

Our duty to protect the Libyan people

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(...) International law does not require the world to stand by and do nothing as civilians are massacred on the orders of Colonel Gaddafi, and as Libya slides towards a brutal civil war involving the unrestrained and systematic violation of basic human rights. The images from Libya are shocking, and they add to the many appalling accounts from witnesses on the ground.

These have been supplemented for us by Hisham Matar, the distinguished Anglo-Libyan novelist whose father was "disappeared" by Gaddafi more than two decades ago. Living in London, a model of calm and understatement in the face of his own experiences, he has first-hand experience of how the regime operates. He is also in direct contact with family members who were, as he puts it, just a few days ago running small businesses or attending university but are now – armed with old hunting rifles – standing up to Gaddafi's well-equipped army, which is largely made up of hired, foreign mercenaries. (...)

(...) They also call for something else: while no one wants foreign troops on the ground – Libyan memories of colonialism remain vivid and dire – they do want an enforceable no-fly zone to stop the attacks from the air. And they want to be able to have the arms necessary to play their part in enforcing a no-fly zone and to protect themselves from Gaddafi's attacks.

The opposition faces many difficulties, but right now one of them is UN security council resolution 1970, adopted unanimously just 10 days ago. It includes travel bans and asset freezes, and refers the situation in Libya to the prosecutor of the international criminal court, who will now investigate for international crimes. These are welcome developments. But the resolution also includes an arms embargo that appears to prevent the supply of arms "to the Libyan Arab Jamahiriya", apparently embracing both sides of the conflict as the Bosnian arms embargo did so catastrophically in the early 1990s.

More ominously, the resolution includes a line in its preamble that was inserted by Russia to avoid any possibility that Britain and the US could claim – as they did with Iraq – that the Security Council had justified the use of military force when it had patently not done so. The effect of that provision is to prevent any military action – even a no-fly zone – aimed at halting

more crimes against humanity.

It would be tragic for the Libyan people if the shadow of Iraq were to limit an emerging "responsibility to protect", the principle that in some circumstances the use of force may be justified to prevent the massive and systematic violation of fundamental human rights. And it would be cruel in the extreme to subject Libyans to the consequences of extending the Gaddafi regime's life, preventing them from following in the steps of Tunisia and Egypt. Avoiding such a situation requires further measures.

What needs to happen? At a minimum, the opposition in Libya must form an effective and unified transitional authority that will be recognised by foreign governments. A new Security Council resolution must be adopted now, to provide for urgent humanitarian assistance to be made available to the opposition, to establish a no-fly zone, and to allow the opposition to contribute to the enforcement of such a zone and their own self-protection by allowing them to be supplied with appropriate arms. And steps need to be taken to investigate criminal behaviour by the regime and anyone who lends it support, including foreign mercenaries.

Following the debacle of Iraq, none of this can be led by Britain and the US. But having propped up a regime associated with the murder of WPC Yvonne Fletcher and with Lockerbie, as well as disappearances and other intolerable cruelties perpetrated on the people of Libya, the least we can do is to provide ideas and active support to the Arab League, African Union and Gulf Cooperation Council. (...)

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