

# Human Rights, Humanitarian Intervention, International Politics and, US Foreign Policy

## A Feminist Normative Analysis of the Libyan Intervention

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In recent years, there have been a number of military humanitarian interventions on the African continent, including in Mali, Côte d'Ivoire, and Libya—the latter of which the United States played a major role. A military humanitarian intervention is one that involves military action but is carried out for humanitarian reasons.<sup>1</sup> The Libyan intervention was billed to protect civilians against the backdrop of the Libyan government's crackdown on mass protests for democratic reforms in 2011 as part of the so-called Arab Spring. Entire cities and sections of the country faced the threat of a possible government onslaught. Thus, the United States pushed for the passage of United Nations Security Council (UNSC) Resolution 1973 that authorized the use of any means necessary to protect the civilian population.<sup>2</sup> This effort paved the way for the involvement of a coalition of several nations, garnered some international support for, and provided a cloak of legitimacy for the operation. France and the United Kingdom carried out the initial air strikes meant to enforce the no-fly zone that prevented Col Muammar Gaddafi from launching bombing campaigns against segments of the Libyan population, especially in Benghazi. US and North Atlantic Treaty Organization (NATO) forces later anchored the operation.

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This intervention is particularly interesting when viewed in the context of the recent history of violence-driven humanitarian crises on the continent of Africa. After its unsuccessful military humanitarian intervention in Somalia, the United States chose to pass on other cases such as Rwanda, Darfur, and the Democratic Republic of Congo (DRC). The 1994 genocide in Rwanda, in which almost a million Tutsis were slaughtered in about three months, represented such a failure on the part of humanity at large for standing idly by while this happened, that it popularized the human rights norm of responsibility to protect (R2P).<sup>3</sup> The norm requires other nations to intervene, militarily if necessary, to protect a population against gross human rights violations and mass atrocity crimes, if a state has failed to do so, or is the actual violator. In such an instance, the state is considered to have forgone its right to sovereignty. The idea of R2P has in turn led to calls from activists, governments, regional organizations, and others to members of the international community and particularly the US government to engage in military humanitarian interventions.

Foreign policy practitioners, decision makers, and observers alike are to varying degrees concerned about US foreign policy regarding humanitarian interventions. Some of the contentious issues involve: whether human rights concerns are even compatible with foreign policy; whether the United States can afford humanitarian interventions; and the selectivity versus consistency debate—why the United States chooses to intervene at certain times or in certain contexts and not others.<sup>4</sup> However, a feminist perspective and a gender lens expand this debate beyond concerns of affordability, compatibility, and consistency versus selectivity, including concerns about the gendered nature of humanitarian intervention and to question the security discourses associated with such interventions. This article is primarily concerned with the following question: what is the feminist normative perspective on the US policy of humanitarian intervention in general and the Libyan intervention in particular? It seeks to answer this question by providing a feminist normative assessment of the Libyan intervention through a discursive analysis of UNSC Resolution 1973 and related public statements by key US officials, using critical moral ethnography.

The resolution serves as an appropriate analytic site for a number of reasons. First, under international law, it legitimizes the Libyan intervention and grants the intervening forces legal authority. Second, its passage represents the first implementation of the R2P norm adopted as UNSC Resolution 1674 in 2006, which affirmed the UN's "responsibility to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity."<sup>5</sup> Third, US involvement in the passage and implementation of Resolution 1973 demonstrated the Obama administration's commitment to multilateralism and burden sharing as expressed

in the 2010 National Security Strategy, and therefore provides an avenue for analyzing contemporary US policy on humanitarian intervention.

### Human Rights and US Foreign Policy: Compatibility, Consistency, and Selectivity

Repeated calls that the United States intervene in humanitarian crises around the world raise the issue of the compatibility of human rights concerns and responsibility to others with US foreign policy. Within human rights and IR scholarship, Donnelly identifies three arguments often put up against emphasizing human rights in foreign policy.<sup>6</sup> First, the realist argument reduces international politics to a pursuit of power and the national interest (defined in material terms) among states in an anarchic environment. Therefore, concern for human rights that does not serve the national interest is problematic and weakens a state.<sup>7</sup> For realists, human rights concerns are moral concerns that should be excluded from foreign policy considerations, or at least deemphasized, except when there is a strategic advantage to do so.

