitarian intervention to be permissible"

(2011b: 2), a threshold argued as not met in Libya (Ibid). Pattison therefore proposes that determinations of just cause should be applied at various stages of an intervention (2011b: 4). This stipulation adds to the 'nuances' and 'caveats' which justify or illegitimate regime change in the theoretical literature. The assertion regarding insufficient just cause will now be addressed.

As the the threat to Benghazi was the 'trigger' for intervention, these discussions part rely on what 'may' have occurred. It is noted that Gadaffi's aggressive language did him 'no favours', and the Obama administration forcefully argued the potential atrocities would “stain the conscience of the world” (Graubart, 2013: 85). However, fears of an imminent massacre may have been debatable, as Gadaffi had not committed atrocities on such a scale in other cities he had retaken (Ibid). Furthermore, Kuperman shows Gadaffi's threats were directed at rebels, not civilians, leading him to describe Obama's assertion that intervention would be 'preventing genocide' to be a severe overstatement (2011). This is an intrinsic problem of counter-factual evidence, as it can always be disputed, but legitimises coercive action regardless (Chandler, 2006: 73).

Resultantly, various commentators argued there was not sufficient cause for an intervention, let alone regime change. Walzer argued military intervention is only 'defensible' in the most extreme cases, and argues whilst there may have been repression following a Gadaffi victory, it could not justify intervention (2011b)[1]. Furthermore, regime change in this context, “has to be local work, and in this case, sadly, the locals couldn’t do it” (Walzer, 2011b). Rory Stewart recognised Gadaffi was not committing atrocities commensurate with crisis's such as Bosnia (2011b). Resultantly, Graubart argues the intervention relied on 'dramatic' claims regarding Gadaffi's regime and exaggerated fears of 'imminent' atrocities (Graubart, 2013: 85). These arguments would support Pattison's argument that atrocities were not on the scale necessarily to make Gadaffi's regime a 'legitimate candidate' for forcible overthrow.

[1] His position is somewhat questionable, as he had previously argued a pre-emptive strike to prevent “a probably fatal and credibly imminent attack might be justified.” (Nardin, 2013: 79)

However, whilst these points are due consideration, advocates of the intervention argue the threshold demanded by Walzer “arbitrarily sets the bar extremely high for intervention” (Nardin, 2013: 76). Furthermore, prior to Benghazi, Gadaffi's actions had been described as amounting to crimes against humanity (Bellamy & Williams, 2011: 840). R2P's stipulation regarding 'imminent' atrocities recognised the impracticality of 'waiting' for massacres to occur, and Libya met R2P's threshold for intervening (Pattison, 2011b: 2). Additionally, Chivvis accepts the severity of atrocities in Benghazi may not have been as high as the interveners claim, he shows they could have easily topped the 8,000 killed in the 1995 Srebrenica massacre (2012: 11). Bellamy indeed argues Gadaffi's record and aggressive language ensured, “states could not plausibly argue that the threat of mass atrocities was not real [or imminent]” (2011b: 267).

This debate reveals a major issue in utilising R2P to judge the legitimacy of regime change. In addition to the existing debate regarding thresholds, there is now a debate over 'just cause' for actions *within* a 'just' intervention. This argument may be sound ethically, but complicated to apply. If intervention supposedly prevented the regime committing atrocities upon its people, it cannot be practically or politically justified to then limit the interveners actions to ill-defined 'control' over the regime. This analysis raises an issue with the existing literature, and evidence suggesting the regime change in Libya may not be justifiable. The following section addresses the question of intentions and motives, and whether regime change was the primary intention of intervening.

Intent and Motive

The intervener's intentions in Libya are heavily debated. Critics have questioned whether the intention was “predominantly the protection of civilians – a humanitarian objective – or the removal of Gadaffi” (Pattison, 2011b: 3). In the previous chapter, it was demonstrated that to be justified, the primary intention of an intervention must be the ending of atrocities. Thus, if it can be proven the intervener's intention was regime change from the outset, they would be suspect. However, recalling

the caveats to this position, if the primary intention was addressing the humanitarian crisis, regime change could be accordingly justified as necessary in fulfilling this humanitarian mandate. In view of criticism based on this criteria, it is a crucial determinant of the intervention's justifiability.

