# Perilous NoninterventionS? The Counterfactual Assessment of Libya and the Need to Be a Responsible Power

Professor James Pattison, University of Manchester

Abstract (150) words: This article argues that Hardeep Singh Puri’s *Perilous Interventions* fails to fully grasp the risk of perilous *non*intervention. It makes two central points. First, the fallacious critique of intervention reflects a worryingly narrow understanding of the R2P, particularly its third pillar, which overlooks the contributions that the R2P can make more generally. Second, Puri’s account highlights a clear lack of responsible leadership on behalf of India, in particular in relation to its failure to support fully the ‘Responsibly while Protecting’ proposal and lack of critique of the foreign policy of Russia.

Keywords (4-6) - suggested

Hardeep Singh Puri; *Perilous Interventions*; India; Indian foreign policy; Responsibility to Protect; Responsibly while Protecting

Bio (4-6 sentences max)

James Pattison is Professor of Politics at the University of Manchester. His work focuses on the ethical issues surrounding conflict, at the intersection between political philosophy and International Relations. Pattison has written two books (both with Oxford University Press) and published over 20 journal articles since 2007, including in *British Journal of Political Science, Ethics & International Affairs,* *European Journal of International Relations*, *International Theory*, *Journal of Political Philosophy*, and *Review of International Studies*. He currently co-edits a book series on War, Conflict, and Ethics (with Michael Gross) for Routledge. He is currently writing a book, provisionally entitled *Just and Unjust Alternatives to War* (undercontract with Oxford University Press). This considers the ethics of the measures in response to mass atrocities and conflict, instead of direct military intervention or war. These measures include diplomacy, naming and shaming, economic sanctions, arms embargoes, nonviolent resistance, arming rebel groups, and inducements.

Affiliation:

University of Manchester, UK.

Email:

james.pattison@manchester.ac.uk

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**Perilous Noninterventions? The Counterfactual Assessment of Libya and the Need to Be a Responsible Power**

Hardeep Singh Puri’s *Perilous Interventions: The Security Council and the Politics of Chaos* is an interesting and provocative read. The book provides a forceful critique of Western interventionism. Most persuasive is his critique of the injudicious arming of rebels in Syria and elsewhere.[[1]](#footnote-1) However, in my comments in this symposium, I will put aside points of agreement. I will argue that Puri fails to fully grasp the risk of perilous *non*intervention. More specifically, in the first section I will argue that *Perilous Interventions* presents a fallacious critique of intervention that reflects a worryingly narrow understanding of the R2P, particularly its third pillar, and that overlooks the contributions that the responsibility to protect (R2P) can make more generally. In the second section, I will argue that Puri’s account highlights a clear lack of foreign policy leadership on behalf of India.

# The Perils of Not Intervening

*Perilous Interventions* is in most part a tirade against mainly Western interventionism. Puri tells us that humanitarian intervention has ‘more often than not resulted in development being set back at least 20 years’ in countries subject to intervention.[[2]](#footnote-2) For him, intervention is against the interveners’ best interests[[3]](#footnote-3) and even with Security Council authorisation is ‘a sure recipe for disaster’.[[4]](#footnote-4) In the introduction, there is even a full-page—and, quite frankly, bizarre and confused—colour insert of a diagram that shows ‘the vicious cycle of perilous interventions’.

There are two central problems with the account of intervention presented by Puri in *Perilous Interventions*. The first is selection bias. There are chapters on Libya, Syria, Yemen, Ukraine, Sri Lanka, and the migrant crisis. This is a seemingly arbitrary and incomplete list of recent interventions. Notably absent are the US intervention in Iraq in 2014 to protect the Yazidis from massacre at the hands of ISIS, the French-led intervention in Côte d’Ivoire (which the UN Security Council authorised to use ‘all necessary means’ during Puri’s tenure on the Council)[[5]](#footnote-5), African Union intervention in Somalia, and French intervention in Mali against Islamist rebels. Several of these have stronger claims to be seen as successful instances of intervention. Puri also overlooks other cases often viewed as successful instances of humanitarian intervention, such as those in Kosovo, Bosnia, Uganda, and India’s own case of successful intervention in East Pakistan. His definition of humanitarian intervention does not help to demarcate his focus. Early on, he defines ‘perilous intervention’ as the use of force ‘with the authorisation of the Council’[[6]](#footnote-6), but much of the book is spent criticising the intervention in Libya and the decision to authorise it by the UN Security Council. It is worth noting that two important quantitative studies of intervention (which are clearly much more wary of selection bias issues) have found that generally interventions *are* effective, both in tackling ongoing killing and in the emergence or escalation of such killing.[[7]](#footnote-7)

