

# Dissecting the international intervention in Libya

By Laura John, Castan Centre In-house Intern

A bumper crowd turned out on a cold, wet April night to hear a lively debate on one of the hottest international issues. ANU's Professor Donald Rothwell, Monash University's Associate Professor Gideon Boas and Dr Jeff Sparrow, editor of the *Overland Journal*, presented a wide range of views on the current intervention in Libya.

The intervention, authorised by the United Nations Security Council, was launched by a NATO-led coalition in response to reports that the Libyan regime led by Colonel Gaddafi was committing widespread human rights violations against its civilian population.

The conflict has raised serious questions about the legitimacy of humanitarian interventions, the interrelationship between politics and law and the perceived dominance of the United States in the international arena.

Professor Rothwell opened the debate by suggesting that the international community had two choices in the face of Colonel Gaddafi's human rights violations: sit back and watch the events unfold, or give real effect to the doctrine of humanitarian intervention.

For Professor Rothwell, the right course of action was to adopt the latter choice and authorise military intervention in Libya. He commended the Security Council's uncharacteristic speed and urgency in passing Resolution 1973 to protect the Libyan population from mass crimes. For Professor Rothwell, the resolution activated the 'responsibility to protect' doctrine and legitimised the intervention.

Associate Professor Boas challenged us to consider 'why Libya?' Undoubtedly Colonel Gaddafi had committed widespread human rights abuses against the civilian population, but these abuses have occurred elsewhere without such swift international action. Associate Professor Boas suggested that there was an inherently political element to this intervention – the United States wanted to settle long term scores with its old enemy.

As Professor Rothwell pointed out, however, the United States has only one vote in the Security Council and none of the permanent five members chose to veto Resolution 1973. For Professor Rothwell, this was indicative of agreement within the international community that action needed to be taken against Colonel Gaddafi's regime.

For Dr Sparrow, the questionable motives behind the intervention were not so easily answered and posed serious problems for the overall legitimacy of the Libyan intervention. He argued that even if the West had only good intentions for Libya, without a strategic aim or plan, good intentions would not be enough to ensure a good outcome. Dr Sparrow also questioned the degree of hyperbole involved in humanitarianism and the framing of the situation as so urgent that it required immediate action.

He suggested that the Libyan conflict had been a social revolution and that this was something the US and its allies were keen to suppress. The situation was now, he suggested, in danger of becoming a brutal civil war that would make it virtually impossible to achieve the supposed aims of humanitarian intervention.

Associate Professor Boas also highlighted some of the practical problems surrounding the intervention because of the lack of a defined mandate. He pointed to the problems that could arise if a new regime was just as abusive as Colonel Gaddafi, if the revolution turned into a dictatorship and the implications for the civilian population if a war on the ground was authorised.

All of the speakers, in particular Associate Professor Boas, pointed to the potential role of the International Criminal Court (ICC) in stigmatising and removing Colonel Gaddafi from Libya. As Associate Professor Boas noted, however, it is somewhat curious that the United States, traditionally opposed to the ICC, is now advocating for its use to bring Colonel Gaddafi to trial.

So what will be the ultimate outcome of the Libyan intervention? Our speakers were torn between hope for a better future for the Libyan people and the unlikelihood of long term regime change. Only time will tell whether Libya becomes a shining example of humanitarian intervention, or goes down in history as yet another questionable invasion of State sovereignty.

**Video of the event, together with shorter video interviews with the participants, are available via the Castan Centre website ([www.law.monash.edu.au/castancentre](http://www.law.monash.edu.au/castancentre)) and its YouTube channel ([www.youtube.com/castancentre](http://www.youtube.com/castancentre)).**



Associate Professor Gideon Boas speaks during the forum.