Second, statist or legalist arguments privilege sovereignty and state rights over human rights concerns, arguing that the human rights practices of any given state is its prerogative, and any interference with its internal affairs by other states is a violation of its sovereignty.<sup>8</sup> A third argument against the compatibility of human rights and foreign policy is the relativist or pluralist argument, based on the principles of self-determination, international pluralism, and respect for cultural diversity. Any attempt to interfere with the human rights practices of other peoples is deemed moral imperialism.

In practical terms, US foreign policy practitioners and decision makers fall into three camps: those who favor active international involvement, those who do not,<sup>9</sup> and a third, who foster active international involvement through multilateralism. Members of the first group have a variety of motivations, one being that US involvement would lead to overall good for the world. They argue that “order and peace would be stimulated by the dissemination of the notions of liberty and democracy. Attention to human rights in world politics would lead to the dissemination of these notions.”<sup>10</sup> Another reason is they believe it is in the national interest of liberal democracies to spread their norms and values around the world, including human rights norms.<sup>11</sup> Those who oppose active international involvement on the other hand, believe that US moral leadership is best expressed internationally by perfecting American society at home and serving as an indirect example to the world.<sup>12</sup> Those who favor multilateralism argue that it is a better way to exercise both American strength and moral leadership, by carrying other na-

tions along. Presidents of the United States have often fallen into one of these three camps. Examples of inward-looking presidents include Washington and Jefferson.<sup>13</sup> Modern presidents from Woodrow Wilson to Barack Obama have favored greater US involvement in the world, often involving human rights concerns, but have differed on how this involvement is expressed. Ronald Reagan and George W. Bush were more unilateralist for example, while George H. W. Bush and Obama were more multilateralist.<sup>14</sup>

A second debate involves selectivity versus consistency. There is no shortage of accusations that US foreign policy over the years has lacked consistency when it comes to issues of human rights.<sup>15</sup> This usually pits utilitarians, who are “concerned with calculating relative costs and benefits, rather than rigidly following a moral law” against cosmopolitans, who emphasize a moral responsibility to all who suffer injustice, including human rights violations.<sup>16</sup>

The United States has chosen several ways to be selective in its foreign policy in general, and with respect to human rights in particular. First, it chooses to criticize the human rights records of some rights-violating countries and not others. For various strategic reasons, the United States has often chosen to ignore the poor human rights records of despotic leaders and in many cases even propped up some of those regimes. Examples include Egypt, Yemen, and Bahrain, whose populations in the wake of the Arab Spring clamored for change; Pakistan, which was under a military dictatorship for a long time and where the military continues to hold significant political power; and presently in sub-Saharan African countries such as Uganda, and in the recent past, Ethiopia, the DRC and Liberia. The United States has also chosen to maintain economic relationships with countries like China, Saudi Arabia and Kuwait, irrespective of their human rights records.<sup>17</sup> Second, the United States emphasizes certain human rights and not others. For example, the United States chooses to emphasize civil and political rights, such as the right to vote and to own private property, while ignoring social, cultural and economic rights such as the right to basic education, food and labor rights.<sup>18</sup> Third, and perhaps most controversial, is the choice of whether or not to embark upon a military humanitarian intervention. In recent times, the United States has been criticized for choosing to militarily intervene in certain cases of egregious human rights violations, including genocide, and not others.<sup>19</sup> It intervened in Kosovo and Somalia, for example, but passed on Rwanda and Darfur.

It is important to note that feminist IR scholarship has expanded the debate surrounding humanitarian intervention vis-à-vis foreign policy beyond the aforementioned concerns to include discussions about feminizing the state, and post-colonial concerns of imperial domination. The next section is devoted to a review of feminist security scholarship on military humanitarian intervention.