The second problem is that even amongst the cases that Puri does consider, he does not consider sufficiently seriously the counterfactual of nonintervention. The counterfactual requires one to ask what would have happened if there had not have been intervention. Puri’s lengthy discussion of Libya is reflective of the trend amongst critics of this action to overlook the counterfactual.[[8]](#footnote-8) Libya might now be, as Barack Obama famously called it, a ‘shit show’, but without NATO intervention in 2011 it could have been even worse.[[9]](#footnote-9) The question is what have been the death toll and impact on basic human rights if there had not have been intervention.

The most plausible alternative history, it seems, would have been a very lengthy bloody civil war between Gaddafi forces and the rebels, somewhat akin to the situation in Syria. This is also the view of Obama, who in an interview in 2014 noted that ‘when people say “look at the chaos, we should have left Gaddafi stay there”, they forget that the Arab Spring had come full force to Libya. And had we not intervened, it’s likely that Libya would be Syria… Gaddafi was not likely to be able to contain what had been released there. And so there would be more death, more disruption, more destruction”.[[10]](#footnote-10) Obama’s point is reflected in the recent estimates of the death counts, which puts Syria’s death toll at 100 times greater than that of Libya.[[11]](#footnote-11) In reply to the misleading claims that peace was possible with the intervention, it is patent that Gaddafi seemingly had no intention of stepping down, but more significantly, the rebels were not going away. Once the forces of the Arab Spring had been unbottled, it was not possible to put them back in again. As Brookings’ Shadi Hamid argues, since the rebels had been so severely threatened by Gaddafi, the incentives to accept defeat were non-existent.[[12]](#footnote-12)

I might, of course, be mistaken about the counterfactual history of Libya. But the underlying point is certain: the counterfactual is crucial to judging the ethics of the intervention. Such judgments are notoriously difficult. Roland Paris argues that this is one of the central ‘structural problems’ of humanitarian interventions: interventions are very difficult to prove that they work since they largely depend on what would have happened had there not been intervention.[[13]](#footnote-13) This leads many—including Puri—to fall into the trap of focusing far too much on what *did* happen, rather than what might would have happened *otherwise*. This ignores the key lesson from the Rwandan genocide. This is, of course, the terrible cost of nonintervention, which provides a sobering illustration of what a counterfactual nonintervention might look like in other cases.

There has been much deliberation about Gaddafi’s ‘no mercy’ speech, where he threatened to cleanse the city of Benghazi. Puri argues that this threat was limited to rebels, not civilians, and that Gaddafi was not likely to have engaged in abuses—this was a myth constructed by Western media.[[14]](#footnote-14) But this misses the point. A shit show was coming either way. The international community had to decide which course of action was likely to save most lives: intervention or nonintervention.

To be fair to Puri, there is a tricky ethical issue that is central to this assessment. Let me explain. It is uncontroversial and widely held that, to have just cause, humanitarian intervention needs to tackle the *ongoing* or *impending* mass violation of basic human rights. (And to be an ‘R2P’ intervention, it needs, of course, to be in response to the manifest failure to tackle ongoing or impending genocide, war crimes, crimes against humanity, and ethnic cleansing). At one point, Puri argues that the ‘trigger point has to be the imminent threat of mass atrocities’.[[15]](#footnote-15) Yet the challenge that intervention in Libya poses is this: why should the focus be on *impending* mass violations of basic human rights? If the failure to intervene against Gaddafi would have been very likely to significantly increase the *probability* of the mass violation of basic human rights, but not *imminently*, is this still sufficient for just cause? Puri fleshes his account out of just cause as follows: ‘[o]nce the determination is made that there is enough evidence in terms of intent, and evidence that inaction by the international community will result in large-scale mass atrocities, the international community would obviously have a role to play’.[[16]](#footnote-16) But note here that this does not insist on the *imminence* of the attack. Why then should the focus be on imminence, rather than the probability of the attack?

