

How to Lose a Revolution

Written by Mary Ellen O'Connell

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MARY ELLEN O'CONNELL, OCT 3 2011

Some are calling the coalition intervention that began 19 March 2011, in Libya a success. I call tens of thousands of deaths and injuries a tragedy. When such casualties occur owing to a military intervention never shown to be necessary, the intervention is a failure.

The Libyan rebels took up arms to fight Muammar Gadhafi in mid-February 2011. When they did so, they failed to take into account the loyalty, training, and resources of Gadhafi's forces. They also failed to realize that revolutions such as theirs depend on non-violence. Influenced perhaps by calls for no-fly zones and other forms of military intervention in Egypt, the Libyan rebels failed to understand both the importance of non-violence and the importance of self-reliance.

The revolutions in Tunisia and Egypt succeeded in part because regime opponents understood both of these facts. Brave individuals demonstrated peacefully, contrasting their movements with the violence, torture, and suppression of the dictatorial regimes. Egyptians and Tunisians needed no outside military intervention from the West. Such intervention would have called into question the claim to be popular movements. In this, too, the Tunisian and Egyptian opposition distinguished themselves from the dictators. The "strong" men have relied for decades on close ties to Western powers, receiving excessive military assistance.

How could any authentic pro-democracy activist agree to resort to the very means employed by the dictators for decades?

Before the rebels took up arms in Libya, fewer than 100 people had been killed. After the rebels chose war, the numbers reached around 250. Then Gadhafi made a threat to go "house-to-house" in Benghazi to end the rebellion unless fighters laid down their arms.[1] The *next day* NATO began bombing. In late August, the rebels announced that 50,000 had been killed.[2] A week later, they revised their numbers down to 30,000 killed with tens of thousands more injured.[3] Tens of thousands killed is no measure of success in a revolution that should have been peaceful.

The response to these casualty figures is often that more people *might* have been killed without the intervention. International law, however, mandates that before any resort to military force a prediction be made about the necessity and cost of war. The principle of necessity requires that even a use of force with a lawful basis in the United Nations Charter, such as Security Council authorization, must nevertheless be a last resort and have the prospect of achieving more good than harm.[4] The interveners failed at the outset to demonstrate either aspect of necessity. Serious analysis prior to the intervention would have revealed the greater likelihood for high casualties from intervention, not from the alternatives to it.

A vote was taken in the Security Council in the hours after Gadhafi's Benghazi threat; Resolution 1973 authorizes military force to protect civilians. Bombing began within hours of the vote, only one month after the civil war began, with comparisons to Rwanda and Bosnia, and President's Obama's statement that the use of force would last only a few days. These are indications that neither the Security Council nor the states involved in the intervention were focused on the test of necessity. With NATO intervention a violent insurrection that might have been suppressed in a few days gained a new lease on life.[5] Fighting is continuing after six months. And, of course, Libya is neither Rwanda nor Bosnia. Gadhafi's threat was made during the fighting of a civil war. The genocide in Rwanda and the

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massacre at Srebrenica occurred when UN peacekeepers promised to protect civilians but did not.

No account seems to have been taken of the prospects of success. Little is known about the leaders of the uprising, except many worked for Gadhafi for decades and all believe in resort to force. U.S. Secretary of Defense Robert Gates opposed the intervention as militarily infeasible. Indeed, no showing was made of how a no-fly zone or bombing would protect the civilians in Benghazi or elsewhere. Armed conflict involves killing and in most armed conflicts today, civilians die in intolerably high numbers.

Clearer of all, the intervention was anything but a last resort. Sanctions, including an arms embargo, had hardly been put in place when the bombs began to fly. There was no attempt to use peaceful means to protect civilians such as gaining safe passage out of Benghazi.[6] The rebels wanted no negotiation that might lead to Gadhafi stepping down in exchange for amnesty or a safe haven abroad.[7] The coalition became the fighting arm of the rebellion, installing a new regime amidst serious questions about their intentions and capabilities. In May, the apostolic vicar of Tripoli called the decision to bomb and the failure to employ peaceful means immoral.[8] The Arab League changed its position and called for restraint.

