More Harm Than Good:

Should states intervene to protect civilians?
An examination of the Kosovo and Libya cases

Scott Compton

Birkbeck Politics Occasional Paper 4/2020

Birkbeck Politics Occasional Paper 4/2020

The purpose of this series is to showcase some of the outstanding MSc or MRes dissertations that the Department's postgraduate students write while studying at Birkbeck. The decisions as to which dissertations are published are made collectively by the Department's sub-board of examiners usually in November each year. This specific paper emanates from the dissertation that the author wrote in the context of Birkbeck's MSc programme in Global Politics.

Abstract

This paper assesses the legitimacy and effectiveness of using military force to protect civilians, through an examination of two of the most prominent cases of humanitarian intervention from the last 20 years, namely NATO's Operation Allied Force against Serb aggression in Kosovo in 1999, and the 2011 intervention in Libya that toppled the regime of Muamar Gaddafi. The first chapter reviews the voluminous literature on humanitarian intervention, followed by chapters on Kosovo and Libya respectively. Within these chapters the objectives and immediate outcomes of the intervention is first evaluated, followed by an extended section drawing on a broad range of empirical data and documentary evidence to assess what the longer-term consequences of military intervention have meant for the country in question. The author concludes that the cases of Kosovo and Libya suggest that the effectiveness and legitimacy of humanitarian intervention is of dubious value, and carries real danger of causing more harm than good to those it is supposed to help.

Contents

Introduction

Since the 1990s, the use of military force to protect civilians has been central to debates about how to respond to crises that pose a threat to international peace and security. The doctrine of 'humanitarian intervention' developed in response to evolving ideas about the responsibility of states towards preventing some of the most heinous acts imaginable. A string of military interventions have been undertaken in recent decades for the stated purpose of protecting civilians, and there is barely a conflict or crisis that does not invite calls for military action to save the innocent from one quarter or another. The purpose of this study is to assess whether military action to protect civilians is an effective and legitimate response to humanitarian crises, through an examination of two prominent cases from the last 20 years: NATO's interventions in Kosovo in 1999 and Libya in 2011.

Chapter 1 will first review the humanitarian intervention literature, looking at its theoretical foundations and the key themes and critiques that underpin it. It will consider how humanitarian interventions have been viewed by scholars, particularly in relation to questions of motive, means, consequences and legitimacy. The subsequent case studies will be framed around these fundamental questions. Chapters 2 and 3 will scrutinise the Kosovo and Libya interventions respectively. Both interventions will first be placed into context, with a look at the events that led to them. An analysis of the immediate outcomes of the intervention will follow, assessed against their aims and objectives. Finally, both chapters will turn to the post-intervention period, to examine what the longer-term consequences of military intervention have meant for social, economic and political life in Kosovo and Libya in the years since, and what this tells us about the value of armed intervention.

This study will argue that both interventions fail the test of effectiveness and legitimacy in several important ways. In Kosovo, the intervention came at far greater cost than is commonly acknowledged, whilst its many post-conflict struggles should give even the most vehement interventionist pause. In Libya, this record is even worse. A failure to anticipate the consequences of a short-sighted and ill-conceived exercise in regime change has brought chaos to the country, whilst a complex entanglement of competing interests and actors - and a lack of commitment by the intervening states to the follow up - keeps it locked in a protracted state of civil war.

Ultimately this study will conclude that Kosovo and Libya demonstrate that the effectiveness and legitimacy of humanitarian intervention, as actually practiced by states, is of dubious value and carries real danger of causing more harm than good to those it is supposed to help. It will show that a resort to military force is likely to have far-reaching consequences, as states misjudge the costs of intervention and overestimate their ability to shape events. Finally, it will highlight the colossal challenges of post-intervention reconstruction, and the likelihood that states will lack both the capability and the commitment required to rebuild complex societies violently upended at their hands.

1. Scholarly Review

The literature on humanitarian intervention is voluminous, but broadly speaking the debate can be roughly divided into two camps. On one side are the *pro-interventionists*, who assert that states have a moral duty to intervene to protect civilians from crimes such as mass killing, ethnic cleansing and genocide, regardless of the implications for state sovereignty or international law (Wheeler, 2002; Weiss, 2011; Robertson, 2006).

On the opposing side are those who might be termed *intervention sceptics*, who raise a diverse range of objections. Some sceptics view humanitarian intervention as neo-imperialist breaches of international law, pursued by powerful states against weaker ones for the advancement of Western hegemony (Chomsky, 1999; Chandler, 2000). Others seek to highlight the negative consequences of using military force to save lives, and to caution against its use (Belloni, 2007; Kuperman, 2008). Still others may support the principle of intervening to halt atrocities and protect civilians, but object to how it has been applied in practice (Valentino, 2006).

This chapter is divided into three sections. First, it will consider some of the theoretical foundations in support of humanitarian intervention. Second, it will address the key themes and points of criticism that are routinely advanced in the literature. Finally, it will turn to the development of the Responsibility to Protect principle.

1.1 Theoretical foundations

Perhaps the clearest exposition of the theoretical basis for humanitarian intervention is provided by Wheeler, who firmly situates it within the English School of International Relations, whilst lamenting that there has been "no systematic attempt" to develop a full theory of the practice. In tracing this theoretical lineage, Wheeler distinguishes between two rival wings of the English School – the 'pluralists' and the 'solidarists' – with each offering "a very different understanding of the legitimacy of humanitarian intervention". For pluralists, states are the key agents for preserving rights and upholding international order. By violating the "cardinal rules of sovereignty, non-intervention, and the non-use of force", humanitarian intervention threatens to undermine the very structure of that order. By contrast, solidarists see the potential for states to "strengthen the legitimacy of international society by deepening its commitment to justice" and accepting a moral responsibility to uphold human rights everywhere (2002, p11-12). Wheeler tracks the evolution of this 'solidarist' doctrine of humanitarian intervention from its initial articulation by Hedley Bull in 1966, through the work of theorists like R.J Vincent, Michael Walzer and Fernando Tesón (ibid.).

Walzer made his most notable contribution to the canon with *Just and Unjust Wars*. In this influential book, the recent experience of the Vietnam War galvanised Walzer's preoccupation with upholding the principle of non-intervention in most circumstances. However, he famously went on to articulate a case for humanitarian intervention in response to acts "which shock the moral conscience of mankind" (Newman, 2009, p19-21). Walzer's arguments have been credited with redefining interventions as moral actions, and for playing

a significant role in shaping debates about the "relative weights to given to non-intervention and human rights" (Orford, 2013, p83). Notwithstanding these theoretical developments, throughout the Cold War era the conventional wisdom held that there was "no acceptance, either in theory or in practice, of the principle of humanitarian intervention as a derogation from the non-intervention norm" (Newman, 2009, p37).

Tesón, an Argentinian legal scholar, argued in the late 1980s that humanitarian intervention is morally justifiable in certain situations (Tesón, 1988). However, he goes further than Walzer in asserting that "non-intervention is a doctrine of the past" (2003, p128). For Tesón, interventions in which civilians are killed must satisfy the doctrine of 'double effect' to qualify as morally justifiable. According to this formulation, any negative consequences must be both unintended and outweighed by the positive consequences in order to be morally excusable (ibid., p115-116). Tesón has been criticised for moving from the "ethical position based on individual rights" that he first articulated in the 1980s, to later embracing the 2003 war in Iraq as a morally justified case of humanitarian intervention. His writings have been cited as having contributed, alongside other liberal authors like Keohane, to a notion of "conditional sovereignty" that "provides an open-ended potential for military intervention for purposes of regime change" (Newman, 2009, p85).

Wheeler drew on these theoretical underpinnings to reject the pluralist critique of humanitarian intervention, and advance his own "solidarist theory of legitimate humanitarian intervention", with four requirements that an intervention must meet to qualify as legitimately humanitarian: 1) there must be a just cause or "supreme humanitarian emergency" 2) the use of force must be a last resort 3) the means employed must be proportionate 4) there must be a high probability that it will achieve a "positive humanitarian outcome" (2002, p34).

1.2 Contemporary themes and critiques

Newman argues that the reconfiguration of international power that occurred with the end of the Cold War saw the primacy of principles around sovereignty and non-intervention recede and provided "a space for the development of new international norms" that transformed the doctrine of humanitarian intervention (2009, p38-39). Despite the diverse range of perspectives within the literature, several themes and critiques can be identified.

Motives

A prominent theme concerns the underlying motives for intervening. As Chesterman acknowledges, "humanitarian intervention has long had a troubled relationship with the question of national interest" (2003, p55). Authors such as Dixon point to episodes like the Iraq war to warn of political leaders masking less altruistic motives for military action through appeals to humanitarian narratives: "Humanitarian and human rights arguments for war widen the appeal of war by providing humanitarian justifications but may also help to conceal the full implications of 'humanitarian policies' from public scrutiny" (2017, p2). History suggests that Dixon is right to be wary; as Hehir notes, a host of interventions have "invariably

been justified, to some extent, as motivated by moral concerns" but these "have often been spurious or very much secondary to the dominant geopolitical motivation" (2013a, p170).

Wheeler does not consider motives to be especially pertinent to his solidarist theory of humanitarian intervention and instead, places the primary emphasis on outcomes: "even if an intervention is motivated by non-humanitarian reasons, it can still count as humanitarian provided that the motives, and the means employed, do not undermine a positive humanitarian outcome" (2002, p38). Hehir considers this to be a minority position, with most other definitions "including at least some reference to humanitarian motives" (2013a, p24). He advocates avoiding both extremes of "absolute purity of motivation and the outright disregard for motivation" to allow "us to come to terms more accurately with the importance of right intention" (2013, p174).

Wheeler is correct to assert that motives are less important than consequences. And yet, in neither of our cases are the positive humanitarian outcomes so clear that we can completely disregard the question of motive. The principal emphasis in the case study chapters will be on outcomes, but any assessment of armed intervention must also consider whether the motives of the intervener strengthens or undermines its legitimacy.

Means and consequences

Another common critique, and one which shall form the backbone of this study, relates to the way interventions are conducted, and the negative or unintended consequences that may result. Chesterman rejects the simple moral position central to most arguments for humanitarian intervention, which imply it "is morally, if not legally, valid because the ends sought justify the means employed". As he persuasively puts it, "these ends are never so clear and the means are rarely so closely bound to them" (2001, p236).

In a scathing critique of interventionism's rise to prominence in the 1990s through to the early 2000s, Wertheim asserts that "humanitarian interventionists tended to understate difficulties of halting ethnic conflict, ignore challenges of postconflict reconstruction, discount constraints imposed by public opinion, and override multilateral procedures" (2010, p149). Valentino offers a similar line of argument, reproaching otherwise "well-intentioned" optimists for "seriously underestimating the material and political costs and challenges of these kinds of missions", which "seldom lived up to the high expectations that advocates had created for it" and "in some cases…seems to have made things worse" (2006, p724). A sceptical Belloni also highlights "the negative consequences of coercive humanitarian actions, in particular the possibility that intervention on humanitarian grounds might induce ethnic minorities to raise the level of violence and, after conflict breaks out, prolong war and misery" (2007, p454).

Hehir seeks to skirt the issue of means and consequences by offering a resolutely pragmatic analysis, concluding that "Once we accept that military force is going to be used, we may have to accept that a 'win at all costs' mentality assumes primacy and that the result will be nasty". He goes on: "much as we may wince at the idea of 'bombing for humanity' and implore armies to show particular restraint when engaged in such missions, it is possibly naïve to expect that such considerations will factor in the strategy of intervening forces" (2013a, p180-181). This

argument is unconvincing; we cannot assess the value of military force as an instrument of humanitarian protection without considering both the consequences for those it is supposed to save, and the methods employed in the saving. In highlighting how states can do more harm than good by failing to foresee the costs of intervention and the perils of unintended consequences, sceptics like Wertheim, Valentino and Belloni offer a powerful and important line of critique. This will be explored further in the case study chapters.

Legality and legitimacy

Amidst intense debate, the leading interpretation in the literature is that humanitarian intervention is illegal (Hehir, 2013a, p102-110). A detailed review of this is beyond our scope, but a related point concerns the question of legitimacy.