## Feminist International Relations and Military Humanitarian Intervention

Feminist IR scholarship is rooted in the epistemological commitment of using gender as a category of analysis.<sup>20</sup> Feminists understand gender to mean the socially constructed characteristics (a set of discourses) that are presumed to be related to biological sex differences between men and women, that in turn lead to the superimposition of masculine characteristics, such as “strength, protection, rationality, aggression, public life, domination and leadership” on men, and feminine characteristics, such as “vulnerability, emotion, passivity, privacy, submission and care,” on women.<sup>21</sup> This distinction between masculinity and femininity is not value-neutral, as masculine traits/masculinity are valorized and feminine traits/femininity are devalued in social and political life.<sup>22</sup> Therefore, “to feminize something or someone is to directly subordinate that person, political entity, or idea, because values perceived as feminine are lower on the social hierarchy than values perceived as neutral or masculine.”<sup>23</sup> Thus, feminists argue that a lot of social and political life and in fact, international politics, is based on “stereotypes, behavioral norms, expectations, and rules assigned to men and women,”<sup>24</sup> and is therefore gendered.

Central to discourses of intervention, humanitarian or otherwise, is the idea of sovereign statehood, which historically has had varying meanings as monarchical sovereignty gave way to popular sovereignty.<sup>25</sup> It is intertwined in what international relations professor Cynthia Weber calls the sovereignty/intervention boundary.<sup>26</sup> She argues that while the belief that sovereign authority resides in the people is now widely accepted, understandings of sovereignty in relation to representation and “just who the people are and who can legitimately speak for them” are constantly contested and constructed in international practice.<sup>27</sup> Thus, the intervening masculinized state(s) acting on behalf of the international community, and on behalf of a universalized/masculinized idea of “the people” represented by man as a liberal democratic citizen, seize(s) authority and control from a government/state that is seen as no longer a legitimate representative of its people. This in turn rewrites the sovereignty and identity of the now feminized state upon which the intervention is carried out. To be clear, feminist scholars have portrayed the state as masculine and the purveyor of patriarchy and male dominance.<sup>28</sup> Also, atrocities and violence against women are often the result of competing masculinities.<sup>29</sup>

Amidst the masculine domain of the state, however, there is a degree of masculinity, such that more powerful states are able to dominate and feminize weaker states.<sup>30</sup> L. H. M. Ling, an international affairs professor at The New

School, demonstrates such gradated masculinities in the West's response to the Asian financial crisis of 1997 to 1998, in part a result of Asian capital adopting the hypermasculinized competition learned from the West. However, the West, through the liberal international order, responded by proposing reforms that led to buying up Asian capital at bankrupt prices, thereby disciplining Asian capitalism and using reforming crony capitalism as the operating logic through which Western dominance was reasserted.<sup>31</sup> This move proceeded to "(re)feminize Asia by discrediting the region's claim to a muscular, alternative capitalism."<sup>32</sup>

Returning to the issue of intervention, while on the surface it appears laudable that helpless people are being protected from the dangers posed to them by their state, feminist interrogations ask such questions as: Who are the people on whose behalf intervention is carried out? Where are the women? Why this particular state and why now? V. Spike Peterson, a School of Government and Public Policy international relations professor at the University of Arizona, argues that the modern state structure as currently understood is gendered, with a masculine gender identity of sovereign state equivalent to sovereign man, masculinist state power "variously construed and/or manifested as authority, autonomy, sovereignty, or political identity."<sup>33</sup> This gendered state in turn reinforces dichotomous constructs like us/them, public/private, masculine/feminine, protector/protected.

Humanitarian intervention is usually hinged on the idea of protecting vulnerable civilians often portrayed as women and children. This has been problematized by feminist scholars as an example of essentializing and dichotomizing discourse that, on the one hand portrays women as necessarily pacifist, and on the other, serves as questionable justificatory logic for interventions.<sup>34</sup> For example, to gain support from women's groups for the war in Afghanistan, the Bush administration gave, as one of its reasons for going to war, the liberation and protection of Afghan women from the draconian policies of the Taliban;<sup>35</sup> however, earlier attempts by feminist groups to call attention to the plight of Afghan women were ignored by the administration. In her discussion of the productive nature of the discourse surrounding who is civilian, political science professor Helen Kinsella argues that the shifting definition of noncombatants (who deserve protection during war) from Grotius's "innocents" to the current accepted understanding of "civilians" as "women, children, old people and the sick," invariably leads to discriminating against combatant women and failing to protect noncombatant men.<sup>36</sup> Men of fighting age are presumed to be combatants regardless of their actual deeds leading to disastrous consequences. Examples include the massacre of noncombatant men in the Balkans,<sup>37</sup> and the various cases of the US government picking up noncombatants with no hostile intentions towards the United