A Trojan Horse?

An early criticism of the intervention was the lack of specific goals beyond the initial rescue of Benghazi (Chatham House, 2011: 1). As the intervention progressed, critics viewed supposed attempts to enact regime change as evidence that the primary intention had always been to overthrow Gadaffi, a fact "obscured by the hullabaloo over the supposedly imminent massacre at Benghazi" (Roberts, 2011). Critics highlight the calls by Western leaders for Gadaffi to step down as evidence of this intention, and Downes believes the op-ed article clarified the, "objective is regime change rather than simply protecting civilians" (Downes, 2011). Politically, the interveners had become committed to this outcome, and Rory Stewart MP shows the perception was if Gadaffi was not overthrown, it would signify the intervention had failed (2012: xi).

Some of R2P's foremost advocates notably voiced similar concerns (Evans et al, 2013: 206). Evans and Thakur question whether the primary goal of the intervention remained civillian protection throughout (Ibid). They show the rejection of ceasefire proposals which "may have been serious" (Ibid), strikes on military targets of seemingly no threat to civilians, and arms supply to the rebels all demonstrated the interveners were "unequivocally committed to the rebel side, and to securing regime change" (Evans, 2011: 41). This shift led Evans & Thakur to argue the intervention did not remain "a textbook R2P case for its duration" (2013: 206), and "stretched its [R2P] mandate to the absolute limit, and maybe beyond it" (Evans, 2011: 41).

Several factors are presented as proof of this intention. Firstly, the aforementioned exceeding of the UN mandate, which Falk argued demonstrated not commitment to the intervention human

protection goals, but “to ensuring that the balance of forces be tipped in the direction of the insurrection” (Falk, 2011). This is particularly controversial, as it contravened the UN mandate, and also R2P, which stipulates “the advancement of a particular combatant group’s claim to self-determination, cannot be justified” (ICISS, 2011: 51). Indeed, NATO's 'unequivocal' support for the rebels strengthened the charge NATO had intervened “on behalf of one side in a civil war and pursued regime change” (Thakur, 2011: 4). The supply of arms to the rebels was equally controversial, and the “most evident departure from the spirit [of human protection] of resolution 1973” (Eyal, 2012: 60). Lastly, the specific targeting of Gadaffi, was a clear, cynical effort of instantaneous regime change, clearly unjustifiable under the Resolution's human protection mandate (Thakur, 2011: 3).

This raises the distinct sceptre of 'motives' and national interests. As there had been similar crisis's in Yemen, Syria and Bahrain, Pattison shows these questions are inevitable, as the West had “chosen to act in the less serious case, where fewer lives are likely to be saved” bringing into question the intervention's 'moral justifiability' (2011b: 6). Graubart argues there was a 'strong national interest' in opposing the Libyan regime and asserting influence on the insurgency and the Arab Spring as a whole (2013: 87). These criticisms represent a major problem with justifying the regime change, as an intention of regime change cannot be justified under R2P. However, such perspectives are not universal, as will be demonstrated

Primary Intention?

However, whilst regime change may have became a goal of the intervention, the human protection mandate is argued to have been the initial intention, and arguably remained it's primary aim. Recalling Teson's distinctions that intent is the 'contemplated act', we can distinguish between the actual military action and the intervener's motivation to pressure Gadaffi's regime. Eyal shows there is no evidence that regime change was the intention from the outset, but much evidence that the

intervention began as a “culmination of a process which exhausted all other peaceful means, and a measured response to a genuine, immediate humanitarian crisis” (Eyal, 2012: 56). The calls for a no-fly zone and risk to Benghazi were voiced not solely by Western states, but major figures in the UN and crucially, regional organisations such as the LAS and GCC, thus the intervention was not 'manipulated' into being as a remit for regime change (Bellamy & Williams, 2011: 843).

Indeed, Pattison shows every indication was the initial intention had been civilian protection, as if regime change been the primary and initial goal the intervener's would have immediately extended attacks to all of Libya and provided immediate direct support to the rebels (2011b: 3). There would also have been far less regard for civilian casualties or damage to civillian infrastructure (Chivvis, 2012: 10). Pape concludes that in contrast to other examples, the Libyan intervention “did not constitute a serious program of foreign-imposed regime change” (2012: 69), with little evidence of “a comprehensive, systematic effort to decapitate the Libyan regime” (Ibid). Whilst the intervener's may have initially hoped the no-fly zone would have pressured the regime to leave, that political goal is distinct from their intention in intervening.