The thorny relationship between legality and legitimacy was brought into sharp focus by the Independent International Commission on Kosovo's conclusion that the NATO military intervention was "illegal but legitimate" (2000, p4). A common approach amongst advocates of intervention is to subordinate legal considerations to broader conceptions of moral legitimacy: "The moral imperative must be to stop crimes against humanity wherever they occur, not merely when the five permanent members of the Security Council have unanimously resolved to act" (Robertson, 2006, p476). The idea that states can act in ways which contravene international law and yet still be morally justified is quite uncontroversial, given the well-established failings of the Security Council and the crippling effects of the veto (Hehir, 2013a, p152-165). Though legal matters are of great relevance to contemporary debates, Kosovo and Libya will be assessed primarily through the lens of legitimacy. In this context, legitimacy refers to an acceptance that an intervention is morally and materially justifiable on the basis that it served an unambiguous humanitarian purpose and did not create more harm than good.

1.3 The Responsibility to Protect

The Responsibility to Protect emerged from the International Commission on Intervention and State Sovereignty's 2001 Report, prepared in the wake of the UN Security Council's failure to authorise the use of force in Rwanda in 1994 and Kosovo in 1999. Described as a "way to square to the circle of state sovereignty and human rights", it was unanimously endorsed at the 2005 UN World Summit (Weiss, 2011, p97-98). Bellamy, a staunch proponent of the principle, found that its emergence "represents an important watershed in world politics" (2011a, p196). In an analysis of issues relating to the implementation of RtoP in its first five years, he argued that whilst it had advanced significantly in a short space of time, it faced several challenges to translate its ambitions into tangible action, chiefly, the problem of mobilising political will to act (2010).

The prospects for RtoP as a new international norm must have looked promising when in 2011, the UN Security Council issued Resolution 1970 in relation to Libya, which specifically referred to the RtoP principle (Bellamy and Wheeler, 2017). However, Rieff argues that the campaign in Libya did "grave, possibly even irreparable damage to R2P's prospects of becoming a global norm" through the way its original mandate was distorted by NATO, with

RtoP commanding little credibility outside of Europe and North America as a result (2011). Bellamy himself admits that Libya is the exception rather than the rule with respect to RtoP (2011b). Ultimately, whilst RtoP undoubtedly represents an important development in the debate, its promise to "reconceptualise how international society relates to genocide and mass atrocities…is a long-term agenda that is unlikely to generate new political will in the near future" (Bellamy and Wheeler, 2017, p527).

1.4 Summary

From its earliest exposition by the solidarists of the English School, through its evolution into the internationally recognised principle of RtoP, the practice of humanitarian intervention has enlivened enormous controversy and debate. Despite the sober pragmatism of authors like Hehir, questions of motive, means and consequences are crucial to understanding the value of military force as a response to humanitarian crises. Knotty and abstract contestations over legality are sidestepped here by focusing primarily on legitimacy. Pro-interventionists offer two devices which can be used to test their position by applying them to our cases: Tesón's doctrine of double effect and Wheeler's solidarist theory of humanitarian intervention. Sceptics of intervention raise fundamental questions about the virtue of using deadly force to protect civilians, captured most cogently in Valentino's highly salient warning about the capacity of humanitarian intervention to make situations worse. In the next chapters, we shall consider these questions further.

2. Kosovo

The 1999 intervention in Kosovo is regarded by many as the quintessential success story of the 1990s, and the embodiment of the doctrine of humanitarian intervention working at its best. This chapter shall demonstrate that this view ignores many troubling aspects of the intervention which have important implications for the value of using military force to protect civilians. Whilst it did succeed in ending Milosevic's brutal oppression – and the Kosovar Albanian population is undoubtedly better off for it – NATO's war in Kosovo represents a highly imperfect model of intervention, and not one that leaders and policymakers should look to readily repeat.

2.1 Contextualising the conflict

Accounts agree that the origins of the Kosovo crisis can be primarily traced to the rise to power of Slobodan Milosevic "and his oppression of Kosovar ethnic Albanians in the preceding decade" (Daalder & O'Hanlon, 2000, p6; see also Judah, 2000; IICK, 2000; Wheeler, 2002). We must also recognise Kosovo's central place within a much broader sweep of events surrounding Yugoslavia's bloody collapse; Milosevic's 1990 revocation of Kosovo's autonomous status was a key turning point in Yugoslavia's dissolution (IICK, 2000, p41). Kosovo carries special significance for being the first time that "a group of states explicitly justified their use of force against another state on humanitarian grounds in a context where there was no explicit Security Council authorization" (Wheeler, 2002, p242). Two developments from the mid-1990s are key to understanding how this happened: the rapid rise to prominence of the Kosovo Liberation Army (KLA), and the subsequent failures of diplomacy at Rambouillet.

For much of the 1990s, the Kosovar Albanians followed a "strategy of non-violence" under the leadership of Ibrahim Rugova (IICK, 2000, p43-44). The failure to address Kosovo in the Dayton Accords that ended the Bosnian War "is widely regarded as having inflamed the Kosovar Albanians" (Hehir, 2013a, p225). For Judah, this experience "was an extraordinary trauma for the Kosovar Albanians…because it confirmed to them in the most dramatic and humiliating way that Rugova's policy of passive resistance had failed" (2000, p124-125). Until 1997, the KLA was a minor faction of around 150 members, who "most Kosovars…had never heard of" (ibid., p131). Support for the KLA grew rapidly after 1997, fuelled by "high levels of disenchantment with peaceful politics, the Serbian crackdown and the 70 per cent unemployment rate", and it engaged in an "escalating cycle of retaliatory violence" with Serb security forces (Hehir, 2013a, p225). The IICK report concluded that the KLA "seemed to have had the deliberate strategy of provoking an international intervention" (2000, p52). A Serb offensive against the KLA that began in March 1998 was especially brutal, involving "the destruction of villages, summary executions, and the systematic use of terror" (Dannreuther, 2001, p19). The intense escalation of violence throughout 1998 forced an estimated 250,000 Kosovo Albanians from their homes by the autumn (Human Rights Watch, 2000, p9). The diplomatic process that emerged from mid-1998 ended in failure at Rambouillet in February 1999, after Yugoslavia rejected a negotiated plan that the Kosovo Albanian delegation had agreed to (Wheeler, 2002, p264).

The conflict has been variably described as "the first war waged for ethical principle" alone (Robertson, 2006, p791), and as a means through which the US could maintain "its status as sole superpower in the world" by assuring control of European markets and access to Caspian Sea oil (Cohn, 2003, p121). Such extremes obscure a richer analysis; as Roberts notes, the conflict "included many elements which were not purely humanitarian, and not exclusively concerned with Kosovo". He highlights four factors: guilt over the international community's inaction in Bosnia, concern over peace and security in general, a reluctance to accept large numbers of refugees into Europe, and a fear that NATO's credibility was at stake (1999, p108). It is undeniable that events in Kosovo from 1997-1999 demanded international attention, and it is equally evident that NATO's motives for intervening were not resolutely humanitarian. Our primary focus concerns the consequences of the intervention once it got underway, and what this tells us about the value of deploying military force to protect civilians. It is to this which we shall now turn.

2.2 War goals: examining the immediate outcomes

The day before airstrikes got underway on 24 March 1999, Tony Blair emphasised that the aim was to "curb continued Serbian repression in Kosovo in order to avert a humanitarian disaster", and that "it would therefore target the military capability of the Serb dictatorship" (The Guardian, 1999). Later the same day, President Clinton stated: "Our mission is clear – to demonstrate the seriousness of NATO's purpose so that the Serbian leaders understand the imperative of reversing course, to deter an even bloodier offensive against innocent civilians in Kosovo and, if necessary, to seriously damage the Serbian military's capacity to harm the people of Kosovo" (CNN, 1999). Hours before the first bombs landed, the British Defence Secretary explained that "our clear, simple military objective – will be to reduce the Serbs' capacity to repress the Albanian population and thus to avert a humanitarian disaster" (Roberts, 1999, p111). Such statements suggest a clear sense of purpose.

NATO itself appeared far less clear about what it hoped to achieve, with wide disagreements within the alliance about the appropriate military strategy and uncertainty about its objectives (Bellamy, 2002, p156). As the House of Commons Foreign Affairs Committee observed in an inquiry, NATO's objectives appeared to widen during the campaign, and "moved well beyond that of averting a humanitarian catastrophe" (2000, para. 73-74). It was not until 12 April that NATO clearly set out its aims, stating that:

"[President Milosevic] must:

- *ensure a verifiable stop to all military action and the immediate ending of violence and repression;*
- *ensure the withdrawal from Kosovo of the military, police and paramilitary forces;*
- *agree to the stationing in Kosovo of an international military presence;*
- *agree to the unconditional and safe return of all refugees and displaced persons and unhindered access to them by humanitarian aid organisations;*
- *provide credible assurance of his willingness to work on the basis of the Rambouillet Accords in the establishment of a political framework agreement for Kosovo in conformity with international law and the Charter of the United Nations"* (NATO, 1999)

These conditions became NATO's "bottom line", as it sought to demonstrate to Milosevic it was determined to continue the bombing until he capitulated (Daalder and O'Hanlon, 2000, p165). The confused and shifting nature of NATO's objectives has been attributed to the fact that "many NATO leaders believed that Milosevic would back down before air strikes were launched, or that the campaign would be a short one" (House of Commons Foreign Affairs Committee, 2000, para. 76). The expectation within NATO, at least at the political level, was that it would be over within "a matter of days; a few weeks at most" (Daalder & O'Hanlon, 2000, p91). Roberts described this "widely shared" belief as the "most extraordinary miscalculation of the whole Kosovo campaign" (1999, p111). A more realistic assessment within military circles – Supreme Allied Commander Wesley Clark was categorical that the campaign would not be a short one – appears to have been ignored by the political hierarchy (Hehir, 2013a, p230; see also Judah, 2000, p235-236).

In the end it lasted 78 days, involved 38,400 sorties and the release of 26,614 air munitions (IICK, 2000, p92). When the campaign concluded in June 1999, Milosevic had agreed to a plan brokered by NATO and Russia that was broadly in line with NATO's five conditions (Daalder and O'Hanlon, 2000, p173-174). The FRY did make some gains, notably: "the UN rather than NATO would take over Kosovo, and unlike in the Rambouillet proposal, international troops would not have access to Yugoslavian territory outside of Kosovo". Moreover, Russia would play a role in the international force that was to be assembled (IICK, 2000, p96).

In assessing the immediate outcomes of the intervention, there are two principal questions to address: did it succeed in achieving its aims, and do the means that were employed support or undermine the principle of humanitarian intervention as a legitimate response to international crises?

2.2.1 Did it succeed?

For pro-interventionists like Daalder and O'Hanlon, the war represented a clear win for NATO, "not just on the battlefield but also in terms of its broader policy and the achievement of its major aims in Kosovo" (2000, p183). If we were to evaluate NATO's success against the goals it articulated in April 1999, then clearly its objectives were essentially met. Serbian forces withdrew completely from Kosovo, to be replaced by an international force of almost 50,000 troops, and "virtually all ethnic Albanian refugees were home by the end of June" (ibid., p176). Yet this fails to account for NATO's performance against the central purpose of its mission – which was to prevent a humanitarian disaster from unfolding in Kosovo.

After the bombing commenced, an estimated 863,000 civilians fled or were forced from Kosovo, and a further 590,000 were internally displaced – representing over 90% of the Kosovo Albanian population (IICK, 2000, p90). Any debate over the legitimacy of the Kosovo intervention must confront a disturbing possibility: did the bombing cause the humanitarian disaster it was supposed to prevent?

As Roberts notes, "many refugees fleeing from Kosovo saw the Serb onslaught against them as a direct consequence of the NATO action" (1999, p113). Robertson rejects this position and argues that the expulsions were part of a premeditated plan to cleanse Kosovo of its 1.7

million ethnic Albanians (2006, p479-481). Similarly, Daalder and O'Hanlon contend that Milosevic was seeking to implement Operation Horseshoe, a plot to isolate the KLA by emptying Kosovo of its Albanian population (2000, p58-59). This plan was said to have been discovered and passed to German and US intelligence, but Judah is critical of how it appeared to become an established fact without firm evidence, noting that a senior US state department official had "implied that it was extremely vague and certainly not taken too seriously" (2000, p240-241). Conversely, Bellamy argues for its veracity, pointing out that there were over 100,000 ethnic Albanian refugees outside of Kosovo less than a week into Operation Allied Force, and that "it is simply not possible to coordinate and manage such a rapid rate of expulsion without pre-planning" (2002, p164).