States as prisoners of war from Iraq and Afghanistan, many of whom ended up in Guantanamo Bay.<sup>38</sup>

Therefore, gendered understandings of war (based on social and cultural interpretations of sex that portray women as weaker without the mental capacity to make decisions about war) leads to the exclusionary and discriminatory treatment of women, which in turn “prevents demobilized female combatants from receiving appropriate resources after conflict, and often hinders their successful reintegration within society.”<sup>39</sup> In addition to unease about women being left out of the peace process in the aftermath of a military humanitarian intervention, feminist scholars and activists are also concerned that the intervention does not harm or worsen the lot of women.<sup>40</sup> This concern is born out of the empirical reality that the security of women is significantly linked with the peacefulness of states, as well as the fact that the death toll on women resulting from all known cases of violence against women in the twentieth century dwarfs the known death tolls of all wars combined.<sup>41</sup>

Finally, a postcolonial feminist analysis of military humanitarian intervention would explore the racialized, gendered and class bases of power obscured and naturalized by traditional studies of world politics. It would interrogate the cultural politics of the colonial past, postcolonial present, and the accompanying contestations of global hierarchy built on colonial historical practices and imperialism.<sup>42</sup> A postcolonial feminist analysis addresses how colonial historical practices shape world politics and the exercise of power in global, national, and local spaces, thus calling attention to the Eurocentrism embedded in the more powerful, masculine, Western state carrying out intervention against the less powerful, feminized, non-Western state. For example, discourse surrounding the EU’s late response to the Arab Spring uprisings in general, and to the Libyan crisis in particular, has focused not on humanitarian concerns but on the need to project power and assert itself as a strong player in its neighborhood.<sup>43</sup>

### **Methodology: Feminist Normative Political Theory**

Feminist normative inquiry is concerned with the sociological analysis of gendered power relations with an emphasis on its practical implications for justice.<sup>44</sup> Therefore, feminists interested in the ethical dimensions of IR must be willing to take on extensive sociological, ethnographic or economic research.<sup>45</sup> It is “gender-focused but not exclusively women-centered.”<sup>46</sup> Care ethicist Fiona Robinson argues that feminist normative theorizing has three main characteristics.<sup>47</sup> First, it adopts a relational ontology. Second, its analysis reflects critically on the consequences of the social (or other) arrangements being studied using a par-

ticular feminist moral framework—an ethic of care. Third, it is based on a view of ethics that is different from the theoretical juridical (depicts morality as a set of law-like propositions that prescribe the behavior of a fully-formed moral agent) but instead is expressive-collaborative—culturally situated, practical, and interpersonal.

Adopting a relational ontology entails “regarding individuals as existing in, and morality arising out of, personal and social relations.”<sup>48</sup> It involves recognizing that humans are both individual and social beings and therefore thinking of rights as relationships,<sup>49</sup> and avoiding the dominant male-centered analysis that emphasizes individualism, rationality, autonomy, and independence.<sup>50</sup> Thus, an ethic of care—based on the empirical reality that women define themselves in terms of human relationships and judge themselves on their ability to care—views rights as a legal, political and moral concept. Critically interrogating the consequences of social arrangements requires rejecting the idea common in traditional normative theory and rights-based philosophy that morality and ethics are distinct from the empirical world of politics and power. Instead, feminist normative theoretical analysis is based on “recognition of the intrinsic and inextricable relationship between ethics and politics/power.”<sup>51</sup>