Indeed, critics over-stressed Western leader's calls for Gadaffi to step down, conflating them with the intervention's intent. Rory Stewart demonstrates this issue, showing that in arguing the no-fly zone is humanitarian and not about regime change, but also saying Gadaffi needs to step down; he was accused of 'falling between two stools' in this supposed contradiction (2011b). Stewart distinguishes between advocating military measures for humanitarian aims (i.e. protecting civilians through intervention), and civilian measures for political aims (condemnation and sanctions to pressure the Gadaffi regime) (Ibid). Indeed, if one is to take political discourses as seriously as critics do, it is clear that leader's references to the resolution overwhelmingly focussed on human protection and disavowed regime change as the primary intention (Hall, 2011; House of Commons, 2011). In the op-ed piece on April 14th which signified regime change as the end-goal, this was

presented as a continuation of protecting civilians (Obama et al. 2011). This evidence could therefore be the basis for justifying regime change as an extension of protecting civilians

There is little evidence of ulterior motives on the part of the interveners, Bellamy and Williams seeing little proof to support such an interpretation (2011: 848). Indeed, R2P stipulates some level of interests are inevitable, but those present in this case are relatively benign, being addressal of a threat to regional stability and a refugee crisis on Europe's border (Patrick, 2011b). Furthermore, prior to the crisis the West enjoyed a positive relationship with Gadaffi benefiting their national interests, supporting the rebels put these benefits at risk (Pape, 2012: 62). The splits in the Obama administration over the intervention's relevance to US interests is further evidence of no interest-based motivation, as Defence Secretary Robert Gates and National Security Adviser Thomas Donilon sought reduce US involvement as much as possible (Thakur, 2011: 3).

A 'Shift' in Objectives?

However, whilst it can be argued the original intention of the intervention was human protection, it arguably 'morphed' into one of regime change. In terms of end-goals, Resolution 1973 did not provide "a clear military solution" (Chatham House, 2011: 2) and further action authorisation was unlikely (Ibid). The April 14th op-ed publication was indicative of a shift in long term aims. Following the initial defence of Benghazi, political considerations ensured the interveners could not allow Gadaffi to re-establish control, the subsequent 'mission creep' meant the long term objective merged with removing Gadaffi (Pattison, 2011b: 4). This 'shift' could be justifiable under R2P, as the previous chapter demonstrated that in fulfilling a humanitarian mandate, 'disabling' the regime may be just and necessary, which in the context of a civil war, essentially meant regime change.

This is indeed why the mandate's escalation was argued to be necessary. The op-ed argued regime change was the only way to ensure the long term end to the humanitarian crisis (Obama et al.,

2011). In the short term, it was argued the pursuit of this goal was necessary to protect civilians in the areas under Gadaffi's control (Evans, 2011: 41). This 'shift' is problematic to clearly legitimise regardless, as regime change had indeed become a goal of the intervention, and ensured the intervention took sides in a civil war. In analysing these competing claims, the next section will assess whether regime change could indeed be viewed as a practical necessity Libya's case.

Means

The practical consideration that the regime would have to be removed, as the regime was the party committing atrocities, has significant force. Rieff recalled his earlier point to demonstrate that "proponents must recognize that in the midst of rebellions such as the one in Libya, people cannot be protected without regime change" (2011). Indeed, as the intervention progressed with no solution to the crisis available, the human protection mandate could not be fulfilled, "without targeting, weakening and ultimately changing the behaviour of the regime" (Bellamy & Williams, 2011: 848). This section will evaluate whether the regime change in Libya could be theoretically legitimised through these practical considerations.

A 'Natural Extension'?

As the justification for intervention was in this case the regime committing atrocities against it's people, Gadaffi's removal was a natural extension of protecting civilians, as his purported intentions and shelling of civillian areas meant "by enforcing a regime change, NATO would remove the greatest threat on the Libyan civilians, Gadaffi" (Ulfstein & Christiansen, 2013: 168). Patrick argues that to have met the R2P criteria 'reasonable chance of success', the intervention clearly depended on Gadaffi's removal "for the humanitarian crisis, civil war to stop, and rebuilding to begin" (2011). Therefore, Hipold argues that regime change "was not an immediate goal of the operation but eventually inevitable" (2012: 76).