Whilst it is clear that "there was without doubt a major plan to crush the KLA which would have resulted in large numbers of refugees" (Judah, 2000, p241), we cannot be certain of Milosevic's ultimate intentions had NATO not intervened. We do know that there were clear warnings before the campaign began – including from a senior Serb general – that it would provoke an escalation in attacks on Kosovar Albanians (House of Commons Foreign Affairs Committee, 2000, para. 82). Both the Director of the CIA and the Chairman of the Joint Chiefs of Staff had advised Clinton that such an outcome was likely, but little was done to prepare for the inevitable refugee crisis (Bellamy, 2002, p165). The UN Refugee Agency "received no advance warning from any government or other source" about the possible requirement to respond to a massive outflow of people from Kosovo (Judah, 2000, p240). Indeed, it does not appear to have been "an objective given to military planners until the last moment" (House of Commons Defence Committee, 2000, para. 64). As even Bellamy acknowledges, "if Operation Horseshoe was known about, why was so little done to prepare the UNHCR and other agencies to receive refugees in Albania and Macedonia?" (2002, p165).

For Cohn, the bombing was directly responsible for creating "the largest refugee flow in Europe since World War II" (2003, p122). The reality however is considerably more nuanced. As Rieff states, "it is unfair and inaccurate to claim that without the bombing there would have been no crisis at all" (2004, p290). In their inquiry, the House of Commons Foreign Affairs Committee concluded that "although Milosevic's forces were already poised to move against the Albanian population of Kosovo, the withdrawal of OSCE monitors and the start of NATO air strikes encouraged an intensification of repressive action" (2000, para. 87). Roberts concurs, observing that "there are grounds for doubting whether, in the absence of the NATO bombing, the ethnic cleansing would have proceeded with such speed and viciousness" (1999, p113). Wheeler suggests that the humanitarian disaster could have been prevented if NATO had developed a credible option for a ground invasion early on, but "no Alliance government argued for such a strategy, because they believed that casualties would undermine public support at home" (2002, p284). However, Bellamy has shown that both the British and General Clark were supportive of a ground option, but there was a need to maintain cohesion within an alliance that was generally hostile to it. Bombing was better than doing nothing, he argues, noting: "there would have been no air campaign at all had there been serious talk of a ground campaign at the outset" (2002, p207). This underscores an important point. We must avoid the temptation to compare Kosovo or any other case to some ideal type of intervention, where political considerations are subservient to strategic and

military imperatives, when no such model has ever existed. Any use of military force however noble or well-intentioned will always be tempered by basic political realities, and how interventions are actually conducted - not how we believe they should be - is the only measure available for assessing their value.

It is indisputable that by its conclusion, NATO's bombing campaign had succeeded in achieving its military objectives, having forced Milosevic to withdraw his forces and agree to a peace deal. And yet, the fact that it so comprehensively "failed to achieve its avowed aim of preventing massive ethnic cleansing" is profoundly troubling (IICK, 2000, p96). Garton Ash suggests that there were two parallel but mostly separate campaigns: a tactical one aimed at preventing the Serbs from doing more harm to the Kosovar Albanians, and a strategic one "aimed at Serbia proper". NATO "won the second, but lost the first" (2000). As Roberts reflects, this alone "makes it a questionable model of humanitarian intervention" (1999, p120).

2.2.2 Were the means legitimate?

The initial focus of the bombing was on military targets and air defences, which had only a modest impact on Serb forces on the ground in Kosovo; for instance, NATO had destroyed only about a dozen Serb tanks by 12 April (Daalder and O'Hanlon, 2000, p121). The realisation that Milosevic "was not going to capitulate without a fight" led to a change of strategy, and the air campaign was expanded to strike targets throughout Yugoslavia (Bellamy, 2002, p168). Targets destroyed included 59 bridges, nine major highways, and seven airports, whilst "two-thirds of the main industrial plants were nearly destroyed" and "70% of the electricity production capacity and 80% of the oil refinery capacity was knocked out" (IICK, 2000, p93). This shift to focus on infrastructure targets throughout the FRY "led to an increasing number of Serb civilians being killed" (Wheeler, 2002, p271-272). Whilst NATO did not target civilians directly, it seems their aim was to "intimidate the population and make living conditions as difficult for them as possible so as to compel them to pressure Milosevic to concede" (Hehir, 2013a, p239). NATO may have won the war, but in pursuing a strategy that intentionally caused civilian misery, it failed the "moral test" (Shue, 2016, p292).

Many commentators criticised NATO's decision to minimise the risk to their aircraft by bombing from 15,000 feet, as this made it difficult for pilots to positively identify their targets before attacking (IICK, 2000, p93). As Hehir observes, "NATO's main priority appeared to be the safety of its own soldiers rather than the Kosovar Albanians" (2013a, p238). It was argued that this tactical decision "made full adherence to international humanitarian law virtually impossible" (Amnesty International, 2000, p26). Despite the use of "a higher percentage of precision-guided munitions than in any other major conflict in history", at least 500 Yugoslav civilians were killed across 90 separate incidents during the campaign (Human Rights Watch, 2000, p2). In a damning report, Amnesty International accused NATO of "serious violations of the laws of war leading in a number of cases to the unlawful killing of civilians". In particular, they highlighted the targeting of the civilian headquarters of Serbian state television, the accidental bombing of two civilian convoys in Djakovica and Korisa in which over 120 people died, and a mistaken attack on the Chinese Embassy in Belgrade (2000, p1).

The attack on Djakovica has been described as “the lowest point of Operation Allied Force…NATO was now making mistakes that cost the lives of the very people it was supposed to be helping” (Bellamy, 2002, p173). Numerous civilian deaths occurred “as a result of the use of legally dubious cluster bombs against targets in densely populated areas”. Moreover, thousands of unexploded cluster bombs remained in Kosovo and Serbia, “posing a serious ongoing hazard” to civilians (IICK, 2000, p180). The Red Cross found that more than 150 people died in the 12 months following the campaign due to cluster bombs leftover from the conflict (Hehir, 2013a, p239-240).

2.2.3 Summary

Pro-interventionist voices maintain that NATO’s campaign, whilst deeply flawed, ultimately achieved a higher purpose in ending Serb oppression in Kosovo (Bellamy, 2002; Robertson, 2006; Daalder and O’Hanlon, 2000). This argument is a potent one, particularly when you consider how the experience is viewed by its principal victims. The Guardian’s war correspondent reported that amongst Kosovo Albanians, there was “an almost universal feeling that, although the price was far bloodier than expected, it was worth paying for the sake of liberation from Serb rule” (Steele, 1999). We must remember that over 10,000 ethnic Albanians were killed between March and June 1999, mostly by FRY forces, in addition to “widespread rape, torture…looting, pillaging and extortion” (IICK, 2000, p3). The solidarists of the English School would have seen clear justification for intervention under such circumstances. Nevertheless, whilst NATO did eventually succeed in achieving its immediate military objectives in Kosovo, it failed totally in its central mission of preventing a humanitarian disaster, and even contributed to it in a major way. Furthermore, the means that NATO employed in the course of the campaign raise serious questions about its moral legitimacy; the impact on civilians was unreasonably high for a conflict that was supposed to have been fought in the defence of human rights and humanitarian values. As a demonstration of what Bellamy calls “diplomacy backed by force”, NATO’s intervention in Kosovo did succeed in raising the stakes high enough for Milosevic to force a change in his behaviour (2002, p203). That this came at great cost for civilians in both Kosovo and Yugoslavia should provoke grave caution from any policymakers and political leaders who might look to it for inspiration.

2.3 Post-intervention: assessing the legacy of 1999

In the near two decades since the war, an enormous amount of energy has been expended by a wide range of governments, international organisations and NGOs in stabilising Kosovo. Whilst these efforts have not been entirely in vain, Kosovo’s struggles offer an illustrative example of just how difficult it is to reconstruct states after they have been torn apart by conflict, and why a durable commitment to the follow-up is just as important as the intervention itself.

According to one author, Kosovo has received “by far the largest flow of aid ever disbursed to a developing country, in per capita terms” (Capussela, 2015, pxiii). At one point, there were over 500 NGOs present in the region (IICK, 2000, p101). UN Security Council Resolution 1244

established the United Nations Mission in Kosovo, an international civil presence mandated to administer the province, and provided for an international security force under NATO command, KFOR, initially composed of 50,000 troops (IICK, 2000).

Kosovo unilaterally declared independence in 2008. As of 2019, it has been recognised by 115 countries, "including the US, UK, and most western European states, but not by Serbia…Russia and China" (Sengupta, 2019). After 1999, the controversial question of independence was studiously avoided by the UN administration, which in resolutions and official statements sought to emphasise the territorial integrity of the Federal Republic of Yugoslavia (Chesterman, 2004, p80). The uncertainty around Kosovo's future status was a major obstacle to state-building efforts. As Dannreuther commented: "it is extremely difficult to construct viable and lasting civil and political institutions when the underlying legal and political framework is undetermined" (2001, p27). Ker-Lindsay has argued that the Kosovar Albanians would never have accepted a return to Serb rule, and independence was the only feasible option if a renewal of violence was to be avoided. This was tacitly understood by Western states and UNMIK officials, and meant that attempts by UNMIK to condition discussion of Kosovo's future status upon progress against basic democratic standards "amounted to little" (2012, p395). Ultimately, UNMIK came to be seen by Kosovar Albanians as "an impediment to the ultimate goal of national self-determination" (Edelstein, 2009, p89). Its mission continues "in a status neutral manner" (UNMIK, 2019). However, it is mostly boycotted by Kosovo Albanians and "plays a role only in the Serb-dominated north" (Džihić and Kramer, 2009, p17).

KFOR also remains, though in a much-reduced capacity; around 3,500 troops provided by 28 countries serve as "largely unarmed community liaison teams". Its primary task according to its commander is to provide security and reassurance for the Serb population in the north of Kosovo. Tensions continue to rise sporadically, including an incident as recently as May 2019. Whilst questions have been raised particularly by the US about KFOR's ongoing relevance in a "country that remains relatively quiet despite the absence of a lasting political solution", a senior Western official was recently quoted as saying "Withdrawal would be crazy. Over in Serbia, they count the troop numbers" (Sabbagh, 2019).

Despite the vast resources committed to state-building in Kosovo, it faces significant political and economic challenges, as well as persistent problems arising from poor interethnic relations, a flawed judicial system, a troubling record on human rights and high levels of crime and corruption. We shall consider these in turn.

2.3.1 Ethnic relations in Kosovo

Interethnic relations in Kosovo remain bitterly divided 20 years after the war (Minority Rights Group, 2018). Immediately following the intervention, Serbs living in Kosovo were targeted in revenge attacks that left hundreds dead (Daalder and O'Hanlon, 2000, p177). Around half of the pre-war Serb population of 200,000 either left voluntarily, fled or were forcibly removed from their homes (IICK, 2000, p108-109). A senior UN official remarked at the time "the spring ethnic cleansing of ethnic Albanians accompanied by murders, torture, looting and burning of

houses has been replaced by the fall ethnic cleansing of Serbs, Romas, Bosniaks and other non-Albanians accompanied by the same atrocities" (Erlanger, 1999). KFOR's inability to avert Albanian revenge attacks "represented a profound failure of the international community to uphold the principles that had been hailed as the driving force behind the war effort" (IICK, 2000, p105). According to UN data, less than 5% of those displaced have returned to Kosovo since 1999 (UNHRC, 2018, p13).

The IICK identified a major early mistake in KFOR's decision to pursue a strategy of ethnic separation in the Serb enclave of Mitrovica, lamenting that "now it is much more difficult to reverse that strategy" (2000, p109). Ethnic tensions boiled over across Kosovo in 2004 with an outbreak of rioting that involved some 51,000 people. Human Rights Watch described a situation in which "large ethnic Albanian crowds acted with ferocious efficiency to rid their areas of all remaining vestiges of a Serb presence" - with at least 550 homes burned down and 4,100 Serbs and other minorities displaced - whilst KFOR and UNMIK were said to have "failed catastrophically in their mandate to protect minority communities" (2004, p1-2). As Hehir later observed, the failure of UNMIK "to achieve any meaningful reconciliation between the Albanian and Serbian communities or to halt the periodic outbreaks of violence" reflected its "adoption of ethnicity as the paramount political cleavage, its inability to provide basic security and its reluctance to deal with Kosovo's final status" (2006, p200). Since 2011, the EU has facilitated dialogue between Pristina and Belgrade that has made some progress towards normalisation of relations, which is a condition for EU membership. In 2013 Kosovo and Serbia agreed to establish an "Association of Serb Municipalities" that would grant autonomy to Serb-majority areas, but progress stalled after the Kosovo Constitutional Court ruled in 2015 that it was unconstitutional (Russell, 2019, p6).

