

The Responsibility to Rebuild and Libya

Written by Alasdair McKay

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ALASDAIR MCKAY, SEP 5 2011

The UN-mandated NATO military intervention in Libya, which has led to the imminent fall of the Gaddafi regime, has been hailed as a successful “first true test” of the Responsibility to Protect (R2P) doctrine. Such conclusions are not only imprecise, but also abundantly short-sighted. It is true that there is evidence of key principles of the R2P being fused with action by the international community in Libya, however it is also important to stress that there has only been a partial and limited adoption of the R2P thus far. The responsibilities to prevent and react, which are two of the three stages of the R2P in the International Commission on Intervention and State Sovereignty’s (ICISS) 2001 report, have been addressed, but the third stage of the R2P, “the responsibility to rebuild”, remains an ongoing issue. Arguably, the extent to which the R2P can be seen as a “success” in Libya rests largely how this part of the R2P is implemented.

In many respects, the “responsibility to rebuild” is the one of the most important parts of the R2P because it requires intervening actors to establish a clear and effective post-intervention strategy (ICISS, 2001: 39). This section of the R2P establishes three interlinked post-intervention obligations for intervening parties.

Firstly, an essential function of an intervention force should be to provide basic security and protection for all members of the state in which intervention is transpiring. This also means that intervening military forces are obliged to prevent revenge killings and even “reverse ethnic cleansing” after the initial objectives of interventions are met (ICISS, 2001: 40-41). The international community may have prevented a bloodbath in Benghazi earlier in the year, but there are post-Gaddafi scenarios which could still see mass killing of Libyan civilians transpire. For example, in a post-Gaddafi Libya the abundance of weaponry in the country could make it easy for Gaddafi loyalists to undertake campaigns of killing. In addition, a series of massacres of Gaddafi loyalists could take place for power consolidation measures. For intervention forces, the most logical measure to prevent ethnic cleansing would be to ensure that local security forces are disarmed and demobilized. However, a climate of fear may exist in post-conflict Libya, which would make it difficult for groups to relinquish their arms any time soon.

The second obligation pertains to achieving justice and reconciliation between parties. In accordance with the R2P, “external support for reconciliation efforts should be conscious of the need to encourage this cooperation, and dynamically linked to joint development efforts between former adversaries” (ICISS, 2001: 39). In Libya, the issue of administering punishment for war crimes and crimes against humanity committed in the civil war will need to be addressed. However, the largest pitfall with this area is that punishing past violence too heavily may incite more violence. Punitive measures can evoke feelings of resentment and hatred amongst those punished, and these feelings may be articulated through retaliatory violence. Restorative justice – a concept which seeks to promote reconciliation and repair the harm done between parties – should hopefully be explored in Libya when the time comes for justice to be done.

The UN and the international community have vowed to work with the National Transitional Council on the issue of administering justice in Libya, but it will be interesting to see how justice work done on post-conflict Libya will focus on reconciling parties. Unfortunately, it may turn out that punishment of elite war criminals, possibility through mechanisms like the ICC or Libya’s national courts, will take priority over reconciliation.

The final peace-building responsibility of military intervention should be to encourage economic growth and

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sustainable development. It is stipulated that intervening parties end any coercive economic measures they may have applied to the country before or during the intervention, and not prolong punitive sanctions (ICISS, 2001: 42-43). Recently, the EU lifted sanctions on Libyan ports, oil firms and banks as foreign ministers met to discuss how to help the country's transition from four decades of Muammar Gaddafi's rule. Since February, the UN, the US and the EU had all imposed sanctions on the Libyan government and select Libyan companies, which have reportedly resulted in the freezing of Libyan state assets estimated at \$120 billion. However, the removal of these sanctions will not hide the fact that Libya's economic recovery will take years with or without Gaddafi in charge.

Ultimately, with matters in Libya still in a transitional period it is difficult to see how diligently the "responsibility to rebuild" will be followed. Yet, as time passes, it may become visible that much of the "responsibility to rebuild" Libya will be placed solely with the rebels rather than with the international community, a development which could make a peaceful future for Libya a difficult endeavour to achieve in the long-term. That said, there is not a definite future yet written on this issue and the space for debate is large. From observing the Libyan episode, there are three conceptual questions that could be asked about the R2P:

- 1) When can an intervention in the name of the R2P be considered a success?
- 2) How far should international actors be involved in the rebuilding process which follows a conflict?
- 3) Are the responsibilities to "prevent" and "react" more important to the international community than the "responsibility to rebuild"?

Notes

ICISS (International Commission on Intervention and State Sovereignty). 2001. The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty Ottawa: IDRC.

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