Indeed, many commentators saw Gadaffi remaining in power as the worst possible outcome of the intervention, both politically and in humanitarian terms. As this would lead to inevitable repression, and a civil war of great humanitarian cost, it represents the “severest danger” (Joshi, 2011). These long term considerations demonstrate the importance of post-conflict, R2R considerations, as the responsibility to ensure a long-term end of atrocities had been placed upon the intervener, in addressing the 'root causes' of the crisis (Nardin, 2013: 77). Thus, in view of Gadaffi's 'murderous intentions', it was considered necessary to go beyond 'rescue' and ensure civilians in protected areas “will not be murdered if his regime survives” (Nardin, 2013: 75). These long term considerations show it was difficult to see how human protection could be achieved without regime change.

This argument is indeed logical, however Evans (whom as a foremost advocate of R2P has his reasons to not associate R2P with a controversial regime change) recognises this fact, but argues it should have been left to the rebels to do, citing the limitations of the UN mandate (Evans, 2011: 41). Indeed, many commentators argued there were alternatives to forceful regime change, which requires addressal if assertions Gadaffi *had* to go are to be proven; this will be addressed in the next chapter. However, as Evans questioned whether the intervention's application had shifted from protecting civilians to imposing regime change (Evans, 2013: 206), justifying a 'natural extension' under R2P, would require the continued 'primary intention' of human protection to be fulfilled, which will now be analysed.

Appropriate Methods?

With regard to the methods utilised, it was argued the no-fly zone may be insufficient to facilitate regime change and avoid a prolonged civil war (Chatham House, 2011: 1). Stewart accordingly expressed concern for the risk of 'mission creep' and riskier potential strategies (2012: xiv). However, the general measures utilised were consistent with the limited objective of human protection (Thakur, 2011: 3). Indeed, Payandeh argues that by-and-large, the outcome of regime

change was a consequence of measures taken to protect the civillian population, and “a strict distinction between the objective of human rights protection and measures that might lead to regime change cannot be upheld” (2012: 389). Doubts regarding the commitment to a humanitarian intent are therefore somewhat unfounded, and Labonte shows that with hindsight, the intervention was “effective in delivering on civilian protection as envisioned by R2P” (2012: 991).

Williams and Popken demonstrated that the robust application of the mandate in Libya was the reason *why* it was effective in protecting civilians (2011: 226). They note interventions are often “handicapped by narrow legal mandates and weak implementation.” (Ibid). In contrast, the resolution's stipulation of 'all necessary measures' shifted away from formerly 'toothless' campaigns and could therefore effectively prevent Gadaffi's forces killing civilians (Williams & Popken, 2011: 236). To demonstrate this point, they cite Bosnia, where an unwillingness to use force led to an abject failure in protecting civilians (Ibid). Indeed, the measures in Libya ensured “the ability of the state to perpetrate mass atrocity crimes was steadily eroded between March and September 2011” (Labonte 2012: 991). Furthermore, this was accomplished without significant collateral damage on either Libya's population or major infrastructure, further indicating the primary intention remained both humanitarian, with consideration of the long term implications of that mandate (Chivvis, 2012: 10).

However, criticism of more questionable measures is however relevant. Supplying the rebels with arms could only spuriously be justified as speeding a resolution to the conflict and not justifiably by R2P (Eyal, 2012: 61). Whilst targeting Gadaffi's forces not threatening civilians may be justified as disabling his capacity to commit abuses, targeting Gadaffi specifically cannot be an appropriate or legal measure (Thakur, 2011: 3). The levels to which the intervener's provided direct air support for the rebels also reinforced assertions the intervention had merged into taking sides in a civil war, which blurs the protection mandate and 'stretches' the concept of R2P (Evans, 2011: 41).