A 2015 survey showed that there is still a very high level of ethnic distance between Albanians and Serbs. Over half of Albanians were found to have "no contact whatsoever with Serbs", whilst 25% of Albanians and 49.6% of Serbs believe there is a high risk of new conflicts (YIHR, 2015, p266-270). In their most recent assessment, the OSCE reported "the promotion of inter-ethnic relations remains sporadic at best and institutions have failed to address this problem in any systematic way" (OSCE, 2015, p8). In 2018, the leaders of Kosovo and Serbia proposed a redrawing of borders that would see the Serb-majority area to the north return to Serbia, whilst the Albanian-majority Presevo Valley in Serbia would join Kosovo. However, the idea has been met with fierce opposition in both countries and amongst some EU member states and has yet to advance much further (Russell, 2019).

2.3.2 Law, order and human rights

The development of a functioning judicial system has been a particularly troublesome task. Early difficulties were compounded by the absence of "a political resolution for the sovereignty question" within UNMIK's mandate, which "posed a serious barrier to the re-establishment of the rule of law in Kosovo". Several missteps damaged UNMIK's credibility amongst the population, notably an initial decision to re-impose pre-March 1999 "Serbian law" that was later reversed. One consequence of this and UNMIK's "own lack of faith in the local judiciary", was a widely criticised resort to detention by executive order (Chesterman,

2004, p166-168). By 2008, Amnesty International declared that UNMIK's justice system had failed, particularly with respect to ending impunity for war crimes and crimes against humanity, ensuring the right to a fair trial, and properly training its judges and prosecutors (2008).

After independence, the European Union Rule of Law Mission in Kosovo (EULEX) was established to support Kosovan institutions in the rule of law, particularly across the police, judiciary and customs (EULEX, n.d.). Its modest achievements within its first six months was attributed to it following "the same failed policy of UNMIK" (Džihić and Kramer, 2009, p1). EULEX's executive functions ceased in 2018, having been involved in only 46 verdicts since 2008, and it was "set to hand over 900 unresolved cases to the local Special Prosecutor's Office" (Human Rights Watch, 2019a).

A persistent critique over the last 20 years concerns the inability of successive institutions to properly confront war crimes committed by the KLA (Higgins & Hopkins, 2018). A Council of Europe report alleged that KLA members had murdered Serbs for their organs after the 1999 war, and implicated senior serving members of the government, including current President Hashim Thaci (Marty, 2010). The Kosovo Specialist Chambers was established at the Hague in 2018 to investigate KLA crimes but has been met with fierce opposition from key figures within the Assembly and government, "raising doubts about Kosovo's commitment to justice and the rule of law" (Freedom House, 2018). The EU concluded in May 2019 that "significant concerns remain about the willingness to investigate, prosecute, judge and effectively enforce convictions in war crimes cases involving former Kosovo Liberation Army members" (European Commission, 2019). For years, an observable trend in Kosovo has been the dismissal or return to lower courts of "high profile cases against politically powerful defendants" (U.S. State Department, 2018, p2).

Corruption and organised crime are major continuing problems in Kosovo. The EU considers progress against these two areas to be "at an early stage" (European Commission, 2019, p3). It is ranked 93rd out of 180 countries for corruption, with a score of 37/100 (Transparency International, n.d.). There is a widespread perception "in the government, the opposition, civil society, and the media" that senior officials in the government have "engaged in corruption with impunity" (U.S. State Department, 2018, p1). Kosovo is considered to be "partly free" by Freedom House, with a rating of 54/100. Its most recent report notes: "Kosovo holds credible and relatively well-administered elections, but its institutions remain weak, and rampant corruption has given rise to deep public distrust in the government. Journalists face serious pressure and risk being attacked in connection with their reporting. The rule of law is inhibited by executive interference in the judiciary" (Freedom House, 2019a).

Minorities in independent Kosovo "continue to face challenges regarding a secure environment, regaining and accessing property, civil registration, being able to use their own language, adequate provisions for education, employment opportunities and social welfare" (European Commission, 2019, p30). Whilst Kosovo law does contain safeguards for the human rights of Serbs and other minorities, "in practice, relevant legislation and strategies of the

Provisional institutions of local self-government concerning human rights are not implemented equally for all" (UNHRC, 2018, p3-4).

2.3.3. Economic development

Kosovo enjoys 4% economic growth, the highest amongst its neighbours (IMF, 2018, p8). The economy has grown consistently since 2008, with GDP per capita rising from US$1,088 in 2000 to US$3,877 in 2017. Nevertheless, the World Bank notes that it "remains the third-poorest country in Europe". Its most recent assessment reports "Kosovo's medium-term growth outlook is positive and on an upward trend but needs a stable political environment and better business climate to attract productive investments" (World Bank, 2018).

Despite these positive trends, the poverty rate sits at almost 40%. Unemployment is very high at 33%, rising to 58% amongst 15-24-year olds (UNDP, n.d.). Emigration of skilled workers, particularly educated young people, is recognised as a significant economic challenge (European Commission, 2019, p49). Its economic growth is also heavily reliant on remittances, which make up 15.8% of GDP, the 14th highest in the world (World Bank, n.d.-a).

2.3.4 Summary

The IICK report concluded that it was too early to judge whether the intervention was a success or failure, and that the true test would be "whether an independent Kosovo becomes a genuinely democratic state and whether it establishes stable and peaceful relationships with its neighbours" (2000, p288). By that measure, Kosovo still has some way to go on its long, hard journey towards stability and statehood. Twenty years on, thousands of NATO troops remain to keep the peace. UN and EU missions continue their decades-spanning efforts to construct a fully functioning market democracy, underlining the enormity of the challenge that state-building presents in post-conflict zones. Kosovo is still riven by deep ethnic antagonisms – perhaps unsurprisingly in a country burdened with such a dark and blood-soaked past. Its unilateral declaration of independence has given way to a relatively stable state, complete with many of the trappings of western democracy and earnest aspirations to integrate further into the European family. Its positive economic growth is notable, even as its youth languishes in unemployment, or flees to more promising opportunities elsewhere. Kosovo's troubled relationship with the rule of law and respect for human rights persists, as does its failure to fully confront the moral complexities of the 1999 war. The corrosive influence of corruption and organised crime permeate state structures, where individuals implicated in grave crimes have risen to positions of great power and prestige.

2.4 Did the Kosovo intervention cause more harm than good?

The humanitarian intervention in Kosovo is often held up as a shining example of how military force can be put toward noble ends. This is a false impression, that simplifies and distorts the true face of a war that came at far greater cost than is commonly acknowledged. Nevertheless, there are creditable reasons for mounting a qualified defence of it. The pro-interventionist case asserts that, whilst it was both legally questionable and flawed in its execution, it was legitimate on the grounds that it was a price worth paying to free the Kosovar Albanians from Milosevic's oppressive grip. This is a powerful argument, and one which many Kosovars would presumably agree with. One of the four requirements of Wheeler's solidarist theory of humanitarian intervention is that it must result in a "positive humanitarian outcome" (2002, p34). Whilst the Kosovo intervention could be said to have satisfied this in liberating the Kosovar Albanian population, it is impossible to see in it a model that should readily be repeated. Notwithstanding the motives, the means pursued by NATO completely undermined the humanitarian principles it sought to champion. The cost borne in civilian lives and misery puts another of Wheeler's requirements – that interventions be proportionate in their means – under immense strain. In the aftermath of the war, the much vaunted 'international community' failed to prevent an explosion of vengeance and violence that needlessly prolonged the bloodshed. Kosovo's long and complicated experience post-intervention demonstrates just how difficult it is to construct a functioning state out of nothing, and it continues to be plagued by a multitude of serious and persistent challenges. However, it is eminently true that Kosovo is a far better place today than it was in the 1990s. Above all, Kosovo shows that if an intervention is to have any hope of succeeding beyond its immediate strategic objectives, it will require a long-term commitment long after the news cameras have gone home. Such an undertaking is likely to come with tremendous costs, and even then, will almost certainly sting with disappointment.

3. Libya

The 2011 intervention in Libya epitomises the perils of turning to coercive military action to resolve international crises. Whilst NATO's conduct of the campaign was a marked improvement over 1999, the longer-term consequences have been disastrous. In contrast to Kosovo, the Libya intervention has unquestionably made life worse for many Libyans. This chapter will highlight how a constellation of non-humanitarian motives and interests compromised the legitimacy of the intervention from the start, which has only worsened as the longer-term implications of the international community's actions have played out.

3.1 Contextualising the conflict

The crisis in Libya was rooted in the upheavals associated with the 'Arab Spring' protests against the autocratic regimes of the Middle East, which began in Tunisia in December 2010 and quickly spread throughout the region (Hehir, 2013a, p282). According to an International Crisis Group report, a multitude of entrenched grievances combined to make Libya "a large pressure cooker waiting to explode". Popular anger was fuelled by decades of authoritarianism and repression under the rule of Muammar Gaddafi, dissatisfaction with the state of development in a country endowed with vast oil wealth, and a widespread perception that economic opportunities had accrued mostly to a narrow elite, particularly Gaddafi's own family (2011, p1-2). Demonstrations began in the city of Benghazi on 15 February 2011, and within two weeks "the Gaddafi regime had lost control of a significant part of Libya, including the major cities of Misrata and Benghazi" (House of Commons Foreign Affairs Committee, 2016, para. 4, p6).

The catalyst for the intervention was the violence that erupted between pro-Gaddafi forces and the protesters, which very quickly took on "the logic of civil war" (International Crisis Group, 2011, p.i). Hehir notes how the "peculiarity of the regime" that Gaddafi had constructed in Libya meant that there were no independent internal actors who could act to peacefully resolve the crisis, as had happened in other states affected by the Arab Spring, and thus it swiftly became "a life-or-death struggle" between the two sides (2013a, p287-288). A government counter-offensive was launched in March, which culminated with a planned assault on the rebel stronghold of Benghazi (House of Commons Foreign Affairs Committee, 2016, para. 5, p6).

Two developments occurred in March that paved the way for military action. Firstly, the support of the Arab League, the Gulf Cooperation Council, the Organisation of Islamic Cooperation and the African Union for action against Libya "was a crucial factor in the ultimate decision to intervene". Then US Secretary of State Clinton described the Arab League's statement as "precipitating a 'sea-change' in attitudes at the Security Council". This is evidenced by the subsequent passage of UNSC Resolution 1973 on 17 March, which established a ban on all flights in Libyan airspace, and authorised states to take "all necessary measures…to protect civilians and civilian populated areas under threat of attack" (Hehir, 2013a, p289-291). It seems probable, as Bellamy argues, that without the support of these

regional organisations, “China and Russia would have certainly vetoed Resolution 1973” (2011b, p4).

In contrast to the Kosovo intervention, which was not approved by the UN, Resolution 1973 is noteworthy for being “the first time that the Security Council has authorized the use of military force for human protection purposes against the wishes of a functioning state” (ibid., p1). In its wake, many believed that an important threshold had been crossed in the evolution of the RtoP norm, with Ban Ki-Moon declaring “By now it should be clear to all that the Responsibility to Protect has arrived” (Hehir, 2013b, p137). The intervention itself was hailed as a “model intervention”, and “the right way to run” one (Daalder and Stavridis, 2012, p2). Despite such confidence, both the nature of the intervention itself and the events that have unfolded in Libya in the years since demonstrates that such bold optimism was remarkably misplaced.

3.2 War goals: examining the immediate outcomes

3.2.1 Stretching the UN mandate

Military action against Libya began on 19 March, involving a coalition of states led by the US, France and the UK. On 31 March, NATO assumed command of what became known as ‘Operation Unified Protector’ (House of Commons Foreign Affairs Committee, 2016, para. 5-6, p6). NATO’s stated objectives for the operation was to implement the UNSCR mandate by enforcing the arms embargo, upholding the no-fly zone, and taking “other actions needed, as authorised in UNSCR 1973…to protect civilians” (NATO, 2011).