This is a vexing issue for accounts of just cause for humanitarian intervention.[[17]](#footnote-17) On the one hand, it might seem that the focus should be on *probability*: what matters is the (strong) likelihood that mass violations of basic human rights will occur, rather than *when* exactly they will occur. On the face of it, there does not seem to be any difference between halting an attack that is very likely to occur (1) tomorrow, compared to halting an attack that is very likely to occur (2) in one month’s time. What matters, on this view, is not the *temporality* of the attack, but rather its *probability* (which may not always be determined by its temporality). On the other hand, it might seem that imminence should be insisted upon because of the need to maintain a relatively restrictive account of just cause for humanitarian intervention in order to reduce the risk of abuse and undermining international instability.[[18]](#footnote-18) If preventive intervention were seen as permissible, it could be abused by those wanting to intervene, but who currently lack a plausible pretext for intervention.

Which account should be preferred? It seems to me that the risks of abuse suggest that there should be a general presumption against preventive intervention—imminence should generally be required. But this presumption might be occasionally overridden in the face of compelling, robust evidence that demonstrates the strong likelihood of atrocities, plus safeguards against abuse, such as having UN Security Council authorisation.[[19]](#footnote-19) It might seem that the intervention in Libya met this condition, at least as far as the early part of the operation was concerned.

Yet Libya is also more complex still because, in addition to the seemingly very likely but more distant human rights abuses, there was also the potential but more contested imminent abuses in Benghazi. This potential (but, on some accounts, less likely) imminent attack seems to provide further reason to override the general presumption against preventive action in this case: even if there was a risk of abuse with jettisoning the general presumption against preventive action, there was also a countervailing potential imminent risk to those in Benghazi, which weakens the case for upholding the general presumption in this instance.

All this is not to deny that there were notable failings in the rebuilding of Libya. However, this was not a failure of the intervention per se; it was a failure of the rebuilding after intervention. But the ‘pottery-barn rule’ should not apply to humanitarian intervention, since interveners might not be the best rebuilders and since this rule lets those who have not engaged in humanitarian intervention off the hook—who have not already spent millions of dollars on using military force to tackle potential mass atrocities—from bearing the costs of assisting those in need.[[20]](#footnote-20) There is, instead, an international responsibility to rebuild, which falls on all members of the international community, including Puri’s India. The failure to rebuild in Libya was not only the fault of NATO countries. Moreover, the issue of rebuilding Libya would have most likely occurred even without the intervention, if there would have been a civil war anyway.

Apart from pillar one, Puri largely equates humanitarian intervention and R2P. He overlooks the fact that R2P can involve a whole range of options, under its preventive and reactive elements, including targeted economic sanctions, ICC referrals, positive inducements, peacekeeping, and naming and shaming. This is worrisome to the extent that his account reflects the views of India and rising powers more generally. For various reasons, the rising powers may never be fully onboard with humanitarian intervention. But this is not key for R2P; the most significant ways in which R2P can contribute to tackle mass atrocities concern measures policies, and norms *beyond* humanitarian intervention, given the fairly intractable tricky geopolitical obstacles to intervention. This is overlooked by Puri. For instance, the potential for R2P to motivate a more responsible use of the veto with the responsibility not to veto initiative is ignored. This is despite that fact that in the chapter on R2P he lambasts the politicisation of the UN Security Council. He also presents a lengthy quote (one of several lengthy quotes in the book) from Satish Nambiar, the commander-in-chief of the UN protection force in Croatia in 1992, to highlight the importance of developing the willingness to act.[[21]](#footnote-21) Puri overlooks the potential for R2P to provide some of the motivation to respond. As Alex Bellamy argues, the R2P has helped to develop ‘habits of protection’, whereby the international community now at least does *something* in response to mass atrocities.[[22]](#footnote-22) One of the central achievements of the R2P, then, is to transform some of the urge to intervene militarily in response to mass atrocities to the less sexy agendas of prevention and alternative reactive measures.