Thus whilst the intervener's could therefore justify removing Gadaffi under R2P, 'taking sides' is more problematic. Even if the no-fly zone remained focussed on human protection, it increasingly did so in concert with direct support for the rebels. Whilst it is argued this support was a by-product of more legitimate goals, which provided safe-zones for the rebels to become organised and execute their campaign (Pape, 2012: 69), this support later became more direct. Chandler shows supporting regime change was posed as “enabling and facilitating [the Libyan people] in the process of securing themselves” (2012: 221). Pape argues these actions were justifiable, as building Libyan capacity ensured that ”Libyans and not foreign powers would decide Gadaffi's fate” (Pape, 2012: 68). However, this remains a controversial extension of R2P, and led to ambiguity in judging intentions and strategic goals.

To summarise, it can be determined that regime change could have been viewed as a necessary goal in achieving the humanitarian mandate. However, the means utilised blurred the distinction between protecting civilians and taking sides in a civil war. This blur demonstrates the difficulties of 'disabling' a regime, as the legitimacy of doing so is open to interpretation. The next chapter will assess whether regime change was the only means in resolving the crisis, to demonstrate the practical limitations of R2P on this issue. Prior to this, is analysis of Libya's humanitarian outcomes.

Outcomes

In applying the outcomes orientated approach to Libya, the intervention can be justified more clearly. In spite of claims the military measures would be insufficient, the intervention had indeed protected civilians and removed the abusive regime without needing to commit ground troops (Patrick, 2011). The intervention achieved all of its objectives, facilitated humanitarian relief and effectively protected the civilian population (Chivvis, 2012: 10). Doing so without damaging Libya's vital infrastructure would also facilitate post-war reconstruction efforts (Ibid). Without the

intervention, Gadaffi would have likely committed atrocities in Benghazi, and enacted retribution in rebel cities after re-asserting control (Thakur, 2011: 3).

By ending the civil war, the intervention prevented further test and a long term humanitarian crisis (Western and Golstein, 2011: 57). Despite the political ramifications of the 'stretched' mandates of both R2P and the Resolution, these outcomes-based perspectives show that it cannot be doubted the intervention saved lives (Pattison, 2011b: 7). Scholars may argue facilitate in the removal of Gadaffi was clearly a beneficial outcome, and the most definitive political solution (Daalder & Stavridis, 2012). As a result, Thakur argues the 'euphoria' of the Libyan people and military success of the campaign can "temper criticism of the manner in which NATO rode roughshod over UN authorisation to protect civilians" (2011: 4). Such assertions indicate regardless of the principled objections, Libya could be justified on the basis of humanitarian outcomes.

From minimalist perspectives, the post-conflict context could also be regarded as positive, as the interveners did not subsequently impose control over Libya, fitting with Chandlers purported post-interventionist paradigm (Chandler, 2012: 221). Slaughter indeed demonstrated it was not up to the West to plan Libya's transition (2012). One may recall the example of Bangladesh, where the population was 'unified' and able to rebuild itself, Libya was similarly unified following it's self-liberation, buoyed with a largely intact infrastructure. Furthermore, as the rebels were against any 'stabilisation force' or extensive nation-building, Maximalist criticism is questionable (Chivvis, 2012: 10). As Chivvis shows, the military action left Libya's future in the hand of the Libyan's themselves (Ibid). Most importantly in judging the post-conflict context is the fact atrocities have not recurred.

Summary

Libya is clearly a complicated case in which to judge the legitimacy of regime change. This is part due to the abstract legitimising conditions identifiable in academic literature and R2P, which are difficult to apply in practise. Indeed, whilst in a strict legal sense, the intervention could not be justified, the wide remit of 'all necessary measures' arguably justified a pursuit of regime change, to fulfil the mandate of protecting the civilian population. Whilst this could be legitimate under R2P, and was the justification provided by the interveners, it is difficult to ascertain whether regime change was indeed in the pursuit of a humanitarian mandate, or an intention in of itself.

This case demonstrates the difficulty of judging intentions, as separating the intervener's political goals and statements, with their actual intent is difficult to prove. As the intervention indeed morphed into direct support for the rebels in a civil war, it would be a 'stretch' to justify it under R2P. Though in the context of this civil war, a legitimate 'disabling' of Gadaffi' forces would ensure regime change by default.

In view of the difficulties in gauging whether the intervention is justified by the abstract theoretical literature, the next chapter will assess whether regime change was indeed a necessity, by analysing the alternatives, before situating the evidence gather in this chapter in the wider debate over regime change.