It is now clear that this mandate was exceeded on multiple levels. Firstly, the arms embargo was quickly undermined by secret efforts to equip the rebels with training and weapons, including the deployment of special forces (Barry, 2011, p6-7). France acted to “unilaterally air-drop weapons to the rebels” when the cities of Misrata and Jebel Nafusa looked set to fall to government forces (Hehir, 2013a, p292). Meanwhile, “the international community turned a blind eye” to the UAE and Qatar’s supplying of certain rebel groups with weapons, including anti-tank missiles (House of Commons Foreign Affairs Committee, 2016, para. 43, p16).

Whilst mission statements and public declarations placed an overriding emphasis on protecting civilians, Western governments were said to “make no secret of the fact that their goal is regime change” (International Crisis Group, 2011, p.i). Divisions emerged on the Security Council soon after military operations began, with Russia, China and South Africa arguing that NATO had “crossed the line between civilian protection and regime change” by actively seeking to overthrow Gaddafi (Chivvis & Martini, 2014, p5). By July, the campaign’s initial remit widened considerably, after NATO “adopted a more aggressive interpretation of UNSCR 1973” which involved directly targeting the “military and security capability” of the regime (Barry, 2011). With this escalation in tactics, Hehir astutely draws a clear parallel with Kosovo, observing how it similarly “necessitated portraying a wide array of Libyan infrastructure as implicated in attacks on the civilian population” (2013a, p292). Kuperman, a prominent intervention sceptic, argues convincingly that NATO’s preoccupation with

overthrowing the regime led it to take actions "that were unnecessary or inconsistent with protecting civilians, but which fostered regime change". This included attacking Libyan forces that were retreating, bombing Gaddafi's hometown of Sirtre – which supported the regime – and failing to pursue a ceasefire in favour of aiding the rebels, who had little interest in peace. These actions, he contends, extended the war and therefore magnified the harm to civilians, "contrary to the intent of the UN authorization" (2013, p197). This stretching of the UN mandate was described by one author as "mission creep on steroids" (Falk, 2011). The ambiguity of UNSCR 1973, and particularly the inclusion of the phrase "all necessary measures", created the space for NATO to go beyond its intended purpose of enforcing a no-fly zone that would protect civilians from attack. As Falk notes, "almost immediately once NATO launched its operations, it became obvious that an entirely new and controversial mission was underway than what was acknowledged during the debate that preceded the adoption of 1973" (ibid.).

3.2.2 Saving civilians?

The proximate cause behind the decision to use military force was, it was claimed, to prevent a civilian massacre from occurring in Benghazi as Gaddafi's forces approached the rebel enclave in March 2011 (Daalder & Stavridis, 2011). President Obama stated that the U.S. had chosen to intervene specifically to protect civilians in the city: "We knew that if we waited one more day, Benghazi…could suffer a massacre that would have reverberated across the region and stained the conscience of the world" (The Telegraph, 2011).

However, fears of an imminent massacre in Benghazi appear to have been considerably overstated. Kuperman points to the role played by Libyan expatriates in Europe, who issued dire warnings to the media of an impending bloodbath and "raised the specter of genocide to attract a NATO intervention – which worked like a charm" (2015, p70). This is supported by a UK parliamentary inquiry, which determined that "émigrés opposed to Muammar Gaddafi exploited unrest in Libya by overstating the threat to civilians and encouraging Western powers to intervene" (House of Commons Foreign Affairs Committee, 2016, para. 35, p15). The inquiry further determined that Gaddafi's forces had not targeted civilians when retaking other towns from the rebels in February 2011, and that casualties had been overwhelmingly male combatants rather than civilians, leading it to conclude: "the proposition that Muammar Gaddafi would have ordered the massacre of civilians in Benghazi was not supported by the available evidence" (ibid., para. 32, p14). Contrary to western media coverage that portrayed it as entirely peaceful, the International Crisis Group highlighted evidence that "the protest movement exhibited a violent aspect from very early on". It further criticised sensationalist media reports that suggested the regime "was using its air force to slaughter demonstrators, let alone engaging in anything remotely warranting use of the term 'genocide'" (2011, p4-5). Both the brutality of the government's response and the rapid resort to violence by some of the demonstrators, including the seizing of abandoned weapons and attacks on government buildings, helped to precipitate a swift escalation (Amnesty International, 2011, p7). As Bellamy and Williams note, the protests turned so violent so quickly "partly because of the regime's crackdown and partly because an armed opposition group was quickly established under the Interim National Transitional Council" (2012, p275).

The evidence is clear that serious human rights abuses were perpetrated by pro-Gaddafi forces against the protesters. The UN Human Rights Council found that excessive force was used against demonstrators in the early days of the protests that resulted in deaths and injuries. It further implicated the Gaddafi regime in the torture and unlawful killing of detainees, disappearances of perceived enemies, and indiscriminate attacks on civilians – acts which constitute war crimes and crimes against humanity. However, it also concluded that the rebels were guilty of many of the same crimes, which continued with impunity after Gaddafi's fall (UNHRC, 2012). In a challenge to the conventional wisdom, Kuperman asserts that "in all four cities initially consumed by the conflict, large-scale violence was initiated not by government forces but rather by the protesters" (2013, p193). He further notes that in seven weeks of fierce fighting in Misurata, "only 257 people were killed – including rebels and government forces – in a city of 400,000", which he says proves that Gaddafi was not deliberately targeting civilians in the manner he was portrayed to be (ibid., p195). Whilst Kuperman somewhat overstates his case – independent investigations attested to instances of civilians being deliberately and indiscriminately targeted (see UNHRC, 2012; Amnesty International, 2011; Human Rights Watch, 2011a) – the weight of evidence suggests that he is correct to assert that the threat to civilians was greatly exaggerated.

This finding has grave implications, because it suggests that the intervention was based on a false premise. Moreover, it undercuts one of Wheeler's four requirements in his solidarist theory of humanitarian intervention – the presence of just cause or a "supreme humanitarian emergency" (2002, p34). A key question is whether policymakers, officials and political leaders in western states genuinely believed their pronouncements about an impending disaster, or if they wilfully concocted a humanitarian rationale in pursuit of their ultimate goal of regime change.

In the UK, the government suffered from a lack of reliable intelligence and a limited institutional understanding of Libya with which to properly analyse the rebellion and appear to have been "caught up in events as they developed" (House of Commons Foreign Affairs Committee, 2016, para.38, p15). Though the UK played an integral leadership role, much of the early impetus for military action came from France. In correspondence between Hillary Clinton and a key advisor, French intelligence officers reportedly related that French President Sarkozy's plans were driven by a desire to: i) gain a greater share of Libyan oil production ii) increase French influence in North Africa iii) improve his internal political situation iv) provide the French military with an opportunity to reassert its position in the world v) address the concerns of his advisors over Gaddafi's long-term plans to supplant France as the dominant power in Francophone Africa (ibid., para.18-20, p.10-11). Clearly, none of these interests have anything to do with protecting civilians.

In the United States, Obama admitted that the intervention was launched, at least partly, because they had an important strategic interest in doing so (Hehir, 2013a, p297). Nevertheless, Obama was deeply ambivalent about getting involved, telling his Defence Secretary that it had been a "51-49 call for him", whilst Gates himself considered resigning over it (Gates, 2014, p519-522). Senior defence and intelligence officials reportedly later claimed that Hillary Clinton's "strong advocacy for intervention against the Libyan regime

rested more on speculative arguments of what might happen to civilians than on facts reported from the ground", and that it was an "intelligence-light decision" (Riddell & Shapiro, 2015).

Ultimately, we cannot be certain of the actual motivations behind the decision to intervene, beyond the likelihood that states had mixed reasons for doing so. As Hehir observes, the presence of mixed motives does not mean that an intervention "cannot be deemed humanitarian" (2013a, p297). In the case of Libya however, the evidence presented thus far demonstrates that the legitimacy of the intervention is sorely tested on three counts : a) that the UN mandate was so egregiously exceeded in the largely self-interested pursuit of regime change; b) that the very basis of the intervention – to avert a civilian massacre in Benghazi – was erroneous from the start; and c) that leading states committed to such a serious undertaking without adequate intelligence or understanding of what was actually happening on the ground.

3.2.3 Ways and means - mission accomplished?

Operation Unified Protector concluded on 31 October 2011, with Gaddafi dead and the Transitional National Council in power (Hehir, 2013a, p293). By that measure, the intervention succeeded in its mission to topple the Gaddafi regime – achieved without a single allied casualty and at the relatively modest cost of "several billion dollars", far less than previous interventions (Daalder & Stavridis, 2011, p3).

NATO's seven-month campaign was lauded for its use of precision-guided bombs to minimise civilian casualties and collateral damage (Barry, 2011, p8). These efforts paid off, with impressively few civilian casualties reported. A UNHRC report found that amongst 20 airstrikes it investigated, 60 civilians were killed and 55 injured, noting that "NATO took extensive precautions to ensure civilians were not killed" (2012, p16). Human Rights Watch gave a figure of 72 civilians killed, whilst acknowledging that "the number of civilian deaths in Libya from NATO strikes was low given the extent of the bombing and duration of the campaign" (2012, p4). In comparison to Kosovo, where at least 500 civilians were killed over 78 days, Operation Unified Protector represents an immense improvement.

Some early advocates celebrated the intervention for helping to end Libya's civil war, which otherwise might have "been much longer and more violent" (Western & Goldstein, 2011, p57). In stark contrast, Kuperman contends that by preventing Gaddafi from ending the war at Benghazi in March 2011, the intervention actually prolonged the conflict, with thousands more lives lost (2015). Whilst Kuperman's assumption that a defeat for the rebels at Benghazi would have ended the war seems desperately optimistic, Western and Goldstein's contention is even more problematic. As we shall see, the notion that Libya's civil war ended with Gaddafi's fall, ushering in an era of peace and harmony, is wildly out of step with reality.

3.3 Post-intervention: Libya after Gaddafi

The post-intervention experience in Libya is even more troubling than Kosovo's fraught record. The great danger of armed interventions is their tendency to fall victim to the law of unintended consequences. In overestimating their ability to resolve a crisis and underestimating the costs involved, intervening states are unlikely to be willing to make the commitment required to stabilise countries long after the bombs have stopped falling. Nowhere is this more evident than in the case of post-intervention Libya. The failures in Libya since 2011 are plentiful and multidimensional, and shall be considered below.

3.3.1 Follow-up?

In the closing days of the intervention, the United Nations Support Mission in Libya (UNSMIL) was established to assist "national efforts to extend State authority, strengthen institutions, restore public services, support transitional justice and protect human rights" and take steps to initiate economic recovery (UN, 2011). In contrast to Kosovo however, the UN mission was small and "the international footprint…very limited, by historical standards". No peacekeeping or stabilisation forces were deployed, with little appetite to do so – though in any case, the transitional authorities were opposed to a foreign troop presence. Instead, "Libyans were largely left to fend for themselves" (Chivvis & Martini, 2014, p2-5). The absence of any major international contribution towards post-war reconstruction on the scale of previous interventions was a significant early impediment. The UK's stabilisation plans were described by one minister as "fanciful rot", whilst parliamentary research showed that "the UK spent some £320 million on bombing Libya and approximately £25 million on reconstruction programmes" (House of Commons Foreign Affairs Committee, 2016, para.79-81, p26). By 2016, Obama had derided the situation in Libya as a "shitshow", and publicly criticised Britain and France's lack of commitment to post-war Libya, saying "I had more faith in the Europeans, given Libya's proximity, being invested in the follow-up" (Goldberg, 2016). What little mandate UNSMIL has been able to exercise has been "undermined by external actors" and "had its credibility challenged by political miscalculations, institutional dysfunction, and scandals" (Hill, 2019).

3.3.2 Governance and security

Following the fall of the Gaddafi regime in October 2011, the machinery of government collapsed into chaos. As one expert remarked in testimony to a parliamentary inquiry: "Libya was a country with no institutions to speak of. When you took Gaddafi away, you took everything away" (House of Commons Foreign Affairs Committee, 2016, para.67, p23).