In sum, *Perilous Interventions* offers a noninterventionist, sovereigntist account that sees R2P as essentially about (morally unjustifiable) humanitarian intervention. If this is reflective of the future Indian foreign policy, there is significant cause for concern amongst advocates of R2P. The potential of R2P and the impact that it has had on mass atrocities may continue to be under-appreciated by the increasingly important rising powers. This is at a time when several major Western powers are ruled by right-wing governments that appear likely to adopt more isolationist foreign policies that pay little regard to mass atrocities beyond their borders.

# India as a Silent Power

This brings us to the second worry. This is that India will not take seriously its global responsibilities as it rises. In general, throughout the book (apart from the chapter on Sri Lanka) India is seen as passive. Puri does not offer a clear vision of the role that India can and should play as a responsible global power. Instead, much of the book is critical of the West—sometimes rightly so—but it fails to provide a proactive, detailed account of what should occur instead in response to mass atrocities. There is, in short, a lack of responsible leadership, from one of the key representatives of one of the most important states in the world. Two issues particularly highlight this concern.

The first is Puri’s discussion Brazil’s ‘Responsibly while Protecting’ (RwP) proposal.[[23]](#footnote-23) RwP was advanced by Brazil as a means of continuing to develop the R2P in the light of criticisms of the intervention in Libya.[[24]](#footnote-24) In general, RwP is both a plausible, restrictive account of the ethics of humanitarian intervention and, furthermore, beneficial to R2P since it provides R2P with an additional author from the Global South of (and stakeholder in) R2P, counteracting some of the lingering claims of Western imperialism.[[25]](#footnote-25) Yet Brazil stepped back from the proposal and it has since largely run out of steam. There are several reasons why Brazil did not advance RwP, including its lack of foreign policy capacity in the Ministry of External Relations, fear of criticism in Western capitals, and Antonio Patriota’s departure as Foreign Minister.[[26]](#footnote-26) Crucially, Brazil needed others to take up some of the mantle and to help advance RwP. India was seemingly well placed to help do so. Brazil would have benefited from strong international support on the issue, particularly from another ‘BRICS’ (Brazil, Russia, India, China, India) state. Support for RwP clearly needed to come from a non-Western major power, which would be able to take the lead on developing the concept further into something more concrete. When serving in his role in the Security Council, Puri stated that he saw RwP as key for R2P: if R2P ‘is to regain the respect of the international community, it has to be anchored in the concept of RwP’.[[27]](#footnote-27) But, generally, India’s silence in support of R2P was conspicuous, despite it being a notion that it seemingly supported. This is in common with its general behaviour, whereby it has exercised little norm entrepreneurship and often adopted a highly cautious foreign policy.[[28]](#footnote-28) There is the same pattern in *Perilous Interventions*. Puri is, on the one hand, supportive of this proposal. He argues ‘if the concept of R2P is to survive and form the basis of action by the Security Council, it must be anchored in the concept of RwP’.[[29]](#footnote-29) But that’s it. There is no detail of how the international community can do this, from noting that ‘it will not be easy to establish a mechanism for RwP’.[[30]](#footnote-30) All told, RwP receives only a couple of vague paragraphs in the last two pages.

Second, and perhaps more worrying still, is Puri’s stark failure to criticise Russia throughout *Perilous Interventions*. This includes a 35-page chapter on Syria, as well as a chapter on the conflict between Russia and Ukraine. In the former, Russia is not properly condemned for its intervention in Syria. Puri frames the intervention as about protecting Russia’s ‘geostrategic interests in the region’ and Russia and China are not blamed for their vetoes in Syria. By contrast, the US policy is described as ‘flip-flopping’ and the chapter continually highlights the US, UK, and France’s wrongheadedness in trying to support the questionably ‘moderate’ opposition.