Chapter 3: The Only Solution?

As the intervention is difficult to justify through the standards purported in the academic literature, this chapter assesses what alternatives existed to the facilitation of forceful regime change, before demonstrating the implications of the Libyan intervention on the R2P norm. This evidence demonstrates limits in the academic literature in approaching the issue of regime change.

In determining alternatives to forceful regime change in Libya, two paths can be identified which were advocated. First, was a negotiated solution; Second was a call to leave the rebels to fight their own war and pursue the mandate in a more limited fashion. These alternatives will be explored.

A Negotiated Solution

Negotiations were purported as the most appropriate solution to the conflict as it would immediately stop the humanitarian crisis non-violently, and not bring controversy upon R2P. The UN resolution had called for an immediate ceasefire and the beginning of a 'political process' (Graubart, 2013: 82). However, this alternative was regarded to require Gadaffi's exit from power to be approved by the rebels (Chatham House, 2011:1). Such a solution proved intractable, and also represents regime change regardless.

This solution was advocated by many states, with China arguing the crisis must be solved peacefully, and Germany similarly showing the aim of the intervention should be to “stop the violence and begin a true political process” (UN Security Council, 2011). However, critics charge that the prospect of negotiations was never taken seriously by the interveners and Graubart shows when Resolution 1973 was passed, Gadaffi promptly announced a ceasefire and proposed political dialogue, which was rejected by NATO and the National Transitional Council (NTC) (2013: 82).

All subsequent ceasefire proposals from Gaddafi or the African Union – on 30 April, 26 May and 9

June – were also rejected (Ibid). Milne argued that if the primary intention was to 'stop the killing', the intervener's should have backed such proposals, rather than vetoing them (2011). Indeed, following a stalemate in the conflict, the Italian President called for a ceasefire, but President Sarkozy instead made clear “we must continue until Mr. Gaddafi leaves” (Birnbaum, 2011). Critics believe the intervener's had 'demonised' Gadaffi, rendering possible negotiations unpalatable and 'banishing' Gadaffi from political discourse “never to be negotiated with” (Roberts, 2011).

However, these assertions are problematic. Firstly, Gadaffi's initial offer of a ceasefire was immediately broken when he violated it by continuing his attack on Benghazi (Al Jazeera, 2011b). Following this initial episode, negotiations were rendered impossible by the positions of both the regime and the rebels. Chatham House shows there was a lack of trust between the two sides, who “both still think they can win” (2011: 9). Both sides also had pre-conditions for any ceasefire which could not be met, notably the rebels demand that Gadaffi immediately step down (Ibid). This was an “absolute minimum precondition” (Chivvis, 2012: 8) for negotiations. Chivvis shows the interveners did not rule out a negotiated settlement, although politically Gadaffi's departure was necessary in some form (Ibid). Those who argue the interveners should have 'accepted' a ceasefire do not consider the rebel's position.

Indeed, 'multiple efforts' to create a ceasefire and subsequent negotiations failed (Chivvis, 2012: 8). The arguments regarding the demonisation of Gadaffi were correct to some extent, as the interveners could hardly allow the regime purported to have committed atrocities to dictate Libya's political future, let alone retain power, or risk perceptions of a “humiliating retreat” (Downes, 2011). One must also recall that the UN-sanctioned ICC investigation had issued an arrest warrant for Gadaffi in June, which complicated any prospect of giving up power, and was referred to as complicating any prospect for a negotiated settlement by the African Union (BBC News, 2011d).

Therefore, when it was clear dialogue would not yield results, Payaneh argues the intervener's

began to “consider regime change a necessary prerequisite for the protection of civilians and civilian populated areas in Libya” (Payandeh, 2012: 389). Negotiations were an ideal, but seemingly unattainable solution, with Gadaffi unwilling to step down as per rebel demands. Allowing Gadaffi to remain in power was a political impossibility.

'Leave them to fight their own war'

This perspective argued the intervention in Libya should have been more limited. It is argued this would have prevented diplomatic fallout regarding the controversial manner in which the intervention was carried out (Evans, 2011b: 41). However, such a proposal – just as in negotiation – would have still needed to end with regime change.