The most pressing concern in post-war Libya was the need to re-establish control over the security situation. Because Libya's existing security institutions were too weak to take on this role, the country came to be dominated by a disparate collection of hundreds of well-armed militias – including Islamist and jihadist groups. The transitional authorities were largely unable to convince or coerce these groups to disarm, inevitably leading to outbreaks of violence across the country (Chivvis & Martini, 2014, p9-20). The deteriorating security situation was most clearly demonstrated when an Islamist militia attacked the U.S. compound

in Benghazi in September 2012, killing the U.S. ambassador and three others, and forcing American and European officials to severely curtail their presence and activities (ibid., p25). Successive governments came to rely on militias by paying them to provide security, and the proliferation of such groups proved to be "a key destabilising factor after 2011" (House of Commons Foreign Affairs Committee, 2016, para.72, p24).

Good governance in Libya has been virtually non-existent since 2011. Elections took place in 2012 that replaced the TNC with a parliament, the General National Congress, and were generally regarded as a success. The government however proved "unable to project state authority and security" across the country, and new elections were called in 2014 to a successor parliament: the House of Representatives (HOR). Its legitimacy was immediately undermined by low turnout and a refusal by elements of the GNC to accept the result. Two rival governments emerged, the GNC based in Tripoli and the House of Representatives in the eastern city of Tobruk, and fighting broke out between militias linked to them (House of Commons Foreign Affairs Committee, 2016, para.7-8, p7). The UN brokered an agreement for a unity government in December 2015, but implementation "has been hindered by claims of illegitimacy by rival political forces" (International Crisis Group, n.d.). The internationally-recognised Government of National Accord (GNA) established itself in Tripoli in March 2016 but failed to win the support of the HOR to the east. Meanwhile, the military strongman Khalifa Haftar has emerged as a dominant force in opposition to the GNA, after spending years battling Islamist and al-Qaeda linked militias in the east and south as leader of the Libyan National Army (BBC News, 2019). The GNA government has been described as "beholden to militias and unable to extend influence beyond the capital", whilst Haftar and the HOR have aligned themselves with a parallel 'interim government' in the east, leaving the country with "competing factions claiming authority over key state institutions" (England & Sabeh, 2019). In April 2019, Haftar launched a surprise attack on Tripoli backed by Saudi Arabia, Egypt and the UAE which his supporters claim is aimed at rooting out terrorist militias, whilst his critics see a "second Gaddafi" (The Economist, 2019).

Two months before the end of Operation Unified Protector, one commentator heralded its success, declaring "the Libyan people have been freed from a crazed tyranny" (Cohen, 2011). Any such elation appears to have long since evaporated, as renowned Middle East correspondent Patrick Cockburn observed solemnly in 2014: "the majority of Libyans are demonstrably worse off today than they were under Gaddafi…The slaughter is getting worse by the month and is engulfing the entire country" (Cockburn, 2014). It is manifestly clear that NATO's intervention did not end a civil war in Libya as some early advocates claimed - it continues to rage today, eight years after its purported end. Far from the peaceful nascent democracy many hoped for, Libya is routinely characterised as a failing state (England & Saleh, 2019).

3.3.2 Migration

One of the more damaging spillover effects of the situation in Libya has been its impact on migration flows. The lack of an effective government to enforce border security made Libya "a key transit route for illegal migration into Europe and the location of a migrant crisis"

(House of Commons Foreign Affairs Committee, 2016, para.12, p8). Over 181,000 migrants arrived in Italy by sea in 2016, 90% from Libya, with thousands more drowning whilst attempting to cross (International Organization for Migration, 2019). Today Libya remains "a major hub for refugees, asylum seekers, and migrants on their way to Europe". The European Union has provided funding and training to the Libyan coastguard to intercept boats and return migrants and refugees to Libya, where they are detained in inhumane conditions that include "beatings, sexual violence, extortion, forced labor, inadequate medical treatment, and insufficient food and water" (Human Rights Watch, 2019b). One analyst testified before a U.S. congressional committee that France is quietly supporting Khalifa Haftar's activities because he is "seen by Paris as a strongman who could help close Libya's migration routes into Europe". At the same time, Italy has "sought to shore up support for the GNA" because "Tripoli is the primary point of departure for migrants headed to Italy" (Hill, 2019). This again underlines how Libya's stability has been eroded by a complex web of internal and external actors competing to promote their own interests.

3.3.3 Human rights, freedom and justice

As the UN Human Rights Council once observed, Libya under Gaddafi was marked by "decades of corruption, serious human rights violations and sustained repression of any opposition" (UNHRC, 2012, p5). Despite the end of his rule, the persistent conflict and chaos that has characterised the post-Gaddafi era has done little to improve Libya's troubling relationship with human rights.

In the immediate wake of the revolution, militias across Libya engaged in a litany of abuses, "killing people, making arbitrary arrests, torturing detainees and forcibly displacing and terrorizing entire communities, often solely for reasons of revenge". This included the entire population of Tawargha, numbering 30,000 people, who were accused of supporting the regime and driven from their homes (Amnesty International, 2012, p5-8). Intense fighting broke out in eastern Libya in 2014 between a coalition of Islamist militias and forces loyal to Khalifa Haftar. In Bengazi, tens of thousands fled their homes, with "reports of civilian abductions, summary killings, torture and attacks on civilian property, allegedly perpetrated by all parties" (Amnesty International, 2015, p8).

According to Human Rights Watch's most recent World Report, civilians in Libya continue to suffer greatly as a result of the ongoing conflict between the two rival governments and their militias, and from attacks staged by ISIS-affiliated groups. An estimated 200,000 people remained internally displaced at October 2018, whilst journalists, activists and religious minorities were subjected to threats and attacks by armed groups (Human Rights Watch, 2019b).

Libya has a freedom rating of 9/100 in 2019, eight years since the country's supposed democratic turn (Freedom House, 2019b). It is ranked 170 out of 180 countries for corruption, making it one of the most corrupt countries on earth. This is a decline from 2011, when it was ranked 168 out of 182 countries (Transparency International, 2018; 2011). The judicial system is described by Amnesty International as "dysfunctional and ineffective", with perpetrators of serious crimes able to "operate without fear of being held to account for their crimes" (2019,

p3). According to Freedom House, the judiciary "has essentially collapsed, with courts unable to function in much of the country", whilst armed groups continually interfere in the judicial process, and "thousands of individuals remain in custody without any formal trial or sentencing" (2019b).

3.3.4 Development and the economy

Libya's economy was shattered by the 2011 war, and unsurprisingly the outlook remains poor. Libya's relative wealth had prompted expectations that economic activity would recover quickly, but the "postwar economic recovery did not go according to plan, largely because of the stalled political process and lack of security" (Chivvis & Martini, 2014, p53).

GDP fell from $87 billion in 2008 to $48 billion in 2018. In 2010 Libya had a gross national income of $12,380 per capita – in 2018, it was only £6,330 (World Bank, n.d.-b). GDP, which collapsed by 66.7% in 2011, rebounded by an impressive 124% in 2012 but then fell back sharply into a protracted recession that lasted until 2016. Growth for 2019 is projected to sit at 4.3%, but this is expected to slow to 1.5% in the years up to 2024 (IMF, 2019, p161). Between 2012 and 2017, Libya's Human Development Index ranking fell by 26 points from 82nd to 108th – only Syria recorded a greater decline (UNDP, 2018).

The economy is defined by its dependence on the oil sector as the "major source of growth", but this is routinely undermined by the fragile political and security situation (World Bank, 2019). Despite an initial recovery, the weakness of the Libyan state was blamed for allowing "gangs and militias to take control of multiple oil production facilities, driving oil production back down to dangerously low levels, thereby demonstrating how vulnerable the economy really was" (Chivvis & Martini, 2014, p53). According to the World Bank's most recent assessment, any stabilisation of the economy is unlikely in the near term, exacerbated by recurring clashes between groups aiming to gain control over oil wealth. Oil production is predicted to languish at around 1 million barrels per day – or two-third of its potential – for years to come (2019).

3.3.5 Summary

The post-war experience in Libya is one of ruinous failure. The ongoing conflict undermines all efforts to establish a functioning state, with poor governance and seemingly little solution to the political deadlock in sight, whilst a migration crisis continues to create problems far beyond its own borders. The new Libya has not made significant advances in the areas of human rights, fundamental freedoms, state corruption and a functioning system of justice, and has arguably regressed in many respects. Its economy is in a far worse position that under Gaddafi and is set to remain highly volatile for years to come.

3.4 Did the Libya intervention cause more harm than good?

Like Kosovo, the apparent success of the intervention in Libya quickly inspired a great deal of enthusiasm about the virtues of using military force to protect civilian lives. For many, Gaddafi represented a clear and present threat to the people of Benghazi, which was neutralised by the quick and efficient actions of the international community. Moreover, it was explicitly authorised by the United Nations, providing a legal basis for military action and reflecting growing acceptance of the RtoP norm.

As we have seen, this assessment is deeply flawed in several respects. Firstly, the justification given for intervening – to prevent an imminent civilian massacre and humanitarian disaster – was rooted in a false impression of what was actually occurring on the ground. Secondly, the intervention went well beyond the UN mandate by embracing regime change. Thirdly, whilst the bombing campaign was notably less harmful to civilians than NATO's experience in Kosovo, it paved the way for Libya's collapse, leaving many Libyans considerably worse off than they had been under Gaddafi. Fourthly, the failure of the international community to commit the resources necessary to make a success of a situation they themselves had helped to create reflects poorly on the legitimacy of their actions and speaks to the inherently problematic nature of humanitarian intervention. In these respects, Libya resolutely fails to meet Tesón's doctrine of double effect, insofar that its negative consequences are not outweighed by positive ones.

Eight years on and Libya remains a chaotic place, riven by conflict and insecurity and the suffering of its people. The hopes and aspirations that inspired the 2011 revolution have little prospect of being realised any time soon, as the civil war continues to rage against a backdrop of persistent political discord and the absence of security. Instead, the search for stability will likely continue to be subordinated to the narrow interests of internal and external actors, the predations of rival militias and the ambitions of Khalifa Haftar. In Libya, military force was brought to bear on a regime that had very suddenly found itself once again out of favour with the international community, with little thought given to what would replace it, and without a substantive commitment to the follow-up. The resulting turmoil has been disastrous for the Libyan people. For this reason alone, Libya shows how difficult it is for humanitarian interventions to live up to their moral underpinnings, and provides a sobering lesson for those who place too great an emphasis on the value of using military force to promote humanitarian goals.

Conclusion

This study has sought to assess the usefulness of humanitarian intervention through a close examination of two prominent cases. The interventions in Kosovo in 1999 and Libya in 2011, whilst different in key respects, are emblematic of the profound challenges inherent to any reliance on military force to protect civilians.

In Kosovo, rather than achieving its stated mission of preventing a humanitarian disaster, NATO seems to have actually helped bring one about. NATO's humanitarian credibility was further undermined through its adoption of methods that increased civilian suffering and death, namely; the expansion of the air campaign to include infrastructure targets throughout Yugoslavia, the use of cluster munitions that have long since been banned by international treaty, the decision to bomb from the safe distance of 15,000 feet and the unacceptably high number of civilian casualties that accompanied that decision. Twenty years on Kosovo is unquestionably a much better place for ethnic Albanians than when they were subject to the murderous depredations of Slobodan Milosevic. And yet, Kosovo continues to face serious obstacles in its effort to construct a stable, prosperous and inclusive society that delivers for all its people. The popular conception of Kosovo as a great success story for the doctrine of humanitarian intervention is thus rejected. Nevertheless, that it brought about the end of Milosevic's brutal repression means we cannot dismiss the legitimacy of the intervention entirely, even as it failed miserably to prevent retaliatory atrocities against the Serbs.