Consequently, feminist ethical analysis must uncover gendered arrangements underlying accepted moral understandings and the authority structures that produce and support them; investigate the social sites of such moral views and the power relations embedded therein; be empirically grounded;<sup>52</sup> and include discursive analysis “of the moral language used in local, legal, religious, customary, or policy documents, and the implications of that language for distributions of power and responsibility, and the existence or lack of consensus, participation, and trust of all actors involved.”<sup>53</sup> It deviates from the universal, generalizable, abstract metatheorizing of traditional normative theory based on “canonical western moral philosophy—philosophical reflection of moral problems, supported by the work of other moral philosophers.” Rather, it is socially situated and focused on everyday contexts.<sup>54</sup> Examples of such metatheorizing regarding humanitarian intervention by traditional normative theorists can be found in the works of John Rawls and Peter Singer.<sup>55</sup>

Robinson argues that in practice the feminist normative approach outlined above entails two kinds of methods: *critical moral ethnography* and *mapping geographies of responsibility*. This article focuses on the former in its analysis of the Libyan intervention. Critical moral ethnography involves two related aspects. First, it demands “an awareness of, and exploration into, the sociopolitical and cultural context in which moral contestation is taking place.”<sup>56</sup> Therefore, a discussion about rights, for example, would require asking: whose idea of rights is



promoted, for what purpose are they being promoted, and for whom? Relevant to this article, it also involves a discursive analysis of the use of rights language in policy documents.<sup>57</sup> In this case, the policy document is UNSC Resolution 1973, which authorized the Libyan intervention. Secondly, it “requires looking critically, in the hope of moving toward transformation,” upholding the idea of moral criticism while eschewing moral objectivity.<sup>58</sup> Selma Sevenhuijsen, a professor in ethics and the politics of care in the Netherlands, et al., applies critical moral ethnography to the study of South African social welfare policy.<sup>59</sup> Through a discursive analysis of a policy document—*The White Paper for Social Welfare*—they uncover its contradictions using a feminist ethic-of-care lens. While the document uses language that espouses social justice principles, they reveal that it places care within the framework of the family, which is ill-equipped to adequately address the society’s welfare needs. Thus, they argue that care be “positioned in notions of citizenship rather than family or community.”<sup>60</sup> In the next section, this kind of discursive analysis is applied to the Libyan intervention, focusing on the authorizing document, as well as American policy in its drafting and implementation as articulated by key US officials.

### US Foreign Policy, UNSC Resolution 1973, and the Libyan Intervention

UNSC Resolution 1973 was adopted on 17 March 2011 following calls from various segments of the international community and within the US government (like Senators John McCain and Lindsey Graham) for intervention in Libya.<sup>61</sup> Representatives of the Arab League on various news outlets called for the United States to enforce a no-fly zone in Libya to prevent Gaddafi from carrying out aerial attacks on the opposition stronghold of Benghazi. The Arab League also officially called on the UN to take on the responsibility to protect civilians at risk. In addition, the Peace and Security Council (PSC) of the African Union expressed concern regarding the situation in Libya and set up an ad-hoc high-level committee to produce recommendations on how to resolve the crisis. Listed among the elements of a roadmap for the way forward in Libya agreed to at a 10 March 2011 meeting of African heads of state and the PSC was “dialogue between the Libyan parties and establishment of a consensual and inclusive transitional government.”<sup>62</sup>

Given what was often portrayed in the media as a vacillating response by the United States to the uprising in Egypt, a recognition of the prevailing state of US public opinion on foreign wars and foreign interventions, and a commitment to multilateralism and burden sharing as expressed in the 2010 National Security

Strategy, the Obama administration, through UN Ambassador Susan Rice, pushed for an international response approved by the UN Security Council.<sup>63</sup> The result was UNSC Resolution 1973. In the UNSC vote that authorized the resolution, there were 10 in favor (US, UK, France, Lebanon, Bosnia and Herzegovina, Colombia, Portugal, Nigeria, South Africa, and Gabon), three of whom were the permanent members, and five abstentions (China, Russia, Germany, India, and Brazil). China and Russia, both permanent members, have traditionally opposed military intervention. Among the many concerns that abstaining countries had were the following: the need for a peaceful resolution to the situation and the unintended consequences of armed intervention; unanswered questions about the specifics of how and by whom the provisions of the resolution would be implemented; concerns that the vote needed to be put off until the UN secretary general's appointed envoy to Libya, Abdel-Elah Al-Khatib (who was appointed on 11 March) returned with his report of the situation on the ground; and concerns that the provisions in the resolution went beyond what was needed to protect civilians.