Chris Hedges predicts that the longer-term results of the intervention will be more death: "I know enough of Libya, a country I covered for many years as the Middle East bureau chief for the *New York Times*, to assure you that the chaos and bloodletting have only begun. ..."[9] Richard Falk predicts much the same based past interventions:

"The record of military intervention during the last several decades is one of almost unbroken failure if either the human costs or political outcomes are taken into proper account. Such interventionary experience in the Islamic world during the last fifty years makes it impossible to sustain the burden of persuasion that would be needed to justify an anti-regime intervention in Libya in some ethically and legally persuasive way." [10]

If the coalition decision for war was not focused on necessity what explains it? France's Sarkozy and Britain's Cameron led the advocacy for intervention. Both face tough political and economic situations at home. Focus on Libya and a call for humanitarianism could be helpful. In addition, Sarkozy had been badly embarrassed by his close ties to the Tunisian dictator Ben Ali. Support for war in Libya has helped his image in France.[11]

U.S. UN Ambassador Susan Rice had been in the Clinton administration during the Rwanda genocide when the U.S. supported the withdrawal of UN peacekeepers. Her references to Rwanda appear to be an attempt to remedy that past failure.

Other administration members who joined Rice's call for intervention have long academic records supporting "responsibility to protect." [12] Responsibility to protect or "R2P" has been associated with promoting resort to military force as an acceptable approach to extremely serious problems, discouraging thinking about creative, peaceful alternatives with a better chance to succeed. Did the rebels in Libya risk an uprising against the country's military because they heard calls for military intervention in Egypt and statements about "nothing off the table?" Another aspect of the failed revolution in Libya may well be the further undermining of the prohibition on force. Moreover, the coalition went beyond anything authorized by the Security Council likely undermining the authority of that body, too.

And then there is the oil. Hedges believes the intervention was always about controlling Libya's oil "despite all the high-blown rhetoric surrounding it".[13]

Gadhafi may have fled Tripoli but this fact cannot lead to the conclusion that the pro-democracy revolution was a success. The successful revolutions of the Arab Spring have been the non-violent ones.

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[1] Maria Golovnina, and Patrick Worsnip, *Qaddafi Orders Storming of Benghazi; UN Meets*, Arabnews.com, Mar. 18, 2011, <http://arabnews.com/middleeast/article320780.ece>.

[2] Kim Sengupta, *Rebel Leaders Put Libya Death Toll at 50,000*, Independent.co.uk, Aug. 31, 2011, <http://www.independent.co.uk/news/world/africa/rebel-leaders-put-libya-death-toll-at-5000...>

[3] *Libya: Estimated 30,000 Died in War; 4,000 Still Missing*, Huffington post, Sept. 8, 2011, http://www.huffingtonpost.com/2011/09/08/libya-war-died_n_953456.html.

[4] For more on the rules on the use of force in international law and their link to the Just War Doctrine, see, Mary Ellen O'Connell, *Preserving the Peace: The Continuing Ban on War Between States*, 38 Cal. Western. L. Rev. 41 (2008).

[5] See, e.g., Rob Crilly, *Libya: Benghazi about to Fall... Then Came the Planes*, Telegraph, Mar. 20, 2011, <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8393843/Libya-Benghazi-about-to-fall...-then-came-the-planes.html>.

[6] See Robert C. Johansen, *Opinion: How to Save Lives in Libya, Establish a Humanitarian Corridor Where Libyans Can Avoid Violence*, Globalpost, Mar. 13, 2011, <http://www.globalpost.com/dispatch/news/opinion/110311/liba-united-nations-gaddafi>.

[7] Mark Tran, *Libyan Rebels Protest Over African Union Peace Mission*, Guardian, April 11, 2011, <http://www.guardian.co.uk/world/2011/apr11/libya-rebels-protest-peace-mission/print>.

[8] *Prelate Questions Morality of Libya Bombings, Maghreb, European Bishops Stress Plight of Migrants*, Zenit.org, May 2, 2011.

[9] Chris Hedges, *Libya: Here We Go Again*, Nation of Change, Sept. 6, 2011, <http://www.nationofchange.org/print/1685>.

[10] Richard Falk, *Libya: Will We Ever Learn? Kicking the Intervention Habit*, Mar. 11, 2011, <http://www.noltairenet.org/article168826.html>.

[11] Pierre Tran, *Why did France Move So Forcefully on Libya?* Defense News, Mar. 28, 2011, www.defensenews.com.

[12] For more on the metamorphosis of humanitarian intervention into "responsibility to protect" or "R2P" and the concept's conflicts with international law, see, Mary Ellen O'Connell, *Responsibility to Peace: A Critique of R2P*, 4 J. Intervention and Statebuilding 39 (Mar. 2010)

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[13] Hedges, *supra* note 9.

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