In Libya the UK, France and – albeit more reluctantly – the US, moved rapidly to intervene in a crisis they did not fully understand. Almost from its outset the mission strayed far beyond its putative humanitarian brief and embraced regime change without any clear plan or commitment to post-war Libya. The premise for military action – an imminent massacre of civilians in Benghazi – was at best an exaggeration, at worst an outright falsehood. Whilst it did not provoke the same level of immediate harm to civilians as witnessed in Kosovo, the broader consequences for the Libyan people have been far more catastrophic. Libya today is a failing state locked in an endless cycle of conflict, little better than it ever was under Gaddafi and demonstrably worse in many respects. With its economy greatly weakened and effective governance virtually non-existent, human rights and the rule of law remain elusive despite Libya's ostensible turn towards democracy, whilst its impact on the European migration crisis continues to represent a damaging spillover effect. The malign influence of external actors has been a particularly pernicious impediment to stability in Libya, and the rise of Khalifa Haftar and his ongoing rivalry with the UN-backed Government of National Accord means that this is unlikely to change in the near term. Where the Kosovo intervention at least had the net result of eventually bringing the suffering of the population to an end, evidently the same cannot be said for Libya.

There are obvious limitations to the focus on only two cases, and it may well be possible to point to other more successful and legitimate interventions. Yet NATO's experiences in Kosovo and Libya seem to strike at the heart of all that is problematic about humanitarian intervention as a foreign policy doctrine. Despite the underlying benevolence of its rhetoric, any 'humanitarian' use of military force will always necessitate the same basic elements of

conventional war - and its many pitfalls. Inevitably, conflicts that involve a complex tapestry of causes, actors and motives will be reduced by politicians and media alike to simple, morally unambiguous tales of good versus evil in the service of their own narrow interests. Most damningly, these two cases suggest that it is doubtful intervening states will follow through with the necessary commitment to state-building and post-war reconstruction in societies they have helped to shatter. Even where they do, as in Kosovo, efforts will likely be steeped in failure.

We should not preclude the possibility that under certain conditions military force can be used effectively and legitimately to protect civilians from those acts which, as Walzer once put it, “shock the moral conscience of mankind” (Newman, 2009, p21). Not unreasonably, the failure to stop the Rwandan genocide shall forever be seen as a stain on the international community’s conscience. Nonetheless, sceptics of intervention are right to be wary of the value of these missions as an effective response to humanitarian crises. Kosovo to an extent, and Libya in particular, show that in practice there is a very real danger that they will lead to more harm than good.

Bibliography

Amnesty International (2000) *Collateral damage or unlawful killings? Violations of the laws of war by NATO during Operation Allied Force*, Available at: https://www.amnesty.org/en/documents/eur70/018/2000/en/ [Accessed 13 July 2019].

Amnesty International (2008) *Kosovo (Serbia) The challenge to fix a failed UN system*, Available at: https://www.amnesty.org/download/Documents/56000/eur700012008eng.pdf [Accessed 23 July 2019].

Amnesty International (2011) *The Battle for Libya: Killings, Disappearances and Torture,* Available at: https://www.amnesty.org/download/Documents/32000/mde190252011en.pdf [Accessed: 31 July 2019].

Amnesty International (2012) *Libya: Rule of Law or Rule of Militias?*, Available at: https://www.amnesty.org/download/Documents/24000/mde190122012en.pdf [Accessed 07 August 2019].

Amnesty International (2015) *Benghazi's Descent Into Chaos: Abductions, Summary Killings, and Other Abuses,* Available at: https://www.amnesty.org/download/Documents/MDE1900012015ENGLISH.PDF [Accessed 07 August 2019].

Amnesty International (2019) *Human Rights in Libya: Review of 2018,* Available at: https://www.amnesty.org/download/Documents/MDE1999192019ENGLISH.pdf [Accessed 07 August 2019].

Barry, B. (2011) 'Libya's Lessons', *Survival*, Vol. 53, No. 5, pp.5-14.

BBC News (2019) 'Why is Libya so lawless?', Available at: https://www.bbc.co.uk/news/world-africa-24472322 [Accessed 01 August 2019].

Bellamy, A.J. (2002) *Kosovo and International Society* (Basingstoke: Palgrave Macmillan).

Bellamy, A.J. (2006) *Just Wars: From Cicero to Iraq* (London: Polity Press).

Bellamy, A.J. (2010) 'The Responsibility to Protect—Five Years On', *Ethics & International Affairs*, Vol. 24, No. 2, pp.143-169.

Bellamy, A.J. (2011a) *Global Politics and the Responsibility to Protect: from words to deeds* (New York: Routledge).

Bellamy, A.J. (2011b) 'Libya and the Responsibility to Protect - The Exception and the Norm', *International Affairs,* Vol. 84, No. 4, pp.163-84.

Bellamy, A.J. & Wheeler, N.J. (2017) 'Humanitarian intervention in world politics', in J. Baylis, S. Smith, & P. Owens, *The Globalization of World Politics: An Introduction to International Relations.* 7th edition (Oxford: Oxford University Press).

Bellamy, A. J. & Williams, P. D. (2012) 'Principles, Politics, and Prudence: Libya, the Responsibility to Protect, and the Use of Military Force', *Global Governance*, Vol. 18, pp.273-297.

Belloni, R. (2007) 'The trouble with humanitarianism', *Review of International Studies,* Vol. 33, No. 3, pp.451-474.

Capussela, A.N. (2015) *State-Building in Kosovo: Democracy, Corruption and the EU in the Balkans* (London and New York: I.B. Tauris).

Chandler, D. (2000) 'International Justice', *New Left Review,* Vol. 6, Nov/Dec, pp.55-66.

Chesterman, S. (2001) *Just War or Just Peace? Humanitarian Intervention and International Law* (New York: Oxford University Press).

Chesterman, S. (2003) 'Hard Casers Make Bad Law: Law, Ethics, and Politics in Humanitarian Intervention' in A.F. Lang Jr (ed.) *Just Intervention* (Washington, DC: Georgetown University Press).

Chesterman, S. (2004) *You, The People: The United Nations, Transitional Administration, and State-Building* (New York: Oxford University Press).

Chivvis, C.S. & Martini, J. (2014) *Libya After Gaddafi: Lessons and Implications for the Future* (Santa Monica: RAND Corporation).

Chomsky, N. (1999) *The New Military Humanism: Lessons from Kosovo* (London: Pluto Press).

CNN (1999) 'Transcript: Clinton addresses nation on Yugoslavia strike', Available at: http://edition.cnn.com/ALLPOLITICS/stories/1999/03/25/clinton.transcript/ [Accessed 04 July 2019].

Cockburn, P. (2014) 'The West is silent as Libya falls in the abyss', *The Independent,* Available at: https://www.independent.co.uk/voices/comment/the-west-is-silent-as-libya-falls-into-the-abyss-9833489.html [Accessed 02 August 2019].

Cohen, R. (2011) 'Score One for Interventionism', *The New York Times,* Available at: https://www.nytimes.com/2011/08/30/opinion/30iht-edcohen30.html [Accessed 02 August 2019].

Cohn, M. (2003) 'The Myth of Humanitarian Intervention in Kosovo', in A. Jokic (ed.) *Lessons of Kosovo: The Dangers of Humanitarian Intervention* (Peterborough: Broadview Press).

Daalder, I. and O'Hanlon, M. (2000) *Winning Ugly* (Washington, DC: Brookings Institution Press).

Daalder, I. & Stavridis, J. (2012) 'NATO's Victory in Libya', *Foreign Affairs,* Vol. 91, No. 2, pp.2-7.

Dannreuther, R. (2001) 'War in Kosovo' in M. Buckley & S.N. Cummings (eds.) *Kosovo: Perceptions of War and its Aftermath* (London: Continuum).

Dixon, P. (2017) 'Endless Wars of Altruism? Human Rights, Humanitarianism and the Syrian War', *The International Journal of Human Rights,* Vol. 21, No. 5.

Dunne, T. (2015) 'The English School and Humanitarian Intervention', in R.W. Murray (ed.) *System Society and the World: Exploring the English School of International Relations.* 2nd edition. (Bristol: E-International Relations Publishing) Available at: https://www.e-ir.info/wp-content/uploads/2015/12/System-Society-and-the-World-E-IR.pdf [Accessed 13 June 2019].

Džihić, V & Kramer, H. (2009) 'Kosovo After Independence: Is the EU's EULEX Mission Delivering on its Promises?', *International Policy Analysis: Friedrich-Ebert-Stiftung*, Available at: http://library.fes.de/pdf-files/id/ipa/06571.pdf [Accessed 23 July 2019].

Edelstein, D. M. (2009) 'Foreign militaries, sustainable institutions, and post-war statebuilding', in R. Paris & T.D Sisk (eds.) *The Dilemmas of Statebuilding: Confronting the contradictions of postwar peace operations* (Oxford: Routledge).

England, A. & Saleh, H. (2019) 'Libya: the battle for peace in a failing state', *Financial Times,* Available at: https://www.ft.com/content/993cb870-0d2c-11e9-a3aa-118c761d2745 [Accessed 01 August 2019].

Erlanger, S. (1999) 'Chaos and Intolerance Prevailing in Kosovo Despite U.N.'s efforts', *The New York Times,* Available at: https://www.nytimes.com/1999/11/22/world/chaos-and-intolerance-prevailing-in-kosovo-despite-un-s-efforts.html [Accessed: 20 July 2019].

EULEX (n.d.) 'Short history of Eulex', Available at: https://www.eulex-kosovo.eu/?page=2,44,197 [Accessed 23 July 2019].

European Commission (2019) *Kosovo 2019 Report,* Available at: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-kosovo-report.pdf [Accessed 23 July 2019].

Falk, R. (2011) 'Preliminary Libyan Scorecard: Acting Beyond the UN Mandate', *Foreign Policy Journal,* 8 September, Available at: https://www.foreignpolicyjournal.com/2011/09/08/preliminary-libyan-scorecard-acting-beyond-the-u-n-mandate/ [Accessed 31 July 2019].

Freedom House (2018) *Nations in Transit 2018: Kosovo Country Profile,* Available at: https://freedomhouse.org/report/nations-transit/2018/kosovo [Accessed 23 July 2019].

Freedom House (2019a) *Kosovo Country Report 2019,* Available at: https://freedomhouse.org/report/freedom-world/2019/kosovo [Accessed 21 July 2019].

Freedom House (2019b) *Freedom In the World 2019: Libya*, Available at: https://freedomhouse.org/report/freedom-world/2019/libya [Accessed 09 August 2019].

Garton-Ash, T. (2000) 'The war we almost lost', *The Guardian,* Available at: https://www.theguardian.com/world/2000/sep/04/balkans2. [Accessed 13 July 2019].

Gates, R. (2014) *Duty: Memoirs of a Secretary at War* (London: WH Allen).

Goldberg, J. (2016) 'The Obama Doctrine', *The Atlantic,* Available at: https://www.theatlantic.com/magazine/archive/2016/04/the-obama-doctrine/471525/#8 [Accessed 02 August 2019].

Hehir, A. (2006) 'Autonomous province building: Identification theory and the failure of UNMIK', *International Peacekeeping,* Vol. 13, No. 2, pp.200-13.

Hehir, A. (2013a) *Humanitarian Intervention – An Introduction.* 2nd edition (London: Palgrave Macmillan).

Hehir, A. (2013b) 'The Permanence of Inconsistency: Libya, the Security Council, and the Responsibility to Protect'*, International Security*, Vol. 38, No. 1, pp.137-159.

Higgins, A. & Hopkins, V. (2018) 'Kosovo's War Ended, but the Shooting Didn't. A Court Promises Justice', *The New York Times.* Available at: https://www.nytimes.com/2018/04/03/world/europe/kosovo-war-crimes-trial.html [Accessed 23 July 2019].

Hill, T.M (2019) 'The Conflict in Libya', *United States Institute of Peace.* Available at: https://www.usip.org/publications/2019/05/conflict-libya [Accessed 02 August 2019].

House of Commons Defence Committee (2000) *Defence – Fourteenth Report,* No. HC 347-I of 24 October 2000, Available at: https://publications.parliament.uk/pa/cm199900/cmselect/cmdfence/347/34702.htm [Accessed: 12 July 2019].

House of Commons Defence Committee (2012) *Defence Committee – Ninth Report*, No. HC950 of 8 February 2012, Available at: https://publications.parliament.uk/pa/cm201012/cmselect/cmdfence/950/950.pdf [Accessed 30 July 2019].

House of Commons Foreign Affairs Committee (2000) *Foreign Affairs – Fourth Report*, No. HC 28-I of 7 June 2000, Available at: https://publications.parliament.uk/pa/cm199900/cmselect/cmfaff/28/2802.htm [Accessed: 03 July 2019].