These positions assert that the intervention should have stuck strictly to its limited mandate, not directly supported the rebels and stopped short of “full war-fighting” (Ibid). Despite the assertions that civilians would only be safe without Gadaffi, it is argued civilians could have been protected without 'third parties' dictating the domestic political struggle (Welsh, 2011: 6). Indeed, recall Pattison's argument there was not just cause for regime change.

Therefore Evans argued that whilst regime change was arguably justified as an extension of protecting civilians, it would have been preferable to have conducted the intervention on a restrained basis. This would ensure the exercise was more legitimate, and put less 'stress on R2P (2011b: 42). He shows this could have been done by maintaining the no fly zone and restricting strikes to concentrations of forces clearly putting civilians at risk (Evans, 2011b: 41). Gadaffi could then have been pressured into leaving through rebel military pressure, international/regional pressure and sanctions (Ibid). Pattison similarly argued that without 'cause' to forcibly remove Gadaffi, non-violent measures such as sanctions were preferred (2011b: 4).

It is argued this approach would have better preserved the 'integrity' of R2P, which is Evan's

primary interest (2011c). However, he admits that in following these recommendations, it would have "undoubtedly have led to a more protracted, probably messier war with even more casualties, and harder domestic politics" (Ibid). Such proposals are ethically problematic.

Indeed, the main issue with this 'alternative' is there would be no guarantee that these suggestions would have resolved the crisis at all. Chatham House warned that the limited means authorised in the intervention risked stalemate, whereby Gadaffi would recover with the opposition unable to make progress, leading to intractable conflict (2011: 1). This stalemate could then have created a de-facto partition between an East-Libyan UN protectorate, and West Libya under Gadaffi's control, far from an ideal solution (Ibid).

Such outcomes would be politically disastrous, and Evans himself recognises that a longer term conflict could have been "politically impossible to sustain in the US and Europe" (Evans, 2012). As Patrick astutely noted, such limited action would have violated the R2P principles of reasonable chances of success, and the creation of a long term conflict would have meant the original intervention caused more harm than it solved, one of the criticisms levelled at the prospect of regime change in Libya (Pattison, 2011b: 4) which did not manifest itself.

Thus, the potential alternatives to the Libyan intervention were by no means ideal. They may have actually led to a long-term, intractable humanitarian crisis. Furthermore, such a politically disastrous outcome would surely not have protected R2P, but condemned it a more deleterious manner.

Whilst regime change in Libya is difficult to justify in the academic literature and led to a diplomatic backlash, it was practically the most expedient solution in ending the humanitarian crisis and civil war. Rieff may have been proven right in asserting proponents of the intervention, like Evans, did not precipitate the necessity of such an outcome (2011). The aforementioned political

connotations of the intervention will now be assessed , in determining the implications of regime change in Libya.

Diplomatic Lessons

The pronounced diplomatic fallout following Libya has emphasised the controversial nature of regime change. It is asserted R2P has been 'tarnished' by its association with regime change, not only in Libya, but also the Ivory Coast (Lynch, 2011). Evans and Thakur argue any consensus regarding R2P has been “damaged by gaps in expectation, communication, and accountability between those who mandated the operation and those who executed it” (Evans et al., 2013: 206). Indeed, China and Russia were clearly displeased with how the intervention was undertaken, which was argued to be a potential “barrier to implementation of the responsibility to protect elsewhere” (Ulfstein & Christiansen, 2013:170). Such fears were realised by the current crisis in Syria, where the unauthorised regime change in Libya has supposedly led to Russia's refusal to allow any Security Council action regarding the atrocities in Syria (Chivvis, 2012: 10).

However, despite the supposed consensus that Libya put R2P on it's “death knell” (Dunne, 2012), some scholars see such claims as exaggerated. The ongoing citing of R2P in the UN regarding crisis's since Libya demonstrate its continued influence (Ibid). Indeed, Lynch believes that the Libya precedent has, at worst, given China and Russia an excuse to justify opposing international action in Syria (2011). The blocking of action in Syria is more a cynical protection of a Russian ally, which would have occurred even without the Libyan controversy (Chivvis, 2012: 12). Indeed, fears that 2011's 'consensus' on R2P were ended by Libya, overstate the extent to which such a consensus existed (Lynch, 2011), as the Libyan and Ivory Coast interventions were authorised by the Security Council due to other factors, particularly regional organisations acting as 'gatekeepers' to intervention, without which Russia and China would surely have vetoed (Bellamy & Williams, 2011: 845).