It is important at this juncture to note that the United States and Libya have shared a complex bilateral relationship that proceeded in four stages.<sup>64</sup> The first stage was with the Libyan monarchy from the country's independence until the revolution in 1969 that brought Gaddafi to power; the second was a period of active hostility between both countries during which Libya was considered a state sponsor of terrorism by the United States; the third stage was a period of rapprochement beginning in 2003 during which key US officials visited Gaddafi, including former Secretary of State Condoleezza Rice in 2008, and Senators John McCain, Lindsey Graham, Joe Lieberman and Susan Collins in 2009; and the fourth stage was the period beginning in 2011 with the popular uprising and opposition movement against Gaddafi's government.

To get Gaddafi to back down from his crackdown on the opposition, the UNSC adopted Resolution 1970 on 26 February 2011, which referred the situation in Libya to the International Criminal Court, imposed an arms embargo and other arms restrictions on the Libyan government, imposed target sanctions against key figures within the Libyan regime, provided for humanitarian assistance to areas of need in Libya, and committed to further review of the situation in Libya.<sup>65</sup> However, by March, Gaddafi's obstinacy had made him a political liability both at the UN and within the Arab League, even though despite his dismal human rights record as a dictator, he had enjoyed normal diplomatic relations with a majority of countries, including the United States. It is clear that it had become politically expedient to disavow Gaddafi, given the empirical fact that in nearby Sudan, President Omar Bashir's government had also been killing in-

nocent civilians in Darfur without receiving the same kind of attention from the international community. Therefore, Resolution 1973 was adopted. This analysis here is not an absolute condemnation of Resolution 1973, for it may indeed have saved some lives. Had such a concerted effort of international action been pursued in Rwanda or Sudan for example, massacres may have been prevented. The Libyan crisis, like in many other similar cases, is rife with grey areas and ambiguities that make clear-cut, right-wrong, declaratory moral statements difficult. Rather, this article pursues a critical analysis that interrogates the silences, contradictions, and omissions within the document, with a view to a transformation and improvement of the process in future cases demanding international action.

The language of UNSC 1973 expressly states that the intervention was to be carried out as a result of growing concern over “heavy civilian casualties,” to “ensure the protection of civilians,” and in response to the “demands of the Libyan people.” Adopting a feminist lens leads one to ask: who are the people, who are the civilians, and of course, feminist theorist Cynthia H. Enloe’s famous question, “where are the women?”<sup>66</sup> By adopting the kind of universalizing language stated above, the resolution is gendered as it makes no mention of women, thus naturalizing their absence and implied sameness to men. This silencing is of particular importance given that women were prominently involved in the protests and uprising against the Gaddafi regime.<sup>67</sup> There is at least one documented incident of a woman, Iman al-Obeidi, who claims to have been targeted and raped precisely because of her involvement in the protests.<sup>68</sup> There are also reports of women being raped by Gaddafi’s troops on his orders, and some legal advocates argue they should be treated as wounded combatants, not as war victims.<sup>69</sup> When the situation deteriorated into a full-blown civil conflict between the opposition and the Libyan government, many women in Benghazi, particularly those whose friends and family members were fighting the Libyan government, were actively involved in supporting the efforts of their male counterparts.<sup>70</sup>

Additionally, the omission of women runs counter to the aims of UNSC Resolution 1325, which specified the need to consider gender in all Security Council decision making, especially regarding issues of conflict, security and peace, and their impact on women in conflict zones.<sup>71</sup> “It calls for the prosecution of crimes against women, increased protection of women and girls during war, the appointment of more women to UN peacekeeping operations and field missions, and an increase in women’s participation in decision-making processes at the regional, national and international level,” as well as “outlines actions to be taken by the secretary general, the Security Council, UN departments and member states to “mainstream gender” into peace and security policies and practices.”<sup>72</sup> These include incorporating a gender perspective into all UN peacekeeping operations

and providing for the protection, rights, and particular needs of women. These stipulations are missing from Resolution 1973.