House of Commons Foreign Affairs Committee (2016) *Foreign Affairs – Third Report*, No. HC119 of 14 September 2016, Available at: https://publications.parliament.uk/pa/cm201617/cmselect/cmfaff/119/119.pdf [Accessed 29 July 2019].

Human Rights Watch (2000) *Civilian Deaths in the NATO Air Campaign*, Available at: https://www.hrw.org/sites/default/files/reports/natbm002.pdf [Accessed 26 June 2019]

Human Rights Watch (2004) *Failure to Protect: Anti-Minority Violence in Kosovo,* Vol. 16, No. 6, Available at: https://www.hrw.org/sites/default/files/reports/kosovo0704.pdf [Accessed 20 July 2019].

Human Rights Watch (2011a) 'Libya: Government Attacks in Misrata Kill Civilians', Available at: https://www.hrw.org/news/2011/04/10/libya-government-attacks-misrata-kill-civilians [Accessed 31 July 2019].

Human Rights Watch (2012) *Unacknowledged Deaths: Civilian Casualties in NATO's Air Campaign in Libya,* Available at: https://www.hrw.org/sites/default/files/reports/libya0512webwcover.pdf [Accessed 31 July 2019].

Human Rights Watch (2019a) *World Report 2019: Serbia/Kosovo,* Available at: https://www.hrw.org/world-report/2019/country-chapters/serbia/kosovo#40e5f4 [Accessed 23 July 2019].

Human Rights Watch (2019b) *World Report 2019: Libya,* Available at: https://www.hrw.org/world-report/2019/country-chapters/libya [Accessed 02 August 2019].

International Crisis Group (n.d.) 'Libya', Available at: https://www.crisisgroup.org/middle-east-north-africa/north-africa/libya [Accessed 01 August 2019].

International Crisis Group (2011) *Popular protests in the Middle East and North Africa: Making sense of Libya*, Available at: https://d2071andvip0wj.cloudfront.net/107-popular-protest-in-north-africa-and-the-middle-east-v-making-sense-of-libya.pdf [Accessed 30 July 2019].

IICK (Independent International Commission on Kosovo) (2000) *Kosovo Report* (Oxford: Oxford University Press).

IMF (International Monetary Fund) (2018) *Regional Economic Outlook: Domestic Expansion Running into External Turbulence,* Available at: https://www.imf.org/en/Publications/REO/EU/Issues/2018/11/07/EURREO1118 [Accessed 10 August 2019].

IMF (International Monetary Fund) (2019) *World Economic Outlook 2019,* Available at: https://www.imf.org/en/Publications/WEO/Issues/2019/03/28/world-economic-outlook-april-2019#Full%20Report%20and%20Executive%20Summary [Accessed 10 August 2019].

International Organization of Migration (2019) *Libya 2017 – 2019,* Available at: https://www.iom.int/sites/default/files/our_work/DOE/MCOF/MCOF-Libya-2017-2019.pdf [Accessed 02 August 2019].

Judah, T. (2000) *Kosovo: War and Revenge* (New Haven and London: Yale University Press).

Ker-Lindsay, J. (2012) 'The UN and the Post-Intervention Stabilization of Kosovo', *Ethnopolitics,* Vol. 11, No. 4, pp.392-405.

Kuperman, A.J. (2008) 'The Moral Hazard of Humanitarian Intervention: Lessons from the Balkans', *International Studies Quarterly*, Vol. 52, No. 1, pp.49-80.

Kuperman, A.J. (2013) 'NATO's Intervention in Libya: A Humanitarian Success?', in A. Hehir & R.W. Murray (eds.) *Libya: The Responsibility to Protect and the Future of Humanitarian Intervention* (Basingstoke and New York: Palgrave Macmillan).

Kuperman, A.J. (2015) 'Obama's Libya Debacle: How a Well-Meaning Intervention Ended in Failure', *Foreign Affairs*, Vol. 94, No. 2, pp.66-77.

Marty, D. (2010) *Inhuman treatment of people and illicit trafficking in human organs in Kosovo.* Council of Europe. Available at: http://assembly.coe.int/committeedocs/2010/20101218_ajdoc462010provamended.pdf [Accessed 23 July 2019].

Minority Rights Group (2018) *Kosovo,* Available at: https://minorityrights.org/country/kosovo/ [Accessed 23 July 2019].

NATO (1999) 'The situation in and around Kosovo. Statement Issued at the Extraordinary Ministerial Meeting of the North Atlantic Council held at NATO Headquarters, Brussels, on 12th April 1999' Available at: https://www.nato.int/docu/pr/1999/p99-051e.htm [Accessed 04 July 2019].

NATO (2011) 'London Conference on Libya: Chair's statement', Available at: https://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2011_03/20110927_110329_-London-Conference-Libya.pdf [Accessed 30 July 2019].

NATO (2018) 'NATO's role in Kosovo', Available at: https://www.nato.int/cps/en/natolive/topics_48818.htm [Accessed 20 July 2019].

Newman, M. (2009) *Humanitarian Intervention: confronting the contradictions* (London: C. Hurst & Co.)

OSCE (Organization for Security and Co-operation in Europe) (2015) *Community Rights Assessment Report: Fourth Edition,* Available at: https://www.osce.org/kosovo/209956 [Accessed 21 July 2019].

Orford, A. (2013) 'Moral Internationalism and the Responsibility to Protect', *The European Journal of International Law,* Vol. 24, No. 1, pp.83-108.

Riddell, K. & Shapiro, J.S. (2015) 'Hillary Clinton's WMD moment: U.S. intelligence saw false narrative in Libya', *The Washington Times*, Available at: https://www.washingtontimes.com/news/2015/jan/29/hillary-clinton-libya-war-genocide-narrative-rejec/ [Accessed 31 July 2019].

Rieff, D. (2004) 'Kosovo: The End of an Era?' in F. Weissman (ed.) *In the Shadow of 'Just Wars': Violence, Politics and Humanitarian Action* (London: Hurst).

Rieff, D. (2011) 'R2P R.I.P', *The New York Times,* Available at: https://www.nytimes.com/2011/11/08/opinion/r2p-rip.html [Accessed: 14 June 2019].

Roberts, A. (1999) 'NATO's "Humanitarian War" over Kosovo', *Survival,* Vol. 41, No. 3, pp.102-23.

Robertson, G. (2006) *Crimes Against Humanity.* 3rd edition (London: Penguin Books).

Russell, M. (2019) 'Serbia-Kosovo relations: confrontation or normalisation?', *European Parliamentary Research Service Briefing,* Available at: http://www.europarl.europa.eu/RegData/etudes/BRIE/2019/635512/EPRS_BRI(2019)635512_EN.pdf [Accessed 21 July 2019].

Sabbagh, D. (2019) '"Still needed": Nato marks 20 years in Kosovo', *The Guardian,* Available at: https://www.theguardian.com/world/2019/jun/12/nato-marks-20-years-kosovo-kfor-serbia [Accessed 13 July 2019]

Sengupta, K. (2019) 'Kosovo celebrates Clinton in pomp and ceremony 20 years after Nato's intervention', *The Independent,* Available at: https://www.independent.co.uk/news/world/europe/kosovo-war-clinton-tony-blair-nato-20-years-pristina-a8955991.html [Accessed 13 July 2019]

Shue, H. (2016) *Fighting Hurt: Rule and Exception in Torture and War* (Oxford: Oxford University Press)

Steele, J. (1999) 'Confused and still in denial, Serbs have a long way to go', *The Guardian,* Available at: https://www.theguardian.com/world/1999/jul/09/balkans [Accessed 13 July 2019].

Tesón, F. (1988) *Humanitarian Intervention: An Inquiry into Law and Morality* (Dobbs Ferry: NY Transnational Publishers).

Tesón, F. (2003) 'The Liberal Case for Humanitarian Intervention' in J.L Holzgrefe & R.O Keohane (eds.) *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas* (Cambridge: Cambridge University Press).

The Economist (2019) 'A warlord's offensive against Tripoli is flagging', Available at: https://www.economist.com/middle-east-and-africa/2019/07/04/a-warlords-offensive-against-tripoli-is-flagging [Accessed 02 August 2019].

The Guardian (1999) 'Blair: We must act - to save thousands of innocent men, women and children,' Available at: https://www.theguardian.com/world/1999/mar/23/balkans.tonyblair [Accessed 03 July 2019].

The Telegraph (2011) 'Libya: Barack Obama Speech in full', Available at: https://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8412809/Libya-Barack-Obama-speech-in-full.html [Accessed 30 July 2019].

Transparency International (n.d.) *Kosovo,* Available at: https://www.transparency.org/country/KOS [Accessed 23 July 2019].

Transparency International (2011) 'Corruption Perceptions Index 2011', Available at: https://www.transparency.org/cpi2018 [Accessed 09 August 2019].

Transparency International (2018) 'Corruption Perceptions Index 2018', Available at: https://www.transparency.org/cpi2011/results [Accessed 09 August 2019].

UN (2011) 'Security Council Creates United Nations Support Mission in Libya, Adopting Resolution 2009 (2011)', 16 September, Available at: https://www.un.org/press/en/2011/sc10389.doc.htm [Accessed 01 August 2019].

UNMIK (United Nations Mission in Kosovo) (2019) 'Mandate', Available at: https://unmik.unmissions.org/mandate [Accessed 19 July 2019].

UNHRC (United Nations Human Rights Council) (2012) *Report of the International Commission of Inquiry on Libya*, A/HRC/19/68 of 8 March 2012, Available at: https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A.HRC.19.68.pdf [Accessed 31 July 2019].

UNHRC (2018) *Universal Periodic Review: Serbia.* Available at: https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/339/39/PDF/G1733939.pdf?OpenElement [Accessed: 24 July 2019].

UNDP (United Nations Development Programme) (n.d.) *Kosovo*, Available at: http://www.ks.undp.org/content/kosovo/en/home/countryinfo.html#Challenges [Accessed 24 July 2019].

UNDP (United Nations Development Programme) (2018) *Human Development Indices and Indicators: 2018 Statistical Update*, Available at: http://hdr.undp.org/sites/default/files/2018_human_development_statistical_update.pdf [Accessed 09 August 2019].

U.S. State Department (2018) *Kosovo 2018 Human Rights Report,* Available at: https://www.state.gov/wp-content/uploads/2019/03/KOSOVO-2018-HUMAN-RIGHTS-REPORT.pdf [Accessed 24 July 2019].

Valentino, B. (2006) 'The Perils of Limited Humanitarian Intervention: Lessons from the 1990s', *Wisconsin International Law Journal*, Vol. 24, No. 3, pp.723–40.

Weiss, T.G. (2011) *Humanitarian Intervention: Ideas in Action.* 2nd edition (Cambridge: Polity Press).

Wertheim, S. (2010) 'A solution from hell: the United States and the rise of humanitarian interventionism, 1991-2003', *Journal of Genocide Research,* Vol. 12, No. 3-4, pp.149-172.

Western, J. & Goldstein, J. (2011) 'Humanitarian Intervention Comes of Age', *Foreign Affairs*, Vol. 90, No. 6, pp.48-59.

Wheeler, N. (2002) *Saving Strangers: Humanitarian Intervention in International Society* (Oxford: Oxford University Press).

World Bank (n.d.-a) *Personal remittances, received (% of GDP)*, Available at: https://data.worldbank.org/indicator/BX.TRF.PWKR.DT.GD.ZS?most_recent_value_desc=false [Accessed 24 July 2019].

World Bank (n.d.-b) 'Country Profile: Libya', Available at: https://data.worldbank.org/country/libya [Accessed 10 August 2019].

World Bank (2018) *The World Bank in Kosovo: Country Snapshot,* Available at: http://pubdocs.worldbank.org/en/222151539289515672/Kosovo-Snapshot-Oct2018.pdf [Accessed 24 July 2019].

World Bank (2019) 'Libya's Economic Update, April 2019', Available at: http://pubdocs.worldbank.org/en/989601553672369147/Libya-MEU-April-2019-Eng.pdf [Accessed 10 August 2019].

YIHR (Youth Initiative For Human Rights) (2015) *Perspectives of a multiethnic society in Kosovo*, Available at: http://www.yihr.rs/wp-content/uploads/2015/06/Perspektive-multietni%C4%8Dkog-dru%C5%A1tva-na-Kosovu-web.pdf [Accessed: 21 July 2019].