Summary

Whilst the 'end' of R2P may have been exaggerated, it is true that in the short-medium term intervention may be less likely. Furthermore, as these perceptions have gravely damaged perceptions of the Libyan intervention, it is safe to assert regime change casts a shadow of illegitimacy over an intervention, particularly as humanitarian intent and motives become very difficult to prove.

Whilst regime change may have been necessary in Libya, in light of few viable political or practical alternatives, Eyal shows the collection of issues such as supplying arms, taking sides and aggressive political rhetoric ensured critics had enough evidence to throw doubt over the legitimacy of the intervention as a whole (2011: 61). Indeed, regardless of the justifications for regime change, the necessity of its application ensured it could have never been a 'perfect example' of R2P.

Conclusion

The facilitation of regime change in Libya has certainly demonstrated it's capacity to 'haunt' the concept of humanitarian intervention. This analysis demonstrates regime change is difficult to justify within the academic literature, and even more difficult to apply such justifications in practise.

The theoretical issues raised by this analysis require further research. Pattison's stipulation of a second 'layer' of just cause adds to an already difficult debate over the thresholds of R2P. The difficulty in distinguishing intent also demonstrates that justifications of any regime change will be ambiguous at best, as it need to be proven that the primary intention is in ending a humanitarian crisis. Indeed, if these arguments are so, one could ask how serious the atrocities in Libya would have needed to be in justifying regime change? These assertions may sound justified in theory, but their difficulty in application demonstrates these concerns cannot be addressed by abstract theory.

Indeed, in situations where the government is the party committing atrocities, such considerations ignore the reality that if a situation is severe enough to warrant intervention, restrictions on the intervener's permitted end-goals ignores the political and practical reality that these regime's will need to be changed in some form. Whilst Bellamy called for a distinction to be made between R2P and regime change (2011), in 'classic' humanitarian intervention, these distinctions will be difficult to make.

Of course, not all contexts necessitate regime change per say, but as Trim demonstrates, if there was no imperative to change a regime's policy then there would be no imperative to intervene in the first place (Trim, 2011: 393). Furthermore, if an intervener takes their commitment to the post-conflict context seriously, they would have to ensure the atrocities would not recur following an intervention, which in a situation like Libya, inevitably means some manner of regime change.

In ensuring R2P is not implicated by the regime change in Libya and the Ivory Coast, some scholars have suggested it should be 'forgotten' by the doctrine, and R2P should re-emphasise its non-military elements, such as conflict prevention (Western & Goldstein, 2013). However, such measures would merely 'hide' from the issue, and if R2P is applied in a future situation where a government is committing abuses against it's people, the same problems will re-emerge.

Indeed, analysis of regime change indicates that a hypothetical intervention in Syria may indeed be something proponents of R2P may not want to pursue, as the complicated situation on the ground and harsh Western condemnation of Assad, may mean any intervention would have no clear end goals outside of regime change. Arbour demonstrates that an intervention could not credibly purport to protect Syria's people otherwise (2013). This also demonstrates that as the motivations of many Syrian rebels are at best questionable, facilitating such a group may instantly replace Assad's regime with extremist elements, and the potential for future problems.

With regard to Libya, whilst the justifications for regime change were at best 'stretched' and at worst cover for an intention to facilitate regime change, it cannot be doubted that it also protected civilians in the short term, and ended the humanitarian crisis in the long term. The regime change was illegal and difficult to justify through R2P, but it may have been practically justified.

Whilst the implications for R2P may still prove to be costly, regime change was preferable over the alternatives of a limited intervention, or false hopes for negotiations, both of which would have led to stalemate, and most certainly more deaths. Whilst facilitated regime change had its own consequences, these considerations prove it may have also been necessary. In all decisions related to humanitarian intervention, there are rarely good solutions, just the 'least-bad' one, as Slaughter states, "welcome to the tough choices of foreign policy in the 21st century. Libya proves the west can make those choices wisely after all" (2011).

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