The discussion of Russia’s annexation of parts of Ukraine is similarly one-sided. As elsewhere in *Perilous Interventions*, Western media reports are criticised extensively. We are told that Crimea was historically part of Russia and that Crimea is strategically important to Russia. Its annexation was illegal, Puri notes[[31]](#footnote-31), but was ‘merely one’ violation of international law ‘which the West now protests against the most—in a long list, including Iraq, Kosovo, Libya, Syria and Yemen’.[[32]](#footnote-32) It was, he argues, politically justified ‘as serving Russia’s strategic interest’.[[33]](#footnote-33) For Puri, then, the West’s problematic behaviour excuses Russia. Puri also notes a speech by Putin, which highlights the referendum result in Crimea, but Puri fails to make clear that the referendum was boycotted by Ukrainians and Tatars and that the clearly dubious result was not verified by OSCE election monitors. The only real reproach that Russia receives is that ‘[a]s dire as the realties may have been in Donbass and Crimea, any external intervener ought to have sought the prior permission of the Security Council’ and that Russia’s decision not to is ‘another pointer to the eroding sanctity of Westphalian sovereignty’.[[34]](#footnote-34)

There is, then, an obvious double standard, which is worrisome. Responsible powers are required to stand up for international norms not simply where it is politically judicious—as perhaps it can be for an Indian politician to criticise the West—but also in all cases where they are violated. This is not simply when state sovereignty is transgressed, but also when there are mass atrocities and other human rights abuses. If Puri’s account is indicative of Indian foreign policy as it rises, this does not bode well for morally valuable norms such as R2P, state sovereignty, human rights, and nonintervention. Indeed, *Perilous Interventions* generally provides little sense of what, if anything, India proactively did whilst on the UN Security Council. The focus is on lamenting the power of the West, with the impression that India has little independent agency or room for contribution. There is scant discussion or acknowledgement of Indian decision-making on policies. It is as if Puri, as Indian representative to the UN Security Council, was mostly a passive observer.

Unconstructive opposition to intervention and pillar three of the R2P and the failure to take seriously being a responsible power, is, of course, not unique to Puri’s India. These are to vary degrees common to all of the BRICS. But *Perilous Interventions* clearly indicates that there are significant challenges ahead in convincing the BRICS to be more responsible powers.