The use of the blanket term *civilians* is problematic in a variety of ways. First, as discussed earlier, it has implications for who benefits from demobilization resources when hostilities cease, who is invited to peace talks, and could lead to discriminating against combatant women and inadequately (or not) caring for noncombatant men.<sup>73</sup> Such contestations later became obvious as the new Libyan government tried to quell conflicts between various factions of former rebel fighters.<sup>74</sup> Without expressly mentioning women, there is the naturalized, depoliticized assumption that all women are civilians and noncombatants. Furthermore, the principle of distinction (between civilian and combatant) is the lynchpin of international law especially as it relates to the laws of war and forms the basis for assigning responsibility for war crimes committed against civilians.<sup>75</sup> In a time of asymmetric warfare, the success or failure of military operations depends in large part on the ability to target combatants pretending to be civilians while evading their attacks.<sup>76</sup> Resolution 1973 fails to uphold the principle of distinction.

Secondly, the resolution appears to, on the one hand, use the term *civilians* and *civilian-populated areas* to refer to all who opposed Gaddafi, not delineating between combatants and noncombatants. This is empirically inaccurate. Granted, it is the nature of modern urban warfare that there are no clear-cut battle lines, and fighting often takes place in residential areas, but in Benghazi, the population was not all civilian. It was made up of armed combatants and noncombatants all dressed as civilians. The combatants were battling the Libyan government, albeit outgunned and without clearly marked military uniforms, but they had confiscated munitions from formerly government-controlled munitions depots. On the other hand, this empirical muddling is further exacerbated by the contradictions within the resolution. It includes references to “an immediate cease-fire,” “the cessation of hostilities,” “a cease-fire and a complete end to violence,” which imply an armed struggle between at least two sides. It also called for an arms embargo against the Libyan government, while there were considerations among drafters and signatories to the resolution about arming rebels that were supposedly civilian.

Thus, while the resolution contains a crucial omission/silencing—a failure to acknowledge the existence of an armed opposition—public officials of the key architects of the document (US, UK, and France) were in negotiations with representatives of the Libyan opposition (often referred to by the same officials as rebels), and there were discussions about whether and how to arm them.<sup>77</sup> US Secretary of State Hillary Clinton argued that the United States had a right to arm the rebels despite its apparent illegality given the arms embargo on Libya imposed by Resolution 1973, precisely because of the resolution’s broad language;

and when asked, President Barack Obama said he was not ruling it out either.<sup>78</sup> To compound the contradictions, earlier in 2009 during a meeting between a McCain-led Senate delegation and Gaddafi, as well as his son Mutassim Gaddafi, then Libya's national security adviser, McCain promised to ensure that the United States supplied Gaddafi with military equipment and weapons in light of a new burgeoning bilateral relationship after Gaddafi gave up his weapons of mass destruction.<sup>79</sup> McCain later denied following up on the promise. However, soon after the military intervention began, he visited rebel-controlled areas, calling specifically for the use of US airpower against Gaddafi, accusing him of having American blood on his hands (in reference to the 1980s Lockerbie bombing widely believed to be masterminded by Gaddafi) and conveniently forgetting his earlier promises and favorable comments about the dictator.<sup>80</sup>

Eventually, France, as well as Egypt (with the US blessing), supplied arms to the Libyan rebels,<sup>81</sup> and NATO provided the necessary air cover through air strikes in the final days of the Gaddafi regime that handed the rebels their victory.<sup>82</sup> Arguably, if the goal of Resolution 1973 was to enforce a peaceful resolution to the Libyan crises, its implementation failed in doing so, as the arms of one faction were effectively taken away while the other faction was supplied with arms. The UNSC and its agents are charged with ensuring international peace and security, not increasing the insecurity of civilians, especially women, who bear the brunt of any armed conflict.<sup>83</sup> Therefore this strategic nonacknowledgment of an armed opposition while simultaneously supporting it, fosters militarism, defined as “the blurring or erasure of distinctions between war and peace, military and civilian.”<sup>84</sup>

This is not to say that the Libyan government's legitimacy wasn't questionable given that Gaddafi had effectively declared war on segments of the country instead of seeking peaceful ways to address their grievances. Nevertheless, the UNSC, United States, France and United Kingdom obscuring the true state of affairs—that it had become a civil conflict with two sides, one less armed than the other—is not any more justifiable. While there were some civilians who were truly in danger of being attacked, others being called civilians had taken up an armed rebellion against their government, including some defectors from the Libyan military. Therefore, the real aim was regime change in Libya, and a military humanitarian intervention paved the way to make that possible. No wonder then that Lt. Gen. Charles Bouchard, commander of Operation Unified Protector (the NATO operation that carried out the military mandate of Resolution 1973) in declaring the mission a success at its conclusion in October 2011, acknowledged that NATO air strikes created an environment that made it possible for Libyan rebels to topple Gaddafi's government: “I believe at the end of the day,

7 months was a very short period of time to watch a force organise themselves from a disorganised group to a group that was able to defeat the regime.”<sup>85</sup>

## Conclusion

The purpose of this article was to make a feminist normative assessment of contemporary US policy of humanitarian intervention by studying the Libyan case through a discursive analysis of UNSC Resolution 1973, and the statements and actions of relevant US officials. The article began within the debates of compatibility of human rights concerns with foreign policy, consistency, and selectivity, all present in human rights scholarship. Then, it reviewed feminist IR scholarship on military humanitarian intervention and the feminist normative theoretical approach. Then, that approach was applied to critically analyzing the UNSC resolution that authorized the Libyan intervention. Such feminist curiosity shows that while the document uses rights-based language and makes references to universally accepted norms like protecting civilians and non-combatants, it is particularly silent about women.<sup>86</sup> Also, by not acknowledging that a segment of the opposition was engaged in armed struggle against the government—in fact they were rebel forces—the resolution obscures the true nature of the Libyan crisis and promulgates militarism. Additionally, it facilitates the use of the term *humanitarian intervention* evidenced in the NATO name of the operation (Operation Unified Protector), while obfuscating the militaristic nature of the exercise, that this was in fact a war. Feminist normative theoretical analysis is meant to make visible these omissions, silences and contradictions. If indeed peace and security were the aims of the intervention, disarming both sides and bringing the parties to the table for a peaceful resolution would have been of foremost concern. This is precisely what future applications of the R2P norm should strive to achieve.

Events since the first version of this article was written support this analysis. The attacks on the US consulate in Benghazi that resulted in the death of US ambassador Christopher Stevens have since been linked to terrorists with possible al-Qaeda connections.<sup>87</sup> While the details regarding the attack are still contested, the presence of armed militias that were not disarmed as part of the military humanitarian intervention would have only worsened the security situation in Libya. Also, insurgents in Northern Mali, who successfully battled the Malian government, have been linked to groups with heavy weapons from Libya.<sup>88</sup> Therefore, it is interesting to note that in the Senate hearings on the Benghazi attacks, the focus was on whether or not Clinton failed in her duties as secretary of state by not providing additional security at the consulate as requested by Ambassador Stevens. There was no debate about the appropriateness of an intervention policy

that involved violating an arms embargo to arm rebels without simultaneously ensuring that those weapons are secured after the fighting.

Finally, as the events in Libya unfold, it is important to keep asking the questions: who are “the people,” who are the civilians, and where are the women? Only time and a post hoc analysis will tell if the women will become visible and if they would be incorporated into the democratic process; or who the people who fought Gaddafi really are. Early indications are that some of the rebels may be individuals who had fought against the United States and its allies in Iraq and Afghanistan.<sup>89</sup> Additionally, Libya has been mired in political instability and a civil war since the toppling of Gaddafi as the country’s internationally recognized government continues to battle several Islamist insurgencies.<sup>90</sup> Thus, is the uncanny nature of unintended consequences. For US foreign policy, it appears to be yet another example of previous cases of unintended consequences resulting from arming rebels.

## Notes

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