1. James Pattison, ‘The Ethics of Arming Rebels’, *Ethics & International Affairs*, 29/4: 455–71. [↑](#footnote-ref-1)
2. Hardeep Singh Puri, *Perilous Interventions: The Security Council and the Politics of Chaos* (London: HarperCollins, 2016), p. 8. [↑](#footnote-ref-2)
3. *Ibid.*, p. 9. [↑](#footnote-ref-3)
4. *Ibid.*, p. 55. [↑](#footnote-ref-4)
5. See, further, Kudrat Virk’s piece in this issue. [↑](#footnote-ref-5)
6. *Ibid*., p. 4. [↑](#footnote-ref-6)
7. Jacqueline H.R. DeMeritt, ‘Delegating Death Military: Intervention and Government Killing’, *Journal of Conflict Resolution*, 59/3 (2015): 428–54; Matthew Krain, ‘International Intervention and the Severity of Genocides and Politicides’, International Studies Quarterly, 49/3 (2005): 363–87. [↑](#footnote-ref-7)
8. This is also true of the UK Foreign Affairs Select Committee Report on Libya, *Libya: Examination of Intervention and Collapse and the U.K.’s Future Policy Options*, HC 119, 6 September 2016. [↑](#footnote-ref-8)
9. Jeffrey Goldberg, ‘The Obama Doctrine’, *The Atlantic*, April 2016. [↑](#footnote-ref-9)
10. Thomas L. Friedman, ‘Obama on the World: President Obama Talks to Thomas L. Friedman about Iraq, Putin and Israel’, *New York Times*, 8 August 2014. Also see Aidan Hehir, ‘Libya’s Collapse into Chaos Is Not an Argument against Intervention’, *The Conversation*, 27 April 2016. [↑](#footnote-ref-10)
11. Jean-Baptiste Jeangène Vilmer, ‘Ten Myths about the 2011 Intervention in Libya’, *Washington Quarterly*, 39/2 (2016): 23–43, at p. 34. [↑](#footnote-ref-11)
12. Shadi Hamid, ‘Everyone Says the Libyan Intervention Was a Failure. They’re Wrong’, *Vox*, 5 April 2016. [↑](#footnote-ref-12)
13. Roland Paris, ‘The “Responsibility to Protect” and the Structural Problems of Preventative Humanitarian Intervention’, *International Peacekeeping*, 21/3 (2014): 569–603. [↑](#footnote-ref-13)
14. Puri, *Perilous Interventions*, p. 96. Also see the Foreign Affairs Select Committee Report on Libya, p.15. For a view to the contrary, see Vilmer, ‘Ten Myths’, p. 25–6. Vilmer argues that Gaddafi *did* order his army to attack his own population and that on the eve of the intervention the death toll was at least 1,000. [↑](#footnote-ref-14)
15. Puri, *Perilous Interventions*, p. 200. [↑](#footnote-ref-15)
16. Ibid., p. 200. [↑](#footnote-ref-16)
17. It also arises more generally for the ethics of war. See Jeff McMahan, ‘Preventive War and the Killing of the Innocent’ in David Rodin and Richard Sorabji (eds.), The Ethics of War: Shared Problems in Different Traditions (Aldershot, UK: Ashgate, 2006), pp. 169–90. Also see Zahler Bryan, ‘Displacing Imminence: A Reconsideration of *Jus ad Bellum*’, University of Oxford, DPhil Thesis, 2010. [↑](#footnote-ref-17)
18. See James Pattison, ‘The Case for the Nonideal Morality of War: Beyond Revisionism vs. Traditionalism in Just War Theory’, *Political Theory,* forthcoming. [↑](#footnote-ref-18)
19. See, further, Allen Buchanan and Robert O. Keohane, ‘The Preventative Use of Force: A Cosmopolitan Institutional Proposal’, *Ethics & International Affairs*, 18/1 (2004): 1–22. [↑](#footnote-ref-19)
20. See James Pattison, ‘*Jus Post Bellum* and the Responsibility to Rebuild’, *British Journal of Political Science,* 45/3 (2015): 635–61. [↑](#footnote-ref-20)
21. Ibid., p. 204. [↑](#footnote-ref-21)
22. Alex J. Bellamy. ‘The Responsibility to Protect Turns Ten’, *Ethics & International Affairs*, 29/2 (2015): 161–85, at p. 175. [↑](#footnote-ref-22)
23. Brazil, ‘Responsibility while Protecting: Elements for the Development and Promotion of a Concept’, 11 November 2011, A/66/551–S/2011/701. [↑](#footnote-ref-23)
24. Although the initial account of RwP was potentially restrictive since it required chronological sequencing of the pillars of R2P, Brazil moved away from this claim in later iterations of RwP. [↑](#footnote-ref-24)
25. See James Pattison, ‘The Ethics of ‘Responsibility While Protecting’: Brazil, the Responsibility to Protect, and the Restrictive Approach to Humanitarian Intervention’, in Kai Michael Kenkel and Philip Cunliffe (eds), *Brazil as a Rising Power: Intervention Norms and the Contestation of Global Order* (London: Routledge, 2016), pp. 104–26. [↑](#footnote-ref-25)
26. See Oliver Stuenkel and Marcos Tourinho, ‘Regulating Intervention: Brazil and the Responsibility to Protect’, *Conflict, Security & Development*, 14/4 (2014): 379–402. Also see, more generally, Cunliffe and Kenkel, *Brazil as a Rising Power*. [↑](#footnote-ref-26)
27. Statement by H. E. Ambassador H. S. Puri, Permanent Representative of India to the UN, General Assembly Interactional Dialogue on ‘Responsibility to Protect: State Responsibility and Prevention’, 11 September 2013. [↑](#footnote-ref-27)
28. Madhan Mohan Jaganathan and Gerrit Kurtz, ‘Singing the Tune of Sovereignty? India and the Responsibility to Protect’, *Conflict, Security, & Development*, 14/4 (2014): 461–87. Jaganathan and Kurtz suggest that the reason for it not advancing RwP was because of its continuing sovereigntist view and the reluctance to engage in a debate where its core foreign policy principles were felt to be at stake, at p. 480. Also see Sandra Destradi’s piece in this issue, ‘A Reluctant Power: India’s Approach to R2P’. [↑](#footnote-ref-28)
29. Puri, *Perilous Interventions*, p. 208. [↑](#footnote-ref-29)
30. Ibid., p. 207. [↑](#footnote-ref-30)
31. Ibid., p.153. [↑](#footnote-ref-31)
32. Ibid., p.154. [↑](#footnote-ref-32)
33. Ibid., p.166. [↑](#footnote-ref-33)
34. Ibid., p.163. [↑](#footnote-ref-34)